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CONGRESSIONAL RECORD:

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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-SIXTH CONGRESS, THIRD SESSION.

VOLUME XI.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1881.

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VOLUME XI, PART III.

CONGRESSIONAL RECORD AND APPENDIX,

FORTY-SIXTH CONGRESS, THIRD SESSION.

Also, the petition of citizens of South Carolina, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

Also, the petition of citizens of South Carolina, for the passage of a law to protect innocent users of patents—to the Committee on Patents.

By Mr. BUTTERWORTH: Resolutions of the Chamber of Commerce of Cincinnati, urging the repeal of the law imposing a tax on bank deposits and checks—to the Committee on Ways and Means.

By Mr. COWGILL: The petition of 300 citizens of Adams County, Indiana, for the passage of a general railroad law in which discrimination against any class or locality shall be prohibited in charges on freight—to the Committee on Commerce.

By Mr. DIBRELL: The petition of Charles Cleveland, for a pension—to the Committee on Invalid Pensions.

By Mr. HORR: The petitions of James Watts and others, of Hart; of J. M. Conkling and others, citizens of Manistee; and of Dr. J. W. Taylor and others, citizens of Imlay City, Michigan, for a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. KLOTZ: The petition of soldiers of Luzerne County, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. LAPHAM: The petition of sugar importers and refiners of New York, in relation to the duty on sugar—to the Committee on Ways and Means.

By Mr. McGOWAN: The petitions of James Bathwells, Samuel Carpenter, and others, citizens of Carpenter Station; and of F. Hicks, Francis Barry, and 224 others, citizens of Imlay City, Michigan, for a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. MORTON: The petition of James W. Elwell & Co., E. D. Morgan & Co., Brown Brothers & Co., and others, of the New York Maritime Association, for an appropriation for the improvement of Gowanus Bay, New York—to the Committee on Commerce.

By Mr. NEAL: The petition of the Grand Lodge of Templars of Ohio, for a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. NEWBERRY: The petitions of A. M. Lennan and others, citizens of Lapeer, and of D. S. Dibble and others, citizens of Muskegon, Michigan, of similar import—to the same committee.

By Mr. NORCROSS: The petition of W. H. Eaton and others, of New Salem, Massachusetts, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. OVERTON: The petition of W. P. Arnold and 34 others, members of Rome Grange, Pennsylvania, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of L. D. Prince and 29 others, citizens of Rome, Pennsylvania, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

By Mr. PRESCOTT: The petition of 9 soldiers of New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. ROTHWELL: The petition of D. S. Terrill and 122 others, citizens of Missouri, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of George W. Wheeler and 122 others, citizens of Missouri, for the amendment of the patent laws—to the Committee on Patents.

By Mr. SPARKS: The petition of citizens of Farina, Illinois, and vicinity, against the passage of the funding bill—to the Committee on Ways and Means.

By Mr. WEAVER: The petitions of J. M. Kennedy and 50 others and of A. Failer and 20 others, citizens of Iowa, for the passage of the Keifer pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. WISE: The petition of Peter Gary and 36 soldiers of Pennsylvania, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. YOCUM: The petition of citizens of Union County, Pennsylvania, against the passage of Senate bill No. 496—to the same committee.

By Mr. THOMAS L. YOUNG: The petition of the Chamber of Commerce of Cincinnati, Ohio, for the repeal of the law levying taxes on the capital and deposits of banks and bankers—to the Committee on Ways and Means.

IN SENATE.

FRIDAY, *February* 18, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. SAUNDERS presented the credentials of Charles H. Van Wyck, chosen by the Legislature of Nebraska a Senator from that State for the term beginning March 4, 1881; which were read and ordered to be filed.

Mr. BOOTH presented the credentials of John F. Miller, chosen by the Legislature of California a Senator from that State for the term beginning March 4, 1881; which were read and ordered to be filed.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting copies of papers showing the maintenance of the channel at the South Pass, Mississippi River, for the quarter ending February 9, 1881; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution of the Legislature of Kansas, favoring the passage of a law directing the Attorney-General of the United States in behalf of settlers thereon to institute a suit in the circuit court of the United States for the district of Kansas, relative to lands in Allen County, claimed by certain railroad companies and by settlers upon such lands; which was referred to the Committee on Public Lands.

Mr. BALDWIN presented the memorial of Zady Butler and 60 others, of Williamston, Michigan, soldiers of the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims and the amendments thereto; which was ordered to lie on the table.

Mr. KERNAN presented the petition of David Dows and others, of the city of New York, praying for an appropriation for deepening and widening the channel of Gowanus Bay, in the harbor of New York; which was referred to the Committee on Commerce.

Mr. THURMAN presented the petition of William T. Mathews, of the city of New York, praying for the purchase by the Government of a certain picture painted by him of the late President Abraham Lincoln; which was referred to the Committee on the Library.

Mr. BUTLER presented the petition of William W. Burns, of Washington City, praying the payment of a balance claimed to be due him for royalty on 3,195 Sibley tents used by the United States Government; which was referred to the Committee on Claims.

Mr. McMILLAN presented a joint resolution of the Legislature of Minnesota, favoring an appropriation of $75,000 for the improvement of the harbor of Duluth, and an appropriation of $40,000 for the improvement of the harbor of Grand Marais; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Minnesota, in favor of the enactment of a law extending the time for actual settlement until the 15th day of May, 1881, in all cases where homestead filings have been made between the 1st September and the 1st November, 1880, inclusive; which was referred to the Committee on Public Lands.

Mr. HARRIS presented the petition of Mrs. Louise Pollock, principal of the Kindergarten Normal Institute, of Washington, District of Columbia, praying for the establishment of a free kindergarten school in the District, and asking an appropriation to defray the expenses of the same; which was referred to the Committee on the District of Columbia.

Mr. HAMLIN presented the petition of J. C. Smith and others, citizens of Bridgewater Corner, Aroostook County, Maine, praying for the establishment of a post-route from Bridgewater Corner, Aroostook County, Maine, to Baird's Mills, on the line between the State of Maine and the province of New Brunswick; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2773) granting a pension to James P. Hunter, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1452) for the relief of James B. Furman, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 634) granting a pension to Thomas H. Saunders, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1939) granting a pension to Jonathan G. Bigelow, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 802) granting a pension to Wyatt Botts, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. McPHERSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2637) granting a pension and arrears of pension to Johanna Meehan and minor children, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the petition of Mary A. Mitchell and Jesse Mitchell, parents of Eugene W. Mitchell, praying for a pension, submitted a report thereon, accompanied by a bill (S. No. 2192) granting a pension to

Mary A. Mitchell. The bill was read twice by its title, and the report was ordered to be printed.

Mr. CALL, from the Committee on Pensions, to whom was referred tho bill (H. R. No. 2439) granting a pension to Henry Mills, reported it without amendment.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (H. R. No. 2844) for the relief of James E. Montell, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CALL, from the Committee on Pensions, to whom was referred the bill (S. No. 2017) granting a pension to Catharine Lose, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. HEREFORD asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2193) making an appropriation to improve the Little Kanawha River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2194) making an appropriation for continuing the improvement of the Great Kanawha River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2195) making an appropriation for continuing the improvement of New River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2196) making an appropriation for the improvement of Elk River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2197) to amend section 3368 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Finance.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2198) to incorporate the Interoceanic Ship Railway Company, and for other purposes; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2199) to regulate the disposal of coal lands in the State of Alabama; which was read twice by its title, and referred to the Committee on Public Lands.

INDIAN APPROPRIATION BILL.

Mr. BECK. Yesterday the Senator from Pennsylvania, [Mr. WALLACE,] not now in his seat, reported from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various tribes for the year ending June 30, 1882, and for other purposes, an agreement between the two Houses as to all the amendments, except amendments numbered 30 and 31, upon which they were unable to agree. I move now that the Senate further insist on its amendments numbered 30 and 31, and ask for a further conference in regard to those items.

The VICE-PRESIDENT. To which the Chair hears no objection. That order will be entered.

Mr. BECK. Let the Chair appoint the conferees. ["No objection."]

The VICE-PRESIDENT. The Chair will appoint the same as at the former conference, namely, the Senator from Kentucky, [Mr. BECK,] the Senator from Pennsylvania, [Mr. WALLACE,] and the Senator from Minnesota, [Mr. WINDOM.]

ORDER OF BUSINESS.

Mr. BAYARD. If there is no other morning business I ask the Senate to take up the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

The VICE-PRESIDENT. The Senator from Delaware asks the Senate to proceed at this time to the consideration of the funding bill, to which the Chair hears no objection.

PUBLIC BUILDING AT COLUMBUS.

Mr. THURMAN. I ask the Senate to be gracious to me this morning, as it is probably the last request I shall ever make of it, and I make it with the leave of the Senator from Delaware. I ask unanimous consent that the funding bill be laid aside temporarily subject to call, in order that I may ask the Senate to take up a bill to authorize the construction of a fire-proof building at Columbus, Ohio, for the use of the Federal courts, post-office, internal-revenue offices, and the pension office.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 2178) to authorize the construction of a fire-proof building at Columbus, Ohio.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 7, after the word "offices," to strike out "at a cost not exceeding $800,000," and insert:

With fire-proof vaults extending to each story, the site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $400,000.

The amendment was agreed to.

The next amendment was to add to the bill the following additional proviso:

And provided also, That there shall be an open space of fifty feet upon every side of said building, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. GILL.

Mr. LOGAN. I desire to have the consent of the Senate to call up the bill (S. No. 1710) for the relief of William H. Gill.

The VICE-PRESIDENT. The Chair reminds the Senator from Illinois that the Senator from Delaware holds the floor.

Mr. BAYARD. I understand that the bill will not lead to discussion.

Mr. LOGAN. It will take but a moment. There is a short report.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to nominate and, by and with the advice and consent of the Senate, appoint William H. Gill a military storekeeper in the Quartermaster's Department, with the same grade and rank he would have held had he remained continuously in service. But he shall receive no pay or allowances whatever for the time he shall have been out of service, nor shall he be required to refund the pay or allowances received by him at the time he was mustered out of the service.

Mr. EDMUNDS. Is there a report?

Mr. LOGAN. There is. Let it be read.

The Chief Clerk read the following report, submitted by Mr. MAXEY May 4, 1880:

The Committee on Military Affairs, to whom was referred the bill for the relief of William H. Gill, respectfully submit the following report:

Captain Gill entered the service of the United States, as military storekeeper in the Quartermaster's Department, June 12, 1858, and served continuously until December 23, 1870.

During the war of the rebellion he had charge of and was responsible for clothing, and camp and garrison equipage, exceeding in value $50,000,000, and performed his duties with such efficiency and fidelity as to receive the highest commendation from his superior officers.

Having been ordered from Schuykill Arsenal, Philadelphia, to Fort Union, New Mexico, in 1870, he completed his inventories and obtained his receipts for property turned over on the 5th of December of that year.

Meantime he had applied to the Adjutant-General of the Army for a modification of a month's leave of absence granted to him, commencing November 1, 1870, so that it would commence as soon as his inventories should be completed; otherwise he could not avail himself of the leave. This application was refused.

About this time his daughter was taken suddenly and seriously ill, and he was compelled to remain at her bedside; and therefore, on the 7th day of December, two days after his receipts were obtained, he tendered his resignation in order to avoid the necessity of leaving her. But before he received notice of the acceptance of his resignation he asked to withdraw it by telegram, on the recovery of his daughter, on the 19th of December, 1870. On the 24th of December, 1870, he received a letter from the Adjutant-General of the Army, dated December 22, notifying him that his resignation had been accepted to take effect December 16. At the time it was accepted the request to withdraw the same was in the hands of the Adjutant-General.

Captain Gill's faithful and honorable service entitled him to a leave of absence before his departure for New Mexico, and it was a great hardship to be compelled to tender his resignation in order to attend his daughter in her sickness; and it was unjust, if not considered unlawful, to accept his resignation after he had withdrawn it. He promptly but unsuccessfully petitioned the President to revoke the order accepting his resignation. These facts are fully evidenced by the papers hereto attached.

Your committee respectfully submit the accompanying bill with the recommendation that it be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. CAMERON, of Wisconsin. There are two bills on the Calendar authorizing the change of name of some steamboats, commencing at order of business No. 982. I should like very much if those bills could be taken up and passed. They are Senate bills, and I am very desirous to have them disposed of.

Mr. COCKRELL. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. MCMILLAN. It will take but a very short time to pass the bills referred to by the Senator from Wisconsin.

Mr. CAMERON, of Wisconsin. It will only take the time required to read the bills, and they are very short indeed.

Mr. BAYARD. I understand that the funding bill is now before the Senate, and that it was laid aside temporarily upon the application of the honorable Senator from Ohio, [Mr. THURMAN,] who desired for reasons which he stated the present consideration of an uncontested measure. Then followed a similar application from the Senator from Illinois, [Mr. LOGAN.] The Senator from New Jersey [Mr. MCPHERSON] has appealed to me and my friend from Indiana [Mr. MCDONALD] has asked that I should give him an opportunity to call up a bill. So far as I am concerned, I am disposed to yield to the convenience and desires of the various Senators; but this is a matter of public business and in view of the importance of the pending measure, and the fact that debate upon it must be restricted, as by unanimous consent the bill is to be voted upon at two o'clock with its amendments, I submit to Senators that we ought not to encroach upon the two short hours that are to elapse before the vote is to be taken on the bill. I call for the consideration of the funding bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House had concurred in the resolution of the Senate accepting the statue of Jacob Collamer, presented by the State of Vermont for the National Statuary Hall, and extending the thanks of Congress to the governor and, through him, to the people of Vermont for the same.

The message also announced that the House had passed the joint resolution (S. R. No. 162) to grant the use of artillery, tents, &c., to be used at the soldiers' reunion to be held in Maine in 1881.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1381) to authorize the construction of a free bridge across the Potomac River at or near Georgetown, in the District of Columbia.

The message also announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for other purposes.

The message further announced that the House had passed a bill (H. R. No. 7103) to constitute Atlanta, Georgia, a port of delivery; in which it requested the concurrence of the Senate.

IMPROVEMENT OF LUBEC CHANNEL, MAINE.

Mr. HAMLIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of increasing the appropriation for the improvement of Lubec Channel, Maine, to the amount recommended by the Engineer Department.

THE FUNDING BILL.

The Senate resumed the consideration of the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

The VICE-PRESIDENT. The pending question is on concurring in the amendments made as in Committee of the Whole. Is any precise order affecting the question desired?

Mr. EDMUNDS. I ask for a separate vote on each amendment.

The VICE-PRESIDENT. The amendments made as in Committee of the Whole will be reported in their order.

Mr. BLAIR. As I gave notice last night, I desire to move an additional amendment, and it must be moved, I suppose, now as in the Senate. I am not sufficiently instructed in the rules——

The VICE-PRESIDENT. Unless it be an amendment to an amendment made as in Committee of the Whole, it is not now in order. After the amendments made as in Committee of the Whole shall have been disposed of, the bill will be open to amendment. The amendments made as in Committee of the Whole will be reported in their order.

Mr. BLAIR. I move in the fifth section to amend the amendment made as in Committee of the Whole——

The VICE-PRESIDENT. The amendments will be reported in their order, and when that section shall be reached, the amendment will be received.

The CHIEF CLERK. The first amendment made as in Committee of the Whole was, in section 1, line 15, after the word "bonds," to strike out "in the" and insert "to an;" and after the word "amount" to strike out "of;" so as to read:

The Secretary of the Treasury is hereby authorized to issue bonds to an amount not exceeding $400,000,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 16, after the word "dollars," to insert "of denominations of $50 or some multiple of that sum."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 18, after the words "per annum," to insert "payable semi-annually."

Mr. BAYARD. I understand that the amendment increasing the rate of interest from 3 to 3½ per cent. can be moved hereafter.

The VICE-PRESIDENT. It can. An amendment to an amendment made as in Committee of the Whole will be in order when the amendment is reached, or amendments generally will be received after the amendments made as in Committee of the Whole shall have been acted upon.

Mr. BAYARD. I reserved a vote separately on the amendment of the committee which I indicated.

The VICE-PRESIDENT. The Senator from Vermont [Mr. EDMUNDS] has called for a separate vote on all the amendments, and the Chair is taking them in the order in which they were made. The question is on concurring in the amendment just reported.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 20, before the word "years," to strike out "ten" and insert "twenty;" so as to read "and payable twenty years from the date of issue."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in line 21, section 1, after the word "also," to strike out "certificates in the" and insert "Treasury notes to an;" and in line 22, after the word "amount," to strike out "of" and insert "not exceeding;" so as to read "and also Treasury notes to an amount not exceeding $300,000,000."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 23, before the word "dollars," to strike out the words "twenty and fifty," and after the word "dollars" to insert "or some multiple of that sum not exceeding $1,000;" so as to read "not exceeding $300,000,000 in denominations of $10 or some multiple of that sum not exceeding $1,000."

Mr. THURMAN. I should be glad if the Senate would refuse to concur in the amendment striking out "twenty and fifty," although I do not know that there is any hope of their doing so. My opinion is that none of these Treasury notes should be of as low a denomination as $10. They will make circulation for two or three years if they are, and produce some inflation that will not be very agreeable. It may suit some persons, but others it will not. I do not think myself that the denominations ought to be under $50, and if the amendment should be non-concurred in I shall move to strike out the words "ten, twenty, and;" so as to read "in denominations of $50 dollars or some multiple of that sum."

The VICE-PRESIDENT. Does the Senator from Ohio move to amend the amendment made as in Committee of the Whole?

Mr. THURMAN. I do not make any motion to amend now, because the question is on concurring in the amendment striking out "twenty and fifty" and inserting. I hope the amendment will not be concurred in; and if it should not be concurred in, I shall offer the amendment I have indicated.

Mr. BAYARD. The words "or some multiple of that sum not exceeding $1,000" cover the objection of the Senator from Ohio.

Mr. THURMAN. The term "multiple" does not cover it, because the Secretary of the Treasury may issue as many notes of the denomination of $10 as he sees fit; and with our experience of the circulation of the 7.30 notes and of the compound-interest notes, I think it is an unsafe thing to issue these notes of as low a denomination as $10. I hope, therefore, the amendment will not be concurred in.

Mr. EDMUNDS. Mr. President, I think the suggestion of the Senator from Ohio is entitled to great consideration; and that is not on the precise point of the $20 and the $50 notes, but on what is involved in allowing notes of the denomination of $10. I had not thought of it before, because from ill health I have not given much attention to this bill; but it will certainly have the effect, if you issue $10 notes to be subscribed for, (in case the loan be taken at all at 3 per cent., which it seems a majority of the Senate think is the right rate,) of enormously increasing temporarily, for a year or two, perhaps, the amount of what is practically currency in the country. Whether, in the present condition of business and the present plenty of money, that is a wise thing for the law-making power to provide for and authorize, is certainly a very serious question; for whatever we may think about greenbacks and paper money everybody's experience has demonstrated from the beginning of money down to this day that a sudden inflation is always followed with moral certainty by a sudden hardness, as I believe the money men call it, usually followed by a panic and distress and failures. Therefore it strikes me that the suggestion of the Senator from Ohio is very wise to put this loan, as far as we can, in such a way as not to pour into the circulation of the country this enormous addition because experience has shown that it is certain to be followed by enormous evils.

Mr. SAUNDERS. Will the Senator from Vermont answer this question: whether the latter part of that section does not cover the case he alludes to? I refer to the provision in line 29:

And no Treasury note of a less denomination than $100 shall be registered.

Mr. EDMUNDS. I am obliged to the Senator for the suggestion. It adds strength to the suggestion of the Senator from Ohio. These are coupon securities, not being registered; cannot be registered, and therefore they may be the more readily poured into the circulation of the country and more readily invite people and tempt everybody into enterprises that in the end always—because that is the universal experience—lead to disaster and failure and trouble.

Mr. SAUNDERS. I asked for information, because I agree with the Senator, that if the amendment to which I called attention refers only to the registration of the notes, then we should adopt the amendment proposed by the Senator from Ohio. I do not think the denomination of these notes ought to be as low as $10.

Mr. BAYARD. There has been a clamor for some features to popularize this loan, to distribute it in small sums among the poorer classes of the people of this country; and when both Houses have concurred in such a feature—the measure came to us from the House of Representatives and the Senate concurred in that feature—now objection is made to it. The Senate will observe that so far from having the expectation of great numbers of these $10 certificates being taken we were obliged to prevent their solidification by limiting the multiple to $1,000. The object of that was to prevent them from being taken in one mass to the exclusion of the smaller subscribers.

Mr. EDMUNDS. There is another clause in the bill that saves the smaller subscribers.

Mr. THURMAN. I do not think that it will popularize this loan much to issue $10 Treasury notes. I do not think myself that they will be sought for as investments by the poor people—a ten-dollar

bill the interest on which is to be thirty cents a year, and which is liable to be paid at any time the Government sees fit to pay it. I do not think there is much in that. The whole effect of it will be that these notes will simply pass as currency.

The VICE-PRESIDENT. The question is on concurring in the amendment which has been reported.

The amendment was concurred in; there being on a division—ayes 36, noes 11.

The next amendment made as in Committee of the Whole was, in section 1, line 25, after the word "at," to strike out "the" and insert "a," and in line 26, after the word "rate," to strike out "of" and insert "not exceeding;" so as to read "bearing interest at a rate not exceeding 3 per cent. per annum."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in line 26 of section 1, after the word "annum," to insert "payable semi-annually."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in line 29 of section 1, after the word "issue," to insert "and no Treasury note of a less denomination than $100 shall be registered."

Mr. WINDOM. I ask the chairman of the Committee on Finance whether there ought not to be some provision requiring these notes to be issued in series, so that they will not fall due at one time? If they should all, or a very large proportion of them, be issued at one time, it seems to me there would be fluctuation in the amount of currency, for the reason that when they are first issued and before any interest accumulates upon them they will pass freely as a circulating medium, but the moment the interest begins to accumulate they will be hoarded, and then when the interest is paid and they are worth nothing for the accumulated interest they will pass again into circulation; so there will be a constantly fluctuating medium. Ought there not to be some provision to prevent that?

Mr. BAYARD. I do not think that will be affected at all by the limitation as to the registration of the notes.

Mr. WINDOM. I do not think so either, but I thought this the best point to make this suggestion as to the necessity of another amendment. I do not think this amendment applies to the matter.

Mr. BAYARD. The Senator can offer an amendment afterward.

Mr. WINDOM. I have no amendment prepared, but I wanted to suggest the idea to the chairman.

The amendment was concurred in.

The next amendment made in Committee of the Whole was, in section 1, line 31, after the word "and," to strike out "certificates" and insert "Treasury notes."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 40, before the word "notice," to insert "publication of."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to add to section 1:

It shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may prescribe, to authorize public subscriptions, at not less than par, to be received at all depositories of the United States, and at all national banks, and such other banks as he may designate, for the bonds and for the Treasury notes herein provided for, for thirty days before he shall contract for or award any portion of said bonds or Treasury notes to any syndicate of individuals or bankers, or otherwise than under such public subscriptions; and if it shall happen that more than the entire amount of said bonds and Treasury notes, or of either of them, has been subscribed within said thirty days, he shall award the full amount subscribed to all persons who shall have made *bona-fide* subscriptions for the sum of $2,000 or less, at rates most advantageous to the United States, and the residue ratably among the subscribers in proportion to the amount by them respectively subscribed, at rates most advantageous to the United States.

Mr. EDMUNDS. After the word "less" in line 55 I think the comma should come out. The "rates most advantageous to the United States" apply to the *bona fides* of the subscriptions to the amount of $2,000. That ought to be one clause so to speak. I do not know that it would vary the legal construction, but I think the comma after "less" should not be there.

The VICE-PRESIDENT. The change will be made according to the suggestion of the Senator from Vermont. The question is on the amendment as thus modified.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 2, line 3, after the words "bonds or," to strike out "certificates" and insert "Treasury notes."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 2, line 11, before the word "issued," to strike out "certificates" and insert "Treasury notes."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 2, after the word "issued" in line 11, to strike out "but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific Railway Companies."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, at the end of section 2, to insert "but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific Railway Companies."

Mr. EDMUNDS. I should be glad to ask the chairman of the committee why this provision is inserted. Inasmuch as I believe these bonds of the United States—for they are bonds—bear 6 per cent. interest, it would seem if they are redeemable within these times that it might be desirable, as we have to pay them, and have to pay the interest, and do not get the whole amount of the interest back again as yet, to turn them into a lower interest-bearing security; but there may be some difficulty about it that has not occurred to me.

Mr. BAYARD. There was the consideration of the special contract existing under which these bonds were issued. They are thirty-year bonds, and there is no option attached to them.

Mr. EDMUNDS. Then the amendment would have been unnecessary except out of abundant caution.

Mr. BAYARD. That is the reason for it.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, at the beginning of section 3, to strike out "authority to issue bonds and certificates to the amount necessary to carry out the provisions of this act is hereby granted; and."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 3, line 5, after the word "effect," to strike out "provided that" and insert "and."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 3, line 7, before the word "authorized," to strike out "certificates" and insert "Treasury notes."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 3, line 8, after the word "exceed," to strike out "one-quarter" and insert "one-half;" so as to read:

And the expense of preparing, issuing, advertising, and disposing of the bonds and Treasury notes authorized to be issued shall not exceed one-half of 1 per cent.

Mr. BECK. Would it be in order to move to make that one-third at some time?

The VICE-PRESIDENT. Such a motion is in order at this time.

Mr. BECK. I make that motion now to strike out "one-half" and insert "one-third."

Mr. BAYARD. Without renewing the argument of last night, I trust that motion will not prevail. The matter was stated to the Senate; the reason in full was given; and I think the vote taken was emphatic enough to establish that it is proper and right that we should not restrict this amount to one-third of 1 per cent., but that it should be left not to exceed one-half of 1 per cent.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Kentucky to the amendment made as in Committee of the Whole, to strike out "one-half" and insert "one-third."

Mr. MORGAN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from North Carolina, [Mr. RANSOM.] If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 26, nays 32; as follows:

YEAS—26.

Beck,	Hampton,	McPherson,	Vance,
Booth,	Harris,	Maxey,	Vest,
Cockrell,	Hereford,	Morgan,	Walker,
Coke,	Hill of Georgia,	Pendleton,	Wallace,
Farley,	Ingalls,	Pugh,	Williams.
Garland,	Jonas,	Randolph,	
Groome,	McDonald,	Slater,	

NAYS—32.

Allison,	Call,	Hill of Colorado,	McMillan,
Anthony,	Cameron of Pa.,	Hoar,	Morrill,
Bailey,	Cameron of Wis.,	Johnston,	Platt,
Baldwin,	Davis of Illinois,	Kellogg,	Rollins,
Bayard,	Dawes,	Kernan,	Saulsbury,
Blair,	Eaton,	Kirkwood,	Saunders,
Burnside,	Ferry,	Lamar,	Teller,
Butler,	Hamlin,	Logan,	Windom.

ABSENT—18.

Blaine,	Davis of W. Va.,	Paddock,	Voorhees,
Brown,	Edmunds,	Plumb,	Whyte,
Bruce,	Grover,	Ransom,	Withers.
Carpenter,	Jones of Florida,	Sharon,	
Conkling,	Jones of Nevada,	Thurman,	

So the amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was stated to be: after the word "use," in line 2 of section 4, to insert "temporarily;" so as to read:

That the Secretary of the Treasury is hereby authorized, if in his opinion it shall become necessary, to use temporarily not exceeding $50,000,000 of the standard gold and silver coin in the Treasury in the redemption of the 5 and 6 per cent. bonds of the United States authorized to be refunded by the provisions of this act.

Mr. EDMUNDS. I do not object to that because it makes the section better than it was before; but I want to put in an humble but earnest objection to any part of the coin that we now have in the Treasury which stands as the redemption fund for more than $300,000,000 of legal-tender notes being touched at all; and the effect

of this whole provision is—it is improved of course largely by putting in "temporarily"—to take out of the Treasury $50,000,000 of coin and leave it out all the time, being reimbursed if you get subscriptions for your new loan (which I think is rather doubtful) but then put right out again so that you have a standing outgo from the Treasury of $50,000,000. If there should happen to come (as of course there will some day) a pressure when people want to convert their greenbacks into coin, and you have a run on the Treasury at a time when your $50,000,000 are out, it would be a very disagreeable performance. I merely want to state this as one of the reasons why the bill being put in the shape the Senate is likely to put it, I shall not vote for it at all.

Mr. TELLER. The word "temporarily" and the words in the seventh and eighth lines and part of the ninth ought to go together.

Mr. BAYARD. That should be so.

Mr. ALLISON. Let all that be considered as one amendment.

Mr. TELLER. It was so voted on last night.

The VICE-PRESIDENT. The amendment will be taken as a whole and read together.

Mr. BAYARD. I was about to suggest that, to make the matter intelligible, the whole of the amendment should be read together, that on line 3 and that on lines 6, 7, and 8.

The VICE-PRESIDENT. They will be reported together and acted on as a whole.

The CHIEF CLERK. In section 4, after the word "use," in line 2, the Senate as in Committee of the Whole inserted "temporarily," and in line 6, after the word "act," insert "which shall from time to time be repaid and replaced out of the proceeds of the sale of the bonds or Treasury notes authorized by this act."

Mr. KIRKWOOD. Before this vote is taken I should be glad to ask a question of the Committee on Finance. Has the matter been considered by that committee at all whether this amendment taken as a whole can affect the authority of the Secretary of the Treasury to strengthen the reserve fund in the Treasury by the sale of the old bonds, the fours, the four-and-a-halfs, and fives? Is it possible that any construction can be put upon these words that would affect or limit his power now existing to strengthen that fund by the sale of any bonds authorized by the funding act of 1870?

Mr. BAYARD. No, I think not.

Mr. KIRKWOOD. It is a matter that struck me as possible and I wanted to know whether the committee had considered it or not.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 4, line 12, after the words "bonds or," to strike out "certificates" and insert "Treasury notes authorized by this act."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 4, line 13, after the words "bonds and," to strike out "certificates" and insert "Treasury notes."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 5, line 1, to strike out "May" and insert "July;" so as to read:

From and after the 1st day of July, 1881, the 3 per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation, &c.

The amendment was concurred in.

Mr. BLAIR. Is an amendment at this time in order, or shall I wait until the remaining amendments are disposed of?

The VICE-PRESIDENT. If it is an amendment to the amendment just reported, it is in order.

Mr. BLAIR. It is an amendment to the section.

The VICE-PRESIDENT. An amendment to the section will be received.

Mr. BLAIR. Then I move to amend, after the word "circulation," in the fourth line of the fifth section, by the insertion of the words "issued after that date."

Mr. EDMUNDS. I suggest as a mere matter of orderly convenience in the practice of the Senate, that there are still amendments made in Committee of the Whole not acted upon.

The VICE-PRESIDENT. The Chair had suggested that. The Chair will recognize the Senator from New Hampshire when the amendments made as in Committee of the Whole shall have been acted on.

Mr. BLAIR. They are to subsequent sections.

The VICE-PRESIDENT. After the amendments shall have been concluded the Chair will recognize the Senator from New Hampshire.

The CHIEF CLERK. The next amendment made as in Committee of the Whole was to insert as section 6——

Mr. BAYARD. I was in hopes that the amendment proposed by the Senator from New Hampshire would be considered in connection with the amendment we have just had before us. Section 5 is what was termed yesterday and I think properly, the coercive section, the compulsory section, that shall prescribe to the national banks the only description of Government securities that are to be the basis of their circulation. As I understood the amendment of the Senator from New Hampshire, it was to rectify that which I believe will be a cause of great danger and shock to the business of the country that a restriction be placed by law upon the banks that shall compel them to take these bonds and these bonds only as a basis of circulation. If therefore it be in order, I would suggest to the honorable Senator from New Hampshire to move his proposed amendment to the amendment made in Committee of the Whole to the fifth section so that the Senate may really again contemplate the result of the vote they passed last night.

The VICE-PRESIDENT. The Chair will remind the Senator that there is no amendment made as in Committee of the Whole to section 5 unacted upon. When the amendments made as in Committee of the Whole shall be acted upon, then amendments generally to any portion of the bill will be in order.

Mr. ALLISON. As we are upon the question of orderly proceeding, I want to suggest now that section 7, which we shall reach in a minute, be passed over until a later stage of the bill.

Mr. EDMUNDS. We have not disposed of section 6 yet.

Mr. ALLISON. When we come to section 7, then it will be time enough to make my suggestion.

The VICE-PRESIDENT. The amendment made as in Committee of the Whole embracing section 6 is before the Senate, and will be read.

Mr. BAYARD. My object is to have a yea-and-nay vote of the Senate upon the question of striking out section 5 of the bill as it came from the House.

Mr. EDMUNDS. A new motion to strike it out must be made as it now is.

The VICE-PRESIDENT. The Chair sees from the bill as acted upon yesterday that the Senator from Delaware desired a yea-and-nay vote to be taken on striking out section 5.

Mr. EDMUNDS. That will have to be made by a motion after the amendments made as in Committee of the Whole are disposed of, because that section or part of the bill the Committee of the Whole refused to strike out.

The VICE-PRESIDENT. That is true. The Secretary will now report section 6. The purpose of the Senator from Delaware can be reached in order hereafter.

The CHIEF CLERK. The next amendment made as in Committee of the Whole is to insert as an additional section:

SEC. 6. That the payment of any of the bonds hereby authorized, after the expiration of five years, shall be made in amounts to be determined from time to time by the Secretary of the Treasury, at his discretion, the bonds so to be paid to be distinguished and described by the dates and numbers, beginning for each successive payment with the bonds of each class last dated and numbered; of the time of which intended payment or redemption the Secretary of the Treasury shall give public notice, and the interest on the particular bonds so selected at any time to be paid shall cease at the expiration of thirty days from the publication of such notice.

The amendment was concurred in.

Mr. ALLISON. Now, I suggest that section 7 be passed over for the present till we ascertain what is the judgment of the Senate upon some other questions to be raised.

The VICE-PRESIDENT. The Chair hears no objection to the suggestion of the Senator from Iowa. Now, as the Chair understands, yesterday the amendment proposed by the Committee on Finance to strike out section 5 in the text of the House bill as it came was rejected, and the question is, will the Senate concur in the action of the Committee of the Whole refusing to strike out the section, on which the Senator from Delaware demands the yeas and nays.

Mr. THURMAN. That being the text of the bill, is it not necessary that a motion shall be made in the Senate to strike it out?

Mr. EDMUNDS. Certainly it is; the Senator from Delaware moved it, I understood.

Mr. THURMAN. The question is then on striking out.

The VICE-PRESIDENT. It is.

Mr. THURMAN. I am in favor of retaining the section.

The VICE-PRESIDENT. The question is on striking out the section, and the yeas and nays are called for.

The yeas and nays were ordered.

Mr. BLAIR. I wish to inquire whether the amendment that I desire to move should be moved at this time; or should it await the result of the vote on the motion to strike out?

The VICE-PRESIDENT. An amendment to perfect the section is first in order.

Mr. BLAIR. Then I move, in line 4, after the word "circulation," to insert "issued after that date;" so as to read:

From and after the 1st day of May, 1881, the 3 per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation issued after that date.

I wish to make one more inquiry of the President, as there is some disagreement among Senators learned in parliamentary law. I wish to inquire whether the amendment to insert these words after "circulation," in line 4, will be equally in order if it should not be moved until after the vote to strike out the entire section is taken?

The VICE-PRESIDENT. The Chair thinks the motion more properly in order now.

Mr. LOGAN. I would like to suggest to the Senator from New Hampshire whether his amendment would not accomplish the object more certainly and be more desirable if he should let it apply to national banks organized after that time on their circulation?

Mr. BLAIR. I have contemplated both forms of phraseology.

Mr. LOGAN. For instance, a bank may reduce its circulation and then again increase it. In that way confusion may arise between the banks in the different securities they would have to keep in the Treasury. Would it not be proper—because I think that is the intention—to apply it to the banks that are organized after this date?

Mr. BLAIR. In reply to that suggestion, I will say that the purpose I wish to accomplish would be better accomplished in that way, because I believe the entire section is one which should be stricken out; but it was the indication of the votes cast by the Senate last night that the judgment of the Senate was to retain the section, and I had hoped to obtain a modification of it less radical than that which is suggested by the Senator from Illinois. I had contemplated the amendment in both forms of phraseology, and erased from the amendment as I have offered it the words which he has suggested. I had desired to take the intimation of the Chair as to the order of discussion, and I should prefer to offer the amendment after action by the Senate upon the motion to strike out the entire section.

The VICE-PRESIDENT. That is not the parliamentary proceeding, as the Chair understands it. The present incumbent was not in the chair when the bill was considered as in Committee of the Whole.

Mr. EDMUNDS. If the Senator from New Hampshire will pardon me, I will call the attention of the Chair to the thirty-first rule, which says:

> If the question in debate contain several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition—

That does not touch this case—

> nor shall it prevent a motion simply to strike out.

Then comes this provision:

> Nor shall the rejection of a motion to strike out prevent a motion to strike out and insert.

Now the Senator from Delaware moves to strike out this section. Suppose that motion is rejected; the section is still left open to amendment, not to repeat a motion to strike out altogether, but open to any amendment just as it was before, by force of this rule.

The VICE-PRESIDENT. The Senator from Vermont is unquestionably right. The Chair had overlooked that rule.

Mr. HAMLIN. Mr. President, I will presume that a motion is made to strike out the fifth section and it does not prevail. If the Senator from New Hampshire shall then propose to strike out the fifth section and insert something else, that motion would be in order.

The VICE-PRESIDENT. Unquestionably.

Mr. HAMLIN. It would not be in order to move simply to insert particular words, because the Senate by its vote has agreed to the section precisely as it is. So the Senator from Vermont is misleading the Senator from New Hampshire, I fear.

Mr. BLAIR. Mr. President, I propose to move to insert after the word "circulation," in line 4 of the fifth section, the words "issued after that date." The section as it now stands provides that from and after the 1st day of July, 1881, nothing shall be received as security for the circulation issued to the national banks but these 3 per cent. bonds which it is proposed to issue in this refunding process. I desire the modification of this section in such a way that the rule requiring the deposition of that class of bonds as a security for the circulation shall apply only to such circulation as shall be issued to the banks after that date. That is the modification which I desire. I understood during the discussion last night that the honorable Senator from Kentucky [Mr. BECK] had no objection to that modification. I suppose it may be that upon further reflection he sees, what is the fact, that without such an amendment as I propose there will be serious embarrassment to the working of the section as it now stands. I look upon it as a matter vital to the character of the bill.

There would be no injustice, it seems to me, in the section if it should be amended in the manner which I have endeavored to point out, because then it would be optional with every bank whether to take more circulation, basing its banking to that extent upon this character of security, or not. All banks would then have notice, in other words, of the existing law, and might act one way or the other, as they might think to be to their interest; but, as the section now stands, it is far different.

With reference to whatever circulation the banks now possess, with reference to their entire business condition and affairs, in the position occupied by them, into which they have been led by the existing law and practice of the Government, they will be very seriously affected by the provisions of the bill as it stands. They will be obliged to surrender their 5 and 6 per cent. bonds, of course, in this process of refunding. More than half of the circulation of the national banks at present is secured by 5 and 6 per cent. bonds. That will be taken up, at all events. They will then be obliged to bank upon a 4 or a 4½ per cent. bond, which would of itself be a large reduction of the income of the banks if no such section as the one here proposed should exist at all. I say they would be obliged to do it. They would be obliged by their business interests to do it, because, of course, they would prefer to bank upon that bond which gives them the highest rate of interest attainable, and consequently they would not naturally do business to any extent upon the 3 per cent. bond which we propose to issue in this continued refunding process. Even doing business upon the 4 or 4½ per cent. bonds, the income of the banks must be very largely decreased.

The average interest now received is upward of 5 per cent. upon the bonds of the United States which are in the hands of the banks as a security for their circulation. Suppose that after the enactment of this law, and after the redemption of the fives and sixes, the banks should continue to do business upon fours and four-and-a-halfs, and take the average interest at 4¼, assuming that they bank upon an equal proportion of each, then the income of the national banks annually is reduced three-fourths and more than three-fourths of 1 per cent. It is the difference between a 5 per cent. bond and a 4 or 4½ per cent., averaging the latter at 4¼. Then the reduction of the income of the national banks throughout the country will be at least three-fourths of 1 per cent. by that change.

Now this bill, as it at present stands, proposes at one fell swoop to reduce the income of the banks on their bonds deposited to secure circulation 1¼ per cent. more, and to make that reduction compulsory. That undoubtedly is, in the minds of many of the supporters of the bill, the principal and most enticing feature in it. It completely changes its character, in my view, from what would be indicated by its title, "A bill to facilitate the refunding of the national debt." If the purpose of the bill with this section inserted is simply to facilitate refunding, I ask what necessity there is of any provision in reference to the nature of the bonded security which a bank shall file with the Department in order to secure its circulation. Of course the circulation of the bank is better secured by placing on deposit with the Department 4 and 4½ per cent. bonds, because the 4 and 4½ per cent. bonds are the more valuable, and therefore the purpose of this provision cannot be to facilitate the process of refunding at all. I think it is quite the contrary.

The necessity of refunding seems to be recognized by everybody—not necessity in the strict sense of the word, but the desirableness of that result. Every one admits the extreme desirableness of action whereby the existing surplus of capital in the country shall be called in at this time, when it can be obtained at a low rate per cent. to redeem the outstanding bonds of the Government at higher rates of interest, the fives and sixes. A bill for that purpose, whose chief object and effect was to carry out that purpose, and which was prepared and enacted by Congress and made operative throughout the country for that purpose, and that alone, in good faith, would be exceedingly desirable, but not strictly necessary because we really have to pay no more than $700,000 or $800,000 during the ensuing year. We are not obliged to pay more than that; we may pay, and we propose by a funding bill to pay a great deal more because we expect to get the capital at a lower rate now than we may by and by. The actual necessity is not upon us to pay the amount of a single million for many months to come; but nevertheless a measure to secure the funding of our securities at a reduced interest is desirable.

Mr. THURMAN. Will the Senator allow me to interrupt him to ask a question for my own information?

Mr. BLAIR. Certainly.

Mr. THURMAN. I understood the Senator to say that if the banks should surrender their fives and sixes which are to be taken up and which are now on deposit to secure their circulation, and if they should be deprived of the power of buying fours and four-and-a-halfs and depositing them, that would be a loss to the banks of three-fourths of 1 per cent. a year.

Mr. BLAIR. One and one-fourth per cent. at least.

Mr. THURMAN. I ask the Senator if that can possibly be, provided the banks have to buy the fours and four-and-a-halfs at 13 or 14 per cent. premium? If a bank invests in four-and-a-halfs at 120 or in fours at 113 or 114, pray how much interest will it get on its investment?

Mr. EATON. Three and fifteen hundredths per cent.

Mr. THURMAN. Then it is 3.15 instead of 3 per cent.

Mr. BLAIR. In the argument I make I am assuming that the banks may be allowed to substitute 4 per cent. bonds, many of which are still unsold, as a means of redemption of their circulation on the original conditions under which they were issued and became a form of security allowed to be deposited by the banks for their circulation.

Mr. President, I think that what I have said must demonstrate the fact that the real purpose of this bill as it now stands cannot be to facilitate the process of refunding at all. I have heard no suggestion based upon the bill as it is which I can understand as in any sense whatever facilitating the process of refunding by any means. Now, what is the purpose and what is the necessary effect of this fifth section? I can see none whatever, except that it is a blow at the existence of the national banking system which is radical in its nature. I believe that it is utterly impossible for the national banking system of the United States to continue to exist if by virtue of any legislation which we may enact the profits of the banks are largely reduced. We well know that even as it is at the present time with the fives and the sixes deposited by the banks and they drawing the full rate per cent. on those higher bonds, and many of them having fours and four-and-a-halfs deposited, the great majority of the national banks in number in the United States are doing business either at a loss or with such an exceedingly narrow profit that there is hardly one of them which does not contemplate the surrender of its circulation.

There are some 2,095 national banks in the United States. Of these 1,859 are what are known as country banks, and more than three-fourths of the national-bank circulation now among the people is issued through banks which have a capital of less than half a million dollars each. Many of the city banks have surrendered from time to time their circulation, not finding it profitable to keep it with the existing interest upon the bonds of the United States. I live in a State which has a reasonable number of banks for a population of 350,000. We have something like twenty banks, and I do not know a single bank in the

State of New Hampshire whose directors and managers have not been for a considerable time contemplating the surrender of their circulation. This very morning I have conversed with a gentleman, who happens to be stopping in this city temporarily, who is connected with our most prosperous bank in the city of Manchester, the First National Bank of that city, and it has been a matter of solemn contemplation and discussion with them for several months whether they would not do better to surrender their circulation entirely and do business in some other way, or to close up as a national bank. There is a bank at Littleton, there is a bank at Lancaster, there is a bank at Laconia, there are several banks in Concord, in Manchester, in Nashua, in Dover, and in Portsmouth, and every bank in the State of New Hampshire, if this bill becomes a law and it is obliged to reduce its income from the Government bonds in the vicinity of 2 per cent., as I will show you very soon, will be driven into liquidation, as I believe. If there is any man here who had in his mind the destruction of the national banking system of the United States, he could not have contrived a bill with more fell purpose for its destruction than this.

What is true of the banks in the State of New Hampshire is true of the country banks throughout the United States generally; and the country banks are altogether more important for the prosperity of the great mass of the American people than are the city banks. The city banks can live on their deposits; they do live on their deposits to-day. It is not the profits of the national-bank circulation which enable the two hundred and forty-nine banks in the cities to do business far more profitably than those in the country. The citizen in the country is entitled as much to banking facilities as the citizen in the city; he needs them even more, because his necessities are greater, and if you strike down these country banks you simply ruin the mass of the American people who depend upon them for business facilities. It cannot be otherwise.

I have taken some statistics this morning from the report of the Comptroller of the Currency. The national banks of the United States have $57,000,000 of bonds deposited for the purpose of securing circulation, at 6 per cent.; they have $147,000,000 of the 5 per cent. bonds so deposited, making an aggregate of $204,000,000 now drawing 5 and 6 per cent. The remainder of the bonds which are deposited to secure the national-bank circulation, amounting to $167,000,000, are divided between the four and four-and-a-half percents. Of the four-and-a-half percents there are $47,000,000, of the four percents $120,000,000. So that of the four and four-and-a-half percents there are now on deposit to secure circulation $167,000,000; there are on deposit to secure that same circulation, drawing interest at 5 and 6 per cent., $204,000,000; very largely more than over half is now secured by bonds which draw interest at the rate of 5 and 6 per cent.

The entire national-banking business, including the city as well as the country banks, is now done subject to a tax of 3.2 per cent., taking the whole country together. By the reduction of the income of the bonds, which would result from the compulsory substitution of a 3 per cent. bond as security for the entire mass of the circulation, there would be a reduction of the income of the banks, as any one can see, by casting the interest upon these amounts which I have given, of at least 1.7 per cent., practically 2 per cent., which, of course, being a deduction from the income of the bonds, is precisely the same in its effect as though by virtue of the laws of the land we increased the taxation on the banks 1.7 or 2 per cent. This would give 4.9 per cent. of taxation practically upon the business of the national banks of the country as a whole, including the city banks as well as the country banks. The injury to the country banks would be very much larger in proportion, because, as a rule, their business is less profitable than that of the city banks.

The national banks have over two hundred thousand stockholders scattered all over the country; and the average ownership is only some two thousand four hundred dollars. Can even the city banks prosperously continue to do business as national banks with a practical addition to their taxation of nearly 2 per cent.? The country banks must suffer very much more largely than those of the cities. The result will inevitably be, as I believe—I can see no other possible solution of the difficulty—the forced liquidation of so many of the banks as practically to destroy the system.

Some Senators may say that it is not much matter if the national banks are forced into liquidation; that some other agency will take their place; that State banks may be a better form of banking for the people than the national banks. The State banking system, of course, has many and zealous advocates; but I do not for one believe that any advantages will result to the country from the substitution of a State banking system for the national-bank system. But even conceding the point, everybody must admit that this process of liquidation, this calling in of loans, this compulsory collection of over a billion dollars, which is now loaned out by the country banks alone, being one-half the entire loans of all the national banks of the United States, will fall with the utmost weight and with the most destructive tendency upon the business interests of the great mass of the people. The heavy banks in the cities, speculators, the class of men who are to take these bonds under the operation of a syndicate, may be able to bear this; but the people of my State cannot, and I believe the people in the State of Kansas, so efficiently represented by my friend here, will find very great difficulty in realizing upon their indebtedness to the national banks so as to enable them to liquidate by the compulsory collection of their debts.

Mr. President, I want to call attention to one other thing. These national banks go by a name which may possibly be not inoffensive to some people; and yet it does seem to me that in reality they ought to be considered as State banks and not as national banks. The men who have invested their capital in these institutions were the same men who owned the capital of the State banks before the war, and as largely as they can they invest still in State banks; but the Government of the United States enacted a system of finance for its own advantage, not theirs, which compelled them, if they would avoid the destruction of their capital, to make their investments in national banks. They are the individual men of the States; they live in the States; they are in all their various relations and interests citizens of the States; and you cannot strike at the capital in the States, invested even though it may be under the name of a national bank, and you cannot strike at their interests, without striking at precisely the same individuals and at precisely the same interests which are involved in the State banks themselves. The national banks represent precisely the same local interests to-day that were formerly represented by the State banks whose capital by compulsion of the National Government was forced into the form of national banking or into annihilation. The larger part of this capital is to-day banking upon the national securities involuntarily. It were better for that capital to-day, if the intervening and destructive process could be gotten over, to be invested in banking upon local securities which might yield 6 or 8 per cent. instead of 3 or 4 or 4½ per cent. on Government bonds which they deposit as security for circulation.

Mr. President, I am taking more time than belongs to me this morning; but I wish to call attention to one other point, and that is the element of good faith in our dealing with the national banks. When we compelled their organization we chartered them; we gave them a long existence, for twenty years. It is true that we reserved the right to alter, to amend, or to repeal the charter when the public good might require it; but no court of the United States, and no other court, has ever yet decided that this power to alter, amend, and repeal a charter involves the right to confiscate property, to destroy property; nor does it give, as I believe, any right to the Government of the United States to impose conditions upon the business of national banking which are in principle destructive of that business. I think I have shown by a mere computation that the enactment of this section will inevitably destroy these national banks and compel their liquidation.

The Government having given to each national bank its existence, and having forced it thus to exist, I ask if it is right, if it is an honest thing for the Government of the United States so to legislate as to accomplish the practical destruction of this great interest, or, if not of the whole interest, of a great many of the banks. These banks are organized individually. Each one of the 2,095 has a separate charter, and the contract of the Government with that individual bank cannot be so violated as to result in the destruction of that individual bank and the Government still claim that it is acting in good faith, as it seems to me.

If we mean to compel the banks to take this loan, I can see how we by the grasp of power may try to enact that the banks shall cease to exist; that they shall be ultimately destroyed or that they shall take this loan; but if we are willing to go into the market and pay a fair price for the use of money why should we undertake to force the taking of the bonds upon the national banks? If we are giving a fair price for the use of money, can we not go into the open market and command the capital of others than those who are in control of these banks as well as of the banks themselves?

I believe that the hour fixed for taking the vote upon the bill is two o'clock. In view of that fact, as a matter of necessity, a great deal that I would be glad to say upon so extensive a subject as this must be omitted. I am certainly not oblivious to the fact that there are many others in this body who doubtless would discuss this subject-matter much better than I can myself; and therefore I will now yield the floor, entering my protest most solemnly against the enactment of this fifth section, as in my belief a practical breach of good faith on the part of the United States with the banks, as an entirely unnecessary measure, and as really one which makes the entire bill practically one for the destruction of the banking system, rather than one to facilitate the funding of the national debt.

Mr. BECK. Mr. President——

Mr. BAYARD. Will the Senator from Kentucky permit me to make a suggestion?

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) Does the Senator from Kentucky yield to the Senator from Delaware?

Mr. BECK. Certainly.

Mr. BAYARD. I suggest, as we have agreed unanimously to take the vote on this measure at two o'clock, that during the hour which remains speeches be limited to five minutes to each Senator upon any subject.

The PRESIDING OFFICER. The Senator from Delaware proposes that by unanimous consent speeches upon this subject be limited to five minutes.

Mr. EDMUNDS. As an understanding between Senators, and not as an order of the Senate?

The PRESIDING OFFICER. As an understanding only.

Mr. BECK. As I have the floor I should not like to yield for that, still I hope not to occupy more than five or six minutes.

The PRESIDING OFFICER. Does the Senator from Kentucky object?

Mr. BECK. I should rather speak first.

Mr. BAYARD. I asked unanimous consent. Of course the Senator from Kentucky can object to it.

Mr. BECK. I have the floor, and I think I will say all I desire in five minutes if not interrupted. The Senator from New Hampshire [Mr. BLAIR] has referred to something that I said yesterday evening, that is really the only reason why I care about saying anything. He suggested that I had agreed to this proposition or thought it was right.

Mr. BLAIR. I beg the Senator's pardon. If I have given that impression I wish to withdraw it, and if I have in any way said anything that is offensive to the Senator it has been entirely without design, and there will be no excuse for taking five minutes upon that subject.

Mr. BECK. I merely rose to say that as soon as I understood the proposition of the Senator from New Hampshire, as suggested last night, I observed to him that I thought it would be absolutely fatal to the fifth section of the bill.

Mr. BLAIR. The Senator did so.

Mr. BECK. And I have now no doubt of it. The Senator from Illinois [Mr. LOGAN] in the question he put to the Senator from New Hampshire developed that fact conclusively, and if anything more was needed the speech of the Senator from New Hampshire has made it absolutely certain. The reason urged why the fifth section should apply only to national-bank circulation issued after the 1st day of May or the 1st of July as now amended, is that if we require the present national banks to take it we will absolutely destroy them. The Senator insists that all the banks that are now in existence or that have now circulation on their hands shall have the right after that time to choose any bonds that they may see fit, and deposit whatever bonds to secure circulation they please after that day, while every new bank that is hereafter organized, or each bank that requires an increase of circulation after that time, shall be required to use 3 per cent. bonds, and the Senator from New Hampshire contends that the use of the 3 per cent. bonds to be deposited as security for circulation is absolutely ruinous to the banking interest and destructive of the system. What is the meaning of that? Simply this: that we shall provide in this law that the present banks shall have a monopoly for all time to come of the whole banking business; that no new banks shall be organized, because he says that no bank can live under this law, but he contends that the old banks shall have a right to deposit any bonds they may see fit not only after the 1st day of July, but to trade in any set of securities, as they now do under the fourth section of the act of 1874, it being a fixed monopoly to them to the exclusion of all competition. That is the meaning of the proposed amendment.

If we are to continue to have free banking and if all banks are to be equal, some provision ought to be made whereby all banks in the future shall have equal rights without divesting them of existing rights. The proposition of the Senator from New Hampshire is that banks that are organized after the 1st of July, or banks that increase their circulation after that date, shall not have the right which he says is indispensable to successful banking, and which he proposes to give to those now in existence; he thus maintains a monopoly in the hands of the present bankers to the exclusion of all others, preventing the organization of new banks, and making a discrimination in favor of existing banks, and destroys the bonds we now seek to sell if his ideas are in any regard correct.

Mr. ROLLINS. I rise to inquire of the Senator from Kentucky, in case the fifth section of the bill as it passed the House is agreed to by the Senate, how it will be possible to secure equal rights to all the banks? It is an absolute impossibility if the section is agreed to.

Mr. BECK. It will be absolutely impossible, if the argument of the Senator's colleague is true, for any new bank to organize, because it will not organize upon a ruinous basis, and the old banks now organized upon another basis may maintain and deposit any bond they please, and are not required to purchase any other, and no one else shall have anything; for, as he maintains, it absolutely excludes all others, as they will be ruined if they take the bonds we now propose that they shall take.

Mr. ROLLINS. I think all the banks of the country ought to have an equal privilege under the law.

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. BECK. Not now, as the Senator from Delaware wants me to yield the floor in five minutes.

Mr. BLAIR. I ask that the Senator's time be extended without any limitation on it so far as I interrupt him. I do not wish to be misunderstood. I say explicitly that no bank will be organized in my belief if this becomes a law, and the old banks cannot continue to do business upon this basis at all; and I say if we attempt so to legislate in regard to persons who have their capital invested that they cannot reasonably do private business——

Mr. BECK. Mr. President——

Mr. BLAIR. I do not believe that any more currency will go out.

The PRESIDING OFFICER. The Senator from Kentucky is entitled to the floor and does not yield.

Mr. BECK. In answer to the last suggestion I will state that the whole argument was presented in the report of Judge Chase when he was Secretary of the Treasury, in advocating a national banking system. He said that the leading if not the whole object of it was to enable us to make sale of the bonds of the United States. That was the ground on which the whole national-bank system was made to rest. Then the only bonds were six percents, we had nothing else. The law of 1864 provided that no bonds should be received as security for national-bank circulation unless they bore an interest of 5 per cent. or over. In 1870 Congress passed the refunding act. We withdrew all these sixes; we issued fives, four-and-a-halfs, and fours, and we required the national banks to surrender all the sixes they then held, and take fives, four-and-a-halfs, and fours. The fives have now matured, and we seek to refund them at the lowest rate of interest we can. Have we not the same right to refund them by the issue of any bond that is necessary for the good of the Government as we had to refund the sixes, and require the banks to take the bonds we then issued? Have we not the same right to refund the fives and sixes if in the judgment of Congress it is best for the Government of the United States—the Senator from New Hampshire admits that—and reduce the rate of interest that we are paying by fifteen million and a quarter dollars annually, because that is the reduction? The national-bank system is to continue, and it is to continue alone upon the United States bonds. Have we not a right to require all our own corporations, as national banks are, to take the bonds that we propose to issue in order to save the tax-payers over fifteen million dollars a year by refunding the fives and sixes? The Senator's argument would be that we are obliged to deprive ourselves of the right to refund any of the debts of the United States in order to get a lower rate of interest bond during the twenty years that the national-bank charters were allowed to run, because it would be a violation of faith to make them take bonds at a lower rate of interest than they held at the time the charter was issued; that it was their right under the charter to hold that particular class of bonds for twenty years, and thus draw 6 per cent. interest. That was the argument of the Senator from New Hampshire.

Mr. EDMUNDS. May I ask the Senator from Kentucky a question?

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. EDMUNDS. I do not rise to debate, but merely to ask a question. I understood the Senator to say a moment ago that the fives and sixes we required the national banks to take in the same sense, I suppose, that this requisition is——

Mr. BECK. Yes, sir.

Mr. EDMUNDS. If the Senator would kindly point out the law requiring it, I should be very glad to see it.

Mr. BECK. That may take quite a little time. I read it yesterday.

Mr. BLAIR. While the Senator is looking for the law I will just say——

Mr. BECK. Here it is.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. BECK. I am really occupying too much of the time of the Senate and the Senator from Delaware is justly warranted in complaining that I am taking too much time. In 1864 Congress passed this act.

Mr. EDMUNDS. What is the date of the act to which the Senator refers?

Mr. BECK. The act of March 3, 1864, section 21:

> That upon the transfer and delivery of bonds to the Treasurer, as provided in the foregoing section, the association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to 90 per cent. of the current market value of the United States bonds so transferred and delivered, but not exceeding 90 per cent. of the amount of said bonds at the par value thereof, if bearing interest at a rate not less than 5 per cent. per annum; and at no time shall the total amount of such notes, issued to any such association, exceed the amount at such time actually paid in of its capital stock.

Mr. EDMUNDS. Does the Senator think, if I may ask him, that that was a requirement on an existing bank that had certain securities of the United States that it had taken according to law, to give those up and take others?

Mr. BECK. Yes, whenever these bonds had to be refunded; and they have been required to give them up. They were required to give them up by the act of 1870, and they were required to furnish themselves with other bonds that the United States saw fit to issue, at 5, 4, and 4½ per cent., instead of the sixes they previously held, and now as the fives mature we have a right to replace them, upon the best terms we can, with other bonds; we have a right to refund, of course, and issue any bond that it is for the good of the Government and of the people to issue, and if they determine to hold on to the banking institutions and continue their business they have the privilege of taking the bonds we now give them. Surely we are not to be prevented from paying our debt or reducing the interest on it merely because the national banks do not like to give up the bonds they have.

Mr. EDMUNDS. I merely wish to inquire, while I do not dispute the power and right of the United States to redeem any bond that is

redeemable, (whether a bank holds it or anybody else,) how the Senator construes the other part of this section in respect of banks that hold bonds that are not yet redeemable. Are they obliged to give those up and take these new bonds?

Mr. BECK. I will answer that in a moment. This refunding act only applies to the fives and sixes. We have $730,000,000 of four percents outstanding that will not mature until 1907. We have $250,000,000 of four-and-a-half percents not redeemable until 1891. Thus we have nearly a thousand million dollars of bonds that the banks not only have a right to hold, notwithstanding this refunding act, but they have the right from now until the 1st of July to convert the fives and sixes we are now seeking to redeem into fours and four-and-a-halfs, and to the extent that they do so they will not be required to buy a single bond of the issue we are now seeking to provide for; so that the difficulty of the Senator from New Hampshire is not so great as he thinks it is, because if they do not wish to take the 3 per cent. bond they have a right to buy any amount of the thousand million of fours and four-and-a-halfs outstanding—$750,000,000 of which is not demandable until 1907 and $250,000,000 of which is not demandable until 1891. They can, I repeat, convert if they like all their present fives and sixes at any time between now and the date this act takes effect, and then they will not be required to buy a single one of the bonds we are now to issue; so that there is in fact no compulsion or coercion upon them in any such sense as is claimed by the Senator from New Hampshire, or by the opponents of the fifth section of this bill.

Mr. DAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BECK. Yes, sir; I shall yield the floor entirely in a moment.

Mr. DAWES. I understand the Senator very properly to argue that all national banks ought to be on the same basis?

Mr. BECK. Yes, sir.

Mr. DAWES. I want to know if all of the banks that have now deposited in the Treasury 4 and 4½ per cent. bonds will not bank on one basis, and all other banks that are required to take 3 per cent. bonds on another basis?

Mr. BECK. Yes; to this extent: the banks that are now holding fours and four-and-a-halfs which we do not seek to refund, or that will be unredeemable after the 1st day of July, if the Senate amendment as to time takes effect, can purchase the fours and four-and-a-halfs not maturing until 1891 or 1907. There will be that difference over banks that do not organize until the 1st day of July, 1881, whatever that difference may be. I think it will not be enough to prevent new national banks from organizing, if indeed there will be any difference between a 3 per cent. at par and a 4 per cent. at the premium it bears.

Mr. DAWES. The Senator made a very strong argument against the injustice of such a condition of things, and brought home to the Senator from New Hampshire the charge that he wished to build up a monopoly in the existing banks.

Mr. BECK. That is going to lead to a speech, I know, and I am obliged to decline to yield further.

The PRESIDING OFFICER. The Senator from Kentucky declines to yield.

Mr. BECK. It means this, that we are seeking to deprive no man of a vested right.

Mr. WILLIAMS. The same difference exists now between banks that hold fives and sixes and those that hold only four-and-a-halfs.

Mr. BECK. Certainly; that is true as my colleague very well states. Until we had the right to redeem them we did not interfere with the banks that saw fit to hold fives and sixes, nor do we interfere with those banks that hold fours and four-and-a-halfs, all of these being bonds that they had a right to deposit. We seek to deprive them of no right. We only propose after July to change the law. In 1870 we took all the 6 per cent. bonds away from them and coerced them, if you please, to use that term, to take fives and four-and-a halfs and fours, and now when the fives and sixes mature, when the right of the United States has accrued to pay off all those bonds, it is the duty of the United States to require them to substitute bonds at a lower rate of interest if the United States can do so, and no one doubts our authority. We now can refund these fives and sixes at a much lower rate of interest than we are paying, and by so doing will save fifteen and a quarter millions of dollars to the tax-payers of the country. Will it be contended that we have not a right to refund those bonds now, at the lowest rate of interest possible? Are we the agents of the national banks? Did they not know when they took these bonds how long they had to run and that it was our duty to reduce the rate of interest on them and to refund them at the lowest rate possible when our right accrued? We are now seeking to do that. They knew that they were obliged by law and their own charters to deposit United States bonds as security for their circulation, such bonds as we see fit to order them to take. We now say to them in this refunding act that all who apply to increase the circulation after July 1, 1881, or any bank that will see fit to organize after that time, shall take the bonds we are now issuing in order to make a demand for the new bonds and in order to save fifteen and a quarter million dollars, or failing to do that, they shall not go into that business or obtain more circulation. *They will take them.* There need be no apprehension about that. The Senator from New Hampshire speaks of the oppressive taxation upon the national banks and upon their capital.

Mr. BALDWIN. Will the Senator allow me to ask him a question?

Mr. BECK. Not now, if the Senator will permit me to proceed.

The PRESIDING OFFICER. The Senator from Kentucky will not yield.

Mr. BECK. There are a thousand banks now that pay no tax whatever on their capital.

Mr. BLAIR. And get no income whatever.

Mr. BECK. Every bank that has only $50,000 of capital is obliged to keep on deposit $50,000 of United States bonds, and the law provides that a national bank shall only pay a tax upon its capital in excess of the United States bonds held by it. As the law requires a bank to keep $50,000 even if it has a banking capital of only $50,000 all that class of banks that keep $50,000 do not pay one dollar of tax on their capital. In this the national banks have an unjust advantage over private bankers and banks organized under State authority, for a bank side by side with them that does not hold United States bonds has to pay one-half of 1 per cent. tax per annum upon all its capital, and so with all private property. There is where the difficulty comes in, and there is where the advantage accrues to the national banks.

Mr. BALDWIN. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. The Senator from Michigan asks the Senator from Kentucky to yield for a question. Will the Senator from Kentucky yield?

Mr. BECK. Yes, sir, I will; but I am consuming too much time.

Mr. BALDWIN. I should like to have the Senator from Kentucky inform the Senate if there is now or ever has been on the statute-books a law which required national banks to deposit as security for their circulation or for the safe-keeping of public moneys any particular class of United States bonds to the exclusion of others? Is there now or has there ever been upon the statute-books a law requiring a national bank to deposit as security for its circulation or for the safe-keeping of public moneys intrusted to it any particular class of United States bonds?

Mr. BECK. I think the law of 1864 provided that they should take nothing but bonds bearing at least 5 per cent. interest or over.

Mr. BALDWIN. I believe there has never been upon our statute-books a law requiring the deposit of any particular class of United States bonds similar to the law now proposed to be enacted in the fifth section of the bill under consideration.

Mr. BECK. Whether that is so or not, we have changed the character of their bonds over and over again since their charters were granted to them, and they hold, as I have said, all their rights subject to the higher right of the United States to pay the lowest rate of interest upon their bonds, and to fund, whenever a bond is fundable, any of their outstanding obligations. No man can deny that, and our right and duty to do that is paramount to all minor considerations.

If the amendment of the Senator from New Hampshire should prevail, (and that is the main point on which I rose to speak,) it is simply to preclude hereafter, according to his theory, the new banks that may be organized after July 1 or the banks that may increase their circulation after July 1 from bearing the same relation to the Government that the banks now existing do, and to give existing banks, if his argument is true, a monopoly of the whole banking system; and all this is to be done under the pretense that banking is free and equal. The Senator from New Hampshire greatly mistakes if he thinks that there is any tax imposed upon a national bank that is not imposed upon a private bank, except the 1 per cent. upon its circulation. Every private banker and every State banker pays every dollar of tax that the national banker pays, except the tax on the circulation, and he pays in addition a tax upon the capital, whereas the national banks that hold bonds to the extent of their capital pay no tax upon their capital, and to that extent the national banker gets the advantage. Why should he not pay it on his circulation? The United States furnishes it to him. The United States has to keep gold in large amount lying in the Treasury bearing no interest in order to make these national-bank notes secure, because it is redeemable in greenbacks, and the gold that is kept lying idle in the Treasury is lying there as security for the national-bank notes as much as it is for the legal-tender notes of the United States. All these securities are for the benefit of the national bankers. We furnish them all their circulation, do all the printing of the notes for nothing, change the notes, as I showed yesterday, whenever they want them changed—we do everything for them—and is not that worth the 1 per cent. charged, if there was nothing else of value in their circulation? That 1 per cent. is all they are charged beyond what other bankers pay. I maintain it would be far better to strike out the fifth section altogether than adopt the amendment of the Senator from New Hampshire and make the discrimination in favor of banks now existing which he obviously seeks to make.

Mr. EDMUNDS. Mr. President, I shall not take any time to discuss the value of the tendency of this bill to go back to wildcat State money; I leave that to the good sense of Senators and their wishes, without any argument of mine; but I should like to know from the supporters of the fifth section what they mean precisely by the pro-

visions, without going into all of them, of section 5, in the twentieth, twenty-first, and twenty-second lines, providing:

That section 4 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," be, and the same is hereby, repealed.

The fourth section provides:

That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes.

It then goes on to provide for detail. That seems to mean that although a bank is willing to bank upon legal-tender notes which draw no interest at all, it shall no longer be allowed to do so; that it shall not give security in legal-tender notes for the deposits of the United States with it; but that it must give security in an interest-bearing obligation of the United States as if it were for the interest of the United States to keep out interest-bearing securities, and not to keep out securities that do not bear interest. Is that what they mean? I cannot take time to discuss it.

I should like to know another thing. The next provision in this section is that "sections 5159 and 5160 of the Revised Statutes of the United States be, and the same are hereby, re-enacted." Why do you re-enact a standing provision of the laws of the United States?

Mr. BECK. That was very well explained last night, but the Senator did not happen to be here. In the RECORD of this morning the reason for it is given and there is a statement of the Treasurer as to why it should be done. It was explained very fully last night.

Mr. EDMUNDS. Is the explanation that those sections would be repealed by force of this act without this clause?

Mr. BECK. That those two sections ought to be restored, and the fourth section of the act of 1874 ought to be repealed in the interest of fair banking.

Mr. ALLISON. If the Senator from Vermont will allow me, the theory is that the act of 1874 repealed *pro tanto* those two sections of the Revised Statutes, and the House in repealing the act of 1874, desired to revive them. That is all there is of it.

Mr. EDMUNDS. Exactly; that is why the two things come together; and to learn that was precisely the object of my inquiry.

Section 5159, which precedes the act that I have read, provides that any banking association commencing banking shall transfer and deliver to the Treasurer certain registered bonds, &c. That does not touch this question of the act of 1874. Then section 5160 provides that deposits of bonds made by such association, as its capital is increased, &c., may be increased, and that if it desires to close up its business it may take up its bonds upon returning to the Comptroller its circulating notes, &c. Then, repealing the act of 1874 and reviving the act of 1873 in the Revised Statutes has the effect possibly and apparently, probably (I have not had time enough to examine it to have a definite opinion, I only call the attention of the Senate to it) of putting the law into that condition where hereafter it will be impossible for the national banks to bank on legal-tender notes of the United States as allowed by the act of 1874. And here I may say as to the national banks that happily I have in them no interest exceeding about two thousand dollars, I believe; I wish it were a great deal more. The object here seems to be to compel the national banks to bank upon bonds bearing interest instead of banking upon the legal-tender notes of the United States, which the act of 1874 allowed.

I should be glad to know upon what policy of the public welfare, inasmuch as the legal-tender notes are payable directly on demand in coin, it is that a banker, if he did not care to take the interest on bonds, and preferred to have legal-tender notes, should not be allowed to do so, for the interest of the public; I am not speaking of his interest; I can hardly imagine a case where it would be to his interest. But why you are to compel him by law to bank upon an interest-bearing obligation instead of an obligation payable in coin on demand as a security for the bill-holder, or the depositor, or the creditor of the bank, in distinction from the other methods, I am quite unable to see. I will not take any more of the time of the Senate.

Mr. BAYARD. If in order now, I renew the suggestion I made before the Senator from Kentucky commenced his remarks, that by unanimous consent no Senator shall occupy more than five minutes in debating a question on this measure. It is now beyond the hour of one o'clock.

The PRESIDING OFFICER. Is it the pleasure of the Senate to come to such an understanding among Senators? The Chair hears no objection, and it is so understood.

Mr. MCPHERSON. Mr. President, I intend to support the amendment of the committee with respect to the fifth section, and I will state my reason for doing so. If I had believed at any time during the progress of this debate that a 3 per cent. bond could not be floated at par without any compulsion whatever, I should have voted for a bond bearing a higher rate of interest. I am not in favor of compelling the national banks or any individuals to take these bonds unless they elect so to do. Right here I wish to enter a prediction that if the Secretary of the Treasury, whoever he may be, gives the opportunity to the public to subscribe to the Treasury notes at a rate of 2½ per cent. they will be subscribed for and taken at par. With respect to the 3 per cent. bonds, which it appears to be the purpose of some members of the Senate to compel the national banks to take as a basis of banking, I have another prediction to make, that unless the national banks make subscription to the 3 per cent. bonds at an early day they will have the opportunity of paying a large premium upon them.

Therefore, when Senators talk about compelling national banks or any individual or corporation to accept and take these bonds as a basis of banking, they are simply making me appear inconsistent with myself, because I certainly have voted for 3 per cent. bonds believing that they will be floated to the public, and that there will be a race for them something like the race we have witnessed in the city of New York at the soup-houses during times of famine.

Mr. BAYARD. I ask five minutes of the time of the Senate on this subject, for I believe the amendment to be so important in its effect as to cause me—I do not know how it may affect the minds of other gentlemen—to doubt whether I ought to vote for the bill at all unless the fifth section which came from the House is stricken out.

In the first place, it is a new departure in our history of legislation to embrace in such a bill this compulsory feature for the enforced deposit of these bonds by the national banks. Up to this time any registered interest-bearing bond of the United States has been allowed to be received as security for circulation; but now it is proposed to say that none but one series of bonds, and those floated at a very problematical rate of interest, shall be, and shall only be, receivable as a basis of circulation. Then what do you do? You at once discriminate between the banks that are and the banks that are to be founded hereafter.

Under the present state of affairs it is the option of the Government, lawfully and honorably to be exercised, to redeem the 5 and 6 per cent. bonds payable on the 1st of May and the 1st of July of the present year. The banks hold them as all other classes of investors hold them; they are liable to have them redeemed in their hands as all other investors are; but you say to them that they shall not supply their fund of bonds deposited for circulation from any other source than the proposed 3 per cent. loan. That is the compulsion. To-day the banks are under taxation which is justly called war taxation, taxation upon deposits, taxation upon circulation. They are drawing upon 5 and 6 per cent. bonds the interest at those rates; they are liable to have those bonds called in, and no complaint can be made by them on that account. But suppose they shall say "we cannot continue profitably the business of banking and the issue of circulation under a deposit of bonds that bring us but 3 per cent.," that is a practical question. If such shall be their decision, and they shall not replace the bonds that you redeem, what follows? That their currency must be curtailed exactly in that proportion, and I here say to Senators that in my judgment you will inflict a shock and a blow upon the business of this country by producing sharp contraction in many quarters that do not desire it. I do not mean to say that the blow will not come at any rate; but if the deposit of bonds necessary to secure circulation be contracted, of course the circulation must be contracted correspondingly, and therefore I say that in making this change it is a very serious one, especially to that class who have been compelled to invest in United States bonds in order to carry on the important business of banking to obtain a circulation upon which the great bulk of the business of this country is conducted. I say that you are running risk enough upon that without adding the vicious, the un-American, the involuntary feature of compelling them either to go into liquidation or subscribe to this new loan at an unprofitable rate.

Why the feature of banking and banking business and circulation was brought into this funding bill I do not comprehend; it is not germane to the bill; it is not a cognate subject, it ought to be considered separately. It is not wise to embarrass the meaning, the objects, the principles of the funding bill by ingrafting upon it this feature of restricted circulation and of enforced subscription to bonds which are to be the basis of circulation.

Mr. THURMAN. Mr. President, I have not occupied two minutes on this bill, and therefore I feel like taking advantage of the opportunity to speak five.

I really cannot comprehend the importance of this amendment offered by the Senator from New Hampshire. It must be my stupidity, of course, for he sees it in a very different light, and my friend from Delaware does, I imagine, from what he has said. In the first place if this fifth section be adopted just as it came from the House, it affects no bank whose circulation is secured by 4 or 4½ per cent. bonds. It can only affect those banks whose circulation is secured by 5 and 6 per cent. bonds.

Mr. BAYARD. They hold $212,000,000.

Mr. THURMAN. Let them hold as many as they please. The argument is that when those bonds are taken up the banks owning them will be prevented from depositing fours and four-and-a-halfs and be compelled to deposit threes. Now practically what is the difference to them if they buy the fours or four-and-a-halfs which we are told by our friend before me who is so well informed on this subject will bring the moment this bill is passed a large premium, or take the three percents at par? How will they get more profit out of a 4 per cent. bond at a premium of 14, 16, or 18, than out of a 3 per cent. at par? I say it would be a mere shadow.

The Senator from New Hampshire has drawn a gloomy picture of these banks withdrawing their circulation, or threatening to withdraw it. Why do they do it? Simply to get the premium on the

bonds that they have deposited. That is the only reason. I have seen that thing done time and again. When the five-twenties were up at 20 per cent. premium and more, I have seen a bank surrender its circulation in order to get the premium on the five-twenties, and then afterward deposit five percents, and when the five percents were up to about twenty it surrendered its circulation again in order to realize the premium on its bonds, and then deposited four-and-a-halfs. That is all there is in this threat. Let them try it; the people of this country will not suffer much if they do try it.

Sir, talk about crippling these banks! Are there not more private banks in this country than there are chartered banks, and do not these private banks make money with no circulation at all? My friend from Tennessee [Mr. BAILEY] says there are two thousand and odd national and four thousand and odd private banks. Do not the private banks, without any circulation, make money? Talk to me about national banks winding up their business voluntarily! They do wind up now and then because they make bad debts, because of improvident management, but they do not wind up on account of any provision in regard to their circulation.

Mr. President, I hope the amendment of the Senator from New Hampshire will not be adopted, and that the fifth section will be retained just as it came from the House.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire, [Mr. BLAIR,] which will be read.

The SECRETARY. After the word "circulation," in line 4 of section 5, it is proposed to insert "issued after that date."

Mr. BLAIR called for the yeas and nays, and they were ordered and taken.

Mr. EDMUNDS. On this question I am paired with the Senator from North Carolina, [Mr. RANSOM.] If he were present, I should vote "yea."

The result was announced—yeas 28, nays 33; as follows:

YEAS—28.

Allison,	Dawes,	Hoar,	Paddock,
Baldwin,	Eaton,	Kernan,	Platt,
Bayard,	Ferry,	Kirkwood,	Randolph,
Blair,	Groome,	Logan,	Rollins,
Burnside,	Hamlin,	McMillan,	Teller,
Cameron of Pa.,	Hampton,	McPherson,	Wallace,
Cameron of Wis.,	Hill of Colorado,	Morrill,	Whyte.

NAYS—33.

Bailey,	Farley,	McDonald,	Vance,
Beck,	Garland,	Maxey,	Vest,
Booth,	Harris,	Morgan,	Voorhees,
Brown,	Hereford,	Pendleton,	Walker,
Butler,	Hill of Georgia,	Plumb,	Williams,
Call,	Ingalls,	Pugh,	Withers.
Cockrell,	Johnston,	Saulsbury,	
Coke,	Jonas,	Slater,	
Davis of Illinois,	Lamar,	Thurman,	

ABSENT—15.

Anthony,	Conkling,	Jones of Florida,	Saunders,
Blaine,	Davis of W. Va.,	Jones of Nevada,	Sharon,
Bruce,	Edmunds,	Kellogg,	Windom.
Carpenter,	Grover,	Ransom,	

So the amendment was rejected.

The PRESIDING OFFICER. The Senator from Iowa reserved a vote upon section 7.

Mr. ALLISON. The next motion is the motion of the Senator from Delaware, [Mr. BAYARD.]

The PRESIDING OFFICER. The Chair understands that the Senator from Delaware moves to strike out section 5.

Mr. BAYARD. That is the amendment of the Finance Committee.

The PRESIDING OFFICER. The motion is to strike out section 5.

Mr. PLUMB. As that embraces several propositions, I repeat the suggestion I made last night that there be a division. I think the vote should be first taken on that part of the section down to the word "provided."

The PRESIDING OFFICER. The Senator from Kansas asks that the question shall be divided and the vote taken first upon striking out that part of section 5 which precedes the word "provided," in line 11. The question will be taken, then, on striking out the first part of the section preceding the word "provided," in line 11.

Mr. BAYARD called for the yeas and nays, and they were ordered.

Mr. COCKRELL. This is a motion of the Senator from Delaware; it is not the amendment proposed by the committee; it is a motion proposed by the Senator from Delaware to strike out this section. Now, can the Senator from Kansas call for a division of that motion?

The PRESIDING OFFICER. The Chair is of opinion that the question can be divided. The yeas and nays are ordered on the motion to strike out that part of the section preceding the word "provided," in line 11.

The yeas and nays were taken.

Mr. EDMUNDS. On this question I am paired with the Senator from North Carolina, [Mr. RANSOM.] If he were present, I should vote "yea."

The result was announced—yeas 29, nays 32; as follows:

YEAS—29.

Allison,	Blair,	Cameron of Wis.,	Groome,
Anthony,	Burnside,	Dawes,	Hamlin,
Baldwin,	Call,	Eaton,	Hampton,
Bayard,	Cameron of Pa.,	Ferry,	Hill of Colorado,
Hoar,	McMillan,	Platt,	Whyte.
Kernan,	McPherson,	Rollins,	
Kirkwood,	Morrill,	Teller,	
Logan,	Paddock,	Wallace,	

NAYS—32.

Bailey,	Farley,	Lamar,	Slater,
Beck,	Garland,	McDonald,	Thurman,
Booth,	Harris,	Maxey,	Vance,
Brown,	Hereford,	Morgan,	Vest,
Butler,	Hill of Georgia,	Pendleton,	Voorhees,
Cockrell,	Ingalls,	Plumb,	Walker,
Coke,	Johnston,	Pugh,	Williams,
Davis of Illinois,	Jonas,	Saulsbury,	Withers.

ABSENT—15.

Blaine,	Davis of W. Va.,	Jones of Nevada,	Saunders,
Bruce,	Edmunds,	Kellogg,	Sharon,
Carpenter,	Grover,	Randolph,	Windom.
Conkling,	Jones of Florida,	Ransom,	

So the motion to strike out was disagreed to.

The PRESIDING OFFICER. The question recurs on the proposition to strike out the residue of section 5, to which the Chair calls the attention of the Senator from Delaware. Does the Senator desire a vote upon that portion of the proposition now?

Mr. BAYARD. The division was made at the suggestion of the Senator from Kansas.

Mr. PLUMB. I do not desire any further division of the question.

The PRESIDING OFFICER. The question is on striking out the latter part of section 5, beginning with the word "provided," on line 11.

The motion to strike out was rejected.

The PRESIDING OFFICER. The next question is upon the amendment added in Committee of the Whole as section 7, which was reserved by the Senator from Iowa.

Mr. ALLISON. By unanimous consent that section was passed over. The object of passing it over was that we might finally vote on the rate of interest; but I think inasmuch as the Senate has now decided to retain section 5, this section 7 might as well go out, except the last clause.

Mr. BAYARD. I move that there be a division of the vote on section 7. The first three lines of section 7 have been made unnecessary by the very decisive vote of the Senate upon section 5. The words that I think are rendered unnecessary are these:

That the bonds authorized by the first section of this act shall be receivable as security for the circulation issued to the national banks.

That has been provided for, I think rather unfortunately but very decisively, by the vote of the Senate.

Mr. KERNAN. Section 5 covers both points of section 7.

Mr. BAYARD. Then the whole of this section is unnecessary.

The PRESIDING OFFICER. The question is on concurrence of the Senate with the action of the Committee of the Whole in inserting section 7.

The amendment was non-concurred in.

Mr. TELLER. Mr. President, as the bill is amended, it seems to me that it is a very dangerous bill. I am in favor of refunding the public debt as rapidly as possible and under the most advantageous terms to the Government; but I do not believe with the fifth section retained that we shall be likely to refund the national debt without creating a great deal of confusion in business circles. I only want to say that as this bill has been thus amended since it came from the committee, or rather as the Senate has refused to concur in the amendments of the committee, I propose to vote against the whole bill.

Mr. BAYARD. On line 18, section 1, I move to insert the words "and one-half" after the word "three;" so that it shall read "shall bear interest at the rate of three and one-half per cent. per annum." On that I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. BUTLER. I am paired with the Senator from Nevada, [Mr. JONES.] I should vote in favor of the amendment if he were here.

The result was announced—yeas 26, nays 37; as follows:

YEAS—26.

Allison,	Cameron of Wis.,	Hill of Colorado,	Paddock,
Anthony,	Davis of Illinois,	Hoar,	Platt,
Baldwin,	Dawes,	Kernan,	Rollins,
Bayard,	Ferry,	Kirkwood,	Whyte,
Blair,	Groome,	Logan,	Windom.
Burnside,	Hamlin,	McMillan,	
Cameron of Pa.	Hampton,	Morrill,	

NAYS—37.

Bailey,	Grover,	Maxey,	Vance,
Beck,	Harris,	Morgan,	Vest,
Booth,	Hereford,	Pendleton,	Voorhees,
Brown,	Hill of Georgia,	Plumb,	Walker,
Call,	Ingalls,	Pugh,	Wallace,
Cockrell,	Johnston,	Saulsbury,	Williams,
Coke,	Jonas,	Saunders,	Withers.
Eaton,	Lamar,	Slater,	
Farley,	McDonald,	Teller,	
Garland,	McPherson,	Thurman,	

ABSENT—13.

Blaine,	Conkling,	Jones of Nevada,	Sharon.
Bruce,	Davis of W. Va.,	Kellogg,	
Butler,	Edmunds,	Randolph,	
Carpenter,	Jones of Florida,	Ransom,	

So the amendment was rejected.

Mr. PLUMB. I now move, in line 10 of section 2, to strike out the word "maturity" and insert the word "redeemability;" so as to read:

And on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of exchange to the time of their redeemability, and the interest for a like period on the bonds or Treasury notes issued.

Mr. EDMUNDS. Under that amendment, the bonds being redeemable at the end of five years if the calling was five years afterward the difference of interest might have to be allowed for the whole time. The "maturity" I think that the bill and the committee have in view, means the time when the bond does mature, and it matures when it is called for.

Mr. PLUMB. But if the Senator will allow me, at line 5 he will find that these bonds are "uncalled," and consequently no date of maturity is fixed.

Mr. BAYARD. I think the maturity of the bond is when it is payable, and by its terms it is redeemable at the option of the Government at a certain date. Therefore the maturity is that which the Government chooses to make the maturity by calling it in and paying it off. I think the Senator will find that the same objection was made by the Senator from Georgia, who thought there might be some obscurity in the phraseology of the bill, and I think on reflection the Senator will see that the word "maturity" has a well-ascertained and defined meaning here. It is that which the term of the bond creates itself and that is the option of the Government by calling it in.

Mr. PLUMB. If any transaction under this section should take place after the first day of next July, what would be the effect of the provision here authorizing the Secretary of the Treasury to pay the interest on the bonds from the date of exchange to the time of their maturity? Would it relate back? If then the transaction is to take place before the first day of next July and these bonds are not called, there is no date of maturity at all, because it is the call that makes the maturity. Of course I do not assume that the Secretary of the Treasury might not construe this as the Senator from Delaware does, but it looks to me to be entirely uncertain, to say the least.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas, [Mr. PLUMB.]

The amendment was rejected.

The PRESIDING OFFICER. Shall the amendments be engrossed and the bill be ordered to a third reading?

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. EDMUNDS. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered and taken.

Mr. EDMUNDS. On this question I am paired with the Senator from North Carolina, [Mr. RANSOM.] If he were present, I should vote "nay."

The result was announced—yeas 43, nays 20; as follows:

YEAS—43.

Bailey,	Farley,	Kernan,	Slater,
Bayard,	Garland,	Lamar,	Thurman,
Beck,	Groome,	McDonald,	Vance,
Booth,	Grover,	McPherson,	Vest,
Brown,	Hampton,	Maxey,	Voorhees,
Butler,	Harris,	Morgan,	Walker,
Call,	Hereford,	Pendleton,	Wallace,
Cockrell,	Hill of Georgia,	Plumb,	Whyte,
Coke,	Ingalls,	Pugh,	Williams,
Davis of Illinois,	Johnston,	Saulsbury,	Withers.
Eaton,	Jonas,	Saunders,	

NAYS—20.

Allison,	Cameron of Wis.,	Hoar,	Paddock,
Anthony,	Dawes,	Kirkwood,	Platt,
Baldwin,	Ferry,	Logan,	Rollins,
Blair,	Hamlin,	McMillan,	Teller,
Burnside,	Hill of Colorado,	Morrill,	Windom.

ABSENT—13.

Blaine,	Conkling,	Jones of Nevada,	Sharon.
Bruce,	Davis of W. Va.,	Kellogg,	
Cameron of Pa.,	Edmunds,	Randolph,	
Carpenter,	Jones of Florida,	Ransom,	

So the bill was passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I report back from the Committee on Appropriations the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes. I am directed to report it back with sundry amendments; and I will say that I do this at the request of the chairman of the committee, who also desired that I should give notice that on Monday or Tuesday he will ask the Senate to consider the bill.

PENSION APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882.

On motion of Mr. BOOTH, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. BOOTH, Mr. WITHERS, and Mr. ALLISON.

HOUSE BILL REFERRED.

The bill (H. R. No. 7103) to constitute Atlanta, Georgia, a port of delivery, was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. ALLISON, Mr. ANTHONY, Mr. BECK, Mr. BURNSIDE, Mr. CAMERON of Wisconsin, Mr. COKE, Mr. FARLEY, Mr. FERRY, Mr. GARLAND, Mr. JOHNSTON, Mr. KERNAN, Mr. McDONALD, Mr. McMILLAN, Mr. PUGH, Mr. ROLLINS, Mr. SAULSBURY, Mr. SLATER, Mr. WALKER, and Mr. WITHERS submitted amendments intended to be proposed by them, respectively, to the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. INGALLS, and Mr. CAMERON of Wisconsin, submitted amendments intended to be proposed by them, respectively, to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which were referred to the Committee on Appropriations and ordered to be printed.

Mr. COKE, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WITHERS. I move that the Senate now proceed to the consideration of the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes.

Mr. JOHNSTON. It will be recollected that when the funding bill was taken up, what is called the cattle bill was the unfinished business and was under consideration. I recognized the importance of the funding bill and yielded to the Senator from Delaware to go on with the funding bill, but there was an understanding that on the completion of the funding bill the cattle bill should be resumed. I think there was an explicit understanding that when the funding bill was completed the cattle bill should be proceeded with. I consider that bill of so very great importance that I wish to urge its consideration on the Senate, and I will ask the Senate to take it up and proceed with its consideration at this time.

Mr. WITHERS. My motion is pending to proceed to the consideration of the District of Columbia appropriation bill. It is not amendable by substituting any other bill for it.

Mr. JOHNSTON. But the other bill was the unfinished business.

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) The Chair will state to the Senator from Virginia furthest from the Chair [Mr. JOHNSTON] that there was some understanding with regard to the cattle bill, but it does not hold its place as unfinished business on the Calendar. The motion of the Senator from Virginia nearest the Chair [Mr. WITHERS] is therefore in order to proceed to the consideration of the appropriation bill named by him.

Mr. JOHNSTON. My understanding was that this bill should take its place immediately after the completion of the funding bill. I certainly understood what occurred in that way.

Mr. WILLIAMS. The cattle bill was under consideration. The Senator from Delaware moved to take the funding bill up, and suggested that by the unanimous consent of the Senate the cattle bill be temporarily laid aside, with the understanding that its consideration should be resumed the moment the funding bill was through, and the Senate so agreed.

The PRESIDING OFFICER. The Chair is informed by the Chief Clerk that there was some general understanding to that effect.

Mr. KIRKWOOD. It appears of record.

The PRESIDING OFFICER. It does not hold its place as unfinished business, but there was some general understanding to that effect. The Chair will therefore lay that bill before the Senate, and then the Senator from Virginia [Mr. WITHERS] can move to lay it aside and proceed to the consideration of the appropriation bill.

Mr. EDMUNDS. The question is on taking it up.

The PRESIDING OFFICER. On taking up the appropriation bill.

Mr. WITHERS. I understand the decision of the Chair to be that the business now before the Senate is the consideration of the bill for the suppression of pleuro-pneumonia.

The PRESIDING OFFICER. By the understanding of the Senate that bill is before the Senate.

Mr. EDMUNDS. I rise to a question of order.

Mr. EATON. If I can get the eye of the Chair for a moment, I think I can settle this question.

Mr. EDMUNDS. I rose to a question of order.

The PRESIDING OFFICER. The Senator from Vermont rises to a question of order, which takes precedence.

Mr. EDMUNDS. I make the point of order that the motion of the Senator from Virginia [Mr. WITHERS] to take up his appropriation bill is in order. I remember with some distinctness what was said about the cattle bill, and I believe that it was the understanding that it should be taken up, but it was stated at the time that those understandings never go upon the Journal, and it did not go upon the Journal as I believe; therefore the motion of the Senator from Virginia [Mr. WITHERS] is in order and is the question before the Senate. I submit with great respect that the Chair has no right to lay before the Senate the cattle bill, although every one of us might vote and ought to vote to take it up when we come to act on the motion of the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Vermont having raised the question of order, the Chair agrees with him that it is not in order as a matter of mere general consent, and in the opposition of any member the cattle bill cannot be laid before the Senate. Therefore the question is on taking up the appropriation bill indicated by the Senator from Virginia.

Mr. KIRKWOOD. One moment, Mr. President. That involves just the solution of the question whether or not an understanding distinctly made and assented to by the Senate shall be carried out. That is all there is of it.

Mr. WITHERS. The Senator shall not put me in the position of endeavoring to prevent the carrying out of an understanding made. I deny that there was such an understanding on my part.

Mr. KIRKWOOD. Then we must consult the RECORD in regard to it.

The PRESIDING OFFICER. The Chair must hold this discussion out of order. It is a matter for the Senate to decide for itself. The question is on the motion of the Senator from Virginia [Mr. WITHERS] to take up the bill indicated by him.

Mr. KIRKWOOD. Before that is decided I wish to have the RECORD read to the Senate to see what was agreed to.

Mr. PADDOCK. I think it ought to be——

The PRESIDING OFFICER. The portion of the RECORD called for by the Senator from Iowa will be read.

Mr. PADDOCK. I was going to suggest that it did not seem to me to be necessary to do that because it ought to be within the memory of every Senator here.

Mr. WILLIAMS. I rise to an explanation. I think there is no trouble on this matter. The Senators from Virginia misunderstand each other. The object of the Senator from Virginia [Mr. JOHNSTON] was merely to take up the cattle bill that it might have its place, and then to waive its present consideration to take up the appropriation bill, and with that understanding the other Senator from Virginia [Mr. WITHERS] has no objection.

Mr. EDMUNDS. I object to such an understanding. I believe it is confusing, troublesome, and mischievous.

Mr. WILLIAMS. You consented to it the other day.

Mr. EDMUNDS. I consented that the cattle bill might be taken up and I am going to vote to take it up against everything because I agreed to do it, whatever harm may come from it; but I do not mean to agree hereafter when I am here to lay anything aside informally to do something else, for it leads to difficulties of this kind continually.

Mr. KIRKWOOD. With the consent of the Senator, I will read what appears of record as to our proceeding. This occurred on February 15, as appears by the RECORD of the 16th:

> The PRESIDING OFFICER. The RECORD shows that the last bill under consideration yesterday was the pleuro-pneumonia bill. The funding bill was not called up and laid before the Senate prior to the adjournment as it should have been in order to make it the unfinished business. The Chair, therefore, decides that the pleuro-pneumonia bill is the unfinished business. If the suggestion of the Senator from Virginia is agreed to by the Senate, the Senator from New Jersey may proceed with his remarks.
>
> Mr. BAYARD. And the funding bill is now before the Senate?
>
> The PRESIDING OFFICER. The funding bill is before the Senate.
>
> Mr. PADDOCK. Do I understand that that leaves the pleuro-pneumonia bill in a situation to be called up at any time?
>
> The PRESIDING OFFICER. No, it leaves the pleuro-pneumonia bill as the unfinished business after the consideration of the funding bill shall have been concluded. The bill (H. R. No. 4592) to facilitate the refunding of the national debt is before the Senate as in Committee of the Whole.

Mr. EDMUNDS. That was perfectly true on that day, and if before the adjournment the cattle bill, as it is called, had been called up it would have been laid before the Senate; but it has been the law of this body ever since I have been here, which is a good while, that pending a bill, on an adjournment unless the bill that is laid aside is taken up it loses its place. Now, I think we are bound to carry out this understanding, and I shall vote to do so; but I want to stand by the regular course of the business and the law of the Senate in making the point I do; that is all.

Mr. HOAR. I now ask unanimous consent that the cattle bill be taken up and laid before the Senate as the pending business.

Mr. PENDLETON. That is right; that is according to the agreement.

Mr. EDMUNDS. I have no objection.

The PRESIDING OFFICER. Is there objection on the part of any Senator to taking up the bill known as the pleuro-pneumonia cattle bill? The Chair hears no objection, and that bill is now before the Senate as in Committee of the Whole.

RIVER AND HARBOR BILL.

Mr. RANSOM. Now, Mr. President, I rise to a formal motion. I ask that House bill No. 7104, the river and harbor bill, be taken from the table, read the second time, and referred to the Committee on Commerce.

Mr. EDMUNDS. That is not a formal motion, Mr. President.

Mr. RANSOM. I thought it was.

Mr. EDMUNDS. There will be considerable question about the reference of that bill; it is so very good now that it may be a question whether we had not better pass it altogether, and I should like to be heard upon that point when the proper time comes.

The PRESIDING OFFICER. The motion cannot now be made.

Mr. WITHERS. I ask that unanimous consent be given to lay aside the pleuro-pneumonia bill temporarily and proceed to the consideration of House bill No. 7035.

Mr. EDMUNDS. I object to that, Mr. President.

The PRESIDING OFFICER. The pleuro-pneumonia bill is before the Senate.

Mr. WITHERS. That being so, I move now that the pending order be postponed for the purpose of taking up the District appropriation bill.

Mr. JOHNSTON. Let the pleuro-pneumonia bill be reported to the Senate by the Clerk by its title.

The PRESIDING OFFICER. The bill before the Senate will be stated.

The CHIEF CLERK. "A bill (S. No. 2097) for the establishment of a bureau of animal industry and for the suppression and prevention of contagious diseases among domestic animals."

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent to take up the District appropriation bill.

Mr. EDMUNDS. I object.

The PRESIDING OFFICER. The Senator from Virginia moves to lay aside the bill now before the Senate in order to proceed to the consideration of the appropriation bill for the District of Columbia.

Mr. EDMUNDS. There is no motion to lay aside.

The PRESIDING OFFICER. To postpone informally.

Mr. EDMUNDS. Nor to postpone informally.

Mr. WITHERS. In order that the point of order may be fully covered, my motion is to postpone until to-morrow the further consideration of the pleuro-pneumonia bill, my purpose being to supplement that, if it shall carry, with a motion to take up the bill making appropriations for the District of Columbia.

Mr. EDMUNDS. Now, I wish to say that as I understand it, and I am sure the RECORD of three or four days will bear me out, it was understood by general consent that after we had disposed of the funding bill we would consider this cattle bill. I wish to stand by that understanding and I shall vote against everything else until we consider it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia to postpone the further consideration of the pending bill until to-morrow.

The motion was agreed to; there being on a division—ayes 30, noes 13.

The PRESIDING OFFICER. The Senator from Virginia moves to take up the appropriation bill indicated by him.

The motion was agreed to.

Mr. EATON. I have been trying for a long time to see if I could not settle the question by making another original motion. There is very important business in executive session, business perhaps that I ought not to speak of in an open session, important to the honor of more than one country. We are approaching the close of the session, and that business ought to be taken up. As the chairman of the committee having that matter in charge, I feel bound to-day to ask that the Senate go into executive session now for the purpose of considering a very important public matter.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Senate do now proceed to the consideration of executive business.

The motion was not agreed to.

Mr. WITHERS. I move that the formal reading of the appropriation bill be dispensed with, and that it be now read for amendment, and that amendments of the Committee on Appropriations be acted on as they are reached in order in the reading of the bill.

The PRESIDING OFFICER. In the absence of objection, that course will be pursued.

Mr. RANSOM. I would like now to renew the motion I made that the river and harbor bill be taken from the table for the purpose of being read the second time and referred to the Committee on Commerce.

The PRESIDING OFFICER. The Chair will lay before the Senate the bill indicated by the Senator from North Carolina.

Mr. EDMUNDS. I do not object to its being laid before the Senate by unanimous consent for discussion and motions; but I respectfully submit that the Chair has no more right to lay that bill before the Senate than any other. It was read the first time yesterday and

came over therefore on the Calendar with everything else to this day, to have its second reading moved, and then the question of reference; but I do not object on this present occasion to the bill being laid before the Senate, not displacing the appropriation bill. I merely make this remark in order that it shall not be drawn into a precedent.

The PRESIDING OFFICER. Does the Senator object to its being read the second time?

Mr. EDMUNDS. I object to its being read the second time. That is a question for discussion. I do not object to the Chair laying the bill before the Senate by general consent.

Mr. RANSOM. I move the second reading of the bill.

Mr. HOAR. I object. I desire to say to the Senator from North Carolina that my objection grows out of the fact that the Senator from Vermont indicates that he means to debate the question, and therefore it is simply laying aside the appropriation bill, which the Senate has just decided to consider, for a long time. If it did not interfere with this bill I should not object. I suppose the Senator from North Carolina did not understand the Senator from Vermont.

Mr. RANSOM. The Senator from Massachusetts will pardon me. I did understand the Senator from Vermont; but I understood the Senator from Vermont as simply insisting that I should conform to the rules of the Senate in making this motion; and now I desire a vote on whether the bill shall be referred to the Committee on Commerce.

Mr. HOAR. I will withdraw my objection, and let the Senator from Vermont take his own course.

The CHIEF CLERK. "A bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes."

The PRESIDING OFFICER. The question is on the reference that is proposed.

Mr. EDMUNDS. I should be glad to know by what rule the Chair can direct a bill to be read a second time without putting the question. I wish to vote against the second reading of this bill.

The PRESIDING OFFICER. The Chair did not understand the Senator from Vermont. The Chair will put the question. The question is, Shall this bill be read a second time?

The bill was ordered to a second reading.

The PRESIDING OFFICER. The bill will be read the second time.

The Chief Clerk read the bill the second time by its title.

Mr. EDMUNDS. Now I understand the Senator from North Carolina to move that it be referred to the Committee on Commerce.

Mr. RANSOM. Yes, sir.

Mr. EDMUNDS. I move to add to that an instruction that the Committee on Commerce be directed to reduce the aggregate of the appropriations to a sum not exceeding $7,000,000.

Mr. HOAR. By what authority can the Senator from Vermont move to amend a motion which has not yet been either made or stated by the Chair?

Mr. EDMUNDS. I understood the Senator from North Carolina to make the motion to refer.

Mr. RANSOM. I had not actually made that motion. The Senator only anticipated me. Let us vote upon the reference.

Mr. HEREFORD. Upon a motion to refer a bill which has been read the second time, to a certain committee, is it in order to instruct the committee what they shall do upon that bill?

The PRESIDING OFFICER. The Chair is of opinion that the Senate can instruct its committees in regard to any matter it may refer to them for inquiry.

Mr. HOAR. Will the Chair state the question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont by way of instructions to the motion of the Senator from North Carolina to refer the bill to the Committee on Commerce.

Mr. EDMUNDS. Let the instructions that I move be reported from the desk.

The Secretary read as follows:

With instructions to reduce the aggregate of appropriations to a sum not exceeding $7,000,000.

The PRESIDING OFFICER. The question is on this amendment proposed by the Senator from Vermont.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from North Carolina to refer the bill to the Committee on Commerce.

The motion was agreed to.

Mr. RANSOM. I move that the Committee on Commerce be permitted to sit during the sessions of the Senate.

The motion was agreed to.

DISTRICT APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes.

Mr. WITHERS. Before the Senate proceeds to consider the amendments reported by the Committee on Appropriations, I wish to make a few general remarks in regard to the provisions of this bill.

The amount of the estimates for the fiscal year ending June 30, 1882, for the expenses of the government of the District of Columbia is	$3,352,000 00
The amount contained in the House bill as passed by that body is	3,417,334 44
The Senate Committee on Appropriations have reduced the amount of the House bill by	9,877 00
The bill, therefore, as reported to the Senate makes an appropriation of	3,407,457 44
The amount appropriated by the act of last year for the current fiscal year was	3,425,997 38
The bill as reported therefore exceeds the estimates by	65,457 44
And is in excess of the appropriation for 1881 by	18,539 94
The amount to be paid by the United States under the bill as reported is one-half of the whole sum	1,703,728 72

In order to avoid the necessity of interrupting the reading of the bill I will state the different items of increase and reduction in this bill as reported to this body. The increases and reductions made by the Senate Committee on Appropriations upon the House bill are in the following items:

DISTRICT OF COLUMBIA BILL.

Statement showing changes made in House bill by Senate committee.

Object.	Increase.	Reduction.
Dredging James Creek Canal	$5,000	
Washington Asylum, support	4,180	
Washington new workhouse	1,000	
Washington almshouse	700	
Insane at Government Hospital for Insane		$40,000
Maintaining jail in the District of Columbia		49,190
Relief of the poor	5,000	
Special assessment division	4,300	
Treasurer and assessor's office	22,000	
Collector's office, (increase)	1,500	
Restoration salary of coroner	390	
Inspector of plumbing	1,500	
Clerk in office of division of property	200	
Repairs of streets, avenues, and alleys	5,000	
Repairs to county roads	15,000	
Erection of street and alley lamps	500	
Repairs to the Georgetown market	3,000	
Removal bodies from Holmead Cemetery	1,000	
One food inspector	1,200	
To pay judgments against District of Columbia	3,933	
Erection of one school building	4,000	
Total	79,313	89,190
		79,313
Net reduction made by committee		9,877

I ask that the bill be now read and I will explain any amendment about which explanation may be desired as it shall be reached in the reading of the bill.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, in line 21, to increase the appropriation for "dredging James Creek Canal" from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 27, to increase the total amount of the appropriations "for improvements and repairs" from $457,000 to $462,000.

The amendment was agreed to.

The next amendment was, before the word "bridges," in line 31, to insert the word "other;" so as to read:

For ordinary care of Benning's, Anacostia, and Chain Bridges, $2,000; for maintenance and repair of other bridges, $500.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Washington Asylum," in line 46, after the word "at," to strike out "one hundred and eighty" and insert "two hundred and forty;" so as to read "three watchmen, at $240 each."

The amendment was agreed to.

The next amendment was, in line 53, after the word "thirty," to insert "four;" so as to read:

And for contingent expenses, including improvements, repairs, provisions, fuel, forage, lumber, shoes, clothing, hardware, dry-goods, medicines, and miscellaneous items, $34,000.

The amendment was agreed to.

The next amendment was to increase the total amount of the appropriations for the "Washington Asylum" from $40,760 to $44,820.

The amendment was agreed to.

The next amendment was, in line 59, before the word "thousand," to strike out "three" and insert "four;" so as to read:

For the new workhouse at the Washington Asylum, namely: For iron bunks, concrete floors, connections with furnaces, gas-fixtures, drying-rooms, and steam heating-apparatus, $4,500.

The amendment was agreed to.

The next amendment was, in line 62, to increase the appropriation

"for the almshouse at Washington Asylum, namely: For steam heating-apparatus, drying-room, and gas-fixtures," from $3,000 to $3,700.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 62, to strike out:

Provided, That the commissioners of the District of Columbia shall give reasonable public notice of the letting of the contract for the work and materials to be provided for in the two preceding paragraphs, and shall let the contract to the lowest responsible bidder.

The amendment was agreed to.

The next amendment was, in line 72, after the word "sections," to strike out "4843;" and in line 74, before the word "thousand," to strike out "eighty" and insert "forty;" so as to make the clause read:

For support of the indigent insane of the the District of Columbia in the Government Hospital for the Insane, in said District, as provided in sections 4844 and 4850 of the Revised Statutes, $40,000.

The amendment was agreed to.

The next amendment was, in line 112, after the word "of," to strike out "workshop" and insert "workshops, purchase of machinery, and for improvements;" so as to read:

And the board of trustees of said Reform School are hereby authorized to use the balance of the fund due them from the trustees of Jay Cooke & Co. for the erection of workshops, purchase of machinery, and for improvements for said school.

The amendment was agreed to.

The next amendment was to strike out lines 114 to 122, in these words:

For maintaining the jail: For one warden, $1,800; one physician, $1,000; deputy warden, $1,100; three guards, at $1,000 each; fifteen guards, at $900 each; one engineer, at $1,000; one assistant engineer, at $900; four firemen, at $800 each; one messenger, $700; two cooks, at $420 each; in all, $27,040.

The amendment was agreed to.

The next amendment was to strike out lines 123 to 135, in these words:

For subsistence, $13,800; fuel and lights, $3,000; beds, bedding, and clothing, $2,500; medicines, medical stores, delicacies for the sick, and disinfectants, $500; stationery, blank books, and blanks, $150; forage for horse and cows, and repairs to wagon and harness, $500; furniture, hardware and tinware, cooking utensils, dishes, night-tubs, and cell-buckets, $1,000; preparing for execution, $200; ice, soap, and sal-soda, $200; miscellaneous articles, $300; in all, $22,150: *Provided*, That.

The amendment was agreed to.

The next amendment was, in line 135, before the word "hereafter," to insert "and;" in line 136, after the word "School," to strike out "jail and insane asylum;" in line 138, after the word "Columbia," to strike out "*And provided further*, That hereafter the officers of each of the institutions appropriated for in part out of the revenues of the District" and insert "which;" in line 141, after the word "embrace," to strike out "in their respective reports;" after the word "garden," in line 144, to strike out the word "and;" in line 145, after the word "field," to insert "and other;" and in the same line, after the word "produced," to strike out "at each of said institutions;" so as to make the clause read:

And hereafter the officers of the Reform School shall at the end of each fiscal year make a report to the commissioners of the District of Columbia, which shall embrace a full and complete inventory of all the personal property in detail, the number of employés, and number of days each is employed during the year and price paid each, and the amount of garden, field, and other products produced, together with the disposition made of said personal property, products, &c.

The amendment was agreed to.

The next amendment was, in line 149, before the word "thousand," to strike out "ten" and insert "fifteen;" and after the word "dollars," in line 150, to insert "and the compensation of the physicians to the poor shall be at the rate of not exceeding $50 per month each;" so as to make the clause read:

For the relief of the poor, $15,000; and the compensation of the physicians to the poor shall be at the rate of not exceeding $50 per month each.

The next amendment was, after the word "dollars," in line 197, to insert:

And hereafter the engineer commissioner shall be entitled to receive such compensation, in addition to his Army pay and allowances, as will make his compensation equal to $5,000 per annum, and a sum sufficient to pay said additional compensation is hereby appropriated.

The amendment was agreed to.

The next amendment was to strike out lines 215 to 235, in the following words:

The office of treasurer of the District of Columbia is hereby abolished from and after the 30th day of June, 1881, and the collecter of taxes for said District shall, from and after that date, collect all revenues of the District and deposit the amounts collected daily with the Treasurer of the United States.

The duplicate of assessment for the fiscal year 1882, and annually thereafter, shall be prepared by the assessor before the 1st day of November of each year, and upon the completion thereof shall be delivered to the collector, who shall receipt in duplicate for the total amount of taxes shown by said assessment. The original receipt shall be forwarded to the First Comptroller of the Treasury, and the duplicate to the auditor and comptroller of the District of Columbia. All tax bills shall be made up by the collector of taxes, and he shall be held responsible under his bond for all taxes, except such as he may not be able to collect after fully complying with the requirements of law; and there is hereby appropriated the sum of $18,000 for defraying the expenses of said assessor's office.

The amendment was agreed to.

The next amendment was, after line 235, to insert:

For special-assessment division: For one clerk, $1,800; one clerk, $1,400; one clerk, $1,000; for contingent expenses, including stationery and miscellaneous items, $100; in all, $4,300.

The amendment was agreed to.

The next amendment was, after line 241, to insert:

For treasurer and assessor's office: For one treasurer and assessor, $3,000; one assistant assessor, $1,800; one clerk, $1,600; two clerks, at $1,400 each; six clerks, at $1,200 each; one clerk, $900; one inspector of licenses, $1,200; one assistant, $900; one messenger, $600; contingent expenses, including printing, books, stationery, car-fare, detection of frauds in the revenue, and miscellaneous items, $2,000; in all, $22,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 255, to strike out "for necessary expenses of said office, $6,000; in all, $10,000," and insert:

One clerk, $1,800; one clerk, $1,400; one clerk, $1,200; one messenger, $600; for contingent expenses, including temporary clerks, printing books, stationery, car-fare, and miscellaneous items, $2,500; in all, $11,500.

So as to make the clause read:

For collector's office: For one collector, $4,000; one clerk, $1,800; one clerk, $1,400; one clerk, $1,200; one messenger, $600; for contingent expenses, including temporary clerks, printing, books, stationery, car-fare, and miscellaneous items, $2,500; in all, $11,500.

The amendment was agreed to.

The next amendment was, before the word "hundred," in line 269, to strike out "five" and insert "eight;" after the word "dollars," in the same line, to strike out "to pay jurors, $600;" in line 270, after the word "including," to insert "jurors' fees;" in line 272, after the word "inquests," to strike out "one" and insert "seven;" and in line 273, before the word "hundred," to strike out "two" and insert "five;" so as to make the clause read:

For coroner's office: For one coroner, $1,800; for contingent expenses, including jurors' fees, stationery, books, blanks, removal of deceased persons, making autopsies, and holding inquests, $700; in all, $2,500.

The amendment was agreed to.

The next amendment was, in the appropriations "for inspector of buildings' office," in line 289, after the word "dollars," to insert "one inspector of plumbing, $1,500."

The amendment was agreed to.

The next amendment was, in line 293, to increase the total amount of the appropriation "for inspector of buildings' office" from $6,080 to $7,580.

The amendment was agreed to.

The next amendment was, in the appropriations "for division of property office," in line 297, to increase the appropriation for one clerk from $1,200 to $1,400.

The amendment was agreed to.

The next amendment was, in line 307, to increase the total amount of the appropriation "for division of property office" from $11,115 to $11,315.

The amendment was agreed to.

The next amendment was, in line 351, after the word "twenty," to insert "five;" in line 352, after the word "roads," to strike out "ten" and insert "twenty-five;" in line 354, after the word "all," to strike out "eighty-six" and insert "one hundred and six;" so as to read:

For sweeping, cleaning, and sprinkling streets and avenues, $30,000; cleaning alleys, $6,500; for current work of repairs of streets, avenues, and alleys, $25,000; current repairs to county roads, $25,000; cleaning and repairing lateral sewers and basins, $20,000; in all, $106,500.

The amendment was agreed to.

The next amendment was, in line 370, after the word "extinguishing," to insert "lamps on streets and alleys;" in line 372, after the word "of," to strike out "street lamps, five hundred" and insert "lamps, one thousand;" and in line 376, after the word "and," to strike out "ten thousand eight" and insert "eleven thousand three;" so as to make the clause read:

For street lamps: For illuminating material and lighting and extinguishing lamps on streets and alleys, $103,325; erection of lamps, $1,000; one superintendent, $900; repairs to pumps, $3,000; cleaning tidal sewer, $3,000; in all, $111,325.

The amendment was agreed to.

The next amendment was, in line 452, after the word "including," to insert "compensation of a justice of the peace acting as judge of the police court during the absence of said judge, not exceeding $300;" so as to make the clause read:

For the police court, as follows: One judge, $3,000; one clerk, $2,000; one deputy clerk, $1,000; two bailiffs, at $3 per day each; one messenger, $900; one doorkeeper, $540; United States marshal's fees, $2,500; contingent expenses, including compensation of a justice of the peace acting as judge of the police court during the absence of said judge, not exceeding $300; books, stationery, fuel, ice, gas, witness fees, and miscellaneous items, $2,500; in all, $14,318.

The amendment was agreed to.

The next amendment was, in line 534, after the words "completion of," to strike out "three" and insert "four;" in line 536, after the word "and," to strike out "one" and insert "two;" in line 537, before the word "thousand," to insert "and four;" and in line 543, before the word "thousand," to strike out "four" and insert "eight;" so as to make the clause read:

For buildings for schools: For the purchase of sites, when necessary, and the erection and completion of four buildings for primary and intermediate schools, two to be erected in the second school division and two in the sixth school division (county,) $104,000, provided that they shall be contracted for before the 1st day of September next, and finished before the 1st day of August, 1882, to be appropriated as follows, namely: For the second school division, $96,000; for the sixth school division, (county,) $8,000.

The amendment was agreed to.

The next amendment was, in line 551, after the words "four hundred and forty-six," to strike out "commencing at the rear end of that

part of said square heretofore devoted to school purposes, two hundred feet in width, thence south same width to O street," and to insert "lying north of the alley and wagon-stand in rear of the market-sheds;" so as to make the clause read:

For the payment of the Washington school-fund bonds now held by the commissioners of the District of Columbia, $70,630.47; and said commissioners are hereby authorized and directed to cancel and destroy said bonds and to use said appropriation in the erection and completion of a high-school building. Said building shall be located on that part of square numbered 446 lying north of the alley and wagon-stand in rear of the market-sheds in Washington City.

The amendment was agreed to.

The next amendment was, in line 560, after the word "the," to strike out "Architect of the Capitol" and insert "commissioners of the District;" so as to read:

And provided, That the plans and specifications for each of said school-buildings shall be furnished by the commissioners of the District and approved by the board of school trustees, and the work shall be superintended by the District inspector of buildings.

The amendment was agreed to.

The next amendment was, after line 568, to insert:

For repairs to the Georgetown market-house, $3,000.

The amendment was agreed to.

The next amendment was, after line 577, to insert:

For removal of bodies from Holmead's cemetery, (when requested by the relatives,) $1,000.

The amendment was agreed to.

The next amendment was, after the word "each," in line 582, to strike out "one food inspector" and insert "two food inspectors;" and in line 584, after the word "dollars," to insert "each;" so as to make the clause read:

For one health officer, $3,000; six sanitary inspectors, at $1,200 each; two food inspectors, $1,200 each.

The amendment was agreed to.

The next amendment was, in line 593, to increase the total amount of the appropriation for the health department from $40,440 to $41,140.

The amendment was agreed to.

The next amendment was, after the word "Columbia," in line 595, to strike out "eleven thousand and sixty-seven" and insert "fifteen thousand;" and after the word "dollars," in line 596, to insert "to be immediately available;" so as to make the clause read:

To pay judgments against the District of Columbia, fifteen thousand dollars, to be immediately available.

The amendment was agreed to.

The next amendment was, after the word "aforesaid," in line 618, to insert "with the approval of the Secretary of the Treasury;" so as to read:

And provided further, That hereafter the said Treasurer, as *ex officio* sinking-fund commissioner as aforesaid, with the approval of the Secretary of the Treasury, is hereby authorized and empowered to purchase any of the funded indebtedness of said District of Columbia for the sinking fund authorized to be created for the redemption and payment of the indebtedness of said District of Columbia as in his opinion may be for the best interests of said District of Columbia.

The amendment was agreed to.

The next amendment was, in line 629, after the word "for," to strike out "fifteen" and insert "including not exceeding $5,000 for pay of temporary employés, twenty;" so as to read:

For general contingent expenses of the District of Columbia not otherwise sufficiently provided for, including not exceeding $5,000 for pay of temporary employés, $20,000.

The amendment was agreed to.

Mr. WITHERS. There is a typographical error in line 634 which should be corrected. The words "jail and," before "water department," should be stricken out, so as to read, "estimates of the expense of the water department."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to insert, as section 2, the following:

SEC. 2. That all moneys appropriated by this act, together with all revenues of the District of Columbia from taxes or otherwise, shall be deposited in the Treasury of the United States as required by the provisions of section 4 of an act approved June 11, 1878, and shall be drawn therefrom only on requisition of the commissioners of the District of Columbia, (except that the moneys appropriated for interest and the sinking fund shall be drawn therefrom only on the requisition of the Treasurer of the United States,) such requisition specifying the appropriation upon which the same is drawn; and in no case shall such appropriation be exceeded either in requisition or expenditure; and the accounts for all disbursements of the commissioners of said District shall be made monthly to the accounting officers of the Treasury by the auditor of the District of Columbia, on vouchers certified by the commissioners, as now required by law: *Provided*, That said commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during said fiscal year than they make on the appropriations arising from the revenues of said District, including all general taxes paid in drawback certificates as required by the third section of the act approved June 27, 1879, entitled "An act fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes."

The amendment was agreed to.

The next amendment was to insert as section 3 the following:

SEC. 3. That the commissioners of the District of Columbia be, and they are hereby, authorized and empowered to sell to the highest bidder, at public auction, the following-named property belonging to the said District of Columbia in Washington City: Lot 3, square 382; part of lot 3, square 490; and also the following-named property in the city of Georgetown belonging to said District: Fish-wharf on square 6; part of lots 47, 48, and 49 in square 30; and part of lot 245 in square 99: *Provided*, That if, in the opinion of said commissioners, the highest bid made at said sale for any or all of said lots is not a full and fair price for the same, the said commissioners shall have the right to reject such bid or bids and annul said sale or sales; and that the proceeds of the sale of the said lots situate in Washington shall be applied to the erection and furnishing of two new police station-houses in Washington; and the proceeds of the sale of the said lots situate in Georgetown, or so much thereof as may be necessary, shall be applied to the purchase of a lot and the erection and furnishing of a new engine-house for engine company No. 5 of the District of Columbia fire department, at present located in said city of Georgetown.

Mr. MCMILLAN. I should like to know from the Senator having this bill in charge the grounds upon which this provision for the sale of property in Washington City is incorporated in the bill. It involves no appropriation, I think.

Mr. WITHERS. It was an amendment moved by the Committee on the District of Columbia, and referred to the Appropriations Committee, the object being to dispose of certain portions of property in the city which are not now occupied, not taxed, and are the source of no revenue. The proposition receives the approval of the Commissioner of Public Buildings and Grounds, as also of the commissioners of the District of Columbia. The money received from the sale is designed to be appropriated, as the provisions of the section prescribe, in the erection of public buildings and an engine-house.

Mr. MCMILLAN. This matter was before the Committee on the District of Columbia, of which I have the honor to be a member, and at the time of its consideration it did not meet my approval.

Mr. ROLLINS. If the Senator from Minnesota will allow me a moment, I will say that this matter was before the Committee on the District of Columbia and at the request of the committee I visited personally all the lots that it is proposed to sell, and I am satisfied that the best interests of the District of Columbia would be complied with if they were sold. I have a statement here which is very brief and I will read it if any Senator desires further information with reference to it.

Mr. MCMILLAN. I shall be glad to hear a statement of the description and location of the lots.

Mr. ROLLINS. I will give that for I have it all before me.

The first is lot 3, square 382, the central guard-house, situated between Ninth and Tenth streets on Louisiana avenue, just below the Centre Market. It has a front of 57 feet 9 inches on Louisiana avenue and 58 feet on B street. This property is assessed at $25,591. The house is in a dilapidated condition, and it cannot be used for what it was intended, being temporarily occupied as a night lodging-house. It yields no revenue to the city. I will say for the information of the Senate that on each side of this building are good, substantial brick houses, in which a large business is transacted. This property could now be sold at from $25,000 to $30,000; it yields nothing to the District to-day, and the District would then be receiving a revenue to be derived from taxation. I wish so say further that if that building is disposed of it is the purpose to erect a suitable station-house in that part of the city. If any Senator will visit the present station-house, located in that section of the city where it is proposed to build a new one, I think he will come back to this Chamber and vote with great alacrity for the sale of this property, if for no other purpose than to secure a decent and respectable station-house for the use of the city.

The next is part of lot 3, square 490, city spring, on the north side of C street northwest, near Four-and-a-half street. This is a very small lot fronting 37 feet 4 inches on C street, by a depth of 150 feet, and is assessed at $4,913. The spring was cut off by sewers several years ago, and the lot has been filled up. It brings no revenue, is not even taxable, and the District has no use for it. It is a small lot and really can be of no service to the city in its present condition, and it should be sold.

Lots 28 and 29, square 6, are in Georgetown, the fish-wharf, at the corner of Potomac and Water streets. They front seventy-seven and one-half feet on the Potomac River, are assessed at $1,800, and bring a mere nominal rent, less than $100. It is of no value to hold this property, as the cost of repairs exceeds the revenue from it.

Part of lot 47, square 30, is the Georgetown town-house, on the south side of Bridge street, near High street. It fronts forty-seven and one-half feet on Bridge street, and has a depth of ninety feet. It is assessed for the ground at $1,744, and for the house $3,000, making $4,744. This is an old building, in a very dilapidated condition, totally unfit for use, and of no service whatever to the District. The grade of the street has been changed in front of it so that it is practically of no earthly account in its present condition, and there can be no question about the propriety of the sale.

It is proposed also to sell part of lot 48, square 30, the engine-house, which is located nearly in the same section of Georgetown, on the west side of High street, south of Bridge street, fronting sixty-eight feet on High street and has a depth of eighty feet. The ground is assessed at $1,360, and the house at $500, making $1,860. The object in making the sale of these two pieces of property is that the engine-house may be located upon higher ground. The present location of the engine-house in Georgetown is upon the low ground, so that whenever there is an alarm of fire it is almost invariably necessary to make the horses start with the engine on an up grade. It is very desirable that the engine-house should be located on a higher grade, so that when there is an alarm of fire they may start upon a down grade. To the sale of the property that is proposed in the city of Georgetown there can certainly be no objection.

There is another small lot, the Georgetown city spring, part of lot 245, square 99. The spring dried up forty years ago. It was dedicated in Theo. Beall's second addition in 1875, and is located in Orchard alley. The ground is valued or assessed at $41.

I have made a very careful examination of these lots, and I am satisfied that the amendment proposed by the Committee on Appropriations should be adopted.

Mr. HARRIS. The property proposed to be sold is of no use to the government of the District of Columbia. It is not a source of revenue; while the buildings proposed to be erected with the proceeds of the sales of this property are designed to supply the place of buildings the District has to pay rent for year by rear. It is recommended by the commissioners, and is obviously necessary and proper, that these lots should be sold and the proceeds appropriated to the construction of these engine-houses and guard-houses that are absolutely necessary, objects for which we are paying rent day by day every year.

There can certainly be no objection to the amendment recommended by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to insert as a new section:

SEC. 4. That the Chief of Engineers, United States Army, in charge of public buildings and grounds in the District of Columbia, be, and is hereby, authorized to sell and convey, by good and sufficient deed, to each of the owners of lot 1, square 184; lot 5, square 185; lots 5, 6, and 7, square 198; lot 12, square 199, in the city of Washington, District of Columbia, such portion of the ground immediately adjoining the front of said lots, or either of them, as will make the angles at the four corners of Sixteenth and K Streets, northwest, right angles, upon payment into the Treasury of the United States by said owners, or each of them, of an amount for the number of feet in each lot so to be conveyed at the rate the same may be appraised by three disinterested freeholders resident of the city of Washington, to be selected and sworn to said Chief of Engineers impartially to appraise said real estate at the true value thereof in money; and upon said sale the owners of said lots, respectively, shall pay into the Treasury of the United States, for the erection of a high-school building in the city of Washington, one-third of said purchase-money, and the remainder thereof, with interest, in one year from the date of sale. No conveyance shall be made until all the purchase-money is paid: *Provided*, That said Chief of Engineers shall not sell or convey one portion or any part of said real estate unless all the same is sold and conveyed.

Mr. HARRIS. I call the attention of the Senator from Virginia in charge of the bill to line 17. The first word "to" should be changed to "by;" so as to read "to be selected and sworn by said Chief of Engineers."

Mr. WITHERS. That is right. We all agree to that correction.

Mr. HARRIS. It is evidently a clerical error.

The PRESIDING OFFICER. That correction will be made. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 5. That section 7 of the act entitled "An act to incorporate the joint stock company of the Young Men's Christian Association of Washington," approved March 2, 1867, which reads, "That the buildings and grounds, the rents and revenues of the same, and the stock issued to erect such buildings shall be forever exempt from taxation," is hereby repealed.

The amendment was agreed to.

The PRESIDING OFFICER. The amendments of the Committee on Appropriations have now been gone through with.

Mr. HARRIS. From line 635 to line 638, inclusive, I move to strike out the following proviso:

And provided further, That the annual estimates of the District of Columbia shall be transmitted to Congress with the regular annual estimates for expenses of the Government by the Secretary of the Treasury.

The organic act of 1878 provides that the commissioners of the District shall make their estimates for the expenses of the government of the District of Columbia; they shall be submitted to the Secretary of the Treasury; he shall approve or disapprove, and return the estimates with his approval or disapproval to the commissioners. This provision is intended to modify that act so as to make it the duty of the Secretary of the Treasury to send the estimates direct to Congress. If so, the commissioners will have no official information; there will be no record in the office of the commissioners containing the action of the Secretary of the Treasury. It is proper that they should have the record not only of their own action in making the estimate but of the action of the Secretary of the Treasury in respect to those estimates, before the estimates are returned to Congress.

Under the law as it now stands the Secretary of the Treasury approves or disapproves the estimates of the commissioners of the District, returns them to the office of the commissioners, the commissioners note the action of the Secretary of the Treasury, and under the provisions of the act of 1878, forward the estimates with the action of the Secretary of the Treasury to Congress and Congress sits in judgment upon the disagreement, if there be a disagreement, between the commissioners and the Secretary of the Treasury.

The act of 1878 was very carefully considered in this respect, and I see no reason why it should be modified by this provision of the bill while I see many reasons why the clause should be stricken out. I therefore ask that the proviso be stricken out.

Mr. BECK. Why would it not do as well to add to it? The proviso reads:

That the annual estimates of the District of Columbia shall be transmitted to Congress with the regular annual estimate for expenses of the Government by the Secretary of the Treasury.

So far it seems to be all well, because the committees of Congress can at once act, under the distinct authority or direction given to the Secretary, upon the estimates in the preparations of bills.

I suggest to add after the words "Secretary of the Treasury," in line 638, "and he shall also furnish a copy of his action to the commissioners of the District;" so that they can have it as well, and present to the committees of Congress any objection they may find to whatever action the Secretary may have taken. I think the committees of Congress ought to have promptly on the first day of a session what the Secretary of the Treasury recommends, and that we ought not to be compelled to await the action of the commissioners of the District nor deal with them, because I know of no way in which we could compel them to act, and they might withhold the estimates a considerable time.

Mr. HARRIS. If the Senator from Kentucky will allow me, I have no objection to a substitute for this provision which shall require the commissioners of the District of Columbia to transmit the estimates to Congress at the beginning of each session of Congress or on any named day; but the point I make is that the Secretary of the Treasury should, when he has approved or disapproved the estimates of the commissioners of the District of Columbia, return those estimates with his action in respect to them to the office of the commissioners, so that the commissioners may with such reasons as they see proper submit to Congress any answer and any disagreement between the views of the Secretary of the Treasury and the views that they entertain, submitting with those estimates whatever opinions and reasons they have for their disagreement with the action of the Secretary of the Treasury.

The commissioners should have the action of the Secretary before them, and should transmit his action, with whatever reason they have for disagreeing to his recommendations, to Congress. I have no objection to fixing any day the Senator from Kentucky or the Committee on Appropriations may deem right and proper that those estimates shall be transmitted to Congress; but let them be transmitted by the commissioners.

Mr. BECK. We receive our official communications from the Secretary of the Treasury, and when the commissioners send their estimates to the Secretary and he revises them and changes them we ought promptly to have the benefit of his recommendations. He might be required at the same time to send back to the commissioners what he recommends, and they could also be required to send to us what they think ought to be done; and then having from the Secretary of the Treasury his views and having from the commissioners their views, the committees of Congress and Congress itself would be better able to consider which was right and which was wrong. But if we are not to have the action of the Secretary transmitted to us and his action is to go back to the commissioners and then they are to send us their views, modified or not modified as they see fit, we, it seems to me, would be deprived of the information we need and the views of the Secretary of the Treasury, when we might as well have both, and ought to have both, so that Congress may determine which was right and which was wrong.

Mr. HARRIS. If the Senator from Kentucky will allow me, I think I can suggest an amendment that will meet his views. Instead of moving to strike out the whole proviso I modify my motion, and after the word "Congress," in line 637, I propose to strike out the word "with" and insert the words "by the commissioners of the District of Columbia at the same time that," and after "Government" to insert the words "are submitted;" so as to read:

That the annual estimates of the District of Columbia shall be transmitted to Congress by the commissioners of the District of Columbia at the same time that the regular annual estimates for expenses of the Government are submitted by the Secretary of the Treasury.

Mr. BECK. That does not quite meet my view, because I desire to have the Secretary's estimate for the District of Columbia transmitted by him.

Mr. HARRIS. I beg to suggest to the Senator from Kentucky that under the organic act of 1878 the commissioners could not transmit their estimates to Congress until they had had the action of the Secretary of the Treasury upon them.

Mr. BECK. If the commissioners will give us the views of the Secretary and their own views as well, so that we shall have both before us, any amendment that does that will meet my view.

Mr. WITHERS. I suggest that the whole procedure is prescribed by the statute which I hold in my hand. I read at page 104 of the Statutes, from the act of 1878:

The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him, and delivered, together with the estimates as originally submitted, to the commissioners of the District of Columbia, who shall transmit the same to Congress.

Therefore, the amendment suggested by the Senator from Tennessee is in exact accordance, as I think, with the provisions of the general law on the subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. HARRIS. In line 395, in the appropriations for the Metro-

politan police, after the word "dollars," I move to insert "one clerk, $1,000."

Mr. WITHERS. I will only say with regard to the amendment now proposed that it was submitted to the Committee on Appropriations, but it not having been estimated for, the committee did not recommend its incorporation in the bill.

Mr. HARRIS. The Senator from Virginia is right; it was not estimated for; and the reason why it was not estimated for was because the commissioner who has specially in charge the police department happened to be ill at the time of making the estimates, and though the additional clerk was regarded and recognized by the commissioners as absolutely necessary, it was not estimated for; but the commissioners deem it absolutely necessary and recommend the amendment that I suggest; and in deference to their assurance that it is necessary, I offer the amendment.

Mr. WITHERS. Not having been estimated for, in accordance with the principle which controls the action of the Committee on Appropriations on such matters, we did not put it into the bill. In addition to that I will state that as there is an addition to the force provided for in the bill we supposed they could get along for the next year without this additional clerk, and therefore we declined to incorporate it.

The amendment was rejected.

Mr. HARRIS. In line 420, after the word "dollars," I move to insert:

For the purchase of a steam-launch to facilitate the enforcement of the laws for the protection of game and fish, and for other river duty, $2,000; and for the equipment and operation of the same, $1,000.

Mr. WITHERS. So many of these amendments are coming in that I shall have to resort to the point of order which I raise upon this amendment, that it is neither included in the estimates nor recommended by a standing committee.

Mr. HARRIS. But it was offered in the Senate and referred to the Committee on Appropriations one day before it is now presented.

Mr. WITHERS. That does not bring it within the rule.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The question, then, will be submitted by the Chair to the Senate, Is the amendment offered by the Senator from Tennessee in order? As many as are of opinion that the amendment is in order will make it known by saying "ay;" the contrary opinion "no." [Putting the question.] The "noes" appear to have it. The "noes" have it; and the amendment is not in order.

Mr. EDMUNDS. Referring to the subject of school expenses, I have just found on my desk a letter from a highly respected gentleman of this town, in which he calls attention to the fact, as he understands it to be, of the unnecessary expense hitherto incurred, last year at least, in repairs to school-houses and so on, and proposes a certain amendment. He says that:

Under the old system, which the amendment will restore, all ordinary repairs were made under the direction of the school trustees by a carpenter called a mechanical janitor. He was paid $1,200 a year, and he furnished his own horse, wagon, and attendant. When the superintendent or a trustee discovered that any repairs were needed, word was sent to the mechanical janitor, who took his tools and supplies in his wagon, went to the school-house, saw what was needed, and then and there made the repairs. There was but one trip and one job. It was expeditious and economical. The District got its repairs at first cost without middle men or surplus inspectors. But the present commissioners have changed all this by obtaining authority in the appropriation bill of last year, or year before, to substitute an inspector of buildings for the mechanical janitor, and they then gave the work to the inspector of buildings. He placed the business in charge of a subordinate, whom he pays out of the school-repair fund the same amount for superintending the repairs that the school trustees paid their carpenter for making them. That is, the inspector of buildings pays Mr. Henderson $1,200 a year out of the repair fund to oversee the work. The school board paid Mr. Lovelace (their carpenter) $1,200 for doing the work, he furnishing his own horse, wagon, and attendant. It is not strange, therefore, that the repair fund is now entirely used up before the year is but little more than half gone. More will be called for in the deficiency bill. Under the old system the trustees managed to keep within their appropriation.

The excuse put forth for the present system, the commissioners' system, is that all work is now done by the lowest bidder. The inspector of buildings' subordinate, when notified that repairs are needed, goes and makes a list of what is wanted and then asks for bids to do the work. It has turned out in practice that two or three men get all the jobs. Nobody else bids. The majority of carpenters cannot afford to follow up these odd jobs, and those who do, get their own prices. I am told that all, or very nearly all, the mason work for the past year has been given to a near relative of the inspector. There is too much red tape in this system of making the minor repairs to school-houses. It takes too long and costs too much.

Mr. WITHERS. From whom is that letter? Will the Senator please to state?

Mr. EDMUNDS. As I found this on my desk, which appears to be a personal letter to me, I do not think it consistent with courtesy to the gentleman to state his name.

Mr. WITHERS. I only wished to know whether it is an official communication from anybody.

Mr. EDMUNDS. It is not an official communication, but it is from a gentleman whom I know by reputation as highly respectable and acquainted with the subject.

Mr. WITHERS. I do not desire of course to press the inquiry. I only wished to inquire whether it is an official communication.

Mr. EDMUNDS. I dare say this gentleman would be quite willing that his name should be read, but acting as I know the Senator from Virginia would, I do not think it is right to read it at this moment.

I propose to put in at page 22, line 529:

For one mechanical janitor, horse, wagon, and attendant, $1,200; and all ordinary repairs to school buildings and furniture shall be made and supervised by said janitor under the board of school trustees.

But I see here in another place that is an appropriate enough place for it to come in if it were to come in at all, this provision on page 22 of this bill:

Provided, That the janitors of the principal school buildings, in addition to their other duties, shall do all minor repairs to buildings and furniture, glazing, fixing seats and desks, and shall be selected with reference to their qualifications to perform this work.

Whether that meets the point that this gentleman makes, I am not sufficiently familiar with the subject to have an opinion about; but if what he states is true that under the former way of doing it $1,200 appropriation for repairs was found sufficient for their method and that under the appropriation of last year or the year before or both $1,200 has been paid to an inspector to employ somebody to do it, that ought to be corrected. Perhaps the member of the committee in charge of the bill can tell me whether there is in this bill any place where for public schools there is a superintendent of repairs or any such officer provided for.

Mr. WITHERS. None.

Mr. EDMUNDS. If not, then this bill appears to have been framed on the theory of going back to the old way.

Mr. WITHERS. I will state that this matter is one which has been fought out before the Appropriations Committee for two or three years past, and the effort was abandoned this year, and I supposed would no longer be made. There was a contest for two years at least over the question of dispensing with the mechanical janitor, and the present provision of the bill is the same as the one of last year; and the information laid before us then and now by the commissioners is that the operations of this system have been found much more effectual and in every way desirable than under the former one, and more economical as well. At present the provision which the Senator has just read is found to operate very well in an economical point of view, inasmuch as the janitors are selected with regard to their faculty for making these minor repairs, and they are consequently made without any additional expense except for material.

Mr. EDMUNDS. But I understand from this gentleman that in point of fact the existing appropriation of the preceding year for repairs has already been exhausted and that $1,200 a year has been paid to somebody for superintending repairs. If that is so, it appears to me that it is not right because these small repairs certainly could be made without employing a man at $1,200 a year to merely manage the repairing business, not to do it.

Mr. WITHERS. I will merely say that no such information was laid before the Committee on Appropriations. Of course, I have no knowledge from any facts beyond those communicated to me as a member of that committee; but I remember that this whole subject was thoroughly discussed at least two years ago, and the Committee on Appropriations determined to make the present arrangement, which has worked, as I understand, very satisfactorily since it has been in operation. We did not propose, therefore, to make any change.

Mr. EDMUNDS. I understand, then, from the Senator from Virginia, in charge of the bill, that there is no clause in this bill which provides for the employment of a superintendent of repairs or any title of that kind. Am I right in that?

Mr. WITHERS. So far as my knowledge extends I do not remember any such provision.

Mr. EDMUNDS. If that be so——

Mr. WITHERS. I will state to the Senator that in line 286 there is a provision made "for inspector of buildings' office," which is in connection with the schools and immediately under the general contingent expenses of the Government. That inspector has a salary of $2,400, and his duties are much more extensive than those which the Senator has indicated through his correspondent.

Mr. EDMUNDS. That cannot be the officer referred to in this letter that I have.

Mr. WITHERS. This inspector of public buildings embraces of course in his supervision the school buildings as well as all others.

Mr. EDMUNDS. Oh, yes; but that is not the person referred to here, because this statement is—and I believe it *prima facie*, because the gentleman is highly respectable—that during the last year or the year before $1,200 of the public money has been paid to somebody for superintending these little repairs to school-houses, not superintending the construction of new ones, &c., and that was all the money that it cost before for doing the repairs and that he has employed carpenters besides, and that therefore the expense has run up and a deficiency has been produced. But I do not see myself, so far as I now understand the bill, that the proviso on page 22 does not cover the point to which this gentleman refers, and therefore I will with my present information make no motion about it.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. EDMUNDS. There is one thing that I wish to say, not in order to bring in an amendment at this time, but for the future. There is a provision in this bill, just like its predecessors for a great many years, for contributions to a large number of what I have no doubt are worthy private charities, and I propose to vote for them, and not to move to strike them out; but I wish to say that I do not believe in this method of exerting public charity. I believe that Congress legislating for the District of Columbia ought to provide its own agencies for the poor and the destitute and the sick by a suitable

public provision of public hospitals and so on that shall be absolutely under public control and supported at the public expense just as in all the States there are and just as there ought to be. It has been found in several of the States where this method in this bill has been resorted to, notably in the State of New York, that in the end it runs into great mischief, contentions between seets, and ten thousand things that I need not take up the time of the Senate to refer to. I only call attention to the matter now in order that Senators may think of it, and in the hope that at the next session of Congress we shall be able to provide for the poor and the needy and the destitute by independent means, and stop this mischievous, as I think it is, method of legislation; and when I say "mischievous" I do not intend to reflect, far from it, upon any one of the institutions that are here mentioned, but public charity should be distributed through public channels and under public control, and sufficient provisions ought to be made for it. As long as there is not, probably this is the best we can do.

Mr. WITHERS. I concur very fully in the theoretical views of the Senator from Vermont. I will say, though, that the Committee on Appropriations, as he has intimated, found that certain charities are now in successful operation, and are furnishing the only means by which a great many public necessities are relieved, and we simply appropriated for them in that way. There has been a proposition brought before us, which I think will commend itself to the favorable consideration of Congress, for the establishment of a general hospital here, which I regard as an exceedingly important and desirable measure; but the Committee on Appropriations did not think it advisable to incorporate it in this bill. That there is necessity for such an institution here I regard as absolutely proved by the statements made before us, and I shall be very glad to see one established by law.

Mr. BECK. I served on the sub-committee with the Senator from Virginia, and I only rise to assure the Senator from Vermont that the representations of the physicians and of intelligent men here satisfy me that we ought to have a general hospital, and ought to have it as soon as possible, and that some well-selected site ought to be had, no matter what it costs, for Washington is worse provided for general hospital purposes than any city in America, so far as I am advised. If any proposition comes before us while I am a member of the Senate from the Committee on the District of Columbia, or any other committee for this purpose, it will be provided for if my vote can be effective.

Mr. EDMUNDS. I hope the Senator from Kentucky and the Senator from Virginia did not understand me as intending the slightest reflection upon the Committee on Appropriations. Far from it.

Mr. BECK. Oh, no.

Mr. EDMUNDS. I only thought it right to call attention to the theory involved in these appropriations to institutions of that kind.

Mr. BECK. I indorse every word the Senator from Vermont said, and regret that we are not able now to give the subject the consideration necessary to provide for the case properly.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

UNION RAILROAD DEPOT IN WASHINGTON.

Mr. WHYTE submitted the following report:

The committee of conference upon the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 3047) to authorize the commissioners of the District of Columbia to recommend a proper site for a Union railroad depot in the city of Washington, and for other purposes, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from its disagreement to the Senate amendment, and agree to the same, with an amendment as follows: In line 14, after the word "and," strike out "eighty" and in lieu thereof insert "eighty-one;" and that the Senate agree to the same.

WM. PINKNEY WHYTE,
R. E. WITHERS,
E. H ROLLINS,
Managers on the part of the Senate.
WARNER MILLER,
EPPA HUNTON,
GEO. C. HAZELTON,
Managers on the part of the House.

Mr. WHYTE. I move to proceed to the consideration of this conference report.

The motion was agreed to.

The PRESIDING OFFICER. The report is before the Senate.

The report was concurred in.

WILLIAM R. WILMER.

Mr. WHYTE. I ask the Senate to indulge me by allowing me to call up the bill (H. R. No. 301) for the relief of William R. Wilmer. I move to take it up.

Mr. KIRKWOOD. I hope that will not be done.

Mr. WHYTE. It will not take three minutes.

Mr. KIRKWOOD. Another Senator will want three minutes, and another three minutes, and so on; and thus the matter we have been trying so long to get up—the cattle bill—will be postponed. I am satisfied we are doing a great public wrong in not considering the cattle bill. Believing as I do that the section of the country in which I live is in danger of suffering great wrong, I cannot, in view of my duty to the people among whom I live, consent to have that measure displaced.

Mr. WHYTE. Let the question be put.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland, to proceed to the consideration of the bill named by him.

The question being put, a division was called for; which resulted—ayes 20, noes 5; no quorum voting.

The PRESIDING OFFICER. The Secretary will proceed to call the Senate.

Mr. HAMLIN. I suggest that we take the yeas and nays on the motion, and that will develop whether we have a quorum or not.

The PRESIDING OFFICER. Is the call for the yeas and nays sustained?

The yeas and nays were ordered.

Mr. DAVIS, of Illinois. I think there is no necessity for antagonism here.

Mr. PADDOCK. Will this bill give rise to debate?

Mr. WHYTE. Not the slightest.

Mr. PADDOCK. I think we ought to allow the Senator from Maryland to have his opportunity.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 26, nays 14; as follows:

YEAS—26.

Allison,	Bruce,	Groome,	Pugh,
Anthony,	Burnside,	Harris,	Rollins,
Bailey,	Butler,	Hill of Georgia,	Saunders,
Baldwin,	Call,	Kernan,	Walker,
Bayard,	Cameron of Pa.,	McDonald,	Whyte.
Blair,	Cameron of Wis.,	Morgan,	
Brown,	Eaton,	Pendleton,	

NAYS—14.

Cockrell,	Johnston,	Slater,	Windom,
Coke,	Kirkwood,	Teller,	Withers.
Davis of Illinois,	Logan,	Vest,	
Edmunds,	Morrill,	Williams,	

ABSENT—36.

Beck,	Garland,	Jones of Florida,	Plumb,
Blaine,	Grover,	Jones of Nevada,	Randolph,
Booth,	Hamlin,	Kellogg,	Ransom,
Carpenter,	Hampton,	Lamar,	Saulsbury,
Conkling,	Hereford,	McMillan,	Sharon,
Davis of W. Va.,	Hill of Colorado,	McPherson,	Thurman,
Dawes,	Hoar,	Maxey,	Vance,
Farley,	Ingalls,	Paddock,	Voorhees,
Ferry,	Jonas,	Platt,	Wallace.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury in adjusting the accounts of William R. Wilmer, late collector of internal revenue of the fifth district of Maryland, to credit him with $1,813.54, being the amount in value of internal-revenue stamps and cash of which the safe in his office was robbed by burglars on the night of the 27th of April, 1875, and which have not been recovered. It is to appear to the satisfaction of the Secretary that Wilmer was robbed without any collusion or privity on his part.

Mr. EDMUNDS. Let the report be read.

The PRESIDING OFFICER. The Secretary informs the Chair that there is no report.

Mr. EDMUNDS. What committee reported the bill?

Mr. WHYTE. The Finance Committee.

Mr. ALLISON. This whole question is in a nutshell. This gentleman was collector of the fifth district of Maryland and had his office at the Relay House in a rather insecure building, but it was a building occupied by his predecessor and he was directed to occupy it. One night about one o'clock the whole building, safe, and everything in it, was blown open and its full contents taken away, amounting to about nine thousand dollars in money and revenue-stamps of various kinds. The robbers were pursued by this collector and everything recovered except about eighteen hundred dollars. The testimony shows that it was no fault of the collector in any way. He only asks to have that sum refunded.

Mr. EDMUNDS. What is the testimony in regard to the fact that so many thousand dollars' worth of stamps was in the safe at the time the robbers carried it off?

Mr. ALLISON. The evidence shows that these items were in the safe at the time.

Mr. EDMUNDS. Including the stamps?

Mr. ALLISON. Including the stamps, and some six thousand dollars or seven thousand dollars of stamps and funds were recovered afterward by this collector pursuing the robbers to New York.

Mr. EDMUNDS. Do the books of the collector show that he had that amount of stamps on hand at that time?

Mr. ALLISON. Yes, sir. There is no question about the fact.

Mr. EDMUNDS. So that the committee are satisfied that his accounts were all right and that the stamps that are to be allowed for were actually stolen from him?

Mr. ALLISON. There is no doubt whatever about the facts of the case. The committee made the report unanimously.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TO-NIGHT'S SESSION.

Mr. EDMUNDS and Mr. WILLIAMS rose.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. EDMUNDS. Mr. President, I yield to my friend from Kentucky if he is going to move the cattle bill.

Mr. WILLIAMS. I am. That is what I rise for. I move to take up the pleuro-pneumonia cattle bill.

The PRESIDING OFFICER. The Senator from Kentucky moves to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 2097) for the establishment of a bureau of animal industry, and for the suppression and prevention of contagious diseases among domestic animals.

Mr. EDMUNDS. Mr. President, I ask the Senate to excuse me from attendance at this evening's session, if an evening session is held, as I believe under the standing order, unless otherwise ordered, there is to be an evening session. I feel so unwell, having a very bad cold, besides other things, that I do not think it safe or prudent for me to come here this evening; and fearing that there might be a lack of a quorum and that absent Senators would be sent for, I take this opportunity to ask the Senate to excuse me from attending this evening, if there be an evening session.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Vermont.

The request was granted.

Mr. BURNSIDE. I move that when the Senate adjourns to-day it be to meet to-morrow morning at eleven o'clock.

Mr. WITHERS. That we shall do without a motion.

Mr. BURNSIDE. But there is a recess order. I move that the evening session of this evening be dispensed with.

The PRESIDING OFFICER. The Senator from Rhode Island moves that when the Senate adjourns to-day, it adjourn to meet to-morrow at eleven o'clock a. m.

Mr. HOAR. Will the Chair state that again?

The PRESIDING OFFICER. The Senator from Rhode Island moves that when the Senate adjourns to-day it adjourn to meet at eleven o'clock to-morrow.

Mr. HOAR. That is precisely the standing order. That is not the motion the Senator desires to submit.

Mr. BURNSIDE. I modify my motion. I move that the evening session of this evening be omitted.

Mr. JOHNSTON. I hope that will not be done. We have adopted the resolution for evening sessions. Let us have an evening session to-night and go on with the business on the Calendar.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the evening session, provided for by resolution formerly adopted, be dispensed with this evening.

The motion was agreed to; there being on a division—ayes 26, noes 20.

SWAMP LAND GRANTS.

Mr. WALKER. I desire to give notice that on Monday at the expiration of the morning hour I shall move to set aside the pending and all prior orders and ask the Senate to proceed to the consideration of the bill (S. No. 273) to extend the provisions of an act approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands, and for other purposes." I call the attention of Senators to the bill, and hope there will be no objection to taking it up at that time.

CONTAGIOUS DISEASES OF ANIMALS.

Mr. JOHNSTON. I hope the Senate will allow the cattle bill to be proceeded with without further delay. I make no objection to the notice of the Senator from Arkansas, but I ask that the Senate proceed with the cattle bill.

The PRESIDING OFFICER. The bill indicated by the Senator from Virginia, Senate bill No. 2097, is now before the Senate as in Committee of the Whole. The Secretary will proceed and read the bill at the point where he left off at the previous reading.

The Secretary read the amendment reported by the select committee to strike out section 6 in the following words:

SEC. 6. That the Commissioner of Agriculture shall direct said chief of bureau, in connection with the National Board of Health and the commissioners provided for in this act, to superintend all measures for the suppression of infectious and contagious diseases of domesticated animals, and to draught such rules and regulations as they deem necessary for a speedy suppression of said diseases; and said rules and regulations shall be certified for acceptance to the executive authority of the State or Territory wherein said diseases prevail.

And in lieu thereof to insert:

That it shall be the duty of the Commissioner of Agriculture, through said chief of bureau, in connection with the National Board of Health, to prepare such rules and regulations as they may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory; and whenever any State or Territory shall accept the same, then it shall be the further duty of the Commissioner of Agriculture, through the said chief of bureau, and the commissioners and agents authorized by this act, in connection with the National Board of Health, to assist in such State or Territory in the execution of such rules and regulations.

The amendment was agreed to.

The next amendment was, in line 2, of section 7, after the word "of," to strike out "the" and insert "any;" and in line 5, of the same section, after the word "animals" to insert "or animals suspected of disease;" so as to make the clause read:

That when the Commissioner of Agriculture is notified by the executive of any State or Territory of the acceptance of said rules and regulation, such sum as may be deemed necessary for the purchase and slaughter of all diseased or infected animals, or animals suspected of disease, in the State or Territory in which the outbreak has occurred shall be awarded from the fund hereinafter appropriated for this purpose.

The amendment was agreed to.

The next amendment was, in line 3, section 8, after the word "with" to strike out "a contagious" and insert "any such;" and in line 6, of the same section, after the word "animals" to insert "susceptible to said diseases;" so as to make the section read:

That the Commissioner of Agriculture shall report to the President of the United States whenever he finds any place therein is dangerously infected with any such disease among domestic animals; and that upon the official publication by the President of such report the removal or transportation of animals susceptible to said diseases from said place into another State, Territory, or District shall be unlawful, except in so far as such removals shall be made in accordance with the rules and regulations for which provision is made in section 6 of this act.

The amendment was agreed to.

The next amendment was, in line 3, section 9, after the word "dollars," to insert "to be immediately available;" and in line 6, after "Agriculture," to insert "who shall annually report to Congress his proceedings under this act, with an itemized account of expenditures;" so as to make the section read:

SEC. 9. That to meet the expenses that may be incurred in carrying out the provisions of this act the sum of $200,000, to be immediately available, is hereby appropriated, out of any money remaining in the Treasury and not otherwise appropriated, to be disbursed under the direction of the Commissioner of Agriculture, who shall annually report to Congress his proceedings under this act, with an itemized account of expenditures.

The amendment was agreed to.

The next amendment was, in line 1, section 10, after "corporation," to strike out "having control over live animals affected with any contagious or infectious disease;" so as to make the clause read "that any person, company, or corporation who shall knowingly violate the provisions of this act," &c.

The amendment was agreed to.

Mr. PLUMB. Will it be in order to offer a substitute for the bill pending the consideration of the committee's amendments?

The PRESIDING OFFICER. We are nearly through the amendments of the committee, and the practice requires them to be finished first.

The next amendment was, in line 4, section 10, after the word "act," to strike out "and the rules and regulations made in pursuance thereof;" so as to make the clause read "who shall knowingly violate the provisions of this act shall be guilty of a misdemeanor."

The amendment was agreed to.

The PRESIDING OFFICER. The amendments proposed by the committee are disposed of.

Mr. McPHERSON. I wish to call the attention of the committee to section 2 of this bill to show them how unnecessary and inconsistent the word "transportation" is as used in the eleventh line of section 2. That section provides that the Commissioner of Agriculture shall make a special investigation and shall report the result of that investigation, and the Secretary of the Treasury shall establish regulations concerning the exportation and transportation of live stock as the result of said investigation may require. In section 3 they make provision for placing the question of transportation under the Commissioner of Agriculture, and therefore there is a conflict of authority between the Secretary of the Treasury and Commissioner of Agriculture with respect to that point. I would move to strike out the words "and transportation" after the word "exportation" in line 11 of section 2. I will propose afterward an amendment to section 3 which will make the language a little more precise and full.

The PRESIDING OFFICER. The Senator from New Jersey moves, in line 11, section 2, after the word "exportation," to strike out "and transportation."

Mr. PADDOCK. It strikes me that the amendment of the Senator from New Jersey is a very proper amendment.

Mr. WILLIAMS. I wish to make a single suggestion; but possibly I am wrong. The object of this is to protect cattle *in transitu;* it is to make rules and regulations by which healthy cattle at Chicago or Saint Louis or Cincinnati may be protected in their transportation to the seaboard. If cattle are allowed to be transported without some provision being made to prevent their coming in contact with infected ones, they may contract the disease between Chicago and the city of New York, which may not develop itself until they have crossed the ocean; and thereby one of the main purposes of the bill will be defeated, which is to give a clean bill of health, as clean as possible, to such animals as we desire to export or transport to foreign countries. That is my view.

Mr. JOHNSTON. I do not think the section is liable to the objection the Senator from New Jersey makes. There are two purposes. In the first place, the Commissioner of Agriculture, through the chief of this bureau, is to make special investigation as to the existence of pleuro-pneumonia and other contagious diseases along the dividing line between the United States and Canada; and, in the second place, along the several lines of transportation from all parts of the United States to the ports from which exports are made to European ports. Of course the transportation to which live stock is exposed is part of

the exportation, and the right to regulate the exportation necessarily embraces the right to adopt such necessary rules as will secure proper transportation. Therefore I think the bill should stand as it is in this respect. The object is to prevent the transportation of diseased cattle as well as the exportation of diseased cattle; hence I think the amendment of the Senator from New Jersey is not a proper one to be made.

Mr. WILLIAMS. I would say, in addition to what the Senator from Virginia has said on the subject of transportation, that it is well known among cattle men and among veterinary surgeons that the transportation of one diseased animal in a car will render that car unfit for the transportation of every one for weeks or months thereafter unless proper means are taken to disinfect it, and therefore the disinfection of the car by a veterinary surgeon under the orders of the Secretary of the Treasury may become quite as important as the examination of the cattle preparatory to their shipment to foreign countries. That is the object of that word "transportation" there, that rules and regulations may be provided for the carrying of cattle to the seaboard, not only healthy cattle themselves but to provide them means of transportation which may secure them in their transit from contact with animals having contagious diseases. That is the object. Without that the bill will come to naught because it appeared before the committee as it is in the history of the disease, that it may be communicated months after by the straw, by the litter in the stable; that it may be blown into the air by paper and circulated in that way, and the débris cattle leave in the car may be used afterward by infected cattle or cars so left may be used afterward to transport healthy cattle and produce this disease, which all the authorities say is one of the most highly contagious diseases which afflict cattle.

Mr. MORGAN. Mr. President, I move that the Senate proceed to the consideration of executive business. We cannot possibly finish this bill to-night.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The Senator from Alabama moves that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I hope the motion will not be agreed to.

The question being put, there were on a division—ayes 16, noes 14; no quorum voting.

Mr. THURMAN. The Senate is too thin to consider as important a bill as this. There is nothing to be gained by continuing here at the end of the week after the fatiguing session of last night. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate do now adjourn.

The question being put, there were on a division—ayes 11, noes 25.

The PRESIDING OFFICER. The Senate refuses to adjourn.

Mr. JOHNSTON. Mr. President——

Mr. THURMAN. There is no quorum.

The PRESIDING OFFICER. A minority of the Senate can refuse to adjourn.

Mr. THURMAN. Certainly they can, but there is no quorum present.

The PRESIDING OFFICER. The Chair is aware of that fact.

Mr. ALLISON. There will be when we get along a little further.

Mr. JOHNSTON. Mr. President, I think the amendment of the Senator from New Jersey ought not to be adopted——

The PRESIDING OFFICER. The Chair announces to the Senator from Virginia that no business can be transacted until there is a quorum here; no motion can be made.

Mr. JOHNSTON. I move a call of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and fifty-five Senators answered to their names.

The PRESIDING OFFICER. A quorum being present, the question recurs on the motion of the Senator from Alabama that the Senate do now proceed to the consideration of executive business.

Mr. HARRIS. We were here until after eleven o'clock last night, in view of which fact, pending the motion of the Senator from Alabama, I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate adjourn.

Mr. BURNSIDE. Will the Senator from Tennessee allow me to make a statement to the Senate?

Mr. HARRIS. For that purpose I withdraw the motion.

Mr. BURNSIDE. I have a paper that I desire to present to the Senate in executive session touching promotions in the Army, and it is very important indeed to the War Department that the Senate should act upon it at once, and I am quite sure it will not take five minutes, probably not three minutes.

Mr. HARRIS. Being appealed to on several hands to withdraw the motion to adjourn because various gentlemen desire an executive session, I shall withdraw the motion.

The PRESIDING OFFICER. The Senator from Tennessee withdraws the motion to adjourn, and the question recurs on the motion of the Senator from Alabama that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened, and (at five o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 18, 1881.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

SOLDIERS' REUNION, MAINE, 1881.

Mr. REED. Mr. Speaker, I ask unanimous consent to take up Senate joint resolution No. 162 from the Speaker's table, and move that the same be put upon its passage. It is a resolution granting to the Secretary of War power to loan cannon, equipments, &c., for a soldiers' reunion to be held in Maine in 1881. A similar resolution to that passed in reference to the soldiers' reunion in the State of Nebraska recently.

The SPEAKER. The resolution will be read, after which objections will be asked for.

The resolution was read, as follows:

Resolved, &c., That the Secretary of War is hereby authorized to send from some convenient fort or arsenal, to be used at the soldiers' reunion to be held in Maine in 1881, such cannon, tents, muskets, and equipments as can be conveniently spared, the same to be returned after the holding of said reunion in like good condition as when received: *Provided*, That all transportation of said articles to and from the place of reunion to the fort or arsenal shall be without expense to the Government: *Provided further*, That the adjutant-general of the State of Maine or other proper accounting officer shall receipt for said articles in the name of said State, and that such of them as shall not be returned shall be charged to said State against its quota.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be read a third time; and being read the third time, it was passed.

ATLANTA, GEORGIA, A PORT OF DELIVERY.

Mr. FELTON. Mr. Speaker, I move to take from the Calendar and put upon its passage the bill which I send to the desk.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

House bill No. 7103, to constitute Atlanta, Georgia, a port of delivery.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That Atlanta, in the State of Georgia, be, and is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said port; and there shall be appointed a surveyor of customs to reside at said port, who shall receive a salary, to be determined by the Secretary of the Treasury, not exceeding $1,000 per annum.

The SPEAKER. This bill comes from the Committee on Ways and Means, and is in Committee of the Whole on the state of the Union.

Mr. WARNER. Is it a unanimous report of that committee?

Mr. KELLEY. It is.

Mr. FELTON. This bill is unanimously reported from the Committee on Ways and Means. I hope there will be no objection to its immediate passage.

The SPEAKER. Does the gentleman from Ohio demand the reading of the report?

Mr. WARNER. I do not demand the reading of the report; I simply asked if it was a unanimous report.

Mr. ACKLEN. I ask the gentleman from Georgia to allow an amendment to be added to this bill.

Mr. WARNER. I shall object to any amendments.

Mr. ACKLEN. I simply want to include Morgan City, Louisiana, in the bill, which comes under precisely the same conditions. [Cries of "Oh, no!"] I wish to say further, and I hope there will be no objection to this request, that in reference to Morgan City being established as a port of delivery there is a unanimous report from the Committee on Ways and Means. It is the same thing precisely as is sought to be accomplished by this bill, and I ask that the two measures be considered at the same time.

Mr. WARNER. If amendments are to be inserted in this bill, I shall object to its consideration.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FELTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS FOR AGRICULTURAL SCHOOLS.

Mr. PAGE. Mr. Speaker, I ask unanimous consent to take up Senate bill No. 940 in relation to lands donated to the several States and Territories for the benefit of agricultural and mechanical colleges, and ask that the Committee on Education and Labor be discharged from the further consideration of the same and that it be put upon its passage.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objections to its present consideration.

The Clerk read as follows:

Senate bill No. 940, an act to amend an act approved July 2, 1862, entitled "An act to donate lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts."

The SPEAKER. The Chair will state that this bill was referred to the Committee on Education and Labor of the House, and the gentleman from California now asks that said committee be discharged from its further consideration and that the same be put upon its passage.

Mr. PAGE. I will state, Mr. Speaker——

Mr. COX. I demand the regular order.

Mr. PAGE. This bill is unanimously reported by the Committee on Education and Labor of the House. All this bill does is to repeal the law which originally provided that this money should be invested in 5 per cent. bonds——

Mr. COX. I insist upon the regular order.

Mr. PAGE. And authorizes the money to be invested at a lower rate of interest than 5 per cent.

ORDER OF BUSINESS.

The SPEAKER. The regular order being insisted upon by the gentleman from New York, the Chair must recognize the demand.

Mr. BRIGGS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRIGGS. I wish to know if it is necessary for members, in order to obtain the recognition of the Chair, to assemble in the area in front of the Speaker's desk?

The SPEAKER. It is not. The gentleman from New Hampshire will take notice that the Chair has not recognized members immediately in front of the Chair. The gentleman from Georgia was recognized in his seat far back in the Hall.

PERSONAL EXPLANATION.

Mr. CLYMER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. CLYMER. At the close of the proceedings yesterday a motion to adjourn was made. Through your courtesy I was the occupant of the chair at the time and put the motion to the House. There seemed to be, in my judgment, a preponderating vote in favor of adjourning, and in the confusion incident to that order I declared the House adjourned. There are gentlemen around me who declare that when that proceeding was taking place a division was called for. I wish to state now to the House that I did not hear the demand for a division, or I should certainly have given an opportunity that it might have been determined in any way the House chose to determine the question. But, sir, I fear that I have, unintentionally of course, done injustice to the gentleman from Virginia, the chairman of the Committee on the District of Columbia, for which committee a night session had been arranged last night, and in order to relieve myself from any imputation or that committee from any embarrassment which may result from my ruling, I now ask unanimous consent of the House that at four and a half o'clock this afternoon it take a recess until seven and a half o'clock this evening, for the purpose of considering bills in regard to the District of Columbia, and for nothing else.

Mr. DAVIS, of Illinois. Make it eight o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LOWE. Mr. Speaker——

Mr. DUNNELL. What was the hour suggested by the gentleman from Pennsylvania for a recess?

Mr. CLYMER. Four-and-a-half o'clock.

Mr. LOWE. Mr. Speaker, I should be perfectly willing to pass a vote of confidence in the gentleman from Pennsylvania, but I am opposed to night sessions.

The SPEAKER. The recess can be taken by a vote of a majority of the House, but a special assignment of business requires unanimous consent.

Mr. SPRINGER. We may take a recess at any time if the majority of the House shall so determine.

The SPEAKER. Unquestionably.

Mr. CLYMER. The gentleman from Alabama [Mr. LOWE] withdraws his objection.

Mr. BRAGG. I object.

Mr. BLACKBURN. Does the Chair rule that by unanimous consent a recess has been ordered?

The SPEAKER. The Chair has not so ruled. The Chair has stated that the House by a majority vote can take a recess.

Mr. BLACKBURN. That has not been done.

The SPEAKER. It has not. But the House could not make an assignment of special business except by unanimous consent, as that would involve a change of the rule.

Mr. BLACKBURN. I would not object to a recess with a view to considering District of Columbia business; but I do object to any recess except for that purpose.

The SPEAKER. The gentleman from Wisconsin [Mr. BRAGG] has objected.

JAMES M. BACON.

On motion of Mr. BROWNE, by unanimous consent, the bill (S. No. 758) for the relief of James M. Bacon was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. BLAND. I move that the morning hour of to-day be dispensed with.

The question being taken; there were—ayes 56, noes 41.

Mr. BLOUNT. It does not seem to be fully understood what will follow if the morning hour be dispensed with, and I ask for tellers.

The SPEAKER. The hour under the new rule would follow.

Mr. BLOUNT. I do not insist on further count.

So (two-thirds not having voted in the affirmative) the morning hour was not dispensed with.

The SPEAKER. The morning hour begins at twenty-seven minutes past eleven, and, this being Friday, committees will be called for reports of a private nature.

Mr. TOWNSHEND, of Illinois. As I understand, reports are confined to private bills.

The SPEAKER. They are.

JOHN W. GREGORY.

Mr. KELLEY, from the Committee on Ways and Means, reported a bill (H. R. No. 7204) for the relief of John W. Gregory; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS OF CONTESTANTS IN ELECTION CASES.

Mr. LAPHAM. I am instructed by the Committee on the Judiciary, unanimously, to report back, with a favorable recommendation, the bill (H. R. No. 7176) to amend chapter 182 of the act approved March 2, 1879, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes."

The bill relates exclusively to the claims of contestants in election cases.

The SPEAKER. From the title it appears to be a public bill.

Mr. LAPHAM. It is private in its nature. It simply modifies the act in the way I have stated.

The SPEAKER. But it modifies a public law.

Mr. LAPHAM. It does that.

The SPEAKER. The Chair believes the bill is not in order under this call.

PUBLIC BUILDING AT DETROIT.

Mr. SHALLENBERGER. I am instructed by the Committee on Public Buildings and Grounds to report back, with a favorable recommendation, the bill (H. R. No. 7119) to authorize the Secretary of the Treasury to purchase a site and to enlarge the present Government building in the city of Detroit, Michigan, and for the purchase of a site and erection of Government building in said city.

The SPEAKER. That is a public bill.

Mr. SHALLENBERGER. I withdraw the report.

PENSION BILLS.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back, with favorable recommendations, bills of the following titles; and they were severally referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 4866) granting a pension to Martha P. Stribling, with amendments; and

A bill (H. R. No. 932) restoring the pension of Mrs. H. C. Smith, of Pennsylvania, to the amount originally granted her.

Mr. HATCH, from the Committee on Invalid Pensions, reported back, with favorable recommendations, bills of the following titles; and the same were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 6848) granting a pension to John R. Wallace;

A bill (H. R. No. 6169) for the relief of Elijah Musgrove;

A bill (H. R. No. 4845) granting a pension to John Thompson;

A bill (H. R. No. 3660) granting a pension to John Seamans, jr.; and

A bill (H. R. No. 6907) granting a pension to Emiline Howren.

Mr. CALDWELL, from the Committee on Invalid Pensions, reported a bill (H. R. No. 7205) granting a pension to G. W. Waddell; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. UPDEGRAFF, of Ohio, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 1553) for the relief of Sarah E. Herrell, widow of the late John Herrel, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 535) granting a pension to Mrs. Eliza Ely; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back, with adverse recommendations, the following bills and peti-

tions; and the same were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 6271) granting a pension to John Cordova;

A bill (H. R. No. 6802) granting a pension to Michael Marion;

A bill (H. R. No. 4064) for the relief of Elizabeth A. Niebling;

The petition of Carl Brutchie, for a pension;

A bill (H. R. No. 518) granting a pension to Isaac Roshon;

A bill (H. R. No. 3127) granting a pension to Robert P. Walker;

The petition of Thomas McDonough, for an increase of pension;

A bill (H. R. No. 3343) for the relief of John Millar;

A bill (H. R. No. 4689) granting a pension to Mary E. Meline;

A bill (H. R. No. 4683) granting a pension to Charles Ritter;

A bill (H. R. No. 4057) granting a pension to John Millar;

The petition of John McGrath, for a pension;

A bill (H. R. No. 4055) to restore to the pension-roll the name of Jacob Long;

The petition of Jonah Woodward, to be restored to the pension-roll; and

The petition of John Lappert, for a pension.

CHARLES O. M'KENNEY.

Mr. RAY, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 6892) for the relief of Charles O. McKenney; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH N. LEWIS.

Mr. SAWYER, from the Committee on Claims, reported back, with a favorable recommendation, the bill (S. No. 299) for the relief of Joseph N. Lewis; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

EARNEST KUBISH.

Mr. SAWYER also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 6778) for the relief of Earnest Kubish; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

H. V. PHILPOTT.

Mr. SAWYER also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3514) for the relief of H. V. Philpott; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CLINTON G. COLGATE.

Mr. LINDSEY, from the Committee on War Claims, reported the following resolution; which was read and referred to the Committee of the Whole on the Private Calendar:

Resolved, That the claim of Clinton G. Colgate, asking for compensation for the use by the United States of patent No. 6519, covering the use of wire or wires insulated by gutta percha, or its equivalent, for electrical purposes, be, and is hereby, referred to the Court of Claims, under the provisions of section 1059 of the Revised Statutes.

W. W. STREETER.

Mr. LINDSEY also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 6835) for the relief of W. W. Streeter; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The call of committees was concluded.

Mr. ATKINS. I was not at my desk when the Committee on Appropriations was called; and I ask unanimous consent to report a resolution from that committee at this time.

There was no objection.

HON. EVARTS W. FARR.

Mr. ATKINS, from the Committee on Appropriations, reported back, with an amendment, the following preamble and resolution:

Whereas the Committee on Invalid Pensions desire to place upon its record its appreciation of the kindly qualities and faithful labors of their late member, Hon. Evarts W. Farr, of New Hampshire; and

Whereas its members wish to express their regret and sympathy to the country, the State of New Hampshire, and to the bereaved family of the deceased in a worthy and satisfactory manner: Therefore,

Resolved, That the House be requested to make the customary appropriation of the balance of the salary which would be due to him as a member of the Forty-sixth Congress; and that the next Congress, to which he was elected, be respectfully requested to make a similar appropriation of the salary which would have been due to him as a member of the Forty-seventh Congress.

The amendment recommended by the committee was to strike out the words "a similar appropriation of the salary" and insert in lieu thereof "an appropriation of $6,000 in lieu of the salary."

The question was upon agreeing to the amendment.

Mr. ATKINS. The resolution as referred to the Committee on Appropriations requested that committee to recommend to the next Congress that it appropriate to the family of Mr. Farr the full salary for the next Congress. The Committee on Appropriations decline to comply with that request, and propose to recommend to the next Congress to appropriate $6,000 in lieu of the entire salary for the full term of the Forty-seventh Congress.

The SPEAKER. The Chair thinks that was done by this House in the case of Mr. Schleicher, of Texas.

Mr. ATKINS. That was the only case where it has been done.

The amendment was agreed to; and the resolution, as amended, was adopted.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSULAR REPORTS.

Mr. SINGLETON, of Mississippi. I rise to a privileged report.

The SPEAKER. The gentleman will present it.

Mr. SINGLETON, of Mississippi. I am instructed by the Committee on Printing to report back a resolution referred to them, together with a substitute therefor.

The SPEAKER. The resolution and the substitute will be read.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound in one volume 50,000 copies of the numbers issued by the State Department of reports from the consuls of the United States on the commerce, manufactures, &c., of their consular districts; 35,000 of which shall be for the use of members of the House of Representatives and 15,000 for the use of the Senate.

The substitute was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office, under direction of the Secretary of State, 20,000 copies each of the three numbers thus far issued by the Department of State of reports from the consuls of the United States on the commerce, manufactures, &c., of their consular districts; 14,847 copies thereof for the use of the House and 5,153 for the use of the Senate.

Mr. ATKINS. Is it designed to have these volumes bound?

Mr. SINGLETON, of Mississippi. Not now. They are coming out serially, and we propose to have them published with paper covers.

Mr. ATKINS. An estimate was sent in from the State Department for an item in the legislative, executive, and judicial appropriation bill to provide for publishing these consular reports quarterly. Is this for that purpose?

Mr. SINGLETON, of Mississippi. These reports come out once a month, and we propose that those now issued shall be put together in book form, with paper covers.

Mr. BLOUNT. I would like to ask my friend from Mississippi [Mr. SINGLETON] if he considers this a privileged matter?

Mr. SINGLETON, of Mississippi. We are reporting back a resolution which was referred to us by the House.

Mr. BLOUNT. I know that. But there are certain matters which the Committee on Printing have the privilege of reporting upon at any time. As I understand it, this is a matter relating to the consular service, and is not properly before the Committee on Printing.

Mr. ATKINS. It ought to have gone to the Committee on Foreign Affairs.

Mr. BLOUNT. Yes, it should have gone to the Committee on Foreign Affairs. I do not think that because the Committee on Printing has the right to report at any time it is privileged to report any matter that happens to get before it.

Mr. SINGLETON, of Mississippi. The House thought proper to refer this resolution to the Committee on Printing, as it concerns the character and number of documents to be printed. We have considered it, and now make a report upon it.

The SPEAKER. This is a matter which has been properly referred to the Committee on Printing. It relates to the printing of certain documents for distribution to members of the two Houses. The Chair thinks it comes within the scope of the rule.

Mr. ATKINS. May I ask the gentleman from Mississippi when this reference was made to the Committee on Printing?

Mr. SINGLETON, of Mississippi. I do not know the date; the resolution will show.

Mr. ATKINS. Let the Clerk read it.

The SPEAKER. The Chair learns from the Clerk that this resolution was referred to the Committee on Printing on the 24th of January last.

Mr. McMILLIN. Allow me to ask the gentleman from Mississippi whether it has been customary heretofore to print these reports for distribution?

Mr. SINGLETON, of Mississippi. This is a new field; but certainly reports of this nature which have been made to the House from time to time have been published, and that too upon the recommendation of the Committee on Printing.

Mr. ATKINS. Does this proceeding require unanimous consent?

The SPEAKER. It does not. The resolution has been properly referred to the Committee on Printing; and it relates to the printing of documents for the use of members of the two Houses of Congress. In the opinion of the Chair, it comes within the purview of the rule.

Mr. ATKINS. I would like to hear the rule read.

The Clerk read as follows:

All proposed legislation or orders touching printing shall be referred to the Joint Committee on Printing on the part of the House.—*Rule* XI, clause 45.

The following-named committees shall have leave to report at any time on the matters herein stated, namely: * * * The Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses.—*Rule* XI, clause 47.

Mr. ATKINS. Does the Chair hold that the House can take action at any time on a report of the Committee on Printing?

The SPEAKER. If it comes within the scope of the rule, and is a proposition to print for the use of the two Houses or either House. That has been the uniform practice.

Mr. SINGLETON, of Mississippi. Never deviated from at any time.

The SPEAKER. The gentleman from Tennessee can raise the question of consideration.

Mr. SINGLETON, of Mississippi. It may be proper that I should give a word of explanation. As will be remembered, Congress passed a law directing our various consuls and consular agents abroad to make these reports from time to time. Three reports have been made, one in November, one in December, and one in January. They are published under the authority of law; but the usual number—1,900—has been published. We propose now to publish an extra number of these reports in order that they may be circulated among the people. In my judgment, (it may be worth but little,) nothing more important and more valuable to the country than these reports has been published since I have been a member of Congress. We propose the publication of only 20,000 copies of each of the three reports. Certainly the resolution is in order as a privileged report.

Mr. SPRINGER. Is it proposed to issue these reports in separate volumes, or all in one volume?

Mr. SINGLETON, of Mississippi. We propose to publish them in pamphlet form just as they have come to us.

Mr. SPRINGER. Why not publish them in one volume? Will the gentleman allow me to make that motion as an amendment?

The SPEAKER. The Chair recognizes the gentleman from South Carolina [Mr. AIKEN] who introduced the resolution in regard to the printing of these documents.

Mr. AIKEN. Mr. Speaker, the original resolution which I had the honor to introduce proposed simply the publication of the first two numbers of these issues, with the idea that they were to make a bound volume. I am satisfied that every member on this floor who will make himself acquainted with the contents of these two issues must be satisfied that they should be circulated broadcast over the land. These reports contain more valuable information than any work issued by Congress that I have ever read—information for the people. As I have said, it was my purpose to have those two issues bound in one volume and distributed throughout the land. The Committee on Printing recommend that a third issue shall be included.

As I understand, the State Department proposes in future to issue once a month, or once a quarter, a continuation of these publications. The subject-matter of the two reports printed in 1880 does not relate necessarily to what may follow; hence I think they should be published in a separate volume. Therefore, I earnestly object to the recommendation of the committee that these reports should be again printed in the way in which they are so easily destroyed. They are now perishable in use, but if they were bound in one volume they would be a valuable addition to the library of any citizen of this country.

I hope the House, therefore, will not adopt the resolution of the Committee on Printing, but will take the original resolution; and, if in order, Mr. Speaker, I move to recommit to the Committee on Printing, with instructions to report the original resolution without amendment.

The SPEAKER. The gentleman from Mississippi having control of the subject would be recognized to call the previons question. If that should be voted down, then the resolution would be open to amendment. If the substitute reported by the committee should be voted down, then that would necessarily bring up the original resolution.

Mr. SINGLETON, of Mississippi. I wish to make one further remark. These pamphlets are small and the Committee on Printing did not deem it wise, indeed they thought it extravagant, to take these small pamphlets and put them into a volume and bind them. If the work of binding is to be done at all, there are three of these pamphlets, and not two, as the original resolution provides for, to be included in one volume. If they are to be bound at all, Mr. Speaker, the committee did not think it to be wise or proper to do that binding now. Indeed, these three pamphlets now issued would not make a larger volume than the very small one which I now hold in my hand. We have therefore recommended, as the best thing to be done at this time, the publication of these issues for distribution in their present form. If they are to be put in book form and bound, that would necessarily compel a change in the index and in the stereotype plates and in other respects. You would find it to be almost impracticable while at the same time it would double the expense to put them into book form. They come out every month, and I see no reason why the question of binding should not for the present be deferred.

Mr. BUCKNER. Will the gentleman from Mississippi allow me for one moment?

Mr. SINGLETON, of Mississippi. Certainly.

Mr. BUCKNER. I suggest to the gentleman from Mississippi whether it would not be better to defer the question of binding until more of these publications come out. I have read them, to be sure, with great interest, but I think the next Congress will be time enough to provide for their binding. I move to lay the whole subject on the table. [Cries of "No!"]

Mr. SINGLETON, of Mississippi. The suggestion of the gentleman from Missouri that the question of binding be deferred to next Congress is in accordance with the view of the Committee on Printing. We thought it would be premature to undertake to bind them now.

Mr. BUCKNER. I move to lay the whole subject on the table.

Mr. SPRINGER. I hope that will not be done. At the next session of Congress it will be like printing last year's almanac.

Mr. SINGLETON, of Mississippi. If they are to be published in book form a new index will be required and a change in the stereotype plates. It would not do, for it would be entirely too costly to publish these pamphlets and bind them separately.

Mr. BUCKNER'S motion was not agreed to.

Mr. REAGAN. Mr. Speaker, these papers furnish most valuable information on questions of the greatest interest to the country. The Secretary of State has announced the publication of two or three sets of these reports. They furnish information in relation to our commercial interests abroad which ought to be in the hands of not only members of Congress but of the people generally. I would be glad to see the three numbers now issued put into one pamphlet and bound.

Mr. SINGLETON, of Mississippi. I demand the previous question.

Mr. SPRINGER. If the House votes down the previous question I give notice I will then move that the three volumes now issued be bound in one volume in the style of the Agricultural Report.

The SPEAKER. Does the gentleman yield for that amendment?

Mr. SINGLETON, of Mississippi. No, sir. If these reports are to be issued every month from year to year there will necessarily be much of the matter that will be of temporary importance, and therefore I think the question of binding is one not now to be acted upon, but should be deferred until the next session of Congress, when it can be properly done. I insist on my demand for the previous question.

The House divided; and there were—ayes 74, noes 33.

Mr. AIKEN. I demand tellers. If the previous question is ordered, Mr. Speaker, will a motion to recommit with instructions be in order?

The SPEAKER. It will be.

Mr. COX. Is the question debatable?

The SPEAKER. It is not.

Mr. COX. I should like to say something.

Mr. SINGLETON, of Mississippi. I hope the resolution will not be recommitted with instructions.

Mr. AIKEN. I withdraw the demand for tellers.

So the main question was ordered.

Mr. AIKEN. I now move to recommit with instructions to the committee to report back the original resolution without amendment.

Mr. SINGLETON, of Mississippi. I hope that will not be done.

Mr. BRAGG. Is this debatable?

The SPEAKER. It is not. The Chair would suggest to the gentleman from South Carolina that he can reach his purpose without a motion to recommit with instructions. The resolution is reported back from the Committee on Printing with a substitute. If that substitute be voted down it will necessarily bring before the House for action the original resolution.

Mr. AIKEN. If the House will give attention to this question, I am satisfied the majority will approve the original resolution.

The SPEAKER. Debate is not in order. The original resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound in one volume 50,000 copies of the two numbers issued by the State Department of "Reports from the consuls of the United States on the commerce, manufactures, &c., of their consular districts;" 35,000 of which shall be for the use of the members of the House of Representatives and 15,000 for the use of the Senate.

Mr. AIKEN. That was the original resolution, which simply provided that two of these numbers sbould be bound and issued in one volume. Now there seems to be a desire on all sides that the three numbers shall be included in the one volume, and as I do not object to that myself I will accept the modification of the amendment to include the three in the one volume if there be no objection by the House.

The SPEAKER. Is there objection to the proposed modification of the original resolution?

There was no objection.

Mr. SINGLETON, of Mississippi. I ask a vote on the substitute proposed by the committee.

The House divided; and there were—ayes 59, noes 67.

Mr. SINGLETON, of Mississippi. I ask the yeas and nays. [Cries of "No!" "No!" "Take a vote by tellers!"] I will withdraw in deference to the wish of the House the demand for the yeas and nays and ask for tellers.

Tellers were ordered; and Mr. SINGLETON, of Mississippi, and Mr. AIKEN were appointed.

Mr. CAMP. Let the substitute reported by the committee for the original resolution be again read.

The substitute was again read.

Mr. KEIFER. Is there any doubt as to which three reports are contemplated to be bound in one volume?

Mr. AIKEN. The October, November, and January reports.

The House divided; and the tellers reported—ayes 61, noes 86.

So the substitute was not agreed to.

The SPEAKER. The question recurs on the resolution originally introduced, with the modification just accepted by the House.

Mr. SPRINGER. Did I understand the Chair to say that the substitute was adopted?

The SPEAKER. The Chair stated that it was rejected. It has not been agreed to.

The question now recurs on the original resolution as modified.

The original resolution, as modified, was then agreed to.

Mr. AIKEN moved to reconsider the vote by which the resolution, as modified, was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATALOGUE OF GOVERNMENT PUBLICATIONS.

Mr. SINGLETON, of Mississippi. Mr. Speaker, I ask now for the reading of the next report from the committee, which is at the desk.

The Clerk read as follows:

A bill (H. R. No. 6905) to authorize the preparation of a catalogue of Government publications from 1870 to date, with amendments.

The SPEAKER. The Chair thinks that this does not come within the range of the rule.

Mr. SINGLETON, of Mississippi. It was regularly referred to the committee.

The SPEAKER. Yes, but it is not a subject on which the committee has a right to report at any time. It will be in order when the committee is called.

REPORTS OF UNITED STATES ENTOMOLOGICAL COMMISSION.

Mr. SINGLETON, of Mississippi. There is another report from the committee, which I ask to be considered at this time.

The Clerk read as follows:

Joint resolution (H. R. No. 387) authorizing the printing of 30,000 copies of the third report of the United States Entomological Commission, with amendments.

The SPEAKER. The amendments proposed by the committee will be read.

The Clerk read as follows:

Strike out in the sixth line the word "one," and in the seventh line the word "thousand," and insert in place thereof "nine hundred and seven;" and after the word "thousand," where it occurs the second time in line 7, to insert "one hundred and ninety-three," so that it will read, "20,907 copies for the use of the House, and 2,093 for the Interior Department."

The SPEAKER. The question is on the amendments proposed by the committee. There being no demand for a separate vote, the amendments will be considered in gross.

The amendments were agreed to.

The resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. LELIA E. M'CAULEY.

Mr. STEPHENS. Mr. Speaker, I wish to make a request to the House, and it is this: that at this hour nothing else being in order but the consideration of private bills, this being the day set apart for that purpose, I ask by unanimous consent that the bill of the Senate No. 1728, a bill which has passed the Senate and is recommended by the House committee unanimously, granting a pension to the widow of Commodore McCauley, be taken up and passed. I hope there will be no objection to this request, as I desire to leave the House.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (S. No. 1728) granting a pension to Mrs. Lelia E. McCauley.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Lelia E. McCauley, widow of the late Commodore Charles S. McCauley, United States Navy, and to pay her a pension at the rate of $50 per month in lieu of the pension she now receives; this increase to date from and after the passage of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time; and being read the third time, was passed.

Mr. STEPHENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BELFORD. Mr. Speaker, I ask consent——

Mr. BRIGHT. Mr. Speaker, has the morning hour expired?

The SPEAKER. It has.

Mr. BRIGHT. Then I move that the House resolve itself into Committee of the Whole for the consideration of the Private Calendar.

The SPEAKER. The Chair will submit the gentleman's motion in a moment, the gentleman from Colorado [Mr. BELFORD] having been recognized.

HOSPITAL AND BURIAL GROUNDS AT LEADVILLE.

Mr. BELFORD. Mr. Speaker, I ask unanimous consent that the bill H. R. No. 6062, which passed the House unanimously some time ago, be taken up with a view to concurring in an amendment of the Senate.

The SPEAKER. The title of the bill will be read, after which objections will be asked for.

The Clerk read as follows:

A bill (H. R. No. 6062) donating certain lands in Lake County, State of Colorado, to the Veteran Union Association of Leadville, for hospital and burial purposes.

Mr. BELFORD. I ask that the Senate amendment be read.

The Clerk read as follows:

In line 2, after the word "Leadville," insert "its successors and assigns."

The SPEAKER. What recommendation does the gentleman from Colorado make?

Mr. BELFORD. I desire to move concurrence in the Senate amendment.

The motion was agreed to.

Mr. BELFORD moved to reconsider the vote by which the Senate amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Tennessee [Mr. BRIGHT] is recognized.

Mr. COFFROTH. I rise to move that the House proceed to the Speaker's table for the purpose of taking up private bills in order to refer them to committees, or in the case of those that have been reported favorably by House committees to put them on their passage. It will not take long to dispose of the private bills on the Speaker's table.

Mr. COX. That will take up all the day.

The SPEAKER. The Chair has no volition, in recognizing the gentleman from Pennsylvania, as to whether this would take up a moment or an hour. The question is simply whether the motion is in order.

Mr. SPRINGER. I think we ought to go to business on the Speaker's table.

The SPEAKER. This being Friday, if the motion to go to business on the Speaker's table should prevail the Chair thinks that only private bills would be taken up in order.

Mr. ROBESON. If that motion prevails are bills on the Calendar cut off?

The SPEAKER. Of course.

Mr. BLOUNT. I desire to say if the proposition of the gentleman from Pennsylvania be voted down, and if the proposition to go to the Private Calendar be voted down, unless the gentleman from New York [Mr. COVERT] asks to take up the agricultural appropriation bill, I shall ask the House to go into Committee of the Whole on the sundry civil appropriation bill. We have now only two more weeks to complete our work.

Mr. COX. I renew the notice I gave yesterday that to-morrow at twelve o'clock I will call the previous question on the apportionment bill.

The SPEAKER. The gentleman from Pennsylvania [Mr. COFFROTH] moves that the House proceed to the consideration of business on the Speaker's table for the purpose of taking up private bills.

Mr. WHITE. Does that require unanimous consent?

The SPEAKER. It does not; it is a motion provided for in the rules.

Mr. CONGER. I would like to hear what the proposition was that was made on behalf of the Committee on Appropriations in regard to the sundry civil bill.

Mr. BLOUNT. I stated if the several propositions to take up private business shall be voted down, unless the gentleman from New York asks a consideration of the agricultural appropriation bill, I shall ask the House to go into Committee of the Whole to consider the sundry civil bill.

Mr. CONGER. I hope that will be done.

Mr. KEIFER. Has the sundry civil bill been printed?

Mr. BLOUNT. It has.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, [Mr. COFFROTH.]

Mr. COVERT. I desire to raise the question of consideration.

The SPEAKER. The easiest way to do that is to vote down the motion.

Mr. COVERT. It is only fair to the House they should be informed before a vote shall be taken on the motion of the gentleman from Pennsylvania that the agricultural appropriation bill is ready and has been ready, for many days past, for consideration.

Mr. VALENTINE. Why did the gentleman not bring it up yesterday?

Mr. COVERT. I gave notice yesterday that the bill was ready and repeat that notice now.

Mr. COX. I ask the Chair to inform the House whether if we go to the Speaker's table we will not be compelled to take up every bill, public and private?

The SPEAKER. The Chair thinks not. But that point can be readily made by the Chair submitting the motion in the manner as stated by the gentleman from Pennsylvania himself, that the House proceed to business on the Speaker's table for the purpose only of considering private bills.

Mr. SPRINGER. On Friday, under the rule, if the House went to

the Speaker's table, would not the consideration of private bills only be in order?

The SPEAKER. The Chair thinks that only private bills could be considered.

Mr. SPRINGER. And virtually there can be no consideration of private bills on the Speaker's table except by unanimous consent; because if a bill makes an appropriation of public money——

The SPEAKER. It is subject to the point of order.

Mr. SPRINGER. And one objection will take it to the Calendar. I think we can reach all the private bills on the Speaker's table and refer them in half an hour's time.

Mr. CONGER. I trust we may go on with the appropriation bills.

The question being taken on Mr. COFFROTH'S motion, it was not agreed to—ayes 22, noes not counted.

Mr. BRIGHT. I now move that the House resolve itself into Committee of the Whole for the purpose of considering the Private Calendar.

Mr. COVERT. Am I at liberty to offer an amendment to that motion?

The SPEAKER. The gentleman can move to dispense with the consideration of private business, which can be done by a two-thirds vote.

Mr. SPRINGER. If the House refuses to go into Committee of the Whole, would it not then be in order for the gentleman from New York to call up the appropriation bill?

The SPEAKER. The Chair will cause to be read the two rules that relate to the business of Friday.

The Clerk read Rule XXIV, clause 6, as follows:

Business on the Speaker's table having been disposed of, it shall then be in order to entertain motions, in the following order, viz:

* * * * * * *

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

The Clerk also read Rule XXVI, as follows:

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote of the members present and voting.

The SPEAKER. As the Chair stated on a former occasion, these two rules are inconsistent. Rule XXVI provides that private business shall not be dispensed with except by a two-thirds vote; and yet Rule XXIV in its sixth clause provides that if the House refuses to proceed to the consideration of business on the Private Calendar then the House will proceed to the consideration of public business. The Chair, however, will recognize first any motion to dispense with the private business.

Mr. CONGER. I hope we may take the vote directly on the question to go into Committee of the Whole on the Private Calendar.

The question being taken on Mr. BRIGHT'S motion that the House resolve itself into Committee of the Whole House to consider business on the Private Calendar, there were—ayes 55, noes 100.

So the motion was not agreed to.

The SPEAKER. The Chair thinks the effect of the vote just taken is to leave the House free to consider public business to-day.

Mr. SPARKS. I move that the House now proceed to the consideration of business on the House Calendar. I do this with a view——

Mr. RYAN, of Kansas. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN, of Kansas. Does it not take a two-thirds vote to dispense with the business assigned by the rules for this day?

The SPEAKER. The Chair will again cause to be read clause 6 of Rule XXIV.

The Clerk read as follows:

Business on the Speaker's table having been disposed of, it shall then be in order to entertain motions, in the following order, viz:

* * * * * * *

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

The SPEAKER. The discrepancy between this rule and Rule XXVI is not in consequence of any action of the Committee on Rules; but it comes about in consequence of an amendment of Rule XXVI, which was made by the House to the rule as reported from the Committee on Rules, the amendment being to require a two-thirds vote to dispense with private business on Fridays. On a former occasion the Chair stated that he had no power to compel the House to proceed to the consideration of private business on Friday if a majority of the House should refuse to do so.

Mr. SPRINGER. The House having refused to go into Committee of the Whole on the Private Calendar, are not bills of a private nature pending before the House, and which have been reported from the Committee of the Whole, in order to be now considered?

The SPEAKER. The Chair is not aware that there are any such.

Mr. SPRINGER. There may not be, and, if not, then public business would be in order.

Mr. BRAGG. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BRAGG. The rules require a two-thirds vote in order to dispense with the consideration of private business on Fridays. The House having refused to go into Committee of the Whole on the Private Calendar, that does not dispense with the rule governing private business to-day, because there is private business which is not on the Private Calendar. It seems to me that under a proper construction of the rule such private business, not on the Private Calendar, should now have preference before public business, as there has been no two-thirds vote to dispense with private business for to-day. That being so, those who are interested in private bills on the House Calendar, which is different from the Private Calendar, it seems to me, under the rules, ought to be entitled to preference in order of business.

The SPEAKER. The House has refused to proceed to the consideration of private business on the Speaker's table.

Mr. BRAGG. That is so.

The SPEAKER. And the House also has refused to go into Committee of the Whole for the consideration of business on the Private Calendar.

Mr. BRAGG. Yes, sir.

The SPEAKER. The gentleman maintains that the next motion to be recognized is a motion to proceed to the consideration of private business on the House Calendar.

Mr. BRAGG. That is my point.

The SPEAKER. The Chair would entertain such a motion.

Mr. CONGER. I would like to understand what is the record of the motion upon which the House has just acted. I understand that the motion just voted down was to go into Committee of the Whole for the consideration of private business, not private bills and not the Private Calendar; which motion would include, I think, the House Calendar as well as the Private Calendar.

The SPEAKER. There are three calendars—the Calendar of the Committee of the Whole on the state of the Union, the Private Calendar, and the House Calendar. The gentleman from Wisconsin [Mr. BRAGG] maintains that although the House has refused to consider the private business on the Speaker's table and has refused to go into Committee of the Whole to consider the Private Calendar, the next motion in order is the one to proceed to the consideration of private business on the House Calendar.

Mr. CONGER. If the motion just voted down expressly stated "Private Calendar," then the Chair is right.

The SPEAKER. That was the motion; to go into Committee of the Whole to consider business on the Private Calendar. That motion was voted down, and the Chair thinks that he is now bound to recognize a motion to consider private business to-day wherever it may be, other than on the Private Calendar and on the Speaker's table, motions to that effect having been voted down.

Mr. BLOUNT. Is it in order to move to dispense with private business for to-day?

The SPEAKER. That motion is in order, but it would require a two-thirds vote to be successful. The motion to proceed to private business on the House Calendar can be decided by a majority vote, as were the two other motions.

Mr. SPARKS. I desire to state that my object in making this motion is to reach the bill on the House Calendar for the relief of General Porter.

The question was taken upon the motion of Mr. SPARKS; and upon a division there were—ayes 63, noes 94.

Before the result of the vote was announced,

Mr. SPARKS called for tellers.

Tellers were ordered; and Mr. SPARKS, and Mr. CANNON of Illinois, were appointed.

Mr. SPARKS. I want to state to the House that I do not propose to take any considerable time on the bill. It has been pending here since the beginning of this session, and it is expected that we can get through with it in one hour.

Mr. CANNON, of Illinois. You cannot get through with it in a week.

The House again divided; and the tellers reported that there were—ayes 78, noes 108.

Before the result of this vote was announced,

Mr. SPARKS called for the yeas and nays.

The yeas and nays were ordered; there being 45 in the affirmative, more than one-fifth of the last vote.

The question was taken; and there were—yeas 113, nays 117, not voting 61; as follows:

YEAS—113.

Acklen,	Colerick,	Hammond, N. J.	Manning,
Aiken,	Converse,	Hatch,	Martin, Benj. F.
Armfield,	Cook,	Henkle,	McLane,
Atherton,	Covert,	Herbert,	McMahon,
Atkins,	Cox,	Herndon,	McMillin,
Bachman,	Cravens,	Hooker,	Morrison,
Beale,	Culberson,	Hostetler,	Morse,
Berry,	Davis, Joseph J.	House,	Muldrow,
Bicknell,	Davis, Lowndes H.	Hunton,	Muller,
Bland,	Deuster,	Hurd,	New,
Bragg,	Dibrell,	Hutchins,	Persons,
Buckner,	Elam,	Johnston,	Phelps,
Caldwell,	Ellis,	Kimmel,	Philips,
Chalmers,	Evins,	King,	Phister,
Chittenden,	Finley,	Klotz,	Poehler,
Clark, John B.	Forney,	Knott,	Reagan,
Clements,	Geddes,	Ladd,	Richardson, J. S.
Clymer,	Gillette,	Le Fevre,	Richmond,
Cobb,	Goode,	Lounsbery,	Ryon, John W.
Coffroth,	Gunter,	Lowe,	Samford,

Sawyer,	Sparks,	Turner, Oscar	Williams, Thomas
Scales,	Springer,	Turner, Thomas	Willis,
Shelley,	Steele,	Upson,	Wilson,
Simonton,	Talbott,	Vance,	Wise,
Singleton, J. W.	Taylor, Robert L.	Warner,	Wright,
Singleton, O. R.	Thompson, P. B.	Weaver,	Yeates.
Slemons,	Tillman,	Wellborn,	
Smith, Hezekiah B.	Townshend, R. W.	Wells,	
Smith, William E.	Tucker,	Whiteaker,	

NAYS—117.

Aldrich, N. W.	Dunn,	Kelley,	Sapp,
Aldrich, William	Dunnell,	Lapham,	Shallenberger,
Anderson,	Dwight,	Lindsey,	Sherwin,
Baker,	Einstein,	Loring,	Smith, A. Herr
Ballou,	Errett,	Marsh,	Speer,
Bisbee,	Felton,	McCoid,	Starin,
Blount,	Ferdon,	McGowan,	Stephens,
Bouck,	Ford,	McKinley,	Stevenson,
Boyd,	Forsythe,	Miles,	Stone,
Briggs,	Fort,	Miller,	Taylor, Ezra B.
Brigham,	Frye,	Mills,	Thomas,
Bright,	Godshalk,	Monroe,	Thompson, Wm. G.
Browne,	Hall,	Neal,	Townsend, Amos
Burrows,	Hammond, John	Newberry,	Tyler,
Butterworth,	Harmer,	Norcross,	Updegraff, J. T.
Calkins,	Harris, Benj. W.	O'Neill,	Updegraff, Thomas
Camp,	Haskell,	Orth,	Urner,
Cannon,	Hawk,	Osmer,	Valentine,
Carpenter,	Hawley,	Overton,	Voorhis,
Caswell,	Hayes,	Pacheco,	Wait,
Claflin,	Hazelton,	Page,	Ward,
Conger,	Heilman,	Pound,	White,
Cowgill,	Henderson,	Prescott,	Whitthorne,
Crapo,	Hiscock,	Price,	Wilber,
Crowley,	Horr,	Ray,	Williams, C. G.
Davidson,	Hubbell,	Reed,	Willits,
Davis, George R.	Humphrey,	Rice,	Yocum.
Davis, Horace	Jones,	Richardson, D. P.	
Deering,	Jorgensen,	Robinson,	
Dick,	Keifer,	Ryon, Thomas	

NOT VOTING—61.

Bailey,	Daggett,	Killinger,	Robeson,
Barber,	De La Matyr,	Kitchin,	Ross,
Barlow,	Dickey,	Martin, Edward L.	Rothwell,
Bayne,	Ewing,	Mason,	Russell, Daniel L.
Belford,	Field,	McCook,	Russell, W. A.
Beltzhoover,	Fisher,	McKenzie,	Scoville,
Bingham,	Frost,	Mitchell,	Van Aernam,
Blackburn,	Gibson,	Money,	Van Voorhis,
Blake,	Harris, John T.	Morton,	Waddill,
Bliss,	Henry,	Murch,	Washburn,
Bowman,	Hill,	Myers,	Wood,
Brewer,	Houk,	Nicholls,	Young, Casey
Cabell,	James,	O'Brien,	Young, Thomas L.
Carlisle,	Joyce,	O'Connor,	
Clardy,	Kenna,	O'Reilly,	
Clark, Alvah A.	Ketcham,	Robertson,	

So the motion of Mr. SPARKS was not agreed to.

Before the result of the vote was announced,

Mr. SINGLETON, of Illinois, said: In deference to the wishes of friends, I change my vote from "no" to "ay."

The following pairs were announced from the Clerk's desk:

Mr. BLACKBURN with Mr. MITCHELL, on this vote. Mr. BLACKBURN would vote "ay;" Mr. MITCHELL, if present, would vote "no."

Mr. CABELL with Mr. BLAKE.

Mr. O'CONNOR with Mr. BREWER, on all political questions, for to-day.

Mr. ROSS with Mr. FISHER, on this question.

Mr. CLARDY with Mr. RUSSELL of Massachusetts, until further notice.

Mr. VAN VOORHIS with Mr. EWING, indefinitely.

Mr. ROBESON with Mr. MCKENZIE.

Mr. JAMES with Mr. O'BRIEN.

Mr. NICHOLLS with Mr. JOYCE.

Mr. VAN AERNAM with Mr. HENRY.

Mr. BAYNE with Mr. FROST, on political questions.

Mr. WARD. I am paired with the gentleman from West Virginia, [Mr. KENNA,] who is engaged in his duties on the Committee on Enrolled Bills. I have voted on this question because I have learned that the gentleman from West Virginia would, if present, vote on the same side.

Mr. ACKLEN. Mr. Speaker, I change my vote from "no" to "ay." I do this after an assurance from the chairman of the Committee on Military Affairs [Mr. SPARKS] that if the previous question is not sustained at the close of one hour, he will withdraw the measure. I think we should go on with the appropriation bills and other public business, and not waste the few remaining days of the session in a partly political discussion.

Mr. WHITE. I move that the reading of the names be dispensed with.

Mr. BRAGG. I object.

The names having been read, the result of the vote was announced as above stated.

Mr. KEIFER. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table.

Mr. SPRINGER. I call for a division on the motion to lay on the table.

Mr. KEIFER. I withdraw my motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed, without amendment, the joint resolution (H. R. No. 178) authorizing certain books and mementoes in the possession of the Government to be placed in the Memorial Hall of the National Lincoln Monument at Springfield, Illinois.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1710) for the relief of William H. Gill; and

A bill (S. No. 2178) to authorize the construction of a fire-proof building at Columbus, Ohio.

AGRICULTURAL APPROPRIATION BILL.

Mr. COVERT. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the agricultural appropriation bill.

Mr. O'NEILL. Mr. Speaker, would not a proposition to limit debate on this bill be in order now?

The SPEAKER. It would not, as the Committee of the Whole has not yet entered upon the consideration of the bill.

The motion of Mr. COVERT was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. COX in the chair,) and proceeded to the consideration of the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes.

Mr. COVERT. I ask that the first reading of the bill for information be dispensed with.

The CHAIRMAN. If there be no objection, that will be ordered.

There was no objection.

The CHAIRMAN. Unless some gentleman desires to occupy the floor in general debate, the bill will now be read by paragraphs for amendment.

Mr. ANDERSON. All questions of order were reserved when the bill was introduced.

The CHAIRMAN. They were.

Mr. COVERT. Mr. Chairman, before we proceed to the consideration of the pending bill by paragraphs, I desire to explain, in a general way, some of its leading features. And if I may be permitted, I beg to call the attention of the House—partly because of some of the provisions contained in this bill, and partly because of some statements made in the discussion the other day relative to the making the Department of Agriculture an executive branch of the Government—to the original design of the Department, the specific objects sought to be accomplished by its creation.

We had an immense area of land under improvement, and a still larger extent of territory lying waste and uncultivated. Different characters of climate and soil demanded entirely different methods of treatment. Individuals and separate communities were slowly experimenting to determine what might be best adapted to these various conditions. I hazard nothing, sir, in saying that it was not because of any express or even implied warrant or grant in the Constitution, but because of the seeming necessities of the case, that the Department of Agriculture had its origin. It was because it was thought that Government could make experiments and apply tests in the directions indicated better and more profitably than individual citizens or individual communities. The sole idea involved was that this Department should be an experimental Department, and that the results of its work should be diffused among the people, to be utilized by the large class of our own citizens engaged in agriculture.

Nowhere, sir, is this idea more clearly made apparent than in the section of the original act defining the duties of the Commissioner in respect to the purchase, growth, and distribution of seeds. The section provides that he shall collect new and valuable seeds and plants; shall test the same by cultivation, and that he shall then distribute them among agriculturists. I call the special attention of the House to the phraseology employed here. The seeds are not to be distributed generally, but only to a certain special class of our citizens, who are required to make further tests, to ascertain if particular seeds are adapted to certain peculiarities of soil and climate, and to report the facts ascertained to the Department for general promulgation to the people.

The committee endeavored last year, when they reported their appropriation bill to the House, to conform closely to this provision of the statute. An amendment prevailed, however, upon the floor, which changed the language of the organic act, and directed that three-fourths of these seeds should be sent by the Commissioner of Agriculture to the various Senators and Members for distribution by them among their constituents, and that only the remaining one-quarter should be distributed by the Commissioner. This, as might have been expected, and as was urged at the time of the adoption of the amendment, has given rise to a world of trouble and confusion. The Commissioner of Agriculture has been obliged to open accounts with over three hundred Senators and Members in the same way that a bank account is kept, and every individual order received, sent by a Senator or Member, has been necessarily entered under an individual heading in the accounts of the Department.

Under the former system the Commissioner sent our yearly to people upon whom he could rely, to men whom he knew to be practical and intelligent farmers, these seeds and plants for experimental purposes. He was in receipt regularly from these correspondents of

information as to the success or non-success of the experiments made. The adaptability of various seeds to certain conditions of soil and climate thus became known, and this information was given to the public through the reports of the Commissioner. This was in accordance with the design of the original act establishing the Department.

It is safe to say that of the seeds sent out under the present method of distribution not one recipient of them in one thousand ever thinks of making any report as to the results reached. Not only, Mr. Chairman, in this particular has the present method worked trouble and confusion, but its ill effects have been exhibited in other particulars. Seeds that were intended especially for northern latitudes, grains which could only flourish and grow there, have been sent to the South, while cotton seeds and plants of various kinds adapted only to southern latitudes have been sent to the North, where neither the decrees of Heaven intended these seeds to grow nor the ingenuity of man could make them flourish. The average constituent who received these seeds intended for other latitudes, finding they never came up, criticised and found fault with this Department because of these unfavorable results.

Now, Mr. Chairman, this committee have again enacted or sought to have enacted in the bill which they have introduced a clause relegating the matter of seed distribution to the Commissioner. They have gone back to the organic law and given the Commissioner of Agriculture full power and discretion in this matter of distribution. The Commissioner has made every effort to conform to the law, but Congress has taken from him the power sought to be conferred by the section of the original act I have mentioned. Bound hand and foot by the amendments adopted by Congress, he has been almost powerless to carry out successfully one of the controlling features in the experimental work of the Department.

I venture the assertion, sir, that no one thing has so tended to bring about adverse criticism, no one thing has so tended to weaken and cripple the efforts of the Department, as this general and miscellaneous system of seed distribution. And I make the further suggestion that not more than one-half of the $80,000 appropriated by this bill for the purchase and distribution of seeds would be necessary if the spirit of the original act was adhered to and this distribution made by the Commissioner only among the agriculturists of the country who would make report as the law directs.

It will be noticed, Mr. Chairman, that a few changes have been made in the salary list. So far as the office of the Commissioner is concerned, the committee have recommended that he should be furnished with a stenographer. He is now called upon to avail himself of the services of one or two clerks in the Department who understand stenography. But there is no official stenographer there. The duties of the Commissioner, his large correspondence, and the immense number of details claiming his attention call, in the judgment of the committee, for the appointment of an official stenographer, and we have recommended the appointment of one at a salary of $1,800 a year.

We have made a change, too, so far as the office of chief of the division of accounts is concerned. Under the present law the duties devolving upon this officer are multitudinous in number and exacting in character, and after careful examination the committee recommend there should be an assistant in that department, and they have recommended the appointment of such an assistant at a moderate compensation.

The last appropriation bill devoted $10,000 for the pay of laborers, carpenters, and general assistants. We have cut that down to $8,000, and with the increase I have suggested the increase of appropriations in the office of the Commissioner amounts only to $1,200 in all over the appropriations of last year.

We have made changes in the chemistry division of the Department. And I will say in this connection what is well known to most gentlemen on this floor, that practical chemistry stands as the foundation and corner-stone of experimental agriculture. This division has performed an immense amount of work during the past fiscal year. It has made several thousand demonstrations in the matter of sorghum with a view to ascertaining its sugar-producing capacity. It has made over two hundred analyses of grasses in order to ascertain their capacities to produce food under different circumstances and conditions. It has experimented upon the question of fertilizers, a most important question for the country now, and a still more important question for the future, when our agricultural lands shall be gradually exhausted by much cultivation. In view of the very many important experiments which are about to be made in these various directions during the coming year, the committee have recommended the employment of an additional chemist at the moderate compensation of $1,400 a year, and have made an additional appropriation of $4,000, to be expended by the Commissioner of Agriculture, at his discretion, in the employment of additional expert force whenever the necessities or exigencies of the Departmant may, in his judgment, demand it.

In the department of botany, which is a very necessary and important adjunct to this Department, the work of the botanist being an important auxiliary and factor in the great agricultural interests of this country, the committee have recommended the employment of an assistant. They have been moved to do this by reason of the enlarged amount of work that will come to the attention of the Department in that special branch of it during the coming fiscal year.

I pass rapidly over the other items in the bill, which I think will speak for themselves, and ask the attention of the committee for a few moments only to the provisions for further experiment in connection with the investigation and examination of sorghum as a sugar-producing plant. In the last agricultural bill the sum of $7,500 was devoted to this special purpose by the conference committee appointed to represent the Senate and House of Representatives. There was an oversight in connection with that appropriation. The amount of money so set apart was not, according to the terms of the bill, made immediately available, and as a consequence it was late in the season before the experiments were fairly commenced. Special machinery had to be manufactured, and delay was caused in the proper setting up of this machinery and in preparing it for operation. Meanwhile the plants from which the material was to be expressed were piled up in the Department waiting the completion of the machinery, the result of which was that it was scarcely in a condition for fair or satisfactory experiment at the time that the operation was commenced.

But notwithstanding this fact, notwithstanding the difficulties under which the Department labored, the results of these experiments have convinced the chemists, have convinced the Commissioner of Agriculture and those who have examined the question carefully, that the future experiments in connection with this matter may be conducted upon a basis that will insure success.

In view of these facts the committee have recommended an appropriation of $25,000 to continue and complete and perfect these experiments in connection with sorghum.

Ten thousand dollars have been appropriated in the bill for further experiment in connection with tea culture, and I want to say here briefly that the experiments which have been made so far during the past year, experiments conducted more especially in the State of Georgia, have established the fact that in this country tea can be successfully cultivated. The Commissioner claims further that it can be so manipulated as to be placed on the market in a condition, so far as excellence is concerned, that compares very favorably with some of the best brands of foreign tea. I desire further to call the attention of the members of this House who may desire to investigate this question more deeply to the statements contained in the appendix recently issued to the preliminary report of the Commissioner to the President, bearing upon this question of tea culture.

There was an appropriation in the bill of last season, Mr. Chairman, providing for the construction of artesian wells in the territory in the immediate vicinity of the Rocky Mountains. The Commissioner reports as a result of the experiments made with that appropriation, and as a result of the investigation of the question submitted to him, that there are thousands of acres in this region of country that are under the almost absolute domination of a few ranchmen, who have obtained possession of the few streams and springs in that locality, and who levy tribute upon all who desire to use the lands for grazing purposes. The Commissioner has already commenced operations under the appropriations of last season with a view to making a change in this condition of things. He reports that there is evidence of water-bearing strata in that section of country, and that he has no doubt, should this prove true, in a very short period of time individual property-holders there will be able themselves to sink their own wells, leading up to the reclamation of this large region of country and its adaptability to grazing and other purposes.

Mr. ATKINS. Will the gentleman from New York state the points of difference between this bill and the law regulating the Agricultural Department; the appropriation law?

Mr. COVERT. Do I understand the gentleman to ask the difference between this and the organic law?

Mr. ATKINS. No, sir; the appropriation law of the present fiscal year.

Mr. RICHMOND. What is the difference in the appropriation of last year and that which the committee now propose in this bill?

Mr. COVERT. The amount appropriated by this bill is $292,000. The amount appropriated by the last bill was $253,300. The increase over the last appropriation bill is $35,700.

Mr. ATKINS. Will the gentleman state in what matters there is an increase and in what matters there is a decrease?

Mr. COVERT. I have been attempting to explain just those particulars.

Mr. WHITE. I think the gentleman from New York should be permitted without interruption to make his explanation of the policy of the bill.

Mr. COVERT. I had made the statement, Mr. Chairman, that one of the large items, or one of the larger items in this bill, leading to an increase over the expenditure of last year, was the amount appropriated by the committee for the continuation of the experiments in sorghum. Other additions are the appropriation for tea culture, and a slight increase for assistants in the office of the Commissioner and in the division of chemistry.

With reference to this matter of the artesian well construction, the committee have deemed it best to recommend an appropriation in the present bill for the continuation of the work.

Mr. BUCKNER. Will the gentleman state to the House what has been done in carrying out the action taken which authorized the artesian wells to be sunk?

Mr. COVERT. The Commmissioner, when called upon for information by the committee with reference to this point, stated that he

had progressed with the experiments in this connection; that he had selected a plain a few miles from the Arkansas River for that purpose; that he has caused one well to be sunk, and that he has every reason to suppose from the results which have followed that the section mentioned has a water-bearing stratum, and he is confident of the good results which will follow the completion of these experiments.

A question, sir, of vast and constantly growing importance to the whole country is suggested by one of the paragraphs in the pending bill. I refer to the matter of forestry, the preservation of our timber interests. Nature has been most bountiful to us in this regard, and like heirs to an immense fortune, we have to large extent squandered our resources without adequate thought as to possible needs for the future. It may be matter of surprise to very many that the Northern, Eastern, and Middle States have to great extent exhausted their supplies of pine timber. The State of Maine, long known as the "Pine Tree State," now exports next to none of this timber; and her ship-yards draw their supplies in most part from the States of the South. The hemlock and spruce timber of this section is rapidly decreasing and decaying; and the whole Northern, Middle, and Eastern States have for more than a score of years been drawing largely upon Canada and Michigan for a part of their timber supply. The Canadian authorities have been seeking for some years, through inquiries by parliamentary committees, for remedies for the scarcity which long ago made itself manifest to them in this regard. We have scarcely stopped to ask the question, "What will be the effect if this swift consumption is continued?" A rapid advance in price will be the first herald to tell us of our loss. Further and consequent prostration in ship-building, railroad construction, and private business enterprises will follow; and the baleful results to the whole nation can scarcely be estimated. In foreign countries attention was long ago directed to this question, and rigid laws have been enacted for the preservation of their forest treasures.

The committee has inserted in the pending bill a provision making it obligatory upon the Department to continue its inquiry in this direction, to the end that full information may be obtained upon the subject and that appropriate legislation may be shaped in the future to prevent a possible national calamity in this regard.

But a few moments more, sir, and I have done. While I have opposed from my place on this floor, uniformly and consistently, the erection of this Department into an Executive Department of the Government, I am not, I trust, disloyal to the cause of agriculture and the interests of agriculturists. I have the honor to represent a district whose interests are in large measure agricultural. I realize the worth to his community and country of every practical farmer. In every legitimate way I want his interests advanced, his rights protected, and his influence extended. I have faith enough in the coming farmer, in the agriculturist of the future, to believe that in time (and I trust the time will not be far distant) the necessity for the existence of this Department will be no longer felt.

The controlling idea involved in the creation of the department is that our wide domain should be tested, to ascertain what can be most successfully produced in its various sections. Experiments in this direction cannot be profitably conducted forever. Sooner or later the work of the department should be closed, and meanwhile I cannot see why the farmer should not, like other men engaged in other pursuits, learn to experiment for himself and act for himself, without reference to governmental aid. The misfortune has been that it has been the exception rather than the rule to give to the boy who intended to be a farmer anything like a proper preliminary education to fit him for the work before him, or even to interest him in his coming work. My experience as a school officer has been—and the experience of others will corroborate the statement—that it is the exception rather than the rule in agricultural districts, where the pupils go from the school to the farm, for even the first principles of chemistry, or botany, or entomology to be taught in the public schools of those districts.

The man who would carry on a mechanical trade fits himself for it by a proper apprenticeship. The professional man subjects himself to a long and studious preparation for the work before him. Government is not asked to educate them for their various callings. No appropriations are made from year to year by Congress to furnish them with information relative to their several branches of industry. The time should approach, and I cannot but think, sir, it should come speedily when the work of this department of the Government should cease. This period will arrive when those who are engaged in agriculture look upon their business as a profession calling for the exercise of thought as earnest, of investigation as profound, as any profession practiced anywhere the wide world over.

I want to repeat, sir, for fear I may be misunderstood—and I fear I have been misunderstood—that I stand here to-day not only as a friend of the practical farmer, but as his appreciative and sympathetic friend. Not an effort he makes to render every acre more productive, not a desire on his part to ennoble and dignify his calling that does not have all that I can give, my genuine appreciation and earnest sympathy. And, sir, I have pleasure in knowing that in the ranks of those who have given to agriculture in this country a distinctive name and character are men of brain and power, who

While they labor, learn to think.

As a result of this combination of thought with labor, model farms are scattered throughout the length and breadth of the land, and model farmers find pleasure and profit in their cultivation. Through the efforts of men like these, farmers who think while they work, town and county and State agricultural societies are formed without expense to the Government, and the results of experiments made and tests applied are communicated through these mediums. I have faith to believe, sir, that with the continued growth and spread of thought among those engaged in agriculture, at no far distant day a national agricultural society, to be formed by the voluntary association of progressive agriculturists representing every section of the Union, may take the place of the existing Department and achieve for the people of this country all that the Department under then changed conditions could hope to accomplish.

The farmer of the future, keeping step with the demands of the time, will be known and recognized as the man of thought as well as of action. He will be fitted by preliminary training for the proper performance of his work. He will have his library, large or small, of agricultural works, just as the lawyer or physician of to-day have their libraries, and with the same necessity for study and investigation in his case as in theirs. And this will be accomplished, not by subsidies from the public Treasury, not by bounties from the Government, but because the demands of the age will make these conditions necessary. When that time comes this Department of the Government will have accomplished its mission; and the Congress of the United States, without injury or injustice to any class or to any interest, can and should pass an act repealing the law which called this Department into being.

But, sir, until then, and so long as this Department is a branch of the Government, I join hands with the most enthusiastic friends of agriculture in asking that appropriations large enough to meet every possible requirement, so far as the legitimate purposes of this Department are concerned, shall be freely made by the Federal Congress. And it was in this spirit that I for one assisted in the formulation of the bill which I have now the honor to submit to this House for its final action.

Mr. HURD. I send up to the Clerk's desk and ask to have read an amendment which I shall propose to this bill at the proper time.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

For compensation of one statistician, $1,975; one clerk of class 4, $1,775; two clerks of class 3, $3,100; one clerk of class 2, $1,440; two clerks of class 1, $1,440. And the statistician shall, under the direction of the Commissioner of Agriculture, ascertain and report to the next regular session of Congress what effect the customs-revenue laws of the United States have had heretofore, and what effect said laws will, if continued in force, probably have hereafter on the agricultural interests of the people of the United States; whether the effect of such laws has been to increase or diminish the price of American agricultural products in the markets of foreign countries; whether their effect has been to increase or diminish the price of clothing and agricultural tools and implements in this country; and whether or not the wages of farm laborers and the profits of persons engaged in agricultural pursuits have been in any manner affected by such laws, and if so, in what way and to what extent.

Mr. ROBINSON. Is that amendment offered for consideration at this time?

The CHAIRMAN. The Chair understands the gentleman to give notice that he will propose at the proper time the amendment which has just been read.

Mr. HURD. Mr. Chairman, in the last days of the late political canvass the supporters of one of the candidates for the Presidency sought votes for their favorite by charging that the election of the other candidate would involve a disturbance of the present tariff. The proposition assumed that the present tariff ought not to be disturbed. It is claimed that the triumph of the successful candidate was due to the introduction of this issue into the campaign, and means an approval of the present protective method of collecting duties. I do not so understand it. The issue was not discussed before the people. It was introduced prominently so late that there was not time to discuss it. Those who should have contended for tariff for revenue only laid down their banner without a struggle to defend it. The result, therefore, in my judgment, has not the slightest significance so far as this question is concerned.

But the effect of what was said has been to direct public inquiry to the subject. For years the advocates of tariff reform have endeavored to interest the people in the question, but other matters of more apparent pressing importance have occupied their attention. Many began to fear that what has been aptly termed a system of "reciprocal rapine" had interested so many that the people would be content with their burdens because they did not realize their weight. But how to make them realize it without discussion?—and of what avail was discussion when they would not listen?—were the questions. Fortunately the protectionists have solved the problem. They proclaimed that protection should become an issue in politics, and thereby invited the country to decide it. For one, I accept the challenge they have offered; I pick up the gauntlet they have thrown down. Prudence it seems to me would have dictated to these supporters of monopoly the policy of silence; but they have rashly dragged their system into the light of day. It will not be long until its crudities will be made known, its extortions and robberies exposed, with the early result, I predict, of its complete overthrow.

In the remarks I shall submit to-day I expect to say nothing new, nothing which has not been much better said many times before. I have availed myself of whatever I have been able to find, whether

in books or speeches upon the subject, not to proclaim a new doctrine, but to emphasize and illustrate an old one, one, too, approved in every national platform of the party of which I am a member, and to bring sharply and clearly as I can before the public mind the reasons which should induce the country to adopt it.

At the very threshold it is proper to define the terms I shall use and state the exact propositions I purpose to maintain. A tariff is a tax upon imported goods. Like other taxes which are levied, it should be imposed only to raise revenue for the Government. It is true that incidental protection to some industries will occur when the duty is placed upon articles which may enter into competition with those of domestic manufacture. I do not propose to discuss now how this incidental protection shall be distributed. This will be a subsequent consideration when the preliminary question has been settled as to what shall be the nature of the tariff itself. The present tariff imposes duties upon nearly four thousand articles, and was levied and is defended upon the ground that American industries should be protected. Thus protection has been made the object; revenue the incident. Indeed, in many cases the duty is so high that no revenue whatever is raised for the Government, and in nearly all so high that much less revenue is collected than might be realized. So true is this that if the present tariff were changed so as to make it thereby a revenue tariff, one-fifth at least could be added to the receipts of the Treasury from imports. Whenever I use the phrase free trade or free trader I mean either a tariff for revenue only or one who advocates it.

So far as a tariff for revenue is concerned, I do not oppose it, even though it may contain some objectionable incidental protection. The necessities of the Government require large revenues, and it is not proposed to interfere with a tariff so long as it is levied to produce them; but to a tariff levied for protection in itself and for its own sake I do object. I therefore oppose the present tariff, and the whole doctrine by which it is attempted to be justified. I make war against all its protective features, and insist that the laws which contain them shall be amended so that out of the importations upon which the duty is levied the greatest possible revenue for the Government may be obtained.

What, then, is the theory of protection? It is based upon the idea that foreign products imported into this country will enter into competition with domestic products and undersell them in the home market, thus crippling if not destroying domestic production. To prevent this the price of the foreign goods in the home market is increased so as to keep them out of the country altogether or to place the foreigner in the cost of production upon the same footing as the American producer. This is proposed to be done by levying a duty upon the foreign importation. If it be so high that the importer cannot pay it and sell the goods at a profit, the facilities of production between this and other countries are said to be equalized, and the American producer is said to be protected. It will be seen, therefore, that protection means the increase of price. Without it the fabric has no foundation on which to rest. If the foreign goods are still imported, the importer adds the duty paid to the selling price. If he cannot import with profit, the American producer raises his price to a point always below that at which the foreign goods could be profitably brought into the country and controls the market. In either event there is an increase of price of the products sought to be protected. The bald proposition, therefore, is that American industries can and ought to be protected by increasing the prices of the products of such industries.

There are three popular opinions industriously cultivated and strengthened by adroit advocates upon which the whole system rests, and to which appeals are ever confidently made. These opinions are erroneous, and lead to false conclusions, and should be first considered in every discussion of this question.

The first is, that the balance of trade is in our favor when our exportations exceed our importations. Upon this theory it is argued that it cannot be unwise to put restrictions upon importations, for they say that at one and the same time you give protection to our industries and keep the balance of trade in our favor. But the slightest investigation will show that this proposition cannot be maintained. A single illustration, often repeated, but never old in this discussion, will demonstrate it. Let a ship set sail from Portland, Maine, with a cargo of staves registered at the port of departure as worth $5,000. They are carried to the West India Islands, where staves are in demand, and exchanged for sugar or molasses. The ship returns, and after duty paid the owner sells his sugar and molasses at a profit of $5,000. Here more has been imported than exported. Upon this transaction the protectionist would say that the balance of trade was against us $5,000; the free trader says that that sum represents the profit to the shipper upon his traffic, and the true balance in our favor.

Suppose that after it has set sail the vessel with its cargo had been lost. In such case five thousand dollars' worth of goods would have been exported, with no importation against it. The exportation has exceeded the importation that sum. Is not the balance of trade, according to the protection theory, to that amount in our favor? Then let the protectionist turn pirate and scuttle and sink all the vessels laden with our expoits, and soon the balance of trade in our favor will be large enough to satisfy even most advocates of the American protective system. [Laughter and applause.] The true theory is that in commerce the overplus of the importation above the exportation represents the profit accruing to the country. This overplus, deducting the expenses, is real wealth added to the land. Push the two theories to their last position and the true one will be clearly seen. Export everything, import nothing, though the balance of trade may be said to be overwhelmingly in our favor, there is poverty, scarcity, death. Import everything, export nothing, we then will have in addition to our own all the wealth of the world in our possession.

Secondly, it is said that a nation should be independent of foreign nations, lest in time of war it might find itself helpless or defenseless. Free trade, it is charged, makes a people dependent upon foreigners. But traffic is exchange. Foreign products do not come into a country unless domestic products go out. This dependence, therefore, is mutual. By trade with foreign nations they are as dependent upon us as we upon them, and in the event of a disturbance of peace the nation with which we would be at war would lose just as much as we would lose, and both as to the war would in that regard stand upon terms of equality. It must not be forgotten that the obstruction of trade between nations is one of the greatest occasions of war. It frequently gives rise to misunderstandings which result in serious conflicts. By removing these obstacles and making trade as free as possible, nations are brought closer together, the interests of their people become intermingled, business associations are formed between them, which go far to keep down national dispute, and prevent the wars in which the dependent nation is said to be so helpless. Japan and China have for centuries practiced the protective theory of independence of foreigners, and yet, in a war with other nations, they would be the most helpless people in the world. That nation is the most independent which knows most of, and trades most with, the world, and by such knowledge and trade is able to avail itself of the products of the skill, intellect, and genius of all the nations of the earth.

A third erroneous impression sought to be made upon the public mind is that whatever increases the amount of labor in a country is a benefit to it. Protection, it is argued, will increase the amount of labor, and therefore will increase a country's prosperity. The error in this proposition lies in mistaking the true nature of labor. It regards it as the end, not as the means to an end. Men do not labor merely for the sake of labor, but that out of its products they may derive support and comfort for themselves and those dependent upon them. The result therefore does not depend upon the amount of labor done, but upon the value of the product. That country therefore is the most prosperous which enables the laborer to obtain the greatest possible value for the product of his toil, not that which imposes the greatest labor upon him. If this were not the case, men were better off before the appliances of steam as motive power were discovered, or railroads were built, or the telegraph was invented. The man who constructs a labor-saving machine is a public enemy; and he would be a public benefactor who would restore the good old times when the farmer never had a leisure day and the sun never set on the toil of the mechanic. No, Mr. Chairman, it is the desire of every laborer to get the maximum of result from the minimum of effort. That system therefore can be of no advantage to him which, while it gives him employment, robs him of its fruits. This, it will be seen, protection does, while free trade, giving him unrestricted control of the product of his labor, enables him to get the fullest value for it in markets of his own selection.

The protectionist, relying upon the propositions I have thus hurriedly discussed, urges many specious reasons for his system, to a few of which only do I intend to call attention to-day.

In the first place it is urged that protection will develop the resources of a country, which without it would remain undeveloped. Of course this to be of advantage to a country must be a general aggregate increase of development, for if it be an increase of some resources as a result of a diminution in others, the people as a whole can be no better off after protection than before. But the general resources cannot be increased by a tariff. There can only be such an increase by an addition to the disposable capital of the country to be applied to the development of resources. But legislation cannot make this. If it could it would only be necessary to enact laws indefinitely to increase capital indefinitely. But if any legislation could accomplish this, it would not be protective legislation. As already shown the theory of protection is to make prices higher in order to make business profitable. This necessarily increases the expense of production, which keeps foreign capital away because it can be employed in the protected industries more profitably elsewhere. The domestic capital therefore must be relied upon for the proposed development. As legislation cannot increase that capital, if it be tempted by the higher prices to the business protected it must be taken from some other business or investment. If there are more workers in factories there will be fewer artisans. If there are more workers in shops there will be fewer farmers. If there are more in the towns there will be fewer in the country. The only effect of protection, therefore, in this point of view, can be to take capital from some employment to put it into another, so that the aggregate disposable capital cannot be increased, nor the aggregate development of the resources of a country be greater with a tariff than without.

But, secondly, it is said that protection increases the number of industries, thereby diversifying labor and making a variety in the occupations of a people who otherwise might be confined to a single branch of employment. This argument proceeds upon the assumption that there would be no diversification of labor without protec-

tion. In other words, it is assumed that but for protection our people would devote themselves to agriculture. This, however, is not true. Even if a community were purely agricultural, the necessities of the situation would make diversification of industry. There must be blacksmiths, and shoemakers, and millers, and merchants, and carpenters, and other artisans. To each one of these employments, as population increases, more and more will devote themselves, and with each year new demands will spring up, which will create new industries to supply them. I was born in the midst of a splendid farming country. The business of nine-tenths of the people in my native county was farming. My intelligent boyhood was spent there from 1850 to 1860, when there was no tariff for protection. There were thriving towns for the general trading. There were woolen mills and operatives. There were flouring mills and millers. There were iron founders and their employés. There were artisans of every description. There were grocers and merchants, with every variety of goods and wares for sale; there were banks and bankers; there was all the diversification of industry that a thriving, industrious, and intelligent community required; not established by protection nor by Government aid, but growing naturally out of the wants and necessities of the people. Such a diversification is always healthful, because it is natural, and will continue so long as the people are industrious and thrifty. The diversification which protection makes is forced and artificial. Suppose protection had come to my native country to further diversify industries. It would have begun by giving higher prices to some industry already established, or profits greater than the average rate to some new industry which it would have started. This would have disturbed the natural order. It would necessarily have embarrassed some interests to help the protected ones. The loss in the most favorable view would have been equal to the gain, and besides trade would inevitably have been annoyed by the obstruction of its natural channels.

The worst feature of this kind of diversified industry is that the protected ones never willingly give up the Government aid. They scare at competition as a child at a ghost. As soon as the markets seem against them, they rush to Congress for further help. They are never content with the protection they have; they are always eager for more. In this dependence upon the Government bounty the persons protected learn to distrust themselves; and protection therefore inevitably destroys that manly, sturdy spirit of individuality and independence which should characterize the successful American business man.

Thirdly, it is said that protection gives increased employment to labor and enhances the wages of workingmen. For a long time no position was more strenuously insisted upon by the advocates of the protective system than that the wages of labor would be increased under it. At this point in the discussion I shall only undertake to show that it is impossible that protection should produce this result. What determines the amount of wages paid? Some maintain that it is the amount of the wage fund existing at the time that the labor is done. Under this theory it is claimed that at any given time there is a certain amount of capital to be applied to the payment of wages, as certain and fixed as though its amount had been determined in advance. Others maintain that the amount of wages is fixed by what the laborer makes, or, in other words, by the product of his work, and that, therefore, his wage is determined by the efficiency of his labor alone. Both these views are partly true. The wages of the laborer are undoubtedly determined by the efficiency of his work, but the aggregate amount paid for labor cannot exceed the amount properly chargeable to the wage fund without in a little time diminishing the profits of production and ultimately the quantity of labor employed.

But whichever theory be true, it is clear that protection can add nothing to the amount of wages. It cannot increase the amount of capital applicable to the payment of wages, unless it can be shown that the aggregate capital of a country can be increased by legislation, nor can it add to the efficiency of labor, for that depends upon individual effort exclusively. A man who makes little in a day now may in a year make much more in the same time; his labor has become more efficient. Whether this shall be done depends upon the taste, temperament, application, aptitude, and skill of the individual. No one will pretend that protection can increase the aggregate of these qualities in the labor of the country. The result is that it is impossible for protection, either by adding to the wage fund or increasing the efficiency of labor, to enhance the wages of laboring-men, a theory which I shall shortly show is incontrovertibly established by the facts.

I will now, Mr. Chairman, briefly present a few of the principal objections to a tariff for protection. As has been shown the basis of protection is an increase in the price of the protected products. Who pays this increased price? I shall not stop now to consider the argument often urged that it is paid by the foreign producer, because it can be easily shown to the contrary by every one's experience. I shall for this argument assume it as demonstrated that the increase in price which protection makes is paid by the consumer. This suggests the first great objection to protection, that it compels the consumer to pay more for goods than they are really worth, ostensibly to help the business of a producer. Now, consumers constitute the vast majority of the people. The producers of protected articles are few in comparison with them. It is true that most men are both producers and consumers. But for the great majority there is little or no protection for what they produce, but large protection for what they consume. The tariff is principally levied upon woolen goods, lumber, furniture, stoves, and other manufactured articles of iron, and upon sugar and salt. The necessities of life are weighted with the burden. It is out of the necessities of the people, therefore, that the money is realized to support the protective system. I say, Mr. Chairman, that it is beyond the sphere of true governmental power to tax one man to help the business of another. It is by power taking money from one to give to another. This is robbery, nothing more nor less. When a man earns a dollar it is his own, and no power of reasoning can justify the legislative power in taking it from him except for the uses of the Government.

Yet, Mr. Chairman, the present tariff takes hundreds of millions of dollars every year from the farmer, the laborer, and other consumers, under the claim of enriching the manufacturer. It may not be much for each one to contribute, yet in the aggregate it is an enormous sum. For many, too, it is very much. The statistics will show that every head of a family who receives four hundred dollars a year in wages pays at least one hundred dollars on account of protection. Put such a tax on all incomes and the country would be in a ferment of excitement until it was removed. But it is upon the poor and lowly that the tax is placed, and their voices are not often heard in shaping the policies of tariff legislation. I repeat, the product of one's labor is his own. It is his highest right, subject only to the necessities of the Government, to do with it as he pleases. Protection invades, destroys that right. It ought to be destroyed, until every American freeman can spend his money where it will be of the most service to him.

To illustrate the cost of protection to the consumer, consider its operation in increasing the price of two or three of the leading articles protected. Take paper for example. The duty on that commodity is 20 per cent. ad valorem. Most of the articles which enter into its manufacture or are required in the process of making it are increased in price by protection. The result is that the price of paper to the consumer is increased nearly 15 per cent.; that is, if the tariff were taken off paper and the articles used in its manufacture, paper would be 15 per cent. cheaper to the buyer. The paper-mills for five years have produced nearly one hundred millions of dollars' worth of paper a year. The consumers have been compelled to pay fifteen millions a year to the manufacturer more than the paper could have been bought for without the tariff. In five years this has amounted to $75,000,000, an immense sum paid to protection. It is a tax upon books and newspapers; it is a tax upon intelligence; it is a premium upon ignorance. So heavy had the burden of this tax become that every newspaper man in the district I have the honor to represent has appealed to Congress to take the duty off. The Government has derived little revenue from the paper duty. It has gone almost entirely to the manufacturer, who himself has not been benefited as anticipated, as will presently be seen. These burdens have been imposed to protect the paper manufacturer against the foreigner in face of the confident prediction made by one of the most experienced paper men in the country, that if all protection were taken off paper and the material used in its manufacture the manufacturer would be able to successfully compete with the foreigner in nearly every desirable market in the world.

Take blankets also for example. The tariff on coarse blankets is nearly 100 per cent. ad valorem. They can be bought in most of the markets of the world for $2 a pair. Yet our poor, who use the most of that grade of blankets, are compelled to pay about $4 a pair. The Government derives little revenue from it, as the importation of these blankets for years has been trifling. This tax has been a heavy burden upon the poor during this severe winter, a tax running into the millions to support protection. Heaven save a country from a system which begrudges to the shivering poor the blankets to make them comfortable in the winter and the cold!

Secondly, protection has diminished the income of the laborer from his wages. The first factor in the ascertainment of the value of wages is their purchasing power, or how much can be bought with them. If in one country the wages are $5 a day and in another only $1, if the laborer can in the one country with the $1 purchase more of the necessary articles required in daily consumption, he in fact is better paid than the former in the other who gets $5 a day. Admit for a moment that protection raises the wages of the laborer, it also raises the price of nearly all the necessaries of life, and what he makes in wages he more than loses in the increase of prices of what he is obliged to buy. As already stated, a head of a family who earns $400 per year is compelled to pay $100 more for what he needs, on account of protection. What difference to him is it whether the $100 are taken out of his wages before they are paid, or taken from him afterward in the increased price of articles he cannot get along without? In both cases he really only receives $300 for his year's labor. The statistics show that the average increased cost of twelve articles most required in daily consumption in 1874 over 1860 was 92 per cent., while the average increase of the wages of eight artisans, including cabinet-makers, coopers, carpenters, painters, shoemakers, tailors, tanners, and tinsmiths was only 60 per cent., demonstrating that the purchasing power of labor had under protection in thirteen years depreciated 19½ per cent. But protection has not even raised the nominal wages in most of the unprotected industries. I find that

the wages of the farm hand, the day laborer, and the ordinary artisan are in most places now no higher than they were in 1860.

But it is confidently asserted that the wages of laborers in the protected industries are higher because of protection. Admit it. I have not the figures for 1880, but in 1870 there were not 500,000 of them; but of the laborers in other industries there were 12,000,000, exclusive of those in agriculture, who were 6,000,000 more. Why should the wages of the half million be increased beyond their natural rate while those of the others remain unchanged? More. Why should the wages of the 18,000,000 be diminished that those of the half million should be increased? for an increase cannot be made in the wage rate of one class without a proportionate decrease in that of others. But the wages of labor in protected industries are not permanently increased by protection. Another very important factor in ascertaining the value of wages is the continuance or the steadiness of the employment. Two dollars a day for half the year is no more than a dollar a day for the whole year. Employment in most protected industries is spasmodic. In the leading industries for the past ten years employment has not averaged more than three-fourths of the time, and not at very high wages. Within the last year manufacturers of silk, carpets, nails, and many other articles of iron, of various kinds of glassware and furniture, and coal producers have shut down their works for a part of the time or reduced the hours of labor.

Production has been too great. To stop this and prevent the reduction of profits through increasing competition, the first thing done is to diminish the production, thus turning employés out of employment. Wages are diminished or stopped until times are flush again. With the time estimated in which the laborers are not at work, the average rate of wages for the ten years preceding 1880 did not equal the wages in similar industries for the ten years preceding 1860 under a revenue tariff. Indeed, in many branches the wages have not been so high as those received by the pauper labor, so called, in Europe. But it is manifest that the wages in these industries cannot for any long period be higher than the average rate in the community, for if the wages be higher, labor will crowd into the employments thus favored until the rate is brought down to the general level. So true is this that it is admitted by many protectionists that wages are not higher in the protected industries than in others.

It should not be forgotten that since the adoption of free trade in England wages are more than three times higher than they were under protection. In Germany, with protection, wages are lower than in England without. The statistics of this country show that in 1874, with an average duty of 45 per cent., labor was only 18½ per cent. of the value of the manufactured goods, while in 1860, with a revenue tariff of only 19 per cent., the labor was 20 per cent. of the cost of manufacturing. In other words, with the tariff low more labor in proportion to the amount of goods manufactured was employed than with the tariff high.

Thirdly, the effect of protection is disastrous to most of the protected industries themselves. We have seen that many of them have in recent years been compelled to diminish production. The cause of this is manifest. Production confines them to the American market. The high prices they are compelled to pay for protected materials which enter into the manufacture of their products disable them from going into the foreign market. The profits which they make under the first impulse of protection invite others into the same business. As a result, therefore, more goods are made than the American market can consume. Prices go down to some extent through the competition, but rarely under the cost of production, increased, as we have seen, by the enhanced price of material required. The losses threatened by such competition are sought to be averted by the diminution of production. Combinations of those interested are formed to stop work or reduce it until the stock on hand has been consumed. Production then begins again and continues until the same necessity calls again for the same remedy. But this remedy is arbitrary, capricious, and unsatisfactory. Some will not enter into the combination at all. Others will secretly violate the agreement from the beginning. Others still, when their surplus stock has been sold, and before the general price has risen, will begin to manufacture again. There is no power to enforce any bargain they have made, and they find the plan only imperfectly curing the difficulty. They remain uncertain what to do, embarrassed and doubtful as to the future. They have through protection violated the natural laws of supply and demand, and human regulations are powerless to relieve them from the penalty.

Take, as an illustration of the operation of the system, the article of paper. One of the first effects of the general tariff was to increase the price of nearly everything the manufacturer required to make the paper. Fifteen millions of dollars a year through the protection are taken from the consumer. The manufacturer himself is able to retain but a small part of it, as he is obliged to pay to some other protected industry for its products, they in turn to some others who furnished them with protected articles for their use, and so on to the end. The result being nominal prices are raised all around; the consumers pay the fifteen millions, while nobody receives any substantial benefit, because what one makes in the increased price of his product he loses in the increased price he is obliged to pay for the required products of others. The consumer is the loser, and though competition may occasionally reduce prices for him to a reasonable rate, it never to any appreciable extent compensates him for the losses he sustains through the enhanced price which the protective system inevitably causes.

It is not to be disputed that many of the protected manufacturers have grown rich. In very many cases I think it can be demonstrated that their wealth has resulted from some patent which has given them a monopoly in particular branches of manufacturing, or from some other advantage which they have employed exclusively in their business. In such cases they would have prospered without protection as with it. I think there are few, except in the very inception of a manufacturing enterprise, or in abnormal cases growing out of war or destruction of property, or the combinations of large amounts of capital, where protection alone has enriched men. The result is the robbery of the consumer with no ultimate good to most of the protected industries.

At a meeting of the textile manufacturers in Philadelphia the other day, one of the leading men in that interest said:

> The fact is that the textile manufacturers of Philadelphia, the center of the American trade, are fast approaching a crisis, and realize that something must be done, and that soon. Cotton and woolen mills are fast springing up over the South and West, and the prospects are that we will soon lose much of our trade in the coarse fabrics by reason of cheap competition. The only thing we can do, therefore, is to turn our attention to the higher plane, and endeavor to make goods equal to those imported. We cannot do this now, because we have not a sufficient supply either of the culture which begets designs or of the skill which manipulates the fibers.

What a commentary this upon protection, which has brought to such a crisis one of the chief industries protected, and which is here confessed to have failed after twenty years to enable it to compete even in our own markets with foreign goods of the finer quality. What is true of textile manufacturing is also true of many other industries. What remedy, then, will afford the American manufacturer relief? Not the one here suggested of increasing the manufacture of goods of finer quality, for, aside from the impracticability of the plan, this will only aggravate the difficulty by adding to the aggregate stock in the home market, but the increase of the market for what can already be manufactured. The American demand cannot consume what they produce. They must therefore enlarge their market or stop production. To adopt the latter course is to invite ruin. The market cannot be increased in this country. It must be found in other countries. Foreign markets must be sought. But these cannot be opened as long as we close our markets to their products, with which in most instances they only can buy; in other words, as long as we continue the protective system.

I say, therefore, to the American manufacturer, sooner or later you must choose between the alternative of ruin or the abandonment of protection. Why hesitate in the decision? Are not Canada and Mexico and South America your natural markets? England now supplies them with almost all the foreign goods they buy. Why should not you? Your coal and iron lie together in the mountain-side and can be almost dropped without carriage into your furnaces, while in England the miners must go thousands of feet under the earth for those products. Your labor suffers for want of steady employment. The interest on the pubilc securities will soon be reduced, which cannot but have a healthful influence on the cost of manufacturing. The methods and opportunities of transportation are better than those enjoyed by any other nation of the earth. In fine, the situation is yours. Break down your protective barrier. All the world will soon do the same. Their walls will disappear when ours fall. Open every market of the world to your products, give steady employment to your laborers. In a little while you will have the reward which nature always gives to those who obey her laws, and will escape the ruin which many of your most intelligent operators see impending over your industries.

I have not time to-day to more than refer to the ruinous effect of protection upon our carrying trade. In 1856, 75 per cent. of the total value of our imports and exports was carried in American vessels, while in 1879 but 17 per cent. was carried in such vessels, and in 1880 the proportion was still less. In 1855, 381 ships and barks were built in the United States, while in 1879 there were only 37. It is a question of very few years at this rate until American vessels and the American flag will disappear from the high seas. Protection has more than all else to do with the prostration of this trade. It accomplishes this result (1) by enhancing the price of the materials which enter into the construction of vessels, so that our ship-builders cannot compete with foreigners engaged in the same business; (2) by increasing the cost of domestic production so that American manufactured goods cannot profitably be exported; and (3) by disabling our merchants from bringing back on their return trips foreign cargoes in exchange for our products.

Nor will I say anything as to the increase of the crime of smuggling under protection, a crime which has done incalculable harm to honest dealers, particularly on the border, and a crime out of which some of the largest fortunes in the country have been made.

There are many who will admit the abstract justice of much that I have said who profess to believe that it will not do to disturb the tariff now. But for the protectionist that time never comes. When the depression in business was universal, they said you must not disturb the tariff now, because the times are so hard and there is so much suffering. Now, when business has improved, they say you must not interfere with the tariff, because times are good and you may bring suffering again. When the present tariff was first levied it was defended as a temporary expedient only, required as a necessity by war.

Now that a quarter of a century nearly has passed by and peace has been restored for fifteen years, the advocates of protection are as determined to hold on to the Government bounty as ever. If they are to be consulted upon the subject as to when the people shall have relief, the system will be perpetual.

It is said we must not disturb the tariff because we must raise so much revenue. I do not propose to disturb it to diminish revenue, but to increase it. The plan I propose will add one-fifth at least to the revenue of the country. It is protection I propose to get rid of, not revenue. It has been well said that revenue ceases where protection begins.

It is claimed that by taking away protection you will embarrass many industries by compelling them to close up and discharge their employés. I do not believe that the changing of the present tariff to a revenue tariff will produce this result. I believe that at once every manufacturer will make more in the diminished cost of production than he will lose in the taking away of protection. But if there should be danger to any industry I would provide against it in the law which changes the tariff so that if there should be any displacement of labor there will be no loss in consequence.

No more perfect illustration of the effect of free trade has been shown than in the history of the United States. Very much of our prosperity is due to the fact that the productions of each State can be sold in every other State without restriction. During the war the most potent argument for the cause of the Union was found in the apprehension that disunion meant restriction of commerce, and particularly the placing of the mouth of the Mississippi River under foreign control. The war was fought, therefore, to maintain free trade, and the victory was the triumph of free trade. The Union every day exhibits the advantages of the system.

Are these due to the accident of a State being a member of that Union or to the beneficent principle of the system itself? What would prevent similar results following if, subject only to necessities of government, it were extended to Mexico, to Canada, to South America, to the world? In such extension the United States have everything to gain, nothing to lose. This country would soon become the supply-house of the world. We will soon have cattle and harvests enough for all nations. Our cotton is everywhere in demand. It is again king. Its crown has been restored, and in all the markets of the world it waves its royal scepter. Out of our coal and minerals can be manufactured everything which human ingenuity can devise. Our gold and silver mines will supply the greater part of the precious metals for the use of the arts and trade.

With the opportunity of unrestricted exchange of these products, how limitless the horizon of our possibilities. Let American adventurousness and genius be free upon the high seas, to go wherever they please and bring back whatever they please, and the oceans will swarm with American sails, and the land will laugh with the plenty within its borders. The trade of Tyre and Sidon, the far-extending commerce of the Venetian Republic, the wealth-producing traffic of the Netherlands will be as dreams in contrast with the stupendous reality which American enterprise will develop in our own generation. Through the humanizing influence of the trade thus encouraged I see nations become the friends of nations, and the causes of war disappear. I see the influence of the great Republic in the amelioration of the condition of the poor and the oppressed in every land, and in the moderation of the arbitrariness of power. Upon the wings of free trade will be carried the seeds of free government, to be scattered everywhere to grow and ripen into harvests of free peoples in every nation under the sun. [Applause.]

Mr. KELLEY obtained the floor.

Mr. COVERT. I move the committee rise for the purpose of putting some limit to the general debate upon this appropriation bill.

Mr. KELLEY. Mr. Chairman, for ten days, at the request of the gentleman who has just addressed the House, there has been an understanding he should speak on this bill and that I should follow him for an hour, with leave to yield such portions of it as I might deem proper to others.

Mr. COVERT. I only ask to fix some period when the debate on this bill shall be closed.

Mr. KELLEY. I decline to yield.

Mr. COVERT. There is no disposition to cut off the gentleman from Pennsylvania, but there are many gentlemen upon the floor who ask when the general debate on this bill will close. They wish to be here at the time the bill is considered by paragraphs, and in order that they may know just at what time action on the bill begins, I want to go into the House and limit the general debate.

Mr. SPRINGER. There is no intention to deprive the gentleman from Pennsylvania of any part of his hour.

Mr. KELLEY. Mr. Chairman, on the 6th of December last the gentleman from Ohio introduced and caused to be referred to the Committee of Ways and Means what is now popularly known as "the Hurd free-trade resolution." It embodies nine propositions, which the author declares set forth the principles that should regulate any tariff levied by the American Congress. In view of our varied, complex, and expanding industries; of the illimitable store and variety of raw material for manufacture with which our country is endowed, vital elements of which are found in every part of our country, and which, by reason of this wide diffusion, necessitate internal traffic, and offer remunerative business to the amplest conceivable systems of internal transportation; of the immense capital, most of which having been created by our productive industries, is now invested in railroads, buildings, and machinery constructed for the transportation and conversion of native raw materials into finished commodities; of the constantly increasing millions of people to which these furnish employment at wages so remunerative as to make our home market for the productions of the field and the factory the best market in the world, and to invite an immense annual immigration —in view, I say, of all these stupendous facts, the gentleman from Ohio [Mr. HURD] in this resolution proposes to declare it to be the duty of Congress to modify our tariff, to which these great interests have adjusted themselves, in accordance with a few abstract propositions which have commended themselves to his judgment.

In January, 1880, the Corps Legislatif entered upon an exhaustive discussion of the effect upon French interests of the commercial treaties between France and other countries. M. Thiers bore a conspicuous part in that controversy. Having in his opening speech presented the protectionist side of the question, from time to time as occasion invited he defended the positions he had assumed. In the course of his speech on the 26th of January he exclaimed, "My adversary proves that he has studied the question more in books than in practice."

As I gave the propositions of the gentleman from Ohio a first hasty reading, I concluded that he had not studied the question as a practical one, but in books only, though his propositions are vitally related to every detail and ramification of our industries. This judgment investigation and reflection have confirmed. The form of the resolution may be claimed by the gentleman, but its substance belongs to others. It would be an easy matter to assign each of his propositions to the British writer who propounded it, or who has given it prominence in discussion. There is not one of them that the senior members of the House will not recognize as a familiar acquaintance. Indeed, every one of them has during my congressional career been discussed by scores of gentlemen in this Hall. They are so many exploded fallacies, and the refutation of each and all of them may be drawn from our industrial experience or that of other nations. The assumption that underlies this remarkable production is that trade, which calls into ceaseless action the emotions and master passions of men, is regulated by laws as absolute as those of geometry. The laws which govern production, distribution, and consumption are not those of an exact science. "It is true," said Hamilton, "that in arithmetic two and two make four, but it is not true in trade and finance."

Let me state the propositions propounded by the gentleman. They are as follows:

First. A tariff is a tax upon imported goods, which is ultimately paid by the consumer, as the importer always adds to the selling price the amount of duty paid.

Second. A tariff for protection, so called, does not in most cases protect the interest it pretends to foster.

Third. A protective tariff does not increase the wages of workingmen.

Fourth. A protective tariff builds up one citizen at the expense of another, for every dollar of additional price that protection enables the manufacturer to charge must be paid by another citizen.

Fifth. A protective tariff disturbs the operation of the primal law of trade which governs all exchanges by the supply and demand of the articles to be exchanged.

Sixth. The present protective tariff has driven the American carrying trade from the high seas by enhancing the price of the materials which enter into the construction of vessels so that American shipbuilders cannot compete with foreigners engaged in the same business.

Seventh. A protective tariff increases the possibility of the crime of smuggling.

Eighth. A protective tariff shuts out the American manufacturer from the markets of the world. Our manufacturers need more an increase of market by which foreign capital can be brought into this country than protective legislation which takes money from one American pocket to put it into another.

The ninth paragraph is a statement of the means by which the gentleman would bring our tariff to a revenue standard. It will be regarded by practical men, whether merchants or manufacturers, as eminently illustrative of the author's want of knowledge of the relation of customs duties to the productive industries of his country.

Let us examine these propositions *seriatim:*

IS THE DUTY PAID BY THE CONSUMER?

Is the tariff on imported goods always paid by the consumer? Is it true that the importer always adds the amount of duty paid to the selling price of a commodity? As a proposition touching the goods imported into the United States, with few and marked exceptions, this proposition is absolutely untrue. Indeed, it can only be true, and not invariably there, in such free-trade, and consequently non-manufacturing countries as Turkey, India, and the South American States. In our country, France, Belgium, Germany, and Austria, which, by aid of the protective system, have developed the capabilities of their people and made the investment of capital in manufactures safe, the foreigner who finds a market for his wares in com-

petition with those of like character of native production ordinarily pays the duty. The recent increase of Canadian duties elicited a pointed illustration of this general law. The duty on type had been 5 per cent. The new tariff law raised it to 20 per cent. Did the importers of type raise the price of their goods by imposing the increased duty on the consumer? No; for, seeing that increase of price might develop domestic production of type, they at once assumed the payment of the duty. The leading importing house, that of Miller & Richard, at once advised the printers of the Dominion by advertisement displayed in the commercial journals that "imported type would, notwithstanding the increase of duty, be sold at the old prices." Relative to this question is that of paper, every grade of which, whether for writing, printing, or wrapping, has been cheapened under protective duties.

A little reflection would, I think, have satisfied the gentleman that his first proposition is worse than a glittering generality, that it is a sophism calculated to mislead the ignorant and unthinking. Had he questioned himself as to its truth, it would probably have occurred to him that he who seeks a market for his goods must bear all charges, and that this law holds good in international as well as local trade. It is only when demand exceeds supply or the market is controlled by a foreign monopoly that duties can be imposed on the consumer of imported goods. The truth is that the primary dependence of the manufacturer is upon the home market of his country. In this market the producer and consumer are near to each other. Charges for transportation are consequently light, and as purchases may be made in accordance with the demands of the season, there is little loss of interest by either manufacturer or merchant from holding goods in stock for an uncertain demand. In purely domestic trade the interest charge on stock account is reduced to a minimum and the profits of middlemen are avoided.

Exports to manufacturing countries whose manufactures are adequately protected, except such articles as the importing country does not produce, are largely made on consignment by the manufacturer, and consist of goods produced for the home market, but which have been found to be in excess of its requirements. They are generally consigned to an agent who sells them at auction or otherwise irrespective of tariff regulations or of the question of profit or loss. His business is to sell the consignment, earn his commission, and promptly remit the proceeds of sale to his principal. When the spice crop exceeded the demand of the market, the Dutch maintained prices by burning the surplus. The foreign rivals of our manufacturers adopt a less expensive plan of maintaining prices in their home market; they throw the surplus of each spring and autumn upon the markets of a rival country. While thus interfering with the legitimate course of trade in the country to which they consign goods, they add what they receive for their consignments to the profits derived from the home trade regardless of the question of duties or even of that of price. They have realized the season's profit and now seek by damaging the market of a rival to avert a glut in their home market for the next year. This is not theory. It is but a statement of commercial practice, a law of international trade recognized by all merchants.

Under the ordinary conditions of trade we export but few manufactured commodities. The volume increases from year to year, but our exports of manufactured goods consist generally of specialties, in the production of which we excel all others. Our home market is the best in the world, and we have not the producing capacity to supply the wants of American consumers, as is attested by our immense consumption of foreign staple goods. Yet the expediency of unloading their surplus stock of goods in foreign markets is not unknown to our manufacturers and merchants. During the financial depression which followed the demonetization of silver by Germany and the United States and our enactment of a law to reduce the volume of our circulating Treasury notes to $300,000,000, our manufacturers, perceiving the steady diminution of their home market, and consequent decline of prices, sought relief from an export trade, and month by month announcements, sometimes official and always of a flaming character, were made of our increasing exports of manufactured goods. When leisure afforded opportunity, I sought many of the consignors of goods and found that they were availing themselves of the teachings of older nations and of ordinary commercial prudence. "No," said one of the most intelligent of them in response to my question as to whether the foreign market was a real one, "to force sales of our goods at home would be to further depress an already unremunerative market. We are making our losses abroad, and sharing them with those who usually supply the countries to which we ship, whether they be Germans, French, or English. We are sacrificing our goods where others will share our loss, instead of further depressing our own market." The truth of these statements was proven by the fact that with the renewal of our domestic trade our unusual export of American manufactures ceased.

CRUCIBLE-STEEL, SILK, AND BESSEMER RAILS.

The converse of my proposition is also true. He who sells goods for which there is an active demand may subject them to all charges. Many facts in our own history illustrate this side of the proposition. Let me allude to cast-steel, silk, and Bessemer rails as illustrations of this fact. Many attempts to establish the manufacture of cast-steel had been made in this country. They had cost the enterprising men who made them their fortunes. Calculating the cost of production, and taking the prices at which cast-steel then sold in their market, they saw room for a reasonable profit. But when they had constructed their works, gathered about them workmen, and put their product on the market, they found that the price had fallen; that their British competitors were selling at rates which were not only unremunerative but which might prove ruinous to them; and thus, after a brief struggle, they succumbed, not to fair competition under free trade or a revenue tariff, but, as I shall show, to a combination of foreign capitalists. The last signal failure of an American establishment for the production of cast-steel occurred in 1860. The Morrill tariff bill of 1861 and its supplements, passed under the exigencies of the war, imposed large duties on cast-steel. Under adequately protective duties it has come to be one of our well-established industries, and we supply from our own raw materials, converted by American tax-payers, to the manufacturers of every form of steel tool and implement as good steel as the world can produce; and it is a noteworthy fact that we supply it at lower prices than the same grade could be imported before the higher duties were imposed.

The same story may be told as to silk, except that its manufacture was attempted at a much earlier period than that of steel. It was, I think, Queen Caroline who, on the occasion of her coronation, wore a dress made of silk produced from American cocoons in the then loyal colony of Georgia; and from that time until 1861 ineffectual efforts to establish various branches of the silk industry in this country had been made. The financial exigencies of the war forced us to develop it. Silk goods were a luxury which the then Committee of Ways and Means believed the people would have at any price, and they imposed high rates of duty upon all forms of such goods. What has been the result? Silk has taken high rank among our industries. We may now speak of silk goods as among our great staple manufactures. Its establishment has created prosperous and beautiful towns and cities, chief among which stands Paterson, New Jersey. And while fashion may yield the palm of beauty of design to French goods, utility seeks assurance that the silk which is to grace the farmer's or mechanic's wife or daughter is of American production. In this case, as in that of cast-steel, price has receded as quality has improved.

In the matter of Bessemer steel the story, like unto those of cast-steel and silk, is all within my own memory. In 1865 small importations of Bessemer rails were made for use in the station-yards at Philadelphia of the Pennsylvania and the Philadelphia and Baltimore Railroads. The lowest price at which they could be imported was $150 per ton in gold. Enterprising proprietors of American iron-works counted the cost of producing Bessemer rails, and in view of the lowest price at which they could be bought, invested large sums of money in the purchase of the patents under which alone such rails could be produced, constructed works at Troy, New York, and at two points in Pennsylvania, and commenced the production of an article for which, guided by the price demanded by British producers, they supposed a fair market price was $150 per ton. They were, however, when they came to put their rails upon the market, met with the best quality of British rails at $120 a ton. Their fortunes were in the patents and their plant. They must find a market, and their first sales were made at $120 per ton. Their foreign rivals, with an enormous combination of capital, knew the value of the American market, and determined to retain it, and that, which before this competition arose they would not sell at less than $150 per ton, was now offered at $100. Embarrassment overtook two of our young establishments, and ruin overwhelmed the third. American genius was brought into requisition. The aid of the geologist and mining engineer was invoked, and while our mechanical engineers and artisans improved the processes for production the mining engineer reported stores of ore for spiegelheisen, for which we had hitherto depended on Germany, as abounding in the Appalachian range. But science and mechanical skill could not have vanquished the combined iron-masters of Britain. Another agency was needed, the protection of the Government to the labor and enterprise of its citizens. This was happily accorded.

The tariff was adjusted to the exigencies of the case; our manufacturers of rails were assured that they should have a fair chance in their own market if they would prepare the means of furnishing our railroad companies at reasonable prices an adequate supply of rails equal to the best foreign product. Under this guarantee of protection Bessemer works have multiplied and expanded, and the price of rails has been reduced to less than one-half of that which had ruled under a revenue tariff, and, as was shown by reports from some of the leading railroad companies of the country in the investigation of the subject by the present Committee on Ways and Means, the American rail almost invariably outlives its foreign rival. Thus, protection has enabled American citizens to resist an organized warfare upon them and their country's interest; and those who sanctioned what, superficially considered, seemed to be a tax on commodities they were to consume, find themselves rewarded a thousandfold by improvement of quality and reduction of price, and may indulge in a good degree of self-congratulation when they contemplate their further emancipation from the commercial thraldom in which the British Government and its organ, the Cobden Club, have hoped to hold the American people.

Eleven Bessemer works were in operation during last year. They

produced 1,203,173 net tons of ingots. How steady and rapid the increase of this production has been the annexed table shows:

	Tons.
1872	120,108
1873	170,652
1874	191,933
1875	375,517
1876	525,996
1877	560,587
1878	732,226
1879	928,972
1880	1,203,173

The total quantity of Bessemer rails produced by these eleven works during last year was 917,592 net tons, and the following table shows the steady increase of their production:

	Tons.
1872	94,070
1873	129,015
1874	144,944
1875	290,863
1876	412,461
1877	432,169
1878	550,398
1879	683,964
1880	917,592

But these figures do not exhibit the total American production of Bessemer rails during 1880. Several mills hitherto engaged in producing iron rails have found it more profitable to purchase ingots and blooms of Bessemer steel for conversion into rails, and a recent number of the Bulletin of the Iron and Steel Association informs the trade that at least 50,000 net tons of rails were thus produced during the last year. It is now apparent that the production for 1881 will mark an immense advance upon that of 1880. Many of the eleven original works are enlarging their plant and improving their methods. The Vulcan Works at Saint Louis, after several years of idleness, were in full blast on the 1st of January. The Pittsburgh Bessemer Steel Company, Limited, is about commencing operations with a capacity of sixty thousand tons of ingots a year. The North Chicago Steel Company are pushing their works rapidly to completion, and the Colorado Coal and Iron Company are crowning the Rocky Mountains with Bessemer steel works and a mill for rolling rails, with which it is hoped to extend our railroad system, not only to the borders of Mexico, but to her capital.

If the gentleman would know whether the duty on cast-steel, silk, and Bessemer rails is paid by the consumer, let him consult the commercial journals which have for years recorded the daily price of those articles from 1860 to 1880, and he will find that they are all sold irrespective of the rate of duty and at prices lower than they commanded when the American people were wholly dependent on foreign markets for such goods.

"TARIFFS FOR REVENUE ONLY."

But, as these papers may not be accessible to the gentleman, I will furnish him with ample information as to the question of price and who pays the duty on Bessemer rails. That duty is $28 a ton. Before it was imposed, the lowest price at which British rail-makers would sell their goods for the American market was as I have said $150 gold a ton. What effect this duty has had upon prices is shown by the following table which has been carefully prepared by Mr. James M. Swank, the accomplished secretary of the American Iron and Steel Association:

Prices in dollars of American Bessemer steel rails, at works, from 1868 to 1880.—Tons of 2,240 pounds.

Year.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Yearly average.
1868	$165	$167½	$174	$172	$165	$162½	$150	$150	$150	$150	$148	$147½	$158½
1869	145	143¾	135	134	130¼	128	130	130	130	130¼	130¼	120	132½
1870	110	110	108½	107	106	109¼	110	110	108¾	101½	102½	98	106½
1871	95	96	106	95	103	104	103¾	104	106	105¾	105¼	106¼	102½
1872	104½	104	104¼	111½	110	113	114½	115¼	114	113⅝	118	120¾	112
1873	121	120	122½	120½	120	121¾	121½	121⅛	118	120	120	120	120½
1874	117½	117½	115	98⅝	98¼	96¼	91	89½	78¼	78¼	75⅝	75⅝	94¼
1875	71	71	71	69	69	69	69	69	69	67	66	65	68¾
1876	67	65	62	62	62	60	59	59	56	54	53	52	59½
1877	49	49	49	49	47½	46½	45½	44¾	44	42½	40½	40¾	45½
1878	41	41½	41½	42	43¼	43	43½	42½	42½	42½	42	41	42¼
1879	41	42	43	42½	42	43	44	48	50	55	61	67	48½
1880	75	85	82	75	65	63¾	62½	63¾	61¼	60	59	58	67½

DOES THE REPEAL OF PROTECTIVE DUTIES REDUCE PRICES?

But the fallacy involved in the gentleman's proposition may be further illustrated by considering the question, "Does the removal of a duty from an import reduce its price to the American consumer?" Three instances of this kind in our recent experience have furnished evidence that it does not, and that in many instances the question of high or low duty or no duty has nothing to do with the price of imported commodities in our market. Before the reciprocity treaty between Canada and the United States, provincial coal paid a duty of $1.50 per ton. Under that treaty it was for more than ten years free. On the expiration of the treaty, the duty of $1.50 was revived. It was subsequently reduced to $1.25, and subsequently to fifty cents per ton. During all this period, through all these changes, the price of provincial coal in our market was regulated by that of American coal. It sold at our rates when paying the duty of $1.50 per ton. Under the treaty the mine-owner retained the duty, and sold his coal at our rates; and so since the expiration of the treaty the mine-owner or shipper of the coal has paid the duty, but has been unable to get any better prices than those current for American coal for that on which he has paid duty.

A fresher illustration is found under the Hawaiian treaty. When the question of approving the treaty was before this House in 1878, it was asserted by the chairman of the Committee of Ways and Means and other advocates of the treaty, that the people of the Pacific coast would obtain the whole sugar crop of the Hawaiian Islands at the American market rate less the duty. But every gentleman from the Pacific coast will bear me witness that the hundreds of thousands of dollars which but for the treaty would have gone into the Treasury as duty on Hawaiian sugar have been retained by the Hawaiian producers who employ Chinese cheap labor.

A still more recent illustration of the truth I am considering comes to my mind. The duty on quinine was denounced for years by free-traders as a "blood tax." To retain the duty was to tax the sick and the dying for the benefit of a few monopolists; and in a *furore*, without discussion in either House, the duty was repealed. Now, I affirm, without fear of contradiction, that the repeal of the duty on quinine has not reduced its cost in a single case to an American consumer, but was a direct grant to foreign producers of that article of whatever sum the Government might have collected as duty upon it. The price of quinine is higher in our markets to-day than it was when the duty was repealed, or had averaged while our manufacturers were, under a protective duty, employing workmen in its production.

DO PROTECTIVE DUTIES PROTECT?

Is the gentleman's second proposition more tenable than the one we have just considered? It is that "a tariff for protection, so called, does not in most cases protect the interest it pretends to foster." If, as the gentleman asserts in his fourth proposition, the object of a tariff is to build up one citizen at the expense of another, I admit the truth of this proposition, and that our protective tariffs have been costly devices for enriching producers at the expense of consumers. But I affirm that such is not the object or effect of a protective tariff. The purpose and effect of such a tariff is to protect American citizens in the fair and reasonable enjoyment of the home market, and by doing this to develop the material resources of the country and the genius, tact, and industry of the people. The action of such a law being general, it cannot promote monopolies, but does invite free competition in the protected industry. When recapitulating the gentleman's propositions I failed to state—as I should have done—that he had appended to each of them a short "stump speech." I refer to the fact now, because I propose to refute the proposition under consideration by quoting part of the speech thereto appended. Here the gentleman says:

While at first it may bring large profits to those engaged in the manufacturing which is assumed to be protected, it soon, by these very profits, invites many persons into the business.

To this statement I assent. A protective tariff always promotes domestic competition, and thereby cheapens protected goods. But the gentleman does not stop here. He proceeds to say:

From which result overproduction, overstocking of the market, low prices, reduction of the hours of labor, shutting down, at least temporarily, of the workshops, embarrassment to the proprietor, and, in many instances, final bankruptcy, in which the large profits made at first are swallowed up, and the large wages at first paid workmen, if saved up at all, are consumed in waiting for a business revival, which, if it does come, will inevitably be attended by the same consequences.

In these suggestions the gentleman confounds causes which are absolutely independent of each other. He ascribes to the action of protective tariffs effects which were due to the unwise and unpatriotic legislation which repealed those laws after manufactures had been created and prosperous communities of industrious families been congregated about there. The terrible consequences he portrays are not due to protection but to the vacillation which characterized our legislation prior to 1861. No preceding decade of our industrial history was as free from such crises as he refers to as have been the twenty years since the passage of the Morrill tariff bill.

Were it the object or effect of a protective tariff to confer benefits on one class of citizens at the expense of another class, I would oppose such legislation with all my power; but, as the gentleman has declared, the effect of protective duties is to create new branches of domestic industry, which, if found to be profitable, soon invite others to engage in them and to give them permanence. Thus, as I have shown, it has been with cast-steel, silk, and Bessemer rails, and these are but illustrative cases of which hundreds might be presented. Perhaps the most striking in the world's history is that of beet-root sugar, which Bonaparte created by imposing duties on foreign sugar that made its importation almost impossible, and offering enormous bounties to those who should produce the most beets from an acre of French land, or the most sugar from a ton of French beets.

That industry is now a cardinal source of revenue to France, Germany, and other continental nations. It yields 50 per cent. of the world's supply of sweets; and had it not been created by the fostering care of the French Government no man can imagine the price sugar would now command, or the proportion of the people of Chris-

tendom who would have to forego the use of so expensive a luxury as it would be. In this connection is it not pertinent to inquire what would be the price of cast-steel, of silk goods, of Bessemer rails, were the world deprived of the supply created by American labor, and which could not have been created but for the beneficent influence of the protective tariffs which have prevailed during the last twenty years?

I have said that the gentleman in attempting to portray the effects of protection confounded causes, and ascribed to the protective system the ruinous consequences of the frequent alternations between protection and free trade which have been inflicted upon the people by democratic theorists. To assume that because those who under assurance of protection organized a new industry and found it profitable would cause an "overstocking of the market, low prices, reduction of the hours of labor, shutting down, at least temporarily, of the workshops, embarrassment to the proprietor, and in many instances final bankruptcy," &c., is to assume that the enterprising men of America are wanting in common sense and common prudence; and that on a mere show of a chance for profits, they will without investigating the markets or knowing the action of others in the same direction, risk their capital and character in rash experiments. Such incidents as the gentleman enumerates, in which the capital of discreet men has been swallowed up and their laboring people ruined, have occurred and will again occur whenever the legislation of the United States shall be confided, as it has too often been, to a Congress that will act upon the theories propounded by the gentleman. They can never be produced by a protective tariff. On this point I appeal confidently to American history.

AN APPEAL TO AMERICAN HISTORY.

The war of 1812 and the embargo laid by Britain's "orders in council," called into existence many workshops and small factories; but when the war closed there was no tariff for the protection of the capital embarked in these shops or the wages of the laborers they employed. Free trade and sailors' rights was the war-cry. During our colonial days the British Government had, by a succession of statutory provisions, prohibited to the colonists almost every form of manufacture, and now she saw her chance to reduce to commercial dependence the people of the States whose political independence she had been compelled to acknowledge. The treaty of peace was signed on the 24th of December, 1814, but it was not ratified until 1815, in which year Mr. Henry Brougham, afterward Lord Brougham, in the course of a speech in the House of Commons, appealed to the manufacturers of England to make the pecuniary sacrifice required to suppress the manufactures called into existence in the United States by the recent war. These were his words:

> The peace of America has produced somewhat of the same effect, though I am very far from placing the vast exports which it occasioned upon the same footing with those to the European market the year before, both because ultimately the Americans will pay, which the exhausted state of the continent renders very unlikely, and *because it was well worth while to incur a loss upon the first exportation in order by the glut to stifle in the cradle those rising manufacturers in the United States, which the war has forced into existence* contrary to the natural course of things.

The wealthy manufacturers of England were prompt to act on Brougham's suggestion, and in 1816 began a period of suffering and depression for the American people such as they had never experienced. Workshops were closed, and working people without employment were reduced to pauperism. The capital that had been invested in workshops and factories was lost, and enterprise saw no field in which it might profitably engage. From year to year things grew worse, and Cobbett, in his preface to Gouge on Banking, records the fact that in 1821 the best properties in Philadelphia, in which city he then lived, which were subject to mortgage or ground-rent, passed without additional consideration to the holder of the mortgage or the ground-rent, the tenant in fee being glad to escape the costs of suit and a judgment for arrears of interest or rent which might cloud his future life.

It was this long period of suffering that compelled Congress to give the American people the protective tariff of 1824, the effect of which on their social condition was little less than magical. Capital, assured by a protective tariff, of the local market, opened mines, relighted the fires in forge and furnace, set looms and spindles to work, and constructed factories larger than had ever existed in the country. So palpable were the beneficent effects of the tariff of 1824 that its rates were increased by the law of 1828 and its provisions extended to branches of industry which had come into existence during the intervening four years. The impulse given to production by this reassurance and extension of protection gave a new impulse to manufactures.

Immigration increased; capital accumulated and was quickly reinvested in manufactures. The country was prosperous and the revenues of the Government abundant. There was no "overstocking of the market;" prices did not fall so low as to force a "reduction of the hours of labor" or lead to "embarrassment to the proprietor;" nor were the wages of workingmen "consumed in waiting for a business revival." It was an era of unprecedented prosperity to the American people, in which workmen came to be employers and workshops expanded to the dimension of factories. The future was full of promise. The American system, as Mr. Clay had been pleased to call the protective policy, promised to secure commercial and financial independence to the country; but alas for that country! Calhoun and others, who then believed in the truth of the propositions propounded by my friend from Ohio, threatened nullification and disunion as the consequence of an attempt on the part of the Government to longer maintain and enforce its tariff laws. What followed we all know. To avert the possibility of war, Mr. Clay introduced his fatal compromise bill, by which duties were to be reduced 10 per cent. each year until they should reach what the free-trade party of the country were willing to recognize as a revenue standard.

Now came the consequences portrayed by the gentleman. Free trade did what he charges upon protection. Our markets were promptly flooded with foreign goods by British monopolists who were willing to make the sacrifice needed to secure the destruction of our prosperous and expanding industries; prices fell, factories were run for short hours, wages were reduced, factories were closed, bankruptcy overtook their proprietors, workmen were idle, prosperous industrial centers were converted into the abodes of idleness and aggregations of want, our specie was drawn from us in payment for foreign goods, our banks failed, the credit of the Government was destroyed. The administration of Mr. Tyler sent an agent, General William Robinson, of Pennsylvania, to England to negotiate certain credits which Congress had authorized, but returning disheartened he reported to the Government that he had been unable to find a banker who was willing to take the responsibility of putting on the market an American loan for even so small a sum as $2,500,000. I need not moralize on these facts.

How were the Government and people rescued from their deplorable condition? A bankrupt law relieved enterprise from the debts which overwhelmed it, and the protective tariff of 1842 rekindled the fires in forge and furnace, and cheered the spinner and weaver with the music of the spindle and the loom. The same happy effects resulted from the protective tariff of 1842 which had been produced by those of 1824 and 1828. It unhappily lasted but four years. The election of 1844 restored the democratic party to power, and though it had carried the States of Pennsylvania and New Jersey by the cry of "Polk, Dallas, and the tariff of 1842," its first great congressional work was to supplant the protective tariff of 1842 by Robert J. Walker's revenue tariff, now known as the tariff of 1846, which went into effect in 1847.

The decade which followed that year was a memorable one. It gave us the gold of California, of which, in less than ten years, we mined $1,100,000,000. It was during that decade that we gave Europe the first intimation of our ability to supply whatever deficiency in food might occur throughout the world. The potato rot decimated Ireland, affected the other British Islands, and spread to the Continent of Europe, and we exported in one year the then unprecedented amount of sixty-eight million dollars' worth of grain. The gold of California and the famine which prostrated the Irish people swelled the tide of immigration to unwonted numbers, and yet our people were not prosperous. We imported and consumed immense quantities of foreign goods, and as the quantity of these increased the demand for the labor of American workmen diminished. We imported coal for use in manufactories and the propulsion of locomotives. We imported rails to lay over our coal-fields and iron-beds. Wages fell to rates as low as they had been in 1820 and 1821, or in 1840 and 1841. The $1,100,000,000 of California gold had fled from us as from a pestilence. We had nothing to show for our unusual exports of grain and provisions.

The resources of the Government were shrinking monthly, and its credit was again destroyed; and in a little less than ten years from the going into effect of the revenue tariff of 1846 the entire banking system of the country collapsed, the first great institution to fail having been the Ohio Life and Trust Company, and the second the Philadelphia, Pennsylvania, Bank. The application of the principles enunciated in the gentleman's resolution to the industries of a country of abounding prosperity had worked its inevitable result. The people were prostrated, idle, and discontented. The political and sectional agitation of the country was aggravated by the depressed condition of the people; and when the South determined to better its condition by war, their fellow-citizens of the North, to whom no field of enterprise or industry was open, said, "Be it so," and the war began.

I come now to my last illustration of the fact that it is not protection but free trade that works the direful influences portrayed by the gentleman. We have had twenty years of protection, during which we have grown in national importance as no nation ever grew; during which more has been done by art, science, and industry, to add to the dignity of our country and exalt it in the esteem of the world, to cement together its widely separated sections, and to secure prosperity alike to the individual citizen and the communities they constitute, than has been done in any other epoch of our history. It is true we had one period of depression during these twenty years. It began in 1873. But, sir, it did not result from protection. The tariff laws that prevailed during that dark period had prevailed for years. Under those laws, too, came the revival of business, and under them we are enjoying the boundless prosperity of to-day. And I may add that the stagnation was more intense and protracted in free-trade England than in protective America. We must, therefore, look outside of the protective policy for the cause of that world-wide commercial and industrial depression. As gentlemen on this floor all know, I find its cause in the combined action of Germany and the United States in

an attempt to demonetize silver, and in the persistent effort that was made to reduce the volume of American legal-tender paper money then in use to $300,000,000. In proof of the correctness of this conclusion, I cite the fact that from the time we restored the silver dollar to the list of our coins, Germany abandoned her sales of silver, and we prohibited the Treasury from canceling any more of the legal-tender Treasury notes, the downward tendency in commercial circles ceased, and a new era of prosperity set in.

The tenor of the gentleman's resolution would lead one to suppose that he regards the question of free trade and protection as involving the whole of social science, and yet he once alludes to the effect of a change in the value of money; it is thus shown that he has a perception of the fact that the power to expand or contract the volume of money to which the business of a nation or the world has adjusted itself has a relation to wages, to productive industry, and to commerce. The protective policy has been a potent factor in the promotion of the greatness of England, France, Germany, and the United States; but it has occurred in the history of all these nations, save France, whose monetary policy is the wisest and most stable of those of modern nations, that alternating contraction and inflation of the currency has not only influenced but absolutely controlled their productive power. An expanding currency had brought prices to the figures of 1872–'73. A contracting currency, resulting from the action of Germany on the silver question and our concurrent legislation, produced the world-wide commercial crisis of 1873, and was responsible for the depression that increased in severity until we repealed our unfortunate legislation and Germany abandoned her sales of silver.

But if the gentleman will have it that the question of protection and free trade is the controlling factor in industrial science, I beg him to compare the prosperity of the past twenty years, including the years of depression, with the condition of our people under the revenue tariff of Robert J. Walker. Here was one decade of free trade, and the two which succeeded it in which the protective system prevailed. A careful study of these two periods will show the gentleman that I have referred him to a brief chapter of his country's history which will relieve him of all doubt as to the correctness of the aphorism that history is philosophy teaching by example.

DOES A PROTECTIVE TARIFF INCREASE WAGES?

The third proposition of the Hurd resolution is that a protective tariff does not increase the wages of workingmen. If this proposition be not an absurdity, there is no truth in the doctrine asserted, correctly, as I think, by all free-traders, that the price of commodities is controlled by the law of demand and supply. If a protective tariff leads to the increase and diversification of employment, it must increase the demand for labor and diminish the supply. Not only do protective duties do this, but they often open the means of honorable subsistence to those who, having aptitude for delicate handicrafts, have not the physical strength and endurance required for the rough labor of the field or the workshop. The introduction of a new industry inevitably furnishes work and wages to men, women, or children employed in extracting hitherto unused raw materials from the earth or gathering them from swamp or forest and converting them into things of use or beauty. To this extent it increases the demand for labor. Thus is the laborer strengthened in his demand for increase of wages.

My apology for detaining the committee by referring to these palpable truisms is that the gentleman's resolution is predicated on the assumption that they are false. Why are the laborers of the North generally so much more intelligent than those of the South? Why are they so much more comfortably housed, appareled, and fed? How account for that superior degree of self-respect and personal bearing which characterizes them? Sir, I affirm, without fear of intelligent contradiction, that the answer to all these questions is "because twenty consecutive years of the protective policy have so diversified the industries of the North that whatever special gift with which any may have been endowed finds ready employment, and commands wages according to its degree of value." How may the wages of labor be increased if it be not by increasing and diversifying the demand for it? Without a protective tariff the almost exclusive business of the American people would be the production of raw materials for exportation for fabrication in foreign countries.

Again, sir, diversified industries furnish employment for every day in the year, while persons engaged exclusively in agricultural pursuits cannot be continuously employed. To them the long winter, except as to the brief hours required to feed stock, is a waste. There is a season for planting, the seasons for tilling, and the harvest season. During these periods the farmer's duties are exacting, and his labor exhausting. But though he is necessarily idle much of the time while his fields are frozen, and during long spells of wet weather, there is nothing in his vocation to call forth any special gift with which Providence may have endowed him. Contrast the dire monotony of the life of an agricultural laborer with that of a keen artisan in a manufacturing town, where each person is in daily contact with others, and where emulation, whether it be in the pursuit of higher position in the factory, or aspiration to the ownership of a home, or of distinction or profit as an inventor or operative more skilled than his fellows, gives zest to each day's life.

I affirm that the great industries alluded to, the production of steel, silk, and Bessemer rails, are the legitimate offspring of the protective system; and will the gentleman assert that the wages of the American laborer or mechanic would be better if these industries had not been developed in our midst? Will he look at the great iron and steel works in and around Terre Haute, Indiana, and say that the wages of labor or the value of farm land and farm products in Clay and the adjoining counties of that State would have been as high as they are had not the tariff protection of the last twenty years enabled the owners of the carboniferous deposits of those counties to find a near market for their, until then, unrecognized mineral treasures? Will he say that the wages of labor in Indiana, Michigan, and Missouri would be greater than they now are had not a protective tariff created such a demand for American iron and steel as to justify the carrying of the rich ores of the Marquette and Escanaba regions of Michigan and the Iron Mountain of Missouri to the coal-fields of Indiana for smelting and conversion into rails and a thousand other useful forms?

Has the employment of the thousands of men engaged in mining this ore and the coal and limestone with which to fuse it tended to the reduction of the wages of labor in what we of Philadelphia know as the Western States? Does the gentleman know that the long trains of heavily freighted cars that carry ore to Indiana to be smelted near her coal-fields return freighted with fuel from that region to the furnaces and forges of the iron regions of Michigan and Missouri, or will he assert that the construction of the railroads by which these raw materials are concentrated at the several points of conversion has tended to diminish wages? Sir, who will say that the absorption of an army of men by the railroad service has not enlarged the demand for, diminished the relative supply of, and thus enhanced the price of labor?

Again let me recommend the gentleman to hold a little free conversation with those gentlemen upon the floor of this House who represent the iron regions of Alabama and Georgia and learn from them whether every Bessemer rail mill in the Northern States is not a customer of those of his constituents who own what is believed to be the richest deposit of spiegeleisen-ore in the world. Here again the collateral value of established and diversified industries is shown in the demand they create for increased means of transportation, and the proprietors of the railroads connecting the district of my friend from Alabama [Mr. FORNEY] with Illinois, Pennsylvania, New York, and New England will attest the value of the business afforded by the carrying of raw materials from the field of production in Alabama to the places of conversion.

Were our workshops on the other side of the Atlantic, as the party which favors a tariff for revenue only would have them, our transportation companies would carry little other freight than finished products, and the immense revenues they now derive from the carrying hither and thither of raw materials would be lost to the companies and the country. So, too, would the earnings of the thousand of locomotive builders, engineers, firemen, and laborers who are now at work for them. Sir, until the gentleman can show that the price of an article is depreciated by increasing the demand for it, he cannot demonstrate the truth of his assertion that a protective tariff does not increase the wages of workingmen.

PROTECTIVE TARIFFS PROMOTE THE INDEPENDENCE OF WOMEN.

The services of men only are in this country required in mining, smelting, constructing, and operating railroads, and in kindred industries which have resulted from the protection our tariff laws have given to the producers of iron and steel. Happily the blessings conferred by the protective system are not confined to able-bodied or masculine laborers. There are among the women of America daughters who would gladly relieve their parents of their support, and contribute to the subsistence of the family. There are widows dependent on their own exertions, too often not for themselves alone, but for the support and education of their orphan children. There are orphan girls with younger brothers and sisters for whom they would gladly toil; and by giving infinite diversity to our productions, the protective system has provided employment, always honorable, and often highly remunerative, to these classes. In non-manufacturing countries they would all be dependent, or be driven to compete with men in the roughest, most severe, and least compensated fields of labor, as do British women and those of Belgium, Germany, and other continental States.

I have spoken of the beautiful city of Paterson as a creation of the silk tariff, and I recur to it to illustrate the great truth I am now pressing upon the attention of the committee. Having noted the extraordinary growth of Paterson, I some days since addressed a note to my friend the senior partner of the firm of William Strange & Co., ribbon manufacturers of that city, asking for definite information on certain points. His reply came promptly, and was as follows:

DEAR SIR: In reply to your questions, I would state that we have at present in Paterson fifty-eight establishments engaged exclusively in the manufacture of silk in its various branches, four extensive silk-dyeing establishments, three silk finishing establishments, one harness and reed-maker establishment, and five card-stampers and designers. These employ in round numbers 12,500 operatives, at an annual cost in wages of $4,164,000; and the capital invested in mills and machinery amounts to between nine and ten millions of dollars.

In addition to the above, we have $125,000 invested in mills and machinery exclusively employed in the manufacture of silk machinery, bobbins, swifts, and other articles used in the production of silk goods. About seven hundred mechanics are employed in these branches of industry, at an annual expenditure in wages of about five hundred thousand dollars.

The population of Paterson, as per census of 1860, was 19,586; in 1870 it had increased to 33,579, and in 1880 to 50,950.

Among the direct benefits which have been conferred by the establishment of the silk industry upon our city, may be mentioned the universally-admitted fact that during the panic of 1873, when almost every other branch of industry was paralyzed, it continued to find remunerative employment for its operatives, and saved many others from starvation and despair who, for want of an outlet for their own labor in other branches, found themselves dependent for the means of subsistence upon the earnings of their wives and children, who were employed in the silk mills of Paterson. It has also been reasonably credited with protecting the general business interests of the city from the ruin which threatened it during that long period of distress and anxiety.

Paterson, however, has not been the only recipient of direct benefit from the energy and enterprise of her silk manufacturers, as may be instanced in the erection of important branch establishments by Dester, Lambert & Co., at Hawley, Pennsylvania, the Phœnix Manufacturing Company at Allendale, Pennsylvania, and the Myenberg at Hoboken, New Jersey, and others, which shows that notwithstanding the rapid growth of our city it has not kept up with the requirements and wonderful expansion of the silk industry.

One of the most commendable features of this industry to the community at large, *is the opportunity it affords for the employment of female labor, as evidenced by the fact that at least two-thirds of the work performed in our silk mills is executed by that class of operatives.*

Our productions are now equal in quality, and in many instances surpass those of foreign manufacture. We have even been complimented as well as injured by the adoption of our brands and trade-marks by our transatlantic competitors for the purpose of facilitating the sales of their fabrics.

These are but a few of the returns which have been made by the silk manufacturers of Paterson to their countrymen for the benefits which they have received from the adequate protection which Congress has conferred upon them.

Paterson is an old settlement, yet it will be seen that the census of 1860 found it with less than 20,000 inhabitants, while that of 1880 found it with very nearly 51,000. And, notwithstanding this remarkable growth, it has, as Mr. Strange tells us, offshoots at different points in Pennsylvania and New Jersey. I am confident the gentleman will not have the temerity, in the face of these facts, to assert that that which has created this demand for American labor, and opened such delicate and remunerative sources of employment to women, has not benefited the laboring classes, and that a tariff which works such effects does not increase the wages and improve the condition of working people.

But what has been the effect of the creation of this industry at Paterson upon the farmers of the neighborhood? To them these fifty thousand thrifty people look for spring vegetables, summer fruits, milk, butter, eggs, poultry, lamb, veal, and other articles, which, while they will not bear transportation to distant markets in such quantities as the small farmer can produce, give splendid remuneration for the care his wife and daughters bestow upon their production and preparation for market. Every such an industrial center that a protective tariff creates by developing and defending an industry is a boon to the farmer; and no class of our citizens share the benefits of a protective tariff more largely than farmers whose lands lie within a limited distance of a manufacturing town or city. They feel the effect of such a tariff, not only in the demand for articles which but for a near market would go to waste, but for those which they cultivate or raise specially for such markets; and, beyond this, in the enhanced price of the acres from which they derive an income, which ordinary farm products would not yield. But the point to which I wished to invite special attention in this connection is the manner in which a tariff that is broad enough to diversify our industries promotes the independence of women.

In the stump speech the gentleman appended to the proposition under consideration, he says "that in Germany, where there is a protective tariff, the wages are lower than in countries without a tariff or with a tariff for revenue only." Is this true? With all my respect for his general intelligence I cannot believe it. Can he tell whether wages in Germany are not as low as they are because the empire, elated by its victory over France and seduced by the enormous war fine it collected, repealed the protection theretofore secured to its laborers by the Zollverein? Will he tell me what effect the demonetization of silver has had upon the price of German wages and commodities? Until he disposes of these questions he cannot charge that the protective tariff which was re-enacted in the autumn of 1879 brought the manufacturers of Germany into trouble and reduced the wages of their laborers to the rates now paid.

But, sir, let what cause or causes may have produced this unhappy result, I deny that wages are lower in Germany than they are in Ireland, Turkey, India, the South American States, or any other country which, being without a protective tariff, suffers under the curse of British free trade.

In this connection the gentleman also says that in England, since the policy of free trade has been adopted, the wages of laborers have been higher than when the system of protection prevailed. If this be true, which I deny, it would not prove that we should abandon the protective system, or that free trade would promote the interests of any class of our citizens. The situation of England is peculiar, and contrasts with ours as diametrically as the situation and interests of two nations can. England is the only nation in the world whose manufacturers are dependent on a foreign market; while we cannot manufacture enough to supply the demands of our people. England cannot feed her own people. She looks to other countries for all forms of food that will bear transportation across the sea, and spends $10,000,000 annually on imported poultry and eggs. We, though we consume 90 per cent. of our farm products, can furnish her with adequate stores of wheat, corn, and rye; of beef, pork, mutton, cheese, green and dried fruits, and other elements of subsistence. Amply stored with coal, iron-ore, limestone, and salt, as she is, England is deficient in raw materials. For these she depends on foreign countries. Not so with us. Our stores of raw materials are unmeasured. The man does not live who can estimate their variety and extent. They embrace every element of manufactures which may be found in the temperate regions of the world. That which can be produced only in tropical regions, or like cryolite is found alone in the arctic regions, we must import, but all else we can produce. Foreign trade is essential to the life of England. She must sell manufactures enough to procure the means wherewith to purchase food and materials; hence she strives to cheapen commodities to such a point that in the markets of non-protected nations she may undersell the world. Low wages are to her a necessity. She cannot consider the condition of her working classes. If she cannot sell in foreign markets, she cannot give her workers employment, wages, or food. Not so with us. Were the oceans that separate us from other lands oceans of flame, the American people could live in the enjoyment of all the essential comforts of life they now enjoy. None of them would suffer for the want of food or raiment or of homes so well appointed as to supply not only the wants of the inmates but to gratify their desires and æsthetic tastes. Yes, thus after a score of years of liberal protection our manufactures have been so developed and our love of the beautiful so trained and disciplined that while England, were her coasts surrounded by hostile fleets, might starve, we, under similar circumstances, could go on prospering and to prosper.

The economic laws demanded by England's wants are not applicable to our case. Our working people are a part of the body-politic. Into the hands of their children will soon pass the destinies of our country, and we must see to it that our industrial system is so ordered that the sentiment of home and family shall be cherished by every citizen; that schools shall be opened for the children of the whole nation, and that while toiling to give them the benefits of school and church, parents may still be able to lay up from year to year that which will protect them in age from dependence upon the public or their children. I will not wrangle with the gentleman over the scale of British wages, or of the work demanded from the British laborer, but will beg him to consider the following sketch of an English blacksmith which I found in the recent letter of a regular correspondent of the London Daily Telegraph. It is an interview with a woman blacksmith, whose lot is such as God forbid that any American mother may ever be doomed to endure. Yet her lot does not appear to be the hardest among English wives. She is a nail-maker, and pronounced her trade "almost as bad as chain-making." My friend will perceive that in justification of her assertion that her lot was not the hardest known to English workingwomen she advised the correspondent to visit Cradley and learn by observation whether the lot of the English wives and mothers who were engaged in chain-making was not more deplorable than hers. But let her speak for herself and tell the gentleman something about the adequacy of the wages laborers receive in free-trade England:

A WOMAN BLACKSMITH—ONE OF THE SIGHTS OF THE BLACK COUNTRY OF ENGLAND.

At one forge later on, between nine and ten o'clock in fact, I discovered a female nailer working under disadvantages that might have daunted an anchor smith. Whether she had a husband whose absence was accounted for by his being addicted to beer-shop fogging, or whether she had no husband, I did not ask her, and she did not tell me. Anyhow, she was working alone, and she spoke of having "all these brats" to provide for, as though the whole responsibility rested on her poor narrow shoulders, the bones of which were so sharp that they threatened to cut through the flimsy material that covered them every time she tugged at the heavy bellows. There were four little children, the oldest about seven, the youngest a baby in "long clothes"—in a calico bed-gown, in fact, and nothing else. This solitary article of raiment had once been white, but was now approaching the complexion of a coal-sack.

The two children who came between the eldest and the youngest were disporting in the ashes, and pummeling each other's awfully dirty little bodies in a fierce struggle for the mangled remains of a wooden doll. There was only its carcass left, and its hair was singed off its head, and the paint on its face all scorched and blistered; but the two infant nailers could not have fought for it more ferociously had it been the choicest prize in Mr. Cremer's collection. The other two children—the oldest and the youngest, the former acting the part of nurse to the latter—were deposited in a kind of wooden cradle, that shared with a bellows the hearth where the fire was. The baby was shrieking, and the boy was shouting out a hymn in a vain endeavor to quiet it.

One way and another, the mother, poor soul—she was quite a young woman—seemed well-nigh distracted as she banged away at her work, bent seemingly on getting some set task done; the perspiration streamed down her face as though she was crying. She stuck to her work, however, and kept the sparks flying—showers of them besprinkled the occupants of the cradle, but without producing the least effect on those young salamanders—until a shriller shriek than hitherto caused the woman to throw down her hammer and take the child on her lap as she sat down on the nose of the anvil.

"Hard work?"

"It is just that, master," she remarked, in reply to an observation of mine; "and often I wish I was in heaven, and out of it all, 'pon my soul and body, I do; I raley get so sick of it!"

And as she took the sooty handkerchief from her head and wiped her wet face with it, a milder form of asseveration would have satisfied me of the probability of the change suggested being to her advantage. It was in vain she tried to pacify the squalling child at her lean bosom.

"Hush, then, and mammy'll spare a penny for half a pint of beer presently, and then, perhaps, she'll tuckle down a bit," said the poor soul, as protesting against the mockery offered it, the little rebel stiffened itself out and refused either to unbend or leave off shrieking.

"Haven't I got no help in working for 'em all? No, master, I've got no help. How much can I earn? Well, it's right-down slavery to earn a penny an hour at it. More often, especially when this young un o'mine is cross—it isn't more than ninepence for the whole day. No; we don't live quite on that, sir; I'm 'lowanced two loaves a week, but it's nigh on four miles to fetch 'em, so I don't know, reckoning the loss of time, that I'm much richer after all. I'm sure I don't know what's

coming to the work, and the price they're giving for it. It's almost as bad as chain-making."

"Is that worse than nail-making?"

"For the women it is. Just you go to Cradley and ask 'em."

It was too late to follow her advice that night, but I did so next day.

DOES A PROTECTIVE TARIFF TAX ONE CITIZEN FOR THE BENEFIT OF ANOTHER?

We come now to the gentleman's fourth proposition, which is as follows:

A protective tariff builds up one citizen at the expense of another, for every dollar of additional price protection enables the manufacturer to charge must be paid by another citizen.

I do not doubt that the gentleman really believes this proposition. He was so taught at college. The authors of the text-books he then used affirm the proposition as confidently as he does; and it is evident that he has never consulted the writings of his great countrymen, Stephen Colwell and Henry C. Carey. Yet, if it be true, what becomes of the averments the gentleman made in support of his second proposition, that a tariff for protection results in overproduction, overstocking of the market, and low prices? In support of that proposition he tells us that the further effect of a protective tariff is embarrassment to the proprietor to the extent, in many instances, of final bankruptcy and to the ruin of the workingmen employed in protected factories, and all this because such a tariff reduces prices. Surely they who by overstocking the market reduce prices to such points as to involve themselves and their workingmen in ruin cannot be burdening with additional price the consumers of their productions. The gentleman's second and fourth propositions will not stand together; indeed, they flatly contradict each other; and yet I cannot ask him to choose between them, as each is in itself essentially false. He is one of the best lawyers in this House, and as a lawyer will not withhold homage from the learning, powers of investigation, painstaking industry, or cool judgment of Sir John Byles, author of Byles on Bills, and for many years a justice of the court of common pleas of England. This profound thinker and distinguished jurist devoted himself not to jurisprudence alone. Political economy has been one of his favorite studies, and it is nearly half a century since, in endeavoring to stay the free-trade fanaticism of Britain, he published a volume under the title of Sophisms of Free Trade and Popular Political Economy. The ninth revised British edition of this volume now before me appeared in 1870. Through how many editions it may have gone in the mean time in that country I do not know, nor can I tell how many our countryman, Henry Carey Baird, has published; but this I do know, that for many years the book has been widely read in this country. I propose to draw from it my exposition of the absurdity of the proposition we are now considering. The gentleman from Ohio submits it as a principle which should govern the American Congress. Sir John Byles presents it as a sophism which should be exposed, because its acceptance by any nation would be destructive to its best interests:

CHAPTER XXVII.

Don't tax the nation for the benefit of a producing class. Take care of the consumer and let the producer take care of himself.

The maxims of our ancient and successful policy were very different.

A nation, whether it consume its own products or with them purchase from abroad, can have no more value than it produces. The supreme policy of every nation, therefore, is to develop the producing forces of its own country. What are they? The workingmen, the land, the mines, the machinery, the water-power, &c.

Our fathers said: "Whatsoever you do, be sure you take care to develop the producing forces of your own country. The gain of doing this will be so immense that it will present the nation with an ample fund, not only sufficient to pay the tax on consumers of which you complain, but after having paid it still superabounding and leaving in the hands of the nation for its own spending a surplus ten times as great as that tax. Nay, the very tax itself will in most cases soon disappear; for the development of your own producing power will not only, at first and at once, bring plenty and riches, but in the end will bring a steady cheapness too, and along with that cheapness the powers of purchasing. It will add accessibility to cheapness."

So reasoned Cromwell, Lord Chatham, Sir Robert Walpole, Edmund Burke, Peter the Great, Colbert, Napoleon. So at this day reason France, Belgium, Russia, Germany, America, and, unfortunate for us, Canada and Australia, too.

Our fathers and we, the children, must, however, both cordially agree in this: The more a nation produces the richer it is.

Indeed, this seems a self-evident proposition. Without production of value you can neither consume nor buy. *Ex nihilo nihil fit.* Every increase of domestic production is an addition of so much wealth and so much of the means of purchase; any diminution of domestic production is a subtraction of so much wealth and of so much of the means of purchase.

We, the children, however, now seem unconsciously to assume that the amount of production in a country (the land, the men, and the actual property remaining the same) is an unvarying quantity. But the fathers thought that (the land, the men, and the actual property of a country remaining the same) that country will produce infinitely more, or infinitely less, according as certain regulations, favorable to domestic production and internal exchange, are present or absent.

Produce within your own dominions what you formerly imported from abroad, and your land, labor, and capital produce what they otherwise would not have produced. They still produce the articles which might have been used to purchase the new domestic product just as much as they did before. But, over and above this, they now produce the whole value of the new domestic product. Tried by the rule that the more a nation produces the richer it is, you are now the richer. You have now developed a new producing power of the country, which otherwise, instead of being developed, would have been stifled and smothered by foreign imports perhaps a little cheaper. By a sacrifice, it may be of 1 per cent., not the producers but the nation have gained the other 99. To pay your tax of one pound you are presented with a new and additional net income of a hundred pounds; and what you have done other nations may also do. The producing power of all the earth may thus be effectually developed, and yet, as we have seen in chapters VI and X, ample scope be everywhere left for foreign trade and international exchanges.

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* * * But the children are not yet silent. They say, "It is the producers that gain, while the consumers lose." Again the fathers rejoin, "You are wrong in marshaling the nation into two hostile camps of producers and consumers. Not only is every producer a consumer who is not either a producer or else, living entirely out of the income of a producer, standing or falling with him." Laborers, farmers, manufacturers are all clearly producers. The landlords derive all their rent from the revenue of producers; so, of course, do the mortgagees, to whom they pay interest. The professional man is ultimately paid by producers; so is the fundholder himself and the public servant, too. Find, if you can, a living man who is not either a producer or maintained by a producer. Whatever, therefore, furthers the interest of producers not only benefits them, but also augments the common fund from which every consumer derives his income; and, on the other hand, whatever ruins or injures producers ruins or injures the common fund on which all consumers depend. * * * Reflect, and you will find that the wise and really gainful policy is not that which prematurely grasps anyhow at cheapness, but that which develops the producing power of the country. Our fathers, therefore, were right and we are wrong. They knew how to grow rich nationally as well as individually. We have seen how their theory has everywhere been justified by experience in time past here and elsewhere. It is still justified in America, in France, in Germany, in Russia.

DOES PROTECTION CONTRAVENE THE LAW OF SUPPLY AND DEMAND?

Leaving the gentleman to reconcile the contradictions of his second and fourth propositions, and to reply to the argument of Sir John Byles, I pass to the fifth proposition of his resolution, which is as follows:

A protective tariff disturbs the operation of the primal law of trade which governs all exchanges by the supply and demand of the articles to be exchanged.

To this assertion I offer a flat denial. It is not true. History contradicts it—our own history and that of other nations. England will not permit an unprotected people to enjoy free trade between themselves even in domestic productions, or to manufacture their own raw materials. Had the Congress of 1812-'14 enacted a tariff adequately protective of the industries which the war was calling into existence, Parliament would have appealed in vain through Henry Brougham to the British manufacturers to incur a loss upon the first exportation and thus by a glut to stifle those industries in the cradle.

Such a protective tariff instead of disturbing would have maintained the primal laws of trade, and enabled the American people to proceed in the work of developing the producing forces of their country, and to thus create a capital with which they might soon under the law of supply and demand enter freely into the exchanges of the world. This appeal of Brougham's and the quick and effective response made to it by the capitalists of Great Britain, were not exceptional facts. This course of enslaving younger and poorer nations, preventing the development of their resources, destroying the freedom of their trade, is part of the established policy of British capitalists, and has at all times had the sanction of that oppressor of mankind, the British Government. This policy is not only applied to strictly foreign nations but British colonies, which carry the English language, laws, and habits to remote points, and build up great communities, are subjected to it, and, but for protective tariffs, would be its victims as absolutely as are Ireland, India, Turkey, Egypt, the South American States, and Japan.

In this connection I commend to the attention of the gentleman from Ohio a little work now before me, entitled Outlines of an Industrial Science, by David Syme. Mr. Syme is an Englishman who emigrated many years ago to Australia. Editing a leading journal of the colony, he has been a frequent and thoughtful contributor to the periodical literature of England. It was in one of the great magazines of London that I first met his name. Many of his essays have been reproduced in this country, and the edition of his book now before me bears the imprint of Henry Carey Baird & Co., Philadelphia. He went to Australia a believer in the assumptions of free-trader, but the necessities of his new country soon demonstrated to him that the only way to make her trade free was to protect her producers by an adequate system of duties against the unfair use of British capital in the strangling of its infant industries by the production of gluts in Australian markets. I prefer that he shall answer this proposition of the gentleman to attempting a reply in language of my own. When discussing the question of competition as a means of securing freedom of trade, Mr. Syme says:

Even England, notwithstanding her free-trade proclivities, indirectly does all that she can to prevent any real competition with her on the part of other countries, and to this end her immense resources are used with crushing effect. At present she practically enjoys a monopoly of many lucrative branches of manufacture. With her natural advantages in coal and iron, with her acquired advantages of being the first in the field, and of having a numerous body of well-trained artisans, and, above all, of the immense capital at her disposal, she would be able to maintain her manufacturing supremacy as long as the rate of wages is not materially increased. Her only danger lies in this direction. "Dear labor," says Mr. Brassey, in Work and Wages, "is the greatest obstacle to the extension of British trade." Hence the extreme solicitude displayed by the trading classes of England at the present day on the question of wages; hence, also, the growing antagonism which has sprung up of late years between them and the wages-earning class.

The manner in which English capital is used to maintain England's manufacturing supremacy is well understood abroad. In any quarter of the globe where a competitor shows himself who is likely to interfere with her monopoly, immediately the capital of her manufacturers is massed in that particular quarter, and goods are exported in large quantities and sold at such prices that outside competition is effectually crushed out. English manufacturers have been known to export goods to a distant market and sell them under cost price for years with a view to getting the market into their own hands again. The *modus operandi* is incidentally explained with much *naïveté* in a report published some years ago by order of the House of Commons. "The laboring classes generally," says the author of this report, "in the manufacturing districts of this country, and especially in the iron and coal districts, are very little aware of the extent to which they are often indebted for their being employed at all to the immense losses which their employers voluntarily incur in bad times in order to destroy foreign competition and to gain and keep possession of foreign markets. Authentic instances are well known of employers having in such times carried on their works at a loss amounting in the aggregate to three or four hundred thousand pounds in the course of three or four years. If the efforts of those who encourage the combinations to

restrict the amount of labor and to produce strikes were to be successful for any length of time, the great accumulations of capital could not then be made *which enable a few of the most wealthy capitalists to overwhelm all foreign competition* in times of great depression, and thus to clear the way for the whole trade to step in when prices revive and to carry on a great business before foreign capital can again accumulate to such an extent as to be able to establish a competition in prices with any chance of success. The large capitals of this country are the great instruments of warfare (if the expression may be allowed) against the competing capital of foreign countries, and are the most essential instruments now remaining by which our manufacturing supremacy can be maintained." That, I have no doubt, is a very fair, as it is certainly a very candid, statement of the manner in which English capital is used to crush out foreign competition.

"This," adds Mr. Syme, "I have no doubt is a very fair, as it is certainly a very candid statement of the manner in which English capital is used to crush out foreign competition." The report from which he made this extract was that of the parliamentary commission appointed in 1854 to examine into the state of the population of the mining districts.

Yes, Mr. Chairman, that commission uttered the truth when it declared that the large capitals of England are the great instruments of warfare by which the competition of foreign countries is crushed by British monopolists; and the nation which would secure to its people the right to develop its resources and trade freely among themselves can do so only by giving those people the benefit of rates of duty which will in seasons of commercial depression adequately protect them against the warfare of banded monopolists acting under the sanction of the British Government.

The Morrill tariff gave this mode of warfare its first real American repulse. Its supplements have driven the invaders from our borders. But these British monopolists do not abandon the hope of destroying their American rivals. They have adopted new methods and now employ the pen and professorial office. They hope to persuade us to surrender. Under the name of the Cobden Club they have an organization which embraces in its membership more than two hundred members of Parliament and twelve of the fourteen members of the present British Government. This club, composed as it is so largely of members of the British Government and their parliamentary supporters, has assumed the duty of teaching the American people political economy and entered without concealment into our last political campaign. In a letter prepared by Mr. Augustus Mongredien, which it circulated in this country at its own cost and under its own stamp, it appealed to the farmers of the United States to pledge themselves in advance to unite with the gentleman from Ohio, his party, and the banded capitalists of England in making war upon the industries of the United States and the wages of the laborers they employ. Said this impudent intermeddler in our domestic politics, after attempting by falsehood and misrepresentation to incense the farmers against the manufacturers of our country, "every farmer should hold this language to the candidates for Congress:"

I will only vote for you if you will vote for me, and voting for me means voting in the House for a reduction of 5 per cent. every successive year on the import duties *until the whole are abolished.*

Sir, I am a protectionist because I am an American. I am for maintaining the independence of my country and the welfare of my countrymen against all comers. I would protect them against the insidious arts of combined capital at the same cost, if need be, that I would against a foreign army or navy. But happily they may be defended without cost by the imposition of such duties on foreign imports as will insure the development of the producing forces of the country, "the men, the lands, the machinery, and the water power." This peaceful defense will, if maintained, enrich the nation and improve the condition of all its people, by giving them the advantage of "cheapness and accessibility." It is, I reiterate, not true that a protective tariff disturbs the operation of the primal laws of trade. Such a tariff is, in view of the enormous capital of England, and the oppressive manner in which it is combined and used, the only means of securing to the American people the benefit of the primal laws of trade.

IMMIGRATION—ITS SOURCES AND VALUE.

Before I pass from the consideration of this point, let me say that the leading position in the family of nations which our country has so suddenly assumed, is due more largely to our adherence to the protective policy during the last twenty years than to any other single cause. By enabling us to diversify our industries this policy has offered occupation and wages to skilled men in a thousand employments unknown to us prior to 1860. By enabling us to offer more liberal wages than any of our competitors, it has invited a stream of immigration the magnitude of which is alarming the governments of the manufacturing nations of the world. Canada invites British immigrants. The British Government, anxious to build up its American dominion, promotes British migration to Canada; but Canada adhered to the policy of free trade until quite recently; consequently she cannot offer work and wages to skilled hands. Some two years ago she professed to adopt the system of protection, and fashioned a tariff, the object of which appears to be not so much to develop her resources as to exclude American productions, when they might compete with those of the British Islands; but despite the efforts of her government and that of England, she cannot induce skilled workmen to remain within her limits.

During the last six months of the year just passed we received more than 278,000 immigrants, aliens who came to make this country their permanent residence. From Canada came 73,000, not on a sudden impulse, but as part of a steady flow of immigration thence to this country. Germany, too, gave us more than 73,000 of her subjects, skilled, many of them, in agriculture, and many of them in the mechanic arts. From among the farmers and skilled workingmen of England and Wales came nearly thirty-five thousand, while poor, down-trodden, and oppressed Ireland, impoverished as her people are, was able to pay the passage of nearly thirty thousand of her children. From Scotland came 7,000, while other countries, including Austria, Sweden, France, and Switzerland sent us nearly sixty thousand.

If our protective tariff is an oppressive wrong, why do these people fly in such hordes to bear its burdens and endure its wrongs? If free trade be a blessing, why do Englishmen, Welshmen, Scotchmen, and Irishmen fly by tens of thousands from its blessings to bear the curse of American protection? Like the gentleman from Ohio, they have all heard the teachings of the Cobden Club and other free-trade organs of England; but unlike him, they have open eyes, they see the poverty and ignorance to which British free trade dooms her working people, and contrast their own condition with that of those of their countrymen who have preceded them as immigrants. These they learn are well fed, able to eat meat every day in the week and every week in the year; are well clothed, living in communities in which the foreign observer, on Sunday or other holiday, cannot, as was so often remarked by international visitors during the centennial year, distinguish between the laboring and the capital class by the apparel they wear or their bearing in public. "Where are your working people?" was a question pressed by thousands of intelligent observers during that year. They could not comprehend the fact that the working classes of a country could live in such homes as were indicated as those of the working classes of Philadelphia, or wear such apparel as did the thousands of workmen they met daily in the great halls and upon the grounds of the exhibition. This contrast which my friend from Ohio has not perceived is known in every cabin on the British Islands and every hamlet on the continent, and stimulates the immigration which is adding so vastly to our power and wealth.

But the gentleman may ask, "Does immigration add to our wealth?" I will not stop to reason the point with him, but will draw my reply from a recent number of the Pall Mall Gazette. In the course of an article under the title "Loss by Immigration," that journal says:

Immigration, no doubt, is a national safety-valve; but to insist that wholesale immigration of the population is the sole remedy for Ireland's ills is not statesmanship, but suicide. It is not empty sentimentalism, but rather the coarsest materialism, which justifies the protest against removing discontent by exiling the population. Every immigrant represents a money value, so many pounds sterling, which in New York is estimated at £200. Dr. Engel, head of the Prussian statistical bureau, calculated fifteen years ago that it cost Germany over £100 to bring up a member of the lower classes to the age of fifteen. Dr. Fabri, in his work on colonization, places the cost at £150, every penny of which is spent before the citizen becomes a producer instead of a consumer of wealth. He estimates the average net loss to Germany on every immigrant who leaves her shores at £100 sterling, and it is found that the average capital brought over by each German immigrant who lands at New York is over £20. It is, therefore, a low estimate to reckon the net loss to Ireland by every immigrant unnecessarily forced beyond the sea at £100. Why should it be "patriotic" to make the States a present of that sum, and "sentimentalism" to employ a smaller sum in converting the peasant into a contented landed proprietor at home?

WHAT SHIP-BUILDERS SAY.

Is the gentleman's sixth proposition more tenable than any of those that precede it? It is as follows:

The present protective tariff has driven the American carrying trade from the high seas by enhancing the price of materials which enter into the construction of vessels so that American ship-builders cannot compete with foreigners engaged in the same business.

Again, the gentleman is at fault in fact and inference. The appearance upon the ocean of the British privateers for whose destruction of our commerce the Geneva convention gave us a judgment, which the British Government accepted without demur and satisfied, antedated the protective duties to which the gentleman ascribes the driving of our carrying trade from the seas. Under the baneful influence of those privateers our carrying trade had disappeared long before the war closed, in June, 1865; while most of the duties now imposed by the several supplements to the Morrill bill of which the gentleman complains have been enacted since the date of that event. The duties which now foster sheep husbandry (so profitable to farmers) and the manufacture of woolen and worsted goods, Bessemer steel and rails, and other leading staples, were passed after the destruction of our carrying trade. I need not, however, elaborate this point. There is not a builder of iron vessels in the United States who does not stand ready to refute this proposition of the gentleman. The extensive yards of William Cramp's Sons are crowded with iron ships which the firm are building on contract for those who are to use several of them in foreign trade; and when, more than nine years ago, an attempt was made to reduce the duties which gave protection to the manufacturers of iron, that firm hastened to send a protest against such reduction, of which the following is a copy:

PHILADELPHIA, PENNSYLVANIA, *January* 13, 1872.

DEAR SIR: Inasmuch as strenuous efforts are to be made during the present session of Congress to repeal the duties on ship-building materials, on the plea that it will aid American ship-builders and assist in building up our mercantile marine, and knowing that false impressions are prevalent in regard to this department of industry, we beg leave to call your attention to a few important facts, and to show that such action would not be beneficial but detrimental to our interests.

If any benefits could be derived from the repeal of duties on ship-building mate-

rial, it would be chiefly in the construction of wooden ships. But steam is rapidly and permanently supplanting sails, and this in turn necessitates the change from wood to iron; for steamships, to be profitable and safe, must be constructed of iron.

Few persons are aware of the fact that it is absurd to talk of building iron ships in this country of imported iron, for this cannot be done. One reason is that nearly every piece of iron entering into their construction must be made to special order; and this fact, together with the necessity of rapid delivery, demands that the iron mills should be near the ship-yards. And it is plain to every practical ship-builder that if ships are to be constructed of foreign materials they will be constructed in foreign lands.

We now have in our own yards five first-class iron steamships in process of construction, with an aggregate tonnage of 13,000 tons, which will require for their construction 16,000,000 pounds of iron, and the ships, when completed, will cost $2,500,000; and yet the repeal of all the duties would not benefit us to the amount of $10,000.

While the repeal of the duties would scarcely afford even a temporary gain, it would, on the contrary, inflict upon us a permanent loss, by probably closing all the furnaces and mills to which we must look for our supplies.

The efforts of free-traders to secure free materials are evidently only preliminary to the more dangerous purpose of securing free foreign ships, of which England has a surplus of hundreds, of both wood and iron, which she would gladly sell at any price to get possession of our coasting trade.

The idle ship-yards in this country are those devoted to building wooden ships. There are six yards for building iron vessels in Philadelphia and vicinity, all of which are full of work. We think there are in process of construction sixteen iron steamers, seven of which range from 2,500 to 3,000 tons each.

Having been engaged thirty-five years in the construction of ships of every class, we feel competent to speak as to our own needs; and we are sure that we speak the sentiments of all engaged in ship-building when we ask that Congress shall not disturb the moderate protection afforded our iron manufacturers, but rather let well enough alone, and adhere to the policy which, by multiplying furnaces and rolling-mills, will furnish us a constant supply of materials, cheap and abundant.

W. CRAMP & SONS.
Wood and Iron Ship-builders.

Hon. WILLIAM D. KELLEY.

The then venerable head of the firm has meanwhile paid the debt of nature, but his united sons continue the business and adhere to the opinions expressed in this letter.

John Roach is the largest builder of ships in the United States, and when recently examined by a sub-committee of the Senate Committee on Finance, he stated that he carried more tonnage on the seas than was held by the entire membership of the Chamber of Commerce of New York. He therefore addressed the committee more as a ship-owner than as a ship-builder. In the course of his examination he invited the members of the sub-committee to consider a letter he had on the 1st of January last addressed to each member of the whole committee. I beg leave to invite the attention of the gentleman to the following extract from this letter, which, with that from the Messrs. Cramp, will, I think, convince him that the ship-builders of this country will regard his labors in their behalf as superserviceable and misdirected.

Mr. Roach had previously sent to the members of the committee a pamphlet and an address containing a thorough discussion of the whole subject, to which references are made in the course of the extract, and of which I have no doubt he would furnish copies to intelligent investigators of this subject:

I mail you herewith, at the request of your committee, a copy of my pamphlet on the American Carrying Trade, also a copy of an address delivered by me before the convention of ship-owning and other commercial bodies for the encouragement of the ocean commerce of the United States, held at Boston last October, and some other documents, which I hope you will find of interest.

The chief thing to be borne in mind in considering this question is, that it is a great national interest, both as a cheap means of defense and of carrying our products. It should be dealt with in the broadest and largest spirit. The policy that is adopted must not be narrow or sectional, but national, broad, and liberal enough to cover the whole country and conserve its best interests.

I desire here to call your attention to certain portions of the pamphlet and address which I think deserve to be emphasized as worthy your special consideration.

The advocates of free ships claim three things as necessary to revive our ocean carrying trade: 1. The repeal of the navigation laws. 2. Free material in everything that enters into the construction of a ship. 3. The right to buy ships in the cheapest market. The lack of this right is set down as one cause of our decline as carriers.

The first claim you will find treated on pages 9, 24, 25, 29, 31 to 35, inclusive, of the pamphlet, and on pages 15, 16, 23 of the address. The second claim is discussed on pages 30 and 31 of the pamphlet, beginning at III. The third claim is discussed on pages 21, 22, 26, 27, 28, and 63 of the pamphlet, and on pages 3, 4, 9 to 14, inclusive, and 20 of the address.

It is certainly a most significant fact that in the discussion of this question the free-ship advocates confine themselves so closely to the one point of original cost, persistently overlooking all the real obstacles in the way of our becoming again a ship-building and ship-owning country. These obstacles I have endeavored to make clear. I claim that we have certain great natural advantages for the construction of the ship at home. Our natural resources in coal and iron and timber, the materials of which the ship is built, are superior to those of any other country. As to the value and necessity of building our own ships if we hope to own them, I call your attention to the pamplet, pages 40, 41; address, page 13, (showing the result upon France of buying free ships, though she had every advantage of cheap capital and cheap labor to run them.) As to the national and economic reasons why we should have a powerful merchant marine, see pamphlet, pages 45 to 53, inclusive; address, 22, 23, and 32.

But perhaps the most important point of all, and one that enters as a vital factor into this question, is that of protecting American labor and furnishing it employment by the fostering and encouragement of American industries. The elevation of labor is the policy on which our Government was founded. The issues of the future will be on the labor question. The interests of labor cannot safely be overlooked or trifled with, and our policy with reference to all great national questions must be shaped in accordance with the fundamental idea of our Government. The workmen of this country will demand by their votes the development of our resources by the competition of our own labor and capital. And that brings us to the original cost of the ship, which the free-ship advocates say is the vital point. Why can we not build ships as cheap as England can? Because 90 per cent. of the ship is labor, and American labor costs more than English labor. Because our workingmen cannot be ground down as European workingmen are. Two things confront us: to reduce the wages of labor to what they are in Europe, (see comparison on page 67 of the pamphlet,) or to leave our forests and mines with their wealth undeveloped and thousands of workmen without employment. Have we not in our own country most convincing evidences of the effect of such a policy? Look at the South, with her forests, her coal and iron beds, and every advantage; yet she refused to adopt a policy of home development such as other sections pursued, and is only now awakening to the consequences of such a course.

On page 73 and following, you will find some facts on another pressing subject—the opening of new markets for our rapidly increasing surplus products; also the instructive history of some efforts made in that direction. See also pages 24 and following of the address.

In regard to the facts as to oppressive taxation (pages 26, 27, pamphlet, and pages 11 and 12 of the address,) it may be claimed that this is a local tax of New York. So it is, but it is a tax that affects something like three-fourths of our entire shipping in the foreign trade; and I believe there are local taxes also at the other principal ports. This whole matter should be regulated and protected by a national law, placing our foreign shipping on equal terms in all ports and giving it all the advantages possessed by foreign ships entering our harbors.

When it is said that we cannot build the ship as cheap as other nations, I ask your attention to what we have done with the locomotive, (as shown on pages 18 and 19 of the address.) This proves what we can do with a fair chance and wise encouragement. And the same thing can be done in the case of the ship as has been done in the case of the locomotive. For what we have done in iron ship-building, indeed, against every kind of obstacle, see pages 54 and 55 of the pamphlet. We need more ships than any other nation, since we have more surplus products to carry than any other. We have superior resources, the most skilled and energetic workmen, the best seamen in the world. Can there be any good reason why we should not build and own the ships in which our products are carried?

In view of the vast freighting business whose profits we may and should secure to our own people, in view of the great national advantages accruing from both the building and owning of ships and the extension of our commerce by means of them, can we afford to be and remain dependent for our ships or carrying upon a foreign nation? On this point see pages 6 and 7 of the pamphlet.

As you are doubtless well aware, for fifteen years this subject has been pressed upon Congress by the free-ship advocates, yet they have never brought forward any argument but that of first cost, never anything that would not make us dependent upon a foreign country—that country always being England, the only one that can build iron ships or supply us with the raw material. Why was this? It could not be that they were ignorant of the many obstacles which I have pointed out. Was it because they did not want to make them known, as that would not serve their interest? If buying cheap ships is all we want, why are not France and Germany great carrying and ship-owning nations? They have the right to buy ships where they can buy them the cheapest. On this point, see pamphlet, pages 40, 41; address, page 13.

England has always recognized that only a ship-building nation can be a ship-owning nation to any extent. In 1840, when she was losing her carrying trade because we could build the cheapest, fastest clipper-ships, she began to develop the iron ship that she might supply her own wants. And to develop the iron ship, which cost her double what she paid us for a wooden ship, she has paid since 1840, call it subsidy or what you will, over two hundred million dollars. With one hand, by her wise and generous policy, she paid out this vast sum to her own merchants and people, while with the other she gathered a thousandfold from our Treasury. So when the civil war came upon us and gave her an advantage, with her large capital invested, she was able to drive us from the sea. There is a lesson for us in this policy which she has pursued with such results. The free-ship advocate will say that part of that policy was in buying where she could buy ships cheapest; but she never bought any iron ships; her policy was to encourage the building of them at home, until like ourselves with the locomotive, she could build them cheaper than any other nation. What was the meaning of the outcry that has been of late months, and joined in equally by both parties, about the Chinese? What is the objection to cheap labor? Simply that it is cheap, and that its employment must result either in lowering the wages of American workingmen or taking their work from them. And no party would be likely to advocate such a course as that. Yet I sincerely believe that even Chinese labor, bad as it would be for American workmen, would not be so bad for them and the country as free trade. Since it would at least be better to have the labor done in our own country and the money kept at home, and our own resources developed than to buy the products of cheap labor abroad, draining our Treasury of its gold and sending it to circulate among foreign workingmen and pay taxes for the support of a foreign government each year $10,000,000.

We do not want either alternative, and we need not accept it. While it would undoubtedly be better for us to build ships in our own yards even by Chinese cheap labor than to buy them in China or England, or any other foreign market, we do not want to do either. If there is any principle at all in this labor problem, if there be any justice in this outcry against the Chinese, there certainly is as much justice in claiming protection for that labor which makes up 90 per cent. of the ship's cost.

While free trade would introduce a ruinous competition with American labor, yet when the European workingman comes to make his home here his labor produces no such result, and he is welcome to all our advantages. That proves the value and difference of having the work done in our own country in order that its advantages may be secured by ourselves. **Create a demand for the ship by removing the** obstacles and placing us on equal terms **with the shipping of other nations** engaged in the foreign trade by pursuing a wise policy such as England has pursued, and there will be no trouble about the original cost. It is now only 15 per cent., though we have but begun the development of our iron ship-building interest. In a short time we should be able to compete with foreign builders on equal terms.

The point of economic national defense is also an important one. The policy of our Government has been opposed to a large standing army. Importance has attached, therefore, to the maintenance of an efficient citizen soldiery.

The statesmen who passed the navigation laws recognized the great extent of our coasts, and framed those laws so that by holding American-built ships in allegiance to our flag we might have a militia on the sea, ready and equipped at all times to be called into Government service, yet costing the nation nothing in time of peace. And I may say that the one hundred iron steamships built in this country since 1870, manned as they are by as able officers, engineers, and sailors as any in the world, would be worth more to the Government in the event of a war than our Navy. Should we destroy the power that creates all this? Repeal our navigation laws, if you will, but mark the consequence. In case you get into a foreign war, this fleet can hoist a foreign flag, leave you, go where it can earn the most money, free itself from American taxation, and then return when the war is over.

What a merchant marine this would be in such an exigency. The whole question resolves itself into this, whether this country, with more goods to carry, with more need of ships, with more raw material to use, with better natural advantages, with more skilled labor and better energy, and with more coast to defend than any other, shall be independent and build its own ships, thus encouraging all its industries and protecting its own labor on which the foundations of this Government were laid, or shall it become dependent entirely upon a foreign nation for ships, and let its own workingmen shift for themselves when the bread has been taken from their mouths? To do the latter would be to refuse the advantages God has given us.

Make this issue, and when the people come to understand it there will be no question as to how they will decide. Remember, too, in dealing with this subject, that all the nations of the world, except England, are interested in having more than one country that can build ships.

LOW DUTIES DO NOT PREVENT SMUGGLING.

While the gentleman is ruminating upon the ingratitude of American ship-builders generally, and of the Messrs. Cramp and John Roach specially, let me proceed to consider his seventh proposition, which is:

A protective tariff increases the possibility of the crime of smuggling.

The intent of the gentleman is not very clearly expressed. If he means the possibility of increased profits to the successful smuggler, I admit the proposition. The larger the duty the greater must be the gain by its evasion. If, on the other hand, he intended to assert that a high tariff increases the tendency to smuggle, I deny the assertion, and refer, in support of my position, to the fact that the necessity of repealing the duty on diamonds, the lowest duty known to our tariff, is often urged because, low as it is, it invites smuggling to such an extent as to damage honest importers.

As the gentleman seems to have confined his study of economic questions to theoretic writers, he is probably not aware that more than thirty years ago a committee appointed by this House to consider and report on the commercial relations of the United States with all foreign nations embodied in its report part of a memorial presented by the class of commerce of the Society for the Promotion of Commerce and Industry in Geneva, in which those manufacturers of watches upon which when imported into this country there was a duty of but 10 per cent. prayed that it should be reduced to 5 per cent., in order to induce Swiss manufacturers less conscientious than themselves to abandon the practice of accompanying their exports with false and fraudulent invoices. From this appeal, as I find it in the report of the committee of the House, I submit the following extract:

If, in casting the eye over Western Switzerland, we should inquire what articles form the basis of our exchange with the United States, we would find that the variety is exceedingly limited, though in value they are quite important. First, watches, which pay an import duty of 10 per cent. in the ports of the United States. The opinion is general among the watch manufacturers of Geneva that this duty is moderate, and they would not think of asking a reduction unless, indeed, they should be actuated in doing so by considerations of morality and justice, resulting from a belief that if the duty were reduced by 5 per cent. it would remove every inducement on the part of the manufacturers to make false declarations, and would thus protect the honest and conscientious dealer from the disadvantages under which he is placed by declarations of value below the real cost of the merchandise; hence a reduction of this duty by one-half would seem to be demanded by expediency, as it would unquestionably regulate and extend the trade.

When the gentleman remembers that the object of trade is profit, he will see that any rate of duty holds out inducements not only to the smuggler to ply his trade, but also to the consignor, who may invoice his goods at lower prices than those at which he sells, and thereby defraud the government to whose country he exports of the duties to which it is entitled.

While the human heart remains as desperately wicked as it is, and while ambition and avarice prompt men to lawless deeds, any rate of duty will offer possibilities for the crime of smuggling. If the gentleman would put an end to that criminal practice, he must accept the dogma propounded to the American people by the Cobden Club, that free trade requires the abolition of all American custom-houses and the maintenance of our Government by internal taxation alone.

THE PROTECTIVE POLICY IS A PREREQUISITE TO THE DEVELOPMENT OF AN EXPORT TRADE.

The eighth proposition of the gentleman is:

A protective tariff shuts out the American manufacturer from the markets of the world.

To this proposition he appends the following argument:

Mexico and South America are supplied with their manufactured goods by England. Our best interests demand that the protective barrier our legislation has erected shall be broken down, that American skill and enterprise may have an opportunity to compete with foreign manufactures everywhere. Our manufactures need more an increase of market, by which foreign capital can be brought into this country, than protective legislation, which takes money from one American pocket to put it into another.

To answer all this I refer the gentleman to my rejoinder to his first proposition, and say to him that whatever article we produce in excess of the demands of the home market is exported and finds ready sale in foreign countries. They are comparatively few, and are commended to foreign consumers by the excellence of their quality. They embrace among other things every variety of saws, sewing-machines, the better class of watches, surgical instruments, locomotives, passenger cars, especially street cars, butter, cheese, and lard. Our protective legislation has erected no barrier against the export of the productions of American skill and enterprise. On the contrary, by increasing our production it constantly adds to our power to export. The protective system by building up centers of industry in every part of the country has created a home demand for 90 per cent. of our cereals, provisions, and other farm products. The surplus we export. We also export petroleum, cotton, and tobacco, because we produce each year more than the home market can consume. For the same reason China and Japan export raw silk and tea; India, raw jute, dye stuffs, and crude drugs; Brazil, coffee; France, wines and manufactured silks; and England, manufactures in general. When by the persistent maintenance of an adequately protective system the capacity of our factories shall exceed the home demand, our export of manufactured goods will make itself felt in the markets of the world.

If, as the gentleman asserts, it be true that our protective tariff is a barrier to exports or a restriction upon international trade, how will he explain the immense progress which characterizes our foreign trade, both in the matter of exports and imports. The year 1879 showed an excess of both over that of any preceding year, and the following paragraph, taken from a leading mercantile journal of free-trade proclivities, will show how much those of 1880 exceeded those of 1879:

The value of the imports of merchandise into the United States during the calendar year of 1880 was $696,803,433, an increase of $183,200,637 over the imports of 1879. The specie value of exports during the same period was $889,649,840, an increase of $124,490,015 over 1879. Excess of exports over imports in 1880, $192,846,407. The value of exports of merchandise during the month of December last was $98,856,632, being larger than during any previous month in the history of the country. The excess of imports of gold and silver coin and bullion during the year 1880 was $69,229,822, against $67,375,960 in 1879.

Damaging to the gentleman's theories as are the facts presented by this paragraph, he may take refuge in the suggestion that I have chosen an exceptional period and drawn a general conclusion from an individual instance. In this he would however be mistaken. I am happily able to present a table of our annual exports and imports for a period of twenty years, which shows that our foreign trade during nineteen years of protection expanded from a total of $479,555,941 to a total of $1,480,305,239. Appended to the admirable reply of Dr. John L. Hayes, of Boston, to the impudent letter of Augustus Mongredien, to which I have referred, I find the following note, which shows how gradual yet how rapid has been the growth of our foreign trade under a protective tariff:

That protection increases foreign commerce, both imports and exports, is most remarkably shown by twenty years' experience under the Morrill tariff, with its complements and improvements, as shown in the following table, compiled from the reports of the Bureau of Statistics, giving the total of all the imports and exports of merchandise by the United States in each fiscal year, from 1861 to 1880:

Fiscal years ending June 30—	Merchandise—Gold value.		
	Net imports.	Domestic exports.	Total foreign trade.
1861	$274,656,325	$204,899,616	$479,555,941
1862	178,330,200	179,644,024	357,974,224
1863	225,375,280	186,003,912	411,379,192
1864	301,113,322	143,504,027	444,617,349
1865	209,656,525	136,940,248	346,596,773
1866	423,470,646	337,518,102	760,988,748
1867	381,041,764	279,786,809	660,828,573
1868	344,873,441	269,389,900	614,263,341
1869	406,555,379	275,166,697	681,722,076
1870	419,803,113	376,616,473	796,419,586
1871	505,802,414	428,398,908	934,201,322
1872	610,904,622	428,487,131	1,039,391,753
1873	624,689,727	505,033,439	1,129,723,166
1874	550,556,723	569,433,421	1,119,990,144
1875	518,846,825	499,284,100	1,018,130,925
1876	445,938,766	525,582,247	971,521,013
1877	438,518,130	589,670,224	1,028,188,354
1878	422,895,034	680,709,268	1,103,604,302
1879	433,679,124	698,340,790	1,132,019,914
1880	656,198,440	824,106,799	1,480,305,239

The gentleman, when speaking in support of his resolution, referred to the state of our trade in 1860, when the rate of duty was, he said, but about 18 per cent. This was an unfortunate reference. We were then under the lowest tariff, that of 1857, which has prevailed since the peace of 1815. What was the condition of the people and the Government in 1860? The people were without employment and want pervaded every section of the country. So utterly had the credit of the Government disappeared that when it invited all the world to bid for a loan of $5,000,000 which Congress had authorized, it received bids for but $2,500,000 at annual rates of interest ranging from 8 to 32 per cent. What our exports and imports were for that year I cannot at this moment say, but the foregoing table enables me to speak of 1861, the trade of which year was conducted under the same law. In that year we imported $274,656,325, and our total trade, exports and imports, amounted to $479,555,941. Since then we have had nineteen consecutive years of the highest ranges of duties ever known to the American people. The trade of 1880 having been under the rate of 46¾ per cent., if the gentleman's theory were correct we should have imported less than in 1860, and exported less, because, he tells us, that if we do not take commodities from foreign nations they cannot take our goods—that trade is mere exchange of commodities. Now, it happens that in 1880 we imported $656,198,440 and exported $824,106,799. In what did we receive the larger part of the difference between our imports of merchandise and our exports? Gold, sir; gold. Nations take from us, whether we buy from them or not, those things which they must have and of which we produce a surplus, and pay for them if need be with gold. Thus we who, but a short time since, could not maintain specie payments, are now said to have the largest and most rapidly increasing stock of gold of any of the commercial nations of the world.

Let us look at this thing from another point of view. Our total commerce, including imports and exports, in 1861, under a purely revenue tariff, was $479,000,000, while in 1880, under our highly protective duties, more than $1,000,000,000 had been added to this amount, for our foreign trade last year amounted to more than $1,480,000,000. The gentleman should have given some consideration to the actual condition of the industries and trade of his country before commit-

ting himself anew to propositions which were impressed upon his youthful mind by indolent professors who found it easier to accept sophisms, which they found ready collated and illustrated in British text-books, than to give practical study to the questions involved in a true social science.

The suggestion that a protective tariff restricts external trade is not original with the gentleman. Sir John Byles discussed it with the free-traders of England in the first edition of his Sophisms. In chapter 10, under the caption, Protection would destroy External Trade, he says:

One answer to this assertion is an appeal to facts. No nation has adopted the theory and practice of protection to the same extent as England; no nation has at the same time enjoyed so extensive and lucrative a foreign trade. For centuries the protective policy has been unquestioned and triumphant; for centuries our foreign trade has been steadily augmenting. The strictest protection in the world has coincided with the greatest foreign trade in the world.

In truth, the domestic activity, industry, and prosperity, fostered by the protective system, is the surest basis of a permanent and extensive and mutual foreign trade.

In the first place, with protection and a certain home market have arisen *the means of purchase*. Under a strict and jealous system of protection we have seen the rise of Manchester, Birmingham, Sheffield, Merthyr, Leeds, Glasgow, Huddersfield, Bradford, Nottingham, Coventry, Leicester. We have seen skill and machinery brought to perfection. Protection has not blunted the invention or superseded the ingenuity of our countrymen. On the contrary, our cottons, and woolens, and hardware *were* the best in the world. What England would have been *without* protection from foreign manufactures, we know not. She might have been what Ireland now is without protection from British manufactures. But it is certain that with protection the means of purchase have been created and multiplied in a degree marvelous, and transcending all anticipation. Had the manufacturing prosperity of England been matter of ancient history, looking at its diminutive size on the map of the world, it would have been deemed incredible and fabulous. Our means of purchase are immense and inexhaustible. All we now want is markets—but markets for the support and existence of these means of purchase, as well as for their increase. A sure market created them; insecure and precarious markets will destroy them, and leave in their place a wretched and discontented population. Thus with protection has arisen the first indispensable prerequisite for foreign trade—things to give in exchange for foreign commodities; in other words, the means of purchase—exports.

The weight of authority against the gentleman's proposition is overwhelming. The Cobden Club recently invited one of its most distinguished members, Sir Louis Mallett, C. B., to dispose of the alleged heresy of reciprocity in trade, which is growing rapidly among the English people; and in the course of the letter addressed to Mr. Thomas Bayley Potter, secretary of the Cobden Club, on that question, Sir Louis illustrated not only the extent of our exports to the British Islands, but did it by showing what the gentleman will be surprised to learn, that free-trade England collects annually about five million dollars more in duties upon the goods she imports from protective America than protective America does on the goods she imports from free-trade England. On this subject he says:

The £20,000,000 which we annually raise in duties on foreign goods may be roughly divided among our different neighbors in the following proportions:

The United States of America	£6,000,000
India and China	3,500,000
France	1,500,000
Spain	1,000,000
Germany	880,000
Portugal	450,000
Greece	320,000
Holland	150,000
Italy	80,000
British possessions	400,000
Other foreign countries	200,000

And of all these countries there is hardly one which draws as large a revenue from the taxation of British produce. To take only two examples, the United States and France. The total value of British produce exported to the former country in 1877 was £16,300,000; making allowance for the entry of a certain amount of goods duty free, the average rate levied can hardly be put higher than 30 per cent., which would give a total revenue of about five million pounds, while in the case of France the duties actually levied on British goods in the same year amounted to a little over eight hundred thousand pounds.

THE REMEDY PROPOSED—REDUCED WAGES AND INCREASED TAXES FOR WORKINGMEN.

The ninth proposition of the gentleman is as follows:

Ninth. To the end that the present tariff shall become one for revenue only, the following changes should be made: First, on all dutiable articles producing little or no revenue to the Government, the duty should be returned to a revenue basis, or they should be placed upon the free list; second, the duty upon tea and coffee should be restored, and to the extent that this duty produces revenue to the Government the duty should be removed from salt and clothing, and other articles indispensably necessary in domestic life.

The gentleman is evidently not aware that it is in times of commercial and industrial depression that the protecting influence of a tariff is needed and felt. If he will examine the range of prices through which Bessemer rails have fluctuated as exhibited in the preceding table, and compare them with the seasons in which that article has yielded little or no revenue and those in which it has yielded the highest annual amount, he will find that though the duty was specific, so much per ton, not an ad valorem diminishing as prices fell, we received least duty when we could have imported rails at the lowest prices, and most when we had to pay the highest prices for them. Thus during the prevalence of the commercial depression of 1873 and following years there was no demand for rails. Our own works were but feebly employed. Under these circumstances we imported few if any rails, and of course received little or no revenue. Would it have been wise, therefore, to have acted on the gentleman's suggestion and repealed the duty on rails because it "produced little or no revenue to the Government?" With the restoration of confidence came a demand for rails; prices rose; our mills could not supply the demand, and enormous importations were made, with consequent increase of revenue to the Government. Meanwhile competition between home and foreign producers regulated prices and kept them below what England demanded when she had a monopoly of our market. The primary office of a protective tariff is to secure the home market to its producers in seasons of depression and to enable the Government to collect from foreigners a consideration for the privilege of entering our markets in seasons of prosperity, during which their commodities command high prices. The gentleman's rule will not work. It would deprive American capital and labor of its defense in the seasons when they most needed it.

But no reduction of duty on rails, and I take them as an illustration of the law that prevails with reference to all commodities, would have brought revenue during that season of terrible depression. The nation's revenues fell off because the consumptive power of the people was suspended; and had we acted on the gentleman's proposition, we might, in the hope of inviting an importation of rails, have placed them on the free list, and yet failed to induce those who did not need any to import them.

Nor are his other suggestions more judicious than this one. He would restore the duties on tea and coffee. In this he dissents from the historic policy of his party. Free-trader and protectionist have agreed that the duties on tea and coffee protected no American industry, as we produce neither article, and were, therefore, a pure tax upon the consumer. As the farmers and laborers of the country are the great consumers of tea and coffee, the democratic party, made up as it has been so largely of representatives of the South and West, favored the abolition of these duties. They were imposed during the war with general regret, and it was upon the motion of the present democratic Speaker of the House that they were repealed. To restore them now would be simply to increase the price of tea and coffee, and abstract from the farmers and laborers of the country the amount of duty they would yield. While thus increasing the cost of these essentials of American life, the gentleman would, to the extent that these duties should produce revenue, remove the protective duties "from salt, clothing, and other articles indispensably necessary in domestic life." These our laborers do produce. The duties upon them protect their wages. Thus, while making an assault on the wages of those engaged in producing the necessaries of life, the gentleman would enhance the cost of imported food. The proposition is not a patriotic one or one that will find favor among farmers and workingmen.

LET THE LONDON TIMES PRONOUNCE JUDGMENT.

Mr. Chairman, thus have I attempted to refute the sophisms which the gentleman proclaims as principles, and to disprove the assumed facts upon which they are based. Let the argument go to the country. Nay, more; having portrayed the results of ten years of the revenue tariff of 1846, which brought us from prosperity to bankruptcy, notwithstanding our production of more than a thousand millions of gold during a decade, I now in conclusion point to the results of nineteen consecutive years of high protection. I will not attempt to portray them. It has been admirably done by another; and I submit to my friend, the gentleman from Ohio, the summary of a stranger, of one whose fidelity to the principles of free trade he will not doubt, who has never a kind word to say for the protective system, as he is a profound believer in free trade—the editor of the London Times. Between the gentleman and me this free-trader shall decide by presenting the results of the last ten years of protection. If he finds the growth of our country to be sluggish, and our people to be wanting in enterprise or needing the comforts of life, his judgment will sustain the argument of the gentleman. If, on the other hand, he shows a measure of material development and social progress hitherto unknown to history, and that it has been marked by the development, side by side over the vast expanse of our country, of new agricultural regions, and of centers of industry in their midst, that town and country goes together, I shall claim that his judgment vindicates the protective policy under which these grand results have been attained. Here is what the London Times says of our progress during the last decade:

AMERICA'S MAGNIFICENT PROGRESS.

The details we publish this morning of the principal facts elicited by last year's census of the United States confirm the impression the original summary of results produced. A nation has never exhibited a more magnificent picture of material progress for ten years. Since 1870 more than eleven and a half millions have been added to the population, at a rate of 30 per cent. increase. Except China and Great Britain and Russia, no Government can count more subjects. In the number of citizens moved by similar impulses, and recognizing common ends, the British Empire itself yields to the great Republic. Fifty millions of human beings in a land like America more than match the 86,000,000 of European and Asiatic Russia. The 425,000,000 of China are not to be compared with them as a force among mankind. The growth of a population may generally be understood to imply the growth of wealth and resources. As each census in a European state indicates a numerical advance, it may for the most part be inferred that fresh means of support have been made available. When, however, every successive census in the United States reveals an expansion by bounds and leaps, faith in the instinct of human nature not to multiply beyond the power of existence is scarcely needed to reassure anxiety. The granary which is to feed the new millions which have come, the millions which are to follow, piles its stores for the whole world to certify them. Each added American citizen has not to search for the livelihood nature hides somewhere or other for all its children. He is born or imported with his inheritance labeled and allotted. He has but to go west, or north, or south; there it is awaiting his advent.

European populations, even the home population of Great Britain, it must be acknowledged, have rather in their decennial polls a look of boys growing out of their clothes. An elbow or an ankle is sure to be seen betraying a want of propor-

tion between past resources and present demands. On the other side of the Atlantic there is a magazine of clothes warranted to fit all ages and sizes. Good soil is crying out everywhere for its owners to come and possess it. They have not to conquer and annex. Though the domain be lying desolate, or be a hunting-ground for Indians, it confesses itself their own, for them to enter it and enjoy it as soon as they please, the sooner the better. How fresh thousands and hundreds of thousands of acres are continually being brought under tillage, Europe requires no census ordered from Washington to tell. The West and the Northwest are a home farm for the older hemisphere; the laborers on this side of the Atlantic hear the echo of each mile of territory broken up by the plow on that. The census shows that the growth is universal and not partial. The census itself hardly does justice to the energy with which the South is keeping pace with the rest. The rate in one class of industry approximates to that in another. As the farmers of Minnesota have multiplied from 439,706 in 1870 to 780,707 in 1880, the commercial and mining population of Pennsylvania has risen from 3,521,951 to 4,282,738.

While the vegetable and mineral riches of the West are being reduced into possession for the benefit of the universe at large, American cities assert their right to take toll of the fruits before they are distributed over the earth. If the State of Colorado can boast 174,649 inhabitants as against 39,864 ten years ago, Chicago points, after a proportion hardly unequal, to 503,304 citizens against 298,977 in 1870, and San Francisco to 233,956 as against 149,473. When cities have enlarged to the dimensions of New York and Brooklyn, Philadelphia, Boston, and Baltimore, they extend more slowly, yet they too may discover ample foundation in the census of last June for their own belief that they are taking higher rank among the commercial cities of the world. What is more remarkable still is the equivalent expansion of smaller local centers. That Saint Louis and Cincinnati and New York and Baltimore and the like should fringe the vast grain and cotton and beef bearing regions of the Union with populous and luxurious towns is only what might have been anticipated. It was certain that they would grow with the growth of agricultural industry. To the late Mr. Cobbett they would have seemed as much of idle wasting wens as London itself with his Mayfair, its exchange, its parliament, and its law courts. They are, in truth, as necessary to American prosperity as the minerals of Nevada and California and the corn-fields of Illinois and Iowa. But the Union might have had its splendid towns and its breadths of fertile plains and valleys without any very intimate connection between the two.

It is a peculiarity of North American development, and evidence of its solidity, that town and country grow together. As the branches and roots of a healthy tree should stretch forth in unison, prosperous country life in a newly-planted American territory is certain to have its reflex in a thriving neighboring market town. Not many Englishmen are familiar with the name of Minneapolis. Yet Minneapolis, in Minnesota, which in 1870 had 13,066 citizens, and now has 46,887, is as much a center of corporate vitality as York, and a great deal more than Marylebone or Paddington. The Hobokens, the Omahas, the Toledos, the Wheelings, the Grand Rapids are more real wonders of United States progress than the magnificent emporiums of trade, like New York and Saint Louis and Chicago and Pittsburgh. Europe can do more than equal the one class in the apparatus of civilization, if not in rapidity of growth; for the other it has no parallel. As soon as the pioneers go forth into the woods and prairies to reclaim their latent treasures, most of the luxuries and many of the comforts of civilization attend their steps. Within no more time than it takes to open the mine or the forest, a town rises contiguous to their homesteads. The figures our Philadelphia correspondent appends to his condensation of the last census bring into relief this most striking of all the features of American vigor. Americans differ extraordinarily among themselves in the vocations they pursue. North and South differ in moral and mental organization; East and West differ hardly less. Every State has its idiosyncrasies by which its population may be distinguished. Yet all Americans agree in a common determination nowhere to sever themselves from the incidents of nineteenth century existence. They are ready to bury themselves in mines and to plunge into the untrodden wilderness. They insist, however, that a camp shall track their footsteps equipped with the ordinary accompaniments of municipal life. They must have within not impracticable distance the lecture hall, the church, the newspaper office. They will not, at whatever cost, cease to feel themselves not merely Americans but American citizens.

The result does not conduce to the picturesqueness of American nationality. As the European tourist traverses the Union he is amazed at the high standard of social convenience throughout the enormous dominion. All that can be accomplished by human co-operation he perceives has been accomplished in a greater or less degree for the benefit of the American farmer. England and France and Germany could not conceive a form of material or intellectual enjoyment of which the universal American population would not demand a share or a duplicate. On the other hand, the effect is occasionally like that of a dinner at a cheap Paris restaurant. The order and the number and the titles of the banquets of the extravagant vicinity are faithfully reproduced, with alien substances and a counterfeit flavor. A foreign observer of American institutions in the newer States and Territories regrets the local and racy charm disguised to him by what he may think a false mimicry of a more advanced cultivation. In truth, there is no conscious mimicry, and no absence of reality in intention or enjoyment. The farmer of the West and the tradesman of the ten or twenty year old town of his district are natural enough in the resemblance they maintain to the habits and tastes of Boston and New York. Wherever the American goes he carries himself with him unchanged, however changed may be his calling and his circumstances. To lament the dead if high level, and the loss of the charm of variety, is to lament that in which the essence of American national progress consists. If there is little fear for the integrity of American nationality, vast as the area over which it extends, and impossible as may seem its future bulk, the reason is to be sought in the unity of the mold in which each new development is cast. At every step the Union takes toward appropriating its estate, the last annexed township assumes a social as well as a political aspect indistinguishable from all the rest. The model is not in New York, or Boston, or Washington. Were there a dominant center or centers, jealousy or a suspicion of oppression might alienate distant territories. Every American conveys his ideal with him to the extremities of his land. When he plants a new settlement it and its members spontaneously assume the same guise which prevails elsewhere. Instead of any diminution in the tendency to uniformity, it increases. The South itself cannot resist the impulse. It is certainly not to be desired that it should. An immense wave of uniform civilization spreading over the huge domain which the Congress of the United States sways is a strange and, on the whole, an admirable phenomenon.

Sir, in conclusion let me say, that if systems may be judged by their results, this presentation by the London Times of those of the last of two consecutive decades of high protection furnishes to the world abundant evidence that our tariff legislation has not, as the gentleman asserts, been mistaken or obstructive.

Mr. FELTON addressed the committee. [See Appendix.]

Mr. COVERT. I move the committee rise for the purpose of closing general debate on the pending bill.

The motion was agreed to.

The House accordingly rose; and Mr. DAVIS, of California, having taken the chair as Speaker *pro tempore*, Mr. TOWNSHEND, of Illinois, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had come to no resolution thereon.

Mr. COVERT. I now move the House resolve itself into the Committee of the Whole House for the further consideration of the agricultural appropriation bill; and pending that motion I move that all general debate be limited to one minute.

The latter motion was agreed to.

Mr. COVERT. I now insist on my motion that the House resolve itself into committee.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. TOWNSHEND, of Illinois, in the chair.

The CHAIRMAN. The House resumes the consideration of the agricultural appropriation bill, and general debate has been limited to one minute.

Mr. COVERT. I now move the bill be read by paragraphs for amendment.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

SEED DIVISION.

For compensation of superintendent of seed division, $1,800; one superintendent of flower-seed room, $900.

And it is hereby enacted that, in addition to the proper vouchers and accounts for the sums herein appropriated to the accounting officers of the Treasury, the Commissioner of Agriculture shall present a detailed statement of the manner of the expenditure of the amounts hereby appropriated, to accompany his estimates to be presented at the next regular session of Congress: *Provided*, That no part of these sums shall be paid to any person receiving at the same time other compensation as an officer or employé of the Government.

Mr. KING. I move to amend by adding the following:

That the sum of $20,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Commissioner of Agriculture for the purchase and distribution of seed-cane.

Mr. Chairman, I offer this amendment because I am informed the Commissioner of Agriculture under the law has no authority to purchase for distribution seed-cane. Now, there are varieties of that growth, especially in some of the high latitudes of Mexico, which are most desirable. But it is said he has not the means of procuring them for distribution. I believe my amendment is not objectionable to the chairman of the Committee on Agriculture, and I trust it will be adopted.

Mr. COVERT. Just one word in reply. So far as I am personally concerned I can have no objection whatever to the distribution of seeds of such kinds and in such proportion as the Commissioner of Agriculture may deem proper; but I have to say in this connection that the committee in formulating this bill have made ample provision for the distribution of all necessary and proper seeds, and a large sum is appropriated—some $80,000—for that purpose. This $80,000 is to be expended by the Commissioner of Agriculture for the propagation and distribution of seed. Under the provision of the bill, if he sees the necessity and recognizes the moving force of the suggestion of the gentleman from Louisiana, he has ample scope and power under the phraseology of the bill to do what the gentleman asks. I am constrained to oppose the amendment, and trust it will not be adopted.

Mr. KING. I understand the chairman of the committee to state there is authority under the law for the Commissioner of Agriculture to purchase seed-cane from abroad.

Mr. COVERT. There is general authority, I desire to say to the gentleman from Louisiana, given in this particular section of the bill. It authorizes the Commissioner to purchase such seeds that are new and valuable for introduction into this country as in his judgment he may deem best.

Mr. KING. Upon that statement I withdraw my amendment.

The Clerk read as follows:

PURCHASE AND DISTRIBUTION OF SEEDS, ETC.

For the purchase and distribution according to law, as provided in sections 526 and 527 of the Revised Statutes, of new and valuable seeds, plants, trees, shrubs, vines, and cuttings, and for testing by cultivation the value of such of them as may require such tests, and for the propagating of such as may be worthy of propagation, and for the distribution of the same among agriculturists in different sections of the country, according to the demands of climate and soil, $80,000.

Mr. ANDERSON. As I understand my esteemed friend, the chairman of the Committee on Agriculture, this paragraph changes existing law. I send to the Clerk's desk to have read sections 526 and 527 of the Revised Statutes.

The Clerk read as follows:

SEC. 526. The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists.

SEC. 527. The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

Mr. ANDERSON. That was the law under which the Department of Agriculture was established. In the appropriation bill passed at the last session of Congress there was a change made in the law to this extent. The Commissioner of Agriculture held, and properly

enough, perhaps, that under the organic law the seeds were to be distributed by him—"that he shall distribute them"—therefore, that they could not be distributed through members upon their request unless he saw fit to have it so done. Accordingly you will remember, perhaps, that when the last appropriation bill was introduced there was also introduced a proviso, which was adopted by the House, and I now ask the Clerk to read so much of that act as is marked and also the last clause of the act, which provides that all acts or parts of acts inconsistent or in conflict with the provisions of this act are repealed; and the point which I make is this, that the appropriation act of last year to a certain extent repealed the original act in the Revised Statutes, and is now the law.

The Clerk read as follows:

For the purchase and propagation and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, $80,000; an equal proportion of three-fourths of all seeds, plants, and cuttings shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their agricultural constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith.

* * * * * * *

SEC. 3. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Mr. ANDERSON. Now, Mr. Chairman, the bill which is before the House, as I understand from the chairman of the Committee on Agriculture, is designed to repeal the act or the proviso in this appropriation bill of last year. I hold, therefore, that this becomes subject to a clause in section 3 of Rule XXI, which provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

If the Chair will remember, the amount appropriated last year was $80,000 for this purpose. The amount appropriated in this act is also $80,000. There is consequently no reduction of expenditures and I submit to the Chair that the point of order lies as against so much of this proposition as relates to section 526 of the Revised Statutes.

Mr. COVERT. Mr. Chairman, my friend from Kansas has discussed not only the question raised by his point of order but in addition to that has addressed himself to the merits of his proposed amendment. I desire to call particularly the attention of the chairman of the committee to the second branch of this proposition, and to the express wording of the statute itself covering this matter of seed distribution. That expressly declares that new and valuable seeds—seeds of economic value—shall be purchased, in the manner proposed, by the Commissioner of Agriculture, and shall be distributed by him—how? The statute says among agriculturists. It does not say among members of Congress. It does not provide that they shall be distributed among the people of the country, to the people at large and indefinitely, but to those engaged in agriculture; to agriculturists; and the committee attempted last year when it reported this provision in the appropriation bill to this House to conform itself strictly and entirely to the phraseology of the statute concerning this distribution. They have made the attempt at this time to conform to the express wording of the statute. Now, as to the proposition of my friend from Kansas as to the repealing clause contained in the act of last year. It is true that repealing clause found place at the end of that appropriation bill; but if the theory of my friend shall be followed out and adopted as controlling in this matter the Federal Congress would find itself absolutely powerless to repeal nine-tenths of the laws which have found their places upon our statute-books. It is only the customary and formal ending of all general bills, appropriation bills and others, that all acts and parts of acts in conflict with them shall be repealed; and if his theory should prevail it would be absolutely impossible to change or repeal any law in conflict therewith without a special and independent act. I cannot, therefore, see anything in the point of order raised by my friend that challenges a serious consideration.

Mr. ANDERSON. Mr. Chairman, I wish to say that my point in reference to the repealing clause of the last act was simply to show that, in so far as the proviso in the appropriation act of last year affected the original law as read from the Revised Statutes, that original law was now repealed to that extent, and therefore was not the existing law. I wish to lay that point before the Chair, that through that repealing clause of the act the present law is precisely as provided in the appropriation bill of last year.

Upon another point I wish to say I agree with the chairman of the committee and with the committee as to the objects for which these seeds should be used. There is no point of difference as to that, and it is not my object to antagonize that idea. The whole question in a nutshell is just this: the Commissioner of Agriculture cannot personally distribute these seeds, but has it done through his clerks; he can just as well have it done by the direction of a member of Congress. That is the whole of it. But that is upon the merits of the question, which I have no desire to discuss at present. I submit the point to the Chair.

Mr. REAGAN. I wish to say a word on the point of order. If we look to the statutes it will be seen that the appropriation act of last year did not repeal the whole of these statutes. It only changed in part the mode of distributing the seeds. It left to the Commissioner still the distribution of one-fourth of those seeds. It left all the other parts of those statutes in force. So that those sections are not repealed by that clause, but only modified in one particular as to the distribution of the seeds.

As to the main point, the distribution of the seeds, it seems to me there is no call for sustaining the point of order. And I want to say besides while I am on the floor, on the question of distribution of seeds, I regretted very much last year that the bill changed the plan previously in existence and charged members, instead of attending to their legitimate duties, with sending out garden seeds through the country, when any citizen can buy for a dime as many seeds at a seed store as we take the time away from our duties to send to him. I hope the recommendation of the Committee on Agriculture will be sustained.

Mr. WHITE. My friend the gentleman from Kansas, who is a member of the Committee on Agriculture, which reported this bill, has raised a specific question of order which affects the solemn judgment in this House last year as to the enactment of a law regulating the manner of distribution of seeds, plants, cuttings, &c. I may as well say I had the privilege, I felt it my duty, to offer the amendment which is the point in controversy.

Now, sir, the chairman of the Committee on Agriculture has reported the bill under consideration, which changes the law that we enacted last year, and the argument which he has seen fit to make is confirmation strong as logic can make it in favor of the accuracy of the point of the gentleman from Kansas. The gentleman from New York [Mr. COVERT] properly says that the old law enacted no rule upon this subject. He quoted correctly from the act of 1862, the organic act for the Agricultural Department, which provided that an agricultural department should be organized, at the head of which should be a Commissioner, who should purchase seeds for distribution, and so on, regulating in specific terms the manner of distribution by him.

So it was, and so the Department was administered for a long time. There was no controversy between members of Congress and the head of the Department. As application was made to the Department the Commissioner accommodated their requests as far as he could. About two years ago there was a sudden change, and we were left without any law whatever upon this subject. The Department was administered entirely according to the will—it might be the exercise of a proper will if you please—but without any specific law controlling the head of the Department. Now, sir, for the purpose of making a specific and clear rule upon that subject the statute of last year was passed. Was that the enactment of a permanent law? Or was it only a temporary provision? If it had the force and efficacy of a permanent enactment, then this is obnoxious, clearly, to the point of order made by the gentleman from Kansas under the rule, which provides—

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, that brings us to the exact terms of the statute which we enacted last year:

For the purchase and propagation and distribution as required by law—

That is by the law that regulates the Agricultural Department now—

of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, $80,000.

Now I call attention to this:

An equal proportion of three-fourths of all seeds, plants, and cuttings shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their agricultural constituents, or shall, by their direction, be sent to their constituents, and the persons receiving such seeds shall inform the Department of the results of the experiments therewith.

There, sir, is a positive enactment, practically a supplement to the act of 1862, concurrent legislation for the control of the Agricultural Department. Now, then, the committee reporting this bill has seen fit to seek to change that law.

And in addition to what the gentleman from Kansas has said, I will show that it was the intention of Congress last year to make a permanent change of the law, because the concluding provision of that bill was in these words:

That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

I submit, then, once for all, that in the law of last year we made an actual, substantial, and specific change of the organic act of the Agricultural Department, and that is the law to-day.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WHITE] hold that the Commissioner of Agriculture would not be required to distribute seeds among members in accordance with the provisions of the bill of last year, even should this provision in the pending bill be retained?

Mr. WHITE. I fancy so.

Mr. ANDERSON. That is what the Committee on Agriculture hold.

Mr. KEIFER. That is the interpretation which the committee puts upon this provision.

Mr. WHITE. That is the argument of the chairman of the Committee on Agriculture. In answer to the very pertinent question of the Chair, let me read the provision in this pending bill:

For the purchase and distribution according to law—

What law? The law of last year? No. If it stopped there, then I admit that your question would answer itself. But it does not stop there. It says:

For the purchase and distribution according to law, as provided in sections 526 and 527 of the Revised Statutes, of new and valuable seeds, plants, trees, shrubs, &c.

So, then, the first four lines of this provision, by referring to the statutes existing prior to the enactment of last year, repeals our enactment of last year.

The Chair is very familiar with the rule of law that where a subsequent enactment is so inconsistent with a prior enactment that both cannot stand together, then the latter enactment is a repeal of the former. I submit to the common sense and the legal intelligence of the present occupant of the chair that the statute of last year is a change of sections 526 and 527 of the Revised Statutes; and that this provision of the pending bill, if adopted, will be a repeal of our enactment of last year, and is therefore obnoxious to the point of order.

A word further. The organic act of the Agricultural Department provided a specific salary to be paid to the Commissioner of Agriculture, and also for the compensation of certain clerks. We have had in this House in different bills a proposition to change that salary. In 1874, in the agricultural appropriation bill, then reported from the Committee on Appropriations, there was a provision making the salary of the Commissioner of Agriculture $3,000. I speak from memory. Last year or the year before, when the point of order was raised, it was decided that that provision of the appropriation bill of 1874 changed the organic act of the Agricultural Department in that particular, and that any new provision in a subsequent appropriation bill, except in the interest of economy, that sought to change that provision of the bill of 1874 was subject to a point of order. Therefore this is not a new question—it has been decided over and over again.

Mr. McGOWAN. Will the gentleman allow me to ask him a question?

Mr. WHITE. Certainly.

Mr. McGOWAN. Is it not the fact that last year the salary of the Commissioner of Agriculture was made $3,500 a year, being a change by way of increase of his salary of the year before, and that change was sustained, although a point of order was made upon it? His salary was made $3,500 last year, and we have so reported it this year.

Mr. WHITE. That is not my recollection.

Mr. WILLITS. That is so.

Mr. WHITE. That is not my recollection. But I do not want to involve this point of order with contrary decisions made by a variety of chairmen. I will refer to the fact that the gentleman from Tennessee [Mr. WHITTHORNE] and the gentleman from Kentucky [Mr. CARLISLE] and other occupants of the chair have made decisions in accordance with this point of order.

Mr. ROBINSON. Will the gentleman allow me to make a suggestion?

Mr. WHITE. Certainly.

Mr. ROBINSON. Is it not entirely consistent with the language of the act of last year to hold that it is a limitation upon the use of the $80,000 appropriated in the bill of last year? Mark, the language is not that "hereafter" all seeds shall be so distributed. The act provides for appropriating $80,000 for the purchase and distribution of seeds and plants, &c., for the present fiscal year, and the provision in regard to the distribution, contained in the bill of last year, is solely in reference to the eighty thousand dollars' worth of seeds there provided.

Mr. WHITE. That is the very point; the only point there is in it. The opinion which the gentleman expresses is not my opinion, nor is that my reading of the law of last year. I think it was the intention of Congress when it enacted the law of last year to make it something more than a mere temporary provision.

Mr. McGOWAN. I want to add a word to what has been said by the gentleman from Massachusetts [Mr. ROBINSON] as to the construction that can be given to the appropriation bill of last year. If gentlemen will read that bill for themselves—the Chair has already looked it over—they will find that no other construction can be given to it, except that it was a temporary provision applicable to last year's distribution of seeds. Let me read the provision as it was passed by Congress last year:

> For the purchase and propagation and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, $80,000; an equal proportion of three-fourths of all the seeds and cuttings shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution, &c.

What seeds and plants? The seeds and plants for the purchase of which that $80,000 was appropriated. The two portions of the provision are connected by a semicolon, showing them to be parts of the same clause; that it was only a temporary provision for the distribution of the seeds to be purchased by the $80,000 appropriated by that same paragraph. Any other construction of it would do violence not only to the language used in the section, but to all decisions upon similar points made by presiding officers of this House.

The chairman himself has struck into the middle of the very question at issue by putting to the gentleman from Pennsylvania the question whether if he is correct in his position with reference to the validity of the point of order, the provision in the act of last year would not stand as law regardless of the provision of the present bill. If the provision in the act of last year is permanent law, independent of the $80,000 then appropriated, the provisions of the present bill do not affect it. It is because the gentleman feels the force of this consideration that he desires to strike out this provision upon a point of order.

In addition to that, the reasonableness of the present provision is certainly very evident. The Committee on Agriculture, as its chairman has already said, has attempted in this bill to make such a distribution of these seeds as is provided in the statute, and that alone. But no such construction could be given to last year's appropriation act as is sought to be put upon it by the gentleman from Kansas and the gentleman from Pennsylvania.

Mr. KEIFER. I desire to call the attention of the Chair to two decisions made in this session of Congress. Twice during this session I made a point of order in relation to some legislation in the appropriation bills of last year, which I claimed was not permanent legislation. In each case the Chair held that I was mistaken. I am not prepared now to say that the Chair was right in either of those cases. But once the Chair held that a clause relating to the pension law in a former appropriation act was a permanent provision, while to my mind it seemed to be a provision relating only to the appropriation for that fiscal year. A similar decision was made upon another appropriation bill of this year. But in neither of those cases was it so clear, I think, as it is in this act of last year, that the legislation was designed to be permanent.

This part of the act of last year relating to the purchase and distribution of seeds contains a clause which without being preceded by the word "provided" seems to be separated as an independent statement, not relating to the matter of appropriation or to the application of the money appropriated, but a general provision as to what shall be done in relation to the distribution of seeds, plants, &c.

I trust the Chair has the act before him; and I refer to a clause immediately succeeding the first principal clause, under the head "purchase and distribution of seeds," &c. It is separated from the first clause by a semicolon, and reads:

> An equal proportion of three-fourths of all seeds, plants, and cuttings shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their agricultural constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith.

Now, the gentleman from Kentucky, [Mr. CARLISLE,] in a ruling upon a proposition which I submitted, held that a clause in a law of last year, following the word "provided," was a clause that operated to make a permanent law, while I thought the clause related only to the application of the particular money appropriated in that bill. In this case we have, if possible, a more completely independent statement, making in my opinion a law that stands until repealed.

Now, I understood the Chair to have some doubt about what would be the operation of the clause in the bill before us to which the point of order applies. But I understand from the chairman of the Committee on Agriculture that he and his committee would regard themselves as exceedingly unfortunate in carrying out their intention if they have not in the present bill changed the existing law on the subject of distribution of seeds and plants. They intended and desired to do that; and I think they have done it, if they can succeed in getting their bill enacted into a law.

Mr. McGOWAN. If the gentleman means by "existing law" the provision in the appropriation act of last year, he is right.

The CHAIRMAN, (Mr. TOWNSHEND, of Illinois.) The Chair is prepared to decide the question. In the opinion of the Chair, the repealing clause in the appropriation bill of last year does not repeal section 526 of the Revised Statutes. That bill, if regarded as of continuing force, only modified the provisions of that section in reference to the method of distribution of seed. Even if it be considered as making a permanent law with regard to the distribution of seed, the Chair does not yet see that the law of last year is inconsistent or in conflict with section 526. That section declares that seed shall be distributed among agriculturists. The purpose and scope of this provision of the act of last year under consideration is to the same effect. It merely provides that the seeds for which appropriations were then made should be distributed among agriculturists according to the direction of members of the Senate and House of Representatives. But the Chair is of opinion that the act of last year can only be construed as having the effect of prescribing the manner in which the amount then appropriated should be expended, and could only serve to limit the power of the Commissioner of Agriculture over, and to prescribe the method by which he should expend, the $80,000 then appropriated. The Chair is of opinion that the point of order is not well taken.

Mr. WHITE. I wish to ask the Chair this question: Is it the opinion of the Chair that the legislation of last year and sections 526 and 527 of the Revised Statutes should be construed together; that is, that they should be construed as lawyers say *pari materia*?

The CHAIRMAN. The Chair is of the opinion that they should be construed together, but the question has already been disposed of.

Mr. ANDERSON. I offer this as a part of the paragraph under consideration, and to follow after the words "eighty thousand dollars," in line 89.

The Clerk read as follows:

> *Provided*, That hereafter in making such distribution the Commissioner of Agriculture shall apportion three-fourths of the said seeds, plants, trees, shrubs, vines, and cuttings among the several congressional districts, States, and Territories, represented in Congress, according to their number and according to the demands of climate and soil; and he shall, upon the request of any Senator, Representative, or Delegate in Congress, distribute the quota due to the said district or Territory by him represented to such practical agriculturists therein as he may indicate, and the persons receiving such seed, &c., shall inform the Department of the result of experiments therewith.

Mr. ANDERSON. This amendment is not in conflict with the present bill in regard to the kinds of seed which shall be purchased

and distributed. Nor does it require any member shall distribute these seeds unless he wishes to do so. Nor is it subject to the point that seeds which ought to go to the South will be sent to the North. This amendment corrects all that. The Commissioner would make that apportionment with reference to the soil and climate required for the particular kind of seed. It does provide that if a Member or Senator or Delegate shall request the Commissioner so to do, he shall then apportion three-quarters of the seeds, plants, cuttings, &c., for distribution among the several districts and States, and send the quota belonging to that particular district to practical agriculturists in that district. It furthermore provides these gentlemen who receive the seeds, trees, cuttings, &c., shall make report to the Department of their experiments.

I have no desire to detain the House at any length. I think the only question here is whether a member of Congress has not the right, if he sees fit to exercise it, to have the Commissioner of Agriculture distribute these seeds to his agricultural constituents. I have no desire to reflect upon the Commissioner. Everybody knows that he does not make this distribution. Everybody knows it is done by a clerk. I am frank to say that I know as much about the persons to whom seeds ought to go in my district as any person in that Agricultural Department. I think that is the whole point in this thing. I have been told by gentlemen on this side of the House that they are satisfied their districts have received a larger amount of seeds under the last law than ever before. It would be easy for the clerk to overlook a district. I know, of course, the bother which comes out of all this as much as any member on this floor; but I do say we have a right to know these seeds are being equitably distributed in our districts, and it is because of the interest I take in my district, that I have offered this amendment.

Mr. COVERT. Just one word in reply to the gentleman from Kansas. I promise not to occupy the attention of the Committee two minutes.

It seems to me that the question this committee is called upon to determine is not the question as to how many of my friend's constituents are benefited by the change in the existing law governing this matter, nor how many constituents of any member of the committee may be benefited by the reception of seeds each year from the Department. That is out of the question. Nor is it the question whether members of this committee or this House are subjected to trouble and worry and annoyance in consequence of this seed-distribution. That is not the question we as legislators ought to look at when we come to determine what should be done under this provision of the law and under the organic act creating this Department.

I again refer members of this committee to, and I desire to ask their very earnest consideration of, the proposition embodied in this bill, and that is, that these seeds shall be distributed among agriculturists, not among the constituents generally of my friend from Kansas, or among my constituents, or among the constituency represented by other gentlemen on the floor of this House.

And again, sir, in reply to his suggestion that this distribution is not made by the Commissioner of Agriculture, but is made by one of the clerks of the Department, I am in a position, Mr. Chairman, to say that my friend from Kansas labors under a misapprehension when he makes the statement that he uttered in this connection. I know the fact to be, and the fact is known to other gentlemen on the Committee on Agriculture, that the Commissioner of Agriculture is in close and constant communication with picked men in every county, town, and election district in every State in this Union; that he gets the names of the foremost men engaged in agriculture, members of county agricultural societies, men who have put themselves under covenant to him to report the results which may arise from the planting of these seeds sent to be experimented with and tested, and it is from these men he gets reports as to the result of the planting and cultivation of these seeds. The generality of the constituents represented by my friend from Kansas—and I do not desire to indulge in any invidious comments on his constituents, because the same kinds of people are represented by every member on this floor—the generality of them never make a report of any kind to the Commissioner in reference to the seeds distributed to them. If we are to carry out the spirit, if we are to carry out the genius of the law in reference to the Department of Agriculture and the distribution of these seeds, it seems to me they should be distributed in the way pointed out by the original act, and not by any such proposition as that which emanates from the gentleman who has just addressed the Chair.

Mr. ANDERSON. Will the gentleman allow me to ask him a question? [Cries of "Vote!" "Vote!"] I wish to ask if he does not know that the Commissioner of Agriculture now has one-fourth of all the seeds to be distributed?

Mr. McGOWAN. Mr. Chairman, eighteen years ago, after due consideration and careful examination of this whole subject, the Congress of the United States adopted these two sections of the statutes providing for the purchase and distribution of seeds. To read them will probably be news to many on this floor. The sections provide that—

The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists.

SEC. 527. The purchase and distribution of seeds by the Department of Agriculture shall be confided to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings, shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

Last year $80,000 was appropriated for this purpose. Sixty thousand dollars of that sum was distributed through members of Congress and not one in a thousand of the persons who received these seeds ever made a report. It was simply taking $60,000 of the people's money out of the Treasury and buying cabbage and turnip and white bean seed for our constituents, seed that they could have gone to the corner grocery and bought anywhere at ten cents a package. This is not in accordance with the language of the law. It is not in accordance with its spirit. The law means nothing unless it means that the Commissioner of Agriculture shall take the rarer seeds, the only kind that he can purchase, and distribute them generally to every portion of the country, from which reports may be made to him of the success or otherwise attending the attempt to use them, so that these reports shall be available and be of some service as agricultural information. The $60,000 of the money of the country which have been sent out in the manner in which I have stated last year, might just as well, so far as the benefit to agriculture is concerned, have been thrown into the fire. We have, Mr. Chairman, no more business or right to furnish white bean seed to the people at large, than we have to pay their doctors' bills. The statute is sensible, just, discreet, and the proposition to distribute these seeds is exactly the reverse. I hope the letter and spirit of the law will be adhered to.

Mr. BRAGG. One would imagine, Mr. Chairman, from listening to the argument made by the gentleman from Michigan, that every member of Congress of this House in order to find out what kind of constituents he has, and in order to become acquainted with them in his own district and their pursuits, would be compelled to go to the Agricultural Department. That he would have to ask for a letter from the Commissioner of Agriculture to know where the farmers lived in his district.

This money was originally intended to purchase rare seeds and distribute them. Has the Commissioner of Agriculture ever conformed to that provision in the purchase of rare seeds only, and their distribution in the latitudes and climates and soils well adapted to their propagation? Why, sir, he sends out wheat even, that is far inferior to the wheat that is grown in the sections of the country where he sends it. And further, even when he sends it out, he sends in connection with the wheat foul seed enough to spoil the best farm on the prairie.

I am in favor of the proposition of the gentleman from Kansas, and for this reason—that a member of Congress may know what the seed is that goes to his district, and know who gets it; and that it will not be as it heretofore has been, when you send a list to the Commissioner of Agriculture of seed for your constituents, that his clerks will return the list as having been filled and the seed sent, but when you return home you are met by requests and applications from your constituents and with statements that one man wanted winter wheat and he found, perhaps, that he had received in the place of it some species of corn which would require thirty days longer to mature than the kind grown in that section of country; and one who sent for barley would find that he had received some species of oats without a beard and entirely unadapted to that particular locality; and generally find that the farmers who have made these applications to you for particular species of seeds got exactly what they did not want.

And again, Mr Chairman, speaking of these rare and choice flower seeds sent out, you find that the rare and blooming hollyhock and other seeds of that class are distributed over the entire country.

I think we have the right to ask, and that our constituents have the right to receive what seed they ask for, and such as will be of some service or value to them. I think we have this right, and that we, who are as much governed by law as the Commissioner of Agriculture is, should say to him and to his clerks also who do this work, that we have the right to say what seeds shall be distributed in our districts and who shall receive them. And even though there be no report, the gentleman from Michigan knows that the growth of wheat in each locality requires each year a change of seed, although the new seed that may be sent may be no better than the original seed of the crop they are changing from. If there be no report from that seed the great work of the change of seed is going on and the agricultural interests of the country receive the benefit, notwithstanding the Agricultural Department, through its head, is not advised of the result.

MESSAGE FROM THE SENATE.

Here the committee informally rose, and the Speaker resumed the chair.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed without amendment the bill (H. R. No. 301) for the relief of William R. Wilmer.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 1381) to authorize the construction of a bridge

across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes;

A bill (H. R. No. 6062) donating certain lands in Lake County, State of Colorado, to the Veteran Union Association of Leadville, for hospital and burial purposes;

A bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes; and

A bill (H. R. No. 6969) making appropriations for the naval service for the fiscal year ending June 30, 1882, and for other purposes.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. R. No. 162) to grant the use of artillery, tents, &c., to be used at the soldiers' reunion to be held in Maine in 1881.

AGRICULTURAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. PERSONS. I shall offer a substitute for the amendment of the gentleman from Kansas to strike out the whole of that section of the bill that is now under consideration, from line 80 to line 89, and substitute therefor the law of distribution as now in existence. With the question as to the kind of seeds or how many are bought I have nothing to do. I do not propose any change in that. But I insist upon this, that the law that exists is very much better than that proposed, in that it allows any member of Congress, if he wishes, to claim a certain portion of the seeds. They need be no trouble to him. He can notify the Commissioner, as before, and have them sent to his constituents, or he can order them to his room and answer letters of application for them at his convenience. That is a right I think every member ought to have. Many of our constituents write for seeds, and heretofore it has been wholly within the discretion of the Commissioner whether he would send them one solitary paper of seeds.

The present law, therefore, is better for that reason. And it is better for another reason. The clause in this bill says he can only send to agriculturists. Now, a great majority of the seeds bought are garden seeds, and many of the best gardeners are in cities and in towns. Under this law he has no right to send them except to the farming population. I say that a member who is from the city of New York or from the city of Philadelphia has as much right to call for seeds to gratify or to favor his constituents as a man from any agricultural district in the rudest State of the Union. It is right, therefore, for that reason also.

Then there is another point. Heretofore you only appropriated money in bulk. You left it to the discretion of the Commissioner to buy seeds where he pleased, when he pleased, and how he pleased, and he made no report to this body, and there was not a solitary member of Congress, I apprehend, that ever knew where the Commissioner bought his seeds or what he did with the money. As the law is it puts him where we have a right to inquire into that. It says:

> That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, from whom purchased, and the date of purchase.

It goes on to state what he shall do with them, so that it makes him accountable to Congress.

Here we are voting away $80,000 for seeds. You say he is to have his own list of correspondents; he wants men who will write back to him how the seeds he sent turned out; whether they were an improvement on the seeds previously sown in the localities of his correspondents or not. Under this law you have him to take $20,000 to do that; and $20,000, I apprehend, would furnish him with a most excellent list of seeds to supply his special correspondents from whom he desired information of this kind.

But the object of appropriating this money is not for information. It is to benefit the agriculture of the country. If the seeds are better than those sown there before, the people will take care of these seeds and propagate them, and the country will get the benefit. The great good that comes of distributing these seeds is in improving agriculture; and even if no man should answer directly what was the result, that good should not be denied the country.

Every member ought to have the right to call for seeds to send to his constituents. In that way seeds are distributed over the country; and members ought to know their districts better than the Commissioner. They ought to know better than any man in Washington can do where to send these seeds. It is a little trouble, but they should be willing to take the trouble.

I insist we continue the law as it is. I insist we have the right, as given under the existing law and not under the law proposed here in this bill, that we shall know where the Commissioner buys these seeds, from whom he buys, and what he does with them.

[Here the hammer fell.]

Mr. WHITE. Will the gentleman allow me to make an inquiry?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. WHITE. I want to ask the gentleman offering the amendment a question.

Mr. BLOUNT. If I am recognized as having the floor, I yield my time to my colleague, [Mr. PERSONS.]

Mr. COVERT. If the gentleman from Georgia [Mr. PERSONS] will yield to me, I will move that the committee now rise.

Mr. PERSONS. I desire to withdraw my formal amendment and offer as a substitute for the pending paragraph that which I send to the Clerk's desk.

The Clerk read as follows:

> For the purchase and propagation and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, $80,000; an equal proportion of three-fourths of all seeds, plants, and cuttings shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their agricultural constituents, or shall by their direction be sent to their constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith: *Provided*, That $3,000 of this sum shall be expended in the discretion of the Commissioner in experiments for the improvement of the varieties and culture of cotton: *And provided also*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, from whom purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same; and the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, plants, cuttings, and vines.

Mr. PERSONS. I wish to state that the substitute I have offered differs in nothing from the law of last year. I have been asked the question a time or two if I have made a change, and I desire to say that my substitute is the law of last year, except that I have struck out the provision in regard to the culture of tea, as that is contained in another portion of the pending bill.

Mr. McGOWAN. Do you mean the law as it is or the appropriation bill of last year?

Mr. PERSONS. The appropriation bill of last year.

Mr. WHITE. That is the law.

Mr. McGOWAN. Perhaps it is and perhaps it is not.

Mr. ANDERSON. I would inquire of the gentleman from Georgia [Mr. PERSONS] if his amendment avoids the point which has been made on the words "an equal proportion?"

Mr. PERSONS. It is the law of last year, giving three-fourths of the seeds to be equally divided between Senators, Members, and Delegates.

Mr. ANDERSON. The point I want to get at is this: under that rule it is held that the Commissioner may send us seeds that we do not want.

Mr. PERSONS. We will get seeds in the same way that we get books. I draw public documents that are of no earthly use to my constituents, and I exchange them with other members for documents that I do want.

Mr. COVERT. There seems to be some confusion and some misapprehension on the part of members as to the real meaning of the amendment submitted by my friend from Georgia, [Mr. PERSONS.] As the hour is now late, I move that the committee rise, so that the vote on this amendment may be deferred until to-morrow.

The question was taken upon the motion that the committee rise; and upon a division there were—ayes 67, noes 35.

Mr. AIKEN. No quorum has voted.

The CHAIRMAN. A quorum is not necessary to determine the motion that the committee rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TOWNSHEND, of Illinois, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. ATKINS. I move that the House now adjourn.

Mr. TUCKER. I ask the gentleman to withdraw for a moment, that I may submit a request to the House.

Mr. ATKINS. I will yield for that purpose.

FUNDING BILL.

Mr. TUCKER. I ask consent that House bill No. 4592, to facilitate the refunding of the national debt, which has been returned from the Senate with amendments, and is now on the Speaker's table, be printed with the Senate amendments in regular bill form, and also printed in the RECORD.

There was no objection, and it was so ordered.

The bill, with Senate amendments, is as follows: [Strike out the parts in brackets and insert the parts printed in italics.]

An act to facilitate the refunding of the national debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: *Provided*, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds (1) [in the] *to an* amount (2) [of] not exceeding $400,000,000, (3) *of denominations of* $50, *or some multiple of that sum*, which shall bear interest at the rate of 3 per cent. per annum, (4) *payable semi-annually*, redeemable, at the pleasure of the United States, after 5 years, and payable (5) [ten] *twenty* years from the date of issue; and also (6) [certificates in the] *Treasury notes to an* amount (7) [of] *not exceeding* $300,000,000, in denominations of ten (8) [twenty, and fifty] dollars (9) *or some multiple of that sum not exceeding* $1,000, either registered or coupon, bearing interest at (10) [the] *a* rate (11) [of] *not exceeding* 3 per cent. per annum, (12) *payable semi-annually*, redeemable at the pleasure of the United States, after one year, and payable in ten years from the date of issue (13); *and no Treasury note of a less denomination than* $100 *shall be registered*. The bonds and (14) [certificates] *Treasury notes* shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: *Provided*, That nothing in this act shall be so construed as to authorize an increase of the public debt: *Provided further*, That interest upon

the 6 per cent. bonds hereby authorized to be refunded shall cease at the expiration of thirty days after (15) *publication of* notice that the same have been designated by the Secretary of the Treasury for redemption. (16) *It shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may prescribe, to authorize public subscriptions, at not less than par, to be received at all depositories of the United States, and at all national banks, and such other banks as he may designate, for the bonds and for the Treasury notes herein provided for, for thirty days before he shall contract for or award any portion of said bonds or Treasury notes to any syndicate of individuals or bankers, or otherwise than under such public subscriptions; and if it shall happen that more than the entire amount of said bonds and Treasury notes, or of either of them, has been subscribed within said thirty days, he shall award the full amount subscribed to all persons who shall have made bona fide subscriptions for the sum of $2,000 or less, at rates most advantageous to the United States, and the residue ratably among the subscribers in proportion to the amount by them respectively subscribed, at rates most advantageous to the United States.*

SEC. 2. The Secretary of the Treasury is hereby authorized, in the process of refunding the national debt, to exchange, at not less than par, any of the bonds or (17) [certificates] *Treasury notes* herein authorized for any of the bonds of the United States outstanding and uncalled bearing a higher rate of interest than 4½ per cent. per annum; and on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of exchange to the time of their maturity, and the interest for a like period on the bonds or (18) [certificates] *Treasury notes* issued; (19) [but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific Railway Companies;] and the bonds so received and exchanged in pursuance of the provisions of this act shall be canceled and destroyed; (20) *but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific Railway Companies.*

SEC. 3. (21) [Authority to issue bonds and certificates to the amount necessary to carry out the provisions of this act is hereby granted; and] The Secretary of the Treasury is hereby authorized and directed to make suitable rules and regulations to carry this act into effect (22) [: Provided that;] *and* the expense of preparing, issuing, advertising, and disposing of the bonds and (23) [certificates] *Treasury notes* authorized to be issued shall not exceed (24) [one-quarter] *one-half* of 1 per cent.

SEC. 4. That the Secretary of the Treasury is hereby authorized, if in his opinion it shall become necessary, to use (25) *temporarily* not exceeding $50,000,000 of the standard gold and silver coin in the Treasury in the redemption of the 5 and 5 per cent. bonds of the United States authorized to be refunded by the provisions of this act, (26) *which shall from time to time be repaid and replaced out of the proceeds of the sale of the bonds or Treasury notes authorized by this act;* and he may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds or (27) [certificates] *Treasury notes authorized by this act: Provided,* That the bonds and (28) [certificates] *Treasury notes* so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

SEC. 5. From and after the 1st day of (29) [May] *July,* 1881, the 3 per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation, or as security for the safe keeping and prompt payment of the public money deposited with such banks; but when any such bonds deposited for the purposes aforesaid shall be designated for purchase or redemption by the Secretary of the Treasury, the banking association depositing the same shall have the right to substitute other issues of the bonds of the United States in lieu thereof: *Provided,* That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn, as provided by law, within thirty days after interest has ceased thereon, the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: *And provided further,* That section 4 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," be, and the same is hereby, repealed; and sections 5159 and 5160 of the Revised Statutes of the United States be, and the same are hereby, re-enacted.

(30) *Sec. 6. That the payment of any of the bonds hereby authorized, after the expiration of five years, shall be made in amounts to be determined from time to time by the Secretary of the Treasury, at his discretion, the bonds so to be paid to be distinguished and described by the dates and numbers, beginning for each successive payment with the bonds of each class last dated and numbered; of the time of which intended payment or redemption the Secretary of the Treasury shall give public notice, and the interest on the particular bonds so selected at any time to be paid shall cease at the expiration of thirty days from the publication of such notice.*

SEC. (31) [6] 7. That this act shall be known as "The funding act of 1881;" and all acts and parts of acts inconsistent with this act are hereby repealed.

APPORTIONMENT.

Mr. HAWLEY. I have obtained from my friend Mr. T. B. Elliott, of the Treasury Department, two tables of calculations that are of interest and value in enabling us to judge of the apportionment most just to our several States and to the whole country, and ask leave to publish them in the RECORD.

There was no objection, and it was so ordered.

The tables are as follows:

Table showing the present and the proposed apportionment of members of Congress to each State; also, the per cent. which the number of members assigned to each State bears to the total representation.

States.	Present apportionment—conforming to U. S. census of 1870.		Proposed apportionment—conforming to the United States census of 1880.														Population, 1880.
	Number of members.	Per cent. of total.	Number of members.	Per cent. of total.	Number of members.	Per cent. of total.	Number of members.	Per cent. of total.	Number of members.	Per cent. of total.	Number of members.	Per cent. of total.	Number of members.	Per cent. of total.	Number of members.	Per cent. of total.	
	293	100	**293**	100	**301**	100	**307**	100	**311**	100	**319**	100	**325**	100	**329**	100	49,369,595
Alabama	8	2.73	7	2.39	8	**2.66**	8	2.61	8	2.57	8	2.51	8	2.46	8	2.43	1,262,794
Arkansas	4	1.37	5	**1.71**	5	1.66	5	1.63	5	1.61	5	1.57	5	1.54	5	1.52	802,564
California	4	1.37	5	**1.71**	5	1.66	5	1.63	5	1.61	6	**1.88**	6	1.85—	6	1.82	864,686
Colorado	1	0.34	1	**0.34**	1	0.33+	1	0.33—	1	0.32	1	0.31+	1	0.31—	1	0.30	194,649
Connecticut	4	1.37	4	**1.37**	4	1.33	4	1.39	4	1.29	4	1.25+	4	1.23	4	1.22	622,683
Delaware	1	0.34	1	**0.34**	1	0.33+	1	0.33—	1	0.32	1	0.31+	1	0.31—	1	0.30	146,654
Florida	2	0.68	1	**0.34**	1	0.33	2	**0.65**	2	0.64	2	0.63	2	0.62	2	0.61	267,351
Georgia	9	3.07	9	**3.07**	9	2.99	9	2.93	10	**3.22**	10	3.13	10	3.08	10	3.04	1,539,048
Illinois	19	6.48	18	6.14	19	**6.31**	19	6.18	19	6.11	20	**6.27**	20	6.15+	21	**6.38**	3,078,769
Indiana	13	4.44	12	**4.10**	12	3.99	12	3.91	13	**4.18**	13	4.08	13	4.00	13	3.95+	1,978,362
Iowa	9	3.07	10	**3.41**	10	3.32	10	3.26	10	3.22	10	3.13	11	**3.38**	11	3.34	1,624,620
Kansas	3	**1.02**	6	**2.05**	6	1.99	6	1.95+	6	1.93	6	1.88	7	**2.15+**	7	2.13	995,966
Kentucky	10	3.41	10	**3.41**	10	3.32	10	3.26	10	3.22	11	**3.45—**	11	3.38	11	3.34	1,648,708
Louisiana	6	2.05—	5	1.71	6	**1.99**	6	1.95+	6	1.93	6	1.88	6	1.85—	6	1.82	940,103
Maine	5	1.71	4	**1.37**	4	1.33	4	1.30	4	1.29	4	1.25+	4	1.23	4	1.22	648,945
Maryland	6	2.05—	5	1.71	6	**1.99**	6	1.95+	6	1.93	6	1.88	6	1.85—	6	1.82	934,632
Massachusetts	11	3.75+	10	3.41	11	**3.65+**	11	3.58	11	3.54	12	**3.76**	12	3.69	12	3.65—	1,783,012
Michigan	9	3.07	10	**3.41**	10	3.32	10	3.26	10	3.22	11	**3.45—**	11	3.38	11	3.34	1,636,331
Minnesota	3	1.02	5	**1.71**	5	1.66	5	1.63	5	1.61	5	1.57	5	154	5	1.52	780,806
Mississippi	6	2.05—	7	**2.39**	7	2.33	7	2.28	7	2.25+	7	2.19	7	2.15+	8	**2.43**	1,131,592
Missouri	13	4.44	13	**4.44**	13	4.32	13	4.23	14	**4.50**	14	4.39	14	4.31	14	**4.26**	2,168,804
Nebraska	1	0.34	3	**1.02**	3	1.00	3	0.98	3	0.96	3	0.94	3	0.92	3	0.91	452,433
Nevada	1	0.34	1	**0.34**	1	0.33+	1	0.33—	1	0.32	1	0.31+	1	0.31—	1	0.30	62,265
New Hampshire	3	1.02	2	**0.68**	2	0.66	2	0.65+	2	0.64	2	0.63	2	0.62	2	0.61	346 984
New Jersey	7	2.39	7	**2.39**	7	2.33	7	2.28	7	2.25+	7	2.19	7	2.15+	8	**2.43**	1,130,983
New York	33	11.26	30	10.24	31	10.30	32	**10.42**	32	10.29	33	10.38+	34	**10.46**	34	10.33	5,083,816
North Carolina	8	2.73	8	**2.73**	8	2.66	9	**2.93**	9	2.89	9	2.82	9	2.77	9	2.74	1,400,047
Ohio	20	6.83	19	**6.48**	19	6.31	20	**6.51**	20	6.43	21	**6.58**	21	6.46	21	6.38	3,198,239
Oregon	1	0.34	1	**0.34**	1	0.33+	1	0.33—	1	0.32	1	0.31+	1	0.31—	1	0.30	174,767
Pennsylvania	27	9.22	25	8.53	26	8.64	27	**8.79**	27	8.68	28	**8.78**	28	8.62	29	**8.81**	4,282,786
Rhode Island	2	0.68	2	**0.68**	2	0.66	2	0.65+	2	0.64	2	0.63	2	0.62	2	0.61	276,528
South Carolina	5	1.71	6	**2.05**	6	1.99	6	1.95+	6	1.93	6	1.88	7	**2.15+**	7	2.13	995,622
Tennessee	10	3.41	9	**3.07**	9	2.99	10	**3.26**	10	3.22	10	3.13	10	3.08	10	3.04	1,542,463
Texas	6	2.05—	9	3.07	10	**3.32**	10	3.26	10	3.22	10	3.13	11	**3.37**	11	3.34	1,592,574
Vermont	3	1.02	2	**0.68**	2	0.66	2	0.65+	2	0.64	2	0.63	2	0.62	2	0.61	332,286
Virginia	9	3.07	9	**3.07**	9	2.99	9	2.93	10	**3.22**	10	3.13	10	3.08	10	3.04	1,512,806
West Virginia	3	1.02	4	**1.37**	4	1.33	4	1.30	4	1.29	4	1.25+	4	1.23	4	1.22	618,443
Wisconsin	8	2.73	8	**2.73**	8	2.66	8	2.61	8	2.57	8	2.51	9	**2.77**	9	2.74	1,315,480

Table in which the total apportionment numbers, 293, 301, 307, 311, 319, 325, *and* 329, *are arranged for each State in the order of their relative value or advantage under the census of* 1880.

States.	Proposed total number of members of Congress in the order of relative influence for each State.							Present number on basis of census of 1870.
	First choice.	Second choice.	Third choice.	Fourth choice.	Fifth choice.	Sixth choice.	Seventh choice.	
Alabama	301	307	311	319	325	329	293	8
Arkansas	293	301	307	311	319	325	329	4
California	319	325	329	293	301	307	311	4
Colorado	293	301	307	311	319	325	329	1
Connecticut	293	301	307	311	319	325	329	4
Delaware	293	301	307	311	319	325	329	1
Florida	307	311	319	325	329	293	301	2
Georgia	311	319	325	293	329	301	307	9
Illinois	329	301	319	307	325	293	311	19
Indiana	311	293	319	325	301	329	307	13
Iowa	293	325	329	301	307	311	319	9
Kansas	325	329	293	301	307	311	319	3
Kentucky	319	293	325	329	301	307	311	10
Louisiana	301	307	311	319	325	329	293	6
Maine	293	301	307	311	319	325	329	5
Maryland	301	307	311	319	325	329	293	6
Massachusetts	319	325	301	329	307	311	293	11
Michigan	319	293	325	329	301	307	311	9
Minnesota	293	301	307	311	319	325	329	3
Mississippi	329	293	301	307	311	319	325	6
Missouri	311	293	319	301	325	329	307	13
Nebraska	293	301	307	311	319	325	329	1
Nevada	293	301	307	311	319	325	329	1
New Hampshire	293	301	307	311	319	325	329	3
New Jersey	329	293	301	307	311	319	325	7
New York	325	307	319	329	301	311	293	33
North Carolina	307	311	319	325	329	293	301	8
Ohio	319	307	293	325	311	329	301	20
Oregon	293	301	307	311	319	325	329	1
Pennsylvania	329	307	319	311	301	325	293	27
Rhode Island	293	301	307	311	319	325	329	2
South Carolina	325	329	293	301	307	311	319	5
Tennessee	307	311	319	325	293	329	301	10
Texas	325	329	301	307	311	319	293	6
Vermont	293	301	307	311	319	325	329	3
Virginia	311	319	325	293	329	301	307	9
West Virginia	293	301	307	311	319	325	329	3
Wisconsin	325	329	293	301	307	311	319	8
Total								293

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DAVIS, of Missouri, for to-morrow, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted for the withdrawal of papers as follows:

To Mr. BINGHAM, in the case of Mrs. R. A. Kenner, no adverse report; and

To Mr. DE LA MATYR in the case of Colonel G. H. Bodine, to be returned to the Pension Office.

LEAVE TO PRINT.

By unanimous consent, leave was given to have printed in the RECORD, as a portion of the debates of this House, remarks as follows:

To Mr. YOCUM, on the agricultural appropriation bill. [See Appendix.]

To Mr. HARRIS, of Massachusetts, on the joint resolution (H. R. No. 308) concerning color blindness, reported by him from the Committee on Naval Affairs. [See Appendix.]

To Mr. FINLEY, on the agricultural appropriation bill. [See Appendix.]

LANDS IN ALLEN COUNTY, KANSAS.

The SPEAKER, by unanimous consent, laid before the House resolutions of the Legislature of Kansas, in relation to certain lands in Allen County, in said State; which were referred to the Committee on the Public Lands.

DISCRIMINATING DUTIES ON TEA AND COFFEE.

The SPEAKER also laid before the House a letter from the Secretary of State, recommending the passage of House bill No. 7158, providing for the repeal of discriminating duties on tea and coffee the products of the possessions of the Netherlands; which was referred to the Committee on Ways and Means.

DR. EMIL BESSELS.

Mr. BARBER, from the Committee on Claims, by unanimous consent, reported back, with an amendment, the bill (H. R. No. 4718) for the relief of Dr. Emil Bessels; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

RAILROAD BRIDGES IN ALABAMA.

Mr. CLEMENTS, by unanimous consent, introduced a bill (H. R. No. 7206) to construct certain railroad bridges in Alabama, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

WILLIAM A. GARDNER.

Mr. URNER, by unanimous consent, introduced a bill (H. R. No. 7207) authorizing a duplicate check in payment of pension to William A. Gardner, of Frederick County, Maryland, in lieu of one lost; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEMORIAL ADDRESSES ON HON. EVARTS W. FARR.

Mr. BRIGGS, by unanimous consent, introduced a joint resolution (H. R. No. 402) to provide for the publication of the memorial addresses on Hon. Evarts W. Farr; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

The question being then taken on the motion of Mr. ATKINS, that the House adjourn, it was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BICKNELL: The petition of Thomas Cummins and 37 others, soldiers of the late war, citizens of Indiana, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. BOYD: Resolutions of the Board of Trade of Chicago, Illinois, favoring the passage of the bill to prevent the adulteration of food and drugs—to the Committee on Manufactures.

By Mr. BRIGHAM: The petition of F. G. Luerssen and others, for legislation to prohibit the manufacture of cigars in tenement houses—to the Committee on Ways and Means.

By Mr. BRIGGS: The petition of the Sons of Temperance of Claremont, and of the New Hampshire conference of the Methodist Episcopal Church, for a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on Alcoholic Liquor Traffic.

Also, the petition of the Grand Division of the Sons of Temperance of New Hampshire, for a constitutional amendment to prohibit the manufacture and sale of all alcoholic beverages throughout the national domain—to the same committee.

By Mr. COWGILL: The petition of Thomas Lee, for a pension—to the Committee on Invalid Pensions.

By Mr. CROWLEY: The petition of the Grand Temple of Honor and Temperance of the State of New York, for the prohibition of the manufacture and sale of all alcoholic beverages in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HORACE DAVIS: The petition of manufacturers of matches, of California, against the repeal of the internal-revenue match tax—to the Committee on Ways and Means.

By Mr. DICK: The petition of Jonas K. Wheeler and 22 others, soldiers of Crawford County, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. ELLIS: The petition of Apfoline Simonin and others, heirs of the late Joseph Goldsmidt, of New Orleans, Louisiana, for indemnity for property bought by him from the United States, of which he was dispossessed by the judgment of a court—to the Committee on the Judiciary.

By Mr. GILLETTE: The petition of Erastus Shackleford and 11 others, ex-soldiers of the late war, of Madison County, Iowa, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. JOHN HAMMOND: The petition of the Grand Temple of Honor and Temperance of the State of New York, for a commission of inquiry concerning alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HASKELL: The petition of ex-soldiers of Labette County, Kansas, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HAWK: Resolutions of the Board of Trade of Chicago, Illinois, favoring the passage of the bill to prevent the adulteration of food and drugs—to the Committee on Manufactures.

By Mr. McCOOK: The petition of General James McQuade, with resolutions of Fifth Army Corps, asking favorable action on the case of Fitz-John Porter—to the Committee on Military Affairs.

Also, the petition of Michael Ulman and others, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. McGOWAN: The petition of Charles S. Robinson and 12 others, citizens of Branch County, Michigan, for legislation to pro-

tect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of the same parties, for legislation to prohibit discrimination in freight rates—to the Committee on Commerce.

Also, the petition of J. T. Russell and 12 others, citizens of Branch County, Michigan, for an income-tax law—to the Committee on Ways and Means.

Also, the petition of the same parties, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. MORTON: Memorial of the sugar trade of New York, praying for relief from certain orders of the Secretary of the Treasury—to the Committee on Ways and Means.

By Mr. NEW: Resolution of the Legislature of Indiana, for the repeal of the law conferring special jurisdiction upon the circuit and district courts of the United States of suits by and against national banks, resident of a State, without regard to the amount involved in such suits—to the Committee on the Judiciary.

By Mr. NEWBERRY: The petition of 19 citizens of Michigan, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

Also, the petition of 4 citizens of Michigan, for the passage of an income-tax law—to the Committee on Ways and Means.

By Mr. NORCROSS: The petition of the Woman's Christian Temperance Union of the District of Columbia, for the prohibition of the manufacture and sale of all alcoholic beverages in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. OVERTON: The petition of J. C. De Witt and 37 others, soldiers of Canton, Pennsylvania, against the passage of the sixty-surgeons bill and for the passage of the Geddes bill—to the Committee on Invalid Pensions.

By Mr. REAGAN: The petition of the Good Templars of Texas, for a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SPRINGER: Resolutions of the Board of Trade of Chicago, Illinois, favoring the passage of the bill to prevent the adulteration of food and drugs—to the Committee on Manufactures.

Also, resolutions of the Board of Trade of Chicago, Illinois, favoring an appropriation for a harbor of refuge in Milwaukee Bay—to the Committee on Commerce.

By Mr. STEPHENSON: Resolutions of the Board of Trade of Chicago, Illinois, of similar import—to the same committee.

By Mr. RICHARD W. TOWNSHEND: The petition of James M. Isham, J. H. B. Renfro, and others, citizens of Hardin County, Illinois, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. TUCKER: Seven petitions of cigar-makers and others, for legislation which will prohibit the manufacture of cigars in tenement houses—to the Committee on Ways and Means.

By Mr. J. T. UPDEGRAFF: The petition of J. W. Griffin and 30 others, citizens of Belmont County, Ohio, for an income-tax law—to the same committee.

By Mr. WILLIS: The petition of Edward F. Riggs, for an allowance for clerical services rendered in the Forty-sixth Congress—to the Committee on Accounts.

Also, the petition of George W. Wicks & Co., of Louisville, Kentucky, that the storage on a lot of tobacco and cigars put in their charge by Government officials be paid—to the Committee on Ways and Means.

IN SENATE.

SATURDAY, *February* 19, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Johnson N. Camden, chosen by the Legislature of West Virginia a Senator from that State for the term beginning March 4, 1881; which were read, and ordered to be filed.

Mr. BAILEY presented the credentials of Howell E. Jackson, chosen by the Legislature of Tennessee a Senator from that State for the term beginning March 4, 1881; which were read, and ordered to be filed.

Mr. JONES, of Nevada, presented the credentials of James G. Fair, chosen by the Legislature of Nevada a Senator from that State for the term beginning March 4, 1881; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. McPHERSON presented the memorial of John S. Rosenberger and others, citizens of Washington, New Jersey, surviving soldiers of the war for the Union, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. CAMERON, of Pennsylvania, presented the memorial of Colonel J. W. Patterson Post, No. 151, Grand Army of the Republic, of Pittsburgh, Pennsylvania, and the memorial of J. C. De Witt and others, citizens of Canton, Pennsylvania, surviving soldiers of the war for the Union, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which were ordered to lie on the table.

He also presented the memorial of A. L. Frankenberry and others, citizens of Point Marion, Fayette County, Pennsylvania, late Union soldiers in the war of the rebellion, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

He also presented the petition of the State Temperance Union of Pennsylvania, officially signed, praying for a constitutional amendment to prohibit the manufacture and sale of all alcoholic beverages throughout our national domain; which was referred to the Committee on Finance.

He also presented resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of the passage of a bill providing for the necessary repairs and operation of the Louisville Canal from any unexpended balance in the Treasury of the United States; which were referred to the Committee on Commerce.

Mr. BURNSIDE presented a resolution of the General Assembly of Rhode Island; which was ordered to be printed in the RECORD, and referred to the Committee on Naval Affairs, as follows:

STATE OF RHODE ISLAND, &c., IN GENERAL ASSEMBLY,
January Session, A. D., 1881.

Resolution of request to United States Senators and Representatives from Rhode Island.

Resolved, (*the honorable senate concurring herewith,*) That the Senators and Representatives in the Congress of the United States from Rhode Island be requested to use all honorable means in their power to secure the establishment of the United States naval training school for boys upon Coaster's Harbor Island, in Newport, which site has been ceded by this State to the United States for that purpose.

Resolved, That the Secretary of State be instructed to forward a copy of these resolutions to each of the Senators and Representatives in Congress from this State.

Mr. VOORHEES presented a resolution of the Legislature of Indiana; which was read, and referred to the Committee on the Judiciary, as follows:

A joint resolution in relation to jurisdiction of United States courts in suits by or against national banks.

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives be requested to use their influence to procure the repeal of so much of the acts of Congress as confer especial jurisdiction upon the circuit and district courts of the United States of suits by and against national banks resident of a State, without regard to the amount involved in such suits.

WILLIAM M. REDPATH,
Speaker of the House of Representatives,
THOMAS HANNA,
President of the Senate.

Originated in the Senate.

CHARLES W. BROUSE,
Secretary of the Senate.

Mr. WHYTE presented the petition of A. Shumacher & Co., agents of the North German Lloyd and Allan lines of steamers; Gilmor, Meredith & Co.; George J. Appell, president Merchants and Miners' Transportation Company, and others, owners and representatives of foreign and domestic steamers and sailing-vessels at Baltimore, Maryland, praying for an appropriation to restore the light-house at Sharp's Island, on the eastern side of Chesapeake Bay; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 6717) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, reported it without amendment.

LIFE-SAVING SERVICE REPORT.

Mr. WHYTE. I am instructed by the Committee on Printing, to whom was referred the joint resolution (H. R. No. 386) for printing report of the Life-Saving Service, to report it favorably, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides for printing 6,000 copies of the report of the operations of the United States Life-Saving Service for the year ending June 30, 1880, without the accompanying tables, (except the one showing the location of stations,) and without the accompanying reports on wreck-ordnance, for distribution among the officers of the merchant marine, through the collectors of customs, under the direction of the Secretary of the Treasury.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF BUREAU OF ETHNOLOGY.

Mr. WHYTE. I am also instructed by the Committee on Printing to report back favorably a concurrent resolution of the House of Representatives for printing 15,000 copies each of the second and third annual reports of the Director of the Bureau of Ethnology of the Smithsonian Institution, and I ask for the present consideration of the same.

The resolution was considered by unanimous consent, and concurred in, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 15,000 copies each of the second and third

annual reports of the Director of the Bureau of Ethnology of the Smithsonian Institution, with the necessary illustrations; 7,272 copies of which shall be for the use of the House of Representatives, 3,000 copies for the use of the Senate, and 4,728 for distribution by the Bureau of Ethnology.

BILLS INTRODUCED.

Mr. BURNSIDE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2200) for the relief of Jeremiah Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HEREFORD asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2201) making an appropriation for the improvement of Big Sandy River in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

TENTS FOR INAUGURATION.

Mr. BALDWIN. I ask unanimous consent to introduce a joint resolution, and I ask the consent of the Senate for its present consideration.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 163) authorizing the loan to the committee on inaugural ceremonies of tents in the Government depots; and it was read three times, and passed.

PACIFIC HARBOR OF REFUGE.

Mr. GROVER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate for its information a copy of the report of the board of engineers lately engaged in examining the several points on the Pacific coast, for the purpose of locating a harbor of refuge, and especially that relating to Port Orford, Oregon.

MISSOURI RIVER IMPROVEMENT.

Mr. SAUNDERS submitted the following resolution; which was read:

Resolved, That the Committee on Commerce be directed to amend the river and harbor bill so as to increase the amount to be appropriated for the improvement of the navigation of the Missouri River between its mouth and Yankton, Dakota, to the sum of $1,138,000, that being the sum recommended by the Chief Engineer of the War Department as necessary to be expended for the improvement of the navigation of that part of said river during the next fiscal year, ending June 30, 1882.

Mr. SAUNDERS. I ask that the resolution lie on the table for the present, and I give notice that on Monday after the routine business of the morning hour shall have been disposed of I shall ask the Senate to hear me for a few moments on the subject.

The VICE-PRESIDENT. The resolution will lie on the table, subject to the call of the Senator from Nebraska.

GRANVILLE T. PIERCE.

Mr. CAMERON, of Pennsylvania. I move that the bill (S. No. 908) for the relief of Granville T. Pierce, which has been reported adversely from the Committee on Naval Affairs, be taken from the Calendar and recommitted to that committee.

The motion was agreed to.

GREENLEAF CILLEY.

Mr. HAMLIN. There is a bill upon the Senate Calendar to restore Greenleaf Cilley to the Navy. It has three times met the favorable report of the Senate Committee on Naval Affairs; it has twice passed the Senate. It is, I believe, the only little bill upon the Calendar in which I feel an interest. I think it will incur no word of debate or discussion. I ask that the Senate will indulge me by taking up that bill and passing it.

The Chief Clerk read the bill (S. No. 1964) for the relief of Greenleaf Cilley, as follows:

Be it enacted, &c., That the President of the United States be, and is hereby, authorized to restore Greenleaf Cilley, now a commander on the retired list of the Navy, to the active list: *Provided*, That in case of such restoration said Cilley shall take rank in the list of captains: *And provided further*, That no claim for arrearages of pay shall accrue to said Cilley by reason of restoration under the provisions of this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole. Are there amendments as in Committee of the Whole? If not, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. McPHERSON. May I inquire what the bill is?

The VICE-PRESIDENT. It will be again reported.

The bill was again read.

Mr. McPHERSON. I shall object to the present consideration of that bill.

The VICE-PRESIDENT. Leave has already been given to its consideration; the bill has been reported to the Senate; and the question is, shall it be engrossed for a third reading.

Mr. COCKRELL. I did not know that any action had been had upon it that brought it before the Senate.

The VICE-PRESIDENT. There was action. The Chair asked if there was objection to its consideration and none was heard. The Chair then asked if there were any amendments as in Committee of the Whole.

Mr. COCKRELL. It has been the rule always to have a bill read before an objection is made to its consideration. I did not hear the demand of the Chair for objection or I certainly should have made objection to it.

Mr. WITHERS. I asked for myself that the bill might be read for information. It was read; and then the chairman of the Committee on Naval Affairs [Mr. McPHERSON] not hearing it asked what bill it was.

The VICE-PRESIDENT. The Chair will state the facts. The bill was read at length and the Chair asked if there was objection to its present consideration. He heard none. He inquired then for amendments as in Committee of the Whole, none were offered; and he directed the bill to be reported to the Senate; it was so reported, when the Senator from New Jersey inquired what was the nature of the bill. Those are the facts.

Mr. McPHERSON. Bills are called here by their numbers and it is impossible to know until the title of the bill be read exactly what is the nature of the legislation proposed to be acted upon.

With respect to this bill I wish to state that if the Senate is ready to consider it, it will probably take the rest of the day, if the Senate is to be sufficiently advised with respect to its character; and I think that at this late day in the session when so many bills are pressing, and bills of an important public character, we should not undertake to act upon a bill of this kind.

I wish to state with respect to Mr. Cilley that he has no more right to be placed upon the active list of the Navy than a man who had never been in the Navy. I think it is one of the worst cases of restoration that have ever been brought to the attention of the Naval Committee. Therefore I shall object at the present time to its consideration, and shall be ready on Monday, if the honorable Senator from Maine will postpone it until Monday, to give the Senate all the facts in relation to the case.

The VICE-PRESIDENT. An objection does not carry the bill over. It is too late.

Mr. COCKRELL. I have sent for the original papers, and I shall have them here in a moment. I shall desire to be heard when they come in order to show what the facts are in this case.

Mr. JOHNSTON. When the Senator from Maine asked for the consideration of the bill, out of regard to him I interposed no objection to its consideration. I supposed the bill would take no time, but would pass at once, and I did not wish to interfere with the request of the Senator from Maine; but as it is manifest the bill is going to consume the whole time until the Senate will adjourn today, I move to postpone the present and all prior orders and proceed to the consideration of the cattle bill which we had up yesterday. I suppose that motion is in order.

The VICE-PRESIDENT. Nothing is in order now except the disposition of the bill pending.

Mr. JOHNSTON. Can I move to postpone that bill?

The VICE-PRESIDENT. Certainly.

Mr. JOHNSTON. I have moved to postpone the pending and all prior orders in order to proceed to the consideration of the cattle bill. That motion is in order, I presume.

Mr. HARRIS. If it be in order I move to postpone the consideration of the bill now before the Senate until Monday next.

The VICE-PRESIDENT. That motion is in order.

Mr. HARRIS. I make that motion, and I make it because it is plain that the whole morning hour will be taken up with its discussion if it is proceeded with now; and I hope the Senator from Virginia will not press the motion but allow the Senate to proceed with the Calendar if this bill shall be postponed.

Mr. JOHNSTON. I must insist upon going on with the cattle diseases bill.

Mr. HAMLIN. I did suppose when I asked the Senate to consider this bill that it would elicit opposition from no Senator in this body, last of all from the Senator from New Jersey. I had stated that it had three times received the favorable consideration of the Naval Committee. The Senator from New Jersey will recollect distinctly that in my interview with him within the last two days he stated that in consideration of that favorable action of the committee he would interpose no objection to the passage of the bill. Consequently I did suppose there was to be no objection to it. It is a bill simply to restore Greenleaf Cilley to the Navy. He was dismissed from the Navy upon the charge of intemperance, and the evidence which is adduced I think is satisfactory (certainly it was to the committee) that it was little more at best than a single offense; that he is a perfectly temperate man. The bill only restores him to a position which he lost by indiscretion, and such bills have passed this body year after year where it has been believed that an injustice had been done in the removal. It is not only true in the Navy, but equally true in the Army. I did suppose that the bill would receive the opposition of no Senator in this body. That was my supposition when I called it up. I think under the circumstances I will take the vote of the Senate and see what the Senate will say.

The VICE-PRESIDENT. The Chair desires to ask the Senator from Maine if there be more than one bill pending in the Senate for the relief of Greenleaf Cilley?

Mr. HAMLIN. The Senator from Maine is not aware that there is.

The VICE-PRESIDENT. One bill for the relief of Greenleaf Cilley has already passed the Senate, on the 15th day of June, 1880.

Mr. COCKRELL. And it has gone to the House, a bill introduced by the Senator from Maine now addressing the Chair.

The VICE-PRESIDENT. The Chair will read from the Journal:

On motion by Mr. BLAINE,

The Senate proceeded to consider, as in Committee of the Whole, the bill (S. No. 49) for the relief of Greenleaf Cilley; and having been amended on the motion of Mr. COCKRELL and the motion of Mr. CONKLING, the bill was reported to the Senate and the amendments were concurred in.

Ordered, That the bill be engrossed and read a third time.

The said bill was read the third time.

Resolved, That it pass, and that the title thereof be as aforesaid.

Mr. COCKRELL. That is a bill which the Senator himself introduced, and which I hold in my hand.

Mr. CONKLING. To what effect is the bill?

Mr. COCKRELL. It is Senate bill No. 49, for the relief of Greenleaf Cilley.

Be it enacted, &c., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Greenleaf Cilley, now a commander on the retired list of the Navy, to be a commander on the active list: *Provided*, That in case of such appointment said Cilley shall take rank at the foot of the list of commanders: *And provided further*, That no claim for arrearages of pay shall accrue to said Cilley by reason of restoration under the provisions of this act.

The VICE-PRESIDENT. That bill has passed the Senate and gone to the House of Representatives.

Mr. COCKRELL. It has gone to the House, and all the papers are in the House.

Mr. VANCE. May I inquire at what date that bill passed the Senate?

The VICE-PRESIDENT. On the 15th of June, 1880.

Mr. INGALLS. Mr. President, can we know whether the bill that the Senator from Maine asks may be considered is a copy of the bill that has just been read by the Senator from Missouri?

Mr. COCKRELL. That bill can be sent for. I sent for a copy but I had not time to compare them.

Mr. WHYTE. Let the pending bill be read.

The VICE-PRESIDENT. It will be again read.

The Chief Clerk read as follows:

A bill (S. No. 1964) for the relief of Greenleaf Cilley.

Be it enacted, &c., That the President of the United States be, and is hereby, authorized to restore Greenleaf Cilley, now a commander on the retired list of the Navy, to the active list: *Provided*, That in case of such restoration said Cilley shall take rank in the list of captains: *And provided further*, That no claim for arrearages of pay shall accrue to said Cilley by reason of restoration under the provisions of this act.

Mr. COCKRELL. The only difference between that bill and the bill that formerly passed the Senate is the proviso, "That in case of such restoration said Cilley shall take rank at the foot of the list of commanders," which is in the former bill, while this bill places him at the foot of the list of captains. That is the only difference between the two bills.

Mr. WITHERS. Does not one bill require that he shall be nominated by the President and confirmed by the Senate, while the other puts him right on the list?

Mr. COCKRELL. I am speaking of the original bill. That bill was amended when passed by the Senate last June by inserting the words "nominate, and by and with the advice and consent of the Senate to appoint," and it was further amended so as to read "to be a commander on the active list. *Provided*, That in case of such appointment said Cilley shall take rank at the foot of the list of commanders." The word "appointment" was inserted there.

Mr. CONKLING. Will the Senator state what committee reported the bill which was passed last June?

Mr. COCKRELL. The Committee on Naval Affairs.

Mr. CONKLING. What committee reports the pending bill?

Mr. COCKRELL. The same committee.

Mr. MCPHERSON. The same committee evidently. I wish to inquire, by the record of the Senate, in what manner the bill already passed came before the Senate last June. Did it come as a report from the Committee on Naval Affairs?

Mr. COCKRELL. It was reported by the Senator from North Carolina, [Mr. VANCE.]

Mr. MCPHERSON. The bill now before us appears to have been reported by the Senator from Maine, [Mr. BLAINE,] from the Committee on Naval Affairs.

Mr. COCKRELL. The former bill as marked upon its face was reported without amendment by the Senator from North Carolina, [Mr. VANCE,] and it was introduced by the Senator from Maine, [Mr. HAMLIN.] The language is:

Reported without amendment by Mr. VANCE, on the 30th of April, 1880.

Mr. VANCE. I did not report the bill.

The VICE-PRESIDENT. If there be any mistake about the identity of the bill, the question is on the motion of the Senator from Tennessee, [Mr. HARRIS.] Is there a mistake as to the identity of the bill?

Mr. JOHNSTON. I renew the motion to postpone the pending and all prior orders in order to proceed with the cattle bill. I think that motion can be entertained.

The VICE-PRESIDENT. The parliamentary motion is that moved by the Senator from Tennessee. The Senator from Virginia will have to move to postpone other orders before he can get to the cattle bill. The question is on the motion of the Senator from Tennessee, that the further consideration of this bill be postponed until Monday next.

The motion was agreed to; there being on a division—ayes 30, noes 18.

AMENDMENTS TO BILLS.

Mr. KERNAN, Mr. SLATER, Mr. FERRY, Mr. LOGAN, Mr. BAILEY, Mr. WHITE, Mr. SAULSBURY, and Mr. PENDLETON submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. TELLER submitted two amendments intended to be proposed by him to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. ROLLINS submitted an amendment intended to be proposed by him to the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SAUNDERS and Mr. VEST submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 7036) to establish post-routes; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BAYARD, from the Committee on Finance, reported an amendment intended to be proposed to the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAILEY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CONTAGIOUS DISEASES OF ANIMALS.

The VICE-PRESIDENT. The Senator from Virginia [Mr. JOHNSTON] now moves to postpone the pending order, being the consideration of the Calendar of General Orders under the Anthony rule, for the purpose indicated by him.

Mr. BUTLER. I call for the regular order.

The VICE-PRESIDENT. The regular order has been announced, which is the consideration of the Calendar under the Anthony rule, and the Senator from Virginia moves to postpone it for the purpose indicated by him.

Mr. COCKRELL. I hope we shall have the morning hour for the consideration of cases on the Calendar. Then we can take up the pleuro-pneumonia bill and give it consideration.

Mr. CONKLING. Is there any appropriation bill waiting to be proceeded with now?

Mr. COCKRELL. There is no appropriation bill, as I understand, waiting for consideration to-day; and I trust the motion of my friend from Virginia will be voted down until the expiration of the morning hour, and then we may take up his bill and act upon it.

Mr. JOHNSTON. I take it for granted that the Senate will adjourn at the hour of two o'clock. No order has been made to that effect, but I presume it will do so; and as we commenced on the cattle-diseases bill yesterday and made some progress with it, I should like very much to-day to proceed with its consideration. One thing is certain, if it is postponed much longer it will be postponed for the whole session. I regard it as so important a measure that I desire to have it considered now.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Virginia.

The motion was agreed to, there being on a division—ayes 22, noes 21.

The VICE-PRESIDENT. The Senator from Virginia now moves to proceed to the consideration of the cattle-diseases bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 2097) for the establishment of a bureau of animal industry, and for the suppression and prevention of contagious diseases among domestic animals, the pending question being on the amendment of Mr. MCPHERSON, in line 11, section 2, after the word "exportation," to strike out "and transportation;" so as to make the clause read:

"And make report of the results of such investigation to the Secretary of the Treasury, who shall establish such regulations concerning the exportation of live stock as the results of said investigation may require.

Mr. JOHNSTON. The object of the Senator from New Jersey [Mr. MCPHERSON] will be effected by leaving the words "and transportation" and adding the words "from said ports" after "transportation." I understand from him that that change is agreeable to him, and I make that motion instead of striking out "and transportation." The clause would then read:

Who shall establish such regulations concerning the exportation and transportation from said ports of live stock as the results of said investigation may require.

Mr. CONKLING. I venture to inquire of the Senator from Virginia, the mover, I believe, of this amendment, whether the effect of it is, or will be, to give preference by regulations of commerce to one port over another?

Mr. JOHNSTON. No, sir.

Mr. CONKLING. I wish the Senator would tell me how he avoids that objection. My suggestion to him is that this would result in the imposition of regulations of commerce upon one port not in fact applicable to others, and I think it is worth while to turn attention to that for a moment.

Mr. JOHNSTON. This section applies equally to all ports of the United States. There is no distinction made in the section itself between the various ports.

Mr. CONKLING. But if I understand the Senator's amendment its purpose is to denote a particular port.

Mr. JOHNSTON. No, sir.

Mr. CONKLING. I ask that the amendment be read again.

The amendment was read.

Mr. JOHNSTON. If the Senator will refer to line 8 of the section he will see that the words I propose to insert allude to ports previously mentioned in the section.

Mr. WILLIAMS. It evidently applies to all ports from which the exportation of cattle may take place. The whole context shows that.

Mr. CONKLING. As I come to this consideration quite fresh, having been absent for a day or two, it is more than likely that the inquiry I make has good answer, and that it is not worth while to press it; but I nevertheless venture to explain to the Senator from Virginia my meaning at least in this question. Here is a section, if I apprehend it, which can relate practically to no ports save those along the dividing line between the United States and the Dominion of Canada and such other ports, if any there be, certainly not all of them, as are affected by this provision, because they are concerned or likely to be in this trade. The Senator from Virginia moves to point the section more specifically by providing that investigation shall take place, and when it results in a good reason for doing so, the Secretary of the Treasury, as to the port to which that investigation of the facts may apply, shall make regulations touching the exportation and transportation of live stock from that port. Along with such an amendment to such a section, I read this provision of the Constitution:

> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

Suppose the Secretary of the Treasury makes under this amendment a regulation applicable to one port, or if it be in the plural to two or three ports, as the case may be which the investigation seems to point to, it seems to me that I see very clearly that that regulation, whatever might be its form, would in substance and effect operate upon certain denoted ports. If it would, and it imposed a restriction upon those ports, other ports have an advantage over them. If, on the contrary, it conferred permission upon those ports, they would have an advantage over the residue of the ports.

That is the point of my inquiry; and I repeat there may be nothing in it, because I make it upon an investigation too brief and casual to entitle me to feel much confidence in it myself; but I submit it to the Senator from Virginia as a lawyer and the manager of this bill, and I think it is well to say something about it.

Mr. JOHNSTON. If the Secretary of the Treasury would make such a regulation as that, he would not do it under this proposed law. This measure applies equally to all ports of the United States.

Mr. INGALLS. Before the Senator departs from that statement will he allow me to make an observation?

Mr. JOHNSTON. Yes, sir.

Mr. INGALLS. I find in section 3 the following language:

> But the provisions of this act shall not apply to cattle shipped from the Gulf States, or any of them, to the West India Islands.

Does the Senator from Virginia still say that under the provisions of this bill the regulations apply uniformly to all ports of the United States?

Mr. JOHNSTON. I was speaking with reference to this particular section, not to the whole bill.

Mr. INGALLS. The Senator said "the bill."

Mr. JOHNSTON. I was speaking of this particular section. Whenever we come to the third section, if the provision the Senator has read is objectionable it can be amended; but the particular section under consideration makes no discrimination at all between ports.

Mr. CONKLING. Will the Senator allow me a moment?

Mr. JOHNSTON. Certainly.

Mr. CONKLING. If so, I submit to him that it would be rather a large process of legislation by which the Senate should proceed to import into a bill a provision professedly unconstitutional if the other provisions of it were to stand, and put it in upon the theory that afterward the provisions which would make it unconstitutional may be eliminated from the bill. I would suggest to the honorable Senator that we had better go through with the bill and take from it those things which are insuperable objections, if they be such, to this amendment, and then put the amendment in when that will harmonize with the residue of the bill and not put it in conflict, as it will clearly conflict with the Constitution, with the other provisions.

Mr. JOHNSTON. After we arrive at the third section, which will be in a little while, we can consider whether that provision shall remain or whether it is unconstitutional.

Mr. INGALLS. That provision has been adopted, I understand, by a vote of the Senate, as an amendment reported by the committee.

Mr. JOHNSTON. It has been adopted in Committee of the Whole. I hope this amendment will be acted on without further delay.

Mr. WILLIAMS. The provisions of this particular section apply to every port alike where upon investigation the Secretary is satisfied that disease exists, and by his regulations and orders he may make them apply to any port where he has reason to believe cattle are likely to be infected prior to their transportation to foreign countries for sale. For instance, to illustrate, in Portland, Maine, and in Boston, Massachusetts, there exists at this time no infection; it does exist in the city of New York. We merely give to the Secretary of the Treasury power to apply these restrictions and these limitations, and these rules, regulations, and requirements to such localities on the seaboard where the disease is known to exist and from which it is proposed to export cattle. That is all.

It is no violation of the Constitution at all. He can make it apply to Portland; he can make it apply to Boston if upon investigation the proper official reports to him that the disease is known to exist along the lines of transportation to those points or at those ports themselves. The object of that provision is that we may send abroad only cattle that can be sent with a clean bill of health; and without some regulation of this sort authorizing the Secretary of the Treasury to make a different requirement at different times in different ports, it will be impossible for him to do that. We want to remove the restrictions in England upon the importation of cattle from this country; and it may not be necessary to-day even to apply these regulations to Boston or Portland and it may be necessary to apply them to New York; but whenever the necessity comes let him have authority to apply proper regulations where they are needed.

Mr. JOHNSTON. I think the objection of the Senator from New York can be obviated by adding to the section "but there shall be no preference to any port of the United States over the other ports."

Mr. CONKLING. Does the Senator think that would change it?

Mr. JOHNSTON. Yes, sir.

Mr. CONKLING. I submit to the honorable Senator that it makes neither one hair white nor one hair black. If the Constitution requires that, the Senator and I together can write nothing in a law which will change the requirement; and when we put on the face of this bill a transcript of the Constitution we impart no added validity to that instrument or its effect. Therefore if the Senator were to offer such an amendment I should take it as an admission that observing that provision of the Constitution he thought the language without such a provision would conflict with it; and if so, he would make a vain motion by putting that in a law.

And as I am on my feet, if I can have one further moment, I will make an observation about the second section. Of course, no Senator here is, in his own estimation or that of anybody else, to manifest an interest in an object of this sort peculiar to him or greater than that felt by other Senators, whether regarded as a question of locality or regarded at large, or viewed in any aspect. I take it there is no member of the Senate who has not at heart earnestly the purposes and objects of this bill, and I take it that that Senator will not be deemed an enemy of the bill who seeks to make it effective and who objects to having it in such form that it will encounter the mace of the court which may strike it down when it comes to operate. Turning to section 2, it seems to me that the Senator wants in that section to steer clear of another provision of the Constitution as well as that to which I have called attention. There is in the Constitution somewhere what has been called the vagrant clause, and it stands to this effect:

> The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Along with that provision and a good deal older than that provision, in the fundamental law of all systems which tolerate legislative bodies is a practice hostile to the idea that legislative power can be delegated, that the Congress of the United States, itself the creature of the Constitution, the agent of the people and an agent acting under limited and enumerated powers, can bestow upon others discretion to wield or to waive those powers. This section 2 seems to me to delegate to the Secretary of the Treasury the power which in form is being exerted by the passage of this bill. It says to him that he is selected and deputized, on his motion, when his legislative conscience and judgment is satisfied, to do thus and so, and then the provision which we are considering, as it seems to me more and more, deputes him to do a thing which we cannot do ourselves.

If I be right in this, there is a double objection to this section, and the Senator I think will be compelled to make a provision not necessarily which shall operate all the time, but a provision which shall operate in a contingency and he may make that contingency if he chooses, the say so, certainly he might, of the President; whether of the Secretary of the Treasury I should doubt; but in an ancient instance, in the embargo case, it was held that an act of Congress which provided that a certain thing should occur upon the ascertainment of a fact by the President, one of the co-ordinate branches of the Government, and his promulgation of that fact, was well taken; it was operative and competent. At this moment it is not necessary to say whether such a function as that could be conferred upon one of the subordinates of the President. This goes quite beyond that. It does not provide what shall happen in a certain event; but it provides that a particular functionary of the Government upon being satisfied, not of anything certain in the bill, but of that which moves him or satisfies him, may proceed to do, we know not what, may pro-

ceed to do what the bill does not specify, but what he himself may afterward determine to be right:

The Secretary of the Treasury shall establish such regulations.

What regulations?

Such regulations concerning the exportation and transportation of live stock as the results of such investigation may require.

Mr. President, [Mr. GARLAND in the chair,] in your experience, which must have been somewhat long and somewhat varied, else you would not be able to evince as you do the results of your experience, did you ever happen to know an instance in which a State Legislature, more broadly clothed with power than the National Legislature, undertook to delegate to one executive officer legislative power, and then undertook to provide that in the exertion of that power his own judgment at large should govern him? Not that when satisfied he should do a particular thing, or institute a particular regulation, or announce or proclaim that a particular regulation should then for an indefinite or a fixed time become operative, but that he should evolve out of his own conscience such regulations, in the plural, as might then seem to him to be required by the investigation which he is authorized to conduct? Unless I have forgotten some instance there is no such one in the legislation of Congress. So I venture to suggest to the Senator from Virginia, who has acquaintance with this subject much beyond mine, that it would be well in shielding this section from some peradventure in some other forum which might paralyze it, to guard it not only in respect of a preference to be given to certain ports or a port over others, but to guard it from what is possibly the more radical objection to it, that it undertakes an asportation of power, a transfer of legislative power from the law-making authority of the country to one of the executive ministers of the law, to a man whose whole function it is within his own official province to execute the laws which Congress without him shall make.

Mr. INGALLS. Mr. President, it is unnecessary for me to say that I sympathize very cordially with the ostensible purpose of this bill. I have read the measure with a great deal of care, and I desire to speak with deliberation and with caution; but I feel impelled to say that it is without any exception the worst bill that I ever read upon any subject. It is bad in principle; it is bad in theory; it is bad in policy, and worse in detail. Pleuro-pneumonia is unquestionably a great evil; but this remedy is worse than the disease. The bill is a confused, conflicting, incoherent, and incongruous medley and jumble of provisions, every one of which, in my judgment, is directly at variance with the Constitution and is at war with the reserved rights of the States and of the people. It creates a monstrous and anomalous machine, unknown to the Constitution and the laws, composed of the Commissioner of Agriculture, the National Board of Health, commissioners, inspectors, municipal and State and local police authorities, the Navy of the United States, and the Secretary of the Treasury, responsible to no one and committing the Government to an indefinite and enormous expenditure for all coming time. It would be difficult for human ingenuity to devise within so narrow a compass a contrivance that embraced more principles that appear pernicious and doubtful, and doctrines that commit this Government to measures that are fraught and pregnant with immeasurable mischief for the future.

Mr. President, it would be a great misfortune if every steer in this country were to die; so it would be if every horse in the country were to die, or every sheep or every hog; but because that is so is the Government to purchase every sick animal in the country and pay for it at two-thirds of the value of animals that are well and marketable? Pleuro-pneumonia, as I said, is undoubtedly a great evil; but it is after all a question of private loss to individuals and to communities, and as such it is to be dealt with like other private calamities; and I am curious to know upon what theory of the Constitution or of the functions of Government this select committee have proposed this bill when they attempt to establish the principle that the Government shall purchase every sick and unhealthy animal in this country and pay for it two-thirds the value of a well one when everybody knows that a sick animal has no market value at all.

If this is to be adopted as the rule of governmental action, where is it to end? If we are to guarantee the owners of live-stock cattle against loss, why should not the owners of hogs be entitled to protection against the ravages of hog cholera, and the owners of horses against the epizootic, and the owners of sheep against foot-rot and scab? There is just as good reason for committing the Government to the policy of buying up these animals as there is of buying up meat stock or horned cattle.

Let us go further. Take corn and wheat and cotton; they are valuable articles of export and they are very largely productive of revenue to this Government, and it is very frequently the case that disaster falls on those who raise these grains and cereals and products over vast areas of country; and if this principle is to be adopted, why should not they be entitled to relief as well as men who raise meat cattle or live stock? Where is the difference in principle? I can see none. Drought and flood and locusts are great destructive natural agencies that are beyond individual control, and so is the cotton-worm, as the Senator from Connecticut [Mr. EATON] suggests, and the potato-bug, as the Senator from New Hampshire [Mr. ROLLINS] adds. These are great destructive agencies of nature that are beyond individual control, and if we are to adopt the theory that Government shall be responsible to individuals for losses accruing from these occasions, why should not all be entitled to benefaction from the Treasury?

I suppose, Mr. President, that this bill is justified by its proposers upon the constitutional provision that Congress has the right to regulate commerce between the States and with foreign countries. The Senator from Kentucky has given much attention to this subject and I ask him if that is not the theory on which the bill proceeds?

Mr. WILLIAMS. Yes, sir.

Mr. INGALLS. It is, the Senator says. Then, as the Senator from New York [Mr. CONKLING] has already suggested, there is a direct violation of the Constitution both in section 2 and section 3.

Mr. WILLIAMS. I will say to the Senator from Kansas that in a recent case from Missouri the Supreme Court of the United States has decided that State laws restricting the importation of cattle and other property from an adjoining State are in contravention of the Constitution and that the power to regulate commerce and correct this evil rests in the Congress of the United States and not in the State Legislature.

Mr. INGALLS. Unquestionably.

Mr. WILLIAMS. And therefore the men interested in resisting this great national calamity that threatens the stock interest of the country have appealed to Congress and asked it to pass laws to give them the protection which the Constitution denies to the States the power to afford.

Mr. INGALLS. Unquestionably, Mr. President, but that power if it is to be exercised by Congress must be exerted in accordance with the Constitution; and it is entirely incompetent for Congress under the authority to regulate commerce between the States to delegate to the Secretary of the Treasury the power to make and establish regulations concerning one great and very important branch of commerce, which shall put the entire live-stock business of this country at the mercy of a totally irresponsible machine that is devised by this bill.

Aside from that, I will again call the attention of the Senator from Virginia who proposed this measure to the language in section 3:

But the provisions of this act shall not apply to cattle shipped from the Gulf States, or any of them, to the West India Islands.

Can anything be more flagrantly, more confessedly in violation of that clause of the Constitution which says that Congress shall give no preference to the ports of one State over the ports of another in any regulation that may be made? Will the Senator from Virginia state the reason why that provision was inserted?

Mr. JOHNSTON. Yes, sir, I can state it.

Mr. INGALLS. It was thought necessary to provide that if there should be in the Gulf States diseased animals, afflicted with pleuro-pneumonia, rinderpest, plague, murrain, or whatever they might have, they might be without objection exported to the West India Islands.

Mr. JOHNSTON. I can state to the Senator the reason why that was put in. Shall I give it now?

Mr. INGALLS. I should like to know it.

Mr. JOHNSTON. What is called the Texas fever is a disease that does not affect the animal who has it; the animal remains healthy and well, but by some unknown process communicates it to other animals, and they very often die from it. Such a fever exists in the State of Texas, and from that State the cattle take it to the West Indies where they have no herds of cattle. No damage could result by shipping cattle infected with Texas fever to the West Indies where they have no herds of cattle and where the cattle are merely butchered. The exception is put in to allow that trade to continue; but I agree with the Senator from Kansas that that provision is contrary to the Constitution and cannot be retained in the bill. It was put in for the reason I have given, but I am very willing to agree that that provision will have to be striken out.

Mr. INGALLS. The Senator from Virginia, in his statement, has entirely usurped the functions of the bureau to be created by this bill; he has assumed to pass upon the nature, the danger, and the communicability of the Texas fever, and declares that in his judgment it is not a disease that would render cattle not a proper object of exportation from one port of this country to another country.

Mr. JOHNSTON. I have only given a fact stated by veterinary surgeons; and it is a well-known fact.

Mr. INGALLS. So I say; but it appears to me that it would be a great deal better, if we propose to establish a bureau of animal industry with a corps of experienced officials, that they should be left to say whether or not cattle having the Texas fever could be appropriately and properly exported from one section of this country to the West India Islands.

Mr. JOHNSTON. The character of the Texas fever is as well known and well defined as any possible disease. It is perfectly well known that the animal himself is not affected by it; he is healthy and well; but by some means or other he can communicate the disease to another animal, he remaining all the time well and the other animal frequently takes sick and dies. That is the fact.

Mr. INGALLS. Now I will state to the Senator in entire good humor what I imagine this amendment was proposed to the bill for. I think it was placed there for the purpose of capturing votes in support of this bill from Texas and Louisiana and other States in that neighborhood where this disease prevails. Of course I make the statement in entire good humor, but that is my judgment of what

this amendment was placed in the bill for, and I am very glad to hear the Senator from Virginia state that he intends to withdraw it.

Mr. COKE. If the Senator will permit me I will state that the provision was placed in the bill because a great many cattle are exported from the Gulf ports of the United States to the West India Islands, and going to a country where the climatic conditions of the country are the same or nearly the same, they communicate no such disease as it is thought may be communicated to cattle further north. There is no objection in the West India Islands to receiving the cattle from the Gulf ports. They carry no disease there, and a very large trade in cattle is done from our Gulf ports, especially the ports of Texas, to those islands. That was the reason that provision was inserted.

I will state further that the constitutional difficulty referred to was not overlooked. I do not believe it necessary to incur the same expense, make the same preparation, appoint the same officers, and impose the same burdens on ports where no cattle are shipped and where no danger exists, that we do where there are large shipments and manifest danger. Nobody pretends that any danger of spreading disease results from shipments to cattle from the Gulf ports in the United States to the Gulf islands. These islands want our cattle and we desire to furnish them. It is a lucrative trade especially for Texas, and I can see nothing in the Constitution requiring that it be hampered with restrictions because there is danger from unrestricted shipments from other ports though none from these.

I do not believe, so far as I am concerned, that it is necessary to take precautions at ports where there is no danger. I do not believe that these are privileges in the sense signified in the Constitution given to one port over another; I believe they are precautions. I think they are in the nature of exemptions from burdens that are not necessary on some ports but which a public danger requires shall sometimes be placed on others.

Mr. INGALLS. Mr. President, the explanation made by the Senator from Texas why this amendment was placed in the bill is entirely satisfactory to me, and it fortifies the position I first assumed that the committee proposed it because otherwise the Senators from Texas, Louisiana, and the other States in that locality would not assent to the bill.

Mr. COKE. If you will allow me I will say that when the bill was reported I gave notice of an intention to oppose it. I gave notice that I did not concur with the committee and would endeavor to defeat the bill.

Mr. MAXEY. I wish to say that if the purpose of putting that amendment in was to capture my vote as one of the Senators from Texas, it has failed, because I regard the whole bill as at war with the theory of our Government, as centralizing power here, as depriving the States of their reserved rights, and as the longest stride to centralization of any bill I have ever seen since I have been a member of this body.

Mr. INGALLS. I am very glad to have my opinion corroborated by an authority so eminent as that of the Senator from Texas, [Mr. MAXEY.] But I desire to call the attention of the Senate to some of the details of this bill, and in the first place I will advert to the machinery that it proposes and the expense of its administration.

It provides that there shall be in the first place a chief of the bureau of animal industry whose salary shall be $3,000 per annum; that there shall be two commissioners, one of whom shall be a practical business man, and the other a practical stock man, who shall have a salary of $3,000 each, which is $6,000. It provides further for an agent in every State and Territory in the Union whose duty it shall be to collect statistics, to be reported to the chief of the bureau, each one of whom is to be paid at the rate of $10 per day, which makes an annual pay-roll of $141,000. Added to that is the clerk who is to receive a salary of $2,000 per annum. Then there are certain inspectors to be appointed along the line between Canada and the United States and along every railroad line from the West to the seaports of the East, who are also to receive salaries, but whose number and whose compensation are not named.

Then the Secretary of the Treasury is directed to employ the officers and men and vessels of the revenue marine service in carrying out the provisions of this bill. Then there is an additional compensation to be allowed at the rate of $10 a day to the members of the Board of Health for their services in connection with this business. And in addition to the absolutely specified expenditures there is an indefinite and elastic item of traveling and other expenses while carrying out the provisions of this act.

Mr. President, this bill cannot be made operative in the manner provided by the committee without an annual expenditure, for salaries and compensation and traveling expenses alone, of $200,000. And what do you add to that? You add the still further provision, the most extraordinary and anomalous that was ever inserted in any legislative enactment, that every animal in the country that is diseased or infected, or that is suspected of being diseased, shall be isolated and slaughtered, and that the United States Government shall pay for every animal so slaughtered a sum not exceeding the value of two-thirds of the market rate at which healthy animals are selling. Those who are better advised than I am as to the statistics of pleuro-pneumonia and the other cattle diseases of this country can estimate what the expenses under this bill will be for that item.

Mr. President, I said that this bill was an anomaly, that it created a monstrous machine. It is a hydra-headed monster; it is a regular octopus, a legislative devil-fish, with its arms extending in every direction, and grasping within its pernicious embrace every feature of one of the most valuable industries of this country, without one single particle of responsibility to any source whatever. And yet this select committee, selected on account of their peculiar knowledge of the requirements and the necessities of this occasion, present this to us and ask us to pass it, practically under the operation of the previous question, committing the Government to a confessed and admitted expenditure for practical details alone of more than $200,000 per annum, and to the other item of the slaughter of infected animals the amount of which no man can predict. I have generally supposed that if an animal was sick, if it was diseased, if it had pleuro-pneumonia or lung fever, it had no market value. What is the market value of an animal that has got pleuro-pneumonia and is just about on the verge of dissolution? It is a menace to every other animal that is within communicable distance. And yet this bill provides that this machine may isolate all animals that are infected or diseased, and not only that, but all animals that it is suspected may be diseased, or, in the language of one other section of the bill, have presumably been exposed to contagion, and slaughter them, and then pay the owners of them out of the Treasury of the United States two-thirds of the market value of healthy animals of the same description.

Mr. President, I cannot find language sufficiently strong to characterize my understanding of a provision like that.

Mr. WILLIAMS. Will the Senator allow me?

Mr. INGALLS. Certainly.

Mr. WILLIAMS. Do I understand him that he is treating the bill as authorizing, and that he proposes to have the Senate understand that the bill authorizes, the commission to go into a State and kill indiscriminately cattle suspected of being diseased?

Mr. INGALLS. I do say exactly that.

Mr. WILLIAMS. If the Senator will examine the bill he will see that that matter is left to the States. The commission suggest regulations, make investigations and report to the authorities of the States the result of their investigation, and when the States adopt the measure to stamp out disease within their borders then the National Government proposes to compensate the owners of the cattle slaughtered, by allowing two-thirds of their value. I will say to the Senator that the committee felt that the man whose cattle were slaughtered whose property was destroyed for the public use and for the common good, ought not in good conscience and equity to be required to sustain the loss.

Mr. INGALLS. Why not?

Mr. WILLIAMS. Because they are slaughtered for the public good.

Mr. INGALLS. What are they worth? What is a sick animal worth, an animal that has the pleuro-pneumonia and is just about to die?

Mr. WILLIAMS. The Senator convinces me that he has never investigated the subject at all if he understands it so. There may be but one or two cattle really sick, and yet the whole herd may be so infected as to require that the last one shall be slaughtered to prevent the spread of the disease. That thing was done in the State of Massachusetts; it was done in the State of Connecticut; it is being done to-day in the State of New York, and the State authorities are paying for every one of the cattle that is slaughtered. The efforts of the States having been found wholly inefficacious, because if they stamp it out within their borders they are assailed by new invasions from the adjoining States, and the evil being so monstrous and so great that it is perfectly evident that it is impossible for the States themselves in their separate capacity to grapple with it, this committee have proposed this bill which I believe the Senator has called a "boa-constrictor"——

Mr. INGALLS. No, sir, an octopus.

Mr. WILLIAMS. A "devil fish." The committee believe it is the only proposition strong enough to strangle the life out of this disease, which may attack whole herds of our not less than fifty million cattle.

Mr. INGALLS. How many diseased animals are there in the country to-day?

Mr. WILLIAMS. I cannot tell; but I know very well the most eminent veterinary surgeons in America who were before our committee said it would take more than a million dollars to stamp out the disease in New York and New Jersey.

Mr. INGALLS. This bill provides $200,000, of which the entire amount is to be expended in clerk hire and salaries.

Mr. WILLIAMS. I do not think so. I will reply to the Senator after he is through.

Mr. INGALLS. Mr. President, the Senator from Kentucky has called my attention to one feature of the bill that I will now advert to, and that is the relations of the proposed bureau to the local and State and municipal authorities. He says that there is to be no co-operation until the States have accepted the provisions of this bill and the regulations adopted by this anomalous hydra-headed machine that the bill proposes to create. Let me call attention to section 3 of the bill.

The Commissioner of Agriculture, through said chief of bureau, acting with the National Board of Health—

But that has been stricken out—

and the commissioners provided for in section 1 of this act, when deemed necessary, shall co-operate with and aid State and municipal authorities—

And not only that, but—

and corporations and persons—

Meaning railroad companies and steamship lines and all those engaged in stock-raising—

in establishing regulations for the safe transportation of such stock from the interior to the seaboard and the shipment thereof, so that such stock may not be exposed to said disease, and shall also co-operate—

That is with regard to the co-operation of this bureau with the State authorities—

and shall also co-operate with State and municipal authorities in the suppression of said diseases by aiding in carrying into effect their laws and regulations, by advising or assisting them in establishing regulations for the isolation of any cattle suspected of having said diseases and the slaughter of those ascertained to be so diseased.

I said that this bill was contradictory and inoperative, because it declared in that section that this bureau of animal industry should co-operate with the States in carrying out regulations already existing, and then provides in section 6 that it shall establish a new system of rules and regulations to be submitted to the States, and that it shall not co-operate with them until they are adopted.

Mr. MAXEY. With the consent of the Senator from Kansas, who is expressing my own views much better than I could myself, I desire to call his attention to section 5 in connection with the point which he has made that this does interfere with the States:

SEC. 5. That it shall be unlawful to import or introduce into the United States from foreign countries, or into one State, Territory, or district from another State, Territory, or district, or to sell or offer for sale any domestic animal affected with such diseases, or has been exposed presumably thereto, except in accordance with the provisions of this act and the rules and regulations adopted in pursuance thereof.

Under that provision I ask the Senator from Kansas if my colleague here should propose to sell me stock, both being citizens of Texas, which has been presumably liable to disease, but not knowingly, because the word "knowingly" is not in, what prevents that offer being under this bill an unlawful act? Then under section 11 the offenses created by this act are triable in the Federal courts. We are both citizens of the State of Texas; an offense is made which is not required to have been committed knowingly, both of us being citizens of that State, and he for offering to sell me that stock is liable to be indicted in the Federal courts.

Mr. INGALLS. Certainly. I shall come to that section; I had made a note of it.

Not only is what I have just said strictly true, but after declaring that every animal suspected of disease or known to be diseased shall be isolated and slaughtered and be paid for by the Government, section 5 goes on to declare that this board may make regulations and rules to allow animals of that kind to be introduced into the country. It makes an express provision declaring that this board may make rules and regulations for the very purpose of admitting diseased animals into this country, in section 5—

Except in accordance with the provisions of this act, and the rules and regulations adopted in pursuance thereof.

Thereby declaring that this board may make rules and regulations which will render it lawful for a person to introduce into this country diseased animals affected with any contagion whatever. And in connection with the observation made by the Senator from Texas [Mr. MAXEY] who was last on the floor, I will say that section 11, after creating new classes of crime and inflicting new kinds of punishment, makes offenses under State laws triable in United States courts, and declares that the United States attorneys shall prosecute all such offenses.

Mr. JOHNSTON. The section the Senator is talking about now does not refer, and was not intended to refer, to cases between individuals in the same State. It refers, and was intended to refer, to cattle sought to be imported or brought from other countries into the United States, or taken from one State to another or one Territory to another. It does not relate to private sales between individuals in the same State, but to sales for the purpose of exportation from one State to another. That is the purpose of the section, though it may be awkwardly expressed in the language of the provision.

Mr. INGALLS. The language of the section is this:

That it shall be unlawful to import or introduce into the United States from foreign countries, or into one State, Territory, or district from another State, Territory, or district, or to sell or offer for sale any domestic animal affected with such diseases—

I pass over the beautiful grammar of the next clause, "or has been exposed presumably thereto," and come to—

except in accordance with the provisions of this act and the rules and regulations adopted in pursuance thereof.

Mr. JOHNSTON. Exactly.

Mr. INGALLS. That is to say, they may be introduced in pursuance of the rules and regulations made by this bureau of animal industry.

Mr. JOHNSTON. Exactly. The latter part of that section refers to the previous part of the bill which authorizes rules and regulations to be established for transportation from one State to another, or from foreign countries to the United States. The rules and regulations here referred to are those.

Mr. INGALLS. I ask the Senator from Virginia to tell me this: Under section 5 is it not within the power of this bureau of animal industry to make rules and regulations providing for the importation of diseased animals into the United States?

Mr. JOHNSTON. No, it is not.

Mr. INGALLS. Well, Mr. President, the power of human assurance certainly never did further go—

That it shall be unlawful to import or introduce into the United States from foreign countries * * * any domestic animal affected with such diseases * * * except in accordance with the provisions of this act and the rules and regulations adopted in pursuance thereof.

Mr. JOHNSTON. The bill provides for the exercise of the power of establishing quarantine. Of course all animals brought from foreign countries will be subject to the quarantine regulations. In case animals are imported which have the disease the Secretary of the Treasury is authorized to make regulations in regard to such animals.

Mr. HOAR. Will the Senator from Kansas permit me to call his attention to a view of this section? I think some of the criticisms which the Senator from Kansas has made upon this bill are sound, and probably they will be met by the Senate before the bill passes through by amendments calculated to make its meaning clear. I desire to call his attention to the present criticism which he is making, and ask him whether on reflection he adheres to it.

As I understand him, he says that section 5 contains the absurdity of providing that diseased animals may be imported into the United States, animals infected with contagious and infectious diseases, in accordance with the rules and regulations of this commission. I do not so read the sentence. I understand that the section applies not only to diseased animals, but animals which have been exposed to disease, and it goes on to say that neither of those two classes shall be imported except in accordance with the provisions of this act and the rules and regulations established therein. It is not enough that the person importing shall show that he is complying with the rules and regulations; he must also bring himself within the provisions of the act. Now, there is nothing in the act which permits or provides for the importation of a diseased animal at all. That is called in when you provide for the importation of an animal which has been presumed to be exposed to the disease, and that is provided for. It may be that such animals, not diseased, but simply having been exposed to disease, may, after certain provisions in regard to quarantine and inspection having been complied with, be allowed to come in. If this section goes into effect, it simply will be that no diseased animal can be imported, because there is nothing in the act which permits that, and there is an express prohibition in the sixth section against importing such an animal at all, unless you find somewhere else a license, but that other animals not diseased, but which may have been on an infected ship, may, after the quarantine regulation and inspection provided for by the act have been gone through with, come in.

Mr. WILLIAMS. Now, to make that view of the Senator from Massachusetts perfectly clear, I will just make a short statement. Take the case of New Jersey, where everybody knows that this disease exists in almost every county in the State. It may make its appearance in a herd on the Jersey side of the Hudson River. We may see in the herd of my friend from New Jersey, [Mr. MCPHERSON,] who has great familiarity with this subject, two or three animals that are infected with this disease. That provision is put in the fifth section in order that the veterinary surgeons may make rules and regulations by which the rest of the herd may be taken over to New York or somewhere else, and slaughtered in particular slaughter-houses, because their beef is as good as that of any other animal until the disease has taken hold of it and destroyed its value. It is to save them; to enable the board of commissioners to provide a regulation and a plan by which animals suspected can be taken immediately and slaughtered for the purpose of their meat being sold. That is the object of it, to make rules and regulations for the destruction of herds that are suspected of being infected or are liable to be infected.

Mr. INGALLS. Mr. President, even with the statement of the Senator from Massachusetts [Mr. HOAR] this section is absurd, because he says that there are no provisions in this act that authorize the importation or introduction of diseased animals into the country, and yet the section recites that they shall not be so introduced except in accordance with the provisions of this act. Therefore the section is untenable, and involves an absurdity in addition to being open as I contend to the construction I have placed upon it.

But I was proceeding, when diverted by the Senator from Texas, to call attention to the inconsistent provisions of this bill as to the time when it is to become operative. I had read from section 3 that this board was directed to "co-operate with State and municipal authorities in the suppression of said diseases by aiding in carrying into effect their laws and regulations," meaning the laws and regulations of the States already existing. Here is an intrusion of the national or Federal authority into the affairs of a State, and directing that this board, national or Federal entirely in its constitution, shall go into a State and co-operate with the State authorities in carrying out strictly State, local, and municipal regulations.

The Senator from Kentucky said that I was wrong in saying that this bill provided that this board should have the authority to isolate and slaughter cattle under these circumstances, and yet in the fourteenth, fifteenth, and sixteenth lines of the section that I have referred to the language is—

Cattle suspected of having said diseases, and the slaughter of those ascertained to be so diseased.

Now I ask the Senator, and those interested in this bill, to turn to section 6, the amendment proposed by the committee. Having already declared in section 3 that the commissioners shall co-operate with the States in carrying into effect their laws and regulations already existing, this bill provides by way of amendment:

That it shall be the duty of the Commissioner of Agriculture, through said chief of bureau, in connection with the National Board of Health, to prepare such rules and regulations as they may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory.

And when shall this become operative?

And whenever any State or Territory shall accept the same, then it shall be the further duty of the Commissioner of Agriculture, through the said chief of bureau, and the commissioners and agents authorized by this act, in connection with the National Board of Health, to assist in such State or Territory in the execution of such rules and regulations.

Which of these two provisions is operative?

Mr. JOHNSTON. If the Senator will permit me I will make an explanation of that. Disease is known to exist now in several States of the Union, New Jersey, for example, Pennsylvania, New York, and perhaps others; but in those three at any rate. Those States have already passed laws in regard to these diseases, especially pleuro-pneumonia, which are now in operation. The object of this provision in the bill was to enable the United States to assist in the execution of these laws in the States where the diseases now exist and then in the States which they have not yet reached to establish a uniform system of rules and regulations and co-operation between the States and the United States. That is the whole object of it.

Mr. INGALLS. The Constitution of the United States provides that all laws shall be uniform in their operation all over the United States, and if the Senator from Virginia thinks that the suggestion he has made is one that comes within that provision of the Constitution I congratulate him upon his perceptive faculty. He deliberately proposes in the same bill to declare that this board shall carry out existing State rules and regulations and laws, and then that in other States regulations and laws and rules shall be prepared by this board to be submitted to them and not become operative until they have been accepted by the States. How are they to be accepted by the States, by the executive or by the Legislature?

Mr. JOHNSTON. By the Legislature, of course.

Mr. INGALLS. By the Legislature. In the great majority of the States where this measure would become effective and valuable, the Legislatures have biennial sessions. They are mostly in session now; they will adjourn within the next fifteen or twenty days; and if this provision is to go into effect there cannot be one single thing done under this bill before 1882.

Mr. WILLIAMS. They can be convened in extra session.

Mr. INGALLS. Very well; of course they can be called together in extra session; but I am calling attention to the provisions of this bill as they affect existing organizations. Under the amendment proposed by the committee to section 6, the provisions of this bill cannot in the ordinary progress of affairs become operative before 1882, and when they do become operative section 7 declares what is to be done:

That when the Commissioner of Agriculture is notified by the executive of any State or Territory of the acceptance of said rules and regulations, such sum as may be deemed necessary for the purchase and slaughter of all diseased or infected animals, or animals suspected of disease—

That is to say they are to be killed on suspicion—

in the State or Territory in which the outbreak has occurred shall be awarded from the fund hereinafter appropriated for this purpose.

It is a matter of very serious practical consideration to inquire to whom this money is to be awarded, and by whom it is to be awarded, the amount that is to be awarded, and the persons by whom suspicion is to be attached to animals so as to render them purchasable under this act. The section goes on:

Provided, however, That a sum not exceeding two-thirds the market value of a healthy animal shall be allowed for an infected or diseased one, and a sum not exceeding $100 may be paid in special cases, but no animal shall be considered of special value unless he be purely bred, and the pedigree found duly recorded in a well-established herd-book.

I suppose under the provisions of this bill it is intended to pay only for bulls or steers, the male pronoun being used before the words "purely bred." But I want to call the attention of the Senate to the fact that this provision commits the Government to the payment for animals admitted to be worthless of two-thirds the value of healthy animals of the same class.

There is another provision in section 8, to which I want to call the attention of the Senator from Virginia who reported the bill. Here is a direct infraction of the constitutional provisions as to the power of Congress to interfere in State affairs. The eighth, ninth, and tenth lines declare that removals from one State to another shall be unlawful—

Except in so far as such removals shall be made in accordance with the rules and regulations for which provision is made in section 6 of this act.

Now, I assert that no provision whatever is made for removal in section 6 of the act. Section 6 refers to an entirely different class of subjects. It has nothing to do with the removal of animals from one State to another, but it provides what rules and regulations shall be established for the extirpation and suppression of disease by the isolation and slaughter of the animals. That section is certainly open to objection as being entirely inoperative and ineffectual, because in section 6, to which section 8 refers, there is no provision whatever made for removal from one State to another.

I have alluded to the fact that this bill provided an extraordinary number of new crimes and methods of punishment, but in section 10 the committee say:

That any person, company, or corporation who shall knowingly violate the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred nor more than five thousand dollars, or by imprisonment for not more than one year, or by both fine and imprisonment.

If the Senator will state how it is possible to imprison a corporation, he will instruct the Senate. It declares that any corporation which knowingly violates the provisions of this act shall be fined and imprisoned.

Mr. JOHNSTON. Punished by fine or imprisonment.

Mr. INGALLS. "Or by both fine and imprisonment."

Mr. KIRKWOOD. We can fine a corporation.

Mr. INGALLS. There is one other objection to this bill which is, I think, fatal to it; and that is that it provides no period of limitation. Under the terms of this bill, should it become a law, there is created a separate, independent bureau of the Government, costing, as I have already said, an enormous sum of money, and committing the Government to an indefinite expenditure and without any limitation whatever of time. It is to continue, so far as this bill at least is concerned, as long as the Government shall endure.

Mr. KIRKWOOD. Congress can repeal it.

Mr. INGALLS. In order, Mr. President, to test the sense of the Senate on the constitutional objections to the bill as indicated in sections 2 and 3, I move to strike out, in lines 9 and 10 of section 2, the words "Secretary of the Treasury" and insert "Congress," and to strike out the word "who" after "Treasury" and insert "which;" so as to read:

And make report of the results of such investigation to Congress, which shall establish such regulations concerning the exportation and transportation of live stock, &c.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The Chair will state there is already an amendment pending to section 2, offered by the Senator from Virginia, [Mr. JOHNSTON.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 6062) donating certain lands in Lake County, State of Colorado, to the Veteran Union Association of Leadville, for hospital and burial purposes.

The message also announced that the House had passed the following bills:

A bill (S. No. 1728) granting a pension to Mrs. Lelia E. McCauley; and

A bill (S. No. 1004) for the relief of the sureties of Henry L. Norvell.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 688) for the relief of the sureties of Franklin Travis; and

A joint resolution (H. R. No. 387) authorizing the printing of 30,000 copies of the third report of the United States Entomological Commission.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 1381) to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes;

A bill (H. R. No. 6062) donating certain lands in Lake County, State of Colorado, to the Veteran Union Association of Leadville, for hospital and burial purposes;

A bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes;

A bill (H. R. No. 6969) making appropriations for the naval service for the fiscal year ending June 30, 1882, and for other purposes;

A bill (S. No. 1070) granting a pension to Jacob H. Eppler;

A bill (S. No. 1802) granting a pension to Ann M. Paulding;

A bill (H. R. No. 301) for the relief of William R. Wilmer;

A bill (H. R. No. 2331) granting pensions to the widow and minor children of Michael Meenan, deceased;

A joint resolution (S. R. No. 162) to grant the use of artillery, tents, &c., to be used at the soldiers' reunion to be held in Maine in 1881; and

A joint resolution (H. R. No. 178) authorizing certain books and mementoes in the possession of the Government to be placed in Memorial Hall of the National Lincoln Monument, at Springfield, Illinois.

FUNERAL OF HON. FERNANDO WOOD.

The message further announced that the House had passed a resolution for its adjournment this day at two o'clock p. m. as a mark of respect to the memory of Hon. FERNANDO WOOD, late Representative from the State of New York.

Mr. KERNAN. I ask that the resolutions received from the House of Representatives be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 19, 1881.

Resolved, That as a mark of respect to the memory of Hon. FERNANDO WOOD, late a Representative from the State of New York, and in order to permit the members and officers of this House to attend his funeral from his late residence in this city at three o'clock p. m., this House will adjourn this day at two o'clock p. m.

Resolved, That the Clerk communicate the foregoing resolution to the Senate, with an invitation to the members of the Senate to join the members of the House in attending said funeral.

Mr. KERNAN submitted the following resolutions; which were considered by unanimous consent, and agreed to:

Resolved, That pursuant to the invitation of the House of Representatives the Senate will adjourn this day at two o'clock p. m. in order to permit the members and officers of the Senate to attend the funeral of Hon. FERNANDO WOOD, late a member of the House of Representatives, from the State of New York, at his late residence in this city, at three o'clock p. m.

Resolved, That the Secretary communicate the foregoing resolution to the House of Representatives.

HOUSE BILLS REFERRED.

The bill (H. R. No. 688) for the relief of the sureties of Franklin Travis was read twice by its title, and referred to the Committee on Finance.

The joint resolution (H. R. No. 387) authorizing the printing of 30,000 copies of the third report of the United States Entomological Commission was read twice by its title, and referred to the Committee on Printing.

CONTAGIOUS DISEASES OF ANIMALS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 2097) for the establishment of a bureau of animal industry, and for the suppression and prevention of contagious diseases among domestic animals.

Mr. KIRKWOOD. I hope I shall not detain the Senate long, Mr. President. The bill submitted by the select committee of which the Senator from Virginia [Mr. JOHNSTON] was chairman originates from these causes. A number of years ago in Great Britain the disease of pleuro-pneumomia existed extensively and caused to the people of that country an enormous loss of money. Immense numbers of cattle died, and immense sums of money were expended in stamping out the disease, as the phrase goes. This being so, they are naturally desirous of preventing the reintroduction of the disease into that country. Within the last two or three years an extensive exportation of live stock from this country to that country has grown up. Commencing in a mere experiment, it has now grown until there are millions of dollars' worth exported in a year. But the exportation of our cattle there is embarrassed by the fear of the British people that those cattle will reintroduce this disease into their country; and therefore, knowing that this disease does prevail in a number of our States, they provide that when cattle are shipped from our shores to England they shall not be permitted to land and be sent out into the country, but shall be slaughtered within a very short time, three or four days, after their arrival, whatever their condition may be. We all know that the passage of steamers from this country to Europe is sometimes a rough one, and that a shipment of cattle going to England during one of these rough passages arrives there in bad condition. If it could so be that the cattle thus arriving in this condition could be allowed to go into the country, remaining one or two weeks or a month to recover from the effects of the voyage, they would be much more valuable than they are if slaughtered immediately on their arrival in their unfit condition.

As I have said, this disease prevails in our own country, but it prevails east of the Alleghany Mountains and not west; and yet the great bulk of our cattle industry, if I may use the expression, is west of the Alleghany Mountains, and the people in that section of the country find themselves in this condition, that because their cattle must pass through States in which this disease exists they are subjected to the embarrassment, the loss, the difficulty imposed by the orders of the privy council in Great Britain for their immediate slaughter after they arrive there. Therefore the object of this bill is to provide, in the first place, some means by which our exportation of foreign cattle can be relieved from this difficulty.

Another object of the bill is to prevent the spread of the disease, it being a contagious one, from the States east of the Alleghanies where it does exist into the States west of the Alleghanies where it does not exist. That is the second purpose of the bill; and it seemed to this select committee that it is a very important thing to do, if it can be done. The cattle trade of the West is a somewhat important item in the business of this country to-day. If I am not mistaken there were nearly a million and a half of cattle handled in the single city of Chicago last year. If that represents half of the entire cattle trade of the western country, there must be nearly three millions of cattle produced yearly to add to the wealth of this country. Giving a small estimate of their value, that item cannot be less than $100,000,000 a year. Now, if we could imagine $100,000,000 a year capitalized in money and owned by some half a dozen men, I apprehend there would not be any very great difficulty in getting the Congress of the United States to consider any question that might be raised or mooted here with reference to the care and protection of that accumulated capital; but this is an annual production of wealth, understand; and there are not six men or seven, but as many millions behind it. It may be that because it represents the production of $100,000,000 a year instead of $100,000,000 of capital, and because it has behind it six or seven millions of men instead of six or seven men, there is reason why it has been so difficult to have this question considered in the Congress of the United States. It is just this, Mr. President, and things like it, it is just the cotton of your country, the tobacco of your country, the cattle of your country, the breadstuffs of your country that enable you to bring about resumption and enable you to maintain resumption. It is just these things which will enable you to sell, if you can sell, the bonds you provided for in your funding bill yesterday; and it is just these things which will enable you to pay the interest on those bonds as it becomes due.

Because of these difficulties, the one as to the exportation of our cattle abroad and the other the danger of destroying this great industry in the Northwestern States and the Southwestern as well, the select committee brought before the Senate the bill now under consideration. I understood the Senator from Kansas to say that he was earnestly and heartily in favor of the object sought to be accomplished.

Mr. INGALLS. I said the "ostensible object."

Mr. KIRKWOOD. Yes, "the ostensible object," meaning thereby, I suppose, that the committee in reporting the bill did not intend to provide for the object I have named, but for some other object, which the astuteness of the Senator from Kansas had enabled him to discover.

Mr. INGALLS. I did not intend to intimate that the committee had not considered it and intended to carry out the object proposed.

Mr. KIRKWOOD. I did not know but what the Senator thought otherwise.

Mr. President, it would be a mere pretense for me to say that this bill in all its parts meets my approbation, because I submitted to the Senate some time ago a bill, not originated by myself but compiled from the bills of others, which expressed more nearly and more clearly the views I have on this subject than this bill does; but I have found in somewhat a long experience in life, that in order to effect any object where many minds must be consulted, there are but few men—and I am not one of them—who can have done the thing just precisely as they want to have it done; that where many minds must be consulted, there must be a concession, a yielding of views and opinions, in order to have a common mind represented by a common bill. In order to get the matter before the Senate and have some consideration of it at this session by the Senate, and as I hoped then by the House, I consented to the introduction of this bill as reported. There are in it things that I did not like; the machinery in it I did not like; but I hoped that when it reached the Senate it would be taken up in the spirit of doing something to accomplish the end proposed practically, and that it would not be met, as it appears it has been met, in a spirit of hypercriticism, in a spirit that searches through it for reasonable and as I must think unreasonable objections, but that an effort would be made to amend it where it needed amendment, or that if it were conceived to be incapable of amendment that the same degree of research spent upon it by the Senator from Kansas who has just spoken in finding fault with it, would have enabled him to perfect something to present as a substitute for it, so that he and I can join hands in accomplishing the end that he says he has in view and that I certainly have.

Mr. INGALLS. Will the Senator allow me one moment?

Mr. KIRKWOOD. Certainly.

Mr. INGALLS. It is my purpose, unless some other Senator anticipates me, to offer eventually as a substitute for this bill the amendment proposed by the Senator from Iowa who now stands before me.

Mr. MORGAN. I would like to submit to the Senator from Iowa, inasmuch as the proposition is opposed by the Senator from Kansas, that it would be better that the Senator should consent to a recommitment of this bill, so that the committee on Monday may bring in a bill confining the operations of the measure to transportation between the States and Territories, and between foreign countries and this country.

Mr. KIRKWOOD. I think I shall close in time for the Senator to make any motion he may choose to make in that direction; I prefer to go on.

I must repeat again that I think there are objections to this bill, somewhat serious objections to it. My colleagues upon the committee know that very well; but I do not think that the bill as presented is fairly liable to the criticisms that have been made against it by the Senator from Kansas. He speaks of that section of the bill in which a provision is made whereby under certain conditions the Treasury of the United States may be called upon to pay for cattle slaughtered in the States to prevent the spread of this disease, and he says that provision is made here for paying for animals slaughtered two-thirds of what the value of the animal would be if it were healthy; that an animal may be just on the verge of death by reason of disease, and yet that we are required under this bill to pay two-thirds the value of that animal if it were in a state of sound health. I do not so understand the bill at all. I presume if an animal were slaughtered that was upon the verge of death it would not be paid for at two-thirds the value it would have if in health. The language is not to pay two-thirds the value of the animal in health, but not exceeding two-thirds of the value. It may be that some animals ought to

be slaughtered for which it would be fair to pay two-thirds the value if in health. If disease gets among a herd and the animals apparently healthy and those known to be diseased have been running together in such condition and under such circumstances that those apparently in health are liable to contract disease, it may be safer to slaughter all and pay for those that are infected, those that are diseased, in such proportion of the two-thirds of their value if healthy as would be just, and to pay for those in which disease has not yet developed itself at all and which are apparently in full health two-thirds of their value.

Again, as to requiring this payment to be made out of the Treasury of the United States I have this to remark: the disease does not yet, thank God, exist in the West. It does exist in the older and richer States of this Union. We of the West are asking to have means taken to prevent it from spreading among us, and to do that experience has shown that the only way to stamp it out is to slaughter the animals infected and those that have been exposed to infection. Now, it might be and it would be the fair thing for the older States to do to pay for this out of their own treasury; but when we come to the Congress of the United States and say to them, "This measure is necessary for our protection," we are willing to say that the expense incurred in doing it shall be paid out of the Treasury of the United States, because it is done for our protection as well as for the protection of the States in which it really exists. The Senator from Kansas may not agree with me about that; he may think that New Jersey should slaughter and pay for her own cattle. I would be content if she would; but rather than that the cattle of New Jersey shall threaten the interest of the vast country in which I live, in which so much of the wealth of the people is invested, upon the continuance of which so much depends, I am perfectly willing that money shall be appropriated from the Treasury of the United States to be used for that, as I deem, legitimate purpose. We spend money for a great many purposes here.

Mr. MCPHERSON. May I interrupt the Senator a moment? I think the State of New Jersey has been slandered about enough without some attempt at defense. I wish to say to the honorable Senator that the people of New Jersey want neither sympathy nor charity. We have no diseased animals to send to Iowa or any other State. It is true there is some disease among animals in New Jersey, but it is found in stables where there is a heated and tainted atmosphere; but where the cattle are allowed to roam, as they are in the western country, in the open air, and have pure and wholesome food, there is no difficulty. We have never known a case of disease in New Jersey, except under the conditions I have named; and I believe that it is perfect nonsense to assert that pleuro-pneumonia or any other disease among cattle can be found in the western country, where they have a wide range, with plenty of pure air and plenty of wholesome food. What disease we have in New Jersey—and I admit we have some there, and also in New York—is occasioned by the evils in transportation by which animals are exposed to tortures and privations, brought to market and put in stables in a confined and heated air, and given unwholesome food, swill-slop, and so on.

Mr. PADDOCK. I should like to inquire of the Senator from New Jersey if there have been any cases of pleuro-pneumonia in his State that he knows of?

Mr. MCPHERSON. I do not know what pleuro-pneumonia is.

Mr. PADDOCK. There have been reports as to the existence of that disease in New Jersey and other States.

Mr. JOHNSTON. I have in my hand the report——

Mr. KIRKWOOD. I should prefer to go on.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The Senator from Iowa holds the floor and declines to yield further.

Mr. KIRKWOOD. I should prefer to go on and get through with what I have to say. I have an intense dislike of troubling the Senate with too many remarks on any subject.

Mr. JOHNSTON. I shall certainly not interrupt the Senator.

Mr. KIRKWOOD. I hope the Senator from New Jersey is right, both in stating that this disease does not exist in his State and that it is impossible that it shall exist in the Northwest; but I have found so many men equally as intelligent as the Senator from New Jersey who differ with him in opinion that I must be excused if I cannot accept his statement as conclusive.

I have made what remarks I desired to make upon the subject of the payments provided by one of the sections with which so much fault was found, and I do not wish to repeat them. Upon the general question whether it is right for us to take this money out of the Treasury, I repeat the remark I made, that we spend money for a great many purposes perhaps not as entirely legitimate as this might be; certainly not as useful as this will be I hope.

Mr. JOHNSTON. We paid for the ravages of the grasshoppers in Kansas and Nebraska.

Mr. KIRKWOOD. We shall be called upon by the Senator from Indiana, [Mr. VOORHEES,] the chairman of the Committee on the Library, some time before we adjourn, to pass a bill that involves the expenditure eventually, I suppose, of not less than $5,000,000, to put up an immense library building here in our city in which all books upon all subjects shall be gathered, in which we shall find room for all the yellow-covered literature of the day, everything copyrighted, things that in themselves, many of them, are a nuisance. The only imaginable use for them that I can conceive is that they shall be preserved for a hundred or two hundred years so that the curious antiquary of that remote day in looking back and inquiring about the people of this day will have the means of knowing what mental pabulum they fed on to some extent. All that kind of literature, so far as it is necessary to preserve it, had better be boxed up and placed away, I think, until the time shall come when it will be needed for the use I have indicated. A library for good books that contain useful knowledge is one thing; a library to gather together all the trash that is published of every kind that has value enough in the eyes of the writer to be copyrighted is a somewhat different thing.

The remarks of the Senator from Kansas with reference to section 5 of the bill have been, I think, already well answered by the Senator from Massachusetts, [Mr. HOAR.] A man less astute than the Senator from Kansas I think would not have discovered in this section the meaning that Senator has placed upon it. What was it that this simple-minded committee had in view when they incorporated the fifth section in the bill? Vessels arrive from abroad bringing cattle here. The Senator from Kentucky [Mr. WILLIAMS] himself may have sent to England for the purpose of getting high-bred cattle there to improve his fine herd; and yet it may be that this disease still lingers in England, and it may be that those cattle, coming over from there here and brought to Kentucky, may introduce by that means the disease among his herd, which I should so much regret. Now, what do we provide? We provide that rules and regulations shall be established under which, in accordance with the provisions of this act, cattle from abroad may be brought here, or by which cattle may be taken from one State to another. If, when cattle come from abroad here, they are found to be thoroughly diseased, it will be lawful under this act for the proper officers to cause their slaughter. If they are suspected of disease, it will be lawful to have them confined and quarantined until time shall develop whether they have that disease. It certainly did not enter into the contemplation of any members of the committee that, in providing this section of the bill, they provided for the importation of diseased cattle.

Mr. MAXEY. I should like to ask a question for information.

Mr. KIRKWOOD. I yield.

Mr. MAXEY. As I understand, all the bills referred to the Select Committee had reference exclusively to pleuro-pneumonia among cattle, which is a foreign disease imported to this country. Why was it that the bill was changed from one applying exclusively to horned cattle and to the specific disease of pleuro-pneumonia, so as to sweep in all live stock and every kind of disease?

Mr. WILLIAMS. The Senator is mistaken about that. My bill embraced all.

Mr. MAXEY. Under laws in most of the States, I presume under the laws of the Senator's State, whose diseased cattle have been slaughtered, if they remain unburied or unburned those who are at fault are liable to indictment in the State courts for leaving the carcasses exposed. Under the bill hundreds and thousands of cattle may be diseased, and slaughtered, but no provision whatever is made for disposing of the carcasses, and if not disposed of they would defile the air and create a great many more diseases than the bill seeks to extirpate.

Mr. KIRKWOOD. The question asked by the Senator from Texas is based upon a mistaken state of the facts. All the bills referred to the special committee were not confined to the single disease of pleuro-pneumonia.

Mr. MAXEY. I said I asked the question for information. I know the impression in the country has been that the measures presented related to pleuro-pneumonia only.

Mr. KIRKWOOD. The information of the Senator from Texas has not been correct in regard to that matter. In regard to the other statement, it is intended by the bill that these commissioners shall have the power to prevent the very condition of things that the Senator from Texas says may exist. The mere slaughtering of the cattle and leaving them above the ground is not required by this bill. The commissioners appointed under the bill are not restricted to the mere slaughtering of them, and thereby inferring a requirement that they shall be left above ground. This is not the extent of their authority.

Mr. MAXEY. It is the extent of the duty imposed upon them.

Mr. KIRKWOOD. They will have authority to do the very things the Senator from Texas says should be done; and I presume as sensible men they will exercise the authority.

Mr. MAXEY. I do not pretend that they could not do it; but the bill only requires them to slaughter the cattle; it does not require them to dispose of the carcasses.

Mr. KIRKWOOD. No; it does not. When a beef is slaughtered by the butcher nobody is required to eat it; but the natural end for which the animal is slaughtered in the one case is to be eaten, and the natural end for which the animal is slaughtered in the other case is to prevent it from becoming a nuisance. It is to be presumed, I think, that any set of men who will be charged with that duty would see that that end was accomplished.

Mr. MCPHERSON. Will the Senator yield to me a moment?

Mr. KIRKWOOD. I shall not be five minutes in concluding if I can be only allowed to proceed without further interruption.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. KIRKWOOD. I endeavored in the opening of my remarks to show to the Senate what I conceived to be the very great importance of passing some bill that will effect the two objects I have named

as the purpose to be accomplished by the bill. One is to aid so far as we can in removing the embarrassment and restriction under which our cattle are now exported to Great Britain. I said, and say again, that it is becoming of so much importance that to-day it swells by millions that balance of trade in our favor upon which so much depends. If we can encourage it by any legislation that will take out of the way of that industry for the future that which now embarrasses it and makes it of great risk and frequently a matter of loss to the men who engage in it, we shall be doing a good thing; we shall be strengthening the credit of the United States; we shall be aiding and making possible, as I before said, the placing of bonds bearing 3 per cent. interest not probable but possible. We shall be aiding in making it both possible and probable that we shall have the money to pay the interest upon those bonds and the principal of others that will fall due before them.

So with the other object this bill is designed to accomplish, the prevention of the spread of this disease into Ohio, into Indiana, Illinois, Kentucky, Tennessee, Michigan, Wisconsin, Iowa, Missouri, Kansas, and the great West beyond them where cattle are now herded by thousands and tens of thousands, adding to the wealth of the country.

I appeal to Senators, do not approach this bill in the spirit of criticism merely. If you believe these objects are worthy of accomplishment, come forward and aid in perfecting a bill that will secure them. Do not spend your ingenuity, do not spend your ability, do not spend your strength in carping and fault-finding with what others have attempted to do, but show something better in lieu of it; and when you shall have done so, for one, and I think I can speak for this committee as well, there will be no man here who will join more heartily or more cheerfully in aiding the passage of any bill which will accomplish those objects.

I apologize to the Senate for having delayed it so long.

Mr. MORGAN. I am satisfied that one feature of this bill is very important and is probably clearly within the powers of Congress under the Constitution, and that is to prevent the transportation of diseased animals between States and Territories and to and from the United States and foreign countries. I am equally satisfied that there is no other part of the bill that is within the powers of Congress under the Constitution. The resolution under which the bill was sent to the committee, as I understand it, was a resolution to report a bill confining the subject of the reported bill to the purpose of preventing the transportation of animals affected with pleuropneumonia. That is as far as I think the Senate authorized the committee to go in perfecting a bill.

With a view of having some progress made in this question which will enable us on Monday to pass a proper bill, I move that this bill be recommitted to the committee with instructions to report back a bill to the Senate for the purpose of regulating the transportation of cattle among the several States and Territories and to and from the United States and foreign countries that are affected with pleuropneumonia.

Mr. WILLIAMS. That would be the end of the bill for this session.

Mr. MORGAN. No; I will say to the honorable Senator we can take the bill up on Monday and pass it. If the Senate will not do that, and if the committee desire to defeat the proposition, it cannot do it any better than by undertaking to press the present measure upon the attention of the Senate, for it includes several propositions that many Senators, I am sure, regard as being entirely beyond the powers of Congress, and some of us think that the machinery of the bill is very unfortunate.

Mr. McPHERSON. Will the Senator from Alabama yield to me for a suggestion?

Mr. MORGAN. Yes, sir.

Mr. McPHERSON. I wish to state to the Senator from Alabama that there is now a bill in the Committee on Commerce which was introduced by me nearly two years ago, which has been considered by the Senate, regulating the transportation of animals. In my opinion, and I believe I can make it appear to the Senate, the mode of transportation is the cause of nine-tenths of the diseases that to-day afflict herds of cattle. If the Committee on Commerce would report that bill, or, acting in concert with the special committee, attach amendments covering certain points designed to be reached in the pending bill, it would make a perfect and complete measure under which effective action could be had.

Mr. MORGAN. I take it for granted that the special committee can report as good a bill as any other committee, perhaps; and as we have the subject in hand and it is now in consideration by the Senate it will be a very easy matter for that committee on Monday to report an amendment or substitute to this bill. Then we can take it up for consideration on Monday, and I believe that this very important measure can be passed during the present session of Congress. I ignore the importance of this question by no means; it is one that presses heavily upon public attention; but in the present attitude of the case we are not going to get this bill through the Senate in time at least for it to be acted upon by the House, and I cannot conceal the fact that there are objections to the bill entirely insuperable. The committee have unfortunately brought together various propositions which are incongruous, as the Senator from Kansas well observed. They have brought together certain features which we have a constitutional right to enact, and certain others which we have not a right to enact. It is an attempt to ingraft upon the power to regulate commerce a good many other things which are entirely foreign to it, and which invade the rights of the States and of the people.

Therefore I think the bill ought to be recommitted to the committee with a view to these considerations and they can bring in a bill for the transportation of animals with reference to the disease of pleuropneumonia. I make that motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama to recommit the bill, with the instructions suggested by him.

Mr. JOHNSTON. I can say for one member of the committee that our object is not to get a particular bill passed, but to get some bill passed; if we cannot get the bill we want, then to get some other measure through. I am perfectly willing, and, so far as I know, it is the sentiment of the committee, to take any bill that will be effective and operative. However, I suggest to the Senator from Alabama and to the Senate that any measure for regulating the transportation and exportation of cattle must be incomplete unless it is coupled with some sort of a measure for the extirpation of the disease. As long as the disease exists in the country here we can never make any regulation for the transportation of cattle that will be satisfactory.

Let me read on this subject, to show what the English Government thinks, a letter from Mr. Peel, the clerk of the privy council, to the under secretary of State, a very high and responsible authority, dated February 27, 1879:

> In reply I am directed to state, for the information of Lord Salisbury, that the lords of the council have carefully considered the orders given by the American Government for the inspection of cattle previous to exportation. Their lordships are, however, aware from their own experience that no system of inspection at the port, however perfect, affords complete security against the introduction of pleuropneumonia. So long, therefore, as that disease exists in the United States, their lordships regret that, looking to the provisions of the contagious diseases animals act, 1878, relative to importation of foreign animals, they are unable to modify the order of the 10th of February, 1879, which prohibits the introduction into Great Britain, except for slaughter, of cattle from the United States of America.

Mr. MORGAN. If the honorable Senator will indulge me one second, I will say to him that I grant fully the power of Congress to regulate commerce between the States and Territories so as to prevent the transportation of cattle that are diseased; but I do not and cannot admit the power of Congress to extirpate the disease in States by slaughtering animals and paying for them, or by any other means. So we differ upon the constitutional question.

Mr. JOHNSTON. It is quite certain that any measure which falls short of extirpating the disease in the United States will not attain what we desire. As long as we fail to pass a law of Congress for that purpose, so long will these restrictions which are imposed in our principal market exist.

Mr. McPHERSON. Why will it not attain it?

Mr. JOHNSTON. I have read a letter from the British privy council office stating the fact.

Mr. McPHERSON. I have here the evidence by a commission of the State of New Jersey, appointed by the governor of New Jersey under an act passed by the Legislature, which shows that every diseased animal during the year 1879 was slaughtered or placed in quarantine. What is there to prevent the people of every State in this Union from taking the same action with respect to their diseased animals that the State of New Jersey has done, according to its own report?

Mr. JOHNSTON. We know very well that Great Britain and all foreign nations that deal with the United States do not recognize any action by a State any more than this Government would recognize the action of Yorkshire or Berkshire or Shropshire or any other county in England. They look upon the States here as we do upon the counties there; and whenever we stop short of congressional action we shall not succeed. If we are to have any measure at all to be effective, it must be one passed by Congress. If the subject is important enough to require these restrictions upon trade there, affecting this great trade with Great Britain especially, we must do it through Congress by some act passed.

Mr. ROLLINS. What is the pending question before the Senate?

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama, [Mr. MORGAN,] to recommit the bill with the instructions which he indicated.

Mr. ROLLINS. I desire to say just one word.

The PRESIDING OFFICER. The Senator from Virginia still has the floor.

Mr. ROLLINS. Will the Senator from Virginia yield?

Mr. JOHNSTON. For a suggestion.

Mr. ROLLINS. I desire to say that I do not think it worth while to recommit this bill to the committee. There is no good that can be accomplished, in my judgment, by any such course of proceeding. The bill was considered diligently by the committee, of which I happened to be a member; and there was as radical a difference of opinion in the committee as has been exhibited here in the Senate. I believe that the only place to fight this out is here upon the floor of the Senate, and it is of no use to recommit the bill.

If the Senate will examine the amendment which was offered by the Senator from Iowa and the bill which was submitted by me, Senate bill No. 1893, they will find that the bill (Senate bill No. 1893) is simply designed to protect the transportation of animals. It is a very simple bill and embodies very much the idea suggested by the Senator from Alabama in his motion to recommit with instructions. I call

his attention to that bill. If any members of the Senate desire to embrace more than is contained in that bill it will be found in the amendment proposed by the Senator from Iowa.

Mr. PADDOCK. Is there anything in the bill of the Senator from New Hampshire or the amendment of the Senator from Iowa that authorizes the stamping out of the disease where it shall be discovered by slaughter?

Mr. ROLLINS. There is in the amendment of the Senator from Iowa. I would say before I sit down, and I am reminded that the time is rapidly approaching when the Senate is to adjourn, that the bill reported by the committee did not meet with my approbation. I think some measure of this kind is absolutely necessary, but I should be glad to support a different bill.

Mr. KIRKWOOD. It is impossible to have anything done at this session if the bill be recommitted again to the committee. They cannot report before Monday; the bill would have to be printed; a single objection would carry it over; appropriation bills are coming; and we must wrestle with what we have before us. We have the Rollins bill, the Williams bill, the bill submitted by myself, and the bill from the committee all before us, and we might, I think, take some one of them and propose it as a substitute to the pending bill, and try to get something done if the Senate desire to do anything. It will be impossible to have the action taken that the Senator from Alabama suggests. For myself, I cannot be with the committee on Monday next.

Mr. MORGAN. If the honorable Senator will allow me——

Mr. KIRKWOOD. I have said all I have to say. The matter is in charge of the Senate, and it must do as it deems best.

Mr. MORGAN. I will withdraw my motion, upon the understanding that the committee are satisfied with the suggestion, that on Monday they will report a substitute for this bill of the character which I have indicated, so that the bill will come up as the unfinished business and may not be displaced.

Mr. JOHNSTON. The bill will be the unfinished business anyway. We are to adjourn at two o'clock.

Mr. ROLLINS. I desire to give notice that unless some other bill is prepared by the committee and offered, I shall move Senate bill No. 1893 as a substitute for the bill now under consideration.

Mr. MORGAN. I withdraw my motion to recommit.

The PRESIDING OFFICER. The Senator from Alabama withdraws the motion to recommit with instructions; and the question now is upon the amendment to section 2, offered by the Senator from Virginia, [Mr. JOHNSTON,] and upon that he has the floor.

Mr. JOHNSTON. We have to adjourn, I understand, at two o'clock, and I am too limited as to time to say anything except to state that I shall endeavor to get a meeting of the committee and see if we cannot agree to something that will be acceptable to the Senate, and report it on Monday morning if we can.

Mr. INGALLS. Is the question on my amendment to the second section?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia, which precedes the amendment offered by the Senator from Kansas. The hour of two o'clock having arrived, under the resolution adopted a few minutes since the Senate stands adjourned until Monday next at eleven o'clock.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 19, 1881.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ELIZABETH DAVIS.

Mr. THOMPSON, of Iowa. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 4852) granting a pension to Elizabeth Davis; and that the bill be now taken up, and passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Davis, widow of Hannibal B. Davis, late captain of Company K, Fourth Regiment Missouri State Militia, to date from death of said Hannibal B. Davis.

The SPEAKER. The gentleman from Iowa asks that the Committee of the Whole on the Private Calendar be discharged from the further consideration of this bill, and that it be now passed. The Chair is advised that it has been considered by the Committee on Invalid Pensions, who have unanimously reported in favor of its passage.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. THOMPSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HERBERT JOYCE.

Mr. PRESCOTT. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 5748) for the relief of Herbert Joyce, and that the bill be now put on its passage. It has been considered by the Committee on Claims, who in a unanimous report have recommended its passage. The report can be read if any gentleman desires it.

The bill was read, as follows:

Be it enacted, &c., That the accounting officers of the Treasury Department of the United States are hereby directed to settle with and, out of any moneys in the Treasury not otherwise appropriated, pay to Herbert Joyce, late a private of Company B, Second Battalion Sixteenth United States Infantry, all bounty, pay, and allowances retained from him by reason of a sentence of a court-martial, approved April 23, 1866, remitted August 15, 1866, he having subsequently served for the full term of his original enlistment of five years, and has been honorably discharged.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

SURETIES OF HENRY L. NORVELL.

Mr. HOUSE. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (S. No. 1004) for the relief of the sureties of Henry L. Norvell, and that it be now put on its passage.

The bill was read, as follows:

Be it enacted, &c., That Andrew Hamilton and R. B. Castleman, and the heirs and personal representatives of James Woods, William R. Elliston, and M. G. L. Claiborne, be, and the same are hereby, released and discharged from any and all liability or payment of money upon a bond executed in the year 1864 by Henry L. Norvell as principal, and James Woods, William R. Elliston, M. G. L. Claiborne, Andrew Hamilton, and R. B. Castleman as sureties, conditioned as required by law for the performance, by said Norvell, of the duties of the office of revenue collector for the second district of Tennessee, and also are released from the payment of any judgment that may have been rendered upon said bond.

Mr. HOUSE. This bill has been passed by the Senate; the Committee on Ways and Means of this House has unanimously recommended its passage, which is also recommended by the Commissioner of Internal Revenue. There is no objection to it anywhere.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. HOUSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURETIES OF FRANKLIN TRAVIS.

Mr. ATKINS. I ask unanimous consent to have taken up for passage at this time a bill now on the Private Calendar, House bill No. 688, for the relief of the sureties of Franklin Travis.

The bill was read, as follows:

Whereas, on the 9th day of May, 1867, Joseph W. McCall, Young W. Allen, Wilburn H. Graves, Eli T. McGill, Priestley E. Parker, Henry McCall, and Jasper Ballew became the sureties of Franklin Travis, on his bond, executed on that day, as deputy collector of taxes, under an act entitled "An act to provide internal revenue to support the Government," and so forth; and

Whereas said bond was conditioned that the said Travis would execute and discharge the duties of deputy collector according to law, and the act of June 30, 1864, as amended by the act of March 1, 1865, was the law when the bond was executed; and

Whereas, by the law at the time said sureties executed said bond, they could only be liable for the amount of certain lists returned by assessors appointed for that purpose, and under the provisions of the act of July 13, 1866, with two months' supply of stamps denoting the tax on fermented liquors; and

Whereas, by an act of Congress approved July 20, 1868, the said collector was required to keep constantly on hand a large amount of stamps, and by said act his pay was changed, and the collector converted from a simple collector of assessed taxes into a public depositary of the public funds and valuables, the property of the United States, and the manner of collecting and paying over changed without the consent of the sureties, and the sureties deprived of the opportunity of knowing the amount for which they were liable, he being charged with the amount of stamps deposited with him, and the risk of the sureties greatly increased without their consent; and

Whereas the said Franklin Travis fully and faithfully kept and performed all the conditions of his said bond, executed on the 9th day of May, 1867, until after the passage of the act of July 20, 1868, and then made default to about the amount of twenty-nine thousand dollars, which liability was incurred on account of stamps which could not have come into his hands under any law existing at the time said bond was executed; and it would be contrary to the principles of justice that the sureties should be held liable for the amount of said default: Therefore,

Be it enacted, &c., That Joseph W. McCall, Young W. Allen, Wilburn H. Graves, Eli T. McGill, Priestley E. Parker, Henry McCall, and Jasper Ballew be, and they are hereby, released from all liability as sureties of the said Franklin Travis as collector of internal revenue, whether the said liability may have been fixed by judgment or be upon said bond executed by them on the 9th day of May, 1867.

Mr. ATKINS. If the House will indulge me a moment I will state that this bill has been unanimously recommended by the Committee on Ways and Means of this House.

Mr. MILLS. What are the facts?

Mr. ATKINS. The facts are simply these: the parties whom this bill proposes to relieve are sureties on the bond of a deputy collector of internal revenue. The bond was signed in 1867. By an act which became a law July 20, 1868, the responsibility of the collector was changed without the consent of the sureties, who thus became liable for certain stamps for which they could not have become liable under the law as it existed when they executed their bond.

Mr. WARNER. Is there a unanimous report?

Mr. ATKINS. The report from the Committee on Ways and Means is unanimous.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. ATKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair recognizes the gentleman from Iowa, [Mr. WEAVER.]

Mr. DUNN. I demand the regular order of business.

The SPEAKER. The regular order being demanded, the morning hour will now begin and reports from committees be received

Mr. WILSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON. Have I the right to give notice that I will on a certain day call up for consideration the Senate bill I hold in my hand, providing for a convention between this country and Nicaragua?

The SPEAKER. The Chair wishes to state that in his recognitions this morning he recognized two members on one side and two on the other and then went to the center of the House.

Mr. WILSON. Have I not a right to give such notice?

The SPEAKER. The Chair does not know whether the bill is privileged or not.

Mr. WILSON. It is to provide for a convention between this country and Nicaragua.

The SPEAKER. That is not a privileged report, so far as the Chair can see.

Mr. WILSON. I will give notice now, then, that on Tuesday morning I will try to call it up and put it on its passage.

The SPEAKER. The regular order has been demanded. It is the right of any member to demand the regular order of business; and, having been demanded, it will now be proceeded with.

Mr. ALDRICH, of Rhode Island. I move to dispense with the morning hour to-day.

Mr. COX. I hope the gentleman will withdraw that motion.

Mr. ALDRICH, of Rhode Island. No; I make the motion and demand a division.

The House divided; and there were—ayes 64, noes 64.

So (two-thirds not having voted in favor thereof) the motion to dispense with the morning hour was disagreed to.

MORNING HOUR.

The SPEAKER. The morning hour now begins at eleven o'clock and thirty minutes, and reports are now in order.

REPEAL OF TAX ON BANK CHECKS, ETC.

Mr. CARLISLE, from the Committee on Ways and Means, to whom various bills and memorials were referred on the subject of internal-revenue tax, reported a bill (H. R. No. 7208) to repeal all laws imposing taxes on bank checks, drafts and orders, bank deposits, friction matches, medicines, medical preparations, perfumery, cosmetics, cologne, and other articles; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MILLS. I ask by unanimous consent, Mr. Speaker, that the minority have leave to submit their views, and that an order be entered for the printing of the views of the minority with the majority report.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

AUTOMATIC RECORDING APPARATUS.

Mr. CONGER, from the Committee on Ways and Means, reported as a substitute for House joint resolution No. 303 a joint resolution (H. R. No. 403) providing for testing an automatic recording apparatus; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

EDWIN DE LEON.

Mr. KING, from the Committee on Foreign Affairs, reported a bill (H. R. No. 7209) for the relief of Edwin De Leon, late United States consul-general in Egypt; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HELPLESS AND DISABLED SEAMEN.

On motion of Mr. WHITTHORNE, the Committee on Naval Affairs was discharged from the further consideration of the bill (H. R. No. 6610) to encourage American seamen, and to provide for aged, helpless, and disabled seamen, and for other purposes; and the same was referred to the Committee on Commerce.

HENRY E. RHODES.

Mr. WHITTHORNE also, from the same committee, reported adversely on the petition of Henry E. Rhodes; which was laid on the table, and, with the accompanying report, ordered to be printed.

APPOINTMENT OF MATES IN THE NAVY AS ENSIGNS.

Mr. WHITTHORNE also, from the same committee, reported back adversely the bill (H. R. No. 6661) to appoint those now holding rank as mates in the Navy ensigns not in the line of promotion; which was laid on the table, and, with the accompanying report, ordered to be printed.

ENROLLMENT OF VESSELS BUILT IN FOREIGN COUNTRIES.

On motion of Mr. WHITTHORNE, the Committee on Naval Affairs was discharged from the further consideration of the bill (H. R. No. 4068) providing for the registry or enrollment of any vessel built in a foreign country; and the same was referred to the Committee on Ways and Means.

OFFICERS AND SAILORS OF FARRAGUT'S FLEET.

Mr. WHITTHORNE also, from the same committee, reported a bill (H. R. No. 7210) to provide for payment of bounties due to the officers and sailors of the United States vessels under command of Flag-Officer D. L. Farragut, &c.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that that body had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 3047) to authorize the commissioners of the District of Columbia to recommend a proper site for a union railroad depot in the city of Washington, and for other purposes.

It further announced that the Senate insisted upon its amendments to the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for other purposes, disagreed to by the House of Representatives, and asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOOTH, Mr. WITHERS, and Mr. ALLISON as managers of said conference on its part.

It further announced that the Senate further insisted upon its amendments to the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1882, and for other purposes, numbered 30 and 31, disagreed to by the House, and asked for a further conference on the disagreeing votes of the two Houses, and had appointed Mr. WALLACE, Mr. BECK, and Mr. WINDOM as managers of said conference on its part.

It further announced the passage of a bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes, with amendments in which concurrence was requested.

It further announced concurrence in House concurrent resolution that there be printed at the Government Printing Office 15,000 copies each of the second and third annual reports of the Director of the Bureau of Ethnology of the Smithsonian Institution with the necessary illustrations, 7,272 copies of which shall be for the use of the House of Representatives, 3,000 for the use of the Senate, and 4,728 for distribution by the Bureau of Ethnology.

It further announced the passage of a joint resolution (H. R. No. 386) for printing the report of the Life Saving Service.

It further announced the passage of a joint resolution (S. R. No. 163) authorizing the loan to the committee on inaugural ceremonies of tents in the Government depots, in which concurrence was requested.

PROMOTIONS IN MARINE CORPS.

Mr. MORSE, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 6896) to establish and equalize the grades and regulate appointments and promotions in the Marine Corps; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CAPTAIN WILLIAM D. WHITING.

Mr. MORSE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 7050) for the relief of Captain William D. Whiting, of the United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PUBLIC GROUNDS, CITY OF CHICAGO.

Mr. CONVERSE, from the Committee on the Public Lands, reported back, with an amendment, the bill (H. R. No. 6624) to confirm to the city of Chicago the title to certain public grounds; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

WINDER'S BUILDING, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. ATHERTON, from the Committee on Public Buildings and Grounds, reported back, with an amendment, the bill (H. R. No. 1433) to extend Winder's Building for the use of the War Department;

which was referred to the Committee of the Whole House on the state of the Union, and, with the amendment and accompanying report, ordered to be printed.

THOMAS S. COGLEY.

Mr. HOSTETLER, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 5893) granting an increase of pension to Thomas S. Cogley; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CATALOGUE OF GOVERNMENT PUBLICATIONS.

Mr. SINGLETON, of Mississippi, from the Committee on Printing, reported back, with amendments, the bill (H. R. No. 6905) to authorize the publication of a catalogue of Government publications from 1870 to date; which bill, with the amendments and the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

REPORTS FROM INTEROCEANIC SHIP-CANAL COMMITTEE.

On motion of Mr. CONGER, by unanimous consent, the report of the Select Committee on Interoceanic Ship Canal, in reference to the Eads bill, was ordered to be printed.

The SPEAKER. The gentleman from Kentucky [Mr. OSCAR TURNER] made a similar request a few days ago in reference to the views of the minority.

PUBLIC BUILDINGS, DETROIT, MICHIGAN.

Mr. SHALLENBERGER, from the Committee on Public Buildings and Grounds, reported back, with amendments, the bill of the House No. 7119, to authorize the Secretary of the Treasury to purchase a site and to enlarge the present Government building in the city of Detroit, Michigan, or to provide for the purchase and erection of Government buildings in said city; which bill, with the accompanying amendments and report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

ORDER OF BUSINESS.

Mr. COX. I call for the regular order.

The SPEAKER. The Chair understands the gentleman from Kentucky [Mr. OSCAR TURNER] desires to rise to a question of personal privilege.

Mr. COX. If in order I call up the unfinished business coming over.

PERSONAL EXPLANATION.

Mr. OSCAR TURNER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. OSCAR TURNER. I read yesterday a copy of the Courier-Journal, a paper published in my State and which circulates through my district, with an article marked, containing what purports to be the remarks of a Representative from Texas (Mr. REAGAN, chairman of the Committee on Commerce, who reported the river and harbor bill to this House) to the correspondent of that paper, C. E. M., in which he singles me out of the eighty-six members who voted against the river and harbor bill when he attempted to pass it under a suspension of the rules, and failed, reflecting upon my action in an unkind, ungenerous, and unjust manner, attributing to me insincere motives in my vote against that bill and a want of patriotism. I would not notice it at all if it did not purport to come from one for whom I have always had the highest esteem and regard since I have been a member of this House, and with whom I have acted in unison in all his efforts to pass his interstate-commerce bill to protect the people from these railroad monopolies, but with whom I was compelled to differ in regard to the river and harbor bill, and against which I voted.

Mr. Speaker, I do not intend to be placed in a false position upon that question. Now, what are the facts? At the last session the gentleman reported the river and harbor bill having in it several hundred items of appropriations, many of them to harbors and streams comparatively unknown and insignificant. He moved to suspend the rules and pass it, and under the rules of this House no amendment could be offered and only fifteen minutes given to those opposed to it to offer an objection. The bill appropriated over eight millions of dollars. I regarded the bill, to say the least of it, a very extravagant and injudicious one. It made but small appropriations to the Mississippi, the Ohio, Cumberland, and Tennessee, all large, navigable streams for hundreds of miles.

Mr. CONGER. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. CONGER. I submit that this is going beyond the question of personal privilege. There is nothing, so far as the gentleman has stated, which indicates that this is a question of a personal character.

The SPEAKER. The Chair thinks that this is hardly a personal explanation, but rather partakes of the nature of an argument.

Mr. CONGER. It is plain that so far, at all events, the gentleman has made simply an argument.

Mr. OSCAR TURNER. If the gentleman will keep his seat for a moment and listen he will see that I am not going outside of the rules of this House or of the question of personal privilege.

The SPEAKER. The gentleman will proceed under the rule.

Mr. OSCAR TURNER. Much of the balance was to small streams of an insignificant character, of which I and many in this House had never heard. I therefore felt it my duty to vote against it, and did so with forty-eight others, there were not voting sixty-five. It went to the Senate, and while it was under consideration Mr. JAMES BECK, one of our Senators from Kentucky, whose long experience in this House and as a member of the Senate entitle his opinions to much respect, at least in Kentucky, gave his opinion of that bill to the Senate in the following words in a speech made in the Senate June 1, 1880, to be found in the CONGRESSIONAL RECORD, volume 43, page 4016, second session of Forty-sixth Congress, as follows:

Mr. President, the democratic party pretended—perhaps that is a better word than proclaimed—when it came into power that it was going to relieve the country from taxation. It has done very little in that regard. It professed that it was going to be reasonably economical in the expenditures. It has endeavored to keep its word in that regard; but this bill is to-day the most extravagant of the bills that ever were sought to be passed by any Congress so far as I recollect.

If we are to be a failure in reducing taxation, and we are going to increase expenditures, then of course we enter the next canvass very well loaded. It is well to speak plainly, because the country understands it. I read the New York papers of to-day and yesterday, in which they are now asserting with great emphasis and with some truth that we are more extravagant in our expenditures than any Congress has been before. The Secretary of the Treasury has taken extreme pains in all his reports to beg us to keep within the estimates; and if we go beyond them it will not be his fault, because he has warned us over and over and over again that we could very well keep within them and yet have enough for all purposes.

What are the estimates for the rivers and harbors for this country? Five million and fifteen thousand dollars as submitted by the Secretary of the Treasury. Now we have made the appropriation in this bill between nine and ten millions of dollars. Here is what the Secretary says; I hold the book in my hand, and that is the reason why I have been making several suggestions to-day. After giving the list of what the engineers have said ought to be done, the whole amount of which was $14,326,650, the Secretary adds this note:

"Reduction by Secretary of War to make this aggregate correspond with the aggregate of his estimates for rivers and harbors, as submitted December, 1878. (Estimate Book for 1878-'80, p. 138.) $9,311,650; total harbors and rivers, $5,015,000."

That is what the Secretary of the Treasury asks for; that is what he says the Secretary of War demands; and yet a professed democratic Congress presents a bill now close on to $10,000,000, double the estimates of a republican Secretary of the Treasury, of a republican Secretary of War, and seeks to put every dollar of this money into the hands of republican electioneerers to carry the next election, and there is where half the money will go. I have endeavored as far as I could to keep within the estimates. I have endeavored to keep clear of a proper charge being made that we were extravagant beyond what the heads of Departments demanded.

Savannah is a great city; and I will say to the Senator from Georgia that when his State had no representative here and I was at the other end of the Capitol, I labored until we had all the appropriations that we could possibly get to clear out all the obstructions from the harbor of Savannah, and do whatever we could for her, and to-day I say she is one of the great harbors that ought to be cared for. The difficulty is that every saw-log stream, every creek in everybody's district has been forced upon this committee until they have been unable to hold up. The Committee on Commerce has endeavored to do all that it could, and I have been amazed at the Senator from North Carolina that he has been able to do as much as he has done in holding this bill down to where it is in the pressure made upon it.

I refer to his views to show from the opinion and facts stated by him—and he is an old and experienced member—that so far from the criticism purporting to have been passed upon me by the honorable gentleman from Texas being just, that I did right in voting against that bill, and that it was not "parsimonious," but patriotic to do so, and it would have been a good thing for the country and the tax-payers if that bill had been defeated so far as any material benefit to commerce is concerned.

Now, Mr. Speaker, how is it with the present river and harbor bill? It is a bill containing several hundred items of appropriations, amounting to $10,179,800—$2,000,000 more than the last bill. The bill is a little better in some respects than the one passed last session, and much worse in others. I regarded it as extravagant and unwise, and a monstrosity. The gentleman from Texas would not let the bill go upon the Calendar and be submitted to the Committee of the Whole House to be investigated and amended, but moved to suspend the rules and pass the bill in the same way he had the last bill, allowing no amendment, and only fifteen minutes for debate to those of us who did not approve of the bill as it was. I felt it my duty to those whom I have the honor to represent on this floor to vote against it, and I did so. I was not alone. Who else voted against it? Let the record speak.

NAYS—86.

Anderson,	Dwight,	Ladd,	Sapp,
Atherton,	Einstein,	Lapham,	Scales,
Bailey,	Ferdon,	Le Fevre,	Slemons,
Beltzhoover,	Field,	Lindsey,	Smith, A. Herr
Bicknell,	Finley,	Lounsbery,	Sparks,
Blackburn,	Fisher,	McCoid,	Springer,
Bowman,	Forsythe,	McCook,	Steele,
Briggs,	Frye,	McMahon,	Thomas,
Browne,	Geddes,	Morrison,	Thompson, Wm. G.
Camp,	Gillette,	Murch,	Townshend, R. W.
Chittenden,	Godshalk,	Neal,	Turner, Oscar
Clymer,	Hall,	Norcross,	Tyler,
Cobb,	Hammond, John	O'Reilly,	Updegraff, J. T.
Coffroth,	Hammond, N. J.	Osmer,	Updegraff, Thomas
Colerick,	Haskell,	Prescott,	Valentine,
Converse,	Heilman,	Ray,	Van Voorhis,
Cowgill,	Hill,	Rice,	Weaver,
Cox,	Hostetler,	Richardson, D. P.	Whitthorne,
Davis, Horace	Hutchins,	Robinson,	Wood, Walter A.
Davis, Joseph J.	Ketcham,	Russell, Daniel L.	Young, Thomas L.
Deering,	Killinger,	Ryan, Thomas	
Dickey,	Kitchin,	Ryon, John W.	

Many of those voting against the bill were old distinguished members of this House.

NOT VOTING—46.

Armfield,	Gibson,	Miller,	Starin,
Bachman,	Hawley,	Mitchell,	Stephens,
Barlow,	Henry,	Morton,	Stevenson,
Bayne,	Hiscock,	Muller,	Taylor, Ezra B.
Belford,	James,	Nicholls,	Taylor, Robert L.
Blount,	Jorgensen,	O'Brien,	Van Aernam,
Bright,	Joyce,	Overton,	Warner,
Butterworth,	Klotz,	Page,	Wilber,
Caldwell,	Knott,	Richmond,	Wood, Fernando
Carlisle,	Manning,	Robeson,	Yocum.
Clark, Alvah A.	McKenzie,	Scoville,	
Ewing,	Miles,	Singleton, J. W.	

So (two-thirds not voting in favor thereof) the motion of Mr. REAGAR to suspend the rules was not agreed to.

Many of those not voting were paired against the bill, among the number Mr. CARLISLE and Mr. CALDWELL of Kentucky. (See CONGRESSIONAL RECORD of February 8th, 44th page.) Mr. KNOTT was opposed to the bill and voted against it after it had passed the Committee of the Whole House, February 17th. Now, sir, it will be seen that Hon. J. S. BLACKBURN, Mr. CALDWELL, Mr. CARLISLE, and Mr. KNOTT, all members from my State, did not vote for the bill under the suspension of the rules. They are all older members than myself—have seen more of these bills—and for that reason I refer to their action, and because we represent a common interest. But, sir, I care nothing about that, for I should have voted against it alone in the discharge of a duty to those who elected me.

Mr. HATCH. Mr. Speaker, I rise to a question of order.

The SPEAKER. The Chair thinks the gentleman from Kentucky is arguing the propriety of passing the river and harbor bill.

Mr. OSCAR TURNER. I will confine myself to the question of personal privilege, as the Chair will find in a moment.

Mr. HATCH. I insist upon the point of order that the gentleman is going beyond the question of privilege.

Mr. HENDERSON. It is an abuse of the personal privilege.

Mr. OSCAR TURNER. If gentlemen will wait for a moment they will see that it is a direct attack upon my vote upon this bill; which I have a right to answer and defend.

Mr. HATCH. I insist upon my point of order.

The SPEAKER. The Chair thinks that as the attack, in addition to what has already been said by way of objections of gentlemen to the present mode of proceeding, was not made in the House that the gentleman should confine himself strictly to the point of order.

Mr. OSCAR TURNER. It is a direct attack upon my action as a Representative of this House, and I have the right to vindicate myself. [Cries of "Go on!"]

Mr. Speaker, why is it that I am singled out of this list of eighty-six to be criticised by the gentleman from Texas in this unjust way reported? I have never been opposed to the improvement of the Mississippi, Ohio, Tennessee, Cumberland, and other great navigable rivers, and would vote as much to the improvement of their navigation as the gentleman from Texas. I believe, sir, it is economy to cheapen and improve water navigation of a national character for the benefit of commerce, and especially to benefit the farmers of the country in the transporting the fruits of their labor to market. Cheap water navigation is the most powerful aid to break down railroad monopolies that are crushing the agriculturists of the country. But, sir, I cannot afford to vote millions of dollars to small local streams and creeks that in all probability will never be remunerative, for the sake of getting a pittance for the mighty rivers that flow around and through my district.

Mr. Speaker, the district that I have the honor to represent fronts one hundred and seventy-five miles on the Ohio and Mississippi, and, sir, under the provisions of this bill not one dollar is to be expended within the limits of my district, nor do I believe the people I represent will derive a single dollar of benefit from it. Why, sir, directly in front of my district, just above the mouth of the Ohio, lies a ledge of rocks in the river known as the Grand Chain. It cuts off in low-water the communication except for very small boats between the mouth of the Cumberland and the Tennessee and between Paducah, a fine commercial city in my district, and the Mississippi River; besides this it is a barrier that locks up the river commerce of Illinois, Indiana, Ohio, Pennsylvania, Kentucky, and all Tennessee that lies upon the Tennessee rivers, for six months in the year. Each one of these States pays into the Treasury annually in internal revenue alone more than all the New England States together.

In 1878 the State of Kentucky paid into the United States Treasury over six millions of dollars in internal revenue alone. The district, part of which I represent, paid into the Treasury over one million.

Since 1863 Kentucky has paid into the United States Treasury the sum of $109,000,000; Illinois, $230,000,000; Indiana, $80,000,000; Ohio, $250,000,000, in internal revenue alone, and yet, Mr. Speaker, there stands that barrier locking up the river commerce of these greas States, and not one dollar out of the ten millions appropriated by thit bill to remove it. Sir, if it was in front of some small lake or ocean harbors it would be blowed out in twelve months if it cost a million of dollars to do it, and it would have been done long ago.

Mr. REED. I rise to a question of order. Does the Chair decide that is in order?

The SPEAKER. The Chair thinks the gentleman from Kentucky has gone beyond the rule applicable to questions of personal privilege, and is rather making an argument on the river and harbor bill than addressing himself to the matter of personal privilege.

Mr. REED. There are other gentlemen who might wish an opportunity, if it were allowed, to give their views on the river and harbor bill.

Mr. CONGER. I make the point of order that when a question of order is raised the gentleman speaking against whom it is made must take his seat.

Mr. REAGAN rose.

Mr. OSCAR TURNER. I claim that I have the right which every other gentleman has on this floor to vindicate myself when attacked in my capacity as a member of Congress; and I know the gentleman from Texas with his magnanimity would not prevent it. I have said nothing and done nothing to reflect on that gentleman. I have the greatest respect for him. I will conclude what I have to say in two or three minutes more. The whole amount appropriated to the Ohio River in the bill was $350,000; and $150,000 of that to be expended on a dam near Pittsburgh, leaving only the small balance to be scattered along over eight hundred miles, without any just system whatever.

Mr. KENNA. Mr. Speaker, the gentleman from Kentucky is unnecessarily sensitive. I never heard him accused of voting for a bill appropriating money for any purpose, either the necessary expenses of the Government or any other, except one, and that was for a public building in his district.

Mr. OSCAR TURNER. The gentleman from West Virginia, who is a member of the Committee on Commerce that framed the river and harbor bill, need not be so sensitive; he has gotten through his appropriations in that bill for West Virginia, and he ought to be satisfied; he got an appropriation for public buildings last session, and I am not referring to him. His insinuation is not correct in regard to my votes; I have voted for all necessary appropriation bills that were not extravagant, and against those that I thought were so.

Mr. KENNA. I hope my remark was heard by the House.

The SPEAKER. The Chair did not hear it in the confusion, but probably the reporters heard it. The point of order is made that the gentleman from Kentucky is not confining himself to the personal explanation.

Mr. OSCAR TURNER. I will show to the House and to the Speaker that I am. [Applause and laughter.]

The SPEAKER. The Chair will be glad to have the gentleman do so.

Mr. OSCAR TURNER. I do not speak without knowing what I am talking about. There has been an imputation made upon me. Here is the language of the gentleman from Texas, as reported in the Courier-Journal:

> There is OSCAR TURNER, for one, who is allowed for the rivers running through and sweeping around his district about two millions of dollars, and yet he votes a gainst the bill, though I have no doubt he would be very happy indeed to see it pass without his vote. He wants to get the credit of being economical, and his only idea of patriotism seems to be parsimony.

Have I not the right to vindicate myself from a charge and accusation of that kind?

Mr. CONGER. That is a proper question to be submitted to the House.

Mr. REED. I insist on the point of order.

The SPEAKER. The gentleman from Maine insists on the point of order.

Mr. OSCAR TURNER. I shall confine myself within the rules.

Many MEMBERS. Go on! Go on!

Mr. OSCAR TURNER. Sir, does any fair-minded man expect me to vote for a bill so unjust to my constituents and State that fronts eight hundred miles on the Ohio River? And, sir, is it just for the gentleman to charge me with parsimony, because I will not vote for such a bill? I think not; and, sir, I am not to be bulldozed, to use the language of the gentleman from Tennessee the other day, by any such unjust criticisms as are reported to have come from the gentleman, and which have gone over my district and State. Sir, since I voted against the last river and harbor bill I have been re-elected to a seat on this floor, and my vote against the river and harbor bill at last session was lugged into the canvass, and I met the issue and justified my vote against the bill at last session and was re-elected by a majority of over eight thousand over my democratic opponent and over five thousand over my republican oponent, and not, sir, through the agency of a convention, [great applause,] but by the free choice of the people of my district, a district that I am proud of. It has always been democratic, and is known from this fact as the Gibraltar of Kentucky; and, sir, as long as I have the honor to represent it I mean to bear aloft its standard and vote in accordance with what I believe to be the true doctrines of democracy. [Great applause.]

In conclusion, Mr. Speaker, permit me to say I do not impugn and I have not, either on this floor or off of it, impugned the motives of the gentleman from Texas in his vote on this or any other bill. I have always regarded him as an able legislator. He secured by this bill $750,000 for his own State, and no doubt feels justified in voting for it, and in reporting the bill it is a question for him and his constituents and none of mine to criticise his vote or action; and, sir, I claim the same right. I came here pledged to carry out retrenchment and reform, and as far as my votes and humble ability will permit I shall redeem the pledge to the people of my district. [Applause.]

Mr. REAGAN rose.

Mr. OSCAR TURNER. One more word.

Mr. VALENTINE. I rise to a question of order. I do not care how long the gentleman from Kentucky speaks, but I would like to hear what he says.

The SPEAKER. The House will come to order.

Mr. OSCAR TURNER. Sir, so far as his reference to parsimony is concerned I admire liberality, but liberality with a man's own money, and not with that that is wrung from the toiling masses of the country by an unjust system of taxation; and I do not think that voting for extravagant and useless appropriations is an elevated standard of patriotism. [Laughter and applause.] And as for his belief that I desired the passage of this bill, it is without the least foundation, for it is well known that I opposed this bill from the day it was reported, and voted against it when he attempted to pass it under suspension of the rules, and voted against it when put upon its passage the second time, as the record will show.

Mr. Speaker, as you know, I have never avoided responsibility since I have been a member of this Congress. I have attended every session and voted upon every question, except the final passage of the funding bill, as the record will show; and I voted for every amendment to the original bill reported by Mr. Wood that was reported by the Committee of the Whole House, and many in the committee. I voted for the shortest time and the lowest interest. I could not vote for the bill on its final passage, because I was opposed to funding the debt, for reasons I assigned on this floor, although it was greatly improved by our amendments, and I could not vote against it with the long-time and high-interest men who opposed every amendment and finally voted against the bill, without placing myself in a false attitude, so I did not vote at all; and it is the only instance in which I did not vote, and my vote would not have changed the result either way. I thank the Speaker and the House for the indulgence extended to me.

Mr. REAGAN. I can hardly say what I may have said in relation to this bill. I do not know how what I did say on any occasion got into the newspapers, for I certainly never was interviewed if what has been read purports to be an interview. I never was spoken to by anybody who wished my opinions to go into print. I know that while the contest was going on over the river and harbor bill I said to several friends around me—I do not know it has that reference—to men representing the Northwestern States, and speaking to friends who took no exception to what I said, that conventions had been held year after year where delegates from all along the Mississippi River, from Minnesota, Iowa, and Wisconsin, from Illinois, Missouri, Kentucky, and Tennessee, from Arkansas, from Mississippi, had passed resolutions asking the Government to engage in the improvement of the navigation of the Mississippi River. I did say to friends here, personal and political friends, who were voting against the bill on the floor, without meaning offense and without giving offense, that it was strange, after all the efforts made by the people of that valley to secure appropriations for the Mississippi River, they should be voting against the bill. I did not attempt or intend to impugn their motives. I had reference to that single question, and it may have been some such remark that is here referred to. I may have said, for I know I thought it, that the district of the gentleman from Kentucky [Mr. OSCAR TURNER] was the recipient of the benefits of an appropriation of $350,000 for the improvement of the Ohio River; that it was the recipient of benefits for the improvement of the Cumberland and the Tennessee Rivers which run through that district; that it was the recipient of the benefits of an appropriation of $1,000,000 for the improvement of the Mississippi River below Cairo, lying along one part of his district; and that it was to a large extent the recipient of the benefits that would flow from the $600,000 appropriated for improvements between the mouths of the Ohio and Illinois Rivers. And I expressed my surprise that after the struggle which had been made year after year to secure the improvement of that river, gentlemen so much interested in it should oppose the bill.

And certainly it never was in my mind to impugn the motives of the gentleman from Kentucky [Mr. OSCAR TURNER] or to deny or question his right to exercise his own judgment in regard to the bill. Nor was it ever in my mind to impugn the motives of any gentleman who felt that his duty required him to vote against the bill.

Mr. CONGER. After this friendly interchange of courtesies in the House, I think we can rest assured that there will be no collision elsewhere, [laughter,] and I make a point of order against a continuation of this debate.

The SPEAKER. The Chair sustains the point of order.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 301) for the relief of William R. Wilmer; and

A joint resolution (H. R. No. 178) authorizing certain books and mementoes in the possession of the Government to be placed in Memorial Hall of the National Lincoln Monument, at Springfield, Illinois.

FUNERAL OF HON. FERNANDO WOOD.

Mr. TUCKER submitted the following resolutions; which were read, considered, and unanimously adopted:

Resolved, That as a mark of respect to the memory of Hon. FERNANDO WOOD, late a Representative from the State of New York, and in order to permit the members and officers of this House to attend his funeral from his late residence in this city at three o'clock p. m. this day, at two o'clock p. m. this House will adjourn.

Resolved, That the Clerk communicate the foregoing resolution to the Senate, with an invitation to the members of the Senate to join the members of the House in attending said funeral.

UNITED STATES TENTS FOR INAUGURATION CEREMONIES.

Mr. MCGOWAN, by unanimous consent, introduced a joint resolution (H. R. No. 404) authorizing the Secretary of War to loan tents to the committee on inaugural ceremonies on March 4, 1881; which was read a first and second time.

The joint resolution authorizes the Secretary of War to loan to the committee on inaugural ceremonies the tents in the Government depots to be used by the troops and military companies visiting Washington on the 4th day of March next, provided the committee shall indemnify the Government against any loss or damage resulting from the use of said tents.

The joint resolution was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. COX. I expected to call up the apportionment bill at twelve o'clock to-day. Republican members on the other side of the House have advised me that at their conference held last night they did not arrive at a definite conclusion on the matter, but that by Tuesday next they would perhaps do so. I have urged this bill in season and out of season. I think it would be proper, perhaps, to defer still further to the republican members of this House.

Mr. KEIFER. What does the gentleman want?

Mr. COX. I expect to call up the bill the moment I have something definite from the other side; perhaps on Tuesday next. My friend from New York [Mr. COVERT] who has charge of the agricultural appropriation bill is ready to go on with it to-day.

Mr. CONGER. That would be satisfactory to our side of the House.

Mr. HUNTON. I ask consent of the House that an evening session be held on Monday next for the consideration of District of Columbia business.

The SPEAKER. Monday next will be suspension day; the gentleman could ask for Tuesday evening.

Mr. HUNTON. Tuesday is the 22d of February, and there probably will be no session that evening.

The SPEAKER. There will probably be a day session on Tuesday; the necessities of the session may require it.

Mr. HUNTON. I only want Monday evening.

The SPEAKER. Monday is suspension day for committees.

Mr. HUNTON. How would that interfere with an evening session on that day?

The SPEAKER. There might be a disposition on the part of the House, which should not be interfered with, to take a recess on Monday afternoon for the purpose of having an evening session, in order that all the committees, or as many as possible, might be called for motions to suspend the rules.

Mr. HUNTON. But if I get consent now that the evening session of Monday be set aside for the District of Columbia business——

The SPEAKER. That would require unanimous consent.

Mr. HUNTON. If there is any objection then I will ask for some other evening.

Mr. STEVENSON. While I do not desire to antagonize the suggestion of the gentleman from Virginia, [Mr. HUNTON,] I think it would be well that all the committees which have not been called may be called on Monday next for motions to suspend the rules. I will not object to the gentleman having any other evening which he may suggest, and I do not think the House will object.

Mr. HUNTON. Then I will ask that a recess be taken from five o'clock p. m. until seven and a half o'clock p. m. on Tuesday next, the evening session to be for the consideration of business from the Committee on the District of Columbia.

Mr. CONGER. It has been announced to gentlemen on the other side that our friends on this side had deferred their conference until Tuesday evening next, when they propose to occupy this Hall.

The SPEAKER. The Chair then would suggest to the gentleman from Virginia [Mr. HUNTON] to ask for a session on Wednesday evening.

Mr. HUNTON. The only objection I have to accepting that suggestion is that we have some bills to pass which will have to go to the Senate for action, and we desire to pass them as soon as possible.

The SPEAKER. A large number of members might desire to be engaged on next Tuesday evening in some other matters than attendance here.

Mr. HUNTON. If objection is made to Tuesday night, I will ask for Wednesday night.

Mr. CONGER. If the House prefers that there should be an evening session for District business on Tuesday, gentlemen on this side will be willing to postpone their business till Wednesday night.

Mr. HUNTON. I will not interfere with any conference that gentlemen may desire to hold.

The SPEAKER. The gentleman from Virginia now names Wednesday evening.

Mr. MCMILLIN. In order to decide whether to object or not, I wish to ask the gentleman from Virginia whether the object is at the proposed night session to go into the consideration of the bill which

provides for making the Government of the United States liable for $800,000 of outstanding certificates——

The SPEAKER. That bill is the unfinished business coming from the District Committee.

Mr. McMILLIN. Then as unfinished business it will come up for consideration.

The SPEAKER. The Chair thinks it would.

Mr. McMILLIN. Unless that bill is excepted from the operation of this order, I must object.

The SPEAKER. The gentleman cannot make a qualified objection.

Mr. HUNTON. I ask my friend from Tennessee not to object. I will tell him two reasons why this session should be held. One bill which we desire to bring up is to enlarge the court buildings——

Mr. McMILLIN. I am willing to consider that.

Mr. HUNTON. If the House is opposed to the bill which the gentleman has referred to let it be voted down. Another important measure which we desire to bring up is the bill providing for a temporary increase of the police force of the District, in view of the inauguration ceremonies. That is very important.

Mr. McMILLIN. I am willing that any measure may come up except the one I have indicated.

Mr. HUNTON. Let that be voted down if the House is opposed to it.

Mr. McMILLIN. I think the Government ought not to be made liable for those certificates.

The SPEAKER. The Chair suggests to the gentleman from Tennessee [Mr. McMILLIN] that he cannot make a conditional objection; the objection cannot be entertained unless it is absolute.

Mr. HUNTON. I hope the gentleman will not object.

Mr. McMILLIN. I do object unless that bill is excepted.

ORDER OF BUSINESS.

Mr. COVERT. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the agricultural appropriation bill.

Mr. KLOTZ. Before that question is put, I desire to ask a conference committee on a bill which has come from the Senate. [Cries of "Regular order!"]

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania [Mr. KLOTZ] later.

AGRICULTURAL APPROPRIATION BILL.

The question being taken on the motion of Mr. COVERT, that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the agricultural appropriation bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The CHAIRMAN. The pending paragraph of the bill will be read.

The Clerk read as follows:

PURCHASE AND DISTRIBUTION OF SEEDS, ETC.

For the purchase and distribution according to law, as provided in sections 526 and 527 of the Revised Statutes, of new and valuable seeds, plants, trees, shrubs, vines, and cuttings, and for testing by cultivation the value of such of them as may require such tests, and for the propagating of such as may be worthy of propagation, and for the distribution of the same among agriculturists in different sections of the country, according to the demands of climate and soil, $80,000.

The CHAIRMAN. To the paragraph just read the gentleman from Kansas [Mr. ANDERSON] moved an amendment, to add the proviso which the Clerk will read.

The Clerk read as follows:

Provided, That hereafter in making such distribution the Commissioner of Agriculture shall apportion three-fourths of all said seeds, plants, trees, vines, and cuttings among the several congressional districts, States, and Territories represented in Congress, according to their number and according to the demands of climate and soil, and he shall, upon the request of any Senator, Representative, or Delegate in Congress, distribute the quota due to the State, district, or Territory by him represented to such agricultural constituents therein as he may indicate; and the persons receiving such seeds, &c., shall inform the Department of the results of experiments therewith.

The CHAIRMAN. As a substitute for the paragraph and the amendment, the gentleman from Georgia [Mr. PERSONS] submitted what the Clerk will read.

The Clerk read as follows:

For the purchase and propagation and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, $80,000; an equal proportion of three-fourths of all seeds, plants, and cuttings shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their agricultural constituents, or shall by their direction be sent to their constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith: *Provided*, That $3,000 of this sum shall be expended in the discretion of the Commissioner in experiments for the improvement of the varieties and culture of cotton: *And provided also*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, from whom purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same; and the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, plants, cuttings, and vines.

Mr. AIKEN. I do not know, Mr. Chairman, that anything I may say upon the paragraph under discussion will induce a single member upon this floor to coincide with me in the views I entertain. I am opposed to the text of the bill, because if the Commissioner were allowed to execute the law as prescribed by the statutes organizing the Agricultural Department, the appropriation of $80,000 is more than enough. I am opposed to the amendment presented by the gentleman from Kansas, [Mr. ANDERSON,] because it requires the Commissioner of Agriculture to credit each member of Congress with a portion of the seeds bought for distribution. And I am still more opposed to the amendment offered by the gentleman from Georgia, [Mr. PERSONS,] because it distributes the purchased seeds without regard to their adaptability to the soil or climate of the section of country to which they are sent, in addition to requiring that three-fourths of all seeds purchased shall be equally distributed to Senators and Representatives in Congress.

Mr. Chairman, it is contended that the agricultural appropriation bill for the present fiscal year repealed the statutes organizing the Department, and that the existing method of distributing seeds promiscuously over the land, without their suitability to the locality sent—cotton-seed to Maine and spring wheat to Florida, &c.—will control the Commissioner of Agriculture through the next fiscal year in this distribution unless otherwise provided in this present bill. I venture the opinion here that upon this subject, as upon all others, there can be found eminent lawyers advocating both sides of the question; but knowing nothing of law myself, I can only suggest that common sense tells me that the moment the money has been expended in purchasing and distributing these seeds, that moment the appropriation bill dies of its own limitation. The $80,000 were expended for the purchase and distribution of seeds, and that done there is an end of that law. The manner of distribution was a mere incidental condition to that particular appropriation, and by no means influences or affects any subsequent appropriation for a similar purpose. Hence the statute remains instructing the Commissioner of Agriculture to distribute these seeds among agriculturists. And here the issue is made that Congressmen know better who are the successful agriculturists in their respective districts than the Commissioner of Agriculture does. Perhaps this is so; but I contend it is not the reputably successful agriculturists that are the most suitable men in whose hands to commit these seeds for propagation, but it is that class of plodding, energetic, painstaking farmers who are more intent upon improving seeds than they are upon the successful management of the farm who are peculiarly suited for this purpose, and such farmers are in every community, but oftener than otherwise are just the men that would be overlooked by Congressmen who must of necessity rely upon the reputation for agricultural success that a farmer has made for himself before he can venture to recommend him.

Nor will I admit that members of Congress are the best authority upon this subject. Two-thirds of this House are professional men, and it is nothing to their discredit to say that they themselves know nothing about farming or practical agriculture; and they have little better opportunity of selecting fit men to execute the purposes of this law than does the Commissioner of Agriculture. And it is my belief that if the voice of the farmers throughout the land could be heard they would prefer relying upon the judgment of the Commissioner of Agriculture in the distribution of these seeds to risking the promiscuous distribution by members of Congress. Gentlemen who assert that they are better qualified than the Commissioner to select parties who should be the recipients of these seeds seem to intimate that the Commissioner would make no effort to find out the most suitable farmers. I would respectfully remind these gentlemen that the present Commissioner addressed a printed circular to every member of Congress almost as soon as he was installed, asking each one to furnish him a list of such farmers in his district as he thought would be most willing and best able to assist him (the Commissioner) in complying with the letter as well as the spirit of the law as contained in the section we are now discussing. From this source, as well as through other channels resorted to by the Commissioner, I am satisfied he has a list of the most practical farmers in every township of every county of every State in this Union, as was asserted yesterday by the chairman of the Committee on Agriculture. This being the case, why is it the House is so clamorous to have control of the bulk of these seeds? It is not for me, Mr. Chairman, to question the motives that actuate any man, but I imagine the ability of congressional favors to buy votes has more to do with it than a desire on the part of the House to assist the Agricultural Department in developing the agricultural interests of the country.

Mr. Chairman, for many years Congress has assumed the right, not in conformity to law, but in my judgment in direct violation of law, to control the distribution of these seeds, and have compelled each successive Commissioner of Agriculture so to yield to their behests that he has been forced to buy far more seeds and very different seeds from those which the law suggests he should buy. The law says the Commissioner shall buy rare seeds, plants, bulbs, &c. Now, this morning I took occasion to look over the Commissioner's report with a view to ascertaining where, from whom, at what price, and what variety of seeds, plants, &c., the present Commissioner had purchased for distribution under the provisions of the agricultural appropriation bill for the present fiscal year, and I find that he purchased from B. K. Bliss & Son, of New York, $1,201 worth; from Peter Henderson, of New York, $2,380.50 worth; from James G. Gregory, of Marblehead, Massachusetts, $1,875.32, and from David Landreth & Sons, of

Philadelphia, $2,423, or a total of $7,879.83, nearly one-fourth of the entire amount purchased, and I doubt not at prices at which any intelligent farmer could have bought the same seeds from these seed men whose firms as well as their seeds are known throughout the entire country.

Now let us examine the seeds and their prices. First, there were cabbage-seeds varying in price from $1.40 per pound to $10 per pound. Mr. Chairman, I ask for information, can it be presumed that there is anything rare in cabbage seed only worth $1.40 per pound? An examination of the Commissioner's report shows this particular cabbage was "Landreth's large York," a cabbage as old perhaps as Landreth himself; but the Commissioner had to buy it to secure a bulk large enough to divide three fourths of it out to the three hundred and seventy-nine Senators and Representatives in Congress. For the amount purchased he paid $2,870.84, and it will be readily seen that had he confined himself to the purchase of rare seeds, as would have been his choice, doubtless, as required by law, he would only have had a fraction of a pound to give to each member of Congress.

A further examination of this report shows that he purchased forty-two hundred and eighty-seven dollars and eleven cents' worth of wheat at prices varying from $1.25 to $6 per bushel. Think you, Mr. Chairman, that any man owning a rare wheat would sell it for $1.25 per bushel? An examination of the report reveals the fact that this particular wheat of which there were nearly two hundred and fifty bushels purchased has no name, and I commend the prudence of the Commissioner in not naming it, for wheat that is not worth more than $1.25 and $1.30 per bushel is scarcely worthy of a name if it is to be classified as a rare wheat.

The Commissioner also purchased seventy-one hundred and ninety-six dollars and fifty-five cents' worth of early amber cane-seed, at fifteen cents per pound, and this particular purchase will well illustrate my views upon this subject. For three years the Department has distributed this cane-seed, and there I think it should cease. The introduction and distribution of this seed by the Department has conclusively shown that it can be grown with great profit in almost every State above the latitude of this city, and as we travel southward it becomes less valuable. Nothing more should be done by the Department with that seed, and yet the continued demand for it justified the purchase. Indeed there were requests sent to me for this amber cane-seed, as well as to other members, at the very moment that I was grinding them into meal on my own plantation to feed away to cattle, sheep, and hogs, for all of which it is a most admirable food.

I would not condemn this cane, for I have seen two crops of sirup boiled from a single planting, one in July and the other in October, and the second yield was heavier than the first. But the point I make is the Department had done its duty when it introduced, propagated, and distributed into every State in the Union this special cane. Further propagation and distribution of seed of that sorghum should have been left to private enterprise, and the money expended this year for this now by no means rare cane should have been otherwise invested. But the pressure of Congressmen upon the Commissioner in forcing from him to them the distribution of three-fourths of all the seeds purchased necessarily compels him to invest somewhat promiscuously, and prevents the possibility of his conforming to the spirit of the law which organized his Department.

Mr. Chairman, I find in the Commissioner's report another purchase which illustrates, too, my comprehension of what should be the purpose of the Agricultural Department. He bought one pound of coffee at $10. When I inquired what this meant I was told that some years ago the Department offered a premium of $10 for a pound of coffee grown anywhere within the limits of the United States. This was done because property-holders, and doubtless speculators in Lower California, were publishing to the world that coffee could be grown profitably in that State.

The Department, discrediting this assertion, either offered this premium by way of testing the adaptability of that section for the growth of this necessity, for which the United States pays annually many millions of dollars to foreign countries, or to protect purchasers from the imposition of land speculators. No pound of coffee has yet come, Mr. Chairman, from California; but a woman in Southern Florida, seeing the premium offered by the Department, at once set to work to test the climate, latitude, and soil of her section for the growth of this plant, and in a few years she reaped the reward of her labors by receiving $10 from the Department for a pound of coffee grown in her own yard, picked by her own hands, and sent, with a sprig bearing seeds, to the Commissioner. If a stimulus by this means can only be given to the farmers of Southern Florida to grow coffee, and any, even the most limited, success is attained, the Department will not only have been justified for this small expenditure, but the Commissioner would be warranted in making far greater efforts in attempting to make coffee a staple product of Southern Florida.

Mr. Chairman, one very serious objection I have to the practice of distributing seeds to the people through members of Congress is that it brings disrepute upon the Department among the thinking men of this country, who attempt to ridicule it as a mammoth seed store, gotten up by Congress for the purpose of distributing seeds gratuitously to their friends; and further, many Congressmen as well as the people profess to believe that they have a right thus to invest and expend the people's money. To such an extent has this been carried that year after year the same parties send to their Representatives their lists for seed, and never for a moment conclude it is their duty to buy a single package of seed with their own money. If members will only keep their lists from year to year they will be surprised how familiar they will become with these annual solicitations. Indeed, many people now think that Congress does keep a huge seed depository, for I heard a member say he had been requested by one of his constituents to send him one of his catalogues from which to make a selection of the seeds he wanted. No, Mr. Chairman, the practice is all wrong; and if we desire to benefit the Department we should reject the amendments and substitute offered to this section of the bill, and execute the law as it reads, both in letter and spirit.

Mr. COVERT. I desire, if I am permitted to offer an amendment to the pending substitute, to move to strike out, in line 89, the word "eighty" and insert the word "forty;" so the appropriation for this special seed-distribution shall be reduced to $40,000, and to add at the end of the paragraph that which I send to the Clerk's desk.

The Clerk read as follows:

Strike out "$80,000" and insert "$40,000;" also add to the substitute the following:

"*Provided also*, That the Commissioner shall report as provided in this act the place, quantity, and price of seeds purchased, from whom purchased, and the date of purchase; and nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same. And the amount herein appropriated shall not be distributed or used for any other purpose but for the purchase, propagation, and distribution of important and valuable seeds, plants, cuttings, and vines."

Mr. COVERT. I desire to say one word in support of the substitute I have presented. I made the statement to the House yesterday, as an expression of individual opinion, and that opinion is borne out by my friend from South Carolina, that if the phraseology of the original act is strictly adhered to in its spirit so far as this matter of seed distribution is concerned, the expense of the Government in this connection can be reduced just one-half. And it is because of this opinion that this amendment is presented; not as the action of the committee, but as my own individual action.

I hold, sir, that, to a very great extent at least, the amount of money annually appropriated by Congress for the purchase and distribution of seeds goes as a gratuity to an immense number of people in every section of the country who are neither practical farmers nor do they make those reports as to the results of the experiments which they have made with these seeds which can be of any benefit or service to the Department or to the agricultural interests of the country. If we go back to the old landmarks, if we go back to the spirit which prevailed and under which the original bill creating this Department was passed, that these seeds should be distributed to agriculturists who should make reports of their value and successful cultivation, the sum of $40,000, just one-half of the amount appropriated in this section, will be ample to carry out the design of this report. And I sincerely trust that the amendment to the substitute will be adopted in order that this House may show to the country that there is a sincere desire on its part to make this Department what it was originally designed to be under the organic law—a purely experimental department for the benefit of the agricultural interests of the country.

Mr. McGOWAN. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. McGOWAN. I make a point of order against the amendment to the substitute that it is not in order.

Mr. ANDERSON. It is too late to make that point.

Mr. McGOWAN. I appeal to the Chair whether it is too late to make the point of order or not.

Mr. HAYES. I make the point of order that it is too late. The question was before the House for consideration and discussion and the point of order should have been made at that time.

The CHAIRMAN. The Chair thinks it is too late now to raise the question of order against it. There is an amendment pending to the substitute already offered by the gentleman from New York. The question will first be taken on the amendment to the original section of the bill.

Mr. McGOWAN. I wish to say before the Chair proceeds to state the question that the gentleman from New York, the chairman of the Committee on Agriculture, took the floor and offered his amendment and then entered into a discussion of it. There was no opportunity to make the point of order until he had concluded. And I made it as soon as I could get the floor.

Mr. COVERT. It is too late to make that point now.

The CHAIRMAN. The Chair will hear the gentleman's point of order.

Mr. McGOWAN. My point of order is that this proposition changes existing law and is not in the line of reduction of expenditures. I will call the attention of the Chair to the decision of the chairman of the Committee of the Whole on yesterday, namely, that the appropriation bill of last year made no permanent legislation with reference to the distribution of seeds. That being true, the amendment proposed this morning does change the statute as contained in sections 526 and 527 of the organic act establishing this Department of Agriculture.

Mr. COVERT. I rise to a question of order.

The CHAIRMAN. The Chair will decide the question with a view to facilitating the transaction of public business. The Chair will decide, then, that the gentleman from Michigan would have had the

right to make his point of order and take the gentleman from New York off the floor even while discussing his proposed amendments. The Chair holds that it is now too late.

Mr. McGOWAN. I made the point of order as soon as I could get the floor.

Mr. COVERT. But the point of order was not made at the time the amendment was offered.

The CHAIRMAN. The gentleman did not make the point of order at the time, and the Chair holds that it is now too late.

Mr. DUNNELL. Mr. Chairman, the amendment which has been offered by the gentleman representing the Committee on Agriculture could not have been anticipated by the committee. The appropriation for the Agricultural Department is now before us for consideration and reported by his committee, namely, the Committee on Agriculture. Now, the chairman of that committee comes in and proposes to amend the report of his own committee by cutting down the $80,000 appropriated in the bill for the distribution of seeds to $40,000. I am opposed to that amount, and believe that the Government can well afford to expend $80,000 annually in the purchase of seeds for the benefit of the farming classes of this country. It is not possible for me, Mr. Chairman, to exaggerate the character or importance of the agricultural interests of the United States. It is a very small item after all in our aggregate expenses to allow this annual sum for the purchase and distribution of rare and useful seeds. I agree with the gentleman from New York [Mr. COVERT] that the Commissioner of Agriculture should purchase rare seeds as contemplated in the original act, and that it is his duty to do so. But he may purchase rare seeds with $80,000 as well as rare seeds with $40,000, and if he purchases rare seeds at all it is a matter of very considerable importance how the seeds are to be distributed.

Now, I do not sympathize with those who argue that all these seeds should be distributed by the Department. I state, Mr. Chairman, that the Representative from an agricultural district, if worthy of the trust to which he has been assigned by his constituents, is better qualified to distribute at least three-fourths of all the seeds than the Commissioner of Agriculture himself can possibly be. I know the farmers in my district. I know the enterprising farmers in my district. I know those who are anxious to get new and rare and valuable seeds. I know of men who will give them a fair and careful test, and the men who will return a report to the Commissioner of Agriculture as to their success and the result of their experiments with them; and I venture the assertion that more reports have been made from the men to whom I have sent rare seeds than from those who have been selected by the Commissioner of Agriculture, and to whom he has sent them himself.

We all know as a matter of fact that in many of our counties the officers of the county agricultural societies are not practical farmers. Frequently a lawyer is selected as secretary or other high officer of the agricultural association. Frequently he is a man who owns fast horses and wants to get himself elected secretary or treasurer or perhaps president of the agricultural county fair. That is the man who will get all the seeds for the county, and he will not know what to do with them and will not dispose of them regularly and fairly. I remember four years ago I requested the Commissioner to give me a half bushel of a certain quality of wheat which he was distributing. He declined, saying he was unable to do it; he had distributed the quantity he had to the agricultural societies. I went home and went into my post-office, and in the post-office was a half bushel of wheat sent to the secretary of the agricultural society, that was being eaten up by the mice in the office. That secretary had not an inch of land in the world. He had no interest in agriculture; he had an interest in a fast horse, and was, in fact, the county agricultural society. Now I insist I am better qualified, as the representative of the farmers of my district, to make a distribution than the secretary of any society in my district.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. ANDERSON] to the pending paragraph.

Mr. KEIFER. I desire to call attention to the state of the question. The gentleman from New York, if he had observed carefully, would have seen that in the substitute the latter part of his amendment already appears. So we do not want to vote on that. The amendment was to strike out $80,000 and insert $40,000, and add certain words, which are found in the amendment.

Mr. COVERT. That is understood.

The CHAIRMAN. The proposition pending is the amendment to the paragraph offered by the gentleman from Kansas, which the Clerk will now read.

Mr. HAYES and Mr. CONVERSE rose.

The CHAIRMAN. Debate is exhausted on that amendment, and a vote must now be had upon it. The Clerk will read the amendment.

The Clerk read as follows:

Add to the paragraph the following:

"*Provided*, That hereafter in making such distribution the Commissioner of Agriculture shall apportion three-fourths of the said seeds, plants, trees, shrubs, vines, and cuttings among the several congressional districts, States, and Territories, represented in Congress, according to their number and according to the demands of climate and soil; and he shall, upon the request of any Senator, Representative, or Delegate in Congress, distribute the quota due to the State, district, or Territory by him represented to such agricultural constituents therein as he may indicate, and the persons receiving such seeds, &c., shall inform the Department of the results of experiments therewith."

Mr. CONVERSE. I move to strike out the last word.

The CHAIRMAN. Debate has been exhausted on the pending amendment and no further amendment is in order.

Mr. ANDERSON. I rise to a question of order. The amendment which has just been read is an amendment to the paragraph. Then a substitute was offered by the gentleman from Georgia, and to that substitute an amendment has been offered by the gentleman from New York, [Mr. COVERT.] Does the vote come first on my amendment which has now been read?

The CHAIRMAN. The committee must first perfect the pending paragraph. The vote is on the amendment of the gentleman from Kansas.

Several MEMBERS. Let it be again read.

The amendment was again read.

The question being taken by a *viva voce* vote, the chairman stated that in the opinion of the Chair the "noes" had it.

Mr. ANDERSON. I call for a division.

Mr. CONVERSE. I desire to make an inquiry of the gentleman who has this bill in charge.

The CHAIRMAN. Debate is not in order. The House is now dividing.

Mr. YEATES. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YEATES. The gentleman from Kansas offered an amendment. The gentleman from Georgia offered a substitute for that amendment. Does not that come up first?

The CHAIRMAN. The vote must first be taken on the amendment to the pending paragraph, which has been read twice. The order is to perfect the paragraph before voting on the substitute.

Mr. VALENTINE. Does the Chair rule that an amendment to the paragraph should be voted on before the substitute?

Mr. YEATES. I had not completed my inquiry. The gentleman from Kansas offered an amendment. Then the gentleman from Georgia offered a substitute for that amendment. Then the gentleman from New York [Mr. COVERT] offered an amendment to the substitute. On which question is the vote to be first taken?

The CHAIRMAN. The first vote is on the amendment to the paragraph.

Mr. TALBOTT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TALBOTT. The gentleman from Kansas offered an amendment yesterday. The gentleman from Georgia offered a substitute for that amendment, and that substitute was reported by the Clerk. I wish to ask what would be the effect of a vote on the amendment without disposing of the substitute? Would not that carry the whole thing with it? Ought not the vote to be first on the substitute?

The CHAIRMAN. No, sir. The Clerk will read the rule for the satisfaction of the gentleman from Maryland.

Mr. CONVERSE. I rise to make a parliamentary inquiry.

Mr. VALENTINE. There is a question of order now pending. Let that be settled first.

The CHAIRMAN. The Clerk will read the rule.

The Clerk read as follows:

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected.

Mr. CONVERSE. I made the motion a while ago to amend the amendment by striking out the last word, and I understood the Chair to rule my amendment to the amendment out of order. I desire again to inquire of the Chair whether I have not a right to move to amend the amendment.

Mr. HAYES. I made the same motion to amend the amendment by striking out the last word.

Mr. CONVERSE. I desire to offer that amendment for the purpose of making an inquiry of the chairman of the Committee on Agriculture, who has this bill in charge.

The CHAIRMAN. The substitute is in the nature of a further amendment.

Mr. CONVERSE. The rule, as I understand it, says we may perfect the original bill or section first; that there may be an amendment to that, and also an amendment to the amendment, to be disposed of before a substitute is voted on. Now, Mr. Chairman, I propose an amendment to the amendment to the original paragraph.

The CHAIRMAN. The gentleman from Ohio [Mr. CONVERSE] moves to strike out the last word of the amendment. The gentleman is recognized for that amendment.

Mr. CONVERSE. Now, I desire to make the inquiry of the gentleman who has the bill in charge, what is the mode you propose whereby the Commissioner of Agriculture is to be placed in communication with the agriculturists all over the country? Has he got at the Agricultural Department a list of the men to whom he can intelligently distribute these seeds? If not, then on whom does he rely to make this distribution?

Mr. COVERT. I will say to my friend from Ohio [Mr. CONVERSE] what I said to the committee yesterday, that the Commissioner of Agriculture has in his Department the names of reliable correspondents in every town, in every county, in every State in this Union; men who are connected with agricultural societies; men who have established reputation in their own localities of devotion to the cause

of agriculture and of active participation in the interest of agriculture. I said then what I say now, that it seems to me that it is to men like these that seeds should be sent, so that the Department can have information as to the result of their cultivation.

My amendment seeks to limit the amount of the appropriation by cutting it down just one-half. If one-half of the amount here proposed is devoted to the purchase of seeds to be sent to men like these instead of being sent generally over the country, it seems to me that very much better results will follow the distribution.

Mr. CONVERSE. I desired to call the attention of the committee to this subject, and claim, as the gentleman from Minnesota [Mr. DUNNELL] claims, that persons who represent constituencies in this House know better who among their constituents are practical agriculturists than does any mere secretary of an agricultural society; and such representatives here would be quite as responsible to the people, as a general thing, as any officer of the Government would be.

Mr. ATKINS. Will the gentleman allow me to interrupt him a moment?

Mr. CONVERSE. One more remark. I will say that I believe I represent on this floor the most important and productive agricultural district in the United States. [Laughter.]

Many MEMBERS. Except mine.

Mr. CONVERSE. I will not except any, and I think the statistics will show it. In that connection I desire to say that I do not believe twenty persons in my district per year have received seeds from the Agricultural Department except through the member representing that district. I remember that when the chairman of this committee [Mr. COX] was the Representative from my district in this House the people of my district were well served in respect to receiving from the Agricultural Department seeds. He attended to the business for his constituents. Since then their interests have not been so well attended to. For one, I desire to say earnestly and to urge that three-fourths of the seeds, cuttings, &c., from the Department ought, in the interest of agriculture, to be distributed through the medium of members of Congress.

Mr. PERSONS. I had the honor of introducing the commissioner of agriculture of the State of Georgia to Commissioner Le Duc. I have nothing to say against Commissioner Le Duc. I am of the opinion that he is one of the very best men, if not the very best man, that has ever been at the head of that Department. But it is easily proven that he is without the necessary information to distribute these seeds in the best manner. I myself saw a list of his correspondents in the State of Georgia, and I was told by the commissioner of agriculture of that State that in one of the most important counties in the State there was but one solitary farmer who was on that list of correspondents, and he run but one plow.

Mr. NEW. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. NEW. I think we are all anxious to hear the views of the gentleman from Georgia, [Mr. PERSONS.] For one I was very much interested, so far as I was able to hear him yesterday. He cannot be heard with all this confusion, and I hope that the Chair will direct members to take their seats and have order restored so that we may hear him.

The CHAIRMAN. All members will take their seats, except the gentleman from Georgia, [Mr. PERSONS,] and the committee will come to order. [After a pause.] The gentleman from Georgia will proceed.

Mr. PERSONS. I wish to say that in making reference in this presence of great lawyers to "law" I only mean the law of the distribution of seeds. I wish to say that the Committee on Agriculture, of which I am a member, considered long and, as we believed, well, a year ago, how these seeds should be distributed. We came before this House with a report and asked you to adopt our bill as reported, which you did.

I know of no complaint of that plan save that made by members, who say that information being thus given to the people of this country that they had a right to these seeds, their constituents demanded seeds of them, and they would be glad to be rid of that trouble. Now, it is known to the country that members had the right to distribute these seeds. It will be known to the country that members themselves have voted away that right, if they do not continue to hold it; and they cannot escape the trouble of this distribution without, I apprehend, inviting censure from their constituents.

The very argument made by the distinguished gentleman from South Carolina, [Mr. AIKEN,] and the information which he gave this House this morning of the kinds of seeds that were bought and what prices were paid for them, he would have been wholly unable to have given to this House but for the law we made last year. He never before knew where they were bought.

Mr. AIKEN. Ever since I have been in Congress that information has been published in the Book of Estimates.

Mr. PERSONS. We did not find it last year as members of the committee. The Commissioner did not make his report to Congress; he made it to the Secretary of the Interior.

Mr. WILBER. The information was accessible.

Mr. PERSONS. I think $80,000 is a small amount to be appropriated for this purpose, when we come to consider the great good it will do the country. These agricultural seeds are in great demand all over the country. The demand comes from every section; and this is the fairest law possible, for it divides these seeds equitably, giving to each Senator or Member and each Delegate a fair proportion for distribution.

The objection is that under this provision the North gets cotton-seed which it does not want, and the South gets spring wheat which it does not want. But, as I remarked yesterday, some of us get public documents which do not suit our particular section; but we easily exchange them. You might as well undertake to determine how the books published by Congress shall be distributed as to try to regulate in detail the distribution of seeds. [Here the hammer fell.] I will merely add that my substitute does not change the law as we made it last year.

Mr. CONVERSE withdrew his *pro forma* amendment.

Mr. KEIFER. I renew the formal amendment. Mr. Chairman, I regret not a little that the gentleman in charge of this appropriation bill comes here and so early in its consideration attacks his own work. It seemed to some of us as though a majority at least of the Committee on Agriculture had taken a great deal of pains to change the existing law on the subject of distribution of seeds, plants, &c., over the country. After having considered all that we find the chairman of the committee willing this morning to strike out half of the appropriations; and then he makes a speech against this system of distribution.

As it appears that while we are here on this floor we are all experienced agriculturists, we ought all to have a little to say on this subject. I am in favor of the proposition of the gentleman from Kansas, and I do not object to the substitute offered by the gentleman from Georgia as a whole; but I think the latter undertakes to change existing law, and to do that which is always dangerous in a matter of legislation. I wish to call attention to that clause in the proposed substitute which undertakes to legislate in the interest of a single article of seed. The substitute proposes to devote $3,000 of the sum appropriated to the purchase and distribution of cotton-seed alone. Now it was stated here yesterday—I believe by my colleague from the Toledo district, [Mr. HURD]—that cotton is again king in this country. But the gentleman forgets that cotton has never been king in this country, as compared with the other products of the land. At least, looking back into the statistics for twenty years, it has never been equal to the common grass that is growing all over the country without any special cultivation.

Cotton is not the equivalent of the hay grown in this country. Yet it is a very important article, to be grown in the Southern country, and very valuable. But I am opposed to saying that $3,000 of the $80,000 proposed to be appropriated shall be devoted to the purchase of common cotton seed; for that is what it means. I am in favor of leaving the discretion where it always has been left—with the Commissioner of Agriculture, regulated as it is by section 526 of our Revised Statutes, giving him the discretion to purchase rare and valuable articles of seed. Let the distribution include cotton-seed, corn, if you please, all kinds of seed that the country needs and that should be distributed over the country generally.

I am in favor of giving to members of Congress the right to direct the distribution of the greater part of these seeds and plants, because I believe they are capable of distributing them to the proper persons. They get applications from the proper persons, for in all the agricultural districts of this country the agriculturists select men whom they are willing to trust in this matter. With the exception of the clause in the substitute to which I am now calling attention, I am disposed to favor it.

Mr. HAYES. Mr. Chairman, I wish to say that I am opposed to all these amendments and substitutes. I am in favor of the clause embraced in the original bill as reported from the Committee on Agriculture, providing for the purchase and distribution of seeds. I stand here as a friend to the Agricultural Department, and of the agricultural interests of this country. Like the gentleman from Ohio, I have the honor to represent a large agricultural district; and I know something in regard to the wants of the agriculturists of that district. I am in favor of this appropriation of $80,000 for the purchase and distribution of seeds. I am in favor even of expending a larger sum for the purpose, if we can put these seeds into such hands that they will benefit the agriculturists of the country. But I am decidedly opposed to purchasing, as has been done in the past, seeds that amount to absolutely nothing, or seeds which can be bought in any quantity at any seed store in any village of the land for a trifle. If we can buy rare seeds and plants and put them in the hands of practical men, where they will do good, I am in favor of the expenditure. But I am opposed to the distribution through members of Congress. Some gentlemen say that members of Congress know best who are the practical agriculturists of their districts. I say that the men who run our county and district fairs, the men who are themselves farmers, are those who understand best in regard to this matter. I would rather trust the secretary of any agricultural society in any county in my district to name the men to whom these seeds should be sent than to name them myself, because I think that the seeds, if sent to parties named by men identified with the agricultural interests, would be more likely to get into the hands of practical agriculturists than if sent to parties named by myself. Results are what I want. When we expend $80,000 each year for the purchase, propagation, and distribution of seeds and plants, I want something to show for it. These seeds and plants should be placed in the hands of men

who will test them in their particular locality and then report the result to the Commissioner of Agriculture.

Mr. HERBERT. Will the gentleman allow me to make a suggestion? If the Commissioner of Agriculture desires to get reports from persons to whom seeds are sent, all he has to do is to fold with each package of seed a request that the person receiving them shall report the results to him.

Mr. HAYES. Yes; but the packages sent out by members of Congress go, in nine cases out of ten, to parties whose only object is to get the seeds, and after that care nothing about the matter. Indeed, they would not report the result of their experiment if urged to do it. Now, let the Commissioner of Agriculture select one man, two men, or three men, where the county is large, in each county in the country, who are practical agriculturists and who will take an interest in the matter, send seeds or plants to them for experiment, ask them to report to him the result, and then we shall get something in the line of practical results—something to show for the money we are expending.

[Here the hammer fell.]

Mr. COVERT. I withdraw my formal amendment.

Mr. McGOWAN. Mr. Chairman, the Committee on Agriculture gave this matter very careful consideration. They went back to the statute and undertook to conform this agricultural appropriation bill to the provisions of that statute so these seeds might be distributed in accordance with its intent and spirit.

Now, Mr. Chairman, I take direct issue with my colleague on the committee from Georgia [Mr. PERSONS] when he says that his constituents are entitled to seeds. No man of his own right in this country is entitled to seeds. We have no right to take the people's money to purchase seeds with which to plant our constituents' kitchen gardens.

It is a notorious fact that with this great appropriation of $80,000 a year the Commissioner has had more money than was necessary to buy such seeds as are provided by the statute; that is, new, rare, and valuable seeds for distribution, and the result has been he has purchased white beans, cabbage seed, turnip seed, cucumber seed, and just such seeds as you and I can go to any seed store in the country and purchase for ourselves. He has bought them of the Rochester seed men and of Dean & Perry in my own city, and of Landreth & Son, other seed men of Philadelphia, to the extent of $5,000 and $10,000; ordinary and not new and rare seeds. Therefore the committee undertook to hold the Commissioner hereafter down to the provisions of the statute, remembering that statute was enacted after due deliberation and careful consideration and believing it to be conservative and right to do so.

We are simply violating every principle of this Government when we take the people's money to buy seeds in order that members of Congress may distribute them to their constituents, and thus save to those constituents the expense of ten cents each and going to the corner grocery to buy them.

Mr. BRAGG. Will the gentleman let me ask him a question?

Mr. McGOWAN. Certainly.

Mr. BRAGG. If the Commissioner of Agriculture has violated the law by buying such poor seeds for distribution, and has so squandered the public money in years past, with all the limitations we have been able to put upon him, why is it the Committee on Agriculture now recommend that we repeal all limitations and trust to his discretion as the only proper course to buy rare seeds to distribute to distinguished agriculturists?

Mr. McGOWAN. The question of the gentleman from Wisconsin involves two errors. In the first place, I did not say that he had purchased poor seeds, and, in the second place, I did not say, and I do not believe, we have attempted to repeal any law which restrains him. On the contrary, sir——

The CHAIRMAN. The gentleman's time has expired.

Mr. McGOWAN. I hope the interruption will not be taken out of my time.

The CHAIRMAN. The gentleman yielded to the interruption and, of course, it will be taken out of his time.

Mr. COVERT. I am constrained, Mr. Chairman, to move that the committee rise for the purpose of limiting debate on the pending paragraph and amendments thereto to one minute.

The motion was agreed to.

The committee accordingly rose; and Mr. TALBOTT having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had come to no resolution thereon.

Mr. COVERT. I now move the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill; and pending that motion I move that all debate be limited to one minute.

Several MEMBERS. Say ten minutes.

Mr. COVERT. I cannot; but must insist on closing debate in one minute so we may get through with this agricultural appropriation bill during the day.

The latter motion was agreed to.

The question then recurred on the motion to go into committee, and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. COX in the chair.

The CHAIRMAN. All debate on the pending paragraph and amendments thereto, by order of the House, has been closed in one minute.

Mr. UPDEGRAFF, of Ohio. Now, Mr. Chairman, it is a mystery to me how this agricultural bill ever got into this House in the shape in which we find it. It asks for an appropriation of $80,000 for the purchase of seeds, and yet nearly every member of the Agricultural Committee who has been on the floor seems opposed to the bill as it stands.

Now, how did it get here if the committee is opposed to it? It appropriates the utterly inadequate sum of $80,000 for the purchase of seeds and plants throughout the whole country. Now, there are in the United States 27,000,000 of people directly employed in agricultural pursuits. It is proposed to reduce the amount for purchasing seeds, plants, &c., to $40,000. That is $1 to each six hundred and seventy-five who are engaged in this pursuit, or to the whole population, who share more or less in the division, about one dollar to 1,300 persons, or thirteen people will receive one cent's worth. I hope a false economy will not strike us just here. Of course there are some losses, but all the money ever expended in this line has returned tenfold in increased production and wealth. I believe the benefits from a single variety of wheat sent out by this Department would more than reimburse the Government for all the money ever expended for this purpose.

The CHAIRMAN. The formal amendment is withdrawn. The question recurs on the amendment of the gentleman from Kansas, [Mr. ANDERSON,] which will be read.

Mr. ANDERSON'S amendment was again read.

Mr. DIBRELL. I rise to a parliamentary inquiry. Is not the first vote on the substitute of the gentleman from New York?

The CHAIRMAN. The Chair has decided over and over again that the first question is on perfecting the original paragraph.

Mr. WHITE. The gentleman from Georgia offered a substitute for that proposition, and is not the question first on his amendment?

The CHAIRMAN. The first question, as the Chair has already stated, will be on the amendment of the gentleman from Kansas, [Mr. ANDERSON.]

The committee divided; and there were—ayes 52, noes 67.

Mr. ANDERSON demanded tellers.

Tellers were ordered; and Mr. ANDERSON and Mr. COVERT were appointed.

Mr. CONVERSE. There is a misunderstanding about this amendment, and I ask to have it again reported.

The amendment was again reported.

The committee again divided; and the tellers reported—ayes 73, noes 52.

So the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment proposed by the gentleman from New York [Mr. COVERT] to the substitute proposed by the gentleman from Georgia, which the Clerk will now report.

The Clerk read as follows:

Strike out "$80,000" and insert "$40,000."

Mr. DIBRELL. When will the vote be taken upon the substitute?

The CHAIRMAN. The first vote will be taken upon the amendment and then upon the substitute. The question now is on the proposition to strike out "$80,000" and insert "$40,000."

The amendment was not agreed to.

Mr. DE LA MATYR. Mr. Chairman——

Mr. KEIFER. I wish to make a motion to amend the substitute.

Mr. DE LA MATYR. I would like to have the paragraph as amended read, and then the proposed substitute.

The CHAIRMAN. The gentleman from Ohio proposes to amend the substitute. The Chair will first entertain the amendment.

Mr. KEIFER. I move to strike out from the substitute the words commencing with "provided" where it first occurs in the substitute and including the words "that $3,000 of this sum shall be expended in the discretion of the Commissioner in experiments for the improvement of the varieties and culture of cotton."

Mr. WHITE. I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE. I understand that the amendment of the gentleman from Kansas has been adopted. Now the gentleman from Georgia has offered a substitute for the whole section. Do I understand that the substitute is the law of last year?

The CHAIRMAN. That is not for the Chair to answer.

Mr. WHITE. Can I have an answer from the gentleman from Georgia?

Mr. PERSONS. It is substantially the law of last year.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Ohio, [Mr. KEIFER.]

The amendment was not agreed to.

The CHAIRMAN. The question now recurs on the substitute proposed by the gentleman from Georgia, which the Clerk will report.

The Clerk read as follows:

Strike out, beginning with line 80, down to line 89 as amended, and insert: "For the purchase and propagation and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, $80,000; an equal proportion of three-fourths of all seeds, plants, and cuttings shall, upon

their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their agricultural constituents, or shall by their direction be sent to their constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith: *Provided*, That $3,000 of this sum shall be expended in the discretion of the Commissioner in experiments for the improvement of the varieties and culture of cotton: *And provided also*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, from whom purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same; and the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, plants, cuttings and vines."

The committee divided; and there were—ayes 74, noes 44.

Mr. ANDERSON. I ask for tellers.

Mr. HAYES. No quorum having voted, it would be in order for the Chair to order tellers.

The CHAIRMAN. No quorum having voted, the Chair will appoint tellers.

Mr. COVERT. I trust my friend from Kansas will withdraw his demand for tellers, as we are anxious to proceed to finish this bill before two o'clock, the hour fixed for adjournment.

Mr. WARNER. If he withdraws the demand I will renew it.

The CHAIRMAN. No quorum having voted, the Chair will appoint tellers.

Before doing so the committee will rise informally to receive a message from the Senate.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUNSBERY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. BURCH, its Secretary, was received, announcing that the Senate had accepted the invitation extended by the House of Representatives to attend the funeral of the late Hon. FERNANDO WOOD to-day.

Mr. CLYMER. I ask for the reading of the message from the Senate.

The SPEAKER *pro tempore*. The message will be read, unless there be objection.

There was no objection.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
February 19, 1881.

Resolved, That pursuant to the invitation of the House of Representatives the Senate will adjourn this day at two o'clock p. m. in order to permit the members and officers of the Senate to attend the funeral of Hon. FERNANDO WOOD, late a member of the House of Representatives from the State of New York, at his late residence in this city, at three o'clock p. m.

Resolved, That the Secretary communicate the foregoing resolution to the House of Representatives.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. Tellers having been demanded, the Chair will appoint as such Mr. ANDERSON and Mr. PERSONS.

The committee again divided; and the tellers reported—ayes 88, noes 34.

So the substitute was adopted.

Mr. WHITE. I now move to strike out from the substitute all that portion of it which provides that $3,000 shall be expended for the improvement in the culture of cotton.

Mr. CHALMERS. That has already been voted down once to-day.

Mr. VALENTINE. I make the point of order that it has been voted upon and rejected by the committee.

Mr. WHITE. This is to strike out a portion only of that substitute.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

Strike out the following words from the substitute:

("*Provided*, That $3,000 of this sum shall be expended, in the discretion of the Commissioner, in experiments for the improvement of the varieties and culture of cotton.

Mr. VALENTINE. Now I make the point of order that that has just been voted down by the committee.

The CHAIRMAN. The Chair sustains the point of order on the ground that this identical proposition has already been acted upon and rejected by the committee.

Mr. WHITE. But this is only to strike out a portion of the substitute.

Mr. VALENTINE. The same motion was made by the gentleman from Ohio, [Mr. KEIFER,] and was disagreed to by the committee. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FINLEY. I wish to ask the gentleman from Pennsylvania [Mr. WHITE] what are his reasons for striking out that portion of the substitute?

The CHAIRMAN. Debate is not in order. [Cries of "Regular order!"]

Mr. WHITE. I am not permitted to answer the gentleman now, but will do so privately.

The Clerk read the following:

Investigation as to insects injurious to agriculture:

For investigating the history and habits of insects injurious to agriculture; for experiments in ascertaining the best means of destroying them; chemicals, traveling, and other expenses in the practical work of the entomological division, $15,000: *Provided*, That to enable the entomological commission to complete and publish the data already obtained by them, with the investigations made, the sum of $5,000 of said sum of $15,000 is hereby appropriated, to be expended under the direction of said commission; and the report of the said commission, and an itemized statement of their expenditures, shall be made to the Commissioner of Agriculture.

Mr. UPDEGRAFF, of Ohio. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph the following:

"And the Commissioner is hereby authorized and directed to furnish in the next report of the Agricultural Department a comparison of the agricultural products of the United States for the period since 1861 and those of the like period of twenty years immediately preceding 1861."

Mr. UPDEGRAFF, of Ohio. Mr. Chairman, this amendment calls for some important and interesting information without requiring any special appropriation or expenditure, which I think will be of special interest in throwing some light upon propositions that were suggested yesterday by my colleague from Ohio, [Mr. HURD,] especially in reference to the disastrous consequences of the protective system upon the agriculture of our country.

During the last year to June 30, 1880, the agricultural exports of our country have been no less than $685,961,091. During the month of December last they were nearly twelve millions' worth more than in any one month in our history.

Now, I do not desire to go into any general discussion on this question at this time. But my colleague referred, and eloquently, to the halcyon days "between 1850 and 1860," when he said that under the good old democratic rule there was no protective tariff to embarrass the industries and the prosperity of the people. I am not going to attempt any answer myself. I will bring an authority that can answer in thirteen lines the whole argument on that branch of the subject which the gentleman made, ornate and flowery as it was. I admired the courage of my colleague, and I admired the courage of his colleagues on that side of the House, and their delight as they almost uniformly applauded him for his free-trade doctrines, especially in view of the fact of the humiliating attitude of their retreat in the midst of a canvass of their advocacy of that doctrine, which they had inscribed in their platform. The gentleman himself admitted the attempted change of front, and claimed it as one cause of their defeat. But the country had no faith in the professions of that party for protection in some places or for free trade in other localities. The people knew that however national the tariff issue may be, democratic profession of faith in it is absolutely "a local question." In the manufacturing districts of Ohio our democratic friends and that press declare themselves for protection, and I looked yesterday with some interest on that side of this House very generally applauding the most radical, not to say violent, free-trade utterances.

I have here thirteen lines that I desire to have read in this connection by the Clerk in his very best voice, for it is instructive history and lets in a flood of light on this whole subject. I ask the Clerk to read the part I have marked. It is from the annual message of James Buchanan, sent to Congress 8th December, 1857, exactly during the decade to which my colleague so triumphantly referred.

The Clerk read as follows:

We have possessed all the elements of material wealth in rich abundance, and yet notwithstanding all these advantages our country, in its monetary interests, is at the present moment in a deplorable condition. In the midst of unsurpassed plenty in all the productions of agriculture and in all the elements of national wealth, we find our manufactures suspended, our public works retarded, our private enterprises of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want. The revenue of the Government, which is chiefly derived from duties on imports from abroad, has been greatly reduced while the appropriations made by Congress at its last session for the current fiscal year are very large in amount. Under these circumstances a loan may be required before the close of your present session; but this, although deeply to be regretted, would prove to be only a slight misfortune when compared with the suffering and distress prevailing among the people.

Mr. UPDEGRAFF, of Ohio. Mr. Chairman, yesterday we had the poetry, the ideal beauties of free trade. My gifted colleague gave free rein to fancy and treated us to imaginary pictures of the glories of "white-winged free trade" that are to come in some Utopian future. The few lines that I have caused to be read reveal the cold, ugly, passionless facts concerning the said "white-winged" and its malign influence among the actualities of our national life. It is history. That outline was drawn by the hand of the last democratic President. It matters not that he attributes that wide-spread distress in part to other causes. That does not change the fact that continuously for thirteen years, and almost continuously for twenty-eight years the democratic party had controlled the Government which it had at last thus brought to the verge of ruin. During that time the protective system had been broken down, and with it down went the prosperity of all our industries. I will ask attention now only to two or three illustrations among hundreds which might be adduced. From 1828 to 1832 under fair protection our iron product increased 53 per cent. In 1832 under revenue policy the duty was reduced to 20 per cent. ad valorem, and from 1832 to 1842 our iron products did not increase one pound. Under a protective tariff that product increased 400 per cent. From 1846 to 1860 it increased only 11 per cent. under another revenue-tariff crusade. But from 1860 to 1876, under protection, it has increased more than 250 per cent., and last year the wages paid to labor in that industry alone was over fifty-three million dollars, and every stimulated and active industry

means larger employment of intelligent labor, utilized resources, and increased wealth and prosperity for all classes and all interests. It is instructive to note the declaration of President Buchanan that the "revenue had been greatly decreased," though they then enjoyed the blessings of a tariff constructed specially "for revenue," and that, though a period of peace, "a loan may be required." It was required. And so low had the credit and standing of the Government fallen that an exorbitant interest was also "required."

In the history of our country for the last fifty years that party has never come into power without attempting to break down the protective system, and never in breaking down that without damage and sometimes ruin to the industries and prosperity of the country.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. UPDEGRAFF, of Ohio. I trust some of my democratic friends will move to extend my time, as I have been reading from the message of a democratic President.

The CHAIRMAN. The question is on the adoption of the amendment.

The question being taken on the amendment of Mr. UPDEGRAFF, of Ohio, it was not agreed to.

The Clerk read the following:

Machinery, apparatus, and experiments in the manufacture of sugar:

For expenses of machinery and apparatus, labor, &c., to continue experiments in the manufacture of sugar from sorghum and other sugar-producing plants, $25,000, to be available immediately; and out of the above sum the Commissioner of Agriculture is hereby authorized to pay the chief chemist $1,000 as additional compensation for the next fiscal year.

Mr. GILLETTE and Mr. ROBERTSON addressed the Chair.

Mr. ROBERTSON. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa, Mr. GILLETTE, has been recognized.

Mr. GILLETTE. I move to strike out the last word, in order to obtain five minutes.

It will be remembered by many members of this House when the last agricultural appropriation bill was before us I made three or four different efforts to amend it by way of making an appropriation to enable the Agricultural Department to experiment in the manufacture of sugar from sorghum and from corn-stalks. The Agricultural Committee refused to allow that amendment to even be considered by the House under the rules, which I then characterized and still regard as most tyrannical. Not disposed to succumb to opposition in this most important matter, I then presented the case, with my colleague, General WEAVER, and one other gentleman who was a member of the Agricultural Committee, (one of the four practical farmers upon that committee,) to the Senate Agricultural Committee, and secured by amendment in the Senate an appropriation of $15,000 upon the same bill. The chairman of the House Agricultural Committee opposed the Senate amendment, but it was finally agreed in conference to appropriate $7,500, one-half the amount in the amendment.

I now desire to say the result of that appropriation has been so marvelous that even the very chairman of the committee, who so earnestly opposed me when I tried to amend his bill a year ago, comes before the House to-day himself and places in the bill another appropriation of $25,000 for this same purpose. I shall not have time to say what I wish to say as to the results of the experiments made under this appropriation in the five minutes allotted to me; but I have here two samples [holding them up in either hand] of the sugar which the Department manufactured in large quantities, one from corn-stalks and one from sorghum. And according to these experiments the cost of producing such pure light sugar from sorghum is only three cents per pound, while the duty on the same quality of sugar, if imported, as I was told this very morning in the Treasury Department, would be three cents and forty-four hundredths of a cent per pound. In other words, we can in the Northwest produce pure sugar for less than the duties upon it to-day. One thirty-fourth part of the State which I have the honor in part to represent can produce as much sugar per annum as we now import.

In other words, 1,039,182 acres out of the 35,228,800 acres of alluvial lands in the State of Iowa can produce an amount of sugar equal to the importations into this country of that article at a cost less than the duties now paid upon sugar. Our imports of sugar, sirups, &c., during the last fiscal year amounted to 1,727,121,816 pounds, and cost, including duties, $131,000,000. The experiments at the Agricultural Department show an average product per acre in sorghum sugar of 1,662 pounds, besides sirup, 800 pounds. This result was produced with experiments upon some very poor varieties of sorghum mixed in with the better. These will be discarded in the future. Estimating the sugar at eight cents per pound, we have for sugar per acre, $132.96, besides 800 pounds of sirup.

It must be borne in mind that the sorghum crop makes very slight drain upon the soil—much less than corn.

The experiments in the manufacture of sugar from cornstalks were not so satisfactory, because the preparation was not made until too late, but 960 pounds of sugar or at that rate per acre have been obtained from cornstalks after the corn was gathered. The Commissioner reports two attempts to manufacture sugar from cornstalks on a large scale by parties who preserve sweet corn, one in Iowa and one in Illinois, and both parties report they are so much encouraged that they will go on and perfect their machinery.

Mr. BRIGGS. Why do you not produce it now?

Mr. GILLETTE. We are preparing to do so, and have been led to make the attempt by the success of the experiments made by the Agricultural Department. We will soon produce it. There is no doubt about it. The practicability has been demonstrated and profits shown. I believe this provision of the bill is the most important one in it, and I hope it will be adopted without a dissenting vote. I believe a much larger appropriation would be made if this House began to comprehend the vast importance and practicability of producing our sugars at home rather than by purchase abroad. Especially to the Northwest is this discovery of her sugar-producing capabilities a bonanza.

The total consumption of sugar in this country last year was forty-one and three-fourths pounds per capita. I say to the mortgage-ridden, overtaxed farmers of the West, here is hope for you. Divert the vast sums now paid to foreigners for sugars into your own section, and it will sweeten your lives and exalt your calling. It will be like a rain of manna from Heaven to you. It will be an emancipation proclamation from the slavery of usury and the curse of mortgages.

Mr. COVERT. I had expected that we might complete the consideration of this bill to-day; but it seems hopeless, and I therefore move that the committee now rise.

Mr. ROBERTSON. Before that motion is put, I desire to offer an amendment to complete the pending paragraph.

The CHAIRMAN. That will be in order when the committee again resumes consideration of this bill.

The motion of Mr. COVERT was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had come to no resolution thereon.

ARMY APPROPRIATION BILL.

Mr. CLYMER submitted the following:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House, No. 6719, making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 2, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 11, 12, and 15, and agree to the same.

HIESTER CLYMER,
WM. H. FORNEY,
JOSEPH R. HAWLEY,
Managers on the part of the House.
R. E. WITHERS,
W. W. EATON,
Managers on the part of the Senate.

Mr. CLYMER. I ask that the accompanying statement be now read.

The Clerk read as follows:

The effect of this report if adopted is to allow, under amendment numbered 1, "ninety-seven thousand" in lieu of "seventy-five thousand," for expenses of recruiting and transportation of recruits.

Under amendment 2 it strikes out the words "and length of service" as ambiguous and unnecessary.

Under amendments 11 and 12 the condition of payment for Army transportation due land-grant railroads is made more definite, and made only in full of all demands.

Under amendment 15, $50,000 of the amount appropriated for manufacture of arms at national armories may be expended by the Secretary of War on the manufacture or purchase of magazine guns to be selected by a board of officers to be appointed by said Secretary.

The report of the committee of conference was agreed to.

Mr. CLYMER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONS FOR SOLDIERS OF MEXICAN WAR.

The SPEAKER laid before the House resolutions of the Mexican Veteran Association of Norfolk and Portsmouth, Virginia, relative to the granting of pensions to soldiers and sailors of the Mexican war; which were laid upon the table.

PATENT FUND.

The SPEAKER also laid before the House the memorial of the Board of Trade and Transportation, of Cincinnati, Ohio, against the passage of a bill relative to the appropriation of the patent fund; which was referred to the Committee on Patents.

INDEX TO GOVERNMENT PUBLICATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to a classified and analytical index to Government publications; which was referred to the Committee on Rules.

SHARP'S ISLAND LIGHT-HOUSE, CHESAPEAKE BAY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to Sharp's Island light-house, on Chesapeake Bay; which was referred to the Committee on Appropriations.

UNITED STATES COURTS IN NEW HAMPSHIRE.

Mr. ROBINSON, by unanimous consent, from the Committee on the Judiciary, reported back with an amendment the bill (S. No. 1292) to provide for the removal of the terms of the United States circuit and district courts now held at Exeter, for and within the district of New Hampshire, to the city of Concord.

The amendment was to strike out all after the enacting clause, and insert the following:

That the terms of the United States circuit and district courts now held at Exeter, for and within the district of New Hampshire, be, and the same hereafter shall be, held at Concord, in said district.

The amendment was agreed to.

The bill, as amended, was ordered to a third reading, read the third time, and passed.

Mr. ROBINSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNION RAILROAD DEPOT IN WASHINGTON.

Mr. MILLER presented the following:

The committee of conference upon the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 3047) to authorize the commissioners of the District of Columbia to recommend a proper site for a union railroad depot in the city of Washington, and for other purposes, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from its disagreement to the Senate amendment, and agree to the same, with an amendment as follows: In line 14, after the word "and," strike out "eighty" and in lieu thereof insert "eighty-one;" and that the Senate agree to the same.

WARNER MILLER,
EPPA HUNTON,
GEO. C. HAZELTON,
Managers on the part of the House.
WM. PINKNEY WHYTE,
R. E. WITHERS,
E. H. ROLLINS,
Managers on the part of the Senate.

The following statement, accompanying the report, was read:

The effect of the foregoing report is simply to change the date at which the commissioners of the District shall report the same to Congress from December, 1880, to December, 1881.

WARNER MILLER,
EPPA HUNTON,
GEO. C. HAZELTON,
Managers on the part of the House.

The report was adopted.

Mr. MILLER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. REAGAN for Monday next.

FUNERAL OF HON. FERNANDO WOOD.

The SPEAKER, (at two o'clock p. m.) The Chair desires to state that gentlemen who design to attend the funeral of their late fellow-member, Hon. FERNANDO WOOD, will find carriages provided by the Sergeant-at-Arms at the east front of the House wing of the Capitol. In obedience to the order adopted to-day, the House now, in respect to the memory of Mr. WOOD, stands adjourned until Monday next at eleven o'clock.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BERRY: Concurrent resolution of the Legislature of the State of California, relative to a manufacturing arsenal at Benicia, California—to the Committee on Military Affairs.

Also, resolution of the Legislature of the State of California, in regard to the sale of public lands in that State—to the Committee on the Public Lands.

By Mr. BICKNELL: The petition of Solomon Davis, late surgeon of the Fifty-third Indiana Infantry Volunteers and of the Tenth Indiana Cavalry, for compensation for services rendered the United States—to the Committee on Military Affairs.

By Mr. BROWNE: The petition of 47 ex-soldiers of Indiana, against the passage of the Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. CABELL: The petition of William S. Hale, for compensation for services rendered as a messenger for the House of Representatives—to the Committee on Accounts.

By Mr. CARLISLE: The petition of Charles F. Benjamin and Henry H. Smith, for compensation for certain services rendered the United States—to the Committee on Claims.

By Mr. DWIGHT: The petition of Jerome C. Dutcher and others, of Schuyler County, New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petitions of William Herrick and others, of Tioga County; of William Stanley and others, and of A. B. Rumsey and others, of Schuyler County, New York, of similar import—to the same committee.

Also, the petition of A. Lord, J. M. Chaffee and others, of Windsor, New York, for the passage of the bill granting pensions to prisoners of war—to the same committee.

By Mr. GEDDES: The petition of Robert L. Johnston, William Butler, and others, citizens of New Castle, Ohio, soldiers of the late war, against the passage of Senate bill No. 496—to the same committee.

By Mr. HENDERSON: The petition of Levi Briggs and 32 other citizens of Illinois, for an income tax—to the Committee on Ways and Means.

By Mr. KEIFER: The petition of Henry Champlin and 40 others, citizens of Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. LAPHAM: The petition of Daniel R. Noyes, for the repeal of the stamp tax on cosmetics, perfumeries, and medicines—to the Committee on Ways and Means.

By Mr. MYERS: Resolution of the General Assembly of Indiana, for the repeal of so much of the acts of Congress as confer especial jurisdiction upon circuit and district courts of the United States of suits by and against national banks, resident of a State, without regard to the amount involved in such suits—to the Committee on the Judiciary.

By Mr. STEVENSON: The petition of Western Wholesale Druggists' Association, for the repeal of the tax on perfumery and medicines—to the Committee on Ways and Means.

By Mr. WEAVER: The petition of C. C. Patterson, of California, and 1,000 others, citizens of the United States, against refunding the public debt and in favor of paying the same—to the same committee.

IN SENATE.

MONDAY, *February* 21, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Benjamin Harrison, chosen by the Legislature of Indiana a Senator from that State for the term beginning March 4, 1881; which were read and ordered to be filed.

REGENT OF SMITHSONIAN INSTITUTION.

The VICE-PRESIDENT. The Chair lays before the Senate a resignation, which will be read.

The Secretary read as follows:

UNITED STATES SENATE CHAMBER,
Washington, February 21, 1881.

SIR: I hereby resign the position of Regent of the Smithsonian Institution, to which I was appointed January 18, 1870.

Very respectfully, yours,

H. HAMLIN.

Hon. W. A. WHEELER,
Vice-President of the United States and President of the Senate.

The VICE-PRESIDENT. The Chair appoints, to fill this vacancy, the Senator from Massachusetts, [Mr. HOAR.]

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting a communication from the Chief Signal Officer recommending an amendment to the legislative, executive, and judicial appropriation bill providing for one additional third class clerk in his office; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of the Navy, recommending an amendment to the sundry civil appropriation bill providing for the erection of an armory for the safe-keeping and preservation of arms, equipments, and ammunition, in lieu of the present wooden building, at Annapolis, Maryland; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting draught of a joint resolution providing for the appointment of a commission to prepare a classified and analytical index to Government publications made under authority of Congress or an Executive Department; which was referred to the Committee on Printing.

He also laid before the Senate a letter from the Secretary of War, transmitting, in compliance with the provisions of the river and harbor act of June 14, 1880, a communication from the Chief of Engineers and a report of Captain C. J. Allen, Corps of Engineers, upon the results of the surveys and examinations for the establishment of reservoirs at the headwaters of the Mississippi River and the sources of certain streams in Wisconsin and Minnesota, including Rock River in Wisconsin and

Illinois; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HARRIS. I present a memorial of the National Tobacco Board of Trade, and a joint resolution of the General Assembly of the State of Tennessee, in respect to the tobacco trade of the United States with certain foreign countries. I ask that the joint resolution of the General Assembly may be reported at length.

The Secretary read as follows:

Whereas, as under date of February 6, 1880, a memorial was addressed by the Tobacco Board of Trade of Nashville, to the Congress of the United States, setting forth the fact "that a great injury and manifest injustice is being done to one of the largest agricultural interests in the country and to every one interested in the purchase or sale of one of our great staples, produced in thirteen different States of this Union," namely, leaf-tobacco; and

Whereas "this great injury and manifest injustice" is caused by the fact, as further set forth in said memorial, that in the countries of France, Spain, Italy, and Austria, in Europe, the importation and sale of this great staple of our country is made a government monopoly, and that in no other way than through this government monopoly is tobacco allowed to be imported into their dominions, and this to the great detriment of the thousands in this country interested as producers or dealers therein, by depriving them of competition in the sale thereof; and

Whereas a further memorial was, by his excellency the governor of Tennessee, the members of the supreme court, and many other prominent officials of this State, as well as by Hon. Connally F. Trigg, judge of the United States circuit court; W. M. Woodcock, collector of internal revenue, and many other worthy officers of the United States Government, resident in Tennessee, addressed to the Congress of the United States, referring to the said memorial of the Nashville Tobacco Board of Trade, and expressing the "desire fully to indorse all the allegations and complaints, and unite in the prayer of said memorial for relief," and further setting forth "that the grievances complained of not only affect prejudicially and disastrously all dealers in leaf-tobacco in the several markets of these United States, and are ruinous to the producer, who is dependent on the same for the maintenance of himself and family, but, being one of the chief staples, is intimately interwoven with the general commerce of this and the many other States of this Union in which it is produced. Further, any act, circumstance, or influence that affects injuriously this great staple, by depressing its value, impeding its sale, or in any other way, permeates through all the industrial and commercial interests of the many States of the Union which produce or deal therein, and is alike injurious and hurtful to all these interests;" and

Whereas many other memorials were addressed to the Congress of the United States by the Board of Trade of Corksville, and other important leaf-tobacco markets, and by planters of this and other States interested, indorsing the allegations and complaints, and uniting in the prayer for relief of the Nashville Board of Trade; and

Whereas, during the month of February, 1880, the Legislatures of Virginia and Kentucky did pass resolutions instructing their Senators in Congress and requesting their Representatives "to use their influence and all legitimate and honorable means to induce Congress and the State Department at Washington to take steps, and use every effort to do away with this unjust and unreasonable discrimination against this our great staple, and to cause the present regie system for the purchase and sale of leaf-tobacco within the dominions of the aforementioned European governments to be abolished, and the markets of these four great governments made open markets, into which all persons who desire to do so may import, and thus protect this great staple, which furnishes the means of support not only to thousands of families in this Commonwealth, but in thirteen different States of this Union; and

Whereas Hon. JOHN F. HOUSE, in pursuance of said memorial of the Nashville Tobacco Board of Trade and a letter previously addressed by him to the Secretary of State of the United States, did, on the — day of February, 1880, introduce in the Congress of the United States a joint resolution requesting the President of these United States to open negotiations with the four great Governments before mentioned, namely, France, Spain, Italy, and Austria, with a view to securing the relief asked in the aforementioned memorials and resolutions, which joint resolution was passed by the unanimous vote of both Houses of Congress of the United States; and

Whereas his Excellency the President of the United States has as yet taken no action, as requested by said joint resolution of Congress, to relieve this great staple of the oppressive burdens and the unjust discrimination to which it is subjected by the operation of the regie monopolies of the four great Governments of Europe before mentioned, namely, France, Spain, Italy, and Austria; and

Whereas the people of this Commonwealth are largely engaged in the production, purchase, and sale of leaf-tobacco, consequently suffer great damage and loss by the operation of these regie monopolies of European governments: Therefore,

Be it resolved by the senate and house of representatives of the State of Tennessee in Legislature assembled, That his Excellency the President of the United States be, and he is hereby, most earnestly requested to take immediate action in the matter, in accordance with the aforementioned joint resolution of the Congress of the United States and to the great relief of the citizens of this and many other States of this Union: Therefore,

Be it resolved, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to exert themselves to the utmost of their influence and ability to secure the relief prayed for in the aforementioned memorials, as of the greatest importance to the agricultural and commercial interests of the State.

Resolved, That copies of this preamble and these resolutions be forwarded to his Excellency the President of the United States, and to the honorable Secretary of State of the United States, and to each of our Senators and Representatives in Congress.

Resolved, That copies of the same be also forwarded to the governors of the States of Virginia, North Carolina, Kentucky, Missouri, Indiana, Ohio, Pennsylvania, Maryland, and Connecticut, with the request that they present the subject-matter thereof to the Legislatures of their respective States for their consideration, with the recommendation that they take such action as they may think appropriate and as will best serve to secure the common relief of the citizens of our several States as being most largely interested therein, in accordance with the several memorials and joint resolutions of Congress before mentioned.

H. B. RAMSEY,
Speaker of the House of Representatives.
GEO. H. MORGAN,
Speaker of the Senate.

Approved January 22, 1881.

ALVIN HAWKINS,
Governor.

Mr. HARRIS. I move the reference of the joint resolution and the memorial to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PLATT presented a joint resolution of the Legislature of Connecticut; which was read, and referred to the Committee on Finance, as follows:

STATE OF CONNECTICUT, OFFICE OF SECRETARY OF STATE,
General Assembly, January Session, A. D. 1881.

Senate joint resolution No. 31, concerning the taxation of banks.

Whereas the General Government was under the necessity of imposing heavy and burdensome taxes on all of the industries of the country which were cheerfully paid by the loyal people of the nation in order that the national life might be preserved; and

Whereas the revenues of the General Government have been so large that more than one-third of the national debt has been liquidated since the close of the war, and are still largely in excess of its necessary expenditures; and

Whereas the General Government has long since taken off the taxes on nearly all of the industries of the country, but has not as yet afforded the slightest relief to the national banks; and

Whereas the effect of this enormous taxation has caused many of them to fail and has driven large amounts of bank capital into other channels of investment: Therefore,

Resolved, That the time has fully come for the Congress of the United States to relieve the national banks and the savings banks of the country from the heavy burdens that are now too great to bear.

Resolved further, That our Senators and Representatives in Congress be requested to do all in their power to procure such legislation in Congress as will afford the necessary relief.

Resolved further, That the secretary of State send a certified copy of the above resolutions to our Senators and Representatives in Congress.

Passed the senate February 10, 1881.
Passed the house February 11, 1881.

Mr. JONAS presented resolutions of the New Orleans Cotton Exchange; which were read, and referred to the Committee on Foreign Relations, as follows:

NEW ORLEANS COTTON EXCHANGE,
New Orleans, February 17, 1881.

At the last regular meeting of the board of directors of the New Orleans Cotton Exchange the following preamble and resolutions were unanimously adopted:

"Whereas it is of paramount importance to the interests of the United States in general that a medium of communication should be had with the Pacific coast and the countries beyond shortening the distance by water, and affording proper competition for the transportation of all articles of commerce; and

"Whereas the proposed ship-railway across the Isthmus of Tehuantepec, authorized under grant from the Mexican Government to James B. Eads, appears to be the most feasible and likely of the earliest completion; and

"Whereas the character and past services of James B. Eads entitle him to the entire confidence of the people of the United States as an engineer and a man of genius and great executive ability: Therefore,

"*Be it resolved*, That the New Orleans Cotton Exchange indorses the plan of James B. Eads for building a ship-canal across the Isthmus of Tehuantepec, and earnestly petitions Congress to aid him by its support, morally and financially, in carrying out his great enterprise.

"*Resolved*, That a copy of the above be sent to our Senators and Representatives in Congress, with request for their hearty co-operation."

A true copy:

H. G. HESTER,
Secretary.

Mr. MAXEY presented the petition of the Cotton Exchange and Board of Trade of the City of Houston, Texas, praying for an appropriation in the river and harbor bill for the improvement of Buffalo Bayou, in that State; which was referred to the Committee on Commerce.

Mr. PENDLETON presented the petition of Forsythe Post, No. 15, Grand Army of the Republic, praying for the passage of a bill granting a pension to Hannah S. Commager, widow of the late Colonel Henry S. Commager; which was referred to the Committee on Pensions.

Mr. WALLACE presented the memorial of Colonel J. W. Patterson Post, No. 151, Grand Army of the Republic, of Pittsburgh, Pennsylvania, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. FERRY presented the memorial of Samuel Stowell and 32 others, citizens of Ionia County, Michigan, surviving soldiers of the war for the Union, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. PLUMB presented the memorial of H. R. Fenton and others, of Clay Centre, Kansas, soldiers of the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims, and the amendments thereto; which was ordered to lie on the table.

Mr. DAVIS, of Illinois. The Legislature of Illinois has passed certain joint resolutions relating to General Grant. I ask that they be read and referred.

The Secretary read as follows:

House joint resolution No. 19.

Whereas the people of the State of Illinois feel a just pride in the illustrious career of the most distinguished citizen of this State, General Ulysses S. Grant, and regard with pleasure the meed of honor and admiration which has been bestowed upon him throughout the civilized world; and

Whereas his civil and military services have conspicuously tended to add to the luster and renown of this nation and will illumine the pages of history; and

Whereas services so marked and distinguished have been by all nations and in all ages accorded a special recognition by the national authority: Therefore,

Be it resolved by the house of representatives, (the senate concurring herein, in behalf of the people of the State of Illinois,) That our Senators in Congress be instructed and our Representatives be requested to use all honorable means to secure the passage of a suitable law for the retirement of Ulysses S. Grant with the rank of General, and we commend the action of our Senators and Representatives who have favored the passage of such a law.

Resolved, That the secretary of State be, and is hereby, instructed to forward copies of these resolutions to our Senators and Representatives in Congress.

HORACE H. THOMAS,
Speaker of the House of Representatives.
JOHN M. HAMILTON,
President of the Senate.

Adopted by House of Representatives February 3, 1881.

W. B. TAYLOR,
Clerk.

Concurred in by Senate February 8, 1881.

JAMES H. PADDOCK,
Secretary.

Mr. DAVIS, of Illinois. I suppose the resolutions ought to be referred to the Committee on Military Affairs.

Mr. LOGAN. The bill is before the Senate.

Mr. DAVIS, of Illinois. Then I move that the resolutions lie on the table and be printed.

The motion was agreed to.

Mr. CONKLING presented resolutions of the national convention of the Seamen's Union of North America, held at Cleveland, Ohio, favoring the enactment of a law compelling all vessels to carry a proper number of competent seamen, to be regulated by the tonnage of the vessel; which was referred to the Committee on Commerce.

He also presented a petition of the coal companies, railroads, and shippers of New York City, praying for an appropriation for the improvement of Little Sodus Harbor, and that it be made a port of refuge; which was referred to the Committee on Commerce.

He also presented the petition of the New York East Conference of the Methodist Church, representing 260 ministers and 45,000 members, officially signed, praying for a commission of inquiry concerning the alcoholic liquor traffic in the United States; which was referred to the Committee on Finance.

He also presented the petition of the Woman's Christian Temperance Union of the State of New York, officially signed, representing 4,000 members, asking for a constitutional amendment to prohibit the manufacture and sale of all alcoholic beverages throughout our national domain; which was referred to the Committee on Finance.

He also presented the petition of Wallace Wells, of Brooklyn, New York, praying for an extension of his patent for an improvement in steam-engines; which was referred to the Committee on Patents.

Mr. COKE presented a joint resolution of the Legislature of Texas, favoring an appropriation for the improvement of the bars of Brazos de Santiago, Aransas, Sabine Pass, Passo Caballo, and the mouth of Brazos and Buffalo Bayou in the State of Texas; which was referred to the Committee on Commerce.

Mr. MAXEY presented a resolution of the Legislature of Texas, favoring the passage of a bill granting permission to construct a railway and to obtain the right of way through the Indian Territory for the Saint Louis and San Francisco Railway Company; which was referred to the Committee on Railroads.

REPORTS OF COMMITTEES.

Mr. GARLAND. The Committee on the Judiciary have had under consideration the bill (H. R. No. 1067) to quiet title of settlers on Des Moines River lands in the State of Iowa, and for other purposes, and have instructed me to report it back and ask to be discharged from the further consideration of the bill, and that it be indefinitely postponed. There is a written report. I ask that the report be printed and the bill go upon the Calendar. It is a majority report and not a unanimous one.

The VICE-PRESIDENT. If there be no objection, the bill will be indefinitely postponed.

Mr. GARLAND. At the request of the Senator from Indiana, [Mr. MCDONALD,] I ask that it go upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 6324) to construe an act entitled "An act to relieve the churches of the District of Columbia and to clear the title of the trustees of such property," reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 7032) to amend the act incorporating the Capitol, North O Street and South Washington Railroad Company, reported it with amendments.

Mr. HARRIS. I am instructed by the Committee on the District of Columbia to report a bill and to ask for its consideration.

The bill (S. No. 2202) declaring inauguration day a legal holiday in the District of Columbia was read the first time by its title.

The bill was read the second time at length.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I object. I think we have enough legal holidays.

The VICE-PRESIDENT. Objection is made; and the bill will be placed on the Calendar.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 7117) authorizing the Washington and Chesapeake Railroad Company to extend its railroad into and within the District of Columbia, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 6659) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 7031) to amend the charter of the Metropolitan Railroad Company of the District of Columbia, reported it with amendments.

POST-ROUTE BILL.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 7036) to establish post-routes, to report it back with sundry amendments, and as amended recommend the passage of the bill. I am further instructed by the committee, as it interests nearly every State and Territory of the Union, and as it is necessary for it as amended to be passed early in order to go back to the House, otherwise it will not be passed at all, I ask for the immediate consideration of the bill, and will say that it seeks no legislation whatever save the establishment of post-routes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendments proposed by the committee will be considered as agreed to as reached in the reading of the bill, unless objected to by some one.

The Secretary proceeded to read the bill.

Mr. TELLER. As this is but a formal matter of reading I suggest that by unanimous consent we dispense with the reading of the bill. I do not think anybody desires to hear it read.

Mr. MAXEY. It contains no legislation, and seeks none except the establishment of post-routes.

The VICE-PRESIDENT. Is there objection to dispensing with the reading of the bill? The Chair hears none; and the question is on agreeing to the amendments reported by the Committee on Post-Offices and Post-Roads.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EDUCATIONAL REPORT.

Mr. WHYTE. I am instructed by the Committee on Printing, to whom was referred the joint resolution (H. R. No. 378) providing for the printing and distribution of the report of the Commissioner of Education for the year 1880, to report it without amendment, with a favorable recommendation, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that of the Report of the Commissioner of Education for 1880 there be printed 4,000 copies for the use of the Senate, 8,181 copies for the use of the House of Representatives, and 12,819 copies for distribution by the Commissioner.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HEREFORD asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2203) to set apart and donate certain funds to the States, Territories, and District of Columbia for educational purposes; which was read twice by its title.

Mr. HEREFORD. I ask that the bill lie on the table and be printed.

The VICE-PRESIDENT. The bill will lie on the table, subject to the call of the Senator.

Mr. MCMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2204) for the relief of John J. Salter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2205) granting the right of way through a military reservation to a railroad company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. EATON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2206) granting a pension to Lemuel Adams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2207) to authorize the preparation and publication of a classified, analytical, and descriptive catalogue of all Government publications from July 4, 1776, to March 4, 1881; which was read twice by its title, and referred to the Committee on Printing.

Mr. BLAIR. I ask leave, by request of the Temperance Alliance of the District of Columbia, representing all the temperance organizations and the churches of the city of Washington, to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 2208) to secure local option to the citizens of the District of Columbia in regard to the sale or prohibition of sale of intoxicating liquors; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PADDOCK asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 164) relating to salaries of

Government employés in the District of Columbia; which was read the first time by its title.

Mr. PADDOCK. I ask that the joint resolution be read at length, with a view to its present consideration.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives, &c., That all employés of the Government in the city of Washington, District of Columbia, shall be paid for the 4th day of March (inauguration day) and the 30th day of May, 1881, (Decoration Day,) as for other days on which they perform labor.

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) Is there objection to the present consideration of the joint resolution?

Mr. DAVIS, of West Virginia. It had better go over and be printed. It involves a large question.

The PRESIDING OFFICER. The resolution goes over, objection being made.

Mr. DAVIS, of West Virginia. I may not be opposed to the resolution. I think probably in a modified form I should be in favor of it; but it is not necessary to pass it now.

Mr. PADDOCK subsequently said: After consultation with the chairman of the Committee on Appropriations I desire to move that the resolution which I presented a short time ago and which was objected to by him shall be referred to the Committee on Appropriations, with the request that that committee may report it at an early day.

The motion to refer was agreed to.

CHESTER A. ARTHUR.

Mr. CONKLING. I ask that the following resolution be adopted. I think there will be no objection to it:

Resolved, That the Secretary be directed to furnish to the Committee on Ways and Means of the House of Representatives a copy of the engrossed bill (S. No. 1314) for the relief of Chester A. Arthur, collector of the port of New York, the same having passed the Senate March 3, 1880, and having been by the House of Representatives referred to the said committee June 5, 1880, said bill having been lost or mislaid since being so referred.

By some mistake the engrossed bill has been lost in the House and they ask that another engrossed bill may be furnished them for reference to the committee. I suppose there would be no objection to that.

The resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 4852) granting a pension to Elizabeth Davis;

A bill (H. R. No. 5748) for the relief of Herbert Joyce; and

A joint resolution (H. R. No. 404) authorizing the Secretary of War to loan tents to the committee on inaugural ceremonies.

The message also announced that the House had agreed to the report of the committee of conference on the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the bill (H. R. No. 3047) to authorize the commissioners of the District of Columbia to recommend a proper site for a union railroad depot in the city of Washington, and for other purposes.

The message also announced that the House had passed a concurrent resolution for the printing and binding in one volume of 50,000 copies of the three numbers issued by the State Department of reports from the consuls of the United States on the commerce and manufactures, &c., of their consular districts, in which the concurrence of the Senate was requested.

The message further announced that the House had passed the bill (S. No. 1292) to provide for the removal of the terms of the United States circuit and district courts now held at Exeter for and within the district of New Hampshire to the city of Concord, with an amendment, in which it requested the concurrence of the Senate.

ARMY APPROPRIATION BILL.

Mr. WITHERS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House, No. 6719, making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 2, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 11, 12, and 15, and agree to the same.

R. E. WITHERS,
W. W. EATON,
Managers on the part of the Senate.
HIESTER CLYMER,
WM. H. FORNEY,
JOSEPH R. HAWLEY,
Managers on the part of the House.

The report was concurred in.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4852) granting a pension to Elizabeth Davis was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. No. 5748) for the relief of Herbert Joyce was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. R. No. 404) authorizing the Secretary of War to loan tents to the committee on inaugural ceremonies was read twice by its title, and referred to the Committee on Military Affairs.

FOREIGN COMMERCE AND MANUFACTURES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound in one volume 50,000 copies of the three numbers issued by the State Department of "Reports from the consuls of the United States on the commerce and manufactures, &c., of their consular districts;" 35,000 of which shall be for the use of the members of the House of Representatives and 15,000 for the use of the Senate.

JABEZ BURCHARD.

Mr. CAMERON, of Pennsylvania. I ask the Senate to take up the bill (S. No. 543) for the relief of Jabez Burchard.

Mr. COCKRELL. Is the morning business through?

The VICE-PRESIDENT. The Chair has heard no other morning business offered.

Mr. COCKRELL. I call for the regular order.

The VICE-PRESIDENT. The regular order is the consideration of the Calendar, pending which the Senator from Pennsylvania asks the Senate at this time to consider the bill he has named.

Mr. COCKRELL. I hope the Calendar will not be laid aside for the consideration of any bill.

The VICE-PRESIDENT. It can only be laid aside upon motion.

Mr. CAMERON, of Pennsylvania. I will state to the Senate that when this bill was reached on the Calendar a week ago it was passed over without prejudice because of my absence.

Mr. McDONALD. It was passed over with the understanding that it should not be displaced.

Mr. CAMERON, of Pennsylvania. It is really the first bill on the Calendar.

Mr. COCKRELL. Then it will come up as soon as the Calendar is before the Senate.

Mr. CAMERON, of Pennsylvania. Then why object?

Mr. INGALLS. Nobody does object to it.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 543) for the relief of Jabez Burchard. It authorizes the proper accounting officers of the Treasury to allow to Jabez Burchard, assistant engineer on the retired list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea pay of the grade or rank held by him at the date of his retirement by a naval board, to take effect from and after the date of his retirement by the naval board.

Mr. COCKRELL. I should like the Senator from Pennsylvania to give some reason why there is necessity for granting this relief.

Mr. CAMERON, of Pennsylvania. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. CAMERON, of Pennsylvania, April 28, 1880:

The Committee on Naval Affairs, to whom was referred the bill (S. No. 543) for the relief of Jabez Burchard, have had the same under consideration, and beg leave to submit the following report:

The bill provides that the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to Jabez Burchard, assistant engineer on the retired list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy, said amount to be paid out of any money in the United States Treasury not otherwise appropriated, and to take effect from and after the date of his retirement by said naval board.

Mr. Burchard entered the United States Navy March 14, 1865, as acting third assistant engineer. He served five months on the monitor Naubuc; was detached and ordered to the United States steamer Powhatan. He served a little over two years and six months on this steamer; was detached and granted one month's leave of absence, and was honorably discharged. He re-entered the Navy September 1, 1870, as second assistant engineer, and was ordered on special duty at League Island, Pennsylvania; detached from there January 11, 1872, and ordered to the United States monitor Terror, at Havana. While attached to this monitor at Key West, Florida, in July, 1872, he was taken with an affection of the eyes, was examined by a board of medical officers, condemned, and sent home. After remaining on sick-leave for nearly a year he reported as fit for duty, and was ordered to join the United States steamer Tuscarora, at San Francisco. After joining this ship he was again attacked with affection of the eyes and was again condemned by a medical survey and sent home. After his arrival home he placed himself under the treatment of Dr. P. D. Keyser, an eminent oculist, who pronounced his disease to be one of the worst forms of inflammation of the retina. While in this condition he was ordered before the retiring board at Washington, which board decided that he was unfit for duty by reason of disability which did not originate in the line of duty. This decision placed him on the retired list, with the rate of pay of $500 per annum. The report of the medical officers on the retiring board is as follows:

"NAVAL RETIRING BOARD,
"*Washington, D. C., October* 12, 1874.

"SIR: We have examined Jabez Burchard, assistant engineer United States Navy, and find him afflicted with chronic retinitis. He has been twice condemned by medical survey for disease of the eyes, and there is no evidence on record that his disability originated in the 'line of duty.' He is at present unfit for duty, and, in

our opinion, is permanently incapacitated to perform the duties appropriate to his commission.

"Respectfully, &c.,

"GEORGE PECK,
"*Medical Inspector.*
"DAVID KINDLEBERGER,
"*United States Naval Surgeon.*

"Commodore J. W. A. NICHOLSON,
"*President Naval Retiring Board.*"

Mr. Burchard asserts that when he appeared before the retiring board he was wholly unprepared with essential and necessary proof, such as a certificate from his family physician, who had known him from childhood, and other important testimony, to show that the disease did originate in the service, not deeming it necessary, but that he relied solely upon the merits of his case, which he supposed would be clearly evident from a simple statement of the plain facts of the same.

From a very careful and diligent examination of the papers in this case, your committee are of the opinion that the decision of the retiring board was erroneous and unjust, as will appear from the following certificates from Dr. P. D. Keyser, surgeon at Wills's Eye Hospital, Philadelphia, and Dr. William T. W. Dickeson, the family physician of Mr. Burchard, which show very conclusively that the disease with which he is unfortunately afflicted was contracted in the line of duty while in the service of the United States, and that it was not hereditary:

"1630 ARCH STREET,
"*Philadelphia, May* 2, 1876.

"Mr. Jabez Burchard, assistant engineer United States Navy, came to me in October, 1873, suffering from a severe attack of retinitis, which has assumed a chronic form.

"This affection of the eyes is the result of his duties on monitor service, the great heat and severe changes of light, &c. I can find no signs of any constitutional (acquired or congenital) disease.

"He has been under my treatment up to the present date, and is still and always will be incapacitated for any use of his eyes.

"P. D. KEYSER, M. D.,
"*Surgeon Wills's Eye Hospital, Philadelphia.*"

—

"This is to certify that I am personally acquainted with Dr. P. D. Keyser, and know him to be among the first physicians and oculists in this city.

"L. G. WUNDER,
"*Chief Clerk Philadelphia Post-Office.*"

—

"I hereby certify that I am acquainted with Dr. P. D. Keyser, a physician in good standing, and further that the foregoing is his certificate.

"Witness my hand and official seal this 3d day of May, A. D. 1876.

"ROBERT R. SMITH,
"*Magistrate of Court No.* 8, *Philadelphia.*"

—

"MEDIA, PENNSYLVANIA, *May* 4, 1876.

"I certify that I have known Jabez Burchard, assistant engineer United States Navy, since he was a child, and can positively assert that there never was any hereditary disease about him; that he was in a sound physical condition on entering the United States service, and had always good eyesight until sent home from duty on board the monitor Terror.

"In his present condition, from chronic retinitis, he is absolutely unable to use his eyes from the painfulness caused by this disease.

"WILLIAM T. W. DICKESON, M. D."

—

"DELAWARE COUNTY, *ss:*

"On this 4th day of May, A. D. 1876, personally appeared before me, a notary public of the Commonwealth of Pennsylvania, residing in said county, William T. W. Dickeson, M. D., who being duly affirmed according to law, says that the above facts are true as he verily believes.

"Affirmed and subscribed before me the day and year above written.

"A. P. OTTEY,
"*Notary Public.*"

From the following letter of the former Secretary of the Navy, Mr. ROBESON, to the Fourth Auditor of the Treasury, it will be seen that it was the opinion of the Navy Department that the disease was incident to the service:

"NAVY DEPARTMENT,
"*Washington, March* 1, 1877.

"SIR: Upon a full review of all the facts in the case of Assistant Engineer Jabez Burchard, United States Navy, the Department is of the opinion that the causes which incapacitated him for active duty were incident to the service, and that he should receive the higher rate of pay allowed to retired officers by section 1588 of the Revised Statutes.

"Very respectfully, &c.,

"GEO. M. ROBESON,
"*Secretary of the Navy.*

"Hon. S. J. W. TABOR,
"*Fourth Auditor of the Treasury.*"

The following is a letter from the Secretary of the Navy to Hon. A. A. Sargent, former chairman of the Committee on Naval Affairs of the Senate, which gives a concise history of the whole subject:

"NAVY DEPARTMENT,
"*March* 14, 1878.

"SIR: I have the honor to acknowledge the receipt of your letter of this date inquiring, on behalf of the Naval Committee of the Senate, what were the reasons for placing Second Assistant Engineer Jabez Burchard on the retired list on furlough pay, and why it is now desirable to change his status.

"January, 1874, Mr. Burchard was ordered before a retiring board, the finding of which was that he was affected with chronic inflammation of the retina and was consequently, at the time, unfit for duty, but 'not incapacitated within the meaning of the law.'

"In October, 1874, he was again ordered before the retiring board and found incapacitated for service, and that there was no evidence that the incapacity originated in the line of duty.

"The President concurred in opinion with the retiring board, and directed that Second Assistant Engineer Burchard be retired on 'furlough pay,' and he was so retired.

"In 1876, Mr. Burchard appealed to the Secretary of the Navy to examine into his case, which he regarded as one of peculiar hardship, and filed certain papers in support of his claim that his disease originated in the line of duty, and asked that the President be requested to nominate him for transfer from the furlough to the retired pay list.

"Copies of these papers are herewith inclosed. The Solicitor of the Navy, to whom these papers were referred, reported: 'The evidence is so strong to prove that Burchard's loss of eyesight was caused by exposure in the performance of duty that I respectfully advise that he be nominated for transfer from the furlough to the retired pay list.'

"No nomination for a transfer was made, but instead thereof the Secretary of the Navy, March 1, 1877, informed the Fourth Auditor of the Treasury that, upon a full review of the case of Mr. Burchard, he was of opinion that the causes which incapacitated him for active duty were incident to the service, and that he should receive the higher rate of pay allowed to retired officers under section 1588 of the Revised Statutes.

"It appears that this view was accepted by the Fourth Auditor, and that Mr. Burchard was paid for the time he had been on the retired list the difference between furlough pay and retired pay.

"On the 10th of January, 1878, the Second Comptroller called on the Department for a copy of so much of the decision of the retiring board in Mr. Burchard's case as related to the question whether or not the causes were incident to the service, and, it is understood, decided, quite properly it is thought, that Mr. Burchard could only receive the higher pay by transfer, under section 1588 of the Revised Statutes, and gave directions to check against him the difference of pay he had received.

"As he was getting only 'furlough pay,' or half of 'leave of absence pay'—$500 a year—the checkage of this difference, which he had received, against this small sum of $500 per annum, was a peculiar hardship. Mr. Burchard therefore applied to the Department for a recommendation to the President for his nomination from the furlough to the retired pay list.

"Under all the circumstances—that is, the probability that Mr. Burchard's disease might have been incident to the service; that the Secretary of the Navy had given him the benefit of this view; that he had received the difference of pay; that a checkage against his small pay of $500 per annum would be peculiarly hard; that he is nearly blind, and was not charged with nor retired for immoral conduct—I consider the case as one calling for my favorable action, and his name was submitted to the President for nomination from the furlough pay to the retired pay list.

"A copy of the report of the medical officers on the retiring board is herewith inclosed; also a copy of a statement made by Burchard before the board.

"Very respectfully, your obedient servant,

"R. W. THOMPSON,
"*Secretary of the Navy.*

"Hon. A. A. SARGENT,
"*Chairman Committee on Naval Affairs, United States Senate.*"

Mr. Burchard was subsequently nominated for the retired list of the Navy, so that he could lawfully receive 75 per cent. of sea pay, and he was confirmed by the Senate. He was accordingly transferred from the furlough to the retired list April 1, 1878, to take effect from the date of his retirement, October 26, 1876. The Comptroller, however, still adhered to his former decision that Mr. Burchard could not receive that rate of pay without a special law of Congress allowing the same. Hence this bill.

A bill for the relief of Mr. Burchard was reported from the Committee on Naval Affairs of the House of Representatives at the last session of Congress on the very last day of the session, but failed to receive the final action of that body for want of time. The report submitted by Mr. Frank Jones, on behalf of the committee, at that time, shows that that committee held the same views in relation to the justice of the bill that your committee do. The report is as follows:

Mr. Frank Jones, from the Committee on Naval Affairs, submitted the following report, to accompany bill H. R. No. 5642.

"The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 5642) for the relief of Jabez Burchard, assistant engineer on the retired list of the United States Navy, having made diligent inquiry in reference to the merits of this bill, respectfully report:

"It appears from evidence furnished from the Navy Department that Assistant Engineer Burchard was retired in October, 1874, on account of defective vision, incapacitating him for active duty, and that a board of officers reported that his disability resulted from injuries received not in the line of duty; he was consequently placed upon furlough pay. In 1876 he appealed to the Secretary of the Navy for a re-examination of his case, and furnished evidence in support of his claim, that his disease resulted from injuries received in the line of his duty. The evidence was so strong in support of the fact that Mr. Burchard lost his eyesight by exposure in the performance of his duty that the Secretary considered it just that he should be transferred from furlough to the retired list of the Navy, and he ordered the accounting officer of the Treasury to allow him 75 per cent. of the sea pay of his grade, which he was accordingly paid. But a new Comptroller coming into office, ruled, under the opinion given by the Attorney-General, that having been retired by a report of a board of officers, stating that his disability was not the result of injuries incurred in line of duty, he was entitled to but 50 per cent. of sea pay. Afterward Secretary Thompson, with a view to give him 75 per cent. of sea pay, recommended that he be nominated for the retired list of the Navy, and the President so nominated him; and after an examination of all the papers in connection with the case the Senate confirmed the nomination. He was accordingly put on the retired-pay list of the Navy. But the Comptroller still decided that such nomination and confirmation could not give him the 75 per cent. of sea pay without an act of Congress and in this decision he was sustained by the Attorney-General. There was therefore no recourse left Mr. Burchard but to appeal to Congress. In his letter to the chairman of the Senate Naval Committee, Secretary Thompson said: 'Under all the circumstances, and considering the probability that Mr. Burchard's disease might have been incident to the service; that the Secretary of the Navy had given him the benefit of this view, and that he had received the difference of pay; that a checkage against his small pay of $500 per annum would be peculiarly hard; that he is nearly blind, and was not charged with or retired for immoral conduct, I consider the case as calling for my favorable action, and his name was submitted to the President for transfer from furlough pay to the retired pay list.'

"Considering all the facts and circumstances in connection with this case, the committee report favorably thereon, and recommend that the bill ought to pass."

Mr. Burchard is entirely incapacitated from pursuing any avocation that requires the use of his eyes, and is therefore debarred from the pursuit of any occupation by which he might earn a sufficient income for his support.

Should the bill recommended by your committee pass, Mr. Burchard will receive pay at the rate of $1,275 per annum, or 75 per cent. of the sea pay of his grade, his pay at present being $850 per annum, or 50 per cent. of the sea pay of his grade.

The following statement is incorporated in this report for the information of the Senate, which shows the rate at which Mr. Burchard has been paid since his retirement:

Jabez Burchard retired October 26, 1874, and paid as follows:

From October 26, 1874, to June 30, 1875, at $950 per annum, (248 days)		$645 48
From July 1, 1875, to March 31, 1877, at $500 per annum		875 36
From April 1, 1877, to June 30, 1877, at $1,275 per annum		317 28
From July 1, 1877, to September 30, 1877, at $1,275 per annum		321 37
From October 1, 1877, to December 31, 1877, at $1,275 per annum	$321 37	
Checked in first quarter, 1878	80 43	
		240 94
From January 1, 1878, to January 31, 1878, at $1,275 per annum		108 29
From February 1, 1878, to March 31, 1878, at $500 per annum		80 33
From April 1, 1878, to June 30, 1878, at $1,275 per annum	$317 88	
Disallowed by Comptroller	105 96	
		211 92

From July 1, 1878, to September 30, 1878, at $850 per annum	$214 25
From October 1, 1878, to December 31, 1878, at $850 per annum	214 25
From January 1, 1879, to March 31, 1879, at $850 per annum	209 59
From April 1, 1879, to June 30, 1879, at $850 per annum	211 92
From July 1, 1879, to September 30, 1879, at $850 per annum	214 25
From October 1, 1879, to December 31, 1879, at $850 per annum	214 25
Paid by certificate April, 1877, difference between 75 per cent. of $1,700 per annum ($1,275) and 50 per cent. of $1,900 per annum ($950) from October 26, 1874, to June 30, 1875	220 82
Difference between $1,275 and $500 per annum from July 1, 1875, to March 31, 1877, inclusive	1,356 79
Paid by certificate April 15, 1879, difference between $500 and $1,275 per annum from February 1, 1878, to March 31, 1878, and amount checked by paymaster first quarter 1878 ($80.43)	205 70

N. B.—This officer received the pay at $1,275, or 75 per cent. of the sea pay at $1,700 per annum from date of retirement, October 26, 1874, to March 31, 1878. April 1, 1878, it was changed to 50 per cent. of $1,700, ($850,) and he is so paid to December 31, 1879, last return in.

Your committee are of opinion that this is a very meritorious case, and one that appeals to the magnanimity and justice of Congress.

The bill is therefore reported favorably, and its passage is earnestly recommended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE E. GARDNER.

Mr. HOAR. I ask unanimous consent that the order of the Senate accepting the adverse report of the Committee on Pensions which was made on the 11th of February may be reconsidered and the matter placed upon the Calendar.

The VICE-PRESIDENT. Will the Senator please give the number of the bill?

Mr. HOAR. It is the petition of Annie E. Gardner, widow of John W. Gardner, praying for a pension.

The VICE-PRESIDENT. The petition is not on the Calendar. Does the Senator ask that the case be recommitted?

Mr. HOAR. I ask that the vote of the Senate accepting the report and indefinitely postponing, if that was the vote, or denying the petition——

The VICE-PRESIDENT. Denying the petition.

Mr. HOAR. Be reconsidered.

The VICE-PRESIDENT. And that the papers be recommitted?

Mr. HOAR. Yes, sir.

The VICE-PRESIDENT. The Chair hears no objection, and that order will be entered.

MISSOURI RIVER IMPROVEMENT.

Mr. SAUNDERS. On Saturday last I presented a resolution on the subject of instructing the Committee on Commerce in relation to the river and harbor bill, which I should like to have called up.

The Chief Clerk read the resolution submitted by Mr. SAUNDERS February 19, as follows:

Resolved, That the Committee on Commerce be directed to amend the river and harbor bill so as to increase the amount to be appropriated for the improvement of the navigation of the Missouri River between its mouth and Yankton, Dakota, to the sum of $1,138,000, that being the sum recommended by the Chief Engineer of the War Department as necessary to be expended for the improvement of the navigation of that part of said river during the next fiscal year, ending June 30, 1882.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. SAUNDERS. Mr. President——

Mr. PADDOCK. I hope there will be better order in the Chamber, so that my colleague may be heard on this important question.

The VICE-PRESIDENT. Order must be preserved.

Mr. SAUNDERS. Mr. President, the question may be asked why the resolution does not include the whole length of the Missouri River. My reply is that the resolution is designed to cover only that part of the river which has heretofore been surveyed and on which estimates of the cost have been reported. The other part I leave for future consideration.

The river and harbor bill comes to the Senate from the House of Representatives with an unusually large sum of money proposed to be appropriated to the various rivers and harbors in the United States; but I am not so much surprised at the amount proposed, for I am well aware of the increased demand for water facilities to aid in moving the productions of this vast country, as I am at the discriminations made in parceling out this sum.

While some portions of the country seem to be bountifully provided for, others of equal claims for aid in improving their navigable waters seem to have been almost entirely overlooked; none perhaps more so than the Missouri River, a stream which furnishes the largest and richest valley of agricultural lands of any valley in the United States. I take pleasure here, and before entering upon the merits of this important subject, to acknowledge my indebtedness to the report made a few years ago by a Committee of the Senate on Transportation to the Seaboard for many of the facts and figures connected with the subject. One thing, however, seemed to have escaped the attention of that committee, namely, that improvements were necessary to put the Missouri River in navigable order. The committee, however, are excusable to some extent from the fact that a large portion of the settlers along the valley of that river have located there since the report was made.

I am favorable to a liberal appropriation of money to improve the navigation of the great arteries of commerce, such as the Mississippi and Missouri Rivers, and for the improvement of the harbors on the lakes and seaboard; but in making these appropriations Congress should not fail to take into consideration, before fixing the amounts to be appropriated, the necessity for the improvement to be made and the number of people to be served by the improvement. If a sufficient sum of money was appropriated to insure the opening and keeping open a channel in the Missouri, say within the bounds I have named in the resolution, that is, between its mouth and Vermillion, Dakota, or even to Sioux City, in Iowa, I would then feel inclined to invite the grain-growers of that region of country to the propriety of preparing to do their own shipping of their surplus grain and breadstuffs, and this could be done if the Missouri River were kept in anything like reasonable condition, at much cheaper rates to the shipper than is now paid over the established lines. With the Missouri River put in suitable condition for shipments during the summer and fall seasons of the year, companies would soon be organized, or neighbors would in other ways combine their surplus capital and barge lines be established, whereby this great river and the Mississippi could be used so as to save millions of dollars every year to the farming people of the new Northwest. As before said, more than 3,000,000 people are dependent upon a few lines of railroad or upon this part of the Missouri River for an outlet for their surplus produce, and yet the paltry sum of $194,000 is all that is proposed by this House bill to accomplish this great work.

Mr. President, I should not be doing justice to myself or the people I have the honor in part to represent if I were to let this bill pass in its present shape without entering my solemn protest and at least making an effort to amend it, and I call upon the Senate committee to aid in correcting this wrong; and this can only be done by increasing the amount to be appropriated for the work alluded to to a sum that shall be commensurate with the great object to be attained. The railroad rates from the Missouri River to the seaboard are such as to leave too little for the producer, and hence the necessity of devising means for transporting at least the grain and breadstuffs to market at less rates than are now paid, and in no other way can this be done, in my opinion, than by keeping open as long as possible each year the great river thoroughfares.

I may be asked if the railroads cannot transport the grain of the West to the eastern seaboard as cheaply as to send it by steam all the way around by New Orleans? To this I reply that they do not do it; and indeed I do not think they try to do so. It is highly probable that if the Missouri and Mississippi Rivers were properly improved that railroad managers would be compelled to lower their rates of transportation, and if so even that would be a good reason for spending a little money in improving the rivers.

The question of regulating by law interstate commerce is a difficult matter to settle. That such a thing can constitutionally be done, and that it should be done, I have no doubt, but in what way the question can be settled so as to give equal rights to the people near the seaboard and those in the interior or in the extreme West is a subject that is now being thoroughly canvassed by gentlemen who are well prepared to do the subject full and ample justice.

A few suggestions on some of the questions that will naturally suggest themselves to those having charge of this work may not be out of order here. First, the practice now very common of making special rates for favorites and of granting drawbacks, &c., should be put a stop to, for, the roads being common carriers, should deal with all its patrons alike. Then again, the practice now in vogue of two or more companies combining or pooling their earnings is another pernicious practice which is calculated to destroy all the advantages that the people had a right to expect from what they had good reason for supposing would make a reasonable and healthy competition.

Another subject is worthy of serious consideration, and that is whether the railroad companies should be permitted to make such discrimination in charges as are now practiced; that is, whether a less amount shall be charged for a longer than for a shorter distance. This subject is at least worthy of consideration, and I trust we may ere long hear from the Committee on Railroads on this subject.

That railroads and especially the trunk lines can carry freight or passengers or both at less rates than is done at the present, is proved by the fact that the officers at the head of these lines almost invariably become millionaires within a few years after taking charge. A portion of this money ought to have been turned into the hands of the producers.

Our Government has done much to encourage and foster railroad enterprises, and now it seems to me it owes it to citizens who are interested, to do something more than has been done toward improving the navigable waters, and thus giving free access to the seaboard. I desire to call attention to the following table relating to the railroads in the United States, and particularly to that part which relates to the subsidized railroads, and will ask if in the opinion of the Senate it would be considered out of order to ask the small sum that this resolution calls for to improve the navigation of the lower portion of the Missouri River. I will not trouble the Senate by alluding to any others at this time except those which have received grants from the General Government. It may be proper here to state that the Senator, [Mr. COCKRELL,] to whom I am indebted for the tabulated statement here given, was at the time he presented it to the Senate, advocating a bill which proposed to appropriate funds with which to make a survey of the Mississippi River for its full

length, and I might with propriety here add that the same should be applied to the Missouri River; but I will content myself at this time by simply asking for the amount already estimated by the War Department, to be used in improving some of the most difficult parts of the river, running through the States I have alluded to—that is, in Nebraska, Iowa, Missouri, and Kansas.

Lands given to railroads in the United States.

States and Territories.	Number of miles railroad completed.	Estimated acres granted.	Estimated acres certified or patented.	Value at $1.25 per acre.
Illinois	705½	2,595,053	2,595,053	$3,343,816 00
Mississippi	406	1,137,130	935,158	1,168,947 00
Alabama	782	2,708,135	2,832,309	3,540,386 00
Florida	247	1,760,467	1,760,468	2,200,585 00
Louisiana	152	660,411	1,072,405	1,340,506 00
Arkansas	555	2,753,171	2,368,494	2,960,617 00
Missouri	703	1,949,175	1,824,253	2,280,316 00
Iowa	1,580	4,215,327	3,855,129	4,818,911 00
Michigan	1,005	3,343,125	3,218,129	4,022,661 00
Wisconsin	393	3,558,452	2,625,489	3,281,861 00
Minnesota	1,745	7,876,638	6,437,582	8,046,977 00
Kansas	1,654	4,947,800	4,176,156	5,220,195 00
Total	9,927½	35,504,087	33,700,629	42,125,781 00
Corporations: Pacific railroads in—				
California	866			
Colorado	298			
Dakota	196			
Indian country	155			
Nebraska	832	150,281,766	8,359,491	10,449,363 00
Nevada	460			
Oregon	227			
Utah	255			
Washington	106			
Wyoming	400			
Aggregate	13,722½	187,785,853	42,060,120	52,575,144 00
Deduct acres lapsed and declared forfeited by Congress		4,569,120	4,007,500	5,009,487 00
		183,216,133	38,052,530	47,565,657 00
Bonds granted to Pacific railroads in States, &c., as above—				
Principal			$64,623,512 00	
Interest paid by United States			25,075,710 96	
Interest due			1,938,705 36	
				91,637,928 32
Total grant in land and bonds				139,203,585 32

Thus to secure the completion of 13,722½ miles of railways the Government has actually granted in lands and bonds the enormous sum of $139,203,585.32, being $10,144.22 per mile for each mile built. If we take it for granted that by the recent sinking-fund act the Government shall be fully indemnified for the bonds granted and interest paid, and only estimate the land grants, then we have 38,052,530 acres of land actually given to secure 13,722½ miles of railroads; and estimating the lands at $1.25 per acre they amount to $47,565,662, or $3,466.25 per mile, not estimating the 183,216,133 acres covered by the grants but not yet certified or patented. Suppose, when all the roads projected under Government aid are completed, that they, with the roads already completed, shall make 17,500 miles, and 100,000,000 acres of land only shall be patented, then we will have 17,500 miles of railway aided by the Government with lands to the quantity of 138,052,530 acres, amounting, at $1.25 per acre, to $172,565,662, not counting the bonds given, being $9,860.89 per mile.

These railroads, when completed, belonged to corporations and charged freight for everything transported upon them. They are not natural highways, but they belong to corporations and to individuals, and they charge the Government for what it freights upon them. Now let us look at this Mississippi River and its tributaries. The Mississippi River and its tributaries have 16,674 miles of waterway navigable by steam-vessels, as shown by the following statement:

Waters of Mississippi River and tributaries navigable by steam-vessels, as estimated by a Government topographical engineer.

	Miles.
Mississippi River and branches proper, navigable	7,097
Ohio and branches, navigable	3,292
Missouri and branches, navigable	2,655
Red River and branches, navigable	3,630
Total miles of navigable waters of Mississippi and tributaries	16,674

These navigable waters extend into and can furnish transportation for the products of the States of Louisiana, Texas, Arkansas, Mississippi, Tennessee, Alabama, Kentucky, Illinois, Indiana, Ohio, West Virginia, Pennsylvania, Wisconsin, Minnesota, Iowa, Nebrasks, Kansas, and Missouri, eighteen States, and the Territories known as Indian Territory, Dakota, and Montana, three Territories; and in addition to these eighteen States and three Territories which have navigable tributaries within their borders waters from the States of New York, Maryland, Virginia, North Carolina, Georgia, and Colorado, and the Territories of New Mexico and Wyoming flow into these navigable tributaries. The area thus drained is 1,237,311 square miles, amounting to 791,879,040 acres of land.

Here are 16,674 miles of navigable river. If we give to these miles of navigable river the same amount which the Government has given to railroads, what will be the difference? These rivers will be open to the navigation of everybody free. The Government, upon its vessels, can transport free, and every individual can do the same. They will become national highways, inland seas.

We are not asking $9,860 per mile. We are not even asking $900 per mile, one-tenth part of what the railroads have received, in order to open up 16,674 miles of navigable water. Austria has spent more for the improvement of the Danube alone than the United States has spent for the improvement of the Mississippi River and all its tributaries.

Who, after looking at these munificent donations or subsidies made by the General Government to aid in building up these great lines of railroads, would hesitate to approve of a reasonable appropriation to be used in clearing out the obstacles that stand in the way of a free and easy navigation of our great rivers? To show how the wants of the upper Missouri Valley have been overlooked by those who prepared the river and harbor bill which is now in the hands of the Senate committee, it is only necessary to say that for the 2,500 miles of said river there is proposed the sum of $194,000. It is safe to say that no less than 3,000,000 people are now living on said river and its principal tributaries, and that fully 1,000,000 of these live in Iowa, Nebraska, and in the northwest part of Missouri; and the sum proposed for this part of the river is only $52,000, whereas the estimated amount required for this work, as made by the War Department, is $551,000.

Now, if the Government would appropriate even one-tenth part for the rivers of the Mississippi Valley that has been given to the railroads, I believe it would have the effect of saving millions of dollars to the people in the way of cheapened transportation.

Another thing is worthy of consideration by the people of the Northwest, and that is that by the improvement of these rivers and the consequent cheap transportation of their surplus products, a new trade could be opened up to them, which would prove not only profitable to them, but also of great advantage to the purchasers of their products.

The States of South Carolina, Georgia, Alabama, Tennessee, Mississippi, Louisiana, and Texas constitute beyond doubt the largest and most valuable cotton-growing area on the surface of the globe. The soil and climate of a large part of these States are, however, unfavorable to the profitable culture of cereals. The States of Ohio, Indiana, Illinois, Michigan, Arkansas, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, and Kansas, on the other hand, embrace the most extensive and by far the richest grain-producing area in the world. Owing to the cost of transport of the cereals of the West to the South Atlantic and Gulf States, the demand for breadstuffs causes thousands of acres of land to be diverted to the unprofitable culture of wheat and corn where cotton might be much more profitably cultivated if cheap breadstuffs could be procured elsewhere. With cheap and direct transportation provided between the grain States and the cotton States the interests both of the producers of cotton and of grain would be subserved.

This saving in the cost of transportation would accrue to producer and consumer alike. The distance from the center of the grain-producing area in the Western States to England is about four thousand five hundred miles, and the distance from the central line production of the grain-producing States to the central line of the cotton belt is about eight hundred miles. If the entire quantity of grain now shipped to great Britain could be sent to the cotton States, and the withdrawal of our foreign exports of grain be supplemented by an increased exportation of cotton, a vast saving would be effected in the aggregate cost of transporting these two products from the producer to the consumer. But there would be no necessity for withdrawing any shipments to Europe in order to supply this southern demand, for the great grain fields of the Northwest are already capable of supplying both markets.

Only a few years ago such a thing as shipping beef-cattle from our western plains to European markets was not so much as thought of. Now we are shipping large quantities, and the business is increasing daily. This trade brings with it additional demands for our corn in that market; for it is found that corn as food to prepare the cattle for market after arriving in that country is not only the best but the cheapest food that can be purchased. It is also now greatly used in England in distilling, starch-making, and in feeding hogs as well as horses and cattle. The lower it can be shipped and put upon the market the greater will be the consumption, and the greater the demand upon the producer for supply.

Five or six years ago the consumption of corn in England was said to be about fifty million bushels; to-day it is nearly or quite one hundred million bushels, and with lower prices, which could be effected if cheaper transportation could be had, the consumption could be more than doubled. Alluding again to the barge lines that could be

put upon these rivers, in case of improvement in the navigation, parties who are well acquainted with that line of business say that one tug-boat will be sufficient power to transport five of the ordinary-sized barges, which would contain twenty thousand bushels each, or one hundred thousand in the aggregate; and if the larger size barges be used, say those of ten hundred or twelve hundred tons burden, then one tug would manage three of these having a capacity of at least as much as the five smaller ones. So that it is safe to say that one steam-tug could easily convey to the mouth of the Mississippi one hundred thousand bushels of wheat or corn. Other lines of barges could be started for the purpose of shipping to the seaboard the cattle destined for foreign markets. It would, I think, be apparent to any one that cattle shipped in this way would be in much better condition when conveyed by these comparatively easy lines than when shaken and bruised and fevered by the rough treatment inseparable at present from railroad transit. The fact is there is no transportation known to the busy world that will compare for cheapness with down-stream water navigation. The Almighty made these great thoroughfares for the use of the people. No monopolies can take possession of them and occupy them to the exclusion of others who may want to use them. They may therefore be truly called the "people's highway."

But, Mr. President, I have already detained the Senate too long, particularly when we are so near the close of the session; but the importance of the subject to the people I have the honor in part to represent is my excuse for this detention. I hope the committee will see the importance of so amending the bill as to meet the recommendations of the War Department, and thus save, rather than throw away, money; for the amount reported in the bill would not, in my opinion, secure the work which will be necessary to insure certain and safe navigation of that part of the river. The cheapest shipment of freights for the same length of road in any State in the Union is in the State of New York. And why? It is because its railroads have to come into competition with navigation both on its northern boundary and by the Erie Canal and the Hudson River. If we can improve our rivers and cheapen the rates to the seaboard by water we will very soon see the same effect on railroads in the West and South that we now see on eastern lines which come into competition with the lakes, rivers, and canals.

Mr. President, I now move to refer the resolution to the Committee on Commerce for its consideration.

The motion was agreed to.

SOLDIERS' HOMESTEAD LOCATIONS.

Mr. WITHERS. I call for the regular order.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The Senator from Virginia calls for the regular order. The first case on the Calendar at the point where it was last reached will be laid before the Senate.

The bill (S. No. 858) for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees and commissions paid on void entries of public lands, was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. MORGAN. I am in favor of the passage of the bill, and desire it passed very much, but I wish to offer an amendment which I think will not embarrass the bill in the slightest degree, and on the amendment I wish to submit a few observations, and then if the Senator who has charge of the bill thinks the amendment is calculated to embarrass the bill, I shall be inclined to withdraw it; but I think it will not have that effect. I ask that the amendment be read.

The PRESIDING OFFICER. The Senator from Alabama submits an amendment, which will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

That coal lands within the State of Alabama shall be subject to disposal as agricultural lands, any law to the contrary notwithstanding.

Mr. MORGAN. Mr. President, as I must confine my remarks within the space of five minutes, I will occupy that time in a simple statement of facts. The act of 1873, which my amendment declares inapplicable to Alabama, excludes coal lands from entry and from homestead settlement except upon the payment of $10 per acre when they are more than fifteen miles from a railroad, and $20 per acre when they are within that distance from a railroad.

The inconvenience and injustice of this law was so severely felt in the States that have in them large areas of public lands inviting settlement, that Congress has by special statutes excepted Missouri and Kansas from its operation, as well as several other States. All I ask is an equal chance for Alabama to grow in population and wealth. These States needed population and the people needed coal, and Congress justly refused to shut them out from those lands. Do not throttle Alabama while you set other States at liberty to grow and prosper. I read a letter addressed to me by Captain F. Winter, the geologist of the General Land Office, showing the state of the case as it relates to Alabama:

UNITED STATES LAND OFFICE,
Washington, D. C., February 11, 1881.

SIR: Referring to our to-day's conversation I have the honor to inform you that the coal lands in the State of Alabama contain 1,537,280 acres. Of this amount I reported about one-third as really valuable coal lands, the remainder as of no value whatsoever. Notwithstanding, the whole amount was withdrawn from public sale, and can only be bought under the coal land act of March 3, 1873. The iron-ore lands withdrawn from public sale contain 224,000 acres.

I further inclose copies of an extract of the Land Commissioner's report from which I hope you will gain all necessary information. The data were all furnished by me.

Wishing you all success in the noble enterprise to free your State from said mineral plague,

I remain, sir, very respectfully,

F. WINTER.

Hon. JOHN T. MORGAN,
United States Senate.

I read further from the same authority the following lists, showing that in all the States and Territories the number of acres of coal land withdrawn from sale under the act of March 3, 1873, is 1,683,280 acres, of which Alabama supplies 1,537,280 acres, leaving only 146,000 acres withdrawn in the other States and Territories. This is an extraordinary burden to place on one State, and is of incalculable injury to the country. Its magnitude will be apparent in outline when it is understood that Alabama has the nearest coal field to the Gulf of Mexico, and that the Alabama and Tennessee Rivers flow at the base of the coal measures to bear the coal to the Gulf; and four great lines of railways run through or near these coal fields. That iron, limestone, sandstone of the best quality for furnace purposes, fire clay, kaolin, and vast virgin forests of the finest timber abound in this region, which is intersected by streams that afford an unequaled water power, and that these lands afford marked advantages to agricultural settlement to men of limited means. It is what is aptly and expressively called a good poor-man's country. Can it be that Congress will lock out these people and all others from this great source of commerce at the very moment when they have at great cost built lines of railroads to this extraordinary deposit of wealth?

The act of March 3, 1873, has been in force for eight years, and during that time only 11,359 acres of coal land have been sold under it in all the public domain, as is set forth in the following list, which I will read:

List of public lands withdrawn from public sale under the coal-land act of March 3, 1873.

	Acres.
Washington Territory, approximately	25,000
Oregon, approximately	20,000
California, approximately	10,000
Utah, approximately	40,000
Colorado, approximately	40,000
New Mexico, approximately	5,000
Wyoming, approximately	5,000
Montana, approximately	1,000
Alabama, approximately	1,537,280
Total acres	1,683,280

List of lands sold under the coal-land act of March 3, 1873.

	Acres.
Washington Territory	3,434.20
Oregon	185.18
California	2,098.00
Utah	2,281.27
Colorado	1,400.00
Wyoming	1,200.00
New Mexico	720.98
Montana	40.00
Total acres	11,359.63

The entire amount of sales is 1,419 acres per annum, which is only about one-half of 1 per cent. per annum on the lands actually designated and reserved as coal lands by the Government, but a much less percentage on the total estimated acreage of coal lands in the public domain, which is stated at 5,528,970 in a report from the General Land Office, which I will read:

COAL LANDS.

Prior to 1864 coal lands were not specifically noted for reservation or sale, but were disposed of as other public lands under settlement or other laws, until the passage of the pre-emption act of 1841.

The act of Congress of July 1, 1864, for the disposal of coal lands and town property on the public domain, authorized the sale of the coal lands which had been excluded from sale as mines by the pre-emption act of 1841. Under this act they became subject to pre-emption at the minimum of $20 per acre after offering under proclamation of the President at public sale to the highest bidder in suitable legal subdivisions.

March 3, 1865, an act was passed by Congress supplemental to the act of July 1, 1864, giving citizens of the United States who were engaged in coal mining for commerce the right to enter at the proper district land office one hundred and sixty acres of land or less at $20 per acre.

The act of March 3, 1873, gave a pre-emption right of one hundred and sixty acres of coal land to a person, and three hundred and twenty acres to an association, upon payment of not less than $10 per acre, where the lands lie not more than fifteen miles from a completed railroad, and $20 per acre where the lands lie within fifteen miles of such road; and further provided that when any association of not less than four persons have expended $5,000 in working and improving any mine, located within limits as above, they may make an additional entry of six hundred and forty acres at the several limit prices. (See sections 2347–2352 R. S.; Regulations of General Land Office, April 15, 1880.)

The rectangular system of surveys is extended over coal lands, and they are sold in conformity with the legal subdivisions thereof.

The method of designation or classification, by noting character of land in field notes by deputy surveyor, and marking on plats, when known, or of proof at the district land office prior to time of filing, is similar to the method of segregation under the mineral act, and is given in detail in the Regulations of the General Land Office, April 15, 1880.

ESTIMATE OF AREA OF COAL MEASURE.

The estimated area of coal lands on the public domain, the property of the United States, is as follows:

	Acres.	*Acres.*
Washington Territory:		
Area	829,440	
Sold	3,350	
		826,090
Oregon:		
Area	414,720	
Sold	185	
		414,535
California:		
Area	247,820	
Sold	1,800	
		246,020
Colorado:		
Area	1,128,225	
Sold	600	
		1,127,625
Utah:		
Area	2,764,800	
Sold	2,180	
		2,762,620
New Mexico:		
Area	10,800	
Sold	720	
		10,080
Wyoming, at least		42,000
Dakota, at least		50,000
Montana, at least		50,000
Arizona, no coal yet discovered.		
Nevada, no coal yet discovered.		
Nebraska, the coal-bearing rocks cover an area of 3,600 square miles; but on account of the smallness of the veins, none exceeding one foot, the coal is of no commercial value.		
Indian Territory, the coal-bearing-rocks cover an area of 13,600 square miles.		
Arkansas, the coal-bearing rocks cover an area of 12,000 square miles.		
Total		5,528,970

New discoveries in Colorado, Utah, Wyoming, and Dakota will increase the amount given above considerably.

ENTRIES UNDER THE COAL-LAND ACTS.

From 1866 to June 30, 1880, under the coal-land acts there have been 78 entries at district land offices, containing 10,750.24 acres, for which the United States received $146,999.25, as follows:

State or Territory.	Entries.	Acres.	Amount.
California	18	2,154.79	$32,972 75
Oregon	2	185.18	1,851 80
Utah	13	1,815.64	21,524 00
Washington	26	3,556.92	45,109 00
Wyoming	6	1,355.00	27,100 00
New Mexico	5	721.35	7,220 10
Colorado	8	961.36	11,221 60
Total	78	10,750.24	146,999 25

COAL LANDS.

The public lands of the United States containing coal are disposed of under the act of Congress approved March 3, 1873.

The sale of coal lands is provided for by this act—

1. By ordinary private entry under section 1.

2. By granting a preference right of purchase based on priority of possession and improvement under section 2.

The land entered under either section must be by legal subdivisions, as made by the regular United States survey. Entry is confined to surveyed lands; to such as are vacant, not otherwise appropriated, reserved by competent authority, or containing valuable minerals other than coal.

Individuals and associations may purchase. If an individual, he must be twenty-one years of age and a citizen of the United States, or have declared his intention to become such citizen.

If an association or persons, each must be qualified as above.

A person is not disqualified by the ownership of any quantity of other land, nor by having removed from his own land in the same State or Territory.

Any individual may enter by legal subdivision as aforesaid any area not exceeding one hundred and sixty acres.

Any association may enter not to exceed three hundred and twenty acres.

Any association of not less than four persons, duly qualified, who shall have expended not less than $5,000 in working and improving any coal mine or mines, may enter under section 2 not exceeding six hundred and forty acres, including such mining improvements.

The price per acre is $10 where the land is situated more than fifteen miles from any completed railroad, and $20 per acre where the land is within fifteen miles of such road.

Where the land lies partly within fifteen miles of such road and in part outside such limit, the maximum price must be paid for all legal subdivisions the greater part of which lies within fifteen miles of such road.

The term "completed railroad" is held to mean one which is actually constructed on the face of the earth, and the lands within fifteen miles of any point of a railroad so constructed will be held and disposed of at $20 per acre.

One year from and after the expiration of the period allowed for filing the declaratory statement is given within which to make proof and payment, but no party will be allowed to make final proof and payment, except on notice to all others who appear on the records as claimants to the same tracts.

The amount of money received from the sale of coal lands in eight years has been $146,999.25. Contrast this beggarly account with the fact that in eight years under the graduation law of August, 1854, 25,696,419 acres of lands were sold, and we have an idea of the disastrous effects produced upon the masses of this people, the landless thousands of home seekers, by excluding them from an area of 8,639 square miles, nearly one-fifth of the State of Alabama, by pricing up coal lands to $10 and $20 per acre. The act of 1873 has these evils in its train:

1. It shuts out the poorer classes from the opportunity to acquire coal lands.

2. It reserves the coal lands for the exclusive use of capitalists, until they get ready to buy them.

3. It gives to the land-grant railroads, at least in Alabama, a monopoly in coal, found in large bodies on lands donated to them by the United States.

4. It shuts out soldiers from all opportunity to take up coal lands with their land warrants.

5. In Alabama it virtually locks out every man from access to the public lands in an area of one million and a half acres who is not able to pay $10 to $20 per acre for his homestead or entry.

6. It condemns the richest area of coal land in the United States to remain a wilderness for one hundred years to come.

In proof of its value and of the necessity of opening this great body of land to settlement, I will read the following statements made by Captain Winter in his official reports to the Commissioner of the General Land Office, by whose direction he made an official examination of these lands:

REPORT ON THE PUBLIC LANDS IN THE STATE OF ALABAMA CONTAINING COAL AND OTHER MINERALS.

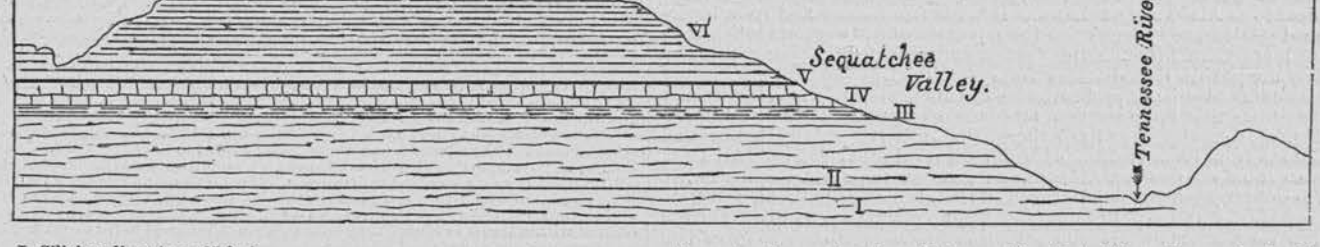
UNITED STATES LAND OFFICE,
Huntsville, Alabama, February 1, 1879.

Having been deputed by letter of the 28th December last as special agent under the fifth subdivision of section 2223 Revised Statutes of the United States to examine and to report on the mineral character of certain lands in the State of Alabama, I left Washington on the 16th ultimo and arrived at Huntsville on the 18th. After paying a visit to the officers of the local land office at that place, by whom I was most kindly received, I proceeded to the coal region on the Warrior River, in Jefferson County, for the purpose of getting a clear idea of the topography of the whole coal region in general and of the order of the different formations and coal veins in particular. For some years the most extensive mining operations have been conducted there, and shafts have been sunk to the depth of several hundred feet.

After examining carefully the shafts at Warrior and Morris stations and at the Jefferson mines, and traversing the country for several miles in an easterly and westerly direction, I gathered sufficient information to determine the margins of the coal-fields, to calculate the area of the same, and to enable myself to report with correctness as to the number, thickness, and altitude of the different coal-beds.

Prepared in this way for the task before me, I returned to Huntsville and proceeded from there to Larkinsville, on the Memphis and Charleston Railroad, to begin my survey with the coal region of Jackson County. The map submitted by Mr. Hiram Haines, of Birmingham, does not contain any mineral lands of said county. From the topography of the country which I had traversed in the railroad cars, I could plainly discern that the lands lay in the coal measures, and as I had reason to suspect that the omission was not accidental, I thought it advisable to include Jackson County in my survey, and as I believe with the best result.

The Cumberland Mountain of Tennessee sends out in a southerly direction many finger-like spurs or prongs across the Alabama line, which are very often severed by gaps and covers, leaving many outlying detached mountains belonging to the coal measures. The coal-fields of said mountain are cut into two arms by the Sequatchee Valley and its continuation. The fields in question are situated on the west side of this valley. The following section was made through the middle of Jackson County from east to west:



I. Silicious limestone, 95 feet.
II. Mountain limestone, 505 feet.
III. Shaly sandstones, 17 feet.
IV. Heavy bedded sandstones, 23 feet.
V. Fireclay and coal, 1. 3 feet.
VI. Shales and sandstones with probably one seam of coal, 190 feet.
VII and VIII. Fireclay and coal, 4 feet each, 8 feet.
IX. Cliff rock, 75 feet.

The first coal-seam occurs about forty feet above the mountain limestone; it is from eighteen inches to two feet thick, and when found in workable thickness will furnish an excellent article. One hundred and ninety-four feet above this seam is the next coal-seam, showing a thickness of four feet. The coal is very hard, cubical, laminar, semi-lustrous, free from sulphur, and has no superior as a shipping coal in Alabama or any other State. In the seam is a parting of fire-clay two inches thick, occurring thirty-five inches from the roof and remaining parallel with it. This band of fire-clay, so far from being a disadvantage, is of great value in the economical production of the coal. The same being of a soft consistency, is easily picked out, and the upper and lower layers of coal are broken off by wedges driven in at the top of the roof and from the bottom. In this way the use of blasting-powder is rendered unnecessary.

Various openings have been made, and four miles above Boyt's Switch a gangway was driven to the distance of one hundred and fifty feet through the coal.

On the westerly margin above Guess Creek the outcrop is exposed to view under the cliff-rock for several miles, everywhere showing a thickness of four feet.

The close proximity to the Memphis and Charleston Railroad makes this coal-field one of the most important in the State of Alabama, and, as the Tennessee River is within easy reach, will be able to compete with any of the more northern coal-fields as soon as the projected improvements of the Muscle Shoals in that river shall be completed. Appendix A contains the public lands in Jackson County, in which the four-feet coal-vein occurs; and Appendix B is a rather hurriedly composed sketch showing the outlines of the whole coal-field in said county.

Respectfully submitted.

F. WINTER, *Special Agent.*

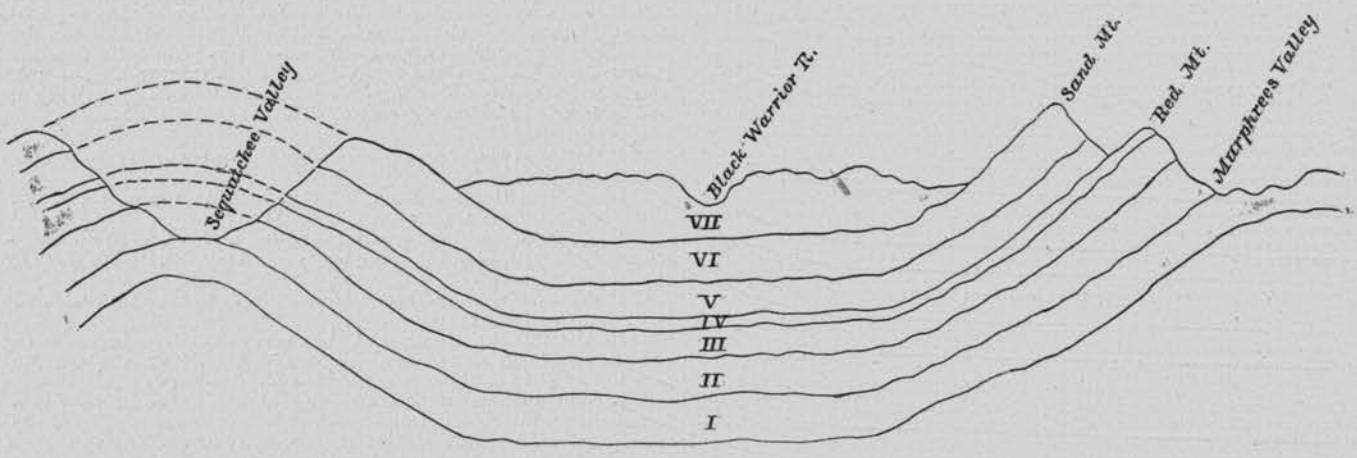
To Hon. J. A. WILLIAMSON,
Commissioner General Land Office, Washington, D. C.

REPORT ON THE MINERAL LANDS IN THE STATE OF ALABAMA.

HUNTSVILLE, ALA., *March* 11, 1879.

In pursuance of the plan adopted by me to begin with the most northerly part of the mineral lands of Alabama and to proceed in a southerly direction, the field works of the survey during the last month have been devoted chiefly to the coal formations in Marshall and Blount Counties.

The structure of the entire coal-field is a long synclinal, occasioned by two anticlinals on each side of it, the one on the west forming Sequatchee and the other on the east forming Murphrees Valley. The synclinal itself is again divided in Blount County by the principal branch of the Black Warrior River, as will be seen in the following section, through townships 13 of ranges 1 and 2 east and 1 and 2 west, from an easterly to a westerly direction:



I. Knox shale and dolomite.
II. Chazy and Trenton.
III. Dyestone group with beds of fossiliferous red-iron ore.
IV. Black shale.
V. Mountain limestone.
VI. Conglomerate.
VII. Coal measures proper.

Going southwest from Guntersville a coal-bed is exposed on Short and Drum Creeks, showing a thickness of twenty-eight inches, and lying under or rather in the conglomerate. This bed, like several others belonging to the upper coal measures, is opened for domestic and blacksmith purposes at several places, but all are very irregular in thickness. They are most frequently too thin to work with profit, but where they swell out to a thickness of three feet or more, they might become valuable.

The Dyestone group is exposed along the easterly slope of Red Mountain, in Murphrees Valley, and shows the fossiliferous red iron-ore at several places in workable thickness. At the corresponding position in Sequatchee Valley no well defined exposure of the red ore of this group was observed, though a sandstone having many of the characteristics of the dyestone sandstones is seen in the creek near the S. & N. R. R., between Bangor and Blount Springs. The coal measures, hereinbefore described, are bounded on the east by the Sand Mountain, formed of the steep rocks of the conglomerate, and on the west by the high cliffs of the same formation. Parallel with the same run the South and North Railroad, through Sequatchee Valley, and the Chattanooga and Alabama Railroad, through Jones Valley. There are no suitable gaps through which a connection with any one of said railroads could be effected. The value, therefore, of said coal-lands will appear very problematical. They all are situated within fifteen miles of any of the railroads; but the price of $20 per acre will, in my opinion, never be realized.

In Appendix A I give the public lands of Marshall and Blount Counties, in which coal-veins occur, as also some of the lands situated on Red Mountain, in which the fossiliferous red iron-ore was found.

Respectfully submitted.

F. WINTER,
Special Agent.

To Hon. J. A. WILLIAMSON,
Commissioner General Land Office, Washington, D. C.

Referring to my first report of February 1, 1879, I come next to the description of the coal lands of

LOOKOUT AND SAND MOUNTAINS

in Cherokee and De Kalb Counties. These mountains embrace the high table land between Sequatchee Valley on the west and Wills Valley on the east. The principal coal-vein occurs in the cliffrock or conglomerate, and the same as described in my last report. The vein belongs to the lower coal measures, the whole part of which is so much squeezed out between the two great anticlinal folds, the Sequatchee and Wills Valley, that only the two edges have been sufficiently elevated to form the high table land or plateau above mentioned, excluding the upper measures entirely, with the exception of some back benches, where no workable coal veins exist. The bed is from two and a half to three feet thick, and has been worked at several places along the Alabama and Chattanooga Railroad. I examined the mine near Fort Payne, where the vein is two and a half feet thick, which appears to me to be the average thickness, although it rises sometimes to three feet and more, while on other places the coal is only very poorly represented, sinking down to the thickness of a few inches. At Short Creek, in Marshall County, I found the bed one and a half feet thick, and near Hendrick, in Blount County, two feet. The greater part of the openings were made for the purpose of obtaining a little coal for domestic use or blacksmith purposes. In the neighborhood of the Alabama and Chattanooga Railroad mines have been opened at several places. The Eureka mines, near Sulphur Spring Station, and the Hendrick mine, near Fort Payne, and the Harralson mines at Halloman's Station. Owing to the irregularity of the vein no extensive mining business has been done; the operations, on the contrary, have been suspended almost entirely. In view of which fact the public lands in this part of the State cannot be considered as containing valuable coal-beds.

The prolongation of this coal-field in a southwesterly direction leads to the

WARRIOR BASIN,

which is undoubtedly the most important and valuable coal-basin in the State of Alabama.

Following the outcrop of the cliffrock or lower conglomerate, through Marshall, Cullman, and Blount Counties, the same geological conditions prevail which have been described in the foregoing chapter, till we reach the line of the North and South Railroad, when the conglomerate gradually sinks down and the upper coal measures make their appearance. At the railroad bridge near Warrior Station the conglomerate may be seen on both sides of the river, and on the northwest side of that river at that point the first coal-basin begins.

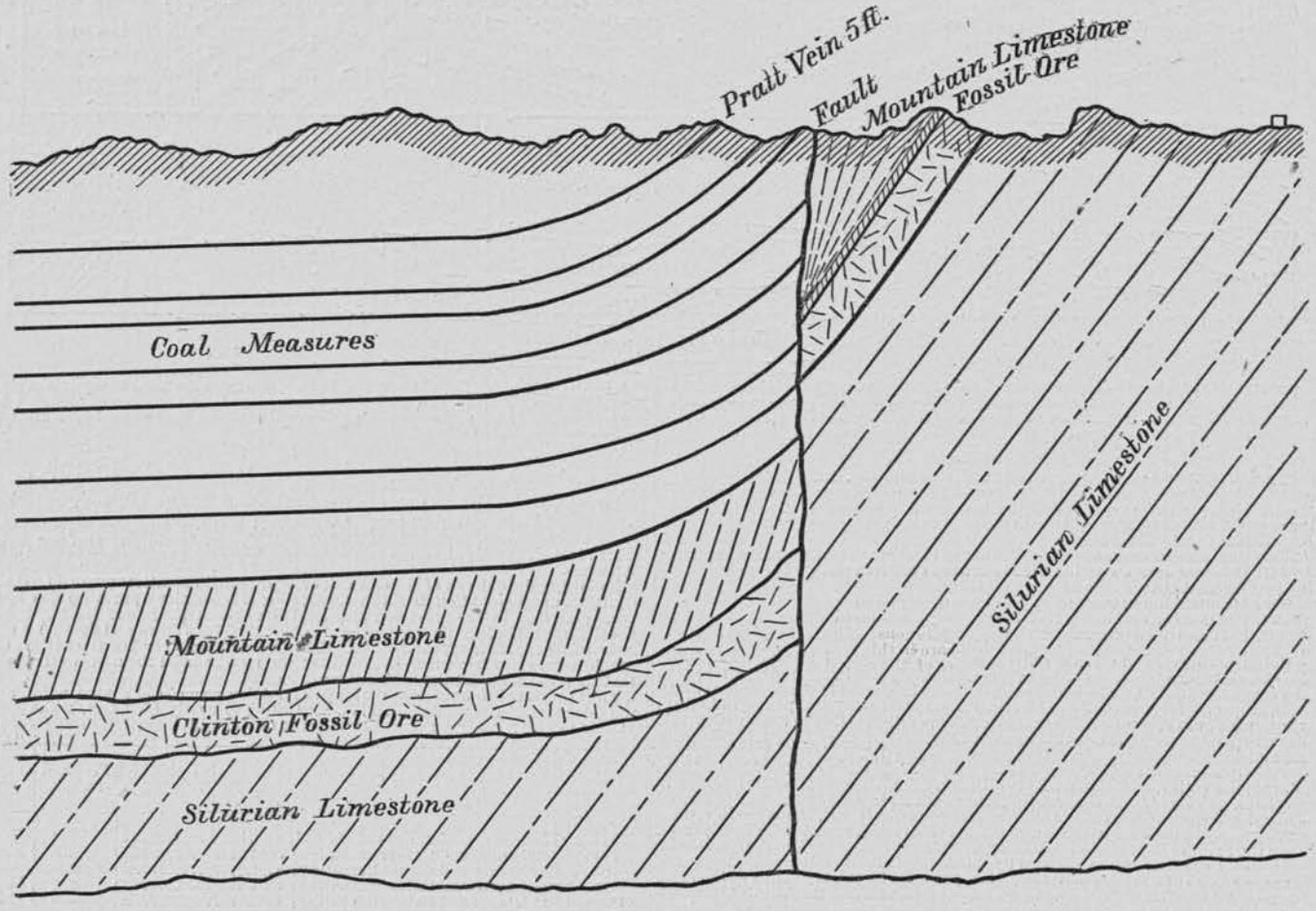
The enormous extent of this coal-field containing some 5,000 square miles, and the thickness of the whole formation, amounting to nearly 4,000 feet, make it advisable to give a general section before going into details.

Feet.	Coal beds.	Feet and inches.	
225	Measures, sandstones and slate alternating; coal	0.3	U.
113	Sandstones and slates alternating; coal	4.6	T.*
22	Sandstones and slates alternating; coal	1.6	S.
28	Sandstones and slates alternating; coal	2.4	R.
5	Sandstones and slates alternating; coal	4.0	Q.†
50	Sandstones and slates; coal and slate	6.0	P.
30	Sandstones and slate; coal	1.6	O.
35	Sandstones and slate; coal, mixed	6.0	N.
100	Measures, coal	0.8	M.
	Slate five feet; coal	1.3	L.
100	Sandstone.		
25	Slate; coal	4.6	K.
25	Slate and sandstone; coal	2.0	J.
6	Slate; coal	0.3	I.
3	Slate; coal	1.3	H.
100	Sandstone; coal	2.2	G.
50	Slate; coal.		
200	Slate and sandstone; New Castle coal	6.3	F.‡
15	Sandstone; coal	1.10	E.
3	Fire-clay.		
20	Sandstone; coal	2.6	D.
25	Sandstone.		
1.4	Blackland.		
20	Sandstone; coal	4.9	C.‖
30	Sandstone.		
20	Conglomerate		(§)
1	Slate; coal	1.6	
81	Sandstone and slate alternating; coal	1.6	
38	Gray sandstone; coal	4.5	B.
29	Clay and sandstone; coal	2.6	
108	Sandstone and slates.		
50	Sandstone and slates.		
79	Sandstone and slates; coal	1.2	
30	Clay.		
2	Blackland ore; coal	3.4	
334	Sandstones and slates; coal	1.6	
17	Sandstones and clay; coal	1.4	
12	Clay; coal	2.6	S.
102	Sandstone and slates.		
500	Sandstone; coal	0.6	
175	Sandstone and coal	1.7	A.
180	Sandstones and slate; mountain limestone.		
3,089		71.8	

* Pratt Seam.
† Eight-inch slate bed.
‡ Dividing rock, no value on account of slate.
‖ No value on account of slate.
§ Warrior River R. R. bridge.

This field is composed of several basins formed by faults or dislocations, of which the easterly, along the western part of Jones Valley, separates that part which lies between Five-Mile Creek and Reid's Gap from the larger field west of Jones Valley. As this basin is traversed in its whole length by the North and South Railroad, affording every facility for shipping, extensive mining operations have been carried on for several years. The principal seams worked there are the Warrior seam, No. B of the series, the Black Creek seam, No. C, the Jefferson seam, No. D, and the New Castle seam, No. F. Of them the New Castle seam is undoubtedly the most valuable, having a thickness of 5 feet 6 inches, and the coal being of a good quality, in consequence of which the operations conducted on this seam have been so far successful; all others on the lower seams have failed. Under these circumstances, I felt justified to denominate those public lands of this basin as valuable which contain the New Castle seam.

The larger field west of Jones Valley, in Jefferson, Walker, Winston, Fayette, and Tuscaloosa Counties, is also separated in two distinct basins formed by the prolongation of Sequatchee Valley, an enormous upheaval, of which the consequences may be seen far down to the confluence of the Mulberry and Locust Forks of the Black Warrior River.



From the annexed section it will be seen that the great fault, running in a northeasterly direction, about six miles west from Birmingham, brings the higher coal measures to light, and affords the facility of working the same above water-level. This fact is of the highest importance, as the greater part of all mining operations have come to a stand-still by the enormous expenses occasioned by the lifting of coal and water through shafts from great depths by powerful engines.

The Pratt seam, four and one-half feet thick, is worked with great success. The mine is six miles distant from Birmingham, and connected by a branch railroad with the South and North Railroad. The coal is of excellent quality, and makes a good coke, for the production of which article extensive preparations are made. An extension of said branch railroad would lead through the middle of the basin in question, and give easy access to any amount of workable coal-beds, where the coal is at moderate depths, and where the regularity of the measure gives promise of freedom from those faults and disturbances which are so serious a drawback and source of expense in mining operations. I am sorry to say that at the locations of all the Alabama railroads these considerations have been entirely overlooked.

Along the Alabama Great Southern Railroad, south of Birmingham, various veins have been opened and mining operations conducted in a small way.

The most southerly mine at the bank of the Warrior River, near Tuscaloosa, is worked for the insane hospital. The vein is four feet thick, and the coal of good quality. This coal-bed corresponds in position with the New Castle vein in the basin described before.

The next and most westerly basin is doubtless the most important of all on account of its great extension and the amount of workable coal-beds.

The sparsity of the population, the roughness of the country examined, the great extent of the coal-field itself, and the almost complete absence of any accurate information concerning the same, made the survey extremely difficult. But from several coal-beds which were exposed at the banks of creeks, and which have been carefully examined by me, I am convinced that future explorations will reveal in this field a wealth of coal of which we now have very little idea.

A railroad from Tuscaloosa to Tuscumbia, on the Tennessee River, and below the so-called Muscle Shoals, would open to the business world an immense field of workable coal; but it will be very difficult to select the most desirable route for this road.

The surface of the field is very broken, valleys extend in every direction, and, as the road should be built with a view to develop those parts of the field where the largest beds and the most excellent quality of coal is accessible at moderate depths, and where the regularity of the measures make mining operations most profitable, the cost of this will be so enormous that under the existing political situation and the unwillingness of northern capital to invest in southern enterprises, though remunerative, there is no hope that this road will be built for a long time to come, if ever.

The coal-beds I examined were the following: Near Holly Grove, in Walker County, a vein is exposed by the washings of Lost Creek, and some of the coal has been mined for blacksmith purposes. The same contains: Yellow shale roof; coal, upper part slaty, lower much better, with seams of mineral charcoal, four feet; hard clay parting, one-tenth of a foot; coal, good, hard, shining, two feet; coal, slaty, not so good as above, one and three-tenths foot; black slate in bottom, eight feet. As far as I could locate the vein, the same is corresponding with coal-seam P of the series belonging to the upper measure.

The next seam I examined was seen on a little creek near Kansas, in the same county, of five feet thickness and the coal of superior quality. But it was impossible to determine whether it is the same vein as the one above described, though I can assert with certainty that it belongs likewise to the upper measures.

Near the town of Jasper the outcrop of a coal-bed can be seen of three feet thickness and good coal, corresponding with seam G of the series the next above the dividing-rock.

The same vein is exposed at the bank of Black Water Creek, about four miles north of the town of Jasper, but the coal was too sulphurous to be pronounced a good article.

Eight miles below Democrat, in Walker County, a coal-bed was found whose thickness and quality of the coal makes it almost certain that it is the westerly outcrop of the Pratt seam described above, and which convinced me of the fact that the Warrior field was divided into two distinct basins.

In Appendix A the extent of the workable coal-beds of the three coal-fields, the Warrior, Cahaba, and Coosa coal-fields, are represented in brown colors.

The next coal-field to be described is the

CAHABA COAL-FIELD.

The enormous thickness of the measures, ascertained to be over five thousand feet, renders the lower coals so deep as to be forever inaccessible where the upper measures are on the surface. The maximum available thickness of coal, therefore, will not exceed thirty feet, while at places where the measures are nearly horizontal, as in the western part, but two workable beds are to be found.

The Cahaba coal-field is limited on its southern and eastern side by a fault, which cuts off the coal measures and brings to a level with them the Knox shale and limestones, a formation which belongs at least seven thousand feet below the coal formation, the vertical displacement being a little less than ten thousand feet, or nearly two miles.

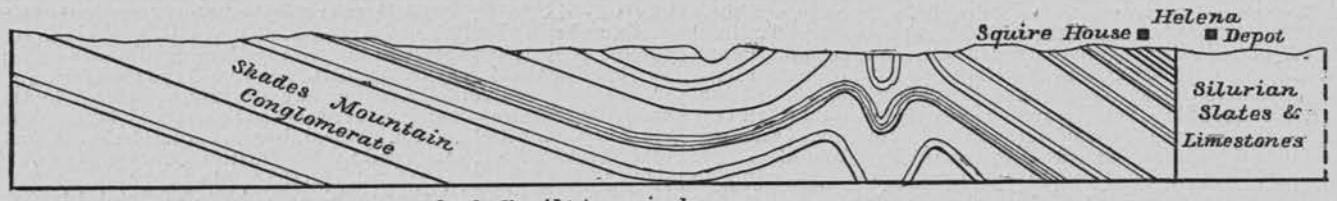
The field is divided in the upper or Montevallo group and the lower or Cahaba River group, the former containing part of the upper and the last-named part of the lower veins.

The coal throughout the whole field is distinguished from others by its hardness and absence of sulphur, and the coke made from it is of the very best quality, but the displacement above referred to exerts such an injurious influence on mining operations that all enterprises before and since the war have proved fail-

ures. The beds are standing at a high angle, or nearly vertical, and in consequence subject to great irregularities, as will be seen from the above sections. An extensive mining business, conducted by the Eureka Mining Company for several years, was given up during my presence in Alabama. The most powerful engines were not able to raise the waters in the mines, and the company was forced to abandon them with the loss of a capital of not less than $50,000.

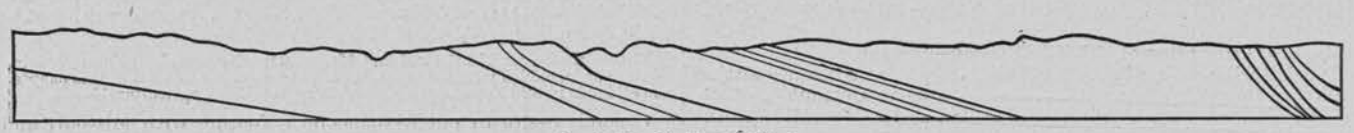
Below I give two sections along the S. and N. R. R. and at Five-Mile Run, which are approximately as follows:

Section on S. and N. R. R.



Scale ½ mile to an inch.

Section on Four Mile Creek.



Scale 1 mile to an inch.

I omit, therefore, to give a description in detail of the different veins—the principal features may be seen in the delineation of the two sections above given and in Appendix A, where the position of the seams is approximately indicated—and pass over the description of the

COOSA COAL-FIELD.

This field covers a large area, extending from Calhoun County to the southern part of Shelby County and containing several thousand square miles, but for the greater part only the lower series of the lower measures come to the surface, and the space in which workable coal-beds occur is in consequence very limited. See Appendix A.

There are three seams in township 15, ranges 4 and 5 east, and township 16, range 3 east. The same have a varying thickness from two and one-half to four feet, and the coal which I examined is of a good quality.

The beds are greatly distorted by local faults or displacements, the same being generally inclined at a tolerably high angle, (thirty-five degrees or more,) which has the effect of greatly interfering with mining operations. The fact that only three workable beds of coal have as yet been laid bare in this area, and the occurrence in the midst of this coal-field of the limestones of the underlying sub-carboniferous formation, would seem to speak against any great thickness of coal-bearing rocks.

These fields are at a distance from any railroad, and even if the Coosa River should be made navigable, which traverses the fields in their eastern part, I would have little hope that a remunerative mining business can ever be carried on. I would, therefore, pronounce the whole field as containing no valuable coal-beds, if not the close proximity of the same to the large iron deposits in Clair, Etowah, and Calhoun Counties make it probable that the supply of fuel for working up these deposits will be derived from these beds, and make them in consequence valuable.

For the extent of the coal-beds which might become valuable see Appendix A.

IRON ORES.

The red hematite, known under the name of fossil or dye-ore, extends over one hundred miles on each side of Jones Valley. On the western side the vein reaches a thickness of over thirty feet, but only the upper seven feet of it are workable, the rest, on account of the great amount of silicious matters, is too difficult to smelt. On the western side of Wills's Valley, from the Tennessee line to near the town of Atalla, the vein is only three feet thick, but the silica is here replaced by calcareous matter, which makes it of great value, as mixed with other harder ores it serves as a flux. Extensive mining operations are carried on there, and the ore, on account of its good qualities, is sent to far distances.

LIMONITE OR BROWN IRON ORE.

In all the valleys separating the different coal-fields above described, the Knox shale and dolomite comes to the surface, in which formation limonite is the characteristic mineral. It is found there in pockets or irregular deposits, and furnishes the principal supply to all the iron-furnaces in the State. The yield is always over 50 per cent. The quality excellent, though some of the ores on account of some small percentage of phosphorus makes the iron cold-short. As to the quantity, strings of these pockets run through all the belts of the Knox shale and dolomite formation, forming sometimes smaller, sometimes deposits of enormous extent.

It was impossible for me to examine all the pockets as to their quantity in ore, which would have taken years to perform, and therefore thought it advisable to denominate all places where the surface indications were favorable as valuable mineral lands. In returning the Schedule B furnished me with the order of December 28, 1878, I inclose Appendix C, containing the mineral lands in the Montgomery land district, which are not contained in said schedule and Appendix D, those of the Huntsville land district. In Appendix E a section through the whole mineral lands of Alabama is given in the direction from north to south.

In conclusion, I would state that all the coal-fields above described, with the exception perhaps of the Warrior basin, are so irregular and distorted that all mining operations since a long run of years conducted by the best managers and under the most scientific as well as practical methods, have proven failures, and those who engaged in it suffered great losses and disappointments. All the mines from Jackson County down to and along the South and North Railroad have been abandoned already or will be so in a short time. The losses in some instances are enormous, amounting to $50,000 and more. Add to this that said railroad sells its lands in the coal-fields, which are considered the very best, at prices from $1.50 to $2.25, and that farming lands in Walker and adjacent counties can be bought at still lower prices, and it will be clearly demonstrated that any policy on the part of the General Government to attach to these lands the prices fixed by the coal-land law of March 3, 1873, will virtually close the land offices in Northern Alabama.

In the main these public lands are only valuable for small farmers, who are too poor to buy valley or richer lands, or for men who wish to embark in sheep culture or stock raising generally.

In several coal-fields the percentage of really workable coal is so small, and in others so far distant from all transportation, with no particle of hope to ever get any, that these lands will never be taken up except for the above-named purposes and it will be great benefaction to the State of Alabama, to many of its extremely, poor citizens, both white and colored, and encourage the emigration of foreign settlers, if the lands in question could be disposed of under the common agricultural prices.

Respectfully submitted.

F. WINTER,
Special Agent.

Mr. GARLAND. Before we get to the part of the bill sought to be amended by the Senator from Alabama, I wish to suggest an amendment to the first section, to which I call the attention of the Senator from California, [Mr. BOOTH.] On line 14 of section 1, commencing with the word "found," I move to strike out all from there to the word "thereon," in line 15, inclusive, and to insert after the word "location," on line 14, "for any cause;" so as to read "which said claims were, after such location, for any cause, canceled." The present reading of the bill is "were, after such locations, found to be fraudulent and void, and the entries or locations made thereon canceled."

The bill, if I understand its object, is to enlarge or qualify the claim specified in section 2306 of the Revised Statutes, which reads:

Every person entitled, under the provisions of section 2304, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

That takes us back to section 2304, which provides that—

Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February 13, 1862, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

The words in this bill "found to be fraudulent and void" will raise a good many questions that it will be unnecessary in many cases to raise, and in many instances will absolutely defeat the object of the bill, if I understand it correctly, which is to relieve innocent purchasers who have paid the fees and commissions on these entries, where from any cause their entries failed, not necessarily for a cause that would make the entry fraudulent and void or that would raise those interminable questions that frequently come up in the distinction between what is void and what is voidable. It is to relieve against any matter of mistake, any occurrence that rendered the entry unavailable where the parties paid the lawful fees, and to allow such parties to make another entry, complete and perfect. What gives color to that is that under section 2369 of the Revised Statutes pretty much, though not entirely, such a provision of law exists; and my idea would be to amend section 2369 and make it embrace all entries or attempted entries of this kind; but inasmuch as the committee have reported a bill which appears to have been very carefully considered, we had better take that. I propose to amend the committee's bill so as to let these innocent purchasers make these entries perfect, not merely when the entry has been a fraudulent or void one, but where for any cause it was voidable.

I wish to say, however, that if the Senator from California who has charge of the bill thinks this is not within the scope of the bill, I do not care to interfere with it after its mature consideration by the committee he represents.

Mr. BOOTH. If I understand the effect of the amendment pro-

posed by the Senator from Arkansas, I have no objection to it. I think, however, the first section as it is meets the object.

Section 2306 of the Revised Statutes authorizes soldiers and sailors who have made homestead entries within railroad limits an additional eighty acres of land. Under that provision the Commissioner of the General Land Office made rules authorizing proof to be made before a clerk of a court of record, and forged papers were made, and these found a market, and were bought by innocent purchasers. The local land offices frequently allowed entries to be made on such papers and collected the fees. When those entries came to the General Land Office they were canceled because the papers were forged. The object of the first section is to refund the fees paid on void entries. I have no objection to the amendment of the Senator from Arkansas.

So far as the amendment offered by the Senator from Alabama is concerned, I have not considered it. It is not germane, certainly, to this bill. What he has said in regard to the subject commends it to my favor, and I shall not object to a vote of the Senate on the proposition, though I should have been glad if the subject had been considered by the Committee on Public Lands.

Mr. GARLAND. I understand the Senator from California does not object to my amendment.

Mr. BOOTH. I do not object to that amendment.

The PRESIDING OFFICER. This bill was at a former sitting read, and its consideration proceeded with as in Committee of the Whole. It is now again before the Senate as in Committee of the Whole, and the amendment offered by the Senator from Arkansas [Mr. GARLAND] is the first amendment in order. It will be read.

The CHIEF CLERK. In line 14, after the word "location," it is proposed to strike out "found to be fraudulent and void, and the entries or locations made thereon," and to insert in lieu thereof "for any cause."

The amendment was agreed to.

Mr. BOOTH. In section 4 I wish to make a formal amendment before the amendment of the Senator from Alabama [Mr. MORGAN] is voted on. I move to strike out in line 1 of section 4 "Commissioner of the General Land Office" and insert "Secretary of the Interior," so as to read:

The Secretary of the Interior shall make all necessary rules, and issue all necessary instructions to carry the provisions of this act into effect.

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Alabama, [Mr. MORGAN.]

Mr. BROWN. Mr. President, I am gratified that the Senator from California makes no objection to the amendment of the Senator from Alabama. I am well acquainted with a portion of the country known as the Sand Mountain coal region. There are in Alabama, Georgia, and Tennessee millions of acres of coal land. In my own State on Sand Mountain, and Lookout Mountain, it can be purchased at from one to two dollars per acre. The quantity is so great in that large section of country in the three States, that the lands containing it are estimated by their agricultural and other value, and not by the quantity of coal they contain. Any one who wishes to engage in the business of coal mining can at his own price almost purchase all the coal land he wishes. He need pay little if anything more than its agricultural value. Coal mining in that section is a simple business transaction. If well and judiciously managed with sufficient capital, it is profitable. If not backed by sufficient capital, or if badly managed, it is a failure. The coal in the land, therefore, has no market value, and scarcely enhances the value of the land to any extent.

Much of the large section of coal land in Alabama is fit for cultivation. Not much of it is rich; but with proper culture it produces kindly; and if those desirous of settling it could get titles on the terms usual in the disposition of the public lands much of it would soon be settled by a hardy, industrious population. There is a large quantity of coal land in that State which if held at ten and twenty dollars per acre would not find a purchaser in a hundred years. If the Government continues to hold it at those prices it must remain an uncultivated wilderness for a long time to come. If it is open to homestead and to location of land warrants, or if disposed of at public sale, much of it will in a few years be settled by a thrifty population. It seems to me, therefore, that sound public policy requires that it be thrown open to settlement as the public lands are in other States and Territories and as coal lands are now by law in several of the other States. It is due the State of Alabama that her growth, increase of population, development, and prosperity shall not be retarded by the Government holding this large tract of country at a price that it will not command in the market for generations to come. It will be much better to open it up to settlement by disposing of the lands as other public lands are now disposed of, and thereby increase the population of the State and encourage the development of the coal interest itself, as well as the agricultural and other great interests of Alabama. I trust the amendment of the Senator from Alabama [Mr. MORGAN] will prevail.

The PRESIDING OFFICER. The amendment of the Senator from Alabama [Mr. MORGAN] will be read.

The CHIEF CLERK. At the end of the bill it is proposed to add as a new section:

SEC. —. That coal lands within the State of Alabama shall be subject to disposal as agricultural lands, any law to the contrary notwithstanding.

Mr. PLUMB. I do not know but that I agree with the purpose of that amendment; but I submit that it is one of those things which ought to be the subject of discussion by itself as a separate proposition; that it is in no way germane to the purpose of this bill. It has not been considered, as I think, by the Committee on Public Lands, where it properly belongs. That condition of things existing in Alabama, however it may be affected by this amendment, is not in any way different materially from the condition of things in Colorado, and other States and Territories. I should be glad to see the subject of legislation on this matter considered and passed upon; but, in order that it may be considered and passed upon intelligently, it ought to be introduced as a separate measure, considered by the committee, and reported in order that the Senate may take up the proposition by itself, unembarrassed by other considerations and other measures, and considered not only with reference to one particular State, but with reference to the public land system of the United States, of which the provision sought to be repealed is part. I hope, therefore, the Senator from Alabama will not insist upon this amendment to this bill at this time.

Mr. MORGAN. The amendment is copied literally from the law relating to Missouri and Kansas. The Senator from Kansas must be entirely familiar with the land law:

Within the States of Missouri and Kansas deposits of coal, iron, lead, or other mineral are excluded from the operation of the preceding sections of this chapter, and all lands in said States shall be subject to disposal as agricultural lands.

I merely desire to put Alabama on a footing with Missouri and Kansas in that respect, and I think I have stated the reasons which justify this motion on my part.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama.

The question being put, a division was called for; and the ayes were requested to rise.

Mr. SAUNDERS. I think we had better have a little further understanding of that. I should like to have the Senator from Kansas make a statement.

The PRESIDING OFFICER. The Senate is dividing and debate is not in order.

The ayes were 15.

Mr. PLATT. Can the amendment be reported again?

The PRESIDING OFFICER. By unanimous consent, the amendment will be reported again.

The Chief Clerk read the amendment.

The PRESIDING OFFICER. The Chair will ask for those opposed to the amendment to rise.

Five Senators rose.

The PRESIDING OFFICER. There is not a quorum of the Senate voting.

Mr. HARRIS. I ask for the yeas and nays in order to develop the presence of a quorum.

The yeas and nays were ordered.

Mr. SAUNDERS. Now I should like to hear from the Senator offering it what are the reasons for the amendment. He may have good ones. I should like to hear both sides of the question.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The Chief Clerk read the amendment of Mr. MORGAN.

The question being taken by yeas and nays, resulted—yeas 33, nays 13; as follows:

YEAS—33.

Bailey,	Davis of W. Va.,	McDonald,	Vest,
Bayard,	Eaton,	Maxey,	Voorhees,
Beck,	Garland,	Morgan,	Walker,
Booth,	Hampton,	Pugh,	Wallace,
Brown,	Harris,	Randolph,	Williams,
Butler,	Hill of Georgia,	Saulsbury,	Withers.
Call,	Johnston,	Slater,	
Cockrell,	Jonas,	Thurman,	
Coke,	Kernan,	Vance.	

NAYS—13.

Blair,	Kellogg,	Plumb,	Windom.
Cameron of Wis.,	Logan,	Rollins,	
Ferry,	Morrill,	Saunders,	
Jones of Nevada,	Platt,	Teller,	

ABSENT—30.

Allison,	Conkling,	Hereford,	McPherson,
Anthony,	Davis of Illinois,	Hill of Colorado,	Paddock,
Baldwin,	Dawes,	Hoar,	Pendleton,
Blaine,	Edmunds,	Ingalls,	Ransom,
Bruce,	Farley,	Jones of Florida,	Sharon,
Burnside,	Groome,	Kirkwood,	Whyte.
Cameron of Pa.,	Grover,	Lamar,	
Carpenter,	Hamlin,	McMillan,	

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLUMB. The title ought to be amended to correspond with the amendment made on the motion of the Senator from Alabama, by adding "and for other purposes."

The title was so amended.

Mr. LOGAN. When the yea-and-nay vote was taken a moment ago I failed to announce the fact that my colleague [Mr. DAVIS, of Illi-

nois] has gone to his rooms on account of illness. He asked me to make the announcement, so that his absence might be explained.

WIDOW OF THOMAS T. THORNBURGH.

The next bill on the Calendar was the bill (S. No. 1046) granting an increase of pension to the widow of Major Thomas T. Thornburgh, late of the United States Army.

Several SENATORS. There is an adverse report on that case.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SAUNDERS. I should like to have that bill taken up.

The PRESIDING OFFICER. It has been objected to and passed over.

PAY OF NAVAL ENGINEERS.

The next bill on the Calendar was the bill (S. No. 1422) to amend section 1556 of the Revised Statutes; which was considered as in Committee of the Whole. The bill was reported from the Committee on Naval Affairs with amendments: in line 3, after the word "that," to insert "from and after the passage of this act," and after the word "they," in line 5, to strike out "take rank as such" and insert "commenced to receive pay as first (passed) assistant engineers;" so as to read:

That from and after the passage of this act the passed assistant engineers of the Navy shall be entitled to receive during the third five years after the date from which they commenced to receive pay as first (passed) assistant engineers, when at sea, $2,450, &c.

Mr. WITHERS. That seems to be a bill to increase the pay of certain officers of the Navy; and as the Senator who reported it is not present to explain it, I move that it be passed over informally, not losing its place, however.

Mr. VOORHEES. I know the Senator from California [Mr. FARLEY] is very anxious about this bill.

Mr. WITHERS. I propose to have it passed over without prejudice.

Mr. BOOTH. My colleague will be here in a moment, I think. I will send for him. The bill can be read meanwhile.

Mr. VOORHEES. I hope the bill will not be passed over.

Mr. CONKLING. What is the bill, will the Senator be kind enough to state?

Mr. VOORHEES. It is a bill to amend section 1556 of the Revised Statutes, which relates to a little adjustment of the pay of engineers of the Navy. It is reported by the Senator from California from the Committee on Naval Affairs, and I know personally that he is extremely anxious to have it passed.

Mr. CONKLING. If my friend will hear a suggestion from me, I presume the Senator from California is attending a meeting of the Committee on Commerce, of which he is a member.

Mr. VOORHEES. I know he is.

Mr. CONKLING. Where some of the rest of us ought to be.

Mr. VOORHEES. He can be here in a few minutes. I am obliged to the Senator from New York.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Naval Affairs, which has been read.

Mr. CAMERON, of Wisconsin. Will the Senator who reported the bill state what change this bill makes in the law as it now is?

Mr. FARLEY. The change in the law is that after the date provided, passed assistant engineers having served a certain time shall receive the compensation that other officers similar to them in rank are receiving. The committee considered the bill very carefully and recommended its passage. It provides that passed assistant engineers shall receive pay as first passed assistant engineers after a certain number of years of service, and it is to put these engineers in the same category after having served ten, fifteen, and twenty years as other officers, and that the amount of their compensation shall be that specified in the bill.

Mr. WITHERS. The attempt is to apply the principle of longevity applied to officers to engineers.

Mr. FARLEY. That is what it is, and no more.

Mr. ALLISON. Let the bill be read once more.

The Chief Clerk read the bill.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. ALLISON. I wish to ask the Senator from California how much this increases the pay of these officers in the aggregate? I suppose that is the object of it?

Mr. FARLEY. About thirteen thousand dollars.

Mr. ALLISON. In all?

Mr. FARLEY. In all.

Mr. VANCE. The estimates make the expense a good deal more than thirteen thousand dollars to increase the compensation of officers who are crowding each other more than is necessary, and who have nothing to do except to guard a few old hulks.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I move that the title be changed by substituting for it "A bill concerning the pay of engineers in the Navy."

It is a very small matter in each individual case for a Senator to rise to; but, in my judgment, there ought to be a rule prohibiting the committees of the Senate from reporting bills, the only title of which is in reference to a section of the Revised Statutes. One very important safeguard in our legislation is the public knowledge of what is going on and what measures are proposed here, and we often get most important suggestions from the people outside; but the pendency of a bill with a title like this gives no information to the public whatever of the proposed legislation.

The PRESIDING OFFICER. If there be no objection——

Mr. ALLISON. I suggest to amend the title by saying "increasing the pay," &c.

Mr. HOAR. "Increasing the pay of engineers in the Navy."

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) If there be no objection, the title will be so amended.

Mr. COCKRELL. I desire to state that I am opposed to the principle of this bill. There is no occasion and no necessity for increasing the salaries of these officers.

The title was amended so as to read: "A bill increasing the pay of engineers in the Navy."

THOMAS I. MILLER.

The next bill on the Calendar was the bill (S. No. 986) for the relief of Thomas I. Miller, of Washington Territory, which was considered as in Committee of the Whole. It directs the Secretary of War to examine into and ascertain the loss and damage sustained by Thomas I. Miller, a citizen of Washington Territory, by the seizure and sinking of his ferry-boat on the Columbia River, by the armed forces of the United States during the late Bannock war in that Territory, in 1878, and appropriates $500 to pay the amount of the loss and damage.

Mr. WITHERS. Is there a report accompanying the bill?

The PRESIDING OFFICER. There is no printed report, the Chair is informed.

Mr. WITHERS. We ought to have some explanation of it.

Mr. HAMPTON. An explanation of the bill may be found in the certificate of the officer who destroyed the boat in the Bannock war of 1878. To prevent Indians from crossing the Columbia River, Captain Worth, of the Eighth Infantry, was ordered by General Wheaton to destroy all boats upon the river. He gives a certificate showing that in pursuance of these orders he destroyed certain boats, and among them the boat of Thomas I. Miller. The fact being established that the boat had been destroyed in pursuance of military orders the committee recommended the passage of the bill appropriating $500, or so much thereof as may be necessary, for the payment of the value of the boat so destroyed.

The PRESIDING OFFICER. The Chair would call the attention of the Senator from South Carolina to the fact that in line 16 the word "allow" is evidently a misprint, and it should be "allowed." If there be no objection the bill will be modified in that respect.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAULINA JONES.

The next bill on the Calendar was the bill (S. No. 1719) for the relief of Paulina Jones, widow of Alexander Jones, deceased, of Company E, Second North Carolina Infantry; which was considered as in Committee of the Whole.

Mr. INGALLS. Is there a report?

The PRESIDING OFFICER. There is no printed report.

Mr. WITHERS. We should have some explanation of the bill.

Mr. HAMPTON. The bill was reported from the Committee on Military Affairs favorably, and I think there was a unanimous recommendation of the committee for the passage of the bill. The papers are very voluminous. They show that this man was mustered into the service and died in prison, if I recollect aright. It is proposed by the bill to place his name upon the roll. The bill reads as follows:

That the Secretary of War is hereby authorized and directed to place the name of Alexander Jones upon the rolls of Company E, Second North Carolina Mounted Infantry, to date from September 1, 1863.

The purpose of placing his name upon the roll is to enable his wife to get a pension.

Mr. WITHERS. Do I understand the Senator to say that the man was mustered into the service regularly? If so, why was he not on the muster-roll?

Mr. HAMPTON. In the papers from the War Department there is the following letter from Adjutant-General Townsend:

WAR DEPARTMENT, ARCHIVES OFFICE,
Washington, April 27, 1874.

SIR: In reply to your letter of the 22d instant, I have the honor to inform you that from the morning report of the assistant provost-marshal at Richmond, Virginia, March 20, 1864, it appears that Alexander Jones, "spy and dangerous character, arrested in Tennessee, was committed to Castle Thunder on that day." Upon the register of Richmond prison appears this entry: "Alexander Jones, private Company E, Second North Carolina Infantry, captured in Green County, Tennessee, January 25, 1864; arrived from Castle Thunder May 28, 1864; admitted to general hospital No. 21, Richmond, Virginia, May 29, 1864, with 'debilitas;' was sent to Andersonville, Georgia, May 31, 1864." There is no further information to be found in this office or in that of the records of prisoners of war in regard to this man.

Very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

M. S. TEMPLE, Esq., *Washington, D. C.*

The papers are so voluminous that I cannot go through all of them. They have been placed in my hands after my report, which was made, if I recollect, at the last session of Congress. The committee gave very full consideration to this case, and ordered me to report it favorably.

Mr. WITHERS. I ask the Senator if the information which he has before him shows that this man was really in the service of the Government and in this company? If so, it ought to appear there.

Mr. HAMPTON. There is no doubt about his having been in the service.

Mr. WITHERS. I did not understand how he was mustered into the service when his name did not appear upon the roll.

Mr. CONKLING. May I inquire whether there is a report in this case?

The PRESIDING OFFICER. The Chief Clerk informs the Chair that there is not a printed report.

Mr. CONKLING. Is the person who is to be put upon the roll, living or dead?

Mr. WITHERS. Dead.

Mr. CONKLING. I would suggest that that at least should appear. One reading the bill would suppose that this was a living man to be put upon the rolls and borne there.

Mr. WITHERS. The object is to form the basis of a claim on the part of his widow for a pension.

Mr. CONKLING. Then I suggest to the honorable Senator, if he has charge of the bill, that for the purposes of identification, if nothing more, the word "deceased" should be added after the name of this man.

Mr. WITHERS. The Senator from South Carolina [Mr. HAMPTON] has charge of the bill.

Mr. HAMPTON. The Senator will notice that the bill is entitled "A bill for the relief of Paulina Jones, widow of Alexander Jones," &c. The man must be dead if he has a widow.

Mr. CONKLING. That would be an excellent answer if the title of the bill was a part of the enactment of the bill. If the title recited that it was for my benefit, that would not change the effect of the bill at all. I ask the Secretary to read the bill, not the title, but the bill.

The PRESIDING OFFICER. The Chief Clerk will report the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized and directed to place the name of Alexander Jones upon the rolls of Company E, Second North Carolina Mounted Infantry, to date from September 1, 1863.

Mr. CONKLING. I move to insert after the name the word "deceased," so that it will read "to place the name of Alexander Jones, deceased, upon the rolls."

Mr. HAMPTON. I accept that amendment.

The PRESIDING OFFICER. If there be no objection, that amendment will be agreed to. The Chair hears no objection, and it is agreed to.

Mr. CONKLING. Now I should like to inquire how it occurs (no doubt there is some good reason) that this bill comes without any report or anything else from the committee showing that this man was ever in the service. I have not attended to what has been said about it; very likely some Senator has stated that; but my inquiry is why it is not; and my suggestion is that it should be of record in the Senate that there was proof before the committee that this man at least had been in the service. Otherwise, I think Senators must see that this legislation would be a pretty wild and random precedent.

Mr. HAMPTON. My recollection of the case is that I was instructed to report the bill from the Military Committee without amendment and recommend its passage. That was on the 4th of May, 1880, it having been discussed previously in the Committee on Military Affairs. I do not remember whether I made a written report to the committee or not.

Mr. KIRKWOOD. Do I understand that this is a bill granting a pension?

Mr. CONKLING. No; it is putting a man on the roll so that his widow may get a pension; the bill is to lay the foundation of that.

Mr. ALLISON. But the man certainly will draw pay if his name is put on the rolls and he did not receive pay.

Mr. INGALLS. Can the Senator from South Carolina inform the Senate when this man died; and while he is searching for information on that point, will he inform the Senate whether if this bill passes he will not be entitled to draw pay from the date his name is placed upon the rolls up to the time at which he died?

Mr. CONKLING. The bill so provides.

Mr. HAMPTON. I can inform the Senator upon the points now. I will read the affidavit of George W. Kirk, late colonel of the Third North Carolina Mounted Infantry:

DISTRICT OF COLUMBIA, *County of Washington:*

Colonel George W. Kirk, who, being duly sworn, deposes and says that in the year A. D. 1863 he was authorized to recruit and raise a regiment to be known as the Third North Carolina Mounted Infantry. That he did at once go on said duty, and did enlist and secure into the United States service several hundred men for said organization. That on or about the 1st day of September, 1863, this affiant did enlist and swear into the service as a private, Company E, Third North Carolina Mounted Infantry, one Alexander Jones, a resident of Green County, Tennessee. That before there was an opportunity to muster the said Jones into the service, though he had been regularly enlisted and sworn into the service and had drawn arms and uniform, &c., that the said Alexander Jones and this affiant was ordered from Cumberland Gap to Knoxville, Tennessee, to open communication between Major-General Burnside and Major-General Wilcox during the siege of Knoxville, Tennessee, and on arriving at Knoxville, this affiant and the said Jones were ordered to Greenville, Tennessee, then inside of the rebel lines, to watch and report their movements, and that while at Greenville on said duty, the said Alexander Jones was captured by the enemy and taken to prison. This was in January, 1864. That the said Alexander Jones did faithful and hard duty up to the time of his capture. That he was in the fight at Warm Springs, North Carolina, October, 1863, and also in the fight at Cedar Creek, Tennessee, and the march under Major-General Wilcox from Lick Creek, Tennessee, to Cumberland, and was of great service to the Union Army, as he was well acquainted with all the country; that said Jones died at Andersonville prison, as the affiant is informed and believes.

GEO. W. KIRK,
Late Colonel Third North Carolina Mounted Infantry.

Sworn to and subscribed before me this 29th day of January, 1875.

[SEAL.] CHARLES H. MOULTON,
Notary Public.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAMPTON subsequently said: I have found the report made to the committee in the case of Alexander Jones and I beg to file it with the papers.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House insisted on its disagreement to the first and fourth amendments of the Senate to the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, insisted on by the Senate, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAY A. HUBBELL of Michigan, Mr. WILLIAM H. FORNEY of Alabama, and Mr. JOHN A. MCMAHON of Ohio, managers at the conference on the part of the House.

The message also announced that the House insisted on its disagreement to the thirtieth and thirty-first amendments of the Senate to the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes, insisted upon by the Senate; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ERASTUS WELLS of Missouri, Mr. OTHO R. SINGLETON of Mississippi, and Mr. JAY A. HUBBELL of Michigan, managers at the further conference on the part of the House.

WITHDRAWAL OF PAPERS.

On motion of Mr. WITHERS, it was—

Ordered, That H. P. Robinson be permitted to withdraw the papers in his case from the Senate files, under the rules of the Senate.

CONTAGIOUS DISEASES OF ANIMALS.

The PRESIDING OFFICER. The morning hour has expired and the Chair lays before the Senate the unfinished business, which is the bill (S. No. 2097) for the establishment of a bureau of animal industry, and for the suppression and prevention of contagious diseases among domestic animals.

Mr. JOHNSTON. At the suggestion of several Senators, the committee have again considered this bill at a meeting and agreed to direct me to withdraw the bill and report another one in the place of it. I therefore report a bill in place of the pending bill, moving it as a substitute, and I shall ask to have it printed. I desire to say in this connection that to-morrow at the expiration of the morning hour I shall endeavor to get the bill up, unless some appropriation bill is in the way.

Mr. INGALLS. The Senator cannot withdraw the bill. I rise to a question of order.

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) The Senator from Virginia asks unanimous consent to withdraw the pending bill and substitute the one he has sent to the Chair. Is there objection?

Mr. HARRIS. The Senator from Virginia, I understand, offers what he sends to the Chair as an amendment in the nature of a substitute for the pending bill.

The PRESIDING OFFICER. He proposes to substitute the amendment for the original bill.

Mr. HARRIS. And he asks that the amendment be printed.

The PRESIDING OFFICER. That is his request.

Mr. HARRIS. I desire to offer a substitute for the pending bill, and I ask that it also may be printed.

The PRESIDING OFFICER. The amendment will be received, and, with the substitute of the Senator from Virginia, will be printed for the use of the Senate.

Mr. JOHNSTON. I understand that the bill offered by the committee now takes the place of the bill which has been under consideration.

The PRESIDING OFFICER. That is the understanding.

Mr. GARLAND. Mr. President——

Mr. CONKLING. I ask the Senator to yield to me for a moment.

Mr. GARLAND. Certainly.

Mr. CONKLING. The Senator from Virginia has in charge a bill of interest to us all, and that we may understand it alike I beg to state my understanding and see if he assents to it. The bill is the

unfinished business now before the Senate. The Appropriations Committee are going to ask him to yield and let it lie aside informally while they take up an appropriation bill. That keeps it subject to the call of the Senator all the time, provided he has it called up before the Senate adjourns at the end of this day. That being the state of the case, the Senator from Virginia offers a substitute for that bill, which has been ordered to be printed, and the Senator from Tennessee also offers a substitute, and that is to be printed, so that when the regular order is resumed it will be the Senator's original bill, to which will be pending the substitute that he has offered, and there will also be pending the substitute offered by the honorable Senator from Tennessee. Is that right?

Mr. JOHNSTON. That is right.

Mr. HARRIS. That is the state of the fact.

Mr. GARLAND. I offer an amendment to the substitute proposed by the Senator from Virginia. I move to insert as a concluding section:

SEC. —. That this act shall apply only to cattle in course of transportation between the United States and foreign countries, or between the States, or cattle intended for such transportation.

I ask that the amendment be printed with the others that have been proposed.

The PRESIDING OFFICER. The proposed amendment will be received and ordered to be printed.

Mr. KIRKWOOD. I wish to say one word in regard to the bill. The bill presented by the Senator from Virginia to be moved as a substitute has been printed and is on the tables of Senators; so that there is no necessity for having it printed again. It is printed and on the tables of Senators.

Mr. JOHNSTON. No, there are some amendments to the printed bill which was laid upon the tables this morning that were agreed upon, and the bill ought to be printed again for the use of the Senate. There are not copies enough anyway.

Mr. KIRKWOOD. The Senator in charge of the bill gives way to the appropriation bill. I have nothing more to say.

Mr. CONKLING. He gives way informally, having the right to call up the cattle-diseases bill whenever he may choose to do so.

Mr. JOHNSTON. The cattle-diseases bill is not displaced.

Mr. DAVIS, of West Virginia. It is laid aside informally, in order that we may proceed with an appropriation bill.

Mr. KIRKWOOD. I am, of course, acting under the order of the Senator from Virginia, who has charge of the bill.

Mr. DAVIS, of West Virginia. I desire to call up House bill No. 7101, known as the legislative, executive, and judicial appropriation bill; and for that purpose I shall have to ask the Senate to lay aside informally the pending order, which is the cattle bill.

The PRESIDING OFFICER. The Senator from West Virginia moves to lay aside informally the pending order for the purpose of proceeding to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. CONKLING. I hope that will not be done by motion, but by unanimous consent.

Mr. THURMAN. It cannot be done on motion.

Mr. CONKLING. Certainly not. The Senator from West Virginia can ask unanimous consent that the regular order be laid aside; nobody will object.

Mr. DAVIS, of West Virginia. It does not make much difference how it is got out of the way, so that we go on with the appropriation bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none.

AMENDMENTS TO BILLS.

Mr. COCKRELL, Mr. GARLAND, Mr. INGALLS, Mr. PADDOCK, Mr. TELLER, and Mr. VEST submitted amendments intended to be proposed by them, respectively, to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. KERNAN, Mr. CAMERON of Wisconsin, Mr. CALL, Mr. DAVIS of Illinois, Mr. PLATT, Mr. PENDLETON, Mr. CAMERON of Pennsylvania, and Mr. MORGAN submitted amendments intended to be proposed by them, respectively, to the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. LOGAN. I submit an amendment to the river and harbor bill. This is an amendment for the purpose of diverting a portion of the appropriation. I introduce it by request merely. I move that it be referred to the Committee on Commerce and be ordered to be printed.

The motion was agreed to.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BROWN submitted an amendment intended to be proposed by him to the post-route bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

Mr. DAVIS, of West Virginia. It will be perhaps best, though it is not necessary, to make a very brief statement of the contents of this appropriation bill before we proceed with its consideration, and I shall ask when its reading commences that we act on the amendments as they are reached in order in the reading of the bill.

The condition of the bill is shown by these statements:

Amount of estimates for 1882, exclusive of official postage	$17,452,627 49
Additional estimates submitted	450,000 00
Total estimates	17,902,627 49
Amount of bill as passed the House	17,165,290 09
Added by Senate committee	710,009 40
Total as reported to Senate	17,875,299 49
Amount of appropriations for 1881	16,299,917 43
Bill as reported exceeds appropriations for 1881	1,575,382 06
Bill as reported is less than estimates	26,642 00

The increase made to the bill by the Senate committee is for the following purposes:

Statement of changes made in the House bill by the Senate Committee on Appropriations.

Object.	Increase.	Reduction.
Senate, (net)	$4,069 40	
Library of Congress	500 00	
State Department	1,000 00	
Office Supervising Architect of the Treasury	250 00	
Office Second Comptroller of the Treasury	300 00	
Bureau of Statistics	600 00	
Internal revenue, salaries, &c., of collectors	50,000 00	
Internal revenue, salaries, &c., of agents, surveyors, gaugers, &c	200,000 00	
Internal revenue, office of Commissioner, salaries	300 00	
Office Secretary of War, four assistant messengers made messengers	480 00	
Office of the Adjutant-General	36,150 00	
Office of the Surgeon-General	43,875 00	
Office of Judge-Advocate-General of the Navy	200 00	
General Land Office	600 00	
Pension Office, clerical force	259,625 00	
Pension Office, investigation of pension cases	85,000 00	
Pension Office, furniture, fuel, and miscellaneous	25,000 00	
Pension Office, rent of buildings, (net)	4,000 00	
Surveyor-general of Dakota	500 00	
Office of Third Assistant Postmaster-General	5,800 00	
Office of superintendent of money-order system	2,460 00	
Salary of warden of the jail, District of Columbia	1,800 00	
Office of assistant treasurer at Boston		$500 00
Legislative expenses of Utah Territory		6,500 00
Office of Auditor of Railroad Accounts		1,500 00
Rent of building for Department of Justice		4,000 00
Total	722,509 40	12,500 00
	12,500 00	
Net increase	710,009 40	

The additions made by the Senate Committee on Appropriations are merely for matters relating to pensions in three offices—those of the Commissioner of Pensions, the Adjutant-General, and the Surgeon-General—namely:

PENSION OFFICE.

Increase of salary of Commissioner and deputy	$1,100
1 first deputy commissioner	4,000
20 examiners, at $2,000	40,000
20 clerks of class 4	36,000
20 clerks of class 3	32,000
20 clerks of class 2	28,000
50 clerks of class 1	60,000
3 assistant messengers	2,160
3 watchmen	2,160
5 laborers	3,300
142 in number. Total clerical force for 1882	208,720
For investigation of pension cases	85,000
For contingent expenses	25,000
For rent (net increase)	4,000
Total increase Pension Office for 1882	322,720
Add amount for balance of current fiscal year	50,905
Total increase for Pension Office	373,625

ADJUTANT-GENERAL'S OFFICE.

25 clerks at $1,000	25,000
1 assistant-messenger	720
26 in number. Amount clerical force	25,720
For rent	1,500
For furniture, repairs, and miscellaneous	2,500
Total for 1882	29,720
Add for clerical force for balance of fiscal year	6,430
Total increase to bill Adjutant-General's Office	36,150

SURGEON-GENERAL'S OFFICE.

25 clerks, at $1,000	$25,000
1 assistant-messenger	720
1 watchman	720
1 laborer	660
28 in number. Amount for clerical force, 1882	27,100
For rent	10,000
Amount for balance of current fiscal year	6,775
Total for Surgeon-General's Office	43,875

RECAPITULATION.

Offices.	Number.	Amount.
Pension Office, 1882	142	$392,720
Pension Office, amount balance 1881		50,905
Adjutant-General's Office, 1882	26	29,720
Adjutant-General's Office, amount balance 1881		6,430
Surgeon-General's Office, 1882	28	37,100
Surgeon-General's Office, amount balance 1881		6,775
Total	196	453,650

Then there is an increase in the appropriations for the internal-revenue service. The Commissioner states that it is actually necessary from the fact that the revenue is growing rapidly. He states that there will be $20,000,000 more collected this year than there was last year. For this current year the revenue is estimated at about twelve million dollars more than last year.

I now ask that the amendments reported by the Committee on Appropriations be acted on as they are reached in the reading of the bill in their order.

The PRESIDING OFFICER. That will be the order, there being no objection. The bill will now be read.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was under the head of "Senate," in line 15, after the word "and," to increase from $204,038.76 to $207,451.26, the aggregate of the appropriation "for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate."

The amendment was agreed to.

The next amendment was, in line 35, after the word "each," to strike out "four" and insert "one laborer in the stationery-room, $1,000; three;" and in line 38, after the word "each," to insert "one page in the office of the Secretary of the Senate, at $2.50 per day, $912.50;" so as to make the clause read:

For keeper of the stationery, $2,102.40; assistant keeper of stationery, $1,800; two messengers, $1,296 each; one laborer in the stationery-room, $1,000; three laborers in the office of the Secretary of the Senate, $720 each; one page in the office of the Secretary of the Senate, at $2.50 per day, $912.50.

The amendment was agreed to.

The next amendment was, in line 62, after the words "Naval Affairs," to insert "for clerk to the Joint Committee on the Library;" so as to make the clause read:

For clerk to the Committee on Finance, clerk to the Committee on Claims, clerk to the Committee on Commerce, clerk to the Committee on the Judiciary, clerk to the Committee on Private Land Claims, clerk to the Committee on Pensions, clerk to Committee on Military Affairs, clerk to Committee on Post-Offices and Post-Roads, for clerk to the Committee on the District of Columbia, for clerk to the Committee on Naval Affairs, for clerk to the Joint Committee on the Library, and for clerk to the Committee on the Census, at $2,220 each.

The amendment was agreed to.

The Secretary continued the reading of the bill to line 91.

Mr. COCKRELL. I was aiming to follow the Secretary, but he has read very fast. I ask for an explanation of the provision on page 2, lines 36, 37, 38, 39, 40, and 41. Is that an additional increase to the force of the Senate? I should like to know, if there is an increase of the force of the Senate, what the necessity for it is.

Mr. DAVIS, of West Virginia. It is not an increase. The Senator will notice that we strike out "four" in line 35 and insert "one" in line 36 and "three" in line 37, making exactly the same force; but it does increase the compensation of the laborer in the stationery-room $280. It is an increase of his salary by that amount; but there is no increase of force. The circumstances are these: the laborer in the stationery-room gets $720, and we all know how faithfully he serves; and it was believed by the committee unanimously that he shall receive $1,000, and he ought to have it.

I will state to the Senate that what probably has brought it more prominently to the attention of the committee is that the keeper of the stationery-room has been sick for some time back, and this gentleman has had additional labor on that account.

Mr. COCKRELL. Then in line 39 there is a provision for one page in the Secretary's office.

Mr. DAVIS, of West Virginia. That is not an addition, but it is transferred from a per diem page, as the House put it, through error. He has always existed as an annual page, but the House in error made it a per diem page. He is a page all the year round.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 119, after the words "riding pages," to strike out "and one page for the office of the Secretary of the Senate;" and in line 121, after the word "thousand," to strike out "seven hundred and seventy-five dollars and sixty," and insert "two hundred and thirty-two dollars and fifty;" so as to make the clause read:

For seventeen pages for the Senate Chamber, including three riding pages, at the rate of $2.50 per day each while actually employed, $9,232.50.

The amendment was agreed to.

The next amendment was, after the word "for," in line 128, to insert "one foreman in folding-room, $1,200;" and in line 131, after the word "dollars," to insert "in all, $6,675;" so as to make the clause read:

For one foreman in folding-room, $1,200; five folders, at $3 per day while actually employed, $5,475; in all, $6,675.

The amendment was agreed to.

The next amendment was, to strike out lines 133 to 139, in the following words:

And the following prices may be paid for folding books, pamphlets, speeches, and the daily RECORD, namely: For quarto volumes, not exceeding one cent per volume; for octavo volumes, not exceeding one-half cent each per volume; for the daily RECORD, not exceeding $2 per thousand; and for speeches, not exceeding $1 per thousand.

Mr. COCKRELL. I should like to ask the Senator in charge of the bill how the folding in the folding-room is done now?

Mr. DAVIS, of West Virginia. In the bill last year $10,000 was voted for this extra folding. The Sergeant-at-Arms has stated to the committee, and is very positive about it, that if he has a foreman added to the roll—he asked $1,500 and we allowed him $1,200—he could do without any amount for extra folding, that is, the regular force would do the work if you add a foreman to the regular force. The Appropriations Committee, therefore, thought it would be a saving of $8,800 and they inserted $1,200 for the foreman and struck out the clause for this extra folding that the Senator will see the House put in.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment was under the head of "House of Representatives," after line 280, to insert:

For one employé under Doorkeeper, by resolution of the House of November 6, 1877, $1,314.

The amendment was agreed to.

The next amendment was to strike out lines 297, 298, and 299 in the following words:

For one employé under the Doorkeeper, by resolution of the House of November 6, 1877, $1,314.

The amendment was agreed to.

The next amendment was, under the head of "Library of Congress," in line 352, before the word "assistant," to strike out "twenty-four" and insert "twenty-three;" in line 353, after the word "thousand," to strike out "two hundred and fifty" and insert "five hundred;" in line 355, after the word "each," to insert "one at $1,500;" in line 357, after the word "each," to strike out "two at $1,250" and insert "four at $1,400;" in line 358, after the word "each," to strike out "eight" and insert "five;" in line 359, after the word "each," to strike out "four" and insert "three;" and in line 361, after the word "all," to strike out "thirty-six thousand eight" and insert "thirty-seven thousand three;" so as to make the clause read:

For compensation of the Librarian, $4,000; and for twenty-three assistant librarians, two at $2,500 each, one at $2,000, four at $1,600 each, one at $1,500, two at $1,440 each, four at $1,400 each, five at $1,200 each, three at $1,000 each, and one at $960 per annum; in all, $37,340.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," in line 415, after the word "dollars," to strike out "three" and insert "First Assistant Secretary of State, four thousand five hundred dollars two;" so as to read:

For compensation of the Secretary of State, $8,000; First Assistant Secretary of State, $4,500; two Assistant Secretaries of State, at $3,500 each.

The amendment was agreed to.

The next amendment was, in line 432, to increase the total amount of the appropriation for compensation of the Secretary of State, Assistant Secretaries, and the clerks and employés in the State Department from $115,440 to $116,440.

The amendment was agreed to.

The next amendment was, in line 459, after the word "distributing," to strike out "quarterly;" so as to make the clause read:

For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, provided that such publications may be sold at such rates as may be fixed by said Department, and the proceeds of all sales to be paid into the Treasury, $7,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," in the clause making appropriations for the office of the Supervising Architect, before the word "dollars," in line 506, to strike out "two hundred and fifty" and insert "five hundred;" and in line 510, after the word "thousand," to strike out "four hundred and twenty" and insert "six hundred and seventy;" so as to make the clause read:

Supervising Architect:

In the construction branch of the Treasury, for Supervising Architect, $4,500; assistant and chief clerk, $2,500; photographer, $2,250; one principal clerk, at $2,000; two clerks of class 3; three clerks of class 1; one clerk, at $900; and one assistant messenger; in all, $19,670.

The amendment was agreed to.

The next amendment was, in line 524, before the word "chiefs," to

strike out "five" and insert "six;" in line 525, before the word "clerks," to strike out "eight" and insert "seven;" and in line 529, before the word "hundred," to strike out "three" and insert "six;" so as to make the clause read:

Second Comptroller of the Treasury:
For Second Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; six chiefs of division, at $2,100 each; seven clerks of class 4; twelve clerks of class 3; thirteen clerks of class 2; twelve clerks of class 1; three clerks at $1,000 each; nine clerks at $900 each; one messenger; and three laborers; in all, $93,620.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the Bureau of Statistics, in line 674, to increase the appropriation "for compensation of the officer in charge of the bureau" from $3,000 to $3,600; and in line 680 to increase the total amount of the appropriation from $43,760 to $44,360.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the compensation of the Commissioner of Internal Revenue and the force in his office, in line 709, to increase the appropriation "for the compensation of one deputy commissioner" from $3,200 to $3,500; and in line 718 to increase the total amount of the appropriation from $253,330 to $253,630.

The amendment was agreed to.

The next amendment was, in line 720, to increase the appropriation "for salaries and expenses of collectors and deputy collectors" from $1,950,000 to $2,000,000.

The amendment was agreed to.

The next amendment was, in line 724, to increase the appropriation "for salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses," from $2,100,000 to $2,300,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "office of the assistant treasurer at Boston," in line 810, to reduce the appropriation for compensation of the assistant treasurer from $5,000 to $4,500.

Mr. HOAR. I desire to say a word about that amendment. The House of Representatives have passed the bill appropriating $5,000 for the salary of the assistant treasurer at Boston, and that is in conformity to the law; and there is no repeal of the law in this bill, so that if the Senate pass this amendment making $4,500 instead of $5,000 the salary, the officer will be entitled to go to the Court of Claims and enforce his right to the remaining $500 of his salary.

Mr. DAVIS, of West Virginia. Will the Senator allow me a moment? I believe no appropriation bill is passed that does not contain a clause at the end "that this shall be in full of all compensation."

Mr. HOAR. Where is that clause in this bill?

Mr. ALLISON. It is in the beginning instead of at the end.

Mr. DAVIS, of West Virginia. It is in the very beginning in this instance, in lines 5 and 6.

Mr. HOAR. Then the Senator proposes to change the law for this year by that clause?

Mr. DAVIS, of West Virginia. No, sir; this $4,500 has been the salary all along until this year, and the House for some cause not known to the Committee on Appropriations advanced this particular one, when it leaves all the other assistant treasurers, at Philadelphia, Baltimore, New Orleans, and Chicago, at $4,500. For some reason or other this particular salary was advanced by the House above all others. We all know, the experience of the past has taught us, that if this one place, Boston, is advanced this year to $5,000, next year all the rest will claim it on the ground that they ought to have the same as Boston.

Mr. HOAR. My statement was strictly correct.

Mr. DAVIS, of West Virginia. I did not mean to dispute the Senator's statement, except the suggestion that this assistant treasurer would have a right to present a claim to the Court of Claims. That part of it I did dispute.

Mr. HOAR. The Senator has called my attention to a clause at the beginning of the bill that may perhaps meet that difficulty; but my statement that this amendment changes the law for this year is strictly correct and the standing law gives this officer $5,000 a year. Although for one or two years past there has been a special appropriation for the year of only $4,500, which may have been, and I dare say was, accompanied by a provision that it should be accepted in full, the standing permanent law still remains at $5,000. I do not believe that any member of the committee (because I do not suppose that even our economical friend from West Virginia would take the attitude that he is going to cut down salaries without any justice or reason, without any proportion whatever to the service rendered or the responsibility) will claim that that law is wrong. The sub-treasurer in the city of Boston has in his charge the second in amount of property of any sub-treasurer in the country. It is larger than at any other point except New York. I am unable to say what number of millions of dollars, it is out of my memory at this moment, but it is undoubtedly as much as fifty or one hundred millions that is sometimes in the vaults of that sub-treasury at once. He gives a bond of $200,000. Giving a bond of $200,000, it is a very serious question whether he is not responsible for the conduct of a very large number of clerks and servants for whom there is no lawful provision for the reception of a bond. It is physically impossible to count, it is physically impossible in any way to manage, this large sum of gold, gold certificates, and other things which have no ear-marks, which are easily stolen, without the assistance of a very considerable number of subordinates.

When the gentleman who holds the office at Boston was appointed the office went begging through that city for weeks before the Administration could find a suitable person who would accept it. The office was offered to a very distinguished and able and excellent gentleman, and accepted by him, and on undertaking to get bonds his friends said to him, "While we are willing to go on your bond if you say so, we do not think you ought to expose yourself or expose us to this vast risk which it is necessary to undertake," and accordingly the gentleman on consideration declined the office.

In the term of the last sub-treasurer before this time, during Mr. Chandler's time, there was a robbery of that sub-treasury by taking out of the vaults the gold certificates, little documents which I understand can be carried in the vest pocket to the amount of millions of dollars, and exchanging them with the teller of a bank; and the courts have held that the bank had a right of action against the Government of the United States, and the bank has recovered a sum amounting to about eight hundred thousand dollars of the Government of the United States in the Court of Claims, and finally in the Supreme Court, by a suit in the Court of Claims and a judgment in the Supreme Court.

The bondsmen of Mr. Chandler were his brother, who is a man of wealth, advanced in years, in the city of Boston; Governor John A. Andrew; Mr. Edmunds, whose estate is in bankruptcy, and one or two other persons, whose estates are in process of settlement. The United States is a preferred creditor, and the dividend in the Edmunds estate has been hung up for five or six years, I do not know but ten years, because of this claim of the United States, which is hanging over their head, which they cannot get in any way settled. The Senate at every session of Congress has passed, and passed unanimously, a bill to relieve the estate of that sub-treasurer from the bond; but it does not get attention in the other branch. Mr. Chandler, a man worth a few hundred thousand dollars, has this claim of $100,000 hanging over his head without any means of knowing whether his whole fortune is to be swept away. The estate of Governor John A. Andrew, to whom this country owes something, stands in the same condition.

Now, no Senator who knows the vast personal risk that every sub-treasurer must take under these circumstances will say that the law is wrong in this matter. I have not heard any such suggestion from any quarter. The House of Representatives, I suppose I may say without giving any offense to that honorable body, or without violating parliamentary law, is not very likely to be wasteful and prodigal in increasing the salaries of republican officials; and yet the House yielded to the obvious justice and propriety of appropriating for this sub-treasurer the amount which the law fixes. There is not a gentleman in this Senate who would permit his son or his brother or his friend, without a remonstrance, to accept the risk which under the law as it is to-day this officer is obliged to encounter. It is not only a risk of ruin, a risk of bankruptcy by the act of some subordinate whom he cannot control, but it is a risk of irretrievable and permanent ruin and bankruptcy, of incapacity ever to settle the claim, ever to get the claim of the United States out of the way, to have it hanging over his head forever, unless he can get a bill through Congress for his relief.

Mr. HILL, of Georgia. The Senator from Massachusetts, as I understand him, has stated that by the existing law the salary of this gentleman is $5,000.

Mr. HOAR. It is.

Mr. HILL, of Georgia. Is that sure? I understand the chairman of the committee to question that.

Mr. HOAR. Now, let me make the statement. The existing law I hold in my hand, and it fixes the salary of the assistant treasurer at Boston at $5,000 a year. It is section 3596 of the Revised Statutes. For the last two or three years, two years I think before this, the Committee on Appropriations have included a clause in the appropriation bills fixing the salary at $500 less for each year, and for the year alone, and the chairman of the Committee on Appropriations thinks—and I do not enter upon any debate with him on that point, though I think it is quite a debatable point—that the insertion of the words "in full compensation for the service of the fiscal year ending June 30" makes such an appropriation an obstacle in the way of the officer going to the Court of Claims for the unappropriated balance. Be it so. It is, then, simply saying to that officer, "We will not repeal the law, but you shall have for your services for this year $500 less than the existing law allows." That is what this bill proposes to do now.

Mr. HILL, of Georgia. Do I understand that the Committee on Appropriations claim that they have a right to appropriate to a man less than the salary fixed by law?

Mr. HOAR. Certainly they do. The Committee on Appropriations——

Mr. DAVIS, of West Virginia. Mr. President——

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. HOAR. Not at present.

Mr. DAVIS, of West Virginia. I thought you would not want me to put in there.

Mr. HOAR. I will yield to the Senator from West Virginia to repeat that remark if he would like to do so.

Mr. DAVIS, of West Virginia. No, it is all right.

Mr. HOAR. The Committee on Appropriations, as I understand it, claim the right without having the existing law repealed and without having the action of the appropriate committee to whom the discharge of that duty belongs, and who are charged with the regulation of the salaries of all the officers whom the vast machinery of our Government demands, to come in and take possession to that extent of the whole legislation of the country and to say, "Although both Houses of Congress have fixed a salary at one sum we will put into the appropriation bill an appropriation for a less sum and make the officer take it in full for the year."

I do not propose to debate the propriety of this claim. It may be necessary for the economical transaction of the business of this country that the Committee on Appropriations should exercise that discretion, and I have refrained from making that point which the honorable Senator from Georgia suggests. I want to steer this case clear of that question. I say to the Committee on Appropriations that having had occasion to know that this office of sub-treasurer at Boston went begging a year or two ago when Mr. Kinnard was appointed, having occasion to know from the experience of families who are among my personal friends that a man holds that office at constant peril of utter and irretrievable ruin under the law as it now stands, I think my friends on that committee will agree and ought to agree that the existing law is right and that it is not fair to come in at a time when you cannot get the attention of one-third of this body and take out of that officer under the circumstances this petty little sum that they seek to retrench his salary.

Mr. MORRILL. Mr. President, I desire to appeal to the Senator from West Virginia, if he will listen to me in regard to this case, in order that he may not only permit this to be raised $500, but to be so satisfied that it is right that he will not surrender it in committee of conference——

Mr. HOAR. Let me say the House have put it at $5,000, according to the existing law, without any objection so far as I know. Now the Senate Committee on Appropriations, undoubtedly without full consideration, propose to strike it down.

Mr. MORRILL. I happen to know a gentleman who left this office in consequence of the inadequacy of the salary, and I undertake to say that there is not a Senator here, if he were in that business, who would insure the vast amount of the transactions of the sub-treasury at Boston for the entire amount of the salary. It could not be insured in any insurance company for the entire amount of the salary. The gentleman who has charge of the place now is one who might command a much higher salary in any commercial business.

I hope, therefore, the Senator from West Virginia will see the propriety of allowing this to remain, and it does not follow that the salaries of the other sub-treasurers should be raised if this shall remain where the House has fixed it, for there is but one other where the amount of business is anything like the magnitude of that at Boston.

Mr. ALLISON. I only desire to make an observation in response to that made by the Senator from Massachusetts with reference to the disposition of the Committee on Appropriations to draw unto itself the fixing of salaries. I am rather inclined to be in sympathy with him as to this particular amendment, but I wish to say a word upon the general subject of salaries by law and salaries in appropriation bills.

In 1876, if I remember rightly, we had a spirit of economy prevailing, not in this body so much as in some other portions of this Capitol, whereby salaries were cut down right and left without reference to existing law in any respect, and the Senate finally yielded that question and a large number of salaries were reduced, and this salary of the sub-treasurer at Boston, I believe, among them, and a large number of other salaries. Since that time the Committee on Appropriations of the Senate have never undertaken to make appropriations absolutely as provided by law, and there are in this bill, unless I am mistaken, at least fifty instances where the appropriations for compensation this year are less than the salaries provided by law. That was a streak of economy that grew up some years ago, and the Committee on Appropriations have been too deferential and too timid in their operations to run against the sentiment of the Senate and the House with reference to these matters. It has had no disposition whatever to aggrandize the question of legislation about salaries; it would prefer, I believe, to appropriate according to the salaries provided by law; it has felt itself instructed and under restrictions with reference to these salaries where they have been reduced on appropriation bills heretofore in violation of existing statutes.

Mr. DAWES. Mr. President, I rise to second the appeal of my colleague to the Committee on Appropriations on the part of the Senate. I have no disposition to arraign the committee. There is, I know, a desire to intimate to the Senate that they do not wish to carry out existing law when they can consistently with a proper regard to economy; but this case stands rather upon exceptional grounds. The House of Representatives have been convinced, as we suppose, nor as we present the case to the Senate the Senate will be satisfied that in this particular instance the salary provided by law is in itself very inadequate to the responsibilities as well as to the duties of the office. It is exceptional, as the case of the sub-treasurer at New York is. His salary is properly fixed at $8,000 by law, and neither the House nor the Senate have thought that was a proper case to cut down the salary, because it is an office of more than usual responsibility. This is the second office, next to that; and every one who is acquainted with the duties of this office will say that whether there are other offices where it would be proper to cut down the salary $500 or not, this office is one where it cannot properly be done.

What is $500 by the side of a good competent official there in whose hands the sum of money deposited is perfectly safe? Five hundred dollars is a very small item, and yet, without disparagement to other places, it is a matter of great difficulty, as has been said by my colleague, to get a man that the Committee on Appropriations themselves would think for a moment ought to be put in that office merely for the compensation which the statute provides, and here is a cutting down of $500 from that office in the interest of economy. Economy is wise and proper always, but it is not always wisely applied in the cutting down of expenditures, as I have had some occasion to know in my experience. I know that sometimes we make great mistakes in that way. I do not mean to say that this committee have meant to do any such thing. I see that this committee in other places have raised the compensations even that the House have prescribed. They have put $1,000 upon the salary of an Assistant Secretary of State and they have put $600 on that of the chief in charge of the bureau of statistics—all proper enough—but what is either responsible for? Responsibility for not a penny of money. Neither has to give a bond. I appeal to the Senator from West Virginia in all good faith and with entire respect, that he would not go and ask his friends to sign a bond for $200,000 for him in any capacity, however much confidence they would deservedly have in him, for any paltry compensation of $4,500 a year; and yet this man has, I think, thirty clerks under him, and some of them are appointed without any voice of his. The clerk under the last assistant treasurer, who took out $800,000, he did not appoint. The law sent him there by the appointment of the Secretary of the Treasury, and he had no voice in the selection and ought not to have any responsibility; and yet there hangs over him and his estate and the estate of his bondsmen the penalty of $800,000 for the act of a man he had no voice in appointing. This man, for the sum of $5,000 if he has what the law allows, is liable to-day for the honesty of men whom he has no voice in appointing.

I therefore make this appeal with all respect to the committee and respect to their motives and desire for economy, to let this item be as the House have passed upon it after due consideration of the matter.

Mr. HILL, of Georgia. Mr. President——

Mr. HOAR. Will my friend from Georgia allow me to make one statement to the Senate, which I intended to make when I was up before, which is in connection with what my colleague has said?

Mr. HILL, of Georgia. Yes, sir.

Mr. HOAR. When the Mellen robbery was discovered in the sub-treasury at Boston, under which a clerk in the sub-treasury and a bank-teller were in the habit of making the accounts in the bank good by exchanging gold certificates, taking them from the sub-treasury and giving them to the bank-teller when the bank was to be examined, and then taking them out of the bank and putting them back, for which the United States was finally held responsible by the Supreme Court, the clerk who was guilty in the sub-treasury made a confession to one of his official superiors, (not the sub-treasurer himself, but another official who had accesss to the vault,) and that superior demanded that he should go to the bank-teller and get the gold coupons or certificates, whatever they are called, and restore them to the vault of the United States; and that was done. They went together in the evening and opened the vault and put them back. After that had been done and they were walking away together, the sub-treasurer said he thought he would return and put those documents in a still more secure place, a different place in the vault. "Why," said the clerk, "I have got them here;" and although they had gone together on that errand that fellow had taken in his vest pocket the $800,000 of certificates in the very presence of the man to whom he had just confessed his guilt. That came out in the trial of the case. It is as easy for one of quite a number of officials to take from that treasury vault—or it was at that time; what additional precautions may have been suggested since I cannot say—it is as easy to steal a million dollars' worth of property as it would be to steal a card of court-plaster out of some desk in this Senate Chamber. That is the responsibility which is placed by the law upon this gentleman, and as I said before, the office to my knowledge almost went begging when the present incumbent was appointed.

Mr. HILL, of Georgia. I merely have a word to say in this matter for myself. I do not know the gentleman in this case, nor do I know anything of the facts in the case, nor do I know or even have an opinion whether the salary of $5,000 or $4,500 would be a proper salary for this officer, whether it would be too much or too little. I have nothing to say on that subject, therefore; but I want to make two remarks for myself, which I have long felt ought to be made, and ought to be made by everbody connected with the legislation of this country.

In the first place, I think it is an important principle, almost a principle, certainly a very wise policy, which ought to be adhered to, to fix salaries by law. All salaries, where it can be done, except perhaps in

some ministerial offices, ought to be fixed by law. That was the idea of the framers of the Constitution, and there is a great deal to be said in favor of this proposition.

Then when the salaries are fixed by law, by which I mean regular legislation, those salaries ought to be paid by appropriations. The habit of changing salaries by appropriation bills, in my judgment, is a wrong system, with all due deference. I know it has been practiced, but in my judgment it is a wrong practice, a very unwise one, and renders the subject of salaries extremely unstable and unreliable. If the law fixing a salary is wrong, let it be changed; but while the law remains upon the statute-books the appropriation ought to be made according to law. The function of an appropriation bill ought to be simply to appropriate the money to carry out the law as it exists. That is my judgment in this case, and I simply put it on record.

Mr. DAVIS, of West Virginia. As to the salaries being fixed by the law, we all know that since the days of my friend from Massachusetts, [Mr. DAWES,] who had charge of the Appropriations Committee in the other House for many years, salaries have been fixed more or less on appropriation bills. Hardly a question ought to arise upon that point.

The salaries of the assistant treasurers at Philadelphia, at Baltimore, at Cincinnati, and at Chicago are all $4,500. The Committee on Appropriations thought themselves justified in placing that at Boston on the same footing as the other towns that I have named. No information generally was given to us further than we saw that that one office stood at $5,000 and that the others remained at $4,500. For that reason, and to get information from the House, we believed that we should substitute $4,500 for $5,000. The two Senators from Massachusetts as well as the Senator from Vermont who have spoken have convinced all the committee I believe, at least they have convinced me, being in charge of the bill, that $5,000 for the Boston office is not too much. Whether $4,500 is enough for the others is another question, and we can deal with that when it comes up. I think probably the amendment of the committee ought to be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 827, to reduce the total amount of the appropriation for the office of assistant treasurer at Boston from $36,060 to $35,550.

Mr. DAVIS, of West Virginia. As a consequence of the amendment of the committee which has just been rejected, the Senate will have to disagree to this amendment also.

The amendment was rejected.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was in the appropriations for "Territory of Utah," in line 1164, to reduce the appropriation "for legislative expenses, namely, for compensation and mileage of members of the Legislative Assembly, the officers, clerks, public printing, and the contingent expenses thereof, and the contingent expenses of the secretary's office," from $25,500 to $19,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "War Department," in line 1214, after the word "dollars," to strike out "eight" and insert "four messengers; four;" and in line 1217, after the word "thousand," to strike out "four hundred" and insert "eight hundred and eighty;" so as to make the clause read:

For compensation of the Secretary of War, $8,000; one chief clerk, at $2,500; one disbursing clerk, at $2,000; one stenographer, at $1,800; two chiefs of division, at $2,000 each; five clerks of class 4; four clerks of class 3; four clerks of class 2; twelve clerks of class 1; one clerk, at $1,000; four messengers; four assistant messengers; seven laborers; and six watchmen for the Department building; in all, $69,880.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the Adjutant-General, in line 1233, after the words "class one," to insert "and twenty-five clerks, at $1,000 each;" and, in line 1237, after the word "pensions," to strike out "thirty-six thousand" and insert "one assistant messenger; in all, sixty-one thousand seven hundred and twenty;" so as to make the clause read:

For thirty additional clerks of class 1, and twenty-five clerks at $1,000 each, to be exclusively engaged in preparing and making reports to expedite the settlement of pension applications called for by the Commissioner of Pensions, one assistant messenger; in all, $61,720.

Mr. PLUMB. At this point I desire to ask a question of the chairman of the Committee on Appropriations, having this bill in charge. This is to add twenty-five clerks to the permanent force of the Adjutant-General's Bureau, as I understand. I have before me what purports to be the testimony of the Adjutant-General given before the Committee on Appropriations, and I desire to ask the Senator if this force of twenty-five additional clerks is supposed to be sufficient to make effective the number of clerks, which is given in the subsequent part of the bill for the Pension Office.

Mr. DAVIS, of West Virginia. I am gratified that the Senator has asked the question. After the debate upon the amendment offered by the Senator from Kansas [Mr. PLUMB] and also the amendment of the Senator from Vermont [Mr. EDMUNDS] to the pension appropriation bill, the Committee on Appropriations felt it incumbent to call before the committee the Commissioner of Pensions, the Adjutant-General, and the Surgeon-General, which they did, and the testimony was taken down and is in print. After a good deal of thought on the part of the Appropriations Committee they believed that it would facilitate considerably the three bureaus interested in pensions to increase the force in this way. To the Pension Bureau are given about one hundred and thirty additional clerks, and upon that basis the estimate of twenty-five each was made for the Adjutant-General's Bureau and the Surgeon-General's Bureau. In other words, if there had been two hundred and fifty clerks added in the Pension Office, they wanted fifty in each of these bureaus, about one-fifth of what was given to the Pension Office, in order to facilitate their business. After the hearing, the committee thought that one hundred and ninety-six clerks should be added to these three bureaus, that of the Commissioner of Pensions, of the Adjutant-General, and of the Surgeon-General; and the committee after consideration believe that the number given in each case is just in proportion to what ought to be given to facilitate the pension business.

Mr. PLUMB. I observe on page 21 of the testimony given before the committee, in the statement of General Drum, the following:

Senator WALLACE. We should like an estimate of the additional number of clerks upon the basis of two hundred additional clerks of the Pension Department, &c.

General Drum goes on to say:

If the Pension Bureau have two hundred, I certainly should have fifty to enable me to answer their calls, and I would have to get a new building and new furniture and everything of that kind.

Mr. DAVIS, of West Virginia. The Senator will notice that we have provided for the rent and for furniture for such a building.

Mr. PLUMB. I am not criticising the action of the committee on that point. General Drum says on page 17 of his testimony:

We are getting along pretty well, but not very rapidly, as you can see by my falling behind, as I am to day, just on the simple matter of pensions. I am behind the Pension Bureau now nearly twelve thousand.

To be nice about the calculation, the Adjutant-General estimates that if there are two hundred clerks added to the force of the Pension Bureau he would need fifty clerks in his Department in order to keep up. That would be at the rate of one to four. The committee have added one hundred and thirty clerks in the Pension Bureau, I find by looking at the amendment on page 68, which would require, in order to keep up the pension business as stated by the Adjutant-General, about thirty-five men additional. Besides that, he is behind in his work already about twelve thousand cases.

I do not care to be critical about this matter. The committee have made a very liberal estimate of the amount, much to my gratification, I will say to the Senator; but I want to call his attention to the point that it is desirable to have the work of the clerks in the Pension Bureau made effective, and there is no saving in having a clerk working there unless the force necessary be added to the Adjutant-General's Office or Surgeon-General's Office in order that his work may be made complete.

I wanted to ascertain definitely if the number of twenty-five clerks named was according to the estimate of the committee sufficient for that purpose. It seems to me that on the basis of the statement made by the Adjutant-General it is not sufficient.

Mr. DAVIS, of West Virginia. I will state that to the very point about which the Senator inquires the Committee on Appropriations gave all the consideration they could, and perhaps spent two or three days in getting the testimony and facts from the different officers. Notwithstanding the testimony that the Senator reads, he will notice, if he will read it carefully, that in general terms the Adjutant-General thought he could get along with what he had in the office. Then we said, "Suppose we add two hundred clerks to the Pension Office, how much would you then desire?" And his answer is just as the Senator stated, fifty; or, in other words, one-fourth. The Appropriations Committee gave one hundred clerks to the Pension Bureau for the particular service that the Adjutant-General was dwelling upon, and thirty clerks additional for other purposes, copyists, &c., that they wanted there, so that actually about one hundred of them are intended to be employed in the direction the Senator speaks of, and not one hundred and thirty. The committee thought just as the Senator thinks, that it would be of no use to increase one office beyond what another office could supply; that otherwise one office would be waiting on the other. The Senator from Illinois [Mr. LOGAN] also referred to that, and first brought my attention to it. The committee examined it as carefully as they could, and they gave each of these offices what they thought could be employed properly and enable them to keep pace with each other. So to the Adjutant-General we give twenty-five clerks, based upon one hundred clerks in the Pension Office. I might say that we have added nearly two hundred persons expressly for facilitating pension claims under this bill.

Mr. PLUMB. The actual addition to the Pension Office is "twenty examiners at $2,000 each, twenty clerks of class 4, twenty clerks of class 3, twenty clerks of class 2, fifty clerks of class 1," with the proper complement of messengers, watchmen, &c. That makes an addition of one hundred and thirty to the present working force.

Mr. DAVIS, of West Virginia. But the Senator will recollect that part of those are intended to go to work and copy and get the rolls in the Pension Office in a proper condition. Probably twenty-five or thirty of them will be detailed on that work at once, and only one hundred will be added to the force employed in the examination of pension claims.

Mr. KIRKWOOD. I should be glad to have the attention of the Senator from West Virginia a moment. Is there any appropriation in this bill that can be applied to the payment of rent for additional room for these clerks?

Mr. DAVIS, of West Virginia. Yes, sir; for each of the bureaus. The Commissioner of Pensions, the Adjutant-General, and the Surgeon-General each said, "If you give additional force you must give us additional room, for we shall have to rent a building." The committee then asked each of them to make an estimate of the cost of the furniture and the rent for each one of the bureaus, which was sent to us; and we gave them exactly what they said would be required.

Mr. KIRKWOOD. And you make such an appropriation for the Adjutant-General's Office, the Surgeon-General's Office, and the Office of the Commissioner of Pensions?

Mr. DAVIS, of West Virginia. Yes, sir. In round numbers the force is increased nearly two hundred clerks and messengers in all. I will say to the Senator that we make a part of the appropriation immediately available, so that they can go to work at once and need not wait until July next.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on agreeing to the amendment of the Committee on Appropriations.

The motion was agreed to.

The Secretary continued the reading of the bill. The next amendment of the Committee on Appropriations was, after the word "dollars," in line 1239, to insert:

And for the employment of twenty-five clerks, at the rate of $1,000 per annum each, for the like purpose, for the balance of the current fiscal year, and for one assistant messenger, $6,430; the latter sum to be immediately available.

The amendment was agreed to.

The next amendment was, after line 1244, to insert:

For rent of building, $1,500; $300 of which sum shall be available for the current fiscal year.

The amendment was agreed to.

The next amendment was, in line 1250, after the word "repairs," to strike out "twelve thousand" and insert "fourteen thousand five hundred;" and in line 1251, after the word dollars, to insert "$1,750 of which sum shall be available for the current fiscal year;" so as to make the clause read:

For contingent expenses, to wit, for stationery, printing, purchase of additional file-cases, and for office furniture and repairs, $14,500; $1,750 of which sum shall be available for the current fiscal year.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the appropriations for the office of the Surgeon-General, in line 1305, before the word "clerks," to strike out "forty" and insert "sixty-five;" so as to read:

For sixty-five clerks, at $1,000 each, to be exclusively engaged in preparing and making reports to expedite the settlement of pension applications called for by the Commissioner of Pensions.

Mr. PLUMB. I desire to direct the attention of the chairman of the Committee on Appropriations to this paragraph. I observe that the committee has added twenty-five additional clerks for the office of the Surgeon-General. In the testimony of the Surgeon-General before the Committee on Appropriations, speaking in response to a question by Senator ALLISON, I find the following statement made by him:

If I may go on, I will say that when I represented my office before the sub-committee of the House Committee on Appropriations, I said that I should have asked for fifty clerks, but that I had no place to put them. I have no room for an additional number.

Senator ALLISON. You would have asked for fifty more if you had?

Surgeon-General BARNES. For fifty more; but I have no desk-room for them. I could use fifty more advantageously.

Senator ALLISON. Upon pension matters?

Surgeon-General BARNES. Upon pension matters.

Senator WALLACE. That is, in answering demands made upon you for information by the Pension Bureau?

Surgeon-General BARNES. Yes, sir.

Then the Surgeon-General goes on to read some extracts from his report, showing the existence of the necessity, which he puts in the shape of an estimate, for fifty clerks upon the basis of the business then in the office, and not with reference to any increase of business whatever.

Mr. DAVIS, of West Virginia. If the Senator will allow me, I think he will find in the beginning of the Surgeon-General's testimony that the basis is upon an addition of two hundred clerks to the Pension Office. It will be recollected that the Commissioner of Pensions had not appeared before us, and we were going in the dark, but saying among ourselves that we might increase the force of the Pension Office two hundred if we thought it practicable to do so.

I will state to the Senator that the committee intended to be liberal, and to furnish that at which they might work along and each office correspond with the other in furnishing information. In some degree, I will say to the Senator, we were governed by what the Commissioner of Pensions said when he came before us, as well as by what the other officers said; that is, asked the Commissioner of Pensions, "How far are you behind, and what are the other offices doing for you?" He said, "We do not make much complaint of those offices, but yet we are behind some months. There is no special complaint to be made."

I will say to the Senator now that I, on the part of the committee, would be perfectly willing to accept any increase if I believed it would facilitate work in that Department, and I would increase it whatever was necessary; but the committee fully believe that what they have done will just about keep pace with the other two offices.

Mr. PLUMB. I am not disputing that, but I am examining the testimony which I have before me, which was given before the committee. I am endeavoring to see if the report which the committee has made accords with it. I think the Senator from West Virginia is mistaken. I only desire what the committee desire; I have no doubt that the force provided for the Pension Bureau may be applied as aptly, as connectedly, and as efficiently as possible.

On page 2 of this testimony Surgeon-General Barnes speaks further on the subject. Senator ALLISON asked him this question:

You could use fifty more clerks advantageously if you had desk-room for them?

This is not accompanied by any statement or any hint or insinuation that there is to be any increase of force whatever in the Pension Office, but it relates to the present condition of things, and the Surgeon-General continually re-enforces his statement by a reference to the report which he had made before that time, in which the necessity for an increased force was set out at length and emphasized. Surgeon-General Barnes, replying to the question of the Senator from Iowa, [Mr. ALLISON,] says: "I could." That is, I could use fifty clerks more advantageously if I had desk-room for them. He goes on to quote further from his report. At the last paragraph of the report, as quoted on page 3, he says:

I estimate that twenty-five clerks should be constantly employed for this purpose for some years to come.

That means the purpose of copying the records in his office, replacing those which are worn out. He says, in further answer to a question by the chairman, on page 3:

I could make an advantageous use of fifty men if I had a place provided for them.

On page 5 this occurs in response to a question by the chairman as to the routine of the office upon the subject of inquiries made in regard to pension cases:

Surgeon-General BARNES. If it went into the regular routine to-day it would go in with twenty-thousand ahead of it; there are over twenty thousand ahead of it to-day.

Senator ALLISON. In other words, you have twenty thousand unanswered cases?

Surgeon-General BARNES. Yes, sir. If it waited its turn it would go in that way.

Senator ALLISON. You have not answered yet how long.

Surgeon-General BARNES. I will try to give you statistics. Search was made and replies furnished to the proper authorities in thirty-six thousand two hundred and seventy-seven cases in one year; so that if you take it for granted that to-day I am twenty thousand cases behindhand, it will take two-thirds of a year to answer an inquiry coming in now, thirty-six or thirty-seven thousand being a year's work.

So it seems that in providing twenty-five clerks, as it appears from this testimony, the committee has not added more than force enough to dispose of the cases now in the Surgeon-General's Office behind the requirements of the Pension Office. The chairman, Mr. DAVIS, of West Virginia, asked this question:

It would take eight months ordinarily?

That is, eight months ordinarily to get rid of the accumulated business, if no new business came in.

Surgeon-General BARNES. It would take eight months.

Senator WALLACE. In addition to the twenty-five clerks that you spoke of as necessary for copying the records——

Surgeon-General Barnes, interrupting—

Absolutely necessary.

Senator WALLACE. Supposing we give you the room for them and the cheap desks that are necessary, how many can you with your chiefs and heads of division effectively work to expedite these demands in pension cases?

Surgeon-General BARNES. Twenty-five more. I think fifty would be a very moderate estimate of the number that could be made practically useful, provided, always, that I have room to work them in.

Senator WALLACE. That is implied.

Senator ALLISON. Could you use more than fifty?

Surgeon-General BARNES. No; I think they would work over each other; one person would wait for another. This subject I have been considering very deeply for some time. A year ago I got forty additional clerks because I was stalled. Then I went to work and brought up my arrearage. On the 1st of July, 1880, the number of cases remaining on hand unanswered was only 6,964. I had knocked off by the increase of force an immense arrearage. The experience of the past year shows that it was advantageous to have that increase. I got off a great deal of work.

Senator ALLISON. You consider this copying absolutely essential?

Surgeon-General BARNES. Yes; otherwise the books may be lost.

On page 6, in response to a question by Senator WALLACE, asking him to give in detail an estimate of what it would probably cost, Surgeon-General Barnes says:

I would say that fifty clerks at $1,000 a year, $50,000; the rent of a building and fuel and the pay of a messenger and a watchman ought to be brought within $10,000, which would make an estimate for my office of $60,000; but if it went in a lump of $200,000 I do not know where I would come out.

I do not find in the cursory examination which I have given to the testimony of the Surgeon-General that any reference whatever is made either by a question propounded to him or in his reply to a question that there is to be any increase whatever in the force of the Pension Office. His estimate appears to be based upon the existing necessities of his office, to wit, twenty-five clerks for copying records which are worn out, and twenty-five additional clerks for the purpose of disposing of the pension cases now on hand, such as are com-

ing in from the current business of the Pension Office as at present equipped.

Mr. DAVIS, of West Virginia. I was under the impression when I first spoke that in connection with this statement the Surgeon-General had been informed that we proposed to increase the force of the Commissioner of Pensions, but I find in looking over it that that does not appear in the evidence, though I think it had taken place in conversation, and we had asked him to base his calculation upon the increase at the Pension Office by two hundred men. The Senator will find the next statement is that of Commissioner Bentley. They were both in the committee-room at the same time. However, that matters not.

If the Senator now believes that further force necessary, the committee will not object to it. We want to give these officers just what will bring up their work and enable them to work together, that is, so that one office can supply information as another calls for it. The sub-committee especially, who heard all the evidence, and who examined into this matter carefully, believe that the number given in the bill would be just what is needed to advance the public service in reference to pension cases. If the Senator from Kansas thinks the committee are wrong, and if he wishes to make an addition, I do not know that the Committee on Appropriations will object to it, if it is a reasonable addition. I hardly think, however, that the public service will be subserved by it. That is our opinion.

Mr. PLUMB. I accord to the committee all that the Senator from West Virginia claims for it, and express my gratification that that committee acted on this matter so promptly and on the whole satisfactorily; but I find that in the report of the Surgeon-General, made long prior to the examination and prior to the debate which brought out the examination, he said that twenty-five additional clerks were absolutely necessary for his office for one single purpose, to wit, the replacing of worn-out records which had of necessity to be examined in order to reply to inquiries made by the Pension Office. That is the exact number which the committee have added. This does not take into account any other increase in the work of the office or any additional labor to be performed; nothing except only the replacing of these worn-out records. Now, we precipitate upon this office the work of one hundred and twenty additional clerks in the Pension Office, and I submit that unless we are to throw away or render inoperative during the next twelve months the work of these additional clerks of the Pension Office, there ought to be an increased force in the office of the Surgeon-General.

Mr. DAVIS, of West Virginia. May I ask the Senator from Kansas what he would suggest, as the object which he and I and the committee want to reach is the same? We want to accomplish the good of the service both to the Government and the pensioner. Will the Senator suggest what he thinks will accomplish it?

Mr. PLUMB. To be entirely safe, I think the number in the Surgeon-General's Office ought to be increased at least to the amount he asked, independent of the increased force of the Pension Office, that is, fifty clerks. There are two or three reasons why that is necessary. It is in the line of economy of time. If a claim is waterlogged, so to speak, in the Surgeon-General's Office, it will be the subject of two or three inquiries during a session of Congress on the part of members of the House and Senators who may be solicited to make those inquiries. The occasion of a large amount of extra labor is in replying to letters, and but for which the ordinary business of the office would move more rapidly.

I think myself that in view of what the Surgeon-General has stated, the number of clerks in line 1305 ought to be made ninety in place of sixty-five, and I will move, if no one else will, to make the number of clerks ninety.

Mr. DAVIS, of West Virginia. I suggest to the Senator, as there is a difference of opinion between the committee and himself, and as the committee have tried to arrive at the same end that he has in view, whether he had not better stop a little short of that number. Twenty-five would be rather a large increase. I suggest to the Senator to add fifteen to the sixty-five and make it eighty instead of ninety, and not say what they are to do, letting the Surgeon-General employ them in copying if he thinks proper, or put them on pension work just as he may be pressed to do. That is, add forty clerks in all instead of twenty-five as the committee has done. I suggest that to the Senator. I know he does not want to go beyond the necessities of the Government.

Mr. PLUMB. The Surgeon-General says:

> I think fifty would be a very moderate estimate of the number that could be made practically useful.

He also says somewhere in this testimony, I do not now see it, that it is absolutely necessary to copy these records, and they are so badly worn that it will presently be impossible to use them at all.

Mr. DAVIS, of West Virginia. The Senator is right; but the Surgeon-General goes on copying them as things now exist, although, of course, the copying would be more rapid if he had more force. I suggest to the Senator that instead of twenty-five he add fifteen, which would make forty that this bill would give over and above what he has had heretofore.

Mr. PLUMB. If the committee are of opinion that forty will answer the purpose in the examination of these cases, and will take that responsibility, I am willing to accept that modification. I have no doubt that they have the same end in view that I have.

Mr. DAVIS, of West Virginia. I suggest to the Senator to strike out "sixty-five" and make it "eighty."

Mr. PLUMB. I will move to make the number eighty.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The SECRETARY. In line 1305, the committee report to strike out "forty" and insert "sixty-five." It is moved to amend the amendment by striking out "sixty-five" and inserting "eighty;" so as to read:

> For eighty clerks, at $1,000 each, to be exclusively engaged in preparing and making reports to expedite the settlement of pension applications called for by the Commissioner of Pensions.

Mr. WITHERS. I simply want to call attention to the fact that the committee had before them the officers of these three bureaus for the purpose of eliciting from them the information that would enable them to arrive at a correct estimate of what addition might be necessary in their respective offices in order to facilitate the decision of pension cases, and upon the statements of these gentlemen to the committee the committee's report is based. The Senator from Kansas, who no doubt is much better informed than the committee or the heads of these bureaus, because in his judgment he thinks a very much larger number is required, proposed the other day to appropriate $200,000 for this object. The committee have reported a bill which will appropriate not less than $500,000 to it, and yet the Senator from Kansas insists on still increasing the number. For my part, I have nothing to say in the way of objection. The committee of which I am the chairman have investigated this matter, and in their judgment arrived at a conclusion which they thought would meet the difficulty, but it has met with such fierce opposition in the Senate that it seems to be regarded as an impracticable scheme; and now I for one am perfectly willing, while gentlemen who think differently and who are willing to trust to their own infallibility of judgment in this matter, to let them take the thing and run it for themselves.

Mr. PLUMB. There is no occasion for any heat about this matter. For the Senator from Virginia to intimate that I know more than the Appropriations Committee is hardly fair. I desire to call the attention of the Senator to the statement that he made as a member of that committee and as a member of the Senate in the debate upon the amendment which I had the honor to offer to the pension appropriation bill. He said:

> I would merely call attention to the very anomalous procedure, as I conceive it to be, when a single Senator, on his own judgment of what is necessary and right, gets up in the Senate and moves to increase the clerical force in one of the Departments to an indefinite amount, fifty examiners with a large force of clerks in that Department, such force not being specified, when we had the assurance of the Commissioner of Pensions and the Secretary of the Interior that the increase of the clerical force made in that office a year ago was as much as could be utilized, and that no additional increase of force could add anything to the promptitude with which pension claims could be considered and determined.

That occurred on the 8th day of the present month. I think the testimony that was taken by the Committee on Appropriations has conclusively demonstrated that while the Senator from Kansas did not know any more than the Appropriations Committee, and did not know any more than the Commissioner of Pensions or the Secretary of the Interior, he had a little more facility in telling it; that was all.

Mr. ALLISON. I think there is no occasion for any special difference of opinion about this matter. I only want to say that the Committee on Appropriations in fixing the number of clerks for the Surgeon-General were guided somewhat by what the Commissioner of Pensions said to us after the interview with the Surgeon-General. On page 16 of this interview the chairman asked Commissioner Bentley—

> What you have stated to us about facilitating the examination in your office depends upon the Adjutant-General's and Surgeon-General's Offices?
>
> Commissioner BENTLEY. Yes, sir; to some extent; but we are very far behind. We have got a great deal of work for these people to do without crowding the Surgeon-General or the Adjutant-General with inquiries. We have got all this work which lies behind; we have got, as you may say, 150,000 claims in the work, and the force have got something to do.

I merely call attention to this for the purpose of saying that the committee, after full examination of this whole testimony, thought twenty-five additional clerks would be enough for the Surgeon-General, but I think it is a wise thing to add fifteen more, and I think the fifteen additional clerks will enable the Surgeon-General to keep fully up with the business of the Pension Office.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1308, after the word "Pensions," to strike out "forty thousand" and insert "one assistant messenger, one watchman, and one laborer; in all, $67,000."

Mr. DAVIS, of West Virginia. It will be necessary to change that sum by adding the increase made necessary by the amendment of the Senator from Kansas.

Mr. ALLISON. It should be increased to $82,000. I move so to amend the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed. The next amendment of the

Committee on Appropriations was, after the word "dollars," in line 1310, to insert:

And for the employment of twenty-five clerks, at the rate of $1,000 per annum each, for the like purpose, for the balance of the current fiscal year, and one assistant messenger, one watchman, and one laborer, $6,775, the latter sum to be immediately available.

Mr. PLUMB. I move to amend by making "twenty-five," in line 1311, "forty;" so as to read:

And for the employment of forty clerks, at the rate of $1,000 per annum each.

The amendment to the amendment was agreed to.

Mr. PLUMB. The computation of the amount can be made and the proper sum inserted afterward.

Mr. DAVIS, of West Virginia. Just add $5,000 to the amount and it will be right. Make the "$6,775" in line 1314 "$11,775." I move to amend the amendment in that way.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1319, before the word "thousand," to strike out "eight" and insert "eighteen;" and in the same line, after the word "dollars," to insert "$5,000 of which sum shall be available for the current fiscal year;" so as to make the clause read:

For contingent expenses, namely: Blank books, stationery, rent, fuel, gas, furniture, repairs, and incidentals, $18,000; $5,000 of which sum shall be available for the current fiscal year.

The amendment was agreed to.

The next amendment was, in line 1528, after the word "class," to strike out "three" and insert "four;" and in line 1529, after the word "thousand," to strike out "six" and insert "eight;" so as to make the clause read:

Judge-Advocate-General, United States Navy: For one clerk of class 4, one clerk at $1,000; in all, $2,800.

The amendment was agreed to.

The Secretary continued the reading of the bill to line 1577.

Mr. DAVIS, of West Virginia. The committee direct me to say that in line 1577 the word "that" should be "a;" and in line 1579 the word "now" should be stricken out.

The PRESIDING OFFICER. Those changes will be made.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, under the head of Department of the Interior, in line 1582, before the word "thousand," to strike out "twenty-four" and insert "twenty;" in line 1585, after the word "exceeding," to strike out "twenty-four" and insert "twenty;" in line 1586, after the word "dollars," to strike out "per year;" in line 1587, after "1881," to strike out "with the privilege for four years from" and insert "to;" and after "1882," in line 1589, to strike out "at the same rate, contingent upon the making by Congress of the necessary appropriation;" so as to make the clause read:

For the rent of a portion of the building on the northeast corner of Twelfth street and Pennsylvania avenue, Washington, District of Columbia, occupied by the Pension Office, or any other fire-proof building or buildings that the Secretary of the Interior may select, $20,000; and the Secretary of the Interior is hereby authorized to contract with the owner of said building or other buildings for the rent thereof to the Government, at a rate not exceeding $20,000, from June 30, 1881, to June 30, 1882.

The amendment was agreed to.

The next amendment was, after line 1590, to insert:

For rent for the accommodation of the additional clerical force provided for herein for the Pension Office, $8,000; $2,000 of which sum shall be available for the current fiscal year.

The amendment was agreed to.

The next amendment was, in line 1610, after the word "at," to strike out "eighteen hundred" and insert "two thousand;" and in line 1620, after the word "and," to strike out "eighty-seven thousand eight" and insert "eighty-eight thousand four;" so as to make the clause read:

General Land Office:

For the Commissioner of the General Land Office, $4,000; chief clerk, $2,000; law clerk, $2,000; recorder, $2,000; three principal clerks, at $2,000 each; sixteen clerks of class 4; thirty clerks of class 3; forty clerks of class 2; sixty-two clerks of class 1; thirty clerks, at $1,000 each; and fifteen copyists, at $900 each; one draughtsman, $1,600; one assistant draughtsman, $1,400; nine assistant messengers; twelve laborers; and six packers, at $720 each; in all, $288,420.

The amendment was agreed to.

The next amendment was, in the appropriations for the Pension Office, in line 1657, to increase the appropriation for the compensation of the Commissioner of Pensions from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, after the word "dollars" in line 1657, to insert "first deputy commissioner, $4,000."

The amendment was agreed to.

The next amendment was, in line 1659, to increase the appropriation for the compensation of deputy commissioner from $2,400 to $2,500.

The amendment was agreed to.

The next amendment was, in line 1668, to increase the total amount of the appropriation for the compensation of the Commissioner of Pensions and the regular force employed in his office from $585,410 to $590,510.

The amendment was agreed to.

The next amendment was, after line 1669, to insert:

For the following additional clerical force in the Pension Office, namely: Twenty examiners, at $2,000 each; twenty clerks of class 4; twenty clerks of class 3; twenty clerks of class 2; fifty clerks of class 1; three assistant messengers; three watchmen; and five laborers; in all, $203,620; and for the like force for the balance of the current fiscal year, $50,905; the latter sum to be immediately available.

Mr. LOGAN. While I was writing the amendment I desired to offer the Clerk was reading so fast that he has passed beyond the point. I ask the attention of the chairman of the Committee on Appropriations to lines 1659 and 1660, which read:

Deputy commissioner, $2,500; chief clerk, $2,000; medical referee, $2,250.

I desire to amend that by adding:

For the surgeons assistant to the medical referee, $2,000 each.

In the law provision is made for one medical referee having a certain salary and for four assistants. He has but three assistants. They are all surgeons, medical men thoroughly versed in their profession, and they now get $1,800 each. Their duty in the Pension Office is to make examinations so far as rating pensioners is concerned, and it is a very laborious duty, they being examiners and medical experts. While you raise pension examiners to $2,000 it is nothing but right that these surgeons who are examiners for this purpose should be placed on an equal basis with them, and which would be $250 less than the medical referee's salary. I merely make the suggestion and offer the amendment.

The PRESIDING OFFICER. The amendment of the Senator from Illinois will be reported.

The SECRETARY. After the word "dollars," in line 1661, it is proposed to insert:

For surgeons assistant to medical referee, $2,000 each.

Mr. LOGAN. That increases the pay to equalize with that of examiners. Their pay is now $1,800.

Mr. DAVIS, of West Virginia. I ask the Senator how are they provided for now? In line 1660 there is this item: "Medical referee, $2,500." The medical referee now gets $2,250.

Mr. LOGAN. That applies only to one person, and my amendment applies to the three surgeons who are his assistants. They are assistant medical referees.

Mr. DAVIS, of West Virginia. In what part of the bill are they provided for? How are they designated? They must be called fourth-class clerks now, I suppose.

Mr. LOGAN. I have not the law here, but you will find by examination of the act of March 3, 1873, that it was provided that not more than four assistants to the medical referee should be in service. There are but three, and their business is to make examinations for the purpose of rating pensioners according to the disability.

Mr. DAVIS, of West Virginia. The Senator will notice that in the bill there is but one medical referee provided for; the others must be clerks; I do not know how else they can be designated. In the estimates they are not even referred to by the name the Senator uses. I ask the Senator to notice the bill where we give the additional force to the Pension Office; that we provide for twenty examiners, who will get $2,000 a year each. I have no doubt that these gentlemen he speaks of are now called fourth-class clerks, and get $1,800 a year. I suppose that must be the case. As we have the bill now, I take it that they can get and probably will get $2,000 for this reason: there are thirteen divisions there, as I understand, which ought to get some advance, and the committee have made the number twenty, thinking there were some other men in the office who might be advanced as well as the thirteen.

Mr. LOGAN. If it would be satisfactory, we may pass over this point, if I am allowed to reserve it until I make further examination; but I say to the Senator I am correct in reference to this thing.

Mr. DAVIS, of West Virginia. I think that is right.

Mr. LOGAN. I ask that we may pass over the matter and have it reserved, so as not to go beyond it.

Mr. DAVIS, of West Virginia. Before the bill is reported to the Senate the Senator can call attention to it.

Mr. LOGAN. I will do that.

Mr. PLUMB. There is a difference between the pension law as it stands and the management of cases under that law which has given rise to the appropriations in this bill, of which that now under consideration is one.

A good deal has been said about the opinion of the Commissioner of Pensions in regard to the law and in regard to the necessity for a new law, and that opinion has been expressed on the floor of the Senate and elsewhere and has been potential, no doubt, in making up the minds of a great many persons that some new law was necessary. Taking the testimony of the Commissioner of Pensions before the Committee on Appropriations as evidencing his actual opinion and comparing it with statements made in his behalf here and elsewhere, I think it safe to say that he is the worst-quoted individual in the United States. On page 9 of this testimony, in response to a question by Senator WALLACE:

Supposing the Adjutant-General's and Surgeon-General's Offices were supplied with all the clerical force needed to give you the information sought, what additional number of clerks could you advantageously work?

The Commissioner replies:

One hundred additional examiners immediately put in my office, those examiners to be men educated in law, familiar with handling evidence.

That is, as I understand it, more than double the force of the office, and that number he says he could advantageously use, and I suppose

he knows what the meaning of the word "advantageously" is. I have no doubt he does; but that is not all. He goes on to say:

They could go into my office at once and be absorbed and made available, and after four months at least another hundred could be added with the proper complement of copyists, messengers, laborers, &c., and then it is possible that after these had become worked into the business another hundred might again be employed.

There the Commissioner says that under this much condemned law, under this system which it has been proposed to supplant with something that has been the subject of controversy here in the Senate, and after all that has been said about the absolute inability of the office to use any greater force at all, the Commissioner comes in and says that force can be multiplied by three to advantage and more than three, because to every examiner, according to the ratio laid down in this bill, there are five attendant clerks.

Mr. PADDOCK. I should like to inquire of the Senator if the Commissioner did not say that the additional force could not be used advantageously, because there was not room, nor conveniences, nor facilities?

Mr. PLUMB. It would be remarkable indeed——

Mr. PADDOCK. But if the room and facilities should be supplied for doing the work then the force could be used advantageously.

Mr. PLUMB. It would be very remarkable indeed if we were to overturn an entire system of administration simply because of lack of house-room. That is the first suggestion or hint that I have ever heard that that was one of the reasons for substituting the system proposed in Senate bill No. 496 for the present one. If the Senator from Nebraska bases his favor to that bill upon that suggestion, I have nothing to say.

Mr. PADDOCK. I am saying nothing whatever about that bill. I am speaking of the testimony to which the Senator refers in regard to the inability of the Commissioner to employ an additional force advantageously. In reference to the bill, I have made no expression whatever.

Mr. PLUMB. The Commissioner goes on to say:

I do not know what is the limit of the handling of these cases in the way of a correspondence. You know the correspondence is simply immense, and we have to handle cases over so many times. I do not know what would be the limit. I am sure that we could absorb two hundred examiners of the class I named, with the proper complement of copyists, &c.

* * * * * * *

The CHAIRMAN. You stated, in answer to an inquiry by Senator WALLACE, that you could use immediately one hundred examiners, and after four months another hundred, and you said the compensation ought to be graded from $1,400 to $2,000, but you did not state the proportion of each class that you would need.

The Commissioner in answer to this question goes on, and in speaking, says:

I should say give me fifty two-thousand-dollar clerks, and leave the others to be governed by circumstances, as the Secretary of the Interior may direct. He would probably start a very considerable number of them at $1,400, and promote them as they became acquainted with the work and showed their efficiency.

Senator ALLISON. One-half of this number you say should be two-thousand-dollar clerks?

Commissioner BENTLEY. I am not speaking of the whole two hundred clerks.

Senator ALLISON. One-fourth of them, then?

Commissioner BENTLEY. I speak of the whole increase. I would make one-fourth of them two-thousand-dollar clerks, and leave the other grades in such a way that the Secretary might start them at $1,400, and grade them up.

On page 13 Commissioner Bentley, in response to a question by the chairman, says:

I have no doubt that in the claims that are now being prosecuted from 1862, if I were authorized by law to send out into the field where they are, the cases could be settled by an agent in two days' time in each particular case one way or the other. He would either see that the case had no merit, or he would ascertain the evidence which would give the man his pension.

There is something significant in that. Here are men whose cases have been pending in that office since 1862. The Commissioner says now that every one of those cases would have been decided in two days by the appointment of a man to go to the place where the applicant resides, and there examine into the case. Think of the disgrace of the Government that has ensued in the last nineteen years while these people have been waiting for pensions, because the Government has not authorized men to go and spend two days in the places where the claimants live for the purpose of determining whether or not they were entitled to pensions. I do not say anything about who is responsible. I am glad that the first steps have been taken to remove the responsibility at least from Congress.

The CHAIRMAN. As you desire to examine cases such as you have indicated, would it not be best to ask for the force you wanted in your office, and then when you wished to send a man out you would have the authority to do so without specially having the appropriation made for that purpose?

Commissioner BENTLEY. That is what I would do; but it would require an amendment to a section of the Revised Statutes to permit me to use such a force. I have to send a number of men out to smell out frauds. I myself do not recommend it at all, because it is an offensive way to deal with things, but I have to send them out to make inquiries and ascertain the truth in cases. I would amend the section of the Revised Statutes by striking out the words "suspected attempts at fraud" and insert "investigate pension cases."

Senator WALLACE. It would be a valuable addition to the *ex parte* system, you think, to have a man make inquiry on the ground?

Commissioner BENTLEY. Yes, sir.

And I ask the attention of the Senate, after the debate we have had about frauds, to the remainder of this answer:

It would protect the Government in the administration of the affairs of the office; and, if it did not, I think the Commissioner himself would be at fault.

One little amendment to the existing system, striking out three words and inserting three others, is all that is necessary to protect the Government from fraud, or if any frauds are to exist after that amendment, they are because the Commissioner himself does not do his duty. That is a thing which might have been done, I imagine, a long time ago, and we need not have spent days and days here in debating whether we would substitute a new and untried system for the one we have when we could have supplied all that was needed by making a little amendment of the existing law, which is now to be made in this appropriation bill.

The CHAIRMAN. Would you not arrive at the same end to leave the statute just as it stands, and provide here in this bill that the Commissioner is authorized to send out an agent or clerk to investigate pension cases, without doing anything with that section?

Commissioner BENTLEY. Yes.

The CHAIRMAN. Just to say that the Commissioner of Pensions shall have power to detail a clerk to examine into pension cases.

Commissioner BENTLEY. That is it.

The CHAIRMAN. And leave the statute just as it is?

Commissioner BENTLEY. Yes, sir.

Mr. LOGAN. He gives the same conclusion I did.

Mr. PLUMB. Yes; and further:

Senator WALLACE. You wish to employ one hundred and twenty-five clerks in addition to what you named and in addition to what are provided for in the bill?

Commissioner BENTLEY. If you are going to settle the cases that are in my office promptly, that is required.

Then on page 15:

Senator WALLACE. And if a force is given to you to settle more cases and have them ready for payment, as a matter of course it follows that you must have the money appropriated also to pay those additional cases which are settled?

Commissioner BENTLEY. You will appreciate, Senator, the character of this addition when I tell you that I shall expect to settle with this additional force three cases where I now settle one.

Senator ALLISON. In other words, it would about treble your power of settlement.

Commissioner BENTLEY. Yes, sir; but if you gave me a special agent force as I have estimated, that will reflect back again very speedily. I regard that force as a very important element in this business.

The committee have not done all that the Commisioner asked; and yet after what was said here about the fact that we had no estimate from the Commissioner, and about the entire willingness to give everything the Commissioner should ask, I wonder that they stopped short of what he said was desirable, if not necessary. I wonder that they have not offered a provision for three hundred examiners, which the Commissioner says he could advantageously use. What they have reported is a step in the right direction and good as far as it goes, but it illustrates how much truth can be got out by a little inquiry. Somebody has been making a very great mistake heretofore. Somebody has been unnecessarily delaying the settlement of pension cases. Somebody is fearfully responsible for the delay, and for the suffering attendant upon it and for the gross wrong which has been visited by means of it upon the most deserving class of people there is upon the soil of the United States.

Mr. ALLISON. I wish to call the attention of the Senator from Kansas to the fact that there are only twenty examiners named as such of these clerks, and clerks of class 1 were included in the idea of the Commissioner of Pensions. In other words, we gave him one hundred instead of two hundred.

Mr. PLUMB. I did not rise for the purpose of complaining of the Appropriations Committee. I am willing to concede that in making an addition of this kind to the force it is better to do it by successive steps. It is better to put in what you can readily absorb, assimilate, and make available to the highest degree of efficiency. Therefore I regard this step on the part of the Appropriations Committee as really on the whole fairly meeting the case, but I still think what we have before us to-day is only what we can see should have been done five years ago.

Mr. DAVIS, of West Virginia. Let me say in justice to the Commissioner of Pensions that he stated, and it is in his evidence—I suppose the Senator has overlooked it—that at no time until the present could this force have been increased, until within a very short time. Why? Because the copying of the records had not taken place until very recently, and it was impossible to increase perhaps within even thirty days from the fact that the copying had not been completed; but they can now have duplicates to work in different directions. Three different sets of persons can go to work on the same rolls where one person had to be confined to them heretofore. In addition to that, the Commissioner said to the committee, and probably it is in his evidence, if we increase to the full amount that he spoke of you had better recall your pension appropriation bill and insert, instead of $50,000,000, vote $100,000,000 for the next year. I have no doubt $75,000,000 will be wanted next year for pensions and arrears. If the appropriation were doubled it would have to be $100,000,000.

Mr. PLUMB. There are two things which I have no doubt have been the occasion of a great deal of delay. One of them has been intimated rather than stated by the Senator from West Virginia when he spoke of the amount of money necessary to pay the pensions. I have had some reason to believe that there has been a disposition in certain quarters to impede the payment of pensions because the prompt payment of those obligations might interfere with some of the financial operations of the Government, whatever they may be. The other is the suggestion that all the while there are frauds being committed upon the Government in the allowance of pension claims, and that has been spoken of as something which inhered in the sys-

tem, and consequently Congress has been granting facilities grudgingly, because the system was supposed to be vicious, and that at least 10 per cent. of all the money we appropriated was fraudulently paid out, and that therefore it was not wise to extend the facilities for increased allowances and increased payments until we could have some other system to prevent the frauds. And here is the Commissioner of Pensions, who is the sole and only authority that I have ever heard of for the allegations of fraud upon the Government in regard to pensions, coming in and stating that a little amendment in the verbiage of the existing law is all that is necessary to enable him to prevent frauds upon the Government in the matter of pensions.

I fear, Mr. President, that unless we had had the debate on the amendment which I offered to the pension appropriation bill a few days ago, many thousands of men would not only have gone this year but the next year, and many other years as well, without that which the Government owes them, and I call attention to this now for the purpose of enforcing the idea which I have expressed, that every Senator on this floor is himself under responsibility in regard to every department of this Government for which money is appropriated, and that we cannot shirk that responsibility by saying that some one, the creature of the laws we pass, the man whom we set up and the man that we can put down, who simply spends the money we give him, says that on the whole he does not think that as a matter of public policy or as a matter of discretion the department of which he is the head cannot use any more money properly.

I propose in reference to this as in other things to assume my own share of the responsibility and not hide myself in regard to the exercise of that responsibility behind the acts of omission or commission of any person in the Government, whether he be the Commissioner of Pensions or any one else. It is now definitely shown to the convincing of the Appropriations Committee, and of the Senate, and of the country, that the law did not need to be supplanted in order that this business might move more rapidly; that the law did not need to be even seriously amended in order that the Government might be protected against fraud; and all that was needed was a trifling amendment, to use the language of the Commissioner himself, and the addition of the clerical force which the people who pay the taxes have been perfectly willing for these many years to pay, even if it occasioned additional burdens in the shape of taxation.

Mr. WALLACE. We simply have the statement of the Commissioner of Pensions that this system will work out the result which we hope it will. We may be mistaken as he may be mistaken in regard to results; all that we can do is to give the force. I have done the best I could in the committee to aid in giving him the force to work out the end. I say in no spirit of fault-finding that many cases which have been on file since 1862 have been improperly held there simply because the Commissioner of Pensions had no power to send to the locality to investigate the facts surrounding them. They have been held there by invitation of persons in the vicinity.

Mr. LOGAN. If the Senator will allow me, he is certainly mistaken; the law authorizes the sending of persons anywhere in the United States.

Mr. WALLACE. To investigate frauds?

Mr. LOGAN. To do anything; to ascertain whether a party is entitled to a pension.

Mr. PLUMB. If a case is held up after the proof is perfect, for what cause is it held up? Because the Commissioner suspects that there is fraud in it, and in section 474 of the Revised Statutes and the corresponding sections in the pension act it is provided:

SEC. 474. The Commissioner of Pensions is authorized to detail, from time to time, any of the clerks in his office to investigate any suspected attempts to defraud the United States, in or affecting the administration of any law relative to pensions, and to aid in prosecuting any person implicated, with such additional compensation as is customary in cases of special service. Any person so detailed shall have the power to administer oaths in the course of any such investigation.

Mr. WALLACE. The Senator surely will see that the Commissioner must have a *prima facie* case of fraud before he acts by sending out a person to investigate it.

Mr. PLUMB. But when he holds up a case after the proof is perfect, must he not do that upon some suspicion of fraud or some other improper thing connected with it? Or for what reason does he hold it up?

Mr. WALLACE. The proof might be perfect and yet the Commissioner not be satisfied that the pension ought to be granted. There are thousands of cases of just that character, and it is to that point, it seems to me, that this amendment to the bill goes. So far as the power of the Commissioner is concerned, I know nothing except what he has said himself; and the Senator from Illinois will understand me as stating just what the Commissioner of Pensions stated, that he had not power to send abroad agents to examine into pension cases except where he suspected fraud. If he had not, then it is certainly time we should give him that power. The Commissioner of Pensions himself, the Department of the Interior, and the authority surrounding his bureau have deprived him of the power to do what it is said he now has the power to do. If the whole responsibility has been upon him in the past and he had the power to do it and he has the power to do it now, under what degree of responsibility is he to-day?

Mr. PLUMB. The Commissioner of Pensions, it is true, is the person who is responsible in one sense for the amendments which the committee have offered to this bill; and he has been responsible as well, if he has been properly quoted on this floor and elsewhere, for the statement that the present law was wholly inadequate to enable him to check fraud, and that it not only was not adequate, but that nothing but a new system would answer the purpose. If he was good enough authority for one, he ought to be good enough authority for the other.

But, Mr. President, we as members of the Senate have known, as everybody in the country has known, that there has been a clog in the administration of affairs in that office. There has been a variety of causes assigned for this. Some people thought there was not enough force; some that there was not sufficient brains at the head of the force; some that the system was wrong; but the fact that something was wrong and that through the means of that wrong an outrage was being committed on a meritorious class of people no one has denied or doubted. It therefore was incumbent and has been incumbent upon Congress ever since that state of facts has become notorious to inquire what was necessary to be done, and to do something in order that that wrong might be corrected; and that is a responsibility which cannot be put upon the Commissioner of Pensions.

Now, failing to do something to supplant a system which is not commending itself to the judgment of the Senate, the question is what else should be done; and when the proposition was made that the force should be increased it was said here by the defenders of the Commissioner and by the advocates of that bill that it was entirely useless to increase the force of the office, because it could not properly be used under the system as it existed. When the tender was made that the committee should examine the Commissioner and all other persons supposed to know anything about it, the doubt I had in my mind as to the propriety of yielding to that was that I believed the Commissioner had been properly quoted, and that he would still say, as it was stated here he had already said, that he could not use any more force, and we should therefore be brought face to face with a difficulty which the Senate would not care to unlock or would not care to evade by the proposition I made. But to my great surprise the Commissioner comes in and not only says that the $200,000 which I wanted to give in order to make the law effective can be properly used, but he multiplies that by five and says he can use three hundred examiners where I only proposed to give fifty, a corresponding number of copyists and penmen; and thus we have got to the bottom of this matter so far as concerns the question of what the Commissioner can do under the present law, and that was the thing about which we contended here for two days.

Mr. BLAIR. Mr. President——

Mr. LOGAN. Will the Senator before he proceeds allow me to make a suggestion as to the amendment I proposed? The law that I called the attention of the chairman to is this:

SEC. 4776. The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee, who, under the control and direction of the Commissioner of Pensions, shall have charge of the examination and revision of the reports of examining surgeons, and such other duties touching medical and surgical questions in the Pension Office as the interests of the service may demand; and his salary shall be $2,500 per annum. And the Secretary of the Interior is further authorized to appoint such qualified surgeons (not exceeding four) as the exigencies of the service may require, who may perform the duties of examining surgeons when so required, and who shall be borne upon the rolls as clerks of the fourth class; but such appointments shall not increase the clerical force of said bureau.

The three surgeons that are in addition to the medical referee are now borne on the rolls as fourth-class clerks, although they are assistant medical referees. As I stated, their duties are to examine all questions of rating pensioners on account of wounds or disease or disability; and it is a very arduous task they have to perform. You give the medical referee $2,250 by this bill; you give the examiners 2,000 each; and these three medical examiners who are employed are rated at $1,800. They are very important officers in this Department, and certainly their services are such that their pay, with the others, ought to be increased to $2,000. They ought to be put on an equality with all other examiners. The other examiners merely examine the papers and see whether the evidence is sufficient, while these examiners examine the medical testimony to see the rating of the pensioner. They are all examiners, but you leave these three at $1,800 and put the others at $2,000. I think it is right to put them all on an equality; and hence I propose the amendment that the assistants, as they are styled in the law already, the assistant medical examiners shall have a salary of $2,000 each. I cannot see that there can be any objection to that.

Mr. DAVIS, of West Virginia. Mr. President——

Mr. BLAIR. I decline to be further interrupted.

Mr. LOGAN. I will say——

Mr. BLAIR. I have only a few words to say.

Mr. LOGAN. I would add to the amendment I before stated—

His assistants, $2,000 each, instead of being rated as fourth-class clerks as heretofore.

That will explain it so that it will be perfectly understood to whom it refers.

Mr. BLAIR. Mr. President, I am not charged with the defense of the Commissioner of Pensions; I have no intention to undertake it; and if any Senator has anything to say by way of a charge, open or covert, against the Commissioner, he may find other defenders than myself; not that I fail to believe him to be, as I said the other day,

a very honest and competent gentleman, and any administration, as I then took occasion to observe, will be extremely fortunate that finds his superior or his equal as a successor. But I am not among those who believe, however necessary it may be to make this additional appropriation in order that something may be done, that it is the judicious and proper thing to be done for the good of the country or of the applicants for pensions. I am very glad to see it done, however. I am willing to see $10,000,000, or any sum of money whatever, wasted, or fifty per cent. of it wasted, or so much of it as it may be necessary to waste, in order that a portion of it may be expended to the advantage of this class of suffering claimants in this country. It is, under the circumstances, perhaps the only thing that can be done.

It is very late in the session. It is doubtful whether any general legislation on this subject can pass both branches of Congress. If those who believe that a modification of the system under which pension claims are presented is needed should incline to take especial advantages of those who hold to the sufficiency of the present law, if they saw fit to pursue precisely the same course in this case which was pursued the other day by those who are opposed to what is known as the Bentley bill, and to raise points of order in regard to the modification of the pension law, even now the thing could be done; for, Mr. President, the Senate will observe that if we could make the same point of order which was made the other day by the Senator from Illinois that in these lines from 1680 to 1683 there is a modification of existing law, there is new legislation improper upon an appropriation bill. Some of this money may be employed in local examinations of pension cases, not of cases which have been once rated and are upon the roll, but of the pending applications. If we made a point of order on this provision even now, nothing could be done. I know as a friend of soldiers, and not their peculiar guardian angel either, but simply as one who has some sympathy with them, the necessity for some action. Entertaining for these poor, suffering soldiers and defenders of the country a profound sympathy, I will waive the privilege which I could have exerted, and I will not raise any point of order. I am glad to see this modification of the existing law upon an appropriation bill, and money even wasted, although a little of it perhaps will do good to the soldier.

It is said that there is no fault in the law. Let the Commissioner of Pensions take care of himself and let us deal with the law alone. The Senator from Kansas complains that for fifteen years soldiers and widows have been begging of the justice of the Government the adjudication of their claims, and he strongly intimates and asserts that there is a great fault somewhere. He strongly intimates that it may be with the head of the office; but the present Commissioner has been at the head of that office only five years or about that, and here claims have been pending for fifteen years. Who is to blame for the fact that ten years prior to that time those claims failed to be adjudicated? We have had half a dozen different Commissioners of Pensions; they have been strong sympathizers with the soldier as a rule. Can it be possible that there was no defect in the operation of the law? These claims, so we are now told, can be adjudicated in two days if proper facilities are afforded for their examination; but for ten years with men who were as friendly to the soldier as anybody who speaks from a seat in the Senate now or ever has they have remained unadjudicated. Can this be so and there be no fault in the law?

Mr. President, I think there is a fault in the law. These additional appropriations which are being made will lessen the aggregate of the evil in the country; but they are unwise appropriations in my belief. I think smaller appropriations, with such modifications of our system of examination as might very readily be made if points of order would not be interjected and raised upon us even at this late hour of the session, would accomplish four times the work.

Now, sir, in the very nature of things this system must be wrong in some respects. Here are 300,000 great cases of claims against the Government of the United States pending, some in every congressional district of the United States, and in those districts where most of the soldiers reside you find to-day fifteen hundred to two thousand of them, and they involve, on the average, an expenditure to the Government, considering the probable lifetime of the pensioner, of from $1,000 to $3,000, and many a much larger sum. In my belief, the cases which make up the litigation of the country do not involve one-fourth part the amount which is involved in the average pension claim. We investigate all those cases; we adjudge them finally for the United States or against the United States, for the pensioner or against him, on *ex parte* testimony taken in a way oftentimes so unreliable that it would not be admitted even in the most ordinary and trivial affair in the court of a justice of the peace. We admit *ex parte* testimony, taken under the most unfavorable circumstances, and we adjudicate millions every year against the United States, and sometimes against the pensioner, on testimony of this kind.

Why not apply the principles of the common law? Why not apply the principles upon which we investigate causes in equity? Why not appoint in every congressional district in the United States—not one, for I say one man could perform only a very slight portion of the labor to be done—but four, or five, or six, or ten it may be, examiners, if you please to call them so, men learned in the law, young men, vigorous men, who can bring to the duty good intellectuality and good professional capacity also. In the early period of their practice the services of such men can be obtained at a comparatively slight salary. One thousand dollars, or $1,500, or $2,000 will command as good professional capacity as five, or six, or ten years later in professional life cannot be obtained for five, or six, or eight thousand dollars.

This is not only what has been done in the past, but it is a system which we are to pursue in the future, and the amount of money which has been paid in the past is only a tithe of what we are to pay hereafter on pension adjudications. Three hundred thousand cases are now pending, and they are coming in at the rate of 20,000 a year; coming in as fast as we are going to settle them. As we go on, as the men who have done service for their country in the field grow older, we are likely to modify our laws, as we have done hitherto, and we shall give in their old age to these soldiers undoubtedly pensions, which are mere gratuities, pensions which may become necessary for the aged, the feeble, the infirm, when these disabilities were not contracted in the service, so that the same modification of the law favorable to those who have done service in the recent war will be likely to give us an accumulation of claims for the next twenty-five or thirty years rather than otherwise.

Now, sir, we are at the threshold of a great difficulty, and it does seem to me that although in the present Congress probably nothing can be done, we ought not to push this matter aside on the supposition that there is no defect in the law, and that no better method of investigating and adjudicating these claims can possibly be devised by the wit of man.

We could find men such as I have indicated in every congressional district; and we could send those men to the pensioner. I do not believe in the provisions of the bill which was discussed the other day, limited as they were, because in every congressional district there are to-day as many as twenty men busily engaged in getting up this same sort of testimony which is to be had, which is so unreliable that, as I said the other day, the Pension Office has become simply an organized suspicion, and at least a third of its *personnel* ought to be eliminated, and of those remaining even the best examiners who are there will tell you, when they tell you the thing honestly, as many of them have told me, that they have become so accustomed to learning that this testimony which they gaze upon, collected as it is, is unreliable, that they never know whether to allow a case which is thoroughly proved or not. Whenever they have to allow a case, unless it depends upon the records of the Government, they are always suspicious, no matter how fully it may be proven, that they are allowing a fraud.

On the other hand, if the pensioner is honest, but if his attorney has failed to prepare his testimony as it properly should have been, no matter how good his claim if his testimony appears to be somewhat defective, they reject it as a matter of course. Thus oftentimes fraud succeeds, because a claim is presented that is apparently good, while an honest claimant, from the failure properly to present his case, is defeated in his claim. The result of it all is that these men, never seeing anything but written testimony, never coming in contact with the witnesses, never seeing the claimant at all, lacking that great test of the reliability of testimony which a jury have when a witness is confronted eye to eye with the foreman and his associates, come to be an organized suspicion, and the best cases are rejected, or when they do not reject them—for ordinarily these men sympathize with the soldier—they hang them up, and they hang year after year until death comes in and settles the question. That is the difficulty with these ten and fifteen year old cases that my friend from Kansas talks about.

Put a man in the locality with mental capacity, with legal training, and tell him that if he acts upon testimony of this kind every time that he is adjudicating for or against these parties he is deciding on an amount anywhere from $1,000 to $15,000, and he will hesitate. I do not think there is much fraud; of course no such amount of fraud as has been talked about. I believe that these claims are the most honest claims in the whole country, and I believe whoever asserts the contrary simply defames the men whose blood and whose valor and whose sacrifices give us to-day the opportunity of legislating upon their claims one way or the other. But nevertheless with testimony taken as it is, it would be impossible for my astute friend to discern, to judge whether to believe or to disbelieve the testimony which might be under his eye. But that is the only testimony that can be taken according to law. He says and others have said that under the law as it now exists investigations can be made. So they can be made. I am not familiar with the text of the law, but this I know has been the construction of it for fifteen years: that investigations were not to be made by the pension agents unless the claim had been once allowed, and then, there being suspicion of fraud, substantial evidence of fraud, the Pension Office has authority to send its investigator into the neighborhood, and that investigator as a rule has been a man who was sent out for the purpose of doing something for the Government. If he came back and did not report against the pensioner he had accomplished nothing, his journey had been a failure, and he probably would not be likely to go again. That I know has been very largely the principle on which these men have acted. I recollect now an instance where some years ago, upon a mere suspicion of a letter to the Commissioner of Pensions of an irresponsible fellow who subsequently confessed on his dying bed that he did it from

malevolence, a claim was suspended, and after eight or ten years of effort the pensioner was at last restored to the roll. There were six other pensions discontinued at the same time upon this same letter in the same immediate neighborhood, and one after another they gradually found their way back on to the roll, every one of them having been dropped upon the report of one of the special agents, and yet when justice was done those names were put back.

Sir, the investigations that are spoken of are investigations of that character, and I have never known any other under the law as it is. Suppose that you should appoint impartial men, appoint them upon the nomination of the President, if you please, and on confirmation by the Senate for these offices, so much more important than those of the officials who have taken the census for the present year; suppose you appoint them by some power whose supervision will leave them in the attitude of judges, not responsible, it may be, to the Pension Office or to the Secretary of the Interior, but placed in the attitude of judges or of commissioners to ascertain the facts, would not that be an improvement? After such commissioners had taken the testimony in their respective districts, and after what was not within their own jurisdiction had been taken by a corresponding officer in some other jurisdiction and forwarded to them, let them examine that testimony and find the facts, and let the facts be reported to the Pension Office as making a *prima facie* case, and let the adjudication go upon that unless there was some evidence arising afterward which would justify the Commissioner in overruling these examiners or judges. This is my idea.

There is another thing. A prominent official in the Pension Office has told me within the course of the last two or three weeks that a very large proportion of these claims could be readily adjudicated if the Government itself would furnish to the claimant the evidence in its own possession. The War Department and it may be other Departments have this evidence, but it is thought if they keep the record evidence to themselves it may be impossible or difficult for the applicant to supply it; he may be wrong in a date, he may be wrong this way, that way, or the other, and finally when he puts in his secondary evidence they may entrap him by what they have on file. Protracted efforts to establish the claim take place, and it finally fails because of the contradiction between the records here and this attempt to supply secondary evidence. I say if any abuse of that kind does exist, and I think it does exist to some extent, it is the duty of the Government to furnish the applicant in the first instance with whatever evidence is in its possession.

These men went into the field; they did not keep records themselves; they did not foresee this matter of the pension laws and their efforts to get their dues from the Government ten, fifteen, or twenty years after. The Government keeps records. It does seem to me that it is a fraud on the part of the nation itself toward these men that its sworn officials, those having control of its Departments and in possession of this important testimony, do not only fail to furnish such records to the Commissioner of Pensions particularly, but fail to furnish them to the applicant himself so that he may know what testimony it is necessary for him to supply from secondary sources.

There certainly ought to be a change in the pension law to reach cases like that; and there are a great many other alterations of equal significance to those which I have suggested which ought to be made in the law and are going to be made. We cannot go on spending so much money for the administration of the pension system without making some change in the method of investigating these cases. I tell you, Mr. President, and I tell the Senate and the country, that, in my judgment, unless we do adjudicate these cases in such a way that the country shall be satisfied that it is paying out its money rightfully, there is great danger to the entire pension system itself; and that man, whatever may be his motives, is no true friend of the soldiers of this country who is not willing to co-operate in some effort at least to secure a modification of the existing method of investigating these claims for pensions and for bounties as well.

As I said before, it is no province of mine to defend the Commissioner of Pensions, and I do not propose to do it. I do know, however, that he has not been quoted here as he has taken pains to express himself to me. I understood that there was some part of a letter from him or testimony by him before the Appropriations Committee, in which he had "gone back," as we express ourselves, upon the representations which he had given in his report to the country. I called on him last Saturday and he showed me a letter——

Mr. DAVIS, of West Virginia. Will my friend there allow me to say that the Commissioner of Pensions stated—which I mentioned on the floor to-day—that until this time the force could not have been increased in his office from the fact that he had not duplicates of the rolls, so as to allow two or more examiners to examine them at the same time. So I do not think he made a misstatement on that point.

Mr. BLAIR. As I say, in this war on the Commissioner of Pensions, I do not care to meddle. Senators may have their fight with the Commissioner in any way they see fit; I am only talking in reference to what I think to be a serious fault in the law itself and in reference to the good of the country and in reference to the good of the soldier at large.

Mr. GARLAND. Will the Senator yield to me for a moment to make a motion that, if we are to have a night session, we take a recess now?

Mr. BLAIR. If the Senate will be willing that I shall take three or four minutes more now, I will not trouble the Senate any more on this subject.

Mr. GARLAND. I do not desire to cut the Senator off at all, but the hour is getting late.

Mr. BLAIR. I give way, then.

Mr. GARLAND. I move that the Senate take a recess.

Mr. ROLLINS. Will the Senator yield to me for a moment.

Mr. GARLAND. Yes, sir.

COURTS IN NEW HAMPSHIRE.

Mr. ROLLINS. I ask to have a bill laid before the Senate that we may have concurrence in the amendment of the House.

The PRESIDING OFFICER. The Chair will lay before the Senate a message from the House of Representatives.

The Chief Clerk read as follows:

HOUSE OF REPRESENTATIVES, *February* 21, 1881.

Resolved, That the bill (S. No. 1292) to provide for the removal of the terms of the United States circuit and district courts now held at Exeter, for and within the district of New Hampshire, to the city of Concord do pass with the following amendment: Strike out all after the enacting clause and insert: "That the terms of the United States circuit and district courts now held at Exeter, for and within the district of New Hampshire, be, and the same hereby shall be, held at Concord in said district."

Mr. DAVIS, of West Virginia. I do not see how this supersedes an appropriation bill.

The PRESIDING OFFICER. The Senator from New Hampshire asked unanimous consent that the bill received from the House of Representatives be now considered and the amendment concurred in.

Mr. THURMAN. I do not know that I am at all opposed to that bill; but I should like to look into it, because I know that the Senator from Vermont takes some interest in that measure. It is a bill to change the courts in New Hampshire from Exeter to Concord.

Mr. ROLLINS. That is it; and there is no objection to the amendment.

Mr. THURMAN. I did not know the bill had passed the Senate at all. It had better lie over until to-morrow.

The PRESIDING OFFICER. That is the order under the rule.

Mr. GARLAND. I now move that the Senate take a recess.

Mr. CONKLING. I wish to ask a question of the Chair before that motion is put.

Mr. GARLAND. I yield.

Mr. THURMAN. Do I understand that both Senators from New Hampshire are in favor of that bill?

Mr. ROLLINS. They are.

Mr. BLAIR. I am in favor of any bill my colleague is in favor of.

Mr. ROLLINS. There is no objection to the bill.

Mr. THURMAN. Then I withdraw my objection.

The PRESIDING OFFICER. The bill will be again laid before the Senate. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

RECESS.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas, [Mr. GARLAND.]

Mr. VOORHEES. In order to avoid any surprise or misunderstanding this evening, I desire to appeal to the chairman of the Committee on Appropriations for an understanding that when we meet here after the recess the appropriation bill now under consideration may be laid aside in order that the Library bill may be taken up to-night. I make this announcement in order to avoid any surprise that might take place if the bill was taken up without his knowledge.

Mr. CONKLING. Taken up with a view to action in the Senate?

Mr. VOORHEES. With a view to action; yes, sir.

Mr. KIRKWOOD. In the absence of the Senator from Virginia who has charge of what is called the cattle bill, I do not wish any action to be taken that would displace it. It was laid aside, I understand, informally under an agreement to take up the appropriation bill.

Mr. HILL, of Georgia. It cannot be taken up to-night because the amendment is not printed.

Mr. KIRKWOOD. I understand that, but I do not want such action taken to-night on other bills as will place it out of its present position. I wish to know that the cattle bill is left in the position that it would occupy if we did not take a recess, by moving to take it up now and laying it aside again informally for the appropriation bill.

Mr. ROLLINS. If we simply take a recess, it will be left just in the condition it is now.

Mr. KIRKWOOD. What is the ruling of the Chair on that point?

Mr. COCKRELL. I shall call for the Calendar when the Senate meets after the recess in pursuance of the resolution that gives us an evening session.

Mr. KIRKWOOD. Then I move that the cattle bill be taken up, so that it may be the unfinished business for to-morrow.

The PRESIDING OFFICER. The Senator from Arkansas has already been recognized, and has submitted a motion that the Senate take a recess until half-past seven o'clock this evening.

Mr. KIRKWOOD. Will not the Senator allow me to make the motion I have indicated?

Mr. GARLAND. What is the motion? I did not hear it.

Mr. KIRKWOOD. That we take up the cattle bill, so that it may

have its proper place according to the position it occupied this morning.

The PRESIDING OFFICER. The Chair would advise the Senator from Iowa that a recess will not displace the cattle bill under the understanding of the Senate. It is only an adjournment that does that.

Mr. KIRKWOOD. Then that is the understanding of the Senate.

Mr. THURMAN. My friend from Iowa does not help the matter at all by taking up the cattle bill, for the session to-night is a part of the day's session. If he wants the cattle bill up to-morrow he must attend here to-night, and get it up at the close of the session to-night. Nothing is made by taking it up now.

Mr. GARLAND. I insist on the motion for a recess.

Mr. CONKLING. Pending that motion I wish as so much advice has been given to the Senator from Iowa to remind him that unless he has his cattle bill taken up and laid before the Senate before the adjournment to-night, the cattle bill will be where he cannot reach it.

Mr. GARLAND. I insist on my motion.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate take a recess until half past seven o'clock this evening.

Mr. KIRKWOOD. Before that motion is put I wish to have a distinct understanding with the Senate on this other matter. The Senator from Virginia who has charge of the cattle bill is not here. I know he feels a deep interest in it, and I do not suppose any Senator desires that any advantage shall be taken of the rules of order in his absence. Now if it be the clear understanding of the Senate, assented to by the Senate unanimously, that the cattle bill shall not lose its place, then I am content to try that again.

Mr. GARLAND. That bill is not in the Senate; it has gone to the Printer.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas, that the Senate now take a recess until half past seven o'clock.

The motion was agreed to; and (at five o'clock and ten minutes) the Senate took a recess till seven and a half o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The hour of half past seven having arrived, the Senate resumes its session for the purpose of considering cases on the Calendar under the order adopted on the 16th instant. The Clerk will report the first case on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. THEODORE F. KING, one of its clerks, announced that the House had passed a bill (S. No. 1349) for enlarging the City Hall for the accommodation of the courts and records of the District of Columbia.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes, relating to suits at law affecting the title to mining claims;

A bill (H. R. No. 1319) to reorganize the judicial system of the Territory of Montana; and

A bill (H. R. No. 440) for the ascertaiment of the amount due the Choctaw Nation.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 3047) to authorize the commissioners of the District of Columbia to recommend a proper site for a union railroad depot in the city of Washington, and for other purposes;

A bill (S. No. 1728) granting a pension to Mrs. Lelia E. McCauley;

A bill (S. No. 1004) for the relief of the sureties of Henry L. Norvell; and

A joint resolution (H. R. No. 386) for printing report of the Life-Saving Service.

BILL INTRODUCED.

Mr. ROLLINS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2209) authorizing underground electric wires within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. ALLISON and Mr. COCKRELL submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes, relating to suits at law affecting the title to mining claims, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 1319) to reorganize the judicial system of the Territory of Montana was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation, was read twice by its title, and referred to the Committee on Indian Affairs.

CONGRESSIONAL LIBRARY BUILDING.

Mr. VOORHEES. I rise to move to postpone the present and all prior orders for the purpose of then moving to proceed to the consideration of the Library bill. The pending order, I suppose, is the Calendar under the resolution on which we are holding a night session?

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) That is the understanding of the Chair.

Mr. MORRILL. I presume it was the general understanding that the Library bill was to come up, with the assent of all or nearly every member of the Senate?

Mr. HARRIS. There was certainly no such general understanding. The Senator from Indiana gave notice that he would call that bill up this evening, and to the extent of that notice, of course, the Senate is advised that the Senator from Indiana desires its consideration; but it is unquestionably a matter for the Senate to determine as to whether they will proceed to consider the Library bill or the Calendar, and for myself, I must say I am for the Calendar as against that bill.

Mr. VOORHEES. The chairman of the Committee on Appropriations had the right of way, and it was understood, so far as such understandings can be made, with his assent that he would not press the appropriation bill at the session to-night. I therefore make the motion I do, to postpone the Calendar for the purpose of then moving to take up the consideration of the Library building bill.

The PRESIDING OFFICER. The Senator from Indiana moves that the pending order be postponed.

The question being put, it was declared that the ayes appeared to prevail.

Mr. HARRIS. I ask for a division.

Mr. MORRILL. I hope the Senator will not ask for a division; we shall have to wait.

Mr. HARRIS. I will not demand a division, though really I think we ought to go to the Calendar.

The PRESIDING OFFICER. The demand for a division is withdrawn. The ayes have it, and the pending order is postponed.

Mr. VOORHEES. I now move that the Senate proceed to the consideration of the bill (S. No. 1988) authorizing the construction of a building for the accommodation of the Congressional Library.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that a fire-proof building for the accommodation of the Library of Congress shall be erected on reservation numbered thirty-five of the public grounds, known as Judiciary Square; and the construction of the building, according to the plan adopted by the Joint Select Committee on additional accommodations for the Library of Congress, shall be in charge of a commission composed of the Secretary of the Interior, the Architect of the Capitol Extension, and the Librarian of Congress; and it appropriates $1,500,000 to commence the construction of the building.

Mr. VOORHEES. Mr. President, I have no speech to make. I believe this subject is very well understood. It ought to be. It has been agitated with the knowledge of the necessity of such a building for the last thirteen years, and for the last eight years there has been an annual appropriation and an annual waste of public money for the purpose of investigating the subject and arriving at some conclusion. I believe if the committee of which I have the honor to be chairman has done nothing else, it has so brought this matter to the attention of the Senate that every Senator has informed himself upon the subject. I shall content myself with asking the Secretary to read the report of the committee. That will be all that I desire to lay before the Senate. I could not add anything to it. It is a report which has been carefully considered, and which in my judgment covers the whole ground. I ask the Secretary to read the report to page 8, which embraces the report proper and which is the report of the majority of the committee, and after that I shall ask him to read the views of the minority presented by the Senator from Vermont, [Mr. MORRILL,] a member of the committee.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Secretary will read the report.

Mr. VOORHEES. I ask that the report be read for the information of the Senate.

The Secretary read the following report, submitted by Mr. VOORHEES, from the the Select Committee on accommodations for the Library of Congress, January 14, 1881:

The select committee of both Houses of Congress, appointed under "An act to provide additional accommodations for the Library of Congress," approved June 8, 1880, having fully considered the subject referred to them, submit the following as their report:

On the question of practicable and beneficial changes of the Capitol building for the better accommodation of the Houses of Congress, with improvements in light, ventilation, &c., therein, the committee conclude that while improvements might probably be made in these respects in the existing edifice, yet the overruling importance and immediate necessity of providing for the Library demands the first attention at the hands of Congress.

The joint committee, as authorized by law, appointed three persons of known skill and attainments as architects to examine and report to the committee in detail as to the space within the Capitol, and as to the expediency of enlarging that

building for the accommodation of the Library and for other purposes. The committee requested the architects, Messrs. Edward Clark, Alex. R. Esty, and J. L. Smithmeyer, to report upon the matters referred to them, instructing each to submit his own plans for an enlargement of the Capitol, if that were deemed expedient for Library accommodation, or for a separate building for the Library, if they should agree that this was indispensable. The architects reported that they had agreed unanimously upon the following as the expression of their views on the matter referred to them:

"*Resolved*, That in the opinion of this commission it is inexpedient if not impracticable to extend the Capitol building so as to provide additional space for the rapid growth of the Library without seriously interfering with the architectural proportions thereof, and also its conveniences for legislative purposes, but that 'practical and beneficial' changes, such as mentioned in the act creating this board, can and should be made at no distant day in and of the Capitol for the better accommodation of the two houses of Congress. We therefore recommend the erection of a separate edifice for the Library.

"Very respectfully submitted.

"EDWARD CLARK.
"ALEX. R. ESTY.
"J. L. SMITHMEYER.

"WASHINGTON, D. C., *September* 25, 1880."

This unanimous joint report was accompanied by individual reports from each of the architects, with plans and drawings for a separate Library building, and a part of the commission of architects added suggestions regarding desirable improvements in the Capitol building which should afford better ventilation, light, space, and adequate support to the dome.

These papers of the commission of architects are herewith submitted as an appendix to this report.

The joint select committee, having carefully in view all the objects embraced in the act providing for their appointment, have held many conferences, and given personal examination to the condition of the Library, to its past and prospective rate of growth, and to the possibilities of providing for its continuance permanently or for a long term of years within the Capitol. The result of the committee's deliberations is the conclusion, in which they are unanimous, that the erection of a separate building to contain the Library and its copyright department, is an immediate necessity. And while the committee are of the opinion that some changes may sooner or later be effected in the Capitol building for its improvement, they deem it their duty at this time, under the grave public emergency of saving from risk and injury the great collection of books which are the property of the Government, to recommend the postponement of the controverted questions regarding the legislative halls. The reasons which have had weight with the committee in reaching this conclusion are briefly these:

1. No enlargement of the Capitol which would be agreed to as desirable, either by experts in architecture or by the majority of Congress, could possibly afford more than a very few years' accommodation to the Library. It would now fill completely, if properly shelved, either of the two wings occupied by the Senate and House. Its growth has been so rapid as to more than quadruple the collection in the past sixteen years. In 1865 the Library of Congress contained 92,450 volumes; in 1881 it contains 390,000 volumes. Without any extraordinary appropriations or accessions, the Library (which is now the tenth collection numerically in the world) will reach 1,000,000 volumes in less than a quarter of a century. Government libraries never stand still, and the Library of the United States, fed as it is by the entire copyright product of the American press, by the Smithsonian exchanges, by purchases at home and abroad, by presentation of books and documents, and by international exchanges, must speedily become one of the largest, if not the largest, assemblage of books on the globe.

2. The Capitol building is already found altogether too confined in space for the imperative wants of Congress and its committees. Since the enlargement of the legislative body by forty-nine additional Representatives, and the constantly growing expansion of the public business, the numerous committees can no longer be supplied with separate committee-rooms, and the obstructions and inconveniences to the public business from want of space are seriously felt. There is no room whatever within the Library where Senators and Representatives can command a quiet place for writing or for consultation of authorities. Were the bulk of the Library and the immense copyright material removed, space would be found where the members of Congress could pursue their investigations undisturbed. Moreover, several committee-rooms could be created from the store-rooms and passages now occupied by the Library, while its two fire-proof wings might properly be devoted to the storage of books and documents now in insecure quarters, and to the preservation and careful arrangement of the valuable manuscript archives of both Houses of Congress.

3. There is already great insecurity in many parts of the Capitol building, and a constant risk of fire, which might destroy thousands of valuable books and documents. The upper regions of the Library, where its bound newspapers and its maps are stored, are exposed to this danger, and the insecurity increases with every addition that is made to the constantly growing heaps of material, whether books, periodicals, musical compositions, engravings, or maps and charts.

4. The fact that this Library alone of all government libraries is the repository of all the records of copyright, as well as of two copies of every publication thus protected, makes the necessity for a separate building for its accommodation imperative. It is by no means in the number of printed volumes alone that the accessions derived through the copyright law add to the requirement of space. There are annually received thousands of maps, charts, engravings, photographs, chromos, and other objects of art, many of which are of great size, requiring far more space than volumes of books for their proper preservation. The collection of maps and charts alone, if properly arranged for examination, would fill a large hall, and the specimens of graphic art now piled away unarranged except by their copyright stamps and numbers, would fill more than half the space of the existing Library if properly displayed or arranged for examination. The fact that all these copyright accessions, many of them of great pecuniary value, come steadily in day by day to enrich the collection without a dollar of expense to the Government, and are to be preserved in its archives as evidence of copyright under the laws of Congress, imposes upon that body an obligation carefully to provide for their safety and preservation.

5. The copyright department of the Library must speedily have a space not only for the safe keeping of the accessions it brings, but for the constantly growing records and the performance of the clerical labor involved. The entries of copyrights in the office of the Librarian of Congress have increased from 12,688 in 1871 to over 20,500 in 1880, the latter being largely in excess of the average number of patents issued annually, and requiring the receipt and care of two copies of each publication. Want of space for conducting the business of bureaus is complained of in several Departments, but the fact is apparent that the Librarian of Congress has imposed upon him a greater variety and multiplicity of business, with less space for its performance, than has ever been known in any executive office of the Government.

6. No government library known to the committee except our own is now located in the same building devoted to legislative purposes. It has been found indispensable in each European capital to have separate library edifices for the great collections of books gathered at the public cost and through the operations of the copy-tax. Yet in none of these cases is the library charged, as in the United States, with the custody and keeping of all copyright records of the nation. The buildings belonging to the British Museum Library cover eight acres of ground, and it is expected that the collections of art and antiquities there gathered will ultimately have to remove to a separate building to give space to the growing encroachments of the books. The national library of France covers nearly four acres. The present Capitol covers only three and a half acres, and no additions to it of sufficient magnitude to provide for library growth could be made without greatly marring the beauty and effect of that classic edifice.

7. On grounds of public economy also, a separate edifice is demanded for the Library. The estimates of the Architects of the Capitol, Messrs. Walter and Clark, for an extension of the eastern center of the Capitol three hundred and fifty feet place the cost of such an extension at $4,500,000, while the estimates for a separate building vary from $1,500,000 to $4,000,000, according to the magnitude of the edifice and the style of architecture employed. The reason of this difference is found in the fact that any Capitol extension must be carried out in the same costly style of architecture, as to marble columns and capitals, as the existing wings, while no such expensive condition applies to an independent building erected elsewhere. Besides this, it is demonstrated by the measurements of the Architects and the reports of the Librarian that even this large addition to the Capitol would be completely filled with books in about forty years. It would then be necessary at last to erect a separate building, thus burdening the tax-payers with the cost of two library constructions instead of one.

The joint select committee therefore concur unanimously in the absolute necessity of a separate building for the Library. On the important question of its site, this is a matter which was not referred to the commission of architects, but the committee were required to report to Congress "what location would be most suitable for the Library, and afford the highest advantages for its future growth and permanent accommodation, and also in the case of each site the probable cost of the same and of the building." The members of the committee have given much time and consideration to this matter. Deputations have been heard and communications received setting forth the advantages of many squares lying north and south of the Capitol, of a site on Pennsylvania avenue at the foot of the Capitol grounds, of the mall lying between the Smithsonian Institution and the Botanic Garden, and of the squares situated immediately east of the Capitol grounds, and nearly on a level therewith. Most of the first-mentioned locations were objectionable to the committee as not furnishing sufficient level space for an eligible site of a new building of such magnitude as the case requires. The committee do not recommend the repetition of mistakes already made in locating public buildings upon sloping and uneven sites, nor do they think it wise to erect a building of such magnitude either north or south of the Capitol. The great costliness of any site on Pennsylvania avenue is too apparent to require more than mention. The public grounds near the Botanic Garden afford no safe foundation for a large public building, and are objectionable on many other grounds.

The site most eligible of all those involving the purchase of ground is undoubtedly that embraced in the squares lying east of the Capitol Park, and extending from First to Second streets east in one direction, and from North B street to South B street in the other. The taxed valuation of these squares and improvements was about $650,000 three years ago, as reported by the Secretary of the Interior, and a considerable number of improvements have since been added to them. Representatives of the property-holders gave the committee the sum of $1,000,000 as the probable maximum cost of obtaining titles to these squares. While their elevation and vicinity to the Capitol are greatly in favor of their selection as against the other sites before named, the committee cannot advise the purchase by the Government of so large and costly a piece of ground so long as there remain such extensive public reservations on which to erect public buildings without any expense at all for the site. Moreover, great and prejudicial delay, running to between one and two years, must occur in securing title by judicial process, since consent of all the property-holders cannot be obtained. On grounds, therefore, of public economy, as well as of the absolute necessity of providing the most immediate relief to the Library, the committee conclude that it is inexpedient for the Government to become a purchaser of this site or of any other for the Library.

The public reservation known as Judiciary Square, and marked on the plots of the city as reservation 35, appears to the committee to combine greater advantages and fewer disadvantages than any other for the proposed Library building. The map shows that Judiciary Square is geographically in the exact center of the city, and can thus be reached from all points with the least travel, while it is much nearer the center of population than any site upon Capitol Hill. A firm natural foundation for a public building of any size exists in the center of that portion of the square bounded by E and G streets on the one side, and Fourth and Fifth streets on the other. Representations were made to the committee that the grades and the foundation were such as would involve the expenditure of several hundred thousand dollars in preparing a site on Judiciary Square. The matter was referred to the Chief of the Engineer Corps of the Army, General H. G. Wright, for examination, and his report, with that of Colonel Casey, Superintendent of Public Buildings and Grounds, is appended. It disposes conclusively of the objection raised.

Moreover, the square named appears to be the only one central in location on which a public building can be erected with the smallest expense for foundation, with the largest space for proper approaches and ultimate extension, and with the highest regard to public convenience and utility. The objection that it would mar or destroy one of the public parks or breathing places of the city disappears when it is considered that Judiciary Square covers nineteen and one-half acres, of which it is proposed to cover three acres only with a building, leaving sixteen and one-half acres permanently open as a public resort. Moreover, the city of Washington has five hundred and forty-one acres left in Government reservations, while the open avenues and streets embrace 2,554 acres, or 3,095 acres in all, out of 6,111 acres covered by the city. More than half of the area of the capital city is thus permanently reserved for breathing spaces, being a much larger proportion of land free from buildings than in any large city on the globe. The objection that a public building cannot be erected on a public square without a violation of good faith and property rights, disappears before the decisive language of the original deeds of dedication or sale to the Government of the United States. These deeds convey in terms as follows:

"We, the subscribers, in consideration of the great benefits we expect to derive from having the Federal city laid off upon our lands, do hereby agree, and bind ourselves, heirs, executors, and administrators, to convey in trust to the President of the United States, or commissioners, or such person or persons as he shall appoint, by good and sufficient deeds in fee-simple, the whole of our respective land which he may think proper to include within the lines of the Federal city, for the purposes and on the conditions following:

"The President shall have the sole power of directing the Federal city to be laid off in what manner he pleases. He may retain any number of squares he may think proper for any public improvements or other public uses, and the lots only which shall be laid off shall be joint property between the trustees on behalf of the public, and equally divided between the public and the individuals as soon as may be after the city is laid off.

"For the streets the proprietors shall receive no compensation, but for the squares or lands in any form which shall be taken for public buildings, or any kind of public improvements or uses, the proprietors whose lands shall be so taken shall receive at the rate of £25 per acre, to be paid by the public."

In confirmation of this absolute dedication to public uses, whether for parks or for buildings, of the squares and public reservations, we find of record the original instrument, signed by George Washington, President of the United States, and setting apart what was then called "The Judiciary Square," by its present metes and bounds.

Moreover, in an autograph letter from Washington to the commissioners of this city, dated Philadelphia, 20th February, 1797, he disposed decisively of any claim on the part of the original proprietors or their successors to any control of the public reservations. He says:

"If the proprietors, who, in consideration of having the permanent seat of the Government established among them, yielded a portion of their property for public uses, shall afterward take upon themselves to decide what shall not be done with it, they may, by the same parity of reason, direct the uses to which the squares shall be applied. This is too absurd.

"I am, gentlemen, your obedient servant,

"GO. WASHINGTON.

"COMMISSIONERS *of the City of Washington.*"

The objection of the remoteness of Judiciary Square from the Capitol has been carefully considered by the committee. They find that with the reservation in the present Library of a selection of from fifty to sixty thousand volumes, filling the whole central hall of the Library, Congress would still have under its own roof all or nearly all the references likely to be wanted during its sessions. Books and authorities not accessible could be dispatched and received at the Capitol from Judiciary Square, by aid of the telephone and a light wagon, in from six to seven minutes of time. The Library is so rich in duplicates that the reservation in the Capitol of this number of volumes could be effected without materially weakening the main collection. Judiciary Square is not only central to the population, but quite as convenient to members of Congress and their families resident in Washington as the Capitol building. And if it be true that the Government owes anything to the people in the direction of the diffusion of intelligence, it cannot admit of a doubt that this great repository of learning, created primarily for the use of the legislative and judicial branches of the Government, should be more freely opened to a far wider circle of readers.

The committee have agreed upon and report the accompanying bill, authorizing the construction of a building for the accommodation of the Congressional Library.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY.
Washington, D. C., December 20, 1880.

SIR: In reply to your letter of the 17th instant, requesting to be informed whether a proper and safe foundation for a Library building of four hundred and fifty by three hundred feet can be secured on Judiciary Square in this city, I beg to invite attention to the following copy of the report on the subject from Lieutenant-Colonel Thomas Lincoln Casey, Corps of Engineers, the officer in charge of public buildings and grounds, to whom it was referred, which will afford the desired information:

"An examination of the position of Judiciary Square, between E and G, and Fourth and Fifth streets, proposed as a site for a Congressional Library building, 300 feet by 450 feet, does not disclose any feature that would necessarily demand an extraordinary expenditure in order to secure a proper and safe foundation for the building contemplated.

"Should the levels of the water table and footings of the foundations be so taken as to require the six-foot sewer passing across the site to be removed, and to be reconstructed along G and Fourth streets, this work could be done for the sum of $20,000.

"It is believed the building can be so located that the earth excavated from the cellar will be sufficient for the slopes around the building, without resorting to changes of grades in the surrounding streets."

I fully concur in the views presented by Colonel Casey in his report.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brigadier and Brevet Major-General.

Hon. D. W. VOORHEES, *United States Senate.*

Mr. VOORHEES. I now ask that the views of the minority of the committee, as presented by the Senator from Vermont, may be read by the Secretary.

The PRESIDING OFFICER. The views of the minority will be read.

The Chief Clerk read as follows:

Not concurring with the majority of the committee as to the selection of Judiciary Square for the site of the Library, I respectfully present, in a brief and hurried manner, some of the reasons for my dissent:

First. It seems to me, with proper deference to those who may think otherwise, that we should preserve the whole of the Library where it will continue primarily to be most convenient and of greatest service to the Senate and House of Representatives, for whom it was originally established. Its chief utility would not be preserved by its removal to so great a distance as has been proposed. It is a new building that is wanted, and not a new library, new name, or new character.

Second. In making a large appropriation for the erection of a library building, one of the foremost, if not paramount, objects should be to obtain absolutely the best and most appropriate site. No one pretends any such merits as to Judiciary Square, however valuable it might be as an open reservation when properly planted and adorned, but its chief, if not only, recommendation appears to be that it is not the worst possible site, and will be cheaper than anything better.

Third. Bad as the best portion of Judiciary Square would be for the Library, it is proposed to occupy the worst, or the lowest and most remote part, lying between E street and G street northwest. If any portion of this reservation should be used for the Library, manifestly its main front ought to be on that part now covered by the City Hall court-house, which should not stand in the way and hide a building of much more imposing dimensions and greater architectural character.

Fourth. For the site of the Library, or for any other public building, no public reservation should now be surrendered except for reasons of extreme necessity. Judiciary Square is the only public reservation in that portion of the city, and should if possible be preserved as such.

Fifth. Although engineers, the longest and practically, perhaps, most conversant with Judiciary Square and its former condition, differ widely as to the probable cost of preparing the foundations for the Library, there is no doubt it may somehow be done, but it is true that a nine-feet sewer, running diagonally across it, would have to be removed, but where it is difficult to say. It is true that a small stream of water formerly pased through it, the bed of which has been filled up. It is true that some part of it was once used as the dumping ground of the city for all sorts of refuse substances; and it is true that Judiciary Square is very far from being level; the corner of E street and Fourth street being 15.94 feet lower than the corner of E street and Fifth street; the corner of G street and Fourth being 6.43 feet above that of the corner of G street and Fifth street; the corner of G street and Fifth street being 11.92 feet lower than the corner of E street and Fifth street; and the corner of G street and Fourth is 10.45 feet above that of E street and Fourth street. Though the building for the Library would cover a smaller area, yet the differences of elevation would still be conspicuous, and could never be completely remedied, and not even partially remedied without considerable expense. At last the site would be forever a poor one, for which no excuse could be given except absolute inability to pay for a better one, and that our posterity will never accept.

Sixth. A far better sight can be had, more accessible, and for a reasonable price, near to and directly east of the present Capitol grounds; and its immense superiority in all respects, save cost, is not controverted, so far as I know, by any member of the committee. Taking the six squares between First and Second streets east, it would be equal to a parallelogram 1,178 feet long and 685 feet wide, and including avenues, streets, and alleys, contains 1,040,378 square feet, more than one-half of which (585,248 feet) would cost nothing, and only 455,130 square feet would have to be paid for. The buildings upon the ground could be sold for a sum largely in excess of the expense of preparing the foundations for the Library; and whatever sold for, would, by that amount diminish the cost of the squares purchased.

Seventh. In order to obtain the best site for Government buildings elsewhere we never fail to make liberal appropriations. For the court-house and post-office in Philadelphia we paid $1,491,200.99. For the custom-house and other offices in Chicago we paid $1,259,385.65. We paid large sums in Cincinnati and Saint Louis. For the post-office and sub-treasury in Boston we paid $1,329,095.84. The cost of these sites seems high; but land in these densely populated and prosperous cities could not be had for less. Can we not afford to deal out equal justice to the capital of the nation where the price of land is far cheaper, as we have done to the commercial capitals of Ohio, Illinois, and Massachusetts? Much, much less is asked for here; and it seems to me sheer parsimony to withhold it. Our constituents do not want us to do what is less than just. They do not want us to be niggardly in matters which deeply concern the capital of the nation.

Eighth. It appears to me that the acquirement of these squares on the east would add much to the appearance of the Capitol grounds. It would give them greater breadth, add beauty to the surroundings of the Capitol, and give symmetry to its connections with streets and avenues. While doing a necessary and proper work, we shall, without any additional expense, effect a substantial improvement of our present possessions.

Ninth. If it is really necessary for us to sell off some part of the real estate belonging to the Government in order to enable it to build a much-needed library, then the question arises whether Judiciary Square should not be cut up in building lots and disposed of at auction. Unquestionably by this course we might reimburse the Treasury for the full amount of the probable cost of the squares east of the Capitol, which appear to me far the most desirable for the site of the great library we are about to build. But I trust to be pardoned for expressing the opinion that our circumstances do not require any such extreme measure.

Tenth. It should be noticed that in the selection of a plan for the Library building, the difference in the estimate of the cost of the one selected and any others, would cover the entire cost of the site east of the Capitol. The question of economy has, therefore, had due consideration, and need not be further pushed.

JUSTIN S. MORRILL.

Mr. VOORHEES. Under the act of Congress of June last the joint select committee on this subject was authorized to select three experts in architecture to consider this question. They did so, and of that board of architects Mr. Edward Clark, the Architect of the Capitol, was made chairman, and as such chairman he laid before the joint select committee last September a report of the views of these architects upon the matter under consideration. I ask the Secretary to read that report, commencing on page 1, where I have marked, and reading to where Mr. Clark signs his name.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read as follows:

DRAFTS OF REPORTS.

WASHINGTON, D. C., *September* 25, 1880.

SIR: The undersigned, a commission appointed by your honorable committee, in conformity with the provisions of the act of Congress, approved June 8, 1880, entitled "An act to provide additional accommodations for the Library of Congress," beg leave to report that they have, in conformity with your letter of appointment of June 17, 1880, examined and duly considered the question of what "practical and beneficial changes" can be made in the Capitol with the view of providing better accommodations for the Library, &c. They have unanimously agreed to the following resolution, and respectfully submit the same as their preliminary report:

Resolved, That in the opinion of this commission it is inexpedient if not impracticable to extend the Capitol building so as to provide additional space for the rapid growth of the Library without seriously interfering with the architectural proportions thereof, and also its conveniences for legislative purposes, but that "practical and beneficial" changes, such as mentioned in the act creating this board, can and should be made at no distant day in and of the Capitol for the better accommodation of the two Houses of Congress. We therefore recommend the erection of a separate edifice for the Library.

Very respectfully submitted.

EDWARD CLARK.
ALEX. R. ESTY.
J. L. SMITHMEYER.

To Hon. D. W. VOORHEES,
Chairman of the Joint Select Committee on additional accommodations for the Library of Congress:

SIR: The undersigned, a commission appointed by your honorable committee, in conformity with the act, approved June 8, 1880, entitled "An act to procure additional accommodations for the Library of Congress," beg leave to report that they have met and carefully examined and considered the question of what practicable and beneficial changes can be made to the Capitol, particularly with the view of getting greater space and better accommodations for the Library.

They have arrived at the conclusion that it would not be "practicable and beneficial" to so extend the Capitol as to provide accommodations for the rapid growth of the Library even for a short time, and have, therefore, to recommend that a building detached from it should be erected for the exclusive use of the Library.

The reasons which led to this conclusion are:

First. That to extend the Capitol so as to provide for the growing wants of the Library, even for a few years to come, would not only mar its architectural appearance, but render it more inconvenint for legislative purposes.

Secondly. The inadequacy of the Capitol to contain the vast collection of books and other matter deposited in the Library under the present copyright law, if the collection should increase in the future as it has in the past.

In order to obtain a knowledge of the great space required for the increase of the Library, it should be borne in mind that by its records it is shown that the number of books in it has quadrupled in the last sixteen years, their number now being about three hundred and seventy-five thousand.

Should this rate of increase continue for the next sixteen years—and it is not improbable that such will be the case—the collection will amount to 1,500,000 volumes, requiring, to afford them shelf-room, all the space contained within both halls of legislation, the Old Hall of Representatives, and the Rotunda.

If the same rate of accession should continue for another sixteen years, that is, thirty-two years from the present time, the entire available space of the Capitol would be required for the use of the Library.

It is true that during the past sixteen years there have been some extraordinary accessions, such as the "Force collection," and the transfer to the Library of the

exchanges of the Smithsonian Institution, yet it is not improbable that such additions may continue to be made either by purchase or donation.

Amazing as the foregoing statements are relating to the probable growth of the Library, they are made only after careful calculations and measurement.

Your commission are aware that it is necessary to have within the Capitol an adequate parliamentary library; this could be kept in the main room of the present Library should the collection be moved elsewhere. The wings of this Library may be used advantageously for the documentary library of either House; many thousand books belonging to these, particularly that of the House of Representatives, are now deposited in out-of-the-way and insecure portions of the Capitol.

It is the intention of each member of this commission to furnish plans or sketches for a new Library building by the next meeting of Congress.

CAPITOL.

Your commission are of the opinion that many, if not all, the improvements required can be made to the Capitol by extending the eastern front of the center building, so planned that a connecting corridor may run from wing to wing.

This arrangement will offer at times a more convenient means of access between the halls of legislation, and will at all times afford the means of better communication between the wings on the gallery story.

It will also provide additional rooms for committees, and for records and files.

This improvement will have the further advantage of completing the east front in a manner as to give the dome a more proper position when viewed from an easterly direction, and will screen the present sandstone portion of that front with a structure of the same material as the wings.

The halls of legislation may be brought to the windows of the outer walls by taking out some of the interior walls, thus obtaining more light and exposure to the open air.

Very respectfully,

EDWARD CLARK,
Architect United States Capitol.

Hon. D. W. VOORHEES,
Chairman Joint Select Committee on Additional Accommodations for the Library of Congress:

Mr. VOORHEES. I yield the floor now to the Senator from Vermont, [Mr. MORRILL,] who desires to present his views at some length.

Mr. MORRILL. I move to amend the bill by striking out, in lines 4 and 5, the words "on reservation numbered 35, of the public grounds known as Judiciary Square" and inserting in lieu thereof "squares numbered 726, 727, 728, 729, 730, and 731 east of the Capitol, and between B street north and B street south, and First street east and Second street east;" so as to read:

That a fire-proof building for the accommodation of the Library of Congress shall be erected on squares numbered 726, 727, 728, 729, 730, and 731 east of the Capitol, and between B street north and B street south, and First street east and Second street east, &c.

After this amendment has been voted upon, should it be adopted I shall be ready with an amendment providing for the acquirement of the land as proposed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL,] on which he is entitled to the floor.

Mr. MORRILL. Mr. President, undoubtedly the subject of the proper site for the Congressional Library has heretofore postponed its construction, and may now bring out differences of opinion on questions of convenience and economy, according to the knowledge or bias of the party who makes known his opinions. But any delay that has occurred, if only the best site shall be at last secured, will not be regretted. All must now be ready to admit the propriety of an early conclusion of the whole matter. A new building is an inexorable necessity. No one can more deeply regret than I do my inability to entirely agree with my respected associates of the joint select committee as to the most suitable site for the Library. For my own opinion I neither seek nor expect the slightest consideration; but for the facts in the case, and any legitimate arguments based thereon, I hope reasonable, even critical and laborious, attention will be granted. Personally, it is not likely to be to me of any earthly account, as the Library, placed wherever it may be, will require not less than three years for its completion; and, at my time of life, not much opportunity will then remain for me here to make its treasures available.

If the opinions formerly advanced by me in favor of the site east of the Capitol are still adhered to it is not in the spirit of dogmatism, not in the stiffness which upholds pride of opinion, but because the Capitol and Capitol Hill are still here and will remain here forever. There is no power in the longest argument to lift an inferior site above it. Valuing the money in the Treasury which comes from the pockets of the people as dearly as any other Senator, it is my sincere conviction that this site, near at hand, elevated, dry, and healthy, with all the adhering advantages of its surroundings, very far transcends in value even any exaggerated estimate of its utmost cost, although in point of fact it would turn out in the end, as I believe, upon the full completion of the Library, to be the cheapest in dollars and cents—leaving Judiciary Square still in our possession and of great value as a minor park.

If any share of the character of the Library of Congress is to be preserved its proximity to the Capitol must be an important consideration, where members of both Houses can make it equally available, and where others, who come here from all parts of our country, would find it with the smallest expenditure of time or money. Such visitors will want to look at both the Capitol and the Library, and, in accord with the old adage, "kill two birds with one stone." Scholars, students of history, and scientists—all who come here to consult the Library—will be better accommodated and better suited to find it near the Capitol.

Waiving the question of cost, I think all the members of the committee were and are agreed that the site east of the Capitol was and is much to be preferred. Its elevation and vicinity are greatly in its favor, they say, but that it is large and costly. The difference in the cost, if there should be any, after the foundations have been made ready to receive the superstructure, would be found, I am convinced, wholly insignificant—not so much as the mere difference of cost between the plan of the building selected, which was the lowest and cheapest, and that of any other presented and considered; and yet this little difference, not deemed worthy of consideration in the cost of the building itself, and which we should not think of higgling about in a site for a public building at Chicago, where we paid out $1,259,385.65, or at Boston, where we paid $1,329,095.84, is offered as an insuperable obstacle in the way of a proper site. We have paid without wincing such sums for eligible sites for buildings as $708,036 in Cincinnati and $1,491,000.99 in Philadelphia; but when the General Government needs a site at its own capital for a building that should specially test the good sense and liberality of an American Congress, it is to have no choice, it seems, except what may turn up on some vacant and neglected lot. Nothing is too good for State capitals, but the national capital, shame to say, must be relegated to Coventry and put up with anything if even wrongly labeled as cheap.

The unfortunate positions, and the lame, incongruous, and pitiful surroundings of the Interior and Post-Office Departments, destitute of all margins, trenching upon narrow streets, and smothered among cheap restaurants, it was to have been hoped would prevent any repetition of awkward and incurable mistakes in the selection of sites for public buildings at the national capital. We have no castles, nor cathedrals; and we do not cover our "domes with gold nor our walls with ivory;" but we may insist in this "city of magnificent distances" upon the selection of not merely possible but upon the best possible sites. Whatever more the growth of our country may demand in this direction, we ought at least to insist that henceforth our light shall not be hid "under a bushel."

The site directly east of the Capitol is, beyond all cavil, one of transcendent merits. It is conspicuous, and, it may not be extravagant to say, if selected, will be thoroughly good. Beyond all this, being but one full square distant from the Capitol it will be more accessible and far more convenient than any more distant location can be.

Unless Congress is to be divorced utterly from the Library of Congress, the members of the House and Senate will never consent to be cut aloof from it by any considerable distance. It should, as it appears to me, be under the immediate and daily supervision of Congress, from which it has hitherto drawn all of its sustenance and support, and to which it lends all its stores of useful knowledge. The Joint Committee on the Library, familiar with its wealth and its deficiencies, should make themselves constantly heard and felt in its guidance and administration, and mark each year by some worthy advance and some creditable improvement.

When the city of Washington was laid out, President Washington, and Jefferson, then Secretary of State, took a leading and very painstaking interest in the matter. A French officer of great merit, Major L'Enfant, was employed for this important work. The excellence of the elaborate plan proposed and adopted, as soon as the skeleton streets and avenues became partially decorated with buildings, was fully justified and acknowledged. To aid the officer in charge, Mr. Jefferson furnished the plans of twelve important cities of Europe, together with his own notes, and wrote to him as follows:

Considering that the grounds to be reserved for the public are to be paid for by the acre, I think very liberal reservations should be made for them; and, if this be about the Tiber and on the back of the town, it will be of no injury to the commerce of the place, which will undoubtedly establish itself on the deep waters toward the eastern branch and mouth of Rock Creek, the water about the mouth of the Tiber not being of any depth.

Jefferson, it appears, would be liberal, not niggardly, about public reservations, especially as they were then only to be paid for by the acre. On such matters no better informed man was then in the Cabinet of Washington. There was some foresight, too, in the direction as to where these reservations should be established. That about the Tiber, if we can only abate the railroad nuisances, as many think they should be abated at once and "without benefit of clergy," will soon form one of the most attractive small parks of the country, and with very little cost. Extending from the shore of the Potomac, through the very heart of the city, to and around the Capitol, this park is destined to grow in completed beauty, and to become a common and favorite resort for recreation and life-preserving exercise in the open air. Within the last twenty-five years over forty million dollars has been expended in the United States by twenty cities for public parks. They are things the people are not forbidden to covet.

The Judiciary Square reservation is on what Mr. Jefferson undoubtedly referred to as the back of the town, and it is the only reservation anywhere in all that part of the city. To build upon it at all would be perhaps a breach of good faith toward all the land-holders in that part of the national capital, and certainly a flagrant breach of good taste, as well as a violation of one of the foremost sanitary principles relating to the health of large cities.

It seems to be assumed that the Government of the United States has unlimited power to do whatever it chooses with the public grounds in the city of Washington, regardless of the rights of those whose lots may abut on the same, and that such parties can have no claim, legal or equitable, for any damages suffered which Congress is bound to respect. Such is not the opinion of the Judiciary Committee of the Senate, as appears by their report, No. 795, submitted January

25, 1881, upon the "bill to confirm to the city of Chicago the title to certain public grounds;" and they set forth the rule of public law to be as follows:

The lots having been sold as delineated upon the recorded plat, the purchasers acquired an interest in the streets and public grounds on which their lots abutted; and it is manifest that the Government could not after the sale make any disposition of those streets or public grounds inconsistent with the use to which they had been dedicated. The attempt to do so, if it had the power, without the consent of the lot-owners interested, or making adequate provision for their compensation, would be a flagrant act of bad faith.

The lots abutting upon Judiciary Square were beyond all doubt sold by the Government as delineated on the recorded plat, with Judiciary Square as a public reservation; and, if so sold, how can we now, according to the opinion of the Senate Judiciary Committee, dedicate it to other uses without the consent of the lot-owners interested, or without making adequate compensation? Congress can vote as it may please; it has the power, and the lot-owners will have no remedy. But will that make it any less "a flagrant act of bad faith?"

This reservation, save what is, and probably must be, occupied by the City Hall court-house, should be preserved forever as a healthful breathing-place, ever green, and decorated with trees and shrubs, offering shade and rest to the weary, and a joyous play-ground for the gambols of childhood. If Judiciary Square had been properly planted, as was Franklin Square only a few years since, it would now be regarded as little less than vandalism to cover and bury it beneath even a three-story pile of brick and stone. To occupy and retrench or obliterate the reserved squares, circles, and triangles, where the birds and the common people most do congregate, would be destructive of the best appreciated characteristics of the national capital, which we are as much bound to look after and preserve as the Library itself. If we cannot improve our capital, we may at least try not to strip it of its chief jewels. The city of New York has twelve parks, and London has to-day more land in parks, so it is said, than all of the cities in America put together. In comparison we have here but a thimbleful of scraps and patches.

To create vacant spaces for small parks, such as the one in the "geographical center of the city," which it is now proposed to profane and destroy, many other cities are now with lavish expenditures buying lots and squares covered with buildings, and that is the sorry predicament to which the city of Washington may hereafter be exposed if we jump on to the very few unoccupied public reservations of any extent which now remain whenever the growth of the country requires an additional edifice. To seize upon Judiciary Square, standing solitary and alone in its neighborhood as it does, would seem not only wrong but an inexcusable blunder. Whatever we now need can be had for a moderate price—less than at any time hereafter. If the Government is able to build at all, it is surely able to pay for a decent site. We are no longer making plans for three million of crippled colonists, but for fifty million of prosperous republican citizens, destined in thirty years to increase and multiply to one hundred million.

If straitened circumstances forced us to sell Judiciary Square and with the proceeds to buy a site for the Library, undoubtedly it would fetch enough to more than pay for the site east of the Capitol; but I venture to think we are neither forced to put the Library upon it, nor to cut it up and sell it at auction for ordinary building lots. Even should it ultimately be doomed to public use as a building lot, it is an open question whether or not some other department of the Government, the Interior Department or the General Post-Office, may not be more appropriately entitled to consideration.

Both the Postmaster-General and the Secretary of the Interior have in their last reports earnestly called the attention of Congress to their present lamentably inadequate accommodations. Large portions of their forces are already turned out of doors. If a new General Post-Office should be built the present building might answer well the purpose of a city post-office for Washington, though more modest in its dimensions and cost than those which have been planned for some of the chief cities in several States. The difficulty, possibly, might be solved by an extension of the Post-Office westward equal to the dimensions of the present building. But more room somewhere is already loudly called for.

The Department of the Interior is in a much worse condition, having four out of eight of its different branches of service removed far away in buildings temporarily rented. Six hundred and sixteen clerks, not including the Census Office, or 1,823 if that office should be included, are employed or were recently employed outside of the Interior Department. The Patent Office has grown so rapidly in size and importance as to need, or soon will need, the entire building, which was originally designed largely for its special accommodation. All the records of the Land Office, of priceless value, are now liable to sudden destruction by fire through the first and lightest accident.

The Secretary of the Interior, with great boldness and eminent good taste, suggests that all the squares around La Fayette Square should be purchased and covered with buildings for such of the Executive Departments as are not now amply provided for.

That this would be both grand and convenient, surpassing any arrangement of government buildings elsewhere, will hardly be disputed, but it would call for a considerable outlay; and yet it may be that the generation which is treading on our heels may not regard it as too extravagant for them to act upon. If at the outset the growth of our country could have been prophetically anticipated, and such a plan had been then projected, all would now recognize its peculiar fitness. Indeed, the buildings of the Executive Departments as originally placed were all symmetrically clustered around the Executive Mansion; but we have outgrown both those petit buildings and the modest space then allotted to our infancy. The log-hut and the clearing always give place to the family mansion and the farm. Hercules is no longer in his cradle.

A site for the Library fronting the Executive Mansion, and on the opposite side of La Fayette Square, would on many accounts, perhaps, favorably compete with that of Judiciary Square. In the first place the site itself, with its surroundings, would be a fine one; and, as all members of Congress have more or less business at the Departments, they would be able to visit both them and the Library together without any great loss of time. It would not be an out-of-the-way place. The sedentary corps who go to spend the day in the Library would find it more accessible, and it would also afford more practical use to the officials and inmates of the Executive Departments. The building would stand where it could be seen; and if a creditable specimen of architecture, as it should be, this consideration should not be wholly disregarded. But in none of these considerations can there be much competition with the site east of the Capitol, which stands immeasurably superior to all others. Its contiguity to the Capitol, its elevation, and the cheapness and speediness with which it can be made ready to receive its basement foundations, are all unanswerable arguments in its favor.

That there is to be serious difficulty and expense in obtaining a solid foundation for a library on Judiciary Square has been ascertained since the report of the joint select committee through actual examinations and measurements by competent engineers and architects. The statement of the committee on page 6 of their report, it appears, cannot be fully sustained by the facts in the case. They say that—

A firm natural foundation for a building of any size exists in the center of that portion of the square bounded by E and G streets on the one side and by Fourth and Fifth streets on the other.

If so, the "natural foundation" is as deep as a well and wider than a barn door. The amount of misinformation conveyed in all this is considerable, and was based upon statements honestly believed, but not warranted by any practical or personal knowledge on the part of those who made them.

The old gulch or ravine, one hundred and fifty feet wide, through which formerly flowed a branch of the Tiber, "once called Goose Creek," and where in 1856 while being filled with the rubbish from the foundation of the post-office, a journeyman carpenter fell in and was drowned, has been filled to the extent of fifteen to twenty feet. No architect would risk a building on that foundation, and to obtain a safe foundation it will be necessary to excavate until hard-pan shall be reached at the bottom. The eight-foot sewer crosses the square obliquely from the northwest corner to E street on the southeast, and a smaller branch sewer connects with the larger at a point very near to the center of the proposed library building, and just where the committee strangly say there is "a firm natural foundation." The manhole found here has enabled a measurement to be taken which shows the bottom of the sewer to be over eighteen feet below the surface. Incontestably, therefore, very much of the excavations and foundation walls must be made to a depth of nearly twenty feet, and the cost of the foundation and basement walls to the surface of the ground, together with the cost of changing the sewers through different streets, cannot be estimated at less than a very large sum of money. No engineer, unless a partisan, and no architect worthy of his title, will venture to dispute this fact, and, if it cannot be disputed, it goes far to settle the whole question of economy against Judiciary Square, as a half million of dollars will pay for all the ground strictly required for a library on the site east of the Capitol. What more ground is to be acquired is wanted for other and equally important and beneficial purposes.

But this is not all. Whether the base of the Library on Judiciary Square should be placed on a level with the base of the City Hall, or on a level with the present surface of the ground, the approaches to the Library would require an extensive system of terraces or staircases upon three sides; or if these were to be avoided, then the whole site would require to be filled and graded to some general and equal elevation, which would drag after it the necessity for a change of nearly all the grades of the surrounding streets. It would not be easy to select any point, unless it should be Kidwell's Bottoms, suggestive of greater or more expensive difficulties, and they are not imaginary difficulties, but real and absolute.

The squares on the right and left of the Capitol, north or south, need of course to be built upon to shut out inharmonious vacancies, and doubtless will be built upon as soon as offered upon reasonable terms, but a library would cover but a small part of the boundary of the grounds north or south of the Capitol, and that rather grotesquely on one side only, which would give to one House of Congress better accommodations than to the other. A building here on either side must be of the kangaroo sort, with hind legs much the longest, and when completed would be a worthy gift to anybody who would forthwith remove it. The bad taste of Judiciary Square is at least out of sight, but this would be constantly thrust in our faces.

The lots east of the Capitol which it is proposed to take extend from B street north to B street south, 1,518 feet, and from First street

east to Second street east, 507 feet, or including First street 617 feet. It will be seen, therefore, that the land to be acquired is more than double what will be actually needed or covered by the proposed library. One-half of it, including First street east, would be 759 feet long by 617 feet wide, of which the Library would occupy not more than 450 feet by 300 feet, which might be at the south or north side, leaving room upon the other side for a building perhaps to accommodate the Supreme Court, whose quarters in the Capitol are notoriously inconvenient and circumscribed, and all the rooms now occupied by the court are greatly needed for the use of Congress.

Or if it should be preferred, as I do not think it would be, the Library could be placed in the center, leaving all the remainder as open spaces not to be occupied by any other building. In any event the addition of these squares would be a felicitous and greatly needed addition to the grounds, and with the Library would be a proper finish and complement to the surroundings east of the Capitol. It does not require the eye of an expert to see this, although every expert would at once concede its propriety and even its indispensability.

I have not on this subject given to the interests of the people east of the Capitol the slightest weight, but have felt that the interest of Congress, of the capital, and of the whole people of the United States should have paramount if not exclusive sway. It was, nevertheless, expected when the capital was first laid out, that the high lands east of the Capitol would be earliest occupied, and that the deep waters of the Eastern Branch would attract considerable commerce. These expectations have been delayed, but not altogether and forever thwarted. Another prosperous decade for the city like the last will exhaust the chief part of the most desirable lots in the western part of the city, and before that time elapses the great and substantial merits of the eastern portion of the city will be sure to be more appreciated. The political capital of our country may not ever furnish a great field for trade or commerce, it is not to be wished that it should, but the salubrity of its climate, and its increasing advantages in science, arts, and letters, and of its cosmopolitan society, are sure to induce many persons of means and culture to come here and found temporary or permanent homes. Vacant lots will be wanted.

A very large proportion of the owners of the land on the site east of the Capitol, I am glad to be able to say, have already signed a written contract, naming the sum, if their lots should be wanted, which they bind themselves to accept for their property. This at least is a great and substantial gain. The terms will be found in the main reasonable; though some have included damages for the change years ago of the grades of streets which may be disputed; and where the terms may be found unreasonable, or where terms have been unobtainable, the usual course of condemnation can be resorted to, and it is unlikely that sworn appraisers will put a higher value upon any parcels of land than that proposed to be willingly accepted by their neighbors for adjoining lots. The Government is sure of honest, nay, prompt and liberal treatment, and no advantage is open to any selfish schemes, if, as I do not believe, there are any such.

There being some portion of the lots or estates that cannot well be obtained by purchase, it will be necessary to authorize their condemnation and appraisal for public use, by the courts, but this will take much less time than that which would be required for the extra labor on the foundations of Judiciary Square. The time required, if the court should be in session—and a session can be provided for in any event—would be very brief, and not at most exceeding a few weeks. The rights of the present owners must of course be protected by giving them reasonable notice; but within ten or fifteen days after the appointment of appraisers, and after the appraisal, the money can be deposited with the court and possession of the property obtained.

If the Library shall be removed to any distance from the Capitol, the annual expense of its administration must be largely increased, and it will become either a town library, mainly utilized in circulating the latest sensational novels, or it will become a national rival to the large libraries of large cities, where costly outlays for costly acquisitions would be demanded by any ambitious librarian of the newborn and much-to-be-petted national library. It would never do to be eclipsed by Cambridge, New York, or Boston; and the new library would soon be looked up to, backed by the longest purse, as the highest bidder for rare old books, which it is a great honor to possess and no reproach not to read.

If the Library should be placed directly east of the Capitol, its annual accretions would continue to be, as in the past, regular and comparatively inexpensive, and our usual mail-carriers, which now often bring from or carry to the Library books for members, might continue this incidental and useful work. But start a library upon the back part of Judiciary Square, or upon any other spot equally remote, and then a stable and carriage-house, an express wagon and landaulet, would at once become useful and esthetic. Thus situated, the Library might accommodate a dozen members who have residences near, or who may temporarily board near the low, uninviting, lop-sided spot, but it would be at the positive discomfort of all others. It would be a town library inflated with the idea that it had "a local habitation and a name" at the national metropolis. With the site fixed east of the Capitol, any member, even during the session of either House of Congress, if he chose so to do, could go to and return from it in less than six minutes; but remove it to Judiciary Square, more than five times farther off, and practically it would be of very little daily use to the great majority of the members of the House and Senate. The character of the Library would no longer be greatly controlled by Congress and the joint committee most noted for its erudition, but would be whatever a succession of accomplised librarians would be able to make it. The proposition to find room for the Library within the walls of the present Capitol, or within some monstrous hybrid addition, has been year after year pronounced untenable by every committee charged with its consideration, and by the original and by the present Architect of the Capitol Extension, as well as by every other architect of any repute, and by all experts who have been consulted. This idea of still huddling the Library into some corner of the Capitol building, or of hideously deforming it by an indefinite expansion of its body or wings, could only obtain a lodgment in the brain of intelligent men from the advantages arising from keeping the Library within reach of the Senate and the House of Representatives.

It is obvious that any addition even to the Capitol for library purposes would afford only temporary relief at the cost of permanent disfigurement, and would necessarily add something to the distance to be overcome, which would be only a very little if any less than that required to reach the Library on the site east of the Capitol, and this is the only site which will place the Library where it will be nearly as accessible to both Houses of Congress as it would be in the Capitol itself. In point of fact it would hardly be more distant from the Capitol than is the Senate wing from that of the House, and it is the nearest site having even any tolerable recommendations. The present park east of the Capitol is five hundred and seven feet broad, and that, with the width of First street east, (110 feet,) would be about the distance to be overcome. Any gentleman with health and vigor enough to discharge his duties in either House of Congress would not find it a very tedious walk to reach the Library.

Judiciary Square is mainly accessible by streets at right angles, and has no large avenue or thoroughfare by which it can be otherwise easily and directly approached. Massachusetts avenue lies far away to the north, and Pennsylvania avenue is out of the way on the south. The so-called Louisiana and Indiana avenues are hardly avenues at all, but merely broad, oblique driveways, leading, like Four-and-a-half street, only to the City Hall court-house. In fact, they are "so brief and so soon done for, that the world wonders what they were begun for." They will not lead to the Library, for that is to be at the farther end of the square. If any incidental proof were needed to show that the erection of great over shadowing public buildings on Judiciary Square was no part of the original design, it would be found in the fact not only that we recently removed the jail from it as a public nuisance, but that the streets on the east and the west sides—or Fourth and Fifth streets—stop short at the south end, and do not run through to Pennsylvania avenue. Thus on two sides, the east and west, there is at the south end to be no direct inlet or outlet. The only pathway will be roundabout and circumlocutory.

On the whole, if the title to Judiciary Square was not owned by the Government, we could not afford, as it seems to me, to accept it as a gift when coupled with the condition that we must build a library upon it at an expense of three million or more dollars. The ground is not only awkwardly out of the way, a place now unvisited for any purpose, but it lacks suitable elevation, and the surface has unmanageable differences of level. To build upon this merely because we have found it in our possession would be equal to the economy displayed by the man who having found a linch-pin in order to save it went to the expense of building a carriage to match it.

If a new library building is a present necessity, as I am profoundly convinced, it is almost farcical to diminish its dignity and usefulness by consigning it to a back lot, on the vain idea that unless we do so we shall lose a linch-pin. A library which is to hold all and the best intellectual products of the nation, with the best selections from those of the whole world, should have, next to the Capitol itself, a worthy, elevated, and healthy site, and the flat at the farther end of Judiciary Square is most assuredly not such a site.

Let me appeal to Senators, in conclusion, to keep the Library as a vine and fig-tree of Congress, with its fruits within reach and control. Let it stand near by, but not so near as to crowd us out, and remain what it has been, of direct practical use to the representatives of the States and of the people, and the storehouse to which those residing here or elsewhere pursuing political, scientific, historical or other studies may find the best portion of all that recorded knowledge which has been preserved by the "art preservative of all arts." Let the Library increase in strength and value by its regular and costless home additions, and by very discreet and limited purchases of important works published abroad, rather than by a sudden change of name, of site, and of character to start out in the great modern strife of accumulating the largest number of portly books. Do not let us spoil a building of exceptional importance, one that should inspire generous treatment, by consigning it to an inconvenient and inappropriate place, where the next Congress and every succeeding Congress would be tempted to remove it. Finally do not let us be seduced by any wholly unfounded claims of economy, but instead let us soberly estimate and meet present and future exigencies and trust the country to comprehend that work well done needs not to be repented of, and that work ill done will be speedily exposed, while it may linger as a perpetual reproach.

Mr. VOORHEES. Mr. President, at this late day in the session, and with this night waning away, I am too eager for action upon this

great and important question to waste many moments in discussion. If this question is not understood by the fifty or sixty intelligent gentlemen who are Senators in this Chamber present to-night, there is nothing that can be said by the Senator from Vermont or by myself that will bring them to a correct conclusion. In fact, there is not much debatable ground about it. I will indulge, however, in a brief statement in regard to the action and motives of the committee.

When the joint select committee was created there were three localities which pressed themselves upon our consideration, and but three. While we took into consideration other points, they were not commanding enough to engage serious investigation. The three propositions which were prominent in our minds were, first, whether the Library could be accommodated in this building, or in connection therewith. Many people, distinguished men, men of practical judgment, too, were of the opinion that it could be. I presume nobody will doubt that if that could be accomplished with due regard to the architecture, symmetry, and harmony of this building, it would be desirable. For the purpose of advising ourselves upon that point, as well as upon others, we were empowered by the act to call to our assistance three eminent architects of the United States. We exercised our judgment upon that question. We selected three gentlemen of distinguished standing and of high character in their profession.

With entire unanimity that board of architects decided that this Capitol building could not be adapted to the use and accommodation of the Library even now without impairing its structure, much less in the immediate future. As the commission of architects reported to the joint select committee, which report has been read at the Clerk's desk to-night, signed by Edward Clark, the chairman, within the next sixteen years, according to the present rate of accumulation of the Library, this whole building would no more than afford proper accommodations for it.

We are face to face with the question of building an imposing structure to accommodate a national library as has heretofore not been in this world; or else must refuse to receive the intellectual products of the times, burn up some that we have, and reject what is coming. We have got to do one or the other. The architects advise us that in the course of time this building will have to undergo some changes for legislative purposes, and that with those changes there could not be connected such changes as the Library would require without totally destroying the original design of this magnificent structure.

I do not, for one, feel at liberty to fly in the face of professional opinions of that kind. Whatever other gentlemen may do, I feel myself instructed by superior wisdom upon that point. I am not an architect; I know no Senator who is. I know no Senator whose opinion I will take for one moment as against the opinion of any one of these architects, much less against them all combined. So I felt constrained, and so did the joint select committee unanimously, to concur with the board of architects and let the Capitol building alone.

The question, divorced from this building, arose then in connection with other places, and the two localities that in my judgment and in the judgment of the entire committee contended with each other were Judiciary Square and the locality designated by the Senator from Vermont east of the present Capitol building. I say here, that if the Senate is not willing to locate this building on Judiciary Square, I hope, and I will vote, to place it on the locality designated by the Senator from Vermont. I do not consider any other locality as competing for this building in point of eligibility.

I wish to say to the Senate and to the Senator from Vermont what he very well knows, that I have no prejudices against the locality east of us. In fact, once upon an occasion, some two years ago, I indulged in some favorable remarks in my place in the Senate toward that locality; but, rebuked for my want of economy so severely by the Senator from Vermont on the opening day of this session after the 1st of January, as he will remember, I felt that I must economize as far as I could. The situation now seems reversed. The Senator from Vermont can contemplate the expenditure of a million dollars of money as composedly as anybody, and inasmuch as my reputation perhaps as an economist needs building up somewhat, I take the other view. In other words, if ground is to be purchased, I would far rather the Senate of the United States should inaugurate the real estate business than to have done it myself as chairman of the select committee. I can speak for the rest of the committee also, with the exception of the Senator from Vermont.

Judiciary Square we own. It costs us nothing. When the question was presented to us in committee as between Judiciary Square and the eastern front, it was a comparison as between $1,000,000 and nothing. That was the choice to which we were reduced. A million dollars confronted us over here, and nothing down yonder. The Senator from Vermont says now that we can purchase the ground east for half a million dollars.

Mr. MORRILL. No; the Senator misunderstood what I said; and I am so hoarse I do not wonder that he did.

Mr. VOORHEES. I think it safe for the Senator to correct that statement.

Mr. MORRILL. I said that the ground that could be acquired for this purpose would cost about half a million. I admit that it will cost a million to get all the blocks I propose, and I am in favor of acquiring the whole at the cost of a million; but the Library will only occupy one-half of it.

Mr. VOORHEES. I think myself that the eagerness of persons to sell real estate here upon the east front of the Capitol has induced them, in view of this report in favor of Judiciary Square, to moderate their pretensions somewhat.

Mr. MORRILL. There is no doubt about that.

Mr. VOORHEES. And I think it probable that I deserve some thanks from the economists of this body for making a report which has lowered the price of real estate east of the Capitol.

Mr. HILL, of Georgia. Let me ask the Senator from Indiana if we are under any obligations to receive the owners' own estimate of the value of the property; if we cannot have it assessed under the law?

Mr. KERNAN. That is the last thing we should undertake to do.

Mr. HILL, of Georgia. Does the Senator think we cannot find honest assessors?

Mr. KERNAN. I am speaking from past experience. Look at the ground at the foot of the hill here, how it was assessed.

Mr. VOORHEES. I am greatly in hope the Senator from Georgia is correct, and that honest assessors can be found when this real estate bargaining begins. As I have said before, I have no prejudices against the location east of the Capitol, and but for the question of economy I would have not the slightest objection to the location of the Library at that spot.

I cannot allow, however, the statements made by the Senator from Vermont in regard to Judiciary Square to go without a word or two of comment. The eagerness, the anxiety, the hungry pursuit which has been made by property owners here on the Hill has not confined itself merely to their own property, but it has spent itself in maligning and traducing the eligibility of Judiciary Square. The idea held forth that an extraordinary expense would be necessary to make a safe foundation in Judiciary Square, I am convinced is utterly and wholly incorrect. On that question I consulted not merely by letter, as I was instructed to do by the select committee, but also in person, General Wright, the Chief of Engineers, and obtained from him a written report transmitting a report of Colonel Casey, the Superintendent of Public Buildings and Grounds, they stating that it was a place for an excellent and cheap foundation. As opposed to them come the statements of hired lawyers employed to argue this case before the committee, and whose arguments the Senator from Vermont honestly believes to be true, supplemented by engineers' or surveyors' reports. I say that kind of testimony, that kind of argument is made to confront the Engineer's Office. I will not hesitate to characterize the statement, for instance, of an engineer by the name of Forsythe, that the site of Judiciary Square would require an expenditure of $450,000 to prepare it for a building, as an outrage on common sense, and it is so regarded by the Engineer Corps. I believe that Judiciary Square presents as eligible a site as any other. I believe, and I have reason to believe, for we have investigated the subject carefully, that it presents an excellent foundation. As to its accessibility, a thousand men and women pass and repass Judiciary Square coming and going to and from this Capitol building from the main central portion of the city, where one person would pass and repass the building if it were located east of us. Of course, persons visiting the Capitol could very easily go there, but persons can hardly come to the Capitol at all without passing Judiciary Square. I say this in justification and vindication of the judgment of the committee.

But, Mr. President, I said that I would not detain the Senate, nor will I. My earnest desire is to build a Library building. I believe we are to have the proudest monument of books the world has seen. I have heretofore discussed the history, the completion, and the probable future of the Library. I shall not do so now. Let the Senate determine the question. Wherever in its judgment the Library ought to be built, I shall be content. I have no dogmatism upon this subject. The books which it will contain will be open to us all, wherever it may be located. I will find them and you will find them. It is not a matter of vital consequence whose corner lot is occupied by this great enterprise. I desire and I have given my earnest thought and purpose to redeem the condition of the Library by giving it room, and I may be pardoned for saying that I would rather have my name associated with the successful erection of a Library, which will in the next quarter of a century—perhaps I shall not live to see, but others will—have such a collection of books as will be the greatest honor and ornament to the American name.

I hope we shall vote. We have talked for thirteen years; we have spent money year after year for the last eight years. Whenever this subject comes up it has taken time and passed on and been laid aside. I have struggled, as the Senate will bear witness this winter after our committee labors were done, to get a hearing. I now want a verdict, and I believe that the wisdom of the Senate will agree by a majority upon some place where this building will rise toward the heavens, and that it will stand as a conspicuous honor to the present Congress of the United States. I hope we shall vote to-night.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont, [Mr. MORRILL.]

Mr. THURMAN. Let it be reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 4 it is proposed to strike out "reservation numbered 35 of the public grounds, known as Judiciary Square," and insert "squares numbered 726, 727, 728, 729, 730, and 731 east of the Capitol, between B street north and B street south, and First street east and Second street east."

Mr. THURMAN. Mr. President, I think it is nearly five years since,

in some brief remarks I submitted to the Senate on the subject of a new Library building, I expressed the opinion that we ought not to expend a million dollars in purchasing private property when we had so eligible a piece of ground as Judiciary Square on which the building could be erected. I have seen no reason from that day to this to change that opinion. On the contrary, I am greatly strengthened in it by the almost unanimous report of the joint committee. I believed it then; I believe it now. I give all the consideration that they are entitled to to the opinions of the Senator from Vermont, who takes so deep an interest in this subject; but they are not satisfactory to my mind. So far as the convenience of Congress is concerned, all the books necessary for the working library of Congress could be held in one-fourth of the library space that is now in this Capitol. I venture the assertion in the firm belief of its truth, that of the *400,000* volumes in the Library of Congress not 5,000 are ever touched in any one single year. I do not count the same book, which may be touched half a dozen times, but not 5,000 separate volumes are touched in any one year unless it be by the employés of the Library.

Mr. CONKLING. Including the law library?

Mr. THURMAN. Oh, no, I do not include the law library. Why, Mr. President, the idea to which I refer is the greatest mistake in the world. The most learned men that ever lived had not a library of a thousand volumes; the ablest men that ever lived had not a library of five hundred volumes; the best thinkers, the men whose genius has done more to enlighten the world than all others, had but few books; they read them and understood them and then thought. It is thought, and not a multitude of books, that makes great men; that makes men great in literature, in art, in science, in practical life, and in statesmanship.

Mr. President, when I say this I am not antagonizing the idea of a great library. I am perfectly willing that we should have one. I know very well that the British Museum is an honor to Great Britain; that the French library in Paris is an honor to France. I am perfectly willing that we should have a great library; but although every great library collected as ours is must contain an immense amount of trash that would be better burned than preserved, yet I am willing to vote for a liberal appropriation to build a suitable building for as large a library as may arise in the city of Washington, but I do not want to expend money extravagantly; I do not want unnecessarily, for the mere purpose of taking a more beautiful site than one we own, or because one site is a little more beautiful than another, to expend one million of the people's money at a time when I think that economy is not only a wise policy but the absolute duty of Congress.

But, sir, I did not intend to speak, and I shall not speak any longer. I say that in my judgment Judiciary Square, containing nineteen and a half acres of ground, affords ample room for as large a building as ever will be needed and leave space enough for a park in that part of the city.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL.]

Mr. THURMAN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. VOORHEES, (when the name of Mr. DAVIS, of Illinois, was called.) The Senator from Illinois [Mr. DAVIS] desired me to announce the fact that he is ill this evening, and he is paired with me on this question. If he were here, I should vote "nay" and he would vote "yea" on this amendment.

Mr. MORRILL, (when Mr. HAMLIN's name was called.) The Senator from Maine [Mr. HAMLIN] is paired with the Senator from Indiana [Mr. MCDONALD] on this question.

Mr. MCDONALD. Reserving to me the right to vote if it is necessary to make a quorum. If the Senator from Maine were here, he would vote "yea" and I should vote "nay," and I shall vote if it is necessary to make a quorum.

Mr. MORRILL. I will also announce that the Senators from Connecticut are paired with each other. Senator PLATT is paired with Senator EATON.

Mr. MAXEY, (when his name was called.) On this question I am paired with the Senator from Florida, [Mr. CALL.] If he were present, he would vote "yea" and I should vote "nay."

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Georgia, [Mr. BROWN.]

The roll-call was concluded.

Mr. PLUMB. The Senator from Iowa [Mr. KIRKWOOD] is paired on this question with the Senator from Colorado, [Mr. TELLER.]

Mr. ALLISON. The Senator from Maryland [Mr. WHYTE] is compelled to be absent this evening. If present, he would vote for the amendment of the Senator from Vermont.

The result was announced—yeas 39, nays 7; as follows:

YEAS—39.

Allison,	Cameron of Wis.,	Hoar,	Pugh,
Anthony,	Coke,	Jonas,	Rollins,
Bailey,	Conkling,	Kellogg,	Saunders,
Baldwin,	Dawes,	Lamar,	Slater,
Bayard,	Garland,	Logan,	Vance,
Blair,	Hampton,	McMillan,	Vest,
Bruce,	Harris,	Morrill,	Wallace,
Burnside,	Hereford,	Paddock,	Williams,
Butler,	Hill of Colorado,	Pendleton,	Windom.
Cameron of Pa.,	Hill of Georgia,	Plumb,	

NAYS—7.

Beck,	Farley,	Kernan,	Thurman,
Davis of W. Va.,	Ingalls,	Randolph,	

ABSENT—30.

Blaine,	Edmunds,	Kirkwood,	Sharon,
Booth,	Ferry,	McDonald,	Teller,
Brown,	Groome,	McPherson,	Voorhees,
Call,	Grover,	Maxey,	Walker,
Carpenter,	Hamlin,	Morgan,	Whyte,
Cockrell,	Johnston,	Platt,	Withers.
Davis of Illinois,	Jones of Florida,	Ransom,	
Eaton,	Jones of Nevada,	Saulsbury,	

So the amendment was agreed to.

Mr. MORRILL. I now offer an amendment to come in at the end of the bill, which I send to the Chair.

The proposed amendment was read, as follows:

SEC. —. That in order to provide a suitable site for a building for the Library of Congress and for other public purposes, the following parcels of land situated east of the Capitol grounds shall be purchased by the Secretary of the Interior or, taken for public use, namely: Squares designated on the plan of the city of Washington as numbers 728 and 729, and triangular parcels designated thereon as numbers 726, 727, 730, and 731; the whole being bounded on the north by B street north, on the east by Second street east, on the south by B street south, and on the west by First street east, and supposed to contain 455,130 superficial feet, exclusive of avennes, streets, and alleys.

SEC. —. That a sum of money sufficient to pay for said land, in the mode hereinafter provided, is hereby appropriated therefor, out of any moneys in the Treasury not otherwise appropriated.

SEC. —. That the Secretary of the Interior shall be authorized to purchase said land, or any part thereof, as soon as practicable, at such prices as may be fixed by agreement between the said Secretary and the respective owners, not exceeding the actual cash value thereof, nor the prices at which the respective owners shall have consented in writing to sell the same to the United States, and payment therefor shall be made to the respective owners on the requisitions of the Secretary of the Interior upon the release and conveyance of said lands to the United States by good and sufficient deeds executed in due form of law and approved by the Attorney-General of the United States.

SEC. —. That if the Secretary of the Interior shall be unable to purchase the whole of said land by agreement with the respective owners within thirty days after the passage of this act, he shall at the expiration of such period of thirty days make application to the supreme court of the District of Columbia, at a general or special term, by petition containing a particular description of the property required, with the name of the owner or owners thereof, and his, her, or their residence, as far as the same can be ascertained, which court is hereby authorized and required, upon such application, without delay, to appoint five commissioners, freeholders of the District of Columbia, who shall, after such notice to all persons interested as the said court shall prescribe, make under oath a just and equitable appraisement of the cash value of the several interests of each and every owner of the real estate and improvements thereon, necessary to be taken for the public use in accordance with the provisions of this act, which appraisement shall be subject to ratification by said court, and if at the expiration of thirty days after the passage of this act said court shall not be in session in general or special term, a special term shall be held commencing on the day next thereafter for the purpose of making the appraisement and ratification herein provided for.

SEC. —. That the fee-simple of all premises so appropriated for public use, of which an appraisement shall have been made under the order and direction of said court, shall upon payment to the owner or owners, respectively, or to such person as shall be authorized to receive the same for any such owners, of the appraised value; or in case the said owner or owners refuse or neglect for fifteen days after the appraisement of the cash value of said lands and improvements by said court to demand the same from the Secretary of the Interior, upon depositing the said appraised value in said court to the credit of such owner or owners, respectively, be vested in the United States; and the Secretary of the Interior is hereby authorized and required to pay to the several owner or owners, respectively, or to such person authorized as aforesaid, the appraised value of the several premises, as specified in the appraisement of said court, or pay into court by deposit, as hereinbefore provided the said appraised values.

SEC. —. That said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession. The cost occasioned by the inquiry and assessment shall be paid by the United States; and, as to other costs which may arise, they shall be charged or taxed, as the court may direct.

SEC. —. That no delay in making an assessment of compensation or in taking possession shall be occasioned by any doubt which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners; but in such cases the court shall require a deposit of the money allowed as compensation for the whole property or the part in dispute. In all cases, as soon as the United States shall have paid the compensation assessed, or secured its payment by a deposit of money under the order of the court, possession of the property may be taken.

SEC. —. That the Secretary of the Interior shall report to Congress at the commencement of the next session a detailed statement of all the proceedings under the provisions of this act.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont.

Mr. MORRILL. I desire to say a word. I would not ask the Senate to take this on my advice; but it has been prepared on the basis of the most carefully considered law we ever passed in the Senate after long discussion and many amendments made in the Senate. I refer to the provision for taking the land that was taken at the corner of Pennsylvania avenue and the Capitol. It was prepared by a legal gentleman and it has been read carefully by the junior Senator from Massachusetts, [Mr. HOAR,] and I believe it will be found critically accurate from beginning to end, so that it will be safe for Senators to accept it.

Mr. DAVIS, of West Virginia. I should like to ask the Senator from Vermont what is the estimate of the cost. I noticed in the reading that it appropriates "the sum of money necessary for this purpose." That might be $50,000,000 or $1,000,000 or $100,000.

Mr. MORRILL. As I stated in my remarks, I have here the written contracts of over half the parties who own the property in these squares, and as near as we can estimate the amount, the whole proposed cost will be a round million of dollars. That will be the whole cost of the six squares.

Mr. DAVIS, of West Virginia. If $1,000,000 is the sum that is estimated, there ought to be some limit in the bill. I ask the Senator if he is willing to limit the amount to $1,000,000?

Mr. MORRILL. I have never seen a bill for the condemnation and appraisal of land limited in that way, and I am not inclined to accept any such provision.

Mr. DAVIS, of West Virginia. Will $2,000,000 suit the Senator? I want to get some limit fixed. I do not want to have the whole Treasury opened to the owners of these lots over here.

Mr. HOAR. I desire to suggest to the Senator from West Virginia an inquiry which his experience will enable him to answer for me a great deal better than I can answer it for myself. If it be true, as the Senator from Vermont says, that more than half the property is bonded to the United States so that we are to acquire it for the price agreed upon, will not that be very likely to establish the price for the rest?

Mr. DAVIS, of West Virginia. Not after it is known that the Government wants it.

Mr. HOAR. It will fix the price which the appraisers will be very likely to be governed by; it will fix the market value, it being all classed together. And would not the putting in of a limit that was too small defeat the bill? If you put in a limit too large, would it not be likely to swell the price up to the limit and would it not enhance the price?

Mr. DAVIS, of West Virginia. The experience of the Government in almost anything it has to buy, after it is known that it wants it, is to pay three or four or a dozen and sometimes twenty prices. I have no idea that a million dollars or $2,000,000, if the amendment of the Senator from Vermont is to be unlimited in amount, would pay for what is contemplated. I think we ought to move very slowly in this business.

Mr. MORRILL. I am too hoarse to make myself heard, but I would be perfectly willing to limit it to $1,200,000. I have no idea that it is going to the extent of a million dollars, but I would be perfectly willing to limit it to $1,200,000.

Mr. DAVIS, of West Virginia. Then I move that instead of appropriating the amount necessary for this purpose, it be limited to $1,200,000.

The PRESIDING OFFICER. The Senator from West Virginia moves to limit the amount to $1,200,000.

Mr. DAVIS, of West Virginia. All around me I hear it said that a million dollars is abundant, and I suggest that the limit ought to be fixed at a million. Let it be "not to exceed $1,000,000." I make that motion.

Mr. CONKLING. A million dollars for what? In other words beginning and ending where? Does the Senator understand?

Mr. DAVIS, of West Virginia. I must answer the Senator from New York that I do not understand yet, and I do not think the Senate fully understands how much; but if we get the price to be paid limited to $1,000,000, then we can go to work probably and understand how much ground we are going to get for the $1,000,000. I believe the amendment ought to be printed, and each one be able to see what it is before we act on it. I hope it will be printed.

Mr. CONKLING. That may be; but I suggest to the Senator that in fixing the limit, thereby meaning the value of the land, it would be well enough to know the land of which we are speaking about the value. I do not understand whether it is proposed to begin on one corner of the square and run all the way across to Pennsylvania avenue, which would be the width of the entire Capitol from north wing to south wing, thereby leaving East Capitol street divide the two blocks, or whether the purpose is to take the block on the north side of East Capitol street or on the south side. If the purpose be to take the whole, unless we are going to close a street which is lined on both sides with very valuable improvements, the Library building cannot be put opposite the center building of the Capitol, if I remember the location aright. If that street is to be closed and the center or the side of the building fixed there, it would be a building corresponding with or counterbalancing the Capitol in respect of its location.

If East Capitol street is to be left, then the building must be put either north or south of it, and in either event must stand opposite one of the wings of the Capitol; and in such an event I can see no object, if East Capitol street is to stand, in buying all the land on the south side of East Capitol street if the building is to stand on the north side or all the land on the north side if the building is to stand on the south side.

Mr. HILL, of Georgia. The amendment which we adopted includes both these squares.

Mr. CONKLING. Then what is to become of East Capitol street?

Mr. VOORHEES. Before the Senator from New York came in an amendment was made striking out "reservation No. 35 of the public grounds, known as Judiciary Square," and a provision inserted that the building should be erected "on squares 726, 727, 728, 729, 730, and 731 east of the Capitol, and between B street north and B street south and First street east and Second street east."

Mr. CONKLING. Then that embraces the block both north and south of East Capitol street.

Mr. VOORHEES. Certainly.

Mr. CONKLING. Then may I ask the Senator from Indiana is it proposed to obliterate East Capitol street?

Mr. VOORHEES. Yes, sir.

Mr. HILL, of Georgia. To Second street.

Mr. CONKLING. Then I ask—and I see that I am more exactly on the point of the Senator from West Virginia than I was aware of—the Senator from Indiana whether this million dollars, if million it be, is to pay for all the damages in prostrating the buildings on East Capitol street and removing them?

Mr. VOORHEES. The Senator from New York is asking me upon a subject that I am not entirely responsible for.

Mr. CONKLING. I am aware of that.

Mr. VOORHEES. For this is not my bantling; but I understand the million of dollars, or the $1,200,000, as it may be, covers everything in the way of procuring the ground and making it ready for the foundation to be laid, that is to say, purchasing the ground and removing the present buildings on the ground and shutting up the streets.

Mr. CONKLING. And if the Senator will pardon me for a little more curiosity, after the street has been shut up the width of these blocks which are to be taken, what is to become of East Capitol street beyond that? Is that to remain open?

Mr. VOORHEES. It will evidently stop the street a little further east than it does now.

Mr. INGALLS. Why not just run an arch through the building?

Mr. CONKLING. Why not have an arcade? There might be an arcade under this Library.

Mr. VOORHEES. That might be.

Mr. CONKLING. That would furnish a vent for East Capitol street. As I understand it, then, East Capitol street as far back as may be is to be wiped out. In other words we are "to make a solitude and call it peace" on East Capitol street.

Mr. VOORHEES. As far east as this new public ground may go.

Mr. THURMAN. Mr. President, this is a very large codicil that the Senator from Vermont proposes to a very short will; and it comes here in manuscript. It proposes to provide for the purchase or condemnation of property that I thought it was said would cost $500,000, although I did not think that would cover it. Then it was said a million, now it is said $1,200,000, and the Senate has had no opportunity whatsoever to investigate this proposed amendment, to scrutinize it, to see whether the steps it proposes are such as will secure to the Government a good title for the land which is proposed to be taken.

The Senator from Vermont says he has followed the example of the condemnation of the property at the foot of Capitol Hill, on Pennsylvania avenue. I beg leave to say that that was not a very well drawn bill for the subject of the condemnation of property, and that if the condemnation of that property had been contested by any property-holder there would have been very great difficulty in maintaining any such law at all. I undertake to say that it is extremely questionable whether that is a compliance with the Constitution, which declares that private property shall not be taken except for public use and by due process of law; and I do not think that is a good bill to follow at all.

But another thing is to be considered. You never will get this property at any reasonable rate, and I do not know that you will even then, unless you vest in somebody, the President of the United States or the Secretary of the Interior, or reserve the power yourselves, to refuse to take the property if the appraisement is too high. That is the only security that a State ever has that it will get a property at a reasonable rate; and no such sections as these ought to be adopted at all without the distinct reservation of the right, either in the President or in the Secretary of the Interior or reserved to Congress, to refuse to take the property if it is appraised too high.

Such a measure is not a thing to be put through in this hot haste. I do not know that anything I can say will stop it for a moment. The Senate seems to be bent upon it, and it may be that it is bound to go through; but I for one protest against the adoption of these seven or eight sections in manuscript without a single Senator except the Senator who offers them ever having read ten lines of either of them.

Mr. WINDOM. I voted for the amendment proposed by the Senator from Vermont, because I preferred that location to the one proposed by the committee; but I do not believe that is the right location. I do not believe that we should close up East Capitol street. I do not believe that it is the right location for various reasons, but I think that on the north side and on the south side of this Capitol there is property which is available for this purpose which can be had vastly cheaper than that at the east end, and is in every respect, notwithstanding the jokes perpetrated upon it by my friend from Vermont, more desirable for this building than that proposed by this amendment to be taken. So long as the Government does not appropriate for the purchase of the property at either end of the Capitol, north and south, the nuisance which is offensive to everybody who looks upon it will remain there, and the next half century probably will not see it cleared away.

Now, I believe we can accomplish two purposes: we can beautify these grounds by removing this nuisance from the north and the south, and at the same time secure a more desirable place for this building and perhaps a judiciary building which ought to be constructed before long.

I believe that the proposition now pending is also a very unsafe one, and I cannot vote for it even if it applied to my pet locality. I will not vote any general authority to take property, appropriating

whatever money it may cost. We have had some little experience in this capital on that subject. Some years ago the Chair will recollect there was a break-neck corner at the end of Pennsylvania avenue adjoining the Capitol on the west, where the sharp point of the block projected into the street and it was almost impossible to get around it. Authority was given to condemn so much as might be necessary to widen the street; and a little space, perhaps half the size or quarter the size of the Senate Chamber, was taken. I do not believe it was half the size of this Chamber; and if I am not mistaken in the amount—the Senator from West Virginia thinks I state it too low—we had to pay $50,000 for that little plat of land. If that be true, and I think I am not mistaken in it, what will it cost to take two or three blocks east of the Capitol? I think the Senator from Vermont will do well not to accept a limitation of $2,000,000 if this bill is to pass in this form.

Mr. DAVIS, of West Virginia. My friend will allow me. I understand the space taken on the west front was not a fourth or a fifth or perhaps one-tenth the size of this Chamber, and it cost the Government $90,000.

Mr. WINDOM. I thought I was stating it entirely within limits both as to the size of the ground and the amount of the damages paid.

Mr. DAVIS, of West Virginia. I will say further that it increased the value of property there from appearances, and yet the Government paid $90,000 for it, I understand, and perhaps there were not twenty feet square in the whole ground taken.

Mr. MORRILL. I think the Senator is mistaken.

Mr. DAVIS, of West Virginia. Will the Senator state how much?

Mr. MORRILL. I think about fifty thousand dollars.

Mr. DAVIS, of West Virginia. Within ten minutes I was informed that the sum paid was $90,000. If the Senator knows it was $50,000, of course he is right; but the space that was taken was very small, perhaps not more than twenty feet square.

Mr. WINDOM. And the buildings upon it were of very little value. Mr. President, I am not willing to place ourselves in the hands of any assessors that may be appointed to condemn this property. The only thing in my judgment for the Senate now to do is to appoint some committee, or in some way or other provide for ascertaining what the property on the north, on the east, and on the south side of the Capitol can be obtained for, and then at the next session of Congress, when we have the offer and have these different localities bidding against each other, we shall be enabled to act intelligently on the subject. I admit the necessity of a library building, but I do not think it is wise to rush headlong into this matter and pay any number of millions that somebody chooses to assess as damages for the property that everybody wants to sell.

Mr. HOAR. I should like to ask my friend from Minnesota is not the method of taking property for public use in his State and in most of the States of the Union precisely that to which he now objects; that is, where a highway is laid out the public take possession of it and afterward the damage on the value of the land taken is submitted to a jury?

Mr. WINDOM. That is the rule as far as I know in most of the States; but at the same time I have given the Senate a little item of experience in this city which I think ought to deter us from hot haste in repeating it.

Mr. HOAR. Was not that a case in which the street was right opposite the entrance to the Capitol, making it the most valuable part of the city, and where a three-cornered piece of land was taken which spoiled several lots?

Mr. WINDOM. We took a few feet.

Mr. HOAR. It was not the value of the land, but the damage to the lots that we paid for.

Mr. WINDOM. The damage to the land! The lots are worth very much more, because of our widening the street, than they were before we took them; and I am informed that the money paid by the Government for that little piece of land built the new houses that now stand at this point, and I apprehend it more than built them. The old houses upon it were worth nothing almost. There was no great amount of damage paid for buildings, but it was because we were in the power of somebody, and when the Government is in anybody's power it is sure to pay for it.

I am not willing to place ourselves in the power of anybody. Let us provide some means to ascertain what the property north and south and east of the Capitol can be obtained for, and next session we shall be prepared to appropriate money for the building. If all these parties understand that they will bid against each other, as they all want to sell, you will undoubtedly get the property at reasonable prices; you will get rid of these nuisances north and south; you will beautify your grounds, and when you place your Library building on either wing you will have a setting to this Capitol which will make it one of the most beautiful spots on earth.

Mr. BECK. Mr. President, I am one of the few who voted against the amendment of the Senator from Vermont, because I knew it would involve us in a cost that nobody now thinks of before we got a beginning made. It not only closes up East Capitol street, but it closes up two streets on each side of East Capitol street. I hope by to-morrow morning, if the vote is not taken to-night, a plan will be made of the blocks embraced in the proposition of the Senator from Vermont; and it will show that A street north and A street south, as well as East Capitol street, are both closed by this proposition; and we shall have suits for damages against us by the people who have built good blocks of houses beyond, because we have shut them off from their communication with the Capitol and closed up the only means they had without going around squares to get where they now can go.

You will find before you are through with it that you have a great deal bigger job on hand than you are contemplating, and the plat will show it, which now lies before the Senator from Vermont. There are to be two streets closed up on each side of East Capitol street as well as East Capitol street, and fine blocks of buildings shut off from access to the rest of the city and to the Capitol by the proposition now made.

I agree with the Senator from Minnesota. I do not know anything about the owners, but there is a whole block here with hardly a house on it that may be built up by shanties or something else, and we may have a few to take away; nearly three acres running down to the Baltimore and Ohio depot, with railroads all around it, that would furnish every facility for this Library in close contiguity to the Capitol, where it would be an adjunct to it, and a building to accommodate the General Post-Office might be built on the corresponding space on the other side and the present General Post-Office building surrendered to the Interior Department and made the Patent Office. We shall have to do something very soon for the Department of the Interior, for it needs both the present Post-Office building and the present Interior building. It is now renting a large number of buildings.

We could adorn the Capitol in that way at less cost perhaps than it will take to get possession of the grounds now sought to be taken, and we could thus occupy both the squares on the flanks of the Capitol, and come very near putting up one of the buildings before we can make a start under the other proposition. That is my judgment about it. I voted against the proposition of the Senator from Vermont, and shall vote to lay the bill on the table, and shall do anything to get clear of such a course as I think the Senate is not now aware of.

Mr. HILL, of Georgia. I voted for the amendment offered by the Senator from Vermont, because I preferred the locality designated by his amendment to that reported by the committee, and because also I am willing to say that I think, all things considered, it is about the best locality we can select at all. I therefore am in favor of that locality, as I am at present advised, in preference to any other; that is, I think it the best locality. But after the remarks made by the Senator from Ohio I think it proper to say, as one of the gentlemen who voted for that amendment, that I have no idea myself of rushing headlong into this matter so as to enable gentlemen who own a little ground on the spot designated to imagine that they are going to make fortunes out of the Government in hot haste. I do not propose, so far as my vote is concerned, to put the Government in the power of those gentlemen, nor in the power of assessors selected in this District. I think on that matter we ought to go carefully; we ought to protect the Government. I think, as the Senator from Minnesota has very correctly said, that the little experience we have had in regard to the point of ground at the corner of the Avenue and the Capitol grounds, ought to teach us a lesson of caution on this subject. I do not feel inclined to admit that we have no power to prevent gentlemen who own this ground from being guilty of extortion upon the Government. I do not think we are powerless in that regard. I think with proper care we can protect ourselves and get the property at a fair value, and from a little inquiry I have made, and a little survey of the ground, and comparing the prices with prices in other parts of the city, and with the prices that property on those blocks sold for before this agitation began, I am satisfied that $1,000,000 is a very extravagant estimate. I am willing to prefer that spot of ground to any other, but I think the remarks made by Senators to the effect that we ought to be cautious and not place the Government in the absolute power of the owners are wise.

I do not myself see why we are compelled to select assessors from the freeholders of this District. I think of all assessors in the United States they are the most unfavorable, the ones we ought not to select. That is my judgment. I think we have a right to select assessors from anywhere in the United States. There is nothing in the Constitution or laws of the country which requires that the assessors should be selected in this District. What shall be the best plan of protecting the Government in this matter I do not know. I am willing, in view of what the Senator from Ohio has said and in the spirit of what has been said by the Senator from Minnesota, to say that I wish to go carefully upon this subject and not place the Government in the power of the owners of this property.

Mr. MORRILL. Mr. President, I think that if gentlemen had examined this they would have saved themselves from some mistakes. It is not proposed to shut up the streets on the north or south side or on the east side. There will be a street running entirely around this and also a passage-way, the same as there is now on First street, across. It is only proposed to acquire these six squares, or two whole squares and four triangular pieces and the streets between them and the alleys, so that this Library can be placed at one end or the other or in the center. If it should be placed exactly in the center, it would close up East Capitol street; but if it were placed upon one end and the other end reserved for a Supreme-Court building, it would leave East Capitol street open.

So far as a million of dollars is concerned, I think it is all that the land will cost. I judge from the contracts that have been signed by over half the owners. There are some who have included in their estimates damages that they suffered years and years ago from the grading of the street. There are others whose names could not be obtained because they were absent, and there were some that put so high prices that their figures were unacceptable—believed to be exorbitant.

Now, in order to satisfy my friends from West Virginia and Georgia and Minnesota that there is to be no humbug, no scheme for profit, I am willing to provide at the end, "and this shall not exceed $1,000,000."

Mr. GARLAND. Mr. President, the vote taken a few minutes ago indicated, as far as I can understand it, a decided sentiment on the part of the Senate in favor of the building being on Capitol Hill over and above the choice indicated by the majority of the committee in favor of Judiciary Square.

Mr. BURNSIDE. Will the Senator from Arkansas yield to me a moment? I desire to move that when the Senate adjourn to-night it will be to meet on 23d instant at eleven o'clock, to-morrow being Washington's birthday. To-morrow is the 22d of February, and I think an anniversary that we all ought to keep.

The PRESIDING OFFICER. Does the Senator from Arkansas yield for that purpose?

Mr. GARLAND. I cannot yield for that purpose.

The PRESIDING OFFICER. The Senator from Arkansas declines to yield.

Mr. GARLAND. I understand that what I have stated is about all that was signified by the vote of the Senate a few minutes since. I voted among the thirty-nine for the amendment. It is not worth while to state the reasons.

Now, the Senator who makes the minority report brings in an amendment to this bill which is much longer than the bill, and involving principles much more important, and raising questions much more difficult than the bill he seeks to amend. That amendment for the first time is now heard here. I had been led to suppose from the work this committee had bestowed on this subject, that in case of the voting down of their location they had a scheme prepared to carry the measure forward to completion, and that we had nothing to do but sit still to-night and hear this matter explained, and simply vote the measure into a law as far as the action of the Senate could do so. But now the Senator from Vermont comes in with an amendment six or seven pages long in manuscript raising all these nice questions of taking property for public use with compensation or without compensation, as the case may be, and prescribing in the amendment the machinery to do this thing, which upon the face of it is incomplete, incomplete and imperfect; raising also the intricate question, difficult at all times, of the power to condemn a street that has been dedicated already to the use of the people.

Mr. MAXEY. I ask the Senator from Arkansas to explain on that very point what authority Congress has to close a street already dedicated to the public?

Mr. GARLAND. I shall not undertake to explain it, because I believe that we have no such authority. We are asked by the amendment offered by the Senator from Vermont to do what the Senator from Texas very properly says we cannot do; I am disposed to agree with him as far as that statement goes; but we are asked to do several other things in this amendment, matters which always raise dispute and controversy, and which have given rise to as much litigation in this country as anything else. I do not think it right and proper, and I do not think it fair, (though I say that in no offensive sense,) to call on the Senate to take these important steps to-night on this amendment, and that, too, when the amendment has made its appearance now for the first time in manuscript.

I shall move to recommit the bill to the committee with instructions to prepare a bill complete in itself to carry out the selection indicated by the voice of the Senate for the location on Capitol Hill instead of Judiciary Square, so that the matters contemplated by this amendment may be embodied fully and perfectly in the bill that is to come back from the committee.

Mr. DAVIS, of West Virginia. I wish to suggest to my friend that if he recommits at all, he allow the whole subject to go to the committee.

Mr. GARLAND. The whole subject with instructions.

Mr. DAVIS, of West Virginia. But why confine them to that particular place? Why not let them take into consideration any other place?

Mr. GARLAND. As I understand from their report they have considered various other places. I am willing to modify the motion to recommit the whole subject to the committee with instructions that they report a bill embodying all these views, whatever selection they may make, as to the condemnation and process of acquiring the land.

Mr. VOORHEES. Mr. President, we are now verging on the fourteenth year of measures in regard to a Library building. I have witnessed this incipient movement often heretofore. One Senator rises and says, "You had better go slow," as if anybody ever did go fast on this subject. The Senator from New York invokes us to go slow; do not be rash; do not act hastily, as if anybody on earth ever saw Congress do anything except go slow and do nothing on the subject of the Library.

When this joint select committee first got together, if the Senator from Vermont will pardon me for speaking out of doors, I commenced pressing for speedy action, and a member of the committee said, "You seem to be in a hurry; I protest against this haste." "Why," said that distinguished gentleman, a member of the committee—I will not say who he was—"I have been pondering on this subject for the last thirteen years." "Of course you have," said I, "and nothing but pondering, no action; I want action."

Now we are confronted with the question and with the dire necessity of the Library, and we hear nothing more than "let us go slow," "take time." The distinguished Senator from Ohio addresses himself to finding out how not to go ahead, but how to stand still; and the Senator from Georgia agrees with him with his magnificent persuasive capacity; and then the Senator from Kentucky comes forward and says that there is a side-show over here on the slope of the hill where it ought to be built, but it ought not to be done now and in haste; and the Senator from Minnesota, because he has not got exactly his spot, thinks there is great danger in this bill. And then the eminent legal mind of my friend on my right from Arkansas arraigns the committee by supposing that the committee—I presume he means by that the majority—would have provided for its own defeat and would have a bill ready when its bill was voted down, which we brought forward for him to vote on. It is my custom to provide for victory and not for defeat. I confess it was like defeat this evening—not much, for I cared not a great deal about the question of locality. I am not a mere school-boy who must have a thing my way or no way. I am perfectly willing for the Senate to determine where this building shall go, and then have it go there. I do not want it to stop at the very moment that it gets started and somebody halloes "Halt! Go slowly! Be cautious!"

The Senator from Arkansas criticised the committee for not having prepared a line of retreat in case the bill was voted down which I had the honor to report. The bill itself has not been voted down except in one particular, and that was a particular of smallest consequences to my mind, and that was as to the locality. He thinks we should have had another bill prepared for that contingency. Very well, the minority of this committee did have another bill prepared, and I do not know any other way than that which he has pursued here to-night. He offered it as an amendment. It comes from one of the most experienced legislators in the body, experienced in both branches of Congress, with whom I served in the other end of the Capitol many years ago, and who had been in service ten years before that, and he has been in continuous service ever since. Surely it is not exactly to be assumed that he has presented an immature and unconsidered piece of legislation on a subject so familiar to him. He has brought forward the amendment carefully prepared by himself and carefully prepared in connection with other men of experience and legal ability.

I say here that I have as little to fall back on as anybody, but what little reputation I have I am willing to stake it all on the amendment offered by the Senator from Vermont, that there is no job, no scheme, no steal in it, that nobody need be putting up his hands and shaking his head and telling us to go slow for fear we shall destroy this Government by adopting an amendment providing for the condemnation of property and the building of a library building.

The Senator from Arkansas, of whose legal ability nobody in this world has a higher opinion than I have, re-enforced and braced up by the equally good legal acumen of the Senator from Texas, announces that it is not in the power of this Government to condemn a street when the Senator from Arkansas himself had already voted to do that very thing, if there is any condemnation of streets going on. He voted for the proposition of the Senator from Vermont. The Senator from Vermont brought forward a proposition condemning a certain number of squares by metes and bounds, and it is now said it includes a street. The Senator from Arkansas voted for it. I do not know how the Senator from Texas voted; he tells me he voted with me; then he voted against my friend from Arkansas. My friend from Arkansas, if there is any condemnation of streets going on, has been voting that way, and I have not. I do not apprehend that there is any trouble on that question in the matter involved in the amendment of the Senator from Vermont.

I am not responsible for the legislation proposed by the Senator from Vermont, because I did not favor the purchase of the ground; yet as it has been decided for by a vote of 39 to 7, I beg the Senate to go on and do something, send this bill over to the House, and let us move forward.

We have nearly four hundred thousand volumes of books, and I shall move to shove them out in the streets and burn them to fertilize the fields with their ashes, rather than see them lying there in the disgraceful condition they are now, in boxes and nooks and piled on top of each other. The Senator from Georgia says he thinks that is the best disposition to make of most of them. There comes the would-be censor of the press; the Senator from Georgia is to determine what books ought to be in the Library and what not. I am sometimes inclined to think so too; but again somebody differs with me, thinks that some books are better than I think them. Neither the Senator from Georgia nor I can determine the boundary line of what shall be kept and what shall be destroyed.

Macaulay in preparing his history availed himself of placards, of the gutter hand-bills of the times, of ballads, of the wheat and the

chaff, the trashy and the good, so that he might get at the current of the popular mind. This is the first time I have heard suggestions on the Library question, to suppress a certain class of books. I was in a street-car the other day, and was approached with the utmost dogmatism by some gentleman; he had a solution for it. Said I: "You want to be censor; you want to determine what books shall be received." Who is to do this thing? Who is to say what books shall be received? Who is to say when a copyrighted volume is put in the Library that that shall be thrown out? Who is to do this? We must take the products together, and from both the chaff and the wheat judge whether the world is progressing, see what the mass of mankind are doing. When I hear it suggested "burn up the books," that is my answer.

Now I do hope and trust and pray that the Senate will not go to recommitting this question. If ever a work was done conscientiously, this committee has done its work; we have brought it and laid it before you, and if the Senate is not competent to take up a small question like this and buy a little piece of ground and provide for a public building on it, I think we ought to think of abdicating our functions. I hope as these minutes are going by, that each Senator will determine that something shall be done out of the usual way. This question has been before us and money has been spent every year. This motion to recommit, and recommit with instructions, means postponement till next year. That means when we come in like beasts of burden with our panniers on each side of us, with this load on us again next year and dump it down in the same presence, you will go over the subject again and it will meet the same fate, and somebody will get up and say, "I hope nothing will be done in haste; we had better recommit this question back to the committee with instructions." So it has gone, and so the subject has been pondered for thirteen years, and I expect it will be pondered over for thirteen years more unless we can break this gorge, as it were, of objections and make a little progress.

I am ready for my part to vote on the proposition made by the Senator from Vermont, that this property shall be condemned in the usual way. I happen to know that his amendment is taken from the most careful legislation on that subject in the records of the Government, and his proposition that the cost shall not exceed $1,000,000 is about as reasonable as we shall get it. I should not have voted in the first place to pay a million dollars for ground when we own ground already; but as this august body by such a majority has decided otherwise, I shall vote for the proposition made by the Senator from Vermont so as to have something done.

Mr. KERNAN. Mr. President, what is the motion pending?

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas to recommit the bill with instructions.

Mr. KERNAN. Will the Senator withdraw that a moment that I may offer an amendment?

Mr. GARLAND. I withdraw the motion if the Senator will renew it.

Mr. KERNAN. I move that this proviso be added to the first section of the amendment——

The PRESIDING OFFICER. The Chair will state to the Senator from New York that there is an amendment offered by the Senator from Vermont pending, to which the Senator from West Virginia submitted an amendment. The amendment suggested by the Senator from New York may be reported for information, but it is not now in order.

Mr. MORRILL. I withdraw my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Vermont is the principal amendment, to which the Senator from West Virginia offered his.

Mr. DAWES. Perhaps the Senator from West Virginia will accept the amendment of the Senator from New York.

Mr. DAVIS, of West Virginia. Let it be read for information.

The PRESIDING OFFICER. The proposed amendment will be read for information.

The CHIEF CLERK. At the end of the first section it is proposed to insert:

Provided, That the total cost of the lands hereinbefore described shall not exceed $1,000,000.

Mr. DAVIS, of West Virginia. I will say to the Senator from New York that that will hardly cover the point. It is not only the ground but the buildings and consequential damages, if there should be any, that I want to cover. I wish the whole cost not to exceed a million of dollars.

Mr. KERNAN. If it is not in order, I can say, while on the floor, all I want to say. When you speak of the cost of land it includes the buildings on it.

Mr. DAVIS, of West Virginia. I would rather have it differently.

Mr. KERNAN. I wish to say to the Senate before the vote on the motion to recommit, that this committee spent a great deal of time in investigating the subject before this report was made. The best information we could get was that these owners thought this property was worth from $1,200,000 to $1,500,000. After the report was made by the chairman of the committee some persons did make an effort to see if they could not get propositions, so that this property would not cost as much as we supposed. I am satisfied now, and ought to say so, that the Senate may vote understandingly, that we shall not be able to get by agreement the land required for the Library east of the Capitol for less than a million of dollars. I think the Senate should now, if they mean to recommit this bill, before they recommit it, decide whether they are willing to take that site at a million of dollars if we can get it, and I think they should limit the amount to that. That is the only way we shall be able to get it at that sum.

The majority of the committee reported in favor of Judiciary Square because we did not believe Congress would appropriate what it would cost according to our information then to get the site east of the Capitol; but very likely if the Senate shall say that they are willing to take that site, but not at a cost of more than a million of dollars, we shall be able to get it by agreement, and I fear that if we go to an appraisement the value will be by the evidence put far above that. Therefore I hope before the motion to recommit is put we shall have the sense of the Senate whether they will or will not limit the price at which we will take the site east of the Capitol to a million dollars for all the land and all the damages, and I will make it read that way.

Mr. INGALLS. Mr. President, this motion is debatable, I believe.

The PRESIDING OFFICER. It is.

Mr. INGALLS. The Senator from Indiana stated that he did not believe there was any "scheme" in the proposal offered by the Senator from Vermont in reference to the purchase of this land. So far as the word "scheme" has any improper meaning, I fully agree with him; but I do believe that there is something in this matter that has not yet been disclosed to the Senate. I received in my mail a few days ago a beautiful lithographed scheme or ground plan of a proposed extension of the Capitol in connection with the construction of the Library building. It represented the entire east front with the grounds as they now exist and as they would exist when this contemplated purchase was embraced within their limits, and in this lithographed map or plat directly east of the Senate extension stood the proposed Library building, and upon the other end of this proposed purchase directly east of the House extension stood a proposed judiciary and law library building of similar proportions. Now I ask the Senator from Vermont whether or not this proposed purchase does not contemplate and intend the securing of land not only for the structure of a Congressional Library but for the ultimate future construction of a judiciary building with a law library, also of similar proportions and perhaps greater expenditure?

Mr. MORRILL. All I can say is that the present bill does not contemplate taking all of the land between First and Second streets and between B street north and B street south, but it only contemplates so far as I know for the present, and for many years to come perhaps, the building of a library. Ultimately I have no doubt that the Supreme Court will require a building and a law library connected therewith, and if it should, this purchase that we make now will furnish ample provisions for it.

Mr. INGALLS. The Senator's response is very ingenuous. He states that the bill as amended contemplates the purchase of this land and only the erection of a building for a Congressional Library, but he does admit that the demands of the Supreme Court and of the law library may at some future period require the construction of a building for which this purchase will afford an eligible site. No one can doubt, after the very judicious and guarded and cautious statement of the Senator from Vermont, that we have at last discovered what this contemplated purchase is for. It is not needed for the Library.

Mr. MORRILL. I stated all of this in my speech.

Mr. INGALLS. It is not needed for the Library, and we are asked, in a bill to provide for the purchase of land for the construction of a Library, to buy an enormous extent of valuable property, involving not only the condemnation of land, but the destruction of valuable edifices thereon for purposes that may never occur in the future.

I think that this subject requires more deliberate consideration, and if the Senate does not agree to recommit the bill, for which perhaps there may be no necessity, at least it should be postponed until to-morrow, that the bill may be printed and that we may know that about which we are called upon to vote.

Mr. MORGAN. If in order I will offer a substitute for the amendment of the Senator from New York.

The PRESIDING OFFICER. It is not now in order; there is already an amendment to an amendment pending.

Mr. WINDOM. Let it be read for information.

Mr. MORGAN. I ask that my proposed substitute be read.

The PRESIDING OFFICER. The Secretary will report it.

The Chief Clerk read as follows:

Provided, That the land and the structures thereon which may be purchased or condemned under this act shall not exceed in cost —— dollars, nor shall such land be accepted or paid for by the United States until the President shall have approved the price at which the land is purchased or condemned as being the just and reasonable value thereof, for the purposes of a library building and grounds.

Mr. MORGAN. I sympathize fully with the utterances of the Senator from Indiana this evening as to the necessity of maturing this measure in some form. The Senate have decided against Judiciary Square and in favor of a location east of the Capitol. The Senator from Vermont has introduced in the form of an amendment to the bill a proceeding for the condemnation of this land if it cannot be purchased. I have no doubt that that amendment perhaps is as well worded and thorough a proceeding as we can adopt, although I have not had the opportunity of studying it in print, which I very much

desire; but I think that we should go on now and mature our plans for the erection of this Library building and put the commissioners at work upon it.

I have purposely left in the amendment which I propose to submit at the proper time a blank as to the cost of the ground and the structures upon the ground which is to be purchased or condemned. I have done that in order that the Senate may be able to give a distinct expression in reference to the amount of money that it is willing to expend for the purchase of the ground, for the Senate may find itself compelled to defer even the building of the Library, great as the necessity for it may be, in consequence of the high price of lands surrounding the Capitol east where the Senate had decided the new building is to be placed.

Let the Senate fix the amount; let it be done by a vote upon various suggestions as they arise in the minds of Senators as to the amount we are willing to expend, and in that way we shall make some progress in the completion of this bill; and after we have fixed the amount then we can take up the proceeding which the Senator from Vermont has offered here to-night, or some such proceeding, and vote upon that, so as to find the means of condemnation in the event we cannot make the purchase at a reasonable price.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia [Mr. DAVIS] to the amendment proposed by the Senator from Vermont, [Mr. MORRILL.]

Mr. CONKLING. What has become of the motion to recommit?

The PRESIDING OFFICER. That has been withdrawn.

Mr. GARLAND. I renew the motion to recommit the whole subject to the select committee.

The PRESIDING OFFICER. The Senator from Arkansas moves that the bill be recommitted to the select committee with instructions.

Mr. CONKLING. With what instructions? I think it had better go without instructions.

The PRESIDING OFFICER. Will the Senator from Arkansas repeat the instructions?

Mr. GARLAND. I am perfectly willing to make the ordinary motion to recommit the whole subject to the committee.

Mr. VOORHEES. Mr. President, I think the Senators who have this business now in hand are just as competent to take charge of it and go on and finish it as the committee to whom it will be referred again. We have done all that we can do; the Senate is thoroughly intelligent upon this question; and there is but one thing that can result from its recommittal, and that is delay. We can bring no new light; we cannot illuminate any other localities; we can do nothing more than has been done. All that will be accomplished by the recommittal will be delay; and I hope the Senate will not recommit the bill.

Mr. MORRILL. If the bill shall not be recommitted (and I certainly hope the Senate will not recommit it at this late hour) it is probable that the recommitment means, and perhaps is intended to defeat any action in relation to a Library building at the present session. If it should not be recommitted I would be perfectly willing if it were in my power to accept even the amendment of the Senator from Alabama, provided he puts in the same amount as is proposed by the Senator from New York, $1,000,000. It was intended as a matter of course that this should cover the cost of the ground and the buildings thereon.

Mr. MORGAN. I will say to the honorable Senator that I am not willing to pay $1,000,000 for this ground. I think it is an extortionate and exorbitant price, and I am not willing to pay it.

Mr. MORRILL. I think the Senator is mistaken. It is a very large amount of ground and a very large amount of buildings, but the buildings will be sold and can be sold for a sufficient amount to grade the ground and perhaps to do considerable toward the foundation.

Mr. THURMAN. Do I understand the Senator from Vermont to have withdrawn his amendment?

Mr. MORRILL. No, I have not.

Mr. THURMAN. I hope it will not be acted upon to-night, and I say this in all seriousness. I want to offer in perfect good faith several amendments to the amendment whenever it comes up; and if the motion to recommit should prevail then I want the committee to hear what are the suggestions I have to make in regard to that amendment. For instance, if I understand the amendment from reading it hastily in manuscript, the judgment of the five commissioners who are to make the assessment is to be final and conclusive.

Mr. MORRILL. The Senator is mistaken; it is to be ratified by the court.

Mr. THURMAN. Certainly there should be some right of exception both on the part of the Government and on the part of the property-holders. But that is not all. There is no notice provided for to owners of the property whose names are unknown, by publication or in any other manner whatever.

Mr. MORRILL. The Senator is again mistaken. He will find that they are to be notified by summons or by publication.

Mr. THURMAN. Not at all. They are to be notified so far as they are known, if I have read it aright. If I am wrong, it only shows how little is understood of this amendment and how little can be understood unless we can look at it in print. If I have read it aright, the notice is to be given to those whom the court shall prescribe; they are to receive notice; but no notice is provided by publication or otherwise, as is usual, to non-residents or to those whose names are not known.

Again, there is no provision to secure the Government against exorbitant assessments by putting it in the power of the Government to say "we will not take this land at such a valuation." That is a power that ought never to be given up.

But I do not want to delay the Senate. I am perfectly willing that the bill shall be recommitted in order that the committee may, after having heard the debate, bring in a proper bill. If it is not recommitted, then I hope the Senate will proceed to the regular order, and that this amendment may be printed.

Mr. CONKLING. Mr. President, in full sympathy with the honorable Senator from Indiana, I shall nevertheless vote to recommit the bill to the committee. The honorable Senator says, and I also can testify to its truth, that he has taken first and last a great deal of trouble and given a great deal of labor to this subject; and he says most naturally that he wants an end made of it, and that he does not want it sent back to his committee for them to wrestle with it again. Ordinarily I think the Senator would be not only warranted in such an appeal to the Senate, but it would be unanswerable. It seems to me not so in this case, and I think I can tell the Senator why it is not so, and why it should not be so.

The committee has been overthrown entirely upon this measure. The Senator from Indiana says only on a question of location. I repeat, the committee has been overthrown utterly upon this measure. Why do I say that? The committee proposed that there should be erected one building, and only one, for a Library on land belonging now to the United States. The Senate has decided that no building shall be erected on that land; that no building shall be erected on any land owned by the United States, but that land shall be purchased, or in the absence of a purchase, under the power of eminent domain it shall be taken as private property and devoted to this public use. Thus immediately become necessary sections four times as long and tenfold as serious and delicate in their provisions as that very simple provision which the committee reported and failed to carry, authorizing only the erection of one building on a part of the ground already belonging to the owner by whom the building was to be erected.

But, Mr. President, this is not all. The Committee on the Library has been overset in its recommendations far beyond the statement I have made. It is proposed now, I confess to my surprise (I voted for the amendment which makes that true which I am going to speak of) not only to buy a large plot of ground or to condemn it by judicial proceedings, on which to erect a Library building, but also to purchase *de bene esse*, as we would say in court, or to condemn, upon the theory that at some other time, for some other purpose, it might be handy to have it, as much more ground, separated from the ground on which the Library is to stand by a street, isolated from it, not belonging to it, and running all the way from the street which separates it to a mete as far off as the mete in the other direction which bounds the Library lot.

It has become very trite, not only on the stage but in the jests of the day, that a woman at an auction purchased a knocker with a name upon it spelled in a particular way, "because," said she, "were we ever to have a daughter, and were she to be married, and marry a man of that name, how handy it would be to have a knocker in the family already to put on the door!" So we want a Library building, and the Senate has decided that we want a lot on which that Library building may stand; ergo, let us buy or condemn as much land over again in a separate parcel, because in case we should some time or other want to put up some other building, and in case we should want to put it there, how handy it would be, not only to have that ground, but to have had it during all the intermediate years, losing the interest upon it which is tantamount to the rental, and having saved it up to that time for this indefinite purpose which at last has come to pass.

In the case of a private individual, what I have said would hardly be a satire; the transaction might be one of good judgment. Why? Because an individual does not wield the power of eminent domain; because an individual at a future day wanting a lot upon which to erect an addition to his house is absolutely subject to the caprice or the appraisement of the owner of that lot; therefore for him it might be provident at an early day to buy either the refusal or the fee of the land which afterward he might want. But here is an owner, here is a proposed builder, which in this District is absolutely sovereign; whenever it pleases, be it a year or a century hence, it may go out upon any square, no matter what occupies it; may span the public streets, if this theory be a legal one, and condemn not only all the private property it pleases but condemn also that property burdened with a public easement or irrevocably dedicated as a public cemetery or a public way.

Will the Senator from West Virginia, who is reported to have proved before the world his sagacity and foresight in business, will any other Senator of large and varied experience in buying and selling real estate and in profiting by his forecast, tell me what is to be gained in any possible contingency, and who is to gain it, by buying twice as much land as we need, in separate parcels, in order to put a building on one of them?

If we postpone acquiring the rest of it until we want it, whom is this delay to injure? A very enlightened and able Senator in my eye has

told me that the injury and loss would fall not upon the Government, but upon those who remained the owners of this unbought property. "Why?" I asked him. His answer was, "Because nobody would venture to build upon it, thinking that the time might come when the Government would need it, and when it would be taken, and therefore this property would not be improved; it would not keep march with the advance of local improvement in Washington." On that theory we are to buy land we do not want now, which we do not know that we ever shall want, for fear if we do not buy it those who own it will sustain a loss; it will not rise in the real estate market and double on their hands. I say to the distinguished chairman who heads the Library Committee, if that kind of benevolence is to enter into this question, if he will go with me I will take him in any direction and show him land in the city of Washington owned no doubt by meritorious people, which will be very likely to stagnate and not to be as buoyant in the future of prices as it might be unless the Government shall buy that land now and indemnify the owners against possible loss.

Mr. VOORHEES. The Senator from New York did not understand me as advancing that theory?

Mr. CONKLING. Far from it. My honorable friend will observe that I was alluding to a suggestion which had been made to me in private by another Senator as we were canvassing this subject in mere personal discourse.

I say in that aspect the other part of this property, one-half of the proposed purchase remaining in the hands of the present owners would not be built upon expensively, for the fear that at some time you are going to condemn it. Very well. Is there, I ask again, any argument tangible, by whatever name you may know it, to be drawn from that in favor of purchasing at a great expense property that you do not want? If so, then you may as well buy it in one part of the city as in another part, because in every part you can find instances of that sort.

On the other hand, will it be argued that when you have placed an imposing structure between East Capitol street and the northern confines of the Capitol grounds, the owners of property on the south of East Capitol street will draw near one to another and say, "Let us conspire to put up this property; let us mark it up; let us double it in value; let us refuse to sell it except at too high a cost?" Is that to be feared? If my honorable friend from Ohio was the person who wanted to buy upon it undoubtedly it must be feared, because he has no power to condemn it, and when he wants it he must buy at the seller's price or he cannot acquire it at all; but inasmuch as the Government is the buyer, inasmuch as the Government has the staff in its own hands every hour and whenever it pleases, under a bill such as I presume the pending sections are, under any adequate bill providing for judicial condemnation at once when it is required, the Government may reduce it to possession and at the price which five of its citizens fix, subject to the approval of a higher officer, executive or judicial, as Congress pleases to say, it can be taken at once, no matter how dizzy or crazy may be the speculative prices at which the owners may hold it.

If this be so, I ask what excuse there is for us, not spending our own money but administering the funds of others, for going and buying not only what we want but what we do not want, and that which the probability of our wanting is so slight that the Senator from Vermont when called upon to know whether that is a part of the plan or not is unwilling to say anything more than that no doubt ultimately a building will be needed for the Supreme Court, and then there will be the land; and in the mean time every year there is a total loss of the interest upon the purchase price and so much more added to that already more than 50 per cent. of all the realty of the District which pays no taxes at all, because the sovereign has absorbed the fee.

Mr. President, voting as I did for this site in preference to Judiciary Square, which vote I should repeat, and for reasons which at any time I could give, (they would be satisfactory at least to me,) I never understood that I was voting to come here on Capitol Hill and, in the first place, pay for all the expensive land needed for this site, and then as a part of the transaction pay for as much more equally expensive property of no use now and bought upon the contingency of some unascertained expectation in the future. I am opposed to it. I do not think we are in a condition to do anything of the sort. I think, as two or three Senators have said, that if we are to have provisions, particularly those as complex and detailed as we heard read from the desk, they had better not only undergo the exposure of printing, but it will not hurt them at all to run through the sieve of a committee and to come here as parts of an entire whole in a single bill, and not as a substitute on the moment for a bill which has been entirely overthrown, superseded in everything except its title and a few of its formal words.

Mr. President, I am for a Library building and a Library. Two Senators have proposed, as a distinguished man, not from Ohio, (he came farther from the east, his name was Omar,) proposed long ago, to burn the books. I believe two Senators have made the suggestion that certain of these surplus books might with great propriety be burned. I am opposed to it. That is because I am not a democrat in politics. The party to which I belong cannot propagate its principles by burning books. That party thrives rather by reading them and causing them to be read by others. Yet I do not complain of these honorable Senators at all. I have no doubt that if my politics were like theirs, I should advocate as they do, burning up those books which so frequently teach men not to agree with them in their political views. I have no sympathy with that idea. I believe in preserving all the books as much as my friend from Indiana does, and I believe in having a building adequate to that purpose.

I will say, as it will take but a moment, that whenever I vote upon my own judgment in this matter, I shall never vote to carry one of these books out of this building. In my belief we want no other building. We do not want to drive the Supreme Court away from the Capitol, as will be done inevitably under this scheme in the end. We do not want to put (as we should have done had we taken Judiciary Square and driven the court there ultimately) the three departments of this Government in three places a mile apart. It is inconvenient in practice, and it is disagreeable to me in sentiment. I would rather see the court stay where it is, and I would rather see the building made, as I have no doubt it could be made economically and with improvement to the beauty and majesty of this pile, to embrace under this roof not only the two Houses of Congress, but the Supreme Court with comfort, and where all the books could stand conveniently on well-protected shelves.

Be that as it may, I am for a Library building. I will go with my honorable friend from Indiana for that either under this roof or some other roof; but I will not vote for expending a million dollars, one-half of it for real estate that nobody pretends we want, when we own already more than half of the real estate of the District; and while not going so to vote I am not sure that I would turn my vote in a direction which is likely to blockade and suffocate the view to this Capitol, every part of it but its dome, from a large body of this city and of the people who live in it, because if East Capitol street is to be closed and the Library building is to be put in the center, it is a perpetual barrier to shut out from here the whole view to the east, and to cut off from all those on the east the view of the Capitol except where that view may strike the dome at an angle so high that intervening objects will not cut it off.

Mr. President, I shall vote, as I have said, to recommit this bill. I hope it will be recommitted; and if the committee is to assent to what the Senate has indicated let it come here with a proposal to buy the block on the south of East Capitol street, if that is what is meant, or on the north, if that is what is meant, with ample room and verge enough for the Library building, but not to buy for the sake of an unascertained contingency as much more land costing as many more dollars.

Mr. VOORHEES. Mr. President, I had not intended to say an additional word, but the emphasized statement made repeatedly by the Senator from New York, (I will not say with exultation or with pleasure on his part,) that the committee had been not only overthrown but utterly overthrown until nothing of its work was left standing by the Senate except the title of the bill, seems to call for some remark at my hands. The Senator from New York is mistaken. Little as he likes or deserves in fact to follow the lead of anybody, so capable as he is of leading himself, yet he has, perhaps unfortunately, voted now for the first time himself to erect a Library building some place; and it will stand to somebody's credit, whether mine or others, that to-night for the first time in the legislative history I think of this body the Senate has voted to build a Library building, and has indicated the place where. It seems to me that there is some degree of triumph in getting this body to do that; and while I am perfectly willing to feel humble and to be modest in my pretensions, yet on my own behalf and in behalf of the excellent gentlemen who form this committee, I put in a protest against the sweeping annihilation that the Senator from New York desires to visit upon us.

The Senator from New York, together with thirty-eight others, making thirty-nine, did vote to-night on the yeas and nays, "that a fire-proof building for the accommodation of the Library of Congress shall be erected on squares numbered 726, 727, 728, 729, 730, and 731 east of the Capitol, and between B street north and B street south and First street east and Second street east." This will be a milestone in the barren history of this body on the subject of the Library, and if nothing else shall be accomplished by this committee somebody will have pleasure in looking back in years to come and pointing to the singular fact that with only about two hundred thousand volumes unaccommodated in the present Library the Senate of the United States were brought up to the issue and voted to build a Library building, and that the Senator from New York did so himself, and that the measure was not his own.

Not only do we see this fact established, but I state it as a circumstance against recommitting the bill. The Senate has concurred in our labors thus far, that a Library building ought to be built. It is the first time that this body has said it. No matter to me whether it is to be built over yonder or down yonder, the great question was to get this body to say it would build anywhere or do anything. It never came so near doing justice to itself as it has to-night. It has committed itself to the building of this structure some place or other.

But after doing this thing that I warned the Senator from New York and all others not to do, for they could do a better thing by building on ground that already belonged to the Government, the Senator from New York and others who voted the same way now, with rare ability, if not consistency, assail the work of their own

hands. They have voted to build this Library building on the square east of the Capitol, and as soon as they have done so they occupy the Senate, I will not say hour after hour but certainly hours, with accusing their work as being the very worst that could be done. I stood here in my feeble way and told them that it would cost a million dollars. I said to the Senator from New York and the Senator from Arkansas and the other Senators, who disregarded what I said then, that to change the location made by the committee would cost a million of money. In defiance and disregard of the warning which I gave, the Senator from New York voted to do that very thing, and now he stands here and preaches us a sermon on the subject of economy; he says it is a bad thing to go and spend money over there. I did not vote to do it and he did. I do not see the consistency of that argument. The Senator from New York voted for the amendment which I have read, and now steps forward and claims credit for having done so, and at the same time says that the work ought not to be done there at all; that it is not right to spend a million dollars there or, if I could understand him, to spend any amount there.

Mr. President, I do not want to prolong this debate; I have said a great deal more to-night than I had intended, but I hope the Senate will not recommit the bill. I think perhaps the better way now would be to let the amendment of the Senator from Vermont be printed and laid upon Senators' tables to-morrow; and let this subject go over and take its chances of being considered hereafter during the present session. There is nothing for the committee to do if the bill is recommitted except to report it back again. If the amendment of the Senator from Vermont is printed and laid on the tables and seen by every Senator we can then take up this subject and discuss it and dispose of it just as well as if the bill had been sent back to the committee.

Mr. BAYARD. I hope the course indicated by the Senator from Indiana will be pursued, and that being understood I will move that the Senate adjourn.

Mr. GARLAND. My motion to recommit is pending.

Mr. WILLIAMS. I ask the Senator from Delaware to withdraw his motion for a moment.

Mr. VOORHEES. I will say to the Senator from Delaware that the pending motion is that of the Senator from Arkansas to recommit the bill, which will have to be voted upon and which I hope will be voted down. Then I shall move that the amendment to the amendment be printed, so that the Senate can see it; and we can take our chances hereafter.

The PRESIDING OFFICER. Does the Chair understand the Senator from Delaware as moving to adjourn?

Mr. BAYARD. I do not wish to have this measure so abruptly disposed of. I am willing to withdraw the motion to adjourn at the request of several Senators, but it is now past eleven o'clock, and final consideration of the question should not be had in the present condition of the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas that the bill be recommitted to the select committee.

Mr. MORRILL. I hope the Senator will withdraw that motion and allow me to move an amendment to the amendment, that it may be printed also.

Mr. ALLISON. I hope the whole bill will be reprinted with the amendments that have been already agreed to and those that have been offered.

Mr. VOORHEES. That is right.

Mr. CONKLING. I wish to inquire of the Chair whether if we adjourn presently, this bill will be the unfinished business in the morning?

The PRESIDING OFFICER. If the Senate adjourns now it will be the unfinished business.

Mr. VOORHEES. To-morrow morning?

The PRESIDING OFFICER. To-morrow morning.

Mr. VOORHEES. I should not ask to antagonize the appropriation bill in the hands of the chairman of the Committee on Appropriations. As a matter of course this bill has to take its chances when that is out of the way.

Mr. CONKLING. What becomes of the cattle bill so called? Somebody must demand the regular order.

The PRESIDING OFFICER. By a vote of the Senate the pending and all prior orders were postponed, and by a further vote of the Senate the bill under consideration was taken up to-night. If the Senate adjourns to-night in the present condition the Library bill will be the unfinished business for to-morrow.

Mr. THURMAN. Then I hope we shall recommit this bill, and I trust we shall recommit it without instructions.

Mr. VOORHEES. I hope we shall not recommit it at all.

Mr. McDONALD. I do not see that there can be any difficulty about this matter. If this bill should be the unfinished business, the chairman of the select committee has said that he will consent, and unquestionably the Senate will agree to it, that it be laid aside.

Mr. VOORHEES. For the appropriation bill.

Mr. McDONALD. For the appropriation bill.

Mr. GARLAND and others addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. CONKLING. What becomes of the cattle bill?

Mr. WILLIAMS. I am trying to get the floor on that point now.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. GARLAND] has the floor.

Mr. GARLAND. I made the motion to recommit advisedly and in good faith, without any reflection upon the Senator from Indiana or any other living man. What I have heard him and other Senators say convinces me that I was right in that motion. The Senator is mistaken when he says that we have adopted and fixed ourselves upon any one place to erect this building. I simply voted on the parliamentary rule to take the location which has been agreed upon in preference to Judiciary Square; and if it stands as it does now, I shall vote against the bill on its final passage.

I know, of course, how sensitive gentlemen are, and it is a worthy sensitiveness, too, to see bills torn from them that they have worked upon and have them sent back to the committee. I know exactly how it is myself. The present occupant of the chair [Mr. HARRIS] and myself worked for seven months here consecutively upon one proposition, and did not work upon anything else, at least I did not, and I forgot what little I knew about other business. That was upon the yellow-fever bill, and after weeks of discussion here, and no person offering to make that bill any better, some Senator rose and moved to recommit the bill. It was recommitted. I went to my boarding-house that night and felt that I would resign my seat in the Senate, I was feeling so bad about it.

Mr. McDONALD. The Senator did not resign?

Mr. GARLAND. Hear the other part of my statement.

Mr. VOORHEES. The Senator and I are different. I have no such sensitiveness at all.

Mr. GARLAND. Next came the celebrated Geneva award bill. I worked upon that very much as I had worked with you, Mr. President, on the yellow-fever bill, and I think our report from the Judiciary Committee got about sixteen votes, and that bill was recommitted. Then I felt that I would not resign for spite; that I would stay here and share such treatment with some person else. I sympathize with the Senator in his feeling about having this matter sent back to him; but here we are confronted with one of the most important propositions that have ever been before the Senate since I have been in it, the machinery to condemn property prescribed in this amendment four times as large as the bill itself. It has never been printed. I did not charge it upon the committee that they were derelict in this matter, but I said it seemed strange to me, and it does seem strange to me yet, and still stranger the more I think of it, that whoever had in charge the amendment that we adopted in preference to the location of Judiciary Square did not have a measure printed and perfected as far as could be done that we might examine it in time to see what we were doing in this all-important matter. I made no charge upon the committee of dereliction of duty, but the disclosure that the Senator from Indiana makes in reference to this property, the disclosure the Senator from New York makes, all confirm unmistakably the first impression I had, that painful, or not painful, this matter should go back to the committee and they should overhaul it again. I mean no disrespect, and I hope the Senator from Indiana does not think I mean any disrespect. If so, and if he will tell me how I shall apologize, I will do it.

Mr. VOORHEES. I had no more thought of manifesting the slightest feeling outside of the mere line of debate on that retort of the Senator from Arkansas than I had of doing any other improper and outrageous thing. He has no apology to make to me, but I begin to feel that I have one to make to him.

Mr. GARLAND. Not at all, because I am trying to vindicate the sensitiveness evinced by the Senator in this matter, for I have been through that storm myself and know all about it. Here let me say to Senators that we are preparing in this measure, from the cursory view I took of it, simply to plunge the Government into unexpected and incalculable cost, and into litigation without termination, and it is no disrespect to any gentleman to say that work in reference to a matter of this sort should be overhauled carefully and most minutely.

I have made the motion to recommit under the best advice I was capable of obtaining on the subject or giving to myself, and I think we shall make the best possible haste in having the bill recommitted. If the committee can report the bill to-morrow I shall throw no obstruction in the way of considering it and making an end at least of this case before the Senate. I think it is the highest duty we owe to the Senate to recommit the bill to the committee.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas to recommit the bill.

The motion was not agreed to; there being on a division—ayes 17, noes 23.

Mr. ALLISON. Now let us have it printed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia [Mr. DAVIS] to the amendment of the Senator from Vermont, [Mr. MORRILL.]

Mr. THURMAN. I move that the Senate adjourn.

Mr. VOORHEES. I ask that the bill, together with the amendments pending, embracing that of the Senator from Vermont and all others, be printed, and then I am willing that the Senate may adjourn.

Mr. THURMAN. That is right. I withdraw the motion to adjourn that that may be done.

The PRESIDING OFFICER. If there be no objection, the order to print will be made. The Chair hears no objection.

Mr. WILLIAMS. I desire to move now that the pending and all pre-

vious orders be laid aside, that I may call up the cattle bill and let it go over as the unfinished business for to-morrow.

Mr. ALLISON. There will be no objection to that.

The PRESIDING OFFICER. The Senator from Kentucky moves to postpone the pending and all prior orders in order to proceed to the consideration of the bill mentioned by him. It will be read by its title.

The CHIEF CLERK. A bill (S. No. 2097) for the establishment of a bureau of animal industry, and for the suppression and prevention of contagious diseases among domestic animals.

Mr. DAVIS, of West Virginia. That is to be done with the distinct understanding that the appropriation bill will have preference?

Mr. WILLIAMS. Of course I shall not antagonize the appropriation bill.

The PRESIDING OFFICER. The Senator from Kentucky moves to postpone the pending and all prior orders in order that the Senate may take up the bill which has been read by its title.

Mr. VOORHEES. I say to the Senator from Kentucky that he cannot displace the Library bill in that way. The Library bill comes up as the regular order, and cannot be displaced by the bill he moves unless it is done by a vote of the Senate upon full consideration. The Senate is in no condition to decide that question now.

Mr. BUTLER. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina, that the Senate adjourn.

The motion was agreed to; and (at eleven o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 21, 1881.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Saturday last was read and approved.

CEREMONIES IN MEMORY OF HON. FERNANDO WOOD.

Mr. COX. I ask unanimous consent to submit at this time a proposed order, to which I think there will be no objection.

The Clerk read as follows:

Ordered by the House of Representatives, That next Sunday, at three o'clock in the afternoon, be set apart for the observance of the ceremonies in memory of Hon. Fernando Wood, late a member of this House.

The SPEAKER. If there be no objection this order will be adopted.

There was no objection.

Some time subsequently the following was adopted:

Ordered, That the Clerk communicate the foregoing resolution to the Senate, with an invitation to the Senate to attend in the House at said hour and participate in said ceremonies.

ORDER OF BUSINESS.

Mr. THOMPSON, of Kentucky. I move that the call of States today be dispensed with.

The SPEAKER. There is no provision in the rules for the suspension of this order; but it can be done by unanimous consent.

Several members objected, and demanded the regular order.

The SPEAKER. The regular order being demanded, the Chair, as required by the rules, will now call the States and Territories in alphabetical order for the presentation of bills and joint resolutions for printing and reference. Under this call joint and concurrent resolutions and memorials of State and territorial Legislatures can be presented and appropriately referred; and resolutions of inquiry directed to heads of the Executive Departments are in order for reference to the appropriate committees, which latter resolutions are to be reported to the House within one week.

JOSIAH GREGG.

Mr. CLEMENTS introduced a bill (H. R. No. 7211) granting a pension to Josiah Gregg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PALATIAH RICE.

Mr. CLEMENTS also introduced a bill (H. R. No. 7212) granting a pension to Palatiah Rice; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. MARTIN, of Delaware, presented a resolution of the Legislature of the State of Delaware, in relation to interstate commerce; which was referred to the Committee on Commerce.

ULYSSES S. GRANT.

Mr. STEVENSON presented a joint resolution of the Legislature of the State of Illinois, in favor of the retirement of General Ulysses S. Grant with the rank of general.

Mr. FORT. I would like to hear that resolution read.

The resolution having been read, was referred to the Committee on Military Affairs.

CERTIFICATES OF INSPECTORS OF STEAM-VESSELS.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 7213) amending section 4458 of the Revised Statutes, regulating the fees of inspectors' certificates issued to masters, engineers, pilots, and mates of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PLEURO-PNEUMONIA.

Mr. TOWNSHEND, of Illinois, also presented a joint resolution of the Legislature of the State of Illinois, in favor of legislation by Congress for the suppression of pleuro-pneumonia among cattle; which, upon request of Mr. TOWNSHEND, of Illinois, was read, and referred to the Committee on Agriculture.

SUITS BY AND AGAINST NATIONAL BANKS.

Mr. COWGILL presented a joint resolution of the Legislature of the State of Indiana, in favor of the repeal of the act of Congress conferring special jurisdiction on the circuit and district courts of the United States in suits by and against national banks; which was referred to the Committee on the Judiciary.

CHARLES ALLEN.

Mr. COWGILL also introduced a bill (H. R. No. 7214) for the relief of Charles Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUITS BY AND AGAINST NATIONAL BANKS.

Mr. BICKNELL presented a joint resolution of the General Assembly of the State of Indiana, in relation to suits by and against national banks; which was referred to the Committee on the Judiciary.

TITLE TO CERTAIN LANDS, ALLEN COUNTY, KANSAS.

Mr. HASKELL presented a concurrent resolution of the Legislature of the State of Kansas, relative to lands in Allen County claimed by certain railroad companies and by settlers upon said lands; which was referred to the Committee on the Judiciary.

CHANGE OF NAME OF STEAMER.

Mr. NEWBERRY introduced a bill (H. R. No. 7215) to change the name of the steamboat Grace McMillan to Sunbeam; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF HARBOR, NEW BUFFALO, MICHIGAN.

Mr. NEWBERRY also presented a joint resolution of the Legislature of the State of Michigan, asking Congress for an appropriation for the improvement of the harbor of New Buffalo, in the State of Michigan; which was referred to the Committee on Commerce.

HARBORS OF DULUTH AND GRAND MARAIS, MINNESOTA.

Mr. WASHBURN presented a joint resolution of the Legislature of the State of Minnesota, requesting an appropriation by Congress of $75,000 for the deepening of the harbor at Duluth, Minnesota, and of $40,000 for the improvement of Grand Marais, Minnesota, as a harbor of refuge; which was referred to the Committee on Commerce.

TIME FOR FILING HOMESTEAD CLAIMS.

Mr. WASHBURN also presented a joint resolution of the Legislature of the State of Minnesota, requesting the Minnesota delegation in Congress to exert its influence to secure the passage of an act extending the time for homestead filings in certain cases; which was referred to the Committee on the Public Lands.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. WASHBURN also presented a memorial of the Legislature of the State of Minnesota, requesting legislation by Congress in aid of the construction of reservoirs on the headwaters of the Mississippi River and its tributaries, and for the thorough improvement of that river; which was referred to the Committee on Commerce.

Mr. WASHBURN also presented a memorial of the Legislature of the State of Minnesota, requesting an appropriation by Congress of $50,000 to aid in the construction of a levee and the improvement of the Mississippi River opposite Saint Paul, in the State of Minnesota; which was referred to the Committee on Commerce.

CENSUS REPORT.

Mr. SINGLETON, of Mississippi, introduced a joint resolution (H. R. No. 405) to print reports of the tenth census of the United States; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ALICE CHAPMAN.

Mr. BRIGGS introduced a bill (H. R. No. 7216) for the relief of Alice Chapman, dependent mother of Edward F. Chapman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INFECTIOUS AND CONTAGIOUS DISEASES OF DOMESTIC ANIMALS.

Mr. COVERT introduced a joint resolution (H. R. No. 406) providing for the printing of 100,000 copies of the special report of the Commissioner of Agriculture as to infectious and contagious diseases among domesticated animals; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

COST OF CERTAIN REFUNDING OPERATIONS.

Mr. MCMAHON submitted the following resolution of inquiry; which was read, and referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury is hereby directed to furnish to this House a statement of the refunding of the bonds known as the ten-forties, and

the sale or exchange of the bonds in lieu thereof during the year 1879, with a list of the syndicates, banks, bankers, brokers, and other persons taking the same, and the respective amounts taken by each; what amount was paid by the Government during the said year on account of double interest, or interest on two or more classes of bonds representing the same debt; also, the amount of money paid to each, and for what purpose or object such payments were made; and further, the amount of expenses incurred by the Government for the preparation, printing, and advertising of the same, and the amounts paid respectively; to whom said amounts were paid; whether said bonds were refunded, exchanged, or sold at par, and what was the market value in New York of the said bonds so exchanged or sold at the time the money therefor was actually paid into the Treasury of the United States; and, generally, to give in full and in detail all correspondence with said syndicates, banks, bankers, brokers, and other persons in relation to the transactions of the Government in the refunding of said loans during the year 1879.

COLLECTION AND EXPENDITURE OF PUBLIC TREASURE.

Mr. WARNER introduced a bill (H. R. No. 7217) to create a board of fiscal inspectors to watch over the collection and expenditure of the public treasure; which was read a first and second time, referred to the Committee on Public Expenditures, and ordered to be printed.

HINTS AND HELPS FOR NATIONAL GUARDSMEN.

Mr. LE FEVRE introduced a joint resolution (H. R. No. 407) authorizing the printing of 8,800 copies of Hints and Helps for National Guardsmen, for distribution among the militia organizations of the States; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SALE OF INTOXICATING DRINKS IN THE DISTRICT.

Mr. MONROE introduced a bill (H. R. No. 7218) to secure local option to the citizens of the District of Columbia in regard to the sale or prohibition of sale of intoxicating drinks; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

ZACHARIAH H. CONN.

Mr. DICK introduced a bill (H. R. No. 7219) for the relief of Zachariah H. Conn, of North Hope, Butler County, Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM B. HUFFMAN.

Mr. COFFROTH introduced a bill (H. R. No. 7220) granting a pension to William B. Huffman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

Mr. BALLOU introduced a joint resolution (H. R. No. 408) proposing an amendment to the Constitution of the United States in relation to the manufacture and sale of intoxicating liquors; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

ROAD THROUGH INDIAN TERRITORY.

Mr. CULBERSON presented concurrent resolutions of the Legislature of the State of Texas, in respect to the grant of a railroad charter by Congress for the construction of a road through the Indian Territory; which was referred to the Committee on Railways and Canals.

MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

Mr. JOYCE introduced a bill (H. R. No. 7221) to prohibit the manufacture, importation, and sale of intoxicating liquors as a beverage in the District of Columbia; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

Mr. JOYCE also introduced a joint resolution (H. R. No. 409) proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, and sale of intoxicating liquors; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

PUBLIC BUILDING IN IDAHO.

Mr. AINSLIE presented a memorial of the Legislative Assembly of Idaho Territory, asking an appropriation for a public building at Boise City, the capital of said Territory; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now recognize gentlemen who were not in their seats when their States were called.

INTERSTATE COMMERCE.

Mr. URNER introduced a bill (H. R. No. 7222) to authorize the appointment of a commission to inquire as to the injustice and inequality of freight charges upon interstate commerce, and to propose a remedy; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. THOMPSON, of Iowa. I desire to introduce a joint resolution authorizing the Secretary of War to loan tents, &c., for a soldiers' reunion in Benton County, Iowa; and ask its consideration at this time.

The SPEAKER. That would require unanimous consent; but the joint resolution may be introduced for reference under this call. This being the third Monday in February, is one of the days on which the rules authorize motions by committees for suspension of the rules. If the Chair is permitted to recognize gentlemen to request unanimous consent he will first recognize the gentleman from Iowa, [Mr. THOMPSON,] and then some gentleman on the other side of the House.

Mr. THOMPSON, of Iowa. The object of the resolution is simply to authorize the loan of a few tents for a soldiers' reunion. It will only take a moment.

The SPEAKER. But the Chair is now recognizing gentlemen to offer bills and resolutions for reference, not to ask unanimous consent. Does the gentleman from Iowa desire to refer the joint resolution?

Mr. THOMPSON, of Iowa. No sir; I want it passed now.

Mr. MILLS. Would it not be better for the Chair to proceed with the call of committees for motions to suspend the rules?

TITLE TO CERTAIN LANDS.

Mr. ANDERSON presented a concurrent resolution of the Legislature of Kansas, asking that suit be brought by the United States to settle the title to certain lands; which was referred to the Committee on the Judiciary.

ORDER OF BUSINESS.

Mr. STEVENSON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEVENSON. I would like the Speaker to explain whether this is proceeding by unanimous consent.

The SPEAKER. This is proceeding under recognition of gentlemen for reference of bills, &c., who were not in their seats when their States were called. The Chair has always offered that facility to gentlemen who were detained from the House while the call was proceeding.

TARIFF.

Mr. CHALMERS introduced a joint resolution (H. R. No. 410) on the tariff; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HOMESTEAD SETTLERS.

Mr. POEHLER presented a joint resolution of the Legislature of the State of Minnesota, for the relief of homestead settlers; which was referred to the Committee on the Public Lands.

HARBOR IMPROVEMENTS IN MINNESOTA.

Mr. POEHLER also presented a joint resolution of the Legislature of Minnesota, asking for an appropriation of $75,000 for the harbor of Duluth, and of $40,000 for the harbor of Grand Marais; which was referred to the Committee on Commerce.

IMPROVEMENT OF UPPER MISSISSIPPI.

Mr. POEHLER also presented a resolution of the Legislature of Minnesota, asking for an appropriation to aid in the construction of a levee or an improvement of the Mississippi River opposite Saint Paul, Minnesota; which was referred to the Committee on Commerce.

PENSION APPROPRIATION BILL.

Mr. HUBBELL. The Senate has returned to the House the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1882, and for other purposes, with a message that that body insists upon its amendments disagreed to by the House, and asks a conference on the disagreeing votes of the two Houses thereon. I move that the House insist upon its disagreement to the amendments of the Senate and consent to the conference asked.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. COBB. I move to take from the Speaker's table the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes, returned from the Senate with amendments; and I move that the bill, together with the amendments of the Senate, be printed and referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

LAMPHERE'S UNITED STATES GOVERNMENT.

Mr. HAWLEY introduced a joint resolution (H. R. No. 411) to provide for the printing or purchase of —— copies of the work entitled Lamphere's United States Government; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. WELLS. I desire to call up from the Speaker's table the message from the Senate further insisting upon its amendments to the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1882, and for other purposes, numbered 30 and 31, disagreed to by the House, and asking for a further conference on the disagreeing votes of the two Houses. I move that the House further insist upon its disagreement to the amendments of the Senate numbered 30 and 31 and agree to the further conference asked for by the Senate.

Mr. CONGER. I ask that the amendments of the Senate be read in regard to which it is proposed that the House shall insist upon its disagreement.

The SPEAKER. The request of the Senate will first be read.

Mr. CONGER. The House agreed to a partial report of the conference committee.

The SPEAKER. It was a report from the conference committee in which the conferees agreed in regard to all the amendments of the Senate but two.

Mr. CONGER. I ask that those two amendments be read.

The SPEAKER. The message from the Senate will first be read.

The Clerk read as follows:

IN SENATE UNITED STATES, *February* 18, 1881.

Resolved, That the Senate further insist upon its amendments to the bill of the House No. 6730, making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1882, and for other purposes, numbered 30 and 31, disagreed to by the House of Representatives, and ask a further conference with the House on the disagreeing votes of the two Houses thereon; and that Mr. WALLACE, Mr. BECK, and Mr. WINDOM be the conferees on the part of the Senate.

The SPEAKER. The amendments in relation to which there is a disagreement will now be read.

The Clerk read as follows:

Amendment No. 30:

On page 36 of the bill, strike out lines 4, 5, and 6, as follows:

"That all laws and parts of laws creating or authorizing the commission of ten citizens provided for in the act of April 10, 1869, be, and the same are hereby, repealed."

Amendment No. 31:

Page 36, after line 6, insert:

"Expenses of Indian commissioners:

"For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, $10,000."

Mr. CONGER. If it will be in order—I do not remember now which motion has precedence—I desire to move that the House recede from its disagreement to the two amendments of the Senate just read.

The SPEAKER. The gentleman from Missouri [Mr. WELLS] asks that the House further insist upon its disagreement to the two amendments of the Senate which have been read and agree to the request of the Senate for a further conference. The gentleman from Michigan [Mr. CONGER] moves that the House recede from its disagreement to said amendments, the effect of which would be to pass the bill without the interposition of a further conference between the two Houses. The Chair thinks that under the rules the motion of the gentleman from Michigan [Mr. CONGER] would take precedence, because the effect of it would be to conclude the action of the two Houses on this bill.

Mr. CONGER. I do not wish to debate it at all, and I do not know that it is debatable. But I desire very much that the House may understand that by voting to recede from its disagreement to the Senate amendment we will still retain the services of a commission who work without any charge from the United States except their traveling expenses.

After careful consideration of this subject for several years, I believe that the United States and the Indians have been the gainers to the extent of hundreds of thousands of dollars in the value and quality of materials purchased for the Indians, which the members of this commission have had the opportunity of inspecting, reviewing, and controlling, and because the commission have been enabled to advise as to differences, so as to keep faith with the Indians. I believe if there has been any good done under this system a large portion of it is due to the fact that there have been ten men selected from all parts of the United States on account of their honesty, fidelity, and honor to superintend the purchase of materials sent to the Indians, and to see that such materials were not fraudulently exchanged on the way before they reached the Indians.

Mr. WELLS. Mr. Speaker, this matter has been fully discussed before the House as well as in the Senate——

Mr. CONGER. Mr. Speaker, in proper form my motion should be, I suppose, that the House recede from its disagreement to the amendments of the Senate and agree to the same?

The SPEAKER. That is the technical form provided for in the rules.

Mr. CONGER. I desire to have my motion in proper form.

Mr. HOOKER. Allow me to inquire of the gentleman from Missouri [Mr. WELLS] who has this matter in charge whether I am correct in my understanding as to the position of the question? As I understand, the conferees on the part of the House refused to agree to these amendments of the Senate, and the disagreement of the conference committee being reported to the Senate, that body now insists on its amendments, and asks another conference with the House. The motion of the gentleman from Michigan, I believe, is that the House recede from the amendments which the Senate has insisted upon.

Mr. WELLS. The gentleman is correct.

Mr. HOOKER. I ask the gentleman to yield to me for a few moments.

Mr. WELLS. I will do so.

Mr. HOOKER. Mr. Speaker, at the last session when this question was fully debated, this provision appropriating $10,000 for these peace commissioners was struck out by the action of the House; but when the bill went to the Senate that provision, as I understand, was restored. At this session of Congress the Committee on Appropriations, in reporting the Indian appropriation bill, omitted the provision which had been usual since 1869 for the expenses of the peace commission, and reported the bill without any such provision, thus accepting the action of the House taken at the prior session as expressing the judgment of the House and the country that there was no longer any necessity for the continuance of this appropriation of $10,000 annually for the expenses of the peace commissioners.

When this subject was under discussion before, I had occasion to call the attention of the House to the language of the act of 1869, by which there was a specific appropriation to carry into effect certain expenditures of very large amounts which were then provided for with the view of preventing impending difficulties upon the Indian frontier. The object of the act of 1869 was to create this peace commission in and of General Sherman and other officers of the Army, who were invested with the power to expend the large sums of money then appropriated, amounting, I believe, to $250,000 or $300,000. But when these functions were performed, these commissioners were no longer necessary. It was not intended by the act of 1869, nor has there been an expression of opinion anywhere, that this board should constitute a part of the permanent power for managing and controlling Indian affairs. That their counsel and advice in respect to the specific matter for which they were originally created was an advantage, I am not here to deny; but I do say, in opposition to the motion of the gentleman from Michigan, that whenever we need officers to perform functions of this sort we ought to create such officers by permanent law; they ought to be under bonds, and ought to be amenable primarily to the Interior Department, and afterward to Congress. I can see no reason, therefore, why the House should recede from its position and revoke the judgment which it has twice rendered upon this question.

Mr. WELLS. Mr. Speaker, the Committee on Appropriations when reporting this bill at the present session recommended the repeal of the law creating this commission; and the yeas and nays being called upon the proposition in the House, the committee was sustained and the repealing provision remained in the bill as reported by the committee. From the experience which has been had in this matter, and from conversations with the gentlemen controlling the Indian Department, the committee are of the opinion that these commissioners are no longer necessary to conduct any duties appertaining to that Department.

Mr. HAWLEY. Does the Interior Department recommend the abolition of this commission?

Mr. WELLS. No, sir; I was speaking of the Commissioner of Indian Affairs, and those in charge of that bureau. At the time this peace commission was created, some twelve years ago, it was a great benefit to the Department.

The SPEAKER. The Chair is unable to hear the gentleman from Missouri.

Mr. CONGER. I am sitting here listening as well as I can, but am entirely unable to hear the gentleman's remarks.

The SPEAKER. The House will come to order; gentlemen on the floor will cease conversation.

Mr. WELLS. The system which has been adopted in late years of appointing by direct action of the Department inspectors for the different classes of goods furnished to the Indian Bureau, such as medicines, dry goods, hardware, groceries, &c., dispenses with any necessity for these commissioners. All that is done by this commission of ten gentlemen, I understand, is simply to sit by and see the bonds opened, a duty which could be performed by the Commissioner of Indian Affairs or the Secretary of the Interior without this expense of some ten thousand dollars a year. It appears by a communication to the House from the secretary of this board that we are paying for the salary of the secretary $3,000 a year, for one clerk $2,500, and for another clerk $2,400. In my opinion, and in the opinion of the Committee on Appropriations, it is no longer necessary to continue expenses of this kind. I hope the House will not recede from its former action, but will insist upon repealing this unnecessary provision of law.

Mr. HAWLEY. Mr. Speaker, I hope the House will concur with the Senate in retaining the Indian commission. The argument of my friend from Missouri [Mr. WELLS] is that the commission appears to be no longer necessary; and this argument seems to be based principally upon the fact that the work of purchasing supplies for the Indians is now very well and very honestly done. Everybody knows, I think—it is my impression, at any rate, and I suppose the impression to be general—that there has been a vast improvement in the management of these Indian matters within ten years, especially in the matter of purchases for the Indians—the purchase of honest goods according to standard and their distribution. Now, because we have arrived at a place in the management of this business when the work is well done, we are told there is no longer any necessity for the methods by which we have arrived at that stage. Gentlemen tell us if we dispense with this commission we are gradually to return toward that state of affairs when these purchases were notoriously dishonest and their distribution notoriously unfair.

Now, these gentlemen have served, as is well known, without payment except the bare expense. I know some of them and I know they are capable and honest gentlemen, who take pride in the country continuing its faith in this matter. The sole expenditure in connection with it is the payment of two or three clerks, the whole amounting to $5,000, or $6,000, or $7,000, or something to that effect;

but I do not care if it were $10,000 or $15,000, if it were necessary to carry out this work. I believe, sir, the Government has been a vast gainer, not alone in the matter of economy, but in a matter of equal if not greater importance of keeping faith with the Indians, and it is due to satisfy them, and it is due to our good name and our honest administration we shall continue in use this means which has been of so much benefit and so much credit to us.

Mr. ATKINS. Mr. Speaker, I desire to say just one word on this question. The Committee on Appropriations in regard to this matter has followed the suggestion which has been made by the Committee on Indian Affairs at this session and at the last session, and during the Forty-fifth and, I believe, the Forth-fourth Congress. This subject has been investigated, and it is clearly the opinion of the Committee on Indian Affairs, as it was the opinion of the Committee on Appropriations, that this commission was no longer necessary for the government of the Indians.

In addition to the amount which is required to defray the expenditures of this commission, which is $10,000, there is also a considerable amount necessary for clerical force, all of which is believed to be entirely unnecessary by the Committee on Appropriations and by the Committee on Indian Affairs. Now it seems to me, in deference to the views of these two committees which have investigated this question, this House ought not to recede from the deliberate position it has taken two or three times on this question. I trust, therefore, Mr. Speaker, that the House will further insist on striking out this commission.

Mr. VALENTINE. Mr. Speaker, if the amendment of the gentleman from Michigan prevails, the law remains in force as it is now relative to this peace commission, does it not? I want to understand that before I proceed.

The SPEAKER. It is not for the Chair to answer that question; but it will answer this much, which seems to be the wish of the gentleman, as to the effect of the present vote: The effect of receding from the disagreement on the part of the House will be to pass the bill without further conference. There are only two disagreements, and if the motion of the gentleman from Michigan prevails, that will remove all disagreement and allow the bill to go to the President for his approval or disapproval.

Mr. VALENTINE. Leaving the law as it is?

The SPEAKER. The Chair cannot answer that, as it is not in the nature of a parliamentary inquiry.

Mr. VALENTINE. I agree, then, Mr. Speaker, with the Committee on Appropriations and the Committee on Indian Affairs that this motion is unnecessary. If, however, we admit that it is necessary, as the gentleman from Connecticut and the gentleman from Michigan have argued, and the Government by reason of its services has saved money to the extent of hundreds of thousands of dollars and at the same time preserved peace upon the frontier, then I say let us go a little further and pay these philanthropic gentlemen a salary, and then demand of them that attention to this subject due to its great importance. By reference to section 2042 of the Revised Statutes you will notice they have the supervision over all the accounts of the Indian Department. I find from practical experience among my own constituents who are contractors with the Indian Department that after these contractors have furnished supplies to the Indian Department their accounts go to the Indian Bureau. They are then sent to this commission of eminent citizens for supervision. They are tied up there many months at a time, and these contractors are prevented from getting their money simply from the fact that these eminent gentlemen meet at their own pleasure. There is no authority to require them to meet at specified times. They do not receive pay, and they come when they please and they go when they please. Now, if they are so valuable to the Government, then let us change the law by providing a salary for them and make them meet when they are required to pass on these matters over which they have supervision. If that cannot be done, then I shall vote to sustain the Committee on Appropriations.

Mr. SINGLETON, of Mississippi. Mr. Speaker, as a member of the committee of conference, perhaps I ought to say a word or two in reference to the pending question. This peace commission, as gentlemen are aware, was created many years ago, and gentlemen of high character were appointed to discharge the duties of supervision imposed by the law. We are told they are necessary to overlook the Indian agents. Overseers, as we used to call them in the South, men appointed to overlook the interests of their employers. These Indian agents were appointed for a specific purpose. The Indian commission looks after them.

Now, if the allegations be true in regard to these agents, and if it be necessary to have a commission specially to watch them, I hold, and believe it will be found to be equally true, that the same principle will apply to all other men who may abuse their trusts. Let us carry it out to its legitimate consequences: If it be true that it is necessary to have a set of commissioners to watch over these Indian agents, if we carry out the same argument to its logical results in other branches of the Government it would be necessary to have somebody to watch every other officer of the Government.

We paid originally $25,000 for the expenses of this commission. It was then reduced to $15,000. At the last session of Congress the Committee on Appropriations placed in the sundry civil bill a clause providing that $7,000 should be appropriated for this purpose. When it came into the House, after a lengthy discussion, which was participated in by all sides of the House, $7,000 was stricken out, and the House declined then and there by its action to allow anything further for this purpose. The bill in that form went to the Senate, and this provision, although not restored upon that particular bill, was entered upon another, and a provision of $10,000 was incorporated for the expenses of this commission. It came here in that form and passed the House, and went through, I believe, without very much opposition.

Again, a few days ago this point was discussed here, and after considerable discussion on all sides of the House, this same provision was stricken out and your committee on conference has expressed the opinion of the House at the present and last session by refusing to acquiesce in the amendment sought to be incorporated by the Senate. The question now presented for us is simply this: Whether we shall continue to march up the hill to-day and down to-morrow. Is it not time to say halt somewhere in this fluctuating course?

Do we know our own minds? Do we know what is right? Or are we to be overawed and submit without question to the demands of the Senate?

I hope, sir; the House will show its determination by sustaining the report of the committee on conference.

Mr. CONGER. Mr. Speaker, I ask the attention of the House for a few moments in reference to this matter. It is admitted by gentlemen on the committee that at the time this commission was appointed the management of Indian affairs was in a very bad condition. They also admit since the commission has been created this management has reached such a stage of perfection as that we may now be able to do entirely without the services of this commission. That is their argument. That is the march up the hill and down again to which the gentleman from Mississippi refers. We started in with this commission when there was not an Indian upon any part of the continent that had any shadow of faith in the integrity, in the honesty, or in the faithful performance of the promises or even in the justice of the United States Government. They had been defrauded by agents. They had been defrauded by traders. There was no kind of goods furnished them by treaty that did not fall below the standard of the requirements of purchase and contracts.

These men constituting the commission, chosen, as far as recommendations could go, from the very best men in the country, devoted their time all along to an attempt to restore between the Indians and the Government some sort of confidence, and on the part of the Indians a belief in the integrity and good faith of the Government toward them. Their efforts were mainly directed to restoring some sort of confidence on the part of the Indians in the correctness of the purchases, and also a verification of the quality of the goods furnished, and to afford relief to the complaints which had been only too justly made that the goods actually purchased in the East never came to the Indians for honest distribution. I have no time to go into the proof, but if I had I could show to this House that the change of goods *in transitu* from the kind of goods that were purchased under the contract to the kind of goods that were actually delivered to the Indians was in most cases, at least in many cases, of an entirely different class and inferior in quality from the goods which were purchased and which should have been delivered under the contracts.

Mr. SINGLETON, of Mississippi. Will the gentleman allow me to ask him a question?

Mr. CONGER. When I get through I will answer the gentleman's question. It is within my own knowledge that several of these commissioners have not only performed that duty by examining the purchases which have been made, but they have actually gone at their own expense to many of the different tribes when the goods were being delivered, and were present at the opening of the purchases with specimens or samples of the original purchase in order that they might see for themselves, compare the quality and verify the allegations as to whether the goods had or had not been changed while in transit. They did find that goods had been changed *in transitu* and inferior goods delivered. They exposed it, and this character of fraud was absolutely stopped by the developments made in this way. And now, as gentlemen admit, there comes to the Indian tribes not only the goods purchased, but of proper quality and with amount unchanged. In other words, the goods now furnished to the Indians are absolutely such as the law and the contract requires.

One gentleman of the commission, as high-minded and honorable a man as walks upon the footstool, served for years without pay upon that commission; and at his own expense went to almost every Indian tribe in the United States and examined their condition and reported upon it. I refer to that distinguished gentleman, now the governor of my own State, Hon. David H. Jerome. He went to Washington Territory, and Oregon, and California, to Idaho, to Arizona, to every one of the Territories where these Indian tribes were located. He went among the Utes and among all of the Indian tribes, and everywhere in the Territories where there were large bands of Indians, examined their condition, examined and compared the quality of the goods which were furnished to them, and did more, in my judgment, by his personal investigation and examination, and his personal knowledge thus derived of the condition of the Indians, and in restoring confidence in the Government, in bringing them subject to treaties and the enforcement of treaty regulations, than every one of these men in the Indian Bureau at home.

Sir, there needs to be watching over these Indian traders and contractors. I do not blame the gentleman from Nebraska for opposing this, for his constituents are traders, his constituents are contractors. He says he appears on behalf of these traders, these contractors, and desires us to wait a little to see whether the goods they furnish are acceptable and their contracts are fair.

Oh, sir, if we had begun years ago to have these contracts examined, there would not have been to-day that infamous stain on the good faith of the United States in the dealings with the Indians that there is now. The Indian management to-day is respectable. It is not a disgrace to-day to be a contractor for Indian supplies. It is not a disgrace to a man to-day in itself to be an Indian agent. It is not a disgrace to-day to be Commissioner of Indian Affairs. The papers which used to hurl shafts of distrust and attack in other days are silent now about the management of Indian Affairs. Why? Because of this commission; because of its watchfulness; because of its integrity; because of its honesty.

Sir, at the paltry expense of $10,000 a year the people of the United States and the Government of the United States have redeemed themselves from the eternal ignominy of mismanagement and treachery and fraud to our Indian wards. The advantage would be cheaply bought if it was $500,000 a year. If we could keep the position we now take of fair dealing and of honesty as a Government toward the Indians, no expense imaginable would be too great. To-day the Indians trust us. To-day the Indians believe in the Government. To-day they receive their goods as the treaties require they shall. Remove this guard and this watch upon them and you open the door for all the frauds, for all the long panorama of iniquities which have disgraced the country in the years that are gone.

The gentleman from Mississippi says the House has voted for this proposition. I refer him to the record, and I say only a trifle more than one-third of this House voted as the gentleman says. A small majority of a quorum was all that gave their vote; and that, too, when this subject had not come up in a way to be examined and understood and when the wish of the Senate had not been expressed. Shall that small vote determine us not to keep in existence at so paltry an expense a commission which has done so much to redeem the honor and the credit and preserve the good faith of the United States in its dealings with the Indians? I will not enlarge upon this matter. The duty of this House is to restore that provision. There is not in all this land a Christian community that does not demand fair dealings with the Indians. By our policy we have placed the choice and the selection of our Indian traders in the hands of the different religious denominations of this country. That, too, has tended to the improvement of our dealings with the Indians.

Mr. VALENTINE. The gentleman means to say Indian agents.

Mr. CONGER. My friend from Nebraska did well to correct me. I should have said Indian agents. Unfortunately there has as yet been found no means whatever to throw Christian influences around Indian traders.

Mr. SINGLETON, of Mississippi. Will the gentleman now yield to me for a question?

Mr. CONGER. I will hear the gentleman's question.

Mr. SINGLETON, of Mississippi. The gentleman from Michigan has stated before the House that of his own knowledge these frauds were being perpetrated.

Mr. CONGER. Oh, no; I did not state that.

Mr. SINGLETON, of Mississippi. State what you did say.

Mr. CONGER. I stated from my own knowledge that several of these Indian commissioners had paid their own traveling expenses; and I cited one instance, that of the present governor of my State, who had traveled all over different portions of the United States to see what the condition of the Indians was, and to see if the goods delivered to them were by sample the same as had been purchased.

Mr. SINGLETON, of Mississippi. The gentleman has not got my point. The gentleman acknowledges the fact that there were gross frauds perpetrated years ago, and he now——

Mr. CONGER. I have heard of that by the hearing of the ear. The man must be eternally deaf that has never heard of that.

Mr. SINGLETON, of Mississippi. Now I want to ask the gentleman this question: How is it he has been so quiet on the subject so many years and allowed these men to remain in office supervising and overseeing this work of distribution?

Mr. CONGER. Because the gentleman sprang the previous question on me and forbade me to talk on that subject when the bill came up.

Mr. SINGLETON, of Mississippi. The gentleman from Michigan, so far as I am aware, never moved an inquiry into the conduct of Indian affairs.

Mr. WELLS. I now move the previous question.

Mr. SCALES. If the gentleman will yield to me I will take the floor and will renew the demand for the previous question before I take my seat.

Mr. WELLS. I yield to the gentleman from North Carolina on that assurance.

Mr. SCALES. I am sorry that it seems this question is never to have an end in this House. A year ago the question was before us, and this House by a majority not only decided that this commission was unnecessary at present to the conduct of Indian affairs, but they decided that it was absolutely useless. The bill went to the Senate. There was a conference upon it. The conference committee struck out every dollar of expense and maintained the mere form. And one would have thought from hearing the gentleman from Michigan [Mr. CONGER] this morning that that would have been sufficient. There are so many of these gentlemen who are anxious to work at their own expense that one would have thought that after that argument in conference was reached these gentlemen and their friends would have been satisfied; they would have maintained the dignity, and they would have done it at their own expense. But, sir, what do we see next? Another bill; a bill foreign to the question, a bill on which the House had no right to expect it, was cumbered in the Senate with that question again. It was brought back to this House, and it passed this House without the knowledge of a single member of the Committee on Indian Affairs, and I might say without the knowledge of a large majority of this House.

At this session we have been repeating what we did last year. Why? I ask gentlemen to hear me for a short time on that point. Why have the Committee on Indian Affairs insisted upon the position it has taken on this subject? Why does the House adhere to it? Why have the Committee on Appropriations come up to our help and insisted that this position should be maintained? It is for the reasons and those alone which I will now proceed to give.

Will any gentleman deny, can any gentleman deny, that there are now officers enough connected with the Indian Department to perform this whole duty? There is no gentleman here who knows anything about the matter who will dare deny that there is in that Department an officer for every service required, and if he does his duty, all that need be done can be well and properly done. You have already your inspectors. It is said we want the gentlemen of this commission to inspect the goods which are purchased for the Indians. You have officers now for that express purpose, who are each paid an annual salary of $3,000, whose expenses are paid, and who are sent out where the goods are bought and to the agents where they are delivered, to do the very work which gentlemen claim this commission must do.

The commission grew out of the frauds of 1869. In the efforts then made to reform the service, instead of doing what every statesman would have said ought to have been done; instead of seeing to it that competent, faithful, and capable men who would do their duty were appointed as officers in the Department, what was done? A provision was enacted to multiply officers, and this unfortunately has been in the past too much the policy of our Government.

And when you once increase the number of your officers, when you once put into a Department an additional force to be paid by the Government, I care not how earnestly you may strive, you never can strike them down. They are there, and there they will remain. This $10,000 for this commission, for this useless, worthless, unnecessary sinecure, must go on for all time, although you have officers already paid to do the very same work, and officers who have the time to do the work and who are capable of doing it if they will be faithful.

Mr. HOOKER. Will my friend allow me to have read the provision from the law to which I referred in my remarks?

Mr. SCALES. I will do so.

Mr. HOOKER. I ask the Clerk to read that which I send to the desk.

The Clerk read as follows:

And for the purpose of enabling the President to execute the powers conferred by this act he is hereby authorized, at his discretion, to organize a board of commissioners, to consist of not more than ten persons, to be selected by him from men eminent for their intelligence and philanthropy, to serve without pecuniary compensation, who may, under his direction, exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act or any part thereof that the President may designate; and to pay the necessary expenses of transportation, subsistence, and clerk hire of said commissioners while actually engaged in said service there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary.

Mr. SCALES. If this commission is continued, I say here in my place to-day that there will be no justification for it, except upon the assumption that your Secretary of the Interior will not do his duty, upon the assumption that your Commissioner of Indian Affairs will commit fraud or allow others to do so, except upon the assumption that the agents which you have appointed throughout the country will commit fraud or allow fraud to be committed. It is upon that assumption alone that this action can be justified; it can be justified in no other way.

If these officers do their duty, there is not a man who now hears me who does not know that all this fraud can be prevented. Suppose the goods are bought and inspected by these commissioners; how do you know that those goods will not be changed in transit? How do you know the same goods will reach the agency? You cannot know; you must depend upon the agent; and he can continue to cheat you now as he has done before. The commission cannot prevent him from doing it, or if they can, you have inspectors to do the very same work which it is proposed you shall employ this commission to do.

I appeal to this House in the hope that the time has come when we will cut down this extraordinary and uncommon expense. It is true it is but a few thousand dollars, only $10,000. It is true these men are honorable gentlemen; I have not a word to say against them. But, although they are honorable gentlemen, that is no reason why Congress should pay honorable gentlemen to do what we now have paid officers with large salaries to do.

Another point which I desire to answer. One gentleman gets up

here and says that there have been great reforms since this commission was appointed. Is that so? You have added to your labor; you have covered up some of the work, but in my opinion you have added nothing to the efficiency of the service. And I do not believe you have added anything to its purity; and in saying that I do not intend to say one word against anything they have done.

I have no more to say. I hope this House will stand by what it has done. I hope we will not now undo what we have before done. We yielded partially to the Senate a year ago, and then the Senate afterward put a provision on another appropriation bill which ought not to have been there. I hope this House will stand by what it has done. I hope we will adhere to our position and not undo that which we have heretofore agreed upon.

Mr. WELLS. I call the previous question.

The SPEAKER. The gentleman from Missouri [Mr. WELLS] calls the previous question on the series of motions presented.

The previous question was ordered; there being—ayes 88, noes 28.

Mr. WELLS moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The vote will now be taken on the motion of the gentleman from Michigan, [Mr. CONGER.]

Mr. HAYES. Will the Chair state that motion?

The SPEAKER. The motion of the gentleman from Michigan is that the House recede from its disagreement to the amendments of the Senate, and agree to the same, the effect of which would be to pass the bill with the amendments of the Senate.

Mr. CONGER. We may as well have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 105, nays 124, not voting 62; as follows:

YEAS—105.

Acklen,	Cowgill,	Lapham,	Sapp,
Aldrich, N. W.	Crapo,	Lindsey,	Shallenberger,
Aldrich, William	Daggett,	Marsh,	Sherwin,
Anderson,	Davis, George R.	McCoid,	Smith, A. Herr
Atherton,	Davis, Horace	McCook,	Starin,
Bailey,	De La Matyr,	McKinley,	Stone,
Baker,	Deering,	Miles,	Taylor, Ezra B.
Ballou,	Dick,	Miller,	Thomas,
Barber,	Dunnell,	Mitchell,	Thompson, W. G.
Bayne,	Dwight,	Monroe,	Townsend, Amos
Bingham,	Felton,	Morton,	Tyler,
Bisbee,	Ferdon,	Murch,	Updegraff, J. T.
Blount,	Ford,	Neal,	Updegraff, Thomas
Bowman,	Gillette,	Norcross,	Urner,
Boyd,	Godshalk,	O'Neill,	Voorhis,
Brewer,	Hall,	Orth,	Wait,
Briggs,	Harmer,	Osmer,	Ward,
Browne,	Haskell,	Pacheco,	Weaver,
Burrows,	Hawk,	Prescott,	Wilber,
Butterworth,	Hawley,	Price,	Williams, C. G.
Calkins,	Hayes,	Ray,	Willits,
Camp,	Hazelton,	Reed,	Wood,
Carpenter,	Heilman,	Richardson, D. P.	Yocum,
Caswell,	Hiscock,	Robeson,	Young, Thomas L.
Chittenden,	Hubbell,	Robinson,	
Claflin,	Keifer,	Ryan, Thomas	
Conger,	Ketcham,	Ryon, John W.	

NAYS—124.

Aiken,	Dunn,	Lounsbery,	Smith, Hezekiah B.
Bachman,	Elam,	Lowe,	Smith, William E.
Beale,	Ellis,	Manning,	Sparks,
Berry,	Errett,	Martin, Benj. F.	Speer,
Bicknell,	Evins,	Martin, Edward L.	Springer,
Blackburn,	Forney,	McLane,	Steele,
Bouck,	Forsythe,	McMahon,	Stephens,
Bragg,	Fort,	McMillin,	Stevenson,
Bright,	Frost,	Mills,	Talbott,
Buckner,	Geddes,	Money,	Taylor, Robert L.
Cabell,	Gibson,	Morrison,	Thompson, P. B.
Caldwell,	Goode,	Muldrow,	Tillman,
Cannon,	Gunter,	Muller,	Townshend, R. W.
Carlisle,	Hammond, N. J.	New,	Turner, Oscar
Chalmers,	Harris, John T.	O'Reilly,	Turner, Thomas
Clark, John B.	Hatch,	Persons,	Upson,
Clements,	Henkle,	Phelps,	Valentine,
Clymer,	Herbert,	Philips,	Vance,
Cobb,	Herndon,	Phister,	Waddill,
Colerick,	Hooker,	Poehler,	Washburn,
Converse,	Hostetler,	Richardson, J. S.	Wellborn,
Cook,	Hunton,	Robertson,	Wells,
Covert,	Hurd,	Rothwell,	Whiteaker,
Cox,	Hutchins,	Samford,	Whitthorne,
Cravens,	Johnston,	Sawyer,	Williams, Thomas
Culberson,	Jones,	Scales,	Willis,
Davidson,	Kenna,	Shelley,	Wilson,
Davis, Joseph J.	King,	Simonton,	Wise,
Davis, Lowndes H.	Klotz,	Singleton, J. W.	Wright,
Deuster,	Ladd,	Singleton, O. R.	Yeates,
Dibrell,	Le Fevre,	Slemons,	Young, Casey.

NOT VOTING—62.

Armfield,	Clardy,	Fisher,	House,
Atkins,	Clark, Alvah A.	Frye,	Humphrey,
Barlow,	Coffroth,	Hammond, John	James,
Belford,	Crowley,	Harris, Benj. W.	Jorgensen,
Belzhoover,	Dickey,	Henderson,	Joyce,
Blake,	Einstein,	Henry,	Kelley,
Bland,	Ewing,	Hill,	Killinger,
Bliss,	Field,	Horr,	Kimmel,
Brigham,	Finley,	Houk,	Kitchin,
Knott,	Newberry,	Reagan,	Tucker,
Loring,	Nicholls,	Rice,	Van Aernam,
Mason,	O'Brien,	Richmond,	Van Voorhis,
McGowan,	O'Connor,	Ross,	Warner,
McKenzie,	Overton,	Russell, Daniel L.	White.
Morse,	Page,	Russell, W. A.	
Myers,	Pound,	Scoville,	

So the motion of Mr. CONGER was not agreed to.

During the roll-call,

Mr. SCALES said: Mr. Speaker, I think this question is not understood. A vote in the negative on this question is, I believe, a vote against continuing the commission.

The SPEAKER. An affirmative vote would have the effect of terminating the further disagreement with the Senate. That body, the Chair will take the liberty of stating, has insisted on the continuation of the commission.

Mr. SCALES. Those who vote "no," vote to discontinue the commission.

When the roll-call was concluded, the following pairs were announced:

Mr. TUCKER with Mr. FRYE, both gentlemen being absent by order of the House.

Mr. OVERTON with Mr. ROSS, until further notice.

Mr. CLARDY with Mr. RUSSELL of Massachusetts.

Mr. VAN VOORHIS with Mr. EWING.

Mr. PAGE with Mr. HENRY.

Mr. NICHOLLS with Mr. JOYCE.

Mr. JAMES with Mr. O'BRIEN.

Mr. KELLEY with Mr. MCKENZIE.

Mr. REAGAN with Mr. HARRIS of Massachusetts.

Mr. HOUSE with Mr. HOUK.

Mr. BOYD. I wish to state that my colleague, Mr. HENDERSON, is absent from the House on account of sickness.

The result of the vote was announced as above stated.

Mr. WELLS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The questions now recurs on the motion of the gentleman from Missouri [Mr. WELLS] that the House insist on its disagreement to the amendments of the Senate, and agree to the further conference asked by that body.

Mr. CONGER. Would it be in order to couple with this a motion for instructions to the committee of conference?

The SPEAKER. The Chair does not think this is in the nature of an instruction. It merely reasserts the former judgment of the House.

Mr. CONGER. But I ask whether it would be in order to insist with instructions?

The SPEAKER. The motion to insist is recognized by the rules, and the other part of the motion becomes necessary because the Senate has asked for a further conference. The Chair does not think this action is in the nature literally of an instruction. There might be some controversy as to the power of the House to instruct; but the Chair does not think that question is now presented.

Mr. CONGER. As I understand we are instructing the conference committee by insisting.

The SPEAKER. The motion to insist is the only way in which the bill could get to a conference, so that an agreement might be reached between the two Houses. It is a motion known to the rules.

Mr. CONGER. Then I understand that the former conference committee has exhausted itself, and a new one must now be appointed?

The SPEAKER. Technically a new one; but it does not follow that it must be composed of different individuals. In fact the committee as named by the Senate for the further conference embraces the same Senators previously appointed.

Mr. CONGER. But technically it is a new conference.

The SPEAKER. Yes, technically it is a new conference. The question is on the motion of the gentleman from Missouri [Mr. WELLS] that the House insist upon its disagreement to the amendments of the Senate, and agree to the further conference asked on the disagreeing votes of the two Houses.

Mr. WELLS's motion was agreed to.

The SPEAKER. The Chair appoints as the managers of said conference on the part of the House Mr. WELLS, Mr. SINGLETON of Mississippi, and Mr. HUBBELL.

PENSION APPROPRIATION BILL.

The SPEAKER. The Chair also appoints as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for other purposes, Mr. HUBBELL, Mr. FORNEY, and Mr. MCMAHON. The gentleman from Kentucky, [Mr. BLACKBURN,] a member of the sub-committee, is also a member of two other committees, and stating he had not time to serve on this committee, he was excused and Mr. MCMAHON appointed in his place.

EXPLANATION.

Mr. ATKINS. I wish to state, Mr. Speaker, that I was not able to be present at the time the vote was taken by yeas and nays on the

subject of disagreement between the two Houses on the Indian appropriation bill. The question was to recede from the disagreement of the House to the amendment of the Senate in reference to the peace commission. I wish to state now that if I had been present I should have voted in the negative.

The SPEAKER. The gentleman's statement goes into the RECORD, and he has accomplished his purpose of placing on record the way in which he would vote.

SAMUEL B. HUTCHINSON.

Mr. KLOTZ. Mr. Speaker, I ask, by unanimous consent, to take from the Speaker's table a bill (H. R. No. 3100) granting relief to Samuel B. Hutchinson, which has been returned from the Senate with an amendment. If the bill be taken up I shall move to concur in the Senate amendments, so that the bill may pass and go at once to the President.

The SPEAKER. The Chair desires to give notice that to-morrow morning he will ask to take from the Speaker's table a number of pension bills, which originated in the House and have been returned from the Senate with mere verbal amendments. It seems a pity to have such bills fail when they have passed both Houses, and only lack consideration of, and action on, mere verbal amendments from the Senate. The gentlemen who are interested in such pension cases will take notice and be on hand early.

Mr. DUNN. I demand the regular order of business.

Mr. KLOTZ. Does the gentleman object to my bill?

Mr. DUNN. I demand the regular order of business.

DEATH OF FONTAINE W. MAHOOD.

Mr. KENNA. Mr. Speaker, I rise for the purpose of announcing the death of Mr. F. W. Mahood, late stationery clerk of the House. Many of the members on this floor will bear testimony to the faithful performance of duty by Mr. Mahood during the six years he occupied that position. After a lingering illness of a number of months, which illustrated his energy and his fortitude, he died in Washington yesterday morning at half past two o'clock. Without detaining the House to make any comment whatever on his high character or the eminent merit which every member on this floor who knew him either in his personal or official capacity will acknowledge, I offer the following resolution, which, I understand from the precedents, is usual, and I hope, as others heretofore have passed the House, this also will pass unanimously:

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay the expenses of the last illness and funeral of Fontaine W. Mahood, late stationery clerk of the House of Representatives, to an amount not exceeding $500; and he is hereby further authorized and directed to pay to the widow of the said Mahood a sum equal to his pay as stationery clerk as aforesaid for one year; and all payments herein authorized and directed shall be made out of the contingent fund of the House, subject to the approval of the Committee on Accounts.

The resolution was unanimously adopted.

SUSPENSION OF RULES.

The SPEAKER. The regular order having been demanded and this being the third Monday of the month, motions for a suspension of the rules are now in order where such suspensions are directed to be moved by committees of the House. The call of committees for such motions rests with the Committee on Indian Affairs.

CHOCTAW CLAIM.

Mr. HOOKER. I am directed by the Committee on Indian Affairs to move that the rules be suspended and the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation, reported from the Committee on Indian Affairs with an amendment, and that the amendment be agreed to and the bill passed. This is the unanimous action of the Committee on Indian Affairs. I shall ask first for the reading of the bill and amendment and then for the reading of the brief accompanying report.

The bill was read, as follows:

Be it enacted, &c., That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the Choctaw Nation, and to render judgment thereon; and the Attorney-General is hereby directed to appear in behalf of the Government, and if said court shall decide against the United States, the Attorney-General shall, within thirty days from the rendition of judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered the said Choctaw Nation may also appeal to said Supreme Court: *Provided*, The appeal of said Choctaw Nation shall be taken within sixty days after the rendition of said judgment; and the said courts shall give such cause precedence.

SEC. 2. Said action shall be commenced by a petition stating the facts on which said nation claims to recover and the amount of its claim; and said petition may be verified by either of the authorized delegates of said nation as to the existence of such facts, and no other statements need be contained in said petition or verification.

The amendment was read, as follows:

In the first section, after the words "judgment thereon," insert these words:

"Power is hereby granted the said court to review the entire question of differences *de novo*, and it shall not be estopped by any action had or award made by the Senate of the United States in pursuance of the treaty of 1855."

The SPEAKER. The Chair hears no demand for a second. Is debate desired, and if so for what time?

Mr. HOOKER. Under the rules fifteen minutes is allowed on each side.

The SPEAKER. Under the practice heretofore adopted at the suggestion of the Chair the friends of the proposition in reference to which suspension is moved will occupy ten minutes, and then fifteen minutes are given to those opposed to it, leaving the last five minutes to those in favor of the measure.

Mr. HOOKER. Mr. Speaker, I will in a few minutes say all I desire to say to the House on this subject. It is known to most of the members of the House who have been here for some sessions of Congress that this matter has been pending for a great number of years. The liability on the part of the Government was created by the treaty of 1855, by which the Senate of the United States was constituted an umpire to determine by arbitration whether anything was due to the Choctaw people, and, if so, how much. They decided on the 9th of March, 1859, as the accompanying report demonstrates, by resolution allowing the net proceeds of the lands of these Indians east of the Mississippi, which they had ceded in 1830, and requiring the Secretary of the Interior to report to Congress the amount due under the prescribed principles of settlement. The arbitration made by the Senate determined what that principle should be. It was decided that the Choctaw Nation was entitled to $1.25 for the lands which had been sold prior to January of a certain year, and twelve and one-half cents an acre for lands sold afterward. This was the award of the Senate in 1859. It remains as yet undisposed of. It remains unpaid with the exception of $500,000 which was paid at one time. There have been thirteen reports made in favor of this claim, all showing a large amount due. Old Colonel Pitchlyn, for twenty-five or thirty years served here as the representative of his people and the delegate of his nation with a view to have this matter adjusted and settled on an equitable basis for the Indians.

Mr. STEVENSON. May I ask the gentleman from Mississippi a question? I would like to know how much this bill proposes to appropriate?

Mr. HOOKER. Simply whatever the Court of Claims shall give. This bill proposes to refer the whole matter to the Court of Claims to ascertain whether anything whatever is due to the Indians, and if anything is due what amount. It is even proposed to allow the Court of Claims to go behind the arbitration already awarded by the Senate in favor of these Indians.

Mr. SPRINGER. Is any sum appropriated by this bill whatever; and if not, is not the design or object of it that Congress may hereafter make an appropriation to cover whatever sum may be adjudicated as due by the Court of Claims?

Mr. HOOKER. That is the sole object of the bill.

Mr. STEVENSON. I would like to ask what has been the cause of delay in regard to this matter, and why it has not been acted upon before?

Mr. HOOKER. The reason is because they could never get it up for consideration or have it attached to an appropriation bill. They never could get action upon it by the House. Now, the Committee on Indian Affairs, anxious to dispose of the question and rid itself and the Legislature of the Government from any further trouble in reference to this matter, proposes again to refer it to a court of the United States—the Court of Claims—to ascertain and report the entire matter in dispute as to whether anything is due, and if anything is due, what amount.

Mr. THOMPSON, of Kentucky. I would like to ask the gentleman from Mississippi a question. Whether the object of this bill is to abandon the arbitration already made by the Senate in favor of these Indians; in other words, to go behind that arbitration and open up the whole question?

Mr. HOOKER. That is the intent of the bill. It passes behind the question of arbitration and opens up the whole subject so that the Court of Claims may investigate it thoroughly.

I now yield five minutes to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. Mr. Speaker, I do not propose to discuss the merits of this bill. Many years ago I examined most carefully the provisions of bills introduced in regard to this claim. As has been stated there has never failed to be a favorable report from some twelve or fifteen committees who have examined the subject. Each one of these committees reported that the Choctaw Nation was entitled to payment for this land. Old Chief Pitchlyn has been here ever since I have been a member of Congress mildly and equitably urging the claim of his people before Congress and before the committee; and all the committees of the House and Senate have reported favorably upon it.

At one time the House did act favorably upon this matter, but it was not reached in the Senate. At another time I think the Senate passed favorably upon the bill but it failed to be acted upon in that Congress by the House. As a last resort this bill provides that the arbitration of the Senate and all of its provisions be repealed, and that the Court of Claims should have power to investigate the whole question, and if they find that there is anything due under this treaty with the Choctaw Nation, they shall declare and certify it to Congress. The Government under the provision of this bill is fully protected. If the judgment of the Court of Claims be, according to the opinion of the law officers, erroneous in any respect, provision is made for taking the whole question to the Supreme Court of the United States. I most sincerely hope that after a thorough examination of all the provisions of the bill it may pass the House at this time.

Mr. HOOKER. I now yield five minutes to the gentleman from Kentucky.

Mr. CARLISLE. Mr. Speaker, it is not my purpose to attempt, in the short time allowed me, to discuss the merits of this Choctaw claim, and in fact it is not necessary in the consideration of this bill for this House to come to any conclusion whatever as to whether or not the Government of the United States is indebted to this tribe of Indians, because that is the very question which the bill proposes to submit to the judicial determination of the Court of Claims and the Supreme Court. In 1855 a treaty was negotiated with this tribe of Indians, which was not ratified, however, until March, 1856. This treaty provided that all questions at issue between the Government and the Indians as to the existence of their claims on account of lands sold by the Government should be submitted to the arbitration of the United States Senate, a tribunal in which one of the parties to the controversy had no representation and no voice whatever. In 1859 the Senate, after its committee had made a thorough investigation of the subject, determined that these Indians should have the net proceeds of the sale of lands after deducting the expenses to which the Government had been subjected in making the sales, and directed the Secretary of the Interior to make an account and report the amount received from the sales and the amount of money expended in effecting them. That report was made in accordance with the law, and in 1861 the Senate, by a vote of 29 to 15, nearly two to one, passed a bill to pay these Indians the sum of $1,202,000 as an "undisputed balance" due them, and so stated on the face of the bill.

That bill came to this House and was not agreed to; but instead of it a bill was passed directing the Secretary of the Treasury to pay to the Indians the sum of $500,000 "on account" of their claims against the Government, $250,000 to be paid in cash and $250,000 in bonds. The cash payment was made, but the amount of $250,00 in bonds provided for in that statute has never to this date been delivered to those Indians.

Mr. STEVENSON. Is that the foundation for the claim that they have been paid in full?

Mr. CARLISLE. It is not. There is no claim, so far as I know, that these Indians have been paid in full, except an assertion which was made by one of the Solicitors of the Treasury by the name of Banfield, a few years ago, in which he went back to a receipt given to the Government by this tribe of Indians in November, 1852, three years before the treaty was made and seven years before the award which it is now proposed to submit to the adjudication of the court.

The SPEAKER. Ten minutes of the time allotted to the gentleman from Mississippi [Mr. HOOKER] have expired.

Mr. CARLISLE. I wish only one minute more.

Mr. MILLS. I hope the gentleman from Mississippi will let me explain that point.

Mr. CARLISLE. Now, as I have said, gentlemen may entertain different views as to the amount which is due to these Indians; and some even may suppose there is nothing whatever due them. But I think I can affirm, without impeachment of the capacity of the individual members of this House, that no tribunal less qualified to adjudicate upon such a claim than this House can be found anywhere. If this had been an award in favor of a foreign government it would have been paid twenty years ago. If any gentleman will contrast the action of the Government of the United States with reference to the Halifax fishery award and other awards adjudicating claims between this Government and foreign nations with its action in reference to this award, made in behalf of a poor and friendless tribe of Indians, he will see the vast difference between the treatment accorded to the one and the treatment accorded to the others. It is a disgrace and a shame, in my judgment, to this great nation that it will not give to this tribe of Indians at least the poor privilege of bringing a suit against it in its own courts, with the express provision that the Attorney-General shall take the case to the Supreme Court of the United States in case the judgment shall be against the Government.

Mr. HOOKER. How much of my time is exhausted?

The SPEAKER. Eleven minutes. The gentleman from Georgia [Mr. BLOUNT] is recognized in opposition to the motion to suspend the rules.

Mr. BLOUNT. This is a very old claim. It was fully discussed before the war; and so far from its being regarded then, as the gentleman from Kentucky [Mr. CARLISLE] regards it now, as an outrage upon a poor tribe of Indians, the debates disclosed that some of the ablest men of this country looked upon it as a deliberate attempt to enforce a fraudulent claim against this Government.

The gentleman from Mississippi, [Mr. HOOKER,] a few moments ago, in answer to a question by the gentleman from Illinois [Mr. STEVENSON] why this matter had not been disposed of before, said it was because there had never been an opportunity to put it on an appropriation bill; there never was an opportunity to have it discussed before the House of Representatives. I remember quite well in the Forty-third Congress, when the Committee on Indian Affairs reported this question, a Representative at that time from the State of Missouri, Mr. Comingo, argued it at length for the space of one hour, and it was discussed here for many hours deliberately, and the proposition was deliberately voted down by this House. The impression made at that time by the debate upon the House was that the claim was wrong and ought not to be paid.

The claim was again before the House in the Forty-fourth Congress and was discussed. It has had repeated discussions upon this floor and it has never had a successful issue upon those discussions.

Mr. HOOKER. If the gentleman from Georgia will permit me I will say the only discussion this bill has ever had was one night in the last session of Congress——

Mr. BLOUNT. I do not yield.

Mr. HOOKER. This is always said to be an old soldier. It grows older every time you postpone it.

Mr. BLOUNT. Yes, sir. It grows older every time you postpone it. That is true; but it seems to grow stronger, because while the testimony of the Government grows weaker the facilities for strengthening the testimony against the Government are generally found to be much greater.

Now, sir, what is the proposition? Here is an old claim a quarter of a century old that is to have the pre-eminence over the vast number of claims upon that Calendar, and that shall go to the Court of Claims with all the disadvantages of age against the Government, shall go to the Court of Claims when the policy of the Government has been against it, when you are denying that privilege to thousands of claimants, when you do not know what is the extent of the sum that may be involved in it and which will have perhaps a great deal to do with the amount of effort made for the success of the litigation.

The gentleman from Mississippi has well said that he cannot tell what it may amount to. Then why is it that such pre-eminence is given to this claim, that it shall go to the Court of Claims, while that privilege is denied to others?

Mr. HOOKER. If the gentleman will look to the report——

Mr. BLOUNT. I do not yield.

Mr. HOOKER. You do not want information.

Mr. BLOUNT. I do not want to yield to the gentleman. I do not think this House ought to yield to the gentleman now. We cannot say what sum is involved in this old claim, as I have said a quarter of a century old.

Mr. HOOKER. The report shows it.

Mr. BLOUNT. Much of the testimony on behalf of the Government may have disappeared, and it is an utter impossibility in the time allowed here without notice to gather up the facts that legitimately belong to this debate, and the reasons which have induced Congress for many long years to refuse to entertain the idea of appropriating money for the payment of this claim or the idea of submitting it to the courts.

I have said this much, because it is impossible for me to go into the merits of this question, and I shall not undertake to do so. I trust that this old claim that has been argued and discussed here for years shall not, under a suspension of the rules, be given pre-eminence over the vast number of other claims against the Government which are upon our Calendars.

Mr. SPARKS. I desire to say a few words on this subject. I had something to do with this old moss-backed claim as a former member of the Committee on Indian Affairs, and recollect that in a document which I have sent for the then Secretary of the Treasury, Mr. Boutwell—I am now speaking from memory—substantially reported that this claim and every dollar due upon it had been paid and receipted for. And if I remember aright, a copy of the receipt is given in that report.

My friend from Georgia [Mr. BLOUNT] is a little wrong in stating the age of this claim as being a quarter of a century. I think it is a little over thirty years old, perhaps a third of a century. I know it has been here ever since I have been in Congress. It was defeated in the Forty-fourth Congress. We had it up for consideration at a night session less than a month ago, when we had all the documents before us, and it was then thoroughly discussed. It was then defeated, or passed over——

A MEMBER. The point was raised of there being no quorum present which broke up the session.

Mr. SPARKS. Something was done with it; at all events it did not get through. Now I rely largely in this discussion upon the report of the Secretary of the Treasury made a number of years ago. The report referred to has now reached me from the document-room. It is Executive Document No. 69, to the third session of the Forty-Second Congress. Perhaps the best argument I can make would be to read from this report. Mr. Boutwell says:

TREASURY DEPARTMENT,
Office of the Secretary, January 6, 1873.

SIR: I have the honor to transmit herewith a report made by the Solicitor of the Treasury upon the claim against the Government known as the Choctaw claim. In this report the origin, nature, and history of the claim are fully presented. The Solicitor finds that the claim has not only been paid, but that it is barred by a receipt or acknowledgment of full satisfaction, given by the authorities of the Choctaw Nation in the year 1852. A photographic copy of the paper referred to is also transmitted.

After such an examination as I have been able to give to the subject, I concur in the conclusion reached by the Solicitor.

* * * * * * *

GEORGE S. BOUTWELL,
Secretary.

To JAMES G. BLAINE,
Speaker of the House of Representatives.

Mr. CARLISLE. That was before this treaty was made.

Mr. SPARKS. That was twenty-nine years ago. Subsequently the matter was reopened by some legerdemain process, and a treaty, or

something of that kind, was gotten up by which the claim was still kept alive, and upon which the present proceedings are based.

Mr. HOOKER. The treaty was made in 1855.

Mr. SPARKS. There will be no controversy between gentlemen and myself on this point if they will but hear me. A treaty prior to that time (1852) had been made, and in relation to which this report of the Secretary of the Treasury was submitted. Subsequently, (namely, in 1855,) the claim was revived and a new treaty, or something of that kind, was made by which the matter was to be submitted to the Senate, &c.

Mr. HOOKER. The treaty of 1855 was the treaty under which, by the eleventh article of that treaty, this question was submitted to the award of the Senate.

Mr. SPARKS. I shall not object, but will not be diverted from the main point at issue by these interruptions. The Secretary of the Treasury has stated that the claim has not only been paid, but that it is barred by a receipt or acknowledgment of full satisfaction given by the authorities of the Choctaw Nation in the year 1852, and I will now read that receipt or acknowledgment of payment.

Whereas by an act of Congress entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," it is provided that after the 30th day of June, 1852, all payments of interest on the amounts awarded Choctaw claimants, under the fourteenth article of the treaty of Dancing Rabbit Creek, for lands on which they resided, but which it is impossible to give them, shall cease; and that the Secretary of the Interior be directed to pay said claimants the amount of principal awarded in each case respectively, and that amount necessary for this purpose be appropriated, not exceeding $872,000; and that the final payment and satisfaction of said awards shall be first ratified and approved as a final release of all claims of such parties under the fourteenth article of said treaty, by the proper national authority of the Choctaws, in such form as shall be prescribed by the Secretary of the Interior: Now, be it known that the said general council of the Choctaw Nation do hereby ratify and approve the final payment and satisfaction of said awards, agreeably to the provisions of the act aforesaid, as a final release of all claims of such parties under the fourteenth article of said treaty.

A. NAIL, *Speaker.*

November 6, 1852.

Passed in the Senate.

D. McCOY, *President.*

Approved.

GEORGE W. HARKINS.
GEORGE FOLSOM.

Mr. HOOKER. What is the date of that report?

Mr. SPARKS. The report is dated January 6, 1873. But the receipt, as will be seen, was given November 6, 1852.

Mr. HOOKER. The receipt referred to in that report was before the treaty submitting the matter to the award of the Senate.

Mr. SPARKS. Precisely so; and it shows how necessary it is to kick out of Congress these old defunct claims, for in this case, notwithstanding, as the Secretary of the Treasury (who thoroughly examined into it) states, this claim had been paid, and that there was a receipt or acknowledgment distinctly showing that fact; yet by some trickery it was afterward revived and again presented to Congress, where it has from thence hitherto been urged by an adroit lobby for repayment. And now, after all this, we are asked by this bill to still further vitalize and submit this once paid and antiquated claim to the Court of Claims for adjudication, nearly a third of a century subsequent to its original adjustment and payment, as certified to by the highest official of the Treasury Department.

I do not care anything about a bogus treaty or arrangement gotten up since 1852. It is plain that it was adjusted and paid in 1852; and if you go on now and submit this "old stager" to the Court of Claims, however fraudulent it may be, it is by no means certain that the Government may not have to pay two or three million dollars in the end; there is no telling how much. It is notoriously a fraud, and we ought at once to sit down on it.

Mr. FORT. I suppose I have had as much or more correspondence in reference to this claim with the chiefs of the Choctaw Nation than perhaps any other gentleman on this floor. I hold here in my hand several long communications covering nearly a hundred pages of foolscap from the Coleman Cole Choctaw chiefs in reference to this claim, and from other Indians of that nation. I have also letters from P. Pitchlyn and several others, and have had many personal conferences with them.

It originated under the treaty of 1830, and indeed relates back to the treaty of 1820, a long time ago; and has been pending in one form or another ever since 1856, but was never presented till about 1855. It is impossible to go over the whole history of this case now. It would take several hours to do so. Ever since I have been in this House this claim has been here, and I have deemed it to be my duty to oppose it whenever it came up.

It is now presented in another and less objectional shape; and perhaps it may be well to pass this bill if it is properly guarded. This matter should be ended in some way. If the Attorney-General is vigilant and collects all the evidence and presents it to the court there can be no wrong done. The question is whether or not any of this money is due the Choctaws, and if so how much. There is certainly not anything like so large a sum due as is claimed.

The claim is for over two millions of dollars. Congress at one time appropriated $500,000 for the payment of this claim, and it is probable, from what I have ascertained, that Congress was then of the opinion that $500,000 was all that should be paid. I have here long correspondence from Coleman Cole, principal chief of the Choctaw Nation, who is now ex-chief, I believe, in which he shows, as I understand him, that not one single dollar of that $500,000 ever reached the representatives of the Choctaw Nation or any of that people, but it all went into the hands of, and was used up by, the agents who then had control of the claim. It may be, from what I have learned, that these claim agents induced Congress to believe that if they would appropriate $500,000 that would be the end of it, and it is true that receipts in full were given to the United States by the agents of the Choctaw Nation for the whole claim.

This principal chief, and ex-governor of the Choctaw Nation, who has written to me so often, seems to be an honest man, and he frankly states that as the representative of that nation he does not claim that there is so much due under this treaty as the amount reported by the committee's report accompanying this bill. He says that it was not the fault of the United States that the $500,000 appropriated was not paid to the Indians, and he, as I understand, does not claim arrearages of interest. The interest being the principal part of this claim, I believe he makes out that $899,563.90 is all that is now honestly due to the people of the Choctaw Nation, notwithstanding this report claims that over two millions of dollars ought to be paid them. This claim, as I understand, is not pressed by the Choctaws, but is in the hands of a syndicate of claim agents of this city, who have perhaps bought up the claim and now own it, and they are pressing it here. These claim agents used Colonel Peter Pitchlyn, a Choctaw ex-chief, lately deceased, as the authority for their action in urging this claim upon Congress. It is claimed by some of the Choctaws that he had no authority to represent them in the matter of this claim. Whatever of this money may be due is for lands in Mississippi, and is due to individual Indians and not to the Choctaws as a tribe; and it is not likely that there is a single Indian now living who was one of the original claimants for his individual lands fifty years ago. This money belongs to unknown heirs in a great measure, so the bill ought to provide that the money should be paid to the proper parties, if to any persons. The Choctaws admit that the United States was not properly called upon for this money until 1856, and hence claim no interest for any time before that date. And yet these claim agents demand interest under all former bills, and hope to recover interest under this bill for forty-one years. I desire that every honest claim shall be paid; especially should we pay the Indian all we owe him.

I have always strenuously opposed all former bills to pay this claim, because it allowed the whole sum and a vast amount for arrearages of interest, and made no deduction for what had been paid. But, as this bill refers the question to the Court of Claims, it may be best and I presume is best and all right to pass it. I believe there is something due the individual Choctaws. I cannot figure it out, however, to be more than $899,563.90, and it is perhaps not even so much as that.

I wish merely to call attention to these matters; and if this bill passes I desire that the Attorney-General may have the benefit of these references and papers to show that the honest Choctaws themselves do not claim that there is so much money due them as this claim represents.

Mr. ROBINSON. Is it the claim agents who claim this large sum?

Mr. FORT. Yes; the claim agents have received $500,000, and they claim over two millions still, and they will get all of it if we are not careful, and the Indians will get none.

Mr. ROBINSON. They want the rest of it; that is it.

Mr. HOOKER. I yield two minutes to the gentleman from Kansas, [Mr. HASKELL.]

Mr. HASKELL. Mr. Speaker, as has been justly stated by the gentleman from Kentucky, [Mr. CARLISLE,] it is a matter of small importance to this House whether there is $1 due or $1,000,000. This bill does not contemplate the appropriation of a single cent. It simply proposes the lawful adjudication of this claim in the Supreme Court. Are you afraid of the Supreme Court? The gentleman from Illinois [Mr. SPARKS] says there is a receipt on file showing that the claim is settled. If there is, will not the Supreme Court of the United States take cognizance of that receipt? The gentleman also says that we appropriated $500,000 of this money. But we paid only half of that. Will gentlemen deny that the other half of the amount appropriated is due? Two hundred and fifty thousand dollars is due by their own admission, is it not?

Mr. SPARKS. There is a receipt in full.

Mr. HASKELL. Why not be fair about this matter, and pass this bill, giving to the Indian the poor privilege of going into your courts and bringing there all this damaging testimony which you say may be produced? What are you afraid of? For twenty-five years these men have stood here asking you to do something. Are we, representatives of the people, so cowardly that we dare not open our own courts to the inquiry of an Indian?

Mr. HOOKER. I yield one minute to the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. Mr. Speaker, in the Forty-third Congress I investigated this whole question. I read every paper on the subject from the time of the purchase of the Mississippi Territory from the Choctaw Indians under the treaty down to the time of my examination. In the minute now allowed me I wish to speak of the receipt which has been referred to. Under the terms of the treaty the Indians who elected to remain in Mississippi were entitled to six hundred and

forty acres of land as their homestead, and the remainder of the land was purchased by the Government. In the settlement of the individual claims this receipt was given; but it had nothing on the face of the earth to do with the original purchase of the great tract of land ceded by the Choctaw Indians to the Government of the United States.

Mr. HOOKER. I yield one minute to the gentleman from Illinois, [Mr. STEVENSON.]

Mr. STEVENSON. Mr. Speaker, I shall vote for this bill. I do not know, nor can it be clearly ascertained from this discussion, what amount is due the Choctaws or whether anything is due them. But this bill simply proposes to allow a friendly tribe of Indians to go into the courts and there establish whatever rights they may have. To refuse to pass this bill would be in violation of treaty stipulation and an act of sheer injustice to a people who cannot be heard upon this floor. For more than twenty years the Choctaws have endeavored to have an adjudication of what they consider an honest claim against the Government for their lands. The pending bill simply proposes to give them a hearing in a court of justice. For the reason, Mr. Speaker, that I am willing to trust the courts, and for the further reason that I am unwilling to do injustice to a people who have so much cause to complain of our treatment in the past, I shall vote for this bill.

Mr. HOOKER. Mr. Speaker, how much time have I remaining?

The SPEAKER. Half a minute.

Mr. HOOKER. I yield that to the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. Mr. Speaker, I shall vote for this bill for the reason stated by my colleague, [Mr. STEVENSON.] I desire that every private claim before this Congress shall be referred to some competent judicial tribunal, in order that we may ascertain by judicial processes how much the Government owes. The question with me is as to the amount of our obligation under the law. When that has been determined, I am willing to pay it. But I am opposed to the adjudication of any private claim by Congress. I think this bill proposes a proper method of disposing of all private claims.

The SPEAKER. The question is now on the motion of the gentleman from Mississippi [Mr. HOOKER] to suspend the rules and pass this bill with the amendment recommended by the Committee on Indian Affairs.

Mr. BLOUNT. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 175, nays 44, not voting 72; as follows:

YEAS—175.

Acklen,	De La Matyr,	Kimmel,	Shallenberger,
Aiken,	Dibrell,	King,	Shelley,
Aldrich, William	Dickey,	Klotz,	Sherwin,
Anderson,	Dunn,	Ladd,	Simonton,
Bachman,	Dunnell,	Lapham,	Singleton, J. W.
Bailey,	Dwight,	Lindsey,	Singleton, O. R.
Ballou,	Einstein,	Lowe,	Slemons,
Barber,	Elam,	Manning,	Smith, Hezekiah B.
Beale,	Ellis,	McKinley,	Smith, William E.
Belford,	Errett,	McLane,	Speer,
Bicknell,	Evins,	Mills,	Springer,
Bisbee,	Felton,	Monroe,	Steele,
Blake,	Ferdon,	Morse,	Stevenson,
Bland,	Finley,	Morton,	Stone,
Bowman,	Ford,	Muldrow,	Talbott,
Brewer,	Geddes,	Murch,	Taylor, Ezra B.
Brigham,	Gibson,	Myers,	Taylor, Robert L.
Bright,	Godshalk,	Neal,	Thomas,
Browne,	Goode,	New,	Thompson, W. G.
Buckner,	Gunter,	Newberry,	Townsend, Amos
Butterworth,	Hall,	Norcross,	Turner, Thomas
Calkins,	Hammond, John	O'Neill,	Tyler,
Camp,	Harmer,	Orth,	Updegraff, J. T.
Carlisle,	Haskell,	Osmer,	Updegraff, Thomas
Carpenter,	Hawk,	Pacheco,	Upson,
Caswell,	Hawley,	Persons,	Urner,
Chalmers,	Hayes,	Phelps,	Valentine,
Chittenden,	Heilman,	Phister,	Van Aernam,
Claflin,	Henkle,	Poehler,	Vance,
Clark, John B.	Herbert,	Pound,	Voorhis,
Clements,	Herndon,	Price,	Waddill,
Colerick,	Hill,	Reed,	Ward,
Conger,	Hiscock,	Rice,	Washburn,
Cook,	Hooker,	Richardson, D. P.	Weaver,
Cowgill,	Horr,	Richardson, J. S.	Wellborn,
Cravens,	Hostetler,	Robertson,	White,
Culberson,	Humphrey,	Robeson,	Whitthorne,
Daggett,	Hunton,	Robinson,	Williams, Thomas
Davidson,	Hurd,	Ryan, Thomas	Wilson,
Davis, George R.	Johnston,	Ryon, John W.	Wright,
Davis, Horace	Jones,	Samford,	Yeates,
Davis, Joseph J.	Keifer,	Sapp,	Young, Casey
Davis, Lowndes H.	Kenna,	Sawyer,	Young, Thomas L.
Deering,	Ketcham,	Scales,	

NAYS—44.

Aldrich, N. W.	Boyd,	Hatch,	Sparks,
Armfield,	Bragg,	Le Fevre,	Thompson, P. B.
Atherton,	Briggs,	Lounsbery,	Tillman,
Atkins,	Caldwell,	McCoid,	Turner, Oscar
Bayne,	Cannon,	McMahon,	Warner,
Berry,	Cobb,	McMillin,	Wells,
Bingham,	Covert,	Muller,	Whiteaker,
Blackburn,	Cox,	Overton,	Wilber,
Bliss,	Dick,	Philips,	Willis,
Blount,	Forsythe,	Rothwell,	Willits,
Bouck,	Hammond, N. J.	Smith, A. Herr	Wise.

NOT VOTING—72.

Baker,	Frost,	Knott,	Page,
Barlow,	Frye,	Loring,	Prescott,
Beltzhoover,	Gillette,	Marsh,	Ray,
Burrows,	Harris, Benj. W.	Martin, Benj. F.	Reagan,
Cabell,	Harris, John T.	Martin, Edward L.	Richmond,
Clardy,	Hazelton,	Mason,	Ross,
Clark, Alvah A.	Henderson,	McCook,	Russell, Daniel L.
Clymer,	Henry,	McGowan,	Russell, W. A.
Coffroth,	Houk,	McKenzie,	Scoville,
Converse,	House,	Miles,	Starin,
Crapo,	Hubbell,	Miller,	Stevens,
Crowley,	Hutchins,	Mitchell,	Townshend, R. W.
Deuster,	James,	Money,	Tucker,
Ewing,	Jorgensen,	Morrison,	Van Voorhis,
Field,	Joyce,	Nicholls,	Wait,
Fisher,	Kelley,	O'Brien,	Williams, C. G.
Forney,	Killinger,	O'Connor,	Wood,
Fort,	Kitchen,	O'Reilly,	Yocum.

So the rules were suspended and the bill, as amended, was passed.

The following additional pairs were announced from the Clerk's desk:

Mr. KILLINGER with Mr. CLYMER, on this bill.

Mr. WAIT with Mr. FORNEY, the latter being engaged in the Committee on Appropriations.

Mr. FISHER with Mr. ROSS, until further notice.

Mr. MCMAHON with Mr. HUBBELL, on this bill.

The vote was then announced as above recorded.

NEW ORLEANS AND NORTHEASTERN RAILROAD COMPANY.

Mr. SINGLETON, of Mississippi, by unanimous consent, introduced a bill (H. R. No. 7223) granting the right of way to the New Orleans and Northeastern Railroad Company through the public lands along its route between New Orleans, Louisiana, and Meridian, Mississippi; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JUDICIAL SYSTEM OF MONTANA.

Mr. BOUCK. I am directed by the Committee on the Territories to move that the rules be suspended and the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 1319) to reorganize the judicial system of the Territory of Montana, and be passed.

The bill was read, as follows:

Be it enacted, &c., That hereafter the supreme court of the Territory of Montana shall consist of a chief-justice and three associate justices, two of whom shall constitute a quorum, and they shall hold their offices for four years and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of said Territory; but no judge shall sit at the hearing of any cause in said supreme court which cause was heard or tried before him.

SEC. 2. The said Territory of Montana shall be divided into four judicial districts, and a district court shall be held in each district of the Territory by one of the justices of the supreme court, at such time and place as may be prescribed by law; and each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 3. That an additional associate justice of the supreme court of said Territory of Montana shall be appointed in the manner now provided by law, who, until otherwise assigned as now provided by law, shall hold a district court, at such times and places as may be prescribed by the governor of said Territory, within and for the county of Custer, and such other newly organized counties in said Territory as may be attached thereto for judicial purposes; and said district shall be known and designated as the fourth judicial district of said Territory.

SEC. 4. That the additional associate justice hereby provided for shall be entitled to all the rights, privileges, and to the same compensation, and shall be subject to all the provisions of law applicable to the present associate justices of the supreme courts of the Territories, except as otherwise herein provided.

The SPEAKER. Is there a second to the motion to suspend the rules?

Mr. WHITE. I understand this increases the number of justices one; I should like to have some explanation of it.

Mr. BOUCK. Let the report be read. It gives all the facts of the case, if gentlemen will only listen to it.

The report was read, as follows:

The Committee on the Territories, to whom was referred the bill (H. R. No. 1319) to reorganize the judicial system of the Territory of Montana, report:

That we find that the said Territory is about six hundred miles long and three hundred miles wide.

The western or mountainous portion was first filled with a mining and agricultural population, is divided into three judicial districts, all very large, and having such an amount of business before the courts as can scarcely be disposed of.

The eastern counties of the Territory, more recently organized, and now being more rapidly settled than any other portion, have no judicial facilities, but have been temporarily attached to the older districts.

It was at one time contemplated to create a new Territory out of this portion of Montana and the western part of Dakota, but it was deemed more economical to give an additional judge to Western Dakota, which has been done, and one to Eastern Montana, which this bill proposes.

This would maintain order and administer justice quite as well and save the expense of a new territorial government.

Miles City, the county seat of Custer, and the nearest county town in the eastern counties, is four hundred and thirty-three miles distant from Virginia City, the only point in the judicial district to which these counties are temporarily attached where a United States court can be held.

The fees and mileage of marshals, witnesses, and jurors over this great distance amount to a very large sum; so much so that it is clear that to establish a court for these eastern counties is not only a matter of necessity, but of economy.

The letter of Hon. Henry N. Blake, late judge of the first judicial district, shows that territorial business cannot be transacted under present conditions.

We call attention to the letter of the Attorney-General, and other communications hereto attached, and recommend the passage of the bill:

DEPARTMENT OF JUSTICE, WASHINGTON, *February* 6, 1880.

SIR: I have the honor to inclose a copy of a communication from Hon. Henry N. Blake, late associate justice of Montana Territory, relative to the necessity of the appointment of another associate justice for that Territory.

In my opinion the reasons stated are sufficient to render it proper that such an office should be created.

Very respectfully,

CHAS. DEVENS,
Attorney-General.

Hon. MARTIN MAGINNIS, *House of Representatives.*

VIRGINIA CITY, MONTANA, *January* 23, 1880.

SIR: I wish to call your attention to the necessity of passing a bill, similar to that pending in Congress, creating another associate justice for this Territory. As my successor has been appointed, I cannot be accused of selfish motives in making the following suggestions. If another justice is provided for he would be assigned to Custer County. A glance at the map of Montana will show more readily than these remarks the extent of this section.

1. Custer County is now in the first judicial district. Its county-seat is Miles City, which is four hundred and thirty-three miles from Virginia City, the residence of the judge. A person must go between these places in stages, which consume from five to ten days and nights in making one trip. During the past year I spent four weeks in traveling upon the road to hold two terms of court. There are four counties in this district, and the supreme court meets twice in each year. The inconvenience of this mode of conveyance over 1,700 miles annually is evident.

2. The population of Custer County will increase rapidly, and litigation must thrive in the same ratio. The Northern Pacific Railroad will cut the east boundary of the Territory during the summer and be completed to the Yellowstone River. Steamboats ascend this stream in the season of navigation above the mouth of the Bighorn. People can thus arrive at any point in this county without difficulty. It is a rich country and must attract thousands of settlers within a brief period. One judge will be unable to attend properly to the business of the district. Summary remedies, such as injunctions, are now of little value. The papers would be about two weeks or more in the mails and might be rendered worthless by this delay. If the judge is in Custer County the other parts of the district are deprived of these remedies. If the judge is in one of the other counties of the district then Custer County suffers to this extent.

3. The business of the United States will be promoted by the proposed change. Under the law, the United States courts must be held in only one place in the district. Virginia City is in the most populous county, and therefore this business is now transacted there. But the chief portion of the United States causes arises in Custer County, on account of its Indian reservations and extensive military posts. The fees allowed witnesses by the Government are far below the actual cost of traveling from Custer County to Virginia, and it is difficult, if not impossible, to procure their attendance. Most of the criminal prosecutions are failures through this reason. The Government cannot transport a witness who is too poor to pay his expenses upon the road, and courts cannot punish a person who is willing but not able to appear before juries. Guilty parties escape for want of proof, which could be obtained if the place of trial was in Custer County. The interests of the United States are injured by this state of affairs. Its property will be rendered more secure if criminals know that conviction will surely follow evil deeds.

4. The terms of court must be held in Custer County in May and September on account of this condition of the roads. At any other time the journey is more difficult and hazardous. The terms are too near together in the warm months, and too far apart in the remainder of the year. No change can be made without interfering with the terms in the other counties of the district.

5. The population of Madison, Jefferson, and Gallatin, the other counties in the district, will increase in the approaching years. The Utah and Northern Railroad will enter Madison this summer, and more lawsuits will be the result. A judge who discharges his duty in this part of the Territory will be compelled to neglect Custer County, which is now suffering many inconveniences in the enforcement of law.

6. About two hundred miles of the road are liable to raids by hostile Indians. Small bands from Sitting Bull's camp cross the British line very often and seek their old hunting-grounds for the purpose of stealing horses and committing other crimes.

A feeling of danger attends the traveler over this route, and affects all persons having any connection with the courts of the United States. It is needless to observe that the creation of a new district will cause the United States business to be transacted at Miles City for Custer County.

7. All the justices of the supreme court of Montana and a large majority of the attorneys support this measure. When there are four members of the supreme court, the judge who tried the cause cannot sit upon the hearing of the appeal from his decision, and arguments can be submitted to three justices without bias or prejudice. The bill now pending provides for this matter.

I have thus stated briefly my views of the situation. I have furnished the points without trying to make the elaborate argument which might convince Congress of the importance of this bill. Hoping that you will express to the appropriate committee your approval of this measure,

I am, very respectfully,

HENRY N. BLAKE.

Hon. CHARLES DEVENS, *Attorney-General.*

To the honorable the Senate and the House of Representatives of the United States in Congress assembled:

Your memorialists, residents and practicing attorneys of the eastern part of the Territory of Montana, in view of the necessity of obtaining additional facilities for the administration of justice and the enforcement of the laws of the United States and of the Territory, would most respectfully represent:

That according to its present boundaries the Territory of Montana embraces an area some six hundred miles in length by about two hundred and seventy-five miles in breadth. The first settlements were made in the extreme western parts, and until within the past three years all subsequent settlers have sought homes within the limits of the few counties which were organized soon after the first establishment of our territorial government. Hitherto no railroads have been built, and until recently few settlers have occupied that part which must soon be appropriated for agricultural and grazing purposes, and which comprises the eastern two-thirds of the whole Territory. Within the limits referred to there is a large proportion of arable land, and the anticipated advent of the Northern Pacific Railroad has already brought among us many families from the older States, while thousands of others are certain to come as soon as more ready means of communication with the East shall be established.

Within the past three years it was found that there had arisen a necessity for the immediate establishment of courts of justice and a county government in Eastern Montana, and Custer County was organized, with its seat of justice at Miles City. The county thus organized comprises an area of about four hundred miles in length by about one hundred and fifty in breadth. But experience has since demonstrated, if it were not evident before, that the administration of justice at a place so far removed from the center of either of the three judicial districts of the Territory, as they have long been established, is a matter of extreme difficulty and often an impossibility.

Custer County has been included in the first judicial district of the Territory, but the associate justice assigned to that district resides at Virginia City, the only place for holding a United States court within the district, and at a distance of about four hundred and fifty miles from Miles City, the center of the settled portion of Eastern Montana.

There are within the limits referred to four different Indian reservations and three large military posts, and as a consequence a very large number of causes are constantly arising which are cognizable only by a court for the trial of causes arising under the Constitution and laws of the United States. In criminal causes of the class referred to, defendants are of necessity held to appear at a place hundreds of miles distant, and often at times when in the absence of railroads all means of travel and communication are practically suspended. Witnesses in these cases have of necessity to be recognized to appear at a time and place when and where an appearance involves a great outlay and sacrifice of time, expense, and personal interests. For a witness to spend a month of time and a hundred dollars or more over and above the compensation allowed by law is so great a sacrifice that any court must find it difficult and often impossible to compel attendance. While the United States is of necessity incurring a large expense in an effort to enforce its laws at a place so far removed from any of its courts—an expense which would be sufficient to maintain an additional court in this Territory—it is evident that such effort must in many cases prove abortive, and that offenders against its laws should go unpunished.

As the judicial districts of the Territory are at present constituted the people within the limits referred to are practically without a court of justice, except at two short terms, in the months of May and September, when the facilities for travel, then the best during the year, are such that the associate justice assigned to the district can only attend at a greatly disproportionate outlay of time and money. At all other times there is not usually any within a distance of four hundred and fifty miles who can perform the duties of a judge at chambers or grant the relief so often imperatively and immediately necessary in the progress of suits, and which is usually obtainable in courts of equity.

The inhabitants of this part of the Territory being very largely of a class accustomed to the due and orderly administration of justice in the older States, cannot but feel that the present judicial arrangements of the Territory are wholly inadequate, and that the defect must of necessity become more and more apparent in the near future.

Your memorialists would further represent that the appointment of an additional associate justice for Montana would make practicable a better organization of the supreme court of the Territory than is possible under existing laws. That court is practically a court of last resort in the great majority of cases. As is always the case in a newly settled country, the amounts in controversy are usually small, and but few cases arise in which there is a right of appeal to the Supreme Court of the United States, even if litigants could afford to submit to the additional delay and expense. Under the present system the judge who tried the cause below sits as a member of the court when it is heard on appeal, an arrangement which has always proved a source of dissatisfaction and distrust whenever it has been adopted in any of the older States, and which experience has always had occasion to condemn.

In view of the facts above set forth, your memorialists pray that action be taken by your honorable bodies authorizing the appointment at an early day of an additional associate justice of Montana, and requiring that in the supreme court of the Territory, when a cause is heard on appeal, the judge who sat upon the trial below shall be excluded.

J. W. STREVELL,
A. C. SWIFT,
J. H. GARLOCK,
T. P. McELRATH,
J. F. WARNER,
HIRAM BLAISDELL,
W. D. O'TOOLE,
JOHN McBRIDE,
W. H. COOK,
CHAS. WALKER,
W. H. ROSS,
Attorneys of Eastern Montana and Custer County.

The SPEAKER. The Chair hears no demand for a second. Is debate desired? The Chair hears no one rising to debate the proposition, and therefore the question will be on the motion to suspend the rules and pass the bill.

The rules were suspended, two-thirds voting in favor thereof, and the bill was passed.

CHEROKEE AND ARKANSAS RIVER RAILROAD COMPANY.

Mr. SLEMONS. I am directed by the Committee on Railways and Canals to move the rules be suspended, and the House Calendar be discharged from the further consideration of, and the bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company be passed as it is proposed to be amended.

The bill is as follows:

Be it enacted, &c., That Thomas Nickerson, Sterne Morse, T. Jefferson Coolidge, B. P. Cheney, Alden Speare, Isaac T. Burr, Charles W. Pierce, C. J. Paine, F. H. Peabody, Thomas Dana, George B. Wilbur, Lucius G. Pratt, Solomon S. Sleeper, Warren Sawyer, and Levi C. Wade, of Massachusetts; W. B. Strong, E. Wilder, George T. Anthony, William P. Hackney, John M. Steele, E. H. Funston, Almerin Gillett, W. H. Guy, —— Hubbard, of Kansas; Granville Wilcox, of Arkansas; J. M. Keating, George W. Armistead, Edward Whitemore, of Tennessee, and Thomas Sherlock, of Ohio, their associates and successors are hereby incorporated under the name of "The Cherokee and Arkansas River Railroad Company," with authority to construct, maintain, and operate a line of railroad and telegraph, beginning at Arkansas City, in the State of Kansas, and running through the Indian Territory, by the best practicable route, following, substantially, the general course of the Arkansas River, and bridging the same where necessary, to a point at or near Fort Smith, in the State of Arkansas; and said corporation is vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act, and is subject to all general laws which now are and hereafter may be in force relating to railroad corporations. The capital stock shall not exceed $1,300,000. It shall be divided into shares of the par value of $100 each, to be deemed personal property and transferable on the books of the corporation as the by-laws may prescribe.

SEC. 2. That within thirty days after the passage of this act the persons named in the first section, and their associates, shall meet pursuant to a notice signed by at least ten of said persons, a copy of which shall have been mailed to each of the others at least ten days before the time appointed. Ten of such persons shall constitute a quorum, and they shall organize under this act and choose not less than five persons to act as directors until others are chosen by the subscribers to the capital stock, who shall be called together for that purpose by the acting directors, upon not less than ten days' notice, when not less than 1,000 shares of said stock have been in good faith subscribed for. By-laws may be adopted at said last-named meeting, and the same may be altered, amended, or repealed, as may be therein provided. In each year thereafter there shall be a meeting of the stockholders, to be known as the annual meeting, for the choice of directors, not less than seven in number, all of whom shall be stockholders, and shall serve for the ensuing year, and until their successors are chosen.

SEC. 3. That the directors may make contracts and execute leases and conveyances and accept the same in the name of the corporation, transact all its business, provide for the construction, maintenance, and operation of the railroad and telegraph, and may mortgage the property and franchises of the corporation therefor, and are vested with all the powers necessary thereto. They shall give an account of their doings upon the request of any five stockholders at the annual meeting, and prior thereto shall submit to the stockholders a report of the condition of the railroad, telegraph, appurtenances, and equipment, the earnings, expenditures, indebtedness, assets, and liabilities of the corporation.

SEC. 4. That said corporation shall file in the office of the Secretary of the Interior, under its corporate seal, its acceptance of the provisions of this act within sixty days from the passage thereof, and shall then be entitled to the benefits of the provisions contained in sections 1 and 4 of the act approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

SEC. 5. That said corporation, having complied with the requirements of section 4 of this act, is hereby authorized and empowered to construct its railroad and telegraph through any Indian lands or reservation when the same shall be necessary to the construction of its said line, and for that purpose to condemn a right of way to the extent of one hundred feet on each side of the central line of its said road, and shall have the right to take, from the lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction and maintenance of said railroad and telegraph; also grounds adjacent to said right of way for stations, buildings, depots, machine-shops, side-tracks, turnouts, and wood, coal, and water stations, not to exceed twenty acres for each station, to the extent of one station for each ten miles of its road. And said corporation may enter upon and take private property subject to and in accordance with the provisions of section 3 of an act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and if at the time of such taking there shall be no judge of a court of record within said Indian Territory, or having jurisdiction over any part thereof, then condemnation shall be made and compensation paid for property taken and damages sustained under such regulations and before such tribunal as the President shall appoint. Said railroad and telegraph may be constructed through any military or other reservation set apart for the use of the United States.

SEC. 6. That this act is upon the express condition that said company shall begin to construct its line within six months, and complete the same within two years from the passage of this act, so as to perfect a through connection to the Mississippi River at Memphis, Tennessee, for both passengers and freight, without change or break of bulk.

The amendments were read, as follows:

Section 5, lines 8, 9, 10, and 11, strike out the following words:

"And shall have the right to take, from the lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad and telegraph."

Same section, lines 15 and 16, insert the following words:

"*Provided*, That it does not conflict with existing treaties."

Section 1 strike out the following:

"Beginning at Arkansas City, in the State of Kansas, and running through the Indian Territory, by the best practicable route, following, substantially, the general course of the Arkansas River, and bridging the same where necessary, to a point at or near Fort Smith, in the State of Arkansas."

And in lieu thereof insert:

"Under such regulations as may be prescribed by the Secretary of War, to a point on a line between the State of Arkansas and the Indian Territory at Fort Smith, in said State."

Mr. TOWNSHEND, of Illinois. Is there a report with this bill?

The SPEAKER. There is.

Mr. ROBINSON. Will the reading of the report preclude debate afterward?

The SPEAKER. The Chair does not want to interfere with debate, but the report is being read by unanimous consent.

Mr. ROBINSON. The House would like to hear debate on such an important bill.

The SPEAKER. By unanimous consent, the report will be read.

The report was read, as follows:

The Committee on Railways and Canals, to whom was referred the bill (H. R. No. 6061) providing for the incorporation of the Cherokee and Arkansas River Railroad Company, having had the same under consideration, respectfully report:

That said bill contemplates the construction of a railroad from Arkansas City, in the State of Kansas, along the general course of the Arkansas River, through the Indian Territory to Fort Smith, in the State of Arkansas.

The franchise or corporate powers asked for in said bill are such as are usually asked in similar cases, not asking any subsidy, land grant, or Government aid whatever, and in the opinion of the committee are such as ought to be granted in all cases where it can be lawfully done by the Congress of the United States.

The committee find that this line of railway would connect the southern and central portions of Kansas over the Little Rock and Fort Smith, and Memphis and Little Rock roads, with the Mississippi River at Memphis, thereby reaching the most profitable and natural market for the grain products of that portion of Kansas; and, Memphis being the chief distributing point for the surrounding States, great benefit would be conferred by such a connection.

The committee find that the contemplated line would pass through the lands of four tribes of friendly Indians in the Territory, all of whom have, by special treaties, conceded the right to Congress to grant the right of way through and over their lands.

The committee present the several sections of the treaties referred to, as follows:

Article 11 of the treaty of July 9, 1866, with the Cherokees, provides as follows:

"The Cherokee Nation hereby grant a right of way, not exceeding two hundred feet wide, except at stations, switches, water stations, or crossing of rivers, where more may be indispensable to the full enjoyment of the franchise herein granted, and then only two hundred additional feet shall be taken, and only for such length as may be absolutely necessary, through all their lands, to any company or corporation which shall be duly authorized by Congress to construct a railroad from any point north to any point south, and from any point east to any point west of, and which may pass through, the Cherokee Nation. Said companies or corporations, and their employés and laborers, while constructing and repairing the same and in operating said road or roads, including all necessary agents on the line at stations, switches, water-tanks, and all others necessary to the successful operation of a railroad, shall be protected in the discharge of their duties, and at all times subject to the Indian intercourse laws now or which may be hereafter enacted, and be in force in the Cherokee Nation."

Article 5 of the treaty with the Creeks, concluded June 14, 1866, provides as follows:

"The Creek Nation hereby grant a right of way through their lands to the Choctaw and Chickasaw country, to any company which shall be duly authorized by Congress, and shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad from any point north of, to any point in or south of the Creek country, and likewise from any point on their eastern to their western or southern boundary; but said railroad company, together with all its agents and employés, shall be subject to the laws of the United States relating to intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose; and the Creeks agree to sell to the United States, or any company duly authorized as aforesaid, such lands not legally owned or occupied by a member or members of the Creek Nation, lying along the line of said contemplated railroad, not exceeding on each side thereof a belt or strip of land three miles in width, at such price per acre as may be eventually agreed upon between said Creek Nation and the party or parties building said road, subject to the approval of the President of the United States: *Provided, however*, That said lands thus sold shall not be reconveyed, leased, or rented to, or be occupied by any one not a citizen of the Creek Nation according to its laws and recognized usages: *Provided, also*, That officers, servants, and employés of said railroad, necessary to its construction and management, shall not be excluded from such necessary occupancy, they being subject to the provisions of the Indian intercourse law and such rules and regulations as may be established by the Secretary of the Interior, nor shall any conveyance of any of said lands be made to the party building and managing said road until its completion as a first-class railroad, and its acceptance as such by the Secretary of the Interior."

Article 10 of the treaty with the Kansas Indians, concluded October 5, 1859, provides as follows:

"It is agreed that all roads and highways laid out by authority of law shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines pass through the lands of said Indians, shall have right of way on payment of a just compensation therefor in money."

Article 11 of the treaty with the Big and Little Osage Indians, concluded September 29, 1865, provides as follows:

"It is agreed that all roads and highways laid out by the State or General Government shall have right of way through the remaining lands of said Indians, on the same terms as are provided by law when made through the lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of said Indians, shall have right of way upon payment of a fair compensation therefor."

The foregoing sections are copied in full from the published treaties, and the committee are of opinion that the rights they confer are full and complete; the railroad to be constructed passing from the east to the west of the Cherokee and Creek Nations. The bill is drawn in accordance with the provisions of said several treaties, with the special proviso that the franchise is granted subject to existing treaties.

The committee are of opinion, and so report, that the granting of this franchise and the construction of the railroad will not only be of great public benefit to the sections connected thereby, but will also be of great benefit to the Indians themselves, by furnishing an efficient and speedy method for the pursuit and arrest of criminals taking refuge in their territory, and also by a cheaper and speedier method of delivering their supplies, mails, &c., as well as by giving them a market for their products, and stimulating their productive capacity, which is the surest and best incentive to civilization.

The citizens of Kansas at present find their best market in the States in the Lower Mississippi Valley, and to reach it have to go around by way of a long all-rail route, whereas when this line is constructed the distance will be shortened fully one-half—being now nearly one thousand miles—but by the proposed line would be less than five hundred miles.

For these reasons the committee recommend the passage of the bill with amendments.

Mr. STEVENSON. I ask a second upon that bill.

The SPEAKER. The Chair has already asked the question whether a second was demanded and no one responded to the demand. It is now open for debate under the rule.

Mr. STEVENSON. I did not hear the request for a second or I should have insisted upon it.

Mr. WILLITS. I think, if the Chair will permit me, that there is a mistake here. The reading of the report was called for.

The SPEAKER. The report was subsequently called for and the Chair asked unanimous consent for the reading of it, to which there was no objection. But the Chair does not or will not take advantage of any gentleman. If a second is demanded the Chair will consider the demand. Debate is now in order.

Mr. COX. I wish to ask my friend from Tennessee a question, whether there is anything in this bill which parts with money or property of the Government or gives any aid to the construction of this road?

Mr. YOUNG, of Tennessee. There is nothing whatever but the right of way. There is no aid or assistance whatever given by the Government.

Mr. COX. And under the treaties with the Indians there is nothing which will deprive them of their rights?

Mr. YOUNG, of Tennessee. The treaties have just been read as a part of the report from the Revised Statutes.

Mr. ATKINS. Then this is in accordance with the treaties?

Mr. YOUNG. Yes, sir.

Mr. SCALES. I ask my friend from Tennessee to permit an amendment to this bill, by consent, to cover the point raised.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill, with the amendments reported by the committee.

Mr. ROBINSON. Let us know where the amendment proposed by the gentleman from North Carolina is to come in.

Mr. HOOKER. I wish to ask a parliamentary question. Is the bill not subject to an amendment now?

The SPEAKER. It is not.

Mr. SCALES. Is it subject to debate?

The SPEAKER. It is; but the motion is to suspend the rules and pass the bill.

Mr. HOOKER. I have understood that under similar circumstances amendments have been admitted.

The SPEAKER. That is when a bill is brought up for consideration. The gentleman will remember that this is a motion to suspend the rules and pass the bill with the amendments reported from the committee.

Mr. SCALES. There is fifteen minutes' debate allowed on each side?

The SPEAKER. There is.

Mr. HOOKER. I wish to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. I wish to ask again if it is not in order to offer an amendment to the bill?

The SPEAKER. Under the rules it is not.

Mr. HOOKER. Has it not been so construed on a similar occasion under the same motion?

The SPEAKER. Not under this motion. This is to discharge the Committee of the Whole House from its consideration and adopt the bill with the amendments recommended by the committee.

Mr. HOOKER. Then this further inquiry, would it be in order to amend the motion of the gentleman from Tennessee so as to consider the bill?

The SPEAKER. It would not; the gentleman has absolute control, by direction of the committee, for the motion to suspend the rules and pass the bill.

Mr. SCALES. Might not an amendment be incorporated by unanimous consent?

The SPEAKER. That of course can be done.

Mr. REED. I would like to ask the gentleman from Arkansas a question, whether this bill provides for the consent of the tribes through whose territory this proposed road passes?

Mr. SCALES. That is the object of my amendment.

The SPEAKER. The Chair recognizes the gentleman reporting the bill as having control of the floor to open the discussion.

Mr. SLEMONS. I will answer the question of the gentleman from Maine at this time. The bill does not provide for their consent and for the reason that under the treaties they are all protected. The principal reason, however, why this was not provided for in the bill was because it was supposed that they might undertake to blackmail the railroad company after getting a charter and in that way prevent it. I will answer the gentleman further and say that, with the consent of the committee, I have no personal objection to incorporating an amendment in the bill, if the House deems it necessary.

Mr. SCALES. I will ask, then, to offer my amendment by consent.

Mr. REED. If there is no objection, let it be read.

Mr. HOOKER. Let it be read for information.

The SPEAKER. By unanimous consent, the amendment can be considered as pending to the bill. It will be read, without objection, for information.

Mr. SCALES. I wish to say that I am in favor of the bill myself. I have no objection to it, but I think it advisable to add some such provision as this.

The Clerk read as follows:

Add to the bill the following proviso:

"*Provided*, That this act shall not go into effect until the tribes of Indians through whose territory this road may run shall, in a council of their respective tribes, called together under the authority of the Secretary of the Interior, give their consent to this said act and signify the same to the Secretary of the Interior."

Mr. SLEMONS. I see no objection myself to that amendment; I am willing to accept it.

Mr. RYAN, of Kansas. I hope it will be adopted.

The SPEAKER. By unanimous consent, the amendment is allowed to be considered as pending under the motion to suspend the rules and pass the bill with the amendments recommended by the committee.

Mr. DUNN. I wish to ask the gentleman from North Carolina, as I do not know whether I understand his amendment or not, does it require that the Indians shall give consent to this act of Congress?

Mr. SCALES. Yes, sir; to that part ceding land in their territory.

Mr. DUNN. The amendment should be so worded that it would not require them to give their consent to an act of Congress, but simply to the sale of the right of way. They ought not to have the right, as this would seem to imply, to pass upon the validity of an act of Congress.

Mr. SCALES. That is certainly not the intent of this amendment.

Mr. STEVENSON. It is only to give the consent, as I understand it, to the right of way to this railroad company.

Mr. YOUNG, of Tennessee. If I can get the attention of the House for a few moments I think the gentleman from North Carolina will consent to withdraw his amendment.

Mr. WEAVER. I wish, by consent, to ask the gentleman from North Carolina [Mr. SCALES] one question: Would his amendment also require that the Indians should give their consent to parting with twenty acres of land every ten miles for depot purposes?

Mr. SCALES. My amendment provides they shall give their consent to every matter in which they are interested.

Mr. WEAVER. Let the amendment be read again.

The amendment was again read.

Mr. YOUNG, of Tennessee. Mr. Speaker, I am extremely anxious for the passage of this bill because it is in the interest of a large section of country and a vast number of people; and if I believed the rejection of the amendment of the gentleman from North Carolina [Mr. SCALES] would endanger its passage I would consent at once to its being adopted by the House. But I desire to say to him and to other gentlemen who may think such an amendment is necessary to protect the rights of the Indians that to adopt his amendment would be practically to defeat the object of this bill.

I do not believe any railroad bill was ever submitted to this House more carefully drawn, in which the rights of the Government and the rights of the Indians were more thoroughly protected than they are in this one. It provides that the road shall be constructed, if constructed at all, in pursuance of treaty stipulations already existing between the Government and the Indian tribes. It provides for a condemnation of all the land that is necessary to be had under the provisions of existing law and the Indians will receive just such compensation as white men would receive. Now to adopt the amendment offered by the gentleman from North Carolina would have unquestionably the effect which everybody must see at a glance. Every one knows, I presume, how easily a council of Indian tribes may be managed by those disposed to resort to the necessary means for that purpose and whose interest it would serve. The only objection I apprehend in any section or from any quarter to the passage of this bill will come from some rival railroad corporation. And if it is made a condition-precedent to this bill taking effect and going into operation that the consent of the Indian tribes shall first be had in addition to the treaty stipulations, the probability is that some other railroad interest will so influence the council of the Indian tribes that that consent will never be had and the bill will be practically defeated in its operations.

There is no gentleman upon this floor who is more anxious to preserve and protect the rights of the Indians than I am. I have manifested that anxiety on many occasions by my speeches and by my votes. I have often denounced the policy of the Government in reference to these helpless, defenseless, and greatly wronged people. They have not a single right under the law that I would not defend here to the utmost extremity. But I know that the construction of this road will confer upon them more benefits perhaps than will arise under any legislation affecting their interests that has passed this House for the last decade of years. If you want to carry to them the blessings of civilization, adopt the agencies that have carried them all over this continent to the white man. Give them railroad communication and the benefits of commercial intercourse and you will take a longer step in the direction of civilizing the Indian tribes than by any other measure of legislation of which I can think at present.

Mr. LAPHAM. Will the gentleman allow me a question?

Mr. YOUNG, of Tennessee. Certainly.

Mr. LAPHAM. Does either of the treaties provide the right of the companies to take all the timber necessary for the construction and maintenance of the road?

Mr. YOUNG, of Tennessee. No, sir; but the treaties provide a right of construction for two railway lines through the Territories.

Mr. LAPHAM. They give the right of way simply?

Mr. YOUNG, of Tennessee. Yes, sir; but I was going on further to say I presume that would carry with it the right to take the necessary sod, stone, and other material to construct the road.

Mr. LAPHAM. But there is here an express provision to take all the necessary timber from the Indian lands to construct the road.

Mr. MANNING. That is stricken out by the committee.

Mr. YOUNG, of Tennessee. That has been stricken out; but even if it were not I would still contend that was not an objectionable feature, but was a necessary part by implication of the treaties already existing between the Indians and the Government, because it would be idle to say there should be a right of way and deny the use of all the means to make it effective. It is not necessary, however, to discuss that, for it is no longer a part of the bill.

One word as to the importance of this measure, and I will yield the floor. I do not believe any railroad measure that has been before this House for many years was more strongly recommended to legislative favor than this one. It will benefit more people and promote larger commercial interests, I believe, than any other that has received legislative sanction. The contemplated road penetrates the finest grain and meat growing country on the continent. At Wichita, in Kansas, the point it is designed primarily to reach, there was last year shipped to Saint Louis, Kansas City, and Chicago, and afterward reshipped south, 20,000,000 bushels of wheat, 30,000,000 bushels of corn, more than 2,000,000 of hogs, and a vast number of beef-cattle. Now, let this fact be borne in mind, that all the home domestic market for the grain and meat products of the West is found in the region south of Memphis, which is the distributing point of all the grain and meat products of that region on their way to the consumers further south.

By our present system of railways and means of communication between the South and that section from which these products come, they have to be transported by a circuitous route from one thousand to fifteen hundred miles by railway and water communication, by way of Saint Louis, Kansas City, or Chicago, before reaching Memphis, the point of distribution and primary market, so that the people of all the West, the vast grain-growing region, and those in the cotton States where markets for their products are found, are directly and immediately interested in the construction of this road.

I have no objection to guarding the rights of the Indians just as closely and thoroughly as the gentleman from North Carolina [Mr.

SCALES] desires to do, did I not labor under the serious apprehension that if his amendment is adopted it will in the end render the bill a nullity for the reasons that I have already given.

Mr. ROBESON. Before the gentleman sits down, I would like to ask him a question.

Mr. YOUNG, of Tennessee. I will hear the gentleman.

Mr. ROBESON. The only question I have in my mind in regard to this bill is just this: When we organize a company or a corporation and give it that part of the eminent domain of the Government which allows it to take private property, for right of way, for instance, we make certain provisions for guarding the exercise of that right. I would not give to these Indians in the Indian Territory any more privileges in guarding their property rights than I would give to anybody else. But I believe that these tribes are entitled to a certain property interest in the reservations upon which they are settled in the Indian Territory.

Now, this bill provides that after this corporation has done certain things, it shall receive the benefits and be entitled to the provisions of section 1 of the act of March 3, 1875, "An act granting to railroads the right of way through the public lands of the United States." That being an act to dispose of the public lands only, and of no private interests, that section of the act of March 3, 1875, provides that railroads shall have the right of way for one hundred feet through the public lands. That would dispose of all the rights of the United States in that Territory. But how are the property rights of the Indian tribes on their reservations protected in this bill? That is the question I want to ask.

Mr. YOUNG, of Tennessee. I apprehend that there is no invasion of the rights of the Indians in this bill. It provides for the condemnation of property under existing provisions of law.

Mr. ROBESON. No, I do not so understand it. I understand that it provides that when this corporation has complied with certain things it is to have the benefit of the section which I have read, which section gives it everything the United States can give except the right of eminent domain, the right to take the property of private citizens, including Indians. Now, where are the provisions under which that right is to be exercised?

Mr. YOUNG, of Tennessee. If I understand the gentleman, he concedes the proposition that under the existing law, under the law of eminent domain, the Indians have no more rights than white men.

Mr. ROBESON. No more.

The SPEAKER. The ten minutes asked for in advocacy of this bill at the commencement of this discussion has been exhausted.

Mr. ROBESON. I will yield all my time to the gentleman from Tennessee, [Mr. YOUNG.] [Laughter.]

The SPEAKER. The gentleman has no time to yield.

Mr. YOUNG, of Tennessee. I have very little more to say.

The SPEAKER. The gentleman from Tennessee [Mr. YOUNG] can use all the fifteen minutes in advocacy of the bill if he chooses at this time; but the Chair would suggest that perhaps it would be well to reserve some portion of the time to reply to what may be said in opposition to the bill.

Mr. WHITE. Will the gentleman from Tennessee [Mr. YOUNG] yield to me for a moment or two in connection with the inquiry of the gentleman from New Jersey, [Mr. ROBESON?]

Mr. YOUNG, of Tennessee. After I make a parliamentary inquiry, I will. I would inquire of the Chair if a vote can be first taken on the amendment of the gentleman from North Carolina, [Mr. SCALES?]

The SPEAKER. There is no vote to be taken except upon the motion to suspend the rules and pass the bill with the amendments recommended by the committee. The Chair understood that by unanimous consent the gentleman from North Carolina [Mr. SCALES] was allowed to submit his amendment and have it pending with the others, to be voted into the bill if passed by a two-third vote, or to fall with the bill by reason of a failure to obtain a two-third vote. Since the gentleman from Tennessee [Mr. YOUNG] began speaking, the amendment offered by the gentleman from North Carolina [Mr. SCALES] has been modified by that gentleman, and the Chair thinks it had better be read now as modified.

The amendment, as modified, was read, as follows:

Provided, That this act shall not go into effect until the tribes of Indians through whose territory this road may run shall, in a council of their respective tribes called together under the authority of the Secretary of the Interior, give their consent to the right of way and the condemnation of their property, and signify the same to the Secretary of the Interior.

Mr. WHITE. I understand that the gentleman from Tennessee [Mr. YOUNG] yields to me a moment, in connection with the inquiry of the gentleman from New Jersey, [Mr. ROBESON.] The gentleman from New Jersey has asked a very proper question; but he stopped short——

The SPEAKER. The Chair thinks the time now being occupied should not be taken out of the time allowed for the advocacy of the bill. The Chair will therefore recognize the gentleman from Pennsylvania [Mr. WHITE] as occupying a part of the time for opposition to the bill.

Mr. WHITE. Very well. The gentleman from New Jersey [Mr. ROBESON] makes the point that there is no provision in this bill for the assessment of damages to parties whose lands may be invaded by the proposed corporation. The gentleman, however, has stopped short at the close of section 4 of the bill. If he will read section 5 he will observe that that question is carefully provided for. The section is as follows:

The said corporation, having complied with the requirements of section 4 of this act, is hereby authorized and empowered to construct its railroad and telegraph through any Indian lands or reservation when the same shall be necessary to the construction of its said line, and for that purpose to condemn a right of way to the extent of one hundred feet on each side of the central line of its said road; also grounds adjacent to said right of way for stations, buildings, depots, machine-shops, side-tracks, turnouts, and wood, coal, and water stations, not to exceed twenty acres for each station, to the extent of one station for each ten miles of its road: *Provided*, That it does not conflict with existing treaties. And said corporation may enter upon and take private property subject to and in accordance with the provisions of section 3 of an act, approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and if at the time of such taking there shall be no judge of a court of record within said Indian Territory, or having jurisdiction over any part thereof, then condemnation shall be made and compensation paid for property taken and damages sustained under such regulations and before such tribunal as the President shall appoint. Said railroad and telegraph may be constructed through any military or other reservation set apart for the use of the United States.

Now, I have in my hand section 3 of the act indicated, which regulates in detail the method of proceeding for taking property, appraising damages, and all the incidents thereto, as prescribed in the statutes of the different States. So that this provision of the fifth section answers fully the criticism made by the gentleman from New Jersey. Finding this provision in the bill, I for one intend to support it, having been influenced to that extent by the remarks of the gentleman from Tennessee, [Mr. YOUNG.]

The SPEAKER. The Chair would like to understand whether consent is given (for it requires unanimous consent) that the amendment offered by the gentleman from North Carolina and now modified shall come in to be voted on under the motion to suspend the rules.

Mr. CHALMERS. I object.

Mr. ROBESON. I suggest to the gentleman in charge of the bill, that after the section applying to this railroad the condemnatory powers which were given in reference to the Union Pacific Railroad there be inserted a provision of this kind:

Provided, That there shall be included in the rights protected by that section the rights which belong to Indians in their tribal relations.

Mr. YOUNG, of Tennessee. So far as I am concerned, I have no objection to that amendment. My friend from Arkansas [Mr. SLEMONS] has charge of the bill under direction of his committee, and I of course defer to him.

Mr. ROBESON. I only want the provision extended so as to protect property rights belonging to the Indians in their tribal relations.

Mr. WHITE. That is already included in the provision I have just read.

Mr. RYAN, of Kansas. I think the provisions of the bill are ample to meet the objection intimated by the gentleman from New Jersey. If not, I am sure there will be no objection to incorporating such an amendment as he suggests.

Mr. SLEMONS. If the gentleman from North Carolina [Mr. SCALES] will withdraw his amendment, I will accept that of the gentleman from New Jersey.

Mr. SCALES. I would like to hear the amendment of the gentleman from New Jersey read. Will he be kind enough to reduce it to writing?

Mr. ROBESON. I propose for the acceptance of the gentleman this amendment, to come in at the end of section 5:

Provided, That the property rights belonging to Indians in their tribal relations shall be included among the property rights protected by this section.

Several MEMBERS. That is all right.

Mr. SCALES. What are the property rights protected by that section?

Mr. ROBESON. The section relating to the Union Pacific Railroad provides for the protection of rights of private property. My amendment proposes to protect to the same extent any rights belonging to these Indians in their tribal relations.

Mr. SCALES. I withdraw my amendment.

Mr. SLEMONS. I accept the amendment of the gentleman from New Jersey.

The SPEAKER. The Chair will now state the motion again. It is to suspend the rules to take from the House Calendar the bill which has been read, and to pass the same, with the amendments recommended by the Committee on Railways and Canals and the amendment of the gentleman from New Jersey, now accepted by the gentleman from Arkansas, [Mr. SLEMONS,] with the consent of the House.

Mr. WILLITS. I would like to put a question to the gentleman in charge of this bill. At the end of the fifth section I find these words:

And if at the time of such taking there shall be no judge of a court of record within said Indian Territory, or having jurisdiction over any part thereof, then condemnation shall be made and compensation paid for property taken and damages sustained, under such regulations and before such tribunal as the President shall appoint.

I would like to know what tribunal the gentleman supposes could be selected by the President, and what regulations would be likely to be made, and whether it is competent——

Mr. YOUNG, of Tennessee. If there is no court, the Secretary of the Interior might be vested with power to carry the law into effect; but it is not likely that any difficulty of this kind will arise.

Mr. WILLITS. I would like to know whether it is competent by law to authorize the President of the United States to make regulations to condemn my land or any other man's land.

Mr. YOUNG, of Tennessee. He simply makes regulations according to law.

Mr. WILLITS. What law?

Mr. YOUNG, of Tennessee. The law which authorizes the condemnation of private property for public uses. If he be authorized by the provisions of this bill to do it, and the bill passes, he will have all the authority for that purpose which any law of Congress can give him. But there will be no trouble on this point.

The SPEAKER. In the same manner as provided in the third section of the act with reference to the Union Pacific Railroad.

Mr. WILLITS. I want to know whether this is included in the act with regard to the Union Pacific Railroad.

Mr. SLEMONS. The amendment of the gentleman from New Jersey covers the case precisely.

Mr. WILLITS. I do not so understand. That simply applies to the character of the property taken; this relates to the method of taking it.

Mr. SLEMONS. The courts of the United States have jurisdiction over the Indian country.

Mr. WILLITS. My point is as to the making of regulations by the President of the United States. That provision, it strikes me, is too indefinite for the condemnation of any man's land.

The SPEAKER. The question is on the motion of the gentleman from Arkansas [Mr. SLEMONS] to suspend the rules and pass this bill with the amendments recommended by the committee, and that proposed by the gentleman from New Jersey [Mr. ROBESON] and accepted by the gentleman making this motion.

Mr. MURCH. I demand the yeas and nays.

The House divided; and there were—ayes 12, noes 86.

Mr. HOOKER demanded tellers on the yeas and nays.

Tellers were refused.

So the yeas and nays were not ordered; one-fifth not having voted in favor thereof.

The question recurred on the motion to suspend the rules and pass the bill with the proposed amendments.

The House divided; and there were—ayes 97, noes 20.

Mr. MURCH. No quorum has voted.

The SPEAKER. The point of no quorum having been raised, the Chair will appoint Mr. MURCH and Mr. SLEMONS as tellers.

The House again divided; and there were—ayes 121, noes 34.

So (two-thirds having voted in the affirmative) the rules were suspended, and the bill with the proposed amendments was passed.

EVENING SESSION FOR DISTRICT BUSINESS.

Mr. HUNTON. I ask, Mr. Speaker, by unanimous consent that Wednesday evening of this week be set apart for the consideration of business relating to the District of Columbia instead of Thursday evening, it being believed that on Thursday evening a quorum cannot be secured.

There was no objection, and it was ordered accordingly.

SUITS AT LAW AFFECTING TITLE TO MINING CLAIMS.

Mr. STEVENSON. I am directed by the Committee on Mines and Mining to move that the rules be suspended and the House Calendar discharged from the further consideration of the bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes relating to suits at law affecting the title to mining claims, and the same be passed.

The bill was read, as follows:

Be it enacted, &c., That if, in any action brought pursuant to section 2326 of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land office or be entitled to a patent for the ground in controversy until he shall have perfected his title.

Mr. STEVENSON. I will yield now to the gentleman from Colorado to make an explanation.

The SPEAKER. Is there a second to the motion to suspend the rules? The Chair hears no objection, and takes it for granted there is a second.

Mr. BELFORD. Mr. Speaker, I desire to state that this bill at the last session was reported to the House by the unanimous action of the Committee on Mines and Mining. It was prepared with the approval of Judge Hallett, judge of the United States district court for the State of Colorado. All it seeks to do is to secure justice to litigants in mining suits. A man makes application for a Government patent to a mining claim. The law requires him to publish in the newspapers a certain notice, and if any one claims to have an adverse interest in the mining claim sought to be patented the statute requires him to file an adverse claim in the land office, and within thirty days to bring suit in a court of competent jurisdiction to determine the right of possession to the property so sought to be patented. Now, it frequently happens in a mining State that one man is desirous of stealing another man's property by obtaining a patent to which he is not entitled. That is a pretty broad proposition; but I have seen instances of it.

In other words, I may make an application for a Government patent to a mining claim and run the lines of my survey right over the claim owned by another party. I then go into the land office and make my application. The other party is required to file an adverse claim and bring an action of ejectment in a court of competent jurisdiction and prosecute that suit with reasonable diligence to final judgment. If he fails by reason of defect in his papers, in the certificate of location or anything of that sort, and judgment goes against him, that judgment is certified to the land office, and the land office issues a patent to the very party who is not really entitled to the claim and who succeeds only by virtue of the fact that the adverse claimant has failed by some curable defect in his title to establish his ownership to the property in controversy.

I have seen instances of this kind occur frequently in the courts of the country where mining litigation has been had, and the evil has grown so great that Judge Hallett, who was chief-justice of Colorado for twelve years during its territorial condition, and is now the judge of the United States district court, suggested a measure of this kind to meet the difficulty.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. BELFORD. Certainly.

Mr. ATKINS. In what particular does the gentleman propose to amend section 2326?

Mr. BELFORD. I propose to amend it so that, if it appears on the trial of the cause that neither the plaintiff nor the defendant is entitled to the property in controversy, the jury shall return that verdict to the judge, and thereupon it shall operate as stay of proceedings upon the part of the applicant in procuring his patent until the court is satisfied he has a just and reasonable claim to the ground he seeks to appropriate. That is the sole object of this act. As the matter stands now under this mining act I can make application for a patent, run the lines of my survey over your claim, compel you to file an adverse claim and bring an action of ejectment, and then, if you fail to win your suit, by reason of that failure under the law as it stands it is absolutely competent for me to obtain a patent to that land, although I may have no valid claim to it at all. It may be a cold, naked, bold piece of stealing and robbery. It was to cure that defect and to prevent that evil the United States district judge suggested a bill of this sort. I say that it is just and right and the bill ought to pass. It ought to pass in the interest of justice and in the interest of honest litigants.

The SPEAKER. Is any further debate desired? The Chair hears no member who wishes to speak, and the question will be put to the House.

The question recurred on Mr. STEVENSON'S motion, and it was agreed to; and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the adoption by that body of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes.

It further announced the passage, without amendment, of joint resolution (H. R. No. 378) providing for the printing and distribution of the report of the Commissioner of Education for the year 1880.

It further announced the passage of the following bills; in which concurrence was requested:

A bill (S. No. 543) for the relief of Jabez Burchard;

A bill (S. No. 858) for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees and commissions paid on void entries of public lands, and for other purposes;

A bill (S. No. 986) for the relief of Thomas I. Miller, of Washington Territory;

A bill (S. No. 1422) concerning the pay of engineers in the Navy; and

A bill (S. No. 1719) for the relief of Paulina Jones, the widow of Alexander Jones, deceased, Company E, Second North Carolina Infantry.

ENROLLED BILLS, ETC.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 386) for printing report of the Life-Saving Service.

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the Senate of the following titles; when the Speaker signed the same:

A bill (S. No. 1004) for the relief of the sureties of Henry L. Norvell; and

A bill (S. No. 1728) granting a pension to Mrs. Lelia E. McCauley.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 3047) to authorize the commissioners of the District of Columbia to recommend a proper site for a union railroad depot in the city of Washington, and for other purposes.

ENLARGEMENT OF CITY HALL, WASHINGTON.

Mr. COOK. Mr. Speaker, under instructions from the Committee on Public Buildings and Grounds, I am directed to move that the bill

of the Senate (No. 1349) for the enlargement of the City Hall for the accommodation of the courts and records of the District of Columbia be taken from the Speaker's table, the rules suspended, and it be put upon its passage.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted &c., That the sum of $117,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of the Interior, in enlarging the City Hall so as to afford additional accommodations for the courts of the District and for fire-proof rooms for the safe keeping of the records of the courts and of the District of Columbia, according to the general plan furnished by the Architect of the Capitol Extension, and under the supervision of that officer.

The SPEAKER. Is there a second demanded?

There was no demand for a second.

Mr. HAWLEY. What is the amount proposed to be appropriated by this bill?

Mr. COOK. One hundred and seventeen thousand dollars.

Mr. HAWLEY. I would have been better satisfied if the bill had proposed to tear away the whole of that old building and put up a respectable one in its place.

Mr. NEAL. They must use that old building until a new one can be put up.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The house divided; and there were—ayes 94, noes 23.

So (two-thirds having voted in favor thereof) the bill was passed.

AMENDMENTS TO SINKING-FUND ACT.

Mr. McLANE. Mr. Speaker, I move to suspend the rules, under instructions from the Committee on the Pacific Railroads, and put upon its passage the bill (H. R. No. 5637) to alter and amend the sinking fund act, approved May 7, 1878.

The SPEAKER. The bill to which the gentleman from Maryland refers is on the House Calendar, and will be read.

The bill was read at length.

Mr. WEAVER. Is it now in order to demand a second?

The SPEAKER. Is there a second demanded?

Mr. WEAVER. I demand a second by tellers.

Mr. McLANE. Is it in order to make an explanation to the House before the vote is taken?

The SPEAKER. It is not in order at this time.

Mr. McLANE. I desire simply in justice to make a brief statement, in order to explain to the House that the only feature——

Mr. WEAVER. I insist upon the demand for a second.

Mr. McLANE. The only feature that is new——

Mr. WEAVER. I demand the regular order.

The SPEAKER. The gentleman from Iowa insists upon a strict enforcement of the rule. The demand having been made for a second by tellers, the Chair will appoint tellers.

Mr. McLANE and Mr. WEAVER were appointed tellers.

The House divided; and the tellers reported that there were—ayes 40, noes 47.

So a second was refused.

The SPEAKER. A second being refused, the bill is not before the House.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers in the case of Moses Halpp was granted to Mr. JONES, there being no adverse report.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KELLEY, for two days, on account of important business;

To Mr. DAVIS, of North Carolina, indefinitely, on account of sickness in his family; and

To Mr. CHALMERS, for two days from to-day.

EDUCATIONAL FUND.

Mr. GOODE. By direction of the Committee on Education and Labor, I move to suspend the rules and take from the Speaker's table Senate bill No. 133, to establish an educational fund, &c., and substitute therefor the provisions of the House bill No. 334, reported by the House Committee on Education and Labor.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (S. No. 133) to establish an educational fund, and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education.

The SPEAKER. The Senate bill will first be read. It is then proposed to strike out all after the enacting clause of the Senate bill and insert the House bill in lieu thereof.

Mr. WHITE. I ask for the reading of the bill, and afterward I shall demand a second by tellers.

Mr. KEIFER. I hope the gentleman from Virginia will not press the consideration of that bill at this time.

Mr. GOODE. I am only obeying the instructions of the committee.

Mr. KEIFER. I am in favor of some of its provisions, but I hope that it will not be pressed now.

Mr. GOODE. I repeat that I am acting under directions of the Committee on Education and Labor of the House.

Mr. KEIFER. Could not some evening be fixed for its consideration?

Mr. GILLETTE. I would suggest that an evening be fixed.

Mr. GOODE. I have no authority to consent to such an arrangement.

The SPEAKER. The Clerk will read the Senate bill, after which the Chair will recognize the gentleman from Pennsylvania to ask a second.

The bill was read at length.

The SPEAKER. The House bill will now be read.

Mr. CONGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. CONGER. Should not this bill have its first discussion in Committee of the Whole?

The SPEAKER. This is a motion to suspend the rules, and among others to suspend the rule under which the gentleman from Michigan would raise the point of order.

Mr. RYAN, of Kansas. The House bill has not yet been read.

The SPEAKER. The Chair has directed it to be read.

Mr. CONGER. Does the motion to suspend the rules include not only the Senate bill but also the substitute?

The SPEAKER. The motion is to suspend the rules so as to take from the Speaker's table the Senate bill and bring it before the House, then to substitute the House bill as recommended by the Committee on Education and Labor for the Senate bill by striking out all after the enacting clause of the Senate bill and inserting as a substitute the House bill.

Mr. CONGER. Is that all in one motion?

The SPEAKER. It is; complicated as the statement of the motion may appear.

Mr. CONGER. Does it not place all the homesteads of the future in jeopardy?

The SPEAKER. The Chair is not able to answer that question, as it is not a parliamentary one.

Mr. CONGER. I wish the Chair was in a position to answer it.

The SPEAKER. The occupant of the chair would answer promptly if he were on the floor.

Mr. WHITE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE. I want the decision of the Chair on this question. I do not see under what authority this proceeding can be conducted.

The SPEAKER. Under authority of the rule.

Mr. WHITE. What rule?

The SPEAKER. The rule authorizing on certain days motions to suspend the rules.

Mr. WHITE. Very well. I understand that rule under the practice merely authorizes the calling up of a bill and moving to suspend the rules and put that bill on its passage——

The SPEAKER. Oh, no.

Mr. WHITE. While this proceeding involves the power of amendment also.

The SPEAKER. That has been repeatedly done, and has been done to-day in fact. It was done to-day with reference to an amendment offered in the House.

Mr. WHITE. I suggest that that was done by consent, and that the point was not raised.

The SPEAKER. There is nothing in the motion with reference to this bill that is not in accordance with the rule of the House providing for motions to suspend the rules.

Mr. WHITE. I desire the Chair to understand my position. I understand the gentleman from Virginia, [Mr. GOODE,] the chairman of the Committee on Education and Labor, has been instructed by his committee to move to take from the Speaker's table the Senate bill which has just been read. Now it is perfectly proper to put that bill on its passage under a motion to suspend the rules.

Mr. GOODE. The gentleman from Pennsylvania is mistaken. I am instructed by the Committee on Education and Labor to make the identical motion I have made, to take from the Speaker's table bill S. No. 133 and ask the House to substitute therefor the provisions of House bill No. 334.

Mr. WHITE. That involves the very question I raised. I say that cannot be done, because it involves the power of amendment. I say in this proceeding while we can pass the original bill we cannot amend.

The SPEAKER. This is a motion to suspend the rules, including the power which regulates the action of the House as to amendments.

Mr. WHITE. Could I offer a substitute for the bill?

The SPEAKER. The gentleman is not recognized for that purpose, and has not the authority of a committee.

Mr. WHITE. But suppose I had; suppose I was a colleague of the gentleman from Virginia on the committee. I merely make the point that it is a violation of the rule to seek to amend a bill in this way.

The SPEAKER. It is not a violation of the rule to move to suspend the rules, the Chair thinks, in the manner as stated by the gentleman from Virginia. The remedy is in the House.

Mr. CONGER. I cannot think it is possible that the Committee on Rules ever contemplated the substitution at the moment of the suspension of the rules of an entirely different bill to which the attention of the House has not been called.

The SPEAKER. It has been the practice of the House ever since the present occupant of the chair has been a member of it to allow a suspension of the rules to bring a bill before the House and to include in that motion a power to amend, and there is no difference in principle between the power to amend by a substitute and the power to amend by making amendments in different parts of the bill. If the House possesses the power to amend by amendments running through the bill, it has also the power to amend by a substitution of an entire bill for the original one. In fact, it is a proceeding very frequent in the House, not under a suspension even, that a motion may be made to strike out all after the enacting clause and insert such and such as a substitute for the original bill.

Mr. CONGER. If it were proper to allude to anything done in committee, I think the Chair's recollection would bear out my own in saying that no such proposition was contemplated in this new rule.

The SPEAKER. None was ever discussed, so far as the Chair knows.

Mr. CONGER. It was referred to.

The SPEAKER. The gentleman from Michigan is under a misapprehension. The gentleman thinks we are proceeding under a new rule. We are not. We are proceeding under the rule providing for motions to suspend the rules.

Mr. CONGER. Reported by the committee a year or two ago as a new rule.

The SPEAKER. Yes.

Mr. CONGER. That is the time I refer to.

The SPEAKER. The gentleman was not a member of the Committee on Rules at that time, and cannot therefore tell what then took place in that committee.

Mr. CONGER. No; but I can state what occurred in the committee when I was present, and I have been present at several sessions of the committee.

The SPEAKER. The change made on the report of the Committee on Rules from the former rule upon the subject was to provide first for a second by tellers, and then for debate of fifteen minutes on each side, so that a bill could not be passed under a suspension of the rules without there being at least fifteen minutes in which individual members could state their objections to it. The Chair thinks that is a great improvement on the old rules.

Mr. CONGER. This motion is to pass a bill with amendments which the House can know nothing of and the country can know nothing of.

The SPEAKER. The Chair has directed that the provisions of the House bill which it is proposed to substitute for the Senate bill shall be now read.

The Clerk read the House bill.

Mr. WHITE. I now call for a second by tellers on the motion to suspend the rules.

The SPEAKER. That is the gentleman's right; and the Chair will appoint the gentleman from Pennsylvania, Mr. WHITE, and the gentleman from Virginia, Mr. GOODE, to act as tellers.

The House divided; and the tellers reported that there were—ayes 68, noes 85.

So the motion to suspend the rules was not seconded.

ORDER OF BUSINESS.

The SPEAKER. The next committee in order for motions to suspend the rules is the Committee on the Militia. [No response.] The next committee is the Committee on Patents.

CLASSIFIED ABRIDGMENT OF UNITED STATES PATENTS.

Mr. VANCE. I am instructed by the Committee on Patents to move that the rules be so suspended as to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill (H. R. No. 5066) to provide for the preparation of classified abridgments of all letters-patent of the United States, and that the same be now passed.

The bill was read, as follows:

Be it enacted, &c., That the sum of $10,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Commissioner of Patents in the preparation of classified abridgments of all letters-patent of the United States.

SEC. 2. That the said abridgments shall be printed, and one copy of each shall be furnished to each Senator, Representative, and Delegate in Congress; one copy to each of eight public libraries to be designated by each Senator, Representative, and Delegate; and two copies to the Library of Congress; and also copies to such foreign governments, libraries, and learned societies as the Commissioner of Patents may designate: *Provided*, That copies shall be sold at the cost of printing, and all sums received from such sale shall, on or before the first day of each month, be paid into the Treasury.

Mr. WHITE. I call for a second.

The SPEAKER. The Chair will appoint as tellers the gentleman from Pennsylvania, Mr. WHITE, and the gentleman from North Carolina, Mr. VANCE.

Mr. WHITE. I withdraw the demand for the second. [Laughter.]

Mr. TALBOTT. I renew it. I withdraw the demand. [Laughter.]

There being no objection, the motion was seconded.

The SPEAKER. The question is upon the motion to suspend the rules and pass the bill as read.

Mr. BLOUNT. I would like to ask my friend——

The SPEAKER. Fifteen minutes' debate on each side is now in order.

Mr. BLOUNT. I do not want to debate it; I want to ask how much the bill proposes to appropriate?

Mr. VANCE. The sum of $10,000.

Mr. BRAGG. How many clerks are to be employed, and is it arranged who they are to be?

Mr. VANCE. There is no provision about that.

Mr. WHITE. I ask that the report of the committee be read.

The SPEAKER. The report will be read.

The report was read, as follows:

The Committee on Patents, to whom was referred the bill H. R. No. 4661, beg leave to report a substitute for the same, and recommend its passage.

The interests of the public and of the office imperatively demand that provision be made without further delay for the preparation of a general analytical and descriptive index of inventions and discoveries. Thirty years ago Commissioner Ewbank, in his annual report for 1848, to which attention is respectfully invited, urged this subject upon the consideration of Congress. He said:

"However serviceable to applicants the appointment of examiners has proved, the system of search is necessarily defective for want of such a work. It is impossible in every case that comes before them to wade through the numerous treatises, journals, foreign and domestic encyclopedias, &c., and the piles of specifications and caveats in the office. Their whole time would not suffice for this. Yet, to arrive at a safe conclusion, the contents should be known to them. Patents have been issued for devices already figured and described in popular journals. A general and analytical index only can prevent this. For want of it the labors of the examiners result in no permanent advantage to the public, the office, or to inventors other than those on whose inventions they pass. No results are recorded; and hence (except when the memory of an examiner supersedes the necessity) the same routine of reference to serial and standard works, to models, specifications, &c., is, without ceasing, repeated.

* * * * * * *

"It would be difficult to overrate the saving of time, money, material, and mental expenditure that would accrue to the country if the ingenious had the means of readily ascertaining what has been done in the lines of their speculation. A very inadequate idea may be gathered from the number of applications for patents rejected and suspended yearly for want of novelty or merit. In 1848 there were nine hundred and sixty-eight, and in 1849 over fourteen hundred. Yet cases that come under the notice of this office constitute but a small part of the labors of those who sacrifice years in unfruitful researches for lack of information which an index of inventions would give them.

"In a pecuniary point of view, such a work is therefore most desirable to this office, to inventors, and the public at large. When made accessible to popular reference it will be the saving of millions. No state paper could surpass it in importance, nor in lasting value. Till it is done a majority of applicants for patents must continue to meet with some disappointment. The only safe rule with them is always to make themselves acquainted with what has been attempted before incurring any serious outlay. They should never presume that their devices have not entered other heads than their own until, by a searching inquisition on every hand, the presumption remains in their favor unimpaired. No better advice than this can be given them. But how are they to follow it? Nineteen-twentieths have few or no reliable sources of information within their reach, and not one in a hundred can afford the expenses of a visit to Washington and a residence there for the purpose of consulting the office records and library."

Each succeeding year has augmented the force of most of the reasons suggested by Commissioner Ewbank for the preparation of this index. It is impossible now to estimate the advantages which inventors, the public, and this office would derive from such a work if it were in the hands of the examiners and accessible to the public. The saving of time and money which would result from its use to the office would be immense. It is, of course, impossible to estimate the millions that would be saved to inventors, and to those who use inventions, if the knowledge which it would furnish could be accessible to them.

Mr. BLOUNT. Is this $10,000 simply for the work of preparing this abridgment, or is it to cover the cost of printing?

Mr. VANCE. Preparing and printing.

Mr. BLOUNT. How many copies?

Mr. VANCE. That has not yet been determined.

Mr. BLOUNT. Then, I do not see how you can estimate the cost.

Mr. VANCE. It is to be under the direction of the Commissioner of Patents.

The SPEAKER. The expense not to exceed $10,000.

Mr. VANCE. The expense not to exceed $10,000. And it is also provided that copies may be printed for sale.

Mr. HATCH. I desire to ask the gentleman in charge of the bill to accept an amendment.

Mr. VANCE. I will hear it.

Mr. HATCH. I move to amend by inserting after the words "out of any moneys" the words "belonging to the patent fund."

Mr. VANCE. The committee have no objection to that amendment.

The SPEAKER. By consent that can be considered as embraced in the original motion.

Mr. VANCE. I hope there will be no objection in passing the bill with that provision in it.

The motion to suspend the rules and pass the bill with the proposed amendment was then agreed to, (two-thirds voting in favor thereof.)

Mr. SMITH, of New Jersey, asked and obtained permission to have printed in the RECORD some remarks upon the bill just passed. [See Appendix.]

WITHDRAWAL OF PAPERS.

Mr. CONVERSE asked and obtained consent for the withdrawal from the files of the House of papers in the case of John Garahty; no adverse report.

HUGH BLAIR STUART.

Mr. HERBERT, by unanimous consent, introduced a bill (H. R. No. 7224) granting a pension to Hugh Blair Stuart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BLOUNT. I move that the House now adjourn.

Mr. ACKLEN. Pending that motion, I move that when the House adjourns to-day it be to meet on Wednesday next.

Several MEMBERS. Why?

Mr. ACKLEN. To-morrow is Washington's birthday.

Many MEMBERS. Oh, no!

Mr. ACKLEN. I hope you are not going back on the father of your country in that way. [Laughter.]

The motion of Mr. ACKLEN was not agreed to.

The question was then taken on the motion of Mr. BLOUNT, that the House adjourn; and upon a division there were—ayes 93, noes 35.

Mr. THOMPSON, of Kentucky. I call for tellers on the motion to adjourn.

Tellers were not ordered; there being but 18 in the affirmative; not one-fifth of a quorum.

Mr. THOMPSON, of Kentucky, and Mr. SPRINGER called for the yeas and nays on the motion to adjourn.

The question was taken upon ordering the yeas and nays, and there were 22 in the affirmative.

The SPEAKER. That is not one-fifth of the last vote.

Mr. THOMPSON, of Kentucky. Count the other side.

The negative was counted, there being 129.

The SPEAKER. One-fifth of the members voting have not voted in the affirmative upon the call for the yeas and nays.

Mr. THOMPSON, of Kentucky. I call for tellers on ordering the yeas and nays.

Tellers were not ordered there being but 17 in the affirmative; not one-fifth of a quorum.

So the yeas and nays were not ordered.

The result of the vote was then announced as above stated; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AIKEN: The petition of the National Grange, for a plot of land upon which to erect a grange hall—to the Committee on Public Buildings and Grounds.

By Mr. ANDERSON: The petition of citizens of Blue Rapids, Kansas, ex-soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. BAKER: Resolution of the General Assembly of Indiana, asking the repeal of such laws as confer jurisdiction upon the circuit and district courts of the United States of suits by and against national banks resident of a State without regard to the amount involved in such suits—to the Committee on the Judiciary.

By Mr. BAYNE: The petition of citizens of Pittsburgh, Pennsylvania, and vicinity, for an appropriation to test various plans for improving the navigation of the Ohio and Youghiogheny Rivers—to the Committee on Commerce.

By Mr. BERRY: Resolutions of the Board of Trade of San Francisco, relating to the improvement of Columbia River—to the same committee.

By Mr. BREWER: The petition of Zady Butler and 60 others, ex-soldiers of Ingham County, Michigan, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

Also, the petitions of Randal Faurot and others, of St. Louis; of Joseph Morris and others, of Imly City; and of William C. Clark and others, of Dexter, Michigan, for a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

Also, the petition of A. C. Baldwin, B. G. Stout, and 95 others, citizens of Pontiac, Michigan, that the tax on bank deposits be removed and for the repeal of the stamp tax on checks—to the Committee on Ways and Means.

By Mr. BROWNE: The petition of 67 citizens of Indiana, for the imposition of an income tax—to the same committee.

Also, the petition of 51 citizens of Indiana, that the Bureau of Agriculture be made a Department—to the Committee on Agriculture.

Also, the petition of 60 citizens of Indiana, for the amendment of the patent laws—to the Committee on Patents.

By Mr. BURROWS: The petition of citizens of Michigan, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. CHITTENDEN: The petition of Wallace Wells, of Brooklyn, New York, for the extension of a patent for improvements in steam-engines—to the Committee on Patents.

By Mr. COWGILL: The petition of citizens of Indiana, for the imposition of a tax on incomes—to the Committee on Ways and Means.

By Mr. DE LA MATYR: The petition of James Carrington and 36 others, citizens of Indiana, that the Bureau of Agriculture be made a Department—to the Committee on Agriculture.

By Mr. DIBRELL: The petition of Anderson Reagan, of McMinn County, Tennessee, for a pension—to the Committee on Invalid Pensions.

By Mr. HAWLEY: The petition of John R. Sloan, B. P. Clapp, and others, citizens of Connecticut, ex-soldiers, for the passage of the amendment to Senate bill No. 496, to appoint a commission in each congressional district to facilitate the consideration of pension claims—to the same committee.

By Mr. HOOKER: The petition of citizens of Mississippi, for a change in the carrying-trade laws—to the Committee on Commerce.

Also, the petition of citizens of Mississippi, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of citizens of Mississippi, for the imposition of a tax on incomes—to the Committee on Ways and Means.

Also, the petition of citizens of Mississippi, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. JOYCE: The petition of the National Supreme Council of Templars of Honor and Temperance, for the prohibition of the manufacture and sale of all alcoholic beverages in the District of Columbia—to the Select Committee on Alcoholic Liquor Traffic.

Also, the petition of the Temple of Honor and Temperance of Vermont, for a constitutional amendment to prohibit the manufacture and sale of all alcoholic beverages throughout our national domain—to the same committee.

Also, the petition of citizens of Vermont, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of citizens of Vermont, that the name of Lewis Plankey be restored to the pension-rolls—to the same committee.

By Mr. LOUNSBERY: The petition of citizens of New York, against the passage of Senate bill No. 496—to the same committee.

By Mr. EDWARD L. MARTIN: The petition of T. Y. Dilworth and others, for the passage of a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of John R. Bennett and others, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

Also, the petition of William Beck and others, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of James McMullin and others, for the passage of an income tax law—to the Committee on Ways and Means.

By Mr. MORRISON: Memorial of the General Assembly of Illinois, favoring the retirement of General U. S. Grant with the rank of general—to the Committee on Military Affairs.

By Mr. NORCROSS: The petition of C. P. Gridley and 25 others, citizens of Southampton, Massachusetts, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

Also, the petition of A. C. Edwards and 25 others, citizens of Southampton, Massachusetts, for such legislation upon the subject of interstate commerce as shall secure equality of privileges in transportation—to the Committee on Commerce.

By Mr. O'NEILL: The petition of retail pharmacists of Philadelphia, Pennsylvania, for such modification of the proprietary tax as will permit them to sell at retail without such tax all articles of their own preparation, and also to relieve them from being classified as retail liquor dealers—to the Committee on Ways and Means.

By Mr. POEHLER: The petition of the Grand Lodge of Good Templars of Minnesota, for a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RAY: The petition of John B. Hendley and 39 others, New Hampshire soldiers, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. ROBESON: The petition of citizens of Cape May, New Jersey, for the passage of Senate bill No. 496—to the same committee.

Also, the petition of citizens of New Jersey, against the passage of Senate bill No. 496—to the same committee.

By Mr. TYLER: The petition of William C. Bustin and 39 others, ex-soldiers of Vermont, of similar import—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of Thomas Coyne and 26 other soldiers, of similar import—to the same committee.

By Mr. UPSON: Resolutions of the Legislature of Texas, asking the passage of an act granting permission to construct a railway and to obtain the right of way through the Indian Territory for the Saint Louis and San Francisco Railway Company—to the Committee on Railways and Canals.

Also, resolutions of the Legislature of Texas, asking appropriations for the improvement of the bars of Brazos de Santiago, Aransas Pass, Sabine Pass, Passo Caballo, and at the mouth of Brazos and Buffalo Bayous, Texas—to the Committee on Commerce.

By Mr. URNER: The petition of Colonel William H. Weigel and 23 others, of Baltimore, for the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WASHBURN: The petitions of James Davis and 15 others, citizens of Hennepin County, and of John Grant and 28 others, citizens of Minnesota, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petitions of the same parties, for legislation to protect innocent purchasers and users of patented articles—to the Committee on Patents.

By Mr. WHITTHORNE: The petition of H. Turton and others, for an appropriation to provide for the preservation of the American cemetery at Lahaina, Maui, Hawaiian Islands—to the Committee on Appropriations.

IN SENATE.

TUESDAY, *February* 22, 1881.

The Senate met at eleven o'clock a. m. Prayer by Rev. T. S. CHILDS, D. D., of Washington City.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, in compliance with a resolution of June 15, 1880, a report of the Secretary of State showing what changes, if any, are necessary or would be beneficial in the laws regulating the management of his Department, or of the bureaus or divisions thereof, so as to promote the efficiency or economy of its administration; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting a report of Captain C. J. Allen, Corps of Engineers, of survey of the Mississippi River at Sauk Rapids, near the city of Saint Cloud, Minnesota, made in compliance with the provisions of the river and harbor act of June 14, 1880; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, in compliance with a resolution of the 17th instant, copies of the report of Colonel Gillespie, submitting plans for the improvement of the mouth of the Columbia River, together with the report of the Board of Engineers thereon; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, in compliance with the provisions of the river and harbor act of June 14, 1880, copy of report of Major F. Harwood, Corps of Engineers, upon an examination and survey of Grand River below Grand Rapids, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the Chief of Ordnance relative to the amendment reported by the Appropriations Committee of the Senate to the fortification appropriation bill, reducing the amount for armament from $400,000 to $250,000; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the Chief of Engineers and accompanying report of Major W. R. King, Corps of Engineers, of the results of an examination of Powell River, in Tennessee and Virginia, made in compliance with the provisions of the river and harbor act of June 14, 1880; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of the Legislative Assembly of the Territory of Montana, in favor of devoting internal revenue collected in that Territory to the enlargement and improvement of the Montana penitentiary; which was referred to the Committee on Territories.

He also presented a memorial of the Legislative Assembly of the Territory of Montana, remonstrating against the passage of any law authorizing the leasing by the General Government of any public lands; which was referred to the Committee on Public Lands.

He also presented the petition of Caroline M. Montgomery, of Detroit, Michigan, widow of the late Adjutant Campbell Montgomery, Twenty-third Michigan Volunteer Infantry, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented a memorial of the Legislative Assembly of Dakota, in favor of the repeal of the act of March 3, 1879, relative to the homestead and pre-emption laws; which was referred to the Committee on Public Lands.

Mr. BAYARD presented the petition of Catesby T. Rust and 32 others, citizens of Delaware, praying for an appropriation for the improvement of Appoquinimink Creek, in that State; which was referred to the Committee on Commerce.

He also presented the petition of Charles C. Stockley and 200 others, citizens of Delaware, praying for a survey for the improvement of Indian River, in that State; which was referred to the Committee on Commerce.

Mr. JONAS presented resolutions of the Produce Exchange of New Orleans, Louisiana, and also of the New Orleans Cotton Exchange, favoring the abolishment of special taxes levied on the capital and deposits of banks and bankers, and also the tax levied on bank-checks; which were referred to the Committee on Finance.

Mr. CAMERON, of Pennsylvania, presented the petition of Joseph Jamison and others, citizens of Pennsylvania, praying for the enactment of a law levying an income tax; which was referred to the Committee on Finance.

He also presented a petition of citizens of Pennsylvania, praying for the passage of a law protecting innocent purchasers against the imposition of fraudulent venders of patents and patent rights; which was referred to the Committee on Patents.

He also presented a petition of citizens of Pennsylvania, praying for the passage of the bill now pending in Congress making the Commissioner of Agriculture a Cabinet officer; which was referred to the Committee on Agriculture.

Mr. HOAR presented the petition of Henry White and others, citizens of Dedham, Massachusetts, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred a letter of the Secretary of War transmitting a report from the Quartermaster-General recommending the repeal of the law in regard to the payment for fuel by officers of the Army and the restoration of the allowance of fuel, submitted a report thereon, accompanied by a bill (S. No. 2210) to repeal so much of section 8 of the act of June 18, 1878, as relates to the payment for fuel by officers of the Army.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (S. No. 932) for the relief of sufferers by the wreck of the Government transport bark Torrent, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1688) for the relief of the heirs-at-law of William R. Downing, deceased, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Captain and Brevet Colonel Joseph Conrad, United States Army, praying the passage of an act authorizing his retirement in the grade of colonel, the actual rank held by him when wounded, submitted a report thereon, accompanied by a bill (S. No. 2211) for the relief of Joseph Conrad, of Missouri.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3751) to amend chapter 198, volume 16 of the Statutes at Large, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 5748) for the relief of Herbert Joyce, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3450) for the relief of Lewis A. Kent, reported it without amendment.

Mr. VOORHEES, from the Committee on Finance, to whom was referred the bill (S. No. 2062) for the relief of William T. Pate & Co., reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WALLACE, from the Committee on Finance, to whom was referred the bill (S. No. 1855) to authorize the issue and provide for the redemption of fractional notes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BRUCE, from the Committee on Education and Labor, to whom was referred the bill (S. No. 1285) for the endowment of the "S. R. and R. M. Lowery Industrial Academy," in the State of Alabama, and to accept a donation of buildings and lands in aid of the same, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 2200) for the relief of Jeremiah Brown, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 2204) for the relief of John J. Salter, reported it without amendment.

Mr. HILL, of Colorado, from the Committee on Public Lands, to whom was referred the bill (S. No. 925) to provide for the reappraisement and sale of the abandoned military reservation at Fort Smith, Arkansas, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. WALKER. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 5502) granting to the Territory of Dakota section 36, in township No. 56 north, of range No. 94 west, in the county of Yankton, in said Territory, for the purposes of an asylum for the insane, and granting to said Territory one section of land in lieu of said thirty-sixth section, for school purposes, to report it with an amendment. The object of the bill is simply to correct a mistake made in the passage of a law at the last session of Congress, and I ask for its present consideration.

Mr. COCKRELL. I object.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar under the rule.

Mr. BECK. I am directed by the Committee on Transportation Routes to the Seaboard, to whom was referred the bill (S. No. 248) to aid in the construction of the Maryland and Delaware Ship-Canal, and to secure to all vessels of the United States service for all time the right of navigation through said canal free of tolls and charges, and also a joint resolution of the General Assembly of Mary-

land, requesting their Senators and Representatives in Congress to procure an appropriation for the location and preparation of the Choptank and Delaware Ship-Canal line, and for the survey and location of the Chesapeake Bay and Potomac River tide-water canal line, to report them back with a request that the accompanying written report be printed, and, together with the bill and resolution of the General Assembly of Maryland, be referred to the Committe on Commerce, asking that it be used as an amendment to the river and harbor bill.

The VICE-PRESIDENT. The change of reference desired will be made, if there be no objection.

Mr. BAILEY, from the Committee on Education and Labor, to whom was referred the bill (S. No. 940) to amend an act approved July 2, 1862, entitled "An act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," asked to be discharged from its further consideration; which was agreed to, and the bill was placed on the Calendar.

He also, from the same committee, to whom was referred the bill (S. No. 1141) to incorporate the Cosmo-American Colonization and General Improvement Bureau in the United States, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BAILEY. I am instructed by the Committee on Education and Labor, to whom was referred the bill (S. No. 771) to establish a labor commission, to ask to be discharged from its further consideration. I do not ask that the bill be indefinitely postponed.

Mr. HOAR. I desire the bill to go on the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

NATIONAL-BANK RETURNS.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 4572) defining the verification of returns of national banks, to report it favorably and without amendment. As this is a House bill, and merely is to legalize oaths taken by officers of the banks as to their returns when made by a notary public, I ask to have it considered at this time. It is a very brief bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the oath or affirmation required by section 5211 of the Revised Statutes, verifying the returns made by national banks to the Comptroller of the Currency, when taken before a notary public properly authorized and commissioned by the State in which such notary resides and the bank is located, or any other officer having an official seal, authorized in such State to administer oaths, shall be a sufficient verification as contemplated by that section.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY M. SPOFFORD.

Mr. HILL, of Georgia. I am instructed by the Committee on Privileges and Elections to report the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the "miscellaneous items" of the contingent fund of the Senate to the legal representatives of the estate of the late Henry M. Spofford, claimant of a seat in the Senate from the State of Louisiana, the salary, or compensation without mileage, he would have been entitled to under the law as a Senator from the 4th day of March, 1877, to the 20th day of August, 1880, inclusive.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. INGALLS. I object.

The VICE-PRESIDENT. Objection is made and the resolution goes over for one day.

Mr. HILL, of Georgia. I will state to the Senate that the resolution is unanimously reported. It is in the form and is exactly the rule adopted by the Senate in the Corbin case. The committee have all agreed to this resolution and have directed me to ask for its present consideration. I hope, therefore, the Senator will not object.

Mr. INGALLS. I feel called upon to object. Let the resolution lie over until to-morrow. There will be no difficulty about it lying over until to-morrow, and if it is in accordance with the precedents, then of course it can be acted upon.

Mr. HILL, of Georgia. It is precisely the rule adopted by the Senate in the Corbin case, which was a case *pari passu* with this.

Mr. CAMERON, of Wisconsin. That rule has always heretofore been followed by the Senate, except in the case of Segar, of Virginia.

Mr. HILL, of Georgia. Precisely the rule that has been followed, except in that case.

The VICE-PRESIDENT. The resolution is not before the Senate.

Mr. HILL, of Georgia. The Senator from Kansas does not withdraw his objection?

Mr. INGALLS. I wish to examine the resolution.

Mr. INGALLS subsequently said: A short time since I objected to the consideration of a resolution reported from the Committee on Privileges and Elections, to which I call the attention of the Senator from Georgia. The objection that I had was that the resolution provided for the payment of salary to a person whom I do not believe to be entitled to salary. I have since seen the Senator from Massachusetts, [Mr. HOAR,] and he states to me that his understanding is that this claimant is to have an amount equal to the salary to which he would have been entitled if a Senator. I believe the precedent is a vicious one, and that the language, at least, of the resolution should be so changed as to show the amount of money that he is to receive, not as salary, for he never was a Senator and consequently could not be entitled to salary, but the compensation that he is to receive for the period named in the resolution. If it can be changed so as to strike out the word "salary," I am perfectly willing that the resolution shall now be acted upon.

Mr. HILL, of Georgia. I am willing to strike out the word "salary" and insert "compensation" if the resolution can be properly guarded. I simply put in the word "salary" to exclude the idea of mileage. What the committee agreed on was that he should not have mileage. I was afraid if we said "compensation to which he would be entitled as a Senator," it might be construed to include mileage. Therefore, I used the word "salary," and in addition inserted the words "without mileage." The object is to make the resolution specific in order to avoid the very conclusion which the Senator wishes to avoid.

The VICE-PRESIDENT. The resolution is not before the Senate.

Mr. HOAR. Perhaps the Senate will consent, as the matter has been up already, to bring it before the Senate now, which would save bringing it up again hereafter.

The VICE-PRESIDENT. Is there objection to the resolution being again considered?

Mr. COCKRELL. I object to the consideration of anything in the morning hour but the Calendar.

Mr. HOAR. This is a privileged matter. I desire to say to the Senator that the matter having got about three-quarters through, it being a three-minute matter, perhaps it would save time for the morning hour, as this is morning-hour business, to consider it now. It is a resolution of the Senate alone.

Mr. COCKRELL. If it will not consume the morning hour, I have no objection, but if we are to have speeches made on it through the entire morning hour I shall object. I will withdraw the objection for the present and see if the resolution can be disposed of.

The VICE-PRESIDENT. The objection is withdrawn, and the resolution is again before the Senate.

Mr. HOAR. I desire simply to suggest to the Senator from Georgia to amend the resolution by saying "a sum equal to the compensation or salary of a Senator" for such a time.

Mr. LOGAN. Without mileage.

Mr. HOAR. Without mileage. The words "without mileage" are in the resolution.

Mr. HILL, of Georgia. I have no objection to that modification.

Mr. HOAR. If the Senator can be permitted to withdraw the resolution and present it again so modified, I have no doubt it will meet assent. It is a mere question of phraseology.

The VICE-PRESIDENT. The Chair hears no objection; and the resolution is withdrawn for the present.

Mr. HILL, of Georgia, subsequently said: There is no objection now to the resolution. We have agreed upon the language satisfactorily.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read the second time at length, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the "miscellaneous items" of the contingent fund of the Senate to the legal representatives of the estate of the late Henry M. Spofford, contestant of a seat in the Senate from the State of Louisiana, a sum equal to the compensation, without mileage, of a Senator from the 4th day of March, 1877, to the 20th day of August, 1880, inclusive.

The VICE-PRESIDENT. Are there amendments to the resolution as in Committee of the Whole?

Mr. HOAR. I ask leave to say a word upon the resolution, which I think I ought to do. I am in favor of a rule which shall allow contestants only their actual expenses, including a compensation to them when they act as their own counsel for the labor actually expended by them in contesting the seat. The Senate in the Segar case and in one of the Alabama cases adopted that principle, and my purpose first was to refuse my assent to this resolution without making any objection to it in debate; but in the Corbin case the Senate went back to its old custom of allowing the salary. My honorable friend from Georgia with great force made the suggestion to me that as the Corbin case and the Spofford case came up at the same time, were cases of the same character, the only distinction between them so far as this matter is concerned being that Mr. Spofford had had the report in his favor of a majority of the Committee on Privileges and Elections of this body, it would be very ungracious and very improper to say that the republican contestant should have the salary and the democratic contestant be cut down to his actual expenses, especially when he is dead and could not furnish any estimate of those.

So I am clearly of the opinion that I ought to concur readily in this resolution as it is presented, and I reserve to myself the right to insist upon the obligations of the rule hereafter, and on the payment in future cases to contestants of only their actual expenses.

Mr. HILL, of Georgia. I concur with every word the Senator from Massachusetts has said; and I am glad he has made the remarks he has submitted. I agree with him that the rule to be established ought to be one of expenses; but as the Senate adopted a different rule in a similar case, as the Senator has mentioned, in the case of Mr. Corbin, every member of the committee, republican and democrat, agreed that we ought to treat these gentlemen precisely alike; and I am glad to say we have done so. I think it is proper we should

do that. I simply want to add my remarks in confirmation of what the Senator from Massachusetts has said, and to say that hereafter I will concur with him as to what ought to be the rule.

The resolution was reported to the Senate as amended, and the amendment was concurred in.

The resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BANK TAXES.

Mr. BAYARD. I am instructed by the Committee on Finance, to whom was referred the bill (S. No. 1945) to repeal all laws which impose taxes on the capital of, and deposits with, banks and bankers, and on bank-checks, and so forth, to report it with an amendment, and I ask to have it read and considered at once.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The CHIEF CLERK. The amendment reported by the Committee on Finance is to strike out all after the enacting clause of the bill and in lieu thereof to insert:

That so much of sections 3408 and 5214 of the Revised Statutes of the United States as impose taxes upon the deposits of any person, bank, banking association, company, or corporation engaged in banking be, and the same is hereby, repealed.

Mr. COCKRELL. Is that all the substitute there is?

Mr. BAYARD. That is all.

Mr. COCKRELL. It does not repeal the two-cent stamp tax on bank-checks?

Mr. BAYARD. There is no provision except simply to repeal the tax on deposits.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to repeal taxes on deposits with banks, banking associations, and bankers."

CENSUS REPORTS.

Mr. WHYTE. I am instructed by the Committee on Printing to report a joint resolution which is the result of an application made to that committee by the Chief of the Census Bureau, and I ask that it may be immediately considered.

The joint resolution (S. R. No. 165) for the printing and distributing special reports relating to the tenth census was read twice, and considered as in Committee of the Whole. It provides for the printing of 50,000 copies of the report on population according to the tenth census, and 5,000 copies of each of the reports relating to the wealth, industry, and social condition of the United States, which may under the acts of Congress of March 3, 1879, and April 20, 1880, be printed for publication prior to the meeting of the first regular session of the Forty-seventh Congress, for distribution as follows: Of the report on population, 15,000 for the use of the Senate, 25,000 for the use of the House of Representatives, and 10,000 to be distributed under the direction of the Secretary of the Interior; and of the other reports 1,500 for the use of the Senate, 2,500 for the use of the House of Representatives, and 1,000 to be distributed under the direction of the Secretary of the Interior.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. LOGAN. Mr. President——

Mr. COCKRELL. Is the business of the morning hour concluded?

The VICE-PRESIDENT. The morning business is not yet concluded. It rests at reports of committees.

Mr. LOGAN. I desire to ask (and I think it is a matter that is important enough, as it will only take a minute or two and will lead to no discussion) to take up the resolution for the extension of the franking privilege. It is perfectly understood by all what the resolution means, that it gives us the right to frank the communications that go out to our constituents from the Departments. It will take but a moment, and I hope the Senate will let it pass, so that it may go to the House and may become a law at this session.

Mr. COCKRELL. I call for the regular order.

The VICE-PRESIDENT. The Chair will first call through the Calendar of morning business. The introduction of bills is next in order.

BILLS INTRODUCED.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2212) to protect innocent purchasers and users of patented articles; which was read twice by its title.

Mr. VOORHEES. A few days ago I introduced a resolution instructing the Judiciary Committee to look into the question treated of in this bill. I now present the bill, and ask its reference to that committee, and I desire the patience of the Senate simply to say that there is hardly a subject within the range of our legislative rights of greater importance to the people than that to which the bill relates, the protection of innocent purchasers from the impositions and frauds constantly practiced upon them; especially now as those frauds are protected by recent decisions of the courts on the subject of patent rights.

I make these remarks for the purpose of especially calling the attention of the Committee on the Judiciary to the necessity of prompt action, and late as the session is I hope they may give the bill their attention.

Mr. KIRKWOOD. I should like to say in reply to the Senator from Indiana that there is a bill upon our Calendar which has passed the House upon this identical subject, and I would be very glad of his aid at some time before the close of the session to get it up and have it passed.

Mr. VOORHEES. I am very glad of that information, and I volunteer as an assistant to the Senator from Iowa on any proper occasion. I move the reference of the bill to the Committee on the Judiciary.

The motion was agreed to.

Mr. JOHNSTON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2213) to repeal so much of section 3385 of Revised Statutes as imposes an export tax on tobacco; which was read twice by its title, and referred to the Committee on Finance.

Mr. KIRKWOOD asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2214) donating condemned cannon to the Brooklyn Veteran Union, Brooklyn, Iowa; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILLIAMS asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 166) authorizing the Secretary of War to loan certain tents, flags, &c., to the Masons at Louisville, Kentucky; which was read twice by its title, and referred to the Committee on Military Affairs.

MARY A. STEECE.

Mr. WALLACE. I ask unanimous consent that the vote by which the bill (H. R. No. 2547) increasing the pension of Mary A. Steece, widow of Tecumseh Steece, was indefinitely postponed be reconsidered, and that the bill be recommitted to the Committee on Pensions, there being other testimony presented.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS.

Mr. BUTLER. On the 17th of this month I submitted an amendment relative to the survey of the Blue Ridge Canal intended to be proposed to the river and harbor bill, and which I asked should be laid on the table that I might call it up for the purpose of submitting some remarks before the bill passed from the hands of the Committee on Commerce. The Senator from West Virginia [Mr. DAVIS] may wish to press the appropriation bill which he has in charge.

Mr. DAVIS, of West Virginia. I was about to ask the Senator from South Carolina whether he preferred to go on now or after the appropriation bill shall be finished. I submit the question to him entirely, and I shall be governed by his decision.

Mr. BUTLER. I have no desire whatever to interfere with the progress of the appropriation bill. If it will be agreeable to the Senate, at the conclusion of the pending appropriation bill, I should like to submit a few remarks—not more than ten minutes, I think—upon the amendment, which I desire to go to the Committee on Commerce before the river and harbor bill passes out of its hands.

The VICE-PRESIDENT. The Senator from South Carolina asks permission at the conclusion of the pending appropriation bill that he be indulged in making some remarks upon the amendment to be proposed by him to the river and harbor bill. The Chair hears no objection.

Mr. DAVIS, of West Virginia. I ask the Senate now to proceed to the consideration of——

The VICE-PRESIDENT. Is there further business for the morning hour? The Chair hears none, and the business of the morning hour is concluded, and the pending order is the consideration of the Calendar of General Orders.

Mr. DAVIS, of West Virginia. I ask that by unanimous consent the pending and prior orders, which may be the cattle bill or the Library bill, I know not which, be laid aside for the purpose of proceeding to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. TELLER. I object to that.

The VICE-PRESIDENT. Objection is made.

Mr. DAVIS, of West Virginia. Then I move that the pending and prior orders be postponed.

The VICE-PRESIDENT. The Senator from West Virginia moves that the pending order, being the Calendar of General Orders under the standing order of the day, be postponed for the purpose indicated by him.

Mr. TELLER. There is not any trouble about this or any other appropriation bill. The appropriation bills can and will be passed without any difficulty. We have got along with them as rapidly as anybody could expect we should. There are other matters which are just as deserving of the consideration of the Senate as the appropriation bill now presented, or any other appropriation bill. The committees have been at work all this winter, some committees, at least, making reports and putting them on the Calendar, and now we are shoved out every day by something in the morning hour. The result will be when we adjourn that our work will go for nothing; and upon the Calendar are at least forty or fifty bills which came from the House, which are uncontested and unquestioned, and ought to be passed, but which will not be passed either because every day some-

body gets up to make a speech during the morning hour upon some subject which is of no practical importance or interest to the Senate, or because some bill like this is pushed in in place of the Calendar.

Now, if we do not go to the Calendar and stay by the Calendar a little portion of the time, we might as well pass the appropriation bills and quit.

Mr. JOHNSTON. Mr. President, there is upon the Calendar a joint resolution providing for the erection of a monument to mark the birthplace of George Washington; and as this is his birthday I ask unanimous consent of the Senate to take up that joint resolution and pass it to-day. It is the joint resolution (H. R. No. 315) amending and re-enacting joint resolution approved June 14, 1879, directing a monument to mark the birthplace of George Washington.

Mr. COCKRELL. I shall be compelled to object to the present consideration of that until we have completed this monument down here to his services and his record to this great country. I think we shall show our gratitude a great deal better by completing that monument than we shall by going back and hunting up his birthplace.

Mr. JOHNSTON. We are at work on that monument, but we cannot complete it in a day. I hope there will be no objection to my request. I hope the Senator from Missouri will consent to let the resolution be acted on. I appeal to the Senator to do that.

Mr. COCKRELL. There are a large number of cases on the Calendar which have come from the House. There is not a day but what the Senator from Virginia and other Senators are coming to me to know what has been done with their cases which have been passed by the House and have been referred to the Committee on Claims. That committee has worked faithfully and industriously, has reported them back, and placed them on the Calendar. Gentlemen are trying to hold us responsible that we do not secure their passage, and yet every one of them here in the morning hour is calling up special cases, consuming the entire morning hour and preventing the consideration of other just as meritorious cases.

Now, Mr. President, there is but one way of transacting the business of the Senate, and that is to go to the Calendar and attend to the business in its regular order. There is in another legislative branch a calendar of one hundred pages of unfinished business; we have here in the Senate a calendar of thirty-three pages of unfinished business. One thousand and fifty-eight cases have been reported to the Senate, and scarcely any of them have been disposed of; and it is because we have been violating every business rule during this entire session. We have not adhered three days to a business mode of conducting the business of the Senate. I am astonished that my good friend from Virginia, one of the oldest Senators here, should want us to tamper with the rules and prevent the disposition of business upon the Calendar.

Mr. LOGAN. I think the Senator from Missouri has taken up more time than anybody else.

Mr. SAULSBURY. I am surprised, Mr. President, when a proposition is made here to pass a resolution providing for marking the birthplace of the Father of his Country, that the Senator from Missouri rises up in his place and consumes more time in discussing that proposition than would be required to pass the resolution. When a proposition is made here to make a small appropriation to mark the birthplace of him who was "first in war, first in peace, and first in the hearts of his countrymen," the Senator from Missouri who enjoys the benefits of that man's labors, who enjoys the liberty which he fought to achieve, rises in his place and gravely makes an objection to a proposition of that character. I will not appeal as the Senator from Virginia does to the Senator from Missouri; but I demand in the name of the American people that that Senator shall no longer interpose to prevent an act of gratitude to the man who has honored this country and whom this country must not fail to do honor to.

Mr. HARRIS. Mr. President, what is the question before the Senate?

The VICE-PRESIDENT. The Senator from Virginia has moved to postpone the pending order in order to take up the joint resolution indicated by him.

Mr. HARRIS. I was not aware that the Senator from Virginia had made the motion. I thought he had asked unanimous consent.

The VICE-PRESIDENT. He did ask unanimous consent, and objection was made.

Mr. JOHNSTON. I again ask unanimous consent, and I hope it will be granted.

Mr. COCKRELL. And I again object.

Mr. JOHNSTON. Then I move to lay aside all orders——

The VICE-PRESIDENT. The Senator has not the floor for that purpose unless it is yielded by the Senator from West Virginia.

Mr. JOHNSTON. I ask the Senator from West Virginia to yield.

Mr. DAVIS, of West Virginia. The Senator from South Carolina, who was entitled to be heard according to the uniform courtesy of the Senate, gave way for the express purpose of taking up the appropriation bill, and I was surprised that my friend from Colorado should object to that. The Senator from South Carolina had the floor for the purpose of making some remarks, and he said he would yield to the appropriation bill, and as soon as it be finished he will ask for the floor. I believe since I have been in the Senate, which is longer than a majority of the Senators have been here, the right of a Senator when he asks to address the Senate has not been denied.

Mr. TELLER. Will the Senator yield to me?

Mr. DAVIS, of West Virginia. For an explanation.

Mr. TELLER. I was not aware that anybody desired to address the Senate. My remarks were made upon the motion of the Senator to take up the appropriation bill. If anybody desired to address the Senate he ought not to have made that motion. I certainly would not have interfered with the Senator from South Carolina if I had known he wanted to address the Senate.

Mr. BUTLER. The Senator from Colorado did not interfere with me. I gave way to the Senator from West Virginia in order that he might go on with the appropriation bill. I had no idea that in doing that I should raise such a storm about General Washington. If I had, I should have claimed the floor myself.

Mr. JOHNSTON. In order to save time I hope the Senator will yield and that this resolution will be taken up.

Mr. BUTLER. I think the Senator from Missouri will withdraw his opposition to that. It is the 22d of February.

Mr. JOHNSTON. I make one more appeal——

Mr. SAUNDERS. If the Senator from South Carolina is prepared to address the Senate now, he ought to have the opportunity.

The VICE-PRESIDENT. Does the Senator from West Virginia withdraw his motion?

Mr. DAVIS, of West Virginia. I do, for the purpose indicated by the Senator from Virginia.

The VICE-PRESIDENT. The Senator cannot withdraw the motion conditionally.

Mr. DAVIS, of West Virginia. I withdraw the motion.

Mr. JOHNSTON. I move that the pending order be postponed.

The VICE-PRESIDENT. The Senator from Virginia moves that the pending order, being the consideration of the Calendar of General Orders under the standing order of the day, be postponed for the purpose indicated by him, and the question is on the motion to postpone.

The motion was agreed to; there being on a division—ayes 34, noes 5.

The VICE-PRESIDENT. The question now is on taking up the joint resolution referred to by the Senator from Virginia.

The motion was agreed to.

MONUMENT AT BIRTHPLACE OF WASHINGTON.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 315) amending and re-enacting joint resolution, approved June 14, 1879, directing a monument to mark the birthplace of George Washington. It proposes to amend and re-enact the joint resolution of June 14, 1879, so as to read:

That the sum of $30,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a monument at and to mark the birthplace of George Washington, which sum shall be expended under the direction of the Secretary of State, who shall have the management and control of the erection of said monument; provided no part of the sum hereby appropriated shall be expended until the Secretary of State shall be satisfied with the title to the land to be occupied by the monument and the securement of a public right of way thereto.

Mr. INGALLS. I ask for the reading of the joint resolution of June 14, 1879.

Mr. JOHNSTON. I send up a copy of that resolution.

The Chief Clerk read as follows:

Joint resolution directing a monument to be erected to mark the birthplace of George Washington.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $3,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a monument at and to mark the birthplace of George Washington, which said sum shall be expended under the direction of the Secretary of State, who shall have the management and control of the erection of said monument.

Approved June 14, 1879.

Mr. COCKRELL. Mr. President, is it possible that the Senator from Virginia already has a law authorizing the erection of this monument, and that the distinguished and patriotic Senator from Delaware was ignorant of that law, and appealed to me in his spectacular, dramatic way to withdraw objection to erecting a monument when there was already a law for it?

Why, Mr. President, what is this? Let us look at it seriously. Here was a law passed in 1879 authorizing the erection of a decent, modest monument to that great and good man, the only kind of a one that he, could he speak from his grave, would recognize or sanction—at a cost of $3,000. Now, to take advantage of the supposed patriotism of the Senate, its gushing sentimentality and loyalty, on the 22d of February a motion is made to do what? Ostensibly to give authority to erect a monument, but really to take out of the Treasury, in the name of the old flag, $30,000. That is the beginning and end of this proceeding in the name of loyalty and the old flag and patriotism. I notice that all these efforts to celebrate past events and erect monuments have back of them a snug appropriation, a large appropriation.

I had forgotten about this $3,000 appropriation and this former resolution until this joint resolution was read. It is simply a question as to whether we shall transcend the law we then made and trample it under foot. We fixed the amount then at $3,000. Shall we go on now and give $30,000, and on the 22d of February next, in the name of loyalty and patriotism and the old flag, give $50,000 more, and if that

will not do, then when the 22d of February comes again, give another $50,000?

Mr. SAULSBURY. I desire to say to the Senator from Missouri that I was not ignorant of the fact, nor had I forgotten that such a resolution was passed; and I was further informed of the fact which perhaps he was not informed of, that the Secretary of State, who was intrusted with the management of this fund for the purpose indicated in the resolution, had stated to the Senator from Virginia that it was utterly impossible with the amount appropriated to do what was right and proper to be done in the matter, and this resolution is now brought in to carry out the purpose of the original resolution with an appropriation sufficient to accomplish the purpose. So I was not ignorant of the existence of that resolution which the Senator from Missouri had forgotten; and I have been acting upon the information which I received from the Secretary of State that the amount appropriated was wholly insufficient and that it was necessary to make an appropriation of this kind if anything at all was to be done.

Mr. LOGAN. I listened with a great deal of pleasure to the Senator from Delaware when he spoke on this measure before, and I rise now merely to make a suggestion to him that he correct his quotation for the RECORD. I believe he said that George Washington, the father of his country, was "first in war, first in peace, and first in the hearts of his countrymen." I believe that was the quotation. I think he ought to correct it in this way: "first in war, first in peace, the last one to get a monument."

Mr. INGALLS. Mr. President, I of course sympathize profoundly with the object of this measure; but I have some curiosity to know why the people of Virginia, if they feel a profound interest in this matter, do not erect the monument provided for in the resolution of June 14, 1879. I should like to hear from the Senator from Virginia on that subject.

Mr. JOHNSTON. It was not made the duty of the people of Virginia to erect that monument, but the duty of the Secretary of State.

Mr. INGALLS. Why did he not do it?

Mr. JOHNSTON. Because the sum appropriated was not sufficient.

Mr. INGALLS. That is, the sum of $3,000 was not sufficient to erect a $3,000 monument?

Mr. JOHNSTON. Not a suitable monument for the occasion; for the man and for his acts.

Mr. INGALLS. He differed with Congress in that particular. That is all. Are there no communications on file, Mr. President, from the Secretary of State about this matter? If there are, I should like to have them read.

Mr. JOHNSTON. There are none that I know of. I have had personal interviews with the Secretary of State on the subject, and he asked me to have the resolution taken up and passed, and he has done so on the assurance that $3,000 was not sufficient for the purpose.

Mr. INGALLS. What is it proposed to do with this $30,000?

Mr. JOHNSTON. To erect a monument; I do not know of what sort.

Mr. CONKLING. Mr. President, is there any written or printed report with this joint resolution?

Mr. JOHNSTON. No, sir; not that I know of.

Mr. CONKLING. Well, I think I shall venture to say that considering the amount of money appropriated originally and the simplicity of the thing to be done, this has been a very stately and impressive proceeding from the beginning. To plain people there has been something crushing in the magnificence and vastness with which somebody has gone or pretended to go to the place indicated in order that a monument might be stationed there to mark the spot. I think it would be well to have some committee understand this and make a report which the rest of us may understand, before any such sum of money as this is devoted to any purpose so vague.

Mr. President, is it still within the power of a single member of the Senate to object to this joint resolution?

The VICE-PRESIDENT. The Chair thinks not.

Mr. CONKLING. If it is, I should like to take the responsibility of making that objection.

The VICE-PRESIDENT. One objection will not carry it over. It was taken up on motion.

Mr. CONKLING. I was not in at the moment it was called up. Although I have all the sympathy that I have heard other Senators disclose for a purpose so patriotic, so historic, I might say so sacred as this, nevertheless I would like to take the responsibility alone of objecting to a bill that is a part of a proceeding which I deem so hollow and pretentious.

Mr. President, what is the question before the Senate?

The VICE-PRESIDENT. The question is, Are there any amendments in Committee of the Whole to the joint resolution? It is before the Senate, as in Committee of the Whole, for amendment.

Mr. CONKLING. I have none.

Mr. INGALLS. I understand the history of this transaction to be about this: In 1879 Congress, at the request of the Representatives from Virginia, appropriated some three thousand dollars for the purpose of placing a memorial-stone to designate the birthplace of George Washington.

Mr. COCKRELL I will read the resolution if the Senator wishes.

Mr. INGALLS. I should be glad to hear it.

Mr. COCKRELL. It is as follows:

Joint resolution directing a monument to be erected to mark the birthplace of George Washington.

Be it resolved by the Senate and House of Representatives, &c., That the sum of $3,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a monument at, and to mark, the birthplace of George Washington, which said sum shall be expended under the direction of the Secretary of State, who shall have the management and control of the erection of said monument.

Approved June 14, 1879.

Mr. INGALLS. That resolution was passed by both Houses of Congress and approved by the President, and the money was at the disposal of the Secretary of State, to be expended in the manner provided by the resolution. He then, in company with a well-known sculptor, visited the birthplace of Washington. It is, if I am informed correctly, in an old worn-out corn-field on a practically abandoned farm in Virginia, near tide-water, off from the routes of travel, and not accessible except a special pilgrimage is made to visit it. The Secretary of State and this sculptor concluded that under all the circumstances it would not be advisable to carry out the will of Congress, and the sculptor submitted to the Secretary of State a device for a beautifully decorated bronze cottage, with plate-glass windows, to contain various suitable inscriptions; and they proceeded to veto the act of Congress, declared that they would not carry it into effect, and submitted a report to Congress stating that it would be advisable, instead of putting this stone to mark the place, that the cottage or bird-cage to which I have heretofore referred should be substituted in its place, and that they would ask Congress to appropriate $30,000 for that purpose.

Now, Mr. President, if the Congress of the United States desire to have their deliberately expressed purpose nullified and vetoed and abrogated by the servant who is to carry out their wishes, I certainly have personally no objection to the enterprise; but I think that, inasmuch as that original resolution stands ineffectual and incomplete, it would be very much better for us to say to the Secretary of State that we prefer that that design should be carried out, and to let this resolution rest. Certainly if nothing more is done, we should be advised what is to be accomplished by this proposed amendment and the expenditure of this $27,000 additional of money.

A more hollow, pretentious piece of affectation and mockery I think I have never known. If the will of Congress had been carried out, the birthplace of Washington would long since have been properly designated by the monument which was declared to be appropriate by act of Congress.

I have great veneration for the memory of Washington, but I think he has been specially unfortunate in the efforts that have been made to commemorate his services and his career. The incomplete shaft that still stands on the Mall as the ineffectual accomplishment of the American people in that direction has been a conspicuous illustration of the fact to which I have called attention. After standing there for some thirty years a mere fragment, we appropriated a vast sum of money to improve and strengthen the foundations, and I suppose if we appropriate $30,000 to build this brass cottage we shall next session have an appropriation asked for to strengthen the foundations and otherwise to improve and render it appropriate and satisfactory.

I think the Senator from Virginia would do well to have the birthplace of Washington marked by a monolith, for which the original appropriation would be eminently satisfactory and sufficient. I am somewhat surprised that he should take advantage of the supposed patriotism which ought to be evolved on this day, to ask Congress to do a thing that is so out of propriety, in my judgment, and so entirely at variance with what has heretofore been expressed as the will of Congress on this subject.

Mr. JOHNSTON. Mr. President, this is a thing to be done or not to be done, not to be argued about. If the Senator from Kansas thinks I have any improper motive in this matter he is very much mistaken. You can mark the birthplace by putting up a post if you please, but I think the nation feels differently in regard to it. A three-thousand dollar monument would certainly be very insufficient for the purpose. The amount asked for is $30,000, and I trust the Senate will pass the resolution without any further discussion in regard to it.

Mr. CONKLING. May I inquire of the Senator whether he understands, as the Senator from Kansas does, the kind of architecture or fire-works or confectionery which this is to build?

Mr. JOHNSTON. I do not know; but I do not think Congress has undertaken to prescribe the form and shape of any monument which it has ordered. It passes the appropriation and trusts that to the proper authorities. In this case we leave it to the Secretary of State. I have no idea what sort of a monument will be put there. I do not know anything about it.

Mr. INGALLS. There was at one time on the files of the Senate, and I either read or heard read by somebody, a description of the structure or fabric that is proposed to be erected in this old corn-field. I have heard it recently designated as a sort of bronze mosque or a brass pagoda, which I am sure that Congress, if it could see the design of or could hear the description of, would reject with indignation and scorn. The severe simplicity and the symmetry of the character of Washington would repel the idea of his birthplace being designated by any such extraordinary phenomenon as this which was

described in the document to which I have referred; and if the Senator from Virginia thinks that $3,000 would not suffice to purchase a stone of sufficient dimensions on which to inscribe the fact that here was the birthplace of George Washington, he differs with me in his estimate of what the intention of Congress was when they made the original appropriation.

Mr. JOHNSTON. I have not seen the report referred to by the Senator, and do not know anything about it, and never heard of it until to-day. I think the birthplace of Washington ought to be marked in an appropriate way. I am willing to leave the matter to the Senate without any discussion. It is a matter of taste and somewhat of feeling, not of argument.

The joint resolution was reported to the Senate without amendment.

Mr. COCKRELL. I see that this resolution provides for acquiring title to land. Ought we not to have an appropriation to provide for a guard, and to build a guard-house for taking care of it?

Mr. JOHNSTON. That is not a matter to be considered now.

Mr. COCKRELL. The Senator has answered very correctly, not now, but after awhile. This is precisely where it is leading to. When this monument is erected, it will be so grand and beautiful and imposing that there will have to be additional expenditures to build a house for a guard around it, and it will be an annual expense of from $1,500 to $3,000 a year, and then our tax-paying descendants will point back to the Forty-sixth Congress with great pride as the monumental Congress that erected monuments over Washington, not only over his remains to mark them, but to go to hunting up his birthplace in some lost wilderness, and then over Jefferson, and then the Yorktown Centennial jubilee and jollification, and then three or four others which have been neglected so long by the unpatriotic people of this country until the Forty-sixth Congress.

Now, Mr. President, I am opposed to this matter entirely, and it is not right that it should be attempted to be thrust down the throat of the Senate on the 22d day of February, and to place any Senator who opposes it in the position of being unpatriotic and disloyal. I do not propose to have my patriotism and loyalty judged by my votes on such jobs as this. I shall ask for the yeas and nays on the passage of the resolution.

Mr. TELLER. I move that this resolution be recommitted to the Committee on Public Buildings and Grounds, with directions when they report the same that they report it with a plan for marking this place.

The VICE-PRESIDENT. The Senator from Colorado moves that the resolution be recommitted to the Committee on Public Buildings and Grounds, with instructions when the same shall be again reported to report a plan.

Mr. PADDOCK. I should like to inquire if this resolution came originally from the Committee on Public Buildings and Grounds.

Mr. JOHNSTON. It was reported from that very committee unanimously.

The VICE-PRESIDENT. The resolution came from the Committee on Public Buildings and Grounds. The question is on the motion of the Senator from Colorado to recommit.

The question being put, a division was called for, and the ayes were 21——

Mr. SAULSBURY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. Mr. President, I did not understand that this resolution had been reported from the Committee on Public Buildings and Grounds. That being the case, I ask the Senator from Vermont, who is a member of that committee I believe, to state what is intended to be done with this money.

Mr. MORRILL. It has never been before the committee at all that I am aware of.

Mr. INGALLS. Then the Senator from Virginia is mistaken about it.

Mr. JOHNSTON. The Calendar on page 19, as the Senator will find, shows that the joint resolution was "reported June 9, 1880, by Mr. JONES, of Florida, from the Committee on Public Buildings and Grounds without amendment."

Mr. MORRILL. I may say for myself that I never heard of the resolution in the Committee on Public Buildings and Grounds. It may have been considered there, but so far as I know anything about it, it was never presented at any meeting when I was present.

Mr. INGALLS. I ask the Senator from Massachusetts—who was also a member of that committee—if he ever heard anything about it?

Mr. DAWES. I never heard of it in committee. It is due to the Senator from Virginia that I should say that the Senator consulted me yesterday in my seat in reference to it. I do not recollect ever having heard of it in committee.

Mr. CONKLING. When was the report made, Mr. President?

The VICE-PRESIDENT. June 9, 1880.

Mr. CONKLING. A conference of Senators yesterday does not furnish any foundation for a report.

Mr. SAULSBURY. The record, which is supposed to be verity, shows that the joint resolution was reported by the chairman of that committee from the Committee on Public Buildings and Grounds.

Now, in reference to whether it is to cost $30,000, or $10,000, or $5,000, or $3,000 to erect a proper monument, I do not know; but Congress has expressed its confidence in the discretion of the Secretary of State and intrusted him with the control of that matter. He has informed the Senator from Virginia that the sum heretofore appropriated is insufficient, and at his request the Senator from Virginia has brought forward this resolution.

The Secretary of State has never been an especial favorite of mine; but I apprehend his high character in this country entitles him to such confidence as will enable him to be intrusted with the expenditure of $30,000 without having details and plans presented to the Senate as to how he shall expend it. So far as I am concerned, I am perfectly willing to leave this matter with the Secretary of State. If in his judgment it requires $30,000 to erect a proper monument, so be it. I do not desire to be so critical as to impose conditions on the Secretary of State, a man who stands in this country the equal at least of any Senator on this floor in his position. Knowing nothing personally about him, knowing him only through his office, I think we may safely lodge in his hands the expenditure of the money which we choose to appropriate for this purpose. The Senator from Virginia assures the Senate that he has had personal interviews with the Secretary of State; and although there are no written communications from that officer on the subject, I think none of us can question the truth of what has been said by the Senator from Virginia, that he has the assurance of the Secretary of State after a personal examination of the matter that a suitable monument cannot be erected for the sum indicated in the resolution of 1879. It is for that reason that I vote for this resolution; because I am assured by the Senator from Virginia that the Secretary of State has told him personally that the amount at first appropriated was wholly insufficient, and that it required the appropriation now asked to erect a proper monument.

Mr. HAMLIN. Mr. President, I think I shall vote as cheerfully as any member of this body the most liberal sum to be appropriately expended in such a monument to Washington as shall be, on careful examination and report to this body, found proper and becoming; but however liberal I may be disposed to be, I am not willing to vote for this resolution in its present form. I am not to be driven from my opposition by the occasion, by the day, nor by what we owe to the Father of his Country.

I ask any Senator to tell me what monument of any note has ever been erected in this country until designs have first been provided so that those who voted the appropriation might know what they were doing. If I mistake not, we gave large sums for a design for the column, the monument to Washington now being erected in this city. It was started by private contributions; but we have appropriated one or two hundred thousand dollars more from the Treasury, and I repeat that in all such cases we have designs showing what is to be done.

Mr. JOHNSTON. Will the Senator allow me to make a suggestion? I understood him to say that it was the universal custom of Congress not to make appropriations until plans for monuments had been made.

Mr. HAMLIN. So far as I know, they have called for designs from architects to know for what purpose they were voting.

Mr. JOHNSTON. I think the Senator is wholly mistaken about that. That has never been the custom. We have appropriated a sum of money for a monument or statue and then made the monument or statue afterward. For example, the Yorktown monument Committee itself provided for the appointment of a person to erect that monument.

Mr. HAMLIN. I shall thank the Senator if he will give me the exception to the rule I stated.

Mr. JOHNSTON. I give the exception in regard to the Yorktown monument, where Congress appropriated $100,000 for the construction of the monument, and no single design for it had ever been presented to Congress.

Mr. HAMLIN. One error, if there were one committed there, is no justification for repeating the error here, in my judgment. So far as my knowledge went, I knew we had offered premiums to the architects of the country to furnish designs, and had paid for the one that was accepted, and I think it a wise policy to pursue.

Again, I think we ought to know a little more specifically the point upon which any monument is to be erected, whether it is to be the proper point, and one which would best comport with the circumstances with which it is connected.

Mr. JOHNSTON. George Washington was only born at one place, I would inform the Senator, and that place is as well know as any in the world; it is known historically; it is a well-ascertained, well-known place.

Mr. HAMLIN. Yes, but a monument that would tower to the sky in memory of Washington may not be needed there, something perhaps more humble would mark the birthplace of Washington and the monument for the world to see may be at some point in our Union where it will be observed by our own people and by the peoples of other nations. These are all questions that ought to be considered, and as I now understand it there has been no consideration of this matter in committee, at least two of its members have heard nothing of it.

I shall not vote for this appropriation, but I will vote the most liberal appropriation for this object when it is presented here in the proper form.

Mr. HOAR. Mr. President, this seems to be a very simple matter. On the 14th of June, 1879, Congress passed the joint resolution which

has been read appropriating $3,000 to erect a fitting monument at the birthplace of Washington and authorizing the Secretary of State to expend the money. Thereupon the Secretary of State, it is said with one of the most distinguished sculptors alive, Mr. Story, went to the spot and was of opinion that such a monument as Congress would desire could not be erected for the sum appropriated; and within a very short time—it does not appear exactly how long—that opinion was communicated to the Senate Committee on Public Buildings and Grounds, probably at the assembling of the Senate on the next December, within six months of the passage of the original resolution, and thereupon the committee of this body prepared and reported on the 9th of June, 1880, through its chairman, the pending resolution.

Mr. JOHNSTON. Let me correct the Senator in that respect. The House passed this joint resolution first. This is a House resolution. It has passed the House and passed early in the first session of Congress after the original resolution was passed.

Mr. HOAR. So that within a few months of the passage of the original resolution the House of Representatives expressed its opinion that the sum of $30,000 ought to be expended instead of the sum of $3,000 first provided. Whether that is right or wrong, I do not know; but when the House of Representatives within a few months of the passage of the original resolution of June 14, 1879, affirmed that in their judgment this larger sum ought to be appropriated, and when on the 9th of June, 1880, the chairman of the Senate Committee on Public Buildings and Grounds, without any indication of its dissent, reported favorably upon the resolution that was standing on our Calendar, it was the duty of any public officer to delay further action on the original resolution until the opinion of Congress should be matured upon that subject.

Now, this joint resolution gives no further authority to the present Secretary of State or to the present administration. The person who will execute this, if it be executed, will be somebody not now holding office under the executive department of the Government, and somebody whom probably the majority of the Senate and whom the majority of the people would be willing to charge with such a matter.

Whether it be expedient to erect on a deserted spot, if it be a deserted spot, a costly monument; whether it be expedient to do anything more than erect such a monolith as the Senator from Kansas has suggested marking permanently the birthplace, I have never investigated; indeed I never heard of the subject until it came up and the Senator from Virginia spoke of it yesterday as a matter he was to bring up to-day. I have no opinion to express on that point; but it does seem to me that whether that proposition be right or wrong, the public officer charged with the execution of the measure acted right, having taken the most distinguished advice in the country which was at his disposal, the advice of Mr. William W. Story. When he suggested his opinion or his doubt, and the House of Representatives within a very few months—what is the date of this resolution passing the House?

Mr. COCKRELL. It passed the House on the 3d of June, 1880.

Mr. HOAR. The 3d of June, 1880. Does it appear when it was introduced into the House?

Mr. COCKRELL. I have sent to ascertain that fact.

Mr. HOAR. At any rate it was within the year. The House of Representatives changed its mind on this subject. I do not know whether my colleague or whether my friend from Vermont was present in the committee when it was considered; but we have the certificate of the chairman of that committee, its official organ, that this was reported by its authority, and it stands on the Senate Calendar ever since the 9th of June, 1880. No man questions that.

Congress will exercise its discretion and judgment in this matter as it sees fit; but it seems to me that there is certainly no occasion for criticism of the course of any executive officer in regard to the matter.

Mr. CONKLING. Mr. President, in one of the orations of an illustrious Englishman, orations which the world will not willingly let die, stand these words:

> It will be the duty of the poet and the historian in all ages to let no occasions pass of commemorating the virtues of this illustrious man; and till time shall be no more will a test of the progress our race has made in wisdom and in virtue be derived from the veneration paid to the immortal name of Washington.

In the spirit of these words I would conduct my action to-day, and therefore I cannot coincide with all which fell from the honorable Senator from Missouri, [Mr. COCKRELL.] I would vote and I will vote to erect on any spot fitly chosen any monument appropriate, not to perpetuate, but to remind the passers-by of the fame, the services, and the example of George Washington. I will so vote on the anniversary of his birth or on any other day when the Senate sits and while still I am honored by permission to sit in the Senate house.

I sympathize, however, heartily with what was said by my friend from Kansas, [Mr. INGALLS.] One of the observations he made is not unlikely I think to become cherished as a saying. I refer to that observation which disclosed the propriety of a parallel between the character of George Washington and the thing to symbolize that character. Therefore I will not vote for war-paint or feathers to commemorate him; and if the honorable Senator from Kansas is correctly advised, and has given a correct report of the foreshadowing of this work, I venture to think with as much confidence as should belong to one so little taught that few things could be more inappropriate, and inappropriate regardless of its location, still more inappropriate if it is to be put away in seclusion as a lasting monument and mark of that particular spot.

Some Senator observed that this was a very simple matter. So it seemed to me when the matter took place. Its simplicity consisted in the setting up of a stone, the two qualities of which were to be permanence and simplicity. The mere erection of a monument to do a given thing, which was to affix perpetual identity to the spot on which was born the most historic man that ever lived in this hemisphere, was a simple matter; and if it has ceased to be simple, it is for reasons which I do not choose to be drawn into stating. There has been a good deal of what the great master once called "a dreadful note of preparation." There has been a solemnity and a ponderous outgiving of what was to be done preparatory to setting up this simple stone on a spot which the Senator from Virginia tells us is unmistakable. He reminds us that there is but one such spot, and he says that its exact location is undoubted. Despite of that, the proceeding has been somewhat like that which took place when Warren Hastings was tried, and when an English wit said that the Lords walked and the trial stood still. There has been a great deal of passing to and fro, and at last the question is whether the statute before me, which takes hold at the end of two years of unexpended appropriations, can possibly reach this little $3,000 appropriation and cover it into the Treasury after twice a twelvemonth before anything has been done to execute this order. If Congress was wrong originally in a direction to do so simple a thing, that error ought to be corrected.

We are told that the House of Representatives changed its mind. With great deference, I do not know whether it did or not. If the mind of the House of Representatives was changed, whether the House changed it or somebody else changed it is a fair question, and a question which will present itself to all those who know as well as Senators around me know the sort of process to which these plans and intentions of erecting works of art are subjected. Somebody usually in each case comes to take charge, some sculptor or some proposer, and as far as the act giveth it of individual interest, it can do it. The matter usually becomes a thing conducted in a particular direction and for a particular interest.

I beg to say that nothing which has fallen from me or will fall from me is intended to be in derogation of any compliment paid by the honorable Senator from Massachusetts to the citizen of that State whose name he has mentioned; a man who not only wrote a textbook in the law which stands in every library, which by most persons is imputed to his illustrious father, but a man who has written poetry which places him in competition certainly with the most illustrious poets of his time, a man who in addition to that has made marble to which I think artists will uncover. A man who has made himself famous in three departments either of which challenges usually the best endeavors of genius, is not to be spoken of lightly by me, nor do I mean to say a word which would require vindication or praise of the distinguished American to whom I have referred.

I read in the papers that he visited this spot. I do not know, nor does anybody seem to know what he proposes to do, or whether he proposes to do anything; but without a suggestion of the character of this work except as far as that suggestion comes from the Senator from Kansas and is of a character which no Senator has reason to defend or to approve, the question is whether we are here in a moment to upset the deliberate action of both Houses of Congress which has stood for nearly two years, as it seems, unexecuted, to play blindman's bluff upon this question by voting $30,000 to make, we know not what. For one, I am against it; and I have ventured to occupy so much of the time of the Senate, because I was unwilling to seem to stand in the attitude either of wanting reverence for a great memory, or of seeming to criticise the genius or the character of a living man, whose name has also been mentioned in connection with this work.

If this resolution may go to the Committee on Public Buildings and Grounds, with the understanding that that committee acquaint itself with what is proposed, and display that in some form before us, the Senator from Virginia certainly must be sure that no injury can come, and I think he will warrant me in saying that it will be worth something to be indemnified against the species of works of art, so called, which the honorable Senator can see in a good many instances, and see without fatigue even though he pays his visit on foot; I think that honorable Senator would agree with me in saying that in the light of past experience he would like to have all the safeguards he well can that his State is to be embellished and not to be disfigured by anything which is to be put there. And if he will allow this resolution to go to a committee, and if he will take as much trouble as may be necessary to find out what is proposed, and tell us, I promise him not only my vote, but I promise to co-operate with him in taking up at such early time as may be most convenient to him this resolution or a substitute to be reported for it; but I protest that we should not in this way go blindly into a matter which is so easy to be understood and which I think it is so emphatically our business to understand.

Mr. JOHNSTON. I shall be very much disappointed and surprised if the Senator from New York will not vote for this resolution to-day. I appreciate his patriotic motives, and I do not believe he really has any opposition to the resolution. I understand, without knowing whether it is so, that the design, if any has been made, has been made by W. W. Story, and as the Senator from New York has well said, he is the most illustrious of living Americans in the de-

partment of general art. He is a poet, he is an artist, he is a sculptor, and I for one, if I knew the fact that he had made the design, would be willing to take it on his fame.

Mr. CONKLING. But the honorable Senator does not even know that fact, as he has twice informed us.

Mr. JOHNSTON. I do not know that of my own knowledge, but I would do in this case as has been done in every other like case. I think the honorable Senator from Maine [Mr. HAMLIN] is mistaken in regard to what has been done. As far as my observation has gone, we make the appropriation trusting either to the Secretary of War or to the Secretary of State, or to some commission, to make the design afterwards. I know that was so in the case of the Yorktown monument, and I am informed by the Senator from South Carolina that it was done in the case of the Cowpens monument. I know it was done in the case of Saratoga. I know at the last session of Congress a monument was authorized in the Senator's own State of New York, in which there was no suggestion as to any plan, but it was left——

Mr. CONKLING. Which monument was that?

Mr. JOHNSTON. The monument to General Herkimer.

Mr. CONKLING. The honorable Senator is entirely mistaken.

Mr. JOHNSTON. I think not, sir. I think if the honorable Senator will look back to the act of last session——

Mr. CONKLING. I do not need to look back about the monument to Nicholas Herkimer.

Mr. JOHNSTON. Congress voted that without having any idea, so far as I know, of what the monument was to be.

Mr. CONKLING. Oh no.

Mr. JOHNSTON. I think the practice of Congress has been exactly the reverse of what the Senator from Maine stated it to be. I trust the Senate will act on this resolution now. It has been here nearly a year, and no Senator has questioned the validity of the report. Senators say they were not present in the committee; but we have the authority of the chairman of the committee for saying that the resolution was reported by the committee, and it would be a new thing indeed in the history of the Senate if the authority of our committees or a portion of the committee, which has been standing nearly a year on our Calendar, should be disputed in this irregular and one-sided way.

Mr. CONKLING. Will the Senator allow me a moment?

Mr. JOHNSTON. Certainly.

Mr. CONKLING. I am reminded of a thing I meant to say that, for one, nothing is further from my thoughts than to challenge an act or intention of the honorable Senator from Florida now absent, and absent on a very sad errand, in making this report; but the Senate will observe here comes a bill reported without any written or printed report whatever, reported some time ago, reported from a committee two members at least of which have said not only that it never was before the committee when they were there, but one of them that he never heard of it until yesterday when some Senator asked him to confer in regard to it.

Now, without challenging at all the act of the Senator from Florida, the Senator from Virginia must see that in this instance this report had very much less, it must have had very much less consideration than ordinarily occurs in the case of any matter of moment sent to a committee, and no doubt the fact was that some person interested about this, who had followed it through the House, came to the chairman of the committee who in some sort took it for granted, it being the House resolution and probably without knowing much if anything about it, that it was an ungracious thing to object to a patriotic purpose, one that we all concur in, and, therefore, in what Mr. Sumner used to be fond of saying, a perfunctory way this report was made. But when you come to how much it means by way of instruction to the Senate, that is a fair question for consideration without reflecting at all upon any member of the Senate.

Mr. DAWES. I think it is due to the Senator from Virginia, after the allusions made to me, as I have said that I never heard of the joint resolution till yesterday, to state that I have not been able to attend the meetings of the Committee on Public Buildings and Grounds so frequently as I ought to have done, and the fact that this resolution came from the committee without my notice is not a matter of any remark and would not be to the other members of the committee, who have known how my duties have called me to other committees on the very day on which this committee has its sessions. An important committee upon which I am a member holds its sessions on the very day. The Senator from Virginia, however, came to me yesterday with this resolution, which he told me had been reported from the committee, and gave me notice that he was going to call it up, and asked me if I would not co-operate with him, and I cheerfully said I would. It is due to him that I should say that the fact that I did not know of its being in committee is no reflection upon the action of the committee.

Mr. JOHNSTON. The Senator from Florida who is chairman of the Committee on Public Buildings and Grounds not being in his seat, I mentioned the subject to the Senator from Massachusetts, a member of the committee, and gave him notice that I was going to call up the matter to-day.

Mr. MORRILL. It is perhaps due from me to say that while I do not recollect ever having had my attention called to this joint resolution, it is possible that the chairman might have called my attention to it, it is so long ago, but it has entirely escaped my memory. I am very sure it was never discussed and considered in the committee when I was present.

Mr. HOAR. I do not wish to prolong this debate; but I desire to make one observation in regard to the matter. It does seem to me that the safest way to have a public monument of this character constructed is to do what this resolution does, submit it to the discretion and the responsibility of some public officer of high character and rank, as the Secretary of State, instead of insisting that Congress shall deal with the question of the plan itself. There are gentlemen in this body and in the other House who possess great taste, great acquaintance with works of art, and great capacity for such a service; and there are other gentlemen, of whom I am one, who possess few, if any, of these qualities. I think there is no instance of a national monument erected under the authority of the National Government which has not been pretty creditable as a work of art on the whole. And without thinking that it is quite a fair argument, it is proper to observe that the only works of art for which Congress in its collective capacity and by its collective taste, and nobody else, is responsible, are the cenotaphs in the Congressional burying-ground, which add a new terror to death. So that it seems to me for one that I can better trust this duty to the responsibility and the capacity of the gentleman likely to be Secretary of State, before this resolution becomes a law, than to trust it to my own.

I only speak for myself; but it seems to me that when within four or five months after the original resolution passed, so distinguished a sculptor as Mr. Story is understood to have thought the sum inadequate, and thereupon the House of Representatives provided for an increase, there is sufficient ground for this measure. It was introduced immediately when the House met, though I have not verified that, but within six months after the original passage and certainly within twelve months, the House passed a resolution to amend and re-enact the old resolve; and under those circumstances it was proper that the Executive Department should await the decision of the Senate, and not proceed after that to execute the original resolution.

In regard to the suggestion of my honorable friend from Kansas, whose tastes and accomplishments no man rates more highly than I do, on the propriety of a house, I am not quite sure that he is right, speaking as a person with a very little right to speak in that observation. Among the most touching memorials on earth are the dwelling house of Shakspeare and the dwelling house of Burns, which are their monuments at their birthplaces. It is true that those houses have the association of being the real places where the birth took place, and also they are places in which the memorials of the person are collected, the clothing worn in childhood, the family Bible of the parents, the autographs, the portraits of kindred, little articles of furniture that surrounded the childhood of the person to be commemorated; and I am not prepared to say that a cottage of handsome shape, such as Mr. Story would design, and of enduring material, filled with memorials gathered from the region round about Washington's birthplace and of the generation to which that childhood belonged, is not the fittest monument that could be placed upon that spot. The soldiers of my own State in a great number of our towns have preferred a memorial hall which should be filled with such memorials, and just such associations, to any form of monumental structure, whatever artist might design it or however it might pierce the sky in its loftiness and in its beauty. And therefore without undertaking to assume that I am fit to make this choice myself, I desire to suggest to my honorable friend from Kansas that it is possible that the design which he has so ridiculed, may have something in it to commend it to the taste and to the sympathy of future generations as the fittest memorial of Washington and of the father and the mother of Washington to be erected on the place where he was born.

Mr. WHYTE. Mr. President, it is with no unbecoming pride that at the close of this extraordinary discussion in which has been developed the fact that neither has Virginia nor the United States completed any fitting memorial to commemorate the virtues of the Father of his Country, I rise to say that my own State, so closely and historically connected with that great man, nearly half a century ago erected in my native city that splendid marble shaft which now so beautifully typifies the severe simplicity and purity of the character of the peerless Washington. I should receive universal condemnation from my people if I withheld my support from this resolution.

Mr. MORGAN. Mr. President, yesterday evening the Senator from Rhode Island [Mr. BURNSIDE] seemed to think the Senate would adjourn over to-day in observance of the fact that it was the birthday of George Washington. The Senate being involved in public business of a very pressing character declined to do that, and this morning the Senator from Virginia, [Mr. JOHNSTON,] thinking it was an appropriate day on which to give some expression of our sentiments of gratitude toward that great character, moved this resolution in the Senate, and he was met with the objection of the Senator from Missouri [Mr. COCKRELL] who is so greatly devoted to the progress of the public business, and who seems to find in the fact that the resolution was taken up out of its order a sufficient reason for making a severe objection to its consideration. Nevertheless, it has been now a long time before the Senate. The Senator from Missouri also seemed to be apprehensive that there was to be a wasteful or extravagant

expenditure of the public money in the passage of this measure; but when the honorable Senator from Kansas [Mr. INGALLS] took the floor he made objection that the State of Virginia had not erected this monument, that the State of Virginia had been so ungrateful to her great son as not to have marked the place of his birth, but that that place was allowed to go to waste and the old field unmarked and unappreciated. Reflections upon the State of Virginia under circumstances of this kind are not worthy to be made; they are not justified by the history of this transaction; for while Virginia loved Washington as much as any State could love her son, and has always prided in his memory as much as the human heart was capable of taking pride in the glories of any individual, she has not assumed to herself the right to usurp that which belonged exclusively to the nation, the duty and the honor of marking the birthplace of this greatest citizen.

Mr. HOAR. Will the Senator from Alabama allow me to remind him that the most beautiful monument of Washington in existence is the Crawford statue at Richmond.

Mr. MORGAN. Virginia has not been wanting in her fidelity to Washington's character and fame, but she has allowed the United States Government to take charge of the duty of marking his birthplace. Almost immediately after the organization of the present Government a law was enacted bestowing the pitiful sum of $3,000 upon that holy duty. It was a small sum then, Mr. President, but doubtless it seemed considerable because of the poverty of our country, but since that time we have grown from three millions to fifty millions of people, and a proportionate increase of the sum of money it is proposed to bestow upon this place is not by any means out of keeping with the growth and increase of our prosperity. It is hard to my mind to hear Senators suggest that we are now expending extravagantly $30,000 to commemorate the birthplace of a man like George Washington, when in the very earliest discharge of the debt of gratitude which our nation undertook to express toward him, drawing upon their scant resources and upon a people then overtaxed by the hardships of war, they considered that $3,000 was a sum that they could justly bestow upon this holy work.

Mr. COCKRELL. Will the Senator permit me to ask him to refer to the date of that law which gave $3,000?

Mr. MORGAN. The resolution, as I understand, for the commemoration of the place of his birth passed the Congress of the United States at a very early day in 1789.

Mr. COCKRELL. I should like to see it. It is not 1789, I remind the Senator from Alabama, but 1879, in the Forty-fifth Congress, and then it was $3,000, which was all that was asked for that work.

Mr. MORGAN. If that was so, then I think the Senate and the House of Representatives ought speedily to bestir themselves to rid themselves of the disgrace of having been so parsimonious. The House has done so. Now I regard this not as a monument to George Washington; if I did I should never give my consent to devoting the miserable sum of $30,000 to be expended in that direction; but it is the sacred duty of marking out historically, for the information of those to come, that spot upon which occurred the greatest event in the history of the American continent. It is an affectionate tribute to the character of the man long before he became known in his greatness and in his glory; it is a tribute that marks the gratitude of a people who follow him back to his cradle and who wish to signify every step that he took from his little boyhood up to his glorious manhood. I dare say that in his greatest hours as well as in the days when he was not noted, in the struggles that he made in his early manhood to acquire reputation and to discharge his duty to society, in the pilgrimages which he made across the Alleghany Mountains into the depth of the forest with a surveyor's compass to mark out the unknown boundaries of lands, to survey the country which we have now so beautified and adorned, his heart turned with its very tenderest emotions back to the spot of his birth; and afterward, when he had achieved glory on the field of battle and came before Congress to surrender his commission, after he had stripped himself of the paraphernalia of warfare and accepting again the duties of citizenship, I have no idea that any spot in this world was so dear to his recollection as the place of his birth; and so in later times, when he came to lie down in the presence of the world and expire crowned with every glory that the world could bestow upon him, his tenderest thoughts ran back to the place and the time of his early childhood and his birth.

And so, Mr. President, I wish to follow him, I wish to go back to that point of time which must have been the most sacred in his own recollection, there to erect a monument, simple it may be, but fitting and becoming, the product of the genius of a great American sculptor, which shall mark for all time to come that sacred spot around which all American sentiment should gather and to which it should cling with undying affection and endless gratitude. I cannot conceive how points can be made upon a resolution of this kind that tend toward its disparagement and its defeat when gentlemen reflect that they are not honoring Washington but themselves by giving a mark of their gratitude to him in this particular.

It is said that the resolution has not been properly considered in committee, and in answer to that the response is that all the committee who were present voted for it. The House of Representatives had first considered it and afterward the committee of the Senate. It was referred to that committee June 3, 1880, and has been reported back to the Senate. Is there anything in this measure of such extravagant expenditure or of such vast public importance with reference to the manner of expending this money as that it should have been attended with an elaborate report as to the manner in which the expense must be made? Is there any reason why the Senate of the United States should halt or hesitate in regard to this resolution when the duty of building this monument and the sum appropriated for it is confided to the highest officer of state in the Government? If a plan had been drawn or designs had been submitted, printed, and engraved, and laid before the Senate of the United States, they would have attracted only a passing observation from Senators, and we should not have known at the time we came to pass the resolution whether one plan or the other was the better.

Sir, we have followed the course in this case that we have followed in almost every question of the kind, and that much I am glad to hear the Senator from Massachusetts commend as being the most appropriate and the safest plan to observe in the erection of such a monument as this. We confide it to the Secretary of State, knowing from his character, whoever he may be, that he will not inflict upon Virginia or upon the United States a monument unworthy of the great character whose birthplace we intend to mark.

It seems to me, with all deference to the opinions of Senators, that this question ought to have been met in a different spirit and we should have passed this joint resolution without one question of its propriety.

The PRESIDING OFFICER, (Mr. PENDLETON in the chair.) The question is on the motion of the Senator from Colorado [Mr. TELLER] to recommit the joint resolution with instructions, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. INGALLS, (when Mr. HOAR's name was called.) The Senator from Massachusetts [Mr. HOAR] and myself are paired on this subject.

Mr. VANCE, (when Mr. RANSOM's name was called.) My colleague [Mr. RANSOM] is engaged in the Committee on Commerce on important business.

The roll-call was concluded and the result announced—yeas 15, nays 35; as follows:

YEAS—15.

Blair,	Conkling,	Jones of Nevada,	Saunders,
Booth,	Hamlin,	Paddock,	Teller,
Cameron of Wis.,	Harris,	Platt,	Windom.
Cockrell,	Hill of Colorado,	Rollins,	

NAYS—35.

Bailey,	Ferry,	Lamar,	Slater,
Bayard,	Garland,	Logan,	Vance,
Brown,	Groome,	McDonald,	Vest,
Burnside,	Hampton,	Maxey,	Voorhees,
Butler,	Hill of Georgia,	Morgan,	Walker,
Call,	Johnston,	Pendleton,	Wallace,
Davis of W. Va.,	Jonas,	Pugh,	Whyte,
Dawes,	Kellogg,	Randolph,	Williams.
Eaton,	Kernan,	Saulsbury,	

ABSENT—26.

Allison,	Carpenter,	Hoar,	Plumb,
Anthony,	Coke,	Ingalls,	Ransom,
Baldwin,	Davis of Illinois,	Jones of Florida,	Sharon,
Beck,	Edmunds,	Kirkwood,	Thurman,
Blaine,	Farley,	McMillan,	Withers.
Bruce,	Grover,	McPherson,	
Cameron of Pa.,	Hereford,	Morrill,	

So the motion to recommit was not agreed to.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDING OFFICER. The question is on the passage of the resolution.

Mr. HARRIS. I ask for the yeas and nays on the passage.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. INGALLS, (when Mr. HOAR'S name was called.) The Senator from Massachusetts [Mr. HOAR] and myself are paired on this question. If he were present, I should vote "nay."

The roll-call was concluded and the result announced—yeas 40, nays 10; as follows:

YEAS—40.

Bailey,	Eaton,	Kernan,	Rollins,
Bayard,	Ferry,	Lamar,	Saulsbury,
Blair,	Garland,	Logan,	Slater,
Brown,	Groome,	McDonald,	Vance,
Burnside,	Hampton,	Maxey,	Vest,
Butler,	Hill of Georgia,	Morgan,	Voorhees,
Call,	Johnston,	Paddock,	Walker,
Cameron of Wis.,	Jonas,	Pendleton,	Wallace,
Davis of W. Va.,	Jones of Nevada,	Pugh,	Whyte,
Dawes,	Kellogg,	Randolph,	Williams.

NAYS—10.

Booth,	Hamlin,	Platt,	Windom.
Cockrell,	Harris,	Saunders,	
Conkling,	Hill of Colorado,	Teller,	

ABSENT—26.

Allison,	Carpenter,	Hoar,	Plumb,
Anthony,	Coke,	Ingalls,	Ransom,
Baldwin,	Davis of Illinois,	Jones of Florida,	Sharon,
Beck,	Edmunds,	Kirkwood,	Thurman,
Blaine,	Farley,	McMillan,	Withers.
Bruce,	Grover,	McPherson,	
Cameron of Pa.,	Hereford,	Morrill,	

So the joint resolution was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 5066) to provide for the preparation of classified abridgments of all letters-patent of the United States;

A bill (H. R. No. 5713) for the benefit of Alderson T. Keene;

A bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company; and

A bill (H. R. No. 6848) granting a pension to John R. Wallace.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 192) granting a pension to Hulda L. Barnard;

A bill (H. R. No. 624) granting a pension to Robert S. Goodall;

A bill (H. R. No. 2123) granting a pension to Albert L. Jack;

A bill (H. R. No. 2290) granting a pension to William Bowman;

A bill (H. R. No. 3100) granting a pension to Samuel B. Hutchinson; and

A bill (H. R. No. 4887) granting a pension to Rosalie Louis.

The message further announced that the House had set apart next Sunday, February 27, at three o'clock p. m., for the observance of the ceremonies in memory of Hon. FERNANDO WOOD, late a member of this House from the State of New York, and extending an invitation to the Senate to attend in the House at that hour and participate in the ceremonies.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes; and

A joint resolution (H. R. No. 386) for printing report of the Life-Saving Service.

ORDER OF BUSINESS.

The PRESIDING OFFICER, (Mr. PENDLETON in the chair.) The morning hour has expired, and the Chair lays before the Senate the unfinished business of yesterday, which is the bill (S. No. 1988) authorizing the construction of a building for the accommodation of the Congressional Library.

Mr. DAVIS, of West Virginia. I move that the pending order be laid aside for the purpose of continuing the consideration of the legislative, executive, and judicial appropriation bill, which was laid aside for the Library bill last night.

Mr. LOGAN. If the Senator from West Virginia would yield to me for a moment, until I make a statement to the Senate about a bill I desire to call up, I shall be very much obliged.

Mr. DAVIS, of West Virginia. Of course I will yield for a statement, but I cannot yield for a bill or anything of that kind.

Mr. LOGAN. Has the Senate voted to take up the appropriation bill?

Mr. DAVIS, of West Virginia. Not yet. I have moved to take it up.

Mr. LOGAN. I intended to get the eye of the Chair prior to the Senator from West Virginia rising from his seat, but I was unfortunate in my attempt. In order to test the sense of the Senate as to whether they intend that anything shall be done this session or not with Senate bill No. 1992, I desire to ask the Senate this morning to take it up, inasmuch as we have done one thing that seems to have been a good and proper thing to do. We have appropriated $30,000 to mark the birthplace of George Washington, which I voted for, and did so because I thought it was right and on the ground that he is the greatest man in history. I think, following that, we ought to do another grateful thing. There is a bill before the Senate that I introduced, doing, as I consider, a very small thing for another man, perhaps equally entitled to credit before this country; a bill merely placing the leader of our armies upon the retired list. I am willing, if any amendment shall be desired to be made to it, to allow the amendment to be tested. It does seem to me as though this country could afford at least a few minutes' time to be expended in taking up this bill and acting on it.

I do not wish to discuss the matter at any length; but we build monuments to the memory of Washington to mark his birthplace, because, as it is said, he was the father of the country in the sense that he was the leader of our army when we were struggling for the liberties of the people, he being the leader of the small army that gave us our liberties. We commemorate his memory, and it lives and dwells in the hearts of the American people. So with the name of the man who led the armies of this great Republic to preserve that liberty that Washington and his followers gained. Some mark of respect should be stamped upon the history of this country in commemoration of the deeds of the second greatest man known in American history, if I may place him so.

It is a small thing I ask, that the Senate may by unanimous consent agree that this bill may be taken up now; and if there is anything in it that is distasteful to Senators let it be stricken out. I only ask action on the bill. I do not desire discussion, unless it is courted by others. I ask the consent of the Senate to take up Senate bill No. 1992 for present consideration, and I move that the pending orders be laid aside temporarily for that purpose.

Mr. DAVIS, of West Virginia. I believe there is already a motion before the Senate made by myself which, I suppose, will have priority. I regret that it is my duty to insist upon proceeding with the appropriation bill. The Senator from Illinois will recollect that yesterday it was under consideration, and at the session last night it was laid aside for the purpose of taking up the Library bill, with the understanding that we should go on with it to-day. I hope the Senator will call up his bill at some other time; but, of course, he is the best judge of that. It will remain with the Senate to decide what to do. It is my duty to insist upon proceeding with the appropriation bill. It has been usual to allow appropriation bills the right of way. As was said by a Senator on the other side of the Chamber the other day, and a very old Senator in service here, it is the unwritten law of the Senate that when an appropriation bill is ready to be considered the Senate shall always proceed with it.

Mr. LOGAN. I only desire to say that I have tried very many times to get this bill up in the Senate. I do not say, nor will I intimate, that there is a desire on the part of any one to postpone it until the session shall expire, but I always find the same objection. I have never made a motion to proceed to its consideration when there was not something presented which was urged to be absolutely necessary to have acted upon. I find that to be the case every day. When a motion is made to appropriate $30,000 to mark the birthplace of the Father of his Country, let us devote ten minutes at least to that which will commemorate the deeds of the savior of his country. I do object to forcing at all times something in the face of this bill. It will not take perhaps ten minutes to act upon it, and I ask that those ten minutes may be given to it now.

I am as much in favor of passing the appropriation bill as the chairman of the Committee on Appropriations, and I shall lend my energy, what little it may be, to advance appropriation bills when they are up and to pass them as hastily as it can properly be done; but I do insist that at some time or other this bill should have consideration. It has never had it yet, although I have asked for it time and again. I see that when other bills of much less importance are presented by Senators they can have them taken up and passed. Bills, too, in the same line that this is are taken up and passed; bills in reference to men almost unknown are taken up and passed; bills of various and different characters are taken up and passed; but this bill always finds an obstruction.

If the Senator insists and will not allow me to have a moment to have the bill called up, I shall ask for a vote on the question.

The PRESIDING OFFICER. The Senator from West Virginia asks the unanimous consent of the Senate to lay aside, without losing its place, the Library bill, in order that the Senate may proceed with the consideration of the legislative, executive, and judicial appropriation bill. Is there objection?

Mr. LOGAN. I shall object unless the Senator will agree that the bill I urge shall be considered first.

The PRESIDING OFFICER. The Senator from Illinois objects.

Mr. DAVIS, of West Virginia. Then I move to postpone the pending and all prior orders in order that I may move to take up the appropriation bill.

Mr. LOGAN. To postpone until when?

Mr. DAVIS, of West Virginia. To postpone until to-morrow.

Mr. LOGAN. Before that motion is put allow me to make a suggestion. If the Senate will agree that this bill may be taken up to-morrow morning after the morning hour, and shall be made the special order, I shall interpose no objection whatever to taking up the appropriation bill. I do not suppose my interposing an objection would prevent it from coming up anyhow, but it seems to me that that arrangement would be fair and just.

Mr. VEST. I shall object to any agreement of that sort? As I have said before to-day to the Senator from Illinois, I am opposed to considering the bill he has in charge, and I propose to offer every parliamentary objection I can to it at every opportunity.

Mr. LOGAN. Does the Senator mean to say that he is opposed to considering the bill or that he is opposed to the bill?

Mr. VEST. I propose by every parliamentary proceeding to obstruct its passage.

Mr. RANDOLPH. I wish just a moment, in order to make an explanation. My impression is that there was a tacit understanding when the bill for the relief of General Grant was presented originally and considered somewhat in the Senate, that at an early day it would be taken up and considered. No day was fixed, it is true, but that was the understanding, so far as I comprehended it at that time. I shall vote for the motion, if it be a motion, made by the Senator from Illinois, that a special time be fixed for the consideration of this bill.

Mr. VEST. May I ask the Senator from New Jersey a question? He speaks of a tacit understanding. A tacit understanding by whom?

Mr. RANDOLPH. That was my understanding.

Mr. VEST. There was no such understanding on the part of the Senate.

Mr. RANDOLPH. I do not know what may have been the understanding of the Senator.

Mr. VEST. I have never heard of such an understanding.

Mr. RANDOLPH. I recollect very well that the Senator from Missouri said then, as he has said to-day, that he would oppose at all times

and by every obstacle the consideration or the passage of this bill. That is true; but he did not commit me, nor did he commit some others on this side of the Chamber to such a course.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia, to postpone the pending and all prior orders.

Mr. LOGAN. I ask the Senator if he will allow me to have my motion put first. I desire to move that this bill be made the special order to-morrow after the morning hour.

Mr. DAVIS, of West Virginia. It is plain that such a motion would lead to a long debate.

Mr. LOGAN. It is not plain.

Mr. DAVIS, of West Virginia. The Senator from Missouri has just given notice that it will. I will do anything that one Senator ought to do to another in the way of courtesy toward my friend from Illinois.

Mr. LOGAN. The mere fact of making it the special order will not lead to debate.

Mr. DAVIS, of West Virginia. I regret very much, but I feel it my duty, in fact it is a duty, to oppose the request of the Senator. I should be glad to agree with him if I could, but it is my duty to push forward the appropriation bill, and I must insist on going on with it.

Mr. FERRY. I suggest to the Senator from Illinois to let the vote be taken on postponing the pending and all prior orders, and then he can take the sense of the Senate on the proposition to take up the bill he proposes. If the motion to postpone the pending orders is agreed to the Senator from Illinois can move to take up the bill which he has in charge.

Mr. RANDOLPH. The object sought to be accomplished by the Senator from Illinois can be attained practically by giving notice that to-morrow morning immediately after the morning hour he will endeavor to take up the bill he has in charge.

Mr. LOGAN. What effect would that have? An objection would put it over just the same as has been the case all the time. I find my difficulty is, and it has been so every time—I may be unfortunate in it—but I never have been recognized yet when I attempted to get this bill up until after some other Senator has had an opportunity to make a motion, and I always fall in just behind another motion. Of course it is my misfortune, but that has been the fact except in one instance. Giving notice amounts to nothing. I have given notice time and again, and it amounted to nothing. I find an objection always in the way, and some other bill takes precedence. That may be a very good way for a bill to be defeated, and it may be unfortunate for me that it occurs so, but I desire a vote this morning as to whether this bill shall have a day in the Senate. I say to the chairman of the Committee on Appropriations that of course it is very important that the appropriation bill should be passed, and I am willing to assist him. Unfortunately somebody on the Appropriations Committee always stands here ready and is always recognized so as to stand in the way of this bill. I do not mean that it is intentional, but I mean that it is unfortunate for this bill that it is so.

Mr. DAVIS, of West Virginia. I think my friend is unfortunate this morning in opposing an appropriation bill which has been already partly considered. I hope he will take some other time to press his measure and not get in the way of an appropriation bill hereafter. Now, I hope there will be a vote on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia to postpone the pending and all prior orders in order that he may move to take up the appropriation bill.

The motion was agreed to.

Mr. DAVIS, of West Virginia. Now, I move to proceed to the consideration of——

Mr. LOGAN. Mr. President——

The PRESIDING OFFICER. The Senator from West Virginia has been recognized.

Mr. LOGAN. I supposed he would be.

Mr. DAVIS, of West Virginia. I move to proceed to the consideration of what is known as the legislative, executive, and judicial appropriation bill, which was partly considered yesterday and laid aside last night in order to take up the Library bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. LOGAN. I now move that the bill I have mentioned, Senate bill No. 1992, be made the special order for to-morrow after the morning hour, and I ask for a vote upon that motion.

Mr. DAVIS, of West Virginia. I believe the bill I have charge of has been taken up by a vote of the Senate.

Mr. LOGAN. Certainly; I understand that.

Mr. DAVIS, of West Virginia. The Senator could hardly get his motion considered unless the Senate votes to lay aside the appropriation bill.

Mr. LOGAN. I supposed from the Senator's remarks that he did not desire to interpose objections to the bill, but wished merely to get the appropriation bill up. Now his bill is up. I merely want the consent of the Senate that I may have for this bill a place on the Calendar for to-morrow.

Mr. DAVIS, of West Virginia. Of course the Senator knows that his bill is on the Calendar now. If the Senator will ask for unanimous consent to that arrangement; I will say that for one I shall not object.

Mr. LOGAN. Ask unanimous consent! That is very thin; I understand that; when there is a man right behind the Senator to object all the time.

Mr. DAVIS, of West Virginia. If the Senator can suggest another way to get at it, I will give way to him. If he can suggest some way except by unanimous consent, of course I will let him try it.

Mr. LOGAN. The Senator is very kind, and I appreciate it. However, I only desire to know whether he interposes an objection under the rule to taking the bill up to-morrow.

Mr. DAVIS, of West Virginia. I do not object to anything that the Senator from Illinois moves, except to displace the appropriation bill, and that I shall object to always.

Mr. LOGAN. Very well. Then I will make a motion which the Senator's objection cannot overrule. I move now to postpone the present and all prior orders for the purpose of taking up Senate bill No. 1992, and I ask on that motion the yeas and nays.

Mr. DAVIS, of West Virginia. That of course would displace the appropriation bill.

Mr. LOGAN. Of course it would, if I can get a majority of the Senate to do it. I understand that. That is perfectly certain.

Mr. HARRIS. What is the pending motion?

The PRESIDING OFFICER. The Senator from Illinois moves to postpone the present order, which is the legislative, executive, and judicial appropriation bill.

Mr. WHYTE. That is not a proper motion. It must be to postpone to a day certain. There is no rule for the motion the Senator from Illinois has made. The Senator from Vermont [Mr. EDMUNDS] regularly makes that point.

Mr. INGALLS. Under the rules the motion must be to postpone to a day certain or to postpone indefinitely.

Mr. LOGAN. Very well; I move to postpone the appropriation bill until to-morrow.

Mr. EATON. I suggest that the motion is not in order at all. The appropriation bill was taken up by a vote of the Senate. When would there be any end to this mode of operation? Never in the world should we get through with any bill if after a bill has been taken up for the purpose of consideration by a vote, then a motion could be entertained to postpone it to another day. You never would get the consideration of a bill on earth.

The PRESIDING OFFICER. The Chair overrules the point of order made by the Senator from Connecticut, and decides that the motion of the Senator from Illinois to postpone the present order is in order. That, therefore, is the pending question, and upon it the Senator from Illinois asks for the yeas and nays.

The yeas and nays were ordered.

Mr. WALLACE. I understand the pending order to be the legislative, executive, and judicial appropriation bill.

The PRESIDING OFFICER. That is the order now before the Senate.

The question being taken by yeas and nays, resulted—yeas 24, nays 29; as follows:

YEAS—24.

Anthony,	Cameron of Wis.,	Jones of Nevada,	Paddock,
Baldwin,	Conkling,	Kellogg,	Platt,
Blair,	Dawes,	Kirkwood,	Plumb,
Booth,	Ferry,	Lamar,	Saunders,
Bruce,	Hill of Colorado,	Logan,	Teller,
Burnside,	Ingalls,	Morrill,	Windom.

NAYS—29.

Bailey,	Eaton,	McDonald,	Vest,
Bayard,	Garland,	Maxey,	Walker,
Beck,	Groome,	Morgan,	Wallace,
Brown,	Hampton,	Pendleton,	Whyte,
Butler,	Harris,	Pugh,	Williams.
Call,	Johnston,	Saulsbury,	
Cockrell,	Jonas,	Slater,	
Davis of W. Va.,	Kernan,	Vance,	

ABSENT—23.

Allison,	Edmunds,	Hoar,	Rollins,
Blaine,	Farley,	Jones of Florida,	Sharon,
Cameron of Pa.,	Grover,	McMillan,	Thurman,
Carpenter,	Hamlin,	McPherson,	Voorhees,
Coke,	Hereford,	Randolph,	Withers.
Davis of Illinois,	Hill of Georgia,	Ransom,	

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House had passed a bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes; in which it requested the concurrence of the Senate.

AMENDMENTS TO BILLS.

Mr. BECK, Mr. COCKRELL, Mr. GROVER, Mr. JONAS, and Mr. VANCE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. BOOTH, Mr. GARLAND, Mr. INGALLS, and Mr. PADDOCK submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882,

and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. RANDOLPH submitted an amendment intended to be proposed by him to the bill (S. No. 1992) to place Ulysses S. Grant, late General, and ex-President of the United States, upon the retired list of the Army; which was ordered to be printed.

CONGRESSIONAL LIBRARY BUILDING.

Mr. VOORHEES. The Joint Select Committee on the subject of the new Library have authorized me to report certain amendments to the amendment proposed last evening by the Senator from Vermont, [Mr. MORRILL,] which on consultation with him he has accepted. I ask that they be read.

The CHIEF CLERK. On page 2, in line 4, section 2, after the word "appropriated," it is proposed to insert:

Provided, That the land and the structures thereon which may be purchased or condemned under this act, and all damages for the taking thereof, shall not exceed $1,000,000.

Mr. VOORHEES. Also the following.

The CHIEF CLERK. On page 2, in line 11, section 3, after the word "law," it is proposed to insert:

Provided, That no money hereby appropriated shall be expended for the purchase of said land or any part thereof, or for the erection thereon of said Library building, until the written opinion of the Attorney-General shall be had in favor of the validity of the title to said lands.

Mr. VOORHEES. Also the following.

The CHIEF CLERK. In section 4, on page 3, it is proposed to strike out all after the word "shall," in line 12, to the word "oath," in line 14, and insert the following:

Before entering upon their duties take and subscribe an oath before some officer in the District of Columbia authorized to administer oaths, that they are entirely disinterested in the purchase or sale of said real estate, and that they will well and truly discharge their duties as such commissioners, and they shall then proceed to make.

Mr. VOORHEES. Also the following.

The CHIEF CLERK. In section 4, page 3, in line 23, after the word "for" it is proposed to insert the following:

Provided, That written notice of the time and place of appraisement shall be given by said commissioners to each owner of real estate, the purchase of which is contemplated by this act, at least thirty days before proceeding to appraise the same and in the case of a non-resident owner a similar notice shall be given by publication in two daily newspapers of general circulation published in the city of Washington; and if it shall appear that any owner or party otherwise interested in any portion of said real estate be a minor or otherwise incapacitated said court shall, before proceeding to the appointment of said commissioners, appoint some suitable person as guardian *ad litem* to represent such person in all further proceedings in reference to such portion of said estate under this act.

Mr. VOORHEES. Also the following additional section to be inserted after section 7, making section 8 as it stands now section 9.

Mr. DAVIS, of West Virginia. I suggest to the Senator to have them printed. That is all he desires.

Mr. VOORHEES. Of course I want them printed, but had they not better be reported?

The CHIEF CLERK. It is proposed to insert the following as an additional section:

SEC. 8. Before payment shall be made for any part of the grounds herein described the terms of all contracts therefor and the amount of all appraisals thereof shall be submitted to the President for his approval; and if in his judgment the sum to be paid for any parcel, either under contract or judicial proceedings, shall be unreasonable, he shall in respect to the same suspend all further proceedings under this act till further action by Congress: *Provided*, That there shall not be taken or paid for, under this act, less than the squares numbered 729, 730, and 731, on the south side of East Capitol street, or the squares numbered 726, 727, and 728, on the north side of said street.

Mr. VOORHEES. I ask that these various amendments be printed in their proper place in the amendment offered by the Senator from Vermont, so that they can be considered to-morrow intelligently by the Senate.

The PRESIDING OFFICER. The Chair hears no objection, and that order will be made.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes—to the Committee on Appropriations.

A bill (H. R. No. 5066) to provide for the preparation of classified abridgments of all letters-patent of the United States—to the Committee on Patents.

A bill (H. R. No. 5713) for the benefit of Alderson T. Keene—to the Committee on Military Affairs.

A bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company—to the Committee on Railroads.

A bill (H. R. No. 6848) granting a pension to John R. Wallace—to the Committee on Pensions.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, the pending question being on the amendment reported by the Committee on Appropriations, after line 1669, to insert:

For the following additional clerical force in the Pension Office, namely: Twenty examiners, at $2,000 each; twenty clerks of class 4; twenty clerks of class 3; twenty clerks of class 2; fifty clerks of class 1; three assistant messengers; three watchmen; and five laborers; in all, $203,620; and for the like force for the balance of the current fiscal year, $50,905; the latter sum to be immediately available.

Mr. BLAIR. I was making some remarks to the Senate at the time the proceedings were interrupted yesterday afternoon.

The PRESIDING OFFICER. The Senator from New Hampshire is entitled to the floor.

Mr. BLAIR. When the motion to take a recess for the purpose of holding an evening session was made yesterday afternoon I was expressing some views in relation to the amendments to the appropriation bill making large provision for the increase of the service in the Pension Office.

I desire to say in passing, recalling remarks by the honorable Senator from Kansas [Mr. PLUMB] and other honorable Senators upon the floor, that what has been known as the Bentley bill in the discussion which has proceeded in the Senate hitherto upon that bill, it of itself, upon its merits, has never been before the Senate at all. The whole debate arose, as will be recollected, upon a point of order, and when Senators saw fit as some did to enforce a vote upon that point of order a discussion upon the merits was necessarily interrupted; so that there never has been yet any opportunity whatever afforded for a vote in the Senate on the bill without amendment or for the offering of such amendments to that bill as the discussion seemed to make it necessary should be made in the case of its final passage.

Therefore, the assumption which has been made here that this bill sleepeth, that this bill has been rejected by the judgment of the Senate, is an incorrect assumption not based upon the fact. I think I am justified in claiming that if this bill could reach the Senate in a discussion upon its merits, it would be approved by the general sentiment of the Senate, with such modifications as might be suggested in the way of amendment. I desire to say this much, because there seems to be a sedulous attempt to create in the country at large, at least among all those who are interested in the pension law and its administration, the impression that this bill has been condemned by the judgment of the Senate. On the contrary, I believe it will be largely approved by that judgment whenever it can be fairly expressed.

The debate developed something very much akin to the nature of a personal assault upon the Commissioner of Pensions, as it will be remembered. Yesterday the Appropriations Committee, having reported amendments enlarging the force and increasing the expenditures in the Pension Office proper, Senators took pains to express the idea to the Senate that the Pension Commissioner himself had changed his views; that he now gave countenance to the idea that the law itself is right to which I expressed dissent at the time. I now find upon further examination that no such impression can properly be given. No conduct of the Pension Commissioner can be thus construed. On the contrary, his testimony before the Committee on Appropriations and also letters which he has sent to his superior, to the President, and to this House of Congress, all disclose simply the fact on his part that, entertaining as strongly now as ever the belief that the provisions of his bill requiring a modification of the law itself are essential to the removal of the great evil now existing in the country, yet finding that owing to the lateness of the session and perhaps to other causes it is not likely to get consideration at this time, he is very glad that there should be an increase of his force, although he believes and says that he thinks such increase is not the proper way of relieving the country of the great evils under which it is now suffering and with the perpetuation of which and the increase of which it is now threatened.

In justice to that somewhat as I think abused officer, and I will modify the expression by saying much abused officer, I wish to read in support of what I now state his letter of so recent a date as the 8th of February, which was drawn out by reason of large petitions addressed to the President by various organizations of soldiers throughout the country, and the request of the President for instruction from the Interior Department in reference to the evils complained of. This letter is addressed by the Commissioner of Pensions to his official superior, the Secretary of the Interior, dated the 8th of February, 1881, and is as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 8, 1881.

SIR: I have the honor to acknowledge the receipt by your reference of the 2d instant of a letter of George W. Powers, commander of John A. Andrew Post, No. 15, G. A. R., department of Massachusetts, of the 1st ultimo, addressed to the President, together with the petitions of forty-three posts of the G. A. R. of the same department, also addressed to the President, requesting him to urge upon Congress the immediate necessity of adopting measures to obviate the delays and injustice attending the settlement of pension claims.

You request an expression of my opinion in the premises.

It is well known that the adjustment of the claims is attended by great delays, and that the claimants sometimes suffer injustice by reason of the rejection or improper rating of their pensions on the one hand, and on the other hand the Government is often imposed upon by fraudulent claimants.

The delays and injustice complained of, as well as the frauds, have been subject of comment in my annual reports from 1876 down. They mainly arise out of the secret *ex parte* methods of preparing the evidence in support of the claims, but have been to some extent, and now more than ever before are, chargeable to a lack of clerical force and office facilities in the Pension Office and in the offices of the Adjutant-General and Surgeon-General of the Army.

Since the evils which are the subject of complaint lie mainly in the secret *ex parte* system now in vogue, the most complete and comprehensive remedy must be looked for in the adoption of a system not liable in its administration to cause un-

necessary delays, or result in injustice to the claimants and in imposition upon the Government.

The taking of the testimony in public, where the witness is known, before an officer whose duty it is to glean from him the facts, is the most direct and simple method which can be suggested or which has ever been discovered for eliciting the truth upon which questions are to be decided, whether relating to suits in court or to applications for pensions. Such proceedings in the latter class of cases, substituted for the present cumbersome and inadequate system, would doubtless secure a more just and speedy determination of claims, and at the same time, so far as it is practicable to do, protect the Government against frauds.

An addition to the force of clerks in the Pension Office of men who have been educated to the law, and who have had practical experience in the consideration of evidence, would hasten the settlement of many of the claims, but no increase in the force, however great, could secure a prompt settlement of all the claims, nor more than a small percentage, representing mainly claims which are supported by a record in the War Department. While it would in some degree reduce the time required for the settlement of the other class of cases, it could not settle them promptly. But partial and inadequate relief can therefore be expected from an increase of the office force. An increase of force at all equal to the emergency will render necessary a division of the office and a transfer of a portion of the records and files to another place. Until now such a division has been entirely impracticable, because the records were arranged upon a system which would not admit of a division. Now records upon a divisible system have lately been so far completed that a portion of them, with the corresponding files of unsettled claims, may be transferred to another place. Such a division, however, would be a source of much inconvenience in the transaction of business.

If the remedy for the evils complained of is to be sought in an increase of force of clerks, there should be an immediate appropriation for one hundred additional examiners and the proper complement of copyists, messengers, laborers, watchmen, &c., to be further increased by one hundred additional examiners on the 1st of July next. Provision should at once be made for additional room scarcely less commodious than that already occupied by the Pension Office.

At the same time additional clerks and perhaps office facilities should be provided for the Adjutant-General and Surgeon-General of the Army, the details of which increase they will doubtless understand and be able to explain better than I.

There is still another direction in which partial relief may be afforded, and that is by investigating claims on the spot by special agents. If this line is to be adopted, section 4744, Revised Statutes, should be amended by striking out the words "suspected attempts at fraud, through and by virtue of the pension laws," and insert the words "pension claims." The appropriation for that purpose should be not less than $250,000 per annum; and, in addition, provision should be made for one hundred and twenty-five additional clerks of class 1 to act as special agents, in order to enable the Commissioner of Pensions to employ a sufficient number of agents to investigate claims which should be investigated as they arise.

Permit me, in conclusion, to say that in pointing out these different directions in which relief may be sought, I indorse the first proposition only; the second is to be accepted only in case the first cannot be adopted; and the third as a part and parcel of the increase of office force, and in addition to the increase specified in the second proposition.

I have the honor to be, very respectfully,

J. A. BENTLEY,
Commissioner of Pensions.

The Hon. SECRETARY OF THE INTERIOR.

It will thus be seen from this recent expression of opinion by the Commissioner of Pensions that the provision made by the Committee on Appropriations is accepted simply because nothing else more efficient and more suitable to the relief of the evil can be obtained. The appropriations which he suggests here, and I may say the appropriations suggested by the committee even, are nearly if not entirely enough to put in practice, and, as I believe, to put in efficient practice, too, the system of taking testimony which he has recommended in his bill, with such modifications as the wisdom of the Senate might incorporate therewith. So that here to-day, while I do not oppose this appropriation and am anxious that it should be made, we are confronted, as I believe, with the anomaly of expending as much money as it would be necessary to expend to relieve the evil in a vain effort to only partially relieve it; accomplishing, as I believe, not one-fourth of the efficient service which might be made if we gave the same money in the other and proper direction.

The evils of this system it is very difficult indeed to point out to their full extent. I have received very lately a letter from a faithful soldier of the Union, which I desire to read to the Senate as an illustration of the evils and hardships of the existing system. This letter is addressed to a personal acquaintance of mine, and forwarded to me. It is dated at Haverhill, in my State, February 8, 1881. Addressing his friend, he goes on to say:

I received yours of January 21st, in due season, and about the same time I had orders to go to Lawrence, Massachusetts, for examination before Dr. H. M. Chase. I wrote to Dr. Chase that I was not able to go there either in strength or means, for it would cost me about twelve or fifteen dollars. I received a letter to-day from him saying that he had sent my letter to Washington and would wait further orders. I have been laid up since the last of November, about three months since I have been able to earn anything. I have got so I would eat some. I wrote to Mr. Lemon to-day. I thank you for looking after my case, and if you can assist Mr. Lemon I would like to have you, or if you could in any way get my claim made a special claim I will pay you for your trouble, for I am so used up myself and my wife has been sick a little over two years, it makes it hard for me to get along. If I am entitled to a pension I should like it now, not after we are dead; if I am not entitled to it, I have nothing more to say. It will be ten years next June since I made application. I think I ought to find out before long where I am.

Yours, &c.,

H. H. MORRISON.

This is not a case of very unusual hardship by any means, and I only read it to the Senate to show how under the existing system mistakes and errors and delays inevitably arise. This man resides in Haverhill, New Hampshire. It was through some mistake here at the Pension Office. It must have been supposed that he resided at Haverhill, Massachusetts, which place is within a very short distance of Lawrence, Massachusetts, where this examining surgeon resides; and so the office at Washington, not coming into contact with the pensioner, ignorant of the localities and of the distances, ordered this man to report for examination at a point over a hundred miles distant from where he resides, from the circumstance that they think he lives in Haverhill, Massachusetts, instead of Haverhill, New Hampshire, where he does reside. Upon an effort to correct the mistake this outsider being applied to, giving information verbally, the office makes another like mistake, and sends this man, as I learn since, to another point a hundred miles distant for examination there; and so it comes to pass that but for this friend who interposes for him he would in all human probability have been delayed one, two, three, four, or five years more upon this order to report for examination, for this man, poor as he is, is as utterly incapable of complying with that order as I should be of making a flight to the moon.

If, as suggested by the Commissioner as one feature of this bill, local examinations could be made, if those who take the testimony could come personally in contact with the applicant, a mistake of this kind would be utterly impossible. That man has been applying and working for ten years to secure the adjudication of his claim. If there is any shame on earth, if there is anything that would shame the memory of the father of this country more than the debate that we have listened to this morning, some portions of it, it is the circumstance that it is possible that a man under the laws of the country, and he one of the defenders of the country, one who put his blood into the cement of the nation which has given perpetuity to this great fabric which protects us all—that such a man by the legitimate result of the laws of the land can be subjected to hardships of the kind herein described; and yet the Congress of the United States when attention is called to it put off for six months and for six years longer, it may be, anything like definite action which will be really remedial to such cases.

I propose to take this opportunity by reason of the great importance that I attach to the subject to explain a little to the Senate, and at all events to make an explanation in such a way that it will reach the country through the press, the provisions of a bill which I have prepared and which is now pending in the Senate, embodying to some extent the features of the Bentley bill so-called, but with such essential modifications as I think make up for the short-comings of the Bentley bill and provide additional remedies for the pensioner and the claimants of pensions.

The Senator from Colorado [Mr. TELLER] suggests to me that if this clerk who happened to have the supervision of the case with reference to which this letter was written which I have just read to the Senate, had understood geography a little better, he might have been able to avoid this mistake. This claimant is not responsible. If the country employs a man so ignorant of geography that he sends the claimant a hundred miles when he really means to send him not more than five or six, that is not the fault of the pensioner, it is the fault of the system. Then I doubt whether any clerk however intelligent can be held responsible for mistakes which result with reference to the geographical location of many of the unimportant towns and places in the country.

Mr. TELLER. This man appears to have lived at Haverhill, in New Hampshire. He was ordered to Haverhill, Massachusetts.

Mr. BLAIR. No; to Lawrence, Massachusetts, on the supposition that it was near Haverhill.

Mr. TELLER. That might have occurred under any system where the whole control is left, as it is proposed to be substantially under the proposed system of the Senator from New Hampshire, with the Secretary of the Interior. I presume that when this clerk was examined for admission into the office of the Pension Bureau he was examined probably not on geography, and very likely not upon his capability of writing, but he was probably examined upon algebra, or geometry, or ancient history, or something of that kind. I have seen a great many more lamentable errors than the one mentioned simply growing out of the ignorance of a clerk of the geography of this country.

Mr. BLAIR. The remark of the Senator from Colorado makes it necessary for me to suggest to him that he is in the most profound and abject ignorance—and I wish he was here—as to the nature of the bill which Mr. Bentley or which I myself have advocated before the Senate. Remarks such as he made with reference to it would be, I have no doubt, avoided on his part at least if he would peruse the bills themselves. The essential feature of both is that it brings the agent of the office in contact with the applicant; and although the ultimate decision upon cases necessarily must be lodged in a tribunal here at Washington, the information is collected upon the spot, and the tribunal at Washington is not likely to decide cases in almost total ignorance of the nature of the proof upon which it acts.

The leading feature of the Bentley bill, as is well known, was to provide for the taking of this testimony substantially with the opportunity for cross-examination, by personal contact with the witness; but it did not provide for what I think to be quite as essential, and what minds trained at all in the ordinary proceedings of justice in the country will say is equally important, that the tribunal which listens to or takes the evidence itself, coming in contact with the witnesses, shall be enabled to avail itself of those tests of the truth of testimony which, time immemorial, have been found the most important. Thus, by the actual inspection of the witness himself, the tribunal, whether he be a commissioner, whether he be a clerk, an auditor, or examiner, or by whatever name he may be called, shall be not only competent enough to take testimony, but also sufficiently competent and have the opportunity to understand what the testimony means, its force and effect, and to make up his mind and have

a conviction as to what it proves or does not prove. Testimony taken in that way, and then passed upon by a man competent to pass upon its truth or its falsehood, would become the basis of reliable and satisfactory action by the authorities here at Washington, first by the Commissioner, and then if need be by the Secretary of the Interior. The Bentley bill provided only for the taking of the testimony, while I have provided in this bill that the facts shall be found by the same agency which takes the testimony, and then, further, that in the taking of testimony not merely what in an ordinary court of justice may be received as pertinent, but testimony may be taken—

Which may include, in the discretion of the Commissioner, matter of reputation, hearsay, and common report, as well as direct evidence, of pensioners and claimants and of witnesses in such claims, and may be required to submit their conclusions upon the facts proved by the evidence before them; and the testimony taken in other districts, as well as that in possession of any Department of the Government, appropriate to be considered in any case, shall be transmitted by the Commissioner to the examiner to whom the case shall have been referred, to be by him considered with the evidence taken by himself; and all evidence coming to his possession shall be returned by the examiner, together with his finding thereon, to the Commissioner of Pensions for action upon the same.

In regard to the first branch, that is, as to the nature of such testimony which the examiner should be allowed to take, comprising not only ordinary testimony, but matters of reputation, hearsay, and common report, any one who is at all familiar with the prosecution of pension claims very well knows, especially in those cases where relief is sought by reason of the death of a son or of a husband upon whom the widow and children or the parent was dependent for support, knows how exceedingly difficult it is to prove the matter of dependence and the contribution during the life-time of the soldier to the support of the parent and of the family. The office requires proof of some precise act of contribution, that the wages derived from labor on the part of the son were paid on a certain occasion by some employer to the parent for the support of the family, or that while in the Army he transmitted more or less of the wages paid to him for their support. The transmission of money, some actual, specific contribution, must be proven; but everybody knows how exceedingly difficult that very often is to prove.

Yet the physician who received pay, it may be for his bill by reason of that very contribution, the merchant who sold the necessaries of life to this poor family and received his compensation from that same money transmitted by the soldier, or the overseer of the poor perhaps knew of the son contributing something to keep that family from the poor farm; yet these parties, none of them having positive knowledge of the transmission of the money itself, but knowing as a matter of common report where it did come from, really know the fact of contribution better than anybody else knows it, and they are the most reliable sources of evidence. Testimony by common report, reputation, hearsay, in the neighborhood where the party lives, coming from such reliable sources, is the best evidence that can possibly be obtained in the great majority of cases with reference to the point of dependence and contribution for support. So in relation to other points. Unless evidence of that kind can be received the result must be in a vast number of just cases the rejection of the claims. The office winks at the matter somewhat, I suppose, and sometimes does receive that sort of testimony, yet there is no regulation to do it; but if it could be taken by a man acquainted in the locality who could see the parties and investigate and find out from these witnesses themselves by personal contact with them in regard to the truth, such evidence would become perhaps as satisfactory as any that could be obtained in any case.

In regard to the examiner finding upon the question of fact, I have said all that I care to say. It is sufficiently obvious as a desirable thing, I imagine, to any man who is at all acquainted with the processes of law and the effect of evidence upon the human mind.

A defect in the Bentley bill, the most serious one, and one for which it was most severely criticised in the discussion here, was the fact that it designed to appoint only one of these agents or examiners in each congressional district and to substitute the labors of that one man for what I have no doubt in most of the districts of this country, where many of the soldiers reside, from twenty to forty men are engaged in performing. Of course it is an utter impossibility with from 1,500 to 2,000 cases already on the docket, so to speak, with one man only to go all over a congressional district which may in some cases be larger than my own State, embracing, as I understand, in many instances twenty, thirty, forty, and fifty counties, several hundred miles in length, if this one man is expected to collect the testimony in all this great number of cases and to pass upon the facts and forward his report to the city of Washington for action thereon that the business should not get behind. Of course it is an utter impossibility for one man to do all this. I have therefore, to obviate this evil, provided that when the exigencies of the public service require, at least four such examiners might be appointed in a single congressional district. That is not a sufficient number to perform the labor, but it is a sufficient number, as I believe, in connection with other agencies that are provided in later portions of the bill to relieve the evil, and to those other agencies I will advert as I reach them.

The bill of Mr. Bentley provided that the examiner and the surgeon should visit the county seat at least three times a year, and in case of sickness and disability of a claimant or of a witness he might visit them in person. There, it seems to me, in practice would be found to be a very marked defect in the operation of such a law. He is to visit the county seat three times a year. He is under no necessity of going anywhere else, unless in case of the sickness or disability of a claimant or of his witnesses. Under a provision of that kind it would be utterly impossible, without very great expense to the claimant in securing his witnesses and other attendants, to find the examiner at all. There are instances in the constitution of counties in this country where the claimant with his witnesses would be obliged to travel from forty to one hundred miles distance, taking his witnesses along with him, those who are available within the district, bearing their expenses from home on the journey, and while awaiting action upon it may be fifty, sixty, or one hundred cases preceding his own; so that this would go to impose upon the pensioner or upon the claimant a most expensive species of lawsuit, and it would be utterly without remedy for the evils which now exist.

To obviate that I have provided in the bill which I have prepared that the examiner shall not only visit the county seat, but he shall visit every other place in the county and in the district where it can be reasonably expected that he should go, in order to give proper facilities to the claimant and his witnesses for the taking of testimony. Further, in regard to a man who, by reason of sickness and disability, cannot attend, I have provided that when "poverty or any other good cause" exists, so that it is difficult, inconvenient, or beyond the reasonable exertion of his power to find the examiner, the examiner shall go wherever the witness or the claimant may be, and go there as he does in all other cases, at the expense of the Government. Therefore, in view of all these provisions, there can be no fault found with the measure which I am advocating upon the ground that the examiner will not find the witnesses or the witnesses find the examiner, and all those evils be obviated, as they should be.

That provision I will read. It is as follows:

The examiners and surgeons shall together visit each county seat in their respective districts as often as three times in each year, unless otherwise directed by the Commissioner of Pensions, for the purpose of performing the duties prescribed by this act, and shall also, for the same purpose, and to accommodate claimants so far as shall be reasonable, visit other places in their respective districts, from time to time; and whenever any pensioner, claimant, or witness, whose presence before the examiner or surgeon is necessary to the proper determination of a matter pending before the Commissioner of Pensions, shall, because of illness or disability, poverty, or other good cause, be unable to travel to an appointed place to appear before the examiner and surgeon, one or both, as the necessities of the case may seem to require, shall visit such pensioner, claimant, or witness, as the case may be, and take such person's testimony, or make the required medical examination.

Another difficulty, and a very great difficulty with what was known as the Bentley bill, according to the construction which was given to it, though I hardly think it was open to that objection, was that it was supposed that it would turn over all cases now pending to these examiners, the whole testimony to be taken *de novo*, taken anew, as from the beginning, of course ignoring the great mass of testimony which has been collected it may be years ago, and all the way down to the present time to a great extent, reliable and trustworthy testimony—ignoring all that and subjecting the claimant to a new preparation for the decision of his case, as though really he had not filed his application until the passage of the bill. To guard against any such misapprehension as that, and make specific provision in reference to it, I have inserted the following clause:

Testimony already filed in pending cases shall be considered in support thereof, and testimony hereafter taken and filed, in accordance with law and the practice which has hitherto prevailed in the administration of the pension laws, shall be received and considered in support of any claim; but in such case the Commissioner of Pensions may require the testimony of any witness to be retaken by an examiner, at the expense of the United States, if he shall be of the opinion that the same is necessary.

It will be borne in mind that under this system most of the testimony will be taken at the expense of the United States, so that there is no hardship imposed upon the Government by this provision:

And nothing in this act shall be construed as a denial of the right of the claimant to employ and pay for such assistance as he may have received, or may desire to receive, in the prosecution of any claim, nor shall it be wrongful for any person to accept payment for the same within the limitations of existing law.

Much of the controversy that has arisen upon this subject has been attributed to the opposition of the claim agents, as they are called, to the Bentley bill. I think there is this to be said for the claim agents of the country: I have no doubt that the great mass of them are honest men. I believe the great mass of them have undertaken to do their duty and are anxious for the successful prosecution of all just claims. I ought to say further that from a hundred and fifty to two hundred thousand of the pending claims are being pushed by pension agents. Large masses of them are in charge of agents here at Washington, at Chicago, at New York, at Boston, and other great centers of the country. I have no doubt that most of these gentlemen are honorable gentlemen, and their business has grown up under the protection of the law of the land, which we made and gave to them. One feature of that law was that no applicant for a pension under the Government or for a bounty under the provisions of law could be allowed, that it should be practically impossible for him, to employ local and competent assistance such as the poorest litigant is enabled to employ when he comes to the courts of the country, and why? We limit their compensation to $10 in all cases. That has been the law most of the time. For a while we enlarged it to $25, which must, however, be done by a special contract. The great mass of these cases cannot be properly prepared for a hearing

before the tribunal here at Washington, or anywhere else, by a man who knows how to do it, whose business it is to prepare evidence and put it in proper form for consideration by any tribunal, for less than $20, $30, $50, or $100, as the case may be.

The result is, that while if this claimant or pensioner was wronged to the extent of five cents, he could go to competent counsel, if an honest man, and get trusted by a local lawyer, or by some legal person competent to take evidence and prepare his cause for court under the ordinary laws of the State and of the land; yet when he comes to the prosecution of a claim under the pension laws, or under the bounty laws of the country, he is obliged by the enactment of the law and the penalty attached to its violation to employ a man who is not fit to do the work, or to get no assistance at all.

Thus these poor illiterate men who saved the country are by this original provision in our law deprived of local and competent help, unless it is given as a matter of charity. What is the result? Men organize as they have done here at Washington; they organize bureaus for the prosecution of pension claims. They do their business by wholesale; they advertise to the whole country that they have at Washington special facilities for the transaction of business, and are accorded privileges for doing it in a wholesale way, and doing it, too, in such a way under the faults of the system that, getting largely their pay in advance, they are enabled to live; whereas, if the claimant was allowed to employ local assistance, (and he could get trusted when he is without the money,) he would get his case prepared, and he would all through these years of the past have been enabled to get his case prepared and transmitted in proper form for consideration to the authorities here at Washington. Thus the evil results in depriving these men of competent assistance at home. This defect in the law has created this great evil in practice, and has given rise to the frauds of the claim agents very largely, when they have been committed at all.

Now, sir, I think it is proper to go further and say that the Bentley pension bill did a wrong in striking out from underneath claim agents any possible prospect of compensation, so far as they have not been requited, for a very large mass of work which they have done under the present system; and generally I have no doubt honorably and honestly done, and as well as they could. In striking out from under them the possibility of securing compensation, the bill if it had become a law would have committed a great wrong. If the claim agents themselves are wrong, we are as much to blame for their existence as anybody. They grow naturally out of the operation of the existing law, and I think it only right that explicit provision should be made in the law we may enact on the subject that not only may claimants continue to employ, as they have hitherto done, claim agents at home or elsewhere if they can better satisfy themselves in that way, and that the claim agent shall be allowed to secure his fee, which under existing law can in no case be over $10. I would repeal the provision entirely, if I had anything to do about it, and let the party get his help at home from competent sources and pay for it in such way that he would be able to get, it might be a lawyer or it might be some other person able to take his testimony in proper form.

As I said awhile ago, even four men in a congressional district will not be able to take this business and reform it; they will do much toward it, but in practice you will find that neither four nor ten men will transact this business with sufficient rapidity to gain at all upon the applications, of which we have nearly three hundred thousand already pending. Therefore, I have provided here that the existing law, so far as taking the testimony is concerned, and the existing practice may continue in operation to regulate claim agents, subject to the right of the Commissioner, if he thinks the evidence is suspicious in any way, to retake the testimony of any particular witness, and subject to that right the existing agencies may continue in operation in connection with the modifications of the system which are suggested.

Any one will see that in practical operation, it being known that here are four men in a congressional district who take testimony in behalf of the Government as well as in behalf of the applicant himself, any honest applicant will naturally seek one of those men to do his business if possible. That man will do it for nothing, the Government paying his expenses. For two reasons, then, the honest applicant will seek out the examiner if it is possible to get him: First, he is freed from the burden of compensation to the examiner, whereas he must pay his agent; in the next place, he will have the impression that when an examiner takes his testimony due credence and consideration will be likely to be given the testimony thus taken by that examiner; it will obtain belief here at Washington where will be the deciding tribunal. Then that examiner will pass upon the question of fact also, as previously suggested, and he will be much more likely to pass favorably on testimony which he has himself taken than that which comes to him from other sources. Therefore the inclination or drift of this business will be to an examiner for these reasons. A great deal undoubtedly will be taken by the claim agents, but every claim agent will know, and every witness will know when he is testifying that every particle of testimony he gives before the agent is sure to be reviewed, and if there is any suspicious circumstance attached to it that it will be retaken by the examiner, and therefore he will testify under the supposition that if he perjures himself he is likely very soon to be detected in so doing; and as the claim agent will know this, too, there will be another very great safeguard which does not exist in taking testimony under the existing law and the existing practice.

Another objection urged to any bill whatever which proposes the taking of testimony by an officer in the locality has been that only a part of the testimony in any case whatever is to be found exclusively within the jurisdiction of a single examiner; but this bill provides that the testimony in other jurisdictions shall be taken by a like officer in that jurisdiction precisely in analogy to the way in which a court in a given jurisdiction where a cause is being tried now authorizes the taking of depositions in other States and in other jurisdictions, the same to be remitted to the place where the cause is to be tried. In just that same way the testimony of witnesses will be taken elsewhere and remitted to the Pension Office or directly to the examiner who has to pass upon the questions of fact, being the examiner who has the case primarily under his jurisdiction. In this matter there can be no greater difficulty than now exists in the collection of testimony from various parts of the country and its concentration here in Washington before it is considered. There is no objection, as any one will see, to the operation of this bill more than exists under the operation of the present law.

Much complaint has, as I think justly, been made in this country on the practice of the Pension Office in the investigations through the operations of special agents of cases once allowed and pending on the pension-roll. Upon the most trivial suggestions that something was wrong, suggestions coming from an irresponsible source, oftentimes from a malevolent source, persons are suspended that remain suspended for years, and perhaps the party dies without ever having received one cent of a claim which was perfectly just.

I have proposed this modification of the existing law that the Commissioner of Pensions wherever he thinks there should be an inquiry into a pending case may institute that inquiry, no matter how trivial the cause for inquiry may be, if he is of opinion that there should be one. He complains that under the existing law he must have some substantial proof of the existence of fraud before he can inquire. I think that any one will see that the opportunity to inquire should exist upon the slightest suggestion that there is any fraud being perpetrated, and therefore I have incorporated that provision in this bill in the language which I will read:

SEC. 7. That if, after a pension has been allowed, the Commissioner of Pensions shall have good cause to believe that the same has been procured through fraud or misrepresentation, or for any other reason is of opinion that it ought not to continue without inquiry, he shall cause the case to be investigated by the examiner or surgeon, or by both acting together, of the district where the claimant or witnesses reside, after first giving reasonable notice to the pensioner of time and place of such intended investigation; and the claimant or pensioner whose case is being investigated may be present at the examination of the witnesses upon such investigation, and may produce witnesses and testimony, at the expense of the Government, in his own behalf. And until there shall have been an adverse decision upon such testimony the payment of the pension shall not be withheld, except in cases where the information of the Commissioner, in his judgment, is conclusive in the first instance, but in no such case shall an investigation be denied upon application of the pensioner.

Here is a provision that there shall be no suspension of the payment of the pension until there is an adverse decision against the pensioner. I think the absolute justice of a provision of that kind, which is not in contravention of existing law and practice, must be apparent to every one. Here is a man who has established his claim against the Government. He has a judgment against the nation for his pension; the record is made up; and yet under existing practice any irresponsible party may in effect contradict and annul the operation of that record which the country has made against itself. At the same time when an investigation and a report from a special agent shall have resulted adversely to the claimant, it does seem to be right that further payment of the claim should be suspended and should be suspended during the operation of these two remedies in the nature of an appeal which are provided for the pensioner. The feature that such an investigation should be conducted at the expense of the United States I think is proper, and that witnesses may be produced by the claimant at the expense of the United States is also a very proper provision, for as a rule the claimant is a man who is unable to defend himself; and when once the Government has decided against itself, that man certainly ought not to be deprived of his pension except in the most flagrant cases which are here provided for, unless the opportunity of defense is afforded him in the first instance, because the result of an adverse decision is a suspension of claim for a very great length of time.

I have provided further.

And whenever a pension shall be discontinued, an appeal shall be allowed to the Secretary of the Interior, and if his decision is adverse to the pensioner, then the pensioner may appeal from such decision of the Secretary of the Interior to that district court of the United States which may be most convenient to the pensioner; and such appeal, with all documents and evidence, or true copies thereof, as shall appertain to such case, shall be transmitted to such court; and the judge of such court, upon notice and hearing by himself or a competent and impartial master or commissioner to be by him appointed, shall examine all the proofs and finally decide such appeal as may be just. And if such appeal from the decision of the Commissioner to the Secretary of the Interior, or from the Secretary to the district court, shall be sustained, all reasonable costs shall be allowed and paid to the appellant, upon certificate of the Secretary of the Interior or of the judge of the district court.

It does seem to me the height of injustice that the decision of a special agent or of a clerk or of an examiner against a pension case should be final or practically final; and yet that is so to-day in a great majority of cases. The special agent reports to the Commis-

sioner of Pensions. If, as is usually the case, the claimant asks to be heard, and objects to this finding, what has the Commissioner to go upon but the report of his special agent? Practically nothing; and unless this pensioner has some outside friend, some friend at court, some Senator, or Member of Congress, somebody who can go down to the Pension Office and with the semblance of authority, or in a way which is not ordinarily disregarded, investigate that cause for himself, the decision of the pension agent is final and conclusive against the pensioner. He may appeal to the Commissioner; but the Commissioner decides too often just as the special agent does. He has still an appeal to the Secretary of the Interior; but how can the Secretary of the Interior revise the findings of the Commissioner of Pensions on questions of this kind? He has more than he can do in connection with the other duties of his office; and I do not suppose that the Secretary of the Interior ever really revises the findings of the Commissioner of Pensions upon an appeal case of this kind in one instance out of five hundred. Practically the finding of the special agent, then, is conclusive.

It seems to me we are perpetrating a great injustice unless we make some provision for an appeal beyond the Secretary of the Interior to a tribunal which can be reached by every man, and, therefore, I have provided that he may carry his appeal from these proceedings here at Washington, if adverse to him, to the district court which is most convenient to his own place of residence, not necessarily the one in that district where he happens to live himself, because he may live on the edge of one district, and close to the place where the judge in another district resides just across the line. He may appeal to that judge of the district court most convenient to himself, and be there heard, and heard on all the testimony, the original or copies thereof which will be submitted from the Secretary of the Interior to the judge of the district court, and that the judge, either by himself or, if unable to attend to it by himself, through some competent and impartial commissioner to be by him appointed, shall hear and finally decide that appeal. If it is decided, after all this, in favor of the appellant, the United States will pay such bill of costs as the Secretary of the Interior and the judge of the court shall approve.

In this hasty way, sir, I have explained many at least of the substantial provisions of this bill. Other features I indicated in my remarks of yesterday. I am aware that we can hardly hope for any action by Congress at the present session; but when we take action at some time, (and we shall revise the pension law,) these suggestions I think are worthy of consideration by the Senate and by the country, and I have taken this opportunity a little outside of the provisions of the appropriation bill to explain away the persistent misunderstanding which has seemed to exist on this subject as to the nature of the bill reported by the committee, and this which I have myself had the honor to present.

Mr. DAVIS, of West Virginia. I hope we shall proceed with the bill.

Mr. HOAR. I want to ask a question either of the chairman of the committee or of the Senator from Kentucky in regard to this pension provision. Are the committee satisfied that the provision they have made for clerks in the Pension Office will enable the Pension Office to provide for the prompt disposition of cases now there and those that will accumulate there by reason of the increased rapidity with which the information will come from the other offices? In other words, under the new provision will not the size of the pond at the Pension Office continue to increase beyond what it is now, owing to the fact that there will be a much larger amount coming in? Have the committee considered that question? I ask the Senator from Kentucky?

Mr. BECK. If the Senator from Massachusetts will allow the chairman of the committee to answer, I would prefer that he should, because he was one of the sub-committee who carefully investigated the question.

Mr. HOAR. I thought the Senator from Kentucky had this special matter in charge from something he said the other day. I beg the chairman's pardon, and ask the question of him.

Mr. DAVIS, of West Virginia. The whole Committee on Appropriations of course considered the question, at which meeting my colleague on the committee was present; but of the sub-committee which considered this bill I was chairman, and with me were the Senator from Pennsylvania [Mr. WALLACE] and the Senator from Iowa, [Mr. ALLISON.] The Senator from Kentucky may not therefore be as familiar with this matter as the rest of us.

I will state to the Senator from Massachusetts that the sub-committee considered this question as thoroughly as it could have been considered by any persons; they were two or three days in considering it; and what is found in the amendment reported to the bill is the result of their labors and, as they believe, what is best suited for each of the officers mentioned, and they will be aids to one another. If either one was increased to a greater extent than the others, then the others would have to wait. On that subject I have the Pension Commissioner's report in my hand.

There is an impression that the 307,000 cases which are now pending in the Pension Office have been pending there for many years. That impression is wrong. This report, for seventeen years up to and including 1878, shows that there are now 132,000 old cases in the office, and there are 175,000 new cases which were never presented before 1879. So more than half, nearly two-thirds of the cases now pending in the office have been presented there by applicants within the last two years.

Mr. HOAR. My point is, that making this provision that you have made in your bill for added clerks, will not the accumulation in the Pension Office still increase, so that six months or twelve months from now you will have a larger number waiting than are waiting now; so that the man or the widow who presents his or her petition for the first time will have to wait longer even than a person who presented his or her petition three years ago?

Mr. DAVIS, of West Virginia. No; I think the Senator is wrong in that supposition.

Mr. HOAR. Does the Senator know and is he authorized to state the opinion of the Commissioner of Pensions on that point?

Mr. DAVIS, of West Virginia. I do not know that I can give his words on that point; I do not know whether he was specially asked on that point; but I do know that the cases are now coming in much less in number per month than they were three or four months ago. They have decreased very rapidly. They increased more rapidly after the arrears-of-pension bill passed, but now they are decreasing, so that the number is not so great as it was a few months ago. In addition to that, with this force which the Senator sees is one hundred and thirty additional clerks in the Pension Office itself, the Commissioner of Pensions believes he can about double the number of cases that he examines, and the cases disposed of in a given time will be double the number disposed of heretofore in the same time.

Mr. HOAR. I am speaking of the Pension Office proper, as distinct from the other offices.

Mr. DAVIS, of West Virginia. So am I speaking of the Pension Office proper. With this additional force the cases will be decreased rapidly according to the testimony and according to our belief.

Mr. LOGAN. The Senator means this, doubtless, or at least I understand from what I have read in reference to it, that the applications for arrears of pensions are all in.

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. LOGAN. And that the applications which are being made now are for pensions originally and not for arrears, and hence the cases are not near so great in number as they were during the time the applications were made for arrears of pensions. That is the way I understand it.

Mr. DAVIS, of West Virginia. They are becoming less each month.

Mr. LOGAN. Certainly, and the additional force will cause the examination of three cases for one, as I understood the Commissioner of Pensions.

Mr. DAVIS, of West Virginia. At least two to one.

Mr. LOGAN. I think three to one. I will give that as my own opinion anyhow. Now, the fact that there are 20,000 cases in the Medical Bureau of the War Department unexamined shows that it makes no difference what kind of machinery you have in the Pension Office you have got to supply the force for the Medical Bureau of the War Department, the examining part of the War Department, in order to facilitate these matters and get cases reported by the Medical Bureau of the War Department to the Pension Office before they can be acted upon; and there is one of the great troubles. So the force in the Medical Bureau of the War Department is more important than the force in any other portion of the Departments connected with the Pension Office. I merely state that in this connection, and I want to call the attention of the Senator from West Virginia to it.

Mr. BECK. I was unable to agree with my colleagues on the Committee on Appropriations as to the wisdom of the amendments they have proposed. I rarely differ with the committee, and regret having to do so now. When the Senator from Kansas [Mr. PLUMB] made his speech during the consideration of the pension appropriation bill, and offered the following amendment—

To provide fifty additional examiners for the Pension Office, and the number of clerks for the Pension Office and Adjutant-General's and Surgeon-General's Offices, respectively, necessary to render effective the work of said examiners, the sum of $200,000, to be immediately available—

I thought he was making a most extravagant proposition under all the circumstances; we therefore asked for time, and determined that we would look into it carefully, have an examination made, and endeavor to see what would be the force needed to do the work, never suspecting that it would require $200,000 for additional clerical hire; but instead of that the majority of the committee have felt themselves compelled to add to the Pension Office $388,000, to the Adjutant-General's Office $36,000, to the Surgeon-General's Office $43,000, in other words $468,550; not content with that the Senator from Kansas [Mr. PLUMB] now persuades the Senate to add fifteen more clerks to the Surgeon-General's Office. In other words it has been apparent to me from the beginning of the arrears-of-pension craze—for that is what it is—that we were going to incur more debt, bring more responsibility upon this Government, much of it for fraudulent claims, and fasten a burden upon the country that would last longer than the national debt, and it is rapidly getting from bad to worse. Every suggestion made for an increase of compensation, an increase of clerks to hurry up anything almost to go through without any halt, is agreed to. I do not expect to be able to stop it, though I have tried as hard as I could, and have been criticised pretty severely for doing it.

I said the other day, and I repeat now, that in 1872 there were only a fraction over 8,000 invalids applying for pensions from the

Army of the United States, and 6,000 widows of soldiers. That was nine years ago when presumably there were a great many more of those people living than there are to-day. That was seven years after the war was over. We passed the arrears-of-pension act two years ago, whereby from $1,000 to $1,200 or $1,300 was given to everybody who could get on the pension-roll, and in the year 1880 110,673 applicants applied as invalids from the Army and 25,602 widows filed applications. From the Navy in 1871 the applicants were 190 as invalids and 140 as widows; and in 1880 after the arrears were given there were 1,361 naval applicants for invalid pensions and 959 widows, running it up to something near $170,000,000 or $180,000,000 in a year or so. Every effort made by the Committees on Pensions in both branches of Congress, by the Commissioner of Pensions, and by the other officers of the Government to have a thorough investigation as to how many of these are fraudulent, has been voted down or disregarded. Whether the propositions were the best that could be made, I do not know; I am not a member of the Committee on Pensions; but the struggle has been——

Mr. BLAIR. Allow me to say that the action of the Pensions Committee has never been voted down. A question of order was raised, and that was enforced to, as I think, the exclusion of the expression of the real sentiment of the Senate upon Senate bill No. 496, and we are actually without remedy.

Mr. BECK. Some how or other it has been defeated, and every proposition has been defeated except a proposition to employ all the clerks possible to hurry through claims that have been gotten up in the country to pay large sums to these one hundred and seventy-odd thousand applicants who in the last year or so filed their claims. There has been but little delay in regard to the old claims. It has always seemed to me, and seems to me now, that if invalid soldiers, or persons claiming to be invalid soldiers, or the widows of soldiers, or invalid sailors, or the widows of sailors, have waited from 1865 to 1880 before they filed their claims, they ought not to complain if the Government of the United States before it pays each of them from $1,200 to $1,500 should have an investigation made as to whether or not they were really *bona fide* claimants, and into the reasons which induced them to wait so long. The Commissioner of Pensions has told us that he has no efficient means of preventing fraud in these matters. He has said, and I believe him, that 10 per cent. of all that he has paid is paid on frandulent claims, and the proportion is doubtless as great on pending demands, and my belief is that it is more than that; that more than 10 per cent. of those now sought to be rushed through are fraudulent claims; and there is no efficient machinery sought to be provided, with all the money we are giving, to stop the payment of any of them, but clerks are appointed in the different Departments here to hurry up the work, and to do it before any examination can be had and without any attempt at any judicial or other investigation in regard to them.

Who are the clerks that are to be appointed? Clerks who can get positions only upon the application of Senators and Members of Congress, with no other qualification required except that they will, when the campaign committee demands 10 per cent. of their salary, pay it. Only that sort can stay there, and if a man who is ever so well qualified refuses to pay the per cent. demanded out of his salary, he cannot stay. They need no other qualification; they want no other guarantee of fitness except that he is a partisan and will support his leaders, and is of sufficient importance to have Senators and Representatives go to the Department and put him there, against the will of the Commissioner of Pensions and against the good of the public service.

Mr. LOGAN. Will the Senator allow me a word right on this point? I do not know that I can correct his statement; but I would desire to suggest to him that probably he is in error about that. Does he not know that every clerk in the Pension Office is placed there by competitive examination on the order of the Secretary of the Interior, and that persons are not appointed otherwise than by competitive examination?

Mr. BECK. There may be a form and an apparent farce of competitive examination, but if the Senator from Illinois was to send a man there and I was to send a man there, and my man was ten times as well qualified he would not have a ghost of a chance to get the place, and if he did get it and the campaign committee demanded of him 10 per cent. of his wages and he refused to pay it, although it would be asked as a "voluntary contribution," he would get permanent leave of absence the next morning without pay, while the Senator's man would stay there if he paid his money, no matter how useless he was.

This is the sort of machinery to guard the public interest we are now asked to furnish, and that is all we are asked to furnish. The examiners are to be twelve-hundred-dollar clerks, with $1,800 additional for their expenses, traveling all over the country; and when they go anywhere what do they know about the neighborhood into which they are sent, or what do they care? They were placed in power because they had political influence; they are not going to find out anything against anybody; they will draw their $1,800 for expenses; they will live at the best hotels; they will do as little as possible; nobody will be hurt or interfered with by them. They will take good care not to offend their friends, by whose favor they hold their places; they are part of a political machine. We can hire for less money than we are now asked to give for traveling expenses to these useless partisan retainers a competent young attorney in any neighborhood where invalid soldiers are, who will do the work required and do it well. Furnish him the list of pensioners in the different counties where he resides and is acquainted, and he will ask no more than we are now about to give for traveling expenses, and he will develop the facts. I do not know the best way to do the work; but there is no attempt made in this bill, and there will be no attempt made by the provisions proposed, to stop these fraudulent payments. Everything is done to hurry them through; no attempt is made to have a judicial investigation into the frauds for the benefit of the Government or of the honest soldier, because every fraudulent claim that gets through brings disrepute upon the claim of the man who ought to have it.

I say that all this additional machinery is to hurry these claims through, most of them being of people who have held them back from 1865, when the war closed, up to 1880, and then rushed in, stimulated by the arrears-of-pension act, until 170,000 have applied in the last year or two, as the chairman of the committee says, as against 8,000 ten years ago; and we are forsooth to stop everything else to pile nearly five hundred thousand dollars to add to the force in these Departments under a system that the Commissioner himself says is wholly defective, and that we all know is shamelessly evaded. Under the proposed increase they will get the money out of the Treasury rapidly, and possibly increase the pension-roll $50,000,000 additional this year.

But, Mr. President, I did not rise to make a speech. The Pension Commissioner, I think, is the man who, above all others, has met the most severe rebukes in this Hall. Why? Because he tells you there are frauds; because he seeks to have something done to prevent them? That, of course, cannot be the reason that operates on the minds of Senators. What is it? He has done his duty fearlessly; he has protested against this rushing of claims through until you give him better machinery to see whether they are honest claims or not. The amendments to this bill furnish none of that facility. They do furnish facility to push claims through before the facts can be investigated, and they hurry them through by the employment of men not selected for their fitness, not kept there for their fitness, but political partisans, placed and held there because they are supposed to have political power and influence with republican politicians.

I would hold back these applicants, as they have themselves held back so long, from making their claims until I could have an investigation made to see that no dishonest man drew money out of the Treasury, that no pension agent had worked up a case by false affidavits, and that men who were really competent, who were familiar with the people in the neighborhood, had investigated the cases fairly. Why, Mr. President, it is the simplest thing in the world, if Congress desires to do its duty, to find a competent man for this work in any neighborhood. We are giving each of these men $3,000 a year, $1,200 as salary and $1,800 as expenses. Judges in my State get $2,500 a year, and work all the year round and in their chancery courts at night. For $3,000 a year we can get men in every circuit who will see to it that the United States is protected and that honest pensioners are protected at less money than we are proposing to pay to mere clerks—$1,200 a year and $1,800 for expenses. That will hire a first-rate man anywhere. Take such a man, make him a commissioner, or what you like; you can give him authority to call on all the internal revenue officers, and we have them in every corner of the country. Let him call upon our collectors, their deputies, their storekeepers, their gaugers, or the postmasters, the detectives, the employés that are going around watching the different retail and wholesale stores in the country, looking after the interests of the Government, the marshals, the deputy marshals, the whole machinery of Federal authority can be used without a dollar of expense to obtain the information for the officer that can be employed for less money than we are giving to these clerks now. Who are the men it is proposed by this bill to employ? Politicians are not put into the Pension Office at $1,200 a year, which is the lowest grade clerks, because they know anything, but merely to keep some poor fellow from starving whose father is a good politician, or who has himself been active in some race for Congress and who has some political influence. If we will select proper men in the different localities we can save millions. A hundred millions, I expect, can be saved if we will only put some sort of machinery in operation under competent men and pay less money than we are now paying, and we will make every honest soldier and the widow of every honest soldier feel that they are protected against being considered a part of this great fraudulent machinery which our officials certify is now at work.

Mr. PLUMB. Will the Senator from Kentucky allow me to interrupt him?

Mr. BECK. Certainly.

Mr. PLUMB. Do I understand the Senator from Kentucky to say that appointments are made in the Pension Office as a reward for political services?

Mr. BECK. I have no doubt about it, and in every other Department of the Government as well. I have seen a collector in my own State turned out because he was not a partisan of the present Administration. I have seen it done more than once elsewhere; it is done every day. As the Senator well knows, men are removed against whom no complaint can be made. It is partisanship everywhere, not in the Pension Office alone, but everywhere else.

Mr. PLUMB. If it is for the benefit of party, I ask the Senator for which party? If the Senator from Kentucky thinks these appointments are made for the benefit of party, I ask him for which party?

Mr. BECK. For the benefit of the republican party, or that branch of it which is in power now, and they will be turned out perhaps if the next Administration is not in accord with the present one. I do not say the democratic party would not do it if they were in power. Do not understand me as saying we are any better than you are, but I mean to say that no man gets into any position unless he is a partisan, and he is not often appointed for his fitness, but because of his usefulness as a partisan.

Mr. PLUMB. In the first place, I want to correct the Senator as to one point. He speaks of branches of the republican party. I do not know of any divisions in the party.

Mr. BECK. Perhaps not. There may not be any.

Mr. PLUMB. In the next place, I noticed the other day——

Mr. BECK. There was a good deal of it at Chicago, if I recollect aright. But I do not care anything about that. You healed it, I admit.

Mr. PLUMB. I noticed a statement some time ago, and in fact some weeks ago, in a paper, which has gone the rounds—I saw it in an Ohio paper, a Chicago paper, a New York paper, and last in a Washington paper—which so far as I know has not been denied, that a Congressman from Ohio who is not a republican and who belongs either to one of the branches of the democratic party or to the party after the branches have all come together in the shape of a trunk, had secured the appointment of fifty-five persons, political and personal friends of his, in the various bureaus of the Government during his two years of service; and as he has two more years to serve, having been re-elected, he will of course be able to secure the appointment of as many more; in fact he ought to be able to secure a good many more, because he has learned something in the meantime. Now if the others have done as well—and I have no reason to suppose they have not—I think I can prove to the Senator from Kentucky by a mathematical demonstration that all the employés of the Government must be members of the democratic party.

Mr. BECK. That sort of logic perhaps may convince somebody.

Mr. PLUMB. So that the suggestion of partisanship may have resulted in favor of the party of which the Senator is an honored member.

Mr. BECK. What I meant to say was that I am opposed to the amendments to this bill as they come from the committee, because they are altogether inefficient in the point in which the system ought to be made efficient. They are inefficient in not protecting the honest pensioner and in allowing the dishonest claimant and the dishonest agent to take advantage of the Government. The men who are sent out by such a measure, the men who are employed to hurry up the cases, are not proper instrumentalities to bring about the good which I desire to see brought about and that I think every Senator desires. We are simply adding to a machinery to hurry up and get through with a great many bad cases, so certified to be by the Commissioner himself, before the proper examination can be had.

I do not care how much money is spent; whether the law was a good one or a bad one, I would pay every honest pensioner every dollar he is entitled to under it, so long as it is the law, because it is the law; but I do desire to have examination made into every case, so that men who are not honest claimants shall not have the money; and I say we have the right to suspect when we find one hundred and seventy odd thousand cases filed last year, as against ten or twelve thousand cases eight years ago, now demanding pensions; and we ought to tell them, "You may be right or you may be wrong, but we must have a thorough examination, and as you have waited this long before you have asserted your claim you must now wait until we have examined fairly whether yours is a good claim or not." The difficulty of examination is much greater now than it would have been if they had applied early; and as they have waited this long it is no hardship that we should make them wait until we have fairly ascertained whether theirs are honest claims or not.

I beg pardon of the Senate for having detained it so long.

Mr. LOGAN. I do not rise for the purpose of reopening this discussion, but merely for the purpose of calling the attention of the Senator from Kentucky to one or two statements which he made; in fact he has reiterated them time and again; and that we may come to a fair understanding we should understand the law we are discussing. Again, he says that many of the defects in the pension laws should be remedied. I have listened to him time and again on this subject, and at no time has he ever mentioned a solitary one of these defects. I shall be obliged to him if from his seat now he will mention one of them and call my attention to the section. It is a very easy matter for any of us to get up and say this ought to be done or that, but it is better always to give the reason for it.

In the examination of this law before the committee he talks about fraud, and says there has been no way of detecting fraud upon the Treasury. Why, sir, the word "fraud" has been used in this debate from the beginning, and I defy the Senator from Kentucky or any other Senator to show me one solitary instance of a fraud, except as a general statement, that any one has pointed out in this whole debate.

Mr. BECK. Now, will the Senator allow me to say a word there?

Mr. LOGAN. Certainly.

Mr. BECK. Let us see whether or not, without pretending to specify any individual case, which I would not do if I could, there are frauds. The Commissioner of Pensions uses this language——

Mr. LOGAN. I know the language he uses. That we have discussed over and over.

Mr. BECK. The Commissioner of Pensions says:

> While I do not believe it possible to eliminate from the pension-rolls all the fraudulent claims by any manner of means, yet, considering the whole case, it is my opinion that not less than 10 per cent. of the pension appropriations are paid out upon fraudulent and illegal claims which, by the adoption of a proper method for the preparation and presentation of the evidence in support of the cases, would be saved to the Government and the people.

There is the official statement of the Commissioner.

Mr. LOGAN. Certainly. That statement in the Commissioner of Pensions's report has been read time and again, and I have just as often as it has been read asked the Senators who read it, and asked the Commissioner of Pensions, to send us the names of some of these fraudulent claimants. Sir, it is an accusation made in round numbers, based upon suspicion and not upon fact. That there have not been frauds I do not say. In all probability there have been frauds; but let us not speak of it in this wholesale way unless we have some evidence to demonstrate it to the country. I was willing to discuss this proposition as to the pension law fairly with the Senator and see who was wrong in regard to its provisions; and I have asked Senators time and again to point me to one of these sections in the pension law where the power does not exist that the Senator claims should exist for the purpose of detecting fraud. In discussing questions of this kind we should discuss them understandingly. Let us first know what the law is, and then understand how it can be changed in order to apply the remedies for what it is claimed to be wanting in.

Again, the Commissioner of Pensions went before the Committee on Appropriations and said that by changing three words in this law he would have sufficient authority to detect frauds; and in this bill the committee have made the change. What was it? In section 4744 of the Revised Statutes, part of the pension law, it is provided:

> The Commissioner of Pensions is authorized to detail, from time to time, clerks in his office to investigate suspected attempts at fraud.

In that section he wanted the words "suspected attempts" stricken out, and the word "claims" inserted, so that any person in his office might be detailed to do what? Not to investigate frauds but to investigate claims so that he might investigate any and every claim. That provision has been so changed, and that is the only change or modification in the pension law that he asked before that committee unless we wiped out the whole law and gave him a new machine in order that he might have power to run it.

Now, sir, it does seem to me that when Senators make these statements in a wholesale manner they should have something on which to base their statements. If the system is defective, show us its defects before you ask us to change the whole system. It is said it is expensive and therefore this proposition of the Committee on Appropriations should not be adopted. Why, the very machinery which the Senator suggests should be adopted by the Senate, would cost a million and a half of dollars per annum, and I can demonstrate it and did, in the debate prior to this time. There are five hundred and forty officers proposed in your bill, besides the power to increase them up to a thousand, and your bill proposed that they should be paid a sum which would have mounted up to $2,500,000 a year, and yet you object to the expense of $300,000, while you would enact that piece of machinery into a law which would have cost $1,500,000 per annum. So there is nothing in that part of the Senator's argument which in my opinion is worthy of answer.

The Senator further said that everything like the detection of fraud had been voted down in this Senate. Who has voted down any proposition to detect fraud? I have heard of no one. The proposition which the Senator advocates was a cumbersome piece of machinery expensive in all its details, and it was voted down for that reason; but when it comes to the detection of fraud the committee have adopted the very words which the Commissioner of Pensions asks should be adopted in order to give him all the power he desires in reference to the detection of fraud. So on that point the Senator's argument, it seems to me, is not very weighty.

But then he suggests another point, and he has done it on two or three occasions. I cannot understand why he speaks of "this pension craze." What is a pension craze? If there is a mania on the subject of pensions in this Hall, I have not discovered it; but I have discovered that there is a mania on the subject of being adverse to the granting of pensions, and which seems to have seized violent hold of the minds and dispositions of some Senators and some gentlemen. The pension craze is something that I do not understand. I do not understand the meaning of that. A man who is entitled to a pension ought to have it, but a man who is not entitled to it ought not to have it. We are all for that. That is not a craze on either side, but it is a mere matter of getting at the fact as to whether or not the granting of the pension should take place.

The Senator says these pension claims will last longer than the national debt. Why, Mr. President, I hope so. I do hope that the pensions will last longer than the national debt, for I hope the national debt will be paid before all the pensioners are dead. I have too kind a feeling for the pensioners to want them all to die before the national debt is paid. I hope we shall pay the national debt in the next few years. I hope we shall pay the national debt before all

the Senators are dead—indeed, before many of them are dead. I think we shall, at least I hope so, and I hope when we do that that when we look over the roll of pensioners there shall not be a blank. I hope they will be living still, many of them at least.

Now, one word in conclusion, in reference to the people being alarmed about this question of pensions. It has been mentioned here by a Senator on my right, and it has been mentioned by a Senator on the left, and all around it has gone, that the immense amount of money which the pensioners are taking will alarm the people.

Mr. BLAIR. I would like to have the Senator explain what he means by a Senator on his right, having made a statement of that kind?

Mr. LOGAN. I understood from a remark the Senator from New Hampshire made this morning in his speech that there would have to be something done or the people would complain about this pension list. That is the way I understood him.

Mr. BLAIR. I certainly think they will complain, but the people will not complain because the pension list is highly enlarged, but they will complain if honest litigants with just claims on the Government are turned away and denied year after year and year after year until death is the only answer they get from any tribunal, if we go on operating under the pernicious system which is now in vogue. That is what I mean. But the people of the United States are more willing to pay their pension debt than any other obligation.

Mr. LOGAN. I am very glad that they are. I hope they are.

Mr. BLAIR. I do not doubt that they are.

Mr. LOGAN. I never questioned it myself; but when Senators talk about pernicious systems, when they utterly fail to point out wherein the system is wanting, I think the use of many words merely to decorate the annals of this country is entirely useless.

Mr. BLAIR. Does the Senator intimate that there has been no pointing out of defects in the existing system so far as the prosecution of claims is concerned?

Mr. LOGAN. I will state to the Senator what I mean.

Mr. BLAIR. I should like very much to know what the Senator means by that if he has any reference to anything I have said. If he is dealing with what may have been said by others, very well.

Mr. LOGAN. I have, I presume, heard what everybody has said in that line, it makes no difference whether the Senator from New Hampshire or not.

Mr. BLAIR. There seemed to be a pointed allusion to the Senator on your right.

Mr. LOGAN. Well, Mr. President——

Mr. BECK rose.

Mr. LOGAN. One at a time.

Mr. BECK. While you are interrupted I thought it was the best time perhaps to interrupt you still further.

Mr. LOGAN. Very well.

Mr. BECK. I know the Senator always bears it very well. I do not want to trouble the Senator, but he asked me about specific cases and I turn to this in the Commissioner's report, page 15, where he says:

> The number of frauds discovered year after year, when it is considered that the attention of the office was attracted to them through accident, or some suspicious circumstance, or by the statement of a volunteer informer, is very great, and renders it certain that but a very small percentage of the frauds committed come to the knowledge of the office.

Mr. LOGAN. We have all read that here.

Mr. BECK. And again, on page 27 of the Commissioner's report, he says:

For the fiscal year ending June 30, 1880.	Gross savings.
Amount due and unpaid one hundred and fifty-six pensioners whose names were dropped after investigation	$52,180 31
Accrued pension in two hundred and eighty-five claims *prima facie* established, rejected after investigation	371,031 84
Money illegally drawn as pensions and refunded	28,563 50
Total	451,775 65

These are special cases.

Mr. LOGAN. I know.

Mr. BECK. There was $451,000 that he saved by the accidental detection of frauds, having taken away the money from one hundred and fifty-six fraudulent pension claims and having rejected two hundred and eighty-five claims that were all proved and for the payment of which $28,000 would have been drawn.

Mr. LOGAN. I know that report very well, for I examined it very carefully here. I am about as conversant with it, I expect, as almost any Senator here.

What I was referring to was that Senators fail to refer to the power that the Pension Commissioner has to suspend any case that he suspects, to cut off any pensioner that he suspects, to examine any pensioner that he suspects. Under that power he may as a matter of course under the law as it exists cut off many, but I said that neither the Senator nor any one else had shown the fact so far as any particular instance was concerned. The cutting off of pensioners in the general terms spoken of there is not what I alluded to. I desire to call the Senator's attention to another fact. In the very same statement the Commissioner of Pensions shows that you appropriated $40,000 for his use for the detection of frauds, and that he used but $26,000, and that he left the other $14,000 unused because of the fact that he could find no more frauds.

When you speak about the enormous frauds, the report shows that instead of using the $40,000 which you appropriated to detect the frauds, he could not find them, and used but $26,000. What I complain of is, that it is announced to the country every day that the robbers are in the Treasury with their hammers and their chisels to open its vaults and pour out your money into the hands of the poor pensioner, and that there is no way to check it, when the records show that he failed to use the money appropriated to detect frauds. I say that in my judgment to-day the pension laws, if properly executed, are less faulty than almost any laws on our statute-book.

In relation to desiring the claims of pensioners to be adjudicated readily and promptly, I am as desirous of that as any man. I desire that the pensioner shall have that which is due him; but I am not, as a Senator, going to authorize any wiping out of the laws on the statute-book for the purpose of organizing a new office with machinery for the purpose of experimenting, for the purpose of aggrandizing somebody, when there may be nothing demonstrated in reference to it which is satisfactory as to its usefulness. I am not going to favor that. If you can show me any way by which the pensioner could be aided in obtaining speedy action on his case, I am ready to vote for it; but do not ask me to wipe out laws unless they are pernicious, unless you have the means of showing me how they are pernicious.

I want to answer the suggestion which has been made here time and again about the amount of money which has been used for these poor pensioners. I am sorry the amount is so large, and the reason why I am sorry it is so large is because I am sorry that there are so many men who received wounds in our late war and contracted disease who are entitled to pensions. That is all the reason for my sorrow in this direction and not because of the amount of money. Sir, if there is anything on earth that the Government of the United States should open its vaults and let its money pour out honestly and fairly in a golden stream to satisfy, it is the wants of the old and the decrepid who raised the flag that had been trampled in the dust and held it up so that the breezes of heaven might unfurl it, so that it might be said, "this is the flag of this grand American Union, one and inseparable"—for these men I would pour the money out of the Treasury to appease their wants, their grievances, and their misfortunes.

Sir, when the Senator from Kentucky speaks of the amount of money, let me call his attention to a bill reported here by his committee and now on the table, called the river and harbor bill, which appropriates hundreds of thousands of dollars for the dredging out and opening up of streams that you cannot find on the map of the United States with a magnifying-glass. In fact I do not state this without knowledge, for a Senator in front of me tried it with one of the largest magnifying glasses he could hold in his hand, and he could not find many of them on the map, and Senators who report bills of that class say the pensions are enormous; but money can be thrown into holes, not for political uses, of course; that is not it; not to help my constituents; of course that is not it; not to aid anybody and give contracts; that is not it, of course. What is it for? I do not know. I think perhaps when the bill comes up the ability of the Senator from Kentucky will demonstrate why it is that this amount of money is given. Every spring branch, every duck-puddle, every goose-pond which you can find in the country has its thousands of dollars appropriated to clear it out; for what? For the commerce of nations? Certainly not. For the commerce of what? To help somebody in some district, in some locality, to throw the money into holes to benefit somebody who may want to come to Congress. And yet if the amount of the pension list is extravagant they say that the country is going to be alarmed at it. The country will not be alarmed at it; it may be alarmed at something else, but not at that. The country is not distressed about the amount of money the pensioners get, but it is distressed about that which is expended without any real want or necessity on the part of the Government.

Sir, I hope the time will never come in this country when the poor man who hobbles along the wayside with a crutch bearing him on, sometimes with no arm, and sometimes with one leg, and sometimes both gone, an eye gone or both gone, stooped over and bent down, not by age, but by disease contracted in the service of his country; I hope the time will never come when that man, old or young, lame or halt, or blind, decrepid as he may be, will be turned away when he asks this Government for the pittance that he is entitled to, because in the hour of our dire calamity and struggle, in the hour when the smoke of battle was seen, in the hour when all the powers of humanity seemed to be piled up against the grandest nation of the earth, he came forward to take the risk of his life and raised the pall from this magnificent and grand country of ours, at a time when your mighty temples rocked and reeled and that poor man stretched out his strong arm and steadied the rocking pillars of this mighty structure that you and I might have a place in which we could reside in peace and comfort and be protected by the Constitution and laws. Sir, this grand nation can never agree to the careless thought that will induce us to reach out and take the last crumb that drops from the Government table to feed the poor and distressed whose distress

was brought on by wresting the Government from its destroyers. [Applause in the galleries.]

Mr. PLATT. Mr. President, I do not know that any explanation of the defects in the present system of adjudicating pension claims will be of the slightest effect. If I should be fortunate enough to show them, the Senator from Illinois would probably when he makes his next speech say that none had been shown. But certainly over and over again during this dicussion it has been stated that the great defect in this system was the *ex parte* character of the evidence upon which a pension claim must be adjudicated under the law, and the Commissioner over and over again has called attention to that fact. It seems entirely to have escaped the notice of the Senator from Illinois. He can see nothing that the Commissioner says except that the Commissioner thinks there is fraud. Now, I want to eliminate this fraud question from the case. I am not here to talk about fraud. I am here to talk about the right of people who have honest pension claims against this Government, to have them decided in their lifetime. I am not here to ask for any new system for the purpose of investigating frauds. Very possibly the present system is adequate for that purpose or with some very slight changes in the law. But to my mind it is entirely and absolutely inadequate so far as enabling the pension claimant to prove his claim.

I desire to read a few words from a letter submitted by the Commissioner and transmitted to the Senate as recently as February 8, 1881, in which he says:

> The taking of the testimony in public, where the witness is known, before an officer whose duty it is to glean from him the facts, is the most direct and simple method which can be suggested or which has ever been discovered for eliciting the truth upon which questions are to be decided, whether relating to suits in court or to applications for pensions. Such proceedings in the latter class of cases, substituted for the present cumbersome and inadequate system, would doubtless secure a more just and speedy determination of claims, and, at the same time, so far as it is practicable to do, protect the Government against frauds.
>
> An addition to the force of clerks in the Pension Office of men who have been educated to the law, and who have had practical experience in the consideration of evidence, would hasten the settlement of many of the claims, but no increase in the force, however great, could secure a prompt settlement of all the claims, nor more than a small percentage, representing mainly claims which are supported by a record in the War Department. While it would in some degree reduce the time required for the settlement of the other class of cases, it could not settle them promptly. But partial and inadequate relief can therefore be expected from an increase of the office force.

And in his examination before the committee he says that all he has said is subject to his recommendation contained in his letter which we have in print. Mr. President, to use a homely and familiar phrase, that language of the Commissioner stands to reason. A pension applicant can a great deal better prove his case in the congressional district where his witnesses are, where he is known, where his witnesses are known, where the man can go before an officer of the Government and have the whole truth come out, and know what he wants to prove, the points that he must prove and procure the witnesses to prove them, than by any system of filing affidavits in the Pension Office at Washington. That is the great trouble in this pension system. It is that a pension case can be adjudicated in no way except upon affidavits filed here.

Just take the case of a man who resides in Connecticut, a soldier in humble life who has not the means to employ an attorney, or, if so, who can pay him but a very small sum. He wants to get a pension; he has to commence without a knowledge of what the rules of the office require and justly require to be proved here in Washington; he begins to file affidavits; he gets the affidavit of somebody, and he does not understand the point which he must clearly prove and which he ought clearly to prove. He gets some sort of an affidavit and sends it here to Washington, and very naturally it is not sufficient; very naturally it does not convince the Commissioner of Pensions, as it would not convince one of us Senators. What is the result? Business is behindhand; when that affidavit comes to be examined it is seen clearly that it does not prove the claim, and it is communicated to him that he must have other affidavits. He gets then, but all the while he does not understand the precise thing that he must do and cover by his affidavits.

Then, again, his affidavits are improperly drawn; they are not clearly expressed; they do not touch the point. The applicant finally thinks that he has covered the point, when an examination of the case as filed here in Washington would show that he is very far from it. Then he begins to get discouraged and the case lies along for months. Then it is called up again and then he tries it over again. That is the fault of the system. If that man could go ten or twelve miles to the county seat, or fifty miles even, witnesses in his neighborhood who are interested in him would go with him and if he could find there an examiner of the same character of men that the registers in bankruptcy were, not a man who is there for the purpose of showing how he cannot get his pension but how he can; a man who will tell him what the law is; a man who will tell him what he has got to prove, what his witnesses must prove—then he would bring his witnesses before that man, and they would give their testimony and the examiner would ask them questions not to prevent the getting of the claim but to enable him to get his claim if he has an honest claim.

Mr. PLUMB. May I interrupt the Senator from Connecticut at this point? Why is it that under the present system the Commissioner does not furnish that same kind of hint or suggestion or information to the pensioners?

And let me ask another question. The Senator speaks of an applicant going with his witnesses to the county seat, wherever that may be, for the purpose of making his testimony. What does he say to the people who have left the locality where their witnesses lived and have gone a thousand or fifteen hundred miles away from those witnesses?

Mr. PLATT. Well, to answer the last question first, he can as well obtain his witnesses, if he is a Connecticut man, to go before an examiner in Kansas as he can obtain witnesses in Kansas to go before a justice of the peace or a magistrate. There is no trouble about that.

The other question was why the Commissioner does not tell the applicant what he must do. The Commissioner prints his rules and his regulations and his instructions, and he sends them to the applicant upon request, but the applicant does not know half the time where he can get such things, and when he gets them he is just as badly off as he was before. If I were an applicant for a pension, I would rather attempt to prove the case at my own home among my neighbors by oral testimony than to attempt to prove it by sending affidavits to Washington. That is all there is of this matter. If the Senator from Illinois and others cannot see these defects in the present system, then they will not see but what the present system is all right.

Mr. PLUMB. Will the Senator allow me? I am not here to maintain, and I have not maintained, that the present system is without defects, but this debate has taken a pretty wide range. The present system has not only been arraigned, but it has been arraigned by comparison with some other system, and especially by comparison with that which has been before the Senate and which is known by the name of Senate bill No 496.

In response to my question as to the reason why the Commissioner does not give information, the Senator from Connecticut says in fact he does give information. Let me say to him that I think one of the very worst defects in the administration of the present law, or perhaps it may be in the law itself—I do not say which it is—is, that when the Commissioner is inquired of as to what is necessary to make out a case, he names one or two points, perhaps, in which the testimony is deficient, and that is sent to the claimant and the claimant furnishes that, and when that comes, and in the operation of the system is brought around again to the examiner or the examiner comes to get control of it again, he then finds out that something else is necessary and sends him another statement; and when he furnishes that he waits a certain length of time, and when the case comes around again for consideration, after the lapse of years, he gets another notice of additional testimony required. It is very much as though some man were to go to his physician and say, "I want a prescription," and he was to get a prescription, and then he was to ask him what to do with it, and he was to tell him, "The first thing is to take out the cork," and he was to stop there; and then he would say to him, "My dear sir, what next shall I do?" "Shake the bottle." And by that time probably the man would be so far gone as some of these pensioners are, his wife would be required to write the next letter asking what next should be done? And the reply would probably be, "If the patient is not dead, tell him to take a teaspoonful." And that is the spectacle to-day that is presented in the administration of the pension law. The complaint I have to make about the administration of the law is, that a man is not informed of what is necessary to make his case, unless he gets it on the installment plan in homeopathic doses.

I have a book of the names of several wounded applicants for pensions. Three years ago I commenced making inquiries about them, and in about half the cases that I got answers they were to the effect that their cases had not yet been reached for consideration; as to the remainder, it was stated certain testimony was necessary. When I came back a year later the applicants began to prod me with letters, to make inquiries about their cases. Then I made further inquiries for them, and then another installment of testimony was stated as being necessary. I have been writing letters, to which replies have been made stating that further and further installments of testimony were necessary. In other words, for three years the Commissioner has been stating at intervals what testimony was required instead of stating it all at once; and that requires time, not only on the part of the office, but makes great and grievous delay to the pensioners themselves, who could just as well get all the testimony at once as they can get it in three different installments.

Mr. PLATT. Mr. President, I am not quite used yet to what is called senatorial courtesy, that is when a Senator is making a speech he has to give way to somebody to let a speech be injected. I suppose as I grow older here I shall get fully accustomed to that kind of courtesy; but it is a little difficult to pick up the thread of one's argument just where it is broken off by that means.

Now, I cannot undertake to say whether just the right thing is done in the Pension Office; whether just the information is communicated there which ought to be communicated always; whether it is communicated as fully in response to inquiries as it ought to be; but I can see a great many reasons why all the requirements of the Pension Office will not be communicated at one time. I can see that very possibly the first letter of inquiry is answered by a clerk of one class, who examines the case and thinks that a certain point should be covered, and that after an affidavit has been made to cover that point or has failed to cover that point, the matter is then sent to an examiner, a person of higher grade, the clerk who is finally to pass

upon it, and he discovers that the case has not been proved and requires other testimony. All these things are necessary and cannot be avoided under this system of *ex parte* testimony. The case must be proved. A man who would pass a pension case in the Pension Office without its being fully and completely proved to the satisfaction of a reasonable man would not be fit for his office, and would be just as bad as a man who was attempting to commit a fraud on the Pension Office.

The clerk who first examines a case may not be able to see and communicate in his letter all that will be required in the proof of that case, but the person whose affidavit the applicant is required to produce may not be obtainable by him, and then another class of testimony has to come in. The system is vicious from beginning to end. It is not so well calculated to elicit truth as a system of oral testimony, and I do not believe there is a pension claimant in this country who understands this matter who would not sooner go before an examiner in his own locality and attempt to prove his case than to attempt to prove it by affidavit. I do not say they should all travel to the county seat. Send the examiner to them; send him about the county; send him about the congressional district; let him go into all the large towns and have hearings there. I do not know that Senate bill No. 496 is exactly right, but I do say that in my humble judgment the thing which would prevent pension claimants dying before they got their pensions is to have it so that they can prove the claim in their own localities and not attempt to prove them by affidavits.

Mr. President, a while ago when that bill was first reported to the Senate—May 20, 1880, I see is the date, and it has been sleeping here all this time—I addressed a letter to a man in my own State who I was sure knew a great deal more about the matter than I did, and I have his letter here in reply, which I will ask to have read. We have in Connecticut a law which requires the assistant adjutant-general of the State to act as agent for every person in the State of Connecticut who desires to obtain a pension or a bounty; for eleven or twelve years we have had that agent in the State of Connecticut. He has had large experience in the pension business; the State pays him a salary, and therefore he has no earthly reason to misrepresent this matter. I asked him in last May what he thought of this proposed system, and I have his letter in reply, which I will ask the Secretary to read, and with that I close my remarks.

The Chief Clerk read as follows:

GENERAL HEADQUARTERS, STATE OF CONNECTICUT,
ADJUTANT-GENERAL'S OFFICE,
Hartford, May 24, 1880.

DEAR SIR: I have carefully examined Senate bill No. 496, "Providing for examination and adjudication of pension claims," and the substitute therefor, and think the bill is one that should be passed by the present Congress.

In my report to the adjutant-general dated December 1, 1879, regarding the collection of pensions through this office, I stated that "the present system of settling pension claims is both slow and liable to great abuses, and by it many just claims are for years unsettled and many fraudulent claims are presented to rob and defraud the Government. The system recommended by the Commissioner of Pensions and now being considered by Congress is one that it seems to me must meet the views of every honest friend of the soldier and one that will expedite the settlement of all just claims. By this system the exact truth can easily be learned, honest claims quickly adjusted, and fraud defeated."

I can now merely reiterate what I have already said as above, and to say that every month increases my desire to see some such change made in the law.

I consider it of the greatest importance that the Pension Department should be brought as near as possible to the claimants and their witnesses. There are many honest claimants that become discouraged trying to obtain just the testimony which the Department is obliged to require; but if an agent of the Department was in the district and the witnesses brought before him, I have no doubt that satisfactory evidence could be obtained to warrant a favorable settlement of the claim.

In the case of fraudulent claims I think it is easy to see that any attempts at perjury would be quickly perceived and that such claims would be immediately put aside, and thus cease to be a bar to just claimants by clogging the files of the office.

It seems natural that many who are now interested in the pension business, and those whose claims will not bear close investigation, should object to any bill which will bring the Pension Office in close connection with the claimant and his witnesses, but I cannot see how any rightful claimant can possibly be injured by the passage of the bill contemplated.

I have been connected with this office and in my present position for eleven years, and during that time have given considerable time and attention to the presentation of claims for soldiers and their heirs, this office acting as attorney in all such cases without fees.

I firmly believe that the Commissioner of Pensions is doing all in his power to expedite the settlement of all just claims and at the same time protect the interests of the Government, and to my mind any bill which will bring him in close connection with the claimants will be for the interest of all concerned.

Very respectfully,

SIMEON J. FOX,
Assistant Adjutant-General.

Hon. O. H. PLATT,
United States Senate, Washington, D. C.

Mr. DAVIS, of West Virginia. Since yesterday, about this time or a little earlier, we have made no progress on this bill, not, I think, ten lines. There are less than twenty pages left, and I do not know that there is a question but that the Senate will agree to the amendments of the committee yet to be acted on. I hope we can go on regularly and finish the bill; and I am going to ask the Senate to remain here to-night until we finish it, and not take a recess as usual. I think we can finish it within an hour, and give fair consideration to it, unless some gentlemen wish to discuss this subject further. I want to say that, so far as I know, no amendment has been offered, and yet we have been since this time yesterday discussing, not this bill, but the discussion has proceeded entirely upon another bill, not germane, and not belonging to this bill. I hope we shall proceed now with the appropriation bill regularly.

Mr. BURNSIDE. Mr. President, I do not desire to detain the Senate. I cannot talk quite as loud nor quite as long as some of our Senators who were soldiers during the war, but I try to work for the soldiers as much as I can. I spend a good deal of my time in that direction. If I made speeches as long as some that are made here, I should repeat the speeches, as has been done here.

It is clear to me that it would have been an easy thing on the part of the Senate to have amended and passed the sixty-surgeons bill, and thereby brought the soldier in close communication with the Pension Department. I know from absolute experience that that is the difficulty; and all the vast amount of money which we are appropriating now will simply pile up the work in the Pension Bureau, with all the cases which have passed the Surgeon-General's Office and the Adjutant-General's Office, and the great difficulty which is in the way now will remain in the way still. Senators may try to defeat the measure as much as they please, but when they undertake to answer arguments of that kind they go precisely over the same ground that has been gone over, and say that no objection has been made to existing laws.

As I said before, I do not propose to occupy the time of the Senate, for I should have to repeat myself, and there has been enough repeating done on this floor. I prefer to work for the soldiers rather than to talk for them. The Senator from Illinois smiles. I have no objection to the Senator from Illinois smiling at what I say, and I have no objection to the Senator from Illinois knowing that I refer to his speeches on the subject. Several times he has made the same argument. He has got up here repeatedly and said that no reason had been given for the passage of the sixty-surgeons bill; he has intimated two or three times that the sixty-surgeons bill—and he said so once distinctly—had been voted down by the Senate. Now, I tell the Senator and I tell the Senate that that bill has never been voted upon at all, and his statement is incorrect. It was ruled out of order. The Senator from Kansas [Mr. PLUMB] intimated that the sixty-surgeons bill did not meet the approval of the Senate, or words to that effect. I said to him that he made a misstatement not intentionally, nor does the Senator from Illinois make it intentionally, but they have made a mistake. They do not know whether the sixty-surgeons bill will meet the approval of the Senate or not because they would not allow it to come to a vote.

It is a fact known to every Senator here, and is in exact accordance with what I said, as other Senators have urged, that the great necessity for the passage of the sixty-surgeons bill was to enable the soldiers to be brought into immediate contact with the Pension Bureau. I tell you that I know, as well as a man can know anything which has not been demonstrated positively, that the great opposition to this bill has been brought about by the claim agents of this country. The pensioner or the applicant for a pension pays claim agents whose interest it is to have the claims as long unsettled in the Pension Bureau as possible. That is my doctrine upon the subject exactly. That is the way I see it and the way I believe it, and I think that is the way the country looks at it.

Mr. LOGAN. I dislike very much at any time to have to reply to remarks of the character of those made by the Senator from Rhode Island. If he in his majesty and power can prevent any one from smiling, I should like to know under what rule of the Senate it is to be done.

Mr. BURNSIDE. I do not want to prevent the Senator from doing so; but I have a right to comment upon it.

Mr. LOGAN. Of course, but that I have not the right to smile in the Senate Chamber is something I did not know before. I thought it was a compliment to a Senator when he was talking for another gentleman to smile at him, but it seems not to be. In all kindness to the Senator from Rhode Island, I would say to him that if he cannot answer an argument in any better way than by these little flings, it is not my fault. I have no objection to his saying that another Senator has been repeating himself. I think if I were to make the same speech over again a hundred times my friend would get information every time from the same speech and his knowledge would be increased; the oftener I talk, the more knowledge he will have.

So far as claim agents are concerned, that insinuation was made by the Senator once before. I have certainly the kindliest feelings for him. Why he makes the insinuation I do not know. All I have got to say to him or any other Senator or anybody else who insinuates that I am actuated by the interests of any claim agent is, that his insinuation is utterly and baselessly false.

Mr. BURNSIDE. Until the Senator from Illinois dropped that last remark I had made up my mind not to say anything more; but I will say that I do not consider the Senator from Illinois immaculate, or myself, either. I have been influenced in my time, and I have been influenced in the wrong direction, too, and very much influenced. I know there are highly respectable claim agents here, who command the attention of the people. They have commanded my attention. One of them commanded my attention this very day, and made me listen to him for half an hour. In the main, I have great respect for him, but he is looking out for his business. I had respect enough for him to give him half an hour's attention. I do not mean to say that I have not been influenced by the presentation made by claim agents; but I say that these claim agents in a body have opposed the pasage

of the sixty-surgeons bill, and I do not mean it as an uncomplimentary thing when I say that the Senator from Illinois has been influenced by it, in my opinion. I do not make the direct assertion. In my opinion, claim agents have had an influence upon Senators. Now, I let that go for what it is worth. If it is offensive to anybody, I do not propose to take it back; I do not mean to offend anybody. I am stating what I think is the bare, simple truth; I believe that it is the truth. The Senator will not mean to say that he sets himself up as beyond the influence of claim agents, but he says that if I say he has been influenced by claim agents, I say what is false. It is very easy for the Senator to say to me that I tell a falsehood; but I say that no man is without influence by contact with his fellow-man for good or evil. We are all subject to influence, and I meant no disrespect to the Senator or anybody else when I made the remark I did, and I do not propose to take it back. I say that the claim agents have had an influence upon this subject in my opinion. The Senator from Illinois can make what he pleases of that.

Mr. LOGAN. I have nothing to say further; I have said my say.

Mr. DAWES. Mr. President, I do not desire to participate in the debate that has been going on, but I desire to say a word or two upon the amendment pending. I think we must take one of two things as settled. One thing that is settled for this Congress is, that we have determined not to adopt a new system in the Pension Office. The next question is, are we to leave the Pension Bureau and the condition of things now existing for nine months to come? That is a practical question, which it seems to me to be our duty to answer. Whether the sixty-surgeons bill was the best possible bill or a better, or the bill suggested by the Senator from New Hampshire, [Mr. BLAIR,] is a better one or not it is of no profit on this occasion to discuss, because neither of them can become a law at this session of Congress, and the session of Congress closes on the 4th of March, and legislation closes for nine months.

Then, in the brief time left us, and pending this appropriation bill, is it worth while for us to attempt to do anything to remove the difficulties and embarrassments which surround the Pension Office? If so, it must be in the line of giving more force to that office. No other line seems to me to be open at this time. There must be force enough and efficiency and fidelity in that office or nothing can be accomplished.

I understand, without being very familiar with the routine of proceedings in the office, that applications for pensions encounter difficulties at two stages in the process from the applicant to the completion of the hearing. There is no difficulty in the method of procuring the evidence, the evidence is procured well enough, but there is lack of force to examine that evidence after it is filed. Upon that point there is trouble in the office. Then, there should be more force of examiners. There is another point at which the application for a pension stops, and that is after the papers have been examined and are found complete in form, there is lack of confidence in them in the bureau. How are we to meet that? The Commissioner says that by sending a special messenger to the place of residence of the applicant he could determine in the shortest possible time whether that application which is perfect in form is real and honest. Then give him force to do that.

Supply these two points where the Pension Office is weak, and then if the work does not go on rapidly and efficiently and as honestly as it can be under this system, the difficulty is in a want of efficiency and fidelity in the bureau, and no legislation here, no additional appropriation of money for clerk hire, or enlargement of room and facility will meet that difficulty. That is a difficulty of administration the remedy for which does not lie with us. I do not mean to say that it exists, I only say we should meet the two weak points to which I have alluded, namely, give the Commissioner all the force needed to examine papers that are prepared, and when he finds those papers complete in form, then give him all the force necessary to determine in his mind whether that is an honest application or not. I understand that if he has force enough upon these two points he expresses the opinion that he can rapidly and much more surely and honestly than now accomplish this great work. Then let us with this amendment before us look at it in its application to these two points.

I may not have touched the defect of the present administration, because I confess to no great familiarity with it. It seems to me that at these two points it is that the Commissioner needs additional force, and these it is within our power to remedy, and having done this, we have done all we can do, and the rest lies with the administration; and the executive, not Congress, will hereafter be responsible if there is a want of efficiency and fidelity and work in that office.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1681, after the word "investigate," to strike out "suspected frauds and attempts at fraud as provided by law, forty thousand," and insert "pension cases, one hundred and twenty-five thousand;" so as to read:

For actual and necessary expenses of clerks detailed to investigate pension cases, $125,000.

Mr. TELLER. What is the necessity of confining these examinations to clerks? For instance, suppose it was desired in a distant State like mine, 2,000 miles away, to make an examination, would it not be much better to call in the United States attorney or some public officer?

Mr. DAVIS, of West Virginia. This does not change any law that now exists. It is in conformity with what has heretofore existed except that we increase the number and increase the amount. There is no trouble such as the Senator suggests; we do not change the law and the system goes on as usual.

Mr. PLUMB. Certainly; the examinations could be made by the surgeons in the locality.

Mr. TELLER. I understood that one of the reasons the Commissioner gave why he had not discovered the frauds was that he could only detail clerks. That was the statement made on the floor. However, I have not any particular feeling in the matter. I have no doubt the committee considered it carefully.

Mr. LOGAN. There is a direct examination by a surgeon who lives in the State or locality of the applicant or pensioner.

Mr. DAVIS, of West Virginia. And the same system will continue.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1691, after the word "telegraphing," to strike out "twenty-six" and insert "fifty-one;" and after the word "dollars," in the same line, to insert "$15,000 of which sum shall be available during the current fiscal year;" so as to make the clause read:

For carpets, maps, furniture, awnings, and repairs of the same; for fuel, gas, and repairing heaters and elevators; engraving and retouching plates; for bounty-land warrants, and printing and binding the same; engraving and printing pension-certificates; and for other necessary expenses of the office, including two daily newspapers, and cost of telegraphing, $51,000; $15,000 of which sum shall be available during the current fiscal year.

The amendment was agreed to.

The reading of the bill was continued, and the Secretary read the items of appropriation for compensation for the Patent Office.

Mr. DAVIS, of West Virginia. After the bill was reported and printed the Commissioner of Patents appeared before the committee and convinced the committee that there ought to be a slight increase in the provision for his office. In line 1702, I move to strike out "22" and insert "23," giving him one additional examiner for a new class that he is obliged to have. In line 1703, I move to strike out "23" and insert "24;" in line 1704, to strike out "23" and insert "24;" and in line 1706, to strike out "23" and insert "24;" so as to read:

Twenty-three principal examiners, at $2,400 each; twenty-four first assistant examiners, at $1,800 each; twenty-four second assistant examiners, at $1,600 each; twenty-four third assistant examiners, at $1,400 each.

I will state that this office as is known is more than self-sustaining and the committee was convinced that these amendments ought to be made.

The amendments were agreed to.

The reading of the bill was resumed, and the Secretary read the total of appropriations for compensation for the Patent Office in lines 1730 and 1731.

Mr. DAVIS, of West Virginia. In consequence of the amendments just agreed to, the total should be changed from $473,670 to $480,870. I move that amendment.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment of the Committee on Appropriations was, in line 1791, after the word "railroads," to strike out "five" and insert "four;" in line 1793, after the word "engineer," to strike out "three thousand" and insert "two thousand five hundred;" and in line 1798, after the word "all," to strike out "eighteen thousand one" and insert "sixteen thousand six;" so as to make the clause read:

Office of Auditor of Railroad Accounts:

For auditor, who shall hereafter be styled commissioner of railroads, $4,000; bookkeeper, $2,400; assistant bookkeeper, $2,000; railroad engineer, $2,500; one clerk, $1,400; one copyist, $900; one messenger, $600; traveling and other expenses, $2,500; incidental expenses, $300; in all, $16,600.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 1822, to increase the appropriation for the compensation of the "surveyor-general of the Territory of Dakota" from $2,000 to $2,500.

The amendment was agreed to.

The Secretary resumed the reading of the bill, and read to line 1863.

Mr. SAUNDERS. If in order, I move, in line 1849, to increase the appropriation for surveyor-general of Nebraska and Iowa from $2,000 to $2,500. I see all the others are placed at $2,500, and I think it must be a mistake in the print.

The PRESIDING OFFICER. The reading of the bill has passed the point to which the Senator calls attention, and if he will reserve his amendment until after the reading of the bill shall have been completed, and the amendments of the committee acted upon, it will be more convenient to the Senate.

Mr. SAUNDERS. Very well; I will wait, then.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, in line 1911, after the word "four," to strike out "eighteen" and insert "nineteen;" in line 1912, after the word "two," to strike out "thirty-seven" and insert "thirty-eight;" in line 1914, after the word "each," to insert "ten female clerks, at $1,200 each;" in line 1915, before the word "female," to strike out "fifty-seven" and insert "forty-seven;" and in line 1918, after the word "and," to strike out "one thousand

six" and insert "seven thousand four;" so as to make the clause read:

For Third Assistant Postmaster-General, $3,500; chief clerk, $2,000; chief of division of dead letters, $2,250; chief of division of postage-stamps, $2,250; seven clerks of class 4; nineteen clerks of class 3; twenty-eight clerks of class 2; thirty-eight clerks of class 1; six clerks, at $1,000 each; ten female clerks, at $1,200 each; forty-seven female clerks, at $900 each; three assistant messengers; eight laborers; four female laborers, at $480 each; in all, $207,460.

The amendment was agreed to.

The next amendment was, in line 1927, after the word "dollars," to strike out "four" and insert "five;" in line 1931, before the word "laborers," to strike out "three" and insert "four;" and in the same line, after the word "all," to strike out "forty-nine thousand four hundred" and insert "fifty-one thousand eight hundred and sixty;" so as to make the clause read:

For superintendent of the money-order system, $3,000; chief clerk, $2,000; five clerks of class 4; seven clerks of class 3; five clerks of class 2; nine clerks of class 1; one clerk at $1,000; five clerks at $900 each; one assistant messenger; four laborers; in all, $51,860.

The amendment was agreed to.

The next amendment was, in line 1975, after the word "interest," to insert "and the proceeds of said sales he shall pay into the Treasury, and make report thereof to Congress;" so as to make the clause read:

That the Postmaster-General is hereby authorized to sell as waste paper, or otherwise dispose of, the files of papers which have accumulated, or may hereafter accumulate, in the Post-Office Department that are not needed in the transaction of current business and have no permanent value or historical interest; and the proceeds of said sales he shall pay into the Treasury, and make report thereof to Congress.

The amendment was agreed to.

The Secretary read the following clause, from line 1999 to line 2004, inclusive:

For salaries of the chief justice of the supreme court of the District of Columbia and the five associate judges, $24,500: *Provided*, That hereafter the salaries appropriated for the United States judges in the foregoing paragraphs, and judges of the Court of Claims, may be paid monthly.

Mr. JOHNSTON. In line 2004 I move to insert after the word "claims" the words "and of the Territories," so as to make it apply to the judges in the Territories as well as the judges in the States. There is no reason why the judges in the Territories should not be paid monthly.

Mr. DAVIS, of West Virginia. I see no objection to that amendment.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after line 2008 to insert:

For salary of the warden of the jail in the District of Columbia, $1,800.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 2039 to reduce the appropriation "for rent of the four floors of the building occupied by the Department of Justice" from $14,000 to $10,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was after the word "dollars," in line 2062, in the items for the Court of Claims, to strike out:

And said sum, as well as the appropriation for like services in the act of June 15, 1880, chapter 225, for the fifteenth volume, may be paid to the reporters of the court notwithstanding section 1765 of the Revised Statutes, or section 3 of the act of June 20, 1874, chapter 328.

So as to make the clause read:

For reporting the decisions of the court, clerical hire, labor in preparing and superintending the printing of the sixteenth volume of the reports of the Court of Claims, to be paid on the order of the court, $1,000.

The amendment was agreed to.

Mr. SAULSBURY. I desire to have the amendment just now agreed to in regard to the force of the Pension Office reserved when the bill is reported to the Senate.

The PRESIDING OFFICER. A separate vote on the amendment will be reserved.

The Secretary resumed and concluded the reading of the bill.

The PRESIDING OFFICER. The bill has now been read through as in Committee of the Whole and is open to amendment.

Mr. DAVIS, of West Virginia. The Committee on Appropriations has no further amendment of its own to present. I wish to say that there is one amendment that the committee has been consulted on, and it is one that the Senator from Kentucky or the Senator from Indiana, I do not know which, is going to offer.

Mr. BECK. The Committee on Finance unanimously agreed to offer an amendment which I now submit. The amendment was referred to the Committee on Appropriations and it is agreed to I believe by that committee. After line 52 I move to insert "for clerk to the Committee on Finance, $2,500;" and in line 55 to strike out the words "for clerk to the Committee on Finance." That amendment I think was agreed to by the Committee on Appropriations. It was recommended unanimously by the Committee on Finance.

Mr. VOORHEES. The clerk to the Committee on Finance performs the duties that are discharged by three clerks in the House.

Mr. BECK. And he is a stenographer as well.

Mr. VOORHEES. He is a stenographer besides.

Mr. DAVIS, of West Virginia. There is no objection on the part of the Committee on Appropriations to the amendment.

The amendment was agreed to.

Mr. VOORHEES. I am informed by Mr. Clark, the Architect of the Capitol, that there was some damage done to the public grounds west of the Capitol, the Botanic Garden, by the late freshet to the extent of four or five hundred dollars. I therefore move, in line 386, after the words "five thousand," to insert "five hundred;" so as to read:

For improving the garden, procuring manure, tools, fuel, and repairs, and purchasing trees and shrubs, under the direction of the Library Committee of Congress, $5,500.

The amendment was agreed to.

Mr. VOORHEES. In line 379 I move to strike out "six" and insert "eight;" so as to read:

For Botanic Garden, for pay of superintendent, $1,800.

The superintendent has been there a quarter of a century. He has the pay now of a committee clerk. I know that his duties and labors are worth $1,800 if they are worth anything at all, and I have therefore moved that his pay be increased to that extent.

Mr. DAVIS, of West Virginia. I wish it understood that these amendments are strictly out of order, but after the bill was reported the committee to some extent examined them. The committee examined what the Senator from Indiana now is offering. I say that in justice to the committee, because there may be amendments offered that the committee have not considered and which are out of order, and I want it understood that we are admitting these amendments although they are strictly out of order, because they have been heretofore considered by the committee since the bill was reported.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana, [Mr. VOORHEES.]

The amendment was agreed to.

Mr. DAVIS, of West Virginia. In order to complete the amendment offered by the Senator from Indiana, in line 382, the total of the appropriations should be changed from $11,500 to $11,700. I move that amendment.

The amendment was agreed to.

Mr. BUTLER. On line 34, after the word "dollars," I move to insert "one messenger, $1,440." In the same line, after the word "dollars," I move to strike out the words "two messengers" and insert in lieu thereof "one messenger," striking out the word "each" after "$1,296," so that there will be one messenger at $1,440 and one messenger at $1,296.

Mr. DAVIS, of West Virginia. I understand that there are two messengers now in the Secretary's office. One of them is the one known as "Joe," whom we all know.

Mr. BUTLER. McGuckian is his name.

Mr. DAVIS, of West Virginia. The other is the financial messenger, who has to attend generally to carrying the money between the office of the financial clerk and the Treasury. If the salary of one of those messengers is increased that of the other ought to be.

Mr. BUTLER. I have not the slightest objection to that.

Mr. DAVIS, of West Virginia. The committee considered this amendment also, and while it was not inserted in the bill by the committee there was a partial understanding that it might be offered in the Senate. I only mention this so as to bring it in order on the bill. The financial messenger who goes between here and the Treasury Department is just as deserving as the other. Last year the Senator from Indiana will recollect that he specially added an extra compensation for that man.

Mr. HARRIS. Let them both go in at $1,440.

Mr. BECK. They are the only two men who do that class of work who are not full messengers of the Senate, and they ought both of them to have the full pay of a messenger.

Mr. HARRIS. I move to make them both full messengers.

Mr. McDONALD. That would make their compensation uniform with other messengers.

Mr. HARRIS. Yes, sir. In line 35 I move to strike out "two" and insert "four," and to strike out "ninety-six" and insert "forty;" so as to read:

Two messengers, at $1,440 each.

Mr. DAVIS, of West Virginia. If Senators will just allow us to propose the amendments it will be better. I think my friend from Tennessee is wrong in what he wants to strike out. We can amend the bill and foot up the total, and probably, I think, get it more correct.

Mr. HARRIS. The totals would necessarily follow. The items make up the totals. I do not think I am wrong, but I shall certainly defer to the Committee on Appropriations if the Senator wishes.

Mr. BUTLER. With the understanding that the committee will put in the amendment increasing the pay of these two messengers, putting them on a par with the other messengers, I have nothing, of course, to say about the amendment I suggested.

The PRESIDING OFFICER. The Senator from South Carolina withdraws the amendment.

Mr. BUTLER. With the understanding I have indicated, of course.

Mr. HARRIS. I move that they both be made full messengers, striking out "two" and inserting "four"——

Mr. DAVIS, of West Virginia. There will be no trouble about that. In line 35 I move to strike out "two" and insert "four," and to strike

out "ninety-six" and insert "forty;" so that the whole clause will read:

Two messengers, at $1,440 each.

Mr. BUTLER. That is it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DAVIS, of West Virginia. The total must now be corrected. In lines 16 and 17 it must be changed from $207,451.26 to $207.739.26. I move that amendment.

The amendment was agreed to.

Mr. MORGAN. In line 464, after the word "Treasury," I move to strike out "seven" and insert "fifteen;" so as to read:

For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, provided that such publications may be sold at such rates as may be fixed by said Department, and the proceeds of all sales to be paid into the Treasury, $15,000.

Mr. ALLISON. I suggest to the Senator from Alabama that I intended to offer a similar amendment.

Mr. MORGAN. I yield to the Senator from Iowa to move his amendment.

Mr. DAVIS, of West Virginia. I shall object to enlarging the appropriation.

Mr. ALLISON. Very well; I will yield to the Senator from Alabama and allow him to offer it.

Mr. MORGAN. These are very important publications, by all odds the most valuable documents that are published.

Mr. ALLISON. I think the amount ought to be $20,000, and I am sorry that the chairman of the committee objects to it; but if he does, I shall not press it.

Mr. DAVIS, of West Virginia. The estimate is $7,000.

Mr. MORRILL. I know the Senator from West Virginia is too good an economist to be opposed to an amendment of this character. He would destroy his entire reputation.

Mr. DAVIS, of West Virginia. It is my duty to take care of this bill, and I shall do so notwithstanding the complimentary remarks of my friend from Vermont. I think $15,000 is ample for the purpose.

Mr. MORGAN. I have moved an amendment to increase the appropriation to $15,000.

Mr. DAVIS, of West Virginia. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. ALLISON. In line 459 I move to insert "monthly," so as to read:

For printing and distributing monthly the publications by the Department of State, &c.

The word "quarterly" was stricken out by the committee.

Mr. DAVIS, of West Virginia. I suggest to my colleague on the committee that as the clause now stands the Department can issue publications as often as they choose, monthly if they choose, or semi-monthly.

Mr. ALLISON. I think we had better have them monthly.

Mr. DAVIS, of West Virginia. I have no objection to it if the Senator thinks the publications can be made monthly.

Mr. ALLISON. I move to insert "monthly" in line 459.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. SAUNDERS. In line 1849, after the word "Iowa," I move to strike out "$2,000" and insert "$2,500;" so as to read:

For surveyor-general of Nebraska and Iowa, $2,500.

All the other surveyors-general get $2,500, and I think it must be a mistake that this one is left at $2,000.

Mr. ALLISON. It is not a mistake.

Mr. DAVIS, of West Virginia. No; it is not a mistake.

Mr. SAUNDERS. In all the Territories, I think, and in Oregon, Nevada, and Colorado the surveyors-general get $2,500.

Mr. ALLISON. We have been winding up Nebraska for some time, and there is very little work to do.

Mr. SAUNDERS. There is an increased business this season by reason of a survey of what are called pasture lands.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

Mr. DAVIS, of West Virginia. I shall raise the point of order on the amendment. It is not estimated for. We have given the full estimate. The reason, I suppose, why the salary of some of the other surveyors-general is greater than this is because this is for a State and others are for Territories where there is a great deal of public land.

Mr. SAUNDERS. In Nevada and Oregon the surveyors-general are put at $2,500.

Mr. DAVIS, of West Virginia. But there is a great deal more work done there; that is the representation to us, and we believe it to be correct. We have given the full estimate, and having given the full estimate, as the point of order is raised, the amendment is out of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. SAUNDERS. I hope the Senator from West Virginia will not raise the point of order on this amendment. Other gentlemen have offered amendments, and there has been an increase all the way until I have offered one. I hope I am not to meet a point of order every time raised by the Senator from West Virginia when others have not been so treated.

Mr. DAVIS, of West Virginia. Of course I ought to reply very promptly to the Senator from Nebraska. He says I have not raised the point of order upon other amendments. I have twice or three times stated that amendments offered by Senators had been considered by the committee. The Senator is mistaken when he says that I have not raised the point of order on other Senators.

Mr. SAUNDERS. I do not know how much consideration was given to this subject by the committee, but I never was questioned on it, and I know that there is an increased amount of business to be done, and that there is still the winding up of the business in Iowa. Since the office has been changed from Iowa to Nebraska it covers the business of both States.

The PRESIDING OFFICER. This debate is not in order if the Senator from West Virginia insists on his point of order.

Mr. SAUNDERS. I hope the Senator will not insist on his point of order on this amendment, because I think it is right to increase the salary from $2,000 to $2,500.

Mr. DAVIS, of West Virginia. If I do not insist upon this I shall have to give way to all.

The PRESIDING OFFICER. The amendment is not in order.

Mr. LOGAN. I desire to call the attention of the chairman of the Committee on Appropriations to an amendment on line 1661 which I have sent to the desk, and I ask the Secretary to read it.

The SECRETARY. In line 1661, after the word "dollars," it is proposed to insert:

Three assistant surgeons to medical referee, $2,000 each.

Mr. DAVIS, of West Virginia. The Senator sees that that is new matter entirely.

Mr. LOGAN. Not at all. I offered it yesterday.

Mr. DAVIS, of West Virginia. But it is a change of the existing law.

Mr. LOGAN. I beg the Senator's pardon, it is not a change of the existing law. I say to the Senator he is mistaken. It is the simplest proposition in the world. The medical referee under the law has three assistants, and the law provides that the three assistants shall be borne on the roll as clerks of the fourth class. You have added twenty examiners at $2,000 each, and increased the pay of the medical referee, but you do not allude to these three assistants in this bill at all. They are not provided for, but left merely to be paid as fourth-class clerks. My amendment merely changes their salary.

Mr. DAVIS, of West Virginia. The fact, as I understand it, is that there are three fourth-class clerks provided for by law who are assistant medical referees. They are provided for in this bill, but they are called clerks, and the law calls them clerks. The Senator wishes to change them from clerks to assistant referees, and to increase their salaries from $1,800 to $2,000.

Mr. LOGAN. If the Senator will let me read the law, he will see that he is mistaken:

SEC. 4776. The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee, who, under the control and direction of the Commissioner of Pensions, shall have charge of the examination and revision of the reports of examining surgeons, and such other duties touching medical and surgical questions in the Pension Office as the interests of the service may demand; and his salary shall be $2,500 per annum. And the Secretary of the Interior is further authorized to appoint such qualified surgeons (not exceeding four) as the exigencies of the service may require, who may perform the duties of examining surgeons when so required, and who shall be borne upon the rolls as clerks of the fourth class; but such appointments shall not increase the clerical force of said bureau.

These men are assistant medical referees, but denominated and borne on the rolls as fourth-class clerks. You have now changed the force and employed twenty examiners. These men are designated as assistant medical referees, but they are of course on the roll as fourth-class clerks. The amendment does not effect their being borne on the roll, but it increases their salaries. It is not proposed to change them on the roll, but merely to increase their salaries to $2,000 per annum.

Mr. DAVIS, of West Virginia. If the amendment of the Senator from Illinois prevails we should have to strike out three clerks.

Mr. LOGAN. Not at all.

Mr. DAVIS, of West Virginia. Certainly; you increase the number in the office otherwise. The Senator is mistaken. I think the law which he read says that there shall be a medical referee and three assistant surgeons borne on the roll as fourth-class clerks, which they are, and we provide for them in that way in this bill. The bill carries out the law as to them. If we advance their salary you must change their name.

Mr. LOGAN. Not at all. You leave them on the roll, call them what you please, and you give these three surgeons $2,000 instead of $1,800; that is all. They still stand on the roll. It does not change the law. It only changes their salaries; that is all.

Mr. DAVIS, of West Virginia. The Senator proposes to change their name.

Mr. LOGAN. Not at all.

Mr. DAVIS, of West Virginia. I do not think this is a good

thing to do. The Secretary of the Interior and the Commissioner of Pensions have been several times before the committee and made full statements. They went over the bill and we fixed it as they wanted it, and we have named these officers in accordance with law. I shall have to make the point of order on the amendment of the Senator from Illinois.

Mr. LOGAN. Of course if the Senator insists that it is just to raise the salaries of everybody else in that Department except these three surgeons I have nothing further to say. They are not clerks. They are three men who are duly qualified surgeons, and as good as any in the Department. They have been there for years as surgeons. Of course they are paid on the roll as clerks, but they are surgeons, assistant medical referees, and their duty is as surgeons to examine the rating rolls. They do not perform any clerical duty; they examine the rolls as to the rating of pensioners according to the disability incurred from wounds or disease, and they are well qualified men, just as well qualified as the medical referee. You pay the medical referee $2,500 because he is called medical referee; that is, he stands at the head of these surgeons. The other three are his assistants, and perform the duty, he being the chief officer, and you pay them $1,800 apiece. I want to know where is the justice in that? I do not propose to take them off the roll, but let them stay on the roll as the law says, and increase their salary. I designate them as the three surgeons assisting the medical referee in order that they may be known as the persons who are to get the $2,000. It does not change the law a particle; it only changes the salary, leaving the law as it is. It leaves these officers on the roll, but gives them $2,000 apiece, which is just the same as you give your examiners who examine the evidence in a case. Why should it not be done? These are three good surgeons, good men.

Mr. DAVIS, of West Virginia. I know nothing of them.

Mr. LOGAN. I do. When I say I know of the men, I mean I know their duties, I know who they are. They are nothing to me. I only know them by going into the office on business, but I know what their duties are, for I have inquired into the subject. I have made a good deal of inquiry about the Pension Office, I will say to the Senator, and I know that these men ought really in justice to be paid as much as the medical referee. They would be perfectly satisfied, however, to have their salaries made equal to those of the other examiners, for these are examiners, only they are medical examiners instead of examiners of evidence, and when you increase the compensation of the other examiners to $2,000 their compensation ought to be increased also. I suppose if the attention of the committee had been called to the fact, they would have been so put on the roll, but attention was not called to it. I think it is right, and I do not think the Senator ought to object.

Mr. DAVIS, of West Virginia. I hardly think we ought to change salaries in this way, and also change the designation of these employés, unless on consultation with the Department. We have given exactly what the estimates ask for, and we have called these officers just what the law calls them, and if the Senator calls them anything else he must change the law, for the law designates them as fourth-class clerks and says they shall be paid $1,800 a year. I dislike to raise the point of order, but it is my duty to do it. I must protect the bill.

Mr. LOGAN. The Senator makes this point of order on the amendment providing for these three men, the only ones who are not provided for in this bill. You raise the salary of the Commissioner to $5,000, his deputy to $4,000, and you go through that office and raise the salary of nearly every officer in it.

Mr. DAVIS, of West Virginia. Oh, no.

Mr. LOGAN. All except these three medical referees were raised. The salary of the medical referee, the salary of the deputy commissioner, and of everybody except these three medical referees, is increased by this bill, and now the Senator raises the point of order on this amendment, when they only want an increase of $200 apiece to make them equal to the examining clerks. That is the fact.

The PRESIDING OFFICER. Does the Senator from West Virginia insist on the point of order?

Mr. DAVIS, of West Virginia. Yes, sir.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. WALLACE. On line 491 I move to strike out "two" and insert "four," so as to read:

One captain of the watch, $1,400.

This is a most important officer. He has the control of sixty men in the Treasury Department, and gets but $1,200. There is an estimate in his favor and a letter from the Secretary of the Treasury in its support, and it seems to me he ought to have it. He has the entire control of the whole Department every night with sixty men under his charge. Twelve hundred dollars seems to me to be entirely too small for his services.

Mr. DAVIS, of West Virginia. I hope the Senator will not insist on that. He is the best paid captain of the watch now in any Department.

Mr. WALLACE. And he has the largest responsibility. A man who has sixty men under his charge, who has entire care of the Treasury Department every night in the year, and all the responsibility, ought to have more than $1,200.

Mr. LOGAN. Is this not out of order?

Mr. WALLACE. It is in pursuance of the estimates, and comes here with the recommendation of the Secretary of the Treasury.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

Mr. DAVIS, of West Virginia. I hardly think it ought to be done. I leave it to the Senate, though.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. DAVIS, of West Virginia. The total will have to be changed.

Mr. WALLACE. Add $200 to the total.

The PRESIDING OFFICER. That change will be made.

Mr. SAULSBURY. I gave notice some time ago that I intended to reserve a separate vote on the amendment from lines 1570 to 1579. Looking over the Senate I am not sure that if I were to record my own vote in opposition to that amendment I should not embarrass the passage of this bill, because I am not sure that there is a quorum present. I therefore shall not ask to reserve that amendment; but I desire to say that I am utterly and entirely opposed to that provision for additional examiners in the Pension Office and about one hundred and forty-one additional clerks. I called attention to it for the purpose of recording my vote against it; but it appears that I should embarrass the committee by so doing, because there might not be a quorum here. In my opinion there is no necessity for any such increase, and no possible good can result from it. I believe there ought to be a thorough revision of the pension system, and I would vote for $100,000 or for a million of dollars in a matter of economy for the purpose of having a thorough revision and detection of everything wrong in the pension-rolls. I would not deprive any pensioner properly entitled of the pension which he is drawing under the law, but I do not believe any good result will come from this large increase of force. It is an increase of the expenses of that office of over three hundred thousand dollars. I make my protest now so that I may be on record against that amendment offered by the committee. I would call for the yeas and nays and record my own vote against it, except that I do not desire to obstruct business by showing the absence of a quorum.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FORTIFICATION BILL.

Mr. ALLISON. I desire to give notice that to-morrow at half past one o'clock I will call up the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes. I think it will not take much time.

RIVER AND HARBOR BILL.

Mr. BUTLER. I desire to say that I did not insist on my right this morning to submit some remarks to the Senate on the river and harbor bill. I will ask the permission of the Senate to-morrow morning, after the morning business, to occupy perhaps ten minutes.

REPORTS OF COMMITTEES.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 1479) to authorize the President to appoint Ordnance-Sergeant William Marshall, United States Army, a second lieutenant, and place him upon the retired list, to report it adversely; and I move that the bill be indefinitely postponed on the ground that the Senate has already passed a general bill providing for the retirement of sergeants, and it would not be just to pass a special bill.

Mr. FERRY. I should like to ask the Senator from Missouri if the committee are reporting against all special cases?

Mr. COCKRELL. Against all special cases. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 470) to provide for an investigation and examination of the accounts of certain land-grant railroads in accordance with the decision of the Supreme Court, and for a full report of the results thereof to Congress, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. MORGAN, from the Select Committee to examine into the circumstances connected with the removal of the Northern Cheyennes from the Sioux reservation to the Indian Territory, to whom was referred the bill (S. No. 2169) to provide for the settlement of the Ponca tribe of Indians, and for other purposes relating to their welfare, reported it with amendments.

CONGRESSIONAL LIBRARY BUILDING.

Mr. MORRILL. I desire to call up the unfinished business, the Library bill.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business, being Senate bill No. 1988, authorizing the construction of a building for the accommodation of the Congressional Library.

Mr. DAVIS, of West Virginia. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 22, 1881.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

CHOCTAW CLAIM.

Mr. PAGE. Mr. Speaker, I was unavoidably absent yesterday during the roll-call on the bill with reference to the Choctaw claim. Had I been here, I should have voted against referring that matter to the Court of Claims.

PENSION BILLS.

The SPEAKER. The Chair yesterday gave notice that he would this morning ask the House to take from the Speaker's table six pension bills of the House which have been returned from the Senate with amendments, and which the Chair thought should have opportunity for consideration that they may be passed. If there be no objection the Chair will present those bills to the House now.

There was no objection.

WILLIAM BOWMAN.

The bill (H. R. No. 2290) granting a pension to William Bowman was taken from the Speaker's table, and the amendment of the Senate read, as follows:

Strike out all after "month," in line 4, to the end of the bill, and insert "subject to the limitations and provisions of the pension laws."

The amendment was concurred in.

SAMUEL B. HUTCHINSON.

The bill (H. R. No. 3100) granting relief to Samuel B. Hutchinson was taken from the Speaker's table, and the amendment of the Senate read, as follows:

Strike out all after the word "directed," in line 2, down to and including the word "and," in line 3. In line 3 strike out "her." In line 3, after the word "guardian," insert "of Mary Ann Shurlock." In line 4 strike out "her." Strike out all after "1871," in line 6, down to and including "death," in line 7, and insert "until the death."

The amendment was concurred in.

HULDA L. BARNARD.

The bill (H. R. No. 192) granting a pension to Hulda L. Barnard was taken from the Speaker's table, and the amendment of the Senate read, as follows:

In line 5 strike out "January 10, 1877," and insert "after the passage of this act." In line 7 strike out "in his life-time," and insert "at the time of his death."

The amendment was concurred in.

ROBERT S. GOODALL.

The bill (H. R. No. 624) granting a pension to Robert S. Goodall was taken from the Speaker's table, and the amendment of the Senate read, as follows:

Strike out all after "pension-rolls" to the end of the bill, and insert "subject to the provisions and limitations of the pension laws."

The amendment was concurred in.

ALBERT L. JACK.

The bill (H. R. No. 2123) granting a pension to Albert L. Jack was taken from the Speaker's table, and the amendment of the Senate read, as follows:

Amend the title so as to read: "An act granting a pension to Albert N. Jack."

The amendment was concurred in.

ROSALIE LOUIS.

The bill (H. R. No. 4887) granting a pension to Rosalie Louis was taken from the Speaker's table, and the amendment of the Senate read, as follows:

Strike out all after line 4 to the end of the bill.

The amendment was concurred in.

Mr. COFFROTH. I move to reconsider the votes by which these amendments of the Senate have been concurred in; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN R. WALLACE.

Mr. WEAVER. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 6848) granting a pension to John R. Wallace, and that the same be now put on its passage. It is a very meritorious bill, and there will be no objection to it.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John R. Wallace, late member of Union Guards of Davis County, Iowa, at the rate of $24 per month from and after the passage of this act.

Mr. WEAVER. There is a unanimous report in favor of this bill.

There being no objection, the bill was taken up, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WEAVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALDERSON T. KEENE.

Mr. THOMPSON, of Kentucky. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 5713) for the benefit of Alderson T. Keene, and that it be now put on its passage. There is a unanimous report from the Committee on War Claims in favor of this bill. It proposes to repay to a gallant Union soldier money expended by him for the benefit of soldiers in his command during the war.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, appropriated, out of any money in the Treasury unappropriated, the sum of $325, to Alderson T. Keene, late first lieutenant of Company E, First Kentucky Cavalry, in the late war, the same being for forage and rations furnished by him in 1862 for a detachment of soldiers under his command, while in the service of the United States.

There being no objection, the House proceeded to consider the bill; which was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. THOMPSON, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. DAVIS.

Mr. PACHECO. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 6860) for the relief of William H. Davis, and that the bill be now put upon its passage.

Mr. SAMFORD. I demand the regular order.

Mr. VALENTINE. I hope the regular order will not be demanded. That proceeding is getting rather stale. As soon as the Speaker comes from that side of the House to this some gentleman over there demands the regular order.

The SPEAKER. The Chair has gone from side to side.

Mr. VALENTINE. I know that. I am not imputing any blame to the Chair, but I appeal to gentlemen on the other side to be fair toward us on this side. It has happened very often that as soon as the Chair has left that side of the House to come to this the regular order has been called.

The SPEAKER. When that happens, the Chair, in resuming recognition of requests for unanimous consent, begins where he had stopped.

Mr. SAMFORD. The gentleman from Nebraska has no right to make such remarks.

Mr. VALENTINE. I do not make the remark particularly to that gentleman; but I speak to that side of the House, and I say it is a fact that as soon as the Speaker comes to this side of the House to recognize requests for unanimous consent, some gentleman rises on the other side and calls for the regular order. I appeal to the RECORD as proof of the fact.

Mr. BRAGG. I do not think gentlemen on this side have succeeded in getting any more measures through by unanimous consent than gentlemen on the other. In my neighborhood the complaint is that certain gentlemen leave their seats and come down to the center for the purpose of obtaining recognition.

Mr. O'NEILL. Yes, Mr. Speaker, I come down the main aisle into the area in front of the Speaker's chair every day in the vain hope of recognition.

The SPEAKER. It does not help gentlemen to leave their seats and crowd down into the area.

Mr. SAMFORD. I demand the regular order of business.

PENSION APPROPRIATION BILL.

Mr. HUBBELL. I present a conference report, which I ask the Clerk to read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same with amendments, as follows: After the word "home," in line 3 of said amendment, insert the words "upon security given to the satisfaction of the managers;" in line 4, after the word "pensioners," insert the words "without deduction for fines or penalties;" and in line 10 strike out all after the word "or" to the close of the paragraph and insert the words "and children, or in default of either, to his legal representatives;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: Strike out of said section the words "and for other purposes" and insert the words "deficiencies and" before the word "other" in line 4 of the bill; and that the Senate agree to the same.

JAY A. HUBBELL,
WILLIAM H. FORNEY,
J. A. McMAHON,
Managers on the part of the House.
NEWTON BOOTH,
R. E. WITHERS,
W. B. ALLISON,
Managers on the part of the Senate.

The SPEAKER. The statement accompanying the report under the rules, will now be read by the Clerk.

The Clerk read as follows:

The effect of the report if adopted will be as follows:

By amendment numbered 1, the House abandons the provision concerning Indian pensions.

By amendment numbered 4, the provisions concerning payment to pensioners who are inmates of the National Home for Disabled Volunteer Soldiers are more carefully drawn with a view to the greater protection of the pensioners and their legal representatives.

By amendment numbered 5, the title of the bill is corrected to read as follows: "A bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes."

The report was adopted.

Mr. HUBBELL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins for the reception of reports from committees.

Mr. SCALES. I move, Mr. Speaker, that the morning hour be dispensed with for this day.

Mr. BLOUNT. I hope that will not be done. There are appropriation bills yet to be considered by the House, and we will get along much faster by using the morning hour in the reception of reports from committees.

Mr. SCALES. I hope the morning hour will be dispensed with. It will only occupy an hour in motions to suspend the rules.

Mr. ROBINSON. If we go on with the regular order it will take but a short time to get into committee on the appropriation bills.

Mr. SCALES. I insist on my motion.

The House divided; and there were—ayes 74, noes 52.

So the motion to dispense with the morning hour was disagreed to, two-thirds not voting in favor thereof.

MORNING HOUR.

The SPEAKER. The morning hour now begins at twenty minutes past twelve o'clock, and reports are in order beginning with the Committee on Elections.

FREEMAN RICHARDSON & CO.

Mr. KNOTT, from the Committee on the Judiciary, reported a bill (H. R. No. 7225) for the relief of Freeman, Richardson & Co.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PAY OF CONGRESSIONAL CONTESTANTS.

Mr. LAPHAM, from the Committee on the Judiciary, reported back favorably the bill (H. R. No. 7176) to amend chapter 182 of the act approved March 2, 1879, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. The Chair calls the attention of the gentleman from New York to the fact that no written report accompanies this bill as is required by the rule of the House.

Mr. LAPHAM. I will furnish the report during the course of the day. This bill has been reported with the unanimous recommendation of the Committee on the Judiciary.

The SPEAKER. The bill and report have gone to the Committee of the Whole House on the state of the Union and have been ordered to be printed.

POST AND M'CORD.

Mr. ROSS, from the Committee on Commerce, reported back favorably the bill (H. R. No. 4460) for the relief of Post and McCord; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEAM-PROPELLER ANDREW HARDER.

Mr. BLISS, from the Committee on Commerce, reported back favorably the bill (H. R. No. 6582) to change the name of the steam-propeller Andrew Harder; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VENEZUELA AWARDS.

Mr. BICKNELL, from the Committee on Foreign Affairs, reported, as a substitute for House bill No. 5814, a bill (H. R. No. 7226) in relation to the Venezuela awards; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BICKNELL. I have been requested to ask that the views of the minority also be ordered to be printed.

Mr. WILSON. On the part of the minority I shall be ready to present their views in a day or two.

The SPEAKER. The Chair hears no objection, and the views of the minority are ordered to be printed with the majority report.

MRS. JANE VENABLE.

Mr. HERNDON, from the Committee on Foreign Affairs, reported back adversely the bill (H. R. No. 6612) for the relief of Mrs. Jane Venable; which was laid on the table, and the accompanying report ordered to be printed.

HALIFAX FISHERY AWARD.

Mr. RICE, from the Committee on Foreign Affairs, reported, as a substitute for House joint resolution No. 366, presented by Mr. NEWBERRY, a joint resolution (H. R. No. 412) in relation to the alleged false and fraudulent proof and statistics used before the Halifax fisheries commission; which was read a first and second time, referred to the House Calenadr, and, with the accompanying report, ordered to be printed.

LUCINDA BALLINGTON.

Mr. DIBRELL, from the Committee on Military Affairs, reported back favorably the bill (H. R. No. 6438) for the relief of Lucinda Ballington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MAJOR-GENERAL WILLIAM H. FRENCH.

Mr. JOHNSTON, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 6318) authorizing the retirement of Brevet-Major William H. French, colonel of the Fourth Artillery, United States Army, late a major-general of volunteers, with the rank and pay of brigadier-general; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLAMETTE VALLEY AND CASCADE WAGON-ROAD.

Mr. UPSON, from the Committee on Military Affairs, reported back, with an adverse recommendation, the letter of the Secretary of the Interior as to lands in the State of Oregon granted to the Willamette Valley and Cascade Wagon-road; which, with the accompanying report, was ordered to be printed and recommitted to the Committee on Military Affairs.

BANNOCK INDIAN WAR.

Mr. SMITH, of Georgia, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 4392) for the relief of citizens of Idaho who served with the United States troops in the war with the Bannock Indians, and for the relief of the heirs of such as were killed in such service; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. G. LAMSDEN.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back, with an adverse recommendation, the petition of J. G. Lamsden; which was laid on the table, and the accompanying report ordered to be printed.

SURVEY OF WASHINGTON TERRITORY.

On motion of Mr. ACKLEN, the Committee on Mines and Mining was discharged from the further consideration of the joint memorial of the Legislature of the Territory of Washington, asking a survey and scientific examination of said Territory; and the same was referred to the Committee on Appropriations.

PERRY P. WILSON.

Mr. DAVIDSON, from the Committee on Claims, reported back, with an amendment, the bill (H. R. No. 1405) for the relief of Perry P. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

LEAVE TO PRINT.

By unanimous consent, leave to print in the RECORD remarks on the bill (S. No. 133) to provide an educational fund, &c., was granted to Mr. RICHARDSON, of South Carolina. [See Appendix.]

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BLOUNT, from the Committee on Appropriations, reported back the bill (H. R. No. 7203) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair does not know whether the points of order have been reserved upon this bill or not.

Mr. MCMILLIN. I reserve all points of order upon it.

AGRICULTURAL APPROPRIATION BILL.

Mr. COVERT. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the agricultural appropriation bill; and pending that motion I move that all debate upon the paragraph under consideration and pending amendments be limited to one minute.

The motion to limit debate was agreed to.

The motion of Mr. COVERT, that the House resolve itself into Committee of the Whole, was then agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union, Mr. COX in the chair.

The CHAIRMAN. The Clerk will report the pending paragraph.

The Clerk read as follows:

Machinery, apparatus, and experiments in the manufacture of sugar:

For expenses of machinery and apparatus, labor, &c., to continue experiments in the manufacture of sugar from sorghum and other sugar-producing plants,

$25,000, to be available immediately; and out of the above sum the Commissioner of Agriculture is hereby authorized to pay the chief chemist $1,000 as additional compensation for the next fiscal year.

Mr. McMILLIN. Mr. Chairman, I make the point of order upon that clause appropriating $1,000 extra compensation to be paid to the chief chemist.

The CHAIRMAN. The gentleman will state his point of order.

Mr. McMILLIN. It changes existing law and does not retrench expenditures.

Mr. WEAVER. I hope the gentleman from Tennessee will not insist upon his point of order.

Mr. VALENTINE. The point of order is certainly not well taken, because it is the existing law at this time.

Mr. COVERT. I was about to say, Mr. Chairman, in response to the point raised by the gentleman from Tennessee, that this bears the same phraseology that was embodied in the law of last year. Therefore the point of order cannot lie against this provision, as it does not change existing law. It is simply an embodiment of the law of last year covering the same point into this bill.

The CHAIRMAN. Does this item increase expenditure?

Mr. COVERT. Not a dollar.

Mr. McMILLIN. The existing law fixes the salary of the chemist. He was given a thousand dollars extra last year, as it is proposed also to give him a thousand dollars this year, but whether it be for additional salary or not is not stated. It is, however, for additional compensation. I insist that the donation to him of a thousand dollars last year does not change the law which fixes the salary, and is no reason for its incorporation in the present bill. Therefore I make the point of order against it.

The CHAIRMAN. The Chair has ruled in other cases that an appropriation act was a law for such matters, and overrules the point of order.

Mr. MARTIN, of Delaware. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph the following:
"That $10,000 be, and the same is hereby, appropriated for the continuation of experiments in connection with the manufacture of sugar from beets and for the cultivation of beets for that purpose."

Mr. HATCH. I make the point of order on that amendment.

The CHAIRMAN. The gentleman will please state his point of order.

Mr. HATCH. I make the point of order that the amendment changes existing law, and does not retrench expenditures.

Mr. MARTIN, of Delaware. Of course I admit what the gentleman from Missouri [Mr. HATCH] says in so far as it contemplates an increase of the appropriation. In the one minute to which that debate is limited on this paragraph I cannot say what I desire to say in regard to this industry. But I believe it is an industry of such importance, not only to the farmers of this country but to everybody in this land, that the gentleman from Missouri ought to withdraw the point of order and allow a vote to be taken by this committee upon that amendment.

Several years ago the people of my State became so much interested in the production of the sugar-beet that the Legislature made an appropriation to encourage the farmers to enter upon its growth. The results were very satisfactory, so much so that capitalists invested their money in the erection of mills for the manufacture of sugar from the beets. This amendment is only intended to encourage the production of the beets by the farmers of the country for the manufacture of sugar and to stop this drain of millions and millions of dollars from the consumers of sugar in this country.

Is it possible in this land of ours, possessing every variety of soil and climate, producing everything for the wants of man, we cannot produce such sugar as we can eat, when in Germany, in France, and other countries of Europe not half so well blessed, not half so highly favored as this land of America, sugar is produced at less than one-half of the cost to the inhabitants than it is in America. If our Agricultural Department is worth anything, if it is to be of any benefit to the farmers of this country, or to the people generally of this country, let it direct its efforts in this direction and it seems to me we will then obtain results which will be commensurate with the expenses that the Government is now incurring in this behalf.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HASKELL. I desire to speak on the point of order.

The CHAIRMAN. The Chair has already ruled on it.

Mr. HASKELL. Does the Chair sustain the point of order?

The CHAIRMAN. Yes sir.

Mr. HASKELL. Then, feeling the necessity of having this question settled definitely, I respectfully appeal from the decision of the Chair; and upon that appeal I desire to say a word or two.

Mr. BRAGG. The gentleman from Kansas suggests that he is about to speak on the appeal. I make the point of order that appeals from the decisions of the Chair are not debatable.

The CHAIRMAN. Appeals are not debatable; but the Chair would like to hear the gentleman.

Mr. HASKELL. I take it appeals are debatable under the fourth section of the first rule of this House.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HASKELL. I desire the attention of the Chair because the decision of the point of order made against this amendment is of infinite importance to every lover and friend of the development of the agricultural interests of this country. Mr. Chairman, the organic law organizing the Bureau of Agriculture provides for precisely these things contemplated by the amendment offered by the gentleman from Delaware, and other amendments looking to an investigation of these subjects and these objects, directing the Commissioner of Agriculture to do these very things. This is one of the purposes of this bill. It needs no law to authorize the Commissioner of Agriculture to go on with these experiments; no law at all. All that he needs is the money. He is already authorized by law to prosecute these experiments. He is already clothed with authority to do the work.

The intent of the rule is to bar an appropriation of money when an officer of the Government for whom it is to be appropriated has not the authority to act. In this case this officer of the Government has the authority to act. He is authorized by law to act on this and on all kindred subjects; he is empowered and commanded to act. All that he needs is a bare appropriation of money for the specific purpose and no change of law.

Now, Mr. Chairman, when I read the import lists of this country and find that sixty million dollars' worth of sugar is imported annually into this country, and when a proposition is made to continue the investigation of the processes by which it is hoped to utilize the broad fields of sorghum and the fields of beet that may be cultivated in this country, in view of the success that has crowned the efforts of agriculturists in France in this direction, I deem it a measure of importance sufficient to warrant at least the attention and the deliberate judgment of this House upon the subject.

Upon the point of order to which I now address myself I feel thoroughly assured that it does not properly lie against this amendment; and with all kindliness of feeling to the Chair, believing if this and kindred amendments are to be ruled out from this bill, that by a point of order you cripple a department of infinite value to the country and cripple researches in a very important regard and direction, I have been led to take this appeal.

Mr. SPRINGER. Will the gentleman from Kansas allow me to ask whether there was a special appropriation made by Congress for the purpose of authorizing the Commissioner of Agriculture to prosecute investigations with reference to the culture of tea in this country or whether he is prosecuting those investigations under the general appropriations?

Mr. HASKELL. I think he is prosecuting that investigation under a general appropriation.

Mr. ANDERSON. In regard to the culture of tea?

Mr. HASKELL. Yes; though I do not know about that.

Mr. ANDERSON. It is under a special appropriation.

Mr. SPRINGER. What was the appropriation?

Mr. COVERT. There was an appropriation made last year for the purpose.

Mr. HASKELL. The very terms of the law which gives the Commissioner a chemist and a laboratory is an authorization to him to use that chemist and that laboratory; and if he chooses to use it in experiments upon beets or sorghum, who shall say nay? This amendment is to give to him some money to prosecute this important research; and shall it be ruled out of order under the twenty-first rule as in violation of law when it is in the direct line of the command of the law?

Mr. SPRINGER. I desire to ask the chairman of the Committee on Agriculture [Mr. COVERT] whether the special appropriation for experimenting in the culture of tea was in a general appropriation bill?

Mr. HASKELL. Let me read the section of the organic act authorizing this Department:

The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, by practical and scientific experiments, &c.

Now, this amendment is to give him some money to continue his practical and scientific experiments.

Mr. TOWNSHEND, of Illinois. I rise to a question of order.

The CHAIRMAN. The gentlemen will state it.

Mr. TOWNSHEND, of Illinois. How much time has been occupied by the gentleman from Kansas, [Mr. HASKELL?]

The CHAIRMAN. In the judgment of the Chair, the gentleman is entitled to occupy five minutes.

Mr. TOWNSHEND, of Illinois. Has not the gentleman occupied that time?

The CHAIRMAN. The gentleman has.

Mr. TOWNSHEND, of Illinois. Then I make the point of order that the gentleman shall not continue beyond that time.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HASKELL. Of course the Chair——

The CHAIRMAN. The Chair would be glad to have the gentleman send to the Clerk's desk to be read the law upon which he bases his appeal from the judgment of the Chair.

Mr. COVERT. I may be permitted one word in answer to the inquiry of the gentleman from Illinois, [Mr. SPRINGER.]

The CHAIRMAN. The gentleman will have five minutes, after the statute has been read.

Mr. COVERT. I desire to say now that the organic law itself contemplates that the working of this Department shall be of an exper-

imental character; but it is made dependent upon annual appropriations passed from year to year by Congress as to the specific direction in which this experimental work shall be conducted.

In regard to the experiments in connection with the culture of tea, to which the gentleman from Illinois [Mr. SPRINGER] has referred, the investigation in that direction was the result of special legislation; legislation embodied in an annual appropriation bill.

Now, just one word with reference to the question under discussion, and I think I can make my point clear by referring to the phraseology of this bill, which will settle the controversy in question. My friend from Delaware [Mr. MARTIN] is earnest and eloquent in favor of his proposition to make a special appropriation for experiments in the culture of beets, with a view to the manufacture of sugar from them. And his proposition is supported just as earnestly by my friend from Kansas, [Mr. HASKELL.] I desire to call the attention of those gentlemen and of this committee to the phraseology of this paragraph of the bill:

For expenses of machinery and apparatus, labor, &c., to continue experiments in the manufacture of sugar from sorghum and other sugar-producing plants, $25,000, to be available immediately, &c.

It occurs to me that this phraseology relegates the whole matter to the Commissioner of Agriculture. If he sees fit to devote a part of this $25,000 to experimenting in the direction of producing sugar from beets, he is entirely at liberty to do so under the plain provisions of this paragraph.

Mr. SPRINGER. Allow me to call the attention of the Chair to a ruling made by the chairman of the Committee of the Whole on the river and harbor bill, the gentleman from Kentucky, [Mr. CARLISLE.] A point of order was made against certain provisions in that bill upon the ground that the appropriations were not for the continuation of works heretofore authorized by law. The Chair in that case decided, I think, that the bill being one making appropriations for the improvement of rivers and harbors, the addition of another river or another harbor to the subjects of the bill was in continuation of works heretofore authorized by law, and therefore overruled the point of order. I say that on the analogy of that decision——

Mr. ROBINSON. The gentleman from Illinois [Mr. SPRINGER] of course will not fail to remember that the chairman of the Committee of the Whole made his decision on the ground that the river and harbor appropriation bill was not a general appropriation bill. That was the point.

Mr. SPRINGER. I remember that the decision turned on that.

Mr. ROBINSON. Not only turned but rested on that.

Mr. SPARKS. Purely and solely on that account.

Mr. ROBINSON. Certainly; on that and nothing else.

Mr. SPRINGER. The Chair, before that point was raised, made some statement which led me to believe he held that these appropriations, being for the improvement of rivers and harbors, were in the line of the improvements previously authorized.

Mr. ROBINSON. The gentleman will allow me to say that that would be a mere *dictum* of the Chair, and would not have any force here.

Mr. SPRINGER. Perhaps that was a *dictum* of the Chair; but I understood it to have been announced.

The CHAIRMAN. The Chair has already decided that the amendment, while it authorizes an experiment, authorizes one of a million of experiments known to agricultural chemistry; and if the general law which has been read were construed as authorizing this amendment, there would be no limit to the kind of amendments that might be offered and their amount. From this ruling the gentleman from Kansas [Mr. HASKELL] takes an appeal. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, there were ayes 62.

Mr. TOWNSHEND, of Illinois, (before the negative vote was announced.) I think a great many members are voting upon the merits of the amendment; they do not understand the point of order.

The CHAIRMAN. The Chair has stated it twice.

The negative vote having been taken,

The CHAIRMAN. On this question the ayes are 62, the noes 68. The decision of the Chair is overruled.

Mr. COVERT. I call for tellers on this question; and I do so upon the assumption that there are many gentlemen who have voted under a misunderstanding, thinking they were voting upon the amendment.

Tellers were ordered; and Mr. HASKELL and Mr. COVERT were appointed.

Mr. CALKINS. Before the vote is taken again, I hope the Chair will restate the point of order and the decision from which the appeal is taken.

The CHAIRMAN. The Chair has sustained the point of order, ruling out the amendment, which the Clerk will read.

The Clerk read as follows:

That $10,000 be, and the same is hereby, appropriated for the continuation of experiments in connection with the manufacture of sugar from beets and for the cultivation of beets for that purpose.

The CHAIRMAN. From the decision of the Chair that this amendment is not in order, the gentleman from Kansas [Mr. HASKELL] takes an appeal.

Mr. HASKELL. Now, will not the Chair have read that portion of the law——

The CHAIRMAN. Not while the Committee of the Whole is dividing. The gentleman will take his place as teller.

Mr. TOWNSHEND, of Illinois. Will the Chair state the question?

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and the tellers reported—ayes 68, noes 75.

So the decision of the Chair was not sustained.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Delaware, [Mr. MARTIN.]

Mr. BLAND. While believing the amendment to be clearly in order, I oppose it from the simple fact that the bill already contains a provision for making an appropriation for experiments with "sorghum and other sugar-producing plants;" so that there is no necessity for the amendment. I think there is no question about it being in order; but I doubt the propriety of making any further appropriation.

The CHAIRMAN. Debate on this paragraph was limited to one minute, which is now exhausted.

The question being taken, the amendment was agreed to, there being ayes 91, noes 47.

Mr. HATCH. I give notice that I shall ask a vote by yeas and nays in the House on this amendment.

Mr. ROBERTSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph the following:

"And the Commissioner is hereby authorized and directed to continue experiments in the different localities throughout the United States by careful observation and investigation into the processes employed in the extraction and manufacture of sugar from sugar-growing plants and vegetables, and the sum of $5,000 is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for that purpose."

Mr. COVERT. I am constrained, as a matter of consistency, to make a point of order against this amendment.

The CHAIRMAN. The Chair, in order to conform to the action of the Committee of the Whole, must overrule the point of order and entertain the amendment.

Mr. ROBERTSON. I will state, Mr. Chairman, that the eminent chemist who has been conducting these experiments at the Department of Agriculture has recommended that they be continued throughout the country.

The CHAIRMAN. Debate is exhausted.

Mr. ROBERTSON. I would like to occupy just five minutes.

The CHAIRMAN. There is not even one minute allowed for debate.

The amendment of Mr. ROBERTSON was not agreed to.

The Clerk read as follows:

Reclamation of arid and waste lands:

For the reclamation of the arid and waste lands lying in certain Western States and Territories, $10,000: *Provided*, That no part of this sum shall be expended in experiments upon the lands of individuals or corporations, but only upon the lands belonging to the United States.

Mr. BELFORD. I move to amend by striking out of the paragraph just read "$10,000" and inserting "$30,000."

Mr. COVERT. I make a point of order against that amendment.

Mr. BELFORD. I hope the gentleman will withhold his point of order.

The CHAIRMAN. The Chair will hear the gentleman from Colorado [Mr. BELFORD] on the point of order.

Mr. BELFORD. I do not see how any point of order can lie against this amendment. It simply proposes to increase the amount of this appropriation. I do not know that we are bound by any cast-iron rule, so that when the committee reports a certain sum in a bill we are bound to accept that sum and cannot increase it.

The CHAIRMAN. The gentleman from New York [Mr. COVERT] will state his point of order.

Mr. COVERT. The point of order is that the proposed amendment changes existing law and is not in the direction of economy.

Mr. PAGE. But is this a general appropriation bill?

Mr. BELFORD. Before the Chair passes on the point of order I should like to be heard for a few moments. I hope the gentleman will reserve the point of order until I can be heard.

The CHAIRMAN. After the point of order has been decided the gentleman can be heard on the merits of the proposition. The gentleman from New York will please send to the Clerk's desk the existing law on the subject.

Mr. COVERT. The existing law is the appropriation bill for the present year. I have not got a copy of it at this moment.

The CHAIRMAN. What is the amount appropriated?

Mr. COVERT. Five thousand dollars.

Mr. CALKINS. This does not change that law; this goes into effect when that expires.

Mr. CONGER. No point of order was made against the paragraph, and I do not know, under the circumstances, any point of order ever was made against the right to increase or reduce the appropriation.

Mr. ROBINSON. I cannot see it is a change of existing law. It is simply to change the amount of appropriation made for a specific purpose. The purpose is recognized by law. That is the law. The amount of money to effectuate it is not the law.

The CHAIRMAN. The Chair will not take the question from the committee, but will overrule the point of order.

Mr. BELFORD. Mr. Chairman, the other day this House appropriated over ten million dollars to improve rivers and harbors and creeks located in the Eastern States. West of the one hundredth meridian is a vast extent of territory that can only be utilized by sinking artesian wells and thereby procuring water for irrigating purposes. The State of Colorado and the Territories of Wyoming, Utah, and Dakota have paid into the Treasury of the United States more than one million and a half of revenue within the last few years, and the only appropriation that is afforded that section of the country is $10,000, and that is found in this bill.

What is the object of this appropriation? It is stated to be for the reclamation of arid and waste lands lying in certain Western States and Territories. It is for the reclamation of lands belonging to the Government of the United States. In the State of Colorado there are 66,880,000 acres of land, in the Territory of Utah 54,064,640, in the Territory of New Mexico 77,568,640, in the Territory of Dakota 96,596,480, and in the Territory of Wyoming 62,645,120 acres. Now, it is well known to every man who resides in the West that the great bulk of this land is arid, that it can only be cultivated through the agency of irrigation, and that the body of water already existing in the streams is not sufficient for the purpose. If that land is ever to be reclaimed, if it is ever to be made valuable for human habitation, then this Government, as the owner of that vast tract, must aid the people in its reclamation.

I say, Mr. Chairman, that one of the great problems before this people for solution consists in bringing the empty unemployed hands and the unoccupied lands of this country together. One of the great and growing evils demanding the attention of the American people is the condition of the overcrowded population of our great cities. The day will come when we will have to inaugurate a system of colonization looking to the removal of that overcrowded population and locating it on the vast tracts of land west of the one hundredth meridian; and I say that it is the duty this Government owes that population to fit those lands for future occupation and for future cultivation. I have voted cheerfully for appropriations necessary for other sections.

The CHAIRMAN. The gentleman's time has expired.

Mr. BELFORD. I hope I will not be cut off. I have been here four years and never yet got in under the hour rule. [Cries of "Go on!"] I hope I will be permitted to make my statement when I am pleading for the people of the country, in reference to whom the chairman [Mr. COX] spoke so eloquently the other day. I hope the gentleman from Arkansas will not make objection and restrict me to the few brief moments allowed in Committee of the Whole. I am here advocating the interest of this great and constantly growing western people. I appeal to this House, I appeal to the generosity of gentlemen to aid us of the West in securing the reclamation of this vast tract of arid land.

The CHAIRMAN. The gentleman's time has expired. The Chair cannot change the rule.

Mr. KING. I hope the gentleman will be permitted to proceed by unanimous consent.

Mr. KEIFER. I will take the floor and yield my time to the gentleman from Colorado.

Mr. BELFORD. I thank the gentleman. Mr. Chairman, when your people in the East and in the South ask us of the West to vote for the improvement of your rivers and harbors and streams of every kind we promptly do so. I think you ought to reciprocate, and manifest the same generous conduct toward us. Allow us to derive the same benefit from the national Treasury equally with yourselves. We get little enough under any circumstances. I look forward to the day when this arid waste, in the language of the Bible, will blossom like the rose. I appeal to your sense of justice, I appeal to your sense of generosity, and I appeal in behalf of the growing demand of this great section of the country, that you will give us water, that by this water we may baptize this land and regenerate it, and bring it into splendid cultivation. Give us water, that the land may be blessed with harvests; that upon its bosom may be located towns and cities; that it may be occupied by thousands and hundreds of thousands of happy homes; that it may, in fine, contribute to the future prosperity and wealth of this grand and magnificent Republic. The sum I ask for is small; but vote it, and we of the West will hold you in grateful remembrance. [Applause.]

I wish I had the power of speech possessed by my distinguished friend from New York, [Mr. COX.] If I possessed his eloquence and wit, I could interest this House and the country in this great project of restoring to fertility and beauty the American desert. Years ago, while traveling with him on the top of a coach, and through the Rocky Mountians, we talked of the subject of irrigating the plains; and when he returned to his home he sent me a book, from which I propose to read an extract or two. I refer to his famous work entitled Winter Sunbeams. I read from page 313, where the traveler, the scholar, the philosopher, politician, and the statesman uses this language:

> Having now seen under my own eyes the principal irrigation works of Spain, I feel more competent to write about it. In Valencia, from the rivers Turia and Jucar, there are 56,810 acres under irrigation; in Murcia, from the Segura, 25,915; at Orihuela, from the Segura, 50,318; at Elche, (place of plumy palms,) 40,010; Alicante, 9,139; at Granada, from the Douro and Genil, 46,930 acres. These works, whose results at least I have witnessed, comprise nearly one-half of the irrigation of Spain. The total quantity of irrigated land is 374,269 acres. The best works are those of Valencia, Murcia, and Granada. They are the oldest, being made by the Moors about the year 800. On the Spanish conquest and division of land the rules of the Saracens about water were re-established. Some of these works are made of masonry in which rain is collected, as at Alicante. The principal rivers of Spain, like the Tagus and Guadalquivir, run to the Atlantic with but little utility as motive or creative power. But almost anything, and in any quantity, of vegetable beauty and utility can be raised in Spain with this water power—peppers and peaches, apricots and apples, olives and oranges, sugar and citron, cotton and corn, potatoes and pears; and never less than two crops a year and sometimes four.

I will suspend the reading at this point to call your attention to the promises of the future when the Government adopts the policy pursued in Spain and secures water for the parched and thirsty plains of the West. We may not be blessed with olives and citrons, or with oranges or cotton, but we will have corn and oats and cattle; we will have fields laughing with golden harvests, homes filled with happy and industrious people; we will have rivulets of national wealth running from this now arid waste into the vaults of the Treasury. Redeem this land, and we will have States whose population will be as dense as that of New York or Pennsylvania. This Government can afford to do this, and the time will shortly come when public sentiment will compel Congress to take action on this important subject.

Thanking the House for the courteous attention it has accorded me, I leave the subject in its hands.

Mr. COVERT. Mr. Chairman, if the Committee on Agriculture had the power to exercise generosity, if they had the power to listen and respond to pathetic appeals, I think there would be but one sentiment, and that is, that there should be a sum granted in response to the petition so earnestly made by my friend from Colorado for water. It is not always an appeal for water that comes up from Colorado. It is not always a demand for that particular element. We cannot, however, consent to go into or pretend to make a trade with the West in this or any other respect. The members of the Committee on Agriculture, even though they come from the East, cannot, when the question of appropriations for the support of the various Departments of the Government are to be voted on, or even when it comes to an appropriation for the improvement of their rivers and harbors, merely by reason of that fact give their votes to improvements in the extreme West just as a matter of bargain or traffic.

Mr. Chairman, the last session of this Congress voted for this purpose, under an amendment offered by my friend from Colorado, the sum of $20,000. I do not think that amount or anything like it has been yet expended in these improvements. A portion of that money is lying in the Treasury, which has not been used, nor has it been found necessary to use it under the experiments so far conducted by the Commissioner. The Commissioner of Agriculture in his preliminary report to the President says that only one well has been sunk under this provision of last year's appropriation bill. The Commissioner is conservative and cautious in expressing his sentiments and very careful in giving his opinion in reference to the matter, and peculiarly careful in the wording of his report as to the results following this expenditure. He says that an examination and study of the geological formation in the locality where the well has been placed warrants the belief that water-bearing strata may be found. He does not say that it can be found, but is manifesty conservative, as I have stated, and particularly cautious in the language he uses.

Now, this Congress has already expended $20,000 for this purpose. This bill proposes to place at the disposition of the Commissioner $5,000 more to continue the experiment. I think that is a subject and has reference to an item where we should go slowly, cautiously, and carefully; and if it can be ascertained that this section of country has a water-bearing stratum, then the Congress of the United States, after that fact has been ascertained, can safely vote almost any amount of money that may be necessary to allow my friend from Colorado to have all of the water facilities he desires out in his country. He will then be able to come to Congress and ask that an appropriation shall be made for this special purpose.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Colorado.

The House divided; and there were—yeas 109, noes 61.

So the motion was agreed to.

Mr. DIBRELL. I give notice that I shall ask for a vote by yeas and nays on that amendment in the House.

Mr. LOUNSBERY. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

> Insert after line 157:
> "For the purpose of investigating the location, direction, size, and veolcity of current of subterraneous water-courses, $500."

Mr. MCMILLIN. Mr. Chairman, I reserve the point of order upon that.

The CHAIRMAN. Does the gentleman desire to withhold the point of order?

Mr. MCMILLIN. I did not wish to prevent the gentleman from New York being heard upon the amendment.

The CHAIRMAN. It might then be too late.

Mr. MCMILLIN. Then I make the point of order now.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MCMILLIN. My point of order is that it changes existing law and is not in the line of retrenchment.

The CHAIRMAN. Under the action of the committee the Chair would be disposed to overrule the point of order.

Mr. LOUNSBERY. Mr. Chairman——

Mr. McMILLIN. Does the Chair overrule the point or order?

The CHAIRMAN. On account of the action of the committee on yesterday, which overruled the judgment of the Chair in reference to this matter, the Chair feels bound to hold that the point of order is not well taken. The Chair desires to state, however, that he does not give his own judgment in this connection, but simply conforms to the judgment of the Committee of the Whole as expressed on yesterday. The gentleman from New York will proceed.

Mr. LOUNSBERY. Mr. Chairman, if any gentleman feels himself inclined to oppose this amendment because it be mine I wish him to recollect that this is the first request I have made to the House for any appropriation. If there be any objection that the sum asked for be too small to be considered by the committee, I would make answer that it is offered as an entering-wedge, and that when we have commenced to investigate the subject, as proposed by this amendment, and have discovered its great importance to the country, I have no doubt that in future years a much larger sum can be appropriated in this direction.

Mr. Chairman, I want to state to this committee that there is water in the air; and sources of water—

The dark unfathomed caves of ocean bear.

There will be found upon investigation to be openings of large streams from the deep seas which ascend into the mountain tops of the country, and which, if they be properly investigated, explained, and turned to account, will ultimately meet the question of watering the arid waste of our great western country. I think the Government has been too unmindful of the great importance of this subject in past years. There is a theory advanced, which has never yet been adopted, which may ultimately revolutionize the whole subject of water-courses, and while it may be turned to account to irrigate the great arid wastes of the West, it may be also effectually used by the river and harbor committee in filling up the streams which are at times under their attention to be watered. I can demonstrate to this committee that if you take a piece of dry earth and suspend it over and in contact with water it will very soon fill itself by some power which we erroneously designate as capillary attraction.

So, too, if I were able to cut off the Rocky Mountains at their base and had them properly desiccated to represent a piece of dry earth and were to suspend them on the Pacific Ocean, according to this theory the mountains would in the same way fill themselves with water; and in the center of the mountain there would be a stream rushing up to fill up the vacuum or dryness of the mountain as large as the Mississippi is at its mouth, which draws its supplies from the water-shed at the external surface of the Rocky Mountains.

[Here the hammer fell.]

The amendment was not agreed to.

The Clerk read the following paragraph:

Forestry:
For the purpose of enabling the Commissioner of Agriculture to continue an investigation and report upon the subject of forestry, $5,000.

Mr. DUNNELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out "$5,000" and insert "$6,000."

Mr. DUNNELL. Some five years ago Congress appropriated a small sum of money, I think $2,000, for the commencement of investigations touching the forest products of the country. Later the appropriation was continued and increased to $5,000. A gentleman from New York, exceedingly well informed on the subject of forestry, having visited all the schools of forestry not only in this country but in Europe, made his first annual report. That report attracted the attention of the entire country, and I may say it attracted the attention of all scientific men in Europe as well as in this country. That report has been called for, and is now found in all the libraries of Europe and in all the schools of forestry. A second report was prepared, and has been printed; and I am glad that the Committee on Agriculture has seen fit to continue this appropriation.

Now, let me say that this amount of $5,000 is inadequate, and its inadequacy shows itself in this, that the Commissioner of Agriculture is unable, with the $5,000, to do more than to give this commissioner $2,000 a year. This officer is contemplating a resignation of the important and interesting position which he holds because of the inadequacy of his compensation. I move to increase the amount $1,000. That will enable the Commissioner of Agriculture to give to this commissioner $3,000 as his compensation.

This gentleman is learned, and has at his command facilities for making much more money than he is now given by the Government for this important work; and, Mr. Chairman, the sum of $3,000 is less than the average amount given to gentlemen serving the Government in positions of like importance. This gentleman has traveled during the past year into upward of thirty States and Territories, and the entire expense of the trip was less than $300. A man of great economy and prudence in the use of the public money, securing from railroad companies and various agricultural associations passes over the railroads of the country, he is prepared at this time with an amount of information upon this exceedingly interesting subject that will be embodied in a third volume to be presented to Congress. It would be a calamity if he resigned his position.

[Here the hammer fell.]

Mr. HAYES. I rise to give my indorsement to what the gentleman from Minnesota has said.

The CHAIRMAN. Does the gentleman from Illinois rise to oppose the amendment.

Mr. HAYES. I will oppose the amendment *pro forma*.

Mr. HATCH rose.

The CHAIRMAN. The gentleman from Missouri rises to oppose the amendment.

Mr. HAYES. I simply want to say this in addition to what the gentleman from Minnesota has said: instead of making the amount $6,000 I would make it even more than that. I have known something of this gentleman from the State of New York who has been employed in this business. He has several times been before the committee on which I have served, and we have authorized the publication of his report. We have found him a very intelligent and thoroughly informed gentleman. His heart is in this work. And he is doing a work which is for the benefit not only of the West but of the whole country. He is a man whose abilities, as the gentleman from Minnesota has said, ought to entitle him to a salary of $3,000 a year; and I sincerely hope this committee will vote to increase the amount by $1,000, making the full amount of the appropriation $6,000, as the gentleman from Minnesota asks.

Mr. HATCH. I desire to say to the committee——

The CHAIRMAN. Does the gentleman from Missouri move an amendment?

Mr. HATCH. I rise to oppose the amendment offered by the gentleman from Minnesota. The appeal of the gentleman from Illinois [Mr. HAYES] certainly did not come out of my time, for he was favoring the amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri for five minutes if he moves a formal amendment.

Mr. HATCH. I move to strike out the last word.

I desire to say to the committee that $5,000 is all that is asked by the Commissioner of Agriculture for the next fiscal year for the continuation of this work. The proposition now to increase the appropriation to $6,000, if I understood the remarks of the gentleman from Minnesota, is with a view to apply the additional amount to an increase of the salary of this commissioner. No reason has been given to the Committee on Agriculture why this gentleman's salary should be raised at this time. If it has ever been asked by the gentleman himself we have no information of it in the committee. The Commissioner of Agriculture in his report has not asked for it. In the Book of Estimates he only asks the committee to make an appropriation of $5,000, and when he was before the committee the Commissioner stated that $5,000 had been ample in the past and would be a sufficient sum to carry on this work for another year. I see no reason, therefore, why this officer's salary should be raised $1,000 when the other salaries provided in this bill have been kept as fixed by law or in the appropriation act of last year. I hope the committee will not adopt the amendment.

The question was taken upon the amendment of Mr. DUNNELL; and upon a division there were—ayes 49, noes 86.

No further count being called for, the amendment was not agreed to.

The Clerk read the following:

Building for the display of the agricultural implements:
For the purpose of erecting a building on the agricultural grounds for the display of all agricultural implements that may be presented to the Department for exhibition therein, $10,000.

Mr. COVERT. On behalf of the Committee on Agriculture I move to insert after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

For labor, new implements, repair of tools, wagons, and carts, manure and purchasing trees for arboretum, $5,000; repairing and resurfacing the concrete roads and walks on the grounds, $3,000.

Mr. COVERT. In explanation of that amendment I desire to say that it was not included in the regular estimates of the Commissioner sent to the Committee on Agriculture, but was included in the Book of Estimates sent in by the Secretary of the Treasury. The Committee on Agriculture supposed that these items would be inserted in the sundry civil appropriation bill. Finding that they have not been placed in that bill, and at the request of the Committee on Appropriations, the Committee on Agriculture have instructed me to move them to the pending bill.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. COVERT. I move that the committee now rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes, had directed him to report the same back to the House with sundry amendments, and recommended that it be passed.

Mr. COVERT. I move the previous question upon the bill and amendments.

The previous question was ordered.

Mr. COVERT moved to reconsider the vote by which the previous

question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Is a separate vote asked upon any amendment reported from the Committee of the Whole?

Mr. DIBRELL. I ask a separate vote on the amendment moved by the gentleman from Colorado [Mr. BELFORD] increasing the appropriation in regard to waste and arid lands.

Mr. HATCH. I ask a separate vote upon the amendments offered by the gentleman from Delaware [Mr. MARTIN] appropriating $10,000 for experiments in the culture of beets and the manufacture of sugar therefrom.

The SPEAKER. If there be no objection, the other amendments will be voted on in gross.

The amendments upon which no separate vote was asked were then agreed to.

The SPEAKER. The first amendment upon which a separate vote is asked will now be read.

The amendment was to insert after line 145 of the printed bill the following:

That $10,000 be, and the same hereby is, appropriated for the continuation of experiments in connection with the manufacture of sugar from beets, and for the cultivation of beets for that purpose.

The question was taken upon the amendment by a *viva voce* vote, and the Speaker announced that the ayes appeared to have it.

Mr. HATCH. I call for the yeas and nays on that amendment.

Many MEMBERS. Oh no!

The question was taken upon ordering the yeas and nays; and there were—ayes 31, noes 83.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 99, not voting 79; as follows:

YEAS—113.

Aldrich, N. W.	Dwight,	McCoid,	Sapp,
Anderson,	Einstein,	McCook,	Scoville,
Armfield,	Errett,	McKinley,	Shallenberger,
Ballou,	Felton,	Miles,	Sherwin,
Barber,	Ferdon,	Miller,	Smith, Hezekiah B.
Bayne,	Frye,	Mitchell,	Smith, William E.
Belford,	Godshalk,	Money,	Stone,
Beltzhoover,	Goode,	Monroe,	Talbott,
Bisbee,	Gunter,	Morse,	Taylor, Ezra B.
Blake,	Hall,	Newberry,	Thomas,
Bowman,	Hammond, John	Norcross,	Thompson, W. G.
Briggs,	Harmer,	O'Neill,	Townsend, Amos
Brigham,	Harris, Benj. W.	Osmer,	Tyler,
Browne,	Haskell,	Overton,	Updegraff, J. T.
Burrows,	Hawley,	Pacheco,	Updegraff, Thomas
Butterworth,	Heilman,	Page,	Valentine,
Calkins,	Hiscock,	Persons,	Van Aernam,
Carpenter,	Horr,	Phelps,	Vance,
Caswell,	Humphrey,	Pound,	Voorhis,
Conger,	Hunton,	Price,	Wait,
Cowgill,	Jones,	Ray,	Weaver,
Crapo,	Ketcham,	Reed,	Williams, C. G.
Daggett,	Lapham,	Richardson, D. P.	Wise,
Davis, George R.	Lindsey,	Richardson, J. S.	Wright,
Davis, Horace	Loring,	Robertson,	Yocum,
Deering,	Lowe,	Robeson,	Young, Thomas L.
De La Matyr,	Manning,	Robinson,	
Dick,	Marsh,	Russell, Daniel L.	
Dunnell,	Martin, Edward L.	Ryan, Thomas	

NAYS—99.

Aiken,	Cox,	Hill,	Simonton,
Aldrich, William	Cravens,	Hostetler,	Singleton, J. W.
Atherton,	Culberson,	Johnston,	Slemons,
Atkins,	Davis, Lowndes H.	King,	Smith, A. Herr
Bachman,	Dibrell,	Klotz,	Sparks,
Beale,	Dickey,	Knott,	Speer,
Berry,	Dunn,	Le Fevre,	Springer,
Bicknell,	Elam,	Lounsbery,	Stevenson,
Blount,	Ellis,	Martin, Benj. F.	Taylor, Robert L.
Bouck,	Evins,	McLane,	Thompson, P. B.
Boyd,	Ford,	McMillin,	Tillman,
Bragg,	Forney,	Mills,	Townshend, R. W.
Buckner,	Forsythe,	Morrison,	Tucker,
Cabell,	Fort,	Muller,	Turner, Oscar
Caldwell,	Frost,	New,	Turner, Thomas
Cannon,	Geddes,	Philips,	Upson,
Carlisle,	Hammond, N. J.	Phister,	Wellborn,
Chittenden,	Harris, John T.	Richmond,	White,
Clark, John B.	Hatch,	Ross,	Whitthorne,
Clements,	Hawk,	Rothwell,	Wilber,
Clymer,	Hayes,	Ryon, John W.	Willis,
Colerick,	Hazelton,	Samford,	Wilson,
Converse,	Henkle,	Sawyer,	Yeates,
Cook,	Herbert,	Scales,	Young, Casey.
Covert,	Herndon,	Shelley,	

NOT VOTING—79.

Acklen,	Claflin,	Fisher,	Jorgensen,
Bailey,	Clardy,	Gibson,	Joyce,
Baker,	Clark, Alvah A.	Gillette,	Keifer,
Barlow,	Cobb,	Henderson,	Kelley,
Bingham,	Coffroth,	Henry,	Kenna,
Blackburn,	Crowley,	Hooker,	Killinger,
Bland,	Davidson,	Houk,	Kimmel,
Bliss,	Davis, Joseph J.	House,	Kitchin,
Brewer,	Deuster,	Hubbell,	Ladd,
Bright,	Ewing,	Hurd,	Mason,
Camp,	Field,	Hutchins,	McGowan,
Chalmers,	Finley,	James,	McKenzie,
McMahon,	O'Connor,	Singleton, O. R.	Warner,
Morton,	O'Reilly,	Starin,	Washburn,
Muldrow,	Orth,	Steele,	Wells,
Murch,	Poehler,	Stephens,	Whiteaker,
Myers,	Prescott,	Urner,	Williams, Thomas
Neal,	Reagan,	Van Voorhis,	Willits,
Nicholls,	Rice,	Waddill,	Wood.
O'Brien,	Russell, W. A.	Ward,	

So the amendment was agreed to.

Before the result of the vote was announced,

Mr. COBB said: Mr. Speaker, I desire to vote.

The SPEAKER. Did the gentleman vote on either roll-call?

Mr. COBB. No, sir; I did not answer on either call; and I want to state the reason, if the Chair will allow me. I was absent in the committee-room, at work upon business of the House; I was not informed that this vote was being taken. For that reason I ask leave to vote. It occurs to me that to do so under the circumstances would be no infraction of the rule.

The SPEAKER. The Chair will examine the point.

Mr. COBB. I think that if a member is absent on business of the House, and with leave of the House, the rule ought not to apply.

Mr. BLACKBURN. I wanted to raise the same inquiry in regard to my own case, as I was detained from the House under the same circumstances.

The SPEAKER. The Chair will examine the rule carefully.

Mr. COBB. I was actually engaged in the discharge of duties imposed upon me by the House, and had no information that the roll was being called on this question.

The SPEAKER. The Chair will examine the rule carefully before making his decision.

Mr. BLACKBURN. It will not be forgotten that the Committee on Appropriations has leave to sit during the sessions of the House.

The SPEAKER. The Chair thinks the gentleman from Indiana [Mr. COBB] placed his case on still stronger ground—the fact that he was engaged on a conference committee.

Mr. COBB. No, sir; I did not say I was engaged on a conference committee. I stated I was engaged on business of the House by leave of the House.

Mr. BLACKBURN. The gentleman from Indiana [Mr. COBB] and myself, as members of a sub-committee of the Committee on Appropriations, were at work in the committee-room by leave of the House, and were not apprised that this vote was being taken.

The SPEAKER. After examining the point the Chair will announce his decision.

Mr. DWIGHT. I desire to state that my colleague, Mr. MASON, is now and has been for the last five days detained at his room on account of illness.

Mr. AIKEN. My colleague, Mr. O'CONNOR, is absent from the House by reason of sickness.

The following pairs were announced from the Clerk's desk:

Mr. ORTH with Mr. MYERS, on all questions except for the purpose of making a quorum, until further notice, on account of the illness of Mr. MYERS.

Mr. KENNA with Mr. WARD, for this day.

Mr. VAN VOORHIS with Mr. CHALMERS.

Mr. SPEER with Mr. MULDROW, on this bill.

Mr. HOUSE with Mr. HOUK.

Mr. CLAFLIN with Mr. BLAND.

Mr. WILLIAMS, of Alabama, with Mr. WASHBURN.

Mr. CLARDY with Mr. RUSSELL of Massachusetts.

Mr. NICHOLLS with Mr. JOYCE.

Mr. JAMES with Mr. O'BRIEN.

Mr. BLACKBURN with Mr. WADDILL; the former would vote "ay," the latter "no."

Mr. KELLEY with Mr. MCKENZIE.

Mr. DAVIS, of North Carolina, with Mr. HAZELTON.

Mr. HOOKER with Mr. CALKINS, on political questions.

Mr. CALKINS. As I did not consider this a political question, I have voted.

The result of the vote was announced as above stated.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

In line 154 strike out "$10,000" and insert "$30,000," so as to read:
"For the reclamation of the arid and waste lands lying in certain Western States and Territories, $30,000."

The amendment was not agreed to, there being—ayes 42, noes 70.

The bill, as amended, was ordered to be engrossed for a third reading; and was accordingly read the third time.

The SPEAKER. On the passage of this bill the yeas and nays will be taken as required by the rules.

The question was taken; and there were—yeas 208, nays 0, not voting 83; as follows:

YEAS—208.

Aiken,	Atkins,	Beale,	Blackburn,
Aldrich, N. W.	Bachman,	Belford,	Blake,
Aldrich, William	Bailey,	Beltzhoover	Bland,
Anderson,	Ballou,	Berry,	Blount,
Armfield,	Barber,	Bicknell,	Bouck,
Atherton,	Bayne,	Bingham,	Boyd,

Bragg,	Fisher,	McKinley,	Slemons,
Brewer,	Ford,	McMahon,	Smith, Hezekiah B.
Briggs,	Forney,	Miles,	Smith, William E.
Brigham,	Forsythe,	Miller,	Springer,
Bright,	Fort,	Mills,	Stevenson,
Browne,	Frost,	Money,	Stone,
Butterworth,	Frye,	Monroe,	Talbott,
Caldwell,	Geddes,	Morrison,	Taylor, Ezra B.
Calkins,	Godshalk,	Muller,	Taylor, Robert L.
Cannon,	Goode,	Neal,	Thomas,
Carlisle,	Gunter,	New,	Thompson, P. B.
Carpenter,	Hall,	Newberry,	Thompson, W. G.
Caswell,	Hammond, John	Norcross,	Tillman,
Chittenden,	Hammond, N. J.	O'Neill,	Townsend, Amos
Clark, John B.	Harmer,	Osmer,	Townshend, R. W.
Clements,	Harris, John T.	Overton,	Tucker,
Clymer,	Haskell,	Page,	Turner, Oscar
Cobb,	Hatch,	Persons,	Turner, Thomas
Coffroth,	Hawk,	Phelps,	Tyler,
Colerick,	Hawley,	Philips,	Updegraff, J. T.
Converse,	Hayes,	Phister,	Upson,
Cook,	Hellman,	Poehler,	Urner,
Covert,	Henkle,	Pound,	Valentine,
Cowgill,	Herbert,	Prescott,	Van Aernam,
Cox,	Herndon,	Price,	Vance,
Crapo,	Hill,	Ray,	Voorhis,
Cravens,	Hiscock,	Reed,	Waddill,
Crowley,	Hostetler,	Richardson, D. P.	Wait,
Culberson,	Hubbell,	Richardson, J. S.	Ward,
Daggett,	Humphrey,	Richmond,	Warner,
Davidson,	Hunton,	Robertson,	Weaver,
Davis, George R.	Johnston,	Robeson,	Wellborn,
Davis, Horace	Jones,	Robinson,	Wells,
Davis, Lowndes H.	Keifer,	Ross,	Whiteaker,
De La Matyr,	Ketcham,	Rothwell,	Whitthorne,
Dibrell,	Kimmel,	Ryan, Thomas	Wilber,
Dick,	King,	Ryon, John W.	Williams, C. G.
Dunn,	Klotz,	Samford,	Willis,
Dunnell,	Ladd,	Sapp,	Willits,
Dwight,	Lapham,	Sawyer,	Wilson,
Elam,	Lindsey,	Scales,	Wise,
Ellis,	Lowe,	Shallenberger,	Wright,
Errett,	Manning,	Shelley,	Yeates,
Evins,	Marsh,	Sherwin,	Yocum,
Felton,	Martin, Edward L.	Simonton,	Young, Casey
Ferdon,	McCook,	Singleton, J. W.	Young, Thomas L.

NAY—0.

NOT VOTING—83.

Acklen,	Field,	Knott,	Orth,
Baker,	Finley,	Le Fevre,	Pacheco,
Barlow,	Gibson,	Loring,	Reagan,
Bisbee,	Gillette,	Lounsbery,	Rice,
Bliss,	Harris, Benj. W.	Martin, Benj. F.	Russell, Daniel L.
Bowman,	Hazelton,	Mason,	Russell, W. A.
Buckner,	Henderson,	McCoid,	Scoville,
Burrows,	Henry,	McGowan,	Singleton, O. R.
Cabell,	Hooker,	McKenzie,	Smith, A. Herr
Camp,	Horr,	McLane,	Sparks,
Chalmers,	Houk,	McMillin,	Speer,
Claflin,	House,	Mitchell,	Starin,
Clardy,	Hurd,	Morse,	Steele,
Clark, Alvah A.	Hutchins,	Morton,	Stephens,
Conger,	James,	Muldrow,	Updegraff, Thomas
Davis, Joseph J.	Jorgensen,	Murch,	Van Voorhis,
Deering,	Joyce,	Myers,	Washburn,
Deuster,	Kelley,	Nicholls,	White,
Dickey,	Kenna,	O'Brien,	Williams, Thomas
Einstein,	Killinger,	O'Connor,	Wood.
Ewing,	Kitchin,	O'Reilly,	

So the bill was passed.

During the roll-call,

Mr. COVERT moved that by unanimous consent the reading of the names be dispensed with.

The motion was agreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. SPEER with Mr. MULDROW, on this bill.

Mr. KNOTT with Mr. CABELL.

The vote was then announced as above recorded.

Mr. COVERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. UPSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes; and

Joint resolution (H. R. No. 378) providing for the printing and distribution of the report of the Commissoner of Education for the year 1880.

STOCKBRIDGE AND MUNSIE INDIANS.

Mr. WARNER. I ask by unanimous consent to present a communication from the Secretary of the Interior relating to the relief of the Stockbridge and Munsie Indians, and to move that it be referred to the Committee on Indian Affairs and ordered to be printed. There was no objection, and it was ordered accordingly.

ADDITIONAL ENROLLING CLERKS.

Mr. ATKINS. I am directed by the Committee on Appropriations to report the following resolution, which I ask by unanimous consent may be considered at this time.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and is hereby, authorized to employ not exceeding two clerks to assist the enrolling clerk during the remainder of this session, to be paid out of the contingent fund of the House, at a rate of compensation to be fixed by the Committee on Accounts.

Mr. ATKINS. They may be necessary or they may not be necessary; but, if they are employed, provision ought to be made for their payment.

The resolution was adopted.

APPORTIONMENT BILL.

Mr. COX. I desire to give notice, Mr. Speaker, that to-morrow at the first opportunity I shall call up the apportionment bill as the unfinished business. The gentleman from Georgia [Mr. BLOUNT] will not object, I trust, as we have given way so often in reference to this most important matter. We have deferred to friends on both sides, and now I give notice that to-morrow I shall call it up for action.

Mr. KEIFER. Does the gentleman propose to antagonize the appropriation bill?

Mr. COX. I suppose the Committee on Appropriations will not antagonize the apportionment bill.

Mr. KEIFER. Does the Committee on Appropriations propose, after commencing the consideration of the sundry civil appropriation bill, to give way for action on the apportionment bill? [Cries of "Regular order!"]

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BLOUNT. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. HARRIS, of Virginia, in the chair.

The CHAIRMAN. Under the order of the House the committee takes up for consideration the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes. The first reading of the bill will be for information.

Mr. BLOUNT. I move, Mr. Chairman, by unanimous consent the first reading of the bill for information be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection, and it was ordered accordingly.

The CHAIRMAN. The bill will now be read for amendment.

Mr. WARNER. Have points of order been reserved on this bill?

The CHAIRMAN. They have.

The Clerk read as follows:

Post-office and court-house, Philadelphia, Pennsylvania: For continuation of building, $350,000.

Mr. O'NEILL. I move at the end of the paragraph to insert the following proviso:

Provided, That the sum of $25,000, or so much thereof as may be necessary, out of the amount hereby appropriated, shall be expended in completing immediately and fitting up for use the rooms in said building intended for occupancy by the United States courts and the officers connected therewith.

Mr. BLOUNT. I reserve the point of order on that amendment until after the gentleman from Pennsylvania has made his statement.

Mr. O'NEILL. Mr. Chairman, the judges of the United States courts in the city of Philadelphia are very illy accommodated with room. There is now absolutely no proper room for the accommodation of jurors and witnesses and parties to suits before those courts. Beside this inconvenience the officers of the courts themselves are so far separated from the court itself that there is not that facility necessary for the satisfactory discharge of the public business. The judges themselves, as well as the witnesses and those having business before the courts, find it is almost impossible to use the rooms now occupied with any satisfaction to any one. All that is desired in the amendment I have offered is out of this appropriation of $350,000 it shall be provided that the sum of $25,000 may be expended immediately in preparing rooms in this public building, in the city of Philadelphia, for the immediate occupancy of the United States courts and their officers.

Mr. BLOUNT. I see no objection to the gentleman's amendment.

The amendment was agreed to.

Mr. O'NEILL. I desire to offer an additional amendment to come in at the end of the proviso just adopted by the committee.

The Clerk read as follows:

And be it further provided, That there shall be expended at once, out of the amount herein appropriated, a sum sufficient for the immediate completion and fitting up of as many of the rooms in said building as will accommodate the post-office of said city.

Mr. BLOUNT. I reserve all questions of order on the amendment until the gentleman from Pennsylvania has made his statement.

Mr. O'NEILL. The completion of this building, Mr. Chairman, is going on very slowly. It was commenced seven or eight years ago, and for some years appropriations were made amounting to $700,000 a year. The building then, of course, made headway, but it is now standing in an unfinished condition, and so long as it is unfinished

the present accommodations of the post-office of the city of Philadelphia will remain poor and inadequate to the business which is done there. I simply desire, in the amendment which I have submitted and which is in character similar to the one already adopted by the committee, that there shall be sufficient rooms in this building, put in order immediately, to accommodate the business of the post-office of the city of Philadelphia.

There is no adequate room there now for the employés, messengers, for the clerks, or for any one connected with the post-office. The business has to be done in a very crowded manner, although correctly, under our present postmaster as it has been done under his predecessors. There is and has been no complaint against any of them. But there is complaint of want of room to do the work, and at the same time the people are not accommodated. As it is, the office is crowded into rooms entirely insufficient in which to transact the business.

Now, Mr. Chairman, as this will not increase the aggregate amount of the appropriation made, the proposition is simply that there shall be expended a sufficient sum out of the amount appropriated to put the rooms in order in the new post-office building for the accommodation of the post-office without further delay.

Mr. BLOUNT. I think, Mr. Chairman, that provision is liable to the question of order. In addition to the fact that it is attempting to apply an appropriation made for another year, it is also directing how this money shall be appropriated or used and for a given purpose. It is an attempt made to direct the architect who is in charge of the construction of that building to do a certain work in a certain way. It is therefore legislation upon a bill, and not in order upon that ground.

Mr. O'NEILL. Let me answer the gentleman from Georgia. I do not suppose that the expense of doing this work, which is to be done out of the aggregate amount appropriated, will exceed $100,000, and is exactly in the line of the purpose of the appropriation. It is simply indicating that a portion of the work shall be expedited. I cannot see what difference it makes to this committee or the Committee on Appropriations how the work is done or what portion of the building shall be done first, so there are proper accommodations for the post-office and the people. That is all that is expected to be done at all events, and the sooner it is done the better.

I can give an instance, Mr. Chairman, within my own knowledge of how this is done in our great municipal building, or City Hall, in Philadelphia. It is architecturally the greatest building and perhaps the finest specimen of modern architecture that the world has ever seen. That building is to be erected for the local wants of the great city of Philadelphia, and has from time to time, under direction of the proper authorities, had certain rooms or portions of it finished while the building is still in course of erection, in order to provide accommodations for the supreme court of Pennsylvania and offices of the city government. This way of going on with our municipal building has given satisfaction, and also afforded accommodations which are necessary for the public, which had heretofore been very limited. Now, the building which is being erected by the Government for a post-office and United States courts in Philadelphia might be managed, and satisfactorily so, upon the same principle. I cannot see why it would be improper to hurry up a portion of the building for the accommodation of the people there who have post-office business.

Mr. BLOUNT. I hope the gentleman will be confined to the strict point of order, as I do not think we ought to waste time in arguing a question if it is subject to a point of order.

The CHAIRMAN. The Chair would like to hear the gentleman from Georgia on the subject as to where it changes existing law. As the Chair understands, the law provides for erecting a building there for that purpose. This amendment, as the Chair understands, is simply to complete a certain portion of it, and does not seem to be in conflict with the general law.

Mr. BLOUNT. The Chair will observe that I have not made a question of order that it changes existing law.

The CHAIRMAN. What, then, is the point of order?

Mr. BLOUNT. The rule provides that—

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, I make the point of order that this bill is an appropriation of money for the next fiscal year, and that any proposition diverting the fund so appropriated into the current fiscal year is not germane at all to this bill. The appropriations for this fiscal year were made during the last session, and consequently this proposition is not germane here.

Again, sir, under the law as it now exists the construction of this building is a matter of discretion with the architect; that is to say, as to the progress he shall make and in what method he shall proceed. Here is a direction or a provision restraining that discretion on his part and directing him to do a particular thing, to wit: to proceed to complete certain portions of the building, and at once.

The CHAIRMAN. The Chair is of opinion——

Mr. O'NEILL. Mr. Chairman I would like to say a word——

The CHAIRMAN. The gentleman from Pennsylvania has already argued his side of the question of order, and the Chair is ready to decide the question.

The Chair would have no doubt that the amendment would be in order, provided it applied to the next fiscal year; but as this provision looks to the application of a certain portion of the fund appropriated for the next fiscal year to the present fiscal year, it undoubtedly changes the law to that extent, and is therefore out of order.

Mr. O'NEILL. Mr. Chairman, so great is the urgency for the post-office accommodation that I will modify my amendment so as to provide that the sum for fitting up these rooms shall be expended out of the appropriation for the next fiscal year.

The CHAIRMAN. If the gentleman will forward his amendment to the desk, the Chair will have it read.

Mr. O'NEILL. Let the amendment which I have sent up be amended so as to read: to be expended out of the funds appropriated for the next fiscal year.

The CHAIRMAN. The Clerk will read the amendment as proposed to be modified.

The Clerk read as follows:

Add to the end of the provision the following:

"*And be it further provided*, That there be expended during the next fiscal year out of the amount herein appropriated a sum sufficient for the immediate completion and fitting up of as many of the rooms of said building as will accommodate the post-office of said city."

The CHAIRMAN. The Chair would suggest that the words "during the next fiscal year" should be omitted from the amendment, as that would make it applicable to the year 1883.

Mr. O'NEILL. Very well; let those words be stricken out. A few years ago, Mr. Chairman, appropriations for public buildings were made continuous in their expenditure and not made from year to year. That is to say, the money was expended right along. It has only been within the last few years that the laws respecting the erection of public buildings in the United States have been changed in that respect. The change has been all wrong.

Mr. BLOUNT. I submit the gentleman from Pennsylvania is not in order.

Mr. O'NEILL. In what respect? I should like to be in order.

The CHAIRMAN. The gentleman from Pennsylvania is entitled to five minutes in which to support his amendment.

Mr. BLOUNT. I understand he is arguing the question as to the change of law.

Mr. O'NEILL. Not at all. I am simply stating what is the effect of the present method of appropriation as to public buildings and the disadvantages to the people for whose benefit these buildings are erected.

But, sir, so great is the desire to have the post-office at Philadelphia accommodated in the way in which it should be accommodated that I have felt it my duty to appeal to the committee to let us have enough money to go on with the completion of the post-office rooms after the 1st of July. The object of my amendment is to have the work on them proceeded with in this way, and finished as soon as possible after that date.

Mr. BLOUNT. I should like to have the amendment read again.

The amendment was again read.

Mr. O'NEILL. I have struck out the word "immediate."

Mr. BLOUNT. Is the gentleman quite sure that the amount appropriated here will be sufficient for the purpose?

Mr. O'NEILL. Certainly, sir; it will be amply sufficient. I do not believe it will take $100,000 to complete these rooms. Anyhow, not much more.

Mr. BLOUNT. I shall not object to the amendment.

The question being taken on the amendment, it was agreed to.

The Clerk read the following:

Court-house and post-office, Pittsburgh, Pennsylvania: For continuation of building, $100,000.

Mr. PAGE. I wish to ask the gentleman from Georgia a question. I do not see in the bill any appropriation for the building for appraisers' stores at San Francisco. I wish to ask the gentleman whether the estimate was omitted for the Treasury Department or whether it has escaped the attention of the Committee on Appropriations?

The CHAIRMAN. Does the gentleman from California propose any amendment?

Mr. PAGE. I will in a moment, if necessary; but I am at present asking a question for information.

Mr. BLOUNT. There was no estimate sent to the committee for that purpose; and last session we appropriated a sum for the purpose of completing that building. That is the information of the committee.

Mr. PAGE. When I left there the work was quite incomplete. The approaches and sidewalks had not been made.

Mr. BLOUNT. The gentleman from California will understand that the appropriation for this fiscal year is being expended now. The very work he wants done is to be done during this year, and the amount could not have been expended while he was there.

Mr. PAGE. We have sent to the Department to find out whether there has been an omission in regard to this in sending in the estimates. Perhaps it may not be necessary to offer an amendment; but will the gentleman from Georgia allow an amendment to come in after this part of the bill has been passed over, if we find that this has been omitted by mistake?

Mr. BLOUNT. The last sundry civil act, being for the present fiscal year, contained the following:

Appraisers' stores, San Francisco, California: For completion of building and fencing, grading, and for paving approaches, $35,000.

The expenditure of this amount, $35,000, commenced with this fiscal year, beginning on the first day of July last.

Mr. PAGE. Do you think there is money enough appropriated to complete the work?

Mr. BLOUNT. I do.

Mr. YOUNG, of Ohio. I was temporarily absent, and during my absence the appropriation for the public building at Cincinnati was reached. I ask consent to go back to that item that I may offer an amendment.

Mr. BLOUNT. I must object.

The CHAIRMAN. Objection being made, it is not in the power of the Chair to go back.

The Clerk read the following:

Custom-house and post-office, Saint Louis, Missouri: For continuation of building, $350,000.

Mr. KIMMEL. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 56 insert:

"For a post-office and other offices in Baltimore, Maryland, on the site purchased by the United States for that object, the sum of $300,000, to be expended by the Secretary of the Treasury according to the plans and estimates made by the Secretary of the Treasury and approved by the Secretary of the Treasury, the Postmaster-General and the Secretary of the Interior; provided that the cost of said building shall not exceed the amount of said estimates."

Mr. BLOUNT. I raise the question of order that there is no law authorizing the construction of that building.

Mr. KIMMEL. Upon the point of order made by the gentleman from Georgia I have to say that the legislation for this post-office in Baltimore City has been continued for about five years; that during those five years two reports have been made, five bills have been passed, three appropriations have been made. I submit, sir, that constitutes a continuing appropriation.

Now, sir, throughout the whole length of this legislation the purpose is clearly expressed; the purchase of a site for a post-office in Baltimore City. One of these acts appropriates $4,000 for expenses of condemnation. One appropriates $550,000 for the purchase of a lot. Another appropriates $4,000 for the expense of preparing plans and estimates. The Government has the titles made to it. The titles are in the Government. The Government has exercised the right of ownership over the property. It has rented this property. It has served notice on the tenants to quit this property. It has directed or permitted the tearing down of buildings on that property. It has directed or permitted the erection of fences on that property. It has done every act that goes to show that this is a continuing appropriation for a public work now in progress.

Further, sir, they have ordered every tenant to move off this property. The rent of the property is only $5,000 a year while it has cost the Government $550,000, on which the interest is $22,000. It is said that this amendment is not in order because this is not a work in progress. I have shown it is a work in progress.

But, sir, there is another construction upon the rule. The rule says:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

What has been the object of all this legislation? Certainly none other than the erection of a post-office building in Baltimore City. What use would the Government have for a site unless for some such object? And the object is the erection of a post-office building. It is not necessary for me to trouble the House with quotations from past legislation. I say to the House that the object is expressed in such legislation from its first initiation in 1875 down to the last appropriation in 1880. The object is fully and clearly set forth.

Another point. The Secretary of the Treasury was directed by Congress to obtain a site in the city of Baltimore, either by condemnation or by purchase. He chose to obtain it by purchase. For reasons satisfactory to himself he changed the site he had originally selected. The law originally limited the cost of the site for the post-office building in Baltimore to $500,000. It was found that the new site would cost $600,000. The Committee on Public Buildings and Grounds refused to report a bill for more than $550,000, and made that appropriation upon the condition that the remainder of the amount necessary to purchase such site should be contributed by the city of Baltimore. That was the condition on which that appropriation was made.

Now, that was a contract entered into between the United States Government and the city of Baltimore, and the city of Baltimore has fulfilled its portion of the contract by contributing the sum of $50,000 toward the amount necessary to purchase the site selected. That contract is as binding upon the honor of Congress as would be a contract by an individual, where a decree in equity for its enforcement might be obtained.

[Here the hammer fell.]

Mr. BLOUNT. It seems to me that this is a very simple proposition. The question is whether or not any law has been passed authorizing the construction of a public building in the city of Baltimore. I have before me a bill reported from the Committee on Public Buildings and Grounds, authorizing the obtaining of a suitable site, by purchase or otherwise, for a public building, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet. The bill goes on then to provide for the construction of a suitable building upon such lot, "to be based upon calculations and specifications that will warrant the completion of the building at a cost not to exceed the sum of $75,000."

I quote from that bill simply to illustrate what the Committee on Public Buildings and Grounds deemed to be necessary legislation to authorize the construction of a public building. The bill not only provides for the purchase of a site, but it also gives specific authority for the construction thereon of a building according to plans and specifications which shall not exceed in cost a certain sum.

Now I concede that the limitation as to the cost of the building might be left out of the bill. But the language in reference to the authority to construct a building is an absolute necessity. Such authority did not exist anywhere before that legislation.

Now, how does my friend from Maryland [Mr. KIMMEL] propose to avoid that point? He says that the Committee on Public Buildings and Grounds recommended and Congress passed a law for the purchase of a site for a public building to be erected in the city of Baltimore. Long before the war the Government purchased a site for a public building at Pittsburgh, but it was never regarded by this House as in order to add to an appropriation bill any given sum on the idea that the construction of such a building had been authorized. On the contrary, during the very last session of Congress the Committee on Public Buildings and Grounds reported a bill authorizing the construction of a building at Pittsburgh, the site for which had been in the possession of the Government since a period antedating the war. I submit that the purchasing of a site is not authorizing the construction of a building. The Government may purchase the site and postpone the construction of the building.

Again, the gentleman argues that because estimates have been made of the cost of this building that therefore authorizes the construction of the building. On the contrary, it seems to me that it argues the other way; that Congress, before it would determine upon the construction of the building, before it would authorize the construction of any particular building, desired to have the plans and estimates in order that it might review them if necessary.

It seems to me, therefore, that this is a very simple proposition; that there has been no law passed authorizing the construction of this building. The gentleman does not cite any such law, but he argues inferentially from the purchase of a site and the providing for plans and estimates. That is all there is in it.

I desire to say that so far as this building in Baltimore is concerned, I have not the slightest objection to its construction. But the Committee on Appropriations has been assailed time and again in this House by the committee of which the gentleman himself is a member, for coming in here with appropriations for the construction of public buildings when there was no law authorizing such construction.

The rules of this House were intended to take from the Committee on Appropriations any authority to report legislation. When any public building is authorized by law to be constructed, the Committee on Appropriations has then the right to report a provision making the necessary appropriations; but they have no authority to report a law authorizing such construction.

Mr. CARLISLE. Mr. Chairman, it has not been my habit to discuss questions of order on this floor, because my judgment is that as a general rule it is better to leave such questions at once to the decision of the presiding officer. But at the request of the gentleman from Maryland [Mr. KIMMEL] I have looked into this question, and my opinion is that the previous legislation on this subject has brought this proposed amendment clearly within the spirit if not within the strict letter of the rule.

It appears that Congress has by law appropriated $550,000 out of the public Treasury to purchase in the city of Baltimore a site for an express purpose—the erection of a post-office and other public buildings for the use of the Government. That money has been expended by the Secretary of the Treasury. An appropriation of four or five thousand dollars was likewise made to defray the expenses of preparing plans and specifications for the building to be erected upon this particular site.

Now, suppose that the Government of the United States had owned this ground in the first place, and instead of making an appropriation of the public money to purchase the site had made an appropriation to purchase materials—stone, brick, and hardware—for the erection of a public building upon that ground, would any gentleman on this floor say that this was not a commencement of the work under the law? And will any gentleman say that the purchase of a site for the erection of a public building is not just as necessary to the construction of that work as the purchase of the materials out of which the building is to be constructed? I imagine that no gentleman will take such a position.

Then, sir, we have a case in which a public work has been to all intents and purposes commenced under the authority of law. The ground upon which it stands, the foundation which shall support it, has been purchased for that express purpose.

We have had other cases like this. There was an appropriation made some years ago for the purchase of a site at Topeka, Kansas,

upon which to erect a public building; and after that, without any additional legislation, a clause was inserted in the sundry civil appropriation bill appropriating the necessary funds to commence the construction of that building. The same thing occurred with regard to the Government building at Harrisburgh, Pennsylvania. In the first place a law was passed to provide for the purchase of a site; and that was followed by a provision in the sundry civil appropriation bill to purchase the materials and pay for the labor to commence the construction of the building.

Mr. BRAGG. Was there a point of order made against that?

Mr. CARLISLE. I was going to say that I do not know whether a point of order was made in those cases or not. I allude to them not as an authority upon the question of order, but to show that this proposed amendment is not without precedent, at least in this House.

Mr. RYAN, of Kansas. If the gentleman will allow me to interrupt him, I wish to make a statement in regard to the building at Topeka. I made a motion in this House to insert an appropriation for the erection of that building. A point of order was made against it; and I urged against that point of order the very reasons which are urged now so forcibly as I think by the gentleman from Kentucky, [Mr. CARLISLE.] Yet the point of order was sustained.

Mr. CARLISLE. Well, Mr. Chairman, I think the reasons were sound, because otherwise there would be required, first, a law providing for the purchase of a site for the particular purpose, and then that utterly useless piece of legislation, a provision for the erection of a building on that site. If there were no precedents, I submit to the Chair and to the committee that the legislation which has been had in this case is sufficient to bring the amendment clearly within the reason of the rule. The House and the country has understood ever since the passage of the act that it was the intention of the Government of the United States to erect a public building upon this ground; and unless the Government shall proceed and erect it the sum of $550,000 has been appropriated out of the public Treasury for no useful purpose whatever.

If it be conceded, I repeat in conclusion, that the provision of a site upon which to erect a building is as necessary as the purchase of material and the payment for labor in making the erection, then it follows conclusively that the purchase of a site under a law which provides the purpose for which it shall be used is to all intents and purposes a commencement of that work.

Mr. WHITTHORNE. Mr. Chairman, I think the facts bearing upon this question are before the committee, as well as before the chairman; but I ask the attention of the Chair for a moment to a careful reading of the rule under which this point of order is made:

> No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law—

Now, Mr. Chairman, if the rule stopped there, then the point of order of the gentleman from Georgia [Mr. BLOUNT] would be well taken; to that clause alone does the point of order go. But, Mr. Chairman, the rule does not stop there. It goes on to say—

> unless in continuation of appropriations for such public works and objects as are already in progress.

Now, Mr. Chairman, I submit to your parliamentary experience and your common sense that, taking the admitted facts in this case—the purchase of this site by the United States Government, the expenditure of a large sum of money, the estimates which have been made by the officers of the Government—it is an object in progress, and that, being such under the rule, it is in the line of economy, it is in the line of prudence, that we should go on and complete an object or a work already in progress. I submit, therefore, that the amendment of my friend from Maryland is in order.

The CHAIRMAN. The Chair would like to ask the gentleman from Tennessee [Mr. WHITTHORNE] what is in progress, what is going on, what is being done?

Mr. WHITTHORNE. Why, sir, what object did the Government have in expending $550,000?

Mr. SPARKS. That does not prove that a work is in progress.

Mr. WHITTHORNE. I say this is a public building which was conceived in this House by an appropriation; it has been and is now, if you please, in process of parturition by the act and agency of the Government; it is, when fully developed, a public building of the United States.

Mr. BRAGG. I desire to ask the gentleman from Tennessee a question.

Mr. TALBOTT. I wish to answer the question the gentleman from Illinois put to the gentleman from Tennessee.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland.

Mr. TALBOTT. I desire, Mr. Chairman, to answer the question which the gentleman from Illinois put to the gentleman from Tennessee. He wants to know what work is in progress. The city of Baltimore acquired that square with every brick and every house standing. Since the acquisition of title all the buildings, with the exception of the United States court-house and the two hotels, Rennert's and Guy's, have been torn down.

The CHAIRMAN. Where is the law authorizing the tearing down of these buildings?

Mr. TALBOTT. The Secretary of the Treasury was authorized under that act, and $4,000 was appropriated for plans and specifications for the erection of this public building. That has been done, and it is sufficient basis for us to say to the House that progress has been made.

Mr. BRAGG. I desire to ask the gentleman from Tennessee a question. Under the construction which you give that rule, every man who buys a building lot is in the construction of a dwelling-house or store. [Laughter.]

Mr. WHITTHORNE. If I bought it for that purpose, of course.

Mr. TALBOTT. That is sufficient foundation for it.

Mr. WHITTHORNE. It is, if I intended it for a store-house.

Mr. BRAGG. If you intended it for a store-house, does that necessarily say you are engaged in the construction of a building?

Mr. WHITTHORNE. That is the object I had in view when I bought it.

Mr. FRYE. I think the question of the gentleman from Wisconsin is full of sophism. The Government of the United States has no right whatever to buy a lot except for a special purpose, a public building, a navy-yard, or something of that kind. When the law authorized the purchase of a lot, it only authorized it because the Government had a special object which is declared in the very law itself, and that is for the erection of a post-office. And further, I was going to make the same point the gentleman from Tennessee made.

Mr. BRAGG. I will ask the gentleman from Maine a question, if he will yield for that purpose.

Mr. FRYE. Certainly.

Mr. BRAGG. If the bill reads so much to buy a site for the erection of a post-office, does not proper statutory construction say that the erection of a post-office is a different thing from the purchase of a site and not part and parcel of the same thing, for one thing is bought for the purpose of erecting the other thing upon it.

Mr. FRYE. No, Mr. Chairman, I do not understand it so at all. The Government would have no right to purchase that lot of land unless it added to it the purpose and object of the purchase. And the object and purpose here were added to it in the law which authorized it, and that was upon which to erect a public edifice for a post-office.

And then the law went on further and made an appropriation for the plan. The plan is a part of the building. The plan is a part of the object. It paid its money for the plan; it paid its money for the object, and in my judgment the point is perfectly clear.

But let me go a step further. The Government has torn down buildings on it, has done work on it, has notified the tenants to move off of it. It is a public work to-day in progress, and the United States is to-day progressing with it, and therefore this appropriation can properly be made, as the question of authorization does not enter into it in the least degree.

Mr. TALBOTT. I desire to state another thing in addition to what I have already said. The Secretary of the Treasury, through the custom-house officer of the city of Baltimore, has served notice on the only two tenants on that property, the proprietors of the two hotels, Rennert's and Guy's, to vacate for the purpose of continuing this public work, and these proprietors have accepted the notice, and are going to move out in sixty days.

Mr. RYAN, of Kansas. Mr. Chairman, I heartily concur in the view taken of this question by the gentleman from Kentucky, [Mr. CARLISLE.] I think when by law the United States purchased a piece of ground for a specific purpose it cannot be diverted from that purpose except by subsequent legislation. And I want to advert for a moment to the case of the Topeka building. I think the judgment of the Chair there was erroneous, and I desire the chairman to fully understand the ruling in that case. The facts were these: By an act of Congress $10,000 had been appropriated to purchase a site upon condition, I think, that the city of Topeka should appropriate an equal sum of money—at least the fact is the city of Topeka did appropriate $10,000 for that purpose, and the United States $10,000 for that purpose—and the grounds were purchased and cession of jurisdiction made by the State of Kansas to the Federal Government. When the sundry civil appropriation bill was pending I made a motion to insert an appropriation of $40,000 or $50,000, I think, and some gentleman of the Committee on Appropriations made the point of order against it. I urged against the point of order the very reasons so forcibly advanced by the gentleman from Kentucky.

The CHAIRMAN. When was that and who was in the chair?

Mr. RYAN, of Kansas. My recollection is that the gentleman from Kentucky [Mr. CARLISLE] was in the chair. [Laughter.]

Mr. SPARKS. The gentleman from Kentucky himself.

The CHAIRMAN. What session of Congress was it?

Mr. RYAN, of Kansas. I think it was in the second session of the Forty-fifth Congress.

Mr. HASKELL. Mr. Chairman, there is one point briefly alluded to in the remarks of the gentleman from Maine that governs this whole case absolutely, if you are to obey a technical construction of the law. The Congress of the United States has appropriated a sum of money by special act to procure plans for this building. These plans were bought. An architect was employed to draw them. They were drawn, accepted, purchased, and paid for by the Government. That is, the plans for this building.

Now, no one would dispute if this Government had bought material, bricks, stone, or iron but that they had actually commenced the construction of the building. And if the legal attention of the Chair

had been drawn to suits at law where the construction of buildings is called in question, he would have been familiar with the rulings of courts, that the plan is a part and parcel of the construction. When that plan was adopted by an act of Congress passed, the plan accepted by the authorities and paid for, the building at Baltimore was commenced, and there is no escape from it.

Mr. SPARKS. Mr. Chairman, this rule has been read, which provides that—

No appropriation shall be reported in any general bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, sir, there never has been one dollar of money appropriated to erect a building for the purpose contemplated by this appropriation in Baltimore, and no gentleman can insist that there ever has been. A site has been selected, and a few dollars have been expended in examining proper locations and getting up a plan for the building, but that is all. Now, the plan of the building is simply a convenient and necessary method of arriving at a satisfactory solution of the question of details of the building itself. A plan is drawn with a view to determine the kind of building and its arrangement. But it is no permanent part of the construction, because a hundred plans may be drawn up before one is selected, and even then they may all be torn up.

There never has been one dollar appropriated by the Government of the United States to erect a building on this site. There has been a site selected for the building, that is all. Now, Mr. Chairman, we had just as well tear up all our rules if we do not intend to abide by them.

I know nothing of the propriety of this building, but if it is to be built at all, let us proceed right. Let us proceed under our rules. They have the site; the Government has already paid for that, but nothing else. When money is appropriated for the building, or after the work is actually commenced, then it will be in order under our rules, certainly, to appropriate for the continuance of the work in progress, and no objection can be taken. But to say that a building is in progress simply because a plan may have been suggested seems to be an absurdity. I ask the gentleman, therefore, under our rules how it is possible that this appropriation can be made when objection is raised against it? I hope, sir, our rules will be rigidly adhered to.

Mr. McLANE. Mr. Chairman, I agree with the gentleman from Illinois that we must follow our rules; but before we can do that we must understand our rules. Our twenty-first rule provides that there shall be no appropriation in a general appropriation bill unless it be for a continuance of appropriations for public works already ordered, &c. Now, I am not going to raise the question of the purchase of the site, although that purchase was necessarily the first step. But the gentleman from Illinois and the committee will observe that following the purchase of the site came the appropriation for the building itself. The appropriation for the site was under a law by itself, a specific law.

Mr. SPARKS. Will the gentleman allow me to interrupt him?

Mr. McLANE. I have only five minutes, and I prefer to continue without interruption.

Mr. SPARKS. We have already the site. Now, if the Government chooses any time to begin the building—because the Government can take its time to do it—that is another question. But the point here is, that there never has been a dollar appropriated for the erection of that building.

Mr. McLANE. Allow me now to answer the gentleman's own point. The gentleman from Illinois omits to observe that the site was purchased under the authority of one law. It was purchased under a law authorizing the Secretary of the Treasury to purchase in the city of Baltimore a lot of ground for the erection of this building, on condition that the city of Baltimore should also contribute the sum of $50,000 toward the expense. Now, we have passed already upon a law which purchased the site. Then we come to the general appropriation law of 1880, and I ask the attention of the committee and also the attention of the gentleman from Illinois to one item in that appropriation bill. On page 34 of the volume of laws will be found this item, this being the law:

Post-office, Baltimore, Maryland: The Secretary of the Treasury is hereby directed to cause plans to be prepared for the said building, and to report to Congress at its next session the estimated cost of building the same.

Now, here is the authority of law covering the building of a post-office in the city of Baltimore. The purchase of the original site first and then, following in the sundry civil appropriation bill, the authority that the Secretary of the Treasury shall present plans for completing the building, and the sum of $4,000 is appropriated to cover the necessary expenses.

Now we come to the appropriation bill of the following year, the next sundry civil bill, and in that we find an appropriation of $300,000 made for continuing the object, that is, the construction of that building.

I believe there is intelligence enough and liberality enough in this House to take the view of the third clause of our twenty-first rule which I have suggested. It is simply for the purpose of giving notice that the item in the bill must be for an object already decided upon by law; and the law has already decided that there shall be a post-office in the city of Baltimore; and the Secretary of the Treasury is directed by the law to send an estimate for the whole amount for that building, which he has done; and you have before you now the estimate made in pursuance of law for a building, and you now proceed to continue the appropriations for that object.

Mr. SPARKS. For the continuation of the plans or for the proposed building?

Mr. McLANE. For the completion of the building. If the gentleman had read the law he would not have talked about the plans.

I wish further to call the attention of the committee to those two laws in this connection. The first authorized the Secretary of the Treasury to purchase a site for a post-office in Baltimore, subject to the approval of Congress; and then comes the law of 1880 approving the site and directing the Secretary of the Treasury to estimate for the completion of the building. And he has done so. He has sent his estimates for the completion of the building precisely as the law required him to do.

How frivolous it is to stand here and say we have had no law authorizing the construction of this building, when by one law the Secretary of the Treasury has bought the site, subject to our approval, and then in another law we have approved the site and required the Secretary to give us an estimate for completing the building.

Mr. SPARKS. The gentleman from Maryland wants to be fair, does he not? The second law mentioned is an amendment of the first as to the purchase of a site.

Mr. McLANE. No; not at all. It is an item of the appropriation bill.

Mr. SPARKS. The first appropriated $500,000 for the site, and the second amended that by adding $50,000. That is my recollection.

Mr. McLANE. It is not a question about being fair, it is a question about being intelligent.

Mr. SPARKS. Precisely; the gentleman does not suppose I insinuated he wanted to deceive anybody. But I thought it was well the thing should be fairly stated to the House.

Mr. McLANE. It shall be fairly stated.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. SPARKS. And I wanted to direct the attention of the gentleman from Maryland, if he will hear me, and it is due to me he should, to what is my recollection of that law. The first law appropriated $500,000 for this site. Subsequently they came to Congress wanting to increase that $50,000. I may be mistaken, but I think I am right.

Mr. McLANE. The gentleman is mistaken.

Mr. SPARKS. And I want to insist it was really one law and not two.

Mr. ATKINS. I wish to ask the gentleman from Maryland a question, his answer to which may throw some light upon this subject. What is the language of the law authorizing the purchase of a site for a public building?

Mr. McLANE. In reply to the honorable gentleman from Illinois, I wish to say to him there was no question of an amendment of the law.

Mr. ROBERTSON. I call all these gentlemen to order.

The CHAIRMAN. The point of order is well taken. The time of the gentleman from Maryland has expired, and the Chair so notified him some time ago.

Mr. McLANE. With the indulgence of the House——

The CHAIRMAN. The gentleman from Maryland is not in order; the gentleman from Ohio [Mr. YOUNG] has been recognized.

MESSAGE FROM THE SENATE.

Here the committee informally rose, and Mr. ROBINSON took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 7036) to establish post-routes.

The message further announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

A bill (H. R. No. 4572) defining the verification of returns of national banks; and

Joint resolution (H. R. No. 315) amending and re-enacting the joint resolution approved June 14, 1879, directing a monument to mark the birthplace of George Washington.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 1945) to repeal taxes on deposits with banks, banking associations, and bankers; and

Joint resolution (S. No. 165) for the printing and distributing special reports relating to the tenth census.

The message further announced that the Senate agreed to the amendments of the House of Representatives to the bill (S. No. 1292) to provide for the removal of the terms of the circuit and district courts now held at Exeter, for and within the district of New Hampshire, to the city of Concord.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. YOUNG, of Ohio. The gentleman from Georgia [Mr. BLOUNT] in making the point of order on the amendment, that it was against

the third clause of Rule XXI, read the rule to a certain point and there stopped. He read as follows:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law.

There he stopped. Now, I claim that the whole of the sentence should be completed before the Chair can rule upon the point of order:

Unless in continuance of appropriations for such public works and objects as are already in progress.

Now, Mr. Chairman, that this work is in progress there is no question. It has already been stated and ably stated that the Congress of the United States has passed a law appropriating $550,000 for the purchase of a site, upon condition that the city of Baltimore would contribute $50,000 to that object. The city of Baltimore has complied with that condition. The Government of the United States has already expended $550,000 for the purchase of a site. Under that the Secretary of the Treasury has directed his agents to clear away the property occupied by the citizens on that site and it is now almost ready for the erection of the building. At a later session Congress appropriated, at the suggestion of the Secretary of the Treasury, a sufficient sum to pay for the plans and specifications necessary to proceed with this work of building a post-office in the city of Baltimore. Those plans have been accepted and the people who have been occupying the premises purchased by the Government have been notified to get away from there.

To-day the most beautiful spot in the city of Baltimore, one of the most beautiful cities on the seaboard, is a blot, so to speak, is a hole, or rather a series of holes, old cellars, that are left in pursuance of the intent and action of the Government in this regard. I claim that as a matter of economy this appropriation should be made, otherwise the expenditure of $554,000 will be without interest to the Government, if it is left for the next Congress to make an appropriation to take effect after the 1st of July, 1882.

If the gentleman from Georgia [Mr. BLOUNT] really means economy, (though I think this whole thing is a quibble,) then this amendment should be adopted, in order that the United States may progress with the work for which this purchase was intended, for the accommodation of the citizens of Baltimore. If it was only intended that the Government should make an investment in real estate, to be used at some other time, then the gentleman's quibble might have some force in it. But as it is, in my opinion it is simply absurd to split hairs now about this building not being authorized by law. An examination of the previous legislation will show that the purpose of appropriating at one time $550,000, and at another time $4,000, was to secure a proper site and to erect thereon a proper building for the accommodation of the citizens of Baltimore.

In other respects this Committee on Appropriations is drawing the line very closely. And if it is doing so for the purpose of economy, to make a showing of economy by this Congress upon which it can go to the people for political effect, it is a very poor policy to pursue, for there is no economy in it at all. If that is the purpose by which the gentleman is actuated, it will fail.

The CHAIRMAN. The gentleman from Ohio [Mr. YOUNG] must confine himself to the point of order.

Mr. YOUNG, of Ohio. I am speaking to the point of order. I am arguing that this amendment of the gentleman from Maryland [Mr. KIMMEL] is germane and should be adopted.

[Here the hammer fell.]

The CHAIRMAN. The Chair desires to have read for the information of the Chair and of the committee the proceedings in the Committee of the Whole and the decision of the chairman in the case referred to by the gentleman from Kansas, [Mr. RYAN,] as the Chair is informed that it runs on all fours with this. The Chair will direct the Clerk to read the debate and the decision upon the point of order.

The Clerk read as follows:

Mr. RYAN. I offer the following amendment, to come in after the paragraph just read:

"Fifty thousand dollars for a building at Topeka, Kansas, of the kind and for the uses provided in the act of Congress entitled 'An act to authorize the purchase of a site for a public building at Topeka, Kansas,' approved March 3, 1875, and such building shall not cost to exceed $200,000."

Mr. ATKINS. I make the point of order on that amendment.

Mr. RYAN. I ask the gentleman to reserve the point of order until I make a statement.

Mr. ATKINS. Very well; I reserve the point of order.

Mr. RYAN. I desire to state that in 1875 Congress passed a law providing for the purchase of a site at the capital of my State for a public building and appropriated $10,000 for that purpose. In pursuance of that law the site was purchased; the Government paid $10,000 for it and the citizens of the capital appropriated $10,000 more, making $20,000 invested in the site for the public building, in pursuance of that act of 1875. The State has also ceded jurisdiction over the property to the United States.

In the last Congress the Senate passed an appropriation of $50,000, limiting the cost of the building to $275,000, and that failed for want of action on the part of the House. During the present Congress the Senate passed a bill limiting the cost of this building to $200,000 and appropriating the sum of $100,000 to prosecute the work. That bill was referred to the Committee on Public Buildings and Grounds of this House and received its unanimous approval.

I only offered this amendment because it is not probable that the committee can be called at this session. I wish to state in addition that the State has already reached a population of nearly one million; there are but eight or ten judicial districts in the United States that have more business than the district of Kansas. I have been applied to, by letters from every judge of that judicial district; from the district judge, Foster, and the circuit judge, Dillon.

Mr. ATKINS. I do not wish to interrupt the gentleman from Kansas, but he is not discussing the point of order.

Mr. RYAN. Judge Miller, of the Supreme Court of the United States, who belongs to that district, has also written a letter to me to call the attention of Congress to the necessity of a public building there. There is no suitable place in Topeka now in which to hold the Federal courts, and because of that fact our State authorities have had to open the hall of the house of representatives, that the courts might be held there.

Mr. ATKINS. I make the point of order that the last appropriation provided only for the purchase of a site, and not for the erection of a building.

Mr. RYAN. I should like to be heard upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. RYAN. The point of order is made against the amendment that it is obnoxious to a rule that I have not before me.

The CHAIRMAN. Rule 120.

Mr. RYAN. I have not got the rule before me, but I wish to say that, in my judgment, as a matter of law, the amendment is not obnoxious to that rule. In the first place, I will call the attention of the Chair to the phraseology of the act itself, showing that nothing but a naked appropriation is necessary to put the act into operation. The act itself does not provide what the cost of the building should be, but it provides that it shall be a fire-proof building for the use of the district and circuit courts of the United States, the post-office, the pension agency, the land agency, and other Government offices in that State.

The law only needs a naked appropriation to authorize the Secretary of the Treasury to construct a building there, and hence I say that Congress has within the spirit of the rule already provided by law for the construction of this building. I say that this is a continuing appropriation, for the appropriation heretofore made provided for the purchase of the ground on which the building should be erected, which was as indispensable as any other part of it. Three things are indispensable in the construction of a building: First, the ground on which it stands; second, the material of which it is constructed; and, third, the labor and skill employed. And you can no more dispense with one of these things than all of them, and Congress has already made an appropriation of $10,000 to provide for the purchase of a site for this building, and hence I maintain that the amendment is not obnoxious to the rule.

The CHAIRMAN. The language of Rule 120 is very specific. It is that "no appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law." And then the exception is made in these cases: "unless in continuation of appropriations for such public works and objects as are already in progress."

Mr. RYAN. Permit me to call the attention of the Chair to the fact that the point I make is that this appropriation of $10,000 for a site was as essential to the construction of this building as an appropriation for the material or the labor would have been.

The CHAIRMAN. That is undoubtedly true, but heretofore no provision has been made for the construction of a building and no such work is in progress. The rule requires that both of those conditions shall exist in order to make the amendment in order on an appropriation bill.

The Chair has before him the act approved March 3, 1875, which authorized the purchase of a site for this building, but it confers on the Secretary of the Treasury no authority whatever to contract for the erection of a public building, and the Chair is therefore bound to rule the amendment out of order.

Mr. PAGE. Who was in the chair at that time?

The CHAIRMAN. The gentleman from Kentucky, [Mr. CARLISLE.]

Mr. CARLISLE. Now, if the Chair will allow me to say a word. While the case read is very much like the one now before the committee, it is not precisely like it in some very essential particulars. In that case there had been an appropriation to purchase a site, and nothing else.

Mr. BRAGG. I do not like to interrupt the gentleman from Kentucky.

Mr. CARLISLE. The gentleman ought not to do it, then.

Mr. BRAGG. I desire to ask the gentleman a question. Before he explains the difference between the two cases, as he has the papers now in his hand, I desire to inquire of him whether he did not in the argument he made just now take the broad ground in favor of this amendment being received, independent of the exceptions he is now taking?

Mr. CARLISLE. I was under the impression that the gentleman from Wisconsin [Mr. BRAGG] had heard my argument; but for his benefit I will repeat it before I take my seat.

Mr. BRAGG. I desire to say, that having heard his argument as advocate, I have also heard read his argument as judge, and I can distinguish between his argument as advocate and his argument as judge.

Mr. CARLISLE. In which capacity is the gentleman from Wisconsin now acting—advocate or judge?

Mr. BRAGG. Both.

Mr. CARLISLE. It is true that I said a little while ago, and I repeat it now, that after a further investigation of the rule, in my judgment, the purchase by the United States Government, under the authority of law, of a site for the express purpose, as specified in the act, of erecting a public building thereon, is a commencement of the work within the spirit of the rule.

Now, if I decided in that chair, or elsewhere, anything contrary to that opinion, my present opinion is that I decided erroneously. I am not one of those who regard consistency as the most precious of all jewels. I think that truth and right are more precious than the mere consistency of any individual. I would rather be right to-day than to be wrong all my life, even though I have to change my previously expressed opinions.

Now, in the case which has been read there was simply an appropriation for the purchase of a site, and nothing more.

Mr. RYAN, of Kansas. I beg the gentleman's pardon. The law specified that the site was for the purpose of erecting a building for a specific use, and it prescribed what sort of a building there should be—a fire-proof building.

Mr. CARLISLE. So does this. I am undertaking to state to the Committee of the Whole and the chairman the points of difference

between the two cases. In this case there is not only an appropriation for the purchase of a site for a particular purpose, but an appropriation for the preparation of plans and specifications for the building; and there is a direction by law to the Secretary of the Treasury to make out and submit to Congress an estimate for the construction of the building, which he has done. Any gentleman who will look at the regular estimates presented to the House by the Secretary of the Treasury will find an estimate for this identical public building at the city of Baltimore.

Now that makes a wide difference between this case and the other, although I have said, and I say it freely, without the slightest hesitation, that my present opinion, after a careful inspection of the rule, giving full meaning to the language "public works and objects" as used in the rule, is that when the Government has determined upon its object with reference to that public work, and has purchased the ground upon which to erect it, the case comes within the spirit, as I said before, if not within the strict letter of the rule.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. CARLISLE] has expired.

Mr. BURROWS. I rise to a question of order.

Mr. TALBOTT. I would like to ask the gentleman from Kansas [Mr. RYAN] one question. Did the Secretary of War in his case recommend an appropriation of money for the building?

Mr. RYAN, of Kansas. He had not prior to that time.

Mr. TALBOTT. That is the difference.

Mr. BURROWS. Let me state my question of order. The Chair said a moment ago that the time of the gentleman from Kentucky had expired. I desire to know under what rule debate on a question of order is limited. The limitation of the five-minute rule does not apply to debate on a question of order.

The CHAIRMAN. As the Committee of the Whole is proceeding under the five-minute rule, that rule applies not only directly to amendments but to all questions arising thereon.

Mr. BURROWS. The rule with regard to the five-minute debate is limited simply to amendments.

The CHAIRMAN. If the Committee of the Whole will come to order, the Chair will decide the point of order raised by the gentleman from Georgia, [Mr. BLOUNT.] In this case Congress passed a law authorizing the Secretary of the Treasury to purchase a lot in the city of Baltimore for a post-office, the expenditure not to exceed $500,000. As the Chair understands, the provisions of that act have been complied with by the purchase of a site; and the condition required by the act, that the State of Maryland and the city of Baltimore should surrender their rights in the matter, has also been performed. It was further provided that the Supervising Architect should prepare a plan and specifications for a post-office; and a certain sum—$4,000 or $5,000—previously appropriated for the purposes of condemnation, and which had not been used, was directed to be expended, so far as necessary, in the preparation of the plan and specifications. There the law stops; that is the whole law on the question.

Now, take this case and compare it with the case of the public building at Topeka. The Government has bought the land; but there is no obligation on the part of the Government to go on and build upon it. A site has been purchased; but for aught that appears in the law the Government may not desire to use that site for twenty years. The Government has bought the site and required the Supervising Architect, its own officer, to make an estimate of the cost of constructing a building. But for aught that we know, if the estimate had been a very large one, Congress might have declined to build a post-office. It was for the information of Congress that the estimate was directed to be made, just as a private individual who is going to build a house obtains estimates of the cost. But when a man in the exercise of ordinary prudence obtains an estimate of the probable cost of a building before beginning its erection, that does not amount to a contract for the building. Hence in the opinion of the Chair the requiring of an estimate in the case of this building does not distinguish the case from that of the public building at Topeka.

Whatever might have been the opinion of the Chair, in the absence of the decision made by the distinguished gentleman from Kentucky [Mr. CARLISLE] when acting in his impartial capacity as a presiding officer, yet in view of the decision that the appropriation for the construction of a building at Topeka was out of order, and in view of the acquiescence of the Committee of the Whole in that decision, the present occupant of the chair would feel very much embarrassed in undertaking to decide differently to-day. To show that the argument made to-day by the gentleman from Kentucky does not apply, the Chair will read the decision in the Topeka case, which will be found to run on all fours with this case:

Mr. RYAN. Permit me to call attention of the Chair to the fact that the point I make is that this appropriation of $10,000 for a site was as essential to the construction of this building as an appropriation for material or labor would have been.

That is the argument which the gentleman from Kentucky makes to-day. To that point the chairman, ruling on the Topeka case, replied:

That is undoubtedly true; but heretofore no appropriation has been made for the construction of a building, and no work is in progress.

Has any appropriation been made here for the construction of a building, or is any such work in progress?

The rule requires that both of those conditions shall exist in order to make the amendment in order on an appropriation bill. The Chair has before him the act approved March 3, 1875, which authorized the purchase of a site for this building; but it conferred on the Secretary of the Treasury no authority whatever to contract for the erection of a public building; and the Chair is therefore bound to rule the amendment out of order.

Now, is there in this case anything in the existing law that authorized the Secretary of the Treasury to contract for the erection of a public building? Nobody contends that there is. It will thus be seen that this case is entirely analogous with that decided by the gentleman from Kentucky when acting as chairman of the Committee of the Whole; and the present occupant of the chair, without expressing any opinion upon the correctness of that ruling, must in deference to the precedent then set and the action of the Committee of the Whole in sustaining it, rule the amendment out of order.

Mr. KIMMEL. However reluctant I may be to appeal from the decision of the Chair, there is——

The CHAIRMAN. For what purpose does the gentleman rise.

Mr. KIMMEL. For the purpose of appealing from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. KIMMEL. Cannot I be heard upon my appeal?

The CHAIRMAN. Does the gentleman wish to speak on his appeal from the decision of the Chair?

Mr. KIMMEL. I do.

The CHAIRMAN. The Chair will hear what the gentleman has to say.

Mr. KIMMEL. Mr. Chairman, rules are instituted for the government of committees, of the Speaker, and of the House. But in the House resides the high prerogative of suspending these rules, or any of them, by two different modes: one of which is by a vote of two-thirds on certain Mondays of each month, and another by overruling the committee which has applied the rule to the exclusion of just measures, or by overruling the Chair when it applies the rule in like manner or as mere *pro forma* in respect to the rule which neither the committee nor the Speaker felt at liberty to disregard. Thus the House has wisely provided a rule for the guidance of the committee and the Speaker, whereby the country may be protected against unwise or corrupt legislation, most especially when attempted by surprise. The committee may be very properly restrained by the rule. The Speaker may render a *pro forma* decision in respect for the rule and the House may overrule both the committee and the Speaker without intending the slightest disrespect to either, because the House, which is the court of last resort, may in the exercise of its supreme power set aside its own law and try the cause on its merits. Now this amendment is in the form of an appeal from the committee to the House, from the law or rule to the merits or equity of the case, and I have reason to believe that many members if not all the members of the committee would willingly acquiesce in a relaxation of this rule as applied to this case. And I here in the presence of this House relieve myself of all suspicion of disrespect to the committee. The House may relax the rule which it may commend the committee for applying. The committee is the servant of the House. The House only changes for the time being in this particular case the instruction it has given to its servant. Let us now consider this particular rule under which this appropriation has been excluded from this sundry civil bill.

Rule XXI, third paragraph, reads:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

It is the committee's construction of the first paragraph of this rule which has induced it to rule out this appropriation. With the very highest respect for the committee, I find myself compelled to dissent from this construction, and will proceed to set forth the grounds of this dissent.

First. The rule holds that "no appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, not previously authorized by law." Now, what is authorization? The rule does not prescribe any particular form in which such authorization shall be had; sometimes it takes on one form, sometimes another form, and, according to the construction of this committee, sometimes it takes on no form at all, as in the Harrisburgh case. In neither of these cases was this rule applied. Nor is it considered as necessary for the guidance of the Treasury, for in both of these cases the appropriations were made without this so-called authorization, and the money was paid out by the Treasury Department in compliance with the clause in the sundry civil bill without demur. And this very House, on a recent day of this very session, overruled the chairman on this, who decided that authorization was necessary by a vote of 101 to 78. Thus it appears that while this rule may be, and doubtless is, a most excellent rule for the government of a committee, the House has frequently relieved itself from the application. Although I might very well rest my case on this exposition of the rule and proceed to discuss its merits, I prefer rather to show, as I can show, that this amendment is not at all obnoxious to the rule, even as construed by the committee. I maintain that the authorization has been had precise, ample, and comprehensive, especially in view of the material purpose of the rule, which was to prevent hasty, unconsidered, and corrupt legislation by surprise—the only real purpose which common sense can extract from this rule, as far at least as I can understand

it. Surprise is countervailed by notice. Notification as to the necessity for a post-office was made to this House by the action of the Appropriations Committee of the Forty-fourth Congress, 1874–'75, now nearly six years ago. The Forty-fourth Congress appointed a committee to investigate and report to the House, which report was unanimously in favor of the erection of a post-office in Baltimore City: "That Baltimore should be recognized by some practical action on the part of this committee."

June 20, 1878, the House appointed a commission to report to Congress the necessity for a building for a post-office in Baltimore, Maryland, the price for which a site for the same may be obtained, and the cost of such a building thereon as the needs of said city may require. Forty-fifth Congress, February 1, 1879, the commission appointed by the House reported as follows:

WASHINGTON, D. C., *February* 1, 1879.

SIR: In accordance with a provision in the act making appropriations for the sundry civil expenses, &c., approved June 20, 1878, authorizing and directing the Secretary of the Treasury, the Supervising Architect of the Treasury Department, and the engineer officer in charge of the fifth light-house district, to examine into and report to Congress at its next session the necessity for a building for the post-office in Baltimore, Maryland, the price for which a site for the same can be obtained, and the cost of such a building thereon as the needs of said city may require, we have the honor to submit the following report:

The rapid increase of population of the city of Baltimore since 1850, (see table annexed marked A,) more especially during the present decade, affords conclusive evidence that the number of people who will receive and send their mails through the city post-office will at an early day be far in excess of the number that can be properly served with the present illy adapted accommodations. The truth of this statement is believed to be beyond dispute. The question presented, therefore, is whether the public and the increasing post-office business (see table marked B) can be properly accommodated in the building now occupied for this purpose. The post-office is now located in the custom-house building. By an examination of the table annexed marked C, it will be seen that every room in that building is now occupied. The rapid increase of the customs business in the city, as shown by table annexed marked respectively D, E, F, G, and H, arising from the extensive harbor improvements made by general and municipal governments, together with extended railroad facilities afforded to the granaries of the great West, will necessitate an early removal of many of the subordinate officers to afford the necessary room for transacting the business of the custom-house and sub-treasury proper. These facts being established, the question arises as to whether it is better to rent such a building as can be obtained to meet the demands for increased post-office accommodations or to construct a building, and to have thereby a choice of location and a building adapted in all respects to the public business to be transacted therein. It is our opinion, after a personal examination, that other and more extended accommodations for the post-office department in Baltimore are an absolute necessity, and that it would be advantageous to the United States to construct a building rather than rent premises for this purpose.

We would therefore recommend that the United States purchase a lot of sufficient size and erect thereon a post-office building of such size and plan as would best serve the public business of that office. It has been suggested that if a building should be constructed of sufficient size to accommodate the post-office business, with a proper regard to the continually increasing business of that office, and architectual effect in design and construction, that there would be much available space therein that would not be required for the Post-Office Department. In reply to this suggestion it may be said that such additional room can be advantageously used by other Government officers now occupying rented premises in the city, (see table annexed marked I,) and also by such officials other than custom officers who are now accommodated in the custom-house building.

A number of sites were inspected personally, and after much careful examination we believe that the square bounded by Baltimore, North Fayette, and Holliday streets, marked in blue in the accompanying map, containing one hundred and fifty-one feet by two hundred and eight feet, combines more advantages as to plan of building, access by street railroads, and centrality of location as to the business connected with the post-office than any other site. We have also to say that upon consultation with the following-named gentlemen, after our personal examination, and after reaching the above conclusion, namely, Hon. F. C. Latrobe, mayor; Decatur Miller, president of the Board of Trade; James Carey Cooles, president of the Merchants' Exchange; J. J. Middleton, president of the Corn Exchange; Walter B. McAtte, ex-president of the Corn Exchange; Colonel George W. F. Vernon, United States naval officer, and others, we ascertained that they heartily coincided in our views as to the advantages of this site. The estimated value of this property in 1875, as per report of William A. Potter, at that time Supervising Architect of the Treasury, was $329,000. We recommend that the property be acquired by condemnation.

In our judgment, with the present low price of material and the great scarcity of employment for deserving laborers, a building of suitable size, durability, and architectural effect, affording the accommodation so much needed, together with the site, can be provided for less than $1,000,000.

Very respectfully,

JOHN FRASER,
Acting Supervising Architect Treasury Department.
O. E. BABCOCK,
Brevet Brigadier-General United States Army,
Engineer Fifth Light-House District.

Hon. SAMUEL J. RANDALL,
Speaker of House of Representatives,
Washington, D. C.

[Indorsement.]

TREASURY DEPARTMENT, *February* 4, 1879.

While concurring in the view stated by the acting supervising architect and the engineer of the fifth light-house district as to the expediency of constructing the building proposed by them and the suitableness of the site, I respectfully suggest that in view of the number of important public buildings now in process of erection it is not advisable to make provision for this building at the present session, nor until the chief buildings now being constructed are completed.

JOHN SHERMAN,
Secretary.

First appropriation, first session Forty-sixth Congress, June 18, 1879: the House passed a law by which the Secretary of the Treasury is authorized and directed to purchase or condemn a site in the city of Baltimore, Maryland, for a building to be used for a post-office, court-house, and other public buildings, and appropriates $4,000 to pay the expenses of the same.

Second appropriation, second session Forty-sixth Congress, March 5, 1880, appropriates $550,000 for a site for a post-office in Baltimore, Maryland.

Third appropriation, second session Forty-sixth Congress, directs the Secretary of the Treasury to cause plans and estimates for said building, and appropriates $1,000 for the expenses of the same, which plans and estimates have been prepared and approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior.

This, through six consecutive years, including three Congresses, two administrations, and two Secretaries of the Treasury, all concurring. Two commissions have reported in favor of this post-office. Five laws have been passed intended to authorize the building of a post-office in Baltimore. Three appropriations have been made for post-office in Baltimore, and the Secretary of the Treasury has prepared and submitted the plans and estimates to Congress, and the Postmaster-General and the Secretary of the Interior have approved the same for a post-office in Baltimore, and the Secretary asks for $300,000 for the further progress of the work. Under these several laws the site has been purchased, the titles have been secured to the Government, the plans and estimates have been made and submitted to Congress, the land has been entered upon, the right of ownership has been exercised, rents have been collected, buildings have been torn down, fences have been erected thereon, tenants have been notified to move from the premises. If this be not authorization, direction, and continuous appropriation for the construction of a public work now in progress, I admit that I do not understand either language or action. No judge fit for his duties would otherwise construe these laws. No jury fit for its duties would otherwise decide these facts. Here, too, I might well rest my case. I choose, however, to present another view of this rule. What is the meaning of the word objects in this rule, "for such public works and objects now in progress?" I take it for granted that the word has a meaning, or else no Congress would have placed it there, nor would three Congresses have permitted it to remain. It means that to which the desire is directed; that on which the purposes are fixed as the end of action or effort; that which is sought for; end, aim, motive, final cause. Then if this be the meaning of this word object in this rule, the object of all this continuous legislation, appropriation, ownership, and labor was and is the erection of a post-office in Baltimore City, and this amendment is continuation of appropriations for a public object now in progress, in exact conformity with the exact language of the rule. Will any gentleman on this floor so far jeopardize his character for intelligence as to assert that all this legislation, all these appropriations, all this action by high officials, whether by themselves or their agents, had for its object the purchase of a piece of land, however beautiful its location? I think not, sir. Opinion must have at least some show of reason on which to stand.

There is yet one other foundation on which this amendment stands deeper, broader, stronger than all those stated. It is this: this legislation forms a sacred contract between the Government of the United States and the corporation of Baltimore City. It will be remembered that the commission of 1879, of which the present Secretary of the Treasury was a member, reported in favor of the Baltimore street site, in accordance, as their report stated, with the opinions of the business men of Baltimore, and that the subsequent law authorized him to condemn any site he might select. For reasons satisfactory to himself, the Secretary selected another site and proceeded to negotiate for its purchase. The negotiation developed the fact that the new site would cost $600,000; one hundred thousand more than the law allowed. To meet this embarrassment the corporation of Baltimore City was required by the Committee on Public Buildings to contribute to the payment of this new site all above $550,000. In the performance of this condition the city of Baltimore contributed that portion of the new site which it owned, valued at more than $50,000, and on which stood the building for its water department and another for a part of its fire department. The removal of this building will subject the city to other large expenditures, approaching the large sum of one hundred thousand dollars, making the cost of this new site to the city $150,000. The city has performed its part of this contract; the deeds to this property are in the Government, and it is now about to remove its buildings. No lawyer here will deny that this legislation on the part of the Government and this delivery by the city to the Government of this valuable estate constitute a contract sacred in honor between these high contracting parties as it would be binding in law between individuals. Certainly no one will deny that this estate was conveyed to the Government not to give the Government a square of ground, but to secure the immediate erection of a post-office—not hereafter, but now. The first report on this subject, 1875, sets out that the impoverished condition of the Treasury had delayed the justice due to Baltimore in the matter of public buildings. Certainly this impoverishment no longer exists. The Secretary of the Treasury informed this House that the revenues of the Government would be seventy millions in excess of the Government's needs. Others estimate this surplus at one hundred million. The sum asked by this amendment is only one three-hundredth part of this sum. Will this House under cover of this rule repudiate the contract made by the Government with the city of Baltimore, more particularly when its own servants have reported so frequently that the public convenience demands that the building be erected at once? Nothing

short of an adverse vote will shake my confidence in the self-respect of this House.

Nor is this all. The defect of this appropriation not only violates this contract, not only postpones the public convenience, but it disfigures the most beautiful locality in the lower portion of the city.

I have stated that the Secretary had recommended a certain site, and had selected another site, certainly much more beautiful, if not quite so convenient. It was quite natural that the Secretary should be impelled by taste and patriotism to locate this post-office on that site which would best illustrate the powers, wealth, and beneficence of the great Government he has the good fortune to represent at its Treasury. His selection accomplishes this end. This location is one short block from the main thoroughfare of the 400,000 people whose correspondence is to pass through this post-office. It is a large, open square in the center of the city, in the vicinity of which will be seen the new ground building of the Baltimore and Ohio Railroad; the beautiful building of the Nothern Central Railroad; Barnum's Hotel, whose *cuisine* all travelers know so well; Guy's, where the luxuries of the Chesapeake tempt the taste; the residence of the late Reverdy Johnson, where graceful hospitality was dispensed to visiting statesmen however divergent their views; the old court-house, where for almost a century such lawyers as Pinckney, Wirt, McMahon, Taney, Nelson, and Johnson won for the Maryland bar its world-wide renown; and its fine old terrace, where Clay, Webster, Calhoun, Benton, Berrien, Douglas taught political truths in words that burn and thoughts that live, whose echo seems to linger around the beautiful monument that graces the center of the square, raised by grateful hands to the memory of the brave men who in 1814 fell in defense of the city against the veterans who followed Wellington from the Tagus to Waterloo. On the east side of this square was a row of the broad, high, red-brick, marble-trimmed dwellings which gave to this square a most imposing appearance. These dwellings are there no more. The Government has permitted their demolition. The débris only remains, fenced in with rough boards, on which the bill-poster sticks his revolting placards. Soon the other on this site will follow; and if this amendment fails, more débris, more board-fence, more revolting placards will disfigure this beautiful locality, to disgust the stranger and irritate the citizen.

Opposite the eastern front of this post-office stands the city hall, a magnificent structure of beautiful proportions, made of the finest marble, covering two and one-quarter acres of land, where most of the citizens have business, and all strangers pay their respects. Beyond this is another square where the old Holliday street theater invites the devotees of the drama. Will this House permit a longer disfigurement of such a locality by refusing the money necessary to enable the Government to fulfill its obligations. I cannot believe it will. Nor is this all. One of the conditions of this contract was that "the State of Maryland shall duly release and relinquish to the United States all jurisdiction over the said land or piece of ground, also all rights to tax or in any way assess said land or the property of the United States thereon," &c. Now, by this provision of this contract between these high-contracting parties the State of Maryland and the city of Baltimore are deprived of the right to tax five hundred and fifty thousand dollars' worth of real estate. Nor is this the only loss in this direction. The value of the surrounding property is depressed by this disfigurement and this delay. Property improvement is checked. Already the city authorities are taking steps for the erection of an additional court-house, to be on a scale commensurate with the plans and proportions of this post-office now in progress. Streets are to be widened and graded, so that the display of this great beneficence by the General Government may be aided by the responding munificence of the people of Baltimore. Sir, I will not believe that this House will skulk behind this strained construction of this rule as its excuse for such bold repudiation. One more plea—the public good!

Baltimore is the great central Atlantic city. It is third in commerce and practically fifth in population. It has direct connection with the ocean; two thousand miles of inland navigation and connection with every railroad in the Union. It has business relations with twenty-seven States. Its commerce floats on every ocean and casts its anchor in all the great sea-ports of the world. Here the loom and the anvil send their wares to be exchanged for the products of the field. Here northern capital and enterprise find southern men to buy their merchandise. Western push and pluck come to find outlet for groaning granaries, southern dash to find indulgences for its luxurious taste, and cosmopolitans to engage its tempting table and wooing wines. It lies on the border of the sections. Here northern vigor and southern suavity blend in social harmony. Sectionalism is ignored and prejudice ostracized. These are the elements which impelled its almost miraculous growth within the last decade. Being greater in business than in population makes the great disproportion between its general business and its public buildings. The United States building now in use in Baltimore was an old hotel converted into a custom-house and post-office more than forty years ago. Its post-office is a shed attached to the custom-house. A committee of the Forty-third Congress reported then:

> The committee would add further, in this connection, that up to this time no sufficient appropriation has been made for post-office accommodation, and the only building applicable to this object is a one-story structure, finished in the rudest possible manner, and seriously encroaching upon the space originally designed for the uses of the custom-house. Simple justice and a regard to public convenience would seem to demand that this important subject should not be longer postponed, and that the national claims of the city of Baltimore, as a leading commercial center, should be recognized by some practical action on the part of this committee.

The commission of the Forty-fifth Congress reported:

> We would therefore recommend that the United States purchase a lot of sufficient size and erect thereon a post-office building of such size and plan as would best serve the public business of that office. It has been suggested that if a building should be constructed of sufficient size to accommodate the post-office business, with a proper regard to the continually-increasing business of that office and architectural effect in design and construction, that there would be much available space therein that would not be required for the Post-Office Department. In reply to this suggestion it may be said that such additional room can be advantageously used by other Government officers now occupying rented premises in the city, (see table annexed, marked "I,") and also by such officials other than customs officers who are now accommodated in the custom-house building.

The Government officials at Baltimore have shown by figures the vast increase of its business. (See report appended.)

A.—*Population of Baltimore City and County for the years* 1850, 1860, 1870, *and* 1878, (*from census returns.*)

Year.	Population of Baltimore City.	Population of Baltimore County.
1850	169,054	41,592
1860	212,418	54,135
1870	267,354	63,387
1878, (estimated)	365,000	78,750

Square miles served by Baltimore post-office, 16.

B.—*Statement showing the business of the Baltimore post-office during the years* 1877 *and* 1878, *prepared by General E. B. Taylor, postmaster.*

MAIL MATTER ORIGINATING AT THE BALTIMORE POST-OFFICE DURING 1878.

Items.	Pieces.	Weight.
First-class matter:		
Letters	12,302,541	210,664
Postal cards	4,157,296	26,000
Total amount of first-class matter	16,459,837	236,664
Second-class matter:		
Newsdealers' packages	21,901	28,296
All other matter of the second-class	1,760,536	553,512
Total amount of second-class matter	1,782,437	581,808
Third-class matter:		
Pamphlets, occasional publications, transient newspapers, circulars, samples of merchandise, and all other third-class matter	3,051,792	363,728
Grand total for the year of all the classes	21,294,066	1,182,200

Number of letters received for dispatch in 1878	16,459,837
Number of letters received for dispatch in 1877	15,274,064
An increase of	1,185,773
Number of letters received for delivery in 1878	8,892,000
Number of letters received for delivery in 1877	8,328,320
An increase of	563,380

FREE DELIVERY BY CARRIERS.

Items.	1878.	1877.	Increase.
Carriers employed	66	62	4
Mail letters delivered	5,374,544	5,205,300	169,244
Mail postal cards delivered	963,808	711,392	252,416
Local letters delivered	1,401,082	1,082,828	318,254
Local postal cards delivered	901,156	756,712	144,444
Newspapers, &c., delivered	2,265,040	1,843,840	421,200
Letters collected	7,467,032	6,795,408	671,624
Postal cards collected	1,351,440	1,344,968	6,472
Newspapers, &c., collected	499,396	415,920	83,476

REGISTERED-LETTER DEPARTMENT.

Number of registered letters received	65,476	50,676	14,800
Number of registered letters dispatched	28,202	25,284	2,918
Number of registered packages in transit	36,000	16,000	26,000

MONEY-ORDER DEPARTMENT.

Orders.	Number.	Increase.	Amount.	Increase.
Orders issued in 1878	24,548	.....	$401,371 20	.....
Orders issued in 1877	22,752	1,796	381,990 58	$19,380 62
Orders paid in 1878	79,775	.....	1,409,558 47	.....
Orders paid in 1877	73,978	5,797	1,365,972 53	43,585 94

INCOME.

Total receipts for the last year	$344,044 68
Total expenses for the last year	120,298 32
Showing net income of office	223,746 36

FOREIGN DEPARTMENT.

Total number of pieces dispatched to foreign countries in 1877	182,755
Total number of pieces dispatched to foreign countries in 1878	242,053
An increase of	58,298

Comparative report.

A comparative report of the work in the Baltimore post-office for the past ten years shows that in the year 1868 there were employed 49 clerks and 53 carriers, while in the year 1878, 75 clerks and 66 carriers were employed.

In 1868 the whole amount of letters dispatched was	5,810,090
And in 1878 the amount dispatched was	16,459,837
Showing an increase in the ten years of	10,649,747
Number of letters received during the year 1868	5,408,229
Number of letters received during the year 1878	8,892,000
Showing an increase of	3,483,771

Registered-Letter Department.

This branch of the office shows the following:

Items.	1868.	1878.	Increase.
Registered letters received	17,676	65,476	47,800
Registered letters dispatched	10,169	28,202	18,033
Registered packages in transit	3,759	36,000	32,241

Money-Order Department.

The money-order system was adopted in the year 1864, and in 1865 the amount transmitted through this channel at the Baltimore post-office was	$13,600 00
In 1868 it had increased to	161,973 59
And in 1878 it had increased to	401,371 20
Amount of money-orders paid during 1878	1,409,558 47

Forty-four railway postal clerks, route agents, and mail-route messengers are employed to take charge of the mails arriving and departing.

Number of mails arriving daily, 40.
Number of mails departing daily, 42.
Aggregate weight of mails dispatched per annum, 2,545,145 pounds.
Aggregate weight of mails received per annum, 2,074,390 pounds.
Number of wagons employed to convey the mails, 6.

C.—*List of United States officers located in the custom-house and post-office, port of Baltimore, Maryland, January* 1, 1879.

No.	Rank of officer.	Remarks.
1	Collector of customs	First. Private office, first floor; Second. One-third desk-room in rotunda; Third. Collector's clerks, cashier and clerks, auditor and deputy collectors, &c., entire south wing first floor; record room, third story, covering whole of east front (too small;) number of employés, 70.
2	Naval officer of customs	Private office, first floor, one-third desk-room in rotunda; room for liquidating clerk, second floor, south wing; number of employés, 11.
3	Surveyor of customs	Private office, first floor, one-third desk-room in rotunda; private room for chief weigher, room for weigher's clerks, assistant weighers, and gaugers, second floor, south wing, and room on third floor, south front; room for day inspectors and district inspectors, second floor, east front; room for night inspectors, basement under post-office; scale-room, weighers's implements, basement, east front; number of employés, 97.
4	Assistant custodian of United States custom-house, post-office, and United States court-house.	Room second floor, northeast corner; number of employés in custom-house and post-office, 11; court-house, 3; total, 14, exclusive of assistant custodian.
5	Special agent United States Treasury Department.	Room second floor, north front; number of employés, 3.
6	Paymaster United States Navy	Room, second floor, north front; number of employés, 3.
7	Collector of internal revenue, third district of Maryland.	Private office, second floor, and other rooms occupying entire north front over post-office, occupied by deputies and clerks, &c.; second room, for gaugers, in the basement of north wing, under post-office; number of employés, 50.
8	Surgeon of United States Marine Hospital	Office and laboratory, second floor, east front.
9	United States shipping commissioner and clerks	Second floor, east front; number of employés, 4.
10	United States general appraiser and clerk	Second floor, south front; number of employés, 2.
11	United States supervising inspector of steam-vessels, third district.	Second floor, east front; number of employés, 1.
12	United States local inspector of steam-vessels, third district, Baltimore.	Second floor, east front; number of employés, 3.
13	Paymaster of United States Coast Survey	Third floor, south front; number of employés, 1.
14	United States Treasurer	Private office, first floor; vaults, cashier, clerks, &c., northeast wing of first floor; number of employés, 13.
15	Postmaster	Private office and ante-room, first floor; receiving and distributing desks, money-order department, registration-desks, mailing-rooms, general delivery, letter-carriers, &c., entire west front, second floor; number of employés, 142.

D.—*Statement showing the domestic exports of breadstuffs from the United States during the three fiscal years ended, respectively, June* 30, 1875, 1876, 1877.

Ports.	Barley.	Bread and biscuit.	Indian corn.	Indian-corn meal.	Oats.	Rye.	Rye flour.	Wheat.	Wheat flour.
Year ended June 30, 1875:	*Bushels.*	*Pounds.*	*Bushels.*	*Barrels.*	*Bushels.*	*Bushels.*	*Barrels.*	*Bushels.*	*Barrels.*
New York	204	8,415,726	15,107,294	157,808	121,713	198,926	8,976	24,722,963	1,966,749
Boston	.....	587,433	1,074,511	66,832	8,996	97	10	636,949	238,209
Philadelphia	17	854,250	3,546,182	22,300	22,435	.....	856	2,812,451	171,640
Baltimore	2	619,577	5,577,404	23,549	11,001	.....	155	2,975,266	468,233
1875—1876:									
New York	8,000	8,690,405	14,741,061	186,252	304,040	510,656	6,430	31,431,183	2,069,174
Boston	.....	646,753	2,721,297	80,326	23,144	.....	75	391,951	222,879
Philadelphaia	30	776,854	11,286,092	31,299	31,587	600	1,048	3,652,143	171,656
Baltimore	.....	840,403	14,803,348	34,551	10,358	.....	.....	1,309,524	458,337
1876—1877:									
New York	523,908	8,885,401	19,378,261	206,674	443,782	1,436,995	6,929	13,561,751	1,436,933
Boston	31,717	593,241	3,974,244	104,049	2,288	20	203	179,932	211,899
Philadelphia	.....	187,197	13,257,780	25,811	864,978	553,668	307	1,426,193	140,237
Baltimore	.....	761,295	21,871,082	33,633	27,283	54,602	75	1,548,676	372,921

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
January 3, 1879.

JOSEPH NIMMO, JR., *Chief of Bureau.*

E.—*Domestic exports, port of Baltimore, for six months ending December* 31, 1878.

Months.	Bread and biscuit.		Indian corn.		Wheat.		Wheat flour.		Remarks.
	Pounds.	Value.	Bushels.	Value.	Bushels.	Value.	Barrels.	Value.	
July	176,375	$7,422	1,157,821	$537,061	1,404,112	$1,500,484	44,591	$244,714	
August	89,948	3,886	518,629	258,064	4,173,936	4,497,605	61,269	253,070	
September	150,229	6,478	498,032	256,252	3,480,651	3,743,431	60,708	325,024	
October	87,826	3,564	592,997	284,174	2,174,272	2,253,306	59,465	310,551	
November	156,868	6,326	317,961	146,387	2,317,819	2,425,380	46,175	228,797	
December	80,000	3,600	400,000	190,000	2,000,000	2,000,000	46,000	228,000	Estimated.
Total	741,246	31,276	3,486,440	1,671,938	15,550,862	16,420,206	318,205	1,690,156	

F.—*Number and tonnage of American and foreign vessels engaged in the foreign trade which entered into and cleared from the undermentioned ports during the fiscal years ended June* 30, 1876, 1877, *and* 1878, *respectively.*

Fiscal year ended on June 30—	Boston.		New York.		Philadelphia.		Baltimore.	
	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.
1876.								
Entered	1,891	637,738	5,534	4,467,139	1,385	844,294	1,077	667,857
Cleared	1,776	577,515	5,136	4,282,377	1,334	826,054	1,112	685,626
1877.								
Entered	2,040	752,391	5,795	4,672,300	1,285	810,633	1,486	921,118
Cleared	1,917	701,500	5,273	4,452,595	1,239	802,306	1,300	840,401
1878.								
Entered	2,101	938,102	6,473	5,545,026	1,319	853,027	1,408	951,521
Cleared	1,908	797,624	6,541	5,638,353	1,374	905,990	1,474	1,004,848

EDWARD YOUNG, *Chief of Bureau.*

BUREAU OF STATISTICS,
May 23, 1878.

G.—*Comparative exhibit of foreign vessels arriving and clearing at the ports of Baltimore, Philadelphia, San Francisco, Portland, Maine, Boston, and New Orleans for the quarter ending April* 30 *of the fiscal year ended June* 30, 1878.

Ports.	Number of foreign vessels arrived.	Number of foreign vessels cleared.	Tonnage tax collected.	Remarks.
Baltimore	1,119	1,223	$89,999 80	Fees collected, $22.864.
Philadelphia	799	833	63,935 00	Fees collected, $17,730.10
San Francisco	463	198	.....	The surveyor's duties comprehend the surveillance of foreign vessels arriving in port.
Portland, Maine	164	604	.....	
Boston	1,180	794	.....	

JOSEPH NIMMO, JR., *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
January 3, 1879.

H.—*Statement showing the quantities and values of exports of domestic breadstuffs from the following ports of the United States during the year ending June* 30, 1878.

Breadstuffs.	Baltimore.		Boston.		Philadelphia.		New York.	
	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.
Barley, bushels	100,737	57,790	65,278	49,312	1,115	606	3,304,905	2,197,102
Bread and biscuit, barrels	1 034,515	52,490	627,307	34,485	239,159	9,609	10,864,686	541,522
Indian corn, bushels	19,614,832	10,981,617	2,480,981	2,638,582	17,856,668	10,014,505	29,440,817	17,466,142
Indian-corn meal, barrels	23,208	69,469	85,313	260,552	29,310	87,872	205,633	652,700
Oats, bushels	16,720	8,089	75,476	31,914	41,469	17,268	1,233,084	488,787
Rye, bushels	51,241	35,505	.....	.....	169,429	122,238	3,390,360	2,515,244
Rye flour, barrels	.....	.....	373	1,676	249	1,207	6,236	27,521
Wheat, bushels	8,726,507	11,903.518	2,941,669	4,016,335	4,575,561	6,123,399	39,101,511	52,987,916
Wheat flour, barrels	482,021	3,150,033	265,140	1,728,986	150,290	904,424	2,195,383	13,722,627
Other small grain and pulse	.....	1,637	.....	33,236	.....	2,525	.....	951,259
Maizena, farina, and all other preparations of breadstuffs used as food	.....	16,044	.....	426,516	.....	132,299	1,063,355	15,444
Total	.....	26,276,192	.....	9,221,594	.....	17,415,752	.....	91,566,264

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *January* 3, 1879.

JOSEPH NIMMO, JR., *Chief of Bureau.*

I.—*Memorandum exhibit of rooms and buildings leased by the United States for the use of certain Government officers on duty at Baltimore, Maryland, January* 1, 1879.

Location.	Designation of officers.	Number of employés.	Annual rent.	Description of property.
No. 160 West Fayette street.	Assistant quartermaster, U. S. A.	4	$1,000	Entire house, 30 feet front, 6 rooms.
No. 160 West Fayette street.	Commissary of subsistence, U. S. A.	4		
No. 84 West Fayette street.	United States Engineer's Department.	10	720	Fourth floor of Union Bank building.
No. 1 Courtland street.	United States Light-House Department.	5	560	Entire house of 5 rooms.
No. 87½ South Sharp street.	United States recruiting office, (cavalry.)	5	420	Entire house (22 feet front) of 7 rooms.
No. 218 West Pratt street.	United States recruiting office, (infantry.)	5	360	Six rooms of the house.

The increase in the business of Baltimore far exceeds the expectations of the most sanguine as the following tables taken from the reports of the Bureau of Statistics plainly exhibit:

Tables extending over ten fiscal years, June 30, 1869, *to June* 30, 1879.

Exports of breadstuffs from Baltimore:	*Bushels.*
Year ended June 30, 1879	45,098,216
Year ended June 30, 1869	1,879,397
Increase in ten years	43,218,819
Rate of increase in ten years, 2299 per cent.	
Exports of provisions and tallow at Baltimore:	*Pounds.*
Year ended June 30, 1879	55,694,422
Year ended June 30, 1869	3,156,085
Increase in ten years	52,538,337
Rate of increase in ten years, 1665 per cent.	

Tables showing increase in one year from Baltimore.

	Bushels.
Exports of breadstuffs, 1878	31,036,182
Exports of breadstuffs, 1879	56,414,848
Increase in 1879 over 1878	25,378,666
Rate of increase in one year, 82 per cent.	
	Pounds.
Exports of provisions and tallow, 1878	37,615,338
Exports of provisions and tallow, 1879	55,694,422
Increase in 1879 over 1878	18,079,084
Rate of increase in 1879 over 1878, nearly 50 per cent.	
This table extends over ten years:	*Tons.*
Tonnage in 1870	223,955
Tonnage in 1879	1,481,971
Increase in ten years	1,258,016
Rate of increase in ten years, 600 per cent.	

The following tables will show this increase as compared with the increase at New York:

Breadstuffs at New York for ten years:	*Bushels.*
Exports for year ended June 30, 1879	101,719,249
Exports for year ended June 30, 1869	17,887,096
Increase in ten years	83,832,153
Rate of increase in ten years, 469 per cent.	
Rate of increase at Baltimore in ten years, 2299 per cent.	
Rate of increase in favor of Baltimore over the rate of increase at New York for same ten years, 1830 per cent.	
Provisions and tallow from New York for ten years:	*Pounds.*
Exports for year ending June 30, 1879	1,117,400,979
Exports for year ending June 30, 1869	176,894,942
Increase in ten years	940,506,037
Rate of increase in ten years, 532 per cent.	
Rate of increase at Baltimore in ten years, 1665 per cent.	
Rate of increase in favor of Baltimore over the rate of increase at New York for same ten years, 1133 per cent.	

Although this marked increase in the business of Baltimore is due mainly to the short lines, yet somewhat of it ought to be credited to other causes.

Nor is this rate of increase diminishing. The certain result of all this is proportional increase of business correspondence and increasing facilities for post-office facilities; and especially in the money-order department, where the large sums in transitu require the greatest security. Every portion of this country is interested in the safe and expeditious transaction of the postal business at Baltimore. More than three-fourths of the districts represented on this floor have business connections with Baltimore. The social intercourse is still more extensive and intimate. Her children and their descendants are everywhere, and they turn to its hearth-stones as the Mohammedans turn to Mecca, when they pray. And Baltimore gives employment and homes to your children in return. All these considerations plead for unbroken faith in this contract you have made with Maryland and Baltimore. I believe you will maintain it untarnished.

The argument which induced this House to appropriate the money for the purchase of the site has been made vastly stronger for this appropriation for a continuation of the building. That site cost $550,000. The interest on that sum at 4 per cent is $22,000 per annum. Shall that sum lie useless there, or shall it be made to pay that interest by its use to the Government? Will any economist, however strict, advise the Government to waste this $22,000 per annum? Would not such advice forfeit his claim to such a character? Economy is a wise application of the means at command. Would that be wisdom? Rather, would not wise economy advise that the Government promptly appropriate the money to expedite the completion of this building, so that public business may proceed with the precision and dispatch due alike to the Government and the people? If it were wise to buy the site, it is much wiser to complete the building. Men of ordinary understanding cannot differ as to this opinion—it is too plain for dispute.

Now, there is yet one other point which I wish to make. It is well known to gentlemen who are familiar with the working of the rules that any attempt on my part to procure what gentlemen are pleased to call an authorization act, would have resulted in certain disaster. Those gentlemen know that such an attempt would have carried the bill to the Calendar, an infernal region "where they who enter leave all hope behind." And they also know if once on that Calendar, I would have been deprived of this opportunity to appeal to the broad common sense of this House—in this Committee of the Whole, where lay the only possibility of success. There was one other way perhaps, which was to move a suspension of the rules on the first Monday of this month. I need not recall to this committee the manner in which this was prevented. The introduction of the river and harbor bill as a private bill, destroyed that chance. I had no desire to avoid the usual mode to shirk the rules, to skip a committee; but, sir, I did have a great horror of being buried alive "unwept, unhonored, and unsung." If die I must, I choose to die on the field of battle and be buried with the honors of war. Thus only can I rest in peace.

[During the delivery of the above speech the following occurred:

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BURROWS. Under what rule does the Chair decide that the time of the gentleman from Maryland has expired?

The CHAIRMAN. Under the five-minute rule, which applies to debate under which these amendments are being considered.

Mr. YOUNG, of Ohio. The gentleman from Maryland is presenting his reasons why the appeal should be taken, and there is no limit to the debate, under the rules, on such a question.

The CHAIRMAN. The five-minute rule which applies to the discussion of amendments applies equally to all questions arising in the consideration of those amendments. It applies to the discussion of questions of order, if that discussion be permitted by the committee itself.

Mr. KIMMEL. How does the Chair decide?

The CHAIRMAN. The Chair decides that the discussion on the appeal which the gentleman takes from the decision of the Chair must proceed under the five-minute rule. His five minutes have expired.

Mr. BURROWS. Under what rule?

The CHAIRMAN. Under the five-minute rule.

Mr. BURROWS. I take an appeal from that decision of the Chair.

The CHAIRMAN. There can only be one appeal pending at the same time.

Mr. BURROWS. Will the Chair accommodate the committee by having the rule read limiting debate on points of order?

The CHAIRMAN. That does not vary the opinion of the Chair. It is the common rule of the committee that where debate is limited to five minutes, that limit of five minutes applies to every discussion arising in the committee. The Chair appreciates the position of the gentleman from Baltimore, and would like to hear him longer. While the Chair is compelled to rule in accordance with the universal practice that the debate is limited to five minutes, if debate on points of order be allowed at all, nevertheless if there be no objection the Chair will permit the gentleman from Baltimore to proceed with his remarks. Is there objection? The Chair hears none, and the gentleman, therefore, will resume the floor and proceed with his remarks.

Mr. KIEFER took the floor and yielded his time to Mr. KIMMEL, when he concluded his speech.]

Mr. KIMMEL. Here, sir, is a letter from the postmaster of the city of Baltimore, which describes the condition of that office. I will send it up to the Clerk's desk to be read, so that the committee may be informed of the exact condition of affairs existing now in that city.

Mr. BRAGG. I make the point of order that the gentleman is not discussing the question of order which he has raised.

The CHAIRMAN. The gentleman must confine himself to the appeal. The necessity of a post-office in the city of Baltimore is certainly not a question touching the point of order.

Mr. KIMMEL. Very well; let the letter be read.

Mr. BRAGG. I make the point of order against the reading of the letter.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLOUNT. Before the vote is taken, [cries of "Vote!" "Vote!"] I want to say a word or two in this connection. The decision of this committee in reference to the question of order raised here goes, not to the Baltimore post-office alone, but to many appropriations in a bill involving some twenty-odd millions of dollars. This rule to which reference has been made here was established to protect the committee and the House against illegal propositions not previously authorized by law, and to protect the House against hasty legislation. I trust, sir, that a rule which has been rigidly adhered to from the Forty-fourth Congress until this time, a rule which has been found to work well, and which, as I have said, has been adhered to sacredly, earnestly, and uniformly up to this hour, is not to be set aside now in the interest of the construction of a public building in the city of Baltimore.

The gentleman speaks of the first proposition, as to the purchase of this land. It will be borne in mind, Mr. Chairman, that the gentleman from Maryland [Mr. KIMMEL] came to this House with a proposition to suspend the rules and appropriate $550,000 to buy a site for this building in Baltimore. Did not the gentleman act wisely? If he had come with an additional proposition, coupling with his demand for $550,000 to authorize the purchase of a site a provision appropriating for the construction of the building a sum not exceeding $2,000,000, would he have been likely to meet with the approval of the House? And when the proposition was made asking for a few thousand dollars to prepare a plan, if that had been coupled with a further proposition to authorize the construction of a building costing some two millions of dollars, does not the gentleman know that this rule of the House was in his way? What is there in this proposition in relation to plans and estimates? The gentleman says this building has been estimated for under a law of Congress. Not so, Mr. Chairman. The wording of that law is that the Secretary of the Treasury is directed to cause plans to be prepared for the said building and report to Congress at its next session the estimated cost of building the same. He was directed to send estimates of the cost of that building, and no more than that. What for? To go into this bill? By no means. None of these great buildings are constructed in a single year; but on the idea enunciated by the chairman of the committee a few minutes ago that the House might know what the building was to cost, might know what plan the architects would probably suggest for its consideration, and what the total cost would be, so as to determine whether the items covering such cost would be incorporated in the bill, or whether the building would be erected at all. But there was no provision for beginning work on such a building.

[Here the hammer fell.]

Mr. ROBESON. Mr. Chairman, we have a very stringent rule upon this subject, and if there can be no distinction made between this case and the Topeka case, perhaps the Topeka decision ought to be sustained.

But what is the rule? It provides—

> That no appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, there was an appropriation made for this purpose. There are two conditions here. The first is that it shall be in continuation of appropriations; and second, that it shall be in continuation of appropriations for objects already in progress.

Now, there was an appropriation, and that this is in continuation of the appropriation already made nobody denies. The question, therefore, is whether it is for an object already in progress. It has been argued that the Government was bound by this object when they had purchased the land.

Now, it is not necessary that the Government should be legally bound to that object. Nobody would contend that. But it is only necessary that when they made the appropriation it was directed to that object—not that they are bound by law; and if they made an original appropriation directed specifically for that object, then that object is in progress.

Then what did they do? They not only made an appropriation direct for this post-office in Baltimore, but they made it upon the express condition that the people of Baltimore, a separate municipality, taxing its own inhabitants, would cede the land or take action on their part for this specific purpose. That specific purpose has been complied with on the part of the city of Baltimore, by an actual expenditure of $50,000 of the money of the people of that city. Now, then, I do not say that binds the Government to this object, but I do say that it is evidence to every reasonable mind that when they made that appropriation they made it for this purpose or object, and that is the question here.

Now, if the appropriation was made for that object, is it not an object already in progress for which nearly five hundred thousand dollars has been expended? It is right that we should have these distinctions made. If we are going to have a strict rule, I am willing to live up to it. But wherever that rule in its strictness does not apply, there we ought to apply the principles of justice and of right. I will go as far as any man toward sustaining the decisions of the Chair upon these subjects, particularly when enunciated by occupants of the chair as careful as those who have made these decisions. But the point of departure in principle is always small. This decision does not apply to this case, because this appropriation was made for this object. It was what the appropriation was intended for. The money has been expended; the work is already in progress.

Mr. CARLISLE. Just one word. I desire simply to say that inasmuch as the gentleman who gave the decision which the Chair has caused to be read to the committee has publicly confessed he was wrong, and the present occupant of the chair has declined to express any opinion, the committee, I think, might very well sustain the appeal.

The CHAIRMAN. The Chair took this view. There was a great difference between the opinion of the gentleman from Kentucky [Mr. CARLISLE] in his official capacity, which is binding on the Chair, and the opinion of the gentleman from Kentucky on the floor, which binds nobody but himself. Therefore the Chair ruled as he did.

The question being taken, Shall the decision of the Chair stand as the judgment of the committee? there were—ayes 71, noes 69.

Mr. McLANE. I call for tellers.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Georgia, Mr. BLOUNT, and the gentleman from Maryland, Mr. KIMMEL.

The committee again divided; and the tellers reported—ayes 59, noes 81.

The CHAIRMAN. The judgment of the Chair is not sustained by the committee. The Chair will submit the amendment, and directs the Clerk to again report it.

The amendment was again read.

Mr. FORT. As a friend of the proposition of the gentleman from Maryland, believing it ought to pass, I move to amend so as to make the amount $250,000. I think the House will agree to that amount and give to Baltimore what she so richly deserves, an appropriation to begin her post-office.

Mr. KIMMEL. I accept the amendment of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Maryland proposes to accept the amendment of the gentleman from Illinois. The Chair hears no objection.

Mr. WARNER. I do not know what the estimate for this building is or what the plan is.

Mr. URNER. It is $300,000.

Mr. BLOUNT. For the entire completion of the work the estimate is $2,011,835.

Mr. FORT. What is that for a public building for a great city like Baltimore?

Mr. WARNER. I am not informed either as to the number of officials or other employés that will be accommodated in the building when it is constructed. But I do know that in the last fifteen years we have appropriated something like seventy million dollars for public buildings. This to provide room for how many officials or employés?

What is $2,000,000, it is asked, for a public building for a city like Baltimore? Well, it is a good deal. Not more, not nearly so much as has been spent on public buildings elsewhere; and that Baltimore needs a post-office building I do not question. But what assurance is here given that the cost before it is completed will not be twice two millions?

I have been looking a little into this matter of public buildings. I find that money has been appropriated in the same off-hand way, I presume, as it is proposed now to appropriate it, and buildings put up in which it has cost $100,000 to provide quarters for each Government official, and these not Departments of the Government or heads of Departments where the dignity and authority of the Government are, as it were, centered. I will give the cost of a few, as stated in the report of the Supervising Architect, with the number of Government employés provided for.

Custom-house and post-office at Saint Louis, Missouri: cost, $4,500,000; number of officials now employed and having office there, 32; that is, $140,000 for each one; or, deducting one-half as reasonable accommodations for the post-office and court-rooms for the public, and the cost for permanent quarters for each official or employé is $70,000.

Cincinnati, Ohio, custom-house and treasury, $3,390,000. The number of officials at present is 36; cost, about ninety thousand dollars each.

New York City, court-house and post-office, $8,550,000; with 77 officials and employés; over one hundred thousand dollars to each one.

Take some smaller places. I turn to Covington, Kentucky. Three hundred and forty three thousand dollars, with 11 Government employés.

Custom-house at Charleston, South Carolina: cost, $2,700,000; with 29 officials or employés; over ninety thousand dollars each.

These are a few out of many that might be referred to. And I think it would be a low estimate to say that, on an average, it has cost $20,000 to each officer and employé provided for in the public buildings constructed in the last fifteen years.

Now, Mr. Chairman, what is the total wealth of this country It does not amount to $1,000 per capita of the population. What part of this total wealth is represented in the homes of the people in which they live, rear, and educate families? Probably not $1,000 to a family, on the average, and for the great mass of the people not much more than half that to accommodate five members to a family. And yet these must pay in the end the cost of these grand structures for a few to enjoy.

Mr. FRYE. The gentleman thinks it would be cheaper to erect barns.

Mr. WARNER. No, sir. But let us know what we are doing. Let us construct buildings upon rational principles. Let us know when we undertake to erect a public building how it is to be built and what it is to cost. Let us know whether we are going to spend two, three, or five millions to accommodate twenty-five or fifty persons. I hold that the standard for the Government should be such as the people in the place where the building is to be erected afford for themselves for like purposes, and having some regard to the number of officials and employés to be employed there. I am opposed to voting for the construction of any public buildings until we know the plans and the cost, and until we know also that that cost is in some proportion to the cost of buildings erected for private purposes. For instance, in the city of Baltimore I would not vote money simply for architects to experiment with or to build themselves monuments out of. I see from plans given for the public buildings heretofore appropriated for that when an architect gets the money under his control he immediately sets out to imitate

> The hand that rounded Peter's dome,
> And groined the aisles of Christian Rome,

instead of putting up a solid and substantial structure to accommodate business. I do not know why brick is not good enough for a building erected by the Government in most places. When we can come down to common-sense business principles in the erection of public buildings, and reduce the cost to what it ought to be, and might be, I shall be ready to vote money for public buildings where needed, but not till then.

Mr. FORT. This post-office is for the accommodation of the whole people of Baltimore.

Mr. WARNER. As my time has expired I desire to add some figures in connection with my remarks, and extend them.

The CHAIRMAN. The Chair hears no objection.

Mr. BLOUNT. I raised a question of order in relation to this public building, not because of any opposition I had to the sum proposed to be added to the bill, but because I felt and so did the committee feel that it was its duty to keep within the rules of the House in recommendations of this sort. That being overruled, this amendment being declared in order by the Committee of the Whole, I know of no reason why the appropriation of $250,000 should not be added for the purpose of constructing this building.

The question being taken on Mr. KIMMEL'S amendment, there were—ayes 88, noes 4.

So (further count not being called for) the amendment was agreed to.

The Clerk read as follows:

Custom-house and court-house, Toledo, Ohio: For continuation of building, $100,000.

Mr. BELFORD. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after line 66 the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a suitable site and erect thereon a suitable public building in the city of Denver, Colorado, for the accommodation of the United States district and circuit courts, post-office, land office, and other Government offices in said city; and for this purpose the sum of $50,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. BLOUNT. I raise the point of order that there is no authority of law for such an appropriation.

Mr. BELFORD. I ask the gentleman to reserve his point of order.

Mr. BLOUNT. We have lost so much time——

The CHAIRMAN. The Chair would like to hear the gentleman from Colorado.

Mr. BLOUNT. I will reserve my point of order for five minutes.

Mr. BELFORD. At the last session of Congress a bill passed the Senate making an appropriation of $50,000 for the erection of a public building in the city of Denver, State of Colorado. Colorado is the only State in this Union that does not possess a Federal building.

I want to call the attention of the House (for that is about all I can do) to the fact that during the last session of Congress gentlemen on the other side secured appropriations for public buildings at Montgomery, Alabama; Jackson, Mississippi; Paducah, Kentucky; Charlestown, West Virginia, and other places; and after they had got their legislation they announced a rule to this side, under the direction of the Speaker, by which no republican here could secure for his people needed and just legislation.

I want to call the attention of this committee to the receipts of the post-office at the city of Denver. During the year 1877 the post-office at Denver turned in to the Government the sum of $66,221.69; in 1878 the sum of $70,384.30; in 1879, $138,005.84; and in 1880, $214,954.93.

The money-order business in the city of Denver amounted in 1877 to $530,095.22; in 1878 to $751,569.28; in 1879 to $1,444,677.48; and in 1880 to $2,003,992.01.

Now, I say it is all right to have public buildings at Portland, Maine; Topeka, Kansas; Jackson, Mississippi; Montgomery, Alabama; Paducah, Kentucky, and other places. But I want to call the attention of the House to the difference between the revenue paid to the General Government by the city of Toledo, Ohio, and other towns for which, by reason of their ability to obtain the Speaker's eye and the votes of members upon this floor, they have secured the benefit of buildings erected at the Government's expense.

In 1879 Topeka, Kansas, turned in a net revenue of $27,485.36. During that same year Toledo, Ohio, turned in a net revenue of $70,585.33. My friend from Ohio [Mr. HURD] succeeded in getting in under the blanket at the close of the last session and secured his appropriation. In 1879 Indianapolis turned in a net revenue of $71,480.94; Portland, Maine, $46,736.84; Kansas City, Missouri, $78,273.32; Wilmington, Delaware, $18,566.80; Charleston, South Carolina, $41,546.28; Atlanta, Georgia, $30,323.94; Trenton, New Jersey, $26,307.69; Pittsburgh, Pennsylvania—and Pennsylvania is the State honored by the present Speaker of this House, and naturally comes in for a little recognition on the part of this great legislative body—Pittsburgh, Pennsylvania, paid in a net revenue of $165,097.61. Denver, Colorado, turned in $175,467.74. Yet that State has not a public building within its limits. Colorado has turned into the national Treasury $1,600,000; but its Representative here, among all the diseases that are contagious, has not been able to catch the disease known as the Speaker's eye. [Laughter.]

I know this amendment will be ruled out of order; but I want to call the attention of the country to the fact that this democratic Congress has feathered its own nest; has provided appropriations for Montgomery, and Jackson, and Charleston, and wherever they could find a place to spend the people's money. Yet the total postal receipts from the State of Colorado are more than double those of West Virginia, and exceed those of Rhode Island, New Hampshire, Vermont, Delaware, North Carolina, South Carolina, Florida, Alabama, Mississippi, Arkansas, and Nebraska. But the State is one of the States of the far West, and is too weak on the floor of this House to have any hope of recognition by the Speaker. I say that I am the victim of misplaced generosity. I asked to-day for only $10,000 to help develop the arid lands of the West, and I was voted down.

[Here the hammer fell.]

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the following:

For the preservation of public buildings in Alaska, $8,000.

Mr. HOSTETLER. I move to amend by inserting after the paragraph just read the amendment which I send to the Clerk's desk.

The Clerk read as follows:

And that the Secretary of the Treasury be, and he is hereby, authorized and instructed to purchase a site and erect a public building at Terre Haute, Indiana, for a post-office and for the safe-keeping of the public records and of the revenue collector at that point.

Mr. BLOUNT. I make a point of order on that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOSTETLER rose.

The CHAIRMAN. The Chair has just ruled on a similar question, and does not desire to hear any argument.

Mr. ROBERTSON. I move to amend by inserting after the pending paragraph that which I send to the Clerk's desk.

The Clerk read as follows:

That the following sum be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a Government building at Baton Rouge, Louisiana, upon plans which will insure its completion for the sum of $35,000, the half of which is hereby appropriated.

Mr. BLOUNT. I raise the point of order that that amendment is in substance the same as a bill now pending on the Calendar of the House, and that there is no authority of law for it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. O'NEILL. I move to insert the following:

For the extension of the Philadelphia Mint, $400,000.

Mr. BLOUNT. I raise the point of order that that amendment is a change of existing law and does not retrench expenditures.

The CHAIRMAN. The Chair does not know what the existing law is.

Mr. BLOUNT. The existing law authorizes the construction of that building on a certain plan; and the gentleman from Pennsylvania [Mr. O'NEILL] by his amendment proposes to change that plan so as to extend the building.

Mr. O'NEILL. My amendment proposes an extension of the Philadelphia Mint building and the expenditure of $400,000 for that purpose. The Philadelphia Mint is an existing institution, a Government Department in Philadelphia. That building is very inadequate for the work to be done inside its walls. I think the Government should so improve this building as to afford it facilities for performing its work effectively.

Those who have the charge of the working of the Mint at Philadelphia, the superintendent and others, recommend this extension, and the Committee on Mines and Mining of the House of Representatives and the Finance Committee of the Senate have reported bills upon the subject. There is evidently a great necessity for this work. I do not know whether in the closing hours of this session we will be able to do anything in the way of securing the necessary appropriation for the purpose.

Mr. BLOUNT. I desire to add to my point of order that there is now pending before the House a bill upon this same subject.

Mr. O'NEILL. Yes, sir; there is the great trouble. There is a bill now pending in the House; and I do not believe it can be reached although I hope it may and I will do what I can to get it up. I am very anxious about this appropriation because I think the Mint at Philadelphia should be extended upon the spot where it now stands. There may be some who desire to change the present location of that building and to erect an entirely new Mint in some other part of the city of Philadelphia. I want it to remain just where it is, where property can be purchased at a fair rate, where the building can be extended so as to afford ample accommodations for the work of the Government and not take immense sums of money to do it.

The CHAIRMAN. The gentleman from Pennsylvania admits that there is pending before the House a bill substantially the same in effect as this amendment; therefore, the Chair sustains the point of order.

Mr. O'NEILL. It will be remembered that the charge or the insinuation has been made here that Pennsylvania could get anything. [Laughter.] Now, I am very much afraid that I am not going to succeed in this.

The CHAIRMAN. The gentleman is out of order.

Mr. O'NEILL. I hope, however, that the committee will overrule the Chair if the point of order is made.

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair?

Mr. O'NEILL. Oh, no, sir; upon reflection I think it would be useless.

Mr. PACHECO. I move to amend by inserting after the pending paragraph the following:

Court-house and jail at Santa Fé, New Mexico: For continuation of building, $50,000.

Mr. BLOUNT. I reserve a point of order on this amendment.

Mr. PACHECO. The Government has already appropriated something like seventy-five thousand dollars for a building at this point, and I believe something more than thirty thousand dollars has been employed in erecting this court-house and jail at Santa Fé. I am sorry the Delegate from New Mexico is not present; he left here some days since; but he requested me to obtain at least an expression from the chairman of the Committee on Appropriations on this subject.

Mr. BLOUNT. There is a bill pending before the House for this purpose. I therefore make a point of order on the amendment.

The CHAIRMAN. The Chair would like to know the facts in this case.

Mr. PACHECO. This is for a continuation of a work. An appropriation has already been made; and in view of the vast interests——

The CHAIRMAN. The Chair asks the gentleman from California whether at the place indicated there is work in actual progress now under authority of the Government?

Mr. PACHECO. I do not think there is.

The CHAIRMAN. Then the Chair sustains the point of order.

Mr. PAGE. It may be that there is a bill pending on this subject, but it may not express the precise point of the amendment.

The CHAIRMAN. The Chair does not rule out the amendment on that ground, but on the ground that, according to the statement of the gentleman from California, [Mr. PACHECO,] there is now no continuing work being done under the order of the Government; so that this is in the nature of a new work.

Mr. PACHECO. I will ask the gentleman in charge of this bill whether he knows why a provision of this sort was not inserted in the bill.

Mr. BLOUNT. I will answer the gentleman, if the point of order should not be sustained. I do not wish to consume the time of the Committee of the Whole unnecessarily.

Mr. PAGE, (to Mr. BLOUNT.) Was there ever a Government building at that point?

Mr. BLOUNT. There was before the war; but it has been abandoned.

The CHAIRMAN. The Chair has ruled on the point of order.

The Clerk read as follows:

For fire-proof extension of the Government Printing-Office building, and a stable, including heating apparatus and plumbing, to be erected on property now belonging to the Government, upon plans approved by the Architect of the Capitol, $40,000, the work to be done under his direction; said appropriation to be available during the present fiscal year; and any expenditure on a plan that shall cost a greater sum to complete it shall be deemed unlawful.

Mr. ROBINSON. For the purpose of putting a question to the gentleman in charge of this bill, I move to strike out the last word. I wish to know whether the last provision of the paragraph just read is not something that appears in our legislation for the first time?

Mr. BLOUNT. The provision came from the Committee on Public Buildings and Grounds. I believe there was some suggestion that it was liable to a point of order. But it has been inserted in the bill, and is now before the House. I make no question of order upon it.

Mr. ROBINSON. The gentleman does not understand my point.

I am not speaking of the whole paragraph, but only of this language at the close:

And any expenditure on a plan that shall cost a greater sum to complete it shall be deemed unlawful.

That seems to me a very novel provision.

Mr. BLOUNT. Not at all. In 1880 it was in the bill in which there was an extension for about the same amount. The provision is of frequent occurrence.

The CHAIRMAN. Does the gentleman from Massachusetts make any point?

Mr. ROBINSON. I have moved an amendment to strike out the last word. My suggestion, in reply to the gentleman from Georgia, is that all this provision can accomplish would be a notice to the Architect that in the judgment of Congress $40,000 is sufficient for the purpose. But suppose the Architect proceeds with the work, proposing to spend $40,000 upon the plan which he adopts; and suppose after the work has run on for some time there should be a change in the price of labor or the cost of materials, is the Architect to be considered as guaranteeing the sufficiency of this appropriation at the risk of making himself liable for malfeasance in office if the cost should exceed this sum?

Mr. BLOUNT. There can be no difficulty of that kind in this matter. If, after the plans and estimate are made at given figures, there is a change in the value of labor or materials, the practice has been for Congress to extend the limit of the appropriation when in its judgment it sees fit to do so.

Mr. ROBINSON. Then these lines are of no force at all. The meaning intended would be properly expressed in this way:

And provided, That the whole expense contemplated by such plan shall not exceed the sum hereby appropriated.

Mr. BLOUNT. That is the purpose and effect, I think, but it is important it should be put in the way in which it is in this bill. It is intended for the purpose of restraining the Architect. It gives him notice that he shall not go beyond the appropriation made. It has been the practice of Congress to make such limitations, and I do not see why we should change the language here in this bill.

Mr. ROBINSON. I do not propose to make any further amendment or to do any more about it than to emphasize it at this point as improper language to be in the bill. If hereafter any trouble shall arise to the Architect in consequence of this language, I want him to have this protection at least that some one protested against the use of this language in the bill.

Mr. BLOUNT. The Committee on Public Buildings and Grounds is satisfied with it and, indeed, it was inserted in the bill at the suggestion of that committee.

Mr. COOK. The plan and specifications for the construction of this fire-proof extension of the Government Printing Office building and stable were drawn up by Mr. Clark, the Architect of the Capitol, and he never yet has made any plan and specifications for any building that has not come within the amount appropriated by Congress for that purpose. He has not been one of those gentlemen who assumed after the appropriation was made to go outside of it and beyond the law. This language was inserted in the bill at the suggestion of the Committee on Public Buildings and Grounds.

Mr. ROBINSON. I do not say as to the Architect of the Capitol, but only that there was objection to such legislation in an appropriation bill.

Mr. COOK. The Committee on Appropriations put the paragraph in at the suggestion of the Committee on Public Buildings and Grounds.

Mr. ROBINSON. I withdraw my amendment.

Mr. COOK. I hope the motion to strike out the last word will not prevail.

Mr. ROBINSON. I have withdrawn that amendment.

The Clerk read as follows:

For the erection of a light-house and fog-bell on Whale Rock, at the entrance of Narragansett Bay, Rhode Island, $35,000.

Mr. PACHECO. I move the following amendment:

After line 116 insert the following:
"For the erection of a light-house and fog-bell at San Luis Obispo Point, San Luis Obispo Harbor, California, $35,000, the same to be immediately available."

Mr. Chairman, this is one of the most important points on the whole Pacific coast. It is two hundred and fifty miles south of San Francisco. We have no harbor of refuge there whatever. A great and prosperous trade is growing up on that coast. Severe storms often prevail, and this protection should be afforded to the mariners who navigate that coast. I hope there will be no objection to the amendment.

Mr. BLOUNT. That provides for the expenditure of money immediately.

The CHAIRMAN. Did the gentleman make the point of order before the gentleman from California discussed his amendment?

Mr. BURROWS. I make the point that the point of order comes too late.

Mr. BLOUNT. I reserved all points of order.

Mr. BURROWS. I did not so understand the gentleman.

The CHAIRMAN. If the gentleman from Georgia reserved the point of order, it comes in time. For the reason alleged, the Chair rules out the amendment.

Mr. PACHECO. On what ground?

The CHAIRMAN. Is there any law providing for the erection of any such light-house?

Mr. PACHECO. I do not think there is.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

The Clerk read as follows:

For the construction and establishment of a light-ship on Five Fathom Bank, in Delaware Bay, $50,000.

Mr. BERRY. I move to insert the following:

For the construction of a light-house at Point Saint George, California, $200,000.

I wish to say a word in reference to that amendment, which has been recommended by the Light-House Board.

Mr. BLOUNT. I reserve all points of order.

Mr. BERRY. It is a well-known fact, Mr. Chairman, that the Pacific coast is a dangerous one; it is a rock-bound coast. It is also well known that it is not well lighted. At Point Saint George there is a dangerous reef, where many vessels have been wrecked. It was there the ship went down with General Wright and the entire crew were lost. Nor is that the only catastrophe which has taken place at that point. The Light-House Board recognized the fact that it is a dangerous point, and it accordingly recommended the construction of a light-house there.

Mr. Chairman, the Committee on Commerce has considered the proposition, and recommended a light-house should be constructed there. They referred the matter to the Committee on Appropriations, in order that they might incorporate in this very bill an appropriation for constructing the work. I hope, sir, no point of order will be raised against it, but that the amendment will be permitted to go into the bill, in order that the commerce of that coast may be protected and the safety of the lives of the seamen who navigate the coast secured.

Mr. BLOUNT. I insist on my point of order.

The CHAIRMAN. If there is no law authorizing the erection of this light-house, the Chair will be compelled to rule it out.

Mr. BRIGGS. When was the point of order raised?

The CHAIRMAN. The gentleman from Georgia reserved all points of order. The Chair sustains the point of order, and the amendment is ruled out.

Mr. BRIGGS. I shall feel it to be my duty hereafter when the point of order is raised to object to any debate upon the merits of the proposition. I do not see the least reason for discussing the merits of a proposition on which the point of order has been made and which it is likely will be ruled out.

The CHAIRMAN. The gentleman from New Hampshire is perfectly right, and the Chair hopes the gentleman having charge of this bill will insist on raising his point of order when a proposition has been read, for if the amendment is to be ruled out the time occupied in the discussion of the merits of the proposition is just so much time lost.

Mr. ROBERTSON. I move the following amendment:

For rebuilding the light-house at Bayou Lacomb, on Lake Pontchartrain, in Louisiana, $5,000.

Mr. BLOUNT. I would suggest to my friend that this is not a proper place for that amendment to come in. There is already an appropriation in this bill, a large sum provided, for the erection of light-houses, and it might be proper to insert it at that point.

The CHAIRMAN. Does the gentleman from Georgia make a point of order upon it?

Mr. BLOUNT. I merely stated that it is not proper at this portion of the bill.

Mr. ROBERTSON. This provision should be incorporated in the bill in some shape. The light-house at that point has been destroyed by fire.

Mr. BLOUNT. I do not think that this is a proper place for it. The building has been destroyed, and some provision should be made perhaps for its rebuilding. I do not make the point of order upon it, however, but simply suggest that it should be withheld for the present.

Mr. ROBERTSON. Then I withdraw the amendment for the present.

The Clerk read as follows:

For range-lights on Sturgeon Bay, Wisconsin, $11,000.

Mr. BLOUNT. I desire to offer an amendment from the Committee on Appropriations at this point.

The Clerk read as follows:

After line 135 insert the following:
"For completing the Cape Henry light-house station, Virginia, $25,000."

The amendment was agreed to.

Mr. BRENTS. I offer an amendment to come in after the amendment just adopted.

The Clerk read as follows:

The money heretofore appropriated for establishing a fog-signal on Sandy or West Point, Puget Sound, shall be applicable to the establishment and construction of both a light-house and fog-signal at that point.

Mr. BRENTS. This makes no appropriation; it simply changes the plan heretofore adopted.

Mr. BLOUNT. I would like to ask the gentleman if that has been recommended by the Light-House Board?

Mr. BRENTS. I do not know any further than from my own conversation with Colonel Farquhar, chief of the Light-House Board. He requested it to be done.

Mr. BLOUNT. I have no objection to it myself.

The amendment was agreed to.

The Clerk read as follows:

Engraving and printing:

For labor and expenses of engraving and printing, namely: For labor, (by the day, piece, or contract,) including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such work; and for other expenses of engraving and printing notes, bonds, and other securities of the United States; for materials, including paper required in the work of engraving and printing; for purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of same; and for expenses of operating macerating machines for the destruction of the United States notes, bonds, national-bank notes, and other obligations of the United States authorized to be destroyed, $350,000.

Mr. GILLETTE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after "dollars," in line 219:

"*Provided*, That all money used for the manufacture or purchase of paper for printing and preparing national-bank notes, and all wages or salaries paid those who supervise or do the work, and all expenses of destroying mutilated or condemned national-bank notes, shall be charged up to and collected from the banks for which they are prepared or destroyed."

Mr. VALENTINE. I make the point of order that it comes too late.

Mr. BLOUNT. I raise a question of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. The law is substantially the same as this; but this changes it in some of its details. It provides for the laboring element in it, &c. I do not think it is a proper amendment to be incorporated here.

Mr. SPARKS. But it reduces expenditures.

Mr. BLOUNT. I do not think it does, though I am not particular about that. I do not care to press the point of order against it.

Mr. GILLETTE. Mr. Chairman, this provision which has been read, and which I wish to amend, appropriates a large sum of money for this identical expense, a part of which my amendment will bring back into the Treasury. The point of order therefore cannot hold, for it is perfectly germane to the bill under consideration and to this clause, and it would retrench expenditures.

The gentleman from Georgia says this is substantially the law as at present existing. I beg leave to say it is not the law. The Government pays out of the Treasury this expense, and does not receive back from the national banks a single dollar because of it, excepting the cost of the plates. The banks are at liberty to surrender their circulation, sell their bonds, and again deposit other bonds and call for new currency, to be issued at the expense of the Government. They may make a vast amount of expense to the national Treasury by surrendering their notes and calling for new ones.

To demonstrate the truth of my statement and to show the outrageous abuse of their privileges by the banks, I quote two paragraphs from the annual report of the Treasurer of the United States, Hon. James Gilfillan, of November 1 last. He says on pages 20 and 21 under the head "Reduction and increase of bank circulation:"

Banks which have applied in vain to the Treasurer for the surrender of their legal-tender deposits have accomplished the same object by obtaining new circulation. *The cost of printing the new notes thus issued is borne by the United States;* so that the Government, though not deriving the remotest benefit from the transaction, *has been obliged to bear the whole expense of their issue and a part of the expense of their redemption* simply to enable a bank to do by indirection what it was not permitted to do directly. In several instances banks have repeated the operation of reducing and increasing their circulation several times within a brief period, taking up their bonds and selling them, it would appear, whenever the premium constituted a sufficient inducement, and increasing their circulation again whenever bonds could be bought at better rates, the United States all the while *redeeming their notes at its own expense or that of the other banks*, and issuing others *also at its own expense* whenever called upon by them.

An example will better illustrate these operations. In January and February, 1875, a certain bank reduced its circulation from $308,490 to $45,000 by deposits of legal-tender notes. Between September 26, 1876, and May 26, 1877, and before that deposit was exhausted, it increased its circulation to $450,000. Between August 14 and September 10, 1877, it again reduced its circulation to $45,000. On September 19, 1877, nine days after completing the deposits for this reduction, it again began to take out additional circulation, although $402,550 of prior deposits remained in the Treasury, and by the 26th of that month its circulation had again been increased to $450,000. July 22, 1878, it, for the third time, reduced its circulation to $45,000, and in August and September, 1879, again increased it to $450,000, at which it now remains, the balance of its former legal-tender deposit then in the Treasury being $112,615. From January 13, 1875, to the date of this report, $778,275 of its notes have been redeemed, of which only $40,700 were redeemed at the expense of the bank, although, during more than one-third of that period, it had outstanding and was deriving the benefit from the full amount of circulation which its capital authorized. The only assessments which have been made on the bank for the expenses of redeeming its notes were $24.74 in 1875, and $4.39 in 1878. At one time there were in actual circulation $852,550 of its notes, although the highest amount ever borne on its books was $450,000.

I think every member on this floor will be satisfied that this amendment should be incorporated in the bill. There is no reason on earth why this Government should give the national banks this priceless privilege of having half the paper currency and controlling its volume, and at the same time run printing presses and manufacture paper for them and pay all the expenses of preparing their notes for circulation. It is like giving the banks all the gold in the country, and then coining it over and over for them at the expense of the people. This paper money that we donate to them is worth as much as gold because of the national credit and laws behind it.

Mr. PRICE. Is this discussion upon a point of order or on the amendment?

Mr. BLOUNT. I do not raise a question of order against it.

Mr. PRICE. Then I wish to reply to the remarks of the gentleman from Iowa. I hold in my hand a letter from the Comptroller of the Currency upon this very question. It will be remembered by gentlemen of the committee that some time since this identical question was raised, and I then asserted that all of the expense of sorting, transporting, and destroying the issues of national banks was paid by the banks themselves. I asserted then and assert now that every character and description of expense is paid by them. That assertion was called in question on the floor, and I took the trouble to get a letter from the Comptroller covering the grounds. I will read a portion of that letter.

Mr. VALENTINE. I would like to inquire if the point of order is pending.

The CHAIRMAN. No point of order has been made.

Mr. VALENTINE. I made a point of order at the time that the amendment was offered, but I am not sure the Chair recognized it.

The CHAIRMAN. If the gentleman rose to make a point of order the Chair will certainly hear it.

Mr. VALENTINE. I made the point of order that the amendment came too late. The Clerk had proceeded to read the following section before this amendment was offered.

Mr. GILLETTE. I was doing my utmost to attract the attention of the Chair at the time the Clerk commenced to read the next paragraph.

The CHAIRMAN. The Chair remembers very well that the gentleman from Iowa was on his feet although the Chair was not aware that it was his purpose or intention to attract the attention of the Chair. The Chair, however, recognizes the right to offer the amendment and overrules the point of order.

Mr. PRICE. Then I call the attention of the House to this letter. The Comptroller of the Currency says:

In reply to your verbal request you are referred to section 3 of the act of Congress approved June 20, 1874, which provides that "each of said associations (national banks) shall reimburse to the Treasurer the charges for transportation, and the costs for assorting such notes * * * and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer."

And this fund on deposit with the Treasurer is put there by the national banks.

In compliance with this provision of law the national banks have been annually assessed in proportion to the circulation redeemed, and the banks in operation have not only paid the expense of redeeming their own notes, but also for the redemption of the notes of associations which are reducing their circulation, which have gone into voluntary liquidation, and which have become insolvent.

By reference to page 19 of the Treasurer's report for 1880, it will be found that the annual cost to the national banks has been at the rate, on an average, of $37.69 for banks having a circulation of $90,000, or $188.45 annually for a bank having a capital of $500,000, with the amount of circulation authorized by law.

The whole expenses for redemption during the fiscal year ended June 30, 1880, were $143,729.39, all of which was paid by an assessment upon the national banks.

It was all so paid, in every shape and form, by an assessment on the national banks. There is not a dollar paid by the Government in any shape or form for paper, for printing, for material, for transportation, for assorting, for maceration, or anything of that kind that is not paid by the national banks. And it is about time that men who talk about finance on this floor or off it understood at least a little of what they were talking about.

Mr. HUTCHINS. I move to strike out the last word.

It seems to me, Mr. Chairman, that gentlemen are very reckless in proposing amendments. I know that on several of the bills passed at the last session amendments were presented and adopted which have worked great hardship to individuals.

Now, as I read this provision, the appropriation is for—

Engraving and printing notes, bonds, and other securities of the United States.

And the other provision is for destroying United States notes, bonds, national-bank notes, &c. And the gentleman from Iowa [Mr. GILLETTE] would make the national banks pay the whole expense of destroying the bonds and securities of the United States. Why? Why did he propose such an amendment? It has no place here, and I wonder that any gentleman on the floor of this House would, for one moment, give it his serious consideration.

Mr. GILLETTE. This bill provides for printing these notes and I submit the gentleman from Iowa [Mr. PRICE] did not find anything in the letter which he read to this House nor can he obtain from the Department anything to justify his statement that the national banks pay directly to the Treasury for the expenses of printing their notes. And the gentleman who has this bill in charge is so well satisfied that my amendment was germane to this section of the bill that he withdrew his point of order and did not insist on it. Both these gentlemen state that the law now provides for the payment by the banks of all the expense of preparing national-bank notes. In reply I defy either of them to produce the law to sustain their assertions. They cannot do it. There is no such law, while the law which compels the Comptroller of the Currency to prepare these notes is section 5171 of the Revised Statutes. It is mandatory, and so plain that a child can understand it.

Mr. MANNING. I ask that the amendment be again read.

The amendment was again read.

Mr. BLOUNT. Just a single word. I wish simply to say that the

banks do pay for the expense of printing their notes already and I trust this crude amendment will not be inserted in the bill.

The question being taken on Mr. GILLETTE's amendment, there were ayes 12, noes not counted.

So the amendment was not agreed to.

The Clerk read the following:

Repairs of light-houses: For repairs and incidental expenses of light-houses and stations; for rebuilding, renovating, and improving the same, and buildings connected therewith; for the establishing and repairing pier head-lights; and for the purchase and repair of illuminating apparatus and machinery, $310,000.

Mr. BLOUNT. I am directed by the Committee on Appropriations to offer the amendment which I send to the desk.

The Clerk read as follows:

After line 253 insert:
"Of which sum $35,000, or so much thereof as may be necessary, shall be applied to the rebuilding of the light-house on Sharp's Island in Chesapeake Bay."

Mr. TALBOTT. I ask the gentleman from Georgia so to modify his amendment as that the appropriation shall be made available at once. That is the most important light-house on Chesapeake Bay, and it was washed away during the recent ice freshet.

Mr. BLOUNT. I have no objection to that, and will modify the amendment accordingly.

The amendment, as modified, was adopted.

The Clerk read the following:

For the collection of statistics relative to the annual production of the precious metals in the United States, $5,000, to be expended under the direction of the Director of the Mint.

Mr. PAGE. I wish to ask the gentleman from Georgia [Mr. BLOUNT] what law there is authorizing this? If this appropriation is to be made under the law of last year, this changes that law. I make the point of order that the law last year provided this money should be expended under the direction of the Secretary of the Treasury, who ought to have the control of this expenditure.

Mr. BLOUNT. The point of order the gentleman from California makes, that this changes existing law, is correct. The Committee on Appropriations made the change because it was thought the present Director of the Mint, being a very efficient officer and in accord with the Secretary of the Treasury, should be charged with the expenditure of this money. We did not know what changes might be made, and concluded we should modify the paragraph in this way. If the gentleman insists on the point of order, it will be sustained.

Mr. PAGE. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON, of Illinois. Now let us hear how the paragraph will read, the point of order being sustained.

Mr. PAGE. I only make the point of order with reference to that portion of the paragraph which provides that the sum here appropriated shall be expended under the direction of the Director of the Mint. I do not oppose the appropriation. I am willing it should be as last year, to be expended under the direction of the Secretary of the Treasury.

Mr. WARNER. The Director of the Mint is the proper officer to gather these statistics, and would do it at any rate.

The CHAIRMAN. The Chair rules out of order the amendment as submitted by the gentleman from Georgia in this bill. The existing law would leave the expenditure of this money in the hands of the Secretary of the Treasury.

Mr. SIMONTON. I wish to inquire of the Chair, how can a point of order be sustained with reference to part of a proposition without taking the whole proposition with it? Does not the point of order go to the whole proposition?

The CHAIRMAN. The Chair understood the gentleman from California to move to strike out so much of the paragraph as relates to this money being expended under the direction of the Director of the Mint.

Mr. SIMONTON. He did not move to strike out anything, but made a point of order which applies to the whole paragraph.

Mr. PAGE. If the committee will consent that the words "Director of the Mint" be stricken out and the words "Secretary of the Treasury" be inserted, I have no objection to the paragraph.

Mr. BAKER. Either the whole paragraph must go out or else the only remedy is to take the sense of the committee on an amendment. If the gentleman from California supposes that the Director of the Mint is not the officer to be charged with the expenditure of this amount, let him offer an amendment to that effect.

Mr. PAGE. If the Chair rules this paragraph in order, I will move to strike out "Director of the Mint" and insert "Secretary of the Treasury."

Mr. BLOUNT. I hope that will not be done.

The CHAIRMAN. The Chair understands the gentleman to withdraw the point of order and to move an amendment to the paragraph.

Mr. PAGE. I propose to the gentleman from Georgia [Mr. BLOUNT] to strike out all after the word "dollars" and leave it there.

Mr. BLOUNT. I am unwilling to do that. I am here representing the Committee on Appropriations to support the provision as reported in the bill. It is deemed to be very important that this matter should be left under the control of the Director of the Mint, whose investigations have been very valuable. The idea of the committee was to give to him the control of this fund.

Mr. PAGE. My reason for making this point of order is, that the money expended by the Director of the Mint should be under the supervision of the Secretary of the Treasury. The Director of the Mint is a bureau officer in the Treasury Department, and the law has always made the expenditure of sums of money of this character a matter for the direction of the Secretary of the Treasury, and there is no reason why it should be taken from him in this case.

If the Committee on Appropriations are determined that this money shall not be appropriated unless it is to be expended under the direction of the Director of the Mint, then I will insist upon my point of order and let this paragraph go out of the bill. If they are willing to change it so that the money shall be expended under the direction of the Secretary of the Treasury, I am willing that that should be done. But I am unwilling that this appropriation shall stand as it now is in this bill, to be expended under the direction of the Director of the Mint.

The CHAIRMAN. Did not the gentleman from California [Mr. PAGE] some time since withdraw his point of order?

Mr. PAGE. I have never done so.

The CHAIRMAN. The Chair misunderstood the gentleman.

Mr. PAGE. I made the point of order in good faith.

Mr. BAKER. Then let the whole paragraph go out.

The CHAIRMAN. The point of order is sustained, and the paragraph will go out of the bill.

Mr. PAGE. I move to amend by inserting the following in place of the paragraph just ruled out:

For the collection of statistics relative to the annual production of the precious metals in the United States, $5,000.

Mr. BAKER. I make the point of order on that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE. The Chair certainly will hear me on the point of order. My amendment is not subject to a point of order. The appropriation bill of last year had in it a provision appropriating $5,000 for this purpose, and my amendment is in pursuance of the law of last year, in exactly the same language. I move to insert in place of the paragraph ruled out under my point of order these words:

For the collection of statistics relative to the annual production of the precious metals in the United States, $5,000.

Mr. BLOUNT. I submit that the amendment is subject to a point of order in this: the provision in the appropriation bill of last year was designed simply to enable certain investigations to be made and certain information to be collected during the year, the money to be expended under the direction of the Secretary of the Treasury. The Committee on Appropriations this year were induced to submit to the House the proposition that the appropriation for this purpose should be expended under the direction of the Director of the Mint. I submit that the amendment offered is just as much without authority of law as was the proposition in the bill which has been ruled out of order. The one proposition rests upon as little authority of law as the other. They were simply propositions for an appropriation for a given year.

The appropriation for this purpose was omitted for many years. Then, again, before that time it was inserted in various bills. There is not a single scintilla of law more for the proposition which the gentleman now offers than for the one which has been ruled out.

Mr. PAGE. The gentleman mistakes the point of order I made and which has been sustained. The paragraph was ruled out of order on the ground that it changed existing law; not because there was no law providing for an appropriation for this purpose, for there is such a law, and it is contained in the appropriation bill of last session. I will modify my amendment so that it shall be in the precise language of the law of last year.

Mr. BLOUNT. The point I make is——

Mr. PAGE. The point upon which this paragraph was ruled out was that it changed existing law.

Mr. BAKER. It is true that last year a sum of money was appropriated for a specific, definite object, confined to that year. But there is no law anywhere on the statute-book which provides that any Department of the Government shall be charged generally and continuously with this particular work. To make this provision in order it must be for the continuation of a public work, and in order that it shall be a continuing public work it must be authorized by some law that is continuous. The fact that there was an appropriation made last year does not make this a continuous object. It can only be made a continuous object, under the sense of the rule and the law, when there is a statute authorizing that particular object to be carried on by some Department of the Government. No such statute has ever been passed.

Mr. CANNON, of Illinois. I have merely a word to say touching this point of order. It has been already decided on similar questions by chairmen of the Committee of the Whole during this session. Last year this appropriation was made leaving out the words "under the direction of the Director of the Mint." I will read it:

For the collection of statistics relating to the annual production of the precious metals in the United States, $5,000, to be expended under the direction of the Secretary of the Treasury.

That is existing law; it is now operating. This is no change of existing law.

The CHAIRMAN. The Chair asks the gentleman from Illinois this question: After that sum of money had been expended for the purpose referred to, could that work be further continued under that law?

Mr. CANNON, of Illinois. It is not necessary that it should be, under the rule. If the Chair will read the rule he will find that it only operates against appropriations that change existing law. Now, the appropriation I have just read is existing law. During this session this precise point has been made; and it was held—the gentleman from Kentucky [Mr. CARLISLE] being then in the chair—that such a provision was in order. This is a continuation for next year of an appropriation for the precise purpose of a work now in progress under existing law.

Mr. WARNER. For twenty years, under some provision of law, this information has been collected; and no information furnished by the Government from any source is of more importance, not only to the country, but to the world. I hope the provision will not be struck out on a point of order.

Mr. BLOUNT. The gentleman is mistaken. For many years this provision has been omitted.

Mr. MAGINNIS. Mr. Chairman, this work, as the gentleman from Ohio [Mr. WARNER] states, was begun many years ago. For many years it was conducted by Mr. Rossiter W. Raymond, who prepared the publication on the mineral resources of the country. Afterward the work was transferred to the direction of the Secretary of the Treasury. This bill proposes to transfer it to the Director of the Mint. I do not care particularly who has charge of the work. I am sorry, however, that the gentleman from California [Mr. PAGE] made the point of order on which the provision was thrown out of the bill, for that action strikes against his own State and against all the Territories. The provision is simply to furnish Congress and the country information that they ought to have.

Mr. PAGE. I will say in answer to the gentleman who has just taken his seat, that it is in the power of the Committee of the Whole, by accepting the amendment I have offered, to make this appropriation in such a way that the money shall be expended, as it always has been expended, under the direction of the Secretary of the Treasury.

Mr. ATKINS. I will ask the gentleman from California [Mr. PAGE] whether the Director of the Mint is not the proper person to have charge of this matter?

Mr. PAGE. The Director of the Mint may be a proper person to be Secretary of the Treasury or President of the United States. But I say that the provision for which gentlemen are contending here changes existing law, and in my judgment changes it in a way which cannot be beneficial. In my opinion all expenditures of money made by this bureau should be under the direction of the Secretary of the Treasury.

Mr. ATKINS. I was not speaking of the qualifications or abilities of the Director of the Mint. I was speaking of these duties which I say ought to belong to that officer. If the incumbent of the office is not a competent man, that is a matter of administration; he ought to be removed. But if he is a competent officer, then these duties ought to devolve upon him.

Mr. PAGE. I have no doubt that this money will be well expended by the Director of the Mint under the direction of the Secretary of the Treasury. Why do gentlemen seek to take away from the Secretary of the Treasury the authority belonging to him under existing law and to transfer it to some bureau officer of the Government?

Mr. CANNON, of Illinois. I have one additional point to which I desire the attention of the Chair. The gentleman from California [Mr. PAGE] made a point of order against this whole paragraph because it changed existing law. The Chair sustained the point of order. What is that existing law? It is in the very words of the amendment now offered by the gentleman from California. The point of order now made against that amendment cannot be well taken, because it is in the very language of the law which the gentleman from California claimed would be changed by the original paragraph in the bill.

Mr. BAKER. The real point of order is this, that the gentleman from California now proposes to increase the public expenditure to the amount of $5,000 for an object not authorized by law; that is to say, there is no Department of the Government which by the terms of any law, general or special, is charged with the continuous duty of collecting and of preparing these statistics.

Mr. PAGE. It will be remembered by the Chair that every chairman of every Committee of the Whole during this session of Congress has decided that an appropriation act is a law, and that any proposition changing the provisions of such an act changes existing law.

The CHAIRMAN. The Chair is aware of that.

Mr. PAGE. Now my amendment, which proposes to insert another paragraph in place of the one stricken out, is in the exact language of the law of last year. The Chair asked awhile ago of the gentleman from Illinois if an appropriation could be made under that law and carried out. Certainly it can. There is a law on the statute-book which provides for this appropriation. My point of order against the original paragraph was that it changed existing law.

The CHAIRMAN. The Chair did not decide that it changes existing law. The bill of last year was in the sundry civil appropriation bill and provided for the expenses of the year ending June 30, 1881. The law as it now exists will expire on the 30th day of June next. When this law goes into effect, of course that law will not exist. It does not propose to interfere with the appropriation of the preceding year. It is simply an appropriation for a specific purpose which will expire on the 30th of June next. It does not, therefore, change existing law. It creates a new law, but it is not in the way of economy; and the Chair, therefore, rules it out of order. The Chair told the gentleman from California how he might reach his point by moving to strike out the words in regard to the Director of the Mint, as that would leave the section as he wants it.

Mr. PAGE. I will do it now.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Fuel, lights, and water for public buildings: For fuel, light, water, and miscellaneous items required by the janitors and firemen in the proper care of buildings, furniture, and heating apparatus, such as brooms, mops, brushes, buckets, wheelbarrows, shovels, saws, hatchets, and hammers, for all public buildings under the control of the Treasury Department, $450,000.

Mr. BUCKNER. I move to insert, after line 387, the following:

And the Secretary of the Treasury is hereby authorized to use $24,000 of the said sum in the purchase of gas-saving and gas-regulating instruments which are shown to be most advantageous to the Government by the report of the commission made under the order of the House of Representatives during this Congress and by reports of experts heretofore made under the order of the Secretary of the Treasury, to be placed in the buildings under the control of the Treasury Department, provided the price paid for said instruments shall not exceed the saving of cost made by their use for the first year they are placed in said buildings.

Mr. BLOUNT. I reserve all points of order, and I hope it will not be objected to until I can hear a statement in explanation of this amendment from the gentleman from Missouri.

Mr. BUCKNER. The amendment shows for itself that it is not subject to the point of order. It does not add to the expenditure of the Government at all, but merely provides that a certain sum of money shall be expended in the purchase of these instruments which save in the consumption of gas, and it further provides that the price paid for these instruments shall not exceed the saving to the Government for the first year. They will be a permanent investment for the Government in the way of saving in the consumption of gas in the public buildings. The amendment is in the interest of economy.

Mr. BLOUNT. I will not withdraw my point of order at the present time, but will move that the committee rise.

The motion was agreed to.

The committee rose; and the Speaker having resumed the chair, Mr. HARRIS, of Virginia, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 192) granting a pension to Hulda L. Barnard;

A bill (H. R. No. 624) granting a pension to Robert S. Goodall;

A bill (H. R. No. 2123) granting a pension to Albert N. Jack;

A bill (H. R. No. 2290) granting a pension to William Bowman;

A bill (H. R. No. 3100) granting relief to Samuel B. Huchinson;

A bill (H. R. No. 4572) defining the verification of returns of national banks; and

A bill (H. R. No. 4887) granting a pension to Rosalie Louis.

RESIGNATION OF WALBRIDGE A. FIELD.

The SPEAKER. The Chair presents the following communication to the House.

The Clerk read as follows:

BOSTON, MASSACHUSETTS, *February* 21, 1881.

SIR: Having been appointed an associate justice of the supreme judicial court of the Commonwealth of Massachusetts, I have delivered to his excellency the governor of the Commonwealth my resignation of the office of Representative in the Forty-sixth Congress of the United States from the third congressional district of Massachusetts.

Very respectfully,

WALBRIDGE A. FIELD.

Hon. SAMUEL J. RANDALL,
Speaker House of Representatives.

AMENDMENT TO APPORTIONMENT BILL.

Mr. THOMPSON, of Kentucky. I ask unanimous consent to have printed in the RECORD a substitute for the apportionment bill which I propose to offer when I get the opportunity to do so.

There was no objection, and it was ordered accordingly.

The substitute is as follows:

AMENDMENT.

That after the 3d day of March, 1883, the House of Representatives shall be composed of three hundred and fifteen members, to be apportioned among the several States as follows:

Alabama, 8; Arkansas, 5; California, 6; Colorado, 1; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 10; Illinois, 20; Indiana, 13; Iowa, 10; Kansas, 6; Kentucky, 11; Louisiana, 6; Maine, 4; Maryland, 6; Massachusetts, 11; Michigan, 11; Minnesota, 5; Mississippi, 7; Missouri, 14; Nebraska, 3; Nevada, 1; New Hampshire, 2; New Jersey, 7; New York, 32; North Carolina, 9; Ohio, 20; Oregon, 1; Pennsylvania, 27; Rhode Island, 2; South Carolina, 6; Tennessee, 10; Texas, 10; Vermont, 2; Virginia, 10; West Virginia, 4; Wisconsin, 8.

POST-ROUTES.

Mr. MONEY. I ask by unanimous consent that the bill (H. R. No. 7036) to establish post-routes, returned from the Senate with amendments, be taken from the Speaker's table and the amendments of the Senate concurred in. I will state that I have examined the bill and

the amendments of the Senate, and they contain nothing in the way of general legislation, but only post-routes.

Mr. DUNNELL. Have the Senate amendments been printed?

Mr. MONEY. They have not. I should like to state there will be great difficulty about this bill being enrolled unless it is passed speedily.

There was no objection, and the bill and Senate amendments were taken from the Speaker's table and the amendments concurred in.

Mr. MONEY moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MENOMONEE RIVER RESERVATION.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill to authorize the sale of logs cut on the Menomonee reservation within Wisconsin; which was referred to the Committee on Indian Affairs.

HOMESTEAD AND PRE-EMPTION LAWS.

The SPEAKER also, by unanimous consent, laid before the House a memorial of the Legislature of Dakota, relative to homestead and pre-emption laws; which was referred to the Committee on the Public Lands.

D. T. KIRBY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting protest against the passage of Senate bill No. 965, for the relief of D. T. Kirby; which was referred to the Committee on Military Affairs.

INTERNATIONAL REMONETIZATION OF SILVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of State, transmitting a statement of the appropriation of $20,000 for negotiations with foreign governments as to international remonetization of silver; which was referred to the Committee on Coinage, Weights, and Measures.

LEAVE TO PRINT.

By unanimous consent, leave to print an amendment to the apportionment bill, and remarks thereon, was granted to Mr. SHALLENBERGER. [See Appendix.]

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Illinois, that the House do now adjourn.

The House divided; and there were—ayes 38, noes 51.

So the House refused to adjourn.

The SPEAKER. The question now recurs on the motion of the gentleman from Georgia, that the House take a recess until ten o'clock a. m. to-morrow.

The House divided; and there were—ayes 57, noes 21.

Mr. DAVIS, of Illinois. No quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. DAVIS, of Illinois, and Mr. BLOUNT were appointed tellers.

The House again divided; and the tellers reported—ayes 63, noes 24.

Mr. DAVIS, of Illinois. I withdraw the point of order as to a quorum.

So the motion was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House took a recess until ten o'clock Wednesday.

MORNING SESSION.

The recess having expired, the House reassembled at ten o'clock a. m., (Wednesday, February 23.)

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BLOUNT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the sundry civil appropriation bill; and pending that I move that all general debate upon the bill be limited to one-half minute.

Mr. PACHECO. I hope the gentleman from Georgia will give way for a moment.

Mr. BLOUNT. At eleven o'clock the gentleman will have an opportunity to make his request. This hour has been set apart for the consideration of this bill.

The SPEAKER. The first question will be taken upon the motion of the gentleman from Georgia, limiting general debate upon the bill to one-half minute.

The motion was agreed to.

Mr. BLOUNT moved to reconsider the vote by which the House agreed to limit debate; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs on the motion to go into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CLYMER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole to consider the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes. The Clerk will report the pending amendment.

The Clerk read as follows:

And the Secretary of the Treasury is hereby authorized to use $24,000 of the said sum in the purchase of gas-saving and gas-regulating instruments which are shown to be most advantageous to the Government by the report of the commission made under the order of the House of Representatives during this Congress and by reports of experts heretofore made under the order of the Secretary of the Treasury, to be placed in the buildings under the control of the Treasury Department, provided the price paid for said instruments shall not exceed the saving of cost made by their use for the first year they are placed in said buildings.

Mr. BLOUNT. I raise the question of order on this amendment in its present form.

The CHAIRMAN. The gentleman will state the point of order.

Mr. BLOUNT. The point of order is that it is new legislation, as it relates to the lighting of public buildings, and does not appear on its face to retrench expenditures.

Mr. BUCKNER. Mr. Chairman, in response to the point of order raised by the gentleman from Georgia, I will simply say that it is obvious upon the face of this amendment that there is a large saving to the Government contemplated by it. This provides that a portion of the appropriation already made for the purpose of lighting public buildings shall be set apart for a certain purpose, and that the price paid for the machinery, &c., shall not exceed the saving of the first year; so that after the appropriation is made for this single year it puts that much money annually, at all events, back into the Treasury, and is to that extent a saving.

Now, it is true that the amount annually estimated for this purpose is incorporated in this bill. A portion only of that amount is taken for the purpose contemplated by this amendment. But if it be true that it will save, as it contemplates, a certain amount for the first year, it is presumable that that saving will continue for subsequent years. On its face, therefore, it does save that portion of the expense to the Treasury, and is in the interest of economy. It is the only measure of economy that has been incorporated in this bill so far in the way of an amendment.

Mr. BLOUNT. The difficulty in my friend's argument is simply this, that he confounds his own reasoning upon the subject of lighting the public buildings with the naked proposition contained in his amendment, and tells us that it will produce a large saving to the Government. How? Does it appear from the paper itself that it will do so? By no means.

Mr. BUCKNER. Yes, it does.

Mr. BLOUNT. There is not a single line in it which shows that there will be any saving.

Again, the proposition is that the Government shall purchase the machines contemplated for this purpose from whatever parties shall have the most eligible ones, out of the appropriation set apart in this bill. That is to start with. Consequently you begin with that experiment, in an experimental form simply, and there is no knowing after you do begin what is to be the extent of the expense thereby incurred. You do incorporate in your amendment a clause added by way of a proviso that it shall not exceed the saving for the first year. Now, it is too late, after the Department has proceeded by purchase to obtain control of these machines, to say that there has been no saving; but even if it should be held that the saving would be enough to compensate for the purchase of the instruments themselves. I do not think it is clear on the face of the amendment that it is in the line of economy. It is a mere experiment.

The CHAIRMAN, (Mr. HARRIS, of Virginia.) Will the gentleman from Missouri [Mr. BUCKNER] state wherein on the face of the amendment it shows that it retrenches expenditures?

Mr. BUCKNER. It shows it in this way, that it is provided the price paid for the instruments shall not exceed the saving of gas made by their use for the first year. It is admitted there may be no saving during the first year, but if there is a saving, which the Secretary can find out in various ways, then the benefit to the Government will accrue afterward. And if there should be, say, a saving of 25 per cent. on the first year it is to be presumed that there will be at least a saving of 25 per cent. thereafter.

Mr. BLOUNT. There is shown on the face of this paper no saving at all. The only ground on which the gentleman from Missouri claims there is a saving is that it is provided there shall not be paid more for the instrument than the saving by its use. Suppose there is no saving at all, suppose there is an actual loss. So far as appears on the face of the amendment there may be an actual loss and detriment to the Government. What the opinion of experts may be upon this matter, or what the opinion of my friend from Missouri may be, has nothing to do with the construction of the proposition itself.

The CHAIRMAN. The late Speaker of the House (Mr. Kerr) invariably held that to bring an amendment within this rule it must not change existing law unless it appeared on the face of the amendment that it retrenched expenditures. Now, that this amendment does change existing law as to the lighting of public buildings is not disputed. The next question is, does it appear on its face to retrench expenditures? The Chair thinks on the statement of the gentleman from Missouri himself that the saving is merely conjectural. Therefore the amendment does not come within the ruling of Speaker

Kerr nor within the view of the rule taken to sustain the point of order.

Mr. CANNON, of Illinois. I offer as an amendment, to come in after line 387, what I send to the desk.

The Clerk read as follows:

For the collection of statistics relative to the annual production of precious metals in the United States $4,950, to be expended under the direction of the Director of the Mint.

Mr. BLOUNT. I have no objection to that.

The amendment was agreed to.

The Clerk read the following:

Furniture and repairs of furniture for public buildings: For furniture and repairs of furniture, and carpets, for all public buildings, including new public buildings at Hartford, Connecticut, Nashville, Tennessee, and Utica, New York, under the control of the Treasury Department, $150,000.

Mr. WARNER. I ask the gentleman in charge of the bill if he can tell us how many officers or employés are to be provided for at buildings for which this appropriation is made for furniture—an appropriation of $150,000 at three points—whether it would be at the rate of $1,000 or $5,000 per employé.

Mr. BLOUNT. This paragraph, I will state to my friend from Ohio, does not relate to the employment of men at all. It simply provides for the purchase and repairs of furniture and carpets.

Mr. WARNER. For what use? It must be for somebody's use.

Mr. BLOUNT. For the public buildings throughout the country.

Mr. WARNER. Only for the public buildings at these three points.

Mr. BLOUNT. Oh, no; not by any means. The original estimate for this item was only $100,000; but later, after the estimates came in, when we had information that these several buildings designated would create a necessity for an additional appropriation, we added over the estimate $50,000 for those buildings.

Mr. WARNER. Very well. If this item is for the expenditure generally for this purpose for the Treasury Department, I have no objection; but if it is for three buildings alone, it appears to me a high sum.

Mr. BLOUNT. It is for all the buildings.

The Clerk read the following:

Salaries and traveling expenses of agents at seal-fisheries in Alaska: For one agent, $3,650; one assistant agent, $2,920; necessary traveling expenses of agents in going to and returning from Alaska, at $600 each per annum; in all, $7,770.

Mr. BLOUNT. I am directed by the Committee on Appropriations to offer the amendment which I send to the desk.

The Clerk read as follows:

In line 423, after the word "dollars," insert "two assistant agents at $2,190 each;" and change the total of the paragraph so as to read "$12,150," in lieu of "$7,770."

The amendment was agreed to.

The Clerk read the following:

Preparation of receipts, expenditures, and appropriations of the Government: To enable the Secretary of the Treasury to carry out the resolutions of the Senate of October 16, 1877, and January 16, 1879, in preparing for publication consolidated statements of the appropriations and expenditures of the War Department from March 4, 1789, to June 30, 1876, and of the Indian Department from July 16, 1790, to June 30, 1878; and for the work, in the office of the Secretary of the Treasury, pertaining generally to the preparation for publication of the receipts and expenditures and appropriations of the Government, for the use of Congress and the several Departments, to be immediately available, $5,000.

To enable the Secretary of the Treasury to pay W. A. Richardson, when the work shall have been completed, for preparing and editing a supplement to the Revised Statutes under joint resolution approved June 7, 1880, $5,000.

Mr. SAMFORD. I ask the gentleman from Georgia whether or not the printing here authorized is not also provided for on the forty-ninth page, line 1184, where an appropriation of $210,000 is made to pay for the printing of the Treasury Department. Here is $10,000 given for printing in the same Department.

Mr. BLOUNT. These are altogether different things. The paragraph under consideration relates simply to the payment of Mr. Richardson for preparing and editing a supplement to the Revised Statutes.

Mr. SAMFORD. I call the gentleman's attention also to the paragraph preceding that to which he has just alluded.

Mr. BLOUNT. The preceding paragraph makes a new and distinct appropriation, independent of all others, based on a Senate resolution of the last session of Congress providing a specific appropriation for the publication of the receipts, expenditures, and appropriations of the Government, with a view of informing the several committees of this House as to what amount is being expended in this or that branch of the service. It has stood by itself in that way as a separate item. It rests on no law. It is simply for the purpose of furnishing information to the House, and very valuable information. It was inserted in this bill at the last session of Congress, and is inserted likewise here. The result of this appropriation last session is a publication of very great value in all inquiries as to expenditures of the Government under any particular head.

Mr. SAMFORD. This sum, then, of $210,000 is not sufficient to cover that?

Mr. BLOUNT. No, sir; these are altogether different matters, and are estimated for at different places.

The Clerk read the following:

National Board of Health: For salaries and expenses of the National Board of Health, to carry out the purposes of the various acts creating the National Board of Health, $75,000, or so much thereof as is necessary: *Provided*, That $25,000 of the appropriation made by act of June 2, 1879, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," shall be applied to the same purposes; and no more money shall be expended for the above purposes out of any appropriations heretofore made or by virtue of any previous law.

Mr. KING. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "purposes," in line 472, namely, these words: "And no more money shall be expended for the above purposes out of any appropriations heretofore made or by virtue of any previous law."

Mr. KING. I understand there is a balance still of $180,000 left of the appropriation first made for this purpose. I perceive that the committee has allowed only $100,000 to be used in the event of epidemic disease. Now, Mr. Chairman, that looks almost like trifling with a most dreadful subject. This House several years ago was moved with the utmost pity and compassion for the people of this broad land who were afflicted by the plague of yellow fever, and the sum of $500,000 was appropriated to prevent the spread of that fell disease. The money was applied most judiciously two years ago at Memphis, and the monster was so hedged around that it became a terror no longer to those who dwell in that section of the country.

Now this committee not only sees fit to give but $100,000 for this beneficent purpose, but it strikes out the balance of former appropriations that remains to the board of health. Our exemption from yellow fever for the past two years does not by any means augur a freedom from it in the future. It may come upon us at any moment during the coming summer. The National Board of Health last year predicted its approach.

To the city of New Orleans alone the cost for each one of these epidemics is estimated at not less than $12,000,000. When the Government undertook to protect the people against this plague it spoke in no uncertain tones. If it has the right and power to protect us against foreign enemies, less to be feared than this, certainly this House, this democratic House that claims to be the friend of the people, cannot refuse protection against the attack of an enemy which simply means death.

Mr. BLOUNT. The gentleman who has just taken his seat has said that Congress, being in sympathy with the people afflicted with the epidemic of yellow fever, did provide an appropriation in 1879 of $500,000 for the expenses of the Board of Health. That is true; Congress was exceedingly liberal.

Now, let us see something of what this Board of Health has been doing. In the act of June 2, 1879, the sum of $500,000 was appropriated to be disbursed under the direction of the Secretary of the Treasury on estimates to be submitted by the Board of Health and approved by him. My friend from Louisiana [Mr. KING] has well said that the appropriation was made in view of an imminent epidemic. To corroborate the gentleman in that I will say that the last clause of the bill of 1879 provides, "This act shall not continue in force for a longer period than four years from the date of its approval." The $500,000 was given to be expended in case of an epidemic; it is a permanent appropriation. The whole matter was to end in four years, when the entire Board of Health was to disappear.

Mr. KING. I think the gentleman is mistaken in that.

Mr. BLOUNT. Now, what has occurred? At the very next session of Congress after that law was passed the Committee on Appropriations ascertained by investigation that a system had been adopted of building expensive and permanent quarantine stations on the Atlantic coast, on the coast of the Gulf of Mexico, and along the Mississippi River. Contracts were made looking to the permanency of this Board of Health. During the last session of Congress this matter was agitated with a view of restraining this commission in the appropriation made for the next year. I submit that they were not entitled to a dollar of money; they had no right to a dollar. The generosity of Congress had exhausted itself in giving the $500,000. But they came in with their estimates asking for immense appropriations. We contended, and the House thought, that the very buildings which they had constructed had been constructed in violation of law. And with a view of restraining the Board of Health we put in this provision.

For salaries and expenses of the National Board of Health, and to carry out the purpose of the various acts creating the Board of Health, $75,000.

And we put in a provision that $25,000 of the $500,000 which had been appropriated in 1879 might be used during the year for the current expenses of the Board of Health. What has been the result? By a construction given by a subordinate official of the Treasury Department it was held that the board was not restrained by that provision, and they could use not only what we said they might use for the year of the $500,000 but go back and use any other portion of it for that year. If there was any misunderstanding on that subject——

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG, of Tennessee. I desire to be heard a moment.

The CHAIRMAN. Debate has been exhausted upon the pending amendment.

Mr. YOUNG, of Tennessee. Then I move to strike out the last word. I hope I shall have the patient hearing of the Chair if I do not of the members of the committee.

The CHAIRMAN. If it is upon a question of order the Chair will listen with great pleasure; otherwise—— [Laughter.]

Mr. YOUNG, of Tennessee. The House is called upon to decide between two authorities on this subject: the National Board of Health

and my distinguished friend from Georgia, [Mr. BLOUNT.] Now, I am going to demonstrate that it is safer for this House to follow the recommendations of the former, acquainted with all the facts, than to the advice of the latter, who manifests a total want of information on the subject. I think I shall be able to satisfy the House that, however well and intelligently that gentleman has discharged the other legislative duties devolving upon him as a member of the Committee on Appropriations, it is utterly unsafe to leave this portion of the bill in his hands and under his control and management. I know that he is generally thoroughly acquainted with every question which he discusses; and this is the first one I have ever known him to undertake to discuss on this floor without having the slightest information upon it. If such a motion were in order, I would move to recommit this clause of the bill to the Appropriations Committee or some other committee that would understand it better, so that it might be presented to the House in an intelligent form.

Who ever heard of an appropriation to carry on any department or bureau of this Government made in gross, as the Committee on Appropriations has submitted this one? They say:

For salaries and expenses of the National Board of Health, and to carry out the purposes of the various acts creating the National Board of Health, $75,000, or so much thereof as is necessary.

How is the money to be expended? What restraint is imposed upon the discretion of the National Board of Health? What other bureau ever had placed at its disposition an appropriation of this character without any specification of the manner in which it should be expended? The paragraph continues:

Provided, That $25,000 of the appropriation made by act of June 2, 1879, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," shall be applied to the same purposes; and no more money shall be expended for the above purposes out of any appropriations heretofore made or by virtue of any previous law.

Is not that the clearest and most lucid appropriation ever made by this House? For what purpose is this money to be expended? If the committee represented by my friend from Georgia had acted intelligently, would they not have required the National Board of Health to submit an estimate in detail as to where the money is to go and for what purpose? If information of that kind had been given to the House, members would have been prepared to vote upon it more intelligently. If my friend from Georgia had done the committee especially charged with this matter the honor of consulting them, they would have given him no information probably upon this or any other subject, but they could have lightened his labors very much by assisting him in discharging them in detail. I do not mean by this that the National Board of Health has not expended and will not in the future expend all the money placed under its control honestly and for proper purposes; but I submit these criticisms to show that the gentleman [Mr. BLOUNT] having this bill in charge has not given it the careful and minute examination which should have been devoted to it. I object to a wholesale reduction of an estimate without giving any attention to particular items of expenditure, or of offering any objection to the manner in which the money is to be expended.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, the proposition embraced in this bill is that—

No more money shall be expended for the above purposes out of any appropriations heretofore made or by virtue of any previous law.

Now, Mr. Chairman, my friend from Tennessee [Mr. YOUNG] talks about the law requiring the independence of this bureau. In the second section of the act with reference to the Board of Health it is provided that estimates shall be submitted by them to the Secretary of the Treasury and approved by him; but no estimates have come to us in that way. The only information we have is a printed slip handed to our committee by the president of the Board of Health.

Mr. YOUNG, of Tennessee. Why did you not apply to us?

Mr. BLOUNT. I did not know that the gentleman was running this thing, or had anything to do with these estimates. The law declares that all estimates shall be made and submitted to the Secretary of the Treasury, and that he shall include them in the Book of Estimates. The estimates are to be sent in each year through the Secretary of the Treasury. I submit, therefore, that under the Revised Statutes I resorted to the legal authority when I looked to the Secretary of the Treasury for these estimates.

When last on the floor I was discussing the action of the Board of Health. The use of this fund all at once and asking for hundreds of thousands of dollars more for the next year brought the attention of the House to the fact that the Board of Health was going on at a rate of expenditure and with purposes in view never intended by the act creating the board. Congress, therefore, prescribed specifically what moneys might be used during the current fiscal year, and intended that no more should be used. But what has happened? An opinion has been given to the Secretary of the Treasury by a subordinate officer, informing him that the whole fund could be used during a single year. The purpose of the Committee on Appropriations in drafting this bill was to execute the will of Congress; to put it beyond the power of the officers of the Board of Health, by the construction of any subordinate officer of the Treasury Department, to use this money in a manner not intended by Congress. This is all there is in the proposition. Congress has been liberal; but its liberality has not been appreciated. I do trust that the House will adopt this provision and make it plain that by no artifice of construction shall the will of Congress be thwarted.

Mr. YOUNG, of Tennessee. Mr. Chairman——

The CHAIRMAN. Debate is exhausted.

Mr. YOUNG, of Tennessee. I move to strike out the second provision of the paragraph.

The CHAIRMAN. No further amendment is in order; but the gentleman, by unanimous consent, can withdraw his former amendment.

Mr. YOUNG, of Tennessee. I hope the Chair will allow me to conduct this debate in my own way. I propose to strike out the second provision of the pending paragraph.

The CHAIRMAN. The Chair will allow the gentleman to "conduct the debate in his own way" subject to the rules of the Committee of the Whole; and under those rules no further amendment is now in order, unless it be in the form of a substitute.

Mr. YOUNG, of Tennessee. Then I withdraw my former amendment.

The CHAIRMAN. By unanimous consent that can be done. The Chair hears no objection. Now the gentleman, before he can proceed with the discussion, must make some other amendment.

Mr. YOUNG, of Tennessee. Then I renew my former amendment.

Mr. Chairman, I do not intend to quarrel with my friends on the Committee on Appropriations, but I intend to demonstrate to the House, if I am not choked down before I get through, that the Committee on Appropriations does not understand this question, and that it is not safe for the House to follow that committee in this respect. The importance of this question forbids us to follow the lead of gentlemen who have no information whatever on the subject.

My friend from Georgia [Mr. BLOUNT] says that he pursued the legal channels in order to get this appropriation before the House in the proper way. If the estimate did not come before his committee in the proper way, why did they propose any appropriation at all? The committee should not have proposed an appropriation of a solitary dollar if they did not know for what purpose it was to be expended.

The National Board of Health estimate—

For maintenance of Mississippi River inspection service, including the pay of employés, cost of fuel, medicines, disinfectants, &c., at fourteen stations, namely, Vicksburgh, Red River, Memphis, and Cairo, $36,733.71.

Now, look here, and see how intelligently these gentlemen have managed this appropriation. Here is an amount appropriated in gross for a service for which no items are given. Do these gentlemen of the Committee on Appropriations know how many employés this board has? Do they know where they are located? Do they know where this money is to be expended? Can the committee tell how many inspectors the board has employed, or give any information whatever in reference to details? Do they know how many posts there are; how many clerks; how many messengers; how many bureaus; how much money each one receives, or what the $4,000 for miscellaneous expenses is for? Do they in fact know any item whatever in reference to the details of the management of this service which they now propose to come in here and cut down in this irresponsible manner? There is no item of information, Mr. Chairman, given by the Appropriations Committee that the House has, or that it ought to have, to warrant us in cutting down this appropriation in this manner.

My friend from Georgia says he did not know I was running this department. I am very well aware that the gentleman from Georgia cannot conceive how anything is run except by the Committee on Appropriations, which he essays to manage in his peculiar fashion. But I will say to the gentleman from Georgia that I believe I am in a position at all events to be thoroughly informed in reference to the main features of this service, and I propose to give the House that information if I can get the time.

Mr. ROBINSON. Let us have the information now.

Mr. YOUNG, of Tennessee. Let us go a little further. I will say to the gentleman that I am coming to that as fast as I can. They have given——

Mr. ROBINSON. The gentleman has disposed of the Appropriations Committee, now let him give us the information that is necessary to enable us to act intelligently upon this matter, as he claims to possess it.

Mr. YOUNG, of Tennessee. I am coming to that, if the gentleman will wait a moment. I have the estimates here of the National Board of Health, and I propose to give some facts from them. It consists of a great many items, and my friend from Massachusetts will pardon me, and the committee will, I am sure, in view of the brief time allotted to me, if I confine myself to the aggregate of these estimates, for I cannot go into details at this time. Now, this board asks, in addition to the unexpended appropriation remaining on hand, the sum of $203,000, and the reasons why this is asked are given. They furnish every item of expenditure for which it is proposed to use this money. They want it for the establishment of an inspection station at Sapello Sound, Georgia, for the maintenance of an inspection station at Galveston, one at Hampton Roads, for two or three on the Mississippi River, one in South Carolina, &c. Now, gentlemen, if you expect the National Board of Health to have power to ward off epidemic diseases from your shores or to act intelligently in that direction, you must give them the agencies by which to execute the law,

and one of these agencies, and the only one I believe which can be safely relied upon, is to guard the inlets of our southern coast. New Orleans, Pensacola, Mobile, Charleston, South Carolina, are all places having a direct communication with the yellow-fever regions with which we are in constant commercial intercourse, and every ship from those countries that comes to your southern sea-ports may bring with it the seeds of this terrible scourge and plant them upon your coast. Now they ask that the quarantine stations may be kept up, to guard against this fearful peril and to carry out the objects for which the board was created.

I think it likely that the gentleman might have cut down in detail some of these items of expense, but the Committee on Appropriations propose to strike it down in a mass without appearing to understand why it is done or what effect it will have. In this very bill six or seven hundred thousand dollars are appropriated for the Life-Saving Service, and the last report of that bureau shows that during the last year along the entire coast of the United States some ninety lives were saved, while the testimony of commercial bodies, of scientific men, of medical associations in various parts of the country subject to the fever show that in 1879 by the exertions of the National Board of Health and the application of those agencies which they could control the yellow fever was kept within a limited area, by which means it is estimated and it is very probable that more than twenty thousand lives were saved, to say nothing of the vast benefits that resulted to every business interest.

In 1878, when this terrible pestilence ran riot all over the Mississippi Valley, it is estimated that some thirty thousand victims perished, and I think that estimate too low. In my own city, containing a population of less than 20,000, having been largely drained by people fleeing from the plague, in about one hundred days 5,200 people perished. In my little congressional district, composed of three counties only, in the same length of time more than 7,000 people fell victims to it.

It does seem to me, Mr. Chairman, that it is false and unwise economy to cut down the appropriations for an object and purpose like this, and continue them for many other objects which do not compare in importance. I wish I had time to speak longer, for there is much more I would like to say.

Mr. GOODE. I want to say, Mr. Chairman, a few words on this subject. I have just entered the Hall, but I understand the proposition is to strike out the latter part of this clause.

The CHAIRMAN. The Clerk will report the pending amendment.

The amendment was again read.

Mr. GOODE. Now, Mr. Chairman, the National Board of Health was created by act of Congress approved March 3, 1879. By an act approved June 2, 1879, the powers of the board were enlarged and $500,000 was appropriated to carry out the purposes of the act; and by the subsquent act of July 1, 1879, the board was authorized to construct temporary quarantine buildings for the purpose of preventing the introduction and spread of contagious and infectious diseases.

The $500,000 appropriated has been held by the Treasury Department, by the proper officer of the Department, the Comptroller of the Currency, to be a continuous appropriation and taken out of the operation of section 3690 of the Revised Statutes, which required unexpended balances to be covered into the Treasury. In other words it created a board of health, with the power to use unexpended balances remaining on hand of the appropriations from year to year, in order to prevent the introduction and spread of contagious and infectious diseases.

Now, the evident design of this clause is to prevent the Board of Health from using unexpended balances.

The gentleman talked about this board. I did not hear all he said; but I undertake to say this board have not spent the money they had the right to spend. They have shown no disposition to be wasteful and extravagant. The total appropriations since the creation of the board have been $625,000. The total expenditures to the 1st of January, 1881, have been $364,000. The estimated expenditures to the end of the fiscal year are $75,000. There is thus left a balance of $185,000 already appropriated, which the Treasury Department say the board have a right to spend to carry out the purposes for which the board was created. Shall they not have the right to expend that balance?

I submit if gentlemen will read the last annual report there will be no two opinions on the subject. The board say in the last annual report the Mississippi inspection service may be improved at a small additional cost. They say the imperfect quarantine arrangements at Hampton Roads, on the Georgia coast, and on the Texas coast are such as to make it absolutely necessary that a more effective instrumentality shall be employed. I cannot speak for the Georgia coast nor for the Texas coast, but I can speak for Hampton Roads; and I would call the attention of the committee to what the board say in regard to that point. They say this:

It should be borne in mind that this large and commodious harbor—

That is, Hampton Roads—

is resorted to as a place of refuge for both domestic and foreign shipping bound to other and often distant ports, and driven in by stress of weather, or not infrequently by the disability of the crew from some infectious disease. Numerous instances might be cited in which the latter condition was the inducing cause for which foreign vessels dangerously infected have put into the roads for anchorage, but found no means provided for isolating and appropriately treating the sick. It is needless to say that there was more or less danger of the spreading of the disease to other shipping at anchor in the harbor.

Now, if this quarantine station is established it not only protects Norfolk but it protects Richmond, Alexandria, Fredericksburgh, Baltimore, and Washington. The board say this: they have the money already appropriated, they do not ask any additional appropriation, but they ask this Congress to respect the construction of the Treasury Department which has already been put on the law. And I repeat this board have shown no disposition to be wasteful or extravagant. They have accomplished a great work. They are now accomplishing a great work. They cannot do it without the necessary means at their disposal. And it is my deliberate judgment that they are entitled to the favorable consideration of this Congress and of the country.

Mr. HAWLEY. There are certain things in connection with this subject that are perfectly well understood by everybody from every section of every party. One is that the people of the United States, in their capacity as citizens, and the Government also, are disposed to be extremely liberal, or if you choose, just in this whole matter. That we all agree to; nobody will grudge any the most liberal appropriation if it be needed in case of one of these epidemics.

Now, the functions of a national board of health, I hold, are properly extremely limited. I do not believe in the wisdom of undertaking to take out of the hands of the local quarantine authorities this work or the greater part of it, or, substantially, any part of it. The real purpose and functions of a national board of health are stated in the original acts. Section 2 of the act which created that board provided it should obtain information, and that was substantially all. The object was the general publication of information for the benefit of the various sea-ports. But the power of the board was extended considerably by the act of June 2, 1879, and its existence was expressly limited to four years by the terms of the act. It was not in the contemplation of Congress that there should be established a permanent board of health superseding or governing the State boards of quarantine. The act of 1879 declared:

That upon the request of the National Board of Health the President is authorized to detail a medical officer to serve in the office of the consul at any foreign port for the purpose of making the inspection and giving the certificates—

Previously mentioned in the act. The third section provides:

That the National Board of Health shall co-operate with, and so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of contagious and infectious diseases.

Not with the idea of absolutely taking care of every port that came within the scope of this provision, but chiefly with a view to prevent the introduction from abroad of epidemic diseases.

Now the best help in the world is self help; and Congress in passing this act bore in mind the real work must be done by the States and the various ports.

Those States are not in the habit of relinquishing the control of everything to the Federal Government except where they think it necessary to get appropriations.

I have not, of course, time to discuss this question in the five minutes allotted me. But I say the terms of the two acts creating this board and prescribing its duties do not call for such expenditures as are called for in this comparatively imformal statement of the board. We do not get from the Treasury Department any such estimate. I affirmed last year and I affirm now that that National Board of Health did not conduct itself in a practical manner. I would prove this if there were time, and I deny the wisdom of the estimates laid before us.

Now, there may not be any yellow fever at Hampton Roads in ten years. There may be next year. I am willing there should be half a million of dollars in the Treasury subject to the call of the President in case of the breaking out of an epidemic. But I wish to know why they want $30,000 for the construction of a quarantine station at Hampton Roads, where there are miles and miles of the most excellent beach in the world, where the temporary tents and buildings alone fit for the purpose can be put up. We do not want a permanent station there. The best surgeons tell me you should not have permanent stations. When the necessity arises let the buildings be put up where the air and sunshine can reach them, and when their purpose is served burn them up. Merely have the lumber ready to put up temporary hospitals when required. But here are $50,000 for a quarantine station at Galveston. And here is an estimate of $30,000 for a quarantine station at Sapelo, Georgia. And then there is $11,000 beside for a long list of officers and employés at Sapelo Sound, Georgia; for a quarantine wharf, and only repairs at that, at Charleston, South Carolina, $12,000. Now, we do not need any special quarantine wharf there; we do not collect any yellow-fever patients on that wharf.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. In connection with that statement, I desire to ask the gentleman from Connecticut [Mr. HAWLEY] what would be done with the freight of vessels at quarantine condemned as infectious, except to put it on the wharf? That is the purpose of that provision.

Mr. MANNING. The gentleman from Connecticut [Mr. HAWLEY] says he wants this matter left to the local boards.

Mr. HAWLEY. With $500,000 in the hands of the Federal Government ready at any moment to assist them.

Mr. MANNING. It is true, I believe, that the Committee on Appropriations are hostile to a national board of health; that cannot be disguised. If I remember aright, they fought it in the very outset

of legislation touching this matter, and questions were raised and elaborately discussed as to the authority of Congress under the Constitution to legislate at all upon this subject.

We who favored legislation undertook to show then, and thanks to the Congress of this country its judgment was favorable to our position, that local boards of health were not efficient; that the great destruction of human life in the valley of the Mississippi in 1878 resulted in part because of the inefficiency of local boards; that their action often created confusion. At all events, it was, in view of all the facts of the case, deemed wise and essential, after the frightful epidemic of 1878, that this Government should give that aid which it could afford by the creation of a national board of health, and the appropriation of money to be expended under its direction. On this point I have on a previous occasion given my views, and am content with the position then taken.

It is well to recall that the President of the United States in his message of December, 1878, stated that over one hundred thousand cases of yellow fever had occurred in the valley of the Mississippi, and that it was impossible to tell how much money had been expended and property destroyed, but it could be reckoned at hundreds of millions of dollars. Now, is it not economy, is it not humanity, is it not the part of statesmanship for us to afford the means by science and treasure that are essential to the protection of human life and property? We have passed beyond the question of the authority of Congress to do this. That question is behind us, it is *res adjudicata*.

Gentlemen insist that this amendment should not prevail, because they think it is not wise to leave in the hands of the Board of Health the two hundred and odd thousand dollars which it now has subject to its control. Is it charged that if it is so left there is apprehension that it will be improperly or unfaithfully expended? What is the occasion for that apprehension? Has the deportment of the Board of Health been such as to warrant any such belief? Are not the members of that board honorable men, well known for their integrity and scientific attainments? I apprehend that no man can say aught that reflects upon their capacity or their integrity. So far as I know and believe they have discharged their duties efficiently and to the satisfaction of all who are familiar with what they have done.

It has been correctly stated by the gentleman from Tennessee [Mr. YOUNG] that last year over five hundred thousand dollars were appropriated, and that it is proposed in this bill to appropriate $600,000 for what is known as the Life-Saving Service. If such an epidemic as came upon the people in Louisiana, Mississippi, Tennessee, Kentucky, and Arkansas two years ago should come again its ravages might be such that even a few little villages would lose more lives in a week or so than all the lives that would be saved by those engaged in the Life-Saving Service on the whole Atlantic coast in a year. My own little city of Holly Springs, in Mississippi, lost in three weeks more lives from yellow fever than were saved on the entire Atlantic coast in that year. I do not at all criticise the appropriation in behalf of the Life-Saving Service; on the contrary, I indorse it, yea it reflects credit alike upon our heads and hearts. My reference to it was only for the purpose of better bringing to the attention of this House the great merit of the proposed amendment.

[Here the hammer fell.]

Mr. BLOUNT. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HARRIS, of Virginia, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had come to no resolution thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. COBB, from the Committee on Appropriations, to which had been referred the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes, with the Senate amendments thereto, reported the same back, accompanied by the following report:

The Committee on Appropriations, to which was referred the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes, with the amendments of the Senate, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 3, 9, 12, 29, 30, 31, 32, 33, 34, 35, 53, 54, 55, 56, 57, and 58.

They recommend non-concurrence in the amendments numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 59, 60, 61, 62, 63, 64, 65, and 66.

They recommend concurrence in the amendment numbered 23 with an amendment, as follows: Substitute in lieu of said amendment the following:

"And the military commission assigned to such service shall have the rank and pay of a colonel of the Army of the United States."

The SPEAKER. If there be no objection, the Chair will first submit the question upon the amendments in gross of the Senate in which concurrence is recommended; then upon those amendments in which non-concurrence is recommended, and then upon the amendment in which concurrence is recommended with an amendment.

There was no objection.

The various recommendations of the Committee on Appropriations were then agreed to.

Mr. COBB moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLOUNT. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and fifty-seven minutes a. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of J. B. Lyon and others, citizens of Chicago, Illinois, against the passage of Senate bill No. 1935—to the Committee on the Judiciary.

By Mr. BAYNE: The petition of soldiers of the late war, of Pittsburgh, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. BELFORD: The petition of cattle growers of Colorado, for the passage of a law to prevent the spread of contagious diseases among cattle—to the Committee on Agriculture.

By Mr. BREWER: Resolutions of the Detroit Board of Trade, for the repeal of the tax on bank deposits and the stamp tax on checks—to the Committee on Ways and Means.

By Mr. FISHER: Two petitions of soldiers of Huntingdon County, and one of soldiers of Snyder County, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HOUK: The petition of Charles Machin and 20 others, ex-soldiers, of similar import—to the same committee.

By Mr. LADD: The petition of K. P. Knowles and others, citizens of Maine, for an income tax—to the Committee on Ways and Means.

Also, the petition of the same parties, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties, for legislation to regulate interstate commerce—to the Committee on Commerce.

Also, the petition of the same parties, for legislation to protect the people against fraudulent venders of patents—to the Committee on Patents.

By Mr. LAPHAM: The petition of citizens of New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. LINDSEY: The petition of B. F. Fuller and others, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of G. W. Littlefield and others, for the imposition of a tax on incomes—to the Committee on Ways and Means.

Also, the petition of A. H. Hammond and others, for legislation to protect innocent purchasers of patent rights—to the Committee on Patents.

Also, the petition of O. Meader and others, for legislation regulating interstate commerce—to the Committee on Commerce.

Also, the petition of Mary Temple, for a pension—to the Committee on Invalid Pensions.

By Mr. NEAL: The petition of George Coy and 12 other soldiers, of Jackson County, Ohio, against the passage of Senate bill No. 496—to the same committee.

By Mr. A. HERR SMITH: The petition of ex-soldiers of Lancaster County, Pennsylvania, of similar import—to the same committee.

By Mr. STARIN: The petition of Cyrus P. Tooker and others, of Greenfield Centre, Saratoga County, New York, of similar import—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of John S. Fisher and 37 others, citizens of Belmont County, Ohio, for legislation regulating interstate commerce—to the Committee on Commerce.

By Mr. VAN AERNAM: The petitions of 3 ex-Union soldiers of Otto, of 28 ex-soldiers of Westfield, and of 12 ex-Union soldiers of Portland, New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *February* 23, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SAUNDERS presented the memorial of E. S. Gillett and 40 others, citizens of Blue Springs, Nebraska, surviving soldiers of the war for the Union, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. LOGAN presented the memorial of Captain John Cowdon, relating to the report on the Mississippi River improvement commission; which was referred to the Committee on Commerce, and ordered to be printed.

The VICE-PRESIDENT presented a memorial of the Legislature of Montana in favor of an appropriation to remove such obstructions at the Great Falls of Clark's Fork of the Columbia River as prevent the ascent of fish; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (H. R. No. 6248) directing the payment of certain awards in favor of parties therein named, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (H. R. No. 3789) for the relief of Homer Fellows, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HILL, of Colorado, from the Committee on Public Lands, to whom was referred the bill (S. No. 1836) for the relief of Arthur W. Eastman, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. EATON. I am instructed by the Committee on Foreign Relations, to whom was referred the memorial of the Chamber of Commerce of the State of New York, and the memorial of the Chamber of Commerce of Charleston, South Carolina, praying Congress to make provision for the weekly and monthly publication of consular reports and their distribution to the leading commercial bodies of the United States, to ask to be discharged from its further consideration. These reports are being published now, and there is no necessity for further action by Congress.

The report was agreed to.

Mr. EATON. I am instructed, also, by the Committee on Foreign Relations to report back the resolutions of the Legislature of Tennessee in relation to the regie contracts for leaf-tobacco, and asking that Congress advise the President to consult with other governments. Congress has already so advised the President that it is proper to enter into negotiations. I move that the committee be discharged from the further consideration of the resolutions.

The motion was agreed to.

Mr. EATON, from the Committee on Foreign Relations, to whom was referred the memorial of Francis Vincent, of Wilmington, Delaware, in favor of the formation of an Anglo-Saxon confederacy, asked to be discharged from the further consideration of the memorial; which was agreed to.

Mr. EATON. I am also instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 14) for the relief of John C. Landreau, to ask to be discharged from the further consideration of this matter. It relates to a contract between a citizen of the United States and the Peruvian Government, and it is the opinion of the committee that it is a matter entirely within the power of the Executive Department. Therefore the committee ask to be discharged from the further consideration of the joint resolution.

Mr. VOORHEES. I ask that it be placed upon the Calendar with the adverse report.

The VICE-PRESIDENT. The Chair hears no objection to that request, and that order will be entered.

Mr. EATON. I am also instructed by the Committee on Foreign Relations to make a similar request in regard to the petition of Helen M. Fiedler, widow and executrix of Ernest Fiedler, a citizen of the United States, praying Congress to constrain the Government of Brazil to make compensation for the charter of the steamer Circassian in 1867, which is another of the same class of cases. It relates to a contract made between her husband and the Government of Brazil, and in the opinion of the Committee on Foreign Relations it is a matter with which Congress has nothing to do at present, at least; and it is entirely within the power of the Department of State. I move that the committee be discharged from the further consideration of the petition.

The motion was agreed to.

Mr. COKE, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 440) for the ascertainment of the amount due to the Choctaw Nation, reported it without amendment.

Mr. KIRKWOOD, on the part of the minority of the Select Committee to examine into the circumstances connected with the removal of the Northern Cheyennes from the Sioux reservation to the Indian Territory, submitted a bill (S. No. 2215) for the relief of the Ponca Indians; which was read twice by its title.

Mr. GROOME, from the Committee on Claims, to whom was referred the bill (S. No. 2057) for the relief of Arthur J. Carrier, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. FARLEY. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. No. 2102) for the relief of John J. Williams and James D. Thornton, to report it favorably and without amendment. I have not prepared a written report. The bill appropriates $400 to these parties for services rendered as attorneys for the Government in 1876, in a suit pending between the Government and the contractor at Mare Island navy-yard, California, for damages arising out of the construction of the dry-dock at that place. A similar bill passed the Senate and House for the services of a short-hand reporter in the same proceeding. There are accompanying documents with the bill. I ask that the bill be considered now, by unanimous consent.

The Chief Clerk read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. TELLER. I will enter my objection to that request.

The VICE-PRESIDENT. Objection is made, and the bill goes on the Calendar.

Mr. VANCE. A resolution was passed by the Senate instructing the Secretary of the Navy to inquire into the particulars of the restoration to the active list of Edward Bellows. When the answer of the Secretary was returned, that answer with the whole subject was referred to the Committee on Naval Affairs for their opinion as to the legality of the restoration to the active list of Paymaster Bellows. The committee have instructed me to submit a report containing their opinion in the case, and as it touches an important principle concerning promotions in the Navy, I ask that the report be printed.

The VICE-PRESIDENT. All reports are printed under the rule.

Mr. VANCE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 3826) for the relief of the heirs of the late Langley B. Culley, reported it without amendment.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. No. 2182) for the relief of Edward Haile, surviving partner of Savage & Haile, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. ANTHONY. The Committee on Printing, to which was referred a letter from the Secretary of War, transmitting in compliance with section 194 of the Revised Statutes, the names of the clerks and other persons employed in the Department from December 1, 1879, to November 30, 1880, have instructed me to report it back with a recommendation that the usual number be printed. I make that motion.

The motion was agreed to.

Mr. ANTHONY, from the Committee on Printing, to which was referred the letter of the Secretary of War, transmitting, in compliance with section 229 of the Revised Statutes, statements showing the contracts made by the bureaus of the War Department on behalf of the United States during the year 1880, asked that the committee be discharged from its further consideration; which was agreed to.

ENTOMOLOGICAL REPORT.

Mr. WHYTE. The Committee on Printing, to whom was referred the joint resolution (H. R. No. 387) authorizing the printing of 30,000 copies of the third report of the United States Entomological Commission, have instructed me to report it back favorably and ask for its present consideration.

By unanimous consent the Senate as in Committee of the Whole proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREIGN COMMERCE AND MANUFACTURES.

Mr. WHYTE. I am instructed by the Committee on Printing to report, with a favorable recommendation, the House concurrent resolution for the printing and binding of 50,000 copies of the three numbers issued by the State Department of reports from the consuls of the United States on the commerce and manufactures, &c., of their consular districts, and ask for its present consideration.

The resolution was considered by unanimous consent, and concurred in, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound in one volume 50,000 copies of the three numbers issued by the State Department of reports from the consuls of the United States on the commerce and manufactures, &c., of their consular districts; 35,000 of which shall be for the use of the members of the House of Representatives and 15,000 for the use of the Senate.

WITHDRAWAL OF PAPERS.

On motion of Mr. WINDOM, it was

Ordered, That H. T. Johns be permitted to withdraw from the files the papers in his case, under the rules of the Senate.

RIVER AND HARBOR BILL.

The VICE-PRESIDENT. Is there further business for the morning hour?

Mr. COCKRELL. The Calendar, Mr. President.

The VICE-PRESIDENT. The regular order is demanded.

Mr. BUTLER. I wish to submit some remarks this morning upon an amendment now on the table to be proposed to the river and harbor bill.

The VICE-PRESIDENT. Pursuant to notice the Senator from South Carolina calls up an amendment submitted by him for the purpose of making some remarks upon it.

Mr. BUTLER. Mr. President, at the last session of Congress I had the honor to introduce an amendment to the river and harbor bill (which was adopted) providing for "an examination of the headwaters of the Savannah River in connection with the headwaters of the Hiawassee and Tennessee Rivers, with a view of ascertaining if the waters of the last-mentioned streams can be united with those of the Savannah by means of a canal," and the following is the

report of Major W. R. King, United States Engineers, upon that subject:

EXAMINATION FOR A CANAL TO CONNECT THE WATERS OF THE SAVANNAH RIVER WITH THOSE OF THE HIAWASSEE AND TENNESSEE.

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tennessee, January 14, 1881.

GENERAL: I have the honor to state that the examination of "the headwaters of the Savannah River in connection with the headwaters of the Hiawassee and Tennessee Rivers," with a view to ascertaining if the waters of the last-mentioned streams can be united with those of the Savannah by means of a canal, has been completed, and to submit the following report thereon:

Referring to the small map herewith, it will be seen that the connection of the waters in question would, if practicable, form a link in a chain of water communication between the Ohio River and the Atlantic coast, which, on account of its directness and climatic advantages, would be one of the most important transportation routes in the United States. In fact it would combine in a remarkable degree the advantages of the Mississippi River, which is open throughout the year, and of the Erie Canal, which, in spite of its being frozen up five months in the year, forms an invaluable artery of commerce between the great agricultural and manufacturing areas.

There is but one serious engineering question in regard to the feasibility of this transportation route, namely, the question of lockage. Had the topography of the country been such that navigable water of the Tennessee could have been reached from the Savannah by simply digging a canal across the divide, and without locks or even with a small number of them, the connection would no doubt have been made years ago and its commercial value would have been incalculable.

The existence of a summit, to be overcome by locks, detracts from the commercial value of the route in two ways, namely, it increases the cost of the improvement in the first instance, and, secondly, it increases the time and cost of transit which virtually lengthens the route, and thus tends to neutralize its advantages over other routes.

To ascertain exactly the extent of these disadvantages would require a detailed survey, which did not come within the scope of the present examination; but we can, in a general way, estimate some of the more important elements involved from data now available.

The route in question should be made navigable for the same class of boats that can navigate the Tennessee and Savannah Rivers. The locks and canal trunk should, therefore, be of the same dimensions as those now building at Muscle Shoals on the Tennessee River, which will pass boats three hundred feet long, sixty feet wide, and drawing five feet of water. Smaller boats could, of course, be provided for at considerably less cost, which might answer for local traffic; but the magnitude of the proposed work is such that, if undertaken at all, it should be done on a scale that would enable it to compete successfully with existing through routes.

Referring more particularly to the Hiawassee route, it is found that, from the navigable waters of the Hiawassee at Charleston, Tennessee, to the summit at Hightower Gap, a difference of level of 1,300 feet must be overcome by lockage, and from the summit to Augusta, on the Savannah, 1,850 feet, the distance being two hundred and ninety-one miles.

The total lockage would therefore be 3,150 feet, and assuming that the ordinary form of canal-lock is to be used, and that the canal trunk and dams can be so located as to admit of locks of an average lift of fifteen feet, it would require two hundred and ten locks, or about three times the number on the Erie Canal.

An important question naturally comes in at this point as to whether a considerable number of these locks cannot be replaced to advantage by inclined planes similar to the outlet lock above Georgetown, District of Columbia. If so, a very great reduction in cost can be effected in that way. With this view, Mr. Whinery was instructed to observe, as far as practicable, whether the topography of the country was favorable to this plan, and it appears from his examination that in the vicinity of the summit there are a number of places where the inclined plane could be used to advantage, and a more extended survey may show that it can be quite generally used. If so, the advantage to be expected will be apparent from the following rough estimate:

On the west side of Hightower Gap the fall is about four hundred feet in one mile, which would require twenty-seven locks at an average cost of, say, $150,000 each, or a total cost of $4,050,000. I believe the same lift can be overcome by an inclined plane for $500,000, or about one-eighth the cost of the locks. In this estimate I have not undertaken to compare the relative costs of canal trunk, dams, &c., in the two cases, but have no doubt of the advantage being decidedly in favor of the inclined plane in these items, as well as in the economy of water, since it could, if necessary, be operated by steam, and there would then be no loss of water except from leakage and evaporation.

It will be seen, then, that the cost of the proposed improvement may by the use of inclined planes be greatly reduced from what the amount of lockage would seem to indicate, and there would also be a great saving in time of transit from the same cause.

As to the relative feasibility of the Little Tennessee and Hiawassee routes, it appears that the former has a considerable advantage in regard to a summit level without a tunnel, and to the amount of lockage; but the Hiawassee route is about one hundred and ten miles shorter, and strikes the Tennessee River below the mouth of the Clinch, which greatly increases its volume, and below the troublesome shoals between the mouth of the Hiawassee and that of the Little Tennessee.

In order to a full investigation of the merits of these routes the following information will be necessary:

1. The cost of improving the Hiawassee, Little Tennessee, and Savannah Rivers up to the head of practicable slackwater navigation.

2. Exact profiles of the routes through Hightower and Rabun Gaps, with cross-sections at suitable points, from which it can be determined to what extent the inclined-plane system can be utilized and estimates of the cost of building the necessary canal can be made.

3. A comparison of the cost, distances, lockage, &c., of the Hiawassee and Little Tennessee routes with each other, and with the corresponding elements of the route via Tennessee, Coosa, and Ocmulgee Rivers surveyed in 1874. (See Appendix C C, page 658, Report of Chief of Engineers, 1875.)

By making use of certain railroad surveys that have been made over a part of the route, the necessary survey ought not to cost more than $15,000, and could easily be made during one summer.

I would therefore respectfully suggest an appropriation of that amount, if Congress decides to take further action in regard to this route.

A detailed account of Mr. Whinery's examination will be found in his report herewith.

Respectfully submitted.

W. R. KING,
Major of Engineers.

The CHIEF OF ENGINEERS, *United States Army.*

I invite the especial attention of the Committee on Commerce and the Senate to the remarks of Major King touching the importance of the proposed canal.

If practicable—

He says—

it would be one of the most important transportation routes in the United States. In fact it would combine, in a remarkable degree, the advantages of the Mississippi River, which is open throughout the year, and of the Erie Canal, which, in spite of its being frozen up five months in the year, forms an invaluable artery of commerce between the great agricultural and manufacturing areas.

The "question of lockage" is the "one serious engineering question," and this Major King thinks can be overcome by "inclined planes, similar to the outlet-lock above Georgetown, District of Columbia;" and he estimated that the sum of $15,000 would enable the "necessary surveys" to be made to ascertain exactly the engineering difficulties in the way, and the cost of construction, &c., and I have had the honor to introduce an amendment to the river and harbor bill appropriating that amount.

It appears to me, Mr. President, that the importance of this transportation route fully justifies the expenditure of this amount of money by the Government.

My attention was first called to the feasibility of this water connection by Colonel James Edward Calhoun, (himself an accomplished engineer,) who resides on the Savannah River, at the foot of Trotter's Shoals, in Abbeville County, South Carolina, (one of the finest water powers in this country,) and upon an examination of the map I found that the waters of the two rivers, Savannah and Little Tennessee, almost interlocked on the divide of the Blue Ridge Mountains, which separated them. The main question in uniting the waters for the purposes of a canal was, as I was informed, the practicability of securing a summit water-level.

In this connection I beg to submit the following letter from Major Thomas B. Lee, a very able engineer, who has had large experience in that section of the country as a railroad engineer, and who accompanied Mr. Whinery in making the examination to which Major King refers in the closing paragraph of his report:

ANDERSON COURT-HOUSE, SOUTH CAROLINA.
January 4, 1881.

SIR: In response to your request I address you in reference to the practicability of a canal for transportation across the Blue Ridge Mountains, through the Rabun Gap, (in Rabun County, Georgia,) connecting the waters of the Savannah and Tennessee Rivers.

First, I beg leave to ask your attention to the accompanying paper furnished Mr. S. Whinery, United States engineer in charge of "reconnoissance for canal across Blue Ridge Mountains, &c.," at his request.

It embodies the result of examinations and surveys made by myself at different times, and presents such information pertaining to the topographical and geographical features of the proposed route of canal as could only have been had by an extended and expensive examination. The project of a canal through the Rabun Gap has often occupied my thoughts when engaged professionally at different times in that section of country. I found that there would be no difficulty whatever (even without constructing dams to secure a supply in dry seasons) in an ample flow of water for the summit level. The Rabun Gap presents the appearance of a wide valley in the mountains, smooth and fertile, producing large crops of corn. The traveler here never knows when he passes the divide unless it is pointed out to him. The waters of the Savannah and Little Tennessee Rivers flow parallel with each other (in opposite directions) in a broad cornfield, where a ditch ten feet deep would connect them. The principal streams forming the Little Tennessee River unite very near the gap, and can be utilized as feeders for the summit level of the canal at a small expense.

The remainder of the route presents no unusual engineering difficulties. The total distance between Loudon, Tennessee, and Augusta, Georgia, is estimated at three hundred and sixty miles. This is by no means the length of canal to be built, for both on the Little Tennessee and Savannah Rivers many miles of natural navigation and also of slackwater navigation can be had. I regard the project as eminently practicable and one of vast importance to the South Atlantic States and those immediately west of the Blue Ridge Mountains. It would in its length be fifty-eight miles in Tennessee, seventy-five miles in North Carolina, nineteen miles in Georgia, and two hundred and eight miles in South Carolina and Georgia, giving to the countries east and west of the Blue Ridge Mountains a sure and cheap means of exchanging products at all seasons of the year, for, be it remembered, this water-way would never be closed by ice, except in unusually severe weather, and then not long at a time; no such thing as "closing navigation for the winter." It would develop and make accessible a series of water-powers equal to any. These powers would be in the iron, copper, coal, lime, and timber regions, in the land of wool and cotton. It would carry an immense commerce to the enrichment of our people and prevent railroad monopoly. In view of these facts and many others that might be presented, it would seem to me, respected sir, that there is no project that could engage the attention of our lawgivers, the completion of which would be the means of enriching our people and developing our resources to a greater extent. A few thousand dollars now for a thorough survey of this route would, when applied, develop facts, I believe, which would induce Congress to make at the proper time the needed appropriation to build this great water highway.

Respectfully, yours,

THOMAS B. LEE.

Hon. M. C. BUTLER.

Major Lee does not overdraw the importance of this canal, nor the great benefit it will be to the country on either side of the Blue Ridge Mountains. It would give to the great West another outlet to the sea, and to the sea-coast States another inlet to the West.

It is stated, Mr. President, that the Government has granted in aid of railroads 200,000,000 acres of land (about forty-six million acres patented) and 80,000,000 in bonds, amounting in value to more than $300,000,000, perhaps $400,000,000; and within the next few years 100,000 miles of railway will be in operation in the American Union.

This ever-growing, ever-increasing railroad corporate power is beginning to arouse serious alarm among many very patriotic persons, and the apprehension is spreading lest the corporations become stronger than their creators, the governments State and Federal.

The consolidation of companies and accumulation of vast controlling capital in the hands of a few individuals appear to threaten with danger the private rights of individuals and orderly administration of government. How far this may be true or otherwise it is no part

of my present purpose to indicate. It is sufficient for the present to affirm, what I believe is very generally admitted, that there is cause for serious alarm at the overgrown power of corporations in this country, and the statesmen of different sections are anxiously considering methods and means to subject them to proper legal restraints and secure that measure of governmental control which will not interfere unduly with vested rights and cripple the energies and capacities of the corporations on the one hand, or permit the abuse of corporate power on the other.

My own judgment on this point is that all incorporated companies deriving their franchises and powers from the United States Government should be supervised and regulated by the national authority, and those existing under State grants should be controlled and regulated by State authority. This, I believe, will be found to be one solution of the problem, and if the respective powers of the national and State governments are firmly and impartially exercised they will prove amply efficacious to avert any probable evil which is likely to arise.

But, Mr. President, there is another great agency which should be freely and fully invoked to supplement and re-enforce the cautious and just exercise of the powers of Government—the law and power of competition. The productive capacities and possibilities of this country and the increasing demand throughout the whole world for the products of our people are so great that it will be next to impossible to overstrain or overtax the saving effects of stimulated competition in trade. And I believe it is not only the right but the duty of the National Government to open or aid in opening every natural avenue and highway of trade and commerce for the convenience of the people that it can possibly reach under the limitations imposed by the Constitution.

I need not argue at this day to an American Congress that the Govment may constitutionally aid in the improvement and development of any of the many water-ways of the country for the accommodation and convenience of commerce and trade between the States, one with the other, and between them and foreign countries. If there was ever any doubt on this subject the exercise of the power has been too long enforced and acquiesced in to be questioned now. And I know of no more effective way of establishing permanent, successful, and indestructible competition in trade, no more effective way of throwing safeguards and shields around private rights of trade, than by developing to the highest degree of perfection every water-way in the country to be free for the purposes of navigation and travel to every citizen.

We have absolute free trade between the States the nearest and remotest, and the products of the diversified soil and climate of our vast territory may be freely interchanged without the interference of a custom-house officer or tax-gatherer. It may do more. It may go out into the great highways of the commerce of the world untrammeled and unfettered by the burdens of taxation. This, Mr. President, is a great boon to 50,000,000 of people inhabiting such a country as ours. No charge for the interchange of the endless variety of our commodities with each other save the cost of transportation. Surely, it is worthy the consideration of the most ambitious statesmanship to make this charge as light as possible.

This particular project for direct water communication between the tributaries of the Mississippi River and the Atlantic Ocean would be a great blessing to the vast number of our people immediately benefited by the facilities and advantages it would afford them of commercial intercourse. It would establish a strong competitor and rival in trade to railroads or other channels, which might otherwise acquire a monopoly in transportation and impose onerous tariff rates of freight and passage.

The great surplus of food supply in the fertile grain and stock-raising States across the mountains would find another avenue for getting their products to a ready and paying market, and the States on this side the mountains, abounding in products and manufactures for clothing the people, would have additional facilities for getting them to willing purchasers.

Of course my opinion of the practicability of this canal will count for very little, but I am encouraged to have faith in it by the favorable opinions of Major King, who I am informed is a prudent and able engineer, who thinks carefully before venturing an opinion, and of Major Lee whose letter I have read, and who I have the pleasure of knowing as one of the ablest and most reliable engineers in the country, and as having a thorough knowledge of the country whereof he speaks.

I believe it is generally conceded that water transportation of freight is cheaper than railway transportation. This is certainly true of heavy, bulky articles, such as cotton, cotton goods, sacked grain, ores, pork, heavy machinery, &c., and wherever water-ways can be opened or improved for the cheaper movement of these commodities, it is the duty of the General Government to open or improve them.

The Government, as has been shown, has contributed over three hundred millions of dollars in land and bonds to railroads, and to-day those very railroads are laying a tariff on the commercial products of the people, in the shape of freight charges and passenger rates, that absorbs a large proportion of their profits. Instead of returning the bounty of the Government, lavishly bestowed, of the people's land and money, by liberality toward them, they extort in the way of freight charges "what the article will bear;" and therefore, Mr. President, I have always advocated the generous appropriations by Congress for the improvement of our rivers and harbors. They can be used by all the people who will furnish their own means of navigation—freely and without charge.

I vote for the appropriations for rivers and harbors with more satisfaction than any others acted upon by Congress, for two reasons: first, because the money is used to supply additional facilities to the people of the country for commercial intercourse, and, second, because the money is honestly expended and the people get a satisfactory return. It will be a happy day for the whole country when the same may be said of all the other appropriations.

It is not wise statesmanship, or true economy, Mr. President, to stint and pinch any branch of the public service. People never complain of liberal allowances for the public service if those allowances are honestly expended. Jobbery and corruption, abuse and violation of official trusts, using the public funds for private ends, diverting them to other than the objects for which they are allowed, these are some of the evils that raise a clamor against the administration of our affairs, and I am happy to believe that occasion for such clamor is rarely, if ever, found nowadays in the Congress of the United States. I believe there is not an instance known where there has been the slightest defalcation or misconduct by one of the Engineer Corps of the Army in the disbursement and expenditure of the appropriations for rivers and harbors, all of which pass through their hands. This is certainly a creditable record for officers charged with the disposition of so many millions of dollars; but it is the simple truth. And how much those officers have contributed and are contributing with their efficient corps of civil assistants to the advancement of commercial prosperity and facilities for trade the country does not appreciate.

The improvement of the navigation of every stream, however small, which enables the farmer or the manufacturer or miner to get his products to market cheaper than before its improvement, is a benefit to that farmer or manufacturer or miner which the Government ought to bestow because that stream is free to be navigated by every citizen of every State in the Union, subject of course to police and other regulations. This Blue Ridge Canal, if upon further investigation it should be found to be practicable, will pour into the ports of the South Atlantic a wealth of products from the interior valleys, in addition to those now carried by rail, that will in a few years pay for its construction tenfold.

Some of these ports have already a large and valuable and annually increasing export trade, and ought to have much larger import trade. Savannah for instance, although the sixty-third city in the United States in population, is the seventh in the value of her export trade. Charleston is the thirty-sixth in population and eighth in the value of her foreign exports. Wilmington is the one hundred and twenty-third in population and the nineteenth in the value of exports. Why the small towns of Beaufort and Port Royal, South Carolina, which constitute one customs district, have annual exports to foreign countries amounting in value to $1,952,644, while Providence, Rhode Island, with a population of 104,850, the twentieth city in the Union, has annual exports of only $15,000 in value.

I call attention to these facts to show the importance of opening every profitable avenue to these great gateways of foreign commerce in order that additional facilities may be provided to the people for getting their products into the commerce of the world, and getting back in exchange such commodities as they require for their comfort and happiness.

I trust, Mr. President, the Committee on Commerce and the Senate will concur with me in the propriety of making this small appropriation for this great national work, and move the reference of my amendment to the Committee on Commerce.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. EATON. The Committee on Foreign Relations are very anxious that a bill, or two bills rather, relating to one and the same matter, reported many days since, should be taken up. I feel that the honor of the Government, the honor of the country, demands that the Japanese indemnity bill should be taken up and passed. I apprehend it will take but very little time. A great deal of labor has been given to it, and I venture to move to postpone all prior orders, and if they are postponed I shall then move to take up that bill.

Mr. INGALLS. Is it a House bill that the Senator wishes to have considered?

Mr. EATON. No, sir.

The VICE-PRESIDENT. The Senator from Connecticut, in behalf of the Committee on Foreign Relations, moves that the pending order, being the consideration of the Calendar of General Orders under the standing order of the day, be postponed, stating his purpose to be, if that motion shall prevail, to move that the Senate proceed to the consideration of the Japanese indemnity bill.

Mr. EATON. The bill (S. No. 2022) in relation to the Japanese indemnity fund is the one that I wish to have considered first.

Mr. KIRKWOOD. I know that the Senator from Vermont who sits beside me [Mr. EDMUNDS] feels a decided interest in that bill. I do not know whether he is in the city or what detains him from his seat, but I know he would like very much to be here when the bill is considered.

Mr. EATON. Does my friend desire that we should not take up the bill this morning?

Mr. KIRKWOOD. I merely make the suggestion that I know the Senator from Vermont desires to be here when it is considered.

Mr. EATON. I should be very sorry to displease one of my brother Senators, but at this late day the bill ought to be taken up, and I shall venture to ask that it be taken up.

Mr. COCKRELL. I hope not. I hope we shall devote one morning to the Calendar and see if we cannot dispose of some cases. I hope my friend from Connecticut will not press the Japanese indemnity bill this morning, when the Senator from Vermont is not here. Let us go on with the Calendar.

Mr. EATON. Very well; I will not press it, but I shall ask that my friend will assist me to-morrow in taking the bill up.

The VICE-PRESIDENT. The motion is withdrawn.

CHANGE OF NAME OF VESSELS.

Mr. BALDWIN. The Committee on Commerce, to whom was referred the bill (H. R. No. 6023) to authorize the Secretary of the Treasury to change the name of vessels under certain circumstances, have instructed me to report it without amendment, with a recommendation that it pass.

Mr. BURNSIDE. That bill will lead to no opposition and will require no discussion. It is simply to change the names of vessels. It is a unanimous report of the Committee on Commerce, and I hope the Senate will take it up for present action.

The VICE-PRESIDENT. Is there objection?

Mr. INGALLS. I object.

The VICE-PRESIDENT. Objection is made, and the bill goes on the Calendar.

Mr. BURNSIDE. It is a very simple bill and I hope the Senator from Kansas will withdraw his objection. It will not require any discussion at all.

The VICE-PRESIDENT. The Secretary will report the first bill on the Calendar at the point reached when it was last under consideration.

CLAIMS FOR HORSES AND EQUIPMENTS.

The bill (S. No. 351) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States, was announced as being first in order upon the Calendar.

The VICE-PRESIDENT. The bill will be read.

The CHIEF CLERK read the bill, as follows:

Be it enacted, &c., That the time for filing claims for horses and equipments lost by officers and enlisted men in the military service of the United States, which expired by limitation on the 31st day of December, 1875, be, and the same is hereby, extended to two years from and after the passage of this act; and that all such claims filed in the proper Department before the passage of this act shall be deemed to have been filed in due time, and shall be considered and decided without refiling.

Mr. WITHERS. Let the bill go over.

Mr. GARLAND. I believe if the Senator from Virginia will consent to the consideration of the bill for a few minutes we can pass it.

Mr. WITHERS. The only objection I have to it is that it seems to reopen a class of claims which has been excluded by the statute of limitations for six years.

Mr. GARLAND. I will state to the Senator from Virginia that on the 9th of December the further consideration of the bill was postponed for the purpose of getting some data in reference to this class of claims in my State. Since then I have got a list of them, and I find in looking over the matter that it has been exaggerated. According to the report of the Third Auditor there has been scarcely a fourth of the claims presented that were supposed. There is another mistake. The act of 1874 extended this class of claims for two years. The class of claims that I represent particularly are those of constituents of mine, some thirty-five or forty in number, who live in a section of the country where it was difficult really at that time, owing to deficient mail service, to know of the law; and it was in many cases absolutely impossible for them to know of this law and know what they had to do under it in order to perfect their claims. All these claims of which I speak directly are now on file and proof made. There is nothing to be done but simply to extend this time, to enable them to be taken up and passed upon.

Mr. WITHERS. If the object of the bill was to restrict its operation to just that class of cases, it would be a very good thing; but as I understand, there is no restriction on it. It opens the door for the admission of all claims.

Mr. GARLAND. There is a good deal in the suggestion of the Senator from Virginia. I am only speaking particularly of the claims in the State of Arkansas, of which, of course, I have knowledge; but according to the calculation of the Third Auditor there would not be all told a thousand claims more produced than are now before the Department.

Permit me to say that the act of 1874 was an amendment to an act existing ever since 1849, and if we do not give this extension we put ourselves in the anomalous condition of cutting out soldiers from this relief, when now the citizens who had property impressed can present claims for payment by the Department and get pay for them, while the soldiers cannot get pay for their horses. It is a curious piece of legislation, if we had time to go through with it; but I state as a matter of fact to the Senator from Virginia that if this is not done and if these soldiers cannot get pay for the horses but are cut out, while citizens can get pay, under the act of 1849 and the amendments to it, for property impressed, it is an unjust distinction toward the soldiers, of course not intended but by mere oversight of legislation. I wish to call the attention of the Senate to it. I have looked at the data in reference to the State of Arkansas. There are some thirty or forty cases now filed in the Department, and there is nothing to do but to extend the act in order to allow them to be settled, adjusted, and paid.

Mr. INGALLS. I ask, Mr. President, that the order of the Senate relative to debate hitherto made may be enforced.

Mr. GARLAND. I do not think I spoke quite five minutes.

Mr. INGALLS. I did not refer to the Senator from Arkansas, but to debate hereafter that may arise.

The VICE-PRESIDENT. Does the Senator from Virginia withdraw his objection?

Mr. WITHERS. I withdraw it in order to enable the Senator from Arkansas to make the statement that he desired to make of the facts.

Mr. COCKRELL. I will add that the statement made by the Senator from Arkansas is correct, and in view of the inequality and injustice of the law I have prepared an amendment which I propose to the bill adding a new section. I will read it:

SEC. 2. That all claims arising under the act approved March 3, 1849, entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," and all acts amendatory thereof, which shall not be filed in the proper Department within two years from and after the passage of this act, shall be forever barred, and shall not be received, considered, or audited by any Department of the Government.

That would be placing a limitation after due notice upon all classes of claims under the act of 1849.

Mr. WITHERS. I withdraw the objection.

The VICE-PRESIDENT. The objection is withdrawn and the bill is before the Senate as in Committee of the Whole, the pending question being on the amendment proposed by the Senator from Missouri, which will be read.

The CHIEF CLERK. At the end of the bill it is proposed to add as an additional section:

SEC. 2. That all claims arising under the act approved March 3, 1849, entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," and all acts amendatory thereof, which shall not be filed in the proper Department within two years from and after the passage of this act, shall be forever barred, and shall not be received, considered, or audited by any Department of the Government.

Mr. WALLACE. This is a bill to open the door when it has been closed by the statute of limitations to a class of cases that might have been filed while the door was open. It seems to me the bill is improper in its character. The amendment of the Senator from Missouri simply gives two years within which to file all these claims. I call the attention of the Senate to the character of the bill.

Mr. THURMAN. I think we ought to have some idea of how much money will go out of the Treasury if this bill should pass. These claims must have originated before April, 1865, when the war closed, or certainly before September, 1865, when the last of the volunteer troops were mustered out of the service. That makes fifteen years or more in which these parties had a right to prefer their claims or those who were barred by the statute of limitations had a right to come to Congress and ask for relief, for an extension of time generally, or each one on his own particular merit, showing the reason why he had not presented his claim in time and asking Congress to afford him relief.

The Senate has, without a single exception, in what I think is a much more meritorious class of claims, the claims under the captured and abandoned property act, refused to extend the limitation to persons claiming for cotton that had been seized by the troops of the United States, which was sold and the proceeds turned into the Treasury, when it was not abandoned at all, and the persons who owned it were entirely loyal. We have, without a single exception I think, refused to extend the statute of limitations in those cases. Under those circumstances, it seems to me that before we open this door as wide as this bill will open it to claims from one end of the United States to another after the lapse of more than fifteen years we ought to know how wide a gap we are likely to make in the Treasury.

Mr. GARLAND. I do not think there is any well-grounded fear as to the number of these claims. I have here the report of the Third Auditor, in which he says that the total number of claims of officers and enlisted men in the United States service during the late war, filed in his office under the act of March 3, 1849, was only 18,344. Of this number four hundred and sixty have been filed since January 1, 1876. The number of claims allowed up to December 1, 1879, is only 11,290. From that he goes on and makes the calculation that probably there would not be exceeding one thousand more filed. If we do not pass this bill we shall present ourselves in the strange condition, I repeat, that the citizen can have his remedy under the act for property impressed when the soldier cannot for loss of a horse.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Missouri.

Mr. CONKLING. I ask that it be read.

The Chief Clerk again read the amendment of Mr. COCKRELL.

Mr. CONKLING. Two additional years are to be given?

Mr. COCKRELL. Only two years, and then it bars a class of claims which never have been barred, citizen claims.

Mr. CONKLING. And if we do not add the two years, they would be barred anyway?

Mr. COCKRELL. No, they have never been barred before. The claims of citizens, under the act of 1849, will never be barred unless some bar is placed on them, but the claims of soldiers under that act have been barred, and this is simply to give the soldiers two years, and to give the citizens only two years, and place them all on an equality.

Mr. KIRKWOOD. The amendment gives effect to the body of the bill, but limits its operation to two years.

Mr. COCKRELL. It limits it to two years as to another class of claims not barred.

Mr. CONKLING. That I may be sure I understand the Senator from Missouri, the fact as I infer is that a large number of these claims is barred?

Mr. COCKRELL. Of soldiers only.

Mr. CONKLING. As my friend repeats that, I will read:

That the time for filing claims for horses and equipments lost by officers and enlisted men in the military service of the United States, which expired by limitation on the 31st day of December, 1875, be, and the same is hereby, extended to two years from and after the passage of this act; and that all such claims filed in the proper Department before the passage of this act shall be deemed to have been filed in due time, and shall be considered and decided without refiling.

The effect of that is to extend as to all those here described the time for two years, and to cure any defects in non-filing heretofore. The honorable Senator from Missouri offers an amendment, the effect of which, as I understand, is as to others to extend for a certain time, and bar after that time.

Mr. COCKRELL. Not to extend it at all, but to give a limitation at the same time these will be limited.

Mr. CONKLING. That is, to fix the same limit, to wit, two years from now?

Mr. COCKRELL. Yes, sir.

Mr. CONKLING. The practical effect of all of which will be that as to officers, soldiers, and everybody else, two years more are to be conferred upon them within which to present their claims?

Mr. COCKRELL. And under the law now a certain class have an indefinite time; no bar at all.

Mr. GARLAND. The soldier is barred.

Mr. COCKRELL. The soldier is barred.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Missouri, [Mr. COCKRELL.]

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States, and for other purposes."

CLAIMS OF GEORGIA FOR FRONTIER DEFENSE.

Mr. HILL, of Georgia. I ask unanimous consent to take up the bill (S. No. 1134) to repay to the State of Georgia $27,175.50, money advanced by said State for the defense of her frontiers against the Indians, and not heretofore repaid.

Mr. COCKRELL. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. HILL, of Georgia. If in order, I will move to postpone the pending and all prior orders with a view to take up that bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from Georgia.

Mr. HILL, of Georgia. I will state to the Senate that it is a small bill to reimburse the State of Georgia the sum of $22,000, but printed in the title here $27,175.50. The report of the committee shows it to be $22,000, every dollar of which is proved by the original vouchers, and the repayment of which is admitted never to have been made by the Secretary of the Treasury. There is no doubt in the world about it. The State is entitled to it. It is a small sum which we advanced to the Government sixty years ago. Other States have been paid similar claims, and there is no objection to this claim from the Treasury Department. We ask no interest whatever on the amount for the whole time. I ask that the bill be taken up. It is a Senate bill. If it is not taken up now it cannot get through the other House at this session. It will take but a few moments to pass it, for there is no opposition to the bill from the Treasury Department. They admit that the money was paid; the records show that the money was paid; and we are prepared to show by the record why it has not been passed upon previously. The truth is, the vouchers were lost for many years. They were recovered in 1857 or 1858. Then it was that the Legislature of Georgia called the attention of the Senators and Representatives from that State to the fact, and a resolution was offered to authorize the payment in 1860. That resolution was pending when the State left the Senate and the House. There is no doubt about the justice of the claim. Here are the original vouchers for every dollar, and we ask no interest on it whatever, and as it is in favor of a State, I submit to the Senate that it ought to be passed upon.

Mr. HOAR. Mr. President, this is a motion to take up a bill to settle a claim for the defense by the State of Georgia of her frontier against the Indians in the year 1795 and from that year on down to 1818. The last expenditure under it is seventy-two years old. The attention of Congress was called to it, according to the statement of the honorable Senator from Georgia, about 1857, when the vouchers, which had previously been lost, were discovered by the State. Now, whatever may be the intrinsic merits of this claim, it is difficult to see why, at this time in the session, the Senate should be asked to take it up and consider it, and deal with the various legal and equitable questions which it involves when it cannot in the nature of things in the existing condition of the public business be expected to pass both Houses of Congress at the present session. It is a denial of justice to a large number of pension applicants, to a large number of individual claims which have the greatest merit, which must be thrust over if the time of the Senate is occupied in this manner.

I desire to say for one that I am opposed to the payment of any more of these ancient State claims by themselves. The State of Massachusetts has a large claim arising in the war of 1812; our citizens have their claims against France and men have died in poverty by reason of the denial by the United States Government of their claims, which the Government has had the benefit of as much as if it had received the money into the Treasury, in settling with France. The only answer I have ever heard made to these claims was that the old federalists behaved abominably in the war of 1812 and no claim of such a State as that ought to be paid.

It seems to me that Congress ought to authorize all the States of the Union that have matured claims that have gone into the past to go into the Court of Claims and there have a hearing; let the Government be heard on the other side; and let that court, not enter a judgment as it does in the case of ordinary claims, but let that court report to Congress, with such set-off as the Government may establish on the hearing, the nature, and foundation of such claims and the facts on which they are supported and the equities which relate thereto, and then let Congress deal with the entire subject in a mass and wipe out from the claims against the Government all these ancient State claims.

Mr. HILL, of Georgia. If the Senator from Massachusetts will allow me just a moment, I desire to say that I supposed this claim would have passed within the time already consumed. I did not desire to consume the time of the Senate, and, as we are still in the morning hour and several Senators around me have asked that I shall not press my motion at this time, I withdraw it.

Mr. HOAR. I will permit the Senator to withdraw the motion, and yield for that purpose, when I have said one other sentence; and that is, that the Senator will see that this claim of the State of Georgia will involve some very serious considerations as to what she has got from the Indians within her borders, in defiance of the decisions of the Supreme Court of the United States. It is a claim which will involve discussing, perhaps, some very interesting historical questions. I now yield.

Mr. HILL, of Georgia. I say to the Senator from Massachusetts that when the case is fully understood, I expect with a great deal of confidence to secure the co-operation and assistance of the Senator from Massachusetts in support of this claim. I think he will consider it just. I withdraw the motion for the present.

NEW YORK AND CONNECTICUT BOUNDARY.

Mr. CONKLING. Having been detained in committee meeting until after reports from committees were in order, I ask leave to make a report at this time. ["No objection."]

The bill (H. R. No. 6514) concerning the settlement of boundary lines between New York and Connecticut, which was referred a long time ago to the Committee on the Judiciary, I am instructed to report back without amendment; and if the Senate will indulge me an instant further, I should like to add that that bill relating as it does to nothing but the fixing of a boundary between those two States, to which the two States are agreed as the papers show with all the formalities, as it is quite important that that boundary should be fixed, if there be no Senator who has any criticism of the bill and as it will take but a moment to concur with the House, I venture to ask for the immediate consideration of the bill. If it leads to any debate or objection, of course I shall not press it.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Is there objection to the present consideration of the bill?

Mr. WITHERS. I call for the regular order. If we make an exception in this case we shall have to make it in others. I am anxious to go on with the Calendar.

Mr. CONKLING. I hope then the Senator and others at some more convenient time will allow me to have the bill acted on.

The PRESIDING OFFICER. The bill will be placed on the Calendar, and the Senate will proceed to the consideration of the next bill on the Calendar.

SCHOOL LANDS IN COLORADO.

Mr. HILL, of Colorado. There is a bill on the Calendar which has been here for over a year, and was passed in my absence without prejudice. I refer to Senate bill No. 769, and I ask to have that bill considered this morning.

The PRESIDING OFFICER. The Senator from Colorado calls for the present consideration of the bill (S. No. 769) to enable the State of Colorado to take lands in lieu of sixteenth and thirty-sixth sections found to be mineral lands.

Mr. KERNAN. I hope we shall proceed with the Calendar in the

morning hour. People are pressing me to death in regard to cases which will soon be reached if we go on regularly.

The PRESIDING OFFICER. The Senator from Colorado states that the bill called up by him is one heretofore passed over without prejudice.

Mr. KERNAN. Then I shall not interpose.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 769) to enable the State of Colorado to take lands in lieu of sixteenth and thirty-sixth sections found to be mineral lands.

The Committee on Public Lands reported the bill with amendments.

The first amendment was stated to be, after the word "attached," in line 12, at the end of the bill to insert:

Provided, That such selections shall be made from lands returned as agricultural, and upon which, at the date of selection, no valuable mineral discoveries have been made: *And provided further*, That the right of the State shall be construed and held to be complete in all sections 16 and 36 in townships surveyed prior to the admission of the State into the Union, on the date of such admission, unless at that time valuable mineral discoveries had been made thereon, or the same were returned by the deputy surveyor as mineral lands; and to all sections 16 and 36 in townships surveyed after such admission, on the date of the approval of the plat of the survey thereof by the surveyor-general, unless valuable mineral discoveries at that time had been made thereon.

The amendment was agreed to.

The next amendment was, to add as section 2 the following:

SEC. 2. That it shall be the duty of the deputy surveyor, at the time of executing the survey of any township, to make a critical examination of the character of sections 16 and 36, and to embrace in his field-notes a full report of any and all mineral discoveries found, to the surveyor-general, who, at the time of approving of such survey, shall decide whether the whole or any part of either of said sections is mineral in character.

Mr. COCKRELL. I move to amend the amendment after the word "who," in line 6, by striking out "at the time of approving of such survey, shall decide," and inserting "shall report to the Secretary of the Interior;" so as to read:

That it shall be the duty of the deputy surveyor, at the time of executing the survey of any township, to make a critical examination of the character of sections 16 and 36, and to embrace in his field-notes a full report of any and all mineral discoveries found, to the surveyor-general, who shall report to the Secretary of the Interior whether the whole or any part of either of said sections is mineral in character.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. TELLER. I have submitted an amendment to the bill and ask to have it read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. —. That the State of Colorado may select an amount of land, equal to 30,000 acres for each Senator and Representative which said State is entitled to in Congress, from any public land in said State not double minimum priced land; or selections may be made from said double minimum lands, but in the latter case the lands are to be computed at the maximum price, and the number of acres proportionally diminished, but no mineral lands shall be selected.

Mr. TELLER. I will say that that section is a bill which stands on the Calendar as Senate bill No. 1468, order of business 998, reported unanimously by the Committee on Education and Labor. If it is put on this bill there is a probability that it may become a law at this session. It is a proper thing for this bill, and I ask to have it put on.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado, [Mr. TELLER.]

Mr. COCKRELL. I should like to hear some reason for the amendment.

Mr. TELLER. Under the act donating lands for agricultural-college purposes and the amendment to that act it was provided that each new State when it came in might take the same amount of land; but this land must be taken from the offered lands. The Committee on Education and Labor examined the bill, which was submitted to them, and reported to the Senate that there were not sufficient offered lands in the State; and we could not take scrip because we had some offered lands in the State. The land that has been offered is arid and cannot be available. We have already established an agricultural college at a large expense without anything from the Government, and this is to put us simply on a footing with the other States; that is all. There is a written report, which can be read if the Senator wants to hear it; but the facts are as I have stated.

Mr. COCKRELL. Other States have had the land?

Mr. TELLER. Other States have had the land.

Mr. COCKRELL. Has Colorado selected any portion of hers?

Mr. TELLER. None at all, because the selection must be from the offered land and the offered land is what we call arid land.

The amendment was agreed to.

Mr. HILL, of Colorado. I think there are some further amendments of the committee which were overlooked.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out in lines 10, 11, and 12 the words "prior to the time at which the right of the State thereto would otherwise have attached."

The amendment was agreed to.

The CHIEF CLERK. The next amendment is in section 1, line 15, after the word "made"——

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Colorado in charge of the bill to the fact that the amendments now proposed by him are amendments to other amendments reported by the committee. The committee amendments have already been adopted by the Senate. The Senator had better move to reconsider the vote by which the committee amendments were adopted, so that he may proceed to amend them.

Mr. COCKRELL. I move to strike out a part of that amendment and insert the other. That will be in order.

Mr. TELLER. I suppose all this may be done by unanimous consent.

The PRESIDING OFFICER. Certainly.

Mr. COCKRELL. I move to strike out in line 15 all after the word "made" down to line 25, and insert in lieu thereof what is in the amendment of the Senator from Colorado, [Mr. HILL.]

The PRESIDING OFFICER. The Clerk will report the amendment suggested.

The CHIEF CLERK. It is proposed to strike out, in the committee amendment, all after the word "made," in line 15 of section 1, as follows:

And provided further, That the right of the State shall be construed and held to be complete in all sections 16 and 36 in townships surveyed prior to the admission of the State into the Union, on the date of such admission, unless at that time valuable mineral discoveries had been made thereon, or the same were returned by the deputy surveyor as mineral lands; and to all sections 16 and 36 in townships surveyed after such admission, on the date of the approval of the plat of the survey thereof by the surveyor-general, unless valuable mineral discoveries at that time had been made thereon.

And in lieu thereof to insert:

And all such selections shall be reported to the Secretary of the Interior, who shall, if he is satisfied such lands so selected are not mineral, so certify, and thereupon the right of said State to such selected lands shall finally attach; and the Secretary of the Interior shall also ascertain whether any of such sixteenth and thirty-sixth sections are mineral lands, and shall certify their character, which certificate shall determine the matter.

The PRESIDING OFFICER. The question is on this amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. TELLER. I ask to send with this bill when it goes to the House of Representatives the report accompanying Senate bill No. 1468, which will explain the amendment adopted on my motion.

The PRESIDING OFFICER. That will be done.

Mr. TELLER subsequently said: Senate bill No. 769, which passed this morning, is erroneous in a slight particular, and I ask to have the bill reconsidered for the purpose of offering a formal amendment. Let the bill be considered as reconsidered, if there is no objection.

The PRESIDING OFFICER. If there be no objection the order reconsidering the vote by which the bill was passed will be agreed to. The Chair hears no objection.

Mr. TELLER. Now I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

The motion was agreed to.

Mr. TELLER. I move after the word "Colorado," in the first line of the section which I offered, to insert "in selecting land for agricultural-college purposes under the acts of July 2, 1864, and July 23, 1866;" which is necessary to make the bill intelligible.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POST-TRADERS.

The bill (S. No. 1123) to amend section 1113 of the Revised Statutes of the United States, relative to post-traders at the military posts of the Army, was announced as being next in order.

Mr. SAUNDERS. I have my doubts about the propriety of passing that bill. However, it may be that some one can answer the objections I have to it. At the present time there are post-traders who have a right to trade with the soldiers and others in camp or around and about military headquarters. There are traders also appointed for the Indians. Each set of traders have different rights; one set of traders are allowed to sell liquors; as a general thing the post-traders are, but the others are not. If you invite Indians to come into a military camp where liquors are sold there will be trouble that will counterbalance all the profits that might be gained by this arrangement.

Mr. BURNSIDE. If the Senator from Nebraska will yield to me to make objection to the present consideration of the bill, I will object to it.

Mr. SAUNDERS. I only want to state what my objection is here.

Mr. BURNSIDE. I object to its further consideration.

The PRESIDING OFFICER. Objection being made, the bill goes over under the rule.

RICHARD H. SMITH.

The next bill on the Calendar was the bill (S. No. 169) authorizing the settlement of the accounts of Richard H. Smith, deceased; which was considered as in Committee of the Whole. It authorizes the proper accounting officers of the Treasury to adjust and settle the accounts of Richard H. Smith, deceased, late lieutenant in the Third Regiment United States Artillery, who lost his life in the wreck of the steamer San Francisco in the year 1853.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH B. CAMPBELL.

The next bill on the Calendar was the bill (S. No. 445) for the relief of Joseph B. Campbell; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 17, after the word "for," to strike out "court and witness fees" and insert "costs;" so as to read "it being the sum expended by said Captain Campbell for costs in defending said suit in State and United States courts."

The amendment was agreed to.

Mr. WITHERS. I should like to hear the report read, or an explanation of the facts of the case.

Mr. COCKRELL. The Senator from Minnesota [Mr. MCMILLAN] reported the bill.

Mr. MCMILLAN. There is a report accompanying the bill.

Mr. COCKRELL. The report is a long one. I hold it in my hand, and can give a statement of the material part of it.

Mr. WITHERS. That is all I desire.

Mr. COCKRELL. The report was made on the 5th of May, 1880, by the Senator from Minnesota, [Mr. MCMILLAN,] and the following is the material part of it:

In August, 1874, Captain Joseph B. Campbell, Fourth Artillery, United States Army, was ordered to the military command of Alaska, and remained in such command till June, 1876. In October, 1874, in the discharge of his duties and in obedience to the orders of his superior officers, he arrested, among others, one Hugh Waters for a violation of the laws of the United States. Such proceedings were had thereafter that Waters was discharged, and in 1876 brought suit in the State court in Oregon, Clatsop County, against Captain Campbell for false imprisonment in such arrest and imprisonment. The action was removed from the State court to the circuit court of the United States for the district of Oregon, and there tried. On the 4th of September, 1877, judgment was rendered in favor of Waters and against the defendant, Campbell, for $2,000 damages and $100.50 costs taxed. The bill provides for the payment of this judgment, and an additional sum of $191.35 expended by Captain Campbell in defending said action.

Mr. CAMERON, of Pennsylvania. May I interrupt the Senator from Missouri? The same bill precisely passed both Houses at the last session, and was signed by the President.

Mr. MCMILLAN. There has been but one case before the Committee on Claims, and this is the report made.

Mr. CAMERON, of Pennsylvania. The same bill was referred to me by the Military Committee, and on examination I found it had been already passed.

Mr. MCMILLAN. The bill in this case was introduced by the Senator from Vermont, [Mr. EDMUNDS,] who is detained from the Senate by illness, and it was referred to the Committee on Claims, and this report was made at the last session of Congress. It was not reached upon the Calendar, but went over. That is all I know of the case. It was before the Committee on Claims and I made the report myself.

Mr. MAXEY. A bill precisely for the same purpose, as I understand this bill, was reported from the Committee on Military Affairs by myself for the relief of Captain J. B. Campbell, Senate bill No. 317, with a long report from me; and it passed the Senate, was returned as passed by the House, signed by the presiding officer, presented to the President and approved by him, as recorded in Senate Journal second session Forty-sixth Congress. I therefore do not understand this bill at all.

Mr. MCMILLAN. If that was a bill for relief on account of the same facts, of course it should not be duplicated.

Mr. MAXEY. When I heard the bill read I knew it was precisely the case that the Military Committee had up with regard to the same judgment growing out of the same arrest and I investigated the case very closely, made a report in its favor, and the bill was passed through the Senate and passed the House and was approved by the President.

Mr. COCKRELL. Then I suggest that the case be passed over.

The PRESIDING OFFICER. Objection being made the bill goes over for the present. The next bill on the Calendar will be stated.

Mr. COCKRELL subsequently said: I move that the bill (S. No. 445) for the relief of Joseph B. Campbell, which was passed over, be indefinitely postponed. I have examined it and find that it was reported from the Committee on Claims by the Senator from Minnesota, [Mr. MCMILLAN,] and I find that another bill was reported by the Committee on Military Affairs and passed, precisely the same as this; and therefore I move that the bill be indefinitely postponed.

Mr. MCMILLAN. I think that is the proper action.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill is indefinitely postponed.

GEORGE E. PAYNE.

The bill (S. No. 1720) to refer the claim of George E. Payne to the Court of Claims was considered as in Committee of the Whole. It proposes that the claim of George E. Payne for the alleged wrongful seizure, use, and occupation of his sugar plantation and other property in the parish of Saint Charles, Louisiana, by the orders of military officers of the United States in 1862, with his petition and all papers filed therewith and relating thereto, including such as are on file in the Treasury and War Departments, be, and the same shall be, referred to the Court of Claims, which court is authorized to hear and determine, without regard to lapse of time, according to the then existing laws, after considering all competent evidence, the liability or non-liability of the United States, and if liable, then the amount, if any, due to Payne, and to render judgment as in other cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABRIDGMENT OR DENIAL OF SUFFRAGE.

The next bill on the Calendar was the bill (S. No. 1721) to enforce the provisions of section 2 of the fourteenth amendment to the Constitution of the United States.

Mr. ANTHONY. I move that that bill be indefinitely postponed.

The PRESIDING OFFICER. The Senator from Rhode Island moves the indefinite postponement of the bill. The bill will be read.

Mr. GARLAND. The Senator from Pennsylvania [Mr. WALLACE] who reported the bill is not in his seat. I ask that it go over.

Mr. ANTHONY. He has no desire to press the bill.

Mr. GARLAND. I do not suppose he has; but let it go over.

Mr. ANTHONY. Very well.

The PRESIDING OFFICER. The bill will be passed over.

DEAD-LETTER OFFICE AT SAN FRANCISCO.

The next bill on the Calendar was the bill (S. No. 1496) to establish a dead-letter office at the city of San Francisco; which was considered as in Committee of the Whole. In order to facilitate the delivery of letters on the Pacific coast, and the speedy return to the writers thereof of such as are refused or cannot be delivered, the Postmaster-General is by the bill directed to establish at the post-office in the city of San Francisco, California, a dead-letter office, and to prescribe such rules and regulations for the management thereof as he, in his judgment, may deem proper and necessary.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BASIL MORELAND.

The next bill on the Calendar was the bill (S. No. 1152) for the relief of Basil Moreland; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs, with an amendment, in line 5, to strike out the words "five thousand five hundred" and insert "two thousand two hundred and twelve;" so as to make the bill read:

That there be paid, out of any money in the Treasury not otherwise appropriated, to Basil Moreland, of Mankato, Minnesota, the sum of $2,212, in full for all claim he may have against the United States for his land and improvements in Blue Earth County, Minnesota, taken by the United States for the Winnebago Indians.

Mr. THURMAN. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. WILLIAMS May 6, 1880:

The Committee on Indian Affairs, to whom was referred the bill for the relief of Basil Moreland, report as follows:

In March, 1854, Basil Moreland settled on the unsurveyed public lands in the Territory of Minnesota, on Blue Earth River. He built a good house and fenced and cultivated a considerable portion of said land. At the time of this settlement no right of pre-emption as to the unsurveyed public lands existed, but in that same year, August 4, 1854, Congress passed an act authorizing such pre-emption. On the 17th March, 1856, Moreland, having continued to reside on and cultivate said land, went to the land office with his witnesses to prove his settlement and right of pre-emption, and offered to pay the money, which was refused by the register of the land-office upon the ground that this land was embraced in a boundary recently set apart as a home reservation for the Winnebago Indians, in accordance with a treaty of February 27, 1855. He continued to reside upon and cultivate said land until the fall of 1856, when he was evicted by the agent of said Indian tribe. In the fall of 1861, the Indians having been removed to another reservation, he returned to said farm, and continued to reside on and cultivate the same until it was sold for the benefit of the Winnebagoes for $1,212 in 1863.

The treaty with the Winnebagoes did not locate the reservation, but provided it should be on Blue Earth River, and it was surveyed and located so as to include Moreland's land, after Moreland's settlement, and after the passage of the act of August 4, 1854, by which he acquired a clear vested right to pre-empt said land, and of which his expulsion could not divest him, and when he returned to it in 1861 his rights were as complete as when he was forcibly expelled from it.

He made another effort to perfect his title by an appeal to the Secretary of the Interior, Hon. Caleb Smith, and offered to locate the land with a military land warrant. The Secretary, after a full examination of the case, in April, 1862, decided that Moreland was entitled to pre-empt said land, and directed the Commissioner of the Land Office to allow him to perfect his title by locating the same with a military land warrant; which was done and the patent actually issued, dated April 10, 1863, but was arrested in its transmission by order of Secretary of the Interior J. P. Usher, who had succeeded Caleb Smith in the Department of the Interior.

The entry was canceled and the land warrant returned on the ground that the treaty with the Indians was the supreme law of the land. The reasoning of the Secretary is not satisfactory, but admitting its force as a matter of law, it does not affect Moreland's equitable claim for damages. There can be no doubt of his right to pre-empt said land, and that he did all the law required of him to perfect his title, but lost his land and improvements and has never been paid for either.

An act of Congress of July 14, 1862, directed the Secretary of the Interior to examine and audit the claims of persons damaged by the treaty with the Winnebagoes. Then pre-emptors to the number of twenty presented the claims which were allowed by the Secretary, and have all been paid except Moreland, (see letter of Secretary Usher to Commissioner of Indian Affairs of date April 22, 1865.)

The land sold for $1,224, the improvements were valued at $1,200, and the committee believe that Moreland is justly entitled to this sum less the value of the land warrant, which was returned to him, say, $200; and they therefore recommend that the bill be amended by striking out the words "$5,500" and inserting "$2,212," in full satisfaction of all claim of said Moreland in this behalf.

Mr. WILLIAMS. The facts of the case are simply these: This man unquestionably when he went there did acquire a right to pre-empt that land; he did offer to do so; and he appealed to the Department of the Interior at Washington when Mr. Caleb Smith was the Secretary of the Interior, who decided that he was so entitled. He settled upon the land. The law of Congress authorizing the pre-emption right was passed before the treaty was made with the Winnebagoes, and the man was living on the land. He received a patent

for his land, which was canceled by order of the successor of Mr. Smith in the Department of the Interior, and he lost his land. It was put up and sold under the treaties with the Indians for the benefit of the Winnebagoes. The committee directed me to report that Mr. Moreland was clearly entitled to what the land brought at the sale made for the benefit of the Indians, less the value of the land warrant that he had put upon it—I forget what the amount was, but it is stated in the report. I do not think there can be any doubt about it in the world. It was his land unquestionably. A right to pre-empt is a vested title as good as any other. The man's land was taken from him, sold, and the money turned into the Treasury and held for the benefit of the Indians. The committee propose to give him what the land actually brought. There were a number of other cases of the same sort, and all the others were paid.

Mr. COCKRELL. What did the land bring when it was sold?

Mr. WILLIAMS. The committee state the exact amount in the report. Everything is of record. All the facts that I mention appear of record.

Mr. COCKRELL. Were there other cases of the same class settled?

Mr. WILLIAMS. They have all been settled but this. There was an appropriation which was not enough to cover this.

Mr. COCKRELL. Am I to understand that this land when sold by the Government sold for $5,000?

Mr. WILLIAMS. No; it sold for $1,200, and we did not allow the whole claim. The claim was $7,000 or $8,000, and we allowed him just what the land sold for less the value of the land warrants.

Mr. COCKRELL. How much is the amount in the bill?

The PRESIDING OFFICER. The amendment is to strike out $5,500 and insert $2,212.

Mr. COCKRELL. Let me ask how much the agents who were authorized to value the improvements on this land estimated Moreland's improvements at?

Mr. WILLIAMS. It has been so long since I made the report that I am not now familiar with the facts, but they are stated there.

Mr. COCKRELL. I have had occasion to examine this whole question. An agent was sent there; the agent made a valuation upon these lands. The party had a right to surrender the pre-emption and take other lands. Mr. Moreland and two others refused on the ground that there was a valuable mill-site on this land, which made it of great imaginary value.

Mr. WILLIAMS. Mr. Moreland paid for the mill-site $2,000, and the books showed that fact; but the committee did not think proper to allow him that. The land was sold for the benefit of the Indians, and Mr. Moreland was turned out of it. The committee thought it proper to give him the value of the land.

Mr. COCKRELL. Does the Senator remember what the valuation of the land was?

Mr. WILLIAMS. I do not remember now.

Mr. COCKRELL. Were not the improvements estimated in the value of the lands when the lands were sold; and was not the $1,200 a full equivalent for the lands and improvements?

Mr. WILLIAMS. I think not.

Mr. COCKRELL. That is my recollection in regard to it.

Mr. WILLIAMS. It has been a good while since I made the report. I know that that was the basis on which the report was made, and I think the report so states. I am so far off that I did not hear its reading distinctly.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Indian Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REFERENCE OF A BILL.

Mr. TELLER. I want to call the attention of the Senate to a bill which came from the House and was referred to the Committee on the Judiciary. I think the bill should have gone to the Committee on Mines and Mining. There is no question of law in it. I have called the attention of one member of the Committee on the Judiciary to it, the only one I could see at the time, and I believe he agrees with me. I ask to have the order vacated, and have House bill No. 1280 referred to the Committee on Mines and Mining.

The PRESIDING OFFICER. If there be no objection, the vote by which the bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes, relating to suits at law affecting the title to mining claims, was referred to the Committee on the Judiciary will be reconsidered, and the bill referred to the Committee on Mines and Mining.

ROSE M. WOOD.

The bill (S. No. 1471) granting a pension to Mrs. Rose M. Wood was announced to be next in order on the Calendar.

Mr. COCKRELL. Let that be indefinitely postponed; there is an adverse report.

Mr. CALL. Let that bill be passed over. It was put on the Calender.

The PRESIDING OFFICER. The bill will be passed over.

SALE OF CERTAIN LOTS.

The next bill on the Calendar was the bill (S. No. 1367) to authorize the commissioners of the District of Columbia to dispose of the ground in square 446, in the city of Washington, belonging to said District, for market and school purposes.

Mr. ROLLINS. This should be indefinitely postponed, as a schoolhouse has already been built on one corner of this lot, and a provision has been inserted in the District appropriation bill providing for another school on the lot. I move therefore that the bill be indefinitely postponed.

Mr. McMILLAN. I think the bill had better be passed over without any such action.

Mr. ROLLINS. Very well.

The PRESIDING OFFICER. The bill will be passed over.

OSAGE INDIAN TREATY.

The next bill on the Calendar was the bill (S. No. 1021) to carry into effect the second and sixteenth articles of the treaty between the United States and the Great and Little Osage Indians, proclaimed January 21, 1867.

Mr. INGALLS. Let that be passed over.

The PRESIDING OFFICER. The bill will be passed over.

CHEROKEE STRIP LANDS.

The next bill on the Calendar was the bill (S. No. 1164) to graduate the price and dispose of the residue of the Cherokee strip lands in Kansas; which was considered as in Committee of the Whole. It provides that all of the lands known as the Cherokee strip lands, on the southern border of Kansas, remaining unsold on the 30th of June, 1880, shall be reduced in price from $1 to 75 cents per acre, and all remaining unsold on the 1st of January, 1881, to not less than 50 cents per acre.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was in line 13, after the word "as," to strike out "under the act of Congress for the disposal of the same, approved," and insert "provided by section 2 of an act entitled 'An act to provide for the sale of certain lands in Kansas,' approved February 28, 1877;" so as to read:

And the Secretary of the Interior shall dispose of such residue in the best manner to secure a prompt sale; and proceeds of such lands shall be, and are hereby, appropriated for the same purposes, and in the same manner, as provided by section 2 of an act entitled "An act to provide for the sale of certain lands in Kansas," approved February 28, 1877.

The amendment was agreed to.

Mr. THURMAN. I think we ought to have some explanation of the bill.

Mr. INGALLS. This land belongs to the Cherokee Nation of Indians, and under existing laws it has heretofore been offered for sale at a certain price per acre. The land not having any special value has remained unsold, and the Indians now desire that the price of the land shall be reduced so that it may be offered at the diminished price and disposed of. This is a bill that meets with the approbation of the Department of the Interior and the authorities of the Cherokee Nation.

Mr. THURMAN. Under what authority is the land to be sold?

Mr. INGALLS. Under the provisions of existing treaties made with the Cherokee Nation.

The Committee on Indian Affairs proposed to amend the bill by adding as section 2 the following:

SEC. 2. That this act shall take effect and be in force from the date of its acceptance by the legislature of the Cherokee Nation, who shall file certificate of such acceptance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF ROBERT G. HATFIELD.

The next bill on the Calendar was the bill (S. No. 1575) to authorize the Commissioner of Patents to hear and determine the application of the legal heirs of Robert G. Hatfield, deceased, for the extension of his patent.

Mr. COCKRELL. Let that be passed over; there is an adverse report.

The PRESIDING OFFICER. The bill will be passed over.

JOSEPH POTTS.

The next bill on the Calendar was the bill (S. No. 293) granting a pension to Joseph Potts.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. The bill will be passed over.

SUITS FOR PATENT INFRINGEMENTS.

The next bill on the Calendar was the bill (H. R. No. 4412) to regulate practice in suits brought to recover damages for infringement of patent; which was considered as in Committee of the Whole. It provides that hereafter in any suit brought in any court having jurisdiction in patent cases for an alleged use or infringement of any patented article, device, process, invention, or discovery, where it shall appear that the defendant in such suit purchased the same in good faith for his own personal use from the manufacturer thereof, or from a person or firm engaged in the open sale or practical appli-

cation thereof, and applied the same for and to his own use, and not for sale, if the plaintiff shall recover a judgment for $5 or less as damages, the court shall adjudge that he pay all costs of suit; and if the plaintiff shall not recover the sum of $20 or over the court shall adjudge him to pay all his own costs, unless it shall also appear that the defendant at the time of such purchase or practical application had knowledge or actual notice of the existence of such patent.

The bill was reported from the Committee on Patents with amendments.

The first amendment was in line 10, after the word "sale," to strike out "if the plaintiff shall recover a judgment for $5 or less, as damages, the court shall adjudge that he pay all costs of suit."

The amendment was agreed to.

The next amendment was in line 13, after the word "and," to insert "not in any manufacturing process."

The amendment was agreed to.

The next amendment was in line 14, after the word "over," to strike out "the court shall adjudge him to pay all his own costs" and insert "he shall recover no costs against the defendants."

Mr. CONKLING. Let us hear the provision read as it will stand when that amendment is adopted.

The PRESIDING OFFICER. The provision will be reported as it will stand if amended.

The Chief Clerk read as follows:

If the plaintiff shall not recover the sum of $20 or over, he shall recover no costs against the defendant, unless it shall also appear that the defendant at the time of such purchase or practical application had knowledge or actual notice of the existence of such patent.

Mr. CONKLING. I am to understand, then, that provision to mean that whenever a patentee brings a suit for an infringement of his patent, he shall not even recover costs, although it may appear that his patent was infringed, unless he can show that the particular person whom he sues knew all about it from the start?

Mr. HOAR. Perhaps the Clerk had better read the whole sentence.

Mr. CONKLING. I should be glad to know a little more about it. If it means that, I should think it radical legislation.

Mr. HOAR. Let the Clerk read further.

The PRESIDING OFFICER. The Clerk will report the amendment as it would read if amended.

Mr. CONKLING. Will the Chair be kind enough to let the Secretary begin at the beginning of the sentence so that we may hear the whole provision?

Mr. HOAR. Read the whole bill as it will stand if amended.

The PRESIDING OFFICER. The Clerk will read the whole bill as it will stand if amended, in case all the amendments shall be agreed to.

The Chief Clerk read as follows:

That hereafter in any suit brought in any court having jurisdiction in patent cases for an alleged use or infringement of any patented article, device, process, invention, or discovery, where it shall appear that the defendant in such suit purchased the same in good faith for his own personal use from the manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof, and applied the same for and to his own use and not for sale, and not in any manufacturing process, if the plaintiff shall not recover the sum of $20 or over, he shall recover no costs against the defendant unless it shall also appear that the defendant at the time of such purchase or practical application had knowledge or actual notice of the existence of such patent, or unless the defendant puts in issue the plaintiff's right to recover anything in the action: *Provided*, That nothing contained herein shall apply to articles manufactured outside of the United States: *And provided further*, That this act shall not affect suits commenced prior to its passage.

Mr. SAULSBURY. I understand the provisions of this bill are to limit a patentee's right to recover costs if he does not recover a judgment for $20 in a suit brought against a party who has made a purchase of a patented article in open market and without notice. So far as I am concerned, I do not hesitate to say that I would limit the right of the patentee to recover solely to the party who had manufactured the article which was an infringement of his patent right. There are hundreds and thousands of men engaged in agricultural pursuits who are compelled to buy agricultural implements that have no means of knowing whether the party who offers them for sale in open market has the right to sell them or not, and they buy a reaping-machine or a plow or a mower, or anything of the kind, and the patentee brings suit against the party in whose possession he finds the article on which his patent has been granted for the infringement of his right. The innocent purchaser ought to be protected. If he buys in market overt he has a right to be protected, and he is certainly an innocent man, with no intention to do wrong to the patentee, and we ought not to legislate so as to enable the patentee to recover as against him. I would, if I had the power to do it, put in the bill a clause providing that he should make no recovery of any amount, whether as damages or costs, if the defendant established the fact that he was an innocent purchaser of the article in open market, and used it in the cultivation of his own farm. I would deny the right to recover costs, and I would deny the right to recover a single dollar from any man who had bought the article in open market without knowledge that there had been an infringement of the right of the patentee.

Mr. KERNAN. If that should be made the law, inventors to whom we profess to secure the exclusive right to manufacture and sell the articles invented by them would have no right at all.

Mr. SAULSBURY. The patentee would have a right against a man who manufactured the article in contravention of his patent. I would give him that remedy.

Mr. KERNAN. But you would then find men engaged as manufacturers of the articles from whom the patentee could not collect a dollar. The House, doubtless moved by abuses in suing men and recovering $5 or $10 and costs, sent us a bill which was far more objectionable to persons having patent rights than this as now amended.

Now, I will state to the Senator from Delaware that if he buys a horse in open market that was stolen, he may have to return it to the real owner, no matter how honest he was; but it seems to me that while we profess to protect inventors, and while they cannot go into any court except a United States court to vindicate their rights, this bill guards purchasers sufficiently. It provides that any man who purchases a patented article "in good faith for his own personal use from the manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof, and applies the same for and to his own use and not for sale," shall not be subjected to any costs if the party does not recover $20 or over as damages. I think that is a sufficient protection. It will not affect men who buy in the ordinary course of business machines for their own use and not for sale. My friend says there ought not to be any damages in such a case. It will be a new idea that Congress, which guarantees to a man that he shall have the exclusive right of making and selling an invention, carries out that pledge by saying to him, "You shall have no costs where the party recovers slight damages." If we say that, and also that a man who buys in good faith shall not be made to pay at all, I do not think that is good law or good practice. I think it will be found in practice that this bill as amended will relieve communities from the abuse of petty suits, and will only subject men to suits who knowingly violate a patent right or who put in issue the right to recover at all and are beaten on that issue. I think this bill should pass as amended, and not the bill of the House; that would really destroy all rights of patentees.

Mr. VOORHEES. Mr. President, there is a system that cannot be described accurately by any milder term than blackmail going on upon the farmers of this country upon a scale of magnitude beyond computation and beyond forbearance. It consists in this: Patentees of articles stand by and see other persons manufacture the same article and sell it until it is spread all over a vast extent of country and in general use. Then their agents commence visiting those who have purchased these articles and have them in use. A farmer when notified that he has in use an article the manufacturer of which it is claimed has infringed some patent right, with the alternative of paying the man who visits him from fifty to one hundred dollars or being dragged to a United States court from fifty to two hundred and fifty miles away, with a prospect before him of big lawyers' fees, witness fees, and possible damages, settles up, and the man goes on to the next.

I sympathize in the protection of men of genius in the right to their productions; but I submit to the Senator from New York that it is quite as competent for patentees to hunt up the men who are infringing their patents by manufacturing as it is to hunt up the innocent farmers who have purchased the articles. It is not difficult to find out where a manufacturing establishment is going on; not as difficult as it is to find where a man puts up a fence of barbed wire or puts into his well a pump—certainly not any more difficult. The only difference in the difficulty is that it is less difficult to alarm a farmer with the prospect of a lawsuit than it is to alarm a manufacturing company. The manufacturing company will stand on its legal rights and go into litigation quite as cheerfully as the other side, while the plain people of the country shrink from law, and justly so, as they would from contagion, small-pox, or any other great calamity.

I submit to the Senate whether it would not be better to hold that the patentee of an article shall first hunt up the manufacturers who are infringing his patent and sue them, rather than to allow him, as the custom now is, to pass by the original sinner, to pass by the first violator of the law, and hunt up the innocent man who has not intended to infringe, but has bought his thrashing-machine or some other article of husbandry in perfect good faith.

I have recently seen the decision of a court with regard to an article of immense importance, where the farmers have resorted to the barbed-wire system in lieu of timber. The decision to which I refer holds that the wire now generally in use has been manufactured by an infringement of the original patent, and that decision has turned loose upon the West agents of the original patentee company to assess and pillage and blackmail the farmers to the extent of over six million dollars.

Mr. CONKLING. What did the Senator say the court held?

Mr. VOORHEES. The court held that the barbed wire now generally in use and generally purchased throughout the prairies of the West had been manufactured by an infringement of the original patent; that is, that the farmers had purchased wire that was made by an infringement upon the original patent of the inventor of the barbed wire. They have paid for it once, and they have to settle now with the original patentee. I say that that decision turns loose upon the prairie farmers, who have inclosed their farms and their yards with this barbed wire, these agents, and the farmers are at their mercy to the extent of over six million dollars, which they will have to pay.

So in regard to other articles, notably in regard to what is called

the "driven-well pump." Articles of husbandry of all kinds are also made the instruments of this system of blackmail.

Mr. BECK. Will the Senator from Indiana allow me to suggest to him that a report was made which I have read in regard to that pump? The manufacturers of it furnished a list of all the little farmers they sold it to, and the agents of the patentees went and levied blackmail on each farmer.

Mr. VOORHEES. That is because the farmer will not go to the Federal courts and the manufacturer will. So these agents can get the money from the farmer, and it is easier to frighten him than to recover damages from the manufacturers.

I yesterday introduced a bill which corresponds with the views so well expressed by the Senator from Delaware, [Mr. SAULSBURY,] and if I am in order in doing so I will move that bill as a substitute for the bill now under consideration. I do not regard the bill under consideration as of much value. It is simply a protection of parties from costs where the recovery is not more than $20. I would hold the manufacturer who infringes a patent responsible; the innocent purchasers I would not. If I can do so in order, I offer the following bill as a substitute for the bill under consideration——

Mr. KIRKWOOD. I hope the Senator will withdraw that until we get at the amendment.

The PRESIDING OFFICER. Such a motion would not be in order until the committee's amendments have been acted on.

Mr. VOORHEES. Very well. I give notice that at the proper time I will offer it.

Mr. KERNAN. Senators will remember that the law now is that if a patentee sues the infringer of a patent and recovers six cents, he gets full costs, and they are very large. This bill is intended as a step in the direction to prevent just such suits as I have heard of in the West about the driven well, where the whole damage cannot be more than $5, and yet the plaintiff gets large costs. Senators should bear in mind that this bill is a great improvement on the law as it now is, and protects the very large body of the farmers and people who buy articles for use from costs; but we did not think it was wise to say that a man should not pay anything; that he should not pay $5 if he had got another man's property to that value. We simply agreed that he should not pay any costs unless there was an infringement that made the damages $20.

Mr. WILLIAMS. I should like to ask why it is necessary that the farmer be brought into court at all. There is no bill that will reach this trouble unless it goes to the very bottom; and let the liability for violating the patent rest entirely upon the manufacturer, and not on the purchaser.

Mr. KERNAN. That is a question which I do not propose to go into. The law has been so from the beginning of the Government. This is a bill to modify the law; and I myself only wish to say that the committee did believe that there should be this relief. They thought it would relieve very largely innocent purchasers who bought patented articles. We submit it to the Senate.

Mr. VOORHEES. I wish to say to the Senator from New York that I expect to vote for his bill, it being a step in the right direction; but after that bill is made as good as it can be, I propose to substitute another which is better.

Mr. WILLIAMS. I happen to know something about this thing. I have seen its practical working on my people. There is not an article of household furniture, there is not an implement on our farms, that there is not a patent right to, and two or three royalties behind for improvements of all kinds on the different parts. I have known fellows to come around and sell to our people farming implements and implements that belong to the kitchen and the hearth, and I have known the purchasers to be as many as three times blackmailed rather than to be carried into a court to defend themselves. The farmers do not know what will come of a suit against them on such a matter. A man gets up and establishes some factory and sends agents out in peddlers' wagons all over the country. The uninformed country people who buy his wares do not know who is the genuine patentee; they have no means of learning. It will cost them a lawyer's fee if they go to town to inquire, and they can hardly find a lawyer in a village who is familiar with the patent laws.

I say the responsibility and liability for damages should stop with the man who manufactures an article, and the bill should be so amended by a substitute as to provide that no innocent purchaser without notice should be liable to the patentee for the use of an article he buys in the ordinary course of business. There is hardly anything that has not got a patent on it. I was invited one day by the manufacturer of a magnificent engine in the city of Springfield to look at it as the model of an engine, and he said to me, "Do you know that the patents on the different parts of this engine cost me as a manufacturer $15,000 for this one single engine?" It is so with nearly everything. I remember one case of a man who had been blackmailed three times upon a washing-machine. He paid the hush-money, $5 each time, to the agent, who came around and who preyed upon his fears by telling him that he was liable to be mulcted in heavy damages. After paying three times, the fourth fellow came around to blackmail him, and he took him to the wood-pile and chucked him in. I remember myself of buying a seed-grass gatherer, and I brought it home, and a fellow came around and wanted me to pay him for a patent right on the machine.

Mr. EATON. Did he get it?

Mr. WILLIAMS. No, sir; he did not get it; but I know of hundreds of instances where people do submit to paying for such things. I am in favor not only of putting these restrictions on, but I am in favor of removing entirely the liability of the innocent purchaser of any patented machine whatever.

Mr. INGALLS. Mr. President, sympathizing with the Senator from Indiana and the Senator from Kentucky as I do in the views they have expressed on this subject, I appeal to them whether the better course to pursue is not to vote down the amendments proposed by the committee and accept the bill that came from the House as being the most practicable thing we can do in the present condition of the public business.

There is no question that great injuries are continually inflicted upon the people of the West by vexatious and blackmailing suits to recover damages for the use of patented articles. It extends all over the whole scope of human activity and enterprise; and I am myself in favor of exempting by law innocent purchasers of patented articles from all damages, and should be in favor of a measure much more rigid than that proposed by the House; but in order to take one step and relieve these people from a part of the burden upon them, I suggest to the friends of this view of the case that we had better disagree to the amendments proposed by the Committee on Patents, which, in my view, are wholly in the interest of the monopolists and the holders of patents, and accept the bill as it came from the House.

Mr. WILLIAMS. Just one moment, if the Senator please. I understand the bill as it came from the House provides that unless the plaintiff recovers a judgment for $5 or more he shall have no costs; and yet he may take the innocent farmer into the Federal courts, two hundred miles away, perhaps, from his residence.

Mr. INGALLS. I am discussing a practical question. We want some relief; we want more than this bill will grant us. But the question is, how much can we get now?

Mr. WILLIAMS. We can get all now.

Mr. INGALLS. Is not this an improvement on the present condition of the law? And considering the fact that if we amend this bill it must go back to the House and run the chances of a committee of conference, had we not better vote down these amendments, accept the bill as it came from the House, and wait for further legislation to accomplish what we desire?

Mr. VOORHEES. Mr. President, in support of the view taken by the Senator from Kansas, I will observe to the Senator from Kentucky that this limitation which provides that unless a man recover $5 judgment he shall not recover costs will restrain thousands of people from bringing suits at all. It will be a sensible limitation of the number of suits and will relieve the people from harassment to a large extent. I am inclined strongly to concur with the Senator from Kansas on this subject, for if we should amend this bill and send it to the House we should get nothing this session. If we vote down the amendments proposed by the Committee on Patents of the Senate and concur in the House bill, we shall get at least one step toward substantial justice and relief, and we can take the other steps hereafter as soon as possible. So I shall vote with the Senator from Kansas.

Mr. CONKLING. Mr. President, I shall not be able to give eloquent utterance to my sympathies for the farmers,—they have been especially mentioned,—and for all the rest of mankind and his wife who are overtaken by claimants of patent rights; but I wish the Senate to do me the favor to consider that I have said to the utmost of my ability all that I should say in that regard did I know as well how to say it as my eloquent friend from Indiana, [Mr. VOORHEES.] I should be restrained in that particular, if by anything, only by the consideration that I was infringing the patent of the Senator from Minnesota, [Mr. WINDOM.] This pump which has played so large a part this morning is the pump of the honorable Senator from Minnesota; not that he patented that pump as a hydraulic apparatus; but it is his pump in the part it plays in the considerations of the Senate and in all that it fills of the public eye on this subject, because that honorable Senator first operated that pump with a force which has never been applied to it in the Senate since, as an argument touching the patent law. Therefore if I should go much into that, I should feel that I was infringing the right of that honorable Senator. But then again I do not know enough myself about that pump to be as sympathetic as the Senator from Kentucky [Mr. BECK] was in regard to it. However, I want to sympathize all around with all the people who like to buy the inventions of somebody else and use them and not pay for them, be the same more or less.

But, Mr. President, I do not mean to vote for the bill as reported by the committee, and certainly not for the bill as it came from the House. By as much as I am a friend of the present users of patented articles, I shall not vote for either of these bills and for several reasons, to two of which I want to call attention. The bill provides as amended by the Committee on Patents that a patentee shall in an infringement suit "recover no costs against the defendant unless it shall also appear that the defendant at the time of such purchase or practical application had knowledge or actual notice"—I stop there to observe that that means, if I understand it, that the *onus probandi*, as lawyers say, is to be on the patentee, the man who brings the suit. He is to prove that the defendant had knowledge or actual notice. I should object to that, but the objection is lost in importance, as it seems to me, in the next objection: Of what is this

person to have knowledge or actual notice? "Of the existence of such patent." Why, sir, on every patented article, by law as well as by custom, is stamped the fact of the existence of the patent; and thus under pretense of serving innocent purchasers and *bona fide* users of articles bought in open market, although they may be pirated, comes a statute putting over them a shield in case they have no notice of that which in lawyers' phrase appears on the very face of the papers. The mold-board of a plow, nearly all the patented articles susceptible of wearing a stamp have labeled upon them "patented" of such a date, and usually the name of the patentee, which is not at all important under this bill. A barbed wire, two slender strands twisted with barbs projecting a foot apart, for aught I know, might not admit of a plain and obvious stamp that it was patented, and yet I will venture to say that upon that article in the original package, as it is bought in a coil or otherwise, upon some badge is printed the fact that that is the subject of a patent, and the date of the patent is given.

I should like to know what protection is to come out of this bill in any of the cases which have been stated. A man buys a clevis, a colter, a mold-board of a plow, the wood-work of it, the handle; he buys a cultivator, a mower, a reaper; he buys a catch to put on a door, which will lock it in a moment; there are a good many such, and one of them has been the subject of a good deal of controversy. On the metal, small as the article is, is plainly printed that it is patented. Is not that actual notice of the existence of a patent? And if it is what is a provision of this kind except a plant, in Western phrase, out of which is to come a fresh variety of litigation?

Mr. HOAR. Will the Senator from New York permit me to say a word?

Mr. CONKLING. Certainly.

Mr. HOAR. I think he is dealing very clearly with an idea which is not the idea of the bill, and which, I think, is not expressed in the bill. If a man buys an article which is patented, and somebody else claims that the manufacture of that article by the person who sold it is infringing another patent, he does not get notice of the existence of the other patent by the mere fact that the article bears an impress that it is manufactured under the patent of a certain date. It is the plaintiff's patent that the plaintiff is to charge the defendant with knowledge or actual notice of, not actual notice that there is some patent claimed to cover it.

Mr. CONKLING. Will the Senator from Massachusetts and me a little further in understanding this provision? Suppose I, a farmer, if that varies it, buy a mold-board of a plow, or a clevis, on which is stamped "patented" such a date; by-and-by John Doe or Richard Roe brings suit against me alleging that that article infringes his patent. The case comes up to be tried, and the facts are as I state them, and I stand upon the fact that I had no notice. Will the Senator tell me on which side of the line under this provision I should fall? Does he mean that if I were sued under the patent which is referred to in the stamp, it would be one thing, and if I were sued under another patent not referred to, it would be the other?

Mr. HOAR. That is exactly it, as I understand the Senator from New York. I suppose that the criticism which the Senator from New York made originally, if I understand it correctly, would have force in regard to the case where a man has got a patent plow-board, or any other article which was made secretly, surreptitiously, in clear violation of the patentee's rights and the patentee's claim to his patent was stamped on it by the maker. But take the case of an invention which is profitable, and a man in a distant part of the country manufactures the article and palms it off as a proper and genuine manufacture, though that is a very rare case in practice, almost unknown so far as I am aware. The case which ordinarily exists is the case of a person who manufactures an article pretending that he has a right to do so under a patent which he has got, which is in fact an infringement of the real patentee's patent, in conflict with it, or where the manufacturer defies the original patent.

The PRESIDING OFFICER. The morning hour having expired——

Mr. HOAR. Now, this bill——

Mr. CONKLING. I hope the Senator from Massachusetts will be allowed to conclude what he has to say.

Mr. HOAR. This bill as I understand it protects the innocent purchaser of the article, the farmer in the case the Senator from Kentucky put, from the obligation to pay any costs of suit in that case unless when he purchased or used the article he had reason to know that there was an existing patent covering the article.

The PRESIDING OFFICER. The morning hour having expired the Chair lays before the Senate the unfinished business of yesterday.

Mr. KIRKWOOD. What is the unfinished business of yesterday?

The PRESIDING OFFICER. The bill will be read by its title.

The CHIEF CLERK. "A bill (S. No. 1988) authorizing the construction of a building for the accommodation of the Congressional Library."

Mr. KIRKWOOD. I hope the Senate will go on with this bill which is under consideration. I admit the importance of the Library bill, but it cannot compare in importance with this.

Mr. VOORHEES. Allow me one moment. If it does not displace this bill, if on the conclusion of the consideration of the bill now before the Senate the Library bill will come up without any obstacle being thrown in its way, I shall not object to this discussion going on until this important measure is disposed of.

WILLIAM HAMILL.

Mr. WITHERS. I rise to a privileged question to present the report of a conference committee.

Mr. VOORHEES. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Virginia submits a report from a committee of conference, which will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 3788) granting an increase of pension to William Hamill, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows, namely:

That the House recede from its disagreement to the said amendment of the Senate, and agree to the same.

R. E. WITHERS,
DAVID DAVIS,
S. I. KIRKWOOD,
Managers on the part of the Senate.
ROBERT L. TAYLOR,
GEO. R. DAVIS,
JAMES W. COVERT,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes.

The message further announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes.

The message also announced that the House had passed a bill (H. R. No. 7172) to admit free of duty two watches presented to Joseph Upton and G. W. Curtis, for rescuing the crew and passengers of the steamship American; in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 7036) to establish post-routes.

ENROLLED BILLS SIGNED.

The message also further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (S. No. 1349) for enlarging the City Hall for the accommodation of the courts and records in the District of Columbia;

A bill (S. No. 1292) to provide for the removal of the terms of the United States circuit and district courts now held at Exeter, for and within the district of New Hampshire, to the city of Concord;

A bill (H. R. No. 192) granting a pension to Hulda L. Barnard;

A bill (H. R. No. 624) granting a pension to Robert S. Goodall;

A bill (H. R. No. 2123) granting a pension to Albert N. Jack;

A bill (H. R. No. 2290) granting a pension to William Bowman;

A bill (H. R. No. 3100) granting relief to Samuel B. Huchinson;

A bill (H. R. No. 4572) defining the verification of returns of national banks; and

A bill (H. R. No. 4887) granting a pension to Rosalie Louis.

NEW YORK AND CONNECTICUT BOUNDARY-LINE.

Mr. CONKLING. A few moments ago having reported back a bill touching the boundary-line between New York and Connecticut, the consideration of which will take but a moment, the Senator from Virginia [Mr. WITHERS] thought he ought to insist on the regular order and did so. I think now that the morning hour has concluded no Senator will object to the occupation of perhaps half a minute in doing what is quite important to those two States. Unless some Senator does object, I should like to have the bill disposed of.

Mr. VOORHEES. I yield with great pleasure for that purpose.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6514) concerning settlement of boundary-lines between New York and Connecticut.

Mr. THURMAN. I have no amendment to offer nor any opposition to make to the bill, although I am a little doubtful about one of its provisions. I am a little doubtful whether there is not a cession of jurisdiction over part of the high seas, though I do not object to that although there may be a monopoly of all the fish therein. But the Senator from Vermont, [Mr. EDMUNDS,] absent on account of illness, when I last spoke to him upon the subject said that there was occasion for some amendment, I do not know what. I shall therefore not oppose this bill at all, but I want to say to my friend that if the Senator from Vermont is of that opinion yet, I shall feel it my duty if he comes in within the two days during which I am entitled to move a reconsideration of the bill, to give him a chance.

Mr. CONKLING. Very well; let that be done.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. BOOTH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free con-

ference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same with amendments, as follows: After the word "home," in line 3 of said amendment, insert the words "upon security given to the satisfaction of the managers;" and in line 4, after the word "pensioners," insert the words "without deduction for fines or penalties;" and in line 10 strike out all after the word "or" to the close of the paragraph and insert the words "children, or in default of either, to his legal representatives;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: Insert before the words "and for other purposes" the words "for deficiencies;" and the Senate agree to the same.

NEWTON BOOTH,
R. E. WITHERS,
W. B. ALLISON,
Managers on the part of the Senate.
JAY A. HUBBELL,
WILLIAM H. FORNEY,
J. A. McMAHON,
Managers on the part of the House.

Mr. INGALLS. As it is impossible to tell by the recitation of these amendments numerically what was done by the two Houses respectively, I ask the Senator from California what action was taken on the amendment of the Senate in regard to the Indian pensions?

Mr. BOOTH. The House concurred with the Senate amendment.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. HARRIS in the chair) laid before the Senate the action of the House of Representatives, agreeing to some and disagreeing to other amendments of the Senate to the bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes.

On motion of Mr. WALLACE, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Presiding Officer.

The PRESIDING OFFICER appointed Mr. WALLACE, Mr. BECK, and Mr. BOOTH.

DISTRICT APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes.

On motion of Mr. WITHERS, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. WITHERS, Mr. HARRIS, and Mr. WINDOM.

WATCHES FREE OF DUTY.

The bill (H. R. No. 7172) to admit free of duty two watches presented to Joseph Upton and G. W. Curtis for rescuing the crew and passengers of the steamship American was read twice by its title.

Mr. HOAR. I ask unanimous consent of the Senate to consider and pass that bill now. It will take but one moment. These are two Essex County seamen, who at great personal peril rescued the crew of this steamer, and these watches have been sent to them from abroad. The Secretary of the Treasury in a communication to the House committee recommends the passage of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPTAIN WILLIAM D. WHITING.

Mr. McPHERSON. I ask to have considered the bill (S. No. 2074) for the relief of Captain William D. Whiting, United States Navy. While the Secretary is looking for the bill I think I can give all the explanation desired about it. Captain Whiting is now a bureau officer; he will be examined in a few days for promotion to the grade of commodore. Being physically incapacitated, he cannot pass the examination. I think there will be no objection to the bill.

Mr. KIRKWOOD. I wish to understand the condition of the business of the Senate. At the close of the morning hour the patent bill, so called, was unfinished. Will the taking up of this bill by general consent disturb that on to-morrow?

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) At the close of the morning hour the patent bill went over under what is known as the Anthony rule, and the unfinished business of yesterday was laid before the Senate, and is now the regular order of the Senate.

Mr. KIRKWOOD. But the Chair does not understand me. I wish to know what position the patent bill will occupy to-morrow morning at the close of the morning business.

The PRESIDING OFFICER. It stands at the head of the Calendar; and whenever the Senate proceeds to the consideration of the Calendar it will be the first bill in order.

Mr. KIRKWOOD. Will the consideration of the bill asked by the Senator from New Jersey affect that order.

The PRESIDING OFFICER. By no means will it.

Mr. WINDOM. I want to ask another question with reference to the patent bill before we pass from it. Is it in order to move to postpone the pending order in order to proceed with the patent bill?

The PRESIDING OFFICER. The Chair knows of no reason why it is not as much in order to move to postpone the pending and all prior orders to take up that bill as to take up any other bill. The Chair thinks it is in order.

Mr. WINDOM. I think I shall make that motion in a few moments.

Mr. McPHERSON. I ask the Senator from Minnesota to let the Senate take action on the bill I have called up. There will be no objection to it.

Mr. WINDOM. I do not object to it. I am waiting for the Senator to have that bill acted upon.

The PRESIDING OFFICER. The Senator from New Jersey asks the Senate to consider the bill he has named. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 2074) for the relief of Captain William D. Whiting, United States Navy. It provides that Captain William D. Whiting, having been promoted for faithful and efficient war service, and having served in the Navy faithfully for thirty-nine years and upward, shall, when ordered for examination preparatory to promotion to the next higher grade, in the event of being found physically incapacitated, such incapacity having been contracted on duty or being incident thereto, be promoted to the next higher grade on the active list notwithstanding such physicial incapacity, and shall then be placed upon the retired list of the Navy.

Mr. LOGAN. What is proposed to be done?

Mr. McPHERSON. Captain Whiting is now a bureau officer. He has been rendered incapable by disease contracted in the service from passing a physical examination. He will be called on in a few days for examination to be retired preparatory to being put on the grade of commodore. He cannot pass the physical examination, and consequently we wish to retire him on the grade of commodore. He is now in the service and performs all the services of a bureau officer, but is absolutely blind and cannot of course pass the physical examination.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. VOORHEES. I rise now to call for the regular order, and I wish to say a word in anticipation of the motion which my friend from Minnesota will make. The patent bill is a House bill.

Mr. WINDOM. Perhaps if the Senator will permit me to make a remark we may save time. I will say that if the patent bill can be taken up to-morrow morning immediately after the conclusion of the routine business I will not make the motion I indicated.

Mr. VOORHEES. Of course it can; it stands at the head of the Calendar.

Mr. WINDOM. It does not necessarily come up. We do not go to the Calendar once a week sometimes, and I want an understanding that it shall come up, or else I wish to test the question now.

Mr. INGALLS. A majority of the Senate can bring it up at any time.

Mr. VOORHEES. There will be no trouble about going to the Calendar to-morrow morning. I am just as anxious about that bill as the Senator from Minnesota.

Mr. WINDOM. If I can have unanimous consent that that shall be done I do not want to make the motion; otherwise I shall feel bound to test the question.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) Does the Senator submit that request?

Mr. WITHERS. It will be the regular order to-morrow on the call of the Calendar.

Mr. WINDOM. I have had a good deal of experience of the regularity with which the Calendar comes up, and would rather have an understanding if we can have it or else know whether we are to pass the bill or not.

Mr. VOORHEES. I was going to observe to the Senator from Minnesota that the patent bill is a House bill, and we can speedily conclude action upon that measure; whereas if the Library bill is delayed longer there will not be time for the concurrence of the House. There has been not only a great deal of labor in the matter which I have in charge, but there has been a very considerable appropriation of money spent. I do not want the work to come to naught in my hands. The Library bill has to go to the House, whereas the patent bill, the importance of which nobody magnifies more than I do, has simply to be acted upon here, and is at an end one way or the other. It stands at the head of the Calendar. To-morrow morning it will be the regular order, and I anticipate no trouble whatever in getting it up to-morrow when the morning business is completed. I do hope

the Senator from Minnesota will allow me my chance in court to-day.

Mr. WINDOM. What is the decision of the Senate upon the request I made a few moments ago?

The PRESIDING OFFICER. The Chair has had no opportunity to submit it. The Chair now submits to the Senate the request of the Senator from Minnesota, which is that by unanimous consent an agreement be made that the patent bill shall be taken up immediately after the disposal of the routine business to-morrow morning. Is there objection?

Mr. CONKLING. I do not wish to make any objection exactly, but I propose at least to make a statement. A Senator who is not here now said to me that he wanted to be heard upon the patent bill; he had some suggestion which has not been referred to; and in the absence not only of that Senator but I think I may say of a majority of the Senate (for I do not think a majority is here) I do not think there ought to be an agreement that the bill shall be taken up at a particular time. I shall do nothing to delay it; indeed I will go with other Senators to take it up at the proper time; but I do not believe my friend from Minnesota had better ask us here in a minority now, to conclude everybody by agreeing that the bill shall be taken up just at that time and no other. Let the Senator give notice that he will ask to take it up then, and I do not think he will have any difficulty.

Mr. VOORHEES. We all know that if the Senator from New York will help us to take it up at that time, it will be taken up.

Mr. WINDOM. I give notice then that immediately after the close of the routine business to-morrow, I shall move to take up the patent bill, and I hope I can get the floor for that purpose.

Mr. TELLER. If we go to the Calendar, it will come up. All the Senator needs is to have the Senate go to the Calendar.

Mr. WINDOM. But we do not go to the Calendar once a week sometimes.

Mr. VOORHEES. I wish to call the attention of the Senate to the regular order of business.

Mr. ALLISON. Before the Senator proceeds will he yield to me?

Mr. VOORHEES. I am in a most yielding mood this morning.

Mr. ALLISON. If the Senator will give way to me I will ask to take up the fortification appropriation bill, which I think will take but very little time. It is one of the necessary bills.

Mr. VOORHEES. Will it not provoke debate?

Mr. ALLISON. I do not think it will provoke much debate. I am in entire sympathy with the Senator in reference to the Library bill, and I think both bills can be disposed of to-day.

Mr. VOORHEES. The two things combining, the persuasive powers of the Senator from Iowa, and my liking for him, as well as the nature of the business he proposes to bring before the Senate, and the assurance that it will take but little time, I ask that the Library bill may be informally and without prejudice laid aside, subject to my call.

Mr. ALLISON. I am much obliged to the Senator.

The PRESIDING OFFICER. The Library bill will be informally laid aside.

FORTIFICATION APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the fortification appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes.

Mr. ALLISON. I ask general consent that the amendments of the Committee on Appropriations may be considered as they are reached in the reading of the bill.

The PRESIDING OFFICER. The bill will be read, and action had upon the amendments as they are reached, if there is no objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in line 1, before the word "hundred," to strike out "one" and insert "two;" so as to read:

That the sum of $200,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the protection, preservation, and repair of fortifications and other works of defense, for the fiscal year ending June 30, 1882, the same to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 9, after the word "War," to insert:

And the Secretary of War is directed to make report of the condition of the fortifications, and what number of them, if any, can be dispensed with.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 18, after the word "rifles," to strike out "and the manufacture of four improved breech-loading twelve-inch rifled guns, four hundred," and insert "two hundred and fifty;" so as to read:

For the armament of sea-coast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, and for machine guns, including the conversion of smooth-bore cannon into rifles, $250,000.

Mr. MORGAN. I ask the Senator from Iowa, in charge of the bill, if he can state to the Senate what proportion of this $250,000 is expected to be applied to the conversion of smooth-bore cannon into rifles?

Mr. ALLISON. I have not at hand exact information upon that subject, but I should say from $125,000 to $150,000 of it. Probably wholly $150,000 of it can be so disposed of.

Mr. MORGAN. Is that supposition based upon some estimate by the Ordnance Department?

Mr. ALLISON. Yes, sir; it is based upon information received from the Chief of Ordnance, General Benét.

Mr. MORGAN. The Senator thinks from $125,000 to $150,000 will be used for the purpose I have named?

Mr. ALLISON. Yes, sir; at least that.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to insert in line 20, after the word "dollars," the following clause:

And the President is authorized to select a board, to consist of one engineer officer, two ordnance officers, and two officers of artillery, whose duty it shall be to make examination of all inventions of heavy ordnance and improvements of heavy ordnance and projectiles that may be presented to them, including guns now being constructed or converted under direction of the Ordnance Bureau; and said board shall make detailed report to the Secretary of War, for transmission to Congress, of such examination, with recommendation as to what inventions are worthy of actual test, and the estimated cost of such test; and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for such purpose.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 46, after the word "sales," to insert "and he shall make statement of his action under this provision in his next annual report;" so as to make the clause read:

And the Secretary of War is hereby authorized, in his discretion, to exchange the unserviceable and unsuitable powder and shot on hand for new powder and projectiles, or to sell the same and purchase similar articles with the proceeds of the sales; and he shall make statement of his action under this provision in his next annual report.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

Mr. ALLISON. There are no other amendments to be offered on the part of the Committee on Appropriations.

The bill was reported to the Senate as amended.

Mr. DAWES. I should like to hear the reasons for the amendment in lines 18 and 19, striking out the item for the manufacture of four improved breech-loading rifle guns, and reducing the total from $400,000 to $250,000.

Mr. ALLISON. In response to the inquiry of the Senator from Massachusetts, I simply desire to say that inasmuch as the committee decided to strike out the provision for the construction of four new guns, it was thought prudent and wise to reduce the appropriation to the extent it is reduced here. The Senator from Massachusetts of course will remember that last year we authorized the construction of four new guns of 12-inch caliber. Those guns are being constructed. It will take all this year and a portion of next year to construct them. Although they are built upon an improved pattern, still there may be some question, at least the question was raised, as to the serviceability of these guns after their construction; and the committee thought it prudent to wait at least until next year before ordering any additional guns.

Mr. DAWES. Let me inquire is there sufficient appropriation to pay for the guns in process of manufacture at this time?

Mr. ALLISON. Ample. The appropriation last year will pay for all the guns in process of construction, the four new guns.

Mr. DAWES. Does the amendment contemplate the abandonment of the manufacture of guns in this country?

Mr. ALLISON. By no means; it is only a measure of prudence in order that we may have a fair opportunity of testing the guns that are now being constructed before ordering additional guns.

Mr. DAWES. If the Senator will indulge me in a little conversation in this way, I should like to inquire whether the Ordnance Department are of the opinion that it is necessary to have further tests of the guns?

Mr. ALLISON. I would say, in response to that inquiry, that I think the Ordnance Department are thoroughly satisfied that the guns that they are now building, these new guns, will be serviceable and will answer every purpose intended; but still they have never been tested; that is to say, no 12-inch gun such as these guns which are now being manufactured has ever been tested. It is true that we have converted the 10-inch, and 15-inch, and 11-inch guns, respectively, and 8-inch guns, have been tested, but inasmuch as the guns that we would order by this bill could not be constructed until Congress again convened, it was thought wise to complete the guns already in process of construction before providing for more.

Mr. DAWES. I do not want to delay the passage of the bill, but if the Senator from Iowa will indulge me a little further let me ask: Will not this reduction have the effect in completing the construction of these guns to work the discharge of all the men employed in the manufacture of guns and the abandonment of the shops before the meeting of the next Congress?

Mr. ALLISON. As I learn from the Chief of Ordnance, the first gun of these four was to be completed within sixteen months after the

signing of the contract, which contract I think was signed last August; the next gun perhaps in twenty months; the next one in twenty-two months; and the next one in twenty-four months; so that I suppose the men who are employed in manufacturing these guns will still be employed upon them when Congress meets again.

Mr. DAWES. And the work will be going on until the next Congress will have this question before it?

Mr. ALLISON. There is no doubt of it. I think the Senator from Massachusetts will agree with the committee that it is wise to postpone at least to another session the question of manufacturing these large guns.

Mr. DAWES. I do not want, as I said, to obstruct the passage of the bill; and if this reduction does not break up the establishments and scatter the hands I feel some force in the argument which has been submitted by the Senator from Iowa.

The PRESIDING OFFICER. Will the Senate concur in the amendments made as in Committee of the Whole separately or in gross? If there be no objection the question on concurring in the amendments will be taken together.

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MEMORIAL SERVICES OF HON. FERNANDO WOOD.

Mr. KERNAN. I ask that the resolution received from the House of Representatives inviting the Senate to attend the observance of the ceremonies in memory of the late Hon. FERNANDO WOOD be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution of the House of Representatives, which will be read.

The Chief Clerk read as follows:

Ordered, That next Sunday, February 27, at three o'clock p. m. be set apart for the observance of the ceremonies in memory of Hon. FERNANDO WOOD, late a member of this House from the State of New York.

Ordered, That the Clerk communicate the foregoing resolution to the Senate with an invitation to the Senate to attend in the House at said hour and participate in said ceremonies.

Mr. KERNAN. I submit the following resolution:

Resolved, That the Senate accept the invitation of the House of Representatives to attend the observance of the ceremonies in memory of Hon. FERNANDO WOOD, in the Hall of the House, on Sunday next, at three o'clock in the afternoon.

The resolution was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. No. 711) amending the charter of the Freedman's Savings and Trust Company, and for other purposes;

An act (S. No. 1802) granting a pension to Ann M. Paulding;

An act (S. No. 1070) granting a pension to Jacob H. Eppler;

An act (S. No. 1928) to provide for remitting the duties on the object of art awarded by the Berlin International Fishery Commission to Professor Spencer F. Baird;

A joint resolution (S. R. No. 152) granting the use of artillery, tents, &c., to be used at the soldiers' reunion to be held at Lincoln, Nebraska, in the month of September of 1881; and

A joint resolution (S. R. No. 162) to grant the use of artillery, tents, &c., to be used at the soldiers' reunion to be held in Maine in 1881.

AMENDMENTS TO BILLS.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLISON, Mr. BOOTH, and Mr. PLUMB submitted amendments intended to be proposed by them, respectively, to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

CONGRESSIONAL LIBRARY BUILDING.

Mr. VOORHEES. I now ask that the Library bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1988) authorizing the construction of a building for the accommodation of the Congressional Library.

Mr. VOORHEES. It will be remembered that night before last we terminated the consideration of this measure by ordering the amendment offered by the Senator from Vermont [Mr. MORRILL] to be printed for the use of the Senate. Yesterday the Joint Select Committee on additional accommodations for the Library of Congress took the amendment of the Senator from Vermont into consideration, and with great and valuable assistance from other Senators besides members of that committee, we submitted sundry amendments which are printed in the amendment of the Senator from Vermont as it is on Senators' desks to-day. Our object was to make a safe legal settlement of all the questions relating to the purchase or condemnation of the property in view. I feel instructed by the overwhelming vote of the Senate the other evening to proceed to perfect the will of the Senate in regard to the location of the Library.

I know that it is more pleasant for every Senator in this body to listen to his own voice than to mine, but inasmuch as Senators will have to vote on this qestion perhaps it would be as well for their own sakes, I ask nothing for my own, to give their attention a little to this matter. It only involves $1,000,000; and a passing silent, quiet observance of five or ten minutes might be of use even to the wisest Senators present in making up their minds how to vote upon a question involving so much money.

I say that we took pains to consider every question connected with the proposed purchase of a site for the Library, and we have submitted such amendments in connection with the amendment offered by the Senator from Vermont that I apprehend the best legal minds in this body will say that we have made, if I may use such an expression, a water-tight piece of proposed legislation.

I will ask, therefore, that the Secretary read in his best, most deliberate, and intelligent tone of voice, so as to be heard by everybody, the amendment of the Senator from Vermont, as now proposed to be amended by the committee, which amendments as proposed by the committee have been accepted by the Senator from Vermont.

Mr. MORRILL. I desire formally to accept the amendments of the committee incorporated in my amendment, so that a separate vote will not be required on any one of them.

The PRESIDING OFFICER. The Senator from Vermont modifies the amendment offered by him, which will be reported.

Mr. CONKLING. This is the amendment of the Senator from Vermont.

Mr. VOORHEES. It is the amendment offered day before yesterday by the Senator from Vermont, with sundry amendments now printed in that amendment, which were acted upon by the select committee on the construction of a new Library building yesterday, and proposed by me. The Senator from New York will find on his desk, under the title of Senate bill No. 1988, the amendment printed. It was printed yesterday and reprinted this morning with the amendments in it which I proposed yesterday on behalf of the committee.

The CHIEF CLERK. It is proposed to insert:

That in order to provide a suitable site for a building for the Library of Congress, and for other public purposes, the following parcels of land, situated east of the Capitol Grounds, shall be purchased by the Secretary of the Interior, or taken for public use, namely: Squares designated on the plan of the city of Washington, as numbers 728 and 729, and triangular parcels designated thereon as numbers 726, 727, 730, and 731; the whole being bounded on the north by B street north, on the east by Second street east, on the south by B street south, and on the west by First street east, and supposed to contain 455,130 superficial feet, exclusive of avenues, streets, and alleys.

SEC. 2. That a sum of money sufficient to pay for said land, in the mode hereinafter provided, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the land and the structures thereon which may be purchased or condemned under this act, and all damages for the taking thereof, shall not exceed $1,000,000.

SEC. 3. That the Secretary of the Interior shall be authorized to purchase said land, or any part thereof, as soon as practicable, at such prices as may be fixed by agreement between the said Secretary and the respective owners, not exceeding the actual cash value thereof nor the prices at which the respective owners shall have consented in writing to sell the same to the United States; and payment therefor shall be made to the respective owners, on the requisitions of the Secretary of the Interior, upon the release and conveyance of said lands to the United States by good and sufficient deeds executed in due form of law: *Provided*, That no money hereby appropriated shall be expended for the purchase of said land or any part thereof, or for the erection thereon of said Library building, until the written opinion of the Attorney-General shall be had in favor of the validity of the title to said land.

SEC. 4. That if the Secretary of the Interior shall be unable to purchase the whole of said land by agreement with the respective owners within thirty days after the passage of this act, he shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, at a general or special term, by petition, containing a particular description of the property required, with the name of the owner or owners thereof, and his, her, or their residence as far as the same can be ascertained, which court is hereby authorized and required, upon such application, without delay, to appoint five commissioners, freeholders of the District of Columbia, who shall, before entering upon their duties, take and subscribe an oath, before some officer in the District of Columbia authorized to administer oaths, that they are entirely disinterested in the purchase or sale of said real estate, and that they will well and truly discharge their duties as such commissioners; and they shall then proceed to make a just and equitable appraisement of the cash value of the several interests of each and every owner of the real estate and improvements thereon necessary to be taken for the public use in accordance with the provisions of this act, which appraisement shall be subject to ratification by said court; and if at the expiration of thirty days after the passage of this act said court shall not be in session in general or special term, a special term shall be held, commencing on the day next thereafter, for the purpose of making the appraisement and ratification herein provided for: *Provided*, That written notice of the time and place of appraisement shall be given by said commissioners to each owner of real estate the purchase of which is contemplated by this act, at least thirty days before proceeding to appraise the same; and in the case of a non-resident owner a similar notice shall be given by publication in two daily newspapers of general circulation published in the city of Washington; and if it shall appear that any owner or party otherwise interested in any portion of said real estate be a minor, or otherwise incapacitated, said court shall, before proceeding to the appointment of said commissioners, appoint some suitable person as guardian *ad litem* to represent such person in all further proceedings in reference to such portion of said estate under this act.

SEC. 5. That the fee-simple of all premises so appropriated for public use of which an appraisement shall have been made under the order and direction of said court shall, upon payment to the owner or owners respectively, or to such person as shall be authorized to receive the same for any such owners, of the appraised value, or in case the said owner or owners refuse or neglect for fifteen days after

the appraisement of the cash value of said lands and improvements by said court to demand the same from the Secretary of the Interior, upon depositing the said appraised value in said court to the credit of such owner or owners respectively, be vested in the United States; and the Secretary of the Interior is hereby authorized and required to pay to the several owner or owners respectively, or to such person authorized as aforesaid, the appraised value of the several premises as specified in the appraisement of said court, or pay into court by deposit as hereinbefore provided the said appraised values.

SEC. 6. That said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession. The cost occasioned by the inquiry and assessment shall be paid by the United States; and as to other costs which may arise, they shall be charged or taxed as the court may direct.

SEC. 7. That no delay in making an assessment of compensation, or in taking possession, shall be occasioned by any doubt which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners; but in such cases the court shall require a deposit of the money allowed as compensation for the whole property or the part in dispute. In all cases, as soon as the United States shall have paid the compensation assessed, or secured its payment by a deposit of money under the order of the court, possession of the property may be taken.

SEC. 8. That before payment shall be made for any part of the grounds herein described the terms of all contracts therefor and the amount of all appraisals thereof shall be submitted to the President for his approval; and if in his judgment the sum to be paid for any parcel, either under contract or judicial proceedings, shall be unreasonable, he shall, in respect to the same, suspend all further proceedings under this act till further action by Congress: *Provided*, That there shall not be taken or paid for under this act less than the squares numbered 729, 730, and 731, on the south side of East Capitol street, or the squares numbered 726, 727, and 728, on the north side of said street.

SEC. 9. That the Secretary of the Interior shall report to Congress, at the commencement of the next session, a detailed statement of all the proceedings under the provisions of this act.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on agreeing to the amendment of the Senator from Vermont [Mr. MORRILL] which has just been read.

The amendment was agreed to.

Mr. CONKLING. I ask the Senator from Indiana who has told us that he adopted as far as his own approval went this amendment and reported it, what is the meaning in section 2 of the words in italics beginning with the proviso:

Provided, That the land and the structures thereon which may be purchased or condemned under this act, and all damages for the taking thereof, shall not exceed $1,000,000.

I will show the Senator my object by inquiring whether he means that $1,000,000 shall cover not only the land but the buildings?

Mr. VOORHEES. Yes, sir.

Mr. CONKLING. Then I venture to say to the Senator that the words ought to be transposed, so that the proviso shall read:

Provided, That the land which may be purchased or condemned under this act, and all damages for the taking thereof and the structures thereon, shall not exceed $1,000,000.

Mr. VOORHEES. If the Senator from New York will put it in that shape I will accept it.

Mr. CONKLING. I suggest to the Senator that the words ought to be transposed.

Mr. VOORHEES. I think that is an improvement.

The PRESIDING OFFICER. Will the Senator repeat his amendment so that the Clerk may get it?

Mr. CONKLING. It is merely to strike out the words "and the structures thereon" where they occur, and put them in on line 6, so that the proviso shall not be held to mean that this covers only such buildings as are taken, as distinguished from those which are to be demolished.

I understand the effect of the amendment which has been adopted as in Committee of the Whole to be that four squares are to be purchased. No doubt the bill would show this if read carefully, but I ask the Senator from Indiana to assist me so much as to tell me whether it be true that the two squares opposite here, the large squares, parallelograms as they are, and also the two more or less wedge-shaped squares, one on the north and one on the south, are embraced in this proposition?

Mr. VOORHEES. I so understand it.

Mr. CONKLING. So that we are to buy all the way from B street on the north to Pennsylvania avenue on the south.

Mr. VOORHEES. Yes, sir.

Mr. INGALLS. From the street beyond Pennsylvania avenue.

Mr. VOORHEES. No.

Mr. CONKLING. If the Senator will let me put it in this way, we are to buy all the way from the street on which the stone houses built by General Butler stand, which is Pennsylvania avenue, all the way across to the street which runs up where the street cars turn over on the north. We are to buy whatever there is between those points on the north and south sides of East Capitol street?

Mr. VOORHEES. Yes, at an expense not exceeding one million dollars.

Mr. DAVIS, of Illinois. For the building?

Mr. CONKLING. The million dollars does not cover the building.

Mr. VOORHEES. The whole million dollars is for the location of the site.

Mr. INGALLS. B street south is south of Pennsylvania avenue on the map.

Mr. McPHERSON. Will the Senator from New York yield to me for a question?

Mr. CONKLING. Certainly.

Mr. McPHERSON. Do I understand the Senator to say that we are to buy the block fronting upon the square on the right side and also the block on the left-hand side of the square and beyond it on the opposite side?

Mr. CONKLING. If the Senator will look at this very small plot, which I will send him in a moment, as marked here, he will see that under the amendment (as I take it to be under the instruction of the Senator from Indiana, I have not been able to follow all the reading) we are to buy from B street north first a three-cornered bit of ground which lies north of Maryland avenue; and then we are to buy another irregular bit of ground which lies south of Maryland avenue, before coming to the large squares east of the Capitol grounds. Then we are to buy the two large squares lying opposite the Capitol on the east. Then we are to buy an irregular piece of ground between A street south and Pennsylvania avenue; and then we are to buy another irregular block of ground south of Pennsylvania avenue. I will send this book to the Senator from New Jersey, and if he will look at the blue mark he will see what this covers. So then, instead of being a piece of ground in width as great as the Capitol from wing to wing, it is in addition to that, because it includes land north of Maryland avenue and south of Pennsylvania avenue.

I ask the Senator from Indiana where the proposed Library building is to stand?

Mr. VOORHEES. I have an amendment which at the proper time I intend to offer. If we consent to take this ground, I propose to insert in the bill:

And the President of the United States, with the advice of the Librarian of the Library of Congress and of the Architect of the Capitol Extension, shall determine and fix the site of the Library upon the ground herein described, and the same shall be taken and paid for under this act.

That I propose to offer as an amendment, to come in at the end of the eighth section, because if we agree to purchase this ground the exact locality and precise place where the Library ought to be located to the best advantage can only be determined by somebody so authorized to do, and we know no person better than the President of the United States, advised by the Architect of the Capitol and the Librarian of the Library of Congress.

Mr. CONKLING. To which President does the Senator refer?

Mr. VOORHEES. The one about whose election there is no question whatever; the one who will be inaugurated on the 4th of March. I suppose the Senator from New York will not object to my proposition to enlarge the sphere of his duties enough at least to fix the site of this building.

Mr. CONKLING. I have no doubt that the Senator from Indiana has been judiciously wise in selecting the particular official to whom he refers in such just and historic terms, and I am glad to have it appear as a part of this debate, historical as it is sure to become, that in the opinion of my honorable friend there is no doubt in the world that we have elected a President now. I know the honorable Senator from Indiana has heretofore been disquieted by certain vague and ill-founded doubts on that subject in respect of a past election; and if we have reached the point when even he is satisfied, I am very glad to have that appear in connection with this building, permanent as it will be; and when these three officers come to lay the foundation-stone, I hope among the coins and memorials going into that will be a copy of the speech of the honorable Senator now made, that part which will chronicle the fact that there is no doubt about the result of the late election. In fact, to be entirely candid, I had no doubt about it myself, but after hearing the honorable Senator I know exactly how it went.

But, sir, my delight over the final authentication of the election which we have now wrung from the Senator from Indiana at last, is not such as to lead me to favor this bill or even the bill as it will be with his amendment. I do not believe that to the President of the United States, however distinguished a person he may be, and to the Librarian of Congress, and to the gentleman who so long, and I will not deny so well, has discharged the functions whatever they may be of Architect of the Capitol, a completed building, should be committed the duty of going out and wandering all over this great expanse of ground which we are to buy, greater than I realized when we were talking about it the other evening, greater I think than any Senator will realize unless he will go out and look and see how far it extends north and south, and make up their three minds conclusively past the revision of Congress where this building shall be put. I do not think it should be left indefinite in the bill or should be committed to these persons to put a building opposite this wing of the Capitol and leave a great expanse of ground to the south to be occupied in some other way hereafter, or to put it in the middle of the ground opposite the center building of the Capitol, or on the south as they may elect. I do not see why the Senator from Indiana, and although I know much less about it myself, I do not see why I should not express my seventy-sixth part of an opinion upon that subject. I do not believe that the Librarian of Congress, with entire respect to him, knows any better to say the least of it, than the Senator from Indiana, where it would be wise to put this building. Therefore as to the proposed amendment I have to say that it will not aid me at all in supporting the bill.

If I were familiar enough with the terms of this bill I should move an amendment, and I hope that the Senator from Kansas, [Mr. INGALLS,] or some other Senator who is familiar with it will move such a one, certainly to strike out the land north of Maryland avenue and south of Pennsylvania avenue. What can be the purpose of com-

mitting to any three men the right to obliterate these two avenues? This amendment would do it. As I understand, it was admitted clearly the other night that it gave the power to close up East Capitol street. East Capitol street exists by no higher title and no lower title than that which dedicates Pennsylvania avenue and Maryland avenue to the public use. Can it be that my honorable friend from Indiana wants to repose in three officers, although one of them is the first officer of the Government, the right by their *ipse dixit* to close up Maryland avenue here and to close up Pennsylvania avenue? If not, (and the Senator shakes his head,) why do we want what in the country would be called a heater-piece, a piece of ground something like a smoothing-iron in shape, lying over on the south side of Pennsylvania avenue and lying over on the north side of Maryland avenue, which by no possibility can ever be connected with the bulk of this land to be purchased, unless you do obliterate both of those avenues?

Mr. VOORHEES. What are the two avenues the Senator speaks of?

Mr. CONKLING. I speak of Maryland avenue, north of which you buy, and Pennsylvania avenue, south of which you buy; and I say that those two irregular pieces of ground when condemned are going to be forever cut off from the main body of the land unless by obliterating those two avenues you join the parcels together. What is the excuse for that? I wish my honorable friend would tell me. I am not making these criticisms by way of carping at the bill or displaying my ingenuity, but merely for information.

Mr. VOORHEES. I would rather not talk as an interruption to the Senator.

Mr. CONKLING. My honorable friend will not interrupt me. I can do nothing so well as to follow him. "They also serve who only stand and wait."

Mr. VOORHEES. If I took the floor now, I might want to say some other things besides merely answering the Senator's inquiry.

Mr. CONKLING. The joy of hearing my honorable friend say some other things is such that I will stop to hear him.

Mr. VOORHEES. Well, Mr. President——

Mr. MORRILL. If the Senator from Indiana will allow me, as I am perhaps more familiar with the result which this bill will bring about, I will endeavor to explain, and I think I can do so to the entire satisfaction of the Senator. When we took the other squares for the addition to the present park east of the Capitol, we took Pennsylvania avenue and absorbed it to the extent of an entire square. If we take these triangular blocks we shall in point of fact leave Pennsylvania avenue in a more symmetrical state than it now is, for it will be right at the point; and the railroad connection will continue down B street south, and on the north Maryland avenue will touch at the point of these grounds. That will enlarge the amount of the present park east of the Capitol. It is proposed to take grounds exactly corresponding in width with the grounds that we now have. Any Senator by examination will see that it is proposed to take from B street north to B street south, and from First street east to Second street east. It is expected that the Library will be located either north or south of East Capitol street, and that there will be, if all the land should be purchased or condemned, an amount sufficient to erect another building upon the other end of the ground.

Mr. SAULSBURY. I desire to ask the Senator how much land is embraced in the boundaries described in the bill. My calculation is that there are about ten acres of land which it is proposed to buy for the purpose of erecting this building. Is there any necessity for the purchase of so much land? We ought not to simply go and speculate upon land and acquire more than we need for the purpose of this building, in my opinion. A prudent man would only buy for his own use such property as was necessary for the purposes for which he desired it. There certainly can be no necessity of acquiring ten acres of land for the purpose of building a library building upon it. If there are any other public improvements to be made upon it, which are necessary to be made, it may be wise and proper to purchase the land; but at present, so far as I am informed, there is no demand for the acquisition of more property in that direction than is absolutely necessary for the purposes of the Library building.

Mr. BAYARD. I understand in the proposed purchase one advantage to be gained by the Government is that already the bend of several streets and large avenues forms part of the proposed site for the improvement aimed at in the construction of a Library. The ground covered by these public streets will not have to be bought; the fee-simple is vested in the Government already. By this bill in the proposed improvement there will be a vacation of portions of Pennsylvania avenue, Maryland avenue, and certain of the streets; and wherever that vacation occurs it will be without cost to the Government. The question simply is as to the land we must buy and for which we must pay.

I am very glad to think that as far as an affirmative vote of the Senate can settle anything we have agreed as to the location of this projected public work, and that the ground selected east of the Capitol, fronting on the present Capitol grounds, will be the site for the Congressional Library. I esteem it to be an advantage growing out of this selection that the area at present covered by avenues will be occupied by public buildings in the future, if not in the immediate future.

As to the objection made by my colleague that it is proposed to buy more land than we want, I do not see that there is more here than is needed; I do not say for to-day or for the next generation, but in dealing with public questions we must not consider simply the present; the future is always to be considered. We have had experience to tell us that we ought to have made provision for the purchase of this land long ago, long before it reached its present high value, the value of which each year may be expected to increase. I suggest to my colleague that one reason is obvious why the amount of land cannot be restrained to precisely the necessary portion on which to erect a Library building. In buying you must buy up to certain street lines or else have private holdings crowded over upon adjoining public grounds. That is not to be desired. A public building ought not to be put up in such a situation. There ought to be no private interest in the block of land which is to be the site of this future Library. No private use and no private right should join this great public work. For that reason, in my judgment it would be unwise to exclude these small rectangular pieces of land lying to the north of Maryland avenue and to the south of Pennsylvania avenue, because it would give an irregular holding to the public Library and would abut upon private property, a thing that is not to be desired.

The proposal of the committee is to extend the boundary so as to throw an additional and a rectangular shaped block of land into the control of the Government. The effect would be precisely as though the present Capitol grounds which are delineated before our eyes by the boundaries of these streets were extended one block further back. Upon that block and at any part of that block this great public improvement may be made.

I hope sincerely that not an inch of the ground will be abandoned by the committee, but that purchase now, in the spirit of wise prevision and economy, may be made of the whole of the ground proposed.

Mr. DAVIS, of West Virginia. I agree in the main to what the Senator from Delaware [Mr. BAYARD] has said. I believe it is best to purchase the whole that is proposed, if we do purchase any ground; but I call the attention of the Senator having charge of the bill and also of the Senator from Vermont to the proviso in section 8, in order that I may inquire what it means. I ask the Secretary to read the proviso, so that the Senators may understand what I wish to have explained.

The Chief Clerk read as follows:

Provided, That there shall not be taken or paid for, under this act, less than the squares numbered 729, 730, and 731, on the south side of East Capitol street, or the squares numbered 726, 727, and 728, on the north side of said street.

Mr. DAVIS, of West Virginia. It will be noticed that it provides that there shall be purchased three squares on either side, that is three squares on the north or three squares on the south, and not that the whole shall be purchased. In other words, if the whole ground cannot be obtained by paying a million dollars for it, one-half of the original amount shall be paid, taking the three squares first named or the three squares last named, just as it suits best. I understood the other night that the whole ground would be purchased by the expenditure of a million dollars. If we are to purchase but half the ground, the amount ought to be half a million and not a million, because it was so intended by the Senate, as I understood it the other night; and when expression was given to the effect that a million dollars would probably be the amount that would be required, it was stated that it was a purchase of the entire six squares and not of three squares.

Of course, before I move any amendment I shall hear from the Senator having charge of the bill, or from the Senator from Vermont who specially spoke of this portion of it as to the amount of ground it is expected to purchase. I intend to support the measure; I believe a Library building ought to be erected, and I intend to vote for one somewhere; but I do not think the Government ought to pay a million dollars for three squares on one side or three squares on the other side. The sum of $1,000,000 is to be paid for the entire six squares, as was stated by both Senators having charge of the bill, as I understood them the other evening, and not for three squares. It will be noticed in line 12 of section 8, after the word "three" is the word "or." Or what? "Or the three squares numbered" so and so, the three other squares, which of course only means three squares in the end, and not six squares as we all intended.

Mr. MORRILL. I merely desire to say that this section is not deemed to be necessary by the committee, but it has been introduced out of abundant caution, and because of some of the criticisms of the Senator from West Virginia and others, in relation to a possibility that an extravagant price may be paid for these squares. It is proposed therefore to leave the matter to the approval of the President of the United States, and if he should find that the price offered by contract or the appraisal was unreasonable, then it was all to be suspended until the further action of Congress; but if he should find a sufficient amount of the ground, that is one-half of it, upon which it would be proper to place the Library, offered for a reasonable price, then it was proposed that we should take it, and leave the remainder for the further action of Congress.

Mr. VOORHEES. The point made by the Senator from West Virginia had already been called to my attention by the Senator from New York at my side. I consider the point well taken, and I think it calls for an amendment which the Senator from Arkansas [Mr. GARLAND] has kindly furnished, and which I will read to the Senate.

At the end of line 15 of section 8, which provides for the possibility of taking less than the whole six squares, the amendment is to add:

But whatever portion may be taken shall be paid for only in proportion the part so taken shall bear in value to $1,000,000.

Mr. CONKLING. To the whole amount; not to $1,000,000.

Mr. VOORHEES. That is the idea.

Mr. CONKLING. But if the Senator will think a moment it is to the whole amount, not to a million dollars.

Mr. VOORHEES. I am satisfied we shall get it all for a million.

Mr. President, the eighth section of the bill I was willing might be put in here as a measure of safety. The Senator from New York criticises the power given to these three gentlemen to determine whereabouts on the ground procured the building shall stand. The task will have to be performed by somebody. After procuring the ground somebody has got to determine where the building shall stand. I am perfectly willing that the President of the United States, advised as the amendment which I hold in my hand proposes, by the Librarian of Congress and by the Architect of the Capitol, shall perform that duty. The President-elect is a man of books, a man of learning, a man of taste, and I know no one more competent to perform a task of this kind than he. The criticism made by the Senator from New York, I think I do not use an improper term when I say is hypercritical.

This measure has been prepared with as much care as good lawyers could give it. I do not speak of myself in that category, but I have had the assistance of men of legal acumen and of great care and conscientiousness. I believe this is as safe a measure as ever passed this body to procure a site for a public building. It does not propose to close either one of the avenues spoken of by the Senator from New York. While it proposes, for the purpose of giving proper shape to the ground that we procure, to take a little bit of land on either side of these avenues, yet it does not propose to close the avenues at all. There is nothing of the kind proposed.

I would be perfectly willing that the bill should not contain section 8, but section 8 cannot injure the bill, it cannot render it any more unsafe, and if we should only buy part of this land it is very easy to say that we will only pay a part of the million dollars appropriated by the bill for that purpose.

Mr. CONKLING. May I ask the Senator what is the object of buying now that part of the ground that we do not need?

Mr. VOORHEES. I do not know that we propose to buy any ground we do not need.

Mr. CONKLING. When I say "need" I mean ground we do not need as the site of this building.

Mr. VOORHEES. I do not know but what we need all we propose to buy for the site of the building. It is the easiest thing in the world to beat a man in an argument if you assume your facts and he admits that they are so, especially a man so gifted as the Senator from New York.

Mr. CONKLING. I think a man only as gifted as the Senator from New York might assume that the Library building is not going to spread all over this land.

Mr. VOORHEES. The Senator from New York, with all his amiability and good humor, is surely in a fault-finding disposition, and he can ask me questions that it would be very troublesome for anybody to answer.

Mr. CONKLING. Suppose I begin with this one: Does the Senator propose to put a building all over this land?

Mr. VOORHEES. You may end with that, too.

Mr. CONKLING. So I thought; and yet the honorable Senator seemed to think that my premises were wrong when I assumed that the object is not to put this building north of East Capitol street and south of East Capitol street too. It seems that I was pretty near right about that, as the honorable Senator rather subsides when a suggestion is made to the contrary, and says I may put that to begin and to end with. I have no doubt it is true that the building is to be north or south of East Capitol street and not on both sides.

The Senator also says that these avenues are not to be closed up. I think he may be right in that, if he would allow me to understand it, and yet if I am not mistaken I heard another Senator who is a member of this committee say that they are both of them to be closed up. When two senatorial and literary authorities so eminent as these differ, what the lay members like me are to think, I do not know. I did understand my honorable friend to say with some emphasis that neither Maryland nor Pennsylvania avenue is to be closed; and another Senator, if I mistake not, has said within ten minutes here on the floor that both of them are to be closed as part of this plan; and yet the Senator says that I am in a fault-finding mood because I hesitate a little, in a state of case like that, to go forward. In the absence of at least one-third of the Senate, and with the presence of the two-thirds selected, if they have been as carefully and judiciously as my honorable friend usually does assort his troops when he is about to head a hunt or lead a foray, I do not know but that this can be done; but I believe it ought not to be done. I do not believe there is any excuse whatever for purchasing two of these blocks of land, even looking to the far future. I believe that to buy twice as much land as we need, in a separate parcel, because at some future time we may want it for something else, is worse than a blunder. I have heard no apology made for it at all.

I said the other night and I will not repeat myself, though I see Senators here who were absent then, that although a private purchaser might gain by buying land which he did not want until a future time, the Government can gain nothing, because having the power to condemn it there can be no refusal to sell to it hereafter which would be guarded against by purchasing now. Therefore I believe even if this building is to be erected on the ground talked of, the utmost justifiable action now would be to buy that part of the ground on which it is to stand, with all the margin round about it on every side which might be deemed well; but to pass over intervening streets and buy separate parcels of land, to cost as much more and more than as much more as the utmost quantity recommended for this purpose, seems to me wholly unjustifiable. Yet that this bill does; and does upon the theory, as stated by one Senator, that these avenues are to be closed so as to put the whole thing in command; and as stated by another member of the committee, nobody thinks of doing any such thing but that the avenues are to be left as they are now, so that you will have here six separate pieces of ground, one of which is to be occupied by a Library building. Yet my amiable friend from Indiana thinks that a Senator is fault-finding to whose mind these facts suggest anything.

I do not wish myself to sail against the northwest wind, and next to the northwest wind, as to his irresistible power, is the Senator from Indiana when he has the Senate with him, and that part of the Senate which is likely to be against him absent; so that I would like to turn over to my able-bodied friend from Kansas [Mr. INGALLS] or some other man of ardor, the opportunity to contend for a short time with the Senator from Indiana and see what luck he has with him.

Mr. INGALLS. Is the amendment that has been offered by the Senator from Vermont now open to amendment?

The PRESIDING OFFICER. The amendment offered by the Senator from Vermont has been agreed to as in Committee of the Whole.

Mr. INGALLS. Very true.

The PRESIDING OFFICER. The Chair thinks it is not open to amendment at this time, but it will be open to amendment in the Senate.

Mr. INGALLS. I understood that the bill had been reported to the Senate.

The PRESIDING OFFICER. The bill has not been reported to the Senate; it is still in committee and open to amendment.

Mr. CONKLING. It is open, I submit, to all amendments by way of addition. You cannot strike out in Committee of the Whole what has already been agreed to, but you may add to it.

Mr. INGALLS. The amendment I desire to offer is one of subtraction and not of addition.

Mr. CONKLING. That will be in order in the Senate.

The PRESIDING OFFICER. Of course any amendment in addition is in order now, as the Senator from New York suggests.

Mr. INGALLS. I think the bill is fully large enough now; I do not want to add to it.

Mr. DAVIS, of West Virginia. I call the attention of the Senator having charge of the bill to the proviso in section 8. It certainly needs some amendment.

Mr. VOORHEES. I suppose this is the proper time to make the amendment. In section 8, line 15, after the word "street," I move to add:

But whatever portion may be taken shall be paid for only in the proportion the part so taken shall bear in value to the value of the whole of the real estate mentioned in the first section of this act.

The amendment was agreed to.

Mr. VOORHEES. Immediately after the amendment in section 8 which has just been adopted I move to add:

And the President of the United States, with the advice of the Librarian of the Library of Congress and of the Architect of the Capitol Extension, shall determine and fix the site of the Library upon the grounds herein described, if the same shall be taken and paid for under this act.

The amendment was agreed to.

Mr. CONKLING. May I inquire what amendment was agreed to so quickly a moment ago?

The PRESIDING OFFICER. The Secretary will read the amendment.

The amendment was read.

Mr. CONKLING. Is it too late to demand the yeas and nays on that amendment?

Mr. VOORHEES. I am willing that the yeas and nays may be taken.

Mr. CONKLING. I am willing to take them in the Senate just as well.

Mr. INGALLS. Let it be reserved.

Mr. CONKLING. I will take them there. I want to have a separate vote on putting the location in the discretion of these three officers.

The PRESIDING OFFICER. If there be no further amendment as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Will the Senate concur in the amendment made as in Committee of the Whole?

Mr. INGALLS. It is plain to the most casual scrutiny that the land proposed to be purchased by this bill is far beyond the requirements either of necessity or symmetry. Nothing that is rendered necessary by the location of the building or by the demands of taste requires that all the territory east of the present public grounds of

the Capitol should be purchased for the purpose of a Library. In order to test the sense of the Senate whether it desires to commit the Government to the acquirement of a vast amount of valuable territory admitted to be unnecessary, I move to strike out in section 1, line 9, after the words "729," the words "and triangular parcels designated thereon as numbers 726, 727, 730, and 731." In line 13 I move to strike out "B" and insert "A;" so as to read "the whole being bounded on the north by A street north." In line 14 I move to strike out "B" and insert "A," and to strike out all after the word "east," in line 15, in the words "and supposed to contain 455,130 superficial feet, exclusive of avenues, streets, and alleys;" so as to make the section read:

That in order to provide a suitable site for a building for the Library of Congress, and for other public purposes, the following parcels of land situated east of the Capitol grounds shall be purchased by the Secretary of the Interior, or taken for public use, namely: Squares designated on the plan of the city of Washington as numbers 728 and 729; the whole being bounded on the north by A street north, on the east by Second street east, on the south by A street south, and on the west by First street east.

The object of my amendment is to confine the purchase provided for by the bill to the two entire blocks that stand directly east of the Capitol, excluding the two corner blocks which are penetrated by the avenues diagonally, and which, by the admission of every Senator who has spoken on this subject, are unnecessary for the purpose of the construction of a Library building.

Mr. BECK. If those amendments are adopted, would it not be necessary to close up the streets A north and A south?

Mr. INGALLS. No, sir; not upon any plan for the construction of the Library and the judicial building that I have seen submitted. The room will be ample both for ground accommodation and for light and air, and for landscape gardening effect.

Mr. BAYARD. May I suggest to the honorable Senator that it is not the simple question of finding barely room enough for the Library but it is that there shall be a sufficient curtilage to give proportion to the architecture of the new building. The proposition now of the Senator is to carry the exterior lines of the parallelogram which composes the block in which the Capitol is the center to be carried out one block farther to the east, thus allowing, as I have said, to a private holder to abut his holding upon the public ground.

The advantage in making a purchase from all the adjacent private holders of this property is, that whenever the Government pleases it can close such portions or all portions of the avenues and streets as intersect the land which has been thus bought; I submit to the honorable Senator, if he will cast his eye upon the map of the town,—the one I have here shows much better, I will send it over to the Senator presently——

Mr. INGALLS. I have studied the map carefully.

Mr. BAYARD. On this plot the present Capitol grounds are delineated by green lines. The proposed purchase under this bill will extend the dimensions of this plot east and west one block farther east. The Senator's plan of excluding what I may call these jib lots, the corners say, that which is south of Pennsylvania avenue and north of Maryland avenue, would leave an irregular holding.

Mr. INGALLS. The Senator misunderstands me. My purpose is to exclude both the corner blocks which are intersected or bisected diagonally by Maryland and Pennsylvania avenues on the southeast and northeast, respectively.

Mr. BAYARD. That would leave the two solid blocks in the center.

Mr. INGALLS. The two solid blocks would be in a line directly east of the Capitol, making a parallelogram, of which the Senator from Delaware appears to be so much enamored.

Mr. BAYARD. More or less enamored; not heatedly so.

Mr. INGALLS. Not as a passion.

Mr. BAYARD. Rationally so. My idea is plain, that it would create an irregularity and a disproportion in the Government holdings, unless we did control what I call the entire front of our present Capitol grounds; and I do not see in that an extravagance or anything that is undue in proportion to the object which we have in view.

A Senator asked the last time this bill was up whether or not it was proposed that other buildings than the new Library should occupy this space. There is very strong probability, I think, that the Supreme Court of the United States would find its quarters at no very late day upon the grounds so purchased; and I have, judging by the experience of others rather than myself, heard it regretted that many years ago when a proposition was made to buy all this land, at a mere fraction of what it will cost us now, to acquire it, it had been rejected by the Senate; and the same reason which would make us regret now that we had not purchased twenty-five years ago will, in the course of twenty years, make those who are to succeed us regret that we did not buy the land embraced in this proposition. By looking at this map it seems to me that you will have an irregular holding, bounded by different streets from those proposed by the bill and which to-day mark the whole of the Capitol grounds.

The Senator from Maryland [Mr. WHYTE] also draws my attention to the fact that by extending the east holding in the way proposed by the bill, you will have the Capitol itself nearer the center of the entire block.

I hope the amendment extending these triangular lots will not be adopted.

Mr. INGALLS. Mr. President, the predominant passion of the American mind has been declared to be a hunger for horizon, and that passion never received a more striking illustration than in the terms of this bill and in the speech of the Senator from Delaware, [Mr. BAYARD.] The charm of this city, so far as it has any charm, as I have heard it defined, consists in its irregularity, not that it is a series of parallelograms and rectangles like a chess-board, but that it is divided off into irregular spaces, charming the eye by the sense of incongruity and affording vent and alleys for the admission of sunlight and air on all sides. And yet the Senator from Delaware proposes that in this particular case we shall depart from what has been recognized as the controlling plan of this city, obliterate these beautiful triangular spaces here at the corners of the Capitol grounds, and reduce the holdings of the Government, as he calls them, to one dead level of rectangular uniformity. Mr. President, I am very much surprised that the Senator from Delaware should be reduced to arguments like that in support of this untenable proposition. If we are to acquire everything that is necessary, as he calls it curtilage for the purpose of showing the architectural proportions of the building, where are we to end? There is always something abutting on a Government holding, and until we extend the boundaries of our property here on the eastward away over the brow of the hill and down to the East branch, sweeping away all intervening obstacles, we shall still be exposed to the difficulties pointed out by the Senator from Delaware. I have as much fondness for the beautiful as most men, but I submit that it is hardly well to indulge in the enjoyment of one's æsthetic sense at the expenditure of so many unnecessary millions from the public Treasury. There is no plan that has been submitted for the construction of both these buildings, one that is before us and the other of which looms up in the dim but perhaps near future, that requires anything more than the ground which would be specified in the bill if any amendment were agreed to.

I do not wish to contend against the expressed desire of the Senate that this building shall be located on Capitol Hill. My view was otherwise. I believed the Capitol ought to have been enlarged by the extension of its axis, so that the building east and west would have been as long as it is north and south; which would have accommodated both the Legislature and the Library for generations to come. Failing in that, I would have had the Library on some of the public reservations of the city that were reserved for that purpose. I am entirely opposed to the purchase of vast tracts of land covered with valuable property, unnecessary for the uses of the Government, for this purpose; but having been overruled I submit and I now only contend that this bill should be so curtailed of its extravagant and superfluous proportions as to limit the acquisition to that which is required for the purposes that are favored by the promoters of this measure.

Mr. BLAIR. The ludicrous, serio-comic sort of gravity with which the Senator from Kansas has delivered himself of his address to the Senate ought to be replied to in a similar vein. I am quite incompetent to understand how he can be serious in making the amendment which he has moved. The ground of opposition to this bill has all the while been, as I understood, that we were taking too much land, and should confine ourselves, if we took any at all, either to the north or to the south side of East Capitol street, and purchase no more than should be necessary simply for a Library at this time. Now, the Senator moves as an amendment that we take enough south of East Capitol street for the Library building and at the same time, abandoning the original ground of opposition, purchase enough north of East Capitol street whereon to place the foundations of the proposed Department of Justice, it may be in the far distant future. Gentlemen seem to have abandoned the original and substantial ground of their opposition to the bill itself, and are reduced simply to the question of the amount of land which it is necessary to take for either one or the other of these buildings. It is not proposed, in other words, to place the Library building upon both these lots, but either to the south or to the north of East Capitol street. It is not proposed to close up East Capitol street in any event.

Then the question would arise, assuming that the Library building is to be placed wholly north or wholly south, whether a single square is sufficient for the purpose. I do not know precisely how large a structure is necessary at the present time to accommodate the books of the Library; but the library of France covers about four acres; if I do not misrecollect that of Great Britain covers to-day eleven acres. There can be no question that in the course of the next fifty years this Library building must be as large as either of them, as large as the larger of the two; probably in the course of the next one hundred or two hundred years, it must be much larger than even that of Great Britain, and in that case, unless it is to be extended across East Capitol street, we shall be obliged to have even more than both the squares which lie either to the north or to the south of that street, so there would seem to be no excuse whatever for the adoption of the amendment of the Senator from Kansas in the form in which he has submitted it to the Senate.

In regard now to the exclusion of these two corner lots, the southeast lot and the northeast lot as embraced in the bill now before the Senate as amended on the motion of the Senator from Vermont, those two lots would be penetrated by the avenues, and it does not require any very active imagination to see what a ridiculous holding they would be either for the public or for private interests. There they would be, two rectangular pieces of land projected into the parallelograms of the original plan of the Capitol grounds fit neither for public use

nor for private use. They would be improper excrescences, to say the least, upon the fair face of the city and of the common east of the Capitol; and I have no doubt that not only would the public necessity require their removal very soon, but that the offense against good taste would be of so severe a character when it became fairly visible to the eye that we should purchase those blocks at no matter what extravagant cost might be placed upon them.

I do not myself think that there is any ground for the proposed judicial building unless we are to enlarge this Capitol. The architects say that the Capitol cannot be enlarged without great injury to it. That is the universal decision of experts so far as their views have been submitted to the Senate, on this occasion at all events. It is conceded and it was conceded the other night, as will be recollected, by the honorable Senator from New York, that unless the Capitol was enlarged it would be necessary very soon to have ground for a Department of Justice building, that it would be necessary to carry out the plan of this committee and that very soon by the purchase of the additional ground it is now proposed to take unless the Capitol is to be enlarged. I do not think that the question of the enlargement of the Capitol is now in issue; and it does seem to me that it is settled by the adverse action of the Senate, it is settled upon all the principles of good taste and the verdict of architectural experts. I do not think, however individual opinion may be in regard to it here and there, that is a question the discussion of which is yet open and to be considered with reference to the fate of this measure.

If that be so, is there any better time to take the land included in the bill of the committee than to take it now? We do not, to be sure, want the Department of Justice immediately; but it is fair to assume that we must purchase the location for it at some time, and that having located the Library where it is proposed, we shall remove the bad proportions of the common east of the Capitol by the purchase of the other section if we do not take it at the present time.

If we are to do that, then the question arises, is now the proper time to do it? The other night it was opposed on the ground that although a private individual would make the purchase at the present time and thus avoid a probable rise in the price of the property hereafter, yet the Government having the right of condemning this property under the principles of the law of eminent domain, might well wait until the distant future and then take it, and take it with as good advantage as it could take the property now by virtue of its supreme power of so doing. But no one should forget that the power cannot be exercised unless it is exercised justly. No great government can afford to do otherwise than to pay what the property is worth, and, therefore, the Government in taking this under the exercise of this right in the future must take it precisely as a private individual would purchase it, for what it is worth. So that the Government is subject to the evil of the rise of the land as much as a private individual would be.

Mr. CONKLING. Will the Senator let me interrupt him there?

Mr. BLAIR. Certainly.

Mr. CONKLING. The honorable Senator undoubtedly misunderstood or mistook the argument as I heard it the other night.

Mr. BLAIR. We heard it alike.

Mr. CONKLING. So I thought; we heard it alike; but the argument was that if a building were put up on one of these squares, the probability of a building some time or other being put on the other would be so manifest that private owners would not improve their property, that betterments would not be placed upon it, that it would not be occupied for extensive buildings, and that therefore instead of increasing and keeping abreast of other pieces of property it would stagnate and languish and be an injury to those who held it. I submit to my honorable friend that that argument entirely answers the one that he is making now, namely, that increase would go on and when the Government comes in future time to take it it must pay for it with that increase on its head.

Mr. BLAIR. The Senator has stated just about one-half of the argument. I had stated the other half and was about approaching the alternative. I think that the Senator, assuming that the property is to increase in value, will admit that his argument is answered; he cannot well upon consideration claim that the Government could take that property in the future with its increased value at a less price than it is worth, although it has the power of eminent domain, his argument the other night being, as will be recollected, that it was better to wait and to grab it in the future, although its value might be very much greater than what it would cost us to-day.

That was one horn of the dilemma which I put to the Senator the other night. The other which he now repeats to the Senate is based upon the supposition that the property will remain at its present value or will be depreciated in value for the reason that the Government is to continue and to strengthen its threat that at some time in the future it will be taken for public use, and therefore that the land would not be improved by private owners as it otherwise would be. Now, supposing that to be so, does it improve the position of the gentleman or does it improve the position of the Government in dealing with the citizens that we are to hold over them for all time to come the threat that we will take this property and thus depreciate its value, as we have through the last ten or fifteen years on all the squares east of the Capitol? Let any man go among the citizens who live there, let any man go upon the grounds and ascertain the prices at which land suitable for building is now held, and he will find that instead of being what they should be upon the most eligible location on the face of the earth, close by the Capitol of the United States, lots can be bought to-day very much more cheaply than they can at a distance of two miles from the Capitol; and what is the reason of it? Simply because, as any man may learn upon inquiry, the people there have been threatened year after year that the land was to be taken for public use, and expensive structures have not been placed there and they are not to be placed there in the future. Expensive structures will never be placed in the immediate vicinity of the Capitol grounds until the minds of the citizens resident along those grounds are settled firmly in the belief that the Government is not likely to trespass further in the future.

Now, unless we are to get this land cheaper in the future, why not take it at the present time? We cannot get it more cheaply unless by this continuous threat. By this continuous injustice we depreciate the value of that property, or prevent its natural increase. Then ought we not to take it? So it seems to me; and in either way that you look at the arguments of those who oppose the bill, and also the arguments of those who oppose the taking of the whole of this ground at the present time, it appears to me that they lose sight of the true interests of the public and of private individuals alike.

Mr. BECK. Mr. President, I have examined as carefully as I could the plat which is now on the table, and I find that the proposed six blocks that the Senator from Vermont desires to take not only close East Capitol street, A street north and A street south, but close Pennsylvania avenue and Maryland avenue at each angle. I have never believed, and do not believe now, the property can be obtained irrespective of these streets and avenues, with the effect of closing to the people these streets, because I regard a building extending over these grounds as effectually shutting them out from the Capitol. But the Senator from Vermont said night before last—I read from the remarks:

> As I stated in my remarks, I have here the written contracts of over half the parties who own the property in these squares, and as near as we can estimate the amount, the whole proposed cost will be a round million of dollars. That will be the whole cost of the six squares.

I desire to ask the Senator from Vermont if he is willing to put upon the record the substance of the written contracts made with these parties, so that we shall know what ground is to be purchased, who the owners are, and what portions of it we are about to obtain under those contracts, and then we can estimate somewhat the value of the remainder. I do not believe that the most valuable portion of this property can be obtained for double what it is now being estimated at. There are portions of it of very little value. I expect that the Senator has obtained contracts from the men who own those portions that are of very little value. He has assumed that portions which we know to be very valuable can be obtained at the same relative proportion. These contracts of course must be public property for the benefit of the Senate, because they were obtained by a committee of the Senate whose duty it was to investigate the subject. I think the fact will appear whenever those contracts are exhibited and the prices agreed upon are laid before the Senate, that the parties who are offering to sell are men who bought the property up for speculation and are to be paid now probably double what they expended for it, and it is the least valuable portion of the whole.

Mr. VOORHEES. Will the Senator from Kentucky allow me to ask his attention for a moment?

Mr. BECK. Certainly.

Mr. VOORHEES. The Senator from Kentucky seems to be overlooking the fact that we have already adopted an amendment limiting all expenditure for the ground and the structures thereon, and all damages arising therefrom, to $1,000,000.

Mr. BECK. I understand that; and the meaning of all that will be that you will take the least valuable and the least eligible of the lots that are now held and have been purchased on speculation, and you will pay a million for them and leave out the most eligible and the most valuable because you are so limited; and you will not obtain the six squares that are now said to be necessary for the harmony of the whole, but will invest a million in the portion of it on which the old jail stands and on which other property that is of very little value stands, and leave the most valuable part of it unpurchased. You limit it to a million. If it is to be a million for all the six squares, that is one proposition. I want to see what contracts the committee has made, whom the committee has made them with, what portions they are to obtain, and I then can judge for myself whether they will obtain the rest. I presume each contract made with the committee is a public matter that the Senate ought to understand.

Mr. VOORHEES. There has been no contract made with the committee.

Mr. BECK. The Senator from Vermont used the language that I have just read. "I have here —that is in this Senate——

Mr. VOORHEES. I suppose the Senator from Vermont referred to a proposition made to him. It is well known, and the Senator knows, that of the six members of the joint committee five were in favor of Judiciary Square.

Mr. BECK. So I understand.

Mr. VOORHEES. The Senator from Vermont was in favor of Capitol Hill. The propositions that were made from property-holders on the Hill to induce the committee to act favorably on their suggestions

were made to the Senator from Vermont, and I have no doubt, as the Senator from Vermont said the other evening, that the report in favor of Judiciary Square moderated the price claimed by the owners of property on Capitol Hill.

Now, while I am up, if the Senator from Kentucky will allow me, I will say a word further. I am reminded that one of the numerous acts of Congress on the subject of the Library which never came to anything, one of the numerous water-hauls, was an appraisement of property by the Secretary of the Interior two or three years ago with a view to the purchase of it for this purpose, which included all of this property that we are talking about now, and the assessment then, when real estate was a great deal better than it is now, was given at about one million dollars.

Mr. DAVIS, of West Virginia. For these six squares?

Mr. VOORHEES. For these six squares. So that there is no fancy price about this matter.

Mr. BECK. And still while the Senator from Vermont was in a minority of the committee, he seems to have been able to obtain a majority of the Senate to agree with him as against the majority of the committee.

Mr. VOORHEES. Oh, yes.

Mr. BECK. He had a very large vote with him, which I understand simply meant that we would not adopt Judiciary Square as the point for the building. Senators in order to prevent Judiciary Square being adopted had a perfect right to vote for the amendment of the Senator from Vermont, intending finally to vote against Capitol Hill as well. They struck out Judiciary Square and inserted this. That meant that Judiciary Square should not be selected, and meant nothing more. I suppose each gentleman who voted to strike out Judiciary Square and insert Capitol Hill feels at perfect liberty to vote against Capitol Hill finally; but Judiciary Square is no longer to be considered. All that vote meant, as I understand it, was "we will not go to Judiciary Square." I was of the seven or eight who voted against the proposition to go on Capitol Hill. I did not want it to be considered that I was going to locate it upon Judiciary Square because I gave that vote, nor do I suppose the gentlemen who voted against locating it on Judiciary Square and for putting it on Capitol Hill do not feel at perfect liberty to vote as they please afterward.

I do not believe that we ought to close up all these streets on Capitol Hill, East Capitol street, A street north, A street south, Maryland avenue and Pennsylvania avenue, and build a mass of buildings there, cutting off the people of Capitol Hill, who have a right to the use of these streets, from approaching the Capitol grounds, for that is what we do when we build a massive building. I assume that we are going to do that if we take all this ground, avenues and streets included. I believe that we ought not to erect a competing building with this Capitol there, the ground for which cost not one million merely, but probably two millions if we get it at all. I desire to see the written contracts—which it is said exist—for one-half of that property. I want to know what portion of that property we have written contracts for if the Senate is to act upon the information of the Senator from Vermont, and let them be placed before us, so that we can investigate and see whether they cover these angles, or whether they are for the old jail property, or whether they include the property occupied by Judge Field or by General Dunn, and then we can form some opinion ourselves how much it is likely to cost. I expect when the record is examined the property for which we have written contracts will be found to be the least valuable of all, and forms no sort of criterion as to what the rest of the property will cost.

I have been advised that one estimate is that a property can be had for $28,000, when the buildings on it cost $60,000. I am not one of those who believe unless we see the contracts themselves and know what property they embrace that we are going to obtain it at anything like that price. I think the Senate ought to know, if we are to be concluded by contracts already made, what the contracts embrace and whom they were made with, and we can then go to the records ourselves and ascertain what the property is worth by judging from the prices paid for it by these same people.

Mr. GARLAND. Mr. President, the other evening when we had this subject under discussion, there was a motion made by myself to recommit the whole matter to the committee; but that motion was withdrawn; and now I desire to say a word before the vote is taken on the amendment offered by the Senator from Kansas.

I voted the other night as one of thirty-nine for the selection of a site upon the Hill in preference to the site proposed on Judiciary Square. That was what my vote meant and was as far as I intended it to go. In the short time we have had to look into the matter I preferred a location on Capitol Hill to the location on Judiciary Square. I desired the matter to stop there for the purpose of examining the reports that had been read that night, both the majority and minority reports, and seeking from other quarters what information we could get before we acted on the subject finally. I desired also to subject to closer scrutiny and examination the important amendment to this bill which for the first time made its appearance then in the Senate, offered by the Senator from Vermont; that is the amendment providing for the machinery of condemning this property or any of it in case condemnation had to be resorted to.

It appears now that there is great doubt in the minds of gentlemen who are familiar—at least much more familiar than I am—with this property as to whether or not we should purchase all that is intended to be included in the bill. The minority report is clear and quite strong on that subject. Gentlemen who have examined it and know it thoroughly are in favor of taking the full quantity proposed; others doubt the propriety of it. The statement of the Senator from Vermont, as well as the statement of the Senator from Delaware, impresses my judgment very much; but in addition to that we are now preparing, or intending to prepare, to erect a building that will do for all time to come, at least as far as we can foresee.

My judgment is that in acting on this important subject we had better take too much ground than run the risk of not taking enough. I concur with the Senator from New York as he expressed himself the other night; I would much prefer that the Library should be within this building; but we have it, I think, upon tolerably good testimony, testimony sufficient for reasonable men in the ordinary transaction of their own affairs to act upon, that it cannot be placed in this building, that this building cannot be well extended or reformed or deformed, if you please, in a manner sufficient to admit the Library within these walls. Therefore I would give the benefit of this doubt to the squares mentioned in the bill, and would vote for them in preference to any other project which has been suggested. I infinitely prefer that the Library should be within this building for many reasons which I might state; but we might as well take a lesson now from the construction of this building. If it had been foreseen that this Library would have grown so enormously as it has grown, if its exigencies and its wants had been anticipated, probably this building would have been erected in a way to meet those wants at some future time; but it has not been. Let us not commit the same mistake either as to ground or as to the proportions of the building in erecting a library; in other words, let us anticipate time as far as we can in making provision on this subject.

The particular point to which I addressed myself the other night was the machinery of the bill in regard to acquiring this property in case purchase could not be made. The subject we all know is not free from difficulties; on the contrary, it is always surrounded with doubt, always surrounded with matters of great difficulty. Different States have different rules on the subject; but after all, the great point is that the owner may have an opportunity to be heard and know what is being done with the property; that he may have his day in court and be confronted with witnesses against him and see the appraisers or assessors of his property, and be able to present proof of its value.

While the bill was not recommitted on my motion, the committee have acted as if it had been, and have taken the bill and amended it in a way that I think is entirely satisfactory on all these points. It goes beyond any other measure that has been passed by Congress heretofore—and I have examined most of them—for the condemnation of private property. It throws more restrictions, more safeguards around it, both for the Government and for the owner of property; and it gives to every person, the owner known as well as unknown, every opportunity to be heard and know what disposition the commission is making of his property. It is fashioned after the indications and suggestions that were made by the Supreme Court in the latest case on that subject before it, the condemnation of post-office property in Cincinnati. Although the bill was not recommitted, the committee have taken the measure in reference to this matter under consideration and perfected it, and given every protection and every safeguard that both the Government and the individual can have in these proceedings, so that no one will be damnified under them.

In reference to the suggestion of the Senator from Kentucky, I think the word "contract" as used by the Senator from Vermont was a mistake in language, for no one was authorized to make a contract; it was simply an offer of proposals on which Congress might ground its action, I take it, looking afterward to the perfection of the contracts either by the proper authorities or under a proper system of condemnation.

That is all I desire to say. I deemed this much due to myself as well as to the Senate.

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) The question is on the amendment proposed by the Senator from Kansas.

Mr. CONKLING. Mr. President, it is quite unexpected to me that I say another word on the subject. I am moved to say it by the honorable Senator from Arkansas. He seems to have been both captivated and captured—I suppose by his immediate and fascinating neighbor in the Senate, the honorable Senator from Indiana. I am not going to object to the subjugation of the Senator from Arkansas as it has been achieved by the honorable Senator from Indiana. I am going, however, to refer to one branch of the remarks to which the Senate has listened.

As in two or three other instances, we have heard a sort of sighing preference given to the Capitol building as the continuing inclosure which should hold these books. But, says the Senator from Arkansas, we have evidence before us on which we may act to show that that wished-for alternative cannot be adopted. We are told that the Capitol cannot be enlarged or reformed or deformed, said the Senator pensively, so that room can be found for the books.

Mr. President, without being an architect or the son of an architect, I rise with the utmost modesty to dissent from that statement made by the Senator from Arkansas. I wish to deny that it ever has been established or asserted to the satisfaction of the Senate, or as I must

think the satisfaction of anybody else, that this building cannot be feasibly, economically, and wisely enlarged so as to give abundant space for the Library or for any other use to which its enlargement might be put. And I do not forget—the Senator from Indiana alluded to it—that architects have been found, two of them, three of them, I believe, and I will add any other number to cover accidents, who have said that in their opinion it would not be wise, or so wise as something else, to enlarge the Capitol building; and speaking without forgetting that such statements have been made, I nevertheless venture upon my own individual responsibility to say that I do not believe and cannot believe any such thing.

To guard myself as I go along from the suspicion of rashness or immodesty, I wish to say that a number of architects whom I know, who have vindicated their professional title to respect in many monumental instances, have assured me orally and in writing, in general terms and also specifying with some definition their idea, that this building can be at any time enlarged in either one of several ways so as not to deform it, in the language of the Senator from Arkansas, but so as to preserve it, to extend it, and to increase its symmetry, its unity—that architectural respect in which it is now wanting—to inflict no injury upon it, but to answer the whole purpose. I venture in that ordinary and inexact sense falling within the province of one who knows no more than I do, to suggest two or three things of which I think we all may judge.

The Capitol originally consisted of a central building to which wings were added. In these wings, the design and the execution of that design, was a central building at once higher and larger than the wings. That shape of building is so common that it exists, I believe, everywhere on this planet where architecture, ancient or modern, has set its foot. In that day, and "there were brave men before Agamemnon," although I do not doubt the great acquirements of this day; before the present generation came there were men who knew a good deal about architecture, architecture being one of the arts which flourished long ago in as great proportion as it has even now attained; it was thought then that a central building projecting beyond the wings and being the chief feature of an edifice was defensible upon architectural principles. In later times, owing to the increase of population and the demands upon it, it came to be thought wise to construct two wings, in one of which we sit. It was thought admissible in the project to put a house within a house, an iron box within a building, and here it is, and we sit in it, from which iron box neither sky nor earth nor tree nor any other of nature's signs is visible. It was thought admissible also to extend these two wings both east and west far beyond the line of the central building, and so it has come that the central building which was originally the great feature of the Capitol is dwarfed, diminished, and thrown into the shade by the two wings which project on either side so far beyond.

Now, need a man be an architect to conclude that if the central building were again brought out to hold the same relation to the wings which at first it held, offense would not be done either to architecture or to common sense? I am willing to rest that inquiry, and to venture to allow it to proceed from myself to the judgment of all men of common sense, whether they ever took the trouble to study a principle of architecture or not.

I come next to a second feature, and I am going to be very brief. The dome rose until it out-towered St. Peter's; it is higher; and as you look at the building and the dome from any direction you see as the great feature the dome itself. So high and vast is it, so relatively small now is the central building, that the image presented to the eye and the effect produced upon the mind of the beholder is a dome upheld by a building or a platform, and not a building surmounted by a dome. The proportions have changed entirely under the process which I have narrated.

Suppose now the central building were lifted forty or fifty feet, another story added to it, it would resume in altitude the proportion first assigned to it, and vindicated by the men and the able men, the accomplished men who superintended the original erection of the Capitol. Suppose then the central building were extended eighty feet, if you please, and I think any of us could determine on the ground—I have often thought I was able to do so—where the extension should go and where it should stop; measuring it now in feet I may be a good deal out of the way; but suppose it were extended so far as would reassert the original design and proportion; suppose it were extended until it projected beyond those subordinate features, as they were designed to be, of the building known as wings, and it were raised in the same proportion; can my honorable friend from Arkansas suppose that that would deform the building? Can he doubt that it is practicable so to change the central building? There is room enough on either side; certainly there is room enough to proceed upward. What then, is the difficulty? The chief labor of the work would be in raising the dome, and we need not call for the statement of engineers to know how rapidly that could be done, for much more ponderous masses of architecture, masses much more dispersed and much more difficult to handle, have been raised in many instances, and very recently, instances so near my honorable friend from Indiana that I think they have not escaped his notice.

What is the difficulty, then, in making in that part of the building over which the dome now towers all the cubic space you please within rational supposition? None as I believe; none as I am assured by architect after architect who has given examination to the subject. I think without venturing upon ground so much within the domain of art or science that I may not go there, I may affirm that the elevation and enlargement of the central building would make this Capitol not only more majestic than it is, but it would make it absolutely without a rival on all this globe in its grandeur as a pile.

It may be economical to begin by paying at least a million for the ground on which brick and mortar or granite and cement are to be piled. I cannot see that. I cannot see why the building, the erection of walls may not go on as economically in connection with the central part of the Capitol and in order to extend it, as to cross the square and lay foundations and rear walls upon them there.

I am not going to argue this question; I am not presumptuous enough to insist that I have opinions about it of any value to the Senate or worthy to govern the action of anybody beyond myself, but I am entirely unwilling that there should go unanswered these repeated statements both that it is far more desirable than anything else could be to enlarge the Capitol and that it is impossible to do so. Speaking merely for myself and disclaiming any hope of inducing other Senators to adopt my views, I wish it to appear that there was at least one member of the Senate who did vote for this project upon the idea that this building is one impossible to touch; that it is the only structure on the face of this earth that with plenty of land all around it can neither be carried up by adding a story nor extended by enlargement.

Once more, I wish to have it appear that the Senate was reminded that as in the instance of other buildings, venerable, historic buildings, to which pilgrimages are made by architects and critics to learn by seeing them something more of the capacity and majesty of structures, without departing from the designs illustrated by such historic structures, it would be simple and easy to go down on a grade below this wing and there erect of such extent as you please a building connected with this and a companion building connected with the other wing of the Capitol, in which the House is sitting. In those two wings the two legislative chambers might sit, and a Senator might be allowed to enjoy the privilege enjoyed by every other man in the country save only convicts in the penitentiary—because the inmates of mad-houses are allowed to do it—Senators might be allowed to go to the window and look out and see the sky and the trees and those things, not to speak of fresh, common air, which nature gives to man, and you might in warm weather have the windows put down from the top and raised from the bottom in order that there should be a circulation, an agitation of the air, as I believe it is scientifically called, instead of sitting here where, through perforations in the floor is blown up a current of air under your feet to go out somewhere through a perforated roof.

I can remember, Mr. President, when a Senator from Missouri not now here used frequently to ask me why it was that coming here in the morning and feeling very well, after a short time he felt as if a cord was bound tight around his head over his eyes. I had wondered at that a good deal, too, and in a pilgrimage around the building one morning I discovered a little instrument which hangs on yonder wall, two or three of which had been bought by the Sergeant-at-Arms, and conveniently put away over in the far corner, put away a good deal as a petit jury is when a constable is sworn to take them to a private and convenient place and there keep them. I found this little instrument with two thermometers, one a dry bulb and the other a wet bulb thermometer to measure one sensible and the other mean temperature, designed to show by an index finger how many grains of moisture there might be in a cubic foot of air. We brought it in here and tried it; and where nature says that in summer time in the temperate zone there should be sixty grains of moisture, there were about nineteen; and as nineteen is to sixty so were some of the vitalizing qualities of the air which Senators for nearly a generation had been breathing. And then one of the subordinates of the Senate acted, with a willingness not always found among experts,—men who know how to run an engine and blow a fan, and therefore feel invaded in their prerogative if a man who does not know how to do that makes a suggestion lying within that domain. Some expert says he thinks you cannot enlarge the Capitol, and doubtless he will think it extremely presumptuous in me to entertain a doubt, nevertheless, whether it can be enlarged or not. This officer of the Senate, willing to listen to a suggestion or an outcry from those who were suffering, went down into the basement story and put pan after pan and coil after coil until an amount of water was brought into contact with the boilers down below and an amount of evaporation produced which had before been considered absurd and impossible. And now if Senators will go and look at that instrument which hangs yonder—I have not looked at it lately—they will see that in place of dying by the foot they are dying now only by inches.

I recollect an impeachment trial not a great while ago which took place when the mercury outside was one hundred and seven degrees in the shade. I remember the atmosphere here during day after day while these doors were closed in consultation. If I may make a further personal remark, Mr. President, I remember that it took one member of this Senate three years to rise from the blow which he received on the occasion of that impeachment. And when I am told that this building as it is now is as perfect as hand can make it, that you must not touch it for fear you will make an alteration, I am almost willing to hazard the assertion that in some respects almost

any change would be for the better. And I believe that if two wings were built or two additions to these wings below furnishing nothing but area for the legislative chambers and the galleries surrounding them and outer air on every side, and leaving all this space for committee-rooms which very soon we are to need and be driven somewhere to find, that of itself would be, in reason, in good judgment, and in architecture, a plan which could be abundantly defended. And should that be done it would bring this building into resemblance to one of the most beautiful, one of the most memorable, and one of the most historic examples of architecture extant on this planet.

But, Mr. President, I have detained the Senate longer than I meant to do on this point. After hearing the Senator from Arkansas, knowing as I do the discernment and care of that Senator, say that unquestionably, in his estimation, the wisest thing to do would be to enlarge the Capitol but that he had evidence that it could not be done and he felt bound to succumb to that evidence, I felt minded once before this subject passed away to put on record the fact that there was one Senator uninformed enough, rash enough, presumptuous enough, or whatever it may be, to doubt that proposition; one Senator who was not ready to believe that this building among all its other peculiarities was the only one on the face of the earth which could not be changed without some terrible disaster resulting from that.

Mr. MORRILL. Mr. President, merely a word. I desire to say that under the lead of my colleague, when he was chairman of the Committee on the Library, an estimate was obtained from Thomas U. Walter, the original architect of the Capitol extension, as to the cost of extending the front upon the east side two hundred and seventy-five feet, and his estimate was, for even that small amount of space to be obtained, that it could not be had for less than $4,000,000 in consequence of the style of the building and the materials to be used.

Mr. BLAINE. Mr. President, I do not doubt that the Capitol could be enlarged to its improvement and that it ought to be; and I have been one of the most stubborn in my resistance to the idea of the Library going to an outside building; but I became convinced by Mr. Spofford and by examination of the space already needed and likely to be required that if the entire Capitol were given up to the Library it would not be as large as the future demands; and therefore it is an extraordinary conception that you could enlarge this building to such an extent as to contain the Library of the future, when the whole building itself after it shall have been enlarged to the utmost limits that architectural propriety will permit (and I am persuaded that the building will never be what it should be until it is enlarged in the center) will not answer the demands of the future of the Library that is now to be constructed or to be begun. Therefore I gave up with reluctance—but I gave up wholly—the idea of attempting to combine with the Capitol the National Library of the future in the same building.

I hvve been among the most stubborn in the idea of giving the east front to the Library. I would have voted with the small minority that resisted it; I believe there were only half a dozen; but if we are going there, I hope the amendment of my friend from Kansas will not prevail, so that you can have a great building in the center and leave the wings to be built up with any kind of private structures to the great detriment of the appe arance of the whole building. It would be just like allowing a blacksmith's shop to be built adjacent to the Capitol at one end, trusting to the future that there will be necessity of warning off whoever may be there, and then have to pay treble the cost you can get the ground for now. If we are going there let us go there on a grand scale and not grudgingly and in a way that we shall repent of as soon as we have arrived there.

Mr. CONKLING. Mr. President, I understood the Senator from Vermont to say that extending the central building of the Capitol two hundred and seventy-five feet was estimated to cost $4,000,000. If I am wrong in that statement, I hope the Senator will correct me. I wish to ask the Senator from Indiana how much it is estimated that the proposed Library building will cost.

Mr. VOORHEES. The plan that we have adopted, together with the purchase of the ground, reaches the sum of about five million dollars. The projected extension spoken of by the Senator from Vermont, and estimated for by Mr. Walters, would not accommodate the Congressional Library for the next twelve years, and at the end of ten years other buildings would have to be commenced. It is a matter of calculation of feet and inches; it is not a matter of guess-work or anything of the sort. It is a matter of calculation that in the next sixteen years this entire Capitol will not hold the books we shall have.

Mr. CONKLING. I do not object to my honorable friend making a speech upon another point in answering the question that I asked him; but if he will pardon me for a word, I want to deal with his answer to my question.

The honorable Senator says, as if he shrank from such a total, that $4,000,000 might be the cost of extending the central building of the Capitol, and another Senator says that what it is proposed to do it is admitted will cost $5,000,000 to begin with. I will put these two sums together and compare them, for two purposes. First, I commend the statement of the honoroble Senator from Vermont to my friend from Arkansas, who, if I understand him, had accepted the idea that it would be impossible to change the Capitol building. It turns out now that it is not only possible, but that an estimate has been made for doing it; and I might say a word if it were worth while about that estimate, but I will not, though the estimate for doing it is $1,000,000 less than the confession of the cost of the building which is proposed.

My honorable friend from Connecticut [Mr. EATON] has reminded me that there is a difference between a willing and an unwilling witness, whether he estimates or testifies; but let that go.

As the field is one of art and science and of experts, it is rather hazardous to deal with it at all; but one who has ventured as far as I have may as well expose himself still further. I am willing therefore to have it written down as a guess of mine upon which I may be tried in the future, that $8,000,000 will not erect this building, and I would be willing to go further than that; I have no idea that $8,000,000 will ever do it at all.

The honorable Senator from Indiana says it is clear that such an extension as was proposed by this estimate would not accommodate the Congressional Library for the next twelve years. I venture to take issue with my honorable friend upon that, not as to his count and measurement of the increase of the Library, but because he assumes that a particular measure of the extension of the building is a basis of his calculation. Will the honorable Senator from Indiana tell me that if you raise the central building forty or fifty feet, whatever the just measurement should turn out to be, and make all over that building so much of added space, and then carry it out not to the east a certain number of feet, but carry it out both east and west in its original proportions to the original wing, you will not have space enough? Why, Mr. President, I believe the greatest building on earth extant now stands in Spain; I have forgotten its dimensions. I undertake to say that if you will raise this building so as not to misshape it by leaving it too low you can put a central building there and with as many cubic feet as is in the edifice to which I have referred. But as the Senator says if you extend it only two hundred and seventy-five feet in one direction and stop there and leave it as it is you will give so many added cubic feet, and then if the Library increases at the same ratio at which it has been growing in recent years, after twelve years or some other time they would be fall. That is true; but I submit to the honorable Senator it is no answer to the proposition.

Mr. President, if the object is to preserve the Library, to break the way for future ages in all of the accretions of the Library and at the same time to make shapely and complete the one building in which all the American people that are and are to be are interested, I will not commence my economy as a Senator at that point nor will I bestow it there; on the contrary I would rather vote to pay $12,000,000 to make this Capitol a building of absolute primacy in the world, to stand in a far hereafter as a monument worthy of so great a people, and in it to accommodate for all time the congressional or a national library. I would rather vote I say $12,000,000 or $20,000,000 for that than to vote six or seven or eight million to put a building a distance off in inharmonious proximity to the Capitol, detrimental to it, injurious to the ideas of architectural effect, and afterward to vote three or four or five million more to put another building adjacent to it so that this Capitol shall be like a mountain with foot-hills, a fringe of buildings round about it all to dwarf, impair, and diminish its effect. I insist that we might give not only the inadequate space of which Senators speak but abundant space, if you please all that you will get in a building put either north or south of East Capitol street, and that I believe is true economy.

I believe it would be if by count you could ascertain that it will cost now something more than the other building would cost now, looking to the long future, during which I take it this Capitol is to remain the center of all the governmental and legislative activities which belong to it now. You had better bestow more and have something adequate than to bestow less and have something disappointing. And I believe that this policy on which we are entering is one to serve for the time and disappoint in the end; and if the honorable Senator from Indiana would summon to his aid some one of the architects, who stand already recorded, their reputation staked upon what they could do, and let them make not a two hundred and seventy-five feet estimate, but an estimate for all the space that the Senator says the Library needs, he would connect his name with a measure and associate it with a work which would be looked upon with pride when those who sit in these Halls have left them forever and when the epitaphs of most of us have vanished utterly.

Mr. DAWES. Mr. President, four years ago I was unfortunately upon a commission charged with this matter of the Library. That commission devoted very much time to it, as the present one has. They found at that time the three elements which have been discussed here to-day. There was in that commission, as there was in Congress, a portion of its members who believed the Library could be accommodated in this building. There were those in that commission who believed otherwise and believed that the Library should be located upon Judiciary Square. There were others who believed it should be located on the hill about the Capitol. They were unable to agree. I saw clearly then the result of that disagreement, and I sought to solve the question by considering one at a time of these three questions; but I was unable to accomplish that in the commission, and the commission came before Congress, a majority of it with a proposition to locate the Library on Judiciary Square, a minority of

it to locate it about the Capitol, and still another minority to keep it within this building. Those who were for Judiciary Square in this body and those who were for a building upon Capitol Hill were more than those who were for retaining the Library in this building, and they voted down that proposition. Then in turn those who were for the Library in this building and those who were for the Library on Capitol Hill were more than those who were for the Library in Judiciary Square, and they voted that down. Then, again, those who were for the Library in Judiciary Square and those who were for retaining it in this building were more than those who were for having the Library on the Hill, and they voted that down in turn.

So the distinguished chairman of that commission here in the Senate, one of the ablest of its members, not now a member of this body, went out, as the result, in a defeat all around. It was then suggested to follow the idea that was urged in the original commission, and eliminate one at a time these elements, and bring Congress, if possible, to pass upon one of them at a time; but it was determined by Congress that one of these questions should be determined by architects, and not by Congress. Therefore they provided a bill that a commission should be appointed, and that they should employ architects, first, to determine whether it was possible to keep the Library in this building, and if they should determine that in the negative, then the commission itself should determine whether it should be on Judiciary Square or about the Capitol. They selected their architects, and the architects in the atmosphere around them considered or felt that they were employed—I am afraid they felt influenced by the prevalent idea that it was impossible to keep the Library in this building—and therefore they reported against that plan.

I was always of the belief that it could be kept in this building. I never have been satisfied by any of the reasons given by architects why this building cannot be put in proper shape, as everybody admits it is not now, but put in such shape as it will ultimately be by those who come after us, if we do not do it ourselves, so that there will be ample room for the Library. But I agreed in the Senate to submit that question to experts, and I felt as if I would not set up my private opinion as against those experts. Those experts have pronounced against it; and when we come into the Senate with the conclusion of the commission to put the Library on Judiciary Square we find ourselves just where we were at the conclusion of the former commission.

Those who believe still and feel as if they were at liberty to vote according to their private judgment, notwithstanding the objection of the architects that the Library ought to be retained within these walls, and those who are in favor of a building on the hill about the Capitol, are too many for those who are for a building on Judiciary Square, and they vote that down, 39 to 7. Then we come back to the question, are we to have a Library at all or are we to have it in some building on the hill about the Capitol; for we have determined, whatever may be our own private judgment, against the policy of so enlarging and altering this Capitol as to keep this Library within these walls.

Having, according to the original idea of attacks upon this measure, overthrown, if I may use that phrase, the advocates of the Library within the building and the Library upon Judiciary Square, the only question is whether we will have a Library about the Capitol of such proportions and upon such grounds and so located as is suited for the Library, not only of to-day, but of the next half century. I have no doubt that, if we owned the land here as we own the land in Judiciary Square, if it were all ours about here, there would be no hesitancy, except with those who still believe the Library ought to be kept within these walls. Everybody would concur, it seems to me, in the conclusion that upon one or the other of these front corners the Library should be located, on such ample ground and of such dimensions as would be fit for the Library for all time to come that we can foresee and provide for.

Then the question is whether in erecting a structure that must cost four or five million dollars we will pervert the whole object, dwarf it, spoil it for fifty years because we are unwilling to pay the price of the ground it shall rest on. It is not for to-day, it is for the time to come. We are providing for those who are to come after us, and we should provide for them in some comprehension of the vastness of the future of this country and this capital and this great Library, and not haggle about a few feet of ground on which to put this Library.

It seems to me, sir, that we fail to comprehend that this is a work not for to-day alone, but for the long years that are to come, of additions to this Library and additions to this Capitol for the legitimate purposes of the Capitol and for additions in the administration of justice in the courts and all that will gather around this Capitol and make it continue to grow and rise in proportion and in grandeur, as it surely will in the keeping of those who comprehend the future of this nation.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas, [Mr. INGALLS.]

Several SENATORS. Let it be read.

The SECRETARY. After the word "twenty-nine," in line 9 of section 1, it is proposed to strike out down to and including "thirty-one," in line 12, in the words "and triangular parcels designated thereon as numbers 726, 727, 730, and 731;" and in line 13, after the word "by," to strike out "B" and insert "A;" and in line 14, after "by," to strike out "B" and insert "A;" and after the word "east," in line 15, to strike out down to and including "alleys" in line 17; so as to make the clause read:

Squares designated on the plan of the city of Washington as numbers 728 and 729; the whole being bounded on the north by A street north, on the east by Second street east, on the south by A street south, and on the west by First street east.

Mr. COCKRELL. What will be the effect of that amendment, I should like to ask the Senator, the exact effect?

Mr. INGALLS. To exclude the two corner squares that are proposed to be purchased by the amendment offered by the Senator from Vermont, being the squares that are bisected diagonally by Pennsylvania and Maryland avenues, and which cannot be covered by the building or used for garden purposes.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on concurring in the amendments made as in Committee of the Whole.

Mr. CONKLING. I ask for a separate vote on that amendment which commits to three persons to put this building wherever they please on this ground.

The PRESIDING OFFICER. How shall the question be taken in respect to the other amendments made as in Committee of the Whole? ["In gross."] The amendment indicated by the Senator from New York will be reserved. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The question now is on the amendment reserved at the request of the Senator from New York.

Several SENATORS. Let it be reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. At the end of the first amendment inserted in section 8, it is proposed to add:

And the President of the United States, with the advice of the Librarian of the Library of Congress and of the Architect of the Capitol Extension, shall determine and fix the site of the Library upon the grounds herein described, if the same shall be taken and paid for under this act.

Mr. CONKLING. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. ROLLINS. Will it be in order to move to strike out "with the advice," and the words which follow?

The PRESIDING OFFICER. The Chair thinks that would be in order.

Mr. ROLLINS. Then I move to strike out those words so as leave the matter to the discretion of the President alone.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The CHIEF CLERK. It is proposed to strike out "with the advice of the Librarian of Congress and of the Architect of the Capitol Extension."

Mr. ROLLINS. So as to leave it to the President alone.

Mr. VOORHEES. I am very anxious for a vote, and I do not want to say a word. I hope the motion will not prevail. I think it a very proper amendment as it stands that the President advised by the Architect of the Capitol and the Librarian shall select the spot on the grounds that we purchase to place the Library. I think it a very proper provision.

Mr. HOAR. I desire to perfect what is to be stricken out before the vote to strike out is taken. I move to substitute for the words "with the advice" the words "after consulting."

Mr. VOORHEES. I have no objection to that.

Mr. HOAR. The words "with the advice" have a certain technical meaning in our judicial legislative construction, which may mean that the President is required to take the advice of these officers and act upon it. I do not suppose that was the meaning.

Mr. VOORHEES. I accept the amendment.

The PRESIDING OFFICER. This being an amendment adopted in Committee of the Whole the Senator from Indiana cannot modify it. The amendment of the Senator from Massachusetts will be read perfecting the language proposed to be stricken out.

The CHIEF CLERK. It is moved after the words "and the President of the United States" to insert "after consulting," and strike out the words "with the advice of."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to the amendment.

The amendment to the amendment was agreed to.

Mr. ROLLINS. I do not wish to deprive the President of the United States of the advice of these gentlemen, of the good suggestions they may make; but I do not think it necessary in this bill to provide for it. I think he can secure all the advice he may need from these parties without their being mentioned in the bill.

Mr. HOAR. I desire simply to say, as I suggested this phraseology, that the reason for it seems to me to be a very good one. Of course, it does not limit the President of the United States to take the advice of these two persons and nobody else; but it does give these two officials so connected with the subject, so capable of dealing with it, the right to be heard. It is like the right we give to the Secretary of the Treasury to report to us, and to the other heads of Departments to submit their statements and their views and considerations to the President. It is not a limitation of the President, but it

is an official prerogative of the officers, and a very proper one, which the bill creates.

Mr. CONKLING. Mr. President, I should be inclined to vote for this amendment if I could understand what the prerogative is. I wonder if any Senator can tell what would be the function of these officials. Where does their authority begin and where does it leave off? Suppose they should both think the building should be put on the south side of East Capitol street and the President of the United States should think that it should be put on the other side, who is to prevail in that?

Mr. VOORHEES. The President.

Mr. CONKLING. That shows that these two officials then have no prerogative on earth under this amendment.

Mr. VOORHEES. Does it show that advice, although it may not be followed, is of no value?

Mr. CONKLING. It shows this, if my friend will permit me to make my own statement, that unless these two persons have some control about it, the only effect of the amendment would be to name to the President two persons with whom he was to consult. It shows that, and that I object to. If it shows any thing more than that, it clothes these two other persons with some power. The Senator from Indiana says, and I agree with him, that it clothes them with no power at all. Then what is the sense of saying to the President "we name to you one man and we name a second man whom you had better advise with." Look at it a moment. Suppose the President of the United States comes to act upon this; suppose there happens to be in the city of Washington Mr. Olmstead for example whose great reputation is as a landscape gardener. Suppose at the same time there should be either one of two or three architects whom I can mention who are supposed in the region of country in which I live to be very eminent in their profession; and the President of the United States should think that, utilizing their presence here, it would be very wise for him to get them to go upon this ground, to look it all over, and study it and make a plat and a profile and a façade of the building and a general outline of effects—I know this amendment would not cut him off, would not prohibit his doing that.

Mr. VOORHEES. Certainly not.

Mr. CONKLING. And he would do it in spite of it. So if he wants to confer with the Librarian or the Architect of the Capitol or the Supervising Architect of the Treasury, whoever he may be, he would do it; and why not put in the Supervising Architect of the Treasury too? If you put nobody in, the President will do—that is the presumption and that is my belief—the wise thing to get all the light he can about this. What then is the sense of naming two persons and nobody else and saying the President shall act upon consultation with them when they have no power at all?

If the amendment offered by the Senator from New Hampshire prevail these names will be stricken out, this responsibility will be put upon the President, and if the President thinks that the Senator from Indiana can aid him he will resort to the Senator from Indiana, and if the Supervising Architect of the Treasury he will resort to him, and if these two persons named to them, and so on. Why should we undertake here to guess who the persons are and confine it to two that the President had better consult?

Mr. HOAR. Mr. President, we give to the Commissioner of Agriculture the right to make known his opinion as to the interests and wishes of his Department to both Houses of Congress before we legislate on those subjects; we give to every head of a Department the same privilege, the right to have his views in regard to the necessary legislation and present condition of his Department made known to Congress. Some Senators go so far as to think we should secure by law the right to be upon the floor and participate in our debates of all these officers. The reason for selecting these men and giving them by law the right to lay before the President their views for his consideration, without fettering his action, is this: the Architect of the Capitol has studied the architecture of the Capitol, as his office implies, for years, and in determining the question of a building to be placed in the neighborhood of this, the effect of which is to combine with the effect of the Capitol itself in a distant view of this height, and of the city, and which is to affect favorably or unfavorably the appearance of the Capitol itself, it is right we should reserve to him an opportunity to make known officially to the President his views. So in regard to the Librarian. He has studied this problem; he is one of the ablest and most accomplished men in the world in dealing with such a problem; and the question of its effect on the character of the building, or access to the building, or the convenient use of the building, and on the particular location, is one which it is not only reasonable but eminently, it seems to me, proper that he should have an opportunity to lay before the President.

Mr. ROLLINS. It was not my purpose, as I said before, to deprive the President of any advice of counsel or wisdom that he could get from these men, or any other men, but to leave the whole field open. Let him seek information where he will, and when he will, and how he will. Leave the thing entirely free. I see no necessity for putting this in the bill.

Mr. VOORHEES. If the Senator from New Hampshire will allow me, there is nothing in this point. If it is more acceptable to the Senator from New York than it is that it be left to the President, be it so; and of course he will consult with whom he pleases. I am perfectly willing that the names of the parties spoken of as his advisers may go out of the amendment, if that is the design.

Mr. ROLLINS. All right.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs, will the Senate concur in the amendment made as in Committee of the Whole as amended, upon which the yeas and nays are ordered?

Mr. VOORHEES. Since the amendment has been made offered by the Senator from New Hampshire, I understand it is not desirable on the part of anybody to have the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. By unanimous consent the question may be taken otherwise. Is there objection? The Chair hears no objection, and the call for the yeas and nays is withdrawn. The question is on the amendment.

The amendment was concurred in.

The PRESIDING OFFICER. Shall the bill be engrossed for a third reading?

Mr. CALL. Before the vote is taken I desire to say that while I shall not interpose for any delay in acting on the report of the committee and its bill, I am impressed with the force of the suggestions made by the Senator from New York. If I had an opportunity I should certainly vote for that mode of providing the necessary accommodations for the Library and its future increase by enlarging the Capitol. I am sorry that there is not some amendment or some mode in which I can express that opinion by my vote. I desire to place myself on record by saying that I regard the enlargement of the Capitol as by far the best mode of providing for the necessary increase of the Library.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BECK. I only desire to say that I want the yeas and nays on the final passage of the bill so that I can record my vote against it.

The yeas and nays were ordered.

Mr. HILL, of Georgia. I am not going to detain the Senate at all. I propose to vote for the bill as it now stands. Nevertheless I am unwilling to allow the occasion to pass without saying that I concur very much with what the Senator from Florida has said. I regret very much that the suggestions of the Senator from New York cannot be carried out, and if I had an opportunity I should be very much inclined to vote according to those suggestions.

The Secretary proceeded to call the roll.

Mr. INGALLS, (when his name was called.) I am paired on this question with the Senator from Mississippi, [Mr. BRUCE.]

The roll-call was concluded.

Mr. ANTHONY. Upon this question I am paired with the Senator from Ohio, [Mr. THURMAN,] who is absent.

The result was announced—yeas 38, nays 18; as follows:

YEAS—38.

Allison,	Cameron of Wis.,	Jonas,	Pugh,
Bailey,	Davis of W. Va.,	Kernan,	Rollins,
Baldwin,	Dawes,	Lamar,	Slater,
Bayard,	Ferry,	Logan,	Teller,
Blaine,	Garland,	McDonald,	Vance,
Blair,	Groome,	McPherson,	Voorhees,
Burnside,	Hampton,	Morgan,	Walker,
Butler,	Hill of Colorado,	Morrill,	Whyte.
Call,	Hill of Georgia,	Pendleton,	
Cameron of Pa.,	Hoar,	Platt,	

NAYS—18.

Beck,	Eaton,	Maxey,	Williams,
Brown,	Harris,	Paddock,	Windom,
Cockrell,	Jones of Nevada,	Plumb,	Withers.
Coke,	Kirkwood,	Saunders,	
Conkling,	McMillan,	Wallace,	

ABSENT—20.

Anthony,	Edmunds,	Ingalls,	Ransom,
Booth,	Farley,	Johnston,	Saulsbury.
Bruce,	Grover,	Jones of Florida,	Sharon,
Carpenter,	Hamlin,	Kellogg,	Thurman,
Davis of Illinois,	Hereford,	Randolph,	Vest.

So the bill was passed.

Mr. MORRILL. I desire to call the attention of the Clerk to the renumbering that will be necessary of the sections. My amendment follows the original bill and therefore should be renumbered.

The PRESIDING OFFICER. The Secretary will attend to that.

Mr. TELLER. I move that the Senate take a recess until half past seven o'clock.

Several SENATORS. Let us adjourn.

Mr. BURNSIDE. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Senate adjourn. The question is on the motion to adjourn.

Mr. TELLER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 31, nays 27; as follows:

YEAS—31.

Allison,	Cameron of Pa.,	Ingalls,	Pendleton,
Anthony,	Conkling,	Jones of Nevada,	Platt,
Bailey,	Davis of W. Va.,	Kernan,	Pugh,
Baldwin,	Dawes,	Logan,	Slater,
Bayard,	Garland,	McMillan,	Voorhees,
Booth,	Hampton,	McPherson,	Whyte,
Burnside,	Hill of Georgia,	Maxey,	Withers.
Butler,	Hoar,	Morrill,	

NAYS—27.

Beck,	Eaton,	McDonald,	Teller,
Blair,	Ferry,	Morgan,	Vance,
Brown,	Groome,	Paddock,	Walker,
Call,	Harris,	Plumb,	Wallace,
Cameron of Wis.,	Hill of Colorado,	Randolph,	Williams,
Cockrell,	Jonas,	Rollins,	Windom.
Coke,	Kirkwood,	Saunders,	

ABSENT—18.

Blaine,	Farley,	Jones of Florida,	Sharon,
Bruce,	Grover,	Kellogg,	Thurman,
Carpenter,	Hamlin,	Lamar,	Vest.
Davis of Illinois,	Hereford,	Ransom,	
Edmunds,	Johnston,	Saulsbury,	

So the motion was agreed to; and (at five o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 23, 1881.

The House met at eleven o'clock a. m.

The SPEAKER. The Chaplain of the House is necessarily absent. The Journal will be read.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. STEPHENS, for to-day, on account of indisposition; and

To Mr. EWING, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. DUNNELL asked unanimous consent that Agnes W. Hills be allowed to withdraw her papers from the files of the House, there having been no adverse report.

There being no objection, leave was granted.

POST-OFFICE APPROPRIATION BILL.

Mr. WARNER. I call for the regular order, not to exclude business of the Committee on Appropriations.

Mr. BLACKBURN, from the Committee on Appropriations, reported back, with the amendments of the Senate, the bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes.

The report of the committee was read, as follows:

The committee recommend concurrence in amendments numbered 2, 4, 6, 7, 11 and 12, and non-concurrence in amendments numbered 1, 3, 5, 8, 9, 10, and 13.

The several recommendations by the Committee on Appropriations were agreed to.

Mr. BLACKBURN moved to reconsider the several votes concurring and non-concurring in the amendments of the Senate; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COX and Mr. WARNER called for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

The committees were called and no reports were presented.

JOSEPH UPTON AND G. W. CURTIS.

Mr. FRYE, by unanimous consent, reported back from the Committee on Ways and Means the bill (H. R. No. 7172) to admit free of duty two watches presented to Joseph Upton and G. W. Curtis for rescuing the crew and passengers of the steamship American.

Mr. FRYE. I was requested by the Committee on Ways and Means to ask unanimous consent that this bill might be put on its passage now.

Mr. COX. I call for the regular order.

Mr. FRYE. This bill merely proposes to remit duties on two watches presented to the captain and mate of an American bark for rescuing the passengers and crew of an English vessel.

Mr. COX. I have no objection to that.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is authorized to admit free of duties and customs charges two watches now in the custody of the collector of customs at Boston, Massachusetts, presented to Captain Joseph Upton, master of the American bark Emma F. Harriman, and G. W. Curtis, his first officer, respectively, for services performed by them in rescuing the passengers and crew of the British steamship American, which foundered at sea.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDMENT OF REVISED STATUTES.

Mr. FRYE also, by unanimous consent, reported from the Committee on Ways and Means a bill (H. R. No. 7227) to amend section 2633 of the Revised Statutes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

EDWARD FITZPATRICK.

Mr. MORSE, from the Committee on Accounts, reported the following resolution; which was considered and adopted:

Resolved, That the Clerk of the House of Representatives be authorized and directed to pay out of the contingent fund of the House to the brother and sister of Edward Fitzpatrick, late messenger of the House post-office, a sum equal to his salary for three months, and also the necessary funeral expenses of the deceased, not to exceed the sum of $250.

ORDER OF BUSINESS.

Mr. COX. I call for the regular order. I desire the House to proceed with the unfinished business.

Mr. CONGER. What is the proposition?

The SPEAKER. The gentleman from New York [Mr. COX] calls up the unfinished business.

Mr. COX. Which is what?

The SPEAKER. The bill known as the "apportionment bill."

Mr. CONGER. I raise the question of consideration in favor of the sundry civil appropriation bill.

The SPEAKER. The gentleman from Michigan raises the question of consideration on the unfinished business, which is a bill the title of which will be read.

The Clerk read as follows:

House bill No. 7026 making an apportionment of Representatives in Congress among the several States under the tenth census.

The SPEAKER. The question is, will the House proceed to the consideration of this bill?

The question being put,

The SPEAKER said: In the opinion of the Chair the ayes have it. Is a further count asked?

Mr. CONGER. Of course. After we start in the Chair might assume that. [Laughter.]

The SPEAKER. The Chair does not know anything about "starting in."

The question being again taken, there were on a division—ayes 88, noes 63.

Mr. CONGER. I demand tellers.

Mr. COX. We might as well have the yeas and nays. No one will object to the yeas and nays.

Mr. CONGER. Yes; let us have tellers first.

The yeas and nays were ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage by that body of a bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, with amendments in which concurrence was requested.

APPORTIONMENT BILL.

The SPEAKER. The question recurs on considering the apportionment bill, on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 123, nays 5, not voting 162; as follows:

YEAS—123.

Acklen,	De La Matyr,	Klotz,	Samford,
Armfield,	Deuster,	Knott,	Sawyer,
Atkins,	Dibrell,	Ladd,	Scales,
Beale,	Dickey,	Lounsbery,	Shelley,
Beltzhoover,	Dunn,	Lowe,	Singleton, J. W.
Berry,	Elam,	Manning,	Slemons,
Bicknell,	Ellis,	Martin, Edward L.	Smith, Hezekiah B.
Blackburn,	Evins,	McKenzie,	Smith, William E.
Bland,	Felton,	McMahon,	Sparks,
Bragg,	Finley,	McMillin,	Springer,
Bright,	Forney,	Mills,	Steele,
Buckner,	Geddes,	Money,	Stevenson,
Cabell,	Gillette,	Morrison,	Talbott,
Caldwell,	Goode,	Morse,	Thompson, P. B.
Carlisle,	Hammond, N. J.	Muldrow,	Tillman,
Chalmers,	Harris, John T.	Muller,	Townshend, R. W.
Clardy,	Hatch,	New,	Tucker,
Clark, Alvah A.	Herbert,	O'Reilly,	Turner, Oscar
Clark, John B.	Herndon,	Persons,	Upson,
Clements,	Hill,	Phelps,	Vance,
Clymer,	Hostetler,	Philips,	Waddill,
Cobb,	House,	Phister,	Warner,
Coffroth,	Hunton,	Poehler,	Wellborn,
Colerick,	Hurd,	Reagan,	Whiteaker,
Converse,	Hutchins,	Rice,	Whitthorne,
Cook,	Johnston,	Richmond,	Williams, Thomas
Cox,	Jones,	Robertson,	Willis,
Cravens,	Killinger,	Robinson,	Wilson,
Culberson,	Kimmel,	Ross,	Yeates,
Davidson,	King,	Rothwell,	Young, Casey.
Davis, Lowndes H.	Kitchin,	Ryon, John W.	

NAYS—5.

Bouck,	Ford,	Murch,	Ryan, Thomas.
Brewer,			

NOT VOTING—162.

Aiken,	Barlow,	Briggs,	Chittenden,
Aldrich, N. W.	Bayne,	Brigham,	Claflin,
Aldrich, William	Belford,	Browne,	Conger,
Anderson,	Bingham,	Burrows,	Covert,
Atherton,	Bisbee,	Butterworth,	Cowgill,
Bachman,	Blake,	Calkins,	Crapo,
Bailey,	Bliss,	Camp,	Crowley,
Baker,	Blount,	Cannon,	Daggett,
Ballou,	Bowman,	Carpenter,	Davis, George R.
Barber,	Boyd,	Caswell,	Davis, Horace,

Davis, Joseph J.	Hooker,	Newberry,	Stone,
Deering,	Horr,	Nicholls,	Taylor, Ezra B.
Dick,	Houk,	Norcross,	Taylor, Robert L.
Dunnell,	Hubbell,	O'Brien,	Thomas,
Dwight,	Humphrey,	O'Connor,	Thompson, W. G.
Einstein,	James,	O'Neill,	Townsend, Amos
Errett,	Jorgensen,	Orth,	Turner, Thomas
Ewing,	Joyce,	Osmer,	Tyler,
Ferdon,	Keifer,	Overton,	Updegraff, J. T.
Fisher,	Kelley,	Pacheco,	Updegraff, Thomas
Forsythe,	Kenna,	Page,	Urner,
Fort,	Ketcham,	Pound,	Valentine,
Frost,	Lapham,	Prescott,	Van Aernam,
Frye,	Le Fevre,	Price,	Van Voorhis,
Gibson,	Lindsey,	Ray,	Voorhis,
Godshalk,	Loring,	Reed,	Wait,
Gunter,	Marsh,	Richardson, D.P.	Ward,
Hall,	Martin, Benj. F.	Richardson, J. S.	Washburn,
Hammond, John	Mason,	Robeson,	Weaver,
Harmer,	McCoid,	Russell, Daniel L.	Wells,
Harris, Benj. W.	McCook,	Russell, W. A.	White,
Haskell,	McGowan,	Sapp,	Wilber,
Hawk,	McKinley,	Scoville,	Williams, C. G.
Hawley,	McLane,	Shallenberger,	Willits,
Hayes,	Miles,	Sherwin,	Wise,
Hazelton,	Miller,	Simonton,	Wood,
Heilman,	Mitchell,	Singleton, O. R.	Wright,
Henderson.	Monroe,	Smith, A. Herr	Yocum,
Henkle,	Morton,	Speer,	Young, Thomas L.
Henry,	Myers,	Starin,	
Hiscock,	Neal,	Stephens,	

During the roll-call,

Mr. BLOUNT said: I ask unanimous consent to be allowed to vote.

The SPEAKER. The Chair is not able to ask that for the gentleman.

Mr. RICHMOND. I move to dispense with the reading of the names.

There was no objection, and it was ordered accordingly.

The following pairs were announced from the Clerk's desk:

Mr. YOUNG, of Tennessee, with Mr. SHALLENBERGER, during Wednesday, on political questions, but not to break a quorum.

Mr. KITCHIN with Mr. RUSSELL of North Carolina, on the apportionment bill.

Mr. HUBBELL with Mr. MCLANE, for to-day, on all political questions.

Mr. WILLIAMS, of Alabama, with Mr. WASHBURN, for this day.

Mr. WILLIAMS, of Alabama. Mr. Speaker, I am paired with Mr. WASHBURN, of Minnesota, and, although the pair at the Clerk's desk does not so express it, the privilege was reserved to myself to vote when a quorum was in peril. That condition having arisen, I have exercised the liberty to discharge what I regard to be a duty in voting.

Mr. BLISS with Mr. HAMMOND of New York.

Mr. MILES, who is absent, with Mr. SINGLETON, of Illinois, on all political questions, from and after this day until the 28th instant; the pair, however, under no circumstances to extend to breaking a quorum.

Mr. LE FEVRE with Mr. BELFORD.

Mr. CLAFLIN with Mr. EWING, indefinitely.

Mr. NICHOLLS with Mr. JOYCE, until further notice.

Mr. JAMES with Mr. O'BRIEN, until further notice.

Mr. ORTH with Mr. MYERS, on all questions except when necessary to make a quorum.

Mr. ROBESON, until further notice, with Mr. MCKENZIE—Mr. MCKENZIE reserving the right to vote to make a quorum.

Mr. KENNA. Mr. Speaker, my failure to vote on the last roll-call was occasioned by absence in the discharge of my duties in connection with the Committee on Enrolled Bills.

Mr. YOUNG, of Tennessee. I am paired with Mr. SHALLENBERGER, and withdraw my vote.

Mr. ATKINS. I hope not, as the gentleman reserved the right to vote in case a quorum was in peril.

Mr. YOUNG, of Tennessee. Certainly.

Mr. ATKINS. And that is the very question we have before us now.

Mr. YOUNG, of Tennessee. Very well; let the vote stand.

Mr. KITCHIN. I am paired with my colleague, Mr. RUSSELL, but reserved the right to vote when necessary to make a quorum. I have exercised that right to vote, as there is a question of a quorum.

The vote was then announced as above recorded.

Mr. CONGER. Mr. Speaker, no quorum has voted.

LEGISLATIVE APPROPRIATION BILL.

On motion of Mr. ATKINS, by unanimous consent, the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, returned from the Senate with amendments, was taken from the Speaker's table, referred to the Committee on Appropriations, and the Senate amendments ordered to be printed and numbered.

PENSION APPROPRIATION BILL.

Mr. HUBBELL. I ask by unanimous consent to correct a clerical error in the conference report on the pension appropriation bill, in order to make that report conform to the report in the hands of the Senate conferees, as well as the statement which accompanied it.

The Clerk read as follows:

That the House recede from its disagreement to the Senate amendment numbered 5, and agree to the same with an amendment, as follows: Insert before the words "and for other purposes" the words "for deficiencies;" and the Senate agree to the same.

Mr. HUBBELL. This is in accordance with the agreement of the conferees, and it is merely for the purpose of correcting a clerical error.

The SPEAKER. It is merely a clerical error which is sought to be corrected, as the Chair is advised by the gentleman from Michigan, and as he makes the statement to the House.

Mr. HUBBELL. That is all.

There was no objection, and it was ordered accordingly.

APPORTIONMENT BILL.

Mr. COX. I ask the indulgence of the House for a single moment while I make a brief suggestion.

The SPEAKER. What motion does the gentleman from New York make?

Mr. COX. I wish to make a brief statement to the House to see if some arrangement cannot be arrived at in reference to the apportionment bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. COX. Before I move a call of the House I want to make a single statement if there be no objection.

Mr. CONGER. What is the proposition the gentleman from New York makes?

Mr. COX. If there be objection to the request then I shall move a call of the House.

The SPEAKER. What motion does the gentleman from New York make?

Mr. COX. I have asked consent of the House to make a brief statement.

The SPEAKER. The gentleman from New York asks consent to make a brief statement in reference to the order of business. Is there objection?

Mr. CONGER. I have no objection to the gentleman from New York making a statement in reference to the order of business.

Mr. COX. Then I move a call of the House, if there be objection to my request.

A call of the House was ordered.

Mr. CONGER. I have stated that I had no objection to the gentleman making a statement in reference to the order of business.

Mr. FRYE. I want to make a suggestion to the gentleman from New York.

Mr. COX. I wanted to make a suggestion myself, but there was objection, I believe.

Mr. FRYE. If the gentleman from New York will hear me for a moment, it may save a great waste of time.

Mr. COX. That is exactly what I am after.

Mr. TOWNSHEND, of Illinois. The gentleman from New York ought to have an opportunity to make a statement first.

Mr. FRYE. I want him to have my suggestion first, and perhaps he will be willing then to waive his suggestion. I desire to state that the republicans were to have a conference last night, but it was necessarily postponed. They could not have it. Therefore, we are not in a condition to proceed with the apportionment bill now. If the gentleman from New York will allow other business to intervene, and at four and a half o'clock take a recess, as heretofore provided for, the republicans will, immediately after the recess is taken, meet here and have their conference, and it shall be determined then what will be their position in reference to the apportionment bill.

Mr. COX. Then I suppose there will be no more dilatory motions; no more filibustering.

Mr. FRYE. I do not say that. I am not prepared to answer for what gentlemen may think proper to do; but I do say that we will have a conference and determine our course.

Mr. COX. Then I will consent to the suggestion made by the gentleman from Maine, and I will trust to his honor to put the bill through without further delay.

Mr. CONGER. We did not hear the last remark made by the gentleman from New York.

Mr. FRYE. I have simply stated to the gentleman that we will have a conference. I do not desire to be understood as committing myself or any other gentleman to any special course.

Mr. CONGER. But there was a remark made by the gentleman from New York which might be misconstrued. We would like to have that repeated.

The SPEAKER. The Chair cannot undertake to repeat the argument of the gentleman from New York.

Mr. CONGER. If the gentleman from New York made a remark which requires the assent of this side of the House I should like to have it repeated.

Mr. COX. I now give notice that after the morning hour to-morrow I will endeavor to call up and proceed to the consideration with a view to disposing of the apportionment bill. And I desire to assure the gentleman from Michigan that there will be a quorum present. I will say further to him that when he asked a few days ago that this matter should be passed over and the agricultural appro-

priation bill taken up, his suggestion or request was readily complied with.

Mr. CONGER. And the gentleman acted wisely.

Mr. COX. Yes; and I am acting wisely now. When the gentleman proposed a caucus of his party the bill was postponed to meet his views, and was not called up in the House at the time that I had given notice I would call it up. Now I hope the gentleman will return the kindness, courtesy, and propriety which I have granted to him in this matter.

Mr. CONGER. That is our natural disposition. [Laughter.]

Mr. STEELE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEELE. I understood that the House had ordered a call of the House. I would like to know if it is not in order to proceed with that call.

The SPEAKER. The Chair will state, in response to the gentleman from North Carolina, that he yielded, as it is often necessary for him to yield, to the respective sides of the House in order to see if some arrangement could be arrived at whereby the call of the House might be obviated. It seems now that an arrangement has been made between the gentleman from New York and the gentleman from Maine in reference to this matter.

Mr. COX. I withdraw the demand for the call of the House if there be no objection.

There was no objection, and the order for a call of the House was withdrawn.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole on the state of the Union, to further proceed with the consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HARRIS, of Virginia, in the chair.

The CHAIRMAN. The Clerk will read the pending amendment.

The Clerk read as follows:

Strike out, in lines 473, 474, and 475, the following words: "And no more money shall be expended for the above purposes out of any appropriations heretofore made or by virtue of any previous law."

Mr. YOUNG, of Tennessee. Mr. Chairman, I want to submit one thing to the gentleman in charge of this bill, and if he will listen to me for a moment, I think it possible that we can reconcile all differences. I propose that the whole of this paragraph go over until to-morrow, and in the mean time I can have a conference with him, and have no doubt that we can arrive at some satisfactory decision.

Mr. BLOUNT. I would like to accommodate myself to the wishes of my friend from Tennessee, but I think we had better proceed in the regular order with this bill.

The CHAIRMAN. The question is on the amendment proposed.

Mr. HAYES. I ask that the amendment be again read.

The Clerk read the proposed amendment.

The committee divided; and there were—ayes 13, noes not counted.

Mr. KING. I demand tellers.

The committee refused to order tellers.

So the amendment was not agreed to.

The Clerk read the following:

For aid to local quarantine stations and for aid to local and State boards of health, to be used in case of epidemic, $100,000: *Provided*, That $50,000 of the appropriation made by act of June 2, 1879, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," shall be applied to the same purposes, and no money shall be expended for the above service for the fiscal year 1881 other than that specifically appropriated by the act approved June 16, 1880, making appropriations for sundry civil expenses of the Government.

Mr. YOUNG, of Tennessee. I move to strike out the proviso in the paragraph just read. I discover that the House is very clearly with the Committee on Appropriations. I think they are mistaken; but I shall not press my opposition further. I desire, however, to say this while I am up: perhaps my remarks this morning may have been construed as containing some unkind expressions toward the gentlemen of the Committee on Appropriations. I beg to disclaim any such purpose. I believe they have discharged their duty faithfully and honestly. That they have made a mistake, however, is to me clearly apparent. If I had an opportunity, I think I could convince those gentlemen that it would be far better to direct how this money should be expended in detail than to make a wholesale, sweeping reduction in the appropriations asked for by the National Board of Health.

The CHAIRMAN. Does the gentleman from Tennessee withdraw his amendment?

Mr. YOUNG, of Tennessee. I do not; but I see it is to be voted down, and I also desire to withdraw any and everything uttered by me in this debate that seemed in the slightest degree to reflect unkindly upon the action of the committee. I am quite sure that all of them are in full sympathy with the object sought to be attained by the appropriation; the difference between them and myself is only a question of method. In every effort I have made in behalf of the National Board of Health, I have always had the active co-operation of all these gentlemen, and especially of my colleague, [Mr. ATKINS,] the chairman of the Committee on Appropriations.

The question being taken on the amendment, it was not agreed to.

The Clerk read the following:

North American ethnology, Smithsonian Institution:

For the purpose of continuing ethnological researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution, $25,000.

Mr. KEIFER. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 493, add the following:

"Five thousand dollars of which shall be expended in continuing archæological investigations relating to mound-builders, and prehistoric mounds."

Mr. KEIFER. This amendment does not increase the appropriation.

Mr. BLOUNT. I submit it is new legislation.

Mr. KEIFER. It simply gives directions how a portion of the appropriation shall be spent.

Mr. BLOUNT. I raise the point of order.

The CHAIRMAN. The Chair would like the gentleman from Georgia to show wherein the amendment changes existing law.

Mr. BLOUNT. It provides for a new line of inquiry not hitherto undertaken by the Government. This is a continuing investigation which has been going on for several years for the purpose stated in the paragraph. The proposition of the gentleman from Ohio is to divert part of this fund to other investigations not provided for and that have not been commenced.

Mr. KEIFER. The researches and investigations that the proposed amendment alludes to have been going on for a number of years in a feeble way under the appropriations made by Congress. A portion of the money that has been appropriated from time to time for ethnological researches has been devoted to investigations of the character indicated by the proposed amendment. Indeed, the amendment itself proposes only to dedicate a certain sum of money to that special investigation and to continue that investigation. Last year a portion, a very small portion, of the money thus appropriated was used in this way. In no sense does the amendment change existing law. It does not conflict with existing law in any sense. It is simply a dedication of a portion of this appropriation. I trust the gentleman from Georgia will not press his point of order.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The Chair does not think this changes existing law, but is in the line of investigation authorized by law. The Chair therefore overrules the point of order.

Mr. KEIFER. The point of order having been overruled, let me say a word now on the amendment. It might well perhaps be left ordinarily to the discretion of the Secretary of the Smithsonian Institution to determine how this $25,000 of money should be expended. But that leaves him possibly exposed to trouble with various persons who are employed in making these very important investigations. Last year we gave him but $20,000 for these researches while this year it is proposed to give $25,000. The amount appropriated last year was not sufficient and therefore this particular matter of investigation was largely neglected.

I want to call the attention of the committee to the fact that these investigations have to be made in the settled portions of the country east mainly of the Mississippi River, largely in the Mississippi Valley, but not confined to that.

There are places where these investigations should go on in North Carolina especially, and in Georgia. In Tennessee there is a very interesting field for investigation. Arkansas and Texas are full of these mounds and they are found in the Ohio Valley. Being in the settled portion of the country they are disappearing.

Of such importance are they regarded in England and France that those countries are sending here scientific bodies of men to investigate our mounds, these evidences of prehistoric races. They are devoting hundreds of thousands of dollars to do the very thing that we ought to have done long ago. This small sum of money can be used very advantageously during the coming summer in making surveys and investigations and finally completing a work that has already been commenced that is of very great importance. I would like to have added a great many things that I think are of vast importance on this subject; but I have not time. I hope the committee will not object to giving a portion of the appropriation this special direction.

Mr. BLOUNT. I think we had better leave this fund where it has been all the while, under the direction of the Smithsonian Institution, leaving the special directions given to it discretionary. There may be investigations more important than the one my friend from Ohio sees fit to direct the attention of the committee to, and I think we had better leave this as it is. I care very little about it. But it does seem to me the diversion of the fund in this way tends to introduce new objects of inquiry very many of which may be useless.

Mr. ATKINS. I wish to make a single remark that in my judgment the application of this fund can be made already by the Smithsonian Institution in the way the gentleman from Ohio proposes, without the adoption of his amendment.

Mr. BLOUNT. So the gentleman from Ohio claimed himself, and I have said it would be better to leave it to the discretion of the institution.

Mr. KEIFER. I admit it can be done; but it may not be done. And the gentleman from Tennessee [Mr. ATKINS] will admit that in his

own district there are some very interesting investigations that should be made or the time will soon come when they cannot be made.

Mr. ATKINS. I do not want to be understood as opposing it at all.

Mr. KEIFER. I hope the gentleman will vote for it.

Mr. PAGE. I move to strike out the last word for the purpose of saying that yesterday I made a point of order against a paragraph on page 14, which was ruled out of the bill by the Chair. I am informed that this morning an amendment similar in its provisions to the one which was ruled out of the bill yesterday was offered by the gentleman from Illinois [Mr. CANNON] and accepted by the gentleman from Georgia, [Mr. BLOUNT.]

I was unavoidably absent this morning, or I would again have made the point of order on the amendment proposed by the gentleman from Illinois. But it has gone into the bill, and I suppose the money appropriated will be expended in the manner directed by the Committee on Appropriations. At some future time, on some proper occasion, I shall endeavor to present facts before this House or the next House in reference to this matter as now administered, that perhaps may put a different construction on some things that were discussed yesterday and on former occasions.

I withdraw my formal amendment.

The question was taken upon the amendment offered by Mr. KEIFER, and on a division there were—ayes 51, noes 29.

No further count being called for, the amendment was agreed to.

Mr. WEAVER. I give notice that I shall ask for a separate vote on this amendment in the House.

The CHAIRMAN. That is the gentleman's right.

Mr. BRENTS. I move to insert after the amendment just adopted that which I send to the Clerk's desk.

The Clerk read as follows:

In order to facilitate the collection of customs duties and to prevent smuggling, the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, in Washington Territory, is hereby empowered to enter and clear vessels and collect duties: *Provided*, That the Secretary of the Treasury, if he deem it necessary, may require said officer to give sufficient bond for the proper discharge of his duties.

Mr. BLOUNT. I make the point of order on that amendment that it is new legislation, does not retrench expenditures, and is not germane to this bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOSTETLER. I move to amend by inserting after the amendment just adopted that which I send to the Clerk's desk.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to transport free of charge subsidiary silver coin when requested to do so, provided that an equal amount in coin or currency shall have been deposited in the Treasury by the applicant or applicants, and that there is hereby appropriated $20,000 for that purpose, and that the same shall be available from and after the passage of this act.

Mr. BLOUNT. I raise the point of order on that amendment that it is new legislation, and does not retrench expenditures.

Mr. HOSTETLER. I hope the gentleman will not raise a point of order against that amendment until I can make a statement.

Mr. BLOUNT. It is utterly impossible, as the committee will see, for us to have all sorts of propositions thrown in here and discussed, if we desire to make progress in our work. This is an appropriation bill, and the only way in which we can restrict it to its proper limits is by an enforcement of the rules.

The CHAIRMAN. The Chair will hear the gentleman from Indiana upon the point of order.

Mr. HOSTETLER. The only matter to which I wish to call the attention of the committee is that, as the law now stands, there is no provision for the free transportation of subsidiary silver coin to the portions of the country where it is much needed. It now costs four or five dollars per thousand dollars to transport this subsidiary silver coin. The business men of the country and the bankers cannot afford to pay the cost of transportation simply for the accommodation of the people of the country. This is a question in which the entire country is interested, and I hope the gentleman from Georgia [Mr. BLOUNT] will not press his point of order, but allow the amendment to be voted on.

The CHAIRMAN. The amendment is objected to on two grounds; first, that it changes existing law, and, second, that it is not germane to the bill. The Chair sustains the point of order.

The Clerk read the following:

Arrears of pay and bounty:

That with a view to the prompt payment of claims for arrears of pay and bounty due to officers and enlisted men of the regular and volunteer forces, and their heirs and legal representatives, there shall be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, so much as may be required to pay said claims under the following heads of appropriations: "Pay of two and three-year volunteers," "bounty to volunteers and their widows and legal heirs," and "pay, &c., of the Army:" *Provided, however*, That the Secretary of the Treasury shall report to Congress, at the commencement of each regular session, the amount that has been paid out under this provision during the preceding fiscal year.

Mr. MCMILLIN. I make a point of order against that paragraph that it changes existing law and is not in the line of retrenchment. My object in making the point is to obtain from some member of the Committee on Appropriations, if possible, the reasons for this legislation and why the purse strings of the Government should be loosened in this way.

Mr. BLOUNT. One statement will be sufficient to answer the inquiry of the gentleman. The House ordered this appropriation to be put into this bill, and it is here by virtue of the direction of the House. Unanimous consent was given for it, and that avoids all rules against it. There was no discretion left to the committee on the subject.

And further; it has been the practice for some years past to provide, sometimes in the deficiency appropriation bill and sometimes in the sundry civil bill, an appropriation to pay the accounts audited as shown by the report of the Secretary of the Treasury made on the assembling of Congress. All accounts audited from the time of that communication until the end of the fiscal year have been postponed until the following winter.

The House thought that where these amounts were due they ought to be paid at once on the auditing. There could be no specific sum designated for this purpose, and the provision was put in in this form in order that these accounts might be paid when audited. The accounts which are never disputed, which this House never undertakes to dispute, are the measures of this appropriation. That is the whole matter.

Mr. REAGAN. I desire to ask my friend from Georgia, [Mr. BLOUNT,] while he is up, how much it is supposed this item will cover?

Mr. WHITE. Not over three hundred thousand dollars.

Mr. REAGAN. I ask that question because we ought to know something about what we are doing.

Mr. BLOUNT. I cannot give the exact figures. My recollection is that according to the reports made to each session of Congress the sum required will amount to $200,000 or $300,000.

Mr. REAGAN. The footing of this bill states that it appropriates $20,004,205.42. Now, here is a provision making a permanent instead of an annual appropriation. It is put here, for aught we know, without any estimate, and certainly without advising the House how much is to be expended. It is said that probably the item covers an expenditure of $200,000 or $300,000. May it not cover $200,000,000 or $300,000,000?

Mr. BLOUNT. Oh, no; not at all.

Mr. REAGAN. Where can we find the estimates to tell us what it covers?

Mr. BLOUNT. I do not remember the number of the executive document, but there is one reported to this House showing what these expenditures have amounted to each year. The deficiency bill which became a law June 16, 1880, contained these items:

For payment of bounty to volunteers and their legal heirs, as certified by the Second Auditor and the Second Comptroller, under section 4, act of June 14, 1878, for the year 1871 and for prior years, $93,193.17.

For pay of two and three year volunteers, as certified by Second Auditor and Second Comptroller, under same section and act, for the year 1871 and for prior years, $48,563.51.

Those are the two items.

Mr. REAGAN. The Commissioner of Pensions, it is understood, estimates that the arrearages of pensions will amount to $500,000,000 or $600,000,000.

Mr. BLOUNT. This does not come from the Pension Bureau.

Mr. REAGAN. I understand that; but it covers arrears of pensions.

Mr. ATKINS. I think there is a letter on the subject; and I believe the committee has the letter.

Mr. BLOUNT. I think not. This provision was placed in the bill by order of the House, on a report, I believe, from the Committee on Pensions.

Mr. MCCOOK. No doubt this is a very interesting discussion, but not a man sitting near me can hear a word of it.

The CHAIRMAN. The Chair hopes the Committee of the Whole will preserve order.

Mr. REAGAN. If this is a proper expenditure it is one for which the Department should be able to furnish an estimate. It has experience, it has knowledge of prior expenditures; why should not the Department in this, as in other matters, give us estimates for an annual appropriation? Why insert a permanent appropriation so obnoxious to just principles of legislation when it is convenient and easy upon proper estimates to make an annual appropriation so that the House may know what it is doing?

Mr. MCMAHON. If the committee will bear with me a few minutes, I think I can state the facts in reference to this question. At the opening of the present session there were reported to this Congress claims allowed for bounty to volunteers amounting to $164,000 in round numbers; for pay of two and three year volunteers $67,000, and for back pay of the Army $13,000; making a total of about two hundred and forty-five thousand dollars. This includes all claims of this character that had been audited by the proper Departments up to the date of the letter; and that letter is dated "Treasury Department, January 16, 1881."

Mr. REAGAN. That was for one year; but this is a permanent appropriation from year to year.

Mr. MCMAHON. Let me finish my statement. After the House had passed the resolution requesting the Committee on Appropriations to report an appropriation for all claims that might be allowed not only during this fiscal year but for the fiscal year which would terminate July 1, 1882, we received from the proper officer an estimate of what would be necessary to pay all claims during the bal-

ance of this fiscal year and for the whole of the next fiscal year. The total estimate was $300,000, of which——

Mr. REAGAN rose.

Mr. McMAHON. My friend must listen a moment. The total estimate was $300,000, of which less than $100,000 will be necessary to complete the service for the present fiscal year, and about two hundred thousand dollars for the next fiscal year.

Mr. REAGAN. Why not put the amount in the bill?

Mr. McMAHON. I will tell the gentleman why—because it is impossible to anticipate whether the claims will be $200,000 or $220,000 or $250,000; and the idea of the House and of the committee was that when these claims, the great bulk of them less than $200 each, had been audited—claims being due generally to poor men—the money should be paid just as soon as the claims were allowed in the proper office.

Mr. REAGAN. That is a very proper consideration; but why not insert in the bill an amendment which would cover the estimated expenditure, and make the appropriation an annual instead of a permanent one?

Mr. McMAHON. I will answer my friend in this way: suppose we should appropriate only $200,000 and the claims allowed should amount to $250,000; then people holding claims for $50,000 must necessarily wait twelve or eighteen months for their money.

Mr. REAGAN. If $250,000 is the estimated expenditure, let it be put in. Put in enough; but let there be a limit to the appropriation.

Mr. McMAHON. There is no danger of abuse about this matter. In my friend's imaginings about excessive claims for arrears of pensions and all that, he is entirely off the track.

Mr. SPARKS. Was there ever such a clause as this in any preceding appropriation bill?

Mr. McMAHON. We never provided for these claims till 1877 or 1878.

Mr. SPARKS. What objection would there be to inserting after the word "claims," in line 500, the words "not exceeding $250,000?"

The CHAIRMAN. This discussion on the merits of the proposition has proceeded by unanimous consent; the Chair does not feel it his duty to allow it to proceed further before deciding the point of order. As the Chair understands this clause was inserted in the bill by order of the House. This Committee of the Whole House on the state of the Union is but a creature of the House, and therefore what the House has ordered to be put upon the bill the Chair has no right to rule out. By an order of the House, therefore, the Chair overrules the point of order.

Mr. REAGAN. I ask the gentleman from Georgia to allow an amendment to be made saying the amount appropriated shall not exceed $250,000, and striking out that part which provides a permanent appropriation.

Mr. BLOUNT. I would be glad to do it except for the order of the House made by unanimous consent.

Mr. REAGAN. I never heard of any such order.

Mr. McMILLIN. Neither did I.

Mr. BLOUNT. I cannot help that; but the order was made nevertheless, and under that order the Committee on Appropriations have acted.

Mr. SPARKS. I move after the word "claims," in line 500, to insert the words "not exceeding $250,000."

Mr. BLOUNT. I wish to call the attention of the House to the fact that there can be no abuse. These accounts are audited by the Treasury. The Government is completely bound by it and there is a review of it in this House. This appropriation requires a report of the amount paid out under that order by the Treasury, so that the eye of every one is directed to it as distinctly as if the provision of my friend were incorporated into the bill.

The amendment was rejected.

Mr. REAGAN. I move to strike out the following proviso:

Provided, however, That the Secretary of the Treasury shall report to Congress, at the commencement of each regular session, the amount that has been paid out under this provision during the preceding fiscal year.

Mr. Chairman, if that be stricken out, then I do not understand there will be any permanent appropriation made. The purpose I have in view is to try if possible to defeat anything like a permanent appropriation.

Mr. BLOUNT. I do not understand this is a permanent appropriation. It simply relates to this fiscal year and nothing more.

Mr. REAGAN. What is meant by the words "the Secretary of the Treasury shall report to Congress at the commencement of each regular session the amount that has been paid out under this appropriation during the preceeding fiscal year?" If that does not make a permanent appropriation, then I do not understand what language can.

Mr. BLOUNT. I have no objection to meeting the views of the gentleman from Texas by saying "at the commencement of the next regular session," leaving each year to be provided for by each succeeding Congress.

Mr. REAGAN. That does not change the fact that it is a permanent appropriation, and that the money is to be continually applied without appropriation by Congress.

The amendment was rejected, sixteen only voting in favor thereof.

The Clerk read as follows:

Rock Island arsenal, Rock Island, Illinois: For continuation of shop I, a wood-working and leather-working shop for the arsenal, $75,000.

For shop H, an iron-finishing shop for the armory, $75,000.

Mr. HENDERSON. I move to strike out "seventy" where it occurs in line 514 and insert "fifty," and add the following paragraph after line 514:

For shop K, the last of the armory shops, $20,000.

Mr. BLOUNT. I understand from the gentleman's amendment the proposition is not to increase the appropriation at Rock Island arsenal.

Mr. HENDERSON. It is not.

Mr. BLOUNT. It is only to reduce on one building with a view to commencing the construction of another. I have no objection to it in that shape.

The amendment was agreed to.

The Clerk read as follows:

For continuing boring the artesian well, or, if artesian water is procured, for putting down permanent iron pipe and turbine-wheel, to be run by flow of water, to pump up water to reservoir, $5,000.

Mr. BERRY. In line 539, after the word "reservoir," I move to insert the words "or for building or enlarging reservoir." I suppose there can be no objection to that.

Mr. BLOUNT. It is not estimated for and not asked for, and I hope it will not be adopted. These appropriations have been made largely after consultation with the officers in charge.

Mr. BERRY. Mr. Chairman, all I wish to say in reference to that is this: that for boring the artesian well there remains an unexpended balance. I notice here the committee provide for continuing boring the artesian wells, or, if artesian water is procured, for putting down permanent iron pipe and turbine wheel, to be run by flow of water, to pump up water to reservoir, $5,000. Water may be struck with the unexpended balance on hand, and that reservoir may need enlargement. This only provides with what may remain unexpended, after laying suitable pipes, this reservoir may be made of sufficient capacity to hold what water may be procured. It makes no additional appropriation but provides simply they shall not be bound down, but may use whatever unexpended balance may remain for the purpose of repairing, enlarging, or constructing a reservoir there, if that shall be found to be cheaper and more efficient. I see no objection to it and I hope the amendment will be adopted.

Mr. BLOUNT. It creates additional expenditure. It reappropriates unexpended money. It has not been asked for so far as I know, and I trust it will not be adopted.

The amendment was rejected.

The Clerk read as follows:

For abating nuisances, $500.

Mr. BLOUNT. I move after line 573 to insert the words "for improving various reservations, $10,000."

The amendment was adopted.

The Clerk read as follows.

Executive Mansion: For care of and repairs to the Executive Mansion, and for furniture, $30,000; fuel for the Executive Mansion and the greenhouses, $2,000; care and necessary repairs of the greenhouses, $5,500; in all, $37,500.

Mr. ATHERTON. I wish to offer an amendment to come in after the word "dollars," in line 581, and I desire to state to the House——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "dollars," in line 581, insert "for constructing an elevator in the Executive Mansion, $500."

Mr. SAMFORD. Is that liable to the point of order?

Mr. BLOUNT. I make the point of order upon it.

Mr. ATHERTON. I wish to make a single remark in this connection.

Mr. SAMFORD. Then I withhold the point of order.

Mr. ATHERTON. The object is to construct an elevator in the White House, the machinery for which is already there. The object sought to be accomplished is to promote the convenience of the mother of the President-elect in ascending from the lower portion of the building to the apartments above. She is quite an invalid, and some such relief is necessary in this case.

I wish to say, Mr. Chairman, that I made a point of order on a previous occasion when this was proposed in another bill; but learning since then the beneficent object sought to be accomplished by the erection of this elevator, I desire, as I could not withdraw the point of order then, to offer this amendment here. I hope, this being so small a sum and being a question of considerable importance to this lady, that no objection will be made to it under the point of order.

Mr. SAMFORD. I make the point of order upon the amendment.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Ohio.

The amendment was agreed to.

Mr. SAMFORD. Mr. Chairman, I made a point of order upon that amendment.

The CHAIRMAN. The Chair did not understand the gentleman as insisting upon the point of order.

Mr. McMILLIN. I was sitting near the Chair and desire to say that I heard the gentleman from Alabama insisting upon his point of order. [Cries of "Too late!"]

The CHAIRMAN. The Chair desires to state that after the gen-

tleman from Ohio had taken his seat the Chair waited some time to hear whether the point of order was insisted upon, but did not understand it so, and therefore put the question to the House.

Mr. SAMFORD. I was on my feet insisting at the time the question was put to the House.

The CHAIRMAN. If the gentleman from Alabama insists that he was pressing the point of order at the time, the Chair will submit the question to the committee. [Cries of "Oh, no!"] The Chair must recognize the demand. Does the gentleman from Alabama insist upon it?

Mr. SAMFORD. I do.

Mr. ATHERTON. I think this is not subject to the point of order.

The CHAIRMAN. Is there a law authorizing the construction?

Mr. ATHERTON. There is no law that I am aware of; but the White House is there. It has been built and this improvement may be regarded as in the light of a continuance of works of improvement upon that building.

The CHAIRMAN. The Chair thinks that under the circumstances it is in the line of necessary repairs to the White House and therefore in order. [Laughter.] The amendment is agreed to.

Mr. ATHERTON. I desire to offer a further amendment to correct this paragraph of the bill.

The Clerk read as follows:

In line 584 strike out "$37,500" and insert "$38,000."

Mr. ATHERTON. This makes the paragraph conform to the amendment just adopted.

The amendment was agreed to.

The Clerk read as follows:

Lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gasfitters, plumbers, plumbing, lamp-posts, matches, and repairs of all kinds; fuel for office, for the watchmen's lodges, and for the greenhouses in the nursery, $15,000: *Provided*, That no more than $25 shall be paid per lamp for gas under any expenditure provided for in this act; and in case a contract cannot be made at that rate the engineer in charge is hereby authorized to substitute other illuminating material, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

Mr. DE LA MATYR. I wish to offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "gas," in line 591, insert "including lighting, cleaning, and keeping in repair the lamps."

The amendment was agreed to.

The Clerk read as follows:

Telegraph to connect the Capitol and the Departments with the Government Printing-Office: For repair and care of the same, $500.

Mr. BLOUNT. I am directed by the Committee on Appropriations to offer the amendment which I send to the desk.

The Clerk read as follows:

In line 604 strike out "$500" and insert "$1,000."

Mr. HOSTETLER. I make the point of order against that amendment that it increases expenditures.

The CHAIRMAN. The Chair overrules the point of order.

The House divided; and there were—ayes 52, noes not counted.

So the amendment was agreed to.

The Clerk read as follows:

Continuation of the Washington Monument: Earth embankments, marble, granite, iron frame-work, machinery, tools, labor, and office expenses, $150,000.

Mr. BEALE. I offer an amendment to this paragraph.

The Clerk read as follows:

Insert after word "dollars," line 614, "for completion of monument to Mary, the mother of George Washington, at Fredericksburgh, Virginia, according to plan recommended in report of select committee of the House of Representatives, to be expended under the supervision of the Secretary of War, $10,000, or so much thereof as may be necessary for such purposes: *Provided*, That no part thereof shall be expended until the site upon which said monument is placed shall have been ceded to the Government of the United States.

Mr. BLOUNT. I do not want to raise the question of order upon that amendment, but I would like to know if that is to be the last monument erected in Virginia.

Mr. BRAGG. I make the point of order upon it.

Mr. BEALE. I will say, Mr. Chairman, that it is probably the last monument to be erected in Virginia; and further that it is the first monument ever yet erected in Virginia to Mary, the mother of Washington.

Mr. WHITE. Mr. Chairman, is not this the monument which is provided for by a separate bill appropriating $30,000?

Mr. BEALE. No sir; that is to mark the birthplace of Washington; this is to mark the burial-place of Mary, the mother of Washington.

Mr. BRAGG. I make the point of order upon it.

The CHAIRMAN. The gentleman will state it.

Mr. BRAGG. I make the point of order that it is new legislation authorizing this appropriation not provided by law and does not retrench expenditures.

The CHAIRMAN. The gentleman from Virginia will please state the facts.

Mr. BEALE. Mr. Chairman, in speaking to this question of order I might refer to the language of the amendment itself, that it provides for the completion of the monument, and to the last sentence of the third clause of Rule XXI. But, sir, I know that an *exposé* of the facts connected with this monument would not except it from the provision of that clause.

I hold in my hand a very interesting account of the history of that monument——

Mr. BRAGG. I raise the question of order that the gentleman is not discussing the point of order made.

The CHAIRMAN. Upon the statement made by the gentleman from Virginia that work is already begun——

Mr. BLOUNT. Has the work been commenced by authority of Congress and an appropriation made?

Mr. BEALE. It has not. Permit me to say in conclusion of the words I have uttered that I submit to the question of order which has been raised. Sir, the grace of the fashion of this flower would indeed be marred was there one single voice on this floor against the proposition. I simply asked this as a tribute from the great American people and trusted that every district represented in every State of this grand Union would have been proud of the opportunity to have offered this tribute to this Mary, the mother in our Israel, whose name will be held in highest reverence by every people wherever the free winds of heaven shall waft the fame of her son.

Mr. BRAGG. Although the amendment says this is for a continuance or completion of the work, it is conceded the work has not been begun nor yet authorized.

The CHAIRMAN. The Chair, considering that the work has already been begun——

Mr. BRAGG. It has not been begun.

The CHAIRMAN. The amendment implies that, and the Chair understood the gentleman from Virginia to say it had begun.

Mr. BEALE. The monument is not completed. It is erected on the spot where Mary, the mother of Washington, lies buried. It was commenced by a private individual, half completed, and left in that condition. The only action Congress or the Government of the United States has taken in reference to the matter was to raise a special committee under a resolution offered in the Forty-third Congress, which committee was furnished with an engineer by the War Department, who examined the monument and submitted an estimate of the cost of its completion. But no law has been passed by Congress with reference to the matter.

The CHAIRMAN. If no law has been passed by Congress authorizing the building of the monument the Chair is reluctantly constrained to rule the point of order is well taken, however much he may regret it has been made.

The Clerk commenced to read the next paragraph.

Mr. BEALE. Am I too late to take an appeal from the decision of the Chair? If not, I desire to take an appeal.

The CHAIRMAN. If the gentleman says he intended to take an appeal from the decision of the Chair, the Chair would entertain it, notwithstanding that the reading of the next paragraph had been entered upon.

Mr. BRAGG. I submit that the gentleman's intent can only be shown by his action, and he did not take the appeal in sufficient time.

The Clerk resumed and completed the reading of the following paragraph:

SIGNAL SERVICE.

Observation and report of storms: For the expenses of the observation and report of storms by telegraph and signal for the benefit of commerce and agriculture throughout the United States; for manufacture, purchase, and repair of meteorological and other necessary instruments; for telegraphing reports; for expenses of storm-signals announcing the probable approach and force of storms; for continuing the establishment and connection of stations at life-saving stations and light-houses; for instrument-shelters; for hire, furniture, and expenses of offices maintained for public use in cities and ports receiving reports; for river reports; for maps and bulletins to be displayed in chambers of commerce and boards of trade rooms, and for distribution; for books, periodicals, newspapers and stationery; and for incidental expenses not otherwise provided for, $375,000.

Mr. BRENTS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "light-houses," in line 626, the following: "Including the construction of a military telegraph line from Port Townsend to Cape Flattery, in Washington Territory, and the establishment of stations thereon for the benefit of commerce and agriculture, under the provisions of the acts approved March 3, 1875."

Mr. BLOUNT. I make the point of order there is no law for that amendment. It is a distinct proposition to erect a given telegraph line at a given point in the country for military and commercial purposes. It stands by itself, and of itself, and there is no law upon which it can be based.

Mr. BRENTS. The appropriations which have been made from year to year for this purpose are a commencement of this as well as every other such work. My amendment simply makes it specific at one point. The appropriation already made would perhaps include it; but the Secretary of War and the chief signal officer desired that the appropriation be made specific in these words. I would like to have read the correspondence from the Department in regard to that matter.

The Clerk proceeded to read the following:

WAR DEPARTMENT.
Washington City, January 26, 1881.

SIR: I have the honor to inclose herewith the reply of the Chief Signal Officer of the Army to your letter of the 11th instant, recommending the immediate construction of a military telegraph line from Port Townsend to Cape Flattery, Washington Territory, and the establishment of a signal station at the latter point.

The Department fully concurs with the Chief Signal Officer that the line pro-

posed will be of eminent advantage to the United States, and I beg to request that steps be taken to obtain an appropriation from Congress of $20,000 for the purpose, in accordance with the recommendation of that officer, as follows:

"For the construction of a military telegraph line from Port Townsend to Cape Flattery, Washington Territory, and the establishment of stations thereon, for the benefit of commerce and agriculture, 'under the provisions of the acts approved March 3, 1875,' $20,000."

Very respectfully, your obedient servant,

H. T. CROSBY,
Chief Clerk, for the Secretary of War, in his absence.

Hon. THOMAS H. BRENTS, *House of Representatives.*

[The words underscored should be embraced in the appropriation bill.]

MEMORANDUM.

For the construction of a military telegraph line from Port Townsend to Cape Flattery, Washington Territory, and the establishment of stations thereon, for the benefit of commerce and agriculture, "*under the provisions of the acts approved March* 3, 1875," $20,000.

MEMORANDUM.

The appropriation of this amount for the purposes stated is urgently recommended, as it is the wish of this office to establish stations of observation on the immediate coasts of California, Oregon, and Washington Territory at an early date, in order that the great commercial, agricultural, and other interests of the Pacific coast may derive advantages from the warnings of approach of wind and rain storms, &c., the same as the States east of the Rocky Mountains. Without these telegraphic facilities it will be utterly impossible to give that coast the necessary warnings.

—

WAR DEPARTMENT, OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington, D. C., January 21, 1881.

SIR: Referring to communication, received at this office, (dated House of Representatives, Washington, January 11, 1881,) of Hon. THOMAS H. BRENTS, recommending the immediate construction of a military telegraph line from Port Townsend to Cape Flattery, in Washington Territory, and the establishment of a signal station at the latter point, I have the honor to say that this office concurs in this recommendation, believing that the line proposed will be of eminent advantage to the public service.

I also submit, herewith, an estimate of the amount which will be required to be appropriated for the construction and establishment of the same:

For poles, insulators, and brackets, No. 9 galvanized iron wire, stringing of wire and construction of line	$17,800 00
For building at Cape Flattery	1,200 00
Tools and implements, battery material and implements, &c	1,000 00
Total	20,000 00

I respectfully request that immediate steps be taken to secure the proper legislative action for an appropriation for this purpose, and that for the sake of economy, (in purchase and transportation of material, &c.,) the same be made available immediately after the passage of the act.

I am, very respectfully, your obedient servant,

W. B. HAZEN,
Chief Signal Officer.

The honorable the SECRETARY OF WAR.
(Through the Adjutant-General of the Army.)

Before the Clerk had completed the reading of the above,

Mr. BLOUNT said: I submit this is a useless consumption of time. These papers do not relate to the point of order.

The CHAIRMAN. The Chair asks the committee to come to order.

Mr. HAWLEY. Is the Chair deciding the point of order? I could not hear what the Chair said.

The CHAIRMAN. The Chair was asking the committee to come to order, so that all gentlemen might hear. The gentleman from Georgia [Mr. BLOUNT] has made a point of order on the amendment. The Clerk will again report it.

The amendment was again read.

Mr. BRENTS. Now, Mr. Chairman, this, as will be observed, is simply the continuation of an appropriation that has been made from year to year for the extension of this system of telegraphic lines over this country. If the point of order is good against this amendment, then it is good against the appropriation in this bill, because an appropriation for the establishment of the extension of every line is an appropriation for an original work, if you take it by piece as is here proposed. In this case I have simply named the particular work and portion of this improvement proceeding under the direction of the War Department. It is a continuation of this same system to one certain point as has been requested by the Signal Officer himself. The law is named in the amendment under which this appropriation is to be made. It is to be made under the law approved on the 3d of March, 1875. I think it would be straining the rule to include this amendment within the point of order and make it obnoxious to it.

Mr. BLOUNT. The House has several times provided specifically for military telegraph lines; but it has been done by separate bills. Gentlemen who represent the State of Texas will remember when a proposition was brought forward by the Military Committee and passed, and there have been several lines created in the same way. I concede that appropriations have been made without question for the construction of lines for a particular year, but such an appropriation exhausted itself within the year. There was no great work in progress, but on two or three occasions, perhaps three or four, it was agreed in an appropriation bill to give a certain sum of money for this purpose, but beyond that there was no law on the subject.

Mr. BRENTS. I would like to ask the gentleman if half the items in this appropriation bill are not obnoxious to the same point of order.

Mr. BLOUNT. I will, if necessary, discuss the various items as they are reached. I do not desire to confound this simple question with all the items in a bill of fifty-odd pages.

I trust that after what the gentleman has said in regard to the communications from the Department, which he has read, I may be permitted to say that it is to be regretted that these communications are allowed to come into this House in this way. Congress has seen fit to attempt to prevent this very thing. We have directed by special statute that all estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the annual Book of Estimates prepared under his direction.

Mr. BRENTS. Allow me to ask the gentleman if he is discussing the point of order or is going into the merits of the pending proposition?

Mr. BLOUNT. It is hardly liberal in the gentleman to raise that point on me after he has had an opportunity to make such remarks as he desired to make. The gentleman has had some communications read. The law of Congress in regard to estimates for the public service is in this way almost entirely ignored. Any gentleman on this floor can write a letter to the Departments, obtain an answer to it, and have it read at the Clerk's desk for almost any purpose. During the very same session a Cabinet officer has made three distinct and contrary recommendations to this House on the subject of appropriations. I think it is high time that attention was called to it.

[Here the hammer fell.]

The CHAIRMAN. This amendment is unlike the clause to which it is offered. The clause leaves it discretionary with the Secretary of War how and when the sum of money thereby appropriated shall be expended in the line of the directions here given. This amendment proposes to make it obligatory on the Secretary of War to establish a line of telegraph whether needed or not. It is the creation of a new line, and should the telegraph be established on that line it may require an amount to complete it greater than is appropriated for the purpose in this bill. Therefore it is a new law, increasing appropriations, and the Chair sustains the point of order.

Mr. BRENTS. I must appeal from the decision of the Chair.

The CHAIRMAN. Does the gentleman desire to be heard on the appeal?

Mr. BRENTS. I wish to say, most respectfully, Mr. Chairman, that the amendment I have offered proposes to leave the matter optional with the Secretary of War. The whole thing is left to his discretion; it simply gives him the power to apply the amount named for this purpose. It does not increase the appropriation, and in that form is certainly not objectionable.

The CHAIRMAN. The Chair would ask the gentleman whether his proposed amendment will reduce expenditures? It makes new law, or changes existing law. Does it reduce expenditures?

Mr. BRENTS. If all the communications which I have sent to the Clerk's desk had been read it would have appeared that this amendment is in the line of economy. I believe it is so expressly stated in the communications.

The CHAIRMAN. The Chair must be governed by the language of the amendment; not by any communications from the Department to third persons.

Mr. BRENTS. In this connection I desire to say that a great amount of revenue is collected at this point. The amount of customs revenue collected there is very large. The shipping interest there is very great, and it is absolutely necessary for the protection of that commerce that this should be done.

The CHAIRMAN. The Chair would suggest to the gentleman to confine his remarks to the point of order.

Mr. BRENTS. The War Department is anxious to have it done, and wishes to have the authority made specific.

The CHAIRMAN. The question is upon the appeal from the decision of the Chair. Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and upon a division there were—ayes 58, noes 28.

No other count being called for, the decision of the Chair was sustained.

Mr. WHITEAKER. I move to add to the paragraph now pending that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That $15,000 of this sum may be used in constructing telegraph communication between Astoria, Oregon, and Tillemook Rock light-house, and establishing signal stations thereon.

Mr. BLOUNT. I raise the same point of order on that amendment.

Mr. WHITEAKER. Will the gentleman from Georgia [Mr. BLOUNT] be kind enough to state very briefly, for my satisfaction and that of other members of this committee, wherein a point of order will lie against my amendment.

Mr. BLOUNT. Does not the proposition of the gentleman direct this money to be appropriated to a given line?

Mr. WHITEAKER. It does not do that thing, if the gentleman will allow me. It simply says it "may be used in constructing," &c. It is left in the discretion of the Department whether it shall be so used or not. These lines of telegraph are to be for the benefit of commerce and agriculture. The great West is almost entirely without them. As a matter of justice I ask that the Department may be permitted to use $15,000 for this object, if it shall see proper to do so. That is all I ask.

Mr. BLOUNT. The proposition as stated by the gentleman himself is that this line shall be for commercial purposes. It could not

be constructed without the amendment he has offered. I cannot see why, if a telegraph line in the interest of commerce is built where my friend wants it, similar lines should not also be built in other portions of the country where they could not be constructed as the law now stands.

Mr. WHITEAKER. This line is not exclusively in the interest of commerce; it is more or less in the interest of commerce, and also in the interest of agriculture.

The CHAIRMAN. In the opinion of the Chair this proposition comes within the ruling on the case preceding. The amendment proposes to authorize the construction of a telegraph line; there is no law of that purport in effect now. To this extent the amendment is a change of existing law; and it does not retrench expenditures. Therefore the point of order must be sustained.

Mr. VALENTINE. I move to amend by inserting after line 633 the following:

Observation and report upon the habits of the Rocky Mountain locust, $5,000.

Mr. BLOUNT. I raise a question of order on that amendment. There is no authority of law for it; and it is not germane to this bill.

Mr. VALENTINE. I hope the gentleman from Georgia will reserve his point of order until I can make a short statement.

Mr. BLOUNT. Very well, I will hear the gentleman.

Mr. VALENTINE. Mr. Chairman, a few years ago Congress made an appropriation for the establishment of what is known as the United States Entomological Commission for the purpose of examining and reporting upon the habits of the Rocky Mountain locusts. The work of that commission has been of great value to the section of country liable to the incursions of those locusts. Under the present law the appropriations for carrying on the work of that commission will expire on the 30th of June next. The commission in their report, which is now in the hands of the Printer, recommend that this matter be transferred to the Signal Service Bureau, which shall be authorized to send an officer into the country where these locusts breed and make observations each year touching their habits and the probability of their flight across the country. The report containing this recommendation came in after the Secretary of the Treasury had sent his estimates to Congress. General Hazen has requested that this small appropriation be inserted. The object is that agriculturists in the section of country liable to the incursions of these locusts may be notified by the Signal Service Bureau when the locusts are about to fly, and may thus be enabled to protect their crops.

I am satisfied that if this small sum be now placed at the disposal of the Signal Service Bureau it will be of great value to the people of that region; and I hope my friend from Georgia will not press his point of order against the amendment. If the farmers of that region are enabled to know (as they will be if they obtain this information that the Signal Service Bureau can give them) about what time the locusts will fly across that region they can regulate their crops in accordance with that fact, and thus a large amount of agricultural products may be saved from destruction.

The CHAIRMAN. Does the gentleman from Georgia withdraw his point of order?

Mr. BLOUNT. No, sir. I find in the agricultural appropriation bill——

Mr. VALENTINE. I know all about that, because I am a member of the Committee on Agriculture. The provision to which the gentleman refers is simply to enable the commission to publish their report of the data already collected. By the existing law the commission will expire on the 30th of June next.

Mr. BLOUNT. I was about to say that I find a provision with reference to publishing the report of this commission in the agricultural appropriation bill, which is the proper place for it. The investigations provided for by law have already been accomplished. It was expressly provided that the expenditure should not extend beyond the current year; and no estimates have been made for the continuance of those investigations.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. BLOUNT. Yes, sir.

Mr. VALENTINE. I am fully aware that no estimate has been made; and I stated the reason why it has not. I have a letter here from General Hazen, asking Congress to give this amount. I appeal to the gentleman from Georgia not to press his point of order, but let us have a vote on the amendment. The amount is very small, and will be of vast benefit to a great agricultural region.

Mr. BLOUNT. I cannot withdraw the point of order.

The CHAIRMAN. The Chair is prepared to decide the question of order. He sustains the point made by the gentleman from Georgia.

Mr. VALENTINE. With all deference to the Chair, I must take an appeal from his decision.

The CHAIRMAN. The gentleman from Nebraska takes an appeal from the decision of the Chair, and the question therefore is, Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 52, noes 20.

So the decision of the Chair was sustained.

Mr. MONEY. I desire to ask the gentleman in charge of this bill whether the general public is admitted to the use of telegraph lines constructed for military purposes, or whether it is contemplated they shall be admitted to any such use hereafter?

Mr. BLOUNT. As to some of these lines the statement is true, because the law authorizing their construction provided civil messages might be sent over the lines and charges made, the fund arising therefrom to go to the preservation of the line. On some of them civil messages are not allowed. As a general proposition, therefore, I may say it is not true that these lines are allowed for any such purpose, although there are specific instances where it is done.

The Clerk read as follows:

Construction, maintenance, and repair of military telegraph lines: For the construction and continuing the construction, maintenance, and use of military telegraph lines on the Indian and Mexican frontiers and in the Northwest, and for the connection of military posts and stations, and for the better protection of immigration and the frontier settlements from depredations, especially in the States of Texas and Nevada and the Territories of New Mexico, Arizona, Dakota, Washington, Montana, Idaho, Wyoming, and Indian Territory, $75,000.

Mr. BRENTS. I move, in line 643, to strike out "seventy-five thousand dollars" and insert:

Seventy-four thousand nine hundred dollars, $15,000 of which may, in the discretion of the Secretary of War, be used and expended in the construction of a military telegraph line from Port Townsend to Cape Flattery, in Washington Territory, and the establishment of stations thereon for the benefit of commerce and agriculture, under the provisions of the act approved March 3, 1871.

Mr. BLOUNT. I raise the question of order on that amendment that it changes the law and does not reduce expenditures.

Mr. HAWLEY. What is the point of order?

Mr. BLOUNT. That it is not a reduction of expenditure.

Mr. BRENTS. Yes; it does reduce the appropriation in this bill.

Mr. HAWLEY. This paragraph, as the Chair will see, begins by providing for the construction of military telegraph lines. Now, the gentleman from Georgia raises the point of order it is unlawful to provide in the same paragraph for the construction of another military telegraph line. The paragraph itself is a provision for the construction of military telegraph lines, and the whole thing is as liable to the point of order as is the amendment. The gentleman from Washington merely moves to add, after the paragraph providing for the construction of military telegraph lines, an amendment that a portion of the money shall go toward the construction of another military line of telegraph from one point to another on the Pacific coast. It is impossible to conceive anything more in order. The question then comes up as to the wisdom of the appropriation, and of that neither the Signal Service nor the War Department has any doubt. It is as much in order as the bill or the paragraph itself. In the paragraph we begin by authorizing the construction, maintenance, and repair of the military telegraph lines. Where is the law for that if there be no law for the amendment proposed by the gentleman from Washington Territory?

Mr. BLOUNT. So far as the gentleman's proposition is concerned, it does not answer the point of order I have made. If the point of order I have made as to this amendment be correct, it does not make it any less so from the fact a point of order would lie to striking out the whole paragraph proposed by the committee. This is the effect of the argument of the gentleman from Connecticut. The Chair has already ruled, however, on this question.

Mr. HAWLEY. No; not on this point.

Mr. BLOUNT. Not on this direct question, but on the proposition involved.

Mr. KEIFER. This retrenches expenditures.

Mr. BLOUNT. I suppose the gentleman hopes to avoid the point by making the sum $74,900 instead of $75,000. That is his amendment. Now let us see what the rule is on that subject.

Mr. BRENTS. The purpose is to reduce expenditures.

Mr. BLOUNT. I have the floor, and I trust the gentleman will allow me to proceed. The rule on which I rely is Rule XXI, third clause, which I ask to read:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, Mr. Chairman, this rule does not say that the amendment offered shall reduce the amount in the bill, but that the legislative appropriation by its own force shall operate to reduce the amount of the bill. It is the legislation, not the particular form of words that the gentleman offers as an amendment, but the legislative provision itself shall accomplish that. It would be trifling on the part of this House to adopt a rule on any such construction as that. The real purpose was to prevent legislation on an appropriation bill unless that appropriation does retrench expenditures.

Mr. PAGE. I would like to be heard for a moment on the point of order. It is to me a new idea that an amendment proposing to reduce the aggregate amount appropriated in a paragraph does not reduce expenditures in accordance with the rule which the gentleman from Georgia has just read. A few days ago the gentleman from Kentucky [Mr. CARLISLE] while occupying the chair ruled upon this very question upon an amendment submitted by the gentleman from New York, [Mr. DWIGHT,] and admitted the amendment because it reduced expenditures to the amount of $1 only in the paragraph. The rule provides that an amendment may be in order if germane to the bill and if it reduces expenditures.

Now, there is no salary in this paragraph. It is appropriated for

a general purpose, and the gentleman from Washington Territory moves to strike out the total, $75,000, and insert seventy-four thousand and some hundred dollars, reducing thereby the total amount of the appropriation. Evidently his amendment is germane; and it reduces the expenditure to the amount of $1,000 or less if carried. Now, the gentleman from Georgia makes his point of order that it is not germane to the bill notwithstanding the fact that it is directly in accordance with the terms of the paragraph itself, and that according to the rule it does reduce expenditures. It seems to me that the point of order cannot be sustained on such grounds.

Mr. BRAGG. Mr. Chairman, it seems to me that the construction of the rule as given by the gentleman from Georgia must be accepted as correct, otherwise the rule would be extremely ridiculous. Suppose for instance, as in this identical case, the sum there appropriated is reduced from $75,000 to $74,900. Now, in order to determine whether that is to reduce expenditures you must look at the whole scope and bearing of the amendment; and what is it? It provides for the establishment of new stations which, of necessity, to render them useful, require the employment of additional employés and additional expense to run them. It will require additional money to use to occupy and take charge of the line which this amendment proposes to create. Thereby, though nominally saying it does reduce expenditures in this particular amendment, it does in point of fact create by law other stations, which of necessity must entail additional expense upon the Government to render them available.

Mr. HAWLEY. I would like to ask the gentleman a single question. I would like to ask him how he gets along with the first line of this paragraph, which provides for the construction, maintenance, and repair of these telegraph lines; whether the very language of the paragraph itself does not authorize the construction of new lines?

Mr. BRAGG. Exactly. I will answer the gentleman in the same way that the gentleman from California was got along with on yesterday, in reference to a similar subject, where the gentleman from Georgia said that the paragraph was subject to the point of order and the gentleman from California on yesterday by the objection to allowing the Director of the Mint to spend certain money succeeded in getting the whole paragraph stricken out on the point of order. And so I say to the gentleman from Connecticut, if it is insisted upon, this whole paragraph is subject to the point of order in the same way that this amendment is.

Mr. HAWLEY. I would lik to know if that is acceptable to the gentleman from Georgia or if he is willing on the point of order that he raises himself to have this whole paragraph stricken out?

Mr. HASKELL. Mr. Chairman, the paragraph under consideration and the preceding paragraph cannot be excepted to or stricken out of this bill on the point of order. Neither can the amendment proposed by the gentleman from Washington Territory be excluded on the same ground; and why? Because this twenty-first rule which has been so much referred to during discussions upon these points of order will protect both the clause and the amendment under the very language of the Revised Statutes, and I ask the attention of the Chair for a moment. I say the clause under consideration and the preceding clause, as well as the amendment proposed by the gentleman from Washington Territory, are not subject to the point of order, for the reason that the general statutes of the United States have provided by law—by a general law—for the construction of telegraph lines, for the construction of signal stations, and I have the statutes here before me to which I wish to call the attention of the Chair.

The CHAIRMAN. Will the gentleman be kind enough to refer the Chair to the statutes to which he refers?

Mr. HASKELL. I will read:

SEC. 221. The Secretary of War shall provide for taking meteorological observations at the military stations in the interior of the continent, and at other points in the States and Territories, and for giving notice on the northern lakes and sea-coast, by magnetic telegraph and marine signals, of the approach and force of storms.

Another provision which I have not had time to find in the brief time since this point of order was raised, provides that the Secretary of War may be authorized to establish signal stations and military telegraph lines, &c. Now, it is under that construction of the law, under a positive provision of a general statute, that the Committee on Appropriations report this particular appropriation. It is under this construction of law that makes the committee absolutely impregnable to the point of order on this subject. It is this authority of law which authorizes the incorporation and adoption of the amendment which the gentleman from Washington Territory has presented, if it shall be deemed advisable to do so. I hold that the point of order cannot prevail against it.

Now, all that is required to be done on this appropriation bill providing for the construction of these lines is that Congress shall give the money. Authority, as I have already shown, is given under the law for their construction. Therefore, no legislation is necessary for that purpose. The Secretary of War does not ask legislation. He simply asks for an expenditure of money, and when the Secretary is given a specific sum of money for this specific purpose, warranted and authorized by law, he can go ahead and construct the lines where they may be necessary.

More than this, Mr. Chairman; the amendment can be incorporated as a condition to the original paragraph, and it is not subject to the point of order made by the gentleman from Georgia for the reason that this discretion which is given to the Secretary of War can be used in pursuance of the authority of the statutes, and also by the original clause of this bill, and build these lines where and how he shall deem advisable. That matter is left to his discretion. I am willing for the argument to admit that. Say it is in the discretion of the Secretary of War. The amendment of the Delegate from Washington Territory also provides that it shall be left to the discretion of the Secretary of War. He changes no law at all; not a line of law. He provides for a sum of money for a certain purpose specified in the law as being lawful to be done.

Again, so closely has this amendment been made to conform even to the technical construction of Rule XXI that it is impregnable to the point of order. Why? The rule says:

Nor shall any provision in any such bill or amendment thereto changing existing law—

And I am admitting for the present, at least for argument's sake, that it does, that it changes existing law—

be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

But it is not a change of law. This object is provided for by law. In the general statutes for this object the gentleman has his authority, and indeed the Committee on Appropriations in the same statutes had it, for the clause; and in the same way he has it for the amendment. And even if the Chair should rule that it was a change of law, the gentleman has guarded himself on that point by reducing the amount named in the bill, making a difference over all. And in order that the amendment may not be interfered with by any technical construction of the original law he has left the whole matter to the discretion of the Secretary of War. It seems to me the Chair cannot rule that amendment out of order.

Mr. HAWLEY. I desire to have a single section of the law read—the general law authorizing this work precisely. I ask the Clerk to read section 223 of the Revised Statutes.

The Clerk read as follows:

The Secretary of War is authorized to establish signal stations at light-houses and at such of the life-saving stations on the lake or sea-coast as may be suitably located for that purpose, and to connect the same with such points as may be necessary for the proper discharge of the signal service by means of a suitable telegraph line in cases where no lines are in operation, to be constructed, maintained, and worked under the direction of the Chief Signal Officer of the Army, or the Secretary of War and the Secretary of the Treasury; and the use of the life-saving stations as signal stations shall be subject to such regulations as may be agreed upon by said officials.

Mr. BRAGG. I desire to call the attention of the chairman and of the gentleman from Connecticut to the fact that this amendment proposes to build this telegraph in the interest of commerce and agriculture, and not for the purpose of carrying out the interest of the Signal Service.

Mr. BRENTS. Then all these are obnoxious to the same point if it should be held good.

Mr. BLOUNT. I desire to say a word in response to the point made by the gentleman from Connecticut, [Mr. HAWLEY.] I want to call the attention of the Chair to the language of section 223 of the Revised Statutes, which was read, and then to the proposition of this amendment. The language is:

The Secretary of War is authorized to establish signal stations at light-houses and at such of the life-saving stations on the lake or sea-coast as may be suitably located for that purpose, and to connect the same with such points as may be necessary for the proper discharge of the signal service by means of a suitable telegraph line in cases where no lines are in operation, to be constructed, maintained, and worked under the direction of the Chief Signal Officer, &c.

Now that is one thing, to connect signal stations by telegraph lines. That is what is authorized by the section upon which this amendment is to rest. The amendment provides this sum may be used and expended in the construction of a military telegraph line from Port Townsend to Cape Flattery, in Washington Territory, and the establishment of stations thereon for the benefit of commerce and agriculture under the provisions of the act approved March 2, 1875.

The Chair will see that the law cited is altogether in a different direction from the proposition of this amendment.

The CHAIRMAN. If the Chair understands the object of the Signal Service it is for the benefit of commerce and agriculture. That is the object of its institution by law, to sound the alarm of approaching storms, that the husbandman may gather in his wheat and the ship may go into harbor when it is learned that a storm is coming in the distance. It is therefore in the interest both of commerce and agriculture.

The Chair ruled the point of order was well taken in the case of the other amendment submitted by the Delegate from Washington Territory because it was made obligatory, as the Chair understood, on the Secretary of War to construct telegraph lines, which might cost much more than the sum provided for in the bill. But this amendment is not liable to that objection. It is strictly, in the opinion of the Chair, in accord with the clause under consideration. And without regard to the reduction from $75,000 to $74,000, which perhaps the Chair would regard as a catch amendment—without that the Chair considers the point of order is not well taken, because the House has the power to give directions as to the minutiæ and detail how the money shall be spent. The Chair overrules the point of

order, and would suggest that the gentleman withdraw his amendment changing the sum of $75,000.

Mr. PAGE. I move to amend the amendment by striking out "$74,000" and inserting under the ruling of the Chair "$75,000."

Mr. BRENTS. I accept that and modify my amendment accordingly.

Mr. BLOUNT addressed the Chair.

Mr. BRENTS. I thought I was recognized.

Mr. BLOUNT. I do not claim the floor at present if the gentleman wants to speak.

Mr. BRENTS. I desire to say a word or two in addition to what I have said heretofore. I have already stated somewhat indefinitely the extent of the commerce of Puget Sound and that the revenues derived from that commerce are very large. I will now state that during the year 1878 over fifteen hundred vessels passed Cape Flattery, entering into Puget Sound. Within the last three or four years there have been a number of shipwrecks there, two of important steamers, one the George S. Wright and the other the Pacific. The crews and passengers of those steamers were nearly all lost. They could have been saved had this telegraph line been in existence so that communication could be had with the interior ports of the sound. Because there was no such telegraph these passengers and crews, after floating on portions of the wrecks for two or three days, perished before relief could be afforded them. With this telegraph line such relief could have been afforded. I think the importance of this amendment is sufficient to warrant its adoption by the committee.

Mr. BLOUNT rose.

Mr. McCOOK. I wish to oppose the amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Georgia, [Mr. BLOUNT.]

Mr. BLOUNT. I have no objection to the gentleman from New York, [Mr. McCOOK] going on.

The CHAIRMAN. The gentleman from New York [Mr. McCOOK] will proceed.

Mr. McCOOK. If I understand the purpose of this amendment, it is to take one-fifth of $75,000 appropriated by this paragraph and apply it to a specific purpose in Washington Territory. If I read this paragraph correctly, it provides that for certain specific purposes this comparatively small amount of $75,000 shall be appropriated; that is for the construction, continuance, and maintenance of telegraph lines throughout the States of Texas and Nevada and the various Territories of the United States. Now, if we take $15,000 of that amount and apply it to Washington Territory alone, then these other very important posts, it seems to me, must necessarily be neglected.

While personally I am willing to vote the largest amount and for the longest time on almost every appropriation, it appears to me that when it comes to depriving our military telegraphs of their proper support in important portions of the country—and when I say "important" I mean those portions that are exposed to Indian incursions—when it comes to taking one-fifth of this small appropriation for the purpose of constructing a totally new line in one single Territory, it seems to me that we should hesitate a moment, at all events, before we do it, until we can receive full, accurate, and satisfactory information in regard to it.

Mr. BLOUNT. The Signal Officer estimated for a larger sum for this service, and his estimate was distinctly cut down by the Secretary of War. The estimates sent to Congress called for $375,000 for the observance and report of storms and $75,000 for the construction, maintenance, and repair of military telegraph lines. The Committee on Appropriations have inserted in this bill every dollar asked for by the War Department in connection with the specific service referred to.

We now find that after the Secretary of War himself has deliberately cut down the estimates of the Signal Officer, in the face of the law which requires the executive branches of this Government to forward their estimates of appropriations through the Secretary of the Treasury, and in the face of those estimates, almost daily some head of a Department, on the request of some particular member of this House, comes forward with distinct propositions at war with his former estimates.

The proposition which my friend from Washington Territory [Mr. BRENTS] now submits is not even sustained by a recommendation of the War Department. His amendment provides that out of this particular appropriation, made for the purposes designated in the estimates of the Department, the sum of $15,000 shall be diverted for the construction of a particular telegraph line. That proposition does not depend even on the poor apology of an irregular estimate from the Secretary of War.

The gentleman from New York [Mr. McCOOK] has well said that this House ought not hastily to take away this appropriation from the frontiers, from Texas, Nebraska, and the Territories, from the line of military operations in the Northwest, and select one particular locality and say that $15,000 shall be given to it. I trust that this House, after the Committee on Appropriations has recommended the appropriation of every dollar asked for by the Secretary of War himself, in his book of estimates, will think that enough has been done, and allow us to proceed with this bill.

Mr. BRENTS. I desire to state, in addition to what I have already stated, that the amount of customs revenue collected at Port Townsend, is $16,726; marine hospital tax is $4,321.39; the amount of customs, fines, &c., $396.25; steamboat fees paid into the Treasury for the last year, $1,822.46; emolument fees, $19.01. That makes over twenty-three thousand dollars that is derived from the commerce of this district alone. Yet not one single dollar has been appropriated by any bill reported this session for the benefit of commerce in that portion of the United States. Because it is a Territory, and its Representative on this floor has no vote, gentlemen seem to think that it deserves no favors. Sir, it does not ask any favor now. It only asks that a small portion of the money which it pays into the Treasury of the United States shall be reimbursed to it in order to build up and protect that commerce which makes this contribution to your Treasury.

I say that this proposition is just, and I think no right-minded man who is a member of this Committee of the Whole can fail to vote for it. It does not take away any portion of this sum from any purpose for which it is already appropriated. It leaves the matter expressly to the discretion of the Secretary of War. The amendment is moved simply at his suggestion, because he thought it would be better and wiser to adopt such a provision in order to authorize this important and good work.

Mr. BRAGG. The gentleman from Washington Territory [Mr. BRENTS] has been kind enough to give us a detailed statement of the amount which the commerce and revenues of that Territory yield to the United States; and it seems the amount is somewhere between $16,000 and $23,000. Will he also take the trouble to tell this committee how much the Territory of Washington draws from the United States Treasury for the support and maintenance of its government?

Mr. BRENTS. This proposed appropriation is for commercial purposes entirely, and these revenues that I have mentioned are derived from commercial sources at this one point alone.

Mr. BRAGG. How much does the Territory of Washington cost the Treasury of the United States?

Mr. BRENTS. How much does the State of Wisconsin cost the Government of the United States?

Mr. BRAGG. Not a cent.

Mr. BRENTS. That is a question that has never been asked in regard to any other appropriation of this kind, but I presume Wisconsin has the expenses of her United States courts and other Federal expenses paid by the General Government and has received liberal appropriations for public buildings, the improvement of her rivers and harbors, and the like. Many States receive more than they pay, but that should not be considered where an appropriation is necessary and proper.

The question being taken on the amendment of Mr. BRENTS, there were—ayes 54, noes 51.

Mr. BLOUNT called for tellers.

Tellers were ordered; and Mr. BLOUNT and Mr. HASKELL were appointed.

The committee divided; and the tellers reported—ayes 77, noes 78.

So the amendment was not agreed to.

The Clerk read as follows:

National cemeteries: For maintaining and improving national cemeteries, $100,000.

Mr. DIBRELL. I am instructed by the Committee on Military Affairs to offer an amendment, to add to the clause just read the following:

For continuing the improvement of the national cemetery near Chattanooga, Tennessee, by constructing a road or public highway from said cemetery to the city of Chattanooga, $5,000.

Mr. BLOUNT. I make a point of order on this amendment, but will reserve it if my friend from Tennessee desires to make any statement.

Mr. DIBRELL. The Government has spent a large sum of money in establishing a handsome cemetery near Chattanooga. It has gone to large expense in purchasing grounds; a suitable gateway and inclosure have been erected; 14,000 soldiers are buried there. But there is no public highway extending from the city in the direction of the cemetary, and unless an appropriation of this kind be made that cemetery must be without any proper way of approach. I hold in my hand a copy of the proceedings of the mayor and aldermen of the city of Chattanooga, donating the right of way for this road. The Quartermaster-General has recommended an appropriation of $15,000 for this purpose. The Committee on Military Affairs have instructed me to ask this appropriation of $5,000. I had hoped that the Committee on Appropriations would report such a provision in the bill, so as to obviate any necessity for the amendment. I trust no objection will be made to this appropriation, it has the unanimous recommendation of the Committee on Military Affairs.

Mr. WHITE. I hope this amendment will be adopted. It should be the policy of the Government to be reasonably generous in regard to the character of its national cemeteries. As my friend from Tennessee has just remarked, this cemetery contains the graves of 14,000 soldiers. It is a beautiful spot near the city of Chattanooga, but is inaccessible to the visiting public from the want of a proper road to approach it. I trust that the point of order will not be pressed and that the amendment will be adopted.

The amendment was agreed to.

The Clerk read as follows:

For the purchase of the private papers of the late confederate generals, Braxton Bragg and Leonidas Polk, relating to the late war of the rebellion, $20,000.

Mr. THOMAS. I move to strike out the clause just read.

Mr. BRAGG. Before any action is taken on that motion, I desire to make a point of order on the clause.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRAGG. It is that this paragraph proposes new legislation not authorized by any law, and does not decrease expenditures.

Mr. BAKER. On the question of order I wish to say a word. In the last act making appropriations for the sundry civil expenses of the Government, I find on the twelfth page a provision in these words:

> The Secretary of War is authorized to negotiate with the legal representatives of the late confederate generals, Bragg and Polk, for the purchase of their private papers relating to the late war; and said Secretary shall report thereon at the next session of Congress.

Under that provision of law, Mr. Chairman, the appropriation now reported in this bill is clearly authorized. At the last session, when the sundry civil appropriation bill was under consideration, the point of order might have been urged that the proposed legislation was new in its character; but to-day the point will not lie, for the reason that this provision is simply in pursuance of a law passed last year for the accomplishment of this very object.

Mr. BROWNE. Will my colleague allow me to ask him a question?

Mr. BAKER. Certainly.

Mr. BROWNE. If I remember correctly, when the question was raised yesterday as to the appropriation for the construction of a post-office at Baltimore, it was found that a previous appropriation act had authorized the purchase of a site and the making of specifications for a building; yet my colleague insisted—at least the Chair decided—that the previous appropriation for a site did not authorize a subsequent appropriation for the construction of a building.

Mr. BAKER. Now, I will answer my colleague. I desire to say that I said nothing on the question of order yesterday. I believe the Chair decided rightly and that the committee decided wrongly; but that, I beg to say to my friend from Indiana, is as far apart from this question as are the antipodes.

If Congress, in respect to the Baltimore post-office, had enacted a law directing the Secretary of the Treasury to negotiate with certain definite persons for the purchase of a site for the Baltimore post-office and to report to the next Congress on the subject of his negotiation, I take it that when an appropriation was made to carry out the object of that negotiation, a point of order would not lie against it. It is in pursuance of the law and for the purpose of carrying out the mandate of the statute.

Mr. BRAGG. Mr. Chairman, I desire to be heard on the point of order. The gentleman from Indiana spoke against it. I maintain, sir, that the point of order is well taken and there is no species of sophistry which can avoid it, if the rule is to be adhered to. The last appropriation bill provided:

> And the Secretary of War is authorized to negotiate with the legal representatives of the late confederate generals, Bragg and Polk, for the purchase of their private papers relating to the late war; and said Secretary shall report thereon at the next session of Congress.

That appropriation bill conferred upon the Secretary the authority to negotiate. If he did negotiate and had reported that negotiation to Congress, then it would have been the proper basis for an appropriation. But, sir, I hold in my hand the report made to Congress by the Secretary wherein he declines to purchase, and whether he has made another report, it has not yet come to my knowledge. But I have the printed report made by the Secretary of War in which he declines to make the purchase, and unless some contract shall have been entered into, under authority of the previous act, this paragraph stands without any law for its basis.

Mr. ROBESON. I should like to ask the gentleman from Wisconsin a question.

Mr. BRAGG. Certainly, sir.

Mr. ROBESON. Is not the publication of the official records of the war of the Union and confederacy now in progress?

Mr. BRAGG. Yes, sir.

Mr. ROBESON. Is not this a part of that work?

Mr. BRAGG. No, sir.

Mr. ROBESON. I think it is.

Mr. BRAGG. There is a difference between the publication of papers and the purchase of papers for publication.

Mr. BAKER. You cannot publish them until you get them.

Mr. McCOOK. The whole matter is conditional on a favorable report from the Secretary of War, which has never been made.

Mr. BLACKBURN. I do not understand, Mr. Chairman, on a discussion of a point of order there is any limit to debate, except in the discretion of the Chair.

The CHAIRMAN. The uniform practice has been to limit it to five minutes.

Mr. BLACKBURN. Then if I am ruled down to five minutes I wish to say this: I thank the gentleman from Indiana, as well as the gentleman from New Jersey, for the points they have made. I will not travel off or beyond the limits of propriety in discussing the point of order. If this point of order shall be held by the Chair not to be good it will be my pleasure to discuss with any gentleman who may oppose this clause of the bill on its merits.

I am glad, sir, to be able to say to the Chair that the law itself, not once passed but repeatedly enacted, demonstrates beyond all question or cavil that there is no point of order here. I hold in my hand the original act under which this rebel archives bureau was established. It was passed in 1872, when the sum of $11,000 was appropriated for the purpose of enabling the Secretary of War to have those archives examined and copies furnished from time to time. Since that time, sir, the Government of the United States endeavoring, as we people from the southern section have been willing and ready to admit, to do full justice in giving to history the facts connected with that great struggle, purchased at an expense of $75,000 from Mr. Pickett certain papers which relate to that struggle, and which belonged to the confederate war department. They have in another instance appropriated $10,000 for the purchase of the papers of General Albert Sidney Johnston. They have in another instance appropriated $10,000 for the purchase of the papers of the Western and Trans-Mississippi department, belonging to Colonel Snead. They have in another instance appropriated $2,500 for the purchase of the papers of General Kirby Smith. And more than that; in the very last appropriation bill to which the gentleman from Indiana has alluded, authority was expressly given in the following terms:

> And the Secretary of War is authorized to negotiate with the legal representatives of the late confederate generals, Bragg and Polk, for the purchase of their private papers relating to the late war; and the said Secretary shall report thereon at the next session of Congress.

I hold in my hand the report and all the correspondence both from that bureau and from the War Department. The Secretary of War does not refuse to purchase; he accepted the authority of the last act of Congress. A board was appointed to appraise the papers. The gentleman from Ohio but late a member of this House, the President-elect of the United States, and so declared by Congress, was a member of that board of three. Under that law of Congress these papers were appraised, their value was put at the amount which is incorporated in this bill, and it is late in the day for the gentleman from Wisconsin or for any one else to undertake to tell this House that there is no law or no authority for this appropriation.

Mr. BRAGG. I ask the gentleman from Kentucky to read the report of the Secretary of War.

Mr. BLACKBURN. I will say to the gentleman from Wisconsin that when the gentleman from Kentucky reads that report he will read it with a better purpose and intent than the gentleman has read it himself. I say that the Secretary has not declined to purchase the papers.

Mr. BRAGG. I have asked the gentleman from Kentucky to read that report to the House.

Mr. BLACKBURN. Yes; and the gentleman from Kentucky will take his own time to read it.

Mr. BRAGG. The gentleman has asserted that the Secretary of War has not refused to purchase. Now, I asked him to read that report.

Mr. BLACKBURN. And I will say to the gentleman from Wisconsin that he can have the report read in his own time; and further, that when I seek for dictation or counsel I will hunt a more reputable source from which to get it.

Mr. BRAGG. Such language of the gentleman from Kentucky has very little effect with me.

Mr. BLACKBURN. Under the act of Congress a commission was appointed to appraise these papers with a view to their ultimate purchase. Now, that appraisement has been made. The Committee on Appropriations have recommended that the amount of money, so fixed by this commission, shall be inserted in this bill for this purchase. I am happy to be able to state that not a member of the Committee on Appropriations, republican or democrat, but what yielded cheerfully to the incorporation of this provision.

Mr. GIBSON. Will the gentleman from Kentucky permit me to ask him whether the papers have not already been delivered?

Mr. BLACKBURN. Yes, sir. I am obliged to the gentleman from Louisiana for the question. And further let me say, Mr. Chairman, to this committee, as I stated to the Committee on Appropriations, that if the Government, in the face of the precedents established, does not choose to pay the price which their own board have assessed as their actual value, the Government will not be the loser. It will have the papers by donation from widows and orphans and the representatives of dead men's estates.

But, sir, the point of order is not maintainable. The Government of the United States, acting through this bureau, which was organized and constituted in a fair and impartial manner, have invited the purchase of the Polk papers, and gentlemen, colleagues of mine upon the other side of the House whom I see before me, know that this is the fact.

Now, if I may be permitted to ask one question, it would be this, and I appeal to the sense of fairness and manliness and equities, I am sure, of every member upon the other side, can anything in the shape of a fair presentation of the case be made if you suppress all the papers of the man who organized the Army of the West, who commanded one of its corps up to the day of his death, on its skirmish line during the last year of the war, and suppress all papers of another general who was commander-in-chief of that army in more pitched battles and for a greater length of time than all the men who ever commanded it combined? Mr. Chairman, there is no lack of law for this purchase. There is no authority wanting. On the contrary, there is an absolute pro-

vision, as I have shown, incorporated in all of these bills, and the Committee on Appropriations, in inserting that clause, obeyed the laws that Congress at its last session passed, wherein the Secretary of War was directed as well as authorized to have these papers valued, looking to their ultimate purchase. That commission, appointed under the authority given to the Secretary of War by that act, and of which General Garfield, as I have stated, was a member, made their estimate, and the Committee on Appropriations have accepted that estimate and incorporated the amount of it in this bill and appropriated the sum of money necessary.

Now, sir, the point of order is alone pending here——

[Here the hammer fell.]

Mr. HUNTON obtained the floor, and yielded five minutes to Mr. BLACKBURN.

Mr. BLACKBURN. I am very much obliged to the gentleman from Virginia for his courtesy.

Now, Mr. Chairman, as I have stated, the point of order is the only question pending, and is for your decision. I am perfectly willing to abide by that decision, feeling assured that in the light of the statute passed in 1872 directing this bureau to investigate the subject; in the light of the several bills which have been passed from then until now appropriating money for the purchase of such papers; in the light of the action by Congress at its last session directing an estimate to be made and incorporating a sum of money necessary for the purchase of these papers in the appropriation bill of that year, I am willing to submit the entire question to the Chair as to whether there is or there is not a law on the statute-books authorizing the incorporation of this clause, which the Committee on Appropriations have put into this bill.

And I am glad, sir, and will be, should this point of order be overruled, as I hold it must be, I will be more than glad, to have the merits of the question opened up, assured that if opposition to so fair, so equitable a proposition as this is to come, it will not come from those gentlemen on the other side who, in committee as well as in this House, have illustrated a manly spirit of fairness to give us an opportunity to put the correct and tested records before the country.

Mr. BRAGG. In discussing this point of order I shall in some respects pursue a different line of argument from the gentleman from Kentucky. Instead of stating what the law is I shall read it so that the committee may judge; instead of asserting what the Secretary of War has done I shall read his report; instead of stating how much money has been expended I shall read the official records of how much has been expended. And if we are to go beyond that for the facts, I will say that the same broker who induced the Government to buy the other papers has occupied his time in brokerage in preventing other papers being given to this Government unless they could be sold through the medium of himself.

Mr. BLACKBURN. If the gentleman himself makes such a statement, I fear he would make a statement which is absolutely false.

Mr. BRAGG. I proceed, first, to call the attention of the committee again to the clause in the sundry civil bill of last year:

And the Secretary of War is authorized to negotiate with the legal representatives of the late confederate generals, Bragg and Polk, for the purchase of their private papers relating to the late war, and said Secretary shall report thereon at the next session of Congress.

There is no authority for the appointing of a commission to appraise papers. There is no authority which gives, upon the action of any commission, any legal or binding effect which shall make the basis of an appropriation, as being an appropriation, upon a law authorizing it. There is simply the fair discretion to the Secretary of War himself to negotiate for the papers and to report to Congress.

Now, sir, I have in my hand the report of the Secretary. And if it appears in that report that the Secretary has made a negotiation; if he has concluded a bargain, or fixed a price as the result of that bargain, then I concede under the authority which was given him under the sundry civil act we have a right to act, and this paragraph is not subject to the point of order. I read this also to show that unless the official records of the Department are not truthful, the statement of the gentleman from Kentucky as to the amount of purchase made by this Government is incorrect:

WAR DEPARTMENT,
Washington City, December 8, 1880—

And all through this correspondence, if I could read it all, it will be seen the gentleman who represents these papers, who represents the widows and the fatherless, who is seeking simply to procure the adoption of this clause in this bill that they might be benefited, has assumed all the way through that the policy of the Government has been precisely the policy as stated by the gentleman from Kentucky. But in every single letter from the Secretary of War, and from the officer having charge of the archives, he is notified that the construction which he gives to the action of the Department is not the correct one, but, on the contrary, the Department have held the converse of that which he claims in his letters, and assumes to have been the policy of the Department—

SIR: For the information of Congress, I have the honor to submit certain correspondence had under the following provision of the act approved June 16, 1880, namely:

"And the Secretary of War is authorized to negotiate with the legal representatives of the late confederate generals, Bragg and Polk, for the purchase of their private papers relating to the late war, and said Secretary shall report thereon at the next session of Congress."

The correspondence appears as inclosures to a special report from the officer in charge of the publication of the Official Records of the War of the Rebellion.

The Polk papers have been placed in the hands of the Government with permission to use such as are deemed important to the publication now authorized by law. The price asked for the entire collection is $10,000.

The Bragg papers have been submitted for the purpose of being catalogued.

Not for the Government to have taken the advantage under a bargain of a private citizen; but having acquired the possession of the papers and not going to lose anything if not paid for, but by special stipulation of the agent having them in charge, they are deposited with the Government simply for the purpose of being catalogued; not printed, not used, but catalogued.

[Here the hammer fell.]

Mr. WHITE. I take the floor on the point of order, and yield my time to the gentleman from Wisconsin.

Mr. BRAGG. I continue to read from this report:

No present price is stipulated for, but they, as well as the Polk collection, were appraised in 1878 at $10,000, and were once offered at, and can doubtless now be purchased for, that sum—

That is not the language of an officer who had made a contract—

The policy of this Department has been, as far as practicable, to procure such important military documents (Union and confederate) as were missing from its archives by gift or loan.

No purchases have been made from Union officers or their legal representatives, and the only purchases it has made from confederate sources have been:

First, a collection of trans-Mississippi papers for	$2,500
Second, the "Sidney Johnston" papers	10,000
Third, the "Snead papers"	10,000

Leaving out a large part of the papers which the gentleman from Kentucky has said have been purchased.

Since the establishment, July 1, 1878, of an agency for obtaining confederate military documents by gift or loan, many important collections have thus been placed at the disposal of the Government. A list of the more extensive of these collections is transmitted.

As far as known to the Department, the only important collections of confederate records held for sale are those now under consideration and the Hood papers; but it may be well for Congress to consider whether the purchase of these collections may not cause dissatisfaction among some who have heretofore placed valuable documents gratuitously at the disposal of the Government. Moreover, important documents have been received from Union officers and their representatives, and there seems to be no good reason for paying for the one class of records and not for the other.

Respectfully submitted.

ALEX. RAMSEY,
Secretary of War.

The PRESIDENT *of the United States Senate.*

Now, I submit that under the authority given him to negotiate and to report to this House, he has made his report to this House, and that report officially made by him shows no action tending to the purchase of these papers. On the contrary, he suggests reasons to the House why the purchase should not be made. Now, if there must be some existing law authorizing the purchase, and that law be the sundry civil appropriation bill of last session conferring this authority, and this report fails to show that under the power given in that law a contract had been made, or that there is even a recommendation for the purchase, then there is no law under which these records can be purchased, and the point of order must be held to be well taken.

[Here the hammer fell.]

Mr. BLACKBURN. In order, not to correct myself——

Mr. BRAGG. There is one telegram which I desire to read, and which I omitted when I had my finger upon it, to show how unjust the gentleman from Kentucky was in insinuating that the Government intended to keep these papers.

Mr. BLACKBURN. I did not insinuate any such thing.

Mr. BRAGG. You said so then.

Mr. BLACKBURN. "The gentleman from Kentucky" did not say so, and I ask the gentleman not to put words in my mouth.

Mr. BRAGG. The gentleman from Kentucky in very plain language——

The CHAIRMAN, (rapping.) The gentleman from Kentucky is entitled to the floor.

Mr. BRAGG. Said precisely what means that, for he said the Government would lose nothing if it failed to buy, because they already had possession of the papers.

Mr. BLACKBURN. I desire to say——

The CHAIRMAN. The gentleman from Kentucky will confine himself to the point of order.

Mr. BLACKBURN. If the Chair will allow the "gentleman from Kentucky" to proceed——

The CHAIRMAN. The Chair was trying to rap down the gentleman from Wisconsin. [Laughter.]

Mr. BLACKBURN. I wanted the gentleman from Wisconsin to proceed.

The CHAIRMAN. The Chair did not choose——

Mr. BLACKBURN. I did not say that the Government of the United States would lose nothing by failure to purchase these papers.

Mr. REED. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Kentucky [Mr. BLACKBURN] will suspend for a moment.

Mr. REED. My inquiry is, whether on a point of order debate is limited to five minutes under the rule?

The CHAIRMAN. There is no express rule on the subject, but that is the practice.

Mr. BLACKBURN. I will state to the gentleman from Maine [Mr. REED] that I do not want five minutes.

Mr. REED. But the gentleman from Wisconsin wanted more than five minutes.

The CHAIRMAN. And the gentleman got it, by the gentleman from Pennsylvania [Mr. WHITE] yielding his five minutes to him.

Mr. REED. Is it the ruling of the Chair that we are to take but five minutes each on the point of order?

The CHAIRMAN. The gentleman from Maine has a right to raise any point, and the Chair will rule on any question raised.

Mr. REED. The Chair commenced an answer to my inquiry, and the Chair will have the courtesy, I suppose——

The CHAIRMAN. What question does the gentleman want the Chair to decide?

Mr. REED. I made a parliamentary inquiry, and I supposed the Chair would answer it.

The CHAIRMAN. The gentleman made a parliamentary inquiry, and the Chair undertook to answer that, while there was no express rule on the subject as to the length of time for debate on points of order, yet the universal practice had been in Committee of the Whole to limit it to five minutes. That answers the gentleman's question.

Mr. REED. I have not so understood the practice.

The CHAIRMAN. If the gentleman has a point of order to make the Chair will rule upon it. What is now the point between the Chair and the gentleman from Maine?

Mr. REED. I desire to make a point of order that the gentleman from Wisconsin [Mr. BRAGG] is entitled to more than five minutes.

The CHAIRMAN. The gentleman from Wisconsin had five minutes of his own and also the five minutes yielded to him by the gentleman from Pennsylvania, [Mr. WHITE.]

Mr. REED. And then the chairman, to use his own expressive phrase, "rapped him down." As a member of this committee I make the point of order that the Chair ought not to rap him down. [Laughter.] If the Chair will be kind enough to decide that point I will be obliged to him.

The CHAIRMAN. The Chair will be constrained to rap down the gentleman from Maine, for he is out of order, and makes no appeal from the decision of the Chair.

Mr. REED. Does the Chair rule upon my point of order?

The CHAIRMAN. The Chair rules that the gentleman from Maine is out of order.

Mr. REED. I am glad at last to have a ruling from the Chair, and one in courteous language. It is rather a unique result. [Laughter.]

The CHAIRMAN. There is no question before the committee.

Mr. ATKINS. There is no ground for the misunderstanding between the gentleman from Wisconsin [Mr. BRAGG] and the gentleman from Kentucky, [Mr. BLACKBURN.] The gentleman from Kentucky distinctly said, as I understood him, (and I was sitting near him,) that if these papers were not bought by the Government the Government would lose nothing, because these parties intended to give these papers to the Government if the Government did not buy them. That is what the gentleman said in the Committee on Appropriations, and I think that is what he said a moment ago. The gentleman from Wisconsin, I think, did not hear the last remark of the gentleman from Kentucky.

Mr. BRAGG. I understood him to carry the impression that if the Government did not buy these papers it would lose nothing.

Mr. BLACKBURN. The RECORD will show what I did say. I said just what the gentleman from Tennessee [Mr. ATKINS] has stated, that if the Government should determine not to follow the precedent set in these other cases, not to adopt the report of appraisement, and not to give one dollar for the purchase of these papers, it was my deliberate conviction that the Government would lose nothing, because in that event the papers would be donated to the Government by the widows of these officers.

One point more that I wish to correct. There is no disagreement between myself and the gentleman from Wisconsin, unless it be that he is determined to misunderstand the plainest Anglo-Saxon language. I am just as little responsible for his want of information in lunging into a debate like this——

Mr. BRAGG. I beg pardon——

Mr. BLACKBURN. I am talking now; not you. The gentleman has read a list of papers which he says were bought, and he tells this House they are all that were bought.

Mr. BRAGG. The gentleman is mistaken.

Mr. BLACKBURN. I know all about the gentleman's report and I will not misstate it. The gentleman made the mistake of confounding this bureau of confederate archives with the Government of the United States. I grant that the War Department has bought only General Albert Sidney Johnston's papers, the trans-Mississippi papers known as the Price papers, and the Kirby Smith papers. But the Government of the United States paid $75,000 for what is known as the Pickett collection of papers. It was the Department of State, not the War Department, much less the bureau of confederate archives, that made this purchase. But the figures are as I state them; the cases are as I put them. The Government of the United States, through the Department of State, paid $75,000 for a collection of papers held by Mr. Pickett; it paid $10,000 for the papers of General Albert Sidney Johnston, $10,000 for the papers of General Price, and $2,500 for the papers of General Kirby Smith.

Now, upon the point of order, I submit there is nothing for the Chair to pass upon except the act of 1872 creating this bureau, making appropriations for its maintenance, and declaring its duties; the subsequent and oft-repeated appropriations for the purchase of papers similar to these; and the provision in the act of last session authorizing the Secretary of War to negotiate for the purchase of these very papers. Under that act a commission was appointed. The honored President-elect of this country was one of the three commissioners, who upon their oaths have placed a valuation upon these documents. The Committee on Appropriations accepted that report and incorporated it into this bill. If there is a lack of warrant here, I am unable to find it. If the Chair should, as I have no doubt he will, overrule the point of order and let the clause come up upon its merits, I shall then be ready, and it will be permissible for me to meet all opposition coming from what quarter it may as to the propriety of appropriating this money for such a purpose. I repeat that the clause now under consideration on which the point of order is raised was reported by the Committee on Appropriations unanimously; there was not a man in that committee-room who did not promptly give his approval to its incorporation.

Mr. ROBESON. Does the Chair desire to hear anything further on the point of order?

The CHAIRMAN. The Chair is prepared to decide the question. After the statement of the law and its clear exposition by the gentleman from Indiana, [Mr. BAKER,] who first spoke upon the subject, the Chair thinks there can be no doubt as to this amendment being in order. The object of that law was to purchase these papers for the benefit of the Government; and the designation of the Secretary of War to negotiate for the purchase was the mere instrument or means by which that object was to be accomplished. The main purpose of Congress in the enactment was to purchase the papers of these two deceased generals. That law is still upon the statute-book. This amendment proposes an appropriation of money for the purpose of carrying out that law. The Chair thinks it is clearly in order, and therefore overrules the point of order made by the gentleman from Wisconsin, [Mr. BRAGG.] The question is now on the amendment submitted by the gentleman from Illinois [Mr. THOMAS] to strike out the pending clause.

Mr. THOMAS. Mr. Chairman, upon that amendment I desire to be heard. The inquiry naturally presents itself to my mind as well as the mind of every other member on this side of the House, what is the object of this appropriation? Is it for the purpose of gathering proper material out of which to construct a correct and valuable history of the war of the rebellion? or is it a speculative enterprise having as its object the enriching to the extent of this appropriation of the families of these two distinguished rebel generals?

It was claimed by certain gentlemen on the other side of the House during the last session of Congress, when a similar provision of the sundry civil appropriation bill was being discussed, as one reason why this appropriation should be made, that the families of these two generals (Bragg and Polk) had gone to great trouble and had incurred considerable expense in gathering up and preserving these records and this correspondence, and it was urged that they should be paid for their labor and for preserving them.

The remarks of the gentleman from Kentucky [Mr. BLACKBURN] to-day lead me to think that the expenditure of this money is unnecessary, inasmuch as a failure to purchase this collection will result in placing them in the hands of the historian, so that nothing will be lost to the history of the country, while this appropriation of $20,000 will be saved.

Does any one suppose that these collections were made with the expectation that Congress would buy them for the use of the future historian? Is it not more natural to suppose that the families and friends of these two distinguished rebel generals were proud of the record their heroes had made, and were bent upon preserving them for the delectation of the typical warm-blooded sons of the South, so that in years to come they might read with breathless interest and swelling bosom these annals prepared by loving hands, dictated by family pride, wherein the heroes are made to speak—

> Of most disastrous chances,
> Of moving accidents, by flood and field;
> Of hair-breadth 'scapes i' the imminent deadly breach;
> Of being taken by the insolent foe.

The changed condition of affairs, since the war, seems to have awakened a commercial spirit in the persons holding these papers, and moved by this, to them, new impulse, the idea occurs to them that these family records and private papers have a money value, and if they can only seduce good-natured "Uncle Sam" into buying them for the paltry sum of $20,000 all the glories therein contained may be published at public expense, and they, at the same time, reap a rich reward for their labor and enterprise in preserving these self-same records from the teeth of the voracious rodent and from the paper-destroying moth.

Miraculous change! Wonder of wonders! That the grist of the mills of these rebel gods, these private papers of General Bragg and General Polk, are to be sacrificed to the American people for the paltry and insignificant sum of $20,000!

Now, I am opposed to this appropriation and to this purchase. In the first place, all records of a general character, all in fact that would throw any light upon the pathway of history, all that were made by

these or other rebel generals in their official capacity during the rebellion, belong, under the law, to the Government of the United States. And yet, while this is the law, I would not be in favor of seizing any of these papers. I would be the last man to countenance the invasion of private houses or homes for the purpose even of inspecting these papers.

If the families and friends of these generals have not the love of their fame and their cause sufficiently at heart to furnish all the information necessary to secure a fair representation and reproduction of the history of those times, then I say let their lives and their deeds rest in that grave of forgetfulness in which the loving hands of time have laid them, and over which the dust of oblivion gathers thicker and thicker as "Time rolls his ceaseless course."

[Here the hammer fell.]

Mr. BAKER. Mr. Chairman, I have listened with pleasure to the remarks of the distinguished gentleman from Illinois, [Mr. THOMAS.] But however much I have enjoyed the eloquence of his diction and the beauty of his figures, I am still not convinced that the Committee on Appropriations made a mistake in recommending an appropriation of $20,000 for this object. I have but a few plain words to say on this subject, a few considerations to present that, as an American citizen and a member of this body, are sufficient to me to justify me in voting for this appropriation.

This Government is engaged, Mr. Chairman, in a work which I believe is eminently wise, the work of publishing a record of the war of the rebellion. It is important to this generation that we should have this record, and it is important to the ages to come we should have it. It is important we should have this record containing every contribution which may be made to it from every direction and from every stand-point in order that the people of this country and the future historian may be able to look at it in every aspect in which it can be looked at.

It seems to me, Mr. Chairman, it ought to be the desire of every man who fought in the Union Army that there should also be alongside of the record made by the men who fought in that Army the record which was made by those who fought against us. It looks to me as though we by refusing to appropriate a few thousand dollars should undertake to prevent the presentation of the contemporaneous views of the generals who were engaged on the confederate side, and thus emasculate the making up of this memorial to go down to the ages, will be doing a very unwise thing.

It has been stated, however, and the gentleman has held it would be a wise stroke of economy, if perchance the Government of the United States should refuse to appropriate a few thousand dollars, and then, rather than have the southern views presented by Generals Bragg and Polk withheld from these records, their widows and legal representatives would make a donation of them to the Government of the United States. For one, sir, as an American citizen and an American legislator, I should be ashamed to ask a donation of that sort at their hands. If those papers possess any value at all the Government of the United States is able to pay a fair recompense for them. The war has cost us enough, to be sure.

Mr. VAN VOORHIS. How many more have papers to sell?

Mr. BAKER. I cannot say. I undertake to say to the gentleman from New York this—and I hope he will get time in which to express his own views without trenching on mine—that when this Government ceases to be large enough and the people of the North cease to be large enough to appropriate a few thousand dollars to leave to the ages the record of all that was done on all sides in this unhappy fratricidal war, I for one shall be ashamed that I am an American citizen.

[Here the hammer fell.]

Mr. ROBESON. Mr. Chairman, I desire to speak on the practical question which we have before us. This is an appropriation for the purchase of the private papers of two confederate generals who are now dead, and which are in the hands of their legal representatives. This provision is in continuation of a work undertaken by the Government, which is not only a part of its duty to itself and to its own officers and soldiers, but to history and to the world. We have undertaken to preserve now while they are in existence the records of the facts of the late war, not for the purpose of writing history now when all our feelings are ablaze at the slightest allusion to the circumstances connected with that controversy, but in order that the future historian, from a calm eminence and after the lapse of time, may be able with all the information before him to show how glorious was the struggle and how grand in all the tide of time the triumph of northern soldiers when the principle of freedom stamped out a slaveholding rebellion. [Applause.] And unless we show how great and powerful was that struggle against which we fought our soldiers and our men will lose their full meed of praise before the world.

Now then these are private papers which are to be purchased. If they are valuable to our Government we ought to buy them, for they belong to widows and orphans who, according to the spirit of our Constitution and the spirit of our people, are not held responsible for the political crimes of which their fathers or sons were guilty. Therefore I say it becomes us as men, and as members of this great Government, to value these things which belong to widows and orphans at their proper price and pay for them out of the Treasury of the country.

I know nothing about the papers of General Bragg, but, Mr. Chairman, I do know that the papers of General Polk were proffered to the liberality of the country; I know that General Polk's representatives have sent them here, and the report from the War Department, as read by the gentleman from Wisconsin, shows they were placed at the disposal of the Government on these terms: if they are valuable, and you wish to pay for what belongs to the widow and orphan then pay what you think they are worth; but if they are not valuable, and you wish the widow and orphan of the soldier whom you overthrew to give you their private property, then in God's name take them. I cannot stand that. When the widow of General Polk said that, Mr. Chairman, I am in favor of paying to the last farthing every dollar these records are worth for history, and if I am wrong in this I will be wrong all my life, for I cannot suppress the instincts of my nature.

[Here the hammer fell.]

Mr. McCOOK. Mr. Chairman, the question presented here is not one of sentiment or of Columbian oratory, but a plain, simple, straightforward business transaction, and that is the only way to look at it, in my judgment. If I believed, as the gentleman from Kentucky does, that by failing to purchase these papers it would thereby interfere with the compilation of an intelligent history of General Bragg's army, I, sir, would be willing rather than that such a result should follow to vote $100,000, if necessary, to secure them. For having, if I may be pardoned for making personal reference, had the honor to stand in front of Bragg's army I am personally interested, in that sense at all events, in having everything connected with that army and its operations fairly and clearly stated. Possibly I might go as far as my distinguished friend from Indiana, [Mr. BAKER,] because the time is coming when, as an American citizen, I can have as much pride in American valor, as much pride in speaking of the pluck, determination, and courage of the confederate soldiers as in the sturdy courage, patriotism, and devotion of our Northern armies. [Applause on democratic side.]

But, Mr. Chairman, when it comes to the purchase of private papers from the widows of two confederate soldiers, while I believe I can show from the evidence that there is no necessity for it as far as the compilation of history is concerned, then I claim that another question is presented. It seems to me that it is largely a question of sentiment to offer a large sum for the purchase of these papers, especially when there are on this floor distinguished officers and soldiers of the confederate army, who have voluntarily come forward, and, without pay or without asking for compensation of any kind, have surrendered all their private papers to this bureau for the compilation of an intelligent history of the war.

Mr. BLACKBURN. Will my friend from New York permit me to suggest that the contributions to which he refers have always come from persons holding the papers, while the officer to whose operations that referred was living. This is only in the case of dead generals where it is proposed to compensate their living representatives.

Mr. McCOOK. I am aware of that, but I hold that the principle is the same. Here is a long list of confederate generals. I am not sufficiently acquainted with them to know whether all are living or not. Some I know are who surrendered their papers to the Government on their own motion cheerfully, voluntarily, and without remuneration, in aid of this undertaking. In addition to that, Mr. Chairman, the Southern Historical Society, which makes it their business to gather all of the records relating to the operations of the confederate armies, acting upon the suggestion of the gentleman in charge of this bureau, Colonel Scott, have surrendered all of their collection of papers, documents, and official records for the same purpose. Mr. Davis himself, the ex-president of the so-called confederacy, always responds in the same way; and I merely repeat myself when I say if I believed it was essential to the compilation of an intelligent history of the operations of the armies of the West that we should purchase the papers in this case, I would have no objection on the score of expense, but, on the contrary, would be willing to support a much larger amount than is contemplated here.

But, Mr. Chairman, I have the evidence to show that there is already in possession of the Government of the United States, not seized, in any offensive sense, by the Government, but taken by the strong arm of the Government at the suppression of the rebellion when the archives of the so-called confederate government came into possession of the United States, and in that list of papers and official records I find the official reports of General Braxton Bragg in reference to the battle of Belmont, of Chickamauga, of Murfreesborough, and all of the operations through Northern Georgia and in Tennessee, with which his name has been and will always be identified. What private papers have his representatives which will supplement that? Not alone does the Government of the United States have material from which to write history from the rebellion records and archives which fell into its hands, but from those which were surrendered, not upon its demand, by the confederate soldiers in the interest of their own gallant achievements.

Mr. Chairman, I am opposed to the purchase of these papers for the reason I have stated.

Mr. BLACKBURN. Will the gentleman permit me to ask a question?

Mr. McCOOK. Certainly.

Mr. BLACKBURN. Does the gentleman from New York attach no

importance and place no value upon the report made by the commission of which General Garfield was a member in the estimate they placed upon the value of these papers?

Mr. McCOOK. I did not know until to-day that General Garfield ever served upon such a commission. Of course, as the gentleman from Kentucky states it to be a fact, I know it to be true. I have a very high estimate of General Garfield's opinion upon all points and under all circumstances. But, Mr. Chairman, as high an estimate as I have of his judgment and opinion, I am inclined to believe that the papers which we now have are amply sufficient and those which are proposed to be purchased here can add no material value. I do not know what questions were considered by that commission.

[Here the hammer fell.]

Mr. PAGE. I hope the gentleman will be allowed to proceed by consent.

Mr. BLOUNT. I desire to move that the committee rise to limit debate.

Mr. WHITE. I ask unanimous consent that the gentleman from New York may be allowed to proceed.

Mr. PAGE. I hope consent will be given.

Mr. KEIFER obtained the floor and yielded five minutes to Mr. McCOOK.

Mr. McCOOK. Mr. Chairman, I wish to state to the committee that I have taken a great deal of personal interest in the publication of the records of the rebellion. I had something to do with it in the last Congress when an appropriation was first passed. That appropriation was fought at every foot of its progress through the Committee on Appropriations and in the House. But finally we appealed even against the opinion of the chairman and carried that appeal, and got the necessary appropriations to publish these records. Therefore I say even in the interest of fair play I am in favor of a full and authentic publication of all these records.

Now let us see how this matter stands. As the gentleman from Kentucky has properly said, we have paid out $22,500 for exclusively war papers. We paid $75,000 for the Pickett papers which belonged to the Treasury Department or perhaps the diplomatic corps; but $22,500 was all that ever has been paid for these exclusively war papers.

I say there has not been a Secretary of War since the bill passed or a Federal officer who has had charge of this matter who has ever said, except in the most indirect way, that this policy of purchasing papers was the proper policy to pursue. On the contrary, Secretary McCrary said this:

> The preservation of these records as a part of the history of the war is a matter of interest to all sections and to all the people of the country, and I have supposed that an assurance that they are to be fairly and accurately printed and published would induce their present custodians to turn them over to the Government. This expectation has been already to some extent realized, and I have great confidence in its substantial success:
>
> There may be exceptional cases in which purchases will be necessary and expedient, but I prefer that Congress should judge of them.

And the Secretary of War, Mr. Ramsey, says this in regard to the matter:

> With reference to your statement that it has been the policy of the Government to complete the collection of confederate records by purchase, and that more than one hundred thousand dollars have been expended in that way—which statement you seemingly present as a prominent reason why the Government should purchase the records in question—I beg to state that you evidently misapprehend the policy of the Government as represented by this Department, as in fact its policy has been directly opposite to that stated.

I have failed to find in any suggestion made by Colonel Scott, who has charge of the compilation of these records, anything that justifies the conclusion that it has been the policy of the Government of the United States to purchase these confederate records for this or for any other purpose. And for that reason, if I had none other, I would oppose it.

One more word and I am through. I have here, if this amendment is insisted on, prepared an amendment to the amendment, which includes the names of ten or eleven of the most distinguished of the United States generals who either died at their posts of duty since the war or who fell on the field of battle during the war. Each man whose name I have put there commanded either an army corps or a great department. I know that the families of many of them have in their possession private papers as valuable to the record of the war as any in the hands of the widows of General Bragg and General Polk; and if this amendment is insisted on I shall offer, and if this be a proper time I will now offer it.

Mr. BLACKBURN. Will the gentleman allow me to ask him a question?

Mr. McCOOK. Certainly.

Mr. BLACKBURN. Have the papers embraced in the amendment suggested by the gentleman from New York or any of them ever been passed on or their value ascertained or determined under any authority of Congress or by any commission?

Mr. McCOOK. I think not.

Mr. BLACKBURN. Then I trust the gentleman from New York will be frank enough to admit the distinction.

Mr. HAWLEY. That amendment is not pending.

Mr. BLACKBURN. I thought the gentleman had offered it.

Mr. McCOOK. But that has nothing to do with the orginal question.

Mr. HAWLEY obtained the floor.

Mr. THOMAS. I can answer the question of the gentleman from Kentucky by the record.

Mr. HAWLEY. Wait and follow me.

Mr. THOMAS. I do not know any more pleasant gentleman to follow.

Mr. HAWLEY. I do not yield, Mr. Chairman. I am willing to admit that it is not the policy of the Government to go about buying the records of the war. The War Department never undertakes to negotiate for or buy them. It cannot do it without the authority of a law of Congress. It ought not to do it. Its business is to collect and to publish. It finds all the records on the Union side at its disposal. All living confederate generals have freely offered their papers.

Now, this is not a question to be decided in accordance with technical arguments of lawyers before a court. I am taking the circumstances as they stand. I am doing the best I can to make a complete record. For, in the first place, the country and the world will not be satisfied unless we publish those records. That I need not enlarge upon. And, secondly, the records will be worth nothing if there be a well-founded suspicion that they are incomplete. I would go a long way and far out of my way, I would print some superfluous things, rather than any critic on either side or in any country should find fault with the complete and impartial representation. Neither would I, as gentlemen have stated here, undertake to seize private papers in private families. I would expect confederate generals to follow the example of the gallant soldier from Virginia who presented his papers.

And now there are certain papers said to be in possession of the executors, the widows and heirs of two of the prominent generals on the confederate side. I cannot myself individually say how much they are worth. But as to the objection they are only private papers I may say that the correspondence between leading officers that could not be called distinctly official is sometimes of far more value in setting forth the true condition of affairs than the technically official reports. I would expect that the so-called private and even semi-official papers would be the more valuable and interesting of the two. These papers are said to be of the class which may be called partly private; not in the hands of the living generals, but of their heirs.

We had a distinguished commission appointed to inquire whether these papers would be of use to us in making a perfect record. From the character of that commission and its report I am precluded from questioning that these papers are of value. I am not to stand here as a Representative and dicker on that matter. We have committed ourselves to a certain extent by giving in several cases something to the heirs of deceased and distinguished officers for similar papers. For myself I will waive all technicality, and coming to the merit of this matter as we must, I am willing to give to these heirs what they think these private papers are worth, for the sake of having a complete record.

Mr. CALKINS. I desire to move an amendment.

Mr. BLOUNT. I move that the committee rise for the purpose of closing debate on this paragraph.

The CHAIRMAN. The gentleman from Indiana [Mr. CALKINS] rises to move an amendment.

Mr. CALKINS. I desire to offer an amendment to the pending paragraph. The motion now is, as I understand it, to strike out the paragraph.

Mr. THOMAS. I desire to answer a question that was asked of the gentleman from New York [Mr. McCOOK] by the gentleman from Kentucky, [Mr. BLACKBURN.]

Mr. CALKINS. I cannot yield now. I ask that my amendment be read.

The Clerk read the amendment, which was to add to the paragraph the following:

> And the Secretary of War is hereby authorized to purchase the same at such price and sum as may be agreed upon, not exceeding the sum hereby appropriated.

Mr. CALKINS. I desire but a moment or two in reference to that amendment. I wish to ask the gentleman from Kentucky [Mr. BLACKBURN] what these records are which it is proposed the Government shall purchase? We ought not to be appropriating money, as the gentleman knows, and as we all know, for records or private papers, copies of which we already have. I ask the gentleman to state whether he knows what these papers are that it is proposed shall be purchased; whether anybody has looked at them and examined them and can tell what they are? And I will yield the remainder of my time to the gentleman from Kentucky for that purpose.

Mr. BLACKBURN. I will say that I have no personal information as to the scope or value of these papers. I draw my conclusion as to the propriety of the sum inserted in this clause of the bill, and predicate that conclusion upon the estimate of the value given by the commission which was appointed under the act passed by this Congress at its last session for the purpose of enabling the Secretary of War to prosecute these inquiries.

Mr. BURROWS. One word right there.

Mr. BLACKBURN. Certainly.

Mr. BURROWS. Could the gentleman from Kentucky inform this committee in regard to that report, where it is?

Mr. BLACKBURN. Which report?

Mr. BURROWS. As to the appraisal of these letters.

Mr. BLACKBURN. I simply know that the commission consisted of three gentlemen.

Mr. BURROWS. Has the gentleman the report?

Mr. BLACKBURN. I have it not; the Secretary of War has it. I simply know that the commission consisted of three gentlemen, of which General Garfield was one. I know that commission made a report in which they say that the value of these papers was the identical sum now incorporated in this bill.

Mr. CALKINS. Have you that report?

Mr. BLACKBURN. I have not; I presume the Secretary of War has it.

Mr. CALKINS. One other question. By whom was this commission appointed?

Mr. BLACKBURN. I understand that it was appointed by the Secretary of War, in the prosecution of the duty imposed upon him by the act of this Congress at its last session, to prosecute negotiations for the purchase of these papers. He appointed the commission, consisting of three gentlemen, and that commission examined the papers and made their report.

Mr. BRAGG. Who were these gentlemen?

Mr. BLACKBURN. I know that General Garfield was one; I do not know who the others were. They made a report to the Secretary of War, in which they put the value of the Polk papers at $10,000, and the value of the Bragg papers at a like sum. The Committee on Appropriations accepted the conclusion of this commission as to the value of these papers, and the committee put that sum into this bill.

Mr. BRAGG. The Secretary says nothing about any report from the commission.

Mr. BLACKBURN. I know he does not.

Mr. CALKINS. Now, if the gentleman will allow me to make a single suggestion.

Mr. BLACKBURN. Certainly.

Mr. CALKINS. I presume if a proper provision is put into this bill, whereby an examination could be made of these papers and if they shall be found to be valuable such sum may be appropriated for their purchase as their fair valuation would amount to, no objection would be made to it.

Mr. BLACKBURN. I am sure the gentleman from Indiana [Mr. CALKINS] and myself desire to agree. I do not want any more paid for these papers than they are reasonably worth. But if the amendment suggested by the gentleman is agreed to, how would their value be ascertained? The Secretary of War has already once undertaken to ascertain it by the appointment of three commissioners, who have valued them and made their report. That report the Committee on Appropriations has adopted. If we are to ignore that and say that another examination of the papers shall be made in order to ascertain the sum of money to be paid for them, it may be that the result of that examination would be that they are worth more than the sum which has been named, and the question would still be left open for readjustment. Where is the discretion to be lodged? Who is to be charged with determining the value of these papers?

Mr. CALKINS. If there is a report, (and I do not doubt it if the gentleman says he has seen it,) and if it can be produced and read here, it will go far toward settling this matter. I will therefore ask unanimous consent that the paragraph be passed over so that we may recur to it when the bill has been read through.

Mr. BLACKBURN. I am perfectly willing to assent to that.

Mr. BURROWS. That had better be done.

Mr. BLACKBURN. I know the commission made that report and put the value of these papers where the Committee on Appropriations put it. I will cheerfully accept the gentleman's suggestion that by unanimous consent this paragraph be passed over in order that the report of the commission fixing a valuation upon these papers may be obtained and produced.

Several MEMBERS. That is right.

The CHAIRMAN. Is there objection to passing over this paragraph to be recurred to again?

Mr. MCCOOK. That will not preclude amendments?

The CHAIRMAN. It will not. The paragraph will be left in the same position as now.

Mr. THOMAS. Before that is done I desire to make answer to a question asked by the gentleman from Kentucky, and to make a few remarks in order to put myself right on this question. The gentleman from Kentucky has asked if any value has ever been placed upon these papers by the War Department.

Mr. BLACKBURN. Upon which papers?

Mr. THOMAS. Upon the papers mentioned in and covered by this paragraph.

Mr. BLACKBURN. The gentleman is mistaken; I did not ask that question.

Mr. THOMAS. Very well; if the gentleman did not ask the question, I will at any rate make answer to it, for it has been asked by some one. During the last session of Congress there was under discussion in this House the following provision:

> The Secretary of War is authorized to negotiate with the legal representatives of the late confederate generals, Bragg and Polk, for the purchase of their private papers relating to the late war, and said Secretary shall report thereon at the next session of Congress.

While that provision was under discussion the gentleman from Ohio [Mr. KEIFER] read a letter from Colonel Scott, having the rebel archives in his possession, and having control of the preparation of this work, in which he said:

> There are some three or four collections of confederate records held for sale, and I respectfully renew my objection to that method of procuring such property. The collections referred to are collections of official papers that were prepared during the war.
>
> * * * * * * *
>
> It is submitted that there is no propriety in such purchase, as, strictly speaking, some of these records belong to the Government; and the fact that the Government has refrained from seizing them ought to induce the present holders to permit the authorities to make use of them. Moreover, the price of such things is purely arbitrary.

That is what Colonel Scott said.

[Here the hammer fell.]

Mr. BLACKBURN. Mr. Chairman, I want to make a correction of a previous statement of mine. These papers have been appraised, but I was mistaken as to which lot of papers had been appraised by the commission of which General Garfield was a member. The General Albert Sidney Johnston papers were appraised by a commission consisting of General Garfield, Mr. COCKRELL, and General Williams, of Michigan. These Polk and Bragg papers were appraised by Colonel Scott and Mr. McKee, his chief clerk. It is their estimate of $20,000 that the Committee on Appropriations has accepted.

Having made that correction, I wish to say I am perfectly willing to accept the suggestion of the gentleman from Indiana [Mr. CALKINS] that this matter be passed over, or I am willing to accept the amendment of the gentleman from Indiana proposing to insert the words, "Whatever sum of money they shall be found to be worth, not to exceed $20,000."

Mr. CALKINS. Let the paragraph be passed over for the present.

Mr. BLOUNT. I trust that the amendment will be accepted, and that we shall go on with the bill. We have been several hours on this paragraph.

The CHAIRMAN. Is there objection to passing over this clause?

Mr. BRAGG. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin object?

Mr. BRAGG. I do.

Mr. BLOUNT. I move that the committee rise for the purpose of limiting debate.

Mr. BRAGG. I have the floor, I believe.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] is recognized for the motion that the committee rise.

Mr. BRAGG. Mr. Chairman, did you not recognize me?

The CHAIRMAN. The Chair recognized the gentleman for an objection.

Mr. BRAGG. No, sir; after I had obtained the floor you asked me the question whether I objected, and I said I did.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia.

Mr. BRAGG. I desire to know whether the Chair can take off the floor any member he chooses by asking him a question?

The CHAIRMAN. The Chair submitted to the Committee of the Whole the question whether there was objection——

Mr. BRAGG. Before the Chair did that I addressed the Chair.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] was upon the floor struggling to be recognized, as he has been for the last ten or fifteen minutes; but the Chair had deferred to the wishes of other gentlemen who had notified him of their desire to speak. When the question was submitted to the Committee, whether there was an objection, the Chair recognized the gentleman from Wisconsin, to ascertain whether he made objection or not; but he did not recognize him to address the Chair. He recognized the gentlemen from Georgia.

Mr. BRAGG. Now, will the Chair listen to me? Before the gentleman from Georgia arose I addressed the Chair.

The CHAIRMAN. That may have been; but the Chair did not recognize the gentleman.

Mr. BRAGG. I insist on my right to be recognized.

The CHAIRMAN. Does the gentleman from Georgia insist on his motion that the committee rise?

Mr. BLOUNT. For all practical purposes I may accommodate the gentleman from Wisconsin. I move that the committee rise for the pupose of limiting debate.

Mr. BRAGG. That is exactly what I do not want the committee to rise for.

Several MEMBERS. Vote it down!

The question being taken on the motion of Mr. BLOUNT that the committe rise, it was not agreed to; there being—ayes 66, noes 71.

Mr. BRAGG. Mr. Chairman, I do not rise to make any extended remarks in reference to the amendment proposed by the gentleman from Illinois [Mr. THOMAS] to strike out the paragraph, but I rise for the purpose of calling the attention of the committee to these facts, and the chairman of this Committee of the Whole to some of the facts. It was stated and made the basis of a point against the point of order that I made that in the execution of a law a commission had been appointed, and that that commission had made a report, and that they had sent that report to the Committee on Appropriations, and that, therefore, the point I made was not well taken, and the *ipse dixit* of the member who made the statement was taken by the Chair against the official record.

Mr. BLACKBURN. If the gentleman refers to me, I made no such statement. I never said any report from any commission had been sent to the Committee on Appropriations.

The CHAIRMAN. The Chair made no reference to it at all, and he did not decide the point as to whether this commission had been appointed or not.

Mr. BRAGG. If the Chair will listen, I will go on; but if he wishes to interrupt me to correct anything he said, I will yield the floor to him for that purpose. [Laughter.]

The CHAIRMAN. The gentleman can proceed.

Mr. BRAGG. It was certainly said in debate.

The CHAIRMAN. But not by the Chair.

Mr. BRAGG. The Chair held it was a law in progress of execution, and the progress of execution was the appointment of a commission, although the Chair did not state so, but that was stated by the gentleman from Kentucky. And the commission was stated to have had General Garfield on it. It was the official statement of that commission as to the valuation of these papers, a commision organized under that identical law. And now, it appears to the House that the Secretary was not false to his duty when he made a report, but that the official record which I read was true and that the statements which were made adverse to it were mistakes.

Mr. BLACKBURN. By whom were they made?

Mr. BRAGG. By the gentleman from Kentucky. [Laughter.]

Mr. BLACKBURN. That is not true. The statement made by the gentleman from Wisconsin is not true.

Mr. BRAGG. I do not yield to the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Wisconsin declines to yield.

Mr. BRAGG. When the gentleman from Kentucky gets himself in a talking mood, he talks so rapidly it is no wonder he forgets what he says. [Laughter.]

Mr. BLACKBURN. But I am always responsible for it.

Mr. BRAGG. Undoubtedly, and so am I. The question of responsibility is always present with everybody. If I err or make mistakes, I am always willing to make amends. If I say that which is untrue, and say it consciously, then I ought to be punished, and I hold myself responsible for such punishment. But no man, sir, no matter where he may live, nor how voluble he may be in speech, shall deter me from saying that in my representative capacity which I deem the interests of my constituents require me to say. [Applause on the republican side.]

Now, Mr. Chairman, having erred in this particular, and after this question was passed over, just at the close of the debate it turns out there was a mistake, and then it was said there was another appraisal. Did that go to the Committee on Appropriations? Or if there was no appraisal sent to the Committee on Appropriations, how did the Committee on Appropriations find out at what price and the value these papers were to be assessed? Was there any member of that Committee on Appropriations so connected with this appropriation that he knew what the owners or holders of the papers desired to take; that he, standing as a member, was able to furnish the information without calling upon the commission or any other person that was appointed to make the appraisal.

I say, Mr. Chairman, and I say it to this committee, that it has never been the policy of this Government to purchase these records; and I say this, that the moment the Government enters upon this policy, that moment it holds out an advertisement to gentlemen adventurers everywhere to claim to be possessed of very valuable papers that are necessary in order to give a correct publication of the war. And they always require, as some assemblages do, small collections taken at the door for the purpose of defraying expenses. And these gentlemen come here wearing in this House widows' weeds, and uttering the sighs of mothers and wives, whose husbands are in the grave, and other such piteous appeals, seeking to strike the chord of sympathy and drive the legislator away from the strict line of his duty. But when you pass the appropriation you find that the widow wears pants and boots, [laughter,] and instead of the money being distributed to the poor and helpless, you find that the widow has money enough to spend the winter in Washington.

Mr. BLACKBURN. Mr. Chairman, I see no occasion for any feeling in this matter. Nothing unusual has been presented for the action of the committee. The parade of himself which the member from Wisconsin has seen fit to make is a matter in which he alone is individually concerned, and which I imagine cannot affect seriously this body.

When he says that it was stated in debate that a commission had been appointed by the Secretary of War who had made a report upon the value of these papers and that report had been sent by the Secretary of War to the Committee on Appropriations, if he meant—and I must deal in this manner of reply because of the innuendoes with which the gentleman has taken occasion to assail me and the members of the Committee on Appropriations—if he meant to say that I had made——

Mr. BRAGG. I did not say that the Secretary of War had sent it to the Committee on Appropriations.

Mr. BLACKBURN. Well, sent by anybody. I say, if he meant to say that I had ever seen a report so sent by the Secretary of War or anybody else to the Committee on Appropriations, the record of this debate and the facts in the case all agree and unite with me in replying that that statement was not true. When he talks about men coming here and indulging in sighs and pleadings for widows and orphans, he surely does not mean to apply that language to the gentlemen on both sides of this House who advocate this section of the bill and this appropriation. He certainly does not mean to apply that language to me, for in the record he made and never violated and to which all decent men are willing to admit that he is welcome to a monopoly——

Mr. BRAGG. Does the gentleman from Kentucky propose to be the self-constituted organ for the decent men of this House?

Mr. BLACKBURN. Mr. Chairman, I would sooner appeal to the court over which Rhadamanthus presided than to such a character for mercy, for clemency, or for fair dealing to anybody.

I did say, sir, that these papers had been appraised under orders of the Secretary of War. I repeat that assertion. I say it again. I said that they had been appraised by a commission of which General Garfield was a member. I subsequently corrected that statement and said it was the papers of General Sidney Johnston which had been appraised by that commission, and that these papers of Generals Polk and Bragg had been appraised by order of the Secretary of War by Colonel Scott, in charge of this bureau, and Mr. McKee, his chief clerk.

Now, if he wants to know how that fact was ascertained and intimates that somebody was closely enough concerned with these papers to warrant or induce them to inquire, I will tell him how it came about. It came out before a sub-committee of the Committee on Appropriations, under the control of the gentleman from Georgia having charge of this part of the bill, who called Colonel Scott before them, the chief officer in charge of that bureau, for the purpose of making inquiry in reference to this very matter; and the chairman of the sub-committee, the gentleman from Georgia, was present in the said committee when this officer appeared before them and was questioned by him, and stated in response to such interrogation that an appraisement had been made at $20,000 or $10,000 for each. That is enough. Those are the facts.

Mr. BRAGG. Will the gentleman from Kentucky state that the appraisal, as it is called, by Colonel Scott was not made under this law at all, but was contained in a communication by him of valuation to the Secretary of War, and dated in 1876?

Mr. BLACKBURN. I do not know when the appraisement was made. I know that Colonel Scott, who had been called before the Committee on Appropriations to answer the necessary questions relative to these papers as the head of that bureau, came and stated that the appraisement had been made at $20,000, and on that statement the committee incorporated that item in the appropriation bill.

Now, I find that this appraisement was made, by order of the Secretary of War, by Colonel Scott and his chief clerk, McKee; so that the only difference between the statement which I originally made and the subsequent correction is that this lot of papers was appraised as the others had been under the orders of the Secretary of War and by the gentleman having charge of this bureau and of his chief clerk. It was for that reason I stated that I was perfectly willing to accept the amendment proposed by the gentleman from Indiana, adding to this clause the words "or so much as may be necessary."

That is the whole case, Mr. Chairman, and I cannot close without expressing deep and profound regret that nothing that touches any right that ever pertained to anybody, whether before the war or during or since the war, suffices to prevent members of this House from tearing open gaping wounds that time seems unable to cure. It is sad, sir, for us to be confronted day after day by the proof that there are yet caricatures of humanity that insist on playing the role of ghoul and hyena to the disgust of all peace-loving and decent men.

Mr. McCOOK. Just one word more in this connection. I think it due to Colonel Scott, as well as to a proper understanding of this case, to read one brief extract from a report, dated March 16, 1880, he made upon Colonel William Preston Johnston's letter, which Colonel Johnston wrote to the Secretary of War. Colonel Scott, who has charge of the compilation of these records, says:

> The papers immediately in question are valuable, but they are by no means indispensable to a very comprehensive history of the important events of the war. We already have most, if not all, of the formal reports and important orders coming from Generals Bragg and Polk, and much of their correspondence.
>
> The intimation, most courteously, but none the less unmistakably, thrown out by Colonel Johnston—

To whom the gentleman from Wisconsin [Mr. BRAGG] refers—

> in his conversation at my office yesterday, that "the Department would not be allowed to proceed with the publication of the war records unless it bought the papers now in his hands," has not changed my views as to the propriety of the position now occupied by the Department and indorsed by the current appropriation.
>
> Respectfully submitted.
>
> ROBERT N. SCOTT,
> *Brevet Lieutenant-Colonel U. S. Army.*
>
> MARCH 19, 1880.

A MEMBER. What is the date of that?

Mr. McCOOK. It is dated March 19, 1880.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana, [Mr. CALKINS.]

Mr. CALKINS. The amendment I send to the desk is designed to give the Secretary of War discretionary powers.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

> Strike out in line 666 and 667 "$20,000" and insert "a sum not exceeding $20,000, and the Secretary of War is hereby authorized to purchase the same at such price and sum as may be agreed upon, not exceeding the sum hereby appropriated."

Mr. BLACKBURN. I am satisfied with that.

Mr. ROBINSON. I would like the gentleman to tell me how that is at all different from the other proposition. What does it amount to?

Mr. McCOOK. What becomes of the amendment of the gentleman from Illinois?

The CHAIRMAN. The motion of the gentleman from Illinois [Mr. THOMAS] is to strike out the clause. The amendment of the gentleman from Indiana is to perfect the text, and is in order to be voted on before the motion to strike out.

The question being taken on the amendment offered by Mr. CALKINS, there were—ayes 88, noes 51.

So (further count not being called for) the amendment was agreed to.

Mr. CONGER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following as a proviso:

"*Provided*, That before any of this money shall be paid the officer making the purchase shall be satisfied that all the papers are the original and the entire papers as proposed to be sold to the Government."

Mr. BLACKBURN. That is right.

The amendment was adopted.

Mr. WARNER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after the word "Polk" "and J. B. Hood."

Mr. WARNER. I opposed in the last session of Congress the policy of purchasing these records.

Mr. BLACKBURN. I reserve the point of order on that amendment.

Mr. WARNER. I desire to be heard a moment. All are interested surely in having a correct history of the war written, not only those who participated in the operations of the two armies, but the country generally and the world. I do not question the importance of these records; but if we enter upon the policy of purchasing at all, then we should have all the records that it is important to have, in order that such a history may be written. General Hood took a very prominent part certainly on the confederate side. He is dead. I doubt not his papers are as valuable as the papers of the other generals that are offered for sale to the Government. I am opposed to this policy entirely; but if that sum is to be appropriated, I propose that the provision be extended to include the papers of General Hood.

Mr. McCOOK. I hope the amendment of the gentleman from Ohio [Mr. WARNER] will be adopted because it seems to me that having determined on this policy we ought to pursue it. I have assurances from gentlemen who understand, I think, all about this matter that the papers of General Hood are of more value than the papers of any other confederate officer, that they are of more value than the papers either of General Bragg or General Polk.

Mr. BLACKBURN. I waive the point of order, but I want to say this: I do not believe it is proper to adopt the amendment of the gentleman from Ohio. I certainly am not lacking in willingness to purchase the papers his amendment embraces. I am not lacking in a desire to have this record made as fair and complete and authentic as possible. But there has been no estimate put upon those papers. There has been no valuation. There has been no examination made so far as this House knows, and there has been no authority given by Congress for negotiations looking to their purchase. For that reason I hope the Committee of the Whole will not adopt the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

Mr. WARNER. The matter of valuation is wholly arbitrary. There is no standard by which to value papers of this kind.

Mr. ELAM. I move that the gentleman from Ohio have an opportunity to amend his amendment so as to meet the objection suggested by the gentleman from Kentucky

Mr. WARNER. I prefer to leave it as it is. The question of valuation can come in at any time hereafter. The Secretary of War can make the valuation.

Mr. BLACKBURN. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLACKBURN. I wish to ask, would that amendment leave the amount exactly as it stands in the bill, being the sum of $20,000, to purchase the whole papers, the Bragg papers, the Polk papers, and the Hood papers all combined? That is not fair.

The CHAIRMAN. The committee was dividing, and the Chair cannot hear any argument.

Mr. BLACKBURN. Let the clause be read as it will stand if amended by the adoption of the amendment of the gentleman from Ohio.

The clause, as proposed to be amended by Mr. WARNER'S amendment, was again read.

Mr. TALBOTT. I do not suppose the gentleman who offers the amendment intends anything more——

The CHAIRMAN. The committee is dividing.

Mr. TALBOTT. I want to suggest a modification to the gentleman.

The CHAIRMAN. The gentleman has declined to modify his amendment. The question is upon the amendment of the gentleman from Ohio, which has just been read for the information of the committee.

The question was taken upon the amendment of Mr. WARNER; and upon a division there were—ayes 70, noes 57.

No further count being called for, the amendment was agreed to.

Mr. McCOOK. I move the amendment which I send to the Clerk's desk to come in after the word "Hood."

The Clerk read as follows:

And for the purchase of the private papers of the late United States generals, George H. Thomas, George G. Meade, Henry W. Halleck, John F. Reynolds, Joseph Hooker, James B. McPherson, Philip Kearney, Nathaniel Lyon, John R. F. Mansfield, William Nelson, and John Sedgwick, relating to the late war of the rebellion.

Mr. BROWNE. I ask the gentleman to include the name of Jefferson C. Davis, of Indiana.

Mr. HAWK. Is an amendment to the amendment now in order?

The CHAIRMAN. An amendment to the amendment is in order.

Mr. HAWK. I move to amend by adding that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That no portion of the sum hereby appropriated shall be used until a commission, to be appointed by the President, to determine fully as to the propriety of purchasing such papers and fixing the value of the same, shall have made a report to the Secretary of War.

Mr. HAWK. I desire to be heard upon that amendment very briefly. It seems to me this is purely a business transaction. For the purpose of preparing a correct history of the war it is said that it is important to obtain these private papers. It is true that in writing the history of a war private papers are sometimes very valuable. But it seems to me that inasmuch as there is a great diversity of opinion on this floor in regard to the value of these papers, this is a proper subject for the report of a commission especially appointed for the purpose.

It appears to me that such a commission is necessary to determine the value of these papers. We have had no expression of opinion by any officer acting under the authority of law as to the price and value of these papers. Objections have been urged on that side of the House and on this to certain reports, which have been referred to as being unsatisfactory. Now, for the purpose of fully deciding this point, it appears to me that my amendment is eminently proper, and I ask a vote on it.

Mr. BLOUNT. I desire, unless debate on this paragraph can be closed, to move that the committee rise for the purpose of obtaining an order of the House to close debate.

Mr. McCOOK. I desire to have a vote on my amendment before the committee rises.

Mr. REAGAN. I desire to say a word or two upon this subject before the motion is made that the committee rise.

Mr. BLACKBURN. I move the amendment which I send to the Clerk's desk.

The Clerk read as follows:

But the sum herein appropriated, or so much thereof as may be necessary, shall only be used in payment of the purchase of the Bragg and Polk papers. The value of the other papers named herein shall be ascertained by the Secretary of War and reported to Congress, with a view to their purchase.

Mr. HAWK. I submit that that amendment is not in order. There is an amendment pending, offered by the gentleman from New York, [Mr. McCOOK,] and an amendment to that amendment offered by myself.

The CHAIRMAN. The gentleman from Illinois [Mr. HAWK] makes a point of order. The gentleman from New York [Mr. McCOOK] offered an amendment, which is pending. To that amendment the gentleman from Illinois [Mr. HAWK] offered an amendment. Only one other amendment is now in order, and that is one in the nature of a substitute.

Mr. BLACKBURN. I do not wish to offer this as a substitute.

The CHAIRMAN. It is not in order as an amendment.

Mr. BLACKBURN. Then I ask the Chair to entertain the amendment for consideration as soon as the amendment to the amendment shall have been disposed of.

The CHAIRMAN. The gentleman from Kentucky withdraws his amendment for the present.

Mr. REAGAN. I desire to say a word in reference to the amendment offered by the gentleman from New York, [Mr. McCOOK,] proposing to add the names of a number of generals whose papers may be purchased. That amendment evidently indicates that in the opinion of the gentleman from New York the object of the paragraph of the bill now before the Committee of the Whole is to confer a private benefit. If the gentleman is right in that opinion, then the amendment he proposes is also right.

As I understand the object of the pending paragraph, it is to obtain possession of information which is not now in the possession of any existing government, for the benefit of future historians, or at least to enable the Government to preserve the means of preparing a reliable and trustworthy history of that great contest. If the information which is now in the possession of the representatives of General Bragg and General Polk were in the possession of the Government, of course there would be no occasion to purchase it. If that information was in the possession of the Government, where it could be used, there would be no occasion to provide for its purchase. But as it is not in the possession of this Government, as it is not in the possession of any other government, if it is valuable as matter which would aid in preparing a correct history of the war, then the purpose of Congress will be subserved by its purchase.

I suggest to the gentleman from New York, in regard to those generals whose names he has given in his amendment, and who distinguished themselves in the contest, that they have made their reports to the Government, and the Government is in possession of all the official information necessary for historical purposes, in so far as those generals were concerned.

I take it therefore the amendment was offered merely to indicate that in the opinion of the gentleman this is a matter not useful to the Government or necessary to a correct history, but is intended simply to benefit the parties possessing these papers. If the effect of this appropriation would be simply to confer a benefit on private parties, I would be prepared to vote against the whole proposition. I know nothing of the value of these papers; I have never examined them; but, I desire to say——

Mr. REED. I think my friend from Texas does himself slight injustice in saying that he knows nothing about the value of these papers; for I find a letter from him to General Bragg catalogued here on page 47.

Mr. REAGAN. I do not remember about that letter; and the fact that I may have written a letter to General Bragg would hardly enable me or any one else to say that I am familiar with his official papers as an officer of the Army.

I do not know how valuable these papers are as a means of getting at correct history. But under the amendment offered by the gentleman from Illinois the War Department will have the power, upon proper investigation, to determine whether these papers are valuable as a matter of history, and to purchase them if they be so considered.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, [Mr. HAWK,] which will be read.

The Clerk read as follows:

Provided, That no portion of the sum hereby appropriated shall be used until a commission, to be appointed by the President to determine fully as to the propriety of purchasing such papers and fixing the value of the same, shall have made a report to the Secretary of War.

The amendment was adopted.

The CHAIRMAN. The question recurs on the amendment of the gentleman from New York [Mr. MCCOOK] as just amended.

Mr. BLACKBURN. Is not the purpose of the gentleman from New York to have the purchase of all these papers within the amount appropriated here of $20,000?

Mr. MCCOOK. That was not my original purpose, I will answer with entire frankness. My original purpose was to put these eleven officers of the United States Army on a par with the three officers of the confederate army. For that reason I originally suggested $110,000; but, knowing or believing it would be ruled out, I withheld it.

Mr. BLACKBURN. I will answer with equal frankness and in equal good faith and will say, if the gentleman from New York will listen to the reporting of my amendment, he will find it is my purpose to put the generals he has named in his amendment on an exact equality with those covered by this bill.

The CHAIRMAN. The amendment of the gentleman from Kentucky will be reported for the information of the committee.

The Clerk read as follows:

And the sum herein appropriated, or so much thereof as may be necessary, shall only be used in payment of the purchases of the Bragg and Polk papers; and the value of the other papers named herein shall be ascertained by the Secretary of War and reported to Congress with a view to their purchase.

Mr. MCCOOK. The difficulty about accepting that is this: this appropriation of $20,000 is a merely arbitrary sum, I will say with all deference to the gentleman from Kentucky. Of course Colonel Scott refers to it. In 1876, when the purchase was made of the papers of Albert Sydney Johnston and of the Snead papers, the amount then given was adopted by him as the basis upon which to make an estimate in reference to the Bragg and Polk papers.

Mr. CONGER. Although he had not seen them?

Mr. MCCOOK. Yes; he had not seen them at the time. He had no opportunity to examine them. Therefore it would not be fair, it seems to me, to accept that amount. Let them all go together and have $110,000 for the private papers of the eleven Union officers, all of whom commanded departments and many of whom commanded great armies.

Mr. BLACKBURN. Mr. Chairman, I wish to say on this amendment one of two things must be true. Either it is the purpose of the gentleman from New York to put the eleven Union generals whose names are embraced in his amendment, or their representatives, upon an equal footing with those embraced in this clause of the bill, and honestly and sincerely and candidly endeavor to open up negotiations for the papers they may have, if indeed they may be valuable, of which I have no opinion, or else it must be the purpose of the gentleman from New York by this amendment to take and adopt an indirect method of striking down this clause of the bill. That I am unwilling to believe the gentleman from New York seeks to do. It is utterly ridiculous to talk about buying the papers of Generals Polk and Bragg, and adding eleven Union generals for the pittance of $20,000 when the estimate is before you from the archives bureau saying to you the value of two of these collections amounts to the full measure of the appropriation. That is not a direct way of defeating the question. My amendment is offered in good faith. I waive the question as to whether it was the duty of all officers of the existing Government to furnish their papers to the War Department or not. There is no confederate government to-day, and no man who claims there is. There can be no demand on that section or on that people for any such collection as this. Waiving the point as to whether the officers of the Union were in duty bound to furnish these papers or not, I say it is preposterous to talk about buying fourteen of these collections for $20,000. Therefore, in good faith I offer my amendment that the Secretary of War is instructed to inquire into and ascertain the value of all the papers of the generals mentioned by the gentleman from New York, and report to Congress with a view of their purchase, but I had hoped, and do still hope, that this Committee of the Whole House will come to a direct and fair vote on this clause and either adopt it or vote it down.

[Here the hammer fell.]

Mr. REED. I desire to reply to some of the remarks of the gentleman from Kentucky. He says and says very properly that the addition of the names of ten Union generals to this clause is an indirect way of getting at the subject. That is true; but that way of getting at the subject can show and does show to the House where we are going to.

Now, if it be true that the private papers of two confederate generals are essential to the true history of this war, or as the gentleman from Connecticut [Mr. HAWLEY] has suggested, to remove a suspicion that we have not got a true history, surely the papers of the ten or more Union generals may be equally necessary.

Mr. WARNER. Yes; and a good many others as well.

Mr. REED. And if these ten or more Union generals' papers are necessary in this connection, then there is no reason why there may not be some propriety as well as necessity in securing the papers of perhaps a hundred others on both sides which may throw some light upon this question. Now, are we prepared to inaugurate an expenditure of public money as this amendment contemplates simply for the purpose of removing a suspicion that we have not got a fair and full history at present?

I want to call the attention of the committee to another fact, that nowhere in the report from the Secretary of War is there any recommendation as to the price of $10,000 to be fixed for these papers, or any other price. On the contrary the only statement which justifies such a remark is a statement made in a letter from Colonel Scott, declaring that if the Kirby Smith papers are to be taken as a basis these others, which he had not seen, would perhaps be worth $10,000. So they might. But there has been no recommendation of any price fixed upon them except the relative one as I have asserted.

Mr. BLACKBURN. Will the gentleman allow me to say a word?

Mr. REED. Surely.

Mr. BLACKBURN. In the gentleman's time I want to call attention to this fact, that these papers are not, in the ordinary acceptation of the term, private papers; but simply private because they belong to no government. The government to which they would have belonged, and of whose archives they would have formed a part, fell in 1865.

Mr. REED. Who was the heir?

Mr. BLACKBURN. There was no heir, except the persons having custody of the papers, the legal representatives of the dead owner.

Mr. REED. The United States was the proper heir.

Mr. BLACKBURN. If the gentleman from Maine answers that the United States Government was the legal heir, and for that reason that the Government of the United States should have taken possession and with strong hand laid hold of this property, I reply simply with the query: then why did not the Government do it, instead of adopting a different policy and purchasing papers similarly situated in more instances than one?

Mr. REED. Mr. Chairman, I do not propose to be drawn from my line of argument to answer irrelevant questions of that kind in the few brief moments that I have allotted to me.

I was proceeding to say that if we are going to make this appropriation, and purchase these papers to carry out an idea that it is necessary to obtain them in order to remove a suspicion that we have not got a correct history, then I say we are going to pile up a tremendously expensive job; and I want the committee to determine whether they are willing to pay the sum necessary to remove the suspicion or not.

Mr. NEW. I rise simply for the purpose of making a suggestion. It seems to me that this subject is considerably mixed if not muddled; and it will be well if the matter can be passed over by common consent, so that gentlemen on both sides taking the chief interest in it may have a conference and determine if they cannot agree upon some proposition.

The CHAIRMAN. The gentleman from Indiana proposes that the clause be passed over for the present by unanimous consent.

Mr. BOUCK. I object.

Mr. BLOUNT. I move that the committee do now rise.

Mr. MCCOOK. Let us have a vote upon this proposition. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois to the amendment of the gentleman from New York.

Mr. HAWK. That has been already acted upon, if the Chair will permit me. The amendment of the gentleman from New York as

proposed to be amended by the gentleman from Kentucky would seem to be first in order.

The CHAIRMAN. The first question will be taken upon the amendment of the gentleman from Kentucky to the amendment of the gentleman from New York. The Clerk will report the amendment.

The amendment was again read.

The House divided; and there were—ayes 54, noes 72.

So the amendment was not agreed to.

The CHAIRMAN. The question now recurs on the amendment proposed by the gentleman from New York, which the Clerk will now report.

The amendment was read.

Mr. ATKINS. I hope no vote will be taken upon that amendment; and I trust the whole proposition will be dropped out of the bill. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment which has just been read by the Clerk.

The amendment was agreed to.

Mr. BROWNE. I move to strike out the whole paragraph.

Mr. WHITE. That motion has been pending, having been made by the gentleman from Illinois, [Mr. THOMAS.]

The CHAIRMAN. The question is on the motion to strike out the paragraph.

The motion was agreed to.

The Clerk read the following:

For printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the official records, Union and confederate, of the war of the rebellion, so far as the same may be ready for publication during the fiscal year, to be distributed as provided in the act approved June 16, 1880, $40,000.

Mr. FORNEY. I offer an amendment to make that correspond with the act of last session.

The Clerk read as follows:

On line 668, after the word "for," insert "continuing the preparation of the publication of the official records, indexing, and proof-reading, and."

Mr. BLOUNT. I have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

Mr. WHITE. Let the paragraph be read as it will be if thus amended.

Mr. ATKINS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ATKINS. Has the next paragraph been read?

The CHAIRMAN. The paragraph from lines 668 to 674, inclusive, has been read; and an amendment has been offered to it by the gentleman from Alabama, [Mr. FORNEY.]

Mr. ATKINS. I move to strike out the paragraph.

The CHAIRMAN. The committee is dividing on the amendment of the gentleman from Alabama. The motion of the gentleman from Tennessee will be in order after the committee has acted on the amendment proposed by the gentleman from Alabama.

Mr. BLOUNT. I ask the gentleman from Alabama to withdraw that amendment.

Mr. FORNEY. I withdraw it.

Mr. BLOUNT. I now move that the committee rise.

Mr. ATKINS. I understand my motion to strike out the paragraph will go over till to-morrow if the committee should now rise.

The CHAIRMAN. It will.

The motion of Mr. BLOUNT was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HARRIS, of Virginia, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, communicated to the House a resolution of the Senate accepting the invitation of the House to attend the observance of the ceremonies in memory of Hon. FERNANDO WOOD in the Hall of the House on Sunday next at three o'clock in the afternoon.

The message also announced that the Senate had concurred in a resolution of the House providing for printing and binding reports from consuls of the United States on the commerce and manufactures of their consular districts.

The message further announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes; disagreed to the amendment of the House to the twenty-third amendment of the Senate; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. WITHERS, Mr. HARRIS, and Mr. WINDOM.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. WALLACE, Mr. BECK, and Mr. BOOTH.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3788) granting an increase of pension to William Hamill.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1882.

The message also announced that the Senate had passed, without amendment, House bills and joint resolution of the following titles:

A bill (H. R. No. 7172) to admit free of duty two watches presented to Joseph Upton and G. W. Curtis for rescuing the crew and passengers of the steamship American;

A bill (H. R. No. 6514) concerning settlement of boundary-lines between New York and Connecticut; and

Joint resolution (H. R. No. 387) authorizing the printing of 30,000 copies of the third report of the United States Entomological Commission.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 169) authorizing the settlement of the accounts of Richard H. Smith, deceased;

A bill (S. No. 351) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States, and for other purposes;

A bill (S. No. 1152) for the relief of Basil Moreland;

A bill (S. No. 1164) to graduate the price and dispose of the residue of the Cherokee strip lands in Kansas;

A bill (S. No. 1496) to establish a dead-letter office at the city of San Francisco;

A bill (S. No. 1720) to refer the claim of George E. Payne to the Court of Claims; and

A bill (S. No. 2074) for the relief of Captain William D. Whiting, United States Navy.

LEAVE OF ABSENCE.

The SPEAKER. The Chair submits the following requests for leave of absence:

Mr. DAVIS, of Illinois, to be excused from attendance at the session of the House this evening.

Mr. WILSON, to be excused from attending the session of the House to-night.

Mr. ANDERSON, to be excused from attending the session of the House to-night.

Mr. PHISTER, until Friday, on account of important business.

Mr. O'NEILL, for to-day and to-morrow.

Mr. FORD, for the remainder of this day.

Mr. COVERT, for to-day and the evening session of to-day, on account of illness.

Mr. MCLANE, for the remainder of to-day's session.

Mr. THOMAS, for the remainder of to-day's session.

Mr. JOHNSTON, to be excused from attendance during the night session, on account of illness.

Mr. FORT, for the remainder of to-day and to-night.

Mr. THOMPSON, of Kentucky, for the remainder of to-day's session, on account of illness.

Mr. CLAFLIN, for the remainder of to-day's session, on account of illness.

Mr. BAYNE, for the remainder of to-day's session, on account of illness.

Mr. SINGLETON, of Mississippi, for the remainder of to-day's session, on account of sickness.

Mr. CONGER. If all these requests are granted there will not be a quorum.

Mr. BAKER. I object to the grant of any leave of absence except where the application shows that it is asked on account of sickness.

The SPEAKER. Objection is made except where illness is assigned as the reason for the request.

REMOVAL OF OBSTRUCTIONS IN COLUMBIA RIVER.

The SPEAKER, by unanimous consent, presented a memorial of the Legislature of Montana, recommending an appropriation for the removal of obstructions in Clarke's Fork of the Columbia River; which was referred to the Committee on Commerce.

BRANCH MINT AT DEADWOOD.

The SPEAKER also laid before the House a memorial of the Legislature of Dakota, in relation to the establishment of a branch mint at Deadwood; which was referred to the Committee on Coinage, Weights, and Measures.

SETTLERS ON PUBLIC LANDS.

The SPEAKER also laid before the House a memorial of the Legis-

lature of Dakota, recommending the passage of a bill for the relief of settlers on public lands; which was referred to the Committee on the Public Lands.

CAPTAIN E. C. BOWEN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition of Captain E. C. Bowen, United States Army, for reimbursement for expenses incurred by him in defending a civil suit brought against him; which was referred to the Committee on Appropriations.

AMENDMENT TO SUNDRY CIVIL BILL.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending an amendment to the sundry civil bill, (H. R. No. 7203;) which was referred to the Committee on Appropriations.

DEFICIENCY IN MARINE CORPS APPROPRIATIONS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting estimates of deficiency in the appropriations for the Marine Corps; which was referred to the Committee on Appropriations.

COMMITTEE ON IMPROVEMENT OF MISSISSIPPI RIVER.

The SPEAKER also laid before the House a report of the Sergeant-at-Arms upon expenditures of the sub-committees of the Committee on Levees and Improvements of the Mississippi River, as by resolution of April 28, 1880; which was referred to the Committee on Accounts.

FORTIFICATION APPROPRIATION BILL.

Mr. BAKER. I ask consent to have taken from the Speaker's table the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes, returned from the Senate with amendments, and that the same be referred to the Committee on Appropriations and printed with the amendments numbered.

There was no objection, and it was so ordered.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 315) amending and re-enacting joint resolution approved June 14, 1879, directing a monument to mark the birthplace of George Washington.

ORDER OF BUSINESS.

Mr. HUNTON. I move that the House now take a recess until half past seven o'clock this evening.

Mr. COBB. I move that the House now adjourn.

Mr. ATKINS. We will have the yeas and nays on that.

The SPEAKER. The motion to adjourn takes precedence.

Mr. VALENTINE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. VALENTINE. The House by an order already made has directed that a recess shall be taken to-day until half past seven o'clock.

The SPEAKER. Yes; but there is nothing in the rules to prevent the House from adjourning, nevertheless.

Mr. VALENTINE. The hour of half past four has arrived.

The SPEAKER. Five o'clock was the time fixed for the recess.

Mr. TOWNSHEND, of Illinois. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. Is not the order for a night session, or for a recess this afternoon, still in force?

The SPEAKER. Yes; but there is nothing in the rules or in the practice of the House to prevent the House from changing its mind and adjourning.

The question was taken upon the motion to adjourn, and upon a division there were—ayes 79, noes 57.

Before the result of the vote was announced,

Mr. NEAL called for the yeas and nays on the motion to adjourn.

Many MEMBERS. Oh, no!

Mr. NEAL. Yes; we will have the yeas and nays.

Mr. HUNTON. I call for tellers on the motion to adjourn.

The SPEAKER. The yeas and nays are called for.

The question was taken upon ordering the yeas and nays, and there were 30 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 81, nays 87, not voting 122; as follows:

YEAS—81.

Aiken,	Brigham,	Dick,	Humphrey,
Aldrich, William	Burrows,	Dwight,	Hurd,
Atherton,	Butterworth,	Errett,	Jones,
Baker,	Calkins,	Evins,	Jorgensen,
Barber,	Cannon,	Felton,	Killinger,
Bayne,	Chalmers,	Fisher,	Knott,
Belford,	Cobb,	Fort,	Ladd,
Bingham,	Coffroth,	Geddes,	Lapham,
Bisbee,	Colerick,	Godshalk,	Le Fevre,
Blake,	Cowgill,	Hall,	Lowe,
Bouck,	Davidson,	Hammond, John	McCoid,
Bowman,	Davis, Horace	Hawk,	McMillin,
Bragg,	De La Matyr,	Hiscock,	Muller,
Brewer,	Deering,	Hostetler,	Murch,
Norcross,	Richardson, J. S.	Tyler,	Wells,
Osmer,	Russell, Daniel L.	Updegraff, J. T.	Wilber,
Overton,	Speer,	Updegraff, Thomas	Wilson,
Ray,	Stone,	Upson,	Wood.
Reed,	Thomas,	Urner,	
Rice,	Tillman,	Van Voorhis,	
Richardson, D. P.	Turner, Oscar	Warner,	

NAYS—87.

Aldrich, N. W.	Einstein,	Manning,	Scoville,
Anderson,	Elam,	Marsh,	Shelley,
Atkins,	Forney,	Martin, Edward L.	Sherwin,
Ballou,	Frye,	McCook,	Simonton,
Berry,	Gillette,	McKinley,	Sparks,
Blackburn,	Goode,	Miller,	Stevenson,
Blount,	Harris, Benj. W.	Mills,	Talbott,
Briggs,	Haskell,	Mitchell,	Taylor, Robert T.
Bright,	Hatch,	Monroe,	Thompson, W. G.
Browne,	Hawley,	Morrison,	Townsend, Amos
Cabell,	Heilman,	Neal,	Townshend, R. W.
Camp,	Henkle,	New,	Turner, Thomas
Carlisle,	Herbert,	Philips,	Valentine,
Carpenter,	Herndon,	Poehler,	Vance,
Clements,	Hill,	Pound,	Waddill,
Clymer,	Hooker,	Prescott,	Weaver,
Conger,	Horr,	Price,	Wellborn,
Converse,	House,	Robinson,	White,
Cravens,	Hunton,	Ryan, Thomas	Whitthorne,
Culberson,	Hutchins,	Samford,	Willits,
Deuster,	Ketcham,	Sapp,	Young, Casey.
Dunnell,	Klotz,	Sawyer,	

NOT VOTING—122.

Acklen,	Ellis,	Mason,	Scales,
Armfield,	Ewing,	McGowan,	Shallenberger,
Bachman,	Ferdon,	McKenzie,	Singleton, J. W.
Bailey,	Finley,	McLane,	Singleton, O. R.
Barlow,	Ford,	McMahon,	Slemons,
Beale,	Forsythe,	Miles,	Smith, A. Herr
Beltzhoover,	Frost,	Money,	Smith, Hezekiah B.
Bicknell,	Gibson,	Morse,	Smith, William E.
Bland,	Gunter,	Morton,	Springer,
Bliss,	Hammond, N. J.	Muldrow,	Starin,
Boyd,	Harmer,	Myers,	Steele,
Buckner,	Harris, John T.	Newberry,	Stephens,
Caldwell,	Hayes,	Nicholls,	Taylor, Ezra B.
Caswell,	Hazelton,	O'Brien,	Thompson, P. B.
Chittenden,	Henderson,	O'Connor,	Tucker,
Claflin,	Henry,	O'Neill,	Van Aernam,
Clardy,	Houk,	O'Reilly,	Voorhis,
Clark, Alvah A.	Hubbell,	Orth,	Wait,
Clark, John B.	James,	Pacheco,	Ward,
Cook,	Johnston,	Page,	Washburn,
Covert,	Joyce,	Persons,	Whiteaker,
Cox,	Keifer,	Phelps,	Williams, C. G.
Crapo,	Kelley,	Phister,	Williams, Thomas
Crowley,	Kenna,	Reagan,	Willis,
Daggett,	Kimmel,	Richmond,	Wise,
Davis, George R.	King,	Robertson,	Wright,
Davis, Joseph J.	Kitchin,	Robeson,	Yeates,
Davis, Lowndes H.	Lindsey,	Ross,	Yocum,
Dibrell,	Loring,	Rothwell,	Young, Thomas L.
Dickey,	Lounsbery,	Russell, W. A.	
Dunn,	Martin, Benj. F.	Ryon, John W.	

So the motion to adjourn was not agreed to.

The following additional pairs were announced.

Mr. WISE with Mr. BELFORD, for this evening's session.

Mr. HARMER with Mr. ELLIS.

Mr. KENNA with Mr. WARD, for the remainder of the day.

Mr. CALDWELL with Mr. DAVIS of Illinois, for the remainder of the day.

Mr. O'CONNOR with Mr. HOUK, until further notice.

The result of the vote was then announced as above stated.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ELAM, on account of illness;

To Mr. BUTTERWORTH, until Friday next, on very important business; and

To Mr. DEERING, from the session of this evening, on account of indisposition.

EMPLOYÉS OF THE HOUSE.

Mr. SHELLEY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That all the employés of the House of Representatives borne on the annual roll whose salaries do not exceed $1,200 per annum be paid one month's extra salary.

ORDER OF BUSINESS.

Mr. HUNTON. I move that the House now take a recess until half past seven o'clock this evening.

The motion was agreed to; and accordingly (at four o'clock and fifty-three minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER. The order under which the House meets to-night will be read.

The Clerk read as follows:

MONDAY, *February* 21, 1881.

On motion of Mr. HUNTON, by unanimous consent,

Ordered, That on Wednesday, February 23, at five o'clock p. m., the House take

a recess until half past seven p. m., for the purpose of considering such matters as may be brought before the House by the Committee on the District of Columbia, in lieu of the evening session of Thursday, February 24, heretofore ordered.

EIGHT PER CENT. IMPROVEMENT CERTIFICATES.

Mr. NEAL. I move that the House resolve itself into Committee of the Whole for the purpose of further considering Senate bill No. 1681, to provide for funding the 8 per cent. improvement certificates of the District of Columbia.

Mr. HUNTON. On the last evening when the House sat for District business this bill was the unfinished business in the Committee of the Whole.

The motion of Mr. NEAL was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. STEVENSON in the chair,) and resumed the consideration of the bill (S. No. 1681) to provide for funding the 8 per cent. improvement certificates of the District of Columbia.

Mr. NEAL. I believe this bill was reported and partially considered when the House last held a session for District business.

The CHAIRMAN. The question is upon the amendment reported by the Committee on the District of Columbia, to strike out all after the enacting clause and insert what will be read.

Mr. SAMFORD. As this substitute was read when the bill was last under consideration, I suppose it is not necessary to read it again.

Mr. REAGAN. It had better be read again.

Mr. RANDALL, (the Speaker.) I suggest that this bill be laid aside until we have something nearer a quorum than at present. Let us go on with unobjectionable business relating to the District of Columbia. This bill involves a large sum of money, and should not be acted upon when there is so small an attendance of members.

The CHAIRMAN. Unless there is objection, this bill will be laid aside for the present.

Mr. REAGAN. I desire to ask whether the amendment proposed by the committee has been printed.

The CHAIRMAN. The Chair is informed that it has been.

Mr. SAMFORD. Will there be any objection to laying this bill aside until the next meeting of the House for District business?

Mr. HUNTON. That will be in the next Congress.

The CHAIRMAN. In the absence of objection, this bill will be laid aside for the present.

Mr. HUNTON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. STEVENSON reported that the Committee of the Whole on the state of the Union having had under consideration the bill (S. No. 1681) to provide for funding the 8 per cent. improvement certificates of the District of Columbia, had come to no resolution thereon.

TEMPORARY POLICEMEN FOR THE DISTRICT OF COLUMBIA.

Mr. HUNTON. I move to take from the Speaker's table the bill (S. No. 2184) to authorize the commissioners of the District of Columbia to appoint additional policemen for temporary service in the District, and for other purposes.

There being no objection, the House proceeded to the consideration of the bill, which was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia are hereby authorized to appoint, upon the recommendation of the superintendent of the Metropolitan police of the District of Columbia, three hundred additional privates on the Metropolitan police force of said District for the period of fifteen days from the 20th of February, 1881, who shall be paid $2 for each day's service rendered by them in that capacity; and a sum sufficient for their payment and equipment is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HUNTON. This bill, which comes from the Senate, is subject to a point of order if any member chooses to raise the point.

Mr. SAMFORD. I will not make any point of order; but I would like to suggest that the bill in its present form provides for the appointment of these policemen from the 20th of February, a date already passed.

Mr. BOUCK. I make the point of order that the bill must be first considered in Committee of the Whole.

The SPEAKER. The point of order is sustained; and the bill goes to the Committee of the Whole on the state of the Union.

Mr. HUNTON. I move that the House resolve itself into Committee of the Whole for the purpose of considering the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, and proceeded to the consideration of the bill (S. No. 2184) to authorize the commissioners of the District of Columbia to appoint additional policemen for temporary service in the District, and for other purposes.

Mr. HUNTON. Mr. Chairman, the bill before the committee provides for the appointment by the commissioners of the District of three hundred additional policemen for the inauguration ceremonies. It provides that they shall be appointed for twenty days, commencing on the 20th of February. Before the bill can become a law, at least six of those days will have expired, so that the police force as thus increased will last only some two weeks.

The increase of this police force is absolutely indispensable for the protection of life and property in the city of Washington during the period of inauguration and for a short time before and after. The crowd in the city, from all the information we have upon the subject, will simply be immense. There will be a collection here of all sorts of characters, good and bad, and the present police force has had to do extra duty now on account of the great crowd in the city, and they are pretty well worn out. We are informed it is absolutely indispensable this increase of the police force for two weeks should be made.

I will say also, Mr. Chairman, that it is usual to make an increase of about the number provided in this bill on such occasions. I think at the last inauguration there were two hundred additional policemen appointed by the authorities of the Federal Government, and an additional number, probably one hundred, but I am not certain of that, was appointed by the commissioners. It is very important this increase in the police force should be made and made at once, because unless you do so the new policemen will be so raw and unaccustomed to the duties they will have to discharge on inauguration day and afterward that they will not be half as efficient as they otherwise would be. I hope, therefore, it will be the pleasure of the committee to pass the bill.

Mr. ATKINS. What is the salary?

Mr. HUNTON. Two dollars a day, and that is the whole expense except providing the badge and baton, there being no uniform.

Mr. ATKINS. Do you not think that ten days is long enough?

Mr. HUNTON. No, sir; I do not, for the crowd will be here five days before the inauguration, and for a week or two weeks afterward. I am informed the police force in the city is now incompetent to discharge the duties imposed upon them. We are informed they have had extra duty to do for some time. When the Senate passed this bill, they provided the increase police force for twenty days, commencing on the 20th of this month, and it will be six or seven days after the 20th of the month before these policemen can possibly be placed upon duty.

Mr. FINLEY. Why not make an amendment covering that too?

Mr. HUNTON. They can only appoint them immediately, and the twenty days will run from the 20th of February, so the result will be that the increase police force will only be on duty for some fifteen days.

Mr. REAGAN. If for twenty days, will not their pay be from the date of appointment?

Mr. HUNTON. No; it says twenty days from the 20th of February. I ask the Clerk to read the provision contained in the bill.

The Clerk read as follows:

That the commissioners of the District of Columbia are hereby authorized to appoint, upon the recommendation of the superintendent of the Metropolitan police of the District of Columbia, three hundred additional privates on the Metropolitan police force of said District for the period of twenty days from the 20th of February, 1881, who shall be paid $2 for each day's service rendered by them in that capacity.

Mr. SAMFORD. Would there be any objection to amending it so as to conform to the time when this police force is to go upon duty, say from the 26th of February for fourteen days?

Mr. HUNTON. If you say the 26th of February and this bill is not signed by the President until the 26th of February, the police force could not go upon duty until the 27th. Under the provisions of the bill if it becomes a law, the commissioners will at once appoint these officers. The period of service runs to twenty days from the 20th of February, which would not be more than ten or twelve days' service.

Mr. SAMFORD. And they will only be paid from the time they serve?

Mr. HUNTON. Certainly, they will only be paid $2 a day while on duty.

Mr. REAGAN. What is the necessity of adding three hundred extra policemen to the force now on duty for this day?

Mr. HUNTON. The commissioners asked for four hundred. The committee in this House cut the number down to three hundred; but before we got a chance to report to the House the Senate had passed this bill providing for three hundred. I will say according to my best judgment in the premises that three hundred is scarcely enough, because the crowd will be simply immense. They are only to remain on duty for ten or twelve days.

Mr. NEAL. I will state further to the gentleman from Texas that the present force is only about one hundred and sixty privates and they have seventy square miles to guard.

Mr. HUNTON. Two cities and the county.

Mr. NEAL. Yes, two cities and the county.

Mr. COBB. I move to amend by requiring the District of Columbia to pay one-half of the expenses.

The CHAIRMAN. The gentleman will reduce his amendment to writing.

Mr. COBB. I cannot do it without the bill and the bill is not yet printed.

Mr. HUNTON. Yes, there is a printed bill.

Mr. REAGAN. Let it be added as a proviso, providing that the District of Columbia shall pay one-half of the expenses.

Mr. COBB. I will put it in the form of a proviso.

Mr. HUNTON. I trust sincerely that the amendment of the gentleman from Indiana will not prevail. There seems to be a disposition to saddle everything upon the District of Columbia for which there is the least possible pretext. I ask the committee whether there is any justice in saddling upon the people of Washington City or the District of Columbia one-half of the expenses of the increased police force rendered necessary by the inauguration of the President of the

United States? It is a Federal ceremony. It is a Federal crowd. It is not brought here by the citizens of the District of Columbia. It is not brought here for their benefit or for any purpose they have in view; but it is a crowd brought here to witness a national ceremony, the inauguration of the President of the United States; and why one-half of the expense of this additional force for such an occasion should be borne by the people here, I cannot conceive. I hope the amendment will not be insisted upon, or, if insisted upon, that it will not prevail.

Mr. ATKINS. I concur, Mr. Chairman, with the views of the gentleman from Virginia. I do not believe the District of Columbia should be taxed with one-half of this expense. It is not their inauguration. It is not their invitation to attend the inauguration. It is the business of the Federal Government exclusively; and because they happen to be residents of the city in which the inauguration of a President of the United States is to take place, and which attracts the attention of a vast concourse of people from every quarter of the Union, it should not be their misfortune, because of that mere circumstance, that they should be made to put their hands into their pockets and pay a portion of the expense. I think the District of Columbia ought not to be taxed for a matter in which they have no more interest than any other State, Territory, or city in the United States.

I have been one of those who have been in favor of requiring the District of Columbia to bear one-half of the expenses of the District. I have been serving upon a committee of this House for the last six years which I may say inaugurated, or may almost lay claim to having inaugurated that system, because before that system was adopted by the Committee on Appropriations, the United States Government bore most of the expense for this city.

Mr. HUNTON. I beg the gentleman's pardon.

Mr. ATKINS. Yes, sir; in a great many respects. Within the last six years the burden of one-half of the expense has been borne by the District of Columbia, whereas before that time the Federal Government paid the greater part of it. But that is a matter of the past; it is not applicable to this question.

This is a subject in which the District of Columbia, as I have said, is not in the least interested any further than any other State or Territory of the Union, and it seems to me to be an imposition upon this people. I trust, sir, that this Government will shoulder its own burdens, and that the city may not be required to bear one-half of the expense of this police force to preserve order here during the inauguration. For one I do not see the necessity for so large an increase of the force. I am bound to say that.

I do not think there will be as many people here as the gentleman says. He says that there will be all kinds of characters here. That may be. There are all kinds of characters here now [laughter] so far as that is concerned. I do not sympathize with this immense parade; this great attempt that is being made to conduct this inauguration. I do not sympathize with it at all. I have no sympathy with the display that is being made upon our streets and avenues—triumphal arches and pyramids and towers and all that. I have very little sympathy with it, sir, and for one, I do not want to conduct our legislation here upon such a basis as to indicate to the country that we do approve of it. For one, I am decidedly opposed to such a display. But that is none of our business because it is not being done by order of the Government; it is not being done by Congress; it is being done by the citizens of the District themselves.

Mr. WARNER. Then they ought to pay for it.

Mr. ATKINS. That is very true, if the tax-payers had any voice in it. But it is being done by a portion of the people only, the representatives of the republican party. But the citizens of the District of Columbia are not responsible for the great crowds of people that will be here, as alleged, on inauguration day. They are to come from all parts of the country; and the expense of the display that is being made on the streets is not contemplated to be borne by the Government at all. The question here is a very different one. It is to provide an additional police force. Now, while these decorations are being arranged by the citizens of the District of Columbia, a large majority of the tax-payers of the District have nothing whatever to do with it. Is it proper to tax the people of this city because there is to be a large crowd here to witness a Government ceremony? Are the people of this city to bear this burden because a few men are doing this? Not at all. It does not follow as a matter of course. It is a *non sequitur*. I hope that there will be some spirit of liberality and fairness toward the people in this matter. I hope the amendment proposed will not be insisted upon. The citizens of the District of Columbia do not bring the crowds of people here that are expected to come, and they ought not to be made to pay for it.

Mr. SAMFORD. I would like to ask the gentleman from Tennessee if the Government of the United States brings them here? [Cries of "Question!" "Question!"]

Mr. FINLEY. Mr. Chairman, all I have to say upon this——

The CHAIRMAN. The Chair would suggest that the amendment offered by the gentleman from Indiana be reported by the Clerk first.

Mr. FINLEY. Let him report the amendment afterward. I have only a word to say. The object of this increase of force is, if there is any use in it whatever, because the present police force does not afford sufficient protection, and because of the large number of people who are expected to be here at the inauguration.

Now, if we have an increased force, for whose benefit is that increased force appointed? Is it to protect Government property any more than it is to protect the property of the citizens of the District of Columbia? It is not, as the gentleman from Tennessee [Mr. ATKINS] well says, it is not our fault that that number of people come here.

Mr. ATKINS. It is not the fault of the District either.

Mr. FINLEY. But the increase of force is for the purpose of protecting citizens, in view of the vast crowd that will come here.

Mr. ATKINS. Ought they not to be protected?

Mr. FINLEY. The protection is afforded to the people here as much as to the property of the Government.

Mr. ATKINS. Why should the people of the District be imposed upon by this burden?

Mr. FINLEY. Why should the Government be imposed upon? The increased crowd is brought here by the republican leaders. We are making an appropriation out of the Treasury to pay an increased force to protect the people of the District.

Mr. ATKINS. On account of a necessity imposed by the republican leaders.

Mr. FINLEY. If the people of the District have the benefit of the protection they should pay half the cost. You cannot make the republican leaders pay for it.

Mr. COBB. The gentleman from Virginia [Mr. HUNTON] has assumed that this is an effort on my part to throw all the burden on the people of this District of such expense as are necessary in connection with the inauguration.

Mr. HUNTON. I said there was an effort; I did not say the gentleman from Indiana made that effort.

Mr. COBB. The gentleman must have alluded to me, because I presented the amendment.

Mr. HUNTON. Then the cap must fit the gentleman.

Mr. COBB. It does, but not in the sense the gentleman suggests. I say, Mr. Chairman, there are no people anywhere in this country so well protected and dealt by so liberally as the Government of the United States has dealt by the people of the District of Columbia until very recently, and it is so now. Their jail is furnished at the expense of the Government of the United States; the insane asylum in which their insane are placed is mainly furnished by the United States; the eleemosynary institutions of the District are mainly provided by the Government of the United States.

These are facts which no gentleman that understands the history of the condition of things here can deny. We build magnificent buildings for this District. It is true we use them. But there is no city in the world that would not take great pleasure in exempting such buildings as we have erected here from taxation, and, not only that, that would not aid to a great extent in having such buildings erected. But passing from that, I insist that so far as this amendment is concerned which I propose, it is strictly equitable. What brings these people here? I do not object to a large crowd coming here to attend the inauguration. But who brings them here? Who adds to the number by the thousand? It is the people of the District. What do they do? Why they get together in the first place and the Government of the United States gives to them the free use of one of the finest buildings that we have erected; I speak of the new Museum. They take possession of it. Then what do they do? These individuals for the purpose of gain turn around and charge the plain people that come here from my district and yours to attend the inauguration $5 apiece to get into that building.

Mr. CLYMER. They have to pay for the dancing.

Mr. COBB. My people do not want to dance. We are not dancers very much in my section of the country. But we ought to have the right to go into that building free so far as the gentlemen who have now the management of it are concerned.

Mr. NEAL. I would like to ask the gentleman, if people are to go in free, who are to pay the expenses?

Mr. COBB. The Government of the United States are virtually paying the expenses. They erected the building.

Mr. NEAL. Do they pay for the ball?

Mr. COBB. Yes; and the people of the United States do in fact not only pay for the ball but they pay more than five dollars for every foot of ground that these people occupy when there.

Mr. HUBBELL. People are not bound to pay the five dollars.

Mr. COBB. They are obliged to pay it; otherwise they will not see the inaugural ball. The Government of the United States pays for the erection of the building and these men for the purpose of making money, take possession and charge the people $5 a head to go into it. That is the fact about it.

But that is not the point now. The question arises, who ought to pay for this extra police force? In the first place I have no doubt there are more than twice as many of these men provided for in this bill as ought to be. I have no idea that three hundred policemen in addition to what we have got are necessary in this city. I have my family here; and I am not afraid of being robbed. I am not afraid of my wife being interfered with.

Mr. NEAL. There was a member robbed here the other day.

Mr. COBB. I know there was. But so it is every day. Men were killed here last year, but they were wrongfully killed.

Mr. HARRIS, of Virginia. Who said they were not?

Mr. COBB. Who is making this speech—you or I? [Laughter.]

Then, Mr. Chairman, I insist that if the commissioners believe, in their judgment, that three hundred policemen are necessary to protect the people of this District, it is not the persons of men that are to be protected here so much as it is the property of the individuals who live here.

Now, if we believe that it is necessary to have three hundred policemen in addition to the number that we now have in this District to protect the property belonging to the citizens of the District, then I submit as an equitable proposition that the people of this District should pay one-half of the expense. It is not enough to say that the Government of the United States is located here, that we carry on here the business of the Government. That is not enough to compel us as a nation to pay the expense of every little gathering here, to pay for policing the city. We already pay one-half of the expense of the police force we now have.

I propose nothing else in my amendment than just simply to carry out the rule which Congress has established by law of paying one-half of the expenses of this District out of the Treasury of the United States, the other half to be paid out of the revenues of the District. That is at least fair so far as the District is concerned. I voted against the organic law of this District. I believe to-day that the Government of the United States has to pay too much of the expenses of this District. In the next five years I believe the people of this country will say so through their Representatives, if the people of this District continue to impose upon the Government Treasury and take more money from it than they ought to.

Mr. HERBERT. I believe it is estimated that probably 100,000 people will come to the city of Washington to witness the ceremonies of inauguration. I think it is fair to estimate that each of those 100,000 people will leave $20 here. That is certainly within limits. If so, then there will be $2,000,000 brought to the city of Washington by the crowd that is coming here to be spent here. The hotel-keepers, the boarding-house keepers, the liquor and cigar shops, and shops of all kinds managed by citizens of this District will gather in that $2,000,000. The simple question is whether the people who are to get all this money that is to be brought here by this vast crowd shall pay any portion whatever of the expense of protecting that crowd and of protecting the shop-keepers and hotel-keepers, &c., while they are making the money that will be brought here and spent during inauguration week? It seems to me that it is perfectly fair that the people who are to make all this money should bear at least one-half of the expense of this additional police force.

Mr. NEAL. I have heard it said that the Government of the United States acted like a step-mother toward the District of Columbia and the people thereof. If I had had any doubt about it before, the arguments I have heard here to-night would have fully convinced me of it.

We deprive the people of this District of self-government. We say that they shall do this thing and shall do that thing. We do not allow them to vote for a solitary officer. We put over them a set of men who tax them without regard to their wishes. We pile debts upon them without their consent. Yet, when a great national event like the inauguration of a President is about to take place, gentlemen upon this floor get up here and say that the people of this District ought to pay one-half of the expense. Sir, I do not want these extra policemen for the protection simply of the people of this District, I want them for the protection of the people of my district who come here, and who have a right to ask at the hands of this Congress that they shall be protected in their person and property when they visit the national capital.

The gentleman from Indiana [Mr. COBB] has spoken about the ball, and about his constituents paying the expense of it, and about people making money out of it. I will say to that gentleman that if he will assume the expense of that ball the directors would be very glad to give him all the receipts. It is not for the purpose of making money that the charge is made. The managers of that ball simply propose to make it self-supporting; that is the whole of it. I will guarantee if the gentleman will say to-night that he will assume all the expense they will give him all the receipts.

Mr. COBB. I will say to the gentleman from Ohio [Mr. NEAL] that I am not engaged in that kind of business; I am a little too heavy for that. [Laughter.] I would suggest to him that he should take charge of it.

Mr. NEAL. I am not one of those who believe that there is any profit in it.

Mr. REAGAN. Mr. Chairman——

Mr. NEAL. Wait until I get through, please.

Mr. REAGAN. I beg the gentleman's pardon; I thought he had concluded.

Mr. NEAL. Who is to be profited by this? It is true the hotel-keepers, the boardinghouse-keepers, and probably the saloon-keepers will receive some benefit and make some profit. Are the property-holders of Washington to be benefited in any way, the holders of taxable property in this District? Very little. The saloon-keepers will not pay any extra license; the hotel-keepers will not pay any extra tax. Yet gentlemen say here that this expense should be saddled upon the people of this District. Oh, miserable economy and parsimony. You can vote away money here by the thousands of dollars for the Kiskiminetas, and the Pochunk, and Elk River and a thousand other little streams; and you say that that is all right, because it is to be expended in your district and it will help re-elect you to Congress.

Mr. KENNA. And help you, too.

Mr. NEAL. My friend from West Virginia [Mr. KENNA] is interested in that. And then there is the Guyandotte, too.

A MEMBER. Where is that?

Mr. NEAL. In West Virginia somewhere. And here to-day, without taking a vote one way or the other, we have voted away thousands of dollars of the people's money upon the sundry civil appropriation bill.

A MEMBER. And we have not got through the bill yet.

Mr. NEAL. And by the time we pass upon the bill finally there will be $20,000,000 of the people's money voted away. And yet members who vote for it will do so because it is for their constituents.

Now, the people of this District have no voice in their own government, and they have nothing to say as to who shall represent them on this floor. They have, according to the views expressed by the majority of this House, no rights that we are bound to respect. And we will go home and tell our constituents that we are great big men; that we have saddled upon the District of Columbia half the expense for a police force for this inauguration. It reminds me very much of what I used to hear in my boyhood days—taken from "Mother Goose," I believe:

Little Jack Horner
Sat in a corner
Eating his Christmas pie;
He stuck in his thumb
And pulled out a plum
And said "What a big boy am I!"

[Laughter.]

So members on this floor, when they go home, can say to their constituents, "We have put this unjust taxation on the people of the District; we are great big men; we ought to be allowed to go back and save more money for the people."

Mr. REAGAN. Mr. Chairman, I think we ought to make ample provision for the protection of the people of the United States against the lawlessness and crime of Washington City. In the first place, the Government ought to be protected against the Kiskiminetas, for which a dollar was never appropriated, but the name of which has profoundly alarmed members of Congress. And not only this House and the Senate, but the Executive, the judiciary, the Army, and Navy, and the people of the country ought to be protected against the Kiskiminetas! There ought also to be a sufficient police force to protect them against the Guyandotte. That is another alarming feature of our times.

The District has a permanent police force of about two hundred with a suitable constabulary force; but for the protection of the seat of Government, of the President and the heads of Departments, the judiciary and so much of the Army and Navy as may be here there ought to be an ample police force. Then, sir, we are to have a great royal fête—nothing like the occasion when President Jefferson is said to have ridden to the Capitol, hitched his horse to a tree, and then come in and taken the oath of office. We are to have a great royal fête. There are to be triumphal arches. There is to be a military parade, embracing not only representatives of the regular Army, but the militia of the country. These ought to be protected by a sufficient police force. The Navy is to be here. The Navy ought also to be protected by a police force.

Mr. Chairman, is it possible that here at the capital of the country, in a time of profound peace, with an ample police force for ordinary purposes, we cannot inaugurate a President without billeting upon the Treasury three hundred more men to have their expenses paid for twenty days?

The gentleman from Ohio [Mr. NEAL] feels a very profound interest in the oppressed people of the District of Columbia where millions of money are disbursed annually, where the Government takes upon itself the principal expenditures for the city government, where the citizens are relieved from taxation by putting it upon the people of other portions of the country, in plain violation of every principal of right and justice. I do not propose to sanction any such thing myself. I will not vote for three hundred additional policemen; nor will I vote to keep any extra force employed for twenty days; for I do not think the danger which gentlemen apprehend will last that long. I believe the Army and Navy and the militia will get away from here in less than twenty days, and when they are away the people will get along just as they always have done. If something were necessary to protect, then in consideration of their weakness, their incapacity to take care of themselves, possibly our fears might be appealed to and our sympathies worked on until we would do something for them.

Mr. MANNING. I would like to ask a question for information. Is this an unusual increase? Is this the first time that a provision of this kind has been adopted? Perhaps I ought more properly to address this question to the chairman of the Committee on the District of Columbia.

Mr. REAGAN. I do not remember what was done in respect to this matter four years ago.

Mr. HUNTON. If I had the floor, I would answer the gentleman.

Mr. REAGAN. If this were an ordinary provision, which I suppose it hardly is——

Mr. MANNING. I understand it is; that is the reason of my inquiry.

Mr. REAGAN. If it were the rule to appoint these supernumerary policemen, I would not sanction such an abuse by any act or vote of mine. I do not believe it necessary. I think it is a reflection upon

the people of this country and the people of this city to say that it is necessary to add three hundred men to the ordinary police force of two hundred with all the constabulary and other elements here at all times, ready to aid in the preservation of public peace and order. I do not think this city is more lawless than other places. I see as little lawlessness here as I see or hear of elsewhere. People who go along and attend to their business, who go where they ought to go, are in very little trouble; and those who go where they ought not to go, where they have no business, had better take care of themselves.

Mr. HUNTON. I am very much surprised at the character of the opposition to the bill before the House. The truth is, sir, that whenever anything is brought before this House—and I am mortified to say it—there seems to be a desire on the part of some members to assail it; and I dare to say, without casting reflection upon any gentleman upon this floor, to assail it without rhyme or reason. I might sympathize, and probably do, with the views expressed by the gentleman from Tennessee and the gentleman from Texas, and if I had my way I might regulate the inaugural ceremonies according to the taste of these two gentlemen. I might be willing, with them, to have the Government return to the old days of simplicity, but, unfortunately for these two gentlemen and myself, we have not got a word to say on the subject.

Mr. MILLS. Is there any assurance either one of them will be permitted to march in the processsion? [Laughter.]

Mr. HUNTON. That is very doubtful. I will say further, as disagreeable as the inaugural ceremonies on the vast scale that the preparations seem to indicate may be to those gentlemen, my two friends, one from Tennessee and the other from Texas, must recollect that we cannot have things exactly as we want them. They know as well as myself, they will have to accept the situation when the situation is most disagreeable to us, and it is not how we would have the inaugural ceremonies, but what we are to do in the condition of affairs which will be upon the people of this District on the 4th of March next and the days preceding and succeeding it. We have to accept the situation. The inaugural ceremonies have not been arranged by the people of the District of Columbia, nor by the District government, nor by the property-holders and tax-payers.

Mr. SAMFORD. Then by whom have they been arranged?

Mr. HUNTON. By a committee of politicians, nineteen-twentieths of whom have no interest, so far as property is concerned, in this District.

Mr. SAMFORD. Are they not citizens of this District?

Mr. HUNTON. They are not. The citizens of the District have had but little to do with it; that is, the property-holders and tax-payers of Washington and Georgetown have had little to do with it. It is arranged like all previous inaugural ceremonies by committees and organizations of politicians of the dominant party, the party that will be inaugurated into power on the 4th of March next.

Mr. CANNON, of Illinois. Will the gentleman allow me to ask him a question?

Mr. HUNTON. Certainly.

Mr. CANNON, of Illinois. I saw it stated that there will probably be fifty thousand people from my section and other portions of the country, and I want to know from the gentleman from Virginia whether he thinks it fair to have an extra force of police to interfere with the thieves and pickpockets attracted here to this city to ply their vocation? [Laughter.]

Mr. HUNTON. If I listen to the debate here to-night I may be able to say to the gentleman from Illinois it appears to be unfair; but I do not regard it in that way myself. I believe it is the duty of the Government, of the legislature of the people, which, so far as this District is concerned, is the Congress of the United States, to protect the people.

Mr. ATKINS. I trust the gentleman will agree before he takes his seat to reduce the number to two hundred and the time to fifteen days.

Mr. HUNTON. I have given this subject a good deal more attention than my friend from Tennessee. If he had given this subject one-half the attention I have I would be willing to defer to his better judgment; but while he has been engaged in the Committee on Appropriations expending millions of dollars for the support of the Federal Government I have been trying to see what was necessary for this District and for the protection of its people in view of the immense crowd which will be here on the 4th of March next.

I obtained my information, Mr. Chairman, to some extent from Major Morgan, one of the commissioners of the District, who himself for a long time was at the head of the police force here—a most excellent gentleman, who does not want any force that is unnecessary. He tells me that three hundred policemen will scarcely suffice, and he asked for four hundred. I would be derelict to my duty and I should feel actually responsible in some way for the crimes committed in this District, if any should occur during that period, if I denied to the people of the District and those from other parts of the country assembled here on that occasion a force of police less than was sufficient for their protection.

Mr. SPARKS. Would it not be satisfactory to fix the time at ten days?

Mr. HUNTON. If the gentleman had remained silent a moment I would have come to that. The Senate has fixed it at twenty days from the 20th of February. Now, six days must elapse, as this is the 23d, before the bill can become a law, and these policemen therefore can only be appointed for ten or twelve days. That would bring it to the 27th or 28th of February before they can be appointed. They cannot run longer than twenty days from the 20th; so that it will not be over twelve or thirteen days at the outside from the time they are appointed that they can receive pay.

Mr. McMILLIN. If the gentleman from Virginia will allow me, I have an amendment which I desire to offer, and which will cover perhaps the point which is complained of here.

Mr. HUNTON. I have no objection to having it read for information.

Mr. McMILLIN. I propose to insert "to serve for ten days from the 26th of February," instead of twenty days.

Mr. HUNTON. The objection to that is that if the amendment prevails it sends the bill back to the Senate for their approval.

Mr. McMILLIN. It can be passed in an hour.

Mr. HUNTON. And when it will get through the Senate God only knows.

Mr. McMILLIN. They can pass it in a few minutes.

Mr. HUNTON. You suppose so. They supposed that about our House when this bill was sent here. But it has been upon our table for ten days and we have not acted upon it yet. Now, if it went to the Senate it is very probable that the Senate would disagree and send it back to the House in a modified form. A conference committee would have to be appointed. The conferees would meet and report to the two Houses, and the inaugural ceremonies would be upon us before a single policeman could be appointed.

I beg gentlemen to think of it. If we had thirty days to think of this matter it might be well enough, but we have not the time. If we mean to give additional protection to this people let us do it to-night or deny it altogether. If it is wrong, deny it; if it is right, give it now by passing the Senate bill.

Now, Mr. Chairman, the gentleman from Texas [Mr. REAGAN] I believe says that this is an unusual proceeding. Why do we demand this increase of police now? he asks. Why, Mr. Chairman, gentlemen are very poorly informed on the subject to ask such a question as that. At the last inauguration, when the crowd here was not, perhaps, as one to ten as large as there is reasonable ground to expect will be here on the 4th of March, there were some two hundred additional policemen appointed around this very Capitol who were paid by the Government of the United States.

Mr. COBB. For one day.

Mr. HUNTON. More than one day.

Mr. COBB. I beg pardon, one day.

Mr. HUNTON. I hope the gentleman will permit me to proceed.

Mr. COBB. I would like to ask the gentleman if he knows how much money was appropriated to pay them?

Mr. HUNTON. I do not.

Mr. COBB. I do.

Mr. HUNTON. Very well; you asked me a question and I said I did not know. Now, if you will wait until I get through——

Mr. COBB. If you desire to know I will read you the amount.

Mr. HUNTON. I beg the gentleman not to interrupt me.

Mr. BLOUNT. I understand that there were only one hundred additional policemen appointed on that day, not two hundred.

Mr. HUNTON. Very well, one hundred. But there was also an additional police force authorized to be employed in the city during that time as well as at the Capitol; and not one dollar of that money, so far as I am informed, was charged upon the people of the District of Columbia. It was all paid by the General Government, as it should have been under such circumstances.

We are told, sir, that the people make money by these inauguration ceremonies. That the hotel-keepers, the dram sellers, the managers of the inaugural ball, and the boarding-house keepers all make money. But what part of the tax do they pay? That is a question that should be considered in this connection. I assert that they pay a very small proportion of the total tax collected here. The bulk of the expense that is demanded to be met here for this additional police force is to come out of the property-holders of the District, who do not make a dollar, but who actually lose money by the inaugural ceremonies. And is it right, is it just—I put it to you as fair men—to impose this additional tax, this unusual burden upon them? They are not interested in bringing this great crowd of people here. They come to witness a national ceremony, in which the people of this District are not personally or politically even interested, I may say. Certainly they are no more interested than any other citizens of the Government.

Mr. WARNER. Is not that true of every assemblage of citizens in any city in the country?

Mr. HUNTON. To a certain extent. But I will refer the gentleman to Cincinnati in your own State, where the Legislature provides to meet such contingencies.

Mr. WARNER. But Cincinnati pays for it.

Mr. HUNTON. I beg the gentleman's pardon. The Legislature provides by authorizing the city of Cincinnati to provide for it. But there is no authority here to provide for it. There is no authority outside of whatever the two Houses of Congress may choose to do in the premises.

Mr. WARNER. The two Houses can certainly arrange in reference to requiring it to be paid for by the people who are alone interested.

Mr. HUNTON. Well, I am not on that question just at present.

But I say that it is not right to saddle upon the people here the cost of additional policemen to protect the citizens from a distance and to protect the property-holders here, on that day, and to protect their persons and property from criminals who will congregate here from all portions of the country.

Another word. We know, all of us who are here to-night, that for twelve long months the people of this District have been loudly crying for more policemen at the hands of the two Houses of Congress. The demand for it has been long and loud. Their persons were not secure. Their property was not secure; their wives and their daughters were not secure. And yet for twelve long months we have been begging at the hands of the two Houses of Congress an increase for the police force for ordinary purposes, and have not got it. And now, when a crowd of from fifty to one hundred thousand strangers will congregate in the city of Washington, making it absolutely necessary there should be protection to the people of the District, we are told the people of the District who did not bring that crowd here should pay half the expenses.

My friend from Indiana [Mr. COBB] says the District is the most favored community on the earth, and my friend from Texas echoes the statement. I take issue with them. Those gentlemen opposed this organic law. And no matter what comes up in this House with regard to the District of Columbia the gentleman from Indiana and the gentleman from Kentucky at once attack the organic law which has been the law for nearly three years, and surely has been the law long enough to have silenced opposition to the passage of it.

The gentleman from Indiana says the people here have the jails furnished for them. I ask, is there another community in this country that has furnished jails for the Federal courts? The gentleman says they have a lunatic asylum furnished for them. Well, that lunatic asylum is open to the whole people of the United States.

Mr. BLOUNT. Oh, no.

Mr. HUNTON. It is open to the Army and Navy, I believe, and to the people of the District. So that, when you come to analyze these points, you find the District is not favored in these matters. At any rate it is in accordance with the organic law, which prescribes what shall be appropriated for, and what the District shall contribute and pay.

Now, I say that when we come to discuss a question of this sort the point that should address itself to our minds is, whether what is here proposed be necessary or not. Is it necessary? Well, sir, from all the information I get, I say it is absolutely necessary. Ought we to do this? In my opinion, if we do not do it, we fail to discharge our duties to the people of the District of Columbia and to the vast crowd of our constituents that will be here on that occasion.

Well, now, Mr. Chairman, if this bill becomes a law these policemen cannot be in office over ten or twelve days, and surely that is not too long a period to give protection not only to the people of this District, but to the people who come here to witness the inaugural ceremonies. It is not a ceremony got up by the people of the District nor by the government of the District. Neither the people nor the commissioners of the District have anything on earth to do in regulating the inaugural proceedings. I want this House to pass the Senate bill to give protection, not only to the people of the District, but to the vast crowd of strangers who will be here on that occasion.

If the House does not pass this bill I can stand it as well as any other gentleman. And of course while I think it is our duty to pass the bill, if this committee differ with me in opinion I will submit with the greatest cheerfulness.

Mr. WARNER. Mr. Chairman, authority to appoint additional policemen undoubtedly must proceed from Congress. I do not question the propriety of appointing additional policemen, but I do think they should be paid just as the present policemen are paid. It is an addition to the force that should be paid as they would be paid in any other city of the land when there is an assemblage of people in that place requiring an additional police force. I do not think we should depart from that well settled-policy of action everywhere.

Mr. COBB. I will only occupy a short time on this occasion. The gentleman from Virginia [Mr. HUNTON] says the gentleman from Texas [Mr. REAGAN] and myself have always complained of the organic law that governs this District. I am not complaining of it; but I insist on its enforcement. And I am sorry to say I find the gentleman from Virginia always in opposition to the letter and spirit of that law in trying to throw the proportion of the expenses that belongs to the District of Columbia upon the United States. It was in pursuance of the letter and spirit of that law to which he says I am usually opposed that I introduced the amendment which is now pending, so as to carry out that law in letter and in spirit, making the revenues of the District bear their equal proportion of the expenses under that law with the revenues of the Government of the United States.

Now, Mr. Chairman, one word with regard to this police force. I am one who does not believe that this police force will be needed for any twenty days. Neither do I believe it will be needed for ten days. The people that come here will mainly be people that come from law-abiding jurisdictions, and they will come here to obey the law. I know, or at least I expect there will be bad men here. But this is opening up this question in a very different way from that in which it has ever been presented before.

Why, sir, four years ago gentlemen will remember the intense excitement that then prevailed over the inauguration of a President. It began weeks and weeks before the inauguration and it continued at fever heat. And yet what did the Government of the United States do? It appropriated the large and enormous sum of $1,000 "or so much thereof as might be necessary," to keep the peace on inauguration day. But now the gentleman from Virginia comes here and asks for more than $20,000. He asks to have three hundred policemen appointed at $2 a day, making $600 a day for twenty days.

Mr. NEAL. That is only $12,000. Where does the gentleman's $20,000 come in?

Mr. COBB. I beg the gentleman's pardon. The bill provides for twenty days.

Mr. NEAL. We do not provide for twenty days now.

Mr. COBB. That is what the bill provides for; I am talking about that. The bill provides for an expenditure of $600 a day for twenty days or more, and that will be over $12,000, if I can count.

Mr. NEAL. Just $12,000.

Mr. COBB. At $600 a day?

Mr. NEAL. Yes, for twenty days.

Mr. COBB. We will say $12,000. In four years we increase the amount for this purpose just twelve times the amount in money, and increase the numbers of the police. I ask gentlemen to consider this matter. Do you believe it is necessary to have three hundred additional police? I presume that Major Morgan, who is the informant of my friend from Virginia, [Mr. HUNTON,] was the chief of police at that time, though I am not certain about that. He kept the peace at that time for a thousand dollars. He now wants $12,000.

Now, I insist that this matter ought to be considered as well as other matters. It is not right that we should violently rush into an expenditure of money that is unnecessary, notwithstanding the commissioners of the District may have recommended it. My experience with the commissioners has been that they are not very particular, I am sorry to say, about the expenditure of money when it is to come out of the Treasury of the United States. They are willing to let it go out by the thousands and hundreds of thousands of dollars. That is my experience, and I have had some experience in regard to them since I have been in Congress. Here is the bill which was passed four years ago, providing for additional police in this District:

To enable the Metropolitan police board of the District of Columbia to employ additional police force on inauguration day, $1,000, or so much thereof as may be necessary.

Additional police for one day was enough then, and I will say to gentlemen that we are not going to have a hundred thousand additional people in this city for more than one or two days. They will come here mainly on the Wednesday and Thursday before inauguration, and on the morning of inauguration day. The night of inauguration day will find every railroad train leaving the city loaded down with people going home again.

Mr. BREWER. Will the gentleman allow me to ask him a question?

Mr. COBB. Certainly.

Mr. BREWER. I would like to know how many were employed as extra police four years ago.

Mr. COBB. Certainly not more than would take a thousand dollars to pay for.

Mr. BREWER. I want to ask the gentleman another question. Does he not know that one reason why the Metropolitan police board did not employ more police then was that a hundred thousand men were tendered by a gentleman from Kentucky to protect the city?

Mr. COBB. They may have been tendered, but they were not needed.

Mr. BURROWS. You say they were not needed?

Mr. COBB. I suppose they were not.

Mr. HUBBELL rose.

Mr. ATKINS. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ATKINS. I want to know what is going on.

The CHAIRMAN. The gentleman from Michigan [Mr. HUBBELL] has the floor.

Mr. HUBBELL. I do not desire to take up much time in discussing this bill, but it occurs to me that gentlemen who have engaged in this debate hardly understand the true question at issue.

The fact is that the people of the United States elect a President once in four years. The people of the District have no interest in it particularly; they do not vote for President. Another fact is that to the people of the United States belong the capital of the nation, all the public buildings and all the public grounds in this city. And another fact is that there is a growing desire among the people throughout all the States to visit this capital city of theirs, to see the public buildings and to witness the National Legislature in session.

Another fact, too, is cropping up; and that is that whenever we inaugurate a President of the United States it is determined by the people to be a good time for them to visit the capital city. While a committee may have been organized for the purpose of carrying out the proper inauguration ceremonies, still, if that had not been done, thousands and thousands of the people of this country would visit the capital city at this particular time to witness the inauguration ceremonies.

Now, what right have the people who come here? They have the right to demand that the Congress of the United States shall give them absolute protection, both to life and property. The people

have no right to demand that from the District government; it is not a District affair. The people of the country come here simply to witness the inauguration ceremonies. And because the last election was conducted so fairly on both sides, I believe that the result is accepted without question, because the inauguration is to take place with the utmost good feeling, every man knows that the crowd to come here will be quadruple, nay, more than quadruple any crowd that has ever before visited the capital.

Now, are the property-holders of this District instrumental in their coming here? Not at all. They come here because they have an interest in this Government, because they believe in our free institutions, because they want to witness the peaceful ceremony of the inauguration of a Chief Magistrate, who shall hold his office for four years. Now, have they a right to protection? If so, of whom should they demand it? It seems to me they should demand it of the Congress of the United States. This is an extraordinary occasion. It is not simply a gathering of the people of this District; it is a gathering of your constituents and of mine, who come here to witness the inauguration ceremonies. It is our duty when they come here to see that the city is sufficiently policed, so that they shall be safe in property and life. If that is so, it seems to me that this bill is exactly right in all its provisions.

Owing to the fact that the passage of the bill has been delayed longer than was expected, the employment of these policemen cannot exceed twelve days. Probably the bill will become a law in time for them to have about ten days' employment. Now, any man who knows anything about this District, any man who knows anything about the crowds who assemble here, any gentleman who has noticed how the city is already filling up with strangers, must see the necessity for having a larger police force than ordinary, if he desires protection for himself and family. I hope the bill will pass; and I believe the expense ought to be paid out of the funds of the General Government.

Mr. NEAL. I want to make one statement in correction of what has been said by the gentleman from Indiana, [Mr. COBB.] In 1876, by a resolution of the two Houses, joint or concurrent, the Sergeant-at-Arms of the House and the Sergeant-at-Arms of the Senate were each authorized to employ fifty extra policemen, one hundred in all, who were paid $100 a month, $3.33 a day, making $10,000. One thousand dollars additional was appropriated for the city police, making an expense of $11,000. Now, if we pass this bill as it comes from the Senate, the largest number of days these policemen can serve will be about twelve, so that the expense would be $7,200. This is the pitiful sum which my friend from Texas [Mr. REAGAN] wants to save, in order to appropriate it for digging out some canal or little creek, or improving some harbor that was never heard of until he brought it up.

Now, Mr. Chairman, in 1876 there might have been a reason which does not now exist for the employment of extra police, for I have a very distinct recollection that the great, the brave, the fiery Brigadier or Major-General Watterson threatened to march upon Washington with 100,000 democrats for the purpose of inaugurating as President a man who was never elected——

Mr. CLYMER. Hayes?

Mr. NEAL. And therefore it was necessary probably to have those one hundred policemen in order to drive that great army of Kentuckians back to the swamps from which they came.

Mr. COBB. Mr. Chairman, the gentleman from Ohio [Mr. NEAL] has called our attention to a resolution which I have not been able to find. I find that for the special police he speaks of—I suppose it is the Capitol police—the Clerk of the House of Representatives and the Sergeant-at-Arms of the Senate were allowed the sum of $1,800.

Mr. NEAL. I have here the figures of the Sergeant-at-Arms who hired the men and paid them.

Mr. CLYMER. And here is the appropriation out of which he paid them.

Mr. NEAL. He did not pay them with $1,800.

Mr. COBB. This is all I can find in the statutes; and I think I have not overlooked anything. If the gentleman from Ohio can find the provision to which he refers, I will be obliged to him.

The CHAIRMAN. The first question is on the amendment offered by the gentleman from Indiana, [Mr. COBB,] which will be read:

The Clerk read as follows:

Provided, The expense of said police shall be paid one-half out of the revenues of the District and the other half out of the revenues of the United States.

The question being taken, the amendment was agreed to; there being—ayes 33, noes 24.

Mr. MCMILLIN. I move to amend by striking out the words "twenty days from the 20th of February" and inserting "ten days from the 26th of February."

A MEMBER. "Ten days from the passage of this act."

Mr. MCMILLIN. Well, that seems to be the sense of the committee, and I have no objection, for the effect is the same. It has already been determined that the District as well as the Government shall pay a portion of this expense; and in behalf of the District and the Government I insist that there is no need of these police being employed fifteen or twenty days at $600 a day. It is true that a part of the time embraced in the bill has already elapsed. It is necessary to adopt an amendment of this kind in order, in the first place, to remove all doubt as to whether there could be an employment of twenty days; and, in the second place, to insure that these men shall be no longer employed than is necessary. I need not take up the time of the committee, after the discussion that we have had, by commenting upon the length of time for which police have been employed heretofore. It has been the custom in the past to employ them for a less period than ten days. I think ten days will be ample.

It is said that there will be a great many people here. It is true that many of our republican friends are to be here in force; but we do not suppose they will be so boisterous and lawless as to require a policeman to every person. It is not necessary to have a policeman on every square foot of the District.

Mr. VALENTINE. This extra police force is not for the republicans who are to turn out on inauguration day, but for the others.

Mr. MCMILLIN. We have it from Scripture that "the wicked flee when no man pursueth." I suppose it is on that principle, if this extra police force is needed, for the republicans attending the inaugural ceremonies.

Mr. CONGER. When the gentleman says that the wicked flee when no man pursueth does he mean when a democrat is here that he is no man?

Mr. MCMILLIN. Of course, the facts would not justify me in applying the "no man" part of my quotation to democrats, and I did not; but my intention was to apply the "wicked" paragraph to a portion of the gentleman's political associates—speaking of their politics. I think ten days is ample time. Immense arches have already been constructed here; we have great preparations made for the coming inauguration; we have an Appian Way made of the Avenue for the passage of this most ostentatious inauguration procession—more like the pomp of a despotism than the simplicity of a republic.

The amendment was adopted.

Mr. DIBRELL. I move to strike out "three hundred" and insert "one hundred."

The amendment was rejected.

Mr. ATKINS. I move to amend by providing that twenty of these policemen shall be under the direction of the Architect of the Capitol and the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House.

Mr. HUNTON. Say that twenty be detailed for duty at the Capitol.

Mr. ATKINS. I am not speaking of the patronage at all, but I think that twenty should be under the control of the officers of the House.

The CHAIRMAN. What is the amendment?

Mr. ATKINS. That twenty of this extra police force shall be detailed for duty at the Capitol.

A MEMBER. Say fifty.

Mr. ATKINS. No; that twenty shall be detailed for duty at the Capitol and placed under the control of the Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the House, and the Architect of the Capitol.

The amendment was agreed to.

Mr. HUNTON. I move that the committee rise and report the bill and amendments to the House.

The motion was adopted.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. STEVENSON reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (S. No. 2184) to authorize the commissioners of the District of Columbia to appoint additional policemen for temporary service in the District, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

The amendments were agreed to in gross.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INAUGURATION DAY A LEGAL HOLIDAY.

Mr. SLEMONS. I am directed by the Committee on the District of Columbia to move to discharge the House Calendar from the further consideration of a bill (H. R. No. 7118) to declare inauguration day a legal holiday in the District of Columbia.

The bill, which was read, provides that, in addition to the legal holidays heretofore established in the District of Columbia, the day designated for the inauguration of the President of the United States and called Inauguration day be made and declared a legal holiday in said District.

Mr. VALENTINE. I have an amendment to offer which meets with the approval of the Committee on the District of Columbia, as I am informed by the chairman of the committee.

Mr. SLEMONS. I desire to say this bill was prepared at the special request of the bankers and the business men of Washington who believe on inauguration day they could not prosecute their business without great risk. This provides for an emergency which occurs only once in four years.

Mr. VALENTINE. I move to amend by providing that the employés of the District of Columbia be paid for that day.

Mr. SLEMONS. I object to that.

Mr. VALENTINE. I am informed by the gentleman from Virginia, chairman of the Committee on the District of Columbia, that this amendment was considered by that committee and agreed to.

Mr. SLEMONS. There are thousands of people outside of the departments who are not paid anything for that day.

Mr. HUNTON. I beg to say to my colleague of the committee, this amendment was proposed in the committee and adopted.

Mr. ATKINS. I wish to ask if they are paid for other holidays.

Mr. HUNTON. If this amendment prevails it only affects two classes of employés—those employed in the Government Printing Office and the Bureau of Engraving and Printing. All the others would get their money without such a provision.

Mr. ATKINS. Then they shall all be put upon an equal footing.

Mr. VALENTINE. They represent the poorest class of employés in the city. They ought to have it as well as those who receive a higher pay.

The SPEAKER. Does the gentleman yield for the amendment?

Mr. SLEMONS. No; I demand the previous question.

Mr. WARNER. I am opposed to it. Once this thing is done, they will want to extend it all over the country.

Mr. ATKINS. The question is not whether there shall be a holiday or not, but whether when the holiday has been established these employés shall all be placed upon an equal footing.

Mr. VALENTINE. That is it.

Mr. ATKINS. I say it is only right that if Congress establishes the holiday, then these employés mentioned by the gentleman from Virginia ought to be paid equally with the other employés who receive a higher salary.

Mr. HUNTON. If the previous question is ordered, will that cut off the amendment?

The SPEAKER. It will.

Mr. VALENTINE. I hope the gentleman will let us have a vote on the amendment.

Mr. SLEMONS. Let me answer for a moment. When this bill was referred to me, I reported in favor of its passage. About one week afterward these poor people, about fifteen hundred, came in and bulldozed the committee. Now, sir, there are 20,000 poor people outside of those employés who do not have any holidays at all.

Mr. WARNER. And they have to pay for those who do have holidays.

Mr. SLEMONS. I am in favor of making this a legal holiday, but I am not in favor of paying these employés.

Mr. HUNTON. Perhaps the gentleman from Arkansas is somewhat mistaken as to the exact number of people. There were not 1,500, certainly not 1,500 in the committee room at one time. [Laughter.] Now, Mr. Speaker——

Mr. CLYMER. Will the gentleman answer me this question. Are not the employés of the Public Printing Office and Bureau of Engraving and Printing paid by the piece?

Mr. HUNTON. Some are, and some are not.

Mr. COBB. The majority of them are paid by the piece.

Mr. CLYMER. If they are paid by the piece, or if the most of them are, why should we pay them for a day when they do no work at all?

Mr. HUNTON. Because you won't let them work that day.

Mr. CLYMER. But I want to know the fact whether they are paid by the piece or not. It is asserted by several gentlemen around me here in conversation that many of them are paid by the piece.

Mr. COBB. Nearly all of them are paid by the piece.

Mr. REAGAN. I move to lay the whole subject on the table.

Mr. WARNER. That is right.

Mr. HUNTON. Mr. Speaker, I do trust that gentlemen around me will not undertake to take me off the floor in this manner.

Mr. SLEMONS. I demand the previous question.

Mr. HUNTON. Am I not entitled to the floor?

The SPEAKER. The Chair recognizes the gentleman from Arkansas in charge of the bill as having control of the floor.

Mr. HUNTON. Then will not the gentleman from Arkansas yield to me?

Mr. SLEMONS. Except that I move the previous question on you. [Laughter.]

Mr. HUNTON. If you will allow me to have the floor for a while I will yield to you so that you can move the previous question after I get through.

Mr. SLEMONS. Then I will give you three minutes.

Mr. HUNTON. Mr. Speaker, if I can have the attention of the House for three minutes, I think that will be sufficient.

The SPEAKER. The Chair requests the House to be in order so that the gentleman from Virginia can be heard.

Mr. BREWER. Is the previous question demanded?

The SPEAKER. The gentleman from Arkansas has demanded the previous question, but has yielded to the gentleman from Virginia, and the gentleman from Virginia is entitled to the floor, and is entitled to be heard without disturbance.

Mr. HUNTON. Mr. Speaker, I desire to say in the three minutes allowed me, that if this day is made a legal holiday and these employés paid during that day, it only puts them upon an equal footing with the other employés of the Government who are employed by the month or year and are allowed this holiday and their pay goes on. Now, is it just or fair to say that these working people shall be stopped from their work by law passed by Congress and their pay cut off under such circumstances? I do not see the justice of it, and I hope the House will not refuse what seems to be only a fair and equitable provision.

Mr. REAGAN. I move to lay the whole subject on the table.

The SPEAKER. The gentleman from Arkansas demands the previous question upon the bill, pending which the gentleman from Texas moves to lay the whole subject on the table.

Mr. CONGER. I hope the friends of the workingmen will now rally.

Mr. VALENTINE. The friends of the working women too.

The House divided; and there were—ayes 16, noes 30.

So (no further count being demanded) the motion to lay on the table was not agreed to.

The SPEAKER. The question now recurs upon the demand for the previous question on the bill.

The previous question was not ordered.

Mr. VALENTINE. Now I offer the amendment to the bill, and ask the attention of the House for a moment. I will be very brief. I desire to say that Congress at its last session undertook to place the employés of these various bureaus upon an equal footing with other employés in the District of Columbia. But by an omission they left out one or two holidays provided for by law. If this inauguration day is made a holiday it is left out, for it is not mentioned in the law of Congress, and also the 30th of May, Decoration Day, which was by omission left out of the bill. This amendment provides that the employés shall be paid for these two days. These employés of the Bureau of Engraving and Printing and of the Government Printing Office are the poorest paid class of employés in the city. Many of them are women, working on a very small salary per day. If we now make a holiday of the 4th of March we will simply turn them out of their employment for that day whether they want to work or not. Many no doubt would like to take the holiday, but from necessity will be compelled, if they are allowed to do it, to continue their work instead of taking the holiday. But if you make it a legal holiday and close up the Departments, you force them to take a holiday whether they want to do it or not; and I think under such circumstances it is but fair and just that they should be paid for it.

Mr. BREWER. I offer an amendment to the amendment.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Michigan.

The Clerk read as follows:

Provided further, That no spirituous or other intoxicating liquors shall be sold in the District of Columbia on the 4th of March, 1881.

Mr. VALENTINE. I make the point of order that the amendment is not germane to this bill or the pending amendment. I have no particular objection to the amendment myself, but I do not want to encumber the amendment which I have proposed and which ought to pass.

Mr. BREWER. I am rather surprised that the gentleman raises the point of order upon the amendment I propose.

Mr. MILLS. Let the amendment be again reported.

The amendment was again read.

Mr. BREWER. We have to-night voted an extra police force for the District.

Mr. VALENTINE. Is not the point of order pending?

Mr. BREWER. I did not understand that it was raised.

Mr. VALENTINE. I did raise it.

Mr. BREWER. But I understood the gentleman waived it.

Mr. VALENTINE. Well, I will withdraw the point of order. My only reason for making it was because I was afraid the amendment of the gentleman from Michigan might kill my amendment.

Mr. BREWER. I am surprised the gentleman from Nebraska should think this would kill his amendment. We have voted to-night three hundred policemen for ten or twelve days during the gathering that is to take place here in connection with the inauguration. I apprehend it would have been entirely unnecessary for us to have voted any extra policemen if we had adopted a measure of this kind to be in operation during the pendency of those ten or twelve days. The saloons, the whisky and the other liquors that are drunk create the extra trouble that requires the extra police force on occasions like this. I therefore think my amendment should be adopted.

I believe we can do nothing here to-night that will so thoroughly establish peace and good order in Washington on the 4th of March as by adopting this amendment. In my own State of Michigan we have a law on our statute-book which prohibits the sale of liquor of any kind or the opening of bars or saloons upon any holiday or on any day on which there is held an election, and I know of no reason why such a measure should not be adopted here to-night to apply to the city of Washington and the District of Columbia. I believe the better class of the citizens of this District desire it. I believe that the better class of the people all over this country, who will come to this city to be here on the 4th of March, desire the adoption of some such measure as this. And I was surprised when I heard my friend from Nebraska, representing that great temperance constituency of his, say that by the adoption of this amendment we were to kill the one which he presented. I offer this amendment in good faith, expecting it will be adopted.

Mr. SPARKS. I presume the committee will hardly adopt that amendment, and perhaps it is needless to discuss it. It is not the first time that gentlemen have attempted to make reputation out of this thing of regulating diet and drink by law, and I think it is about time that some protest was entered against it. Mr. Speaker, you cannot and ought not by these sumptuary laws to do this. Men will exercise the privileges of men with respect to this matter. The gentleman who offers that amendment [Mr. BREWER] has doubtless, if he ever drank at all in his life, drank more spirits than I have. I have never, here nor elsewhere, gained a reputation as a drinking man, so far as spirituous drinks are concerned. But I do think that all these attempts to regulate diet or drink, or to prescribe arbitrary rules in regard to either of them, or to prohibit any or all men exercising the ordinary privileges of manhood in this respect, are far beneath the standard of legislative action that we ought to adopt in this body; and I earnestly and seriously think this whole matter ought to be sat down upon at once, and firmly.

Mr. REAGAN. I am sorry to have to disagree with my friend from Illinois. I think this is the best economic proposition that has been made. I would rather have the saloons closed on that day than have all the three hundred extra policemen. We would have better order in virtue of it. Many of the States have laws by which they close drinking establishments on election days. Illinois has; Tennessee has; Texas has; and I do not know how many other States.

Mr. VALENTINE. Nebraska has.

Mr. REAGAN. And those States that have such laws have good order.

Mr. HARRIS, of Virginia. Let me ask the gentleman from Texas a question.

Mr. REAGAN. I have not time to yield.

Mr. SPARKS. The gentleman has mentioned my State of Illinois. There the drinking establishments are closed at the places where elections are held, but not elsewhere throughout the State, as I remember the law.

Mr. REAGAN. The fear is there will be disorder on account of there being a crowd of people here. With sober and orderly people there would be no danger. Keep them sober and orderly, and it will be all right. I would be as far as my friend from Illinois from wishing to enter on a system of regulating sumptuary matters; but I am not inclined to oppose the amendment offered by the gentleman from Michigan, and hope it will be adopted.

Mr. HARRIS, of Virginia. I wish to ask the gentleman from Texas a question. Does he feel it to be right and acting in good faith, after the city Government have taken the money for licenses granted to these people to exercise the privilege of selling ardent spirits and put the money in their Treasury, afterward to have a law passed prohibiting them from the exercise of a privilege which under the law has been granted to them? Would they be acting in good faith to them? Would it not be a violation of the law?

Mr. REAGAN. The courts of this country have said this is no violation of the law. It is a question of public policy under the control of the law-makers in the States and the law-makers for the District of Columbia. It is simply a police regulation in favor of good order and sobriety on an occasion when order and peace are desired by every good citizen.

Mr. COOK. The only privilege a democrat will have on that day will be to take a little drink; and this amendment seeks to take that away. [Laughter.]

Mr. CLYMER. I do not think the proposition of the gentleman from Michigan, if adopted, would be conducive either to sobriety or good order upon inauguration day. People are coming here on an unusual occasion. They are gathering from all parts of the United States; people of different habits and of different manners and of different desires. In my belief if you impose such a condition upon them during their visit here as is embraced in this amendment, it will be vicious and deleterious to good morals in its results. If you tell the people of the United States that when they come here they shall not be able to get one drop of anything to drink, you will find every train laden with men, demijohns, and bottles. [Laughter.] I believe it; I have seen it before now. That is my experience in my own State. In that State on election days all bars are closed, and for days in advance men in the towns where this prohibition is in force lay by a gallon or two of whisky, or possibly a keg of beer, and the result is that on that day there is more secret dissipation than on almost any other in the year. It is true that it is not immediately at the polls, because there the officers of the law would look to it. I repeat that in private, not near the polling places, there is more dissipation than upon almost any other day of the year. I believe it would be so in this city. I believe that most men coming here, if you adopt such a law as this, would bring with them that which would be detrimental to good order.

It is the perverse side of our nature which leads us, when the law undertakes to govern us in the exercise of what we conceive to be our private and individual rights, to endeavor to evade it. I do not think it is good policy, neither do I think it is right to attempt to impose a restriction of the kind proposed by the amendment of the gentlemen from Michigan [Mr. BREWER] upon the people of the United States who are coming here from all quarters. I do not propose to vote for any such restriction, and for myself I shall oppose it in every way that is in my power.

Mr. REAGAN. One word only. The only thing that leads me to doubt the propriety of this amendment is the fact that the House has already agreed to an additional police force of three hundred men. If we refuse to allow men to get drunk, I do not know what use there will be for that additional police force. Still, I will vote for the amendment.

Mr. BREWER. I will take but a moment of time to reply to some suggestions made by the honorable gentleman from Pennsylvania, [Mr. CLYMER.] I was surprised at a statement made by him. I do not know how it may be in Pennsylvania, or what may be the character of its citizens, particularly on election days and holidays. I can only speak for my own State. I know it is not in Michigan as the gentleman has said it is in the State of Pennsylvania.

Many gentlemen have said here to-night that such a law existed in their own States. The State of Nebraska has been mentioned as one; the State of Illinois has been mentioned as another. I ask the Representatives from those States to say whether such a state of affairs exists upon election days and holidays in their States as has been pictured here to-night by the gentleman from Pennsylvania [Mr. CLYMER] as existing in that State? I am surprised that he should characterize his constituency as he has done to-night, that he should say that they cannot go to the polls and exercise the highest right of an American citizen without bringing their demijohns with them in order that they may become intoxicated upon that occasion. I need not wonder at the character of the vote which is sometimes polled in some counties of Pennsylvania if the voters go to the polls lugging their demijohns with them.

Mr. ATKINS. Pennsylvania is a State largely republican. [Laughter.]

Mr. BREWER. But not the county which the gentleman from Pennsylvania represents; by no means. I have offered this amendment in good faith. I am surprised at the statement made by the honorable gentleman from Illinois, the chairman of the Committee on Military Affairs, [Mr. SPARKS,] who has stated to the House and to the country that it would be wrong for us to enact this provision and make it apply to the District of Columbia. Did the gentleman forget when he made that statement that such a law existed in his own State in regard to election days and holidays as it is proposed to enact here to-night and apply to this District?

Mr. SPARKS. Will the gentleman allow me a moment?

Mr. BREWER. Certainly.

Mr. SPARKS. No such law does exist in my State——

Mr. BREWER. Some gentleman stated so.

Mr. SPARKS. Except as regards the places where the elections are held.

Mr. BREWER. Very well; does it not also apply to holidays?

Mr. SPARKS. I think not.

Mr. BREWER. We are here making provisions for a holiday in the District. In many of the States such a law as this applies also to all holidays. Does it operate in Illinois on Sundays?

Mr. SPARKS. It does on Sundays.

Mr. BREWER. Very well. The argument has been made here by some gentleman, I do not now recollect by whom, that it would be in violation of the license imposed upon liquor sellers to enact this provision. Now if it is in violation of their license to enact such a provision as this as regards inauguration day, then it would be wrong in the same respect to prohibit the sale of liquor on Sundays, would it not? Most assuredly it would. There is an ordinance of the city, or some law, I understand, which prohibits the sale of intoxicating liquors on Sundays. Why should we not make it apply as well on holidays as on Sundays?

I wish to thank the gentleman from Texas [Mr. REAGAN] for the position he has taken here and for the argument which he has made in favor of this amendment. I hope the amendment will be adopted.

The SPEAKER. The question is on the amendment to the amendment.

Mr. BRIGHT. I ask that it be read.

The Clerk read as follows:

Provided, That no spirituous or other intoxicating liquors shall be sold in the District of Columbia on the 4th day of March, 1881.

Mr. BRIGHT. Before we vote on the amendment, I wish to inquire of the gentleman who offered it whether there is any penalty provided by existing law for the violation of the prohibition which he proposes to insert?

Mr. BREWER. I expect that our three hundred extra policemen will see that the law is carried out.

Mr. BRIGHT. The law cannot be effectual without a penalty.

The question was taken on agreeing to the amendment, and there were—ayes 37, noes 32.

Mr. CLYMER and others. No quorum.

Mr. BOUCK. I move that the House adjourn.

Mr. ATKINS. I ask unanimous consent to make a brief statement in relation to the bill passed to-night providing additional policemen. It has occurred to me that twenty policemen will be insufficient to do the work about this Capitol and the Capitol grounds, where there certainly will be a great throng. I think the number should be fifty instead of twenty, to be detailed by the Sergeants-at-Arms of the Senate and of the House and by the Architect of the Capitol.

Mr. SAMFORD. For the 4th day of March?

Mr. ATKINS. For the whole time. I ask unanimous consent that the number be changed from twenty to fifty.

Mr. SAMFORD. I object, unless it is confined to the 4th of March.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. BOUCK] that the House adjourn.

The question being taken, there were—ayes 32, noes 31.

Mr. CONGER. I call the yeas and nays. I want to see whether we are to adjourn because we are afraid of a little liquor bill.

The yeas and nays were ordered, there being—ayes 13, noes 47.

Mr. ATKINS. Before the roll is called, would it be admissible for me to make the same request I did a few moments ago? I understand that the objection is withdrawn to my proposition that fifty of the three hundred extra policemen be detailed for this Capitol and the Capitol grounds.

Mr. HUNTON. I object.

The question was taken on the motion to adjourn; and there were—yeas 43, nays 33, not voting 214; as follows:

YEAS—43.

Aiken,	Deuster,	McMillin,	Sherwin,
Atkins,	Dibrell,	Mills,	Simonton,
Bachman,	Forney,	New,	Smith, Hezekiah B.
Beale,	Frost,	Persons,	Sparks,
Blount,	Gunter,	Poehler,	Taylor, Ezra B.
Bouck,	Hatch,	Reagan,	Taylor, Robert L.
Clardy,	Herbert,	Richardson, J. S.	Tillman,
Clark, John B.	Hill,	Richmond,	Vance,
Cobb,	Hostetler,	Samford,	Wellborn,
Cook,	Ladd,	Scoville,	Whitcaker.
Davidson,	Manning,	Shelley,	

NAYS—33.

Blake,	Cravens,	Hunton,	Springer,
Brewer,	Culberson,	Ketcham,	Stevenson,
Briggs,	De La Matyr,	Norcross,	Talbott,
Bright,	Frye,	Pound,	Tucker,
Burrows,	Gillette,	Ray,	Urner,
Cabell,	Harris, John T.	Reed,	Valentine.
Cannon,	Henkle,	Robinson,	
Clymer,	Herndon,	Sapp,	
Conger,	Hubbell,	Slemons,	

NOT VOTING—214.

Acklen,	Dickey,	Klotz,	Russell, Daniel L.
Aldrich, N. W.	Dunn,	Knott,	Russell, W. A.
Aldrich, William	Dunnell,	Lapham,	Ryan, Thomas
Anderson,	Dwight,	Le Fevre,	Ryon, John W.
Armfield,	Einstein,	Lindsey,	Sawyer,
Atherton,	Elam,	Loring,	Scales,
Bailey,	Ellis,	Lounsbery,	Shallenberger,
Baker,	Errett,	Lowe,	Singleton, J. W.
Ballou,	Evins,	Marsh,	Singleton, O. R.
Barber,	Ewing,	Martin, Benj. F.	Smith, A. Herr
Barlow,	Felton,	Martin, Edward L.	Smith, William E.
Bayne,	Ferdon,	Mason,	Speer,
Belford,	Finley,	McCoid,	Starin,
Beltzhoover,	Fisher,	McCook,	Steele,
Berry,	Ford,	McGowan,	Stephens,
Bicknell,	Forsythe,	McKenzie,	Stone,
Bingham,	Fort,	McKinley,	Thomas,
Bisbee,	Geddes,	McLane,	Thompson, P. B.
Blackburn,	Gibson,	McMahon,	Thompson, W. G.
Bland,	Godshalk,	Miles,	Townsend, Amos
Bliss,	Goode,	Miller,	Townshend, R. W.
Bowman,	Hall,	Mitchell,	Turner, Oscar
Boyd,	Hammond, John	Money,	Turner, Thomas
Bragg,	Hammond, N. J.	Monroe,	Tyler,
Brigham,	Harmer,	Morrison,	Updegraff, J. T.
Browne,	Harris, Benj. W.	Morse,	Updegraff, Thomas
Buckner,	Haskell,	Morton,	Upson,
Butterworth,	Hawk,	Muldrow,	Van Aernam,
Caldwell,	Hawley,	Muller,	Van Voorhis,
Calkins,	Hayes,	Murch,	Voorhis,
Camp,	Hazelton,	Myers,	Waddill,
Carlisle,	Heilman,	Neal,	Wait,
Carpenter,	Henderson,	Newberry,	Ward,
Caswell,	Henry,	Nicholls,	Warner,
Chalmers,	Hiscock,	O'Brien,	Washburn,
Chittenden,	Hooker,	O'Connor,	Weaver,
Claflin,	Horr,	O'Neill,	Wells,
Clark, Alvah A.	Houk,	O'Reilly,	White,
Clements,	House,	Orth,	Whitthorne,
Coffroth,	Humphrey,	Osmer,	Wilber,
Colerick,	Hurd,	Overton,	Williams, C. G.
Converse,	Hutchins,	Pacheco,	Williams, Thomas
Covert,	James,	Page,	Willis,
Cowgill,	Johnston,	Phelps,	Willits,
Cox,	Jones,	Philips,	Wilson,
Crapo,	Jorgensen,	Phister,	Wise,
Crowley,	Joyce,	Prescott,	Wood,
Daggett,	Keifer,	Price,	Wright,
Davis, George R.	Kelley,	Rice,	Yeates,
Davis, Horace	Kenna,	Richardson, D. P.	Yocum,
Davis, Joseph J.	Killinger,	Robertson,	Young, Casey
Davis, Lowndes H.	Kimmel,	Robeson,	Young, Thomas L.
Deering,	King,	Ross,	
Dick,	Kitchin,	Rothwell,	

So the motion to adjourn was agreed to.

The following pairs were announced:

Mr. TOWNSHEND, of Illinois, with Mr. HENDERSON, for this evening's session.

Mr. HOUSE with Mr. LINDSEY, for the session of to-night.

Mr. CARPENTER with Mr. THOMPSON of Kentucky, the former reserving the right to vote to make a quorum.

Mr. EVINS, of South Carolina, with Mr. RICHARDSON, of New York, for this evening's session.

Mr. LE FEVRE with Mr. BUTTERWORTH.

Mr. KIMMEL with Mr. DAVIS of California, for this evening's session.

Mr. HAWK with Mr. YOUNG of Ohio.

The result of the vote was announced as above stated; and accordingly (at nine o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BICKNELL: Papers relating to the claim of Solomon Davis, late surgeon of the Tenth Indiana Cavalry—to the Committee on Military Affairs.

By Mr. BROWNE: The petition of 40 citizens of Indiana, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of 25 citizens of Indiana, for the passage of a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of 39 citizens of Indiana, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of 43 citizens of Indiana, for the passage of a law to regulate interstate commerce—to the Committee on Commerce.

By Mr. BURROWS: The petition of James Campbell and others, citizens of Michigan, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties, for the passage of a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of the same parties, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of the same parties, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

By Mr. ALVAH A. CLARK: The petition of the lay conference of the New Jersey Conference of the Methodist Episcopal Church, representing 37,000 communicants, for a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FORT: Papers relating to the bill for the relief of William Gallaher—to the Committee on War Claims.

Also, papers relating to the bill to correct the military record of Thomas J. Stainbrook—to the Committee on Military Affairs.

By Mr. BENJAMIN W. HARRIS: The petition of Henry A. Brown, against the passage of the Carlisle sugar bill—to the Committee on Ways and Means.

By Mr. HOOKER: The petition of citizens of Mississippi, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

Also, the petition of citizens of Mississippi, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of citizens of Mississippi, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Mississippi, for the passage of a law to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. MORSE: The petition of Elbridge Harris, for the extension of a patent for hermetically sealed fruit-jars—to the Committee on Patents.

By Mr. PHISTER: The petition of T. H. West and others, soldiers, of Lewis County, Kentucky, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. JAMES W. SINGLETON: The petition of Samuel Colegrove and others, of similar import—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of S. G. Wishaw and 47 others, soldiers and officers, of Noble County, Ohio, against the passage of the sixty-surgeons bill—to the same committee.

By Mr. VAN AERNAM: The petition of 28 ex-Union soldiers, against the passage of Senate bill No. 496—to the same committee.

By Mr. YOCUM: The petitions of Lemuel Clark and others and of Edward Barry and others, citizens of Centre and Clinton Counties, Pennsylvania, against the passage of Senate bill No. 496—to the same committee.

IN SENATE.

THURSDAY, *February* 24, 1881.

The Senate met at eleven o'clock a. m.

DEATH OF SENATOR CARPENTER.

The Chaplain, Rev. J. J. BULLOCK, D. D., offered the following prayer:

Almighty God, our Heavenly Father, we adore Thee as the King eternal, immortal, and invisible, in whom we live and move and have our being, upon whom we are dependent for life and for all its blessings, and to whom we are responsible for all that we do.

We thank Thee, O God, for Thy great goodness and mercy to us, especially for Thy preservation of us during the past night, and for

the light and blessings of this new day. We commit ourselves to Thy guidance and protection. Preserve us from all evil, and bestow upon us every needed blessing.

Bless, we beseech Thee, our beloved country; defend and deliver us from the dangers to which we are exposed, from ignorance and superstition, from infidelity and licentiousness. May we long be a united and happy people, a people who fear God and love righteousness. Bless, we pray Thee, our rulers, the President, the Vice-President, the Senators and Representatives in Congress, and all who are in authority. May they rule in the fear of God and for the good of the people.

Most merciful God, it hath pleased Thee in Thine inscrutable providence to remove by the hand of death one of the members of this body from the scene of his labors here; and now we pray that Thou wouldst look in tender compassion upon his bereaved family; comfort and sustain them in this hour of their sore trial, and wilt Thou enable those of us who remain to make a suitable improvement of this solemn dispensation of Thy providence. May we be sensibly reminded of the shortness and uncertainty of life and of the importance of being ever prepared for our departure, for we know neither the day nor the hour when we shall be called hence.

We commit ourselves and all that are dear to us to Thy Fatherly care. Be with us in all the trials and changes of life, and prepare us for the last sad change that awaits us upon earth, and finally receive us into Thy Kingdom above; we ask for Christ our Redeemer's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. CAMERON, of Wisconsin. I rise, Mr. President, to announce to the Senate the death of my late colleague, MATTHEW H. CARPENTER. Mr. CARPENTER died at the residence of his family, in this city, at twenty-five minutes after nine o'clock this morning.

At some convenient time hereafter the Senate will be asked to consider resolutions commemorative of his life and public services. Before offering the resolutions which I hold in my hand, I desire to express the sorrow that I feel personally at the death of my colleague and friend. I desire also to express in some slight degree the profound sorrow that the people of Wisconsin will feel at the death of their most gifted and distinguished representative.

I offer, sir, the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. MATTHEW H. CARPENTER, late a Senator from the State of Wisconsin.

Resolved, That a committee of five Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. CARPENTER; and that as a mark of respect entertained by the Senate for his memory, his remains be removed from Washington to Milwaukee, Wisconsin, in charge of the Sergeant-at-Arms and attended by said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary of the Senate communicate the foregoing resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect to the memory of Mr. CARPENTER, the Senate do now adjourn.

Mr. PENDLETON. Mr. President, I am sure that every member of the Senate has received with deep sensibility the notice that is given to us of the death of Mr. CARPENTER, and that each one shares very deeply and very largely in the sentiment of sorrow expressed by his colleague. I therefore second the resolutions.

The resolutions were agreed to unanimously; and (at eleven o'clock and sixteen minutes a. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 24, 1881.

The House met at eleven o'clock a. m. Prayer by Rev. DAVID WILLS, Chaplain United States Army.

The Journal of yesterday was read and approved.

FORTIFICATION APPROPRIATION BILL.

Mr. BAKER, from the Committee on Appropriations, reported back the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes, with the recommendation that Senate amendments numbered 2 and 5 be concurred in and those numbered 1, 3, and 4 be non-concurred in.

The recommendations of the committee were agreed to.

Mr. BAKER moved to reconsider the vote by which the recommendations of the Committee on Appropriations were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DAGGETT. I ask unanimous consent to present joint resolutions from the State of Nevada.

Mr. COX. I demand the regular order of business.

INDIAN APPROPRIATION BILL.

Mr. WELLS. I rise to what I deem a privileged question. The gentleman from Mississippi [Mr. SINGLETON] is confined to his room by illness and unable to attend the meetings of the conference on the disagreeing votes of the two Houses on the Indian appropriation bill. I ask he be excused from further service on that committee and that the vacancy be filled by the Speaker.

The SPEAKER. Is there objection?

There was no objection; and Mr. SINGLETON, of Mississippi, was excused from further service on the conference committee, and the vacancy was filled by the appointment by the Speaker of Mr. ATKINS.

MORNING HOUR.

Mr. COX. I insist on my demand for the regular order of business.

Mr. BAILEY. I move to dispense with the morning hour.

The SPEAKER. If that motion be agreed to, it will have the effect of bringing up the new rule of five objections.

The House divided; and there were—ayes 54, noes 53.

So (two-thirds not voting in favor thereof) the motion was disagreed to.

The SPEAKER. The morning hour now begins at eighteen minutes after eleven o'clock, and committees will be called for reports.

BRIDGE OVER OSAGE RIVER AT WARSAW.

Mr. TOWNSEND, of Ohio, from the Committee on Commerce, reported, as a substitute for House bill No. 6365, a bill (H. R. No. 7228) to provide for the construction of a bridge over the Osage River at Warsaw, Missouri; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER MISSOURI RIVER NEAR ARROW ROCK.

Mr. TOWNSEND, of Ohio, also, from the same committee, reported, as a substitute for House bill No. 6777, a bill (H. R. No. 7229) authorizing the construction of a bridge over the Missouri River at or near Arrow Rock, Missouri; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF RICHARD W. MEADE, DECEASED.

Mr. BRIGHT, from the Committee on Claims, reported a bill (H. R. No. 7230) for the relief of the heirs of Richard W. Meade, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

APPORTIONMENT BILL.

The SPEAKER. The call of committees has been completed.

Mr. COX. I demand the regular order of business and respectfully decline to yield to any request for unanimous consent.

The SPEAKER. The regular order of business is the apportionment bill.

Mr. BURROWS. I raise the question of consideration.

The SPEAKER. The question is: Will the House proceed to the consideration of the unfinished business, which is the apportionment bill?

The House divided; and there were—ayes 108, noes 52.

Mr. BURROWS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 143, nays 68, not voting 79; as follows:

YEAS—143.

Acklen,	De La Matyr,	Klotz,	Scoville,
Aiken,	Deuster,	Knott,	Shelley,
Armfield,	Dibrell,	Ladd,	Simonton,
Atherton,	Dick,	Lounsbery,	Slemons,
Atkins,	Dickey,	Lowe	Smith, Hezekiah B.
Bachman,	Dunn,	Manning,	Smith, William E.
Beale,	Elam,	Martin, Benj. F.	Sparks,
Beltzhoover,	Ellis,	Martin, Edward L.	Speer,
Berry,	Evins,	McKenzie,	Springer,
Bicknell,	Felton,	McLane,	Steele,
Blackburn,	Finley,	McMahon,	Stephens,
Bland,	Forney,	McMillin,	Stevenson,
Bliss,	Geddes,	Mills,	Talbott,
Blount,	Gibson,	Money,	Taylor, Robert L.
Bouck,	Gillette,	Morrison,	Thompson, P. B.
Bragg,	Goode,	Morse,	Tillman,
Bright,	Gunter,	Muldrow,	Townshend, R. W.
Buckner,	Hammond, N. J.	Muller,	Tucker,
Cabell,	Harris, John T.	New,	Turner, Oscar
Caldwell,	Hatch,	O'Reilly,	Turner, Thomas
Carlisle,	Henkle,	Persons,	Upson,
Chalmers,	Herbert,	Phelps,	Vance,
Clark, Alvah A.	Herndon,	Philips,	Waddill,
Clark, John B.	Hill,	Phister,	Warner,
Clements,	Hooker,	Poehler,	Washburn,
Clymer,	Hostetler,	Reagan,	Wellborn,
Cobb,	House,	Rice,	Wells,
Coffroth,	Hunton,	Richardson, J. S.	Whiteaker,
Colerick,	Hurd,	Richmond,	Whitthorne,
Converse,	Hutchins,	Robertson,	Williams, Thomas
Cook,	Johnston,	Ross,	Willis,
Cox,	Jones,	Rothwell,	Wilson,
Cravens,	Killinger,	Ryon, John W.	Wise,
Culberson,	Kimmel,	Samford,	Yeates,
Davidson,	King,	Sawyer,	Young, Casey.
Davis, Lowndes H.	Kitchin,	Scales,	

NAYS—68.

Aldrich, William	Conger,	Hall,	Lindsey,
Ballou,	Cowgill,	Hammond, John	Monroe,
Blake,	Davis, George R.	Harmer,	Norcross,
Boyd,	Davis, Horace	Harris, Benj. W.	Osmer,
Briggs,	Deering,	Haskell,	Overton,
Brigham,	Dunnell,	Hawk,	Pacheco,
Browne,	Dwight,	Hayes,	Price,
Burrows,	Errett,	Hiscock,	Ray,
Calkins,	Forsythe,	Horr,	Reed,
Cannon,	Fort,	Jorgensen,	Richardson, D. P.
Carpenter,	Frye,	Kelley,	Robeson,
Claflin,	Godshalk,	Lapham,	Robinson,

Ryan, Thomas	Thomas,	Urner,	Ward,
Shallenberger,	Townsend, Amos	Valentine,	Weaver,
Sherwin,	Tyler,	Van Aernam,	Wilber,
Stone,	Updegraff, J. T.	Voorhis,	Willits,
Taylor, Ezra B.	Updegraff, Thomas	Wait,	Yocum.

NOT VOTING—79.

Aldrich, N. W.	Daggett,	Ketcham,	O'Neill,
Anderson,	Davis, Joseph J.	Le Fevre,	Orth,
Bailey,	Einstein,	Loring,	Page,
Baker,	Ewing,	Marsh,	Pound,
Barber,	Ferdon,	Mason,	Prescott,
Barlow,	Fisher,	McCoid,	Russell, Daniel L.
Bayne,	Ford,	McCook,	Russell, W. A.
Belford,	Frost,	McGowan,	Sapp,
Bingham,	Hawley,	McKinley,	Singleton, J. W.
Bisbee,	Hazelton,	Miles,	Singleton, O. R.
Bowman,	Heilman,	Miller,	Smith, A. Herr
Brewer,	Henderson,	Mitchell,	Starin,
Butterworth,	Henry,	Morton,	Thompson, W. G.
Camp,	Houk,	Murch,	Van Voorhis,
Caswell,	Hubbell,	Myers,	White,
Chittenden,	Humphrey,	Neal,	Williams, C. G.
Clardy,	James,	Newberry,	Wood,
Covert,	Joyce,	Nicholls,	Wright,
Crapo,	Keifer,	O'Brien,	Young, Thomas L.
Crowley,	Kenna,	O'Connor,	

So the motion to consider was agreed to.

During the roll-call,

Mr. CONGER said: Before the second call is proceeded with will the Chair be kind enough to state what the pending question is? Several gentlemen have come in since the call of the roll was commenced.

The SPEAKER. The question of consideration was raised by the gentleman from Michigan against the unfinished business, which is the apportionment bill.

Mr. CONGER. In favor of the appropriation bills?

Mr. COX. There is no understanding about the appropriation bills at all.

Mr. CONGER. With that understanding we will vote.

The SPEAKER. It is the question of consideration of the apportionment bill only.

The following pairs were announced from the Clerk's desk:

Mr. LORING with Mr. KENNA.

Mr. MILES with Mr. SINGLETON, of Illinois.

Mr. O'CONNOR with Mr. HOUK.

Mr. NICHOLLS with Mr. JOYCE.

Mr. JAMES with Mr. O'BRIEN.

Mr. ORTH with Mr. MYERS.

The vote was then announced as above recorded.

POST-OFFICE APPROPRIATION BILL.

On motion of Mr. BLACKBURN, the bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes, was taken from the Speaker's table and the request of the Senate for a committee of conference on the disagreeing votes of the two Houses on said bill agreed to.

The SPEAKER appointed as managers of said conference on the part of the House Mr. BLACKBURN, Mr. BLOUNT, and Mr. CANNON of Illinois.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

On motion of Mr. COBB, the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government for the District of Columbia for the fiscal year ending June 30, 1882, was taken from the Speaker's table and the request of the Senate for a committee of conference on the disagreeing votes of the two Houses agreed to.

The SPEAKER appointed as managers of said conference on the part of the House Mr. COBB, Mr. BLACKBURN, and Mr. HAWLEY.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, was received, announcing that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

A bill (S. No. 769) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands; and

A bill (S. No. 1988) authorizing the construction of a building for the accommodation of the Congressional Library.

The message further announced that the Senate had heard with profound regret of the death of Senator CARPENTER, a member of that body from the State of Wisconsin; that arrangements had been taken for his funeral at his late residence in Milwaukee, Wisconsin; and further, as a mark of respect to his memory, that the Senate had adjourned.

APPORTIONMENT BILL.

Mr. COX. I now demand the regular order.

The SPEAKER. The regular order is the consideration of the unfinished business.

Mr. COX. I yield to the gentleman from Illinois [Mr. SINGLETON] to offer an amendment.

Mr. HAMMOND, of Georgia. Mr. Speaker, when the House adjourned on a previous occasion while this bill was pending, I yielded the floor to the motion to adjourn. I claim now that I am entitled to the floor upon the bill.

The SPEAKER. The Chair understands that the gentleman from Illinois desires to submit an amendment.

Mr. CONGER. I object to the introduction of an amendment. We have not finished the debate upon the bill. Until that is done I object to the introduction of any amendments.

The SPEAKER. The gentleman from Georgia is recognized.

Mr. COX. Is the amendment of the gentleman from Illinois considered as pending?

The SPEAKER. Objection has been made to the introduction at this time.

Mr. RYON, of Pennsylvania. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYON, of Pennsylvania. I desire to know whether my amendment to the apportionment bill is pending before the House or not?

The SPEAKER. There is the original bill reported by the committee with an amendment to the text, a substitute, and an amendment to the substitute. The Chair is unable to say whether the proposition of the gentleman from Pennsylvania is embraced in one of these or not.

Mr. RYON, of Pennsylvania. Mine is an amendment to the bill which relates to the districting of the States.

The SPEAKER. The Chair will decide the point of order when the issue is made.

Mr. HAMMOND, of Georgia. Mr. Speaker, nothing was further from my purpose than to enter into this debate. The gentlemen of the Committee on the Census, who had this matter in charge, were so well posted and so well qualified to advise the House in the premises, that I was content to leave the matter in their hands, to listen and to vote. But certain allusions to my own State and section have been made which are unfair; and there has been an attempt to apply as law pertinent to this question a decision so inapplicable and to enforce a conclusion so unjust that I ask the indulgence of the House for a reply. The gentleman from Illinois [Mr. SHERWIN] said:

> I cannot see, sir, any reason why this apportionment shall not be made at this session of Congress. The data upon which it is to be made are all in our possession. The calculations on which the basis of apportionment shall rest have all been made and are before us. They are clear, and every gentleman, by the expenditure of a few hours' time, can ascertain what ratio will be the most just to the different States and sections of the country, and which should therefore be adopted by us in this bill.

But the gentleman from New York [Mr. CROWLEY] objects. His alleged reasons therefor I give in his own language. After quoting section 2 of the fourteenth amendment of the Constitution, he said:

> Every apportionment bill pending in this House bases representation upon numbers only. That was the principle of the old Constitution, under which nine censuses were taken and nine apportionments made; but under section 2 of the fourteenth amendment voters as well as numbers may be taken into the account in apportioning Representatives among the respective States; and when any State denies to any of its qualified male citizens, being twenty-one years of age, the right to vote for any of the officers specified in the fourteenth amendment, in my judgment that State should be denied representation in this House in the proportion which it denies the right of voting to any of its male citizens otherwise qualified.
>
> Turning to the constitutions of the States, we find that Massachusetts and Connecticut disqualify citizens on educational grounds. I am not going to criticise the wisdom of those States. I am not standing here to attack either of those States or any others. * * * But let me say that while Massachusetts and Connecticut have imposed an educational qualification which debars certain citizens in those States from voting for the officers enumerated in section 2 of the fourteenth amendment, Massachusetts, Delaware, Georgia, New Hampshire, Pennsylvania, Rhode Island, Tennessee, Texas, and Virginia have added a property qualification, either in regard to amount of property which the voter shall possess, or in regard to the payment of poll taxes, or county, State, or municipal taxes.

He then made long quotations from Justice Strong's opinion in Cole's case, decided by the Supreme Court of the United States in 1879. He compared the votes cast in 1876 and in 1880 in the several States in the presidential election; said that in all the Northern States the vote was increased, and in the States of South Carolina, Alabama, Virginia, Georgia, Louisiana, and Mississippi the vote was largely decreased, falling off 24,879 in Georgia, about half that number in South Carolina and Alabama, and about double that number in Mississippi and Louisiana. And from it all he drew this conclusion, namely:

> For myself, Mr. Speaker, I am in favor of having one of the committees of this Congress, or a select committee, if you please, raised for that purpose, which shall investigate the whole question of disqualification, either educational or property, in all these States of the Union where constitutional prohibitions against the right of suffrage are alleged to exist; and I would have this committee look into this whole question and report to Congress what qualifications or disqualifications exist in all sections of the country to deprive citizens of the right to vote; and then when we have a full report of the disqualifications, either educational or property, or whether by violence and oppression men are denied the right of suffrage, and all of the facts before us, it will then be within the power of Congress to go to work and consider an apportionment bill which can be based upon justice, equity, and the Constitution, based upon the voters of this country as well as upon the numbers.

The substance of this is that a State may lose some of its Representatives, first, by excluding persons from voting for want of education, for non-possession of property, or non-payment of taxes, and the like; and, second, by the fact that "by violence and oppression men are denied the right of suffrage;" and that all that is so because of the fourteenth amendment of the Constitution. The gentleman seemed to think that the right to vote at the elections named belongs to every adult male citizen of the United States and by virtue of its Constitution. And the gentleman from Indiana [Mr. CALKINS] asserted that roundly. His language was:

> I do not care what may have been the narrow, the selfish, or the grand purposes of any party, that was what the amendment did; it established a national citizenship, and made it as broad as the nation. The purpose was to declare that every

man, native-born or naturalized, whether among the pine trees of Maine or on the golden shores of the Pacific, whether residing among the frozen lakes of the Northwest or among the orange blossoms of Florida, was a citizen, clothed in the panoply of American citizenship.

A MEMBER. It established "manhood suffrage."

Mr. CALKINS. Yes; the fourteenth amendment had for its main object the establishment of "manhood suffrage." However lawyers may quibble or within whatsoever narrow limits try to confine it, this is the broad principle that must forever obtain in construing it.

Is that law? Let us examine it dispassionately. As Georgia is a fair sample, I will state her laws on the subject and those parts of the Constitution of the United States which are pertinent. I say nothing about the United States guaranteeing to each State a republican form of government. Each State in the old thirteen and all admitted thereafter had greater restrictions on the exercise of suffrage than any have now. They were republican in form then and of course remain so now in spite of those restrictions. By paragraph 25, bill of rights of her constitution, "all citizens of the United States resident in this State are hereby declared citizens of this State; and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of their rights, privileges, and immunities due to such citizenship."

By article 2, section 1, page 2, every elector must be a male citizen of the United States and be able to take (and take, if challenged) the following oath:

I do swear (or affirm) that I am twenty-one years of age, have resided in this State one year and in this county six months next preceding this election. I have paid all taxes which, since the adoption of the present constitution of this State, (December 5, 1877,) have been required of me, and which I have had an opportunity to pay, and I have not voted at this election.

By section 2, page 1, it is provided:

The General Assembly may provide from time to time for the registration of all electors, but the following classes of persons shall not be permitted to register, vote, or hold any office or appointment of honor or trust in this State, to wit: First, those who shall have been convicted in any court of competent jurisdiction of treason against the State, of embezzlement of public funds, malfeasance in office, bribery, or larceny, or of any crime involving moral turpitude, punishable by the laws of this State with imprisonment in the penitentiary, unless such person shall have been pardoned; second, idiots and insane persons.

I am not discussing whether these laws are wise or unwise, but simply whether by them Georgia is in any danger of losing any part of her numerical strength in this House.

The parts of the Constitution of the United States necessary to an understanding of the question are:

Article 1, section 2, paragraph 3—

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

That clause of the Constitution has been changed, as follows—by the thirteenth amendment—

SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

By the fourteenth amendment—

SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

By the fifteenth amendment—

SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

And to each of these amendments is added:

The Congress shall have power to enforce this article by appropriate legislation.

It will be seen that none of these but the fifteenth amendment mentions or even hints at the colored race. Where the words are plain we may not resort to history to explain the text is a well-known canon of construction of laws. Though their object may have been to protect the negro their language covers all citizens, and all but the fifteenth amendment are as applicable to whites as to blacks. The same Constitution covers all alike, and equally North and South. Measured by those clauses of the Constitution will such State restrictions endanger the reduction of representation in this House?

The gentleman from Indiana [Mr. CALKINS] undertook to support his view by quotations from eminent men. None of them were made later than 1870. In 1874 in Minor *vs.* Happersett, (21 Wallace R.,) the Supreme Court of the United States held this language, in an exhaustive opinion as to how the fourteenth amendment affected suffrage:

The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guarantee for the protection of such as he already had. No new voters were necessarily made by it. Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the Constitution and laws of the States, but it operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizen.

* * * * * * * *

It is clear, therefore, we think, that the Constitution has not added the right of suffrage to the privileges and immunities of citizenship as they existed at the time it was adopted.—*Ibid.*, 171.

They concluded thus:

Being unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon any one, and that the Constitution and laws of the several States which commit that important trust to men alone are not necessarily void, we affirm the judgment.

Again, in 1875, in United States *vs.* Reese *et al.*, (92 United States Reports, 214,) the court said:

(2) The fifteenth amendment to the Constitution does not confer the right of suffrage; but it invests citizens of the United States with the right of exemption from discrimination in the elective franchise on account of their race, color, or previous condition of servitude, and empowers Congress to enforce that right by appropriate legislation.

(3) The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment, and can be exercised by providing a punishment only when the wrongful refusal to receive the vote of a qualified elector at such election is because of his race, color, or previous condition of servitude.

Before this amendment "it was as much within the power of a State to exclude citizens of the United States from voting on account of race, &c., as it was on account of age, property, or education. Now it is not." (*Ibid.*, 217.)

In the Happersett case the court quoted the constitutional requirements of the original States, showed that some had moral, some educational, and all property qualifications, and declared that none of them were touched by these amendments.

Nor is this in any way shaken by the decision in Cole's case, quoted by the learned gentleman. It was charged in that indictment, that Cole "being a judge of the county court of Pittsylvania County of that State, [Virginia,] and an officer charged by law with the selection of jurors to serve in the circuit and county courts of said county in the year 1878, did then and there exclude and fail to select as grand and petit jurors certain citizens of said county of Pittsylvania of African race and black color, said citizens possessing all other qualifications prescribed by law, and being by him, the said J. D. Cole, excluded from the jury-list made out by him, as said judge, on account of their race, color, and previous condition of servitude, and for no other reason," contrary to act of Congress of March 1, 1875. (18 Statutes at Large, 336.)

It is therefore plain that the Cole case did not relate to suffrage, nor in any way change the decisions just cited on that subject.

None will deny that any State may deny the right to vote to any persons, provided that she cannot deny it to any citizen of the United States "on account of race, color, or previous condition of servitude." All will admit that, with that exception, the denial or abridgment is within State control, subject only to the danger of reduction of its representation, under article 2 of the fourteenth amendment.

Let us recur to that. "But when the right to vote," at any of the elections there named, "is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged except for participation in rebellion or other crime."

Defining citizens of the United States in the words of the preceding section of the fourteenth amendment, we have the persons against whom the denial or abridgment is to operate declared to be all adult male inhabitants of the State, born or naturalized in the United States and subject to the jurisdiction thereof, and not guilty of crime.

Will those who claim this as the foundation of "manhood suffrage" observe some of the difficulties of their broad construction? Suppose any hundred thousand illiterate men, born in the United States and free from crime, should settle in Massachusetts and demand the right to vote, notwithstanding they paid no tax and could not read a word of the Constitution of the United States, and should be refused—suppose this number, added to her idiots, insane, and paupers, large enough to affect her representation, should her representation be reduced? Suppose a sufficient number of naturalized foreigners in New York or citizens of this District should settle in Rhode Island and demand the right to vote simply because they were citizens of the United States, qualified under the fourteenth amendment but not qualified under the laws of that State, and be refused the right to vote, should her representation be reduced therefor?

Instead of encouraging each State to take care of its idiotic and insane, shall we have it thrusting them out of sight and away from its limits, lest their presence destroy its strength here and in the electoral college? The extreme advocates of "manhood suffrage" must say, "Yes, these denials of the right to vote must have the prescribed penalty." Again, an adult male citizen of the United States need be only an "inhabitant" of the State in which he would vote. An "inhabitant" is, according to Bouvier's Law Dictionary, "one who has his domicil in a place; one who has an actual fixed residence in a place." One's domicil is the place where he has located *animo manendi*. No length of time is necessary to fix inhabitancy or domicil.

May the "inhabitant" under the fourteenth amendment vote in spite of the requirement of so many months' residence? May he vote without regard to the district, parish, or county in which he lives? May the citizens of a State refuse to register when required and yet vote? The extreme advocates of "manhood suffrage" must

answer that the Constitution of the United States makes the voter, and all these things are but abridgments of his right, and the States must make them at their peril.

Who then can protect the ballot-box? What regulation of the elective franchise is safe? What becomes of the fundamental thought of each State controlling its internal polity?

No, that idea is all wrong. The States ought to be liberal in this matter, but each judge for itself. Under the Constitution of the United States, no State can impair the obligation of a contract. But a State may change its statutes of limitation, may enlarge its homestead and exemptions, abolish imprisonment for debt and the like, though these things affect existing contracts. Under the Constitution of the United States Congress has exclusive control of interstate commerce. And yet a State may forbid the sale of intoxicating drinks in its limits, though it destroy the trade therein of its neighbors; may regulate the shipment and storage in its territory of gunpowder, nitro-glycerine, and other dangerous articles in spite of any injury done to the owners living in another State. So long as these things are honestly done in order to preserve its own peace and prosperity, courts uphold them notwithstanding the Constitution. And so all these prescribed qualifications of voters by State laws are not abridgments of the right to vote, but only regulations of the use of the franchise, and so long as they operate equally and upon all classes, Congress should look liberally upon them as useful and necessary safeguards for intelligent and honest voting. It has no right to punish because of them.

In the light of the same decision, let us examine their second proposition, that representation may be decreased because men are denied the right to vote by fraud, intimidation, or violence. Cole's case declared that—

> A State acts by its legislative, its executive, or its judicial authorities. It can act in no other way. The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever by virtue of public position under a State government deprives another of property, life, or liberty, without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition, and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State. This must be so or the constitutional prohibition has no meaning. Then the State has clothed one of its agents with power to annul or to evade it.
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> But the constitutional amendment was ordained for a purpose. It was to secure equal rights to all persons; and to insure to all persons the enjoyments of such rights power was given to Congress to enforce its provisions by appropriate legislation. Such legislation must act upon persons, not upon the abstract thing denominated a State, but upon the persons who are the agents of the State in the denial of the rights which were intended to be secured.

Concede for this argument that the principle applies to suffrage, will any contend that any of these States has passed any law authorizing fraud, intimidation, or violence as to voters by any of its officers or agents? Mark! it must be by State action. What would be thought of democrats should they contend that New England should lose representation because, by threatening to close her shops and factories if Hancock were elected, she deprived him of votes, or that New York should suffer because John I. Davenport may have driven men from the polls by improper violence? How ridiculous would the republican be who should seek to deprive some State of a member because it might appear that many men were deterred from voting for Garfield by the infamous forgery of the Morey letter! Violence, fraud, intimidation, come from individuals. The only remedy for that is to punish their perpetrators under State and Federal laws and rob violence, fraud, and intimidation of their fruits by the power of the House to judge of the election, qualification, and return of its members.

The comparison of the votes of 1876 and 1880 made by the gentleman from New York [Mr. CROWLEY] is so utterly irrelevant that I might pass it over; but that might mislead. The country knows that in 1876 the South was impelled by what she esteemed the grievous wrongs of Grant's administration to resist all efforts to carry those States for the republican party. In 1880 all our States were free. Hayes's administration and time had subdued our passions, if you please, and allayed our fears.

The gentleman from New York [Mr. CROWLEY] boasted that the average vote of 1880 was 23,000 in each congressional district of his State. The total vote of his own district was but 21,071. Considering their relative density of population and the circumstances of each case, Georgia voted in 1880 more liberally than did New York. In Georgia the vote in the first district was 19,977, in the second, 17,913; in the fourth, 17,222; in the fifth, 19,079; in the seventh, 22,299, and in the ninth, 21,244. The vote in the others was smaller, for reasons easily explained without attributing wrong to Georgia or any one in her borders. BLOUNT'S was smallest. He had but 8,373 because he had no opposition. STEPHENS received 11,341, and but 16 were cast against him. His district contained by the last census 212,947 souls. Did he or BLOUNT obtain their election by those votes by fraud, intimidation, or violence? No one believes they did.

All this complaint against the South is unjust. The negroes in Georgia own five or six million dollars' worth of property. But it is evenly distributed and our taxes are so light that none are burdened. Very few of them are required to pay any but a poll-tax. By our constitution, article 7, paragraph 3, "no poll-tax shall be levied except for educational purposes, and such tax shall not exceed $1 annually upon each poll." Every dollar so paid is honestly devoted to educational purposes. I mention this not only because it is pertinent, but the gentleman from New York [Mr. CROWLEY] used certain language touching education to which I would call attention. It was this:

> And let me say in passing that the question of education is becoming one of the paramount questions of the present time. Thoughtful men, who are anxious for the perpetuity of our institutions, who are looking to the future welfare of this Republic, are scanning closely the Constitution to find whether or not there are any powers in it authorizing Congress to take control of the whole subject of education for the nation and for all the States of the Union.

Close scanning will discover no power in this Government to control "this whole subject of education for the nation, and for all the States of the nation." Every political party pledges itself to encourage and foster popular education. None go further than to agree that the Government may aid the States to carry on the work. Two bills are now pending on the subject, but neither goes beyond that limit. As I will have no other opportunity, I will say a few words about them.

The House bill (called the Goode bill) differs from the Senate bill in two particulars, which we propose to notice: First, under it, to work a forfeiture of its share by any State for misapplication, Congress must pronounce the judgment of forfeiture originally, instead of only having power, for one session, to reverse the judgment of forfeiture pronounced by the Commissioner of Education, as the Senate bill provides; secondly, for the first ten years it provides for the distribution of the *corpus* and the interest of the fund in proportion to illiteracy.

In considering the first point it will be observed that the issue is not made upon the fact that supervisory control of this matter is reserved but upon the manner of exercising that control. Neither bill gives the National Government the right to control education in the States. Both provide for turning over funds to the States to be applied under State laws. It is well enough to have the State officers make annual reports, as required by the Senate bill. These reports furnish valuable information not easily overestimated. Concede that the General Government in giving to the States has the right to prescribe the terms of the gift, and that misappropriation ought to work a forfeiture. But the question is not what terms shall she prescribe, but how shall this failure of compliance be ascertained and punished. The object of the gift is to obtain free schools where they are not and to strengthen those now in existence. It is hoped that under this suggestion, impetus, and aid the States will make larger grants and establish broader systems for educating their children. But what a blow may be struck in opposition by the fear that it is unsafe to build or enlarge a system the working of which may be destroyed or disturbed by the judgment of one man, who may act from prejudice or passion or from a mistake of law or fact! And mark, under the Senate bill that judgment must be pronounced on the 1st of September annually and can only be reversed by an appeal to Congress at its very next session in December. No notice of objections need be given to the State; no hearing is provided for except upon appeal, and then to the first sitting of a tribunal crowded with other matter which must be attended to and perhaps rent by the passions of parties contending for the prizes of a national election. I invoke no higher or graver consideration of policy in this discussion. Upon the low plane of dealing with States as we would with the most ordinary litigants the proposed method is bad in a business point of view, un-American as to practice, and unwise in policy.

But pass that by. Let us examine the other difference between the two bills. This will require some details, but they are necessary to understand the propositions.

We use only approximate figures, for accuracy is unattainable. We know the aggregate population of the States, &c., but not the school population. For statistics of illiteracy we must rely upon the census of 1870, which is notoriously incorrect as to the South. Then the income provided by these bills is uncertain. Of course, we can now consider only such as may come from the net sales of patents and of public lands. At present, the Patent Office yields a surplus; but its friends demand large expenditures for books, clerks, and space. The gross receipts from sales of public lands for the fiscal year ending June 30, 1880, were $1,016,506.60; the actual and estimated receipts for this year will be $1,200,000, and for the next year $1,000,000; counting out expenses, the total income from both sources may be put at $1,000,000. By the census of 1870 the total number of persons over ten years old in the United States who could not both "read and write" was 5,658,111; of these there were 4,056,005 in the fourteen late slave States, leaving in the other portions of the United States 1,602,106. One-third of this total is 1,886,037, but we will treat the country other than those fourteen States as having one-third of the illiteracy. Considering the advancement made by the slave States in education, that seems fair. At any rate it is convenient for calculation, and the result of the argument is independent of accuracy in this regard.

Now, the yield of 4 per cent. on $1,000,000 will be annually $40,000. Deducting one-third for agricultural colleges will leave $26,667 for common schools. By the Senate bill that interest only annually must, for the first ten years, be distributed throughout the Union in proportion to illiteracy. By the above figures the late slave States would get two-thirds of it, and the other parts the other third. Therefore for the first year they would get $17,878; and for each year $17,778 more would be added, because a new million would be annually added to the principal. In other words, we must multiply the interest by the number of the year to learn what sum will be realized

each year in the ten. Doing this will give us an aggregate for those slave States for the first ten years of $1,008,890.

During those ten years the other parts of the Union will have the other third, and after that, when the distribution will be on school population and not illiteracy, the figures will be reversed and they will perhaps take the two-thirds, and the slave States the third.

To more accurately comprehend it, apply these figures to Georgia alone—she is a fair representative. By reason of her large colored population she had about one-ninth of that illiteracy in the slave States. Therefore, she would get of that fund the first year $1,975.33, and for the whole ten years $112,098.88. It would be five years before she would receive as much as she now appropriates annually to the colored university at Atlanta. Now, look at the Goode bill in the same light: For the first ten years distribute the principal. These free States would get one-third, or $333,333.33, and in the ten years $3,333,333.33; while the late slave States would get the first year $666,666.66, and in the first ten years $6,666,666.66. Of course, members from the late slave States would prefer this to the Senate distribution. But is it fair for us to ask and is it right for Congress to grant so much? We will see. Of that 5,658,144 illiterates in the United States, 2,789,689 were colored; and it is fair to put 2,500,000 of them in the late slave States. That would leave the illiterate whites in those States 1,556,005, about equal to the 1,602,106 illiterates in the remainder of the Union. Here are, then, a million and a half of persons over ten years old, lately slaves, set free without property, and in a community impoverished by war.

To show that it is right for us to ask this immediate aid in educating them, we wish gentlemen to consider what these States have been doing toward educating their late slaves. The following figures are from an address to the National Educational Association, lately assembled at Chatauqua, New York, by Hon. G. J. Orr, State school commissioner of Georgia. His learning, his position, and his high character all vouch for their accuracy. These are the figures:

In Virginia, beginning with the year 1871, the colored enrollment for successive years was as follows: 38,554, 46,736, 47,169, 52,086, 54,941, 62,178, 65,043, 61,772, 35,768. In South Carolina the same enrollment from 1870 has been 15,894, 33,834, 38,635, 46,535, 56,249, 63,415, 70,802, 55,952, 62,120, 64,095. In Georgia, beginning in 1871 and omitting 1872, when there were no public schools, the same record reads: 6,664, 19,755, 42,374, 50,358, 57,987, 62,330, 72,655; while in Mississippi, beginning with 1875, the same figures were 89,813, 90,178, 104,777, 111,796. The only year for which my correspondence enables me to present the grand aggregate for the entire South was the year 1878. The attendance this year foots up the astonishing sum of 738,164, the reports being accurate for all the States except Arkansas, Florida, and Louisiana, in which, as already stated, careful estimates were made.

* * * * * * *

The State of Maryland appropriates $2,000 per annum for the support of a normal school for the training of colored teachers.

Virginia sets apart $10,000 per annum out of the proceeds of the land scrip donated by Congress for the support of the school at Hampton.

Claflin University, now united with the colored agricultural college, and located at Orangeburgh, receives from the State of South Carolina $7,500 per annum.

Georgia pays out of her treasury to Atlanta University $8,000 a year, in discharge of the equitable claim of the colored people to participation in the land-scrip fund.

The average expenditure of the State of Mississippi upon the higher institutions for the education of the negro is about $10,000 per annum.

The new constitution of Louisiana, adopted in 1879, provides that the General Assembly shall establish in New Orleans a university for the education of persons of color, and make an annual appropriation for its support of not less than $5,000, nor more than $10,000.

Missouri appropriates $5,000 per annum to the Lincoln Institute, a school for the training of colored teachers.

I say nothing as to the education of the whites; figures on that are unnecessary. Of course if we do so much for our late slaves, we do more for our children. In Georgia the schools are separate, and in the common schools the whites about double the blacks in pupils and treble them in school-houses; and in private schools the whites have greatly the advantage.

Any one who has studied the situation and dispassionately considered the circumstances will admit that we have done well so far; but he will be appalled at the magnitude of the work yet to be done, will see our inability to do it unaided, and excuse if he will not sympathize with our insisting upon speedy relief. This is not the voice of a single man. In December, 1878, Georgia, by the solemn action of her General Assembly—

Resolved, That inasmuch as the educational wants of the Southern States are immediate and pressing, this General Assembly would suggest to Congress the consideration of the question whether it might not be best to distribute and apply the entire *corpus* of whatever educational funds that body from time to time may provide to the immediate relief of those wants.

And she added:

Resolved, That as the educational laws of this State make no discriminations in favor of or against the children of any class of citizens, and as those charged with the administration of these laws have endeavored in the past to have them carried into effect impartially, so does the General Assembly pledge every department of the State government to take the necessary steps to secure even-handed justice to all classes of citizens in the application of any educational fund provided by the National Government.

This is the voice of a Commonwealth containing a school population of 433,444, of which but 226,627 are enrolled and but 132,000 actually attend school. She calls for help for the 300,000 out of school. She is but a sample of the South. Now, should Congress grant this aid?

The illiterate males over twenty-one years old vote, and must help to build up or tear down our governmental structure. You men of the North say they cannot vote intelligently without education. You say that you intend to inaugurate a grand scheme to lift the masses out of their ignorance, and that you especially desire to help the South educate the colored people. We agree with your purpose, but not with your plan.

Common schools are like other co-operative projects, successful according to the density of population, &c. It is easy in Massachusetts, with her two hundred and twenty-eight people to a square mile, to have schools which would be impossible in Florida or Texas, with four or five to the square mile. New York, with her hundred to the square mile, can do much that the Carolinas and Georgia, with their twenty-seven per square mile, cannot accomplish. Your society is homogeneous; ours divided unavoidably and unalterably. Your people have been trained to co-operate; many causes make ours antagonize. Your teachers are aided by educated parents; the war robbed many of our whites of that grand home aid to education, and the negroes can have none of it yet. Our meager means are not well in hand; your wealth is organized. Can you build on such a foundation? The corners North, East, and West are solid and symmetrical; that at the South is unstable and ill-shaped. Until that corner shall be improved, building the house will be worse than folly.

Indeed, under the Senate bill, if the South is now doing her best, her corner cannot be built at all. There the common schools are in session but three months annually. It is so in Georgia. The Senate bill will not allow the distribution of the interest even after 1884, unless she maintains common schools for four months annually. Can she add this other fourth? Will she add it to get the pittance which that bill offers?

The argument is finished. Believe us to be both honest and intelligent judges of the situation. Be sure that you are free from prejudice and comprehend the demands of the occasion. If the South must be left alone to struggle under the load, be it so. The census about to be published will astonish you by an exhibition of how earnest has been that struggle and how glorious is the success already achieved. But if you are in earnest about helping her, say so; do it. Do not deceive yourselves; you cannot deceive her. She will understand whether your words are sound or substance.

A word in conclusion. The constitutions and laws of the States of our Union contain over three score limitations upon the exercise of suffrage. The Supreme Court has held that these limitations are not abridgments of the right to vote. And yet the appointment of a committee to inquire as to them would disturb every community from Maine to California. It would awaken in the South the fear of a repetition of the blunders and wrongs of past administration. It would destroy confidence and paralyze business. We know that in no view would enough be found in any State to affect its representation. But the stirring of the question would excite the masses and work nothing but evil. *Ne moveas camarinam.* This Congress will appoint no such committee. Shall we wait till the meeting of the next Congress? Wait when the Committee on the Census report unanimously in favor of a present apportionment? Wait till the General Assemblies of the twenty-odd States which meet this year shall have adjourned and compel them to reassemble at a cost of perhaps $10,000,000, or postpone till the Forty-ninth Congress (December, 1884) before the new districting of the States can take effect?

If such committee were raised and did report, Congress could act on it in the line asked for by the gentleman from New York only by passing a law for a new census. The Constitution is imperative:

The actual enumeration shall be made * * * within every subsequent term of ten years, in such manner as they shall by law direct.

Can any one suppose that it will be possible to pass such a law and complete such "actual enumeration" under it within ten years from the last enumeration? It requires as solemn a law and as accurate a census to find the sum to be deducted as to fix "the whole number of persons." Indeed, carelessness in increasing representation would do no injury comparable to carelessness in destroying representation.

The whole thing is impracticable and absurd. Let us hear no more of it. It was ignored in 1872; it would be inexcusable not to ignore it now. Let us lay aside all contention and go quietly and earnestly to our work. Let us not disturb the grand harmony which now blesses the business of the country by discord here. Let us remember that this distribution is required to be made among States, not sections. Let us, as far as may be, forget that there is a North and a South. The world has witnessed how grandly they fought; let it observe how grandly they are reconciled. Let the South glory in the wealth and order of the North and the North glory in the past history and magnificent capabilities of the South. Between them may there be no more warring, no more jarring.

Like twin suns in yon blue vault afar,
May each round each revolve a ruling star,

in peace and harmony forever.

Mr. HATCH. Mr. Speaker——

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] has twenty-five minutes of his time yet remaining.

Mr. HAMMOND, of Georgia. Then I yield fifteen minutes to the gentleman from Arkansas, [Mr. DUNN.]

Mr. DUNN. Mr. Speaker, I did not intend to participate at all in this debate, and would not now take any part in it but for some allusions which have been made to my own State, and reflections which have been passed upon our people in common with other Southern States, which I think are of an unjust character and require answer. I am not willing to see the State of Arkansas, which I have the honor in part to represent, placed under the influence of any wrong that may have been committed or permitted elsewhere, by other States, if any such wrong there has been.

The State of Arkansas has a republican form of government in

truth and in fact, and the laws there are honestly, faithfully, and fairly executed. Equal and exact justice is measured to all alike regardless of race, nationality, party, or color. The ballot there is free to all who are qualified under the laws, and none are disfranchised except the insane, idiots, and those rendered infamous by conviction for crime. Our elections are fair and the vote honestly taken and counted by election officers who are chosen in equal numbers from each of the contending parties. The people of that State are as peaceable and law-abiding in all respects as any in the United States. I can truly say that we have there perfect freedom of conscience, thought, and speech.

Sir, it is sad to see the lengths to which party necessity can and does drive gentlemen. We have here a very simple and well-defined constitutional duty to perform, and one that we should all approach without party bias, for we cannot expect to gain any permanent or continuing party advantage by any decision that we may make. Sir, we may to-day agree upon a number and an apportionment of Representatives that may seem, judging by past elections, to give an advantage to the democratic party or to the republican party; but, sir, who could undertake to say that that apparent advantage would be retained through another election?

A few years ago Maine, New Hampshire, Connecticut, and New Jersey were solidly republican; yet within a few years we have seen each of them voting democratic. Even sturdy Massachusetts has had its lucid moments, and in that lucid interval has been known to experience an ebullition of virtue and vote democratic. New York, that has been regarded as the citadel of democracy, has, alas! turned its back upon the enemy, and deceived and betrayed the very elect of the democracy. Indiana and Ohio ever waver in the balance, and seem to be happy in the embraces of either party. But a few years ago quite all the Southern States were solidly republican, and so secure did the republican party feel of its hold upon those States that they proceeded to enfranchise the colored people, and give them representation according to their full numbers.

But now, sir, that scene is changed, happily, and we hear instead the denunciatory cry of the "solid democratic South!"

Colorado, that was admitted by a democratic Congress as a State because it was considered safe for the democracy in the approaching presidential election, played the truant and is found to be fiercely republican.

California and Nevada, that were but yesterday faithful republican States, have struck their republican colors and nailed the honest old democratic flag to the mast-head instead.

Oregon, that had so long kept the democratic faith, has proven recreant and gone astray, and is no more of the household of the faithful.

Sir, it will be in vain that party ingenuity will be taxed to gain any enduring advantage out of this apportionment. You may as well seek shelter from the fierce, burning rays of the sun in the shadow of the ever-changing and shifting clouds. The party that attempts it will be like the foolish person who built his house upon a sandy foundation. When political storms come, as they will, and the angry waters of party strife beat upon it, the entire structure will fall and crush the foolish people who take shelter within it. If the history of party politics teaches any one lesson more certainly than another, it is that mere party expedients and inventions always return to plague the inventor. No party has ever yet well served itself or the country by a resort to any such things. The ballot and full representation was given to the colored people of the South as a mere expedient, invented by the republican party to control the Southern States and make them republican.

It is said that the South thereby gained 35 members in Congress. These States are all now democratic, and the increased representation so invented now sorely torments the republican party, and the unseemly effort in which that party is now engaged to deprive the colored people in the South of representation is at once ludicrous and pitiful. It is wisest and best to be always just and fair, adhering to correct principles. We may gain an advantage to-day by such expedients, but in doing so we tear away from about us our only sure safeguards for the future.

No party can afford to do wrong, Mr. Speaker. This is not a party question. It is not a sectional question. It is a great national constitutional duty, which is in no sense questionable. It is always well to inquire what we have to do and what are the legal and constitutional guides to our action.

Section 2, article 14 of the Constitution, is as follows:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

This is the law by which we have all sworn to be governed.

We have also before us the "whole number of persons" in the respective States, ascertained correctly, fairly, and according to law. The single question, then, to be settled is the number of members that shall compose this House. It would seem strange that this simple question should assume a party phase. But it has, and bids fair to become fierce and bitter on the part of our republican friends. With a few creditable exceptions, they have made it the occasion of partisan assaults that would be more worthy of the hustings than this forum. They have brought forth the ever-ready bloody shirt and given it a fresh airing, and finally they have solemnly *consulted* in secret and resolved to insist upon the most unfair apportionment they could invent, and if not yielded to they threaten to obstruct the progress of public business.

Mr. Speaker, the action of the democratic side of this House stands out in gratifying and honorable contrast with the course of the other side. The distinguished gentleman from New York, [Mr. COX,] in reporting this bill to the House, declared that, so far as he and this side of the House were concerned, this great work should "not be crowned with the ugly effigy of party." And most admirably and faithfully has he and the members on this side adhered to that pledge. Indeed, sir, in his able and remarkable presentation of the subject to the House he has left little for those who come after him to do. As I before said, our duty is plain and simple. Representation is to be apportioned—how? Not to New England, the Middle States, the Western States, and the Southern States, but to the States respectively, according to the whole number of persons, excluding Indians not taxed.

Some gentlemen object to this constitutional rule, and insist upon grouping certain States together. What reason or authority is there for that? Why will you group the New England States together? Why will you group the Middle States together? Why will you group the Northern, the Western, or the Southern States together? Does the Constitution show that this apportionment of representation shall be to New England, or to the Middle, or to the Southern, or to the Western States? Not at all; but to each State according to its numbers, counting all persons within the State.

Now, if the rule that these gentlemen insist upon, which is a mere party expedient, be the rule that is to guide us, then the East or Middle States, the Northern and the Western States must lose representation, because Rhode Island and Massachusetts have disfranchised certain classes of persons. If that rule be true and is a proper guide for our action, then Delaware, Maryland, Virginia, Kentucky, Tennessee, and Missouri must all lose representation because it is alleged that Louisiana bulldozes the colored voter and that South Carolina uses the tissue ballot. Is that just and constitutional? Must Arkansas be denied representation because these things exist elsewhere, if indeed it is true that they do exist? Let us take the guide of the Constitution, follow that and obey it. No man need go amiss. This is not a confused and much entangled question. No State has disfranchised any class of its citizens with the meaning of this limitation provided in the fourteenth article of the Constitution.

At the last apportionment there was found no such denial of the elective franchise as would warrant an abridgment of the representation of any State, and no State has since that time disfranchised any of its inhabitants. But if any of the States have done so, how should it be ascertained? We created by law the Census Bureau to ascertain the number of the people, and through that bureau the number of persons, if any, who were denied the right to vote should have been ascertained. But it did not appear from the laws and constitutions of the States that there was any such disfranchisement, and hence no one demanded the information.

Another says there should be no apportionment now because he is not yet satisfied with the census of the State of South Carolina. This gentleman seems to think that because he yet has lingering doubts as to the fidelity and correctness of the census of that State the remaining thirty-seven States should be denied their rights. If his apprehension was well founded the justice of his proposition would be questionable. But, sir, has he in fact the semblance of a reason for the doubt?

So much has been said about census frauds in South Carolina that I beg to call the special attention of the House and the country to the letter to the Secretary of the Interior of January 17, 1881, communicating the letter of that faithful and efficient public servant, General Francis A. Walker, Superintendent of the Census, of January 15, 1881. This letter was written in response to a resolution of the Senate "requesting and directing the Secretary of the Interior to forward for the information of the Senate the report of the Superintendent of the Census touching the alleged frauds of the enumeration of the inhabitants of South Carolina, under the law providing for taking the tenth census." It answers so completely the charges made from time to time by partisan stump-orators and newspapers that I shall ask the Clerk to read it for the information of the House and the doubting gentleman from Indiana.

The Clerk read as follows:

> DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
> *Washington, D. C., January 15, 1881.*
>
> SIR: I have the honor to be in receipt of Department letter of the 7th instant, inclosing a resolution of the Senate requesting and directing the Secretary of the Interior to forward, for the information of the Senate, the report of the Superintendent of the Census touching the alleged frauds of the enumeration of the inhabitants of South Carolina under the law providing for taking the tenth census.
>
> In compliance with the instructions of the Department, I have the honor to transmit herewith a printed copy of the report in question.
>
> The investigation, the results of which are set forth in this report, was conducted by Mr. Henry Gannett, special agent of this office, between the 7th and the 21st of September.
>
> The method adopted was the verification of names appearing upon the schedules

of eighteen enumeration districts, in six different counties, through personal inquiry of prominent citizens familiar with the residents of their respective localities and of undoubted probity.

During the month of November I received oral instructions from the President to send a staff of special agents from this office to South Carolina to conduct a re-enumeration, by a house-to-house canvass, of a certain number of townships, with a view to a further test of the results of the June enumeration.

In compliance with these instructions I detailed F. G. Butterfield, esq., late supervisor of census for the State of Vermont, and now of this office, as chief special agent to conduct the proposed re-enumeration. The following persons were detailed as assistants to perform the actual work of enumeration:

Timothy Quinn, of New York; John B. Burt, of Massachusetts; John B. Isler, of Maryland; O. P. D. Stone, of Michigan.

These gentlemen were selected for their known ability and proved integrity, and with reference also to the fact that each of them had been accustomed to mounted service in rugged and difficult country; all of them having been in the Army of the United States.

Eight townships, situated in as many different counties, were, upon the recommendation of Colonel R. M. Wallace, marshal, taken for re-enumeration.

Two townships were assigned to each of the four assistant special agents. The schedules of inhabitants returned in the June enumeration were placed in the hands of the chief special agent. The several assistant special agents assigned to the actual enumeration of the townships were not shown these schedules, but were required to perform their work *ab initio*, without reference to the first enumeration. Their note-books, containing the description of every house in the township, as to location, material of construction, and general character, together with the name of each member of the family resident therein, were to be submitted to the chief special agent, having his headquarters at Columbia, who was instructed to make a careful comparison, name by name, of the results of the two enumerations.

The enumeration of seven of the townships in question was completed a week or two since, but owing to the large extent and considerable population of Waterloo Township, I was not advised until yesterday of the completion of the work in that district.

The following table gives the population of each township as ascertained in the re-enumeration just described:

County.	Township.	Reported at June enumeration.	Reported in December and January.
Abbeville	Due West	2,457	2,576
Barnwell	Williston	2,669	2,723
Chesterfield	Steerpen	2,080	2,090
Fairfield	Township No. 8	2,559	2,685
Laurens	Waterloo	4,018	4,150
Lexington	Broad River	2,426	2,441
Marion	Cains	2,405	2,430
Williamsburgh	Johnson	2,397	2,463
Total		21,011	21,608

It will be seen that in every township on this list an increase appears in the December and January enumeration over the June enumeration. This increase is due partly to the normal increase of population, which might easily be, in seven months, 1½ per cent.; partly to changes in population, such as frequently occur in rural communities, as between summer and winter; which changes, had a hundred townships been taken, would probably have offset each other, but which in so few as eight might easily leave an appreciable balance, to the gain or the loss, according to circumstances of the particular group of townships taken, and partly also, it is probable, to the greater care and thoroughness with which the last enumeration has been conducted.

It was not to be expected that the average of the four hundred and eighty-seven enumerators of South Carolina should be equal to that of a corps of selected officers, each of whom had had far more than the usual experience of life and of public service, all excellent scouts and horsemen, provided with guides, maps, &c., without regard to expense. It is not improbable, therefore, that the final result may show a score or two of families in these eight townships who were omitted by the June enumerators either through inadvertency or on account of some peculiar difficulty arising from the location of their dwellings.

The ordinary enumerator, canvassing a territory of fifty, sixty, or eighty square miles, might, without any great fault of his own, omit two or three cabins hidden away in ravines, sheltered by trees, and occupied by families having but very little of business or of social connection with the rest of the community.

I may, perhaps, be excused for remarking that in discussions relating to the census of the Southern States it needs always to be borne in mind that the most characteristic difference in the matter of residence, as between the Northern and the Southern States, is found in the location of dwelling-houses. As a rule in the Northern States houses are placed upon highways; as a rule in the Southern States houses are not so placed. In the Northern States families are habitually supplied with water from wells; in the Southern States they are habitually supplied with water from springs or running streams, and hence it is proximity to a natural water supply which determines the location of houses. Any one who has traveled throughout that region will not fail to acknowledge the truth of this general remark.

Time has not been given for a full comparison of the names upon the lists furnished by the two enumerators, which work will be completed upon Special Agent Butterfield's return to Washington.

In general he has advised the office that the results of the comparison, so far as it has been carried out, have been such as to corroborate the original enumeration.

I cannot but believe, however, that the result which I have now the honor to announce will be accepted as conclusive in favor of the integrity of the work done in June under the authority of the several supervisors of South Carolina.

I have the honor to be, very respectfully, your obedient servant,

FRANCIS A. WALKER,
Superintendent of Census.

Hon. CARL SCHURZ,
Secretary of the Interior.

Mr. DUNN. This full and complete reply to the imputations of unfairness and fraud ought to satisfy the minds of all men, and, I doubt not, will. Another objection is that the vote polled in some of the States was small and below that of the actual number of voters in such States. It is assumed that those who did not vote were prevented from voting by violence or intimidation. This charge is laid at the door of the South especially. This is an old, stale, and baseless charge. But if it was true it is not of that class or character of disfranchisement which would abridge the representation of a State.

This would be individual violence and wrong, and punishable by law and within the jurisdiction of the courts. If the representation of the States is to be abridged because of crimes and violation of law by individuals, then we shall have endless confusion. But it is not. There is no warrant of law for it, and it is the merest subterfuge to so argue.

But, sir, is this charge, so flippantly made against the Southern States, true? Sir, we all in that portion of the country know that it is not. We are asked why our people do not vote if the ballot is in fact free? There are many reasons, known to all intelligent observers in the South, why full votes are not polled.

The vicisitudes and disasters of war and politics through which our people have passed during the last twenty years has gone far to discourage a great portion of them, and cause them to lose interest in public affairs. For a time after the close of the late war many were disfranchised and not permitted to vote. Others who were entitled to vote were so often denied registration or had their ballots falsely returned or cast out, that they came to think that it was not worth while to vote or to attempt to vote. It is undeniably true that many of our people have lost interest in public affairs, so much so that large numbers of them absent themselves from the polls. I will, however, let a Northern man answer. I send to the Clerk's desk a letter I received a few days ago from a very intelligent constituent of mine, who came a few years ago from Ohio to my State.

The Clerk read as follows:

CORNING, ARKANSAS, *February* 5, 1881.

SIR: I have noticed in the newspapers since the election considerable said about the smallness of the ratio of votes to the census in the Southern States as compared to the Northern States, and unfavorable reflections made as to the cause of it, and have seen no explanation of it except the charge of intimidation made by the republicans. Now there is, and it ought to be known, a true explanation of it. My theory, based upon a fifty years' residence in the north (Ohio) and over four years here, is that the discrepancy in the ratio of votes is not for want of voters nor to intimidation, but to the apathy of our southern people. You can imagine my surprise when, in 1876, leaving a heated political campaign in the North and arriving here, and for days and even weeks never hearing a single word of a political tenor mentioned. Why, sir, in a town of the size of this you would hear more political discussion in any day of the campaign than you will here during the whole period. This apathy, I think, is due to the infrequency of our elections, the want of a party organization, the failure to make party nominations in counties, the indisposition of our people to read the current news, the sparcity of our settlements, by which the people are not frequently and intimately intermingled, and the overwhelming preponderance of the democracy, thousands of whom do not appreciate the necessity of voting, knowing that our ticket is safe anyhow. To illustrate: This township enumerated over fourteen hundred at the census, and there are nearly three hundred legal electors therein, and perhaps one hundred more males over twenty-one years old who are not voters by reason of not residing in the State, county, and township long enough to vote.

At the last State election 183 votes were cast, and at the presidential election 135, being 48 less than at the State election; and no intimidation was used; in fact, people were urged to vote, as we wanted to make a good showing of voters, but they did not near all vote. Several legal voters right here in town failed to offer their ballots. Now, the discrepancy between our State and presidential elections is explained by the fact that at the State election the candidates for the different county offices had induced their friends to turn out and vote, when at the presidential election no such motive existed, and they staid away from the polls, the people taking and feeling but little interest in national offices. Were the parties more equally divided, each party would make greater efforts to poll their full vote, and a much greater aggregate would be had. Here we do not talk politics, have but few political meetings, no pole raisings, no flags nor banners flying, no great rallies, little neighborhood speaking, and none of the paraphernalia of an exciting campaign, no nothing to get up political excitement and arouse the people and excite their passions and call out their prejudices like those brought to bear in the North, and hence the indifference and our meager vote at presidential elections.

The intimidation dodge of republicans is a cheat. Here we have no negroes to vote. Garfield got twenty-nine votes, within three or four of their full strength, yet our democratic friends neglected to vote their full strength, and let it go out to the world that either the census is fallacious, or that legal voters were prevented from voting. I might remark further, that, as you are aware, the laws of this State require a residence of one year in the State, six months in the county, and thirty days in the township to entitle a man to vote—this cuts out a great many; while in some of the Northern States six months only is required in the State and thirty days in the county, and perhaps in some no preceding residence in the county required to vote. Such a law here would have enfranchised thousands who were disfranchised under our laws.

The foregoing was suggested from reading the debate in Congress on the apportionment bill, and I trust that the democratic members will have backbone enough to sustain that and all other political measures pending this session.

Very respectfully yours, W. B. HARB.

Hon. P. DUNN, M. C., *Washington, D. C.*

Mr. DUNN. This statement every man in the South can verify and ought to satisfy all fair-minded and just men.

The gentleman from Michigan [Mr. HORR] made a speech that amused the House, and I suppose it amused the country also. While he does not very positively or directly assert anything, he attacks most unjustly by innuendo. He alludes to the comparatively small vote in the South, assumes that those not voting are bulldozed, intimidated, or in some wicked way prevented from voting, and concludes that all the democrats vote and that those not voting are oppressed colored republicans. He mentions Arkansas as one of these lawless States; and his solution of the difficult question is to apportion representation to the States according to the number of votes cast. This proposition is refreshingly original. He does not propose to apportion the representation according to law, but, as it is said the Dutchman testified, to the best advantage for his party as things now look. He is certainly entitled to all the rights of discovery. But, Mr. Speaker, my chief object in seeking the floor at this time was to defend my own State from this unjust aspersion.

It is assumed generally by republican newspapers and speakers that the color line is the party line in the South. While this is not literally true, it is approximately so in that portion of my State where the colored population is chiefly located.

Now, Mr. Speaker, I invite the attention of the gentleman from Michigan especially, and of the House, to some tables which I have prepared on that subject with some degree of care. Party necessities may drive the demagogue to strange and extraordinarily extravagant

assertions and declarations to subserve party ends. But when he is confronted with the cold figures of a trusted census and the official votes of the States, it will be seen that he will appear at great disadvantage. I have prepared here with some care from the census report of my own State and from the official vote of that State, as appears from the report of the secretary of state for 1880, a statement which is a complete refutation of the charge and a vindication of the State of Arkansas against all such strictures. I have prepared these tables, showing the white and colored population, the possible white vote and the possible colored vote on the basis of 1 to 5, the actual democratic vote, the actual republican vote, the number of whites absent from the polls, and the number of colored voters not voting. I take my State by counties, and I invite attention to the tables, for the figures they contain are official and as follows:

Counties.	Population.		Possible vote of whites, ratio, 1 to 5.	Possible vote of negroes, ratio, 1 to 5.	Actual democratic vote for President, 1880.	Actual republican vote for President, 1880.	Whites not voting, 1880.	Negroes not voting, 1880.
	White.	Colored.						
Arkansas	4,969	3,069	994	614	861	716	133	.....
Ashley	5,026	5,130	1,005	1,022	727	672	278	350
Baxter	5,959	45	1,191	9	607	156	436	.....
Benton	20,167	33	4,033	7	1,964	298	1,778	.....
Boone	12,054	83	2,410	17	1,134	325	968	.....
Bradley	4,074	2,211	815	442	576	178	239	264
Calhoun	2,585	2,088	717	417	471	270	246	201
Clay	7,192	21	1,438	4	590	73	779	.....
Carroll	13,273	64	2,654	13	887	399	1,381	.....
Chicot	1,562	8,565	312	1,711	266	1,552	146	159
Clark	10,556	5,205	2,111	1,041	1,263	880	848	161
Columbia	8,588	5,499	1,717	1,099	1,173	582	544	557
Conway	9,545	3,209	1,909	642	908	1,020	623	.....
Craighead	6,777	260	1,355	52	572	83	752	.....
Crawford	13,331	1,409	2,666	282	1,138	974	836	.....
Crittenden	1,879	7,518	372	1,513	239	913	133	600
Cross	3,261	1,790	652	358	464	299	188	59
Dallas	4,300	2,207	860	441	497	296	363	245
Desha	2,450	6,523	490	1,304	376	888	114	416
Dorsey	6,041	2,329	1,208	466	514	281	694	185
Drew	6,472	5,759	1,394	1,152	888	553	506	599
Faulkner	11,374	1,411	2,275	282	1,097	469	991	.....
Franklin	14,456	495	2,891	99	1,583	468	939	.....
Fulton	6,684	36	1,337	7	558	78	708	.....
Garland	7,458	1,565	1,491	313	814	556	424	.....
Grant	6,472	5,750	1,294	1,150	478	105	716	1,045
Green	7,407	74	1,481	15	515	23	958	.....
Hempstead	9,593	9,422	1,918	1,884	1,450	1,641	468	243
Hot Springs	7,030	745	1,406	149	609	208	738	.....
Howard	7,408	2,509	1,481	502	884	453	597	49
Independence	16,703	1,383	3,340	276	1,463	495	1,658	.....
Izard	10,635	221	2,127	44	1,005	223	943	.....
Jackson	8,113	2,764	1,623	552	883	500	740	52
Jefferson	5,326	17,060	1,065	3,412	885	3,196	280	216
Johnson	11,077	488	2,213	98	1,098	279	934	.....
La Fayette	2,116	3,613	423	723	315	514	108	209
Lawrence	8,315	467	1,663	93	800	104	853	.....
Lee	4,138	9,150	827	1,830	593	995	388	835
Lincoln	4,211	5,044	842	1,009	468	848	374	151
Little River	3,062	3,342	612	668	491	547	121	111
Logan	13,900	985	2,780	197	1,155	827	995	....
Lonoke	8,144	4,003	1,629	800	1,001	599	628	201
Madison	11,331	124	2,266	25	735	414	1,152	....
Marion	7,864	43	1,573	8	654	120	807	....
Mississippi	4,671	2,661	934	532	536	398	398	134
Miller	5,323	4,596	1,064	919	884	735	180	184
Montgomery	5,474	255	1,095	51	445	142	559	....
Monroe	4,410	5,160	882	1,032	715	963	167	69
Nevada	9,227	3,732	1,845	746	936	372	909	374
Newton	6,122	5	1,224	1	320	340	565	....
Ouachita	5,503	6,254	1,101	1,251	858	929	243	322
Perry	3,072	838	612	167	187	175	417	....
Phillips	5,442	15,820	1,088	3,164	924	2,367	164	797
Pike	5,951	394	1,190	79	346	152	671	....
Poinsett	1,902	290	380	58	265	23	80	....
Polk	5,793	64	1,158	13	334	48	889	....
Pope	13,421	904	2,684	181	1,156	376	1,333	....
Prairie	5,691	2,744	1,138	549	749	506	389	43
Pulaski	17,692	14,927	3,538	2,985	1,971	3,351	1,201	....
Randolph	11,097	627	2,219	125	905	147	1,282	.....
Saline	7,586	1,367	1,517	273	719	266	648	7
Sebastian	17,973	1,587	3,794	318	1,631	1,074	1,399	.....
Sevier	5,089	1,103	1,017	221	591	141	426	80
Scott	9,085	89	1,817	18	609	205	1,021	.....
Searcy	7,262	16	1,452	3	452	566	437	.....
Sharp	8,871	176	1,774	35	793	174	642	.....
Saint Francis	4,921	3,468	984	693	693	494	291	199
Stone	4,948	105	999	21	417	50	553	.....
Union	6,084	6,433	1,217	1,287	1,096	789	121	498
Van Buren	9,449	116	1,890	23	873	162	778	.....
Washington	22,897	947	4,579	189	1,937	788	2,043	.....
White	15,762	2,032	3,152	406	1,922	301	1,250	.....
Woodruff	4,163	4,483	832	898	668	738	164	160
Yell	12,733	1,119	2,547	224	1,331	669	771	.....

Total possible white vote	118,583
Total possible colored vote	44,104
Total democratic vote cast in 1880	60,930
Total republican vote cast in 1880	41,613

Of the whites 68,114 voted, being about 57 per cent.; of the colored voters 34,429 voted, being about 79 per cent.

These figures show what every man in my State knows to be true, namely, that the colored people take more interest in elections than the white people and are more prompt and reliable to vote.

In my own district, of a possible white vote of 27,572, only 15,792 voted, leaving 12,000 whites absent from the polls; while of a possible colored vote of 14,868, 11,621 voted, leaving only 3,670 absent from the polls. Surely this is sufficient to dispose of this audacious and baseless charge.

Mr. Speaker, I will not enter into an analytic argument of the tables I have submitted for the consideration of the House. I am not wedded to any particular number. I desire no advantage for my section or party. I desire to see the House dispose of this question in a spirit of judicial fairness. All can afford to do that, and none can afford to be unfair.

I desire to say in conclusion that those gentlemen who are so much troubled about the great gains which the South appears to make on each number below 319 should bear in mind the fact that by reason of the imperfect, unjust, and fraudulent census of 1870 the South has these ten years been unjustly deprived of representation to which it was entitled, and is now only recovering its own. The enumeration of 1870 was made under republican partisan auspices, by republican marshals and their deputies, not by enumerators selected by southern Senators and members of the House as non-partisans.

General Walker says of that census in his letter of October 5, 1880:

> The error lying between the two censuses indicated, it would at the first glance appear, that a strong presumption existed that it was the census of 1880 which was at fault, the census of 1870 being a census taken and completed, a census accepted by the proper Department at Washington, and incorporated into its reports to Congress, and made the basis of a redistribution of representation by the act of 1872. Unfortunately, however, the authority of the census of 1870 in some sections of the country was not such as to create a very powerful presumption against the subsequent census by reason of marked discrepancies appearing therein.
>
> The census of 1870 was taken under the act of 1850, an act by the provisions of which the control of the Census Office over the enumeration was reduced to a minimum, the authority attaching to the office being altogether insufficient, to any considerable degree of responsibility, for the results reported.
>
> In his report of November 1, 1872, the Superintendent of Census characterized this act in the following terms, to which, after the further experience of eight years, he would, if possible, add emphasis rather than subtract from the force of the condemnation expressed.
>
> "It is not possible for one who has had such painful occasion as the present Superintendent to observe the workings of the census law of 1850 to characterize it otherwise than as clumsy, antiquated, and barbarous.
>
> "The machinery it provides is as unfit for use in the census of the United States in this day of advanced statistical science as the smooth-bore, muzzle-loading Queen's arm of the Revolution would be for service against the repeating rifle of the present time. It ought not to be possible that another census should be taken under this law; such a thing ought not to be seriously proposed.
>
> "The country has suffered more than enough already of discredit and of loss on account of the wretched insufficiency and inappropriateness of the provisions of this ill-constructed and outgrown statute."
>
> By the act thus characterized the charge of the enumeration in the several judicial districts was committed to the United States marshals, officers appointed with reference to altogether different services, and already burdened with a great variety and extent of duties in connection with the courts. These officers were, moreover, not appointed, and were not removable, at the instance of the Census Office or of the Department of the Interior, but belonged to another Department of the Government, to which they were responsible. In the formation of the subdivisions of their districts for census purposes, the marshals were subject to no control whatever on the part of the Census Office, while they were, by law, permitted to constitute districts in their own discretion, not exceeding 20,000 inhabitants.
>
> But even worse in its effects upon the integrity and completeness of the enumeration was the provision of the act of 1850, by which the United States marshals were left to appoint their assistants—the actual enumerators—without any check or control on the part of the Census Office. Whatever the vices of any individual appointment, or however low the general tone of appointments in any district might be, the Census Office had no power except that of a barren protest, its right to make such a protest even being seriously a subject of question. The Census Office had not even authority or appropriation to send an agent to inspect the office of the United States marshal during the progress of the enumeration.
>
> The absence as above indicated of any power in the Census Office, first over the appointment of marshals themselves—the supervisors of enumerations; secondly, over the subdivision of the territory for the purposes of enumeration; and thirdly, over the appointment of assistant marshals—the actual enumerators—will be seen to justify the statement made above, that, under the act of 1850, the authority attached to the Census Office was insufficient to any considerable degree of responsibility for the results reported. In this condition the question whether the census of any judicial district should be a good one or a bad one became a question simply whether the United States marshal, appointed with reference to altogether different considerations, was himself competent to conduct the delicate and difficult work of supervising the census; whether he would give to the subject sufficient time and attention, in spite of other and pressing duties, and whether he would show good judgment and integrity in the subdivision of his district and in the appointment of his assistants. I have always been free in attributing to the United States marshals of 1870, as a body, a high sense of their duty in this respect and great zeal and vigilance. In preparing for and supervising the enumeration the marshals for 1870, as a body, did far more and better than was to have been expected of them in respect to this onerous duty imposed upon them, in addition to the regular work of their office. Moreover, the assistant marshals of 1870 were generally of good clerical abilities and good character, who labored faithfully in their calling, and made, as a rule, neat and intelligent returns.
>
> While the foregoing remarks respecting the deficiencies of the system in use at the ninth census apply indifferently to all the districts of the country, North and South, peculiar difficulties attended the enumeration at the South in 1870. The disturbed state of society in the States lately in rebellion and the supposed necessity of appointing the assistant marshals wholly from the dominant political party, the members of which, in some sections, were drawn almost exclusively from the race lately emancipated by the effects of war, combined to reduce to a very low point the assurance which the country could have of a good census being taken under such a thoroughly bad organization as that provided by the act of 1850. It is not necessary for me to recite facts of record showing the manner in which the State governments of more than one State were at that time administered to prove that there was no very strong probability that the appointments made to the office of assistant marshal in those States would be uniformly good.
>
> There was, moreover, lacking in 1870, throughout this general region, one very

important safeguard of enumeration, namely, public interest in the result and general intelligence as to the population likely to be shown by the canvass. The interest generally manifested throughout the United States in the ninth census was far below that which has been shown the present year; but nowhere did the interest in the work of the census fall as low as in the States referred to, in which political activity under the Constitution of the United States had scarcely revived, and some of which had only just been restored to their representation in Congress and in the electoral college. Public interest in the result of the enumeration is oftentimes very troublesome to the officers of the census; but it is as wholesome as troublesome, since, while it frequently leads to unreasonable complaints, it almost certainly calls attention to any actual omissions from the enumeration and to any negligence on the part of the agents of the census.

Moreover, there could, in 1870, be no intelligent expectation at the South as to the population which should be shown by the census. No statistician could, at that time, claim to be able to make even an approximate estimate of the population of any Southern State. What would be found to be the effects upon population of four years of devastating civil war, involving vast loss of life, with diminution of vitality on the part of the survivors, the separation of husbands and wives, and the procrastination of marriage on the part of the young, throughout a population of which all able-bodied adult males were declared by law to be soldiers, subject to be called to arms at any moment? What would be the effects upon the distribution of the colored population, as between States and counties, of their recent emancipation, leaving them for the first time free to place themselves according to their interest or their fancy? These were questions which the best-informed student of population could not have presumed in 1870 to answer. There was, consequently, on the eve of the ninth census, no intelligent estimate possible on the part of any southern community as to the population which would be found to exist; and hence there could be no intelligent criticism of the results of the census as announced by the marshals of the several judicial districts. Scarcely any result as to population was incredible in a region over which armies had been passing for four years, to the destruction of crops, of houses, of fences, and of agricultural implements, and in which one-third, one-half, or, as in the so-called "Black Belt," two-thirds, four-fifths, and even seven-eighths of the population were, for the first time in their lives, as the result of the war, left free to choose their own location and mode of living.

INVESTIGATION OF THE RESULTS REPORTED IN 1880.

From the above considerations this office was not disposed, on the first announcement of the extraordinary apparent gain of population from 1870 to 1880, to conclude that it was necessarily the census of 1880 which was in fault, and thereupon to charge upon the 10,000 officers engaged in the service throughout the Southern States the perpetration of a monstrous political crime through a gigantic conspiracy to falsify the census. Knowing that the provisions of law at the tenth census were infinitely better suited to accomplish the purposes of a correct enumeration than in 1870; knowing that in South Carolina the work of supervision had not, as in 1870, been intrusted to a single officer already overworked in the performance of the regular duties of the marshal's office, but to three officers, each of whom gave many months of arduous labor to the work of preparation and supervision; knowing that in place of one hundred and twenty-one enumeration districts, as in 1870, covering an average area of two hundred and eighty square miles, there had been, at the recent count, four hundred and eighty-seven districts, each covering an average area of only sixty-nine square miles, securing, as a necessary result, a far higher degree of local and personal knowledge on the part of the enumerators of the districts to be canvassed by them respectively; knowing that the enumerators were no longer chosen from a single party, but were taken from the mass of citizens without any restriction on account of supposed partisan necessities; knowing all these things, I felt that the question, whether the census of 1870 or that of 1880 were in fault, should be approached and investigated without any strong presumption in favor of the former enumeration. The result of this investigation I have now the honor to state.

Mr. Speaker, the southern people have passed through rebellion, revolution, war, and all of them have their sad lessons as well as revenges; they are merciless, cruel, and destructive. We have patiently waited and hoped that their wounds would cicatrize, and that the graves of the dead past would be sodded over with respectful oblivion, and would rest in peace on through the ages; but still there are found political ghouls who dig into those graves and growl over the forms of the passions that are there buried.

But we can stand all this. We have stood more, and we shall continue to bear it with that proud resignation "born of the knowledge that all good men despise it and its authors." Sir, turning away from the bitterness of sectional strife, from the excitement of politics, and from the prejudices of partisanship, we shall move steadily forward in the path of constitutional duty.

It has truly been said that—

The "star of the South" has been shrouded by the cloud of slavery for two centuries, but as it rises and warms with the effulgence of freedom, it will mingle its rays brightly among the brightest in the constellation of States. The growing confidence of the people of the South in their ability to keep step to the music of free institutions in this Republic will vitalize their energies and give point to their efforts in the race for power.

This whole country is beginning an era of unrivaled prosperity and development, and if the powers of Government and forces of society are held with a steady, considerate hand, the eleventh census will reveal a degree of healthful progress never dreamed of by the most ardent believer in the capacity of republican institutions for the promotion of human happiness.

Relieved of the incubus of slavery, that *bête noir* of the past, and left free to rehabilitate herself upon terms of equality with other States of the Union and regulate her domestic concerns in her own way so as to secure and maintain law and order, and the peace and happiness of her whole people, the South will realize a marvelous increase in wealth and prosperity.

And, sir, I believe all good men of all parties and sections will sincerely rejoice if this prediction shall prove true. The jaundiced partisan who nurses "envy, hatred, and malice," and practices "all uncharitableness," will find himself the gloomy, isolated apostle of hate, breathing harmless and helpless discords into the grand harmonies of the Republic, reunited in heart and purpose as well as in form.

Mr. HORR. Will the gentleman permit me to interrupt him a moment?

Mr. DUNN. Yes, sir.

Mr. HORR. I do not know if I understand the gentleman's tables. Does the gentleman assume no white man voted the republican ticket?

Mr. DUNN. Not at all. I will show all that before I am through. I am arguing this case on the basis you placed it on yourself.

Mr. HORR. Does the gentleman claim that I said the color-line was established between the two parties? There was not one word of any such thing in my speech.

The SPEAKER. The time of the gentleman from Arkansas [Mr. DUNN] has expired.

Mr. DUNN. I should like to have a moment more.

Mr. SPARKS. Regular order.

Mr. DUNN. I ask leave to print the balance of my remarks.

There was no objection.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] has ten minutes of his hour remaining.

Mr. HAMMOND, of Georgia. I yield that time to the gentleman from Illinois, [Mr. HAYES.]

Mr. HAYES. Mr. Speaker, in discussing a question of such great magnitude and importance as the one now before us, we should endeavor to divest ourselves of all prejudice, sectionalism, and party spirit, and to rise to the dignity of true statesmanship. The apportionment for representation in this House among the several States of the Union is not a local matter, but is in every respect national and should be so treated. Viewed in its true light it is as broad as this great nation itself, reaching out to and affecting every citizen of the Republic, no matter what may be his age, rank, or condition, or in what portion of the land he may reside.

Having to deal with a matter of such vast importance and so far-reaching in its effects, it becomes us to rise above party prejudice, to divest ourselves, as far as possible, of State and sectional pride, and to act for the good of the whole people. I am aware, sir, that it is natural for gentlemen to feel some degree of pride in the State which they may represent in this House, but they should feel a higher, nobler pride in the nation of which their State forms only a part; and while they should labor earnestly to promote the welfare of their State, they should labor more earnestly to promote the welfare of the nation. No man in this body should forget that, in the highest and best sense, he is a representative of the whole people and that he should act for their good.

And this leads me to say that this apportionment which we propose to make should be made, not in the interest of any one State or any one section of the country, but in the interest of all the States and all the sections. Our object should be to make an apportionment which shall be both wise, just, and national in its character, giving to each State and each section the full representation they are entitled to under the Constitution. Representation in this body is based upon population. Having once fixed the number of Representatives which is to constitute this body for the next ten years, our next duty is to give to each State and to each section their due proportion of these Representatives according to their population. This is all there is about the matter, and there is no reason why we should quarrel because, in making this apportionment, one State happens to lose and another to gain. Of course, I may not feel perfectly happy if the number of Representatives in my State is cut down and that of some other State is increased. Such a condition of things may not be altogether satisfactory to my State pride. Yet it is something I cannot prevent. In fact, it is something I ought not to wish to prevent, so long as the apportionment is made among the several States according to their respective population.

Having said this much, Mr. Speaker, let me call attention for a moment to the various bills that have been submitted to us for our consideration. The bill offered by the minority of the Census Committee is, in my estimation, the only fair bill of the three, and I will cheerfully vote for it, provided I cannot get something which I consider better. But the bills offered by the gentleman from New York [Mr. COX] and the majority of the Census Committee are not fair at all. The bill of the gentleman from New York provides for a representation in this body of 301 members, upon a ratio of one member to every 164,018 inhabitants, while the bill of the majority of the Census Committee provides for 311 members, upon a ratio of one member to every 158,745 inhabitants.

Both of these bills I regard as exceedingly objectionable, being, as they are, decidedly sectional and partisan. They seem to have been framed on the basis of sectionalism and to have been gotten up to accomplish some partisan end. They seem especially designed to give the South the advantage. Their chief aim and object seem to be to increase the power of that section in an undue proportion both in this body and in the electoral college. This, sir, I am opposed to. The South has had an undue proportion of power long enough in this Government. In fact, it is impossible to remember the time when it has not had more power than it was entitled to. In the days of slavery it had a representation, both in Congress and in the electoral college, based upon its slave population, which it never ought to have had. To-day it has a like representation, based upon its colored population, a considerable portion of which it is not entitled to under the provisions of the fourteenth amendment to the Constitution. Every one knows that if this amendment were enforced the representation from the South on this floor would be diminished by at least one-third.

Now, sir, I do not wish to be unjust to the South. I am willing to give that section all that it can justly claim. If prosperity has reached out its hand and blessed its people, developing its resources, building up its industries, and adding to its population, I am willing to recognize that fact in this apportionment bill, just as I am willing to recognize a similar fact in the East or the West. I would give the

claims of its people the same consideration that I would give those of the North. I would treat them with the same spirit of fairness in every respect. But I would do no more than that. And it is because of this that I cannot favor either the bill offered by the gentleman from New York [Mr. COX] or that offered by the majority of his committee. Neither of them seems to me to be characterized by that spirit of fairness and justice to all sections which ought to characterize a measure of this kind.

But, sir, I wish to say one more thing, and that is that I am not wholly satisfied with the bill presented by the minority of the Census Committee which makes the ratio of representation 154,764 and the number of Representatives 319. I am in favor of a larger representation in this body than is provided for even in this bill. I believe not only that a larger representation will be fairer to the various sections of the country, but that the best interests of the people demand a larger representation. From what little thought I have been able to give this matter I have come to the conclusion that it will be better for all concerned to have this House made up of at least 325 members. I am not one of those who are frightened at the idea of having a larger House than we now have. I believe that we can increase our number to 325 not only with safety, but with profit. I will say more than this. The interest of the people and of good government will be best subserved by making such an increase.

With a representation of 325 in this body each member will represent a constituency of 151,906 people, almost 152,000. Now, will any gentleman, who has had the experience of one term in this House, say that such a constituency is not large enough? I will leave it to any member of this body to say if his duties are not sufficiently onerous now when he represents a constituency of only 131,000 persons? In attending to the numerous wants of his people, going to the Departments, keeping up his immense correspondence, looking after his committee work, and performing his duties on this floor, does he not find his time fully occupied? My experience and observation have led me to the conclusion that any man who represents 131,000 constituents and who attends to his duties as he ought has all to do that can reasonably be expected of him. Scores of gentlemen here have told me that they never worked harder in their lives than they have since they have been in Congress, and I believe the same to be true in regard to a large majority of the members now serving in this body. If this be the case with a constituency of 131,000 people, how will it be when 33,000 are added to this number, as proposed by the bill offered by the gentleman from New York, [Mr. COX?] It does seem to me that such an increase would be altogether too great and ought not to be made. The increase of 20,000, as I propose, is abundantly large, and we ought not to think of going beyond that.

It is a fact, that, on our present basis of representation, each member of this House represents a constituency larger than is represented by a member of any similar body in any of the other leading nations of the world. In Great Britain, with a population of 31,628,338, the House of Commons consists of six hundred and fifty-two members, each member representing 48,500 people. In France, with a population of 36,905,788, the Chamber of Deputies consists of 532 members, each member representing almost seventy thousand people. In the German Empire, with a population of 42,727,360, the Reichstag consists of 397 members, each member representing 108,000 people. In Austria, with a population of 21,742,884, the Lower House consists of 353 members, each member representing 62,000 people. In Prussia, with a population of 25,742,404, the Lower House consists of 434 members, each member representing 60,000 people. In Spain, with a population of 16,835,506, the Cortes consists of 408 members, each member representing 41,000 people. In Italy, with a population of 27,769,475, the Camera de Deputati consists of 508 members, each member representing 55,000 people. In Hungary, with a population of 15,609,455, the House of Representatives consists of 444 members, each member representing 35,000 people. In Belgium, with a population of 5,412,231, the Chamber of Representatives consists of 124 members, each member representing 44,000 people.

It will be seen from these figures that in all these nations except one the ratio of representation is less than 100,000. We, of course, do not want a ratio of representation as small as this. But we certainly want it smaller than 164,000. I believe in a small ratio. I think it the part of wisdom to have small constituencies. The smaller we make the ratio of representation, the nearer we bring the Representative to his constituents, the better opportunity will he have to get acquainted with them and learn their wants, and the more fully qualified will he become to act as their Representative. The original idea in creating this House was to make it the direct representative of the people—the embodiment and exponent of popular sentiment. It was to secure this end that the term of membership was limited to two years. It was to make this House emphatically the exponent of the popular will that provision was made whereby its entire membership might be changed every two years. This being the case, we can only make this House what it was intended to be by making the ratio of representation comparatively small.

There are a great many objections to large constituencies. The larger his constituency the further removed a Representative is from it. Knowing little of his people and they knowing little of him, he feels under less obligation to consult their wishes than he would feel if his constituents were less numerous and he could know more of them. Neither Representative nor people will take much interest in each other so long as they are strangers to each other. The object should be to bring the Representative as near to his people as possible. Let him get acquainted with them and learn their wishes. By so doing we make this emphatically the "popular branch" of our National Legislature, a body where the will of the people is regarded, their interests consulted, and their rights maintained.

I am aware, sir, that there are gentlemen on this floor who are opposed to any increase of reprsentation above the present number of 293. But in this I must be allowed to take issue with them. I confess that I cannot see any serious objection to an increase. I do, however, see a great many strong reasons in favor of it, some of which I have already given and others I will give before I get through. The great objection urged against an increase is that a large House is disorderly, and that even in this body, with only 293 members, it is impossible for those who sit on the outer circle to keep track of what is being done, thus making it impossible to transact business with that expedition with which it could be transacted in a smaller body. If such be the case, every one knows that the fault must be with the members and with them alone. If members are determined to create disorder and thus interfere with the transaction of public business, they will do so whether their number be 293 or 325. On the contrary, if they are disposed to preserve order and give their attention to the business before the House, they can do so as easily with a membership of 325 as with one of 293.

It may be that business can be transacted more rapidly in a small than in a large House. Yet I cannot believe that an addition of 32 members to our present number would cause business to drag along any more slowly than it does now. But the rapid transaction of business is neither the only nor the greatest question to be considered in making this apportionment. If it were, then it would be the part of wisdom to limit representation here to 50 or 25 members, for there can be no doubt that, with a House of such small proportions, we could not only have better order, but could easily transact in three months the business that now requires six. But there are other questions besides the rapid transaction of business to be considered, and the most important of these is to see that the people have such representation in this body as will give voice to their wishes, best promote their welfare in all their varied interests, and make them secure in all their rights and privileges. Now, I hold that we can more readily secure these objects by having small than by having large constituencies. Give us a membership in this body of 325, and each member will then represent 152,000 people, which are all that any one man can represent with any degree of satisfaction to himself or justice to them.

But, sir, I wish to say another thing, and that is, that the people of this country during the hundred years of our national life have always favored a comparatively small ratio of representation. At every decade but one since the first apportionment act, there has been an increase in the number of Representatives in this body. In 1789 the number of Representatives was fixed by the Constitution at 65. Three years after that, in 1792, the first apportionment act was passed, increasing the number to 105, allowing one member to every 33,000 people. In 1802 the number was increased to 141 with a ratio the same as before. Ten years after this the ratio was increased to 35,000, and the membership of the House to 181. In 1822 the number of Representatives was increased to 212, each member representing 40,000 people. In 1832 the ratio was fixed at almost 48,000, which gave a membership of 240. In 1842 the number of Representatives were cut down to 223, making the ratio of representation a little over 70,000. Ten years after this the ratio was 93,420 and the membership 233. In 1862 the membership was fixed at 241 and the ratio at 126,823. In 1872 there was another increase, the membership being fixed at 293, with a ratio of 131,425.

These figures show that the general policy of Congress has been to increase the number of members in this body at each apportionment. That policy has worked well and has given abundant satisfaction, and I cannot see any good reason why we should not adopt it at this time. There may be some disadvantages in a large House of 325 members, as there are in a House of 293 members, and would be in one of 200 members, but the advantages so far preponderate in favor of a large House that I am surprised that any one should oppose it. It is not necessary that I should stop to specify all these advantages, but there are a few to which I wish to call attention in order to emphasize them, although some of them have been referred to by gentlemen who have already spoken on this question. In speaking on this subject Chancellor Kent uses the following language:

> A due acquaintance with the local interests of every part of the Union ought to be carried into the House, and a sufficient number collected for all the purposes of information, discussion, and diffusive sympathy with the wants and wishes of the people.

These words are to the point in regard to the measure now before us. A large House and small constituencies are necessary to secure this "information, discussion, and diffusive sympathy with the wants and wishes of the people" which are here spoken of as so desirable. With a small constituency the individual Representative is brought nearer to his people than with a large constituency. He thus comes to understand their circumstances and wants and is thus better able to serve them. Besides this, with a large representation, you secure a great diversity of talent and a vast amount of mental force which cannot fail to be profitable in investigating and discussing the almost

innumerable variety of questions which come before this body. In a large House you will find one man who is well informed in regard to one subject, and another in regard to another subject, and thus you get a variety of intelligence and information which is extremely valuable.

There is something, too, in the point already made, that large bodies are less apt to be corrupt, that they are not so easily influenced (because they cannot be) by large corporations and special interests.

Again, a large House helps wonderfully in committee work. It gives you large committees, thus dividing the work and causing it to be better and more promptly done. In fact, in almost every point of view a large House is desirable, and I hope to see this House enlarged to 325 members. While I think that this number is none too large, I think it is the fairest to all sections of the country of any yet suggested. I know that it is impossible to fix upon any number that will not be liable to the charge of unfairness in some directions. But we should endeavor to give as little cause for such a charge as possible. During the past ten years our population has increased 11,000,000, and this fact is recognized more fully in my proposition than in any other yet made. I propose to give an additional representation of 32 members to this additional population. If this be done there will be a gain in representation in twenty-two States and a loss in only three. The gain will be as follows:

Arkansas, 1; California, 2; Georgia, 1; Illinois, 1; Iowa, 2; Kansas, 4; Kentucky, 1; Massachusetts, 1; Michigan, 2; Minnesota, 2; Mississippi, 1; Missouri, 1; Nebraska, 2; New York, 1; North Carolina, 1; Ohio, 1; Pennsylvania, 1; South Carolina, 2; Texas, 5; Virginia, 1; West Virginia, 1, and Wisconsin, 1.

The States losing are as follows: Maine, 1; New Hampshire, 1; Vermont, 1.

It will be seen by consulting the figures giving the population of the several States that wherever there is a gain on a fraction in the above list, that gain is on a large fraction and, in almost every instance, in a State where the population is increasing with great rapidity. For instance, California gains one on a fraction of 105,156; Iowa on a fraction of 105,560; Kansas on a fraction of 84,530; Kentucky on a fraction of 129,648; Massachusetts on a fraction of 112,046; Michigan on a fraction of 117,271; Nebraska on a fraction of 148,621; New York on a fraction of 70,912; South Carolina on a fraction of 84,186; Texas on a fraction of 73,514; Virginia on a fraction of 145,652, and Wisconsin on a fraction of 100,232.

Nearly all of these States are now growing rapidly, and it is highly probable that in a majority of them the population will so increase as to swell their respective fractions to the full ratio of representation very soon after the apportionment bill which we are now considering goes into effect. Indeed, I shall be disappointed if every one of these States is not entitled on an even division to the gain above given it on a fraction before half the present decade is gone by.

In conclusion, Mr. Speaker, I wish to say that I am in favor of passing an apportionment bill before this Congress expires, provided we can get a bill that is fair and just to all sections of the country and that is not partisan or sectional in its character. But if we are to have a narrow, contracted, sectional, and partisan measure, I for one will not favor it. We had better let the matter go over to the next Congress than to pass a measure that is not equally fair and just to each and every portion of the country. If we are to frame an apportionment act at all, let us undertake the work with a disposition to do right. In a matter of such national importance we should endeavor to act in a statesmanlike manner. I want to see the members of this House look at this matter from a national stand-point. I want to see them take views as broad as the nation itself. I want to see them come up to and occupy the plane of a true and exalted statesmanship, and then we shall get an apportionment act that is both creditable to ourselves and just to the country.

Mr. ROBESON. Mr. Speaker——

Mr. COX. Mr. Speaker——

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. COX] having charge of the bill.

Mr. COX. I yield to the gentleman from Pennsylvania [Mr. RYON] to offer an amendment of which he gave notice about four weeks ago.

Mr. CONGER. I object to that; the general debate on this bill has not been closed.

Mr. COX. I call for the previous question.

Mr. ROBESON. I trust the gentleman will not call the previous question until we have had further opportunity for debate.

Mr. RYON, of Pennsylvania. I offer this amendment——

Mr. CONGER. I object to any amendment being offered until general debate is closed.

Mr. COX. I call the previous question on the bill and amendments.

Mr. CONGER. We have several amendments to offer.

Mr. RYON, of Pennsylvania. I offer this amendment to come in at the end of the third section of the bill reported by the majority of the committee, and ask that it be read.

Mr. CONGER. I object to the reading of any amendment.

The SPEAKER. The gentleman from New York [Mr. COX] rises and demands the previous question.

Mr. SPRINGER. I thought it was understood that when general debate closed amendments could be offered and be considered as pending. I suggested an amendment during this general debate, and was informed that it could be offered when the general debate had been closed. I desire to offer it now.

The SPEAKER. That can be done by general consent.

Mr. CANNON, of Illinois. I desire to suggest to the gentleman from New York [Mr. COX] that there are gentlemen on this side of the House, five or six of them, who want an opportunity to be heard. I hope the gentleman will not demand the previous question for at least an hour.

Mr. COX. I would be very glad, after the previous question has been ordered, to yield my hour to gentlemen on the other side.

Mr. CONGER. I desire to say——

Mr. RYON, of Pennsylvania. I believe I have the floor to offer an amendment.

Mr. CONGER. When the chair was occupied by the gentleman from Pennsylvania [Mr. CLYMER] when this bill was last under consideration, and the gentleman from Georgia [Mr. HAMMOND] obtained the floor for an hour which he has occupied this morning—at that time there were on the Speaker's list the names of fifteen members (I have a copy of it here in Mr. CLYMER'S own handwriting) who desired to speak upon this bill; and not one of them has yet had the opportunity.

Mr. COX. And whenever I proposed to call up the bill you voted it down; you would not allow it to come up for debate.

Mr. CONGER. Here are fifteen members, whose names are on the Speaker's list, who have as yet had no opportunity to speak.

Mr. COX. I will yield my hour to them.

Mr. CONGER. We do not want the gentleman's hour.

Mr. ROBESON. We want our own hour.

Mr. COX. I will yield my hour.

Mr. CONGER. We do not take that hour.

Mr. COX. Then I call the previous question.

Mr. ROBESON. I desire to say that there have been six more speeches on the other side than have been accorded this side in the discussion of this question.

Mr. COX. That is not correct.

Mr. ROBESON. And we mean to have a free discussion on this question.

Mr. MORRISON. Well, take all you can get.

Mr. COX. The gentleman's statement is not correct; I say that over and over again.

The SPEAKER. There is no occasion for any excitement.

Mr. KEIFER. Nobody is excited.

Mr. COX. I will insist upon my right, and I am not going to get red in the face talking about it. I call the previous question, and will yield my hour to gentlemen on the other side if they choose to take it.

Mr. ROBESON. I do not know that the gentleman has any hour until the previous question has been ordered.

Mr. COX. The gentleman had better read the rules.

The SPEAKER. The gentleman from New York [Mr. COX] rises and makes a demand for the previous question, and he can take his hour before or after the main question is ordered.

Mr. THOMPSON, of Kentucky. I suggest that there be two hours' further debate and then we proceed to vote on the bill and amendments, voting first on the proposition for the highest number of Representatives, and so on down.

The SPEAKER. The gentleman from Kentucky [Mr. THOMPSON] suggests that gentlemen on the left of the Chair have two hours further for debate.

Mr. THOMPSON, of Kentucky. Yes, sir, provided that we will then vote on the bill and amendments, voting first on the highest number, and so on down.

Mr. CONGER. If gentlemen on the other side do not wish to speak, why not let gentlemen on this side go on and talk until they have had an opportunity to be heard?

Mr. THOMPSON, of Kentucky. They might never get through.

Mr. COX. Gentlemen on the other side have had opportunities, but they always voted down their opportunities.

Mr. ROBESON. Oh, no.

Mr. CONGER. Five gentlemen of the committee have spoken on the other side to two on this.

Mr. COX. I have asked you to take an hour, and you will not do it.

Mr. CONGER. We do not like to take gifts in that way.

Mr. COX. I will give it to you in advance.

Mr. CONGER. We want what belongs to us, if we can get it.

Mr. COX. All you want is to talk; why do you not talk?

Mr. CONGER. The gentleman talked his hour out, and, I thought, said some very interesting things. My friends differed with me, however. [Laughter.] And the gentleman's time was extended by unanimous consent.

Mr. SPRINGER. I ask the gentleman from New York to allow me to offer an amendment so that it may be pending when the previous question is called.

Mr. CONGER. I object to that.

The SPEAKER. The Chair desires to state the present situation of the bill. The original bill proposes 301 as the number of Representatives; the substitute as offered by the gentleman from Kentucky was for 311; the amendment to the substitute as offered by the gentleman from Illinois [Mr. SHERWIN] was for 319, and the amendment by the gentleman from New York to the original text proposed 307.

Those are the amendments actually in and pending. There have been various notices of amendments. The present occupant of the chair has not presided during the entire discussion of this subject, but he understands that notice was given by the gentleman from Pennsylvania [Mr. RYON] and by other gentlemen of their intention to offer amendments if opportunity should present. That is the situation.

Mr. RYON, of Pennsylvania. The chairman of the committee has yielded to give me an opportunity to offer my amendment.

Mr. CONGER. In regard to the statement of the Chair, I wish to say a word. The first bill is the bill sent to the committee, House bill No. 6958.

The SPEAKER. Proposing 301 Representatives.

Mr. CONGER. I am giving the number of the bill. The second proposition is the substitute of the majority of the committee, House bill No. 7026. Next in order would be the substitute offered by the minority of the committee for House bill No. 7026. Now that substitute does not apply to any other of the bills.

The SPEAKER. There cannot be two substitutes.

Mr. CONGER. I mean the amendment. Bill No. 7026 is the amendment offered by the minority. Now, there is no amendment by the minority either to the original bill sent to the committee or to the amendment proposed by the gentleman who has charge of this matter; and if his proposition is adopted, then there is nothing to which to attach the minority proposition.

The SPEAKER. The gentleman is mistaken. If the amendment to the original text should be adopted in lieu of the original bill as referred, then the question would come up on the substitute.

Mr. CONGER. Not if the previous question was pending.

The SPEAKER. The previous question is pending on the substitute and the amendment to the substitute, as well as on the amendment in the first degree to the original proposition.

Mr. CONGER. Then there would be no opportunity to make these amendments to any other bill or proposition.

The SPEAKER. Why, after the original text had been perfected, or if it should not be disturbed, the question would then come up on the substitute and the amendment to the substitute, the first vote being on the amendment to the substitute.

Mr. CONGER. After the previous question has been ordered there can be no further amendment.

The SPEAKER. Prior to the ordering of the previous question there can be amendments in the first and the second degree to the original bill, and then there can be a substitute and a single amendment to the substitute. This is the extent allowed by the rules.

Mr. CONGER. There are now two amendments pending to the original bill.

The SPEAKER. The Chair thinks not. The Chair understands there is still room for an amendment to the amendment to the original bill.

Mr. COX. The gentleman from Pennsylvania [Mr. RYON] desires to offer an amendment.

The SPEAKER. If that should come in as an amendment to the amendment to the original bill, no further amendment would be in order under the rules.

Mr. THOMPSON, of Kentucky. I wish to put an inquiry to the Chair. A few days ago I moved an amendment, which was admitted by unanimous consent and printed in the RECORD, to strike out all after the enacting clause of the original bill——

Mr. CONGER. I object to any further amendments now.

Mr. THOMPSON, of Kentucky. I wish to put a question to the Chair.

The SPEAKER. The Chair will hear the gentleman.

Mr. THOMPSON, of Kentucky. A few days ago I offered an amendment, which was printed in the RECORD and to which there was no objection, to strike out all after the enacting clause of the original bill and to insert a provision fixing 315 as the number of Representatives. That is pending before the House, surely.

The SPEAKER. Did the gentleman offer that as an amendment to the amendment of the original bill?

Mr. THOMPSON, of Kentucky. Not an amendment to the amendment.

The SPEAKER. It could not come in in any other way.

Mr. THOMPSON, of Kentucky. It was offered as an amendment to the original bill—to strike out all after the enacting clause and insert.

The SPEAKER. There is one amendment pending to the original bill—the amendment offered by the gentleman from New York, proposing 307 as the number of Representatives. The amendment of the gentleman from Kentucky [Mr. THOMPSON] might come in as an amendment to that amendment, but not as a substitute.

Mr. THOMPSON, of Kentucky. I desire to ask whether my amendment is not pending before the House in that shape?

The SPEAKER. The Chair was not aware of that fact. He will cause to be read what was stated at the time.

Mr. CONGER. I object to the offering of any amendments while the gentleman from New York still holds the floor.

The SPEAKER. The Chair will conform to the rules of the House in every respect.

Mr. COX. I insist on my demand for the previous question.

The SPEAKER. Gentlemen in front will be kind enough to be seated. The Clerk will read from the RECORD.

The Clerk read as follows:

Mr. THOMPSON, of Kentucky. I ask unanimous consent to have printed in the RECORD a substitute for the apportionment bill which I propose to offer when I get the opportunity to do so.

There was no objection and it was ordered accordingly.

Mr. THOMPSON, of Kentucky. If that is the statement, then the RECORD is in error; but I will have to stand by it.

The SPEAKER. The Chair must be bound by it. On examination the Chair found that to be the case. Now, after research the Chair will state the exact situation of the bill. There is a place where an amendment to the amendment to the original text comes in, and after that no other amendment under the rules can be received at present.

Mr. THOMPSON, of Kentucky. Then I offer mine now.

Mr. COX. I yield to the gentleman from Pennsylvania to move his amendment.

Mr. CONGER. The proffer of an amendment does not carry it in as a proposition before the House. If it does, I object.

The SPEAKER. The gentleman from New York yields to the gentleman from Pennsylvania to offer his amendment.

Mr. CONGER. We object to it.

The SPEAKER. The gentleman can object, but the majority of the House has control of the matter.

Mr. CONGER. But I alone can compel the Chair to abide by the rules.

The SPEAKER. The gentleman from Michigan will be kind enough to point out any rule the Chair has not complied with.

Mr. CONGER. This bill has not been read by sections, and I demand it shall be read by sections before an amendment is received.

The SPEAKER. The gentleman will point to the rule for that.

Mr. COX. It is not in the Committee of the Whole.

The SPEAKER. This is in the House.

Mr. CONGER. But this bill has never been read before the House for amendment.

Mr. COX. Yes; it has.

Mr. CONGER. Not for amendment.

The SPEAKER. The bill is open for amendment and has been open for amendment or otherwise amendments would not be pending.

Mr. CONGER. They are only pending as reports from committees.

The SPEAKER. Three amendments having been allowed there can under the rule be a fourth.

Mr. CONGER. There is no amendment pending but as the report of committees.

The SPEAKER. They are amendments nevertheless.

Mr. CONGER. But only as reports of committees.

The SPEAKER. There is no distinction which the rules recognize between an amendment offered by a committee and an amendment offered by an individual member.

Mr. COX. They are not all amendments of committees.

Mr. CALKINS. When does the time come when any member of the House may offer an amendment?

The SPEAKER. That depends on the majority of the House, which has control of the matter.

Mr. WILSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON. Some days ago I gave notice of an amendment which I proposed to offer, not touching the number of members of Congress hereafter, but re-enacting section 23 of the Revised Statutes.

The SPEAKER. Does the gentleman from New York yield for that purpose?

Mr. WILSON. The chairman of the committee said I should have an opportunity to do so. He asked me to postpone offering it until before the previous question was called. I desire to have that opportunity now.

Mr. CONGER. There are two irregular amendments now.

Mr. COX. There can be no more amendments.

Mr. WILSON. I ask, in view of the notice I gave and the promise of the chairman of the committee, that I may be allowed to offer it.

Mr. COX. I made no promise.

Mr. WILSON. The gentleman absolutely promised I should have an opportunity to offer that amendment before the previous question was called.

Mr. COX. All my promises are of record.

Mr. WILSON. It was a promise to me, and not of record.

Mr. COX. Then I do not remember it.

Mr. WILSON. I most distinctly remember it.

Mr. RYON, of Pennsylvania. I object to any amendment until mine is before the House.

The SPEAKER. There is but one amendment under the rules which can now come in and that is an amendment to the amendment of the original text. The gentleman from New York has yielded to the gentleman from Pennsylvania to offer an amendment to the amendment to the original text of the bill, after which he demands the previous question.

Mr. SPRINGER. I desire to know whether the motion for the previous question embraces the engrossment and third reading, or whether it is upon the bill and pending amendments——

The SPEAKER. The Chair will cause to be read the rule governing the previous question. The first clause of Rule XVII provides that the demand for the previous question may be upon a pending

amendment or a series of amendments embracing all authorized motions up to the engrossment and third reading of the bill. The Clerk will read the rule.

The Clerk read as follows:

There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

Mr. ROBESON. I rise to a parliamentary inquiry.

The SPEAKER. The Chair decides that the present situation is controlled by the clause just read, where the previous question may be demanded on a series of amendments; that motion being in order under the terms of this rule.

Mr. WILSON. I ask whether under the circumstances I have the right to offer the amendment for incorporation as a section in this bill?

The SPEAKER. The gentleman has no right except such as the rules give him, such rights as are known under the rules.

Mr. WILSON. But by the promise of the chairman of the committee I was to be allowed to offer this amendment.

The SPEAKER. The gentleman from New York in demanding the previous question under the rule as it stands can confer no right to offer an amendment under the circumstances. Two amendments are already proposed to the original text; then the gentleman demands the previous question as far as the rule permits.

Mr. WILSON. If he does not give the right to have this amendment considered as pending or read for consideration at this time, then I hope that the previous question will be voted down, so that I can then offer it.

Mr. CONGER. I object to any further amendments until debate has been closed upon this bill.

The SPEAKER. The demand for the previous question closes the debate and covers every amendment which under the rule is not excluded.

Mr. WILSON. Then I give notice that if this amendment is not permitted to come in I shall do what I can to defeat the demand for the previous question.

The SPEAKER. The gentleman from Pennsylvania submits an amendment under authority of the chairman of the committee, which completes the series of amendments which may be received under the rule.

Mr. WILBER. Is there to be no opportunity for amendments except for the other side?

Mr. ROBESON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. Is there to be an opportunity to offer other amendments? I want to understand whether gentlemen on the other side mean to cut off all opportunity on this side of the House to offer amendments.

Mr. COX. You have an amendment already, 319, agreed to by your best men.

Mr. WILSON. Under the notice which I had from the chairman of the committee, have I the right to have this proposed amendment read?

The SPEAKER. The amendment can be read by consent.

Mr. COX. I object to it. The gentleman can have it printed.

Mr. WILSON. I do not want to have it printed. I want to have it read.

The SPEAKER. The Clerk will read the amendment proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

And it shall be unlawful to divide any county——

Mr. CONGER. Where does that come from?

The SPEAKER. It is proposed as an amendment to the amendment to the original text, and completes the series of amendments admissible under the rule.

Mr. CONGER. Where is it to come in?

Mr. RYON, of Pennsylvania. It is proposed as the third section to the bill.

Mr. CONGER. There is already pending an amendment.

The SPEAKER. Well, there can be one in the second degree also.

Mr. CONGER. This is an amendment in the third degree to the original bill.

The SPEAKER. The Chair thinks the gentleman is mistaken, th record does not bear him out.

Mr. COX. This is an amendment to the amendment to the original text of the bill.

Mr. CONGER. This bill, No. 7026, is reported as a substitute for the original bill, as it shows on its face.

The SPEAKER. The committee must bring back the original bill referred to them, otherwise the House would not be in possession of the very basis of the reference which caused their action.

Mr. CONGER. That is a substitute presented by the chairman of the committee, and it shows on its face that it is presented as a substitute.

The SPEAKER. The Chair cannot help what may be on the face of the bill. It is the duty of the committee to report back the original bill which was referred to them.

Mr. CONGER. They have reported a substitute for the original bill.

The SPEAKER. That is the first amendment.

Mr. CONGER. Then there is a minority report to the bill making——

The SPEAKER. There is a minority bill, 319, which is an amendment to the 311 substitute of the committee. But the original bill must come back, and amendments to perfect that original bill are allowed in two degrees. Now, the gentleman from Pennsylvania offers the remaining amendment to perfect the text of the original bill.

Mr. PAGE. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. Would it be in order to amend the minority report by increasing the number from 319 to 322?

The SPEAKER. It would if the previous question is voted down and the amendment to the substitute voted on, so as to have no amendment pending to the substitute. Then there would be of course the right to offer an amendment to that substitute, the one pending now having been cleared out of the way.

Mr. PAGE. If the previous question is sustained there will be no opportunity to offer 322 as a substitute for 319?

The SPEAKER. There will not.

Mr. WILSON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON. If the previous question shall not be sustained, then will the opportunity be presented of offering new sections?

The SPEAKER. In that case the bill will be opened, of course, for a vote on the amendments, and as fast as one is gotten out of the way another can be offered under the rule.

Mr. CONGER. Not after the main question has been ordered.

The SPEAKER. The Chair did not say so, but said the reverse.

Mr. REED. After the previous question is voted down we can then offer amendments.

The SPEAKER. After the pending amendments are cleared away. Amendments cannot be offered beyond the extent allowed by the rule.

Mr. ROBESON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. I desire to know if the Chair has ruled that this bill is open to amendment before it is read by sections for amendment?

The SPEAKER. This bill has been opened to amendment and amendments are pending.

Mr. ROBESON. I asked the Chair if he has ruled that this bill has been read by sections for amendment.

The SPEAKER. The Chair never rules when the occasion for the ruling is not presented.

Mr. ROBESON. Then I ask if the bill is open for amendment before that happens? I make the point of order that this bill is not open to any amendment—although it may be open to notice of amendments—until it is read by sections for amendment.

Mr. COX. The bill has been read.

Mr. ROBESON. That is a question of fact.

Mr. COX. I state it as a fact, of course.

The SPEAKER. The bill has been read, amendments are pending, and the Chair overrules the point of order.

Mr. BAYNE. I desire to ask a parliamentary question. Suppose the main question to be ordered, can further amendments then be offered to this bill?

The SPEAKER. Not if the main question is ordered.

Mr. BAYNE. Then I desire to ask the gentleman in charge of the bill on the other side to permit amendments to be offered. I have an amendment that I desire to offer to this bill. I regard it as a very important amendment, important to that side of the House, important to this side of the House, in the interest of fair play all around and not partisan in its character at all. And I say the gentleman from New York would facilitate the passage of this bill if he will listen to these suggestions that come from different sides, and permit amendments to be freely voted on. They can be voted down if they are not acceptable to the House. I very much desire to offer this amendment, because I think it is a very important one.

Mr. BRIGHT. Let it be read for information.

Mr. BAYNE. I ask that my amendment be read for information.

The SPEAKER. Is there objection?

Mr. COX. I object.

The SPEAKER. The amendment of the gentleman from Pennsylvania [Mr. RYON] will be read.

The Clerk read as follows:

And it shall be unlawful to divide any county or parish where any district shall consist of more than one county or parish; and in all districts consisting of more than one county or parish, the counties or parishes contiguous to each other having the number of inhabitants nearest to the parish fixed by law for a Representative in the Congress of the United States, shall be made a representative district.

Mr. RYON, of Pennsylvania. I desire to say——

The SPEAKER. Debate is not in order.

Mr. RYON, of Pennsylvania. I wish merely to state that that is an amendment to the third section.

The SPEAKER. The question is on ordering the main question.

The question being taken, there were—ayes 102, noes 10.

Mr. CONGER. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers.

Mr. ROBINSON. I do not think the question is understood. Some gentlemen near me think we are voting on amendments and some that we are voting on ordering the main question.

The SPEAKER. The vote is on ordering the main question on the bill and amendments pending thereto, as far as the rule will permit.

Mr. FRYE. I rise to inquire as to the matter of fact. Is the motion to order the main question on the bill and pending amendments or on the amendments only?

The SPEAKER. The Chair understood the gentleman from New York to make his motion to the extent up to the engrossment of the bill and the pending amendments. But under the rule the main question could be ordered on a single amendment, or single motion, or a series of amendments, or upon the bill and amendments up to the third reading.

Mr. FRYE. If the gentleman would confine his demand for the previous question to the pending amendments, the bill would then be open to further amendments?

The SPEAKER. It would. That is the only way in which further amendments could come in after ordering the main question.

Mr. CONGER. That would not give the opportunity for debate?

Mr. COX. It would give you a chance to offer amendments.

Mr. CONGER. It would give no opportunity for debate. I have made the point that no quorum has voted on the demand for the previous question.

Tellers were ordered; and Mr. ANDERSON and Mr. COX were appointed.

The tellers took their places, but before the count was concluded,

Mr. CONGER said: What is the report of the tellers?

The SPEAKER. The tellers have not yet concluded their report.

The count was concluded, and the tellers reported that there were—ayes 136, noes 10.

The SPEAKER. The tellers report ayes 136, noes 10.

Mr. CONGER. I move to adjourn.

The SPEAKER. The Chair votes in the affirmative, making a quorum.

Mr. CONGER. Before the Chair made the announcement, I moved to adjourn.

The SPEAKER. The gentleman cannot interrupt the announcement by the Chair.

Mr. CONGER. I did interrupt it.

The SPEAKER. The Chair can recognize no such interruption. The gentleman from Michigan [Mr. CONGER] moves that the House adjourn.

Mr. CONGER. And I move that when the House adjourns it be to meet at ten o'clock to-morrow.

The SPEAKER. That would be a recess.

Mr. CONGER. Then I move to meet at twelve o'clock to-morrow.

The SPEAKER. That would be a change of the rule.

Mr. CONGER. I am coming to that.

The SPEAKER. The Chair will recognize the first motion of the gentleman.

Mr. CONGER. I want the other motion to be pending also.

The SPEAKER. It is not the duty of the Chair to suggest; but the Chair is somewhat familiar with dilatory motions. [Laughter.] The gentleman can move that when the House adjourns to-day it be to meet on some day after to-morrow. The Chair would recognize that motion.

Mr. CONGER. I supposed the Chair would overrule me, upon which I proposed to appeal.

The SPEAKER. The Chair did not overrule anything. The Chair only stated that the gentleman could not make a motion the effect of which would alter a rule of the House. The Chair has submitted every motion the gentleman has a right to make.

Mr. CONGER. Well, I move that when the House adjourns to-day it be to meet the day after to-morrow.

The SPEAKER. That motion would be in order. The gentleman from Michigan first moves that the House adjourn, and pending that motion he moves that when the House adjourns to-day it be to meet on Saturday next.

Mr. PAGE. Pending that motion I move that the House take a recess until three o'clock this afternoon.

The SPEAKER. That would not be in order pending a motion to adjourn to a day certain, for the motion to adjourn would have the precedence under the rule. The motion for a recess might be pending, but it could not be voted on before the motion to adjourn.

Mr. PAGE. Does the Chair rule that I cannot make that motion? If so, I will appeal from the decision of the Chair.

The SPEAKER. The Chair will cause the rule to be read; clause 4, Rule XVI.

The Clerk read as follows:

When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question, (which motions shall be decided without debate,) to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

The SPEAKER. The Chair thinks the motion to take a recess would be in order if made first; but even if allowed now to be made, according to the order of motions laid down in the rules a motion to adjourn and a motion to adjourn until Saturday would take precedence.

Mr. PAGE. I have a right to appeal from the decision of the Chair respectfully.

Mr. CONGER. I will withdraw the motion to adjourn until Saturday and also the motion to adjourn.

Mr. PAGE. Then I move that the House take a recess until three o'clock this afternoon.

Mr. CONGER. And pending that motion I move that the House adjourn.

The SPEAKER. The gentleman from California [Mr. PAGE] moves that the House take a recess until three o'clock this afternoon; pending which motion the gentleman from Michigan moves that the House now adjourn.

Mr. CONGER. And pending that I move that when the House adjourns to-day it be to meet on Saturday next.

The SPEAKER. The question will first be taken on the latter motion.

Mr. ATKINS. Will the gentleman from Michigan yield to me for——

Mr. CONGER. Not a thing; I want to settle this question.

Mr. ATKINS. I desire to ask the gentleman if he understood the request I made?

Mr. CONGER. I could not hear, there was so much noise.

The SPEAKER. The gentleman from Michigan heard something, and then declined to hear anything further. [Laughter.]

Mr. CONGER. I thought the gentleman was making some proposition.

Mr. ATKINS. I did not suppose the gentleman heard my proposition.

The SPEAKER. The Chair understands that the gentleman from Tennessee [Mr. ATKINS] desires to submit a report from the Committee on Appropriations on the legislative, executive, and judicial appropriation bill.

Mr. CONGER. I have no objection to that. I stand here in behalf of my party as urging the passage of appropriation bills against the combined democracy of the House.

Mr. COX. And I stand here for the people——

Mr. ATKINS. This is no party matter.

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] rises to submit a report touching the legislative appropriation bill.

Mr. CONGER. And pending that I desire to have order.

The SPEAKER. Gentlemen will be seated, and as far as able will be quiet. [Laughter.]

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. ATKINS. I submit from the Committee on Appropriations the report which I send to the desk.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill of the House No. 7101, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1882, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend non-concurrence in all the amendments of the Senate.

Mr. ATKINS. This report is unanimous. I ask that it be accepted, and that a conference committee be appointed.

The question being taken, the recommendation embraced in the report of the Committee on Appropriations was agreed to.

Mr. ATKINS. I now move that a conference with the Senate be asked.

The SPEAKER. The Senate might possibly recede from its amendments. Does the gentleman desire to anticipate that the Senate will insist?

Mr. ATKINS. I am not particular; but I know the Senate will not recede. I think it would expedite public business to ask a conference at once.

The SPEAKER. The Senate is not in session now, so that there could be no action there on the subject just now. The Chair, however, will be governed entirely by the wish of the gentleman from Tennessee.

Mr. ATKINS. I prefer that we should ask a conference at once.

The SPEAKER. The gentleman from Tennessee moves that the House ask a conference with the Senate on the disagreeing votes of the two Houses, and that conferees on the part of the House be appointed.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. COBB. Mr. Speaker, I desire to state that the gentleman from Connecticut, [Mr. HAWLEY,] one of the conferees on the part of the House on the District of Columbia appropriation bill, is absent—perhaps indefinitely. I cannot learn when he will return. I therefore ask that the Chair be authorized to appoint another gentleman in place of the gentleman from Connecticut.

There being no objection, it was ordered accordingly; and the Speaker announced the appointment of Mr. HISCOCK to fill the vacancy caused by the absence of Mr. HAWLEY.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 6514) concerning settlement of boundary-lines between New York and Connecticut;

A bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes;

A bill (H. R. No. 7172) to admit free of duty two watches presented to Joseph Upton and G. W. Curtis for rescuing the crew and passengers of the steamship American; and

A joint resolution (H. R. No. 387) authorizing the printing of 30,000 copies of the third report of the United States Entomological Commission.

ORDER OF BUSINESS.

The SPEAKER. The question recurs on the motion of the gentleman from Michigan, [Mr. CONGER,] that when the House adjourns to-day it adjourn to meet on Saturday next.

The question being taken, there were—ayes 1, noes 98.

Mr. CONGER. No quorum.

Tellers were ordered; and Mr. COX and Mr. ANDERSON were appointed.

The House divided; and the tellers reported—ayes 1, noes 133.

Mr. CONGER. The point is still made that there is no quorum. I suppose I need not repeat it every time.

Mr. COX. I move a call of the House.

The question being taken on the motion of Mr. COX, a call was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Barlow,	Hawley,	Miles,	Singleton, O. R.
Butterworth,	Henry,	Murch,	Stephens,
Camp,	Houk,	Nicholls,	White.
Davis, Joseph J.	Hubbell,	O'Brien,	
Ewing,	James,	O'Connor,	
Gillette,	Mason,	Orth,	

The SPEAKER. The roll-call develops the presence of 271 members. The doors will now be closed. The Chair directs the calling of the absentees, that excuses may be presented.

The names of the absentees, as already given, were called, no excuse being presented.

Mr. MONEY, (when the call was concluded.) I desire to state that my colleague from Mississippi, Mr. SINGLETON, is dangerously ill. I ask that he be excused.

There being no objection, it was ordered accordingly.

Mr. COX. I ask the absentees be sent for.

Mr. BROWNE. My colleague, Mr. ORTH, has been confined to his room for three days by illness, and I ask that he be excused.

There was no objection, and it was ordered accordingly.

Mr. STEELE. My colleague, Mr. DAVIS, of North Carolina, is absent by leave of the House.

Mr. UPDEGRAFF, of Ohio. My colleague, Mr. BUTTERWORTH, is also absent by leave of the House.

The SPEAKER. Those who are absent by leave of the House will not be sent for.

Mr. WILSON. I ask that Mr. STEPHENS, of Georgia, be excused.

Mr. HUNTON. I object.

Mr. WILSON. He was here, and remained as long as he could. He has gone home on account of illness. He ought to be excused.

Mr. CONGER. A motion to excuse at this stage is in order; and I move therefore that Mr. STEPHENS be excused.

Mr. HUNTON. I withdraw my objection.

There was no further objection, and Mr. STEPHENS was excused.

Mr. BOYD. I move that my colleague, Mr. HENDERSON, be excused on account of illness.

There was no objection, and it was ordered accordingly.

Mr. BAILEY. My colleague, Judge MASON, has been confined to his room by illness for several days, and I move he be excused.

There was no objection, and it was ordered accordingly.

Mr. HUBBELL. Is my name entered as present?

The SPEAKER. It is not, as the gentleman did not answer. The Chair will take notice, however, that the gentleman is present.

Mr. ANDERSON. General HAWLEY, of Connecticut, was compelled to leave the city last evening, and I move he be excused.

Mr. HUTCHINS. I object.

Mr. ANDERSON. I move that General HAWLEY be excused.

Mr. ANDERSON demanded a division.

The House divided; and there were—ayes 64, noes 29.

So the motion was agreed to.

Mr. AIKEN. I move my colleague, Mr. O'CONNOR, be excused on account of illness. His physician has prohibited his leaving his room.

There was no objection, and it was ordered accordingly.

Mr. HUTCHINS. I have urgent business which I should like to attend to, and I ask to be excused.

Mr. CONGER. No objection.

Mr. ROBESON. In order to save time, I demand the yeas and nays.

Mr. HUTCHINS. I withdraw my motion.

Mr. LOWE. I move that the gentleman from Maine, Mr. MURCH, be excused on account of sickness.

There was no objection, and it was ordered accordingly.

Mr. CLYMER. I move that Judge JAMES, of New York, be excused on account of illness.

There was no objection, and it was ordered accordingly.

Mr. COX. I submit the following resolution.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

Mr. CONGER. I move that all further proceedings under the call be dispensed with.

Mr. HOOKER. I hope not; let the law be enforced.

Mr. CONGER. I demand a division on my motion.

The House divided; and there were—ayes 72, noes 97.

Mr. CONGER demanded tellers.

Tellers were ordered; and the Speaker appointed Mr. ANDERSON and Mr. COX.

Mr. WILBER. We have a quorum present and let us go on with the business.

Mr. BUCKNER. That is what we wish to do, but when the business is brought before the House gentlemen on the other side will not vote, and we are left without a quorum.

The House again divided; and the tellers reported—ayes 30, noes 111.

So the motion was disagreed to.

The SPEAKER. The question recurs on the resolution offered by the gentleman from New York, [Mr. COX.]

The resolution was adopted.

Mr. CONGER. Ought not the doors to be closed?

The SPEAKER. The Chair ordered the doors to be closed some time ago. The Clerk will read the rule.

The Clerk read as follows:

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

The Sergeant-at-Arms appeared at the bar of the House having in custody Mr. CAMP.

The SPEAKER. Mr. CAMP, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. CAMP. I left the House about half past one or quarter to two to attend to business of importance, and when I returned I found my entrance to the House barred.

Mr. ANDERSON. I move the gentleman be excused.

The motion was agreed to.

Mr. WHITE. Mr. Speaker, is debate now in order?

The SPEAKER *pro tempore*, (Mr. CHALMERS in the chair.) Debate is not now in order.

Mr. WHITE. Such being the case, I move that the House do now adjourn.

Mr. BLAND. I would inquire if the gentleman from Pennsylvania answered to his name on the roll-call?

The SPEAKER *pro tempore*. The motion to adjourn is always in order.

Mr. BLAND. My inquiry is whether the gentleman from Pennsylvania is legally present, whether he answered to his name on the call of the roll, and whether the fact is not true that he was absent when the roll was called?

Mr. WHITE. I am here now.

The SPEAKER *pro tempore*. The gentleman is present.

Mr. BLAND. I make the point of order that the gentleman was not present when his name was called and has not been excused by the House for being absent at that time without leave of the House.

The SPEAKER *pro tempore*. Such being the case, the point of order is probably well taken. The Chair is informed by the Clerk that the gentleman was absent from the roll-call, and that his name was included in the warrant furnished to the Sergeant-at-Arms. The Sergeant-at-Arms should have taken the gentleman in custody and presented him at the bar of the House to make excuse for his absence.

Mr. WHITE. I beg pardon. I got a very polite note from the Chair indicating that he would recognize me.

The SPEAKER *pro tempore*. The Chair was not then aware that the gentleman had been recorded as an absentee.

Mr. WHITE. If I am reported as an absentee the record is incorrect.

The SPEAKER *pro tempore*. The Chair cannot recognize any gentleman who was not here upon the roll-call and has not been excused by the House.

Mr. WHITE. But I was here.

The SPEAKER *pro tempore*. But have not been excused.

Mr. WHITE. But I say that I was present.

The SPEAKER *pro tempore*. Did the gentleman answer to the roll-call?

Mr. WHITE. I ought to have answered to it. [Laughter.]

The SPEAKER *pro tempore*. The Chair is informed that the gentleman is reported absent, that he did not answer to the roll-call.

Mr. WHITE. I beg pardon; I was in the House when the roll-call was commenced, and if I am recorded as not being present the record is incorrect.

The SPEAKER *pro tempore*. The Chair cannot go behind the record.

Mr. WHITE. I ask, then, that the record be corrected.

The SPEAKER *pro tempore*. The motion is not in order at this time.

Mr. WHITE. Then by unanimous consent I ask it.

Mr. BLAND. I object.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks unanimous consent that the record be corrected.

Mr. BLAND. My point of order is that the gentleman was not in the House when his name was called; that he did not respond on the call of the House, and is not present to ask unanimous consent, and that under the circumstances, until he has purged himself of the contempt of the House, and been excused by the House, he can make no motion and make no request.

The SPEAKER *pro tempore*. The Chair sustains the point of order, but the gentleman asks unanimous consent.

Mr. BLAND. But how can he make the request?

The SPEAKER *pro tempore*. He states that he was present; and now asks unanimous consent to correct the record in his own case.

Mr. BLAND. If he has any excuse to offer that is another thing. Otherwise, I object.

The SPEAKER *pro tempore*. Does the gentleman from Missouri object to unanimous consent?

Mr. BLAND. I do. If the gentleman states to the House that he was present during the roll-call and by some inadvertence failed to answer to his name, why of course I shall not object.

Mr. WHITE. I desire to say, Mr. Speaker, that I was in the House when the call of the House was ordered. I was in at the beginning of the proceedings and present at the beginning of the call. Possibly I was not in the House when my name was called. I may have gone out into the lobby or some of the adjacent rooms or by inadvertence did not respond.

The SPEAKER *pro tempore*. Did the gentleman answer to either roll-call?

Mr. WHITE. I was just stating that I think I did; but at the same time I know I was in the House when the call was commenced, and if I did not answer to the call of the roll, it was by inadvertence, or as I say I was possibly temporarily absent in the lobby or smoking-room.

The SPEAKER *pro tempore*. Does the gentleman present that as an excuse?

Mr. WHITE. I do.

The SPEAKER *pro tempore*. The gentleman asks to be excused on the statement made.

The motion was agreed to.

Mr. CONGER. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The House divided; and there were—ayes 83, noes 21.

Mr. COX demanded tellers.

Mr. KEIFER. Gentlemen would not vote against this proposition if they knew the special purpose of it. It is proposed that the House shall proceed to extend the usual courtesies to the memory of the late distinguished Senator from Wisconsin, Mr. CARPENTER. [Cries of "Regular order!"] This is the regular order. Such courtesies have never been refused heretofore.

Mr. COX. Let him go on, then, with the public business of the House.

Mr. KEIFER. I am going on with it.

Mr. COX. Why do you not vote, then?

The SPEAKER *pro tempore*. The question is on the demand for tellers.

Tellers were ordered.

Mr. COX and Mr. ANDERSON were appointed tellers.

The House again divided; and the tellers reported—ayes 110, noes 111.

So the motion was not agreed to.

Mr. CONGER. I ask the yeas and nays upon that proposition. My object is to extend the usual courtesies, which have never been refused in such cases, to the memory of Senator CARPENTER.

Mr. SPRINGER. Before the yeas and nays are called, I desire to make a proposition to the other side of the House, which I make with the consent of the gentleman from New York in charge of this bill. I suggest, then, to gentlemen on the other side of the House that this subject be postponed until to-morrow morning after the morning hour, and at that time it be taken up; that two hours for debate be allowed on the subject, and then the matter be disposed of.

Mr. CONGER. This comes up as unfinished business to-morrow, I understand, without any agreement.

Mr. SPRINGER. Is there objection to the proposition I have made?

Mr. PAGE. There is no necessity for an agreement; it comes up as unfinished business to-morrow.

Mr. SPRINGER. It will come up as it is now; but it is for the purpose of having an understanding that I have made the proposition.

The SPEAKER. It will come over with the previous question prevailing.

Mr. CONGER. No, sir; the second of the previous question is all that has taken place.

The SPEAKER. The rule does not recognize a seconding of the previous question. The main question was ordered. That was done by a vote by tellers and the yeas and nays were not called for.

Mr. CONGER. I make the point the tellers did not report the motion was carried.

The SPEAKER. The Chair announces the result, and not the tellers; and he announced the main question was ordered.

Mr. CONGER. Then he announced it in a voice that could not be heard. I did not hear it.

The SPEAKER. The Chair announced the result in a voice that could be heard. The Chair himself voted.

Mr. CONGER. The tellers did not announce the result.

The SPEAKER. The tellers announced the vote, and the Chair announced the fact that the main question was ordered.

Mr. CONGER. The Speaker merely said, by way of joke, as I supposed, that not having passed between the tellers, he voted.

The SPEAKER. Oh, no; the Chair exercised the constitutional right to vote.

Mr. CONGER. The Chair has no right to vote unless he passes between the tellers. [Cries of "Regular order!"] The count by tellers is because the House has a right to vote by tellers and not merely by a count of the Chair.

The SPEAKER. There was a quorum without the vote of the Chair.

Mr. CONGER. Oh, no.

The SPEAKER. There were 146 votes cast.

Mr. CONGER. Which is not a quorum.

The SPEAKER. There is one vacancy by resignation, and one by death, so that 146 is a quorum of the whole House. But the Chair voted.

Mr. PAGE. That was on seconding the previous question.

The SPEAKER. The rules do not recognize a second of the previous question.

Mr. CONGER. There never has been a time when the demand for a second concluded the thing.

The SPEAKER. There has been; and that occurred to-day.

Mr. CONGER. It never has been in the memory of members of this House.

The SPEAKER. The Chair submitted the question very distinctly: Shall the main question be ordered? And the Chair announced, the "ayes" had it. The Journal shows it. The gentleman, somewhat to the surprise of the Chair, omitted to call the yeas and nays.

Mr. CONGER. Before this matter is decided I ask for the minutes of the reporters. I am willing to go by them.

The SPEAKER. The motion prevailed and the main question was ordered.

Mr. COX. I rise to a question of order. I submit the gentleman from Michigan has no right to interpose this question at this time.

The SPEAKER. The Chair always hears.

Mr. CONGER. And I desire to say any such ruling as the Chair has now announced would be contrary to that spirit of fairness which I admit the Chair has always exercised.

The SPEAKER. The Chair submitted the question, as the record will show, Shall the main question now be ordered? On that question a quorum voted by tellers, and the Chair subsequently declared the main question had been ordered. The Chair then himself voted.

Mr. CONGER. I ask the Chair if I did not demand, before the vote was announced, that my motion to adjourn should be recognized?

The SPEAKER. The Chair stated distinctly that he would announce the result, and that the announcement of the result could not be interfered with by a motion to adjourn.

Mr. CONGER. But I made the motion before the Chair announced any result.

The SPEAKER. The House was dividing, and it was the duty of the Chair to announce the result before he recognized the motion to adjourn.

Mr. CONGER. Not if the motion to adjourn was intended to prevent the announcement.

The SPEAKER. The Chair has nothing to do with the motives of members or with their intentions.

Mr. COX. My friend from Michigan was caught napping; that is the truth.

The SPEAKER. There was no napping about it. The House, by a majority of a quorum, decided in favor of ordering the main question.

Mr. CONGER. I do not ask for it at this moment, but I appeal to the exact record of the reporters.

The SPEAKER. The gentleman from Michigan is at perfect liberty to appeal to the record.

Mr. CONGER. I do so because the Journal can be corrected at any time.

The SPEAKER. The gentleman from Michigan calls for the yeas

and nays on the motion that all further proceedings under the call be dispensed with.

The yeas and nays were ordered.

The question being taken, there were—yeas 121, nays 135, not voting 34; as follows:

YEAS—121.

Aldrich, N. W.	Davis, George R.	Kelley,	Ryan, Thomas
Aldrich, William	Davis, Horace	Ketcham,	Sapp,
Anderson,	Deering,	Killinger,	Shallenberger,
Bailey,	Dick,	Lapham,	Sherwin,
Baker,	Dunnell,	Lowe,	Smith, A. Herr
Ballou,	Dwight,	Marsh,	Starin,
Barber,	Einstein,	McCoid,	Stone,
Bayne,	Errett,	McCook,	Taylor, Ezra B.
Belford,	Felton,	McKinley,	Thomas,
Bingham,	Ferdon,	Miller,	Thompson, W. G.
Bisbee,	Fisher,	Mitchell,	Townsend, Amos
Blake,	Ford,	Monroe,	Tyler,
Bowman,	Forsythe,	Morton,	Updegraff, J. T.
Boyd,	Fort,	Neal,	Updegraff, Thomas
Brewer,	Frye,	Newberry,	Urner,
Briggs,	Godshalk,	Norcross,	Valentine,
Brigham,	Hall,	Osmer,	Van Aernam,
Browne,	Hammond, John	Overton,	Van Voorhis,
Burrows,	Harmer,	Pacheco,	Voorhis,
Calkins,	Harris, Benj. W.	Page,	Wait,
Camp,	Haskell,	Pound,	Ward,
Cannon,	Hawk,	Prescott,	Washburn,
Carpenter,	Hayes,	Price,	Weaver,
Caswell,	Hazelton,	Ray,	Wilber,
Chittenden,	Heilman,	Reed,	Williams, C. G.
Claflin,	Hiscock,	Rice,	Willits,
Conger,	Horr,	Richardson, D. P.	Wood,
Cowgill,	Hubbell,	Robeson,	Young, Thomas L.
Crapo,	Humphrey,	Robinson,	
Crowley,	Jones,	Russell, Daniel L.	
Daggett,	Keifer,	Russell, W. A.	

NAYS—135.

Acklen,	Cravens,	Knott,	Shelley,
Aiken,	Culberson,	Ladd,	Simonton,
Armfield,	Davidson,	Lounsbery,	Singleton, J. W.
Atherton,	Davis, Lowndes H.	Manning,	Slemons,
Atkins,	Deuster,	Martin, Benj. F.	Smith, Hezekiah B.
Bachman,	Dibrell,	Martin, Edward L.	Smith, William E.
Beale,	Dickey,	McKenzie,	Sparks,
Beltzhoover,	Dunn,	McLane,	Speer,
Berry,	Elam,	McMahon,	Springer,
Bicknell,	Ellis,	McMillin,	Steele,
Blackburn,	Evins,	Mills,	Stevenson,
Bland,	Forney,	Money,	Talbott,
Bliss,	Frost,	Morrison,	Taylor, Robert L.
Blount,	Geddes,	Morse,	Thompson, P. B.
Bouck,	Goode,	Muldrow,	Tillman,
Bragg,	Gunter,	Muller,	Townshend, R. W.
Bright,	Hammond, N. J.	New,	Tucker,
Buckner,	Harris, John T.	O'Reilly,	Turner, Oscar
Cabell,	Hatch,	Persons,	Turner, Thomas
Caldwell,	Henkle,	Phelps,	Upson,
Carlisle,	Herbert,	Philips,	Vance,
Chalmers,	Herndon,	Phister,	Waddill,
Clardy,	Hill,	Poehler,	Warner,
Clark, Alvah A.	Hooker,	Reagan,	Wellborn,
Clark, John B.	Hostetler,	Richardson, J. S.	Wells,
Clements,	House,	Richmond,	Whiteaker,
Clymer,	Hunton,	Robertson,	Whitthorne,
Cobb,	Hurd,	Ross,	Williams, Thomas
Coffroth,	Hutchins,	Rothwell,	Willis,
Colerick,	Kenna,	Ryon, John W.	Wilson,
Converse,	Kimmel,	Samford,	Wise,
Cook,	King,	Sawyer,	Yeates,
Covert,	Kitchin,	Scales,	Young, Casey.
Cox,	Klotz,	Scoville,	

NOT VOTING—34.

Barlow,	Henderson,	Loring,	O'Neill,
Butterworth,	Henry,	Mason,	Orth,
Davis, Joseph J.	Houk,	McGowan,	Singleton, O. R.
De La Matyr,	James,	Miles,	Stephens,
Ewing,	Johnston,	Murch,	White,
Finley,	Jorgensen,	Myers,	Wright,
Gibson,	Joyce,	Nicholls,	Yocum.
Gillette,	Le Fevre,	O'Brien,	
Hawley,	Lindsey,	O'Connor,	

So the motion to dispense with further proceedings under the call was not agreed to.

Mr. COX. I call for the regular order.

The SPEAKER. The regular order is the unfinished business.

Mr. CHALMERS. I desire to make a proposition.

The SPEAKER. The gentleman from Mississippi [Mr. CHALMERS] rises for some purpose.

Mr. CHALMERS. I desire to propose that there be an agreement to proceed to vote upon the number for the next apportionment, commencing at 322 and then upon the next number below, and so on down until a majority shall agree upon the number of Representatives for this House.

Mr. CONGER. That would be good.

Mr. CHALMERS. Or commencing at 293 and voting up.

Mr. CONGER. That is a very liberal offer for the majority to make; to vote on numbers until the majority shall find its level.

Mr. CHALMERS. There is not a majority of this House on either side. Neither the minority nor the majority are agreed; the gentleman knows that very well. Therefore it is unnecessary to talk about the majority or the minority.

Mr. COX. That proposition was made by General HAWLEY the other day; that we should vote upon the different numbers until the majority shall have selected a number.

Mr. CONGER. I regret that General HAWLEY is not here to contradict the gentleman.

Mr. COX. I have made the statement, and the gentleman does not know anything to the contrary.

Mr. CONGER. I wish General HAWLEY was here.

Mr. COX. The gentleman from Michigan has no right to talk that way.

Mr. CONGER. Bring your proof.

Mr. COX. If you want to wind up this business and go to the President's reception to-night, you ought to take such a proposition as that.

Mr. CONGER. We do not want to do anything to interfere with the passage of the general appropriation bills.

Mr. COX. There is no general appropriation bill in the way.

Many MEMBERS. Oh, yes!

Mr. COX. The gentleman knows very well that the talk about appropriation bills is a mere sham for the purpose of preventing the carrying out of his duty under the Constitution.

Mr. CONGER. If it is, then it is the democratic majority that have thrust that sham upon us, and that is now pending.

Mr. WEAVER. I wish to make a proposition.

Several MEMBERS. Let us hear it!

Mr. WEAVER. My proposition is that the right and the left submit this matter to the arbitration of the center, and agree to abide by our action. We will act impartially.

Mr. BURROWS. That would be a fiat decision.

Mr. WEAVER. It would be better than the House seems able to make.

Mr. PAGE. I have a proposition I desire to make. It is that unanimous consent be given to the gentleman from Wisconsin [Mr. WILLIAMS] to offer a resolution at this time.

Many MEMBERS. Regular order! Object!

Mr. COX. That cannot be done until the end of this legislative day.

Mr. PAGE. All right; let the gentleman from New York object.

Mr. COX. You have no right to make that proposition.

Mr. PAGE. I have a right to make it, and I have made it.

Mr. COX. You have no right to make it.

Mr. CALKINS. No right to ask unanimous consent?

Mr. PAGE. I ask unanimous consent; let the gentleman object.

Mr. CONGER. The gentleman himself may live to ask that privilege for himself. [Laughter.]

Mr. COX. I will never ask any privilege of that kind when a great constitutional question is pending.

Mr. McCOOK. Is it in order, Mr. Speaker, to ask unanimous consent to discharge the Committee of the Whole from the consideration of a bill for a pension to a totally blind soldier?

The SPEAKER. It is not. The regular order has been demanded; and that is not the regular order.

Mr. McCOOK. If it is in order, I would like to ask unanimous consent for that purpose. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. WILSON, (after a pause.) I desire to make a parliamentary inquiry; and I want the attention of the gentleman from New York [Mr. COX] while I make it.

The SPEAKER. The gentleman from West Virginia [Mr. WILSON] desires to make a statement. Is there objection?

Several members objected.

Mr. WILSON. This whole question might have been disposed of long ago if a more sensible course had been taken.

Mr. CHITTENDEN, (after a pause.) I would like the attention of the House for a few minutes——

The SPEAKER. Is there objection? [Cries of "Regular order!"]

Mr. COOK. I object.

Mr. WHITE, (after a pause.) Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WHITE. To make a proposition.

The SPEAKER. Is there objection?

Several members objected.

Mr. WHITE. I think my proposition will be acceptable.

Several MEMBERS. Let us hear it?

The SPEAKER. Is there objection?

Mr. COX. I object. I want to say to gentlemen——

Mr. WILSON. I object. [Laughter.]

Mr. COX. I want to say—[cries of "Regular order!"]

Mr. WEAVER. I move that the House now adjourn.

Mr. SAMFORD. I rise to a question of order. Has there been any business since the last motion to adjourn?

The SPEAKER. There was a motion, on which the House voted, to dispense with further proceedings under the call.

The question being taken on the motion to adjourn, there were—ayes 95, noes 103.

Mr. PAGE. I call for tellers.

Tellers were ordered.

Mr. THOMPSON, of Kentucky. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 133, not voting 38; as follows:

YEAS—119.

Aldrich, N. W.	Daggett,	Jorgensen,	Russell, W. A.
Aldrich, William	Davis, George R.	Keifer,	Ryan, Thomas
Anderson,	Davis, Horace	Kelley,	Sapp,
Bailey,	Deering,	Lapham,	Shallenberger,
Baker,	Dick,	Lindsey,	Sherwin,
Ballou,	Dunnell,	Lowe,	Smith, A. Herr
Barber,	Dwight,	Marsh,	Starin,
Bayne,	Einstein,	McCoid,	Stone,
Belford,	Errett,	McCook,	Taylor, Ezra B.
Bingham,	Felton,	McGowan,	Thomas,
Bisbee,	Ferdon,	McKinley,	Thompson, Wm. G.
Blake,	Fisher,	Monroe,	Townsend, Amos
Bowman,	Ford,	Morton,	Tyler,
Boyd,	Forsythe,	Neal,	Updegraff, J. T.
Brewer,	Fort,	Newberry,	Updegraff, Thomas
Briggs,	Frye,	Norcross,	Urner,
Brigham,	Godshalk,	O'Neill,	Valentine,
Browne,	Hall,	Osmer,	Van Aernam,
Burrows,	Hammond, John	Overton,	Van Voorhis,
Calkins,	Harmer,	Pacheco,	Voorhis,
Camp,	Harris, Benj. W.	Page,	Wait,
Cannon,	Haskell,	Pound,	Ward,
Carpenter,	Hawk,	Prescott,	Washburn,
Caswell,	Hayes,	Price,	Weaver,
Chittenden,	Hazelton,	Ray,	White,
Claflin,	Heilman,	Reed,	Wilber,
Conger,	Hiscock,	Rice,	Willits,
Cowgill,	Horr,	Richardson, D. P.	Wood,
Crapo,	Humphrey,	Robeson,	Young, Thomas L.
Crowley,	Jones,	Robinson,	

NAYS—133.

Acklen,	Cravens,	Ladd,	Singleton, J. W.
Aiken,	Culberson,	Lounsbery,	Slemons,
Armfield,	Davidson,	Manning,	Smith, Hezekiah B.
Atherton,	Davis, Lowndes H.	Martin, Benj. F.	Smith, William E.
Atkins,	Deuster,	Martin, Edward L.	Sparks,
Bachman,	Dibrell,	McKenzie,	Speer,
Beale,	Dickey,	McLane,	Springer,
Beltzhoover,	Dunn,	McMahon,	Steele,
Berry,	Elam,	McMillin,	Stevenson,
Bicknell,	Ellis,	Mills,	Talbott,
Blackburn,	Evins,	Money,	Taylor, Robert L.
Bland,	Finley,	Morrison,	Thompson, P. B.
Bliss,	Forney,	Muldrow,	Tillman,
Blount,	Frost,	Muller,	Townshend, R. W.
Bouck,	Geddes,	New,	Tucker,
Bragg,	Goode,	O'Reilly,	Turner, Oscar
Bright,	Hammond, N. J.	Persons,	Turner, Thomas
Buckner,	Harris, John T.	Phelps,	Upson,
Cabell,	Hatch,	Philips,	Vance,
Caldwell,	Henkle,	Phister,	Waddill,
Carlisle,	Herbert,	Poehler,	Warner,
Chalmers,	Herndon,	Reagan,	Wellborn,
Clardy,	Hill,	Richardson, J. S.	Wells,
Clark, Alvah A.	Hooker,	Richmond,	Whitaker,
Clark, John B.	Hostetler,	Robertson,	Whitthorne,
Clements,	House,	Ross,	Williams, Thomas
Clymer,	Hunton,	Rothwell,	Willis,
Cobb,	Hutchins,	Ryon, John W.	Wilson,
Coffroth,	Johnston,	Samford,	Wise,
Colerick,	Kenna,	Sawyer,	Wright,
Converse,	Kimmel,	Scales,	Yeates.
Cook,	King,	Scoville,	
Covert,	Kitchin,	Shelley,	
Cox,	Klotz,	Simonton,	

NOT VOTING—38.

Barlow,	Henry,	Loring,	O'Connor,
Butterworth,	Houk,	Mason,	Orth,
Davis, Joseph J.	Hubbell,	Miles,	Russell, Daniel L.
De La Matyr,	Hurd,	Miller,	Singleton, O. R.
Ewing,	James,	Mitchell,	Stephens,
Gibson,	Joyce,	Morse,	Williams, C. G.
Gillette,	Ketcham,	Murch,	Yocum.
Gunter,	Killinger,	Myers,	Young, Casey.
Hawley,	Knott,	Nicholls,	
Henderson,	Le Fevre,	O'Brien,	

So the motion to adjourn was not agreed to.

The following additional pair was announced:

Mr. YOUNG, of Tennessee, with Mr. LORING, for to-day, on all questions except to make a quorum.

The result of the vote was announced as above stated.

Mr. BREWER. I ask that my colleague, Mr. MCGOWAN, and the gentleman from Vermont, Mr. JOYCE, may be excused from further attendance to-day on account of illness.

Mr. YOUNG, of Tennessee. I hope that will be done.

Mr. BREWER. I know that both these gentlemen are unable to remain here.

The SPEAKER. The gentleman from Michigan asks that his colleague, Mr. MCGOWAN, and the gentleman from Vermont, Mr. JOYCE, who are both present, be excused from further attendance on account of illness.

There was no objection.

The SPEAKER, (after a pause.) The gentleman from Maine, Mr. LINDSEY, asks to be excused for the remainder of to-day's session on account of illness in his family. Is there objection?

There was no objection.

Mr. CONGER. Why is not the order of the House executed?

The SPEAKER. The order of the House is being executed by the Sergeant-at-Arms.

Mr. CONGER. There has been a long interval since there has been any report from the Sergeant-at-Arms.

Mr. CLYMER. Some of the gentlemen who are absent are in New York.

Mr. BAKER. We ought to have a report in writing from the Sergeant-at-Arms.

Mr. HOOKER. I demand the regular order.

Mr. CONGER. If an additional force is required by the Sergeant-at-Arms, we should know it.

The SPEAKER. The Sergeant-at-Arms makes no demand for such additional force.

Mr. WARNER. The militia will be here in a few days.

Mr. CONGER. The Sergeant-at-Arms is not present to make it.

Mr. ROBESON. I move the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the sundry civil appropriation bill.

Mr. HOOKER. I demand the regular order of business. I object to anything but the enforcement of the order of the House.

Mr. ROBESON. Let us go on with the sundry civil appropriation bill while we are waiting for report from the Sergeant-at-Arms.

Mr. WHITE. I have a proposition to make, if the House will hear me.

Mr. HOOKER. No; I object.

Mr. WHITE. I do not think gentlemen will object when they know what it is. It is in the interest of harmony. Gentlemen on both sides have been talking privately together, and I think we may arrive at some understanding.

Mr. HOOKER. I object to everything except the enforcement of the order of the House.

Mr. WHITE. I have a proposition to make, if the House will hear me.

Mr. HERNDON. I make the point of order that gentlemen must take their seats.

The SPEAKER. Gentlemen will be seated and preserve order.

Mr. COX. Mr. Speaker——

The SPEAKER. Is there objection?

Mr. WILSON. Yes; I object.

Mr. COX. I desire to make this statement, as the gentleman from West Virginia has gone out. Gentlemen on the other side have told me they would be content——

Mr. VALENTINE. I object to any debate; and I shall continue to object to any proposition from that side until they remove the guards from the doors of the House. We have tried to dispense with all further proceedings under the call, and every motion to that effect has been voted down.

Mr. MANNING. The gentlemen on the other side rendered it necessary to have a call of the House, and consequently closed doors.

Mr. COX. Having charge of this bill, I will take it for granted [cries of "Regular order!"] that I am allowed to make a proposition. It is a proposition coming from the other side, that we shall commence voting at 319, and so on down. If the other side is not satisfied with that, let them make a counter proposition.

Mr. DWIGHT. Why not vote up?

Mr. ROBESON. I will make a counter proposition that this House, having been notified by the Senate [cries of "Regular order!"] of the death of a Senator, we do now adjourn.

The SPEAKER. Gentlemen must preserve order.

Mr. WHITE. I have another proposition, and it is that this matter be allowed to go over until to-morrow and we now adjourn. [Cries of "Regular order!"] I submit to gentlemen on the other side there are members who are talking over the details of some proposed settlement.

Mr. HOOKER. I object to the gentleman from Pennsylvania proceeding out of order. He and others on the other side of the House made the point of order there was no quorum present, which has caused the present obstruction of business.

The SPEAKER. The regular order has been demanded.

Mr. WHITE. I have only done it out of the kindness of my heart.

Mr. HOOKER. I object to anything being said out of order.

Mr. ATHERTON. The gentleman from Pennsylvania is not here, and I object to any man not present speaking.

Mr. WRIGHT. I ask the indulgence of the House, Mr. Speaker, that I shall be excused from further attendance at this day's session. I am ill, and unable to remain longer.

There was no objection, and it was ordered accordingly.

Mr. WILLIAMS, of Wisconsin. I ask leave of absence for this night session for the reason that I have been unable to obtain any rest or sleep during the last twenty-four hours. And in that connection, Mr. Speaker, I wish to say that the delegation from Wisconsin had hoped to obtain the adoption of the ordinary resolution of respect for our dead Senator. [Cries of "Regular order!"] We find the House in such an unfortunate condition—[cries of "Regular order!"]

Mr. HOOKER. I insist that the regular order shall be maintained by the Speaker.

The SPEAKER. The regular order is the motion of the gentleman from Wisconsin, to be excused from further attendance on this day's session.

Mr. HOOKER. Very well, then; let us have a vote on that, but nothing else.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Wisconsin to be excused.

Mr. WILLIAMS, of Wisconsin. Gentlemen on the other side misunderstand me. I ask them to hear me for one minute.

Mr. HOOKER. I insist on the regular order.

Mr. WILLIAMS, of Wisconsin. I am entirely misunderstood by gentlemen on the other side of the House. I merely wanted to say that we make no complaint as we find the House in its present unfortunate condition.

Mr. HOOKER. I object to anything out of order.

Mr WILLIAMS, of Wisconsin. We give notice we do not at this time ask to call up the resolution of respect coming from the Senate, but will postpone doing so until the next regular session of the House. [Cries of "Regular order!"] That is all I wish to say.

Mr. HOOKER. Very well. Let that be done to-morrow.

Mr. WILLIAMS, of Wisconsin. That is precisely what I was trying to state, and with no desire to cast reflection on any side of the House.

The SPEAKER. The gentleman from Wisconsin has been excused from further attendance on this day's session.

Mr. STEELE. Mr. Speaker, I desire to be excused from further service on this day's session, as I am physically unable to stand a night session.

There was no objection, and it was ordered accordingly.

Mr. WAIT. I am not able to be here at the night session. I am paired with the gentleman from Pennsylvania, Mr. WRIGHT, who has already been excused. I staid here the other night, and was sick as a consequence. I ask to be excused.

There was no objection, and it was ordered accordingly.

Mr. CALKINS. I ask that Mr. MORTON be excused. He is under the care of his physician.

Mr. TOWNSHEND, of Illinois. He does not ask to be excused himself.

Mr. MORTON. I have been ill for several days and am now under the care of a physician. I ask to be excused from further attendance on this day's session.

There was no objection, and it was ordered accordingly.

Mr. VAN VOORHIS. I move that my colleague [Mr. COX] be excused. He has been here for some time, and I think some rest would do him good.

Mr. COX. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COX. My point of order is that there is nothing in order but the regular order. I hope members will be seated so that we may know what is going on in the House.

The SPEAKER. The regular order is the order of the House that the Sergeant-at-Arms shall arrest and bring before the bar of the House the absentees; which order is being executed.

Mr. PHISTER. Mr. Speaker, I am not able to be in the House to-night. I have not been well for some time, and I ask permission therefore to retire for the balance of the session to-day. It is a favor that I have never yet asked of the House, and I would not ask it now but for the fact that I am positively unable to remain.

Mr. SIMONTON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMONTON. I wish to know if it is competent for the House under this proceeding to excuse members or to transact any business except, under the call of the House, to excuse members who may be brought in by the Sergeant-at-Arms on the warrant of the House.

Mr. PHISTER. I hope the gentleman from Tennessee will not make the point of order on this motion. I have announced my inability to remain here, and I hope no objection will be made.

The SPEAKER. The Chair thinks that it will require a vote of the House where a question is raised to excuse a member. Does the gentleman from Tennessee demand that the regular order shall be proceeded with in that respect?

Mr. TOWNSEND, of Illinois. I hope unanimous consent will be given the gentleman from Kentucky.

The SPEAKER. The Chair does not understand the gentleman from Tennessee as making an objection to the request of the gentleman from Kentucky, and if no objection is made the Chair assumes that the request is granted by unanimous consent.

Mr. ATKINS. I have no objection to the gentleman from Kentucky being excused or to any other gentleman being excused. I would like to be excused myself, but what I want to know is, can the House transact any business whatever excepting that which is necessary to produce a quorum which it is now proceeding to accomplish? In other words is there a House in parliamentary parlance until that action of the House is concluded and a quorum produced?

The SPEAKER. The practice of the House has always been under such circumstances to allow gentlemen to state their desire to be excused.

Mr. ATKINS. I know that is the practice, but my point is whether, even by unanimous consent, it is in order for the House to transact any business in the absence of a quorum?

Mr. PHISTER. Do I understand, Mr. Speaker, that I have been excused from the attendance to-night?

The SPEAKER. The Chair has heard no objection to the request of the gentleman from Kentucky. The Chair understands the gentleman from Tennessee as not pressing the point of order.

Mr. ALDRICH, of Rhode Island. Mr. Speaker, I ask that my colleague, Mr. BALLOU, be excused for this day's session on account of ill-health.

Mr. HUTCHINS. I would like to ask the question: If nine members are allowed to go for every one who is brought in, how long we will have to remain here until we get a quorum?

The SPEAKER. The Chair is unable to answer that question.

The gentleman from Rhode Island moves that his colleague, Mr. BALLOU, be excused.

Pending a demand for a division on this question,

Mr. McCOOK said: I move that the House do now adjourn.

Mr. HOOKER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. I wish to know if any new business has intervened since the last motion to adjourn was determined by the House so as to authorize this motion to be renewed.

The SPEAKER. Several excuses have been made for members, and action thereon has been taken by the House.

Mr. HOOKER. If that is the case, the motion to adjourn can be renewed for every single member who happens to be excused.

The SPEAKER. So it can.

Mr. HOOKER. There ought to be nothing in order but the report of the Sergeant-at-Arms, and under the rules of the House I hold there is nothing else in order.

Mr. PAGE. I raise the point of order that a motion to adjourn is pending.

The SPEAKER. In response to the point of order raised by the gentleman from Mississippi, the Chair will say that there were excuses made, by consent of the House, for absent members, and for members present at the call, no objection being made. Technically that requires, the Chair thinks, unanimouns consent.

Mr. HOOKER. Then I give notice that I shall object to any excuses hereafter, if such action is to be the basis for unlimited motions to adjourn.

Mr. ALDRICH, of Rhode Island. The House was dividing upon the motion to excuse my colleague.

The SPEAKER. The gentleman from Mississippi objected, as he had a right to object under the circumstances.

Mr. PAGE. There have been several leaves of absence granted——

The SPEAKER. That was by consent; but the gentleman from Mississippi now raises the question and objects.

Mr. ALDRICH, of Rhode Island. But leave of absence has been granted by direct vote of the House to-day.

The SPEAKER. The Chair thinks they were granted by consent, no objection being made to that course of proceeding; but the gentleman from Mississippi now raises the direct issue, and the Chair must recognize it under the rules.

Mr. KNOTT. Mr. Speaker, I am requested by the gentleman from Michigan, [Mr. HUBBELL,] who left the Chamber a short time ago quite sick, and who has been unwell for a number of weeks, to ask the House to excuse him from further service to-day. I hope the request will be granted.

Mr. PAGE. There was a motion to adjourn. Is it in order?

The SPEAKER. The Chair will entertain the motion to adjourn in view of the action of the House in granting these leaves of absence. These motions to excuse members in consequence of sickness have been allowed by unanimous consent. The gentleman from Mississippi now raises the point and objects to further excuses.

Mr. HARRIS, of Virginia. Then excuse members by a vote of the House.

The SPEAKER. A single member, under the circumstances that now exist in the House, the Chair thinks, can prevent a member from being excused who is present. The decision will be read.

The Clerk read as follows:

It is not in order for the House to take a recess during a call of the House.—Journal, 2, 26, page 843. [No motion, except to adjourn or with reference to the call, is in order or ever entertained during the call.]

The SPEAKER. Of course the Chair has recognized requests to be excused by unanimous consent.

Mr. CONGER. Now, let that portion of the rule be read which refers to the time for offering excuses after a call of the House is ordered.

The SPEAKER. That relates to absentees. The Chair will cause to be read the rule to which the gentleman from Michigan refers.

The Clerk read as follows:

2. In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

Mr. HOOKER. It will be observed that the rule applies only to the excuses for absentees.

The SPEAKER. And the rule has been satisfied in that respect.

Mr. HASKELL. I desire to make a point of order.

The SPEAKER. The gentleman will proceed.

Mr. HASKELL. A proceeding under a call is a proceeding to compel the attendance of members of the House. Under a call of the House, unless there is a special rule specifically to the contrary, any motion concerning the attendance of a member is in order. The proof of that is seen clearly when the Sergeant-at-Arms brings in a member or reports a member sick, or when a member is taken sick upon the floor. Under a call, without any rule or decision or prece-

dent, I submit the Chair is entitled and bound to recognize a motion concerning attendance, either to excuse or to compel attendance, either to bring a quorum here or let it go. And that has been the recognized practice.

The SPEAKER. Does the gentleman think that in proceeding under a call of the House to compel the attendance of absent members there is any right to break a quorum through the agency of allowing excuses for those present?

Mr. HASKELL. By the vote of a majority all can go. By a motion you can excuse a member whom the Sergeant-at-Arms has found sick in his bed. If fifteen men have the power to compel attendance they have the power also to cease compelling attendance. If they have the power to bring every member here they have the power to bring every member but one and excuse that one. The very logic of a call of the House compels the acceptance of a motion to excuse a particular member. That is an incident to the call.

The SPEAKER. The Chair thinks that the character of the excuse to which the gentleman from Kansas refers is such that it requires unanimous consent. The ruling has always been so and the practice has always been so.

Mr. HASKELL. Is there any rule that requires that?

The SPEAKER. The practice of the House forms a rule for the action of the House?

Mr. HASKELL. I am not finding fault with the decision of the Chair; but, in this connection, since this is a good deal of a general proposition and an understanding of it may be of use in the future, I want to know if there is any rule of the House that requires the acceptance of an excuse to be by unanimous consent?

The SPEAKER. The ruling has been that no motion except to adjourn or with reference to the call is in order or ever entertained during a call. Now the Chair does not think that the question of accepting the excuse of a member who is present when that is disputed does relate to the call of the House in the manner specified in the words of the decision.

Mr. REED. I wish to ask the Chair if it is not within the power of the House to excuse a member who may be taken sick on the floor?

The SPEAKER. When some gentleman is taken sick on the floor the Chair will decide.

Mr. REED. I only wished to know if that was embraced in the Chair's decision?

The SPEAKER. The Chair has simply decided that under the practice of the House a motion, if it be resisted, to excuse a present member would not be in order; and the Chair has caused to be read the ruling in that regard.

Mr. HOOKER. And the ruling is very explicit.

The SPEAKER. But under the circumstances stated by the gentleman from Maine the Chair supposes unanimous consent would be given.

Mr. REED. I made the suggestion in no captious spirit, because it is in fact included in the general proposition of the gentleman from Kansas.

The SPEAKER. The Chair did not suppose it was submitted in any factious spirit. He merely declined to rule on a supposed case.

Mr. REED. I did not wish to ask the Chair to rule on it, but only made a suggestion as to what was the necessary result of his decision.

The SPEAKER. The Chair supposes if a member was taken sick on the floor unanimous consent would be given to have him taken out.

Mr. MILLS. I desire to be excused, and I wish to state the reason for making the request.

The SPEAKER. Is there objection to the gentleman from Texas making a statement?

There was no objection.

Mr. MILLS. My little girl was sick all night, and I was up with her till morning. I wish to be excused at least long enough to see her.

The SPEAKER. Is there objection?

Mr. PAGE. Put it to a vote of the House.

The SPEAKER. The Chair will not put it to a vote. [After a pause.] The Chair hears no objection.

Mr. McCOOK. May I ask what has become of my motion to adjourn?

The SPEAKER. The Chair under the circumstances will submit the motion to the House.

Mr. HOOKER. What is the motion?

The SPEAKER. That the House now adjourn.

Mr. TOWNSHEND, of Illinois. We may as well have the yeas and nays at once on that.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 120, not voting 67—as follows:

YEAS—103.

Aldrich, N. W.	Bingham,	Calkins,	Crapo,
Aldrich, William	Blake,	Camp,	Crowley,
Anderson,	Bowman,	Carpenter,	Daggett,
Bailey,	Brewer,	Caswell,	Davis, George R.
Baker,	Briggs,	Chittenden,	Davis, Horace
Ballou,	Brigham,	Claflin,	Dick,
Barber,	Browne,	Conger,	Dunnell,
Bayne,	Burrows,	Cowgill,	Dwight,
Einstein,	Hiscock,	O'Neill,	Thomas,
Errett,	Horr,	Osmer,	Thompson, W. G.
Felton,	Humphrey,	Overton,	Townsend, Amos
Ferdon,	Jones,	Pound,	Tyler,
Fisher,	Keifer,	Prescott,	Updegraff, J. T.
Ford,	Kelley,	Price,	Updegraff, Thomas
Forsythe,	Ketcham,	Ray,	Urner,
Fort,	Killinger,	Reed,	Valentine,
Frye,	Lapham,	Rice,	Van Aernam,
Godshalk,	Lowe,	Robeson,	Voorhis,
Hall,	Marsh,	Robinson,	Ward,
Hammond, John	McCoid,	Russell, Daniel L.	Washburn,
Harmer,	McCook,	Sapp,	White,
Harris, Benj. W.	McKinley,	Shallenberger,	Wilber,
Haskell,	Miller,	Sherwin,	Willits,
Hawk,	Monroe,	Smith, A. Herr	Wood,
Hazelton,	Newberry,	Starin,	Young, Thomas L.
Heilman,	Norcross,	Taylor, Ezra B.	

NAYS—120.

Aiken,	Culberson,	Kitchin,	Simonton,
Armfield,	Davidson,	Klotz,	Singleton, J. W.
Atherton,	Davis, Lowndes H.	Ladd,	Slemons,
Bachman,	Deuster,	Manning,	Smith, Hezekiah B.
Beale,	Dibrell,	Martin, Benj. F.	Smith, William E.
Beltzhoover,	Dickey,	McKenzie,	Sparks,
Blackburn,	Evins,	McLane,	Speer,
Bland,	Finley,	McMahon,	Springer,
Bliss,	Forney,	McMillin,	Stevenson,
Blount,	Frost,	Money,	Stone,
Bouck,	Geddes,	Morrison,	Talbott,
Bragg,	Goode,	Morse,	Taylor, R. L.
Bright,	Gunter,	Muldrow,	Thompson, P. B.
Buckner,	Hammond, N. J.	Muller,	Tillman,
Cabell,	Harris, John T.	New,	Townshend, R. W.
Caldwell,	Hatch,	O'Reilly,	Tucker,
Carlisle,	Henkle,	Persons,	Turner, Oscar
Clardy,	Herbert,	Phelps,	Turner, Thomas
Clark, Alvah A.	Herndon,	Philips,	Upson,
Clark, John B.	Hill,	Poehler,	Vance,
Clements,	Hooker,	Richardson, J. S.	Waddill,
Clymer,	Hostetler,	Robertson,	Warner,
Cobb,	House,	Ross,	Wellborn,
Coffroth,	Hunton,	Rothwell,	Wells,
Colerick,	Hurd,	Ryon, John W.	Whiteaker,
Converse,	Hutchins,	Samford,	Williams, Thomas
Cook,	Johnston,	Sawyer,	Willis,
Covert,	Kenna,	Scales,	Wilson,
Cox,	Kimmel,	Scoville,	Wise,
Cravens,	King,	Shelley,	Yeates.

NOT VOTING—67.

Acklen,	Ewing,	Martin, Edward L.	Reagan,
Atkins,	Gibson,	Mason,	Richardson, D. P.
Barlow,	Gillette,	McGowan,	Richmond,
Belford,	Hawley,	Miles,	Russell, W. A.
Berry,	Hayes,	Mills,	Ryan, Thomas
Bicknell,	Henderson,	Mitchell,	Singleton, O. R.
Bisbee,	Henry,	Morton,	Steele,
Boyd,	Houk,	Murch,	Stephens,
Butterworth,	Hubbell,	Myers,	Van Voorhis,
Cannon,	James,	Neal,	Wait,
Chalmers,	Jorgensen,	Nicholls,	Weaver,
Davis, Joseph J.	Joyce,	O'Brien,	Whitthorne,
Deering,	Knott,	O'Connor,	Williams, C. G.
De La Matyr,	Le Fevre,	Orth,	Wright,
Dunn,	Lindsey,	Pacheco,	Yocum,
Elam,	Loring,	Page,	Young, Casey.
Ellis,	Lounsbery,	Phister,	

So the motion to adjourn was not agreed to.

The following additional pairs were announced:

Mr. BERRY with Mr. PACHECO, on this vote.

Mr. KNOTT with Mr. HUBBELL, the latter being absent on account of indisposition.

Mr. RYAN, of Kansas, with Mr. PHISTER, for this evening.

Mr. STEELE with Mr. BOYD, for the remainder of to-day's session.

Mr. WRIGHT with Mr. WAIT, for the remainder of to-day's session.

The result of the vote was announced as above stated.

Mr. YOUNG, of Tennessee. I am a small factor in this body at any rate; and I have an engagement to visit the President to-night. I ask unanimous consent that I may be excused.

Several members objected.

Mr. CONGER. I move that further proceedings under the call be dispensed with.

The question being taken, there were—ayes 69, noes 82.

Mr. PAGE. I call for tellers.

Mr. ROBERTSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 90, nays 116, not voting 84; as follows:

YEAS—90.

Aldrich, N. W.	Carpenter,	Fisher,	Ketcham,
Aldrich, William	Caswell,	Ford,	Killinger,
Anderson,	Chittenden,	Forsythe,	Lapham,
Baker,	Claflin,	Frye,	Lowe,
Barber,	Conger,	Godshalk,	Marsh,
Bayne,	Cowgill,	Hall,	McCoid,
Bingham,	Crapo,	Hammond, John	McCook,
Bisbee,	Crowley,	Harmer,	McKinley,
Blake,	Davis, George R.	Harris, Benj. W.	Newberry,
Bowman,	Davis, Horace	Haskell,	Norcross,
Brewer,	Dick,	Hawk,	O'Neill,
Briggs,	Dunnell,	Hiscock,	Osmer,
Brigham,	Einstein,	Humphrey,	Overton,
Burrows,	Elam,	Jones,	Pacheco,
Calkins,	Felton,	Jorgensen,	Page,
Camp,	Ferdon,	Keifer,	Pound,

Price,	Sapp,	Tyler,	Ward,
Ray,	Shallenberger,	Updegraff, J. T.	Washburn,
Reed,	Sherwin,	Updegraff, Thomas	White,
Rice,	Taylor, Ezra B.	Urner,	Wilber,
Richardson, D. P.	Thomas,	Valentine,	Wood.
Robinson,	Thompson, W. G.	Van Voorhis,	
Russell, Daniel L.	Townsend, Amos	Voorhis,	

NAYS—116.

Acklen	Culberson,	King,	Scoville,
Aiken,	Davidson,	Klotz,	Shelley,
Atherton,	Davis, Lowndes H.	Ladd,	Simonton,
Atkins,	Deuster,	Manning,	Singleton, J. W.
Bachman,	Dibrell,	Martin, Benj. F.	Slemons,
Beale,	Dickey,	McKenzie,	Smith, Hezekiah B.
Beltzhoover,	Dunn,	McLane,	Smith, William E.
Berry,	Ellis,	McMahon,	Sparks,
Bicknell,	Evins,	McMillin,	Speer,
Blackburn,	Finley,	Money,	Springer,
Bland,	Forney,	Morrison,	Stevenson,
Blount,	Frost,	Morse,	Talbott,
Bouck,	Geddes,	Muller,	Tillman,
Bright,	Gunter,	New,	Townshend, R. W.
Buckner,	Hammond, N. J.	O'Reilly,	Tucker,
Cabell,	Harris, John T.	Persons,	Turner, Oscar
Carlisle,	Hatch,	Phelps,	Turner, Thomas
Clardy,	Henkle,	Philips,	Upson,
Clark, Alvah A.	Herbert,	Poehler,	Vance,
Clark, John B.	Herndon,	Reagan,	Waddill,
Clements,	Hill,	Richardson, J. S.	Warner,
Clymer,	Hooker,	Richmond,	Wellborn,
Cobb,	Hostetler,	Robertson,	Wells,
Colerick,	House,	Ross,	Whiteaker,
Converse,	Hunton,	Rothwell,	Williams, Thomas
Cook,	Hutchins,	Ryon, John W.	Willis,
Covert,	Johnston,	Samford,	Wilson,
Cox,	Kenna,	Sawyer,	Wise,
Cravens,	Kimmel,	Scales,	Yeates.

NOT VOTING—84.

Armfield,	Fort,	Loring,	Robeson,
Bailey,	Gibson,	Lounsbery,	Russell, W. A.
Ballou,	Gillette,	Martin, Edward L.	Ryan, Thomas
Barlow,	Goode,	Mason,	Singleton, O. R.
Belford,	Hawley,	McGowan,	Smith, A. Herr
Bliss,	Hayes,	Miles,	Starin,
Boyd,	Hazelton,	Miller,	Steele,
Bragg,	Heilman,	Mills,	Stephens,
Browne,	Henderson,	Mitchell,	Stone,
Butterworth,	Henry,	Monroe,	Taylor, Robert L.
Caldwell,	Horr,	Morton,	Thompson, P. B.
Cannon,	Honk,	Muldrow,	Van Aernam,
Chalmers,	Hubbell,	Murch,	Wait,
Coffroth,	Hurd,	Myers,	Weaver,
Daggett,	James,	Neal,	Whitthorne,
Davis, Joseph J.	Joyce,	Nicholls,	Williams, C. G.
Deering,	Kelley,	O'Brien,	Willits,
De La Matyr,	Kitchin,	O'Connor,	Wright,
Dwight,	Knott,	Orth,	Yocum,
Errett,	Le Fevre,	Phister,	Young, Casey
Ewing,	Lindsey,	Prescott,	Young, Thomas L.

So the motion of Mr. CONGER to dispense with further proceedings under the call was not agreed to.

The following additional pair was announced:

Mr. MULDROW with Mr. DWIGHT.

The result of the vote was announced as above stated.

Mr. WEAVER. I wish the attention of the House for a moment. [Cries of "Regular order!"] I think members will not object when they understand what I wish to say. I ask unanimous consent that we take a vote on this single proposition—whether we will accept 319 as the number of Representatives. Let a vote be taken on 319.

Mr. BLOUNT. Why stop with that?

A MEMBER. If that is voted down, what then?

Mr. HOOKER. We are willing to begin at the lowest number and go up to the highest, or to begin at the highest and go down to the lowest, taking a vote on all of them. I object to everything which does not include a vote on each proposition.

Mr. WEAVER. I am satisfied that a majority of this House would vote in favor of 319.

Several MEMBERS objected.

Mr. WEAVER. Then I ask unanimous consent to take a vote on 311.

Mr. COOK. I rise to a point of order. The confusion in the Hall is such that we cannot hear a word of what the gentleman says.

The SPEAKER *pro tempore*, (Mr. GOODE.) It is impossible for the Chair to preserve order unless he has the assistance of members.

Mr. WEAVER. I propose now, Mr. Speaker——

Mr. CONGER. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. WEAVER] is on the floor.

Mr. WEAVER. I simply wish to ask unanimous consent that we vote on three propositions—first, 322, then 319, then 311.

Mr. HOOKER. I want to say, in answer to the gentleman's suggestion, that if the various propositions be put, one at a time, under the operation of the previous question, we will agree to it, whether the vote begins with the lowest number and goes up to the highest or begins at the highest and goes to the lowest.

Mr. WEAVER. Now, I make another proposition—that we vote on 322, 319, 311, and 307.

Mr. ATKINS. I rise to a parliamentary inquiry. I desire to know——

Mr. COOK. Whom does the gentleman from Iowa [Mr. WEAVER] represent in his proposition?

Mr. ATKINS. I believe I have the floor.

Mr. WEAVER. I have made a fair proposition.

Mr. ATKINS. I have the floor, I believe.

The SPEAKER *pro tempore*. The Chair will recognize no gentleman till the House shall be in order.

Mr. ATKINS, (after a pause.) Now, Mr. Speaker, I rose to inquire whether the House had finished the execution of its order to send for absent members. If it has not, does it intend to do so?

The SPEAKER *pro tempore*. The present occupant of the chair is informed that there are members still absent, and the Sergeant-at-Arms is in search of them.

Mr. ATKINS. Is the Sergeant-at-Arms now engaged in executing that duty?

The SPEAKER *pro tempore*. His deputies are, as the Chair is informed.

Mr. HARRIS, of Virginia. He never goes himself; he must stay here to keep members in order.

Mr. WEAVER. Now, Mr. Speaker, my proposition, which I presume was not heard by the entire House in the confusion——

Mr. CONGER. I object to debate and insist on my motion.

The SPEAKER *pro tempore*. The gentleman from Michigan objects to debate.

Mr. CONGER. I move that the House do now adjourn.

The question being put on the motion to adjourn, there were—ayes 68, noes 71.

Mr. CONGER. I call for tellers.

Mr. CLYMER and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 88, nays 115, not voting 87; as follows:

YEAS—88.

Aldrich, N. W.	Dunnell,	Ketcham,	Ryan, Thomas
Aldrich, William	Einstein,	Killinger,	Sapp,
Anderson,	Elam,	Lapham,	Shallenberger,
Baker,	Errett,	Lowe,	Sherwin,
Barber,	Ferdon,	Marsh,	Smith, A. Herr
Bayne,	Fisher,	McCook,	Stone,
Bingham,	Forsythe,	McKinley	Taylor, Ezra B.
Blake,	Frye,	Monroe,	Thomas,
Briggs,	Godshalk,	Neal,	Thompson, W. G.
Brigham,	Hall,	Norcross,	Townsend, Amos
Browne,	Hammond, John	Osmer,	Tyler,
Burrows,	Harmer,	Pacheco,	Updegraff, J. T.
Camp,	Harris, Benj. W.	Page,	Updegraff, Thomas
Cannon,	Haskell,	Pound,	Valentine,
Carpenter,	Hawk,	Price,	Ward,
Caswell,	Hayes,	Ray,	Washburn,
Claflin,	Hazelton,	Reed,	Weaver,
Conger,	Heilman,	Rice,	White,
Crowley,	Horr,	Richardson, D. P.	Wilber,
Daggett,	Humphrey,	Robeson,	Willits,
Davis, Horace	Jones,	Russell, Daniel L.	Wood,
Dick,	Keifer,	Russell, W. A.	Young, Thomas L.

NAYS—115.

Acklen,	Culberson,	King,	Scoville,
Armfield,	Davidson,	Kitchin,	Shelley,
Atherton,	Davis, Lowndes H.	Klotz,	Simonton,
Bachman,	Deuster,	Ladd,	Singleton, J. W.
Beale,	Dibrell,	Lounsbery,	Slemons,
Beltzhoover,	Dickey,	Manning,	Smith, Hezekiah B.
Berry,	Dunn,	Martin, Benj. F.	Smith, William E.
Bicknell,	Ellis,	Martin, Edward L.	Sparks,
Blackburn,	Evins,	McKenzie,	Speer,
Bland,	Finley,	McLane,	Springer,
Blount,	Forney,	McMillin,	Stevenson,
Bouck,	Frost,	Money,	Talbott,
Bragg,	Geddes,	Morrison,	Taylor, Robert L.
Bright,	Goode,	Muller,	Tillman,
Buckner,	Gunter,	New,	Townshend, R. W.
Cabell,	Hammond, N. J.	Persons,	Tucker,
Caldwell,	Harris, John T.	Phelps,	Turner, Oscar
Carlisle,	Hatch,	Philips,	Turner, Thomas
Chalmers,	Henkle,	Poehler,	Upson,
Clardy,	Herbert,	Reagan,	Waddill,
Clark, Alvah A.	Herndon,	Richardson, J. S.	Warner,
Clements,	Hill,	Richmond,	Wellborn,
Clymer,	Hooker,	Robertson,	Whiteaker,
Cobb,	Hostetler,	Ross,	Whitthorne,
Colerick,	Hunton,	Rothwell,	Williams, Thomas
Cook,	Hurd,	Ryon, John W.	Willis,
Covert,	Johnston,	Samford,	Wilson,
Cox,	Kenna,	Sawyer,	Yeates.
Cravens,	Kimmel,	Scales,	

NOT VOTING—87.

Aiken,	Deering,	Lindsey,	Overton,
Atkins,	Dwight,	Loring,	Phister,
Bailey,	Ewing,	Mason,	Prescott,
Ballou,	Felton,	McCoid,	Robinson,
Barlow,	Ford,	McGowan.	Singleton, O. R.
Belford,	Fort,	McMahon,	Starin,
Bisbee,	Gibson,	Miles,	Steele,
Bliss,	Gillette,	Miller,	Stephens,
Bowman,	Hawley,	Mills,	Thompson, P. B.
Boyd,	Henderson,	Mitchell,	Urner,
Brewer,	Henry,	Morse,	Van Aernam,
Butterworth,	Hiscock,	Morton,	Vance,
Calkins,	Houk,	Muldrow,	Van Voorhis,
Chittenden,	House,	Murch,	Voorhis,
Clark, John B.	Hubbell,	Myers,	Wait,
Coffroth,	Hutchins,	Newberry	Wells,
Converse,	James,	Nicholls,	Williams, C. G.
Cowgill,	Jorgensen,	O'Brien,	Wise,
Crapo,	Joyce,	O'Connor,	Wright,
Davis, George R.	Kelley,	O'Neill,	Yocum,
Davis, Joseph J.	Knott,	O'Reilly,	Young, Casey.
De La Matyr,	Le Fevre,	Orth,	

So the House refused to adjourn.

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. THOMPSON, of Kentucky, with Mr. DAVIS, of Illinois.

Mr. MULDROW with Mr. DWIGHT, on this vote.

Mr. ROBINSON with Mr. CLARK, of Missouri, on this vote.

Mr. HISCOCK with Mr. MCMAHON, on this vote. Mr. HISCOCK would vote "ay" and Mr. MCMAHON "no."

The vote was then announced as above recorded.

Mr. BROWNE. I have been suffering with intense headache for two hours. I am not fit to be in this House, and I ask that I be excused.

There was no objection, and it was ordered accordingly.

Mr. HASKELL. I ask leave of absence for the purpose of going home and having my leg attended to. I am suffering too much to stay here, and, with due deference to the House, will have to go home whether I am excused or not. [Cries of "Regular order!"]

Mr. ANDERSON. My colleague is sick and not able to be here, and I hope he will be excused.

The SPEAKER *pro tempore*. Objection being made, the motion cannot be entertained.

Mr. ANDERSON. Under a call of the House a motion to excuse a member is in order. I make that motion.

The SPEAKER *pro tempore*. That point has already been ruled upon by the Speaker, and the Chair cannot entertain it.

Mr. ANDERSON. The Chair submitted a like motion this morning during a call of the House to excuse General HAWLEY, and similar motions were made to excuse other members.

Mr. HAZELTON. I am not feeling first rate to-night, and I ask to be excused. [Laughter.]

Mr. BERRY. The gentleman from Kansas ought to be excused, and I hope will be. He is sick, and shows it, and I ask the question be again put to the House.

Mr. HAZELTON. I move to amend so I may be excused also.

Mr. CULBERSON. I object.

Mr. HOUSE. There is some misunderstanding in reference to this matter. There is no objection to Mr. HASKELL being excused, as I understand he is really sick.

Mr. WILSON. He is suffering from wounds received in the Army.

Mr. HOUSE. I ask unanimous consent he be excused from further attendance on account of illness.

Mr. KLOTZ. I object.

Mr. HAZELTON. I have a proposition to submit that we take a vote on the basis of 293, those who favor it voting "ay" and those who oppose it voting "no," in order that we may test the disposition of the House.

Mr. HAYES. A sort of informal vote.

Mr. COX. I rise to a point of order.

Mr. HAZELTON. There is nothing going on, and let us see where we stand.

The SPEAKER *pro tempore*. The regular order being demanded the proposition is not before the House.

Mr. COX. Let members resume their seats so we may know what is going on.

Mr. HAZELTON. I understand the gentleman from New York desires me to state my proposition.

The SPEAKER *pro tempore*. The House must come to order as no business can be transacted in this great confusion.

Mr. HAMMOND, of Georgia. As we are likely to stay here to-night I should like to have the rule against smoking enforced.

The SPEAKER *pro tempore*. The Sergeant-at-Arms will see that the rule is enforced against smoking in the Hall.

Mr. HAZELTON. My proposition is this: as a sort of test of the disposition——

Mr. KLOTZ. I demand the regular order.

Mr. HAZELTON. That is just what I am giving you, the regular order.

Mr. KLOTZ. I insist on the regular order.

Mr. HAZELTON. My proposition is that we take the sense of the House on the basis of 293 members—those in favor of it voting "ay" and those against it "no." Let us see where we stand and how far we are from anything.

Mr. COX. Does the gentleman speak for his side of the House?

Mr. HAZELTON. I speak for this side of the House. [Laughter.]

Mr. PAGE. Oh, no.

Mr. HAZELTON. Do I not speak for this side of the House? [Cries of "Yes!" "No!"]

Mr. UPDEGRAFF, of Ohio. I demand the regular order of business.

Mr. ATHERTON. I want to know whether the major-general on that side of the House has any privates?

Mr. ROBESON. I desire to submit a proposition.

Mr. KLOTZ. I demand the regular order.

Mr. ATHERTON. If it is a proposition in reference to this bill I do not object, otherwise I do.

Mr. ROBESON. It is a proposition in accordance with precedent. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Objection is made.

Mr. ROBESON. If I am permitted to state the proposition I am sure gentlemen on the other side will accept it, as it is in accordance with precedent.

Mr. ATKINS. What is it?

Mr. ROBESON. That we call the roll and each member as his name is called shall state the number he prefers. Then we can see how near we are to agreeing. That is the only way to see whether we can come to an agreement or not. The same thing was done before on an apportionment bill ten years ago.

Mr. ATKINS. I am willing to do that.

Mr. HOOKER. Let us vote on the proposition commencing at the highest or the lowest, as gentlemen choose.

Mr. ROBESON. I make the proposition.

Mr. ATHERTON. If it is acceptable to that side of the House it will be to this.

The SPEAKER *pro tempore*. The Chair will entertain no proposition until the House shall come to order.

Mr. WILSON. Let us try the proposition of the gentleman from New Jersey.

Mr. ATKINS. I believe, Mr. Speaker, that the House will agree to that proposition.

The SPEAKER *pro tempore*. The Chair is willing to entertain it and will submit it to the House if there be no objection.

Mr. ATKINS. I do not believe there will be any objection.

The SPEAKER *pro tempore*. It is moved by the gentleman from New Jersey that the roll of members be called and as each member's name is called he designate the number which he prefers.

Mr. COX. I desire to say this in response to the gentleman from New Jersey——

Mr. COOK. I object.

Mr. COX. I desire the attention of members for a moment. If gentlemen upon the other side had gone in a proper way to transact this business and not attempted to delay it I think the House would have been perfectly willing to accept such a proposition as a reasonable basis of settlement. I am willing now to adopt the suggestion of the gentleman from New Jersey that each man's name be called on the roll and as it is called he name the number that he prefers and the majority shall determine the vote of the House upon the question. [Cries of "Oh, no!" on the republican side. "That is not the proposition."]

Mr. ROBESON. Mr. Speaker, my proposition was this, that the roll be called and each man name his number, and when that number is named we ascertain exactly how we stand. That being done, we have obtained a basis for a fair accommodation of the difference. Accept that if you choose, reject it if you please. [Loud cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair must insist upon order being restored in the Hall. The Sergeant-at-Arms will proceed with his mace and compel members to be seated.

The Sergeant-at-Arms proceeded through the Hall with the mace.

Mr. CONGER. I think the bird had better be put back. When the eagle is taken from its place the House is not in session by the rules of the House.

The SPEAKER *pro tempore*. The eagle is taken as the emblem of authority and will be replaced when the House comes to order. [After a pause.] The House is now in order and the Sergeant-at-Arms will proceed no further.

Mr. CONGER. Put the bird back.

Mr. ATKINS. I ask if the gentleman from Michigan [Mr. CONGER] and the gentleman from New York [Mr. VAN VOORHIS] have the right to defy the authority of the House?

The SPEAKER *pro tempore*. The Chair is not aware that such is the case.

Mr. ATKINS. They have refused to obey the order of the House. These gentlemen did not take their seats in obedience to the direct order of the Speaker that the House should be in order.

The SPEAKER. The Chair understands that the gentlemen have complied with the demand of the Speaker.

Mr. ATKINS. They did not take their seats until after the Chair had ordered the Sergeant-at-Arms to retire. [Cries of "Regular order!"] I insist that gentlemen should be required to obey the order of the House.

The SPEAKER. The Chair did not know the circumstances under which the Sergeant-at-Arms had been directed to act.

Mr. GOODE. I will state the Sergeant-at-Arms was directed by myself, occupying the chair at the time, to proceed with the mace through the Hall and require members to maintain order on the floor, so the public business might be proceeded with.

Mr. ATKINS. And these gentlemen have defied the House.

The SPEAKER. As soon as order was restored the Chair directed the Sergeant-at-Arms to restore the mace to its place.

Mr. ATKINS. The order that the Sergeant-at-Arms should restore the mace was given while the gentleman from New York and the gentleman from Michigan were upon the floor, having refused to take their seats, and obey the order of the House.

The SPEAKER. The Chair understood both gentlemen as complying with the order of the House.

Mr. ATKINS. They were not in order. Neither one was in his seat. One was far away from his seat. The Sergeant-at-Arms was standing between them; and they defied the authority of the House by refusing to be seated.

Mr. FRYE. The gentleman from Michigan was in his seat, which he now occupies.

Mr. ATKINS. He was standing up at his seat and would not take it.

The SPEAKER. The Chair will endeavor to enforce the rules of the House.

Mr. ATKINS. I insist that the dignity of the House shall be respected.

The SPEAKER. The Chair is advised the gentleman from New York was making a statement.

Mr. COX. Mr. Speaker, in response to what fell from the gentleman from New Jersey, I desire to say that he made the proposition that an informal vote should be taken which would develop the sentiment of the House, a vote to be taken in the manner he suggested. I am willing, speaking for the delegations around me, to accede to the request of the gentleman from New Jersey, and have each member, as his name is called, announce the number that he prefers.

Mr. WILSON. That is right.

Mr. HOOKER. I object to it.

Mr. CONGER. I desire to say for myself that when the gentleman from New York shall withdraw his demand for the previous question and permits us to vote on all of these propositions, we will do it. Had he not insisted upon that motion we would long before this have been through with voting. Now he refuses to do it, and I object to any informalities and desire to go on with the public business.

The SPEAKER. The gentleman has not the power to withdraw the motion.

Mr. COX. If we come to a vote on each of these propositions, will my friend say that he will not make any more dilatory motions?

Mr. CONGER. If the gentleman will confer with me out in the corridor, I will give him my frank opinion.

Mr. COX. I want to talk frankly with you here.

Mr. CONGER. Let the business of the House go on. Let the gentleman withdraw his demand for the previous question.

Mr. COX. I am not at liberty to do that, as the previous question has been ordered.

Mr. CONGER. I think the gentleman is mistaken.

The SPEAKER. That has been the order of the House; the main question has already been ordered.

Mr. CONGER. If that question is raised, and if the Chair decides that now, and for the first time, then I shall appeal from that decision.

Mr. COX. The appeal comes too late

Mr. CONGER. That is the first time, as far as I am aware of it, that the Chair has made such a decision. I could not have appealed before the decision was made.

The SPEAKER. The Chair decided it at the time the order was made. The Chair then decided that the main question was ordered, and the Journal will show it.

Mr. CONGER. I advise the Chair the time will come when an appeal will be taken from that decision.

Mr. PAGE. I would like to ask the gentleman from New York [Mr. COX] a question for information. Does he propose we take an informal ballot; that all proceedings meanwhile shall remain *in statu quo* as they appear now; that after the formal ballot we return to the possession of our original rights as we have them now?

Mr. COX. The proposition did not come from me, nor from this side.

Mr. PAGE. But I ask the gentleman from New York if that is the understanding on that side of the House?

Several MEMBERS. Of course.

Mr. PAGE. Then let me appeal to my friend from Michigan [Mr. CONGER] that if an informal ballot can be taken as suggested by the gentleman from New Jersey, [Mr. ROBESON,] and if we can then return to the same condition as we are in now without having prejudiced our case at all or our standing in this matter, I see no reason why that should not be done.

Mr. CONGER. I see a reason why this House should not determine anything with its doors barred. I have made repeated motions to discontinue further proceedings under the call, and the House has refused to order that to be done. Let us open the doors to members and let them come in. And then let such propositions be made, and not while we are shut up here as it were in a prison.

Mr. WILSON. I wish to inquire of the Chair how we are to ascertain whether there is a quorum present. I believe there is a quorum here.

The SPEAKER. There is a quorum present; but when a particular vote is reached no quorum appears, and the Chair supposes that practically a call of the House was made for the purpose of securing a quorum on such votes.

Mr. WILSON. We have been nearly six hours waiting for a quorum. A quorum is present. Let us proceed and vote.

Mr. CHALMERS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHALMERS. Is it in order to move another call of the House at this time?

The SPEAKER. It is not. The House is proceeding under a call now. Call cannot be piled on call.

Mr. CHALMERS. A number of gentlemen who answered to their names on the roll-call have gone.

Mr. KITCHIN. I rise to a question of order. I ask that gentlemen stop talking until members take their seats.

The SPEAKER. The Chair has asked gentlemen over and over again to take their seats.

Mr. COX. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. COX. It has been suggested that gentlemen who answered to their names when the call of the House was made are now absent not by order of the House and not by leave of the House. I ask the Chair what proceeding can be adopted to bring them here?

The SPEAKER. The gentlemen who were in the House, and answered to their names at the call of the House, and have left since the doors were closed must have left upon the honor of their parol; and if they have gone out of the building the Chair is of the opinion they have violated that parol.

Mr. COX. What is the remedy?

The SPEAKER. It is not for the Chair to state what is the remedy.

Mr. CARLISLE. The Chair will permit me to state that the same condition of affairs occurred a few weeks ago during the all-night session when I had the honor of occupying the chair. A motion was made to call again the names of those who had answered on the first roll-call. Precedents were looked for, and one or two were found. Thereupon the roll was again called, and it appeared that certain gentlemen who had answered on the first roll-call were then absent; and the House by resolution directed the Sergeant-at-Arms to bring them in.

The SPEAKER. Under the practice suggested by the gentleman from Kentucky the Chair could not entertain a motion for another call of the House as a motion recognized by the rules; but he would recognize a motion for another roll-call to ascertain what members if any had violated their parol.

Mr. COX. I move that there be another call of the roll.

Mr. HOUSE. Oh, no; not another roll-call, but a call of those who answered when the call of the House took place.

The SPEAKER. The Chair is not able to make that distinction; nor does he see how the clerks could do it.

Mr. TOWNSHEND, of Illinois. They did the other night.

Mr. WILSON. The clerks have the list of those who answered on that roll-call and could call their names again.

Mr. TALBOTT. I desire to suggest that at the door the name of each member going out is taken down and it can be ascertained at the door whether that member has returned or not. That is a more speedy way of ascertaining what is desired than again calling the roll of the House.

Mr. VAN VOORHIS. The Doorkeeper's list will show what is wanted.

Mr. ATKINS. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ATKINS. Would it not be the easiest way to ascertain whether any gentlemen who answered to their names are now absent, to get the Doorkeeper to make a report?

Mr. TALBOTT. At the door there is kept a list of all who have gone out and have not returned, who answered to their names at the call of the House.

Mr. ROBERTSON. And when they return their names are erased.

Mr. HAYES. Has not the Clerk a copy of the roll which was called at the time the call of the House was ordered?

The SPEAKER. They have the original.

Mr. HAYES. Cannot they call from that.

The SPEAKER. They can.

Mr. HAYES. I mean the roll of those who answered to their names at the call when a call of the House was ordered.

The SPEAKER. The usual way is to call the list of names of those who failed to answer.

Mr. HAYES. We want to ascertain those who answered to their names and have since gone away.

Mr. FRYE. Who answered then and who will answer now.

Mr. VAN VOORHIS. I move that the list of names kept by the Doorkeeper of those who have gone out of the Hall and have not returned be now called over.

The SPEAKER. The Chair will cause the roll of those who answered to their names on the original roll under the call of the House to be again called.

Mr. BAYNE. I object to that.

Mr. ATKINS. The Doorkeeper has the list of absentees.

Mr. HOUSE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOUSE. What roll is it proposed to call now?

The SPEAKER. The roll of those members of the House who answered on the roll-call, for the purpose of ascertaining who are not now here.

Mr. ATKINS. By what order is that to be done?

The SPEAKER. Upon motion.

Mr. ATKINS. That motion should be submitted to the House.

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] made the motion, and the gentleman from Kentucky [Mr. CARLISLE] stated that that was done on a former evening, and the Chair heard no objection to it.

Mr. RUSSELL, of North Carolina. Objection is made.

The SPEAKER. The Chair will cause the entire roll to be read, and that will disclose who are absent. The Clerk will now call the list of names of members.

Mr. CONGER. Pending that I move that all further proceedings under the call be dispensed with.

The SPEAKER. The last motion submitted to the House and voted upon was a motion that the House adjourn. The Chair will entertain the motion that all further proceedings under the call be dispensed with.

Mr. BURROWS. That had better be done.

Mr. ACKLEN. I call for the yeas and nays on that motion.

The question was taken upon ordering the yeas and nays; and there were 40 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. HOUSE. I do not think members understand what we are about to vote on.

The SPEAKER. On the motion that all further proceedings under the call be dispensed with.

The question was taken; and there were—yeas 98, nays 123, not voting 69; as follows:

YEAS—98.

Aiken,	Davis, George R.	Killinger,	Sapp,
Aldrich, N. W.	Davis, Horace	Lapham,	Shallenberger,
Aldrich, William	Deering,	Lowe,	Sherwin,
Anderson,	Dick,	Marsh,	Smith, A. Herr
Baker,	Dunnell,	McCoid,	Stone,
Barber,	Errett,	McCook,	Taylor, Ezra B.
Bayne,	Ferdon,	McKinley,	Thomas,
Bingham,	Fisher,	Monroe,	Thompson, W. G.
Bisbee,	Forsythe,	Neal,	Tillman,
Blake,	Fort,	Norcross,	Townsend, Amos
Bowman,	Frye,	O'Neill,	Tyler,
Brewer,	Godshalk,	Osmer,	Updegraff, J. T.
Briggs,	Hall,	Overton,	Updegraff, Thomas
Brigham,	Hammond, John	Pacheco,	Urner,
Burrows,	Harmer,	Page,	Valentine,
Calkins,	Harris, Benj. W.	Prescott,	Van Voorhis,
Camp,	Hawk,	Price	Voorhis,
Cannon,	Hayes,	Ray,	Ward,
Carpenter,	Hazelton,	Reed,	Washburn,
Caswell,	Hiscock,	Rice,	Weaver,
Claflin,	Horr,	Robeson,	Wilber,
Conger,	Jones,	Robinson,	Willits,
Cowgill,	Keifer,	Russell, Daniel L.	Wood.
Crowley,	Kelley,	Russell, W. A.	
Daggett,	Ketcham,	Ryan, Thomas	

[NAYS—123.

Acklen,	Cox,	Kenna,	Scales,
Armfield,	Cravens,	Kimmel,	Scoville,
Atherton,	Culberson,	King,	Shelley,
Atkins,	Davidson,	Kitchin,	Simonton,
Bachman,	Davis, Lowndes H.	Klotz,	Singleton, J. W.
Beale,	Deuster,	Ladd,	Slemons,
Beltzhoover,	Dibrell,	Lounsbery,	Smith, Hezekiah B.
Berry,	Dickey,	Manning,	Smith, William E.
Bicknell,	Dunn,	Martin, Benj. F.	Sparks,
Blackburn,	Elam,	Martin, Edward L.	Speer,
Bland,	Ellis,	McKenzie,	Springer,
Bliss,	Evins,	McLane,	Stevenson,
Blount,	Finley,	McMahon,	Talbott,
Bouck,	Forney,	McMillin,	Taylor, Robert L.
Bragg,	Frost,	Mills,	Townshend, R. W.
Bright,	Geddes,	Money,	Tucker,
Buckner,	Goode,	Morrison,	Turner, Oscar
Cabell,	Gunter,	Muller,	Turner, Thomas
Caldwell,	Hammond, N. J.	New,	Upson,
Carlisle,	Harris, John T.	Persons,	Vance,
Chalmers,	Hatch,	Phelps,	Waddill,
Clardy,	Henkle,	Philips,	Warner,
Clark, Alvah A.	Herbert,	Poehler,	Wellborn,
Clark, John B.	Herndon,	Reagan,	Wells,
Clements,	Hill,	Richardson, J. S.	Whiteaker,
Clymer,	Hooker,	Robertson,	Whitthorne,
Cobb,	Hostetler,	Ross,	Williams, Thomas
Coffroth,	House,	Rothwell,	Willis,
Colerick,	Hunton,	Ryon, John W.	Wilson,
Cook,	Hurd,	Samford,	Yeates.
Covert,	Johnston,	Sawyer,	

NOT VOTING—69.

Bailey,	Gillette,	McGowan,	Richmond,
Ballou,	Haskell,	Miles,	Singleton, O. R.
Barlow,	Hawley,	Miller,	Starin,
Belford,	Heilman,	Mitchell,	Steele,
Boyd,	Henderson,	Morse,	Stephens,
Browne,	Henry,	Morton,	Thompson, P. B.
Butterworth,	Houk,	Muldrow,	Van Aernam,
Chittenden,	Hubbell,	Murch,	Wait,
Converse,	Humphrey,	Myers,	White,
Crapo,	Hutchins,	Newberry,	Williams, C. G.
Davis, Joseph J.	James,	Nicholls,	Wise,
De La Matyr,	Jorgensen,	O'Brien,	Wright,
Dwight,	Joyce,	O'Connor,	Yocum,
Einstein,	Knott,	O'Reilly,	Young, Casey
Ewing,	Le Fevre,	Orth,	Young, Thomas L.
Felton,	Lindsey,	Phister,	
Ford,	Loring,	Pound,	
Gibson,	Mason,	Richardson, D. P.	

So the motion to dispense with further proceedings under the call was not agreed to.

At the conclusion of the roll-call,

Mr. MULDROW said: I am paired on this vote with Mr. DWIGHT, of New York. I voted inadvertently in the negative and withdraw my vote.

The following additional pairs were announced:

Mr. PHISTER with Mr. HASKELL.

Mr. HEILMAN with Mr. THOMPSON of Kentucky, on this vote.

Mr. RICHMOND with Mr. JORGENSEN, on all questions for the remainder of the day, Mr. RICHMOND reserving the right to vote to make a quorum.

The result of the vote was then announced as above stated.

Mr. CONGER. And now I move that the House adjourn.

Mr. DUNN. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 114, not voting 82; as follows:

YEAS—94.

Aiken,	Davis, George R.	Kelley,	Sapp,
Aldrich, N. W.	Davis, Horace	Killinger,	Shallenberger,
Aldrich, William	Deering,	Lapham,	Sherwin,
Anderson,	Dick,	Lowe,	Smith, A. Herr
Baker,	Dunnell,	Marsh,	Stone,
Barber,	Errett,	McCook,	Taylor, Ezra B.
Bayne,	Ferdon,	McKinley,	Thomas,
Bingham,	Fisher,	Mitchell,	Thompson, W. G.
Bisbee,	Forsythe,	Monroe,	Tillman,
Blake,	Fort,	Neal,	Townsend, Amos
Bowman,	Frye,	Norcross,	Tyler,
Brewer,	Godshalk,	O'Neill,	Updegraff, J. T.
Briggs,	Hall,	Osmer,	Urner,
Brigham,	Hammond, John	Overton,	Valentine,
Burrows,	Harmer,	Prescott,	Van Voorhis,
Camp,	Harris, Benj. W.	Price,	Voorhis,
Cannon,	Hawk,	Ray,	Ward,
Carpenter,	Hayes,	Reed,	Washburn,
Caswell,	Heilman,	Rice,	Weaver,
Claflin,	Hiscock,	Robeson,	Wilber,
Conger,	Horr,	Robinson,	Willits,
Crapo,	Humphrey,	Russell, Daniel L.	Wood.
Crowley,	Jones,	Russell, W. A.	
Daggett,	Keifer,	Ryan, Thomas	

NAYS—114.

Armfield,	Covert,	Kitchin,	Shelley,
Atherton,	Cox,	Klotz,	Simonton,
Atkins,	Davidson,	Ladd,	Singleton, J. W.
Bachman,	Davis, Lowndes H.	Lounsbery,	Slemons,
Beale,	Deuster,	Manning,	Smith, Hezekiah B.
Beltzhoover,	Dibrell,	Martin, Benj. F.	Smith, William E.
Berry,	Dickey,	Martin, Edward L.	Sparks,
Bicknell,	Dunn,	McKenzie,	Speer,
Blackburn,	Elam,	McLane,	Springer,
Bland,	Ellis,	McMahon,	Stevenson,
Bliss,	Evins,	McMillin,	Talbott,
Blount,	Forney,	Mills,	Taylor, Robert L.
Bouck,	Frost,	Morrison,	Townshend, R. W.
Bragg,	Geddes,	Muller,	Tucker,
Bright,	Goode,	New,	Turner, Thomas
Buckner,	Gunter,	Persons,	Upson,
Cabell,	Hammond, N. J.	Phelps,	Vance,
Caldwell,	Harris, John T.	Philips,	Waddill,
Carlisle,	Hatch,	Poehler,	Warner,
Chalmers,	Herbert,	Reagan,	Wellborn,
Clardy,	Herndon,	Richardson, J. S.	Wells,
Clark, Alvah A.	Hill,	Robertson,	Whiteaker,
Clark, John B.	Hostetler,	Ross,	Whitthorne,
Clements,	House,	Rothwell,	Williams, Thomas
Clymer,	Hunton,	Ryon, John W.	Willis,
Cobb,	Johnston,	Samford,	Wilson,
Coffroth,	Kenna,	Sawyer,	Yeates.
Colerick,	Kimmel,	Scales,	
Cook,	King,	Scoville,	

NOT VOTING—82.

Acklen,	Ford,	Loring,	Pound,
Bailey,	Gibson,	Mason,	Richardson, D. P.
Ballou,	Gillette,	McCoid,	Richmond,
Barlow,	Haskell,	McGowan,	Singleton, O. R.
Belford,	Hawley,	Miles,	Starin,
Boyd,	Hazelton,	Miller,	Steele,
Browne,	Henderson,	Money,	Stephens,
Butterworth,	Henkle,	Morse,	Thompson, P. B.
Calkins,	Henry,	Morton,	Turner, Oscar
Chittenden,	Hooker,	Muldrow,	Updegraff, Thomas
Converse,	Houk,	Murch,	Van Aernam,
Cowgill,	Hubbell,	Myers,	Wait,
Cravens,	Hurd,	Newberry,	White,
Culberson,	Hutchins,	Nicholls,	Williams, C. G.
Davis, Joseph J.	James,	O'Brien,	Wise,
De La Matyr,	Jorgensen,	O'Connor,	Wright,
Dwight,	Joyce,	O'Reilly,	Yocum,
Einstein,	Ketcham,	Orth,	Young, Casey
Ewing,	Knott,	Pacheco,	Young, Thomas L.
Felton,	Le Fevre,	Page,	
Finley,	Lindsey,	Phister,	

So the motion to adjourn was not agreed to.

At the conclusion of the second call,

Mr. WARNER said: I move to dispense with the reading of the names in order to save time and labor.

Mr. CANNON, of Illinois. I object.

The Clerk read the names of those voting.

Mr. CALKINS. I voted inadvertently. I am paired on this vote and will withdraw my vote.

The following additional pairs were announced:

Mr. MULDROW with Mr. DWIGHT, Mr. MULDROW reserving the right to vote to make a quorum.

Mr. THOMPSON, of Kentucky, with Mr. CALKINS, on this vote.

Mr. YOUNG, of Ohio, with Mr. SINGLETON, of Mississippi, on all questions until Monday next at noon.

The result of the vote was then announced as above stated.

Mr. MCLANE. I rise to a question of privilege.

Mr. CONGER. I desire to move that all further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Maryland [Mr. McLANE] is recognized to make a motion. The Chair will hear it and then decide which has precedence.

Mr. McLANE. I desire to submit an order directing the Sergeant-at-Arms to arrest those members who have left the House without leave since the call of the roll. And as a preliminary to that order I move that the list of those members who answered to their names on the first call of the roll be again called, in order that the House may be able to ascertain what members shall be arrested.

The SPEAKER. The Chair entertains the motion.

Mr. ROBESON. Does the gentleman from Maryland mean the list of those members who answered to their names on the call of the House?

Mr. McLANE. I mean to have arrested those members who answered on the call and who have since absented themselves without the leave of the House.

Several MEMBERS. That is right.

The SPEAKER. The Chair entertains the motion.

Mr. ALDRICH, of Illinois. I move to lay that resolution on the table.

The SPEAKER. The motion to lay on the table is not in order.

Mr. CONGER. Pending that, I move that all further proceedings under the call be dispensed with.

Mr. HOUSE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOUSE. The motion made by the gentleman from Maryland [Mr. McLANE] was entertained by the Chair and was pending at the time the other motion was made to dispense with all further proceedings under the call.

The SPEAKER. The Chair has not entertained the other motion yet.

It is not in order for the House to take a recess during the call of the House. No motion, except to adjourn or with reference to the call, is in order or ever entertained during a call.

The Chair entertains the motion of the gentleman from Maryland [Mr. McLANE] because it has reference to the call.

Mr. CONGER. Pending that, I move that all further proceedings under the call be dispensed with.

The SPEAKER. The Chair does not entertain anything as pending but the one motion in respect to the call of the House.

Mr. CONGER. I make the motion, which is of higher privilege, to dispense with all further proceedings under the call.

Mr. WARNER. Can he take the gentleman from Maryland off his feet to make the motion?

The SPEAKER. The Chair is of opinion that there must be somewhere in the House a power to compel gentlemen who have answered to their names and gone hence to return to the House in obedience to its summons; otherwise the call provided for in parliamentary law and in all parliamentary bodies could be evaded and made as a rope of sand.

Mr. CONGER. The point of order I make is that the motion which I submit is one of higher privilege——

The SPEAKER. In addition to which the Chair thinks this is a question which relates to the dignity of the House and to its proceedings. [Loud cries of "Regular order!"]

Mr. CONGER. Does the Chair rule that the motion is not in order?

The SPEAKER. The Chair rules that the motion of the gentleman from Maryland is in order, and entertains it. The Chair will submit the motion to the House.

The question was taken, and the motion was agreed to.

Mr. McLANE. I now ask that the Clerk call the roll and report the names of those persons who were present on the first roll-call, and who failed to respond to this call.

The SPEAKER. The Clerk will proceed to call the roll. As this involves an important proceeding on the part of the House, the Chair hopes and requests that members will be seated that the clerks may have an opportunity of hearing responses, so that there will ultimately be no mistake as to the gentlemen who have gone hence.

The Clerk proceeded to call the roll.

Mr. KELLEY. Mr. Speaker, I ask leave to make a request to the House [cries of "Regular order!"] which I hope will be granted.

The SPEAKER *pro tempore*, (Mr. CLYMER in the chair.) Is there objection to the gentleman from Pennsylvania making a request to the House?

There was no objection.

Mr. KELLEY. I ask that I be excused from the balance of this session. I was traveling last night until near midnight, and am very much fatigued; and the old gentleman appeals to his children to excuse him.

Mr. STEVENSON. I move that the gentleman from Pennsylvania be excused.

There was no objection.

Mr. McLANE. I do not object to the gentleman being excused, but I insist that this must not be taken as a precedent. I claim that the House has no right to excuse anybody under the circumstances.

The SPEAKER *pro tempore*. The Chair understood this to be a request on the part of the gentleman from Pennsylvania, and an act of personal kindness on the part of the House toward him, and understood that there was no objection to it.

Mr. McLANE. I do not make any objection to it. I have only said that I did not wish it to be established as a precedent.

The SPEAKER *pro tempore*. The Clerk will now report the names to the House of those members who failed to answer to this call, but who answered upon the first call. It will be remembered that several gentlemen who answered on the first call have since been excused. Of course they will not be included in the warrant contemplated by the gentleman from Maryland.

Mr. WILSON. Has General GIBSON been excused?

The SPEAKER. The Chair desires to state that the gentleman from Kentucky, Mr. PHISTER, the gentleman from North Carolina, Mr. STEELE, and the gentleman from Wisconsin, Mr. WILLIAMS, as he recollects, were all excused. Other gentlemen were probably excused while the present occupant of the chair was temporarily absent.

Mr. WILSON. Has the gentleman from Louisinia, Mr. GIBSON, been excused?

The SPEAKER. The Chair does not recollect that he was. As the Chair has stated, other gentlemen have occupied the chair during the night, and possibly he may have been excused during that time.

Mr. ROBERTSON. I move that my colleague be excused.

Mr. WILSON. I hope Mr. GIBSON may be excused. I know he is very unwell. I bought some medicine for him myself from the drug store this afternoon.

Mr. MITCHELL. In the case of Mr. YOUNG of Ohio, I wish to state that I had a conversation with him just before he stepped out of the Hall, and he informed me that unless he could make some arrangement that he would be compelled to go to New York to-night in reference to business matters of great importance to himself which might possibly call him to Europe.

Mr. CLYMER. I desire to ask, Mr. Speaker, by unanimous consent, that Dr. LORING be excused. He was in a most unfortunate dilemma, having agreed to deliver a lecture by an engagement made some two weeks ago, and he has been away under circumstances which he could not have avoided.

Mr. HAMMOND, of Georgia. I object.

Mr. WILSON. Has the motion to excuse General GIBSON been adopted?

Mr. McLANE. I demand the regular order.

Mr. ANDERSON. I wish to make a parliamentary inquiry; whether it is in order at this time to move that my colleague, Mr. HASKELL, be excused on account of sickness. I thought that he had been excused but I am informed that there is some doubt about it.

The SPEAKER. The Chair is informed by the Clerk that Mr. HASKELL was excused.

Mr. HOUSE. I made the motion, and my impression was that he was excused.

Mr. HAMMOND, of Georgia. Mr. Speaker, I objected a few moments ago to the motion to excuse Dr. LORING. I made it under a misapprehension, and I desire to withdraw it.

Mr. FRYE. I wish to state, Mr. Speaker, that the gentleman from Louisiana, Mr. GIBSON, went home sick just after the first roll-call to-night, to my personal knowledge. I hope he will be excused.

Mr. ROBERTSON. I desired to make that statement myself, and move that he be excused.

Mr. FRYE. And the gentleman from Maine, being sick, intends to go home very shortly.

The SPEAKER. The Chair hears no objection [laughter] to the request to excuse the gentleman from Louisiana, Mr. GIBSON.

Mr. McLANE. I demand the regular order and object to the Chair entertaining any further applications for excuses at this time. I insist now that the order of the House be carried out and the Sergeant-at-Arms be directed to bring the absentees to the bar of the House.

The SPEAKER. As soon as the list can be made out it will be reported to the House and handed to the Sergeant-at-Arms to be executed.

Mr. ATKINS. May I inquire what is the object of sending for absentees when gentlemen are being excused?

The SPEAKER. The excuses which have been granted have been by unanimous consent and on account of illness.

Mr. ATKINS. To be very plain about it, let me say this: I understand the object of sending for these gentlemen is to get enough democrats present in the House to constitute a quorum in order to pass this bill simply because the republicans will not vote and make a quorum. Now, if we are to excuse democrats from attendance, I ask when in the name of common sense shall we ever reach a point when we shall have a majority?

The SPEAKER. That is for the House to determine. When the request is made that a gentleman be excused from attendance any one member can prevent it by objecting.

Mr. ATKINS. I say we ought not to excuse anybody.

The SPEAKER. Then all the gentleman has to do is to stand up and object.

Mr. ATKINS. I will object from this time forth to any member being excused. I move to vacate all excuses. [Cries of "Regular order!"] When it is perfectly demonstrated a man cannot possibly be here, let him be excused. But a great many have been excused on the score of sickness who are just as able to be here as I am.

Mr. MANNING. The Sergeant-at-Arms will no doubt exercise his discretion when he goes after absent members.

Mr. ATKINS. I make my motion to vacate all excuses. Let the gentlemen who are absent send the certificates of physicians that they are sick and then their excuses may be accepted.

Mr. DIBRELL. I ask for the enforcement of the rule in regard to smoking in the Hall.

The SPEAKER. The Sergeant-at-Arms will enforce the rule and see that no gentlemen smoke upon the floor.

Mr. WEAVER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. Would it be in order to move that the House take a recess?

The SPEAKER. The Chair has already decided it is not in order for the House to take a recess during a call of the House; and he has had read the decision on the subject which is found in the Digest.

Mr. ATKINS. What became of my motion? Is it in order?

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] asks unanimous consent that all excuses be vacated.

Mr. ATKINS. Does it require unanimous consent?

Mr. ANDERSON and others objected.

Mr. MANNING. Is unanimous consent required?

The SPEAKER. Where the motion to excuse came in by unanimous consent and was adopted by unanimous consent the Chair thinks that to vacate the action of the House in that respect would require unanimous consent.

Mr. ANDERSON. Then I object.

Mr. McLANE. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. McLANE. I demand from the Chair the execution of the order of the House.

The SPEAKER. It is being executed as fast as physical energy will permit.

Mr. SPARKS. I wish to ask the Chair whether the House by a majority vote cannot vacate an order made by the House.

The SPEAKER. The motions that members be excused originally came in by unanimous consent.

Mr. SPARKS. But if a member is excused by an order of the House, that order can be vacated, as I understand, by a vote of the House.

The SPEAKER. The Chair thinks such a motion is not now in order.

Mr. SPARKS. When will it be in order?

The SPEAKER. The Chair will endeavor to inform the House. The House is now engaged in a proceeding under the call which concerns the dignity of the House, in relation to members who went hence without authority.

Mr. CONGER. I ask that the names of the gentlemen who are being sent for be read.

The SPEAKER. The warrant is being filled up.

Mr. CONGER. Will the Chair have the names read when it is filled up?

The SPEAKER. The Chair will.

Mr. AIKEN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentlemen will state it.

Mr. AIKEN. Is it the purpose of a call of the House to ascertain whether a quorum is present? Is not the object of it to cause a quorum to be present?

The SPEAKER. It is.

Mr. AIKEN. I ask the Chair whether he is not convinced there is a quorum now present?

The SPEAKER. The Chair is now executing the order of the House.

Mr. AIKEN. I think that is not a reply to my inquiry.

The SPEAKER. The Chair will now cause the warrant to be read.

The Clerk read as follows:

February 24, 1881.

By authority of the House of Representatives of the United States, to John G. Thompson, Sergeant-at-Arms, or his special deputies:

Whereas the House has this day adopted the following order; which said order is in the following words, to wit:

Ordered, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are found absent without the leave of the House and who left the House after the call of the House, and who appear by a call of the roll to be the following members, to wit: Mr. CONVERSE, Mr. DE LA MATYR, Mr. DWIGHT, Mr. HUTCHINS, Mr. MILLER, Mr. MORSE, Mr. NEWBERRY, Mr. O'NEILL, Mr. O'REILLY, Mr. POUND, Mr. DAVID P. RICHARDSON, Mr. P. B. THOMPSON, jr., Mr. WISE, Mr. YOCUM, and Mr. THOMAS L. YOUNG—

Now, therefore, I, SAMUEL J. RANDALL, Speaker of the House of Representatives, do hereby command you to execute the foregoing resolution of the House of Representatives.

SAMUEL J. RANDALL, *Speaker*.

Witness my hand and the seal of the House of Representatives on the above day and date.

Attest: GEORGE M. ADAMS, *Clerk*.

Mr. AIKEN. I desire a ruling of the Chair whether or not that order of the House can be issued under the second clause of Rule XVII, which I ask to have read.

The SPEAKER. The Chair is perfectly familiar with that rule.

Mr. REED. The point of order was not made at the time.

The SPEAKER. The rule will be read.

The Clerk read as follows:

A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

The SPEAKER. Under the construction which the gentleman from South Carolina [Mr. AIKEN] indicates, if correct, the original call would not have been possible. The practice has been under that clause for the Chair to take, as being more accurate than any other mode of ascertaining the result and as conclusive, the roll-call developing the fact that no quorum was present and voting.

Mr. AIKEN. I desire to say that the people of this country are informed to-night that the majority of this House who are responsible for its legislative action are the obstructionists of legislation; whereas if we had proceeded under the rule, then the minority, who have sate here and refused to answer to their names, would be recorded as the obstructionists.

The SPEAKER. That is a matter about which the Chair is not called upon to express an opinion.

Mr. CONGER. I desire to inquire if the list just read by the Clerk contains the names of all the gentlemen who answered on the first call and not upon the second who have not been excused?

The SPEAKER. It was the intention to have the list so made.

Mr. CAMP (at 10 o'clock p. m.) moved that the House adjourn.

Mr. STEVENSON. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 55, nays 150, not voting 85; as follows:

YEAS—55.

Aiken,	Crowley,	Hiscock,	Starin,
Aldrich, William	Daggett,	Horr,	Stone,
Baker,	Deering,	Hubbell,	Taylor, Ezra B.
Barber,	Dunnell,	Killinger,	Tillman,
Bisbee,	Errett,	Lowe,	Townsend, Amos
Blake,	Fisher,	McCook,	Tyler,
Brewer,	Forsythe,	McKinley,	Valentine,
Brigham,	Frye,	Monroe,	Van Aernam,
Burrows,	Godshalk,	Norcross,	Ward,
Cannon,	Hall,	Overton,	Washburn,
Chittenden,	Harris, Benj. W.	Reed,	Weaver,
Claflin,	Hawk,	Robinson,	Willits,
Cowgill,	Hayes,	Ryan, Thomas	Wood.
Crapo,	Heilman,	Smith, A. Herr	

NAYS—150.

Aldrich, N. W.	Covert,	Ketcham,	Scoville,
Anderson,	Cravens,	Kimmel,	Shallenberger,
Armfield,	Culberson,	King,	Shelley,
Atherton,	Davidson,	Kitchin,	Sherwin,
Atkins,	Davis, George R.	Klotz,	Simonton,
Bachman,	Davis, Horace	Ladd,	Slemons,
Bailey,	Davis, Lowndes H.	Lounsbery,	Smith, Hezekiah B.
Beale,	Deuster,	Manning,	Smith, William E.
Beltzhoover,	Dibrell,	Martin, Benj. F.	Sparks,
Berry,	Dick,	Martin, Edward L.	Speer,
Bicknell,	Dickey,	McCoid,	Springer,
Blackburn,	Dunn,	McKenzie,	Stevenson,
Bland,	Einstein,	McLane,	Talbott,
Bliss,	Ellis,	McMahon,	Taylor, Robert L.
Blount,	Evins,	McMillin,	Townshend, R. W.
Bouck,	Ferdon,	Mitchell,	Tucker,
Boyd,	Finley	Money,	Turner, Oscar
Bragg,	Forney,	Morrison,	Turner, Thomas
Briggs,	Frost,	Muller,	Updegraff, J. T.
Bright,	Geddes,	New,	Updegraff, Thomas
Cabell,	Goode,	Osmer,	Upson,
Caldwell,	Gunter,	Page,	Urner,
Calkins,	Hammond, John	Persons,	Vance,
Camp,	Hammond, N. J.	Philips,	Van Voorhis,
Carlisle,	Harmer,	Poehler,	Voorhis,
Carpenter,	Harris, John T.	Price,	Waddill,
Caswell,	Hatch,	Reagan,	Warner,
Chalmers,	Herbert,	Richardson, J. S.	Vellborn,
Clardy,	Herndon,	Robertson,	Wells,
Clark, Alvah A.	Hill,	Robeson,	Whiteaker,
Clark, John B.	Hooker,	Ross,	Whitthorne,
Clements,	Hostetler,	Rothwell,	Wilber,
Clymer,	House,	Russell, W. A.	Williams, Thomas
Cobb,	Hunton,	Ryon, John W.	Willis,
Coffroth,	Hurd,	Samford,	Wilson,
Colerick,	Johnston,	Sapp,	Yeates,
Conger,	Keifer,	Sawyer,	
Cook,	Kenna,	Scales,	

NOT VOTING—85.

Acklen,	Haskell,	Miles,	Rice,
Ballou,	Hawley,	Miller,	Richardson, D. P.
Barlow,	Hazelton,	Mills,	Richmond,
Bayne,	Henderson,	Morse,	Russell, Daniel L.
Belford,	Henkle,	Morton,	Singleton, J. W.
Bingham,	Henry,	Muldrow,	Singleton, O. R.
Bowman,	Houk,	Murch,	Steele,
Browne,	Humphrey,	Myers,	Stephens,
Buckner,	Hutchins,	Neal,	Thomas,
Butterworth,	James,	Newberry,	Thompson, P. B.
Converse,	Jones,	Nicholls,	Thompson, W. G.
Cox,	Jorgensen,	O'Brien,	Wait,
Davis, Joseph J.	Joyce,	O'Connor,	White,
De La Matyr,	Kelley,	O'Neill,	Williams, C. G.
Dwight,	Knott,	O'Reilly,	Wise,
Elam,	Lapham,	Orth,	Wright,
Ewing,	Le Fevre,	Pacheco,	Yocum,
Felton,	Lindsey,	Phelps,	Young, Casey
Ford,	Loring,	Phister,	Young, Thomas L.
Fort,	Marsh,	Pound,	
Gibson,	Mason,	Prescott,	
Gillette,	McGowan,	Ray,	

So the motion to adjourn was not agreed to.

The following additional pair was announced:

Mr. BUCKNER with Mr. KELLEY, for to-day.

Mr. CALKINS. I move to dispense with all further proceedings under the call.

Mr. SAPP. On that motion I call for the yeas and nays.

The yeas and nays were not ordered.

The motion of Mr. CALKINS was not agreed to, upon a division—ayes 3, noes 67.

The Sergeant-at-Arms then appeared at the bar of the House, having in custody Mr. THOMPSON, of Kentucky.

The SPEAKER *pro tempore*, (Mr. HUNTON.) Mr. THOMPSON, you have been absent from the House during its sittings without the leave of the House. What excuse have you to make?

Mr. THOMPSON, of Kentucky. Like most other members here, I was a little hungry, and after remaining here awhile I went over to the Senate restaurant to obtain something to eat. While I was gone there was a call of the roll, and when I returned I could not at first get into the Hall. I waited outside for a time, and then came in here, accompanied by a friend of mine, (the Sergeant-at-Arms,) who has accompanied many of us on similar occasions. That is all the excuse I have.

Mr. BLACKBURN. I move that my colleague be excused.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. BLACKBURN] moves that his colleague [Mr. THOMPSON] be excused.

Mr. KEIFER. Let the excuse offered by the gentleman be read to the House, so that we may understand it.

Mr. BLACKBURN. It is not required to be in writing.

The SPEAKER *pro tempore*. It is the fault of the House that the excuse of the gentleman was not heard.

Mr. EINSTEIN. Mr. Speaker, is he not on the Census Committee?

Mr. THOMPSON, of Kentucky. I will answer—yes, sir.

Mr. CONGER. I desire to have the Chair report to the House whether Mr. THOMPSON has been brought in under the last order of the House?

The SPEAKER *pro tempore*. The Chair is informed that he has been.

Mr. ROBESON. As it appears that Mr. THOMPSON left the House intending to return, I move that he be excused.

The SPEAKER *pro tempore*. No gentleman will be recognized until order is restored.

Mr. TALBOTT, (after a pause.) As the gentleman left the House on account of the demands of hunger, I hope he will be excused.

Mr. CONGER. I have nothing to say about this particular case; neither would I like to signalize any gentleman as the subject of the remarks I propose to make at this time. The Speaker of the House, then occupying the chair, stated that those present at a roll-call who leave without consent of the House violate their parol, and it became necessary by a summary proceeding to vindicate the dignity of the House, which had been offended. The Speaker, occupying that chair, made it apparent to the House that those who had violated the rules should be summarily sent for and dealt with to the suspension of all other business. If there was any necessity for this proceeding or any force in those remarks, it becomes the House to pay proper regard to its own dignity in excusing a member thus brought in. I desire that before we act upon the motion to excuse Mr. THOMPSON his excuse be made to the House, so that all members may understand it. It may probably be reasonable, and the House will be willing to adopt the motion. But if the gentleman be without a sufficient excuse, I submit we are merely tampering with ourselves and with the dignity of the House if we let it pass by with laughter.

The SPEAKER *pro tempore*. The Chair begs leave to state that the main reason why the remarks of the gentleman from Kentucky in excuse for his absence were not heard was the noise and confusion upon the floor of the House. Now, if the House will be in order everything that occurs will be heard by every member desiring to hear it.

Mr. BLACKBURN. I desire to say in behalf of my colleague who is now at the bar of the House that I do not think he is amenable to criticism under the ruling made by the Speaker of the House, nor to the suggestions of the gentleman from Michigan, for the reason that I am informed by him (and I ask to make this statement as I have submitted the motion to excuse him) that after answering to his name on a call of the roll he left his name at the door, and went to the restaurant of the Senate; and while he was out other calls of the yeas and nays had been had on which he was absent, and on his return after another call of the House he was not permitted to enter, as he thought he had the right to do, but was taken into custody by the Sergeant-at-Arms. I do not understand, nor do I believe, that under the severest construction which can be put upon the ruling of the Chair my colleague is amenable to criticism or is in the slightest degree in intentional contempt of the House.

Mr. CONGER. I desire to say that if the gentleman left as many others have done, for refreshment within the Capitol, with no intention of leaving the building, that is a sufficient excuse.

Mr. BLACKBURN. It was that for which he left, with the intention of returning before another roll-call.

The SPEAKER *pro tempore*. The Chair begs leave to state to the gentleman from Michigan, [Mr. CONGER,] who alluded to the remarks of the Speaker of the House, that Mr. THOMPSON, according to his own statement, did not come within the remarks made by the Speaker. He had not left the building.

Mr. CONGER. I now understand that is so. I wished to make the statement that it might appear I had no personal object in my remarks, but merely sought to carry out the wish of the House. [Cries of "Vote!" "Vote!"]

Mr. TALBOTT. I suggest that when the gentleman from Michigan gets up and asks us to enforce the rules against a member, he had better wait until some member from his own side comes in.

The question being taken on the motion of Mr. BLACKBURN to excuse Mr. THOMPSON, it was declared agreed to.

Mr. ATHERTON. I call for a division on this question. I insist that the House shall treat this matter as other questions are treated. I wanted to find out the facts, and was unable to do so.

The question being again taken, there were—ayes 124, noes 1.

So the motion of Mr. BLACKBURN was agreed to.

The Sergeant-at-Arms appeared at the bar of the House, having in custody Mr. MORSE and Mr. HUTCHINS.

The SPEAKER *pro tempore*. Mr. HUTCHINS, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HUTCHINS. Mr. Speaker, I was here from the opening of the session until a short time ago, when, feeling in need of some refreshment, I went below, and not being able to obtain anything, those who had preceded me having exhausted the supply, I went out for the purpose of refreshing the inner man, and returned immediately. When I returned, I found the door closed, and have been there waiting ever since, seeking entrance into the Hall.

Mr. WILBER. I move my colleague be excused.

Mr. ATHERTON. I wish to inquire how long the gentleman was gone? I understood there was a rule that no gentleman who went out on his parol should remain longer than five minutes. [Cries of "Oh, no!"]

Mr. WILBER. I have myself been out longer than that.

Mr. ATHERTON. Where did the Sergeant-at-Arms find the gentleman from New York?

Mr. HUTCHINS. At the door trying to get in.

Mr. ATHERTON. How long were you gone? If we are going to make a farce of this, we might as well have an end of it at once.

Mr. SPARKS. If this is not a farcical proceeding we should have a fuller excuse.

The SPEAKER *pro tempore*. It is not a matter of importance how long the gentleman was gone.

Mr. ATHERTON. It may not be for the Chair, but it is for the House.

The SPEAKER *pro tempore*. The question is whether the excuse offered is sufficient or not. The gentleman from New York moves that his colleague be excused.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. MORSE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. MORSE. I was in the House during several of the roll-calls, and then went out, intending to return, which I did voluntarily.

Mr. BAILEY. But went out where? Where did you get those fine party clothes?

Mr. CLAFLIN. I move my colleague be excused.

Mr. BAILEY. I think we ought to have a fuller excuse in this case. This gentleman since he left the Hall has changed all his paraphernalia. [Laughter.] He went out of this House in simple garments, and he now returns arrayed in purple and fine linen. [Laughter.] Yes, as I am reminded, and in a swallow-tail coat. [Laughter.] I think we ought to have a fuller explanation, and we ought to be informed at least what is going on at the other end of the Avenue.

Mr. TALBOTT. May be the gentleman is too full for explanation. [Laughter.]

Mr. ATHERTON. We have not heard any excuse offered in this case, at least on this side of the House.

Mr. BAILEY. Nor have we heard any on this side. I think the gentleman from Massachusetts should be compelled to make a fuller explanation.

The House divided; and there were—ayes 64, noes 67.

Mr. HARRIS, of Virginia, demanded tellers.

Tellers were not ordered.

So the motion was disagreed to.

Mr. TALBOTT. I move to reconsider that vote.

Mr. VAN VOORHIS. And I move to lay the motion to reconsider upon the table.

Mr. ATHERTON. But the gentleman did not vote in the affirmative.

Mr. CLYMER. There was no record, and it does not matter whether he did or not. He has the right to make the motion.

Mr. TALBOTT. Certainly, I have the right to do it.

The House divided; and there were—ayes 80, noes 65.

Mr. CLAFLIN demanded tellers.

Tellers were ordered; and Mr. CLAFLIN, and Mr. CLARK of Missouri, were appointed.

The House again divided; and there were—ayes 52, noes 84.

Mr. ATHERTON. I demand the yeas and nays.

The SPEAKER *pro tempore*. On what motion?

Mr. ATHERTON. On the last vote.

Mr. TALBOTT. Does the gentleman demand it on the motion to reconsider?

Mr. ATHERTON. I do.

Mr. VAN VOORHIS. I demand the yeas and nays on the vote to lay upon the table.

The SPEAKER *pro tempore*. It is too late.

Mr. VAN VOORHIS. I am not too late.

Mr. TALBOTT. The gentleman from Ohio was asked the question whether he demanded the yeas and nays on the vote to lay upon the table or on the motion to reconsider, and he said on the motion to reconsider.

Mr. VAN VOORHIS. I know what the motion was, and everybody heard it. He demanded the yeas and nays one the vote last taken.

Mr. TALBOTT. I appeal to the gentleman from Ohio whether he did not answer that he demanded the yeas and nays on the motion to reconsider?

Mr. ATHERTON. I meant to demand the yeas and nays on the vote last taken.

The SPEAKER *pro tempore*. Did the gentleman demand the yeas and nays on the last vote taken or upon the motion to reconsider?

Mr. ATHERTON. Upon the vote which had just been taken.

Mr. TALBOTT. I put the question to the gentleman from Ohio whether he demanded the yeas and nays on the motion to reconsider, and he said he did.

The SPEAKER *pro tempore*. The gentleman now states that he meant to demand the yeas and nays on the motion to lay upon the table.

The yeas and nays were not ordered.

So the House refused to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Maryland, to reconsider the vote by which the gentleman from Massachusetts [Mr. MORSE] was not excused.

The House divided; and there were—ayes 79, noes 49.

So the motion to reconsider was agreed to.

Mr. ATHERTON demanded tellers.

Mr. TALBOTT. I ask a division on the demand for tellers.

The House again divided; and there were ayes 14, noes not counted.

Mr. ATHERTON. I make the point of order that no quorum voted on the motion to reconsider.

Mr. TALBOTT. It is too late to make that motion.

Mr. BLAND. It is not necessary that there should be a quorum under such circumstances.

Mr. TALBOTT. A quorum is not required.

The SPEAKER *pro tempore*. The Chair decides that a quorum is not necessary to decide a question of that sort.

Mr. ATHERTON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The genteman will state it.

Mr. ATHERTON. I wish to know whether questions are to be settled by the ruling of the Chair or by the gentleman from Maryland?

Mr. TALBOTT. It makes very little difference which, so it is right.

Mr. VAN VOORHIS. I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The House having determined to reconsider the vote by which the gentleman from Massachusetts was not excused, the question now recurs on the original motion that he be excused.

Mr. VAN VOORHIS. What has become of my appeal from the decision of the Chair?

The SPEAKER *pro tempore*. The Chair did not suppose the gentleman to seriously press it.

Mr. LOUNSBERY. Mr. Speaker, I desire to move an amendment to the original motion. I move that the gentleman from Massachusetts be discharged upon paying a fine of five cents.

Mr. TALBOTT. Better make it more than that if you want to collect costs. By the common law ten cents carries costs.

Mr. LOUNSBERY. I understand the fact to be that the gentleman now before the House was not arrested by the Sergeant-at-Arms outside of the Capitol, but that he voluntarily appeared at the bar of the House. Although I do not think he is absolutely excusable, yet I feel that this nominal penalty would sufficiently satisfy the dignity of the House. [Great laughter.]

Mr. TALBOTT. I am opposed to the motion of the gentleman from New York for the reason——

The SPEAKER *pro tempore*. The gentleman from New York has the floor.

Mr. LOUNSBERY. I find, Mr. Speaker, that there is a great deal of diversity of opinion around me, expressed by many gentlemen, as to the exact amount of the fine; but in the great diversity of opinion I think I have struck the proper sum; that sum which is considered nominal, and therefore I move that it be made that amount. It is not oppressive upon the gentleman, and yet is reasonably adequate, so as to make him feel the weight of the hand of the House upon him. I therefore move that he be released on payment of a fine of five cents. [Laughter.]

Mr. TALBOTT. The only objection I have to the motion of the gentleman from New York is this——

The SPEAKER *pro tempore*. The gentleman from Maryland is not in order.

Mr. TALBOTT. I want to say that I object because it is not in the line of retrenchment and reform. It ought to be made six for a quarter. Ten cents is even change. [Laughter.] You know well that when you go to make a purchase it costs six for a quarter. I am therefore in favor of a reasonable fine, but I object to the absurd sum that the gentleman proposes. Seriously, however, Mr. Speaker, this House has gone on and excused first one member and then another who has been derelict in his duty here, and I see no reason why the same indulgence that has been granted to other gentlemen from other localities should not be granted to Massachusetts, especially when the motion is made by Maryland. I ask, therefore, sir, that the State of Massachusetts, in the person of Mr. MORSE, be excused now from further attendance upon the House, whether it is for this day or the rest of the session, I do not care which. [Laughter.]

Mr. HARRIS, of Virginia. I made a point of order on the amendment proposed by the gentleman from New York.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HARRIS, of Virginia. I make a point of order that it is not in order to offer such an amendment, for the reason that the House has no power to fine under such circumstances. The House has power under the Constitution to compel the attendance of absent members, but after they are here there is no law providing for imposing a penalty upon them.

Mr. ATKINS. Is not the Sergeant-at-Arms entitled to a fee?

Mr. HARRIS, of Virginia. Very true; but that does not come out of the member whom he happens to arrest.

Mr. ATKINS. It is the practice to fine members on such occasions.

Mr. HARRIS, of Virginia. It is not the practice, and there is no warrant for imposing the fine.

Mr. ATKINS. But it is the practice of the House.

Mr. HARRIS, of Virginia. Mr. Speaker, I direct the attention of the House to the rule of this House upon the subject, which shows that the Speaker and the House are powerless to fine for a violation of the law. The eighth rule of the House provides that—

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

Mr. ATKINS. Will the gentleman allow me to ask him a question? I wish to ask if he does not know that it has been the uniform practice of the Speaker to entertain a motion to discharge a member, upon the payment of a fine and costs?

Mr. HARRIS, of Virginia. That may be so. It may have been the practice of the House; but I insist upon it that under our rule it is not. There is no such power in the House, I hold, under our rules. I argue by analogy. If the House has no power to fine a gentleman who remains in his seat and declines to vote—and I contend it has no such power—by what authority can it fine a member who has failed to attend the sittings of the House and violated the rules by his non-attendance? I think the analogy is perfect. After you have required his attendance, and he is present before the House, you have no more right to fine him for absence and contempt than you have a right to fine him if he remains in his seat and declines to vote.

Mr. ROBESON. I ask the gentleman from Virginia to yield to me for a moment.

Mr. HARRIS, of Virginia. I yield to the gentleman with great pleasure.

Mr. ROBESON. I read from the Constitution of the United States as follows:

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Mr. HARRIS, of Virginia. That is precisely what I say.

Mr. ROBESON. Now, then, there is no penalty provided for not voting by the Constitution. But the House by the Constitution may prescribe the penalty.

Mr. HARRIS, of Virginia. It may prescribe the penalty by a law, but not in each particular case.

Mr. BURROWS. I ask to have read the latter part of the second clause of Rule XV.

The Clerk read as follows:

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

Mr. WILLITS. I ask that the first clause of section 5, article 1, of the Constitution be read.

The Clerk read as follows:

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Mr. COX. Mr. Speaker, it seems to me on the important question that is now pending in this House and at this midnight hour, we ought to have some power to "compel," to use the language of the Constitution, the attendance of members in the interest of the public. If we have no power to fix a penalty for a breach of honor, if we have no power to compel members to attend our sessions, then I say this body is practically defunct.

Mr. HARRIS, of Virginia. I beg to ask my friend from New York a question.

Mr. COX. I will hear the gentleman.

Mr. HARRIS, of Virginia. Of what value is the power to compel the attendance of absent members when you cannot compel them to vote? What is the object of bringing them here but that they may vote? And if you cannot compel them to vote when they are here, of what value is the power to make them attend?

Mr. COX. I am not arguing the question of power. What I seek to impress upon the House now is this: that members, at great inconvenience and discomfort, have been sitting here all day and all the evening, two hundred of them; and whether they have been rightfully or wrongfully compelled to sit here, they had the right to have their associates with them. And if gentlemen must go off junketing and having their comfort outside, let them pay the penalty. [Applause.]

Now, when we compel members to attend here we are exercising the highest prerogative belonging to a democratic republic. This is a republican Government. And unless you can enforce the attendance of members here by penalties that will reach them, there may come a time when the legislative body of this country will be dissolved. What I desire to impress upon this House is simply this: that we have a right to the attendance of our associates; and I say irrespectively of the persons who are brought here before this bar, let us enforce that right.

I have been here for many years, and I never heard before the question raised which has been raised just now by my friend from Virginia [Mr. HARRIS] when he claims we cannot impose penalties upon members for failing to be here with us in the discharge of our public duties.

Mr. WARNER. We have got new rules.

Mr. CARLISLE. I understand nobody questions the authority of this House to prescribe a penalty and impose it for failure to attend its sittings. But that is not the question presented here. The question is, whether the House must not in advance prescribe the penalty.

Mr. COX. Let the gentleman read the Constitution. The House can now and here prescribe the penalty in each particular case. Otherwise we have no power to compel the attendance of absent members.

Mr. ROBESON. Will the gentleman permit me to interrupt him a moment?

Mr. COX. Yes, sir.

Mr. ROBESON. The House has the right to enforce penalties, such penalties as it may prescribe under the Constitution. Now, the House provided by rule that no man shall be excused except upon such conditions as the House at the time the excuses are being made shall provide.

Mr. CARLISLE. What penalty has the House provided?

Mr. ROBESON. It reserves to itself the right to impose at the moment of excuse any condition which shall operate as a punishment, according to the character and degree of the offense.

I wish to make one other remark before I sit down. The gentleman from New York [Mr. COX] is exactly right. The question of the attendance here of the Representatives of the people is the highest question which can agitate us in the progress of our business. We are authorized by express provision of the Constitution to bring members here under any penalty which we think it right to impose. But the question as to whether they are to vote or not is a different thing. Gentlemen must understand that voting is not all the duty of a Representative.

Mr. COX. I must resume the floor.

Mr. ROBESON. He may sometimes be called upon to discharge another duty, and to exercise his right as one of a minority before the country. And if he is here he has a right to do that and no power can compel him to do otherwise.

Mr. COX. I must resume the floor. There is no doubt that under the Constitution which has been read here the House may provide such penalties as it chooses. When? says my friend from Kentucky, [Mr. CARLISLE.] I say that our rules indicate when. I answer now and here. As the very last phrase of the second clause of Rule XV has it "the House shall determine upon what condition they shall be discharged." When discharged? On the instant of their being brought to the bar. Where is indicated any other time, any other place, or any other opportunity?

My friend from Virginia [Mr. HARRIS] has been here a great many years, and he must remember that members have again and again been discharged upon the payment of costs. I know that costs have hardly ever been exacted. But the House holds the power not merely to exact of members the fees of its officers in arresting and bringing them here, but also the power to deduct from their pay and to inflict other penalties; I will not go so far as to say that it may expel members in some cases.

Mr. BOWMAN. I wish to call the attention of the House to one point in this discussion which it seems to me has not been touched. The question is whether a penalty can be imposed on my colleague from Massachusetts, [Mr. MORSE.]

Now, there are two points to this question of arrest: first, the question of compelling the attendance of absent members; and, second, the entirely distinct question of the mode and manner of punishment. A quorum of this House is necessary for everything not especially delegated to less than a quorum.

It is provided by the rules under the Constitution that less than a quorum, if fifteen members, can do, what? Impose a penalty? No. Impose a fine? No. Impose imprisonment? No. Can compel the attendance of absent members. There the power of the fifteen members stops. The Constitution and the rules show that. What does the rule say? When the fifteen members, or less than a quorum, have compelled the attendance of a member by arresting him, then "the House"—a quorum of the House, not fifteen members—"the House" may impose a penalty; "the House" may say what punishment shall be imposed; "the House" may grant the excuse. You nowhere find a word or a sentence which says that less than a quorum can do a single thing but to compel the attendance of absent members. What says the rule? Rule XV says:

> In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members.

And then it goes on to provide:

> And the House shall determine—

When a quorum is reached, is the meaning—

> And the House shall determine on what condition they shall be discharged.

Is less than a quorum the House? Are fifteen members the House? Can you find anywhere in the Constitution or in any rule that fifteen members make a House? Take the old rule:

> Upon a call of the House the names of the members shall be called over, &c. When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without the payment of fees.

The point of order which I make and ask the ruling of the Chair upon is simply this: that less than a quorum has simply the power to arrest and bring a member into the House and place him on the floor. And when the higher question which is in the power of the House arises, what the fine shall be, what the penalty shall be, what the punishment shall be affecting the personal rights of the individual, then there is nothing in law, statute, or rule which says that anything less than a legal quorum, a legal, constitutional House, shall assume that great power of personal punishment.

Mr. COWGILL. Will the gentleman allow me to ask him a question?

Mr. BOWMAN. Certainly.

Mr. COWGILL. If less than a quorum of the House has no power other than to bring a member before it, does not that member remain in custody, remain under arrest, until the House finds itself with a quorum, by which it may punish him or release him? In other words, can he be released by less than a quorum?

Mr. BOWMAN. In reply to that question, I have only to say that it seems to me after the member is brought here and placed on the floor, and has his rights as a member, an independent question, one entirely independent of the question of arrest, the independent question of punishment, is relegated to the House, and is a very important question. The Constitution and the rules do not intend that fifteen members alone should say whether one man should be fined $5,000 or 1$,000, or imprisoned for a term of days. It is precisely like this: The law gives the right to a constable or a sheriff to arrest a man on a certain warrant. When that man is arrested and brought into the court-house or lodged in jail, the law does not say that the sheriff, the arresting officer, can try the man and impose a penalty. That power is given to a distinct body, the same as here the power of imprisonment and fine is given to a body distinct from the arresting body of fifteen members, namely, to a full quorum of a whole House.

Mr. WARNER. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair desires to say that he is entirely ready to decide this question. He has indulged this debate longer than he thought necessary; and it is hoped by the Chair that the debate will terminate.

Mr. WARNER. Mr. Speaker, it seems to me important that this question be settled before we go on from precedent to precedent under the new rules. I made this point of order on another occasion.

The Constitution undoubtedly gives to the House authority to "compel the attendance of absent members in such manner and under such penalties as each House may provide." Under our new rules the House has undertaken to provide for arresting absent members and securing their attendance, and also to determine upon what conditions they shall be discharged.

Now, I maintain that the practice of this House under the old rules cannot be taken as a precedent under this rule; and I agree entirely with the gentleman from Massachusetts, [Mr. BOWMAN,] that while a quorum may compel the attendance of absent members, and in doing so may arrest such members, nevertheless when the attendance of the absentees is secured the power of a minority, or less than a quorum, is ended. The language of the second clause of Rule XV changes entirely the old rule on this subject. I read from Rule XV:

> In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured.

But, that being done, their absence must be reported to the House, and the House must determine on what conditions they shall be discharged, according to the closing language of the rule:

> And the House shall determine upon what condition they shall be discharged.

Now, Mr. Speaker, the point to be ruled upon, it seems to me, is whether we are now here acting as a House, or whether it is a minority, less than a quorum, that is acting. If we are acting as a House, I think there is no question about our authority to impose penalties and to say on what conditions members who have been absent may be excused. Before there can be any punishment there must be a constitutional House.

Mr. HOUSE. I would like to ask the gentleman a question.

Mr. WARNER. Certainly.

Mr. HOUSE. The gentleman concedes, I understand, that fifteen members have the right to compel the attendance of absent members?

Mr. WARNER. Certainly.

Mr. HOUSE. The House was engaged in that business. A call of the House had been made. The gentleman now at the bar had answered to his name; and while the House was engaged in the act of securing a quorum, he left the House without its authority, and is in contempt of the House. Now, what becomes of the power of fifteen members to compel attendance if they cannot punish for a contempt while they are in the act of securing the attendance of a party who absents himself from the House without its leave?

Mr. WARNER. I think the gentleman begs the question in assuming that the House is acting. It is a number less than a quorum that is compelling attendance.

Mr. ATHERTON. It is not less than a quorum. There was a quorum and more, as shown by the vote.

Mr. WARNER. That is just the point. If we are acting as a House, then we have the right to impose conditions and penalties.

Mr. ATHERTON. The gentleman's point does not arise in this case.

The SPEAKER *pro tempore*. The Chair is informed that the gentleman from Massachusetts [Mr. MORSE] at the bar desires to make a statement.

Mr. ATHERTON. Has the question of order been disposed of?

The SPEAKER *pro tempore*. The Chair is ready to dispose of it, but the House will not let him. Does the gentleman from Massachusetts [Mr. MORSE] desire to say anything on the point of order?

Mr. MORSE. I do not desire to speak upon the point of order.

The SPEAKER *pro tempore*. Then the remarks of the gentleman could not be in order now, because the only thing before the House is the point of order.

Mr. MORSE. I desire to make a statement.

Mr. LOUNSBERY. I wish to be heard on the point of order.

The SPEAKER *pro tempore*. The Chair is ready to decide the point of order. The question before the House was the motion of the gentleman from Massachusetts to excuse his colleague, [Mr. MORSE.] To that motion an amendment was offered by the gentleman from New York, that the gentleman from Massachusetts be excused on the payment of five cents. Upon that amendment the gentleman from Virginia raised the point of order that it was not in the power of the House to excuse upon the payment of a sum of money.

Mr. LOUNSBERY. I desire to be heard on the point of order.

The SPEAKER *pro tempore*. The Chair desires to state his decision. [Cries of "That is right!" "Decide the question!"]

Mr. BOWMAN. Mr. Speaker, there was a further point of order, that it was not in the power of less than a quorum of the House to impose a penalty.

The SPEAKER *pro tempore*. The Chair understood the gentleman's proposition thoroughly, and is about to respond.

Several members addressed the Chair.

The SPEAKER *pro tempore*. The Chair cannot recognize any gentleman while he is deciding the point of order.

The question raised by the point of order of the gentleman from Virginia is whether the House can excuse a member on the condition of paying a fine. The Chair has no doubt as to the power of the House to do it. The last clause of Rule XV reads:

> And the House shall determine upon what condition they shall be discharged.

The motion of the gentleman from New York is that the gentleman from Massachusetts be discharged on condition that he pay five cents.

Now, the argument of the gentleman from Massachusetts is it took the House to do this; that is, a quorum of the whole House, a majority of the whole House. If that were true, the last vote discloses more than a quorum is present. Therefore, the House as it stands is thoroughly able to do what the House can do on any other subject. But the Chair believes the House mentioned in this rule is that House which is authorized to compel the attendance of members, fifteen in number. The Chair thinks it would have been an exceptionally poor rule which would have authorized fifteen members to excuse a number absent without leave of the House and not allow that same number to impose a condition. The House spoken of there is the House authorized to compel the attendance of absentees, and that House may be composed only of fifteen members. But that question cannot arise here, because there is a quorum of a full House. The point of order of the gentleman from Virginia is therefore overruled.

Mr. WARNER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair is not through. The question, therefore, is on the amendment of the gentleman from New York as an amendment to the motion of the gentleman from Massachusetts.

Mr. LOUNSBERY. I demand the previous question.

Mr. WARNER. I rise to a parliamentary question.

Mr. ATHERTON. I wish to move an amendment before the previous question is demanded.

Mr. WARNER. I understood the decision of the Chair to be the House was acting in its capacity with more than a quorum present. If that is the decision I do not desire to appeal from it; but if the other part of the decision is to stand as the judgment of the House that less than a quorum can punish, I shall feel bound to appeal.

The SPEAKER *pro tempore*. The Chair will state to the gentleman he can take the decision of the Chair on either point. The Chair overrules the point of order of the gentleman from Virginia and recognizes the gentleman from New York.

Mr. ATHERTON. In case this amendment of the gentleman from New York is voted down, I propose to offer a motion to excuse the gentleman under arrest on the payment of a fine of $25.

Mr. LOUNSBERY. I demand the previous question.

Mr. ATHERTON. Mr. Speaker, you know parliamentary law better than I do, but I believe I have a right to amend by striking out five cents and inserting $25.

The SPEAKER *pro tempore*. That amendment would be in order.

Mr. ATHERTON. I move, then, to strike out five cents and insert $25.

Mr. SIMONTON. The gentleman from New York has demanded the previous question.

Mr. ATHERTON. But I move my amendment.

The SPEAKER *pro tempore*. The gentleman from New York, who has not yielded the floor, has demanded the previous question, and therefore the amendment of the gentleman from Ohio is not in order.

Mr. ATHERTON. I understood the gentleman from New York to yield to me for the purpose of moving my amendment, and therefore I have waited for him to demand the previous question. In good faith he should now yield to me to move my amendment. I appeal to him whether he did not agree after he had demanded the previous question to yield to me for an amendment? I ask him whether he proposes to keep his faith with me?

The SPEAKER *pro tempore*. The gentleman from Ohio is informed that after the previous question is demanded his amendment is not in order.

Mr. LOUNSBERY. I will yield to the gentlemen to move his amendment, but for no other purpose.

The SPEAKER *pro tempore*. Then the gentleman must withdraw temporarily his demand for the previous question.

Mr. LOUNSBERY. I do so for that purpose.

Mr. ATHERTON. I move to strike out "five cents" and insert "$25," and I demand the previous question.

Mr. MORSE. I ask to be heard for a moment.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none, and the gentleman will proceed.

Mr. MORSE. A great deal has been said about this question, and really it seems to me the House does not understand the facts in the case. I believe that I am not actually under arrest, as I voluntarily returned to the House, as I intended to do, and was only stopped from entering the Hall by the door being closed.

Mr. CONGER. Had the gentleman returned to the Capitol and was he in the Capitol before he was arrested?

Mr. MORSE. Yes, sir; I was at that door trying to get in. I was not arrested nor did anybody attempt to arrest me until I arrived at that door.

Mr. ATHERTON. What time did the gentleman leave, and how long was he gone?

Mr. MORSE. I do not know that I am on the witness stand, to be cross-examined by you or any other person on this floor. I mean to be respectful to the gentleman and to the Chair.

Mr. ATHERTON. I object to the gentleman's proceeding any further if he proposes to use that language to the House. He must be respectful to me and everybody else.

The SPEAKER *pro tempore*. Unanimous consent was given to the gentleman from Massachusetts to make his statement.

Mr. ATHERTON. But not to insult members of this House.

Mr. MORSE. I beg the gentleman's pardon if any insult has been imagined, as I certainly was not aware I had offered any. I do not intend to insult anybody at any time, and particularly in this House.

Mr. FRYE. The gentleman from Ohio had no right to ask the gentleman from Massachusetts the question without first rising in his place and addressing the Speaker, asking if he might be permitted to address such a question to the gentleman from Massachusetts

Mr. ATHERTON. That may be so, Mr. Speaker, and as to that I ask the pardon of the House if I have offended. But I have asked a question proper for me to ask and for the House to know as judges of the facts in this case as to whether or not the gentleman should be excused.

Mr. FRYE. And further I wish to state, Mr. Speaker, this point, that nobody has a right to question the prisoner except the Speaker, and that every question must be asked through the Speaker. If there is to be a cross-examination in which every member of the House may participate I would like to know where these proceedings would terminate.

Mr. ATHERTON. And I would like to ask the gentleman from Maine if he did not himself commit the same breach of decorum just

now in addressing himself to me without first proceeding as he has cautioned me to do, by addressing the Speaker.

The SPEAKER *pro tempore*. The Chair will decide that the gentleman from Massachusetts has the right to proceed; and will further rule that if a member of the House desires to address any remarks to the gentleman from Massachusetts it must be done through the Chair.

Mr. MORSE. Mr. Speaker, I only intended to make a single point, which I have stated to the House. I staid here during the whole day until late in the evening, and I answered to one, two, or three roll-calls. I had an engagement, which was made some time ago, for this evening, and I thought fit and proper that I should keep that engagement, with the intention of returning as soon as I could to the House. I did return to the House without being arrested by anybody.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Ohio to the amendment proposed by the gentleman from New York to the original motion.

Mr. TALBOTT. On that I want to ask a question. [Cries of "Regular order!"] I desire to ask the question whether this House can impose a fine upon any person until a conviction?

The SPEAKER *pro tempore*. That question has already been ruled upon by the Chair. [Cries of "Vote!" "Vote!"] The gentleman from New York demands the previous question on the pending amendment to the original motion.

The main question was ordered.

The SPEAKER *pro tempore*. The question now recurs upon the amendment of the gentleman from Ohio to the amendment of the gentleman from New York, namely, to strike out "five cents" and insert "$25."

The House divided; and there were ayes 29, noes not counted.

So (no further count being demanded) the amendment to the amendment was not agreed to.

The SPEAKER *pro tempore*. The question recurs on the amendment of the gentleman from New York to excuse the gentleman from Massachusetts on payment of a fine of five cents.

Mr. HORR. I move to strike out all after the word "excuse."

The SPEAKER *pro tempore*. That is not in order while the previous question is prevailing.

Mr. SPARKS. I submit that this question has not been correctly stated. The Chair states that the question is on the motion to discharge the gentleman on payment of five cents. It should be on payment of five cents and costs. I understand that to be the motion.

The SPEAKER *pro tempore*. The gentleman is mistaken; no such motion has been made.

Mr. McKENZIE. Mr. Speaker, the last decision of the House demonstrates that this whole proceeding is a farce, and I move to dispense with all further proceedings under the call.

The SPEAKER *pro tempore*. That is not now in order. The question is on the amendment of the gentleman from New York.

The amendment was not agreed to.

Mr. McLANE. I move that the gentleman from Massachusetts be discharged from custody.

The SPEAKER *pro tempore*. That question is now before the House—the original motion.

Mr. BAKER. Mr. Speaker, I move that all further proceedings under the call he dispensed with.

The SPEAKER *pro tempore*. That is not now in order.

Mr. ATKINS. I rise to a parliamentary inquiry. I wish to know if the previous question is not exhausted?

The SPEAKER *pro tempore*. It is in operation yet. The question is on the adoption of the motion that the gentleman from Massachusetts shall be excused.

Mr. ATHERTON. I demand a division. I demand the yeas and nays upon it. Let us have a record made as to whether this whole proceeding shall be a farce or not.

The yeas and nays were not ordered; 21 members only voting in favor thereof.

So (no further count being demanded) the motion to excuse was agreed to.

Mr. BAKER. I now move that all further proceedings under the call be dispensed with. This farce, it strikes me, has gone far enough.

The SPEAKER *pro tempore*. The Chair desires to state that the Sergeant-at-Arms is at the bar of the House having other members in custody.

Mr. BAKER. My motion will discharge all of them from custody. I submit that the House ought not to make itself the laughing-stock of the country any further. [Cries of "Regular order!"] If this sort of business is to go on I shall insist upon the motion being put. We ought to have some respect for ourselves, at all events.

The SPEAKER *pro tempore*. The Chair decides that the motion is not debatable.

Mr. BAKER. I insist upon the motion. [Cries of "Regular order!"]

On the motion to dispense with further proceedings under the call the House divided; and there were—ayes 65, noes 73.

So the motion was not agreed to.

Mr. HAZELTON. The Sergeant-at-Arms is here with other gentlemen in his custody. Let him make his report.

Mr. SHELLEY. I request the atttention of the House for a moment. I ask that my colleague, Mr. HERNDON, be excused from further attendance at this night's session. He is in very feeble health, and staying here is endangering his life.

The SPEAKER *pro tempore*. Is there objection?

Objection was made.

Mr. SHELLEY. I make the same request for the gentleman from Louisiana, Mr. ELAM, on account of ill health.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Alabama, [Mr. SHELLEY,] that the gentleman from Louisiana, Mr. ELAM, be excused from the further attendance on account of ill health.

The question being put, the Speaker *pro tempore* stated that in the opinion of the Chair the "noes" had it.

Mr. SHELLEY. I insist on the the motion being put in a way in which it can be understood. I have made my request on behalf of a colleague whose death may be caused by his being compelled to remain here.

Mr. BAKER. I rise to a point of order. I insist that no member can be excused, a single member of the House objecting, and that no motion for that purpose can be put. That was the decision made by the Speaker to-day.

The SPEAKER *pro tempore*. The Chair is obliged to sustain the point of order.

Mr. SHELLEY. I ask that the question be again submitted that it may be seen if anybody objects.

The SPEAKER *pro tempore*. The Sergeant-at-Arms is in the act of making a report and nothing is in order till that report is made.

Mr. ATHERTON. I desire to inquire of the Chair if it would not be in order to move to excuse all these gentlemen?

The SPEAKER. Not till the Sergeant-at-Arms has made his report to the House. The House is not in possession of the case till that report is made.

The Sergeant-at-Arms appeared at the bar and reported that, in obedience to the order of the House, he had in custody at the bar of the House Mr. CONVERSE of Ohio, Mr. NEWBERRY of Michigan, Mr. WISE of Pennsylvania, Mr. RICHARDSON of New York, Mr. DWIGHT of New York, Mr. O'NEILL of Pennsylvania, Mr. POUND of Wisconsin, and Mr. DE LA MATYR of Indiana.

The SPEAKER *pro tempore*. Mr. CONVERSE, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. CONVERSE. I was in this House for ten hours to-day, attending to public business, without food. Late in the evening I went down stairs to get something to eat. I found nothing very suitable to eat. I then went to my hotel to get my dinner, and after resting a short time, supposing the session would last all night, I came back. I had no idea of being arrested until I reached the door of the Hall and undertook to come in.

Mr. WARNER. I move that my colleague be discharged.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. NEWBERRY, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. NEWBERRY. I had been in attendance on this House till very late. I have been under the care of a physician for the last ten or twelve days, during two of which I have been confined to my room entirely. I have prescriptions which I am obliged to take every night, which I do not carry around in my pocket. They are in my room. I went there to take the prescriptions that I have to take. I staid there a short time and have returned. I have not been arrested. I was stopped at the door when I was coming in, as I had a perfect right to do in my judgment. I have violated no parol and gave none. I have not been absent from the House during the transaction of any business to-day.

Mr. ATKINS. I move that the gentleman from Michigan be discharged.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. WISE, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. HAZELTON. I rise to make a motion. I move that these gentlemen be all discharged, without being called on to make excuses. It is too silly to ask excuses under such circumstances. It is too silly, and is a disgrace to the House.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. WISE] will proceed.

Mr. WISE. It affords me and always has afforded me great pleasure to show the utmost respect to the Speaker and to my fellow-members on this floor. I remained here until nearly seven o'clock this evening. I had not taken any nourishment, and I felt as though I ought to have some. I went home; dinner was over; and I remembered the President had sent for me, and I went to the Executive Mansion and got my dinner; and I returned here immediately. That is my excuse.

Mr. SPRINGER. I move that the gentleman from Pennsylvania be discharged from custody on payment of the costs.

The SPEAKER *pro tempore*. The Chair is not aware there have been any costs attending the gentleman's arrest.

Mr. SPRINGER. Then there will be none to pay.

Mr. KLOTZ. I would like, through the Chair, to ask the gentleman from Pennsylvania a question.

The SPEAKER *pro tempore*. The gentleman will proceed to ask the question.

Mr. KLOTZ. I ask the gentleman whether he was not here when an order was made for a call of the House; whether he was not here when the roll was called, and whether he did not go away and stated with an oath he would go away, let the consequences be what they would.

The SPEAKER *pro tempore*. Will the gentleman from Pennsylvania answer those questions?

Mr. WISE. I have no recollection of stating any such thing, nor did I state such a thing. If the gentleman has a witness I would like to see him.

Mr. KLOTZ. I desire to present my witness. I make no assertion unless I can prove it.

The SPEAKER *pro tempore*. The Chair rules this is not a case in which testimony can be taken.

Mr. KLOTZ. Then you might as well excuse them all and let everybody go home.

The SPEAKER *pro tempore*. That is for the House to determine.

Mr. CLYMER. I think it is hardly fair when my colleague from the Carbon district is challenged to produce his witness that he should not be permitted to do so.

The SPEAKER *pro tempore*. The Chair rules that this is not a case in which testimony can be offered or received. But the Chair will state——

Mr. KLOTZ. I have a right to produce my witness. I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. If the gentleman from Pennsylvania [Mr. KLOTZ] will allow the Chair to proceed, he will say that——

Mr. COVERT. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will finish his statement.

Mr. COVERT. My inquiry is in relation to that statement.

The SPEAKER *pro tempore*. The Chair cannot be interrupted while making a statement. After the Chair has got through the gentleman from New York [Mr. COVERT] will be recognized. The Chair was about to state when interrupted that while this was not a case in which evidence could be taken or received, if there is any gentleman here who desires to speak in confirmation of the gentleman from Pennsylvania, [Mr. KLOTZ,] the Chair will take pleasure in hearing him.

Mr. MANNING. It is not with any pleasure that I contribute testimony in this case. I heard the gentleman from Pennsylvania [Mr. WISE] remark to the gentleman from Ohio, [Mr. WARNER,] some time during the evening, the early part of the evening, seven o'clock or perhaps a little after—I heard him remark somewhat passionately that he intended to leave the House. It was an emphatic statement; I cannot recollect his exact language. I did not hear him say that he intended to go without regard to consequences.

Mr. HAZELTON. Did he swear? [Laughter.]

Mr. MANNING. I cannot say that he did. I happened to be within a few feet of him at the time he made the remark, and at the instant I understood him to address himself to Mr. WARNER, of Ohio, who heard him perhaps better than I did.

The SPEAKER *pro tempore*. The Chair will now recognize the gentleman from New York, [Mr. COVERT.]

Mr. COVERT. I was about to make a parliamentary inquiry, whether or not the statement of a member might not be received. The Chair has anticipated my inquiry.

Mr. WARNER. Mr. Speaker——

Mr. BREWER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BREWER. Admitting the fact as stated, that the gentleman from Pennsylvania [Mr. WISE] said what has been stated by the gentleman from Mississippi, [Mr. MANNING,] I wish to know if it was not a "WISE" expression? [Laughter.]

The SPEAKER *pro tempore*. The Chair thinks so.

Mr. WARNER. As my name has been mentioned in connection with the gentleman from Pennsylvania, [Mr. WISE,] I desire simply to say that a remark was made by that gentleman in my hearing—I did not understand it as being addressed to me, however,—substantially as has been stated by the gentleman from Mississippi, [Mr. MANNING.] I paid little regard to it, little attention to it, considering it merely a private remark, and nothing that I thought should be made public use of in the House.

Mr. HAYES. I think it is decidedly out of place for members to give any testimony of that kind on the floor.

The SPEAKER *pro tempore*. The Chair is not called upon to rule about that.

Mr. WISE, (at the bar.) Have I a right to speak in my own case?

The SPEAKER *pro tempore*. In a moment. The Chair has just been informed that there is a member of the House here to-night who is suffering from extreme sickness.

Mr. HAZELTON. And I am that gentleman. [Laughter.]

The SPEAKER *pro tempore*. He is the gentleman from Alabama, Mr. HERNDON, and his colleague [Mr. SHELLEY] has requested the Chair to ask that he be excused, on account of severe illness, from further attendance to-night. Is there objection? [After a pause.] The Chair hears none, and the gentleman is excused.

Mr. CONGER. I ask that Major HAWK, of Illinois, who cannot without great difficulty get home after the street cars stop running, may be excused from further attendance to-night.

The SPEAKER *pro tempore*. Is there objection to excusing Mr. HAWK, of Illinois? [After a pause.] The Chair hears none and the gentleman is excused.

Mr. ROBINSON. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Pennsylvania at the bar [Mr. WISE] desires to be heard. Is there objection? [After a pause.] The Chair hears none and the gentleman will proceed.

Mr. WISE. I have not missed a regular session of this House I believe since the 6th day of last December. When a man remains here from the beginning of a day's session until seven o'clock, and then expresses a desire to go out and eat a lunch, and any member undertakes to criticise him for expressing a desire of that kind, I think it is—too thin. [Laughter.] I wish to say that there is no member of this House who has extended a fuller and more respectful courtesy to the officers and members of this House than I have tried to do; and when any gentleman on this floor undertakes to say that I meant to do a single act disrespectful toward the House or its officers, I know he is mistaken.

Mr. SPRINGER. I desire to state in reference to my motion that I made it without any disrespect whatever to the gentleman. It simply implies that he has done what he states he did do; he left the House and has just now returned. He ought not to be excused as those have been excused who have given good reasons for going. My motion is that the gentleman be discharged upon the payment of the costs of his arrest, whatever they may be. There may be no costs.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois [Mr. SPRINGER] that the gentleman from Pennsylvania [Mr. WISE] be discharged upon the payment of costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. RICHARDSON, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. RICHARDSON, of New York. Mr. Speaker, I was here at the opening of the House this morning and remained till near eight o'clock. I went to my room for my dinner. I have two children who have been under the doctor's care for two weeks. They are convalescing it was supposed. I found that one of them was seriously ill. I went to the White House with my family, and as soon as I could return I came back to this House. If I had not had the highest respect for the House I should not have felt it my duty to return this evening, as one of my children is seriously ill.

Mr. EINSTEIN. I move that my colleague be excused for his absence, and also from further attendance at this evening's session.

The SPEAKER *pro tempore*. The Chair cannot put two motions at once. The question is on the motion that the gentleman be excused.

Mr. SPRINGER. There is so much confusion I cannot hear the gentleman's excuse.

The SPEAKER *pro tempore*. The gentleman from New York states that he absented himself from the session of the House because he had two children under the care of a doctor.

The question being taken, Mr. RICHARDSON, of New York, was excused.

Mr. EINSTEIN. Now, Mr. Speaker, I ask unanimous consent that my colleague be excused from further attendance.

The SPEAKER *pro tempore*. That request is not in order now.

Mr. DWIGHT, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. DWIGHT. Mr. Speaker, I staid here during the day up to about six o'clock, if I recollect aright. I then had occasion to leave for an hour and a half, but as I did not wish to violate any rule of the House I made an arrangement with my friend from Mississippi, Colonel MULDROW, to pair with him on all questions except the question of a quorum. I was detained longer than I expected; but I got through my business as soon as I could after getting my dinner, and started to come back here when your order reached me. That is my excuse.

Mr. RYON, of Pennsylvania. I move that the gentleman be discharged on the payment of costs.

Mr. ELAM. I move to amend by striking out "on the payment of costs." This supposed payment of costs is all a farce; nobody pays any costs unless he wants to.

The SPEAKER *pro tempore*. If there are no costs to be paid, the gentleman will not have to pay any.

The motion of Mr. RYON, of Pennsylvania, was agreed to.

The SPEAKER *pro tempore*. Mr. O'NEILL, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. O'NEILL. Mr. Speaker, I did not expect to be called up in this way. [Laughter.] It is something quite unusual with me. [Cries of "Louder!"] I do not want to raise my voice as if I were making a speech. I am only making an excuse.

Mr. Speaker, I had been here most of the evening and had voted very often. I had occasion to go down the street with the intention of coming back. I had no idea of staying away from the sessions of the House. I wanted to come and participate in the proceedings to-night. That was my intention, and I came back of my own accord.

Mr. BINGHAM. I move that my colleague be excused.

Mr. SPARKS. Nobody sitting back in this part of the Hall could hear what the gentleman said.

The SPEAKER *pro tempore*. The Chair is not responsible for that.

Mr. SPARKS. And we are not responsible for sitting back here. We have drawn our seats by lot and are compelled to take such as we drew.

The SPEAKER *pro tempore*. If members will preserve order, there will be no difficulty in hearing.

Mr. SPARKS. And we who are preserving order are not responsible for the disorder of those members who will not preserve it. That duty devolves upon the Chair.

Mr. RYON, of Pennsylvania. Opportunity has been given to my colleague [Mr. O'NEILL] to state his excuse, but we have not been able to hear. We want to know what reason he had for being absent.

Mr. O'NEILL. I gave my reason, and I supposed that the House had heard it. I said I had been here and voted. I had occasion to leave, supposing that after about two roll-calls I would be back. I had no intention of staying away at all. The fact is I rather like these late sessions. [Laughter.]

Mr. RYON, of Pennsylvania. I would like to inquire through the Chair when the gentleman left the House, and how long he was absent?

Mr. O'NEILL. I left the House, I think, about nine o'clock or a little after. I give this information to my colleague with great pleasure. I have said I came back voluntarily.

Mr. RYON, of Pennsylvania. Inasmuch as my colleague has stated the fact that he was absent, but has given no reason for his absence, I move that he be discharged upon the payment of costs.

Mr. ANDERSON. I move to amend by striking out "upon the payment of costs."

Mr. O'NEILL. The costs were all on myself, for I hired a carriage and came up here.

The amendment of Mr. ANDERSON was not agreed to.

The question recurring on the motion of Mr. RYON, of Pennsylvania, it was agreed to.

The SPEAKER *pro tempore*. Mr. POUND, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. POUND. Mr. Speaker, I am obliged to confess that about half past seven o'clock this evening I became exceedingly hungry. I had been informed that the stock of provisions in the basement had about given out, and remembering an engagement that I had made to lunch with a friend at the other end of the Avenue, and thinking I might repair there and return before I should be required here to vote or take part in the proceedings, I went home and in company with my wife went to fulfill that engagement. Unfortunately my carriage was placed in the rear of about five hundred others, and after about an hour's delay we were enabled to get there.

Mr. PAGE. I move he have leave to print the balance of his remarks. [Laughter.]

Mr. HAZELTON. I move he be excused.

Mr. POUND. I will abbreviate my statement, which I intended to make in detail, explaining why I was delayed. I will say officers of the House came to me before I succeeded in getting to the lunch table, which I regret. In obedience to their request, I agreed to return here, and have done so.

Mr. BRAGG. It seems to me there should be, if possible, a slight difference in punishment between those who frankly tell where they have been and those who attempt to conceal it; and for that reason I hope that discrimination will be made on behalf of my colleague, who has had the manliness to state where he has been. I move, therefore, he be discharged without payment of costs.

Mr. HAZELTON. He has for once told the plain, bold truth. [Laughter.]

Mr. SPRINGER. I move he be discharged from custody on payment of costs. It is well-known to all of us here there are other members of the House who were invited to the same entertainment, but deprived themselves of that privilege by remaining here. I insist on my motion that the gentleman be discharged on the payment of costs.

The SPEAKER *pro tempore*. The amendment comes too late, as the House is dividing.

The House divided; and there were—ayes 50, noes 64.

So the motion was not agreed to.

Mr. SPRINGER. I move now the gentleman be discharged on the payment of costs.

Mr. FORD. I desire to inquire for myself, in reference to this question of costs, if there are costs, how much are they?

Mr. ATHERTON. I demand the regular order of business.

The SPEAKER *pro tempore*. The Chair cannot answer the question.

Mr. FORD. The House ought to know. If there are no costs, do not let us continue the farce any longer.

Mr. SMITH, of Pennsylvania. There are costs, as the Committee on Accounts well know.

Mr. SPRINGER's motion was agreed to.

The SPEAKER *pro tempore*. Mr. DE LA MATYR, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. DE LA MATYR. I have no valid excuse for being away. I was not hungry, neither had I sickness in my family. Some time after the first roll-call I obeyed the summons of a friend from a distance and went into the gallery. I sat with him conversing for a time. When I came down from the gallery I was locked out and could not get in. I went home and staid there until nine o'clock. About nine o'clock I kept an engagement with the ladies of my family and went to the levee of the President.

Mr. SIMONTON. Did you try hard to get in?

Mr. DE LA MATYR. I returned at the first summons. These are the facts.

Mr. THOMAS TURNER. I move he be excused for telling the truth.

Mr. SIMONTON. I want to make an amendment that he be discharged on payment of costs.

The amendment was agreed to; and the motion, as amended, was adopted.

The Sergeant-at-Arms appeared at the bar of the House having in custody Mr. MILLER, Mr. WHITE, and Mr. O'REILLY.

The SPEAKER *pro tempore*. Mr. MILLER, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. MILLER. About six o'clock this evening, after having voted during the entire day, and following the example of a large number of the older members of the House who sat near me, I went out to get my dinner. It took me longer than I had expected it would, and when I arrived at my hotel I found a large number of ladies—wives of members about me—who were looking for their husbands to escort them to the White House. Gallantly I performed that duty for a large number of members of this House, [laughter,] and escorted their ladies to the White House. After having gone through that ceremony I returned to the hotel and prepared myself to come here with the Sergeant-at-Arms.

Mr. COX. I move the gentleman be excused.

Mr. KLOTZ. I move that he be fined $10 for the privilege. [Laughter.]

Mr. COX. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX. To fine a man $10 is not the way to put the question.

The SPEAKER *pro tempore*. The Chair ruled on that on the argument of the gentleman from New York. The motion of the gentleman is that he be discharged on the payment of $10.

Mr. COX. No, that he be fined $10. I wish to correct the record. The motion of the gentleman was that he be fined $10.

Mr. KLOTZ. Yes, that he be fined $10 for the high privilege which was accorded to him. [Laughter.]

Mr. TALBOTT. I move to strike out $10.

Mr. SIMONTON. Mr. Speaker, before that amendment was put I rose with the intention of making a motion that the gentleman be discharged by the payment of costs.

Mr. WILBUR. Well, a great many of us have intentions, but we do not get a chance to present them here.

Mr. KLOTZ. I accept the amendment of the gentleman from Tennessee.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Pennsylvania as modified.

Mr. VAN VOORHIS. I move to strike out costs.

The motion was not agreed to.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Pennsylvania, that the gentleman be discharged upon the payment of costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. WHITE, you have been absent from the sitting of the House without its leave. What excuse have you to offer therefor?

Mr. WHITE. Mr. Speaker, it is a mistake; I was not absent without leave. I was very industrious, or at least I thought I was, in the performance of my duty up to a very late hour to-day. [Cries of "Louder!"]

Mr. VALENTINE. We know the gentleman from Pennsylvania can speak louder than that, for we hear him every day.

The SPEAKER *pro tempore*. The gentleman will proceed without interruption.

Mr. WHITE. I say, Mr. Speaker, and I repeat it, that I was not absent from the House without leave, as I understand the meaning of the term, for this reason: that it is customary to leave upon the occasion of a call of the House when you are required to leave on a little business. So I was informed this afternoon. [Laughter.] Now, acting on that information, I left this afternoon after informing the Doorkeeper of the House that I was obliged to go off on some little business, to attend to some little correspondence, or something of the kind.

Mr. HAZELTON. Is all that true?

Mr. WHITE. I never told a falsehood in all my life. [Laughter.] And while out, sir, I was engaged longer than I had intended to be engaged when I left, (after informing the Doorkeeper of my intention to leave,) by circumstances over which I had no control; and when out—for I am not going into details; you do not want to know all the details of a gentleman's private business, [cries of "Yes!" "Yes!"] When I went out, I met some of the families of members, some of the ladies of their families, and I was requested to show

them some little courtesy. I did so, like a little man. [Laughter.] I will prove it if it be necessary by the wives of the members themselves, who will inform their husbands of the fact. Now, that is the cause of my absence. I attended them to the levee and reception. It detained me a little longer than I had expected, and when I was about coming back I met the Sergeant-at-Arms. I was satisfied that my name was put on maliciously, for I do not think it was there until the very last thing.

Mr. ATHERTON. I move that the gentleman be discharged on payment of costs, and presented with a little hatchet.

The SPEAKER *pro tempore*. The question is on the motion to discharge the gentleman from Pennsylvania on payment of costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. O'REILLY, you have been absent from the sitting of the House without its leave. What excuse have you to offer therefor?

Mr. O'REILLY. Mr. Speaker, I staid in the House until half past eight o'clock this evening and voted on every roll-call. I had no lunch, nor had I any dinner, and when the pangs of hunger prompted me to retire to the basement, I found that everything there had been consumed. When I found there was nothing to be had down stairs, I went to the house where I board to find something to appease the inner man, and was disappointed again. There was nothing there. I then remembered that a few weeks ago I had an invitation from a gentleman at the other end of the Avenue, who I knew kept an excellent table—a table that I knew would be loaded with all the luxuries of the season—and finding that I could not get anything anywhere else I thought it better to accept that invitation and dine at the other end of the Avenue. Besides, I took into consideration the fact that in nine or ten days the gentleman himself would be retiring from the White House about the same time that I hope to be retiring from this Congress. [Laughter.] And, so taking all these things into consideration, I thought it would be impolite and unjust to refuse to comply with his request. Before my appetite was fully satisfied, I am sorry to say, the Sergeant-at-Arms put in an appearance, stepped up to me and said my services were required here. I very reluctantly consented to come. I must say he did not wait for me, but he took my word of honor that I would return to the House, and consequently I am here. That is my excuse.

Mr. COVERT. I move that my colleague be excused.

Mr. SIMONTON. I move to amend, by adding "on payment of costs."

The motion as amended was agreed to.

The SERGEANT-AT-ARMS. Mr. Speaker, I desire now to make a final report.

The SPEAKER *pro tempore*. The Chair will hear the report of the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. I wish to say that of all the gentlemen included in the last order of the House I have found, and they have reported here, all except Mr. YOCUM and Mr. THOMAS L. YOUNG, who cannot be found. In the first order I found Mr. HOUK, or my deputy found him, sick in bed. Mr. MILES is reported to have left the city this morning. Mr. GILLETTE cannot be found. I sent several times to his house, where he boards, in this city without success.

Mr. MONEY. Mr. Speaker, I desire to say that Governor YOUNG was called to New York by a telegram to-day to attend to some important business. He staid here until nearly ten o'clock, and is paired with Mr. SINGLETON, of Mississippi.

Mr. SPRINGER. I desire to make a motion to reconsider the vote in each case by which gentlemen have been excused for non-attendance; I mean those brought to the bar under arrest. I do so for the purpose of voting down, if the reconsideration should be carried, the motions to excuse and discharge upon the payment of costs. My object is to treat all gentlemen alike in this respect. I think that no excuses have been made by gentlemen brought to the bar that were sufficient.

Mr. KEIFER. I make the point of order that the motion of the gentleman from Illinois is not in order. The order of the House has been executed. The men have been discharged without any fines, without any penalties, and without terms, and we cannot go back upon our action.

Mr. SPRINGER. I withdraw the motion.

Mr. KEIFER. Now I desire, upon the report of the Sergeant-at-Arms, to ask that the gentleman from Tennessee [Mr. HOUK] be excused.

The SPEAKER *pro tempore*. Is there objection?

Mr. SIMONTON. I suggest it might be better, perhaps, that this should be asked when the gentleman comes here himself and when the House can properly attend to the request.

Mr. STONE. I know the gentleman from Tennessee [Mr. HOUK] left the House quite sick.

Mr. KEIFER. I think the gentleman should be excused on the report of the Sergeant-at-Arms.

Mr. SIMONTON. I do not object.

The SPEAKER *pro tempore*. The gentleman from Ohio asks unanimous consent that the gentleman from Tennessee [Mr. HOUK] be excused from attendance at the sittings of the House to-night on account of sickness. Is there objection?

There was no objection.

Mr. COX. I move that all further proceedings under the call be dispensed with, in order that we may go on and vote on the pending bill.

Mr. KEIFER. That is right. You ought to have done that six or eight hours ago.

The motion was agreed to, and all further proceedings under the call were dispensed with.

Mr. CONGER. I move that the House do now adjourn.

The motion was not agreed to.

Mr. CONGER. The question pending when the call of the House was ordered was on a motion that when the House adjourns it be to meet on Saturday, on which question no quorum voted. I call for a vote on that question.

The SPEAKER *pro tempore*. As has been stated by the gentleman from Michigan, when the call of the House was entered upon the pending motion was that when the House adjourns it adjourn to meet on Saturday, on which vote no quorum appeared. Thereupon a call of the House took place. The proceedings under that call having been dispensed with, the motion to adjourn over till Saturday is now before the House.

The question being taken, no member rose to vote in the affirmative. The negative vote having been called for,

The SPEAKER *pro tempore* said: A large number of gentlemen have arisen. Is further count insisted on?

Mr. CONGER. It is insisted on. I wish the opportunity to make the point whenever it comes.

The negative vote was again called for, and was counted.

Mr. CONGER. I ask that the Chair announce the vote.

The SPEAKER *pro tempore*. The Chair asked if a further count was insisted on?

Mr. CONGER. And I said yes; and I advised the Chair that when I made a point it continued.

The SPEAKER *pro tempore*. In the midst of the disorder the Chair cannot hear every statement that is made.

Mr. CONGER. I could not rise to make my point, or I should have been counted.

Mr. ATHERTON. I desire to make a parliamentary inquiry. Was there any vote in favor of the motion?

The SPEAKER *pro tempore*. There was no vote in favor of it.

Mr. ATHERTON. Then I insist as a matter of order there is no need of a vote against it.

The SPEAKER *pro tempore*. The Chair will announce the vote. No gentleman voted in the affirmative and 67 voted in the negative.

Mr. CONGER. No quorum.

Mr. ATHERTON. I insist on the point of order that there being no vote in favor of this proposition no vote is necessary against it.

The SPEAKER *pro tempore*. The Chair overrules the point of order. A quorum not having voted, and the point being made, the Chair will appoint tellers.

Mr. COBB and Mr. DUNN called for the yeas and nays.

The yeas and nays were ordered.

The question being taken, there were—yeas 3, nays 133, not voting 154; as follows:

YEAS—3.

Hawley,	Sherwin,	White.

NAYS—133.

Acklen,	Culberson,	Kitchin,	Singleton, J. W.
Aiken,	Davidson,	Klotz,	Slemons,
Armfield,	Davis, Lowndes H.	Ladd,	Smith, Hezekiah B.
Atherton,	De La Matyr,	Le Fevre,	Smith, William E.
Atkins,	Deuster,	Lounsbery,	Sparks,
Bachman,	Dibrell,	Lowe,	Speer,
Bailey,	Dickey,	Manning,	Springer,
Beale,	Dunnell,	Martin, Benj. F.	Stevenson,
Beltzhoover,	Ellis,	Martin, Edward L.	Talbott,
Berry,	Evins,	McKenzie,	Taylor, Robert L.
Bicknell,	Finley,	McLane,	Thompson, P. B.
Blackburn,	Forney,	McMahon,	Tillman,
Bliss,	Fort,	McMillin,	Townshend, R. W.
Bouck,	Frost,	Money,	Tucker,
Bragg,	Geddes,	Morrison,	Turner, Oscar
Bright,	Goode,	Morse,	Turner, Thomas
Cabell,	Gunter,	Muldrow,	Upson,
Caldwell,	Hammond, N. J.	Muller,	Vance,
Carlisle,	Hatch,	New,	Waddill,
Chalmers,	Henkle,	O'Reilly,	Warner,
Clardy,	Herbert,	Persons,	Washburn,
Clark, Alvah A.	Hill,	Philips,	Weaver,
Clark, John B.	Hooker,	Poehler,	Wellborn,
Clements,	Hostetler,	Reagan,	Wells,
Clymer,	House,	Rice,	Whiteaker,
Cobb,	Hunton,	Richardson, J. S.	Whitthorne,
Coffroth,	Hurd,	Richmond,	Williams, Thomas
Colerick,	Hutchins,	Ryon, John W.	Willis,
Converse,	Johnston,	Samford,	Wilson,
Cook,	Jones,	Sawyer,	Wise,
Covert,	Kenna,	Scales,	Yeates.
Cowgill,	Killinger,	Scoville,	
Cox,	Kimmel,	Shelley,	
Cravens,	King,	Simonton,	

NOT VOTING—154.

Aldrich, N. W.	Belford,	Brewer,	Camp,
Aldrich, William	Bingham,	Briggs,	Cannon,
Anderson,	Bisbee,	Brigham,	Carpenter,
Baker,	Blake,	Browne,	Caswell,
Ballou,	Bland,	Buckner,	Chittenden,
Barber,	Blount,	Burrows,	Claflin,
Barlow,	Bowman,	Butterworth,	Conger,
Bayne,	Boyd,	Calkins,	Crapo,

Crowley,	Heilman,	Murch,	Shallenberger,
Daggett,	Henderson,	Myers,	Singleton, O. R.
Davis, George R.	Henry,	Neal,	Smith, A. Herr
Davis, Horace	Herndon,	Newberry,	Starin,
Davis, Joseph J.	Hiscock,	Nicholls,	Steele,
Deering,	Horr,	Norcross,	Stephens,
Dick,	Houk,	O'Brien,	Stone,
Dunn,	Hubbell,	O'Connor,	Taylor, Ezra B.
Dwight,	Humphrey,	O'Neill,	Thomas,
Einstein,	James,	Orth,	Thompson, W. G.
Elam,	Jorgensen,	Osmer,	Townsend, Amos
Errett,	Joyce,	Overton,	Tyler,
Ewing,	Keifer,	Pacheco,	Updegraff, J. T.
Felton,	Kelley,	Page,	Updegraff, Thomas
Ferdon,	Ketcham,	Phelps,	Urner,
Fisher,	Knott,	Phister,	Valentine,
Ford,	Lapham,	Pound,	Van Aernam,
Forsythe,	Lindsey,	Prescott,	Van Voorhis,
Frye,	Loring,	Price,	Voorhis,
Gibson,	Marsh,	Ray,	Wait,
Gillette,	Mason,	Reed,	Ward,
Godshalk,	McCoid,	Richardson, D. P.	Wilber,
Hall,	McCook,	Robertson,	Williams, C. G.
Hammond, John	McGowan,	Robeson,	Willits,
Harmer,	McKinley,	Robinson,	Wood,
Harris, Benj. W.	Miles,	Ross,	Wright,
Harris, John T.	Miller,	Rothwell,	Yocum,
Haskell,	Mills,	Russell, Daniel L.	Young, Casey
Hawk,	Mitchell,	Russell, W. A.	Young, Thomas L.
Hayes,	Monroe,	Ryan, Thomas	
Hazelton,	Morton,	Sapp,	

At the conclusion of the second call of the roll,

Mr. KING moved that the reading of the names be dispensed with.

The SPEAKER *pro tempore*. The Chair hears no objection.

The following pair was announced:

Mr. LORING with Mr. YOUNG of Tennessee, on all votes, except to make a quorum.

Mr. CONGER. I demand the reading of the names.

The SPEAKER *pro tempore*. The reading of the names has been dispensed with.

Mr. CONGER. I wish the Chair would state propositions so that they can be heard, and not be passed without giving members an opportunity to object.

The SPEAKER *pro tempore*. The Chair stated it distinctly.

Mr. CONGER. I stood here watching every word that was said, and I assert on my honor that I did not hear any word or intimation of such motion.

The SPEAKER *pro tempore*. The Chair accepts the statement of the gentleman, and the names will be read.

The Clerk read the names of those voting.

The SPEAKER *pro tempore*. On the motion of the gentleman from Michigan, that when the House adjourns to-day it be to meet on Saturday, the yeas are 3 and the nays 133.

Mr. CONGER. No quorum has voted.

The SPEAKER *pro tempore*. The gentleman from Michigan makes the point that no quorum has voted.

Mr. COX. I move a call of the House.

Mr. CONVERSE. I raise a question of order on that motion.

The SPEAKER *pro tempore*. What is the question of order?

Mr. CONVERSE. The point of order is this: we are now acting under the previous question, and the rule expressly provides that there shall be no call of the House except the Speaker upon actual count by himself decides that there is no quorum in the House. Now, I claim that the Speaker himself must perform that duty; that he has no right to take the roll-call when gentlemen are present and decline to answer. I claim that the rule is made for this particular case and is imperative. The Speaker must perform his duty by making the count himself. I ask to have read clause 2 of Rule XVII.

The SPEAKER *pro tempore*. The rule will be read.

The Clerk read as follows:

A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

The SPEAKER *pro tempore*. The Chair overrules the point of order raised by the gentleman from Ohio, [Mr. CONVERSE.] The best information in the possession of the Chair is the actual roll-call. The Chair finds that upon the actual roll-call only 136 members answer to their names.

Mr. CONVERSE. I desire, then, to take an appeal from the decision of the Chair, for the purpose of having the question settled. It is a question which will trouble not only this House but future Houses. I claim that the object of having a previous question at all is to bring the House to a vote. The purpose of a previous question is not to prevent a vote, but to bring the House to a vote. Now, I ask that the House itself shall determine whether when the rule requires the Speaker to make the count it means that it shall be by a roll-call; and that when gentlemen are present, and the Speaker knows they are present, he shall ignore that fact and hold that there is no quorum present.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. CONVERSE] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. COX. I ask to have read the note on page 21 of the Digest; the comment on the rule that has just been read.

The Clerk read as follows:

The practice of counting the House by the Speaker of late years has frequently been resorted to, to ascertain the presence of a quorum, and is a more expeditious method than calling the roll.

Mr. SPRINGER. Do I understand that the Chair has decided that a motion for a call of the House is not now in order, after the previous question has been seconded?

The SPEAKER *pro tempore*. The question before the House is upon the appeal from the decision of the Chair.

Mr. SPRINGER. The main question has been ordered, as I understand, and the Chair has decided that it is not now in order to move a call of the House.

The SPEAKER *pro tempore*. The Chair has decided that there is no quorum present. That can be followed by a motion for a call of the House. But the question now before the House is the appeal taken by the gentleman from Ohio [Mr. CONVERSE] from the decision of the Chair.

Mr. HOOKER. On the appeal I desire to say a single word. My friend from Ohio [Mr. CONVERSE] contends that, under the rule, the Speaker has the power to count the members present and determine whether there is a quorum or not. There is another rule which will show that such an interpretation could have no practical effect; for the reason that if the Speaker should undertake (departing from the ordinary practice prevailing heretofore) to determine for himself that there is a quorum present, the result would be that after he had ascertained that there was a quorum present you could not compel that quorum to vote. Hence the ruling heretofore has been that whether there is a quorum present or not must be by calling the roll and in that way ascertaining whether a sufficient number of members answer to their names to make a quorum. After the Speaker has once performed this function the House will be in the same condition in which it was before. The Speaker and the House itself, with all its power, would be powerless to compel the votes of those who might sit by unwilling to vote.

Mr. SPRINGER. That would be the case were it not for the fact that the main question has been ordered by the House.

Mr. CONGER. The main question has not been ordered.

Mr. SPRINGER. I understand it has been.

Mr. CONGER. As often as that is asserted I deny it.

Mr. SPRINGER. The Chair has so decided; and that settles it.

Mr. CONGER. We will settle that question when we come to it.

Mr. SPRINGER. The gentleman from Michigan denies it; but it happens that the gentleman does not occupy the chair, and his decision does not amount to anything. In this case the Chair has decided that the main question has been ordered.

Mr. CONGER. When that question arises we will meet it.

Mr. SPRINGER. It has arisen, and has been decided by the Chair.

Mr. CONGER. The statement is repeated over and over again, but that does not make it any stronger.

Mr. SPRINGER. The main question having been ordered, I think the position of the gentleman from Ohio [Mr. CONVERSE] is correct, and that the Chair is evidently in error on this point. I hope that the Chair without submitting the question will reconsider his decision.

Mr. BAYNE. I think the Chair is perfectly correct in his interpretation of the rule. That branch of the rule is not intended to ascertain the fact whether a quorum is present or not to vote, but whether or not a call of the House shall be made; and if the Speaker upon counting the members present decides that a quorum is present, it simply obviates the necessity of a call of the House. I think the gentleman from Ohio is altogether mistaken in his construction of the rule. It has no application to the vote that has just been had; but it has application to this simple inquiry—is there a quorum present? If the Speaker ascertains by a count that there is a quorum present, then it would be out of order to make a motion for a call of the House to ascertain that fact.

Mr. NEW. Let me suggest also the question, how could the Speaker count members if they chose to go into the cloak-room?

Mr. PAGE. Or to sit in their seats. How can members be counted unless they rise?

Mr. BAYNE. I move that the appeal be laid on the table.

The SPEAKER *pro tempore*. The Chair thinks that under the practice of the House the Speaker has counted members present to ascertain whether there was a quorum; but that has been in the absence of a recent roll-call. Where the last thing occurring in the proceedings of the House is a roll-call, the Chair is bound to recognize that as determining whether a quorum is present or not. From this ruling of the Chair the gentleman from Ohio has appealed.

Mr. BAYNE. And I move to lay that appeal on the table.

Mr. CONVERSE. I withdraw the appeal.

Mr. SAMFORD. I wish to inquire whether the main question has been ordered or not.

The SPEAKER *pro tempore*. The Journal will be read on that subject for the information of the House.

Mr. SAMFORD. I want the question settled.

The SPEAKER *pro tempore*. The present occupant of the chair was not in the chair at the time that question arose.

Mr. COX. Is my motion pending for a call of the House?

Mr. CONGER. What is the question pending?

The SPEAKER *pro tempore*. The Clerk will read the Journal to see whether the main question has been ordered.

Mr. CONGER. I object to that. When it is ascertained that there is no quorum, no business is in order except a call of the House or a motion to adjourn.

The SPEAKER *pro tempore*. The Chair begs leave to inform the

gentleman from Michigan that he has directed the Journal to be read in answer to a parliamentary inquiry by the gentleman from Alabama.

Mr. CONGER. Then I move that the House adjourn.

The SPEAKER *pro tempore*. The regular order of proceedings, the Chair thinks, is to answer the parliamentary inquiry.

Mr. CONGER. Pending that, I move to adjourn.

The SPEAKER *pro tempore*. The Chair will entertain that motion when he has finished answering the parliamentary inquiry.

Mr. CONGER. I do not propose to wait for that.

The SPEAKER *pro tempore*. The Chair proposes to answer the inquiry of the gentleman from Alabama.

Mr. CONGER. Pending that, I move to adjourn.

The SPEAKER *pro tempore*. As soon as the parliamentary inquiry of the gentleman from Alabama is answered, the gentleman from Michigan shall be recognized.

Mr. CONGER. Mr. Speaker, I demand that my motion shall be put now.

Mr. ERRETT. The Chair has no right to allow any other business to intervene.

The SPEAKER *pro tempore*. The gentleman from Michigan will understand that the Chair will put his motion at the earliest practicable moment; but the Chair is occupying the floor for the present in answering a parliamentary inquiry.

Mr. CONGER. That is a proposition contrary to the rules of this House. No quorum having appeared on the last vote, no business is in order but a call of the House or a motion to adjourn. I make a motion which is in order—that the House do now adjourn.

Mr. RANDALL, (the Speaker.) The complete answer and the record made up can be found by reading the Journal.

Mr. ERRETT. I object to the reading of the Journal while the motion to adjourn is pending, and I call the gentleman from Pennsylvania to order. The motion to adjourn is pending, and the reading of the Journal is not in order.

Mr. RANDALL, (the Speaker.) I ask to make a proposition to the House.

Mr. PAGE. I take an appeal from the decision of the Chair.

Mr. RANDALL, (the Speaker.) I do not propose to continue the debate.

Mr. ERRETT. We do not wish to have that intervene while the motion to adjourn is pending.

Mr. PAGE. The Chair made a decision, and I appeal from it.

Mr. ERRETT. No business can intervene when a motion to adjourn is pending.

The SPEAKER *pro tempore*. Shall the decision of the Chair stand as the judgment of the House?

Mr. SAMFORD. I made a parliamentary inquiry and the Chair was about to answer it.

Mr. PAGE. The gentleman is out of order.

The SPEAKER *pro tempore*. As soon as the appeal is determined, the gentleman from Alabama will be heard.

Mr. COX. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX. What is the appeal?

The SPEAKER *pro tempore*. The gentleman from Pennsylvania was proceeding to state something in regard to the parliamentary inquiry of the gentleman from Alabama when the question was raised whether it was in order for him to proceed, as the gentleman from Michigan had made a motion to adjourn. The Chair overruled the point of order, and from that ruling the gentleman from California has taken an appeal.

Mr. PAGE. Yes, sir.

The SPEAKER *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. MONEY. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MONEY. Did the Chair recognize the gentleman from Michigan to make the motion to adjourn?

The SPEAKER *pro tempore*. The Chair did not recognize the motion of the gentleman from Michigan because he was at that time answering the parliamentary inquiry of the gentleman from Alabama.

Mr. MONEY. Then what is the appeal from?

The SPEAKER *pro tempore*. The appeal is from the recognition by the Chair of the gentleman from Pennsylvania.

Mr. RANDALL, (the Speaker.) I do not desire to make any more remarks, if the House is not willing to hear them.

Mr. SAMFORD. But the House is willing to hear them.

Mr. PAGE. The point I made, and from which appeal was taken, is this: the Chair decided the gentleman from Pennsylvania had a right to the reading of the Journal, and from that decision of the Chair I appeal.

The SPEAKER *pro tempore*. The Chair never ruled the gentleman from Pennsylvania had a right to the reading of the Journal.

Mr. RANDALL, (the Speaker.) I never asked for the reading of the Journal except for the information of the House.

The SPEAKER *pro tempore*. In answering that parliamentary inquiry the Chair ordered the Journal to be read.

Mr. ERRETT. The gentleman from Michigan made a motion to adjourn.

Mr. PAGE. Then the Chair decided that was not in order.

The SPEAKER *pro tempore*. While answering the parliamentary inquiry of the gentleman from Alabama, the gentleman from Michigan moved the House do now adjourn. The Chair did not recognize that motion, as he was at the time answering a parliamentary inquiry. He said so with the distinct declaration that as soon as that parliamentary inquiry was answered the gentleman from Michigan would be recognized.

Mr. CONGER. And the gentleman from Michigan insisted that his motion was in order, and the Chair overruled it, and from that decision the appeal was taken.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman from Michigan as appealing from the Chair.

Mr. CONGER. But the gentleman from California did.

Mr. RYON, of Pennsylvania. And the Chair did not recognize the gentleman from Michigan to make the motion.

Mr. ERRETT. When the gentleman from Pennsylvania was on the floor I made the point there was a motion to adjourn pending; that point of order the Chair overruled, and the gentleman from California appealed from that decision.

The SPEAKER *pro tempore*. There was no motion pending before the House for an adjournment.

Mr. ERRETT. That is not my point of order.

Mr. PAGE. Then what became of it?

The SPEAKER *pro tempore*. The Chair did not recognize the gentleman from Michigan to make the motion to adjourn.

Mr. ERRETT. That is not the point of order.

The SPEAKER *pro tempore*. The Chair was proceeding to answer the parliamentary inquiry of the gentleman from Alabama. The Chair did not recognize the motion to adjourn.

Mr. SAMFORD. I have the floor.

Mr. ERRETT. The point I made was there was a motion pending.

The SPEAKER *pro tempore*. While the Chair was answering the parliamentary inquiry, he ruled no gentleman had the right to make a motion for any purpose.

Mr. PAGE. If the Speaker will allow me, I will say the gentleman from Pennsylvania made the point there was pending a motion to adjourn. The Chair overruled that, and from that I took an appeal.

Mr. REAGAN. I desire to say a word on the point of order.

The SPEAKER *pro tempore*. The Chair did not rule there was a motion pending, but he did rule the gentleman from Michigan could not stop the Chair in answering the parliamentary inquiry for the purpose of making a motion.

Mr. ERRETT. The Chair did not state anything but that my point of order was overruled.

Mr. REAGAN. Mr. Speaker, the gentleman from Alabama made a parliamentary inquiry——

Mr. SAMFORD. And still retained the floor.

Mr. REAGAN. And was standing upon the floor for a response to that inquiry. The Speaker was proceeding to answer the question, and the gentleman from Michigan interposed to make his motion while the gentleman from Alabama was still on the floor asking his question, and which the Speaker was proceeding to answer. Now, what I wish to ask is this: Is it possible that the Speaker is to surrender his rights and deprive the gentleman from Alabama of his rights to the floor to allow any other member to interpose a motion, whether on a point of order or otherwise, which bears no relevancy to the question pending, but recognizes him to make a motion to adjourn while he has not possession of the floor to make it?

The SPEAKER *pro tempore*. Shall the decision of the Chair stand as the decision of the House?

Mr. SAMFORD. Mr. Speaker, I make the point of order that there is nothing to be appealed from, and I make this point of order with a desire to get a ruling from the Chair. I claim that I have not yielded the floor for any motion to adjourn.

The SPEAKER *pro tempore*. The Chair holds that the point of order was made and overruled, and having been made and overruled any other member in the House has a right to appeal from that decision.

Mr. REAGAN. But the Chair does not touch the point of order that I raised at all. My point is that the gentleman from Alabama had the floor, and the gentleman from Michigan was not entitled to the floor to make his motion.

Mr. MONEY. What is the point of order?

The SPEAKER *pro tempore*. That the Chair had no right to have the Journal read in answer to the inquiry of the gentleman from Alabama.

Mr. KEIFER. It is contended that that is not the point of order at all.

The SPEAKER *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. McMILLIN. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McMILLIN. The question raised by the gentleman from California was that the gentleman from Pennsylvania had no right to make a statement concerning the Journal; and upon that the Speaker ruled and not upon the motion to adjourn.

Mr. ERRETT. The gentleman is mistaken.

Mr. McMILLIN. And the Journal will so show, and thereupon, Mr. Speaker, I desire to state further, that the gentleman from Pennsylvania desisted from his attempt, submitted at once, and hence there is nothing before the House. There was nothing else after he

had desisted. That was the only point and there was nothing else to rule on.

The SPEAKER *pro tempore*. The Chair rules that there is an appeal from the decision of the Chair before the House.

Mr. CLYMER. I move to lay the appeal upon the table.

Mr. SAMFORD. I have not yielded the floor.

Mr. PAGE. I make the point of order that the gentleman from Alabama is out of order.

Mr. SAMFORD. I wish to the Chair to rule whether the gentleman can take me off the floor to make any motion while I am still entitled to retain the floor and have never yielded it?

Mr. KEIFER. There is a pending motion to adjourn.

Mr. SAMFORD. No, sir; there is no pending motion; the gentleman had no right to make it. I had the floor to ask a parliamentary question.

The SPEAKER *pro tempore*. The Chair understands it, and while replying to the question the gentleman from Michigan interposed and made a motion to adjourn which was recognized.

Mr. SAMFORD. I had not yielded the floor.

The SPEAKER *pro tempore*. The Chair supposed that the gentleman from Alabama had risen to make a parliamentary inquiry and that he made his parliamentary inquiry.

Mr. SAMFORD. I never surrendered the floor.

The SPEAKER *pro tempore*. Let the Chair state it. The gentleman made his parliamentary inquiry. That is what he rose to do. The Chair was answering the parliamentary inquiry, and the gentleman from Michigan interposed to make a motion that the House adjourn. The Chair declined to recognize him while answering the parliamentary inquiry, he having the floor. Subsequently the Chair did recognize the gentleman from Michigan to make a motion to adjourn; an appeal was taken, and the gentleman from Pennsylvania moves to lay the appeal on the table. That is the question before the House, and it is not debatable. [Cries of "Regular order!"]

Mr. MONEY. I wish to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MONEY. I desire to know how the Speaker could rule on the point of order when there is no point of order that he could recognize as such?

The SPEAKER *pro tempore*. The Chair has decided the question more than once. The point of order was raised, and the Chair has ruled upon it. An appeal was taken from that ruling. Now the question is on laying that appeal upon the table.

Mr. MONEY. But, Mr. Speaker, that is not my parliamentary inquiry. I make a parliamentary inquiry which I wish to have answered.

Mr. HAYES. I wish to ask if the gentleman from Pennsylvania was recognized by the Speaker of this House when he rose to make some statement?

The SPEAKER *pro tempore*. The gentleman was recognized, and attempted to say something about the Journal, as the Chair presumes.

Mr. HAYES. Was he not recognized?

The SPEAKER *pro tempore*. He was recognized.

Mr. HAYES. Did not that take the gentleman from Alabama off the floor? [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is on the laying on the table the appeal. The question is not debatable.

Mr. MONEY. I wish to have an answer to the parliamentary inquiry which I have made. I desire to know if the Speaker recognized the gentleman from Pennsylvania to make a point of order.

The SPEAKER *pro tempore*. The gentleman from Michigan, you mean?

Mr. MONEY. No, sir; the gentleman from Pennsylvania.

The SPEAKER *pro tempore*. The Chair recognized the point of order as having been made in regard to the reading of the Journal. The question is on the motion of the gentleman from Pennsylvania [Mr. CLYMER] to lay on the table the appeal from the decision of the Chair by the gentleman from Michigan, [Mr. CONGER.]

The question having been put, on a *viva voce* vote the Speaker *pro tempore* stated that, in the opinion of the Chair, the "ayes" had it.

Mr. CONGER. I call for a division.

The House divided; and on a rising vote there were—ayes 75, noes none.

Mr. CONGER. No quorum has voted.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Kansas, Mr. ANDERSON, and the gentleman from Pennsylvania, Mr. CLYMER.

The House again divided; and the tellers reported—ayes 64, noes 3.

Mr. CONGER. No quorum.

Mr. CARLISLE. Then we can go on with the call of the House.

Mr. COX. I move that there be a call of the House.

Mr. BAYNE. I raise the point of order against that motion.

The SPEAKER *pro tempore*. The gentleman will state the point of order.

Mr. BAYNE. That under the rule which was read a few moments ago, a call of the House is not in order when the Speaker can by counting the number present ascertain the fact whether there is a quorum.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from New York, [Mr. COX.]

The question being taken on a *viva voce* vote the Speaker *pro tempore* stated that the "ayes" appeared to have it.

Mr. CONGER. I call for a division.

The House divided; and on a rising vote, more than fifteen members voted in the affirmative.

So the call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer:

Ballou,	Gibson,	Mason,	Ryan, Thomas
Barlow,	Gillette,	McGowan,	Singleton, O. R.
Belford,	Hall,	Miles,	Smith, A. Herr
Bland,	Harmer,	Mills,	Steele,
Brewer,	Haskell,	Monroe,	Stephens,
Browne,	Hawk,	Morton,	Townsend, Amos
Buckner,	Henderson,	Murch,	Turner, Thomas
Butterworth,	Henry,	Nicholls,	Updegraff, J. T.
Chittenden,	Herndon,	O'Brien,	Updegraff, Thomas
Daggett,	Houk,	O'Connor,	Wait,
Davis, Joseph J.	Hubbell,	Orth,	Whitthorne,
Deering,	James	Pacheco,	Williams, C. G.
Elam,	Joyce,	Phelps,	Wood,
Ewing,	Kelley,	Phister,	Wright,
Felton,	Lindsey,	Price,	Yocum,
Ferdon,	Loring,	Robertson,	Young, Thomas L.
Fisher,	Lowe,	Russell, Daniel L.	
Frye,	Martin, Edward L.	Russell, W. A.	

The SPEAKER *pro tempore*. There is a quorum present; two hundred and twenty members have answered.

Mr. MANNING. I desire to ask unanimous consent that General SCALES, of North Carolina, be excused from further attendance upon the session of the House to-night. He is in very bad health. He has not for several weeks been able to remain more than an hour or two at a time in this Hall. He has remained thus far during this day's sitting. While he has been suffering almost continuously, he has been in attendance all the while. It is very important he should retire and go home, and I hope he will be excused.

Mr. CONGER. I suggest we have not yet arrived at the point for excuses. There is a second call provided for that.

The SPEAKER *pro tempore*. The second call has been gone through with. The gentleman from Mississippi asks unanimous consent that the gentleman from North Carolina [Mr. SCALES] be excused from further attendance at the session of the House to-night on account of severe indisposition. Is there objection? [After a pause.] The Chair hears none, and the gentleman from North Carolina is excused.

Mr. SMITH, of New Jersey. I wish to make the same request for myself. My health is very poor. I have a violent cold, and incur great risk by remaining here.

The SPEAKER *pro tempore*. Is there objection?

There was no objection.

Mr. GODSHALK. I move to recommit the pending bill and amendments to the Committee on the Census, with instructions to report a bill making the number of Representatives of this House three hundred and nineteen; and on that motion I call for the yeas and nays.

Mr. WARNER. Is that motion in order?

Mr. GODSHALK. I ask that the rule in relation to the previous question be read.

Mr. COX. I rise to a question of order. How does the gentleman from Pennsylvania get the floor for that motion? I understood I had the floor.

The SPEAKER *pro tempore*. For what purpose did the gentleman from New York rise?

Mr. COX. I rose to move that the doors be closed and that absentees be sent for. I send to the desk the ordinary resolution which follows the call of the roll.

Mr. CONGER. Pending that I move that all further proceedings under the call be dispensed with.

Mr. GODSHALK. Has my motion been overruled?

The SPEAKER *pro tempore*. The gentleman from New York [Mr. COX] offers the resolution which he has sent to the desk. Pending that the gentleman from Michigan moves that all further proceedings under the call be dispensed with. The question is on the motion of the gentleman from Michigan.

The question being taken on a *viva voce* vote, the Speaker *pro tempore* stated that in the opinion of the Chair the "ayes" had it.

Mr. CONGER. I call for a division. I should like that the Chair would not announce the result too soon. Let him give me an opportunity to call for a division.

The House divided; and there were—ayes 46, noes 89.

Before the result of the vote was announced,

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered.

Mr. COX. I hope the Chair will again state the question, and a little more loudly, that members may understand it.

The SPEAKER *pro tempore*. Those in favor of the proposition of the gentleman from Michigan, that all further proceedings under the call of the House be dispensed with, will, when their names are called, answer "ay" and those opposed will answer "no." The Clerk will call the roll.

The question was taken; and there were—yeas 75, nays 111, not voting 104; as follows:

YEAS—75.

Aiken,	Bingham,	Burrows,	Cowgill,
Aldrich, N. W.	Bisbee,	Camp,	Crapo,
Aldrich, William	Blake,	Carpenter,	Crowley,
Anderson,	Bowman,	Caswell,	Davis, George R.
Barber,	Briggs,	Claflin,	Davis, Horace
Bayne,	Brigham,	Conger,	De La Matyr,

Dick,	Keifer,	Overton,	Taylor, Ezra B.
Dunnell,	Ketcham,	Page,	Tillman,
Dwight,	Killinger,	Pound,	Tyler,
Errett,	Lapham,	Ray,	Urner,
Ford,	Marsh,	Reed,	Valentine,
Forsythe,	McCook,	Rice,	Van Aernam,
Fort,	McKinley,	Richardson, D. P.	Van Voorhis,
Godshalk,	Miller,	Robeson,	Voorhis,
Hammond, John	Mitchell,	Robinson,	Ward,
Hawley,	Newberry,	Sapp,	Weaver,
Hazelton,	Norcross,	Shallenberger,	Wilber,
Horr,	O'Neill,	Sherwin,	Willits.
Humphrey,	Osmer,	Stone,	

NAYS—111.

Armfield,	Davidson,	Kimmel,	Scoville,
Atherton,	Davis, Lowndes H.	King,	Shelley,
Atkins,	Deuster,	Klotz,	Simonton,
Bachman,	Dibrell,	Ladd,	Singleton, J. W.
Beale,	Dickey,	Lounsbery,	Slemons,
Beltzhoover,	Dunn,	Manning,	Smith, William E.
Berry,	Ellis,	Martin, Benj. F.	Sparks,
Blackburn,	Evins,	Martin, Edward L.	Speer,
Bliss,	Forney,	McKenzie,	Springer,
Bouck,	Frost,	McMahon,	Stevenson,
Bragg,	Geddes,	McMillin,	Talbott,
Bright,	Goode,	Money,	Taylor, Robert L.
Cabell,	Gunter,	Morrison,	Thompson, P. B.
Caldwell,	Hammond, N. J.	Morse,	Townshend, R. W.
Carlisle,	Harris, John T.	Muldrow,	Tucker,
Chalmers,	Hatch,	Muller,	Turner, Oscar
Clardy,	Hayes,	New,	Upson,
Clark, John B.	Henkle,	O'Reilly,	Vance,
Clements,	Herbert,	Persons,	Waddill,
Clymer,	Hill,	Philips,	Warner,
Cobb,	Hooker,	Poehler,	Wellborn,
Coffroth,	Hostetler,	Prescott,	Whiteaker,
Colerick,	House,	Reagan,	Williams, Thomas
Cook,	Hunton,	Richardson, J. S.	Willis,
Covert,	Hurd,	Richmond,	Wilson,
Cox,	Hutchins,	Rothwell,	Wise,
Cravens,	Johnston,	Ryon, John W.	Yeates.
Culberson,	Kenna,	Samford,	

NOT VOTING—104.

Acklen,	Ferdon,	Lindsey,	Ryan, Thomas
Bailey,	Finley,	Loring,	Sawyer,
Baker,	Fisher,	Lowe,	Scales,
Ballou,	Frye,	Mason,	Singleton, O. R.
Barlow,	Gibson,	McCoid,	Smith, A. Herr
Belford,	Gillette,	McGowan,	Smith, Hezekiah B
Bicknell,	Hall,	McLane,	Starin,
Bland,	Harmer,	Miles,	Steele,
Blount,	Harris, Benj. W.	Mills,	Stephens,
Boyd,	Haskell,	Monroe,	Thomas,
Brewer,	Hawk,	Morton,	Thompson, W. G.
Browne,	Heilman,	Murch,	Townsend, Amos
Buckner,	Henderson,	Myers,	Turner, Thomas
Butterworth,	Henry,	Neal,	Updegraff, J. T.
Calkins,	Herndon,	Nicholls,	Updegraff, Thomas
Cannon,	Hiscock,	O'Brien,	Wait,
Chittenden,	Houk,	O'Connor,	Washburn,
Clark, Alvah A.	Hubbell,	Orth,	Wells,
Converse,	James,	Pacheco,	White,
Daggett,	Jones,	Phelps,	Whitthorne,
Davis, Joseph J.	Jorgensen,	Phister,	Williams, C. G.
Deering,	Joyce,	Price,	Wood,
Einstein,	Kelley,	Robertson,	Wright,
Elam,	Kitchin,	Ross,	Yocum,
Ewing,	Knott,	Russell, Daniel L.	Young, Casey
Felton,	Le Fevre,	Russell, W. A.	Young, Thomas L.

So the motion of Mr. CONGER was not agreed to.

During the call of the roll,

Mr. BRAGG said: I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BRAGG. Rule XIV, sub-division 7, provides that no member shall remain by the Clerk's desk during the call of the roll.

The SPEAKER. The point is well taken.

At the conclusion of the roll-call,

Mr. TUCKER said: I move that the reading of the names be dispensed with.

Mr. CONGER. I object to that.

The Clerk read the names of those voting.

The result of the vote was announced as above stated.

Mr. COX. I call for a vote on the resolution which I have sent to the Clerk's desk.

Mr. CONGER, (at two o'clock and fifty minutes a. m., Friday.) Pending that, I move that the House adjourn.

The question was taken; and upon a division there were—ayes 46, noes 68.

Before the result of the vote was announced,

Mr. CONGER called for tellers.

Mr. ELLIS. I call for the yeas and nays.

The SPEAKER *pro tempore*. The call for the yeas and nays takes precedence of the call for tellers.

The yeas and nays were ordered.

The question was taken; and there were—yeas 62, nays 111, not voting 117; as follows:

YEAS—62.

Anderson,	Burrows,	Davis, Horace	Fort,
Bayne,	Camp,	De La Matyr,	Godshalk,
Bisbee,	Carpenter,	Dunnell,	Hammond, John
Blake,	Caswell,	Errett,	Harris, Benj. W.
Bowman,	Claflin,	Ferdon,	Hawley,
Briggs,	Conger,	Ford,	Hayes,
Brigham,	Davis, George R.	Forsythe,	Hazelton,
Horr,	Newberry,	Richardson, D. P.	Tyler,
Humphrey,	Norcross,	Robeson,	Urner,
Jones,	O'Neill,	Robinson,	Valentine,
Keifer,	Overton,	Sapp,	Van Voorhis,
Ketcham,	Pound,	Shallenberger,	Ward,
Lapham,	Prescott,	Sherwin,	Wilber,
Marsh,	Ray,	Stone,	Willits.
McKinley,	Reed,	Taylor, Ezra B.	
Mitchell,	Rice,	Thompson, W. G.	

NAYS—111.

Aiken,	Culberson,	King,	Singleton, J. W.
Armfield,	Daggett,	Klotz,	Slemons,
Atherton,	Davidson,	Ladd,	Smith, A. Herr
Atkins,	Davis, Lowndes H.	Lounsbery,	Smith, William E.
Bachman,	Deuster,	Manning,	Sparks,
Beltzhoover,	Dibrell,	Martin, Benj. F.	Speer,
Berry,	Dickey,	McKenzie,	Springer,
Blackburn,	Dunn,	McMahon,	Stevenson,
Bliss,	Ellis,	McMillin,	Talbott,
Bouck,	Evins,	Money,	Taylor, Robert L.
Bragg,	Forney,	Morrison,	Thompson, P. B.
Bright,	Frost,	Morse,	Tillman,
Cabell,	Geddes,	Muller,	Townshend, R. W.
Carlisle,	Gunter,	New,	Tucker,
Chalmers,	Hammond, N. J.	O'Reilly,	Turner, Oscar
Clardy,	Harris, John T.	Persons,	Upson,
Clark, Alvah A.	Hatch,	Philips,	Vance,
Clark, John B.	Herbert,	Poehler,	Waddill,
Clements,	Hill,	Reagan,	Warner,
Clymer,	Hooker,	Richardson, J. S.	Wellborn,
Cobb,	Hostetler,	Richmond,	Wells,
Coffroth,	House,	Rothwell,	Whiteaker,
Colerick,	Hunton,	Ryon, John W.	Williams, Thomas
Converse,	Hurd,	Samford,	Willis,
Cook,	Hutchins,	Sawyer,	Wilson,
Covert,	Johnston,	Scoville,	Wise,
Cox,	Kenna,	Shelley,	Yeates.
Cravens,	Kimmel,	Simonton,	

NOT VOTING—117.

Acklen,	Einstein,	Lindsey,	Russell, Daniel L.
Aldrich, N. W.	Elam,	Loring,	Russell, W. A.
Aldrich, William	Ewing,	Lowe,	Ryan, Thomas
Bailey,	Felton,	Martin, Edward L.	Scales,
Baker,	Finley,	Mason,	Singleton, O. R.
Ballou,	Fisher,	McCoid,	Smith, Hezekiah B.
Barber,	Frye,	McCook,	Starin,
Barlow,	Gibson,	McGowan,	Steele,
Beale,	Gillette,	McLane,	Stephens,
Belford,	Goode,	Miles,	Thomas,
Bicknell,	Hall,	Miller,	Townsend, Amos
Bingham,	Harmer,	Mills,	Turner, Thomas
Bland,	Haskell,	Monroe,	Updegraff, J. T.
Blount,	Hawk,	Morton,	Updegraff, Thomas
Boyd,	Heilman,	Muldrow,	Van Aernam,
Brewer,	Henderson,	Murch,	Voorhis,
Browne,	Henkle,	Myers,	Wait,
Buckner,	Henry,	Neal,	Washburn,
Butterworth,	Herndon,	Nicholls,	Weaver,
Caldwell,	Hiscock,	O'Brien,	White,
Calkins,	Houk,	O'Connor,	Whitthorne,
Cannon,	Hubbell,	Orth,	Williams, C. G.
Chittenden,	James,	Osmer,	Wood,
Cowgill,	Jorgensen,	Pacheco,	Wright,
Crapo,	Joyce,	Page,	Yocum,
Crowley,	Kelley,	Phelps,	Young, Casey
Davis, Joseph J.	Killinger,	Phister,	Young, Thomas L.
Deering,	Kitchin,	Price,	
Dick,	Knott,	Robertson,	
Dwight,	Le Fevre,	Ross,	

So the motion to adjourn was not agreed to.

The following additional pairs were announced:

Mr. WHITTHORNE with Mr. BREWER, for the remainder of this legislative day.

Mr. HUTCHINS with Mr. PAGE, on the present vote.

Mr. HAZELTON with Mr. THOMAS TURNER, until eleven o'clock Friday, February 25; but either may vote to make a quorum.

Mr. CONGER. Mr. Speaker, is this the proper time to offer excuses?

The SPEAKER. The list of absentees will now be read for excuses.

The list of members who failed to answer on the call of the roll, as already recorded, was read.

The SPEAKER. The doors will now be closed.

Mr. CONGER. I ask that my colleague, Mr. BREWER, be excused. He has been obliged to leave the House on account of extreme illness. He said he staid as long as the condition of his health would permit. When he went home he requested me to present this excuse at the proper time.

Mr. DIBRELL. My colleague, Mr. WHITTHORNE, left the Hall quite unwell. He is suffering from a cold, and is really too unwell to attend night sessions. He is paired with the gentleman from Michigan, Mr. BREWER.

Mr. PAGE. I hope that both gentlemen will be excused.

Mr. DIBRELL. I move that they both be excused.

The SPEAKER. The Chair does not entertain it as a motion.

Mr. DIBRELL. I hope there will be no objection to excusing my colleague.

Mr. COX. What is the pending proposition?

The SPEAKER. The hearing of excuses. After that the question will be on a proposition which, as the Chair is advised, the gentleman from New York has presented—a resolution, in the usual form, directing the Sergeant-at-Arms to bring in absentees.

Mr. NEW. I wish to present an excuse for my colleague, Judge BICKNELL. His age is well known to members; and he assured me

when he left that he was feeling very ill. I know he was very sincere in what he said.

Mr. KEIFER. We are quite willing to excuse the sick, but we want it to be done on both sides. We must object to these requests in regard to the gentleman from Tennessee [Mr. WHITTHORNE] and the gentleman from Indiana [Mr. BICKNELL] if Mr. BREWER is not excused on the same ground.

The SPEAKER. The Chair thinks that gentlemen who are really sick ought to be excused.

Mr. KEIFER. There is no objection to excusing all members who in good faith are stated to be sick.

Mr. NEW. Is Mr. BREWER sick?

Mr. CONGER. He is sick; and he left the House because he felt unable to stay up any longer.

Mr. DIBRELL. My colleague, Mr. WHITTHORNE, is also sick.

Mr. BRIGGS. I think we had better convert this House into a hospital and keep them all here.

Mr. HUMPHREY. If they are all sick they can all be excused.

Mr. HAYES. I think there ought to be no objection to excusing anybody who comes before this body and declares on his honor that he is sick.

Mr. TOWNSEND, of Ohio. I understand, Mr. Speaker, I am reported as an absentee. I have been here all the evening.

The SPEAKER. The Chair will have the roll corrected.

Mr. BAILEY. I am in the same situation.

The SPEAKER. The Chair will not have gentlemen sent for who are here.

Mr. HAYES. Will the Chair submit the proposition to excuse these three gentlemen?

The SPEAKER. Is there objection?

Mr. KLOTZ. I do object sincerely to excusing anybody.

Mr. SAPP. I move that Mr. DEERING be excused. He is in feeble health, and I believe it is really dangerous for him to remain here.

The SPEAKER. "In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found." Heretofore the Chair has declined, after order has been made for the arrest of absentees, to hear excuses except by consent; but the Chair thinks, under the rule cited, that the sufficiency of the excuse at this particular stage is a matter which should be submitted to the House.

Mr. SAPP. I move my colleague, Mr. DEERING, be excused.

The SPEAKER. Before the adoption of the resolution directing the Sergeant-at-Arms to arrest absentees wherever found, this seems to be the common sense and equitable mode. The Chair therefore admits the motion.

Mr. ANDERSON. That same course was pursued before the other call this evening.

The SPEAKER. The same as the Chair now suggests. Motions were refused for excuses after the warrant had been made out.

Mr. SIMONTON. That was raised in reference to members present in the House.

The SPEAKER. The Chair thinks it is competent to make a motion at this time before the order for the arrest of absentees has been directed by a vote of the House. The gentleman from Iowa asks that Mr. DEERING be excused.

Mr. HAZELTON. I object. He is not sick any more than others present are sick.

Mr. SAPP. I know of my own personal knowledge my colleague is sick and unable to attend the sitting of the House.

Mr. HAZELTON. Then I am sick.

Mr. HAYES. I move, then, the gentleman from Wisconsin be excused, as he says he is sick.

Mr. HAZELTON. I am as sick as he is.

The SPEAKER. It is subject to motion but is not debatable.

Mr. BRAGG. If these gentlemen are so anxious to save their friends, then let them vote, and they will save them.

Mr. ATHERTON. I think that is a good suggestion.

Mr. ROBINSON. If the House will hear me a moment I will make an excuse for Mr. DEERING, which he stated to me before he left the Hall. He staid here long after midnight, and said then he was unable to remain longer, and that he had become sick from staying here at a preceding night session.

Mr. BRAGG. We are sitting here for the purpose of trying to procure a quorum, in order to obtain a vote; and if we allow members as fast as they are brought in to go home to their beds and recuperate and then allow them to come back fresh to-morrow, we might as well give up now as at any other time.

Mr. HAYES. Let us have a vote.

Mr. HAZELTON. I withdraw my objection on the statement of the gentleman that his colleague has had hemorrhages.

Mr. BRAGG. If you think more of your caucus than your members' lives, then stick to your caucus.

Mr. HUMPHREY. Mr. DEERING should be excused, as he has had hemorrhages.

The SPEAKER. The question is on the motion to excuse the gentleman from Iowa, Mr. DEERING.

The House divided; and there were—ayes 55, noes 40.

Mr. KLOTZ. No quorum has voted.

Mr. BRAGG. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and decided in the affirmative—yeas 107, nays 69, not voting 114; as follows:

YEAS—107.

Aiken,	Conger,	Hayes,	Rice,
Aldrich, William	Covert,	Heilman,	Richardson, D. P.
Anderson,	Cowgill,	Henkle,	Richardson, J. S.
Atkins,	Crapo,	Humphrey,	Robeson,
Bailey,	Cravens,	Jones,	Robinson,
Baker,	Daggett,	Jorgensen,	Sapp,
Barber,	Davis, George R.	Keifer,	Shallenberger,
Bayne,	Davis, Horace	Kenna,	Shelley,
Bingham,	De La Matyr,	Kimmel,	Sherwin,
Bisbee,	Dick,	Lapham,	Stevenson,
Blake,	Dunn,	Marsh,	Taylor, Ezra B.
Bouck,	Dunnell,	McCoid,	Thomas,
Bowman,	Dwight,	McCook,	Thompson, P. B.
Boyd,	Einstein,	McKenzie,	Thompson, W. G.
Briggs,	Errett,	McKinley,	Townsend, Amos
Brigham,	Ferdon,	Mitchell,	Turner, Oscar
Bright,	Finley,	Morse,	Tyler,
Burrows,	Ford,	New,	Urner,
Caldwell,	Forney,	Newberry,	Valentine,
Camp,	Geddes,	Norcross,	Voorhis,
Carpenter,	Godshalk,	O'Neill,	Waddill,
Caswell,	Gunter,	O'Reilly,	Ward,
Chalmers,	Hammond, John	Page,	Weaver,
Chittenden,	Hammond, N. J.	Pound,	Whiteaker,
Claflin,	Harris, Benj. W.	Prescott,	Willits,
Clardy,	Harris, John T.	Ray,	Wilson.
Clymer,	Hawley,	Reed,	

NAYS—69.

Acklen,	Davidson,	Klotz,	Singleton, J. W.
Armfield,	Davis, Lowndes H.	Ladd,	Slemons,
Atherton,	Deuster,	Manning,	Smith, William E.
Bachman,	Dibrell,	Martin, Benj. F.	Sparks,
Beltzhoover,	Dickey,	McLane,	Speer,
Blackburn,	Ellis,	McMahon,	Springer,
Bliss,	Evins,	McMillin,	Talbott,
Blount,	Frost,	Money,	Tillman,
Bragg,	Goode,	Muldrow,	Upson,
Cabell,	Hatch,	Muller,	Vance,
Clark, John B.	Herbert,	Persons,	Warner,
Clements,	Hill,	Philips,	Wellborn,
Cobb,	Hooker,	Poehler,	Williams, Thomas
Colerick,	Hostetler,	Reagan,	Wise,
Converse,	Hurd,	Ross,	Yeates.
Cook,	Hutchins,	Ryon, John W.	
Cox,	King,	Samford,	
Culberson,	Kitchin,	Scoville,	

NOT VOTING—114.

Aldrich, Nelson W.	Hall,	Miles,	Smith, A. Herr
Ballou,	Harmer,	Miller,	Smith, Hezekiah B.
Barlow,	Haskell,	Mills,	Starin,
Beale,	Hawk,	Monroe,	Steele,
Belford,	Hazelton,	Morrison,	Stephens,
Berry,	Henderson,	Morton,	Stone,
Bicknell,	Henry,	Murch,	Taylor, Robert L.
Bland,	Herndon,	Myers,	Townshend, R. W.
Brewer,	Hiscock,	Neal,	Tucker,
Browne,	Horr,	Nicholls,	Turner, Thomas
Buckner,	Houk,	O'Brien,	Updegraff, J. T.
Butterworth,	House,	O'Connor,	Updegraff, Thomas
Calkins,	Hubbell,	Orth,	Van Aernam,
Cannon,	Hunton,	Osmer,	Van Voorhis,
Carlisle,	James,	Overton,	Wait,
Clark, Alvah A.	Johnston,	Pacheco,	Washburn,
Coffroth,	Joyce,	Phelps,	Wells,
Crowley,	Kelley,	Phister,	White,
Davis, Joseph J.	Ketcham,	Price,	Whitthorne,
Deering,	Killinger,	Richmond,	Wilber,
Elam,	Knott,	Robertson,	Williams, C. G.
Ewing,	Le Fevre,	Rothwell,	Willis,
Felton,	Lindsey,	Russell, Daniel L.	Wood,
Fisher,	Loring,	Russell, W. A.	Wright,
Forsythe,	Lounsbery,	Ryan, Thomas	Yocum,
Fort,	Lowe,	Sawyer,	Young, Casey
Frye,	Martin, Edward L.	Scales,	Young, Thomas L.
Gibson,	Mason,	Simonton,	
Gillette,	McGowan,	Singleton, O. R.	

So the motion was agreed to.

Mr. NEW. I move that Judge BICKNELL be excused.

The SPEAKER. Has he not been excused already?

Mr. NEW. I do not know that he has been.

Mr. HAYES. I asked the Speaker whether he would not excuse Judge BICKNELL and a couple of other gentlemen, when the Speaker said he heard no objection to it.

The SPEAKER. That was the time when the warrant was out; but he thinks that covers the excuse, and that it is not necessary to renew the motion.

Mr. NEW. That will do.

The SPEAKER. The journal clerk says Judge BICKNELL has been excused.

Mr. HENKLE. I move that Mr. CALKINS be excused from further attendance on this night session. He is laboring under a severe inflammation of the eyes, which might become erysipelas. I move that he be excused.

The motion was agreed to.

Mr. COX. What is the next proposition before the House?

The SPEAKER. The Chair is ordering the list of absentees to be

made out and will then recognize the motion of the gentleman from New York.

Mr. BAILEY. Would it be in order now to make an excuse for my colleague?

The SPEAKER. The time has passed when excuses may be made.

Mr. COX. If in order, I ask that the resolution which I have presented be now considered.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

The House divided; and there were—ayes 68, noes 20.

So the motion was agreed to.

Mr. PAGE. Would it be in order to ask for the reading of the names of those members who have been sent for?

The SPEAKER. The names are attached to the warrant.

Mr. PAGE. I presume they have a duplicate at the desk.

The SPEAKER. The Chair supposes there is a duplicate; there is one undoubtedly at the desk.

Mr. HAMMOND, of Georgia. What motion is pending before the House?

The SPEAKER. There is no motion pending. The order of the House is now being executed by the Sergeant-at-Arms.

Mr. WEAVER, (at four o'clock and fifty-five minutes a. m., on Friday.) Mr. Speaker, I ask unanimous consent that the House take a recess until nine o'clock.

The SPEAKER. Pending the call of the House no motion is in order except a motion to adjourn or dispense with further proceedings under the call of the House.

Mr. WEAVER. This is not a motion; it is a request for a recess by unanimous consent.

Several members demanded the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. FROST. I object.

Mr. HAZELTON, (at five o'clock and twenty-five minutes a. m., Friday.) What is now pending before the House?

The SPEAKER. The question pending is the execution of the order of the House by the Sergeant-at-Arms.

Mr. WHITE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*, (Mr. OSCAR TURNER in the chair.) The gentleman will state it.

Mr. WHITE. How long will it probably take to execute the order of the House?

The SPEAKER *pro tempore*. The Chair is unable to answer the inquiry of the gentleman from Pennsylvania.

Mr. CLYMER. I desire to ask my colleague whether he has discharged his dues to the Sergeant-at-Arms yet, and, if not, whether he is not still in contempt of the House and has no right to address it?

Mr. WHITE. I will answer my colleague by saying that it is not customary for gentlemen to inquire into the private affairs of their neighbors.

Mr. CLYMER. This is a public record against my colleague.

Mr. WHITE. Well, I will produce receipts.

Mr. MARTIN, of West Virginia. Mr. Speaker, I make the point of order that this is Friday and private bill day, and that no other business can be transacted except private business without consent of the House.

The SPEAKER *pro tempore*. The gentleman is out of order.

Mr. ATKINS. Mr. Speaker, there were ninety amendments by the Senate to the legislative appropriation bill, and I think it is essential, sir, if I go on with that bill, that the House shall excuse me so that I may have a little rest. I feel very badly, and will certainly be unable to proceed with that work unless I can get some sleep.

Mr. WHITE. I move that the gentleman from Tennessee be excused.

The SPEAKER *pro tempore*. It can be done by unanimous consent. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EINSTEIN. I am tired and sleepy, and I would like to be excused, if there is no objection. [Laughter.]

Several members objected.

The Sergeant-at-Arms appeared, having in his custody Mr. RUSSELL, of Massachusetts.

The SPEAKER. Mr. RUSSELL, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. RUSSELL, of Massachusetts. I did not feel well, and went home to get some rest.

Mr. RICE. I move that my colleague be excused.

The motion was agreed to.

Mr. PAGE, (at 5.30 a. m.) I move that further proceedings under the call be dispensed with.

The question being put, on a *viva voce* vote the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. PAGE. I call for a division.

The House divided; and there were—ayes 48, noes 61.

So the motion was not agreed to.

Mr. CONGER. I ask unanimous consent that we may take up the sundry civil appropriation bill, and proceed with it, interrupted only by the reports of the Sergeant-at-Arms.

Mr. COX. I object.

The SPEAKER. Objection is made.

Mr. CONGER. Who objects?

Mr. COX. I objected; because I want this most important bill, of all other bills before the House the most important, which only comes once in ten years, to have full consideration and action upon it.

Now, I tender to the gentleman from Michigan, on behalf of gentlemen around me, a vote on every proposition he can name from 319 down to 293 if he pleases, on the condition that he will not make any more dilatory motions.

Mr. CONGER. I like to hear the gentleman's tender. The gentleman is a perfect little miniature mass of tenders.

Mr. COX, (to Mr. CONGER, who had crossed the House, and stood in front of him.) Do not approach so near. I do not wish to ask the Sergeant-at-Arms to remove the gentleman. [Laughter.]

I am making a proposition to the gentleman from Michigan, whom I have now immediately before me, and I think it is very likely it may meet his acceptance. I make it directly to him as the representative of that side of the House, in all good temper, a quality which the gentleman sometimes exhibits but rarely. It is this: I know, speaking in all seriousness, members on this side of the House have been greatly pained at hearing the sad news of the death of one of the Senators of the United States. We are in this predicament, we are in this fight for apportionment.

Mr. CONGER. I rise to a question of order.

Mr. COX. I hope the gentleman will allow me to make my statement. We have been pained that this thing should have delayed the announcement of the death of Senator CARPENTER. I propose now to members on the other side that we take a vote on the figures from 319 down to 293, or from 293 up.

Mr. VALENTINE. That is the same proposition we had a week ago.

Mr. COX. I am willing to commence at 322 and vote down, or to vote on any numbers from 293 up, so that you all can have a choice; that is, if you cease these dilatory motions. Will you accept the proposition?

Mr. BURROWS. It has been made a hundred times.

Mr. COX. Will you accept that?

Mr. VALENTINE. Will the gentleman withdraw the previous question?

Mr. COX. I again ask gentlemen on the other side will they consent to what I have proposed?

Mr. CONGER. Will the gentleman withdraw the previous question?

The SPEAKER. The gentleman has not the power to do that.

Mr. BURROWS. But he has the power to move to reconsider the vote ordering the main question.

Mr. BLACKBURN. Was a motion to reconsider made and laid on the table?

The SPEAKER. The Clerk will examine and ascertain the fact as to that.

Mr. CONVERSE. I desire to make a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. CONVERSE. I wish to inquire of the Chair whether, in the present condition of the bill, a motion might not be made to commit with instructions to amend?

The SPEAKER. That motion could not be made under the rule. The Chair will cause the rule to be read, that question having been previously asked.

Mr. BURROWS. Was a motion to reconsider ever made?

The SPEAKER. The Chair has caused the Journal to be examined, and will know in a moment.

Mr. VALENTINE. I know the exact facts as to that, because I was watching it.

The SPEAKER. On the point suggested as to a motion to commit the rule reads as follows:

It shall be in order pending the motion for or after the previous question shall have been ordered on its passage—

The passage of a bill or resolution—

for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

The Chair therefore states that under the rule a motion to commit with instructions, even if the proceedings under the call of the House were dispensed with, would not be in order in this condition of the bill. On the other point, the Chair is advised the gentleman from New York moved to reconsider the vote by which the main question was ordered and then withdrew that motion.

Mr. BURROWS. That leaves him at liberty to move to reconsider the vote ordering the main question, and thus to get the previous question out of the way.

Mr. COX. I do not desire to withdraw the previous question; neither have I the power to do it. I will put my proposition in this way: If we have a vote on 319 and that fails, will gentlemen on the other side allow us then to have votes on other numbers? I appeal to the good sense of gentlemen on the other side.

Mr. BRIGGS. The good sense should have commenced earlier.

The SPEAKER. That proposition was made several hours ago.

Mr. COX. Now, before I conclude allow me to say that if gentlemen on the other side will only cease to obstruct the legislation——

Mr. CONGER. I object to any remarks casting reflections on gentlemen on this side of the House.

The SPEAKER. The gentleman from New York must not reflect on members.

Mr. COX. I say "obstruction." Everybody knows it is obstruction, and you cannot get over it.

Mr. CONGER. I object to the gentleman going on with his remarks because he is reflecting upon us on this side.

The SPEAKER. The gentleman will confine himself to remarks strictly in order.

Mr. COX. All the reflection that I may make will not hurt anybody.

Mr. CONGER. I am not afraid of that.

Mr. COX. If gentlemen want to vote on the number 319, or any other number, we are content, if we can have votes on numbers further along.

Mr. HAZELTON. With 311 left out?

Mr. COX. With 311 left out.

Mr. CONGER. I ask unanimous consent that the order for the previous question be withdrawn.

Mr. COX. I have no power to do that.

Mr. CONGER. Unanimous consent can withdraw it.

Mr. LAPHAM. And we have no power to accept your proposition.

Mr. COX. It can be done by unanimous consent.

Mr. BURROWS. Cannot the gentleman move to reconsider the vote for the previous question?

Mr. COX. It has been reconsidered and laid on the table.

Mr. BURROWS. That is a mistake; it has not been.

Mr. COX. I do not propose to open this matter again to debate. My friend from Michigan told me to-night that the object on that side was not to vote but to debate. The gentleman is a frank man.

Mr. HUBBELL. He is.

Mr. CONGER. To whom does the gentleman refer?

Mr. COX. Not to my distinguished friend, the Senator, [laughter.] I refer to the gentleman from Michigan, [Mr. BURROWS.]

Mr. BURROWS. That is not the point. The gentleman is in a position to move to reconsider the previous question if he desires.

Mr. COX. If the House will give unanimous consent for you to have a vote on these propositions, why delay? I say again, after an anxious study of this question for two years, that an extra session may be called in consequence of our failure to pass this important bill, or the Legislatures of twenty States may be called together at an enormous expense to the people. Now, I ask gentlemen if they will not, by simply giving us a chance to vote on certain numbers, end this imbroglio?

Mr. ANDERSON. Will the gentleman answer a question?

Mr. COX. Certainly.

Mr. ANDERSON. With the previous question pending on the bill and amendments, can you act on the proposition you submit?

Mr. COX. By unanimous consent it can be done.

Mr. ANDERSON. If that can be done by unanimous consent, why not have the previous question removed by unanimous consent, and then go ahead?

Mr. COX. That would open the matter up to illimitable debate, and I do not propose to do that.

Mr. ANDERSON. It need not be illimitable.

Mr. COX. I am satisfied that if gentlemen really desire to have an extra session of Congress, if they want to defeat what we conceive to be a very prominent financial public bill, if they want extra sessions of the Legislatures, then they are pursuing a course intended exactly to reach that point.

Mr. THOMPSON, of Iowa. How do you know the State Legislatures want to act upon this matter at this time?

Mr. COX. I know they do.

Mr. THOMPSON, of Iowa. Many of them will expire by limitation before this bill can be passed.

Mr. ROBESON. Do I understand the gentleman from New York [Mr. COX] to say that unless we pass this apportionment bill according to the views of that side of the House, the appropriation bills for the proper carrying on of this Government and for its maintenance will not be passed at this session?

Mr. COX. Nobody said anything of the kind.

Mr. ROBESON. That is what I understood the gentleman to say.

Mr. COX. When did the gentleman come in here?

Mr. ROBESON. I have not been away to-night.

Mr. COX. I suppose you were asleep.

Mr. ROBESON. Oh, no; I have been on watch here all the time.

Mr. COX. I compliment the gentleman on his appearance after so much watchfulness.

Mr. ROBESON. We want to understand the attitude of the other side. We want to know whether you mean to stand up here and say that you will pass the apportionment bill at this session, and at a time when there is no particular pressure for it, or you will not pass the appropriation bills?

Mr. ATKINS. You cannot get us on the starving dodge now; you got us on that once.

Mr. COX. We do not propose anything of the kind. We propose to give you a chance to vote on your own proposition.

Mr. ANDERSON. That cannot be done if any one objects.

Mr. COX. I say by unanimous consent.

Mr. ANDERSON. Very well, if you can do that by unanimous consent why not take off the previous question by unanimous consent?

Mr. COX. If no one objects on this side who will object on that side.

Mr. BRIGGS. I object.

The Sergeant-at-Arms appeared at the bar, having in custody, in pursuance of the order of the House, Mr. CHITTENDEN.

The SPEAKER. Mr. CHITTENDEN, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. CHITTENDEN. Mr. Speaker, I am going to tell the truth. The night before last I took supper with Brother HISCOCK, and after many courses and speeches under the five-minute rule, I did not get home till morning. Last night I went home to supper and came back in good faith according to my parol. I did not go off to the White House with the invalids—to stay. I went there. I returned here and staid till twelve o'clock. I appealed to Brother ROBESON and to several other brethren to get me excused because I was tired, but nobody succeeded.

Mr. SHELLEY. I move the gentleman be excused.

The motion was agreed to.

Mr. ACKLEN. I desire to ask leave of absence for two hours. I have answered to every roll-call; I have attended the session all night, and I ask leave of the House to absent myself for two hours.

The SPEAKER. The gentleman from Louisiana asks leave to be absent from the House for two hours.

Mr. HAYES. We all want to go home.

Mr. KLOTZ. The gentleman from Louisiana is one of the youngest members of the House, and I think he has hardly been here all night. I do not think we should excuse him.

Mr. ACKLEN. I will say to the gentleman from Pennsylvania I have been here in the House all night.

Mr. VALENTINE. I heard the gentleman vote against excusing the gentleman from Iowa, [Mr. DEERING.]

Mr. ACKLEN. I ask to be excused for the length of time I have stated. I would like to go to my residence for about two hours.

The SPEAKER. Is there objection?

Several members objected.

The Sergeant-at-Arms appeared, having Mr. MONROE in his custody.

The SPEAKER. Mr. MONROE, you have been absent from the sessions of the House without its leave. What excuse have you to offer?

Mr. MONROE. I can only state the facts. Between one and two o'clock I was so weary I felt really ill, and went home for a short rest. As soon as the Sergeant-at-Arms notified me to return I came back. I fear that may not be as good an excuse as the House may require, but these are the facts of the case.

Mr. KING. I move that the gentleman be excused.

The motion was agreed to.

Mr. CONVERSE. I desire to make a proposition; the proposition I was about to make when interrupted some time ago.

I propose, Mr. Speaker, that by unanimous consent we take one vote on 319, and if that figure shall receive 147 votes we shall call it adopted; and if not, let us, by common consent, go back to the deadlock we are in now.

Several MEMBERS. All right.

Mr. THOMPSON, of Kentucky, and Mr. TALBOTT objected.

Mr. KEIFER. There is no objection on this side.

Mr. ROBESON. I repeat what the gentleman from Ohio has just said, that there is no objection on this side.

The SPEAKER. The gentleman from Maryland [Mr. TALBOTT] objects.

Mr. TALBOTT. I wish to say that if 150 votes are cast on that proposition and the majority are in favor of it, this House and the Speaker have no right nor power to counteract that vote.

The SPEAKER. Objection is made.

Mr. CONVERSE. I will modify my proposition. I propose we now take a vote on 319 and say nothing about what is to come afterward.

Mr. BLACKBURN and others objected.

Mr. KEIFER. Let the vote be on 322, and then on 319.

Mr. BLACKBURN. If the gentleman from Ohio will modify his proposition to this extent, I think it can be agreed to, at least by this side of the House: that the gentlemen on that side may select what number they please and vote on that one number; provided if they fail to carry that number, this side shall then suggest a number on which another vote shall be had.

Mr. EINSTEIN. We have refused that already.

Mr. BLACKBURN. Very well; if that be again refused, there are members here who will agree to nothing.

Mr. ROBESON. My friend from Kentucky [Mr. BLACKBURN] will understand exactly the situation. We are maintaining the right of the minority against the majority. If we yield to the majority a position in which they can beat us, they will beat us; that is all.

Mr. BLACKBURN. Will the gentleman from New Jersey allow me to make one suggestion?

Mr. ROBESON. Certainly.

Mr. BLACKBURN. I think, on the contrary, the gentleman from New Jersey and his side are trying to assert the right of the minority to dictate terms to the majority of this House.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded.

Mr. TOWNSEND, of Ohio. I move that the House do now adjourn.

The question being put, the Speaker on a *viva voce* vote stated that the "noes" appeared to have it.

Mr. ROBESON. I call for a division.

Mr. SPARKS. Pending that, allow me to make this suggestion: If the gentlemen on the other side want to do anything, I think this side is disposed to present anything fair for them. I cannot speak for anybody but myself, but I believe gentlemen on this side would be willing to agree to what I now suggest. As some gentlemen want to vote on 322, let there be a vote on 322; failing in which, let there be a vote on 319; failing in which, come down to 307 and vote on that. Let us vote on all these propositions. The figure 311, I believe, is not desired. Let the vote be on 322, on 319, and then on 307.

Mr. CANNON, of Illinois. If you want the previous question to operate on 322 say so.

Mr. BLACKBURN. I will say let it operate on all. And let us alternate on the number first suggested by the other side and then a number suggested on this side; and let us alternate as long as you please.

The SPEAKER. A division was called for on the motion that the House do now adjourn.

Mr. ROBESON. I withdraw the call for a division.

The SPEAKER. The "noes" have it, and the House refuses to adjourn.

Mr. CANNON, of Illinois. The previous question as now operating would cut out the vote on 322 altogether. The previous question which has been ordered does not operate on that.

Mr. TOWNSHEND, of Illinois. We propose to give a vote on 322.

Mr. CANNON, of Illinois. You cannot call the previous question on that, as it is now operating.

Mr. TOWNSHEND, of Illinois. I have no doubt our side of the House will agree to that.

Mr. CANNON, of Illinois. I understand the previous question is operating on the bill and pending amendments; but a proposition in favor of 322 is not now pending as an amendment, and is therefore not under the operation of the previous question.

Mr. TOWNSHEND, of Illinois. I will make that proposition, and I do not think any one will object. It is that we begin voting on 322 and then on down.

Mr. KEIFER. Vote on down until we conclude to stop.

Mr. TOWNSHEND, of Illinois. And at the suggestion of gentlemen around me, I will couple with that proposition that we now take a recess until eleven o'clock, with the understanding that at eleven o'clock we will commence voting on 322 and then on down.

The SPEAKER. A recess is not now in order, pending a call of the House.

Mr. CAMP. I move to dispense with all further proceedings under the call, with a view of taking a recess.

Mr. CHALMERS. Before that motion is put, I desire to say that I am authorized by the gentleman from New York [Mr. COX] to state that he is willing to accept the proposition of the gentleman from Illinois, [Mr. CANNON,] that the number 322 shall be considered as pending under the previous question.

Mr. CONGER. Let me tell the gentleman why we cannot accept that proposition.

Mr. CHALMERS. It comes from your side.

Mr. CONGER. I can tell the gentleman in a moment, I think. There is only one of the amendments pending to all of these bills which we desire, and that is an amendment to the substitute, on the proposition of 319. Some gentlemen may want to try other numbers, 322, 321, or whatever the numbers may be. The proposition is not that we may try the number 319 on each of the bills as they come up. It is that we shall have an independent vote on that proposition, pending the previous question. If that shall be voted down, it will leave us in a condition to have it decided by the Chair that as the proposition has been voted down, under the rules we cannot have another chance to vote on it.

Mr. THOMPSON, of Kentucky. Suppose we agree to consider the bill as in Committee of the Whole, and allow amendments to be offered and voted on without debate. Will that be acceptable?

Mr. CONGER. I presume that on this side we would be willing to consider this bill as in Committee of the Whole, with the previous question withdrawn, and the right to offer amendments.

Mr. BLACKBURN. We have no objection to that.

Mr. CONGER. Under the five-minute rule.

Mr. BLACKBURN. No, not under the five-minute rule.

Mr. CONGER. Under the five-minute rule, on what the Chair will say are substantial amendments.

Mr. BLACKBURN. No.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. CAMP] to dispense with all further proceedings under the call, the gentleman stating that he makes the motion with a view of taking a recess.

The motion of Mr. CAMP was not agreed to.

Mr. WHITE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE. Can an informal vote be taken by unanimous consent upon any proposition, and should that proposition be voted down, can it again be offered at a subsequent stage to the pending bill? I ask the question in good faith.

The SPEAKER. If the House vote down a proposition, it would not be in order immediately to offer the same proposition again.

Mr. WHITE. I think the Chair does not apprehend my question. If, for instance, by unanimous consent an informal vote be taken on 319, and that number be voted down, then at a subsequent stage of the proceedings, throwing out of view the previous question, can that proposition be again offered and voted upon?

The SPEAKER. The Chair will decide that question when it arises.

Mr. WHITE. I am very much obliged to the Chair. I thought I knew that much before I asked the question. [Laughter.]

The SPEAKER. The Chair never makes decisions on supposed cases.

Mr. WHITE. Oh, yes; by way of argument.

The SPEAKER. The Chair does not argue.

Mr. WHITE. Then I move to dispense with further proceedings under the call.

The SPEAKER. That motion has been voted down, and no other motion has intervened. The gentleman can move that the House adjourn.

Mr. WHITE. Well, I make that motion.

The motion to adjourn was not agreed to.

Mr. WHITE. I now move to dispense with all further proceedings under the call.

Mr. REED. That is the only way we can get a recess.

The motion of Mr. WHITE was not agreed to.

The Sergeant-at-Arms then appeared having in custody Mr. BUCKNER, of Missouri.

The SPEAKER. Mr. BUCKNER, you have been absent from the sitting of the House without its leave. What excuse have you to offer for such absence?

Mr. BUCKNER. I have no excuse other than that I have made it a rule during this session not to be out in the night air, as I regarded that as dangerous to my health. I therefore concluded to go home last night about eleven o'clock.

Mr. HARRIS, of Virginia. I move that the gentleman from Missouri [Mr. BUCKNER] be discharged from custody.

Mr. WHITE. On the payment of costs.

Mr. HARRIS, of Virginia. No, without costs. The gentleman has been sick all winter.

Mr. WHITE. Others of us here have had to pay costs. I insist on fair play.

The SPEAKER. The Chair understands the gentleman from Pennsylvania [Mr. WHITE] to move to amend the motion of the gentleman from Virginia [Mr. HARRIS] by adding "on payment of costs."

Mr. WHITE. Yes, I move that amendment.

The amendment was agreed to; and then the motion, as amended, was agreed to.

Mr. MONEY. I rise to a parliamentary inquiry. If the House, by any agreement, should begin to vote now, on what would be the first vote?

The SPEAKER. The Chair could not answer that question without knowing the terms of the agreement.

Mr. MONEY. But, if the House should now begin to vote without any agreement, upon what proposition would the vote be first taken under the rules?

The SPEAKER. On the amendment to the amendment to the original text.

Mr. MONEY. What is the number fixed by that amendment?

The SPEAKER. That amendment, if the Chair recollects correctly, is the one offered by the gentleman from Pennsylvania, [Mr. RYON,] and does not relate to the number of Representatives.

Mr. MONEY. What would be the next?

The SPEAKER. The next would be 307.

Mr. WHITE. What would be the next?

The SPEAKER. The next question would be on the amendment to the substitute—319.

Mr. WHITE. Are there only three amendments pending?

The SPEAKER. There are two amendments to the original text, besides a substitute and an amendment to the substitute. No more amendments are now admissible under the rules.

Mr. WHITE. Does the substitute propose 319?

The SPEAKER. The amendment to the substitute proposes 319, the substitute 311.

Mr. MONEY. Did I understand the Chair to say that after the vote on 307 the next vote would be on 319?

The SPEAKER. The first vote would be on the amendment of the gentleman from Pennsylvania, [Mr. RYON,] which relates to the formation of districts by counties, &c. The next vote would be on 307; the next on the amendment to the substitute.

Mr. COX. Three hundred and nineteen?

The SPEAKER. Three hundred and nineteen. If that should be adopted, the vote would then be on the substitute as amended, in lieu of the original text.

Mr. CONGER. So that by that process, if the last proposition prior to 319 were adopted, we would have no vote at all upon that.

The SPEAKER. The question would then recur on the amendment to the original text.

Mr. CONGER. But no amendment could be offered to any amendment pending now.

Mr. WHITE. Can we not by unanimous consent take an informal vote on 319?

Mr. THOMPSON, of Iowa. There is no consent to 319.

Mr. WHITE. I say, if there is——

Mr. THOMPSON, of Iowa. There is not.

Mr. WHITE. I for one will consent.

Mr. THOMPSON, of Iowa. I would like to say a single word, if it be in order. There seems to be a wrong impression that there has been an agreement to support 319. There is no commitment as concerns myself or anybody else, so far as I know, to 319, although that seems to be talked of all over the House. There is a wrong impression as to that matter. There is no commitment at all. I will have something more to say upon this at the right time.

Mr. WHITE. Nobody said there was any commitment. I did not say that the gentleman from Iowa was committed to 319. I said that for one I was willing to take an informal vote upon it.

Mr. HAWLEY. I beg leave to make a suggestion. It is that we should—informally, of course, for it would not appear as part of the record—have it understood between the two parties here that each should select five gentlemen, and that these ten should meet for a conference with the hope that they may agree upon some plan; and that in the mean time the House take a recess until half past ten o'clock, so that we may at once take up this business when we reassemble, and go on without being interrupted by the morning hour. I suggest this to gentlemen on both sides as affording some chance of a solution. We are not so far apart by any means as we were when the night began; and I think that if there be a conference of ten gentlemen, five from each side, they could probably suggest a plan under which we could proceed to vote.

Mr. BLACKBURN. That is all right. I hope the gentleman from New York [Mr. COX] will agree to it.

Mr. COX. After a very hurried conference with my friends around me, I will say that if the gentleman from Connecticut [Mr. HAWLEY] has the consent of his side of the House to make that proposition, I think there will be no objection here.

The SPEAKER. The Chair will submit it.

Mr. SPRINGER. What is the proposition?

The SPEAKER. The proposition, as made by the gentleman from Connecticut, is that ten members be selected, five from each side of the House.

Mr. HAWLEY. Selected by the members themselves.

The SPEAKER. Certainly; the Chair would not wish to interfere in such a matter; and that these ten gentlemen meet in conference with the view of making some suggestion to the House that may be acceptable to the two sides in securing a disposition of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. ROTHWELL. I would like to inquire how these gentlemen are to be selected?

The SPEAKER. The gentlemen on the floor on the respective sides will make the selection.

Mr. HAWLEY. We can do that informally immediately after the recess.

The SPEAKER. The Chair of course could have nothing to do with the matter, as it would be purely informal.

Mr. BLACKBURN. I suggest the chairman of the Committee on Census be allowed to select four conferees from this side, and the first-named gentleman, whom I do not now recollect, on the republican side on that committee, I believe the gentleman from Connecticut——

Mr. HAWLEY. I am not on that committee.

The SPEAKER. Mr. SHERWIN is the gentleman who submitted the amendment.

Mr. CONGER. We prefer to select our own men.

The SPEAKER. The Chair has nothing to do with the selections on either side. It had better be left to the two sides of the House to arrange it, each for itself.

Mr. HAWLEY. My object was to escape this kind of argument. Let the republicans agree on their conferees and the democrats on theirs.

Mr. BLACKBURN. I withdraw my suggestion.

Mr. KEIFER. Has there been unanimous consent?

The SPEAKER. There has been.

Mr. HAWLEY. If there be no objection, we can now take a recess.

The SPEAKER. The names might be arranged upon the floor, and not as a part of the proceedings of the body.

Mr. CANNON, of Illinois. I do not see how we can name these men without a caucus.

Mr. HAWLEY. We can do it in five minutes.

Mr. BLACKBURN. As everything seems to be going on harmoniously by unanimous consent, let me ask whether that side of the House will not agree to let five gentlemen be named by the gentleman from Connecticut who has submitted this proposition?

Mr. KEIFER. Had not you better name them?

Mr. BLACKBURN. Will the gentleman from Ohio agree to let some one from his side name them?

Mr. KEIFER. Not a man who has been voting with that side.

Mr. HAWLEY. Do not make any reflection on me. It has nothing to do with me. I suggest Mr. CONGER make it for the republicans. I am perfectly willing he should do it.

The SPEAKER. The Chair thinks each side should be left to its own volition.

Mr. CONGER. The proposition was, each side should select its own conferees and not have them dictated to either side.

Mr. BLACKBURN. I have withdrawn my proposition.

Mr. HUNTON. The proposition is, as I understand it, to take a recess. I ask the gentleman will agree to an adjournment so the death of Senator CARPENTER may be announced by taking up the resolutions coming from the Senate and then we can adjourn.

Mr. COX. I move to dispense with all further proceedings under the call; and then in order to make it satisfactory I shall then propose to take a recess for five minutes so that the names of conferees can be announced.

Mr. ROBESON. We are ready to name our conferees.

Mr. COX. Very well; name them.

Mr. ROBESON. We name Mr. CONGER, Mr. SHERWIN, Mr. ANDERSON, Mr. LAPHAM, and Mr. SHALLENBERGER.

Mr. SPRINGER. The gentlemen with whom I have conferred have agreed on the following names: Mr. COX, Mr. THOMPSON of Kentucky, Mr. HUNTON, Mr. HOUSE, and Mr. MORRISON.

Mr. BLACKBURN. Without authority, I desire to announce for acceptance on this side of the House a revision of the list by reason of the disinclination of one gentleman to serve. It is as follows: Mr. COX, Mr. THOMPSON of Kentucky, Mr. REAGAN, Mr. HOUSE, and Mr. MORRISON.

Mr. SPRINGER. That is satisfactory all round.

Mr. COX. I move to dispense with all further proceedings under the call.

The motion was agreed to.

Mr. MANNING. I ask by unanimous consent that there be stricken out of the RECORD everything of a personal character which occurred this morning in reference to the gentleman from New York, [Mr. CHITTENDEN.]

Mr. HAWLEY. I am glad of that.

The motion was agreed to.

The SPEAKER. The Chair also asks to take from the RECORD the bill and amendment which were read.

There was no objection, and it was ordered accordingly.

MEETING OF CONFERENCE COMMITTEE.

The SPEAKER. The Chair desires to announce that the conference committee of the respective sides touching the apportionment bill will meet at ten o'clock a. m., in the room of the Committee on Ways and Means.

DEATH OF SENATOR CARPENTER.

The SPEAKER. As notice has been given that the Senate resolution in relation to the death of Senator CARPENTER will be called up to-day, the Chair requests that the House be in order, so that proper respect may be shown to the memory of the dead.

Mr. HAZELTON. Mr. Speaker, it was arranged that my colleague, Mr. WILLIAMS, should call up these resolutions, and also submit a resolution for the House, with some remarks on his part in reference to the death of Senator CARPENTER. The Chair will remember that Mr. WILLIAMS was excused last night on account of twenty-four hours' attendance upon Mr. CARPENTER during his sickness. He is prepared to submit that resolution, and I think had some desire to do so; and it was in deference to his desire that his colleagues in the House agreed not to call up the resolutions until he was present. Unless it is considered as absolutely important, I would very much prefer that some arrangement should be made to give him that opportunity.

The SPEAKER. The only object the Chair had was that it would be more respectful, the Chair thinks, to adjourn on the day on which the resolutions of this character come to us from the Senate.

Mr. HAWLEY. But, Mr. Speaker, that announcement having been made by the Chair and also the announcement of the purpose of withholding the resolutions on the part of the gentleman from Wisconsin, because of the desire of his colleague to present them, would perhaps justify us in allowing the matter to lay over until eleven o'clock, so that Mr. WILLIAMS might be present and call them up himself.

Mr. REAGAN. If the House will take a recess until half past ten o'clock, then there will be an opportunity for presenting the resolutions at the close of this legislative day.

Mr. CASWELL. I suggest that the House take a recess until a quarter past eleven o'clock so that Mr. WILLIAMS may be present and introduce these resolutions.

Mr. REAGAN. That will take us until the end of this legislative day.

Mr. HUNTON. I suggest that the gentleman fix ten and a half o'clock and then the announcement may be made and the adjournment take place.

Mr. HAZELTON. I will then make a motion that the House take a recess until half past ten o'clock for the purpose indicated.

The SPEAKER. The question now recurs on the motion that the House take a recess.

The motion was agreed to; and accordingly (at six o'clock and fifty-five minutes a. m., on Friday) the House took a recess until half past ten o'clock.

MORNING SESSION.

The recess having expired, the House reassembled at ten o'clock and thirty minutes a. m., (Friday, February 25.)

Mr. PRICE. Mr. Speaker, I move that the House take a further recess of ten minutes.

The motion was agreed to.

The recess having expired, the House reassembled at ten o'clock and forty minutes a. m.

DEATH OF SENATOR CARPENTER.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, it becomes my painful duty to call up the Senate message announcing the death of Senator MATTHEW H. CARPENTER, and ask that it be read.

The Clerk read as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. MATTHEW H. CARPENTER, late a Senator from the State of Wisconsin.

Resolved, That a committee of five Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. CARPENTER; and that as a mark of respect entertained by the Senate for his memory, his remains be removed from Washington to Milwaukee, Wisconsin, in charge of the Sergeant-at-Arms and attended by said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary of the Senate communicate the foregoing resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect to the memory of Mr. CARPENTER, the Senate do now adjourn.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, Wisconsin has lost her most gifted son. She will weep at his open grave, for he was the idol of our people. The nation knew his greatness and will mourn with us his loss.

At some future time, to be appointed by the House, befitting words will pay tribute to his memory and his worth.

I ask the adoption of the following resolutions.

The Clerk read as follows:

Resolved, That the House has received with the deepest sorrow the message announcing the death of Hon. MATTHEW H. CARPENTER, late a Senator of the United States from the State of Wisconsin.

Resolved, That, in addition to the Wisconsin delegation, a committee of five members of this House be appointed who shall accompany the body of the deceased Senator to its place of burial in that State.

Resolved, That, as a mark of respect for the memory of the deceased, the House do now adjourn.

Mr. HAZELTON. Mr. Speaker, I rise to second the resolutions just submitted to the House by my colleague. It is a sorrowful office which I perform in supporting the resolutions which announce to this House and the world the death of the most distinguished citizen of my State, and a leading Senator of the Republic, Hon. MATTHEW H. CARPENTER.

Over his death-bed Wisconsin bows her head in mourning; but a greater mourner is the nation which he loved and served so well.

Born amid humble conditions of life, upon his own merits by the force of his own will and ability, he pushed his way on up until he became an honored member of that forum where the sovereignty of fifty millions of people finds its highest and most illustrious representation. And then he died. At this high point of assured fame, of power, influence, and opportunity, he died.

Eulogy upon his life and character is reserved for another time and another occasion. It is becoming in us and to his memory that the resolutions be adopted.

The SPEAKER. The question is on agreeing to the resolutions submitted by the gentleman from Wisconsin.

The resolutions were unanimously agreed to; and in obedience thereto the House (at ten o'clock and forty-five minutes a. m. on Friday) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: Memorial of the Legislative Assembly of Dakota Territory, in relation to the establishment of a branch mint at Deadwood, in that Territory—to the Committee on Coinage, Weights, and Measures.

By Mr. BAYNE: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, urging the passage of the bill to prevent the adulteration of food and drugs—to the Committee on Manufactures.

By Mr. BREWER: The petition of G. E. Morgan and 16 others, citizens of Michigan, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of the same parties, that the Bureau of Agriculture be made a Department—to the Committee on Agriculture.

Also, the petition of the same parties, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of the same parties, for the passage of an income-tax law—to the Committee on Ways and Means.

By Mr. CONVERSE: The petition of George Wagner and 18 others, citizens of Franklin County, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. DEERING: The petition of ex-soldiers of Grundy County, Iowa, of similar import—to the same committee.

Also, the petition of citizens of Grundy County, Iowa, for the reduction of the tax on cigars—to the Committee on Ways and Means.

By Mr. DICKEY: The petition of W. E. Hall and 24 others, citizens of Clermont County, Ohio, for the passage of an income-tax law—to the same committee.

Also, the petition of 19 citizens of Ohio, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of 19 citizens of Ohio, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, the petition of 16 citizens of Ohio, for legislation to protect innocent purchasers against fraudulent patent sales—to the Committee on Patents.

By Mr. DUNNELL: Memorial of the Legislature of Minnesota, asking for the amendment of the pension laws—to the Committee on Invalid Pensions.

Also, memorial of the Legislature of Minnesota, asking for the payment of bounty to members of the First Minnesota Cavalry, commonly known as the First Minnesota Mounted Rangers—to the Committee on Military Affairs.

By Mr. ERRETT: Resolution of the Chamber of Commerce of Pittsburgh, Pennsylvania, urging the passage of the bill to prevent the adulteration of food—to the Committee on Manufactures.

By Mr. HARMER: The petition of soldiers, members of the Grand Army of the Republic against the passage of Senate bill No. 496, relating to the adjudication of pension claims—to the Committee on Invalid Pensions.

By Mr. HATCH: The petition of 40 citizens of the twelfth congressional district of Missouri, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

Also, the petition of 43 farmers of the twelfth congressional district of Missouri, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

Also, the petition of citizens of the twelfth congressional district of Missouri, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of citizens of the twelfth congressional district of Missouri, for the passage of a law to protect innocent purchasers against the impositions of fraudulent venders of patents and patent rights—to the Committee on Patents.

Also, the petition of 43 ex-soldiers of the United States Army, of Adair County, Missouri, against the passage of Senate bill No. 496, known as the Bentley or sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. HEILMAN: The petition of 32 citizens of Pike County, Indiana, for legislation on the subject of interstate commerce—to the Committee on Commerce.

Also, resolution of the Legislature of Indiana, relating to the reconstruction by the United States Government of the Wabash and Erie Canal—to the same committee.

By Mr. LINDSEY: The petition of Mial Mosman and others, for a law regulating transportion—to the same committee.

Also, the petition of M. D. Hewett and others, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of Alonzo Speer and others, for an income-tax law—to the Committee on Ways and Means.

Also, the petition of J. R. Littledale and others, for modification of the patent laws—to the Committee on Patents.

By Mr. McGOWAN: The petition of George W. Taylor and others, citizens of Branch County, and of T. H. Behmer and others, citizens of Eaton County, Michigan, for legislation to protect innocent purchasers of patented articles—to the same committee.

Also, the petition of the same parties and others, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties and others, for the imposition of an income-tax law—to the Committee on Ways and Means.

Also, the petition of the same parties and others, and of S. L. Bently and others, for legislation to regulate freight rates—to the Committee on Commerce.

By Mr. MYERS: Resolutions of the Legislature of Indiana, asking an appropriation to reconstruct the Wabash and Erie Canal—to the Committee on Railways and Canals.

By Mr. REAGAN: Resolutions of the Legislature of Texas, favoring the passage of an act giving the right of way to the Saint Louis and San Francisco Railway through the Indian Territory—to the same committee.

Also, resolutions of the Legislature of Texas, favoring appropriations to obtain deep water over the bars at Brazos de Santiago, Aransas Pass, Sabine Pass, Pass Cavallo, and the mouth of Brazos and Buffalo Bayou—to the Committee on Commerce.

By Mr. ROTHWELL: The petition of Joseph Willimer, Scott Allen, and 8 others, citizens of Missouri, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. TYLER: The petition of R. E. Hathorn, E. A. Howe, and 45 others, Vermont soldiers, of similar import—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of Silas Kinkade and others, citizens of Guernsey County, Ohio, of similar import—to the same committee.

By Mr. VAN VOORHIS: The petition of 360 citizens of Rochester, New York, for a repeal of the tax on bank deposits—to the Committee on Ways and Means.

By Mr. WARNER: Papers relating to the bill for the relief of the Stockbridge and Munsee Indians—to the Committee on Indian Affairs.

By Mr. WILLIS: The petition of Arthur Peter & Co., of Louisville,

Kentucky, for the repeal of the stamp tax on cosmetics, perfumes, and medicines—to the Committee on Ways and Means.

By Mr. THOMAS L. YOUNG: The petition of H. A. Olcott and W. H. Smith, for the same pay as that received by assistants in the Library of the House of Representatives—to the Committee on Accounts.

IN SENATE.

FRIDAY, *February* 25, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. THURMAN presented the credentials of John Sherman, chosen by the Legislature of Ohio a Senator from that State for the term beginning March 4, 1881; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting a communication from the Chief of Engineers and accompanying report of Major John M. Wilson, Corps of Engineers, made in compliance with the river and harbor act of June 14, 1880, of examinations and surveys to ascertain the practicability and cost of constructing ship-canals from Lake Erie to the navigable waters of the Wabash and Ohio Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the Chief of Ordnance, inclosing a letter from Major F. H. Parker, commanding the Piccatining powder depot, at Dover, New Jersey, recommending an appropriation for constructing a railroad through the magazine tract of land; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a communication from the Chief of Engineers and an accompanying report from Major C. W. Howell, Corps of Engineers, upon the examinations of Bayou Black and Bayou André, Louisiana, made in compliance with the provisions of the river and harbor act of June 14, 1880; which was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House had appointed Mr. J. D. C. ATKINS, of Tennessee, a member of the committee of conference on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes, in place of Mr. OTHO R. SINGLETON, excused.

The message also announced that the House had passed a bill (S. No. 2184) to authorize the commissioners of the District of Columbia to appoint additional policemen for temporary service in the District, and for other purposes, with amendments in which the concurrence of the Senate was requested.

The message further announced that the House had agreed to some and disagreed to other amendments of the Senate to bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes, insisted upon by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. C. S. BLACKBURN of Kentucky, Mr. J. H. BLOUNT of Georgia, and Mr. J. G. CANNON of Illinois, managers at the conference on its part.

The message further announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes, insisted upon by the Senate; that it insisted upon its amendment to the amendment of the Senate numbered 23, disagreed to by the Senate; and that it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. T. R. COBB of Indiana, Mr. J. C. S. BLACKBURN of Kentucky, and Mr. J. R. HAWLEY of Connecticut, managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 6514) concerning settlement of boundary-lines between New York and Connecticut;

A bill (H. R. No. 6532) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, for deficiencies, and for other purposes;

A bill (H. R. No. 7172) to admit free of duty two watches presented to Joseph Upton and G. W. Curtis for rescuing the crew and passengers of the steamship American;

A joint resolution (H. R. No. 315) amending and re-enacting joint resolution approved June 14, 1879, directing a monument to mark the birthplace of George Washington; and

A joint resolution (H. R. No. 387) authorizing the printing of 30,000 copies of the third report of the United States Entomological Commission.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of J. M. Forbes & Co., Gossler & Co., and others, merchants and ship-owners of Boston, remonstrating against the ratification of the proposed treaties with China; which was referred to the Committee on Foreign Relations.

Mr. MCMILLAN presented a memorial of the Legislature of Minnesota, favoring the passage of a law for the payment of bounty to members of the First Minnesota Cavalry, commonly known as the First Minnesota Mounted Rangers; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Legislature of Minnesota, in favor of amending the pension laws so as to extend the time in which an applicant can present his claim for a pension and the proofs in behalf thereof, and that the presumption of offers of proof or evidence shall not be against the applicant, but in his favor; which was referred to the Committee on Pensions.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Pittsburgh and vicinity, praying for an appropriation to test various plans for improving the navigation of the Ohio and Youghiogheny Rivers; which was referred to the Committee on Commerce.

He also presented a resolution of the Chamber of Commerce of Pittsburgh, urging upon Congress the passage of the pending bill to prevent the adulteration of food and drugs; which was referred to the Committee on Finance.

Mr. WHYTE presented the petition of Rev. Y. T. Gholson, D. D., and A. G. Wilkins, of the Indian Aid Association, of Baltimore; Allen Bowie Davis and numerous others, citizens of Baltimore, praying Congress to make an appropriation for the establishment of Indian schools at military posts similar to those at Carlisle, Pennsylvania, and Hampton, Virginia; which was ordered to lie on the table.

Mr. PLUMB presented the memorial of John D. Kelly and others, citizens of Madison, Kansas, and the memorial of George W. Hemenway and others, citizens of Madison, Kansas, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which were ordered to lie on the table.

Mr. HAMLIN presented resolutions of the Legislature of Maine, favoring the distribution to claimants of what is known as the French spoliation claims; which were referred to the Committee on Foreign Relations.

Mr. MCDONALD presented a joint resolution of the Legislature of Indiana, favoring the construction of a canal between Lake Erie and the navigable waters flowing into the Mississippi River; which was read, and referred to the Committee on Commerce, as follows:

Enrolled joint resolution No. 1, (house of representatives.)—A joint resolution in regard to the reconstruction by the Government of the Wabash and Erie Canal.

Whereas upon petition of citizens of the States of Ohio and Indiana, the Government of the United States, through Congress, has considered the connection, by a canal, of Lake Erie and the Atlantic Ocean with the Wabash River, and by that river the Ohio, Mississippi, and the Gulf of Mexico, practicable; and

Whereas the Government, in order, if possible, to connect the navigable waters of the East with the navigable waters of the West by a canal, has, through Congress, appropriated $15,000 to pay the expenses of survey and report, and ordered said survey to be made from Lake Erie, at Toledo, Ohio, down the bed of the old Wabash and Erie Canal, to a point at or near La Fayette, Indiana, on the Wabash River; and

Whereas the Government Corps of Engineers have completed the said survey and are about ready to report the result to Congress, which report is said to be favorable to said construction and of great national necessity; and

Whereas the construction of an enlarged canal, as contemplated, will be of great benefit to Indiana and the country, by creating a cheaper mode of transportation, and be thereby a check and competition to the excessive demands of railroads: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives be requested to use all honorable endeavors to secure the passage of an act constructing said canal and securing the necessary appropriation to construct this great work.

WILLIAM M. RIDPATH,
Speaker of the House of Representatives.
THOMAS HANNA,
President of the Senate.

STATE OF INDIANA,
Office of the secretary of State, ss:

I, E. R. Hawn, secretary of State of the State of Indiana, do hereby certify that the foregoing is a full, true, and complete copy of house joint resolution No. 1, passed by the General Assembly of the State of Indiana, at the fifty-second session thereof, as the same appears from the original enrolled joint resolution now remaining on file in the office of the secretary of State of the State of Indiana.

In witness whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this 19th day of February, A. D. 1881.

[SEAL.]
E. R. HAWN,
Secretary of State.

Mr. PADDOCK presented the memorial of William G. Hildreth and 39 others, citizens of Exeter, Nebraska, ex-Union soldiers

remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

He also presented the petition of S. B. Harris and 15 others, citizens of Rising City, Nebraska, ex-Union soldiers, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. MORRILL presented the memorial of Michael L. Fay and others, citizens of the State of Vermont, pensioners, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. THURMAN. I present a memorial of citizens of Ohio, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims, commonly called the sixty-surgeons bill. It is proper that I should state that about one-half of the names on this memorial appear to have been written by the same person, but the other half appear to have been written by different individuals. Under these circumstances I present the memorial, although I think it is a very bad thing for petitions to be manufactured in that way. I move that the memorial lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2058) for the relief of Redmond Tully, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. RANSOM, from the Committee on Commerce, to whom was referred the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, reported it with amendments.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1184) to restore certain causes to the docket of the Court of Claims and to provide for the hearing thereof, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 1429) for the relief of Sarah McDonald, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WITHERS. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes, to report it with sundry amendments. I am instructed by the committee to ask the Senate to take up the bill for action as soon as the regular routine morning business is completed.

Mr. FARLEY, from the Committee on Mines and Mining, to whom was referred the bill (S. No. 1946) to establish an assay office at Deadwood, in the Territory of Dakota, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 2149) to establish an assay office in the city of Omaha, in the State of Nebraska, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 2140) to establish an assay office in the Territory of Arizona, reported it with amendments.

Mr. COKE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 7103) to constitute Atlanta, Georgia, a port of delivery, to report it without amendment. I ask unanimous consent to consider the bill at this time.

Mr. TELLER. I object. Let it go over until we reach it on the Calendar.

Mr. HILL, of Georgia. I hope the Senator will not object.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The Senator from Colorado objects, and the bill will be placed on the Calendar.

Mr. COKE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 7033) making the city of Chattanooga, in the State of Tennessee, a port of delivery, to report it favorably and without amendment.

Mr. HARRIS. I ask the unanimous consent of the Senate to proceed at this time to the consideration of that bill. It cannot take two minutes. It is very important to certain importers there. The bill is recommended by the Secretary of the Treasury; has passed the House; and is recommended by the Committee on Commerce of the Senate.

Mr. WITHERS. I am also interested in bills that I should like to see passed, and I think we had better act upon them as they are reached in their regular order on the Calendar.

Mr. HARRIS. The bill simply makes Chattanooga a port of delivery, and it is very important as a question of time to certain importers there that it should be passed at once.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent to proceed to the consideration of the bill. Is there objection?

Mr. KIRKWOOD. I desire to make a report from a committee.

Mr. HARRIS. The matter I suggest will not take two minutes. As soon as the Senate understands what it is it will be passed.

Mr. KIRKWOOD. Will not the Senator allow the regular morning business to be presented?

Mr. HARRIS. Certainly; I yield to the Senator for regular morning business or any other thing the Senator wants me to yield for.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1102) granting a pension to John S. Corlett, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3309) for the relief of John T. Neale, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. No. 994) for the relief of George J. Wardwell, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1668) suplementary to "an act for the relief of Nelson Lyon and Jeremiah S. James," approved April 1, 1880, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. GROOME, from the Committee on Pensions, to whom were referred the bill (S. No. 2172) regulating the pension of William Blaisdell, and the bill (H. R. No. 7030) regulating the pension of William Blaisdell, submitted an adverse report thereon; which was ordered to be printed, and the bills were postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1469) granting a pension to Mary Ann McCarrol, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. VOORHEES. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 3520) to establish a port of delivery at Indianapolis, in the State of Indiana, to report it with an amendment in the nature of a substitute, which I will ask to have read, and then I shall ask for the present consideration of the bill. I presume there will not be a particle of objection to it, and it will not take three minutes to pass it.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent to proceed to the consideration of the bill reported by him.

Mr. WITHERS. I rise to morning business.

The PRESIDING OFFICER. The Senator from Virginia objects.

Mr. WITHERS. I wish to present morning business; let us get through with that first.

The PRESIDING OFFICER. Reports of committees are still in order.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2549) granting a pension to Edward H. Mitchell, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. BROWN, from the Committee on Pensions, to whom was referred the bill (H. R. No. 205) granting a pension to Jacob Gelwicks, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CALL, from the Committee on Pensions, to whom was referred the petition of S. A. Childers, of West Virginia, praying for a pension, submitted a report thereon, accompanied by a bill (S. No. 2216) granting a pension to S. A. Childers.

The bill was read twice by its title, and the report ordered to be printed.

Mr. CALL, from the Committee on Pensions, to whom was referred the petition of Frank N. Gray, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 2190) for the relief of John H. Templeton, reported it with an amendment.

Mr. RANSOM, from the Committee on Commerce, to whom was referred the bill (S. No. 2095) authorizing the construction of a bridge over the Missouri River at or near Arrow Rock, Missouri, reported it with an amendment.

Mr. PLUMB, from the Committee on Mines and Mining, to whom was referred the bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes, relating to suits at law affecting the title to mining claims, reported it without amendment.

BILLS INTRODUCED.

Mr. BECK. On the 21st of December last I introduced a bill (S. No. 1944) to authorize the issue of legal-tender notes of the United States upon the deposit of gold; which was referred to the Finance Committee. I subsequently submitted the bill to the Secretary of the Treasury to make a careful examination of it, and, after receiving a report from him, I now ask leave to introduce a bill as a substitute for the bill No. 1944, and ask its reference to the Committee on Finance.

By unanimous consent, leave was granted to introduce a bill (S. No. 2217) to authorize the issue of notes of the United States circu-

lating as money upon the deposit of gold, &c.; which was read twice by its title, and referred to the Committee on Finance.

Mr. PENDLETON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2218) granting a pension to Mrs. Hannah S. Commager; which was read twice by its title, and referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. GROOME, it was

Ordered, That John G. Taylor have leave to withdraw his papers from the files of the Senate.

On motion of Mr. GARLAND, it was

Ordered, That Augustin Gachot, of Arkansas, have leave to withdraw his papers from the files of the Senate by leaving copies of the same; there having been an adverse report in the case.

CHATTANOOGA A PORT OF DELIVERY.

Mr. HARRIS. I ask the Senate to proceed now to the consideration of the bill that was reported this morning from the Committee on Commerce to make the city of Chattanooga a port of delivery. I only desire to say that it is a matter of very great importance to certain importers there that the bill be passed at once. It is recommended by the Secretary of the Treasury; the bill has passed the House, and is recommended by the Committee on Commerce. I hope the Senate will consider it at this time.

Mr. TELLER. I understand there are two or three bills of exactly the same character. I made objection to the consideration of one of them. If they can be passed without any discussion I am willing to withdraw my objection and let them go.

Mr. HARRIS. I hope they will all be passed, for I think they are all meritorious.

Mr. TELLER. I understand there are three of the same character. Let them be passed at once, so that we may be done with the business.

Mr. WINDOM. I gave notice day before yesterday that at the conclusion of the routine business of the morning hour I would insist on going to the Calendar for the purpose of completing the consideration of the patent bill. Therefore, I think I shall have to insist on the Calendar.

Mr. VOORHEES. Let me appeal to the Senator from Minnesota. These three bills will not take five minutes. Just as fast as they can be read they will be passed. One bill is for Chattanooga, one for Atlanta, and one for Indianapolis.

Mr. WINDOM. If no one else objects, I shall not object, for five minutes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 7033) making the city of Chattanooga, in the State of Tennessee, a port of delivery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIANAPOLIS A PORT OF DELIVERY.

Mr. VOORHEES. I ask the Senate to proceed to the consideration of the bill (H. R. No. 3520) to establish a port of delivery at Indianapolis, in the State of Indiana.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert:

That Indianapolis, in the State of Indiana, be, and the same is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said port; and there shall be appointed a surveyor of customs to reside at said port, who shall receive a salary, to be determined by the Secretary of the Treasury, not exceeding $1,000 per annum.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ATLANTA A PORT OF DELIVERY.

Mr. HILL, of Georgia. I ask the Senate to proceed to the consideration of the bill to constitute Atlanta a port of delivery.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 7103) to constitute Atlanta, Georgia, a port of delivery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. WHYTE. I ask the Senate to grant me unanimous consent to take up the bill (H. R. No. 2844) for the relief of James E. Montell. It will not take more than a moment. It is a unanimous report from the Committee on Finance.

Mr. WINDOM. The five minutes that I yielded will be up very soon.

Mr. WHYTE. It will not take over a moment. The Finance Committee reported the bill unanimously.

Mr. WITHERS. I gave notice that I should call up the agricultural appropriation bill at the expiration of the morning business. If I do not object to this bill, a dozen others will be pressed for the consideration of the Senate, and the statement made in each case that it will take but a minute. I am willing to go on with the Calendar, but not to take up bills out of their order.

The PRESIDING OFFICER. The Senator from Virginia objects.

Mr. WHYTE. Will the Senator allow me to say one word?

The PRESIDING OFFICER. By unanimous consent the Senator from Maryland may proceed with his remarks.

Mr. WALLACE. I wish to make a report from a committee.

The PRESIDING OFFICER. The Senator from Pennsylvania.

ALLEGED ELECTION FRAUDS.

Mr. WALLACE. From the Select Committee to inquire into Alleged Frauds in the late Elections, I submit a report on supervisors and deputy marshals.

The PRESIDING OFFICER. The report will be printed.

Mr. BLAIR. In behalf of the minority of the same committee, I wish to say that I have just this moment had placed in my hands proof-sheets of the report of the majority. I have not as yet been able to examine it any further than to see that it will be necessary for the minority to present their views, and I request that a suitable opportunity be afforded to prepare them for that purpose. The report is quite voluminous, and I ask permission of the Senate for the necessary time to prepare and present the views of the minority.

Mr. WALLACE. Certainly; that is the understanding.

The PRESIDING OFFICER. If there be no objection, the request of the Senator from New Hampshire will be granted.

Mr. BLAIR. A member of the committee desires me to inquire whether these views have been presented to the committee.

Mr. WALLACE. What I have presented is the report of the majority of the committee.

Mr. HOAR. But has the committee ever authorized that report?

Mr. WALLACE. The committee have, as a committee.

Mr. HOAR. When?

Mr. WALLACE. They had a session and directed a report to be made. The Senator was present immediately after the order, and it was then understood that the minority, if they dissented from the views of the majority, should have an opportunity to make a minority report. That was so understood.

Mr. BLAIR. All I wish to say is simply this, which is the strict fact, that there was a meeting of the committee a few days ago, the first meeting of the committee that has been called since we completed the taking of our testimony last July. When we separated it was the understanding and the form of adjournment that we were to meet at the city of Washington to consider a report, and it was my understanding that we were to meet in the course of a few weeks. From that time until within two or three weeks past the matter has not been mentioned by the chairman or any member of the committee that I am aware of. A meeting of the committee was holden a few days since, last Saturday, at which meeting the chairman informed us that he had made some progress with his report; and it was the understanding I think that the report would be in readiness by Monday or Tuesday of this week, and as I supposed would be then submitted to the committee for consideration. The chairman, perhaps understanding it differently, as of course he did, has simply prepared his report, has had it printed, and presents it now to the Senate without its ever having been considered by the committee as such at all. I have never read it through; but the first half a dozen lines satisfy me that it is a very bad report, and we of the minority shall have to reply to it, and it will require a considerable time for the consideration of it.

Mr. WALLACE. I desire to say in reply to what has been said by the Senator from New Hampshire that the course pursued is that which has been pursued in regard to all the reports of this committee. If the Senator desires me to withdraw the report and call the committee together again, I will do so; but I understood that all that was desired was that the minority should have an opportunity to see the report when it was ready in order that they might obtain leave to make a minority report.

Mr. BLAIR. I desire to say that so far as I am personally concerned, I have no such desire. I wish that my colleague could understand that nothing has transpired on my part, excepting what they have all been cognizant of in the committee itself. That is all that I wish to be understood to say. So far as concerns the consideration of the report of the majority of the committee in full committee, I have nothing to say. This has been presented in precisely the same way as a former report of the same committee was presented. All that I care for personally is that we have a suitable opportunity to examine it, and to prepare and present our views; but whatever other members of the committee desire in the matter they can state to the Senate.

Mr. TELLER. I desire to correct the chairman of this committee, when he says that all reports of the committee have been submitted in this way. The first report of the committee, which I had the honor to make, I submitted to the full committee, and the minority took leave then to file a minority report, which has not been done in this case. I do not myself care, as a member of the committee, particularly about seeing the report. Judging from the course pursued by the committee, judging from the character of the testimony taken, and the sentiments entertained by the majority of the committee, I suppose we know pretty nearly what the committee have reported

upon those subjects. When I look over it, if I do not like it, I am willing to join with the minority and so dissent from it.

Mr. HOAR. I am not aware of any authority which has been given by the committee to the chairman to present this report as the report of the committee. I believe it is true, as the Senator says, that there have been previous reports of this committee, since it changed its political character, submitted in the same way; and that seems to be a most objectionable proceeding; one that ought not to be encouraged, and ought not to pass without a protest. I do not understand that we assemble here in the Senate or on committees as if we were two hostile camps, the democrats inhabiting one and the republicans inhabiting the other, the only function of each being to draw up their troops in battle array and fire shots at each other. I understand that we are here for mutual consultation and discussion. Who knows that on a fuller consideration of this voluminous evidence the honorable chairman may not altogether change his views and modify the statements of this report, which we have not seen, in conformity with suggestions which should be made to him by his associates who are in the political minority on the committee? Is my honorable friend so wedded to an opinion that he forms on a matter of conflicting and voluminous evidence that it is not barely possible he might change his mind if he had consulted with his associates on the committee?

I wish to say that unless in my absence the committee took some action which binds me in this matter—I got to the meeting of the committee late, having another engagement that morning. If any such action was taken, I certainly shall acquiesce; but I think it is proper to call attention to the very objectionable character of this proceeding. As the report has been made, I will not now insist on its withdrawal and will let it pass; but I do not think I ought to let it pass without saying that the previous precedent, to which the chairman alludes, was, in my opinion, an extremely objectionable one.

Mr. WALLACE. I desire to say that so far from having taken any advantage of any member of the committee on this subject, the whole committee were called together, they were consulted on the subject, and it was distinctly understood that the report was to be prepared and a majority of the committee directed it to be reported—a majority of the whole committee.

Mr. HOAR. Without being submitted to the committee?

Mr. WALLACE. It was so understood at the meeting when the full committee was present, and I understood that the minority should have the opportunity to see the report before it was submitted and that then they might have the opportunity to make their minority report. That opportunity has been granted. There was no objection on the part of the majority to any such proceeding on their part, and I have pursued the exact policy adopted in the past on that subject.

Mr. HOAR. Why, sir——

Mr. WALLACE. The Senator may make technical objections.

Mr. HOAR. The Senator from Pennsylvania will permit me to say in regard to what he has stated that we do not impute to the honorable Senator either the taking advantage of or the attempting to take advantage of anybody. Let him be sure that that is the furthest from my thought; and if he had such an understanding—and he assures us he did so understand it—that settles the matter, no further objection ought to be made, and no comment such as I am making ought to have been made. I do not understand that the Senator from Colorado and the Senator from New Hampshire understood it so.

But what I wish to say is this, not imputing any purpose to take advantage to the honorable Senator, but being quite sure of his entire courtesy to his associates, that I think on reflection he will agree with me that the precedent which was set in the past by this committee since he became chairman of it is a vicious precedent, and that is the precedent of allowing the members of one party on a committee to get together and send in their views without consultation with and without the consent of the members of the other party, leaving to them only to give their views as a minority report. Certainly we have not yet reached the pass that it is not possible for members of two different parties to consult together in regard to the public good; certainly we have not reached the pass when such consultation may not be expected to be productive of modification of views and of some good; and for that reason I wish to say that I think this is a vicious precedent. I do not understand the Senator from New Hampshire or the Senator from Colorado to agree that there has been such an understanding as has been stated; but if the Senator from Pennsylvania so understood it (and I am quite sure that he did when he says so) let it pass. That is all.

Mr. WALLACE. Mr. President, there can be no question about it. The committee was called for the purpose. I must correct the Senator from New Hampshire. Early in the session, in December, this committee was about to be made extinct; but it was requested to be continued in order that reports might be made, and the Senator from New Hampshire arose in his place and asked the question whether it was to be continued. In January I called his attention to the question of reports, and asked him if he could be ready to make reports; and he said, "Give us until the 15th of February." I did not call the committee together, in accordance with this request, until some time about the 15th of February. Then the committee was called together to consider his report.

Mr. BLAIR. Does the Senator mean that there has been any meeting except that of last Saturday?

Mr. WALLACE. Certainly not. The committee was then called together and the subject-matter of the report was considered. It was then understood, informally perhaps, that the report should be prepared by myself and submitted, and that the minority should have an opportunity to examine it and make their report in answer.

Mr. BLAIR. I wish to tell all that I know about this matter. We closed the taking of the testimony about the middle of last July. The investigation following the last session took place with the distinct understanding that it was to be completed in order that reports might be made and published as of the last session. The majority of the committee did not see fit to call us together in New York to complete the taking of testimony until after the time when I understood it was to have been completed and reports to have been made. I find no fault with them, for the reason that I suppose it was difficult perhaps to accomplish the end. But we did close the testimony in the month of July, when the committee was adjourned by order of the chairman to the city of Washington to consider the reports. I certainly supposed that we should be called together in season to complete the reports by the 1st of August, at all events prior to the opening of the presidential campaign; but nothing of the kind was done; the matter was prolonged and protracted, and I never heard of it again until as the Senator says in the month of January, and it was some time toward the close of the month of January, when he came to me in my seat and spoke of it. I think what he states in regard to his having called the matter up early in the session for the purpose of keeping the committee alive may be true. I recollect a confused transaction in the Senate, which I did not understand at the time very well, in relation to it. But that may pass on what the Senator says, that the committee was to be kept alive for the purpose of making reports at some time.

But toward the close of the month of January the Senator from Pennsylvania came to me, as I was saying, in my seat, and said he was going to make a report. I recollect a little banter, as though I supposed the matter was abandoned and had disappeared. He said he was certainly going to make a report, and he thought he would get his report ready by the 15th of February. I told him I had not seen the testimony in print. I had been ill until about the 1st of January, so that I was barely able to get on with my ordinary duties, if present in the Senate at all. I told him that the matter had passed from my mind largely, and that I doubted whether I could be ready with any views of my own by that time. He said he thought he would be ready with his report, and would call a meeting at that time. A meeting was not called at that time, but was called for last Saturday. Last Saturday the committee met as a whole. Even then the chairman had no report in readiness for submission to the committee, but said he thought he would be ready by the first of this week, and I recollect the discussion. I said to him that I had been informed by some of the older members of the Senate in regard to its previous practice about presenting reports here in the Senate without the minority having had any opportunity whatever of considering them at all, or the committee having had an opportunity of considering them as a committee; that I had been told by older Senators that it was an act that they had never known before. I said this to the honorable Senator in reference to the previous practice of the Senate and of all other committees, as I was told. One honorable Senator had said to me that it was usual to have the report of the majority, where a minority report was anticipated, printed and placed in the hands of the minority for their consideration before action by the committee upon the subject.

Now, in regard to his understanding that he was to present this report without calling another meeting of the committee, and without its being considered by the committee, I cannot say but that of course his word is conclusive upon that matter that he did so understand it, and I have not the slightest doubt that he presented the report this morning under the impression that he was doing exactly what it was understood at the meeting he should do. But I did not so understand it. I supposed we probably should have a view of the report and another meeting of the committee, and it seems that my colleagues of the minority understood it the same way; but, as I said before, as the previous reports by the same chairman have been presented without consideration by the committee, or by the minority, I am perfectly willing that the matter should go as it is. Of course, however, under the circumstances we shall need some considerable time to examine the report in order to prepare and present the views of the minority. That is all I wish to say in regard to it.

Mr. WITHERS. Mr. President, I ask what is the question before the Senate?

ADDITIONAL DISTRICT POLICE.

The PRESIDING OFFICER. With the permission of the Senate, the Chair will lay before the Senate the action of the House of Representatives on the bill (S. No. 2184) to authorize the commissioners of the District of Columbia to appoint additional policemen for temporary service in the District, and for other purposes.

The amendments were read, being in lines 5 and 6, to strike out the words "twenty days from the 20th of February, 1881," and insert "ten days from the passage of this act," and at the end of line 10 to insert:

Provided, The expense of said police shall be paid one-half out of the revenues of the District and the other half out of the revenues of the United States: *And*

provided further, That twenty of said police shall be detailed and placed under the control of the Architect of the Capitol, Sergeant-at-Arms of the House, and Sergeant-at-Arms of the Senate.

Mr. HARRIS. I have examined the amendments of the House to the bill just read, and I move that the Senate concur in them. I may say that I have consulted with Major Morgan, one of the commissioners, and, while the amendments are not satisfactory, he thinks it is best to concur with them. I move that the Senate concur in the amendments.

Mr. HOAR. Let us finish the matter that is up. I have no objection——

The PRESIDING OFFICER. The matter that was up has been finished.

Mr. HOAR. I do not so understand it.

Mr. TELLER. I thought not.

Mr. GARLAND. What is the question?

The PRESIDING OFFICER. There is no question before the Senate except what is now pending. The Senator from Pennsylvania [Mr. WALLACE] made a report. The Senator from New Hampshire [Mr. BLAIR] asked certain leave, and that was granted just as asked. No other motion has been made, and the discussion has been proceeding, but the Chair does not feel at liberty to announce that any question is pending in regard to it.

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his question of order.

Mr. HOAR. I understand that the Senator from Pennsylvania presenting a report the question was raised as to his authority to present that report, which I raised myself.

The PRESIDING OFFICER. It was not raised by motion or anything of that kind, only by a conference between members of the committee, which the Chair indulged them in hearing.

Mr. HOAR. It did not require a motion as I understand it; but I suppose the Senate will make no objection to my friend from Colorado proceeding to say what he has to say about it.

Mr. WALLACE. I have no objection to anything whatever. I only desire to say that I made the report as the action of the committee.

The PRESIDING OFFICER. When the business laid before the Senate by the Chair is disposed of, the Senator from Colorado will be heard.

Mr. HARRIS. I have no objection to the Senator from Colorado proceeding, but I ask him to yield long enough to allow these amendments of the House to be concurred in.

Mr. TELLER. Certainly, I have no objection to that.

The PRESIDING OFFICER. Is there objection to concurrence in the amendments of the House of Representatives to the bill (S. No. 2184) to authorize the commissioners of the District of Columbia to appoint additional policemen for temporary service in the District, and for other purposes? The Chair hears none, and the amendments are concurred in.

FORTIFICATION APPROPRIATION BILL.

Mr. WITHERS. Now I rise to ask what is before the Senate?

The PRESIDING OFFICER. The Chair will lay before the Senate the action of the House of Representatives non-concurring in certain amendments of the Senate to the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes.

On motion of Mr. ALLISON, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Presiding Officer.

The PRESIDING OFFICER appointed Mr. ALLISON, Mr. BECK, and Mr. BOOTH as the conferees.

ALLEGED ELECTION FRAUDS.

Mr. TELLER. Mr. President, I only want to say a word or two. So far as I am concerned, I understood that the committee was to be brought together for the purpose of agreeing or disagreeing on a report. I supposed, however, that it would be a mere matter of formality, coming together, because I supposed the majority would agree upon a report in accordance with what was the understanding heretofore, as the majority had a theory with reference to the Federal election laws. I find that the report concludes with a recommendation that "all United States laws standing upon the statute-book are useless in preserving peace and good order," and asks for their repeal. I supposed we should come together simply for the purpose of looking over the report, and some of us taking the privilege of making a minority report if we dissented. From what I have seen of the report—it only came into my hands a few moments ago—we shall want of course to make a minority report.

I think there has been some irregularity in reference to this committee since the present chairman has presided over it, which perhaps it is not well to have considered a precedent in this body. I recollect that affidavits were brought here, and published and sent out to the country as worthy of credence and belief, that afterward were found out to be forgeries, the whole of them, and they were not submitted to the committee, they never came to the Senate with the permission of the committee; or if they did, it was by the majority, and made without the minority being present. I think that is a bad practice, and I think, as suggested by the Senator from New Hampshire, the system is a bad one. I think the chairman probably understood, from the general free-and-easy conversation we had about it, just what he has stated, and I am not disposed to make any technical objection, but to let it go.

Mr. WALLACE. One moment, Mr. President. So far as the affidavits to which the Senator refers were concerned, they came into the custody of the committee when the committee changed hands at the beginning of the present Congress, and by an order of the Senate, not of the committee, all papers laid before the committee were directed to be printed for the use of the committee. They were not sent broadcast through the country; they were printed for the use of the committee in order that the committee might see what they contained. The statement of the Senator that many of these papers were found not to be correct is certainly true, and the reports that dealt with them followed the suggestion of the Senator from Colorado.

Mr. BLAIR. Allow me to ask a question. That being the case, I would ask the chairman why these same affidavits came to be incorporated in the published volumes of testimony which have been so recently issued? If his statement is correct, as of course it is, should not those affidavits be stricken from the permanent volume?

Mr. WALLACE. No orders have been given by myself relating to the printing of those documents.

Mr. HOAR. The Senator from Pennsylvania will pardon me——

Mr. TELLER. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Colorado is entitled to the floor. He yielded to the Senator from Pennsylvania, who has resumed his seat.

Mr. HOAR. I desire to say to the Senator from Pennsylvania, with the permission of the Senator from Colorado——

Mr. TELLER. Proceed.

Mr. HOAR. That these papers were never laid before the committee; they were sent in a bundle to one member of the committee and transferred to another, but they never were ordered to be printed by the committee. It is true the Senate gave authority to the committee to have printed papers laid before the committee. These papers never were laid before the committee; the committee never ordered them printed; but they were printed and put on our tables and made the subject of debate here, although in fact they were gross and base forgeries.

Mr. WALLACE. But this fact remains, that they came into the custody of myself, as chairman of the committee, having been found in the custody of the chairman preceding me.

Mr. HOAR. They never were laid before the committee.

Mr. WALLACE. They were in the custody of the committee and came to me as such.

Mr. President, this is all beside the real question here. The only question is whether this report is to be printed now or not, and whether the minority is to file a minority report.

Mr. TELLER. If the affidavits, the publication of which is complained of, ever came to any member of the committee, they were never seen by any member of the minority of the committee that I am aware of, and it is the custom, as I understand, in all Senate committees for papers to be laid before the committee and the committee to sift out and determine what is to be published. We cannot expect to publish everything that comes from irresponsible parties to a committee; and for the purpose of preventing that, it is a custom that has grown up here, that has the force and sanction almost of a law, that the committee must say what shall go on the files of the committee; but that never was done in this case. These affidavits came here to the Senate; they were printed; they went out with the sanction of the committee and the sanction of the Senate, and we indorsed the truth of these false statements as they went out all over the country, and they were used everywhere during the last campaign. It was no answer to say, when a man stuck one of those in your face, that it was false. The allegation at once was, "Here, the Senate ordered them printed; you knew what they were when you ordered them printed." That is what I complain of; and I complain of some other irregularities of that kind. I only said I did not want that these things should grow into a precedent, so that somebody might come next year——

Mr. WALLACE. Mr. President——

Mr. BUTLER. May I inquire, Mr. President, what the business is before the Senate?

The PRESIDING OFFICER. The Chair thinks there is nothing pending before the Senate.

Mr. BUTLER. Then I ask for the regular order.

Mr. WALLACE. I must dissent from the statement of the Senator from Colorado in regard to any irregularities. I have pursued the order of the Senate throughout.

Mr. WINDOM. The regular order is the Calendar, is it not?

Several SENATORS. Regular order!

The PRESIDING OFFICER. The regular order is called for.

Mr. WINDOM. I believe that is the Calendar.

The PRESIDING OFFICER. It is the Calendar, which will be laid before the Senate.

Mr. BLAIR. It seems to me that this is a more important matter than Senators who know nothing about it appear to imagine.

Several SENATORS. Regular order!

Mr. BLAIR. I am about to make a motion.

The PRESIDING OFFICER. After the regular order is laid before the Senate, the Chair will entertain a motion. Nothing is before the Senate now, but the regular order will be laid before the Senate.

Mr. BLAIR. I insist that this is the regular order. I raise that point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. BLAIR. It is that the pending business before the Senate is in regard to the report which is being discussed, as to the right of the Senator from Pennsylvania to make this report at the present time.

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. BLAIR. The Chair will hear it, I suppose.

The PRESIDING OFFICER. The Chair supposed the Senator was through with his statement of the point of order.

Mr. BLAIR. Not at all.

The PRESIDING OFFICER. The Chair will hear the Senator, certainly.

Mr. WITHERS. Is the point of order debatable?

The PRESIDING OFFICER. The point of order is being stated. The Chair will decide it when it is stated.

Mr. BLAIR. The Senator from Massachusetts raised the subject-matter of discussion in connection with the presentation of this report. Other matter was interjected, but that remains really before the Senate, and final action upon the presentation of this report has not as yet been taken.

Now, it has come out in the discussion that the Senator from Pennsylvania asked for leave to present his report and have it printed. Along with the formal report is the accompanying evidence, and he asks for leave that that be printed also, for it is part of his report. Now, I make this motion: to strike from that accompanying evidence, the volume of which I have seen, these forged papers and matter which have been alluded to in the discussion—to strike from the record the forged affidavits which never were before the Senate, never properly before the committee, and which should not be included in the report of the committee at all.

Mr. McDONALD. That is no point of order.

Mr. BLAIR. That is the motion which I wish to make.

Mr. McDONALD. That raises no point of order.

The PRESIDING OFFICER. Is the Senator from New Hampshire through with stating his point of order?

Mr. BLAIR. Yes; and I have also stated the motion I wish to make.

The PRESIDING OFFICER. The Senator cannot present two things at once.

Mr. BLAIR. But I state the motion I wish to make.

The PRESIDING OFFICER. The Senator from Pennsylvania submitted a report, which was received and ordered to be printed. The Senator from New Hampshire asked to have the minority views printed when received, to be submitted at a future time. That leave was granted. No other motion has been made pending that matter; there has been simply a discussion between members of the committee in regard to what had occurred in the committee, and no formal motion of any kind has been made. The matter is disposed of. The motion to strike anything from that report cannot be entertained unless the proceedings are reconsidered and brought back before the Senate.

Mr. BLAIR. Then I make the motion to reconsider.

The PRESIDING OFFICER. The regular order is called for.

Mr. MORRILL. But surely unanimous consent will be given for striking out from that report matter that is utterly wrong.

Mr. WALLACE. Mr. President, there is no part of that testimony considered in any way in this report. There is no such matter to accompany it.

Mr. BLAIR. It is printed in the volume that accompanies the report.

Mr. WALLACE. That matter can be settled without any action of the Senate if the committee meets, or between the Senator and myself.

Mr. BLAIR. With that understanding, it is all right.

Mr. WINDOM. I insist on the regular order.

The PRESIDING OFFICER. The Chair has stated repeatedly that the regular order was before the Senate, but Senators have been making suggestions which he recognized. The Chair always hears these suggestions.

Mr. HARRIS. I ask that the regular order be proceeded with if it is before the Senate.

The bill (H. R. No. 4412) to regulate practice in suits brought to recover damages for infringement of patent was announced as the first bill in order on the Calendar.

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire in regard to the motion he sought to make that the Chair cannot entertain that motion unless these proceedings are reconsidered. As this report, as stated by the Senator from Pennsylvania, does not contain the evidence at all, a motion to strike from the printed evidence certain portions would not now be in order in regard to this report. It will require a separate motion entirely independent of this report, as that evidence is not embodied in the report, as the Chair understands the Senator from Pennsylvania.

Mr. BLAIR. I understand that the motion is that the report and accompanying evidence be printed.

The PRESIDING OFFICER. The Chair did not hear any motion in regard to the evidence.

Mr. BLAIR. It certainly is so.

Mr. WITHERS. I hope we shall proceed with the regular order.

Mr. HOAR. Mr. President, I rise to a privileged motion.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. HOAR. I move to reconsider the vote by which the Senate accepted the report and ordered it to be printed, or whatever the motion was on that subject.

Mr. WITHERS. Did the Senator vote in the affirmative?

Mr. HOAR. I say to the Senator from Pennsylvania that I will withdraw that motion when this matter which he and the Senator from New Hampshire were about to arrange is arranged.

Mr. WALLACE. Mr. President, I beg to say——

The PRESIDING OFFICER. The Senator from Massachusetts moves to reconsider the action of the Senate by which the report of the Senator from Pennsylvania was received and ordered to be printed.

Mr. HARRIS. I demand the regular order.

Mr. WITHERS. I move to lay the motion to reconsider on the table.

Several SENATORS. Regular order!

The PRESIDING OFFICER. The Senator from Virginia moves to lay the motion to reconsider on the table.

Mr. HOAR. I rise to a question of order again; and it is that the motion of the Senator from Virginia is out of order. I have a right at any time within two days to make a motion to reconsider.

Mr. WITHERS. To enter a motion to reconsider.

Mr. HOAR. To enter a motion to reconsider, and the motion to reconsider can only be laid upon the table when it comes up for consideration; and that can only be done by laying aside the regular order, which has not been done.

Mr. CONKLING. More than that, Mr. President, I object to the consideration of the motion to reconsider to-day, and it must go over one day under the rule.

The PRESIDING OFFICER. It goes over under the rule.

Mr. WALLACE. But pending that I trust Senators will permit me to say that so far as the motion is concerned, there is no necessity for it. As I said, anything that is objectionable in the papers laid before the committee that were printed, or anything of them except the tables obtained from the Treasury Department, can be stricken out. We will make that order.

Mr. HOAR. It will not be necessary to detain the Senate further with that, then. That can be done by an arrangement in five minutes between me and my friends from Pennsylvania and New Hampshire, and then I will withdraw my motion.

Mr. WALLACE. Certainly.

Mr. THURMAN. Mr. President, I ask the Senator from New York to give me his attention.

Mr. HOAR. Regular order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order before the Senator from Ohio proceeds.

Mr. HOAR. Regular order.

The PRESIDING OFFICER. The regular order is before the Senate, and on it the Senator from Ohio has the floor.

Mr. THURMAN. I protest against this doctrine that a motion to reconsider goes over under the rule. You might as well say that a motion to indefinitely postpone goes over under the rule. The Senator from New York will not forget how we were beaten on the Geneva award bill by a motion to reconsider being laid on the table within ten minutes after it was made. It has been done again and again; and this is the first time in my life I have ever heard that a motion to reconsider was a motion that went over under the rule.

Mr. CONKLING. Mr. President, if I have discovered anything good that the Senator from Ohio never heard of before, it fills me full of satisfaction. The motion to lay on the table a motion to reconsider the Geneva award bill never was made, and, therefore, it never prevailed in the Senate; but I will have a little private class-meeting with my friend, if he will allow me without detaining the Senate, and compare gifts with him alone over this one of the Senate rules.

Mr. THURMAN. That will be to the advantage of both of us.

Mr. CONKLING. It will be to my advantage.

Mr. WINDOM. Regular order.

The PRESIDING OFFICER. The regular order is before the Senate and has been for some time.

Mr. WINDOM. Then I ask that the bill be put on its passage.

The PRESIDING OFFICER. The Senator from Ohio has been speaking to the regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 6478) for the relief of Levi Price; and

A bill (H. R. No. 7160) for the relief of John H. Templeton.

The message also announced that the House had passed the following bills:

A bill (S. No. 76) for the relief of M. F. Clark;

A bill (S. No. 326) for the relief of Henry F. Lines;

A bill (S. No. 367) granting an increase of pension to Isabel L. Evans;

A bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria Tribes of Indians in the States of Nebraska and Kansas, and for other purposes;

A bill (S. No. 1181) for the relief of Dodd, Brown & Co., of Saint Louis, Missouri;

A bill (S. No. 1905) changing the name of the First National Bank of West Meriden, in the County of New Haven, and State of Connecticut; and

A joint resolution (S. R. No. 79) directing the Secretary of War to investigate the claim of the State of Florida against the United States for expenditures made in suppressing Indian hostilities in said State between the years 1855 and 1860, and to report the result of such investigation to Congress.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. D. C. ATKINS of Tennessee, Mr. HIESTER CLYMER of Pennsylvania, and Mr. J. H. BAKER of Indiana, managers at the conference on its part.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the following acts:

An act (S. No. 1004) for the relief of the sureties of Henry L. Norvell;

An act (S. No. 1292) to provide for the removal of the terms of the United States circuit and district courts now held at Exeter for and within the district of New Hampshire, to the city of Concord;

An act (S. No. 1349) for enlarging the City Hall for the accommodation of the courts and records of the District of Columbia; and

An act (S. No. 1728) granting a pension to Mrs. Lelia E. McCauley.

SUITS FOR PATENT INFRINGEMENTS.

The PRESIDING OFFICER. The bill (H. R. No. 4412) to regulate practice in suits brought to recover damages for infringement of patent is before the Senate as in Committee of the Whole, and certain amendments of the Committee on Patents have been agreed to. There are other amendments which will be stated for the action of the Senate.

The CHIEF CLERK. The next amendment of the Committee on Patents is to strike out in lines 14 and 15 the words "the court shall adjudge him to pay all his own costs," and insert "he shall recover no costs against the defendant," so as to read:

If the plaintiff shall not recover the sum of $20 or over, he shall recover no costs against the defendant unless it shall also appear that the defendant at the time of such purchase or practical application had knowledge or actual notice of the existence of such patent.

The PRESIDING OFFICER. The question is on the amendment which has just been read.

Mr. CONKLING. I had the floor on this bill when it was last up. I have not claimed it; I do not rise to claim it now for the purpose of occupying any length of time. I venture, however, to state as I understand it the effect of this amendment, subject to correction by any Senator who better understands it. And in order to illustrate my meaning I will take the case of the telephone.

Here is a protracted and expensive contest in the courts over one of the features, and one of the leading features of the telephone. Somebody is the defendant in that suit, and he is unquestionably an individual who uses a certain telephone made up of a certain combination. The effect of this section is that when the plaintiff in that case, if he ever does, establishes in the court of *dernier ressort*, after expending thousands in litigation, his right to the invention which he claims, he gets no costs if, as in the case I am talking about, the damages are nominal, I believe in one of the chief cases they are only $1. Although the party recovering has been encountered all the way through by a combination on the other side litigating in the name of an individual, using one man as the *nomme de guerre* in which they fought, and although he has expended thousands in coping with this combination, when he finishes he recovers no costs whatever. Mr. President, is that right?

Mr. HOAR. I have no doubt the Senator from New York correctly understands the whole of this bill; but it follows from that that I do not precisely understand his argument, which I should be glad to do, for I have no doubt I shall receive good light on the bill from it. I desire to ask him if he has considered the amendment proposed by the committee in the nineteenth and twentieth lines?

Mr. CONKLING. I have not the bill before me, and I have considered nothing except what the reading of the Clerk conveyed to my ear, and that reading teaches me that we propose by this amendment to strike out a provision which makes a five-dollar recovery the boundary and imposes the costs on the plaintiff, and in lieu of it to insert a provision that the plaintiff shall recover no costs whatever in any case unless he recovers more than $20 damages. Am I wrong about that?

Mr. HOAR. In regard to the words "in any case," if the Senator will look at the nineteenth and twentieth lines, part of the same amendment, they are left in the bill.

Mr. CONKLING. "Or unless the defendant puts in issue the plaintiff's right to recover anything in action." That is a separate amendment. Am I right in that?

Mr. HOAR. It is in a parliamentary sense, but the two were intended by the committee to go together.

Mr. CONKLING. But we are not to vote on that now in this vote?

Mr. HOAR. No.

Mr. CONKLING. It is quite true I had not noticed this subsequent amendment upon which a separate remark no doubt should be made; but the amendment on which we are about to vote is independent of this, and it is as I have endeavored to state it, and it seems to me it is going much too far. I have no objection to any modification of existing statutes which is necessary to cover such a case as my friend from Minnesota [Mr. WINDOM] I judge is at this moment lurking privily in regard thereto; he has in his face an impression which I remember once before when he was speaking about a supposed pump that may be driven somewhere in the ground in his State and I notice now the same warlike aspect and "wrinkled front of war" which my honorable friend had when he took out that pump and set it going in the presence of the Senate. I am with him on the pump. I am ready to vote for anything which will do with that pump and those connected with it whatever he thinks should be done. But I do not assent to the idea that railway companies, telephone companies, all manner of companies if they are cunning enough to litigate in the name of an individual who may be sued—which they will all be cunning enough to do—are to be permitted to drag every inventor up on the outside and down on the inside of all the courts of the country and when they get through be visited with no costs whatever, allowing them to litigate with perfect impunity as to costs. Looking to some grievous individual case we make a statute designed to carve out an equity for individuals, and so general that its application spreads all over to everybody. To that I object.

Now a word about the amendment to which the Senator from Massachusetts has called my attention. Reading the two amendments now it is proposed to say:

He shall recover no costs against the defendant unless it shall also appear that the defendant at the time of such purchase or practical application had knowledge or actual notice "of the existence of such patent," or unless the defendant puts in issue the plaintiff's right to recover anything in the action.

I should like to begin by inquiring of some patent lawyer what in any supposed case is to be put in issue if the defendant does not deny that the plaintiff has a right to recover?

Mr. WINDOM. The amount of damages.

Mr. CONKLING. Nothing but damages is to be litigated, whether the plaintiff has a right to recover more or less, and going to issue on that question alone, it is proposed to say that unless he recovers $20 he shall not recover any costs. Well, Mr. President, I do not think that is as bad as the bill would be without it; but I do not think it is by any means as good as it ought to be.

Mr. BLAIR. That makes it worse.

Mr. CONKLING. My honorable friend from New Hampshire [Mr. BLAIR] at whose feet I always sit on a question of law, and especially a question of patent law, says to me that he thinks it is worse, and I shall in a moment yield the floor to him in the hope that he will tell us why it is worse. I think it is bad enough. I think when the Constitution holds out, and as time has shown fruitfully, to all the inventive genius of the country a pledge that an invention being achieved it shall belong to the author of it, that he shall have the right to use it and to grant to others that right, it would be enormous—I use that word not in an offensive but in the legal sense—to say by a statute that you will fritter away the remedy until it is fatal to the right. I know the distinction, of course, legally between striking at a right and striking at the remedy by which it is to be enforced. There are broad distinctions, but whenever you carry a blow at the remedy so far that it is no longer useful and efficient, you have prostrated the right, and this section looks very much in that direction.

I shall make only one other remark and then leave the matter; and I ask the attention of Senators who are supposed, and no doubt truly, to have special and full knowledge on this subject. Here is a provision:

Unless it shall also appear that the defendant at the time of such purchase or practical application had knowledge or actual notice of the existence of such patent.

I was in act to comment on that the other day when the morning hour lapsed. I will not resume that comment at this moment; but I commend to Senators this view of those words. I venture to commend it to the honorable Senator from Illinois, [Mr. DAVIS,] who I see is giving most pointed attention to this bill:

Unless it shall also appear that the defendant at the time of such purchase or practical application had knowledge or actual notice of the existence of such patent.

I humbly petition the honorable Senator from Illinois to tell me what that means? What is "knowledge or actual notice" of a patent? In the first place the recording patent acts as I understand impute to everybody a certain kind not only of knowledge but of

notice. What kind of notice is it? I understand there are three kinds of notice which satisfy the law.

Mr. DAVIS, of Illinois, (in his seat.) I suppose this means personal notice.

Mr. CONKLING. The Senator from Illinois is giving me some information here which all the rest of the Senate is without. All I can do just now is to be sorry for the other Senators, but they will hear it in due time. First, however, I want to make a suggestion as well to the honorable Senator from Illinois as to other Senators.

Notice is of three kinds, and either of the three is effectual. There is express notice; we all know what that means; next, constructive notice, and third, presumptive notice. Presumptive notice commonly cuts very little figure in the enumeration of things of this sort. If I understand what it is, it may play a pretty large part in the litigations got up under this bill if it becomes a law. "Unless he has actual notice." Is a publication in a newspaper where the man lives, is the publication of a loud-sounding, staring advertisement on the first side of a newspaper actual notice? Certainly it is notice, not constructive notice, because that I believe has a technical meaning; but it is presumptive notice. It is not express notice within the definition of the cases, but is it "actual notice?"

Mr. SAULSBURY. Will the Senator from New York allow me to make a suggestion?

Mr. CONKLING. Certainly.

Mr. SAULSBURY. The meaning there is that the notice must have been brought home to the party himself.

Mr. CONKLING. How does the Senator arrive at that?

Mr. SAULSBURY. "Actual notice" I understand to be notice which has been carried home to the party to whom notice has been given, not the publication in a newspaper which he may or may not have seen, but the notice must be brought home to him.

Mr. CONKLING. May I ask the Senator a question? I suppose the Senator often frequents the court-house where he lives. Suppose a notice were specially put up on the door of the court-house where the Senator enters and re-enters, would that be actual notice to him?

Mr. SAULSBURY. In my opinion the provision of the law requiring actual notice to be proved, it would not be sufficient to prove that notice had been published by putting it up against the court-house unless the statute provided that that should be actual notice. In order to establish "actual notice" you must carry the fact of notice home to the party. That is my understanding of "actual notice."

Mr. CONKLING. Applying that to this case, then I understand the Senator from Delaware would read the statute, if it becomes one, in this way: If in the city of Wilmington a patentee should have in every newspaper published in that city every day a conspicuous notice of his patent; if he should have somewhere in Wilmington a conspicuous sign upon his manufactory, and if he should have placarded all over it that he was the original patentee of that invention,—that under this bill would charge nobody unless he could call a witness to prove that he saw the defendant stand there and read all over this placard. Is that what the Senator understands it to mean?

Mr. SAULSBURY. Whatever notice may be given by the patentee, however conspicuous may be his sign, however wide his advertisement of his patent, the statute requires, in order to sustain a claim for damages for an infringement, that the party should have had "actual notice;" and it would be incumbent upon the plaintiff to show that the notice had been carried home to the party against whom he brought suit.

Mr. CONKLING. What does the Senator mean by "carried home?"

Mr. SAULSBURY. I mean he must establish the fact to the satisfaction of the jury that the individual sued had read the advertisement, had seen the sign, or had such other knowledge of the fact that he was brought within the term "actual notice." That is what I mean.

Mr. CONKLING. Well, Mr. President——

Mr. McMILLAN. Will the Senator from New York allow me to say that it seems to me this term "actual notice" signifies just what the Senator has termed "express notice," and that it would be a question of fact for the jury in every instance to determine whether the defendant had express notice of the patent—personal notice.

Mr. CONKLING. Will the Senator tell me why it is "actual" rather than "express," "express" being a well-defined term, if that is what it means?

Mr. McMILLAN. I think the term "actual" would be quite as accurate in its use as the term "express."

Mr. CONKLING. Now I venture to ask the attention of the Senator from Minnesota [Mr. McMILLAN] to this suggestion: The Senator is aware of a good many instances in which without a statute notice is necessary, knowledge is necessary. The Senator in his professional and judicial experience is also familiar with the many cases in England and in this country in which the courts have said that whatever would put a prudent man upon inquiry was enough to impute notice or knowledge to him, to charge him with notice and knowledge. Under these words, is that to be the law, or as the Senator from Delaware thinks is it to be necessary to call a witness who can prove that the man stopped in the street or wherever it might be, and read all over the notice in question? What would become of the Senator's idea of "express notice" in that case?

Mr. McMILLAN. I think the notice there would not be the notice implied by the word "actual." That would be presumptive notice; the notice described by the Senator from New York.

Mr. CONKLING. So that the honorable Senator thinks under this statute, although it should appear that the infringer of a patent knew enough about it to set any human being upon inquiry, although it should be perfectly clear to a jury that he never went into it at all without having at least his suspicions aroused, yet unless it could be proved that he had express notice formally, he would not be liable.

Mr. McMILLAN. I think that would require proof of the "actual notice" mentioned here. It would be a question of fact for the jury to determine whether he had "actual notice" or not.

Mr. CONKLING. Mr. President, that is enough to insure my vote against this provision. I would rather vote for a provision that would protect an open pirate, a man who boldly rises and says "I defy this patent; come on; I will lock horns with you and see what the result will be," than to vote for a provision which will protect the skulker, the indirect cowardly infringer who will put forward some individual, some irresponsible man as the man who is the user and fortify him and contribute to his case and use him as a catspaw all the way through the contest, or the other coward who, knowing all about it but in respect of whom you cannot prove formal technical notice, (if that is what "actual notice" means,) will crawl out on that and say "where is the proof of the *scienter;* where is the witness who can prove that I ever had read aloud to me this notice or that I ever stopped myself and read it all over." I will not vote for a provision to protect such people, as distinguished from the bolder and as I think less blamable people who go boldly forward and contest the priority or the monopoly of right.

Mr. McMILLAN. Will the Senator from New York permit me to call his attention to the class of people who are to have this knowledge?

Mr. CONKLING. Oh, yes.

Mr. McMILLAN. It is only the defendant in an action who has purchased the article "in good faith for his own personal use from the manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof, and applied the same for and to his own use and not for sale."

Mr. CONKLING. Such men are those I am speaking of.

Mr. McMILLAN. Those are the persons who are to have this character of knowledge.

Mr. CONKLING. Exactly.

Mr. McMILLAN. That description of persons excludes entirely the character of persons to whom the Senator from New York has referred.

Mr. CONKLING. I beg the Senator's pardon.

Mr. McMILLAN. And therefore they would not be included in this bill, and would not be protected by it.

Mr. CONKLING. This character of persons is, I will not say cunningly but wisely, chosen for all such cases as I have been speaking of. The very plea here is that a man wants to break down a patent; suppose it is a patent that is used for a coffee-mill. He takes pains to introduce that coffee-mill into half a dozen houses round about and have somebody give out that it is openly used. My honorable friend knows what will in a short time follow from that, in its effect upon the patentee. A suit is brought against one of the users of this utensil. Is not that the case described in this bill?

Mr. McMILLAN. Not unless the defendant puts in issue the plaintiff's right to recover.

Mr. CONKLING. Of course, that is what we are talking about.

Mr. McMILLAN. To recover anything.

Mr. CONKLING. Precisely; that is what we are talking about.

Mr. McMILLAN. Then that puts in issue the right of the patentee; not alone the question of damages, but his right of action entirely.

Mr. CONKLING. Certainly.

Mr. McMILLAN. And certainly the patentee cannot suffer in such a case as that if he has an honest patent, because if he has a right to recover anything the defendant would not be entitled to avail himself of this provision for notice because that is an amendment embodied in the bill by the Senate Committee on Patents. The Senator will observe, "unless it shall also appear that the defendant at the time of such purchase or practical application had knowledge or actual notice of the existence of such patent, or unless the defendant puts in issue the plaintiff's right to recover anything in the action."

Mr. CONKLING. Does the Senator understand now that both things must occur?

Mr. McMILLAN. They are in the alternative.

Mr. CONKLING. I know the expression is in the alternative, and it is to that I direct attention. Does the Senator now understand that the case must be one in which it shall appear that the defendant at the time of such purchase had knowledge and also one——

Mr. McMILLAN. No, sir.

Mr. CONKLING. Very well.

Mr. McMILLAN. My answer to the argument of the Senator from New York is that it does not include both, though as to this class of persons, honest purchasers, innocent purchasers of an article for their own use who do not deny the right of the patentee to recover by reason of his ownership of the patent or by reason of his want of ownership, they must have this actual express notice or must have knowledge of the patent. It seems to me that this guards against all the

evils that the Senator from New York has alluded to, and it protects only an honest purchaser of a patented article who has not actual notice of the patent, and who does not assume to deny the patentee's right to recover by virtue of that ownership of the patent. If he puts that question in issue, then the provision for notice does not apply.

Mr. CONKLING. I misunderstood the Senator a moment ago. He does understand then from this language that if it appears either that the right to recover is not contested or that the notice did not exist, that determines the result of the action.

Mr. McMILLAN. No, sir. The only question here is as to the recovery of costs against the defendant.

Mr. CONKLING. I understand that.

Mr. McMILLAN. Now, if a party has purchased a patented article in the manner described in this act, the plaintiff cannot recover costs in an action against him unless it shall appear that the defendant had this character of notice or unless the defendant has put in issue the right to recover.

Mr. WINDOM. Or unless the plaintiff recovers more than twenty dollars.

Mr. McMILLAN. Yes. In either of those cases the plaintiff has the right to his costs. If the defendant has the notice and does not put in issue the right of the patentee, and is a purchaser of this character, the plaintiff cannot recover costs; but if he has the notice and is a purchaser of this character and puts in issue the right of the plaintiff to recover, then costs may be recovered.

Mr. CONKLING. And if he does not dispute the patent, if he is entirely satisfied that the patent is honest, he may continue to raid upon it till doomsday, provided he does not put it in issue, unless it can be shown that he had actual technical notice.

Mr. McMILLAN. No, sir; unless he has purchased the article "in good faith for his own personal use from the manufacturer thereof or from a person or firm engaged in the open sale or practical application thereof, and applied the same for and to his own use and not for sale."

Mr. CONKLING. That restriction, in my estimation, does not amount to anything in the case I am putting, because it must always be so in the case I am putting.

Mr. McMILLAN. No.

Mr. CONKLING. It must always be so in such a case. I understand the Senator to mean that where a patent is established, when nobody challenges or dares to challenge it, all people may go on and buy the article, and whoever chooses to raid upon it may go on perpetually and sell articles manufactured under that patent; and all those people who buy in the terms of the bill, provided they do not deny the patent, and provided they are not able to show actual notice served upon them, may raid upon it till doomsday with impunity, so far as costs are concerned.

Mr. McMILLAN. They cannot raid upon it at all. That is the answer to the Senator's argument. A purchase or a series of purchases which would indicate a raid, as the Senator terms it, upon the patent——

Mr. CONKLING. Does the Senator mean a series of purchases by one and the same person?

Mr. McMILLAN. Yes, sir.

Mr. CONKLING. Of course that would; but the Senator does not understand me. I beg him to pardon me a moment. Here a man sets up a manufactory of articles, by which he does infringe the patent of somebody else. As the Senator has explained this provision, he may go on till doomsday and sell to all the people he can get to buy, and when those people are sued, unless it can be shown that they had technical notice the original patentee can never recover costs against them unless they are foolish enough to deny the patent.

Mr. McMILLAN. But the manufacturer will be liable.

Mr. CONKLING. I am not talking about manufacturers. It is as much as I can do to understand one thing at a time. I am first talking about the people provided for in the bill, and my friend confuses me when he talks about somebody not provided for. As to the purchasers provided for in the bill, what is the Senator's answer to my suggestion?

Mr. McMILLAN. That each purchaser must be one of the class described in this bill; that is, he must be a purchaser in good faith.

Mr. CONKLING. Certainly.

Mr. McMILLAN. And for his own personal use. The article must have been purchased "for his own personal use from the manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof," and not for sale by the purchaser.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. McMILLAN. Certainly.

Mr. BLAIR. I should like to know how an honest, innocent purchaser can buy——

Mr. BECK. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky rises to a parliamentary inquiry. Will he state it?

Mr. BECK. I am not aware who has the floor. Three gentlemen are now on the floor. I was out for a few minutes, and I do not know who is entitled to it.

Mr. CONKLING. Does the Senator count himself as one of those three?

Mr. BECK. No; I refer to three on the other side.

Mr. CONKLING. I only wanted to get the arithmetic right.

Mr. BECK. What I rise to inquire about is, is there not a five-minute rule in regard to debate upon bills on the Calendar?

Mr. CONKLING. It seems to me the Senator has occupied his five minutes now. [Laughter.]

Mr. BECK. I think I have occupied only one minute.

The PRESIDING OFFICER. The clerk will read the order.

The Chief Clerk read as follows:

Resolved, That at the conclusion of the morning business for each day, unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar, and continue such consideration until half past one o'clock; and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders.

Mr. CONKLING. The honorable Senator from Kentucky having spoken once under that rule, should he rise again it will be my painful duty to call him to order. The rule says he shall speak but once, and he has exhausted himself in this debate. [Laughter.] Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. BECK. And has occupied it for twenty minutes.

Mr. CONKLING. That is out of order. That is the second time the Senator from Kentucky has been heard under this rule. [Laughter.]

Mr. BECK. I do not propose——

Mr. CONKLING. Three times.

Mr. BECK. I do not propose to engage in a question of smartness with anybody. I want this bill to pass in some form and I do not want it talked to death by anybody.

The PRESIDING OFFICER. The Chair will state that the general understanding has been that we were proceeding under the five-minute rule, but the Chair has not felt at liberty to enforce the rule unless it was called for by the Senate.

Mr. CONKLING. Mr. President, I never speak against the rules of the Senate, knowing it. I never have done so; I never will; and if this debate proceeds under the five-minute rule, it will proceed no further at my hands. This bill, as I understood, at the end of the morning hour was unfinished business. I supposed it came up as unfinished business now. It never occurred to me that it came up under the five-minute rule, and I beg pardon not only of the Senator from Kentucky first of all, but of the Chair and of the Senate, for having overstepped the rule of the Senate, which I mean never to do.

Mr. WINDOM. Mr. President——

Mr. PLATT. Will the Senator from Minnesota yield to me for a moment to enable me to make a suggestion as to this five-minute rule?

Mr. WINDOM. If it does not come out of my time.

Mr. PLATT. Not at all. I understand that there was really consent of the Senate that this bill should be taken up and debated at length. That was my understanding of it. One objection carries this bill over, and if anybody feels that the five-minute rule was too rigorous and does not give a full opportunity for debate while it is being considered, under the Anthony rule a single objection will carry it over. Then I suppose the Senator in charge of it would move to set aside all other orders, and we should go on not under the Anthony rule but we should have the opportunity of debating the measure.

The PRESIDING OFFICER. The Chair will state to the Senate that this was not unfinished business. It was being considered yesterday when the morning hour on Calendar business closed. It retained its place on the Calendar; when the regular order was called for to-day it was the first case on the Calendar and came up under that rule.

Mr. WINDOM. Mr. President, I will not occupy more than the five minutes allotted to me under the rule, and probably not so much.

I am very anxious that this bill shall pass. I prefer it in the form sent to us from the House of Representatives, but believing that it cannot become a law in that form, I am willing to take the best we can get. I think that the bill as reported from the Committee on Patents will accomplish a great deal of good and do no harm, and, therefore, I hope to see the amendments agreed to, although I would prefer the original bill. Different localities entertain very different sentiments on this subject. There must be an effort to harmonize views. I believe the Committee on Patents have honestly endeavored to give us a bill which will do away with the evils existing under the present system, without injury to the patentee; and that is precisely what I want to accomplish.

Mr. HOAR. If my friend will permit me to say one word, I desire to say that the Committee on Patents went as far as they believed they could constitutionally go in that direction.

Mr. WINDOM. We have heard a good deal said here to-day and the day before yesterday by the Senator from New York [Mr. CONKLING] and others, about pirating upon patents; and the innocent purchasers described in this bill, who purchase patented articles, have been roundly denounced as pirates and robbers. Mr. President, I do not choose to retaliate upon that subject. If I did, I should simply express the honest truth in saying that the present patent laws are

an organized system of blackmail and robbery. I want to amend them. I believe in encouraging inventions in every proper way; but I do not believe in turning loose upon the people a lot of shystering lawyers, who go into the Patent Office, buy up old and worthless patents, and then raid upon the people, as has been done for years past under the encouragement and protection of the patent laws. That is precisely what we complain of. It is not the honest patentee who does this thing, but it is the men who buy up patent rights, knowing the advantages they have under the existing system, and then use them to harass, blackmail, and rob. I want to stop it.

The Senator from New York referred jocosely to my earnest efforts with reference to the infamous drive-well proceedings in my own and other States. I accept as a compliment all he said upon that subject; and if the honorable Senator had ever been suspected of sitting on the fence on any conceivable question I should strongly suspect from his nervous anxiety on this subject that my honorable friend had located himself on the barbed-wire fence.

Mr. President, I believe I can go into the Patent Office in this city and with a very small sum of money buy a hundred patents, and armed with the power of your patent laws organize a horde of briefless, hungry lawyers to rob and plunder at pleasure. So can the Senator from New York; and in defending honest patentees, of whom he speaks so eloquently, he is in fact giving aid and comfort to these men.

Mr. President, I believe my time has about expired, and I will only say in conclusion that if jurisdiction in these cases involving small damages could be conferred upon the local courts, such as those of justices of the peace or county courts, so that there could be a fair trial between the parties in the vicinity of the defendant's residence, as is afforded in every case, except where the sacred right of a patentee is involved, the great mischief of which all complain would be cured. I think it cannot be done. The trouble arises from the fact that the patentee may go into your United States courts and drag the honest innocent user of an article patented five hundred miles from his home in order to recover $5 or $20. In my own State, as I have had occasion to say heretofore, this thing has been done in hundreds of cases; it is being done all over the West, and it is for this that we seek a remedy. Parties will make up a bill of costs of $15, $20, or $25, and send out two or three hundred miles to the man who is using a patented article which he bought innocently, without notice, and tell him, "unless you pay us five or ten dollars you shall travel two hundred or three hundred miles to the court and pay $100 or $200 costs." It is against outrages such as this that we protest.

Mr. CONKLING. May I ask, why does not the Senator move to confer jurisdiction on justices of the peace?

Mr. WINDOM. Because I doubt whether it can be done.

Mr. CONKLING. Why?

Mr. WINDOM. I think the Senator from New York would raise the question that we could not confer jurisdiction.

Mr. CONKLING. There is no objection in the way, except the Constitution; and the bill, I think, violates that; and if we are going to violate it, why not repeat ourselves?

Mr. WINDOM. The difference between the Senator from New York and myself is that I think this bill does not violate the Constition, and I suspect such a provision would.

Mr. BLAIR. Mr. President, I am entirely unable to comprehend this bill. I realize the evil that is complained of, an evil which does not result from the existing law, but from an abuse of the existing law, and an evil which cannot be eradicated in the way undertaken here, except by inflicting a counter evil upon the citizen who has his vested rights of property to protect which all free institutions are established. But to consider the bill itself, it commences by saying that in no suit hereafter brought by a patentee against the user of a patented article "where it shall appear that the defendant purchased the same in good faith for his personal use from the manufacturer thereof," &c., he shall not be liable to costs; and then it goes on to inflict a penalty provided that he had not at that time actual knowledge of the existence of the patent. I do not know how a man can purchase a patented article in good faith when he has actual knowledge of the existence of the patent which he is infringing, and yet the whole bill is an absolute jumble of self-contradictions, unless a man who purchases in good faith may at the same time have actual, express knowledge of the existence of that right which he is defrauding. Anybody who examines the two parts of the bill will see that that is just what it comes to.

Mr. CONKLING. There is no doubt about that.

Mr. BLAIR. There is no question about that.

Now, I want to ask any one how this bill is of the slightest consequence in the world unless there be a defense? And I ask further how the defendant can put in issue the plaintiff's right to recover anything, either damages or the legality of title to an assumed patent, unless he puts in issue one of these two things, the right to damages or the title to the patent in question?

Mr. WINDOM. If the Senator is seeking information, would he like me to give my answer?

Mr. BLAIR. I should like an answer to it, but as I have only five minutes I want to go to another point which I think is more important to be considered than this question of law which the courts, if this bill ever gets through, will dispose of in a way to kill it if we do not. In my belief the evil the Senator from Minnesota speaks of exists. This bill notifies everybody, the patentee, the blackmailer the Senator speaks of, the innocent purchaser, and the purchaser who is not innocent, that if the user of the article will pay $20 under the threat of suit or under suit brought he will be excused. The evil he speaks of is not an evil which grows out of the assertion of any legal right at all; three-fourths of the patents of the country are on little things for the use of which the damages in individual cases would not be anything like the amount of $20. The men who assert rights falsely, who bring suits or threaten them will, under the provisions of this bill, in my belief, organize bureaus all over the country; they will notify these innocent or these guilty users, as it may be, of these unimportant articles that they will be sued at distant courts where the costs would be five, ten, or twenty times the amount of the $20 which is the extent of damages that may be recovered, that they will be sued unless they forward the $20. And thus you will establish under the operations of this bill an abuse very much greater than any that now exists. Such I believe to be the case.

Mr. WINDOM. We will take our chances on that.

Mr. BLAIR. The Senator has got to take his chances under the bill on such provisions as we find here. I think this proposed amendment utterly nullifies all possible beneficial operation of the law.

The PRESIDING OFFICER. The question is on the amendment of the committee which has been read.

Mr. McDONALD. Let it be again read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. After the word "over," in line 14, the committee propose to strike out "the court shall adjudge him to pay all his own costs" and insert "he shall recover no costs against the defendant."

The amendment was agreed to.

The next amendment reported by the Committee on Patents was in line 19, after the word "patent," to insert "or unless the defendant puts in issue the plaintiff's right to recover anything in the action."

Mr. VOORHEES. The context shows that the purpose of the bill is to protect a defendant from costs unless the plaintiff shall recover more than $20, or unless the defendant shall defend the suit. This last amendment ought to be voted down. It is simply a provision that if a man defends himself and puts in issue the merits of the controversy between him and the plaintiff, all the costs shall go against him, although not more than a dollar may be recovered. It renders nugatory the protecting feature of the provision which precedes it. I hope the Senate will not concur in the amendment.

Mr. KERNAN. I think if my friend will reflect he will see that if the defendant denies that the plaintiff has a valid patent, that issue has to be tried before he can recover sixpence; he raises a great controversy on a matter of value, and if a man is beaten on that he ought to pay costs; or if he denies that what he has done or bought infringes the patent, that raises a great question, and sixpence damages for the plaintiff settles that great question. It involves a serious litigation, and the beaten party, whichever it is, ought to pay costs, I submit. That is all this means. If a man comes and says, "I do not deny your patent, but I say I have not damaged you," or "your invention is not worth $20," then he can litigate that, and if he is right, the plaintiff gets no costs against him; but where he denies the validity of the patent, where he denies that the plaintiff has any property, where he denies that he has infringed it, claiming that it does not come within the patent, then they litigate a matter as to which, in all courts, I think, the beaten party ought to pay costs.

Mr. HOAR. I hope the Senator from Indiana, on reflection, will not make a question upon this amendment. Of course I do not mean to question his great capacity to understand such a question, because he is a lawyer of great experience. But refusing to adopt this amendment merely renders nugatory the whole scheme of the bill so far, and I think the Senator will agree if this amendment is adopted the defendant who has in good faith, believing he is buying of a man who has a right to sell him something that he is using for himself and is not using in any manufacturing process, if a man comes around to blackmail him he says to that man in reply, "If you go to court you cannot get out of me more than $20, and you have got to pay your own costs to do that." We have removed and cut up by the roots, as far as we constitutionally could, the demands of those blackmailers, as they have been described. But, on the other hand, suppose the defendant is such a person as is described by the Senator from New York, a man put forward as a tool by a real and purposed infringer; going into court he joins issue, keeping the case in court years, involves the plaintiff in an expenditure of thousands of dollars to test his right; in such a case as that there may be only a dollar recovered. It is very often the case that there are two conflicting patents, and the man claiming under one and undertaking to break down the other is sued the moment he begins the use of the patent which infringes the true patent, and they have a lawsuit which involves thousands and thousands of dollars, taking accounts and all the expenditures in a patent cause. I think the Senator from Indiana will agree that in such a case as that the judgment as to the amount of damages is not the test of the value of the thing which has been in controversy; but where the parties have been settling the right to a controversy where perhaps property of the value of hundreds of thousands of dollars is at stake, the costs should go to the prevailing party.

Mr. VOORHEES. I do not want to consume a minute of time. I

see the period allowed is nearly up. I will only say to the Senator from Massachusetts that if the plaintiff goes into court to litigate with somebody to settle whether he has a right to the patent or not, he might as well pay the costs as the other side. I regard this amendment as simply a threat to bully the defendant into conceding that a man has a patent, whether he has or not. It is just saying to him, "Now if you concede that we have this patent, you will come out lighter," and it is a threat to a man against pleading the general issue. He cannot plead the general issue without being mulct in costs. I hold that a man has as much right to appear in court as a defendant to contest the right whether a man has a legal patent, as any other question could be raised. I think it is not proper legislation. I hope it will be voted down.

Mr. McDONALD. If this amendment is adopted, a defendant under the bill will have to be an innocent purchaser, and will so have to confess that the plaintiff is entitled to recover something, anything perhaps under twenty dollars; and unless he is ready to so confess upon a trial of the cause, if the plaintiff recovers anything whatever, he is to recover costs.

Mr. HOAR. The Senator from Indiana will pardon me for one suggestion. His case is analogous to the case of a tender.

Mr. McDONALD. Whereas if the party does not recover more than he offers to confess, he recovers no costs; but I say in every case where the defendant is to be benefited by the bill, he must be able to establish two facts: first, that he is an innocent purchaser of the article without any knowledge of its character as a patent; and in the next place, he must have offered to confess, or in his defense, whatever that defense may be, admitted that the plaintiff is entitled to some recovery; that is, that the plaintiff is the owner of the patent-right, that it is a valid right, and that the article which the defendant is using is an infringement of it and gives him a right to a recovery of some amount, and unless his defense is made in that form and to that effect a recovery of any amount, of one cent, recovers full costs. That is the effect of this amendment; it will have no other.

I think it is the purpose of the bill to guard purchasers from vexatious litigation who have innocently purchased simple articles where the royalties cannot under ordinary circumstances amount to less than twenty dollars, and where the purchaser has been considered honest, and to drive such parties as claim an interest in a patent-right of that kind to sue the manufacturer or vendor if they wish to recover full costs as well as whatever damages they may be able to maintain that they have suffered. That seems to me to be the purpose of the measure, and it would be very much impaired if this amendment were adopted. I therefore cannot support the amendment, and consider it as injurious to the bill.

Mr. PLATT. I agreed to this bill, with the amendments of the committee, as one of the Committee on Patents; but I cannot agree to the bill unless this amendment is adopted; and if it be not adopted I shall desire to be heard somewhat at length upon the bill. I want to ask the attention of the Senate one moment to show what the effect of the bill would be without this amendment. It would allow any person who purchases a patented article without injury, for his own use, when sued to set up the invalidity of the patent and to take the patentee through years of litigation; and then the patentee recovering upon that question, if he does not get more than $20 damages (and he never will for the use of any one article) he shall recover no costs in the suit. I apprehend that a patentee has some rights which the Government is bound to respect.

While I am very willing to protect the people who are imposed upon by patentees, or by persons claiming to be patentees, I do not think we ought to go so far as to allow a person to use an article and then to set up when he is asked to pay damages the question of the validity of the patent, and if the plaintiff succeeds pass a provision that he shall have no costs unless he gets more than $20 damages. Here was the Blake stone-crusher patent, which was litigated in all the courts, and finally in the Supreme Court of the United States; and the damages were only nominal—$1. Pass the bill without this amendment and in a case of that sort the patentee might as well be remediless altogether. I know that the Legislature can deal with the remedy; but it must not so deal with it as to destroy the right—and it would be a practical destruction of the right of the patentee to his property to pass the bill without the amendment.

Mr. WITHERS. I ask now, in pursuance of the notice that I gave, that the Senate proceed to the consideration of the agricultural appropriation bill.

Mr. CONKLING. Has the morning hour expired?

The PRESIDING OFFICER. The morning hour has expired. There is no unfinished business, and the Chair did not interrupt the Senator from Connecticut until he had finished.

Mr. McMILLAN. I think the Senate is ready to vote upon the bill that has been under discussion.

Mr. CONKLING. Oh, no.

Mr. WINDOM. I ask the Senator from Virginia to yield to me for a single moment to say that I shall persistently urge the consideration of this bill until action shall be taken upon it.

Mr. WITHERS. I am very anxious to secure action upon it myself, but in the mean time my duty to the Appropriations Committee requires me to ask the Senate to take up and act upon the agricultural appropriation bill. It is a very short bill, and after it shall have been completed, if the Senator can call up the bill which has been under consideration, the Senate will probably dispose of it very promptly.

ISTHMUS SHIP-CANALS.

Mr. BURNSIDE. I rise to state that I will ask the Senate to allow me to speak to-morrow morning, not exceeding ten minutes, upon the concurrent resolution offered by the chairman of the Committee on Foreign Relations [Mr. EATON] to the effect that the Government of the United States will insist that its consent is a necessary condition-precedent to the construction of a ship-canal or other means of transportation across the Isthmus. I shall not speak over ten minutes. I shall ask the Senate to hear me at the conclusion of the consideration of the Calendar, at half past one o'clock to morrow.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, disagreed to by the House of Representatives.

On motion of Mr. DAVIS, of West Virginia, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the presiding officer.

The PRESIDING OFFICER appointed Mr. DAVIS, of West Virginia, Mr. WALLACE, and Mr. ALLISON.

AMENDMENTS TO BILLS.

Mr. GARLAND. The Committee on Territories have had under consideration the memorial of the Legislature of Montana, in reference to the penitentiary in that Territory, and have instructed me to report the same with a recommendation that the sum of $20,000 be appropriated in the sundry civil appropriation bill for the purpose of repairing and enlarging the penitentiary; and I move that this recommendation, with the memorial and accompanying papers, be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. BAILEY, from the Committee on Post-Offices and Post-Roads, to whom was referred a proposed amendment to the deficiency bill concerning the readjustment of the salaries of all postmasters of the third, fourth, and fifth classes under the classification provided for in the act of July 1, 1864, &c., reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. KIRKWOOD, from the select committee on the subject of pleuro-pneumonia and other contagious and infectious diseases of cattle and other domestic animals, reported two amendments intended to be proposed to the bill (H. R. No. 7203) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. INGALLS. I present an amendment intended to be proposed by me to the sundry civil appropriation bill. I state to the committee that it is accompanied by certain papers necessary to the understanding of the amendment. Let the amendment, with the papers, go to the Committee on Appropriations without printing.

Mr. PLUMB submitted amendments intended to be proposed by him to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER, Mr. COKE, Mr. McPHERSON, Mr. PADDOCK, Mr. PENDLETON, Mr. VOORHEES, and Mr. WILLIAMS submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

RIVER AND HARBOR BILL.

Mr. RANSOM. I desire to give notice that to-morrow morning, at the expiration of the morning business—not of the morning hour, but of the regular morning business—I shall ask the Senate to take up the river and harbor bill.

HOUSE BILLS REFERRED.

The bill (H. R. No. 6478) for the relief of Levi Price was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 7160) for the relief of John H. Templeton was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

EIGHT-HOUR LAW.

Mr. BRUCE. I desire to give notice that I shall to-morrow ask the Senate to take up the joint resolution (H. R. No. 239) to provide for the enforcement of the eight-hour law.

AGRICULTURAL APPROPRIATION BILL.

Mr. WITHERS. I now move that the Senate proceed to the consideration of the appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 7099) making appropriation for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes.

Mr. WITHERS. I ask that the formal reading of the bill be dispensed with, and that the amendments of the Committee on Appropriations be acted on as they are reached in the reading of the bill before other amendments are offered.

The PRESIDING OFFICER. The bill will be read, and the amendments reported by the Committee on Appropriations will be acted upon as they are reached in the reading, unless there is objection.

Mr. WITHERS. The appropriations in the bill now under consideration, as proposed to be amended by your Committee on Appropriations, are less than the estimates and greater than the amount appropriated by the House. The amount of the estimates from the Department was $342,720. The amount of the bill as it passed the House was $310,000. The amount added by the Senate Committee on Appropriations is $20,500, making the total of the bill as reported $330,500. The amount of the appropriations for the current year is $253,300. The bill, therefore, as reported is less than the estimates by the amount of $12,220, and exceeds the appropriations for 1881 by the amount of $77,200.

The increase made to this bill by the Senate committee is for the following purposes: Restoring salary of Commissioner, $500; examination of and report on wools, $5,000; investigation of pleuro-pneumonia, $15,000; additional clerical force, $10,300; purchase of seeds, plants, cuttings, &c., $5,000; culture and manufacture of tea, $5,000; investigating history and habits of insects injurious to agriculture, $10,000; chemicals and apparatus, $2,000; manufacture of sugar from sorghum, $17,500; manufacture of sugar from beets, $10,000; examination and report on wools, $1,000; investigation of pleuro-pneumonia among cattle, $15,000; building for agricultural implements, $10,000; and concrete walks and roads, $3,000; aggregating $88,800.

The items of reduction are for a burglar-proof safe, $1,000; experimental garden and grounds, $600; and reclaiming arid and waste lands, $10,000; aggregating $11,600; the net increase being $77,200 over the amount of the bill as it passed the House.

Now, I ask that the reading of the bill be proceeded with, and if any explanation is desired of any amendment offered by the committee, I am ready to furnish such explanation.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was in line 12, to increase the appropriation "for compensation of Commissioner of Agriculture" from $3,500 to $4,000.

Mr. WITHERS. That is the amount of salary fixed by the statute.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "dollars," in line 27, to insert, "in all, $45,000;" so as to make the clause read:

OFFICE OF COMMISSIONER.

For compensation of Commissioner of Agriculture, $4,000; chief clerk in said Department, $2,000; chief of divison of accounts, disbursing clerk, and superintendent of Department building, $1,800; one assistant, who shall act as property clerk, $1,400; one stenographer, $1,800; two clerks of class 4, $3,600; two clerks of class 3, $3,200; four clerks of class 2, $5,600; four clerks of class 1, $4,800; one librarian, $1,400; one engineer, $1,200; superintendent of folding-room, $1,200; five clerks, $1,000 each, $5,000; clerks, carpenter, watchman, and laborers, $8,000; in all $45,000.

Mr. WITHERS. That only specifies the totals of the various items of appropriation.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 34, after the word "dollars," to insert "in all, $9,000;" so as to read:

Chemical division:

For compensation of chief chemist, $2,000; one assistant chemist, $1,600; one assistant chemist, $1,400.

For the employment of additional assistants in the chemical department, $4,000; in all, $9,000.

The amendment was agreed to,

The next amendment was, after the word "dollars," in line 39, to insert, "in all, $3,000;" so as to make the clause read:

Botanical division:

For compensation of one botanist, $1,800; one assistant botanist, $1,200; in all, $3,000.

The amendment was agreed to.

The next amendment was in line 43, after the word "dollars," to insert "in all, $3,200;" so as to make the clause read:

Entomological division:

For compensation of entomologist, $2,000; one assistant entomologist, $1,200; in all, $3,200.

The amendment was agreed to.

The next amendment was in line 50, after the word "dollars," to insert "in all, $10,800;" so as to make the clause read:

Statistical division:

For compensation for one statistician, $2,000; one clerk of class 4, $1,800; two clerks of class 3, $3,200; one clerk of class 2, $1,400; two clerks of class 1, $2,400; in all, $10,800.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 67, to insert "in all, $2,700;" so as to make the clause read:

Seed division:

For compensation of superintendent of seed division, $1,800; one superintendent of flower-seed room, $900; in all, $2,700.

The amendment was agreed to.

The next amendment was in line 88, after the words "proportion of," to strike out "three-fourths" and insert "one-half;" and in line 91, before the word "constituents," to strike out "agricultural;" so as to read:

Purchase and distribution of seeds, &c.:

For the purchase and propagation and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, $80,000. An equal proportion of one-half of all seeds, plants, and cuttings shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress, for distribution among their constituents, or shall, by their direction, be sent to their constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith.

The amendment was agreed to.

The next amendment was, after the word "therewith," in line 94, to insert:

Provided, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Commissioner of Agriculture.

Mr. TELLER. I should like to call the attention of the Senator who has the bill in charge to this proviso. I think the time should be a little earlier than that fixed. If the Commissioner is compelled to hold these seeds until the 30th of June, they will be practically worthless. I suggest that it be made the 1st of March.

Mr. WITHERS. What the Senator says is true with regard to some of the seeds, but with regard to many others it is not true. If the time were fixed at the 1st of March, the period indicated by the Senator, it is possible that some members of Congress might thereafter apply for their quota and find that it had been exhausted. Therefore the committee thought it most judicious to permit this distribution to be made by the Commissioner at the expiration of the year for which this provision was designed to apply.

Mr. TELLER. If we fix an earlier time the Senators and Members would call before that time, or else they would not call at all.

Mr. WITHERS. No; many would call after that time for perhaps the middle and northern part of the country.

Mr. TELLER. It seems to me nonsense to carry them over until the end of the fiscal year, because a majority of these seeds will be worthless after the first year.

Mr. WITHERS. I think the Senator is mistaken in saying a majority of them. No doubt many would remain in a condition to germinate, and all these cuttings, plants, &c., would be distributed by the Commissioner.

Mr. TELLER. The cuttings of course would be useless by the following year.

Mr. WITHERS. Leguminous plants and seeds would not.

Mr. TELLER. If in order, I move to strike out in lines 97 and 98 the words "at the end of the fiscal year" and insert "until March 15 of each year." I think that would be time enough.

Mr. WITHERS. I am opposed to the amendment.

Mr. SAULSBURY. In a very cold spring it would be an absolute loss to take some of these seeds so early as that. Some of them ought to remain until after that period in order to insure their safety.

Mr. TELLER. To meet the Senator's view, I will say the 1st of April, because if they are not sent out by that time there is no use of sending them at all.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado to the amendment of the committee.

Mr. WITHERS. I hope the amendment will not be agreed to. The committee have carefully considered the matter. In the northern portion of this country there are many seeds that could not properly be planted until the very last of April and during May, and for twelve months the law gives to each member of Congress the privilege of distributing a certain amount of these seeds.

Mr. TELLER. That is one of the rights of a Senator that I do not choose to exercise myself, if I can avoid it. I am quite willing that the Commissioner of Agriculture shall distribute these seeds, and I think he is the proper person to distribute them. Whenever a constituent of mine sends a letter to me saying he wants certain seeds, I transmit his application to the Department, and I believe they have always sent the seeds. I think that is the proper course to pursue, and I suppose they would do that after the 1st of April as well as any other time. The purpose of this provision is that the Commissioner shall send to each Senator one-quarter of all the seeds, and he sends them indiscriminately everywhere to everybody just as it happens. The rule is that the seeds sent out by Senators and Members, as a general thing, are wasted. I do not want to facilitate that thing very much. I want to leave it in the hands of the Commissioner.

Mr. WITHERS. I concur in a good deal of what has been said by the Senator, but the practical effect of the existing law is, as the Commissioner of Agriculture informs me, that he receives no more authority to distribute the quota of seeds which belong to each member of Congress at any time than he would have to distribute any other article which did not belong to him and over which he had no control. The effect of the amendment offered by the committee is simply to utilize a considerable amount of seeds and cuttings which now are wasted and thrown away, and I hope it will pass as reported by the committee.

Mr. PADDOCK. I hope the amendment proposed by the Senator from Colorado will not prevail——

Mr. TELLER. If it is going to make any talk, and if the agricultural Senators here object to it, I will withdraw my amendment to the amendment.

The PRESIDING OFFICER. The Senator from Colorado withdraws the amendment to the amendment; and the question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 126, after the word "dollars," to insert "in all, $7,000;" so as to make the clause read:

Experimental garden and grounds:
For labor in experimental garden, $5,000; plant-pots, $250; continuing repairs and painting greenhouses, &c., $500; purchasing and propagating new plants and seeds of economic value, $550; tools for greenhouses, $150; repairs to heating apparatus, new pipes, &c., $450; charcoal, sand, and sod for potting plants, $100; in all, $7,000.

The amendment was agreed to.

The next amendment was to strike out the following proviso, from line 147 to line 154:

Provided, That to enable the Entomological Commission to complete and publish the data already obtained by them, with the investigations made, the sum of $5,000 of said sum of $15,000 is hereby appropriated, to be expended under the direction of said commission; and the report of the said commission and an itemized statement of their expenditures shall be made to the Commissioner of Agriculture.

Mr. TELLER. I should like to have the Senator who has the bill in charge give us some reason why this portion of the bill is stricken out.

Mr. GARLAND. I should like also to ask the Senator from Virginia whether the appropriations on page 3, $2,000 for compensation of entomologist and $1,200 for an assistant entomologist, form part of the $15,000 appropriated for investigating the history and habits of insects injurious to agriculture, to which this proviso was added by the House?

Mr. WITHERS. No, sir. On page 3 the item to which the Senator from Arkansas alludes is simply the compensation of the officers charged with this duty in the Agricultural Department, the entomologist and assistant entomologist.

In reply to the question of the Senator from Colorado, I will state the reasons which induced the committee to recommend striking out the proviso which has been reported. In 1877 there was an appropriation made for the study of the Rocky Mountain locust, and an entomological commission was appointed to investigate and report upon that subject, and the amount of $18,000 was appropriated that year for the work. In 1878 a report was made and an additional sum of $10,000 was asked to complete the work of that Entomological Commission in the special investigation of the grasshopper or the Rocky Mountain locust. The next year, to wit, in 1879, that commission had completed, as we are bound to assume, the investigation of the Rocky Mountain locust, inasmuch as no subsequent report has been made by them on that subject. Professor Riley, who was the entomologist at that time for the Department of Agriculture, was paid an addition to his salary and received an appropriation of $10,000 as the chairman of this Entomological Commission, $500 of which was devoted to the special purpose of investigating the habits of insects injurious to the cotton plant. That investigation was made and a partial report was submitted. In 1879 we added an appropriation of $10,000 for completing the work of this commission, as specified.

This commission, you will understand, was created not by the Department of Agriculture, nor under the control of that Department, but under the Department of the Interior. In addition to that there was a deficiency appropriation in 1879 for this investigation of $600. In 1879, for the cotton-worm investigation, $5,000 was devoted, and there was a deficiency appropriation the same year of $412. Last year, in 1880, a proposition was made and agreed to by the Senate to increase the appropriation recommended in the bill to $25,000 for the express and avowed purpose of completing the whole work of that commission. I ask the attention of the Senator from Colorado and the Senate to the phraseology of the act making that appropriation in order that I may show to the Senate that it was expressly understood at that time that no other appropriation should ever be asked for this Entomological Commission, but that all that class of work which they had performed should thereafter devolve upon the Agricultural Department, which seems to be the proper Department for continuing such investigations. The appropriation was in these words:

For the completion of the work of the United States Entomological Commission under the Department of the Interior in the special investigation of the Rocky Mountain locust or grasshopper and the cotton-worm, the sum of $25,000, to be immediately available: *Provided*, That after the close of the next fiscal year all work of the character herein provided for shall be exclusively under the control of the Agricultural Department, and all operations under the Interior Department shall be fully and finally closed before the 30th day of June, 1881.

The Committee on Appropriations regarding the provisions of this act of last year as requiring the whole of the work done by this Entomological Commission to be completed and closed up out of that appropriation of $25,000, did not regard it as proper that $5,000 of the $15,000 devoted to the Agricultural Department for the investigation of the whole subject of entomology as connected with agriculture should be diverted from that purpose in order that this Entomological Commission might publish the results of their investigation, and we considered that they were required to do that out of this appropriation of $25,000 and complete their work by the 30th day of June next.

Mr. TELLER. If I understand the Senator, they have not had money enough to complete the publication, and it is proposed now to stop after having gone to the expense of collecting all this information, and we are not to have it published. Is that it?

Mr. WITHERS. I will state to the Senator that no such information was before the committee at all. On the contrary, the committee assumes that it was the business of the commission, and judging from the result of their investigations they could not have expended so large an amount of money as was appropriated last year, leaving them nothing for the publication. It is clear that it was the design of the Senate and of Congress when this appropriation was made last year that the whole matter of the Entomological Commission should end with the current fiscal year.

I will say in addition that if there should be any portion of their conclusions which they are not able to publish under the provisions of that act, they may be published by the Agricultural Department hereafter under the supervision of the person who makes these reports. The Commissioner of Agriculture was before the committee. He stated that the amount of $15,000 appropriated in this bill, which is the amount of his estimates, was designed simply to cover the operations of his own Department, and that if this proviso should be added to it the effect of it would be to cripple his investigations to the amount of $5,000 in this regard, and he protested against this sum being diverted from the amount which had been estimated for as necessary for his Department.

Mr. TELLER. I do not desire to do anything that will embarrass the Commissioner of Agriculture in his publications; but it does seem to me that the committee in disposing of the subject in this way have probably left it where there never will be a publication of the matter collected. If it can be done and will be done by the Commissioner of Agriculture under his appropriations, it is all well; but it seems to me it would have been well in striking out the proviso for the committee to have provided that the Commissioner of Agriculture should have the data to proceed with the publication.

Mr. WITHERS. It seems to me that the provision of the bill of last year requires this Entomological Commission, out of the sum then appropriated, to conclude their labors, which includes also a report of their investigations, and I have no doubt that they will do it in accordance with the express provisions of the law which authorized the appropriation to be made for that purpose.

Mr. EATON. My friend from Virginia will remember that they positively agreed to do that last year.

Mr. WITHERS. There is no doubt of it.

Mr. EATON. And it was said the money that we then appropriated would be all that would be required for that purpose.

Mr. WITHERS. It was to complete the whole work, including the publication.

It seems to me that the effect of this whole proviso would simply be to perpetuate the existence of the Entomological Commission, which it was understood should expire with the present fiscal year, and all their reports should be submitted to Congress. Under the terms of the act of Congress I think that is required.

Mr. MORGAN. The Entomological Commission was organized for the purpose of helping the work of the Agricultural Department, as it was unable to determine with success, either from want of ability among the employés and officers or from want of time, the locust pest when it came out in this country. Its devastation was so terrible that the country could not defend itself without having a commission in the field for the purpose of making special investigations as to the ravages of that insect. I think that I need not advert to the successful operations of that commission in that respect for the purpose of satisfying the Senate that its labors have been extremely beneficial to the people of the United States. It is true they have not been able to suppress the ravages of the locust, but they have been able to indicate the field of its operations and the manner of exterminating it or of repressing it to such a degree of certainty as that the country is now prepared whenever it shall reappear to test its operations much more successfully than it ever has done heretofore. The Entomological Commission originated in that necessity, and its work has been wonderfully successful.

When I came to the Senate I made the first effort that I believe had been made at all to draw the attention of that commission, or of some scientific commission, to the subject of checking or of exterminating the caterpillar or cotton pest. The first appropriation that was made was extremely insignificant. I called for a very small appropriation with a view of trying to get the attention of the Senate and that of the country attracted to the subject. The work was placed in the hands of the Entomological Commission without any dissent on the part of Congress, for the reason that that commission embraced the most eminent entomologists of this country. It was an affliction; it was a terrible distress brought upon the southern part of the United States, which the people had tried in vain to suppress and check, and we found that if anything was to be accomplished at all it was to be done by engaging the attention and services of the most scientific men in this or any other country in the effort to check it. We therefore added to the duties of this Entomological Commission the investigation of the cotton-worm, as it is called, properly the caterpillar. Professor Riley took the field with a corps of assistants selected with reference to their scientific ability and their experience through the entire South and North. These gentlemen devoted their time to this work almost without compensation in consideration

of the demand made upon their ability and their experience to assist in this very important matter.

Congress from time to time when this commission brought in its reports, under estimates from the Department of the Interior, took the liberty of cutting down the estimates generally to about two-thirds of the amount estimated for, and thereby cramped and confined the commission in the field of its operation to such a degree that it has never had a fair opportunity to do either itself or the country justice. We have never been able to get from Congress or from the Committee on Appropriations of the Senate an allowance of the estimates which the Department of the Interior have made and laid before the Senate in reference to this subject. I do not think that that is exactly fair treatment.

Senators on this floor perhaps are not aware of the fact that more than twenty millions of money have been saved during the last year in consequence of the instruction the people of the South had received from the Entomological Commission in the methods of checking and repressing this cotton devastation. But yesterday I met in the corridors of the Senate a planter from one section of Alabama, a gentleman whom I had not expected to see here at all. In conversing with him about the state of the cotton crop of the last year in that State, he being one of the very best planters in Alabama, one of the most successful, he said to me, "I lost my crop last year because I did not choose to follow the advice which Mr. Riley had given to the people of that section of the country in reference to repressing the cotton-worm. My neighbors all around me made excellent crops, and I have paid for my folly in the loss of almost my entire crop." That gentleman, speaking intelligently, gives a fair statement of the advantages which Mr. Riley has been able to confer upon the people of Alabama at least, and I have no doubt upon the people of the entire South, reaching from the southern border of Virginia around to Texas, in consequence of these investigations of this pest and of the best means of repressing it.

Mr. Riley went into the field during the last year with a corps of chemists and of observers, scientific men, and he has accumulated a large amount of very valuable information. Some portion of that has been already printed and circulated through the country, and the demand for Bulletin No. 3 has been so great that the Senate will remember that the other day the chairman of the Committee on Printing recommended, and there was passed through the Senate unanimously, a resolution for the printing of 30,000 additional copies of that bulletin. From whence does this demand come? It comes from the people interested in this subject. Congress will do them and itself injustice if it refuses to give the little pittance of money that is asked here for the purpose of finishing up the publication of these valuable reports.

The difficulty that we experience in the South, in respect to this very important matter, is a little personal quarrel that has sprung up between Professor Riley and Mr. Le Duc. It is an extremely embarrassing fact to the country that Mr. Le Duc cannot be reconciled to Mr. Riley and that Mr. Riley cannot be reconciled to Mr. Le Duc; but I have never got to believe that because they quarreled Mr. Le Duc was a better entomologist than Mr. Riley, or that the South should be deprived of the services of that eminent entomologist to gratify the spleen of the Commissioner of Agriculture. Mr. Le Duc has not got the force in his office, and this bill does not provide it, for the purpose of carrying on effectually this important work. He has not got the man there who has the entomological and scientific information necessary to expend this money in any proper way; and if he has got the man there even, the man has not the time to attend to it. He is an officer who must confine his labors almost exclusively to the Agricultural Department in the city of Washington. It would be an almost useless expenditure for that man to take the field and travel, as Professor Riley has done, through heat and through night and day, during all the sickly season of last year, throughout the entire South, in order to make the investigations of this cotton pest.

Why are we not entitled to have a scientific man in the field to investigate this matter? If we cannot find that scientific man in the Agricultural Department, why are we not entitled to have the benefit of his services, no matter where he may be or whether he is the friend of Mr. Le Duc or is not? How much are we to sacrifice to Mr. Le Duc's caprice and his tastes in commanding the Bureau of Agriculture? I commend him for all the valuable labors he has performed for the country, if they can be estimated. I am incapable of estimating them because I am incapable of enumerating them. I notice in this bill that quite a number of different experiments are authorized to be made by him in agriculture. The bill provides in line 99:

That $3,000 of this sum shall be expended, in the discretion of the Commissioner, in experiments for the improvement of the varieties and culture of cotton.

The idea of spending $3,000 to enable Mr. Le Duc to teach the southern planters how to raise cotton, and not then give $5,000 for publishing valuable information which will enable those planters to destroy insects that are dangerous to cotton, shows that the committee have not had this subject under that wise deliberation and consideration which I think its merits demand. They have done their duty to themselves and the country, I have no doubt, according to the best of their ability; but after they have expended $3,000, or $300,000, or $3,000,000, or $300,000,000, in enabling Mr. Le Duc to make experiments in the culture of cotton, the practical result will turn out like the experiments that were made by large numbers of gentlemen from the North who went South immediately after the conclusion of the war and expected that they would make vast fortunes by raising cotton. I have the last one to hear from who did not go back broken, because he went there to undertake a business about which he knew nothing.

After we have got all the information that Mr. Le Duc can extract out of his experiments on the subject of cotton culture, the South will be no wiser in that regard than it is to-day. There is no set of men in the world who are conducting an agricultural enterprise with more scientific ability than the people of the South in growing cotton; and the proof of it lies in the fact that while our labor has been diminished year by year since 1865, our cotton crop in that period of time has more than doubled itself; it has risen from about three million bales to about six million bales. The requirements of the cotton planter in the South are not exravagant. Indeed they have been extremely modest. Put all the dollars together that Congress has expended in its efforts to exterminate this cotton pest in the South, and you would have less than the value of the crop of a single planter in the South in a single year.

I hope that the Congress of the United States will not indulge Mr. Le Duc and Mr. Riley in their mere personal antagonisms or quarrels with each other to the sacrifice of this important interest. Riley has the material already gathered, which he desires to publish and which we desire that he shall publish. It ought to be published under his inspection, because he has gathered the information together and knows how to arrange it, and knows the value of it.

Mr. WITHERS. It was the same last year and will be the same next year.

Mr. MORGAN. Very likely it may be the same next year; I cannot say that it will not. The Senator from Virginia seems to think because we have not succeeded in checking the cotton-worm one year, that Congress has no business to authorize additional experiments.

Mr. WITHERS. The Senator is entirely mistaken. I made no such assertion.

Mr. MORGAN. Then I would be glad for the Senator to explain. I have no interest in this matter of any kind; I desire merely to have some scientific effort made to stamp out, as the honorable Senator from Kentucky [Mr. WILLIAMS] said in reference to pleuro-pneumonia, this cotton pest; and it is a most apt expression.

You vote $10,000 to Mr. Le Duc, which shall be available immediately for experiments in connection with the culture and manufacture of tea. You would devolve upon the Agricultural Department that duty which belongs to the planters and horticulturists of this country of making experiments in agricultural products, and which they would have still to make, and you expend $10,000 to enable him to get up an experiment in tea culture. You give Mr. Le Duc $10,000 for what? "For the continuation of experiments in connection with the manufacture of sugar from beets, and for the cultivation of beets for that purpose." There are not beets enough raised in the country upon which Mr. Le Duc can make his experiments, but he must have the privilege of investing $10,000 in raising beets upon which to make his experiments. The committee thus indulge him and are thus liberal in the gratification of Mr. Le Duc's experimental tastes; but when an officer of the Government, no matter how great or how scientific he may be, undertakes to ask that he shall be allowed to publish that which he has gathered of information, valuable to the country, it must be published under Le Duc's auspices and under his direction, and I dare say when it is brought before him he cannot in a month's time arrange the facts so as to present them in order as a scientific paper. He has no experimental knowledge of such science, so far as I am informed; and I cannot understand why it is that the facts which have been gathered by Riley should not be allowed to go to print under his direction.

Then you give to Mr. Le Duc $25,000, to be available immediately, for the purpose of continuing "experiments in the manufacture of sugar from sorghum and other sugar-producing plants." Nobody stands here to be in rivalry with or to compete with Mr. Le Duc in his efforts to make sugar out of corn-stalks and out of sorghum; and hence the committee find no difficulty, year after year, in appropriating to him large amounts of money for machinery much of which has gone to waste and ruin already, and to enable him to send over into Virginia, just across the line, and open sorghum patches and have them cultivated there by the free negroes about Washington. There is no trouble about that. Twenty-five thousand dollars for that little project is a very small matter; but when we ask for $5,000 to print a report containing valuable information, the honorable committee find that we cannot do it because somebody has said that it would not be required.

We have made no bargain with the Entomological Commission that I know of, we have made no bargain with anybody else. The honorable Senator points to the law and says, "there is the law providing that the sum appropriated formerly shall be sufficient to cover the whole expense." Yes, sir; and such has been the law in reference to every public building in the United States, every harbor, and every river. Estimates have been made that it would require so much money to complete them; the estimates have been put into an enactment, and positive restrictions have been enacted that the appropriation should not go beyond the estimates; and yet Congress year after year provides additional sums simply for the reason that it was not quite as wise as it ought to have been at the time it made the

original appropriation. Congress has the liberty of correcting its own errors as well as other people, and it is but the correction of a fatal error in this case that requires an appropriation of only $5,000.

I do not understand that this important interest ought thus to be trampled under foot. I cannot call it anything else than trampling it out. I have submitted an amendment to this provision in which I propose to raise the sum for the Entomological Commission to $10,000 instead of $5,000, and that is a very moderate sum. There are some remaining experiments relating to the machinery necessary to be employed in throwing upon the cotton-plant poisons that will destroy the insect, which Congress ought to allow to be made. There is a single plant now grown successfully in the State of California, a species of pyrethrum, out of which a gentleman in that State is making a large amount of money, the flowers of which when pulverized and put upon any insect almost that you can describe instantly destroy it, a plant that will grow very well in the South, a plant the value of which Mr. Riley has discovered in connection with the extermination of the cotton-worm.

Mr. WITHERS. It was known before.

Mr. MORGAN. Not in its application to that insect, nor was it known in reference to all insects. There are thousands of gentlemen in this country who did not know that the plant was worth anything at all for these purposes. Mr. Riley has demonstrated, through a long series of experiments, the absolute success of the flowers of the pyrethrum, when reduced to powder, in the destruction of the cotton insect. Now he is attempting to produce its culture in the South. It is raised in Hungary, it is raised in all the northern part of Turkey, in Europe, an indigenous plant growing wild in that country having a climate very much like our own. It is now being grown successfully in California; and there is no reason why, if Congress should give some little encouragement to the enterprise, that that valuable plant may not be transplanted to the South and grown there, so that the planter will be enabled to raise upon his own farm and in adjoining rows to his cotton the plant the flowers of which when put upon the insect will destroy it absolutely.

Mr. President, we have heard a good deal here about the assistance of Congress in various directions to the farmers and cultivators of this country. I assure you that if you will place in the field scientific men who will take upon themselves with professional zeal and ardor the duty of inquiring into these insects, you will never lose a dollar of money to the Treasury of the United States by these slight expenditures. On the contrary, the revenues of commerce and the commercial power and wealth of this country were increased last year $20,000,000 by the assistance and advice given by this one man, whose only fault it appears to be is that he is not a friend of Mr. Le Duc.

I hope the time is not very far distant when the Agricultural Department will have an opportunity of inviting a gentleman of science there for the purpose of assisting in its operations, without reference to whether he is perfectly friendly to the head of that family or not, for it seems to be a family, a close corporation. It seems that no man can get in there who is not a personal pet and friend of the head of the Department, it makes no difference what his scientific abilities may be. The Government must waste its money and lose all opportunity to serve the people because it cannot flatter Mr. Le Duc with every nomination that is made to office in that bureau. I trust that the Senate of the United States will take a view of this question which at least rises above all personal quarrels of Mr. Le Duc and Mr. Riley.

Mr. WITHERS. I wish to state the facts in connection with this matter in response to the very elaborate statement of my friend from Alabama. If his assumptions are to be accepted as correct, I admit that there would be no case before the Senate at all. I know nothing of any personal quarrel between Mr. Le Duc and Mr. Riley. I do know that Professor Riley was at one time in the employment of the Agricultural Department, and at the time when he made the first of the investigations in regard to these insects. I am not disposed to detract one iota from his credit or reputation as a scientist. I know nothing to the contrary. I assume that he is all that my friend from Alabama claims for him; but I do not suppose that he monopolizes all the knowledge upon those scientific subjects. I suppose it is possible that there are other men who enjoy a modicum at least of knowledge upon this great subject as well as himself, and I do not think it a very violent assumption for me to state that in my opinion there are such gentlemen connected with the Agricultural Department. I know not whether they are special friends or pets of General Le Duc. So far as the Committee on Appropriations are concerned they have no knowledge of these things, and do not want to have any knowledge of them. They desire to serve the best interests of the agricultural people of this country, and I think it is not going out of the way to assume that the gentleman placed at the head of this great Department shall be a man who is fitted for the place, and who is sufficiently above the little petty jealousies which the Senator from Alabama assumes control him; as a man in his position ought to be, for certainly if he is the man described here in the attack made upon him by the Senator from Alabama, he is utterly unfitted for the position he occupies, and should be impeached and removed from office by the Congress of the United States.

We are told that these gentlemen come here now at the earnest demands of the great cotton interest of the South and claim that $5,000 additional shall be appropriated for the publication of the results of their investigation there. Where is the evidence of it? There was none of it before the committee.

Mr. MORGAN. I sent evidence to the committee.

Mr. WITHERS. The Senator sent to the committee two or three articles from southern papers containing the results of the investigation the publication of which it is claimed now we need this amount of money in order to give to the world. They have already been published. This bulletin No. 3 has been spread broadcast through the whole country, and that contains the gist of the whole matter. The Senator very well referred to the fact that the Senate of the United States the other day with great unanimity passed a resolution authorizing the publication of thirty thousand additional copies of that work. The work being published, where is the necessity of paying $5,000 to perpetuate not only this publication, but to perpetuate the existence of this Entomological Commission, because Professor Riley seems to be in high favor with certain gentlemen in the Senate?

The fact that these gentlemen assume to have engaged in this work with little or no compensation sounds strangely when considered in connection with the action of Congress in appropriating money for this purpose. We find in the successive years from 1877 to 1880 there had been appropriated by Congress for the work of this commission upward of $69,000, nearly $70,000, of which sum I would call the attention of the Senator from Alabama to the fact that $33,000 have been expended in salaries, three gentlemen at $3,000 a year each, for all these successive years. The effect of the passage of the proviso which is incorporated in the bill would simply be to perpetuate the existence of the commission again for an additional year. It is for that reason and in that aspect of the question that we desire to strike it out.

Mr. MORGAN. Will the Senator allow me to ask him what portion of the $69,000 has been applied to the cotton-worm investigation?

Mr. WITHERS. The cotton-worm investigation commenced in 1878. There have been $10,000, $600, $5,000, $412, and $25,000 appropriated for it.

Mr. MORGAN. For the cotton-worm?

Mr. WITHERS. Yes, sir; for the cotton-worm investigation.

Mr. MORGAN. I do not remember the $25,000 appropriation.

Mr. WITHERS. That was last year.

Mr. MORGAN. It was both for an investigation of the cotton-worm and to complete the investigation of the grasshopper plague.

Mr. WITHERS. But I beg to say here, and the publications of Professor Riley will substantiate the allegation, that not one letter, word, or syllable has been published in regard to the grasshoppers since 1878. Not a particle of information has been given to the country in regard to that insect, because the publication made in that year was regarded, as it very properly was, as exhaustive of the subject. Therefore the whole amount of appropriations which I have specified I have a right to assume have been expended in this direction; and my judgment is that that subject of investigation has also been exhausted, and that Bulletin No. 3 contains all that is likely to be of any practical value growing out of those investigations. I admit that they have been important to the South, and I do not yield to the Senator from Alabama in his devotion to the agricultural interests of the South and to the interests of persons engaged in the cultivation of cotton. When Professor Riley has for several years been investigating the subject, and has made what I believe to be an exhaustive report on the subject and all of its results are spread broadside through the county, I see no reason why that Entomological Commission should be perpetuated for an indefinite length of time.

It was objected last year when this point was raised by the Senator from Alabama to us, that it was a strange anomaly in this Government to continue two commissions in the field, one under the head of the Interior Department and one under the head of the Agricultural Department, pursuing investigations precisely of the same character. The argument was made then, as it has been made to-day, that no man except Professor Riley was competent to pursue such investigations intelligently in order that practically good results might be reached from it. I do not admit the correctness of that assumption. I believe it is possible for the Agricultural Department to command the services of scientific men just as competent as Professor Riley or any other man who has been engaged in this investigation.

The thing that the Committee on Appropriations desire to do is to put a stop to that double expenditure under different Departments of the Government, when it should be restricted to one, and that the expenditures made in connection with matters of agriculture may be under the intelligent direction and control of one bureau. That is the beginning and the end of it.

The very first investigation on this subject and the very first publication was made in regard to the history of the cotton-worm; and the results of the investigations then made are embodied in the very document to which the Senator alluded, but were made under the direction and control of the Department of Agriculture. Professor Riley had nothing to do with that whatever.

The Committee on Appropriations certainly are not conscious of being controlled by the likes or dislikes of the Commissioner of Agriculture in their action upon this matter, as seems to have been assumed by the Senator from Alabama. They know nothing about such things. They do not yield their judgment to his will. Although the Commissioner of Agriculture may have erred and the Committee

on Appropriations themselves may have erred in making appropriations for this experimental investigation with regard to tea and sorghum and cotton and other things, yet we did our best and acted in such a manner as in our judgment would best promote the agricultural interests, which the Department of Agriculture is especially constituted to subserve and promote.

I see in the admission of the Senator from Alabama, in his specious plea that protection and assistance shall be afforded to this immense agricultural interest of the South, an effort to perpetuate the Entomological Commission, and it is that phase of the subject to which I wish to direct the attention of the Senate. If the Senate can be satisfied that the interests of the cotton planters in the South are to be promoted by annual appropriations of five, ten, twenty, or fifty thousand dollars, I for one shall be very glad to see those interests promoted and advanced by such appropriations as may be necessary to make them most valuable; but I see nothing in the argument to convince me of the fact. On the contrary, it seems to me that the whole provision in this bill was designed simply to perpetuate Professor Riley and the Entomological Commission, Professor Riley being the beginning and the end of said commission, because, as I am informed, the other two members, while receiving salaries do no work. One of them, I believe, is connected with Brown University, has made no investigation, has made no publication, has done nothing to deserve his salary, and so with the other member of the commission as I am informed.

I can see no imaginable reason why, if these subsequent investigations are necessary, they cannot be made under the supervision of the Agricultural Department. If the Agricultural Department is incapable of making such an investigation on this subject, then I say that Department had better be abolished, because this is certainly one of the simplest duties which could be properly devolved upon it. The committee in moving to strike out this clause were simply actuated by a desire not to perpetuate two sets of officials, when one, in their judgment, was all that was necessary to consummate the objects designed to be consummated by the appropriation. And in addition, I wish to say that we do regard the provisions of the act of last year, accepted by the Senator and by the Entomological Commission, as fixing the conditions on which that appropriation of $25,000 was made, and we insist that, until some further and stronger evidence shall be submitted, they shall be required to conform to the conditions of that appropriation.

Mr. McPHERSON. Mr. President, I have no knowledge of any difficulty between the Commissioner of Agriculture and Professor Riley. I have not the honor of Professor Riley's acquaintance. I suppose him to be a very capable officer, judging by the statements made by the Senator from Alabama. With respect to the Commissioner of Agriculture, I do know that he has performed more and better service than any officer who has ever preceded him in that bureau, and I hope the incoming Administration will do so wise a thing as to continue him at the head of the bureau.

With respect to Professor Riley and the commission, of which I understand he is the head, I find that during the past four years, from 1877 to 1880, inclusive, there has been a little upward of $69,000 expended in this work. Now, I wish to know if it is the purpose to continue this commission indefinitely. Last year, when this matter was up for discussion, if I am not in error about it, at the suggestion of the Senator from Alabama, the large sum of $25,000 was appropriated for the purpose of completing the investigation. Now we find again in the agricultural bill of this year an additional sum of money to complete and publish the data already obtained by them. I am informed that each member of this commission devotes about two or three months of each year to these duties, for which he is paid the sum of $3,000 per annum. The gentleman of the committee in charge of the bill thinks that some members of the commission give no attention whatever to it, are not here at any time during the year, and have not devoted an hour's time to the investigation of the question.

We have an entomologist in the Department of Agriculture, and I suppose him to be a very capable man, because I think none but capable men would be employed in that Department. His salary is $2,000 per annum, for which he devotes the entire time from the 1st day of January to the last day of December. Now, sir, is it not competent for that officer, whoever he may be, to compile the data obtained, as I understand the House bill, which has been amended by the Committee on Appropriations by striking out that clause providing for an appropriation of that much—and I will read the clause in order that the Senate may distinctly understand it:

That to enable the Entomological Commission to complete and publish the data already obtained by them, with the investigations made, the sum of $5,000.

If the data have already been obtained, why cannot the present officer in the Agricultural Department perform that duty just as well as the Entomological Commission?

Another question I should like to ask the honorable Senator from Alabama: I understand the work of this commission to have been completed, to have been published, and to have been circulated all over the country. I know there has been a publication made of the work of the commission on the cotton-worm, and it has been circulated. So I understand that there has been a later report made.

Mr. MORGAN. The report is the preparation of another year's work, which has not yet been published at all.

Mr. McPHERSON. Then I understand it is the intention to continue this commission when, in my opinion, the work can be done just as well by the Department of Agriculture as by Professor Riley and his assistants.

Mr. EATON. I want to say right here to my friend from New Jersey, that I hope it will be part of his remarks that this business was said to be finished last year, and that for the sum of $25,000 the whole matter would be published; and therefore the committee have taken the ground now that they want to have an end of this double-headed commission.

Mr. MORGAN. I will ask the honorable Senator from Connecticut how it was said last year that the business had been finished, when last year, under the appropriation bill, we sent a corps into the field to work another year? How was the business finished by a commission that was organized and appointed after you passed your act?

Mr. EATON. The promise was that it would be finished with the year.

Mr. MORGAN. Would be?

Mr. EATON. Would be finished with the year.

Mr. MORGAN. To whom do you attribute the promise? To me? I am not the Government of the United States.

Mr. EATON. I have not named the Senator from Alabama in this matter. He is not the great bug man; that is Professor Riley. [Laughter.]

Mr. MORGAN. I am not a bug man, but I may be a bugbear. [Laughter.]

Mr. EATON. I only want to say, so that my friend from New Jersey will be exactly aware of the facts, that the committee last year, not under the instruction of the honorable Senator from Alabama or anybody else, but from all the information that could be gained from this double-headed concern, understood that if $25,000 were given last year there would be an end to it, and hereafter we should have one general to command the Army, and not two. I think it was Napoleon who said, when the Directory began to be a little alarmed about him and thought they would send another general to Italy and place both in command of the army, "I resign then; one bad general is better than two good ones;" and so I think about the head or heads of the Agricultural Department, one bad one is better than two good ones.

Mr. LOGAN. Allow me to make a suggestion in this connection. I think the Senator from Connecticut is mistaken. I do not know very much about it myself, but I think the commission is composed of three scientific men.

Mr. McPHERSON. I will say to the Senator from Illinois if he intends to make a speech on this question that I shall be through in a moment and will then yield the floor.

Mr. LOGAN. I did not intend to make a speech on it, but only wanted to make a suggestion. Professor Riley was sent South to examine this one particular question in reference to the cotton-worm. Professor Thomas was sent to examine in reference to insects of another character. The other professor, whose name I do not remember, was sent in another direction. To my own knowledge Professor Thomas did travel, went to Minnesota and to different States and Territories on this very commission. He is an Illinois man, and I know the fact to be true that he did go. They have made their reports, I presume; and I have never yet found a scientific man who was willing to turn over his report to some other man, who would get credit for it, and I do not blame him. I would not either.

Mr. McPHERSON. I understood in voting an appropriation of $25,000 last year that it was to cover all, and that there would be no further appropriation of money to this purpose; but on referring to the laws passed previous to that time we find in the appropriation act of 1878 there was an appropriation of $10,000 made for completing the work of the commission. We find it was still incomplete, and in 1879 we made another appropriation of $10,000 according to the words of the act "for completing the work" of the commission. In 1880 we find the work still incomplete and the vast sum of $25,000 was appropriated for the purpose of covering all contingencies and completing the work of the commission. They are here again to-day asking for another appropriation for continuing indefinitely this work, when in all human probability they cannot add one single iota to what has been already stated by the commission and published by it and by the Agricultural Department.

Mr. MORGAN. Mr. President, I regret very much that Senators have not informed themselves better about this matter before discussing it. I made a simple statement of the facts. If the facts were against me, of course I should not expect to have any influence here at all. The facts, however, of this case are with me.

It is alleged on all hands that the object of this appropriation sent to us by the House of Representatives is to continue the Entomological Commission. Now the language of the bill as sent to us from the House shows that that is a very grave mistake. There is a proviso to the appropriation of $15,000 to investigate the history and habits of insects injurious to agriculture and for other matters, in these words:

Provided, That to enable the Entomological Commission to complete and publish the data already obtained by them with the investigations made, the sum of $5,000 of said sum of $15,000 is hereby appropriated, to be expended under the direction of said commission.

There is a total denial of the position and statements made by Senators on this floor that the object of this measure is to continue the

Entomological Commission. I shall content myself with that because a plain fact like that will put down any amount of argument, any amount of misrepresentation.

There is no intention, so far as this act is concerned, of continuing the Entomological Commission. The whole purpose is to enable that commission to arrange and complete the data which they themselves have collected in operations under the directions of this Government with the appropriation of $25,000 made last year. The Senator from New Jersey thinks this is a very extravagant appropriation, an enormous amount of money to be applied to the protection of people who raise $300,000,000 of product a year for the benefit of the commerce of the United States, all of which has been honestly and faithfully applied and most economically applied, and I think I venture nothing in making the assertion that no amount of money spent by this Government in any scientific investigation has ever heretofore produced as large an amount of benefit as this, or has ever succeeded in bringing out such exhaustive and laborious research as these commissioners have bestowed on this subject. I am not here for the purpose of defending the Entomological Commission, because I know but one member of that commission; but I must protest that it is an extraordinary injustice, if I understand the facts in this case rightly, to charge that commission or any part of it with having remained away from their duties. True they have not always been in Washington; they have been out in the field and have devoted their time and attention to the service for which they were paid by the Government.

I hold in my hand the second report of the United States Entomological Commission for the years 1878 and 1879, relating to the Rocky Mountain locust and western cricket, &c., a most elegant volume, replete with information, containing more than four hundred pages of printed matter, with divers lithographic designs and cuts for the purpose of illustrating the condition and ravages of these pests. This work was published in Washington City, in 1880, at the Government Printing Office by order of Congress. How do honorable Senators rise on this floor and charge these gentlemen who labor like scientific men always labor, industriously and zealously, with having used the money of the Government without any return, with having enjoyed the benefits without any return to the Government at all, at the same time that they have voted an appropriation here to print this splendid volume.

So much for that and so much in vindication of the Entomological Commission as a body. I now come to the other proposition. The Senator from Virginia seemed to have understood me as intimating that Mr. Le Duc had prejudiced the minds of the Committee on Appropriations against Mr. Riley. I made no such accusation. I have a better opinion of that committee than to suppose any such influence as that would swerve them in the slightest degree in the discharge of a public duty. What I mean to say is, that Mr. Le Duc's opposition to the Entomological Commission, I think, is founded upon a personal quarrel between him and Mr. Riley, because they were once associated in the Agricultural Department. When Le Duc wanted to give significance and importance to the Department of Agriculture in the branch of entomology, he invited Riley to take charge of it. Riley went there, and the South followed Riley in that Department, because they desired to have the benefit of his services, and not merely the services of the Department of Agriculture. Why, sir, if Professor Maury were living to-day, do you suppose there is a man in the United States that I should prefer to him if I wished to send out a commission to examine the high waves of the sea, to find the tides and currents that waft across its bosom? We want Professor Riley because he is a man of scientific ability.

The honorable Senator from Virginia said that there was no evidence before the Senate that Professor Riley stood any higher than anybody else in that regard. Sir, there may not be before this Senate any evidence of that kind; but if he will go to the colleges in France, if he will go to the Academy of Sciences there, if he will go into Germany and find the record that was made there in reference to the abilities of your citizens connected with entomological researches, he will find a record that the Congress of the United States cannot add much to by any compliment it may bestow upon him.

Mr. McPHERSON. Will the Senator from Alabama tell me if there is any evidence before the Senate that the present officer employed for the purpose in the Agricultural Department would not be competent to compile the data and facts already in possession of the bureau, as I understand, or in the possession of the commission? We are now paying him $2,000 a year salary. Is there any necessity for adding to that the pay of $9,000 a year, $3,000 to each commissioner, as I understand there are three, for the purpose of doing what this officer of the Government now can do as well?

Mr. MORGAN. Mr. President, I will not follow the tactics of the Senator from New Jersey and attack Mr. Comstock, because he has found it necessary without cause to attack Mr. Riley. I am not to be influenced to make any criticism of Mr. Comstock on the floor of the Senate, however just I might esteem such criticism to be; but I will say this of the entomologist of the bureau: he has as much as he can afford to do, for the small salary he gets, in Washington City. And I have further to say, that being a very young man, being just out of school, having just graduated from an entomological school, and having received most of his instruction under Professor Riley himself, I hardly suppose that it will be denied that Professor Riley is largely his superior in point of experience. At the South we trust in Professor Riley's judgment rather than take that of Mr. Comstock on a question of this kind. Mr. Comstock has made some reputation as an entomologist in that bureau, but he has done it by compiling the reports which Riley himself lodged with that bureau and by adding to them some little examination of his own.

But, sir, it would be impossible for Mr. Comstock to discharge his duties to the entomological department in Washington City and at the same time make the investigations that are necessary in the field to discover all the ravages of this insect and the reason why it has so long defied all efforts at extirpation. Not only is there the cotton insect, but the grasshopper of the West and the locust are confided to this entomological bureau; and it has now the investigation of the insects that infest grape-vines and the numerous insects that affect the orchards of the country. A vast field of investigation is expected to be surveyed and fully occupied by this young gentleman who occupies his office in Washington City upon a small salary that the Senator from New Jersey has called attention to.

Mr. EATON. If I understood my friend from Alabama aright, he stated that this Mr. Comstock would not have time to go into the field and make the necessary examination. I thought a little while ago my friend from Alabama was arguing with the bill in his hand that it would be only necessary to make up the reports, and now he speaks about going into the field and making further investigations.

Mr. MORGAN. The honorable Senator from Connecticut is sometimes a little forgetful. He does not remember that my attention had been entirely diverted from the bill, in answer to the Senator from New Jersey. I was merely responding to a question of the Senator from New Jersey, which was an answer to him and not an argument to the Senate.

Mr. EATON. And therefore the reason which my friend gives did not apply.

Mr. MORGAN. Not for continuing the commission at all, but for passing this bill that does not continue the commission.

Mr. EATON. Now my friend speaks about an individual going out into the field again.

Mr. MORGAN. I hope some time this individual may be got into the field. The honorable Senator seems to be alarmed about men going into the field. I wonder if he thinks an insurrection will break out in Alabama and somebody be wounded?

Mr. EATON. Oh, no; I do not.

Mr. MORGAN. The sensibilities of the committee are so extremely acute that I cannot help believing that it must have fallen into Mr. Le Duc's way of thinking of Riley.

Mr. WITHERS. Is this in behalf of Mr. Riley?

Mr. MORGAN. I am Mr. Riley's firm friend. I honor him because of his acquirements in science and his labors in that cause; but I am voting not for my friend, but for my cause; for what I conceive to be the interests of every Northern Senator as well as every Southern Senator, and that is to secure a diminution of the amount of depredation on the product of cotton. Senators on the committee seem to have such association with the head of this Department that they even imbibe his temper and cannot listen to any remarks about the matter without irritation. That has been the difficulty all the time, for which the South has had to suffer. They quarrel with each other, and quarreling with each other, we are compelled to put up with a cheap man rather than have a good man to investigate this matter. That is the whole of it. I am inclined to hold on to Riley, because I think Riley has sense enough to manage the subject; and Mr. Le Duc is struggling, through the assistance of his friends in the committee, that Riley shall not have anything to do with it, because he does not like Riley. That is the logic of the whole case.

Mr. WITHERS. The Senator is assuming that the committee have been controlled in their action by a particular individual. He has stated so two or three times.

Mr. MORGAN. I have been led to that remark only by the extreme similarity between the conduct of Le Duc toward Riley and the conduct of the Senators toward me. They are disposed to quarrel with me, and will not allow me to have a fair chance.

Mr. WITHERS. I am disposed to repel so injurious an aspersion on the committee.

Mr. MORGAN. It is not an aspersion. I think so; and I tried to do the committee more justice than to say they could be influenced largely by Le Duc. I do not think he is a man of sufficient ability, notwithstanding the laudations of the Senator from New Jersey, to influence the grave Committee on Appropriations of the Senate to any remarkable extent. The Senator from New Jersey has found out some wonderful traits in him, and I am glad he has discovered them, and I am glad of the promulgation of that discovery likewise; it will give the country a degree of satisfaction it has never heretofore derived from an examination of his works.

Now, Mr. President, I do not want to get a double-headed concern here. I would like very much indeed if the Congress of the United States would indulge the South in its earnest request, not found in newspaper slips that the honorable Senator alluded to a moment ago, but found in the newspapers of the entire South, and through all the circles of agricultural people in the South, the earnest request that Mr. Riley should be allowed to continue this subject, which he has so well advanced and has handled so ably, until its conclusion; but I despair of that. I have only suggested that I intended to offer an

amendment here for $5,000 additional to enable him to complete some experiments that last year for want of an appropriation and for the want of time were left incomplete, in the construction of machinery adequate to meeting this necessity, this demand, and in the use of this plan, which I think is so valuable in this direction. But the immediate question before the Senate is simply this, as I have already stated, whether or not the Entomological Commission, having finished its labors, having accumulated the information, shall be allowed to arrange and publish it, or whether the work shall be taken out of its hands and turned over to somebody selected by Mr. Le Duc. That is all. There is not a man on this floor that ever took pride in any work of his own hand who did not desire that he should have the opportunity of finishing it himself, and that is particularly true of all scientific men. When they have laid the foundations of a great work, and have completed it by observations in the field and are ready to make their practical tests before the world, then it is regarded as a hardship to take from those men the right to complete their labors.

Senators refer to some promise that they say I made in reference to the expenditure of the $25,000 appropriated last year, and that it should cover every expense. Suppose I had promised it here? If I made such a promise it was done in entire good faith, believing that the sum would be sufficient; but events have proved that it was a mistake, and an honest mistake, as well on the part of those who estimated for this expenditure as on the part of myself, who believed that it might be sufficient. It is not enough in a very meager way to complete this important work. Now, we come and say this work needs $5,000 to complete it. Nobody denies that; the House committee grant it; but the Senate committee took upon itself to strike it out. That is because I suppose they know more about this business than the House committee and everybody else. I do not speak reproachfully of the Senate committee, but they must understand that when they reproach me and call me to account for promises I have made, so I call upon them to account for their labors and their works. I am willing to treat them fairly, but they must treat me fairly at the same time.

I ask nothing in this matter but that the Senate retain what the House has put in this bill, and that is $5,000 to be expended to let the commission publish the data already obtained by it. It has been said that Bulletin No. 3 covers the whole of that ground. Senators do not know what they are talking about when they say so. Bulletin No. 3 refers to the data collected the previous year, and not during the last season. The object now is to print the next bulletin, the succeeding part, the entire year's investigations; and because Riley has published one book, what is called Bulletin No. 3, containing the investigations of the year 1879, the Senate comes out and orders 30,000 additional copies—the highest compliment that could be paid to a man's work; and now when we propose to publish the work for 1880 to show the investigations, experiments, and discoveries during the year 1880, gentlemen say, "why, that is all covered by Bulletin No. 3," which covers only the field of exploration of 1879. That is the condition of it.

I have said all I am going to say on this subject. I am aware that I take more upon myself than I should do in the advocacy of this bill. Other gentlemen from the South are as much or more interested in it than I am. No Senator from the South, from a cotton-growing State, here will get up and deny what I assert now, and that is that the investigations of Mr. Riley in regard to the cotton pest of the South have been extremely valuable to the country; and I restate the assertion I made awhile ago, that that man's explorations and suggestions and investigations in regard to the matter of handling these cotton pests have saved the people of the South $20,000,000 in the last crop.

Mr. CALL. Mr. President, I shall not occupy more than five minutes of the time of the Senate. I concur in what has been said by the Senator from Alabama. There is no reason for the action of the committee in striking out the provision of the bill as it came from the House. There is no interest in this country that has suffered so greatly as the cotton interest from the destruction of insects, and there is none that has been so far benefited by scientific inquiry as that interest under the investigations of the distinguished Professor Riley. To say that there has been saved not to the South but to the North and to the whole country, not millions but tens and hundreds of millions of dollars by the progress of scientific inquiry under Professor Riley, and no one else, is a fact beyond all controversy. The committee need but to have looked closely into the subject, on which data, perhaps, were not wanting, to ascertain that fact. My own section of the country, Florida, the south part of Georgia and of Alabama, are peculiarly afflicted by the ravages of this worm, and for the committee to have made an appropriation for the permanent employment not of one but of a half dozen distinguished scientists would have been only a full provision for an interest which amounts to hundreds and in a few years to thousands of millions of dollars.

I say, then, Mr. President, that there is no reason for the action of the committee, and I earnestly hope that the amendment proposed by the Senator from Alabama to devote $5,000 to continue the work of the commission will be adopted, and that the bill as it came from the House will stand and not as it is amended by the Committee on Appropriations.

I say again that there ought to be a permanent commission not only of Professor Riley, the most distinguished scientist, who has given practical proof of the value of his examinations and his experiments in the destruction of the cotton-worm and other insects, but of any distinguished scientist who will devote himself to this great subject, and there can be no money expended on the part of the Government more wisely or more beneficially than this.

Mr. BECK. Mr. President, I did not intend to say a word in regard to this matter; but when the Senator from Florida, supplementing remarks heretofore made, announces with great emphasis that the committee have acted without reason, and I suppose that means without sense, I desire to tell him the reasons why we did it.

Mr. CALL. Allow me. I said "without evidence," I think.

Mr. BECK. "Without reason" were the words. In the present law, under which we are now living, this provision occurs, and it was before the Committee on Appropriations:

> For the completion of the work of the United States Entomological Commission under the Department of the Interior in the special investigation of the Rocky Mountain locust or grasshopper and the cotton-worm, the sum of $25,000, to be immediately available: *Provided*, That after the close of the next fiscal year all work of the character herein provided for shall be exclusively under the control of the Agricultural Department, and all operations under the Interior Department shall be fully and finally closed before the 30th day of June, 1881.

There is a peremptory order to stop the commission, and we carrying out the order of Congress have seen fit to say that the law shall be obeyed, and the operations of that bureau shall be continued hereafter under the Agricultural Department. Is there no reason in that? Would it not have been reason enough that we wanted to obey that law? In 1878 an appropriation of $10,000 was made for completing the work of this entomological commission. The excuse was made that they were not through with their work, and in 1879 we said we would give them $10,000 more to complete it. Again, in 1880, "for completing the work of the commission, $25,000," and this proviso was then inserted ordering the Committee on Appropriations not to go any further in that direction. We have simply obeyed the law. If Professor Riley, or any other professor—I never saw Professor Riley—is so valuable to these gentlemen, why do they not get the proper committees of Congress, the Committee on Agriculture, or some other committee, to get up a commission and put him at the head of it, and not come here to scold the Committee on Appropriations because we refuse to violate a peremptory order of Congress and a positive law, by confining these operations hereafter to the Agricultural Department.

Mr. MORGAN. Will the Senator from Kentucky allow me?

Mr. BECK. Yes.

Mr. MORGAN. I suggest to the Senator whether he has not during this session of Congress, and nearly every session that he has been so valuable and important a member of the Committee on Appropriations, time after time voted additional appropriations for measures of various kinds—public buildings—public improvements—as deficiencies where the law expressly required that no more than a certain sum of money should be applied to the object?

Mr. BECK. Perhaps I have; but when there is a positive law, and I am acting as a member of that committee in obedience to that positive law, I deny the right of any Senator to come here and accuse the committee of having no reason in anything they do. The Senate may overrule us; we certainly up to this time have done our duty in obeying the existing law, have we not? Who came before us and told us that it was better to have a divided authority than a united one? If the Department of Agriculture is imbecile, then make it strong or abolish it; but do not divide the operations of the Agricultural Department with the Interior Department and have two commissions working antagonistic to each other—hostile to each other—each seeking to undermine the other; and when Congress has come to the conclusion that that was not a proper thing to allow, and ordered the Committee on Appropriations to stop it, and did stop it themselves by an act of Congress, surely we were right in obeying the order thus given. That is all we have done, and that is the meaning of all the scolding, or whatever you call it, that we are now getting, and that is all I care to say about it.

Mr. CALL. Mr. President, there is nothing in the law to which the Senator from Kentucky has alluded, nothing in the former act of Congress in making the appropriation, defining that the commission should end and that no more money should be appropriated for it. There is no evidence shown to have been before this committee that the work of this committee has been exhausted. I say again that we intend no reflection on the committee. The House has sent us a bill providing for the continuance of this commission and for the publication of the data and the investigations which they have made, and there is nothing in the fact that the Senate at the last session passed an appropriation for completing their work that if the work is not completed would indicate the propriety of their refusing to do it now. It is a work of great importance to the people of the South, and I hope that the Senate will not strike out the provision inserted by the House for the continuance of this commission as it was constituted at the time when the investigations were made.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations, after the word "dollars," in line 147, to strike out down to and including the word "agriculture," in line 154.

Mr. BECK called for the yeas and nays.

And they were ordered; and being taken, resulted—yeas 26, nays 31; as follows:

YEAS—26.

Allison,	Davis of W. Va.,	Kernan,	Rollins,
Baldwin,	Eaton,	McDonald,	Wallace,
Beck,	Hamlin,	McMillan,	Whyte,
Blair,	Hampton,	McPherson,	Windom,
Booth,	Hill of Colorado,	Morrill,	Withers.
Burnside,	Hoar,	Platt,	
Cameron of Wis.,	Jones of Nevada,	Plumb,	

NAYS—31.

Bailey,	Garland,	Kellogg,	Saunders,
Bayard,	Groome,	Lamar,	Slater,
Brown,	Harris,	Maxey,	Teller,
Butler,	Hereford,	Morgan,	Vance,
Call,	Hill of Georgia,	Paddock,	Vest,
Coke,	Ingalls,	Pendleton,	Walker,
Davis of Illinois,	Jonas,	Pugh,	Williams.
Dawes,	Jones of Florida,	Ransom,	

ABSENT—18.

Anthony,	Conkling,	Johnston,	Sharon,
Blaine,	Edmunds,	Kirkwood,	Thurman,
Bruce,	Farley,	Logan,	Voorhees.
Cameron of Pa.,	Ferry,	Randolph,	
Cockrell,	Grover,	Saulsbury,	

So the amendment was rejected.

Mr. WITHERS. The result of that vote indicates the disposition and views of the Senate with regard to retaining the Entomological Commission; but I submit that it is unjust to the Agricultural Department to divert any of the $15,000, the amount estimated as necessary for their own operations in the investigation as to insects injurious to agriculture, to this purpose. As the Senate has determined to divert $5,000 of it, I move to amend the section by striking out "fifteen" in line 147 and inserting "twenty," so as to permit $15,000 to remain according to the estimate for the services of the Agricultural Department in that direction.

Mr. MORGAN. I hope that the amendment of the Senator from Virginia will be adopted. I think the appropriation has been extremely small both for the Entomological Commission and for the Department of Agriculture.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) The question is on the amendment of the Senator from Virginia, to strike out "fifteen" and insert "twenty," in line 147.

The amendment was agreed to.

Mr. MORGAN. In line 150, I move to strike out "five" and insert "ten."

Mr. WITHERS. I make the point of order on that amendment; it has not been estimated for or recommended by any of the standing committees of the Senate, nor by any head of a Department.

Mr. MORGAN. I might have made the same point on the Senator from Virginia, but as he was a member of the committee I let him off.

Mr. HILL, of Georgia. I call the attention of the Senator from Virginia to a verbal correction. In line 150, the word "fifteen" ought to be "twenty."

Mr. WITHERS. That follows the amendment already adopted on my motion.

Mr. HOAR. I should like to inquire of the Senator from Virginia what is his point of order? Is it that it is contrary to the rule of the Senate where you appropriate ten or twenty thousand dollars for a particular object to increase the disposition of a part of that to some other object?

Mr. WITHERS. Yes, if it has not been estimated for, or recommended by any head of a Department, or proposed by a committee of the Senate.

Mr. HOAR. I have no interest in the question whatever; but the bill appropriates $20,000 for the support of the Agricultural Department, or some general phrase of that kind, for the entomological division. Then the bill further says that of that $20,000 $5,000 shall be applied for a certain commission, and the amendment proposes instead of appropriating $5,000 to the commission to appropriate $7,000 or $10,000. That does not increase the appropriation at all. The same sum is appropriated by the bill, and it is simply making a different direction to the Commissioner as to how he shall expend the appropriation he has.

Mr. WITHERS. I will state in reply that it does increase the appropriation for this particular service by the amount of $5,000, but that is not the point. The point I make is that the appropriation for publishing the results of the Entomological Commission is increased by $5,000, if the amendment should prevail, because it is now appropriating $5,000, and it is proposed to increase it to $10,000.

Mr. HOAR. But it is $5,000 of a certain fund.

Mr. WITHERS. I understand that, but the fact remains that the $5,000 which is appropriated for the publication of the results of this investigation, if the amendment should prevail, would be increased by the amount of $5,000, and consequently it renders it obnoxious to the provisions of Rule 27, as I understand it.

Mr. HOAR. It is just as broad as it is long. It only increases the diversion in the same clause of part of the total appropriation for a particular purpose, and decreases the amount applicable for other purposes.

Mr. WITHERS. The rule is not quoted as applicable to the point that it decreases the appropriation, but that this increases it.

Mr. HOAR. I have no interest in the question. The Chair will rule as he chooses, but I think the point of order is not well taken.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) Rule 27 provides:

> And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate; or proposed in pursuance of an estimate of the head of some one of the Departments.

This certainly does not increase the general appropriation of $20,000 in this clause of the bill. It increases the amount of that appropriation which may be applied for a specific object. The Chair will submit the question of order to the Senate, is the amendment proposed by the Senator from Alabama in order?

Mr. HOAR. May I be permitted to state in a sentence one illustration, so that the Senator from Virginia may see my point? Suppose there is in an appropriation bill an item of $20,000 for the Library with the provision that of that $20,000, $10,000 shall be for American books and $10,000 for English books. Now, somebody proposes to amend by providing that it shall be $15,000 for American and $5,000 for English books. That increases the sum to be expended for American books, but it does not increase the appropriation within the meaning of the rule; the item of appropriation of $20,000 for the Library remains unchanged.

Mr. WITHERS. In response to what the Senator from Massachusetts has said, I do appreciate the point which he makes so forcibly; but my opinion is that the point of order is well taken, because there are two distinct subjects of appropriation now embraced in this paragraph. One is for the general work of the Agricultural Department under the entomological division thereof, and the subsequent one is for the publication of the works of the Entomological Commission, which is under a different Department, under the Department of the Interior, and has no connection with the Agricultural Department; and if the amendment should prevail it would increase the appropriation from $5,000 to $10,000 for that work. While it is true that the aggregate in the whole section would not be affected by it, it would increase the appropriation for this specific object, which is one of the two objects provided for in the paragraph.

Mr. HARRIS. I desire to ask the Senator from Virginia whether, if this amendment were held to be in order and be adopted, it would not on the same principle which led to moving to amend the paragraph by increasing the amount from fifteen to twenty thousand dollars make it necessary that we should again amend by increasing the amount provided for in the previous part of the section to $25,000 instead of $20,000? For this specific purpose, in the original bill $15,000 were appropriated; but when $5,000 by rejecting the amendment of the committee was appropriated for the publication of Riley's report, the committee recommended an increase of the aggregate amount appropriated to $20,000. Now, the Senator from Alabama moves to increase the amount for the publication of Professor Riley's report from $5,000 to $10,000. That will produce the necessity of increasing the amount of the original appropriation from $20,000 to $25,000. I think it clearly falls within the rule that prohibits the increase, unless it be upon an estimate of some one of the Departments, or recommended by the report of some committee. I think the amendment is clearly out of order, for that reason.

Mr. DAVIS, of West Virginia. I think there is great force in what the Senator from Tennessee says. Should $10,000 be taken from the $20,000, then it would necessitate a still further increase of the total; but then a question of order might be raised on the further increase, because it was not estimated for. As I understand it, it is moved to increase the $5,000 on line 150 to $10,000. I submit that there is no estimate for it, it comes from no committee, and I do not see how it can be in order. It certainly increases the amount without an estimate and comes from no committee whatever. Upon either of those two points, as I understand the rules of order, the point is well taken.

The PRESIDING OFFICER. The question is before the Senate. Is the motion of the Senator from Alabama in order? Those who believe that it is will say "ay;" those of a contrary opinion, "no." [Putting the question.] The noes have it. The motion is decided not to be in order.

Mr. WITHERS. Let us go on with the bill.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after line 154, to insert:

> Examination of wools and animal fibers:
> To complete the testing, by scientific examination, of the textile strength, felting capacity, and other peculiarities of the different wools and animal fibers collected at the Philadelphia international exhibition of sheep and wool products, in pursuance of the acts approved June 16, 1880, and to publish the report thereon, $5,000, or so much thereof as may be necessary; and out of this sum the Commissioner of Agriculture is hereby authorized to pay to John L. Hayes, for his report on sheep husbandry in the South, published by resolution of Congress, at the rate per printed page paid for contributions to the agricultural reports, not exceeding the sum of $500.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 173, before the word "thousand," to strike out "ten" and insert "twenty-five;" and in line 174, after the word "dollars," to insert "to be available immediately; and of this sum $15,000 shall be devoted

to the investigation of the disease of pleuro-pneumonia among cattle;" so as to make the clause read:

Investigating the diseases of swine and other domesticated animals:
For continuing the investigation of the diseases of swine, and infectious and contagious diseases to which all other classes of domesticated animals are subject, $25,000, to be available immediately; and of this sum $15,000 shall be devoted to the investigation of the disease of pleuro-pneumonia among cattle.

The amendment was agreed to.

The next amendment was, in lines 186 and 187, to strike out "That $10,000 be, and the same hereby is, appropriated for" and insert "for;" and after the word "purpose," in line 189, to insert "$10,000;" so as to read:

For the continuation of experiments in connection with the manufacture of sugar from beets, and for the cultivation of beets for that purpose, $10,000.

The amendment was agreed to.

The next amendment was, in line 225, after the word "dollars," to insert "to be available immediately;" so as to read:

Building for the display of the agricultural implements:
For the purpose of erecting a building on the Agricultural grounds for the display of all agricultural implements that may be presented to the Department for exhibition therein, $10,000; to be available immediately.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC BUILDING AT CLARKSBURGH, WEST VIRGINIA.

Mr. DAVIS, of West Virginia. I ask the Senate to proceed to the consideration of Senate bill No. 1943. It is one in which my colleague is specially interested, and one that I think will only take a moment or two. I think no one will object.

Several SENATORS. What is the bill?

Mr. DAVIS, of West Virginia. It can be read for information.

The PRESIDING OFFICER. The Senator from West Virginia asks the Senate now to proceed to the consideration of the bill which will be read for the information of the Senate.

Mr. HEREFORD. I hope the Senate will take this bill up.

There being no objection, the bill (S. No. 1943) to provide for a building suitable for a post-office, and for the accommodation of the revenue officers and the United States courts and their officers, in the city of Clarksburgh, West Virginia, was considered as in Committee of the Whole.

Mr. WILLIAMS. Do I understand that all prior and pending orders have been suspended to take up this bill?

The PRESIDING OFFICER. There has been no suspension of anything, for there is no unfinished business. The bill is taken up by unanimous consent.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. MONTELL.

Mr. WHYTE. Now I ask the indulgence of the Senate to refund to a poor man some taxes paid in error. It has been recommended unanimously by the Finance Committee. It is House bill No. 2844. It will not take two minutes. I am sure nobody will object to it.

By unanimous consent, the bill (H. R. No. 2844) for the relief of James E. Montell was considered as in Committee of the Whole. It provides for the payment to James E. Montell, of Baltimore, Maryland, $12,000, or so much thereof as he shall prove to the satisfaction of the Commissioner of Internal Revenue that he has expended in the purchase of revenue-stamps used by him to stamp and repack manufactured snuff upon which a tax had been previously paid or declared paid, or tax free, under the revenue laws in force at the time of its manufacture and sale, but which was made liable to be stamped under the act of July 20, 1868.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHANGE OF NAMES OF VESSELS.

Mr. BURNSIDE. I now ask the Senate to take up the last bill on the Calendar, which is a bill touching the change of names of vessels.

By unanimous consent, the bill (H. R. No. 6023) to authorize the Secretary of the Treasury to change the name of vessels under certain circumstances was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EDWARD B. CLARK.

Mr. WILLIAMS. I move to take up House bill No. 2098. It is a bill which has passed the House, has been considered by the Senate District Committee, and reported unanimously.

By unanimous consent the bill (H. R. No. 2098) for the relief of the heirs of Edward B. Clark was considered as in Committee of the Whole. It directs the commissioners of the District of Columbia to remit the taxes, assessments, and charges upon the property, with improvements thereon, of the late Edward B. Clark, located in the city of Washington, and known as lot numbered 9, in square numbered 353, which accrued during the time the property was held by the Government under title of confiscation.

Mr. INGALLS. I think we ought to have some explanation of that.

Mr. HARRIS. There is a printed report in the case.

Mr. WILLIAMS. I ask the chairman of the Committee on the District of Columbia to make a statement of the case.

Mr. HARRIS. There is a printed report in the case that states every material fact in respect to it, and I ask that the report be read.

The PRESIDING OFFICER. The report will be read.

Mr. WILLIAMS. The bill passed the House without objection, and it has been reported unanimously here.

The PRESIDING OFFICER. The Clerk informs the Chair that there is no report.

Mr. HARRIS. There is a report in respect to the Senate bill, which is exactly the same; but the facts are these——

Mr. WILLIAMS. The Senate bill is No. 1722.

Mr. HARRIS. The Senate bill is exactly the same bill, intended to accomplish the same object, on which a report was made by myself from the Committee on the District of Columbia. The property of this particular party was sold under the confiscation act of 1862. I ask the Clerk if he now has the report to read it. It will be more brief than a statement from me.

The Chief Clerk read the following report, submitted by Mr. HARRIS January 5, 1881:

The Committee on the District of Columbia, to which was referred the bill (S. No. 1722) for the relief of the heirs of Edward M. Clark, submits the following report:

In 1863 Edward M. Clark, then a citizen of the State of Kentucky, was the owner in fee of lot No. 9, in square 353, in the city of Washington, District of Columbia; that in that year—said Clark being absent from Washington at his home in Kentucky—the said lot was libeled, and, by order of the United States district court for the District of Columbia, condemned and sold, under the provisions of the act entitled "An act to punish treason and rebellion, to seize and confiscate the property of rebels," &c., approved July 17, 1862; that one Wheeler became the purchaser of said lot at the confiscation sale, at and for the sum of $1,550, and took possession of the same; that said lot, with its improvements, was at that time worth $5,000 or $6,000, and its annual rental value was some $500 or $600; that said lot was held, used, and occupied by said Wheeler and those claiming under him from 1863 until April, 1878, when the said Edward M. Clark died, and the possession of the lot, with its improvements much dilapidated, was given to the heirs of said Clark, but incumbered with an accumulation of general taxes, special assessments, interest, and penalties which accrued during the time said lot was held under the confiscation title, amounting in the aggregate to about $2,500.

Upon examination of the record of this proceeding the committee finds no evidence of the fact that Edward M. Clark had any notice or knowledge of the seizure of said lot until long after its condemnation and sale; that it was sold by the marshal of the District on the 9th September, 1863, and the proceeds, $1,550, paid into court; that on the 26th September, 1865, by order of the court, the costs of the proceeding, amounting to $325.94, were paid out of the proceeds of sale, and the balance, amounting to $1,224.06, was paid into the Treasury of the United States.

That on the 3d day of January, 1873, the said Edward M. Clark filed his petition in the said district court, asking that the proceeds of said sale be paid to him, and on the 9th of January, 1873, the court ordered the payment of the net proceeds of the sale to the said Edward M. Clark, and the records of the Treasury Department show that on the same day the sum of $1,220.81 was paid to the proctors of the said E. M. Clark, $3.25 being retained for costs.

The court must have been satisfied that the said Clark had committed none of the acts which under the statute subjected his property to seizure and confiscation, or it would not have ordered the proceeds of the sale paid to him.

From these facts it appears that the property was wrongfully, and without personal notice to or the knowledge of the owner, seized, condemned, sold, and conveyed, and the purchaser put in possession for the term of the life of the owner.

That upon his appearing and presenting the facts to the court the wrong was repaired to the extent of paying him the proceeds of the sale, less about $330 costs, but this wrongful sale transferred the use, occupancy, and management of the property, the rental value of which was from $500 to $600 a year, and largely in excess of all taxes and assessments, from the said Clark, thus depriving him and his children, during his life, of the power to make the rents and profits of the property pay the taxes upon it as they accrued.

The authorities allowed the taxes and assessments to accumulate from year to year without taking the steps necessary to compel the tenant for life, under the confiscation title, to pay them. Hence, upon the termination of the life estate the property descends to the heirs encumbered by tax liens about equal in amount to the present value of the property in its dilapidated condition.

The committee is of opinion that it was the duty of the authorities of the District to have compelled the tenant for life, who was put in possession by the Government, to have paid the taxes as they accrued; and, having failed to do so, it is unjust to compel these remainder men to bear the burden which results from their negligence, especially when to do so amounts to practical confiscation of the estate in remainder.

The committee therefore recommends that all unpaid taxes upon said lot, which accrued during the time that it was held by parties under the confiscation sale, be remitted, and report the bill back with an amendment, and the recommendation that it pass.

Mr. MCMILLAN. I think the Senate had better consider what they are about, if this bill is to pass. This is nothing more nor less than a remission of taxes upon real estate which have accrued and are due. This land was confiscated and sold on account of the disloyalty of the owner. The person in the occupancy of the premises did not pay the taxes, but the taxes accrued; and now, because the owners of this land and the occupants of it have neglected to pay the taxes, they come in and ask to have them remitted. I can see no reason at all why this action should be taken. These taxes are due, and they should be paid. The fact that they are large in amount is no reason for remitting them. For my own part, I desire to vote against the passage of the bill.

Mr. CONKLING. I wish some Senator to state whether there is any allegation that these taxes were for any reason unjust?

Mr. HARRIS. This property was sold under the confiscation act. The purchaser at the confiscation sale went into the possession, use, and occupancy of the property and held it for a number of years, a property the annual rental of which the proof shows to have been

worth from $500 to $600 a year, two or three times as much as the annual taxes upon the property. The authorities remained silent, allowed the confiscation tenant to occupy it without the payment of taxes for twelve or fifteen years, when the life estate terminated and it descended to the heirs with an accumulation of taxes that amounts to confiscation in the hands of the heirs; and for that reason and the negligence of the authorities in not enforcing the collection of taxes from the confiscation tenant, the Committee on the District of Columbia reported in favor of remitting the taxes that were thus not collected. These are briefly the facts of the case.

Mr. WILLIAMS. I will just say in addition to what the Senator from Tennessee has said, that the authorities of the District now are so well satisfied that these taxes ought not be collected that they have not enforced their collection and they are holding them back that the lady interested may have the opportunity of having this act passed for her benefit.

Mr. McMILLAN. There has been no irregularity whatever in the taxation of this property.

Mr. HARRIS. Does the Senator from Minnesota not admit the facts to be just as I have stated them?

Mr. McMILLAN. Yes, sir; I admit the facts as stated.

Mr. HARRIS. Of course the assessments were regular, but the authorities failed to enforce them and to collect them off the party who enjoyed the rents and profits and use of the property for twelve or fifteen years and who ought to have paid the assessments that were made upon it. If these taxes are now enforced, you confiscate in the hands of the heirs the property when it descends to them.

Mr. McMILLAN. You confiscate nothing; you enforce the law. The taxes are not assessed against the tenant for life or against any tenant of real estate. The taxes are assessed upon the real estate itself. If the authorities of this District have been negligent in their duty, if they have omitted to collect the taxes which have been duly assessed upon this property, is that any reason for coming to Congress and asking us to pass an act of Congress remitting the taxes on the ground of negligence upon the part of the authorities who should have performed their duty? That is no confiscation of property in the hands of tenants or any other person. You may perhaps remit all the taxes in the District upon the same principle, for if I understand anything about the manner in which the taxes have been collected here great negligence and inattention have marked the conduct of the authorities, and there is not the slightest ground for an act of Congress remitting these taxes which were duly levied because they are large in amount and have remained unpaid.

Mr. JONES, of Florida. What were these taxes for?

Mr. McMILLAN. The regular taxes on real estate due on the property which the District levied and collected in the ordinary manner in other cases—the ordinary taxes for the support of the government. There is no reason whatever for it.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. McMILLAN. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 38, nays 12; as follows:

YEAS—38.

Bailey,	Farley,	Jones of Florida,	Saunders,
Bayard,	Garland,	Kernan,	Slater,
Beck,	Groome,	Lamar,	Vance,
Booth,	Hampton,	Maxey,	Voorhees,
Brown,	Harris,	McDonald,	Walker,
Butler,	Hereford,	Morgan,	Wallace,
Call,	Hill of Georgia,	Pendleton,	Whyte,
Coke,	Ingalls,	Pugh,	Williams.
Davis of Illinois,	Johnston,	Ransom,	
Eaton,	Jonas,	Saulsbury,	

NAYS—12.

Baldwin,	Ferry,	McMillan,	Rollins,
Cameron of Pa.,	Hill of Colorado,	Morrill,	Teller,
Cameron of Wis.,	Hoar,	Platt,	Windom.

ABSENT—25.

Allison,	Conkling,	Kellogg,	Sharon,
Anthony,	Davis of W. Va.,	Kirkwood,	Thurman,
Blaine,	Dawes,	Logan,	Vest,
Blair,	Edmunds,	McPherson,	Withers.
Bruce,	Grover,	Paddock,	
Burnside,	Hamlin,	Plumb,	
Cockrell,	Jones of Nevada,	Randolph,	

So the bill was passed.

Mr. HARRIS. The House bill having passed, I move to postpone indefinitely Senate bill No. 1722, which is in the same words.

The motion was agreed to.

W. A. REID.

Mr. HILL, of Georgia. I ask the Senate to take up House bill No. 1996. It only involves $194, has been unanimously reported by the Claims Committees of the House and Senate, and unanimously passed by the House.

Mr. McDONALD. I shall not object to the taking up of this bill; but I should like to know in what manner the rules of the Senate are enforced in regard to the recognition of the Senators. If there is any other rule than the one printed and enforced heretofore I will try and study it out. The rule, as I understand it, requires that the Senator who first rises and addresses the Chair shall be recognized. I am certain that I have accomplished that feat twice this afternoon, but in all times I have not been able to be recognized.

Mr. INGALLS. The rule also requires that every Senator shall rise in his own place.

The PRESIDING OFFICER. The Chair will state for the information of the Senator that the Chair cannot recognize half a dozen Senators at the same time.

Mr. McDONALD. As a matter of course, the Chair is in difficulty when a number of Senators arise at once; but I do not desire to play leap-frog here unless there is some purpose in it.

The PRESIDING OFFICER. The Chair will state to the Senator that the Senator from West Virginia [Mr. HEREFORD] notified the Chair when he took his seat this morning, when the Vice-President was here, that he was to be recognized as soon as the bill then being considered was passed. The Senator from Ohio, [Mr. PENDLETON,] who has not yet been recognized, came to the Chair and said that he should be recognized. I agreed to recognize the Senator from Ohio, [Mr. PENDLETON,] and a change was subsequently made by which that Senator yielded to the Senator from West Virginia. The Senator from West Virginia was recognized in the person of his colleague. The Chair then promised the Senator from Maryland, [Mr. WHYTE.] He was the next one that spoke. The Chair then promised the Senator from Rhode Island, [Mr. BURNSIDE,] who was the next one who spoke. The Chair then promised the Senator from Georgia, [Mr. BROWN,] who was the next one who spoke, and who has given place to his colleague; and the Senator from Minnesota [Mr. WINDOM] was the next one to speak. All these Senators were upon the floor and claiming the recognition of the Chair at the same time.

Mr. INGALLS. Mr. President, where do I come in?

The PRESIDING OFFICER. The Chair had to recognize some one of them.

Mr. HILL, of Georgia. I hope, then, gentlemen will wait until I get my bill through.

Mr. McDONALD. I shall not undertake to antagonize it; but I feel some responsibility for some measures that I regard as somewhat in my charge, and I want to discharge the duty that I feel incumbent upon me, and if I can know when there is a chance of recognition I shall be happy. I want to be recognized at the earliest moment.

Mr. McMILLAN. I have no desire to occupy the attention of the Senate any great length of time. I would suggest, however, that there would be much less confusion and the order of the Senate would be better preserved if the Chair would call gentlemen in the order in which they have intimated their desire to take the floor, for there is a great rush for recognition, causing a great deal of confusion.

Mr. HILL, of Georgia. Regular order, Mr. President.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia.

Mr. HILL, of Georgia. My motion is to take up a small bill which has been unanimously reported by the Committee on Claims of both Houses and passed unanimously by the House of Representatives. It is House bill No. 1996.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1996) for the relief of W. A. Reid. It provides for the payment to W. A. Reid, of Eatonton, Georgia, of $194.50 for advertising done for the Government in 1867, by direction of the Secretary of War.

Mr. THURMAN. I do not want to talk about this bill, but I wish to say a word about the question of recognizing Senators. I recollect some time ago that I sat in the chair at the request of the Vice-President, and I found on his desk a list of Senators who wished to speak on the then pending measure. That list was handed to me, I supposed, for my observance, and I did observe it and recognize gentlemen just in the order they were put down. I got about half way down the list when I was taken to task by some members of the Senate for following that list, and I was inquired of what right I had to recognize Senators according to that list which was before me. I stated the fact, and the Senate did not censure me nor put me out of the chair, but some of the most experienced Senators gave me to understand that I was doing wrong.

I did not think I was doing wrong; but that was upon a great public measure, and a measure in which party entered, and the list that was made out was perfectly fair to both sides of the Chamber, and I thought it was a good thing to follow it. But I must say that the idea of recognizing in an arranged order Senators in order to move to take up independent bills is a thing that I never heard of before now. I never thought there was any harm when a great public measure was up for Senators to indicate their disposition to speak and for their names to be put down on a list; but upon the question of who shall be recognized to get up and move a particular bill in which he is interested I never have thought that that discretion belonged to the Chair. I think when half a dozen Senators rise at the same time the Chair must of necessity exercise a discretion which one he will recognize, and he may exercise it very justly and fairly in favor of a Senator who has not troubled the Senate much, and who has particular claims to be heard; but that there should be any previous arrangement as to what Senators should be recognized to move to take up independent bills is a thing that I do not think is admissible. I have nothing to say upon this particular bill.

Mr. SAULSBURY. In that connection I would say that if the Chair knew that several gentlemen desired to be recognized who had matters in charge, I think it would be a very proper thing that they should be recognized in some order.

Mr. HILL, of Georgia. I rise to a question of order.

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business.

Mr. HILL, of Georgia. Let the bill get through. The bill is before the Senate, and there is no objection to it.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina to proceed to the consideration of executive business.

Mr. HILL, of Georgia. I hope the Senator from South Carolina will withdraw that motion until the bill is passed. Nobody objects to the bill, and it is already up.

Mr. BUTLER. How long is it going to take?

Mr. HILL, of Georgia. It will not take one minute.

Mr. BUTLER. I withdraw the motion for that bill.

Mr. HILL, of Georgia. The motion is withdrawn.

The PRESIDING OFFICER. The motion being withdrawn, the consideration of the bill will be proceeded with.

The bill was reported to the Senate without amendment.

Mr. TELLER. I do not desire to antagonize the bill, because I know it ought to pass; but I want to call the attention of the Senate to the unfair method of proceeding in this way, and I do it on this bill that I may be in order, and not that I have any objection to the bill. At the head of the list on that page of the Calendar is another case from the same State, having probably as much merit as this one, the case being that of an old lady, a widow, and it ought to be passed. On two pages of the Calendar are seventeen bills that came from the House, and every one of them would pass without objection in the Senate if we could get to the Calendar. We have lost more time in trying to get up cases out of their order than would have been required to pass these bills if we had gone to the Calendar. When five o'clock comes and somebody makes a motion for a recess, every Senator who has had the ear of the Chair and who has had the courtesy of the Senate in getting up his bill will promptly vote to adjourn. That has been done here every night, while upon the record we have a rule which provides that we shall have night sessions. We have had one single night session, and we did more business at that night session than we should have done in twice the length of time in the day, because everybody felt then that he had no right to delay the Senate.

Mr. ROLLINS and others. Regular order.

The PRESIDING OFFICER. The question is on ordering the bill to a third reading.

The bill was ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT MINNEAPOLIS.

Mr. WINDOM. I move that the Senate proceed to the consideration of the bill (S. No. 1962) appropriating money for the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Minneapolis, State of Minnesota, which has been unanimously reported from the Committee on Public Buildings and Grounds, and I think it will not take any time.

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business.

Mr. WINDOM. I hope not. I have called up the bill and it can be acted on in a minute.

Mr. BUTLER. I have made the motion and decline to withdraw it.

Mr. WINDOM. I hope the Senate will vote it down.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 22, noes 22.

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WINDOM. I hope that the motion will not prevail. This is the first time during the session that I have asked to take up any bill of this nature, in which my own constituents were interested, and I hope the Senate will give me the opportunity to have it heard. I have very frequently yielded to others for the purpose of bringing up bills, and I hope that this courtesy may be extended to me at this time.

Mr. DAVIS, of West Virginia. I wish to make an inquiry. If we should go into executive session now would this bill be the unfinished business. Has the bill been taken up?

The PRESIDING OFFICER. The bill has not been taken up. The question is on the motion to proceed to the consideration of executive business, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 25, nays 39; as follows:

YEAS—25.

Bailey,	Hampton,	Morgan,	Vance,
Bayard,	Johnston,	Pendleton,	Walker,
Beck,	Jonas,	Pugh,	Wallace,
Butler,	Jones of Florida,	Randolph,	Withers.
Call,	Kernan,	Ransom,	
Coke,	Lamar,	Saulsbury,	
Farley,	Maxey,	Slater,	

NAYS—39.

Allison,	Conkling,	Hill of Georgia,	Plumb,
Anthony,	Davis of Illinois,	Hoar,	Rollins,
Baldwin,	Davis of W. Va.,	Ingalls,	Saunders,
Blair,	Dawes,	Kirkwood,	Teller,
Booth,	Eaton,	Logan,	Thurman,
Brown,	Ferry,	McDonald,	Voorhees,
Burnside,	Groome,	McMillan,	Whyte,
Cameron of Pa.,	Harris,	Morrill,	Williams,
Cameron of Wis.,	Hereford,	Paddock,	Windom.
Cockrell,	Hill of Colorado,	Platt,	

ABSENT—11.

Blaine,	Garland,	Jones of Nevada,	Sharon,
Bruce,	Grover,	Kellogg,	Vest.
Edmunds,	Hamlin,	McPherson,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota [Mr. WINDOM] to proceed to the consideration of Senate bill No. 1962.

Mr. BECK. Let the bill be reported. If we are going into this thing of calling up bills by bargaining, I want to know what we are bargaining about.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Chief Clerk read the bill.

Mr. BECK. I have as little objection to a public building being erected in the town of Minneapolis as perhaps any other man in the Senate, but I object to the way in which this bill is to be taken up, and I object to the arrangement by which gentlemen are recognized as stated by the Chair. I want to go to the Calendar and proceed regularly, and not to have a general scramble all the time. I desire to look into this matter with regard to Minneapolis. Around the Falls of Saint Anthony in the last few years a large amount of money has been expended. I should like to have things go with a little more regularity, and I shall endeavor to do what I can to have it so.

The PRESIDING OFFICER. The Chair would have been deeply grateful to the Senator from Kentucky had he moved to proceed to the consideration of the Calendar. It would have been a great relief to the Senate. The motion has not been made as yet.

Mr. WINDOM. I want to say a single word on the bill. It was unanimously reported by the Committee on Public Buildings and Grounds. Minneapolis is a city of 50,000 inhabitants or more. We are now paying $3,000 a year rent for the post-office, and the accommodations are entirely inadequate. The cheapest thing the Government can do is to pass the bill and put up the building.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota, to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1962) appropriating money for the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Minneapolis, State of Minnesota.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment in section 1, line 12, after the words "provided, that" to insert "the site purchased shall leave the building unexposed to danger from fire in adjacent building by an open space not less than fifty feet, including streets and alleys, and that."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PENDLETON obtained the floor.

Mr. BECK. I endeavored to state long before the Presiding Officer announced that the ayes had it on the passage of the bill, and in as loud a tone of voice as I could, that I desired to make a motion, and that was that the Senate adjourn, before the bill was passed. I was standing here and in a very loud tone of voice addressing the Chair.

Mr. PENDLETON. I submit that the Senator was out of order in addressing the Chair while the vote was being announced, and therefore was not entitled to be recognized.

The PRESIDING OFFICER. If the Senator from Kentucky desires, the Chair will place the bill back in the position it was before its final passage, and he can then make his motion. ["Too late."] If the Senator from Kentucky desires it, that course will be pursued and he may then make his motion.

Mr. BECK. Not after what has occurred.

THE BRIG GENERAL ARMSTRONG.

Mr. PENDLETON. I move that the Senate proceed to the consideration of the bill (S. No. 1441) for the relief of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, or assigns.

Mr. GARLAND. Let the bill be read for information.

The Chief Clerk read the bill.

Mr. GARLAND. If I recollect aright the bill has gone through a consideration as in Committee of the Whole and the question stands on its passage.

The PRESIDING OFFICER. The Senator is correct. The question when the bill comes before the Senate will be on its final pas-

sage. The question now is whether the Senate will take it up and proceed with it.

Mr. MORRILL. If there is a report in this case, I ask to have it read.

Mr. WHYTE. Let us get the bill up first.

The PRESIDING OFFICER. There is a report in the case. The question now is on taking up the bill. Does the Senator from Vermont ask for the reading of the report now?

Mr. MORRILL. Not until after the bill shall have been taken up, and then I will ask for it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to proceed to the consideration of the bill which has been read.

The motion was agreed to.

Mr. HARRIS. Now that the bill called for by the Senator from Ohio is before the Senate, I ask the Senator from Ohio if he will yield to me to move that the Senate proceed to the consideration of executive business.

Mr. PENDLETON. I will do so after the bill shall have been reported.

The PRESIDING OFFICER. The bill will be read by its title.

The CHIEF CLERK. "A bill (S. No. 1441) for the relief of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, or assigns."

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-three minutes spent in executive session the doors were reopened, and (at six o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 25, 1881.

The House met at eleven o'clock a. m. Prayer by Rev. DAVID WILLS, chaplain United States Army.

JOURNAL OF YESTERDAY.

The SPEAKER. On account of the length of yesterday's session extending to within fifteen minutes of eleven o'clock, the hour of the meeting of the House to-day, it has been a physical impossibility for the journal clerk to prepare the Journal of the proceedings of the legislative day of yesterday. The Chair would ask that the Journal may be read to-morrow morning instead of to-day.

There was no objection.

ORDER OF BUSINESS.

Mr. PRICE. I ask unanimous consent to take from the Speaker's table a Senate pension bill for the benefit of a feeble old man, for present consideration.

The SPEAKER. The Chair, in entertaining requests for unanimous consent, is bound to give the first recognition to the gentleman from California, [Mr. PACHECO,] who was on the floor heretofore to request unanimous consent, but was cut off by the call for the regular order. The Chair will state that he will endeavor at this time to give as many recognitions to gentlemen to request unanimous consent as he can. There is not yet a quorum present.

WILLIAM H. DAVIS.

Mr. PACHECO. I ask unanimous consent to take from the Private Calendar, for present consideration, the bill (H. R. No. 6860) for the relief of William H. Davis. I will say that this bill has been reported favorably by the Committee on War Claims.

The SPEAKER. The bill will be read, after which objections, if any, will be in order.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the alleged taking by the United States authorities, for the use of the United States troops, during the years 1861 and 1862, of a certain wharf and warehouse property, formerly situated in San Diego, California, alleged to have been the property of William H. Davis, of Oakland, California, and to have been used by troops of the United States for fuel; such investigations to extend to the title of the property and the incumbrances thereon, the status of the owner, whether loyal or not, the value of the property destroyed, the circumstances of the destruction, and by whose direction, authority, or permission it was destroyed, and the reasons for the neglect to give notice to the War Department at or soon after the destruction occurred; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress for action in the premises.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WARNER. Is this reported by a committee?

The SPEAKER. The gentleman from California has stated that the bill has been reported favorably by the Committee on War Claims.

Mr. ATHERTON. It is a unanimous report from our committee.

Mr. BERRY. The whole substance of the bill is simply to provide for an examination and investigation to be made by the Quartermaster's Department with a view to ascertaining whether there has been any property taken, and if so, the status of the owner. That is all. A report has to be made to Congress and Congress must act on the matter before there is any final result.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. BERRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPPRESSING INDIAN HOSTILITIES IN FLORIDA.

Mr. DAVIDSON. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the joint resolution (S. R. No. 79) directing the Secretary of War to investigate the claim of the State of Forida against the United States for expenditures made in suppressing Indian hostilities in said State between the years 1855 and 1860, and to report the result of such investigation to Congress, and that it be brought before the House for consideration.

The joint resolution was read, as follows:

Whereas the State of Florida claims from the United States to be reimbursed for expenditures made by said State in suppressing Indian hostilities in said State: Therefore,

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and directed to investigate, ascertain, and report to Congress, as soon as practicable, the amount of the claims of the State of Florida for expenditures made in suppressing Indian hostilities in that State between the 1st day of December, 1855, and the 1st day of January, 1860. In making such investigation the said Secretary is directed to receive and consider such testimony as he may deem necessary or proper for or against claims, including the muster-rolls of the State troops, and such other official data as may be on file in the War Department. In submitting his report to Congress the said Secretary shall not include any payments or allowances made by the State in excess of the amounts allowed by law at the time in behalf of troops regularly in the service of the United States.

Mr. DAVIDSON. This resolution has been considered favorably by the House Committee on Claims.

Mr. WARNER. I reserve the point of order until I hear something further about it.

Mr. DAVIDSON. I have nothing to say further than that this joint resolution has passed the Senate, and has been considered favorably by the Committee on Claims of the House. There is not a dollar to be paid out under the joint resolution.

Mr. WARNER. At what date were these expenses incurred?

Mr. DAVIDSON. Between the years 1855 and 1860.

Mr. WARNER. I would be disposed to vote against the resolution, but I do not like standing up here to defeat the resolution by interposing a single objection.

Mr. HASKELL. It simply provides for an investigation.

Mr. DAVIDSON. The resolution merely directs the Secretary of War to investigate these claims, just as in the Kansas case.

There being no objection, the Committee of the Whole on the state of the Union was discharged from the further consideration of the joint resolution, and it was read the third time, and passed.

Mr. DAVIDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OTOE AND MISSOURIA RESERVATION.

Mr. VALENTINE. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That with the consent of the Otoe and Missouria tribes of Indians, expressed in open council, the Secretary of the Interior is authorized to cause to be surveyed and sold the remainder of the reservation of said Indians lying in the States of Kansas and Nebraska.

SEC. 2. That the lands so surveyed shall be appraised by three commissioners, one of whom shall be designated by said Indians in open council, and the other two by the Secretary of the Interior.

SEC. 3. That after the survey and appraisement of said lands the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale through the United States public-land office at Beatrice, Nebraska, in tracts not exceeding one hundred and sixty acres, for cash, to actual settlers, or persons who shall make oath before the register or the receiver of the land-office at Beatrice, Nebraska, that they intend to occupy the land for authority to purchase which they make application, and who shall within three months from the date of such application make a permanent settlement upon the same, in tracts not exceeding one hundred and sixty acres to each purchaser: *Provided*, That if, in the judgment of the Secretary of the Interior, it shall be more advantageous to sell said lands upon deferred payments, he may, with the consent of the Indians, expressed in open council, dispose of the same upon the following terms as to payments, that is to say: One-quarter in cash, to become due and payable at the expiration of three months from the date of the filing of an application as hereinbefore required, one-quarter in one year, one-quarter in two years, and one-quarter in three years from the date of sale, with interest at the rate of 5 per cent. per annum; but in case of default in the cash payment as hereinbefore required, the person thus defaulting shall forfeit absolutely his right to the tract for the purchase of which he has applied: *And provided further*, That whenever any person shall apply under the provisions of this act to purchase a tract containing a fractional excess over one hundred and sixty acres, if the excess is less than forty acres, is contiguous, and results from inability in the survey to make township and section lines conform to the boundary lines of the reservation, his application shall not be rejected on account of such excess; but if no other objection exists the purchase shall be allowed as in other cases: *And provided further*, That no portion of said land shall be sold at less than the appraised value thereof, and in no case less than $2.50 per acre.

SEC. 4. That the proceeds of the sale of said lands shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent. per annum, which income shall be annually expended for the benefit of said Indians under direction of the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior may, with the consent of the Indians, expressed in open council, secure other reservation lands upon which to locate said Indians, cause their removal thereto, and expend such sum as may be necessary for their comfort and advancement in civilization, not exceeding $100,000, including cost of surveys and expense of removal, the same to be drawn from the fund arising from the sale of their reservation lands under the act approved August 15, 1876.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WARNER. That is a bill of some length. I would like to inquire from what committee it comes?

Mr. VALENTINE. It is reported unanimously by the Committee on Indian Affairs.

Mr. MILLS. Is the land to be sold to the highest bidder?

Mr. VALENTINE. I understand so.

Mr. MILLS. The provision of the bill is that no portion of the land shall be sold at less than its appraised value and in no case less than $2.50 per acre.

Mr. VALENTINE. The lands are to be appraised by a board of three commissioners, the Indians in council appointing one and the Secretary of the Interior the other two. This is asked by the Department and by the residents of both States. There is no objection to it anywhere.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. VALENTINE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TENTS, ETC., FOR ENCAMPMENT IN TEXAS.

Mr. MILLS. I ask unanimous consent to introduce for present consideration a joint resolution authorizing the Secretary of War to turn over to Governor Roberts, of Texas, such tents, poles, and pins as he may require for the use of the volunteers of the State for their encampment for the year 1881.

The joint resolution was read, as follows:

Be it resolved, &c., That the Secretary of War be, and he is hereby, directed to turn over to Governor Roberts, of Texas, such tents, poles, and pins, and camp and garrison equipage as he may require and as may be in the quartermaster's department at San Antonio, Texas, for the use of the volunteers of said State at their summer encampment for 1881. The quartermaster at San Antonio shall take a good and sufficient bond for the return of such property in good condition after said encampment, provided the Secretary of War approve thereof.

Mr. MILLS. That is a copy literally of the resolution passed in 1878 to lend these tents, &c., for the same encampment in that year of our militia. They have been returned to the department again in accordance with the bond then given.

There being no objection, the joint resolution (H. R. No. 413) was read three times, and passed.

LEVI PRICE.

Mr. URNER. I ask unanimous consent to discharge the Committee of the Whole on the Private Calendar from the further consideration of House bill No. 6478, for the relief of Levi Price.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay Levi Price, of Frederick County, Maryland, the sum of $200, out of any money in the Treasury not otherwise appropriated; and the Secretary of the Treasury is hereby directed to cause to be credited to said Levi Price by the Commissioner of Internal Revenue the sum of $1,740.23, the amount of tax improperly assessed against him.

Mr. WARNER. From what committee does this come?

Mr. URNER. From the Committee on Ways and Means.

Mr. WARNER. Is it the unanimous report of that committee?

Mr. URNER. It is unanimous on the part of those members of the committee who considered it.

There being no objection, the bill was brought before the House for consideration, ordered to be engrossed for a third reading, read the third time and passed.

Mr. URNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BELFORD. I desire to ask how this business is being transacted?

The SPEAKER. To-day is a day within the scope of the rule providing for suspension of the rules, being one of the last six days of the session. Until an undoubted quorum is present in the House the Chair thought it would be advisable to allow members to present propositions requiring unanimous consent.

Mr. BELFORD. I desire to say that when the resolution reported from the Committee on Rules by the gentleman from Maine [Mr. FRYE] was adopted, in regard to an hour for the consideration of business to which there were not five objections, it was amended so as to take effect on the following Wednesday. I was unaware that the resolution had been amended, and was not in the House on the morning it went into effect, and therefore was not here to respond when my State was called. As I was unavoidably absent, and also misapprehended the effect of the resolution, being unaware that it had been amended, I ask the Chair to recognize me to call up a bill some time to-day. I do not ask that it be done at this moment.

The SPEAKER. The Chair has no objection to recognizing the gentleman. The Chair supposes the gentleman is referring now to a bill for a public building in his State.

Mr. BELFORD. Yes, sir.

The SPEAKER. The Chair has no objection to recognizing the gentleman under the five-objection rule, or in his regular order when there is a quorum present. Until there is a quorum present the Chair was of the opinion that a great many matters pressed by members, and which were really not objectionable to any one, could be considered and acted upon.

DODD, BROWN & CO., OF SAINT LOUIS.

Mr. FROST. I ask consent to take from the Speaker's table for consideration at this time Senate bill No. 1181, for the relief of Dodd, Brown & Co., of Saint Louis, Missouri.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the sum of $58,659.46 be, and is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, for the payment of Dodd, Brown & Co., of Saint Louis, Missouri, as assignees of E. H. Durfee & Co., Durfee & Peck, John Shirley, Durfee & Peck, William Shirley, and Lemuel Spooner, respectively, said claims having been severally approved by the Commissioner of Indian Affairs, and by him reported to the Secretary of the Interior and transmitted to Congress for allowance.

To reimburse said sums there shall be withheld from the moneys due or to become due to the Comanche Indians, $7,541.75, under the treaty with that tribe; and from the moneys due or to become due to the Sioux Indians, $3,085 and $24,694.62, respectively; and from the moneys due or to become due to the Kiowa Indians, $5,520; and from the moneys due or to become due to the Kiowa and Comanche Indians, $3,900 and $13,918.09, respectively, the proportion of the two last-named sums to be charged against the said Kiowa and Comanche tribes as may be ascertained by the Commissioner of Indian Affairs to be justly chargeable against them respectively.

Mr. ROBINSON. Does that bill come from any committee?

Mr. FROST. If the House will permit me for a moment to explain.

Mr. ROBINSON. I will reserve all points of order until the gentleman has made his statement.

Mr. FROST. This bill has passed the Senate, and a similar bill has been favorably reported unanimously by the Committee on Indian Affairs of the House. It passed the Senate last June. The gentleman from Iowa [Mr. DEERING] is perhaps more familiar with the circumstances of this case than I am. As I understand it, the claim is one which was allowed by the Commissioner of Indian Affairs, but owing to some technicality it had to come before the House.

Mr. BREWER. Who reported the bill?

Mr. DEERING. I would state for the information of the House that a similar bill to this was referred to the Committee on Indian Affairs of the House, and was carefully examined by that committee. I myself was chairman of the sub-committee to which it was referred. The claim is for depredations committed by several tribes of Indians, and for property destroyed by those Indians.

Mr. BREWER. Is it all right?

Mr. DEERING. After a careful examination, the committee believe it to be a just claim.

Mr. BREWER. That is enough.

Mr. WARNER. We are not going to vote these things through without knowing something about them.

Mr. SPRINGER. This is to be deducted from the Indian funds.

Mr. WARNER. Have you any right to deduct it from that fund?

Mr. DEERING. It does not propose to take a dollar from the Treasury of the United States.

Mr. WARNER. You may be taking it from the Indians when you have no right to do so.

Mr. DEERING. The most of them assent to it.

Mr. WARNER. Is not this the same bill that was brought up at the last session?

Mr. FROST. This bill has not been before the House before this time.

Mr. WARNER. Has it the approval of the Committee on Indian Affairs?

Mr. DEERING. It has.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. FROST moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN H. TEMPLETON.

Mr. KETCHAM. I ask consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. No. 7160) for the relief of John H. Templeton.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the Postmaster-General be authorized, and he is hereby directed, to credit John H. Templeton, postmaster at Millerton, State of New York, the sum of $576.64 in his account with the Post-Office Department, being the

amount stolen from his safe in the post-office at said village, by burglars, on the night of the 3d day of August, 1880; the said amount being made up of $486.64 in postage-stamps and $90 in postage funds, so stolen.

Mr. HAYES. Does this bill come from any committee?

The SPEAKER. The Chair does not know.

Mr. STONE. This bill is unanimously reported from the Committee on the Post-Office and Post-Roads. I made the report myself.

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KETCHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES B. WHITE.

Mr. ATHERTON. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 1560) granting a pension to James B. White, and that the bill be now put on its passage. The Committee on Invalid Pensions has made a unanimous report in favor of the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of James B. White, late a private of Company B, of the Sixty-second Regiment of Ohio Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

M. F. CLARK.

Mr. GILLETTE. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (S. No. 76) for the relief of M. F. Clark, and that the House now proceed to the consideration of the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to pay, out of any money in the Treasury not otherwise appropriated, to M. F. Clark the sum of $510, being the value of three horses and one mule purchased of said Clark by Lieutenant E. D. Hillyer, acting assistant quartermaster, and Captain E. J. Barnes, assistant quartermaster, in the year 1864, and paid for to other parties upon vouchers fraudulently obtained and receipts the signatures to which were forged.

Mr. GILLETTE. A bill similar to this was passed by the House in the last Congress; and the present bill has been passed by the Senate in this Congress. There has been a unanimous report in favor of the bill presented by the gentleman from Alabama, [Mr. SAMFORD.]

There being no objection, the bill was ordered to a third reading, was read the third time, and passed.

HENRY F. LINES.

Mr. COWGILL. I ask unanimous consent to have taken from the Speaker's table and put on its passage the bill (S. No. 326) for the relief of Henry F. Lines.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to pay to Henry F. Lines, late a private in Company B, First Illinois Artillery, the sum of $360 in full payment and satisfaction of all his claim, pay, and allowance as a soldier and as a military-telegraph operator from June 1, 1865, to September 18, 1865, both inclusive, and upon such payment to close the account of said Lines on the books of his Department.

Mr. WARNER. I do not understand why such a claim as this could not be settled in the Department. Why is a special act needed?

Mr. COWGILL. There is a unanimous report in favor of this bill. This man was in the service of the United States during the war, and was detailed to do duty as a telegraph operator. He served in this capacity some three or four months after he had been mustered out of the service; and for this period he never received pay.

There being no objection, the bill was taken up, ordered to a third reading, read the third time, and passed.

Mr. COWGILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISABEL M. EVANS.

Mr. CABELL. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (S. No. 367) granting increase of pension to Isabel M. Evans, and that the bill be now put on its passage. It has been unanimously reported from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Isabel L. Evans and Isabel M. Evans, widow and infant child of John J. Evans, deceased, late draughtsman on board the United States vessel Huron, who are now receiving a pension of $8 per month and $2 per month, respectively, to the rate provided by law for the widow and infant child of an ensign in the naval service of the United States; the said increase to date from the 24th day of November, 1877. And the Secretary of the Treasury is hereby directed to pay to the said Isabel L. Evans and her child, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of money necessary to carry into effect the provisions of this act.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

BARGE W. J. SPICER.

Mr. CONGER. I ask unanimous consent to have taken from the House Calendar and considered now the joint resolution (H. R. No. 401) in relation to the barge W. J. Spicer. This resolution has been considered by the Committee on Ways and Means, whose report, as I understand, is unanimous.

The joint resolution was read, as follows:

Resolved, &c., That the barge W. J. Spicer, built in Canada but bought by an American citizen and brought into the United States, on payment of duties on the materials entering into her construction be admitted to the privileges extended to barges of American build and ownership by "An act relating to vessels not propelled by sail or internal motive power of their own, and for other purposes," approved June 30, 1879.

Mr. CONGER. This resolution has not only the recommendation of the Committee on Ways and Means, but also the recommendation of the Secretary of the Treasury.

There being no objection the House proceeded to the consideration of the joint resolution; which was ordered to be engrossed for a third reading, was read the third time, and passed.

ANDREW J. PENNEL.

Mr. MULLER. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 7111) restoring the name of Andrew J. Pennel to the pension-roll, and that the House proceed to the consideration of the same.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Andrew J. Pennel, late of Company F, Fifty-seventh Regiment Pennsylvania Volunteers; and he shall be paid, on his pension certificate No. 58722, the original amount allowed him from the date his name was dropped from said roll.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, was read the third time, and passed.

RAILROAD CHARGES AND DISCRIMINATIONS.

Mr. DAGGETT, by unanimous consent, presented a joint resolution of the Legislature of the State of Nevada in relation to railroad charges and discriminations in that State; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD. It is as follows:

Joint resolution to the Congress of the United States in relation to discrimination in fares and freights by interstate railroad companies.

Whereas the people of the State of Nevada have long suffered and do now suffer under the impositions and exactions of the Central Pacific Railroad Company, which, besides retarding enterprise, injures the business and prosperity of the people of this State, and amounts to the most enormous, unjust, and oppressive tax ever laid upon the industry of a people. The said railroad company exercises over the persons and property of others an almost absolute power, vicious and tyrannical, destructive of the rights of persons and of property, and opposed to common justice, as well as to every principle of civil and constitutional liberty known since the days of Magna Charta; and

Whereas it is proper that the truth should be known concerning this corporation and its transactions, the following facts are herein stated: The people of Palisade, distant four hundred and thirty-five miles east from Sacramento, have to pay for freight on flour (fourth-class freight, per published special-rate tariff of Central Pacific Railroad) per car load the sum of $282 from Sacramento, while the people of Toano, one hundred and twenty-nine miles further east, pay freight on flour per car load, according to the printed special rate, the sum of $275 per car load, while the merchant having a contract for some so-called competitive point with this railroad company pays freight on the same article, to wit, flour, per car load, only $200. The merchant at Toano, having a special contract, pays $82 per car load less freight than the merchant at Palisade, although, as before mentioned, the carriage is one hundred and twenty-nine miles more. The goods delivered at Palisade or Battle Mountain, distant respectively four hundred and thirty-five and three hundred and eighty-three miles from Sacramento, have a freight charge of $480 per car load, while at Toano the freight amounts to $275 per car load to persons having special contract rates for so-called competitive points, the greater service being performed for the less amount. Persons shipping wool or other products from Palisade, Battle Mountain, Elko, or other points in this State to the Eastern States, have to pay local rates to Sacramento, thence freight at through rates back over the same road to the point of destination, the shipper being often compelled to pay freight at local rates for a distance of over five hundred miles, a service useless and unnecessary even if rendered. The same unjust discrimination is practiced by this railroad company against the people of this State in the rates of freight upon goods shipped from points east of this State. The freight on a box of eggs from Ogden to Toano costs one man $3.35 per box, and the same number of eggs, in the same sized box, and of the same weight, costs another man sixty-five cents. A hundred pounds of squashes costs one man in freight $1.36, while it costs another fifty-five cents. Hams and case goods costs one man $2.04, while it costs another but fifty-five cents. The distance from Ogden to Toano is one hundred and eighty-three miles. The same unjust discrimination is also practiced by this railroad company in passenger fares. A ticket from Omaha to San Francisco costs $100, while a ticket from Omaha to Palisade, being six hundred miles nearer, costs $95. A person desiring to go East is charged within a fraction of the full fare, through and from San Francisco to the point he desires to reach, although he may ride over one-third or less of the line of the Central Pacific Railroad. More appalling examples of injustice than are shown by the above instances, selected from among a myriad of kindred transgressions, are hard to conceive; and

Whereas such pernicious practices should be no longer tolerated: Therefore,

Be it by the senate and assembly conjointly resolved, That the passage of the bill now before Congress, known as the Reagan bill, prohibiting discrimination in fares and freights on interstate railroads, will be hailed with joy by the people of this State as a measure of justice and relief.

Resolved, That our Senators in Congress be instructed and our Representatives requested to vote for and use all honorable means in their power to secure the earliest passage of said Reagan bill.

Resolved, That his excellency the governor is hereby requested to transmit an engrossed copy of these resolutions, under the great seal of the State, at the earliest moment, to each of our Representatives in Congress.

STATE OF NEVADA,
Secretary's Office, ss:

I, Jasper Babcock, secretary of State of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original joint resolution which passed the Nevada Legislature February 10, 1881, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of State. Done at office in Carson City, Nevada, this 12th day of February, A. D. 1881.

[SEAL.] JASPER BABCOCK,
Secretary of State,
By J. J. CHESLEY, *Deputy.*

Mr. DAGGETT addressed the House. [See Appendix.]

FIRST NATIONAL BANK, MERIDEN, CONNECTICUT.

Mr. PHELPS. I ask unanimous consent to have taken from the Speaker's table and considered the bill (S. No. 1905) changing the name of the First National Bank of West Meriden, in the county of New Haven, and State of Connecticut.

The bill was read, as follows:

Be it enacted, &c., That the name of the First National Bank of West Meriden, in the county of New Haven, and State of Connecticut, shall be changed to the First National Bank of Meriden, Connecticut, whenever the board of directors of said bank shall accept the new name by resolution of the board, and cause a copy of said resolution, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance be made within six months after the passage of this act; and that all expenses incident to such change, including engraving, shall be borne and paid by said bank.

SEC. 2. That the debts, dividends, liabilities, rights, privileges, and powers of the First National Bank of West Meriden, in the county of New Haven, and State of Connecticut, shall devolve upon and inure to the First National Bank of Meriden, Connecticut, whenever such change of name is effected.

Mr. PHELPS. That becomes necessary to conform to the name of the place where the bank is located.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PHELPS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOAN OF TENTS TO SOLDIERS' REUNIONS IN INDIANA AND IOWA.

Mr. ORTH, by unanimous consent, introduced a joint resolution (H. R. No. 414) relative to loaning tents for soldiers' reunions in Indiana and Iowa; which was read a first and second time.

The joint resolution, which was read, authorizes the Secretary of War to loan to the adjutant-general of the State of Indiana five hundred wall or marquee tents, to be used at a soldiers' reunion to be held at La Fayette, Indiana, during the month of September, 1881, upon said adjutant-general executing, or causing to be executed, to said Secretary of War a sufficient bond for the safe-keeping and return of the same. It further authorizes the Secretary of War to sell and deliver to said adjutant-general 50,000 rounds of blank cartridges for breech-loading rifles at the cost price thereof, for the use of said reunion.

It further authorizes the Secretary of War to loan to the Soldiers' Reunion Society of Benton County, Iowa, two hundred tents from the arsenal at Rock Island, Illinois, to be used in a soldiers' reunion to be held at Vinton, Iowa, during the ensuing fall; provided said association shall execute, or cause to be executed, to said Secretary a sufficient bond for the safe-keeping and return of the same.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ORTH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COX. I ask to take from the Speaker's table Senate joint resolution No. 156, in relation to the international exhibition of 1883.

Mr. SPARKS. I demand the regular order of business.

The SPEAKER. The regular order of business is the morning hour.

Mr. O'NEILL. I hope the regular order of business will not be demanded, and that we may all have a chance for unanimous consent.

The SPEAKER. Does the gentleman from Illinois demand the regular order against the request of the gentleman from New York?

Mr. CALDWELL and Mr. SPARKS demanded the regular order.

MEMORIAL ADDRESSES ON EVARTS W. FARR.

Mr. WILSON. I rise to make a privileged report from the Committee on Printing. I report back from that committee joint resolution (H. R. No. 402) to provide for the publication of the memorial addresses on Evarts W. Farr, with amendments.

The SPEAKER. The joint resolution will first be read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of Hon. Evarts W. Farr, late a Representative from the State of New Hampshire, together with a portrait of the deceased; 9,000 copies thereof for the use of the House of Representatives and 3,000 copies for the use of the Senate. And a sum sufficient to defray the expense of preparing and printing the portrait of the deceased for the publication herein provided for is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER. The amendments of the Committee on Printing will be reported by the Clerk.

The Clerk read as follows:

In line 3, strike out "12" and insert "5;" so it will read: "That there be printed 5,000 copies of the memorial addresses," &c.

In line 7, strike out "9" and insert "4;" and in line 8, strike out "3" and insert "1;" so it will read "4,000 copies for the use of the House and 1,000 for the use of the Senate."

Mr. BRIGGS. I hope the amendments reported from the Committee on Printing will not be agreed to. In the original resolution I have only asked for the usual number to be printed of these memorial addresses.

Mr. WILSON. The original resolution provides for a larger number than is ordinarily printed of these memorial addresses. There have been, of course, some exceptions where distinguished men of national reputation have died when a larger number has been ordered to be printed. But, sir, I will not press the amendments against the gentleman from New Hampshire.

Mr. BRIGGS. I am very glad the gentleman does not press his amendments, and I hope they will be disagreed to.

The amendments were disagreed to.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRIGGS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING REPORTS OF TENTH CENSUS.

Mr. WILSON also, from the Committee on Printing, reported back joint resolution (H. R. No. 405) to print the report of the tenth census of the United States.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That there be printed, in quarto form, 50,000 copies of the report on population of the tenth census of the United States, together with maps, diagrams, and charts illustrative of the same; 31,500 copies for the use of the House of Representatives, 13,500 for the use of the Senate, and 5,000 for the use of the Census Office.

SEC. 2. That there be printed of such of the other reports, comprising the industrial and social statistics of the tenth census of the United States, as may be ready for publication prior to the first regular session of the Forty-seventh Congress 5,000 copies of each, in quarto form, inclusive of maps, diagrams, and charts illustrating the same; of which 3,000 copies shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,000 for the use of the Census Office.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERNATIONAL EXHIBITION.

Mr. COX. I understand objection is withdrawn to my request to take from the Speaker's table joint resolution (S. R. No. 156) in relation to the international exhibition of 1883.

The SPEAKER. The Chair hears no objection and the resolution will be taken from the Speaker's table, and the question is on its third reading.

The joint resolution, as read, authorizes and requests the President, whenever he shall deem the preparations which shall have been made therefor adequate, to invite, in the name of the United States, all foreign governments to be represented at and take part in the international exhibition of arts, manufactures, and products of the soil and mine to be held, under the direction of the United States international commission, at the city of New York, in the State of New York, in the year 1883; provided, however, that the United States shall not be liable directly or indirectly for any of the expenses attending such exhibition or by reason of the invitation hereby authorized.

Mr. COX. This joint resolution has been indorsed by the Committee on Foreign Affairs unanimously, and it has already passed the Senate.

Mr. WARNER. It does not involve the Government in any expenditure.

Mr. COX. None at all.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced his approval of the following bills and joint resolutions:

An act (H. R. No. 6451) to amend and re-enact sections 2517 and 2518 of the Revised Statutes, and changing the boundaries of a customs district in the State of Maine;

An act (H. R. No. 6942) to fix the times for holding the district and circuit courts of the United States for the western district of Texas;

An act (H. R. No. 6201) granting a pension to Thomas Worthington;

An act (H. R. No. 1327) to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes;

An act (H. R. No. 1381) to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia and for other purposes;

An act (H. R. No. 6062) donating certain lands in Lake County, State of Colorado, to the Veteran Union Association of Leadville, for hospital and burial purposes;

An act (H. R. No. 2331) granting pensions to the widow and minor children of Michael Meenan, deceased;

Joint resolution (H. R. No. 178) authorizing certain books and mementoes in the possession of the Government to be placed in Memorial Hall of the National Lincoln Monument at Springfield, Illinois; and

Joint resolution (H. R. No. 337) authorizing and requesting the President to extend to the Government and people of France and the family of General La Fayette an invitation to join the Government and people of the United States in the observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown, Virginia.

An act (H. R. No. 301) for the relief of William R. Wilmer;

An act (H. R. No. 3047) to authorize the commissioners of the District of Columbia to recommend a proper site for a union railroad depot in the city of Washington, and for other purposes;

Joint resolution (H. R. No. 378) providing for the printing and distribution of the report of the Commissioner of Education for the year 1880;

Joint resolution (H. R. No. 386) for printing report of the Life Saving Service;

An act (H. R. No. 6969) making appropriations for the naval service for the fiscal year ending June 30, 1882, and for other purposes;

An act (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes; and

An act (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes.

ORDER OF BUSINESS.

Mr. SPARKS. I demand the regular order.

Mr. SPRINGER. The regular order being demanded I move to suspend the rules and discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. No. 882) for the relief of L. S. Ensel, which I send to the desk.

Mr. BREWER. I wish to make a parliamentary inquiry.

The SPEAKER. The regular order is demanded.

Mr. SPRINGER. This is the regular order. I move to suspend the rules and pass the bill under the provisions of the rules of this House.

Mr. BLOUNT. Mr. Speaker, I move to set aside private business to-day, and also move that the House dispense with the morning hour and proceed in Committee of the Whole to further consider the sundry civil appropriation bill.

Mr. SPRINGER. But I had the floor.

The SPEAKER. The Chair promotes the passage of appropriation bills in preference to private bills, and therefore gives the gentleman from Georgia the opportunity to present his motion.

Mr. SPRINGER. This is private bill day. This is the day set apart by the rules for the consideration of private business. This is the last private bill day of the session. Now, this is a private bill which I have indicated and which I desire to have taken taken up, and being the last private bill day I propose under the rules of the House and in pursuance of the demand for the regular order that we suspend the rules and pass the bill. I think, Mr. Speaker, we are entitled to this one day for private bills. We have not had a private bill day for a long time.

Mr. BRIGHT. I think so, too.

Mr. SPRINGER. The committees of this House have been laboring for two years in preparing private bills, and our Calendar is loaded with them. The labor of two years is on the Calendar, and but a brief time in the whole session of this House is allotted to the consideration of such business. The Private Calendar, as is very well known here, is seldom reached. We cannot pass half the bills on the Calendar. I therefore hope that this day, at all events being the last one in this session for the consideration of private business, will not be interfered with.

Several members demanded the regular order.

The SPEAKER *pro tempore*. The regular order is the morning hour. The gentleman from Georgia now moves to dispense with the morning hour.

Mr. SPRINGER. Does the Chair decline to recognize my motion?

The SPEAKER. The Chair does not decline to recognize the motion of the gentleman, but gives the preference, as he has stated, to the general appropriation bills.

Mr. SPRINGER. Is the motion in order, then?

The SPEAKER. It is after the reading of the Journal. The Chair will remind the gentleman from Illinois that the Journal has not been read to-day, and, technically, his motion would not be in order until after that. The Chair, however, will take no advantage of that fact if the House desires to proceed with the consideration of private business.

Mr. SPRINGER. If I can make a compact with the Speaker to recognize me at some future time, I do not desire to press the motion now; but I hope that some time will be given to the consideration of these private bills.

The SPEAKER. The Chair will be glad to recognize the gentleman if he has the power to do so.

Mr. ANDERSON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Would it be in order by a two-thirds vote to suspend proceedings under the rule?

The SPEAKER. That rule has expired by limitation. It is not operating now.

Mr. SAMFORD. I rise to a parliamentary inquiry.

The SPEAKER, The gentleman will state it.

Mr. SAMFORD. I wish to ask if the morning hour is suspended if the new rule is in operation for the passage of bills by consent?

The SPEAKER. It is not. The new rule has expired by limitation.

Mr. COX. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. I wish to know if the apportionment bill then loses the effect of the previous question, which has been ordered upon it yesterday?

The SPEAKER. The gentleman from New York was not pressing the motion to resume the consideration of the bill, and the Chair therefore recognized the gentleman from Georgia.

Mr. COX. The Chair did not recognize my question. I asked if the previous question was still operating upon the bill.

The SPEAKER. Of course it retains its force and effect. The question is on the motion of the gentleman from Georgia, to dispense with the morning hour.

Mr. SPRINGER. That will bring into operation the provision of the new rule, if adopted.

The SPEAKER. It will not. That rule, as the Chair has stated, has expired by limitation, and does not operate during the last six days of the session by special provision.

On the motion to dispense with the morning hour there were—ayes, 125, noes 29.

So (two-thirds having voted in favor thereof) the morning hour was dispensed with.

Mr. BLOUNT. I now move that the House go into Committee of the Whole on the state of the Union to consider the sundry civil appropriation bill.

Mr. SPRINGER. I want to antagonize that motion with the private business set apart for to-day.

The SPEAKER. The Chair will state that to-day it will require a two-thirds vote to carry that motion.

Mr. SPRINGER. This is private bill day, and I antagonize the motion of the gentleman from Georgia.

The House divided; and there were—ayes 123, noes 17.

So (two-thirds having voted in favor thereof) the House determined to go into Committee of the Whole on the state of the Union for the purpose indicated.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HARRIS, of Virginia, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole to consider the bill (H. R. No. 7203) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes. The Clerk will report the pending amendment.

The Clerk read as follows:

Strike out paragraph beginning with line 668 and ending with line 674, as follows: "For printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the official records, Union and confederate, of the war of the rebellion, so far as the same may be ready for publication during the fiscal year, to be distributed as provided in the act approved June 16, 1880, $40,000."

Mr. KEIFER. Mr. Chairman——

Mr. ATKINS. I believe, as I made that motion to strike out, I ought to be entitled to the floor.

Mr. KEIFER. I am willing to yield the floor to the gentleman from Tennessee.

Mr. ATKINS. Mr. Chairman, I have always voted in this House for this clause in the sundry civil appropriation bill, and voted for it in good faith, because I believed its object was a liberal, just, and patriotic one.

I felt the other day, when the preceding clause was voted out of the bill, that there was perhaps a mistake upon my part; that there was not a disposition to have a fair history of this country written. For, sir, I undertake to say that anything that does injustice to the one side or the other does injustice to the whole country. And in writing the history of this country, if anything perchance were said complimentary to the confederate soldier, I do not think it would detract from the Federal soldier. On the contrary, I think it would throw additional luster on the reputation and the glory of the Federal Army for the reason that they were the conquerors in this instance.

Now, Mr. Chairman, since I offered this amendment, offering it as I did with the motive I have expressed, I have been assured by dis-

tinguished gentlemen upon the other side that it was their purpose and their design that all the records that would throw light upon the late war should be at the control of the Government one way or the other. And with that view and with that feeling I withdraw my motion to strike out the paragraph.

Mr. WARNER. I am glad the gentleman withdraws it.

Mr. FORNEY. I now ask that my amendment which is pending to that paragraph be read.

The Clerk read as follows:

On line 668, after the word "for," insert "continuing the preparation of the publication of the official records, indexing, and proof-reading; and."

Mr. FORNEY. The words I insert are needed so as to make the language correspond with that of the paragraph in the last appropriation act.

Mr. BLOUNT. I have no objection to that amendment.

Mr. KEIFER. Let the paragraph be read as it will be if thus amended.

The paragraph as proposed to be amended was read.

Mr. KEIFER. That is all right.

The amendment was adopted.

The Clerk read the following:

Support of military prison at Fort Leavenworth, Kansas: For subsistence stores for three hundred and seventy-five prisoners, $20,531.25.

Mr. HAWLEY. I notice in this clause and those that follow a long catalogue of the expenses of this military prison. Appropriation is made for three hundred and seventy-five prisoners, that, I suppose, being the average number. I should be glad to know whether these prisoners earn anything; whether there is any balance on the other side of this account. There are penitentiaries in the country that pay their own expenses by the earnings of their prisoners. I ask the gentleman in charge of the bill is there any statement in the report of what those prisoners earn?

Mr. BLOUNT. This is the usual appropriation.

Mr. HAWLEY. I had hoped the committee had some information on that subject.

Mr. BLOUNT. Everything here is fixed by law, and we had no discretion.

Mr. HAWLEY. I do not question the items, but I wanted to know what became of the money these prisoners earn. I suppose it goes directly into the Treasury, and we appropriate *de novo*.

The Clerk read the following:

Appliances for disabled soldiers: For providing surgical appliances for persons disabled in the military or naval service of the United States, not otherwise provided for, $3,000.

Mr. HOSTETLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 762 insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to transport free of charge subsidiary silver coin when requested to do so, provided that an equal amount of coin or currency shall have been deposited in the Treasury by the applicants; and that there is hereby appropriated $20,000, or so much thereof as may be necessary, for that purpose, and that the same be available from and after its passage."

Mr. HOSTETLER. The gentleman in charge of the bill has informed me he will not raise the point of order on my amendment. And I hope no other gentleman will do so. This is a matter of necessity to the country.

Mr. CLYMER. I would like to have some explanation of the purpose of the amendment.

Mr. CLAFLIN. I hope the gentleman from Pennsylvania will not make any point of order on this amendment. It provides for what is an absolute necessity.

Mr. CLYMER. I would like to know what it means.

Mr. CLAFLIN. You cannot get this subsidiary coin out of the Treasury without some means of transporting it to the people who require it. You have now $25,000,000 of it there.

Mr. GILLETTE. I would like to hear the amendment again read.

The amendment was again read.

Mr. CLYMER. I do not make the point of order.

The amendment was agreed to.

The Clerk read as follows:

Support of National Home for Disabled Volunteer Soldiers, current expenses, including construction and repairs: For the Central branch, for the Eastern branch, for the Northwestern branch, for the Southern branch, and for out-door relief and incidental expenses, $950,000: *Provided*, That the Secretary of War is directed to sell at public auction, after due advertisement, all the old clothing now held for the National Military Homes for Disabled Volunteer Soldiers, and, upon proper estimates from time to time, to turn the proceeds over to the managers thereof. Said managers are authorized to estimate for building and maintenance at the Central branch of a building or buildings for the safe and proper keeping of the insane. And General John Love, of the State of Indiana, one of the managers of said homes, having died, General George B. McClellan, of the State of New Jersey, is hereby appointed to fill the vacancy for the unexpired term.

Mr. BROWNE. I move to amend in line 778 by striking out the words "General George B. McClellan, of the State of New Jersey," and insert in lieu thereof the words "General Daniel Macauley, of the State of Indiana."

Mr. WEAVER. I offer as an amendment to the amendment offered by the gentleman from Indiana what I send to the desk.

The Clerk read as follows:

Strike out all after the word "died," to and including the words "New Jersey," and insert the following: "General Benjamin F. Butler, of the State of Massachusetts."

Mr. BROWNE. Mr. Chairman, there is already one of the managers of the Soldiers' Home a citizen and resident of the State of New York. It is stated in the bill that General McClellan is of the State of New Jersey. To vindicate the truth of history I may be permitted to say he is now a citizen of the city and the State of New York. His home is at Gramercy Park in New York City. I hold in my hand here a New York paper published within the last three or four days which gives an elaborate account of an entertainment or reception given by General McClellan at his residence, No. 5 Gramercy Park, in the city of New York.

I think there ought not to be two of the managers of these important institutions from the same State, although it may be so large a State as that of New York. General Love, by whose death the vacancy occurs, was a citizen of the State of Indiana and a most excellent man. I propose now, in order to make all things even, that we fill the vacancy by one who went into the service of the Government in his boyhood as a private soldier, participated in almost all the battles of the war, was several times severely wounded, and by his gallantry on the field won his way up through the different grades until he reached that of brigadier-general. Returning from the battle-fields after the war, he was elected for two consecutive terms mayor of the city of Indianapolis, the capital of his State, and while filling that office he acquitted himself to the satisfaction of all men of all political parties.

It is true that General Macauley is a republican. It is equally true that selections for this office ought to be non-partisan. They should be ex-soldiers, having sympathy with the inmates and the purposes of the institution, men of ability, fidelity, and in all respects capable of performing the duties assigned to them by their position. Such a man is General Macauley, of Indiana.

Mr. WEAVER. It is unnecessary, Mr. Chairman, for me to pronounce any eulogy upon the gentleman named in my amendment, General Butler, of Massachusetts. The country knows him; history will embalm his name and fame. Not only that, but the disabled soldiers in the very institutions named in this amendment have felt the beneficial effect of his great executive and administrative ability. As to being non-partisan, there is not a man in America who can show such a non-partisan record as General Butler. [Great laughter.]

Mr. McMAHON. This is not the first occasion upon which a gentleman rises to vindicate the truth of history, and himself violates that truth. My friend from the State of Indiana, [Mr. BROWNE,] who is the last person to whom I should apply for any authentic information as to where General McClellan resided, informs us that he resides in the State of New York. He forms his opinion upon what most of my republican friends rely for their historical information, upon a newspaper.

Now, I happen to know as a matter of fact—I hold a letter from General McClellan in my hands, in which he states that he is a resident of the State of New Jersey, though he is spending the winter in New York. I have no doubt that so good a democrat as General McClellan would be the last man in the world to desert the chief State that stood by the democratic flag in the last presidential campaign.

As to General Butler, he has had a long trial in this position; and after a very long discussion he was left out by a very decided majority, and with considerable unanimity.

As to the non-partisan character of the managers of these soldiers' homes, I will say to my distinguished friend from Indiana [Mr. BROWNE] that if he will show me where one democrat was appointed as a manager of these soldiers' homes when the republican party had power in both Houses of Congress, I will let his man go in without an objection. You cannot find one democrat put in by republican votes.

Mr. McCOOK. I did not exactly understand the statement of the gentleman.

Mr. McMAHON. I say that there never was a democrat put in as a manager of these soldiers' homes by republican votes when the republicans had control of both Houses of Congress.

Mr. McCOOK. I do not know about that for I was not here then. I know that since I have been in Congress Colonel Len. Harris, of Ohio, was appointed a manager.

Mr. McMAHON. Yes, but that was when we had a majority in this House, although you had a majority in the other.

The Committee on Military Affairs one year ago recommended General George B. McClellan for this position. Being then governor of the State of New Jersey he was compelled to decline the position because of the provision in the constitution of that State. To fill the vacancy caused by his resignation, the name of General John Love, of Indiana, was put in the bill. General John Love having died, it is but right and proper that General George B. McClellan should be put back into the place for which he was recommended by the Committee on Military Affairs.

I want to say here and now, without detracting in the slightest degree from the reputation of General Macauley—I want to say to my friend from Indiana [Mr. BROWNE] that while that reputation is partly local the reputation of General McClellan is national. The hold which General McClellan has upon the hearts of the soldiers of this country, without regard to politics, is national in its character. No man now living holds a higher place in their estimation. I hope that both amendments will be voted down.

Mr. BROWNE. The information I have in regard to the residence of General McClellan is to be found in the New York Tribune.

Mr. McMAHON. Yes, I expected so.

Mr. BROWNE. The New York Tribune of day before yesterday, says:

General and Mrs. McClellan gave a large german last night for their daughter, Miss May McClellan, at their house No. 5, Gramercy Park.

And then it goes on to enumerate seventy-odd guests who were present. I do not suppose that publication was for political effect.

Mr. McCOOK. One word. As perhaps every member of this committee knows, there are twelve of these managers; three *ex officio*, the President of the United States, the Chief-Justice of the Supreme Court, and the Secretary of War. The other nine managers are elected by Congress. Where Congress gets the authority to enter into this election, I do not know. At all events, the statute prescribes that these nine citizen managers shall be elected by Congress.

During the time that the republican party had possession of both branches of the Government, I believe that without exception these managers were republicans. It is not necessary for me to defend their selection; the gentlemen who made it are amply able to defend their action and to care for it.

I believe, however, that this board should not be partisan. And acting upon that opinion, in the Forty-fifth Congress, (the republicans being in the minority in this House, although they had a majority in the Senate,) I voted very cheerfully and very willingly for the election of democratic managers for these soldiers' homes. As the board is now constituted there is but one republican citizen manager, Colonel Martin, of the State of Kansas. And for that reason, if for no other, I favor the amendment of the gentleman from Indiana, [Mr. BROWNE.]

Now, there is another reason why it appears to me General McClellan's name should be stricken out and that of General Macauley substituted. These managers, as I understand, have a great deal to do with the furnishing of transportation to indigent soldiers who may want to go to any of these national homes. In other words, the question of location enters or should enter very largely into the selection of these managers. We have one now from the State of New York, one from Connecticut, one from Massachusetts, and one from Maine; in other words, New England and New York have one-half of the citizen board. There is one from the State of Pennsylvania; and, with the exception of the gentleman from Kansas, Mr. Martin, Colonel Harris, of the State of Ohio, and General Palmer, of Illinois—probably there is one from Wisconsin——

Mr. McMAHON. There is one from Wisconsin, as well as one from Kansas.

Mr. McCOOK. I have mentioned Kansas. With the exceptions I have named, the great West and Northwest, which furnished so considerable a portion of the troops for the suppression of the rebellion, are left without their proper proportion of this board.

I have nothing to say against General McClellan's qualifications for the position. It is possible I might differ with the gentleman from Ohio in regard to his national position as a soldier; but we are not discussing that. We are discussing now the propriety of striking out General McClellan's name and substituting that of a gentleman from Indiana to take the place of one from Indiana who has died. For this reason, and believing the amendment will be in the interest of the soldiers of this country, I shall support the amendment of the gentleman from Indiana, [Mr. BROWNE.]

The question being taken on the amendment of Mr. WEAVER, to strike out "General George B. McClellan, of the State of New Jersey," and insert "General Benjamin F. Butler, of the State of Massachusetts," it was not agreed to.

The question then recurred on the amendment of Mr. BROWNE, to strike out "General George B. McClellan, of the State of New Jersey," and insert "General Daniel Macauley, of Indiana."

The amendment of Mr. BROWNE was not agreed to, there being—ayes 74, noes 86.

Mr. BROWNE. I move to amend by striking out "General George B. McClellan, of New Jersey," and inserting "General Mahlon D. Manson, of Indiana." General Manson was one of the most distinguished brigadiers from our State. He served through the entire war; has been always a consistent and, I may say, not a very conservative democrat. He has been twice elected by the unanimous vote of the democratic party to the position of auditor of the State of Indiana. He is a democrat "without guile" in his politics; in that respect he has shown neither variableness nor shadow of turning.

I am anxious that Indiana should have one of these managers, because I believe that for the good of these institutions it is proper with reference to location that one of these officers should be from that State.

Mr. WHITE. As a member of the Committee on Military Affairs, I want to reiterate the testimony which my colleague on the committee, the gentleman from New York, [Mr. McCOOK,] has borne to the manner in which the managers of these soldiers' homes were selected in the Forty-fifth Congress. I recall with great pride and pleasure that the selection was then made without any reference whatever to the political opinions of the gentlemen selected. The gentleman named from my State, who now occupies the position, was General Richard Coulter, one of the most gallant soldiers that Pennsylvania contributed to the Union Army; and a democrat in his convictions. He lives in an adjoining county to mine. When his name was mentioned, I, as a Representative of that State and a republican member of the committee, gave my cordial assent and co-operation in that selection. So with other names that were mentioned. I submit that party affiliation should not be regarded alone in making these selections. While for party reasons I would have been glad if General Macauley, who was named by my colleague on the committee, had been selected, it seems that he could not be. Now I trust we will consider the claim of locality; and I submit, as a disinterested friend of these soldiers' homes, that in the interest of their economical and prudent management some regard should be paid to locality in the selection of managers; they should be distributed over different portions of the country. I submit that inasmuch as New York has one manager, and Pennsylvania another, and New England has her full quota, the Central and Western States should receive the compliment, indeed the justice, of the selection of a member from that part of the country. Of course, I assume that the selection proposed is a proper one, because it comes from my colleague on the committee, who lives in that State. I shall cheerfully vote for the amendment; and I appeal to gentlemen on the other side, in the interest of fairness, to come to the rescue in this matter.

Mr. SPARKS. It is very wonderful, Mr. Chairman, that the gentleman from Pennsylvania [Mr. WHITE] should take an interest in a gentlemen who on the other side is paraded for his politics, and paraded here as a democrat, for General Manson is a democrat. Now I know that in the original distribution of these officers the object was to give New Jersey a member of the board—to select General McClellan. Ohio has one, Illinois has one; and there are but nine to be selected out of thirty-eight States. There are two from three States that adjoin. There is one in New York. We had originally selected General McClellan. He was then governor of New Jersey and could not accept this position without resigning the other. He gave notice that he would not accept it. Now, of course, he is relieved from any such embarrassment. The man whose place it was originally designed General McClellan should take is now dead, and we propose only to do what we would have done then but for the position in which he was placed.

Mr. BROWNE. I wish to say, Mr. Chairman, that I have not a particle of interest in the politics of General Manson. I never had, and never hope to. I am not asking his appointment as a democrat. It would be the last recommendation on his part to me.

Mr. SPARKS. What do you present him for, then?

Mr. BROWNE. I present him in the interest of 208,000 men who went from Indiana into the service. I want to have them, if I can, have a representative in the management of these soldiers' homes. Indiana sent 208,000 men to the front during the war. General Manson, although a democrat, was identified with these men; in sympathy with them; in sympathy with them during the war, and in sympathy with them now, although in view of the fact that he voted the democratic ticket that would seem paradoxical.

Mr. SPARKS. Iowa sent men to that conflict, and so did other States who have no representatives on that board.

Mr. VAN VOORHIS. Mr. Chairman, I raise the point that this paragraph is out of order.

The CHAIRMAN. That point comes too late.

Mr. VAN VOORHIS. But I raise a point of order.

The CHAIRMAN. It is too late.

Mr. VAN VOORHIS. But I ask leave to state it. The statute requires that these vacancies shall be filled by joint resolution.

Mr. McMAHON. But that was settled at the last session.

Mr. BLOUNT. The gentleman's point of order comes too late.

The CHAIRMAN. It comes too late, the merits of the question having been discussed.

Mr. VAN VOORHIS. I ask to have three lines of the statute read.

The CHAIRMAN. The Chair overrules the point of order, and what is the use of having the statute read? If the point of order had been made in time it might have been applicable; but even if the point is good it was not made in time.

Mr. VAN VOORHIS. Let me state the point of order. You may then rule upon it as arbitrarily as you please.

The CHAIRMAN. The gentleman has stated it.

Mr. VAN VOORHIS. Let me have three lines of the statute read.

Mr. SPRINGER. I object.

Mr. VAN VOORHIS. The statute provides this vacancy shall be filled by joint resolution of the two Houses.

Mr. SPRINGER. We went over that at the last session.

Mr. VAN VOORHIS. In putting this paragraph into the bill we are violating the law. I ask the Clerk to read.

The Clerk read as follows:

SEC. 4826. Nine managers of the National Home for Disabled Volunteers shall be elected from time to time, as vacancies may occur, by joint resolution of Congress.

Mr. VAN VOORHIS. This, therefore, proposes a change of existing law in an appropriation bill, while it does not reduce expenditures.

The CHAIRMAN. If the gentleman had made his point of order in time it might have been a good one.

Mr. VAN VOORHIS. The Chair would not recognize me. I made it the moment the Chair recognized me.

The CHAIRMAN. The Chair did not hear the gentleman, and he has a clear distinct voice.

Mr. McMAHON. I move to strike out the last word. I do it for

this purpose: I think the old maxim ought to apply to the friends of General Manson, the old classical maxim, "We fear the Greeks even when they brings us gifts." I noticed when the distinguished gentleman from Indiana got the floor and thought he had the party strength, he put forward a party man. The superior qualifications of General Manson did not then occur to him. After he failed in that proposition what do we find him doing? Trying to sow the seeds of discord by nominating a democrat and candidly admitting—and I love him for his candor—that under no circumstances would he vote for a democrat if he thought he could get a republican.

Mr. BROWNE. I did not say that, if the gentleman will allow me.

Mr. McMAHON. That was the inference, but I will allow the gentleman to correct the inference I drew.

Mr. FRYE. I should like to see a republican vote for a democrat if he could get a republican.

Mr. McMAHON. I know General Manson, at least by reputation. I know a great many of the Indiana soldiers as well. A great many are inmates of the soldiers' home at my place. I believe, and I say it on the floor of the House knowing General Manson and his friends, that he is the last democrat in the State of Indiana who would permit his friends to be used against the great American, democratic volunteer general, General McClellan.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana.

The committee divided; and there were—ayes 66, noes 73.

So the amendment was not agreed to.

Mr. McCOOK. I offer the following amendment:

After the word "term," in line 780, add the following: "And the citizen managers elected or to be elected by Congress in accordance with the provisions of section 4824 of the Revised Statutes shall be entitled to the privileges of the floor of the House of Representatives during their term of office."

Mr. McMAHON. I hope there will be no objection to the adoption of that amendment.

Mr. BLOUNT. I must make the point of order against it.

Mr. McCOOK. What is the point of order the gentleman from Georgia makes?

Mr. BLOUNT. Let it be read again.

The amendment was again read.

Mr. BLOUNT. I raise the question of order that this is legislation upon this bill. It is not a matter proper for the House to control and is not pertinent to this question. It ought to go to the Committee on Rules.

Mr. McCOOK. Does the gentleman make the question of order upon the amendment? I do not care to detain the committee by arguing the question.

Mr. McMAHON. I suggest that the gentleman from New York send this to the Committee on Rules to report.

Mr. McCOOK. It seems to me, Mr. Chairman, that there can be no objection to the incorporation of this amendment. These citizen managers are elected by Congress. The *ex officio* members, the President, Secretary of War, and the Chief-Justice, all have the privileges of the floor. The men we elect ought certainly in all respects to be on a perfectly equal footing with those members who serve as *ex officio* officers of these institutions; and every member here knows that it is frequently the case that these gentlemen have come to Congress for purposes of consulting in one way or another on matters connected with these homes, and where some of them have the privileges of the floor all of them should be entitled to it so that they may be upon an equality in that respect. I know that some of the members of the Committee on Rules favor something of this kind. It would be too late, however, to get the Committee on Rules to report upon it and incorporate it in this bill. This is simply an expeditious way of doing an act of justice to these managers of the national homes.

Mr. HAWLEY. I am undoubtedly in favor of the idea proposed to be accomplished by this amendment; but I rather think it ought to come from the Committee on Rules, for the reason that this bill will have to go to the Senate for its consideration, and this is simply asking the Senate to concur in admitting some persons to the privileges of its floor; and the Senate will probably and very properly decline to have anything to do with it.

Mr. McCOOK. The amendment which I originally drew proposed to incorporate the privileges of the floor of the House and Senate. But I struck that out, thinking it would be better for the Senate to determine that for itself. I hope, however, that there will be no serious objection to this, which seems to be only a matter of justice and right.

Mr. BURROWS. But it must be acted upon by both Houses.

Mr. BLOUNT. I ask the gentleman to let it be referred to the Committee on Rules to report at once to the House in reference to the propriety of it.

Mr. McCOOK. Let it go in its present form. I do not see where the objection can be to it. I do not understand the gentleman from Georgia as pressing the point of order.

The CHAIRMAN. The Chair will decide the point of order. The Chair thinks it is out of order for several reasons. One, that it is not germane. But a paramount reason is that the Committee of the Whole have no right to change the rules of the House when they have not been committed to them by the House for consideration. Moreover, the Constitution provides that each House shall be the judge of its own rules and mode of proceeding, and this is a proposition to extend the privileges of the floor of the Senate under the operation of a bill which originates in the House.

Mr. McCOOK. Do I understand the Chair to rule that it is out of order simply on the ground that it is not germane?

The CHAIRMAN. That it is not germane to this appropriation bill and for other reasons which the Chair has stated at length. The gentleman of course can take an appeal from the decision of the Chair if he so desires; if not, the Clerk will read the next paragraph.

Mr. BLOUNT. I move that the committee rise for the purpose of appointing a committee of conference.

The motion was agreed to.

CONFEREES ON LEGISLATIVE, ETC., APPROPRIATION BILL.

The committee informally rose, and the Speaker resumed the chair.

Mr. ATKINS. I move that a committee of conference be appointed upon the legislative, executive, and judicial appropriation bill.

The SPEAKER. That motion was agreed to previously. The Chair will simply appoint the conferees.

Mr. ATKINS, Mr. CLYMER, and Mr. BAKER were appointed conferees on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Navy-yard, Mare Island, California: For continuation of stone dry-dock, $200,000.

Mr. BERRY. I offer the following amendment:

The Clerk read as follows:

In line 825 add:

"For roads and pavements and renewing plank road, Mare Island, $5,000; for extension of timber shed, Mare Island, $5,000."

Mr. BERRY. I wish to state, Mr. Chairman, that these appropriations have been estimated for, and I know not why the Committee on Appropriations failed to include them in the bill. It is a fact that in certain seasons of the year in the climate of California we have a great deal of moisture, and the condition of the roads at Mare Island navy-yard are rendered almost impassable. Some of the wooden planks have been long decayed, and it is absolutely necessary that they be repaired.

In regard to the other item, the extension of the timber-shed, permit me to say I have myself witnessed the great injury done to the valuable timber. The extreme wet of the winter time and the extreme dry weather in the summer have ruined thousands of dollars' worth of timber, and simply because we have been unable to secure an appropriation for the timber-shed. I think, as well as my memory serves me, this extension of the timber-shed has been estimated for for several years past; and I do hope, in the line of economy, these two small appropriations that have been estimated for by the Department will be incorporated in this bill.

I wish, at the same time, to say that I feel the Committee on Appropriations have done what they should have done, so far as the appropriation for the stone dry-dock is concerned. They have given every dollar that has been estimated for that work; but it is absolutely necessary for the interest of the Government and the preservation of its property that that appropriation for the timber-shed should be made.

Mr. BLOUNT. The Committee on Appropriations have recommended larger appropriations for the yard at Mare Island than they have for all the other navy-yards together. They have been exceedingly liberal upon that coast.

Mr. BERRY. I acknowledge that.

Mr. BLOUNT. And for the very reason that this was the only navy-yard upon that coast to which they have been thus liberal——

Mr. BERRY. I will say that is no argument. While I acknowledge——

Mr. BLOUNT. The gentleman will allow me to proceed in my own time. The officer in charge of this class of work at navy-yards and stations and who makes these estimates was invited to the committee-room, and after reviewing these items stated that if this sum were allowed they would get along very well and be well content with the appropriation.

Mr. BERRY. Who made that statement, did the gentleman say?

Mr. BLOUNT. The officer having charge of these appropriations; I think an officer holding the rank of commodore. I do not recollect his name.

As to what my friend from California has been saying in regard to roads and pavements and other little items, there is a gross appropriation of $300,000 for repairs and preservation of navy-yards; and that fund may be used for the very purpose designated by my friend. Certainly the gentleman ought to be content if this yard is on a footing in the matter of repairs with the other yards of the country. The appropriation is rather larger than usual, and as far as that navy-yard is concerned it is exceedingly liberal.

Mr. BERRY. Will the gentleman from Georgia permit me to ask him a question?

Mr. BLOUNT. Certainly.

Mr. BERRY. Was not the $5,000 separately estimated for this special purpose in addition to the amount of $300,000 here appropriated for repairs and preservation of navy yards?

Mr. BLOUNT. That is true. There is no question about that. And so we might run all the way through the bill. It has never been the practice of the majority side of the House to go to these estimates and take them as an *ipse dixit*. We have granted much more than has been appropriated there for many years. We have been, in the estimation of the officer having charge of this service, very liberal to the Pacific coast, and I had hoped the gentleman would have been content with the provisions of this bill.

The question being taken on Mr. BERRY'S amendment, it was not agreed to.

Mr. WAIT. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 825 insert:

"For continuing repairs and improvements at the navy-yard, New London, Connecticut, in extending one of the buildings thereat so as to furnish a hospital, $25,000."

Mr. BLOUNT. I rise to make the point of order on that amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. BLOUNT. There is no law at all for a hospital at that yard.

Mr. HAWLEY. Oh, yes, there is.

Mr. WAIT. The point of order cannot be sustained against the amendment that I have now offered, and which has been read by the Clerk. At the last Congress the Secretary of the Navy recommended an appropriation for the construction at that yard of a building, one part of which should be for the purpose of making a drill-room for the apprentices on the training-ships, and the other part of that building was to be used for the purposes of a hospital, not merely for the training-ships, but for the United States vessels that happened to be there, either temporarily or located there permanently, when out of service. This amendment is strictly within both the spirit and letter of that clause of the rule which permits an amendment to a general appropriation bill, when the same is in continuance of an appropriation for a public work that is already in progress and being constructed.

The CHAIRMAN. Does the gentleman from Connecticut state there is a law for this, or was it recommended by the Department?

Mr. WAIT. Congress at a prior session made an appropriation of $20,000, about half what the Secretary recommended, to be used in the construction of a drill-room and hospital at the New London navy-yard. The Secretary found the amount Congress so appropriated would not complete the building so as to embrace a drill-room and the hospital. So he took the entire $20,000 and used it for the construction of a building which is to serve as a drill-room for the apprentices on board these training-ships.

Mr. BLOUNT. I would like to ask the gentleman a question.

Mr. WAIT. I will hear the gentleman's question.

Mr. BLOUNT. I wish to ask if that building has been completed?

Mr. WAIT. It is now in process of construction. Its walls are now being erected. The Secretary at this session again comes forward in an official communication to Congress and recommends an additional $25,000 to continue that building now in process of construction and carry it out in length so as to make in addition to it a building to be used for the purposes of a general hospital, to be used for the crew of any ship of our Navy. That is it. The gentleman's point of order, therefore, does not apply, for this $25,000 is recommended here, I will state to the Chair, for the continuance of a work now in process of construction. The Secretary found that the amount of money appropriated by the last Congress was insufficient to erect and complete a building which could be made available for the double purpose originally intended, so he very wisely took the entire appropriation and applied it to the construction of that part of the building which could be used as a drill-room. He then at the present session recommended the appropriation of $25,000 for the completion of this building by constructing the part to be used as a hospital, not, as he says, for the special use of the training-ships, but for the use of the crews of any Government vessels that might be sent there.

Mr. BLOUNT. Will the gentleman allow me to interrupt him a moment?

Mr. WAIT. Certainly.

Mr. BLOUNT. I will withdraw my point of order, because upon examining the statute I do not think it lies against this amendment. The language of the statute is as follows:

For continuing repairs and improvements at the navy-yard, New London, Connecticut, in extending one of the buildings thereat, so as to furnish a drill-room and hospital for the use of training-ships of the Navy, $20,000.

Mr. ALDRICH, of Rhode Island. I renew the point of order.

Mr. WAIT. As the gentleman from Georgia [Mr. BLOUNT] says the point of order clearly does not lie against this amendment, will the gentleman from Rhode Island [Mr. ALDRICH] state what is his point of order?

Mr. ALDRICH, of Rhode Island. It is that this work has not been previously authorized by law, and this appropriation is not for the continuation of any work now in progress. The language of the statute which the gentleman from Georgia has just read is from the sundry civil appropriation bill of last year. What does that provision do? It makes an appropriation to extend one of the buildings at the New London navy-yard for a drill-room and hospital. According to the statement made by the gentleman from Connecticut himself, that building is now in process of erection, and the appropriation made last year is sufficient to complete it.

The gentleman now proposes an appropriation for the construction of a new building, not for the extension of one of the buildings at the New London navy-yard, but for the construction of a new building, to be used as a hospital. It therefore changes existing law, and does not retrench expenditures. It is subject to both points of order contained in the third clause of Rule XXI.

Mr. HAWLEY. If anybody is to blame in this matter, if there is any blame in it——

The CHAIRMAN. The gentleman from Connecticut [Mr. WAIT] is entitled to the floor.

Mr. WAIT. The appropriation made last year was for the construction of a building, one-half of which was to be used for a drill-room and the other half of which was to be used for a hospital. The appropriation was about one-half of the estimate. The Secretary of the Navy, seeing that he could not construct a building of the size sufficient to cover both drill-room and hospital, took the entire $20,000 for that part of the building which was to be used as the drill-room.

Mr. ALDRICH, of Rhode Island. Will the gentleman permit me to ask him a question?

Mr. WAIT. Certainly.

Mr. ALDRICH, of Rhode Island. Is it not the intention to use this $25,000 which he asks to have appropriated for the construction of a separate building to be used as a hospital?

Mr. WAIT. I will reply to the gentleman——

Mr. ALDRICH, of Rhode Island. Will the gentleman answer my question?

Mr. WAIT. Yes, I will answer it, if the gentleman from Rhode Island will give me the opportunity to do so and not interrupt me.

Mr. ALDRICH, of Rhode Island. I hope the answer of the gentleman will be noticed.

Mr. WAIT. I will in the first place ask to have read the original recommendation of the Secretary of the Navy in regard to the first appropriation, and then I will ask to have read a letter which the Secretary recently addressed to me upon the same subject.

Mr. ATKINS. Does the gentleman from Connecticut [Mr. WAIT] think that New London is as good a place as any other for the morals of these apprentice-boys?

Mr. WAIT. Yes, sir; for the morals of the boys, for the health of the boys, for depth of water for the ships, and for everything else that can be required.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, December 15, 1880.

SIR: I have the honor to inclose a copy of a communication, dated the 13th instant, from Surgeon-General Philip S. Wales, Chief of the Bureau of Medicine and Surgery, and to recommend that an appropriation of $25,000 be made for the immediate construction and equipment of a naval hospital at New London, Connecticut.

Very respectfully, your obedient servant,

R. W. THOMPSON,
Secretary of the Navy.

Hon. J. D. C. ATKINS,
Chairman Committee on Appropriations,
House of Representatives.

Mr. WAIT. I understand that the claim is that this appropriation is to be for a hospital building separate from and independent of the building now being erected, and solely for the use of the apprentice-boys on board the training-ship. I myself recently interviewed the late Secretary of the Navy, and asked him if that was the recommendation he made to Congress at the time when the first appropriation was made. Let his letter answer. I ask now to have read the letter of Secretary Thompson, addressed to me after the interview I have referred to, giving his own construction of what he intended when he made that recommendation.

The Clerk read as follows:

WASHINGTON CITY, *February* 12, 1881.

MY DEAR SIR: The recommendation made by me, while Secretary of the Navy, for building a hospital at the New London navy-yard was made without special reference to the location of a station for training-vessels. I considered it necessary for several reasons. Ships will frequently visit there, both cruisers and those with apprentice-boys, and its healthy location and facility of access will make a hospital, if one is built there, a most desirable place for such of them as may have sick on board. Crews whose health has been impaired by the epidemic diseases of the southern coast will find there such means of recovery as are not surpassed at any other point.

Very truly, &c., R. W. THOMPSON.

Hon. J. T. WAIT, *House of Representatives.*

Mr. WAIT. Now, let me say in connection with that letter, that in 1868 the State of Connecticut gave this property to the United States—and a magnificent gift it was—and the United States, through Congress, accepted it and agreed that it should be forever used and improved for purposes of this kind. In accordance with the solemn pledge which the Government then made, Congress has from time to time made appropriations with which large and expensive buildings for officers' quarters, for storage, for the equipment and repair of vessels, both steam and sail, mechanics' shops, an admirable wharf, and all the various fixtures and constructions that a navy-yard would require have been erected. And there is now, as I have already stated, in process of erection a first-class drill-room for the boys connected with the training-ships. The $25,000 which I ask to extend the building now in progress, so as to provide a hospital there, is not merely for the training-ships, but for any vessels of the United States

Navy that may come there for the purpose of recruiting the health of their crews who have suffered from being in another climate.

Mr. ALDRICH, of Rhode Island. It is not true, Mr. Chairman, that New London has been selected as a site for a naval training station, or has been used for any considerable period for that purpose. But I do not propose now to discuss the merits of this amendment. It is not before the committee in any form. The question now to be considered is whether the appropriation asked for is for a purpose not previously authorized by law. The gentleman from Connecticut himself [Mr. WAIT] conceded that it is when he says that it is for the erection of a new building not authorized by last year's appropriation bill. It seems to me that in making that statement he gives away his whole case. It is the only question I raise.

Mr. WAIT. The building heretofore authorized by Congress was to embrace both drill-room and hospital. But the Secretary of the Navy, having expended the whole sum for a drill-room, has recommended this additional appropriation to go on with the hospital. This appropriation will appropriately complete the structure in its entirety. This House, if it looks at the question from an economical stand-point, cannot hesitate a single moment in regard to the propriety of the amendment.

The CHAIRMAN. The Chair is of opinion that as Congress has passed a law providing for hospital accommodations at the point proposed, and it has been found that they are not sufficient for the purpose, it is competent for the House now upon this bill to provide for additional accommodations. Even if a new building should become necessary, it would still be a continuation of the work which has been begun. The object was to provide sufficient accommodations for hospital purposes, and in the opinion of the Chair it is as much in order to erect a new building as to make an addition to one already erected. The Chair is strengthened in this opinion by the ruling of the Committee of the Whole the other day in the Baltimore case. He therefore overrules the point of order and decides that the amendment is in order.

Mr. ALDRICH, of Rhode Island. Do I understand the Chair to hold that an appropriation bill of one year can authorize new work for the next year.

The CHAIRMAN. The appropriation bill of last year not only made an appropriation, but it contained affirmative legislation authorizing the construction of a building for hospital purposes. It therefore had the effect of a continuing statute as much as if it had not been in an appropriation bill. The question is on the amendment of the gentleman from Connecticut, [Mr. WAIT.]

Mr. BLOUNT. Mr. Chairman, I hope that this appropriation will not be agreed to. In the first place, it is not estimated for; it is not included in the Book of Estimates. In reference to every other yard we have reduced the expenditures even where they have been asked for in the Book of Estimates. In the present case the first communication the committee received on the subject was a letter from the Secretary of the Navy recommending the construction of a hospital at this navy-yard; and this letter was accompanied with a communication from Surgeon-General Wales recommending the appropriation on the ground (and this seemed to be the basis of the recommendation of the Secretary of the Navy) that, as a training-ship was located there, it was necessary to have these hospital accommodations for the boys on board that ship. It turned out, however, that a commission created to examine into the question has reported against this point and in favor of Rhode Island. After this recommendation of Surgeon-General Wales, and in view of the report of this commission, he sent in a communication withdrawing his recommendation for a hospital at this point on the distinct ground that his recommendation was based alone upon the fact that a training-ship was located there.

Mr. HAWLEY. Who was that?

Mr. BLOUNT. The Surgeon-General.

Mr. HAWLEY. Not the Secretary of the Navy?

Mr. BLOUNT. No; but in making his recommendation as to this structure he accompanied it with a letter from Surgeon-General Wales, which, we inferred, naturally, I think, was the basis of his action; and that letter rested the case upon the location of the training-ship there.

Mr. WAIT. Does not the Secretary of the Navy, in his recent letter to me say, in the most distinct and unmistakable terms, that he never intended to limit this appropriation of $25,000 to the construction merely of a building for the accommodation of apprentices on the training-ship, but that it was designed for the general purposes of the Navy? This decision was not reversed by the Secretary who retired from office prior to such retiracy, nor has his successor ever, by any act or declaration, set that decision aside. Will the gentleman from Georgia claim that the Surgeon-General was clothed with an authority which empowered him to either revise or reverse a decision of his superior officer, the Secretary of the Navy? I think not. If he entertains a different opinion I will thank him to show me the law on which he rests that opinion.

Mr. BLOUNT. I will not yield further because my friend has already communicated to us those facts. He has recently procured from the former Secretary of the Navy a communication such as he states. That I concede. It is not an official paper to this House. I will not dispute, however——

Mr. ALDRICH, of Rhode Island. I suggest to the gentleman that the letter was written two or three weeks after Mr. Thompson had ceased to be Secretary of the Navy.

Mr. BLOUNT. That is true; according to the statement of the gentleman from Connecticut himself the letter does not come in any official shape. I do not care anything about that, however. But the law requires that estimates for the public service shall be submitted by the various heads of Departments to be included by the Secretary of the Treasury in the Book of Estimates. In the Book of Estimates there is no mention of this appropriation, and I imagine that there is some connection between the great interest of my friend from Connecticut in this matter, and this unofficial communication. Our committee-room is loaded down with all sorts of letters from heads of Departments recommending matters outside of the Book of Estimates.

[Here the hammer fell.]

Mr. HAWLEY. Mr. Chairman, it is true that the Secretary of the Navy did not in the formal estimates renew the estimate which he made last year. But last year the appropriation which has already been quoted and fully explained by my colleague [Mr. WAIT] was made, an appropriation of $20,000 for a drill-room and hospital. It has been shown that the Secretary of the Navy used the whole of that appropriation upon the drill-room, doing nothing in the way of providing hospital accommodations. The Secretary forgot or overlooked the matter in his general estimates this year; but he sent a letter afterward expressing his desire that there should be a hospital there. Now, it is not at all unusual for Cabinet officers, when the formal book of estimates has been made up, to send some supplementary suggestion or estimate in regard to public works as Secretary Thompson assuredly did in this case, and accompanying his letter is that of the Surgeon-General. Afterward the Surgeon-General, thinking that this hospital pertained to training-ships alone, withdrew his letter, and Secretary Thompson, although he had then become a private citizen, sent an explanatory note saying he did not mean that recommendation for training-ships solely, but for general hospital purposes. It now stands before the committee and before the House a recommendation for this small hospital for the accommodation not of training-ships alone, but of all the vessels of the Government there.

Reference is made to the selection of some other site as headquarters for training-ships. The Government does not own any place at Newport for any such purpose. It has a torpedo station, and has Fort Adams there, but it has no ground whatever for navy-yard or training-school purposes. It has in the Thames River, at New London, a magnificent site for a navy-yard, eight hundred yards of excellent wharf there and some seven or eight buildings, store-houses, dwellings, drilling-room, &c., and only needs a little hospital. If you are going to Newport you will have to acquire a new island there, and embark in building a new set of wharves, dwellings, and sheds and all that, when the places are only about sixty miles apart.

Mr. ALDRICH, of Rhode Island. Let me ask the gentleman a question.

Mr. HAWLEY. With pleasure.

Mr. ALDRICH, of Rhode Island. Has the gentleman from Connecticut read the report of the commission, in which they state all the buildings are there which are needed?

Mr. HAWLEY. I have read it and I claim they do not say it. There are some buildings never put up for the purpose of a navy-yard at all. I heard it said one was an old almshouse. There are a few buildings not put up for navy-yard purposes at all on that island. That island does not belong to the Government, and the Secretary of the Navy has no right to make it the headquarters of training-ships. It is ground which does not belong to us. He has no right to accept the tender of that pretty island. If he has he can bind the Government to an expense of several hundreds of thousands of dollars for new buildings. He cannot make it the headquarters for training-ships, because the Government has never authorized him to accept it and embark in a new navy-yard.

We have everything needed at New London, and while Newport and every harbor north of Norfolk has been closed by ice, a skiff could easily go nine miles up the Thames river. It is a harbor that never freezes and during the winter a tug-boat ran constantly from the city to the navy-yard. Even the Brooklyn navy-yard has been partly closed to the Navy while this river has not been closed at all.

If you want to argue the general question of the respective merits of Newport and New London harbors for naval purposes, we can say that there is no finer place for a navy-yard in the whole United States than the former. Our greatest steamers could go in there or a skiff could go in there without being troubled by the ice during the winter. The largest vessels, as I have said, can go up there—the only thing desired for present uses is a little hospital building in addition to the drill-room, for the dwellings, sheds, and store-rooms are already there.

Mr. ALDRICH, of Rhode Island. What is this proposition of the gentleman from Connecticut, [Mr. WAIT?] It is to appropriate $25,000 for the construction of a building at New London, which is not recommended by the Navy Department. I hold in my hand a letter from the Surgeon-General of the Navy, withdrawing a recommendation which he had previously made.

Mr. HAWLEY. Secretary Thompson says that he was wrong.

Mr. ALDRICH, of Rhode Island. He desires it to be considered as void.

Mr. HAWLEY. Secretary Thompson does not declare it to be void. The Clerk read as follows:

NAVY DEPARTMENT,
BUREAU OF MEDICINE AND SURGERY,
February 15, 1881.

SIR: My recommendation to the Secretary of the Navy, under the date of December 13, 1880, that an appropriation be made to build a hospital at New London, Connecticut, was based upon an interview with him in which I was impressed with the idea that that point had been adopted as the training station, as is shown by the tenor of the communication, a copy of which is herewith transmitted.

Subsequent official action changing the location of the station, the recommendation, as far as New London is concerned, becomes void, as the hospital was intended expressly for the accommodation of the large number of persons that must necessarily be connected with the training school.

Very respectfully, your obedient servant,

PHILIP S. WALES,
Surgeon-General United States Navy.

Hon. J. D. C. ATKINS,
Chairman Committee on Appropriations,
House of Representatives.

Mr. ALDRICH, of Rhode Island. You will notice that this is a positive withdrawal of the recommendation which Surgeon-General Wales had made. It is true that last year in the sundry civil bill an appropriation of $20,000 was made for a hospital at New London. It was put on the bill in the Senate and became a law on the report of a conference committee. It was never considered or discussed in this House. The Minnesota, one of the training-ships, was then stationed at New London.

Mr. CAMP. Mr. Chairman, I yield my time to the gentleman from Rhode Island.

Mr. ALDRICH, of Rhode Island. I am very much obliged to the gentleman from New York. I was saying, Mr. Chairman, that the Minnesota was ordered to the New London navy-yard last year as an experiment, and that during the time she was there an appropriation was made for a building to be used as a drill-room and hospital, without as I believe any recommendation from the Navy Department. New London was found not to be a satisfactory location for a training station, and in November, 1880, the Secretary of the Navy appointed a commission consisting of several well-known officers of the Navy for the purpose of making an investigation and determining a proper location for this purpose. I now send to the desk and ask to have read an order issued by the Secretary of the Navy based upon the report of that commission.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, December 16, 1880.

General Order No. 257.

Ordered, that the vessels employed in training apprentices for the Navy shall, from and after this date, constitute a training fleet, and be placed under the command of an officer who shall be of a rank not below that of captain, who shall also be in command of the permanent headquarters or "naval training station."

Ordered, that the "Coaster's Harbor Island," in Narraganset Bay, near Newport, Rhode Island, be, and the same hereby is, established as the "naval training station" for apprentices, which place shall be the headquarters of said "training fleet."

Ordered, that all business and correspondence of said "fleet and station" shall be conducted as heretofore, through the same channels, under the jurisdiction of the Navy Department.

Ordered, that the tender of the real estate made by the State of Rhode Island for the uses of said "training fleet" be, and it hereby is, accepted; and when hereafter the same shall be conveyed to the United States by authority of law, then the station hereby established shall be permanent—until then it shall be considered as only temporary.

R. W. THOMPSON,
Secretary of the Navy.

Mr. ALDRICH, of Rhode Island. Now, Mr. Chairman, it will be noticed that this order positively establishes Coaster's Harbor Island as a naval training station for apprentices and the headquarters of the training fleet which is ordered to that station.

I also send a letter to the Clerk's desk to be read, from the Chief of the Bureau of Equipment and Recruiting, to show that the naval training station was never located at New London and that the Minnesota was sent there, as I have stated, merely as an experiment.

The Clerk read as follows:

NAVY DEPARTMENT,
BUREAU OF EQUIPMENT AND RECRUITING,
Washington, February 22, 1881.

SIR: On the 7th November, 1879, the Minnesota was ordered to proceed to New London for winter quarters. Up to the above time that vessel had been stationed during the winter months at the New York navy-yard, employed in recruiting and training boys for the naval service. But as she occupied so much space at that yard, it was thought advisable to select some other point for her purposes. Several places were thought of; it was, however, finally decided to send her to New London. It was, however, discovered after she had been but a short time at that station, that the place was not suitable for the training of naval apprentices. In addition the vessel was in quarantine very nearly the whole time of her stay, on account of sickness on shore. Consequently in April last she was ordered back to New York.

I am free to confess that I was quite disappointed when I learned that New London was not what I had anticipated. I visited that place last summer and became satisfied that there were many objections to it, as a place for the training of boys to become thorough sailors. Under the circumstances the bureau certainly could not have asked for an appropriation, although I understand that during the last session of Congress money was appropriated under the representation that it was for the naval training station at New London. It has never been adopted as such, nor could I consistently recommend it.

As a naval arsenal the place has many advantages.

Yours, truly,

E. ENGLISH,
Chief of Bureau of Equipment and Recruiting.

Hon. N. W. ALDRICH, M. C.,
Arlington House, Washington, D. C.

Mr. ALDRICH, of Rhode Island. Now, Mr. Chairman, it seems to me that it can hardly be possible that this House of Representatives on an appropriation bill like this, and in a discussion under the five-minute rule, would undertake to reverse the deliberate action of the Navy Department upon a question of so much importance as this, a question involving the welfare if not the existence of our system of training naval apprentices, upon which, in the opinion of many competent judges, must depend all hopes of the restoration of our Navy.

Mr. HAWLEY. Mr. Chairman——

Mr. ALDRICH, of Rhode Island. Has my time expired?

The CHAIRMAN. The gentleman has one half minute of his time remaining.

Mr. WILBER. If I can be recognized I will yield to the gentleman from Rhode Island.

Mr. ALDRICH, of Rhode Island. Now, Mr. Chairman, the commission to whom this matter was remitted was composed of some of the most competent officers in the Navy; men familiar with questions of this character. It consisted of Commodore English, the Chief of the Bureau of Equipment and Recruiting, the bureau in charge of training-ships; of Captain Franklin, senior captain of the United States Navy, an able officer; Captain Luce, late in command of the Minnesota, who has been interested in the matter of training-ships since 1864, and who in that year made a report to the Navy Department in reference to the training-ship system of Great Britain. Captain Chandler, now in command of the Minnesota, was also a member of the commission, as was also Lieutenant-Commander Chadwick, whose able report on the training systems of England, France, and Germany has recently been published, and has won for him an enviable reputation. This officer was a lieutenant on the Sabine in 1863, has since pursued constantly his studies of this subject, and is now a recognized authority at home and abroad. This board thoroughly examined the subject, and their unanimous report, which was printed in the RECORD of December 15, 1880, should be accepted as conclusive.

[Here the hammer fell.]

Mr. HAWLEY. Mr. Chairman, Surgeon-General Wales says in substance in his letter that he was under the impression that the Secretary of the Navy wanted the hospital with a view solely to supply the needs of a training-school station at New London, and that subsequent official action changing the location of that station induced him to withdraw his recommendation so far as New London was concerned. Now, Secretary Thompson corrects that impression in a letter addressed to my colleague, in which he says:

The recommendation made by me, while Secretary of the Navy, for building a hospital at the New London navy-yard was made without special reference to the location of a station for training-vessels. I considered it unnecessary for several reasons.

The Surgeon-General withdrew his letter under a misapprehension. Secretary Thompson made a recommendation in this direction which he renewed this year; but the Surgeon-General, a subordinate officer, misunderstanding the recommendation of his chief, undertook to withdraw his own recommendation subsequently. The gentleman speaks of the Navy Department having adopted a station at Newport. I call the attention of the House, and I would like to call the attention of the chairman of the Naval Committee, [Mr. WHITTHORNE,] and I ask him to give his attention to the language of the Secretary of the Navy in this matter. I consider that a highly respectable gentleman and a competent and able officer has made a great mistake. I will read the orders of the Secretary of the Navy in connection with this matter. He says:

Ordered, that the vessels employed in training apprentices for the Navy shall, from and after this date, constitute a training-fleet, and be placed under the command of an officer who shall be of a rank not below that of captain, who shall also be in command of the permanent headquarters or "naval training station."

Ordered, that the "Coaster's Harbor Island," in Narraganset Bay, near Newport, Rhode Island, be, and the same hereby is, established as the "naval training station" for apprentices, which place shall be the headquarters of said "training-fleet."

Ordered, that all business and correspondence of said "fleet and station" shall be conducted as heretofore, through the same channels, under the jurisdiction of the Navy Department.

Ordered, that the tender of the real estate made by the State of Rhode Island for the uses of said "training-fleet" be, and it hereby is, accepted; and when hereafter the same shall be conveyed to the United States by authority of law, then the station hereby established shall be permanent—until then it shall be considered as only temporary.

And I should think, judging by the chart, though I have not looked into it very minutely, that there are seventy-five or one hundred acres on that island within a mile and a half of Newport. But because that is an admirable place for dancing, holding elegant entertainments, and enjoying social life it does not follow it is a suitable place for training boys. Now, here is a commission composed of five or six elegant gentlemen, who, according to the testimony of competent witnesses, spent some forty minutes at the New London navy-yard and then went to Newport and claimed it was the best place for a training-school.

Mr. ALDRICH, of Rhode Island. Is the gentleman aware a majority of the board spent a considerable time there prior to this visit?

Mr. HAWLEY. I presume some of them had been along there, but as a commission they barely looked at the place. Probably the House will ultimately be called upon to discuss the fitness of Coaster's Island for a naval station, in considering reports made under proper authority, bringing the subject forward in the usual and legitimate manner and not by a usurpation of the Secretary; I am prepared now to deny

the correctness of the report of those officers in some particulars. We can prove by the testimony of officers of higher rank, giving an elaborate report after a careful examination, that New London has the better harbor. The New London site has every possible requisite for a general naval station. It is within six or eight miles of the Sound. Going thence a few miles to the southeast, you pass out into the Atlantic Ocean.

Gardiner's Bay, Fisher's Island Sound, and the adjoining waters furnish admirable facilities for target-practice and all manner of naval exercises.

The Secretary of the Navy has no right to accept Coaster's Island for and in the name of the Government simply upon the recommendation of a board not authorized by law to look for further opportunities to spend money. If he has the right to accept lands offered him for naval purposes, it follows that he can bind us to large expenditures. There is no wharf at all, I think, at Coaster's Island, unless it be some petty landing for a clam-boat. At present no vessel of size can lie near it. And why should the Department order training-ships to rendezvous there for the chief reason, as it would appear, that Newport furnishes agreeable society, when nineteen dollars out of every twenty that would be spent at Coaster's Island would be laid out in duplicating the works already in existence at the New London yard?

[Here the hammer fell.]

Mr. WHITTHORNE. Among the items which go to make up the expenses of the naval administration of the country, there are none which present a wider field for retrenchment and reform than are presented in the navy-yards and stations and the civil establishments connected therewith. The United States Government now use, I believe, some nine navy-yards and stations. I was profoundly surprised when informed that the Secretary of the Navy had established a station and had bound by his acceptance, as far as he could bind the United States by his acceptance, of a new station at Narraganset Bay, in face of the fact, Mr. Chairman, that the United States own navy-yards at Kittery, at Boston or Charlestown, at New London, at Brooklyn, at League Island, at Norfolk, at Pensacola, and at Mare Island.

Now, why was it, when the Government had expended and was expending large sums of money at these other navy-yards and stations, that the Navy Department and its officers should go and select this new station? What merit did it have? Why enter into any new obligations?

Mr. Chairman, I must say that my judgment forces me to the conclusion that but for the fact that Newport is a fashionable summer resort, Narraganset Bay never would have been thought of. In point of accessibility, in point of health, in point of morals, I submit that Kittery, Maine, or New London, Connecticut, is just as eligible, just as suitable for training purposes, and more so. If gentlemen will but reflect a moment they will see the fact that the officers of these training-ships are giving their hearts and souls to pleasure, will demoralize the young men attached to these training-ships. It is a wrong, and a serious wrong in my judgment, that the Secretary of the Navy and the officers of that Department are perpetrating or attempting to perpetrate on this new system now organized in the naval service. It is doing injury, and manifest injury, at the expense of the Treasury of the United States.

Mr. Chairman, may I be indulged in another remark in this connection? If the minds of gentlemen on this floor will recur to the gifts of public lands to the Government for naval stations or navy-yards, they will see how it is the Government is involved to-day in expenditures at New London, where land was given to the Government for naval purposes, and a navy-yard was established, for which in my judgment the Government had no earthly use.

Again, the city of Philadelphia presents to the Government of the United States League Island for the purposes of a navy-yard. That is to be a gift to Congress. The Government is to be enriched by the sale of the old yard; and yet before the Government is done with that yard it will cost $100,000,000 to make it a complete navy-yard. Under this idea of giving something to the Government and the Government accepting these gifts you are simply opening other avenues to the public Treasury by which it may be robbed and plundered. And in this fight between New London and Narraganset Bay there is opened up a new channel of expenditure and extravagance. If we have now, as we do for the moment, this naval station at New London, then I submit to the Committee of the Whole that you should go on and improve it for hospital purposes, as it may ultimately result in taking the asylum from the city of Philadelphia and making this an asylum and a hospital of retreat for the invalid sailors of the country; and in that way you can economize the gift which has been made to the Government.

[Here the hammer fell.]

Mr. BLOUNT. This amendment does not raise the issue which gentlemen have been discussing as to whether the training-ship should be stationed at New London or at Coaster's Island Harbor. The construction of a hospital at New London does not prevent the stationing of this training-ship at Coaster's Island Harbor. When you have completed the hospital you will still have your issue with the Navy Department as to where this training-ship shall be located. The discussion of that question does not elucidate the importance or non-importance of this amendment.

It has been alleged in the course of this discussion that it would be well to place this hospital at New London because of the other buildings there. If that is to be one reason for so doing, and the fact in regard to the ice in the harbor is to be another, then why not go just a little farther south to the Norfolk navy-yard, where you will find your hospital building and no ice.

Mr. HAWLEY. There have been epidemics there.

Mr. BLOUNT. The gentleman says it is not so healthy there. I regard it as quite as healthy a locality as the other. The gentleman suggests that there may be an epidemic there. If so, I cannt see why this training-ship cannot be moved from one yard to another. Therefore I can see no reason why we should make this expenditure at all. If it is improper to locate this training-ship at Coaster's Island Harbor, if there has been a violation of the law on the part of the Navy Department, let that Department be held responsible. I am much inclined to the opinion of the gentleman from Connecticut [Mr. HAWLEY] that they have gone beyond their power in this matter.

We still come back to the simple proposition whether or not there is any necessity for the construction of this particular building for hospital purposes. As a matter of fact, this training-ship is not now at New London and is not likely to be there. If there is any occasion for it, perhaps the drill-room could be fitted up for hospital purposes. It might be very proper to utilize the building in that way.

As the gentleman from Tennessee [Mr. WHITTHORNE] has well said, we have already gone into extravagance in building up and keeping up too many navy-yards. With a small navy we have more navy-yards than Great Britain. Why shall we continue this expenditure, constructing building after building at the navy-yards? I trust that the Committee of the Whole will see fit not to add this appropriation to this bill.

Mr. ALDRICH, of Rhode Island. I desire to say, Mr. Chairman——

The CHAIRMAN. Debate has been exhausted upon the pending amendment.

Mr. ALDRICH, of Rhode Island. I move to strike out the last word, for the purpose of saying that I am amazed that the chairman of the Committee on Naval Affairs of this House, [Mr. WHITTHORNE,] who is certainly supposed to be familiar with naval matters, should rise in his place and advocate the appropriation of this $25,000 upon the ground that we do not need a navy-yard at New London, and therefore we ought to make this appropriation there; that we have no earthly use for it, to use his own words.

The question whether this Government shall use Coaster's Island Harbor or not is not in this discussion at all. When it comes up for decision I have no doubt this House will decide it wisely upon such light as may be before it.

What was the other statement made by the gentleman from Tennessee, [Mr. WHITTHORNE?] It is that these officers decided in favor of Newport, because of the society there. That was the plain intimation of the chairman of the Committee on Naval Affairs. Now, the gentleman ought to know, and I presume that he does know, that the two senior officers of this board live in the city of Washington, have residence here, and have nothing to do with Newport in any shape, way, or manner.

Does the gentleman mean to intimate that we have officers of the well-known character and position of the officers who compose that board who are willing to place the success of the training of naval apprentices at the mercy of their own whims as to the proper place as regards society merely? I cannot believe the gentleman honestly and sincerely thinks so. Lieutenant-Commander Chadwick has given more attention to this subject, I believe, than any other man in this country. I ask the Clerk to read a letter from him on this subject; and I earnestly invite the attention of the House to that letter, which it seems to me is decisive of the question at issue.

The Clerk read the letter, as follows:

OFFICE OF LIGHT-HOUSE INSPECTOR, THIRD DISTRICT,
Tomkinsville, New York, February 15, 1881.

DEAR SIR: Mr. T. Coggeshall wrote me that you had had some discussion on the subject of the relative amount of ice at New London and Newport, and requested me that I should write to you my experience at these two ports. In the last twenty years I have passed three complete winters at Newport. In the same interval I have passed one at New London, while in the apprentice-ship Sabine, (1867-'68.) In the latter case the Thames River was completely frozen over as far down as Winthrop's Point (two miles below the naval station) for many weeks, six, if my memory serves me rightly. We were anchored off State street, and the river above and below us was full of floating ice during this period.

During my experience of Newport I have never known trouble with ice. It certainly has been very exceptional. Drills afloat while I was there continued almost without interruption throughout the winter, a thing which cannot be done even at Annapolis, the Chesapeake being much more subject to ice than Narraganset Bay. I have known within the last five years the Chesapeake to be solidly frozen for some miles south of the Potomac.

The inner harbor at Newport may be somewhat incommoded this winter, but I can hardly think that the vicinity of Coaster's Harbor Island has been much troubled. If you will look at the comparative thermometrical tables of Newport and New London you will find the thermometer always goes lower at a given period at the latter place.

I was east a short time since on light-house duty, and while the snow had almost entirely disappeared about Newport the country about New London was still heavily covered, and the sleighing at the latter place good. The date of my visit was January 15.

As I say, the question of ice at Newport is one which need hardly be taken into consideration, as its occurrence in any quantity is a very rare case. When it does occur there must be at least as much trouble on the same account at the station at New London.

I fear that few persons realize the immense importance of fixing upon the proper place for this establishment. It will unquestionably be the nursery not only for the trained seamen of the Navy, but for those of our mercantile marine, and to go wrong at the start would be a national loss. I certainly think that the placing of it at New London would be to go wholly wrong. I look at all this merely with the eye of a naval officer. Being a West Virginian, I can hardly be accused of local prejudice in the case.

The reasons for the selection of Newport instead of New London are succinctly set forth in the report of the board of which Commodore English was president, (December, 1880.) Any one conversant with the subject would not hesitate a moment between the two places.

The national good is much more concerned in this question than most persons appreciate, and I should look with deep regret upon an effort to establish the school at a point so utterly unfitted for it as is the Thames. I certainly think that to place it there would be utterly fatal to its successful operation.

The Thames was selected as the site of a navy-yard, for which it is well adapted. Why destroy its possible efficiency as such by turning it into a training station, which has almost every disqualification for the purposes of training. If selected for the latter, its efficiency as a navy-yard is destroyed. The two cannot possibly exist together.

It was my good fortune in 1879 to see much of the manner in which England and France and Germany trained their boys, and I send you the report which was made upon the subject. The realization of our own backwardness, and the earnest desire to place our own service upon at least an equal footing with these in the question of education and training, makes me hold what may seem at first sight unwarrantably strong opinions in this matter.

I am, very truly, yours,

F. E. CHADWICK,
Lieutenant Commander, United States Navy.

Hon. N. W. ALDRICH, *Member of Congress.*

[Before the reading of the foregoing paper was concluded the hammer fell; when

Mr. ALDRICH, of Rhode Island, said: The most important part of that letter has not yet been read.

Mr. BALLOU obtained the floor, and said: I yield my time to my colleague.

Mr. HAWLEY. If my excellent friend from Rhode Island is to occupy twenty minutes or half an hour on this question, we on our side ought to have more time.

Mr. ALDRICH, of Rhode Island. The most important part of the letter has not been read. I want the reading finished.

Mr. BALLOU. I will ask the Clerk to continue the reading in my time.

The Clerk resumed and concluded the reading of the letter.]

Mr. HAWLEY. It will be observed that this is not an official paper of any kind, but a private letter.

Mr. ALDRICH, of Rhode Island. I ask consent to have printed in the RECORD additional letters on this subject.

There was no objection.

The letters are as follows:

NAVY DEPARTMENT,
Washington, November 27, 1880.

SIR: The board of which you are senior member will assemble on board the United States steamer Powhatan, at the naval station, New London, Connecticut.

You will then carefully examine that station, with a view of obtaining a site for the establishment of a permanent headquarters for the training of naval apprentices.

Having examined that station thoroughly, proceed to Narraganset Bay, where you will make a similar examination.

Should the board not find a desirable site in either of the above-mentioned places, you will make further examinations of such places as in the judgment of the board are likely to answer the necessary requirements.

The board will bear in mind the necessity and importance of having sufficient depth of water for the largest ships, to allow the easy access and egress of training ships at all seasons of the year, sufficient sea room to maneuver vessels under sail, facilities for boat exercise, good holding-ground, and to afford a harbor well protected from violent weather.

There should be the necessary land to accommodate such buildings as are likely to be erected, with the best advantages for perfect drainage and other sanitary requirements. In short, a suitable site for the headquarters should offer every facility for making them all that can be desired in order to successfully carry out the object in view. The Department has placed the United States steamer Powhatan at your disposal. You will report the result of your examinations to the Department.

Respectfully, &c.,

R. W. THOMPSON,
Secretary of the Navy.

Commodore EARL ENGLISH,
Chief of Bureau Equipment and Recruiting.

NEWPORT, RHODE ISLAND, *February* 14, 1881.

From west side of Goat Island, on which torpedo station is located, or from proper anchorage in upper harbor of Newport, Rhode Island, within one-eighth of a mile of Coaster's Harbor Island, or one-sixteenth of a mile from Newport lighthouse, I could on any day of the present winter, 1880 and 1881, have anchored a ship-of-war of the United States Navy drawing up to fullest draught of water; nor would such ship have been obstructed by ice. I could have sailed such a ship, without steam, from a point within a fourth of a mile of Coaster's Harbor Island out into clear water without obstruction from ice. Only in the lower harbor has there been ice between our wharves and Goat Island, nor one day that steamers have not been to and from Goat Island and Canonicut Island. In upper bay, north of Coaster's Harbor Island, there has been ice, but tugs and steamers daily went through it to Providence. The steamer Eolus, to Wickford, missed only the trips on February 3, 4, 5, and 7; then ran regularly; not a day that vessels did not anchor in our upper harbor not a quarter of a mile from Coaster's Harbor Island. No ice here or about here since February 7 instant. Clear water in outer harbor the entire time.

I have not this year been to New London. I usually visit there each year in the winter. On many occasions I have seen a great quantity of ice across the Thames, the vessels lying near proposed naval station completely frozen in, a channel track only kept open for steamers by constant effort. From New London Harbor, where vessels anchor, to proposed naval station is quite three miles. Ice as a rule is abundant there in winter.

STEPHEN A. GARDNER,
Harbor Master of the Port of Newport, Rhode Island.

Mr. HAWLEY. I ask the privilege of having printed in the RECORD the report of Admiral Stringham and others on the New London navy-yard.

There was no objection.

The documents are as follows:

OFFICIAL REPORT CONCERNING NARRAGANSET BAY, LEAGUE ISLAND, AND NEW LONDON HARBOR.

UNITED STATES NAVY-YARD,
Philadelphia, October 24, 1862.

SIR: The board appointed to examine the harbor of New London, Narraganset Bay, and League Island, and to report whether, in their opinion, the public interest will be promoted by acquiring the title to League Island for naval purposes, or by establishing a navy-yard and naval depot either in or near the harbor of New London or in the waters of Narraganset Bay, instead of League Island, has the honor to report, that in accordance with your order of August 12, 1862, the board met at New London on the 26th of August, and proceeded to make a thorough and careful examination of that harbor and its surroundings. Having completed this examination, the board proceeded to Narraganset Bay and made a minute examination of its waters, after which they visited League Island, and have devoted much time in investigating its qualities for a naval station.

NARRAGANSET BAY.

The list of materials collected in reference to this bay will be found in Appendix No. 1.

As required by our instructions, we examined and surveyed the extensive waters of this bay, visiting all the sites which had been suggested by the examinations of previous boards, or by more recent surveys by the Coast Survey, which were suggested by local authorities or which appeared in our inspection of the bay to present promising positions for a navy-yard.

Thus we examined Mount Hope Bay and its approaches in by the channel, between Bristol and Rhode Island, down to the old stone bridge, which now closes the eastern passage of the bay, (sometimes called Saughkonnet River,) and out by the northern shore of the island of Rhode Island, into the main channel of Narraganset Bay. Providence River, especially near Gasper Point, was examined. The whole of the eastern side of Prudence Island was very carefully examined, especially south of Sandy Point and in Potter's Cove; the western shore of Rhode Island, behind Dyer's Island; the eastern shore of Canonicut, surveying Taylor's Cove, which is protected in part by Gould Island from winds, currents, and ice; visiting Newport Harbor, and passing around to the western shore of Canonicut, and in by the south and out by the north entrance of Dutch Island Harbor. The surveys of this bay have developed the fact that sticky bottom for anchorage occurs generally in water too deep for convenient anchorage, except in the coves, and that deep indentations of the shore lines or coves are few in number, and such as are found are small in extent.

The advantages of Narraganset Bay for a navy-yard are an adequate depth of water, but with the drawback just stated; that it is easy of ingress and egress, (the practicability of easy ingress with a northwest wind is now of little consequence since steam is of such common use,) is not easily blockaded, is moderately free from ice, presents full space on its islands for the erection of buildings, docks, and basins, with extensive water front; presents good foundations for the accessories of a yard, has a moderate range of tides, and is but little exposed to freshets or overflows in any properly selected site, and is proverbial for the excellent health of the vicinity.

The disadvantages are: the entrance is often difficult from fogs; that its defense will involve most costly and difficult works of permanent fortification and of local floating batteries, or the closing of one of the two entrances now open by a dike, (similar to that which closes the third entrance at the north,) and defensive works and floating batteries for the main entrance; that each available site must as a rule depend also upon itself for defense; that the population does not furnish enough troops readily transferred to the point of attack, and the best sites are so near the entrance of the bay as to be easily attacked, and all are upon islands; that the bay is swept by powerful winds from the northwest, southwest, northeast, and sometimes from the southeast, which raise a chopping sea, and is in some places exposed to; is defective in holding-ground, on account of the bottom being generally rocky, where the depth is less than twelve and more than four fathoms. The rocky nature of the excavation of the sites makes foundations expensive; the facility for obtaining iron and coal is small, and supplies generally require to be brought from a distance; a scant supply of fresh water generally; moderate facilities for procuring workmen, who must be domiciled on the site; all the bad effects of salt water upon wood and iron.

Advantageous thus as it is in some respects, we consider that, balancing the advantages and disadvantages, this bay would be an indifferent one for the location of a navy-yard.

The board having decided that Narraganset Bay is an indifferent one for the location of a navy-yard, the solution of the question submitted is reduced to a comparison between the advantages possessed by New London and League Island.

The list of materials collected in reference to New London will be found in Appendix No. 2; those collected in reference to League Island in Appendix No. 3.

The board, at an early period of its labors, adopted a series of points for particular examination, as containing the principal requisites for the site of a navy-yard and naval depot. A comparison between New London and League Island has been made with reference to these points, as follows:

"1. Adequate depth of water at and near the site for vessels of the largest class."

In this respect the board regards the two sites as equal; either of them have a sufficient depth of water at and near for the accommodation of any vessels of our Navy.

"2. Facility of ingress and egress."

The harbor of New London has a fine, clear entrance from the ocean, accessible at all times and all seasons; from it vessels of any class can proceed to sea with almost any wind, and be clear of the land in a few hours, the distance from the entrance of the harbor to the ocean being only about twenty-five miles.

League Island is situated at a distance of about one hundred miles from the sea, on a river, the navigation of which is often tedious and difficult for vessels of large class, especially in winter when obstructed by ice. The board is of the opinion that, with regard to this qualification, the harbor of New London is far superior to League Island.

"3. Security from attack by an enemy, and facility and economy of defenses. To be easily defended from its own topographical advantages. To be readily re-enforced by troops from a dense population, within easy marching distance. Not easily blockaded. Not too near the mouth of a bay or river."

The present defenses of the harbor of New London are Forts Trumbull and Griswold, the first a strong fortress, built of granite in the most substantial manner, and the second an extensive earthwork on Groton Heights, opposite the city of New London. From the entrance of the harbor from Long Island Sound to the site deemed most suitable for a navy-yard, there are on either side of the river numerous points upon which iron towers or turrets, armed with guns of the largest caliber, can be erected at moderate cost, and so arranged as to render the entrance of hostile ships impossible, if forts and towers can be constructed of sufficient strength to resist the attack of ships of modern construction and armament. Brigadier-General George W. Cullum, of the United States Engineers, states as his opinion

that no harbor in the United States is more susceptible of defense against the entrance of a fleet than New London.

* * * * * * *

The remoteness of League Island from the sea renders it little liable to attack from the sea if the river approaches were properly defended. This, however, will require heavy expenditures on account of the great length of the river to be defended. No possible doubt can exist as to the ability of the city of Philadelphia to furnish promptly any number of men that may be required for its defense.

The board is of the opinion that either of the sites under examination may be promptly and efficiently defended, and that upon this question they may be regarded as equal.

"4. Security from violent winds at sea, and from ice, whether fast or moving."

The harbor of New London is well protected from violent winds and sea, and is not obstructed by ice. Vessels of any size may anchor there with perfect safety at all times.

The anchorage off League Island is not exposed to danger from violent wind or sea; but in severe winters the drift ice from the river above often renders the positions of vessels in the river insecure and dangerous. On this point the board is of the opinion that the advantages are decidedly with New London.

"5. Ample accommodations for safe anchorage, with good holding-ground in the adjacent waters."

The waters adjacent the harbor of New London are Fisher's Island Sound and Gardner's Bay, spacious roadsteads having abundant depth of water for the largest vessels, with the best holding-ground, and ample space to accommodate any number of vessels that the Government may desire to concentrate there. This sound and bay are protected on nearly all sides, and in them merchant ships often ride out the severest gales in safety, under the shelter of the highlands of Fisher's Island, the Connecticut shore, and Long Island.

The waters adjacent League Island are the Delaware River and Bay. These have ample space, sufficient depth of water, and good holding-ground, and furnish an abundance of safe anchorage, with the exception that vessels anchored in these waters during severe winters are exposed to injury from the drifting ice. The board is of opinion that, upon this point, the harbor of New London is most advantageous.

"6. Abundant space for the erection of all buildings, docks, and basins that may be required for a first-class establishment, with extensive water-front for the accommodation of a large number of vessels."

Each of the sites under consideration afford ample space for the accommodation of the various structures which may be required at a first-class naval establishment, with a line of water-front sufficient for all the wants of such an establishment.

We are informed by very respectable persons in New London that one hundred acres of land can be purchased for from fifty to seventy-five thousand dollars, and two hundred acres for $100,000. They are therefore regarded as equal upon this point.

"7. Adaptation of the site to the construction of permanent stone dry-docks, wet-basins, piers, wharves, rolling-mills, forge shops, furnaces, and other heavy works."

The site at Winthrop's Point is well adapted to the construction of docks and all the various buildings required at a navy-yard. The cove above the point is admirably suited for the construction of docks and basins. Such works, located in that position, would require but little excavation, and it is believed that secure foundations could be found without resorting to the tedious and expensive process of piling. The soil is gravel and stone, which afford the best and most substantial foundations for most of the buildings required at a navy-yard. League Island is a reclaimed marsh, and the borings made by the board show that there is a depth of mud and fine sand varying from twenty-five to fifty-six feet in depth, under which is found gravel of good quality, and in sufficient quantities to sustain piles. It is undoubtedly true that no heavy structure can be erected on this island with any probability of safety without resorting to the expensive operation of piling.

The board is therefore of opinion that in this particular New London is vastly superior to League Island.

"8. Topography of the site, whether high, requiring excavation and grading, or low, requiring filling. If the first, what is the character of the excavation? And if the second, where are the sources from which the materials can be obtained?"

* * * * * * *

The board is of opinion that upon this point the advantages are vastly in favor of New London.

"9. Mean range of tides and exposure of the site to freshets and overflows."

The range of the tide at New London is two and five-tenths feet, and at League Island seven and five-tenths feet. When properly filled and graded neither site would be liable to suffer from freshets and overflows. On this point New London has the advantage, there being less than one half the range of tide.

"10. Set of currents about the site, and their effects."

The currents at New London are not rapid, the water is clear, and there is nothing to be apprehended from deposits at this place after the lines of wharves have been established and the wharves constructed.

At League Island the currents are more rapid. The water of the Delaware is dirty, holding a large quantity of earthy matter in solution, which is deposited in various points along the river, as shown by the immense accumulation which has taken place within a few years at League Island, and which is still in progress.

This current is thrown against the shore of New Jersey, opposite the Horseshoe, and is thence deflected toward League Island, as is clearly shown by the horizontal curves on the coast-survey charts. Thus, during severe winters, upon the breaking up of the ice on the Horseshoe, where all admit that it accumulates, it must be thrown with great violence toward League Island, to the great detriment and danger of all vessels lying in the vicinity. The board is of the opinion that upon this point the harbor of New London has greatly the advantage.

"11. The facilities for procuring most rapidly supplies, stores of all kinds, and materials, especially iron and coal; easy communication by water, by railroads, and by good common roads, with a country not likely to be occupied by an enemy, so as to furnish naval stores and other supplies in time of war."

The facilities for obtaining all the materials, supplies, and stores necessary for a navy-yard, except iron, coal, and the timbers grown at the South, are abundant at New London.

In addition to the means of transportation by water to a harbor always accessible, the railroad communications connect with the great lines which traverse the Eastern, Northern, and Western States, and render the productions of those States available with ease and certainty, and these Northern and Eastern States are the points where the largest portion of our merchant marine is constructed.

The Salisbury, Ulster, Adirondack, and other mines in the vicinity, though at present worked to a limited extent, furnish iron of a very superior quality, and it is believed they would, with proper extension of their mining operations, be competent to supply all the iron required for a navy-yard,

For a building material this vicinity abounds in the finest granite, which can be furnished at the site at moderate cost, and an abundant supply can be had for the construction of docks, walls, and foundations.

In the article of coal New London would be deficient, as it must necessarily be transported from other points at an increased cost.

League Island possesses great facilities for procuring all the materials and stores required for a navy-yard except the timbers grown at the South, and that for light spars grown at the North. The canal and railroad communications throughout the State of Pennsylvania and their connections with other States are not surpassed in extent or efficiency. The supply of iron and coal from the mines of Pennsylvania is immense, and no doubt can exist as to the certainty of a supply of those articles at League Island at a cheaper rate than at any other point. The board is of the opinion that for a supply of iron and coal League Island possesses the advantage over New London, but for other supplies that they are on an equality.

"12. Abundant supply of good fresh water, both for all yard purposes and for the shipping."

At New London an abundant supply of the softest and purest water can be obtained. At a distance of about one mile of the site, at Winthrop's Point, there is a stream of pure, fresh water, from which an ample supply to meet all the wants of the service can be had, at an elevation of near one hundred feet above tide-water.

The supply of fresh water at League Island is unquestionable, and on this point the board is of the opinion that the two places are equal.

"13. The facility for procuring workmen of all classes."

No reasonable doubt can exist as to the practicability of procuring at New London all the mechanics and workmen of every description which may be necessary to execute the work in a navy-yard; for, although the city of New London does not at this time contain a large population of this kind, the numerous cities, towns, and villages of New England and New York abound in artisans of all descriptions who are ever ready to respond to demands for their services. These people always concentrate where employment is to be obtained, and there would be great inducements for them to resort to New London, where house rents are remarkably low. Tenements can be had in the immediate vicinity, and the cost of living is moderate.

League Island is situated near a city celebrated for its manufactures and the excellence of her workmen. Persons working in a yard upon League Island would be compelled to reside at a distance from their work, there being no houses in the vicinity or sites suitable for the erection of habitations. They would therefore be subjected to the inconvenience of a long walk, or the expense of riding to and from their work. Without doubt any number of workmen of all classes can be had at this place, notwithstanding the inconvenience to them. The board is of the opinion that upon this point the two places may be considered equal.

"14. Quality of the water near the site, whether fresh or salt, and the probable effects of the same upon the bottoms of iron vessels when laid up for a length of time."

The water of New London is salt, which is undoubtedly injurious to the bottoms of iron vessels. Fresh water for laying up such vessels, when not wanted for active service, can be found a few miles higher up the river. Still this separation of the vessels from the immediate supervision of the officers of the yard would be inconvenient, and attended with additional cost in the necessary precautions for their protection and safe-keeping. This objection could be obviated by providing means for taking such vessels out of the water when not required for immediate service.

At League Island the water is fresh, and in this respect the board is of the opinion that the advantage is with League Island, so far as iron vessels are concerned.

"15. Health of the vicinity."

No question can be raised as to the superior excellence of the health enjoyed by the residents of New London. League Island is situated on a fresh-water river, nearly surrounded by marshes covered with vegetable matter and exposed to the sun at every low tide during the day; and although we are told that it is as healthy as other places in the vicinity, we cannot believe that League Island can be regarded as a healthy place. The board is of the opinion that on this point New London is vastly superior.

From the foregoing comparison it will appear that for an average depth of water at and near the site for vessels of the largest class; for security from attack by an enemy, and facility and economy of defense, to be easily defended from its own topographical advantages, to be readily re-enforced by troops from a dense population within easy marching distance, not easily blockaded, not too near the mouth of a bay or river; for abundant space for the erection of all buildings, docks, and basins that may be required for a first-class establishment, with extensive water front for the accommodation of a large number of vessels; for facilities for procuring most rapidly supplies, stores of all kinds, and materials, except iron and coal; easy communication by water, by railroads, and by good common roads, with a country not likely to be occupied by an enemy, so as to furnish naval stores and other supplies in time of war; for an abundant supply of good, fresh water, both for all yard purposes and for the shipping, and for the facilities for procuring workmen of all classes, the board is of the opinion that while League Island possesses some of the requirements to a greater extent than New London, still either of the two points possess these qualities to an extent amply sufficient to meet all the demands of the service, and that on these points, for all practical uses of a navy-yard and naval depot, they may be regarded as equal.

That for facility of ingress and egress; for security from violent winds and sea, and from ice, whether fast or moving; for ample accommodations for safe anchorage, with good holding-ground in the adjacent waters; for the adaptation of the site to the construction of permanent stone dry-docks, wet-basins, piers, wharves, rolling mills, forge shops, furnaces, and other heavy works; for the topography of the site, whether high, requiring excavation and grading, or low, requiring filling—if the first, what is the character of the excavation, and if the second, where are the sources from which the material can be obtained; for the mean range of the tides and exposure to freshets and overflows; for the set of the currents about the site and their effects, and for the health of the vicinity, the board is of the opinion that New London Harbor is superior to League Island. That for the supply of iron and coal, and the quality of the water, whether fresh or salt, and the probable effects of the same upon the bottoms of iron vessels when laid up for a length of time, the board is of the opinion that League Island possesses advantages over the harbor of New London.

The board is aware of the importance of the advantages which League Island possesses over the harbor of New London in the immense supplies of iron and coal, which can without question be delivered at that point at cheaper rates than at any other site examined, and also of the fact that the fresh water of the Delaware River would be very advantageous to the bottoms of iron vessels. Still, in view of the very great expense that must necessarily be incurred in filling up this island before it can be of practical use for a navy-yard, the probability that a large annual appropriation will be required for maintaining a sufficient depth of water at the island by dredging, the great cost of pile foundations for every structure required in the yard, the danger from drift ice, and in view of the many advantages possessed by the harbor of New London over League Island, the board, after a very careful examination of all the points under consideration, and mature deliberation, is of the opinion that the advantages of a more abundant supply of coal and iron at League Island, and at cheaper rates, together with the advantages of fresh water, are more than balanced by the superior advantages possessed by New London in other respects; and therefore,

Resolved, That in the opinion of the board the public interests will not be promoted by acquiring the title to League Island for naval purposes.

Resolved, That the harbor of New London possesses greater advantages for a navy-yard and naval depot than any other location examined by this board.

S. H. STRINGHAM, *Presiding Officer.*
W. H. GARDNER, *Commodore.*
G. J. VAN BRUNT, *Commodore.*
W. P. S. SANGER, *Engineer.*

Hon. GIDEON WELLES, *Secretary of the Navy.*

Mr. HAWLEY. And as further indicative of the intelligent public sentiment of the country, I give the following memorial, addressed to the honorable Secretary of the Navy by the principal merchants and business men of New York, and forwarded to him in November, 1869:

The undersigned believe, in addition to the intrinsic advantages of this location for a navy-yard, that its use for that purpose would largely contribute to the protection of the commerce of Long Island Sound, and of the great city of New York in the event of a naval war. It may be assumed that this country has, in a future war with a foreign power, nothing to fear except for its commerce, and the cities adjacent to the coast. But in the event of a naval war, the first point of attack would undoubtedly be the city of New York, as it so largely concentrates the capital and the commerce of the nation. That city at present is nearly defenseless to a foreign foe in its approaches from the ocean through Long Island Sound. The sound once entered forms a great natural roadstead or harbor for a foreign fleet. It was so occupied by the British navy in the war of 1812, threatening the whole coast line and the city of New York itself. The site at New London is the strategic point, which covers the entrance of the sound, and in the opinion of competent engineers and naval authorities occupied as a naval station would furnish adequate protection to the city of New York and the commerce of the sound, thus guarding the communication between the great industries of New England and their natural market.

We hope that you will see proper to recommend that an appropriation for this object be made at the next session of Congress.

MOSES TAYLOR.	ARNOLD, STURGES & CO.
M. H. GRINNELL.	D. APPLETON & CO.
GEO. W. BLUNT.	HORACE B. CLAFLIN.
HOWLAND & ASPINWALL.	J. J. ASTOR.
DAVID HOADLY.	GRINNELL, MINTURN & CO.
GEORGE OPDYKE.	HENRY GRINNELL.
S. B. CHITTENDEN.	RUSSELL STURGES.
MARSHALL O. ROBERTS.	R. L. TAYLOR.
W. E. DODGE.	WM. C. THOMPSON.
HARPER & BROTHERS.	EDWARDS PIERREPONT.
BROWN BROTHERS & CO.	WM. M. EVARTS.
PETER COOPER.	

The question being taken on the amendment of Mr. WAIT, it was not agreed to; there being—ayes 15, noes not counted.

Mr. O'NEILL. I move to amend by inserting the following:

Navy-yard, League Island, Pennsylvania: For commencing the building of a dry-dock, $200,000.

Mr. BLOUNT. I raise a question of order on that amendment.

The CHAIRMAN. The Chair will ask the gentleman from Pennsylvania whether there is any law authorizing the building of such a work at the point proposed?

Mr. O'NEILL. No, sir; but there has been great effort to get a law passed to authorize the building of a dry-dock.

The CHAIRMAN. From the phraseology of the amendment, the Chair thinks he will have to rule it out of order; for it uses the words "commencing the building." What the Chair desires to know (and he hopes the gentleman from Pennsylvania will not take more time than is necessary) is whether there is a law authorizing the construction of the work mentioned in this amendment.

Mr. O'NEILL. No, sir; there is no law distinctively proposing the construction of a dry-dock at League Island navy-yard; but there have been numerous recommendations from naval officers and others for such a dock there. In pursuance of the idea that this is one of the means for the improvement of the Navy and for general naval purposes, is it not in order to offer an amendment which would accomplish the object contemplated?

The CHAIRMAN. This is not for the construction of a work already authorized.

Mr. O'NEILL. In connection with this amendment, I wish to refer to the remarks of my friend from Tennessee, [Mr. WHITTHORNE,] the chairman of the Naval Committee. He may have his own opinion as to other locations for navy-yards; he may not like the location of New London, which was accepted by the Government; he may not like the idea of the Secretary of the Navy commencing to do something with reference to a navy-yard or naval station in Narraganset Bay. Yet I want him to consider that before he was a member of this House (and I do not think his history of the Navy goes farther back than during the time he has been a member of the Committee on Naval Affairs, for a few years its chairman) the very best officers of the Navy recommended the Government to select League Island for a naval station; and Philadelphia, as gentlemen are aware, presented the property for that purpose.

Mr. Chairman, I want to call the attention of the Committee of the Whole, the Committee on Appropriations, and the Committee on Naval Affairs to this fact: here is a location where a navy-yard can be built which will not be excelled by any navy-yard in the world.

The CHAIRMAN. The gentleman will please confine himself to the point of order, and not discuss the necessity of the appropriation.

Mr. O'NEILL. Well, to come back to the point of order, as I said before, the idea of the Government in accepting League Island, containing eight or nine hundred acres of land, as a gift from the city of Philadelphia, was that there should be a great naval station there; and that point was selected as superior to all other locations. That was the time of the controversy between New London and Philadelphia and other places.

My desire is to make this navy-yard at League Island a complete navy-yard; and it cannot be complete until a dry-dock is built there. The gentleman from Tennessee knows that very well.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out.

Mr. O'NEILL. Then I move to amend by inserting, after the words "repairs and preservation of navy-yards, $300,000," the words "$100,000 of which amount to be expended at the League Island navy-yard."

Mr. Chairman, there can be no doubt that this amendment is in order.

Mr. BLOUNT. To save time I do not raise the question of order.

Mr. O'NEILL. Mr. Chairman, I feel a little hurt when we are considering a naval appropriation bill to find an appropriation of $200,000 made for going on with a dry-dock at Mare Island—no doubt a very proper appropriation; but it hurts my feelings. I certainly want this Government to be as well prepared in the way of navy-yards as any other government on the face of the earth. With that great territory given by the city of Philadelphia to the Government for a navy-yard, the Government has not yet even commenced the construction of a dry-dock there, although recommendations from time to time to that effect have been made by the Navy Department, by naval officers and others to the Committee on Appropriations, and for aught I know through the Navy Department and through the Secretary of the Treasury in letters of estimates. I know that there has not been a naval officer of the United States or a Secretary of the Navy within the last fifteen years who has not favored the completion of the League Island navy-yard and to a certain extent its rapid completion. To complete it there must be a dry-dock. Yet we get nothing from the Committee on Appropriations in this sundry civil appropriation bill. The only apology, I believe, is that such an item has not been asked for in the Book of Estimates—that it has not been formally asked for by the Secretary of the Navy through the Secretary of the Treasury in the Book of Estimates. I wonder whether the Congress of the United States has not the power to enact laws. For one, I do not believe in confining ourselves so much to the Book of Estimates. I do not know where the law is which limits our power. I know there is a rule in committee. We have had such a rule in the Committee on Commerce in reference to river and harbor bills. If an estimate is not made, an appropriation is not put into the bill. But, sir, the Congress of the United States has the power to make these appropriations, and I as one of its members feel it would be right for the Committee of the Whole to insert in this bill an appropriation to commence the construction of a dry-dock at League Island navy-yard.

What is next best to that is, as I propose in my amendment, to devote a large portion of this amount to repair and preservation at League Island—repairs of roads, of wharves, and everything connected with that navy-yard.

The CHAIRMAN. The gentleman's time has expired.

Mr. BLOUNT. It is not even asked for.

Mr. O'NEILL. It does not increase the appropriation one dollar, but merely directs how a portion of the $300,000 shall be expended.

Mr. BLOUNT. It is not recommended by anybody.

Mr. O'NEILL. It is recommended by me, and I hope the Committee of the Whole may recommend it.

The amendment was rejected.

The Clerk read as follows:

To enable the Secretary of the Navy to cause to be constructed and placed over the unmarked graves of persons interred in the naval cemetery at Philadelphia suitable headstones, $445.

Mr. GOODE. I am instructed by the Committee on Naval Affairs to offer the following amendment:

To enable the Secretary of the Navy to establish at the Isthmus of Panama naval stations and depots of coal for the supply of steamships of war, $200,000, to be available for expenditure as soon as suitable arrangements can be made to the proposed end.

Mr. BLOUNT. I rise to a question of order on that proposition. In the first place, there is a joint resolution pending in the House for the same purpose. In the next place, it is not germane here. Relating to a coaling station, it belongs in the Navy appropriation bill under the heading of "bureau of equipment and recruiting." In the third place, there is no authority of law for it.

Mr. GOODE. I think the gentleman is mistaken in all of his propositions. There is no joint resolution, as I am advised, pending in this House authorizing an appropriation of $200,000 for this purpose.

So far as the other objection is concerned, to wit, that it is not authorized by existing law, I maintain under existing law there is ample authority for the establishment of these coaling depots and naval stations by the Secretary of the Navy.

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. GOODE. Certainly.

Mr. BLOUNT. I ask it with a view of getting at what is authorized by this proposition. Is there not a purpose here to buy lands on the Isthmus of Panama?

Mr. GOODE. The purpose is to do identically what the President of the United States and the Secretary of the Navy have recommended; and, if the gentleman will allow me, I will proceed to call the attention of the Chair to the acts of Congress upon which I rely for authority in the premises. The very original act, Mr. Chairman, establishing the Navy Department, in the year 1798, gives authority to the Secretary of the Navy, under the direction of the President, to do whatever may be necessary and useful to promote the Navy Department.

Again, in 1847, the chairman will find that there is an act of Congress which looks to the acquisition of foreign stations for coaling purposes. The law provides for the acquisition of coal and other

stores at foreign stations, and provides that the Secretary of the Navy may appoint proper naval officers, or, if there be none such, appoint civilians to take care of such naval stores or foreign stations. But if there should be any doubt upon the mind of the chairman, then I will call his attention to and request him to examine the original act creating the Navy Department, passed in 1798, and the further act of 1847; after which examination I apprehend there can be no question. If the chairman would examine section 1552 of the Revised Statutes, which I will read, it will be found that it provides as follows:

The Secretary of the Navy may establish, at such places as he may deem necessary, suitable depots of coal, and other fuel, for the supply of steamships of war.

Now, I submit that there can be no broader or clearer provision than this, or one more comprehensive in its terms. By the very terms of the statute this authority is conferred upon the Secretary of the Navy to establish coaling depots for steamships of war.

The CHAIRMAN. The gentleman from Virginia will please suspend for a moment to receive a message from the Senate.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROBESON having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. No. 7033) to constitute Chattanooga, in the State of Tennessee, a port of delivery; and

A bill (H. R. No. 7103) to constitute Atlanta, Georgia, a port of delivery.

The message further announced that the Senate had agreed to the amendments of the House of Representatives to the bill of the Senate No. 2184, to authorize the commissioners of the District of Columbia to appoint additional policemen for temporary service in the District of Columbia, and for other purposes.

The message further announced that the Senate insists upon its disagreements to the bill of the House No. 6529, making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes, and had agreed to the conference asked for by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Messrs. ALLISON, BECK, and BOOTH as conferees on the part of the Senate.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses and had appointed as conferees on the part of the Senate Messrs. DAVIS of West Virginia, WILLACE, and ALLISON; and also that the Senate had passed, with an amendment, the bill (H. R. No. 3520) to establish a port of delivery at Indianapolis, in the State of Indiana; in which amendment concurrence of the House of Representatives was requested.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. GOODE. Now, Mr. Chairman, I have referred to this section of the Revised Statutes which provides that the Secretary of the Navy may establish, at such places as he may deem necessary, these depots for coal and other fuel for steamships of war.

Now, I repeat that nothing can be more comprehensive than that expressed authority which is given by the very terms of this statute, and in addition, under another branch of the rule relied upon by the gentleman from Georgia, I insist that this proposition is in continuation of objects already in progress. Why, from the very beginning it has been the cherished object of the Government to acquire these foreign stations; as far back as the time of Mr. Jefferson, when he was the President of the United States, that was the policy of the Government. The same principle was held under the administration of Mr. Polk, of Mr. Fillmore, Mr. Pierce, and Mr. Buchanan, during which administrations earnest attention was given to this matter.

In 1859, while Mr. Buchanan was President, and Mr. Toucey Secretary of the Navy, the Government entered into a contract to acquire these coaling stations and the use of the waters as harbors in Golfito Bay and one on the east side of the Isthmus at Chiriqui Lagoon. In addition to that, showing the recognition by the Government of this great object, which I will endeavor to impress upon the House, the Select Committee on Interoceanic Ship Canal, during this very Congress, have unanimously adopted a resolution and report to this House in which they recommend the importance of the object.

Again, the Naval Committee, during the second session of the Forty-sixth Congress, reported a resolution to which the gentleman refers, and in recommending the appropriation, reported a resolution which is now on the Calendar of the House, recommending the Secretary of the Navy to take such steps as might be necessary, and the Naval Committee of the Senate have done the same thing.

There is on the Calendar of the Senate a similar resolution, and the President of the United States in his last message to Congress uses the following language:

The Secretary of the Navy has taken steps toward the establishment of naval coaling stations at the Isthmus of Panama to meet the requirements of our commercial relations with Central and South America, which are rapidly growing in importance. Locations eminently suitable, both as regards our naval purposes and the uses of commerce, have been selected, one on the east side of the Isthmus at Chiriqui Lagoon, in the Caribbean Sea, and the other on the Pacific coast, at the Bay of Golfito. The only safe harbors sufficiently commodious on the isthmus are at these points, and the distance between them is less than one hundred miles.

Now, again, Mr. Chairman, the President of the United States, during this very month, on the second day of February, sent in a special communication to Congress, transmitting a letter from the Secretary of the Navy, in which he recommends the appropriation of $200,000 for this very object.

The CHAIRMAN. The Chair would ask the gentleman from Virginia a question for information. The statute referred to by the gentleman reads thus:

The Secretary of the Navy may establish, at such places as he may deem necessary, suitable depots for coal and other fuel.

The purpose of the amendment is—

To enable the Secretary of the Navy to establish at the Isthmus of Panama naval stations and depots of coal.

The Chair would ask the gentleman what is the distinction between naval stations and depots for coal. In the statute, only depots for coal are mentioned; in the gentleman's amendment, naval stations and depots for coal are mentioned.

Mr. GOODE. There is really no distinction. In all the acts of Congress relating to this matter these are used as synonymous terms; sometimes the expression "naval stations," and sometimes the expression "depots for coal." There is no difficulty on that point.

I want to say to the Chair, furthermore, this recommendation of the President and the letter of the Secretary were referred to the Naval Committee. The Naval Committee, in response to that recommendation, adopted a resolution approving and certifying this to the Committee on Appropriations and asking their favorable recommendation.

And now, to sum up, I repeat the original act creating the Navy Department and the act of 1847 recognizing foreign naval stations, and especially section 1552 of the Revised Statutes, confer ample authority upon the Government to establish these coaling stations; and all the action taken by these committees, by the Interoceanic Canal Committee, by the Senate Naval Committee, by the House Naval Committee, by all the committees of this House, has been based upon the assumption that the Government had the power to do what the President now recommends, to wit, to appropriate $200,000 for this measure. It will be admitted by the gentleman from Georgia that it is in the line of economy. Here is a letter from the Secretary in which he says a quarter of a million dollars would be saved to the Government by the acquisition of these naval stations.

Mr. BLOUNT. May I ask the gentleman from Virginia if he can state how much the Government pays annually for coal?

Mr. GOODE. I am unable to say. But I say we are informed by the Secretary of the Navy that by this acquisition the Government would save more than a quarter of a million.

Mr. BLOUNT. Not at all. Read the Secretary's letter. I call the attention of the gentleman from Virginia to it.

Mr. GOODE. And I invite to it the attention of the Committee of the Whole, too. This is what the Secretary says:

It is estimated that our expenses could thus be reduced upward of a quarter of a million of dollars per annum.

Mr. BLOUNT. Estimated by whom?

Mr. GOODE. Doubtless by the Navy Department; estimated by men to whom this work has been confided; estimated by the authority of the Government by its officers who have the matter in charge; and the estimates sent in here by the President himself who says he indorses the estimate of the Secretary of the Navy, to wit, the sum of $200,000 for this purpose.

Mr. HATCH. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HATCH. I understood the Chair during the progress of this bill has more than once decided that debate on all these points of order is limited to five minutes to a side. I ask that that ruling be enforced.

Mr. GOODE. I do not wish to occupy unnecessarily the time of the House. I think the objection made by the gentleman from Georgia has been answered.

Mr. BLOUNT. The rule which the gentleman from Missouri invokes does not limit debate on questions of order in the way the gentleman would state. The only limitation is how far the Chair is willing to hear a gentleman. And I suppose the Chair will not be disposed at this stage to cut off debate on so important a proposition.

Now, Rule XXI, clause 4, provides as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House

I desire to have read a joint resolution pending before the House which has been introduced by the gentleman from Virginia [Mr. GOODE] himself. It may enable us to see what a coaling station is. It will enable us to see if it does not mean something else in the eye of the gentleman from Virginia than a place to deposit coal. I ask the Clerk to read it.

The Clerk read as follows:

Joint resolution authorizing and instructing the Secretary of the Navy to take the necessary steps to secure adequate coaling stations and harbors for the use of the naval forces of the United States at proper points on the Atlantic and Pacific coasts of Central America and of the American Isthmus.

Whereas the maintenance of full communication by land and sea between the Atlantic and Pacific territories of the Union is a material element of the national integrity and sovereignty; and

Whereas in the midst of the violent revolutions and the wars which continually agitate the States through the territory of which this communication, in the event of the construction of any ocean water-way or ship-canal, must be maintained, their public authorities have been shown by past experience to be unable to afford due protection to foreigners and to foreign interests within their territory, or even to defend their own soil against individual aggressions, foreign or domestic; and

Whereas it is the purpose and the policy of the United States, as set forth in a message of the President to Congress, bearing date March 8, 1880, to exercise a single and undivided protectorate and supervision over any such ocean water-way or ship-canal and the Territories through which it may be constructed in the equal interest of the innocent commerce of mankind: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order that said protectorate may be rendered efficient and complete, the Secretary of the Navy is hereby authorized and instructed to take such steps as may be necessary to secure adequate coaling stations and harbors for the use of the naval forces of the United States at proper points on the Atlantic and Pacific coasts of Central America and of the American Isthmus.

Mr. BLOUNT. Now, it is quite clear that in that resolution is a proposition to enable the Government to take the necessary steps to secure coaling stations at that point. And the House will bear in mind that one of the reasons recited there is not that there may be a depot for coal, but the importance of establishing an interoceanic ship-canal. And, sir, before this debate shall close, perhaps it may appear that there is much more than a coaling station in it. But for the present, however, it sufficeth to call the attention of the Chair to the fact that the proposition contained in the joint resolution which has been read is to authorize the President to take steps to establish coaling stations at that point. The omission of the appropriation is a simple matter; the great objective point is the establishment of the coaling stations themselves.

But, says the gentleman from Virginia, [Mr. GOODE,] coaling stations and naval stations mean the same thing. If that is so, then, as regards coaling stations, there is no difficulty at all; because coal has already been deposited there, as it has been deposited at various points throughout the world, to suit the convenience of our Navy. There is, therefore, no difficulty upon that point. We have places now where our squadrons are stationed, and they are known as naval stations. In various parts of the world we have what are known as naval stations. But they are altogether different from coaling stations.

I do not dispute the proposition which the gentleman has made, that coal may be deposited at various points, wherever the Navy may need it; that is one proposition; that is a simple thing. But even if that was all the gentleman means, as I have already said, this amendment is not germane to this bill. The naval supply of coal is by virtue of an appropriation under the head of the Bureau of Equipment and Recruiting in the naval appropriation bill. We have already appropriated the money for that purpose; it has already passed the House in the naval appropriation bill; and, if so, it is not germane here.

What does the gentleman really mean? What is the purpose of this movement? The gentleman says it is for coaling stations. He does not tell how we are to make any saving at all by this, and we are left very much in the dark except what little light is thrown upon the subject by the provisions of the joint resolution which was introduced by the gentleman himself and which has been read. I say that this amendment is unquestionably and distinctly not germane to this bill, if it is simply for the purpose of purchasing coal down there and saving large sums of money in that way. If it is simply what my friend claims, then it is clearly out of order, because it is substantially the same as a joint resolution now pending before this House.

The gentleman tells us that this will result in a saving of $250,000 per annum. How? What does he mean? You have already appropriated the money to buy the coal, and you have your depots down there. What does the gentleman then mean by this appropriation of $200,000 for coaling stations? If he means to buy land there, then the law expressly prohibits the purchase of any land on account of the United States except under a law specially authorizing such purchase.

Does my friend mean to purchase coal mines there, in order to make the saving that he claims will be made? If that be so, if he has any purpose of making any permanent investment, then the proposition is out of order. And if it is simply to buy coal for the Navy, then it is in the wrong place.

Mr. WHITTHORNE. I deem this amendment to be in order, and not liable to the exceptions of the gentleman from Georgia, [Mr. BLOUNT.] He says, first, that the joint resolution introduced by the gentleman from Virginia [Mr. GOODE] is in substance the same as the amendment submitted by him. If gentlemen will look at the joint resolution they will see that Congress by it undertakes to advise, so to speak, or to instruct the Secretary of the Navy to select such stations.

Now, at this very moment of time, under the general law of the land, the Secretary of the Navy has the right to select coaling stations anywhere he may see proper. And Congress, or the Committee on Naval Affairs, might well have left to the Secretary of the Navy this general discretion under the law.

But the subject-matter being one of such importance, the committee have seen fit to endeavor to instruct him to do this thing. Suppose it is done with law. That is all the resolution proposes. Now, what is the object of this amendment? It is to appropriate a sum of money for the purpose of making a permanent establishment or station there. That is essentially different, and proposes to accomplish an entirely different office from that proposed to be accomplished by the joint resolution.

Mr. BLOUNT. Will the gentleman allow me to interrupt him?

Mr. WHITTHORNE. Certainly.

Mr. BLOUNT. The gentleman from Virginia claims that in section 1552 of the Revised Statutes there is already authority conferred to establish coaling stations. To what does the joint resolution refer which authorizes the Secretary of the Navy to go to work to establish stations?

Mr. WHITTHORNE. I thought the gentleman's common sense would enable him to take in the proposition. It is simply saying that if the Congress of the United States deems it of sufficient commercial and national importance to direct the Secretary of the Navy to acquire a naval station or a coaling station in the Island of Cuba, it could direct it to be done. But the Secretary of the Navy can do that without the direction of Congress. It is simply the legitimate discretion which belongs to the sovereign power, and which we sought to exercise here during the last session of Congress.

Now, in addition to section 1552, I ask the attention of the Chair to section 1438:

The Secretary of the Navy shall order a suitable commissioned or warrant officer of the Navy, except in the case provided in section 1414, to take charge of the naval stores for foreign squadrons at each of the foreign stations where such stores may be deposited, and where a store-keeper may be necessary.

Mr. BLOUNT. Does that refer to coaling stations?

Mr. WHITTHORNE. I was reading this clause for the purpose of answering the hypercritical distinction which my friend from Georgia attempted to draw between a coaling depot and a naval station.

I would also bring to the legal mind of the Chair the inherent and necessary powers of the Commander-in-Chief of the Army and Navy of the United States. The President of the United States is the commander-in-chief of the Navy. Now, the Navy does not content itself with the exercise of its functions upon our own coasts, and within sight of our own shores. It must go in other directions; it must float upon distant waters; and in the administration of that branch of the service, it becomes necessary that you shall have depots of supply or stations of supply. From the foundation of the Government down to the present time the President of the United States has uniformly, under the powers given by law, selected stations or depots of supply. Down, probably, from the time of the introduction of steam——

Mr. BLOUNT. If the object of this amendment is only to establish depots for coal, what is the necessity of the amendment, when the Secretary of the Navy already has ample power to establish such coal depots as he may deem necessary?

Mr. WHITTHORNE. I will come to that point in a moment.

Mr. BLOUNT. Will the gentleman allow me to ask him a question? I desire to know whether or not the purpose of this appropriation is to purchase land or any other property. I ask this for an important reason, which I will refer to later, as I do not wish now to interrupt the gentleman.

Mr. WHITTHORNE. I will come to that in a moment, as well as to the point suggested by the Chair.

Now, with the introduction of steam, coal became, of course, one of the supplies of the Navy; and without special authority the Secretary of the Navy, under the general law of the land, could have selected a station, and coal would have been one of the supplies of the Navy. But, Mr. Chairman, here is, first, express authority given to the Secretary of the Navy to select stations; and secondly, specific authority to select four depots.

But the inquiry is intimated, if the Secretary of the Navy may already select these, what is the need of the amendment?

Why, Mr. Chairman, do I travel out of the limits of the question of order when I say that upon such a point no statesman of this country should pause or stickle? The region of country now under consideration is possibly to be the limit of the great coastwise trade of the United States. If contemplated improvements are to be made it is to become in the future a naval theater equal to the Bosphorus in the past. And here, if statesmanship shall grasp the occasion, is an opportunity to obtain control over the only coal supply in that region of country. This amendment has in view that you shall confer upon the commander-in-chief of the Navy, upon the Chief Executive representative of the Government, power by lease or otherwise, to make that which is temporary more permanent in form and character, not only in the interest of the Government but with reference to the great commercial and national interests of the country. I warn gentlemen who stand here to stickle upon a mere question of order that they are trifling with an opportunity involving great national interests, which should not be endangered by any delay or technicality.

Mr. BLOUNT. In view of the speech of my friend who has just taken his seat I call attention to another section of the Revised Statutes.

Mr. SPRINGER. May I not suggest that this discussion be confined to the point of order?

The CHAIRMAN. The Chair would like to have it so confined.

Mr. SPRINGER. It seems to have taken a wide range on the merits. As I am satisfied from the intimation of the Chair that he will rule against the amendment, I hope we may not occupy further time upon the point.

The CHAIRMAN. As at present advised the Chair will refer this point of order to the Committee of the Whole for decision; and therefore he desires that the committee shall hear the argument upon the question.

Mr. BLOUNT. Do I understand that the Chair proposes not to decide this question himself, but to submit it to the committee?

The CHAIRMAN. The Chair at present feels disposed to refer the question of order to the Committee of the Whole for its action.

Mr. BLOUNT. Mr. Chairman, the object of this appropriation, as stated by the gentleman from Tennessee, is to lease or purchase mining lands for the use of the Navy Department. Whichever may be the purpose, I contend it cannot properly be carried out on this bill. If the idea is to buy land, I refer to section 3736 of the Revised Statutes:

No lands shall be purchased on account of the United States, except under a law authorizing such purpose.

If the object is to lease lands with a view of obtaining fuel for the Navy, I refer to section 3732:

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War or Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

It goes on to direct this purchase shall be made by advertisement. So, in either point of view, it is entirely improper.

But one thing the gentleman has failed to discuss and that is that anything relating to coal for the Navy is not germane to this bill, but to the Navy appropriation bill which has already been disposed of.

Mr. VAN VOORHIS. I call for the reading of the President's message on the subject.

Mr. BLOUNT. Are you going, Mr. Chairman, to have the message read on the point of order?

Mr. GOODE. I think it is a proper thing to do, in view of the gentleman's speech. He asks whether we want to buy land, and I want the gentleman and the committee to understand exactly what we do want.

Mr. CONGER. On the point of order I desire to say a word. What acquaintance I have, Mr. Chairman, with this subject at all was gained when the subject was presented to the Interoceanic Canal Committee. That committee took considerable pains to find out the authority under which the Secretary of the Navy established coaling stations, and it came to the conclusion there was no possible doubt of the power of the President, or the Secretary of the Navy under his direction, to establish coaling stations in foreign ports to supply the necessities of our Navy. They found the laws which have been cited, which are cited in this report, and about which I think there can be no question, give authority to do it. They found also that in 1859, under those very laws, President Buchanan and his then Secretary of the Navy did contract for these two same coaling stations and obtained possession of them, and for a time occupied them. The right still remains and has remained in the United States by virtue of that contract made in 1859. So not only does the law authorize the Secretary of the Navy to establish depots of coaling stations in foreign countries which are the cruising grounds of our naval vessels, but it was done years ago, and it is the acknowledged right and property of the United States. The Committee on Interoceanic Ship Canal, after careful examination, gave the Secretary of the Navy its opinion at least that a coaling station was necessary at these places. They were convinced these places on the Gulf and on the Pacific coast were the best and the only harbors where we could procure and keep coaling stations for our Navy cruising in Panama waters. They recommended, therefore, that coaling stations should be re-established there.

Now, one other consideration, for I will not delay further upon that point. I assume that the proof is conclusive from the reading of the law that the authority to establish coaling stations from 1798 has been vested in the President and in the Secretary of the Navy. We cannot have a steam-squadron cruising in any of the waters of the world without having convenient coaling stations.

Sir, the expense of furnishing coal for the Pacific Mail Steamship Company at the Sandwich Islands is very great. The coaling station for that company costs hundreds of thousands of dollars. The expense of transporting coal there to be used by that company in crossing the ocean since its organization will amount to millions.

This bill is to provide for this coaling station, to build the docks and to transport the coal there in order to make it a coaling station. We cannot send tenders along with every fleet. We cannot send vessels laden with coal to accompany every steam-vessel which we send into foreign waters to protect our commerce. We must either have, if we have a steam navy at all, coaling stations or a fleet of coal-laden vessels to accompany our squadrons.

We have the right to this station. We have possession of the property there by a contract made in 1859. These are the best and the only places for a safe harbor and for a coaling station either on the Pacific side or on the Gulf side of that Isthmus. There is not an equally good station a hundred miles north or south on the Pacific, or nearer than San Juan River, a poor station north, and none above the Orinoco on the south.

What is this proposition? It is to keep up that coaling station, which is a necessity, to pay for transporting coal there, and to provide proper accommodations for furnishing our war vessels with necessary fuel when they are in the Gulf or in the Pacific.

The gentleman says there is another bill like this. There is no bill making appropriation for this coaling station. There have been bills for establishing and regulating it, and here is an appropriation of money in the only bill where it ought to be, that is, in the sundry civil appropriation bill.

It is a surprise to me that any one who has looked at the provisions of the law from 1798 up to the present time should doubt we could not have coaling stations for our vessels even when they were wooden vessels, just for the supply of those vessels with fuel without regard to its necessity in the generation of steam. But in the present condition of our Navy if we have steam-vessels we must have coaling stations to supply them. The proof shows this station has been selected under authority of law, and we want it kept so. There is no use in a steam squadron if we have not coaling stations. They must be provided beforehand at the places where they are necessary. This is to provide such a station, to transport there the coal and put it upon the docks and furnish such accommodations for storing as may be necessary.

The CHAIRMAN. The Chair having some doubts upon the point of order, which he prefers not to decide himself, resolves it in favor of the right of the members of the committee itself to decide the question, and with that view will ask the Clerk to report the amendment to the committee, and then read the joint resolution, which it is said embraces substantially the same subject-matter.

Mr. McMAHON. I would like the privilege of being heard for a few moments upon the point of order. I thought the Chair was going to decide it without further debate.

The CHAIRMAN. The Chair will hear the gentleman with pleasure.

Mr. McMAHON. Mr. Chairman, I hope that as this question has been submitted to the committee we will not make any mistake upon a question of order because of any supposed exigencies or important public occasion which may be claimed would justify a departure from our rules. Nothing is better settled under our rules than that there shall not be incorporated by way of amendment to a pending proposition the substance of another bill which is pending before Congress.

Now that another bill containing substantially the same provisions as this amendment is pending before Congress, is as plain to me as that two and two make four.

I will read the joint resolution which is pending, and show that it is in substance the same. This joint resolution provides:

That in order that said protectorate—

That is, said protectorate over the coaling stations, &c.—

may be rendered efficient and complete, the Secretary of the Navy is hereby authorized and instructed to take such steps as may be necessary to secure adequate coaling stations and harbors for the use of the naval forces of the United States at proper points on the Atlantic and Pacific coasts of Central America and of the American Isthmus.

Now, what is the difference between this joint resolution and the proposition pending in the amendment before the committee? That now before the committee goes only a little farther and proposes to appropriate money for the purpose of buying land or stations or something. That is about the only difference between them.

I hope, Mr. Chairman, that our friends upon both sides of the House will look at the question as it is. Nobody supposes that this has reference exclusively to coaling stations, or that there is nothing else behind it. Nobody supposes that an amendment which provides the sum of some two hundred thousand dollars for coaling stations is all that is contemplated. Behind all of this there is something else; something that interests the Executive of the country; something that interests somebody engaged in great schemes, in which they hope to interest Congress. What, then, is that interest, and where is it located?

There is, Mr. Chairman, to my knowledge, in existence such an association as the Chiriqui Land Improvement Company, which owns some two millions of acres of land, that embraces the points contemplated in this bill; and you may find, possibly, that millions of dollars are contemplated to be paid for this property in the future, and $200,000 paid for some few thousand feet of it at the present time. These facts I know, because the whole question was presented to the sub-committee having the matter in charge, and I had an opportunity of looking into it in that way, and the committee did not choose to have itself run blindly into this subject, when it found that the chief promoters of the enterprise before the committee were agents and attorneys, as admitted, of this improvement company.

And here, Mr. Chairman, if I may be pardoned a slight digression, I will refer briefly to a matter of public history in connection with this subject, and state what is a fact, that there is in existence to-day a written contract, which is signed by President Lincoln as President of the United States and authorized by a concurrent resolution of the two Houses of Congress, a contract having in contemplation the purchase of this very property—and for what purpose? It was for the purpose of planting upon it, and I say this is a matter of history, a colony. It was for the purpose of colonizing the colored people of

the District of Columbia. The project was inaugurated; it was completed. It had met with the concurrence of both Houses of Congress. It received the approval and sanction of the President of the United States, and an address was distributed among the colored people in the District of Columbia communicating the facts to them. A steamer was procured and prepared to steam, everything was ready to embark in the enterprise of colonizing, when on a sudden the programme of our republican brethren then in charge of the Government was changed and nobody took passage upon the steamer, and the contract has never been fulfilled. But the contract is still in existence and claimed to be a binding one between the improvement company and the Government of the United States.

Now, what I do not want to see here is that this House shall blink the real question before it. We must look at the question squarely and meet the issue that is presented. Coaling stations are a small matter in connection with this subject, for while we are after these coaling stations we are also providing for the attempted control of two great foreign harbors upon the Gulf of Mexico and the Pacific coast.

Mr. Chairman, let the question come before us in the proper shape. Let us know what we are voting for. Let us understand exactly what the proposition is that is sought to be accomplished. Let us know what private claims, if any, are involved in this matter. I do not know. I will not assert, for I do not know, but I have a suspicion that it is not the commerce or the glory of the United States Government alone that is sought to be protected or that is at stake. I think there are other matters behind. And they have a right to be behind. I do not undertake to question their right. On the contrary, I admit it. All I ask is that they shall not be concealed, but that a close and intelligent statement of the proposition that is before us may be made with a view to a proper determination of the question presented in these two bills, with a full knowledge of results.

I maintain that the two propositions are practically and substantially the same thing, contemplate the same steps; and I think that while the language of the rule, of the old rule, required the bills to be identical, the new rule is clear and explicit that substantial identity is all that is needed to make the proposed amendment inadmissible. That this is in substance the same bill gentlemen cannot deny, and I hope that we will not be asked to whip the devil around the stump where the object if not the phraseology of both bills is the same.

The CHAIRMAN. The Chair now submits to the committee the point of order made by the gentleman from Georgia [Mr. BLOUNT] on the amendment offered by the gentleman from Virginia, [Mr. GOODE.] And in order that the question may be fully understood, the Chair will cause the amendment to be again read.

The Clerk read as follows:

Insert at the end of line 834 as follows:

"To enable the Secretary of the Navy to establish at the Isthmus of Panama naval stations and depots of coal for supplies of steamships of war $200,000, to be available for expenditure as soon as suitable arrangements can be made to the proposed end."

The CHAIRMAN. The question is on sustaining the point of order made by the gentleman from Georgia.

The question being taken, there were—ayes 65, noes 66.

Mr. BLOUNT. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Virginia, Mr. GOODE, and the gentleman from Georgia, Mr. BLOUNT.

Mr. FORT. I should like to have the question again stated.

The CHAIRMAN. The Chair will again cause the amendment of the gentleman from Virginia to be read.

The amendment was again read.

The CHAIRMAN. The gentleman from Georgia made the point of order on that amendment and that question is submitted by the Chair to the committee. Those who consider the point of order is well taken will vote in the affirmative, and those who consider it is not well taken will vote in the negative.

The committee again divided; and the tellers reported—ayes 79, noes 99.

The CHAIRMAN. The "noes" have it, and the point of order is overruled. The question recurs on the amendment of the gentleman from Virginia.

Mr. BLOUNT addressed the Chair.

Mr. KEIFER. I make the point of order that debate is not in order while the committee is dividing.

Mr. BLOUNT. I came from where I was acting as teller directly to my seat, with the view of addressing the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia.

Mr. BLOUNT. Mr. Chairman, I trust that this appropriation is not to be added to this bill; and for the reason that there has been no opportunity for the discussion of it. The joint resolution which has been read from the Clerk's desk shows, and the speeches of the gentleman from Virginia show, that this amendment means something more than the establishment of coaling stations; that it is connected with public works across the Isthmus of Panama; that it relates to great questions of commerce. These are the arguments upon which it is claimed that this appropriation should be passed, passed upon this bill, passed in a debate of five minutes, passed when there is no opportunity of discussing so great a question as gentlemen claim this to be.

The CHAIRMAN. The Chair will remind the gentleman from Georgia that the amendment is now open to debate.

Mr. BLOUNT. Has the Chair or myself the floor?

The CHAIRMAN. The gentleman has the floor; but the Chair reminded him that debate on the amendment had not been interfered with.

Mr. BLOUNT. I yield to the Chair if he desires to address the committee.

The CHAIRMAN. The gentleman was complaining no opportunity had been given for debating the merits of this proposition. The Chair desired to inform the gentleman that there has been no limitation put upon this debate beyond what is provided for in the rule.

Mr. BLOUNT. Either the wit of the Chair is at fault or he has entirely misunderstood me. I simply referred to what is provided by the rules of this House, that in Committee of the Whole, when an amendment to a paragraph is proposed, we have only five minutes on each side for debate; and I hardly expected the Chair to take that reference as an offense to himself.

The CHAIRMAN. The gentleman will proceed if he is satisfied.

Mr. BLOUNT. I will, sir. I am satisfied, and I trust the Chair will not interrupt me further, as I have but five minutes.

Now, Mr. Chairman, as I was stating when interfered with by the Chair, there has been no opportunity for the discussion of this question except in the paltry debate under the five-minute rule. I say that this House—this democratic House—which has for years preserved its good name against any intimation of scandal, will well weigh the proposition to load this on an appropriation bill, or to attach it to an appropriation bill, in view of the statement made by the gentleman from Ohio [Mr. MCMAHON] that this very proposition is being urged by a land company on this isthmus, represented by its counsel in all of these committee-rooms making their specious argument, with no opportunity for meeting it save in this way.

How did it get here? It comes here, sir, on the idea of establishing a coaling station. It comes before this House on the subtle idea of our needing coal stations and saving $250,000 in the item of coal annually. Why, sir, I have one report of the Secretary of the Navy in which it appears the expenditures for that year were $75,000 for coal. I have another report of the Secretary in which the coal purchased in one year is said to amount to $329,000. The average of these appropriations would not exceed $300,000 a year for the item of coal. And yet the gentleman told us it is estimated there will be a saving of $250,000 each year in the expense of coal. You are asked to give $200,000 to establish coaling stations on that isthmus, about the value of which you know nothing, on the idea you are to save $250,000 for coal annually, when your aggregate expenditures for that article will scarcely more than equal that sum. I ask this committee, in view of the reasons which have been urged, in view of the inducements which have been held out—which I believe are visionary and false—in view of all the circumstances surrounding this transaction, that they will not attempt to fasten this appropriation on this bill.

Other committees considered this question during the last session. Why have we not their report? Why have they not recommended it with the opportunities of information they have had? Why have we not their opinion? And yet we are to place in this bill this sum for the purchase of these lands in this shape. I trust, sir, that the committee, after admitting the amendment on the point of order, will refuse to authorize this contract for this purchase on the slight information which has thus far been given to it.

Mr. KEIFER rose.

Mr. ATHERTON. Before the gentleman from Ohio proceeds I desire to ask a single question about one matter. I understand the gentleman from Georgia has thrown out some intimation that persons who are interested in this bill have attempted to corrupt members of this House. I think he should either not make any such intimation or give us distinct information on that subject.

Mr. BLOUNT. I made no such intimation, and I reckon no one else but the gentleman inferred it from anything that I said. If any one did, I utterly disclaim any such intention, and especially toward gentlemen who have been urging it and who are my political and personal friends.

Mr. KEIFER. It is, perhaps, well for this committee, in deciding what legislation we wish to put on this bill, to pay some attention to the estimates and reports of the heads of Departments. We learn only now from the gentleman who has charge of this bill that there is no sort of economy in making the appropriation proposed by the gentleman from Virginia, [Mr. GOODE.] I beg the attention of that gentleman to the significance of his own remark. I want to know what justifies him in making the statement that the Secretary of the Navy did not know anything about this subject at the time he said there would be large gains and great economy in making this specific appropriation?

Mr. BLOUNT. The reports for years and years have repudiated the idea, and there is not an element of detail in any of them. Will the gentleman from Ohio [Mr. KEIFER] while on the floor state wherein the saving will consist?

Mr. KEIFER. We are to be told that the opinion of a gentleman holding the high position of chairman of a sub-committee of the Committee on Appropriations is to be taken against the estimate of the Secretary of the Navy made with great care, not by the present Secretary alone, but by the preceding Secretary as well. This

estimate was so carefully made that when it was submitted to the President, in his judgment it was of sufficient importance to warrant him in sending a special message upon the subject to Congress as recently as the second day of this month. The gentleman says there is no proof of such saving in this report of the Secretary of the Navy. Let me read one clause of it:

To obtain at either or both of those points facilities for economical, convenient, and ample supply of suitable coal for our naval and commercial marine, in the Caribbean Sea, the South Atlantic and the Pacific Oceans, is most desirable, and the consummation of this will result in large economy in the expenses of the Navy Department.

And then is added:

It is estimated that our expenses could thus be reduced upwards of a quarter of a million of dollars per annum.

The official documentary evidence on file in Congress and in the Navy Department shows that the location of the harbors selected on the Atlantic and Pacific shores of the Isthmian lands includes extraordinary advantages to the United States.

The gentleman from Georgia [Mr. BLOUNT] undertakes to say, on the authority, I believe, of some gentleman on this floor from the State of Ohio, that this proposition to establish a depot for coal is entirely in the interest of some corporation. Sir, that is an old cut-and-dried expression which comes in before us all the time, that whatever is proposed is 'n the interest of a corporation.

Now, if the gentleman had learned what was in the amendment as offered, he would have found that it was for the purpose of providing naval stations or depots for coal for the purpose of supplying steamships of war; not to supply any other kinds of vessels, but to supply steamships of war. Now, why should he state that such a proposition was in the interest of some monopoly, or some corporation, unless he found that old argument a convenient one to use against a proper appropriation?

One thing more. The gentleman undertakes to say that we have had coal down there at this station, or had purchased it to the amount of only a few thousand dollars a year. The gentleman forgets that coal is purchased elsewhere and carried there at great cost of transportation, and in that sense it is not purchased there. It is economy to purchase it and furnish it to coal depots in that particular locality. That is all I desire to say.

Mr. MCMAHON. It is a very surprising fact to me, if it be a fact, as my colleague from the State of Ohio [Mr. KEIFER] seems to intimate, that there are rich coal mines in this neighborhood——

Mr. KEIFER. I did not say anything of the kind.

Mr. MCMAHON. It is surprising, Mr. Chairman, if there is certain coaling property, the use of which for furnishing coal——

Mr. KEIFER. They are to be placed there.

Mr. MCMAHON. If there are rich coal mines there and the location of stations would save to the Government annually $250,000, I do not see how it is that some cute Yankee or some of the owners of the land who are American citizens, or some capitalists outside of them, have not mined this coal and disposed of it to the United States. How is this "$250,000 annually" to be saved? Is there coal there? If so, why does not the Chiriqui Land Improvement Company open the mines and sell the coal to the Government? If the coal is to be transported there, why cannot we for a small price get the right to land the coal there? How many acres would it take to establish a coal depot there?

I repeat what I said before, that the American Congress ought to be slow in making appropriations for these purposes without more definite information. I speak it to my democratic associates who are now going out of the control of this House. I do not expect anything better from gentlemen on the other side, for they have a political interest in making our record as bad as it is possible to make it.

Mr. BROWNE. You do not need any help.

Mr. MCMAHON. I say we ought to be careful, we ought to scan closely, not only the present expenditure of money, but all propositions involving the possibility of future expenditures.

Let some gentleman on the other side, or some gentleman on this side, who must of course have investigated this question, and must have some intelligent opinion upon it, give in the facts and figures, the why and wherefore, in support of the proposition, that by this project we are to save $200,000 or $250,000 a year. When I am satisfied of that I will vote for the measure. But what are we to get for our money? How many acres or square miles or feet front? What mines, privileges, &c.?

Mr. HARRIS, of Massachusetts. Mr. Chairman, there are two committees of this House having charge of subjects concerning the Navy. That committee which is specially charged with the investigation of this subject is denied the power or the right ever to come into this House and ask an appropriation for the benefit of the Navy. Yet, sir, that committee has investigated this subject calmly and dispassionately, with the recommendation of the President and the Secretary of the Navy before them; and there has been no "land jobber" in the presence of that committee. If any gentleman connected with either of these committees has been assailed or pursued by any agent of a land company, that agent knew too much to come to the Committee on Naval Affairs. He must have sought the Committee on Appropriations; and I certainly do not know his name.

Mr. MCMAHON. The difference, however, is that he got from the Naval Committee what he wanted, and did not get it from the Committee on Appropriations.

Mr. GOODE. No representative of any job was ever before the Naval Committee.

Mr. HARRIS, of Massachusetts. Mr. Chairman, when the gentleman from Ohio [Mr. MCMAHON] rose here in his place, and in a speech of five minutes threw out intimations and insinuations without ever making a single statement of fact, I felt he was dealing unfairly with this subject. When the gentleman wishes to make a charge he should make it boldly in the presence of the House and the country, and not make a sly insinuation affecting the honor and integrity of the Naval Committee, or the Committee on Appropriations, or of any person who may have come before those committees to represent the facts.

Mr. Chairman, it is believed by the Executive and by the Secretary of the Navy that in view of complications which may arise in the future, it is the dictate of wisdom that we should have coaling and naval stations upon the Atlantic and Pacific sides of the Isthmus; and we could not have such stations without money. Is this House unwilling to intrust to the Executive and to an honest Secretary of the Navy, such as I believe every gentleman will concede we have, the power to fix those locations? Are gentlemen unwilling to place at the disposal of these officers the necessary appropriations to accomplish so desirable an end? There may be some men on the Panama Isthmus who own land and want to sell it; there may be men who own coal and want to dispose of it, for aught I know, although I never heard of it until to-day. Yet, if that be so, and the country requires coal, I say let these men have the opportunity to sell it to us, so that we may supply the coaling stations which our Navy requires.

Mr. Chairman, I did not intend or expect to participate in this debate. I was not upon the sub-committee that investigated this subject. I can say that we, as a committee, took the facts and the figures, with no testimony before us except that which we received in print, and as it was communicated to us by the chairman of the sub-committee. On such information we settled the question calmly and without prejudice, and I believe we settled it rightly.

Mr. MCMAHON. Will the gentleman, before he sits down, permit me to ask him a question?

Mr. HARRIS, of Massachusetts. Certainly.

Mr. MCMAHON. Will the gentleman please state to the committee, in some detailed form or in some general form, how the Government of the United States is to save $250,000 by adopting this proposition?

Mr. HARRIS, of Massachusetts. I do not know that it is to save a dollar; I have made no such statement; I do not know the fact. I do know that we need those coaling stations there; and I can conceive that if a vessel of the United States upon the Pacific should be able to get a supply of coal within a couple of hundred miles, it would be a vast saving as compared with having to take a tender along with it, or having to make a voyage of one thousand miles to supply itself. I can conceive of a saving to a very large extent by having a supply at hand at the points where it is needed.

Mr. KING. It was not my intention to take any part in this debate; but as the gentleman in charge of this bill has seen proper to refer to the committees which have made some recommendations on this subject, and has stated, as I understood, that jobbers appeared before those committees, (or used language to that effect,) and as I have the honor to represent one of those committees——

Mr. BLOUNT. The gentleman is certainly mistaken.

Mr. KING. The words are upon the record. In behalf of the Committee on the Interoceanic Canal, and speaking as its chairman, I repel those words with the spirit in which they deserve to be repelled. The recommendation of that committee, as embodied in the resolution already presented to this House, was based simply upon information obtained from the highest sources of this Government. A new commerce drawing upon us in the Caribbean, vast interests to be developed in two continents by the interoceanic canal, discovered to that committee the fact that this Government has no control over one spot of land south of the mouth of the Rio Grande whereon to deposit any coal supplies.

The British and other Governments possess such advantages in those waters for their steam naval and commercial marine; but this great power, the American Government, dominating as it does this entire continent, possesses no such facilities. It was alone with that motive the committee acted when it asked the Secretary of the Navy to establish these coaling stations. The further they have gone into the subject the more convinced has the committee become of the righteousness of its action.

Mr. WHITTHORNE. Mr. Chairman, from what has been said I deem it proper to call the attention of my friend from Ohio and my friend from Georgia who talk about democracy to the fact that I was born in the faith. I do not have to go, therefore, to either one of those gentlemen to learn what democracy is. And when it comes to the question of economy, I can present a record personal to myself, as well as of the committee with which I am associated, which will justify a comparison with any other individual or any other committee upon this floor. And allow me to say to these gentlemen that it is because they are not democrats and do not understand the true signification of democracy and its mission that I find them opposed to this amendment to-day. Sir, the leaders of the democratic party from Jefferson down to the days of Douglas and Cass have shown

that the spirit of democracy always looked beyond the mere little territory by which we were surrounded. They were expansive in their ideas. If you please, underneath this proposition here and which leads me to advocate it is the fact that it carries out the ideas once entertained by the democratic party of this country of the manifest destiny of this great Republic.

No pent-up Utica contracts our powers;
The whole boundless continent is ours.

Ideas like these have inspired my democracy. The gentlemen are neophytes in democracy.

One word now as to the intimation there lies under this proposition any job. When it came before this Committee on Naval Affairs, I referred the matter to my honorable friend from Virginia [Mr. GOODE] as a sub-committee. If anybody appeared before him or before the committee as a jobber, neither he nor the committee knew anything of it. And the intimation is uncharitable and false.

Mr. McMAHON. I never made it.

Mr. WHITTHORNE. That is satisfactory, then. Again, Mr. Chairman, the entire committee looked at this proposition. My friend from Virginia, [Mr. GOODE,] of the sub-committee, in reporting it seemed to have the acumen to know that if there was any one down in that country who supposed he was master of the situation instead of compelling the Executive to buy from the Chiriqui company or any other company, the Executive was simply clothed with the power to buy these stations on these two coasts.

It has been industriously circulated on this floor as coming from high authority that this is squandering $200,000; that you could get these things for nothing. Sir, there is nothing in this legislation which compels the President of the United States to pay $200,000 for the property if he can get it for $5,000 or $1,000. Be just to the committee and be just to common sense. Here is a proposition simply authorizing the President to do this thing, and you give him a limited sum of money with which to do it.

And there is beyond all this, Mr. Chairman, the motive which operated with the Committee on Naval Affairs that the honor and interest of this country might be involved in the great work contemplated by a distinguished French citizen or French company; and if I were uncharitable, if I were as some gentlemen on this floor, I could make the intimation that the managers of the French scheme were here to defeat a great American idea and project. But I do not believe that, nor do I indulge in any intimations of that kind. I believe the committee and the country will be animated with the same spirit as the Naval Committee, that the future interests of our country, that our future commerce, that our future honor demanded this work and this appropriation to meet these possible emergencies.

[Here the hammer fell.]

Mr. ROBESON rose.

Mr. McMAHON. Do you rise to speak in opposition?

Mr. ROBESON. Not in favor of it.

Mr. McMAHON. Then the gentleman had better follow me. Now, Mr. Chairman, the last remark of my distinguished friend is a little unfortunate when he considers that the Secretary of the Navy who recommended these matters happens to be the president, as I understand it, of the French canal company, and was at one time in some way interested in it.

Mr. GOODE. No; the gentleman is mistaken. This recommendation is made by the present Secretary of the Navy, Mr. Goff, and was sent here indorsed by the President.

Mr. McMAHON. Did not I hear my colleague from Ohio, [Mr. KEIFER,] when he had the floor, state the present Secretary had concurred in the recommendation of the previous Secretary?

Mr. GOODE. Here is a recommendation, if the gentleman will have it read.

Mr. KEIFER. A similar one prior to that.

Mr. McMAHON. The gentleman is unfortunate in his reference. I happen to be well acquainted with the late honorable Secretary, R. W. Thompson. He never spoke to me upon the question. If he had, it would probably have been in favor of the measure. The original grant was to Ambrose Thompson, whose connection with the late Secretary I do not know.

Mr. KING. But the gentleman from Ohio is attacking——

Mr. McMAHON. Well, the gentleman is not in a position now to discuss that point with me. I have attacked nobody. I want to say to the gentleman and to the members of the Naval or other committee, who have the right to speak earnestly upon the question, because certain matters which we have developed have given them information they never had as a committee, that I have never made a charge nor an intimation even as to the members of the Naval Committee or as to the Interoceanic Committee that there was any ground or basis or belief of improper motives in their action.

Mr. KING. The language of the gentleman is of record.

Mr. McMAHON. Of course it is of record.

Mr. KING. It will show what it is.

Mr. McMAHON. I know that will, and I invite careful attention to it; and, Mr. Chairman, if I have made an unjust insinuation, or if my language will bear that construction, I am manly enough to make the proper correction right here. Gentlemen must not be too sensitive. I am only stating facts, as well as I know them, and not reflecting upon gentlemen's motives.

Mr. GOODE. I did not understand the gentleman from Ohio as alluding in any personal manner to myself as a member of that committee, nor did I regard the insinuation as having a bearing in that direction, because if I had I should have promptly met the insinuation.

Mr. McMAHON. Exactly; and I would have had more respect for the gentleman if he had done so. But I say such was not the fact nor my intention.

But, Mr. Chairman, there are facts in connection with this matter that the two committees of this House charged with investigating and reporting such bills do not seem to have discovered. Facts have been stated and developed in this discussion by another committee which are new to them, as gentlemen admit. And when in the examination of such measures these committees, where careful investigation ought to have taken place, when they come upon the floor of this House and claim that they have made a full examination, as the gentleman from Massachusetts does, and as other gentlemen do, and yet have discovered for the first time on the floor of the House that this Chiriqui Land Improvement Company are the owners of 2,000,000 of acres of land here; that they propose to sell only a small portion——

Mr. HARRIS, of Massachusetts. If you mean to say that the Naval Committee have had any such information, I hope you will state it frankly.

Mr. McMAHON. That is exactly what I complain of. I say that you did not have such information. You admit that you learned it here for the first time.

Mr. HARRIS, of Massachusetts. You say it, or intimate that the committees have not acted in the matter as they should have acted. Now, if you have a charge against the Committee on Naval Affairs make it distinctly.

Mr. McMAHON. I have no charge against the committee. I was going on to say, sir, when interrupted, it is only because outside of the Executive influences leading up to this scheme.

Mr. HARRIS, of Massachusetts. Then it is a complaint against the Executive and not against the committee?

Mr. McMAHON. I will repeat—"outside of the Executive influences."

Mr. HARRIS, of Massachusetts. Put the responsibility somewhere when you make the assertion. What executive do you refer to?

Mr. McMAHON. I want to know if there is more than one Executive——

Mr. HARRIS, of Massachusetts. You have made a statement that there were Executive influences; now will you state to whom you referred?

Mr. McMAHON. I am about to state what I mean. If the gentleman knows of any more executives than one in this country, or any other executive influences that I could refer to, he has information that I am not in possession of. I want to say to the gentleman from Massachusetts now, and repeat it, that outside of the Executive influences that were slyly cast around the sub-committee of the Appropriations Committee——

Mr. HISCOCK. Whom do you refer to?

Mr. McMAHON. And a gentleman came before us—I do not call him a "land jobber," as gentlemen say——

Mr. HISCOCK. Will the gentleman indicate the "sly influences" of the Executive Department that surrounded the members of the sub-committee?

Mr. McMAHON. Do I understand that a friend of the President calls for that information?

Mr. HISCOCK. I call for an answer to the insinuation that the gentleman has made. I ask him what are the "sly influences" to which he refers.

Mr. McMAHON. Does the gentleman want the House to know? Do I understand that a friend of the President wants that information? Does he wish me to be more specific?

Mr. BURROWS. No, but a friend of honesty and fair dealing asks it.

Mr. HISCOCK. If the gentleman has any such information, I want him to give it to the House.

Mr. McMAHON. Very well, you shall have it. Private Secretary Rogers is his first and last name, [applause on the democratic side,] who represented the executive influence to which I refer. Now, Mr. Chairman, that I did not want to say. I preferred to state this fact in my own way, without calling names, that the Executive took great interest in these stations, but when gentlemen have compelled me in this manner, I say that it is right that I should name him, and I cannot help it. It is true.

Mr. HASKELL. May I ask the gentleman from Ohio a question?

Mr. McMAHON. Not at this moment.

Mr. CALKINS. Give us the whole thing.

Mr. McMAHON. I will go a little further. When I made my opening statement I said that a gentleman appeared before the sub-committee. I knew him to be an attorney for some parties, and put questions to him. I wanted to get at the bottom of the thing, and asked him, after he had urged the matter on public grounds, whom he represented? He then frankly answered. And if the other committees which are now so sensitive had gone further than act on the recommendation of the executive officers of the Government, and had pushed their inquiries with the same anxiety to probe the matter to the bottom, they might have discovered what was so easily discovered by our

sub-committee by a few simple questions. I said to him, "Whom do you represent?" He answered, "I represent a private individual and the Chiriqui Improvement Company." That private individual's name I do not certainly remember. I think it was Thompson.

Mr. GOODE. If the gentleman will allow me, I want to say for the information of the House that this matter was referred by the House to the Naval Committee. It was discussed on two or three different occasions in the Naval Committee. All the information we have had on the subject was derived from executive documents, from two messages of the President, and two reports of the Secretary of the Navy, and no representative of any private job whatever has ever in any manner, shape, or form, so far as I know, approached that committee.

Mr. SPARKS. That is, your committee?

Mr. FRYE. They only went to the sub-committee of the Committee on Appropriations. They never went to the Interoceanic Canal Committee, either. They knew better where to go.

Mr. McMAHON. I will say to the gentleman from Maine we knew our business as an appropriating committee. We were not caught by mere Executive recommendations. As to the insinuation of the gentleman, he must understand that only an argument was heard. And I say further to him that his remark is singularly out of place; for the Chiriqui Land Improvement and Executive influences and recommendations failed with the Appropriation sub-committee, whatever fortune they may have had elsewhere. If the gentleman from Maine can find any jobs in this or any other we are connected with, let him point them out, and where he can find one, if there be one, I can show him ten in the infamous history of his jobbing party.

[Here the hammer fell.]

Mr. HISCOCK rose.

Mr. McMAHON. I would like to complete my statement.

Mr. HISCOCK. I will yield the gentleman a portion of my time.

Mr. BLACKBURN. The gentleman has been interrupted and half his time has been occupied by other gentlemen. If I am recognized, I will yield him my five minutes.

The CHAIRMAN. The Chair hears no objection to the gentleman proceeding.

Mr. McMAHON. Now, for what is this $200,000 to be given? Do we know how much land we are to get? Do we know what rights we are to have? Are we to establish forts there as well? What do we know about the matter now? When the proposition of the Electric Light Company came to this House its promoters filed definite and specific proposals with the Secretary of the Treasury; and if we choose to vote for the experiment we certainly know what we are to get for our money. But do we know what we are to get for the proposed expenditure of this $200,000? My friend [Mr. WHITTHORNE] talks about democracy and doubts my adherence to the old faith. He says it was olden-time democracy to take in foreign countries. He is right. But how much of an empire will our $200,000 buy? The olden democracy, to which I belong, bought empires, rich and populous States, added Louisiana, Texas, California, and every other valuable domain that was added to this country.

Mr. FRYE. Because there was slavery to take care of them.

Mr. McMAHON. In olden times, when we had power, we bought States or conquered them. We added millions of acres to the public domain. We dug out millions from the valuable mines we acquired; we bought prosperous homes for an immense surplus population. This was ancient democracy. When my friend from Tennessee, [Mr. WHITTHORNE,] whom I recognize as an honest and true democrat, twits me with want of fealty to old party traditions, let me ask him if the proposed measure bears any relation to those great achievements? Let me ask him if the unanimity with which the republican side rallies to his support does not cause a twinge in his conscience? I never knew sound democracy to draw with such unlimited credit upon republican support.

Mr. WILLETS. Give us the facts.

Mr. McMAHON. I have given you the facts. It was through this gentleman who appeared before us, an attorney for the Chiriqui Land Improvement Company, that we learned all I have stated. If I understood him, $200,000 was to give us a thousand feet front on the bays, just sufficient for a coaling station, or something of that sort. It may have been a thousand acres. Now, if I am approached with an appeal to add glory to my country, I say, give me a domain such as we were used to buy in the days of old, a domain extending from sea to sea. Do not let us be content with locating a coaling station or two merely to gratify Executive vanity or improve the property of private individuals. That is my democracy; and when a proposition comes to me in that tangible shape, then I may give it favorable consideration. For, if we are to assert the Monroe doctrine, let it be done openly, boldly, and effectively.

Mr. HISCOCK. We were told at the outset of this discussion that this question had not been investigated. The chairman of the sub-committee that has charge of this bill told us this question was thrust before the committee without its having had a chance for investigation. And yet, it turns out the Committee on Naval Affairs have given it the fullest consideration, and, as I understand, have come to a nearly unanimous conclusion with reference to it.

Mr. GOODE. Entirely unanimous.

Mr. HISCOCK. A committee of this House, I am told, is entirely unanimous in its opinion upon this subject, and no gentleman here will seek to attack or impeach the integrity of that committee. And yet another honorable committee of this House has investigated the same subject and, as I understand, have come nearly if not entirely to a unanimous conclusion upon it.

This subject, then, having been investigated by two committees of this House, comes here where it can have full and ample discussion under the five-minute rule. And it is within the power of the gentleman who has charge of this bill to allow still more ample discussion even than that upon this proposition.

Now, on the other hand, he attempts to—I will not say he; but one of his associates attempts to insinuate that there is a job concealed somewhere between the lines of this resolution.

Mr. BLOUNT. Let me understand the gentleman. Does he say that I intimated any such thing?

Mr. HISCOCK. No; you did not intrude that question upon the House. But the gentleman from Ohio [Mr. McMAHON] has said that the sly influences of the Executive have been felt, or at least that the sub-committee having charge of this bill was approached by the sly influences of the Executive of this great Government to lobby through this scheme.

Now, who of us have been approached? Who has been talked to slyly by the private secretary of the President of the United States? I see before me the honorable gentleman from Ohio, [Mr. MONROE.] Is he a gentleman that can be approached slyly or in any other manner by any person for any scheme that is dishonorable and which may be intruded before this House?

I see across the aisle from him the chairman of the sub-committee on appropriations, [Mr. BLOUNT,] who has made a reputation in this House. Whatever that reputation may be, it certainly is not such as to reflect upon his honesty and upon his high character as a man. Does he tell us that the President of the United States sent his private secretary to him to slyly influence his action on this question?

It comes down then to the gentleman from Ohio, [Mr. McMAHON,] from the same State that the President of the United States comes from. They certainly have never been political friends. The gentleman from Ohio on this floor has always been in antagonism to the Administration. Does he charge that sly influences have been attempted to be exercised upon him to influence his action on this question? Does he say that the President of the United States has sought to bribe, has sought to unduly influence by means of his private secretary the gentleman from Ohio?

Mr. McMAHON. Will the gentleman permit me to ask him a question right there?

Mr. HISCOCK. Certainly.

Mr. McMAHON. Do I understand the gentleman to say that I was the only member of that sub-committee who was approached in that manner?

Mr. HISCOCK. I am entirely willing to submit that question——

Mr. McMAHON. Please answer my question. Does the gentleman say that I was the only member of that sub-committee who was approached in that way? There is a member of that sub-committee sitting over on the gentleman's side of the House.

Mr. HISCOCK. I will say this in response to the gentleman, that he is the only member of that sub-committee who has charged that the Executive of these United States has attempted by sly influences to control the action of that sub-committee. And I will say further in reference to that matter, and I say it in all kindness to the gentleman from Ohio, that the character of his colleague from Ohio, [Mr. MONROE,] the character of the gentleman from Georgia, [Mr. BLOUNT,] is sufficient proof that nothing of the kind would be attempted upon them.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMAHON. The gentleman still does not answer my question.

Mr. HISCOCK. I would like to have my time extended.

Mr. McMAHON. I want the gentleman to answer the question whether I am the only person on that sub-committee——

Mr. PAGE. I will take the floor and yield my time to the gentleman from New York.

Mr. HISCOCK. I thank the gentleman.

Mr. McMAHON. I will put the question to the gentleman again. Does he say to this House that I was the only member of that sub-committee, composed of Mr. BLOUNT, Mr. MONROE, and myself, who was approached by the private secretary of the President?

Mr. HISCOCK. You are the only one who has said he was so approached.

Mr. McMAHON. I shall probably be compelled to call upon a gentleman who sits upon your side of the House.

Mr. HISCOCK. And I think he was the only one who was "slyly" approached.

An argument has been made here against this appropriation, on the ground that we do not need these coaling stations. I am in favor of this appropriation upon broader grounds than that. We all understand what is contemplated in that part of the world. Shall an American Congress, after the recommendation of the President of the United States, after the favorable consideration of two committees of this House, refuse to give to the Chief Executive of the United States the sum of $200,000, to be used by him in such direction and after such methods as he may see fit in connection with this matter?

The question is now fairly before this House for consideration. Upon the purely economical grounds on which the gentleman from Georgia has discussed it, I might be unwilling to announce that I should certainly be in favor of the proposition; but it is upon broader grounds that I advocate this appropriation; and notwithstanding the "sly approaches" which have been made to the sub-committee in charge of the measure, I trust that the appropriation will be made.

Mr. ROBESON. Mr. Chairman, I am in favor of this appropriation upon the ground intimated by the gentleman from New York, [Mr. HISCOCK.] Under ordinary circumstances no expenditure of $200,000 would be required to establish coaling stations sufficient for the needs of the American Navy on the shores of the Gulf and the Pacific Ocean, washing the isthmus between North and South America. But at this time the attention of the House is directed toward that portion of America lying between the two continents; and all the commercial energies of the world are directed toward the enterprise of cutting a great ship-canal or making some other communication between the waters that wash either shore of that isthmus.

Under these circumstances existing to-day and which must exist for twenty years to come, if not for all time, it will be the bounden patriotic duty of every Executive of the United States to gather at that point, on both shores, whatever of power in the American Navy can be spared for the purpose. We cannot allow the nations of the world to take possession of that isthmus and control its relation to international commerce, without our being at least present there to see that it is not done in violation of our treaties and in disregard of our interests. Therefore I say that it will be incumbent upon every Executive in the future, as long as this question shall be agitated, to gather there whatever of naval strength there may be at his command, to represent there our flag and the destinies and interests of our Government.

If that be so, $200,000 committed to the discretion, not of the present Executive, not of the present Navy Department, but the incoming Executive, the new Department that is to be installed this spring—$200,000 to be applied at the discretion of the Executive along that stretch of a thousand miles, wherever it may be best for the Government to set down its stakes, is not too much for the interests of commerce, for the strength of the Navy, and for the patriotism of this country.

[Here the hammer fell.]

Mr. HOOKER. Mr. Chairman, I desire to say a single word in support of the amendment of my friend from Virginia. Something has been said by the gentleman from Ohio and by other gentlemen who have spoken in reference to particular places where this appropriation is to be expended. It is well understood that there are now three great routes proposed by which the commerce flowing from the great Father of Waters, with its thousand tributaries, is to find transit between the Atlantic and the Pacific Ocean. I do not know, sir, that I am particularly wedded to its location at any one point. But it is inevitable that across the Isthmus somewhere, either at Panama, at Nicaragua, or at Tehuantepec the great impulse of the commerce of the country will force an inter-oceanic communication. The necessity is urgent that this Government shall be prepared, wherever that transit from ocean to ocean may be made, to protect its great commercial interests flowing from one ocean to the other.

The amount proposed by my friend from Virginia, whether it shall be appropriated at one point or at another, is insignificant in comparison with the great interests involved. It is proposed to give to the Executive the power to expend this appropriation, or so much thereof as may be necessary, in the interest of this interoceanic communication. Whether it shall be accomplished by railway across the continent on the one plan proposed, or by water-ways on the two other plans proposed, the great commercial interests of this country will be advantaged (so says your present Secretary of the Navy) to an extent that may save you at least a quarter of a million of dollars in a single year. The great commercial interests to be subserved cannot be subserved unless you are prepared to maintain American interests on either ocean; and the sum proposed by my friend from Virginia is a bagatelle in comparison with the great commercial interests at stake.

Gentlemen may talk about private interests being favored by this, that, or the other route; but I say to you, Mr. Chairman, and to this committee, that this great commercial confluence between the two oceans will force itself somewhere, and when it does so the Government of the United States ought to be prepared to maintain itself by the possession of suitable coaling stations and facilities for the reception of vessels equal to those of any other nation.

I say, therefore, Mr. Chairman, the amount proposed is a bagatelle in comparison with this great matter. This interoceanic commerce will go through somewhere, and wherever it goes through it ought to be protected by the American Government and by the money of the American people, judiciously expended.

[Here the hammer fell.]

Mr. BLOUNT. I desire to say the reporters and clerks, who have been on duty all night and all day yesterday and all day to-day, are worn out and need rest; and, therefore, in justice to them I move the committee rise.

Mr. GOODE. Let us settle this first.

Mr. HASKELL. I should like to ask a question concerning this matter.

Mr. BLOUNT. No; I move the committee rise, and, if necessary, shall demand a division.

The committee divided; and there were—ayes 72, noes 69.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HARRIS, of Virginia, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had come to no resolution thereon.

Mr. BLOUNT. I move the House adjourn, and shall insist upon the regular order of business.

The motion was agreed to; and accordingly (at four o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BRENTS: The petition of David Henry Shaw, for a pension—to the Committee on Pensions.

By Mr. BREWER: The petition of A. C. Kent and 50 others, citizens of Clinton County, and of G. F. Plowman and 21 others, citizens of Westphalia, Michigan, for the passage of a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of the same parties, for the passage of a law to regulate interstate commerce—to the Committee on Commerce.

Also, the petition of the same parties, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties, for the passage of an income-tax law—to the Committee on Ways and Means.

By Mr. COWGILL: Resolution of the Legislature of Indiana, asking an appropriation to reconstruct the Wabash and Erie Canal—to the Committee on Railways and Canals.

Also, the petition of Thomas Lee, for a pension—to the Committee on Invalid Pension.

By Mr. DEUSTER: The petition of 320 citizens of Milwaukee, Wisconsin, for the repeal of the tax on bank deposits—to the Committee on Ways and Means.

By Mr. McLANE: The petition of 1,500 merchants and other citizens of Baltimore, Maryland, of similar import—to the same committee.

By Mr. MORTON: Memorial of 4,000 merchants, manufacturers, mechanics, and others of the city of New York, of similar import—to the same committee.

By Mr. STEPHENS: The petition of J. D. Brown, W. R. Hendricks, and others, citizens of Elbert County, Georgia, for legislation relating to interstate commerce—to the Committee on Commerce.

By Mr. STEVENSON: The petition of soldiers of Tazewell County, Illinois, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. AMOS TOWNSEND: The petition of W. P. Southworth and 800 others, citizens of Cleveland, Ohio, for the repeal of the tax on bank deposits—to the Committee on Ways and Means.

By Mr. VALENTINE: The petition of 240 citizens of Omaha, Nebraska, of similar import—to the same committee.

IN SENATE.

SATURDAY, *February* 26, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting a communication from the Superintendent of the United States Military Academy calling attention to the omission in the Military Academy appropriation bill of the item of $12,500 for construction of barracks for the cavalry detachment at West Point, and recommending that the same be inserted in the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, in compliance with a resolution of the 19th instant, a report of January 15, 1881, from the board of engineers for the Pacific coast; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PENDLETON presented the memorial of Thomas Brooks and 38 others, citizens of Ohio, and the memorial of Jehu Marris and 26 others, citizens of Pennsville, Ohio, surviving soldiers of the war for the Union, remonstrating against the passage of the bill (S. No. 496)

providing for the examination and adjudication of pension claims; which were ordered to lie on the table.

Mr. LOGAN presented resolutions of Forsyth Post, of Toledo, Ohio, Grand Army of the Republic, favoring the passage of a law granting a pension to Hannah S. Commager, widow of the late General Henry S. Commager; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. KERNAN, from the Committee on Patents, to whom was referred the bill (H. R. No. 5066) to provide for the preparation of classified abridgments of all letters-patent of the United States, reported it without amendment.

Mr. GROVER, from the Committee on Public Lands, to whom was referred the bill (S. No. 1066) to grant certain public lands in Alabama in aid of the Warrior and Tennessee Rivers Railroad, reported it with amendments.

Mr. SAULSBURY. I reported yesterday from the Committee on Post-Offices and Post-Roads a bill (S. No. 2190) for the relief of John H. Templeton. Since that time a bill (H. R. No. 7160) for the relief of John H. Templeton, in precisely the same words, has come to the Senate and been referred to that Committee, and I am now instructed to report it back with the amendment that was offered to the Senate bill yesterday.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 5832) for the relief of David W. Bell, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PLATT, from the Committee on Patents, to whom was referred the petition of Timothy Earle, of Valley Falls, Rhode Island, praying for the extension of the patent on his egg-beater, submitted a report thereon, accompanied by a bill (S. No. 2219) for the relief of Timothy Earle.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. BALDWIN, from the Committee on Commerce, to whom was referred the bill (S. No. 2084) to authorize the Secretary of the Treasury to issue an American register to the steam-barge Tecumseh, reported it with an amendment.

Mr. KERNAN, from the Committee on Patents, to whom was referred the bill (S. No. 2036) for the relief of C. Theodor Burchardt, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3477) for the relief of Carlile Boyd, to report it favorably and without amendment.

Mr. COCKRELL. That is not a unanimous report of the committee. In behalf of myself and another member of the committee, I desire to state that we wish to submit an adverse report. That report was not submitted to a full committee in committee meeting, but simply to the members on the floor here. There was an adverse report by the committee unanimously adopted in the same case on a former bill in this same Congress, and we will submit that as an adverse report in this case.

The VICE-PRESIDENT. The Chair hears no objection to leave being granted to the minority to submit their views.

Mr. CAMERON, of Pennsylvania. In reply to the Senator from Missouri I will state that by authority of the committee this report was submitted to each and every member of the committee. I did not state it was a unanimous report; but it is the report of a majority of the committee.

Mr. COCKRELL. It was submitted to them, not in committee meeting, where it could be discussed, but on the floor of the Senate. There is no question about that.

Mr. CAMERON, of Pennsylvania. By authority of the committee.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. No. 2197) to amend section 3368 of the Revised Statutes, reported it with an amendment.

Mr. BURNSIDE, from the Committee on Military Affairs, submitted the views of the minority on the bill (S. No. 129) authorizing the restoration of the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers; which were ordered to be printed.

BILLS INTRODUCED.

Mr. VANCE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2220) to authorize the Secretary of War to purchase certain papers relating to the late war; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LAMAR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2221) granting the right of way to the New Orleans and Northeastern Railroad Company through the public lands along their route between New Orleans, Louisiana, and Meridian, Mississippi; which was read twice by its title, and referred to the Committee on Railroads.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2222) for the relief of Flora A. Skinner, widow of Gilbert A. Skinner, deceased; which was read twice by its title, and referred to the Committee on Claims.

UNITED STATES MARSHAL FOR SOUTH CAROLINA.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary of the Senate be, and they are hereby, instructed to inquire and report by what authority and under whose appointment R. M. Wallace is exercising the duties of the office of United States marshal for South Carolina.

ISTHMUS SHIP-CANALS.

Mr. EATON. I desire to give notice that on the conclusion of the morning business, or rather just after half past one o'clock, I will ask the Senate to take up the concurrent resolution I had the honor to submit, as the organ of the Committee on Foreign Relations, on the 16th instant, in relation to the isthmus ship-canal, on which my friend from Rhode Island [Mr. BURNSIDE] desires to submit a few remarks; and then without further discussion of the question, unless some Senator wishes to be heard, I shall ask for a vote.

CHARGES AGAINST FORMER CHIEF CLERK OF INDIAN BUREAU.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish for the Senate Library two copies, and to each member of the Senate one copy, if there be so many in his Department, of the printed testimony and the report of the board of inquiry convened by the letter of the Secretary June 7, 1877, to investigate certain charges preferred by John B. Wolff and others against S. A. Galpin, former chief clerk of the Indian Bureau, and concerning irregularities in said bureau, and dated December 31, 1877.

CALENDAR OF HOUSE BILLS.

Mr. RANSOM. I gave notice yesterday that at the expiration of the morning business this morning I should ask the Senate to take up the river and harbor bill.

The VICE-PRESIDENT. Is there further business for the morning hour?

Mr. HARRIS. I ask the Senate to consider at this time the resolution I had the honor to offer on the 25th of January last.

The VICE-PRESIDENT. In the morning hour the Senator from Tennessee calls from the Calendar for consideration a resolution, which will be reported.

The Chief Clerk read the resolution, as follows:

Resolved, That at the conclusion of the morning business for each day, unless upon motion the Senate shall otherwise order, the Senate will proceed to the consideration of House bills which have been favorably reported, and continue such consideration until half past one o'clock; bills to be taken up in their order upon the Calendar; and this order shall commence immediately after the call for "concurrent and other resolutions," subject to the rules governing the business of the morning hour.

The VICE-PRESIDENT. Will the Senate agree to the resolution?

Mr. RANSOM. I am very willing that that shall be adopted if it does not take effect to-day.

Mr. TELLER. Let it take effect to-day.

Mr. ANTHONY. It only goes on to half past one.

Mr. HARRIS. There are now sixty-odd bills which have passed the House and been favorably reported by Senate committees and which are upon the Calendar. If the Senate proposes to devote its time to the practical work of legislation, to the accomplishment of legislative results, there being but four days remaining of this session——

Mr. DAVIS, of Illinois. Five.

Mr. HARRIS. Five including this day—it would seem absolutely necessary that we devote our time to the consideration of these House bills; and while I shall very cheerfully aid the Senator from North Carolina in getting up his bill for consideration after the morning hour, I am inclined to think that the two hours remaining of the morning hour of to-day had better be devoted to the consideration of these House bills. I will then aid the Senator, so far as I am able, to get up his bill and I am willing to stay here to any hour, day or night, to complete the consideration of it.

Mr. RANSOM. Anxious as I am to take up the river and harbor bill at this moment, after the statement of the Senator from Tennessee I feel that I should be doing myself injustice if I were to insist upon it; and with the understanding he has just given utterance to that we shall finish the river and harbor bill to-day, I will interpose no objection to the resolution.

Mr. TELLER. I do not give my consent to that proposition. I do not propose to be precluded by a statement that we are to "sit out" the river and harbor bill to-day.

The VICE-PRESIDENT. There is no motion of that kind before the Senate.

Mr. TELLER. There was such a statement made, and I thought it was due to say that I do not assent to it.

Mr. McDONALD. I desire to know the scope of this resolution. Is it intended to consider all House bills, or only the House bills now on the Calendar?

Mr. DAVIS, of Illinois. House bills on the Calendar reported favorably.

Mr. HARRIS. The scope of the resolution evidently applies to all the House bills favorably reported now on the Calendar and as they come upon the Calendar.

Mr. McDONALD. Then I am opposed to it if that is giving up the rest of this session of the Senate to the work of the House, and nothing else. I understand that there are at least one hundred and

fifty bills of the Senate on the House Calendar which have not been reached, and there seems to be no purpose of reaching them. If we are to become from this time until the end of the session simply a registering body to register House bills and pass them——

Mr. HARRIS. Will the Senator from Indiana allow me to ask him, if there be one hundred and fifty Senate bills now on the table of the House, if he thinks it is wise for us to continue to send these Senate bills at this late hour of the session to increase that number which lies upon that table unacted upon, when there are sixty bills that have passed the House and that have met the approval of committees of the Senate that remain unacted upon and unconsidered in this body? Is it not more practical and proper that we should devote our time to the consideration of those bills thus advanced in the line of legislation?

Mr. McDONALD. Those bills thus advanced I am willing to consider, but I am not willing to adopt a resolution that not only embraces them but all that may hereafter be reported and placed on the Calendar.

Mr. HARRIS. I shall not object to an amendment, if the Senator sees proper to offer it, to exclude those which may come hereafter.

Mr. McDONALD. Therefore I move to amend this resolution by limiting it to the House bills now on the Calendar.

Mr. HARRIS. I will modify the resolution so as to make it read "House bills now on the Calendar."

The VICE-PRESIDENT. There is an amendment pending, proposed by the Senator from Maryland, [Mr. WHYTE,] which will be reported.

The CHIEF CLERK. It is proposed to strike out of the resolution the words "which have been favorably reported."

Mr. JOHNSTON. Does that resolution apply to bills on the Calendar with unfavorable reports?

Mr. ALLISON. All bills, favorably or unfavorably reported, will be included if we adopt this amendment.

Mr. HARRIS. The resolution itself provides for the consideration of House bill favorably reported. The amendment of the Senator from Maryland proposes to strike out "which have been favorably reported," and make it apply to all House bills whether favorably or adversely reported. I hope the amendment will not be adopted.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Maryland.

Mr. McDONALD. I desire to amend the amendment by saying "House bills now on the Calendar." I want it to apply to those which committees have adversely reported upon as well as those they have reported upon favorably. I desire, if we go to the House bills, an opportunity of giving my own judgment on the question of whether we ought or ought not to pass them. I am opposed to limiting the resolution to those which have been reported favorably.

The VICE-PRESIDENT. To the amendment of the Senator from Maryland the Senator from Indiana proposes an amendment; which will be read.

The CHIEF CLERK. After the word "bills" it is proposed to insert "now on the Calendar;" so as to read:

That at the conclusion of the morning business for each day, unless upon motion the Senate shall otherwise order, the Senate will proceed to the consideration of House bills now on the Calendar, and continue such consideration until half past one o'clock, &c.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Indiana to the amendment of the Senator from Maryland.

Mr. FERRY. I desire to ask the Senator from Indiana why he discriminates against other bills of the House which may be reported to the Senate between this time and the end of the session? Certainly such bills are just as meritorious as those which are now on the Calendar. It seems to me if the resolution is confined to House bills, that will cover the object all Senators have, and will not exclude those which may be reported between this and the close of the session.

Mr. HOAR. Allow me to call the attention of Senators to the fact that this is a totally immaterial matter, because the House bills now on the Calendar will occupy a good many days, and probably no new ones will ever be reached, and if any new ones ever are reached it will be in the power of a majority of the Senate to continue their consideration or set this order aside as it pleases. There is no sort of practical importance in the question.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Maryland.

The amendment was rejected.

The VICE-PRESIDENT. The question now is on agreeing to the resolution.

Mr. GARLAND. I believe from what has been stated by the Senator from Tennessee and others that with the exception of the appropriation bills this will give us as much as we ought to do during the remainder of this session. I propose now an amendment that we also devote in the same way the sessions we shall hold after the recess in the evening, under the resolution which was offered on the 16th instant by the Senator from Colorado [Mr. TELLER] and adopted by the Senate. I propose to amend the resolution by saying that the sessions that we hold in the evening, after the recess, shall be devoted to a like purpose.

Mr. DAVIS, of West Virginia. "Except the appropriation bills" at all times.

Mr. GARLAND. I have said that.

Mr. DAVIS, of West Virginia. I want that understood.

The VICE-PRESIDENT. The amendment of the Senator from Arkansas will be read.

The CHIEF CLERK. At the end of the resolution it is proposed to add:

And this resolution shall apply to the evening sessions provided for by the resolution adopted February 16, 1881.

Mr. HARRIS. I have no objection to that. It ought to be so.

The VICE-PRESIDENT. The amendment is accepted. The question is on the resolution as amended.

Mr. DAVIS, of West Virginia. It is understood that this is not to interfere with the appropriation bills.

Mr. HARRIS. Of course nobody would undertake to antagonize an appropriation bill with any of this legislation.

Mr. HOAR. Now let the resolution be reported as it stands amended.

The Chief Clerk read as follows:

Resolved, That at the conclusion of the morning business for each day, unless upon motion the Senate shall otherwise order, the Senate will proceed to the consideration of House bills which have been favorably reported, and continue such consideration until half-past one o'clock; bills to be taken up in their order upon the Calendar; and this order shall commence immediately after the call for "concurrent and other resolutions," subject to the rules governing the business of the morning hour. And this resolution shall apply to the evening sessions provided for by resolution adopted February 16, 1881.

The resolution was agreed to.

Mr. CAMERON, of Pennsylvania. I ask that the Senate consider the bill (S. No. 129) authorizing the restoration of the name of Thomas H. Carpenter, late captain Seventeenth Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers.

Mr. TELLER. I thought we were to go to the Calendar under the resolution just adopted.

Mr. HARRIS. What is the motion of the Senator from Pennsylvania?

The VICE-PRESIDENT. The Senator from Pennsylvania asks the Senate to consider at this time the bill named by him.

Mr. HARRIS. Mr. President, I take this occasion to say that after the morning business each day, until we have gone through with the House bills favorably reported upon the Calendar, I hope no Senator will regard it as in any possible sense personal to him that I shall object to the consideration of everything that interferes with the rule; and I object now to the consideration of any other than the business we have determined to consider.

The VICE-PRESIDENT. Is there further business for the morning hour? If not, the Senate proceeds to the consideration of the Calendar of House bills under the order just adopted. The Secretary will report the first House bill on the Calendar.

The bill (H. R. No. 4412) to regulate practice in suits brought to recover damages for infringement of patents was announced by the Chief Clerk as first in order.

Mr. DAVIS, of West Virginia. The order was to commence with the Calendar and take the House bills on the Calendar.

The VICE-PRESIDENT. Certainly. It applies to the beginning of the Calendar.

Mr. INGALLS. This is the first House bill on the Calendar.

Mr. DAVIS, of West Virginia. No; House joint resolution No. 116 is the first favorably reported.

Mr. ALLISON. There was a bill under consideration yesterday on the Calendar.

Mr. DAVIS, of West Virginia. When we come to it in its order it will be taken up.

Mr. ALLISON. It is the unfinished business.

Mr. TELLER. The resolution was to commence the Calendar, as I understood, where we left off, not to go back to the head of the Calendar.

The VICE-PRESIDENT. The resolution goes back to the head of the Calendar. Wherever a House bill is favorably reported, it is to be considered.

Mr. HARRIS. The resolution was to begin at the beginning of the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1560) granting a pension to James B. White;

A bill (H. R. No. 6860) for the relief of William H. Davis;

A bill (H. R. No. 7111) restoring the name of Andrew J. Pennel to the pension-roll;

A joint resolution (H. R. No. 402) to provide for the publication of the memorial addresses on Evarts W. Farr;

A joint resolution (H. R. No. 401) in relation to the barge W. J. Spicer;

A joint resolution (H. R. No. 405) to print reports of the tenth census of the United States;

A joint resolution (H. R. No. 413) authorizing the Secretary of War to turn over to Governor Roberts, of Texas, such tents, poles, and pins

as he may require for the use of the volunteers of the State for their encampment for the year 1881; and

A joint resolution (H. R. No. 414) relating to loaning tents for soldiers' reunions in Indiana and Iowa.

The message also announced that the House had passed the joint resolution (S. R. No. 156) in relation to the international exhibition of 1883.

GEOLOGICAL SURVEY.

The VICE-PRESIDENT. The Secretary will report the first House bill on the Calendar favorably reported.

The Chief Clerk read the title of the joint resolution (H. R. No. 116) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes."

Mr. HOAR. I rise to a parliamentary inquiry. When the Calendar is taken up and a bill upon it is considered under the Anthony rule and it goes over to the following day, does not that bill take its place again, provided it be a bill within the description of the new resolution just passed?

The VICE-PRESIDENT. The Chair does not quite hear the Senator but he thinks he apprehends the point.

Mr. HOAR. My question is this: If a House bill be taken up in the morning hour under the Anthony rule when the Calendar is under consideration and we proceed with its consideration under that rule, and it is unfinished at the expiration of the morning hour, does it not keep its place on the Calendar provided it be a bill within the description of the resolution just passed?

The VICE-PRESIDENT. The Chair thinks the resolution just passed supersedes the Anthony rule so far as House bills are concerned. The resolution will be again read.

Mr. HOAR. I reserve the point of order. The patent bill was taken up yesterday in its place upon the Calendar and was considered under the rule then in force and has not been disposed of. Although there was debate upon it in which Senators took very much more than five minutes' length, yet the attention of the occupant of the chair, the Senator from Missouri, [Mr. COCKRELL,] being called to it, he ruled that we were still going on under the Anthony rule yesterday. Now comes in a new provision saying that House bills upon the Calendar shall be taken up in their order under the rules affecting the morning hour, one of which is the Anthony rule to that extent. In other words this bill is entitled to its place under both rules, under the rule under which it was taken up yesterday and under the rule which is in operation to-day. That is a House bill favorably reported by a Senate committee and it stands the first bill on the Calendar.

The VICE-PRESIDENT. The Secretary will report the resolution just adopted.

The Chief Clerk read as follows:

Resolved, That at the conclusion of the morning business for each day, unless upon motion the Senate shall otherwise order, the Senate will proceed to the consideration of House bills which have been favorably reported, and continue such consideration until half past one o'clock; bills to be taken up in their order upon the Calendar; and this order shall commence immediately after the call for "concurrent and other resolutions," subject to the rules governing the business of the morning hour. And this resolution shall apply to the evening sessions provided for by the resolution adopted February 16, 1881.

Mr. HOAR. Now, as I understand the effect of this resolution with the words "bills to be taken up in their order upon the Calendar," we go back to the beginning of the Calendar without regard to the point where the Senate was. I think the Chair is right.

The VICE PRESIDENT. The Chair thinks that this, so far as House bills are concerned, supersedes the Anthony rule.

Mr. INGALLS. I rise to another question of order. The measure called for by the Senator from West Virginia is not a House bill, and it cannot be considered under the terms of the order as adopted by the Senate, and on that I ask the ruling of the Chair. That order last adopted must be construed strictly. Being in derogation of the common law of the Senate, it must be construed strictly, and the language here employed is "House bills," and this is not a House bill.

The VICE-PRESIDENT. The Chair thinks that that is a little critical, but will submit the question to the Senate.

Mr. DAVIS, of West Virginia. One word before it is submitted. This is a House joint resolution which requires the same process exactly, three readings, as a bill. It is put upon the Calendar as a bill; it is treated as a bill; it comes from the Committee on Appropriations regularly reported, and is the oldest bill upon the Calendar, and probably the only one that has stood here a year or more.

Mr. LOGAN. What is it?

Mr. DAVIS, of West Virginia. It relates to the geological survey in the States. The manner of the passage of this joint resolution is exactly the same as that of a bill; it is treated as a bill, and if the Senator prefers it can be made a bill, but the effect is just the same. The Chief Clerk believed it to be the same as a bill, because it is placed on the Calendar as a bill.

The VICE-PRESIDENT. The Chair agrees with the Senator from West Virginia, but he will submit the question to the Senate. Is a House joint resolution a bill within the meaning of the resolution just adopted?

Mr. DAVIS, of West Virginia. I am glad the Chair agrees with me.

The VICE-PRESIDENT. The Chair will put the question, [putting the question.] The ayes have it by the sound.

Mr. INGALLS. One moment.

Mr. LOGAN. I desire to call the attention of the Senator from West Virginia to the fact that if this is in reference to geological surveys in the States I do not think it would have any effect whatever. So far as making a survey of unoccupied land is concerned, it can be done just as well now as if you passed four hundred resolutions. You cannot provide by joint resolution that the geological survey shall enter upon private lands unless by consent of the owner.

Mr. DAVIS, of West Virginia. Certainly not.

Mr. LOGAN. The occupied lands in the State are subject to geological survey now by direction of the Secretary of the Interior.

Mr. DAVIS, of West Virginia. Oh, no.

Mr. LOGAN. Why not?

The VICE-PRESIDENT. Does the Senator from Kansas desire a further count upon the question submitted?

Mr. INGALLS. No, Mr. President. I propose, if I have a right to do so under the rule just adopted, as I am convinced that this measure will lead to a debate that may be very protracted, to object to the consideration of the joint resolution at this time.

Mr. DAVIS, of West Virginia. No objection can be made under the resolution we have passed, as I understand. The resolution does not allow one objection, as I understand, to have effect.

Mr. INGALLS. I ask for the ruling of the Chair on that subject. I understand we are proceeding under the Anthony rule as modified by the subsequent order of the Senate.

The VICE-PRESIDENT. The Chair has indicated his opinion, or, rather, given it decidedly, that the Anthony rule is wholly superseded, and the Chair thinks that a solitary objection will not postpone a House bill under the resolution under which the Senate is now acting.

Mr. BECK. Is it understood that this joint resolution is now before the Senate?

The VICE-PRESIDENT. It is. It will be read.

Mr. BECK. Is it in a shape where it is to go to the final reading, or is it subject to objection?

The VICE-PRESIDENT. One objection does not obviate its present consideration; it is subject to any motion for its disposition temporarily or finally.

Mr. TELLER. If that is the understanding of the resolution, I will move to reconsider the resolution that has just been passed. I do not believe that the Senate understood that they were to take up these bills and dispose of them no matter what might be the debate upon them; I did not, and I do not believe anybody did.

Mr. DAVIS, of West Virginia. I rise to a point of order.

Mr. TELLER. I enter the motion to reconsider the resolution.

The VICE-PRESIDENT. Does the Senator desire the question put at this time.

Mr. TELLER. I do, unless somebody wants to say something.

Mr. DAVIS, of West Virginia. That is not in order while the bill is pending.

The VICE-PRESIDENT. The bill has not been read to the Senate yet.

Mr. DAVIS, of West Virginia. I thought it had been.

The VICE-PRESIDENT. The Senator from Colorado moves to reconsider the vote by which the resolution introduced by the Senator from Tennessee was agreed to.

Mr. HARRIS. I move to lay that motion to reconsider on the table.

The VICE-PRESIDENT. The Senator from Tennessee moves to lay on the table the motion to reconsider. The question is on that motion.

The motion to lay on the table was agreed to.

Mr. BLAIR. I should like to hear the resolution offered by the Senator from Tennessee read.

The VICE-PRESIDENT. It will be read again for information.

The Chief Clerk again read the resolution adopted this morning.

Mr. BLAIR. Does the Chair rule that under that resolution there is no limitation of the length of debate?

The VICE-PRESIDENT. The Chair has made no ruling on that point. That point has not been stated before.

Mr. BLAIR. I understood that was the ruling of the Chair.

Mr. FERRY. I wish to call the attention of the Chair to the clause "subject to the rules of the Senate." The Senate having adopted the Anthony rule within the morning hour, which confines debate to five minutes, I desire the special attention of the Chair to that feature which modifies the resolution of the Senator from Tennessee. Certainly it is subject to the rules of the Senate, and the Anthony rule has been adopted by the Senate. The resolution of the Senator from Tennessee is simply directing the kind of business which the Senate will enter upon within the morning hour and the evening session, but at all times subject to the former rules of the Senate.

Mr. HARRIS. "Subject to the rules governing the business of the morning hour" is the language as it appears in the resolution; and that refers, I apprehend, and was certainly intended to refer, to the morning business proper. I should be glad to have the Senate confine debate to five minutes, but it was not the intention of the resolution; nor do I think it is the meaning of the resolution that by its terms it does limit debate to five minutes.

Mr. FERRY. It is subject, not to the business of the Senate, but to the rules of the Senate; and the Anthony rule having been adopted, it certainly is applicable.

Mr. HARRIS. In respect to morning business proper is the application of that language, as I think.

The VICE-PRESIDENT. The language is "the business of the morning hour."

Mr. FERRY. I suggest to the Chair that what it applies to is within the morning hour, because that is the only force the Anthony rule has, but so far as the morning hour is concerned it seems to me this resolution is subject to the rule adopted heretofore known as the Anthony rule.

The VICE-PRESIDENT. The Chair agrees with the Senator so far as the limits of debate are concerned, the Senate having held on several occasions that the Anthony rule was the prolongation of the morning hour; but the Chair would much prefer that the Senate should put its own construction on the rule.

Mr. BECK. Mr. President, I wish——

Mr. TELLER. I ask the Senator to allow me to offer a resolution as to limiting debate.

Mr. BECK. It is on that question that I desire to say a word.

Mr. TELLER. I will wait.

Mr. BECK. In the ordinary cases that I supposed would come up under these rules, I was anxious to have the five-minute limitation apply to debate; but we are met at the very threshold with a bill now the effect of which is to establish a new department of the Government, and one of the most costly and one I think interfering more materially with the business of this country than any that has ever been attempted. We are asked in the Book of Estimates for the current fiscal year to give Mr. Clarence King and his assistants $340,000.

Mr. DAVIS, of West Virginia. May I ask whether the bill is before the Senate or not?

Mr. BECK. I am on the floor and have five minutes. I hope the bill will never get through.

Mr. DAVIS, of West Virginia. I inquire whether the joint resolution is now before the Senate? This inquiry will not be taken out of my friend's time.

The VICE-PRESIDENT. The joint resolution is not properly before the Senate. The Chair thinks business would be very much facilitated by a proper understanding of the matter at this time.

Mr. HOAR. I desire to say that when this resolution was passed I listened to it to see whether it was liable to the objection of an amendment offered by the Senator from Maryland, [Mr. WHYTE,] which provided that it should take five objections to carry over a bill, and that was proposed to be added as an amendment to a resolution limiting debate to five minutes, the result of which would have been the adoption of the previous question by the Senate for the first time in its history. I understood the clause which said this should be under the rules applicable to morning business to mean, and to be intended by the honorable Senator from Tennessee to mean, that it was subject in that respect to the Anthony rule. Otherwise I never should have given my assent to it, and I should desire to move its reconsideration immediately. Upon discussion the Senate voted down the amendment of the honorable Senator from Maryland, with but two dissenting voices, one of them being his own; and the Senator from Vermont [Mr. EDMUNDS] made, as the Senate will recollect, the statement that it would be better to have a dozen extra sessions of Congress and to remain here discussing the question for some long time that he stated rather than to have free speech in the Senate limited or curtailed by its rules. I suppose I am violating no propriety in saying that in conversation with the Senator from Maryland afterwards he said that when he moved his amendment he did not see the effect of it, and that he thought the majority of the Senate were entirely right. If there be any opinion in which the Senate is unanimous it is that the previous question ought not to be introduced here. This is the only place in the Government of the United States where free and unlimited discussion of public questions is established as the prevailing law.

The VICE-PRESIDENT. The Chair stated a little while ago that he had not examined the resolution carefully but he thought one objection would not throw a bill over under its operation. The Chair thinks he was wrong in that opinion. It has been held by the Senate repeatedly that the Anthony rule is but a prolongation of the morning hour until half past one o'clock. The morning-hour rule proper does not provide for the consideration of any legislative measure. The words "morning hour" are meaningless unless they cover the Anthony rule. The Chair, therefore, is of the opinion that the Anthony rule controls, so far as debate and objections are concerned.

Mr. INGALLS. Under that ruling of the Chair, I offer an objection to the consideration of the joint resolution.

The VICE-PRESIDENT. The Chair, however, prefers that the Senate shall place its own construction on its rules.

Mr. FERRY. Before the Chair passes from the ruling I wish to say that I concur fully with him and am glad the Chair has settled the question; but I desire to call the attention of the Chair to the evening sessions. Does the rule apply to an evening session? I think the rule does not cover an evening session, but it is simply confined to the morning hour until half past one o'clock.

The VICE-PRESIDENT. The Chair thinks that it would apply to the evening session also made under this resolution.

Mr. FERRY. It applies to the evening session?

The VICE-PRESIDENT. It applies to the evening session.

Mr. DAVIS, of West Virginia. I understand the Chair now thinks that one objection carries any bill over that may be called up?

The VICE-PRESIDENT. The Chair is of that opinion, under the Anthony rule. Otherwise the resolution is meaningless in its reference to the rules governing morning business.

Mr. DAVIS, of West Virginia. Would it be in order under the resolution of this morning to move to lay aside the pending order and take up the joint resolution?

The VICE-PRESIDENT. Always.

Mr. DAVIS, of West Virginia. I will make a statement and then I will give way.

This joint resolution passed the House more than a year ago, was referred to the Senate Appropriations Committee, and reported back favorably with an amendment. The act of March 5, 1879, created a "Director of Geological Surveys." Professor Clarence King was appointed by the President and confirmed by the Senate and now has charge of the Bureau of Geological Surveys. The act as construed by the Secretary of the Interior confines the surveys to public land. The resolution under consideration proposes to give authority to make geological surveys within the States. The President in his recent message, the Secretary of the Interior, and the Director of Surveys, in their annual reports to Congress for 1880, all recommend a general and complete geological survey of the whole country, including States. The President-elect, when this resolution was under consideration in the House, gave it his influence and vote. All will agree that our vast mineral and other resources ought to be known to ourselves and the world. We have a country perhaps richer in minerals than the rest of the world, yet it is not fully or officially known and cannot be unless we make a complete geological survey and report of the entire country. If we wish our country developed, made rich and prosperous by enterprise and capital, from at home and abroad, we should give reliable information upon its unknown and vast resources. Some few States have made geological surveys which are more or less imperfect. The adjoining States perhaps have made no survey. A national survey will fill the gap and give great value to both or all. No State even if able and disposed to do so can make as valuable and perfect a survey as the United States can. If a general survey is made by the National Government all would come under one head or chief of the highest order. The Government now supports and pays the Director of Surveys and those connected with him, and this will continue whether the resolution becomes a law or not.

What we need is a good, perfect, full, and complete survey and report of the country as a whole, not in thirty-eight parts. If it is done by States, when you come to a State line the survey and comparison must stop, and perhaps adjoining States cannot or will not commence where the other ended. The coal or ore in one State or section may be worthless unless mixed or worked with another from a different section or State, which makes both or all valuable. If the surveys are confined to the "national domain," they will be small and of little practical use or value, for all work mines are owned by individuals or corporations, and are excluded from "national domain."

Why tax the States to sustain a geological bureau, and say the mineral resources of the States shall not be surveyed and known? The mineral worth of this country can never be known as a whole until a national geological survey is made and reported. It is said and believed that West Virginia has more coal and Virginia more iron-ore than Great Britain. Yet England produces more than a hundred times as much coal and iron as the two Virginias, and more than twice as much as our entire country. The mineral resources of no section of our country is fully known. According to the best authority I can find we may make the following comparisons:

Comparison of coal area and production.

Coal Section.	Area.	Production in 1877.
	Sq. miles.	*Tons.*
Great Britain	11,900	134,179,368
United States	192,000	50,000,000
Pennsylvania	12,774	36,119,911
Kentucky	12,871	850,000
Ohio	10,000	5,250,000
West Virginia	16,000	1,000,000
Maryland	550	1,500,000

Great Britain in 1877 produced 7,300,000 tons of steel and iron; the United States, 2,636,000 tons. The United States in the last ten years paid Great Britain for iron and steel about $340,000,000, an average of, say, $34,000,000 per annum. In 1872–'73 we imported iron and steel to about $115,000,000. In September, 1873, our financial distress came and staid until 1879 or 1880. In 1878 and 1879 our imports of iron and steel were less than $10,000,000 per annum. The year ending June 30, 1880, our import of iron and steel was $53,714,008, which is five times as much as in 1878 or 1879. We imported and exported more during the fiscal year 1880 than any year in our history—

Exports	$835,638,658
Imports	667,954,746
Total	1,503,593,404
Excess of exports	167,683,912

The above figures are worthy of careful thought, and indicate that we should be careful, or the first year our crops are bad and Europe's

good the balance of trade will be against us and the panic of September, 1873, may repeat itself.

I am reliably informed that every progressive government of the Old World has made or is at work making full and complete geological surveys, and that much of the great wealth and prosperity of England, Germany, and France comes from that source.

It was supposed a few years ago that Germany had little coal worth mining. A geological survey developed a large quantity of coal. Now about fifty million tons per annum is produced in Germany. Russia has more than doubled her production of coal in the last few years. Ours is supposed to be the richest country in the world in mineral resources, especially in iron and coal, yet this is not officially and fully known or improved.

During last year we imported from Great Britain alone about fifty million dollars' worth of iron and steel; also about two million dollars' worth of coal. Think of it. With our vast resources of iron-ore and coal, that a country three thousand miles from us should send us in a single year between fifty and sixty million dollars of iron, steel, and coal.

Great Britain produces more than five hundred million dollars and exports more than one hundred million dollars' worth of steel, iron, and coal per annum. Give our States and country a good and complete natural geological survey and we may do as Britain does. Some have objected to this resolution on State-rights principles. The committee's amendment removes that objection, and requires consent of States before survey is made. Some may say the expenses of the surveys will be considerable. In my judgment the return will be a thousand for one, and the expense will not be great. We have had in progress for years a Coast Survey and a Fish Commission and an Agricultural Department which is subject to the same objection, both as to cost and State rights, as this resolution.

This resolution appropriates no money. Congress must from year to year appropriate money or none will be spent. The act of 1879, creating a "director of geological survey," says:

> The director and members of the geological survey shall have no personal or private interest in the lands or mineral wealth of the region under survey, and shall execute no survey or examination for private parties or corporations.

Why survey the public domain at the expense and neglect of the States, when next year or day the "public domain" may belong to a private party or corporation, and in a State I take it all will agree we ought to have a general geological survey, to the end that our great mineral resources and wealth shall be known and developed. The question is, ought the survey be made as a whole by the National Government or by thirty-eight States and eight Territories, in forty or fifty parts, at different times, and under different heads or chiefs?

Many of the States cannot afford to make complete geological surveys and to furnish the necessary machinery or apparatus for properly testing the different coals, ores, &c. If a national survey of the entire country be made, one set of men, machinery, and apparatus will answer for all.

A United States survey of the whole country will give a high national character and value to it, and will be accepted at home and abroad as valuable and reliable. Mineral resources and their development, like agriculture, manufactures, and commerce, add to the substantial wealth of a nation and the people. Neglect either, and the people or country cannot long prosper.

I submit a—

Table of the world's production of coal, iron, and steel.

[From the annual report of the Secretary of the American Iron and Steel Association, for 1879, with additions from The Coal Trade, by F. E. Saward, 1880, &c.]

Countries.	Coal area in square miles.	1. Mineral coal.		2. Cast or pig iron.		3. Steel.
		Years.	Tons of 2,240 lbs.	Years.	Tons of 2,240 lbs.	Tons of 2,240 lbs.
Great Britain	11,900	1877	134,179,968	1877	6,300,000	1,000,000
United States*	192,000	1879	59,808,398	1879	2,066,594	570,000
Germany	1,770	1877	48,337,950	1877	1,566,600	370,300
France	2,086	1876	16,773,779	1877	1,322,869	250,000
Belgium	510	1876	14,099,281	1877	418,366	75,000
Austria-Hungary	1,800	1875	12,852,048	1876	472,285	75,000
China	.....	1877	3,000,000	.....	.....	.....
Russia	30,000	1875	1,152,850	1875	420,484	15,000
Australasia	.....	1875	1,250,000	.....	10,000	.....
Canada	.....	1877	1,000,000	1876	7,500	.....
Sweden	.....	.....	.....	1876	346,955	25,000
Luxemburg	.....	.....	.....	1877	250,000	.....
Spain	3,500	1877	500,000	1872	73,000	.....
India	2,000	1875	500,000	.....	.....	.....
Turkey	.....	.....	150,000	.....	40,000	.....
Italy	.....	1874	182,500	.....	25,000	.....
Switzerland	.....	.....	.....	1872	7,500	.....
Mexico	.....	.....	.....	1876	7,500	.....
Japan	5,000	1874	390,000	1877	10,000	.....
Norway	.....	.....	.....	1870	3,975	.....
All other countries	.....	.....	1,000,000	.....	10,000	20,000
Total	.....	.....	285,368,376	.....	13,358,628	2,400,000

* Other estimates make the coal-fields of the United States, reckoning the Permian and tertiary coals, to embrace an area of over six hundred thousand square miles. But all estimates of their extent are as yet conjectural, and a very large portion of their actual area contains no workable coal.

It will be seen that Great Britain produces about three times as much coal, iron, and steel as we do. Yet we have many times more mineral resources than Britain, and more than the rest of the world.

The American Mail and Export Journal of November, 1879, gives the following table of the area of square miles of coal in the different countries named:

Countries.	Square miles.	Per cent.
United States	192,000	73.85
Nova Scotia	18,000	6.00
Great Britain	11,900	4.60
Spain	3,000	1.10
France	1,800	.70
Prussia	1,800	.70
Austria	1,700	.70
Belgium	900	.35
Chili, Australia, India, China, &c.	28,000	11.00

This table shows that we have 73.85 per cent. of all the coal known, and we produce about 50,000,000 tons per annum; Great Britain has but 4.60 per cent. of coal, and produces 134,000,000 tons per annum.

I regret to say Great Britain and other nations not only greatly excel us in producing mining resources, but are fast taking our ocean commerce from us. In 1825 our vessels carried of our imports and exports 92.3 per cent.; in 1855, 75.6 per cent.; in 1875, 26.2 per cent.: in 1880, 17.6 per cent. At this rate of decrease the American flag will soon seldom be seen upon the ocean.

Mr. President, I hope to see and intend to aid our whole country, and especially the South, to take an advanced position in agriculture, commerce, and manufacturing; also in developing their mineral resources.

The country or man who stands still while the world moves on will be left behind, or, as the railroad men say, standing upon the side-track, while the go-ahead or express train, with live, active men and freight upon it, moves on and takes the prize.

It is believed a good, careful, and complete geological survey of Virginia and West Virginia will show more mineral resources than all Europe. I feel sure this great country of ours, especially Virginia and West Virginia, has a great future; information, enterprise, and capital are essential to development and prosperity. A country or State, like a corporation, a firm, or an individual, to prosper must be progressive. I would respect and protect with equal care State and national Government. I cannot believe with some democrats in extreme State rights, nor can I follow many republicans in centering nearly all power in the national Government. I am for letting the dead issues rest and for cultivating the living ones. I favor a fair, just, and living tariff, that will protect equally the people and manufacturing interests. I am for an effort to regain our ocean carrying trade; we formerly had 75, now 17 per cent. I am for a proper degree of economy in all expenditures of public money, and for progress and prosperity of our entire country and people. I would encourage and foster education, agriculture, manufactures, and commerce, and do whatever else will make our whole people and country intelligent, prosperous, rich, happy, and great. We should recognize this is 1881, and not 1860.

I hope the time is not very distant when the Senate will allow me to get up the joint resolution and have it disposed of. My friend from Kentucky is opposed to it, and earnestly opposed to it, as he has a right to be; but I think that he and other Senators ought not to object to its being considered.

Mr. BECK. I have only to say in reply that I shall help to take up the joint resolution on any proper occasion after these House bills are through, and I shall then object to any limitation of debate to five minutes. I regard it as a measure simply in the interest of the men who are running great mines and other organizations of that sort, and of no good to the country, interfering with all the rights of the States. Clarence King, the director of the geological survey, closes his remarks by saying:

> Briefly and finally, in my belief the question of the passage or defeat of the resolution under consideration is the question whether it is or is not desirable and needful for the people of the United States to thoroughly know the nature, extent, and uses of their mineral possessions.

The corporations of the country would simply use him as an advertising medium of all their great mineral possessions at the cost of half a million dollars.

Mr. HEREFORD. Mr. President——

Mr. TELLER. I call for the regular order. I do not think it is worth while to discuss this question.

The VICE-PRESIDENT. The regular order is the report of the next House bill on the Calendar, which will be stated.

ADVERSE REPORTS.

The bill (H. R. No. 2377) for the relief of Catherine I. Gillis was announced as next in order on the Calendar.

Mr. ROLLINS. That bill is reported adversely.

Mr. TELLER. Let it go over.

The VICE-PRESIDENT. The next House bill on the Calendar will be reported.

The CHIEF CLERK. "A bill (H. R. No. 385) to amend the act entitled 'An act for the relief of Robert Erwin.'"

Mr. WITHERS. That bill is reported adversely.

The VICE-PRESIDENT. The bill will go over, and the next House bill on the Calendar will be reported.

The CHIEF CLERK. "A bill (H. R. No. 1493) defining the duties of Reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distributing of said reports."

Mr. WITHERS. That bill was reported adversely.

Mr. COCKRELL. I object to its consideration.

The VICE-PRESIDENT. The bill goes over, and the next House bill on the Calendar will be reported.

The CHIEF CLERK. "A bill (H. R. No. 2262) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil."

Mr. COCKRELL. There is an adverse report in that case, and I object to its consideration.

Mr. HARRIS. I suggest that under the resolution the Clerk should read nothing but bills favorably reported. The resolution provides for that.

SUITS FOR PATENT INFRINGEMENTS.

Mr. WITHERS. Order of business No. 642 is the next House bill on the Calendar favorably reported.

The VICE-PRESIDENT. It will be stated.

The bill (H. R. No. 4412) to regulate practice in suits brought to recover damages for infringement of patent was announced as being the next in order upon the Calendar.

Mr. TELLER. This bill will take a long time, and if we have not any limit on the discussion I propose to enter an objection to the consideration of the bill.

Mr. WINDOM. I move, if in order, to lay aside the pending and all prior orders, that the Senate may proceed to the consideration of this bill.

Mr. HARRIS. I hope the Senator from Colorado will not object to the consideration of the bill. I suppose it cannot take very much time now to complete the consideration of the bill.

Mr. WINDOM. The bill has been discussed two morning hours, and I think will take but a few moments. All I ask is a vote on it; but I am not willing that a single objection shall now lay it aside before the sense of the Senate is tested on it, if I have a right to test it.

The VICE-PRESIDENT. The Senator from Minnesota moves that the pending order, being the order of this morning, be set aside pending its consideration, and, should that motion prevail, that the Senate shall then proceed to the consideration of the bill just reported by its title. The question is, Will the Senate agree to the motion of the Senator from Minnesota?

Mr. TELLER. If this bill can be treated as it ought to be treated, discussed in five-minute speeches as it was yesterday, I shall not object; but if under the construction given to the rule there is unlimited debate, it will take up this morning hour and to-morrow's morning hour and every other morning hour; and the bill is not of sufficient importance, in my judgment, to crowd out a great many other proper subjects of legislation.

Mr. McMILLAN. I understand the Chair to have ruled that the five-minute rule does apply to debate on the bill.

The VICE-PRESIDENT. The Chair has indicated his opinion; he did not rule that it applied.

Mr. TELLER. If Senators will confine themselves to five minutes, and we can vote on the bill pretty soon, I shall withhold my objection. I reserve the right to renew it, however.

Mr. WINDOM. I am very unwilling that this bill should crowd out other business, and I do not want to press it to that extent. If it leads to further debate I shall try to secure an arrangement with the Senate to fix some time for its consideration, but I think we can try it for a few moments and perhaps get rid of it.

The Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment reported by the Committee on Patents, in line 19, after the word "patent," to insert "or unless the defendant puts in issue the plaintiff's right to recover anything in the action."

The question being put, there were on a division—ayes 27, noes 19.

Mr. VOORHEES. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McDONALD. Will it be in order for me now to move at this point to amend the amendment?

The VICE-PRESIDENT. It will.

Mr. BLAIR. I desire to raise the question of order, whether the amendment is open to amendment now after the yeas and nays have been ordered?

The VICE-PRESIDENT. It is.

Mr. McDONALD. I move to strike out of the proposed amendment the words "the plaintiff's right to recover anything in the action," and insert "the validity of the patent;" so as to read "or unless the defendant puts in issue the validity of the patent."

Mr. BECK. I desire only to say that while I prefer the bill tendered by the Senator from Indiana [Mr. VOORHEES] to any proposition now pending, I believe, having only five days of the session remaining, the only chance is to pass the bill just as it came from the House, and I shall vote against every amendment and every substitute, believing the House bill to be the best we can get at this Congress.

Mr. KERNAN. A single word in answer to the Senator from Kentucky. I, for one, shall vote against the bill as it came from the House. The Constitution provides that we may grant to inventors the exclusive right to the enjoyment of their inventions. We have granted patents to thousands; and now when we have given them the right we should not say that we will not let them go into court to vindicate the right except they pay the penalty of the costs of the defendant for coming in to make him pay for a violation of the right. That is the bill as it passed the House: that the plaintiff shall pay the costs on both sides unless he recovers beyond a certain sum. We say you shall secure a specific right, and if you do we say we will punish you for coming in to make the violator of your rights pay. The amendment of the committee strikes out the provision that the plaintiff must pay the costs on both sides, even when he shows that his rights have been violated and he sues for damages. The Senate amendment is fair and will discourage that litigation. It says if a man, buying of a dealer for his own use, is sued, the plaintiff shall not recover costs against the defendant unless he recovers $20 damages. It does not say we will make him pay the defendant's costs, although he does recover and shows that the defendant has violated the right. The bill as proposed to be amended by the Committee on Patents provides that the plaintiff shall not recover costs against the defendant unless he recovers damages to the amount of $20, or unless the defendant puts in issue the plaintiff's right to recover anything in the action. I think that is a fair distinction; but to say that we will pass the bill as it came from the House, as my friend from Kentucky thinks we should do, is to say to a man, "We will mulct you in favor of the wrong-doer if you dare to bring your suit to vindicate the right which we have granted to you, the exclusive right to use your own invention."

Mr. BECK. I do not regard the bill as it passed the House as having the effect suggested by the Senator from New York except in that class of cases where men in good faith and for their own use have bought a patented article without notice. I have been over Minnesota and Nebraska in the last five years a good deal, and I have seen those little driven wells which never ought to have been patented, (there is not a thing in it that ought to be patented at all,) where men have bought them in absolute good faith, paid their money for them, put them down in their own wells, and the manufacturer who sold them to those people living on those prairies——

Mr. DAVIS, of Illinois. I rise to a point of order.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Illinois will state his point of order.

Mr. DAVIS, of Illinois. I think the five-minute rule requires that debate shall be limited to one speech.

The PRESIDING OFFICER. The Senator from Kentucky had not spoken before, nor has he spoken five minutes.

Mr. DAVIS, of Illinois. But he did speak before.

Mr. BECK. I merely objected to the amendment.

Mr. DAVIS, of Illinois. The Senator objected and stated the reason for his objection.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair at the time and is not aware of the fact.

Mr. HOAR. The Senator from Kentucky spoke before the Senator from Indiana offered a new amendment, and he is entitled to speak again on the amendment.

Mr. DAVIS, of Illinois. Then he spoke again, and the Senator from New York replied to him. I have no objection to his speaking in this case, but after he has made a one or two-minute speech he is replied to, and then he gets up again to speak; and that it seems to me is a violation of the rule.

The PRESIDING OFFICER. If the Senate desires the rule to be enforced that upon any bill which comes up between this and half past one each Senator may speak but once, and for but five minutes, the Chair will so order, and will see that the rule is strictly enforced. Shall that be the order of the Senate? The Chair hears no objection.

Mr. FERRY. What is that decision?

The PRESIDING OFFICER. That the rule requiring that a Senator shall speak but once and for five minutes on any question shall be enforced.

Mr. WILLIAMS. I was not aware that the rule applies to a bill and all amendments generally, or to any new amendment.

Mr. DAVIS, of West Virginia. It applies to each amendment.

The PRESIDING OFFICER. The language of the rule applies to bills.

Mr. DAVIS, of West Virginia. I wish to make an inquiry. I understand a Senator has a right to speak to each amendment five minutes, and not to the bill of itself; that is, if a Senator thinks proper to do so, he can speak five minutes upon each amendment. That has always been the ruling of the Chair, and it has always been the ruling of the Senate, in my recollection. If it were not so, then a Senator who had spoken on a bill could not express himself upon any amendment that was afterward offered.

The PRESIDING OFFICER. The language of the order is:

> And bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only.

The Chair will hold that under the language of the rule, a Senator who has spoken once will not be allowed to speak again unless the Senate shall permit.

Mr. DAVIS, of West Virginia. On an amendment?

The PRESIDING OFFICER. On an amendment. The Senator who has spoken once on a bill, in the language of the order will be ruled not to be entitled to the floor again.

Mr. DAVIS, of West Virginia. I submit that that is a change of the standing rule of the Senate. For instance, I might speak five minutes on a bill and a substitute might be offered on which I could not address the Senate.

Mr. DAVIS, of Illinois. I rise to another point of order. Without taking an appeal from the decision of the Chair, has the Senator from West Virginia any right to speak?

The PRESIDING OFFICER. The interrogatory of the Senator from West Virginia is one that he has a right to address to the Chair upon the interpretation of the ruling. The Chair will listen to him.

Mr. DAVIS, of West Virginia. I believe it has been uniformly the rule since I have been here that under the Anthony rule a Senator could speak to an amendment at all times, and it certainly has been the rule that a Senator could move to indefinitely postpone a bill and speak on that motion. It does not cut off anybody. Of course each Senator for himself must be the judge of that. I hope it will not be understood in the Senate that if a substitute for a whole bill is offered, the Senator who has charge of the bill even, who has spoken five minutes previously, cannot express himself. I hope the Chair will at least not enforce that rule, for I think the Chair must see himself that it would be a very injurious one. I have not spoken on this bill, nor do I expect to speak upon it, but if there were fifty amendments offered a Senator could not say a word after he had spoken five minutes under the ruling of the Chair.

The PRESIDING OFFICER. The Chair will state to the Senator from West Virginia that the Senator from Illinois asked a ruling of the Chair upon the phraseology of this rule, which the Chair stated would be as has been heretofore indicated unless the Senate otherwise desired. The Chair asked whether the interpretation placed upon the rule was the desire of the Senate, and no objection was made. The Senator from West Virginia has a right to object, and the Chair will then submit the question to the Senate.

Mr. DAVIS, of West Virginia. I have no wish to object to the ruling of the Chair. The Chair knows that I have no desire to object to his ruling.

The PRESIDING OFFICER. The whole matter rests with the Senate.

Mr. DAVIS, of West Virginia. I think if Senators understand the question they will certainly want to express themselves upon amendments, and I think it has been always usual to allow that.

Mr. McDONALD. Mr. President——

The PRESIDING OFFICER. Does the Senator rise to the point of order submitted to the Senate?

Mr. McDONALD. I do not. I rise to the amendment to the bill. Is there a question of order before the Senate?

The PRESIDING OFFICER. The Chair has ruled upon the point of order. The Senator from Indiana is entitled to the floor.

Mr. McDONALD. The Senate has already accepted and adopted the amendment of the committee immediately preceding the amendment now under consideration; and that provides that in suits for the infringement of a patent against any person who has purchased an article in good faith, and for his own use, either from some vender or manufacturer, unless the plaintiff recover $20 or over he shall recover no costs against the defendant, unless it shall appear that the defendant at the time of such purchase had knowledge or actual notice of the existence of such patent; and then the committee propose to amend by saying "or unless the defendant puts in issue the plaintiff's right to recover anything in the action." That is, to entitle him to the benefit of this provision, he must be an innocent purchaser without notice, and if sued he must confess that plaintiff is entitled to recover damages, and that necessarily confesses that the instrument that he has used is an infringement of the plaintiff's patent. He is not allowed, under the provisions of this bill as the committee propose to amend it, to defend on the ground that he has an instrument that is no infringement, unless he does it at the peril of having full costs recovered against him.

The object of my amendment is simply to enable him, admitting the validity of the patent, to put in any other defense that would defeat the plaintiff's right of recovery, as, for instance, that the plow or whatever it is was not an infringement of the plaintiff's patent.

Mr. KERNAN. Or that the defendant has a previous valid patent for the same thing.

Mr. McDONALD. Yes, sir; my amendment would allow any defense that would not put in issue the validity of the plaintiff's patent, without subjecting the defendant to costs. That is all. In my opinion it is but right and just, and would give defendants-litigant some relief; whereas the measure as proposed by the Committee on Patents would tie their hands, and, so far from being a measure of relief, it would simply be an intimidation, a standing threat against a party sued, either to come up and confess judgment for something under $20 or run the responsibility of full costs if the suit went against him for any sum.

Mr. PLATT. I do not want to have it considered a speech on this bill, but I want to ask this question: Suppose the defendant should put in issue the question whether he had used the article or not, and contest that?

Mr. McDONALD. He could not do it under the amendment proposed by the committee, and claim the benefit of the provisions of the act in reference to costs. He must confess that the plaintiff is entitled to recover something; it must be, in effect, an offer to confess judgment for some sum under $20; and when he puts that offer in, then, if the plaintiff does not recover more than $20, he cannot recover costs; and that is all there is of it. There is not one particle of relief to purchasers in good faith of patented instruments under the provisions of this bill as it will be if the amendment of the committee is agreed to.

Mr. HOAR. Mr. President, the objection to the amendment of the honorable Senator from Indiana is this: A man who undertakes to use another's patent, which is his property, may go under it with a long litigation denying the validity of the assignment to the plaintiff, if the patent has been assigned to him, claiming that he has himself a right to use the article when he has no such right, putting in issue and destroying while the lawsuit lasts the entire value of property which may be worth hundreds of thousands of dollars to the patentee, and the particular damage of the use he has made is very slight, although he has tried all these questions, indirectly, as everybody knows is the operation of it, destroying the value of the patent for years until the right to the title is settled, and he is not to be put to the expense of the litigation he has made himself.

We have in the Patent Committee day after day and week after week these cases; they are coming from the North, they are coming from the West, and they are beginning to come, I am rejoiced to see, from the South. "We invented something which has been to the American people in direct saving worth hundreds of thousands of dollars; the moment the value of our invention was discovered men began to harass us by these lawsuits." The patentee who has been a great benefactor to his country, to its commerce, to its manufactures, and to its agriculture is impoverished and broken-hearted, while everybody else about him whom his patent enriches is growing rich and prosperous.

This Patent Committee appreciate the complaint which has been so eloquently stated by the honorable Senator from Indiana [Mr. VOORHEES] yesterday and by the honorable Senator from Minnesota [Mr. WINDOM] more than once. We have got a measure which we honestly believe will cut up by the roots this evil, and the committee have given it very great consideration, and I think it is their unanimous judgment; and we have gone as far, in my opinion as a lawyer—which is not, perhaps, worth much—in the opinion of the honorable chairman of the Patent Committee, [Mr. KERNAN,] which everybody will agree with me is worth much, as we can constitutionally go. And if Senators insist on the amendments which are proposed, or on adhering to the House bill, it is my deliberate judgment that the evil which they seek to cure will remain, because they have got a bill which, if it becomes nominally a law by the assent of the three bodies whose assent is necessary, never will be held to be law by the courts. Now, is it not best to try, for six or eight months at least, the operation of the measure which the committee have devised, which is free from constitutional difficulty, which is free from doubt, rather than, against the unanimous judgment of the committee which the Senate has honored by committing to them this subject, force upon the statute-book a bill which is liable at least, as these gentlemen must say, to grave constitutional objection.

The PRESIDING OFFICER. The Senator has spoken five minutes.

Mr. McDONALD. I want to make a suggestion.

The PRESIDING OFFICER. The Senator from Indiana has previously spoken on the amendment.

Mr. McDONALD. I do not propose to speak. I want to amend my amendment to meet the objection the Senator from Massachusetts has made, "or the plaintiff's title to it," so as to include the validity of the patent or the plaintiff's title to it.

The PRESIDING OFFICER. The amendment to the amendment offered by the Senator from Indiana will be read.

Mr. HOAR. Now, Mr. President——

The PRESIDING OFFICER. One moment. Let the amendment be reported by the Clerk.

The CHIEF CLERK. It is proposed to strike out in the amendment reported by the committee, in line 19, the words "the plaintiff's right to recover anything in the action" and to insert "the validity of the patent or the plaintiff's title to it."

Mr. HOAR. You do not cover the difficulty where the defendant may say "I have got an assignment of this thing from you."

Mr. McDONALD. All I ask is that the defendant may be allowed to set up any defense he has to show that he has not infringed the plaintiff's patent.

Mr. HOAR. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOAR. There was some confusion in the Senate and I am not sure whether the Chair has held that under the rule a Senator's right to speak is limited to five minutes on the entire bill, or extends to five minutes on any pending question under the bill.

The PRESIDING OFFICER. On the bill, if no subsequent question arises under the bill; but on amendments a Senator would have a right to speak five minutes, it being a question which arises on the consideration of the bill.

Mr. HOAR. I desire, then, to speak to the new amendment offered by the Senator from Indiana.

Let me repeat the constitutional proposition: Congress has a right to reward inventors and discoverers by giving them the exclusive title to their inventions or discoveries for a limited term of time. That is the only right that it has; it cannot give them anything else under this clause. The exclusive right vesting in the inventor by law, having vested in previous inventors who have got their patents already by law, you cannot constitutionally say that if the man brings a suit and recovers but $18 as the value of the infringement of his right, he shall be held as a condition for that recovery to pay $1,000, or $5,000, or anything else.

It is true that in some of the States where there are several courts having jurisdiction of the same subject, you may impose on a plaintiff who goes to the Supreme Court with a little case instead of going to a magistrate the condition of compelling him to pay costs, because you have left open to him one tribunal where he can go without this onerous condition; but where you have but one constitutional tribunal to which a plaintiff can lawfully go, it is the limit of your power when you say he shall not recover costs; that is within your control always, but you cannot say to a man who has got a constitutional right worth $18, and who sues in the only court provided by the Constitution and laws, that he shall do so only at the cost of paying $500 to somebody else. That is my proposition. Whether I am right or wrong, is not that a grave enough doubt to justify a wise constitutional lawyer and a wise statesman in giving a trial to this remedy as we have framed it, and see whether it will not satisfy your people and destroy this evil, which I agree justifies all the indignation which you express, rather than to send this bill, as the House propose it, to its fate elsewhere?

Mr. WINDOM. I rise merely to say a word, and that is to express the hope that we may accept the amendment proposed by the Senate Committee on Patents. As I said yesterday, it does not go as far as I should like to go; but I am perfectly satisfied from the expressions I hear all about me and from the temper of the Senate that if the amendments of the committee are voted down to-day this session will close before any bill on this subject will be passed. I therefore myself, and for myself only, accept the proposition of the Senator from Massachusetts to test this bill. It will remove many of the evils, if it does not cure them all; and I say, in conclusion, that it is to the interest of those who advocate the rights of the patentee that some such bill as this shall be passed, for just so certainly as these abuses go on a few years longer as they have for the last few years, you will find action upon this subject that will injure the patentees, if there be any such power under the Constitution of the United States. These abuses must be cured, or more radical legislation than that proposed by the House bill will follow.

Mr. KIRKWOOD. Mr. President, I had at one time intended to say something in regard to this bill. I have some very well settled convictions in regard to what should be done in relation to this subject of patents; but I have refrained and intend to refrain, so that I shall not interfere at least with the transaction of other business before the Senate. If the Senate shall see fit to put upon the bill the amendment reported by its Committee on Patents, I shall still vote for the bill; but I prefer the bill as it came from the House, and I do hope the gentlemen who have a desire to have some bill passed at this session and gentlemen who desire to have some other business done besides that involved in this bill will allow the vote to be taken. I restrain myself very much when I refrain from endeavoring to argue this question in my way, and I think that if other Senators would place the same restraint upon themselves we may pass along somewhat rapidly with this and other business besides.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana [Mr. MCDONALD] to the amendment of the Committee on Patents.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the committee, upon which the yeas and nays have been ordered.

Mr. DAVIS, of Illinois. I really think this is a much better provision than the one that the Senator from Indiana has suggested, and I hope it will be adopted.

The yeas and nays were taken.

Mr. MORRILL, (after having voted in the affirmative.) I desire to withdraw my vote. I for the moment forgot that I was paired with the Senator from Virginia, [Mr. WITHERS.] If present, he would vote against the amendment and I should vote for it.

The result was announced—yeas 27, nays 30; as follows:

YEAS—27.

Allison,	Cameron of Pa.,	Hoar,	Rollins,
Anthony,	Davis of Illinois,	Johnston,	Saunders,
Baldwin,	Dawes,	Jones of Nevada,	Slater,
Bayard,	Eaton,	Kernan,	Teller,
Booth,	Ferry,	Logan,	Wallace,
Brown,	Hamlin,	McMillan,	Windom.
Burnside,	Hill of Colorado,	Platt,	

NAYS—30.

Bailey,	Groome,	Lamar,	Saulsbury,
Beck,	Grover,	McDonald,	Vance,
Blair,	Hampton,	Maxey,	Vest,
Butler,	Harris,	Morgan,	Voorhees,
Coke,	Hereford,	Pendleton,	Walker,
Davis of W. Va.,	Ingalls,	Plumb,	Williams.
Farley,	Jonas,	Pugh,	
Garland,	Jones of Florida,	Ransom,	

ABSENT—18.

Blaine,	Conkling,	McPherson,	Thurman,
Bruce,	Edmunds,	Morrill,	Whyte,
Call,	Hill of Georgia,	Paddock,	Withers.
Cameron of Wis.,	Kellogg,	Randolph,	
Cockrell,	Kirkwood,	Sharon,	

So the amendment was rejected.

Mr. HOAR. Mr. President, I object to the further consideration of the bill.

The PRESIDING OFFICER. The Senator from Massachusetts objects to the further consideration of this bill. Under the ruling of the Chair it goes over.

Mr. WINDOM. I should move to postpone all prior orders and proceed with this bill; but when I suggested that motion awhile ago I distinctly said to the Senate that if it was found to be impossible to pass the bill to-day, I would not press it to the exclusion of other business. I am satisfied, now that this amendment is voted down, that this bill is to meet with such opposition that it will be impossible to pass it to-day or at any other time during this session; and therefore, while I shall vote for the bill on all occasions, I shall not myself thrust it in the face of the Senate to the exclusion of other business.

The PRESIDING OFFICER. The next House bill on the Calendar will be reported.

CONSTRUCTION FUND FOR THE NAVY.

The bill (H. R. No. 3983) to provide a construction fund for the Navy, and for other purposes, was announced as the next in order.

Mr. DAVIS, of Illinois. This bill will lead undoubtedly to a great deal of discussion, and the chairman of the Naval Committee is not in his seat. I do not want to object to anything, but I think we had better pass the bill over until some other time.

Mr. BURNSIDE. I hope the Senator from Illinois will allow this bill to be acted on.

Mr. DAVIS, of Illinois. I do not object to it.

Mr. BURNSIDE. There are other members of the Naval Committee here who can take charge of the bill; and any one who has opposition can express it in five minutes. There is no reason why it should not be acted upon at any rate.

Mr. DAVIS, of Illinois. I do not object.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. ALLISON. I want to hear it read first.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk proceeded to read the bill, but before concluding,

Mr. TELLER. I think we have heard enough. I will enter an objection.

The PRESIDING OFFICER. The next House bill on the Calendar will be read.

Mr. ANTHONY. I suggest to the Senator from Colorado to allow this bill to be laid over without prejudice.

Mr. TELLER. I will not object to that.

The PRESIDING OFFICER. Shall the bill retain its place on the Calendar? The Chair hears no objection. The next House bill favorably reported will be read.

HIRAM JOHNSON AND OTHERS.

The Chief Clerk read the title of the bill (H. R. No. 6033) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. PLUMB. I object to that, Mr. President.

Mr. COCKRELL. I hope the objection will not be made until the Senator from Tennessee [Mr. HARRIS] is in his seat. He will be here in a moment.

Mr. PLUMB. I have no objection to its being laid over without prejudice.

Mr. COCKRELL. The Senator from Tennessee has charge of the bill. He is engaged in a conference, and will be here in a moment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. TELLER and others. Yes.

The PRESIDING OFFICER. It is objected to and will go over, retaining its place on the Calendar.

Mr. COCKRELL. I requested that that might be detained just one moment. The Senator from Tennessee is on a conference committee.

The PRESIDING OFFICER. It was passed over without prejudice.

Mr. DAVIS, of West Virginia. It can be taken up when he comes in.

Mr. COCKRELL. But it loses its place if it is passed over, and the Senator from Tennessee has no chance.

The PRESIDING OFFICER. The Chair has no option except to enforce the rule. The bill was objected to, and went over under the rule.

Mr. PLUMB. I did not know that the Senator from Missouri expected the Senate to sit here waiting for some Senator to come into his seat and postpone all business until he came back. I am willing

this bill shall remain on the Calendar to be called up when he comes in.

Mr. DAVIS, of West Virginia. I ask consent that when the Senator from Tennessee comes in this bill may be taken up.

Mr. PLUMB. Reserving the right to object.

Mr. BAILEY. My colleague does not ask the Senate to wait for him. If the Senate will take up the bill the report made by the committee can be read and my colleague will be here in his seat by the time that is through and ready to attend to business. I trust the objection will be withdrawn and the bill be considered and the report read.

Mr. TELLER. I suggest that it is not in order to discuss this. Let us go on.

The PRESIDING OFFICER. The Chair has ruled that under the objection made the bill goes over, retaining its place on the Calendar.

Mr. HARRIS. I hope the Senator from Kansas will not interpose an objection to the consideration of the bill. It has been on the Calendar since some time last summer and I think we shall have no difficulty in satisfying the Senate that it is meritorious. Whether it is so or not I hope the Senator will not cut us off from an opportunity of invoking the judgment of the Senate as to the question.

Mr. PLUMB. I withdraw the objection for the present, reserving the right to interpose it at another stage. I am satisfied that the bill should not pass.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

Mr. HARRIS. Now if the Secretary will read the report of the committee it will develop the material facts respecting the case.

The Chief Clerk proceeded to read the report, submitted by Mr. HAMPTON from the Committee on Military Affairs, June 15, 1880, but before concluding was interrupted by

Mr. MORRILL. I think this is a bill in which my colleague [Mr. EDMUNDS] has taken a considerable interest, and therefore in his behalf I will make an objection.

The PRESIDING OFFICER. The Senator from Vermont objects to the further consideration of the bill.

Mr. HARRIS. I beg to say to the Senator from Vermont that upon a former occasion when this bill was for a short time under discussion, I do not think his colleague took any part in the discussion of it or made a single suggestion. If he takes any special interest in it, I certainly have no evidence of that fact, and I am very anxious that the Senate should consider the bill.

Mr. MORRILL. I believe that this was a bill that was under discussion at the close of the last session and I am informed that my colleague does take an interest in the bill.

The PRESIDING OFFICER. The Senator insists on the objection.

Mr. MORRILL. I shall be compelled to do it.

The PRESIDING OFFICER. The bill goes over, and the next House bill favorably reported on the Calendar will be laid before the Senate.

Mr. HARRIS. Will the Senator consent to let this go over without prejudice, so that if his colleague shall appear I may call it up?

Mr. MORRILL. I prefer to leave it so that my colleague can act his pleasure about it when he is here. I expect he will be here on Monday.

Mr. HOAR. I suggest to the Senator from Vermont that if the bill goes over in consequence of the absence of a Senator, which is a matter of courtesy and not of strict right, it is no more than fair that what the Senator from Tennessee suggests should be done, that it go over without prejudice. One objection will send it over then just as much as it does now.

Mr. MORRILL. I accept the suggestion proposed by the Senator from Tennessee that it may go over without prejudice.

The PRESIDING OFFICER. The bill will retain its place on the Calendar without prejudice.

EIGHT-HOUR LAW.

The joint resolution (H. R. No. 239) to provide for the enforcement of the eight-hour law was announced to be the next in order on the Calendar.

Mr. DAVIS, of West Virginia. Does that come from a committee?

Mr. MORRILL. It is adversely reported and therefore it should not be considered.

Mr. DAVIS, of West Virginia. If adversely reported it does not come up under the rule.

Mr. VOORHEES. It has not been adversely reported.

Mr. BUTLER. I object to its present consideration.

The PRESIDING OFFICER. The Chair would state that the resolution has not been adversely reported, the fact being that it has not been before any committee and it lies on the table for a second reading.

Mr. DAVIS, of West Virginia. Then it does not come under the rule.

Mr. BAILEY. The bill was indefinitely postponed, I think.

Mr. JONES, of Florida. Is not this a House bill?

The PRESIDING OFFICER. It is a House joint resolution, considered by a vote of the Senate as equivalent to a House bill. The Senator from South Carolina [Mr. BUTLER] objects to the present consideration of this joint resolution, and it goes over under the rule.

ABSENTEE SHAWNEE LANDS.

The bill (H. R. No. 1197) for the relief of settlers upon the absentee Shawnee lands in Kansas, and for other purposes, was announced as being the next House bill upon the Calendar in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Is there a report with that bill?

The PRESIDING OFFICER. There is a House report setting forth the facts in the case.

Mr. COCKRELL. Let it be read.

Mr. INGALLS. I can state to the Senator from Missouri the condition of this bill, so as I think to obviate the necessity of reading the report.

Mr. COCKRELL. That will be more satisfactory.

Mr. INGALLS. It is a measure to provide for carrying out the provisions of previous treaties and existing laws and joint resolutions for the disposition of the lands of the absentee Shawnee Indians. Under the provisions of the joint resolution of April, 1869, there were some three or four tracts, not exceeding in the aggregate four hundred acres in all, that by some casualty escaped; and this bill is merely to provide that the provisions of those previous laws shall apply to these few tracts. The bill has been carefully examined by the committees of both Houses. The report of the House committee contains communications from the Commissioner of the General Land Office and the Secretary of the Interior approving the provisions of the bill.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The bill is before the Senate as in Committee of the Whole, and subject to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF CORNELIUS BOYLE.

The bill (H. R. No. 4646) for the relief of the heirs of Cornelius Boyle was announced as next in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. McMILLAN. Let the report accompanying that bill be read.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HARRIS December 20, 1880:

The Committee on the District of Columbia, to which was referred the bill (H. R. No. 4646) for the relief of the heirs of Cornelius Boyle, has considered the same, and submits the following report:

In 1863 Cornelius Boyle was the owner in fee of lot No. 10, in square No. 40, in the city of Washington, District of Columbia. In that year said lot was libeled and condemned under the provisions of the act of July 17, 1862. And under the orders of the United States district court for the District of Columbia, the life estate of the said Cornelius Boyle was, by the marshal of the United States for the District of Columbia, sold and conveyed to one Shepherd, who held the same during the life of said Boyle. That said Boyle died in March, 1878, and soon thereafter the possession of said lot was restored to the heirs of the said Boyle, but encumbered by the accumulation of taxes, general and special, which had accrued between the years 1863 and 1878, while said Shepherd held the property under the deed of the marshal, amounting to $3,432.39, which is more than the present market value of the lot.

If the heirs are compelled to pay this accumulation of taxes, it amounts to practical confiscation of the remainder as well as the life estate.

The committee is of opinion that it was the duty of the District government to have compelled the tenant for life to have paid the taxes as they accrued; and having failed to do so, it is unjust to enforce the lien as against these heirs, some of whom are minors, and all of whom were, by the sale of the life estate, deprived of the power to make the property yield such income as would have paid the taxes as they accrued.

Therefore, the committee recommends that the taxes be remitted for the time said property was held and enjoyed by the vendee of the Government, and report the bill back with the recommendation that it pass.

Mr. McMILLAN. This is another instance of an application for the remission of taxes upon real estate in this District because the property happened to be confiscated during the war, and it has now gone into the possession of those entitled to it, the taxes in the mean time remaining unpaid.

There is no reason whatever for the remission of these taxes except the fact that they are unpaid, and that the authorities of the District have not enforced their collection heretofore. Precisely the same facts were presented in the case yesterday, except that this case is not quite so strong in some of its features as perhaps that one was. If we are to remit taxes merely because the authorities have not enforced their collection, we may set about supporting the government of this District ourselves. The tenant of property is not responsible for the taxes so far as the Government is concerned in this first instance. The taxes are levied upon the real estate itself, and all proceedings for their collection are proceedings against the land itself, and no government ever looks to the tenant or to the occupant of the land for the payment of taxes. The revenue is raised by taxation upon the real estate of the District.

Mr. JONES, of Florida. How is it as to personal property?

Mr. McMILLAN. Personal property in some respects may be different; this is real estate, and that question does not arise here. The personal property, of course, is subject to taxation also, and the personal property can be sold for the taxes as real estate can be. But this is real estate; the property is here in the District; the taxes have been regularly levied and assessed, and there is no complaint whatever in regard to their regularity, as I understand. The only claim made for the remission of the taxes is the fact that they have remained uncollected heretofore. If you take any real estate and add the aggregate of taxes for many years, of course the amount will be large. That is no reason why the taxes should not be paid.

I do not feel at liberty to interpose an objection to the consideration of this bill, because it comes from a committee of which I am a member, and in the committee, of course, my action was the same as it is now in the Senate.

Mr. HARRIS. That is quite true; the Senator from Minnesota voted against the report of the committee in committee, if it is proper for me to say so. The Senator is quite right in his statement that this is precisely the same question that was presented to the Senate yesterday when the measure was objected to and argued against by the Senator from Minnesota on the bill for the relief of the heirs of Edward B. Clark, a case where taxes were assessed as against property that had been sold under the confiscation act, where the authorities remained silent and failed to make the confiscation tenant pay the taxes year by year for a dozen or so years; and when the confiscation title ceased, the life estate terminated, the accumulation of taxes amounts to a sum equal to if not greater than the actual value of the property. The only question is whether the property shall be confiscated in the hands of the heirs as it was in the hands of the ancestor. The Senate yesterday decided by a vote of two or three to one that they would not so confiscate it; and as the Senate have pronounced that judgment so recently, I will not take up the time of the Senate in further discussion of the bill, but ask for a vote upon its passage.

Mr. McMILLAN. I shall ask for the yeas and nays on the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDING OFFICER. On the passage of the bill the Senator from Minnesota calls for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 17; as follows:

YEAS—31.

Bailey,	Davis of W. Va.,	Hereford,	Randolph,
Bayard,	Eaton,	Jonas,	Saulsbury,
Beck,	Farley,	Jones of Florida,	Slater,
Booth,	Garland,	Kernan,	Vest,
Brown,	Groome,	Lamar,	Voorhees,
Call,	Grover,	Maxey,	Walker,
Cockrell,	Hampton,	Morgan,	Williams.
Coke,	Harris,	Pugh,	

NAYS—17.

Anthony,	Ferry,	McMillan,	Saunders,
Baldwin,	Hill of Colorado,	Morrill,	Teller.
Blair,	Kellogg,	Paddock,	
Burnside,	Kirkwood,	Platt,	
Dawes,	Logan,	Rollins,	

ABSENT—27.

Allison,	Davis of Illinois,	Jones of Nevada,	Thurman,
Blaine,	Edmunds,	McDonald,	Vance,
Bruce,	Hamlin,	McPherson,	Wallace,
Butler,	Hill of Georgia,	Pendleton,	Whyte,
Cameron of Pa.,	Hoar,	Plumb,	Windom,
Cameron of Wis.,	Ingalls,	Ransom,	Withers.
Conkling,	Johnston,	Sharon,	

So the bill was passed.

CONVERSION OF BULLION INTO COIN.

The next House bill on the Calendar was the bill (H. R. No. 6545) to amend section 3524 of the Revised Statutes, so as to authorize a charge for melting or refining bullion when at or above standard; which was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DISTRICT MUNICIPAL CODE.

The next House bill on the Calendar was the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia.

Mr. HARRIS. That bill is one of three hundred and thirty-five pages. Two weeks ago I was exceedingly anxious to obtain consideration for it. It is now too late for the Senate to take action upon the bill, and it might as well go over. It is impossible to consider the bill at this stage of the session.

The PRESIDING OFFICER. The bill will be passed over.

J. M. MICOU.

The bill (H. R. No. 4002) for the relief of the estate of J. M. Micou, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $685.67, without interest, to the estate of J. M. Micou, deceased, for rent of storehouse in Montgomery, Alabama, from August 1, 1865, to April 2, 1866, used for storing quartermasters' stores, under contract with him, at a monthly rental of $85 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The hour of half past one has arrived. The Chair will lay before the Senate——

Mr. RANSOM. I move that all pending and prior orders be postponed until to-morrow, and that the river and harbor bill be taken up. I have been informed by the Senator from Connecticut [Mr. EATON] that the Senator from Rhode Island [Mr. BURNSIDE] had already given notice that he desired at this moment to occupy a very short time in some remarks that he wishes to submit, and I will give way for those remarks.

The PRESIDING OFFICER. Before the Chair submits that question to the Senate he will lay several bills and joint resolutions from the House of Representatives before the Senate for reference.

HOUSE BILLS REFERRED.

The following bills of the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 1560) granting a pension to James B. White; and

A bill (H. R. No. 7111) restoring the name of Andrew J. Pennel to the pension-roll.

The following bill and joint resolutions from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 6860) for the relief of William H. Davis;

A joint resolution (H. R. No. 413) authorizing the Secretary of War to turn over to Governor Roberts, of Texas, such tents, poles, and pins as he may require for the use of the volunteers of the State for their encampment for the year 1881; and

A joint resolution (H. R. No. 414) relating to loaning tents for soldiers' reunions in Indiana and Iowa.

The following joint resolutions from the House of Representatives were severally read twice by their titles, and referred to the Committee on Printing:

A joint resolution (H. R. No. 402) to provide for the publication of the memorial addresses of Evarts W. Farr; and

A joint resolution (H. R. No. 405) to print the report of the tenth census of the United States.

BARGE W. J. SPICER.

The joint resolution (H. R. No. 401) in relation to the barge W. J. Spicer was read the first time by its title.

Mr. FERRY. I ask for the present consideration of the joint resolution. The Committee on Commerce have considered a joint resolution in its precise form, and it was reported unanimously by that committee.

The PRESIDING OFFICER. The joint resolution will be read at length for information.

The joint resolution was read the second time at length, as follows:

Resolved, &c., That the barge W. J. Spicer, built in Canada but bought by an American citizen and brought into the United States, on payment of duties on the materials entering into her construction, be admitted to the privileges extended to barges of American build and ownership by "An act relating to vessels not propelled by sail or internal motive power of their own, and for other purposes," approved June 30, 1879.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. FERRY. I ask that Senate joint resolution No. 159, in relation to the barge W. I. Spicer, be indefinitely postponed, so as to relieve the Calendar.

The PRESIDING OFFICER. Such will be the order, if there be no objection.

OBSEQUIES OF THE LATE SENATOR CARPENTER.

The VICE-PRESIDENT appointed as the committee on the part of the Senate under the resolution of the 24th instant, for superintending the funeral of the late Senator MATTHEW H. CARPENTER, Mr. CAMERON, of Wisconsin, Mr. CONKLING, Mr. LOGAN, Mr. PENDLETON, and Mr. COCKRELL.

RIVER AND HARBOR BILL.

Mr. WALLACE. I desire to appeal to the Senator from Rhode Island to yield the floor to me temporarily, that I may have passed a Senate bill which affects important interests in my State. As I am about to leave the Senate, I trust the Senate will do me the courtesy to take up and pass the bill.

Mr. BURNSIDE. In point of fact the Senator from North Carolina [Mr. RANSOM] has the floor for the consideration of the river and harbor bill.

Mr. RANSOM. I have yielded under the circumstances to the Senator from Rhode Island to make some remarks which he has prepared. I have gone very far in doing that, and I hope no other Senator will ask for any indulgence, as I shall be obliged to refuse it. I ask now that the river and harbor bill be taken up so as to be pending before the Senate, and then I will give the floor for ten minutes to the Senator from Rhode Island.

The PRESIDING OFFICER, (Mr. GARLAND.) Is there objection to the river and harbor bill being brought before the Senate for present consideration? The Chair hears none, and the bill is before the Senate.

Mr. RANSOM. I ask that the bill be laid aside temporarily informally, in order that the Senator from Rhode Island may address the Senate.

The PRESIDING OFFICER. The Chair hears no objection to the course suggested by the Senator from North Carolina, and the Senator from Rhode Island is entitled to the floor.

ALLEGED ELECTION FRAUDS.

Mr. HOAR. I ask leave to dispose of a matter which was brought up yesterday which will take but one moment. I think it is a privileged motion. Yesterday I moved to reconsider the vote accepting and ordering to be printed a report made by the honorable Senator

from Pennsylvania, [Mr. WALLACE.] It is now agreed that the first thirty-three pages of that portion of the document entitled "Part 3," shall be stricken from the document as having been reported inadvertently, and that my motion to reconsider shall be withdrawn.

The PRESIDING OFFICER. Such will be the order if there be no objection.

Mr. WALLACE. The order is that those pages be not printed with the document or circulated with the document?

Mr. HOAR. That is it.

The PRESIDING OFFICER. The motion to reconsider is withdrawn?

Mr. HOAR. The motion to reconsider is withdrawn.

The PRESIDING OFFICER. Such is the order.

THE BRIG GENERAL ARMSTRONG.

Mr. PENDLETON. The unfinished business of yesterday is Senate bill No. 1441. I desire that that bill shall be laid before the Senate in order that it may retain its place, and then I will give way.

The PRESIDING OFFICER. The Secretary will read the bill by its title, for the purpose indicated by the Senator from Ohio.

The CHIEF CLERK. "A bill (S. No. 1441) for the relief of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, or assigns."

The PRESIDING OFFICER. The bill is before the Senate, and will be laid aside for the purpose of considering the river and harbor bill.

Mr. PENDLETON. Without losing its place.

The PRESIDING OFFICER. Without losing its place.

ISTHMUS SHIP-CANALS.

Mr. EATON. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. BURNSIDE] has the floor.

Mr. EATON. I understand he has, and it is for the further pleasure of the Senator from Rhode Island that I now move to temporarily lay aside the river and harbor bill.

Mr. RANSOM. If my friend will pardon me, I had already agreed that the river and harbor bill should be temporarily laid aside so that the Senator from Rhode Island might address the Senate.

The PRESIDING OFFICER. So the Chair understood the Senator from North Carolina.

Mr. EATON. I now move that the resolution which I had the honor of reporting from the Committee on Foreign Relations be taken up in order that the Senator from Rhode Island may address the Senate.

The PRESIDING OFFICER. If there is no objection, such will be the order. The resolution will be reported.

The Chief Clerk read the following resolution reported by Mr. EATON from the Committee on Foreign Relations February 16, 1881:

Resolved by the Senate, (the House of Representatives concurring,) That the interests of the people of the United States of America and the welfare and security of their Government are so involved in the subject of the construction of ship-canals and other ways for the transportation of sea-going vessels across the isthmus connecting North and South America that the Government of the United States, with the frankness which is due to all other peoples and governments, hereby asserts that it will insist that its consent is a necessary condition-precedent to the execution of any such project; and also as to the rules and regulations under which other nations shall participate in the use of such canals or other ways, either in peace or in war.

Mr. BURNSIDE. Mr. President, I heartily congratulate the Committee on Foreign Relations, and especially its honored chairman, [Mr. EATON,] upon reporting the resolution which has just been read at the desk. It is both terse and comprehensive in its declarations, and, in my opinion, fully embodies the sentiment of the American people as to the non-interference of foreign powers with the affairs of our continent. I am very glad that the committee has reported this resolution, instead of the one that I had the honor to introduce on the 25th day of June, 1879, as it is much broader in its scope and spirit, and is much more satisfactory to me.

Some of our most eminent citizens claim that the so-called Monroe doctrine has answered its purpose; and that the construction of a ship-canal across the Isthmus by any foreign power, or any corporation organized under the authority of any foreign power, has no relation or connection with this doctrine.

The ablest papers that I have yet seen expressing this view are the one read by one of the most distinguished citizens of the State which I have the honor to in part represent, Professor Gammell, before the Rhode Island Historical Society, and the one prepared by the late Secretary of the Navy, Hon. R. W. Thompson.

No time can be allotted to me at this late day of the session to go into a long argument in answer to these most able papers, but I will say that the principal error which their authors and others who hold the same views have fallen into is this: they fail to see that President Monroe went just as far as it was necessary to meet the exigency which then presented itself, and that the same principle which governed him in his celebrated declaration should govern us in meeting the present condition of affairs by declaring that no ship-canal or ship-railway shall be established upon the Isthmus without our approval.

The principle governing both declarations is a living principle, which lies at the very foundation of public safety. Sir, the safety of the Republic should be the controlling idea with all public men in the exercise of their official duties. President Monroe was actuated in the enunciation which he made by a desire to promote the welfare and safety of the Republic; and we should feel that we are carrying out, or rather continuing his doctrine by meeting the present emergency in precisely the same spirit. It is an easy matter for us to say at this period of great national prosperity that we do not care to impede the progress of commerce and trade by standing in the way of a great improvement like the construction of the Isthmus canal, no matter by whom the work is to be prosecuted; and it is also easy for us to make ourselves believe that no complications can arise in the present generation from its construction; but when we deliberately cast our thoughts into the future, and contemplate the great trouble which may come upon the Republic from the construction of such a thoroughfare should it be under the control of any other power than our own, we should hesitate to leave to our posterity a question fraught with so much danger as this would be. It is our duty to meet the emergency now, and to say to the civilized world that under no circumstances will we allow anything to be done on this continent which in the slightest degree jeopardizes our safety or questions the fact that there is here no "Balance of Power." We should say, in language unmistakable in its meaning, that we are the rulers on this continent; that our wishes are to be consulted, and that we are absolutely and distinctly in the majority; that we will not allow any retrograde steps on the part of any government existing on this continent; that we will encourage every advance toward republican form of government, and will at all times seek to make government on this continent homogeneous.

People who claim that the enunciation of this principle means war with foreign powers are, in my opinion, greatly mistaken. It means peace with foreign powers. Should a faltering policy at this time be adopted to meet the present demands of commerce and trade, it will entail upon our posterity complications and wars which will cost the Republic tenfold or more the price of building a canal across the Isthmus on any one of the proposed routes. Let Congress pass this resolution, and peace upon this question will be secured during our generation and for all time.

I am perfectly aware of the existence of the Clayton-Bulwer treaty, but do not think it necessary to discuss its provisions now. My remarks relate to the public safety, which we are bound as a first duty to protect.

Mr. President, let us do our duty at this time and declare to the world that under no circumstances will we allow a thoroughfare to be established across the Isthmus without our consent. I have had no reason to change my views in the slightest degree upon this subject since I had the honor of addressing this body more at large on the 2d of December, 1879, although there has been considerable discussion throughout the country *pro* and *con*.

The Senator from Connecticut during the six years that he has graced this Senate has rendered most honest, faithful, efficient, and distinguished services not only to this body, but to the country, but none of these services, in my opinion, will shine with more brilliancy in our history than this last great service which he has rendered in reporting this resolution. He will be long held in kind remembrance by all patriotic people.

It is time, Mr. President, that we should begin to look to our foreign relations, and I am glad to congratulate the present Administration upon the high and manly stand which it has taken upon matters of an international character which have come before it. When Lord Salisbury curtly refused to consider our claim for reparation for the Fortune Bay outrage, the Executive sent to the two Houses of Congress a message declaring that the honor and interest of the country should be vindicated by the restoration of the duties on fish from the Dominion until the wrong is righted. Congress in my judgment very unwisely adjourned without taking any action upon that recommendation.

The executive department has taken the strongest possible ground with reference to this Isthmus canal question, and yet Congress made no move in that direction until the introduction of this resolution and the resolution of the House, of which I will not speak, because I have no right to refer to the action of that body.

As to the Samoan Islands, all Europe is striving to gain a foothold in the south seas, maintaining costly consulates and fleets, and yet we have refused to give our consul at Apia more than a thousand dollars a year. Japan offered to give us a building lot for our legation, and the Executive recommended its acceptance and also a small appropriation for a fire-proof building to save our records from the destructive conflagrations so frequent there. We failed to respond to this recommendation.

The diplomatic agents of Europe are busy in all the republics of Central America. We who are more interested than any other nation send one man to represent us at Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua. Any person at all conversant with the lines of communication and travel in those countries will readily see that he cannot visit those capitals more than once a year, if as often as that, and neither he nor our representative in Colombia—the most important place in my estimation in our diplomatic service—is allowed to employ a secretary. I need not comment upon these facts. They speak for themselves, and show to our people that their representatives should proceed to the enunciation of the principles which ought to govern our foreign relations.

Mr. President, I hope this resolution will pass the Senate.

The PRESIDING OFFICER. The resolution will be laid aside, and the consideration of the river and harbor bill resumed.

Mr. EATON. As my friend from North Carolina is not here at this moment, unless some Senator desires to discuss the principles involved in the resolution I shall be willing to put it to a vote. The resolution is an argument in itself, clean cut, asserting the determination of the United States with regard to the questions involved, and therefore I should be glad to see a vote taken by yeas and nays on the resolution without further discussion, and let it go to the world.

Mr. HOAR. I hope the Senator from Connecticut——

Mr. RANSOM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. RANSOM. I do not like to interrupt the Senator from Massachusetts, but this was the limit of my courtesy.

Mr. HOAR. I shall take but about two minutes.

Mr. EATON. I do not propose to discuss it.

Mr. HOAR. I was about to say to the honorable Senator from Connecticut, in furtherance of what I understand to be the desire of the Senator from North Carolina, that the Senator from Minnesota, [Mr. WINDOM,] who is not now in his seat, desires, I believe, to address the Senate in support of the doctrine enunciated by this resolution. He certainly announced to the Senate that he desired to take the earliest possible opportunity to make some remarks upon the subject. It would be, I am sure, not the desire of the Senator from Connecticut to deprive the Senator from Minnesota of that right.

Mr. EATON. Not at all.

Mr. HOAR. I desire to say that while the doctrine of the resolution and the doctrine of my friend from Rhode Island, I trust, will meet the unanimous approbation of Congress, yet it is possible that in one particular the expression of the resolution may require modification or consideration. I hope the Senator will not press it to a vote this morning.

Mr. EATON. Certainly not.

The PRESIDING OFFICER. The resolution will go over.

AMENDMENTS TO BILLS.

Mr. ALLISON, Mr. CALL, Mr. CAMERON of Pennsylvania, Mr. COCKRELL, Mr. JOHNSTON, Mr. JONES of Florida, Mr. MAXEY, Mr. MORGAN, Mr. PENDLETON, Mr. PLUMB, Mr. RANSOM, Mr. SLATER, Mr. VANCE, Mr. VOORHEES, and Mr. WALKER submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLUMB submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN, from the Committee on Rules, reported an amendment intended to be proposed to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAXEY, from the Committee on Military Affairs, reported an amendment intended to be proposed to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. INGALLS, from the committee on the District of Columbia, reported an amendment intended to be proposed to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (S. No. 2220) to authorize the Secretary of War to purchase certain papers relating to the late war, reported it without amendment.

RIVER AND HARBOR BILL.

Mr. RANSOM. I now move that the Senate proceed with the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. RANSOM. I hope the bill will be read, not formally, but for action upon the amendments of the Committee on Commerce as they are reached in the reading.

The PRESIDING OFFICER. The Secretary will read the bill, and the amendments of the Committee on Commerce will be acted upon as they are reached in order in the reading.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Commerce was to strike out the following clause, from line 10 to line 20:

The Secretary of War shall cause to be let by contract all public works authorized under this act except for surveys and estimates. Such contracts shall be made, after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution of the work according to such contract; and for the proper payment of all liabilities incurred in the prosecution thereof for labor and material: *Provided*, That in the opinion of the Secretary of War the interests of the Government shall not be actually injured thereby.

The amendment was agreed to.

The next amendment was, in line 62, after "United States," to strike out "to the bed of the estuary and training walls of this work is secured, free of expense to the Government, in a manner satisfactory to the Secretary of War" and in lieu thereof to insert "to make such improvements as are herein provided shall be secured free of expense to the United States, in a manner satisfactory to the Secretary of War;" so as to make the clause read:

Improving Oakland Harbor, California, $60,000; and the sums of money heretofore appropriated for this improvement and unexpended are hereby reappropriated; but the sums so appropriated and reappropriated shall not be available until the right of the United States to make such improvements as are herein provided shall be secured free of expense to the United States, in a manner satisfactory to the Secretary of War.

The amendment was agreed to.

The next amendment was, in line 85, to increase the appropriation "for improving harbor at Little Sodus Bay, New York," from $7,500 to $20,000.

The amendment was agreed to.

The next amendment was, after line 88, to insert:

Deepening and widening the channel in Gowanus Bay and the Harbor of New York, $40,000.

The amendment was agreed to.

The next amendment was, after line 92, to insert:

Improving harbor of New Rochelle, New York, $20,000.

The amendment was agreed to.

The next amendment was, in line 130, after the words "Greenbrier River," to strike out "twenty" and insert "twenty-four;" in line 131, after the word "sum," to strike out "twelve" and insert "fifteen;" and in line 133, after the word "and," to strike out "eight" and insert "nine;" so as to make the clause read:

Improving New River from lead mines in Wythe County, Virginia, to mouth of Greenbrier River, $24,000; of which sum $15,000 shall be expended in the continuation of the work from the mouth of Greenbrier up, and $9,000 in the continuation of the work from the lead mines in Wythe County down.

The amendment was agreed to.

The next amendment was, after the word "Georgia," in line 140, to strike out "twenty-five" and insert "sixty-five;" in line 142, before the word "thousand," to strike out "one" and insert "five;" and in line 143, after the word "land," to insert "taken for widening the channel opposite Savannah;" so as to make the clause read:

Improving Savannah Harbor and River, Georgia, $65,000; of which sum $5,000 may be applied to payment of damages for land taken for widening the channel opposite Savannah.

The amendment was agreed to.

The next amendment was, in line 150, to increase the appropriation "for improving harbor at Mobile, Alabama," from $90,000 to $100,000.

Mr. MORGAN. At the proper time I propose to amend this item so as to add $25,000 to the $100,000 reported by the committee.

Mr. RANSOM. The question is upon the adoption of the amendment of the committee now.

Mr. MORGAN. Of course I am for concurring in the amendment, but I simply say that I desire to offer an additional amendment. Agreeing to this amendment will not cut me off from the privilege of offering it hereafter?

The PRESIDING OFFICER. The Senator will have an opportunity afterward to offer his amendment.

Mr. BROWN. Is it necessary for us to give notice of amendments to which we desire to move amendments?

The PRESIDING OFFICER. It is not necessary. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 153, to increase the appropriation "for improving the Mississippi River at and near Vicksburgh, and protection of harbor of Vicksburgh, Mississippi," from $50,000 to $75,000.

The amendment was agreed to.

The next amendment was, in line 182, after the word "harbor," to strike out "ten" and insert "twenty-five;" so as to make the clause read:

Improving harbor at Michigan City, Indiana: Continuing operations at outside harbor, $20,000; for continuing improvement on the inner harbor, $25,000.

The amendment was agreed to.

Mr. LOGAN. Will the Clerk tell me on what page of the bill he is reading?

The PRESIDING OFFICER. Page 9, line 186.

Mr. RANSOM. If the Senator from Illinois will pardon me, I should like to suggest to him that there is no amendment of the committee there. I should be glad if the amendments of the committee could be first acted upon, and then he can move any amendment he desires.

Mr. LOGAN. I have no objection to that course. I desire to offer an amendment to line 184, the item of appropriation for improving the harbor at Calumet, Illinois.

The PRESIDING OFFICER. The Senator from Illinois will have an opportunity.

Mr. RANSOM. I will remind the Senator from Illinois of it myself.

Mr. LOGAN. Will that apply to all the amendments that may be offered by individual Senators?

The PRESIDING OFFICER. That is the rule adopted by the Senate.

Mr. LOGAN. Very well; I will not offer the amendment until after the amendments of the committee shall have been acted on.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Commerce was, in line 213, to increase the appropriation for "improving harbor and river at Au Sable, Michigan," from $4,000 to $6,000.

The amendment was agreed to.

The next amendment was, in line 238, to increase the appropriation for "improving harbor at Muskegon, Michigan," from $10,000 to $20,000.

The amendment was agreed to.

The next amendment was, in line 242, to increase the appropriation for "improving harbor at Pentwater, Michigan," from $6,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 247, to increase the appropriation for "improving river and harbor at Saint Joseph, and water-channel leading up to Benton Harbor, Michigan," from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was, after line 254, to insert

Improving Grand River from its mouth to the city of Grand Rapids, Michigan, $10,000.

The amendment was agreed to.

The next amendment was, after line 256, to insert:

Continuing improvement of Clinton River, Michigan, $8,000.

The amendment was agreed to.

The next amendment was, after line 258, to insert:

Removing bar at ice-harbor of refuge at Belle River, Michigan, $7,000.

The amendment was agreed to.

The next amendment was, in line 289, to increase the appropriation for "improving Superior Bay, Wisconsin: dredging for improvement of natural entrance and for repairing existing works," from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 291, to increase the appropriation for "harbor of refuge at Sturgeon Bay Canal, Wisconsin," from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, after line 293, to insert:

Improving harbor at Oconto, Wisconsin, $10,000.

The amendment was agreed to.

The next amendment was, in line 300, to increase the appropriation for "improving harbor at Grand Marais, Minnesota," from $10,000 to $20,000.

The amendment was agreed to.

The next amendment was, in line 302, to increase the appropriation for "improving harbor at Duluth, Minnesota," from $25,000 to $40,000.

The amendment was agreed to.

The next amendment was, in line 304, to increase the appropriation for "improving the harbor at Wilmington, California," from $12,000 to $33,000.

The amendment was agreed to.

The next amendment was, after line 305, to insert:

Improving Humboldt Harbor and Bay, $40,000.

The amendment was agreed to.

The Secretary read to line 315.

Mr. HAMLIN. I offer an amendment at that point, because it is one that virtually comes from the committee. It was omitted inadvertently.

Mr. RANSOM. The Committee would have reported the amendment, but the Senator from Maine was not here.

Mr. HAMLIN. In line 314 I move to strike out "$20,000" and insert "$66,000," so as to read:

Improving Lubec Channel, Maine, $66,000.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Commerce was, in line 316, after the word "New Hampshire," to strike out "five" and insert "ten;" and in line 317, after the word "dollars," to insert "of which sum an amount not exceeding $750 shall be available immediately, to be used in acquiring title to land used in the cut-off at 'Ox Bow;'" so as to make the clause read:

Improving Exeter River, New Hampshire, $10,000; of which sum an amount not exceeding $750 shall be available immediately, to be used in acquiring title to land used in the cut-off at "Ox Bow."

Mr. ROLLINS. That is an error; the appropriation should be $15,000. It was so agreed to by the committee. I move to amend by striking out $5,000 and inserting $15,000.

The PRESIDING OFFICER. Is that the report of the committee?

Mr. RANSOM. That should have been the report of the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment increasing the appropriation for improving Exeter River, New Hampshire, from $5,000 to $15,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 320, to insert:

Improving New Lamprey River, New Hampshire, below New Market, $10,000.

Mr. ROLLINS. The word "New" should be stricken out before "Lamprey." It is the wrong name.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Commerce was, in line 335, to increase the appropriation for improving "Providence River and Narragansett Bay, Rhode Island," from $40,000 to $60,000.

The amendment was agreed to.

The next amendment was, after line 335, to insert:

Improving Potonomut River, Rhode Island, $5,000.

Mr. ANTHONY. There is a typographical error there. It should be "Potonowut"—"w" instead of "m."

The PRESIDING OFFICER. The correction will be made. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 342, before the word "thousand," to strike out "fifty" and insert "eighty-five;" and in line 344, after the word "river," to strike out "forty-five," and insert "eighty;" so as to read:

Improving Mississippi, Missouri, and Arkansas Rivers: Removing snags, wrecks, and other obstructions, $185,000; of which sum $80,000 shall be expended on the Mississippi River, $80,000 on the Missouri River, and $25,000 on the Arkansas River. And the work herein provided for shall be prosecuted at all seasons of the year, especially between the 1st day of July and the 1st day of November of each year.

The amendment was agreed to.

The next amendment was, after the word "year," in line 349, to insert the following proviso:

Provided, That so much of said sum of $80,000 hereby appropriated to the Missouri River as may be necessary shall be expended in the construction of a snag and dredge boat to be used in said river, the balance of said $80,000 to be expended in operating said boat.

The amendment was agreed to.

The next amendment was, in line 374, to increase the appropriation for "improving Buttermilk Channel, New York," from $40,000 to $60,000.

This amendment was agreed to.

The next amendment was, after line 450, to insert:

Improving Chester River from Spry's Landing to Crumpton, Maryland, $6,500.

The amendment was agreed to.

The next amendment was, after line 452, to insert:

Improving water-passage between Deal's Island and Little Deal's Island, Maryland, $5,000.

The amendment was agreed to.

The next amendment was, in line 455, after the word "Virginia," to strike out "ten" and insert "twenty;" and in line 456, after the word "dollars," to insert "to be expended on the improvement of the river and harbor at Petersburgh, Virginia;" so as to make the clause read:

Improving Appomattox River, Virginia, $20,000, to be expended in the improvement of the river and harbor at Petersburgh, Virginia.

The amendment was agreed to.

The next amendment was, after the word "Virginia," in line 499, to strike out "twenty" and insert "forty;" so as to make the clause read:

Improving Little Kanawha River, West Virginia, $40,000: *Provided*, That no tolls shall be collected by the Little Kanawha Navigator Company for that part of the river improved by the General Government.

Mr. HEREFORD. At line 501 there is a misprint. It should read "Navigation Company."

The PRESIDING OFFICER. The correction will be made.

Mr. SAULSBURY. In that connection I should like to ask the Senator from West Virginia if the navigation of that river is not under the control of a company?

Mr. HEREFORD. There is a provision here that no tolls shall be collected by the company for that portion of the river improved by the General Government.

Mr. TELLER. I cannot hear the Senator. What part of the river does he say is under the control of this navigation company?

Mr. HEREFORD. The lower part, toward the mouth. This is for the improvement above.

Mr. TELLER. Then we are improving, as I understand, the upper part of the river for the benefit of this navigation company below?

Mr. HEREFORD. No, sir; it is for the benefit of the commerce of the people.

Mr. SAULSBURY. I do not know anything about the commercial importance of the river, but if the navigation of the stream is obstructed by a corporation which charges toll, I do not think it wise for Congress to be appropriating money for the benefit of a company that controls the navigation of the stream.

Mr. HEREFORD. The Senator from Delaware must know as well

as any gentleman that we cannot insert any other provision in this bill to control the company. The appropriation is for the purpose of improving the commerce of the people on the upper part of the river.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 504, after the words "North Carolina," to strike out "ten" and insert "from the ocean to Wilmington, one hundred and forty;" so as to make the clause read:

Improving Cape Fear River, North Carolina, from the ocean to Wilmington, $140,000.

Mr. TELLER. That is such a large increase that I should like to ask the chairman of the Committee on Commerce what is the necessity for it?

Mr. RANSOM. I will not detain the Senate nor my friend from Colorado a minute. It is a very proper inquiry that he should make, for the increase is a large one. I shall not take up the time of the Senate unless my friend from Colorado desires it. If he will notice in the report of the Secretary of War, it is suggested that a further report should be made upon this matter, and since the general report has come in the engineer, a very able engineer, Colonel Craighill, of the Army, has made his supplemental report on that matter, and his estimate is for $400,000.

Mr. TELLER. That is, I suppose, a report that has come in that we have not had the benefit of. It has come in since the bill has been before the committee, I understand.

Mr. RANSOM. No, sir; it came in after the bill left the House.

Mr. TELLER. But it has not been printed.

Mr. RANSOM. It has not been printed. I will submit it to my friend to read at his leisure.

The PRESIDING OFFICER. Does the Senator from Colorado desire to have the report read?

Mr. TELLER. No, sir; I will read it myself.

The PRESIDING OFFICER. Does the Senator desire to have the amendment passed over?

Mr. TELLER. No, sir.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 506, to insert:

Improving the Cape Fear River from Wilmington to Fayetteville, North Carolina, $30,000.

The amendment was agreed to.

The next amendment was, in line 514, to increase the appropriation for improving "Neuse River from its mouth to head of navigation, North Carolina," from $15,000 to $30,000.

The amendment was agreed to.

The next amendment was, in line 516, to increase the appropriation for "improving Pamlico and Tar Rivers, North Carolina," from $3,000 to $8,000.

Mr. THURMAN. If I were not afraid of making the chairman of the Committee on Commerce mad with me, so that he will not vote for a little amendment that I have to propose, I would call attention to something rather curious about this bill.

Mr. RANSOM. I will answer the Senator with great pleasure.

Mr. THURMAN. The House passed an appropriation for improving Cape Fear River, North Carolina, $10,000. Our committee changes that "to improve the Cape Fear River from the ocean to Wilmington, $140,000," and then "for improving Cape Fear River from Wilmington to Fayetteville, $30,000." That is, instead of $10,000 as the appropriation was made in the bill as it came from the House, the committee report $170,000, seventeen times as large as the House gave. Then going down we come to Neuse River. The House thought $15,000 was enough for that, but our committee find it requires $30,000, and so they have reported an amendment making it $30,000. Then we come to Pamlico and Tar Rivers. The House thought $3,000 was enough, our committee increase it to $8,000. Then we come to Trent River, wherever that is. It is somewhere in North Carolina. The House thought that $2,000 would do, but our committee think $5,000 absolutely necessary. Then the House did not think anything was necessary for the Yadkin River, for Contentnia Creek, wherever that is, or Beaufort Harbor, or Lillington River, but our committee think $11,000 necessary for Yadkin River, $10,000 necessary for Contentnia Creek, $30,000 necessary for Beaufort Harbor, and $3,000 for Lillington River, but they could not give us $20,000 more to go on with the work of the ice-harbor on the Ohio River, at the mouth of the Muskingum, although both the local engineer and the Chief Engineer recommended an appropriation of $136,000.

I do not understand these amendments. Lillington River is much more important, it seems, than the navigation of the Ohio River and preserving its commerce from being destroyed by the out-going ice, and Contentnia Creek in North Carolina is far more important than the Ohio River. I only want to say to my friend that I do not propose any log-rolling to him at all, but I hope when I come to move my amendment the same liberal spirit that has taken care of his State will induce him to look across the Alleghanies in a kindly manner.

Mr. RANSOM. The Senator from Ohio did not hear the explanation that I made to the Senator from Colorado, which I think was satisfactory to him and to the Senate.

I dislike to take up the time of the Senate, but I will state again to my friend from Ohio—for I certainly call him my friend—that the report has since been made in reference to Cape Fear River. That report is now in the hands of my friend from Colorado, and is a very strong one in favor of the further improvement of the river, and recommends at the lowest estimate for the next year $400,000. For the Upper Cape Fear we have taken on half the estimate.

I do not like to say exactly what this proposed leap at North Carolina from my friend means. I know it means that he expects a little favor from me toward the ice-harbor at Muskingum. I wish I could grant what he desires in that regard; but the Senator says he is not for a bargain, and I certainly am not.

Let me say one word if it is proper to do so. This bill came from the House to the Senate with $65,000 only appropriated for the State of North Carolina, not as much for the whole of that State as the Senate last year gave the ice-harbor of Muskingum in the State of the Senator from Ohio.

Mr. THURMAN. No, $50,000 was given to it.

Mr. RANSOM. Sixty-five thousand dollars was given by the House to the State of North Carolina. I suppose it is not wrong for me to say to the Senate that we have a coast line in that State of between two hundred and fifty and three hundred miles; that North Carolina has within her borders more water surface than any State, perhaps more than any two States in the Republic; that she has four great rivers making up from her bays and sounds and from the ocean through the central part of the State, all of them large and all of them navigable; and that the harbor at Wilmington, of which my friend spoke, is the great harbor of refuge for all the vessels on the eastern coast which are wrecked or disabled in the perils of Hatteras.

I will simply say to the Senate, as Senators will not have time now to look over the estimates, and it is due from me that I should say so, that in each one of the appropriations with reference to North Carolina I have gone below, and in many of them far below, the estimates of the engineers.

Mr. THURMAN. What is the estimate for the French Broad?

Mr. RANSOM. The estimate of the engineers is about $10,000. My friend has gone at one grand leap from Currituck up to Cherokee. He has made a great stride, leaving the coast of North Carolina; but he has been disposed to be facetious, and if it was anybody else except the Senator from Ohio I would say that the innocence of geography of the Senator ought not to be taken by the Senate as an argument against the river and harbor bill; but I will not say that in reference to my friend. Here are all the estimates for North Carolina in this bill cut down, making but very little, if anything, beyond the appropriation that my friend has helped to make in that State for the many years he has been in the Senate.

Mr. VANCE. If my colleague will allow me a moment, I will say that the present appropriations for the whole of North Carolina lack $50,000 of the amount given by the bill to the Ohio River, to say nothing of the thousands and hundreds of thousands that have been heretofore given to the improvement of the Ohio, when several of these streams in North Carolina have never had one dollar before. If the Senator will allow me, the reason why we are anxious to have these small streams and tributaries improved is in consequence of the agitation going over the country by reason of high railroad charges. People are now unwilling to pay very heavy freights, and, to avoid being subject to those high charges, an improvement of small streams in the eastern part of North Carolina, with a very small amount of money on the part of the Government, will enable farmers to transport their cotton, their lumber, and heavy freight to the port where it is to be shipped abroad, without subjecting them to the high rates charged by rail.

Mr. MORGAN. I have no remark to make about the appropriations for North Carolina or any other State, except in reference to the principle that seems to be advanced here as a basis for the action of the committee and also of the House of Representatives; and that is that the appropriations must be made to States. I understand the theory of the river and harbor bill has always been that the appropriations were made for the benefit of the commerce of the country; that an appropriation could not be established except as contributing to the commerce of the United States, and that otherwise it is a matter which more properly belongs to the States.

This argument has been prevailing in the Senate now for two or three years, and I have endeavored always to combat it. I cannot admit that proposition as a sufficient basis of my action in the Senate upon one of these bills. I cannot vote to give the money of the people of the United States to any State to works of internal improvement, but will vote to contribute what is proper out of the general revenues of the country to the promotion of the commerce of the country at large.

The junior Senator from North Carolina [Mr. VANCE] referred to the fact that this bill, and I suppose in that remark he would include all bills of a similar character, was framed in relation to the preparation of other convenient channels of commerce by some competition with the present railroad system of the United States, so as to cheapen transportation to the seaboard. That is not a correct basis of action in the Senate, for if that be so, if we desire to get control of transportation to the seaboard or elsewhere through appropria-

tions made by Congress out of the common Treasury of the United States, we have the same right to build other railroads to compete with those now existing as we have to open rivers for that purpose.

That is not a correct basis of action in the Senate. It is not a correct principle, and if these two ideas are followed in the appropriation bills for works of internal improvement, so-called river and harbor improvements, we shall find ourselves inside of five years voting $100,000,000 for these works of internal improvement, for that is the very reason that has superinduced the log-rolling system into these bills which is so pernicious and so odious. Members imagine that their States should receive appropriations whether they have got conveniences or water-course to furnish advantages to the commerce of the country, merely because they have so much population and so much political power, and they give their aid to these bills because of the amount of money that they receive under them. Members have been continually rising in the House and in the Senate and demanding that more money should be given to their States, and even to their districts. In reading the debates of the other body during the past few years, I have observed frequent demands made that money should be appropriated as a condition for a member giving his vote on the bill. It will be impossible for us ever to get this system of log-rolling out of these bills and to get down to a system of appropriation for these works consistent with our duty to the Constitution of the United States, unless we commence a proceeding on the correct principle. The principles stated by the Senators from North Carolina, in reply to the remarks of the Senator from Ohio, are not correct, in my judgment, and I felt it to be my duty to answer them.

Mr. THURMAN. My friend from North Carolina [Mr. RANSOM] with very great justice taunts me with my ignorance of geography. I plead guilty, provided a river and harbor bill is to be taken as an improved geography; but if the geographies that are in use in our schools and those we have in our libraries are books that we may rely upon, then I think I could make a good defense, for I am quite sure that no author of any geography in use in America or anywhere else ever heard of many of the places that are to be found in every river and harbor bill that has passed Congress for years past or in the bill which is now before us.

I ought to know something about the State of Virginia—old Virginia—but upon my honor I never heard of Nomoni Creek, Virginia, for which $2,000 are given in this bill. I never heard of Pagan Creek, in Virginia, for which $5,000 are given in this bill. I certainly never heard of Totuski River, Virginia, and I doubt now whether my learned friend from North Carolina, great geographer as he is, could tell on the spur of the moment where Totuski River is.

Mr. RANSOM. I have looked into it thoroughly.

Mr. THURMAN. Ah! The Senator has looked into it since he was appointed chairman of the Committee on Commerce. I venture to say that before he was on that committee he never heard of it. Now, coming to his own State, I really do not believe until he attained that position which he fills so gracefully and with so much ability that he knew all the places that are mentioned here in his own State. I do not think he ever heard of Contentnia Creek. I do not think he ever heard of Lillington River.

Mr. RANSOM. One of the first battles of the Revolution was fought on Lillington River—a most distinguished battle.

Mr. THURMAN. Upon my word, then, it was a very great mistake in all the people who wrote the history of the war of the Revolution that they never mentioned the river. It must have gone by some other name in those days.

Mr. RANSOM. No; it went by that name.

Mr. THURMAN. I must say it is the first I have ever heard of it.

Mr. RANSOM. The river was named after General Lillington, of the Revolution, one of the most distinguished men in the South in the Revolution.

Mr. THURMAN. Here is another place: "Improving Town Creek, in North Carolina, $1,000." I do not know what town it is that gives its name to this creek.

Mr. RANSOM. It was one of the earliest settlements in this country. When I spoke of the Senator's innocence of geography I had no idea that I should have to say something presently about his innocence of history. One of the very first settlements of the English people on this continent was on Town Creek.

Mr. THURMAN. And it has got along without an appropriation until my honorable friend got to be chairman of the Committee on Commerce, when, groping around in the far-distant annals of North Carolina, in the time past when some few white men settled there among the Indians, he has found that there is a place called Town Creek, and so he gives it $1,000, not because it needs it for navigation, but because of the historical connection of that place.

Mr. RANSOM. If my friend had looked at the report of the engineers on Town Creek he would have seen that this improvement is a proper and necessary one.

Mr. THURMAN. I should like to know what $1,000 can do to improve the town or creek.

Mr. RANSOM. In fact it should have been $10,000 or $20,000, but with a modesty for which North Carolina is proverbial I only ask for $1,000.

Mr. THURMAN. That is all true, but we have been voting ever since I have been in the Senate, year after year, to improve the French Broad in North Carolina so that catfish could navigate it, and I suppose we shall go on to the end of time, as long at least as there are catfish in the stream.

But, Mr. President, I do not want to take up the time of the Senate with this matter. I only want to appeal to my friend that while he is just and very generous to his own State he shall have a little favor to others.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 519, to increase the appropriation for improving "Trent River, North Carolina," from $2,000 to $5,000.

The amendment was agreed to.

The next amendment was, after line 520, to insert:

Improving Yadkin River, North Carolina, $12,000.

The amendment was agreed to.

The next amendment was, after line 522, to insert:

Improving Contentnia Creek, North Carolina, $10,000.

The amendment was agreed to.

The next amendment was, after line 524, to insert:

Improving Beaufort Harbor, North Carolina, $30,000.

The amendment was agreed to.

The next amendment was, after line 526, to insert:

Improving Lillington River, North Carolina, $3,000.

The amendment was agreed to.

The next amendment was, in line 534, to increase the appropriation for "improving Waccemaw River, South Carolina, from its mouth up to Waccemaw Lake, North Carolina," from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, after line 535, to insert:

Improving Town Creek, in North Carolina, $1,000.

The amendment was agreed to.

The next amendment was, in line 556, to increase the appropriation for "improving Choctawhatchee River, Florida and Alabama, up to Newton," from $7,000 to $10,000.

The amendment was agreed to.

The next amendment was, after line 563, to insert:

Improving Pea's Creek, in Florida, $7,000.

The amendment was agreed to.

The next amendment was, after line 565, to insert:

Improving Withlacoochee River, in Florida, $7,500.

The amendment was agreed to.

The next amendment was, in line 635, to increase the appropriation for "improving Arkansas River between Fort Smith, Arkansas, and Wichita, Kansas," from $20,000 to $24,000.

The amendment was agreed to.

The next amendment was, in line 638, to increase the appropriation for "improving Arkansas River at Pine Bluff, Arkansas," from $20,000 to $23,000.

The amendment was agreed to.

The next amendment was, in line 639, after the word "Arkansas," to insert "and Missouri;" in line 640, before the word "thousand," to strike out "five" and insert "six;" and in the same line, after the word "dollars," to insert "to be applied from Poplar Bluff;" so as to read:

Improving Black River, Arkansas and Missouri, $6,000, to be applied from Poplar Bluff.

The amendment was agreed to.

The next amendment was, in line 641, to increase the appropriation for "improving Fourche Le Fevre River, Arkansas," from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, in line 644, to increase the appropriation for "improving Ouachita River, Arkansas and Louisiana," from $10,000 to $12,000.

The amendment was agreed to.

The next amendment was, in line 645, to increase the appropriation for "improving Saline River, Arkansas," from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, in line 648, to increase the appropriation for "improving White River between Jacksonport and Buffalo Shoals, Arkansas," from $6,000 to $8,000.

The amendment was agreed to.

The next amendment was, in line 650, to increase the appropriation for "improving White and Saint Francis Rivers," Arkansas, from $6,000 to $8,000.

The amendment was agreed to.

The next amendment was, after line 650, to insert:

Improving Little Red River, Arkansas, $10,000.

The amendment was agreed to.

Mr. BAILEY. I wish to call the attention of the Senator in charge of the bill to line 670, the item for improving "Hiawassee River." The letter "a" should be stricken out after "i," it is Hiwassee—a mere verbal correction.

The PRESIDING OFFICER. The Clerk will make the necessary correction.

The Secretary resumed and continued the reading of the bill. The

next amendment of the Committee on Commerce was, after line 675, to insert:

Improving Red River from its mouth to Port Royal, in Montgomery County, Tennessee, $5,000.

The amendment was agreed to.

The next amendment was, in line 683, to increase the appropriation for "improving Kentucky River from its mouth to Three Forks, Kentucky," from $100,000 to $125,000.

The amendment was agreed to.

The next amendment was, in line 686, after the word "navigation," to strike out "thirty," and insert "fifty;" in line 687, after the word "sum," to strike out "twenty-eight" and insert "forty-six;" and in line 688, before the word "thousand," to strike out "two" and insert "four;" so as to read:

Improving Big Sandy River from Catlettsburgh, Kentucky, to head of navigation, $50,000; of which sum $46,000 shall be expended at Louisa, and $4,000 in the continuation of works on the upper river.

The amendment was agreed to.

The next amendment was, in line 692, after the word "Indiana," to strike out "twenty-five" and insert "fifty;" and in line 693, after the word "dollars," to insert "one-half of which is to be used on the river above Vincennes;" so as to read:

Improving Wabash River, Indiana, $50,000, one-half of which is to be used on the river above Vincennes.

The amendment was agreed to.

The reading of the bill was continued to line 716.

Mr. RANSOM. In behalf of the committee I move an amendment that was omitted. After line 716 I move to insert:

Completion of work of improving sand-bar in Mississippi River opposite Guttenbergh, Iowa, $5,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 741, after the word "canal," to insert "and Saint Clair Flats Canal;" so as to make the clause read:

And hereafter, for the purpose of operating and keeping in repair the Des Moines Rapids Canal, and Saint Mary's Falls Canal, and Saint Clair Flats Canal, and the Louisville and Portland Canal, the Secretary of War is authorized to draw his requisition on the Secretary of the Treasury, from time to time, which requisition shall be paid out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, in line 750, to increase the appropriation for "improving Cuivre River, Missouri, from mouth to Chain of Rocks, and removing snags and obstructions," from $2,000 to $5,000.

The amendment was agreed to.

The next amendment was, after line 755, to insert:

Improving Missouri River, from Kansas City to its mouth, $35,000.

The amendment was agreed to.

The next amendment was, in line 763, to increase the appropriation for "improving Missouri River at Council Bluffs, Iowa, and at Omaha, Nebraska," from $20,000 to $30,000.

The amendment was agreed to.

The next amendment was, in line 765, to increase the appropriation for "improving the Missouri River at Eastport, Iowa, and at Nebraska City, Nebraska," from $14,000 to $20,000.

The amendment was agreed to.

The next amendment was to strike out lines 791 and 792, as follows:

Improving Saint Clair Flats, Michigan: Repairs, &c., $5,000.

The amendment was agreed to.

The next amendment was, in line 798, after the word "dollars," to insert "which shall be available immediately after the passage of this act;" so as to make the clause read:

Repairs and contingencies of public works at Saint Anthony's Falls, Minnesota: To meet repairs necessary, present and prospective, $15,000, which shall be available immediately after the passage of this act.

The amendment was agreed to.

The next amendment was, after line 804, to insert:

Constructing a lock and dam at Goose Rapids, on the Red River of the North Minnesota and Dakota, $20,000.

The amendment was agreed to.

The next amendment was, after line 809, to insert:

Continuing improvement at the entrance of Coos Bay Harbor, $30,000.

The amendment was agreed to.

The next amendment was, in line 823, to increase the appropriation for "improving Sacramento River, California," from $30,000 to $60,000.

The amendment was agreed to.

The next amendment was, in line 825, after the word "California," to strike out "twenty" and insert "forty;" and in line 826, after the word "dollars," to insert "$10,000 of which amount may be used, in the discretion of the engineer, in the improvement of Mormon Slough;" so as to read:

Improving San Joaquin River, California, $40,000; $10,000 of which amount may be used, in the discretion of the engineer, in the improvement of Mormon Slough.

The amendment was agreed to.

The next amendment was, after line 865, to insert:

Improving Bayou Black, in Louisiana, $10,000.

The amendment was agreed to.

The next amendment was, in line 870, after the word "Missouri," to insert "and Arkansas, from Doniphan to its mouth;" so as to read:

Improving Current River, Missouri and Arkansas, from Doniphan to its mouth, $20,000.

The amendment was agreed to.

The next amendment was, in line 875, after the word "Delaware," to strike out "ten thousand" and insert: "Deepening the channel and improving the Harbor of Christiana River, from the Delaware River to and above the city of Wilmington, in accordance with the surveys and plans of the United States Engineer Department, $50,000;" so as to make the clause read:

Improving Christiana River and Wilmington Harbor, Delaware: Deepening the channel and improving the Harbor of Christiana River, from the Delaware River to and above the city of Wilmington, in accordance with the surveys and plans of the United States Engineer Department, $50,000.

The amendment was agreed to.

The next amendment was, to strike out lines 895 and 896, as follows:

Improving Pasquotank River, North Carolina, $5,000.

The amendment was agreed to.

The next amendment was, after line 988, to insert:

Such parts of the money appropriated by this act for any particular improvement requiring locks and dams as may be necessary in the prosecution of such improvement may be expended in the purchase, voluntary or by condemnation, as the case may be, of necessary sites: *Provided*, That such expenditures shall be under the direction of the Secretary of War: *And provided further*, That if the owners of such lands shall refuse to sell them at reasonable prices, then the prices to be paid shall be determined and the title and jurisdiction procured in the manner prescribed by the laws of the State in which such lands or sites are situated. It shall be the duty of the Secretary of War to apply the money herein appropriated for improvements, other than surveys and estimates, in carrying on the various works, as far as can be without detriment to the interest of the Government, by contract. Where such works cannot be done by contract without injury to the public interest, they may be prosecuted by hired labor. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution of the work according to such contract, and for the proper payment of all liabilities incurred in the prosecution thereof for labor and material; but this clause shall not be so construed as to prevent the continuance of work on the Great Kanawha by hired labor, unless the Secretary of War is satisfied that the public interest requires such change.

The amendment was agreed to.

The next amendment was, in section 3, providing for "examinations or surveys, or both, and estimates of cost of improvements," after line 7, to insert:

The Chattahoochee River, in Georgia, between West Point and Bolton, on the Western and Atlantic Railroad, so as to complete the survey of that portion of said river.

The amendment was agreed to.

The next amendment was, in section 3, after line 31, to insert:

Beaver Bay, Minnesota, to ascertain the cost and practicability of making it a harbor of refuge.

The amendment was agreed to.

The next amendment was, in section 3, after line 33, to insert:

Grand Portage Bay and Wans-wan-goising Bay, Minnesota, to determine which, if either, should be made a harbor of refuge.

The amendment was agreed to.

The Secretary continued the reading of the bill to the end of line 39, in section 3.

Mr. MAXEY. I call the attention of the Senator from North Carolina to line 39. The word "Texas" should be inserted after "Matagorda;" so as to read:

Matagorda Bay at the mouth of Saint Mary's Bayou, near the town of Matagorda, Texas.

Mr. RANSOM. That correction can be made.

The PRESIDING OFFICER. The bill will be so corrected.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Commerce was, in section 3, line 44, after the word "from," to strike out "Gaston" and insert "Weldon;" so as to read:

Roanoke River from Weldon, North Carolina, to Clarksville, Virginia.

The amendment was agreed to.

The next amendment was, in section 3, after line 61, to insert:

And the Secretary of War is hereby directed to cause to be made examinations and surveys, or both, and estimates of the cost of the further improvements necessary to be maade in the Savannah River and Harbor to increase the depth of the water in said river and harbor from the bar up to the city to twenty-two feet, and to make an estimate of the cost of widening the channel of the Savannah River opposite the city to six hundred feet of uniform depth with the balance of the channel.

The amendment was agreed to.

The next amendment was, in section 3, after line 73, to insert:

Snake River from Lewiston to the mouth of Salmon River, Idaho Territory.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill to the end of line 94, of section 3.

Mr. DAVIS, of Illinois. In line 93 the word "Newport" should be "Newark," I think.

Mr. RANSOM. "Newport" should be "New York," I think, in line

93. Gentlemen who ought to know tell me it is "Newark," however, and I move that amendment, so as to read:

From a point between Ellis Island and the docks of New Jersey Central Railroad to a point between Robbins' Reef Light and Constable Hook, in waters of Newark Bay, New Jersey.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Commerce was, in section 3, after line 122, to insert:

For a further survey of James River, for the purpose of ascertaining the practicability and cost of procuring a channel of twenty-five feet at full tide from Richmond to the mouth of the river.

The amendment was agreed to.

The next amendment was, after line 126 of section 3, to insert:

Survey of Upper Machodoc Creek, a tributary of Potomac River.

The amendment was agreed to.

The next amendment was, after line 128 of section 3, to insert:

Survey of Urbana Creek, a tributary of Rappahannock River, from the village of Urbana to the Oaks.

The amendment was agreed to.

The next amendment was, after line 130 of section 3, to insert:

The harbor of Mamaroneck, New York.

The amendment was agreed to.

The next amendment was, after line 131 of section 3, to insert:

Cumberland River at Smith's Shoals, in the State of Kentucky, to ascertain the practicability and cost of a canal, with locks and dams, from the head to the foot of said shoals.

The amendment was agreed to.

The next amendment was, after line 134 of section 3, to insert:

The harbor at the Delaware Breakwater, and the entrance thereto.

The amendment was agreed to.

The next amendment was, after line 136 of section 3, to insert:

Indian River, in the State of Delaware, from its mouth to Millsborough.

The amendment was agreed to.

The next amendment was, after line 138 of section 3, to insert:

For ascertaining, first, the cost of improving the Hiawassee, Little Tennessee, and Savannah Rivers up to the head of practicable slackwater navigation; second, exact profiles of the routes through Hightower and Rabun Gaps, with cross-sections at suitable points, from which it can be determined to what extent the inclined-plane system can be utilized, and estimates of the cost of building the necessary canal can be made; third, a comparison of the cost, distances, lockage, &c., of the Hiawasse and Little Tennessee routes with each other, and with the corresponding elements of the route, via Tennessee, Coosa, and Ockmulgee Rivers, surveyed in 1874, $15,000.

The amendment was agreed to.

The next amendment was, after line 152 of section 3, to insert:

Survey of the Clarion River from its mouth to Ridgway, Pennsylvania.

The amendment was agreed to.

The next amendment was, after line 154 of section 3, to insert:

From Brazos de Santiago, through Laguna Madre, to Point Isabel, Texas, to ascertain the cost and practicability of a deep-water channel from the anchorage at Brazos de Santiago to the railroad-wharf at Point Isabel.

The amendment was agreed to.

The next amendment was, after line 158 of section 3, to insert:

Survey for breakwater and harbor of refuge at Milford, Connecticut.

The amendment was agreed to.

The next amendment was, after line 160 of section 3, to insert:

Entrance to Gray's Harbor, Washington Territory.

The amendment was agreed to.

The next amendment was, after line 161 of section 3, to insert:

Between Baker's Bay and Shoalwater Bay, Washington Territory, for canal for light-draught vessels.

The amendment was agreed to.

The next amendment was, after line 163 of section 3, to insert:

Missouri River at or near Arrow Rock.

The amendment was agreed to.

The next amendment was, after line 164 of section 3, to insert:

Survey and estimates of a route for a ship-channel four hundred feet wide and thirty feet deep from a point on the Mississippi River at or above Carrollton, Louisiana, to a point on said river at or near the United States barracks below the city of New Orleans.

The amendment was agreed to.

The next amendment was, after line 169 of section 3, to insert:

Skipton Creek, Maryland.

The amendment was agreed to.

The next amendment was, after line 170 of section 3, to insert:

Bush River, Maryland, from Harford Furnace to Chesapeake Bay.

The amendment was agreed to.

The next amendment was, after line 172 of section 3, to insert:

Licking River from its mouth to Falmouth, in Kentucky.

The amendment was agreed to.

The next amendment was, after line 174 of section 3, to insert:

Oregon Inlet, in Dare County, in North Carolina.

The amendment was agreed to.

The next amendment was, after line 175 of section 3, to insert:

Survey and estimate for canal connecting Saint John's River and Matanzas River and the Indian River, and for opening and deepening channels, so as to make a steamboat communication to Jupiter Inlet.

The amendment was agreed to.

The next amendment was, after line 179 of section 3, to insert:

Survey of Chehalis River, in Washington Territory.

The amendment was agreed to.

The next amendment was, after line 181 of section 3, to insert:

Whiteoak River, in North Carolina.

The amendment was agreed to.

The next amendment was, in section 4, line 3, after the words "sum of," to strike out "one hundred" and insert "fifty;" so as to make the section read:

SEC. 4. That for the examinations and surveys herein provided for, and for incidental repairs of harbors for which there is no special appropriation, the sum of $50,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; and in every case where examinations or surveys are made the report thereon shall embrace such information concerning the commercial importance, present and prospective, of the improvement contemplated thereby, and such general commercial statistics as the Secretary of War may be able to procure.

The amendment was agreed to.

Mr. RANSOM. By direction of the Committee on Commerce I offer the following amendment, submitted by the Senator from Iowa, [Mr. ALLISON,] to come in after line 164 of section 3:

For survey of Nishnabotana from Hamburgh, Iowa, to its junction with the Missouri.

The amendment was agreed to.

Mr. RANSOM. For the Senator from Maryland, [Mr. WHYTE,] who is not here, I report this amendment from the committee, to come in after line 988 of section 1:

Improving the harbor at the entrance of Saint Jerome's Creek, Maryland, $6,500.

The amendment was agreed to.

Mr. RANSOM. The committee also instruct me to offer this amendment, to come in after line 988 of section 1:

For the improvement of Saint Jones' River, in the State of Delaware, $5,000.

The amendment was agreed to.

Mr. RANSOM. I have one other amendment, to come in after line 765 of section 1:

Improving Missouri River at Plattsmouth, Nebraska, $10,000.

The amendment was agreed to,

Mr. LOGAN. I desire to offer an amendment to section 1, line 184. My amendment is to strike out the word "twenty" and insert "forty;" so as to read:

Improving harbor at Calumet, Illinois, $40,000.

Mr. RANSOM. I am compelled, by instructions from the committee which I represent on this floor—I dislike very much to do it though to my friend from Illinois—to move to lay the amendment on the table. I will not submit the motion until he says what he has to say.

Mr. LOGAN. That is very generous to me. I desire to call the attention of the Senate to the recommendation of the engineers to this harbor, which is a harbor of safety, and a very important one too, some two miles on the lake below Chicago, where there are several large manufacturing establishments, and where vessels are taken for refuge. This harbor of Calumet has had appropriations for several years, and the engineer says now that $50,000 will complete it, will dredge it to the depth of fifteen feet, and extend the piers so as to complete the harbor. That is the recommendation of the engineer in charge for this year. The committee have given us the sum of $20,000.

I will say, for the benefit of the chairman of the committee, that taking all the appropriations for the harbor at Chicago, for Calumet Harbor, and for harbors on the lake in the vicinity of Chicago, where certainly very nearly as much commerce floats as does up the rivers of North Carolina, where $170,000 is appropriated, we have a reduction of the estimates of over one-half of every appropriation which is made for these harbors. Where the engineers recommend for the harbor of Calumet $50,000 the committee give us $20,000.

I do not wish to take the time of the Senate by reading to any extent, but I will call attention to one paragraph in the Engineer's Report:

Calumet Harbor, Illinois.—The present project for the improvement of this harbor was adopted to comply with the requirements of the act of July 11, 1870, the object being to construct a harbor of refuge and afford a channel of entrance to the Calumet River three hundred feet wide, and not less than fifteen feet deep. Before improvement the general depth of the river, after passing the bar at its mouth, was thirteen feet, the natural channel over the bar being narrow and shifting, with a varying depth of from four to seven feet. The amount expended to June 30, 1880, is $276,291.84, and has resulted in securing a navigable channel with a depth of not less than twelve and one half feet.

The appropriation of $50,000 asked for will complete the present project, and will be applied to deepening the channel to the depth of fifteen feet, and extending the piers for its protection to deep water.

That is the estimate made by the engineer, with the reason for it, and that amount of money will deepen and extend the piers so as to protect the harbor, and that harbor has been having important work done on it ever since 1870, and that amount, after expending two hundred thousand dollars and odd, is all that is required. The committee give us $20,000.

I hope, if this bill is to pass at all—and I have nothing to say on that point now—that the harbors that are in a condition nearing completion will at least receive the amounts of money which are necessary to aid in their completion. If this was merely the first appropriation for this harbor I would not insist upon it; but inasmuch as the engineers report that $50,000 will complete it, and as I only ask

an additional $20,000 to what the committee report, I hope it will be granted, so that this harbor may be completed during this year, for it is very important to trade and commerce as a harbor of refuge, and it is considered of great importance by the engineers in charge of Chicago Harbor and of this harbor.

Mr. RANSOM. I ask that the amendment be read.

The CHIEF CLERK. In line 184, of section 1, it is proposed to strike out "twenty" and insert "forty," so as to read:

Improving harbor at Calumet, Illinois, $40,000.

Mr. RANSOM. I ask the Senator from Illinois if he will add to his amendment "for the completion of the work?" The Senator from Illinois misunderstood me in the remark I made. I meant to give notice that it would be my duty to move to lay amendments generally on the table. I am very glad that I have heard what the Senator from Illinois had to say about this item, for it is due to the committee to say that as a very general rule where a sum of money which was at all reasonable would suffice to complete the work it has been the theory and policy of action of the committee to appropriate the amount necessary to complete the work.

Mr. DAVIS, of Illinois. I sincerely hope that the Senator from North Carolina will withdraw his motion to lay on the table.

Mr. RANSOM. I have not made that motion.

Mr. DAVIS, of Illinois. I thought the Senator had. This work is of very great importance to the city of Chicago. My colleague has well said that it is a harbor of refuge and the best harbor that there is in the vicinity of Chicago for that purpose. I do not know whether $40,000 will finish it or not, but it is the purpose of the Government to finish it if possible with that sum of money.

Mr. RANSOM. I feel satisfied that if the attention of the committee had been called particularly to the condition of this harbor, the committee would have reported this amendment, and therefore I will make no objection to it.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The question is on the amendment of the Senator from Illinois, [Mr. LOGAN.]

The amendment was agreed to.

Mr. DAVIS, of Illinois. I move to amend on page 31, line 726, of section 1, by striking out "ten" and inserting "twenty-five;" so as to make the item read:

Improving Quincy Bay, Illinois, $25,000.

I think I am in order because the amendment was sent to the Committee on Commerce. Quincy is one of the important places between Saint Paul and Saint Louis. In my opinion it is the best harbor between the two cities. There is a land-locked harbor at that place, and it is a harbor of safety and of refuge both. It seems to me that a ten-thousand-dollar appropriation is too small, especially when the engineers have recommended $50,000, as I understand.

My colleague in the House, General SINGLETON, who represents Quincy, told me—I have not myself examined it to see whether it is so—that the engineer in charge recommended $50,000. The sand-bar has accumulated at the mouth of the harbor, and it will take more than $10,000 to remove it and make the harbor what it was designed to be, one of the very best on the Mississippi River from Saint Paul to New Orleans. I cannot see any reason in the world why so many increases have been made in this bill and this harbor has been neglected altogether.

The argument that so much has been appropriated to the State of Illinois has nothing to do with the question. The Mississippi is a great navigable stream; everybody is concerned in it, and not the State of Illinois alone. This appropriation is needed for that harbor. We do not ask the $50,000 but we do ask $25,000. The engineers say:

Amount that can be profitably expended in fiscal year ending June 30, 1882, $50,000.

I am much obliged to my colleague for calling my attention to this and handing me the report. Here is what the officer in charge says:

The appropriation of $50,000 asked for is to be applied in continuing dredging in Quincy Bay, and in building brush and stone dams and shore protections with a view to carrying out the existing project.

The engineers have a project in reference to the improvement there and they ask for $50,000 to make that improvement. We have but $10,000 in the bill. It will not carry out the work; it will be money wasted. Twenty-five thousand dollars is what we have asked for, which is half the estimate, and it seems to me Congress ought to grant it.

Mr. RANSOM. Before the colleague of the Senator from Illinois offered his first amendment I stated that it would be my duty, acting for the Committee on Commerce, to move to lay amendments hereafter upon the table. I heard the Senator [Mr. LOGAN] because I had said I would. I beg leave now to say that the amendment suggested by the Senator from Illinois on my left [Mr. DAVIS] was considered by the committee, well considered, and we could not report it. I am obliged to move to lay the amendment on the table.

Mr. LOGAN. I hope the Senator will not move to lay the amendment on the table. Let the Senate take a vote upon it. It is an important matter; it is important to our constituents.

Mr. RANSOM. I feel obliged to insist on the motion. If I yield to the Senators from Illinois, I must yield to every Senator on the floor; and the time has come when in the discharge of my duty I must insist on the motion I indicated, however unpleasant the duty may be. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from North Carolina moves to lay the amendment on the table.

Mr. DAVIS, of Illinois. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 20; as follows:

YEAS—27.

Anthony,	Cameron of Pa.,	Hampton,	Pugh,
Baldwin,	Cameron of Wis.,	Hereford,	Ransom,
Bayard,	Coke,	Johnston,	Rollins,
Beck,	Davis of W. Va.,	Jonas,	Vance,
Bruce,	Eaton,	Kernan,	Wallace,
Burnside,	Farley,	Lamar,	Williams.
Butler,	Grover,	Maxey,	

NAYS—20.

Allison,	Davis of Illinois,	Morgan,	Slater,
Bailey,	Dawes,	Morrill,	Teller,
Brown,	Hill of Georgia,	Pendleton,	Thurman,
Call,	Ingalls,	Platt,	Vest,
Conkling,	Jones of Nevada,	Saunders,	Voorhees.

ABSENT—28.

Blaine,	Groome,	Kirkwood,	Randolph,
Blair,	Hamlin,	Logan,	Saulsbury,
Booth,	Harris,	McDonald,	Sharon,
Cockrell,	Hill of Colorado,	McMillan,	Walker,
Edmunds,	Hoar,	McPherson,	Whyte,
Ferry,	Jones of Florida,	Paddock,	Windom,
Garland,	Kellogg,	Plumb,	Withers.

So the motion was agreed to.

Mr. SLATER. I ask that a verbal amendment be made in line 811 of section 1. After the word "Harbor" I move to insert "Oregon," so as to read:

Continuing improvement at the entrance of Coos Bay Harbor, Oregon, $30,000.

The PRESIDING OFFICER. That amendment will be made if there is no objection.

Mr. RANSOM. No objection.

Mr. SLATER. Now, I move to strike out "forty-five" in line 818 of section 1, and insert "seventy;" so as to read:

Improving Lower Willamette and Columbia Rivers from Portland, Oregon, to the sea, including bar at mouth of Columbia River, Oregon, $70,000.

Mr. President, this improvement is one of the most important included in the bill for which appropriations are made. Within the eleven months ending the 31st of last May the foreign exports from that river were $6,000,000, and the coastwise and foreign trade together during the same period was $15,000,000. The Department recommended $150,000 for this work, of which the committee gives us only $45,000. I now ask that it be increased to $70,000, which is not above the average for appropriations of this character, as prorated on the recommendations of the Department. It seems to me that if national works ought to be taken into consideration, this is one which should be considered. I hope the committee will not move to lay this amendment on the table; but if that motion is made I hope the Senate will vote down the motion.

Mr. THURMAN. Mr. President, this bill proposes a very large expenditure of money. I do not know that I should object to it if the objects of that expenditure were such as in my judgment they ought to be. If the appropriations to improve insignificant streams, if the spreading out of this money over a vast number of objects until it becomes so thin that it benefits none of them, were abandoned, and the money were appropriated to the improvement of some great harbors or channels of commerce, I do not know but that I should cheerfully support the bill. But when a bill is brought in that expends money upon the most insignificant streams in the country, that utterly wastes money in an attempt to improve that which cannot be improved, which nature never meant to be a navigable stream, which nature never meant for a channel of commerce, which human ingenuity cannot convert into a channel of commerce, when money is expended upon such objects as those and those places which ought to be improved like the mouth of the Columbia River are neglected, I for one must say that I will vote against these small and insignificant and useless appropriations and in favor of expending money where it can do some good.

Is there on all the Pacific coast, with the exception of the harbor of San Francisco, any object more worthy of the consideration of Congress than the mouth of the Columbia River? Is there any man familiar with the history of the western coast of this country who does not know that the bar at the mouth of that river has presented one of the greatest and most dangerous obstacles to navigation and commerce that are presented on the whole of that coast? Is there any man who does not know how few are the great ports on the western coast of this continent; and is there any man here having a just and proper view of what ought to be done by Congress on the subject of the rivers and harbors of this country who would not be willing to expend five times the amount that the Senator from Oregon asks shall be expended for the improvement of the entrance into the Columbia River?

Mr. President, I shall vote for his amendment with the greatest pleasure, and I hope that the Senate having in view the real purpose of a river and harbor bill, the real purpose of promoting the commerce of the country, will sustain that amendment by a unanimous vote.

Mr. GROVER. I wish to say, Mr. President, that the Columbia River is the second river in the North American continent. It drains 300,000 square miles of the territory of the United States. It is the only river upon the American continent which will receive a deep sea-going vessel one hundred and twenty miles into the interior. That the Columbia River will do. We ask this small appropriation for the purpose of aiding the great interests concerned in that river.

Mr. RANSOM. Mr. President, the Committee on Commerce of the Senate considered this amendment with all the care that it could. It had every disposition to grant it, as it had to grant hundreds of other amendments increasing appropriations in this bill; but we found that it would be impossible to do it unless we appropriated an amount of money which the country would not bear. It is not improper for me to say to the Senators from Oregon that an amendment considered of more importance to their State than this was put on the bill by the Senate committee, for Coos Bay, though this was important. I am compelled again to move to lay the amendment on the table.

Mr. FARLEY. Mr. President——

Mr. RANSOM. The motion is not debatable. I have moved to lay the amendment on the table.

The PRESIDING OFFICER. The question is not debatable.

Mr. FARLEY. I hope the Senator from North Carolina will withdraw his motion for a moment.

Mr. RANSOM. The Senator from California is a member of the committee. If he asks me to do this, I am obliged to do it, but he ought to be careful how he makes such a request.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. FARLEY. I have this to say in reference to the amendment moved by the Senator from Oregon: It is true, as has been stated by the chairman of the committee, that this amendment was considered and rejected by a majority of the committee; but I found on an examination of this whole question that the people of the Pacific coast are in favor of this appropriation, and more, if necessary, for this particular object. The Chamber of Commerce of the city of San Francisco has indirectly instructed me as to my action upon this matter. It is a matter in which the entire Pacific coast is interested, and the entire country to a very great extent. I have no disposition to go against the committee's report, but my position as a representative of that coast will compel me to vote against the report of the committee on this point. I simply make this explanation so that the vote I shall give in reference to this matter may be understood.

Mr. RANSOM. I appreciate and comprehend fully the reasons and motives that control the Senator from California; but they did not affect the judgment of the committee, and I hope they will not affect the judgment of the Senate. I renew the motion to lay the amendment on the table.

Mr. MORGAN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 20, nays 25; as follows:

YEAS—20.

Anthony,	Cameron of Pa.,	Hill of Colorado,	Plumb,
Baldwin,	Cameron of Wis.,	Jonas,	Pugh,
Beck,	Coke,	Lamar,	Ransom,
Burnside,	Ferry,	McMillan,	Rollins,
Butler,	Hereford,	Maxey,	Vance.

NAYS—25.

Bailey,	Farley,	Logan,	Teller,
Bayard,	Garland,	Morgan,	Thurman,
Brown,	Grover,	Morrill,	Vest,
Call,	Hampton,	Pendleton,	Voorhees.
Conkling,	Hill of Georgia,	Saulsbury,	
Davis of Illinois,	Ingalls,	Saunders,	
Dawes,	Kernan,	Slater,	

ABSENT—30.

Allison,	Edmunds,	Kellogg,	Walker,
Blaine,	Groome,	Kirkwood,	Wallace,
Blair,	Hamlin,	McDonald,	Whyte,
Booth,	Harris,	McPherson,	Williams,
Bruce,	Hoar,	Paddock,	Windom,
Cockrell,	Johnston,	Platt,	Withers.
Davis of W. Va.,	Jones of Florida,	Randolph,	
Eaton,	Jones of Nevada,	Sharon,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon, [Mr. SLATER.]

Mr. SAULSBURY. I dislike very much to differ with the committee, but having some knowledge of the character of the mouth of the Columbia River and the importance of that river to the general commerce of the country, I feel bound to say that the amendment offered by the Senator from Oregon is in my judgment a very proper amendment. Some three years ago I had the opportunity of being on the Pacific coast and seeing this river for myself. There is a very large amount of commerce on the Columbia River. While I was in Portland I found that in a brief space of time there had been seventy-two ships loaded at Portland with wheat for foreign markets, and all but nine were foreign bottoms, and yet the navigation of the mouth of that river was considered so dangerous and so uncertain in rough weather that many shipmasters determined not to attempt to enter the mouth of that river, and passed on one hundred miles further and landed their cargoes there, whence they came across Washington Territory to Oregon.

I am satisfied that there is great necessity for the improvement of the mouth of that river to the commerce that goes out of that great Columbia River. It is not only necessary for the commerce, but for the safety of the people that enter the mouth of that river going up the Columbia River from the ocean. I therefore am compelled to differ with the judgment of the committee and to vote for the appropriation moved by my friend, the Senator from Oregon.

Mr. KERNAN. This bill, as I am informed, appropriates now about eleven and a half million dollars, and yet I shall vote for this amendment to increase the amount for this particular improvement from forty to seventy thousand dollars. I think that the mouth of the Columbia River is an object which is properly to be taken care of by the Federal Government. It accommodates an immense amount of coastwise trade; it deals with foreign commerce largely, and, although I think this bill appropriates too much money in all, I do not think it appropriates too much money for the rivers and harbors that are properly within the jurisdiction of the United States. I think we should reduce the aggregate by striking out appropriations for what the Senator from Ohio justly said were mere inland streams, over which the United States and its courts have not maritime jurisdiction. Maritime jurisdiction does not reach these inland streams that are cleared out merely to float logs or things of that sort. I think the rule is that all that are merely local should be taken care of by the proper State; what is really national should be taken care of by the Federal Government. Here, however, you appropriate nothing for the real harbors of the country; nothing for the rivers which are of advantage to commerce. The Senator from Oregon says that here is a river up which sea-going vessels can go two hundred miles.

If we cannot appropriate on a proper scale for such works except by giving shares to other States simply on the ground that they must have a share of the appropriation, then this whole subject will have to be dealt with in a different way.

I shall vote to increase this item and I shall vote against the bill as it now stands. I should be faithless to my convictions of what is right, I should be inviting a distribution of money among the States on the theory of this river and harbor appropriation bill if I did not vote against it. Here I find eleven and a half million dollars appropriated, and a large amount of it for objects which I cannot think are proper objects to be cared for out of the Treasury of the United States.

Mr. HEREFORD. The Senator from New York will allow me. Why does not the Senator move to strike out some item of that kind for his own State?

Mr. KERNAN. I answer with the greatest pleasure, if my friend will point out an item for my State which is not for the commerce of the great lakes or the commerce of the ocean, I will vote with him to strike it out. Look them over, and I find no appropriations for any rivers in New York except rivers like the Hudson, where the tide ebbs and flows, and the appropriation does not reach above where the United States have a custom-house, at Albany. The Mohawk is a great stream compared with some that are in this bill; the Oswego River is a great stream compared with some in this bill; but the Mohawk and the Oswego are cared for by the State by its canals and by its improvements. The other appropriations are for the great harbor of New York, the East River, Long Island Sound, where sea-going vessels go in and out. Those are cared for, not for New York, but for the United States, who collected in that harbor $134,000,000 of duties on imports during the past year. Then there are a few little appropriations made for harbors on Lake Ontario. Why are they there? Because vessels load at Chicago, come down through the Welland Canal, and these harbors are where railroads come in and where vessels land their cargoes and where lake vessels take refuge in time of danger and storm. If there is one of them that any Senator will show does not come within the very purpose of protecting Federal national commerce, then I will vote to strike it out, because I know that local improvements are done cheaper and are done better by the States than when they are paid for out of the Federal Treasury.

But the system of bills of this kind seems to be "you must give my State some or I will not give yours any." New York has instructed, by her example in the past, her representatives to adhere to the old doctrine that the Federal Government should appropriate money only for Federal purposes, and that local purposes and local objects should be cared for by the State. Now, although this bill is loaded down with what I think are improper appropriations, I shall nevertheless vote for this amendment to increase the item for the mouth of the Columbia River; and, if I can get an opportunity, I will vote to strike out those items which I think do not come within the true province of the National Government to take care of, and thus reduce the appropriations, not giving good and bad a share, and refusing to give money that is needed for a national purpose because we have given much for objects which do not belong to the proper province of the Federal Government.

Mr. HEREFORD. It is very evident now that it is the object to load this bill down so as to kill it. There is no use in our deceiving ourselves on this subject. The Senator from New York talks about voting for streams that enter into the great lakes or enter the great harbors; he says those are the works he is going to vote for, and nothing else.

Mr. KERNAN. I spoke against giving money to streams that run into the lakes. I would vote against giving it to the Oswego River, that runs into Lake Ontario, where there is a great harbor and a great national commerce. I spoke of the harbors on the lakes for

the care of shipping, the unloading of it, and the protecting of it. Those lakes are inland seas, where the maritime jurisdiction extends.

Mr. HEREFORD. And so it has been held by the Supreme Court time and again—I read the authority here last session in the presence of the Senate—that any stream in the United States that was susceptible of being made navigable was a national highway, and no one knows it better than the Senator from New York. The doctrine which he invokes here to-day is the doctrine that obtained in England, where they have scarcely a river more than a hundred miles long. He talks about improving the commerce that is to go into the great lakes and into the great harbors. Has the Senator from New York yet learned the fact that the mighty West has rivers that carry more commerce upon their bosoms than all the foreign commerce of the nation? The Ohio River alone, as is shown by the report made to us, carries upon its bosom more tonnage than all the foreign commerce that enters the harbors of New York and Boston and New Orleans and all the others combined. The Ohio is simply one of the tributaries of that great stream, the Mississippi, for which Calhoun invented an expression, in order to come to the doctrine we are now advocating on this floor, when he called it a great inland sea. That carries upon its bosom also infinitely more commerce than all your harbors in the United States together. Are you going to stop the improvement of the Mississippi River? Would the Senator appropriate for improvements for the Mississippi River and deny money to improving the tributaries of the Mississippi River? Then of what use would the Mississippi itself be? The doctrine contended for by the Senator to-day, as applied to these small streams, as he terms them, would stop their improvement, and the effect would be the same upon the Mississippi River as if you were to stop the flowing of the water into the Mississippi itself from the tributaries which make up that Father of Waters.

The people in the interior, in the West, have a right to an outlet for their wheat, their corn, and all their other vast products. They ask that the streams shall be improved so that they may get them to market and not have to pay the exorbitant prices that are fastened upon them by the great railroad monopolies of the country. It is the various small streams and streamlets that make up the mighty rivers, and the people upon these interior rivers have as much right to have cheap transportation as the people living around the harbor of New York or Boston or New Orleans or Galveston or anywhere else. They form an integral part of this great country of ours, and their commerce goes to make up the mighty internal commerce which we have in the United States.

I am accustomed to this talk about making appropriations for national works. I shall not take the time of the Senate to read—I read them last session—decision after decision made by the Supreme Court of the United States that all these streams, small as they may be, if they do not lie entirely within one State, come within the national jurisdiction, and that the Congress of the United States has the constitutional right and power to make appropriations for them. Where is the river named in this bill that lies wholly within one State? Can the Senator from New York point me to one such river, unless it empties into a lake or into a harbor? Will he point me to one river in the United States that is confined to only one State? These various small streams connect with other streams, and those with the great water highways of the United States. You have no right to say that any one of these streams is not a national one. A stream in West Virginia empties into the Ohio River, the Ohio empties into the Mississippi, and so it goes on down to the Gulf. Where shall you say that any one of these streams shall stop, if that stream enters into another, and that into another? So all the waters in the great interior flow on to the Gulf, and persons living on the Gulf have the right to come up with their boats of various kinds and go far into the interior, and those living in the interior have the right to go down to the Gulf by reason of these smaller channels until they get into the Father of Waters, and thence to the Gulf, and they—one and all, small though they be—are entitled to the consideration of the Congress of the United States, and their commerce is entitled to the protection of the United States.

Mr. PLUMB. I move that the bill be recommitted to the Committee on Commerce, with instructions to reduce the amount to be appropriated to $6,000,000, to be used for the improvement of rivers and harbors of national importance, and, so far as practicable, to the completion of improvements now under way, excluding all surveys for new improvements.

Mr. President, I do not desire to detain the Senate on this proposition. It expresses my views, whether it does those of any other member of the body or not. I think it is time we put some limit to these appropriations, not alone because the bill is $10,000,000, although that is a large sum, but because the system of expending the money is absolutely vicious. There is not a suggestion or hint anywhere in this bill that any sum appropriated is to complete any improvement.

Mr. HEREFORD. The Senator from Kansas is very much mistaken. If he will allow me to say so, without intending to be offensive—for I cannot be so to the Senator from Kansas—he is utterly mistaken when he says that there is no provision in this bill for the completion of the improvement on any one work. He has not read the bill.

Mr. PLUMB. It takes an exception to prove a rule. There may be exceptions enough to prove the rule I have stated; but I do not know that there are. There may be a half dozen cases where it is said to be to complete the improvement; there is one case I know where it is stated that the amount appropriated is to procure a certain depth of channel; but the fact is I do not believe there is an improvement of that kind in the United States that ever has been started that is not now under way. We put in this money, therefore, with recklessness because we do not expect returns; we throw it into the sand expecting it to be washed out. There is an absolute lack of responsibility, because there is nothing to be responsible for excepting the expenditure of the money. We do not attach any condition to the expenditure of this money, as, for instance, that any particular amount of work shall be done with it, that any improvement shall result from it, but we simply toss it over as we would a bauble to the Engineer Department and say, "Spend it, and then come back next year and ask for as much more as you have the assurance to put in your estimates."

I am in favor of appropriating money and appropriating money liberally for the improvement of rivers and harbors. If this bill were properly constructed according to my notion, I should not object to making the appropriation $20,000,000 in place of $10,000,000. If there was some system of expenditure whereby practical results could be obtained year by year, some improvement made which when made would remain permanent as a result of the expenditure, I should not object to that whatever the amount might be; but when it comes to putting insignificant sums into large improvements, appropriating $10,000 when the estimate of the engineers is that it will take a million to complete the improvement, with no system whereby any kind of responsibility attaches to the expenditure, whereby Congress ever knows or is expected to know whether any result has been attained or not, it looks to me like trifling with the people's money. I am therefore opposed to it.

If some one will show me that the harbor of New York, or of Boston, or of Baltimore, or of Charleston needs a million dollars to make them what they ought to be the *entrepôts* of the Atlantic shore line of this country, I will readily vote for that amount of money to have that done and finished; and so with reference to the Mississippi River and with reference to any other improvement; but when it comes to putting money into little creeks for push-raft navigation to carry the tar and the turpentine and rosin and cord-wood that is gathered in the eddies along the stream, to clear out the springs that are its source because, as my friend from West Virginia says, it is part of the great Mississippi River, then I respectfully dissent.

Six million dollars upon the plan that we are now operating is abundance of money to spend; but if we could have, as I said, some system whereby, once spent, it should answer a permanent purpose, I would be perfectly willing to make it $20,000,000, and it would not be too much; but this is an extravagance that breeds extravagance. It is simply a basis for further estimates, and since I have been here every river and harbor bill is a little larger than any one has been preceding, and at the ratio they are going on in the short time I expect to be here I have no doubt the amount will be double, and yet there will not be one single harbor in this country or one single improvement on any river that can be said to be finished—not one. They are like the daughters of the horse-leech; it is give, give, give; the more we give the more is asked to be given. I want to protest against it.

In the country in which I live we have streams which are a part of the great Mississippi, according to the theory here advanced; and if money enough can be put into them, if the Government will scoop out the bottom, or if it will jetty the entire streams from one end to the other, you will have not a push-raft navigation, not a navigation to carry turpentine and coon-skins, but a navigation which will carry the agricultural products of a million people, 40,000,000 bushels of wheat, 200,000,000 bushels of corn, and other things in proportion, and that is what cannot be said for three-quarters of the improvements that are appropriated for in this bill. The commerce which is tributary to these streams which in any way floats over them or ever will float over them is absolutely insignificant compared with that of the section of country of which I have spoken, and yet it is so insignificant, I will not say in extent but in the representation upon the committee in power in this body, that it receives no consideration whatever.

Mr. MORGAN. I am not, for one, willing to have a disposition imputed to me to kill the bill by voting for amendments, because I recognize my obligation to exercise some discretion in voting for objects in the bill.

The Senator from Delaware and the Senators from Oregon have spoken of the importance of the Columbia River, and have risen in their places and have stated the most urgent reasons why the appropriation for that work should be increased. The members of the committee, instead of undertaking to answer these facts or to show that they have formed a judgment in reference to that improvement in which they cannot be mistaken, undertake to charge other Senators with a desire to load the bill with a view to its defeat.

If I were going to give advice to the honorable Senators who compose that respected committee, I should say to them that the best way to secure the life of this bill is to unload it so that it may live and the country may live. The people will be in entire harmony and sympathy with them, if they will just assume a bold position and take the high ground stated in the resolution of the Senator from Kansas.

There must be some principle in legislation. There cannot be any proper legislation which is not based upon some principle that we

can justify before the world, and there is not a principle running through the whole of this bill that will enable any Senator to rise on this floor and declare that every appropriation in the bill is necessary for the public welfare.

Mr. FARLEY. I should like to ask the Senator from Alabama if there is an appropriation in this bill that has not been estimated for by the engineers or the Department?

Mr. MORGAN. I believe there is not; and yet how easy it is for the engineers of this Government to make for themselves nice little civil employment all over the country by being connected with works of internal improvement. We direct them to make estimates, and they do estimate; and in making their estimates they provide for themselves pleasant places all around in the hills and mountains, where they can live out of the reach of malarial influences, and have the benefit of trout streams, and so on, for their own comfort. I have not a disrespectful word for the engineers; but I see behind their action some very powerful considerations.

Mr. TELLER. I sympathize with what the Senator has said, and I wish to call his attention to the fact that these estimates are made necessary by bills of this character. We instruct the engineers to make estimates; they send them here; and then we fall back behind the estimates and say because they have made them therefore they must be necessary. The third section of this bill requires them to make surveys and estimates of a great number of small streams.

Mr. MORGAN. Of course. I am not blaming the engineers for making the estimates, nor do I blame them for undertaking to provide for themselves comfortable places, and especially comfortable employment out of the field where they might otherwise be sent. I am not finding fault with the engineers. In the main I think they are a very honest and high-minded set of men. But because they have made estimates under our direction to reach works that are not advantageous to the general commerce and welfare of the people of the United States, there is no reason why the Senate should take the money out of the Treasury and make such appropriations.

Mr. BUTLER. May I ask my friend a question?

Mr. MORGAN. Yes, sir.

Mr. BUTLER. I ask if he thinks the engineers of the Army in their estimates would recommend the improvement of streams unless there was some necessity for it in the interest of commerce?

Mr. MORGAN. If the engineers of the Army comprised the Senate they would have the right of final judgment on that question, but they do not.

Mr. BUTLER. The Senator has not answered my question. The engineers have nothing to do with the Senate except to make recommendations. I ask him if in his opinion the engineers of the Army would make recommendations for the improvement of streams which were not in the interest of commerce?

Mr. MORGAN. I think they have done it in many instances, estimated for the improvement of streams that are not in the interest of commerce. A great many, perhaps the majority, of the recommendations they make of that kind are upon streams which are not in the interest of commerce; but because they make their estimates, does that constitute them the judges of the necessity of the case, and are we obliged to follow them merely because we have given them the opportunity or made it their duty to look over certain streams that we designate and make their report upon them? No, sir; we must not abdicate our rights and duties to the country because engineers may be honest and may be able and may be capable when we may differ with them in reference to the general advantage to result from the proposed improvements to the commerce of the country.

I know that this subject has engaged the attention of the ablest men of the United States for a great many years, and there has been a great variety of opinions as to the constitutional boundaries of the authority of Congress in this connection. I do not propose to argue upon that point, but I wish to call the attention of the Senate to an act that was passed on the 18th of May, 1796, in relation to rivers in the public lands of the United States, now by far the largest portion of the area of the territory of the United States. That act, as embodied in section 2476 of the Revised Statutes, is:

> All navigable rivers, within the territory occupied by the public lands, shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

There was a declaration of the jurisdiction of the United States over that portion of the property then contained within its borders or since acquired, so far as the right of property is concerned. In 1796 Congress declared that streams which were then navigable should remain public highways. I do not doubt the power of Congress, constitutionally, to improve such public highways; but where they were not navigable the lands on the opposite borders of the stream go to the owners, with a right to the river and to the bed, says the statute, to be divided between them. Here, then, was a grant by Congress of the absolute property in these streams which were not then navigable, so that a man who entered a tract of land in the Land Office of the United States, and his neighbor who entered a tract on the opposite bank of a stream that was not navigable when that act passed, acquired the right, under the language of the statute, to the river and also to the bed of the stream.

We are pushing enterprise on this subject away beyond the line of original navigability of these streams. We are extending it as far as we choose to go, and in extending it we are obliged to intrude upon private property that we have granted under an act of Congress to the owners of the shore. I would like to know how a Senator can justify a vote of that kind until, in compliance with the Constitution, he has first condemned that river and the bed of it to public use? It is as much the private property of these men who occupy its different banks as any gentleman's private property about his house is his—granted to him by an act of Congress—an irrevocable grant, which no lawyer can dispute. We are ascending these streams day after day and year after year with our enterprises of improvement and deepening the river and the bed that we granted to the owners of the shore, and improving them for the public benefit without making the slightest allowance to the owners for the condemnation of their property to public use. It seems to make no difference where the constitutional boundary of our authority may be; we are fenced off by an act of Congress which has conferred private rights upon these people that under our Constitution are absolutely inviolable.

I do not know whether this honorable committee have taken into consideration this act or not; but I know that there are many streams now under improvement and many whose improvement is provided for in this bill, that at the time of the passage of the law of 1796 were a part of the public domain of the United States, and have passed by grant of Congress into the hands of private individuals.

But, sir, it seems now that because men claim the right to float their produce on streams that can be made navigable, we are to go to work and empty the Treasury of the United States to make them navigable; and what is the argument for it? They have as much right to float their produce and their commerce down these streams into the Ohio River, into the Mississippi River, as men who live upon the banks of those streams which are navigable; and from that is deduced the duty of Congress to provide transportation over private ways and private property in favor of the communities that are not blessed with the advantages of large streams.

Sir, if we can do that, we may go upon the shore and build turnpikes and macadamized roads and railroads, because the policy justifies the expenditure, and the policy is that the people must be enabled to get their produce to market cheap. Then it is the duty of Congress to provide all the facilities that the people may want for that purpose. There cannot be any answer to the logic of that proposition, it seems to me. Congress ought to put a boundary upon its line of action in this direction, and it is time that we had stopped and considered. The honorable Senator from Kansas, [Mr. PLUMB,] I fear, is too late with his motion. I will vote for it as a declaration of a principle, but that honorable Senator must know as well as the rest of us that these bills always reach our attention at the close of the session and when time enough is not allowed for their consideration; and now the committee come in and say that it is their order that they will move to lay on the table all amendments which increase an appropriation. The committee have not only assumed the right to declare for the country what works shall be improved and what amount of money shall be put upon this, that, and the other work, but they have said that they will put us under the necessity of taking a gag rather than they will let the merits of the subject be discussed, and rather than they will allow a direct vote to be taken upon each appropriation.

Sir, a truer remark was never made than that uttered by the honorable Senator from Kansas when he said that the distribution of money between these different objects of internal improvement was that which most of all was injurious to the country under the provisions of these bills. I regret that I cannot support this bill. I regret that it has not been brought in by the committee to the satisfaction of those members who desire to have the public money appropriated for the general welfare. I have had to encounter opposition here and elsewhere, and oftentimes severe censure, in my efforts to check this extravagant, wasteful, and injurious legislation. Every Senator on this floor knows—none can deny—that these bills are framed by combinations of different interests and different localities in the United States, not upon propositions that relate to their actual merits, but they are framed with reference to bargains that are entered into, so that "I shall get this and you get that." I do not state these facts with a view to censure this committee or the Senators who support this bill; but I state them as matters which have attended the history of this legislation at least for the last twenty years. Not only in Congress, but in State Legislatures, is this evil to be found; but I hope some day to find a committee of this body which will at least be willing to rise and announce a principle which shall control our action in reference to these matters of public expenditure.

These bills ought to be divided into three classes, one relating to harbors, one relating to rivers that connect two or more States or bound two or more States, and one relating to those rivers that are entirely within the territorial area of a particular State. Then we should have a chance to compare each part of each of the bills with its own provisions, and should not be compelled in order that we may have work done which is advantageous to the commerce of the entire country to find ourselves saddled with many appropriations, not one of which commends itself to our judgment or our conscience.

I desired, Mr. President, in this brief manner to define my position, if I could, upon this question, so that those who desire to criticise my conduct may understand the reasons for my action.

Mr. TELLER. Mr. President, I do not intend to enter into any

lengthy discussion of this bill, because, as suggested by the Senator from Alabama, I suppose it is a foregone conclusion that this bill is to pass, and to pass substantially in the way that it comes from the committee. Since I have been a member of the Senate I have noticed that these bills pass substantially as they come from the committee, and if the Senate takes the liberty of dealing with the subject by putting in amendments a committee of conference always drops out the amendments.

It is said with an air as though it was an entire answer to every objection made to the bill that Government engineers have recommended these appropriations and that we are to carry out the suggestions made by the officers of the Government in the interest of commerce; and one Senator asks another if he thinks the Government engineers would so far forget their obligations to the Government of the United States as to recommend an appropriation that was not just the thing. Why, Mr. President, in the third section of this bill there are eighty-four different objects for which the engineers of the United States are instructed through the Secretary of War to make an examination and report to the Senate; and that we have been doing every year since I have been a member of the Senate, and I suppose very many years before. They go out under our direction and send us reports saying that a little bayou, a little stream, a little rivulet, a little depression in the country somewhere, that flows into the sea or flows into some other stream can by the expenditure of money be made a navigable stream; and if it can be they come here and tell us about how much money they think can be expended upon that to make it a stream, and how much ought to be spent; and then the Committee on Commerce take that report and look it over; but they are never governed by that; they never make their appropriations in accordance with the recommendations of the engineer. They make them just in accordance with the interest of the various members of the respective committees consulting sufficiently with the interest of the Senate to see that they can manage to secure the adoption of the bill.

Since this bill has been under discussion I have been told by one Senator that the engineer in charge at the city of Charleston has said that $600,000 could be economically used in the completion of the work which the Government has undertaken at that harbor. We find in this bill $175,000 for that work. Why not appropriate $600,000 for that magnificent harbor? Simply because if they did that they must leave out Duck Creek in Delaware, or some other little stream of no importance; or else the bill would be so great that they could not pass it through the Senate.

It is said by the Senator from Alabama that there is no principle upon which this committee goes. I think he is mistaken about that. I think they go upon the principle—and I say it with all due deference to the committee—of securing a majority of the Senate, for unless it is for that purpose it is utterly incomprehensible why they should have inserted some of these streams and made appropriations of $1,500, of $2,500, and sums of that character for engineering operations which it is said by the engineers will cost ten, fifteen, twenty, and in some instances one hundred times what they have appropriated. A man with common, ordinary acquaintance with engineering work, a man who has ever given it any attention at all, knows that it is nonsense to start a work which is estimated to cost $50,000 with an appropriation of $4,000 or $5,000 or even $10,000; it is a waste of money; and yet they come here and put in this river $5,000 and on another river $2,500, and on another $3,500, and on another $1,500, and so on through the bill, until they have run up a sum so vast that the great harbors of the country and the great rivers of the country are left without appropriate and proper appropriations.

Mr. President, I find in this bill that we are entering upon a new system now. It is not enough that we are to dig out rivers where nature has put them, and if there is water use them, but now we are to proceed to build reservoirs, fitted to store the waters at the head of the Mississippi or the tributaries of the Mississippi, and money is appropriated in this bill for the first experiment of that character, and it is provided that we shall condemn the land and pay the damages that the people who own the land suffer in consequence of this appropriation by the Government.

Mr. MORRILL. And to build boats.

Mr. TELLER. And to build boats says the Senator from Vermont. There is an appropriation in several instances for the building of boats. I admit that the building of a snag-boat upon some of these great rivers, and its operation, would be perfectly legitimate, and that it ought to be done, but not upon all these rivers.

Then in this bill there is another feature. There is a million dollars appropriated for the purpose of leveeing the Mississippi River. Do Senators think how much that experiment, now started out, is going to cost?

Mr. McMILLAN. I do not understand that there is any such provision in this bill. It is expressly provided that there shall be no such appropriation.

Mr. TELLER. That appropriation is in the bill.

Mr. McMILLAN. If the Senator will refer to it, I shall be obliged to him.

Mr. TELLER. I do not need to refer to it; the Senator from Minnesota knows it is in the bill; everybody knows it is in the bill unless the Senate committee struck it out and they did not strike out anything, but they put in various things.

Mr. JONAS. Will the Senator——

Mr. McMILLAN. If the Senator will allow me to read him the provision with reference to that——

Mr. TELLER. I decline to be interrupted by a speech.

Mr. McMILLAN. I should like to read the language of the bill if the Senator desires information on the subject. This is the proviso:

Provided, That no portion of the sum hereby appropriated shall be used——

Mr. TELLER. I decline to be interrupted. I know what the Senator is going to read.

Mr. McMILLAN. I thought the Senator wanted to understand the facts in regard to this point.

Mr. TELLER. The bill provides that no portion of the money appropriated for the Mississippi shall be used for the purpose of preventing an overflow, or that is the meaning of the language; but the report of the Mississippi River commission and the reports of the Government engineers made for years past show that this is for the purpose, not of protecting the navigation on that river, and not for the purpose of keeping the water in the channel, but for the purpose of levees. That is the object, and that will be the effect.

In 1875 the Government engineers made an estimate for the commencement of this expenditure. They commenced with Cairo, at the mouth of the Ohio, on the Mississippi, and they went on to state what should be the size of the levees from that down a distance of several hundred miles, how many feet they should be, and all of these levees are forty or fifty feet above low water, and every man familiar with the Mississippi River knows that you do not need any assistance in high water upon that river. These engineers say in their report in 1875 that this expenditure for a portion of the river, and a portion of the river only, will be $50,000,000. Now, it will be many times more than $50,000,000. This effort, if it is carried out, of leveeing the Mississippi River in the pretended interest of commerce, will cost the people of the United States more than a thousand millions of dollars, and it may be said, as the Senator from Minnesota says, that to accomplish that is not in the interest of the property owners on the river, because the bill so alleges; and yet an examination of the report of the Mississippi River commission and the reports of the Government engineers will show that every one of these levees is from thirty to fifty feet above the low water of the river, and that none of them can, in the nature of things, confine the river to a channel that shall give vessels a sufficient amount of water during the low stage of water in that river, and nobody ought to know it better than the Senator from Minnesota, who is a member of this committee.

Mr. President, that is not enough, but the committee have provided in this bill that it shall be the duty of the Government engineers to go around and find where they can make and create more water. They are to examine all the head streams and see where ponds can be built and where dams can be erected for the purpose of increasing the water supply during a portion of the year; and for the Mississippi River we have $2,600,000 appropriated in this bill, a million of it not for the purpose of promoting commerce, but in the interest of the owners of the property on the banks of the great river. I do not object to the appropriation of two millions and a half or three millions and a half on the Mississippi River. It is a great highway from State to State and it carries upon its bosom the great commerce of the Northwest; but I do object to millions of money being expended in an effort that will not increase its capacity for commerce, but will eventually compel the people of the United States because of this great expenditure to abandon all efforts to protect the commerce on this great river, and the friends of the commerce of that river ought to be the last men to come here and propose such a wild and extravagant scheme as is contained in this bill, and is supported by this Mississippi River commission, not as they say, and they do not pretend to say, in the interest of commerce, but for the purpose of confining the waters of that river.

Mr. President, I went to the Library and I got a map, but I find in this bill stream after stream appropriated for which are upon no map in existence in this country. I am free to admit that there is no good hydrographic map of the United States; but it will be a remarkably good map, better than ever was made in any country that I know of, that shall be able to enumerate all of these little rivulets and streams by name. Appropriations are made for streams in this bill that the committee knew the engineers could not find if they did not provide in the bill that they were water-courses between certain named villages and cities and towns; and yet we are told if we attack this bill that we are not in favor of protecting the commerce of the country!

I think, Mr. President, that it is safe to say that more than half of this bill, now aggregating $11,600,000, is for streams the appropriation for which has no warrant under the Constitution. One-half these appropriations Congress has no right to make unless we adopt the theory that we may appropriate for any purpose if we will only label the appropriation as in the interest of commerce. Take the State of West Virginia. We heard one honorable Senator state, who is a member of the Committee on Commerce, that these rivers reached away out, and they had mouths that ran into some other river that reached to the sea. Now, take the Elk River and take the Little Kanawha River, and we find that there is an incorporated company which has fixed itself on the mouth of the latter river, and every vessel that goes up the river pays toll to it, and the committee come here and

they guard the appropriation, as they guard the Mississippi levee matter, by saying that a vessel that goes up that river shall not pay any toll on that part of the river above the dam, above the locks, above the toll-gate, where the Government of the United States applies its money; but to get into the river, to get into its mouth, to get the advantage of the Government benefaction and beneficence that we are putting out in this bill, it must pay to that corporation a toll. Thus the Government is making a highway of that kind for the benefit of a corporation, and that is not the only one.

The Monongahela River is another. The Monongahela River has also a corporation that has fixed itself on the mouth of the river, and there they sit down and tax the commerce that comes into the river, and the Government of the United States makes the river above and then they get out of it in the same way by saying, "You need not pay for the use of that portion of the river that the Government is at work upon." Why, Mr. President, there are rivers here that every man who has traveled through the country knows can never be made navigable. You may put millions and millions upon the Allegheny, the Monongahela, the Little Kanawha, the Elk River, and other rivers of that character, and they never can be made navigable.

Since I have been in the Senate West Virginia has taken from the Treasury, I think, a million dollars for its rivers, and not one of them falls within the purview of the law which authorizes us to vote money to rivers, to clean them out, and to make them navigable—not a single stream in the State, in my judgment. I do not object to West Virginia having something; if the other States are to have it, then let West Virginia come in. I find in old Virginia the same thing; I find in North Carolina the same thing; I find the same thing all over the country where a stream is big enough, where they can find an engineer who has hope enough in his constitution to believe that the great Government of the United States, if it will only put itself to work at it, will be able to put in the money. Why, Mr. President, the Fox and Wisconsin Rivers are in here with $200,000. We have spent upon them, I have not any doubt, $5,000,000, and if the improvement was put up and sold to a corporation and it allowed to take toll, I doubt whether it would bring $500 in the market. It is a waste of money and it is a waste of opportunities, because the same money could be taken and put upon some streams and upon some harbors and they be thereby made available.

I will not object, as the Senator from Kansas said he would not, to $10,000,000 or $20,000,000 if you expended your money in the interest of commerce. I have never objected to the great expenditure of money at the mouth of the Mississippi River, and I am ready to vote for more in that direction. I should vote to take out the falls of the Ohio River; I should vote for canals around impassable falls in rivers of that character; but I object to voting for these little streams in Maryland, in South Carolina, in North Carolina, in Virginia, in New York, and in other sections of the country. I think it is a misapplication of Government money. I would vote money for the harbor of Charleston. If it was required by the engineers, I would vote $1,000,000 in a single year if it would answer the purpose for which it was to be expended, to complete that harbor. I have said before—and I say it with some knowledge, for in my early life I gave some attention to the question of engineering, and I know something about it—that it is a fundamental mistake we make in making these appropriations that we go on by piecemeal. I say we ought to look at the big rivers and say, "Here now is a stream; how much will it take," and appropriate just as much every year as can be used for that stream economically and properly; and not appropriate for the other streams if you are not able until you have accomplished that work, and then take up works of the next importance and carry them forward to completion. We do not do that. We fritter away the money in fruitless efforts to make a stream navigable with an amount of money that is not at all suitable.

Mr. President, I have said this much against this bill. I have said it without the slightest idea that it will cause a single vote in the Senate to be changed. I know that Senators come here anxious to secure something for their States. I know how difficult it is for them to escape. When the State of West Virginia gets $350,000, the Senators from Virginia cannot well sit by and not get something for their State. The States of South Carolina and Georgia get something, and then North Carolina must have something also for similar purposes. But when the great river of the West that floats more commerce than a hundred of these little streams asks an increase of appropriations, asks as much money to open its mouth as you waste every year on the Fox and Wisconsin Rivers, then the committee with the power that we have given committees (which I repeat as I have before said is used frequently to the abuse of legislation) stand up and call their friends to the rescue, and they say to the friends of the bill "Vote to lay the amendment on the table," and the friends of the bill, having got everything in that they think they need, are afraid to vote it down, and without any reference to the merits of the case the amendment goes upon the table. Thus the commerce of the country is suffering that a few small, insignificant streams may have the expenditure put upon them, and come out no better when they get through than they were before.

I will venture the assertion that there is not a respectable engineer in the United States who will stand up and declare that there is a river which is navigable in the United States that can be permanently benefited by the expenditure of $2,500, and yet you have given as low in this bill as $1,500 on some of them, unless it may be as I am told that some of this money is used to cut down the overhanging limbs that hang down on the water of some of these streams. In that way you might possibly get a little benefit that would last for a year or two until the limbs grew out again.

Mr. President, if this bill is to pass, I am for putting to it just as much as is necessary for the commerce of the country or to satisfactorily do the business of these great rivers. If this bill is to pass, I would rather it should pass with a million more, if that million is to be used for a proper and suitable purpose. I am in favor of $70,000 for the mouth of the Columbia River. I have taken some interest in it. I have been upon its headwaters, and I know it is not for the State of Oregon alone. Upon the head of that river are great communities, new States growing up, Idaho and Montana, and other regions of country are benefited as well as Oregon. I would rather expend enough on the mouth of that river to make it a good enterprise; that is to say, I would not put ten, fifteen, or twenty thousand there, but I would put $150,000 if $150,000 would make it a permanent waterway and enable the great vessels of the coast and the vessels that trade with foreign countries to go upon that river.

The honorable Senator from Oregon said to us that $6,000,000 of exports went out of this river's mouth last year. I can pick one hundred items out of this bill where $6,000 of exports never went out, in my judgment, in a single year. The other day somebody told me that in one of these great engineering feats, that doubled the water in a river down here, it was twice as deep as it was the year before, and I asked, "How deep is it?" He said, "Last year it was a foot; this year it is two feet;" and that is about the way it is. A little while ago the committee reported an amendment for the harbor of Wilmington, on a river in North Carolina, and my honorable friend, the chairman of the committee, said that it was a very proper and worthy object; and I looked over the report of the engineers and I came to the conclusion myself that it was a worthy object.

The engineer said it was a proper expenditure of money, and he could get eighteen or twenty feet of water. How much did he want? He says for twelve feet of water you want $200,000 this year, and for fourteen feet you want $400,000, and for eighteen feet you want $700,000, and for twenty feet you want $1,000,000. If you want that, you want it now. You do not want part of it this year and part of it the next. It belongs to that class of streams where an expenditure made in detail, in piecemeal, a little now and a little next year, will do no good. I presume the $100,000, or whatever it is that is added to the sum already put in by the House, may be available and may help it some; but if the chairman of the committee had sat down and said, "Here are the little streams in this State that ought not to be in;" and if he had stricken those out, and then had put the whole upon some port upon his coast, nobody would object; but I suppose the trouble would be when it went back to the House every member who lived in the districts where these streams are supposed to be would find fault with the bill, and probably would rather see it fail than become a law.

When I rose I did not intend to speak upon this bill at any length. I meant simply to enter my protest against the bill, and to give my reasons why it ought not to pass, and why in my judgment, anxious as I am that the great national harbors and great national rivers should be taken care of by proper appropriations, I believe it is better that we should sit down upon these things and beat this bill, and let them go another year, than that we should adopt a principle that is so pernicious and that is reaching so far.

A few years ago $5,000,000 was considered an outrageous sum for a river and harbor bill. To-day it is twice that and more, and by next year it will be more and more, until by and by the people who pay the taxes will declare that they do not intend to vote any more money at all, and men will come here instructed to vote against a river and harbor bill, and then the great river that my friend from Minnesota is so anxious about and the great harbors upon the sea-coast will be left without the appropriations that they ought to have in justice to the whole people of the country.

Mr. McMILLAN. Mr. President, it is not my purpose to enter upon a general defense of the river and harbor bill. If any such defense is necessary, I shall leave that to the chairman of the committee, but some remarks have been made by Senators which I deem it proper to refer to briefly.

The Senator from Alabama [Mr. MORGAN] has said that under an act of Congress passed in 1796 the land upon the banks of the streams of this country which were not at that time navigable streams are the private property of the owners of the soil. I suppose that the Senator from Alabama has paid some attention to the decisions of the Supreme Court of this country, and if he has he will know that the owner of land upon the bands of the navigable streams of this country according to the last utterance of the Supreme Court do not take to the center thread of the stream. It is true the decisions of the Supreme Court are not uniform upon that subject; but the last decision of the Supreme Court settles that question adversely to the doctrine uttered by the Senator from Alabama upon the floor of the Senate.

With reference to the admiralty jurisdiction of the United States over the navigable streams of this country, the same high tribunal has determined that the Government of the United States has exclusive admiralty jurisdiction over any stream that is navigable to any

extent, so that the several States of this Union can pass no law affecting the rights of their citizens in regard to steamboats navigating these streams. No attachments can be issued by a State court; all these claims must be enforced through the Federal tribunals, and the jurisdiction of the United States courts, as I have said, is exclusive. Then, with reference to the character of the appropriations made in this bill, it comes to us from the House of Representatives, and we are to act upon it as it is presented to us. At the first session of this Congress the Senate and the House of Representatives passed an act of Congress organizing a commission to examine the Mississippi River and make a report in regard to that stream. That board of commissioners have made a report. They have recommended certain appropriations. Among these appropriations is $1,000,000 for the Mississippi River from Cairo to the Gulf of Mexico, and that item of $1,000,000 is altogether independent of the ordinary improvements upon the river to that extent.

Mr. TELLER. I would ask the Senator if he has not made a mistake in saying that it is to the Gulf of Mexico.

Mr. McMILLAN. It is limited.

Mr. TELLER. The million-dollar appropriation is limited to one hundred and eighty miles.

Mr. McMILLAN. No——

Mr. TELLER. If you follow the suggestion of the commission, the commission say that you want $5,000,000 and over this year.

Mr. McMILLAN. However, the appropriation of $1,000,000 is made and is incorporated in this bill, and that is an item which has never before been embraced in a river and harbor bill. That accounts in part for the large amount of this bill. It is not an increase of the ordinary appropriations for the streams in the country. The Senators who voted for the law providing for that commission, of which I was not one, accept their report, and it is in this bill. It is the item to which the Senator from Colorado refers as embracing an appropriation for the construction of levees; and as he would not hear me read the proviso in the appropriation I will now take occasion to read the proviso qualifying the uses for which the appropriation is made:

Provided, That no portion of the sum hereby appropriated shall be used in the repair or construction of levees for the purpose of preventing injury to lands by overflow, or for any other purpose whatever except as a means of deepening or improving the channel of said river. And it shall be the duty of said commission to make report, on or before the 1st day of January next, to the Secretary of War, for transmission by him to Congress, of a detailed statement of the work done, and of the expenditure made from the sum hereby appropriated, with their judgment upon the effect of such work, and the general practicability and estimate of the total cost of such improvements along said river from Cairo to the head of the passes.

Expressly excluding the application of this money to the purposes for which the Senator from Colorado said it could be used, as I understood his remarks on the floor of the Senate.

Then with reference to the reservoirs upon the Mississippi, that is an item in the bill as it came to us from the House. So far as appropriations relating to the State of Minnesota—which I have the honor in part to represent upon this floor—are concerned, no remarks which have been made criticising the character of the appropriations can apply to my State. They are all embraced in harbors upon Lake Superior, one of the great bodies of the country, upon the Mississippi River, and upon the Red River of the North, not only an interstate system but an international system flowing from our own State along its border into the British possessions. I may therefore speak I think without prejudice in regard to these questions. This system of reservoirs has been the subject of examination by successive engineers for the last twenty years, if I recollect the time correctly. Able, eminent engineers have passed upon that question, have examined it accurately, have spread their reports in detail before the country, and they command the approbation of the best judgment in this country that if this improvement is made the navigation of the Mississippi River down to about Dubuque will be greatly improved. These are the items that have been criticised here.

Then with reference to the fact that these appropriations are all based upon estimates from engineers of the Army of the United States made to Congress, these streams have been examined by these officers; they have reported carefully to Congress, and the appropriations are all based upon their reports. I take it, under these circumstances it cannot be complained of the committee that we have acted upon representations from officers of this character. So far as I am concerned I am willing to rest my judgment upon their reports. If they are not to be followed then they should not be made; but with all the appropriations that are contained in this bill I find none that do not come within the class of appropriations recommended by the engineers of the country.

Mr. TELLER. I want to call the attention of the Senator from Minnesota to the fact that he was slightly mistaken in stating that $1,000,000 was recommended by the commission from Cairo to the mouth of the river.

Mr. McMILLAN. To the Passes.

Mr. TELLER. If the Senator will look at the report of the commission he will find that the New Madrid reach, six hundred and forty miles long, was said to require $923,000; Plum Point reach, thirty-eight miles, $736,000; the Memphis reach, sixteen miles, $382,000, and so on, so that there is $4,113,000 there. Then, for closing gaps in levees $1,000,000 more, and this does not include the harbor at New Orleans and the harbors at Memphis and various other places, and has nothing in the world to do with the mouth of the river.

Mr. McMILLAN. Here is the appropriation; the Senator can see it.

Mr. TELLER. It makes no difference what the appropriation is; the Senator said they had appropriated what this commission declared was necessary. They have entered upon this work of carrying out the order of the commission, and the commission demand to start with $5,000,000 right off; and yet the committee only give them $1,000,000. If we are to go into it at all we might as well give them the $5,000,000.

Mr. BROWN. Mr. President, I have no doubt that there are some appropriations in this bill that ought not to be made. You will probably never pass one without some such appropriations, but in so far as the general objects of the bill are concerned I cordially approve of them. Senators say we have reached a point where we propose to appropriate say $10,000,000 for these objects, and that appropriation is too large. Fifty years ago when $1,000,000 was appropriated it was not regarded very large, and yet it was infinitely larger than $10,000,000 or even $20,000,000 are now. The old democratic doctrine I am aware was that we were to oppose internal improvements by the General Government, and yet such appropriations were made, I believe, at almost every session of Congress; and it is not now worth while to discuss that doctrine, whether it was right or wrong. A different practice has obtained for half a century and now prevails, and will continue to prevail. The future welfare of the country requires it. The future prosperity of the country demands it; and the people will require it of their representatives.

Fifty years ago there was not $1,000,000 a year invested in the construction of railroads. This year there will probably be more than $50,000,000 invested in building railroads in the United States. We will expend this year in the repairs, in additions to the equipments, and in the operating expense of railroads nearly four hundred million dollars. We have not quite ninety thousand miles of railroads. We have in the United States over thirty thousand miles of navigable streams, one-third as great a distance in length as the whole railroad system of the United States. Yes, we have 30,000 miles of great natural highways already built, that only need repairs to make them of immense value to the whole people of this great country.

The people pay annually nearly four hundred million dollars for the repair, improvement, and operation of railroads. In other words, they pay this enormous sum for railroad transportation, which carries their productions to the market, and brings back to them in turn the productions or manufactures of other countries or places which they require for their use or comfort. This looks like an immense sum, and so it is, to pay to the railroad corporations of this country. But we must recollect what they do in return for it. Let it be borne in mind that nearly all the merchandise of this country, of every character, is moved by railroad transportation.

In 1880 our exports to foreign countries alone amounted to $835,638,658, and our imports from foreign countries amounted to $667,954,746. Add the two together and you have an aggregate of $1,503,593,404 worth of exports and imports handled during the last year almost entirely by the railroad companies of this country. Let it be borne in mind that these are foreign exports and imports. Then the railroad companies have moved probably a still larger amount of internal commerce from one section of the country to another, from one State to another, and from one city or town to another, making probably three to four thousand million dollars' worth of produce moved by them for the convenience and profit of our people. This country has reached enormous proportions in its business. It has become a giant. And while its people pay very large sums for the transportation of their produce and merchandise, they make in return large profits in the aggregate which they could not make if it were not for the facilities of transportation afforded them by our railroad companies.

When this vast amount is expended annually and profitably by our people for railroad transportation, is it to be regarded as something marvelous if the Congress of the United States appropriates ten million a year to the improvement of the 30,000 miles of navigable streams within our borders, to say nothing of our harbors, which must be improved to facilitate foreign commerce? The amount expended for the improvement of our natural highways and channels of transportation is insignificant when compared with the amounts that are profitably expended in the construction and operation of artificial highways and thoroughfares of transportation. People complain very much of the monopoly of railroads and of what they call the oppression of railroad corporations. And that feeling seems to exist to some extent in the Senate. Has it occurred to Senators that the best way to free ourselves from those monopolies is to open everywhere our rivers and harbors and make them free to the transportation of the productions of every valley in the country that is tapped by one of them? As long as your rivers are sealed up the railroads will continue to do the carrying business of this country, and they will continue to combine, but when you have opened these rivers and harbors, and especially the interior rivers, so that there is an open natural highway from a port or a city where there are a half dozen railroads in combination, you at once have an independent outlet for the productions of that section. Therefore, in fact you are making a very small and insignificant appropriation for rivers and harbors as compared with the expenditure that is annually made for railroad transportation.

What has been the result of all this immense increase in facilities

for transportation? There has been an increase of the wealth and population of the country that has been absolutely astounding, one that is unprecedented in this country or in any other. Suppose you blot out the railroad system and refuse to make appropriations to rivers and harbors, what would be the condition of this country? Where is the wealth of it then? Where is your progress? Where is your boasted prosperity? Where is the immense balance of trade that is now in your favor? You would be set back half a century. You would then be literally treading in the footsteps of the fathers. You would be conforming to the old democratic usages, about which we sometimes hear eloquent periods here and elsewhere by those who forget that the world moves, and that we live in a different era from that which existed fifty years ago.

Senators should not be alarmed at a ten-million-dollars appropriation to improve our great natural highways, and democrats need not be alarmed at it. I have been told in this body frequently that this is a democratic Congress, and we must not enlarge these appropriations; that we cannot afford to do it; that it may injure the democratic party if we do it. If I controlled the democratic party and desired to popularize it, instead of $10,000,000 a year for the improvement of these great natural highways, I would appropriate $25,000,000 a year. I would see that it was judiciously expended where it was needed, and I would popularize the democratic party or any other party that sustained me by doing it. The increase in the business of the country which would result from it would pay it back from year to year with accumulated interest, and our people would rejoice in the new impetus given to their growing prosperity.

I am not afraid, then, of the size of the appropriations. The only question is, are they wisely made, and for a proper object? If so, then I am prepared to vote for the bill. Whether you call it democratic doctrine or republican doctrine or the doctrine of the independent party, I care not. The question is not how it affects party creeds, but how it affects the general welfare of the people of the United States.

But it is said that great injustice has been done by the committee in this case. I presume it is something like the same that every committee does. A member of the committee has better knowledge of the immediate wants of his own State and his own section, and it is probably not strange that he gets more for his own State and section because he believes it needs it more. The action in the House of Representatives is an illustration. I believe North Carolina was not represented on the committee of the House. She got, as the bill that came from the House shows, not a very large share, an inadequate appropriation for the actual wants there; but when the bill came to this body, where the honorable chairman of the committee is from North Carolina, he knew the needs of that State, and he doubtless laid them before the committee, and the committee favorably considered them, and they increased the appropriation for the State of North Carolina by the sum of $229,000, while the State of Georgia only gets $165,000 all told, counting one-half of the appropriation for the Coosa River, which is nearly all in Alabama. It runs fifteen or twenty miles below Rome, the head of it, where the junction of the other two rivers forms it, into Alabama; but counting half of that to Georgia, we have $165,000 in all for that State.

North Carolina got an increase in the Senate of $229,000. But I have no doubt North Carolina ought to have every dollar of it. I do not presume the honorable chairman has put anything in the bill for North Carolina that ought not to be there. Much has been left out, however, that ought to be in it for other States. I think it is not quite liberal in the committee, after reporting the bill in that condition, to come before the Senate and propose to lay it upon the table and prevent discussion every time we offer a necessary amendment. They must remember that a good number of the States were not represented on that committee; that there was nobody who knew the interests of those States as well as the committee-men knew the interests of their own States. Therefore I think they ought to look with a little toleration on our motions here to amend the bill, where the amendments are obviously proper; and I protest against the illiberality of motions to lay proper amendments on the table and thus cutting off debate, as has been attempted in two or three cases when a meritorious amendment is offered.

Some of the Senators, however, have said that these amendments ought to be made with reference to the commerce and business of each State. If you adopt that rule my State compares very favorably with North Carolina, and it would have been entitled under that rule to a larger appropriation even than North Carolina, and she does not get probably what she ought to have in this case. And I make this remark to show that if I should happen to ask for a little more for Georgia than some of the other Senators are asking for their States, I ought to be heard, and the chairman of the committee—the Senator from North Carolina—ought not to cut me off when I make the motion. Let us compare notes a little; Savannah, Georgia, is the second cotton port in the Union, and the seventh in the Union in exports and imports. I speak from the record. Her foreign exports and imports are $24,476,166. Then, as the Cotton Exchange reports of the city of Savannah show, the actual exports, taking foreign and coastwise, for the last year amounted to over forty-nine million dollars that went out of the harbor of Savannah alone. Last year the whole cotton receipts shipped out through the port, foreign and coastwise, amounted to about seven hundred thousand bales. Estimating by the months that have already run in this year, we may safely say that the cotton exports of the port of Savannah for this year will be 800,000 bales, and upon the same ratio of increase in the other exports, such as rice, tobacco, naval stores, lumber, timber, &c., the whole exports from Savannah, foreign and coastwise, for the present year will be between fifty-four and fifty-five million dollars.

Now, how does it stand in North Carolina? As you will see, I have about doubled the foreign trade of Savannah with the coastwise trade. The city of Wilmington, North Carolina, is the nineteenth port in the Union in exports and imports. Her exports and imports amounted last year in the whole to $4,042,322, not quite one-sixth of the foreign exports and imports of the city of Savannah. But there are two other ports in North Carolina that have foreign exports and imports. Pamlico, North Carolina, has an export and import trade of $27,786, and Beaufort, North Carolina, has an export and import business of $1,248. Take it altogether, there are less than four and a half million dollars of exports and imports from the State of North Carolina through all three of her ports. The city of Savannah alone exports and imports over six times as much as the whole State of North Carolina; and yet the increase in the House appropriations made for that State in this bill by the committee are larger than the whole amount appropriated by the bill to Georgia.

Therefore, I say that all these items are not quite just, and while I am unwilling to embarrass the committee, for I see the situation, and I am aware of the lateness of the hour, I think it is unreasonable, with these figures before us, for the committee to say that they will allow no amendments.

Mr. RANSOM. What paper is the Senator from Georgia reading from?

Mr. BROWN. I am reading from the annual report of the Chief of the Bureau of Statistics of the United States of America.

Mr. BUTLER. May I ask the Senator from Georgia a question?

Mr. BROWN. Yes, sir.

Mr. BUTLER. What are the estimates, if the Senator knows, for the improvement of the harbor of Savannah?

Mr. BROWN. Yes, sir; I know exactly. I thank the Senator for asking me the question.

Mr. BUTLER. I mean the estimate upon which the appropriation in the bill for that harbor is made.

Mr. BROWN. I understand the Senator perfectly, and I am very much obliged to my friend from South Carolina for asking me that question, because it calls to my mind another fact that I wanted to state here especially. The city of Savannah has done that which I apprehend the chief city of the Senator's own State probably has not done. She has expended over a quarter of a million dollars out of her own purse, her own treasury, for the improvement of her own harbor. She has gone on the idea that those who want help must do all they can first to help themselves. She has acted on that rule and I can get the data and show every item. Over a quarter of a million of dollars has she expended for the improvement of her own harbor. I do not think many other cities have done as much.

But to the Senator's question. There was an estimate made to deepen the channel to nineteen feet, for you will bear in mind that the bar at the mouth of the river at high tide is twenty-six feet. The object was first to deepen the channel of the river between the city and the bar to nineteen feet. If they undertook to make it as deep as it ought to be at once with the meager appropriations it would be too long before we could do a reasonable business at the harbor. Hence an estimate was made for only a partial completion of the work first, so as to give the benefit of nineteen feet of water all the way down the channel.

The appropriations have been made from year to year until it lacks a little of $65,000 to finish that particular work of deepening the channel to nineteen feet; but we look to the deepening of it finally to twenty-three or twenty-four feet. The Senate has already passed to-day my amendment to this bill instructing the Secretary of War to have the survey made with reference to deepening the channel three feet more, so as to make it twenty-two feet from the bar up to the city of Savannah.

Mr. RANSOM. Will the Senator from Georgia allow me to interrupt him for one second?

Mr. BROWN. I certainly will.

Mr. RANSOM. I ask the Senator if the Committee on Commerce did not increase the appropriation for the city of Savannah to the very last cent of the estimates and to the last cent of the demands of the Senators from that State?

Mr. BROWN. I thank my friend, the Senator from North Carolina, for calling my attention to that, for I want to do the committee full justice. On that point they did give the amount with this exception, that they appropriated $5,000 of the sum for the payment for lands on the opposite side from Savannah.

Mr. RANSOM. That was by the request of the Senator from Georgia.

Mr. BROWN. No; my honorable friend is wrong. My amendment that I laid before you and that I urged before you, and I was unfortunate if I was not understood, was to appropriate $65,000 to complete the work and $5,000 for extinguishing the title to a certain neck of land necessary to be cut off from Hutchinson's Island. The situation there is just this——

Mr. RANSOM. There is no dispute about the Savannah amendment; it has been adopted.

Mr. BROWN. Let me answer the question. I want to make

myself understood on that matter now that the Senator has called my attention to it. The river right opposite the city of Savannah is not as wide as is necessary for the shipping purposes there. There is an island immediately opposite the city called Hutchinson's Island. The larger part of the river ran around on the South Carolina side of the island, and the estimates for improving the harbor include jettying across that back river so as to turn the stream as much as possible around by the city. The river is too narrow next to the city, and the engineers say it ought to be widened to six hundred feet right opposite the city where there is so much shipping. When I say so much shipping, I want to say in that connection, that during the whole business season there is, to say nothing of sailing vessels, more than one steamer on an average every day clearing from the harbor of Savannah. With all this shipping in operation there is not room enough for it immediately opposite the city. It is proposed therefore to deepen the shallow portion next to Hutchinson's Island, and cut off a neck of that island; and there we will have to pay for a little land when we invade private rights. That is what we ask $5,000 for, and it is important to have it for that purpose. But deduct that and we lack $5,000 of having the appropriation necessary for Savannah. And it will be borne in mind that the present estimates were made for the improvements of the harbor of Savannah, so as to give us but nineteen feet of water.

Mr. BUTLER. I was not making any comparison between Charleston and Savannah. I really wanted to give Savannah all she is entitled to, and she shall have all that she is entitled to so far as my vote is concerned. The point to which I wanted to invite the attention of the Senator was whether or not the estimates to which he referred had already been made; in other words, has not the appropriation in this bill been very nearly up to the estimates submitted by the engineers, or a very large percentage?

Mr. BROWN. Yes, as I have already stated, it has been within a little less than $5,000 of the estimate for the completion of the work as proposed by the first survey of the port which only proposed to deepen the harbor to nineteen feet. But I will add that when the final survey is made to complete the work on the harbor, it may need a million there. The Senator has the estimates for South Carolina for the completion of Charleston Harbor, and they are large, but I am going to vote every dollar he needs for that purpose. I am a friend of his people and of his State, and I am not finding fault with what he asks. I only wanted to show him what we need, but I was taken up by the Senator from North Carolina on Savannah. That was not the point I was complaining about; my complaint is this: we have three large rivers in Georgia; we have rivers and a coast there that need improvement to the extent of nearly one thousand miles in length. The river on each side running nearly the length of the State belongs to the State. On the west, the west bank of the Chattahoochee is the line of Alabama. On the east, the east bank of the Savannah is the line between Georgia and South Carolina. Then the great river, the Altamaha, which is one of the large rivers of the South, runs nearly through the center of the State. It is formed by the junction of the Ockmulgee and the Oconee—and here I want to say a word about our exports again.

I got a letter the other day from the mayor of Darien, though I have not the official statistics, informing me that during the last year there has been shipped out from the mouth of the Altamaha River 70,000,000 feet of lumber, to say nothing about naval stores and other products. I want to show you that I am not asking for appropriations here for trout streams, or for places where there is no commerce. I am asking for appropriations where there are highways of commerce; I am asking appropriations where there is large commerce and where there is growing commerce. I do complain, therefore, that the committee, after my colleague and I had gone before them and asked an increase, cut us off and gave us not a single dollar of increase on any of our rivers and harbors as the bill came in its original shape from the House, except for the harbor of Savannah alone.

There is one other channel or river I must not forget, and it is one of the most important. It is important to the whole country; it is important to the North and South; it is important to the East and to the West. There is an inland channel along and around the coast of South Carolina, Georgia, and Florida by which you can go from Charleston to Savannah and from Savannah to Brunswick, and around into the Saint Johns, and up into Florida, and never go out to sea at all. We have a class of good boats that are beginning to do a large business there. We run two boats a day now usually both ways, and sometimes more in that inland channel. In case of war, as you have no adequate navy, let me tell you it would be as the engineers have said in their estimates, of immense value to you. You can conduct a commerce with it open between Charleston and any portion of Florida and never go to sea.

Mr. EATON. My friend means "us," not "you."

Mr. BROWN. I speak to the Senate; I mean everybody. I mean you and us; I mean the fifty million people of the United States all united as they are now, and as I am glad to believe they always will be in the future. That is what I mean, and I thank my friend from Connecticut for directing my attention to it if I have used expressions that do not convey that idea. But this inland salt river is of national consequence.

There is a place called Romney Marsh, beyond Savannah some twenty or thirty miles, in the direction of Florida. The boats have to go through the marsh. What is the marsh? It is a marsh between the islands and the mainland, grown over with high grass that at high tide is entirely covered; at low tide it is about five feet above the water. There are rivers and creeks through it. The navigable channel goes through it in a very winding and meandering sort of way. In passing Romney Marsh, if you get there at low tide, you have to lie over always for the tide to rise, and it is a very great hinderance and inconvenience. If the people who come from New England, New York, Pennsylvania, and other States and land at Savannah, going to Florida, that tropical garden we have down there, stop over a day or two at Savannah, they are very apt to take those inland boats, because they are very pleasant. It is as pleasant as river navigation and as safe; but they go around and hang in Romney Marsh and wait there for the tide to rise. The engineers have made a survey of the marsh, and they say that $31,680 will cut a canal through the part of the marsh where we always stick, and open the whole navigation and make it free and easy. The Georgia and Florida Inland Steamboat Company, owning the boats on that line, whose headquarters are in New York, have made a proposition which I now have before me, that I will not stop to read, which is that if Congress will appropriate $20,000 of that $31,680 they will take the contract, because they are running boats there, and complete the job according to the estimates made by the engineers for $20,000. In other words, this steamboat company itself will contribute eleven thousand six hundred and eighty dollars of the amount necessary to cut the canal through Romney Marsh, to have the inland navigation improved as it ought to be.

Now, I did think when I went before the committee that I made a good case there upon which I was entitled to consideration. It is true it sounds a little strange to ask to improve the navigation of a marsh, but it is to improve the navigation of the salt river that runs and winds through the marsh by cutting a little canal across where it is impassable at low tides, so that boats can go along without lying there six or twelve hours waiting for the tides. The steamboat company now says "Give us $20,000 of the $31,680, the estimated cost, and we will cut the canal, as estimated by your engineers, worth thirty-one thousand six hundred and eighty dollars." As this private company proposes to give over one-third of the amount, I thought I made a good case before the committee, but it seems they did not think so. I appeal from their decision, and I say now that I intend at the proper time to offer an amendment to appropriate the $20,000 for Romney Marsh; and I beg Senators on both sides, republican and democratic, to consider it favorably, North, East, and West; you are all interested in it. There is probably no appropriation in this bill of like amount that would do more real good to the commerce of the country than the $20,000 which you would put in Romney Marsh to make that navigation free and easy all the time. I propose the route by Warsaw Island. The island has a beautiful beach. It would afford the people of Savannah an opportunity to build hotels and summer residences on the island, which would then have speedy and easy communication with the city, which would be a great convenience to a large class of our best people, who could spend their summers near home, on a beautiful island, in the midst of a fine, healthy sea-breeze. This would increase the health, comfort, and prosperity of the people of our beautiful city. I thought the committee ought to have given us this appropriation, and it is about that, and the Altamaha River, and the Chattahoochee River, and the Savannah River, all of which are put off with mere nominal appropriations, that I complain, not about the city of Savannah. I referred to the commerce of the city of Savannah to show that it was not, as some of the rivers have been called, trout streams that we were improving there. Here is one of the largest commercial ports of the Union, doing a vast business, constantly improving, with a railroad system going back and penetrating the whole country west and south and southwest. This railroad system has been put into operation at a great deal of expense. It is being improved every year, and as it now stands it is going to pour an immense commerce into Savannah.

Why will we not improve these rivers and harbors, then, as they should be, and encourage these great cotton and timber and naval store and rice interests as they deserve? The committee gave us for the great river Altamaha $5,000; and for the two branches that rise up in that immense timber region, none like it anywhere scarcely, where they are bringing out such large quantities of timber, they give us $2,500 for one and $5,000 for the other. All I asked was $10,000 each for the branches and $10,000 for the Altamaha. I thought we ought to have had it; it is certainly much more reasonable than a great deal that is in the bill, and why should we not have it? Why cut us off by the gag-law, and not even permit us to be heard in these amendments?

Mr. RANSOM. Certainly the Senator from Georgia does not pretend that I have cut him off by a gag-law. He has certainly illustrated the fact that I have not done that.

Mr. BROWN. The illustration is very good, it is true; but I am not quite sure how much I am indebted to my honorable friend for the opportunity of making this speech. I think he tried the gag-law by moving to lay on the table the very amendment which I got up to discuss here; but we voted him down, and he could not put on the gag, could not put the bits in my mouth; and hence by the courtesy

of the Senate, and not of my friend from North Carolina, I am allowed to make my remarks.

Mr. RANSOM. When the Senate gets an opportunity I think they will agree to my motion.

Mr. VANCE. I simply want to make an inquiry. I wish to inquire what is the question before the Senate?

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. PLUMB] to recommit the bill with instructions.

Mr. BROWN. I have the floor on that question.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. BROWN. I am also discussing kindred subjects that are very germane to it. I do not expect to occupy the floor again on this question only to make some motions to amend, and while I am up I want to state the reasons why this gag should not be put upon us, and to show that there are good reasons why the committee ought not to cut us off by motions to lay our amendments on the table, which motions are not debatable.

Allow me to remark here another coincidence which is a little peculiar. In every instance where my friend, the chairman, makes a motion to lay an amendment on the table the Senators from the States that get the largest part of the appropriation vote to cut us off. They cannot afford to injure the bill. Some of the States represented on the committee fare rather luxuriantly in the bill, and it is natural enough, I suppose, that they want to hold on to what they have. But they should let us put a little more on; and if we happen to add by meritorious amendments another million, I think it is infinitely small compared with what our fathers appropriated for like objects when we take into account their numbers, their wealth, and their situation, and compare them with our numbers, our wealth, and our situation.

I do not want to be gagged on this question, and I do not think other Senators who have meritorious amendments do, nor do I think it ought to be done. I know I have not confined myself to the question of the improvement of the mouth of the Columbia River which is the pending amendment which the Senate refused to lay on the table. I am ready to vote for the appropriation because the Senators from that State say it is really necessary and important. The Columbia River is one of the great water-ways of the Union, and I shall vote with the Senators from Oregon on that question, and then I have no doubt when they come to consider other amendments that are equally meritorious they will vote for them.

I do not think the honorable chairman need be alarmed about the fate of his bill. I do not believe we will hazard its passage. We ought to add a little more to it. We should be willing to take the risk. As a democrat I shall take it, and I am not afraid of what the people will say. I would rather suppose they would call us to account for not having made reasonable appropriations than that they would be likely to call us to account for voting more than ought to be given by this bill. If the whole amount appropriated does not exceed $15,000,000 and the money is appropriated as it ought to be for necessary improvements and each State gets its just proportion, I am willing that this democratic Congress shall take that much responsibility. However much of popular confidence the party may have lost on previous occasions by a timid and vacillating policy, if it will appropriate such sums as are necessary to make proper improvements of the great highways of commerce which a bountiful Providence has so richly bestowed upon us, and thus give easy and cheap transportation to the productions and importations of the country, we shall for one time at least hear the plaudit of well done come rolling back to the Capitol from a vast majority of the fifty million people whose interests will be promoted by such an exhibition of practical statesmanship and wise policy.

Mr. PLUMB. I move that the Senate proceed to the consideration of executive business.

Mr. RANSOM. It is not in order to say anything, but I hope that motion will not prevail.

The motion was not agreed to.

Mr. PADDOCK. I move that the Senate take a recess until half past seven o'clock. ["No!" "No!"]

Mr. RANSOM. This very long bill has to go back to the other House; already amendments have been adopted to it; and we had better go on with it now. I appeal to the friends of the bill to stand by it.

Mr. PADDOCK. My belief is that it will be an utter impossibility to finish the bill in any reasonable time this evening.

Mr. BECK. May I be allowed to say a word?

The PRESIDING OFFICER. It is not a debatable proposition, but by consent the Senator may proceed.

Mr. BECK. I wish only to say that the sundry civil bill will reach the Senate at some hour to-night we hope; it is perhaps the most difficult bill to manage. It has to be followed by the deficiency bill. The legislative, executive, and judicial appropriation bill and several others are going to give some more trouble, and unless we close the consideration of this bill now it will be either a failure, or some important bill that must be passed will either receive no consideration, or not be passed at all.

Mr. RANSOM. I hope that the motion to take a recess will not be adopted by the Senate. There is a large number of Senators here, and we can go on with the bill, and if it is to be finished we can finish it to-night. I concur in what the Senator from Kentucky has said.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska, that the Senate take a recess until half past seven o'clock.

The motion was not agreed to.

Mr. PLUMB, (at five o'clock and thirty-six minutes p. m.) I move that the Senate now adjourn; and on that motion I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WALKER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. WALLACE,] who would vote "yea" if he were present, and I should vote "nay."

The roll-call was concluded.

Mr. TELLER, (after having voted in the affirmative.) Did the Senator from Wisconsin [Mr. CAMERON] vote.

The PRESIDING OFFICER. He did not.

Mr. TELLER. Then I will withdraw my vote.

The result was announced—yeas 9, nays 42; as follows:

YEAS—9.

Bruce,	Hoar,	Logan,	
Dawes,	Ingalls,	Morrill,	
Hill of Colorado,	Jones of Nevada,	Plumb.	

NAYS—42.

Bailey,	Farley,	Kernan,	Saulsbury,
Bayard,	Ferry,	Lamar,	Saunders,
Beck,	Garland,	McDonald,	Slater,
Booth,	Groome,	McMillan,	Vance,
Burnside,	Hampton,	Maxey,	Vest,
Butler,	Harris,	Morgan,	Voorhees,
Call,	Hereford,	Pendleton,	Williams,
Cockrell,	Hill of Georgia,	Pugh,	Windom,
Coke,	Johnston,	Randolph,	Withers.
Davis of Illinois,	Jonas,	Ransom,	
Eaton,	Jones of Florida,	Rollins,	

ABSENT—24.

Allison,	Cameron of Pa.,	Hamlin,	Sharon,
Anthony,	Cameron of Wis.,	Kellogg,	Teller,
Baldwin,	Conkling,	Kirkwood,	Thurman,
Blaine,	Davis of W. Va.,	McPherson,	Walker,
Blair,	Edmunds,	Paddock,	Wallace,
Brown,	Grover,	Platt,	Whyte.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Kansas [Mr. PLUMB] to recommit the bill with instructions.

Mr. RANSOM. Without any impatience in the world, certainly with all the deference I can or ought to have toward the sentiment of the Senate, I will presume to say that I think Senators are about as well advised on this bill now as they will be during the night. If we intend to pass the bill it must be passed to-night; that is settled. I hope now, without presuming even to suggest or dictate to the Senate, that we shall proceed with the bill and vote on amendments that may be offered and then on the final passage of the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas, to recommit the bill with instructions.

Mr. PLUMB. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on this question and on all questions on this bill, with some exceptions, with the Senator from Ohio, [Mr. THURMAN.]

Mr. EATON, (when Mr. PLATT'S name was called.) I desire to say that my colleague [Mr. PLATT] is paired with the Senator from Mississippi, [Mr. BRUCE.] If my colleague were here he would vote "yea."

Mr. WALKER, (when his name was called.) On this and all other questions connected with the river and harbor bill I am paired with the Senator from Pennsylvania, [Mr. WALLACE,] and I make the announcement now, so that I need not hereafter repeat it. If the Senator from Pennsylvania were present, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. DAVIS, of Illinois. The Senator from Louisiana [Mr. KELLOGG] and the Senator from Iowa [Mr. KIRKWOOD] are paired. On this question I really do not know how they would vote.

Mr. COCKRELL. I am paired with the Senator from Vermont, [Mr. EDMUNDS,] who is now absent, upon this question, reserving, however, the right at any and all times to vote in order to make a quorum. If the Senator from Vermont were present, I understand he would vote "yea." I should vote "nay."

Mr. TELLER. I am paired with the Senator from Wisconsin, [Mr. CAMERON,] who it seems has gone away. I was to pair with him if he went away, and I shall not vote. If he were present, I should vote to recommit the bill.

Mr. MCMILLAN. The Senator from Wisconsin would vote "nay."

Mr. THURMAN. I am paired with the Senator from Rhode Island [Mr. ANTHONY] on all questions except those that effect my own State.

The result was announced—yeas 10, nays 39; as follows:

YEAS—10.

Davis of Illinois,	Harris,	Kernan,	Pendleton.
Dawes,	Hill of Colorado,	Logan,	
Eaton,	Ingalls,	Morrill,	

NAYS—39.

Bailey,	Coke,	Johnston,	Ransom,
Bayard,	Farley,	Jonas,	Rollins,
Beck,	Ferry,	Jones of Florida,	Saunders,
Blair,	Garland,	Lamar,	Slater,
Booth,	Groome,	McDonald,	Vance,
Brown,	Grover,	McMillan,	Vest,
Burnside,	Hampton,	Maxey,	Voorhees,
Butler,	Hereford,	Paddock,	Williams,
Call,	Hill of Georgia,	Pugh,	Windom.
Cameron of Pa.,	Hoar,	Randolph,	

ABSENT—26.

Allison,	Conkling,	McPherson,	Thurman,
Anthony,	Davis of W. Va.,	Morgan,	Walker,
Baldwin,	Edmunds,	Platt,	Wallace,
Blaine,	Hamlin,	Plumb,	Whyte,
Bruce,	Jones of Nevada,	Saulsbury,	Withers.
Cameron of Wis.,	Kellogg,	Sharon,	
Cockrell,	Kirkwood,	Teller,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Oregon, [Mr. SLATER,] at line 818.

Mr. MORRILL. I desire to offer an amendment. If it is not in order now, I will wait until this amendment is acted upon.

The PRESIDING OFFICER. If it precedes line number 818 it will now be in order; if it comes afterward the Senator had better reserve it.

Mr. MORRILL. It comes after it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon, in line 818, to strike out "forty" and insert "seventy."

Mr. RANSOM. I am obliged to call for the yeas and nays upon that amendment, because if I once do anything that consents to putting amendments on this bill, I shall feel called upon, and it is my duty to say so to the Senate, to treat all gentlemen alike who have amendments of equal merit. I should be very remiss if I were to allow one amendment to be admitted here, if when others of equal merit were offered I did not consent to their admission also. So I must call for the yeas and nays and vote against this amendment.

Mr. HILL, of Georgia. I suggest that the vote to lay on the table was a test vote on this amendment.

Mr. RANSOM. It was not a test vote.

The yeas and nays were ordered.

Mr. TELLER. Let the amendment be reported.

The CHIEF CLERK. In line 818 it is proposed to strike out "forty" and insert "seventy;" so as to read:

Including bar at mouth of Columbia River, Oregon, $75,000.

The Secretary proceeded to call the roll.

Mr. TELLER, (when his name was called.) When I paired with the Senator from Wisconsin [Mr. CAMERON] I reserved the right to vote on such amendments as I thought proper, and only paired on final action upon the bill, or that which would look to the final defeat of the bill, so that I vote "yea."

The roll-call was concluded.

Mr. THURMAN. As the Senator from Rhode Island [Mr. ANTHONY] is now in the Chamber, I vote "yea."

The result was announced—yeas 23, nays 29; as follows:

YEAS—23.

Bailey,	Grover,	Logan,	Saunders,
Bayard,	Hampton,	Morgan,	Slater,
Brown,	Hill of Georgia,	Morrill,	Teller,
Davis of Illinois,	Hoar,	Paddock,	Thurman,
Dawes,	Ingalls,	Pendleton,	Vest.
Garland,	Kernan,	Plumb,	

NAYS—29.

Anthony,	Cameron of Pa.,	Jonas,	Rollins,
Baldwin,	Coke,	Jones of Florida,	Vance,
Beck,	Eaton,	Lamar,	Voorhees,
Blair,	Ferry,	McDonald,	Williams,
Booth,	Harris,	McMillan,	Windom.
Burnside,	Hereford,	Maxey,	
Butler,	Hill of Colorado,	Pugh,	
Call,	Johnston,	Ransom,	

ABSENT—23.

Allison,	Davis of W. Va.,	Kellogg,	Sharon,
Blaine,	Edmunds,	Kirkwood,	Walker,
Bruce,	Farley,	McPherson,	Wallace,
Cameron of Wis.,	Groome,	Platt,	Whyte,
Cockrell,	Hamlin,	Randolph,	Withers.
Conkling,	Jones of Nevada,	Saulsbury,	

So the amendment was rejected.

Mr. MORRILL. On page 41, after line 988 of section 1, I move to insert the following proviso:

Provided, That the President of the United States is hereby authorized and requested to make such deductions from the respective appropriations herein provided for as shall amount in the aggregate to the sum of $4,000,000, and these deductions shall be made in such amount in each case as in the judgment of the President will best serve the public interest in advancing the most necessary improvements.

It is, I suppose, well understood by every Senator that this is the largest river and harbor bill that has ever been reported. It came to us from the House very large, and I do not understand that in committee it has been pruned in a single instance, but the committee have added very largely to it. While I am a staunch friend of internal improvement, and improvements such as the bulk of this bill proposes, yet there are a good many things in the bill that ought to be stricken out. The committee to which it was referred ought to have made provision in order that we may keep such measures as this in some favor with the people; but if we are to go on in this most extravagant style we are ruining the very system that we are undertaking to uphold.

It will be seen by looking at the bill that the Committee on Commerce proposed, and I suppose in Committee of the Whole of the Senate the amendment has been agreed to, to strike out the provision of the House bill that the money should be expended in the most economical manner; that is, by the system of contracts. Everybody knows that we can get from 33⅓ to 50 per cent. more work done by contract for the same money than we can by leaving it to petty engineers all over the country to spend it as they may see fit and proper.

I desire that we shall appropriate a liberal sum for river and harbor improvements, and after we have appropriated a liberal sum I want the best that can be done to be undertaken on the part of the Government. It seems to me strange, unless it is for the purpose of distributing this money and fertilizing the country without any regard to what shall be done with it, that that eminently wise and economical provision should have been stricken out of the bill, under the circumstances, where every little stream in the country seems to have been named and got hold of in order to rope in the interests of the respective States in favor of the bill.

I cannot say that such an amendment as this I have offered will be accepted; but it seems to me when we appropriate $7,600,000—and that will be the amount as near as I can figure it under my proposed amendment; it is a liberal sum and ought to content the Senate; I hope it may content the Senate.

Mr. THURMAN. I suggest to my friend from Vermont that he withhold his amendment until the other amendments to be offered have been voted upon. That is an amendment which should come in after the bill has been perfected or rendered more imperfect, either one or the other as the Senate votes. There are other amendments to be offered.

Mr. MORRILL. If it shall be understood that this amendment may come up without being moved, I have no objection.

Mr. THURMAN. Of course it will come up.

The PRESIDING OFFICER. The amendment, then, will lie on the table subject to the call of the Senator from Vermont.

Mr. THURMAN. Do I understand that for the present the amendment is withdrawn?

The PRESIDING OFFICER. It is laid on the table subject to the call of the Senator who submitted it.

Mr. MORRILL. Or anybody else.

Mr. THURMAN. Although I have very little hope of getting anything better in this bill than it is after the vote on the amendment offered by the Senator from Oregon, which it seems to me was the most meritorious thing that has been offered about the bill, I yet venture, in accordance with the recommendation of the local engineer and also the Chief Engineer of the United States, and for reasons that I shall state, to move to amend the bill, in line 170, by striking out "thirty" and inserting "fifty," which will be an increase of the appropriation of $20,000 for an ice-harbor at the mouth of the Muskingum River, Ohio. The bill appropriates $30,000 as it now reads.

Several years ago Congress made an appropriation for the construction of an ice-harbor on the Ohio River, at the mouth of the Muskingum River. It was highly recommended by the Chief of Engineers and by one of the subordinate engineers of that department as necessary for the safety of the commerce of the Ohio River. It is really in the Muskingum River at its mouth. The State of Ohio has an improvement along the Muskingum River, slack-water navigation, and there is a large dam at that mouth which the State consented might be used in the construction of this ice-harbor, saving to the Government an expense of more than $40,000. Congress first appropriated, if I remember aright, $30,000, and last year appropriated $80,000; and now the Chief of Engineers reports to Congress as follows:

5. *Ice-harbor at mouth of Muskingum River, Ohio.*—Under the appropriation of March 3, 1879, ($30,000,) a contract was made for furnishing the stone for a lock in the State dam at Marietta, Ohio, and the delivery of stone has been begun.

Under the appropriation of June 14, 1880, it is proposed to commence the construction of so much of the above lock as is located above the dam, the amount of the appropriation being too small and the season too far advanced to justify more extended operations.

The officer in charge submits the following estimate for the ensuing year:

For completing lock at Marietta..... $136,400

That is the estimate made by the Chief of Engineers, and also by the officer of that department who has the matter specially in charge.

I want to say that this is for an ice-harbor on the Ohio River, and the only one on that river. It is true that there is another one projected, but this is the only one on which any considerable work has been done. The Ohio River, from the port of Pittsburgh to its mouth, is a thousand miles in length that is navigable. Its two great tributaries which constitute it, the Allegheny and the Monongahela, are also navigable for long distances from Pittsburgh. It is a river that is subject to the breaking of the ice in the spring, to the great

injury of the boats and other craft upon it. I am assured by the member of Congress from the Marietta district that if this work had been completed, the saving this very year upon the going out of the ice would have been three times as much as would have made that ice harbor.

There can be no doubt whatever, and never has been any doubt, of the importance of this work. There is no work of this importance that the General Government ever undertook that will be constructed with as little expense to the Government as will this work, owing to the fact of the State improvement and the consent which the State has given by resolutions of the Legislature to the use of the State dam for this ice-harbor.

Mr. President, I am not going to take up the time of the Senate by detailing the importance of commerce upon the Ohio River. Every Senator certainly knows it; but I wish to call the attention of the Senate to the fact that the appropriation names what it is, the unexpended balance and the appropriation of $30,000. This work cannot be completed within this year, and they have to meet next winter or next spring the same disastrous consequences that have attended commerce this spring. This is an ice-harbor for the use of vessels on the Ohio River all the way from Pittsburgh to Cincinnati. It is of immense importance to them, and it is penny-wise and pound-foolish not to finish this work at once. The appropriations ought to have been through before; the work ought to have been completed at once instead of dribbling out small sums and letting it linger over many years in its construction. The $50,000 to which I propose to raise this appropriation is not enough. The right policy, the true economy, would be to appropriate enough to finish the work at once; but I have no hope of succeeding, if I were to offer an amendment, to raise the sum to what it ought to be; but I trust the Senate at least will raise it to the same sum which Congress appropriated last year, in order that the work may proceed.

Mr. RANSOM. I have to say identically the same words in reference to the amendment of my friend from Ohio that I said in reference to the amendment of the Senator from Oregon, and it is an illustration of what I stated before. If one of these amendments is admitted, there are others just as meritorious, almost without number, and the bill will be broken down and there is an end of the measure. I move to lay the amendment of the Senator from Ohio on the table.

Mr. THURMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 13; as follows:

YEAS—28.

Baldwin,	Cameron of Pa.,	Harris,	Maxey,
Beck,	Coke,	Hereford,	Pugh,
Blair,	Davis of W. Va.,	Johnston,	Ransom,
Booth,	Farley,	Jonas,	Vance,
Burnside,	Ferry,	Lamar,	Vest,
Butler,	Garland,	McDonald,	Voorhees,
Call,	Hampton,	McMillan,	Williams.

NAYS—13.

Bailey,	Hill of Georgia,	Paddock,	Thurman.
Brown,	Ingalls,	Pendleton,	
Davis of Illinois,	Logan,	Plumb,	
Hill of Colorado,	Morgan,	Slater,	

ABSENT—34.

Allison,	Eaton,	Kernan,	Sharon,
Anthony,	Edmunds,	Kirkwood,	Teller,
Bayard,	Groome,	McPherson,	Walker,
Blaine,	Grover,	Morrill,	Wallace,
Bruce,	Hamlin,	Platt,	Whyte,
Cameron of Wis.,	Hoar,	Randolph,	Windom,
Cockrell,	Jones of Florida,	Rollins,	Withers.
Conkling,	Jones of Nevada,	Saulsbury,	
Dawes,	Kellogg,	Saunders,	

So the amendment was laid on the table.

Mr. MORGAN. In line 150 I move to strike out "one hundred" and insert "one hundred and twenty-five;" so as to read:

Improving harbor at Mobile, Alabama, $125,000.

I have no doubt that this amendment will go the way of all flesh, but before it goes in that way I desire to make a statement of the facts upon which it is predicated, and I am prepared to support it by some very essential documentary history. The Senate committee have taken up a House bill and have declined to adhere to the amount of money that the House had appropriated or expressed its willingness to appropriate, and the Senate committee have added very largely to that amount of money. If there are any instances in which reductions have been made I have not yet seen them. There may be some instances, but I do not remember any in which a reduction has been made of the sum of money appropriated in any particular case below that which the House has designated as being its will on that subject.

Mr. INGALLS. Can the Senator state how much the bill was increased? I did not hear the original statement.

Mr. MORGAN. I do not undertake to state that. I have no idea that there is a Senator on this floor who can state it.

Mr. INGALLS. I understand that the Senator from North Carolina who has the bill in charge made a preliminary statement, in which he announced how much the bill had been increased as it came from the House.

Mr. MORGAN. I did not hear that. I do not see the chairman now, but I will ask the committee where there has been any reduction made upon any appropriation sent to us from the House? No Senator has answered that any reduction has been made; and without pretending to be entirely familiar with every item of this bill, I will assume for the purposes of the point I am making that no reduction has been made.

The bill, then, when it came from the House, was to be taken precisely as it passed the House, and when it came to the Senate it was to be amended in those particulars that the committee agreed upon, and then there was an evident understanding on the part of the committee that no departure should be made from that agreement which they have entered into; for we were notified when the bill came in here that there should be no increase in the appropriations beyond that which the committee had fixed in its own mind as being the sum which the Senate would agree to appropriate.

This method of dealing with a subject of this kind cuts off all discretionary action on the part of the Senate. No discretion remains to any Senator or to this body as a whole which the committee will allow to be exercised in changing the amount of these appropriations in any direction, either to decrease or to increase. It comes to us like a Procrustean bed, upon which we are to be measured, after having been first tied upon it, without the option on our part either to see that it is too long or too short, or too hot or too cold. The committee, in the exercise of the jurisdiction and authority which I suppose they feel perfectly composed in exercising, in their judgment measure the appropriation as it shall be made, and nothing is to be heard or urged against it in the Senate that is not encountered at once with a motion to lay on the table.

I confess I have never seen any measure passed through the Senate of the United States under rules and regulations quite as stringent and as military in their character as those that control the action of the Senate on this bill. The Senator from Oregon was not allowed to have an amendment put upon the bill which he insisted was entirely just, and proved to be just before the Senate, because it would increase the amount of the appropriation and load the bill. The Senator from Ohio, who has now almost two full terms of senatorial experience in this body, has not been allowed to amend the bill so as to provide for a harbor of safety and of refuge for vessels on the Ohio River, which he declares in his place in the Senate is essential to the preservation of the commerce of the Ohio River.

After these rebuffs on the part of the committee, because they are not rebuffs on the part of the country, I know the fate of the amendment that I have moved. I discern that whatever is just to be done in this case is not going to be done. I know that the Senate is in thraldom and in leading-strings, so that those who are interested in the passage of this bill are not going to relax for any statements of facts that I can make or any argument that I can present. After the defeat of the honorable Senator from Ohio upon a proposition of the kind that the Senate has just broken him down upon, and after having seen him take his cloak and retire from the Chamber, I am thoroughly admonished that the power which has been imposed upon the Senate by the committee to force this measure through is one that I cannot resist.

But, sir, it remains to me to inquire for a moment how this power happened to be concentrated in the hands of the committee. It has not been done on the merits of the bill. Senators who belong to this committee have risen in their places to-day, and if they have not said it they have at least conceded it, that there are parts of this bill which they themselves would oppose if they felt at liberty to do it. Then we are brought to this condition as legislators that a measure is presented to us for our consideration full of evil, and we have not the liberty to eliminate it because there is a power we dare not attempt to resist which attempts to put, as has been stated here, the evil and the good together. I would feel that I had underrated the dignity of the high office which the people of my State have conferred upon me if I could ever confess that I was placed in such circumstances in reference to public legislation that I had no liberty to eliminate the evil from the good, and that I was bound to take the evil in order to get some modicum of justice at the hands of the Senate. This honorable body does not place itself upon the high plane of legislative action which properly belongs to it under the Constitution and the glorious traditions of its past history, when it concedes that it must pass a measure under the pressure of the previous question, for it is nothing else than that, first introduced here by the motion to lay on the table an amendment which is admitted by the very committee itself to contain merit.

The amendment which I have had the honor to offer here is for the benefit of the port of one of the oldest cities in the United States, settled centuries ago, whose traffic has been of great value commercially to the people of a widespread section of this country. After the most diligent and careful explorations of the Bay of Mobile, it has been ascertained by absolute tests that a channel two hundred feet wide and seventeen feet deep can be obtained there, which will float the commerce of the great tributaries of that stream, the Alabama River, now with 1,600 miles of actual navigation, out to the sea, and that it can be done with an expenditure of $850,000. The Congress of the United States, heretofore voting river and harbor bills not ranging above $10,000,000 of money for appropriations to these subjects, has found that it was its duty to appropriate $125,000 a year to this work, and now the appropriation runs over $11,000,000, prob-

ably to $12,000,000, and the Bay of Mobile, instead of receiving its $125,000, receives but $100,000.

I should like to know how it is that with the vast volume of the appropriations, increasing so much, this harbor, against which no man can make a just argument, must content itself with $100,000, while unimportant works in the United States are swelling up in their demands upon the country. Let this honorable committee come to the bar of public opinion and answer that question, for it may be that in this hour in which we are moving to gratify certain constituencies by large contributions from the Treasury Senators can find their convenience or even their interest in voting upon this bill as they have required us to vote, to take it in the shape which they require us to take it, but after awhile comes the judgment, and I am afraid that the judgment will come after death to many of us; but surely it will come, and the people of the United States will inquire into this matter, and they will understand why it is that the harbors of this country which are connected by lines of steamship with foreign trade and through which entrepôts float the riches that pour in upon this country, are to be choked to death while you increase the appropriations more than $1,000,000 each succeeding year. Convenience will not do as answer to this question. Combinations will not do as an answer to this question. That you cannot get anything, that "it won't do" is not an answer to this question. The question stands on its eternal merits, and until we can take away some of the foundation you can never shake the principle.

The bay of Mobile has a commerce which, during the past fiscal year, received the freight of four hundred and twenty-two vessels, one line of which was a line of steamships built largely by the people of Mobile out of their private capital. Those four hundred and twenty-two vessels have a tonnage of 116,987 tons, and the value of the commerce which went out of that port was $7,187,975 in the one product of cotton; there were $430,000 of imports of foreign goods; and the revenue collected was $63,946, justifying the action of the Congress of the United States heretofore in deepening the harbor from thirteen feet at least to seventeen; and the thirteen feet were gained by a contribution from the State of Alabama of $200,000, which was expended upon the very channel through which these ships are passing to and fro. Here is a State that spent out of her own treasury or out of her taxation upon her people $200,000 to deepen this channel to thirteen feet, and Alabama has furnished the commercial channel of the bay of Mobile up to this time. Now, we are trying to accumulate a fund, which, if economically expended, as it will be under the direction of that honest and able gentleman, Major Damrell, who has charge of it, will economize the expenditures of this Government and give us a seventeen-foot channel there to accommodate a vast area of that country reaching into three States, Georgia, Alabama, and Mississippi.

I come and ask that the appropriation may be placed within $75,000 of the estimate of the Engineer Corps of officers, and within less than $300,000 of the estimate of the local engineer; but my proposition will be laid on the table; that will be the end of it; and the money that ought to go for the purpose of improving the depth of water in Mobile Bay will be spent upon the tributaries of the Alabama, and be spent upon streams and brooks elsewhere through the United States, and notwithstanding the appropriation runs up more than $1,000,000 beyond what it did at the last session of Congress, this appropriation must simply go without the assent of the Senate of the United States.

There may be a principle in all this, but I fail to discern it. There may be a reason for it, but it is too obscure for my detection. There may be justice in it, but if there is, it is that justice which violates the instincts, as I conceive, of every community in this country which looks to the real welfare of the country. It is rank injustice. It is the injustice which withholds from a purpose which is legitimate and has been always recognized as legitimate in this Government, the protection and increase of our commerce abroad, a proper and reasonable appropriation, and takes the money and diverts it to other projects which are entirely unknown to the commerce of the country.

When I first entered the Senate of the United States I announced to this honorable body, perhaps without much attention on their part, my constitutional views in relation to appropriations for improvements in my own State, and that I should be guided entirely with reference to the benefits they might confer upon the whole commerce of the people of the United States. Thereupon I introduced a measure to expend $10,000 for borings and soundings in the bay of Mobile, so that no money might be expended extravagantly or without just cause. That appropriation was granted and the borings and soundings and testings were made to an absolute demonstration of the feasibility of this work, and that too within the range of a very economical dispensation of the money of the Government. From that time to this not myself alone and my colleague, but the able engineer who is in charge of the work and the people of the State of Alabama have kept a most watchful eye on the expenditure so that at the last session of Congress when it was proposed to have this work done entirely by contract, I received from the merchants of the city of Mobile representations saying "if you let this work out entirely by contract and do not reserve to the Government officer the power to do it by the hiring of labor, we shall be mulcted in an immense amount of loss in consequence of combinations that will be formed to take possession of the work." Upon that suggestion the bill was amended, biddings were opened and twenty-two cents was the lowest bid that was proposed for work of this kind under the contract system as it then existed, and the engineer could have been bound to have received these bids as the lowest bids from responsible parties. When upon the suggestion of the citizens and merchants of Mobile, that amendment was adopted and the biddings were reopened, what was done? They got an arrangement to do the work from a Baltimore company for eleven cents, saving one-half of the appropriation.

I feel grateful to the committee that they have recognized the duty on their part, as I have no doubt they recognize all their duties, for the modification they have made in the House bill. I lament that the committee have not carried out in all respects the spirit which dictated that action. If they had eliminated from this bill appropriations unworthy to be made, the committee would have given strength to the bill; you would have a bill you would be proud of; but, as it is, the Senate has to bow itself to combinations made in the House of Representatives and transferred to the Senate, which compel us to do the will of a majority that has been made up, not on principle, but on interest.

I was speaking in reference to what the people of Mobile had been doing, and to the honest security they had got that the money of the United States would not be squandered in extravagant expenditures there. They want the work; they need it. The great river which enters the bay, and the territory which it drains, will furnish to the commerce of the United States and of the world an almost unexampled supply of the elements of wealth; but the bar, which has so long obstructed the bay of Mobile, stands there yet; and while the little rivers of the interior demand appropriations from Congress, and aggregate around themselves sufficient strength to carry them through by main force, this great outlet to the sea must be closed and remain closed. God knows when it will be opened. I do not know, for it seems that there is to be no relief by the increase of appropriations. The larger the bulk of the appropriations, the worse the treatment of the great harbors and the less they get. The more money that we expend here, the less the commerce of the United States is benefited.

That, sir, is the complexion of this bill, and I now submit to the motion of the honorable Senator who has charge of this bill, the chairman of the committee. I bow my neck to his saber, and let him decapitate me.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Alabama.

Mr. RANSOM. I will simply say what the Senator from Alabama knows well, that we increased the appropriation for Mobile Bay, and came nearer the estimate in that than we did in a large number of harbors in this country. The work to be done is dredging, and $24,000 of former appropriations is unexpended and available for use. But, Mr. President, it is my duty, notwithstanding the very able speech made by the Senator from Alabama on this question, to move to lay his amendment on the table, and I do so.

Mr. MORGAN. Will the honorable Senator allow me a moment of explanation before he does that?

Mr. RANSOM. I will allow the Senator a moment, but I cannot yield for a speech.

Mr. MORGAN. A moment is all that I ask. The increase of the amount of appropriation by the committee is an increase of $10,000, but it is $25,000 short of what it was a year ago, and the request for the increase of the appropriation is only made, I will say to the Senator from North Carolina, to secure the economical expenditure of the money that we must expend, and it can be done more economically by being appropriated at once. I am inclined to economical expenditures.

Mr. RANSOM. If I could have my way, the port of Mobile—and I have given very good evidence of that heretofore—should have enough money to perfect it. We cannot all get all the money we desire. I move to lay the amendment of the Senator from Alabama on the table.

Mr. MORGAN. Now will the honorable Senator from North Carolina allow me to say that I am very sorry he cannot have his own way?

The PRESIDING OFFICER. The Senator from North Carolina moves to lay the amendment on the table.

Mr. MORGAN called for the yeas and nays, and they were ordered and taken.

Mr. TELLER. As I stated before, I reserved the right to vote on amendments, and I will vote "nay."

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Ohio, [Mr. THURMAN.] If my colleague were here, he would vote "yea."

The result was announced—yeas 31, nays 11; as follows:

YEAS—31.

Allison,	Davis of W. Va.,	Jonas,	Ransom,
Bayard,	Farley,	Lamar,	Rollins,
Beck,	Ferry,	McDonald,	Saunders,
Booth,	Garland,	McMillan,	Vance,
Burnside,	Hampton,	Maxey,	Vest,
Butler,	Hereford,	Pendleton,	Voorhees,
Cameron of Pa.,	Hill of Colorado,	Pugh,	Williams.
Coke,	Johnston,	Randolph,	

NAYS—11.

Bailey,	Eaton,	Logan,	Plumb,
Brown,	Jones of Florida,	Morgan,	Teller.
Call,	Kernan,	Paddock,	

ABSENT—33.

Anthony,	Dawes,	Jones of Nevada,	Thurman,
Baldwin,	Edmunds,	Kellogg,	Walker,
Blaine,	Groome,	Kirkwood,	Wallace,
Blair,	Grover,	McPherson,	Whyte,
Bruce,	Hamlin,	Morrill,	Windom,
Cameron of Wis.,	Harris,	Platt,	Withers.
Cockrell,	Hill of Georgia,	Saulsbury,	
Conkling,	Hoar,	Sharon,	
Davis of Illinois,	Ingalls,	Slater,	

So the amendment was ordered to lie on the table.

Mr. LOGAN. In line 188 of section 1, I move to strike out "one hundred and fifty" and insert "two hundred;" so as to read:

Improving outside harbor at Chicago, Illinois: Dredging in outer harbor and constructing exterior breakwater, $200,000.

I suppose this amendment will receive the same fate as all other amendments; but I want to show why it should not; at least I want to show the impartiality of this bill. It is not necessary for me to detain the Senate by telling Senators of the importance of Chicago itself as a great city and of its share of the commerce of the country and of the importance of Lake Michigan. The appropriation is $150,000 for dredging the harbor and for extending the breakwater. The Engineer reports that it will take $580,000 to complete this harbor, and that this year they should have $300,000:

The appropriation of $300,000 asked for is to be applied as follows: For dredging the outer harbor, $50,000, and for continuing construction of exterior breakwater, $250,000. With these amounts it is expected to dredge about two hundred thousand cubic yards and to build at least 2,000 linear feet of breakwater.

Mr. HEREFORD. Will the Senator from Illinois allow me to ask him a question?

Mr. LOGAN. Yes, sir.

Mr. HEREFORD. Is he aware of the fact that the Engineer report shows that there was at the date of the report $166,291.96 available for that harbor in addition to the appropriation we are making?

Mr. EATON. Making over three hundred thousand dollars.

Mr. LOGAN. The appropriation that is made now is for the fiscal year commencing the 1st of July next.

Mr. HEREFORD. But there is $166,000 already unexpended.

Mr. LOGAN. For the year commencing the 1st of July, the engineer recommends in his report $300,000 to carry on the work till June 30, 1882. The money that is in the hands of the engineers available will be expended by the 1st of July next. You do not appropriate that because it is not turned into the Treasury until the 30th of June. So there is nothing in that statement. That money is being expended and will be exhausted by the 1st of July.

It is very important that this breakwater should be extended. It has been delayed a great while. Without going into details as to the number of vessels that are lost every year there on account of facilities not being afforded, the papers are full of them all the time. This is an absolute necessity if there is any necessity for a harbor at Chicago, which everybody knows there is.

I do not wish to attack the bill or anybody connected with it, nor do I intend to do so; but I do insist that where there are great harbors like this harbor at Chicago, where there are great interests, where there is a great commerce as there is there, it is at least due to those people that the harbor should be completed as soon as possible. Five hundred and eighty thousand dollars is the estimate for this year, and $300,000 next year would complete the harbor. If you fail now to appropriate anything like the sum asked, if you appropriate only $150,000, that does not near complete it; and it will take three years longer to complete that harbor according to this manner of appropriating money. It does not seem to me that that is wisdom; it certainly does not seem to me that that is economy, but I think it is great injustice.

Mr. RANSOM. Mr. President, I will not take up the time of the Senate to-night to argue each one of these amendments as they come up; I cannot do that well in the time I have. I will simply say in reference to the harbor of Chicago that the same or about the same ratio which has been observed in reference to all the other large harbors of the country between the appropriations and the estimates of the engineers has been observed there. This evening, upon the statement of my friend from Illinois that an increase of appropriation would complete a certain improvement in his State, I at once conceded the principle and asked for the passage of his amendment; but now I must ask the Senate to vote his amendment down, and I move to lay it on the table.

The PRESIDING OFFICER. The Senator from North Carolina moves to lay the amendment of the Senator from Illinois on the table.

The motion was agreed to.

Mr. LOGAN. I have another amendment. In the appropriation for "improving Ohio River, $350,000," on page 12, I desire to call the attention of the Senate to the language of the clause:

Of which sum $150,000 may, in the discretion of the engineers, be expended on Davis Island Dam, and $200,000 on the river from its mouth to its head: *Provided*, That $50,000 of the last-named sum may, in the discretion of the engineers, be expended on Indiana Chute.

According to the language of this provision the engineers may expend every dollar of the money that you appropriate, except the $50,000 assigned to Indiana Chute, on Davis Island Dam, and I am not sure but what that is the intention of the committee. If Senators will examine the report of the Engineer in reference to the Ohio River, they will find that he even suggests to Congress the kind of bill that should pass; he even suggests the title of the bill; in fact he intimates to Congress that they do not know anything about it, but must fix up the bill just as he suggests. I think from this bill he probably was correct in that.

Now, I propose that $50,000 of this amount appropriated for the improvement of the Ohio River shall be applied to the work on the Grand Chain. The Grand Chain in the Ohio River is twenty miles above Cairo, a very shallow, rocky bar, on which there has been a considerable amount of money expended and on which a considerable amount more of money will have to be expended in order to make good navigation. It is one of the most important points on the Ohio where work should be begun and completed. The report of the Engineer, which I will not take time to read, suggests that this amount of money would about complete that work; but instead of that the committee provide that all the money except $50,000 may be expended up near Pittsburgh; that is, the money may be expended at the upper end of the river and leave the extreme lower end, within twenty miles of the mouth of the river, without any money whatever for its improvement.

This amendment that I propose does not increase the appropriation one dollar. I merely ask that the amount which is estimated for this Grand Chain, this bar, for building the wings and dam as reported, shall be assigned to that work. It does not increase the appropriation one cent.

Mr. RANSOM. It was the purpose of the committee at one time, upon amendments submitted by the Senator from Ohio [Mr. PENDLETON] and the Senator from Illinois, [Mr. LOGAN,] to make that change in this appropriation; but the committee received a telegram, which I have been looking for but cannot find, the substance of which I remember very distinctly, saying that there was now money appropriated and already applied sufficient to complete the improvement to which my friend from Illinois alludes.

Mr. LOGAN. Appropriated?

Mr. RANSOM. Appropriated in the last bill and now dedicated to that purpose.

Mr. LOGAN. I should like to see a telegram of that kind.

Mr. RANSOM. The telegram is from the engineer in charge of the river, and I wish I could lay my hand on it, for it was that telegram which determined the action of the committee. I am obliged to ask that this amendment may be laid on the table after that explanation.

Mr. LOGAN. Will the Senator please not be in so great haste about laying on the table?

Mr. RANSOM. The Senator from Illinois cannot complain of any want of courtesy on my part to him.

Mr. LOGAN. There is no want of courtesy except in moving to lay the amendment on the table while I have the floor.

Mr. RANSOM. The Senator from Illinois had yielded the floor, and I had made my statement, having been recognized by the Chair.

Mr. LOGAN. On examining the report of the Engineer, in his statement of the amount required, I find nothing showing the amount of money on hand for the purpose of completing that work. I find nothing of that kind.

Mr. RANSOM. But, Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. LOGAN. Certainly.

Mr. RANSOM. This amendment does not affect the general character of the bill. I only state to the Senate what was sent here by the Engineer and what controlled the committee. If the Senate see fit to adopt this amendment—and I am willing to have them vote on it—it does not increase the appropriation; and I may be mistaken.

Mr. LOGAN. I will change the amendment in this way, so as to meet the statement of the Senator.

A sum sufficient of this appropriation shall be expended in continuing the work at Grand Chain Rapids to complete the work.

Is there any objection to that?

Mr. RANSOM. I am willing to have this amendment go in:

Provided, That of this sum an amount not exceeding $50,000 may be applied to Grand Chain, if it will complete the work.

Mr. LOGAN. Do not say "if it will complete the work."

Mr. RANSOM. Well I am willing for it to go in any way.

Mr. LOGAN. If the engineer has that amount of money this will not affect it; but I want at least that much of the amount of money applied to Grand Chain, on the Ohio River.

Mr. RANSOM. To complete the work?

Mr. LOGAN. Certainly, to complete the work.

Mr. RANSOM. Put it in this form; add to the proviso:

And that not exceeding $50,000 of this sum may in the discretion of the engineers be expended on Grand Chain Rapids to complete the work.

Mr. DAWES. I suggest "or so much thereof as may be necessary to complete this work shall be applied."

Mr. RANSOM. Yes, "not exceeding $50,000."

Mr. LOGAN. I am willing to agree to that.

The PRESIDING OFFICER. The question is on the amendment as thus modified.

The amendment was agreed to.

Mr. McDONALD. I should like to know in what form the amendment is adopted.

Mr. BROWN. I have three or four amendments that it is my duty

to offer, and I want the yeas and nays on the amendment as to Romerly Marsh. I do not intend to discuss the question further unless it is necessary to say something in reply to some remarks made about it. If the Senate will permit me to have the different amendments read in their order, I will simply ask a vote by sound on each one in order, and not call for the yeas and nays on either.

The PRESIDING OFFICER. The Senator will send his amendments to the desk and they will be read.

Mr. BROWN. I will send the first one.

The CHIEF CLERK. It is proposed, after line 144 of section 1, to insert:

Improving the navigation of Romerly Marsh, Georgia, to facilitate the navigation of the inland channel by route C to F, by way of Warsaw Island, as reported in the survey and map contained in the engineer's report submitted by the Secretary of War, the sum of $20,000: *Provided*, The Georgia and Florida Island Steamboat Company will, as proposed by said company, cut the canal and complete the work in accordance with the plan and recommendations of the department of engineers, by which the work is estimated to cost $31,680, the work to be done under the supervision of the department of engineers, and completed in all respects as the plan of improvement recommended by the engineers requires, for the sum of $20,000.

Mr. BROWN. That is the first amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia just read.

The amendment was rejected.

Mr. BROWN. Now, in line 138 of section 1 I move to strike out "five" and insert "ten;" so as to read:

Improving harbor of Brunswick, Georgia, $10,000.

The amendment was rejected.

Mr. BROWN. Now, in line 544 of section 1 I move to strike out "five" and insert "ten;" so as to make the item read:

Improving Ockmulgee River, Georgia, $10,000.

The amendment was rejected.

Mr. BROWN. In line 547 of section 1 I move to strike out "two thousand five hundred" and insert "ten thousand;" so as to read:

Improving Oconee River, $10,000.

The amendment was rejected.

Mr. BROWN. In line 552 of section 1 I move to strike out "eight" and insert "fifteen;" so as to read:

Improving Savannah River above Augusta, Georgia, $15,000.

The amendment was rejected.

Mr. BROWN. In line 848 of section 1 I move to strike out "fifteen" and insert "forty;" so as to read:

Improving Savannah River, Georgia, $40,000.

The amendment was rejected.

Mr. BROWN. In line 856 of section 1 I move to strike out "five" and insert "ten;" so as to read:

Improving the Altamaha River, Georgia, $10,000.

The amendment was rejected.

Mr. BAILEY. I move, in line 665 of section 1, to strike out the word "fifteen" and insert "twenty-five;" so as to read:

Improving Cumberland River, below Nashville, Tennessee, $25,000.

I wish to say one word. I will not detain the Senate. I am not encouraged by the action taken to-night to expect that the amendment which I have offered will be adopted; and yet I submit to the chairman and gentlemen of the committee, and to the gentlemen of the Senate, that I hope they will think proper to adopt the amendment. Cumberland River, flowing through the States of Kentucky and Tennessee, is navigable for a distance of five hundred miles. There are shoals upon this river that offer a very serious obstacle to its navigation. I wish to call the attention of the chairman of the committee, and of the gentlemen of the committee, to the fact that the estimate made by the Engineer is for an expenditure this year of $41,000. They have given to us but $15,000.

I need not speak of the commerce on that river, of the value of the exports, of the value of the imports. It flows through the States which I have named, passes by the capital city of our State, with 45,000 inhabitants, one of the most prosperous cities in the South, one of the most progressive in all its industries. This expenditure is absolutely necessary, as I am assured, to secure the navigation of the river, and I trust the Senate will reverse the action that has been taken on the amendments moved by the Senator from Georgia. I ask for but $10,000 additional, and I hope the Senate will not refuse that $10,000 for this improvement. I hope the Senator from North Carolina will not move to lay it on the table, but will let us have a direct vote.

Mr. RANSOM. I am opposed to the amendment, but I am willing that the Senator from Tennessee should have a direct vote upon it, for that takes no longer time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee, [Mr. BAILEY.]

The amendment was rejected.

Mr. SAUNDERS. On page 32, section 1, after the word "dollars," in line 773, I move to add:

Improving Missouri River from Yankton, Dakota, to Kansas City, Missouri, $35,000.

I wish to make just one remark on that subject. I am very certain that the necessity for the improvement of the Missouri River has been overlooked by the committee of the other House, and, I think, by our own committee. I am in favor of liberal appropriations for the improvement of the main rivers of this country, and for the harbors, to keep them in good navigable order. I think it is necessary to keep the rivers open in order to keep the railroads within bounds, so far as their charges are concerned.

I find that from Saint Louis up the Mississippi River—and I have no disposition to complain of the amount appropriated for that river—there is appropriated more than $1,000,000; I think there are five different items, making over one million dollars; while on the Missouri River the whole amount appropriated is less than one-quarter of that sum. From Kansas City to the mouth of the river there has been recommended by the Senate committee $35,000 for the purpose of improving the navigation of the stream, which, as I understand, will be used, or a part of it at least, for the purpose of employing a snag-boat to be used in that part of the river. That is the object we have in view in this amendment. We have a small appropriation for the improvement of the river near some of the larger towns, but nothing to keep the bars open and the snags out between; and for that reason I have asked that $35,000 be appropriated, which shall be used in keeping a snag-boat at work in that part of the river during the navigable season.

If I were to present some figures which I have prepared on this subject, but which I shall not ask to do at this time for want of time, they would astonish many of the Senators who are not familiar with that part of the country. The figures I allude to give the quantity of grain of the different kinds raised the last year in the States of Kansas, Nebraska, Iowa, Dakota, and the northwest part of Missouri. I allude, of course, to that part of the country which lies contiguous to and would furnish business for the transports on the Missouri River. I believe I will ask to have the statement I allude to printed.

Mr. RANSOM. That is right; let the Senator publish the statement.

Mr. SAUNDERS. I will furnish the statement and have it printed at a future time. In order to keep this river open, which is one of the great arteries of commerce for our country, it does seem to me that a reasonable sum should be appropriated. I offer the amendment with some hope of success, and I trust the sum asked for will be granted to us to aid in this necessary work.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. RANSOM. I hope the amendment will not be adopted.

The amendment was rejected.

Mr. PADDOCK. Now, I propose an amendment which will not cost a dime, but will be in the direction of justice and propriety. In line 756 of section 1 I propose to strike out "Kansas City" and insert "Sioux City;" so that the clause will read as follows:

Improving the Missouri River from Sioux City to its mouth, $35,000.

It is not necessary, after the remarks which have been made by my colleague in reference to the importance of this improvement, to make a speech. I am not going to do that. I have too much regard for the Senate to do that at this time or any other when it is not necessary; but I do say that the application of a portion of this fund ought to be made to that part of the river above Kansas City, between that and Sioux City. The distance from Kansas City to the mouth of the river is about three hundred and fifty miles. The distance from Kansas City to Sioux City is about eight hundred miles, and that is a very important part of the river. All I ask is that this amount may be distributed over the entire distance.

Mr. PLUMB. I ask the Senator from Nebraska if he has made any calculation of the amount that would be per mile—eleven hundred miles at $35,000?

Mr. PADDOCK. That is not essential to the question at the present time. It may be that the engineers or those who are engaged in this work will discover when they come to examine the river that the money had better be applied above rather than below. What I want is that the appropriation may me in such shape that the engineers, in their discretion, may apply it where it seems to be best, that is all, giving all that part of the river above an equal chance with that below.

Mr. PLUMB. I desire to ask the Senator from Nebraska why, if it is to be done according to the estimates of the engineers, and Congress is not to give any direction, we had better not appropriate a lump sum for everything?

Mr. PADDOCK. There is no special estimate in respect to this particular matter. It is simply for the improvement of the river between Kansas City and its mouth. It is in pursuance of a survey which was ordered two or three years ago from Sioux City to the mouth of the river. It does not apply to any special survey from Kansas City to its mouth. It is only in pursuance of a general survey from Sioux City to the mouth of the river.

Mr. PLUMB. But if it is extended according to the judgment of the engineers, why not give it to them at large to expend it as they please in the United States?

Mr. PADDOCK. That question is too absurd to consider.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska, [Mr. PADDOCK.]

The amendment was rejected.

Mr. HAMPTON. Mr. President, I propose to do what nobody else has done heretofore; that is, I propose to withdraw an amendment which I had the honor to submit; but before doing so I wish to say

that I do it for two reasons. The amendment to which I refer is one to increase the appropriation for Charleston Harbor, and I take it that no more meritorious appropriation has been offered to this bill or is embodied in it. The Chief Engineer says that he can expend $600,000 with advantage. I proposed to increase the appropriation from $175,000 to $250,000; but I see from the temper of the Senate that no amendments are likely to prevail; and while I think that none could be more important than that harbor, so important on the Atlantic to the great commerce of the West, I propose to withdraw it, not only because it will embarrass the Senate but because I do not wish to embarrass this bill. I realize that this bill, unless it is passed to-night, will fail; and some one has said that true statesmanship is to take the next best thing to that which you want when you cannot get what you want. While I object to a great many things in the bill, I propose to vote for it, and I propose not to embarrass the committee by any action of mine, and I therefore withdraw my amendment.

Mr. LOGAN. I desire, on page 30, after the word "dollars," on line 714 of section 1, to insert the following amendment, which is merely to fix a portion of the appropriation according to the report of the engineers:

Of which sum $50,000 shall be expended in continuing work at Kaskaskia Bend, and $50,000 shall be expended in continuing work and removing obstructions at the foot of Dickey's Island.

If there is objection to this it will take some time, and I can show the Senate that the Engineer's report, which is quite long, in reference to Kaskaskia Bend, which is the first proposition, shows the difficulty of this work, and the necessity of it, and he says in conclusion that $50,000 can be expended this year for protection; it is washing out rapidly. I could describe it by going on at length. I have the maps here; but I do not want to take up time. I have put the amount at $25,000. There has been but $18,000 expended in the work thus far. The Engineer says it will take much more; but "$50,000 could be expended this year to advantage if specially and independently provided." That is exactly what the Engineer says, and so I propose the amendment.

Then, at Dickey's Island, near the junction of the Ohio and Mississippi Rivers, the Engineer makes a report in which he says he desires $50,000 to be expended there during this year. Any gentleman who is conversant with the Mississippi River between the mouth of the Missouri and the mouth of the Ohio well knows that these two places require work more than any other places on the Mississippi River at this time, or as much, at least. Out of the $600,000 I desire but $75,000 to be appropriated in this way; that is, specifically allotted to this purpose. If there is any objection to that, I should like to hear it; if not, I should like to have the amendment agreed to.

Mr. RANSOM. The Senator from Illinois knows very well that I would agree to the amendment if I could with propriety; but these appropriations of $1,000,000 for the Mississippi River below Cairo, and $600,000 for the Mississippi from the mouth of the Ohio to the mouth of the Illinois, are both appropriations under the direction of the Engineer Department. They have recommended that they be put in this form; and if I was to begin to permit one gentleman along the stretch of that river to take certain parts of the appropriations and apply them to particular works along the line, I do no not know where it would end. Every gentleman in Missouri, in Illinois, in Iowa, and all down and up the Mississippi River would propose to apply a certain part of the money to harbors or places in his own State. I think it is a great deal better to leave that matter to the engineers. The Senator knows very well that at the last session an amendment was put on the river and harbor bill creating the Mississippi River commission, and it is on the recommendation of that commission that this appropriation has been made.

Mr. LOGAN. I hope as I have not detained the Senate by reading the report, I shall have at least an opportunity of explaining this amendment which does not increase the appropriation. I ask nothing in the world here except what the engineer has asked. The engineer who has charge of the work says so in his report.

Mr. RANSOM. May I say one word to the Senator? If the engineer in his report has made that recommendation, the Senator from Illinois can safely trust the disposition of this fund to the engineer who has made that recommendation and he will then stand exactly in the same position that the other gentlemen on the Mississippi River do.

Mr. LOGAN. I am the representative of the people of Illinois in part. The Mississippi River washes the shore on which my constituents live, and I take the responsibility as representing that length of the Mississippi River on that side to make this proposition in accordance with the report of the engineers. I know that river as well as the engineers do. I do not see why, if I take the responsibility in accordance with the engineers' report of moving this amendment to affect my constituents all along the river, objection should be made. I do it because it is desired. I am not willing to let these things all be in the hands of the engineers. I have nothing to say about the Engineer Department or the Engineer Corps; but I know something about the influences which operate on men as well as others do, and I am not willing this should be left entirely to the engineer. I want it fixed in the appropriation bill for the reason that he suggested himself that it ought to be there so that the board of engineers cannot overrule it. There is where this amount of work is necessary, absolutely necessary, and I hope the Senate will at least allow the representatives to have some responsibility in these matters.

If you are going to do just as the engineers say why not appropriate the money in bulk and turn it over to them and let them apply it where they please? I notice the Senator is very particular in making the applications down in his own State to certain rivers and certain places. Why not let the engineers do it there on the same principle that you want them to do it in my State? I am responsible for this amendment, and I offer it according to their report, according to their suggestion, and according to the wants of my constituents. It does not increase the appropriation one cent, it only says that so much of it shall be used for purposes which are absolutely necessary instead of being used to advance private property for which a great deal is used at times. This is for the purpose of benefiting the commerce of the river, and I hope the Senate will agree to it.

Mr. RANSOM. We have heard the Senator from Illinois. Now I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from North Carolina moves to lay the amendment of the Senator from Illinois on the table.

Mr. LOGAN. I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MCDONALD, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. DAVIS,] reserving the right, however, to vote if my vote should be necessary to make a quorum. At present I will not vote.

The roll-call was concluded.

Mr. BURNSIDE. My colleague, [Mr. ANTHONY,] is paired with the Senator from Ohio, [Mr. THURMAN.] If my colleague were here, he would vote "yea."

Mr. MCDONALD. I vote "yea" to help make a quorum.

Mr. FERRY. My colleague [Mr. BALDWIN] is paired with the Senator from Vermont, [Mr. MORRILL.]

The result was announced—yeas 28, nays 12; as follows:

YEAS—28.

Blair,	Davis of W. Va.,	Johnston,	Pugh,
Booth,	Ferry,	Jonas,	Ransom,
Burnside,	Garland,	Jones of Florida,	Rollins,
Butler,	Groome,	Lamar,	Vance,
Call,	Hampton,	McDonald,	Vest,
Cameron of Pa.,	Harris,	McMillan,	Voorhees,
Coke,	Hereford,	Pendleton,	Williams.

NAYS—12.

Bailey,	Hill of Georgia,	Morgan,	Randolph,
Brown	Kernan,	Paddock,	Slater,
Dawes,	Logan,	Plumb,	Teller.

ABSENT—35.

Allison,	Conkling,	Ingalls,	Saunders,
Anthony,	Davis of Illinois,	Jones of Nevada,	Sharon,
Baldwin,	Eaton.	Kellogg,	Thurman,
Bayard,	Edmunds,	Kirkwood,	Walker,
Beck,	Farley,	McPherson,	Wallace
Blaine,	Grover,	Maxey,	Whyte,
Bruce	Hamlin,	Morrill,	Windom,
Cameron of Wis.,	Hill of Colorado,	Platt,	Withers.
Cockrell,	Hoar,	Saulsbury,	

So the motion was agreed to.

Mr. GROOME. I offer an amendment that does not add one cent to the amount appropriated by this bill. After line 182 in section 3 I move to insert:

And the Secretary of War is hereby directed to cause to be made by some officer of the United States Engineer Corps examinations and surveys of the lines over the peninsula between the Chesapeake and Delaware Bays which are most likely to prove best for a ship-canal, especially of the two routes designated as the Sassafras and the Choptank routes, and of the approaches thereto, with a view to ascertaining the most feasible route for such a canal between the said bays of the depth of fully twenty-six feet at mean low tide and of one hundred feet wide at bottom throughout its entire length, and to estimate the cost of constructing such a canal and making the approaches thereto of a depth not less than that of said canal.

Mr. RANSOM. That is an amendment ordering a survey, involving no appropriation, and I will not object to it.

The amendment was agreed to.

Mr. CALL. I ask the attention of the chairman of the committee. On page 24, in line 556 of section 1, after the word "Newton," I move to insert "and the channel from the bay to the town of Freeport." It does not change the amount of the appropriation; it is only providing that part of the money shall be expended at the entrance to the river.

Mr. RANSOM. I do not know what change that may be. The appropriation intends to be now for the Choctawhatchee River up to Newton, $10,000, and I cannot admit this amendment.

Mr. CALL. The chairman will allow me to say that it is altogether within my own knowledge that the appropriation simply applies to the bar at the mouth of the Choctawhatchee River.

Mr. RANSOM. I cannot admit the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida, [Mr. CALL.]

The amendment was rejected.

Mr. CALL. On page 24, line 562 of section 1, I move to change the phraseology, so as to read "continuing the improvement of the entrance of the Saint John's River, Florida." The bill as it now reads says "improving Saint John's River, Florida, $100,000." The appro-

priation recommended by the engineers is for the improvement of the Saint John's River. It is merely a change of phraseology that I propose.

Mr. RANSOM. The amendment the committee passed upon contemplates the improvement of Saint John's River; but, as I understand the amendment now proposed by the Senator from Florida, he would confine the amount to the improvement of the mouth of the Saint John's River.

Mr. CALL. The whole improvement has been at the mouth of the river. The report of the engineers is for the mouth of the river. There is no desire to change it.

Mr. RANSOM. That being so, the engineers will put the money there. I would not like, after the committee have considered this question now, without any opportunity of looking into the whole matter, to accept this amendment. I have no doubt, the facts being as they are stated by the Senator from Florida, the engineers will so expend the money. I must object to the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida, [Mr. CALL.]

The amendment was rejected.

Mr. CALL. I desire to say without detaining the Senate that my colleague and myself had proposed to offer an amendment to this bill appropriating $100,000 for the improvement of the bar at the entrance of the Saint John's River. This is of very great importance to the ingoing and outgoing commerce of Saint John's River, amounting to $3,000,000. The estimate by the engineers is $400,000 for the present year. We do not ask this appropriation in deference to the evident desire of the Senate not to amend this bill any further. We have thought it proper to say in regard to that and many other improvements in the State of Florida that they are within the maritime jurisdiction of the United States, and properly the subject of improvement and for which there is most urgent necessity. We refrain from urging the amendments because of the lateness of the hour and the impossibility of passing the bill if it be further amended.

Mr. PLUMB. I desire to offer an amendment in line 6 of section 1, after the word "War," to insert "so far as he may deem the same necessary;" so as to put the expenditure of the appropriations contained in the bill in the discretion of the Secretary of War; and I hope there will be no objection to that amendment. There is a very large amount of money appropriated, and it may be that the condition of the Treasury during the coming year will not be such as to admit of this great expenditure. In addition to that, it has been stated on the floor by friends of the bill time and time again, and it is thoroughly understood to be correct, that the propriety of many of these appropriations is doubtful. They have been put in in the haste accompanying the formation of a bill of this kind; they are put in upon, perhaps, insufficient data. The Secretary of War and the engineers ought to have a discretion to say which ones of these different improvements shall be carried on to the extent named in the bill, and which may properly be omitted. It is not an unusual discretion; it is not a discretion that he will exercise with any partiality, but it is a wise discretion which ought to be vested in that officer, and especially in view not only of the very large amount of money appropriated, but in view of the character of very many of the improvements contemplated by the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

Mr. PLUMB. I call for the yeas and nays.

Mr. RANSOM. I am so well satisfied that the Senate will not adopt the amendment that I shall have nothing to say about it.

The PRESIDING OFFICER. The Senator from Kansas calls for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. BURNSIDE. I desire to state that my colleague [Mr. ANTHONY] is paired with the Senator from Ohio, [Mr. THURMAN.] If my colleague were here, he would vote "yea."

The result was announced—yeas 4, nays 40; as follows:

YEAS—4.

Dawes,	Logan,	Plumb,	Teller.

NAYS—40.

Bailey,	Davis of W. Va.,	Hill of Georgia,	Pugh,
Bayard,	Eaton,	Johnston,	Randolph,
Beck,	Farley,	Jonas,	Ransom,
Blair,	Ferry,	Jones of Florida,	Rollins,
Booth,	Garland,	Kernan,	Slater,
Burnside,	Groome,	McDonald,	Vance,
Butler,	Grover,	McMillan,	Vest,
Call,	Hampton,	Maxey,	Voorhees,
Cameron of Pa.,	Harris,	Morgan,	Wallace,
Coke,	Hereford,	Pendleton,	Williams.

ABSENT—31.

Allison,	Conkling,	Kellogg,	Saunders,
Anthony,	Davis of Illinois,	Kirkwood,	Sharon,
Baldwin,	Edmunds,	Lamar,	Thurman,
Blaine,	Hamlin,	McPherson,	Walker,
Brown,	Hill of Colorado,	Morrill,	Whyte,
Bruce,	Hoar,	Paddock,	Windom,
Cameron of Wis.,	Ingalls,	Platt,	Withers.
Cockrell,	Jones of Nevada,	Saulsbury,	

So the amendment was rejected.

Mr. PADDOCK. I move, in lines 756 and 757 of section 1, to strike out "improving Missouri River from Kansas City to its mouth, $35,000" and to insert in the place thereof the words "improving Missouri River from Sioux City to its mouth, $60,000."

That is simply allowing to that part of the river north of Kansas City to Sioux City, eight hundred miles nearly, $25,000; $35,000 being allowed for that part of the river below Kansas City, between that and its mouth. This embraces the greater part of the river upon which now is carried on the proper commerce of the river. The river, nevertheless, is navigable 3,000 miles. It is the largest navigable river of all, and yet the smallest appropriations of all is made for this river. It drains the most extensive and the most fertile valley in this country, which yields an enormous surplus of grain, which is shipped to the South and West. I think it is nothing more than right and proper under the circumstances that this amendment should prevail.

Mr. PLUMB. I hope this amendment will be adopted. It is entirely proper that this river should receive some recognition; but my friend from Nebraska has overlooked the principle of this bill. He complains that the large rivers are neglected. That is for a very obvious reason. Where there is water and there are facilities for boating appropriations are not necessary. Where there is no water and consequently the greater room for the exercise of the engineer's art, various plans must be resorted to for making channels, and of course it is necessary that appropriation should there be made.

Mr. VEST. I do not know how the Senator from Kansas voted on the last year's river and harbor bill, but I think he voted for it. My impression is that he voted for it with myself. That bill gave to the Mississippi River $100,000 for general improvement. This bill gives $1,600,000, and yet the Senator from Kansas says large rivers are not in this appropriation bill. That is all I desire to say.

Mr. PADDOCK. But this bill gives to the Missouri River, all told, less than $300,000; very little more than we allow for the Illinois River, which is altogether in one State and not three hundred miles long.

Mr. VEST. This $35,000 from Kansas City to the mouth of the Missouri River might be of some benefit. Scattered along eight hundred miles further up the river it would not be so.

Mr. PADDOCK. The Senator does not understand the amendment as now proposed. My amendment is to strike out the word "Kansas City" and insert "Sioux City" and to increase the aggregate appropriation from $35,000 to $60,000.

Mr. RANSOM. I must stop debate on this matter. Everybody knows that if I were to let my friend, the Senator from Missouri, once get his say here, and my friend from Nebraska, and my friend from Kansas, I could not hold this bill. I move to lay the amendment on the table.

Mr. PADDOCK. I call for the yeas and nays on that.

Mr. RANSOM. I will not make the motion to lay on the table, but will let the vote be taken on the amendment directly.

The PRESIDING OFFICER. The Senator from North Carolina withdraws his motion and the question recurs on the amendment offered by the Senator from Nebraska, [Mr. PADDOCK.]

The amendment was rejected.

The PRESIDING OFFICER. There was an amendment offered by the Senator from Vermont [Mr. MORRILL] which was laid on the table until that part of the bill was reached on page 41.

The CHIEF CLERK. On page 41, after line 988 it is proposed to insert:

Provided, That the President of the United States is hereby authorized and requested to make such deductions from the respective appropriations herein provided for as shall amount in the aggregate to the sum of $4,000,000, and these deductions shall be made in such amount in each case as in the judgment of the President will best serve the public interest in advancing the most necessary improvements.

Mr. RANSOM. I move to lay that amendment on the table.

The motion was agreed to.

Mr. TELLER. I move to strike out the third section of this bill, and on that I desire to say a word or two. The third section is the section which provides for the examination and survey of all small streams in the country which have not already been surveyed and appropriated for.

Several years ago when these bills were before Congress they were kept within reasonable proportions; but after a little it became a custom to add to each bill a provision like this third section, that all the streams in the country should be examined, and the engineers report the result of their examinations and surveys. Whenever these examinations are made and the reports come in here, it seems that the Committee on Commerce of both branches consider that there is a direction to them to proceed to put them in the appropriation bill and provide for carrying on the work, no matter how absurd, no matter how impossible it may be of practical execution. When they come to the committee the committee put them in the bill; then when they report the bill to the Senate it is considered to be a full and complete vindication of the bill to say that the Engineer has so reported.

I desire to take back what I said in part, because I said it hastily and I do not want to do any injustice. I said that this committee had not come up to the Engineer's estimates. When I said so I had not given this bill that critical examination upon that subject which I ought to have done. I find that in two or three instances they have come up to the estimates, and in addition to that I find that they have in a few instances gone beyond the estimates. It is a remarkable circumstance that in every case, so far as I know, where they

have come up to the estimates, it has been where a member of the committee resides in the State in which the improvement was to be made. I do not desire to say anything that looks like a reflection on the committee; I know how much pressure there is on the committee, and I have a great regard for the members of the committee, especially some of them who are sitting here very near me; but it is a little remarkable that they never should be able to reach the estimates in any State that was not blessed and honored with a member on the committee; and it is a little astonishing that in the two instances where they exceed the amount, in one $5,000 and in the other $10,000, it should be in the State of the honorable chairman of the committee.

On looking at the bill more carefully and comparing it with the estimates sent to Congress by the Secretary of the Treasury, I find several items provided for in this bill which are not provided for in the estimates. I find in the State of North Carolina that while the estimates submitted to Congress upon which we are supposed to be acting proposed for improving the Cape Fear River from Wilmington to Fayetteville $20,000, the committee report $30,000. Then I find:

Improving Currituck Sound, Coanjok Bay, North River and Bar, North Carolina, $30,000.

While the estimate sent to Congress was $20,000.

Mr. VANCE. What sound?

Mr. TELLER. The item is on page 22, lines 509 and 510. Then following on down the page I find on line 523 and further on three items, one for Contentnia Creek, $10,000; Beaufort Harbor, $30,000; and Lillington River, $3,000. I do not know, but I presume that some engineer has some time made an estimate for these.

Mr. LOGAN. Will the Senator allow me a suggestion in reference to that?

Mr. TELLER. Certainly.

Mr. LOGAN. I may be mistaken, but it strikes me this is the way of it: they have appropriated more than the engineers estimated, for the intention was to have money to condemn the land upon which the river is to be made.

Mr. TELLER. I rose principally for information for myself; I did not expect to impart any to anybody, but I am glad of the suggestion.

I find that there is $15,000 over the estimates in these items, and I find here $33,000 on one page not estimated for at all. Then I find on the next page another item of $1,000 that I was unable to discover any estimate for. It is barely possible that some engineer who straggled off down there has made a suggestion that these were good streams upon which the Government could spend its money. We have been now four or five years pursuing this particular course. We have run our appropriation bills so high that I think there is a paucity now of streams upon which the science of the Engineering Department can be exerted, and I think possibly that somewhere in some engineer's report there may be an estimate, but there is certainly none in the estimates submitted to Congress.

The Senator from Illinois suggests that perhaps this money is appropriated to condemn the land. I think it likely that that is so. We appropriated a large amount of money to a stream up in West Virginia a few years ago, and soon after the honorable Senator, who is one of the Committee on Commerce, [Mr. HEREFORD,] came to the Senate with a bill, and I believe he passed it, to pay for the land on which the Government had built this river, where they had dug a channel for it to run in when the heavens let it down water in sufficient quantity. That is about a sample of this whole bill. I know that Senators sit here to-night and say it is not worth while to talk about it; but when a claim comes here representing an honest man who has put his money into the coffers of the Government, I have seen the Senate spend a day rather than pay $10,000 or $15,000 of money that was honestly due a citizen of the United States for fear there was some waste of the public funds, some wrong to the taxpayers; but here if the Senate was put upon its oath there would be a majority who would have to admit that there is more than one-half of this bill that is an absolute waste, and in my judgment in utter violation of the constitutional power of the Senate. I do not believe that wherever there is a little branch that does not run to tide-water, and will not float more than a canoe, the Senate has the moral or legal right to vote the money of the people of the United States to that.

But I am not disposed to talk for the sake of delaying this bill. I know that it is to pass, but I want the country to understand that this thing will eventually do as has been suggested, break down the system; it will compel the American people to abandon all internal improvements.

I know that the democratic party here to-night is almost solid for this kind of a proceeding. I know that in the face of their history and in the face of their professions, in the face of their declarations made again and again at their conventions and at almost every one, the whole democratic party pretty much is solid for this bill, and a very large and respectable majority on our side is in the same way. The fact is they have all got a little of this pork, and that is what is the matter. They have all got a finger in this bill. It is not pleasing to say it, but nevertheless if it was not so the bill would not pass.

Senators say Colorado has not got anything in the bill. Mr. President, Colorado does not want anything in the bill. There are streams in Colorado that are as much entitled to the assistance of the Government as a majority of the streams in this bill, and if you want to build reservoirs and fish-ponds at the head of the Mississippi River or its tributaries, that is the country to build them, where nature has provided natural reservoirs and where the water could be utilized for the purpose of making the desert blossom like the rose. But nothing of the kind is intended and nothing is asked in that way by the Representatives from that State. Take the river that runs from the Missouri into the heart of Colorado that is as susceptible of navigation as half of these streams—and you cannot float a saw-log through that more than half the year—and if that was here with a big bonus it would not make any difference to me.

These appropriations are not of the character that benefit the country, and the country is not a bit better off when you have got through with all of this outlay of money than if you had put it in the fire. If we come here and propose for the benefit of the whole country a scheme to educate the children, we are met by the very Senators who are now contending for this outrageous outlay of money, first with a constitutional objection, and then, if we overcome that, we should be met with the suggestion that the people could not afford this great outlay of public money even for so beneficent a purpose as that.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on the amendment proposed by the Senator from Colorado, [Mr. TELLER.]

Mr. RANSOM. I move to lay the amendment on the table.

The motion was agreed to.

The bill was reported to the Senate as amended.

Mr. THURMAN. Mr. President, when I was a boy there was some firing of cannon in my town one day when I was on my way to school; I inquired what that firing of cannon meant, and I was told that the democrats were firing at the news about General Jackson's veto of the Maysville road bill. That road passed through the town in which I lived, and yet the democracy of that town were so much in favor of the principles of that veto that they fired cannon over it.

Mr. HILL, of Georgia. Will the Senator from Ohio allow me to say that the trouble with his argument is that there has been a good deal of cannon fired since that date.

Mr. THURMAN. Yes, there has been; and now, Mr. President, that veto message which received the approbation of the whole democracy of the United States has fallen into such disgrace that we are told the democracy of the United States must make a new departure, that they must quit the old straight-laced notions of the fathers, and that they must go for what is called a liberal policy, and vote away just as much money from the national Treasury as their votes can effect.

Mr. President, I am an old man and an old democrat, and I cannot train in these new ways. I cannot agree that the Treasury of the United States shall become a Treasury of communism. Political economists have found much difficulty in ascertaining what is the annual product of the earth, but they have found immense difficulty in fixing how that annual product is to be distributed. If the Congress of the United States is to become the chief agent in distributing the annual product of the United States; if it is to tax not the wealthy men of the country, for all taxes really come in the end from the producing classes of the country; if it is to take their hard earnings and distribute them according to the interests of members of the other House and of Senators in Congress; if we are to have this kind of communism, let us know it. "I'll none of it."

This bill is not a right bill; every member on this floor, I believe, feels that it is not a right bill. Sir, I am in favor of a bill that shall appropriate money properly and rightly to benefit the commerce of this country; but I am not in favor of a bill that appropriates money for the improvement of streams where a tadpole could scarcely wriggle. I am not in favor of benefiting Mr. A B's chance for re-election to the House of Representatives by voting for a bill that improves some tadpole stream in his district or some other stream so that a catfish can swim in it.

Mr. President, this whole thing is anti-democratic and against the teachings of the fathers. When I say "anti-democratic" I ought to correct myself. No man, democrat, federalist, or whig, ever supported such a bill as this——

A SENATOR. What about the republicans?

Mr. THURMAN. Well, they have changed the Constitution so that I do not know what they do not support.

I am not to be very long here; a very few days will end my political career forever; and I wish to leave this Senate with the kindest feelings for every member of the body, and I do most sincerely desire that I may, and when I make these remarks I know that I run counter to the opinions of men whom I dearly love and who I believe love me in return; but I wanted to say before I leave the Senate a few words of soberness and truth, and therefore I have said what I have.

Mr. RANSOM. Mr. President, the Senate knows me too well to fear for one second that I intend to prolong this debate, for I am very anxious to have a vote. ["Vote!" "Vote!"] Only one word. I have before me a memorandum of seven river and harbor bills, amounting in all to over six million dollars, approved from 1830 to 1837 by Andrew Jackson. I have high democratic authority when I show my friend that I can answer him to-night by his vote on this bill at the last Congress. Then he voted for the river and harbor bill, I am very happy to say. If I can give any better democratic authority in this world than Andrew Jackson and the Senator from Ohio, I do not know where to find it.

Mr. THURMAN. The Senator, I think, is entirely mistaken when he says I voted for the last river and harbor bill.

Mr. RANSOM. No, sir, I am not mistaken.

Mr. THURMAN. I think the Senator is.

Mr. RANSOM. I would not dispute anything with the Senator.

Mr. THURMAN. I voted—and I shall beg to be pardoned for it—for a good many of these bills, but I think I was not guilty of the crime of voting for the last one.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. Shall the vote be taken in gross or separately? ["In gross!"]

Mr. TELLER. Separately.

The PRESIDING OFFICER. If a separate vote is demanded, the vote must be taken separately. Is a separate vote demanded on any of the amendments?

Mr. PLUMB. The last amendment, striking out section 3.

The PRESIDING OFFICER. Does the Chair understand the Senator from Kansas to suppose that section 3 was stricken out?

Mr. PLUMB. No; I desire to reserve the amendment moved by the Senator from Colorado to strike out section 3.

The PRESIDING OFFICER. It has gone and cannot be reserved. That is not the report of the Committee of the Whole. It has been laid on the table in Committee of the Whole.

Mr. PLUMB. Then it will be in order to renew that motion in the Senate?

The PRESIDING OFFICER. When the Senate has acted on the amendments made as in Committee of the Whole, the bill will be open to amendment.

Mr. PLUMB. A motion to strike out that section can be made then?

The PRESIDING OFFICER. The Chair will act upon that question when the time for it comes.

Mr. INGALLS. I should like to understand about that. That amendment was acted upon in Committee of the Whole, and the question ought to be determined now whether my colleague can reserve a vote upon that, or whether it can be renewed subsequently.

The PRESIDING OFFICER. The Chair has held and continues to hold that the amendment proposing to strike out the third section having been laid upon the table is not an amendment now pending in the Senate. When the amendments made as in Committee of the Whole have been acted upon by the Senate, the bill will be in the Senate and open to any amendment that would be ordinarily in order under the rules of the Senate. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. PLUMB. I move to strike out all of the third section except the last line. I want to save White Oak River in North Carolina, and therefore will not move to strike that out. It is the last line of the section.

The PRESIDING OFFICER. The section the Senator from Kansas proposes to strike out is five or six pages long. Is the reading of the section demanded? ["No!" "No!"] Will the Senate agree to the motion of the Senator from Kansas to strike out the third section with the exception of the last line?

Mr. PLUMB. I do not care to discuss again, and especially at any great length, the objections to the third section advanced by the Senator from Colorado. I desire, however, to call attention to the remarks made by the Senator from Missouri, in which he rather impeached my consistency, because, he said, I had voted for the last river and harbor bill, which had very little in it for the improvement of the Mississippi River, and was now opposing one which had a great amount in it for the improvement of that stream. I hope I shall not be subject to the charge of voting for or against a bill because it may have more or less in it of the things which I may have or be assumed to have some personal interest in.

This bill has in it some considerable appropriation for the improvement of the Mississippi River, and a comparatively small one for the improvement of the Missouri River. The improvement of both these streams is a matter of great consequence to the State of Kansas; but it is not of sufficient consequence, as I think, to induce me, in deference to the wishes of the people of that State, to vote for a large number of appropriations which I know are not proper to be made; and when I say I know they are not proper to be made I am re-enforced by the statements which have been made privately and more or less publicly by a large number of the supporters of this bill, who say, "Just give us this bill this year, and next year we will make a better one." I never knew so good a time to commence reform as the present; but it is not in the hope that any reform will be made that I am addressing the Senate. I desire to record my vote against the passage of a bill which appropriates three or four million dollars to improve streams which are of no account for navigation or for any kind of commerce whatever, and to say that if the amount for the Mississippi River were doubled or were quadrupled my opinion would still be the same.

In addition to that this appropriation for the improvement of the Mississippi River, as I construe it—and I shall have ample evidence before the Senate reassembles again—is not for the improvement of the Mississippi River at all. It is for the erection of levees along that stream, notwithstanding there is a statement here which might seem to admit of another construction. That is not for the benefit of commerce so much as it is to improve somebody's private property. It is not only to improve somebody's private property, but it is to improve a class of property for which Congress has heretofore made large subsidies in land. It is not intended or designed in any way to aid or add to the navigability of the Lower Mississippi. It has only this scope and perhaps no other, namely, the improvement of the swamp lands lying upon the lower part of that stream. That is what we are coming to. That was the intention of the constitution of the Mississippi River commission, and it is simply a part of the flower, the fruit of the institution of that commission that we are appropriating this year $10,000,000; and I shall be surprised next year if we do not have a bill here for the appropriation of $20,000,000. This thing grows by what it feeds upon. A combination made this year embracing certain streams notoriously not navigable, not to be found on any map of the United States, not to be found on any local map whatever, is susceptible of indefinite enlargement.

Mr. THURMAN. Or in any gazetteer.

Mr. PLUMB. Or in any gazetteer, or in the imagination of any man except some one on this floor or elsewhere who has made the suggestion whereby the committee was induced to act in putting that in the bill.

This matter might just as well be met now as at any other time. It is better to meet a bill that has $10,000,000 in it than one with $20,000,000. A bill that has $20,000,000 in it is twice as strong as one that has $10,000,000, and next year it will be $20,000,000, and the combination grows. I have some reason to suppose, at least I imagine, that there might have been something added for the State of Kansas in this bill, for when men get to be liberal with somebody else's money the addition of a few thousand dollars more or less does not amount to a great deal.

Here we are providing for a new crop of appropriations next year. I ask the Senator from Missouri, who is deeply interested in the river which gives its name to his State, and in the Mississippi, which is a part of that great water-way, if he thinks that the appropriation for a permanent improvement of that great stream is to be enhanced by putting in here eighty streams to be surveyed and reported upon by surveyors next year; not Government engineers, not men now in the employ of the Government and resting under any obligations to the Government, but men employed in the locality for the purpose, interested by reason of their local relations and interest in making and reporting to Congress as large an amount of money as they can for the improvement in order to induce Congress to take the first step; and it is the first step that costs.

There has never been a case where an improvement has been started that it is not continued. It has rarely been the case where one was started and continued that it ever has stopped. Here are eighty-four new subjects of expenditure in the next river and harbor bill provided for. There is no question but that every one of these will turn up in the next bill, and I submit now to the committee that they have taxed the patience of the Senate a good deal. They will find, I think, that they have taxed the patience and the good-will and the common sense and judgment of the people of the United States a good deal, and I submit to them if it is not a good time to stop and to have this section stricken out, so that they can say that at least they have not laid out work for the future.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. PLUMB. I will do so with pleasure.

Mr. JONES, of Florida. If this authority is given to the Engineer Department to make new surveys, is there no possibility of a hope that there will be adverse reports?

Mr. PLUMB. I am very thankful to the Senator from Florida for having asked me that question. I think there is no hope for an adverse report. I think that the Engineer Corps and all other corps under the employ of the Government or elsewhere, commissioned as these will be, will do as Paul did—magnify their office. They will report in favor of the appropriation of money for the purpose of improving all these streams. The report which I had before me a few minutes ago recommends the appropriation of hundreds of thousands of dollars for the purpose of securing a maximum depth of water in small streams of twelve inches, and that only water which can be used for navigation one way; to wit, down stream. There is no expectation that the boat that goes down it can ever go back, and there is no expectation that any boat can ever go down it except it goes down pushed by poles. In fact, the words "raft and push-boat navigation" are used. In other words, the maximum expectation is a channel of twelve inches, and I think in one case ten inches, and the maximum and only kind of navigation expected is raft navigation, and down-river navigation at that.

I think there ought to be some stopping-place somewhere, and I think section 3 is a good place to stop. I was in hopes that the motion of the Senator from Colorado would have been adopted, and that the committee would be willing to say that the improvements provided for in the body of the bill were sufficient, and that this new crop of expenditures for next year would not be thus anticipated and provided for.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment proposed by the Senator from Kansas, [Mr. PLUMB?]

Mr. TELLER. Let us have the yeas and nays on that.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Ohio, [Mr. THURMAN.] If my colleague were here, he would vote "nay."

Mr. LOGAN, (when the name of Mr. DAVIS, of Illinois, was called.) I desire to state that my colleague [Mr. DAVIS] is paired on this bill with the Senator from Louisiana, [Mr. KELLOGG.]

Mr. TELLER, (when the name of Mr. HILL, of Colorado, was called.) My colleague [Mr. HILL] is paired upon this bill with the Senator from Iowa, [Mr. ALLISON.] I do not know how my colleague would vote upon this question. He is opposed to the whole bill, and presume he would vote to strike out.

The roll-call was concluded.

Mr. FERRY. I desire to state that my colleague [Mr. BALDWIN] paired with the Senator from Vermont, [Mr. MORRILL.] If my colleague were here, he would vote "nay."

The result was announced—yeas 12, nays 35; as follows:

YEAS—12.

Blair,	Kernan,	Paddock,	Saunders,
Eaton,	Logan,	Pendleton,	Teller,
Harris,	Morgan,	Plumb,	Wallace.

NAYS—35.

Bailey,	Coke,	Johnston,	Rollins,
Bayard,	Dawes,	Jonas,	Saulsbury,
Beck,	Farley,	Jones of Florida,	Slater,
Booth,	Ferry,	Lamar,	Vance,
Brown,	Garland,	McDonald,	Vest,
Burnside,	Groome,	McMillan,	Voorhees,
Butler,	Hampton,	Maxey,	Walker,
Call,	Hereford,	Pugh,	Williams.
Cameron of Pa.,	Hill of Georgia,	Ransom,	

ABSENT—28.

Allison,	Conkling,	Hoar,	Platt,
Anthony,	Davis of Illinois,	Ingalls,	Randolph,
Baldwin,	Davis of W. Va.,	Jones of Nevada,	Sharon,
Blaine,	Edmunds,	Kellogg,	Thurman,
Bruce,	Grover,	Kirkwood,	Whyte,
Cameron of Wis.,	Hamlin,	McPherson,	Windom,
Cockrell,	Hill of Colorado,	Morrill,	Withers.

So the amendment was rejected.

Mr. TELLER. I now move to strike out, commencing on the four hundred and seventh line, page 18, all of that page and down to and including the word "passes," in the four hundred and thirty-fifth line, on the nineteenth page. I want to say a word or two upon the amendment.

I am appealed to by Senators who say they want to vote. I do not like to detain the Senate, but I do not propose that this system shall be commenced without putting upon record my protest. I expect to live to see the day when every Senator who votes for it will regret his vote. I expect to see the day when the people who are interested in the honest administration of public affairs in connection with improvements will regret everywhere the adoption of this principle, because, as I said with reference to another subject, I believe it will eventually break down the river-improvement system in this country; and it cannot be carried out, the expense will be so great.

I desire to call the attention of the Senate to what this proposition is. It is nothing more nor less than because we have appointed a commission who went out to report upon a system of creating water, you may say, or creating permanent banks, if you choose, for the Mississippi River, and they have made a report to the Senate, we are bound because they made that report to accept it and to enter upon a system that they have recommended. I find that this commission made a report which is alluded to in the bill. The bill says:

For the improvement of the Mississippi River, in accordance with the plan therefor recommended in Executive Document No. 58, second session Forty-sixth Congress, by the Mississippi River commission.

I hold in my hand the document; and I want to say for myself—I am not responsible for the establishment of that commission—that while I have great respect for some members of the commission, while I believe if we are to send out a commission of men to adopt a system of leveeing the Mississippi River they are as capable as any men that can be sent out, yet because they are good engineers and honest men I am not in favor of entering upon this great wild scheme of expenditures for private purposes and not for public good.

I said before that this was a private affair. I am anxious not to detain the Senate too long, but I propose to read from the report of the commission, and I think it will convince everybody that while this commission are in favor of this scheme, the majority of them are compelled to admit that it is a private enterprise, and the minority, two respectable engineers, stamp the whole thing with their condemnation. I find in this report the following:

While it is not claimed that levees in themselves are necessary as a means of securing ultimately a deep channel for navigation, it is believed that the repair and maintenance of the extensive lines already existing will hasten the work of channel improvement through the increased scour and depth of river bed which they would produce during the high-river stages. They are regarded as a desirable, though not a necessary, adjunct—

Mark the words—

They are regarded as a desirable though not a necessary adjunct in the general system of improvement submitted.

It is obvious that levees are, upon a large portion of the river, essential to prevent destruction to life and property by overflow. They give safety and ease to navigation and promote and facilitate commerce and trade by establishing banks or landing places above the reach of floods, upon which produce can be placed while awaiting shipment, and where steamboats and other river craft can land in times of high water.

In a restricted sense as auxiliary to a plan of channel improvement only, the construction and maintenance of a levee system is not demanded. But in a larger sense, as embracing not only beneficial effects upon the channel, but as a protection against destructive floods, a levee system is essential; and such system also promotes and facilitates commerce, trade, and the postal service.

Mr. President, we are entering upon a system of public improvements that if it is carried out to its legitimate and logical conclusion will compel us to go to work and build railroads in every part of this country where there is commerce to be transported. The same argument can be made with full force to Congress that it should build railroads all over this country that can be made for this system of leveeing the Mississippi River. It facilitates commerce. It facilitates, says the commission, the postal service. So it does, and so does a railroad, and so do a thousand schemes that can be devised for plundering the Treasury and taking the money that is wrung from the taxpayers and wasting it, as 90 per cent. of it is frequently wasted and as always a very large per cent. is wasted when it is intrusted to distribution at the hands of Government officials.

Let us go a little further with this report, for this is the report of the commission, these are the advocates of the system; this is the commission that the Senate say to-day has instructed them virtually to make this legislation:

A levee system aids and facilitates the postal service by protecting from injury and destruction by freshets and floods the various common roads and railways upon which that service is conducted to and from the river bank, and generally within that portion of the alluvial region subject to overflow. Moreover, the permanent maintenance below Cairo of a connected levee system, a system of sufficient strength to inspire confidence in its efficiency, or the demonstration, by the achieved results of an improved river, that overflow need no longer be seriously apprehended, would act as a prompt and powerful stimulant in rapidly developing a largely increased trade and commerce in all the products of agricultural industry indigenous to that region, and in those branches of manufacturing enterprise related thereto.

There is the whole thing admitted by the commission. We are starting upon an enterprise that the commission of the Government say for two hundred miles and less than two hundred miles requires now $5,133,000, and the Government engineers in 1875 placed it at the lowest estimate at $5,000,000.

I think it is well enough for the Senate to vote money for legitimate purposes; but nobody can cover himself with any degree of self-respect and say he votes that $1,000,000 for the Mississippi River for the benefit of commerce.

When the honorable Senator from Missouri, who has great interests in this noble highway, as all the people of the Northwest have, spoke of the money that was appropriated to the Mississippi River, I noticed that he said it was $1,600,000, ignoring this million dollars altogether, for he knew, as every sensible man knew, that not a dollar of it could under any honest pretense be claimed to be expended for the benefit of commerce. If it is the purpose of the dominant party in the Senate now to go to work and levee the banks of the Mississippi River, let them come square to the front like honest men and say so.

Let them say that they propose now to protect private property up and down that great river at the public expense, for it appears by the very report of the majority, and it is especially asserted by the minority of the commission, that not a dollar of this sum can be claimed to be in the interest of commerce. If the people of the United States are prepared now to indorse a scheme that will take $1,000,000,000 before it is through from the public Treasury, it is well and good, if the majority have overcome their conscientious scruples as to their authority to donate the public funds for such a purpose; but I think it ought to be fairly and perfectly understood that this is not in the interest of commerce, and the commission do not claim it is, except they say it will facilitate commerce by protecting the railroads and by protecting the dirt roads up and down that river. When you carry out this argument to its legitimate conclusions, then we shall be called upon to protect every highway in the United States that runs up the side of a river provided there shall be upon it a postal service.

This is an iniquitous measure under the cover and pretense of assisting the commerce, but really for the purpose of leveeing that great river, and that, too, by adopting a system that some of the best engineers in the world declare will eventually in a few years prove disastrous to the people dwelling on its banks. I myself believe that there is no way in the world to ultimately destroy the Mississippi Valley so certainly as to levee its banks, and thus fill up the bed of that great river. It is not in the interest of commerce, and, in my honest judgment, it is not in the interest of the men living on its banks. There are other methods by which the waters can be kept from overflowing plantations and the railroads adjoining and the dirt roads besides these. The whole thing is, I say again, not only injurious to commerce, but injurious to the dwellers upon the banks of that great river.

Mr. VEST. Mr. President, as a matter of course at this hour I do not propose to discuss the bill, but the Senator from Colorado either misunderstood me greatly or else I did not clearly understand myself. I stated to the Senator from Kansas that $1,016,000 was appropriated by this bill for the improvement of the Mississippi River. I repeat that assertion. The last river and harbor bill gave to the

Mississippi River $100,000 for general improvements, and this bill gives to that great national highway sixteen times as much.

The statement of the Senator from Kansas and the Senator from Colorado that this bill is a covert attempt to improve private property with public money is gratuitous and unfounded. There is not a scintilla of fact in this bill or anything in this report which goes to substantiate that statement. The bill provides upon its face, if ordinary candor is given to the committee, that no portion of this money appropriated for levees shall be used to levee lands in order to protect them from overflow. It is true that the Mississippi River commission reported in favor of closing up the gaps in certain levees, amounting to $1,016,000, and that upon the familiar principle of the jetty system to meet the escape of water from the channel of the river, in order to deepen the channel to increase the navigability of this great stream.

I do not choose that it shall go to the country and to my people especially in the West that I sat here silently and permitted these charges to be made without denying them. I vote for this bill because it will enable the farmers of the great Northwest, the granary of this country, to compete with the world. It will enable us to carry to Liverpool for eight cents less upon the bushel the corn and wheat which are produced upon our vast fields. It will enable them by the 1st of July next to put barges upon the Mississippi River which will export 5,000,000 bushels of wheat and corn to England. It will enable us to use tugs to carry, as one did recently, into the port of New Orleans at one single trip enough corn and enough wheat to fill 1,500 cars upon the railroad. It will enable us more than that to break the monopoly of the railroad system which grinds the northwestern farmers into the dust whenever they have held them at their mercy on account of low water in the Mississippi River. If we are able to break down the railroad monopolies of this country it is by utilizing the bounty of God in this great system that connects the lakes with the Gulf. That is the reason why I shall vote for the bill.

The Senator from Ohio, my honored friend and the honored leader of the party to which I have the honor to belong, has seen proper to say that this bill is supported from personal and interested motives to keep Representatives and Senators in office. I shall not answer that charge as I would answer it if it came from any other quarter. I stand here to-night representing the interests of my people. I know the Senator from Ohio at the last session when he put his vote on record for a much more objectionable river and harbor bill than this, for this bill gives to this great river, the "Father of Waters," in which is buried the body of De Soto, a larger appropriation sixteen times, and opens communication to the sea and gives a free way and a free progress to the vast productions of our fields in the Northwest.

If the bill contained no other provision than that I should vote for it. If there is any object of my political life, it is the improvement of that river. If there is any object in which the people of the great Northwest, and especially of the State of Missouri, are unanimous without political distinction it is the improvement of the Mississippi River, and that clause alone of this bill entitles it to the support, in my judgment, of every patriot. Whatever may be said of these catfish and tadpole rivers, as they have been termed, there ought to be no difference of opinion in regard to the Mississippi. It is the property of the whole people, the people of all the States of this great Union. It belongs to no State, with its four thousand miles of shore; with its ten States tributary giving their productions to its bosom. It belongs to the people, and the people of every State should seek to improve it. It is for that reason I support this bill.

Mr. WALLACE. Mr. President, I have said nothing upon this bill up to this time, but I cannot vote for it; it contains provisions which are utterly against my belief, my teaching, and, I believe, against the interests of my people. I think that I have voted for but one river and harbor bill during the six years I have been in the Senate. I shall not vote for this bill, for it is double the size of many that I have voted against. It is enormous in its proportions. Every inlet on the coast and on the lakes and every mountain stream in certain localities are to be improved; money is to be expended upon them to begin the work or improvements are to be continued or a survey is to be made, and to do all these the money of the people is taken in millions and devoted to what I think is an improper and unlawful use.

The third section in the bill is the entering-wedge to vast expenditures in the future. It has been so in the past. It opens a vista before us of enormous expenditures by the Federal Government for the improvement of many mountain streams that ought to be, that have been, and in my view ought to continue to be exclusively under State control.

I do not believe that the people of Pennsylvania want the Federal Government to aid us to improve the Susquehanna, although it flows through the State from New York to Maryland, for it is not naturally navigable, but it is a great stream in which a hundred millions might be expended in a system of slack-water navigation and dams, and it could be thus utilized to bring to tide-water our lumber, our coal, our minerals of every kind, and our grain. But it is almost totally within the State; it is not navigable in a national sense; it is not in its natural condition capable of ascending trade, and it is not navigable in the sense of the commercial powers of the Constitution, and our people have never come here to ask its improvement by Congress. The State has exercised jurisdiction over it, has made grants of water-power from it, erected dams upon it, and vested rights have grown up under this jurisdiction that congressional control would destroy.

The third section of the bill is the entering-wedge to large expenditure as it has been in the past. Every State and Territory in the Union was represented in the bill of last year except Alaska, and is, I believe, also in this one. Every locality seems represented annually in the river and harbor bill, a survey ordered upon streams in every locality for the useful end that votes may be had for the bill, and that too without regard to the national value of either the stream or the improvement. Step follows step in the process of securing votes and money.

Let us examine the surveys ordered by river and harbor bills since 1870. Take up the figures of these bills, and we find that from 1870 to 1880 there have been six hundred and eighteen surveys ordered by these bills, and this bill adds nearly sixty more. In 1873 there were but twenty-eight surveys, but last year the bill ordered one hundred and eighteen. They are entering-wedges, the hand is drawn in by this process, and the body follows. The survey ordered, then the engineers go upon the ground, then the estimates come, and then follow bills for the money, such as the present one, and thus the gross amount increases and the money of the people is lavishly expended.

The number of surveys ordered since 1870 is as follows:

By act of—	
July 11, 1870	63
March 3, 1871	52
June 10, 1872	53
March 3, 1873	28
June 10, 1874	63
March 3, 1875	46
August 14, 1876	1
June 18, 1878	97
March 3, 1879	97
1880	118
Total	618

What is this process? It is simply each man fighting for his own locality and not for the good of the whole. Each man cares for himself and his own locality in place of standing by that which is plainly national, and abiding by the teaching of the fathers and the meaning and letter of the Constitution.

I make no charge that men seek by this process to have money expended for personal gain; but I say that each Senator and each Member cares for his own locality and forgets the general good, and the bill and its passage comes to be a log-rolling process in the highest sense. In the past it had got to be the rule that these bills passed without permission for debate or scrutiny, but this one is an exception. This bill was debated in the House, and it has been debated here, and I am glad to see even this progress. Yet it is fated to be passed, and it seems to me that it is a truism that the meaner the bill is, the bigger it is, the surer it is to pass.

If we take up the reports of the engineers we find that in 1870 there were but 635 pages of reports made by them, while in 1880 there were 2399 pages of reports from the engineers, making nearly four times as many in 1880 as there were in 1870, and this with a democratic Congress half the time.

Then watch the growth of expenditures. In 1870 the bill was about $2,000,000; in 1871, under $4,000,000; in 1872, a trifle over $4,000,000; in 1873, $5,500,000; in 1874, $6,000,000; in 1875, when we came into power, $5,218,000, there being a spasm of economy; in 1876 it was $6,643,000; in 1877 we got it back again to $5,000,000; in 1878 there was no appropriation; in 1879 it swelled itself to $8,200,000; in 1880 it was $7,800,000; and in 1881, that is for the current year, about $9,000,000; and to-day it swells itself to between $11,000,000 and $12,000,000.

Mr. KERNAN. Eleven millions and a half.

Mr. TELLER. Eleven millions and about six hundred thousand dollars.

Mr. WALLACE. On the legal aspect of the subject, I shall quote what I said before when a bill of this character was up:

> Our power to make these appropriations comes from the power in the Constitution "to regulate commerce among the States." "Commerce *among* the States" are the words of the Constitution. As I understand the authorities, commerce means and includes navigation; commerce among the States means and includes intercourse between them. Navigation, as applied to this clause, means as well ascending as desending navigation. Without both the stream is not a navigable water of the United States. Intercourse means not commerce and traffic simply from one State by a water-course at its flood into another without the power and means of returning, but also an opportunity for the productions of that other State to traverse the highway and carry its products to market. A navigable highway is a water which possesses the capacity of ascending as well as of descending.
>
> Intercourse means interstate traffic. When we find a river that has at its flood a descending navigation, but is naturally in such a condition that it is not navigable in the other direction, then we have no navigable water of the United States within the meaning of the Constitution and the decisions under it to which we can lawfully appropriate money. The general principle is that where a river is not navigable in fact, that Congress has no control over it, but that its control belongs exclusively to the States, and that whether such a stream is a part of a continuous line from a navigable stream, naturally navigable, into another State, or whether it lies wholly within the State, is immaterial. If a river be navigable in fact within a State as a part of a continuous line of communication, Congress has the power to appropriate money to improve it so far as it is so navigable under the power to regulate commerce. If it lie wholly within a State and be navigable in fact, if not a part of a continuous line of communication, Congress has no control over it, and it belongs to the State to regulate its commerce. If it be a part of a continuous line from without to within a State, but its character is such that no ascending navigation in fact exists, nor can naturally exist, the Congress has no control over it under this power, but the jurisdiction of the State is exclusive.
>
> Apply these doctrines, these rules of law, the now settled law, not the theories

and dogmas of fifty years ago, but the law that has grown up from the necessities of your ever-expanding commerce, that which has come from the growth of your country, that which has crystallized itself through the decisions of the Supreme Court upon the power to regulate commerce among the States. Apply these doctrines to our present bill for improving rivers, for appropriating money to that object, and we have the question settled.

The rivers to which we may give the money of the United States are those which the Constitution of the United States as interpreted by the Supreme Court have recognized to be navigable waters of the United States, and those, and those alone, are such as are navigable in fact, and are avenues of interstate commerce.

In this bill there are many instances of appropriations of money to rivers which are not navigable rivers within the meaning of the Constitution and laws. It is not a question of a short river reaching from a lake into a State. Such a stream may be navigable for but ten miles and still be within the purview of the general power. The doctrines of the Constitution as interpreted by the Supreme Court are our platform, and the decisions of the court have followed the progressive march of that commerce which the intense desire of our countrymen for gain has pushed to its furthest limits in the development of the natural highways and internal arteries of our great net-work of lakes and rivers.

Mr. BAILEY. I concur in a large degree with what the Senator has said, but is there any constitutional objection to the passage of such a bill?

Mr. WALLACE. What I understand to be the law and the Constitution as declared by the Supreme Court is that rivers and streams that are not in themselves navigable cannot be improved by the Federal Government, but that they are exclusively within the control of the States.

Mr. HEREFORD. If the Senator will allow me, I will say that there is a decision of the Supreme Court directly the opposite.

Mr. WALLACE. Gentlemen are entitled to their opinion of what the law is, and I am entitled to mine.

Mr. BAILEY. Will the Senator permit me to ask him the question, whether the admiralty jurisdiction has not been extended over all the navigable streams of the country, navigable from the ocean up to the very source itself, provided they are navigable?

Mr. WALLACE. True; but then it comes back to the question, what is a navigable stream? When a stream in the spring of the year has merely descending navigation and no navigation of any character at any other season of the year, I do not understand it to be navigable in the sense of Federal control.

Mr. BAILEY. Will the Senator permit me to ask him to what extent the bill provides for streams that are navigable in the manner he speaks of?

Mr. WALLACE. There is one appropriation in the bill for improvement of part of a stream two hundred miles from tide, and you could not get to that point with a scow in August.

Mr. BAILEY. Which stream is that?

Mr. WALLACE. A part of a river in Pennsylvania.

Mr. HEREFORD. Then I ask the Senator why he does not move to strike it out? It is in the Senator's own State; let him move to strike it out.

Mr. WALLACE. It has come here in the bill from the House.

Mr. HEREFORD. I will inform the Senator that that very appropriation was put in there at his request.

Mr. WALLACE. The Senator is utterly mistaken. I have never asked for such an appropriation or any other of such a character.

Mr. HEREFORD. Last year the Senator did.

The PRESIDING OFFICER. Senators will please address the Chair. The Senator from Pennsylvania has the floor.

Mr. WALLACE. The Senator is utterly mistaken. I never asked for any appropriation for the State of Pennsylvania except for the navigable streams thereof; for the Delaware and the Schuylkill up to the city, by which to send our great commerce from Philadelphia to the sea; for the harbor of Erie and the rivers Ohio, Monongahela, and Allegheny at Pittsburgh. I have never asked for any other improvement by the General Government for our State. I believe our people want none such. We want to maintain State control over our rivers and to preserve them within our own jurisdiction, so that our factories, furnaces, and mills may keep the water-power vested under State authority. We think that Pennsylvania is able to care for herself, as she has done in the past, and we do not want the Federal Government to come within the State and aid in the improvement of streams not naturally navigable and thereby uproot our industries, destroy our dams, and render useless our water-powers. River and harbor bills here always have passed against my vote, against my wish, against the will of my people as I believe, but the provisions which make these local improvements have been repeatedly in the bills without my request, because they came from the House. I have voted against them always, although it is true, as said, that Pennsylvania has had appropriations for the improvement of the Kiskiminetas.

Mr. McMILLAN. If we can take the sentiment of Pennsylvania as represented by the members of the House of Representatives, elected directly by the people, the members were over here and in the presence of the Senate committee asked for appropriations for other rivers in that State, the Youghiogheny, pressing it upon us, and it was refused by the committee because the stream was not such as was capable of navigation.

Mr. WALLACE. I have no doubt of it.

Mr. McMILLAN. I think the members of the other House, elected directly by the people, represent the people of that State as well as the Senator from Pennsylvania.

Mr. WALLACE. That is a question that I will settle with my people, and it is not for the Senator from Minnesota to dictate to me what I should say upon this floor. I want the Senator from Minnesota to understand that I am here expressing what I believe to be the sentiment of my people and the Senator has no right to dictate to me what I shall say on this or any other subject.

Mr. McMILLAN. I have attempted no dictation to the Senator from Pennsylvania.

The PRESIDING OFFICER. Will the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. WALLACE. Certainly.

Mr. McMILLAN. I attempted no dictation to the Senator from Pennsylvania as to the course he should take. I merely cited the fact to show that there were Representatives directly from the people of the State who differed from him in opinion.

Mr. WALLACE. Certainly. I have no doubt about that, as there may be in the State of the Senator from Minnesota, but that does not affect me in my opinion, nor do I believe they express the wish of our people as to streams of that character.

Mr. President, I believe the theory of this bill on this subject to be wrong. I am conscientious in my convictions thereon; I need only cite what has occurred in the past in the great States of New York and Pennsylvania as to their internal improvements to show the basis of my views. Did we when we built our great system of canals ask the Federal Government to aid us? Nothing of the kind; but we taxed our own people to build them. The State depended upon itself. It had not then learned to lean feebly on the arm of the General Government. Take two instances now, the case of the Fox and Wisconsin Rivers in Wisconsin, and that of the Great Kanawha River in West Virginia. They were improved for a similar purpose to those of the canals from tidewater in Pennsylvania to the Ohio, and from the Hudson to the lakes in New York. The General Government has made large appropriations for the rivers in West Virginia and in Wisconsin. They were to make connections between the eastern and western waters also, but if in the days of DeWitt Clinton New York had come here to ask for money to make a water line of communication from the Hudson to the Lakes through her own territory it would have been regarded as a monstrosity by her people. It would have been utterly antagonistic to their idea of the law. Therefore, they taxed themselves as Pennsylvania taxed herself and her people. Their moneys thus expended aided in the commerce of the whole country, and their people owned the whole. Now, local wants and local needs seek help at the Federal Treasury, instead of self-reliance and State control.

Compare the money expended on these two schemes of internal improvement with that spent on the one great navigable highway of our State. The amount expended on the Fox and Wisconsin Rivers, showing a total of $2,040,000, and for the Great Kanawha $1,190,000 since 1875. The Delaware River with the upper bay that floats the commerce of the State of Pennsylvania from the port of Philadelphia, from 1824 up to 1881, received all told but $669,000.

Appropriations made up to 1875 for improving Fox and Wisconsin Rivers	$1,245,000
In 1876	270,000
In 1878	250,000
In 1879	150,000
In 1880	125,000
Total	2,040,000
Improvement of Great Kanawha River up to 1875	350,000
In 1876	270,000
In 1878	220,000
In 1879	150,000
In 1880	200,000
Total	1,190,000
Delaware River from 1824 to 1875	230,000
In 1876	40,000
In 1878	113,000
In 1879	101,000
In 1880	185,000
Total	669,000

The great rivers and harbors of the country it seems to me are neglected and their commerce suffers, while indentations on the coast are dignified by the name of harbors, and are improved, and creeks and mountain streams are sought to be made navigable. The number of improvements projected in the third section and the amount of appropriations made to objects that are outside of the scope of Federal power, render this bill most objectionable. As to the Mississippi River improvement I take no issue except as to the large amount given, for that is a subject of national character and deserving our care.

I do not desire to detain the Senate further upon this subject. I might take up this bill and point out the many incongruities that are in it, but they have been shown again and again. I believe that the tendency toward centralization of the Government can find scope in no more insidious guise than it does in this bill. Lavish expenditures for objects which are peculiarly within the province of the State are made by this bill. Instead of being self-reliant, the States are

taught to appeal to Congress. If a pier in a harbor needs mending, or needs to be erected, or a channel of a creek is to be widened for the egress of a raft, the General Government is appealed to and thus becomes the fountain of all power, of all wealth and greatness, and the States sink from their proud position of sovereignty into beggars and dependents on the Federal power.

Under such a system all notions of policy which formerly divided parties are confounded. I regret to see it, but we may as well recognize the fact. It is here on this side of the Senate, on the democratic side. The gap stands widely open; Senators must face the existing fact. The teachings of some of our brother Senators are different from those of others. One man believes in one doctrine and one policy, and another man believes in another and a totally different doctrine and policy. I can but believe that this is not simply personal or local, but that their modes of thought and political education cause them to differ thus widely from others of their political brethren upon this floor. My teaching, my belief, my judgment to-day cause me to favor a strict construction of the Federal Constitution, and hence to vote appropriations under the commercial power only to those objects that are clearly and plainly within the purview of the Federal Constitution—to those rivers and harbors that are navigable in fact. Can it be that the strict constructionist who jealously watches every encroachment of Federal power abandons his fear when centralization comes with the sugar-coating of an appropriation for rivers and harbors? Under the magic influence of such a measure as this, the latitudinarian and the strict constructionist are found jogging along together in the same conveyance, and centralization so much dreaded seems to lose its dangers when it comes annually in the form of millions through a river and harbor bill.

Mr. President, I have spoken what I believe to be the sentiments of the people of my State as to this bill. I shall not detain the Senate longer. I cannot vote for the bill. I believe it involves a departure from the doctrines of the Constitution and the teachings of the fathers of the organization to which I belong.

Mr. ALLISON. I wish to offer one or two amendments to the bill.

The PRESIDING OFFICER. There is an amendment now pending to the bill, offered by the Senator from Colorado, [Mr. TELLER.]

Mr. RANSOM. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Clerk will report the amendment.

The CHIEF CLERK. It is proposed to strike out all from line 407 to line 435, in the following words:

For the improvement of the Mississippi River, in accordance with the plan therefor recommended in Executive Document No. 58, second session Forty-sixth Congress, by the Mississippi River commission, to be expended by the Secretary of War, with the advice and under the supervision of said commission, the sum of $1,000,000. And it shall be the duty of said commission to take into consideration, and of the Secretary of War to extend operations, under their supervision, to tributaries of the Mississippi River to the extent, and no further, that may be necessary in the judgment of said commission to the perfection of the general and permanent improvement of said Mississippi River; but this clause shall not be construed to interfere with the prosecution by the War Department of the improvement of said Mississippi River and its tributaries under general appropriations made therefor: *Provided*, That no portion of the sum hereby appropriated shall be used in the repair or construction of levees for the purpose of preventing injury to lands by overflow, or for any other purpose whatever except as a means of deepening or improving the channel of said river. And it shall be the duty of said commission to make report, on or before the 1st day of January next, to the Secretary of War, for transmission by him to Congress, of a detailed statement of the work done, and of the expenditure made from the sum hereby appropriated, with their judgment upon the effect of such work, and the general practicability and estimate of the total cost of such improvements along said river from Cairo to the head of the passes.

Mr. RANSOM. I move to lay the amendment on the table.

Mr. TELLER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Ohio, [Mr. THURMAN.] If my colleague were here, he would vote "yea."

Mr. KELLOGG. I am paired on this question with the Senator from Illinois, [Mr. DAVIS.] If he were present, he would vote "nay" and I should vote "yea."

Mr. ALLISON, (after having voted in the affirmative.) I desire to withdraw my vote. I am paired with the Senator from Colorado, [Mr. HILL.] As I do not know how he would vote on this question, I prefer to withdraw my vote.

Mr. COCKRELL. I am paired with the Senator from Vermont, [Mr. EDMUNDS,] who is absent sick. If he were here, I should vote to lay the amendment to strike out on the table. I do not know how the Senator from Vermont would vote.

The result was announced—yeas 36, nays 6; as follows:

YEAS—36.

Bailey,	Davis of W. Va.,	Johnston,	Randolph,
Beck,	Farley,	Jonas,	Ransom,
Blair,	Ferry,	Lamar,	Rollins,
Brown,	Garland,	McDonald,	Slater,
Burnside,	Groome,	McMillan,	Vance,
Butler,	Grover,	Maxey,	Vest,
Call,	Hampton,	Morgan,	Voorhees,
Cameron of Pa.,	Hereford,	Paddock,	Walker,
Coke,	Hill of Georgia,	Pugh,	Williams.

NAYS—6.

Eaton,	Plumb,	Teller,	Wallace.
Kernan,	Saunders,		

ABSENT—33.

Allison,	Conkling,	Jones of Florida,	Saulsbury,
Anthony,	Davis of Illinois,	Jones of Nevada,	Sharon,
Baldwin,	Dawes,	Kellogg,	Thurman,
Bayard,	Edmunds,	Kirkwood,	Whyte,
Blaine,	Hamlin,	Logan,	Windom,
Booth,	Harris,	McPherson,	Withers.
Bruce,	Hill of Colorado,	Morrill,	
Cameron of Wis.,	Hoar,	Pendleton,	
Cockrell,	Ingalls,	Platt,	

So the amendment was laid on the table.

Mr. ALLISON. In section 2, line 7, after the word "than," I move to strike out "its own" and to insert in lieu thereof the words "that passing over its own road;" so as to read:

That the joint resolution approved July 20, 1868, authorizing the construction of the bridge over the Mississippi River "to connect the island of Rock Island with the cities of Davenport and Rock Island," is hereby so amended as to require the Chicago, Rock Island and Pacific Railroad Company to charge for any cars carrying freight other than that passing over its own road, and for its own cars when carrying freight for other roads, which it may carry across said bridge.

The amendment was agreed to.

Mr. ALLISON. In line 9 of the same section I move to strike out "the" and insert "a," and to strike out "of only" and insert "not exceeding," and at the end of the line to insert "loaded;" so as to read:

A sum not exceeding $3 for every loaded car, two-fifths of which sum shall be paid by said railroad company into the Treasury of the United States each month; and the monthly returns thus made shall be in such form and with such authentication as the Secretary of War shall direct.

As the proposition now stands, this company would be required to charge $3 for every loaded and empty car, and if they choose to charge, for example, $2 only for coal cars or for any other class of heavy freight, this provision would stand in their way, because the Government of the United States is to receive new bids for the same. Therefore this ought to be only a limitation with reference to the maximum of charges.

Mr. KERNAN. I desire to make a little inquiry. The House seems to have agreed to this provision, and this amendment largely reduces what the Government will receive. I want some explanation.

Mr. ALLISON. I endeavored to make a brief explanation of it when I offered the amendment. The Senator will observe that, as the clause now stands, the company would be obliged to charge $3 per car, not only for loaded cars, but for empty cars as well; and it may be, and I am told the fact is, that for a large class of freight, such as coal, ice, lumber, and other heavy articles, they do not now charge the amount fixed in this bill.

Mr. KERNAN. Why is the Government entitled to any part of it?

Mr. ALLISON. The Senator asks me a question, which I think there is very grave doubt about. I think under the statute which we passed in 1868, which is to be found in the fifteenth volume of the United States Statutes, page 258, there is a provision authorizing the construction of this bridge, which I think makes it very doubtful whether we can enforce this provision of section 2. We have declared in that statute—

That the Government may permit any other road or roads wishing to cross on said bridge to do so by paying to the parties then in interest the proportionate cost of said bridge, but no such permission to other roads shall impair the right hereby granted to the Chicago, Rock Island and Pacific Railroad Company.

It is perfectly clear that any other railroad company wishing to cross this bridge can do so by paying its proportional cost of the bridge into the Treasury of the United States and into the treasury of the Rock Island Railroad Company. No other road sees proper to do so. There are other terminal roads at this point. Instead of doing so, they have made arrangements in one way and another by which the Rock Island road itself transports its cars across the bridge. It is a question whether or not this can be done under the provisions of the statute; but if it is done, it certainly should be made so reasonable that it will not be a burden upon the shippers or upon the railroads in the charges imposed.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa, [Mr. ALLISON.]

The amendment was agreed to.

Mr. LOGAN. I move to strike out, on lines 426 and 427, the words "except as a means of deepening or improving the channel of said river." This part of the section proposes to expend a million of dollars on the Mississippi River, under charge of this commission which has been organized, and proposes to do it not in the way of making levees, but in some other way, and in harmony with the Engineer Corps under the instructions of the Secretary of War. The language is this:

That no portion of the sum hereby appropriated shall be used in the repair or construction of levees for the purpose of preventing injury to lands by overflow, or for any other purpose whatever except as a means of deepening or improving the channel of said river.

The whole million of dollars under that exception can be used and expended in repairing and building levees under the pretense that the river is deepened thereby; that is, by raising the banks of the river. If the object of this portion of the bill is to expend the money for the purpose of assisting in improving the river, if the object is not to expend it in making and repairing levees on the river for the protection of private property, then this portion ought to be out; for under this exception, as I said, the whole amount can be expended.

I move this amendment for the reason that I am opposed to expending money for levees on the Mississippi River. I think it is not a plan to advance the interests of the country, or the commerce of the country, and if we intend to act fairly about it and not have a deception practiced on somebody, we ought to make it so clear and plain that all may understand it.

Mr. RANSOM. Will the Senator from Illinois tell me what part of the provision he means to strike out?

Mr. LOGAN. Lines 426 and 427, after the word "whatever," the words "except as a means of deepening or improving the channel of said river;" so that it will read:

That no portion of the sum hereby appropriated shall be used in the repair or construction of levees for the purpose of preventing injury to lands by overflow, or for any other purpose whatever. And it shall be the duty of said commission to make report, &c.

The bill will then deprive them of the power of expending the money to make and repair levees. That is the object I have in the amendment.

Mr. RANSOM. Apprehending the purpose of the Senator from Illinois, and so far as he goes sympathizing with him, I would like, with very great deference, to suggest to him that the way he proposes the amendment does not accomplish the object.

Mr. LOGAN. How am I to do it, then?

Mr. RANSOM. The proviso reads:

That no portion of the sum hereby appropriated shall be used in the repair or construction of levees for the purpose of preventing injury to lands by overflow, or for any other purpose whatever.

If the Senator leaves it there, that will be a prohibition of any use of the money. The first part of the proviso provides that the money shall not be used for constructing levees, and then the words "or for any other purpose whatever" would include all purposes.

Mr. INGALLS. The Senator from North Carolina is right.

Mr. LOGAN. Then strike out from the word "overflow." I believe the language of the section might be construed as the Senator says. I will then amend my motion so as to strike out line 426, after the word "overflow," down to the word "river," in line 427. Then it will read:

Provided, That no portion of the sum hereby appropriated shall be used in the repair or construction of levees for the purpose of preventing injury to lands by overflow. And it shall be the duty of said commission, &c.

So that the money cannot be used for that purpose, that being the intention of the bill as I understand it. That will make it so that we shall all understand it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Illinois.

Mr. THURMAN. Mr. President, when the Constitution of the United States was adopted and went into force the ablest thinkers in America were divided on its construction. Mr. Hamilton thought that it could be by construction made to suit his views upon the form of the Federal Government; and thereupon Mr. Jefferson began the agitation in favor of what was called a strict construction of the Constitution. Those two great men were to their dying hour antagonized against each other, the one in favor of enlarging the powers of the Federal Government by construction, and the other in favor of restricting these powers by a strict construction of the Constitution.

I make these remarks in order to ask the Senate where in the Constitution does this body find the power to pass a river and harbor bill? Manifestly there is but one clause in the Constitution which gives the slighest support to such a pretension, and that is the power to regulate commerce. Under the Hamiltonian view of the Constitution, the liberal construction which is contended for, such a bill might be constitutional. Under the Jeffersonian construction, the strict construction for which Jefferson contended, no one can claim that such a bill is constitutional.

I say this with a full consciousness of the fact that I have voted again and again for river and harbor bills. I have done so perhaps because, being educated as a lawyer, having sat on the bench, and having therefore got the idea in my head that *stare decisis* was a rule of action, I have followed the decisions of the constituted authorities again and again in passing such bills; and yet I must say that I never voted for one of them, although I have voted for many, with a clear conscience. My friend from North Carolina taunted me that I voted for the last one.

Mr. RANSOM. Oh, no; I did not taunt the Senator; far from it. I did not mean that.

Mr. THURMAN. I do not think I voted for it. I know I voted against one, and I claim credit for that; but it is possible that, yielding to the uniform practice of Congress and their construction or interpretation of the Constitution, I have again and again voted for such bills. If so, I can say that I have followed the doctrine of *stare decisis* much further than I ought to have done. But admitting the constitutional power to pass a river and harbor improvement bill, and not at all bringing into question now that power, it is certainly a very useless piece of business to argue upon a bill of this kind. I never knew any good to come of it, but, still, I wish to say something upon the bill.

While I have voted for such bills, I have always thought, if I had the constitutional power to pass them, the real question before the Senate was a business question, a question such as business men would apply to their own affairs; and now applying the principle that business men would apply to their own affairs, I appeal to the Senate if this bill is one that business men, having their own interest in view, would adopt? Recollect that it is the power to regulate commerce which gives us the right, if we have it at all, to pass this bill. Does that give us the power to regulate the commerce of trout-streams in the mountains of West Virginia? I know the inquiry has been suggested, what would the Ohio River be if frogs were not allowed to wade up in the Alleghany streams? Oh, no, that will not do.

What is commerce? Is commerce the swimming of tadpoles? Is commerce the disporting of frogs in the ponds of North Carolina? Is commerce deepening the French Broad, so that a good big sucker can swim over it? Not the least bit in the world. When our forefathers put in the Constitution of the United States that Congress should have power to regulate commerce between the United States and foreign countries, and among the several States, did they think of improving a tadpole stream in West Virginia, or a frog pond in North Carolina? No, I do not think they did. Those were great men, Mr. President; they had great ideas. You cannot say a word about West Virginia to her credit which I do not indorse, for I am more indebted to her than any other man, perhaps, in the United States; but I want her to stand where Jefferson stood; I want her to stand where the people of the United States ought to stand.

And now, Mr. President, what has been done? Let every Senator put it to his own conscience, what are we doing? There are great improvements, which I grant are proper, which I grant are within the power of Congress. There never was a great harbor that deserved more than the mouth of the Columbia River. That is a thing which is within the constitutional power of Congress, if the Constitution authorizes you to make any improvement of rivers and harbors at all; that is an improvement which the whole country ought to have approved, but it was voted down. The improvement of the Mississippi River is another; for although Mr. Calhoun, after having fought internal improvements for a long time, saw fit to give a name to the Mississippi River and call it an "internal sea," and therefore, upon that view, advocated the improvement of the Mississippi River, I do not stand upon Mr. Calhoun's doctrine. I say the Mississippi River deserves to be improved. No word of mine has ever been uttered against the improvement of the Mississippi River. It is all right. No word of mine has ever been uttered against the improvement of these great inland seas, the lakes. I never have believed in the ichthyological doctrine that no rivers or harbors should be improved but those which float fish that swim in salt water; but when it comes to the ridiculous farce of pretending, under the power for the regulation of commerce, to improve a frog-pond or a trout-stream in West Virginia or North Carolina, do you not feel some compunction of conscience and do you not think you are stretching the Constitution a little? Do you not think you are departing from the teaching of Thomas Jefferson and James Madison and James Monroe and Andrew Jackson?

Mr. RANSOM. You have voted for such bills.

Mr. THURMAN. Oh, yes; I have sinned; I pray forgiveness for it; but in the few remaining days I have to spend in the Senate, I will not sin any more in that way.

Now, Mr. President, let me say one thing more about this bill. The democratic party have been opposed, since 1789 down to this day, to centralization. When the General Government is to take into its cognizance and under its supervision and appropriate money for every trout stream in America, what is the use of talking of being opposed to centralization? Let us give up; let us admit that we have been humbugs; let us say we have talked to the people in words which had no meaning, because our actions were opposed to our words. How can we vote for such a bill and talk of being opposed to centralization?

Mr. President, I am an old man, too old to have much more to say in this world's affairs. I was raised in a school which actually believed in what it said. I suppose it is time the old men should be pushed off their pedestals; that a new doctrine should be announced to the American people, a new doctrine for the democratic party; that the democratic party must abandon all its old ideas of strict construction of the Constitution and must go forth with the cry, "the old flag and an appropriation;" that instead of guarding the public Treasury, as we did for three-quarters of a century, the policy of the party in the future must be to put our hands into the Treasury as deeply as we can. Mr. President, that may be the policy of the party, but I, for one, cannot consent to it. It may be the policy, but I cannot see the propriety of it. If it is to be adopted as the policy of the party that we are in the future to give up all the principles which characterized the democratic party, which gave life and importance and vitality to that party; if every principle which was dear to the democratic party fifty years ago, forty years ago, thirty years ago, is to be thrown overboard and we are to take a new departure and try who can get the most out of the Treasury of the United States, then I beg leave to retire from the field. I shall retire very soon whether that be the decision, or whether it be not.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois, [Mr. LOGAN.]

Mr. HILL, of Georgia. Mr. President, I am not going to detain the Senate more than a few moments. I did not intend to say one word upon the merits of this bill or any amendment made or proposed to it; but we have listened to-night to two very distinguished gentlemen on this side of the House who have been very earnest and

very anxious, judging from their manner and tone, in the advice which they have seen proper to give to us in begging us to vote against this bill. One of these distinguished gentlemen, one who stands higher perhaps or certainly quite as high as any on this continent in the affections of the people, has seen proper to take the floor and repeat his admonition. Another, scarcely less distinguished than this gentleman, has taken the floor and in a very earnest manner repeated those admonitions. I think under the circumstances I shall be excused, for I have not detained the Senate one moment heretofore, if I now detain it one or two minutes at least.

I will not enter into any discussion with the distinguished Senator from Ohio on the question of the constitutional power invoked by the passage of this bill. He reminds us that the father of the democratic party was a strict constructionist of the Constitution. So he pretended to be and so doubtless he was, and so certainly he thought; and yet I need not remind that distinguished Senator that it was under the advice of that very distinguished father of the democratic party that we acquired the great body of the territory which contains the magnificent streams that we propose to improve by this very bill.

Mr. THURMAN. But he admitted that he acted extra-constitutionally.

Mr. HILL, of Georgia. If Jefferson admitted that he acted extra-constitutionally, can we not also, and for the benefit of all the people, imitate his example to a little degree? And, sir, when we follow the example of Jefferson and of the distinguished Senator from Ohio himself, who has over and over again stood upon the floor of the Senate under the solemn obligation of his responsibility and voted for these bills, are we now to be informed that we are disregarding the teachings of the father of the democratic party and the traditions of the democratic party if we follow in the example of its illustrious founder and in the many examples of its most illustrious leader?

Mr. President, it is too late. It is under this doctrine of construction that this country since the days of Jefferson has stretched from a narrow circle along the Atlantic sea across the mountains to the Pacific sea, and to-day this country is great, great beyond precedent, chiefly because of the exercise of the very powers which the honorable Senator rises in the Senate to condemn as unconstitutional.

Mr. THURMAN. No, sir.

Mr. HILL, of Georgia. The people have acted on these measures repeatedly. What the people themselves have approved over and over for more than fifty years ought at last to be considered partially settled. But, Mr. President, this matter is in a very different condition from what it was in the days of Jefferson and Madison and Hamilton. They never had in their wildest dreams an imagination of a country of such extent as this, and with such power as that which we this day manifest.

Let Senators remember that this very hour while I speak a few men upon this continent hold more power than any monarch upon the earth. Why, sir, we all know the agitations and excitements which disturbed this country for fifty years because a few masters in the South controlled the labor of a few blacks. The number of slaveholders at the highest point numbered 350,000. The number of slaves at the greatest number, including women and children, never exceeded 4,000,000; and yet, sir, there are less than twenty men in America to-day who hold more absolute and irresponsible power over the labor of 50,000,000 of American people than 350,000 slaveholders held over the labor of 4,000,000 of black people. They can tax every bushel of wheat, every pound of corn, and every bale of cotton reared and grown upon this continent; they can say what shall be the profit on every element of labor, on every branch of industry. They can exert that power without any legal compulsion, without any shadow of authority or official sanction.

Mr. MORGAN. Will the Senator from Georgia allow me?

Mr. HILL, of Georgia. I would rather not give way just now.

Mr. MORGAN. The question I wish to ask the Senator from Georgia——

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. HILL, of Georgia. Yes, sir.

Mr. MORGAN. Does the Senator from Georgia propose to counteract this monopoly of power and influence by spending money out of the Treasury to build up countervailing power and influence, or is it proposed to do it by legislation?

Mr. HILL, of Georgia. The Senator will excuse me. I shall answer the question in a moment and would have answered it without being asked specifically.

We talk of the tariff as an excessive burden upon the people; we talk of the internal revenue as an annoying burden on the people of this country. By the tariff and by the internal revenue we raise a few hundred millions of dollars from the people of this country to support the Government and pay the interest on the public debt; and yet this very day less than twenty men on this continent, without law, at least without legislation, without executive or judicial functions, can lay a heavier tax upon the productive industry of this country than is levied by the Government through its double system of external and internal tariffs. They can sit in one room in New York and assess upon the labor of this country and the production of this country a heavier tax than is assessed by the power of the Government.

These are facts which were not known or imagined in the days that are past and gone. They are great facts which we of this generation must meet. And how has this power been acquired by less than a score of men? In what way have they acquired this enormous power? Sir, they have acquired it by getting control of the transportation facilities of the country. They say where you shall go to market and on what terms you shall go to market. They calculate what expense every pound of productive industry will bear in the way of transportation, and they levy it, and without armies and without navies and without judges and without sheriffs and without marshals they collect it. They can increase the burden when they please; they can lessen it when they please; they can discriminate as they please; they can be heavy upon one and light upon another; and that in this free country, that in this country of equal laws, that in this country of the people! Here less than a score of men exercise to-day a more absolute and a more irresponsible power over the labor of 50,000,000 people than could be exercised by all the monarchs of Europe combined. If the arbitrary autocrat of Russia were to dare to attempt to levy upon his people the assessments for revenue which these men levy on the productive interests of the free people of America, that autocrat of Russia would not wear his crown twenty-four hours. I repeat, this immense power has been acquired by getting control of the transportation power of this great continent. If this power be not arrested these iron bars will become the handcuffs of the nation and the manacles of liberty.

How shall this power be met? Sir, it is a question which must make every American statesman anxious. I am not going into that question. It is one which should challenge every man's attention. Whether it can be managed, in what way, whether under the gentleman's system of strict construction of constitutional power especially, it can be managed, I do not know; I am not prepared to say; I will not now undertake to discuss. But, sir, I see in this bill at least one little relief. I see in the principles involved in this bill some relief to the people. These rivers were made by God, and they are the people's highways; they belong to no corporation; they can be combined and their competitive power destroyed by no syndicate. As my colleague said to you to-day, there are 30,000 miles of navigable streams in this great country. True, they may not be adequate to bring in sufficient competitive power to control the railroad transportation power, but they can do much. Any gentleman who will look at the map of this country will see that if these natural highways, these water-ways, are opened and made free and navigable, they will in many portions of the country furnish immense relief to the people—not all that they ought to have. The railroad corporations, which wield this more than autocratic power of which I have spoken, you have been informed to-day do not hesitate to expend annually $400,000,000 to repair and improve their highways; and yet we are told that this great people and their representatives are to be charged with extravagance, with recklessness, with trampling on the Constitution, because we propose to spend ten or twelve millions to repair and improve the great highways of the people.

Streams which the representatives of the people know would be navigable with a little improvement, with a little assistance, are ridiculed in this high council of the nation as "trout streams" and "frog ponds"—ideas which have been repeated so often in the last ten years that they have actually ceased to be original. Sir, what is $10,000,000 to improve 30,000 miles of highway for the transportation of the freights of this country? I was told the other day by a scientific gentleman, a gentleman who understands that question as well as any man in this country, that the single improvement of the mouth of the Mississippi River would be worth at least $20,000,000 a year on the navigation and commerce of that river. If I chose to take the time of the Senate, I could myself point out some smaller streams even in my own State which, with a few thousand dollars of improvement, would enable the planters on their banks, and on either side, and in different States, to realize in the saving of freights annually ten times the amount expended by the Government.

One gentleman says, "Why this bill is in the interest of every locality on the continent; every place gets an improvement." Really, Mr. President, I am grateful to hear, after we have had so much legislation of a sectional character, so much legislation which seemed to improve simply isolated sections, that we have one bill before us which is national in its character and in which every locality in the country has an interest.

One distinguished gentleman, in his kind admonitions to this body for trampling under foot the Constitution and adopting an unjust and unpopular measure, says that we are actuated by the motive of helping the re-election of Senators. They can only be re-elected if the measure is popular; and if the measure is popular, have not the people a right to it? Gentlemen, you are mistaken. I do not know what the future is; I do know that huge questions are just ahead of us; I do know that the people have got to have representatives; and I do know that their interests are to be looked to and regarded. I believe the improvement of these rivers, which are in such bountiful profusion all over this country, and every portion of this country ought to be improved, and I believe their improvement will distribute among the people everywhere, in every section of the country, more real profit than any other measure which passes Congress.

Sir, I ask pardon of the Senate for having detained it thus long. I had not expected to say one word on this bill. I have the kindest feelings for the gentlemen who have addressed the Senate, but I have felt it necessary to say this much to defend the vote I shall give.

Mr. THURMAN. Mr. President, the Senator from Georgia has told us that the railroad companies expend $400,000,000, if I understood him, in the improvement of their roads this year. I confess that is much more than I thought they had to spend; but if they have expended the half of $400,000,000 in this last year, pray what kind of a show would the United States make in competing with them by spending $10,000,000 upon rivers and harbors? Let us look at this thing as business men, as sensible men. If the Vanderbilts and Goulds and the like can expend $400,000,000 a year in the improvement of railroad transportation, what kind of competition does it make for the Government of the United States to expend $10,000,000 on rivers and harbors?

But, Mr. President, it is not $10,000,000. Take out the appropriations for the harbors on the Atlantic and the Pacific coasts, which are just as much in the interest of the railroads as they are in the interest of the people, and you have got your appropriation for rivers, inlets, and the like, down to about five or six million dollars, hardly a year's income of Vanderbilt or of Gould, to compete with the railroads of the country, which expend $400,000,000 a year!

Ah! no, Mr. President, the railroad interest in this country, the power that it does exercise and may exercise on the country, results from the power of the combination of capital. That is what it is. It is precisely the same thing that makes a combination of capital for manufacturing purposes possible in this country, that makes the rich man in manufacturing swallow up the poor man in manufacturing, that makes the rich railroad company swallow up the poor railroad company. That is what it is; and, Mr. President, it will be the poorest of all possible counteractions of that principle of combination to say that we shall pass a river and harbor bill of five or six million dollars. Ah! no, sir! that will not do at all!

Mr. President, with the kindest regard in the world for the very eminent and intellectual Senator from Georgia, I beg leave to say that when I appealed to the old doctrines of the democratic party, when I appealed to the teachings of Jefferson, of Madison, and of Monroe, I did not expect to hear from him. I know there is in the air now an idea of a new departure for the democratic party and that hereafter we are to march under the banner of "the old flag and an appropriation," that we are to go for getting the largest possible sum out of the public Treasury; but I warn my friends from the South that if they try that game they will be beaten, badly beaten, terribly beaten.

Mr. President, from the beginning of this Government down to this day the eastern portion of the Republic has gone for the dollar and the southern portion for the honors, and the eastern portion made the money until there are more national banks and national-bank capital in the State of my friend who sits before me [Mr. DAWES] than there are in the whole South. That is what it comes to when you go to the Treasury, and I say to my friends here to-night that they never made a greater mistake in their lives than they will make if they undertake to enter into competition with their more astute friends, with the men who have combined capital for a raid on the national Treasury. That will not do. It is a very bad game they are playing, and whenever they undertake to take Colonel Sellers's advice for "the old flag and an appropriation," they will be most awfully beaten; the flag they have, the appropriation will go to other parts of the country.

It may be that I am all wrong in these remarks. My friends around me seem to think so; but I say in all seriousness that this bill is a departure from democratic principles and it is a departure from all business principles. Business men look to that which will produce results, profitable results. No business man would spend money as this bill proposes to expend it.

Mr. KERNAN. Mr. President, my objection to this bill is not because it provides money for navigable streams or for harbors. My objection is that there is a very large amount of money appropriated by it for mere local improvements, streams that never were and never will be navigable in the sense of floating commerce up or down; and as I must vote against it for that reason I have risen to say a word in reference to the argument of the Senator from Georgia.

Sir, the relief to the people of this country who are oppressed by onerous and unjust exactions of railroad corporations in carrying our commerce is not to be found by appropriating money to clear out streams that never will float commerce up them and never anything down them or anything larger than a scow——

Mr. HILL, of Georgia. I want to ask the Senator——

Mr. KERNAN. I do not yield now. I am disposed to be patient and kind; but I want to speak only a few minutes.

Who are the railroads, and what is the relief against unjust exactions by them, if there be unjust exactions by them? They are the creatures of the Federal Legislature or of the State Legislatures; they are created by them; and I rejoice to believe that as a rule the charters have reserved the right to alter, amend, and repeal. The remedy against these exactions upon commerce and trade is not by levying upon the people other millions to clear out streams which will not float commerce as against the railroads; but the remedy is for the Legislatures which created the corporations to deal with them wisely and firmly and justly, and see that these creatures of legislation, these aggregations of capital, shall only gather from the people a fair remuneration for carrying their freight. Our attention is to be turned to that as the remedy. It will not remedy the burdens of the people to them a dollar to clear out a stream which will not float commerce for about every dollar we apply to streams which will carry commerce.

I am for giving the people the benefit of navigable streams and harbors for commerce, and I will not delude them as I think it would be to say that we will relieve them from the exactions of great corporations by expending money to carry our commerce by water. These corporations are common carriers. Only by virtue of the fact that they are common-carriers does the Federal Government or do the States give them the right to take private property; and we have the right to deal with them and see that they fulfill the object of their creation by carrying passengers and carrying freight for a reasonable reward.

I would not act unjustly toward these great aggregations that do so much of the work of this country, well I doubt not, but I would always let it be understood that the people through their Legislatures who gave them their charters, reserving the right to alter, amend, or repeal those charters, have the control. Such creatures made by act of Congress reserving the same right should be subject to Congress. The remedy for their exactions beyond a reasonable rate to compensate them and give them a proper income on the capital invested is to deal with them, as I said, not unjustly, but with entire firmness, and it would be a delusion to let the idea go out that we can bring down their freights by spending millions of the people's money on small streams which never did and never will carry commerce in competition with railroads, as is the case with many of the streams provided for in this bill.

Mr. HILL, of Georgia. Will the Senator from New York now answer a question? He has repeated a statement made here to-night that this bill proposes to appropriate money to a large number of rivers which neither are nor ever can be made navigable. The Senator has made that statement; he is a Senator for whom I have the highest regard and whose statement is authority always. Will the Senator point out a single one to which money is proposed to be appropriated by this bill which has not been reported by the official engineers as either navigable or capable of being made navigable by the money which is appropriated?

Mr. KERNAN. I answer very frankly that I understand—not from personal knowledge, for I am not on this committee and have not examined these streams, but it has been said here and in the other House—that there are hundreds and hundreds of thousands of dollars appropriated to streams upon which a steamboat never navigated, upon streams that do not have boats propelled upon them, on streams that are comparatively dry during a large portion of the year, and I say all that class of streams should be left out. They are probably works for the State; and to attempt to delude the people with the idea that the commerce we give to these streams will relieve them from the exactions of railroads, if they be unjust, is an entire delusion. The railroads are to be dealt with as quasi-public corporations, held so by the Supreme Court, and they can be dealt with justly and fairly by requiring them to carry for reasonable compensation, as is the charter and is the law in the State which I have the honor in part to represent.

Mr. HILL, of Georgia. I come back to the question, and the Senator must not escape. He said that there were plenty of rivers in this bill that were never navigable and that could not be made navigable. I called upon the Senator to point out one. He pointed out none; he says he does not speak from personal information; he says he only repeats, as I understand him, what has been said in the other House, and what has been said here. It has been said in the other House, it has been said here, and for the very reason that it has been said in both bodies, when such a remark is taken up by the honorable and distinguished Senator from New York, I want to know particularly which river is it; I want to know what river it is. Call it back if there is a river in this bill to which money is appropriated that has not been surveyed and reported upon by the official engineers of the Government as proper to be improved.

Mr. KERNAN. I will answer.

Mr. LOGAN. If the Senator will allow me, I will state that while the Senator from Georgia was talking I opened the report, and the first river I turned to is the Savannah River, in Georgia, and I will read what the engineer says:

6. *Savannah River, above Augusta, Georgia.*—The act approved June 14, 1880, provides the sum of $16,000 for this work. This is the first appropriation made for it.

During the present fiscal year it is proposed to expend this sum in beginning the work of improvement on that part of the river, sixty-four miles long, between Augusta and Trotter's Shoal, with a view to establishing a pole-boat channel three feet deep and thirty feet wide.

A pole-boat channel in the Senator's own State!

Mr. HILL, of Georgia. I am glad the honorable Senator has called my attention to the Savannah River. Now, I wish to make one or two remarks on that subject.

First, the Savannah River above Augusta for a distance of nearly one hundred miles drains two States, and portions of two of the most beautiful and fertile regions in those States, and is capable of developing a very fine and profitable commerce.

Besides, I do not know that the Senator from Illinois is not better informed than I am as to what is a pole-boat; but does that Senator know that three feet of water, and a pole-boat at that, may carry three hundred tons of freight?

Mr. LOGAN. Oh, yes; I suppose it would.

Mr. HILL, of Georgia. Very well; is that to be called a trout stream? Is that to be said not to be navigable, and not capable of being made navigable?

Mr. LOGAN. That was not the question.

Mr. HILL, of Georgia. That is the very question. The Senator said there were rivers mentioned in this bill that were neither navigable nor could be made navigable. I challenged that expression. I say there is no foundation for it.

Mr. LOGAN. I supposed the Senator meant navigable for steamboats or ships or something of that kind. Here is a stream navigable for a pole-boat, and I will show you, if you will allow me to read it, how it can be made navigable for a pole-boat.

The work to be done—

Mark it, it is to be three feet deep and thirty feet wide; that is, it can be made three feet deep and thirty feet wide—

The work to be done consists almost entirely in blasting rocks and dredging gravel in the channel, and in constructing wing-dams to contract the water-way.

So as to make it three feet deep and thirty feet wide by digging it out so that a pole-boat—that is, a boat pushed with a pole—can be made to go down stream; I do not know whether it can go up or not. That is the report.

Mr. HILL, of Georgia. The cause is those rivers have not sufficient depth to carry large steamers. Now, sir, large portions of this country are chiefly interested in smaller boats. As I said before, a boat that will carry three hundred tons burden may not draw, as I am informed, over two-and-a-half feet of water. That will do the commerce of a large portion of this country, including much even of New York and Illinois. Of course we could not carry such boats as go up the Hudson River, but they are ample accommodation for that country; they are ample for the business of that country, and they are navigable for boats, and some of them steamboats, at that.

Mr. BUTLER. I desire to say, Mr. President, in reference to the Savannah River, about which the Senator from Illinois has just been speaking, that nine-tenths at least of that river, within the distance referred to by the Engineer, is navigable for steamboats; and the channel to which he refers is simply through shoals, sometimes half a mile, sometimes three-quarters of a mile, and that is the channel to which the Engineer refers when he says he will make a three-foot channel through, and will put wing-dams up in order to concentrate the water.

Mr. LOGAN. So that a pole-boat can go through.

Mr. BUTLER. The impression that would be created by the remarks of the Senator would be that that channel was intended to be so the entire length of the river, which is a great mistake. I have no doubt, and I think the Engineer has no doubt, that when he does cut that channel through the shoals, it will be navigable for steamboats.

Mr. HILL, of Georgia. And it is the cleaning out of those very obstructions that make the appropriation necessary.

Mr. BUTLER. That is what it is for.

Mr. LOGAN. The Senator from South Carolina will notice that I simply wanted to read to the Senator from Georgia an appropriation in his own State which showed that he had a river there that was not navigable. That was all.

Mr. BUTLER. I think that what the Senator said would be very likely to create a misapprehension.

Mr. LOGAN. Not at all.

Mr. BUTLER. Not intentionally, of course, but I think the Senator's remarks would be very likely to mislead.

Mr. LOGAN. Not at all, because the report of the Engineer says it can be made "three feet deep and thirty feet wide" by an appropriation and by a certain character of work. Now, if it is navigable for steamboats up to this place, I suppose the proposition of the Engineer is to run a steamboat up there and then unload the steamboat and load a pole-boat and push it through this channel to another steamboat that never can get through. So these little puddle-holes at the different places between the bars will be used for steamboats and the bars be used by pole-boats. Is that the idea of it?

Mr. BUTLER. The Senator has given a very satisfactory solution of the Engineer's purpose in his own mind.

Mr. KERNAN. Mr. President, I repeat what I said, and I want to make an additional remark. It was said in debate elsewhere and it was said here by a Senator in reference to his own State that there were appropriations in the bill for streams that never would and never could float a steam-vessel or a sail-vessel or anything more than a boat that was floated down with the current and poled up by poles. There are none such in my State. Before we vote money on the theory of providing for commerce, I think there should be some one here who can say the stream is something more than the one alluded to by the Senator from Illinois and by the Senator from Pennsylvania, and I venture to say that no member of the committee and no member of the Senate will rise and say that there are not a large number of streams here provided for which never have been navigable in the sense of floating vessels propelled by steam or vessels propelled by sail or vessels larger than a scow-boat. That is what I said, and I do not think the cleaning out of these streams will relieve us from the exactions of railroads or some other mode of transporting our freights than by these pole-boats.

Mr. BURNSIDE. I notice that there are a good many Senators in the Hall now who have not been in the Hall during the entire evening. Those who have been here all the evening and during the entire session are becoming a little tired. I should like to know whether it would be in order to make a motion to stop talking and proceed to voting. ["Right!" "Right!"]

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) Such a motion would not be in order.

Mr. BURNSIDE. I ask unanimous consent——

Mr. RANSOM. I have been trying to accomplish that for six hours.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois, [Mr. LOGAN.]

Mr. PLUMB. I simply want to answer a part of the question of the Senator from Georgia. He asked if there were any appropriations for the improvement of rivers in this bill which were not recommended as being navigable or as being susceptible of being made navigable by the engineers. I want to call his attention to two which I find on a cursory examination, one on line 523, "for improving Contentnia Creek, North Carolina, $10,000." There is no recommendation at all by the engineers.

Mr. RANSOM. Pardon me. The Senator from Kansas was not in the Senate to-day when I made the explanation. Here is the report of the Engineer, and he recommends $82,000 for it, and says that this appropriation will make it navigable. It is now navigable some distance; this will make it navigable for one hundred and odd miles.

Mr. TELLER. I should like to ask if there is any estimate sent to us by the Secretary of the Treasury, if it came to us in the Book of Estimates?

Mr. RANSOM. No, sir.

Mr. TELLER. It never has been estimated for.

Mr. RANSOM. There was no estimate for it, and for this reason: the survey has been completed since the meeting of Congress. The survey was not completed until six weeks ago.

Mr. PLUMB. I do not refer to private estimates carried around in the pockets of Senators. I was referring to the estimate made in the report of the Secretary of War. I will refer to another, and that is Pea's Creek, in Florida.

Mr. RANSOM. Let me correct the Senator from Kansas. This is a communication made by the Secretary of War to Congress, and published five or six weeks ago.

Mr. PLUMB. There is something upon the subject about what constitutes a navigable stream. I just call attention to two samples which came under my notice in regard to the character of the Guyandotte River, West Virginia:

It is proposed with the funds appropriated for the fiscal year 1880–'81 to continue present operations, extending them up above Logan Court House, into Wyoming, and possibly McDowell County, with the view of improving, firstly, the raft navigation over the entire river, and then, if funds are left, to begin work at certain special points with the view of improving for push-boat navigation—

Which I suppose is a superior kind of navigation—

by the construction of suitable chutes.

And on page 1833 the Engineer refers to the Little Kanawha. Speaking of the accomplishment of the object by the expenditure of the appropriation of last year, he says:

It is believed, however, that in general the object aimed at was accomplished, and that rafting is now practicable at a much lower stage of water than ever before, and consequently much more frequently.

And how frequently is not stated; in other words, there are streams here that can be navigated with rafts semi-occasionally, and that constitutes a navigable stream.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois, [Mr. LOGAN.]

Mr. LOGAN. For the information of the Senator from Georgia, who was desirous of knowing what the Engineer had reported, I will read a paragraph on page 691, from the report of William P. Craighill, major of engineers:

It is suggested that any new appropriation for Elk River be not restricted to certain portions, as in the last case. The river needs improvement below the Big Sandy as well as above. Before the river can be considered properly prepared for the full development of the trade upon it, which the resources of the country will probably produce and maintain, some or all of the private mill-dams should certainly be removed or modified.

The Senator from Georgia will doubtless understand how to modify a private mill-dam. I do not.

Mr. EATON. Where is that stream?

Mr. LOGAN. It is in West Virginia, and I am sorry that the Senator who speaks always for the water of that State is not present. I will read further:

The unexpected cheapness and success, however, of the work of last season lead me to conclude that what remains can be done for very much less than the amount of that estimate, which was $100,000.

That is for the purpose of modifying mill-dams.

An appropriation of $5,000 was made June 14, 1880, which gives a total of $10,000 for this river. The last appropriation was without the restrictions as to locality contained in the first. The money thus far has been spent in conformity to the idea of making an open navigation of ten or twelve inches depth at lowest water.

[Laughter.]

Our friend from Georgia can certainly explain the character of boats which can travel on this river that is to have a depth of ten to twelve inches after the mill dams are modified.

Mr. HILL, of Georgia. I am unfortunately not an engineer as the Senator from Illinois seems to think he is.

Mr. LOGAN. No; but I think I can steer a raft.

Mr. HILL, of Georgia. I will not undertake to explain the reports made by the engineers, nor have I had them before me, nor do I care to have them before me. The question I propounded to the honorable Senator from New York, and which no man has yet dared to deny, is, was there a stream in this bill which had not been reported by the official engineers of the Government as a proper stream for the appropriation of the money contained in this bill? Now, if the engineers of the Government do not understand what is navigable and what is not navigable, I am not responsible for their mistake nor for their inefficiency.

Mr. LOGAN. The Senator will understand me; I was merely attempting to sustain his proposition by showing that these engineers had said that they could make a stream ten or twelve inches deep for $100,000 if the mill-dams were modified.

Mr. HILL, of Georgia. I am very much obliged to the Senator, but I am not engaged to-night in trying to make fun for the Senate or the galleries; I am not engaged in that business. I am indulging in no wit or humor. I am dealing with a question which is of serious consequence to the people, and I endeavor to deal with it accordingly.

What I have said is—and that is the point I make, I care not who says to the contrary; let any gentleman say to the contrary—I know of no stream to which money is appropriated by this bill which has not been reported by the official engineers of the Government as a proper stream for the appropriation proposed, and I believe in almost every instance the appropriation proposed by this bill is scarcely more than one-half of that reported and recommended as the proper estimate by the Government officials.

Mr. EATON. I should like to say one word to my friend from Georgia. I do not propose to participate in this discussion. Does not my friend from Georgia understand exactly how this thing is brought about? He has asked the question, and with a great deal of vigor, Is there any stream where there has not been a report from an engineer of the United States? Now, does not my friend know exactly how that is brought about?

Here comes a petition asking for a survey. We pass it. There is one from my State now that I will not vote for, and it is in this bill, that ought not to be voted for. That survey is voted for; the engineers are put upon it, and the engineers reply in the exact words which have been read by the Senator from Illinois, that if you will spend $100,000 you can get a push-boat over here if it does not draw over ten inches of water. I do not call that a recommendation from the engineers of the United States. They simply tell you when Congress asks them to survey a stream exactly what can be accomplished by the expenditure of $50,000 or $100,000. That does not make navigable streams, permit me to say to my friend from Georgia. They simply tell you what they can do if you will spend $100,000.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Illinois.

Mr. JONAS. I wish to say a word or two in reference to the amendment offered by the Senator from Illinois. He proposes, if I understand him aright, to strike out the latter portion of the proviso contained between lines 423 and 427, on page 18. This proviso was inserted in the House of Representatives to prevent and guard against any portion of the sum of money appropriated for the improvement of the Mississippi River being used solely for the purpose of the repair or construction of levees. The proviso reads:

Provided, That no portion of the sum hereby appropriated shall be used in the repair or construction of levees for the purpose of preventing injury to lands by overflow.

The Senator proposes to strike out the remainder of the proviso.

Now, Mr. President, representing as I do a State which requires levees to prevent the encroachment of the river, I do not stand here to advocate the expenditure of a single dollar by the General Government for the purpose of building levees for the purpose of protecting private land from overflow, or for the purpose of preventing destruction to private property from the overflow of the river, and I think this proviso is sufficiently guarded and plain and express. But the Senator from Illinois, in order to make it more plain as he says, proposes to strike out the subsequent words "or for any other purpose whatever, except as a means of deepening or improving the channel of said river."

I object to this portion of the amendment. While I do not ask on the part of the Government that a dollar of this money shall be expended for the purpose of the repair or construction of levees in order to prevent injury to land by overflow, it may become necessary in the opinion of the commission of engineers, under whose direction this money is to be expended, to use the levee system exceptionally and in some portion of that improvement for the purpose of widening and deepening the channel of the Mississippi River; and the effect of striking out this last clause would be to determine that the commissioners charged with this work, the engineers of the Government charged with this work, should not use the levee system at all, even if that system should be necessary for the purpose of deepening and maintaining the channel of the Mississippi.

Mr. President, it may be necessary to use levees; it may be necessary to use jetties; it may be necessary to construct dikes. What we propose is that this million of dollars shall be expended, not for the purpose of protecting private lands from overflow, but for the purpose of deepening and maintaining a channel in the Mississippi River, and if in the judgment of the engineers charged with this work it shall become necessary to build certain levees for the purpose of stopping a crevasse through which the waters of the river have wasted away or for the purpose of confining the water within a narrower channel, because levees after all are nothing more than jetties, levees being built on the bank and jetties being built in the water. I do not propose that they shall be controlled and directed so that a levee may not be built even if a levee should be the best practicable mode for carrying out and achieving the object which we desire to attain by making this appropriation. Therefore I am opposed to the amendment.

Mr. LOGAN. Mr. President, the object I have, as I stated before, is this: under this bill as it is now provided doubtless this commission if it desired to do so could expend the whole of the million of dollars in levees. The Senator from Missouri [Mr. COCKRELL] shakes his head. Let me read and see:

That no portion of the sum hereby appropriated shall be used in the repair or construction of levees for the purpose of preventing injury to lands by overflow, or for any other purpose whatever except as a means of deepening or improving the channel of said river.

If the commissioners should come to the conclusion that the best mode of deepening the channel of the Mississippi River in their judgment would be by levees, they could expend the whole of that money for that purpose, because it is a matter in their judgment alone by this bill. "Except as a means of deepening or improving the channel of said river."

Mr. COCKRELL. I think the Senator is thoroughly mistaken. If he will allow me to make the suggestion, that river improvement commission reported a plan and system for improving the navigability of the river, and that plan and system was to give the river in the shoal places, where the river is very wide, the same width between its banks that it has above and below, reducing it to an average width of 3,000 feet, and that that would necessarily give the same depth of water, and they only touch upon the levees incidentally, and that report is not unanimous upon that point at all. The commission will expend this money in pursuance of that plan in taking certain shoals at different points of the river, and where the river is from one to three miles wide, and contracting the channel to the same width it has above and below.

Mr. LOGAN. Not contract it by building levees?

Mr. COCKRELL. No, sir; not by building levees; there is nothing of levees at all. The commission tried the question of levees; they tried outlets; and why? Because we ordered them to do it. Some of them say that levees may facilitate navigation in the end. That is not a unanimous report even on that point. They speak of the outlet system, and they do that because they were directed to consider those different plans; but their plan of improvement to be carried out under the legislation of this bill is to give a uniform width to the waters of the river which must produce a uniform depth; and that will be done in these wide places by using mattresses, by using what they use on the Missouri and Mississippi Rivers, wire netting, sinking them in the wire and forming an embankment; but it is not to be done by the levee system.

I say to the Senator that I do not understand any one here to be advocating a levee system for the reclamation of the alluvial land belonging to private individuals in that section. I say very frankly that I am opposed to that, and I shall never vote one dollar for the object of building levees for the reclamation of private lands belonging to individuals, and the Government has not got an acre of public land up and down the Mississippi River.

Mr. TELLER. I have not the report of that commission on my table now. I have had it here, and I have read it very carefully. I say that no man can read it and not come to the conclusion that they propose to adopt the levee system. They go on and state all of these other systems familiar to engineers, the filling up the break in the bank, and then they speak of the advantage of the levees, and as I read the report they go on and tell why, and then they argue the question as to the power of Congress to authorize the levees. I tell you, the majority of the commission come here, with two of the members dissenting, with the theory that they are to build levees, and that is the plan of the commission, and no other plan can be gathered from that report for the purpose of narrowing the river.

Mr. LOGAN rose.

Mr. COCKRELL. Now I will read from the commission report if the Senator will permit me.

Mr. LOGAN. Certainly.

Mr. COCKRELL. Here is the report:

WASHINGTON, D. C., *February* 17, 1880.

* * * * * * * *

The work assigned to the commission was—

First. To direct and complete such surveys of the Mississippi River between the head of the passes, near its mouth, and its headwaters, as were then in progress; and to make such additional surveys and examinations of said river and its tributaries as might by it be deemed necessary.

Second. To take into consideration and mature such plan or plans as will correct, permanently locate, and deepen the channel, and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods and promote and facilitate commerce and the postal service;

and with such plans to prepare and submit estimates of the cost of executing the work.

Third. To report specifically upon the practicability, feasibility, and probable cost of the plans known as the jetty system, the levee system, and the outlet system.

They were required to report upon those three systems. I say they did not adopt the levee system, they did not adopt the outlet system, but they did adopt the jetty system or that of net-work along the bank, and they do not report in favor of levees.

Mr. LOGAN. Very well, then, if they do not report in favor of levees and you desire a million of dollars for the purpose of carrying out the report of this commission, why do you provide that they may expend part of this money in levees, I should like to know. It is just exactly like the reports in reference to the small streams; every time you make an appropriation for a small stream here like the one I have read about, it leads to more. I have read the engineers' reports and I find one stream where they can make it deep enough to push a raft down.

I do not know how many more I could find, but whenever an appropriation of money is made and a part of the money appropriated is used for a particular purpose, then it becomes a part of the work of the Government, and the Government must expend money every year for that purpose. If this money is used for the purpose of repairing levees, the very thing made this year will be estimated for next year, and in that way it will become a part of the system that levees shall be established on the Mississippi River, and we shall appropriate money for them every year. The Government of the United States, in my judgment, ought not to appropriate money for either making levees or repairing levees. It is no part of their duty, in my judgment, to do it, because it is certainly a system that never can succeed on the Mississippi river. The Mississippi runs sometimes so as to strike the shore and cuts it away for miles, and then it turns and does the same thing on the other shore. Levees will not hold it within its walls or confine it at all, and the appropriating of money for that purpose is the same as throwing it into the Mississippi River, in my judgment. Hence I hope that this bill will confine the operation to the river in some other form than by giving authority to build levees or maintain levees by the appropriation.

Mr. RANSOM. Now, Mr. President, I hope we shall have a vote on this question.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Illinois, which will be read.

The SECRETARY. In line 425, after the word "levees," it is proposed to strike out down to and including the word "river," in line 427, as follows:

Or for any other purpose whatever, except as a means of deepening or improving the channel of said river.

Mr. LOGAN called for the yeas and nays, and they were ordered and taken.

Mr. KELLOGG. I am paired with the Senator from Illinois, [Mr. DAVIS.] If he were present, he would vote "yea" and I should vote "nay."

Mr. PENDLETON. My colleague [Mr. THURMAN] is paired during the whole evening with the Senator from Rhode Island, [Mr. ANTHONY.]

The result was announced—yeas 7, nays 37; as follows:

YEAS—7.

Allison,	Jones of Nevada,	Paddock,	Teller.
Eaton,	Logan,	Plumb,	

NAYS—37.

Bailey,	Dawes,	Jones of Florida,	Saunders,
Bayard,	Farley,	Kernan,	Slater,
Beck,	Ferry,	Lamar,	Vance,
Brown,	Garland,	McDonald,	Vest,
Bruce,	Hampton,	Maxey,	Voorhees,
Burnside,	Harris,	Morgan,	Wallace,
Butler,	Hereford,	Pendleton,	Williams.
Call,	Hill of Georgia,	Pugh,	
Coke,	Johnston,	Ransom,	
Davis of W. Va.,	Jonas,	Saulsbury,	

ABSENT—31.

Anthony,	Conkling,	Ingalls,	Rollins,
Baldwin,	Davis of Illinois,	Kellogg,	Sharon,
Blaine,	Edmunds,	Kirkwood,	Thurman,
Blair,	Groome,	McMillan,	Walker,
Booth,	Grover,	McPherson,	Whyte,
Cameron of Pa.,	Hamlin,	Morrill,	Windom,
Cameron of Wis.,	Hill of Colorado,	Platt,	Withers.
Cockrell,	Hoar,	Randolph,	

So the amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. TELLER. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Ohio, [Mr. THURMAN.] If my colleague were here, he would vote "yea."

Mr. FERRY, (when Mr. BALDWIN'S name was called.) My colleague [Mr. BALDWIN] is paired with the Senator from Vermont, [Mr. MORRILL.] Were he here, my colleague would vote "yea."

Mr. TELLER, (when the name of Mr. HILL, of Colorado, was called.) My colleague [Mr. HILL] is paired with the Senator from Iowa, [Mr. ALLISON.] If my colleague were here, he would vote "nay."

Mr. INGALLS, (when his name was called.) I am paired on the passage of this bill with the Senator from Massachusetts, [Mr. HOAR.] If he were present, I should vote "nay."

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois [Mr. DAVIS] on the passage of this bill. If he were present, I should vote "yea."

Mr. EATON, (when Mr. PLATT'S name was called.) My colleague [Mr. PLATT] is paired with the Senator from Mississippi, [Mr. BRUCE.] If my colleague were here, he would vote "nay."

Mr. TELLER, (when his name was called.) On this question I am paired with the Senator from Wisconsin, [Mr. CAMERON.] If he were present, I should vote "nay."

Mr. THURMAN, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] Were he present, I should vote "nay."

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. On this question I am paired with the Senator from New York, [Mr. CONKLING.] If he were present, he would vote "nay," and I should vote "yea."

The result was announced—yeas 32, nays 12; as follows:

YEAS—32.

Beck,	Farley,	Jonas,	Ransom,
Brown,	Ferry,	Jones of Florida,	Saunders,
Bruce,	Garland,	Lamar,	Slater,
Burnside,	Groome,	McDonald,	Vance,
Butler,	Hampton,	McMillan,	Vest,
Call,	Hereford,	Maxey,	Voorhees,
Coke,	Hill of Georgia,	Paddock,	Walker,
Davis of W. Va.,	Johnston,	Pugh,	Williams.

NAYS—12.

Bailey,	Dawes,	Jones of Nevada,	Pendleton,
Bayard,	Eaton,	Kernan,	Saulsbury,
Blair,	Harris,	Logan,	Wallace.

ABSENT—31.

Allison,	Conkling,	Kellogg,	Rollins,
Anthony,	Davis of Illinois,	Kirkwood,	Sharon,
Baldwin,	Edmunds,	McPherson,	Teller,
Blaine,	Grover,	Morgan,	Thurman,
Booth,	Hamlin,	Morrill,	Whyte,
Cameron of Pa.,	Hill of Colorado,	Platt,	Windom,
Cameron of Wis.,	Hoar,	Plumb,	Withers.
Cockrell,	Ingalls,	Randolph,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. THEODORE F. KING, one of its clerks, advised the Senate that the House had postponed the ceremonies fixed for Sunday (to-morrow) at three p. m. in commemoration of Hon. FERNANDO WOOD until Monday evening at eight o'clock.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

A bill (S. No. 76) for the relief of M. F. Clark;

A bill (S. No. 326) for the relief of Henry F. Lines;

A bill (S. No. 367) granting an increase of pension to Isabel L. Evans;

A bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes;

A bill (S. No. 1181) for the relief of Dodd, Brown & Co., of Saint Louis, Missouri;

A bill (S. No. 1905) changing the name of the First National Bank of West Meriden, in the County of New Haven, and State of Connecticut;

A bill (S. No. 2184) to authorize the commissioners of the District of Columbia to appoint additional policemen for temporary service in the District of Columbia, and for other purposes;

A bill (H. R. No. 7036) to establish post-routes;

A bill (H. R. No. 7033) making the city of Chattanooga, in the State of Tennessee, a port of delivery;

A bill (H. R. No. 7103) to constitute Atlanta, Georgia, a port of delivery;

A joint resolution (S. R. No. 79) directing the Secretary of War to investigate the claim of the State of Florida against the United States for expenditures made in suppressing Indian hostilities in said State between the years 1855 and 1860, and to report the result of such investigation to Congress; and

A joint resolution (S. R. No. 156) in relation to the international exhibition of 1883.

AMENDMENT TO A BILL.

Mr. MCDONALD submitted an amendment intended to be proposed by him to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

ALLOWANCE OF CLAIMS.

Mr. COCKRELL. There is pending before the Senate a House bill (No. 6717) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department. The claims have all been passed upon by the proper officers, reported to the House; the House has passed the bill, sent it to the Senate; and it has been referred to the Committee on Claims, examined by that committee, and I have been instructed to report it back favorably to the Senate without amendment. The bill consists entirely of the enacting clause making the appropriation and the names of the parties and the amounts. It can be passed in just a moment. There are fifteen or sixteen States, including the States of Pennsylvania, Ohio, Maryland, and West Virginia, that are interested in it. It can be passed in less than five minutes, if it shall be the pleasure of the Senate to pass it so that it may be enrolled and got to the President before the adjournment. It provides for claims for quartermaster and commissary supplies.

The PRESIDING OFFICER. The Senator from Missouri asks the present consideration of the bill just reported.

The bill (H. R. No. 6717) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department was considered as in Committee of the Whole.

The Chief Clerk read the enacting clause of the bill.

Mr. COCKRELL. All the rest is simply a statement of names and amounts. I ask that the reading of that portion of the bill be dispensed with.

The PRESIDING OFFICER. The Chair hears no objection, and the reading will be dispensed with.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE BRIG GENERAL ARMSTRONG.

Mr. PENDLETON. I desire to call up the unfinished business.

The PRESIDING OFFICER. The Senator from Ohio calls up the unfinished business, which is Senate bill No. 1441, for the relief of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, or assigns.

Mr. PENDLETON. Now I move that the Senate adjourn.

The motion was agreed to; and (at eleven o'clock and seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 26, 1881.

The House met at eleven o'clock a. m. Prayer by Rev. DAVID WILLS, chaplain United States Army.

JOURNALS OF THURSDAY'S AND FRIDAY'S PROCEEDINGS.

The SPEAKER. The Clerk will now read the Journals of Thursday's and Friday's proceedings.

The Clerk proceeded to read the Journals.

Mr. SPRINGER. Mr. Speaker, I move that by unanimous consent the further reading of the Journals be dispensed with to-day.

The SPEAKER. The Chair thinks the Journals should be read.

Mr. HUTCHINS. I object.

The Clerk resumed and concluded the reading of the Journals.

The Journals were then approved.

ORDER OF BUSINESS.

Mr. BLOUNT. I demand the regular order.

The SPEAKER. The regular order is the morning hour.

Mr. WILSON. I wish to make a privileged report.

Mr. BLOUNT. I move to suspend the morning hour to-day to proceed with the sundry civil appropriation bill, and pending that motion that all debate upon the pending paragraph and amendments thereto be closed in twenty minutes.

The SPEAKER. The Chair would suggest that the gentleman submit his motion in the form of a suspension of the rules.

Mr. BLOUNT. Then I move to suspend the rules to-day and that the House resolve itself in Committee of the Whole on the state of the Union for the purpose of further considering the sundry civil appropriation bill; and also, that all debate upon the pending paragraph and amendments thereto be closed in twenty minutes.

The House divided; and there were—ayes 142, noes 15.

So (two-thirds having voted in favor thereof) the rules were suspended in manner as stated, and the motion agreed to.

The SPEAKER. Pending the order of the House on the motion to go into Committee of the Whole, the Committee on the Library desire to have printed a Senate bill.

Mr. BURROWS. What becomes of the motion to limit debate?

The SPEAKER. That was embraced in the motion to suspend the rules and go into Committee of the Whole for the purpose indicated.

CONGRESSIONAL LIBRARY BUILDING.

On motion of Mr. GEDDES, by unanimous consent, Senate bill No. 1988, authorizing the construction of a building for the accommodation of the Congressional Library, was ordered to be printed for the use of the members of the House.

USE OF THE HALL TO-NIGHT.

Mr. WEAVER. Mr. Speaker, I desire to submit a resolution by consent at this time, to which I hope there will be no objection.

The SPEAKER. The regular order is demanded, and the House has resolved to go into Committee of the Whole on the state of the Union.

Mr. WEAVER. I will state briefly the object of this motion, and I hope there will be no objection to it. A member of the German Reichstag, Hon. J. W. Fritzsche, will be in the city to-day, and his friends greatly desire that he shall have the use of the Hall to-night for the purpose of delivering a lecture upon the condition of the German people, especially with reference to the laboring and working classes in the German Empire. This is simply a resolution which I desire to pass granting the use of the Hall for that purpose if it be not occupied by a session of the House. [Cries of "Regular order!"]

The SPEAKER. The regular order being demanded on all sides, the Chair is unable to entertain the resolution. Several members have objected.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself in Committee of the Whole on the state of the Union, Mr. HARRIS, of Virginia, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union to further consider the sundry civil appropriation bill. The Clerk will report the pending amendment, on which, by previous order of the House, all debate is limited to twenty minutes.

The Clerk read as follows:

To enable the Secretary of the Navy to establish at the Isthmus of Panama naval stations and depots of coal for the supply of steamships of war, $200,000, to be available for expenditure as soon as suitable arrangements can be made to the proposed end.

Mr. HERBERT. Mr. Chairman, the fact that the private secretary of the President appeared before the sub-committee of the Committee on Appropriations on this amendment indicates an extraordinary anxiety for its passage. The House will remember that the President, in a recent message to Congress, asserted a right on the part of this Government to exercise control over interoceanic commerce across the American Isthmus. In his opinion the Monroe doctrine has some sort of application to this subject. This amendment, giving as it does to the President discretion in this matter to spend $200,000 where he may see proper along the Isthmus, if passed will indicate an intention on the part of Congress to enable the Government to carry out that idea as expressed in that portion of the President's message.

If we pass it and the President takes the steps contemplated thereby, it will be taken as an approval by Congress of that portion of the message, and this Government will be committed to a policy which seems to me unwise, untenable, and full of danger.

The Monroe doctrine as I understand it grew out of peculiar circumstances. In 1823 Russia, Prussia, France, and Austria were about to take steps to propagate upon this continent monarchical institutions by force. They contemplated restoring the authority and power of European monarchies over the colonies in South and Central America which had established their independence and set up republican governments. When it was made known to our Government that such intentions were entertained President Monroe sent in his famous message. Read by the light of surrounding circumstances that message simply means this Government will resist any attempt on the part of European monarchies to overturn republican governments on this continent. That declaration was wise and statesmanlike—prompted by the instinct of self-preservation. But circumstances have entirely changed. There is no longer any disposition or manifestation of intention on the part of European monarchies to propagate their systems here by force.

No occasion has arisen to cause any alarm for the safety of our Government. No attack is threatened on republican institutions. The alarm has been sounded by President Hayes simply because some enterprising Frenchmen propose to dig a canal across the Isthmus, and these Frenchmen not only work under a charter from the government to which the Isthmus belongs, but they are themselves citizens of a sister republic, the republic of France. Sir, Mr. Monroe never intended to advance the absurd and dangerous doctrine that the United States had the power or the right to say that the United States of Colombia, a foreign nation, might not charter, if it saw proper, an interoceanic canal within its own borders and permit the subjects of any foreign nation at its pleasure to take stock in and carry on such enterprise.

Mr. WILSON. Provided it was all under the control of the Colombian Government.

Mr. HERBERT. Yes, sir. I say that no intention existed on the part of President Monroe to establish any such dangerous and absurd doctrine as that this Government had the right to control interoceanic commerce across the American Isthmus. His declaration was aimed at the establishment of political institutions, hostile political systems, by the governments of the Old World upon this continent.

Let us, Mr. Chairman, remember that we are not now situated as this Government was then. We are in no danger of foreign inter-

ference. With fifty millions of people, brave in war and skilled in the arts of peace, united at home and respected abroad, this Government is safe from any foreign interference whatever. Let us not attempt to interfere, let us not threaten to interfere with the rights of any foreign nations. Let us continue in the ways of peace which is the true policy of this Government, and legislate for the happiness and prosperity of our people, attending to our own affairs and leaving other peoples and other nations to attend to theirs in their own way.

The interest the President has indicated by sending his private secretary before the sub-committee of the Committee on Appropriations or before individuals of the sub-committee on this question springs out of the fact that he desires this Congress by making this appropriation to indorse his policy as announced in that part of his message. This I trust this Congress is not ready to do.

[Here the hammer fell.]

Mr. ELLIS. Mr. Chairman, I have endeavored to bother this House with my voice and opinions upon public questions as little as possible, and but for the fact that I see some necessity for speech upon this amendment, I would be silent now.

What is the proposition, sir? Why simply it is to appropriate the sum of $200,000 for the acquisition of naval stations on the Central American Isthmus. The importance of naval stations to every maritime power, to every commercial power, or to every power that pretends to anything like great proportions as a nation, either in a military, a maritime, or commercial point of view, must commend itself to the common sense of every Representative here and of every intelligent man in this country. Why, sir, it is the policy pursued by the greatest maritime nation of the earth. England has always sought to acquire naval stations in every portion of the world that her fleets and that her commercial vessels might find relay stations for provisions, stores, and coal as will succor and support throughout all the world.

Then what are the objections to it? The only sensible objection or the only objection that has come here in a form worthy to be answered is that the President of the United States is in favor of it, and that he was so anxious about its passage that he actually sent his private secretary for the purpose of interviewing individual members of the Committee on Appropriations in regard to it. Is that any reason, Representatives, that we should oppose it because the President of the United States is in favor of it, or because his private secretary is in favor of it? Is that any reason why we should oppose it? I do not understand that there can be any force in such an objection. Certainly it is an objection scarcely worthy of the broad brain and enlightened statesmanship of my friend from Alabama [Mr. HERBERT] who has raised it.

Now, sir, what are the advantages to be gained by the adoption of the proposition? In the first place it is the assertion of American power; it is the projection of American influence; it is the advancement of the flag, of the name, and of the interests of this great country in what must soon be the highway of the world's commerce; because commercial necessity is beating at the frail bars of that isthmus, and it intends to dig through that isthmus and to run steam trains over it, that the waters of the oceans on its either side may be united. When that is done it must become the great highway of the commerce of the world. Then the waters of the Gulf and Caribbean Sea will be vexed by the keels of the ships of all the great nations in the eager race and strife for commercial supremacy. And over that water-way or land route from sea to sea this Republic must assert and enforce a protectorate. Such a protectorate will be demanded alike by our interests and our necessities. As a measure of self-defense it is indispensable, and as a matter of national self-respect it is demanded; and our power and our importance as a nation, as well as the overshadowing influence of our proximity, will gain for us—if we be not purblind and our course characterized by criminal apathy—universal assent to the exercise of such a protectorate.

This measure is in the direct line of American supremacy there. It is the carrying out of a doctrine which deserves a broader name than that of "Monroe doctrine." It is the carrying out of the "American doctrine," the assertion of American influence and of American domination over lands and seas, and stupendous interests where we have the God-given right to dominate. "A menace to the world" the gentleman from Alabama calls it. "A menace to the world!" No, sir; not a menace, but in the consciousness of our power among the nations, the calm assertion of our unalterable determination to dominate everything of interest and importance on this continent, to break through the flimsy shackles of that unequal treaty, the Clayton-Bulwer treaty, by which American rights were bartered away and to tell the great nations of Europe, that we intend, despite them, to control and to exercise the supervisory power over all great interests that pertain to or affect the destinies of the Western World.

Mr. HERBERT. Will the gentleman yield to me for a question?

Mr. ELLIS. Yes, sir.

Mr. HERBERT. Does the gentleman say the purpose is to break the Clayton-Bulwer treaty?

Mr. ELLIS. Certainly! I would give England to-day formal notice by the passage of the amendment of my friend from Virginia [Mr. GOODE] that we do not intend to be bound by that treaty, because it is an unequal treaty, because it bartered away the right of the American people to dominate over interests and lands and peoples which they have by virtue of their proximity, the character of their institutions and their interest, as well their might and power.

Mr. HERBERT. Has any such notice been given?

Mr. ELLIS. I propose to give it in the shape of this amendment now.

Mr. SPRINGER. Would you terminate the treaty in a different way from the way pointed out in the provisions of it?

Mr. ELLIS. I regret that the brief time allotted me will prevent full and comprehensive answer to the question of the gentleman from Illinois.

I know not, Mr. Chairman, nor do I care, what provisions exist in that treaty pointing out the particular way by which the termination of that treaty is to be brought about. But I do know, sir, that we tamely surrendered our right to control and supervise most important rights and interests in American waters and in American lands save in conjunction with Great Britain. By it we admitted that power to the plane of perfect equality and equal right with us, to dominate and protect rights and interests in American waters and over projected American highways, and over the interests of American peoples, which duty God and our great destiny alike demand we should solely exercise.

And I would annul that treaty; and if fastidious gentlemen and sticklers for forms will be better pleased if the formal notice of revocation provided in the treaty be given, I care not. But to-day and here I would see the American Congress do an act which will speak louder than all the language of diplomacy, and by the adoption of this wise measure tell England that we will no longer be fettered by the shackles of the Clayton-Bulwer treaty, and propose a swift and permanent return to the consecrated American doctrine of our fathers.

Does any democrat hesitate? Let him recur to the past. No sooner had Mr. Jefferson conducted the purchase of the magnificent Louisiana territory than his prophetic statesmanship comprehended the vast importance of American influence and control over the Central American Isthmus, and he recommended a thorough survey of its coasts with a view to the establishment of American stations and influence there. Madison and Monroe followed in his lead. Polk and Pierce and Buchanan revived the theories and attempted to carry out the ideas of Jefferson, so that about the close of the administration of Mr. Buchanan a contract had been entered into by which we were to acquire for $300,000 a portion of the rights of the "Chiriqui Improvement Company," which looked directly to the accomplishment of what the amendment now under debate proposes to accomplish—the acquisition of coaling and naval stations on the Isthmus—with a view to the assertion of American influence and domination in that region and over the seas which throb against its shores.

And, Representatives, you cannot have forgotten the matchless effort of Stephen A. Douglas when he sought to prevent the ratification of the Clayton-Bulwer treaty, and the shameful surrender of the doctrine of the fathers of democracy.

Jefferson, Monroe, Polk, Pierce, and Douglas, these were democrats. Not perhaps of the latter-day school of democracy that pertains in the policy and conduct of this House, whose sole creed is a pseudo-economy which has brought upon it the condemnation of the country; an economy that "strains at gnats and swallows camels;" an economy which illustrates itself in its remorseless war against the salaries of petty officials and affects a criminal ignorance or carelessness of the great and real questions of economy which affect the life and well-being of all the people of this great country. Sir, I prefer the doctrines and the examples of the fathers of that democracy, which pointed with its finger the road of progress, whose heart pulsated and sent thrilling, eager life into all the great material interests of the country, and whose all-seeing eye, looking at once at home and abroad, comprehended every interest at home and every necessary line of policy abroad. Around the democracy of our fathers the people gathered. From the democracy of this latter day an unwilling people turn away with well-founded distrust.

And now, Mr. Chairman, to return—and I ask pardon for this digression—let me ask what it is proposed we should acquire by the adoption of the amendment under discussion? On either side of the Isthmus, mid-way between the proposed Panama and Nicaragua canal routes, there is a harbor. One on the Atlantic side is known as Chiriqui Lagoon, and the other on the Pacific side is known as the Golfito. These harbors are exactly opposite each other. They are the only real deep-water harbors on the Central American coast, having an average depth of from thirty to seventy feet of water, and without bars or obstructions. They are also the only available coaling stations on the isthmian coast. Midway between the Chiriqui and the Golfito, which are but eighty miles distant from each other, there is a vast and almost untouched coal-field. It is over fifty miles long, and from seven to fourteen miles in width. Of these harbors and their advantages let me quote from the reports of those who have examined them:

The following decided opinion with reference to the Chiriqui Lagoon is expressed in the report of Captain (now Admiral) Almy to the Secretary of the Navy, Hon. Isaac Toucey, in 1859, with respect to the natural adaptation of the harbor for the purposes in view:

"I will take this occasion, which I do not deem out of place, to remark that the Chiriqui Lagoon, in a national, naval, and maritime point of view generally, cannot be overestimated in the eyes of any nation aiming at ascendency in the Central

American States. It is situated just half way between Aspinwall and San Juan del Norte, (or Greytown,) and possesses a healthy climate. From my answers to the preceding questions, and from a glance at the chart, it will be seen that it possesses very many of the requisites for a great naval station, and any maritime nation, of even limited power, once obtaining a foothold there, would make her influence decidedly felt in that quarter."—*Report Naval Committee, first session Thirty-sixth Congress, No. 568 House of Representatives*, page 51.

The harbors on both sides of the Isthmus are referred to in the report of Captain Engle as unsurpassed for all maritime purposes. Those of the Atlantic side, with an incidental reference to the Golfito on the Pacific side, are described as follows:

"Harbors incomparable, of a size unequaled, depth of water in their three main entrances for our largest ships to enter without pilots, and, when fairly within, can run on any course with certainty and anchor on good holding-ground without fear of any one of the numerous injuries connected with the life of a sailor. The shores in most places are bold. Should it become necessary to wharf for the accommodation of merchant ships, it will only be necessary to give a solid, clean, and clear place to load and discharge; for they can now haul alongside the banks and secure to them. Wood for wharfing or other purposes is at hand. This may also be said of the Pacific Harbor. The entrance to Golfito is perfectly clear; the harbor, for safety or in points to facilitate trading-vessels, is quite equal to that of Chiriqui, but in size or grandeur neither that nor any other can be compared with it. The nearest point from whence to ship coal, I think, will be found to be at Bocas del Drago, which is on the main channel to the beautiful and grand Almirante Bay, thirteen miles long and eight broad, connecting with those of Bocas del Toro, Shepherd's Harbor, and the Poros and Palos Lagoons. The latter are more like large docks; their entrances are narrow, not over one hundred feet wide, with a channel of from eight to ten fathoms of water. When a ship is in her length, on looking around you discover yourself in a land-locked basin of three and a half by one and a half miles.

"Then at the foot of the Almirante Bay, so called from its having been discovered by Columbus in October, 1503, where he remained ten days, lies Shepherd's Island, cutting off one and a quarter miles of it by three and a half miles long, forming a complete place for the terminus of a railroad. There is a channel at each end of the island, giving to sailing-vessels a fair wind at all times. This harbor, for its facilities for wooding, watering, and easy access, with its natural beauties, makes its mark on the minds of navigators never to be forgotten. The island is two hundred and sixty-four feet high, and can be made a spot of immense strength and beauty. The batteries from it would command the entrances, as well as the whole harbor and terminus of a railroad on the southern shore. The average height of the highest of the islands within the harbors is four hundred and fifty feet."—*Executive Document No. 41, Thirty-sixth Congress, second session, pages 2 and 3.*

The following extracts from official reports of distinguished foreign officers to their respective governments add to the evidence of the great value of the harbors of Golfo Dulce and Golfito, and of the Chiriqui Lagoon, including "Admiral's Bay." Captain Barney, of the Royal Navy, in command of the British frigate Thunderer, who made the official surveys in 1839 of the Chiriqui Lagoon and Admiral's Bay, and the plottings of the charts now used by navigators of these waters, states that "every part of the lagoon affords secure anchorage, and contains harbors within harbors, which will admit ships of the heaviest burden, where, in many parts, they may be concealed by the side of the shore."—*Report of Committee on Naval Affairs, supra*, page 53.

Captain Hinckley, of the Royal Navy, who, in command of the British frigate Gladiator, visited the Chiriqui Lagoon in 1864, says: "The Chiriqui Lagoon is one of the most splendid sheets of water I ever saw, and has anchorage in most parts all over it; but of the resources which abound on its shores it is impossible to form too high an estimate." * * * "The climate is exceedingly good. The shores, this side, are so 'steep-to' that I found a place by the side of the projected road terminus where, if I had remained a week, I could have 'hove' the ship 'down' with only digging the pits ashore for the 'purchases' and laying 'off anchors' 'off.'"

Captains Colombel and Lallier, commanding the corvettes La Brilliante and Obligado in 1851 and 1852, in their reports to Admiral Pellion, say: "The Golfito should, properly speaking, be called a great salt lake; its waters are never troubled; winds descending fiercely from the surrounding mountains cannot disturb its tranquil waters; its space is too inclosed to permit surges to be formed; never-failing streams from the adjacent highlands enter it. The greatest length of the Golfito is six miles; its width a mile and a half. It is an immense natural basin, or great bay of deep water, and would make the finest military port in the world."

Admiral Pellion, of the Imperial French Navy, in his report to the minister of Marine of the Empire of France in June, 1852, upon the hydrographical explorations of Captains Colombel and Lallier, confirms the foregoing opinion in the following emphatic terms: "Its geographical position and its configuration promise it a brilliant future, and there is no doubt that, the road finished from the Atlantic, it will become the finest port on the Pacific Ocean."—*Report Committee on Naval Affairs, supra*, page 76.

General Herran, the minister of New Granada, in certifying to the titles to the property, says: "The magnificent entrance to this beautiful region is through the Chiriqui Lagoon and Admiral's Bay, an immense double bay, with fertile shores one hundred and twelve miles in circumference, into which no less than twelve rivers empty themselves—numerous harbors, among which there are two of the most commodious and secure in the world. Near to these are the coal mines, whose titles I have already certified, and they alone, in the present epoch, would be sufficient to render prosperous, as well as an object of desire, any country which may possess them."

Again a report of the Committee on Naval Affairs declares:

For more than thirty years past, there has been a growing necessity for two United States naval stations: one in the Caribbean Sea, on the coast line of the Isthmus of Panama, and one, as conveniently opposite as possible, on the coast line of the Pacific Ocean.

The establishment of such stations requires no action of Congress. They are regarded by all maritime powers as national necessities, to be availed of and located under executive authority whenever required, either for economy, convenience, or protection. In this manner England has promptly secured stations which have contributed largely to the practical strength of her navy and to the extension of her commerce. The United States has secured stations at Valparaiso, Callao, Villafranche, Japan, and Rio Janeiro. In some of these permanent accommodations and rights are held under leases. In others, the purpose is attained by the detail of supply-ships kept at anchor.

Looking to the future interests of our country, as well as to economy in maintaining the stipulations and obligations of the treaty with New Granada, and also of the Clayton-Bulwer treaty, President Buchanan sought to obtain by the Cass-Herran treaty a naval station at the Isthmus of Panama. The provision for this purpose was stricken from the treaty, upon the ground that the object in view could be better obtained under a lease through the ownership of the lands by any native or foreign citizen, (all owners of lands, though foreigners, being, according to New Granadian laws, citizens of New Granada.) President Lincoln, coinciding with the views of his predecessor as to the importance of this measure, carried out the intention of the provision referred to, by a formal contract with the Chiriqui Improvement Company, the expressed purpose of each being the protection of our west coast possessions and the Mississippi Valley, as well as the constant enlargement of commerce to each of these sections, and the important aid and security these stations would afford in time of war. The locations sought by both were the Chiriqui Lagoon on the Atlantic, and the Golfito on the Pacific waters. It was well known that Great Britain and France had sought to secure these harbors, but had been anticipated by an American citizen who had obtained valid titles to the surrounding lands by grants and purchases. These harbors are nearly midway between the Nicaragua and Panama routes, dominate both, and are the only good harbors with deep and well-protected waters on the entire American Isthmus.

Between these harbors is an inexhaustible coal field, from which supplies of the best coal for steam purposes can be had at half the present price paid at the various coaling stations of the United States Navy. In the possession of these facilities, economy, naval strength, commercial prosperity, and political importance would be gained to the United States. The possessions of these harbors would save annually from one-half to one million of dollars in coal and in other naval expenditures, and secure forever the absolute control of political, commercial, and military advantages, resulting from the following natural and other conditions, namely:

"The coal basin of Chiriqui is fifty miles long, by a varying width of from five to fourteen miles, and aggregates a thickness of seventy-four and a half feet coal deposit, most of the vein being five to six feet in thickness, all being workable, and forming practically an inexhaustible supply of coal at a point more desirable for the control of commerce and support of a great naval power than any other point in the known world.

"A naval station at the Chiriqui Lagoon would command the Caribbean Sea, the Gulf of Mexico, and the West India Islands.

"Commodore Engle and Commodore Almy (United States Navy) state that it can be so fortified as to be impregnable." (See printed report submitted by each of these officers respectively.)

I trust, Mr. Chairman, that I have by these quotations from the very best authority satisfied the House of the intrinsic value and excellence of these harbors and the advantages to be reaped by acquiring naval and coaling stations there.

There can be no doubt but that within the next decade ship-canals and possibly ship-railways will unite the waters of the two oceans over and through the Isthmus. Then the Mexican Gulf and the Caribbean Sea will be the theater where eager nations will strive for empire and commercial supremacy. The United States must win the prize. And in order to do so she must have naval depots and coaling stations and magazines for supplies. Let us take the advance step here and now.

But again, sir, look at the commerce of that country, and the islands of its seas, from Mexico to Patagonia, known as the Spanish Main. It is $1,000,000,000. The United States—and I say it with shame—enjoys but 22 per cent., or only about $220,000,000, and $780,000,000 goes to foreign nations.

The commerce of that splendid land is not developed by nine-tenths. Its undeveloped wealth cannot be told. Sir, there is no such region on this earth. Its sunshine is gold-dust; its rivers deck their beds with priceless gems; its mountains, like misers, lock within their caverns yellow wealth that beggars the Spaniard's dream of El Dorado. Its trees weep precious ointments; its forests are columned with costly woods; its fields are crowned with plants of fadeless beauty and of healing virtue; its soil is sweet and life-giving with staples of matchless wealth. Every incentive of national protection, national honor, national wealth, urge us to advance American influence and power there. This is an initial step, and I for one propose to take it. When the proposed commercial highways are opened across the Isthmus; when the possibilities of that splendid land are developed, then indeed will the Mexican Gulf become the chalice-cup of Empire. Whose hands shall take it up? The mighty hand of the American people. Whose lips shall quaff it? None other than those which articulate the grandeur and the glory of our common country.

Such, Mr. Chairman, is the spirit and such the dreams of that democracy which I profess.

Mr. GOODE. I desire to submit to the gentleman from Georgia [Mr. BLOUNT] that having offered this amendment I think it but fair that I should have the right to close the debate upon it. I want to answer that gentleman in the last five minutes for I do not now know what he may desire to say.

Several MEMBERS. That is fair.

Mr. GOODE. I desire therefore that the gentleman from Georgia [Mr. BLOUNT] shall now speak upon this proposition.

The CHAIRMAN. This is a matter to be arranged between the gentleman from Georgia [Mr. BLOUNT] and the gentleman from Virginia, [Mr. GOODE.] The Chair understands that the member of a committee who has control of a bill under consideration is the organ of the committee before the House and by courtesy is entitled to close the debate.

Mr. BLOUNT. I desire to close the debate, if the Chair will recognize me for the last five minutes.

Mr. GOODE. I want to violate no rule or practice of the House.

The CHAIRMAN. The Chair understands that that has been the practice heretofore.

Mr. GOODE. I understood the gentleman from Georgia to say, yesterday, that the whole cost of the coal purchased for the Navy of the United States for the last year did not exceed the sum of $100,000. It was my desire to follow him to-day, because I do not know but he might make other statements quite as erroneous as that.

Since the debate of yesterday I have made some examination of the question, and I find that during last year the cost of the coal purchased in this country for the use of vessels at home was $137,436, and the coal purchased abroad amounted to $192,270. Now, if this coal had been obtained at Chiriqui, at a cost of fifty cents per ton, (and that is the cost of mining the coal there,) there would have been a saving to the Government of at least $200,000 on the item of coal alone, to say nothing of the advantages to be gained by the obtaining of vegetables, tropical fruits, and other things useful to the Navy in that locality.

Official documents show that the United States Government can at these naval stations obtain all the coal needed for the use of the vessels in the naval service primarily for the bare cost of mining and placing the coal on shipboard at the station where the coal-mines are situated. This expense is estimated at about fifty cents per ton, to which is to be added the cost of transportation, which will vary according to the distance of transportation and the locality of the points where the fuel is to be delivered. For what is termed "coal purchased at home" during the fiscal year 1879–'80 the average price paid was $4 per ton, and for transportation $1.90 per ton. For the fiscal year last named the Naval Department purchased at home 23,261 tons of coal, at a total cost of $137,463; the average price per ton, including transportation, was $5.90. The estimate of the probable cost to the Government had this coal been taken at the Chiriqui station would have been about $55,826.40, a difference in favor of the Department of $81,609.40. For what is termed "coal purchased abroad" the average price paid during the fiscal year last named was $9.88 per ton. In that year the Navy Department purchased abroad 19,452 tons, at a cost of $192,270. If this coal had been obtained at the Chiriqui station the cost would have been $77,808, making a total difference in favor of the Department of $114,462. By adding the first-named sum saved in one year for coal "purchased at home," $81,609.40, to the last-named sum saved in one year for "coal purchased abroad," $114,462, we have an aggregate in favor of coal taken at Chiriqui station for one year of $196,071.

When we consider the probable increased requirements of the naval service from year to year, so far as coal is concerned, it is fair to assume that the saving to the Government will not be less than $200,000.

Another item in the calculation is the great saving that will result from the facilities for obtaining for the naval vessels at said stations fresh meats, vegetables, fruits, &c., the immediate products of those regions, at very low prices.

Commodore Engle says:

It is a country of gold, coals, minerals, lands which produce every fruit of the tropics of the highest order—coffee, cocoa, indigo, rice, cotton, oranges, lemons, limes, &c. It is much easier to say what it does not produce than what it does, for everything seems to vegetate and give the best of its kind. On the Pacific the plains are large, and no bounds to the scope of pasture for raising cattle.—*Executive Document* 41, Thirty-sixth Congress, second session, page 3.

Dr. Evans, who accompanied the expedition of 1860, a geologist of large and varied experience, who had at that time been employed for fourteen years in the service of the Government, says in his special report:

Near the volcano the soil is basaltic, resting on clays of the tertiary period. It is very rich in humus or vegetable mold, and contains all the saline ingredients of a first-rate soil. As you reach the savannas the soil increases in thickness and fertility. The clay is well suited for brick-making and pottery. In the short distance of thirty-five miles in the upper portion of the savannas, you have every variety of climate and soil, well suited for wheat, Irish potatoes, and other products of the Northern and Middle States of the United States; toward the seacoast, rice, cotton, tobacco, coffee, and all the productions of the Southern States and of tropical climates are produced in abundance. In describing the formation of the soil, I have briefly alluded to the productions of the country, but it will not be out of place to refer to special localities and their rich producing qualities. On the Atlantic side there are many streams flowing down from the mountains having bordering valleys, but the most beautiful and extensive are those of the Cricamola and the Changuinola Rivers; these valleys vary from ten to twenty miles in width, their soil inexhaustible. Indigenous to it are cotton, tobacco, coffee, sugar-cane, rice, and all the tropical fruits. These do not grow by single crops, but in succession throughout the year; under the hand of the cultivator four crops a year could be readily gathered, and of qualities inferior to none that earth produces.

There is a great variety of timber suitable for ship-building on the islands of the lagoon and on the mainland; specimens have been collected of each variety; several of these woods are equal to live-oak for vessel-frames, and others are superior to any that are within my knowledge for planking, owing to the quality of the wood and the great length they may be cut, these being from eighty to one hundred and twenty feet. Rich specimens of gold in quartz and in black sand, copper, iron, platinum, and other valuable minerals, have been discovered in various localities; agates, jaspers, opals, diamonds, similar to those used in Chinese ornaments, were found. There is no prevailing disease between the Atlantic and Pacific coasts on the Isthmus of Chiriqui. During the whole of my explorations of the shore-line of the lagoon, the islands adjacent, the various tributaries, and in crossing and recrossing from the Atlantic to the Pacific, not a single member of my party, either the men from the Brooklyn or natives, was sick. The rainy season is a succession of sunshine and showers. If it rains in the morning it is usually fine in the afternoon. Sea-breezes prevail during the day and land-breezes at night. The thermometer varies from 67 to 87 degrees during the year, and toward morning it is so cool that a blanket was comfortable every night during my sojourn on this Isthmus.—*Executive Document*, 41, *supra*, page 53.

If this amendment is right and proper it ought to be supported. I trust there is no gentleman here who will be frightened from its support by the vague statements thrown out here yesterday. I repeat that if the amendment is right we should vote for it like men who are not to be driven off by a shadow or by declamation about jobs and lobbyists. If it cannot stand upon its intrinsic merits, if it cannot stand a critical examination, if it cannot stand the test of fair discussion, then let gentlemen vote it down.

I have formed my opinion about this matter from a careful examination of official documents in the archives of the Government. I find that the importance of establishing naval stations on the east and western coast of the American Isthmus and of obtaining an economical supply of coal for our naval and commercial marine in the Caribbean Sea, the South Atlantic and Pacific Oceans, has engaged the attention of our ablest statesmen from the foundation of the Government. The gentleman from Georgia has introduced party politics into the discussion and has raised a loud blast upon his bugle-horn to rally democratic members against the amendment. I take leave to remind him that the idea embodied in the amendment was a favorite idea with Thomas Jefferson himself, the recognized father of American democracy. It attracted the especial attention of the Government during the administrations of Presidents Polk, Fillmore, Pierce, Buchanan, and Lincoln. While Mr. Marcy was a member of the Cabinet he discussed the points connected with this proposition in that able, exhaustive, and luminous manner of which he was always peculiarly the master. While I was listening to the gentleman from Georgia I felt from the bottom of my heart like exclaiming: "Oh, for one hour of Marcy upon this floor to teach the new lights of democracy how to follow in the path of safety, of expediency, and of duty upon a great question like this." Have these new leaders of the democratic party forgotten all the lessons taught by the fathers?

Mr. STEPHENS. Pretty much.

Mr. GOODE. Are they prepared to ignore entirely the doctrine of manifest destiny, referred to by my friend from Louisiana, [Mr. ELLIS,] as connected with the vast capabilities of this great Republic of ours? What could possibly be more important to the people of the United States than the maintenance of free communication by land and by sea between the Atlantic and the Pacific Sta s of this Union?

The gentleman from Alabama [Mr. HERBERT] says that this amendment would be a menace to the world. Is it not the declared policy of this Government that it will exercise a supervision over any ship-canal or water-way that may be constructed across the American Isthmus? And who can foresee the possible complications which may arise in the future out of that supervision?

Is it not a matter of prudence, a matter of foresight, a matter of wisdom to take precautionary measures to acquire adequate coaling stations and harbors for the naval forces of the United States? I understand that this Government has declared that to be its policy.

I have this to say to my friend from Georgia, if all our talk about the Monroe doctrine, so called, is not a delusion and a sham, then it is a matter of wise foresight and precaution to acquire these naval stations and these commodious harbors as a matter of prevention. We are told that an ounce of prevention is worth a pound of cure. Let us put our flag there, let us acquire a foothold now in time if we intend to make that supervision efficient and complete.

Mr. Chairman, this question is too large to be dwarfed as some gentlemen are inclined to do here; it is not simply a question of economy; it is not all a question of party politics. It is a large American question, involving an American policy full of great possibilities in the future. We owe it to ourselves and to those who will come after us to review it altogether from an American stand-point.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee rose informally, and Mr. LOWE took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1996) for the relief of W. A. Reid;

A bill (H. R. No. 2098) for the relief of the heirs of Edward B. Clark; and

A bill (H. R. No. 2844) for the relief of James E. Montell.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The message also announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 1943) to provide for a building suitable for a post-office and for the accommodation of the revenue officers and the United States courts and their officers in the city of Clarksburgh, West Virginia; and

A bill (S. No. 1962) appropriating money for the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Minneapolis, State of Minnesota.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] is entitled to the floor to close the debate upon the pending amendment.

Mr. BLOUNT. Mr. Chairman, I have no time to devote to the rhetoric of the gentleman from Virginia [Mr. GOODE] and his invocation of what he is pleased to term the time-honored principles of the democratic party. The gentleman came into this House with a proposition simply to purchase naval stations; that was all—places to deposit coal; but after it gets before the House it seems to be a very different and broader question. We have the Monroe doctrine pressed into an appropriation bill in a debate regulated by the five-minute-rule. Is such a method of reaching this question wise statesmanship? The rules of this House as well as ordinary prudence dictate a different course. We have presented to us the question whether or not we shall make an appropriation for certain coaling stations, when the fact is that our coal is there now on either side of the Isthmus. The Pacific squadron already has a coaling station on the one side. We

are told by the gentleman to whom above all others this great question of establishing these coaling stations was referred, the gentleman from Virginia, that all he knows of the economy of the proposition is embraced in documentary evidence; yet the only documentary evidence he presents is an indefinite statement that it is estimated there will be a saving of $250,000.

Mr. GOODE rose.

Mr. BLOUNT. I cannot yield. It is estimated that there is to be a saving of $250,000. Estimated by whom? The gentleman says by officers in that Department. What officers? Let gentlemen take, as I have taken, the expenditures in that Department for coal during five years. In that period, embracing a portion of the administration of the gentleman from New Jersey, [Mr. ROBESON,] the average purchases amounted to $260,000. But that statement does not show the amount actually used. By one of the reports it appears that forty-six vessels consumed 28,000 tons of coal. All the steam-vessels of the Government used in one year $140,000 for the item of coal—not merely the squadrons at the Isthmus, but all our vessels, including the North Atlantic squadron, the South Atlantic, the Asiatic, the European, (cruising in the Mediterranean,) and our Pacific squadron. For all these there was expended in one year $140,000.

The gentleman tells us what was spent last year for coal; not the amount of coal consumed. His report shows in one year an expenditure of $75,000 for coal; in another, $65,000, and so on; but the purchases themselves do not show that there was in any period of five years an expenditure exceeding $260,000. According to the actual expenditures of the Government, as shown by the gentleman from New Jersey, only $140,000 was spent in a single year for all the steam-vessels of our Navy; yet we are told it is estimated, and it comes here in a report from the Secretary, that $250,000 will be the saving in this item.

[Here the hammer fell.]

Mr. HISCOCK. I would like to ask the gentleman from Georgia whether the sum actually paid for coal is the only cost of coal to the Navy?

Mr. BLOUNT. No, sir; not by any means. I have gone further; and the reports show that the Department has not spent up to the figures I have given.

Mr. HISCOCK. That does not meet the point.

Mr. BLOUNT. The proposition is to get this coal, including freight and labor——

The CHAIRMAN. Debate is out of order, the time to which debate was limited having expired. [Cries of "Vote!" "Vote!"]

Mr. HUTCHINS. I hope that I may be allowed to say a word. I want to offer an amendment. [Renewed cries of "Vote!" "Vote!"] I hope the gentlemen on the other side will not object to my making a statement.

Mr. SPRINGER. I rise to a parliamentary inquiry. I desire to have read the order by which debate on this paragraph was closed. I want to know the exact terms in which that order was made.

The CHAIRMAN. As the journal clerk is not now at the desk, the gentleman from Georgia [Mr. BLOUNT] who made the motion to close debate will state it.

Mr. BLOUNT. The motion was that all debate on the pending paragraph and all amendments thereto should be limited to twenty minutes.

Mr. SPRINGER. I desire to hear the text of the order as it appears in the record; because, if debate was closed only upon pending amendments, then it is now in order for the gentleman from New York [Mr. HUTCHINS] to move an amendment and debate it, as he could not do if debate was closed upon all amendments to the paragraph.

Mr. HUTCHINS. I propose, Mr. Chairman——

Mr. HISCOCK. Mr. Chairman, what was the order limiting debate?

The CHAIRMAN. The order was that all debate upon the pending paragraph and all amendments thereto be limited to twenty minutes.

Mr. HUTCHINS. That order referred only to pending amendments. Now I propose to amend by striking out "$200,000" and inserting "$30,000," and I wish to give my reasons for that proposition.

The CHAIRMAN. For what purpose does the gentleman from New York [Mr. HUTCHINS] rise?

Mr. HUTCHINS. To debate the proposed amendment.

Mr. HAYES. As I understand, debate was closed upon the paragraph and all amendments thereto.

Mr. BLOUNT. I would like to hear the gentleman from New York; but I am sure the order of the House covered all debate on this question.

The CHAIRMAN. The Chair has so ruled.

Mr. SPRINGER. The order of the House will speak for itself.

The CHAIRMAN. It has been sent for and will soon be here. The Chair has repeated the order. It is in the usual form.

Mr. SPRINGER. I understand the order to be in reference to the paragraph and pending amendments, but not to amendments hereafter to be offered.

The CHAIRMAN. Does the gentleman from New York insist on his amendment?

Mr. HUTCHINS. I do. The order was on the paragraph and pending amendments. I offered another amendment which the order closing debate does not cover, and on that amendment I wish to be heard.

Mr. BLOUNT. My proposition was to close debate on the paragraph and all amendments thereto.

Mr. SPRINGER. The record will show.

The CHAIRMAN. The Chair has stated the order of the House was as stated by the gentleman from Georgia in his motion to the House and carried, that all debate after twenty minutes should be closed on the paragraph and pending amendments.

Mr. HUTCHINS. Let the order be read.

The CHAIRMAN. Other amendments are in order, to be sure, but they are not debatable. The Chair has a distinct understanding about it. The Chair is advised that the order was to close debate on the paragraph and all amendments thereto.

Mr. HUTCHINS. I withdraw my amendment.

The question then recurred upon Mr. GOODE'S amendment, which was read, as follows:

And to enable the Secretary of the Navy to establish at the Isthmus of Panama naval stations and depots of coal for supply of steamships of war, $200,000, to be available for expenditure as soon as suitable arrangements can be made to the proposed end.

The committee divided; and there were—ayes 82, noes 65.

Mr. OSCAR TURNER demanded tellers.

Mr. BLOUNT. I hope not, as there is no use in taking up time in calling for tellers; but I give notice that I shall demand the yeas and nays upon it in the House.

Mr. OSCAR TURNER. Very well; if we can have the yeas and nays on it, that will be sufficient. I now withdraw the demand for tellers.

So the amendment was agreed to.

Mr. WHITTHORNE. I have an amendment to offer, and I will state to the gentleman from Georgia, with all frankness, that I have no doubt it is subject to the point of order, but I hope he will not interpose that point.

The Clerk read as follows:

After line 834, insert the following:

"To enable the Secretary of the Navy to protect and preserve cemeteries in various countries used the most part for the burial of citizens of this Government, the sum of $3,000, or so much thereof as may be necessary, is hereby appropriated."

Mr. WHITTHORNE. No point of order is made, and I ask for a vote on the amendment.

Mr. MCMAHON. I wish to say only a word or two.

The CHAIRMAN. Debate is exhausted on the pending paragraph and all the amendments thereto; so that the amendment is not debatable.

Mr. MCMAHON. Very well, let the vote be taken. I do not make any point of order against the amendment.

The amendment was agreed to.

Mr. HUTCHINS. I move the following amendment to come in at the end of line 834:

To establish a naval station at Chiriqui Lagoon on the Isthmus of Panama, $30,000.

Mr. GOODE. Have we not passed over that portion of the bill?

The CHAIRMAN. We are still on the paragraph, and the gentleman moves to add to that paragraph what has been read.

Mr. HUTCHINS. And I wish to say a word on that amendment.

The CHAIRMAN. Debate is exhausted on the paragraph and all the amendments thereto.

Mr. HUTCHINS. Then I withdraw the amendment. Gentlemen on the other side will wish they had heard in reference to it before we get through.

The Clerk read as follows:

Casual repairs, Interior Department building: For casual repairs of the Department building, $8,000.

Mr. MCMAHON. I move to strike out "8" and insert "7," so as to make it read "$7,000." I do so, Mr. Chairman, to make an explanation. I understand that certain members of the committee understood me yesterday as referring to the private secretary of the President as the person who appeared before the sub-committee as an attorney for the Chiriqui Improvement Land Company.

Mr. PAGE. It is so in the RECORD.

Mr. MCMAHON. No, it is not so in the RECORD. Nor did I mean to be so understood. Nor, sir, did I think I was so understood. I spoke, when the point of order was pending, of a gentleman who appeared before the sub-committee, as he had a right to do, to argue as an attorney certain questions before that committee, on which occasion he gave us full information of the interests he represented, which were behind the proposed amendment. At another point of the discussion I used some general language about "sly executive interference or influences;" and after having slept on my language over night I do not think I am under any obligation to withdraw the word "sly."

Mr. HASKELL. You did withdraw it in the RECORD.

Mr. MCMAHON. No, sir; I did not. It is in the RECORD.

Mr. HASKELL. I could not find it there.

Mr. MCMAHON. I did say, when compelled to answer definitely, whom I referred to; that the private secretary of the President of the United States had spoken to me upon the question of the interest of the President in it; and at a later stage of the debate I spoke of another member of our sub-committee as having been spoken to upon this subject by the private secretary, which statement I repeat. But I never said he came before the full sub-committee, or that he came

before us as an attorney; but he did speak to me in person and to another, and I think I am looking at that member now, (looking at Mr. MONROE, of Ohio.)

I withdraw the amendment unless some one else wishes to speak.

The Clerk read as follows:

For repairing rooms in north and west wings injured by fire and water in September, 1877, $10,000.

Mr. SPRINGER. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 845 insert "for the purchase of Ingalls's portrait of the late Thomas Ewing, first Secretary of the Interior, $600."

Mr. BLOUNT. I raise the question of order upon that amendment that there is no law for such purchase.

Mr. SPRINGER. Do I understand the gentleman from Georgia to make a point of order?

The CHAIRMAN. The Chair so understands.

Mr. SPRINGER. What is the point of order?

Mr. BLOUNT. I make the point of order that there is no law authorizing it at all. Let the Library Committee buy these pictures if they see proper.

Mr. SPRINGER. Mr. Chairman, in response to the gentleman from Georgia and his point of order, I desire to state that these portraits are denominated as a part of the "furniture" of the Departments, and it is consequently in order for Congress to buy new furniture for the Departments of the Government whenever it may be necessary or proper to do so.

Further, I desire to state that this particular portrait was ordered for the Government by Secretary Delano, but soon after making the order he retired from office; and shortly after the portrait was completed, the artist died and the picture went into the hands of his administrator and remained there from that time to this. This amendment which I now offer is consequently in pursuance of law, for the Secretary of the Interior ordered the portrait to be made. It is now in the Treasury Department, and is a portrait which is recognized as an excellent and correct likeness of the late Thomas Ewing, and is also considered to be well worth the price which was fixed for it when the order was given. Under the circumstances, I hope the point of order will not be sustained, if the gentleman does not choose to withdraw it. I think it is important that the portrait should be purchased, not only for the reasons stated, but also because this gentleman was the first Secretary of that Department.

Mr. KEIFER. I wish to say a word in response to the gentleman who makes the point of order. He says that there is no law for this appropriation, and hence the point of order should be sustained against the amendment. There was, however, sufficient authority to the Secretary of the Interior to make a contract for this portrait of a former Secretary of that Department. The Government of the United States ordered the portrait, and whether there is any law to pay a debt of the United States or not, it is perfectly clear that we owe this sum of money. Now, whether, as I have stated, there is a law for us to pay our debts or not, we ought at least to understand that there is no impediment on the part of the United States to paying what we justly and honestly owe. There is no law prohibiting us paying our debts, as far as I know, and hence this amendment is not in conflict with existing law.

Mr. BLOUNT. The gentleman is correct. We have no impediment to paying our debts; but there is an order of business of this House which covers such cases as this, and if there was a contract to purchase this picture, let the payment for it come in under a separate bill, as it ought to. This is not a debt-paying bill.

Mr. KEIFER. There is no better place for it than this bill. It is as regular as it would be in the deficiency bill.

Mr. BLOUNT. And, besides that, we have passed over the furniture items of this bill. I insist upon the point of order.

The CHAIRMAN. The Chair overrules the point of order.

The amendment was agreed to.

The Clerk read as follows:

Capitol extension: For work on the Capitol and general repairs thereof, for fireproofing the gallery of the National Statuary Hall and the rooms adjoining, for shelving the same for the accommodation of the House documentary library, for cutting doorway from the northwestern room to connect with the Congressional Library, and for shelving such rooms in the basement story of the south wing of the Capitol as the Speaker may designate for the reception of the stationery and files to be moved from the rooms connected with the Hall, $50,000.

Mr. HAWK. Mr. Chairman, I offer an amendment to come in after line 856.

The Clerk read as follows:

For passenger elevator in the south wing of the Capitol, to be located by the Architect of the Capitol, $7,000; such elevator to be so located as to interfere as little as possible with the use of the offices and rooms of the House.

Mr. BLOUNT. Individually, I have no objection to that, and shall not make the point of order upon it. If any other gentleman chooses to do so he can do it.

The amendment was agreed to.

The Clerk read as follows:

Lighting Capitol and grounds: For lighting Capitol and grounds about the same, including Botanic Garden and Senate stables; for gas, pay of superintendent of meters, lamp-lighters, gas-fitters, and for materials for electric lighting, and for general repairs to lamps and pipes, $30,000.

Mr. TOWNSEND, of Ohio. I offer the amendment, which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 865, insert:

"*Provided, however*, That the Secretary of the Treasury, the Postmaster-General, and the Attorney-General (who are hereby constituted as a commission for that purpose) are hereby authorized and directed, in case they deem it expedient, to enter into a contract with the Northern Electric Light Company for the lighting of the Capitol, public grounds around the same, and the streets of said city on the basis of the proposals of said company now deposited in the office of the Secretary of the Treasury, in which event the money hereby appropriated, so far as the same may not have been exhausted for the purposes heretofore mentioned, may be used to pay for electric light under such contract, and the sum of $350,000 is conditionally appropriated out of any money in the Treasury not otherwise appropriated to carry out the terms of said contract: *Provided, however*, That no part of said money shall be paid until said commission shall have been satisfied that said lighting has been successfully accomplished: *And provided further*, That said commission shall not enter into such contract unless, in the opinion of said commission, the said contract will be in the interest of ultimate economy to the Government."

Mr. BLOUNT. Mr. Chairman, I raise the question of order on this amendment that it is new legislation; that it does not retrench expenditures; and that there is a bill for substantially the same purpose now pending before the House, reported from the Committee on Public Buildings and Grounds.

Mr. ATHERTON. I desire to be heard on the point of order.

Mr. BLOUNT. Before the gentleman from Ohio [Mr. ATHERTON] proceeds, I ask that the amendment be reread. It is a very important matter.

The amendment was again read.

Mr. TOWNSEND, of Ohio, rose.

The CHAIRMAN. The gentleman from Ohio [Mr. ATHERTON] has been recognized.

Mr. ATHERTON. Perhaps the other gentleman from Ohio would like to be heard first.

Mr. TOWNSEND, of Ohio. I will not discuss the point of order, but I have something to say in favor of the amendment, if it should not be ruled out of order by the chairman.

The CHAIRMAN. The Chair will state that on the point of order his mind is made up in consequence of a precedent having been heretofore set. But if the gentleman from Ohio [Mr. ATHERTON] desires to speak upon the point of order the Chair would be glad to hear him. The Chair ruled upon this question the other day.

Mr. ATHERTON. I desire merely to make such suggestions as I can on the question of order as to whether the pending proposition is in order under our rules or not. I supposed from the rulings of the present occupant of the Chair that such a proposition contained such color of being in order as that it would at least be submitted to the committee for its consideration as a similar proposition was submitted to the committee on yesterday. Outside of that, as to whether the amendment is subject to the point of order made against it or not, if that is to be determined by the Chair I think a consideration or two being stated it would appear that the point of order is not well taken.

The gentleman from Georgia has not distinctly stated his point of order; but I suppose it is predicated on some of the subdivisions of Rule XXI. It is therein provided that—

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law—

And here follow the exceptions—

unless in continuation of appropriations for such public works and objects as are already in progress.

I suppose it is understood, it cannot be denied, that by the appropriation bills of former years, and I believe that is all the law there is upon the subject, appropriations have been heretofore made for lighting the Capitol, the streets of Washington, and the public grounds around the Capitol. Now, what does this provision mean when properly interpreted? It means this: that objects that have been accomplished by the appropriations and by the legislation of Congress heretofore, may still be accomplished, and that appropriations for such purposes shall not be obnoxious to the point of order if in continuation of the same general objects.

To illustrate that, we have had an object and a work accomplished here for years in this city, of sweeping the public streets, and as I understand, it has been accomplished by hiring out the work of sweeping streets to an individual or a corporation, I know not which. Suppose, for instance, that the Appropriations Committee or this House proposed to accomplish the same purpose hereafter not by contracting with an individual or corporation, but by buying their wagons and horses and doing it themselves.

Would it be obnoxious to the point of order because they proposed to do it themselves by purchasing property of their own? Why, no. And why not? Because the object sought to be accomplished is a work that is already in progress; that is, sweeping the streets of the city. Suppose, for instance, you had here in this city a department for street-cleaning purposes, and heretofore the work had been accomplished by contracting with private individuals or a corporation, would it not be competent for this House through its Appropriations Committee, or by amendments to provide that substantially hereafter that work should be done not by a contract with a private individual, but by buying the necessary property with which you were to accomplish the same purpose.

Again, for instance, we light the Capitol with gas. If it was deemed advisable, would it not be competent for this House, or for this Appropriations Committee, instead of the system of contracting with the gas company, to provide necessary means by which the Government itself should manufacture its own gas in its own way? Certainly it would, because the object of the bill would not be to construct new works, but the object as suggested in this rule would be the lighting of the Capitol and the public grounds.

Now, Mr. Chairman, if I am right upon that proposition, what is proposed to be done here? It is proposed to constitute a commission; to make the Attorney-General, the Secretary of the Treasury, and another officer a commission. It is proposed that that commission may investigate the means of lighting proposed by the Northern Electric Light Company; and that if they shall find that that mode of accomplishing this work that has heretofore been accomplished by making contracts with the gas company can be more successfully accomplished in another way, and that it would be in the interest of ultimate economy to the Government, then the electric light shall be used for that purpose, although they propose to furnish it themselves.

The amendment is not obnoxious to the point of order, if I understand the rule correctly. It might be, if the proposition simply was to appropriate a certain sum of money for the purpose of constructing works that were designed to be used hereafter for the purpose of furnishing light to the Government—it might be possible that there could be more said upon the question of order. [Here the hammer fell.] Let me finish my sentence, Mr. Chairman. But the proposition is not that. The proposition is to carry out the objects that are to be accomplished here, the objects that have heretofore been accomplished by a private contract with the gas company, and that is to furnish this electric light by works that the Government shall ultimately own, submitting to a commission as to whether it would be in the interest of ultimate economy. If this be carried out we will then have this splendid Capitol—the most splendid in the world—lighted with a zone of light that will illustrate to the people, not only of this country—to the nations of the world—the coming light of the future—the electric light.

The CHAIRMAN. The Chair ruled on a similar question the other day——

Mr. BLOUNT. Mr. Chairman, I will say——

The CHAIRMAN. The Chair is satisfied with the discussion already had so far as the point of order is concerned, and is prepared to rule upon it. The Chair ruled upon the amendment offered the other day by the gentleman from Missouri, [Mr. BUCKNER,] an amendment of a similar character. The Chair ruled the amendment not in order, and the committee acquiesced in that ruling. For similar reasons the Chair will rule this amendment out of order.

Mr. ATHERTON. For the purpose of taking the sense of the Committee of the Whole on this question, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The Chair will submit the appeal with great pleasure.

Mr. KEIFER. Will the Chair state the reasons for his decision?

The CHAIRMAN. The reasons which the Chair gave when a similar question was up the other day are the reasons which influence his decision in this case, that the amendment is new legislation and does not upon its face appear to be in the interest of economy. In fact the gentleman from Missouri, [Mr. BUCKNER,] who moved the amendment the other day, admitted it was not in order by entreating the gentleman from Georgia [Mr. BLOUNT] to withdraw his point of order. The Committee of the Whole acquiesced in the decision made by the Chair on that occasion, and the Chair makes the same ruling upon this amendment, being similar in that respect.

Mr. STEVENSON. The vote now is upon sustaining the decision of the Chair?

The CHAIRMAN. It is. Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and upon a division there were—ayes 78, noes 14.

Before the result of the vote was announced,

Mr. ATHERTON called for tellers.

Tellers were not ordered.

So the decision of the Chair was sustained.

The Clerk read the following:

Furniture and fixtures, National Museum: For cases, furniture, and fixtures required for the exhibition of the collections of geology, mineralogy, natural history, ethnology, and technology, belonging to the United States, $60,000.

Mr. MANNING. I offer an amendment to come in after the paragraph just read.

The Clerk read as follows:

For further investigations by the United States Entomological Commission as to the best means of destroying the cotton-worm and boll-worm, the sum of $10,000.

Mr. BLOUNT. I make the point of order on that amendment that it is not germane to this bill, but if proposed at all should be proposed to the agricultural appropriation bill.

Mr. MANNING. I am sorry the gentleman makes a point of order against this amendment, although I do not believe it is a good one. This commission, as the gentleman will recollect, was organized several years ago, and has been since prosecuting its labors and to-day is at work. There is no law anywhere to be found repealing the law organizing the Entomological Commission. In the sundry civil bill of last year an appropriation of $25,000 was made to continue the investigation of the Rocky Mountain locust and the work of the Entomological Commission in reference to the cotton-worm and the boll-worm.

As to this amendment not being germane to this bill, allow me to say that this commission is under the Interior Department; it is not under the Agricultural Department, and does not report to that Department. After full discussion it was created as a commission under the Interior Department. We are now considering that portion of this bill which relates to that Department, and it is for that reason that I have offered the amendment at this point.

Mr. BLOUNT. I desire to read from the law of last year.

The CHAIRMAN. The Chair is prepared to rule upon this question, as it did upon a similar question the other day.

Mr. MANNING. I suppose it is not disputed that the commission was organized several years ago.

Mr. BLOUNT. Let me call the attention of the gentleman to the statute, to the sundry civil bill of last year, which I think will satisfy him:

For the completion of the work of the United States Entomological Commission under the Department of the Interior in the special investigation of the Rocky Mountain locust or grasshopper and the cotton-worm, the sum of $25,000, to be immediately available: *Provided*, That after the close of the next fiscal year all work of the character herein provided for shall be exclusively under the control of the Agricultural Department, and all operations under the Interior Department shall be fully and finally closed before the 30th day of June, 1881.

Mr. MANNING. That does not break up the organization of the commission, nor does it disturb its autonomy; it is still in existence. The very statute which the gentleman from Georgia himself has read contemplates that the commission shall continue to exist, even after the 1st of July next. There can be no controversy upon that question.

With all due deference to the Chair, it does not seem to me that there can be any question in regard to this amendment, if we keep in view the language of the statute of last year which the gentleman from Georgia has himself read. This is a matter of so much general importance and of such magnitude, particularly to the people of the cotton-growing region of this country, that I hope it will not be lightly or hastily disposed of.

I am surprised that the gentleman from Georgia is not in harmony and thorough sympathy with the further investigation provided for by my amendment. I am prepared to tell him, without violating the propriety of a private conversation, that a member of the Committee on Appropriations, who lives in the heart of the cotton-growing section of the country, is not only entirely willing that this amendment should prevail but is anxious for it.

Mr. BLOUNT. I do not think it is necessary for me to argue to this House whether I am representing the cotton-growing section or not.

Mr. MANNING. I think you are giving it a very serious blow in opposing this amendment.

The CHAIRMAN. The Chair does not deem it important to continue discussions of points of order on these small amendments.

Mr. MANNING. Is the Chair going to rule this amendment out of order and close debate upon it because it involves only a small amount?

The CHAIRMAN. This point of order is so familiar to the committee, and has been so often decided, that it is unnecessary to waste time by continuing debate upon the question. The Chair will make his decision, and if the committee does not agree to it it can be overturned upon an appeal much sooner than by continuing the debate. The Chair sustains the point of order and rules the amendment out of order.

The Clerk began the reading of the next paragraph, when,

Mr. REAGAN said: I desire to make an appeal from the decision of the Chair. The matter embraced in the amendment of the gentleman from Mississippi [Mr. MANNING] is of so great moment that I desire the sense of the committee upon it.

The CHAIRMAN. The Chair will submit the appeal, and not take advantage of the fact that the gentleman is a little late in making it.

Mr. MANNING. I want to say that probably twenty millions of dollars were saved last year to those engaged in cotton culture by the work of the Entomological Commission. Since the war we have lost two hundred millions or more of dollars by the ravages of the cotton-worm and boll-worm.

The CHAIRMAN. The Chair will submit the appeal to the committee. Shall the decision of the Chair stand as the judgment of the committee?

Mr. MANNING. I hope gentlemen of the committee will have a little patience, so that every member may understand the matter before it is voted upon. I do not want it to go by default; and I hope that the feeling which seemed to exist——

The CHAIRMAN. After the question is stated to the House, it may then be debated. On the amendment offered by the gentleman from Mississippi [Mr. MANNING] the gentleman from Georgia [Mr. BLOUNT] made a point of order, which the Chair has sustained. From that decision the gentleman from Mississippi has taken an appeal. The question now is, Shall the opinion of the Chair stand as the judgment of the committee? On that question the gentleman from Mississippi [Mr. MANNING] has the floor.

Mr. AIKEN. I make another point of order, that the Clerk had read the next paragraph of the bill, and the Chair has no right to go back.

The CHAIRMAN. That point comes too late.

Mr. MANNING. Now, Mr. Chairman, I do not want to arraign the gentleman from Georgia. I do not wish to say anything unkind, nor do I desire to criticise what he has done or what he proposes to do in this bill. But, turning back to page 21 of the bill, I call attention to the fact that we have just appropriated under the leadership of the gentleman from Georgia $25,000 for the purpose of continuing ethnological researches among the North American Indians. The question of what races of the human family have inhabited this country in years gone by is interesting and affords intellectul pleasure, but that is all. The masses will hardly keep up with ethnological researclles and would receive no pecuniary benefit if they did. On a proposition involving simply an intellectual feast for certain classes of men this bill gives $25,000. In this bill I find also that you give $23,000 for the propagation of food fishes. A vessel for use by the Fish Commission is to be constructed at a cost of $100,000. More than that, you give $10,000 for the printing of the catalogue of the library of the Surgeon-General's Office. All these appropriations may be proper, but not so meritorious as the appropriation I ask for now in this amendment. I ask $10,000, for what? While it is for the purpose of——

The CHAIRMAN. The Chair must remind the gentleman that the question pending is a point of order.

Mr. BLOUNT. I hope the gentleman will be allowed to proceed.

The CHAIRMAN. The Chair must beg the gentleman from Mississippi not to discuss upon a question of order the merits of the proposition. The time of the Committee of the Whole is very precious.

Mr. MANNING. I will endeavor to proceed in order; and I hope the Chair will not be impatient.

The CHAIRMAN. The Chair is not impatient; but the public business for the time being is to some extent under the control of the Chair, and he must see that the interests of public business are not sacrificed by a violation of the rules.

Mr. MANNING. If the gentleman from Georgia [Mr. BLOUNT] is content, I hope the Chair will not be too exacting, and I do hope that the Chair and this Committee of the Whole will take time enough to consider the magnitude of this question, in order to look critically into the point of order which has been raised.

This Entomological Commission is already in existence; its work is not yet done; and it is important that it should be prosecuted, as I learn from the chief of that commission and many others who know whereof they speak. At its head stands the most distinguished man in entomological science in the New World. He came from the Old World with great honors. If you will consult the reports of the Commissioner of Agriculture of France you will discover that when the phylloxera was devastating the wine-growing regions of that country, that commissioner was enabled to solve the question very largely by the scientific assistance of this man; 300,000 francs were offered for a remedy to meet the destruction caused by this insect. Germany was devastated, as were the fields of Italy. Madeira lost its grape crops because of the failure to give attention to this matter. Last year the estimate is that $20,000,000 were saved in the South through the scientific suggestions and mechanical contrivances of this Entomological Commission and its assistants. Several hundred million dollars of the revenues of this country have been annually sacrificed for years by the different insects that prey upon our agricultural products.

Now let me say (and then I am done) that the proposed work is not local but national. That which destroys the cotton-worm will destroy the insects that ravage other crops in all sections of the country.

[Here the hammer fell.]

Mr. BLOUNT. In view of what the gentleman has said, I ask two or three minutes. The gentleman started out by saying that he did not propose to attack me; but he calls attention to the appropriation in this bill for ethnology——

Mr. MANNING. And I call attention also to the paragraph just passed appropriating $60,000 for displaying upon the shelves of the National Museum "the collections of geology, mineralogy, natural history, ethnology, and technology," which contribute nothing at all to anybody's material advancement.

Mr. BLOUNT. If I had my own way about it, ethnology and a good many other things would not be in this bill. I do not stand here as the representative of my individual views; but I have charge of the bill as the organ of the committee, and as such I propose to stand by their conclusions.

The gentleman talks about the amount of money which has been saved. Why, already in the annual appropriation bill there has been $5,000 appropriated.

Mr. MANNING. Not one dollar for field-work.

Mr. BLOUNT. I object to being interrupted.

Mr. MANNING. I interrupted when the gentleman stated the case in that way.

Mr. BLOUNT. I am stating my view and not the gentleman's.

Mr. MANNING. You have the act before you.

Mr. BLOUNT. I have not the act before me; but the gentleman from South Carolina understands it as I do.

Mr. MANNING. The Commissioner of Agriculture——

Mr. BLOUNT. Excuse me. Mr. Chairman, there has been a contest between Professor Riley and the Commissioner of Agriculture about this question as to who should conduct this investigation. There was a division in the Agricultural Committee on this subject during last session of Congress and this proviso was inserted in this bill as a conclusion of this whole matter. It is as follows:

> For the completion of the work of the United States Entomological Commission under the Department of the Interior in the special investigation of the Rocky Mountain locust or grasshopper and the cotton-worm, the sum of $25,000, to be immediately available: *Provided*, That after the close of the next fiscal year all work of the character herein provided for shall be exclusively under the control of the Agricultural Department, and all operations under the Interior Department shall be fully and finally closed before the 30th day of June, 1881.

Now, Mr. Chairman, in obedience to this law of Congress, which the committee recognized and which I recognize, I have raised this point of order which the gentleman from Mississippi asks us to reverse.

Mr. REAGAN. I ask the Chair to hear me for one moment on the appeal. The act of last session, which is still in force as the law of the land, was for the completion of the work of the United States Entomological Commission. It provides for the completion of the work of the United States Entomological Commission under the Department of the Interior in the special investigation of the Rocky Mountain locust or grasshopper and the cotton-worm the sum of $25,000, to be immediately available. That is now the law. The object of the amendment offered by the gentleman from Mississippi is to extend that investigation. It is an investigation now going on under the law, and it is no answer to say that this is new legislation because there may be a like provision to the effect that on the 1st of July next there is to be a change in the manner of making this investigation. It is the law, and the gentleman's proposition is to amend that existing law.

There has not been one of these things put upon this bill which stood upon a safer legal footing under the rules than this proposition offered by the gentleman from Mississippi. And, sir, there is not one of these amendments which produces in importance and value to the industries of the country anything like the results which are likely to flow from the legislation proposed by the amendment of the gentleman from Mississippi. When we remember that the losses to the active industries of the country, that the losses to the commerce of the country are measured by hundreds of millions of dollars growing out of the devastation of this cotton-worm, and when we are assured by the gentleman from Mississippi that many millions were saved during the last year by this investigation and by the suggestions of the very gentleman whose labors he proposes to extend, surely, unless there is some great reason against it, we should not consent to rule out this small appropriation.

I wish to read what a distinguished Senator said on this subject in the other end of the Capitol, and I hope I will have time to do it. Senator MORGAN in the Senate yesterday used the following language:

> In conversing with him about the State of the cotton crop of the last year in that State, he being one of the very best planters in Alabama, one of the most successful, he said to me, "I lost my crop last year because I did not choose to follow the advice which Mr. Riley had given to the people of that section of the country in reference to repressing the cotton-worm. My neighbors all around me made excellent crops, and I have paid for my folly in the loss of almost my entire crop." That gentleman, speaking intelligently, gives a fair statement of the advantages which Mr. Riley has been able to confer upon the people of Alabama at least, and I have no doubt upon the people of the entire South, reaching from the southern border of Virginia around to Texas, in consequence of these investigations of this pest and of the best means of repressing it.

That is the experience of one of the most successful cotton planters.

I cannot on the question of order go into the facts or the merits of this proposition; but it is known to all persons familiar with it that millions of dollars are lost annually by the devastations of this worm. Here is a law to eradicate them now in force, and the proposition is to continue this commission, and yet we are asked to rule it out of order. I hope the House will not sustain the decision of the Chair.

Mr. PERSONS. My colleague from Georgia is right; there is bad feeling existing between the chief of this commission and the Commissioner of Agriculture. My friend from Georgia is also right in this, that this commission has promised for three successive Congresses, perhaps, they would complete this work, and yet, notwithstanding that, this worm still continues to devastate the cotton of the South. The losses there are millions year by year. There has never been appropriated but $25,000.

Mr. MANNING. Fifty thousand dollars for the grasshoppers and $25,000 for this worm.

Mr. KNOTT. There would be more propriety in an amendment voting $10,000 to buy turkeys to catch the tobacco-worms in my district, for I am sure a single turkey-cock is worth more in the extermination of insects noxious to agriculture than all the entomologists the Government has employed in the last ten years. [Laughter.]

The CHAIRMAN. The gentleman from Georgia must confine *himself* to the discussion of the cotton-worm.

Mr. PERSONS. I think, Mr. Chairman, it matters not what the commission may believe. They may say and believe that to complete the work it may take three weeks, three months, or three years. They may say they have done their duty and completed the work. I have no doubt they have done their duty; but if this great interest continues to suffer it is not for that commission to determine when Congress shall have done its duty in the premises. They say they have

completed the work. Now, I know nothing in science that is complete. I have no idea but that in three years or in thirty years from now investigations into this very subject may be of profit and importance to this country. And, therefore, Mr. Chairman, I say it is not with the commission to decide, but with Congress to determine when they have completed their work. There is much yet to be done. There is great need for investigation. There is absolute necessity for information. If this commission is unable to do more, I say we should call for another commission, for that work has not yet been completed.

I therefore favor this appropriation. I believe this commission, as I have stated, is capable. I believe the same commission that was established and that have carried on this work up to this time may yet continue to work profitably in the same direction. They have only completed a portion of the great work that is to be done. There is yet much to be done. They say by further investigation they may accomplish more. Therefore I am in favor of their being supplied with money to enable them to continue and do more and by the expenditure of a few thousand dollars here to enable this country to save what has been a drain in past years of from twenty to thirty millions a year; and no year, as statistics show, has this loss been less than $10,000,000. It is but a pitiful amount to be granted where such important issues are at stake.

The CHAIRMAN. The Chair must hold that the gentleman from Georgia shall confine himself to the point of order.

Mr. AIKEN. Mr. Chairman, I desire to say a word in reference to this point of order. I wish to say that this very commission came before the Committee on Agriculture and said that they had gathered all of the information that they expected to be able to gather in reference to that work; and they only ask now for a contribution from Congress to enable them to publish the data which they have already gathered. That is all they want; that is all they expect to accomplish. Now, the Committee on Agriculture have voted $5,000 for that purpose.

If this additional appropriation is made, it is made to launch that commission out upon an unknown tide of investigation, for they do not know what to look after when they themselves decide that they have gathered all the data available for the original purpose. They admit themselves that they have gathered all the information which was contemplated or which they can gather upon this subject. Therefore I hope the point of order will be sustained. [Cries of "Regular order!"]

Mr. MANNING. Let me ask the gentleman from South Carolina a question before he takes his seat. You have stated that this work is over, that the data has been collected——

Mr. KNOTT. Mr. Chairman, I insist upon the point of order that the rules of the House be enforced.

Mr. MANNING. I hold in my hand a letter from the commissioner, Professor Riley, stating that further work is indispensable. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is on the appeal from the decision of the Chair. Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 64, noes 38.

Mr. REAGAN demanded tellers.

Tellers were ordered; and Mr. BLOUNT and Mr. MANNING were appointed.

The committee again divided; and there were—ayes 79, noes 53.

So the decision of the Chair was sustained.

Mr. VALENTINE. I desire to offer an amendment.

The Clerk read as follows:

After line 873 insert, "to enable the Signal Service Bureau to examine and report upon the habits of the Rocky Mountain locust, $5,000."

Mr. BLOUNT. Mr. Chairman, that has been offered once and rejected.

The CHAIRMAN. Does the gentleman raise the question of order?

Mr. BLOUNT. I do raise the question of order. We have passed that point of the bill to which this is applicable. This is a new object not authorized by law for the Signal Service. It is special legislation upon this bill.

Mr. VALENTINE. I rise to a point of order. The committee is in disorder, and we cannot hear the gentleman from Georgia.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KEIFER. Mr. Chairman, while we are trying to get order in the House the Chair disposes, as we understand here, of the point of order raised by the gentleman from Georgia.

The CHAIRMAN. The gentleman from Ohio is mistaken. The Chair has not undertaken to dispose of that question, but ruled upon the question of order raised by the gentleman from Nebraska.

Mr. KEIFER. Then I misunderstood the Chair.

Mr. VALENTINE. Mr. Chairman, I desire the attention of the committee briefly upon this question. A few years ago—and I desire to go into the details more particularly to show that this is in order and that the point of order is not good against it—Congress made an appropriation to create a board or commission who were styled the United States Entomological Commission for the purpose of examining into the nature and habits of the Rocky Mountain locust, which commission was also authorized to extend its inquiry in reference to the habits of the cotton or boll worm. Now, this commission have reported to Congress. They make their report that they are practically through with the work as regards the question of the Rocky Mountain locust; that it is not necessary to make further examination as to their nature and habits.

Their report is not yet before the House because it is not yet printed. But in that report they say, as the result of their investigations, that the Signal Service Bureau should annually send a person or persons into the region of the breeding grounds of the grasshopper, and make report to the agricultural regions liable to be affected by them if they fly that season. Now, then, we have spent about sixty thousand dollars to ascertain what should be done, if anything, to protect the agriculturist from the ravages of the grasshopper. This commission makes its report, and upon that we ask an appropriation of $5,000 to do that with regard to which Congress has spent $60,000 to find out what ought to be done. It is a continuation, and not a new measure.

Mr. DUNNELL. I call for the rereading of the amendment.

The amendment was again read.

Mr. DUNNELL. I hope this amendment will be adopted.

The CHAIRMAN. The question is on the point of order.

Mr. DUNNELL. I shall endeavor to confine my remarks to the point of order. I agree with the gentleman from Nebraska that this is in continuation of a work begun by Congress a few years ago; and it has been held that a work thus begun may be continued, though a year may elapse in making appropriations in regard to it. I will cite an instance. Some five years ago Congress appropriated a sum of money to investigate the subject of forestry and lumber products. Congress made an appropriation for two years. Then there was a lapse of two years or one year when no appropriation was made. Last year a proposition for another appropriation was made. The question of order was raised, but it was decided by the Chair that Congress once having made an appropriation for that work in two successive Congresses as is the case with regard to the locust, it was in order at that time to move to further appropriate for the work. I might say that a more important amendment to this bill has not been offered, and I hope the gentleman from Georgia will not insist on his point of order.

Mr. BLOUNT. The very same paragraph which was read in relation to the cotton-worm I now read in relation to the Rocky Mountain locust:

For the completion of the work of the United States Entomological Commission under the Department of the Interior in the special investigation of the Rocky Mountain locust or grasshopper and the cotton-worm the sum of $25,000, to be immediately available: *Provided*, That after the close of the next fiscal year all work of the character herein provided for shall be exclusively under the control of the Agricultural Department and all operations under the Interior Department shall be fully and finally closed before the 30th day of June, 1881.

Now, sir, here is a distinct provision of law declaring that all this matter in relation to the Rocky Mountain locust and the cotton-worm shall be exclusively under the control of the Agricultural Department. And more than that we have already passed the portion of the bill relating to the Signal Service, and the amendment is offered too late. And even if we were at the portion of the bill where it could be offered, I would make the point that it is new legislation.

Mr. HAWLEY. I desire to be heard a moment on the point of order. This differs very materially from the question raised in the case of the cotton-worm. There the gentleman from Mississippi, [Mr. MANNING,] perhaps properly—I was a little inclined to think so—desired to continue that primary work of examination into the habits and movements of the cotton-worm. That is not sought for in this case at all.

Congress has declared its determination to find out the character and habits of the Rocky Mountain locusts; and by that it has declared that it means also to check their ravages, if there is any sense in the proceeding at all. But here we are not asking to continue the work of the Entomological Commission. We are not asking to interfere with the declared purpose of Congress last year to turn over hereafter the work of the Entomological Commission to the Agricultural Department. We assent to that as all right enough. The Entomological Commission does not ask to have its investigations continued. But we appointed them for a purpose. That purpose was not to enlarge our Library. It was to assist the great agricultural portion of our population in avoiding or dodging that grasshopper.

The time allowed for the work of the Entomological Commission is to expire next June. We do not want them to continue further their investigations. But they have told us what we can do to avoid the ravages of these locusts or grasshoppers. Information can be given from the mountains in the spring of the year that there will not be a flight that year. When planters receive that information they will know what to plant and be more certain of one crop or another; and always when they are about to sail or fly a notice of three or four or five days could be given, and agriculturists would know the time when they were to come.

Now, the Entomological Commission say we should construct the signal stations all along the hills to keep an eye on these creatures and telegraph in advance what they are likely to do. In short, the amendment now proposed is precisely and nothing else than a continuation of that work. It is another stage of a work which Congress clearly declared its purpose to carry out. And I congratulate these scientific gentlemen on the service they have been to the country,

that is to say, if Congress is to avail itself of the valuable information they have communicated.

In reply, therefore, to the point of order, this clearly is an indispensable, logical continuation of that work, and not in conflict at all with the law of last year, which said the commission should wind up their labors in June. They will do so; and we are willing any further investigations of that character should go over to the Agricultural Department. But what in the world did we want with that knowledge if we are not now to avail ourselves of it?

Mr. KEIFER. I do not expect to be able to add anything specially to what has just been said on this point. I understand the gentleman from Georgia to rely wholly upon the point which he made a few moments ago on the appropriation which was sought by the gentleman from Mississippi, [Mr. MANNING,] and to place his point of order specially on the ground that this whole matter in regard to making investigations relating to the Rocky Mountain locust and grasshoppers and the cotton-worm was turned over to the Agricultural Department.

I rise simply to say, in my own way, that that point of order is certainly not applicable so far as this proposition is concerned. The Agricultural Department can have in no way control over the signal stations. There has been no attempt, either by the law read by the gentleman from Georgia or through any other law, to turn over the duties of the Signal Office to the Agricultural Department. Hence his point of order must fail for that reason.

This proposition is to make an appropriation of $5,000 to enable the signal officers to so extend their investigations as to look into the patent habits of the Rocky Mountain locust for the next fiscal year. It ought to be for every year until the time comes when there will be no Rocky Mountain locusts to infest the western country.

I am told by those who have studied their habits that there are times when any person, whether scientific or not, could tell that these locusts have not been breeding in such vast numbers as have enabled them to swarm over the great territory of the West and to destroy everything before them. There are times that that can be told early in the season. If such information as that could be published all over the West, it would bring contentment and satisfaction to the people, and they would go on and sow their crops without fear of their being destroyed by this great pest of modern times. And there are times when the people can be warned of the approach of these locusts, or of the danger of their appearance during the season, and with that information millions of dollars could be saved. There is no conflict with the existing law or the law that will be in operation after June 30, 1881.

Mr. VALENTINE. I desire to modify my amendment by inserting after the word "habits" the words "and flight;" for that is really all we want to know.

Mr. MANNING. I move to amend the amendment by striking out "$5,000" and inserting "$15,000, $10,000 of which shall be for the further investigation by the United States Entomological Commission as to the best means of destroying the cotton-worm and boll-worm." I am in hearty accord with the proposition for an investigation and observation of the habits and flight of the Rocky Mountain locust. The work of the commission in the past has shown it is of great value to the people of the West.

Mr. BLOUNT. I want to be understood as reserving all points of order on that amendment.

Mr. KEIFER. I am entirely in harmony with the gentleman from Mississippi, [Mr. MANNING.]

Mr. KNOTT. If a point of order has been made, I insist upon its being decided.

Mr. KEIFER. Allow me to say that the amendment offered by the gentleman from Mississippi [Mr. MANNING] cannot be entertained until the point of order is disposed of against the original amendment.

The CHAIRMAN. The Chair is prepared to decide the point of order.

Mr. MANNING. I will withdraw my amendment until the point of order has been decided.

The CHAIRMAN. The gentleman from Nebraska proposes an amendment, which the Clerk has read, to the following paragraph:

Furniture and fixtures, National Museum: For cases, furniture, and fixtures required for the exhibition of the collections of geology, mineralogy, natural history, ethnology, and technology, belonging to the United States, $60,000.

To the clause providing for cases for the exhibition of certain articles an amendment is proposed authorizing investigations concerning certain other things. The Chair thinks that the amendment would be proper to the signal-service clause of the bill, but that clause having been passed, the effect of this amendment would be to go back to that clause without the consent of the committee. For that reason alone the Chair rules the amendment out of order.

Mr. KEIFER. All that the rule requires is that an amendment shall be germane to the bill. With all due respect to the Chair, I must take an appeal.

The CHAIRMAN. The Chair will submit the appeal to the committee.

Mr. MONEY. Does the Chair decide that an amendment must be germane to any particular clause of the bill, and not to the bill?

The CHAIRMAN. The Chair thinks that after a special subject in a bill has been passed to which an amendment would be appropriate, it is not in order to return to that subject by indirection.

Mr. VALENTINE. Is it not the fact that the amendment that I have offered is germane to the bill? The paragraph preceding my amendment has nothing to do with the matter.

The CHAIRMAN. The Chair will submit the appeal to the committee.

Mr. KEIFER. Allow me one word on the appeal.

Several MEMBERS. Oh, no!

The question was taken on the appeal; and upon a division there were—ayes 42, noes 52.

The CHAIRMAN. The amendment is ruled to be in order.

Mr. BLOUNT. I call for tellers on that amendment. No quorum has voted.

Mr. MANNING. I now offer my amendment, and ask the gentleman from Nebraska [Mr. VALENTINE] to accept it.

The CHAIRMAN. The point is raised that no quorum has voted, and tellers are called for.

Tellers were ordered; and Mr. BLOUNT and Mr. VALENTINE were appointed.

Mr. MCMAHON. Let the amendment be again read.

The CHAIRMAN. The Clerk will read the amendment and the paragraph to which it is offered.

Mr. VALENTINE. I offer my amendment as an independent paragraph.

The CHAIRMAN. The paragraph and the amendment will be read.

The Clerk read the pending paragraph and the amendment offered by Mr. VALENTINE.

The CHAIRMAN. On the amendment offered by the gentleman from Nebraska [Mr. VALENTINE] the gentleman from Georgia [Mr. BLOUNT] made a point of order, which the Chair sustained. From that decision the gentleman from Ohio [Mr. KEIFER] appeals. The question is on the appeal from the decision of the Chair. Shall the decision of the Chair stand as the judgment of the committee?

The committee again divided; and the tellers reported that there were—ayes 69, noes 63.

No further count being called for, the decision of the Chair was sustained.

The Clerk read as follows:

Expenses of the collection of revenue from sales of public lands:
For salaries and commissions of registers of land offices and receivers of public moneys, at ninety-three district land offices, at not exceeding $3,000 each, $450,000.

Mr. DUNN. I wish to put a question to the gentleman from Georgia. What is the total amount of the expenses of surveying the public lands, and what is the amount here appropriated to pay such expenses?

Mr. BLOUNT. We have not reached that part of the bill yet.

Mr. DUNN. I wish to call attention to an impression I have on my mind which, if correct, would place the action of the committee in a very unfavorable light. If my information is correct there is an aggregate appropriation of $200,000 proposed in this bill to pay for surveys of the public lands, while the actual expense of those surveys would amount to $250,000.

Mr. BLOUNT. Oh, no.

Mr. DUNN. As I understand, there is $1 of appropriation for $1.25 of expense.

Mr. BLOUNT. We have not reached that part of the bill.

The Clerk read as follows:

Surveying the public lands:
For surveying the public lands, $200,000, at rates not exceeding $12 per linear mile for standard and meander lines, $10 for township, and $8 for section lines, except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, and covered with dense undergrowth, a sum not exceeding $16 per linear mile for standard lines, $14 for township, and $10 for section lines.

Mr. PAGE. I move to amend the paragraph just read by striking out "$200,000" and inserting "$350,000;" so as to read, "for surveying the public lands, $350,000."

If the Committee of the Whole will give me their attention for a few moments I believe I shall be able to show that this amendment ought in justice to be adopted. The Commissioner of the General Land Office in his estimate has asked $455,000 for the survey of the public lands. This sum is to be distributed in eleven States and six Territories—the States of Oregon, California, Nevada, Nebraska, Kansas, Missouri, Arkansas, Alabama, Louisiana, Minnesota, and Iowa, and the Territories of Montana, Utah, Dakota, Wyoming, Idaho, Washington, New Mexico, and Arizona. Our western country embraces a large quantity of unsurveyed public lands. Within a few years past—I believe in the Forty-fifth Congress—a law was enacted for the sale of the timber lands on the Pacific coast embraced in the States of Oregon, California, and Nevada, and the Territory of Washington. This act provides that the timber lands of the country not suitable for agricultural purposes and not fit for settlement may be subject to public entry after they have been surveyed at the price of $2.50 per acre. These lands cannot be settled under the homestead and pre-emption laws. They must be taken up in quantities not to exceed one hundred and sixty acres, and be paid for at $2.50 per acre.

Now, there is no way by which title to these public lands can be obtained until they have been surveyed. In a previous paragraph of this bill there is an appropriation of $40,000 for protecting timber upon the public lands of the country. The Commissioner of the Land Office asked $75,000 to prevent the people of the country from taking timber off the public lands.

If the amount proposed in my amendment be appropriated it will enable the Commissioner of the Land Office so to distribute this money that the lands may be surveyed; and when surveyed they will be subject to be taken up under the laws of the United States, and thus we shall obviate the necessity of appropriating large sums of money year after year for protecting lands of the Government from being denuded of their valuable timber. I hope the Committee of the Whole will unanimously consent that this increase of appropriation be made. It is absolutely necessary.

As I have stated, the $200,000 provided for in the pending paragraph is to be distributed in eleven States and eight Territories. It is not sufficient; it is a mere bagatelle. The money we appropriate in this way comes back into the Treasury as soon as the lands are surveyed. When surveyed, they are open to settlement by citizens of the United States. By the act of 1878 it is made a penal offense for any citizen to take any timber from the public lands, or for any railroad company or person engaged in the transportation business to transport any timber taken from the public lands after the passage of the act. In justice to the people of the country I ask that this appropriation be made, so that these lands may be surveyed, and that citizens desiring under the law to obtain title to timber lands may have the opportunity of doing so. This appropriation is not asked for the benefit of any particular individual, or for the benefit of any surveyor or other public officer. It is asked in the interest of men who are now compelled to occupy some of the timber lands of the country and to take from them valuable timber. For this privilege they are willing to pay by purchasing the lands at the double minimum rate provided by law; but until the lands are surveyed, they are absolutely prevented from doing so. I trust my amendment will be adopted.

Mr. BLOUNT. Mr. Chairman, the appropriation for this purpose as embraced in the pending paragraph of the bill is smaller by $100,000 than it has been for quite a number of years. The action of the committee in reducing the appropriation grew out of legislation passed in 1879, which has worked results that did not and could not occur before.

Mr. PAGE. I presume the gentleman is fully aware that the legislation to which he refers does not apply to the class of lands known as timber lands.

Mr. BLOUNT. I hope the gentleman will not interrupt me. He shall have, so far as I am concerned, the amplest opportunity to discuss his amendment.

Mr. PAGE. If the gentleman does not want information or is unwilling to be questioned on this subject, all right.

Mr. BLOUNT. I am perfectly willing to be questioned; but the gentleman was assuming——

Mr. PAGE. I only wanted to remind the gentleman that the law he speaks of does not apply to the class of lands to which I have referred.

Mr. BLOUNT. Now, Mr. Chairman, I have not alleged that it does; I had no such thought, and did not intend to say any such thing to the committee. The law was passed at that time in relation to the lands which are open to pre-emption and homestead entry and which are really the lands we all desire to have occupied, those which may be used for agricultural purposes, and those which settlers from this country and from other countries want as homes. They are the lands in reference to which demand for surveys have mostly been made heretofore.

Now, what do those sections contain? First, that surveys may be had at any time by settlers in a township on the deposit of a sum of sufficient money to make the survey. After the survey is made, the scrip is issued to the party having the survey made, which may be used in payment of the land.

Then, again, section 16 declares the deposit of money in a proper United States depository under the provisions of the previous section shall be deemed an appropriation of the sum so deposited for the objects contemplated by that section. And the Secretary of the Treasury is authorized to cause the sum so deposited to be placed to the credit of the proper appropriation for the survey services. So it will be seen that the amount of money designated in this bill, under the operation of this statute, is not all the money, but wherever surveys are made of lands in any township, not mineral or reserved by the Government, under this deposit system, those moneys can be used for the survey of the public lands, and are an appropriation in addition to the amounts in this bill. And for this reason, these being the great body of the public lands to be surveyed, these being the lands in reference to which the great public necessity occurs, we felt that provision of law contained a continuous appropriation and a supplement and more than a supplement to the amount we have recommended in this bill. The ground covered by this legislation would more than make up what my friend desires to add to the amount of the appropriation for surveys here.

[Here the hammer fell.]

Mr. PAGE. Mr. Chairman, the gentleman from Georgia gave as one of the reasons to the committee why they had reduced the amount appropriated this year from what was appropriated last year that they had discovered a new law, which provided for surveys under what is known as the deposit system. Let me tell the gentleman that the law providing for the deposit system was passed on the 30th of May, 1862.

Mr. BLOUNT. Oh, no.

Mr. PAGE. Well, here it is, if the gentleman would like to read it.

Mr. BLOUNT. That is part of it.

Mr. PAGE. It was passed in 1862, under which this deposit system grew up. There may have been amendments to it afterward. Under this legislation the deposit system grew up, but it is limited to land subject to entry under the pre-emption and homestead laws. They embrace but a small portion of the public lands of the country. That deposit system provides for the survey of the lands occupied by actual settlers; but in many cases there are public land laws which do not provide for actual settlement, such as the desert-land act, the coal-land act, and many other laws providing for the disposition of public lands. In these cases this deposit system does not apply at all. It is limited, as I have said, to the homestead and pre-emption laws.

Now, Mr. Chairman, let us see how this appropriation would stand divided by twenty States and Territories in which there are public lands. How much would it amount to? Why, sir, not enough to survey two townships in each State and Territory. Yet, sir, settlements upon the public lands in the Western States and Territories are now crowding the surveys. Will this Congress then refuse to make sufficient appropriation for the survey of the public lands, when by acts of Congress we have invited settlers to go upon those public lands? Shall we refuse to survey these public lands in order that they may pass into the possession of the people who occupy them? I hope not. It is not economy. This money paid for the public lands as soon as these lands are surveyed and sold comes into the Treasury. There is now a great fund annually turned into the Treasury of the United States arising from the sale of public lands. I hope, therefore, this committee and the Committee on Public Lands, whose duty it ought to be to see to it that settlers on the public lands of this country should have fair opportunity to settle upon surveyed public lands—because in every law I know of there is required survey before settlement can be made—I hope this committee will not permit the appropriation for this purpose to be cut down, but will agree to adopt the amendment which I have offered.

Mr. CONVERSE. I propose to the gentleman from California that his amendment be reduced so as to leave it $300,000, as it was last year. I think if that amendment is made it will be acceptable to the committee. In my judgment, it is the amount which should be given.

Mr. BRENTS. The amount of land which was disposed of last year exceeded the amount disposed of during any preceding year. The number of immigrants who came to this country last year exceeded the number of any preceding year. The United States has acquired these lands for the purpose of having them occupied. Until they are occupied by actual settlers they will yield no revenue to the Government. As an economic measure, therefore, we should make sufficient appropriation to survey them, so they may be occupied. Then they will become valuable. Their owners will pay taxes on them. They will then yield products which will bring revenues into our Treasury. It is the poorest sort of economy to refuse to make appropriation to survey these public lands, when we desire to have them occupied and disposed of. We told the people in the passage of our homestead and pre-emption laws the Government was willing to give them homes upon these public lands. We invited settlement upon them. Yet when the settlers got there, and there are thousands there now, to settle upon them, they find they are not surveyed; they cannot get them; they cannot obtain title to them.

Now, the gentleman recites an act that he says was passed on the 5th of last March, an act providing for deposits by settlers for the survey of these lands. But what benefit can that be to these poor settlers? They must contribute a sufficient amount under this law for survey of the entire township, and for all incidental expenses, before they can obtain any benefit from the provisions of that act whatever. The homesteader who goes there, who is offered land without money or price, must pay a large sum of money in order to have surveys extended, and then these surveys must be extended in the line of the surveys of the Government.

Now, if we refuse this appropriation, these lands cannot be occupied by homestead settlers. If they make deposits under the law and get certificates for them, they can only get their money back by selling or indorsing them to others, and consequently at a heavy discount. This act is for the benefit of brokers in scrip and certificates rather than for the benefit of actual settlers.

Last year we appropriated $300,000, and there is a deficiency. This year we have more settlers crowding upon the public lands, and I am assured by the Commissioner of the General Land Office that there will be a much larger amount of land sold during the coming year than during the last year. Over a million of dollars were received from the sale of public lands during the last year, yet a deficiency exists to-day for the survey of the public lands.

Mr. Chairman, I see the hammer coming down, and so will only ask to incorporate as part of my remarks the following table. Although composed of dry figures, it speaks on this subject with more eloquence than I am capable:

Disposition of the public lands and record of the General Land Office for ten years.

IMMIGRATION AND LANDS.

For the year ending June 30—	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.
Immigrants arriving	321,350	404,806	459,803	313,339	227,498	169,986	141,857	138,469	177,826	457,257
Lands disposed of.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Ordinary cash sales	1,389,982	1,370,320	1,226,226	1,041,345	745,061	640,691	740,686	877,555	622,574	850,740.00
Land-warrant locations	525,920	389,460	214,940	133,160	137,000	137,640	97,480	84,720	50,820	88,522.00
Homestead entries	4,600,326	4,671,332	3,793,613	3,518,862	2,356,058	2,875,909	2,178,098	4,418,345	5,260,111	6,045,570.00
College scrip locations	494,447	693,613	653,446	112,933	9,432	2,320	1,280	640	960	1,280.00
To railroads and wagon-roads	3,309,819	4,020,235	6,160,113	3,322,230	3,107,643	1,001,778	762,335	611,969	278,334	1,176,860.15
Swamp approvals	428,567	714,255	238,548	202,188	47,721	1,008,005	320,935	202,926	75,388	3,757,888.99
To colleges, schools, &c	.....	.....	138,680	248,826	181,163	176,615	94,653	197,573	104,992	212,059.19
Internal improvements	.....	.....	190,776	134,987	8,614	52,331	50,985	17,420	81,400	223,140.80
Chip. and S. H. B. scrip locations	16,513	5,760	14,223	11,672	12,708	21,049	8,079	10,576	2,519	7,291.48
Other scrip entries	.....	.....	.....	.....	.....	.....	60,460	83,469	89,710	199,131.19
Timber-culture entries	.....	.....	.....	803,945	464,860	607,984	520,673	1,870,434	2,766,574	2,193,184.12
Entries under the mining laws	.....	.....	.....	.....	.....	.....	14,103	No report.	No report.	No report.
Desert-land entries	.....	.....	.....	.....	.....	.....	.....	310,553	No report.	No report.
Donation claims	.....	.....	.....	.....	.....	.....	.....	.....	.....	36,552.50
Under relief act of March 3, 1875	.....	.....	.....	.....	.....	.....	.....	.....	.....	160.00
Total	10,765,704	11,864,975	13,030,600	9,530,873	7,070,271	6,524,326	4,849,767	8,686,179	9,333,383	14,792,371.65

Mr. DUNNELL. Mr. Chairman, I hope the amendment of the gentleman from California will be adopted by the committee. I am unable probably to increase the force of the arguments which have been already made in favor of that amendment; but I think the committee ought not to forget one fact as stated by the gentleman who presented the amendment, that these lands are to be surveyed at some time, and that it is for the interest of the Government to survey them at once for the reason stated by the gentleman who has just taken his seat. We have but few lands for agricultural purposes remaining. It is manifestly for the interest of the Government that the lands so remaining shall be surveyed at an early day in order that they may be opened to pre-emption and homestead settlers.

It may be remembered, Mr. Chairman, and ought to be, that a large increase of population will take place during the coming and the next year along the line of the Northern Pacific Railroad as an illustration. That road is being pushed rapidly west and east; and in the Territory of Dakota, and also in the Territories of Montana and Washington, there will be a large increase of population demanding lands for actual settlement.

Now, I insist that this act which has been referred to here by the gentleman from Georgia, denominated the "deposit act," is in violation of the real spirit of the homestead law. A settler on these public lands now under the general law is entitled to his homestead. A citizen of New England, for instance, or any State in the Union, is invited upon the public lands under the provisions of the homestead law. It was deemed by those who framed and passed that law to be enacted in the interest of the Government for the purpose of laying its great bodies of agricultural lands open for settlement. The deposit act, subsequently passed, comes in and compels the settler who contemplates locating to deposit a sum of money, and perhaps wait for a survey of the land which he proposes to occupy.

The lands that are open and ready for occupancy may and ought to be surveyed at an early day, so that when the settler is invited to occupy such lands he may not be required to take possession of unsurveyed land, but he can go on lands which have been clearly defined under the surveys, make his entry properly and get his title, and enjoy under the law the benefits of this beneficent act.

Now, Mr. Chairman, there is a great demand for the public lands. There is a tendency toward settlement upon the public land, and it is for the good of the entire country that these surveys should be made. The larger cities of the Union and the more densely populated portions of our Eastern States are rapidly giving up a portion of their population, and that population is finding its way into these inviting public lands of the western country. It is a healthy condition of things, and it is in the interest of the whole country to promote it still further. There is no argument that can be made against the survey of the lands, while there is everything in favor of it.

[Here the hammer fell.]

Mr. RYAN, of Kansas. Mr. Chairman, I desire to call the attention of the committee to the fact that the homestead act presupposes the donation of a limited quantity of land to anybody who will settle upon it. It is designed to give homes to a class of persons who are poor and homeless. The gentleman who has charge of this bill very correctly said that by all odds the larger number of acres of land have been disposed of under the homestead act. Now, sir, the class of persons who go upon these lands and take a home under the homestead law have not the means to take lands under the deposit system. That system requires a sum of money to be deposited sufficient to survey a whole township, and that is impracticable in the case of homesteaders as a class. The amount is $800 that the settler must deposit to get a survey under the deposit system. Why, sir, it would be better for the settler, rather than do that, to go upon surveyed lands, if he can find them, and pay a dollar and a quarter an acre; or to purchase from persons and corporations who own lands and have them for sale. If you confine surveys to the deposit system you practically abrogate the homestead laws.

But what I rose particularly to say was this: the deposit system has been in operation ever since 1862; and yet, sir, the sum of money which it is now proposed by the committee to appropriate for survey of the public lands is over $100,000 less than it has been at any time for the last five years; while the amount of public lands disposed of last year is greater than it has been at any time during the preceding five years. In 1877 we disposed of only a little over three million acres of the public lands, and for that year $300,000 was appropriated for survey of the public lands. But in the last fiscal year the number of acres disposed of exceeds eight million, and I am informed by the Commissioner of the Land Office that we have reason to believe that in the next fiscal year that will be increased two million, so that we will have ten million acres disposed of in the next fiscal year, and yet the committee only give $200,000 for the survey of the public lands, while, as I have already stated, in 1877 they gave $300,000 when we only disposed of a little over three million acres.

Mr. DUNN. I desire to renew the question I asked of the gentleman from Georgia some time ago: What is the entire amount appropriated this year for the incidental expenses of surveys in this and in the legislative bill both?

Mr. BLOUNT. I do not remember what is the amount in the legislative bill, nor have I made the addition to show the total of the incidental expenses as far as this bill is concerned. I think it is about twenty-six thousand dollars.

Mr. DUNN. I find one item in the legislative bill where it is $32,000 for one State alone.

Mr. BLOUNT. That is for clerk hire.

Mr. DUNN. It is for clerk hire alone in one office besides the salary.

Mr. BLOUNT. For several offices.

Mr. DUNN. Now, there is some economy that is not economy. In a conversation with the Commissioner of the General Land Office this morning I was informed that the salaries, clerk hire, and incidental expenses of the surveyor-general's office provided for in all the appropriation bills relating to survey of the public lands were about two hundred and fifty thousand dollars, while the amount proposed to be appropriated for the actual survey is $200,000; so that we spend a dollar and a quarter of expenses for one dollar's worth of work done.

Now, the committee had better appropriate nothing if the action of the committee is based upon the chance of settlers depositing the money for carrying on the public surveys. In that event, better change the law and simply provide that all who desire to purchase lands may deposit money and have the lands surveyed. As the law now is, only one class of purchasers of the public lands can have surveys made, and all other classes who buy lands cannot have them made.

Mr. RYAN, of Kansas. They are the very class who cannot put up the money.

Mr. DUNN. Precisely. And now if we are to rely upon that, and to carry on the machinery as it is, we are in the attitude of a man who builds a steam-mill, hires a crew of hands, turns on steam, sets the whole thing running, but never saws a log. That is not good economy; it is not wise legislation. Either make the surveys commensurate to the wants of the people or shut off the appropriations. I hope that the amendment will be adopted.

MESSAGE FROM THE SENATE.

Here the committee informally rose; and Mr. HAYES took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 4646) for the relief of the heirs of Cornelius Boyle;

A bill (H. R. No. 4002) for the relief of the estate of J. M. Micou, deceased;

A bill (H. R. No. 6545) to amend section 3524 of the Revised Statutes so as to authorize a charge for melting or refining bullion when at or above standard; and

A bill (H. R. No. 1197) for the relief of settlers upon the absentee Shawnee lands in Kansas, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. ROBERTSON. I desire to offer an amendment to the paragraph, or to the amendment of the gentleman from California.

Mr. BLOUNT. Will the gentleman from Louisiana let us have a vote first on the pending amendment? I suppose his amendment is for legislation in reference to his own State.

Mr. ROBERTSON. I will withhold my amendment for the present.

Mr. BLOUNT. There is a great deal said in a general way about economy and what can or cannot be accomplished under the appropriations we have had. Now, we have since 1876 been appropriating just about this sum of money. In 1876, under the pre-emption and homestead laws, we sold 2,875,000 acres; in 1877 we sold 2,178,000 acres; in 1878 we sold 4,418,000 acres; in 1879 we sold 5,240,000 acres; and in 1880 we sold 6,049,000 acres. These figures show that the amount of this appropriation does not regulate the amount of lands disposed of. And why?

In the first place, the demand has very much to do with it. In the next place, we are in surveys millions of acres ahead already. With the very same appropriations in 1876 and in 1880, you have in the latter year more than two and a half times as much land occupied under those laws as was occupied in the year first named.

Mr. PAGE. Will the gentleman allow me to interrupt him?

Mr. BLOUNT. I do not yield for an interruption.

Mr. PAGE. Then I will get the floor by offering a formal amendment.

Mr. BLOUNT. With a view of saving time, and not desiring to embarrass these surveys, as it has been intimated to me that gentlemen are willing to take a hundred-thousand-dollar increase, I will not object, if we can proceed with the bill.

Mr. PAGE. I will modify my amendment so as to strike out "$200,000" and insert "$300,000."

Mr. BLOUNT. I will not object to that.

The amendment was agreed to.

Mr. ROBERTSON. I move to amend by inserting after the words "three hundred thousand dollars" the words "twenty thousand dollars of which said sum shall be apportioned to the surveying district of Louisiana, and any part may be employed in such necessary resurveys therein as the Commissioner of the General Land Office may direct."

Mr. BLOUNT. Let me ask my friend——

Mr. ROBERTSON. I hope the gentleman will not make any point of order on that amendment.

Mr. BLOUNT. Will not the gentleman be content with the legislation he proposes and leave out the appropriation?

Mr. PAGE. It is all done now under the direction of the Commissioner of the General Land Office.

Mr. BLOUNT. I must otherwise raise the point of order on the amendment.

Mr. SPARKS. How can you raise the point of order on it? It does not increase the appropriation.

The CHAIRMAN. Does the gentleman from Georgia [Mr. BLOUNT] raise a point of order on the amendment?

Mr. BLOUNT. I will withdraw the point of order, as I think we can get along a little faster by determining the amendment upon its merits.

Mr. ROBERTSON. Up to 1876 it was always the custom of Congress in making these appropriations for surveys to apportion the amounts to the different States. Since that time the apportionment has been left entirely to the discretion of the Commissioner of the General Land Office.

In the Forty-fifth Congress I attempted to have adopted an amendment similar to the one I now offer, and it was ruled out on a point of order. I have attempted to get a just portion of the appropriation made for this purpose allotted to the State of Louisiana for surveys and resurveys in that State, and I have failed. Of the last appropriation made for this purpose, of $300,000, Louisiana received but $12,000, and the year previous that State received about $13,500 only.

Many of the surveys and resurveys out West have been made under what is called the deposit system; and I understand that some $600,000 or $700,000 have been paid in by depositors for surveys out West. The West has not only received its due proportion of the regular appropriation for surveys, but the actual settlers have deposited from $600,000 to $700,000 for surveys. Yet Louisiana, which has from six to seven million acres unsurveyed, or that require resurveying, cannot get what I conceive to be its just amount of the appropriation for surveys. I therefore ask the House to make the apportionment for us. The State of Louisiana is an exceptional State. It is one of the oldest States, and yet the surveyor-general's office is still kept open there. We want to close up this work. There are some forty-odd townships that are required to be resurveyed, and I therefore ask the adoption of this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTSON. I desire to say a few words more on the question of resurveys.

Mr. ELLIS. I will yield my time to my colleague.

Mr. ROBERTSON. A word in regard to the matter of resurveys. It has heretofore been the custom and the rule in the department to set by a part of this annual appropriation for resurveys. For the last forty years that has been the practice. I understand that the Commissioner of the General Land Office intends in the future not to apply any portion of this appropriation for that service. Hence it is that I seek to have an interpretation given to the law, by including in my amendment that so far as Louisiana is concerned a portion of this amount may be used for resurveys as well as for surveys. As I have already stated, there are some forty-four townships that require resurveys. I hope the amendment will be adopted.

Mr. BLOUNT. I hope not.

Mr. ELAM. I hope it will be adopted.

The question was taken; and upon a division there were—ayes 19, noes 48.

No further count being called for, the amendment was not agreed to.

Mr. ROBERTSON. I desire to give notice that I shall ask in the House for a vote on this amendment.

The CHAIRMAN. The gentleman cannot get in the House a vote on an amendment, unless it is adopted by the committee.

Mr. ACKLEN. I move to add to the pending paragraph that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That the part of the sum hereby appropriated that may be apportioned to the surveying district of Louisiana, together with such sums as have been or may be deposited for surveys therein by actual settlers, under sections 2401, 2402, and 2403 of the Revised Statutes, may be in whole or in part employed in making such resurveys as may be necessary in the discretion of the Commissioner of the General Land Office.

Mr. BLOUNT. I want to ask my friend if the purpose is to authorize resurveys?

Mr. ACKLEN. Solely and alone.

Mr. BLOUNT. If the gentleman wants the fund for his State used in that way, I have no objection to it.

Mr. ACKLEN. I desire to say, as has already been said by my colleague, [Mr. ROBERTSON,] that, under the rule of the Land Office, surveys and resurveys have been made without any distinction being drawn between the two under the appropriation contained in this paragraph. But the Commissioner has given notice that unless he is specially authorized by Congress, he will not hereafter resurvey land under a provision authorizing solely and alone surveys to be made.

I do not wish to detain the committee, and will therefore only call attention to the following letter received from my State:

NEW ORLEANS, LOUISIANA, *January* 12, 1881.

MY DEAR SIR: By the act of June 16, 1880, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1881, $300,000 were appropriated in bulk for the survey of the public lands for the current fiscal year, and in allotting this sum among the sixteen surveying districts, the Secretary of the Interior and the Commissioner of the General Land Office gave Louisiana only $12,000. By reference to the annual report of the General Land Office for the year 1879, page 410, you will perceive how totally inadequate this allowance was for the wants of our State, as there detailed.

Louisiana is the only State of those admitted into the Union before 1849 in which the surveys of public lands and private claims have not been completed, and the offices of United States surveyor-general discontinued. Florida, indeed, yet has its surveyor-general, but the surveys there are finished and the office must soon be abolished, it existing now only in name. A glance at the annual reports of the General Land Office for the year 1876, pages 187-90; for 1877, pages 220-23; for 1878, pages 227-28; for 1879, pages 406-10; will show you the injustice which the landed interests of Louisiana would sustain by the discontinuance of the office of surveyor-general here, before the surveys and records are finished as contemplated by law. And yet an evil but little less serious is that of keeping the office open in name, and suffering the Secretary of the Interior and the Commissioner of the General Land Office to discriminate against Louisiana to such an extent as practically to deny her participation in its annual appropriations. To instance a single case: the rich strip of sea-coast region from Vermillion Bay to the Sabine, about one hundred and ten miles in length east and west, and varying from twelve to twenty miles in breadth from north to south, has never yet been surveyed, and cannot be, so long as Congress appropriates money in bulk and leaves it to officers hostile to us or wedded to western interests, to say what portion of the fund Louisiana shall have. I would respectfully suggest to you that so far as Louisiana is concerned, the old practice should be returned to and the money Congress may think needed here be expressly appropriated and placed beyond the power of the officials in Washington to divert it to other surveying districts.

I would also suggest that the appropriation bill should provide that the money appropriated for this State, as well as sums deposited for surveys, under sections 2401, 2402, and 2403, of the Revised Statutes, should be employed in surveys or resurveys, according to the discretion of the Commissioner of the General Land Office. The reason for this is that such officer has recently originated a doubt, which never, during forty years of resurveying in this State, occurred to any one else, whether, under appropriations and deposits for surveys merely, he can lawfully pay for resurveys. And he has made it known that unless Congress does clearly grant the power to do so, he will after the current fiscal year refuse to exercise it. This would involve our State in a peculiar hardship, for reasons I will not now trouble you with. While in Washington, in December last, Hon. J. C. S. BLACKBURN, of the House Appropriations Committee, declared he would see to it, that these two points were duly guarded in the forthcoming bill if the Louisiana members should second

the suggestions then made him by the writer and now repeated. There could be no objections to this it would seem, and it would in itself be manifestly just, and I therefore take the liberty to inclose a form in which to make the appropriations for Louisiana land surveys with a proviso that the money be used for surveys or resurveys, &c.

I have the honor to be, very respectfully, your obedient servant,

J. L. BRADFORD.

Hon. J. H. ACKLEN,
House of Representatives, Washington, D. C.

The amendment of Mr. ACKLEN was agreed to.

Mr. BERRY. I move to amend the pending paragraph in lines 970, 971, and 972, as follows: In line 970, strike out "$16" and insert "$24;" in line 971, strike out "$14" and insert "$18," and in line 972, strike out "$10" and insert "$14." That portion of the paragraph will then read as follows:

Except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, and covered with dense undergrowth, a sum not exceeding $24 per linear mile for standard lines, $18 for township, and $14 for section lines.

Mr. BLOUNT. I make the point of order that the amendment changes existing law.

Mr. BERRY. I wish the gentleman would reserve that point of order for a moment.

Mr. BLOUNT. Very well.

Mr. BERRY. Mr. Chairman, I think that no member who is at all acquainted with my course on this floor will charge me with being desirous to waste the public money. But, sir, we have appropriated $300,000 for the survey of the public lands; and it has been claimed on this floor that there is a class of lands known as timber lands which cannot be surveyed under the deposit system, but that we must make large appropriations to have those timber lands surveyed, so that persons desiring to purchase them may do so, instead of being compelled to go upon them in violation of law and steal the timber. Now, unless the fees allowed to deputy surveyors are sufficient to enable them to make the surveys, those timber lands will not be surveyed, it matters not what your appropriations may be. Large quantities of these lands are upon the mountains, and in many cases the forests have an undergrowth of brush as dense as the jungles of Africa; and when you confine the compensation for running the lines to $16 a mile, or $12 a mile, or $10 a mile, no deputy surveyor will undertake the work more than once. Even with regard to agricultural lands, where those desiring to settle are permitted to make deposits, the fees allowed to the deputy surveyors are often so small that the settlers are forced to give these officers an additional sum before they will undertake to survey the land. In one instance which I have now in my mind, where there was only part of a township to be surveyed, the settlers made the deposit, but the lands could not be surveyed until they gave the deputy surveyor a bonus of $300 in addition to the amount allowed to him by law.

Now, what I ask is that there shall be an additional allowance for running these standard and meander lines in localities where there are these dense forests, where there is this immense underbrush, where the chaparral covers our mountains and hill-sides, so that there must be a roadway before the surveying can be done. In many of our forests the trees are fifteen feet in diameter; and a line cannot be run any distance without making offsets. Why, sir, upon our coast, which is thickly settled, you cannot run a line for more than three or four chains without being compelled to take another course. Yet, sir, although the surveyor may be two or three days in running one or two miles, you allow him under the law only $16 a mile, or $12 a mile. An appropriation of this kind will be of no avail in many parts of the country, unless you place in the hands of the Commissioner a discretion under which, where the surveyor has his labors obstructed by dense forests, or by the chaparral on our mountain-sides, additional compensation may be allowed to the surveyor for his labor. Are you not willing to trust this discretion in the hands of the Commissioner of the General Land Office?

[Here the hammer fell.]

Mr. BLOUNT. I raise a question of order that this amendment changes the existing law as it has stood on the statute-book for many years.

The CHAIRMAN. The Chair would be glad to be informed whether the existing law provides that the expense of surveys shall not exceed a certain sum per mile.

Mr. BLOUNT. The law, as it has been for many years, provides——

Mr. KNOTT. I make the point of order that the gentleman from Georgia is too late with his point of order. When a point of order is made, it should be made promptly, and should be disposed of before debate upon the merits of the proposition is entered upon.

Mr. BLOUNT. I made the point of order as soon as the amendment was read, but reserved it at the request of the gentleman from California, [Mr. BERRY.]

Mr. KNOTT. If the point of order is not pressed when it is made, then it is waived. I want to reach a vote on the amendment and a vote on the bill.

The CHAIRMAN. The gentleman from Georgia, when the amendment had been read, reserved a point of order, in accordance with a practice which has prevailed universally without objection. The Chair asks the gentleman from Georgia to show what provision of existing law this amendment countervails.

Mr. BLOUNT. There has been for a number of years a law fixing the number of surveyors——

The CHAIRMAN. If the law provides that the compensation of the surveyors shall not exceed a certain sum or rate, the Chair would regard the amendment as liable to the point of order; but if surveys are authorized under a general system, and the amount to be allowed to the surveyors was fixed in the appropriation act of a former law, it would be competent, in the opinion of the Chair, for the Committee of the Whole to increase that allowance.

Mr. BLOUNT. I waive the point of order; let the amendment be voted on.

The question being taken on the amendment of Mr. BERRY, it was declared not agreed to.

Mr. BERRY. I ask for a division on this question. The amendment is manifestly just.

The question being again taken on the amendment, it was not agreed to; there being—ayes 10, noes not counted.

The Clerk read as follows:

To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys now on file and constituting a part of the records of said office, $10,000.

Mr. CRAVENS. I submit the amendment which I send to the desk.

The Clerk read as follows:

Between lines 991 and 992 insert the following:

"For the improvement of Hot Springs Creek, within the limits of the permanent reservation at Hot Springs, Arkansas, the erection of a wall along its west bank, and for such other improvements of the reservation as may be necessary, the sum of $33,744.78, the amount received from the people of said town for rents, and covered into the Treasury, to be immediately available, and expended under the direction and supervision of the Department of the Interior."

Mr. BLOUNT. I raise the point of order that this amendment changes existing law. The law provides for the disposition *in futuro* of certain rents for improvements. This proposition proposes to take rents already covered into the Treasury and dispose of them in a manner not now provided by law.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. CRAVENS] desire to be heard on the point of order?

Mr. CRAVENS. Yes, sir.

Mr. BLOUNT. The proposition of the gentleman from Arkansas refers to the proceeds of rents for certain lands at the Hot Springs, in Arkansas, heretofore received. The law related to rents which were to be received thereafter. The gentleman's proposition goes back of the statute and takes that which has already been collected and carried into the Treasury under the operation of previous laws. It is not germane to this bill. I will add also that there is a bill pending in the House for the same purpose, and on that ground it must be ruled out of order.

Mr. CRAVENS. I say, sir, there is no such bill. I defy the gentleman to produce any such bill. He is certainly mistaken about that.

It is true the amendment designates moneys heretofore collected and covered into the Treasury. Now, the gentleman from Georgia raises the point of order because of that designation. If the amendment had just appropriated $33,744.78 out of the Treasury, I presume it would not have been subject to the point of order, according to the logic of the gentleman.

But, sir, this is a public work. It is for a public object. The act of 1873 provides for the protection and improvement of the Hot Springs reservation in Arkansas. It is declared to be a public reservation, and that the rents arising therefrom are to be appropriated to that purpose. A subsequent act goes so far as to devote this Hot Springs to the people of the United States, and to declare these lands shall be forever inalienable. It appropriates the rents arising from leases for bath-houses, &c., to provide baths for the indigent poor of the whole country.

But, Mr. Chairman, the last act, and the one to which I call the attention of the Chair, appropriates to this Hot Springs reservation as a special fund the proceeds of the sales of the unawarded lands. And the Secretary of the Interior, in his letter to the House of Representatives on that subject, declares that for this public object there is no money on hand, and, therefore, makes the recommendation of the appropriation of this $33,744.78 now in the Treasury. It is designated because it got there in and through a means hitherto unknown in the history of the country. He sees the justice of the designation, particularly of this amount collected from the people there for rent.

The gentleman, however, raises the point of order on this amendment. But look at the succeeding section in this bill. What does it do? It appropriates $15,000 to the maintenance of the Yellowstone National Park to make a bridle-path for gentlemen of leisure, health, and wealth through that park. And here is an appropriation for this great public object, dedicated as it is to the indigent poor of this entire country, where persons may go, not in search of pleasure, but in search of health.

The point of order is made against it, and yet that appropriation has been made year after year since I have been here; and in this connection I desire to call the attention of the Chair to section 7 of the act approved June 16, 1880. It is as follows:

That that portion of the Hot Springs reservation laid off into lots and blocks and forming part of the town site, but not awarded to any claimants, and not otherwise disposed of or reserved by this act, shall be sold at public auction to the highest bidder, at not less than its appraised value, to be made from time to time, at the discretion and under the direction of the Secretary of the Interior, and after public notice in the usual way in the sale of public lands; and the money arising from said sales, as well as any money paid in under section 1 of this act,

shall be held as a special fund for the improvement and care of the permanent reservation at Hot Springs and of the Hot Springs Creek adjacent to and between the permanent reservations, and for the maintenance of free baths for the invalid poor of the United States, as provided by acts of Congress.

Now, the Secretary of the Interior in his letter, a copy of which I have, says by this act of Congress relating to the Hot Springs reservation in Arkansas of March 3, 1877, the Secretary of the Interior was authorized to use the money received for water rents for the protection and necessary improvement of the reservation. We only ask in this amendment the appropriation of money received for rents from houses erected on these public lands. Forty-five thousand dollars was collected; but the amount designated in my amendment was the amount covered into the Treasury.

What objection can there be to it? Is it not for a public object? Has not Congress made appropriation already of these proceeds? Has not Congress declared its purpose to be to make this a resort for the invalid poor of this country? It is a far stronger case than the one presented to the Chair the other day—the Baltimore case. I think there can be no question about it.

Mr. BLOUNT. The gentleman commenced the letter from the Department of the Interior, but only read a portion of it. The material point upon the issue between him and myself he did not read. I will read it. I will commence with the beginning of the letter so it may be understood. The Secretary says:

By the act of Congress relating to the Hot Springs reservation approved March 3, 1877, the Secretary of the Interior was authorized to use the money received for water rents for the protection and necessary improvement of the reservation, and at the date of this act the receiver appointed by this Court of Claims under the act of June 11, 1870, had collected the sum of $30,744.78 for rents, which amount was covered into the Treasury of the United States. Further improvement is very desirable for which there is no fund on hand.

Now, the gentleman says we have been appropriating year after year for this purpose. In that regard he is mistaken. The water rents come by virtue of the statute which he has read. It accomplishes its own purpose. It requires no intervention of Congress from year to year.

Mr. CRAVENS. Will the gentleman allow me——

Mr. BLOUNT. The object of the gentleman is to pass away from the purpose of Congress in reference to the reservation, to pass away from the operation of that act, to get behind it, and to reach the rents received before the law was passed. He cannot do so without new legislation.

The CHAIRMAN. The Chair is ready to decide the question. He holds that this amendment contemplating the withdrawal of the money which has been covered into the Treasury now belonging to the General Government and which does not belong to the Hot Springs is a change of existing law and not in the way of reduction of expenditure and is, therefore, not in order. If it were in reference to rents to accrue hereafter the decision might be different.

Mr. CRAVENS. While I have the greatest respect for the opinion of the Chair, yet I desire to appeal from that decision.

The CHAIRMAN. The gentleman from Arkansas appeals from the decision of the Chair. Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 71, noes 9.

So the decision of the Chair was sustained.

The Clerk read as follows:

To enable the Secretary of the Interior to protect, preserve, and improve the Yellowstone National Park in compliance with section 2475 of the Revised Statutes of the United States, $15,000.

Mr. CRAVENS. Mr. Chairman, I make the point of order upon that paragraph of the bill which has just been read.

The CHAIRMAN. The gentleman from Arkansas will state his point of order.

Mr. CRAVENS. The point I make is under section 2475 of the Revised Statutes. This is exactly an analogous case to the one presented in relation to the Hot Springs, and for that reason it is subject to the same point of order that was made and sustained against the amendment in reference to that reservation. I will read the section of the statutes which refers to this.

The CHAIRMAN. What park does the statute refer to? Is it a special act?

Mr. CRAVENS. The park referred to in this paragraph of the bill.

Mr. VALENTINE. Let the Clerk read it.

Mr. CRAVENS. I will read it myself. It is as follows:

SEC. 2475. Such public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding ten years, of small parcels of grounds, at such places in the park as may require the erection of buildings for the accommodation of visitors; all of the proceeds of such leases, and all other revenues that may be derived from any source connected with the park, to be expended under his direction in the management of the same, and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section.

The CHAIRMAN. The Chair asked the gentleman whether the law to which he referred was a special law in regard to the Yellowstone Park or whether it was a general law affecting all parks of the United States.

Mr. CRAVENS. This is a law referring to the Yellowstone Park, the section which I have just read.

The CHAIRMAN. The Chair overrules the point of order.

Mr. CRAVENS. I was about to withdraw the point of order. I simply wanted it stated in order to have this section of the law read to the committee.

The Clerk read as follows:

Tenth census: For engraving and printing, $125,000.

Mr. DUNNELL. Mr. Chairman, I move to strike out the word "five," in line 1013, in order that I may ask the gentleman from Georgia in charge of this bill a question in relation to the publication to be made of the tenth census.

This section provides for engraving, &c., $125,000. I have not before me the Book of Estimates, and therefore I want to inquire whether this amount or any part of it is to be expended in publishing the appendix to the census?

Mr. BLOUNT. No, sir.

Mr. DUNNELL. Or only applies to the volumes reported from the Committee on Printing of the House.

Mr. BLOUNT. This I do not understand to refer to the volumes at all. It refers to the current work of the bureau, to the work now going on. Certain work of this character is necessary during the current proceedings of that bureau, and this has no reference to printing the volumes which the gentleman from Minnesota refers to.

Mr. DUNNELL. I withdraw my amendment.

The Clerk read as follows:

For the completion of the tenth census, including the compilation and publication of its results, $500,000; and not exceeding $5,000 of said amount, or so much thereof as may be necessary, is hereby authorized to be used for payment of rent of buildings in Washington, District of Columbia, for use of the Census Office.

Mr. BLOUNT. I offer an amendment from the committee.

The Clerk read as follows:

In line 1016, after the word "dollars," where it first occurs, insert the words "to be immediately available."

The amendment was agreed to.

Mr. DUNNELL. Mr. Chairman, I would like to inquire of the gentleman from Georgia whether he has any information to give to the committee as to the manner in which the results of the tenth census are to be communicated.

This amendment says that $500,000 is appropriated for the completion of the census, including the compilation and publication of its results. Now, I wish to ask in what manner the results of the tenth census are to be given to the country. Are we to have them as we had them in the census of 1870, in the shape of an appendix, and after the character of the large volumes referred to by the Committee on Printing a few days ago? I do not see the chairman of the Committee on Printing here, or possibly he might be able to give me the information himself.

Mr. BLOUNT. This appropriation of $500,000 refers to a great number of estimates which are received from that bureau, and which I hold in my hands, embracing a variety of objects. It will take some time to read them, but the committee thought that the amount appropriated here was ample, and yet was sufficiently limited.

Mr. DUNNELL. But this seems to be for the publication of the results.

Mr. BLOUNT. That is but a small part of the expenses.

Mr. DUNNELL. Now, what I want to know from the gentleman from Georgia is, how these results are to be published; that is what I want to get at. How they are to be communicated to the country.

Mr. BLOUNT. The estimates of the Department will show the amount that they have inserted in those estimates for each of these purposes. The communication shows that the great bulk of the fund is simply designed for the extension of their inquiries.

Mr. HAWLEY. Completion of their inquiries.

Mr. DUNNELL. A day or two ago, when the Committee on Printing reported a bill for printing the quarto volumes, it occurred to me then to ask the question whether, as in times past, we were to have a popular edition of the census, a compendium.

Mr. HAYES. I will inform the gentleman we are.

Mr. BLOUNT. The gentleman from Illinois, [Mr. HAYES,] of the Committee on Printing, answers the question that there is to be such a compendium. That question was not raised with our committee. The great urgency, as I have already stated, for the appropriation involved the other question.

Mr. DUNNELL. I would further ask the gentleman from Illinois [Mr. HAYES] whether there is any bill pending before the Committee on Printing providing for this?

Mr. HAYES. This House passed a bill only two or three days ago which provided for printing 50,000 copies of the quarto edition. In addition to that, it provided for printing in certain numbers statistics in regard to manufactures, in regard to raising cotton, and other matters, which General Walker is to get up. General Walker being before the Joint Committee on Printing the other day made a statement of what he desired. Not only did he want that quarto printed, but he also proposed to get up a compendium which would be printed some time during the summer, and in addition to that he proposes

to select out some of the statistics, and publish them in a still more condensed form than in a compendium.

Mr. DUNNELL. Does General Walker understand that out of this $500,000 he is to print this compendium?

Mr. BLOUNT. If the gentleman will allow me I will answer he does not.

The CHAIRMAN. Does the gentleman from Minnesota propose an amendment?

Mr. DUNNELL. For the purpose of these inquiries I move to strike out the last word.

Mr. BLOUNT. This is simply intended for the publication of the results for their own use, as the work is in progress. It does not relate to what the gentleman from Minnesota speaks of. The communication shows that.

Mr. DUNNELL. It occurred to me the other day, when we provided for the publication in quarto form we did little more than provide for the libraries of the country, and that some time there should be an appropriation, and a liberal appropriation, for the publication of a compendium, a popular volume that may be distributed among the people, because the 50,000 volumes would go no further than to supply the libraries of the country. There ought to be a smaller edition or volume, such as the compendium of the last census, which might be sent more generally through the country.

Mr. WARNER. The compendium would be the last thing published.

Mr. DUNNELL. Not necessarily.

Mr. WARNER. Before publishing the compendium it would be necessary to wait till the results were all in a complete form.

Mr. DUNNELL. I wanted to know if we were committing ourselves to the printing of a compendium in a comparatively small quantity.

Mr. MONROE. Not at all.

Mr. DUNNELL. I wanted to know if we were tying ourselves up to a small edition of a compendium.

Mr. BLOUNT. We are not. The estimate itself does not provide for a publication of any such volume.

The Clerk read the following:

Columbia Institution for the Deaf and Dumb:

Current expenses, Columbia Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses, and $500 for books and illustrative apparatus, and $2,500 for general repairs, $53,500.

Mr. SAMFORD. I make the point of order on that paragraph that it is not in the line of retrenchment. At the same time, I will say if the paragraph could be amended so as to be made in accordance with existing law, I would not insist on the point of order. It changes existing law in this respect: it is one of the institutions of the District which the law requires to be estimated for by the commissioners, the District of Columbia being required to pay one-half of the expense, while this provides that the Government of the United States shall pay the whole of it.

Mr. BLOUNT. If the gentleman will read a little further he will find there is a provision which is intended to be applicable to both sections; a proviso that hereafter one-half of the expense of this institution shall be paid out of the revenues of the District of Columbia.

Mr. SAMFORD. I saw that proviso to the next paragraph; but even if it refers to the paragraph under consideration it does not meet the objection I have made, because it merely provides that hereafter one-half of the expense of this institution shall be paid out of the revenues of the District of Columbia. Now, what are the revenues of the District of Columbia? They are made up of the one-half which the Government of the United States pays, and the one-half which is paid by the District.

Mr. BLOUNT. Let me suggest to my friend from Alabama there is not a great deal of difference between himself and the committee. If my friend would amend by saying one-half of this sum shall be paid out of the treasury of the District of Columbia, and one-half out of the Treasury of the United States, and hereafter the expenses shall be paid in that way, I would have no objection to that amendment.

Mr. SAMFORD. I have here an amendment which I think will meet the point. I send it to the desk.

The Clerk read as follows:

Add at the end of the paragraph the following:

"*Provided*, That the said sum shall be credited as a payment on the one-half of the amount to be paid by the United States for the current expenses of the District of Columbia."

Mr. HUNTON. I desire to say on the point of order raised by the gentleman from Alabama that it is an entire mistake to suppose that this is an institution of the District of Columbia. I have taken pains to look up the law originating this institution, and it is to all intents and purposes an institution of the Federal Government incorporated by act of Congress, the report of the directors of the institution made to the Secretary of the Interior, and no sort of concern in its government or management is allowed to the District of Columbia.

It is true that the Secretary of the Interior, in the law which I have before me—I will read that law for the information of the committee:

That whenever the Secretary of the Interior shall be satisfied, by evidence produced by the president of the institution hereby incorporated, that any deaf and dumb or blind person of suitable age belonging to this District is in indigent circumstances and cannot command the means to procure an education, it shall be his duty to authorize such person to enter said institution for instruction, and to pay for his maintenance and tuition therein at the rate of $150 per annum.

It will be seen by reference to this law that the deaf and dumb and the blind actually belonging to the District of Columbia cannot enter this institution without the authority of an act of Congress and action taken by the Secretary of the Interior under the law.

I will state further that never in the history of legislation has one dollar of the expense of the maintenance of this institution been charged upon the District of Columbia. It is true that at the last session of Congress a proviso was inserted by the Committee on Appropriations in this very sundry civil appropriation bill charging one-half of the expenses of this institution to the District of Columbia, and by a vote of more than two to one of this very House that proviso was stricken out, because it was a Federal institution to be supported by Federal contributions and nothing else.

If my friend from Alabama [Mr. SAMFORD] is right, let us see the effect of what he desires to have done. This bill appropriates $63,742 for the buildings and the maintaining and support of this institution. According to the proviso at the end of another paragraph and according to the views of the gentleman from Alabama, one-half of that amount would be chargeable to the District of Columbia. That is, the District of Columbia would be forced to pay $36,871 for the maintenance and instruction of twenty-seven pupils in that institution, or at the rate of nearly fifteen hundred dollars a year for each pupil. The law says that the District of Columbia shall not be charged more than $150 for each pupil.

According to the views of the gentleman from Alabama [Mr. SAMFORD] the District of Columbia must pay one-half of the expense of the buildings and one-half of the repairs. Yet, while the District is paying for the buildings and the repairs of the buildings, when erected and repaired those buildings belong to the Federal Government. There is no justice in it, no law in it. The law now makes this a Federal institution to be appropriated for and supported out of the Federal Treasury.

Mr. SAMFORD. What law?

Mr. HUNTON. The law organizing this institution. And when the next paragraph is reached I will move, as I did last year, to strike out the proviso which puts one-half of the expense of this instituton on this District.

Mr. BLOUNT. I might as well say here what I desire the committee to understand in relation to this deaf and dumb institution. I ask the attention of the committee to the law regulating it.

I am surprised—no, not surprised either—but I cannot conceive how my friend from Virginia [Mr. HUNTON] can permit such reasons as he has urged to have effect upon his mind in relation to this matter.

What is this deaf and dumb institution? If the buildings do belong to the Government the Government bought the land—though I believe a portion of the land was given to the Government—the Government pays the expenses for improvement and repairs; the Government pays all the expenses of the institution; and who are the beneficiaries? Do they include any human being outside of this District? There are two classes of persons, and two alone, who can obtain permission into this institution. I ask the committee to listen while I read the law:

Whenever the Secretary of the Interior is satisfied, by evidence produced by the president of the Columbia Institution for the Instruction of the Deaf and Dumb, that any deaf and dumb person of teachable age, properly belonging to the District of Columbia, is in indigent circumstances and cannot command the means to secure an education it shall be his duty to authorize such person to enter the institution.

That is one class. Now, another class:

Deaf mutes, not exceeding forty in number, residing in the several States and Territories, applying for admission to the collegiate department of the Columbia Institution for the Instruction of the Deaf and Dumb shall be received on the same terms and conditions as those prescribed by law for the residents of the District of Columbia, at the discretion of the president of the institution; but no student coming from either of the States shall be supported by the United States during any portion of the time he remains therein.

If he comes from any other section of the country, the expense does not come out of the District, and does not come out of the General Government, but must be paid by the friends of the student. And only forty of such students can be admitted. The institution is therefore essentially an institution for the District of Columbia and for the people of this District.

And when we have gone beyond what is our just proportion of the expense, and have paid all the expense of maintaining this institution, my friend from Virginia [Mr. HUNTON] says that we ought to go further. He says, "You have already given us the building; now, because you have been liberal in that particular, you ought to go on and pay every dollar for the support of this institution."

I conceive that when this committee comes to understand the proposition it will not hesitate to say that the people of this District ought to pay one-half of the expense of this institution. The gentleman says the law does not authorize that. If it does not authorize it now, it is competent for us to enact such legislation and insert it here, reducing expenditures on the part of the Government. I trust that this abuse will no longer continue.

[Here the hammer fell.]

Mr. HAWLEY. If any gentleman will consult the Congressional Globe and the RECORD for the last fifteen years, he will wonder that this discussion annually arises.

After long and careful investigation, after a long debate, the character and policy of this national institution were established. And among the present directors of this institution, under its charter, are Senators BAYARD and DAWES, Representatives HARRIS and CLAFLIN, and Judge Niblack, formerly a member of this House, and others. It is a national institution, not a local primary school. There was an institution of that sort here many years ago, which gave up its property and rights, and merged itself in this national school.

Now, the law does provide, of course, that forty pupils from outside of the District, residing in the various States and Territories, may be admitted on the same charitable terms as pupils within the District. But there is nothing forbidding any number of pupils coming here from any part of the country.

Let me explain how the necessity for this school arises. A great many States have large and admirably conducted institutions for the primary instruction of the deaf and dumb. They carry a pupil up to the standard of a common-school education, possibly something more than that. But many of the deaf and dumb are persons who deserve and will repay a much higher education. But what State or what private association can provide a college for five or ten such persons in a State? When you take the United States at large, you can collect in a national institution such of this unfortunate class as ought to have a collegiate or university education. This national institution supplies that want. Its character and policy have been stated time and again. There are twenty-seven pupils from the District of Columbia, only four of whom are in the collegiate or university department. The others are mere primary scholars, such as we find in all of our local schools. Now, if you saddle the expenses of half of these upon the District of Columbia, you make the expense to the District for these twenty-seven pupils, twenty-three of whom are merely primary, $2,333 each for the year. Nothing could be more unjust.

The pupils from outside number more than forty. Forty of them have all the privileges of the local pupils as to allowances; but all these from outside provide their own clothing, pay for their own books, stationery, and incidental expenses; they are all required to provide for themselves during the summer vacation, which continues during the months of July, August, and September; all of them meet their own traveling expenses incurred in going to and from their homes at vacation, some of them coming from distant places. The Revised Statutes are not to be construed as forbidding the directors to render assistance to needy and worthy deaf mutes by an abatement or remission of the ordinary charges for tuition. That has been the practice in all cases properly recommended to them, so far as the means at their own disposal will allow; and they are required to do it by the first part of section 4865 of the Revised Statutes.

Now, it has been said that some pupils have been admitted contrary to law. I am authorized by the highly respectable and responsible gentlemen connected with the management of this institution (some of whom I have known from boyhood) to deny this. They would court investigation upon any intimation that they have deviated a hair's breadth from the law.

During the past year the president of that institution has received requests from twenty-two members of Congress for the admission of bright young pupils from their respective States, persons who had already received a primary education and desired to be admitted to this collegiate institution and enjoy the usual advantages offered to indigent pupils—some remission, I suppose, of the tuition charges, or something of that kind. All ordinary pupils pay the expenditures to which I have made reference.

I say that the amendment ought not to be adopted, and that the proviso in the bill beginning in the one thousand and forty-fourth line ought to be struck out, because its adoption would be a radical departure from what has been the policy of the Government for many years past, and would impose a grossly unjust burden upon the District.

Mr. SAMFORD. Mr. Chairman, I am not familiar with previous legislation upon this subject; but it might be a sufficient answer to the gentleman from Connecticut [Mr. HAWLEY] to say that the organic law now in force, passed only two years ago, with reference to this District makes perhaps a radical departure necessary. That organic law, among other things, for the first time in our history imposed upon the General Government one-half the expenses of this District, and requires the commissioners of the District to estimate the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled in whole or in part by the District of Columbia and which are now by law supported wholly or in part by the United States or the District of Columbia. These estimates are to be revised by the Secretary of the Treasury and afterward transmitted by the commissioners to Congress; and then the law provides that "to the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of 50 per cent. thereof." The remaining 50 per cent. is to be levied and assessed upon the taxable property of the District.

Now, Mr. Chairman, I do not understand by what authority my friend from Virginia says this is a United States Government institution. I find by referring to the act incorporating the institution that it is entirely a private institution, that the Government of the United States has not the right and does not pretend to take charge of it in any shape or form. Why then, shall the Government support it? No deaf and dumb child from any of the States has any right to enter that institution without paying his way and cannot, under law, under any circumstances be a charge upon the Government of the United States.

Mr. NEAL. What does he pay?

Mr. SAMFORD. I say he does not come unless he does pay his own expenses for tuition——

Mr. NEAL. How much?

Mr. SAMFORD. I do not know.

Mr. NEAL. About one nundred and fifty dollars.

Mr. SAMFORD. If I am to understand my friend from Ohio [Mr. NEAL] as proposing to make this appropriation because the amount which pupils from outside of the District of Columbia are required to pay by the rules of the institution is not sufficient, then I say that the law on the statute-book forbids such a law, and that, too, in direct and emphatic terms. The act says that no student coming from any State shall be supported by the United States during any portion of the time he remains in the institution. If, therefore, it is intended by this appropriation to supplement what gentlemen may conceive to be too small a charge for the care and tuition of pupils by an appropriation from the public Treasury, I say such a proposition violates that provision of the law.

Mr. Chairman, at the instance of the gentleman from Georgia, I do not intend to insist upon the point of order, though I think under a point of order it would go out; but I know its stay out would only be temporary. I am willing this measure should stand or fall upon its merits, and I will leave it with the House to decide on my amendment. I say this is an institution providing alone for the benefit of the District of Columbia, providing for the deaf and dumb children of the District of Columbia alone and exclusively, giving no benefits to any other portion of the country. And while these unfortunate little children have my hearty and cordial sympathy in their misfortune, still it does seem to me the District of Columbia ought to pay for a part of its expense at least. The Government of the United States, under the organic law, for which I am not responsible, and which I think is wrong, pays for one-half of the expenses in this District.

I ask the gentleman on what ground of equity, much less of law, he would contend that the Government of the United States ought to pay for the whole of this? It has not been estimated for by the estimates of the District commissioners. It comes here in the bill. It should be in the bill for the District of Columbia, but it has not been provided for in that bill, and therefore the necessity of my amendment that this amount should be credited to the one-half of the expenses of the District government which is paid by the Government of the United States.

Mr. HUNTON. I will say a word on the point of order.

Mr. SAMFORD. I withdraw the point of order, but I ask for a vote on my amendment.

It does seem to me that there ought to be some end to this everlasting drain from the United States Treasury. This city is getting millions of dollars annually from this Government, making itself a grand, imperial city at the expense of the whole people of the country—$900,000 is appropriated for paving the streets alone. But I have long since found that it is easier to get this House to vote in than to vote out of a bill an amendment appropriating money. I do not understand why, but this is true.

The CHAIRMAN. The amendment of the gentleman from Alabama will be read.

The Clerk read as follows:

At the end of line 1038 insert the following:

"*Provided*, That said sum shall be credited to the payment of one-half of the amount to be paid by the United States for the current expenses of the District of Columbia."

Mr. HUNTON. It is true, as the gentleman from Alabama has stated, that this is a private institution in one sense of the word. It began with a body of incorporators who were incorporated by Congress to carry on an institution for the education of the deaf and dumb. And it was located in the District of Columbia. I take it for granted that every corporation that is thus domiciled in the District of Columbia is not necessarily an institution belonging to the District government. In that sense, therefore, this is a private institution.

It is also true, for one cause or another which it is not necessary in this discussion for me to inquire into, that the Government of the United States has undertaken to appropriate year by year large sums of money for the support, at least in part, of this private corporation.

Mr. SAMFORD. Is it not controlled in part by the Government?

Mr. HUNTON. Not in any particular.

Mr. SAMFORD. Does not the Secretary of the Interior give permits?

Mr. HUNTON. I misunderstood the gentleman. Did you say by the District?

Mr. SAMFORD. No, sir; but by the Government in part.

Mr. HUNTON. Yes; it is.

Mr. SAMFORD. Then I ask, under the organic law, whether——

Mr. HUNTON. The gentleman must excuse me, as I have only five minutes.

Now, the Government of the United States, in incorporating this institution, provided the terms under which the deaf and dumb should

be admitted into it. It had the right so to prescribe. When this was placed under the agency of the Secretary of the Interior Congress thought proper, as a matter of generosity to this afflicted class of the community, to pay most of the expense of the institution. But I will say to my friend from Alabama, as well as to my friend from Georgia, never until the last session was it ever supposed this institution came within that provision of the law providing for the sharing of the expenses of the District government between the United States and the District of Columbia.

The gentleman from Alabama read an extract from the organic law of this District, and he no doubt read it accurately, in reference to the institutions in the District which were to be supported by the District of Columbia and the Government conjointly. If my friend will look to the construction of the language, and he is a lawyer, he will be satisfied that this institution never was intended to come within its meaning. He cannot put any such construction upon that statute. I wish to call attention to the language, because I am sure if that organic act does not number this institutiou within its terms my friend from Alabama will not insist further on his amendment. I can assure him that if he will sit down quietly and read that act and apply the law governing this institution he will conclude that it does not come within forty miles of this provision. What does that organic act say. That the said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30, 1879, and annually thereafter for his examination and approval, a statement showing in detail—I will here skip a portion and come to that which is pertinent to the subject under consideration—showing in detail the cost of continuing the public institutions of charity, reformatories, and prisons belonging to or controlled by, wholly or in part, the District of Columbia, and which are now by law supported, wholly or in part, by the United States or District of Columbia. My friend from Alabama will see that in order to bring this institution under the terms of the act it must belong to or be controlled wholly or in part by the District of Columbia. Now there is no man on the floor of this House who will undertake to say that institution at the date of this act or at any period of its existence belonged wholly or in part, or was controlled wholly or in part, by the District of Columbia. There can be no pretense of that sort. There is nothing in the original act of incorporation or acts amendatory thereto which gives the control or ownership wholly or in part to the District of Columbia; and if I am right, and I know I am, I sincerely believe the gentleman will agree with me that the amendment is not proper or just.

[Here the hammer fell.]

Mr. HAWLEY. I move to strike out the last word.

Mr. NEAL. Mr. Chairman——

Mr. HAWLEY. I yield to my friend from Ohio on the committee; I did not observe that he was about to address the committee.

Mr. NEAL. Mr. Chairman, if the committee clearly understood this question I doubt very much whether there would be a half dozen members on this floor on either side of the House who would be willing to place themselves on record as sustaining the motion made by the gentleman from Alabama.

It has been already said by my colleague on the Committee on the District of Columbia, the gentleman from Virginia, [Mr. HUNTON,] that this is not in any sense of the word a District institution, and he has read from the organic law in support of that statement.

Now, I want to call the attention of the committee for a while to some facts and figures bearing upon this point which will show, I undertake to say, clearly and unequivocally to the mind of any gentleman upon this floor the gross injustice which will be perpetrated upon the people of this District if the committee agree to adopt the amendment which the gentleman proposes.

There is a list of one hundred and twenty-eight pupils in that institution during the last year. Mr. Chairman, of this number twenty-seven only were from the District of Columbia.

Out of the one hundred and twenty-eight pupils gathered together from all the States and Territories of the Union twenty-seven only were from the District of Columbia, and of the sum that was collected for board and education, according to the report of the president of the board of directors of that institution, there was only $1,601 collected outside of this District. In other words, the States and Territories of this Union sent their pupils here, one hundred in number, at a total cost to the whole country of $1,600, for their year's board and education, while the few students from the District of Columbia who were placed in that institution paid the sum of about thirty-two thousand dollars, and for only twenty-seven persons. Is that justice? Is that what you call right?

Mr. BLOUNT. Will the gentleman allow an interruption?

Mr. NEAL. Yes, sir.

Mr. BLOUNT. I wish to ask the gentleman if there is any law fixing the amount that these persons are required to pay? And I wish to ask him if he does not know that if they do not pay a sufficient sum it is the fault of the administration of the institution itself?

Mr. NEAL. Mr. Chairman, I will answer the gentleman by saying that this is under the control of the Federal officials and not under control of the District.

Mr. BLOUNT. If that is the only difficulty, let me say to my friend from Ohio it can very easily be regulated; they can fix a price that will cover the expense.

Mr. NEAL. I wish to call the attention of this committee and of Congress to the injustice that this Committee on Appropriations propose to perpetrate upon the people of this District by saddling upon them in this appropriation bill an expense of $32,000 for the care and education of twenty-seven students, or at a rate of nearly twelve hundred dollars a year for each, while the people of this whole country, from all of the States and the Territories, pay but $1,600 for the privilege of keeping one hundred students there.

Now, Mr. Chairman, I want to call the attention of the committee to another thing. In the regulations for this institution I find a regulation as follows:

The charge for pay pupils is $150 per annum.

But the gentleman from Alabama would make this committee believe that it is right that the students of the District of Columbia ought to pay an admission of almost $1,200 a year while the students who come here from all other parts of the country are allowed to come in at an expense of $150 a year. And the amount collected does not even reach that.

Mr. BLOUNT. There is not a dollar paid by a student from this District.

Mr. NEAL. But the gentleman proposes that they shall pay, and he wants to make it the amount that I have shown.

Mr. BLOUNT. They do not pay a dollar; not a dollar.

Mr. NEAL. You propose to levy on the property of the District of Columbia, on the citizens of this District a sufficient sum of money to make up this balance of $32,000 of the expenses of this institution, which is an average of $1,200 for each student who is sent there.

Now, Mr. Chairman, I trust that no member of this committee will sustain any such proposition as that. There is such a thing as fair dealing toward this District, and I sincerely hope that it will be exhibited in this matter; and that this committee will not in this way saddle upon the people of this District an expense which is so exorbitant and unjust as that.

Mr. SAMFORD. Will the gentleman yield to me for a question?

The CHAIRMAN. The gentleman's time has expired.

Mr. SAMFORD. I only want to ask a single question.

Mr. NEAL. My time is out.

Mr. SAMFORD. It is very well that it is out, for the gentleman could not answer the question, I imagine.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama.

Mr. HAWLEY. I can strike out the last word, I suppose, by way of amendment?

The CHAIRMAN. Yes, sir.

Mr. HAWLEY. I wish to say a single word and then let the proposition go to the Committee.

Mr. HUNTON. I desire to make a parliamentary inquiry. I believe the only matter before the committee is an amendment of the gentleman from Alabama?

The CHAIRMAN. It is.

Mr. HAWLEY. I will not detain the committee a moment. I desire merely to call attention to the catalogue of the students of this institution, which shows that they come from twenty-five different States.

The question being taken on Mr. SAMFORD'S amendment, the Chair stated that in the opinion of the Chair the "noes" had it.

Mr. BLOUNT. I call for a division, and ask that the amendment be again read.

The amendment was again read.

Mr. HUNTON. I hope the amendment will be voted down.

The committee divided; and there were—ayes 43, noes 77.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following:

Buildings and grounds, Columbia Institution for the Deaf and Dumb: For the completion and fitting-up of the gymnasium, $8,242.07; for the erection of a farm-barn, $2,000; in all, $10,242.07: *Provided*, That hereafter one-half of the expenses of this institution shall be paid out of the revenues of the District of Columbia.

Mr. CLAFLIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1043, after the word "dollars," insert "for the building and repair of fences, $4,000."

Mr. BLOUNT. The sub-committee rejected that, and I hope the House will not agree to it.

Mr. CLAFLIN. The trustees of the institution say this is needed. This is a large institution having a considerable plot of ground, and in the neighborhood there is an increasing population which makes it necessary that a proper fence should be put up.

The amendment was not agreed to.

Mr. HUNTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the proviso beginning in line 1044, namely, these words:
"*Provided*, That hereafter one-half of the expenses of this institution shall be paid out of the revenues of the District of Columbia."

Mr. HUNTON. This question was fully discussed a while ago, and I do not care to say anything on it unless discussion is wanted on the other side.

Mr. BLOUNT. This proviso, as my friend from Virginia has stated, contains substantially the same idea as the amendment we have just been discussing. I will repeat in part what I said in connection with that amendment. The section of the statutes to which I referred, pro-

vides that two classes of persons may enter this institution. In the first place, there are the indigent deaf and dumb of the District of Columbia, who are paid for at the public expense. And then forty persons from the other States and Territories may be educated, but their expenses, it is provided, shall be paid by their own friends. This proviso does not change the law, and I trust the House will see fit to sustain the Committee on Appropriations in incorporating it in this bill.

Mr. HAWLEY. This is substantially the proposition which has just been voted down by the House. This country has spent hundreds of thousands of dollars on its insane institutions. It has spent enormous sums for education of various kinds. The Government began seventy years ago to make national appropriations to educate the deaf and dumb. The first school in the country for their education was established in my own town, on my own street, and the Government gave a large grant of land to support it, and it is now called the American Asylum for the Deaf and Dumb. It afterward became a local institution, but still has the benefit of the land given by the Government. It is a policy seventy years old.

I hold in my hand a catalogue of the Columbia Institution, in this city, and, as I have said, its pupils come from twenty-five States in this Union. In every respect it is a national institution.

There are many States in the Union that still send deaf and dumb pupils to the institution in Hartford, my own town. The rights of most of the States in regard to it have been relinquished; but Maine and Massachusetts and some other States still send pupils to that institution.

The Columbia Institution is supported in continuation of the national policy adopted seventy years ago, when the institution was established at Hartford; a policy of supporting a national college for deaf and dumb pupils, because there were not enough deaf and dumb pupils in any one of the States to support one such institution.

Mr. BLOUNT. The gentleman from Connecticut has referred to the institution for the insane across the river. How is it in regard to that institution? Its main object is to provide an asylum for the insane of the Army and Navy, the marine and the revenue cutter service. There are in it, coming from all over the land outside of this District, eight hundred and ninety-two inmates, while there are only three hundred and seventy-four from the District of Columbia. It is open to the insane all over this land belonging to the Army and Navy, and to the marine and revenue cutter service. But in regard to this Columbia Institution for the Deaf and Dumb, it is provided for the indigent deaf and dumb of the District of Columbia, and all others are excluded, excepting forty persons from the various States and Territories, who are required to pay or have their expenses paid by their friends. The statute expressly declares that the Government of the United States shall not pay any part of the sum.

Mr. HUNTON. I desire to say only a few words, and I shall detain the committee a shorter period on account of the debate which has been had upon the principle involved in this amendment that arose on the amendment of the gentleman from Alabama, [Mr. SAMFORD.] It has been provided by the rules of this House that appropriations for every purpose for the District of Columbia shall be made in a bill coming from the Committee on Appropriations, known as the District appropriation bill. That bill has been considered and has been passed upon by this House. And I undertake to say, in my opinion, a great many things of this sort which have been saddled upon the District of Columbia ought not to have been so saddled.

Mr. SAMFORD. I desire to ask the gentleman one question.

Mr. HUNTON. I have only five minutes.

Mr. SAMFORD. I am aware of that. I wish to ask the gentleman if nobody but the deaf and dumb of the District of Columbia is entitled to go into that institution except forty persons from the States and Territories, and they pay their own way, why should not the District pay one-half the expenses?

Mr. HUNTON. It is not fair the gentleman from Alabama should rise and ask me a question in the midst of my remarks on a point I have not yet arrived at.

Mr. SAMFORD. I did not know you were coming to that.

Mr. HUNTON. Yes, but I have not yet arrived at it. I say that all the objects for the support of which the District of Columbia ought to contribute were exhausted in the District of Columbia appropriation bill. I cannot imagine why this matter is inserted in the sundry civil bill, especially when the gentleman from Georgia [Mr. BLOUNT] knows as well as I do that the same attempt was made in a similar bill a year ago by the same committee, and it was voted down in the House by more than two to one.

The gentleman says that these people are to be supported by the District. The law says exactly the contrary. I will read from section 4869:

Whenever the Secretary of the Interior is satisfied, by evidence produced by the president of the Columbia Institution for the Instruction of the Deaf and Dumb, that any blind person of a teachable age cannot command the means to secure an education, he may cause such person to be instructed in some institution for the education of the blind, in Maryland, or some other State, at a cost not greater for each pupil than is, or may be for the time being, paid by such State, and to cause the same to be paid out of the Treasury of the United States.

Mr. SAMFORD. That is when they go somewhere else than the District. Now read section——

Mr. HUNTON. I will read just what I desire to support my argument. I do not choose to take up my time in reading what I do not consider relevant. If the gentleman thinks it is relevant, let him read it in his own time.

The law provides that when these pupils arrive at teachable age they shall be sent out of the District if there is no room for them in the institution here, and that the cost of the tuition and maintenance of those so sent shall be paid out of the Treasury of the United States. This demonstrates, according to the doctrine laid down by my friend from Connecticut, [Mr. HAWLEY,] that this is a charity which the Federal Government designs to pay for.

[Here the hammer fell.]

The question was taken upon the motion of Mr. HUNTON to strike out the proviso; and upon a division there were—ayes 77, noes 48.

No further count being called for, the proviso was stricken out.

Mr. BLOUNT. I give notice that I shall ask a yea-and-nay vote on this in the House.

Mr. WILLIS. I move to insert after the paragraph just read that which I send to the Clerk's desk as an independent paragraph.

The Clerk read as follows:

To carry into effect the provisions of section 1753 of the Revised Statutes of the United States, $25,000.

Mr. ROBINSON. I do not know whether a point of order would lie against that amendment or not. Nobody can tell from the reading of it what it will accomplish if adopted.

Mr. WILLIS. I will ask to have the section of the Revised Statutes referred to in the amendment read by the Clerk.

Mr. ROBINSON. And as a matter of precaution, I will reserve all points of order until that section is read.

The Clerk read as follows:

SEC. 1753. The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.

Mr. WILLIS. I suppose no point of order will lie against that amendment.

Mr. ROBINSON. I make no point of order against it.

Mr. CANNON, of Illinois. I tried to listen to the amendment, so as to understand and catch the drift of it. I ask that it be again read.

The Clerk again read the amendment.

The CHAIRMAN. The question is upon agreeing to the amendment.

The question was taken; and there were 39 in the affirmative.

Before the negative vote was counted,

Mr. WILLIS said: I desire a moment to explain the amendment.

Mr. BRAGG. I make the point of order that the committee is dividing on the amendment.

Mr. WILLIS. I am sure the gentleman will not make a point of order on the amendment if he hears my explanation.

Mr. BRAGG. I only make the point of order that the committee is dividing.

Mr. WILLIS. The gentleman from Massachusetts, [Mr. ROBINSON,] as I understood, reserved all points of order on the amendment until the section of the Revised Statutes had been read. I took my seat until he made his point of order, intending to explain the amendment, when the point of order was passed upon by the Chair.

The CHAIRMAN. The gentleman from Massachusetts made no point of order, and therefore the Chair did not rule upon it. After a considerable pause the Chair submitted the question upon the amendment.

Mr. WILLIS. I was under the impression that a point of order was pending. I wanted to reserve to myself the right, which I do not often exercise in this House, of briefly explaining to the committee the purport of the amendment. I am sure that no gentleman will interpose an objection to my doing so.

The CHAIRMAN. Under the circumstances the Chair will ask consent for the gentleman from Kentucky [Mr. WILLIS] to make an explanation of his amendment. The Chair thinks it is due to him.

There was no objection.

Mr. WILLIS. That section, Mr. Chairman, is now the existing law. The act which it embodies was passed the 3d day of March, 1871. It went into effect January 1, 1872. Under it a commission, known as the civil-service commission, was created, with Hon. D. B. Eaton as president. The commission made a most interesting and instructive report upon the "theory, methods, and results of the reform" introduced under the law. This report was made April 15, 1874. The commission is still in existence. On the 25th June, 1877, President Hayes, through Mr. Evarts, the Secretary of State, requested Mr. Eaton, chairman of the civil-service commission, "to investigate and make a report to him concerning the action of the English Government in relation to its civil service and the effects of such action since 1850." In obedience to this request Mr. Eaton, on the 10th November, 1879, made a most exhaustive report to the second session of this Congress. It is Executive Document No. 1, part 7.

The law as set forth in section 1753 is, I repeat, now in existence. It has neither been amended nor repealed. The commission appointed by the President is also in existence. The amendment I have offered simply proposes to appropriate the amount to execute the law and pay the commissioners. Why should this not be done?

Why should not the officers of this commission and the expenses which it involves be paid? Can any member of this committee give

a satisfactory answer to that question? Would any gentleman here refuse to vote money to pay the salaries of our district or supreme judges, our revenue collectors, or territorial governors? And yet, I submit that these officers have no better legal claim than the commissioners under this statute. If we have the right, if it is proper, to refuse an appropriation to these commissioners, it is equally right and proper to withhold any other appropriation to carry out existing law. If this law is not a good one, it should be repealed. If not repealed, it should be obeyed and enforced. There is no escape from such a conclusion. The failure to make an appropriation is a practical nullification of the law. Let us not in this way repudiate our own laws. Let us not by stealth, by indirection, seek what we ought to secure only by open, manly action.

But, sir, if this were not the law, if this legislation were an original question, what objection, what argument, can be offered against it? With a full knowledge of the facts, of the results of this movement for civil service reform, the people of this country have expressed their opinion. Through their party utterances in the press, upon the hustings, as well as in the official declarations of our highest executive officers, the efforts to reform have been approved in the most hearty manner.

The republican national convention, June, 1872, resolved that—

Any system of the civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally demoralizing, and we therefore favor a reform of the system by laws which shall abolish the evils of patronage and make honesty, efficiency, and fidelity the essential qualifications for public positions, without practically creating a life tenure of office.

The national liberal republican convention, 1872, resolved that—

The civil service of the Government has become a mere instrument of partisan tyranny and personal ambition, and an object of selfish greed. It is a scandal and reproach upon free institutions, and breeds a demoralization dangerous to the perpetuity of republican government. We therefore regard a thorough reform of the civil service as one of the most pressing necessities of the hour.

The national democratic convention passed a similar resolution. These declarations have been repeatedly renewed in subsequent conventions, both State and national.

The utterances of the Chief Executive have been in the same direction. On the 18th of April, 1874, President Grant, in sending the report of the civil-service commission to Congress, used the following language:

Herewith I transmit the report of the civil-service commission. If sustained by Congress, I have no doubt the rules can, after experience gained, be so improved and enforced as to still more materially benefit the public service and relieve the Executive, members of Congress, and the heads of Departments from influences prejudicial to good administration. The rules, as they have hitherto been enforced, have resulted beneficially, as is shown by the opinions of the members of the Cabinet and their subordinates in the Departments, and in that opinion I concur.

In his message of December, 1879, President Hayes says:

In every instance they have been found to be as salutary as they are stated to have been under the administration of my predecessor. I think the economy, purity, and efficiency of the public service would be greatly promoted by their systematic introduction, wherever practicable, throughout the entire civil service of the Government, together with ample provision for their general supervision, in order to secure consistency and uniform justice. The reports from the Secretary of the Interior, from the Postmster-General, from the postmaster in the city of New York, where such examinations have been some time on trial, and also from the collector of the port, the naval officer, and the surveyor at that city, and from the postmasters and collectors of several of the larger cities, show that the competitive system, where applied, has in various ways contributed to improve the public service. The reports show that the result has been salutary in a marked degree, and that the general application of similar rules could not fail to be of decided benefit to the public service. * * * I deem it my duty to renew the recommendation contained in my annual message of 1877, requesting Congress to make the necessary appropriations for the resumption of the work of the civil-service commission.

The President-elect, General Garfield, in a speech delivered in this House in 1872, when discussing this civil-service commission, spoke as follows:

The best and noblest reforms and resolutions in the public sentiment of this country have been achieved by the people with patronage, power, and the spoils of office against them, and where not one in a hundred of the successful expected any other reward than the triumph of the principle they advocated. In such conflicts our noblest triumphs have been achieved. But, sir, if we are to look at mere party success, I would still say that a reform in our civil service is fast becoming a demand of our time which no party can afford to ignore. The gentleman from Massachusetts [Mr. Butler] tells us we got along well in our war; that the paymasters settled our accounts so well that we stood pre-eminently above England in her settlements during the Crimean war. Our paymasters did well; and why? Because we had a system of service by which every officer was held to a strict accountability—a system under which we do not remove an officer from office upon the demand of any politician who may want his place. Our Navy and our Army both belong to that class of service which is the poles apart from the kind of service to which this measure relates.

There is no great and eminently successful department of this Government which has not been made so by being taken out of the ordinary channel of political management. Is there a man here who would be willing to turn the Coast Survey service over to the fate of our ordinary civil service? In that bureau we have a system of promotion by merit, which has given us the distinguished and noble men who in that service have crowned the nation with honor. So with the Light-House Board, and so with all the branches of our service which have really been an honor to human nature and a glory to the nation itself. It is because we wish to lift other departments to a similarly high plane that we ask the power of Congress to some measure of civil-service reform. I wish to pass to another point. Gentlemen who advocate the purity of our civil service say that it is now doing well, and needs no reform. I ask these gentlemen what they think of the system of political assessments? I ask them what they think of the collector of a great port or chief of any great branch of the service issuing a circular calling for 1, 2, or 3 per cent. of the salaries of all the employés under his control, to be used for party purposes, with the distinct understanding that unless they paid that per cent. upon their salaries others will be found to fill their places who will pay the assessment?

I call the attention of gentlemen around me to that shameful fact that prevails all through our service, and which has prevailed for the last twenty-five years; and I call their attention to the honorable fact that in this very executive order, published two mornings ago, which has met such a contemptuous reception in this House, the President of the United States says: "Political assessments, as they are called, are forbidden in all the departments of the civil service of the United States." There is an executive order forbidding political assessments, and yet gentlemen around me do not want this order of the President to prevail, because the practice which it condemns affords a large so-called electioneering fund, which in many cases never gets beyond the pockets of the shysters, the hangers-on, and the mere camp-followers of the party.

Will any member of this committee dispute the argument here so eloquently presented? What facts can be presented to sustain an opposite view? The results secured under this law are before the country. The efficacy and value of civil-service reform are not a matter of speculation, but of proved existence. The heads of the Departments have publicly approved the method of reform inaugurated under this law. In the report of the civil-service commission of April 15, 1874, page 42, they state that the rules presented by the commission have promoted the public interest in the following particulars:

1. They have, on an average, where examinations apply, given persons of superior capacity and character to the service of the Government, and have tended to exclude unworthy applicants.

2. They have developed more energy in the discharge of duty, and more ambition to acquire information connected with official functions, on the part of those in the service.

3. They have diminished the unreasonable solicitation and pressure which numerous applicants and their friends, competing for appointments, have before brought to bear upon the Departments in the direction of favoritism.

4. They have, especially where competition applies, relieved the heads of Departments and of bureaus, to a large extent, of the necessity of devoting to persons soliciting places for themselves or for others time which was needed for official duties.

5. They have made it more practicable to dismiss from the service those who came in under the civil-service examinations, when not found worthy, than it was or is to dismiss the like unworthy persons who had been introduced into the service through favor or dictation.

6. They have diminished the intrigue and pressure, before too frequent, for causing the removal of worthy persons for the mere purpose of bringing other, perhaps inferior, persons into the service.

7. And, for such reasons, those officers think that it is expedient to continue the reform upon the method upon which it has proceeded, making from time to time such modifications in details as experience may show to be most useful.

In these views an overwhelming majority of the heads of bureaus agree. Their opinions are cited in the report already referred to. The First Assistant Postmaster-General reports:

That in my opinion the application of these rules, judged in the light of their collective and general result, has been in a marked degree beneficial to the public interests. Under the system of examinations prescribed we have, in the first place, secured more competent and reliable persons for appointment; and, secondly, greater zeal and industry in the discharge of duty and more earnest application in mastering the details of any work or position assigned, attributable, I doubt not, mainly if not entirely to the fact that promotion was by the rules made the reward of the most faithful and capable; and, thirdly, greater concern for the service and pride in its success, due largely to the conviction that continuance in it depended not so much on what is called influence or supposed necessities of party policy as merit and efficiency. The protection afforded by the system has tended in no small degree to encourage the feeling of individual responsibility, which in its turn develops manliness and force of character.

The superintendent of the money-order system says:

That my personal experience warrants the expression of a favorable opinion as to the general results of the civil-service system.

Of the appointments made to clerkships through competitive examinations he says:

In point of capacity, as well as of diligence and efficiency, these appointees rank above the average of such as were selected for appointment prior to the application of these rules.

The Commissioner of Internal Revenue says that—

The application of these rules referred to, so far as this office is concerned, has been satisfactory, and in my opinion furnishes an intelligent and capable class of clerks for the public service.

The Auditor of the Treasury for the Post-Office Department reports that the first-class clerks appointed under the competitive system "have proved, without exception, to be industrious, capable, and efficient, and I have no hesitation in saying that I regard the competitive system as infinitely superior to the former method of original appointment."

The chairman of the Light-House Board says:

In my opinion the rules adopted by the civil-service commission, if applied to keepers and other employés of the Light-House Board, would be of great importance. Under the present system, it frequently happens that tried men, who, from years of experience, have become perfectly familiar with their duties, are dismissed for no other reason than that their places are wanted for more favored individuals.

The Chief of the Bureau of Statistics states that—

The results obtained have, I believe, demonstrated the utility of the competitive system of original appointments to office. The imperfections in its workings are chiefly such as arise from the friction incidental to the movement of any new machinery.

And thus, Mr. Chairman, I might consume the whole time allotted to me in citing similar opinions from other Government officers. Will any gentleman upon this floor measure his private judgment against this mass of testimony? When we remember that by the enforcement of these rules the power and influence of these officers who testify was largely abridged, that they received these new rules doubtfully and unwillingly, is not their testimony conclusive? But, sir, suppose that there are objections to the rules and methods which have been already put in operation under this statute. Suppose that the opinion of those who had witnessed their operation, instead

of being almost unanimously favorable, had been emphatically adverse. Could such a fact be urged against the adoption of the amendment I have offered? Most certainly not. There is no particular system or method demanded by the statute. If the rules heretofore prescribed prove inoperative, other rules, other methods, better calculated to accomplish the object may be adopted. The commission can continue its work and suggest other means.

What we need is a body of intelligent and trustworthy officers, distinct from and independent of the Departments, who can without partiality or prejudice investigate their workings and place before us in authentic form facts—data upon which other needed legislation may be based. To point out but one direction in which such a commission might be useful, what member of this House can upon his own knowledge or investigation state whether ten or forty bureaus are needed for the transaction of business in the Treasury Department? We have over a hundred thousand officers—a great army in itself. What one of us can say that one-half of them or one-third of them are not mere camp-followers who could be dispensed with? Such inquiries might be satisfactorily answered by this commission.

In Sweden, in France, in Germany, and, above all, in Great Britain, civil-service reform has been successfully inaugurated through the work of such commissions. Inefficient officers have been dismissed, the affairs of the Government have been administered upon business principles, the fittest men have been selected, and the interests of the whole public have thus been subserved. Why may not the same results be secured in this country? Is party supremacy the chief object of ambition? Shall the whole public service be jobbed? Shall duty be overcome by patronage? I hope and believe not.

If we would have a wise, efficient, and economical Government, we must see to it that the right men shall be selected for the right places; that mediocrity and dullness shall not be promoted over talent and worth; that the interests of the public shall not be sacrificed to nepotism, connection, or family influence.

But, sir, I do not propose within the limited time allowed in Committee of the Whole to attempt an argument as to the necessity of reform in the civil service. That subject would require hours for a satisfactory discussion. I have sought in the briefest and most cursory way to call attention to the existence of this law which, without the appropriation asked for, is a dead letter upon the statute-book. We should revive the operations of this commission, but we should not, and I hope will not, stop there. We need other and broader laws to secure an efficient civil service.

[Here the hammer fell.]

Mr. CANNON, of Illinois. I would like to hear the amendment again read, and then I wish to submit a remark or two.

The Clerk read as follows:

After line 1047 insert:

"To carry into effect the provisions of section 1753 of the Revised Statutes of the United States, $25,000."

The CHAIRMAN. The Chair will state that upon this amendment the House was dividing, the vote having been taken *viva voce* and a rising vote in progress, when the gentleman from Kentucky [Mr. WILLIS] stated that he had intended to make an explanation. The Chair then asked unanimous consent, which the Committee of the Whole granted, that the gentleman be allowed to make that explanation.

Mr. CANNON, of Illinois. Now I ask unanimous consent that section 1753 be read, so that the Committee of the Whole may understand what it is.

The CHAIRMAN. It has been read already, but it will be read again.

The Clerk read as follows:

SEC. 1753. The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.

Mr. CANNON, of Illinois. Now, Mr. Chairman, a single inquiry. Is it not true that under the provision of law just read what is known as the Curtis civil-service commission was organized eight or ten years ago; which commission for six or seven years has not been appropriated for?

Mr. WILLIS. That is the fact.

The question being taken on agreeing to the amendment, there were—ayes 43, noes 73.

Mr. WILLIS. I call for tellers. To save time I will make a proposition that a vote be taken on this amendment in the House.

Mr. BLOUNT. I cannot agree to that.

The question being taken on ordering tellers, there were ayes 26.

The CHAIRMAN. Not a sufficient number. Tellers are not ordered.

Mr. SPRINGER. I call the attention of the Chair to the fact that no quorum voted on the amendment; and the gentleman from Kentucky [Mr. WILLIS] was entitled to tellers.

The CHAIRMAN. It is too late now to make that point. The Clerk will read.

The Clerk read as follows:

Howard University:

For the maintenance of Howard University, $10,000.

Mr. MCMILLIN. I make the point that the paragraph just read is not in order, because it changes existing law, and is not in the line of retrenchment. I presume that not even the gentleman in charge of this bill will deny that this provision is a change of existing law, is not in the line of retrenchment, and hence is not in order. It is true that the amount is small; but I have observed that we begin evils by making appropriations of small amounts, and when a point of order is made against a subsequent appropriation of the same kind on the ground that it changes existing law, the point of order is not sustained for the reason that an appropriation somewhat similar has been made in a preceding year and is then being expended. I feel that this is a measure in the bud; and being in the bud, and this being the only way it can be nipped, I make the point of order.

Mr. BLOUNT. I feel it my duty to be perfectly frank with the Committee of the Whole in reference to this appropriation. The Committee on Appropriations in inserting this provision did not claim that it was an appropriation authorized by law. But the Senate the year before last put on an appropriation of this sort. During the last session it was inserted without objection from the District of Columbia Committee. We inserted it this year. We do not claim there is any law authorizing it.

Mr. MONROE. I could not hear the proposition read.

Mr. MCMILLIN. No amendment is pending, but I have raised the point of order against the paragraph in reference to the Howard University.

Mr. MONROE. I submit to the chairman for consideration the fact that for two years past, I believe, appropriations have been made for this institution. A good deal might be said in regard to the merits of the case, but I do not propose to enter into them on the discussion of the point of order.

The CHAIRMAN. The Chair does not desire any such discussion.

Mr. MONROE. Last year an appropriation of $10,000 was made for this object. I believe year before last an appropriation was also made, but the exact amount I do not know. I think my friend will find that for two Congresses, the Congress of the United States has made appropriations for this object.

Mr. MCMILLIN. My point of order is that it is not authorized by existing law; and not being authorized by existing law, it is not in order here. I will state to my friend—and in order to convert him to my side of the case, if possible—that it is legislation on an appropriation bill not authorized by existing law and not in the direction of economy.

The CHAIRMAN. Is there any law by which the General Government has ever recognized this as a governmental institution?

Mr. MONROE. Have we not in one or two cases had a decision from the Chair that an appropriation bill of last year which is still the law is an existing law for this purpose?

The CHAIRMAN. The Chair desires to ask the gentleman whether there is any law which places the Howard University under the care of the Government? No such law has yet been cited, and the Chair therefore sustains the point of order.

Mr. ALDRICH, of Rhode Island. I wish to call the Chair's attention to the fact that this institution was incorporated by an act of Congress; that the land was purchased and the buildings erected by money appropriated by Congress.

Mr. MCMILLIN. That makes no difference.

The CHAIRMAN. The Chair desires to decide the question properly and after full information, and if gentlemen cannot show a law by which the General Government assumes the control and management of this institution, and is under no obligation to make appropriation for it, he is compelled to rule the amendment out. He would rule differently if any such law were cited; but, in the absence of such law, he is bound to rule that the point of order is well taken.

Mr. MONROE. The point to which I wish to call the attention of the Chair is this: we have on the statute-book a law passed last year, a law still in force, appropriating $10,000 for the support of this college. What I say is, that this law itself is a law assuming on the part of the National Government the charge to a certain extent of this school, and that that appropriation last year is in spirit such a law as the Chairman has described. It is a law in force to-day.

Mr. GILLETTE. I appeal from that decision of the Chair. This is a matter of immense consequence. There is no more important provision in the bill.

Mr. MCMILLIN. Has any appeal been taken from the decision of the Chair?

The CHAIRMAN. The Chair has reopened the question for further discussion.

Mr. BAYNE. If it be true the charter of this institution was enacted by Congress, that it was authorized, that it was created by Congress, does it not necessarily follow as an incident that Congress should make proper appropriation for it.

Mr. SAMFORD. I ask the gentleman from Pennsylvania to state to whom this institution belongs? In whom is the title to this university?

Mr. BAYNE. I do not know in whom the title is vested; but I know this Congress would never create an institution or incorporate an institution and provide an endowment for it and take every other step necessary for its protection in order that it might accomplish the object for which it was created, and then drop it at a subsequent day and make no appropriation for continuing it. I say by implication there is necessity for Congress to continue appropriations to

this institution, and consequently there is abundant law for the provision contained in this bill.

The CHAIRMAN. The fact that the General Government incorporated the institution no more creates an obligation on the part of the Government to maintain it than the fact that the Government incorporates railroads or other institutions in the District creates a like obligation on the part of the Government to maintain them.

Mr. BAYNE. The Government has accepted that obligation by making appropriations from year to year.

The CHAIRMAN. But it imposes no obligation on the part of the Government to sustain this institution. In the absence of gentlemen being able to state directly or indirectly any law on the part of the Government providing for its support out of the Treasury, the Chair is compelled to sustain the point of order.

Mr. GILLETTE. I take an appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 61, noes 61.

The CHAIRMAN. The Chair will appoint Mr. GILLETTE and Mr. MCMILLIN as tellers, a quorum not having voted.

The committee again divided; and there were—ayes 99, noes 102.

So the decision of the Chair was overruled.

Mr. MCMILLIN. I move to strike out the paragraph.

Mr. SPRINGER. I want to know to whom this institution belongs. Can the gentleman from Ohio answer that question? I do not know whether this is a private or Government institution or in whom the title now rests. Can the gentleman from Ohio enlighten me on this subject?

Mr. MONROE. My impression is that the title is in the trustees; that it is an incorporated company.

Mr. SPRINGER. Is it not a private institution?

Mr. MONROE. That is a matter of definition.

Mr. MCMILLIN. I ask the gentleman from Ohio, is it not a private institution, in which those who enter are required to pay tuition?

Mr. MONROE. They do pay tuition, but the amount collected in that way is very inadequate to sustain the institution.

Mr. SPRINGER. Then I understand that this is a private institution, the title to which is in trustees, for the purposes of education.

Mr. CONGER. Mr. Chairman, I wish to say——

Mr. BAYNE. I would like to state to the gentleman from Illinois that the Government of the United States has contributed——

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. SPRINGER. I believe I have the floor.

The CHAIRMAN. The Chair supposed the gentleman had yielded the floor.

Mr. SPRINGER. I yield the floor for the question of the gentleman from Pennsylvania.

Mr. BAYNE. Then I wish to say, in response to the inquiry of the gentleman from Illinois, that the Government of the United States has contributed, as I understand, about seven hundred and fifty thousand dollars for the purpose of purchasing the grounds and putting up the buildings belonging to this institution, and it is to that extent a quasi-public institution, although not wholly one. And there is another element that enters into this question as to its being a public institution, and that is that the tuition which is charged is altogether inadequate for sustaining the institution. It must depend upon the bounty of the Government for purposes of maintaining it as a public institution.

And another thing that I am advised of just at this moment, that where persons are unable to pay tuition fees they are admitted free and given an education without cost. It is substantially an institution under the auspices of the United States, an institution sustained by the Government, and it has been provided for year after year by Congress, which has made appropriations for its support, and it was undoubtedly contemplated that such provision should continue to be made.

Mr. ROBERTSON. How many beneficiaries are admitted to it?

Mr. BAYNE. I do not know.

Mr. MCMILLIN. How many students has the Government of the United States the right to send there?

Mr. MONROE. The States send them, not the General Government.

Mr. MCMILLIN. Has the United States Government a single one there?

Mr. MONROE. It is open to all.

Mr. MCMILLIN. I do not want an evasive answer. I ask the gentleman if the Government of the United States has the right to send one.

Mr. MONROE. The institution is free to the citizens of the State of Tennessee or to any other State.

Mr. MCMILLIN. By paying their way.

Mr. MONROE. No, sir; not by paying their way; if they are unable to do so they are not required to pay.

Mr. CONGER. This institution was founded for the education of colored teachers and colored preachers in the United States. This Government, and the Congress then of this Government, with great unanimity ordered the expenditure of Government money to buy the site, to erect the buildings, and establish the foundations of this institution. Every year appropriations have been made for it, sometimes a larger amount than this, if I recollect aright, to aid in carrying out that great and good and benevolent purpose on the very principle that there should be in the capital of the United States an institution where that class of people—excluded in many places from other colleges—might receive an education suitable to make them teachers and to make them preachers of their race for their better education and for their advancement in knowledge and in religious belief.

Now, sir, in this bill there are many institutions for which appropriations are made without any other authority of law than that they are quasi-Government institutions. The very next provision in this bill—

For the expense of exchanging literary and scientific productions with all nations by the Smithsonian Institution—

has no authority at law except the continued precedent of former Congresses.

For the support of the Freedmen's Hospital and Asylum, immediately preceding this paragraph, there is no other authority of law except that Congress has assisted in establishing it and keeping it up, and has continually from year to year made appropriations for it. This is the bill in which appropriations of that kind are to be made. Now, I think it would shock the moral sensibilities of the people of this country if this little contribution for the education of the colored race and for the support of the institution, against which there is no attack and against which there is no complaint, should be stricken out of this bill. It is admitted to have been an institution of great benefit to the colored race in educating them; and I think I may appeal with safety to all the members of this House in support of the opinion that it is desirable that the colored race of the United States should have educated teachers and educated preachers to go forth among them for their education and training. This institution is the only one in the District of Columbia that can accomplish this purpose. Sir, I should regret of all things to see, in the closing hours of this Congress, this attempt made to cripple and injure an institution against which I have never heard one word of complaint from any party or from any class of people.

Mr. BLOUNT. I move to strike out the last word. The first appropriation I find for a number of years was, for the fiscal year 1880, an appropriation of $10,000. It was added to the bill at the instance of Mr. BAYARD, of Delaware. It was continued in the last bill, and the committee inserted it in this. There have been three bills since I have been here, so far as I can ascertain, in which it has been inserted. Congress gave this land and the buildings upon it to this corporation. There are a number of buildings upon the grounds, which they rent, and the receipts from these, in addition to those for tuition, have been used in the matter of maintenance of the institution. And during this fiscal year, in addition to what they have had through the liberality of certain citizens in Boston, they have obtained a subscription of $25,000 for the purpose of endowing a professorship. It is unlike the Freedman's Hospital and Asylum, which is under the control of the Government. Its receipts and expenditures are directed and regulated by the Government. It is as any other charitable institution connected with the Government. This sum is given for the purpose of supplementing the wants of the institution in the matter of maintenance. As I have said, it was given in the bill of last year, and the Committee on Appropriations this year thought it was a small sum, and in view of what has occurred in the past, we should renew the appropriation again for another year. The institution is growing all the while. It is a very small matter, and I think we had better allow it to remain on its present footing for another year. As has been stated by the gentleman from Michigan, there are colored people being educated at this institution and going through the South. They are in my own town. I am not willing, however, to concede the proposition that it is a Government institution, to be sustained by it forever.

Mr. MCMILLIN. But you know it will be when the policy is once commenced.

Mr. BLOUNT. I do not know it will be; for in this fiscal year it has obtained $25,000 by way of donation.

Mr. HOUK. I do not know much about the origin and history of this institution. There have been not less than five colored men from my own town educated at that institution. And I am astonished to see one of my colleagues so anxious to exclude this appropriation, when if he will go and investigate the matter he will find there are men from his own district to-day, I should suppose, who are being educated free of charge.

Mr. MCMILLIN. No, sir; they have paid their way. The gentleman cannot give the name of any one there from my district who is being educated free of charge.

Mr. HOUK. I know I can give the names of three from my own district who are not paying their way, but are being educated at the expense of that institution. I believe there is nothing wrong in nourishing it, building it up, and sustaining it until such time as it will be able to sustain itself. The colored people of the South need all the succor and all the attention and all the aid this Government can give them. The Government owes to them a great deal, and their late masters and former overseers should not be here opposing such an appropriation.

Mr. MCMILLIN. Will my colleague permit me to ask him one question?

Mr. HOUK. Yes, sir.

Mr. McMILLIN. If you are so much interested in educating the colored men of the South, why did you so strenuously oppose the proposition the other day to donate the proceeds of the sales of public lands for educational purposes?

Mr. HOUK. I did no such thing.

Mr. McMILLIN. I thought I saw the gentleman among the nays. There was no record kept.

Mr. HOUK. I am ready to vote in support of any measure that will have the effect of educating the people whether white or black, for education would destroy democracy. I would vote to educational purposes, and to educate all classes, colors, and conditions, any and everything necessary for that purpose. I would willingly vote every acre of the public lands for the education of white and black.

When my colleague says I voted against the educational measure mentioned by him, he only shows the information of the average democrat. My political associates with whom I generally vote will bear witness that on this subject I voted with those favoring the gentleman's pet measure—though pet only for present purposes—of a distribution of the proceeds of the public lands for educational purposes. I breathed this inspiration upon the lap of my mother. It was one of the living issues of the grand old whig party, instilled into me when I knelt at my mother's knee. The gentleman's party was and has been opposed to this grand scheme of educating the people, and now he, my colleague, as an iron-ribbed democrat, turns about and upbraids me for what I never did. I never make statements in public debate for which there is no foundation.

Mr. PAGE. I am in favor of retaining the paragraph as it was placed in the bill by the committee; and I rise to say I am astonished my friend from Tennessee [Mr. McMILLIN] should oppose and move to strike it out. I have the honor to serve with my friend from Tennessee on the Committee on Education and Labor, and I know he has been very energetic on behalf of a bill to distribute for educational purposes the proceeds of sales of the public lands among the colored people of the South.

Mr. McMILLIN. Among the whole people of the whole country.

Mr. PAGE. Now, Mr. Chairman, I am in favor of making this appropriation to educate the colored children of the country, and I am in favor of appropriating money out of the Treasury to be expended in the Southern States to educate the colored children there. I think it proper to do it, and I am astonished that the gentleman from Tennessee should endeavor to strike this out of the bill.

Mr. BLOUNT. I move that the committee rise for the purpose of closing debate on this paragraph.

Mr. McMILLIN. Will the gentleman yield to me for a moment? Surely after the admission of the gentleman from Georgia that the paragraph is out of order he will not himself speak on it and cut me off.

Mr. BLOUNT. I withhold the motion until the gentleman from Tennessee shall have spoken.

Mr. BREWER. And then we will take a vote; that will be the best way.

Mr. McMILLIN. In response to what has been said by my colleague on the Committee on Education and Labor, the gentleman from California, [Mr. PAGE,] and I will also make my remarks apply to the statement of my colleague from Tennessee, [Mr. HOUK,] I will say that I am in favor of education. I did that a few days ago which the associates and political friends of the gentleman on the other side of the House did not do. I tried to pass through this House a bill which proposed to give the proceeds of the sales of the public lands to the States and Territories for common-school purposes. I would not put any stumbling-block in the way of the general education of any portion of the people of this country.

Mr. CONGER. Did not the gentleman ask that a portion of that fund should go to colleges?

Mr. McMILLIN. No, sir; I opposed the college feature.

Mr. CONGER. The bill had that provision in it.

Mr. McMILLIN. Not the bill which I proposed to pass and voted for. The gentleman confounds the bill of the Senate with the bill proposed by the gentleman from Virginia, [Mr. GOODE,] the chairman of our committee. I tried with other men on this side of the House to prevent the passage of the Senate bill by substituting for it the House bill. I am in favor of the common masses being educated. But that cannot be done by giving $10,000 to this college which cannot be reached by any of our constituents. The masses are reached by the common schools and not by the colleges in the District of Columbia.

[Here the hammer fell.]

Mr. BLOUNT. I move that the committee now rise for the purpose of closing debate.

Mr. PAGE. I want to ask the gentleman from Tennessee [Mr. McMILLIN] what difference it makes whether the money given for education is taken out of the general fund in the Treasury, or whether it is from the proceeds of the sales of public lands?

Mr. McMILLIN. The difference lies in the application of the money. When it is distributed among the States and Territories for common schools, the masses get the benefit of it. When the Government gives it to a college not one youth in every thousand can avail himself of the benefits of the appropriation, and it burdens all, and blesses but few.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia that the committee rise.

Mr. BLOUNT. At the suggestion of a number of gentlemen who think that we can have a vote on the amendment I will withdraw the motion that the committee rise.

The question was taken upon the amendment of Mr. McMILLIN; and it was not agreed to.

The Clerk read the following:

Smithsonian Institution:

For the expense of exchanging literary and scientific productions with all nations by the Smithsonian Institution, $3,000.

Mr. CONVERSE. I move to insert after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

To carry out the provisions of section 1753 of the Revised Statutes of the United States, $20,000.

Mr. BLOUNT. I reserve all points of order on that until I can learn what it is.

Mr. CONVERSE. No point of order can lie against it. It is the same amendment as that offered by the gentleman from Kentucky [Mr. WILLIS] a short time ago.

The CHAIRMAN. It has already been voted down by the committee.

Mr. CONVERSE. It has not been voted down.

The CHAIRMAN. Did not the gentleman state that this was the same amendment as that offered by the gentleman from Kentucky, [Mr. WILLIS?] That amendment was voted down.

Mr. CONVERSE. The amendment of the gentleman from Kentucky proposed to appropriate $25,000. My amendment appropriates only $20,000.

The CHAIRMAN. The Chair will state that this is substantially the same amendment as that upon which the Chair ruled and which the committee voted down. When the other amendment was before the committee it was competent for the gentleman to have moved to amend it by making the amount $20,000. To illustrate: suppose that this amendment was received and voted down by the committee; then another amendment could be offered for $26,000, another for $27,000, and so on *ad infinitum*.

Mr. CONVERSE. The chairman will certainly not undertake to say that because an amendment has been voted down in one place an amendment on the same subject cannot be moved in another part of the bill? I do not propose to appeal from the decision of the Chair.

Mr. BLOUNT. Then I call for the regular order.

Mr. CONVERSE. So do I. I want the regular order.

The CHAIRMAN. The Chair rules that the Committee of the Whole having voted down an amendment of which this is substantially a copy, this amendment is not in order.

Mr. CONVERSE. But nobody has made that point of order.

Mr. KNOTT. I rise to a question of order.

Mr. CONVERSE. I desire to be heard upon it. That is a point of order which has not been made.

The CHAIRMAN. The gentleman from Kentucky [Mr. KNOTT] makes a point of order.

Mr. CONVERSE. What is it?

Mr. KNOTT. I make the point of order that the Chair has already decided the question, and it is not in order for the gentleman to proceed to debate it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CONVERSE. I desire to make a statement.

Mr. KNOTT. I object.

Several MEMBERS. Read! Read!

Mr. CONVERSE. The point of order made by the gentleman from Kentucky [Mr. KNOTT] was not the point of order decided by the Chair. As I understand it, the point of order which should be ruled upon is one under the rules.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] made the point of order against the amendment, and the Chair sustained it. The Clerk will read on.

The Clerk read the following:

Preservation of collections, Smithsonian Institution——

Mr. CONVERSE. I desire to appeal from the decision of the Chair.

Mr. BLOUNT. It is too late; the Clerk has commenced the reading of the next paragraph.

The CHAIRMAN. The Chair will submit the appeal to the committee.

Mr. BLOUNT. The gentleman himself stated that he did not intend to make any appeal; and after that announcement the Clerk proceeded to read.

The CHAIRMAN. And under that announcement the Clerk will read on. [Laughter.]

The Clerk read the following:

Indian affairs:

Expenses of the Ute commission: To meet necessary expenses of the Ute commissioners appointed by the President under section 2 of the act approved June 15, 1880, $15,000.

Mr. O'NEILL. I move to insert after the paragraph just read that which I send to the Clerk's desk, as a new paragraph.

The Clerk read as follows:

Night inspector of customs: From and after the 1st day of July, last, the compensation to be paid the night inspectors of customs and the captain of the night inspectors at the port of Philadelphia shall be the same as is now paid to similar officers at the port of Boston.

Mr. BLOUNT. I make the point of order that that is new legislation and does not retrench expenditures.

Mr. O'NEILL. This bill is one made up of miscellaneous paragraphs. I propose to offer an amendment. Whether the amendment is in order or not is another thing.

Now, sir, as by existing law the night inspectors of customs are paid a certain salary, I presume an amendment offered to increase that salary is not out of order.

Mr. BLOUNT. It is not germane to this bill, at any rate. The legislative appropriation bill would be a more suitable place for the amendment.

Mr. O'NEILL. Mr. Chairman, the amendment is germane to this bill. This is a sundry civil appropriation bill—what is familiarly called in State Legislatures an "omnibus bill." I have brought this amendment to the attention of the committee exactly where it ought to come in, if the committee will vote it in.

Now, as by existing law the night inspectors of customs are receiving a salary, it is certainly in order to offer a proposition here that the salary may be increased; and as in the city of New York and the city of San Francisco the salaries of these officers have been increased in virtue of a law giving discretion in that respect to the Secretary of the Treasury, and as they have not been increased in the city of Philadelphia, I offer the amendment, and I hope that the Committee of the Whole will adopt it.

Mr. URNER. I move to amend the amendment of the gentleman from Pennsylvania by adding "and Baltimore."

The CHAIRMAN. The amendment of the gentleman from Pennsylvania [Mr. O'NEILL] is not yet open to amendment, as the Chair has not decided the point of order.

Mr. O'NEILL. Mr. Chairman, before you decide the point of order let me say another word. I am willing to admit the amendment of the gentleman from Baltimore [Mr. URNER] just as I would be willing to admit an amendment from some gentleman representing the city of Boston or any other city where this invidious distinction has been made against these night inspectors of customs as compared with officers of the same class in the cities of New York and San Francisco. Let them all be paid alike; and as, in my opinion, the amendment is in order, let us vote to adopt it. [Cries of "Vote!" "Vote!"]

A MEMBER, (to Mr. O'NEILL.) Don't let them cry you down.

Mr. O'NEILL. I have said as much as I wish to say on this question of order.

The CHAIRMAN. The gentleman from Pennsylvania will address the Chair.

Mr. O'NEILL. I was addressing for the moment a gentleman who wanted me to stand up for my rights, which I usually do; and I have had them from you, sir.

The CHAIRMAN. The gentleman from Pennsylvania must address the Chair when he "stands up for his rights." [Laughter.]

Mr. O'NEILL. I am doing so. Mr. Chairman, I hope you will rule this amendment to be in order. I have given you a good reason why you should so rule. It carries out existing law by increasing the salary which the law says shall be paid these officers.

The CHAIRMAN. For the reason which the gentleman gives, that the amendment changes existing law and increases expenditures, the Chair sustains the point of order. [Laughter.]

Mr. VALENTINE. I desire to offer an amendment to go in after line 1078, as a new paragraph under the head of "miscellaneous objects." I believe I offer it now in the right place.

The Clerk read as follows:

Rocky Mountain locusts: To enable the Signal Service Bureau to carry into effect the recommendation of the United States Entomological Commission by observing and giving warning of the flight of the Rocky Mountain locusts, $5,000.

Mr. BLOUNT. That amendment is subject to a point of order. I believe the same thing has been ruled on once before. At any rate we have passed the paragraph in relation to the Signal Service.

Mr. VALENTINE. I would like to be heard on the point of order, but first I would like to know what the point is, for I did not hear it.

The CHAIRMAN. The Chair on a similar question sustained the point of order, but the Committee of the Whole overruled him. The Chair must be regulated by the will of the Committee of the Whole. He therefore overrules the point of order.

Mr. KNOTT. Has not this very amendment been already voted on?

Mr. VALENTINE. It was ruled out because I failed to offer it at the proper place. Now, I offer it under the head of "miscellaneous objects."

Mr. SIMONTON. I beg to say that if the Chair will consult the record he will find that the Committee of the Whole sustained his ruling in reference to the amendment offered before.

The CHAIRMAN. The Chair overrules the point of order.

The question being taken, the amendment of Mr. VALENTINE was not agreed to, there being—ayes 58, noes 81.

The Clerk read as follows:

Defending suits in claims against the United States: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and the District of Columbia pending in any department, and for necessary expenses incurred in defending suits in the Court of Claims, to be expended under the direction of the Attorney-General, $25,000.

Mr. URNER. I move to amend by inserting after the clause just read the provision which I send to the desk.

The Clerk read as follows:

That the Quartermaster-General and the Commissary-General are hereby authorized to designate United States commissioners to take testimony to be used as evidence in claims pending in their respective offices presented under the provisions of section 300 A and 300 B, Revised Statutes, and act of Congress approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims," and the acts and joint resolutions explanatory thereof and amendatory thereto, who shall have the authority to administer oaths and affirmations and take the testimony of witnesses, and shall transmit such testimony, verified by his official certificate, to the proper officer: *Provided*, That the claimant shall pay the fees of such commissioner for taking the depositions of witnesses called by them, but such fees shall in no case exceed ten cents per folio; and all claims now pending under said acts, and not heretofore investigated and reported, shall, upon motion of the claimant or his attorney, be referred to the United States commissioner residing nearest the place where his claim originated for the purpose of taking testimony as herein provided; and no testimony shall be taken without due notice to the claimant, who shall have the privilege of being present and cross-examining witnesses.

Mr. BLOUNT. I make the point of order that that is new legislation and does not retrench expenditures.

Mr. URNER. I should like to be heard on the point of order.

The CHAIRMAN. The gentleman will proceed.

Mr. URNER. I submit this is not new legislation. My amendment refers directly to the act of 1864, one section of which refers to the Quartermaster-General and the other to the Commissary-General. The one referring to the Quartermaster-General is in these words:

SEC. 2. *And be it further enacted*, That all claims of loyal citizens, in States not in rebellion, for quartermaster's stores actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster-General of the United States, accompanied with such proof as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster-General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said Army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement.

The next section, in reference to the Commissary-General, is as follows:

SEC. 3. *And be it further enacted*, That all claims of loyal citizens, in States not in rebellion, for subsistence actually furnished to said Army, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Commissary-General of Subsistence, accompanied with such proof as each claimant may have to offer; and it shall be the duty of the Commissary-General of Subsistence to cause each claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been received or taken actually for the use of and used by said Army, then to report each case for payment to the Third Auditor of the Treasury, with a recommendation for settlement.

The Quartermaster-General sends out special agents to examine these claims, but there is no such practice in the Commissary-General's Office. These agents, who are not learned in the law nor familiar with the rules of evidence, go into the neighborhood of claimants and take *ex parte* testimony, frequently without the witnesses being on oath.

Mr. BRAGG. I make the point of order that the gentleman is discussing the merits of the amendment and not the point of order.

Mr. URNER. I am discussing the effect of the law authorizing the Commissary-General to have these claims examined. My amendment refers to the mode by which that is to be done. In that aspect this cannot be considered new legislation. The paragraph under consideration provides for taking testimony in reference to these claims. By my amendment we only ask in behalf of these claimants that the testimony shall be taken before United States commissioners; that the witnesses shall be under oath, and that the claimants shall be notified and have an opportunity to cross-examine the witnesses if they so desire.

Now, on the question of retrenchment of expenditure, I submit this amendment will accomplish that purpose. The Quartermaster-General in his report recently made speaks of the enormous expense attending these investigations, and he recognizes there should be new agents; that there should be some new provision made, for, in his language, "much expense can be saved by hastening the work of investigations required to be made by agents."

He asks that new agents be appointed. This does not provide for that, but it does provide that the testimony shall be taken before United States commissioners at the expense of the claimant himself.

The Quartermaster-General says that these examinations amount in the neighborhood of thirty dollars for each claim investigated, and that there are many thousands of claims, and that the expense of investigating these claims has amounted to something like one hundred thousand dollars per annum as the expense incurred on account of the agents alone.

We submit that it is no change of existing law, and that in addition it does curtail the expenditures of the Government, and that, therefore, the point of order is not well taken.

The CHAIRMAN. The Chair would like the gentleman from Maryland to state, or the gentleman from Georgia, whether this amendment shows on its face that it changes existing law; and furthermore, if it does change existing law, the Chair would like to be informed whether it retrenches expenditures. In reference to this point the Chair is not sufficiently informed to decide. He would like, therefore, the opinion of the committee on the question.

Mr. BRAGG. Does not the rule which authorizes amendments to be made in the interest of economy require that the subject-matter,

of the amendment shall also be germane? Now, must not the amendment be germane to the subject-matter of the bill? This is to pay certain sundry civil expenses of the Government. The amendment proposes to create a new officer——

Mr. URNER. No, sir.

Mr. BRAGG. And to vest that officer with certain powers, and to prescribe rules of evidence in the court to be created by the amendment, and is in no manner germane to the bill to provide for the payment of the sundry civil expenses of the Government.

Mr. BLOUNT. I call the attention of the Chair to a rule most familiar to the Chair and most familiar to members:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

I submit there is no proposition in that amendment looking either to a reduction of the number or salary of officers, or any other condition which makes it in order to this bill. There is a provision authorizing the creation of a certain commission, but it does not appear from that paper there is any such reduction as is required by Rule XXI.

Mr. YOUNG, of Tennessee. Everything, Mr. Chairman, to meet the requirements referred to by the gentleman from Georgia is included in this amendment. The Quartermaster-General is authorized to employ certain agents in the examination of these claims. The amendment only changes the character of these agents; and it is in the line of economy, because the report of the Quartermaster shows the expenses of these agents for the last year were $132,000, while this amendment provides that the agents who are to be selected, these United States commissioners, are to receive no pay or compensation except what is paid by the claimants themselves.

Mr. BRAGG. Will the gentleman permit me to ask him a question?

Mr. YOUNG, of Tennessee. Yes, sir.

Mr. BRAGG. This amendment does not repeal the provision which creates these agents or authorizes the quartermasters to employ them. Consequently, as it provides additional officers to do the same duty, is it not simply cumulative?

Mr. YOUNG, of Tennessee. This does not create additional officers. It provides that officers already in existence shall perform this service; and consequently these special agents will not be necessary. It therefore, instead of being cumulative, has a positive tendency to decrease the number of officers.

Mr. Chairman, the object of the Quartermaster-General in sending out these agents is to protect the Treasury against unauthorized or improper claims. Now, if he has the authority, as the amendment proposes, to select his agents without costing the Government anything, I cannot conceive where any injury can be done by it, or where the point of order can be made against it; and to that extent this amendment is certainly in the line of economy.

It is not new legislation, for the Commissioner of Claims acted under the authority of law identical with it, the act of April 29, 1871. That act authorized the Commissioner of Claims to designate certain persons before whom the testimony should be taken, therefore this is in pursuance of existing law. Now, if it would be in order to say a word on the merits of the amendment itself I would like to do so.

Mr. WHITE. Go on. I would like to hear that.

Mr. YOUNG, of Tennessee. Under the present system the agents are sent out by the Quartermaster-General to protect the Government, as I have said, against these illegal claims; but all the testimony that is taken in reference thereto is *ex parte* testimony and without notice whatever to the claimant and without any opportunity to cross-examine witnesses. That testimony is forwarded to Washington and piled up in some department, and the claimant never hears a word of it until it is too late to make any defense or to furnish witnesses in support of his own rights in the matter. There are some twenty pensioners, Federal soldiers, in my own district who had their claims defeated upon testimony that they never heard a word of.

Mr. URNER. Mr. Chairman, I wish to say a word in response to what the gentleman from Wisconsin has said. I understand him to argue that the amendment would increase the number of officers of the Government. Now, I wish to show him that he is mistaken in that respect. The amendment provides that the United States commissioners already in existence, already appointed under the provisions of law, shall be designated to take this testimony. Consequently no new expense is incurred in that way. It does not require the appointment of new officers. The testimony is to be taken before the United States commissioners, and it will not be necessary to employ special agents. Consequently the employment of special agents will be rendered unnecessary, and they will drop out of the service and thus reduce the expenses of the Government.

Mr. McMAHON. Mr. Chairman, I hold in my hand a request from the Quartermaster-General addressed to the sub-committee of the Committee on Appropriations, in which he refers to the class of claims to which the gentleman from Maryland refers in his amendment. In that communication he asks to be allowed to employ ten additional clerks for this fiscal year. He wants additional officers to carry on the very work the gentleman now speaks of. I have his letter, and this provision he wants to have incorporated in the general deficiency bill. The gentleman from Maryland cannot maintain his proposition on the ground that it will retrench expenditures.

The CHAIRMAN. The Chair will decide that the existing laws provide for the manner of taking testimony. This changes it, and it does not appear upon its face to retrench expenditures. The Chair holds, therefore, that it is out of order.

Mr. URNER. With all respect I must appeal from the decision of the Chair.

The CHAIRMAN. Shall the decision of the Chair stand as the judgment of the committee?

The decision of the Chair was sustained.

Mr. HOUK. I desire to offer an amendment to come in after the word "dollars," in line 1105.

The Clerk read as follows:

Provided, however, That no pensioner shall be deprived of his pension, nor the same be in any wise suspended, by the report of any special agent or other *ex parte* evidence furnished to the Pension Department. But that whenever testimony is to be taken, or evidence to impeach the right or to stop any pensioner from drawing the pension he may now be drawing under the law, such testimony shall not be considered or have any effect unless such pensioner shall have had reasonable notice of the time and place of the taking of such testimony, with the names and residence of the witnesses where testimony is to be taken for such purpose, and that such pensioner shall have an ample opportunity to rebut the testimony taken against him.

Mr. BLOUNT. Mr. Chairman, I raise the question of order that this is new legislation. It is not germane to the bill. It ought to have been incorporated in the pension bill.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. HOUK. Yes, sir; I desire to speak for a moment on the point of order. By a brief discussion of this subject touching the merits and an examination of the section to which this amendment refers it will be found that every word and every line and sentence has reference to the investigation of claims against the Government of the United States. Therefore it is certainly germane to that proposition. It extends also to that provision which contemplates an investigation on the part of the Government that shall not work an injury to the claimant against the United States as a pensioner.

I know personally of a large number of worthy pensioners who have been stricken from the pension-rolls without any notice, and who have been deprived of their pensions, after an investigation or without an investigation, whether such investigation was open, fair, just, or consistent, or after an investigation in which they, the poor pensioners who have been left in darkness and have had no opportunity to be heard in their own defense, in vindication of their rights, and when they are bearing honorable scars, and have poured out their blood and doubled their scars thus incurred in the defense of the country known as the Union, the United States Government.

Now, on the subject of changing existing law, I wish to say that I know of no possible law that that provision can possibly change, impair, or alter in any possible manner. I do not know of any such provision. It strikes directly at an evil which has afflicted the country long enough. I stand here as an ex-Federal soldier in behalf of Federal soldiers to protest and if possible to provide by legislation against the wrongs constantly inflicted upon them by agents who suppose their official tenure depends upon the amount they can take from the poor pensioner and save to the Government. I appeal to this committee to stand by the soldier and sustain the amendment.

It seems the soldiers of the country are to be regarded as beggars; that when they appeal for justice, and a just mode of preserving rights invested by law, they are to be told that their rights are to depend upon assumed investigations by irresponsible parties detailed from the Pension Office and dignified by the name of "special agents." And I do not know a better designation for them, for they take "special" care not to inform the poor pensioners of the devices they are resorting to in a clandestine manner in order to deprive them of their rights, and take the bread out of the mouths of the infirm, helpless, and poorest of the poor in the land.

The CHAIRMAN. The Chair sustains the point of order against the amendment.

Mr. HOUK. On that question I appeal from the ruling of the Chair.

The question being put to the committee, the ruling of the Chair was sustained.

The Clerk read the following:

For payment of the fees and expenses of United States marshals and deputies $600,000.

Mr. HORR. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out lines 1141, 1142, and 1143—the entire paragraph—and insert in its place the following:

"For payment of the fees and expenses of United States marshals and deputies, $598,790: *Provided*, That out of said sum shall be paid to Deputy Marshal William F. Gary, of Pickens County, in the State of South Carolina, the sum of $100 per month from and after February 14, 1881, so long as he remains disabled by wounds recently received in the discharge of his duty while attempting to enforce the laws of the United States; said payment to be made by the Secretary of the Treasury monthly, upon proper proof of his disability, but to cease in any event after twelve months from February 14, 1881."

Mr. BLOUNT. I make the point of order on that amendment that it is not germane, and that it does not retrench expenditures.

Mr. HAZELTON. But it is just.

Mr. HORR. Will the gentleman from Georgia waive his point of order while I make a statement?

Mr. BLOUNT. I desire to make this statement, and I hope the gentleman from Michigan and other gentlemen will hear me. The opinion of Senator BECK, as communicated to me, is that unless this bill pass the House at this sitting it is impossible for it to become a law. I hope gentlemen will not needlessly occupy time. I will not withdraw the point of order. The Senate is waiting for this bill now.

Mr. HORR. I sympathize as deeply with the desire of the gentleman from Georgia to pass this bill as any man can. But the case before the House, which the amendment I offered reaches, is a case of actual and absolute necessity. My proposition is to pay this man $100 per month while disabled.

Mr. BLOUNT. I rise to a question of order. The gentleman from Michigan is discussing not the point of order but the merits of the proposition.

Mr. REED. He has a right to state what it is.

The CHAIRMAN. The gentleman from Michigan must confine himself to the point of order.

Mr. HORR. I am trying to do that; but it is utterly impossible for me to show the amendment is germane to this bill without showing the facts in this case.

Mr. BLOUNT. I submit the facts in the case have nothing to do with the point of order. The question is whether the proposition sent to the desk in writing is subject to the point of order.

The CHAIRMAN. The gentleman must confine himself to what appears on the face of the amendment in discussing the point of order.

Mr. HORR. Mr. Chairman, that is what I am trying to do. I offer this amendment in no spirit of strife, but simply that justice may be done a brave and efficient officer who has just been struck down while in the discharge of his duty. Mr. Gary is one of the deputy marshals of the United States court, who lives in Pickens County, South Carolina. Only a few days ago, on the 14th of this month, while attempting to serve process upon a man charged with violating the law of the land, he was shot down, and now lies suffering and disabled on account of his wounds. To show the House that this is no fancy picture of my own, I will read a short letter just received by an officer of the Government now in this city. This letter is written, as I have stated, by one of the ablest democratic lawyers in the county of Pickens, South Carolina.

Mr. BLOUNT. I submit this is not in order and ask the ruling of the Chair.

Mr. ROBESON. Will the gentleman pardon me a moment? This is an appropriation for the payment of the fees and expenses of the United States marshals and their deputies. Now, if that letter shows this amendment is necessary to pay this man his expenses it is in order, and his medicines are just as much a part of his expenses as his food.

Mr. BLOUNT. This bill makes appropriation for the next fiscal year and has nothing to do with the expenditures of this year.

Mr. REED. How can we understand whether this amendment is in order without having a statement of the facts?

The CHAIRMAN. The Chair has ruled that the gentleman from Michigan must confine himself to the point of order. The Chair is sure the gentleman from Michigan understands the rule as well as any man, and the Chair appeals to his fairness and generosity to keep within the rule and not attempt to make a speech on the merits.

Mr. HORR. If there is anything I pride myself on, it is that I understand fully every question of order that is presented to this House. [Laughter.] This letter says:

On last Monday night William F. Gary, while on duty as deputy United States marshal, was dangerously wounded by a gunshot in this county. He is now at home in a very critical condition, suffering much and requires good medical attention. I have just seen the physician who has been attending him, who seems to be very much interested in his case. He says that without some hope or assurance of being paid for his services he cannot afford to gratuitously take the responsibility of treating his case. I have encouraged him to go ahead and give this man careful attention, with the expectation that he will be paid for his services by the Government in whose employ he was at the time he was shot.

Will you be so kind as to inform me what provisions have been made by the Government for such purposes, and what course must be pursued that this unfortunate man may have proper and humane attention? He is a very poor man with a large family to support, and in my judgment the Government shoul see that he has proper medical treatment.

Mr. AIKEN. I ask the gentleman from Michigan to give us the name of the writer of that letter.

Mr. HORR. I would cheerfully give it. But up to this time they have been in the habit of shooting only republicans down there. This man is a democrat and I do not want to be responsible for their commencing to kill democrats hereafter.

Mr. AIKEN. Let me say that the information I have received is different from what the gentleman has read.

Mr. HORR. I assert that this letter is from a leading democratic lawyer in the county of Pickens, in the State of South Carolina.

Mr. PHILIPS. I rise to a question of order. I think the time of the committee should not be consumed in such discussions when the only matter pending is a point of order.

Mr. AIKEN. The county of Pickens is in my district, and I know all the lawyers in it. This man is not a prominent lawyer, or the gentleman would mention his name. I assert that three-fourths of what is written in that letter is untrue.

Mr. BLOUNT. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. Under the rules of the House the Chair is not compelled to listen to any gentleman for any longer period on a point of order than he sees fit. The gentleman from Michigan has no right to be heard at all; and as he is abusing the time and the patience of this House, I ask if it is not in order for the Chair to conclude his discussion on the point of order?

The CHAIRMAN. The gentleman has one minute left of the five minutes.

Mr. HORR. Now, Mr. Chairman, when men are disabled in this way who are on the rolls of the Internal-Revenue Department, they can get some relief by being kept on those pay-rolls and being paid their wages during their recovery. But this man is one of the deputies of the United States court and dependent upon the fees of his office for the support of himself and his family, and he can receive these fees only when able to discharge his duties as such officer, and in that way earn them. He has a wife and four children dependent upon him for support; and he is poor. It does seem to me that if our Government sends these men to perform such perilous duties in enforcing its laws, that the time has certainly come when the Government should care for their personal wants and should see to it that they and their families do not lack the necessities of life in case they are shot down while in the faithful performance of their duties. That is all I seek to do in this case. I know the objection is raised that the precedent is a bad one, and the question may be asked if there are not other cases equally meritorious. My answer would be that there are. I do not forget that there are to-day living in the South twenty-four widows whose husbands were killed precisely in the same way, while in the discharge of their sworn duty in endeavoring to enforce the laws of their country, and that these women were all made widows during the conciliatory policy of the present Administration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HORR. By what right does the Chair rap me down? I am not through discussing this question.

The CHAIRMAN. The five minutes of the gentleman have expired.

Mr. BLOUNT. I call for the regular order.

Mr. BURROWS. I submit that there is no rule limiting debates on points of order to five minutes.

Mr. BLOUNT. I submit that no gentleman has the right to say anything on a point of order unless the Chair is willing to hear him.

Mr. BURROWS. There is no rule limiting debate on questions of order to five minutes. If there is such a rule, I ask to have it read.

Mr. BLOUNT. Has any gentleman the right to argue a point of order unless the Chair is willing to hear him?

Mr. BURROWS. The Chair has recognized the gentleman to speak on the point of order.

Mr. BLOUNT. So I understand.

Mr. BURROWS. Having recognized the gentleman for that purpose, there is no rule limiting him to five minutes.

The CHAIRMAN. The present occupant of the Chair has ruled several times during the consideration of this bill, and no appeal has been taken from that ruling, that while there is perhaps no express rule as to debates on points of order, yet while operating under the five-minute rule in considering the bill no gentleman can be allowed to speak more than five minutes on any question. As remarks upon points of order are always addressed to the Chair for his information, the Chair has heretofore allowed gentlemen to speak upon points of order under the five-minute rule, and will adhere to it in future until the committee shall reverse it. Gentlemen will remember that whether the Chair hears any debate upon points of order or not is entirely discretionary with the Chair. The mind of the Chair may be so clearly made up, whether rightfully or wrongfully, that argument would be wholly unnecessary and useless. If any information is needed by the Chair, it is within the discretion of the Chair as to the time to be allowed for that purpose. The Chair has heretofore adopted the practice of allowing members to speak for five minutes upon points of order. The five minutes' time of the gentleman from Michigan [Mr. HORR] has expired.

Mr. HOUK. One word on the point of order.

Many MEMBERS. Regular order!

Mr. HOUK. I will not occupy five minutes.

The CHAIRMAN. Does the gentleman want to speak in his own behalf?

Mr. HOUK. I do.

The CHAIRMAN. The gentleman is recognized for that purpose.

Mr. HOUK. It is rather to make a suggestion. It is that if the Chair should rule out this amendment on the point of order, I want to offer an amendment to send a committee to the State of South Carolina to kill this doctor who is not willing to wait on this man.

Mr. HORR. Does the Chair hold that I have no right to speak longer on the point of order?

The CHAIRMAN. The Chair is ready to rule on the amendment.

Mr. HOUK. I appeal from the decision of the Chair.

The CHAIRMAN. That the gentleman has a right to do. The question is, Shall the decision of the Chair, that debate upon points of order shall be limited to five minutes, stand as the judgment of the committee?

The question was taken; and upon a division there were—ayes 97, noes 20.

No further count being called for, the decision of the Chair was sustained.

The CHAIRMAN. If the Chair can now have the attention of the committee he will give his decision upon the amendment; the Chair has not ruled upon the amendment yet.

This amendment proposes to reduce the appropriation contained in this paragraph, but it does not at the same time strike down any of the means of creating expenditures. The law provides that marshals and deputy marshals and such officers of the Government shall receive a certain sum for certain services. If this item was reduced so as to appropriate only $1,000 it would leave a deficiency, and each person to whom money was due would still have a claim on the Government. To illustrate—— [Laughter.]

Many MEMBERS. That is enough.

Mr. REED. Give the Chair five minutes. [Renewed laughter.]

Mr. HORR. I hope gentlemen will allow the Chair his full five minutes. [Continued laughter.]

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. HORR. I appeal from the decision of the Chair, and I want to be heard on the appeal.

The CHAIRMAN. The gentleman is entitled to the floor for five minutes.

Mr. HORR. I do not wish to take five minutes. I was about to state that this is the eighteenth man that has been stricken down in this way in the State of South Carolina during the same time, and that five of them were killed outright, and that the men who committed these crimes have never one of them, so far as I can learn, been arrested and tried by the State authorities for these crimes. But it would be of little relief to this man to tell him these things, and to go into these sickening details would only stir up strife, which I would avoid. [Cries of "Order!" "Order!"] For one I care not for the precedent in this case; and let me say to the gentlemen of the State of South Carolina that this is a peculiar case. This man has been for a decade a faithful officer; besides, he is no "carpet-bagger," no "scalawag." He is not an "alien" to your soil. No one can claim the right to shoot him on that account. He was born and reared in South Carolina and his wife and children also; all of them first saw light in the Palmetto State. The only air he or his family ever breathed was the air of South Carolina. Now, I submit to you all whether it is not the duty of this nation to grant the relief I seek by this amendment. [Cries of "Order!" "Order!"]

The question before us now is, shall we give aid to this stricken officer. This great nation of ours requires these hazardous duties of these men, and when misfortune overtakes them shall she not stand by them? For one I am ready here and now to say to the country that the Government of the United States is supreme in this land, and to further announce that the laws of this country must and shall be obeyed, and further, that whenever any of her faithful officers are stricken down while in the discharge of their duties that want and starvation will be kept from their doors at least during the time that their wounds are being healed. [Cries of "Order!" "Order!"]

Mr. BRAGG. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BRAGG. The gentleman from Michigan is not discussing the point of order.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BRAGG] raises the point of order that the gentleman from Michigan [Mr. HORR] is not discussing his appeal from the decision of the Chair, and the Chair sustains the point of order. The Chair hopes that the gentleman from Michigan will confine himself to his appeal from the decision of the Chair.

Mr. HORR. I have been endeavoring to show, and I wish to show, that while I am aware this might open the door to further expenditure, and on that account be subject, perhaps without an examination, to a point of order, still the Government ought to stand by these men. [Cries of "Vote!" and "Order!"] I know, gentlemen, and you men who are shouting "vote" ought to know, as I have already stated, that this is the eighteenth man who has been stricken down in this same district during the last four years while attempting to enforce the laws of our land; and I desire to say to you, gentlemen of the South, that—[cries of "Vote!" "Vote!"] Mr. Chairman, I wish to say——

Mr. ATHERTON. I rise to a point of order.

Mr. HORR. I cannot finish my remarks in such an uproar. Members should remember that my voice is feeble. [Laughter.]

Mr. ATHERTON. I make the point that the gentleman is simply continuing the line of remark which the Chair has already declared out of order.

Mr. HORR. I am discussing the point of order; and I trust when I get through the Chair will not be sustained in his ruling.

Mr. ATHERTON. Am I not upon the floor on my question of order?

The CHAIRMAN. The Chair has sustained the point of order made by the gentleman.

Mr. ATHERTON. I want to say further——

A MEMBER. You cannot discuss your point of order after it has been sustained.

The CHAIRMAN. It is impossible for the Chair to restrain the gentleman from Michigan in his line of discussion when, after being informed what is a violation of the rules of order, he continues to violate them.

Mr. WILBER. I think there has been disorder all around.

Mr. HORR. I should have been done before this time if I had not been interrupted. I simply desire to add that this is not a question which appeals to sectional strife. This man who has been stricken down as I have already stated—— [Cries of "Order!"]

Mr. BURROWS. I make a point of order that when a member has been recognized, and is addressing the Chair, no man and no body of men have the right to cry him down.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MCMAHON. I desire to amend the gentleman's point of order by adding that no man has the right to proceed out of order against the express remonstrance of the Chair.

Mr. WILBER. I insist that the Chair and not the gentleman from Ohio [Mr. MCMAHON] has the right to enforce points of order.

The CHAIRMAN. The Chair hopes that order will be observed on both the right and the left.

Mr. COX. I rise to a parliamentary inquiry. How long does this debate run?

The CHAIRMAN. The gentleman is limited to five minutes.

Mr. HORR. I was simply going to add that this is not a sectional case. This marshal was born on the soil of South Carolina, and all I seek is to insist that he shall be saved from starvation during his painful illness, especially since he has fallen while in the discharge of his duty and during an attempt to enforce the laws of our common country.

The CHAIRMAN. The gentleman's time has expired.

Mr. BURROWS. Under what rule?

The CHAIRMAN. Under the five-minute rule.

Mr. BURROWS. The five-minute rule does not apply on an appeal.

The CHAIRMAN. The Committee of the Whole, to which the question was referred the other day, has decided otherwise. Does the gentleman appeal from the decision of the Chair?

Mr. BURROWS. I understood the Chair to say that the gentleman's five minutes had expired. I wish to state that, in my judgment, there is no rule limiting debate on an appeal to five minutes.

The CHAIRMAN. The Chair thinks that when the Committee of the Whole is acting under the five-minute rule, debate on all questions, incidental as well as direct, is limited by that rule. That has been the decision of the Chair heretofore, and the Committee of the Whole sustained the decision.

The question being taken, Shall the decision of the Chair stand as the judgment of the committee? it was decided in the affirmative.

The Clerk read as follows:

For expenses and fees of bailiffs, furniture, for payment of expenses of district judges who may be sent out of their districts in pursuance of law, and for other miscellaneous expenses, $325,000; in all, $2,950,000.

Mr. MCMAHON. I am instructed by the Committee on Appropriations to move to amend by inserting after the paragraph just read the following:

To supply district judges and district attorneys, who have not already received the same, with the reports of the Supreme Court and Statutes at Large of the United States, and also to furnish complete sets of the same where there are none, at such points where United States courts are authorized to be held, and to supply broken sets where there are missing volumes, a sufficient sum of money is hereby appropriated.

The amendment was agreed to.

Mr. HOUSE. I move to amend by inserting after the amendment just adopted the provision which I send to the desk.

The Clerk read as follows:

For payment to Seraphene, the widow, and Rosalie and Josie Trigg, daughters of Connally F. Trigg, late United States district judge for the middle and eastern division of Tennessee, the balance for the year of his salary from April 25, 1880, the time of his death, to August 25, 1880, the date of the qualification of his successor, the sum of $1,166.66.

Mr. BLOUNT. There is no authority of law for that.

Several MEMBERS, (to Mr. BLOUNT.) Do not make a point of order.

Mr. BLOUNT. Very well; I withdraw the point.

Mr. WARNER. If there is no authority of law for the amendment I must renew the point of order.

Mr. SPARKS. If the gentleman from Ohio does not, I will.

Mr. HOUSE. It is subject to a point of order, if gentlemen choose to make it. But it is only to pay a few months' salary to the widow and daughters of a United States judge.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLACKBURN. I move to amend by inserting the following:

To enable the Attorney-General to provide for the preservation of the records of the United States courts at Frankfort, Kentucky, by rebinding, indexing, and arranging the same under his direction, $1,000.

In support of the amendment I ask to have read a dispatch from the Department of Justice.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 25, 1881.

To J. C. COURTS:

In reply to your telegram of to-day the following is suggested as a draught of a clause to general sundry civil bill: "To enable the Attorney-General to provide for the preservation of the records of the United States courts at Frankfort, Kentucky, by rebinding, indexing, and arranging the same under his directions, $1,000."

SAML. MULLIKEN.

Mr. BLOUNT. There is no objection to that.

The amendment was agreed to.

Mr. McMAHON. At the request of the chairman of the committee, I offer the following amendment:

For the purpose of preparing and publishing the reports of the supreme court of the Territory of Wyoming, from the March term, 1878 to 1881, $1,000.

The amendment was agreed to.

STATE DEPARTMENT.

For commissioners, not exceeding three in number, to represent the United States at a conference to be called to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals, the sum of $5,000 each, and their reasonable expenses, to be approved by the Secretary of State; and for a secretary to each of such commissioners, the sum of $3,000; the amount necessary to pay such compensation and expenses to be immediately available out of any money in the Treasury not otherwise appropriated.

Mr. DE LA MATYR. I make the point of order that that is new legislation and increases expenditures, and is therefore not in order in this general appropriation bill.

Mr. WARNER. On the point of order I desire to say that by the act of February 28, 1878, the President was authorized to call a conference to establish a common ratio between gold and silver in the mintage of the different countries. Second section of that act provided in terms that "immediately after the passage of this act the President shall invite the governments of the countries composing the Latin Union, so-called, and of such other representative nations as he may deem advisable, to join the United States in a conference to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money," &c. Under this act a preliminary conference was called, which met at Paris in August, 1878. An appropriation to pay the commissioners was contained in the act approved June 20, 1878.

At the first session of the Forty-sixth Congress $20,000 more was appropriated "for negotiations"—and I will quote the words of the act—"with foreign governments, with a view to the international remonetization of silver." Under that act and with that appropriation negotiations have been carried on prudently and wisely, I think, by the Secretary of State; and as a result of his negotiations France has asked the United States to join in an invitation to the states that participated in the conference of 1878, and also to other states, to a further conference, with a view to establishing internationally bimetallic money on a common ratio.

Mr. WEAVER. I hope we will have order, so that we may hear what the gentleman is saying.

Mr. DE LA MATYR. I have not been able to hear a single sentence that has been uttered.

The CHAIRMAN. The gentleman's time has expired, but in view of the interruption the Chair will give him two minutes longer.

Mr. WARNER. I was calling the attention of the Chair, as bearing upon the point of order, to the act of 1878, and especially the act of the first session of the Forty-sixth Congress, in which $20,000 was appropriated for negotiations with foreign governments with a view to the international remonetization of silver. In pursuance of that act, I say negotiations have been carried on by the Secretary of State, and, as a result of such negotiations, a further conference is asked. The conference now proposed, therefore, is in continuation of the very purpose for which the $20,000 was appropriated in 1879. I submit, therefore, that it is not new legislation, but in pursuance of legislation already on the statute-books that this appropriation is asked, and, therefore, not subject to the point of order; and as to the merits of the question, I think there can hardly be two opinions.

Mr. DE LA MATYR. The gentleman only shows that appropriations have been made, which does not relieve it from the point of order.

Mr. WARNER. I beg pardon; I referred also to the act of the 28th of February, 1878.

Mr. DE LA MATYR. That does not constitute law in the meaning of the rule.

Mr. WARNER. Besides, Mr. Chairman, the Constitution itself, which is the supreme law, under the treaty-making power gives the President authority, with the advice and consent of the Senate, to appoint ministers and embassadors; but as the power to "coin money" and "regulate the value thereof" is lodged with Congress, of course any negotiations must come to Congress for confirmation or rejection.

Mr. WEAVER. Certainly it cannot be claimed that this section of the bill is not subject to the point of order. Will any gentleman contend that you could pay the salaries of these commissioners without an appropriation? Certainly not. There in no law in the world for it now, and the very object of this paragraph is to provide money. It is new legislation, and does not retrench expenditure, and therefore I can see no reason in the world why it should be inserted into this bill. It is simply an attempt to bring about some kind of international agreement or quasi-legislation to be followed finally by an act of Congress by which the silver product of this country will be so manipulated that it will be impossible to pay it out for the public debt. For the purpose of placing this country, the greatest silver-producing country of the world, within the power of France, it will limit the amount of silver we shall have in circulation.

Mr. WARNER. I hope the gentleman will discuss the point of order.

Mr. WEAVER. I am. That is the object of this legislation. It is new legislation. It is very well known to the members of this House that the Latin Union restricts the members of that union to the amount of silver they shall keep in circulation. That is the amount of this legislation, and that is one of the objects of appointing this commission.

The gentleman from Ohio says that the proposition is for unlimited coin; but this is to ask the powers of Europe to allow us to have unlimited coinage in this country. I object to it. If they do agree it will be of a kind and character that will not be used in payment of the public debts, and I am opposed in principle to the whole proposition, and regard it as obnoxious to the point of order made against it.

The CHAIRMAN. The Chair will rule upon this question. It is manifest that it is not new legislation. It is only legislation prescribing in detail what parties are to be paid in pursuance of this prior legislation. Consequently, it is in pursuance of existing law, and the Chair holds that it is in order.

Mr. MONEY. I desire to offer an amendment to this paragraph.

The Clerk read as follows:

That the Secretary of State is hereby required and instructed to address circular letters to diplomatic and consular officers of the United States residing in governments having adopted Government postal-telegraph systems, requesting them to report upon the workings of such systems in the governments to which they are accredited, giving the rates charged, the cost of construction and operation, and all other facts which may be obtained in reference thereto. Such reports shall be printed and transmitted to Congress at its session in December next.

Mr. BLOUNT. I make a point of order upon that.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. BLOUNT. It is new legislation.

Mr. MONEY. It does not cost a cent.

Mr. CANNON, of Illinois. I hope the gentleman from Georgia will not insist upon the point of order. This is important information, which the Government ought to have.

Mr. BLOUNT. I must insist upon the point of order.

Mr. MONEY. I will say that it does not cost the Government a single cent. It simply requires our consular agents to furnish us with this information upon questions of great importance.

Mr. BLOUNT. It is new legislation, and not authorized to be placed in this bill.

Mr. MONEY. But, I repeat, it does not cost anything.

The CHAIRMAN. The Chair holds that the point of order is well taken. It is new legislation.

Mr. MONEY. But the Chair will observe that this involves no expense to the Government whatever.

The CHAIRMAN. In order to bring it within the rule it must tend to reduce expenditures. There is nothing here to show that this does. The Chair consequently holds that it is out of order.

The Clerk read as follows:

For the proportion to be paid by the United States of the joint expenses of such conference, the sum of $7,500. And the report of said commissioners shall be made to Congress for ratification or rejection.

Mr. SPRINGER. I wish to offer an amendment to this paragraph.

The Clerk read as follows:

Provided, That the commissioners on the part of the United States shall be instructed to agree to no adjustment which does not recognize silver coin as a part of the money system of the governments joining in such conference.

Mr. SPRINGER. I am in favor of this commission, and I simply want to add this by way of a proviso to the paragraph. I think there will be no objection to it.

The amendment was agreed to.

Mr. KEIFER. I wish to offer an amendment, which I send to the desk.

The Clerk read as follows:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 15th day of June, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. KEIFER. I wish to state that this amendment is identical with the provisions of House resolution No. 333, which passed the House on the 15th of June last, and which was indefinitely postponed by the Senate. It is identical in substance with the act of July 1, 1879, first session of the Forty-sixth Congress. I will say also, Mr. Chairman, that it has been customary for many years to give one month's additional pay to the employés of the two Houses upon the theory somewhat of its being in the nature of mileage, most of the employés living at remote parts of the United States. It also equalizes the salaries of the employés of the House with those of the Senate; the latter receiving in some instances all the way from 10 to 40 per cent. greater compensation than the House employés performing similar duties. I hope there will be no objection to the amendment.

Mr. VANCE. Why not include the Capitol police serving under the House in this item?

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Ohio.

The amendment was agreed to.

The Clerk read as follows:

To enable the Clerk of the House to pay the widow of Hon. E. W. Farr, deceased, late a member of the Forty-sixth Congress, $1,626, the same to be immediately available.

Mr. FORT. I wish to offer an amendment.

The Clerk read as follows:

That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to Charles Diemar a sum equal to one month's pay at the date of his discharge from the disabled soldiers' roll.

Mr. BLOUNT. I would like to hear an explanation of this amendment. I will not make the point of order at this time.

Mr. FORT. This is a one-armed soldier that happened to be discharged, and it is usual to pay one month's extra pay in such cases.

Mr. BLOUNT. Let it go.

The amendment was agreed to.

The Clerk read the following paragraph:

To enable the Clerk of the House to pay the following claims, audited and recommended by the Committee on Accounts, to wit: To L. Q. Washington, $234; to John E. Kelly, $30; to Watson Boyle, $200; to J. C. Courts, $400; to J. S. Jones, $54.12; to Silas Carr, $100; and to Alvah W. Hicks, $100; the same to be immediately available.

Mr. BARBER. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the paragraph just read insert the following:
"To pay Buford C. Lee the sum of $75, to be immediately available."

Mr. BLOUNT. That, I will inform the gentleman from Illinois, is already in the deficiency bill.

Mr. BARBER. Then I withdraw the amendment.

The Clerk read the following:

That the parties named below be allowed the amounts set opposite their names, in full of expenses incurred by them respectively in contested-election cases.

Mr. WHITE. I raise the point of order against that clause. The point of order is that it is new legislation not authorized by previous law and not in the interest of economy.

The CHAIRMAN. The whole paragraph has not been read.

Mr. WHITE. The paragraph has been read.

Mr. HAYES. How far does the paragraph extend?

Mr. WHITE. My point of order is made on the paragraph just read, extending from line 1236 to line 1238. That raises the question and relieves me of the necessity of raising it on each paragraph mentioning the name of each individual.

The CHAIRMAN. Will the gentleman again state his point of order?

Mr. WHITE. My point of order is that the paragraph is obnoxious to the twenty-first rule with which the Chair is familiar.

The CHAIRMAN. The Chair would suggest that the clause which has been read does not of itself make an appropriation and the point of order does not lie against it.

Mr. WHITE. Then I will wait till the next clause is read.

Mr. HAYES. That is the enacting clause of what follows.

The Clerk read as follows:

Jere Haralson, $1,250.

The CHAIRMAN. Does the gentleman from Pennsylvania waive his point of order on the lines first read from 1236 to 1238?

Mr. WHITE. I make the point of order on the lines from 1236 to 1240, including what has just been read:

Jere Haralson, $1,250.

I raise the point of order in this case so that I may not be charged with discriminating against anybody.

Mr. BLOUNT. I wish to ask the gentleman a question for information; if the point of order he raises would not apply to all that follows to the end of the bill?

Mr. WHITE. Yes, sir; but I desire to make the point of order here. I raise it right here and it is this: that this is obnoxious to the twenty-first rule; that it is new legislation not authorized by existing law and not in the interest of economy. It is not necessary for me to repeat the rule, it is so familiarly known.

The CHAIRMAN. The Chair would like the gentleman to refer to the law on the subject of paying expenses in contested-election cases.

Mr. WHITE. There is no statute on that subject.

Mr. KEIFER. If the gentleman from Pennsylvania will ever get through stating his point of order, I will read the law on the subject.

Mr. WHITE. I am stating the point of order.

Mr. KEIFER. The gentleman is stating it over and over again by saying there is no law on the subject, when there is.

Mr. WHITE. Where is the law?

Mr. KEIFER. I will state it when the gentleman gets through.

Mr. WHITE. I am merely exercising my duty here. I make the point of order as distinctly as I can make it, that this is contrary to the twenty-first rule, that there is no law authorizing this expenditure, and that it is not in the interest of economy.

What clearer does the gentleman want than this statement? Now, sir, while I am upon the floor I will indicate my position by saying this is in no sense a political question. I object to the principle of these appropriations. I care not whether I strike friend or foe in so doing. This item is for Jere Haralson, who is a colored republican, I believe, from Alabama. He contested for a seat and lost. Following this are items for a number of cases. A few clauses further on there is an appropriation for Noble A. Hull, of $2,000. Now, this Mr. Hull sat here for nearly two years, drawing his salary and mileage all the while, amounting to nearly, indeed more, I believe, than ten thousand dollars. He was turned out by the unanimous report of the Committee on Elections a few weeks ago, and his contestant, Mr. BISBEE, seated. Mr. Hull, it seems, had not the shadow of a claim to the seat, yet it is proposed to give him $2,000 as an encouragement for fighting and keeping the rightful occupant from his seat. There are other appropriations in contests of some twelve to fifteen years ago. There are appropriations to the losing side as well as the successful.

This is, in my opinion, not right. It is a well-recognized rule of common-law proceedings that in litigation the losing party pays the costs. Yet in these appropriations the losing man gets as much as the successful one. I have counted up the different items following, and they amount to $37,431.12. Of this sum, $8,623.95 is given to the losing parties. This has been growing and growing for years upon the Government. It is a practice more honored in the breach than in the observance. If you continue to indulge this extravagance you will invite contests all over the country. If I had the power I would make an inexorable rule to pay in no case the losing party anything. You would then prevent much of that log-rolling which makes the contestant's friends, as well as those of the contestee, vote to pay both parties. In many of the State Legislatures this folly and extravagance became so flagrant that it was stopped by constitutional provision. Notably is this the case in Pennsylvania. I shall oppose all these items. I care not what may be the party politics of the person to whom the appropriation is made. It is a matter of principle with me, and I hope Congress will call a halt on this abuse.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRINGER. I desire to state for the information of the gentleman from Pennsylvania that there are two statutes on this subject. One of them is a section in the Revised Statutes—I cannot give the number now—which provides that the witnesses appearing before commissioners taking testimony in contested-election cases shall be entitled to so much per diem for their attendance, and that the notaries public shall also be entitled to so much per folio for taking the testimony.

There is also a statute, passed at the last session of the last Congress, which limits the amount to be allowed in any contested-election cases to $2,000 upon each side. There are two statutes, then, which recognize and authorize the payment of expenses of this kind. And in addition to that, it has always been the custom of Congress.

Mr. KEIFER. If it is desired, I can have the sections of the statutes read.

Mr. VAN VOORHIS. The statute in relation to the payment of witnesses provides for the expenses being paid by the parties, and not by the Government. It is as follows:

SEC. 128. Every witness attending by virtue of any subpœna herein directed to be issued shall be entitled to receive the sum of seventy-five cents for each day's attendance, and the further sum of five cents for every mile necessarily traveled in going and returning. Such allowance shall be ascertained and certified by the officer taking the examination, and shall be paid by the party at whose instance such witness was summoned.

Mr. McMAHON. The gentleman from New York forgets that a contested-election case is never treated by the Government as a contest between two private individuals. It is regarded as in the interest of the public, for the benefit of the electors, and in the interest of good government; and therefore it was never contemplated and never has been the practice that the individual should bear the expense.

The CHAIRMAN. The Chair is ready to decide the question. The Chair is familiar with the law which was passed while he was chairman of the Committee on Elections. It is said that in no case should the expenses of contestants or contestees exceed $2,000, which was an implied admission that they had a right to expenses going to $2,000. Therefore the Chair overrules the point of order so far as relates to this paragraph giving to Jere Haralson, $1,250.

Mr. WHITE. Then I move to strike out the paragraph.

The CHAIRMAN. The Clerk will read the paragraph which the gentleman moves to strike out.

The Clerk read as follows:

Jere Haralson, $1,250.

Mr. WHITE. I find that section 130 of the Revised Statutes provides as follows:

No payment shall be made by the House of Representatives out of its contingent fund or otherwise, to either party to a contested-election case, for expenses incurred in prosecuting or defending the same.

The CHAIRMAN. The Chair is familiar with that law. It used to be the habit of the House on the last day of the session to pay from the contingent fund large amounts by resolution for expenses in contested-election cases. Therefore, the law was changed so that such payments should be by an act approved by both Houses and signed by the President, in the nature of a law. That has no application to the appropriations in this bill.

Mr. WHITE. I merely want to state my conviction about this matter.

Mr. WILSON. Ask leave to print. [Cries of "Regular order!"]

Mr. WHITE. I know it is an ungracious proceeding to assail a provision like this. Here are a lot of old stale claims revived in an appropriation bill and sought to be run through in the late hours of a Saturday's session. I rise for one to protest against it. I find that the aggregate appropriation proposed in this bill for this purpose is over thirty-five thousand dollars; some of them being for old claims of thirteen to sixteen years' standing. The amount appropriated for persons who commenced contests and lost is $8,600. We are establishing and recognizing a principle here which is obnoxious to the

principles of our common-law courts. When a man commences a contest and fails he should pay the expenses out of his own pocket.

Mr. HAYES. Mr. Chairman, I support this amendment because I desire to root out an evil that has grown up in the practice both of this House and in the Senate. It has become the custom to allow large sums of money each year for the pay of expenses in contested-election cases. It has come to be understood that in every contested-election case both the contestant and contestee are to be paid out of the public Treasury the expenses which they have incurred in making their contest. This has resulted in encouraging parties to make contests even when, in many instances, they had no good ground for so doing. These contests have not only taken up much of the time of the Election Committee and the House, thus greatly delaying important public business, but they have cost and are now costing us a large sum of money each year. How large this sum is I suspect very few gentlemen on this floor understand. I have taken some pains to look the matter up and to ascertain what we have paid out in connection with these cases during the past few years. I find in the laws of the second session of the Forty-fifth Congress a resolution, approved June 19, 1878, and appropriating the following sums to the parties herein named on account and in part of the amounts due them for expenses of contest for seats in the House of Representatives, Forty-fifth Congress of the United States: J. J. Finley, second district Florida, $1,000; Jere Haralson, fourth district Alabama, $1,000; John S. Richardson, first district South Carolina, $1,000; G. D. Tilman, fifth district South Carolina, $1,000; Peter D. Wigginton, fourth district California, $1,000; R. Pacheco, fourth district California, $1,000; Thomas M. Patterson, Colorado, $1,000; James B. Belford, Colorado, $1,000; J. H. Acklen, third district Louisiana, $1,000; Chester B. Darrall, third district Louisiana, $1,000; John R. Lynch, sixth district Mississippi, $500; and to M. P. O'Connor, sixth district South Carolina, the sum of $500 for all his expenses of contest.

The aggregate of the above items amounts to $11,000. In addition to this, I find in the sundry civil bill for 1880, passed at the third session of the Forty-fifth Congress, approved March 3, 1879, the following items appropriated.

In the Senate:

Pay to D. T. Corbin, late contestant for a seat in the United States Senate from the State of South Carolina, his expenses of such contest, $10,000.

In the House the following:

That the parties named below be allowed the amounts set opposite their names on account of expenses incurred by them respectively in contested-election cases: Charles M. Shelley, $2,500; Jere Haralson, $2,500; P. D. Wigginton, $2,500; Romualdo Pacheco, $2,000; T. M. Patterson, $237.35; J. B. Belford, $666; J. J. Finley, $1,262.71; Horatio Bisbee, jr., $4,000; J. H. Acklen, $2,000; C. B. Darrall, $1,000; J. B. Elam, $500; C. E. Nash, $1,000; E. W. Robertson, $750; Benjamin Dean, $1,500; Walbridge A. Field, $1,500; John R. Lynch, $1,000; Lyne S. Metcalf, $1,700; R. Graham Frost, $2,000; James L. Nutting, $4,000; James B. Reilly, $4,000; John S. Richardson, $2,000; Joseph H. Rainey, $2,500; G. D. Tillman, $2,000; Robert Smalls, $2,500; Joseph Jorgensen, $1,000; in all, $46,616.06, to be immediately available.

The aggregate of these items in both Senate and House amounts to $56,616.06.

In the sundry civil bill for the year 1881, passed at the second session of the Forty-sixth Congress, and approved June 16, 1880, I find the following:

That the parties named below be allowed the amounts set opposite their names, in full of expenses incurred by them respectively in contested-election cases: Joseph Mason, $2,000; Sebastian Duffy, $2,000; J. M. Bradley, $1,500; W. F. Slemons, $1,500; in all, $7,000.

In addition to this, the Senate passed a resolution on the 22d of this month giving to H. M. Spofford, who was contesting the seat of Mr. KELLOGG, pay from the 4th of March, 1877, to August 20, 1880, amounting to about $20,000.

Now, sir, after having allowed all these sums, we find the Appropriations Committee recommending in the bill now before us as follows:

That the parties named below be allowed the amounts set opposite their names, in full of expenses incurred by them respectively in contested-election cases: Jere Haralson, $1,250; Charles M. Shelley, $1,250; Noble A. Hull, $2,000; Horatio Bisbee, $2,000; Ignatius Donnelly, $2,000; W. D. Washburn, $2,000; J. H. Acklen, $750; J. J. Martin, $2,000; Jesse J. Yeates, $2,000; J. E. O'Hara, $1,373.95; W. H. Kitchin, $1,000; George B. Loring, $1,943.17.

To pay John D. Young, of Kentucky, salary as a member of the Fortieth Congress, $6,865.

To pay George M. Adams, of Kentucky, his expenses in the contested-election case of Barnes against Adams for seat from the eighth congressional district of Kentucky, in the Forty-first Congress, $4,000.

To pay Thomas Cottman, of Louisiana, compensation as a member of the Thirty-eighth Congress from the State of Louisiana, $2,000.

To pay Randall L. Gibson, of Louisiana, the expenses of his election contest in the Forty-third Congress, $1,000.

To pay J. Hale Sypher in full of all claims for salary and mileage due him as a Representative in Congress from the first congressional district of Louisiana in the Forty-first Congress, and in full of all expenses incurred in contesting his election, $4,000.

The sum of the items in this bill is $37,432.12. If now we add all the sums that have thus far been appropriated for contested-election cases as I have indicated above, and the sum that is proposed to be appropriated by this bill, we have the grand aggregate of $132,048.18.

But this is not all. In the Forty-fifth Congress Mr. Finley, of Florida, was given a seat in this body, to which he was not entitled, just eight days before that Congress expired, and was allowed full salary and allowances for the whole two years of that Congress, which amounted at least to $11,000. Besides this, in the present Congress, Mr. Hull, from Florida also, was allowed to hold a seat in this body, to which he had no claim, until only a few days ago, when the rightful claimant was seated. Mr. Hull was allowed to go with another $11,000 of the people's money. Again, Mr. YEATES was given a seat a few days ago which belonged to Mr. Martin, and he was allowed pay for the whole of the two years during which he performed none of the duties of a member of this body, which pay amounts to another $11,000. Add these three sums to the $132,048.18, above mentioned, and we have the enormous sum of $165,048.18.

But this is only a part of what these contested-election cases have cost us. There are many other items, especially in regard to double salaries, which I have not been able to get, which, no doubt, would swell the above figures to over $200,000. These figures are startling, and it does seem to me that something should be done to prevent such a lavish expenditure of the people's money. As far as the past is concerned we can, of course, do nothing, but as to the future we can, and ought to, so hedge about contested-election cases that they shall not cost us such enormous sums of money as they have cost heretofore.

The question was taken upon the amendment of Mr. WHITE, and it was not agreed to—ayes 3, noes not counted.

Mr. WHITE. I shall move to strike out each clause as it is read, unless I can be allowed to move to strike them all out when their reading has been concluded.

Many MEMBERS. All right.

The Clerk read as follows:

Charles M. Shelley, $1,250.

Mr. SPEER. By instruction of the Committee on Elections, I move to insert after the clause just read that which I send to the Clerk's desk.

The Clerk read as follows:

N. P. O'Connor, $2,000.
E. W. M. Mackey, $2,000.

The amendment was agreed to.

The Clerk read the following:

Noble A. Hull, $2,000.

Mr. KEIFER. I move to amend by striking out "$2,000" and inserting "$3,500."

Mr. BLOUNT. I make a point of order on that amendment.

The CHAIRMAN. The Chair will be compelled, in a matter so plain as that——

Mr. KEIFER. I want to be heard upon that.

The CHAIRMAN. The Chair hopes the gentleman will not insist upon being heard.

Mr. KEIFER. I must insist upon it.

The CHAIRMAN. The Chair will through courtesy hear the gentleman, for he has great respect for him.

Mr. KEIFER. I want to know what is the point of order.

Mr. BLOUNT. I will read from the sundry civil appropriation bill of last year:

That hereafter no contestee or contestant for a seat in the House of Representatives shall be paid exceeding $2,000 for expenses in election contests.

Mr. KEIFER. I suppose I understand fully the scope of the point of order. I submit that if the clause which has been read is binding on this House at all, it could not apply to this case. It cannot be held to be retroactive in its effect, to operate upon cases where the expenses were incurred in a contest going on at the time the law was passed. It will hardly do for the Chair, in giving construction to that law, to say that it applies to cases that were then being contested, and in which expenses had then been incurred.

I will state to the Chair, what will not be disputed, that this case of Noble A. Hull was in progress and nearly through at the time the Committee on Appropriations concluded that they would put in their appropriation bill of last year, in such a form that it was entirely overlooked by the House, a provision that hereafter no Congress should exercise its right and power to pay what had been justly and properly expended in carrying on election contests. I do not believe that is binding upon this House in the sense of a law. It is simply a naked declaration that any future Congress would do no more than allow the sum of $2,000 for expenses in election contests.

How would it do for us now to say, in the face of existing law, when we come to pass upon certain other cases that we will not pay what has already been contracted in the shape of expenses in old cases? The clause which the gentleman has read, and which the Chair has examined and is familiar with, certainly cannot apply to this case.

The CHAIRMAN. The mind of the Chair is so well made up on this question that he must beg that there be no further discussion upon the point of order. The limit of the law is $2,000, and the law is so plain that the Chair must sustain the point of order.

Mr. KEIFER. And I appeal from the decision of the Chair.

The CHAIRMAN. The Chair will submit the appeal to the committee.

Mr. MANNING. I am not sure that in all this hub-bub and confusion the Chair heard the point which the gentleman from Ohio [Mr. KEIFER] was endeavoring to make; and which was, that this two-thousand-dollar law, upon which the Chair predicates his decision, was passed subsequent to the incurring of the expenses in this case; and the legislation cannot apply to this case and to others in this bill which will soon be reached.

The CHAIRMAN. The Chair took that fully into conideration. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and upon a division there were—ayes 60, noes 54.

Before the result of the vote was announced,

Mr. KEIFER said: No quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. KEIFER and Mr. BLOUNT were appointed.

Mr. ROBESON. I rise to a parliamentary inquiry. Will the Chair state the question before the committee?

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] moved to increase the proposed allowance to Noble A. Hull from $2,000, the sum named in the bill, to $3,500. The gentleman from Georgia [Mr. BLOUNT] made the point of order that the appropriation could not go beyond $2,000, on the ground that the statute fixes that limit in such cases. The Chair sustained that point of order. The question is now, Shall the decision of the Chair stand as the judgment of the committee?

The committee again divided; and the tellers reported—ayes 67, noes 65.

So the decision of the Chair was sustained.

Mr. WHITE. I now move to strike out the pending item:

Noble A. Hull, $2,000.

Here is a gentleman—I do not know anything about him—who claimed a seat in Congress, and who sat here for nearly two years, drawing, I suppose, the salary in the mean time, amounting to nearly ten thousand dollars. The Committee on Elections reported, and this House decided, that he had no title to the seat; and now we propose to pay him $2,000 as a premium for holding for nearly two years a seat to which he was not entitled. I am opposed to that principle, and I want to make that square issue here. To allow expenses of contest in such a case violates the ordinary common-law rule recognized all over the country that a man who loses in a contest must pay his expenses. I want to make a record on this question and show what is the opinion of the House. I know it is an ungracious task to raise such a question; and I do it without any feeling, merely for the purpose of being consistent with what I believe to be a correct principle.

The question being taken on the motion of Mr. White, it was not agreed to; there being ayes 4, noes not counted.

Mr. WEAVER. I move to amend by inserting after line 1242 the following:

Seth H. Yocum, $8,500; A. G. Curtin, $8,500.

Mr. ATHERTON. I make a point of order on that.

Mr. BLOUNT. I also make a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WEAVER. I want to be heard a moment.

The CHAIRMAN. The question has just been discussed and decided on a similar proposition; and the Chair cannot permit the time of the committee to be consumed on a question which has just been decided by the committee itself.

Mr. WEAVER. Mr. Chairman, this is a different proposition. I must be heard.

The CHAIRMAN. The Chair sustains the point of order, and the gentleman must come to order.

Mr. WEAVER. Mr. Chairman, I appear here on behalf of the Committee on Elections, and I wish to be heard on this proposition.

The CHAIRMAN. The point of order has just been made on a similar proposition and sustained by the Committee of the Whole. The Chair cannot allow the time of the committee to be consumed by hearing the same question again discussed.

Mr. WEAVER. I appeal from the decision of the Chair; and I wish to be heard a moment. This amendment is offered by direction of the Committee on Elections. It is well known, at least to members of that committee, that the contest to which gentlemen named in this amendment were parties was in progress at the time that the law which has been read was passed; and every cent of this expenditure was incurred before the publication of that law. The truth is that these gentlemen had each expended over $17,000 in prosecuting the contest; and for this Congress to say that they shall not be reimbursed beyond $2,000 of their expenses is simply to say that no man shall prosecute a contest for a seat in this House unless he is a man of wealth. I submit that the law which has been read cannot apply to a case in which every dollar of expenditure was incurred before the law was in existence.

The question being taken, Shall the decision of the Chair stand as the judgment of the committee? there were—ayes 77, noes 38.

Mr. WEAVER. No quorum has voted; I call for tellers.

Tellers were ordered; and Mr. BLOUNT and Mr. WEAVER were appointed.

The committee again divided; and the tellers reported—ayes 78, noes 54.

So the decision of the Chair was sustained.

Mr. BLOUNT. I desire to make a statement. The last vote shows no quorum present. This bill cannot be passed unless we have a quorum. The Senate is in session waiting for the bill; and I simply make this statement, accompanied by a request that members will remain here until the bill is passed.

Mr. SPRINGER. I offer the amendment which I send to the desk, to come in after line 1244.

The Clerk read as follows:

To pay John J. Wilson, $750; J. C. Holmes, $750; James McCabe, $500.

The amendment was agreed to.

The Clerk read as follows:

To pay Ignatius Donnelly, $2,000.

Mr. VAN VOORHIS. I move to strike out that line. I do not make any objection to paying anybody for a contest, if they had the color of a claim; but in this case pressed forward by a pirate [cries of "Vote!" "Vote!"] in politics and a freebooter—[cries of "Vote!" "Vote!" and "Regular order!"]

Mr. MANNING. If the gentleman from New York would only speak according to the facts of the case and without malignity, then, perhaps, I might deem it necessary to answer him.

Mr. VAN VOORHIS. And where a man seeks to establish his claim by fraud, perjury, and forgery, [cries of "Vote!" "Vote!"] now I say the dignity of the House is involved, and we ought not to pay such a claim.

Mr. MANNING. That is all inane gabble. Mr. Donnelly is a gentleman. [Cries of "Vote!" "Vote!"]

The amendment was not agreed to.

Mr. VAN VOORHIS. Then I ask consent to print the rest of my remarks upon this subject.

Mr. MORRISON and others objected.

The Clerk read as follows:

To pay J. H. Acklen, $750.

Mr. VAN VOORHIS. I move to strike out that line.

The amendment was not agreed to.

Mr. WEAVER. I move to insert after line 1245 the amendment which I send to the desk.

The Clerk read as follows:

To pay E. Moody Boynton, $2,000.

Mr. WEAVER. I offer this by the authority of the Committee on Elections.

The committee divided; and there were—ayes 86, noes 3.

Mr. WHITE. No quorum has voted.

Mr. ANDERSON. Then I suggest that the gentleman from Georgia call the House, so that we may have a quorum to put the bill through to-night.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. WHITE and Mr. WEAVER were appointed tellers.

Mr. SPRINGER. The objection of the gentleman from Pennsylvania can only end in confusion here. We must pass the bill to-night or it will be too late. I hope he will withdraw it.

Mr. COX. I raised the point of order before tellers were called for.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COX. I will not make the point of order that I intended to make, but I will make the point whether or not it would be in order for the Chair to reduce the number of members in this House to the orderly conduct of business. [Laughter.]

The CHAIRMAN. It is impossible for the Chair to control two hundred and ninety-two members unless they are disposed to be controlled.

Mr. COBB. What is the pending amendment?

The CHAIRMAN. The Clerk will report the pending amendment.

The amendment was again read.

The CHAIRMAN. The point of order was made that no quorum had voted, and the Chair appointed tellers. The Chair will ask the Doorkeeper and Sergeant-at-Arms to notify members to come in, in order that there may be a quorum. If a quorum appears this bill will be passed to-night, otherwise under the rules the roll will have to be called, and it may take all night to get through with it.

Mr. WHITE. I thought I could induce the gentleman to withdraw his resolution on the point that no quorum has voted; therefore I withdraw the point.

The CHAIRMAN. The point of order as to a quorum having been withdrawn, the ayes are 86, noes 3; therefore the amendment is agreed to.

Mr. MORSE. I give notice that I will call for the yeas and nays on that amendment in the House.

Mr. COWGILL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the amendment just adopted, Godlove S. Orth, $500.

The amendment was agreed to.

The Clerk read as follows:

To pay George M. Adams, of Kentucky, his expenses in the contested-election case of Barnes against Adams for seat from the eighth congressional district of Kentucky in the Forty-first Congress, $4,000.

Mr. WHITE. I make the point of order that $4,000 is not authorized by law. The law limits it to $2,000.

Mr. SPEER. That was contracted before the law was passed.

Mr. BURROWS. So were the others which were ruled out to-day.

Mr. PHISTER. Mr. Chairman, let me say a word in reference to this matter. This clause of the bill arises out of a contest that occurred a number of years ago. Mr. Barnes was the unsuccessful contestant; and he was allowed by Congress $5,000 to pay his expenses.

Mr. Adams was successful in that contest and retained his seat, and although he incurred an equal amount of expense yet he is allowed in this bill $1,000 less than was allowed Mr. Barnes. This Congress will not, I hope, commit itself to the mistake of offering a premium against the right in favor of the wrong, by discriminating against Mr. Adams, who had the right on his side, in favor of one who was declared not to be entitled to the seat.

Now, as his competitor in that contest received $5,000, it seems to me only fair and just that the successful member, whose right was clearly established, should receive an equal amount at least; and certainly it ought not to be reduced below the amount which the committee has allowed him in the bill.

Mr. CARLISLE. Mr. Chairman, I know how anxious the committee is to vote and conclude the consideration of this bill as early as possible, and therefore I will take but a few moments in discussing this matter. The fact has been already stated and will not be disputed by anybody that this contested-election case occurred several years before the passage of the act of 1879.

Mr. PAGE. There was no law for paying anybody before then.

Mr. CARLISLE. That act provides that hereafter no more than $2,000 shall be paid to defray the expenses of contests in such cases, and that this shall not be paid unless the party shall have taken vouchers for his expenditures and filed them with the Clerk.

Now, it is said that this is out of order because it proposes to appropriate more than $2,000. In other words, it is contended that this law which provides that hereafter not exceeding $2,000 shall be paid, applies to contested-election cases which occurred four, five, or six years previous to the passage of the law. I think my friend from Connecticut [Mr. HAWLEY] makes the best illustration of that sort of construction, when he says that upon the same principle a gentleman should have the right to resolve, now, that hereafter he will not pay more than $10 a month for his board last January. This law operates simply on future contests and not on those which occurred prior to its passage. Otherwise the parties could not receive anything whatever, for they could not comply with that provision of the law which requires them to take vouchers when the payment is made, and file them with the Clerk.

Mr. ATHERTON. I desire to ask the gentleman from Kentucky a question.

The CHAIRMAN. The Chair thinks the point of order requires no further debate. He considers that this case stands by itself, the expenses having accrued before the passage of the law, and the Chair will therefore take the opinion of the committee on the point of order.

Mr. BRAGG. Before the question is submitted, I would like to say a word on the question of law as put by the gentleman from Kentucky, unless the Chair holds that the point should be decided when only one view has been presented, and not the other.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BRAGG. There was no law providing for the payment of election expenses until the passage of the law of 1879. There was a law for the payment of witnesses, but not for the payment of counsel. And I desire to say to the gentleman from Kentucky [Mr. CARLISLE] that is not a law creating a power or granting a right, but a law limiting the appropriating power of the Government. The gentleman from Kentucky says it is unwise and impolitic to apply that law to old cases. Let me suggest to the gentleman from Kentucky it is no more unwise for us to make that application of the law than it was for a contestant who claims he expended $4,000 in his contest to lie out of it from the Forty-first Congress to the closing hours of the Forty-sixth and then come in and ask payment.

Mr. CARLISLE. I do not say it was unwise or impolitic for us to apply the law. I said the statute or law itself did not apply.

Mr. KEIFER addressed the Chair.

The CHAIRMAN. The Chair hopes he will be allowed to submit the question to the committee.

Mr. KEIFER. Very well.

The CHAIRMAN. The question the Chair submits to the committee is this: Is the point of order well taken?

The question being taken, there were ayes 18.

Those who voted in the negative having risen,

The CHAIRMAN said: It is evident that a large majority have voted in the negative.

Mr. ATHERTON. I do not think the committee understood the question on which it was voting.

The CHAIRMAN. The Chair stated it very distinctly. But he will submit it again. If a majority of the committee vote "ay" the point of order is sustained and the paragraph is ruled out. If a majority shall vote "no" the committee decides that the point of order is not well taken.

Mr. BRAGG. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRAGG. Did not the Chair rule a short time since that $2,000 was the limitation under the statute, and was he not sustained by the committee in that ruling?

The CHAIRMAN. The gentleman had his right to appeal from the decision of the Chair and has no right now to criticise it.

Mr. BRAGG. I am not criticising the decision of the Chair. I am asking whether the decision of the Chair was not sustained.

The question being again taken, there were—ayes 15, noes 77.

So (further count not being called for) the point of order was not sustained.

The Clerk commenced the reading of the next paragraph.

Mr. CHALMERS. I move to strike out "$4,000" and insert "$2,000."

Mr. BLACKBURN. I make the point of order that the gentleman is too late in offering his amendment. The Clerk was reading the next paragraph.

Mr. CHALMERS. I was not too late. I rose to offer my amendment as soon as the point of order was settled. I rose immediately thereafter.

The CHAIRMAN. The Chair did not hear the gentleman from Mississippi. But on his statement that he rose in time he will recognize him.

Mr. CHALMERS. I think a party should not be paid more than $2,000 whose debt, if it occurred at all, occurred before the passage of the law. That has been settled by the House in one case already, and I am opposed to stultifying ourselves by making a change in that ruling. The gentleman from Kentucky [Mr. CARLISLE] says that hereafter, under the law, not more than $2,000 shall be paid; but he makes that applicable to debts contracted after the passage of the law. The law does not say so. The law simply says that hereafter not more than $2,000 shall be paid.

Now, the Clerk of the House is a popular man. I am a friend of the Clerk of the House, but I am opposed to doing injustice. I am opposed to applying one rule to one man and another to another.

The question being taken on the amendment offered by Mr. CHALMERS, to strike out "$4,000" and insert "$2,000,"

The CHAIRMAN stated that in the opinion of the Chair the "noes" had it.

Mr. WHITE. I call for a division.

The committee divided; and there were—ayes 19, noes 66.

So (further count not being called for) the amendment was not agreed to.

Mr. MARTIN, of Delaware. I offer the amendment which I send to the desk.

The Clerk read as follows:

To pay Frank Galt, assistant to the journal clerk, his salary for December, 1880, and up to and including January 27, 1881, at $6 per day, the pay of a committee clerk, $318, the same to be immediately available.

Mr. MARTIN, of Delaware. I will explain that in one word.

Mr. BLOUNT. Does that come from the Committee on Accounts?

Mr. MARTIN, of Delaware. It does.

Mr. BLOUNT. I have no objection to that. It has been the rule for years to appropriate for such expenses.

Mr. WHITE. I raise the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WHITE. My point of order is that there is no law authorizing this payment.

Mr. MARTIN, of Delaware. Yes, it is authorized.

Mr. WARNER. Was the service performed?

Mr. MARTIN, of Delaware. Yes, sir.

The CHAIRMAN. The question is upon agreeing to the amendment.

Mr. WHITE. I want the poor privilege of understanding what it is. If it is authorized by law, and all right, then I——

The CHAIRMAN. It is to pay a clerk for services rendered to this House.

Mr. MARTIN, of Delaware. And authorized by resolution of this House.

Mr. WHITE. Has it been passed by the Committee on Accounts?

Mr. MARTIN, of Delaware. Yes.

Mr. WHITE. Why did you not say so?

Mr. MARTIN, of Delaware. I did, but you would not hear me.

The amendment was agreed to.

The Clerk read the following:

To pay Thomas Cottman, of Louisiana, compensation as a member of the Thirty-eighth Congress from the State of Louisiana, $2,000.

Mr. WEAVER. I hope the House will now see no further objection to the amendment which I wish to offer, and which I ask the Clerk to read.

The Clerk read as follows:

Andrew G. Curtin, $8,000; Seth H. Yocum, $3,000.

Mr. WEAVER. One word. Every dollar of this expenditure was incurred before the passage of that law.

Mr. RYON, of Pennsylvania. And a great deal more.

Mr. WEAVER. That amount twice over.

Mr. BLOUNT. Debate is not in order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk began the reading of the next paragraph, when,

Mr. HUNTON said: I ask consent to go back to the paragraph providing for a portion of the funeral expenses of a member of this House, the late Mr. Douglas, of Virginia. I move to add to that paragraph, "the same to be immediately available."

Mr. BLOUNT. I have no objection to that; I think it is right.

There being no objection, the amendment of Mr. HUNTON was agreed to.

Mr. WEAVER. I want a vote on my amendment.

Mr. BRAGG. I raise a point of order on the paragraph.

The CHAIRMAN. The gentleman from Iowa [Mr. WEAVER] asked the attention of the Chair.

Mr. WEAVER. I want a vote on my amendment.

The CHAIRMAN. What amendment?

Mr. WEAVER. The amendment to pay to Mr. Curtin and to Mr. YOCUM, $8,000 each.

Mr. BLOUNT. I made a point of order on that amendment.

Mr. BRAGG. My point of order is on the paragraph before that; the paragraph appropriating compensation to the person named, as a member of the Thirty-eighth Congress of the State of Louisiana. Now the point of order is——

Mr. ELLIS. The gentleman is too late; the paragraph has been read and passed.

Mr. BRAGG. No, sir; I made the point of order when the paragraph was read.

Mr. ELLIS. The point of order was not recognized by the Chair, and an amendment has been received since then.

Mr. WEAVER. In the first place, the paragraph was not read all through.

Mr. ELLIS. The point of order comes too late. The Clerk had finished the paragraph and passed on to the reading of the succeeding paragraph before the gentleman rose to make his point of order.

The CHAIRMAN. The Chair is not informed as a matter of fact whether that is correct or not.

Mr. ELLIS. The reading clerk can inform the Chair.

Mr. KEIFER. We do not understand what paragraph of the bill the point of order is made upon.

The CHAIRMAN. If gentlemen will be kind enough to keep order the Chair will endeavor to state the question before the committee. The gentleman from Wisconsin, [Mr. BRAGG,] raises a point of order upon the paragraph embracing lines 1262 to 1264, inclusive, to pay Thomas Cottman, &c. The gentleman from Louisiana, [Mr. ELLIS,] raises the point that the Clerk had begun the reading of the next paragraph, and therefore the point of order is made too late. The Chair does not recollect the facts, and will call upon the reading clerk to inform him.

Mr. BRAGG. In the first place, the Clerk did not read the entire paragraph. In the next place, I demanded the attention of the Chair immediately after the paragraph was read, and struggled to make my point of order before the amendment of the gentleman from Iowa [Mr. WEAVER] was offered.

The CHAIRMAN. The reading clerk informs the Chair that he had announced the reading of the next paragraph before the gentleman from Wisconsin [Mr. BRAGG] was heard to make his point of order.

Mr. BRAGG. The Chair is mistaken.

The CHAIRMAN. That is the information the Chair receives from the reading clerk.

Mr. ATHERTON. I was near the gentleman from Wisconsin [Mr. BRAGG] all the time, and I know that he endeavored to obtain the attention of the Chair.

The CHAIRMAN. If the gentleman from Wisconsin says that he rose in his place and tried to obtain recognition of the Chair before the Clerk read any further, the Chair will recognize the gentleman as in time to make his point of order.

Mr. BRAGG. I did. And the point of order I make is that this paragraph is new legislation and for a purpose not authorized by any law. If this gentleman was a member of Congress the law provides for his payment; and there is no necessity for passing this appropriation to pay him, for he could draw his salary under the general statute. I understand this is to pay a man who did not serve as a member of Congress.

Mr. CONGER. I understand that this man did not serve as a member of Congress; but this is to reward him for breaking through the lines and trying to get here.

Mr. ELLIS. I will state briefly the facts of the case. During the civil war a provisional government for the State of Louisiana was organized by President Lincoln. This gentleman, with four others, was elected to the Thirty-eighth Congress from the State of Louisiana. Their names were enrolled by the Clerk, and they participated in the organization of the House in that Congress. During the session the question was raised as to the right of the State of Louisiana to be represented in that Congress; and it was finally decided that she had no right to be represented in Congress at that time. The colleagues of this gentleman were all paid. A test question was made in the case of Judge Field, who was returned to the same Congress from the first district. They were all paid except Dr. Cottman; and he is certainly entitled to be paid.

Mr. BRAGG. I am not disputing his right to pay, if he has any just claim against the Government. What I am disputing is our right upon a sundry civil appropriation bill to pass a provision of law which recognizes a claim against the Government.

Mr. ATKINS. I do not know this old man at all; but I am perfectly satisfied in the first place that he was a loyal man; in the second place, I am perfectly satisfied that he was elected to this House; and in the third place, though he was a wealthy man at that time and did not ask for this compensation, he is now in indigent circumstances, almost at the door of the poor-house; and for that reason he now asks this allowance. I do not know anything about him personally; he lives in Philadelphia, I believe.

Mr. BRAGG. I desire to ask the chairman of the Committee on Appropriations whether he thinks it proper legislation by a provision in a sundry civil appropriation bill to take an appeal from the action of the Congress to which it is stated this man was elected, and to determine in this way that he was entitled to the seat and entitled to salary?

Mr. ATKINS. I will answer my friend in this way: in every single case analogous to this the party has been paid by the action of Congresses which were just as good as this Congress.

Mr. ELLIS. The colleagues of Dr. Cottman were paid by the Thirty-eighth Congress.

The CHAIRMAN. The Chair will decide the question upon the phraseology of the bill:

To pay Thomas Cottman, of Louisiana, compensation as a member of the Thirty-eighth Congress from the State of Louisiana, $2,000.

Mr. PRICE. But, Mr. Chairman, this man was not a member of the Thirty-eighth Congress.

The CHAIRMAN. But the paragraph implies that he was a member of Congress, whether he served or not.

Mr. ATKINS. There is a report on this case by the gentleman from Maine, [Mr. LINDSEY.]

The CHAIRMAN. The Chair knows that there is a law for the election of members of Congress; and this provision implies that this man was elected. The Chair overrules the point of order.

Mr. BRAGG. I rise to a parliamentary inquiry.

Mr. ATKINS. I ask that the report of Mr. LINDSEY, of Maine, upon this case be read.

Several MEMBERS. Oh, no; print it.

Mr. ATKINS. Well, let it be printed in the RECORD.

The CHAIRMAN. The Chair hears no objection, and the report will be published in the RECORD.

The report is as follows:

The Committee on Claims, to whom was referred the petition of Thomas Cottman, have had the same under consideration, and submit the following report:

The claimant asks for compensation as a member of the Thirty-eighth Congress. It appears that the petitioner was a member of the State convention of Louisiana which passed the ordinance of secession; that he opposed the secession of the State to the utmost of his ability; that after the passage of the ordinance he attested it by his signature, but strenuously opposed every measure taken tending to its enforcement.

After the war commenced he was volunteer aid on General Wool's staff, at Baltimore. In October, 1862, he returned to New Orleans and assisted in the reorganization of the State government, under the direction of President Lincoln; designated the appointment of civil officers in certain parishes in the State, under the authority of General Shipley, military governor; returned north in 1863, and was intrusted by Mr. Lincoln with missions to parties in Mississippi in reference to the restoration of the Union. He was elected to the Thirty-eighth Congress, at the regular time for the congressional election, to represent the second district of Louisiana. Judge A. T. Field was returned to the same Congress at the same time for the first district. They were both enrolled by the Clerk as members, and participated in the organization of the House. Afterward a question was raised as to the right of Louisiana to representation, and the matter was referred to the proper committee, and the case of Mr. Field agreed upon as a test case. The decision was adverse to the right of the State to representation, and they were excluded. Mr. Field was paid $2,000 by a resolution of the House.

Mr. Cottman is a physician by profession, and made no application at the time for compensation, but later proceedings were initiated by Mr. Field to procure compensation for his colleague also, but died before action was had.

It is proper to state that Field, Benzano, Wells, Taliaferro, and Hahn were elected to the following—the Thirty-ninth—Congress, but were not admitted to their seats, though each of them was paid the sum of $2,000.

Dr. Cottman remained in Washington for some time prosecuting his claim to a seat, and undoubtedly had probable ground for his claim, and, under the uniform usage, was entitled to compensation, and compensation was voted to all the parties similarly situated except him. He was then a man of fortune, and the compensation was not a matter of necessity with him. He is now far advanced in years, and is poor. Your committee think he is entitled to the same compensation received by his colleague and the others elected to the Thirty-ninth Congress, ($2,000,) and they report the accompanying bill, and recommend that it do pass.

Mr. WHITE. Did I understand the gentleman from Tennessee [Mr. ATKINS] to say that the gentleman from Maine [Mr. LINDSEY] had made a report in this case?

Mr. ATKINS. Yes, sir.

Mr. WHITE. A report about what?

Mr. SPRINGER. Sustaining this claim.

Mr. WHITE. Is there a bill pending?

Mr. BRAGG. It has been reported as a claim against the Government. It has never passed Congress.

The CHAIRMAN. Unless an appeal is taken, the Clerk will read.

Mr. BRAGG. I wish to make a parliamentary inquiry. I understood the Chair to decide this question "upon the phraseology of the bill." Now, I wish to make this inquiry: suppose I offer an amendment describing one of our pages as a member of Congress, and providing compensation for him as such. Is that in order?

The CHAIRMAN. When the gentleman offers such an amendment, the Chair will decide on it. That question is not now before the committee. The Chair has trouble enough to decide questions before him. [Laughter.] The amendment offered by the gentleman from Iowa will be again read.

The Clerk read as follows:

After line 1264 insert:

"A. G. Curtin, $8,000; Seth H. Yocum, $8,000."

The CHAIRMAN. The Chair has ruled upon this question believing that the expenses arose subsequent to the passage of the law. But if the information given to the Chair that these expenses were incurred before the passage of the law be correct, the Chair will submit the question to the committee.

Mr. MANNING. I desire whenever it is in order to offer an amendment to the amendment. I want to do justice to all. This House should not deal out justice to one man and injustice to another.

Mr. WEAVER. There is a point of order pending; no amendment is in order.

Mr. MANNING. I understood the Chair to say that he would submit the question to the Committee of the Whole.

The CHAIRMAN. The Chair said that if he could be satisfied that these expenses were incurred before the passage of the law lim ting such allowances to $2,000, he would submit the question to the Committee of the Whole; but if the expenses were incurred after the passage of that law, he would rule the amendment out of order.

Mr. WEAVER. Not one dollar of these expenses was incurred after the passage of the law.

Mr. MANNING. That is true also in the cases of Hull *vs.* Bisbee and Donnelly *vs.* Washburn. If an allowance of this kind is made in the case of Curtin *vs.* Yocum it ought to be made also in these other cases.

Mr. SPRINGER. The case of Curtin *vs.* Yocum was one of the most voluminous contests ever brought into this House. It arose out of an election which took place in 1878. The contest began soon after that election, and the evidence was taken in the winter of 1878–79. The law to which reference has been made was approved March 3, 1879, after the expenses in this case had been incurred. The evidence when printed made four volumes of the size I hold in my hand. On sworn vouchers before the committee it appeared each of these contestants paid $13,000 in expenses.

Mr. ATHERTON. How much was taken before the act was passed and how much afterward?

The CHAIRMAN. The act was passed March 3, 1879. It is impossible to say how much of the evidence was taken before that time and how much afterward. Upon the statement of the chairman of the committee it was all taken before that time the Chair will submit the question whether it is in order or not.

Mr. SPRINGER. I find I have been mistaken in reference to the whole of the testimony being taken before the passage of the act of March 3, 1879. It seems that one-half of the testimony was taken before that time and one-half of it afterward, although all the expenses for attorneys were incurred before the passage of the act.

Mr. ATHERTON. I want to make a statement to the Chair. I do not propose to take more than five minutes, but I do propose to make a suggestion on the point of order. I ask the lawyers of the House whether it makes any difference whether this case occurred before the act of 1879, or afterward? Why does it make any difference? Why is it claimed that it makes any difference? It could only make a difference if there was a vested right in the case. Is there any vested right unless a man has rights under a contract or something of that kind?

Mr. BRAGG. Or previous law?

Mr. ATHERTON. Yes; or previous law? There was no law in force at the time which gave these men any rights at all.

Mr. KEIFER. That is a mistake. There was a law at that time.

Mr. ATHERTON. If there was a law, why does he not vindicate his rights under that law?

Mr. KEIFER. He is doing that here.

Mr. ATHERTON. No; there was no law in force at that time which gave him the right to anything. [Cries of "Order!"] One minute, and I am done. I regret to take the time of the committee. This is simply a demand upon the bounty of the Government, and no claim arising by virtue of any contract or previous law.

Mr. WILSON. Does the gentleman not know that prior to the passage of the two-thousand-dollar law, it was the practice of Congress to pay these expenses?

Mr. ATHERTON. I do not care what the practice is; I am talking about vested rights.

Mr. WILSON. Not only to pay the expenses, but to pay the salary.

Mr. CANNON, of Illinois. I wish to say a word, and I can say it in a minute if I can get the attention of the committee. The Chair has asked to submit this point to the committee, if I understand him.

Mr. WHITE. No.

Mr. CANNON, of Illinois. The gentleman says no; but I say, as I understand it, the Chair desires to present this case to the committee for action. I only want to say that I think the Chair is right on that point, and that the point of order is not well taken.

The CHAIRMAN. The Chair states that being informed these expenses were incurred previous to the passage of the law, he would do as he did in the case of Adams, and submit it to the committee. The chairman of the Committee on Elections informed the Chair these expenses were so incurred, and subsequently he said that some of them were incurred before the passage of the law, and some afterward. Still, as it is more complicated, he will submit it to the committee, only asking a vote so we may get on with the business.

Mr. CANNON, of Illinois. These men ought to be paid from motives of public policy and in order that we may preserve the purity of the ballot. The gentleman says there is no contract to pay them. They ought to be paid every legitimate expense. It is not right to make fish of one and flesh of another.

Mr. HAWLEY. One single word on this matter. The gentleman makes the point that in the absence of the law of March 3, 1879, there was no law for the payment of any expenses incurred by contestants. I affirm there was. In the first place, there was the right of Congress to do it. Then there was the common law; the custom to do it generation after generation; and this is law enough.

Mr. KEIFER. I desire to say a word in conclusion. I have said to the gentleman from Ohio who says there was no law prior to the passage of the act of March 3, 1879, that he was mistaken.

Mr. ATHERTON. Where is the law?

Mr. KEIFER. If the gentleman will read the Revised Statutes he will find the law is not only specific but defines the amount which is to be paid.

Mr. ATHERTON. If the gentleman knows so much why can he not point to the law?

Mr. KEIFER. It has been twice read to-night during the discussion, but the gentleman seems not to have heard it. It fixes the fees to be paid to witnesses by the Government, or that is the effect of it, and of the notaries and all the officers of the Goverement.

Now, let me say, I regard this statute of the 3d of March, 1879, as the most absurd thing which was ever written into a law.

Mr. WARNER. Therefore, you propose to nullify it here.

Mr. KEIFER. It is equivalent to saying that the Constitution failed to give members of Congress the right to vote as they please. It is equivalent to saying that hereafter no member of Congress shall vote to pay a just claim in the matter of contested elections however just or proper or right it may be if the amount exceeds $2,000, no matter what may have been necessarily expended in establishing the right. [Cries of "Vote!" "Vote!"]

Mr. ATHERTON. I simply want to say right here [cries of "Vote!" "Vote!"] that the gentleman is mistaken in his interpretation of the statute. It only made provision for the expenses of the officers taking depositions in such cases, but required the parties to pay their own expenses. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Chair must insist on the committee's being in order.

Mr. ATKINS. I wish to say, Mr. Chairman——

The CHAIRMAN. The committee must be in order. The Chair desires to state the question.

Mr. MANNING. I rise to a question of order. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The committee must be in order. The Chair cannot understand what gentlemen are saying. The Sergeant-at-Arms will request members to take their seats.

Mr. WHITE. I hope the Chair will state the question; nothing can be heard here.

Mr. ATKINS. I want to say a word. I desire to say to the House that the purpose of this law was to discourage these election contests. It was believed by the Committee on Appropriations at the time it was enacted that there had been in the history of this Government a great many contests that were not based upon merit, but simply in order to get the fees and expenses paid, and for that reason the limitation was imposed. I believe that it was a just limitation, and that it was competent for Congress to impose the limitation. I believe it was just as proper for Congress to impose that limitation as it would be for Congress to put a limitation upon any other possible case that might be presented before it in reference to any question.

But what I rose to say was, that it is too late now to make a question of that kind here. The contest has already been made; the expense is incurred in this case. It is too late to discuss the question now as to whether that limitation was proper or otherwise in the absence of any formal proposition to repeal the law. But I rose to say that as the expenses of these gentlemen, Messrs. Yocum and Curtin, were incurred prior to the passage of this act, I believe that good faith on the part of this House requires that we should pay the sum. [Cries of "Vote!" "Vote!"]

Mr. MANNING. Mr. Chairman——

Mr. ATHERTON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ATHERTON. I want to know, as a parliamentary inquiry, whether it would be in order for me to correct a statement made by the gentleman from Ohio about this statute. He has stated to the House that I was mistaken in my statement in reference to it. Now, I hold the statute in my hand, and I want to say, if I am permitted to do so, that the gentleman himself is the one who has made a mistake, and that there is no such conclusion to be drawn from the statute as he has drawn. [Cries of "Regular order!"] It will bear no such interpretation.

The CHAIRMAN. The Chair cannot entertain the proposition.

Mr. ATHERTON. I say that it is a fact that there is no such law, but the parties are required to pay themselves their expenses and not the Government at all. Provision is made for paying the officers taking depositions, &c., but— [cries of "Vote!" "Vote!"]

Mr. MANNING. I rose, Mr. Chairman, only to submit a remark, and I do it particularly for the benefit of my friend from Tennessee, who doubtless conceived this statute, limiting the amounts to be paid in contested-election cases. I refer to my friend, the chairman of the Committee on Appropriations, as addressing himself to the evil of too many contested elections, and undertaking to repress that evil by providing that hereafter only $2,000 shall be allowed in such cases.

Now, I submit that cannot be done in this case; that it is not just, and I would like to inquire of my friend whether it would be in order, whether he would consider it wise——

The CHAIRMAN. The gentleman must confine himself to the point of order.

Mr. MANNING. I am talking to the point of order. I would like to know if the gentleman from Tennessee wanted to put a provision in the sundry civil appropriation bill now being closed up of such a character that it would hereafter reduce the sundry civil expenses of the Government to less than $5,000,000 per annum——

Mr. ATKINS. I hope it will be reduced, but I cannot limit it.

Mr. MANNING. No, the gentleman cannot limit that. Nor can he limit these contested-election cases. Every case must be determined upon its individual merits.

The CHAIRMAN. The Chair will state the question. The amendment of the gentleman from Iowa will now be reported by the Clerk.

The Clerk read as follows:

In line 1264, insert the following:
"To pay A. G. Curtin $8,000, and to pay Seth H. Yocum, $8,000."

Mr. STEVENSON. I wish to make a parliamentary inquiry. I wish to inquire before we vote upon this proposition of the chairman of the Committee on Elections whether or not the testimony does not show that these gentlemen have expended that amount of money in this contest?

Mr. KEIFER. Much more than is appropriated here.

The CHAIRMAN. The Chair was stating the question before the committee.

Mr. MANNING. I will answer the gentleman myself. My understanding is that vouchers were presented to the Elections Committee by Mr. YOCUM and Mr. Curtin, respectively, footing up in the aggregate about forty thousand dollars.

Mr. ATHERTON. Then I ask the gentleman why he does not incorporate the whole amount in his bill here? There is just as much reason for putting in the whole amount of $40,000 as there is for putting in $8,000.

Mr. MANNING. The Committee on Elections made a recommendation for even more than is allowed here, and the gentleman from Ohio himself voted against it.

Mr. ATHERTON. When such cases arise the parties should pay their own expenses.

Mr. ATKINS. It is not what the gentleman from Mississippi understands, but what are the facts of the case here. I ask the chairman of the Committee on Elections.

The CHAIRMAN. The Chair is stating the question to the House. [Cries of "Vote!" "Vote!"]

Mr. MANNING. I will say, for the benefit of the gentleman from Tennessee, that the vouchers were submitted to the Committee on Elections, and show what I have stated to be the fact.

The CHAIRMAN. The gentlemen will come to order. The question before the committee is on the amendment of the gentleman from Iowa, on which the gentleman from Georgia makes the point of order. The Chair now submits the question. Those who believe the point of order is well made, and that the amendment ought to be ruled out, will say "ay;" those of a contrary opinion will say "no."

The question being taken, there were—ayes 35, noes 79.

So the point of order was not sustained.

Mr. MANNING. Now, I move to amend the amendment by inserting "$3,500" instead of "$2,000," where the latter amount occurs in lines 1243, 1244, 1245, and 1246; so that it will read:

Noble A. Hull, $3,500.
Horatio Bisbee, $3,500.
Ignatius Donnelly, $3,500.
W. D. Washburn, $3,500.

And also to insert after line 1246:

Joseph Mason, $2,000.

The CHAIRMAN. The committee has passed from those items. The question is on the amendment of the gentleman from Iowa, which will be again read.

The Clerk read as follows:

To pay A. G. Curtin $8,000; to pay Seth H. Yocum $8,000.

Mr. MANNING. I want to know if my amendment is not to be voted on first?

The CHAIRMAN. It is not before the committee.

Mr. MANNING. I have offered it as an amendment to the amendment of the gentleman from Iowa.

The CHAIRMAN. It is not in order.

The question being taken on Mr. WEAVER'S amendment, there were—ayes 78, noes 45.

So the amendment was agreed to.

Mr. ATHERTON. I desire to give notice that I shall call for a vote by yeas and nays in the House on this amendment.

Mr. MANNING. Now I offer the amendment I indicated a moment ago.

The Clerk read as follows:

After the amendment just adopted insert the following:
"Noble A. Hull, $3,500; Horatio Bisbee, $3,500; Ignatius Donnelly, $3,500; W. D. Washburn, $3,500, instead of the amounts appropriated in lines 1243, 1244, 1245, and 1246; also to Joseph Mason, $2,000."

Mr. BLOUNT. I object to going back.

Mr. WARNER. I make the point of order that these propositions have already been voted on.

Mr. ATHERTON. And we have passed the place where they could come in.

Mr. KEIFER. They are all one paragraph.

Mr. WARNER. I submit we cannot go back and strike out anything we have already voted on. We have voted on these propositions already.

Mr. WHITE. I ask the Chair if any one has raised the point of order on the amendment?

Mr. HAYES. I make the point of order on it. We have already disposed of those cases.

Mr. MANNING. If the point of order is made that we cannot go back to lines 1243 to 1246, I will change the language of my amendment, and will say $1,500 in addition to the amount allowed in those lines are hereby appropriated to the parties named in said lines.

Mr. WARNER. The subject has been disposed of already.

The CHAIRMAN. The Chair will decide the point of order after the amendment as the gentleman from Mississippi now proposes to modify it has been read.

Mr. SPARKS addressed the Chair.

The CHAIRMAN. The Chair will hear the gentleman from Illinois after the amendment is read as modified. The gentleman from Mississippi will reduce his amendment to writing, and while he is doing so the committee will come to order.

The Clerk read the amendment, as modified, as follows:

That the sum of $1,500 be, and the same is hereby, appropriated in addition to the sums heretofore appropriated in this bill respectively to Noble A. Hull, Horatio Bisbee, Ignatius Donnelly, and William D. Washburn; Joseph Mason, $2,000.

Mr. WHITE. I make the point of order that the committee has already voted down the proposition to increase the compensation of Noble A. Hull from $2,000 to $3,500.

Mr. KEIFER. That has never been submitted to the committee.

Mr. WHITE. Then I modify my point of order. It is that the Chair has ruled this amendment out of order.

Mr. KEIFER. I will say in reply to the gentleman that the committee has overruled the Chair on that point.

Mr. WHITE. I do not think it did.

Mr. SPARKS. Mr. Chairman, one word on this point of order. The bill before us and from which I now read provides:

That the parties hereinafter named be and are hereby allowed the amounts set opposite their names in full payment of all expenses incurred by them respectively in contested-election cases.

And then proceeds to give among others as follows:

To Noble A. Hull, $2,000; to Horatio Bisbee, $2,000; to Ignatius Donnelly, $2,000, and to William D. Washburn, $2,000, &c.

Now, as is admitted and well-known, all that portion of the bill has long since been acted upon and passed. The gentleman from Mississippi [Mr. MANNING] now, subsequent to that action of the committee and allowance of those amounts to those parties respectively, comes in and moves an amendment to increase each of those amounts, or a part of them, $1,500. This, sir, is in effect going back on the bill, and objection being made is clearly out of order, in flagrant violation of the rules, and every member who has ever read them knows it.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. CAMP. I desire to be heard on a question of fact. The account of Mr. Mason has not been passed upon at all, and is included in this amendment. He was voted $2,000 by last Congress, his case having then been considered and passed upon. The expenses he actually incurred were $5,100, and the vouchers are on file. This amount of $2,000 is not in this bill, and has not been passed upon.

Mr. BLOUNT. I rise to a question of order. I understad a point of order has been made and the Chair has stated he is ready to rule on it. I insist that the Chair shall give his ruling, and that we proceed with the business before the committee.

The CHAIRMAN. The Chair will give his decision. When the name of Noble A. Hull was reached in the committee a motion was made to amend by inserting $1,500 additional. This is the same proposition, coming in another form, which was presented to the Chair for decision in an earlier part of the evening. The Chair then ruled it out of order, because the amount was in excess of the amount allowed by law by the statute of 9th of March, 1879, which says that hereafter no contestant or contestee shall receive more than $2,000. An appeal was taken from the decision of the Chair, and the committee sustained the decision. This amendment being to accomplish the same purpose, the Chair rules it out of order.

Mr. MANNING. I desire to take an appeal from the decision of the Chair.

Mr. KEIFER. And I also appeal from the decision of the Chair.

Mr. MANNING. And I desire to be heard on the appeal for a moment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANNING. I understood the gentleman to say, immediately after we had settled the Curtin and Yocum cases, that he would entertain a suggestion in reference to these other cases, because when he ruled upon them before he thought the act of 1879 applied to them, and that the expenses had been incurred subsequently to the passage of that act, and therefore the act was applicable to those cases. We have allowed the sum of $8,000, each, to Mr. Curtin and Mr. Yocum, because the act of 1879 did not apply to them, the expenses in their cases having been incurred prior to the passage of that act.

Now, if we propose to conform our action to the commonest standard of decency, we cannot refuse to pay these other gentlemen the expenses which they incurred before the act of 1879 was passed. If

the act of 1879 was applicable to one set of cases, it was to the others. I want to see whether this House is prepared for the gross stultification which will appear if we refuse this act of justice.

Mr. KEIFER. I only want the committee to understand the facts of the case. The Chair is exactly correct in stating that I made a motion to strike out $2,000 and insert $3,500, in relation to the case of Noble A. Hull. But no further did I go, and no other gentlemen on the floor went any further in reference to the other persons named in the pending amendment. Now, are we to understand that the point of order is to be sustained upon the whole amendment, which applies to four other persons, simply because the Chair sustained a point of order in regard to an amendment offered in reference to one of the persons named in this amendment?

The CHAIRMAN. The Chair would say to the gentleman from Ohio [Mr. KEIFER] that an amendment must be good in whole or faulty in whole; if bad in part, it is bad in whole.

Mr. KEIFER. I understand that. The original proposition was one applying to line 1243 of this bill; a proposition to strike out and insert in reference to the case of Noble A. Hull. The proposition of the gentleman from Mississippi [Mr. MANNING] is to make an amendment to another part of the bill, not to strike out anything.

Mr. MANNING. Nor to go back.

Mr. KEIFER. Nor to go back. And allow me to say further, that while it is true that the Chair ruled my amendment out of order against my protest at the time, and while it is true that the committee by a vote of 67 to 65 sustained the decision of the Chair; yet a few moments ago, when an amendment was offered to give $8,000 to Mr. Curtin and $8,000 to Mr. Yocum, and the same point of order was raised upon it, the committee, after further consideration and by a large majority, overruled the very same decision of the Chair on the very same point of order. That is the last decision of the committee, and that decision was made upon the principle that this money was for expenses incurred prior to the passage of the foolish and unconstitutional act of the 3d of March, 1879.

Mr. BLOUNT. I trust this House will observe upon this proposition the same rules of proceeding which have obtained in reference to every other provision in every other appropriation bill which we have acted upon this session.

I care not what branch of the public service we may have considered; this House during the consideration of this bill, and during the consideration of other appropriation bills, has acquiesced in the proposition that a subject once acted upon cannot be returned to when objection is made. I care not how important that subject may be; the House has uniformly and earnestly sustained that line of action.

Now, if it comes to a question relating to the pay of a member of this House, are we to turn into a mob and trample under foot all our rules of procedure? Will the dignity of this House permit us to do any such thing? Is there no disposition here to preserve this House from the scandal which will be engendered in the public mind by this course of proceeding in reference to matters relating to our own pay, and which course is calculated to bring this body into disrespect? I ask if this committee, as we are approaching the close of the session, as we are nearing the end of a bill involving appropriations of more than twenty millions of dollars, will abandon without reason the rules which have governed our action until we have reached this point, because the question now before us relates to the compensation of some of our own members?

Mr. KEIFER. We have had a lecture from the gentleman from Georgia, [Mr. BLOUNT,] and now let us have a vote on the appeal.

Mr. MANNING. The gentleman from Georgia may be technically right; but I would rather vote for what is just and fair than to surrender to that gentleman my sense of justice and fair dealing.

The CHAIRMAN. When the Chair decided that no greater sum than $2,000 was in order for the payment of expenditures incurred by the parties named in this bill in election cases, it was upon the hypothesis, if not upon the statement of some member, that all these parties, commencing with Noble A: Hull, and proceeding along until George M. Adams was reached, had incurred expenses after the passage of the law of March, 1879.

When the point was reached of those who claimed compensation for expenditures incurred in contests anterior to the passage of that law, the Chair submitted the question to the committee, as in the cases of Yocum and Curtin, and in the case of Adams. In all three of those cases the committee decided that the point of order was not well taken.

In that view of the question, and in view of the fact that the committee in those three cases has decided that the point of order was not well taken, the Chair feels instructed by the committee to decide that the pending amendment is in order. If any gentleman desires to make an appeal from this decision of the Chair the appeal will be entertained.

Mr. KNOTT. I appeal.

The question being taken on sustaining the decision of the Chair, there were—ayes 66, noes 44.

Mr. WARNER. I make the point of order that no quorum has voted.

Tellers were ordered; and Mr. KEIFER and Mr. MCMILLIN were appointed.

The committee divided; and the tellers reported ayes 92, noes 55.

So the decision of the Chair was sustained.

Mr. WARNER. There is another point of order. I made a point of order on this amendment before any other point of order was made. My point was that we had already acted upon the compensation in these several cases and could not go back. [Cries of "Too late!"] The Chair has not ruled upon that point of order.

The CHAIRMAN. It has all been acted on.

Mr. WARNER. The question was not submitted to the committee.

The CHAIRMAN. The question was whether the proposition was in order; and it was decided that it was.

Mr. WARNER. I appeal to the record.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Mississippi. Those in favor of it will say "ay."

Mr. WARNER. I demand my rights of the Chair. I insist upon being heard; and I appeal to the record in proof of my statement that the Chair did not submit the question upon my point of order.

The CHAIRMAN. The gentleman is out of order.

Mr. WARNER. I appeal from the decision of the Chair on that point of order.

The CHAIRMAN. The Sergeant-at-Arms will see that the gentleman takes his seat.

Mr. WARNER. A member on this floor has his rights; and in the maintenance of those rights I am not to be put down.

The CHAIRMAN. The Committee of the Whole have their right, through the chairman, to see that the gentleman observes the rules of the House.

Mr. WARNER. If I am not right I shall be very glad to take my seat; but I insist upon my right to stand here and be heard on the point of order I have made, [cries of "Order!"] and I shall not be cried down.

The CHAIRMAN. If the gentleman will let the Chair speak a moment he will probably be satisfied.

Mr. WARNER. I insist on my rights.

The CHAIRMAN. The Chair does not desire the gentleman to think that the Chair or anybody else has done him injustice. When the amendment was offered by the gentleman from Mississippi a point of order was made upon it, and among the reasons assigned for the point of order was that it went back to a question that had already been acted upon. Another reason urged in support of the point of order was that it proposed to an allowance beyond two thousand dollars. Both these reasons were involved in the decision by the Chair. It is true that the Chair——

Mr. WARNER. I appeal to the record; and if the statement of the Chair be true——

The CHAIRMAN. It is true the Chair did not refer to the action of the Committee of the Whole——

Mr. WARNER. Nor to my statement, nor to my point of order; but only to the point of order raised by another gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

Mr. WARNER. I trust the Chair will make a reference to the record to settle the question of fact. If I am in error, I shall be very glad to acknowledge it.

The CHAIRMAN. The Chair cannot go back of the action on the point of order to ascertain what was said. The point of order was made upon this amendment that it was out of order; and two reasons were assigned—one by the gentleman from Georgia [Mr. BLOUNT] that the sum named in the amendment went beyond the amount limited by law.

Mr. WARNER. Two points of order were made, and only one was submitted.

The CHAIRMAN. And the gentleman from Ohio [Mr. WARNER] assigned another reason why the amendment was out of order. There can be but one point of order made to the same amendment, though there may be different reasons assigned for the point. An amendment may be out of order for two or three reasons, but there can be but one point of order to one amendment. The point of order was made and overruled by the Chair; and the committee sustained the ruling of the Chair.

Mr. WARNER. Does the Chair decide—[cries of "Order!"] Wait a moment; let this question be settled. Does the Chair decide that only one point of order can lie against an amendment?

The CHAIRMAN. The Chair requests gentlemen to take their seats and come to order.

Mr. ROBERTSON. I rise to a point of order.

The CHAIRMAN. One point of order is already pending. The Clerk will read the rule.

The Clerk read as follows:

While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

The CHAIRMAN. I am satisfied the members of the committee have forgotten that rule or they would have observed it. [Laughter.] The Clerk will read from the Digest.

The Clerk read as follows:

A question of order just decided on appeal cannot be renewed even on the suggestion of additional reasons.

Mr. WARNER. Grant that; but let the Chair rule on it, and I shall be satisfied.

Mr. ROBERTSON. I rise to a question of order.

The CHAIRMAN. Three gentlemen are rising to a point of order at once, which gentlemen must know is not in order. There is one now pending.

Mr. ROBERTSON. Then I rise to a parliamentary inquiry.

Mr. WARNER. I do not yield the floor until my point of order is decided.

The CHAIRMAN. The gentleman will take his seat.

Mr. ROBERTSON. I rise to a parliamentary inquiry.

Mr. WARNER. I insist on my right to state my point of order.

Mr. ROBERTSON. The point I make is this——

Mr. WARNER. I wish to be respectful, but I want a decision on my point of order.

The CHAIRMAN. Gentlemen will please resume their seats. If the committee will be quiet, the Chair will hear the gentleman from Ohio, who evidently believes that some injustice has been done to him.

Mr. WARNER. Two points of order were submitted by two different gentlemen. I made one, and the other point was made by another gentleman. The other point of order was submitted to the House on appeal. My point of order has not yet been ruled on or submitted to the committee. [Cries of "Vote!" "Read!"] I have a right to the floor, and gentlemen will not bull me down. You might as well understand it now as at an hour later. I desire the Chair to rule on the point I made or submit it to the committee.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that while he calls it a point of order it simply is different reasons for the same thing, for there can be but one point of order pending at a time. There may be different reasons why an amendment is bad; you call it a point of order; your point was that it went back, while the gentleman from Georgia made the point that it changed existing law as the law only allowed $2,000. The Chair, in deciding the question, took both into consideration and overruled the point of order made by the gentleman, although he did not name that in his argument before the committee, and he also overruled the point of order made by the gentleman from Georgia.

Mr. WARNER. If the Chair says he overruled my point of order that is enough.

The CHAIRMAN. The Chair meant to do so and so stated to the House. The question now recurs on the amendment offered by the gentleman from Mississippi, [Mr. MANNING.]

Mr. CONVERSE. I move to amend that amendment. I desire that the other names in this bill shall be included, Mr. Yeates and the other gentlemen that have been reduced to $2,000.

Mr. KEIFER. The full amount has been allowed.

Mr. CONVERSE. No; not the full amount of their expenses.

Mr. CAMP. The facts are different; in the various cases where allowance has been made of a higher amount the expenses were incurred before the passage of the law.

Mr. CONVERSE. But they were begun before the passage of the law, as they were in the cases I refer to.

Mr. EVINS. The fair interpretation of the law was that it should apply to cases thereafter arising. It did not apply to cases then going on. If the contestants are allowed the amount of their expenses who took testimony before the law was passed, there is no reason why every gentleman who took his testimony and whose contest was going on at the same time should not be paid the same amount. If the point is good at all it should apply to all the contests existing at the time of the passage of the law in 1879.

Mr. CONVERSE. I insist on my point of order, and I desire to limit it to this extent.

The CHAIRMAN. The gentleman will reduce his amendment to writing.

Mr. CAMP. Allow me to make a suggestion. Some of the claims presented to the committee showed only an expenditure of $1,350. I cannot call to mind all of the cases; but it would not be right to allow some of these men $3,500 when they claim only to have expended $1,350.

Mr. WHITE. That shows the folly of the whole proceeding.

Mr. CAMP. No, sir; in every case mentioned the expenses were over three thousand dollars.

Mr. OSMER. Is the question divisible?

The CHAIRMAN. It is.

Mr. OSMER. Then I request a separate vote on each one.

Mr. CONVERSE. I find on examination that the expenses of Mr. Yeates and Mr. Martin were only $2,250 apiece. I desire only their allowance shall be increased to that amount. It is only an increase of $250 to each one.

Mr. KEIFER. That is right.

The committee divided; and there were—ayes 43, noes 26.

Mr. WHITE demanded tellers.

Tellers were ordered.

Mr. WHITE and Mr. CONVERSE were appointed.

The committee again divided; and the tellers reported—ayes 78, noes 34.

Mr. WHITE. No quorum has voted.

Mr. ATKINS. I hope the gentleman will withdraw his point of no quorum.

Mr. WHITE. No; I will withdraw it if the gentleman will withdraw the amendment.

The CHAIRMAN. The tellers will resume their places, and the count will be continued.

The committee divided; and the tellers reported—ayes 98, noes 51.

So the amendment to the amendment was agreed to.

Mr. WHITE. I give notice that I will call for the yeas and nays on this in the House.

The CHAIRMAN. The question is on the amendment as amended.

The committee divided; and there were—ayes 71, noes 32.

So (no further count being demanded) the amendment was agreed to.

Mr. BAKER. I submit the following amendment, to come in after line 1264:

Pay to H. A. Olcott and W. H. Smith, $250 each, for extra services in the Library of the House during the present Congress.

Mr. BLOUNT. I make the point of order upon that amendment. I wish to know if it comes from the Committee on Accounts.

Mr. BAKER. I offer that amendment as a simple act of justice to equalize the salary of these employés with those occupying the little library in the alcove here.

Mr. SPARKS. I make the point of order upon it.

Mr. BLOUNT. On the statement of the gentleman from Indiana, I have no objection to the amendment myself.

Mr. MARTIN, of Delaware. This does not come from the Committee on Accounts.

Mr. BLOUNT. Then I object to it. My understanding was that it came with the approval of the Committee on Accounts.

Mr. SPARKS. I have made a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard upon the point of order.

Mr. BAKER. For a moment. I do not know whether the Committee on Accounts have reported for or against it. I offer the amendment on my own responsibility. I know that these employés up in that little library have a great deal of duty to perform. It is a much larger library than that in the alcove here, and as they are paid $250 a year less than the employés in that library, it seems to me to be a matter of only simple justice to allow this sum to equalize the salaries, and the House will not be doing what it ought to do if it refuses to allow it.

The CHAIRMAN. The gentleman is addressing himself to the facts in the case. The Chair would request him to confine himself to the point of order.

Mr. BAKER. I am trying to get at the point of order. I first stated the facts. It is undoubtedly in order to pay these men as much as the other men are paid, who have to perform similar services.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DUNNELL. I wish to offer an amendment at this point.

The Clerk read as follows:

There is hereby appropriated a sum of money sufficient to pay to the members of the Capitol police force one month's extra pay, at the same rate of compensation that is now paid by law.

Mr. BLOUNT. I must make the point of order upon that amendment.

Mr. DUNNELL. I hope the gentleman will not make a point of order. Last year the appropriation made for one month's pay to the employés was supposed to cover the police force; but it was found afterward that it did not.

Mr. WARNER. Ever since I have been here——

Mr. DUNNELL. Let me be heard, if the gentleman pleases.

Mr. WARNER. Is it subject to the point of order? If so, I make the point of order upon it.

The CHAIRMAN. The Chair will hear the gentleman from Minnesota upon the point of order.

Mr. DUNNELL. The act of last year giving one month's extra pay to the employés of the House was supposed to cover the police force of the House and Senate. It was subsequently decided that it could not be done. Now, these men employed here as policemen are kept here during the entire year. The employés in all the other departments of the Government, the Treasury and everywhere else, as a general rule, are allowed one month's leave of absence. These men are kept here at a low compensation all the year round. I am not personally acquainted with any of them. They are no appointees of mine or on my recommendation; but they are faithful and deserving employés of the Government, and it is only fair that they should have the one month's extra pay which is usually allowed to the employés. I hope the gentleman will not insist upon the point of order.

Mr. WARNER. I insist upon it. Ever since I have been here there has been an effort in the last days of the session to get a little more pay for a little less labor. The people someway or other have to pay it, and must do a little more work for a little less pay in order to make up the difference. That is the matter in a nutshell.

The CHAIRMAN. Is the point insisted upon?

Mr. BLOUNT. I did make it.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota if there is any law for it.

Mr. DUNNELL. There is no law for it that I am aware of. It is only proposed as an act of justice to these men.

The CHAIRMAN. Are these men employed by the month or borne on the annual roll?

Mr. DUNNELL. They are paid annually, I believe.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay J. Hale Sypher in full of all claims for salary and mileage due him as a Representative in Congress from the first congressional district of Louisiana in the Forty-first Congress, and in full of all expenses incurred in contesting his election, $4,000.

Mr. WARNER. I make the point of order upon that paragraph.

The CHAIRMAN. The Chair will decide the point of order. This amendment proposes to pay a man who had a claim upon the Government for mileage during his service in Congress and for service rendered. Now we have passed bills not only paying for services rendered, but we have even gone back some twenty-three months and paid for services past. Therefore the Chair overrules the point of order.

Mr. WHITE. How much will be due this gentleman?

Mr. BLOUNT. I move that the committee rise and report the bill with amendments to the House.

Mr. WHITE. How much salary did Mr. Sypher get?

Mr. KEIFER. I desire to suggest to the gentleman from Georgia, if he will permit a single verbal amendment which should be appended to this bill——

Mr. BLOUNT. I move that the committee rise and report the bill and amendments to the House.

The CHAIRMAN. Does the gentleman from Ohio desire to offer an amendment?

Mr. KEIFER. I hope the gentleman will hear me for a moment. It has been usual to provide that all these payments for expenses in contested-election cases, salaries, &c., should be made available immediately.

Mr. BLOUNT. I have no objection to that.

Mr. KEIFER. I send the amendment to the desk.

The Clerk read as follows:

At the end of line 1238 insert "which amounts shall be immediately available."

Mr. BRIGGS. I wish to know to what portion of this bill the amendment suggested by the gentleman from Ohio applies?

Mr. KEIFER. It applies only to the amounts appropriated for the payment of expenses in contested-election cases.

Mr. BRIGGS. I have but one word to say. In this last section, or these last sections of this bill, you have been appropriating money by thousands and thousands of dollars in payment of gentlemen who have contested seats, and in payment of members of Congress who years ago occupied seats upon this floor. You have done this while you have over six hundred pension bills on your Calendar, which you cannot find time to consider. You can find time to provide for the payment of these bills of members of Congress and ex-members of Congress and contestants, while the claims of the maimed and disabled soldiers go unheeded.

The question being taken on Mr. KEIFER's amendment, it was agreed to.

Mr. BLOUNT. I move that the committee rise and report the bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HARRIS, of Virginia, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had directed him to report the same back to the House with the recommendation that it do pass with sundry amendments.

Mr. BLOUNT. I ask the previous question on the bill and amendments.

The question was taken and the main question was ordered.

Mr. BLOUNT moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. No. 76) for the relief of M. F. Clark;

A bill (S. No. 326) for the relief of Henry F. Lines;

A bill (S. No. 367) granting an increase of pension to Isabel L. Evans;

A bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes;

A bill (S. No. 1181) for the relief of Dodd, Brown & Company, of Saint Louis, Missouri;

A bill (S. No. 1905) changing the name of the First National Bank of West Meriden, in the county of New Haven, and State of Connecticut; and

Joint resolution (S. R. No. 79) directing the Secretary of War to investigate the claim of the State of Florida against the United States for expenditures made in suppressing Indian hostilities in said State between the years 1855 and 1860, and to report the result of such investigation to Congress.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. R. No. 156) in relation to the international exhibition of 1883.

Mr. WILBER, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. No. 2184) to authorize the commissioners of the District of Columbia to appoint additional policemen for temporary service in the District, and for other purposes.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 7033) making the city of Chattanooga, in the State of Tennessee, a port of delivery;

A bill (H. R. No. 7036) to establish post-routes; and

A bill (H. R. No. 7103) to constitute Atlanta, Georgia, a port of delivery.

ORDER OF BUSINESS.

Mr. BLOUNT. I move that the House take a recess till Monday at half past nine o'clock a. m.

The SPEAKER. Pending that, the Chair desires to recognize the gentleman from Virginia, [Mr. TUCKER.]

CEREMONIES IN MEMORY OF THE LATE HON. FERNANDO WOOD.

Mr. TUCKER. I ask the House to adopt the order which I send to the desk.

The Clerk read as follows:

Ordered, That the ceremonies fixed for Sunday (to-morrow) at three p. m., in commemoration of the late Hon. FERNANDO WOOD be postponed until Monday evening, at eight o'clock, and that the Senate be advised of the change.

The SPEAKER. The effect of this is to postpone the ceremonies until Monday evening, for the reason that the burial of Senator CARPENTER takes place about the same time on to-morrow that it had been ordered there should be a session of the House. Of course the Senate and such of the members of the House as may desire to attend the funeral of the late Senator CARPENTER could not do it and at the same time participate in the ceremonies in the House under the original order. In view of that fact the postponement has been deemed necessary.

The order was agreed to.

LEAVE TO PRINT.

The SPEAKER. The Chair has been asked for a general leave for members to have printed in the RECORD such remarks as they may desire to print on the apportionment bill, and also on the sundry civil bill.

There was no objection.

By unanimous consent, leave was granted to Mr. LADD to have printed in the RECORD remarks on the bill (H. R. No. 4068) to authorize the Secretary of the Treasury to issue a register or enrollment for any vessel built in a foreign country owned by a citizen of the United States. [See Appendix.]

AGRICULTURAL APPROPRIATION BILL.

Mr. COVERT. I move that the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes, with amendments by the Senate, be taken from the Speaker's table, referred to the Committee on Agriculture, and printed, with the Senate amendments.

The motion was agreed to.

JEANNETTE RELIEF EXPEDITION.

The SPEAKER, by unanimous consent, laid before the House a memorial of the professors of Yale College, in favor of the passage of the bill for the relief of the crew of the Jeannette; which was referred to the Committee on Naval Affairs.

The SPEAKER also laid before the House a memorial of the president, professors, and instructors of Johns Hopkins University, in favor of the passage of the bill for the relief of the crew of the Jeannette; which was referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PACHECO, for one day, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was given to withdraw from the files of the House papers in the following cases, there being no adverse report thereon:

To Mr. WHITEAKER, papers in the case of James B. Sinclair, not acted upon, from the files of the Committee on Military Affairs;

To Mr. WHITTHORNE, papers in the case of Stephen Casey;

To Mr. HENKLE, papers in the case of Norman Wiard; and

To Mr. ATHERTON, papers in the case of W. H. Price for compensation for loss of horse in the service; no adverse report.

TAXES ON BANK DEPOSITS, ETC.

The SPEAKER laid before the House resolutions of the Cotton Exchange, of New Orleans, Louisiana, recommending the abolition of the special taxes levied on the capital and deposits of banks and

bankers, and also a repeal of the law levying tax on bank checks; which was referred to the Committee on Appropriations.

RENT OF ROOMS FOR COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, calling attention to the fact that no appropriation for rent for rooms occupied by the Court of Claims has been incorporated in any appropriation bill; which was referred to the Committee on Appropriations.

VICKSBURGH NATIONAL CEMETERY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the roadway of the National Cemetery at Vicksburgh; which was referred to the Committee on Appropriations.

SAN FRANCISCO BAY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting copy of a report on the subject of the tidal area of San Francisco Bay; which was referred to the Committee on Commerce, and ordered to be printed.

MULLEN WAGON ROAD.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to repairs of Mullen wagon road; which was referred to the Committee on Appropriations.

WEST POINT CAVALRY BARRACKS.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the cavalry barracks at West Point; which was referred to the Committee on Appropriations.

EMPLOYÉS IN THE TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting lists of persons employed in the Treasury Department; which was referred to the Committee on Expenditures in the Treasury Department.

ARIZONA PRIVATE LAND CLAIM.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the papers in Arizona private land claim of San Juan de las Boguillas y Nogales; which was referred to the Committee on Private Land Claims.

MERCHANT MARINE.

Mr. RUSSELL, of Massachusetts, by unanimous consent, presented the report of the sub-committee of the Committee on Commerce, authorized under House resolution of June 4, 1879, to inquire into the causes of the decadence of the merchant marine; which was ordered to be printed and recommitted.

CHICAGO, ILLINOIS.

Mr. BERRY, from the Committee on the Public Lands, by unanimous consent, submitted the views of the minority of that committee upon the bill (S. No. 1935) to confirm to the city of Chicago the title to certain public grounds; which was ordered to be printed with the report of the majority.

FUNERAL OF SENATOR MATT. H. CARPENTER.

The SPEAKER appointed as the committee authorized by resolution of the House to act in connection with a similar committee appointed on the part of the Senate in relation to the funeral of the late Senator MATT. H. CARPENTER, of Wisconsin, the following members:

Mr. LAPHAM of New York, Mr. TUCKER of Virginia, Mr. ROBESON of New Jersey, Mr. CARLISLE of Kentucky, and Mr. PAGE of California.

ORDER OF BUSINESS.

Mr. BLOUNT. I now call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Georgia, [Mr. BLOUNT,] that the House now take a recess until half past nine o'clock Monday morning.

Mr. PRICE. I move to amend so as to make it ten o'clock.

Mr. O'NEILL. I hope the House will vote down any motion for a recess, and that we will remain here for two or three hours longer and do the work that is before us. I am opposed to doing anything that may bring up on Monday morning a most obnoxious bill on the Speaker's table; I mean the funding bill.

The SPEAKER. The question before the House is not debatable.

Mr. O'NEILL. I do not now know whether it is debatable or not, but I hope the House will vote it down. I know the object of this movement is to force the funding bill through on Monday morning.

The SPEAKER. The question is upon the amendment of the gentleman from Iowa [Mr. RICE] to the motion of the gentleman from Georgia, [Mr. BLOUNT,] so as to make the recess until ten o'clock Monday morning.

Mr. BLOUNT. I hope gentlemen will allow us to meet here at half past nine o'clock.

The question was taken upon the amendment; and upon a division there were—ayes 69, noes 50.

No further count being called for, the amendment was agreed to.

The SPEAKER. The question is upon the motion as amended.

The motion was agreed to; and accordingly (at nine o'clock and five minutes p. m.) the House took a recess until Monday next at ten a. m.

MORNING SESSION.

The recess having expired, the House (at ten o'clock a. m. Monday, February 28) resumed its session.

PORTRAIT OF FREDERICK A. MUHLENBERG.

The SPEAKER. The gentleman from Pennsylvania [Mr. CLYMER] desires to be heard for a few moments on a matter of much interest.

Mr. CLYMER. Mr. Speaker, I crave the indulgence of the House for a very few moments. For several days past I have been prevented by the urgent business before us from performing a pleasant duty, which is to present to you, and through you to this body, a portrait of Frederick Augustus Muhlenberg, who was the Speaker of the First and Third Congresses. I do so on behalf of his great-grandchildren, Mary Baldwin Irwin, wife of George Brooke, esq., of Birdsboro', Berks County, Pennsylvania, and Elizabeth Muhlenberg Irwin, of the city of Philadelphia, whose desire it is that a fitting likeness of their ancestor should appear and be preserved among those of the other distinguished men who in times past have presided over the deliberations of this body.

He was of that German race which more than one hundred and fifty years ago came in great numbers, fugitives from the civil and religious persecutions then raging in their mother-land, and settled in the fertile valleys and along the lovely streams of Eastern Pennsylvania. In Christian faith they were generally disciples of Luther and of Calvin. In their new home they never forgot the teachings of these great reformers, nor did they ever abandon their devotion to the principles of civil liberty. For these they had risked the dangers of the sea and undergone the hardships and trials of a life in the wilderness, and so it was that when the war was waged which made us free, to be a German from the Palatinate or the descendant of one was to be a patriot. Time will not admit in these closing hours of the session to recount at length the noble part they took in the heroic struggle for independence, or to show how great and beneficial has been their influence upon the character and politics of my native State. Their descendants have been its Governors, its Senators and Representatives in Congress, its judges, its great lawyers, its skillful physicians, and its learned and eloquent divines. One of the first and foremost of those who planted the race in Pennsylvania was Rev. Dr. Henry Melchior Muhlenberg, who in 1742 was sent by the mother Church in Germany as a missionary to the children of Luther who had settled on these far-off shores. He was a learned and devout man, who to the faith of the Christian added the sturdy devotion and courage of the patriot, and for nearly half a century he ministered to the spiritual needs of his people, and during the long years of revolutionary trial he stood side by side with Washington and Franklin and Wayne and Morris and the other patriots who were engaged in that grand struggle. His name and memory are deeply treasured, and wherever there are followers of Luther in this land he is spoken of as "father."

He had three sons, all of whom were distinguished in Church and State, in civil and military life. The first was Major-General Peter Muhlenberg, of revolutionary fame and memory, whose statue, by order of the State of Pennsylvania, is soon to be placed in our Hall of Worthies. The second was Frederick Augustus, the statesman, and the third Henry Ernst, the divine and naturalist. In early life they were sent to Germany and educated at the university in Halle, and upon their return home they studied divinity and were ordained ministers of the Lutheran Church. Only one of them, Rev. Dr. Henry Ernst, of Lancaster, pursued his calling to the end. Peter became a soldier at the personal solicitation of Washington himself, and Frederick Augustus a statesman at the call of the people of his native State, who in 1779 and 1780 elected him to the Continental Congress. For three years subsequently he was a member of our State Legislature. He then became a member and speaker of the Council of Censors, taking a leading and conspicuous part in calling the convention which revised our State constitution in 1790. He was president of our State convention called to consider the ratification of the Federal Constitution, and gave it earnest and efficient support. He was a member of the First, Second, Third, and Fourth Congresses, and by reason of his experience and fitness was elected Speaker of the First and then again of the Third.

My limited time to-day will not permit me to enter upon any detailed statement of the leading facts of his long, honorable, and most useful public career. It will suffice to say that he was the firm and unflinching friend of Washington, who relied on him in every great emergency. After his long service in this body he was appointed the register of the land office in our State, holding which he died in 1801.

His portrait, which I have the honor to present, was painted by Mr. S. B. Waugh, of Philadelphia, and is a copy of a likeness of him painted by Wright in 1790, during his first Speakership, and by all who knew him it was deemed faithful in expression and admirable in outline and in detail.

To those whose gift it is, it is a heightened pleasure that he by whom it is received, is, as was the first Speaker, a Pennsylvanian.

Mr. HAWLEY. Mr. Speaker, I beg leave to offer a brief resolution concerning the matter of which our friend from Pennsylvania has spoken.

The Clerk read as follows:

Resolved, That the Speaker be requested to inform Mrs. Mary B. I. Brooke and Miss Elizabeth Muhlenberg Irwin of the satisfaction with which their present of the

portrait of their great-grandfather, Frederick Augustus Muhlenberg, Speaker of the First and Third Congresses, has been received, assuring them that it shall be placed and preserved among those of the other distinguished men who in times past have presided over this body.

The resolution was adopted.

SUNDRY CIVIL APPROPRIATION BILL.

The House, according to order, resumed the consideration of the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, the main question having been ordered on the bill and amendments.

Mr. BLOUNT. I move to concur in gross in all the amendments of the Committee of the Whole to this bill except the one on page 35 relating to naval stations, the one on page 44 in relation to the Deaf and Dumb Asylum, and the one on page 52 relating to the payment of expenses of election contests to members of Congress and contestants.

Mr. PRICE. I think we had better take a vote on the amendments in their order. I insist on that.

The SPEAKER. That is the gentleman's right.

The first amendment reported from the Committee of the Whole was read as follows:

On page 3, after line 51, at the end of the paragraph appropriating $350,000 for continuation of post-office and court-house at Philadelphia, Pennsylvania, insert the following:

"*Provided*, That the sum of $25,000, or so much thereof as may be necessary, out of the amount hereby appropriated, shall be expended in completing immediately and fitting up for use the rooms in said building intended for occupancy by the United States courts and the officers connected therewith: *And be it further provided*, That there be expended out of the amount herein appropriated, a sum sufficient for the completion and fitting up of as many of the rooms of said building as will accommodate the post-office of said city."

The amendment was agreed to.

The next amendment was read, as follows:

At the end of the paragraph relating to the custom-house and post-office at Saint Louis, Missouri, add the following as a new paragraph:

"For a post-office and other offices in Baltimore, Maryland, on the site purchased by the United States for that object, the sum of $250,000, to be expended by the Secretary of the Treasury according to the plans and estimates made by the Secretary of the Treasury and approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior: *Provided*, That the cost of said building shall not exceed the amount of said estimates."

The amendment was agreed to.

The next amendment was read, as follows:

At the end of line 135 insert:

"For completing the Cape Henry light-house station, Virginia, $25,000."

The amendment was agreed to.

The next amendment was read, as follows:

After the amendment just adopted insert the following:

"The money heretofore appropriated for establishing a fog-signal on Sandy or West Point, Puget Sound, shall be applicable to the establishment and construction of both a light-house and fog-signal at that point."

The amendment was agreed to.

The next amendment was read, as follows:

After line 253, under the heading "repairs of light-houses," insert the following:

"Of which sum $35,000, or so much thereof as may be necessary, shall be applied to the rebuilding of the light-house on Sharp's Island in Chesapeake Bay, to be immediately available."

The amendment was agreed to.

The next amendment was read, as follows:

After line 387 insert:

"For the collection of statistics relative to the annual production of the precious metals in the United States, $4,950, to be expended under the direction of the Director of the Mint."

The amendment was agreed to.

The next amendment was read, as follows:

After the word "dollars," in line 423, in the paragraph relating to the salaries and traveling expenses of agents at seal fisheries in Alaska, insert "two assistant agents at $2,190 each," and correct the total of the paragraph so as to read "$12,150."

The amendment was agreed to.

The next amendment was read, as follows:

Add to the paragraph appropriating $25,000 for continuing ethnological researches among the North American Indians the following:

"Five thousand dollars of which shall be expended in continuing archæological investigations relating to mound-builders and prehistoric mounds."

The amendment was agreed to.

The next amendment was read, as follows:

In line 514 strike out "70" and insert "50;" so as to read: "For shop H, an iron-finishing shop for the armory, $50,000;" and at the end of the line insert: "For shop K, the last of the armory shops, $20,000."

The amendment was agreed to.

The next amendment was read, as follows:

After line 573, under the head of "buildings and grounds in and around Washington and the Executive Mansion," insert:

"For improving various reservations, $10,000."

The amendment was agreed to.

The next amendment was read, as follows:

After the word "dollars," in line 581, insert: "for constructing elevator in Executive Mansion, $500;" and correct the total of the paragraph so as to read, $38,000.

The amendment was agreed to.

The next amendment was read, as follows:

In the paragraph relating to lighting the Executive Mansion and public grounds insert, after the word "gas" in line 591, the words "including lighting, cleaning, and keeping in repair the lamps."

The amendment was agreed to.

The next amendment was read, as follows:

In the paragraph providing for repair and care of telegraph connecting the Capitol with the Departments and Government Printing Office strike out "$500," in line 604, and insert "$1,000."

The amendment was agreed to.

The next amendment was read, as follows:

After the paragraph relating to maintaining and improving national cemeteries insert the following:

"For continuing the improvement of the national cemetery near Chattanooga, Tennessee, by constructing a road or public highway from said cemetery to the city of Chattanooga, $5,000."

The amendment was agreed to.

The next amendment was read, as follows:

Strike out lines 664, 665, and 666, as follows:

"For the purchase of the private papers of the late confederate generals, Braxton Bragg and Leonidas Polk, relating to the late war of the rebellion, $20,000."

The amendment was agreed to.

The next amendment was read, as follows:

After the word "for," in line 668, insert the following:

"Continuing the preparation of the publication of the official records, indexing, and proof-reading, and."

The amendment was agreed to.

The next amendment was read, as follows:

After line 762 insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to transport free of charge subsidiary silver coin when requested to do so, provided that an equal amount in coin or currency shall have been deposited in the Treasury by the applicant or applicants; and that there is hereby appropriated $20,000 or so much thereof as may be necessary, for that purpose, and that the same be available from and after its passage."

The amendment was agreed to.

The next amendment was read, as follows:

After line 834 insert the following:

"To enable the Secretary of the Navy to establish at the Isthmus of Panama naval stations and depots of coal for the supply of steamships of war, $200,000, to be available for expenditure as soon as suitable arrangements can be made to the proposed end."

Mr. BLOUNT. I demand the yeas and nays on this amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 114, nays 85, not voting 91; as follows:

YEAS—114.

Aldrich, N. W.	Daggett,	Kelley,	Russell, Wm. A.
Aldrich, William	Davidson,	King,	Ryan, Thomas
Anderson,	Davis, George R.	Kitchin,	Sapp,
Baker,	Davis, Horace	Ladd,	Sherwin,
Ballou,	De La Matyr,	Lapham,	Smith, A. Herr
Bailey,	Deering,	Manning,	Speer,
Barber,	Dick,	Mason,	Starin,
Beale,	Dunnell,	McCook,	Stephens,
Belford,	Dwight,	McGowan,	Stone,
Bisbee,	Ellis,	McKinley,	Taylor, Ezra B.
Blake,	Felton,	Miles,	Townsend, Amos
Bland,	Ferdon,	Miller,	Updegraff, J. T.
Boyd,	Fisher,	Monroe,	Urner,
Brewer,	Forsythe,	Norcross,	Valentine,
Briggs,	Fort,	O'Neill,	Van Aernam,
Browne,	Frye,	Orth,	Vance,
Burrows,	Gibson,	Overton,	Van Voorhis,
Butterworth,	Goode,	Pacheco,	Voorhis,
Calkins,	Harmer,	Page,	Wait,
Camp,	Hawk,	Phister,	Ward,
Cannon,	Hawley,	Prescott,	Washburn,
Carpenter,	Hazelton,	Price,	Whitthorne,
Caswell,	Heilman,	Ray,	Wilber,
Chittenden,	Hiscock,	Reagan,	Willits,
Claflin,	Horr,	Reed,	Wilson,
Conger,	Hubbell,	Rice,	Yeates,
Cowgill,	Hunton,	Richmond,	Yocum.
Crapo,	Jorgensen,	Robeson,	
Crowley,	Keifer,	Robinson,	

NAYS—85.

Acklen,	Coffroth,	Kimmel,	Shelley,
Aiken,	Colerick,	Knott,	Simonton,
Armfield,	Cook,	Le Fevre,	Singleton, J. W.
Atherton,	Cravens,	Martin, Benj. F.	Slemons,
Atkins,	Culberson,	Martin, Edward L.	Smith, Hezekiah B.
Bachman,	Davis, Lowndes H.	McKenzie,	Smith, William E.
Bayne,	Dibrell,	McLane,	Sparks,
Beltzhoover,	Evins,	McMahon,	Springer,
Berry,	Forney,	McMillin,	Stevenson.
Bicknell,	Gillette,	Mills,	Tillman,
Blackburn,	Gunter,	Morrison,	Tucker,
Blount,	Hall,	New,	Turner, Oscar
Bouck,	Hammond, N. J.	Nicholls,	Turner, Thomas
Bragg,	Haskell,	Persons,	Waddill,
Buckner,	Hatch,	Phelps,	Wells,
Cabell,	Hayes,	Philips,	White,
Chalmers,	Herbert,	Richardson, J. S.	Whiteaker,
Clardy,	Herndon,	Robertson,	Williams, Thomas
Clark, John B.	Hill,	Rothwell,	Wise.
Clements,	Hostetler,	Ryon, John W.	
Clymer,	Hutchins,	Samford,	
Cobb,	Kenna,	Sawyer,	

NOT VOTING—91.

Barlow,	Converse,	Errett,	Harris, John T.
Bingham,	Covert,	Ewing,	Henderson,
Bliss,	Cox,	Finley,	Henkle,
Bowman,	Davis, Joseph J.	Ford,	Henry,
Brigham,	Deuster,	Frost,	Hooker,
Bright,	Dickey,	Geddes,	Houk,
Caldwell,	Dunn,	Godshalk,	House,
Carlisle,	Einstein,	Hammond, John	Humphrey,
Clark, Alvah A.	Elam,	Harris, Benj. W.	Hurd,

James,	Money,	Pound,	Townshend, R. W.
Johnston,	Morse,	Richardson, D. P.	Tyler,
Jones,	Morton,	Ross,	Updegraff, Thomas
Joyce,	Muldrow,	Russell, Daniel L.	Upson,
Ketcham,	Muller,	Scales,	Warner,
Killinger,	Murch,	Scoville,	Weaver,
Klotz,	Myers,	Shallenberger.	Wellborn.
Lindsey,	Neal,	Singleton, O. R.	Williams, C. G.
Loring,	Newberry,	Steele,	Willis,
Lounsbery,	O'Brien,	Talbott,	Wood,
Lowe,	O'Connor,	Taylor, Robert L.	Wright,
Marsh,	O'Reilly,	Thomas,	Young, Casey
McCoid,	Osmer,	Thompson, P. B.	Young, Thomas L.
Mitchell,	Poehler,	Thompson, W. G.	

So the amendment was agreed to.

During the roll-call the following pairs were announced from the Clerk's desk:

Mr. TOWNSHEND, of Illinois, with Mr. HENDERSON.

Mr. HARRIS, of Massachusetts, with Mr. WARNER. Mr. HARRIS would vote "ay," Mr. WARNER "no."

Mr. THOMPSON, of Kentucky, for the remainder of this legislative day, with Mr. THOMAS.

Mr. GEDDES with Mr. WILLIAMS of Wisconsin, for this day.

Mr. YOUNG, of Ohio, with Mr. SINGLETON, of Mississippi, on all questions, until Monday at noon.

Mr. ORTH with Mr. MYERS.

Mr. JAMES with Mr. O'BRIEN.

Mr. EINSTEIN with Mr. MULLER.

Mr. POUND with Mr. TALBOTT, on this vote.

Mr. ERRETT with Mr. SCALES, on this vote.

Mr. BRIGHAM. I ask permission to vote.

The SPEAKER. The Chair under the rules cannot entertain that request.

The vote was then announced as above recorded.

Mr. GOODE moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

After the amendment just adopted insert the following:

"To enable the Secretary of the Navy to protect and preserve cemeteries in foreign countries used for the most part for the burial of citizens of this Government, the sum of $3,000, or so much thereof as may be necessary, is hereby appropriated."

The amendment was agreed to.

The next amendment was read, as follows:

After line 845, insert:

"For the purchase of Ingall's portrait of the late Thomas Ewing, first Secretary of the Interior, $600."

The amendment was agreed to.

The next amendment was read, as follows:

After line 856, insert the following:

"For passenger elevator in the south wing of the Capitol, to be located by the Architect of the Capitol, $7,000; such elevator to be so located as to interfere as little as possible with the use of the offices and rooms of the House."

The amendment was agreed to.

The next amendment was read, as follows:

After line 963, insert the following:

"Under head of 'Surveying the public lands,' strike out $200,000 and insert $300,000."

The amendment was agreed to.

The next amendment was read, as follows:

Under the head of "Surveying the public lands," insert the following:

"*Provided*, That the part of the sum hereby appropriated that may be apportioned to the surveying district of Louisiana, together with such sums as have been or may be deposited for surveys there by actual settlers under sections 2401, 2402, and 2403 of the Revised Statutes, may be, in whole or in part, employed in making such resurveys as may be necessary in the discretion of the Commissioner of the General Land Office."

The amendment was agreed to.

The next amendment was read, as follows:

In line 1016, under the heading "For completion of the tenth census," insert as follows:

"To be immediately available."

The amendment was agreed to.

The next amendment was read, as follows:

Under the heading of the "Columbia Institution for the Deaf and Dumb," strike out the proviso in lines 1044, 1045, and 1046, which reads as follows: "*Provided*, That hereafter one-half of the expenses of this institution shall be paid out of the revenues of the District of Columbia."

Mr. BLOUNT. On that amendment I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BLOUNT. As it is now nearly eleven o'clock, I move the House adjourn.

The motion was agreed to; and accordingly (at ten o'clock and forty-eight minutes a. m., February 28) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. WILLIAM ALDRICH: The petition of 1440 citizens and business men of Chicago, Illinois, for the repeal of the tax on bank deposits—to the Committee on Ways and Means.

By Mr. BAILEY: The petition of 350 citizens of Albany, New York, of similar import—to the same committee.

By Mr. CARPENTER: The petition of F. C. Jennings and 64 others, citizens of Ida County, Iowa, for legislation to protect stock-growers from pleuro-pneumonia and other contagious cattle diseases—to the Committee on Agriculture.

By Mr. HORACE DAVIS: Resolutions adopted by the convention of wheat-growers of California, in relation to an interoceanic canal—to the Committee on Interoceanic Ship Canal.

By Mr. ERRETT: The petition of 520 citizens of Pennsylvania, for the repeal of the tax on bank deposits—to the Committee on Ways and Means.

By Mr. HAWLEY: The petition of Charles D. Barnes and others, of Southington, Connecticut, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: The petition of W. T. Exline and 16 others, that a pension be granted Simeon M. Hickman—to the same committee.

Also, the petition of Herman Laut and others, for the reduction of the tax on cigars—to the Committee on Ways and Means.

Also, the petitions of Joseph Turner and others, and of J. B. Robbins and 170 others, citizens of Ohio, for the imposition of a tax on incomes—to the same committee.

Also, the petition of W. C. Davis and others, citizens of Willshire, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petitions of John J. Alexander, H. C. Wilson, and 175 others, of Joseph Turner and others, of Anna, and of E. Blanchard and others, of Oran, citizens of Ohio, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petitions of John J. Alexander and 176 others, and of Joseph Turner and others, citizens of Ohio, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

Also, the petitions of John Gartley and 228 others, of D. Curtner and others, of Michael Clouse and others, and of J. B. Robbins and 176 others, citizens of Ohio, for legislation to regulate interstate commerce—to the Committee on Commerce.

By Mr. LORING: The petitions of 300 citizens of Salem and of 1,080 citizens of Boston, Massachusetts, for the repeal of the tax on bank deposits—to the Committee on Ways and Means.

By Mr. MILLS: The petition of citizens of McLennon County, Texas, of similar import—to the same committee.

By Mr. NEAL: The petition of S. P. Wood and 150 others, citizens of Ohio, for legislation regulating transportation on railroads—to the Committee on Commerce.

Also, the petition of A. Jacoby and 15 others, citizens of Ohio, for such changes in the patent laws as will protect innocent purchasers—to the Committee on Patents.

By Mr. O'NEILL: Resolutions of the Board of Trade of Philadelphia, favoring the appointment of a commission to prepare a bill regulating interstate commerce—to the Committee on Commerce.

By Mr. RAY: The petition of Luther W. Smith and 5 others, against the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. W. A. RUSSELL: The petitions of E. A. Coffin and 319 others, citizens of Lowell, and of Richards & Currier and 199 others, of Lawrence, Massachusetts, for the repeal of the tax on bank deposits—to the Committee on Ways and Means.

By Mr. SAMFORD: Memorial of the city council of Eufaula, Alabama, asking an appropriation for dredging the harbor at Appalachicola, Florida—to the Committee on Commerce.

By Mr. William E. SMITH: The petition of citizens of Randolph County, Georgia, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

Also, the petition of the same parties, for the passage of a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of the same parties, for the passage of an income-tax law—to the Committee on Ways and Means.

By Mr. WISE: Two petitions of citizens of Pennsylvania, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties, for an income tax—to the Committee on Ways and Means.

Also, two petitions of the same parties for the amendment of the patent laws—to the Committee on Patents.

By Mr. YOCUM: The petition of D. C. Walter and others, citizens of Clinton County, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, *February* 28, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

On motion of Mr. RANSOM, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

PHILEMON B. HAWKINS.

Mr. RANSOM. I regret to be compelled this morning to ask a personal kindness of the Senate. I am so sick that I am fearful I can-

not even remain here during the session to-day. I seldom trespass upon the indulgence of the Senate. There are two small bills on the Calendar which have been passed by the House and reported on favorably and unanimously by two careful committees of the Senate, the Committee on Finance and the Committee on Claims, which I hope the Senate will permit me to call up and have disposed of. If they provoke any discussion, I shall not insist upon their consideration now. First I ask the Senate to consider House bill No. 375.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 375) for the relief of Philemon B. Hawkins. It authorizes the Treasurer of the United States to pay to Philemon B. Hawkins $7,190.63 for stone furnished for the court-house and post-office building in the city of Raleigh, North Carolina.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM H. THOMPSON.

Mr. RANSOM. The other bill that I ask the Senate to consider is House bill No. 346.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 346) for the relief of William H. Thompson. It relieves William H. Thompson, late collector of internal revenue for the fifth collection district of North Carolina, from the payment to the United States of $2,709.60, which came to his hands as taxes due the United States, but was forcibly taken from one of the deputies of the collector by disguised robbers in the public highway while the deputy was on his way to make return thereof.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of William Mahone, chosen by the Legislature of Virginia a Senator from that State for the term beginning March 4, 1881; which were read and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting a communication of the Chief of Engineers and accompanying report of Lieutenant-Colonel Q. A. Gillmore, Corps of Engineers, upon a survey for the reopening of the Santee Canal, South Carolina, made in compliance with the provisions of the river and harbor act of June 14, 1880.

Mr. McMILLAN. As that communication relates to the river and harbor bill, which has already been disposed of, (the chairman of the Committee on Commerce is not in the Senate,) I do not know whether it is necessary to refer it to that committee. I move that the communication lie on the table.

The motion was agreed to.

Mr. BUTLER. I move that it be printed.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a communication from R. H. T. Leipold, commissioner of the Freedman's Savings and Trust Company, relative to the omission of an estimate for rent of rooms for the Court of Claims, and asking that an item for that purpose be inserted in the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the Quartermaster-General recommending an appropriation of $15,000 for the construction of two new bridges over the Hell Gate and Bitter Root Rivers, near Fort Missoula, Montana Territory; which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the petition of E. M. Ostrander and others, citizens of Paynesville, Minnesota, praying for the establishment of a post-route between that place and Grove City, Minnesota; which was ordered to lie on the table.

Mr. HAMLIN. I present certain resolutions adopted by the Legislature of Maine, relating to the East River bridge. I suppose this may be a legal question, and I move the reference of the resolutions to the Committee on the Judiciary.

The motion was agreed to.

Mr. WILLIAMS presented two memorials signed by James McBlanset and others, citizens of Litchfield and Hudsonville, Kentucky, ex-Union soldiers, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which were ordered to lie on the table.

Mr. CAMERON, of Pennsylvania, presented a memorial of 64 ex-soldiers of the late war and members of the Grand Army of the Republic of Pennsylvania, protesting against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. COCKRELL submitted the views of a minority of the Committee on Military Affairs on the bill (H. R. No. 3477) for the relief of Carlile Boyd; which were ordered to be printed.

Mr. KIRKWOOD. I present, from the Select Committee to examine into the circumstances connected with the removal of the Northern Cheyennes from the Sioux Reservation to the Indian Territory, the testimony taken by them at the present session in regard to the removal and present condition of the Ponca Indians, which matter was also committed to that committee. I move that it lie on the table and be printed.

The motion was agreed to.

Mr. JONES, of Florida. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service, to report it without amendment. The bill is for the relief of the survivors of the vessels Champion No. 3 and No. 5, which were destroyed on Red River during the late war, and I ask that the Senate consider it at this time, for the reason that I was not able to report it earlier in consequence of my absence.

Mr. TELLER. It is a House bill?

Mr. JONES, of Florida. It is a House bill. It has passed the House, and is a highly meritorious measure. The object of the bill is to enable the Navy Department to do in this particular case what the military establishment has power to do under the general law—that is, to audit and pay the accounts of persons impressed into the naval service of the United States during the time that they were held in captivity. These men were taken prisoners on Red River after the destruction of the vessels upon which they were employed, and but a few escaped out of the whole crew. In one boat seven men escaped, and there were ten in all who escaped out of one hundred and seventy. They were taken captive and brought to Texas, where they remained in captivity, and the bill authorizes the Secretary of the Navy to pay them their wages during the period that they were held in prison.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. TELLER. I shall object to its present consideration. I want to obtain the assistance of the Senator from Florida to hold a night session.

Mr. McPHERSON. One objection, I suppose, puts the bill over?

The VICE-PRESIDENT. It does.

Mr. McPHERSON. Then I ask that the Senate consider House bill No. 3983.

Mr. McMILLAN. Has the morning business been concluded?

The VICE-PRESIDENT. It has not.

Mr. COCKRELL. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. McPHERSON. I will simply state that this bill was passed over on Saturday in my absence from the Senate. It is a House bill, and comes under the rule for considering House bills on the Calendar, and is a very important bill relating to the Navy.

The VICE-PRESIDENT. The Chair will recognize the Senator after the regular morning business shall have been concluded. Are there further reports from committees, standing or select?

Mr. McDONALD, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 6479) for the relief of Thomas Snell, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 5088) to authorize the registration of trade-marks and protect the same, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1751) to provide for the publication and registration of the title and claims to the property called trade-marks, moved its indefinite postponement; which was agreed to.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 2214) donating condemned cannon to the Brooklyn Veteran Union, Brooklyn, Iowa, reported it without amendment.

BILLS INTRODUCED.

Mr. HILL, of Colorado, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2223) to amend section 2326 of the Revised Statutes in regard to mineral lands; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. WALLACE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2224) for the relief of Orange M. Blair, administrator of Thomas P. Blair, deceased; which was read twice by its title, and referred to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT signed the following enrolled bills and joint resolutions, which had previously received the signature of the Speaker of the House of Representatives:

A bill (S. No. 76) for the relief of M. F. Clark;

A bill (S. No. 326) for the relief of Henry F. Lines;

A bill (S. No. 367) granting an increase of pension to Isabel L. Evans;

A bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes;

A bill (S. No. 1181) for the relief of Dodd, Brown & Co., of Saint Louis, Missouri;

A bill (S. No. 1905) changing the name of the First National Bank

of West Meriden, in the county of New Haven, and State of Connecticut;

A bill (S. No. 2184) to authorize the commissioners of the District of Columbia to appoint additional policemen for temporary service in the District of Columbia, and for other purposes;

A bill (H. R. No. 7036) to establish post-routes;

A bill (H. R. No. 7033) making the city of Chattanooga, in the State of Tennessee, a port of delivery;

A bill (H. R. No. 7103) to constitute Atlanta, Georgia, a port of delivery;

A joint resolution (S. R. No. 79) directing the Secretary of War to investigate the claim of the State of Florida against the United States for expenditures made in suppressing Indian hostilities in said State between the years 1855 and 1860, and to report the result of such investigation to Congress; and

A joint resolution (S. R. No. 156) in relation to the international exhibition of 1883.

WILLIAM H. DAVIS.

Mr. BOOTH. On Saturday House bill No. 6860 for the relief of William H. Davis was referred, by mistake I think, to the Committee on Military Affairs. It should have gone to the Committee on Claims. With the consent of the chairman of the committee I move that the Committee on Military Affairs be discharged from its further consideration and that the bill be referred to the Committee on Claims.

The VICE-PRESIDENT. The vote ordering the former reference will be regarded as reconsidered and the bill referred to the Committee on Claims, if there be no objection.

ISTHMUS SHIP-CANALS.

Mr. WINDOM. I ask permission to give notice to the Senate that at three o'clock to-morrow I shall ask the consent of the Senate, if it does not too much interfere with its business, to address to the Senate some remarks upon the subject of the resolution reported by the Senator from Connecticut [Mr. EATON] from the Committee on Foreign Relations in relation to the Isthmus ship-canals. I give the notice because I am constantly engaged on appropriation bills, and I shall be very much obliged to the Senate if I can have that opportunity to-morrow.

Mr. EATON. I hope that my friend may make his remarks to-morrow, because I shall then ask for a vote upon the resolution. I do not desire to discuss it myself, but I want a vote of the Senate upon it.

Mr. BECK subsequently said: This morning the Senator from Minnesota [Mr. WINDOM] gave notice that to-morrow at three o'clock he desired to be heard upon a given subject. I rise for the purpose of asking if it would not suit his convenience this afternoon at three as well as to-morrow, because we hope by to-morrow to have the sundry civil bill ready to report to the Senate and may by three o'clock to-morrow desire to go on with it. If he could do it as well this afternoon, it would be much safer than to wait till to-morrow.

Mr. WINDOM. It will suit my convenience quite as well; and if the Senate is agreeable, I shall be glad to go on at three o'clock this afternoon. I therefore give notice that I will endeavor to take the floor at that hour.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from Minnesota.

ORDER OF BUSINESS.

Mr. MCPHERSON and others addressed the Chair.

The VICE-PRESIDENT. Is there further business for the morning hour? If not the Senator from New Jersey [Mr. MCPHERSON] asks the Senate to consider——

Mr. SAUNDERS. I ask unanimous consent to take up——

Mr. COCKRELL. I call for the regular order.

Mr. TELLER. I call for the regular order, and I give notice that I shall object to any bill being passed by unanimous consent out of its order.

The VICE-PRESIDENT. The regular order is called for, which is the consideration of the Calendar of General Orders.

Mr. SAUNDERS. I wish the Senator from Colorado would withdraw that objection for a moment. I will state that a bill——

Mr. TELLER. I decline to withdraw it for anything. There is no use wasting the time of the Senate in talking about a bill that will be reached in its order on the Calendar.

Mr. SAUNDERS. We do not know about its being reached. That is the trouble. If we knew it would be reached there would be no objection to letting it go over; but what I want to state is that——

The VICE-PRESIDENT. The regular order is demanded by several Senators.

Mr. COCKRELL. I ask for it.

Mr. MCPHERSON. I ask to have the Senate consider House bill No. 3983.

Mr. SAUNDERS. I think I have the floor.

The VICE-PRESIDENT. The Senator had not the floor.

Mr. SAUNDERS. I certainly thought I had the floor unless we were going to the Calendar.

The VICE-PRESIDENT. The Chair recognized the Senator from New Jersey [Mr. MCPHERSON] fifteen minutes ago to ask for the consideration of the bill he indicated when the business of the morning hour should have been completed.

Mr. MCPHERSON. This bill was passed over in my absence; it is upon the Calendar; is a House bill, and a very important one. It provides for a permanent construction fund for the Navy by the sale of old vessels and old materials that are to-day costing the Government hundreds of thousands——

Mr. SAUNDERS. I insist on my right to the floor if we do not go to the Calendar. If the call of the Calendar is proceeded with, I am willing to abide by that.

Mr. MCPHERSON. Does the Senator object to the consideration of the bill?

Mr. SAUNDERS. Is it the first bill in order on the Calendar? If it is the first in order then I yield.

Mr. BURNSIDE. The bill was passed over without prejudice.

Mr. SAUNDERS. I do not understand about bills being passed over without prejudice.

Mr. JONES, of Florida. I ask the Chair what is the meaning of the term "passing over without prejudice?" The bill to which the Senator from New Jersey refers was passed over without prejudice.

The VICE-PRESIDENT. It means simply that when the Calendar shall again be called in regular order it shall be the first stated.

Mr. JONES, of Florida. That is my understanding of it; and that bill was passed over without prejudice.

Several SENATORS addressed the Chair.

The VICE-PRESIDENT. There is nothing in order but the regular order, which is the call of the Calendar for House bills, under the special order adopted on Saturday last.

Mr. SAUNDERS. I am willing to yield to that.

The VICE-PRESIDENT. The Secretary will state the first bill.

Mr. MCPHERSON. Do I then understand that it is not in order to go back and call for a bill passed over without prejudice?

The VICE-PRESIDENT. The Chair has made no such ruling.

Mr. MCPHERSON. If the Chair so rules, then I shall ask for a vote of the Senate to take up the bill (H. R. No. 3983) to provide a construction fund for the Navy, and for other purposes; and in that connection I wish to state——

Mr. TELLER. I ask the Senator to yield to me a moment until I explain. Last Saturday when that bill was called nobody was here to explain it, and I objected simply, not to put it at the foot of the Calendar, but that it go over without prejudice, to be taken up when the Calendar was again called. It really stands at the head of the Calendar. If the Senator insists upon going into a discussion here we shall lose an hour. All he has to do is to wait until the Calendar is called, and then the bill is at the head of the Calendar.

Mr. BURNSIDE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Rhode Island?

Mr. MCPHERSON. I yield to everybody.

Mr. ROLLINS. I call for the regular order.

Mr. BURNSIDE. I desire to say in reply to the Senator from Colorado that he did not state the exact fact, that there was nobody here to explain the bill. I so stated distinctly, and the bill was passed over without prejudice, with the understanding that it should not lose its place.

Mr. MCPHERSON. Has the Chair ruled that the bill stands at the head of the Calendar?

The VICE-PRESIDENT. The Chair has not so ruled.

Mr. MCPHERSON. Then I ask for the ruling of the Chair.

Mr. TELLER. I believe I am incorrect. I believe the statement the Senator from Rhode Island refers to was made, and finally I said inasmuch as the Senator from New Jersey was not here, and if discussion arose it probably would lead to a lengthy debate, I would object.

Mr. MCPHERSON. I ask the Chair to please rule whether the bill stands at the head of the Calendar.

The VICE-PRESIDENT. The present occupant was not in the chair at the time. He understands from the Secretary of the Senate that the bill was passed over without prejudice.

Mr. BURNSIDE. That was the understanding.

Mr. HOAR. What is the bill?

The VICE-PRESIDENT. It will be announced by title.

The CHIEF CLERK. "A bill (H. R. No. 3983) to provide a construction fund for the Navy, and for other purposes."

The VICE-PRESIDENT. If that be the fact—is it disputed?

Mr. JONES, of Florida. That was the fact.

The VICE-PRESIDENT. If that be the fact, the Chair rules that it is first to be considered upon this call.

Mr. PADDOCK. There was yet another bill which went over without prejudice before this one, if I recollect—a bill in charge of the Senator from Tennessee, [Mr. HARRIS.]

Mr. MCPHERSON. Then I call for the Calendar.

Mr. TELLER. Why do we not have the Calendar called and proceed to the consideration of cases on the Calendar?

The VICE-PRESIDENT. If precedence be not claimed for any other bill, the Secretary will report at length the bill called for by the Senator from New Jersey.

CONSTRUCTION FUND FOR THE NAVY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3983) to provide a construction fund for the Navy, and for other purposes.

Mr. ALLISON. I think some member of the committee ought to make an explanation of the bill.

Mr. McPHERSON. But little explanation is needed; it seems to me the bill speaks for itself very plainly.

The first section of the bill provides that an inventory shall be taken of the goods and stock on hand in the Navy Department and in the several navy-yards of the Government, which has not been done since the war, which seems to be a very proper thing indeed.

The second section of the bill curtails the power of the Secretary of the Navy. Section 1541 of the Revised Statutes gives the Secretary of the Navy power to sell any old vessels he may choose to sell and report the same to Congress. This bill provides that it shall not be done except upon the report of a competent board of officers recommending such a thing to be done, and gives the Secretary of the Navy then the power of either adopting or rejecting the report.

The third section of the bill provides for the establishment of a fund consisting of the proceeds of the sale of old and worthless material now in the yards, the sale of old and worthless vessels not worthy of reconstruction or repair, and the placing of that money in a fund to be called the permanent construction fund of the Navy, which money shall be drawn from it in accordance with the fourth and fifth sections.

The fourth section of the bill provides for the repair of vessels, and that if the completion or repair shall exceed 40 per cent. of the cost, and if in the opinion of a board of naval officers it is not best to make the improvement, then it shall not be made.

The fifth section provides for the report of the Secretary of the Navy to Congress in detail.

The sixth section provides that not more than $1,000,000 shall be expended by the Secretary of the Navy during a fiscal year except in the manner provided, and by appropriations by Congress.

The Committee on Naval Affairs, who had this bill under consideration, considered that the very large amount of material lying at the different naval establishments of the country which was comparatively worthless should be sold, and the money placed in a permanent construction fund to be used by the Secretary of the Navy for the purpose of the repair of vessels which are worthy of repair.

The Senate Committee on Naval Affairs have adopted as their report the report of the House Committee on Naval Affairs; and if the honorable Senator from Iowa will turn to that report, he will find on the first page, if he has it before him, that there are to-day in the United States Navy one hundred and forty-two vessels borne on the Naval Register. Of these, sixty-seven are steam sea-going vessels of war, twenty-two are sea-going sailing vessels of war, twenty-four are iron-clads, two are torpedo vessels, and the remaining twenty-seven are tugs, dispatch boats, &c.

The steam-vessels of the Navy are divided into four classes, as first rates, second rates, third rates, and fourth rates, and to this particular part of the report I wish to call the attention of the Senator from Iowa. The first rates are five in number, of the steam-vessels. Not one of the five is to-day a worthy sea-going vessel. They are used for traning-ships and receiving-ships. Of the twenty-seven second-rate vessels we find that there are only nine of them fit for the sea; under repair, two; awaiting repair, three; disabled on account of yellow-fever, one; a mere store hulk, one; worthless, and to be sold, seven; on the stocks unfinished, worthy of completion, one; rotten on the stocks and worthless, three. Of the twenty-seven vessels we find that only nine of them are fit for sea, and the rest of them are hardly worthy of reconstruction.

Of the twenty-nine third-rate vessels we find that six are laid up in ordinary, worthless for naval purposes, and should be sold or broken up to save the expense of their care; six are deemed worthy of repair, and are undergoing repair or laid up awaiting repair; two are antiquated paddle-wheel steamers, and have scarcely any value whatever for naval purposes; fifteen are comparatively small cruising vessels, the largest being less than 1,000 tons burden. So with regard to the sailing-vessels.

These old worthies of a past age—

Says the report of the House Committee—

can no longer serve their country in war. Their cost for care and preservation is greater than their usefulness can justify, and their names should disappear from the Navy, some of them to reappear in new vessels worthy of themselves and of their country. Only five of them are now in condition to navigate the ocean.

Without detaining the Senate longer with respect to the present condition of the Navy, I will simply state that in the opinion of the committee the bill is sufficiently guarded. It simply confers upon the Secretary of the Navy this power, and only this additional power to that which he now exercises——

The VICE-PRESIDENT. The Senator's time has expired under the rule.

Mr. McPHERSON. If permitted, I should like to go on one minute longer.

The VICE-PRESIDENT. Is there objection?

Mr. ANTHONY. I hope the chairman of the committee will be allowed to proceed.

The VICE-PRESIDENT. The Chair hears no objection; and the Senator from New Jersey will proceed.

Mr. McPHERSON. The bill gives the Secretary of the Navy the power to expend a million dollars annually from this permanent construction fund, which will be in the Treasury Department as at present. The sums for which these old vessels will be sold will be placed in the Treasury to be used for two purposes: first, for new construction, and secondly, for repairs. It will be noticed that, by the fourth section of the bill, when repairs are made "the cost of such completion or repairs shall be made from said permanent construction fund of the Navy." I apprehend that for the next two or three years no part of this construction fund will be used for any purpose except for the repair of those vessels deemed most worthy of repair by a competent board.

Mr. BECK. I do not propose to offer any amendment to the bill, nor do I propose to discuss it under a five-minute rule, but I desire to say to the Senate, after looking at it with as much care as I could some time ago, that it is a bill which ought to be carefully and fully discussed. It is a bill which gives the Secretary of the Navy a right to dispose of our ships, that he may call unseaworthy, just as he pleases, to sell them for what he pleases, and to make a construction fund which shall not be covered into the Treasury, but held as a permanent fund to the amount of a million a year to do as he likes with. It is too dangerous a power to be conferred on anybody; and such a bill should not be entertained at all unless there is time to consider it more carefully than can be done now.

While I do not propose to object to its consideration, I think it is the most dangerous bill I have seen in the Senate. It is going back to the old trouble we had ten years ago, which we got rid of with so much difficulty. When we limited the right of sale to old scraps, charges were made that vessels were broken up and sold as old scraps, and it will be so again. It is a surrender of the power of Congress not only over the ships of the Navy but over the proceeds of those sales. It surrenders to the Secretary the power to do as he likes with any of the fund on hand arising from these sales. I shall call for the yeas and nays on the passage of the bill, and shall vote against it for that reason.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. BECK. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary began the call of the roll by calling the name of Mr. ALLISON.

Mr. EATON. Mr. President, I desire to say one word. I agree with the Senator from Kentucky that this bill gives a very dangerous power to be placed in the hands of one man. I cannot vote for the bill under these circumstances. I do not think there ought to be a fund of this sort placed in the hand of the Secretary of the Treasury or the Secretary of the Navy or anybody else. If it is necessary to break up the old vessels of the Navy and sell them, break them up and sell them at public auction and turn the proceeds into the Treasury of the people; and when it is necessary to build a new vessel appropriate the money out of the Treasury to build that vessel; not have a fund here that will be seized. I do not undertake to say that the incoming Secretary of the Navy will do anything that is wrong; but I will not give him the power to do it; I will not permit him to do it by my vote. When it is necessary to build a ship let Congress appropriate the money needed for the purpose.

In the few days that I stay here, if it becomes necessary to vote $1,000,000 or $2,000,000 or $5,000,000 to the public defense of the United States, I stand ready to vote it; but not to vote money into irresponsible hands to do what they please to do hereafter. It is suggested to me that if the Secretary of the Navy were to do what I have stated he would be guilty of a misdemeanor, and my friend from New Jersey might say that he may be punished for a misdemeanor if he does not do what is right. That will not answer. Do not let us give him any power to be guilty of a misdemeanor. That is my view of the case. I have spoken my five minutes.

Mr. McPHERSON. Mr. President, I should like to have unanimous consent, as I suppose under the rule I can speak but once on this question, to answer the objections of the Senator from Connecticut, and the Senator from Kentucky. If these two Senators would address themselves to the correction of the present law which confers upon the Secretary of the Navy extraordinary power, it would be much more consistent than to find fault with this bill. I will read section 1541 of the Revised Statutes:

The Secretary of the Navy is authorized and directed to sell, at public sale, such vessels and materials of the United States Navy as, in his judgment, cannot be advantageously used, repaired, or fitted out; and he shall, at the opening of each session of Congress, make a full report to Congress of all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts.

So the Secretary of the Navy has full, unrestricted, unlimited power to sell any and every vessel of the Navy that in his judgment and opinion is not worthy of repair.

Now I will call the attention of honorable Senators to section 2 of this bill, which we propose to enact into a law:

It shall also be the duty of the Secretary of the Navy, as soon as may be after the passage of this act, to cause to be examined by competent boards of officers of the Navy, to be designated by him for that duty, all vessels belonging to the Navy not in actual service at sea, and vessels at sea as soon as they shall return to any naval station within the United States, and said boards shall ascertain and report to the Secretary of the Navy, in writing, which of said vessels are unfit for further service, or, if the same are unfinished in any navy-yard, which cannot be finished without great and disproportionate expense, and shall in such report state fully the grounds and reasons for their opinion.

Then, after having received that report, the Secretary of the Navy has the power to accept or reject it. In other words, he has the report of a competent board to advise him, in connection with his

present power, and over all that is the power of the President of the United States.

I had an idea that we had repealed section 1541 of the Revised Statutes, but on examination of the matter I can find no repealing act. But whether it has been repealed or not, I wish to ask the Senate how it is possible for the Government to dispose of this old and worthless material which is to-day burdening the Government with a vast expenditure of money yearly for the purpose of keeping these old hulks alive? They have to be caulked and painted for the purpose of keeping them in fit repair, and after that they are of no use whatever to the Government. Unless we confer the power somewhere to dispose of these old worthless hulks, they are a continual burden on the Government.

The committee believed that it was proper to give that power to the Secretary of the Navy with the guards this bill throws around him, a competent board of naval officers first to take charge of the matter and make report to the Secretary, and if that report is confirmed by the Secretary the vessels are then to be sold at public sale to the highest bidder. I cannot for my part see any other method that can be suitably adopted.

Mr. DAVIS, of West Virginia. Mr. President, I notice in the third section of this bill a most dangerous precedent. It will be recollected that some years ago a system grew up under the sale of old materials that induced Congress to pass a statute, which this bill recognizes, and proposes to repeal, to some extent, directing that the proceeds of all such sales should go into the Treasury and not be used till reappropriated regularly. This is the first great step—there have been several smaller steps in the same direction, but this is the first great step made—in the direction of repealing that act. It is most dangerous, I say again, and I cannot but think the Committee on Naval Affairs, as well as the Senate, have not had their attention called to this third section, which says:

> No unexpended balances of said construction fund shall hereafter be covered into the Treasury—

Notwithstanding the law which now requires that all such moneys should be covered into the Treasury. This bill goes on to repeal that law and is intended, I think, to give a large sum, a million dollars per annum, into the hands of the Navy Department to do that which Congress knows nothing about. It ought not to pass, and if a single objection stops this bill I must enter that objection. I think it the most dangerous provision I have known presented here this year, and it would lead to greater abuses than any measure which has been proposed. It is a bill of which, apart from that section I have called attention to, I know nothing about; but this particular section is most dangerous, and I shall either move to have it stricken out or I shall object to the bill. I cannot think the Senate will agree to repeal a law which has worked so much good to the public Treasury and which has stopped so much evil, as my friend from Kentucky has well said, and which but a few years ago Congress was ready to enforce almost to the verge of impeachment of some officers. I hope the Senate will not, under any circumstances, consent to the third section of this bill.

The VICE-PRESIDENT. This bill has passed the amendable stage, except by unanimous consent.

Mr. DAVIS, of West Virginia. Then, unless the committee agree that this third section be stricken out, I must object to the consideration of the bill.

Mr. ROLLINS. It is too late to object. The roll-call has already commenced on the passage of the bill.

The VICE-PRESIDENT. The roll-call has not commenced.

Mr. ROLLINS. The roll-call had commenced, and the Senator from Iowa [Mr. ALLISON] had responded.

Mr. DAVIS, of West Virginia. The Senator from Iowa is not in his seat.

Mr. ROLLINS. The Senator from Iowa was in his seat, and responded to his name on the roll-call.

The VICE-PRESIDENT. That is not the declaration of the Secretary.

Mr. BURNSIDE. The name of the Senator from Iowa was called.

Mr. ROLLINS. It is a fact, whether the Secretary says so or not.

The VICE-PRESIDENT. If the Senator from West Virginia objects to the consideration of this bill, it goes over.

Mr. DAVIS, of West Virginia. I object, unless by consent of the committee the third section is stricken out.

Mr. McPHERSON. The committee cannot consent——

The VICE-PRESIDENT. The Senator from West Virginia cannot attach conditions to his objection. He must object absolutely and without condition or not at all. Does he object.

Mr. DAVIS, of West Virginia. I do object.

The VICE-PRESIDENT. The bill goes over.

Mr. McPHERSON. Does one objection put the bill over?

The VICE-PRESIDENT. It does.

Mr. McPHERSON. I ask for a vote of the Senate on the question. I move to postpone the pending and all prior orders, for the purpose of continuing the consideration of this bill by taking a vote on its passage, which is all that is necessary to conclude it.

The VICE-PRESIDENT. The bill has gone over and the Senator from New Jersey now proposes to postpone the pending order, which is the consideration of the next House bill on the Calendar, and states his purpose if that motion shall prevail to move that the Senate proceed to the consideration of the bill just postponed under the rule. Is the Senate ready for the question?

Mr. TELLER. I hope the Senate will stay by the Calendar. This bill is of no more importance than hundreds of others on this Calendar. Why should we stop now at this hour? If there is anything in this rule at all I cannot understand why we should not carry it out. There will probably be opportunities for this bill to be called up after the morning hour and have proper discussion.

Mr. McPHERSON. Why not have a vote on it and vote it down if the Senate does not wish to pass it.

Mr. TELLER. I am willing to have a vote on it; but I am not willing to have the Calendar displaced.

Mr. McPHERSON. It will take no longer to vote now than at any other time.

Mr. BURNSIDE. I rise to a question of order. I ask the decision of the Chair as to whether after a name has been called on the yeas and nays debate is in order.

The VICE-PRESIDENT. It is in order if the Senator called has not answered to his name, as in this case.

Mr. ANTHONY. I hope this motion of the Senator from New Jersey will prevail, and that we shall have no discussion on the bill, but take the vote. It is very important, if we ever mean to have a navy.

Mr. TELLER. You will have discussion.

Mr. ANTHONY. The Senator from West Virginia says we are authorizing the Secretary of the Navy to do what we know nothing about. Of course we are. We know nothing about ships, and he and the heads of his bureaus do know something about them; and this bill is to delegate to him the authority to do what we do not know how to do ourselves.

Mr. HOAR. I think the Chair is really right in his ruling on the point of order; and even if the Senator from Iowa had answered when without objection, by general consent, debate proceeded, it is to be considered as a waiver of that call. It seems to me that the Senate ought in this instance to take up the bill, and not stand by the Calendar, because the discussion of the bill had taken place; it had gone on; the Senate had voted upon it; it had been reported from the Committee of the Whole to the Senate; it had passed its amendable stages; and it seems to me, therefore, that we ought not to lose all the time we have occupied. I hope the motion of the Senator from New Jersey will prevail.

Mr. McPHERSON. I call for a vote on my motion that the pending order be postponed for the purpose of voting on this bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Jersey.

The question being put, there were on a division—ayes 23, noes 15.

Mr. DAVIS, of West Virginia, and Mr. TELLER called for the yeas and nays; and they were ordered.

Mr. JONES, of Florida. I just wish to say a few words in reply to what has been said. I do not think the objection presented in such strong terms by the Senator from West Virginia is entitled to much weight. The object of this bill, in short, is to get rid of a lot of accumulated, worthless material of the Navy, to dispose of it for money, and place that money in the hands of the Secretary of the Navy to substitute for the old material new material which will be of some use for the service of the country. The bill guards in every possible way the sale of the old material, and you must have confidence somewhere or in somebody. It is not possible for Congress to superintend personally business of this description. It is purely executive business, and you must have faith in somebody to carry out your wishes. The bill clearly prescribes the duty of the Secretary of the Navy, what he shall do with this fund, and from what is said here, one would suppose that there would be under this bill an annual balance of millions every year to be expended. It may be all disposed of in one year. If we can get one good ship out of the sale of three bad ones, surely the country would be profited by the exchange, however you accomplish it. If you dispense with the existing vessels of war and provide no fund to supply their places, the country, in case of an emergency, may be helpless. It will not do to provide for the sale of this material and then put the money into the Treasury and await the meeting of Congress to authorize the Secretary of the Navy to build a ship.

We had some experience on this subject in 1870, when we were brought face to face with a very great emergency in our complications with Spain, and it became necessary for the executive government to expend a very large sum of money to meet the exigencies of that case. The country does not stop to inquire in times like that how it ought to be done; but it must be done, and if these ships are not of the proper size and character to meet emergencies of this kind, you must repose confidence somewhere, and I am not one of those who are entirely without faith in the officers the people have designated to give effect to the popular will.

Mr. DAVIS, of West Virginia. It is not the part of the bill of which the Senator from Florida has been speaking that I object to specially, but it is the third section, which prevents the proceeds of the sale of those vessels going into the Treasury, and gives the Secretary of the Navy power to do as he may think proper with the fund.

Mr. LOGAN. Read the section.

Mr. DAVIS, of West Virginia. I ask that the Clerk read the third section.

The Chief Clerk read as follows:

There is hereby established a fund, to be called and known as the construction fund of the Navy, which shall comprise the appropriations made therefor from time to time by Congress and the proceeds arising from the sale of old or condemned vessels of the Navy and of old and condemned materials and condemned stores and supplies as hereinbefore provided, which said fund shall be used and expended by the Secretary of the Navy in the construction, armament, and equipment of new naval vessels, and for no other purpose. No unexpended balances of said construction fund shall hereafter be covered into the Treasury or be made available for any purpose not provided by this act, any law to the contrary notwithstanding. The Secretary of the Navy shall not contract to expend for the purposes provided for in this act, during any one fiscal year, a greater sum than the amount standing to the credit of said fund during said year, including additions from the sale of vessels, materials, stores, and supplies, and the balance of the previous year, if any. But in the construction, armament, or equipment of new vessels of the Navy as herein provided for, the Secretary of the Navy may make use of any materials, stores, or supplies now on hand, which, in his opinion, will not probably be required in the repair of the vessels, their armament or equipment, now in the Navy, but not otherwise.

The VICE-PRESIDENT. The Chair reminds Senators that the merits of this bill are not to be discussed on this motion.

Mr. DAWES. The Senator from West Virginia and the Senator from Florida have been discussing the merits to some extent; and, if the Senate will indulge me, I think there is a perfect answer to the objection made by the Senator from Kentucky and the Senator from West Virginia. I do not want to trespass upon the rule, but if I may be indulged by the Senate I will state what seems to me to be a perfect answer.

The law that requires the proceeds of the sale of old materials to be turned into the Treasury and reappropriated was enacted for this purpose, to meet this trouble. In the Army and in the Navy Departments it was the custom to dispose of old material and then to consider themselves at liberty to apply the proceeds to any exigency in those Departments that the heads of those Departments thought necessary and proper. There was no account of such dispositions regularly made and they were not known except as one would go through the books of the Departments covering ten, fifteen, or twenty years. A law was passed—the Senator from Kentucky and myself had something to do with the making of that law; either he or myself drew it, I do not remember which—which required the proceeds of such material, when sold, to be turned into the Treasury and there await a specific appropriation.

Now, in reference to the old material of ships, it is proposed by this bill, instead of that, to make an account of those proceeds and appropriate the money here in this bill specifically to the sole use of construction in the Navy; and it is just as much a specific appropriation of the proceeds of old material as it would be for the Secretary of the Navy under existing law to report to Congress that he had sold old material to the amount of $20,000, and Congress should thereupon appropriate that $20,000 to the repair of a ship. It is specific, just as much so as the course contemplated by the law to which the Senator from West Virginia calls attention, and the fund is as clearly accounted for and always before the country as if that law remained applicable to these materials. There is no curtailment of the provisions of that law. It is only in advance directing how this fund shall be kept by itself before the public and used for this specific purpose.

Mr. PADDOCK. I rise to a question of order. I would like to inquire if it is in order to discuss this question upon the merits on the motion to postpone.

Mr. DAWES. I understand that, and I asked the indulgence of the Senate to be allowed to follow in the line of the other Senators, and no one objected to my request. If the Senator from Nebraska thinks I ought not to proceed under those circumstances, I retire; but I thought the Senate was indulging me in what seemed to me to be an answer to the objection.

Mr. LOGAN. While the Senator is on that point I should like to ask him if this proposed law does not affect the existing law so far as that law requires the proceeds of these sales to be turned into the Treasury?

Mr. DAWES. I have stated wherein it affected that law. That law was made because turning these proceeds into the Treasury prevented the using of them for anything the Departments desired, according to the former practice; but this, instead of that, requires an account to be kept of this particular fund, and is in advance a direction by Congress how it shall be used. That is the difference. All the good that was to come from the present law, in the way of having knowledge on the part of Congress of what the sales of materials came to and what was done with the proceeds, is still retained. If Congress do not desire to appropriate the money to the uses indicated in this bill, of course they will not pass the bill; but if they desire to use so much money for the purpose indicated, they keep it within the spirit of the existing law precisely, but do not, as that law does, turn the proceeds into the Treasury and require a future appropriation to take them out.

Mr. TELLER. Mr. President, if there is any rule of the Senate which will require the Senate to confine itself to the subject before it, I propose to invoke it.

The VICE-PRESIDENT. The question is on the motion to postpone.

Mr. COCKRELL. I do hope the Senate will not lay aside the Calendar. If we are to do any business at all, we must stick to the Calendar and dispose of other cases.

Mr. BURNSIDE. I ask that the rule be enforced.

The VICE-PRESIDENT. What rule?

Mr. BURNSIDE. If this motion is not debatable on the merits of the question, why is such debate allowed?

The VICE-PRESIDENT. The Senator from Missouri has not alluded to the merits of the bill at all. He is entirely in order.

Mr. COCKRELL. If I ever spoke out of order, I do not know it, Mr. President.

Mr. BURNSIDE. I beg the Senator's pardon; I thought he was out of order.

Mr. COCKRELL. If other Senators would attend to the rules as closely as I do, we should transact business more rapidly than we do.

The question being taken by yeas and nays, resulted—yeas 30, nays 23; as follows:

YEAS—30.

Allison,	Conkling,	Jones of Florida,	Pugh,
Anthony,	Dawes,	Jones of Nevada,	Rollins,
Baldwin,	Farley,	Kirkwood,	Vance,
Brown,	Groome,	Lamar,	Voorhees,
Burnside,	Hampton,	McMillan,	Whyte,
Butler,	Hill of Colorado,	McPherson,	Withers.
Call,	Hoar,	Morrill,	
Cameron of Pa.,	Johnston,	Platt,	

NAYS—23.

Beck,	Eaton,	McDonald,	Slater,
Blair,	Ferry,	Maxey,	Teller,
Booth,	Garland,	Morgan,	Walker,
Cockrell,	Hereford,	Paddock,	Williams,
Coke,	Hill of Georgia,	Plumb,	Windom.
Davis of W. Va.,	Logan,	Saunders,	

ABSENT—22.

Bailey,	Edmunds,	Kellogg,	Sharon,
Bayard,	Grover,	Kernan,	Thurman,
Blaine,	Hamlin,	Pendleton,	Vest,
Bruce,	Harris,	Randolph,	Wallace.
Cameron of Wis.,	Ingalls,	Ransom,	
Davis of Illinois,	Jonas,	Saulsbury,	

The VICE-PRESIDENT. The Senator from New Jersey now moves that the Senate proceed to the consideration of the bill (H. R. No. 3983) to provide a construction fund for the Navy, and for other purposes.

The motion was agreed to, and the Senate resumed the consideration of the bill.

The VICE-PRESIDENT. The question is on the passage of the bill.

Mr. DAVIS, of West Virginia. I should like to amend section 3 by striking out from the word "no," in line 10, to the word "notwithstanding," inclusive, in line 13.

The VICE-PRESIDENT. The bill is not now amendable. The question is, Shall the bill pass, upon which the yeas and nays have been ordered.

Mr. DAVIS, of West Virginia. Do I understand that the bill has been reported to the Senate and is not now amendable?

The VICE-PRESIDENT. It has been reported to the Senate, ordered to be read a third time, and read the third time, and is not now amendable. The question is, Shall the bill pass?

Mr. DAVIS, of West Virginia. I simply wish to call the attention of the Senate to the words commencing on line 10 of section 3, down to line 13, which I will read:

No unexpended balances of said construction-fund shall hereafter be covered into the Treasury or be made available for any purpose not provided by this act, any law to the contrary notwithstanding—

Showing clearly that this bill itself recognizes that it is contrary to the present law as to covering money into the Treasury funds obtained from condemned vessels or from any other sales. It is an innovation upon the law as it now exists and prevents the money from going into the Treasury as it should and being appropriated if its use is necessary. It is intended, as I understand, to put a permanent fund of $1,000,000—if there be so much realized from condemned material sold—into the hands of the Secretary of the Navy to do as he thinks proper with it.

Mr. JONES, of Florida. Does the Senator say it gives the Secretary the power to do whatever he pleases?

Mr. DAVIS, of West Virginia. Certainly for construction.

Mr. JONES, of Florida. He must use it for the construction of ships.

Mr. DAVIS, of West Virginia. It is the same thing. He is to use it, as far as he thinks proper, without Congress knowing what it is. He can sell under this provision, as I understand, anything that is condemned and use the money realized as he may think proper, so far as it goes, to construction.

It is an unusual thing, and perhaps the only innovation on the law passed some years ago requiring everything to be turned into the Treasury and regularly appropriated, and that law ought not to be repealed, but this bill repeals it to a certain extent.

Mr. McPHERSON. Does the Senator know that it is not to be put into the general Treasury fund appropriated for the Navy, but put into a separate fund which is set apart in the Treasury as a separate fund to be known as "the construction fund of the Navy," which shall receive the moneys arising from the sale of old material, and that fund is to be applied to the construction of new ships? Everything goes into the Treasury, but only to the credit of a fund from which no money can be drawn except for certain purposes.

Mr. DAVIS, of West Virginia. Why not let it go regularly into

the Treasury to be appropriated by Congress, as is done in all other cases? Why make an exception here and make this fund one to be under the control of the Secretary of the Navy when all other funds go into the Treasury regularly and come before Congress for an appropriation? It is wrong in principle.

Mr. BECK. Mr. President, are we now debating this bill under the five-minute rule?

The VICE-PRESIDENT. The Chair so understands.

Mr. BECK. That being the case, I will say to my friends that I do not want to be interrupted, as I am limited to five minutes.

The VICE-PRESIDENT. The Senator has three minutes of his five minutes left.

Mr. BECK. Three minutes will do me.

Mr. President, I object to this bill for these reasons: we have passed laws time and again requiring all the officers of the Government to account to us for all sales made of Government property. We stopped a late Secretary of the Navy from selling ships, and confined him to selling old scraps and old material, because he was selling what Congress thought good and valuable vessels. We required all proceeds of the sales to be paid into the Treasury; we confined him to expending moneys appropriated by Congress, and we took supervision over these matters ourselves and endeavored to retain it.

Now, here is a bill which not only deprives Congress of all power over the vessels of the Navy, but authorizes in the first section the Secretary of the Navy to appoint any board he may please, they may be his own subordinates, and they may not only condemn all the ships at our yards which they say are not sea-worthy, but all on foreign stations as soon as they arrive at home, and all the iron-clads now on the stocks if they say they are not fit for use hereafter and sell them, without submitting the matter to Congress or taking our judgment upon it. Every ship that has not such rooms as the gentlemen on these boards would like to sail in may be sold at public auction before the next Congress meets, and we may have no Navy at all if the Secretary and three of his clerks see fit to sell them. The meaning of it all is to absolutely make the Secretary of the Navy master of the existing ships of the Navy, without the consent of Congress, to sell them as he pleases, and then deposit the money received as a special fund subject to his order, which he is to call a construction fund, and out of it he can build what he likes, put it where he chooses without our consent and without our knowledge. He may build palaces if he pleases for his officers, ships that would not resist a Whitworth gun or any other gun of any foreign nation, and Congress has no control or power over him.

It is a bill transferring the whole power over the Navy of the United States to the Secretary of the Navy and his subordinates, and all the money that they may receive will be expended in such construction as he may see fit; and, my word for it, when this bill passes nine-tenths of the old ships of the Navy that these fancy gentlemen do not want to sail in will be condemned as unfit for their use, and a system of building up magnificent vessels such as would be agreeable to them will be established, and Congress cannot stop it. If you allow the Secretary to begin the construction of such ships as these boards may advise, without coming to us and without giving us any authority over them, you will be forced year after year to furnish all the money needed to carry them out. This means to sell all the iron-clads on the stocks; it means to sell every old ship these men do not want to sail in, and sell it for nothing, for that will be the result, and to get the construction fund to do what they like with it, and we are not to be allowed to say a word or to know whether it is right or wrong. There is not a ship in the American Navy that they cannot sell under this bill. Even the best ships we have got with improved arms they can sell to-morrow on short advertisement, if the Secretary of the Navy can get three of his clerks to say it ought to be done.

The VICE-PRESIDENT. The Chair desires to say to the Senator from Kentucky that he may speak without limit. The Chair in his previous statement overlooked the fact that the rule had been set aside in order to continue this bill.

Mr. BECK. I hope it will be a long time before any such power will be given to any executive officer.

Mr. McPHERSON. I should like to call the attention of the Senator from Kentucky to the second section of the bill, by an examination of which he will see how unnecessary his argument has been on this question. A competent board of naval officers are required to examine into the condition of these vessels and report to the Secretary of the Navy.

Mr. BECK. Am I to understand the Chair to say that I have a right to go on?

The VICE-PRESIDENT. The Senator from Kentucky has a right to speak without limit, the pending order having been set aside for the consideration of this bill.

Mr. BECK. I only want a very few minutes longer. I will read the second section. The first section provides that—

Such appraisal shall be made by boards of officers of the Navy, to be designated by the Secretary.

He has the appointment of the officers to constitute the board, and he can sell the old ships as he likes. Then section 2 provides:

It shall also be the duty of the Secretary of the Navy, as soon as may be after the passage of this act, to cause to be examined by competent boards of officers of the Navy, to be designated by him for that duty—

Whoever he says is competent is competent; whoever he wants can be placed on the board—

all vessels belonging to the Navy not in actual service at sea, and vessels at sea as soon as they shall return to any naval station within the United States, and said boards shall ascertain and report to the Secretary of the Navy, in writing, which of said vessels are unfit for further service, or, if the same are unfinished in any navy-yard—

That includes all the iron-clads—

which cannot be finished without great and disproportionate expense, and shall in such report state fully the grounds and reasons for their opinion. And it shall be the duty of the Secretary of the Navy, if he shall concur in opinion with said report, to strike the name of such vessel or vessels from the Navy Register and withdraw them from the Navy. And such vessels shall thereupon be appraised in such manner as the Secretary of the Navy may approve. And if the said Secretary shall deem it for the best interest of the United States to sell any such vessel or vessels, he shall advertise for sealed proposals for the purchase of the same for a period not less than three months, in such newspapers as other naval advertisements are published in, setting forth the name and location and the appraised value of such vessel, and that the same will be sold for cash to the person or persons or corporations offering the highest price therefor above the appraised value thereof.

That is the authority; any ship in commission, out of commission, at sea or in port, built or being built, which the Secretary and his board say they do not want and think is not fit for the service, they can sell. Congress might disagree with them; the sense of the country might be against them; we know that all officers seek to have all the authority and power they can, and they will usurp it whenever they can.

It is, in other words, as I said, withdrawing all our supervision over the whole of the ships of the Navy and transferring it to the power of the Secretary and such board as he may appoint, and after they are sold it overturns a carefully prepared law which provides that the proceeds of all sales of the property of the United States shall be paid into the Treasury of the United States and then shall be drawn out under the Constitution in accordance with an appropriation made by law. Congress ought to determine what ships shall be built, what construction fund shall be used, how it shall be used. The Secretary of the Navy, one of the executive officers of this Government, is the servant of Congress, but you seek by this bill to make him the master. He is not to deposit this money in the Treasury to be subject to your appropriation, but deposits it subject to call by him whenever he wants to have a ship constructed in any way he sees fit without even advising you how he is going to do it. The Senator from Alabama [Mr. MORGAN] says to me that he cannot do it under the Constitution. Pass this bill, and he will not wait to have any constitutional scruples about it. Did you ever know an officer of this Government to hesitate to assume all the power given him on the ground that it might be unconstitutional? You have seen officers often usurp authority not given them; but never have any constitutional scruples stopped them from exercising any authority granted by law.

This is the provision in the third section:

No unexpended balances of said construction fund shall hereafter be covered into the Treasury or be made available for any purpose not provided by this act, any law to the contrary notwithstanding.

I do not care to argue it longer; I shall record my vote against it, it is an overthrow of all the safeguards which for the last twelve years we have been attempting to throw around the executive department of this Government. I could state the abuses which once existed and verify them by the record; but I will not do anything that looks like getting up a party quarrel now.

Mr. BUTLER. May I ask one question for information? What accountability attaches to the Secretary of the Navy under this bill as to the expenditure of the money?

Mr. BECK. No other accountability that I know of except that the money shall be expended in the construction of something that he calls ships.

Mr. BUTLER. Is he not required to report annually that expenditure?

Mr. BECK. He reports annually what he has done; that is, after he has constructed a ship which the Senate would not authorize at all, which Congress would not authorize, he tells you what he has done, and he has done it by authority of this law and you cannot prevent him from doing it.

Mr. McPHERSON. Is there not a limit to the exercise of that power by the Secretary of the Navy?

Mr. BECK. There is a limit of a million each year, I understand, and only that limit; but he may begin a work and invest a million in it that will either have to be abandoned or require you to appropriate millions more to carry it on. He may have the iron-clads lying at the navy-yards condemned as old iron, upon which we have expended already $3,600,000; and care is taken to insert in section 2—the Secretary I suppose had it arranged—that he may not only sell ships at sea and those that are here, but all that "are unfinished in any navy-yard." He can sell them if he thinks there is going to be "a disproportionate expense" in finishing them. We have some iron-clads now that were contracted for, as many of us contend, in plain violation of law; the contracting party had no power to bind the United States by the contract; but I am not going into that.

The meaning of it is that not only will these iron-clads be sold, but sold for old iron. They will bring no more. Any wooden ships that a board of officers will report ought to be condemned will be sold, because they do not want to sail in them any more, and they will begin under this construction fund to build such ships as suit their comfort and convenience without consulting us.

I have heard no argument in favor of the bill; I never saw the bill until it came up the other morning, and then only for a few minutes; I have read it very hurriedly now; but I know it is going back on all that for twelve years Congress has been trying to do in the way of placing limitations on the power of executive officers.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. DAVIS, of West Virginia. I rise to present a conference report. I offer the report of the committee on conference on the legislative, executive, and judicial bill.

The VICE-PRESIDENT. The Senator from West Virginia, from the committee of conference on the legislative, executive, and judicial appropriation bill, makes a report which will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 15, 16, 17, 18, 19, 20, 21, 24, 28, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 56, 57, 66, 67, 70, 84, 85, 86, 91, 95, and 97.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 22, 23, 25, 26, 29, 30, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, 61, 62, 63, 64, 65, 68, 72, 74, 75, 76, 77, 78, 79, 80, 82, 87, 88, 90, 93, and 94, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: Strike out from the words proposed to be inserted by said amendment "eight thousand and nineteen" and insert in lieu thereof "seven thousand seven hundred and thirty-one;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Strike out from said amendment the word "laborer" and insert in lieu thereof the word "assistant;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: Insert after the word "clerk" the words "and stenographer;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: Strike out the word "monthly" proposed to be inserted by said amendment; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: Strike out, in line 15, after the word "thousand," at the end of line 14, page 15 of the bill, the words "two hundred and fifty;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,975,000;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: Strike out therefrom the word "four" where it first occurs and insert in lieu thereof the word "two;" strike out the word "four" where it last occurs and insert in lieu thereof the word "six;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: Strike out the words proposed to be inserted by said Senate amendment and insert in lieu thereof "six hundred and forty;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: Strike out the words "four thousand" and insert in lieu thereof "three thousand six hundred;" and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$591,010;" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: Add after the word "dollars," at the end of the amended paragraph, the following: "And the provisions of section 5485 of the Revised Statutes shall be applicable to any person who shall violate the provisions of an act entitled 'An act relating to claim agents and attorneys in pension cases,' approved June 20, 1878;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "4,500;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$17,100;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$204,660;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$51,200;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same, with an amendment, as follows: Strike out "ten" and insert "twelve;" and the Senate agree to the same.

H. G. DAVIS,
WILLIAM A. WALLACE,
W. B. ALLISON,
Managers on the part of the Senate.
J. D. C. ATKINS,
HIESTER CLYMER,
JOHN H. BAKER,
Managers on the part of the House.

The VICE-PRESIDENT. Will the Senate consider this report at this time? The Chair hears no objection.

Mr. INGALLS. Mr. President, there were some of the amendments made by the Senate of very great importance, and it is manifestly impossible to ascertain from a numerical recitation what were agreed to and what were disagreed to and what were modified. I allude especially to the amendments made by the Senate providing for a large increase in the clerical force of the Pension Office and of the Surgeon-General's Office, and I ask upon that point particularly if the Senator from West Virginia will advise us what action was taken by the conference committee and how does the bill now stand?

Mr. DAVIS, of West Virginia. In reference to the pension question, the amendments providing additional force and facilities to the three offices, that of the Commissioner of Pensions, the Surgeon-General, and the Adjutant-General, the bill stands, I believe, precisely, without a single change, as the Senate passed it. There is no difference whatever in these respects. As to the amendment offered by the Senator from Illinois, [Mr. LOGAN,] about the three medical assistants, the committee on the part of the Senate felt itself bound, after what took place here, to insist upon that amendment, but the House resisted it, and at last the Senate receded in that particular. In all other respects, so far as the pension items are concerned, the bill is left precisely as the Senate passed it.

Mr. LOGAN. The amendment the Senator referred to is not agreed to—the one offered by me.

Mr. DAVIS, of Illinois. Not agreed to by the House, and the Senate did not insist upon it.

The VICE-PRESIDENT. The question is on the report of the committee of conference.

The report was concurred in.

NAVAL CONSTRUCTION FUND.

The Senate resumed the consideration of the bill (H. R. No. 3983) to provide a construction fund for the Navy, and for other purposes.

Mr. BLAIR. Mr. President, the condition of the American Navy is certainly no source of pride to the American citizen; and this not by reason of any fault whatever on the part of its *personnel*, for if any nation now or at any time has had reason to be proud of the officers and of the seamen of its Navy, I believe we are that nation; and in case of collision with any foreign power, so far as the men who compose the Navy are concerned, we are certainly in as good condition to compete with the world as we have been at any former period of our history or as we could ever desire to be in any future war that it may be our misfortune to wage. But, sir, owing to modern improvements, to changes in the conditions of naval warfare, we are without the vessels wherein to carry on with vigor and with success a contest upon the ocean at the present time. The consequence of this is that at the present time we are under the necessity or we are coming directly to the necessity of substituting almost wholly a new Navy for the old. Then we must sell our old ships or we must use our old ships as material to be converted into the construction of the new; and at this particular point, just at this juncture, in comes this bill proprosing at very great disadvantage to the Treasury and to the American people, as I think, to sell out the Navy to such customers as we may find for it at a very great sacrifice to the nation at large and to the very great advantage of such individual combinations as can be made to purchase the old ships and the old material. I think, sir, if we could get to the bottom of this bill, learn who are its urgers and its promoters, we should find that the same class of men who have in former times profited largely by the sales of American vessels belonging to the Navy are hoping for a repetition of the profits they received hitherto. I believe that the bill is a bad bill in that direction, and if we dispose of the vessels of our Navy in conformity with its provisions we shall realize but the merest song in comparison with the true value of the ships and the material of which they are composed.

Now, we have navy-yards; we have an existing machinery; we have the means of taking apart our vessels, those of them which are not suitable to the conditions of modern naval warfare, those of them which must be replaced by new ships, and we have the means of taking them apart as cheaply as anybody else can do it. We are lacking in labor. Those who have control of our navy-yards complain constantly that they are without the necessary amount of work to keep the capital there invested properly employed. Now, if we can, with the machinery which we possess to make a ship, also take it apart as cheaply as anybody, what is the reason that we may not take the vessels which perhaps should be condemned and which should be replaced, and ourselves separate them into their constituent parts, as must these purchasers in order to make them of any value whatever, and preserve the materials?

I have made a little inquiry, not in reference to this bill particularly, because I have never seen it until this morning, but with regard to the general proposition. I know some of the leading constructors of the Navy say that the vessels which it is proposed to sell under some bill—and I suppose this must be the bill, for there is no other one pending—can be taken apart at our own navy-yards, and the material, wood, brass, iron, and other things which enter into their composition and which can be used in the construction of the vessels we must have hereafter can in that way be made to realize to us many times the value which we can obtain by the sale at auction outright to private parties.

Mr. McPHERSON. May I ask the Senator a question in that connection?

Mr. BLAIR. Certainly.

Mr. McPHERSON. Would not, therefore, a competent board of naval officers be very likely to so report?

Mr. BLAIR. In regard to the "competent board of naval officers," what will they report? What does the bill provide that they shall do? They take a ship as it stands, a ship which is not suitable to modern naval warfare, which is of no use to the country whatever in its existing form, and they appraise the value of that ship, and it is not worth a whalebone to the United States; it is of no consequence whatever to the United States as a ship to do fighting with; and what will that board of naval officers appraise the vessel to be worth? Instead of appraising it to be worth anything, they will appraise it to be worth nothing or next to nothing, except possibly what the materials which enter into its composition might be worth after it was taken apart. They may possibly say that it is worth a little something in that way, but they appraise it as it stands, and, of course, in the separation of these materials, the separation of the good from the bad, the taking apart of the vessels, there is a large amount of labor necessary; and one point I am now making is that we may just as well utilize the capital which we have invested in our navy-yards and perform that labor ourselves. It is going to be some years before we are satisfied precisely what form of vessel we should substitute for those we now use. Constant improvements, constant inventions, are taking place, and before we decide on the navy which it is necessary for us to have when we assert the Monroe doctrine, and assert it with vigor, as I hope we shall, there must be some delay, very considerable delay; and during this interim, while the intellectual process is being carried on which invents the Navy we are to build, our yards remain in idleness, and the capital therein invested is unemployed. We may just as well keep these vessels by themselves; and when the proper time comes, not by any wholesale condemnation, but ship after sbip, as it is found necessary or deemed judicious, condemn it and separate it into its constituent elements, and in that way give employment to labor at our navy-yards, and employment to the capital which we have therein invested. These yards are now rotting down; the machinery is going to waste, and we may just as well use it in taking apart the old vessels as sell them to private individuals, who expect to come in here by virtue of their combinations and buy the navy for a song, and then convert it into material to be disposed of otherwise. No doubt it is expected that these individuals, when they get this material, will sell a very large portion of it right back to the Government when we commence our new ships.

These are no mere idle suspicions and whims on my part. It is true I have not made any very thorough investigation into this matter, but when I have come in contact with men who are interested in the reconstruction of our Navy who do know and who are competent to give an opinion on this subject, I am but reiterating ideas which I have received from them. The navy will sell for a song in this way. We may as well keep it as sell it.

This naval construction fund which it is expected to realize can, from the very nature of things, be but a very small one if we adopt the theory of the bill itself, because, as I was saying a moment ago in reply to the suggestion of the Senator from New Jersey, a naval board must appraise a naval ship at that value which it is worth to the United States, and a single gun upon any of the modern vessels of France, or of England, or of other continental powers, would knock two-thirds of our Navy into pieces, and therefore our ships are utterly valueless for fighting purposes at the present time, and will likely be appraised accordingly.

I do not believe, at all events, that a bill like this should be put through until its features are more carefully examined than they have been by the Senate, and I protest against our selling out what little Navy we have got at the value which is likely to be realized from that class of combinations which have in similar instances hitherto been found to be the only purchasers. There can be no competition for these ships. We do not want to buy them, and the few individuals who want to take them and perform the labor of their separation will not have the slightest difficulty in the future any more than they have had in the past in so combining that each one of them will take the vessel which he wants at a mere nominal price, and I believe the bill should be defeated.

Mr. CONKLING. Mr. President, may I inquire what is the stage of this bill?

The VICE-PRESIDENT. The question is, shall the bill pass?

Mr. CONKLING. It has been ordered to a third reading?

The VICE-PRESIDENT. It has been.

Mr. CONKLING. Without amendment?

The VICE-PRESIDENT. Without amendment; and the question is, Shall it pass? and upon the question of its passage the yeas and nays have been ordered.

Mr. CONKLING. Has it been read the third time, or has it merely been ordered to a third reading?

The VICE-PRESIDENT. It has been read the third time, and the question is, Shall it pass?

Mr. CONKLING. I beg pardon of the Chair; I misunderstood the condition of the bill.

Mr. President, I shall venture to move to reconsider the vote ordering the bill to a third reading in order that I may offer an amendment which, before asking that the motion be put, I will state and endeavor to explain.

I move to strike out in section 3 from lines 10 to 13 the words:

No unexpended balances of said construction fund shall hereafter be covered into the Treasury or be made available for any purpose not provided by this act, any law to the contrary notwithstanding.

This is House phraseology and therefore the committee of this body will take no exception if I say that it is rather extraordinary, not to say defiant language, "any law to the contrary notwithstanding." However, my objection is not to the phraseology of this provision; it is to its substance.

Section 1 of the bill exposes to condemnation all the stores of the Navy:

And all such stores and supplies as shall be found by boards of appraisers to be unserviceable for use in the Navy shall be condemned and sold in the manner hereinafter provided for the sale of old materials, and the proceeds thereof shall be paid into the Treasury to the credit of the permanent construction fund of the Navy in the same manner as is hereinafter provided concerning the proceeds of the sale of old vessels of the Navy.

In view of these words, I repeat that all the stores and all the supplies of the Navy from time to time are liable to condemnation at the hands of boards of appraisers without its being possible to know now who they are to be, and as far as they are condemned and sold the proceeds are to have the light which I will speak of in reference to the proceeds of vessels condemned. The next section provides:

SEC. 2. It shall also be the duty of the Secretary of the Navy, as soon as may be after the passage of this act, to cause to be examined by competent boards of officers of the Navy, to be designated by him for that duty, all vessels belonging to the Navy not in actual service at sea, and vessels at sea as soon as they shall return to any naval station within the United States, and said boards shall ascertain and report to the Secretary of the Navy, in writing, which of said vessels are unfit for further service, or, if the same are unfinished in any navy-yard, which cannot be finished without great and disproportionate expense, and shall in such report state fully the grounds and reasons for their opinion.

Thus all the Navy ships in ordinary, ships not at sea, ships uncompleted, and ships consisting of parts not yet assembled, are exposed to appraisement, condemnation, and sale, and for this purpose whenever they return to any naval station anywhere they are exposed to inspection and condemnation.

The Senate will observe that these broad terms invite appraisers and other scrutinizers to consult their own judgment as to the tonnage, the fashion, the character of vessels which it is wise to be continued in the Navy. The test is not seaworthiness.

Mr. McPHERSON. Would it disturb the Senator if I should ask him a question?

Mr. CONKLING. Far from it.

Mr. McPHERSON. If he will turn to section 1541 of the Revised Statutes, the Senator will find that the Secretary of the Navy has all the power now unguarded which we propose to give him under the proposed bill.

Mr. CONKLING. Will the Senator be kind enough to read it?

Mr. McPHERSON. It is as follows:

The Secretary of the Navy is authorized and directed to sell, at public sale, such vessels and materials of the United States Navy as, in his judgment, cannot be advantageously used, repaired, or fitted out; and he shall, at the opening of each session of Congress, make a full report to Congress of all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts.

If the Senator will yield to me one moment longer, he will take notice that under the second section of the bill which he is now criticising, our purpose, in addition to the power already conferred upon the Secretary of the Navy, is to create an advisory board of competent naval officers; and if the judgment of competent officers cannot be taken on a matter of which they are supposed to have greater knowledge than anybody else, certainly I think greater knowledge than the Senator from New York or myself can have upon the value of a naval vessel, then I do not see whom we are to trust.

Mr. CONKLING. Mr. President, it frequently happens in the course of debate that a Senator is interrupted by a question which seems very pertinent, as this does, but which, did the Senator who puts it withhold it for a few moments, would not seem so pertinent. I think I can show my honorable friend from New Jersey that his citation of the statute does not bear upon the argument which I am going to level at the words I want to strike out.

I need not remind the Senator from New Jersey how individuality centralizes responsibility. The Secretary of the Navy as an individual official has the power, whenever in a given case he is moved to do it, and feels that he can justify it, to say of a particular vessel what disposition shall be made of her as there indicated by the statute. When you come to appoint boards in the plural to catch every vessel when she comes in to any naval station in the United States—that is what the bill says—and begin to ransack and examine and cat-haul the whole Navy, big and little, with a view to disposing of it, vessels finished and vessels unfinished, you have changed entirely, as every practical man knows, the whole scope and bearing of the provision. But it is not for that reason that I criticise the language I have moved to strike out. I will state to the Senate now the reason for which I do it.

Under the existing statutes the proceeds of sold vessels, like all other proceeds and all other money whatsoever, under the uniform legislation for years, are covered into the Treasury, become subject to the expiration of the time when they may be used, go upon the books of the Treasury Department, appear in the reports, and become parts and undivided parts of the moneys in the Treasury. By the words to which I have called attention this fund, the amount of

which is to depend absolutely upon the wish of the Secretary of the Navy and these manifold boards whom he may designate—a fund which may be a million, two million, three million, five million as they from time to time elect by the number of vessels and the amount of stores and supplies they condemn and sell, is to be perpetually kept segregated, intact, a fund by itself never to expire, never to be covered in under those drag-nets of statutes which lay hold of every other particle belonging to the United States after a certain time and cover it into the Treasury whence it cannot go again except by direction of the law-making power. That is the reason why I inveigh against these provisions.

I say that to take any Department of the Government and except it out of provisions which experience has shown to be wholesome for all Departments, namely, those provisions that fix a day after which funds shall not run unaccounted for but when they shall return to the Treasury, is to expose it to uncomfortable suspicion and accusation, to put it upon a footing which I think no head of that Department would care to have it occupy. But when in addition to that you commit to the head of the Department to say how large and how small from time to time this fund shall be, so that its amount no longer depends like all other funds upon appropriations made by Congress but upon the *ipse dixit* of the Secretary of the Navy, he not even to appear *in propria persona* but to appear by proxy here and there through boards to roam all over the naval stations and determine how many vessels in their estimation are out of fashion; how many are underneath a certain minimum of tonnage; how many are not clad with armor as thick as in their estimation would be desirable; how many in their port-holes are too diminutive to permit such guns to speak as they may think a vessel should carry, and so on, and then to condemn them, one by one, or in classes—when you provide for that and then provide that in perpetuity "any law to the contrary notwithstanding" this shall remain a special fund in the hands and subject to the absolute direction of those who create it, I submit to the honorable Senator from New Jersey that such a statute would be what doctors would call a foreign substance in the legislation of the country.

Mr. DAVIS, of West Virginia. Will the Senator from New York allow me to call his attention to the words of the statute, "vessels and materials?" In the bill are added the words "stores and supplies," so that the bill goes much further than the present statute.

Mr. CONKLING. I agree with the Senator, and I should agree with him if he were to affirm that the bill as to vessels themselves goes a great deal further. The whole intendment of the act, what I may speak of as the atmosphere of the act, is entirely different. That statute intends to provide for the disposition of a crippled or an undesirable vessel here or there; this act is intended as a drag-net to spread all over the Navy and create machinery by which not an exceptional vessel now and another vessel again some other time may be dropped, but by which vessels as a rule as they return to a naval station are to be examined with a view to their dismissal from the Navy and their disposition to private parties. That is enough to distinguish between the two acts; but the broad distinction, the active, operative, and, as I think, pernicious distinction which will strike every business man is this: there stands a statute under which a vessel may be sold and the money turned into the Treasury to be governed by the forces and methods applicable generally to moneys in the Treasury; here comes a statute which commits to certain executive officers the final disposition of the fund, its maintenance separately in perpetuity, and then commits to them the question whether by selling more or less they shall from time to time make that fund greater or smaller as they may choose.

In common phrase, it is burning the candle at both ends. It is, in the first place, depositing with these men the power to appropriate money practically, and in the second place depositing with them the option and judgment what shall be done with that money ultimately, and if I have the ear of the honorable Senator from New Jersey I venture to direct his attention to some lines at the top of page 5, which, if I read them aright, are to the effect—and I should not object to that if it stood alone—that these same authorities in place of selling in the modes provided materials and stores and supplies now on hand may use them by way of barter, that is, may make a contract for the construction of a vessel to pay so much in money and to turn in so much of material in kind. If I apprehend aright the intention of the provision that might be very provident. It is one of the reasons why these other provisions should not be so broad. I do not know whether I apprehend this aright or not.

Mr. McPHERSON. Will the Senator yield to me a moment?

Mr. CONKLING. Certainly.

Mr. McPHERSON. I do not consider that the section to which the Senator has invited my attention confers any such power at all upon the Secretary of the Navy.

Mr. CONKLING. Let me read the words:

> But in the construction, armament, or equipment of new vessels of the Navy as herein provided for, the Secretary of the Navy may make use of any materials, stores, or supplies now on hand, which, in his opinion, will not probably be required in the repair of the vessels, their armament or equipment, now in the Navy, but not otherwise.

What do those words mean, will the Senator tell me?

Mr. McPHERSON. I suppose the meaning is that the Secretary of the Navy may make use of any materials, stores, and supplies now on hand which will probably not be required for the repair of vessels. We confer upon him the power to sell any materials not required.

Mr. CONKLING. That is conferred by the preceding section; there is no doubt about that. I asked him what is the force of the words "may make use of any material."

Mr. McPHERSON. It certainly does not mean to exchange it, because we would not employ the word "use" if we meant to confer any power to exchange. He may make use of it in any manner he pleases, I suppose, so far as the repair and construction of vessels is concerned.

Mr. CONKLING. Suppose he pleased to make a contract for constructing a vessel and pay so much in money and to turn in for use such material as he has on hand, would not that be competent under this section?

Mr. McPHERSON. I do not think it would.

Mr. CONKLING. The Senator is certainly wrong about that. The words "the repair of the vessels" are for a different purpose—

> Which, in his opinion, will not probably be required in the repair of the vessels, their armament or equipment, now in the Navy, but not otherwise.

That is, if I understand it, he may use not all the materials, but he may use all such as he thinks will not probably be required for the repair of the vessels which we own now, and he may use these materials in the construction, armament, and equipment of new vessels.

Mr. McPHERSON. He may use in new construction the materials which will not be required for the purpose of repairing the old vessels. This is the intent and meaning, I suppose, of the section.

Mr. CONKLING. That is what I said in the first place, but I understood my honorable friend to challenge the assertion.

Mr. McPHERSON. If the honorable Senator can make use of any other language that will convey the idea or make it any plainer, the committee will accept the language.

Mr. CONKLING. The Senator from New Jersey entirely misapprehends me. I do not wish to use other language; I do not wish to defeat this language; I make no objection to it. My whole purpose in referring to it was to state its meaning, which meaning is as now ascribed to it by the Senator from New Jersey, and to say that that power, very proper as it seemed to me, being contained in the bill was an additional reason why these preceding and unexampled powers should not also be conferred. It is, I submit, a reason why the Secretary should not have other powers that by this section he has power not only to contract for vessels and pay for them with money derived from appropriations and also from the sale of other vessels, but that he has also power to put into the contract that paying so much in money he will also use in construction such and such materials, be those materials live oak, Russian cordage, iron, or any other of the materials which enter into the act of ship-building. I say by as much as he has that power, by so much——

Mr. McPHERSON. I must confess it is a very far-fetched construction.

Mr. CONKLING. Mr. President, then my honorable friend far-fetched it, because the echoes of his eloquent voice have scarcely died away since he told us that that was what it meant, and my regard for him as a Senator and as a mariner is so great that I never doubt anything he says.

Mr. McPHERSON. Will the honorable Senator yield to me just one moment?

Mr. CONKLING. Always.

Mr. McPHERSON. In order that I may not be misunderstood again by him, let me repeat that I declared it to be my understanding of the section that the material not needed for repairs of vessels could be used by the Secretary of the Navy in permanent construction. Now, does the Senator understand me distinctly? If not, I will repeat it again.

Mr. CONKLING. I think I do, and I have thought so all the time. I understand my honorable friend. Now, I affirm that this section means that materials—I leave out supplies, to simplify it,—materials at any time on hand and not needed for the repairs of vessels in the Navy may be made use of in the construction of new vessels. Does he not say so? If I have been so unfortunate as not to say so myself, it certainly convicts one of astonishing stupidity. I have endeavored to say that the meaning of the section is that in addition to the money which is used in constructing new vessels materials on hand may also be used, thus increasing indefinitely the amount practically which is to be expended in this regard. Then the Senator says he does not agree with me and corrects me, and then he states it himself; and although he states it more clearly than I can, he states exactly in effect what I have been two or three times trying to affirm.

Now, Mr. President, I submit that all this ought not to be put in any bill touching any Department, and I leave the subject for the moment by asking Senators to observe that should the words be stricken out which I have proposed to strike out, they do not disarrange any other part of the bill, or render ineffective any provision of the bill or require any other amendment. They simply take out a very exceptional provision standing by itself, under which if adopted this fund would continue indefinitely to run and to assert itself against all statutes covering any unexpended balances, and to do that whether doubled or quadrupled by the sale of vessels, or whether it remained only a fund of some such dimensions as are indicated by the bill. There-

fore I ask that we may by unanimous consent have the vote reconsidered by which this bill was ordered to a third reading, so that the sense of the Senate may be taken upon this one isolated question.

Mr. McPHERSON. Mr. President, before addressing myself to the amendment of the Senator from New York, I wish to call attention to one or two objections which have been made to the bill by other Senators, and I wish especially to call attention to the objection made by the honorable Senator from Kentucky, whom I do not see in his seat. That Senator made a long speech upon this point, that under this proposed bill the Secretary of the Navy could sell the iron-clad vessels which were now being constructed in private ship-yards of the country. I asked the Senator to read section 2 of the bill, and repeated twice my invitation to him to read that section. Notwithstanding that, he went on with a long dissertation inveighing against that section of the bill which permitted the Secretary of the Navy to sell the iron-clads now under construction. Let me call the attention of the Senator to that section of the bill and see how well that is guarded. I refer first to lines 9 and 10:

Or if the same are unfinished in any navy-yard.

The four iron-clads of which the Senator spoke are not in any navy-yard of the United States. It simply refers to vessels now in the navy-yards, some upon the stocks. For instance, in the New York navy-yard we have the old New York and the Java upon the stocks, and they have been there since the war, completely rotted down, in the way. We have old hulks lying at the dock unfit and unworthy of repair. Mr. HARRIS, a member of the Committee on Naval Affairs in the House, says in his report that some fifty-odd vessels are now borne on the Navy Register which are unworthy of repair and unfit for use. It is well known to every member of the Senate that thousands upon thousands of dollars in money are every year appropriated for the purpose of the care of these old hulks. Now I wish to ask Senators, how are we going to arrive at the condition of the Navy unless it be done by a commission of competent officers? I suppose the honorable Senator from New York will not insist upon knowing more about the value of this property than a competent board of officers whom the Secretary of the Navy may select. For my part, I profess to have no knowledge——

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The morning hour has expired. The bill goes over under the rule, and the unfinished business——

Mr. McPHERSON. I hope permission will be granted to continue the bill.

Mr. CONKLING. I hope the honorable Senator will be allowed at least to conclude his own observations. I think nobody will object to that.

The PRESIDING OFFICER. If there be no objection the Senator from New Jersey will be allowed to continue his remarks.

Mr. HOAR. What is the effect of voting to lay aside all pending orders and proceed to the consideration of a bill? Does that confine that bill still to the morning hour?

The PRESIDING OFFICER. The Chair understands it confines the bill to the morning hour, and on the expiration of the morning hour the unfinished business comes up for consideration. The Senator from New Jersey asks permission to continue his remarks. Is there objection?

Mr. PENDLETON. I ask that the unfinished business be laid before the Senate, and then I will hear any suggestion the Senator from New Jersey desires to make in reference to it.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business, which will be reported.

The CHIEF CLERK. The unfinished business is the bill (S. No. 1441) for the relief of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, or assigns.

The PRESIDING OFFICER. Is there objection to giving the Senator from New Jersey leave to continue his remarks? The Chair hears none, and House bill No. 3983 continues before the Senate.

Mr. McPHERSON. I do not think it will take more than fifteen minutes to reach a vote on the naval construction fund bill, and I will suspend my remarks in order that the Senate may take the vote.

The PRESIDING OFFICER. Is there objection to the Senator continuing his remarks?

Mr. TELLER. There is objection to doing anything except allowing the Senator to finish his remarks. I do not object to that, but I object to any further discussion of this bill except by the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey will proceed.

Mr. McPHERSON. Mr. President——

Mr. PENDLETON. I consent that the unfinished business may be laid aside informally.

Mr. McPHERSON. It will not take more than fifteen minutes for me to finish my remarks and have a vote on the bill.

The PRESIDING OFFICER. The unfinished business will be laid aside informally in order that the Senator from New Jersey may finish his remarks.

Mr. PENDLETON. Subject to my call.

The PRESIDING OFFICER. Subject to the call of the Senator from Ohio.

Mr. McPHERSON. No man in the Senate would be more unwilling to confer unnecessary power, much less extraordinary power, upon any Secretary of the Navy than myself. For one, I must say that our experience during several years of our national life in this particular has not been at all flattering to our pride; but we find ourselves confronted by a peculiar condition of circumstances; we find this old dilapidated material in the Navy, which is of no use whatever to the Navy, and we desire to dispose of it; and I can conceive of no mode in which the power could be better guarded than in this bill. We give the Secretary of the Navy the power to sell old material on the report of a board of naval officers. The money derived from the sale is covered into the Treasury, but placed to the credit of a permanent construction fund. It is to be drawn out by appropriations made by Congress, with the exception of $1,000,000, which the Secretary of the Navy is qualified at any time to use.

I do not know that it is necessary for me to say more. It is so well guarded as this, that if we sell the old material we convert it into new.

Mr. JONES, of Florida. Is not the sum of money which is annually paid at the discretion of the Secretary of the Navy for the purpose of repairs of ships just as liable to abuse as this fund? Nearly a million dollars annually under the general appropriation bills is placed at his disposal to be used as he may think proper in the repairs of vessels of the Navy.

Mr. McPHERSON. This bill confers less power than he now has.

Mr. DAVIS, of West Virginia. But the Secretary has to make his estimates and tell Congress what he wants the money for and what he proposes to do with it.

Mr. INGALLS. Mr. President——

The PRESIDING OFFICER. Senators will allow the Chair to state the pending question. The Senator from New York asks that the vote ordering this bill to a third reading be reconsidered. Is there objection to that request? The Chair hears no objection, and the vote ordering the bill to a third reading is reconsidered.

Mr. INGALLS. I have heard no reason during this debate yet given for conferring the extraordinary powers of this bill upon the Secretary of the Navy, when similar powers are denied to every other executive officer of the Government. The provisions of the bill are directly in conflict with every theory of executive administration. If this bill prevails and we are to allow the Secretary of the Navy to sell all the vessels of the Navy that may be condemned by a board, finished and unfinished, and all the stores and material, at any sum that such a board may see fit to affix, and place the amount of money in the Treasury as a permanent construction fund for the Navy, I am at a loss to understand why we may not abandon legislative control over every other branch of the Government, why we may not authorize the Secretary of the Treasury to sell every custom-house, why we may not authorize the Secretary of War to sell every arsenal, every garrison, every fort, every cantonment in the country, and have the funds arising from the sales placed in the Treasury subject to the disposition of the head of the Department without the control of Congress; and why we may not by statute authorize the Secretary of the Interior to dispose of all the Indian reservations and all the public lands of the country, and have the funds so derived placed in the Treasury subject to his control, because it is idle to say that legislative control is not removed by the provisions of this bill. In pursuance of the argument made by the Senator from New York, and as a further suggestion as to the extraordinary provisions of this measure, I call attention to the first part of section 6 of the bill:

Not more than $1,000,000 shall be expended or authorized to be expended out of the permanent construction fund of the Navy during any one fiscal year without authority of Congress.

Although that is expressed in the negative, yet it is an express conferrence of power upon the Secretary of the Navy to expend $1,000,000 annually from this fund without authority of Congress, vesting the disposition of this sum entirely at his discretion.

Mr. EATON. Permit me to ask my friend, for it is in his own line of thought, could not the Secretary of the Navy commence the construction of one, two, three, or a dozen vessels so that it came within the amount of $1,000,000?

Mr. INGALLS. Any number. There is no limitation whatever upon the power of the Secretary of the Navy to expend the $1,000,000 in any way that he sees fit. I should like the Senator from New Jersey, or any other Senator who proposes to support this bill, to answer me under what constitutional provision this power is vested? The Constitution says that "no money shall be drawn from the Treasury but in consequence of appropriations made by law."

Mr. DAVIS, of West Virginia. Will the Senator allow me a minute in the line of his thought?

Mr. INGALLS. Yes, sir.

Mr. DAVIS, of West Virginia. It will be recollected that the Senate at the last session passed a bill providing that hereafter all appropriations should be made direct each year, and in addition to that the bill repealed all permanent appropriations such as this would be.

Mr. INGALLS. Certainly, and that ought to be so. Congress, which is the purse-holding and the law-making power of this Government, never ought to relinquish its absolute control over the revenues of the country.

Mr. McPHERSON. Will the Senator yield to me a moment?

Mr. INGALLS. Certainly.

Mr. McPHERSON. Will the Senator show me by what nice line of demarkation a distinction is made between an appropriation made in this way and one made by law?

Mr. INGALLS. The Senator from New Jersey knows that the term "appropriations made by law" has a distinct and technical signification. It will not do to say that this is an appropriation made by law.

Mr. McPHERSON. Will the Senator yield to me again a moment?

Mr. INGALLS. Yes, sir.

Mr. McPHERSON. Does the Senator not know that every year we make appropriations of money for the purpose of repairs to vessels in the Navy amounting to several million dollars? We give that money to the Secretary of the Navy upon his request. He sends to Congress an item of appropriation that he wishes Congress to pass. We confer upon him the right and power to expend say $3,000,000. Do we know to what vessels he is to apply it? Do we know to what use he is to apply it? We have no more knowledge of that than we have of what would become of this appropriation of $1,000,000.

Mr. DAVIS, of West Virginia. The Senator will recollect that the Book of Estimates every year states the objects for which appropriations are desired.

Mr. INGALLS. Yes; and I know beyond all that that the Secretary of the Navy goes before the Committee on Naval Affairs and tells them what he wants to do with the money, and that they never recommend the appropriation of millions of money out of the public revenues to be disbursed by him until he has told the committee what he wants to do with it. There could be no more vicious departure from a wholesome and salutary policy than to allow not only an executive officer of this Government to spend money without congressional supervision, but to provide the fund out of which the money may be so spent. I am satisfied that upon more mature consideration the committee would not be willing to leave the bill in its present shape, and I therefore move that the bill be recommitted to the Committee on Naval Affairs.

Mr. CONKLING. May I inquire, has the vote ordering the bill to a third reading been reconsidered?

The PRESIDING OFFICER. The vote has been reconsidered by unanimous consent.

Mr. CONKLING. Then I should like to have my amendment pending. I now move to amend the bill, if my friend will allow me before making his motion to recommit.

The PRESIDING OFFICER. Does the Senator from Kansas withdraw the motion to recommit?

Mr. CONKLING. Only for a moment.

Mr. INGALLS. Certainly.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. CONKLING. I move to amend by striking out the words that I indicated before in section 3 from line 10 to 13, "no unexpended balances," &c.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. In line 10, after the word "purpose," it is proposed to strike out the words:

> No unexpended balances of said construction fund shall hereafter be covered into the Treasury or be made available for any purpose not provided by this act, any law to the contrary notwithstanding.

Mr. INGALLS. I also want to offer an amendment——

Mr. McPHERSON. I wish to make a statement before the Senator from Kansas goes on, if he will yield to me. I did not understand that there was to be any motion to amend submitted to the Senate, or I certainly should not have agreed to a reconsideration of the vote. I did not hear the Chair put any such motion to the Senate as that the Chair now declares, that the vote had been reconsidered by unanimous consent for the purpose of entertaining the amendment of the Senator from New York. I never heard it.

Mr. CONKLING. Will the honorable Senator allow me a moment? Suppose it had not been done; if a bill had been formally ordered to a third reading without attracting the attention of the Senate, would the Senator insist upon that and object to its being undone in order that the sense of the Senate might be taken upon an important amendment?

Mr. McPHERSON. I should object to this proposition. The Senator from New York had already announced the manner in which he wished to amend the bill. Not consenting to the amendment, and having in some measure charge of the bill, I should object to a reconsideration of the vote for the purpose of emasculating the entire bill.

Mr. CONKLING. My honorable friend will pardon me. I want to differ with him there. He has not had an opportunity of reflecting a moment. If I had charge of the bill and it had been ordered to a third reading, and the Senator should rise and say he was taken by surprise and had an amendment to offer, if the Senator will reflect a moment he knows that I would not insist upon cutting him out; and by as much as I would not do it I am quite sure the honorable Senator from New Jersey would not do it. I was amazed when I heard that the bill had been ordered to a third reading. I was attending to it, but some Senator addressed me by my side here, and turning to talk to him a moment, while I was thus talking the bill was ordered to a third reading it seems, which I did not hear at all.

Mr. McPHERSON. Under those circumstances I shall withdraw my objection.

Mr. CONKLING. I knew it. I knew my friend from New Jersey would be the last man in the Senate to insist upon such a course, and he does not insist upon it.

Mr. McPHERSON. I did not understand the circumstances, and therefore withdraw the objection.

The PRESIDING OFFICER. The question was submitted to the Senate as distinctly as the Chair could state it.

Mr. COCKRELL. There is no question about that.

Mr. INGALLS. I also desire before making a motion to recommit the bill to suggest an amendment for the consideration of the committee in case the bill should be recommitted.

The PRESIDING OFFICER. There is one amendment now pending.

Mr. INGALLS. I understand that. I suggest as an amendment that I shall move if the bill is not recommitted to strike out in the first line of section 6 the words "not more than $1,000,000" and insert the words "no money," and in lines 3 and 4, after "Navy," to strike out the words "during any one fiscal year;" so as to read:

> No money shall be expended or authorized to be expended out of the permanent construction fund of the Navy without authority of Congress.

I now move that the bill be recommitted to the Committee on Naval Affairs.

Mr. McPHERSON. I wish to say one word in this connection. If the Senate are disposed to amend the bill in any particular, it seems to me as though it would be impossible at this late day in the session to have the amendments concurred in by the House. It does seem to me that the amendments proposed by both the Senator from New York and the Senator from Kansas are of no vital force or consequence. Therefore I hope that the bill will not be recommitted, and I hope that the amendments will not be agreed to.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. INGALLS] to recommit the bill to the Committee on Naval Affairs.

Mr. McPHERSON. I call for the yeas and nays. We may as well have them taken first as last.

The question being taken by yeas and nays, resulted—yeas 28, nays 22; as follows:

YEAS—28.

Allison,	Davis of Illinois,	Ingalls,	Morrill,
Beck,	Davis of W. Va.,	Jonas,	Plumb,
Blair,	Eaton,	Kirkwood,	Slater,
Booth,	Garland,	Logan,	Teller,
Cockrell,	Hamlin,	McDonald,	Vest,
Coke,	Harris,	Maxey,	Wallace,
Conkling,	Hereford,	Morgan,	Williams.

NAYS—22.

Anthony,	Butler,	Kernan,	Rollins,
Bailey,	Call,	McPherson,	Vance,
Bayard,	Cameron of Pa.,	Pendleton,	Voorhees,
Brown,	Dawes,	Platt,	Withers.
Bruce,	Hampton,	Pugh,	
Burnside,	Jones of Florida,	Randolph,	

ABSENT—25.

Baldwin,	Grover,	Lamar,	Thurman,
Blaine,	Hill of Colorado,	McMillan,	Walker,
Cameron of Wis.,	Hill of Georgia,	Paddock,	Whyte,
Edmunds,	Hoar,	Ransom,	Windom.
Farley,	Johnston,	Saulsbury,	
Ferry,	Jones of Nevada,	Saunders,	
Groome,	Kellogg,	Sharon,	

So the motion to recommit was agreed to.

SUNDRY CIVIL BILL.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House had passed a bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; in which it requested the concurrence of the Senate.

Mr. DAVIS, of West Virginia. I ask that that bill be referred at once.

The bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

AMENDMENTS TO BILLS.

Mr. HARRIS, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES, from the Committee on the Revision of the Laws, reported an amendment intended to be proposed to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on the Library, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, reported an amendment intended to be proposed to the bill (H. R. No. 7203) making appropriations for

sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAXEY and Mr. WITHERS submitted amendments intended to be proposed by them respectively to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BALDWIN, Mr. BOOTH, Mr. BURNSIDE, Mr. COCKRELL, Mr. FARLEY, Mr. GARLAND, Mr. McPHERSON, Mr. MORRILL, Mr. SAUNDERS, Mr. VEST, Mr. VOORHEES, Mr. WITHERS, and Mr. WHYTE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which were referred to the Committee on Appropriations.

THE BRIG GENERAL ARMSTRONG.

The PRESIDING OFFICER. The Senate resumes the consideration of its unfinished business.

The Senate resumed the consideration of the bill (S. No. 1441) for the relief of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, or assigns.

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. PENDLETON. I wish to offer an amendment to the bill.

The PRESIDING OFFICER. The Chair will inform the Senator from Ohio that an amendment is not now in order. The question is on the passage of the bill.

Mr. PENDLETON. Has the bill passed beyond the stage at which amendments are in order?

The PRESIDING OFFICER. The Chair is so informed.

Mr. PENDLETON. I then ask unanimous consent of the Senate to make two verbal amendments, and I offer them in pursuance of a consultation that I have had with the Senator from Massachusetts, [Mr. HOAR,] who objected to the words, for which I propose to substitute others. I ask unanimous consent of the Senate to offer the amendments.

The PRESIDING OFFICER. That may be done by a reconsideration of the vote by which the bill was ordered to a third reading.

Mr. PENDLETON. I ask that that vote be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and the vote is reconsidered. The question now is on ordering the bill to be engrossed for a third reading.

Mr. PENDLETON. In line 4 I move to strike out "claims" and insert "losses;" so as to read:

That the Secretary of State be, and he is hereby, authorized and requested to examine and adjust the losses of the captain, owners, officers, &c.

The amendment was agreed to.

Mr. PENDLETON. In line 12 I move to strike out the words "the said claimants" and insert "them;" so as to read:

And that he be, and is hereby, further authorized and requested to pay to said claimants, their heirs, executors, administrators, or assigns, the amount which may be found due to them, not exceeding $70,739.

The amendment was agreed to.

PUBLIC LANDS IN OHIO.

Mr. McDONALD. I request the Senator from Ohio to yield to me for a moment that I may ask the consent of the Senate to take up and consider Senate bill No. 1825, a bill reported from the Committee on Public Lands, and it will not take any longer to pass it than to read it. If it is not passed now it is not possible for it to be passed at this Congress.

Mr. PENDLETON. If the bill will not consume any time, and if the pending bill shall not be displaced, I yield for a moment.

Mr. McDONALD. If there is any objection after the nature of the bill is understood, I shall not press it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana that the pending bill be informally laid aside, and that the Senate consider the bill to which he has referred? The Chair hears no objection and the pending bill is informally laid aside.

Mr. McDONALD. I ask the Senate to consider the bill (S. No. 1825) to provide for the survey of certain public lands in the State of Ohio.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the marsh lands of the United States lying in Lucas and Ottawa Counties, Ohio, between Cedar Point and Crane Creek, shall be surveyed and laid off in the manner prescribed by law; and it authorizes the Commissioner of the General Land Office to sell them at public or private sale, according to law, but no sale of them shall be made at a less price than fifty cents per acre.

Mr. INGALLS. What bill is this? I thought we were considering the General Armstrong bill.

Mr. McDONALD. It is a bill to authorize the survey and sale of a little strip of land in Lucas and Ottawa Counties, Ohio, on the lake margin. That is all there is of it. It is recommended by the Committee on Public Lands.

The PRESIDING OFFICER. If there are no amendments in Committee of the Whole the bill will be reported to the Senate.

Mr. CONKLING. I am inclined to think the bill had better be reported to the Senate at length. It is a very short bill. Suppose we hear it read.

The bill was read at length, and reported to the Senate.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF CHIEFS OF NAVAL BUREAUS.

The PRESIDING OFFICER. The Senate now resumes the consideration of its unfinished business, which is Senate bill No. 1441.

Mr. VOORHEES. I appeal to the Senator from Ohio to allow me to have passed a bill reported from the Committee on Naval Affairs. It will not take three minutes, and I will help the General Armstrong matter all the time. May I ask the Senator to do that much?

Mr. PENDLETON. Yes, sir, if it can be done without displacing the Armstrong bill.

The PRESIDING OFFICER. The Senator from Indiana asks that the bill now under consideration be informally laid aside in order that he may ask the Senate to take up the bill which he has indicated.

Mr. VOORHEES. And which has the approval of the Committee on Naval Affairs, and my course in regard to which has the approbation of the chairman of that committee.

The PRESIDING OFFICER. Is there objection?

Mr. INGALLS. Let us hear the bill reported, subject to objection.

The Chief Clerk read the bill (S. No. 1025) fixing the relative rank and pay of certain officers on the retired list of the Navy.

Mr. CONKLING. Is that an amendment to the Armstrong bill?

Mr. VOORHEES. No, sir.

The PRESIDING OFFICER. The Chair will state the proposition. The Senator from Indiana asks the Senate to lay aside the bill now under consideration, the Armstrong bill, that he may move to proceed to the consideration of the bill which has just been reported. Is there objection?

Mr. CONKLING. Not if we are to have a fair understanding all around. If the Armstrong bill being up, is to be the occasion when all of us may take up and consider all the other bills, I am for the Armstrong bill, certainly as long as that arrangement lasts. I have one or two bills that I am afraid I cannot get up without that, and if I can just slide them in as riders to the Armstrong bill I am for it; but I submit that if the Armstrong bill is before the Senate it ought to be acted upon.

Mr. VOORHEES. I am for the Armstrong bill all the time, both while this is going on and subsequently. I have acted upon a usage of courtesy in the Senate in asking the Senator from Ohio to allow me to have a bill passed which has been considered and reported favorably by the Committee on Naval Affairs; and in the course I am pursuing I have the approbation of the chairman of that committee and other members of the committee with whom I have consulted. I can only say that of course the Senator from New York can rule this out, but we have served here some time, and if he can find wherever I made an obstruction to any business that he wanted to perform here, I think then he ought to undertake the course he is taking now. If he cannot recall any such circumstance I hope he will let the bill pass.

Mr. CONKLING. I am sorry that my usually amiable friend acts a little as if his plumage was ruffled this morning.

Mr. VOORHEES. The Senator means "unusually amiable."

Mr. CONKLING. Unusually and usually both. I did not intend to interfere with the honrable Senator from Indiana. If his ways were not near so winning and irresistible as they are, I should never put myself across his track. I did not even know that he asked to have the bill taken up; and now that I do know it, the last thing in the world that I want to do is to object to the honorable Senator, and especially at a time when he has a little feeling about it, which seems to be this time.

Mr. VOORHEES. I was sure the Senator would not object when he knew the circumstances.

Mr. CONKLING. So that I wish the Senator would consider the fact that I not only withdraw my remark but the gesture that accompanied it, "if any," as we said in the electoral bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1025) fixing the relative rank and pay of certain officers on the retired list of the Navy.

The bill was reported from the Committee on Naval Affairs with an amendment in line 4, after the word "bureau," to insert "and whose name has been borne on the Navy Register thirty years;" so as to make the bill read:

Be it enacted, &c., That any medical, pay, or engineer officer who has served, or may hereafter serve, a full term as chief of bureau, and whose name has been borne on the Navy Register thirty years, shall, when retired, have the relative rank and pay of commodore on the retired list.

Mr. CONKLING. May I now inquire of my friend, since the bill is up, in respect of the merits, how many persons will the bill put on the retired list now?

Mr. VOORHEES. I do not know that it would put on anybody now. If so, it may be three or four persons. It will provide for some old officers who will be retired within a short time, and very few of them. It is a very harmless bill and a very just one, and has, as I understand, the entire approbation of the committee. The chairman of the committee had this matter submitted to him before I made the motion to take it up, and it was also submitted to the Senator from Rhode

Island [Mr. ANTHONY] who is not now in his seat; so I think it is safe.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported from the Committee on Naval Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. VOORHEES. In line 4 I move to strike out "full" before "term;" so as to read:

That any medical, pay, or engineer officer who has served, or may hereafter serve, a term as chief of bureau.

Mr. WITHERS. I should like to ask what would be the effect of that amendment? As I understand it, it would simply give the increased rank of commodore to any man who has ever served temporarily, if only for a day, as the chief of a bureau.

Mr. VOORHEES. No; this amendment was submitted to the committee, and it is with the approval of the committee——

Mr. WITHERS. I understand that, but I want to know the effect of it.

Mr. ALLISON. I suggest to make the term four years; that is the term.

Mr. VOORHEES. I will withdraw the amendment, and let the bill apply to the full term, whatever that is.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE COMMERCE.

Mr. CAMERON, of Pennsylvania. I rise to morning business.

The PRESIDING OFFICER. The Chair will receive it.

Mr. CAMERON, of Pennsylvania. Mr. President, I present a memorial of the Philadelphia Board of Trade in favor of the appointment of a commission to prepare such legislation as is necessary to regulate interstate commerce in a manner which, without injustice to vested rights, will clearly define and protect the interests of produce shippers and transporters.

It will be remembered that I had the honor of introducing a joint resolution at the last session having in view the appointment of a commission such as is recommended by the Philadelphia Board of Trade. I endeavored upon several occasions at the last session to have the Senate pass upon it, but was unsuccessful. As it is a subject in which the whole country is deeply interested, I should feel it my duty to make another attempt now to bring it before the Senate were it not for the fact that there are only a few days of the present session remaining, and I know how futile it would be, even though I should be so successful as to have the Senate pass it, to expect it to receive the final action of the other branch of Congress. I give notice, however, Mr. President, that I shall avail myself of the first opportunity at the next session to reintroduce the joint resolution on the subject of interstate commerce, and shall do my utmost to press it to final action at that time.

I now ask that the memorial which I send to the desk be read.

The PRESIDING OFFICER. The memorial will be read if there be no objection.

The memorial was read, and referred to the Committee on Commerce, as follows:

THE PHILADELPHIA BOARD OF TRADE.

PHILADELPHIA, *February* 24, 1881.

To the honorable the Senate and
House of Representatives in Congress assembled:

The following memorial respectfully showeth that the Philadelphia Board of Trade on February 21, instant, adopted the preamble and resolutions herewith set forth, namely:

Whereas House bill No. 4748 (commonly known as the Reagan bill) proposes to regulate interstate commerce; and

Whereas in our opinion the aforesaid bill is very defective in its construction and calculated to work great injustice to a very large class of the citizens of the United States; and

Whereas we believe that Congress has power to enact such legislation as is necessary to regulate interstate commerce in a manner which, without injustice to vested rights, will clearly define and protect the rights of all transporters: Therefore,

We earnestly pray your honorable body to appoint a commission, consisting of parties practically familiar with the interests of produce shippers and transporters, who shall be charged with the duty of preparing such a bill as will protect the interests of all and do no injustice to the vested rights of any; and that, pending the report of such commission, all legislation of the kind proposed, including House bill No. 4748, shall lie upon the table.

And your orators will ever pray, &c.

FRED. FRALEY, *Vice-President.*
GEO. L. BUZBY, *Secretary.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the reports of the committees of conference on the following bills:

A bill (H. R. No. 3788) granting an increase of pension to William Hamill;

A bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes; and

A bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

Mr. WALLACE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same, with an amendment, as follows: In lieu of the matter proposed to be inserted by said Senate amendment, insert the following: "And hereafter the Postmaster-General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted up in each post-office in the State and Territory embraced in said advertisements, for at least sixty days before the time of such general letting, and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings. And whenever it shall become necessary to employ temporary service on any mail route it shall be the duty of the Postmaster-General to advertise for bids or proposals for such service by posting notices in the post-offices at the termini of such route, and upon a bulletin board in a public place in the Post-Office Department building, at Washington, in the District of Columbia, for at least ten days prior to such letting;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same, with an amendment, as follows: Strike out the last proviso of said amendment and insert in lieu thereof the following: "*And provided further*, That the annual rental of such building or buildings shall not exceed the sum of $5,000, and the cost of the furniture for the same shall not exceed $10,000;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same, with an amendment, as follows: Strike out the word "fifty" and insert in lieu thereof "twenty-five;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same, with an amendment, as follows: Strike out the word "fifty" and insert in lieu thereof "twenty-five;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same, with an amendment, as follows: In lieu of the sum proposed insert "$7,900,000;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: Strike out the words proposed to be inserted by said Senate amendment and insert in lieu thereof "one hundred and fifty-two;" and the Senate agree to the same.

WILLIAM A. WALLACE,
JAS. B BECK,
N. BOOTH,
Managers on the part of the Senate.
JO. C. S. BLACKBURN,
JAMES H. BLOUNT,
J. G. CANNON,
Managers on the part of the House.

The report was concurred in.

INDIAN APPROPRIATION BILL.

Mr. WALLACE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same.

WILLIAM A. WALLACE,
JAS. B. BECK,
WILLIAM WINDOM,
Managers on the part of the Senate.
ERASTUS WELLS,
J. D. C. ATKINS,
JAY A. HUBBELL,
Managers on the part of the House.

Mr. TELLER. I ask the Senator from Pennsylvania to state what amendments numbered 30 and 31 are?

Mr. WALLACE. They relate simply to the Indian commission. The House and Senate disagreed. The House repealed the act creating the commission. The Senate struck out the section repealing the act, and appropriated $10,000, the money necessary to continue it for the coming year. The conferees of the House and Senate discussed that question at length and compromised finally by the Senate conferees receding from its provision which appropriated the money and the House conferees receding from the provisions which struck out the clause creating the commission, allowing the law to stand without appropriating any money for the continuation of the commission.

Mr. DAWES. Has anything been added to the bill since it left the Senate?

Mr. WALLACE. Nothing has been added to the bill whatever. It is precisely in the form I have stated. The law stands creating the commission, but no money has been appropriated for its continuance during the coming year.

Mr. DAWES. The bill as it went from the Senate is shorn of the appropriation for the commission? Is that all?

Mr. WALLACE. That is all there is of it, sir.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, transmitting, in answer to a resolution of the 20th ultimo, a communication from the Secretary of State

containing copies of correspondence in relation to the landing of foreign convicts, paupers, and insane persons on our shores, which has not heretofore been printed; which, on motion of Mr. KERNAN, was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting, in answer to resolutions of the 8th and 14th instant, a communication from the collector of customs at New York relative to appointments, salaries, and promotions in the New York custom-house between January 1, 1880, and December 1, 1880, together with names of all persons so employed and the workings of the civil-service rules in that office; which, on motion of Mr. CONKLING, was ordered to lie on the table, and be printed.

CIVIL-SERVICE RULES IN NEW YORK.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a copy of a letter addressed to the chairman of the civil-service commission on the 3d of December last, requesting to be furnished with a report upon the results in the post-office and custom-house in the city of New York of the application of the civil-service rules requiring open competitive examinations for appointments and promotions, together with the report of Hon. Dorman B. Eaton, the chairman of the commission, in response.

The report presents a very gratifying statement of the results of the application of the rules referred to in the two largest and most important local offices in the civil service of the Government. The subject is one of great importance to the people of the whole country.

I commend the suggestions and recommendations of the chairman of the commission to the careful consideration of Congress.

R. B. HAYES.

EXECUTIVE MANSION, *February* 28, 1881.

Mr. HOAR. I move that the message lie on the table, and be printed.

The motion was agreed to.

THE BRIG GENERAL ARMSTRONG.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The Senate resumes the consideration of its unfinished business, being the bill (S. No. 1441) for the relief of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, or assigns. The question is on ordering the bill to be engrossed for a third reading.

Mr. MORRILL. There is no amendment now pending?

The PRESIDING OFFICER. There is no amendment now pending.

Mr. MORRILL. I then move to amend the bill.

Mr. HOAR. What became of the amendments proposed by the Senator from Ohio?

Mr. PENDLETON. They have both been adopted.

Mr. MORRILL. In line 13 I move to strike out "seventy" and insert "sixty;" so as to read, "not exceeding $60,739," instead of "not exceeding $70,739."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

Mr. MORRILL. I do not know that this bill ought to pass. I do know that it is a very old customer and has been before Congress for some fifty or sixty years. It has never received the favor of either House so far as I know, while it may have received the favor of two Committees on Foreign Relations, one of the House and one of the Senate. In the first place, it was submitted to the arbitration of Napoleon the Third, and by him was decided against. It was then submitted to the Court of Claims, and by the Court of Claims an adverse report was made. I do not understand that it has ever been claimed that there should be more than $60,000 paid to these parties, for the reason that they received $10,000 of prize-money; so that the report made by one committee of the Senate, by Mr. Mason, of Virginia, struck out $10,000 of the amount and left it at $60,000 instead of $70,000.

I should be glad to hear from the Senator in charge of the bill the reasons why it should pass at all, and at all events I think he will not contend that the amendment proposed by me is not a proper one.

Mr. PENDLETON. I was in hopes that the bill would pass without the necessity of my saying a word on the subject, and I shall be relieved if at any moment the Senate will indicate its disposition to pass the bill even while I am still in the midst of the explanation of its merits that I intend to make.

The Senator from Vermont says that this is an old claim. Unfortunately that is true. It is an old claim; very old. It has become hoary with age. It is sixty-seven years old; but its age is not due to any laches on the part of these claimants in prosecuting their demands; nor yet to a refusal on the part of the Government or of any Department or officer to recognize its justice and take measure for its payment. Of the sixty-seven years which have elapsed forty years were consumed in an effort to secure its payment by Portugal. Six Secretaries of State, beginning with Mr. Adams, have in every form of diplomatic language asserted its justice and required satisfaction by that power. President Taylor, under the advice of Mr. Clayton, of Delaware, made a peremptory demand for its payment, and when an evasive response was made, broke off diplomatic relations and brought off the minister in a man-of-war.

Afterward Mr. Fillmore accepted the payment of other claims on the condition that this claim should be submitted to arbitration, and the terms of the submission were so defective that our Government refused to permit the claimants to make argument or offer proof, and withheld all the diplomatic correspondence which had taken place while the court of Portugal was established at Rio Janeiro.

Mr. HOAR. Will the Senator state the ground of the decision of the arbitrator?

Mr. PENDLETON. The ground of the decision was that there was an invasion of the neutrality of Portugal by the American brig.

Mr. HOAR. I had this claim referred to me once as a member of a committee of this body, though I did not report upon it. As I understand, Louis Napoleon decided against us on the ground that the evidence left it doubtful whether this little brig did not begin the attack upon the three British men-of-war. That was the only point.

Mr. PENDLETON. That is true.

Mr. INGALLS. I can read for the information of the Senate the paragraph from the decision of the arbitrator which expressed the ground of the rejection, if the Senator would like to hear it.

Mr. PENDLETON. I shall be glad if the Senator will read it.

Mr. INGALLS. It is as follows:

Considering, in this state of things, that Captain Reid, not having applied from the beginning for the intervention of the neutral sovereign, and having had recourse to arms, in order to repel an unjust aggression of which he pretended to be the object, has thus failed to respect the neutrality of the territory of the foreign sovereign, and released that sovereign of the obligation in which he was to afford him protection by any other means than that of a pacific intervention.

Mr. JONES, of Florida. From what does the Senator read?

Mr. INGALLS. The arbitration rendered by Louis Napoleon, President of the French Republic, on the 30th day of November, 1852.

Mr. PENDLETON. After the decision had been made by the arbitrator under the circumstances to which I have alluded the claimants came to the United States courts. The claim has been once before the Court of Claims, and judgment was rendered in favor of claimants. On a rehearing the judgment was reversed, on technical ground, but the equity of the claim was fully established. Favorable bills have several times passed the Senate, and twice passed the House; every department of the Government—the executive, the legislative, and the judicial—has acted favorably to this claim and appropriated money for its payment, and yet the concurrent action of these two Houses and the other departments could never be obtained to make their decisions effective. The facts attending the effort to secure payment have been as remarkable as was the transaction out of which the claim grew. I beg no Senator will content himself with turning his back and saying this is an old claim; I beg each Senator to listen to me for two minutes and he will hear a story of the event out of which these losses grew, its incidents and consequences, which is the very romance of history.

The event which occasioned these losses was one of the most heroic and brilliant exploits in all the annals of naval warfare. It reflected great luster on the American arms; it exerted great influence on the American interests. It was an engagement between the American private-armed brig General Armstrong and the British naval forces cruising in the waters of the Azores. It occurred on the night of the 26th September, 1814, in the neutral port of Fayal, a possession of Portugal, which had maintained its neutrality in the then pending war with Great Britain.

The brig had an equipment of seven guns and ninety men. The British squadron consisted of a man-of-war ship of the line of seventy-four guns, a frigate of forty-four guns, and a brig of eighteen guns. Its entire armament was one hundred and thirty-six guns and more than two thousand fighting men.

In the afternoon, after an eventful and exciting day, the Armstrong ran into the harbor. The British commander determined to seize her. At nine o'clock he sent four large boats, manned with forty men each, to cut her out. Silently, in the gray of a moonlight night, they came swiftly on, and neglecting to answer the hail of the watch they reached almost boarding distance. The brig opened fire, and with such effect that the boats after delivering one shot retired with many of their crew killed or wounded. Exasperated by this ill success, the British renewed the attack at midnight. Fourteen boats, with four hundred picked men, commanded by the best officers, moved steadily on to the assault. When the order to grapple and board was given every gun of the brig was fired, every man was at his post, and so determined was the resistance that many boats were disabled, some were sunk, and the remainder, filled with the dead and dying, pulled away from the floating wreck and the drowning men.

In the morning the British brig, with eighteen guns, ran into the harbor and poured two broadsides into the American, but her undaunted crew fought her, all injured as she was, so gallantly that the enemy, with hull pierced and mast fallen and rigging destroyed, was driven to retire.

The commander of the Armstrong, seeing that further resistance would be fruitless, then scuttled his ship and took his wearied crew to land. The British demanded their surrender by the authorities of Fayal, and when this was refused prepared a force to seize them. The Americans retired to an old convent, barricaded and fortified it as well as they could, and awaited the attack. It was never made.

The immediate result of this engagement was that the Americans had two killed and seven wounded, and the British had more than one hundred and twenty killed and ninety wounded. The ultimate result was more extraordinary still. The squadron was detained at Fayal more than ten days in repairing damages and burying their

dead. Two sloops which had joined it the day after the fight were sent back to England with their wounded.

This squadron formed part of a secret expedition then concentrating at Jamaica for the capture and conquest of New Orleans. That city was unprepared for defense and ignorant of this intended attack. Celerity and secrecy were essential to success. Admiral Cochrane sailed from the Chesapeake, united with the transports and troop ships of Pakenham at Jamaica, and there awaited the re-enforcement of this squadron. The delay of ten days and its shattered condition caused a still further delay of a week in the sailing of the fleet, and, as a consequence, it reached the entrance of Lake Borgne just four days after General Jackson with his troops entered New Orleans. If the British had arrived even a week earlier New Orleans would probably have fallen, and the story of the war would have been greatly changed.

An eye-witness of the engagement, an Englishman, writing to London, October 15, 1814, gives this graphic description:

The authorities all considered the American privateer perfectly secure, and that His Majesty's officers were too well acquainted with the respect due to a neutral port to molest her; but, to the great surprise of every one, about nine in the evening, four boats were dispatched, armed and manned, from His Majesty's ships, for the purpose of cutting her out. It being about full moon, the night perfectly clear and calm, we could see every movement made. The boats approached with rapidity toward her, when, it appears, the captain of the privateer hailed them and told them to keep off several times. They, notwithstanding, pushed on, and were in the act of boarding before any defense was made by the privateer. A warm contest ensued on both sides. The boats were finally repulsed with great loss.

After the first attack all the inhabitants were gathered about the walls, expecting a renewal of the fight. At midnight fourteen launches were discovered to be coming in rotation for the purpose. When they got within gunshot, a tremendous and effectual discharge was made from the privateer, which threw the boats into confusion. They now returned a spirited fire, but the privateer kept up so continual a discharge it was almost impossible for the boats to make any progress. They finally succeeded, after immense loss, to get alongside of her, and attempted to board at every quarter, cheered by the officers with a shout of "No quarter," which we could distinctly hear, as well as their shrieks and cries. The termination was near about a total massacre. Three of the boats were sunk, and but one poor solitary officer escaped death in a boat that contained fifty souls. He was wounded. The Americans fought with great firmness. Some of the boats were left without a single man to row them; others with three and four. The most that any one returned with was about ten. Several boats floated ashore full of dead bodies. With great reluctance I state that they were manned with picked men, and commanded by the first, second, third, and fourth lieutenants of the Plantagenet; first, second, third, and fourth ditto of the frigate and the first officer of the brig, together with a great number of midshipmen. Our whole force exceeded four hundred men. But three officers escaped, two of whom were wounded. This bloody and unfortunate contest lasted about forty minutes. Nothing more was attempted until daylight next morning, when the Carnation hauled in alongside and engaged her. The privateer still continued to make a most gallant defense. These veterans reminded me of Lawrence's dying words of the Chesapeake, "Don't give up the ship." The Carnation lost one of her topmasts and her yards were shot away. She was much cut up in her rigging and received several shots in her hull. This obliged her to haul off to repair and to cease firing. The Americans now finding their principal gun (Long Tom) and several others dismounted, deemed it folly to think of saving her against so superior a force. They therefore scuttled her and went ashore. Two boats' crews were soon after dispatched from our vessels, which went on board, took out some provisions, and set her on fire.

For three days after we were employed in burying the dead that washed on shore in the surf. The number of British killed exceeds one hundred and twenty, and ninety wounded. The enemy, to the surprise of mankind, lost but two killed, and seven wounded. We may well say "God deliver us from our enemies," if this is the way the Americans fight.

After burning the privateer, Commodore Lloyd made a demand on the governor to deliver up the Americans as his prisoners, which the governor refused. He threatened to send five hundred men on shore and take them by force. The Americans immediately retired with their arms to an old Gothic convent, knocked away the adjoining draw-bridge, and determined to defend themselves to the last. The commodore, however, thought better than to send his men.

I desire now that the Secretary shall read the report which was made by the Committee on Foreign Relations upon this subject.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. PENDLETON, March 9, 1880:

The Committee on Foreign Relations, to whom was referred the memorial of Sam. C. Reid, on behalf of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, or assigns, report:

That the claim set forth in this memorial has been before the Government, in one form or another, for sixty-five years. It has been the subject of much diplomatic correspondence with the government of Portugal. Its validity against that government has been asserted by Messrs. Monroe, Adams, Forsyth, Webster, Upshur, and Clayton, Secretaries of State under the administrations of Presidents Madison, Monroe, Jackson, Tyler, Polk, Taylor, and Fillmore. It has received the sanction of the Committees on Foreign Relations of the Senate and House of Representatives in the Thirty-third and the Thirty-fifth Congresses. It has received the favorable adjudication by a majority of the judges of the Court of Claims; and, although the decision was reversed on a rehearing, the reversal was also by a divided court on a question of technical legal right. It is now presented by the Secretary of State with the recommendation that an appropriation be made for its payment.

The event out of which the claim arose is most creditable to the valor and skill of American seamen, and in its remoter influences probably secured victory to the American arms at New Orleans. The accompanying papers will give the narrative, which in romantic incidents almost equals the tale of the imagination.

The history of the event and of the prosecution of the claim to which it gave rise is to be found in the diplomatic correspondence, the reports of the committees, the reports of the testimony and opinions in the Court of Claims, and the letter of the present Secretary of State.

From a thorough examination of these very voluminous documents, the committee find the following facts:

First. That in September, 1814, the private-armed brig General Armstrong was destroyed by the boats of three British men-of-war in the port of Fayal, belonging to the neutral power of Portugal.

Second. That such destruction was in breach of the neutrality of Portugal.

Third. That the local authorities of the Azore Islands, as well as the government of Portugal, then residing at Rio Janeiro, admitted to the American minister, immediately on the happening of the event, that there had been a breach of its neutrality, and, asserting that fact to the British Government, demanded satisfaction therefor in the most peremptory terms.

Fourth. That, after fruitless negotiations for many years, President Taylor, in 1850, made a peremptory demand upon the government of Portugal for the settlement of "incontrovertible claims of American citizens upon that government," among which was the claim for the loss of the brig General Armstrong. The government of Portugal, not admitting their validity, but *pro bono pacis*, offered to pay all the claims except this, which it proposed should be referred to the arbitration of a third power. President Taylor declined this proposal, insisted on immediate settlement of all the claims; and on an evasive answer being given, required the American minister to demand his passports and to leave Portugal in an American man-of-war which had been sent for him.

Fifth. A subsequent Administration accepted the offer of the Portuguese Government, received payment of the other claims, and submitted this claim to the arbitration of Louis Napoleon, then president of the French Republic. This submission was made without the knowledge of the claimants, and provided only "that copies of all correspondence which has passed between the two governments in reference to the said claim shall be laid before the arbiter."

Sixth. The interpretation put on this article by the State Department excluded all proofs and all arguments except those contained in the correspondence. And in point of fact, not only were the claimants prevented by the Government from making such proofs and arguments, but the correspondence of the Fayal authorities and of the Portuguese Government while at Rio Janeiro, admitting the breach of neutrality, was not laid before the arbiter.

Seventh. Louis Napoleon, in 1853, forty years after the event, decided against the validity of the claim on the ground of a doubt as to whether the British forces or the brig commenced the hostilities.

Eighth. Subsequently the committees of both Houses of Congress reported favorably on the claim and referred it to the Court of Claims. The court reversed its opinion on a rehearing and decided that these above-recited facts constituted no legal claim against the Government of the United States; and thereupon the Senate passed a bill for the relief of the claimants, which received a very large majority of those voting in the House of Representatives; but by reason of the failure of a quorum did not become a law.

On these facts this committee concurs with its predecessors of the Thirty-third and Thirty-fifth Congresses in holding that these claimants have good title against the Government to be reimbursed for their loss, and accordingly report a bill authorizing the payment of the amount proven before the Court of Claims, to wit, $70,739.

The committee does not doubt the power of the Government to submit this claim, or any other claim, however just it may be, to arbitration, or even to surrender it, for reasons of State policy or public interest, or question the finality of the arbitrament; but it maintains with entire confidence and on grounds of the simplest justice, which is the highest expediency, that if the Government, either to secure a peace or other advantage to itself, or to obtain the payment of other claims, or to subserve any public or private interest, surrenders the claim of any individual, or if for any such inducement it refers to arbitration any just claim, limiting the proof or the argument which might be made in its behalf, or refusing or neglecting to produce the proofs which are within its knowledge and control, the Government is bound *ex æquo et bono* to compensate his loss to that individual.

In this case the Government did submit this just claim to arbitration, in order to secure the payment of other claims, did limit unduly the proofs and arguments to the diplomatic correspondence, and did neglect to lay before the arbitrator a part of the correspondence which was entirely within its control.

Mr. MORRILL. I ask the Senator from Ohio to assent to the amendment proposed by me. He will see by the report embodied in the report that he made himself in relation to this case, on page 23, that all that has ever been claimed as being due these parties was $60,000, and that was the amount reported once, and not acted upon, from the Committee on Foreign Relations. I have moved to strike out "seventy" and insert "sixty," which would leave the amount $60,739.

Mr. PENDLETON. I can hardly consent to that amendment being made. I do not see that the amount paid as prize-money to the officers and crew grew in anywise out of this transaction, or that it modified in any degree the losses that were sustained by reason of it. That seems to have been prize-money paid for other prizes and in connection with other engagements and actions than this.

Mr. MORRILL. I read from the report:

On the whole, the committee, on further examination, again concur in their report, before adverted to, of March 10, 1854, in favor of this claim, and make the same a part of this report; and on the proofs as to the amount due, established before the Court of Claims, and set forth in its report, pages 149 and 150, report a bill for the relief of the claimants.

The proofs before the Court of Claims show:

The value of the vessel at	$43,000
Loss of officers and men	27,739
	70,739
From which is deducted—	
Amount paid heretofore as prize money to officers and men	10,000
	60,739

Mr. JONES, of Florida. That is from Mr. Mason's report.

Mr. MORRILL. It is Mr. Mason's report. It is conclusive on the point of the amount that is due. There is no question about that.

Mr. PENDLETON. I have no disposition to delay the Senate by further argument on this case. I will submit it to the Senate; and if the amendment is agreed to, then we can take the vote upon the bill as it shall stand.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL.]

Mr. JONES, of Florida. I wish to say a word on the amendment. I think this is a subject on which there ought to be no littleness. I think we ought to give full compensation or nothing. When I say "littleness," I use the expression in no offensive sense to the Senator from Vermont. I do not propose to vote for this bill on any nice calculation about money. I propose to support it on higher and broader ground. I do not intend to enter into any minute calculation about injuries or anything of that kind.

Mr. MORRILL. But the Senator would not propose as a mere gift the small sum of $10,000. When it appears from the examina-

tion that has been made and given to the subject by a previous committee of Congress and by the Court of Claims that $60,000 is the sum, I do not see why it should be disputed.

Mr. JONES, of Florida. Will the Senator hear me through? The Senator has during the past session exhibited a very commendable spirit for the erection of public monuments to departed heroes, looking to the commemoration of the deeds of the many great men who have figured in the past. When a proposition comes here to commemorate them the Senator takes high ground, as I well remember. I have appreciated it, and I have felt in me the spirit of happiness and pride whenever I have heard the Senator speak in support of those measures.

I say that if ever an occasion presented itself to the American mind calculated to excite just sentiments and feelings of patriotism it is the case which is now before the Senate. The Court of Claims went into a valuation of this property, it is stated, and upon that the Senate committee, headed by Mr. Mason, in 1854, proposed to make a deduction of $10,000, the amount of prize-money which was previously paid to these meritorious claimants. If they were entitled to $60,000 in 1854, I ask the Senator from Vermont if they are not entitled to $70,000 now? The Senate in 1854 passed a bill providing for the payment of the claim as recommended by Mr. Mason. It passed also the House of Representatives, and failed to become a law only on account of the absence of two members of that body. So the Senator from Vermont was not exactly correct when he said that this claim had never received the sanction of Congress. It did receive the sanction of both Houses of Congress, and but for the want of two members to constitute a quorum in the other body it would have become a law. Thirty years ago these claimants, after having followed this thing up session after session, day after day, were declared entitled to the sum named by the Senator from Vermont; and justice having been withheld from them so long, is it proper now for the Senator from Vermont to come in and say that we will cut it down by the amount of $10,000 as proposed by Mr. Mason in 1854?

Now, sir, one word with respect to the merits of this claim while I am on my feet, for I have no disposition to make two speeches. It is my fortune to know one of the most meritorious of the survivors of this gallant affair, my personal friend, the surgeon of this ship, and I take an interest beyond what I would ordinarily feel in the measure. It is not altogether a question of property, not altogether a question of dollars and cents; but I am sure I cannot but feel, as I said a while ago, that exalted sentiment which animates us all, including the Senator from Vermont, when a question presents itself which is calculated to awaken patriotic feeling.

This vessel was commissioned by the Government of the United States to make reprisals upon the commerce of Great Britain; and I would say to the Senator, coming as he does from New England, that if there is any portion of this country that ought to feel a greater interest than another in maintaining that very important arm of our public defense, the privateer system, it is New England. New England's commerce, New England's sailors furnish in times of emergency the means with which to defend this Government; and I say it is all important, with a view to its future security, that an example shall be shown not only to our own people but to the world that we never intend to abandon a crew or a master that made the heroic sacrifices that these men did. I do not care for the value of the ship; I care for the example, and I want it to go out to Great Britain, as it will, that we do not intend in any emergency, to abandon the privateer system, which is all essential to the protection of our commercial marine, especially in the present state of our Navy.

These people were commissioned to do what? To roam the high seas and to make prizes of the commerce of Great Britain. They were not especially commissioned to fight the battles of the United States. No privateer is. It is true that such vessels are usually armed for self-defense, but they are not strictly speaking vessels of war. For the purpose of securing early peace they are empowered to make war upon the commerce of the adversary. This vessel was commissioned for that purpose. She was lying under the guns of a neutral port when she was assailed by an overwhelming force of the enemy. The men had it in their power to surrender or to defend the flag that floated over them; they could have made terms with the enemy and possibly have secured the little remnant of their property if they had been animated by any narrow spirit; but they preferred to risk their lives in defense of their flag. They said the ship might go; and while they were not entirely commissioned to carry on war, as I said, especially against an overwhelming force like that which was brought against them, animated by a just pride and a national spirit they sacrificed everything to the honor of the flag, and I am not going into any little narrow calculation now respecting the value of their vessel.

As a distinguished Senator said on the floor of the Senate when this question was discussed here before, pointing to examples verified in the history of Britain herself, when one of the gallant commodores had defeated a Spanish fleet off Cape Saint Vincent, how did they reward him? They brought him home in triumph; they made him an earl, and gave him an income of $25,000 a year; and still the number of lives which were lost on the part of the British in that fleet, with nearly equal numbers opposed to them, did not exceed the number that they lost in the conflict with this little brig.

I say, sir, there are some things that are worthy of example, and it is the duty of this Government to protect above everything else the interest which it has in the maintenance of our privateer system, and never let it go forth to Great Britain or to any power that we mean to abandon it.

When this question was referred to the Prince President of France, it was supposed that there was a little republican sympathy there, and that we might expect some justice from the Republic of France at that day; but, unfortunately, before the decision was rendered he became an Emperor, and breathing the fell spirit of the rotten monarchies around him, I suppose, he felt that he had to render a judgment that would be agreeable to them. When the proposition was made to submit this question to the King of Sweden, our republican Secretary of State said, "No, we cannot afford to confide republican interests to the decision of monarchs;" but they selected a republican president, the president of a republic only in name, and before the time came for the rendition of the judgment the republic transformed itself into an empire, and we had to submit to a decision on the part of Napoleon III, Emperor of France, and there it stands to remain a perpetual disgrace as long as the principles of justice are respected by honest men. I say it after having read the history of this case, and I never intend that that shall stand between me and the duty of giving justice to these honest men. It never was invoked here by but one man in his day, and that was Mr. Benjamin, of Louisiana; but I shall never follow his example in this vote. I think these claimants are entitled to the full measure of relief provided in this bill.

Mr. MORRILL. Mr. President, I very innocently supposed it would be proper to correct this bill where there had evidently been a mistake made as to the sum appropriated. I do not understand that this is a bill to build a monument to the captain and crew of the brig General Armstrong, but it is to pay the heirs, executors, administrators, and assigns of the captain and crew of that vessel for the amount of their claim found to be due. If it appears by the very report made in this case that a mistake has been made of $10,000 in the bill, it seems to me proper that it should be corrected. If we are going to vote money for a monument or as a gratuity to any heroes, I have not been advised of it. It is merely to pay a claim due to the heirs in consequence of the destruction of this vessel, and therefore I think the sum should be correctly named.

Mr. HOAR. Mr. President, I do not understand that this sum of $10,000 was to be deducted from the debt due to these heirs. Mr. Mason, in a former report in determining what gratuity, if you call it gratuity, at any rate what sum should be paid over to the owners and officers and crew of this brig on account of this gallant exploit and on account of the failure of the Government by its own omission to recover from Portugal what it was clearly proper for Portugal to pay, recommended the deduction of a sum which had been paid as prize-money. It was not on the ground that that sum was fairly applicable to this debt as a payment on account of it, but it was on the ground that in making an equitable adjustment of the whole matter it was reasonable and perhaps it was thought it would commend it more to the favor of Congress to have the deduction made.

It seems to me that in dealing with the amendment of the Senator from Vermont the Senate ought to consider that these men have been waiting sixty-six years. It is true we cannot introduce the principle of paying interest to claimants against the Government; we never have done it; we do not propose to do it; but it is also true that in dealing with equitable deductions from claims the fact that by reason of the lapse of time, without their fault, this vast period of time has transpired so that the interest on the claim would be many times its principal, it is reasonable that we should look with great strictness on attempts to make deduction from a claim by reason of fancied or real equities. I hope the amendment will not prevail.

Mr. VOORHEES. Mr. President, I shall not vote for the amendment offered by the Senator from Vermont. I do not know that any argument is necessary to be made for this most just and righteous bill; but whenever the argument that an old claim is brought here is presented, I cannot refrain from saying a word. I wish to live to see the hour when the argument against a claim that it is old shall cease to be uttered in this Chamber and be scouted whenever it is uttered. If Senators would rise here and say, "This is an unjust claim," I should listen to them with patience; but whenever the argument is urged that we have been successful in avoiding the payment of a claim, however just it may be, for years and years, and that that is a reason why we should not pay it at all, I shall not sit idly by and listen to such an argument. I know of claims of absolute justice that grew to be nearly one hundred years old before they were paid, and at last were paid by the common consent of mankind as to their justice and righteousness. Now, here is a claim that had the indorsement of Daniel Webster in his day, of John Forsyth, of James Monroe, of John Quincy Adams, tolerably fair authority, of Mr. Upshur, when Secretary of State, of John M. Clayton, and when it was up on a former period before this body it received the votes of the two Senators then from Vermont, Mr. Collamer and Mr. Foot. I believe it to be quite as safe to follow in the line of such precedents as to commence caviling now about cutting down this old claim. It would not have been so old if Congress had long since done what is right.

I am always reminded when this argument is injected into this

Chamber of some fellow who had been successful in some of those States which have statutes of limitation in avoiding the payment of a just debt until six years had run against the claim, and then when his creditor came to him to ask for his dues, says "It is an old claim barred by the statute of limitations." I have just exactly as much respect for the argument in one case as in the other. This claim is sixty-six years of age, as the Senator from Ohio has said. I have often before in my service in Congress, particularly in the other branch, been impressed with the weak, timid, I will not say cowardly, for it is not cowardly, foreign policy on the part of this Government. The truth is, we are so accustomed to look only to ourselves and have such small and feeble neighbors around us on our own continent, that we have never felt the necessity of having a foreign policy to make this nation felt. The result is that the insignificant Government of Portugal allowed the brig General Armstrong to be destroyed in neutral waters, shot to pieces, and burned to the water's edge and her crew driven from her deck and obliged to seek refuge in an old castle on the shore. Years passed on, and this Government never brought that government to its duty to pay for the losses; but at last, in a moment of lassitude and weariness on the part of this Government, we were pleased to arbitrate it before that perfidious prince, Napoleon, and when it went before him—I have the record—the American minister was not even instructed to follow it up. Mr. Rives had no official instructions to present and try our side of the case, and Louis Napoleon, we being neighbors farther away than Portugal, he having more interest to conciliate Portugal than us, gave judgment against us by default in the arbitration. Then this question came back before Congress and I should like to commend the Senator from Vermont in his spasm of economy to a sentence from Mr. Seward on this subject. On the 2d of February, 1855, in a debate on this question, Mr. Seward said in reply to an argument made by Mr. Benjamin, of Louisiana, against the claim:

> The same defense which the Senator has made for the Government of the United States against this claim would have been a good defense for the people of the United States against the claim in favor of General La Fayette, who was allowed the sum of $200,000 for his services in the Revolution. The same defense would be equally good against the allowing of a single one of the thousands or tens of thousands of grants of bounty lands, and against the whole pension system of the United States.

Mr. Benjamin had spoken of the impolicy of placing this claim on the ground of gratitude for a gallant action. Mr. Seward continues:

> The dangers which Captain Reid incurred and the losses which he sustained were incurred in the service and in the defense of our country; and it is always right if the Government is able, and can do it in justice to other citizens, to acknowledge and discharge the duty of gratitude which the honorable Senator admits. * * * If all these circumstances shall occur again, I think this precedent will be one of the most valuable in our history; but we have no reason to apprehend that this will be extended into a precedent for any future claims of this kind. On the other hand, the precedents which, of all others, I least like to see on our statute-books are the precedents of refusing a just indemnity to citizens of the United States whose property has been lost and whose lives have been periled in the defense of the liberties and independence of the country.

The Senator from Arkansas [Mr. GARLAND] cites to me a passage from the report of a committee upon this question, a committee composed of Senator Mason, of Virginia; Judge Douglas, of Illinois; Mr. Slidell, of Louisiana; Mr. Clayton, of Delaware; Colonel Weller, of California; and Mr. Norris, of New Hampshire. The committee say:

> Under all the peculiar circumstances of the case, the committee are of opinion that the claimants are justly entitled to relief on strict legal principles; and even were their convictions on the subject less decided than they are, they would find in the heroic conduct of Captain Reid and his gallant crew strong inducements to give them the benefit of their doubts.

I confess, sir, I habitually and constitutionally sympathize with such views. Were there any legal doubts in my mind, the conduct of Captain Reid and his crew in that memorable and most brilliant exploit of arms solves all such doubts in their favor.

> There are two points—

Continues this report—

> of general interest involved in this matter, which should not be without their influence on the action of the Senate. The effect to be produced on our own citizens by according indemnity in stimulating them to emulate the noble example of Captain Reid; for there can be no doubt that if he had suffered himself to be captured without resistance, full pecuniary satisfaction would long since have been accorded by Portugal to the claimants. Shall we refuse it because he has added to our naval history one of its most brilliant pages? Again: If we act upon the avowed principle that our citizens are always to be compensated for any injuries they may suffer from the violation by belligerents of the law of nations, other countries will be more earnest in maintaining the inviolability of their territory.

I can add but little to that, Mr. President. I wish, however, to cite the opinion of one of the most able men of our recent history. John M. Clayton, speaking upon this subject in the same debate with Mr. Seward, said:

> Sir, I know that these men are not all to whom this Government is bound to look when acting upon this matter. Sailors in future wars will regard the precedent established, and the course of action of their Government in relation to this privateer, with anxious attention. They will see, if the bill passes, that this Government is determined to maintain their rights in neutral ports; that if, by means of an error, those rights have been sacrificed, the Government will make the acknowledgment of the error and pay them. I hold that it is a great principle which is involved in this bill, so far as relates to our naval marine. No case more brilliant than this can ever occur again. Ay, sir, I say now, as I have said before, that I do not think this will be exactly a precedent for anything else, for I do not believe there will ever occur again an instance equal to this, exhibiting the courage, patriotism, perseverance of American sailors under the most desperate circumstances. Surrounded by a British squadron containing thousands of troops, transports, one or more line-of-battle ships, frigates, sloops of war, closing up the harbor, most men, seeing the force about to be opposed to them was overwhelming, would have abandoned the flag and gone ashore; but what did they? Sir, with a perfect knowledge that the odds against them were as twenty to one, they resolved to stand by the flag while they had life. Shall we desert them now, and ignore their claim for the property lost in our defense?

To the many instances of almost if not quite national disgrace in not recompensing those who have periled their lives and fortunes for us in time of war, this ought not to be added any longer. We have it in our power to rectify this injustice, even late as it is, and I hope that it will be done and done thoroughly, and in no grudging spirit, for, as the Senator from Massachusetts has said, it must be remembered that the men who are entitled to this recompense to-day were entitled to it sixty-six years ago. These years have rolled over and passed by; men and women and children were denied what they were entitled to each day that passed by, and instead of voting for the amendment, but for the fact that it would be setting an unsafe precedent, I would rather give them an increased amount than cut them down a single dollar.

Mr. WINDOM. Mr. President, I do not wish to take the floor for the purpose of the remarks that I suggested if there can be a vote within a little while on this bill. Is there any probability of it?

Mr. PENDLETON. Oh, yes.

Mr. WINDOM. Then I will postpone my remarks a few minutes.

The PRESIDING OFFICER, (Mr. EATON in the chair.) The question is on the amendment of the Senator from Vermont, [Mr. MORRILL.]

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Shall the bill pass?

Mr. PLATT. I do not rise, Mr. President, to make a speech in respect to this bill; but I want to say that having given the matter some considerable attention, I cannot believe that this claim is founded either in law or in equity or in justice, and if it be put upon the sole ground of gratitude it cannot be distinguished from one of many heroic acts performed in the war of 1812. I therefore desire that upon the passage of this bill I at least may have an opportunity of recording my vote against it, and I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WALLACE, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.]

The roll-call was concluded, and the result announced—yeas 42, nays 9; as follows:

YEAS—42.

Bailey,	Garland.	Jones of Nevada,	Slater,
Bayard,	Groome,	Kellogg,	Teller,
Brown,	Grover,	Kernan,	Vance,
Bruce,	Hamlin,	Lamar,	Vest,
Burnside,	Hampton,	McPherson,	Voorhees,
Butler,	Hill of Georgia,	Maxey,	Walker,
Call,	Hoar,	Morgan,	Whyte,
Cockrell,	Ingalls,	Paddock,	Williams,
Coke,	Johnston,	Pendleton,	Windom.
Dawes,	Jonas,	Pugh,	
Eaton,	Jones of Florida,	Randolph,	

NAYS—9.

Baldwin,	McMillan,	Platt,	Saunders,
Davis of Illinois,	Morrill,	Rollins,	Thurman.
Logan,			

ABSENT—24.

Allison,	Cameron of Pa.,	Ferry,	Plumb,
Anthony,	Cameron of Wis.,	Harris,	Ransom,
Beck,	Conkling,	Hereford,	Saulsbury,
Blaine,	Davis of W. Va.,	Hill of Colorado,	Sharon,
Blair,	Edmunds,	Kirkwood,	Wallace,
Booth,	Farley,	McDonald,	Withers.

So the bill was passed.

ORDER OF BUSINESS.

Mr. COCKRELL. I call for the Calendar.

Mr. EATON. I am very anxious that the Senate should proceed to the consideration of a bill that I do not think will take long—I certainly shall not occupy more than a moment upon it. It is the Japanese indemnity bill. Really the whole country demands that that bill should be acted upon. I only want to get the bill up, if I can, and then I will give way to my friend from Minnesota, [Mr. WINDOM.]

Mr. COCKRELL. I wish to reply to my good friend from Connecticut I did not want to obstruct any business. We had an example this morning of violating the rules of the Senate; we spent two hours and a half, and then recommitted the bill to the committee. Now, there is but one way of disposing of business that is before us that can be disposed of, and that is to go to the Calendar and dispose of the cases which have passed the House of Representatives and been favorably reported by the committees of the Senate, act upon them, and then, after that, we can act upon other cases. We have now a larger Calendar than we have ever had. In the House of Represent-

atives there is a Calendar of over one hundred pages, and the records of the Forty-sixth Congress will show that we have passed fewer bills than have ever been passed by any other Congress; and in addition to that we have done more committee work—there have been more reports made from committees of the House and committees of the Senate, and more bills placed upon the Calendar than ever have been reported in any one Congress—and yet we have passed fewer bills. It is because we have not observed any rules of business and regular proceeding. Now, we are upon the Calendar of cases that have passed the House, come to the Senate, and been favorably reported by Senate committees, and we can soon dispose of them, and that will end those cases. Now, my good friend from Connecticut wants the Japanese indemnity-fund bill up. It has not passed the House. If we pass it through the Senate there are nine hundred and ninety-nine cases out of a thousand that it will not get through the House.

Mr. EATON. Let us give that one chance to save the honor of the country.

Mr. COCKRELL. The honor of the country I do not think is in such peril.

Mr. EATON. I do.

Mr. COCKRELL. It has been a long time since that fund was received; and if the honor of the country has been tarnished, a delay of eight or nine or ten months will not make it any darker or more prominent.

Mr. EATON. I differ with the Senator. I propose to ask the Senate to postpone the regular order for the purpose of my making a motion to take up this bill. I move to postpone all prior and other orders.

Mr. TELLER. What is the prior order?

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The Calendar. The Senator from Connecticut moves that the present and all prior orders be postponed for the purpose of taking up the bill indicated by him.

Mr. VOORHEES. I desire to say that I presume there is nobody more attached to the work of his own hands than I am, and I have a great many bills on this Calendar; but I am going to vote with the Senator from Connecticut, because I believe that our honor as a great and powerful Government toward the weak government whose money we have demands at our hands to settle that Japanese indemnity fund, and do it at once. Therefore I shall vote for the motion.

Mr. HOAR. I rise to ask a parliamentary question. What is the order of business? No business has been laid before the Senate since we disposed of the Armstrong bill.

The PRESIDING OFFICER. The Senator from Connecticut has submitted a motion to the Senate. The Calendar would be in order.

Mr. HOAR. My question is this: It is past the morning hour and past half past one. What is the order which the Senator from Connecticut moves to lay aside? I suppose it is in order for the Senator to move to take up his bill without any other motion.

Mr. EATON. I supposed the Calendar was before the Senate.

Mr. HOAR. No.

Mr. EATON. I move then to take up the bill (S. No. 2022) in relation to the Japanese indemnity fund.

Mr. TELLER. Is not the Calendar the first thing in order unless we take this up? Do we not go to the Calendar unless we do take this up?

The PRESIDING OFFICER. That would be so during the morning hour, but the morning hour has expired.

Mr. TELLER. I understand that; but when we get through with a bill before us we go to the Calendar as a matter of course, no matter what the hour, and the Calendar is now to be displaced by this bill. That is all there is in it. I do not know much about the Japanese indemnity fund. It has been here a long time; it is like the old case just passed, it is stale; but I do know that there are a great number of cases on the Calendar that ought to be taken up, and if Senators would only agree to give us a sitting here one evening or two evenings we could dispose of them. I am opposed to taking anything up out of order until we get through the Calendar. There are things on the Calendar of great importance to individuals.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut.

Mr. THURMAN. If we take up the Calendar now, we do not take it up under the Anthony rule, and there may be unlimited debate on any bill that comes up, and my friend will find perhaps that he will not get as many bills passed as he wishes to have passed. I hope the motion of the Senator from Connecticut will prevail. This Japanese indemnity fund bill need not take much time; it has been fully discussed again and again, and there has always been a majority of this body for the bill. More than six years ago it was fully discussed in the Senate, and if ever there was a proper thing to be done, it is to pass this bill. I do not think it need take much time.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 2022) in relation to the Japanese indemnity fund.

Mr. WINDOM. I now ask unanimous consent of the Senate that the bill may be informally laid aside that I may call up the resolution reported by the Senator from Connecticut from the Committee on Foreign Relations.

The PRESIDING OFFICER. The Senator from Minnesota asks that the bill be informally laid aside.

Mr. EATON. Without prejudice.

The PRESIDING OFFICER. Without prejudice to the bill now before the Senate. Is there objection? The Chair hears none.

Mr. EATON. The Senator from Delaware [Mr. BAYARD] desires a moment.

Mr. BAYARD. I understand that the honorable Senator from Minnesota desires to address the Senate on the matter he has just called up. I do not propose to antagonize him. I have been waiting only to say that I should like to pass a measure of great importance in less time than it will take for gentlemen to explain their objection to having bills considered. Over and over again where a bill is not open to objection gentlemen rise and explain at such great length their reasons for objecting to the hearing of any bill at all that nothing is accomplished.

RIVER AND HARBOR BILL.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. JOHN H. REAGAN of Texas, Mr. JOHN E. KENNA of West Virginia, and Mr. JOSEPH R. HAWLEY of Connecticut, managers at the conference on its part.

The Senate proceeded to consider the action of the House on its amendments to the said bill disagreed to by the House.

On motion of Mr. RANSOM, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Presiding Officer.

The PRESIDING OFFICER appointed Mr. RANSOM, Mr. FARLEY, and Mr. MCMILLAN.

ISTHMUS SHIP-CANALS.

Mr. WINDOM. Mr. President, I ask for the reading of the resolution.

The Chief Clerk read the following resolution, reported by Mr. EATON from the Committee on Foreign Relations February 16, 1881:

Resolved by the Senate, (the House of Representatives concurring.) That the interests of the people of the United States of America and the welfare and security of their Government are so involved in the subject of the construction of ship-canals and other ways for the transportation of sea-going vessels across the isthmus connecting North and South America that the Government of the United States, with the frankness which is due to all other peoples and governments, hereby asserts that it will insist that its consent is a necessary condition-precedent to the execution of any such project; and also as to the rules and regulations under which other nations shall participate in the use of such canals or other ways, either in peace or in war.

Mr. HOAR. I desire when the resolution comes up for consideration to offer an amendment to it by way of addition, and perhaps it would be convenient to the Senator from Minnesota to have me offer the amendment now, that it may be pending before the Senate. I propose to amend the resolution by adding these words:

Resolved, That the commercial and other interests of the people of the United States require the provisions of one or more such ways, without further delay, and that it is the duty of this Government to take immediate steps for securing the same.

Mr. WINDOM. It is not my purpose, Mr. President, at this time to discuss the abstract principle enunciated by this resolution, nor shall I now consider the question whether the Monroe doctrine is applicable to the proposed work at Panama. I stand upon the broader ground and assert the *American* doctrine, that under no circumstances shall a foreign government, or a company chartered by a foreign government, have control over an isthmian highway. Who does not know that an investment of foreign capital is entitled to, and will receive, the protection of foreign power? I am unwilling to enter into any argument on this point. It is enough to know that the security of our country requires that we should not only prevent foreign encroachments, but that we should do all we can to prevent the motive for such encroachments.

Our national dignity, as well as our highest interests, demand that some such declaration shall be made before the close of this Congress; but we cannot content ouselves with the mere verbal assertion of this policy. We must go further. If we deny to the rest of the world the right to break down this isthmian barrier between the two great oceans, we must be prepared to remove it ourselves. I am obliged to the honorable Senator from Massachusetts [Mr. HOAR] for the amendment he has just proposed. It does not comport with our honor or our national traditions to stand stubbornly blocking the world's progress. Our mission is to lead, not to obstruct.

Mr. President, let me for a moment invite your attention to a map of the world. Starting from a point near the extreme southern boundary of Mexico, there is a narrow neck of land, extending southeast-

erly more than fifteen hundred miles, washed upon the one side by the waters of the Gulf of Mexico and the Caribbean Sea, and upon the other by the Pacific Ocean. Bordering upon the Gulf on the north lie the great States of Texas, Louisiana, Mississippi, Alabama, and Florida. North of these lies that mighty empire drained by the Mississippi River, while to the east are the Atlantic States, stretching from Florida to Maine. On the Pacific are the States of California and Oregon, and Washington Territory; and from the Atlantic to the Pacific stretches a domain whose magnificence is the pride of every American. Obstructing, embarrassing, and burdening the commerce, between these great sections of the Union, lies this narrow strip of land, at some points not over forty-five miles in width.

To avoid it, the twelve hundred thousand tons of wheat, raised in California and Oregon last year, are compelled to seek a European market by a costly and tedious voyage of fourteen thousand miles around Cape Horn. Even the exchange of products between our own Atlantic and Pacific States must be made by the same circuitous, expensive, and dangerous route, or else submit to the heavy burdens imposed for railway transportation across the continent. The commerce of all the leading nations is in like manner obstructed and burdened.

The time has come when this barrier is about to be removed. The wonder is that it has been permitted to remain so long. If we do not remove it somebody else will. It is now too late to discuss the question as to whether there shall be a ship-transit way across the Isthmus. The necessities of commerce as well as the spirit of progress have decreed it; and powerful as we may be, we cannot resist that decree. Already a company has been organized, in France, for the purpose of constructing a tide-level canal at Panama, and subscriptions amounting to $60,000,000 have been obtained, a large part of which has already been paid in, and another payment is about to be made.

Nor is this French project by any means a new one. For nearly two years the newspapers have been full of it. At the last session of Congress M. De Lesseps appeared in person before a committee of the House of Representatives, and boldly asserted his determination to construct the work. On two different occasions, since that time, the President of the United States has by special message called the attention of Congress to the importance of asserting the doctrine that under no circumstances would our Government consent to the control, by a foreign government, of a highway across the Isthmus. The press of the country expressing, as I believe, an undivided public sentiment, has over and over again sounded the note of warning and called upon Congress to act promptly and intelligently in the matter; but all warnings, all solicitations, have been unheeded. We have found time enough to consider matters of minor importance, but this great question, so vitally affecting our commercial interests and our national honor, has been almost wholly ignored.

I submit that this session should not close without some vigorous and decisive action on this subject. The work under foreign auspices will go on during the vacation, and having by our silence permitted the heavy expenditure to be made, we cannot object to it next year with the same force and propriety as now.

But, it may be asked, "How shall we prevent the M. De Lesseps Company from going on with the work?" I answer, by aiding an American company to construct a transit-way which shall be under our own direction and control. Resolutions, to have any effect, should declare in plain terms that the Government of the United States will not permit the construction of the canal, and if the work be afterwards commenced, it should be promptly stopped. Who can doubt, however, that such a course, unless accompanied by something more, would be both unwise and undignified.

Should the United States attempt to stop this work, and yet offer no relief from the obstructions and burdens which this barrier imposes upon the commerce of the world, we would merit respect neither at home nor abroad. When we declare to the nations of Europe that we will not consent to their control of or interference with an isthmian highway, we must also be prepared to declare that we are ready to strike down this barrier ourselves and give to the commerce of the world those facilities which it demands and to which it is entitled. Then, and then only, will we speak with a voice potential and in a way to command the attention of the nations of the earth. Inasmuch, then, as a transit-way must and will be constructed either under foreign auspices or those of our own Government, it will at once be conceded that such transit should be located at that point on the Isthmus which offers the greatest advantages to our own country.

SEVERAL ADVANTAGES OF TEHUANTEPEC ROUTE.

The several advantages of this route are well expressed by Commodore Shufeldt, of the United States Navy, in a very able report made by him to Congress in 1871, in which he says:

Each isthmus rises into importance as it lies nearer to the center of American political and social influence, and the intrinsic value of this eminently national work ought to be based on the inverse ratio of the distance from the center. * * * *A canal at this point becomes a part of our own internal water communication as well as affording a channel for the external commerce of ourselves and the world.* * * *A canal through the Isthmus of Tehuantepec is an extension of the Mississippi River to the Pacific Ocean. It converts the Gulf of Mexico into an American lake.* * * As a matter of political economy, as well as commercial necessity, a canal here assumes the grandest proportions.

The value of Tehuantepec as a commercial highway has always been recognized by our Government. In 1847, during the negotiations for the treaty of Guadalupe Hildalgo the United States commissioner was authorized to offer Mexico $15,000,000 for the right of way across the Isthmus, but Mexico was precluded by reason of the existence of a previous grant from accepting the offer.

In 1850 Mr. Webster, Secretary of State, in a letter to our minister to Mexico, said:

The American public at large has a great and obvious interest in the Tehuantepec passage.

Again in 1851 Mr. Wesbster, in a letter to the same officer, said:

All know that a communication from ocean to ocean across the Isthmus in this direction for many years has been a matter of anxious consideration.

Mr. Fillmore, in his annual message, December 2, 1851, says:

In investigating upon this important subject this Government has had in view one, and only one, object. That object has been, and is, the construction or attainment of a passage from ocean to ocean, the shortest and the best for travelers and merchandise, and equally open to all the world.

Again, in 1852, in a letter addressed to the President of Mexico, Mr. Fillmore said:

Your enlarged and enlightened views must enable you fully to appreciate the importance of opening an interoceanic communication between the Atlantic and Pacific, across the Isthmus of Tehuantepec.

Hon. C. M. Conrad, Acting-Secretary of State, in October, 1852, in a letter addressed to Hon. Alfred Conkling, United States minister to Mexico, said:

A communication affording a cheap and rapid means of transporting passengers and merchandise across the Isthmus of Tehuantepec has long been considered an object of great importance to the commercial world. To the United States, in particular, it is difficult to estimate the value of such a communication.

In 1857, Hon. Lewis Cass, Secretary of State, in a letter said:

The proximity of the Isthmus to our shores, the salubrity of the climate, the adaptation of the ground for the construction of a railroad, and the great diminution of distance, in comparison with more southern routes between our Atlantic and Pacific possessions, all conspire to point it out as far preferable to any other route outside of our own territory.

In December, 1866, Hon. Caleb Cushing said:

The construction of a railroad and line of telegraph for interoceanic communication by the way of the Isthmus of Tehuantepec, with suitable harbor improvements at Coatzacoalcos and La Ventosa, including light-houses, is an object of great and manifest utility to the whole commercial world but primarily to the United States and the Mexican Republic. It has at all times been thus regarded by the public authorities and the people of both countries.

Expressions of this character might be extended indefinitely. For a half century or more far-seeing statesmen have looked with longing eyes upon this natural and most desirable pathway of commerce.

SPECIFIC ADVANTAGES OF THIS ROUTE OVER ALL OTHERS.

It will be apparent, by a glance at the map, that Tehuantepec is in every sense the American route, but I desire to indicate briefly some of its peculiar and specific advantages to our own country over all other routes.

First. It is much shorter and hence will afford cheaper transportation.

Second. It will require far less time and money for its construction, and hence will afford much earlier relief, and cheaper transit.

Third. It will be peculiarly adapted to the use of sailing-vessels.

Fourth. For the above reasons, and others, it will prove a far better and more effectual regulation of railway charges.

Fifth. Its military advantages are incomparably superior to any other route.

Sixth. It will establish intimate commercial relations between the United States and Mexico, while the other routes would not.

Seventh. It will prove the most effectual method of rebuilding our commercial marine, and restoring our lost supremacy on the ocean.

Mr. President, let me briefly invite your attention to each of these specific advantages:

I. THE COMPARATIVE DISTANCE BY WAY OF TEHUANTEPEC.

A vessel leaving the mouth of the Mississippi River for California, Oregon, China, or Japan, first crossing the Gulf of Mexico and passing through the Yucatan channel into the Caribbean Sea, must sail southeasterly along the coast for more than a thousand miles before she reaches Panama. Crossing here she must reverse her course, and steering northwesterly, sail about twelve hundred miles along the coast on the Pacific side, before she reaches a point directly opposite that from which she started on her voyage. In other words, *she must pass Tehuantepec on the Gulf side and sail twenty-two hundred miles before she reaches it on the Pacific side.* If the transit were at Panama, the course of a vessel leaving New York for our Pacific possessions, or for the Orient, would be southwardly until she reached Hayti and then westwardly through what is known as the "windward passage" into the Caribbean Sea, and then southwardly again to Panama. From the time she left New York until she crossed at Panama her head would not once be turned in the direction of the port to which she was bound. If the transit were at Tehuantepec, however, she would enter from the Atlantic Ocean the Florida channel, from thence to the Gulf of Mexico, and from the time she left the Atlantic her head would be turned in the general direction of her destination.

The great saving in distance by the Tehuantepec over the Panama

route is apparent when we examine the following table, taken from Stuckle's work on interoceanic canals:

New Orleans to San Francisco, via Tehuantepec:	*Miles.*
New Orleans to Isthmus	918
Across Isthmus	162
Isthmus to San Francisco	2,304
Total	3,384
New Orleans to San Francisco, via Panama	5,718
Difference in favor of Tehuantepec (one way)	2,334
Difference in favor of Tehuantepec (round trip)	4,668
New York to San Francisco, via Tehuantepec:	
New York to Isthmus	2,275
Across Isthmus	162
Isthmus to San Francisco	2,304
Total	4,741
Difference in favor of Tehuantepec (one way)	1,477
Difference in favor of Tehuantepec (round trip)	2,954

So, too, there is a great saving of distance by Tehuantepec over Nicaragua. A vessel making a voyage from New Orleans to San Francisco and return, and crossing the Isthmus at Nicaragua, would be required to sail a distance of 2,500 miles further than she would if she crossed at Tehuantepec. In a voyage from New York to San Francisco and return there would be a saving in distance in favor of Tehuantepec over Nicaragua of more than 1,500 miles.

An ordinary steamship will average about two hundred and fifty miles every twenty-four hours. As she would save in the round trip between New Orleans and San Francisco, via Tehuantepec, over Panama, 4,668 miles, she would save in time about nineteen days, or more than 40 per cent. of the entire time required. In a voyage from New York to San Francisco and return she would save about twelve days. The saving in time by Tehuantepec over Nicaragua would be ten days in a round trip between New Orleans and San Francisco, and six days in a round trip between New York and San Francisco. This saving, in time and distance, means a saving in the expense of fuel, wages, and insurance, and necessarily involves decreased freight charges and a corresponding benefit to both producer and consumer.

II. COST OF RESPECTIVE ROUTES AND TIME REQUIRED FOR CONSTRUCTION.

The total cost of the ship railway and appurtenances is estimated at $75,000,000, on $50,000,000 of which the Government is asked to guarantee 6 per cent. dividends for fifteen years. The time required for its completion will probably not exceed four years, and possibly it may be done in less time.

A congress of distinguished engineers, from all parts of the world, assembled in Paris in 1878 at the instance of M. De Lesseps, estimated the cost of a sea-level canal at Panama at 1,200,000,000 francs, or about two hundred and forty million dollars. Subsequently more careful estimates reduced the amount to $168,000,000. As has been truly said by a distinguished engineer, "In a locality where for six months in the year the rain-fall is incessant and enormous, it is not probable that such a work can be completed in less than twenty years. But if we assume that it can be done in ten, the interest at 5 per cent. during this time would add $84,000,000 to this estimate, making a grand total of $252,000,000." I am not advised as to the probable cost of the Nicaragua canal, but it will probably fall but little below one hundred million dollars.

Therefore, the construction of either of these canals will postpone the desired relief from ten to fifteen years longer, and in order to pay interest on the investment must, in the end, impose an annual tax on commerce very much greater than would the proposed ship-railway at Tehuantepec.

I need not enlarge upon this point. The mere statement of facts is the strongest possible argument.

III. THE TEHUANTEPEC ROUTE OFFERS PECULIAR ADVANTAGES TO SAILING-VESSELS.

I understand that certain ship-builders and ship-owners object to any transit-way being constructed across the Isthmus, on the ground that the effect of such a work would be to give all the carrying trade to steamers and drive their sailing-vessels from the seas. Have those gentlemen considered whether their condition would be more tolerable if there were a canal at Panama or Nicaragua, instead of a transit-way at Tehuantepec? It would be wise for those representing these interests to think over this carefully before committing themselves against Tehuantepec. I have been reliably informed that at Panama calms prevail to such an extent as to render a transit-way at that point useless to sailing-vessels, and that the same conditions, although to a less extent, prevail at Nicaragua; while at Tehuantepec winds always prevail, and calms are unknown. At Tehuantepec, on the Pacific side, is the "Bay of Ventosa," meaning the "Bay of Winds." It is claimed by those familiar with such subjects that more sailing-vessels would use the passage-way at Tehuantepec than steamers, and in view of the many favorable conditions, this prediction may indeed be verified.

Captain Silas Bent, a former naval officer of the United States and a gentleman of great experience and information, in a recent speech, made before the Merchants' Exchange in Saint Louis, said:

> The northeast trade-winds, which extend across the Atlantic, are so broken and interrupted when they encounter the West India Islands that they never penetrate the Caribbean Sea; but the northwest portion of them, however, does extend into the Gulf of Mexico, and often so far down as to reach well toward Tehuantepec; so that while in the Gulf winds are always found, yet the Caribbean Sea remains a region of almost relentless calms.
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> Nor is this all; for the mountain range extending the length of the Isthmus of Panama and through Central America offers a still more formidable barrier to the passage of these winds, thus throwing them still higher into the upper regions of the atmosphere, and extending these calms far out into the Pacific Ocean on the parallel of Panama, and which extend, with lessening width, for fifteen or eighteen hundred miles, to the northwest, along the coast of Central America.
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> This whole region of calms, both in the Caribbean Sea and in the Pacific Ocean, is so well known to navigators that sailing-vessels always shun it if possible, though they may have to run a thousand miles out of their way to do so.
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> This absence of wind of course leaves this vast area exposed to the unmitigated heat of a torrid sun except when relieved momentarily by harassing squalls in the dry season and by the deluging rainfalls of the wet season. * * * Let us start two sailing-ships of equal tonnage and equal speed from the mouth of the Mississippi, with cargoes for China, one to go by way of Panama and the other by way of Tehuantepec, and I venture to affirm that by the time the Panama vessel has cleared the canal and floats in the waters of the Pacific, the Tehuantepec vessel will have scaled that isthmus and be well on to the meridian of the Sandwich Islands, and that before the other vessel can worry through the fifteen or more hundred miles of windless ocean before her to reach the trade-winds to the westward of Tehuantepec, the latter will have sped five thousand miles on her way across the Pacific, and be full thirty days ahead of her adversary. For it is a fact worth mentioning here that the strength of the northeast trade-winds in the Pacific, as well as the maximum strength of the northern portion of the great equatorial current in that ocean, are both found on or near the parallel of latitude of Tehuantepec, the former blowing with an impelling force to the westward of ten or twelve miles an hour, and the latter with a following strength of three or four miles per hour.

These facts are submitted for the careful consideration of those who are interested in sailing-vessels, and to demonstrate the great superiority of this route for *cheap* transportation. It is well known that no cheaper method of transport has ever been devised than by large sailing-vessels on the open ocean.

IV. THE TEHUANTEPEC ROUTE WILL PROVE A FAR BETTER AND MORE EFFECTIVE REGULATOR OF RAILWAY CHARGES THAN ANY OTHER.

This is apparent from the facts and reasons just stated. The great question in the near future is to be, "How shall we best control and regulate the colossal railway corporations of this country?" I cannot enter upon that question now further than to say that wherever, and whenever, it can be done by the competitive power of lines of transportation which shall be beyond the power of corporate combination and monopoly, we shall have provided the safest, surest, and best possible regulator. I do not know of any place in the world, nor of any plan ever presented which, for the money required, offers so great advantages for the attainment of this end as does the proposed ship-railway at Tehuantepec.

We have expended over one hundred millions in money to build one line of railway to the Pacific Ocean, and that done we have appropriated untold millions of acres of the public domain to provide competition for the first line. The result will probably be, when all are completed, that a grand combination will be made by which the earnings of all will be pooled, and competition be wholly defeated. True, laws may be passed forbidding such combinations, and to some extent securing the objects for which these princely donations were made; but such laws will encounter many difficulties and embarrassments, and will be subject to the changes of public opinion. Give us a direct and cheap ocean line from all parts of the Atlantic, to all parts of the Pacific coast, and you will have provided a competitor which will be beyond the power of combination, and which will need no law, but the law of human nature, to maintain its vigor and unceasing activity. Such a line, if constructed at the right place, and at reasonable cost, and subject to the right of the Government to fix tolls, will regulate every line of railroad that shall ever do business between the two oceans.

I have already indicated the superiority of the ship-railway at Tehuantepec over all other routes and methods for this purpose, namely: That it will be from 1,400 to 2,400 miles shorter; will be available from ten to fifteen years earlier; will require many millions less of annual tolls, and will afford far better facilities for sailing-vessels. The distance from all our Atlantic to all our Pacific ports, via Tehuantepec, will average only about one thousand miles greater, by this ocean route, than the distance by rail across the continent. The effect of all these advantages, in cheapening the cost of transportation, and in regulating railway charges, can hardly be overestimated. And yet I am entirely satisfied that the immense increase of travel and of business, demanding quick transit, which would result from the more rapid development of the distant West, through the agency of cheap transportation produced by the proposed work, would ultimately prove a great benefit to the railroads themselves.

V. ITS MILITARY ADVANTAGES ARE INCOMPARABLY SUPERIOR TO ANY OTHER ROUTE.

It is, of course, of the utmost importance that a point should be selected which can be most easily and effectually defended in case of war. In this respect Tehuantepec offers special advantages over any other point upon the Isthmus. Commodore Shufeldt says that it "is the only route which our Government can control." We could not (with our present Navy) successfully defend a work constructed either at Panama or Nicaragua against the attack of any of the great naval powers of Europe, but it would be otherwise with a work at Tehuantepec. A few iron-clads and torpedoes, placed in the Yucatan and Florida channels, would entirely close the Gulf of Mexico, making an entrance into it almost impossible. Nor would there be any difficulty, should it become necessary, in conveying overland and concentrating at Tehuantepec an army of 200,000 men. There are now two lines of railway extending into Mexico in course of con-

struction: one from New Mexico and the other from Texas. When these are finished the transportation of troops to the Isthmus will be an easy thing. To transport such an army to Nicaragua or Panama, however, would be most difficult and its maintenance there, far removed as it would be from its base of supplies, would be well-nigh impossible. Mexico, whose interest would be joint with ours, could render us much more efficient aid in the protection of such a work than we could hope to receive from the smaller and much less powerful republics of Central America.

VI. IT WILL ESTABLISH INTIMATE COMMERCIAL RELATIONS WITH MEXICO,

which the other routes would not.

The question how we shall best establish commercial relations with Mexico that will open her markets to our products, has long been a most important problem with American business men and statesmen. She abounds in all the natural resources that are needed to make a nation rich and powerful. Her soil is unsurpassed in fertility. Her mountains contain mines of fabulous wealth. Her climate is salubrious and delightful. She produces many things which we need, and her people require innumerable articles which our manufacturers and farmers can supply. Though this republic, fashioned after the plan of our own, and in full sympathy with us, stands at our very doors, yet the United States to-day enjoys, as I am informed, but about 5 per cent. of her trade. This should not be.

During the year 1874–'75, there were coined in the mints of Mexico—

Silver	$19,886,958 50
Gold	762,619 00
Copper	21,712 33
Total	20,671,289 83

The whole coinage of the country up to 1875 is estimated to have been $2,985,488,165.55, and her local interior trade is estimated to have amounted in the year 1876 to upwards of $400,000,000. It must be remembered also that the mineral and agricultural developments of Mexico are yet in their infancy. Struggling with internal revolution and foreign invasion, her advancement and development have been greatly impeded. We have every reason to believe that her present government is a stable one, and that a new era of prosperity has dawned upon her people.

General Grant in speaking upon this subject said:

> They have thirteen years really of growth, and considering that they have been impoverished by wars, foreign and domestic, I think they have done remarkably well, and I am perfectly satisfied that with the building of railroads and of telegraphs there need be no more apprehension for the safety of capital invested in Mexico than in our own country.
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> I look for a brighter and prosperous future for Mexico, and it must result in a very large commerce with some part of the world. If we take advantage of the time it will accrue to the benefit of the United States more than to that of any other country except Mexico. * * * As I have said, I have no doubt that with the building of railroads they will be able to export $200,000,000, not a dollar of which will be bullion.

We have long desired this trade. The time has now come when we can do much to secure it. Mexico herself has taken the initiative. She says to us "we have done our part; now do yours by aiding the construction of this great work, and by joining us unite the two great republics by the strongest ties of interest and sympathy." She has given a concession which will enable the company, to be formed under it, to discriminate as to tolls in favor of the United States. She has made a most generous contribution to the work. Here is our opportunity. What shall be our reply?

The commercial advantages of this work are by no means confined to Mexico. The following table, taken from official records exhibiting the commerce with the various nations therein named, shows our present commercial relations with the countries most readily reached by this route:

British India	423,000,000
Australia	375,819,000
China	198,000,000
Hong-Kong	112,000,000
Peru	75,000,000
New Zealand	71 718,000
Chili	58,000,000
Japan	55,230,000
Phillipine Islands	34,763,000
Tasmanico	14,835,000
Hawaiian Islands	7,524,000
Total	1,425,953,000

Of this trade the United States now enjoys only about 4 per cent.

VII.—IT WILL PROVE ONE OF THE MOST EFFECTUAL METHODS OF REBUILDING OUR COMMERCIAL MARINE AND OF RESTORING OUR SUPREMACY ON THE OCEAN.

The right conceded by Mexico to discriminate in favor of American commerce will do more to rebuild our shipping interests than would the expenditure of many millions in any other way. I regard this concession as of very great value. Suppose we reject this proposition and Great Britain, wiser than we, shall accept it. What will be the effect upon our commerce? In my judgment it could hardly receive a more fatal blow. This concession will enable any other government that shall aid the enterprise to enjoy the advantages now offered to us. Mr. Eads is patriotic, and hence comes first to his own country, and offers her the great advantages he has secured. If we spurn that offer and refuse to avail ourselves of its benefits, can he be blamed for submitting it to some other government that will better appreciate its advantages? It may be said in reply, that no other nation shall be permitted to control this isthmian highway. That sounds well. It is brave talk; but I repeat that in this last quarter of the nineteenth century we cannot afford to stand in the way of the world's progress, refusing to open this highway of commerce ourselves or to permit any other nation to do it. Have we counted the possible cost of enforcing such a dog-in-the-manger policy? May it not cost us vastly more thus to obstruct the commerce of the world than to accept the proposition of Mexico and avail ourselves of its immense advantages? Should we decline this proposal, we could not object to the acceptance of it by England for the same reasons which justify us in stopping the work of De Lesseps; for such acceptance by England would not be the chartering of an English company under a Mexican concession to build the ship-railway. It would simply be an agreement between England and *a Mexican company*, by which the commerce of England would secure immense and exclusive benefits for ninety-nine years, in consideration of certain aid advanced by England to the company in its infancy, and which by the concession it is authorized to receive from England or from any other government.

It has been urged that we would get no right to take possession of the road in the event of the ship-railway company failing to keep its engagements with us; that in such case our only recourse would be through the courts of Mexico. The absurdity of such objection is seen at once if we reverse the position of affairs and suppose that Mexico or any other foreign government desired, for any cause whatever, to take possession of any railroad or other public work in this country. We should only give to such government, or to its citizens, the right to go into our courts for redress, and that Mexico gives to any government that aids this work. We have no right to ask, or to expect from her, what we would not concede if our positions were reversed.

SUBSIDY.

I am aware that the cry of "subsidy" may be raised against this proposition. I deny that it is in any sense a subsidy; but if it were, that would not deter me from supporting a measure so essential to the development of our commerce, and so advantageous to the whole country. Mexico has granted a million acres of land, and made concessions of far greater value, in aid of this work. Can we do less than give a guarantee, which in effect is but a loan of credit, with a moral certainty that every dollar will eventually be repaid?

All that our Government is asked to do is to give a guarantee which will enable Mr. Eads to raise the enormous sum of money necessary to construct the work. The total cost of the railway, as I have said, is estimated at $75,000,000, and the Government is asked, not to advance any portion of this sum, but simply to guarantee the payment for fifteen years of a dividend of 6 per cent. per annum on $50,000,000 of the stock. For the repayment of whatever may be advanced under this guarantee, one-half the net receipts is pledged, and to avoid any question as to what are net receipts, it is provided by the bill that one-half the gross receipts shall pay all operating and extraordinary expenses, repairs, &c., so that when the total receipts shall reach $6,000,000 the obligations of the United States shall cease. In no event shall such annual obligation exceed the amount by which one-half the gross receipts falls short of the sum of $3,000,000.

It is estimated by M. De Lesseps that the revenues of a canal at Panama would amount to $20,000,000 per annum, and on this estimate $60,000,000 of private capital has already been subscribed. The prospectus of the Nicaragua route estimates that its revenues would amount to $12,000,000. If the gross receipts at Tehuantepec reach $6,000,000, the Government will have nothing to pay under its guarantee. Nor is this Government aid sought as a gift. On the contrary, it is proposed upon the basis of a good and sufficient consideration to be given in return. This consideration is, first, the transportation of all Government vessels, troops, and mails, and the transmission of all Government telegrams free of charge; second, the right upon the part of the Government of the United States to regulate the tolls upon the railway, increasing or reducing them at pleasure; and, third, *the right to discriminate in favor of American commerce*. Not only are these rights reserved to continue for ninety-nine years, but the most ample provision is made for the repayment by the company to the United States of the amount it may be called upon to advance under its guarantee.

I do not hesitate to declare that I am in favor of wise and judicious expenditures to develop our magnificent resources, expand our foreign trade, and restore our lost ocean commerce.

IS THE PROPOSED SHIP-RAILWAY PRACTICABLE?

This seems to me the only question in connection with this work that will bear discussion. If it be practicable, I do not see how any American can doubt his obligations to give it a hearty support. I confess my inability to discuss it from an engineering or mechanical standpoint, for the reason that I have but little knowledge on such matters. I will not, however, as many do, make my ignorance of the subject the reason for denouncing it. The King of Siam, when told that in some countries water became hard enough to walk upon, at once pronounced it false, because it contradicted all his experience. The fact was that his experience was somewhat limited.

The profound scientist, De Lardner, delivered a lecture in New York, in which he demonstrated to his own satisfaction at least, and doubtless to that of many intelligent listeners, that it was simply impossible for a steamship to cross the ocean because she could not carry coals enough for the voyage; yet the same number of the New York Herald, which published his lecture, announced the arrival of the steamship Great Western from Liverpool, to the utter confusion of the learned lecturer.

De Witt Clinton was considered almost a lunatic when he proposed to connect the waters of the lake and the Hudson River by a canal. Nevertheless he did it.

When it was first proposed to build a railroad, on which coaches should run at the rate of fifteen miles per hour, the idea was scouted as utterly impracticable and visionary, and the wise ones demonstrated that such a road would require for its bed a solid stone wall, perfectly level and perfectly straight.

When Captain Eads proposed to erect the present bridge over the Mississippi River, at Saint Louis, it was said by many to be impossible, but, undaunted by the croakings of skeptics, he went on with his work, and the magnificent structure stands to-day a fitting monument to his genius and energy.

Seven years ago, as chairman of the Senate Committee on Transportation Routes to the Seaboard, it became my duty to consider the very important problem of how to relieve the suffering commerce of the Mississippi River. The mouth of that mighty river was closed to any vessel drawing more than eighteen feet of water, and the uncertain and dangerous passage of even these was only secured by an expensive system of dredging. For half a century the nation had struggled in vain with this problem. Numerous plans of improvement were proposed to the committee; but one by one they were rejected, until at last the committee seemed forced to the conclusion that nothing but a canal would accomplish the desired end. The House of Representatives had appropriated $8,000,000 to construct a canal which would have cost from $12,000,000 to $15,000,000 before completed.

It was at this juncture that James B. Eads, having just completed the Saint Louis bridge, came forward with his proposition to deepen the mouth of the river by means of jetties. Wearied with propositions possessing no merit, I confess that I approached the consideration of the jetty project with a prejudice against it; but when Mr. Eads explained to me his whole plan, and when I saw his unfaltering faith, amounting almost to inspiration, I became convinced that here at last was the solution of the problem. He undertook the work under circumstances and conditions most inauspicious and onerous. Not a dollar of public money could he receive until he had demonstrated the success of the work by securing twenty feet of water where there were then but eight feet, and all payments thereafter were to be conditioned upon the depth of channel secured. From the beginning I felt sure he would succeed, and during the darkest days of the enterprise my faith never faltered.

To-day, at a cost of only five and a quarter millions, the problem has been solved; and the largest ocean vessels may float upon an unobstructed channel to the Gulf, and every great commercial interest of the Mississippi Valley, springing into new life, rejoices in the accomplishment of this wonderful work. This same quiet, earnest, and energetic man comes to us to-day and says, "Give me your aid and I will realize for you the cherished dreams of centuries, by striking down this isthmian barrier and giving to commerce an unobstructed highway between the two great oceans." I for one have faith in Mr. Eads. I most firmly believe he will accomplish all he promises. But if there are doubters, I ask them to look at his proposition. Again, he shows his perfect confidence in his project by insisting that under no circumstances shall the Government guarantee attach, or have any force or effect, until he has demonstrated by the severest tests the entire practicability of the ship-railway. Nor does he stand alone in his assertion that the work is practicable and will accomplish all that he claims for it. His proposition has the indorsement and support of many of the most distinguished civil engineers and naval constructors both in Europe and America, and so far as I know the practicability of the plan is denied by none. Let me read a few brief extracts from some of the many indorsements it has received.

Hon. E. J. Reed, member of Parliament, and formerly chief constructor of the British navy, in a letter on Mr. Eads's plan of a ship railway, published in the London Times, says:

I have for some time past had under consideration a similar scheme of my own for conveying ships across the north of the great peninsula of Florida, and although I have not had the leisure to develop it sufficiently to justify me in putting it in detail before the public, I have gone a long way toward satisfying myself that it is a feasible plan and highly economical in comparison with a ship-canal.

He adds:

I am satisfied that ships can be conveyed across intervening land much less expensively than by canal where the distance to be traversed is great.

Captain Edward Hart, naval constructor United States Navy, says in a letter to Mr. Eads:

With a substantial road-bed for your railway, on the easy grades across the Tehuantepec, which I understand do not exceed one or two feet in a hundred, there can be no mechanical difficulty in the way of transporting loaded ships by railroad with entire safety to the vessel, whether she be built of wood or iron. The speed with which you can move the vessel will depend entirely upon the size and number of your locomotives.

Mr. F. L. Fernald, another constructor in the United States Navy, in a letter addressed to Mr. Eads, says:

Having carefully examined the plans and papers pertaining to your proposed ship-railway across the Isthmus of Tehuantepec, I do not hesitate to say that in my judgment there will be no difficulty whatever in transporting in the manner you propose any properly-built vessel with absolute safety. Your railway will possess one quite important advantage over an ordinary canal, and that is that a vessel's bottom, propeller, &c., can be examined and, if necessary, cleaned in transit.

It should be remembered that these three gentlemen have received a scientific education, and have been fitted by long practice and a thorough knowledge of the subject to speak intelligently upon it. They are all recognized as high authority in ship-building.

General Q. A. Gilmore, of the United States Engineers, declares in a letter to Mr. Eads:

In my judgment the construction of the ship-railway across the Isthmus in general accordance with your plan is not only feasible as an engineering problem, but the successful maintenance and operation of such a road is entirely practicable as a business enterprise.

Major Charles R. Suter, also of the United States Engineers, says:

The project has great and obvious advantages to recommend it, and from an engineering point of view it is, in my opinion, perfectly practicable.

Professor E. A. Fuertes, dean of the department of civil engineering in Cornell University, was the chief engineer of Commodore Shufeldt's survey of the Isthmus of Tehuantepec. He says:

I have made computations which proved conclusively to my mind that the Great Eastern could be carried safely overland upon rails with less strain to her timbers than in any of her sea voyages.

Again he says:

I am perfectly familiar with every possible point through which the railway or canal could be located at Tehuantepec, and I am sure it is easy to prove that all routes outside of the Gulf of Mexico will be detrimental to the most vital interests of the United States and the source of great danger to our national stability.

He says further:

I can assure you upon knowledge of every inch of the ground, that you will find no difficulty about curves, grades, or bridges. The ascent of the Atlantic slope will offer no more difficulties than the Hudson River Railroad; and on the Pacific side, either of the three passes in the neighborhood of Tarifa or Chivela will allow of no steeper grades than twenty-five to thirty-five feet per mile to bring you down to the Pacific plains.

Colonel Henry Flad, a distinguished civil engineer, president of the board of public works in Saint Louis, says in a published letter:

Ships can be transported on such a railroad with absolute safety and with the same dispatch as through a canal; and that although the cost of transferring ships by railroad will exceed that of passing them through a ship-canal, the difference will be insignificant compared with the saving of interest on the first cost.

Mr. O. Chaunte, an accomplished civil engineer, and superintendent of the Erie Railway, says of the ship-railway:

I gave some attention to the subject myself nearly a year ago, and reached conclusions almost identical with yours as to the feasibility and general features of the project. I see no reason why the railway should not be worked at ten miles per hour.

General Beauregard, formerly of the United States Engineer Corps, says:

I feel no hesitation in saying that I see no great difficulty in constructing a railway strong enough to carry out the object referred to.

He says further:

The ship-railway has other important advantages over a canal, such as the facility with which the number of tracks could be increased to accommodate the demands of commerce, the rapidity of transit, and the greater number of vessels per day that could be transported, the ability of building a railway where a canal would be impossible, and the ability of estimating correctly first cost, &c.

Colonel C. Shaler Smith, a civil engineer of the highest standing, says:

The engineering problems involved have all been solved on a smaller scale in the construction of various works in this country and in Europe during the last thirty years, and the adaptation of these tried and proved principles in mechanical designs to the case in hand is not by any means difficult.

Mr. Dempster, city engineer of Pittsburgh, says:

I heartily indorse the project of a ship-railway across the cord of the continents in preference to a canal.

He says further:

The facilities of transportation can be much more readily, cheaply, and advantageously increased on the railway than on the canal, and the leviathans of the merchant-marine can be transported more easily and with as much safety on a railway as through a canal, and without any break of cargo or any injury to the vessel.

Mr. H. D. Whitcomb, civil engineer, in charge of the works of improvement on the James River, who was sent by the United States Government with others to Europe to investigate the merits of the jetty system in 1874, says of the ship-railway:

The idea is worthy of the age, and to make it a success you have simply to improve and expand the details of the old marine railway and make it more perfect. I have the greatest confidence in your ability in this particular and hope you will have the opportunity to demonstrate it.

Mr. Thomas C. Clarke, vice-president of the American Society of Civil Engineers and one of the most eminent civil engineers in the United States, says:

I am desirous that my opinion should be put on record that your ship-railway is practicable to construct, and can be maintained as easily as any other railway bearing as large a tonnage, and that vessels of 4,000 tons can be carried across without injury to themselves or their cargoes.

Mr. J. J. Williams, a civil engineer who has made several surveys of the Isthmus of Tehuantepec, says:

Having carefully examined the details of your plans for accomplishing this object, I desire to express to you my full conviction of their entire practicability on the Isthmus.

Mr. E. L. Corthell, a gentleman who has had large experience in railroad engineering, and who was resident engineer of the jetties, declares his full faith in the merits of the ship-railway.

Major B. N. Harrod, civil engineer, and member of the Mississippi River commission, has written to Mr. Eads to the same effect.

In regard to the popular error that loaded ships cannot be taken out of water in safety, Mr. Eads has received a letter from William F. Buckley, president of the New York Balance Dock, (February 14,) in which he gives the names of five large sailing-ships and six large steamers which have been taken out upon that dock, with their cargoes, and he adds:

We do not refuse any class of ships or steamers, even with their cargoes and coals on board, whose length does not exceed that of the dock. In any case in which we have taken up steamers with cargoes it has been done without the least strain or injury to the vessels. As the rule is to make a charge for raising cargo in the vessel, they usually come to us without cargo.

Among the naval officers who look with decided favor upon the ship-railway plan may be named Commodore Shufeldt, Commander Farquhar, and Captain Silas Bent.

These eminent authorities, in connection with the fact that the guarantee is to attach only as the work is practically demonstrated to be a success, ought to be enough for even the most skeptical. I will only say, in conclusion, that confident of the practicability of this great work, of its incalculable benefit to the whole country, and of its incomparable superiority over all other plans proposed, I should feel that I do not fairly represent the State which has so long honored me with a seat in this body, nor express the sentiment of the American people, were I not to speak and vote in favor of our Government grasping the outstretched hand of Mexico and joining her in an enterprise promising so much of benefit to both republics and to the world.

Mr. EATON. I ask the Senate to proceed with the consideration of the bill which I called up.

BALTIMORE AND POTOMAC RAILROAD.

Mr. WHYTE. There is a bill to authorize the Baltimore and Potomac Railroad Company to reorganize after there shall be a sale of the road of the company under the mortgages to secure the bonded debt. It is absolutely necessary. I ask that the pending order may be laid aside informally.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 2064) to reorganize and incorporate anew the Baltimore and Potomac Railroad Company.

The bill was reported from the Committee on the District of Columbia with an amendment, at the end of section 2 to add:

Provided, That nothing in this act shall be so construed as in any way to impair the right of the United States to require at any time the removal of the tracks now laid on Sixth street southwest, or on any of the streets entering the city of Washington whereon tracks of the Baltimore and Potomac Railroad Company are now laid, or as in any way to prevent the United States from taking, at a reasonable compensation to said company, the depot building at the corner of B street and the said Sixth street southwest, and requiring the said railroad company to remove therefrom.

SEC. 3. That this act may be altered, amended, or repealed at any time by the Congress of the United States.

Mr. MORRILL. I desire to call the attention of the Senate to the amendment. It does not go far enough to suit me. I think, at the present time, if we are to recharter this corporation, we should take this as the most opportune moment to have the present railroad track removed from Sixth street. We all know that it is a great nuisance as it is now. Certainly it seems to me that we could have no better time than when they ask for new favors of us, and that we should seek the present occasion to have that track removed. I am perfectly willing that there should be a provision by which we should pay the appraised value of it, or perhaps the original cost of the building, for I suppose that we really need it, or might make use of it to a good purpose for the Pension Bureau or some department of the District government.

Mr. WHYTE. I beg to say, in reply to the Senator from Vermont, that a bill has already passed both Houses of Congress authorizing the District commissioners to select a site for a union depot, providing for the change of this depot hereafter. I have put an amendment in the bill which reserves all our rights to do that whenever we are ready, and I really think nothing more stringent than that ought to be put in the bill.

Mr. MORRILL. The bill to which the Senator refers may become a law and it may not, probably not; and if it should, there is no certainty that it would be accepted by the different companies, so that the object I have in view would be accomplished for years and years. I trust that the Senator from Maryland will agree to so amend this provision as to provide that this shall be done within the coming year. I presume we could alter the third section so as to effect that.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on the District of Columbia.

The amendment was agreed to—ayes 27, noes not counted.

Mr. CONKLING. I have no doubt about the fact, but I rise to ask a question that it may appear on the record if it has not appeared. The bill as I understand it has no effect save only to authorize the railway company in question to reorganize as it is organized now, after certain foreclosure proceedings are consummated?

Mr. WHYTE. Precisely.

Mr. CONKLING. And it imparts no right to change the route or to occupy any ground in the District, but leaves all that *in statu quo*?

Mr. WHYTE. Precisely; and with an amendment reserving any question in regard to the depot hereafter, so that there can be no implication the other way.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. MORRILL. The third section has not yet been adopted?

The PRESIDING OFFICER. The two clauses were treated as one amendment.

Mr. WHYTE. It is but one amendment.

Mr. HARRIS. I desire to make two or three formal amendments that the Committee on the District of Columbia, after the bill was reported, considered and agreed upon. The Senator from Maryland forgot them at the moment, but the Senator from Maryland and myself understand the exact object and purpose of the amendments. While they do not materially affect the principle of the bill, it is better that they should be inserted in it. I will hand the amendments that I propose to incorporate in the bill to the Secretary.

The PRESIDING OFFICER. The amendments proposed by the Senator from Tennessee will be reported in their order.

The CHIEF CLERK. In section 2, line 23, it is proposed to strike out "the" and insert "any existing;" in line 27 to strike out "as in any way to prevent" and insert "any existing right;" in line 28, after "United States," to strike out "from taking" and insert "to take;" and in lines 30 and 31 to strike out "requiring" and insert "to require;" so as to make the proviso read:

Provided, That nothing in this act shall be so construed as in any way to impair any existing right of the United States to require at any time the removal of the tracks now laid on Sixth street, southwest, or on any of the streets entering the city of Washington whereon tracks of the Baltimore and Potomac Railroad Company are now laid, or any existing right of the United States to take, at a reasonable compensation to said company, the depot building at the corner of B street and the said Sixth street, southwest, and to require the said railroad company to remove therefrom.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The message also announced that the House had passed a joint resolution (H. R. No. 373) relative to printing the Agricultural Report for the year 1880.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 346) for the relief of William H. Thompson;

A bill (H. R. No. 375) for the relief of Philemon B. Hawkins;

A bill (H. R. No. 1197) for the relief of settlers upon the absentee Shawnee lands of Kansas, and for other purposes;

A bill (H. R. No. 1996) for the relief of W. A. Reid;

A bill (H. R. No. 2098) for the relief of the heirs of Edward B. Clark;

A bill (H. R. No. 2844) for the relief of James E. Montell;

A bill (H. R. No. 3788) granting an increase of pension to William Hamill;

A bill (H. R. No. 4002) for the relief of the estate of J. M. Micou, deceased;

A bill (H. R. No. 4646) for the relief of the heirs of Cornelius Boyle;

A bill (H. R. No. 6023) to authorize the Secretary of the Treasury to change the name of vessels under certain circumstances;

A bill (H. R. No. 6545) to amend section 2524 of the Revised Statutes, so as to authorize a charge for melting or refining bullion when at or above standard;

A bill (H. R. No. 6717) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes; and

A joint resolution (H. R. No. 401) in relation to the barge W. J. Spicer.

PHILADELPHIA AND READING RAILROAD.

Mr. CONKLING. There is on the Calendar a bill reported by the Committee on the Judiciary relating to trade-marks——

Mr. EATON. If my friend will permit me, I have a bill before the Senate, but promised my friend from Delaware [Mr. BAYARD] that I would give way to him, and then made a further promise to my friend from Indiana, [Mr. MCDONALD.]

Mr. CONKLING. I will put up my prayer when I get an opportunity.

The PRESIDING OFFICER. The Senate resumes the consideration of the Japanese indemnity bill.

Mr. EATON. Let it be laid over informally without prejudice.

Mr. BAYARD. With the assent of my friend from Connecticut I ask that the pending order be laid aside informally for the purpose of considering Senate joint resolution No. 157.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the pending order is laid aside informally. The Senator from Delaware asks the Senate to consider the joint resolution he has named.

Mr. INGALLS. Let us hear it reported subject to objection.

The Chief Clerk read the joint resolution (S. R. No. 157) for the relief of the Philadelphia and Reading Railroad Company.

Mr. INGALLS. Is there any report in that case?

The PRESIDING OFFICER. There is no report.

Mr. BAYARD. The joint resolution is unanimously reported; I will explain it.

The PRESIDING OFFICER. The Senator from Delaware asks for the present consideration of the joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It releases the Philadelphia and Reading Railroad Company from the payment of the taxes assessed by the Commissioner of Internal Revenue upon the interest-bearing promissory notes heretofore issued by it to its employés, commonly known as wages certificates. But the company is to pay the actual costs and expenses incurred in the proceedings taken to enforce the payment of the taxes.

Mr. BAYARD. I will state that under the act of Congress of the 8th of February, 1875, it was provided:

> That every person, firm, association, other than national-bank association, and every corporation, State bank, or State banking association, shall pay a tax of 10 per cent. on the amount of their own notes used for circulation and paid out by them. (18 Stat. at L., part 3, page 311.)

In 1878 and 1879 the Philadelphia and Reading Railroad Company, which had no banking powers whatever, found itself exceedingly embarrassed; eleven thousand of its men were wholly without the means of support; and the company was too embarrassed to raise money to pay them the wages then due. They issued to these men their promissory notes, promising to pay the money one year after date and bearing interest.

Mr. INGALLS. What was the aggregate amount?

Mr. BAYARD. The aggregate amount so issued was nearly five million dollars, $4,837,000. They issued these notes to their men and relieved their immediate wants. I may say that they were not in the form of bank notes. They were promissory notes payable one year after date with interest from date, and as was expressly stated upon their face were issued for wages, and would be received either before or at maturity for the amount thereof in freight and tolls of the company.

Mr. HOAR. When was that? What was the date?

Mr. BAYARD. In 1879 these notes were issued. I may say they never were issued, they never were pretended to be issued as banking circulation, but they were taxed to an amount of 10 per cent. The Commissioner of Internal Revenue invited the company to go into court and test the tax. To do so in the condition of the company would simply have been ruinous. On the face of the paper and according to the decision of the Supreme Court of the United States there can be no pretense to call such instruments as were issued by them bank notes, nor were they circulating notes.

Mr. DAWES. Of what denominations were they?

Mr. BAYARD. The denomination was ten dollars for all.

Mr. DAWES. No odd cents?

Mr. BAYARD. They were all of the same denomination; and I merely say they were not issued and reissued as bank notes. It was nothing in the world but the legitimate and ordinary use of credit at a time when the debtor was unable to meet his payment in money.

Mr. DAWES. This payment was for wages?

Mr. BAYARD. Yes, sir.

Mr. DAWES. Did it appear before the committee that everybody who worked for the railroad company worked just ten dollars' worth?

Mr. BAYARD. No, nothing of that kind was proposed. The certificates were issued and given to the employés. I do not suppose the hands were paid in full, but it was simply the case of an employer unable to meet his debt who to prevent his hands from absolute distress and starvation issued a deferred promise to pay, bearing interest. There is, I may say, none of the legal definitions of a bank note attached to these certificates at all.

Mr. INGALLS. But the Commissioner of Internal Revenue held that they were liable to excise?

Mr. BAYARD. He taxed them, and he invited the company to go into court to contest the tax.

Mr. INGALLS. Did they take any appeal from him to the Secretary of the Treasury?

Mr. BAYARD. They have not paid the tax, but their property was levied upon and will be sold, when to sell the property of the company for this tax would be exceedingly ruinous to them.

Mr. INGALLS. But it was not necessary to litigate every note that was emitted. Why could not a test case have been made up on one and the principle established, so that we might have had a judicial determination whether the decision of the Commissioner of Internal Revenue was right or wrong?

Mr. BAYARD. The certificates were not issued serially; they were issued at once to relieve from starvation 11,000 men. It was not a case where you could make a test case. It was not the case of a continued or a serial emission of notes. They were issued at one time and only at one time, and the tax is unanimously admitted by the committees of both Houses not to be within the law.

Mr. INGALLS. Does not the law permit an appeal from a decision of the Commissioner of Internal Revenue to the Secretary of the Treasury or to some other officer of the Government?

Mr. BAYARD. No, sir, it does not; nor can you enjoin the collection of a tax under the present law, no matter how palpably erroneous it may be on its face.

Mr. COCKRELL. There is no written report in this case, and I should like to ask whether $5,000 or $500,000 are involved?

Mr. BAYARD. I will state the amount.

Mr. COCKRELL. I will put one or two questions to the Senator so that he may understand me. In the first place, what amount of this circulating medium was issued by the railroad company? Was it issued to pay off the employés month by month, week by week, and issued in amounts corresponding with the amounts the company owed the employés? or was it a circulating medium, a promissory note, issued and paid out like money? Then, did not these parties have a legal remedy, a perfect right to go into the courts of the State, or of the United States, and test whether the assessment made by the Commissioner of Internal Revenue was legal and valid or not?

Mr. McDONALD. Not without paying the tax.

Mr. COCKRELL. I know they would have had to pay it. What is the amount that Congress would give to the railroad company by the passage of this joint resolution?

Mr. BAYARD. Congress does not give one dollar.

Mr. COCKRELL. How much would it take?

Mr. BAYARD. In the first place, there was not one cent of circulating medium. That is precisely the point. There was no such thing as circulation attached to it. The company owed these men $4,837,000. They were indebted to 11,000 workingmen to that amount at the time their embarrassments accrued. They were unable to pay those men. They were unable to borrow money in the ordinary method by reason of the heavy mortgages upon their property, which had been foreclosed and the road virtually placed in the hands of receivers. For the sake of preventing the human distress that would follow such a debt they issued $4,837,000 in these wages certificates, which were in the shape of promissory notes payable one year after date with interest, and stating expressly upon their face that they were for wages and were to be redeemed at maturity with interest, or could be paid for tolls due the company.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. BAYARD. Certainly.

Mr. HOAR. What is the principle, the general rule of public policy, on which the Committee on Finance, if that is the committee which recommends this measure, act in prescribing the limits within which Congress is to act as a court to revise the decisions of the Commissioner of Internal Revenue, and outside of which it is not to act, but leave the citizen to his remedy at law?

Mr. BAYARD. It is a case palpably of erroneous assessment. The only means by which that can be remedied in the courts of law is by a payment of the tax under protest and a suit to recover it back. In this case you are dealing with a corporation entirely distressed, and if subjected to the payment of this large amount, which is $487,000, great and ruinous loss will come to them before the case can be decided.

Taking the decisions of the Supreme Court of the United States we find that they have exonerated similar certificates where they were not bank notes in any of the legal definitions of that term. Therefore taking the case upon its facts, there being the concurrent agreement of the committees in each House that this was not the circulation contemplated by law and according to the definition of the Supreme Court of the United States, they said that rather than send these parties to the courts with the long delay, probably three years, before a decision could be reached, and which only can be reached by the payment of the tax under protest and an appeal, they would grant the relief which they are satisfied in law and in equity ought to be granted now. If this money is to be paid and recovered back three years hence infinite damage will be done which this measure is intended to relieve these parties from.

The Senate will see that these wages certificates were nothing more than the legitimate issues of an impoverished debtor obtaining credit for the cash which it was unable at that time to pay. Therefore the committee recommend that relief should be given to the parties who palpably have been assessed under an erroneous construction of the law. It is not circulation, it is not bank notes; it is the promissory notes of a company for wages due, payable after date with interest. It lacks all the definition of a bank note.

Mr. HOAR. Did the committee hear the Commissioner of Internal Revenue or the Secretary of the Treasury in support of the ground taken by the officers of the Government?

Mr. BAYARD. This assessment has been made. The Senator knows no doubt that under existing law you cannot enjoin the collection of

any tax, however unlawful or erroneous, by process either of State or Federal courts. Your only remedy is to pay the debt under protest, and then bring your suit against the officer; but the payment of this sum by this company at this time, by both committees of Congress and by the Commissioner himself would be admitted to be absolutely ruinous.

Mr. HOAR. Let me repeat my question. I do not now exactly understand what are the limits. It seems to me it is a very serious assumption of jurisdiction for Congress to undertake to reverse, without the action of any court, the opinion in favor of the Government of the Treasury officials. I understand that it may be very inconvenient to the citizen to pay his taxes. A wealthy citizen who is taxed a large sum finds it more inconvenient, so far as the difficulty is estimated by amount, than the ordinary citizen who pays a smaller sum. But what I desire to ask the Senator is, whether the committee who undertook to overrule and reverse the action of the Commissioner of Internal Revenue have given any hearing to the Government on the question? The committee think that this tax was erroneously assessed. The Commissioner of Internal Revenue, whose business it was to assess it, thinks it was properly assessed. It does not seem to me that this off-hand way is the way to reverse the opinion of this high officer of the Government, without, at any rate, a very clear and plain case.

Mr. BAYARD. The title to this joint resolution clearly expresses its intent. It is a joint resolution for the relief of this company. It is certainly within the power of Congress to grant this relief, and where the special circumstances——

Mr. HOAR. I am afraid I did not make my question heard. My question was, Did the committee give the Government a hearing? We are assuming or asked to assume the judicial duty of deciding against a public officer whose duties are quasi-judicial, and who is the highest officer of the Department except the Secretary of the Treasury. I do not know whether an appeal in any instance lies to him in the assessment of taxes. Now, did the committee hear the argument of the Government by which this Commissioner was convinced——

Mr. BAYARD. The committee did not hear any argument from the Government, because they had the practice before them undisputed by the Department. There was no doubt about the fact that the Commissioner had given a construction to the act. Under it he had levied this tax of 10 per cent., and under it this company's property was seized and put under execution.

The Senate of the United States have several times within my experience interfered to relieve against just such ruinous assessments, which if they were carried out would necessarily crush the party and make it idle to attempt to relieve after all the injury had been done. I remember very well about five years ago in the Lake Superior mining regions the mining and smelting companies had issued notes in small denominations, fives, tens and twenty dollars in the form of drafts upon their Boston house, which never went forward for acceptance but which remained in the community in which they were issued, and were used as paper money. They were used and reused, issued and reissued; which is not the case with the certificates now before the Senate. Under the Sanborn contracts——

Mr. HOAR. May I ask the Senator another question? Were these ten-dollar notes payable to bearer?

Mr. BAYARD. They were payable to bearer. I have one of them here.

Mr. DAWES. The Reading notes?

Mr. HOAR. The Reading notes.

Mr. BAYARD. They were payable to bearer with interest from date. I well remember the then Senator from Michigan, Mr. Chandler, coming to me as a sub-committee and showing me that taxes to the amount of $1,500,000 had been assessed upon a number of miners and smelters of common ores in that region. To them the payment of such a tax was irresistible; the courts could not enjoin; the law expressly declared that no injunction should be issued. The remedy was to pay the tax and then take an appeal and sue for it. In the first place the payment was impossible to those men in such sums, and ruin awaited them in case the payment had been enforced. They came to Congress and a bill was passed promptly for their relief by declaring that the tax should not be levied upon those notes, and they found that relief.

Their case I wish to say was much more plainly within the act of Congress, or rather it was not so plainly outside the meaning of the act of Congress, as the case now before the Senate. To say to a man, "you shall pay the sum which ruins you and breaks up your business, and then take your appeal," is no relief; the relief comes too late. The object of this appeal to Congress, which has met the approval of the committee of the other House as it has of the Committee on Finance of this body, is if you mean to stay this palpable injustice you must do so now in the form of law.

By what right do you levy this 10 per cent. tax? The Commissioner of Internal Revenue has assessed it; he has put their property under execution. If the money is collected and paid upon the execution it will be ruinous to the property of these people. They are, as the Senator knows, and as the public well know, embarrassed. Their road I think to-day is in the hands of receivers, and to put this load upon them and compel the sale of their property to pay this tax, would be utterly ruinous to them.

Therefore the Senate now will have to judge, and they may be informed much or little by the action and judgment of the two committees, whether a note issued in this form, a promissory note payable after date, with interest, fluctuating in value from day to day because of the increase of that interest, issued as a wages certificate and receivable in payment of the tolls of the company, is the circulation taxable under the law of 1875. If the Senate shall not consider it circulation, if upon looking at the law and looking at the instrument you do not consider it the species of paper that was intended to be taxed, then you will grant the relief; but you certainly will not compel these people to wait until the relief would be a mockery, and when the forms of law from which they may emerge with a legal judgment would leave them broken and damnified beyond remedy.

Mr. McDONALD. I ask the Senator to read the section of the statutes under which the assessment was made.

Mr. BAYARD. The act approved the 8th of February, 1875, is as follows:

> That every person, firm, association, other than national-bank association, and every corporation, State bank, or State banking association, shall pay a tax of 10 per cent. on the amount of their own notes used for circulation and paid out by them.—18 *Statutes at Large*, part 3, page 311.

Mr. CONKLING. Mr. President, we shall all, I think, agree that no kind of legislation is more vicious than that which proceeds from partiality or the activity of particular claimants. I know this case, and I shall speak of it only as it belongs to the class of which this instance is one.

The notes which have been referred to were or were not issued and used as circulation. If they were, as much as any other notes they were liable to this tax. If they were not, they were not liable.

The internal-revenue law, speaking to and of this claimant and all others alike, provides three modes of relief in the case of a contested tax, which are hard alike or equitable alike for all alleged sufferers. One is to pay the tax under protest and demand its restitution. Another is to refuse to pay it and allow distraint to be made, and bring an action of trespass against the officer who makes the distraint. The third is to present the equities which are supposed to bear in favor of the tax-payer to the executive branch of the Government, and if the Secretary of the Treasury, the Attorney-General, and a third officer, as I remember the statute, think that rebate or deduction should be made, an offer, which I believe is denominated in the statute a compromise, is accepted and the party acquitted.

Subject to these provisions of the law, it has occurred several times in my own State that firms and corporations have done some such thing as seems to have been done here, although I am bound to say never so broadly as it seems to me was the mode adopted in this instance. All remember, for example, that the New York Central and Hudson River Railway Company issued to its stockholders certain certificates. It was affirmed, on the one hand, that that was a script dividend; on the other, it was stoutly denied. The officers of the Treasury, with somewhat more of energy than would appear in this case, insisted upon the tax. They made distraint of the rolling-stock of the company and sold a great quantity of it. Thereupon the railway company went into the courts of the State of New York as it had a right to do, as this company has a right to go into the courts of the State of Pennsylvania. I hear a Senator say that the company paid the tax; and as that reaches my ears I beg to restate the case to which I refer. They did not pay it; they refused to pay it. They said it was a bald and naked trespass; the Government had no more right to the tax than it had to so much money belonging to them under any other guise. Thereupon the collector of internal revenue issued his warrant prescribed by the statute, and by that warrant the rolling-stock of the railway company was taken and in large quantities sold, so as to amount to the sum total of the tax; whereupon in the courts of New York they brought trespass against the collector, and I was about to say they tried their cause. They did not, because the United States by its district attorney appeared and moved to transfer the case into the national courts. It was transferred, and was tried in the district court, and came up to the Supreme Court, where a new trial was ordered, and they went back and subsequently, as I understand, some proposition that they made was accepted in the way that I indicated before, in which a proposition may be accepted under the statute.

Mr. THURMAN. If the Senator from New York will yield to me for a few moments, I shall be obliged to him.

Mr. CONKLING. Certainly I will.

Mr. THURMAN. Mr. President, I have tried for a good many years in the Senate to do what I thought the national honor, the principles of equity and good policy, if such a thing could be brought into this consideration, required the American Government to do. There have been very many things in the history of this world that no morality could justify; and among those things that no morality could justify is the extortion that the American Government and other governments exacted of the Government of Japan—a government and a people who are attached to America, who are friendly to America, and whose commerce is in the waters of America. Among the exactions enforced by superior power there are few that are less defensible than that by which we extorted from the Japanese Government that contribution which the bill of the Committee on Foreign Relations proposes to return. We claim that this is a government of morality;

we claim to be a government of justice; and if we are, how can we defend the retention of this money which no man who ever investigates the subject can say we were justified in taking?

Mr. President, I have argued this question over and over again during the time I have sat in the Senate, and I never have found a majority of the Senate opposed to the view which I entertained. I am very glad that the Committee on Foreign Relations has again reported, as every committee has reported, in favor of doing an act that would shed renown and glory upon the American Republic—the restitution of this money to Japan.

I am admonished that that is not the subject that is before the Senate; yet it is the subject that is before the Senate, because I understand that that bill is laid aside informally in order that some little bill about a tax on some company's checks or some individual's checks shall be remitted. Great God! what is that compared with the question of whether the great American Republic shall be an example to the world of justice? We got this money; we got it when we were not entitled to it; and when the question is between the great American Republic and the rest of the world whether we shall set an example that shall be like a shining light in all the future history of the world, we see it put aside to consider whether Peter Jones shall be excused from a tax on his check or not.

Now, I am in favor of the bill of my friend from Delaware; I will vote for it, and I hope the Senate will pass it right away and let Peter Jones and all those companies on Lake Superior who wished to issue $6,000,000 in notes be exempted from taxation, for I do not think a man ought to be taxed because he drew a check for his debt. But, Mr. President, is it not time for us to consider the question of whether this great Republic shall set an example that the world has never yet set, an example that ought to be set? When a great government has found that it has an advantage over a weak government, shall it wait and hold on to its ill-gotten gain, or shall it make restitution? Oh, Mr. President, never in the history of this world of ours will there have been such an example set in favor of morality, in favor of honesty, in favor of what I believe to be the true policy, as we shall set when we say to the Government of Japan, "We obtained from you what we ought not to have obtained, and we return it."

It may be that there is no such thing as morality in government; it may be that the strongest may do what they can; but we in America have thought that with our system of government there was a higher standard of morality; we have thought it behooved the great Republic of the world to set an example of morality and virtue as well as an example of strength.

Sir, I wish to say this night, after having studied this question again and again for twelve years, that no such bright example in history in this world will have been exhibited as when we have restored to Japan the money we had no right to extort from her.

Mr. CONKLING. Mr. President, whenever the distinguished leader of the democratic party takes ground in favor of doing what is right, I feel bound to join in following, and therefore I shall vote with the honorable Senator to refund this money in the interest which he has referred to so eloquently and so impressively. In the mean time, that we may be able to refund to Japan the money which the Senator says we ought not to have taken, I want to devote a moment to retaining, if I can, in the Treasury that which may be found necessary in the rendition of this very payment.

I had referred to an instance of a tax imposed in which the corporation at whom it was leveled went into court and obtained a verdict of a jury giving them back something more than a half million dollars on the ground that the tax was erroneously imposed. Manifestly, if we follow the report of the Committee on Finance, in place of resorting to the courts, that company should have come here and asked that by legislation interrupting and arresting not only existing proceedings but overthrowing a judgment of the Internal Revenue Bureau we should make immediate restitution to it.

I might put other cases which have fallen within my own observation in which this should have been done if it be right to do it in the instance now before the Senate. I think it was not right. It never occurred to me to advise any of the people who have been caught in instances of this sort that without going to the courts in either of the modes prescribed, without going to the three officers if they are three to whose discretion it is committed to accept compromises, they could come to Congress and by an act of legislation proceed to do such a thing. I said, and again I want to say, that this case, as I understand it, is not so clear as most of the other instances in behalf of the claimants. These notes, if I understand them, were notes issued and notes used as circulation——

Mr. BAYARD, and Mr. CAMERON of Pennsylvania. They were not.

Mr. CONKLING. Before either Senator corrects me, I beg him to loan me the form of the note, and before I read it I will say that it is not only a note issued by a corporation as circulation and used as circulation, but it is a note on its face a legal tender as between the person who used it and the person who received it.

Mr. COCKRELL. A legal-tender between the company and its employés?

Mr. CONKLING. If the Senator will be patient with me I will read the whole of it. I would not say what I have said unless I thought I knew what I am talking about. I say before reading it that it is not the instance of issuing to operatives an I O U or a certificate of indebtedness; on the contrary it is the emission of a volume of currency reaching nearly five million dollars, in denominations each note of $10, all alike, discarding all fractions, which on its face is irreconcilably repugnant to the idea that it was ever issued in the precise amount of accounts due for wages to different operatives. What was the form of this note?

Philadelphia and Reading Railroad Company. Wages certificate No. —. Philadelphia, September 18, 1879.

The Philadelphia and Reading Railroad Company promises to pay to the bearer hereof the sum of $10 on the 21st day of February, 1880, with interest from date, without defalcation, for value received.

This note is for wages due from the Philadelphia and Reading Railroad Company and will be received, either before or at its maturity, for the amount due thereon in payment for freight and toll bills of the Philadelphia and Reading Railroad Company, for coal bills of the Philadelphia and Reading Coal and Iron Company, or any other debts due to either of the said companies.

Is not that a legal tender by contract between these parties, to wit, the corporation that issues the notes and the bearer whoever the bearer may be, and in addition the Philadelphia and Reading Coal and Iron Company, a second corporation, which did not emit the note and which in some business arrangement stood in such privity with the corporation that did that the issuing corporation undertook to speak for it also and to say that the note should operate as a legal tender not only against the corporation which did issue it but against this other corporation as well?

Now, Mr. President, of this, four million eight hundred and odd thousand dollars in amount was issued, all in notes of $10 each alike, and all on their face and by their agreement performing every one of the functions of money between the parties and also between them and a third party. What does the statute say? That any corporation which issues notes which are used—not bank notes; not notes in the similitude or likeness of bank notes; but promissory notes which are used as circulation, shall pay a certain tax. That is the statute. A corporation emits nearly five million dollars in round numbers, not of notes in variety, not of notes to pay to any person the amount due to him, but notes all alike of $10 each, and says these notes are receivable for all debts whatsoever by the Reading Railway Company and also by the Reading Coal and Iron Company, another corporation, for freights, for tolls, for the carrying of coal, or for any other debt whatsoever.

It is not my business to express an opinion, and although the form of my statement may indicate it I do not intend to venture an opinion, whether the courts would decide that these notes are or are not exempt from taxation. That I conceive to be beside the purpose, for I can hardly think that the Senate on *ex parte* testimony and *ex parte* argument, or without any testimony, would take up and undertake judicially to pass upon a question of that sort. It is enough for me to know that here is a case presenting doubts so grave as this, and further to know that all other parties in any respect in like instance as far as I know, certainly those in my own State, have gone as they were compelled to go to the courts and litigated the question and had the courts decide whether they were liable to taxation or not. If they say they are not liable certainly there is a reasonable presumption that the court will decide the law as it is. Is there anything else that can be said? It is irksome to pay this tax; it is a hardship. Certainly it is. It is one of the hard features of the internal-revenue laws, not applicable to these parties more than to any other, but applicable to all parties alike; and now how can it be said that because a corporation or an individual has, in one House or the other House of Congress, somebody whose relations are such that they are able to get a hearing, which others might not be able to get, therefore this case shall be taken *ex gregɔ*, picked out of the flock, and all other persons remitted to the courts and these persons by a single act of legislation be exonerated?

I cannot see that any such thing ought to be done, and the more clear the matter is to this claimant, the more easy it is to go to the courts, the more easy it is to go to those officers who have the power to compromise if they want to pay a part; but I submit that unless other parties are to be treated in this way, it will hardly do, in presence of the fact that the Internal Revenue Department is insisting upon these things continually and the calendars of the courts illustrating the controversies to which they gave rise, for us just with the strong hand to assume this case and undertake to dismiss this tax without any opportunity, even if this was the proper place to do it, to investigate and understand its merits.

I have one other remark to make. My honorable friend from Pennsylvania [Mr. CAMERON] says to me that the company did not treat this note as circulation. Who knows anything about that? I mean in the sense that any court must act upon it.

Mr. CAMERON, of Pennsylvania. I know from statements of officers of the company that the notes when they came in were canceled.

Mr. CONKLING. My honorable friend discloses now that he means one thing and I mean another. Does the honorable Senator consider the notes of the Bank of England circulating notes?

Mr. CAMERON, of Pennsylvania. I believe their habit is to destroy them.

Mr. CONKLING. My honorable friend, acute as he always is, sees the point, and I do not want to say much about that. I say all the notes emitted by the greatest bank on this planet, whenever they once come back to the counter of that bank, never cross it again; but does anybody doubt that they are circulating notes?

Mr. CAMERON, of Pennsylvania. That is a matter of protection.

Mr. CONKLING. And then on the matter of protection; my honorable friend refers me to an equivalent fact. He says that when these certificates came back and reached the till of this corporation and were paid they were not put out again. Very likely. In the mean time what did the notes do, the ten-dollar notes constituting a total of nearly five million dollars payable to bearer, put into everybody's hands as a legal tender to the corporation for every conceivable debt? Is not that a circulating medium? Is not that a symbol of value? Is not that of the very essence of the function of circulation? Why, Mr. President, suppose it were provided, as it has as to some of them, that whenever a legal-tender note of the United States after its long, sinuous pilgrimage through the pockets of the people, comes back to the Treasury it should not be reissued?

Mr. SAULSBURY. I ask the Senator if these notes were at all different from a promissory note which I give to my creditor who chooses to use it; a promissory note payable at some future time, drawing interest? Can it be distinguished at all from the promissory note of an individual, my own or any other individual's, payable at a future time, drawing interest, which may be used by the party to whom I give it in the payment of some debt which he owes? I want to know what is the difference between the character of this note and the character of an ordinary promissory note?

Mr. CONKLING. There is a radical difference. In the first place, the honorable Senator is not a corporation, and we are dealing with a statute which refers to corporations. The Senator is not a corporation; he is not two corporations. Here is an instance of a large corporation carrying on a varied business with many persons. It issues a note, not like the Senator's note for a specific and exact sum of money due, but it issues a great body of ten-dollar notes; it makes them payable to bearer, and it says in the body of the note, as the Senator being an individual, a natural person, could not say with practical effect, that all these notes are receivable for every manner of debt or obligation by the one corporation which issues them in all its agencies and extensions and also by another corporation engaged in a different and various business. Here is the section and I read the operative words leaving out banks:

> Every corporation shall pay a like tax of 10 per cent. on the amount of notes used for circulation and paid out by them.

These are the operative words "used for circulation and paid out by them." Here are these notes—480,000 individual notes of $10 each. That I submit to the honorable Senator from Delaware is not like his one note to me for $55.53, if that is what he happens to owe me, or his check for that sum; 480,000 different notes all of the same amount, all payable to bearer, and all saying to all the bearers in Christendom that in their hands they are good in all the activities and business and branches of two great corporations for any debt whatever. Is not that circulation? Is not that the act of circulating?

Mr. SAULSBURY. Would that be any more circulation than if a company of men associated together in the mercantile business should give their note to a party who takes to them his produce and sells it and they buy it payable in notes and receive the notes in payment for hardware, or any other article in their line sold by them? Such a note goes out, it passes from hand to hand. I ask if one of these notes was any more circulation than an order that is payable in a particular article which the party may be engaged in the sale of?

Mr. CONKLING. I will answer the Senator by another supposition, if he will allow me. Suppose a number of persons associated in the dry goods business; a familiar illustration would be A. T. Stewart & Co. Suppose they agree that they will issue checks of the denomination of $10, 480,000 of them in number, and put on those checks that they shall run for a certain time, and then say that until that time and after that time, for that is what this says, both before and after maturity, they should be receivable by that mercantile association for all and all manner of debts. Will the honorable Senator from Delaware tell me that $4,800,000 of these pieces of paper, put out to circulate, stated on their face so that they might circulate not only till their maturity but afterwards, is not a circulating medium?

Mr. SAULSBURY. I should think the purpose for which they were issued had much to do with determining their character, whether they were a circulating medium or not.

Mr. CONKLING. If this mercantile association were in debt as is stated here, and they issued them to pay their debts in the first instance? Take that case.

Mr. SAULSBURY. Describing them as certificates given for indebtedness of the company?

Mr. CONKLING. Certainly.

Mr. SAULSBURY. I do not see that they fall under the clear, obvious meaning of that statute.

Mr. CONKLING. Will the Senator pardon me a moment?

Mr. SAULSBURY. The Senator will allow me.

Mr. CONKLING. But just at that point I am seeking light as the Senator seems to be. I shall get it, though he may fail. If the Senator writes in his check that it is given for an indebtedness, does he think that changes the nature of it? If he puts in his promissory note not only that this is for value received but that he has given it for an indebtedness, does he think that that changes the character of that piece of paper?

Mr. SAULSBURY. I think that has much to do with determining the character whether it was intended as a circulating medium or not. The object of that statute was to prevent any corporation from giving its obligations to be used as a circulating medium to pass from hand to hand in order to increase its own business; but I understand that these certificates of indebtedness were actually delivered to persons to whom the corporation was indebted. They were to pay that which the money in their coffers would not allow them to pay. Therefore their object in issuing the certificates was not to escape from any taxation properly attaching to their operations, but it was simply to discharge their debts to their operatives, and in the hands of their operatives these certificates were good to buy coal, to pay for freight, to buy anything which the company had to sell.

Mr. CONKLING. For all debts?

Mr. SAULSBURY. For all debts to the company.

Mr. CONKLING. Suppose these notes had recited that they were issued for borrowed money or issued to borrow money on, would that in the estimation of the Senator change their character?

Mr. SAULSBURY. I think it would, because that would be an operation by which the parties sought to obtain money for business purposes, in order that they might make money; but the object of these notes, as I understand, was simply to discharge the obligation which they owed to their employés. If they were in the hands of the employés, it is true they would enable their employés to buy such coal or iron or other things as the company had to dispose of, or to pay freight, or pay any indebtedness due to the company. I think the object had much to do in determining what their real character was.

Mr. CONKLING. The honorable Senator has made as clear no doubt as it can be made the distinction which he thinks he sees. I cannot see it. The only shadow of distinction that I see makes the other way in considering the immunities and privileges to which commercial paper is entitled. A case in which it is received for money paid at the time places it upon a higher footing than it has in the instance of being received in payment of a debt. The Senator reverses that and he says that if I, an individual, put out my checks in order to borrow money upon them, with which money I am going to take and pay my debts, that would be one thing; but if I say on their face that they are issued to pay my debts, then, although I do the same thing with them, that would be a different case.

I submit, Mr. President, that distinction is without a difference. The question all the time is whether a corporation issued these 480,000 pieces of paper to be used as circulation. If they did not intend them for that purpose, I think the phraseology is nonsensical; it was absurd to make payable to bearer and to provide expressly that they might be used if they did not intend that they should be. How the fact was we know nothing except that the Senator from Pennsylvania says that they were treated as every note of the Bank of England is treated without exception, namely, when they at last came back to the counter of the corporation that issued them, those notes went out no more, they were canceled. Unquestionably they never could have come back if they had not been used; they never could have found their way there if they had not been used.

But as I said before, it seems to me that is not the question before the Senate. The question is whether in the instance of existing proceedings Congress will interfere and set aside the pending adjudication of the Department, at least of the Internal Revenue Bureau; and I have heard—perhaps I ought not to say it in this debate—that the head of the Internal Revenue Bureau is not the only officer of the Government who has adjudicated this; I am told that this very question has been before the Law Department of the Government, and yet in spite of what is said, not referring it to the courts, not sending it where all other claimants are obliged to go, it is proposed that we take this up as an arbitrary act, because we have the power, and dismiss the whole thing.

Mr. CAMERON, of Pennsylvania. Will the Senator from New York allow me to say a word?

Mr. CONKLING. Certainly.

Mr. CAMERON, of Pennsylvania. My attention was called to this claim of the Government against the Reading Railroad Company some time since. I called, with the attorney of the Reading Railroad Company, upon the Commissioner of Internal Revenue to ask the officials to take it into court. They declined to settle the matter in that way. They required the company first to pay the money assessed as a tax. That was the statement of the Department; first the company must pay the money, and then bring suit to recover it. The Senator knows more about the law than I do, of course; but I know something about the merits of this case. The Reading Railroad Company, as every Senator probably knows, met with great pecuniary embarrassment. It had ten or twelve thousand employés, with no money in its coffers to pay them. To enable them to get their daily pay, it took this mode of relieving these people from distress and from starvation. Having done that, it probably admits a technical violation of the law, and comes to Congress and asks for relief, having relieved these people. That is the whole case in a nutshell. It was a good act on the part of the Reading Railraad Company, and deserves recognition from Congress, in my judgment.

Mr. CONKLING. Mr. President, I agree with every word that the honorable Senator from Pennsylvania has said. He has put this case in the most persuasive way and has put it in a way that I suppose, if addressed as the statute permits it to be to the officers of the Government whose business it is to pass upon this, the Attorney-General,

the Secretary of the Treasury, and the Commissioner of the Internal Revenue, it can hardly be possible on a state of facts like that that the Government as thus represented would stand upon a technical point. But when they come and ask us to adjudge that as matter of law, as has been argued here, this tax is not due and that we are going so to decide, that is a horse of a very different color. It is a decision that would fly in the face of other decisions made by courts and made by the Internal Revenue Department, and therefore I say that this bill in this form ought not to be adopted.

My honorable friend told us that he went, very properly and very kindly, with the representatives of this corporation and presented the question to the Commissioner of Internal Revenue, and although the Senator himself took the trouble to go there and although we know that his going secured the attention and the friendly attention of this officer, what did he say? That he, the Commissioner of Internal Revenue, standing upon the law and sworn to execute it, could do nothing except to insist upon this tax, thereby affirming in the most solemn manner his judgment that the law covered the tax.

Now, change the argument. Present to the officers of the Government the meritorious and praiseworthy act to which the honorable Senator has referred; dismiss technicalities, and say "Conceding that technically the tax is due, we ask to adjust this upon fair principles, right between man and man, right on the part of officials who have a heart to feel and a head to think," and then if the officials refuse to do that and you come here with a bill not trampling the law under foot but proposing to accept a fair compromise, I will say to the honorable Senator in advance, without meaning to make any technical pledge, that he will find me by his side for doing a fair and liberal thing; but that is no reason why we should undertake to adjudge in this case that on facts like these the Government is technically wrong and that no tax is due.

Mr. BALDWIN. Will the Senator having this bill in charge kindly consent to lay it aside temporarily for a moment that the Senate may give present consideration to the bill that will take not more than a minute?

The PRESIDING OFFICER. The Senator from Michigan asks consent of the Senate to lay this bill aside temporarily, in order to take up another indicated by him.

Mr. BALDWIN. It is a bill which will not take more than a minute. This is the first time during the session, I believe, that I have asked such a favor.

Mr. BAYARD. The joint resolution for the relief of the Reading Railroad Company is before the Senate.

The PRESIDING OFFICER. That is before the Senate, and the Senator from Michigan asks that it be temporarily laid aside.

Mr. BAYARD. I hope not.

Mr. BALDWIN. The bill I ask to take up will excite no discussion.

The PRESIDING OFFICER. Is there objection?

Mr. BAYARD. Yes, sir, this resolution must go on.

The PRESIDING OFFICER. The Senator from Delaware objects to the request of the Senator from Michigan.

Mr. KERNAN. I move that the Senate do now adjourn.

Mr. HARRIS. Had we not better take a recess?

Mr. KERNAN. Allow me to make a statement? We have accepted the invitation of the House of Representatives to attend the services ordered this evening in commemoration of Hon. FERNANDO WOOD, and I presume we cannot properly sit here while they are going on. That is the reason why I must insist on the motion. If it were not for that I would yield for a recess.

The PRESIDING OFFICER. Does the Senator from New York insist on his motion to adjourn?

Mr. KERNAN. I yield for a moment to the Senator from Connecticut.

Mr. EATON. I ask that the bill which was under consideration when I gave way temporarily to the Senator from Delaware be taken up so that it may be the order of the day.

The PRESIDING OFFICER. The Senator from Connecticut has a right to call it up it having been informally laid aside subject to his call. The title of the bill will be reported.

The CHIEF CLERK. "A bill (S. No. 2022) in relation to the Japanese indemnity fund."

Mr. KERNAN. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at six o'clock and eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 28, 1881.

The House met at eleven o'clock a. m. Prayer by Rev. DAVID WILLS, chaplain United States Army.

The Journal of Saturday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, with amendments, in which concurrence was requested.

It further announced the passage of the following bill and joint resolution, without amendment:

A bill (H. R. No. 6717) for allowance of certain claims reported by the accounting officers of the Treasury Department; and

Joint resolution (H. R. No. 401) in relation to the barge W. J. Spicer.

DECADENCE OF AMERICAN COMMERCE.

Mr. REAGAN. I rise to a privileged question. On Saturday the gentleman from Massachusetts, [Mr. RUSSELL,] by unanimous consent, presented the report of the sub-committee of the Committee on Commerce, authorized under House resolution of June 4, 1879, to inquire into the causes of the decadence of the merchant marine; which was ordered to be printed and recommitted. The Journal makes no statement of the fact that the minority of the committee had leave to print with the majority report the views of the minority. I do not know whether it is necessary that fact should appear upon the Journal; but I ask the question?

The SPEAKER. The RECORD and Journal are exactly in accord. There seems to have been no privilege given to the minority to present their views. The Chair will now ask, by unanimous consent, that the views of the minority may be allowed to be presented and printed in connection with the report of the committee.

There was no objection, and it was ordered accordingly.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The previous question prevailing, the yeas and nays have been ordered on an amendment reported from the Committee of the Whole on the state of the Union, which the Clerk will read.

The Clerk read as follows:

Strike out the following proviso in relation to the Columbian Institution for the Deaf and Dumb:

"*Provided*, Hereafter one-half of the expenses of this institution shall be paid out of the revenues of the District of Columbia."

The SPEAKER. The Clerk will call the roll.

The Clerk proceeded to call the roll.

Mr. ATKINS. Mr. Speaker, I do not think the House understands the effect of that provision.

The SPEAKER. The question is on concurring in the recommendation of the Committee of the Whole House on the state of the Union, which is to strike out the proviso just read.

Mr. HUNTON. If there is an explanation desired of the effect of this proviso I will make it for the gentleman.

Mr. ATKINS. I do not suppose the gentleman wants us to vote in the dark upon it.

Mr. HUNTON. By no means.

Mr. ATKINS. Unless the effect of that amendment is clearly explained to the House I shall feel it my duty to decline to vote.

Mr. ROBESON. Mr. Speaker, those who vote "ay" vote to strike out the proviso; those who vote "no," to retain it.

The SPEAKER. The Chair has already so stated.

Mr. STEPHENS. Let the whole text be read as it will stand if that paragraph is stricken out.

The amendment was again reported.

The question was taken; and there were—ayes 136, noes 106, not voting 48; as follows:

YEAS—136.

Aiken,	Deering,	Kenna,	Ryon, John W.
Aldrich, N. W.	Dick,	Ketcham,	Sapp,
Aldrich, William	Dunnell,	King,	Sawyer,
Bailey,	Dwight,	Lapham,	Scoville,
Ballou,	Ellis,	Lindsey,	Shelley,
Barber,	Errett,	Manning,	Sherwin,
Bayne,	Ferdon,	Martin, Benj. F.	Singleton, J. W.
Belford,	Fisher,	Martin, Edward L.	Slemons,
Beltzhoover,	Forsythe,	Mason,	Smith, A. Herr
Bicknell,	Frye,	McCook,	Smith, William H.
Bisbee,	Gibson,	McGowan,	Speer,
Blake,	Gillette,	McKinley,	Starin,
Bowman,	Goode,	McLane,	Stephens,
Boyd,	Hammond, John	Miles,	Stone,
Brigham,	Harmer,	Miller,	Talbott,
Browne,	Harris, Benj. W.	Money,	Taylor, Ezra B.
Buckner,	Harris, John T.	Monroe,	Thomas,
Butterworth,	Hawk,	Neal,	Thompson, W. G.
Calkins,	Hawley,	Newberry,	Townsend, Amos
Camp,	Hayes,	Norcross,	Tucker,
Carpenter,	Hazelton,	O'Neill,	Updegraff, J. T.
Caswell,	Heilman,	O'Reilly,	Urner,
Chalmers,	Henkle,	Orth,	Valentine,
Chittenden,	Hiscock,	Osmer,	Van Aernam,
Clardy,	Horr,	Overton,	Voorhis,
Conger.	Hubbell,	Pacheco,	Ward,
Cowgill,	Humphrey,	Page,	Washburn,
Crapo,	Hunton,	Price,	Wilber,
Crowley,	Johnston,	Ray,	Willits,
Daggett,	Jones,	Reed,	Wise,
Davidson,	Jorgensen,	Rice,	Wood,
Davis, George R.	Joyce,	Robertson,	Yocum,
Davis, Horace	Keifer,	Robeson,	Young, Casey
De La Matyr,	Kelley,	Robinson,	Young, Thomas L.

NAYS—106.

Acklen,	Bland,	Burrows,	Clements,
Anderson,	Blount,	Cabell,	Clymer,
Armfield,	Bouck,	Caldwell,	Cobb,
Atherton,	Bragg,	Cannon,	Coffroth,
Atkins,	Brewer,	Carlisle,	Colerick,
Berry,	Briggs,	Clark, Alvah A.	Converse,
Blackburn,	Bright,	Clark, John B.	Cook,

Cox,	Hill,	Phelps,	Thompson, P. B.
Cravens,	Hooker,	Philips,	Tillman,
Culberson,	Hostetler,	Phister,	Turner, Oscar
Davis, Lowndes H.	Hutchins,	Poehler,	Turner, Thomas
Deuster,	Kimmel,	Prescott,	Updegraff, Thomas
Dibrell,	Klotz,	Reagan,	Vance,
Dickey,	Knott,	Richardson, J. S.	Van Voorhis,
Dunn,	Ladd,	Richmond,	Weaver,
Elam,	Le Fevre,	Ross,	Wellborn,
Evins,	Lounsbery,	Rothwell,	Wells,
Felton,	Lowe,	Ryan, Thomas	White,
Forney,	McCoid,	Samford,	Whiteaker,
Frost,	McKenzie,	Scales,	Whitthorne,
Gunter,	McMahon,	Simonton,	Williams, Thomas
Hall,	McMillin,	Smith, Hezekiah B.	Willis,
Hammond, N. J.	Mills,	Sparks,	Wilson,
Haskell,	Morrison,	Springer,	Wright,
Hatch,	Muldrow,	Steele,	Yeates.
Herbert,	New,	Stevenson,	
Herndon,	Nicholls,	Taylor, Robert L.	

NOT VOTING—48.

Bachman,	Ford,	Loring,	Richardson, D. P.
Baker,	Fort,	Marsh,	Russell, Daniel L.
Barlow,	Geddes,	Mitchell,	Russell, Wm. A.
Beale,	Godshalk,	Morse,	Shallenberger,
Bingham,	Henderson,	Morton,	Singleton, O. R.
Bliss,	Henry,	Muller,	Townshend, R. W.
Claflin,	Houk,	Murch,	Tyler,
Covert,	House,	Myers,	Upson,
Davis, Joseph J.	Hurd,	O'Brien,	Waddill,
Einstein,	James,	O'Connor,	Wait,
Ewing,	Killinger,	Persons,	Warner,
Finley,	Kitchin,	Pound,	Williams, C. G.

So the amendment was agreed to.

Mr. FORD. Mr. Speaker, I ask consent to record my vote.

The SPEAKER. The gentleman does not appear to have answered to his name on either call of the roll.

Mr. FORD. I was present in the House during the roll-call.

The SPEAKER. The Chair is unable to ask unanimous consent if the gentleman failed to respond to his name when it was called.

The following additional pairs were announced:

Mr. JAMES with Mr. O'BRIEN.

Mr. EINSTEIN, on all political questions, with Mr. MULLER.

Mr. SINGLETON, of Mississippi, with Mr. POUND.

Mr. WILLIAMS, of Wisconsin, with Mr. GEDDES.

Mr. HENDERSON with Mr. TOWNSHEND of Illinois.

Mr. ORTH with Mr. MYERS.

Mr. RUSSELL, of Massachusetts, and Mr. UPSON, on this vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will read the next amendment reported from the Committee of the Whole.

The Clerk read as follows:

In line 1162 insert the following:

"To supply district judges and district attorneys, who have not already received the same, with the reports of the Supreme Court and Statutes at Large of the United States, and also to furnish complete sets of the same where there are none, at such points where United States courts are authorized to be held, and to supply broken sets where there are missing volumes, a sufficient sum of money is hereby appropriated."

The amendment was agreed to.

The Clerk read the next amendment reported from the Committee of the Whole, as follows:

To enable the Attorney-General to provide for the preservation of the records of the United States courts at Frankfort, Kentucky, by rebinding, indexing, and arranging the same under his direction, $1,000.

The amendment was agreed to.

The Clerk read the next amendment reported from the Committee of the Whole, as follows:

After the amendment just reported insert the following:

"For the purpose of preparing and publishing the reports of the supreme court of the Territory of Wyoming during the March term, 1878 to 1881, $1,000."

The amendment was agreed to.

The Clerk read the next amendment reported from the Committee of the Whole, as follows:

In line 1214, after the word "rejection," insert the following:

"*Provided*, That the commissioners on the part of the United States shall be instructed to agree to no adjustment which does not recognize silver coin as a part of the money system of the governments joining in such conference."

Mr. WARNER. I ask the attention of the House on that question. It is inconsistent with the rest of the provisions of that paragraph. If the House will allow me a moment to explain the reason of this objection——

Mr. BLOUNT. I object.

Mr. WARNER. I call for a division upon this proposition.

The House divided; and there were—ayes 55, noes 85.

Mr. BLAND. I demand tellers.

Tellers were not ordered, seventeen members only voting in favor thereof.

So the amendment as reported from the Committee of the Whole was disagreed to.

The SPEAKER. The Clerk will read the next amendment reported from the Committee of the Whole.

The Clerk read as follows:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 15th day of June, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. KEIFER. I desire to ask unanimous consent of the House to strike out from the amendment of the Committee of the Whole the words "15th day of June" and insert in lieu thereof "the 1st day of July." My object in doing this is to include others who would be omitted under the provisions of the amendment as at present incorporated in the bill, and who are just as much entitled to the one month's extra pay as those who will receive it under the terms of the amendment as it stands.

The SPEAKER. Does the gentleman contemplate the insertion in this of the session employés as well?

Mr. KEIFER. No, sir; that is not the effect of it. It has no reference to the session employés.

Mr. MARTIN, of Delaware. I propose to further perfect the text.

The SPEAKER. It can be done only by unanimous consent.

Mr. WHITE. Let the proposed modification be read. I reserve the right to object to it.

The SPEAKER. The gentleman reserves the right to object.

Mr. MARTIN, of Delaware. I wish to perfect the amendment further by adding after the change suggested by the gentleman from Ohio the words "and the 1st day of March, 1881."

The SPEAKER. It might perhaps be better to have the corrections made in the Senate.

Mr. BLOUNT. I hope the gentleman from Ohio will accept the modification of the gentleman from Delaware.

Mr. WHITE. Let the amendment first be read as the gentleman from Ohio [Mr. KEIFER] now proposes to amend it.

The Clerk read as follows:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. BLOUNT. I shall not object if the gentleman accepts the modification suggested by the gentleman from Delaware.

Mr. KEIFER. Let this be agreed to first, and then I will make the request to add the words proposed by the gentleman from Delaware.

The SPEAKER. The proposition of the gentleman from Ohio is to strike out the words "the 15th day of June" and to insert in lieu thereof "the 1st day of July," the effect of which the Chair is unable to state.

Mr. KEIFER. The effect of this is to include those who were on the roll on the 1st of July and not before that time; those who went into the folding-room and worked all through the vacation.

Mr. ARMFIELD. I object to the amendment offered by the gentleman from Ohio unless that of the gentleman from Delaware be also admitted.

The SPEAKER. The Chair cannot entertain an objection qualified in that way. The gentleman has a right to object absolutely, and that would put an end to the proposition of the gentleman from Ohio.

Mr. ARMFIELD. I do not insist on the objection.

Mr. KEIFER. If there be no objection to my proposition I will make the further request——

The SPEAKER. Is there objection to the gentleman from Ohio being permitted to offer the amendment to strike out "the 15th day of June" and insert "the 1st day of July?"

There was no objection.

Mr. KEIFER. Now I ask unanimous consent——

Mr. MCMILLIN. I object to any further amendment.

Mr. KEIFER. I ask unanimous consent to add——

The SPEAKER. The gentleman from Tennessee objects to any further amendment.

Mr. KEIFER. He has not heard my proposition.

The SPEAKER. He objects, nevertheless.

Mr. KEIFER. He will not object to my making a proposition.

The SPEAKER. The Chair objects to that; because it is a needless taking up of time after objection has been made.

Mr. HATCH. I demand the regular order.

The question being taken on Mr. KEIFER'S amendment to the amendment, it was agreed to.

Mr. MCMILLIN. I withdraw my objection to the other proposition.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] has demanded the regular order, which practically cuts off any further amendment.

Mr. HATCH. My object in demanding the regular order was that the matter should be stated and voted on without discussion. My objection was to any further waste of time.

Mr. KLOTZ. I ask unanimous consent to add the Capitol police.

Mr. VANCE. And the watchmen.

Mr. HAYES. I demand the regular order. I object to any further amendment. All this can be done in the Senate if necessary.

The question being taken on the amendment of the Committee of the Whole as amended, it was agreed to.

The next amendment reported from the Committee of the Whole was read, as follows:

After the amendment just adopted, insert:

"That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to Charles Diemar a sum equal to one month's pay at the date of his discharge from the disabled soldiers' roll."

The amendment was agreed to.

The next amendment reported from the Committee of the Whole was read, as follows:

After line 1235 insert "to be made immediately available."

The amendment was agreed to.

The next amendment reported from the Committee of the Whole was read, as follows:

After line 1238 insert "which amount shall be immediately available."

The amendment was agreed to.

The next amendment reported from the Committee of the Whole was read, as follows:

After line 1242 insert "M. P. O'Connor, $2,000; E. W. M. Mackey, $2,000."

Mr. ATHERTON. I will require a separate vote on each of the amendments relating to contested-election cases unless I can have the consent of the House to have one vote taken upon them all. I think we can economize the time of the House and accomplish everything we desire by taking a yea-and-nay vote on all the amendments together that propose to increase the amounts in contested-election cases. If that cannot be agreed to, I will demand a separate vote on each amendment.

The SPEAKER. An amendment coming from the Committee of the Whole House on the state of the Union cannot be divided; and the Chair does not know any way in which an aggregate of amendments can be voted on in the way suggested.

Mr. BLOUNT. I call for the regular order. We will get through more quickly by proceeding regularly.

Mr. WHITE. Just one moment. There are a number of amendments of the same character. I suggest we shall have two votes, one against all the amendments relating to expenses of contested-election cases inserted by the Committee of the Whole, and another separate yea-and-nay vote on all amendments which appropriate more than $2,000.

The SPEAKER. There is no way in which that can be done under the rule; an amendment coming from the Committee of the Whole must be voted on in its entirety.

Mr. WHITE. I have made the proposition in order to save time. Two yea-and-nay votes, I think, would settle the principle.

Mr. BLOUNT. I insist on the regular order.

Mr. WHITE. I call for the yeas and nays on the amendment.

On the question of ordering the yeas and nays, there were—ayes 4; not a sufficient number.

So the yeas and nays were not ordered; and the amendment was agreed to.

The next amendment reported from the Committee of the Whole was read, as follows:

After line 1244, insert:
"To pay John J. Wilson, $750; J. C. Holmes, $750; James McCabe, $500."

The question being taken on agreeing to the amendment, there were—ayes 75, noes 77.

Mr. SPRINGER. I call for tellers.

On the question of ordering tellers, there were ayes 26.

The SPEAKER. Tellers are not ordered.

Mr. SPRINGER. Let the other side be counted.

The SPEAKER. The gentleman on the question of ordering tellers is not entitled to have the other side counted, because the rule requires one-fifth of a quorum, namely, thirty members, to order tellers. The gentleman can call for the yeas and nays.

Mr. SPRINGER. This is as good a case as any for a test, and I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 17; not a sufficient number.

Mr. SPRINGER. I call for tellers on the yeas and nays.

Tellers on the yeas and nays were not ordered.

So the yeas and nays were not ordered; and the amendment was not agreed to.

The next amendment reported from the Committee of the Whole was read by the Clerk, as follows:

After line 1254 insert:
"E. Moody Boynton, $2,000.
"Godlove S. Orth, $500."

Mr. SPRINGER. Those are two separate amendments and should be voted upon separately.

Mr. HAYES. Do they not come from the Committee of the Whole as one amendment?

THE SPEAKER. The Clerk informs the Chair they were offered as separate amendments and adopted by separate votes. The question will be taken upon agreeing to the first amendment.

The first amendment was as follows:

E. Moody Boyton, $2,000.

The amendment was agreed to upon a division—ayes 96, noes 18; no further count being called for.

The next amendment reported from the Committee of the Whole was read, as follows:

Godlove S. Orth, $500.

Mr. SPARKS. The proposition to pay McCabe, the contestant, was voted down.

Mr. PHISTER. We either ought to give McCabe $500 or else not pay either.

Many MEMBERS. Regular order!

The SPEAKER. Debate is not in order.

The question was taken upon agreeing to the amendment, and upon a division there were—ayes 91, noes 42.

Before the result of the vote was announced,

Mr. SPARKS called for the yeas and nays.

Mr. SPRINGER. I hope the yeas and nays will not be taken, but that we will agree to include—[cries of "Regular order!"]

The SPEAKER. Debate is not in order.

The yeas and nays were not ordered, there being but 3 in the affirmative.

So the amendment was agreed to.

The next amendment reported from the Committee of the Whole was as follows:

To pay Frank Galt, assistant to the journal clerk, his salary for December, 1880, and up to and including January 27, 1881, at $6 per day, the pay of a committee clerk, $318, to be immediately available.

The amendment was agreed to.

The next amendment reported from the Committee of the Whole was to insert after line 1264 of the bill the following:

A. G. Curtin, $8,000; Seth H. Yocum, $8,000.

Mr. BLOUNT. Upon agreeing to that amendment I call for the yeas and nays.

The yeas and nays were ordered, there being 49 in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 124, nays 103, not voting 63; as follows:

YEAS—124.

Acklen,	Converse,	Keifer,	Ryon, John W.
Aldrich, William	Cowgill,	Kelley,	Sapp,
Anderson,	Crowley,	Kenna,	Sawyer,
Atkins,	Daggett,	Klotz,	Shallenberger,
Bachman,	Davidson,	Ladd,	Sherwin,
Bailey,	Davis, George R.	Lindsey,	Slemons,
Baker,	Davis, Horace	Lowe,	Speer,
Barber,	De La Matyr,	Manning,	Springer,
Bayne,	Dunnell,	Mason,	Starin,
Belford,	Dwight,	McCook,	Stephens,
Beltzhoover,	Errett,	McGowan,	Stevenson,
Bingham,	Ferdon,	McKinley,	Talbott,
Bisbee,	Finley,	Miller,	Taylor, Ezra B.
Blackburn,	Fisher,	Monroe,	Thompson, W. G.
Blake,	Ford,	Morton,	Townsend, Amos
Bliss,	Forsythe,	Muldrow,	Turner, Thomas
Boyd,	Gillette,	Norcross,	Tyler,
Brigham,	Goode,	O'Neill,	Updegraff, Thomas
Burrows,	Harmer,	O'Reilly,	Van Aernam,
Butterworth,	Haskell,	Osmer,	Vance,
Caldwell,	Hawk,	Overton,	Voorhis,
Calkins,	Hawley,	Pacheco,	Ward,
Camp,	Hazelton,	Page,	Weaver,
Cannon,	Heilman,	Phister,	Williams, C. G.
Carpenter,	Hiscock,	Ray,	Willits,
Caswell,	Horr,	Reed,	Wilson,
Claflin,	Hubbell,	Richardson, J. S.	Wise,
Clark, Alvah A.	Humphrey,	Richmond,	Wood,
Coffroth,	Hunton,	Robeson,	Wright,
Colerick,	Jones,	Rothwell,	Yeates,
Conger,	Jorgensen,	Ryan, Thomas	Young, Thomas L.

NAYS—103.

Aiken,	Davis, Lowndes H.	Le Fevre,	Scales,
Aldrich, N. W.	Deuster,	Lounsbery,	Scoville,
Armfield,	Dibrell,	Martin, Benj. F.	Shelley,
Atherton,	Dickey,	Martin, Edward L.	Simonton,
Beale,	Dunn,	McKenzie,	Smith, A. Herr
Berry,	Elam,	McLane,	Smith, Hezekiah B.
Bicknell,	Evins,	McMahon,	Smith, William E.
Bland,	Felton,	McMillin,	Sparks,
Blount,	Forney,	Miles,	Steele,
Bouck,	Geddes,	Mills,	Taylor, Robert L.
Bowman,	Gunter,	Morrison,	Thomas,
Bragg,	Hall,	Morse,	Thompson, P. B.
Briggs,	Hammond, N. J.	Myers,	Tillman,
Bright,	Harris, John T.	New,	Turner, Oscar
Buckner,	Hatch,	Nicholls,	Updegraff, J. T.
Cabell,	Herbert,	Persons,	Van Voorhis,
Chalmers,	Herndon,	Phelps,	Wait,
Chittenden,	Hill,	Philips,	Wellborn,
Clardy,	Hooker,	Poehler,	Wells,
Clark, John B.	Hostetler,	Prescott,	White,
Clements,	Johnston,	Reagan,	Whiteaker,
Cobb,	Joyce,	Rice,	Whitthorne,
Cook,	Ketcham,	Richardson, D. P.	Wilber,
Crapo,	Kimmel,	Robinson,	Williams, Thomas
Cravens,	King,	Ross,	Willis.
Culberson,	Lapham,	Samford,	

NOT VOTING—63.

Ballou,	Frye,	Knott,	Russell, Daniel L.
Barlow,	Gibson,	Loring,	Russell, W. A.
Brewer,	Godshalk,	Marsh,	Singleton, J. W.
Browne,	Hammond, John	McCoid,	Singleton, O. R.
Carlisle,	Harris, Benj. W.	Mitchell,	Stone,
Clymer,	Hayes,	Money,	Townshend, R. W.
Covert,	Henderson,	Muller,	Tucker,
Cox,	Henkle,	Murch,	Upson,
Davis, Joseph J.	Henry,	Neal,	Urner,
Deering,	Houk,	Newberry,	Valentine,
Dick,	House,	O'Brien,	Waddill,
Einstein,	Hurd,	O'Connor,	Warner,
Ellis,	Hutchins,	Orth,	Washburn,
Ewing,	James,	Pound,	Yocum,
Fort,	Killinger,	Price,	Young, Casey.
Frost,	Kitchin,	Robertson,	

So the amendment was agreed to.

The following additional pairs were announced:

Mr. ELLIS with Mr. MITCHELL, on this vote.

Mr. RUSSELL, of Massachusetts, with Mr. UPSON, on the sundry civil appropriation bill.

Mr. MONEY with Mr. STARIN, for this day, on all questions except to make a quorum.

Mr. URNER with Mr. DICK, on this vote.

The result of the vote was then announced as above stated.

Mr. KEIFER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WEAVER. I ask consent to print in the RECORD some remarks on the amendment just adopted.

There was no objection. [See following.]

Mr. WEAVER. Mr. Speaker, I wish to submit a few remarks touching the amendment to pay the expenses in the contested-election case of Curtin *vs.* Yocum. This was an extraordinary case. There were over twenty-four hundred witnesses examined and over ten thousand pages of printed matter submitted in this case to the consideration of the committee. The Election Committee concluded to recommend the allowance of $8,500 to each of these contestants, although the sworn vouchers on file with the committee establish the fact that Andrew G. Curtin expended in legitimate costs the sum of $14,842, and that Seth H. Yocum expended the sum of $13,213.01.

Now, this amendment only allows the parties about one-half of their actual legitimate expenses. It is a case of extreme hardship. The whole country is interested that no man shall retain his seat here who is not honestly elected, and we must all protect the purity of this body; and yet in this instance, even after paying the sum authorized in this amendment, we are protecting the interests of the whole people and the dignity of this House at the expense of these parties. The following tables will show the items of expenditure of both the contestant and contestee, though other items expended, not herein exhibited, would increase the amount several thousand dollars:

Hon. A. G. Curtin *vs.* Hon. S. H. Yocum. Contested-election case. Twentieth district of Pennsylvania.

Contestee's bill of expenses.

SUMMARY.

1. Centre County	$4,446 25
2. Clearfield County	3,953 58
3. Clinton County	1,814 41
4. Elk County	2,179 95
5. Mifflin County	513 25
6. Union County	305 57
	13,213 01

Incidental expenses for wagons, carriages, hotel bills, expenses at Washington, consisting of clerk hire, hotel bill, telegraphing, and other necessary expenses, but not included in above bills, about three thousand dollars.

CITY OF WASHINGTON,
District of Columbia, ss:

S. H. Yocum, the contestee within named, being duly sworn according to law, doth depose and say that the within bill of contest expenses, amounting to the sum of $13,213.01, is correct and true, so far as made by himself, and as to so much as is made by others he believes the same to be correct and true. And further saith not.

S. H. YOCUM.

Sworn to and subscribed before me this 28th day of February, A. D. 1881.
[SEAL.] FRANK GALT, *Notary Public.*

Expenses in contest—Curtin vs. Yocum.

	Witness fees, voucher No. 1.	Commissioners' fees, voucher No. 4.	Miscellaneous expenses, voucher No. 2.	Voucher No. 3.	Clerking expenses, voucher No. 5.	Total.
Centre County	$1,478 22	$921 24	$1,535 31	.....	$625 65	$4,587 42
Clinton County	.....	345 00	.....	.....	.....	2,307 43
Clearfield County	.....	.....	.....	.....	.....	2,511 79
Elk County	1,076 99	626 35	.....	.....	.....	1,703 34
Mifflin County	.....	.....	.....	.....	.....	723 00
Union County	97 50	52 50	.....	.....	.....	150 00
Attorneys' fees	.....	.....	.....	$1,500 00	?	3,674 00
Attorneys' fees	.....	.....	.....	2,174 00	?	
Total expenses	.....	.....	.....	.....	.....	14,842 00

William H. Blair, attorney for A. G. Curtin, the above-named contestant, being duly sworn according to law, did depose and say that the above statement of disbursements for expenses necessary in carrying on said contest is correct; that he has actually paid the above amount of $14,842, (with the exception of $1,845 which is still due, contestant being liable therefor;) that he, the said deponent, had entire charge of the disbursements on part of contestant, and knows of his own personal knowledge that the above statement is correct and true.

WM. H. BLAIR.

Subscribed and sworn to before me this 21st day of May, 1880.

CHAS. B. BEALL,
Notary Public.

The next amendment reported from the Committee of the Whole was to insert after the amendment just adopted the following:

That the sum of $1,500 be, and the same is hereby, appropriated, in addition to the sums heretofore appropriated in this bill, respectively, to Noble A. Hull, Horatio Bisbee, jr., Ignatius Donnelly, and W. D. Washburn.

To Joseph Mason, $2,000.

To Jesse J. Yeates and J. J. Martin, $250 each, in addition to the amounts heretofore appropriated to them in this bill.

Mr. WHITE. I call for a division on that amendment.

The SPEAKER *pro tempore*, (Mr. MCMILLIN.) The amendment is reported from the Committee of the Whole as a single amendment, and under the rule cannot be divided.

Mr. WHITE. The chairman of the Committee of the Whole on Saturday, in answer to an inquiry, stated that the amendment could be divided. It certainly is susceptible of a division under the rule, and I ask for a division.

The SPEAKER *pro tempore*. The amendment could have been divided in Committee of the Whole; but the Chair knows of no rule under which it can be divided in the House.

Mr. BURROWS. The amendment was an entirety, and so reported from the Committee of the Whole.

Mr. SPARKS. Does the Speaker rule that this amendment cannot be divided? The Chair will notice that four or five or six of these items are increases, while only one is an original proposition.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the amendment was reported to the House from the Committee of the Whole as one amendment, and being so reported there can now be no division of the amendment.

Mr. WHITE. Now, Mr. Speaker, I call attention to the sixth clause of Rule XVI:

On the demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

I submit that this amendment embraces several substantive and distinct propositions; and I know no rule which prohibits these being voted upon separately.

The SPEAKER *pro tempore*. The Clerk will read the rule which governs on this question.

The Clerk read as follows:

An amendment reported from the Committee of the Whole as an entire amendment is not divisable.

Mr. WHITE. From what does the Clerk read?

The SPEAKER *pro tempore*. From the Manual, page 204.

Mr. WHITE. The chairman of the Committee of the Whole on Saturday evening said, as the RECORD shows, that this amendment was divisable.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania that if a division had been called for in the Committee of the Whole, the amendment would have been divided, but there having been no demand for a division in the Committee of the Whole, and the amendment having been reported to the House as a whole, it must now be acted on as an entirety.

Mr. WHITE. I gave notice in Committee of the Whole——

Mr. BLOUNT. I call for the regular order.

Mr. WHITE. I gave notice in Committee of the Whole that I would call for a distinct vote by yeas and nays on these separate items, and the RECORD so shows.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania can have a yea-and-nay vote in the House on the amendment, if the demand for the yeas and nays be sustained by one-fifth of the members present.

Mr. WHITE. But I gave notice in the Committee of the Whole that I would call for a separate vote in the House on each item of this amendment.

The SPEAKER *pro tempore*. But the Chair would state to the gentleman from Pennsylvania that inasmuch as a division was not demanded in the Committee of the Whole——

Mr. WHITE. I say it was demanded. I gave notice that I would call for a separate vote.

The SPEAKER *pro tempore*. But no division of the question on the amendment was called for and taken in the Committee of the Whole, and the Chair cannot recognize any amendment except as reported from the Committee of the Whole.

Mr. SPARKS. Will the Chair allow me to make an inquiry?

The SPEAKER *pro tempore*. The gentleman can make a parliamentary inquiry.

Mr. SPARKS. Did not Mr. Mason get $2,000 last year for the expenses of his contest?

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. SPARKS. I did not ask it as a parliamentary inquiry. I understand such is the fact.

The SPEAKER *pro tempore*. The question is on the amendment as just reported.

The question being taken, there were—ayes 77, noes 47.

Mr. WHITE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 83, not voting 64; as follows:

YEAS—133.

Acklen,	Bailey,	Blake,	Calkins,
Aiken,	Baker,	Bliss,	Camp,
Aldrich, William	Barber,	Boyd,	Cannon,
Anderson,	Bayne,	Brigham,	Carpenter,
Armfield,	Beltzhoover,	Burrows,	Caswell,
Bachman,	Bingham,	Butterworth,	Chittenden,

Claflin,	Hawk,	Morton,	Smith, William E.
Colerick,	Hawley,	Muldrow,	Speer,
Conger,	Hazelton,	Myers,	Starin,
Converse,	Heilman,	Nicholls,	Stephens,
Cook,	Herndon	Norcross,	Talbott,
Cowgill,	Hill,	O'Reilly,	Taylor, Ezra B.
Cravens,	Hiscock,	Osmer,	Taylor, Robert L.
Crowley,	Horr,	Overton,	Thomas,
Daggett,	Humphrey,	Page,	Thompson, W. G.
Davidson,	Jones,	Persons,	Townsend, Amos
Davis, George R.	Jorgensen,	Phister,	Tyler,
Davis, Horace	Keifer,	Poehler,	Updegraff, J. T.
De La Matyr,	Kelley,	Prescott,	Urner,
Deering,	Kenna,	Price,	Valentine,
Dickey,	Ketcham,	Ray,	Van Aernam,
Dunn,	King,	Reed,	Vance,
Dunnell,	Klotz,	Richardson, D. P.	Voorhis,
Dwight,	Ladd,	Richardson, J. S.	Ward,
Errett,	Lapham,	Richmond,	Willits,
Evins,	Loring,	Robeson,	Wilson,
Ferdon,	Manning,	Rothwell,	Wood,
Fisher,	McCoid,	Russell, Daniel L.	Wright,
Forsythe,	McCook,	Ryan, Thomas	Yocum,
Fort,	McGowan,	Ryon, John W.	Young, Casey
Frye,	McKinley	Sawyer,	Young, Thomas L.
Goode,	Miles,	Shallenberger,	
Hammond, John	Miller,	Sherwin,	
Harmer,	Monroe,	Slemons	

NAYS—83.

Atherton,	Culberson,	Lowe,	Smith, Hezekiah B.
Atkins,	Davis, Lowndes H.	Martin, Benj. F.	Sparks,
Beale,	Dibrell,	Martin, Edward L.	Steele,
Berry,	Elam,	McKenzie,	Stevenson,
Bicknell,	Felton,	McLane,	Thompson, P. B.
Blackburn,	Finley,	McMahon,	Tillman,
Bland,	Forney,	McMillin,	Turner, Oscar
Blount,	Geddes,	Morse,	Turner, Thomas
Bouck,	Godshalk,	New,	Van Voorhis,
Bragg,	Gunter,	Phelps,	Waddill,
Briggs,	Hammond, N. J.	Philips,	Wait,
Bright,	Harris, John T.	Reagan,	Warner,
Cabell,	Hatch,	Rice,	Wellborn,
Carlisle,	Henkle,	Robinson,	Wells,
Chalmers,	Herbert,	Ross,	White,
Clardy,	Hooker,	Samford,	Whiteaker,
Clark, John B.	Hostetler,	Scales,	Whitthorne,
Clements,	Hutchins,	Shelley,	Williams, Thomas
Cobb,	Johnston,	Simonton,	Willis,
Coffroth,	Joyce,	Singleton, J. W.	Wise.
Cox,	Lounsbery,	Smith, A. Herr	

NOT VOTING—64.

Aldrich, N. W.	Ewing,	Kitchin,	Pound,
Ballou,	Ford,	Knott,	Robertson,
Barlow,	Frost,	Le Fevre,	Russell, William A.
Belford,	Gibson,	Lindsey,	Sapp,
Bisbee,	Gillette,	Marsh,	Scoville,
Bowman,	Hall,	Mason,	Singleton, O. R.
Brewer,	Harris, Benj. W.	Mills,	Springer,
Browne	Haskell,	Mitchell,	Stone,
Buckner,	Hayes,	Money,	Townshend, R. W.
Caldwell,	Henderson,	Morrison,	Tucker,
Clark, Alvah A.	Henry,	Muller,	Updegraff, Thomas
Clymer,	Houk,	Murch,	Upson,
Covert,	House,	Neal,	Washburn,
Crapo,	Hubbell,	Newberry,	Weaver,
Davis, Joseph J.	Hunton,	O'Brien,	Wilber,
Deuster,	Hurd,	O'Connor,	Williams, C. G.
Dick,	James,	O'Neill,	Yeates.
Einstein,	Killinger,	Orth,	
Ellis,	Kimmel,	Pacheco,	

So the amendment was adopted.

The following additional pair was announced:

Mr. COVERT with Mr. MITCHELL, on this bill.

The result of the vote was announced as above stated.

The SPEAKER. The House has now acted on all the amendments reported from the Committee of the Whole. The question is on ordering the bill as amended to be engrossed and read the third time.

Mr. MARTIN, of Delaware. I ask unanimous consent to have an amendment added to the end of the bill. It is the unanimous report of the Committee on Accounts. [Cries of "Regular order!"]

The SPEAKER. The regular order is called for, which is equivalent to an objection.

Mr. CONGER. I ask unanimous consent that where additions have been made by separate items to amounts previously appropriated in the bill for expenses of election contests, the Clerk be authorized to include the gross sum for each individual in one clause.

Several members objected.

The bill was ordered to be engrossed for a third reading, and was accordingly read the third time.

The SPEAKER. As required by the rule, the yeas and nays will now be taken on the passage of this bill.

The question was taken; and there were—yeas 189, nays 38, not voting 63; as follows:

YEAS—189.

Acklen,	Bayne,	Boyd,	Caswell,
Aiken,	Belford,	Briggs,	Chalmers,
Aldrich, N. W.	Beltzhoover,	Brigham,	Claflin,
Aldrich, William	Berry,	Bright,	Clardy,
Atkins,	Bicknell,	Burrows,	Clark, Alvah A.
Bachman,	Blackburn,	Butterworth,	Clark, John B.
Bailey,	Blake,	Caldwell,	Cobb,
Baker,	Bland,	Camp,	Coffroth,
Ballou,	Bliss,	Cannon,	Colerick,
Barber,	Blount,	Carpenter,	Conger,
Converse,	Henkle,	Morton,	Starin,
Cowgill,	Herbert,	Muldrow,	Stevenson,
Crapo,	Herndon,	Myers,	Talbott,
Cravens,	Hooker,	New,	Taylor, Ezra B.
Crowley,	Horr,	Newberry,	Taylor, Robert L.
Daggett,	Hostetler,	Nicholls,	Thomas,
Davidson,	House,	Norcross,	Tillman,
Davis, George R.	Hubbell,	O'Neill,	Townsend, Amos
Davis, Horace	Humphrey,	O'Reilly,	Turner, Thomas
Deering,	Hunton,	Overton,	Tyler,
De La Matyr,	Johnston,	Pacheco,	Updegraff, J. T.
Dibrell,	Jones,	Persons,	Updegraff, Thomas
Dick,	Joyce,	Phister,	Urner,
Dickey,	Kelley,	Poehler,	Valentine,
Dunn,	Kenna,	Prescott,	Van Aernam,
Dunnell,	Ketcham,	Price,	Vance,
Dwight,	Kimmel,	Ray,	Van Voorhis,
Errett,	King,	Reagan,	Voorhis,
Evins,	Knott,	Reed,	Waddill,
Felton,	Ladd,	Richardson, D. P.	Wait,
Ferdon,	Lapham,	Richardson, J. S.	Weaver,
Finley,	Le Fevre,	Richmond,	Wellborn,
Fisher,	Lindsey,	Robertson,	Wells,
Forney,	Loring,	Robeson,	Whiteaker,
Forsythe,	Lounsbery,	Robinson,	Whitthorne,
Fort,	Manning,	Rothwell,	Wilber,
Frost,	Marsh,	Ryan, Thomas	Williams, C. G.
Frye,	Martin, Benj. F.	Ryon, John W.	Williams, Thomas
Gillette,	Mason,	Sapp,	Willis,
Godshalk,	McCoid,	Sawyer,	Willits,
Goode,	McCook,	Shallenberger,	Wilson,
Hall,	McGowan,	Shelley,	Wise,
Hammond, N. J.	McKenzie,	Sherwin,	Wood,
Harmer,	McKinley,	Slemons,	Yocum,
Haskell,	McLane,	Smith, A. Herr	Young, Thomas L.
Hawk,	Miles,	Smith, Hezekiah B.	
Hayes,	Miller,	Smith, William E.	
Heilman,	Monroe,	Speer,	

NAYS—38.

Armfield,	Elam,	Martin, Edward L.	Simonton,
Atherton,	Geddes,	McMillin,	Singleton, J. W.
Beale,	Gunter,	Mills,	Sparks,
Bouck,	Harris, John T.	Morse,	Springer,
Bragg,	Hatch,	Osmer,	Steele,
Cabell,	Hill,	Phelps,	Turner, Oscar
Clements,	Hutchins,	Philips,	Warner,
Cook,	Kitchin,	Ross,	White.
Culberson,	Klotz,	Samford,	
Davis, Lowndes H.	Lowe,	Scales,	

NOT VOTING—63.

Anderson,	Einstein,	Keifer,	Russell, W. A.
Barlow,	Ellis,	Killinger,	Scoville,
Bingham,	Ewing,	McMahon,	Singleton, O. R.
Bisbee,	Ford,	Mitchell,	Stephens,
Bowman,	Gibson,	Money,	Stone,
Brewer,	Hammond, John	Morrison,	Thompson, P. B.
Browne,	Harris, Benj. W.	Muller,	Thompson, W. G.
Buckner,	Hawley,	Murch,	Townshend, R. W.
Calkins,	Hazelton,	Neal,	Tucker,
Carlisle,	Henderson,	O'Brien,	Upson,
Chittenden,	Henry,	O'Connor,	Ward,
Clymer,	Hiscock,	Orth,	Washburn,
Covert,	Houk,	Page,	Wright,
Cox,	Hurd,	Pound,	Yeates,
Davis, Joseph J.	James,	Rice,	Young, Casey.
Deuster,	Jorgensen,	Russell, Daniel L.	

So the bill was passed.

During the roll-call,

Mr. YEATES said: Mr. Speaker, I was present on the roll-call upon this bill; but, as it contains an appropriation for my benefit, I did not vote at all on this or the preceding vote.

The following additional pairs were announced from the Clerk's desk:

Mr. CALKINS with Mr. THOMPSON of Kentucky, for this day.

Mr. LORING with Mr. YOUNG of Tennessee, for the day, on all political questions.

Mr. WARD. I failed to vote on the last roll-call, having been absent under the order of the House, attending to the duties of the Committee on Enrolled Bills.

The vote was then announced as above recorded.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

It further announced the passage of the following bills without amendment:

A bill (H. R. No. 346) for the relief of William H. Thompson; and

A bill (H. R. No. 375) for the relief of Philemon B. Hawkins.

POST-OFFICE APPROPRIATION BILL.

Mr. BLACKBURN. I rise for the purpose of submitting a report from the committee of conference on the disagreeing votes of the two

Houses on the Post-Office appropriation bill and, after it is read, I shall move its adoption and demand the previous question.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said Senate amendment insert the following: "And hereafter the Postmaster-General shall cause the advertisements of all general mail-lettings of each State and Territory to be conspicuously posted up in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting, and no other advertisements of such lettings shall be required; but this provision shall not refer to any other than general mail-lettings. And whenever it shall become necessary to employ temporary service on any mail-route, it shall be the duty of the Postmaster-General to advertise for bids or proposals for such service by posting notices in the post-offices at the termini of such route and upon a bulletin board in a public place in the Post-Office Department building at Washington, in the District of Columbia, for at least ten days prior to such letting;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Strike out the last proviso of said amendment and insert in lieu thereof the following: "*And provided further*, That the annual rental of said building or buildings shall not exceed the sum of $5,000, and the cost of the furniture for the same shall not exceed $10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: Strike out the word "fifty" and insert in lieu thereof "twenty-five."

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Strike out the word "fifty" and insert "twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$7,900,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: Strike out the words proposed to be inserted by said Senate amendment and insert in lieu thereof "152;" and the Senate agree to the same.

JO. C. S. BLACKBURN,
JAMES H. BLOUNT,
J. G. CANNON,
Managers on the part of the House.
WILLIAM A. WALLACE,
JAMES G. BECK,
N. BOOTH,
Managers on the part of the Senate.

Mr. BLACKBURN. Let the statement accompanying the report of the committee on conference be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the Post-Office appropriation bill submit the following in explanation of the action recommended in the report submitted:

The effect of the action recommended by the committee on the Senate amendments will be, if ratified by the two Houses, as follows:

On amendment 1: to the following clause—which is already the law—"and hereafter the Postmaster-General shall cause advertisements of all general mail-lettings of each State and Territory to be conspicuously posted up in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail-lettings"—is added the following: "And whenever it shall become necessary to employ temporary service on any mail-route it shall be the duty of the Postmaster-General to advertise for bids or proposals for such service by posting notices in the post-offices at the termini of such route and upon a bulletin-board in a public place in the Post-Office Department building at Washington, in the District of Columbia, for at least ten days prior to such letting."

On amendment 3: limits the cost of the rental of a building for use of the money-order service to $5,000 per annum, and for furnishing the same $10,000.

On amendment 5: makes the appropriation for "rent, light, and fuel" $425,000, instead of $450,000 as proposed.

On amendments 8 and 9: makes the appropriation for "necessary and special facilities on trunk lines" $425,000, instead of $450,000 as proposed; and for transportation on steamboat routes $925,000, instead of $950,000 as proposed.

On amendment 10: makes the appropriation for "transportation by star routes" $7,900,000, instead of $8,000,000 as proposed.

On amendment 13: makes the total of the appropriations out of the Treasury for the postal service conform to the action recommended on the amendments.

Mr. BLACKBURN. The statement accompanying the report of the committee of conference, if it has been listened to as read by the Clerk, is very full, and unless some gentleman desires to ask some question about the effect of this conference report, I will demand the previous question on its adoption.

The main question was ordered.

The report was then adopted.

Mr. BLACKBURN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. WELLS. Mr. Speaker, I desire to present a conference report on the Indian appropriation bill.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 6730, making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1882, and for other purposes, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same.

ERASTUS WELLS,
J. D. C. ATKINS,
JAY A. HUBBELL,
Managers on the part of the House.
WM. A. WALLACE,
JAMES B. BECK,
WM. WINDOM,
Managers on the part of the Senate.

The effect of this report, if adopted, will be to strike from the bill as it passed the House the following clause:

"That all laws and parts of laws creating or authorizing the commission of ten citizens provided for in the act of April 10, 1869, be, and the same are hereby, repealed."

And also to strike out the following amendment of the Senate:

"Expenses of Indian commissioners: For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, $10,000."

Mr. WELLS. I move the adoption of the conference report.

The motion was agreed to.

Mr. WELLS moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CLYMER. I demand the regular order.

Mr. REAGAN. Mr. Speaker——

Mr. HAYES. I rise to make a privileged report.

The SPEAKER. The gentleman from Texas is recognized.

Mr. REAGAN. I move to take from the Speaker's table the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, move non-concurrence in the Senate amendments thereto, and ask the appointment of a committee of conference on the disagreeing votes of the two Houses thereon.

Mr. WARNER. I give notice that I reserve all points of order. I make the point of order now that the amendments of the Senate must be considered first in Committee of the Whole House on the state of the Union.

Mr. TAYLOR, of Tennessee. I ask to present a privileged report at this time.

The SPEAKER. The gentleman will proceed.

WILLIAM HAMILL.

Mr. TAYLOR, of Tennessee. I desire to present a conference report on the pension claim of William Hamill.

The SPEAKER. The Clerk will read the report of the conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 3788) granting an increase of pension to William Hamill having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses that the House recede from disagreement to the said amendment of the Senate, and agree to the same.

ROBT. L. TAYLOR,
GEO. R. DAVIS,
JAMES W. COVERT,
Managers on the part of the House.
ROBT. E. WITHERS,
S. J. KIRKWOOD,
DAVID DAVIS,
Managers on the part of the Senate.

The effect of this report is to agree to the Senate amendment and pass the bill as amended.

Mr. TAYLOR. I ask the adoption of the conference report.

The conference report was agreed to.

Mr. TAYLOR moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CLYMER. I demand the regular order.

Mr. REAGAN. I wish to ask a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REAGAN. Is it in order to move to suspend the rules at this time?

The SPEAKER. The regular order having been demanded, the Chair recognizes the regular order to be the call of States and Territories for bills and joint resolutions for reference.

Mr. ROBESON. Does not the motion to suspend the rules suspend the regular order of to-day?

Mr. SPRINGER. I ask unanimous consent that the call of the States and Territories be dispensed with to-day.

Mr. WARNER. I object.

Mr. KENNA. Mr. Speaker, I ask a response to the question raised by the gentleman from Texas, whether it would be in order to move to suspend the rules to dispense with the regular order to-day; which is stated by the Speaker to be the call of States and Territories?

The SPEAKER. The Chair thinks it would be in order at the proper time to move to dispense with the regular order. But the first business in order under the rule is the call of States and Territories, which the Chair thinks had better be allowed to proceed.

Mr. BURROWS. Is it in order during the morning hour?

Mr. HUNTON. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUNTON. Will it not be competent by a two-thirds vote to dispense with the call of States and Territories?

The SPEAKER. The Chair desires to state that the rule is not clear or specific upon this point, and there is some doubt upon the subject.

Mr. HUNTON. I make the motion to dispense with the call of States and Territories to-day.

The SPEAKER. The Chair thinks it is better to order the call of States and Territories.

Mr. SPARKS. I ask unanimous consent to dispense with the call of States and Territories.

Mr. WARNER. I object.

Mr. SPARKS. Then if it is in order, I move to dispense with the regular order, which is the call of States and Territories for bills, &c.

Mr. HASKELL. I ask for the regular order of business.

The SPEAKER. The Chair is informed, although he has not read the record himself, that the motion of the gentleman from Illinois has been allowed.

Mr. CONGER. I wish to ask the Chair if the question has been raised about the right to move a suspension of the rules to-day, and if so, what the decision of the Chair has been upon that question?

The SPEAKER. The Chair has not ruled——

Mr. CONGER. The point, as I understand, was made as to the power of the Chair to rule upon the right to move a suspension of the rules to-day——

The SPEAKER. The Chair did not make any decision upon that point.

Mr. CONGER. Is that point pending now.

The SPEAKER. The point did not arise. The gentleman from Texas said he would not insist on his motion.

Mr. CONGER. As I understand, the gentleman from New Jersey [Mr. ROBESON] has made a motion to suspend the rules.

Mr. REAGAN. If in order, I move to suspend the rules for the purpose of moving non-concurrence in the Senate amendments on the river and harbor bill, and asking a committee of conference.

The SPEAKER. The Chair thinks that under the practice a motion to suspend the rules, so as to dispense with the call of States and Territories for bills and resolutions, has been admitted heretofore at this period of the session, and therefore would entertain the motion of the gentleman from Illinois, [Mr. SPARKS.]

Mr. SPARKS. I make that motion.

The SPEAKER. That requires a two-thirds vote.

The question being taken on the motion of Mr. SPARKS, there were—ayes 95, noes 54.

So (two-thirds not having voted in the affirmative) the rules were not suspended and the call of States and Territories was not dispensed with.

Several members called for the regular order.

The SPEAKER. The regular order being demanded, the Chair, as required by the rules, will now call the States and Territories in alphabetical order for the presentation of bills and joint resolutions for printing and reference. Under this call joint and concurrent resolutions and memorials of State and territorial Legislatures can be presented and appropriately referred; and resolutions of inquiry directed to heads of the Executive Departments are in order for reference to the appropriate committees, which latter resolutions are to be reported to the House within one week.

NATIONAL MINING EXPOSITION.

Mr. BELFORD introduced a bill (H. R. No. 7231) making an appropriation for the erection of a building for a national mining exposition; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CONGER. What has become of the call of committees?

The SPEAKER. This is the call of States and Territories for bills and joint resolutions, which is the first business in order on Monday. The Chair is proceeding under the rule.

Mr. CONGER. But there is a morning hour on Monday for reports from committees except on the first and third Mondays in each month.

The SPEAKER. The Chair has not interfered with the morning hour, or said anything in relation to the same. The motion of the gentleman from Illinois [Mr. SPARKS] was to suspend the rules and dispense with the call of States. That motion failed.

Mr. CONGER. When we reach the call of States that motion operates; but we have not reached it yet.

The SPEAKER. We are going on with it now, and four States, Alabama, Arkansas, California, and Colorado, have been called.

Mr. CONGER. But committees have not been called.

The SPEAKER. The call of committees is not in order yet; as the gentleman from Michigan will see if he will look at the rule.

Mr. CONGER. I look at the Calendar, and according to that the business in order is the call of committees for reports except on the first and third Mondays of the month, and this is not the third Monday.

The SPEAKER. The rule will be read, and the Chair thinks that will satisfy the gentleman.

The Clerk read clause 2, Rule XXIV, as follows:

On all days other than Monday as soon as the journal is read and approved, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed, and a copy thereof mailed by the Public Printer to each Member and Delegate; and the Speaker shall call upon each standing committee in regular order and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business; but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off.

TAXATION OF BANKS.

Mr. WAIT. I present resolutions of the General Assembly of the State of Connecticut, concerning the taxation of banks, &c., and ask that they be read.

The resolutions were read, and were referred to the Committee on Ways and Means.

Mr. WAIT. At the proper time I shall ask, further, that these resolutions be printed in the RECORD.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

WABASH AND ERIE CANAL.

Mr. BICKNELL presented a joint resolution of the General Assembly of Indiana, in relation to the reconstruction by the Government of the Wabash and Erie Canal.

Mr. WILBER. Let the joint resolution be read.

The joint resolution was read, and was referred to the Committee on Commerce.

JOHN W. STOKES.

Mr. HOSTETLER introduced a bill (H. R. No. 7232) for the relief of John W. Stokes, of Harmony, Clay County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOAN OF CANNON, ETC., FOR SOLDIERS' REUNION IN IOWA.

Mr. McCOID introduced a joint resolution (H. R. No. 415) providing for cannon, tents, and other camp equipments for soldiers' reunions in Iowa; which was read a first and second time.

Mr. McCOID. That resolution is in the usual form. If there be no objection, I will ask unanimous consent that it be passed.

The SPEAKER. The Chair cannot ask that in this hour.

The joint resolution was referred to the Committee on Military Affairs, and ordered to be printed.

COLORED EMIGRANTS.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 7233) to extend an act for the relief of colored emigrants, approved March 5, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SWAMP LANDS IN LOUISIANA.

Mr. ELLIS introduced a bill (H. R. No. 7234) to extend the provisions of the act of March 2, 1855, to lands selected as swamp lands by the State of Louisiana under the act of March 2, 1849; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. ELLIS also introduced a joint resolution (H. R. No. 416) authorizing the Secretary of War to transfer certain swamp and overflowed lands in Louisiana to the Interior Department as part of the public domain; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

Mr. LINDSEY presented resolutions of the Legislative Assembly of the State of Maine, relative to French spoliation claims; which were referred to the Committee on Foreign Affairs.

EAST RIVER BRIDGE, NEW YORK.

Mr. LADD presented a resolution of the Legislature of the State of Maine, relating to the East River bridge, New York; which was referred to the Committee on Commerce.

FIRST MINNESOTA MOUNTED RANGERS.

Mr. POEHLER presented a memorial of the Legislature of the State of Minnesota, for the payment of bounty to the members of the First Minnesota Mounted Rangers.

Mr. PRICE. Let that be read.

The memorial was read, and referred to the Committee on Military Affairs.

PENSION LAWS.

Mr. POEHLER also presented a memorial of the Legislature of the State of Minnesota, for a modification of the pension laws.

Mr. PRICE. Let that be read.

The memorial was read, and referred to the Committee on Invalid Pensions.

ABRAHAM H. BURKEHOLDER.

Mr. ROTHWELL introduced a bill (H. R. No. 7235) granting a pension to Abraham H. Burkeholder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS FOR SOLDIERS OF MEXICAN WAR.

Mr. DAGGETT presented a joint resolution of the Legislature of Nevada, in favor of the enactment of a law pensioning soldiers and sailors in the Mexican war; which was read, and referred to the Committee on Pensions.

OLD POST-OFFICE BUILDING IN NEW YORK CITY.

Mr. MORTON submitted the following resolution; which was read, and referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be requested to inform this House immediately whether, since the post-office in the city of New York was removed from the old church building in Nassau street in 1877, said building has remained vacant, and if any taxes, State or city, have been imposed upon it, or if any rental has been derived from it, and, if so, by whom paid and for what amounts, and who have been its occupants; and also if there be any good reason that this property should not now be sold, as it is no longer needed for governmental purposes.

GEORGE W. GRAHAM.

Mr. WILBER introduced a bill (H. R. No. 7236) correcting the pension granted to Lieutenant George W. Graham, One hundred and forty-fourth Regiment New York Volunteers, in accordance with his rank; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON TOBACCO, SNUFF, AND BRANDIES.

Mr. SCALES presented a resolution of the General Assembly of the State of North Carolina, in favor of the repeal of the tax on tobacco, snuff, and brandies; which was referred to the Committee on Ways and Means.

MONUMENT TO GENERAL WASHINGTON.

Mr. KELLEY introduced a joint resolution (H. R. No. 417) to admit free of duty a monument to General Washington; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WAR CLAIMS.

Mr. WHITE introduced a joint resolution (H. R. No. 418) proposing an amendment to the Constitution prohibiting payment of claims for property injured or destroyed in the late war of the rebellion; which was read a first and second time.

Mr. WHITE. I ask that that resolution be read in full.

The joint resolution was read in full, and referred to the Committee on the Judiciary.

WILLIAM K. PIPER.

Mr. COFFROTH introduced a bill (H. R. No. 7237) for the relief of William K. Piper; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NORTON L. NEWBERRY.

Mr. OVERTON introduced a bill (H. R. No. 7238) for the relief of Norton L. Newberry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON HARBOR.

Mr. ALDRICH, of Rhode Island, introduced a bill (H. R. No. 7239) to establish a commission to prepare a plan of harbor and river improvement in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REGIE CONTRACT SYSTEM.

Mr. SIMONTON presented a joint resolution of the Legislature of the State of Tennessee, praying relief from injuries to the tobacco trade from the regie contract system; which was referred to the Committee on Foreign Affairs.

E. P. M'GOLERIC.

Mr. McMILLIN introduced a bill (H. R. No. 7240) for the relief of E. P. McGoleric, of Sumner County, Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GREEN PENN.

Mr. CABELL introduced a bill (H. R. No. 7241) for the relief of Green Penn, of Patrick County, Virginia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. MARTIN, of West Virginia, presented a joint resolution of the Legislature of the State of West Virginia, relating to interstate commerce and the regulation of freights and charges upon railroads; which was referred to the Committee on Commerce.

PUPLIC PROPERTY AT HARPER'S FERRY.

Mr. MARTIN, of West Virginia, also presented a joint resolution of the Legislature of the State of West Virginia, asking the cession of the public property at Harper's Ferry to the State of West Virginia for school purposes; which was referred to the Committee on the Public Lands.

NEZ PERCÉ INDIAN RESERVATION.

Mr. AINSLIE presented a memorial of the Legislative Assembly of the Territory of Idaho, praying that the Nez Percés Indian reservation be thrown open to settlement by location under the general land laws; which, having been read at length upon the demand of Mr. CONGER, was referred to the Committee on Indian Affairs.

JUDGES IN IDAHO TERRITORY.

Mr. AINSLIE also presented a memorial of the Legislative Assembly of the Territory of Idaho, praying for an increase in the number of justices of the supreme court of the Territory, together with an increase of the salaries of such judges, and that the Legislative Assembly of the Territory be empowered to district the Territory and assign the justices; which was referred to the Committee on the Territories.

The SPEAKER. There are some gentlemen who were not present when their States or Territories were called, and who desire to introduce bills or joint resolutions. If there be no objection, they will now be recognized.

Mr. WARNER. If that is to lead to the reading of any more bills, I must object.

Mr. ROBESON. The gentleman cannot make a conditional objection.

SUITS AGAINST RAILROAD COMPANIES.

Mr. BELFORD, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That the Attorney-General and the Commissioner of Internal Revenue are hereby requested to inform this House what suits are now pending in the United States circuit and district courts for the southern district of New York against the New York and Harlem Railroad, the New York Central and Hudson River Railroad, the New York Central Railroad, the New York and Erie Railway, the Central Pacific Railroad, and against any other railway corporations, together with a statement of the nature of such suits and the amounts involved in such litigations respectively.

HOMESTEAD AND PRE-EMPTION CLAIMS.

Mr. BENNETT. I ask unanimous consent to present two memorials of the Legislative Assembly of Dakota Territory, one to be laid on the table, the other referred, and both printed.

The Clerk read as follows:

A memorial of the Legislative Assembly of Dakota Territory favoring the passage of the bill repealing the act approved March 3, 1879, requiring the publication of notice of intention to prove up homestead and pre-emption claims.

Mr. ROBESON. Let that be read.

The SPEAKER. It cannot come in if the reading be called for. The gentleman from Ohio [Mr. WARNER] has objected.

Mr. ROBESON. He could not make a qualified objection.

The SPEAKER. Then he objects absolutely.

Mr. ROBESON. But it is too late to object after the paper is in. I have no objection to the presentation of this memorial; but I want to understand whether the Speaker recognizes the gentleman from Ohio as making a qualified objection.

The SPEAKER. He does not.

Mr. ROBESON. The memorial has been introduced and is now before the House.

Mr. SPRINGER. It can come in only by unanimous consent.

Mr. ROBESON. But it is in.

The SPEAKER. The gentleman from Dakota himself stated that he simply wanted to present two memorials and have them printed.

Mr. BENNETT. The bill to which this memorial relates has been reported to the House. I did not wish the memorial referred to a committee that has already disposed of the subject-matter of the bill.

The SPEAKER. The gentleman from Dakota [Mr. BENNETT] asks consent to present this memorial and have it printed.

Mr. BENNETT. I desire both printed.

The SPEAKER. Is there objection? The Chair hears none.

The memorial was laid on the table, and ordered to be printed.

BRANCH MINT AT DEADWOOD, DAKOTA TERRITORY.

Mr. BENNETT, by unanimous consent, presented a memorial of the Legislative Assembly of Dakota Territory in relation to the establishment of a branch mint at Deadwood, Dakota Territory; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

DEL RIO, TEXAS, A PORT OF ENTRY.

Mr. UPSON, by unanimous consent, introduced a bill (H. R. No. 7242) making Del Rio, on the Rio Grande, in the State of Texas, a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STAMP-CANCELING MACHINES.

Mr. HERBERT, by unanimous consent, introduced a bill (H. R. No. 7243) authorizing the Postmaster-General to procure, by purchase or otherwise, stamp-canceling machines.

Mr. CONGER. Let that bill be read.

Mr. WARNER. I object to any further introduction of bills if the reading of this bill is called for.

The bill was read a first and second time, (the first reading being in full,) referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WARNER. I object to the further introduction of bills. [Cries of "Regular order!"]

The SPEAKER. The regular order is called for, which is the call of committees for reports.

Mr. REAGAN. I move to suspend the rules to take from the Speaker's table the river and harbor appropriation bill.

The SPEAKER. The Chair thinks that the first motion in order, which would take precedence of the motion of the gentleman from Texas, is a motion to dispense with the call of committees for reports.

Mr. REAGAN. I make that motion.

Mr. CONGER. If that is to be the rule, then regular business may occupy the entire time until the last day of the session.

The SPEAKER. The Chair, where there is an order of business set down by the rules, as, for instance, to-day the call of States for the introduction of bills and joint resolutions, would recognize first the motion to suspend the rules to get rid of that order.

Mr. CONGER. Let it be done by a suspension of the rules.

The SPEAKER. The regular order is now the morning hour for reports of committees, which can, of course, be dispensed with by a two-thirds vote.

Mr. CONGER. Let the Chair recognize a motion to suspend the rules. He has the discretion to say whom he will recognize.

The SPEAKER. The recognition in such cases has been regulated by a report to this House accepted and confirmed by the House. The practice of the House has been uniform in relation to that, that the recognition of the motion to suspend the rules is within the discretion of the Chair. It is within the discretion of the Chair to say that he prefers this motion to suspend what is set down as the order of the business to be proceeded with. He will then come to the motion of the gentleman from Texas or any other motion, but the recognition for suspension is within the discretion of the Chair.

Mr. CONGER. That is as to the subject.

The SPEAKER. That is not as to the subject, because the Chair does not always inquire—indeed very seldom inquires, and never wants to inquire—in the recognition of a member, what the subject is. That would make him the judge of the subject, and not of the discretion of recognition.

Mr. CONGER. I understand the Chair will not recognize a suspension of the rules.

The SPEAKER. The Chair has not said what he would or would not do, but the Chair now recognizes the motion, if made, to dispense by a two-thirds vote with the call of committees for reports.

Mr. ROBESON. That has not been made.

Mr. SPARKS. I make that motion, that the morning hour for reports from committees be dispensed with.

The House divided; and there were—ayes 85, noes 61.

So (two-thirds not having voted in the affirmative) the rules were not suspended and the morning hour was not dispensed with.

MORNING HOUR.

The SPEAKER. The morning hour begins at twenty-nine minutes past two o'clock, and committees will now be called in their regular order for reports.

Mr. REAGAN. Is it in order to introduce a resolution asking for information by instruction of the Committee on Commerce?

The SPEAKER. It is not.

MARINE HOSPITAL, MORGAN CITY, LOUISIANA.

Mr. ACKLEN, from the Committee on Commerce, reported as a substitute for House bill No. 6297 a bill (H. R. No. 7244) making an appropriation for the construction of a marine hospital at Morgan City, Louisiana; which was read a first and second time.

Mr. ACKLEN. I move that the bill be referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. FISHER. I ask for the reading of the bill and report.

Mr. ACKLEN. That is not in order, as I have merely reported the bill for reference to the Committee of the Whole House on the state of the Union.

The SPEAKER. The bill will be so referred.

Mr. FISHER. Why is it not in order to have the bill read?

The SPEAKER. It is not in order, as the bill is not reported for action at this time, but merely for reference to the Committee of the Whole House on the state of the Union. This is not a call of committees for reports for action, but a call of committees for reports for reference.

Mr. FISHER. But I ask that the bill be read.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

On all days other than Monday as soon as the Journal is read and approved, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed, and a copy thereof mailed by the Public Printer to each Member and Delegate; and the Speaker shall call upon each standing committee in regular order and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business; but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off.

The SPEAKER. It says "they shall be appropriately referred and printed."

Mr. CONGER. The House could not tell what the appropriate reference was without its being read.

The SPEAKER. The gentleman from Louisiana made a motion to refer to the Committee of the Whole House on the state of the Union, and no one has proposed a contrary reference.

Mr. WHITE. My colleague from Pennsylvania moved for the reading of this bill.

The SPEAKER. The Chair overruled it. The rule says "they shall be appropriately referred and printed," which means immediately referred and printed, and such has been the practice of the House.

Mr. CONGER. We have a rule which decides what shall be read on a call and what shall not.

The SPEAKER. The gentleman will refer to it.

Mr. CONGER. On subjects on which action of the House is to be had.

The SPEAKER. There is no action here asked except that of reference, and that the gentleman has a right to make. A motion was not made to refer to any other committee than the Committee of the Whole House on the state of the Union.

Mr. CONGER. The question of appropriate reference is raised under that rule.

The SPEAKER. The question of appropriate reference was not raised here, as the only motion made is to refer to the Committee of the Whole House on the state of the Union.

Mr. CONGER. The other rule, I think, decides what shall be read and what shall not.

The SPEAKER. The reading of papers is on questions upon which the House is called to give a final vote. There is no such disposition asked of the pending matter.

Mr. CONGER. When the reading of a paper other than the one on which the House is asked to give a final vote is demanded, and the same is objected to by any member, "it shall be determined without debate by a vote of the House." I take it that takes away from the Chair the arbitrary right to say what shall be read and what shall not.

The SPEAKER. The Chair has not decided arbitrarily anything, but he has decided in strict conformity with the rule and the practice of the House.

Mr. CONGER. But the rule says it shall be submitted to the House without debate.

The SPEAKER. That is for reference. There is no question about the reference here.

Mr. CONGER. This is about the reading. The rule I have read refers to reading, and says nothing about reference. If the Chair will have that rule read I think there will be no difficulty about it.

Mr. CARLISLE. The gentleman from Michigan confounds the rule of the House which relates to the reference of bills to committees with the one which relates to bills reported from committees for reference to the various calendars of the House.

Mr. CONGER. I hope the gentleman from Kentucky will not make a blunder like that, for it is unusual with him. Let Rule XXXI be read.

Mr. CARLISLE. I should like to hear it.

Mr. CONGER. I hope my friend will not risk the high estimate we have of his judgment by taking such a position.

Mr. ROBESON. I understand it to be this: that when a paper is before the House upon which the House is called to take a final vote, the reading comes as a matter of course, but every other paper, if a gentleman objects to the reading, he may have a vote as to whether it shall be read or not. But in every case where the House is called upon to take a final vote it is the right of any member to demand the reading of a paper.

The SPEAKER. The Chair thinks the rule governing the present condition of this question is very plain. The present condition applies to a report which is simply introduced by a committee for reference and printing only, and it does not require to be read for that purpose.

Mr. ROBESON. But, Mr. Speaker, how is it possible to know its proper reference unless it be read?

The SPEAKER. It is the duty of the Chair to examine the bill or report presented and make appropriate reference. For instance, if it makes an appropriation of money, it is the duty of the Chair to refer it to the Calendar of the Committee of the Whole House on the state of the Union. The rule specifically provides for that.

Mr. CONGER. The thirty-first rule is general in its application that—

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

The SPEAKER. That is when it does not come in conflict with the specific rules of the House governing a particular class of business. The gentleman says very properly that is a general rule, but there are specific rules governing this case, and the very purpose of the incorporation of this provision into the new rules was to enable this hour to be used in these reports from committees. The old rules allowed consideration in this hour. As the gentleman from Michigan will remember, those rules provided that each committee when called upon for reports was allowed two hours in the consideration of the business so reported. That right no longer exists. These reports are simply presented in this hour for reference to appropriate calendars.

Mr. CONGER. But the right under the present rule is unlimited as to length of time.

The SPEAKER. The Chair thinks not. The rule applies simply to the introduction of these bills and reports for reference.

Mr. ROBESON. Will the Speaker pardon me a moment?

The SPEAKER. Certainly.

Mr. ROBESON. Of course if the reading of a paper interfered with the other rule which requires its appropriate reference for printing, then it would be in order to sustain the view submitted by the Chair; but the Chair will not say or hold that the reading of a paper, called for as a right by a member of the House, interferes with its proper reference and printing. It may be read for the information of the

House, and properly so, in order to determine the very question of its reference.

The SPEAKER. The Chair believes, in fact knows, that the judgment of the Committee on Rules in framing this rule was to enable this hour to be utilized, and that the purpose of it was to refer to appropriate committees without reading; and the Chair infers then from the very intent and spirit of the rule itself——

Mr. HASKELL. Is there any motion before the House?

The SPEAKER. There is not.

Mr. HASKELL. Then I demand the regular order.

The SPEAKER. The Chair will repeat in this connection that the very object of the rule was to make a change in the old rule which occupied the greater part of the time in consideration of reports from committees. This rule was to enable all of the committees to have an opportunity of reporting business on which they had acted.

Mr. FRYE. I think the Speaker is entirely right in the construction which he places upon this rule. The object and design of the Committee on Rules in framing this rule was to enable the entire morning hour to be used with the reception and reference of reports from the committees.

The SPEAKER. The Chair thinks that was unquestionably the object of the rule.

The Chair will ask in this connection to incorporate at this point, if the House will permit it, a portion of the report of the Committee on Rules which relates to this question of the morning hour, and which conforms to the view of the question taken by the Chair, as well as by the gentleman from Maine.

There was no objection.

The report is as follows:

In the revision submitted by the committee, it is proposed to have a daily call of all the committees, all business reported, save that to which no objection is made to its "present consideration," to go to the Committee of the Whole House, whether public or private, and to a House Calendar composed only of bills not making appropriations of money.

This plan secures two desirable objects, namely:

First. The printing of all bills and accompanying reports, thus giving time for their examination by members before consideration; and

Second. Saves unnecessary waste of time in preventing, by what is known as "filibustering" in the morning hour, the consideration of a bill reported by a committee, thus blocking the way against reports from other committees to which little or no objection would be made.

Numerous instances might be cited, during the past few years, where the "morning hour" has been consumed by dilatory motions for days and even weeks, thus making it possible at the close of a session to defeat action on an important bill, which could only be reported by unanimous consent or by a suspension of the rules by a two-thirds vote, which vote might not be obtained.

DISEASES OF DOMESTIC ANIMALS.

Mr. HATCH, from the Committee on Agriculture, reported back, with a favorable recommendation, the bill (H. R. No. 7159) in relation to pleuro-pneumonia and other contagious and infectious diseases of live stock; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PENSION BILLS.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back, with favorable recommendation, bills of the following titles; which were severally referred to the Committee of the Whole House on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 7177) granting a pension to Mrs. Clara A. Thompson, with amendments;

A bill (H. R. No. 5859) granting a pension to Jonas B. Hoppes;

A bill (H. R. No. 3082) restoring the name of Elizabeth Albright to the pension-roll;

A bill (H. R. No. 4781) granting a pension to Agnes Cornmesser; and

A bill (H. R. No. 7207) authorizing a duplicate check in payment of pension to William A. Gardner, of Frederick County, Maryland, in lieu of one lost.

Mr. COFFROTH also, (in behalf of Mr. MASON,) from the same committee, reported back, with favorable recommendation, bills of the following titles; which were severally referred to the Committee of the Whole House on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 4196) granting a pension to Edward Farr;

A bill (H. R. No. 4880) granting a pension to Maria Goodrich;

A bill (H. R. No. 1881) granting a pension to Elizabeth Vernon Henry;

A bill (H. R. No. 5842) granting a pension to George Quarrel;

A bill (H. R. No. 6267) increasing the pension of John N. Payne;

A bill (H. R. No. 5569) granting a pension to Richard L. Whitman; and

A bill (H. R. No. 6681) granting a pension to Caroline Lauffer.

Mr. CONGER. Mr. Speaker, if there are any adverse reports in connection with these pension bills, I ask that the bills with an adverse recommendation be also referred to the Calendar, instead of being laid upon the table.

The SPEAKER. That is the gentleman's right, and the order will be so made.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 7245) granting a pension to Verlinda Davis;

A bill (H. R. No. 7246) granting a pension to John Morley Hudson and

A bill (H. R. No. 7247) granting a pension to Mary Rose.

Mr. COFFROTH also, from the same committee, reported back, with adverse recommendations, the following bills and petitions; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 5303) granting a pension to John Cowan, chaplain, Sixth New York Heavy Artillery;

A bill (H. R. No. 169) granting a pension to Solomon Yewell;

A bill (H. R. No. 1819) granting a pension to Ann Easto;

The petition of James A. Lee;

The petition of George W. Wilson, for increase of pension; and

A bill (H. R. No. 118) granting a pension to Thomas Hall.

Mr. DAVIS, of Illinois, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 2520) granting a pension to Patrick Droney; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOSTETLER, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 3404, a bill (H. R. No. 7248) granting a pension to William Boone, late a private in Company F, Eighty-eighth Regiment Indiana Infantry Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOSTETLER also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4703) granting a pension to Stephen Gupton; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. UPDEGRAFF, of Ohio, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 565) granting a pension to Stafford Palmer.

Mr. RAY, from the Committee on Invalid Pensions, reported back, with favorable recommendations, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 2821) granting a pension to Mrs. Adeline A. Turner;

A bill (H. R. No. 7046) granting a pension to Alexander W. Rowell;

A bill (H. R. No. 5135) granting a pension to Reuben H. Fitts;

A bill (H. R. No. 6773) granting a pension to Edmund W. Whitney;

A bill (H. R. No. 5424) granting a pension to Freeman N. Hall; and

A bill (H. R. No. 3295) granting an increase of pension to Dennis Sullivan.

Mr. RAY also, from the same committee, reported a bill (H. R. No. 7249) granting an increase of pension to Elbridge G. Savage; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HAZELTON, from the Committee on Invalid Pensions, reported back, with favorable recommendations, the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompaning reports, ordered to be printed:

A bill (H. R. No. 6826) for the relief of Pliny Jewett; and

A bill (H. R. No. 7009) granting a pension to Adam Poertner.

CORONNA, TAUSSIG AND COMPANY ET. AL.

Mr. DAVIDSON, from the Committee on Claims, reported a bill (H. R. No. 7250) for the relief of Coronna, Taussig & Company and others; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. REAGAN. I rise to move a suspension of the rules so that the House may non-concur in the amendments of the Senate and ask for a committee of conference.

The SPEAKER. Before the gentleman from Texas makes that motion the Chair would like to recognize the gentleman from Illinois [Mr. HAYES] to make a privileged report touching the printing of the agricultural report.

Mr. REAGAN. Very well.

PRINTING OF AGRICULTURAL REPORT FOR 1880.

Mr. HAYES, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (H. R. No. 373) relative to printing the agricultural report for 1880.

The resolution was read, as follows:

Resolved, &c., That there be printed 300,000 copies of the annual report of the Commissioner of Agriculture, for the year 1880; 214,000 copies for the use of members of the House of Representatives; 56,000 copies for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAYES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTRIBUTIONS TO NORTH AMERICAN ETHNOLOGY.

Mr. WILSON, from the Committee on Printing, reported back with amendments the concurrent resolution to print volumes 6, 7, 8, 9, and 10 of Contributions to North American Ethnology.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 6,000 copies each of volumes 6, 7, 8, 9, and 10 of the Contributions to North American Ethnology, uniform with the preceding volumes of the series, and with the necessary illustrations; 3,000 copies of which shall be for the use of the House of Representatives; 1,000 for the use of the Senate, and 2,000 for distribution by the Bureau of Ethnology.

Mr. WHITE. Does that come from a committee?

Mr. WILSON. Yes; it is a unanimous report of the Committee on Printing. Let the amendments be read.

The amendments were read, as follows:

In line 6, strike out "3,000" and insert "3,030."
In line 8, strike out "2,000" and insert "1,970."

Mr. WILSON. The object of the amendments is to increase the number to each member of the House, giving each member ten copies.

Mr. WHITE. Of what Congress will the members be entitled to copies?

Mr. WILSON. Those who are members of Congress at the time the report is printed will be entitled to copies.

The amendments were agreed to.

The resolution as amended was adopted.

Mr. WILSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS IN OHIO.

Mr. CONVERSE, by unanimous consent, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. No. 5579) to provide for the survey of certain public lands in the State of Ohio; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. REAGAN. I move to suspend the rules so as to take from the Speaker's table the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, returned from the Senate with amendments, and to non-concur in the amendments of the Senate, and request a conference on the disagreeing votes of the two Houses thereon.

Mr. WARNER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TUCKER. I desire to move to go to business on the Speaker's table.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] has been recognized by the Chair to submit the motion to suspend the rules for the purpose indicated by him. After that motion shall have been disposed of, the Chair will determine what business may next be done.

Mr. WARNER. After the motion of the gentleman from Texas shall prevail, will it be in order when the report comes in from the committee of conference to raise the point of order under Rule XX that the amendments of the Senate must be first considered in Committee of the Whole?

The SPEAKER. It would not be in order to raise that point on the conference report. The motion of the gentleman from Texas is to suspend all rules which would interfere with the purpose stated in the terms of the motion.

Mr. WARNER. I understand that would suspend the rules now, and therefore the point of order will not now apply. But upon the report of the conference committee would it be in order to raise that point?

The SPEAKER. It would not; because the very object of the motion of the gentleman from Texas is to get clear of that point of order. Of course should the motion prevail, the House having cleared that point of order out of the way, the bill and the amendments would not be subject again to that point of order. The question is upon the motion of the gentleman from Texas.

Mr. VAN VOORHIS. I call for a second on the motion to suspend the rules?

The SPEAKER. That is the gentleman's right.

Tellers were ordered; and Mr. REAGAN and Mr. VAN VOORHIS were appointed.

The House divided; and the tellers reported that there were—ayes 129, noes 36.

So the motion to suspend the rules was seconded.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. STEPHENS, on account of indisposition.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bill:

A bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1882, and for other purposes.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bill:

A bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes.

The message also announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 1025) fixing the relative rank and pay of certain officers on the retired list of the Navy; and

A bill (S. No. 1825) to provide for the survey of certain public lands in the State of Ohio.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER. The question recurs upon the motion of the gentleman from Texas [Mr. REAGAN] to suspend the rules so as to take from the Speaker's table the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, returned from the Senate with sundry amendments, to non-concur in the amendments of the Senate, and to request a conference on the disagreeing votes of the two Houses thereon. The motion to suspend the rules has been seconded, and under the rules fifteen minutes for debate on each side is now in order. [After a pause.] No one claiming the floor, the question is upon the motion to suspend the rules for the purpose stated.

Mr. VAN VOORHIS. On that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division, there were—ayes 30, noes 132; not one-fifth voting in the affirmative.

Before the result of this vote was announced,

Mr. HAWLEY called for tellers on ordering the yeas and nays.

The question was taken upon ordering tellers; and there were 33 in the affirmative.

So (the affirmative being more than one-fifth of a quorum) tellers were ordered; and Mr. HAWLEY and Mr. REAGAN were appointed.

The House again divided; and the tellers reported that there were—ayes 53, noes 159.

So (more than one-fifth voting in the affirmative) the yeas and nays were ordered.

The SPEAKER. The question is now upon the motion to suspend the rules for the purpose stated, upon which the yeas and nays have been ordered.

Mr. ANDERSON. Can that motion be divided?

The SPEAKER. It cannot be.

The question was taken; and there were—yeas 179, nays 67, not voting 44; as follows:

YEAS—179.

Acklen,	Culberson,	Jorgensen,	Russell, Daniel L.
Aiken,	Daggett,	Kenna,	Russell, W. A.
Aldrich, N. W.	Davidson,	Kimmel,	Samford,
Aldrich, William	Davis, George R.	King,	Sawyer,
Armfield,	Davis, Lowndes H.	Kitchin,	Scoville,
Atkins,	De La Matyr,	Loring,	Shallenberger,
Baker,	Deuster,	Lowe,	Shelley,
Ballou,	Dibrell,	Manning,	Sherwin,
Barber,	Dick,	Martin, Benj. F.	Simonton,
Bayne,	Dunn,	Martin, Edward L.	Singleton, J. W.
Beale,	Dunnell,	Mason,	Slemons,
Belford,	Elam,	McCoid,	Smith, Hezekiah B.
Berry,	Ellis,	McGowan,	Smith, William E.
Bicknell,	Errett,	McKenzie,	Speer,
Bingham,	Evins,	McKinley,	Steele,
Bisbee,	Felton,	McMillin,	Stevenson,
Blake,	Fisher,	Miles,	Stone,
Bland,	Forney,	Miller,	Talbott,
Bliss,	Frost,	Mills,	Taylor, Ezra B.
Blount,	Gibson,	Monroe,	Taylor Robert L.
Bouck,	Goode,	Morse,	Tillman,
Boyd,	Gunter,	Morton,	Townsend, Amos
Bragg,	Hammond, John	Muldrow,	Tucker,
Brewer,	Hammond, N. J.	Myers,	Turner, Thomas
Brigham,	Harmer,	New,	Upson,
Bright,	Harris, Benj. W.	Newberry,	Van Aernam,
Buckner,	Hatch,	Nicholls,	Vance,
Burrows,	Hawk,	O'Neill,	Voorhis,
Butterworth,	Hayes,	O'Reilly,	Waddill,
Cabell,	Hazelton,	Orth,	Wait,
Caldwell,	Heilman,	Pacheco,	Ward,
Cannon,	Henkle,	Persons,	Washburn,
Carlisle,	Herbert,	Phelps,	Wellborn,
Carpenter,	Herndon,	Philips,	Wells,
Chalmers,	Hiscock,	Phister,	White,
Claflin,	Hooker,	Poehler,	Whiteaker,
Clardy,	Horr,	Price,	Williams, C. G.
Clark, John B.	Houk,	Reagan,	Williams, Thomas
Clements,	House,	Reed,	Willis,
Conger,	Hubbell,	Richardson, J. S.	Willits,
Cook,	Humphrey,	Richmond,	Wilson,
Covert,	Hunton,	Robertson,	Wise,
Crapo,	Hurd,	Robeson,	Wood,
Cravens,	Johnston,	Ross,	Wright.
Crowley,	Jones,	Rothwell,	

NAYS—67.

Anderson,	Finley,	Lounsbery,	Sparks,
Atherton,	Ford,	Marsh,	Springer,
Bachman,	Forsythe,	McCook,	Starin,
Bailey,	Fort,	Neal,	Thomas,
Beltzhoover,	Frye,	Norcross,	Thompson, W. G.
Briggs,	Geddes,	Osmer,	Turner, Oscar
Browne,	Godshalk,	Overton,	Tyler,
Camp,	Hall,	Prescott,	Updegraff, J. T.
Chittenden,	Haskell,	Ray,	Updegraff, Thomas
Clymer,	Hill,	Rice,	Valentine,
Coffroth,	Hostetler,	Richardson, D. P.	Van Voorhis,
Colerick,	Joyce,	Robinson,	Warner,
Cowgill,	Ketcham,	Ryan, Thomas	Whitthorne,
Cox,	Klotz,	Ryon, John W.	Wilber,
Davis, Horace	Ladd,	Sapp,	Yocum,
Deering,	Lapham,	Scales,	Young, Thomas L.
Ferdon,	Le Fevre,	Smith, A. Herr	

NOT VOTING—44.

Barlow,	Einstein,	Killinger,	O'Connor,
Blackburn,	Ewing,	Knott,	Page,
Bowman,	Gillette,	Lindsey,	Pound,
Calkins,	Harris, John T.	McLane,	Singleton, O. R.
Caswell,	Hawley,	McMahon,	Stephens,
Clark, Alvah A.	Henderson,	Mitchell,	Thompson, P. B.
Cobb,	Henry,	Money,	Townshend, R. W.
Converse,	Hutchins,	Morrison,	Urner,
Davis, Joseph J.	James,	Muller,	Weaver,
Dickey,	Keifer,	Murch,	Yeates,
Dwight,	Kelley,	O'Brien,	Young, Casey.

So the motion of Mr. REAGAN was agreed to.

The following additional pairs were announced:

Mr. STEPHENS with Mr. DWIGHT. If Mr. STEPHENS were present, he would vote "ay" and Mr. DWIGHT "no."

Mr. O'CONNOR with Mr. HAWLEY, on the river and harbor bill. If Mr. O'CONNOR were present, Mr. HAWLEY would vote against the bill.

Mr. ROBESON, until further notice, with Mr. MCLANE.

Mr. ROBESON. I am paired to-day with the gentleman from Maryland, [Mr. MCLANE;] but knowing him to be in favor of this bill, and knowing that like myself he would be in favor of considering the funding bill without the pressure of the river and harbor bill behind it— [cries of "Order!"]

The SPEAKER. Debate is not in order.

Mr. ROBESON. I am giving the reason for my vote. For the reason I have just stated, I have voted "ay."

Mr. BLACKBURN. I rise to a parliamentary inquiry. The gentleman from Indiana [Mr. COBB] and myself have been absent from the House under its orders attending to our duties on a conference committee. I desire to vote on this question.

Mr. WHITE. It cannot be done.

The SPEAKER. The Chair promised to make an examination on this point, but has not had time to do so. He will state to the House that these gentlemen have been engaged on a conference committee by the direct order of the House.

Mr. CONGER. Does that make any difference about the right to vote?

Mr. COBB. It ought to.

The SPEAKER. The Chair will submit the question to the House. The question is, Whether a member of this House appointed upon a conference committee, and in the actual discharge of his duties by order of the House, shall have the right, as an exception to the general rule, to come in and vote after the second call of the roll.

Mr. CONGER. I make the point that the Chair cannot even entertain that request.

Mr. COVERT. I ask that these gentlemen have unanimous conrent to record their votes.

Mr. WARNER. Unanimous consent cannot give it.

Mr. BLACKBURN. I hope I may be permitted to state that before we went to the meeting of the conference committee, which was held in the Senate wing of the Capitol, we left a request with the Chair and the clerks to be sent for. We were sent for, and broke up that conference to come here at once.

The SPEAKER. The Chair did send for the gentlemen.

Mr. BLACKBURN. I say so, and we came promptly.

The SPEAKER. The Clerk will read the first clause of Rule XV.

Mr. COX. Mr. Speaker, what is the pending question?

The SPEAKER. Whether the gentleman from Kentucky [Mr. BLACKBURN] and the gentleman from Indiana [Mr. COBB] have the right to vote after the second roll-call, they having been absent by direction of the House in the actual discharge of their duties upon a conference committee?

Mr. CONGER. I make my point of order on the first clause of Rule XV. I ask that it may be read.

The Clerk read as follows:

Upon every roll-call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

The SPEAKER. The Chair thinks the language of this rule is absolute, and that he has not the right to entertain a request of this kind. He is perfectly willing, if the House so desires, to submit the question to the House. [Cries of "Oh, no!"]

Mr. WARNER. Let the rule be changed first.

The SPEAKER. The remedy is a change of the rule; and the Chair thinks it ought to be changed.

Mr. SPRINGER. Is it not in order to move to suspend this rule for the remainder of the session as to members absent on conference committees?

Mr. CONVERSE. I desire to withdraw my vote and to have a pair announced.

The following pair was announced:

Mr. CONVERSE with Mr. BLACKBURN.

Mr. COX. Would it be in order to lay all this business on the table?

The SPEAKER. What business does the gentleman propose to lay on the table?

Mr. COX. This appropriation bill coming from the Senate with amendments.

The SPEAKER. The rules have been suspended. The gentleman makes his motion too late. The Chair will announce the result.

Mr. HASKELL. Before the result of the vote is announced I rise to a point of order. Rule XV, as I understand, is a harsh and abitrary rule under which the Speaker is obliged— [cries of "Order!" and "Announce the result!"]

The SPEAKER. The Chair will announce the result——

Mr. HASKELL. I rise to a point of order previous to the announcement of the vote. [Cries of "Regular order!"]

The SPEAKER. The gentleman will state it.

Mr. HASKELL. If members will permit me to state it, they will see that I am stating a point of order.

The SPEAKER. The Chair will permit the gentleman to state it, but asks him to be as brief as possible.

Mr. HASKELL. I say that Rule XV is a harsh and arbitrary rule, requiring the Speaker to rule precisely according to the wording of it. Now, the rule says that "the Clerk shall call in alphabetical order the names of those not voting, and thereafter the Speaker shall not entertain a request to record a vote." That roll of members not voting has not been called; and prior to its being called it is an open question whether or not this House cannot receive the vote of a member who has been by order of the House serving upon a conference committee.

The SPEAKER. The Chair desires to state there was great complaint in the former practice of the House, in allowing members to come in after the roll had been called over and record their votes, and it was in consequence of that complaint this rule was adopted. The Chair has no discretion except to obey the mandate of the rule.

The vote was then announced as above recorded.

Mr. SPRINGER. I desire to ask whether it be in order to dispense with this rule in regard to voting for the remainder of the session. [Cries of "No!" "No!"]

The SPEAKER. The Chair appoints as managers on the part of the House of the conference on the disagreeing votes of the two Houses on the river and harbor appropriation bill Mr. REAGAN, Mr. KENNA, and Mr. O'NEILL.

Subsequently the Speaker stated that Mr. O'NEILL's business did not permit him to serve on the conference on the river and harbor appropriation bill, and he therefore appointed in his place Mr. HAWLEY.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER. The Chair recognizes the gentleman from Virginia, [Mr. TUCKER.]

Mr. ATKINS. I rise for the purpose of submitting a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7101) making appropriations for the expenses of the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 15, 16, 17, 18, 19, 20, 21, 24, 28, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 56, 57, 66, 67, 70, 84, 85, 86, 91, 95, and 97.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 22, 23, 25, 26, 29, 30, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, 61, 62, 63, 64, 65, 68, 72, 74, 75, 76, 77, 78, 79, 80, 82, 87, 88, 90, 93, and 94; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: Strike out from the words proposed to be inserted by said amendment "eight thousand and nineteen" and insert in lieu thereof "seventy-seven hundred and thirty-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Strike out from said amendment the word "laborer" and insert in lieu thereof the word "assistant;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: Insert after the word "clerk" the words "and stenographer;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: Strike out the word "monthly" proposed to be inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: Strike out in line 15, after the word "thousand," at the end of line 14, page 15 of the bill, the words "two hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,975,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 43, and agree to the same with an amendment, as follows: Strike out therefrom the word "four," where it first occurs, and insert in lieu the word "two;" strike out the word "four," where it last occurs, and insert in lieu the word "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: Strike out the words proposed to be inserted by said Senate amendment and insert in lieu thereof "640;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: Strike out the words "four thousand" and insert in lieu thereof "three thousand six hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$591,010;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: Add after the word "dollars," at the end of the amended paragraph, the following: "And the provisions of section 5485 of the Revised Statutes shall be applicable to any person who shall violate the provisions of the act entitled 'An act relating to claim agents and attorneys in pension cases,' approved June 20, 1878;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$17,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$204,660;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$51,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows: Strike out "ten" and insert "twelve;" and the Senate agree to the same.

J. D. C. ATKINS,
HIESTER CLYMER,
JOHN H. BAKER,
Managers on the part of the House.

H. G. DAVIS,
WILLIAM A. WALLACE,
W. B. ALLISON,
Managers on the part of the Senate.

The SPEAKER. The statement accompanying the report will now be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the legislative, executive, and judicial appropriation bill submit the following detailed statement in explanation of the action recommended in the report submitted.

The effect of the action recommended by the committee on the Senate amendments will be, if ratified by the two Houses, as follows:

On amendment 1, corrects total of a clause.

On amendment 2, strikes out proposed increase in salaries of two messengers of the Senate from $1,296 each to $1,440 each.

On amendment 3, substitutes word "assistant" for that of "laborer" at $1,000 in Senate stationery-room.

On amendment 4, provides for a page in Secretary's office of the Senate at $912.50.

On amendments 5, 6, and 7, increases salary of clerk to Finance Committee of the Senate from $2,220 to $2,500, and provides for a clerk to the Joint Committee on the Library at $2,220, as in the law for 1881.

On amendments 8 and 9, corrects the clause providing for pages of the Senate.

On amendments 10 and 11, provides for a foreman in the Senate folding-room at $1,200.

On amendment 12, strikes out the following:

"And the following prices may be paid for folding books, pamphlets, speeches, and the daily RECORD, namely: For quarto volumes, not exceeding one cent per volume; for octavo volumes, not exceeding one-half cent each per volume; for the daily RECORD, not exceeding $2 per thousand; and for speeches, not exceeding $1 per thousand."

On amendments 13 and 14, makes a transposition of a clause.

On amendments 15, 16, 17, 18, 19, 20, and 21 strikes out proposed increase in salaries of employés in the Library of Congress and leaves the same as now fixed by law.

On amendments 22 and 23, increases the salary of the superintendent of the Botanic Garden from $1,600 to $1,800.

On amendment 24, strikes out proposed increase of $500 for improvement, &c., of the Botanic Garden.

On amendments 25 and 26, increases the salary of the First Assistant Secretary of State from $3,500 to $4,500.

On amendments 27 and 28, makes an appropriation as follows:

"For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, provided that such publications may be sold at such rates as may be fixed by said Department, and the proceeds of all sales to be paid into the Treasury, $7,000."

On amendments 29 and 30, increases the salary of the captain of the watch for the Treasury Department from $1,200 to $1,400.

On amendments 31 and 32, increases salary of chief clerk and assistant in office of Supervising Architect from $2,250 to $2,500, and decreases salary of the photographer in same office from $2,250 to $2,000.

On amendments 33, 34, and 35, strikes out proposed addition of one chief of division in the Second Comptroller's Office at $2 000.

On amendments 36 and 37, strikes out proposed increase in salary of Superintendent of Bureau of Statistics from $3,000 to $3,600.

On amendments 38 and 39, strikes out proposed increase of salary of deputy Commissioner of Internal Revenue from $3,200 to $3,500.

On amendment 40, makes the appropriation for salaries and expenses of collectors and deputy collectors of internal revenue $1,975,000.

On amendment 42, makes the appropriation for legislative expenses of Utah, $25,500.

On amendments 43 and 44, provides for two messengers and six assistant messengers, in lieu of eight assistant messengers as heretofore, in the office of the Secretary of War.

On amendments 45, 46, 47, and 48, provides for twenty-five additional clerks at $1,000 each, and one assistant messenger for the balance of the current and the whole of the next fiscal year in the Adjutant-General's Office, to be employed exclusively in expediting pension cases; and also appropriates $1,500 for rent of building for their accommodation.

On amendments 49 and 50, increases the appropriation for contingent expenses in the Adjutant-General's Office from $12,000 to $14,500, and makes $1,750 of the same immediately available.

On amendments 51, 52, and 53, provides for forty clerks at $1,000 each; one assistant messenger, one watchman, and one laborer additional in the Surgeon-General's Office for the balance of the current and the whole of the next fiscal year, to be exclusively engaged in expediting settlement of pension cases.

On amendments 54 and 55, increases the appropriation for contingent expenses of the Surgeon-General's Office from $8,000 to $18,000, and makes $5,000 of the same immediately available.

On amendments 56 and 57, provides for a clerk of class 3 in lieu of one of class 4, as proposed, in the office of the Judge-Advocate-General of the Navy.

On amendments 58, 59, 60, 61, 62, 63, and 64, appropriates $20,000 in lieu of $24,000 for rent of building now occupied by Pension Bureau, and authorizes the Secretary of the Interior to rent any other fire-proof building in its stead.

On amendment 65, appropriates $8,000, $2,000 of which to be immediately available, to rent buildings for the additional force provided for in the Pension Bureau.

On amendments 66 and 67, strikes out proposed increase of salaries of three principal clerks in the General Land Office from $1,800 to $2,000 each.

On amendments 68, 69, 70, and 71, increases the salary of the Commissioner of Pensions from $4,000 to $5,000, provides for a "first deputy Commissioner of Pensions" at $3,600, and strikes out proposed increase of salary of deputy Commissioner of Pensions from $2,400 to $2,500.

On amendment 72, inserts the following:

"For the following additional clerical force in the Pension Office, namely, twenty examiners at $2,000 each; twenty clerks of class 4, twenty clerks of class 3, twenty clerks of class 2, fifty clerks of class 1, three assistant messengers, three watchmen, and five laborers; in all, $203,620; and for the like force for the balance of the current fiscal year, $50,905; the latter sum to be immediately available."

On amendment 73, strikes out the following clause:

"For actual and necessary expenses of clerks detailed to investigate suspected frauds and attempts at fraud, as provided by law, $40,000."

And inserts in lieu thereof the following:

"For actual and necessary expenses of clerks detailed to investigate pension cases, $125,000, and the provisions of section 5485 of the Revised Statutes shall be applicable to any person who shall violate the provisions of an act entitled 'An act relating to claim agents and attorneys in pension cases,' approved June 20, 1878."

On amendments 74 and 75, increases the appropriation for contingent expenses of the Pension Bureau from $26,000 to $51,000, and makes $15,000 of the same immediately available.

On amendments 76, 77, 78, 79, and 80, increases the force of the Patent Office as follows: "One principal examiner, at $2,400; one first assistant examiner, at $1,800; one second assistant examiner, at $1,600; one third assistant examiner, at $1,400."

On amendments 81, 82, and 83, fixes the salary of the Auditor of Railroad Accounts at $1,500, and the railroad engineer in his office at $2,500.

On amendment 84, strikes out proposed increase in salary of surveyor-general of Dakota from $2,000 to $2,500.

On amendments 85, 86, 87, 88, and 90, strikes out proposed increase of clerks of class 3 from eighteen to nineteen, and clerks of class 1 from thirty-seven to thirty-eight, and adds ten female clerks at $1,200 each in lieu of ten female clerks at $900 each, in the office of the Third Assistant Postmaster-General.

On amendments 90, 91, and 92, increases the clerks of class 4 from four to five, and strikes out proposed increase of laborers from three to four in the office of the superintendent of the money-order system.

On amendment 93, provides that the proceeds of the sale of waste paper in the Post-Office Department shall be paid into the Treasury and report thereof made to Congress.

On amendment 94, provides that salaries of territorial judges may be paid monthly.

On amendment 95, strikes out clause proposed to pay salary of the warden of the jail in the District of Columbia.

On amendment 96, appropriates $12,000 in lieu of $10,000, for rent of building occupied by the Department of Justice.

On amendment 97, provides as follows:

"For reporting the decisions of the court, clerical hire, labor in preparing and superintending the printing of the sixteenth volume of the reports of the Court of Claims, to be paid on the order of the court, $1,000; and said sum, as well as the appropriation for like services in the act of June 15, 1880, chapter 225, for the fifteenth volume, may be paid to the reporters of the court notwithstanding section 1765 of the Revised Statutes, or section 3 of the act of June 20, 1874, chapter 328."

JNO. D. C. ATKINS,
HIESTER CLYMER,
JOHN H. BAKER,
Managers on the part of the House.

Mr. ATKINS. Mr. Speaker, as the detailed statement which has just been read in the hearing of the House fully explains the conference report, and the results at which the conference committee have arrived, unless some gentleman desires to ask a question in regard to it, I shall move the previous question upon the adoption of the report.

The main question was ordered; and under the operation thereof the conference report was agreed to.

Mr. ATKINS moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed a bill (S. No. 1441) for the relief of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, or assigns; in which the concurrence of the House of Representatives was requested.

ORDER OF BUSINESS.

Mr. TUCKER. I now renew the motion that the House proceed to the consideration of business on the Speaker's table.

Mr. ROBESON. Does the gentleman from Virginia move to suspend the rules to reach that business?

Mr. PRICE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. PRICE. I make the point of order that we cannot go to business on the Speaker's table until the unfinished business pending is disposed of, unless the rules be suspended by a two-thirds vote.

The SPEAKER. There is no unfinished business that has yet presented itself to interfere with the motion.

Mr. PRICE. Before the Chair decides the point of order, I want to read some of the decisions of the Chair.

The SPEAKER. The Chair will be very glad to hear the gentleman.

Mr. PRICE. On last Friday Mr. COX propounded an interrogatory to the Chair in reference to the apportionment bill. I will read from the RECORD. Mr. COX says:

I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. I wish to know if the apportionment bill then loses the effect of the previous question which has been ordered upon it yesterday?

The SPEAKER. The Chair would like to hear that read again?

Mr. PRICE. I will send it to the Clerk's desk and let the Clerk read it.

The SPEAKER. The Clerk will read as requested.

The Clerk read as follows:

Mr. COX. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. I wish to know if the apportionment bill then loses the effect of the previous question which has been ordered upon it yesterday?

The SPEAKER. The gentleman from New York was not pressing the motion to resume the consideration of the bill, and the Chair therefore recognized the gentleman from Georgia.

Mr. COX. The Chair did not recognize my question. I asked if the previous question was still operating upon the bill.

The SPEAKER. Of course it retains its force and effect.

Mr. PRICE. That is all.

Now, Mr. Speaker, that apportionment bill is not only the unfinished business, but it is business upon which the previous question has been ordered, and therefore it occupies the most important relation which can possibly be occupied by the unfinished business of the House; and unless that business is disposed of, either by laying it upon the table or withdrawing it, or disposing of it in some proper way under the rules, it intervenes between any motion made by the gentleman from Virginia and its own consideration except the rules be suspended.

I hold, therefore, that the gentleman from Virginia cannot reach the Speaker's table unless he makes a motion to suspend the rules and go to business upon the Speaker's table for a special or general purpose; and I want to read in this connection in support of what I say a rule of this House that is very plain, which bears upon this point. I read from the fourth paragraph of Rule XXIV. That rule provides that—

After the hour shall have been devoted to reports from committees—

That hour has already begun—

it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment—

Any adjournment; the indefinite article qualifies the word—

and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs be in order.

Then the unfinished business being disposed of, the fifth paragraph of the same rule provides that—

It shall be in order to entertain a motion that the House do now proceed to the business on the Speaker's table, &c.

If the English language—and I call the special attention of the Chair to this—if the English language can convey any idea, and if this rule means anything, it means that until the unfinished business is disposed of you cannot go to the Speaker's table by any motion that does not previously suspend this rule. It can only be reached by a motion to suspend the rule.

Now, Mr. Speaker, the unfinished business has not been disposed of. It is not only the unfinished business to which I have referred, but there are two or three other items of unfinished business before the House which have been partly considered and not disposed of, and upon one of which, as I have shown, the previous question is ordered and still pending. It will be entirely in order for the gentleman from Virginia, under the rules of the House, to make a motion to suspend the rules to go to business on the Speaker's table. But I submit that it is not in order to make that motion by a majority vote, unless you ignore the rule to which I refer.

Mr. CARLISLE. Without entering upon a discussion of this question of order, I desire to say that if the Chair is of the opinion that the point of order made by the gentleman from Iowa is correct, then I raise the question of consideration against the apportionment bill.

The SPEAKER. The Chair will briefly refer to the facts. The apportionment bill is the unfinished business and the main question is ordered on it. But it cannot be held solely in the light of unfinished business in view of what has occurred in reference to that bill. By unanimous consent or by an agreement on both sides of the House, the place of that bill in reference to its character of unfinished business has been in a measure waived. That was an agreement arrived at by common consent, as the gentleman from Iowa will remember. Five gentlemen were appointed in accordance with that agreement. These gentlemen were appointed to consider that subject and in addition to this the gentleman in charge of the bill is not pressing it for consideration.

But the Chair, in view of the fact that the main question has been ordered, recognizes the gentleman from Kentucky to raise the question of consideration, supposing such bill to be in light of unfinished. As to the power in connection with recognitions by the Chair for motions, the Chair maintains that that is a discretion absolutely vested in him, and such allowance has been decided by the report of a committee of this House and accepted as such. The Chair will therefore not now decide that point.

Mr. CONGER. Will the Chair allow me one moment?

The SPEAKER. Certainly.

Mr. CONGER. I wish to say in regard to whatever delay there may have been in regard to the apportionment bill pending an attempt at some arrangement that was being made by gentlemen appointed on either side of the House, those gentlemen have had their meeting, presented their views, and have failed entirely to come to any understanding and have instructed me to report so to the House. So that practically that matter is entirely finished and the committee is *functus officio*.

The SPEAKER. The Chair was not informed about that.

Mr. CONGER. I was chairman of the joint committee, and as such chairman make that report: Therefore the apportionment bill, notwithstanding that interruption, is just where it was left at the time that committee was appointed; and I demand that the apportionment bill be now taken up as the unfinished business.

Mr. CARLISLE. I raise the question of consideration.

The SPEAKER. The gentleman from Kentucky raises the question of consideration on the apportionment bill. The question is, Will the House now proceed to consider that bill as unfinished business?

Mr. PRICE. Will the Chair hear me a moment upon that?

The SPEAKER. Yes, sir.

Mr. PRICE. The gentleman from Kentucky has the right to raise the question of consideration, doubtless; but after he has raised that question and the House has voted on it, that does not by any possibility get rid of the previous question ordered on that bill.

The SPEAKER. The majority of the House can control its business; and if the majority of the House does not wish to consider the apportionment bill it need not.

Mr. PRICE rose.

Mr. CARLISLE. I make the point of order that debate is not in order on the order of business.

The SPEAKER. It is not.

Mr. KEIFER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. KEIFER. I submit the question of consideration cannot be raised upon a bill after the main question has been ordered on it.

The SPEAKER. By consent the consideration of this bill went over, and the question of consideration, in the opinion of the Chair, can be raised.

Mr. KEIFER. I wish to say a word as to the question of fact. It seems to be understood by the Chair that unanimous consent was given that the apportionment bill should stand aside. I do not understand the record will show anything of the kind. There was a recess taken, and some gentlemen were appointed to try to come to an amicable conclusion. But no amicable conclusion was reached.

The SPEAKER. The Chair has no difficulty in brushing aside all that part of the discussion. A recognition by the Chair to test the sense of the House on consideration against any subject is the right of any member under the rules.

Mr. PRICE. But after the question of consideration is raised, and should the House refuse to consider the bill, does it necessarily follow that the House could go to the consideration of business on the Speaker's table without a suspension of the rules?

The SPEAKER. That the Chair will decide when the case arises. The Chair recognizes the right of the gentleman from Kentucky to raise the question of consideration in manner as demanded.

Mr. CONGER. I make the further point of order——

The SPEAKER. One point of order at a time. A vote should be immediately taken, and no debate is allowed on the question of consideration, being a question of priority of business.

Mr. KEIFER. Does the Speaker rule that always after the main question is ordered on a bill you can still raise the question of consideration?

The SPEAKER. The Chair rules that, in the condition of this question, the question of consideration can be raised, and he recognizes the gentleman from Kentucky to raise that question.

Mr. KEIFER. I appeal from the ruling of the Chair. I do not think that is allowable under the rules.

Mr. SPRINGER. This is not a ruling of the Chair.

The SPEAKER. The Chair recognizes the gentleman from Kentucky to raise the question of consideration. The Chair doubts whether the gentleman from Ohio has the right to appeal against that recognition.

Mr. KEIFER. I have a right to appeal from the decision of the Chair on the point of order I made. When the Chair rules that after the main question is ordered on a bill the question of consideration can still be raised, I take an appeal from that ruling.

The SPEAKER. The Chair recognizes the gentleman from Kentucky to raise the question of consideration. Many days have elapsed since the main question was ordered, and other subjects considered.

Mr. KEIFER. Is not my appeal entertained?

Mr. ROBESON. I make the point of order that it is out of order for the gentleman from Kentucky to raise the question of consideration. Let the Chair decide that point of order.

The SPEAKER. There is really no power in the House itself to appeal from a recognition of the Chair. The right of recognition is just as absolute in the Chair as the judgment of the Supreme Court of the United States is absolute as to the interpretation of a law.

Mr. KEIFER. I agree to that. But I wish to say to the Chair, if he will hear me a moment, I do not appeal from the discretion of the Chair when exercised in recognizing the gentleman from Kentucky. It is not that. But I appeal from the decision of the Chair when he rules that after the Chair has recognized the gentleman from Kentucky that gentleman may raise the question of consideration against a bill pending before the House under the operation of the previous question. I understand the rule to be that that is not allowed and that there never has been a precedent for such a proceeding. That is my appeal. It is not an appeal from the exercise of the discretion of the Chair in making a recognition.

Mr. WILSON. Does the gentleman from Ohio make an appeal?

Mr. KEIFER. I am trying to make an appeal.

Mr. SPRINGER. The decision of the Chair, as I understand it, is not that a bill pending with the previous question ordered upon it can be antagonized by raising the question of consideration; that is not this case. This case is one of a bill which was pending on a previous day, on which day the previous question was ordered upon it, and the House adjourned before disposing of the question. It then became unfinished business, and took its place in the House in the order of unfinished business. The proposition is now to antagonize the unfinished business with a motion to proceed to business on the Speaker's table, and the previous question has nothing to do with it. If the unfinished business had been taken up, then the previous question would attach to that unfinished business. But there is now no previous question on unfinished business, which is the standing order of the House.

The SPEAKER. The Chair upon reflection is of opinion that a day having intervened the business referred to is in effect unfinished business, and the gentleman from Kentucky [Mr. CARLISLE] has the right to raise the question of consideration against that unfinished business.

Mr. KEIFER. And from that decision of the Chair I appeal.

Mr. WILSON. I move to lay that motion on the table.

Mr. CONGER. The gentleman cannot do that while the gentleman from Ohio is on the floor.

The SPEAKER. The Chair will hear the gentleman from Ohio.

Mr. KEIFER. I would like to have the Clerk read Rule XVII in order that the House may understand just what may be done under the operation of the previous question.

The Clerk read as follows:

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

2. A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

3. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

Mr. CARLISLE. Will the gentleman allow me a moment?

Mr. KEIFER. Certainly.

Mr. CARLISLE. I desire to have read in connection with that rule the third clause of Rule XVI.

Mr. KEIFER. I have no objection to that.

Mr. CARLISLE. And I desire to say——

Mr. KEIFER. I do not yield for a speech; but I yield that the Clerk may read whatever the gentleman desires from the rules.

Mr. CARLISLE. Very well. I ask the Clerk to read clause 3 of Rule XVI.

The Clerk read as follows:

When any motion or proposition is made, the question, Will the House now consider it? shall not be put unless demanded by a member.

Mr. KEIFER. It will be noticed that by the rule which the Clerk has read the purpose of the previous question is to bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered; that is the purpose of it. If that purpose is to be carried out it is not within the power of the Speaker, under the rules at least, to permit the question of consideration to be raised against the proposition upon which the previous question is pending. The rule undertakes to specify what shall be in order after the previous question shall have been ordered:

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

There is provision for a motion to adjourn; but all these things are specific. In the absence of a provision in the rule authorizing some action to be taken by the House, some motion to be entertained, it is not within the rules to entertain the question of consideration against a measure upon which the previous question has been ordered. The rule specifies what may be done under the operation of the previous question.

I am not of long experience here or in any other legislative body; but I do not believe any precedent can be found in the history of the Congress of the United States or anywhere else for entertaining at this time the question of consideration. Gentlemen will inform me if that be true.

The Chair says that a day has intervened. How does that help the matter? Does the rule provide for a suspension of the operation of the previous question after a day has intervened? If I understand the Speaker, he does not himself claim that that happens. If there be any such provision in our rule, or anything in the practice of the House, that destroys the operation of the previous question after the intervention of a day, I would like to know it. [After a pause.] There seems to be silence in response to that inquiry.

Then these things, to use the language of the Speaker, are all to be "brushed aside," and we come back to the real question at issue, which is, Can the question of consideration be raised against a pending measure under the operation of the previous question?

Some stress has been laid upon the condition of the apportionment bill as it was left after that long night session. After that wearisome, wearing-out session which we had, it is said that something was done which set aside that measure. We understand the Speaker to have decided, and to have decided rightly, that the previous question still operates upon that measure. Now, let us see what did take place at the very close of that long session ending on the morning of the 25th instant. I ask the Clerk to read from the RECORD of Saturday last, which I send to the desk, what I have marked, and which will show to the House (and I think to the Speaker, if he will) what did take place, and will show that it was not the purpose of the House then in session to set aside the previous question which was then operating.

The clerk read as follows:

Mr. HAWLEY. I beg leave to make a suggestion. It is that we should—informally, of course, for it would not appear as part of the record—have it understood between the two parties here that each should select five gentlemen, and that these ten should meet for a conference with the hope that they may agree upon same plan; and that in the mean time the House *take a recess* until half past ten o'clock, *so that we may at once take up this business when we reassemble*, and go on without being interrupted by the morning hour. I suggest this to gentlemen on both sides as affording some chance of a solution. We are not so far apart by any means as we were when the night began; and I think that if there be a conference of ten gentlemen, five from each side, they could probably suggest a plan under which we could proceed to vote.

Mr. BLACKBURN. That is all right. I hope the gentleman from New York [Mr. COX] will agree to it.

Mr. COX. After a very hurried conference with my friends around me, I will say that if the gentleman from Connecticut [Mr. HAWLEY] has the consent of his side of the House to make that proposition, I think there will be no objection here.

Mr. CONGER (during the reading) said: Mr. Speaker, I ask the Clerk to suspend the reading for a moment. This goes to the point that the Chair has spoken of about the condition of the proposition before the House. I desire that the Speaker may hear it.

The SPEAKER. The Chair has read it several times and will listen.

The Clerk resumed and concluded the reading.

Mr. KEIFER. Now, it will be observed, Mr. Speaker, that the whole proceeding was merely a proposition made on the one side and accepted on the other that we should try through an informal conference to agree upon some method of disposing of that bill. It was expressly understood that we were to take a recess for the purpose of preserving the rights of those who favored the bill and maintaining the operation of the previous question. All the time from that time to this any person might have insisted upon this bill coming up as the unfinished business; and that being done, I submit it is too late to undertake to raise a question of consideration against it. If we undertake to ingraft upon our practice under the previous question this new policy of raising a question of consideration, we largely, if not entirely, destroy the effect and operation of the previous question.

Mr. CARLISLE. Mr. Speaker, it seems to me that the third clause of Rule XVI, which has been read by the Clerk, recognizes to the broadest extent the right of a member on this floor to raise the question of consideration when any motion or proposition is made before the House; and that it makes no difference in that respect that the previous question has already been ordered upon the proposition or motion. It is time, as stated by the gentleman from Ohio, [Mr. KEIFER,] that when the motion or proposition upon which the previous question has been ordered has been taken up in the House, then it enjoys certain privileges, by reason of the operation of the previous question, which it would not have enjoyed otherwise. But that does not meet the question now presented. The bill to apportion representation in this House is not now before the House for its action, but there is merely pending before the House a motion to take it up.

Now, I ask, what operation has the previous question upon that motion? If the bill were in fact up and under consideration, then under the rule which the gentleman from Ohio has caused to be read at the Clerk's desk, certain motions only could be made. But, sir, if this bill enjoys as to this motion any privilege by reason of the previous question having been ordered which it would not enjoy otherwise, then I submit to the gentleman that such privilege was the

privilege to have it taken up as the sundry civil appropriation bill was taken up this morning before the call of States and Territories, and before the call of committees for their reports. Why was it that the sundry civil appropriation bill upon which the previous question was operating was taken up this morning before the morning hour, before the call of the States and Territories, and immediately after the reading of the Journal? It was the fact that the previous question was operating upon it that gave it that privilege, if it gave it any. But no one asked that this bill be taken up before the morning hour; and if therefore it ever had any such privilege as the gentleman contends for, it was a privilege which belonged to it at that stage of the proceedings and does not belong to it now.

Mr. HASKELL. On this question I desire to read from the Digest, page 254:

When any motion or proposition is made the question, Will the House now consider it? shall not be put unless demanded by a member. Rule XVI, clause 3. And it is competent for a member to raise the question of consideration upon a report, even though a question of privilege is involved in the report.

That is all clear.

But after a question has been stated and its discussion commenced, it is too late to raise the question of consideration.

The SPEAKER. There is no controversy about that.

Mr. HASKELL. Now, I read further in regard to "unfinished business:"

The question of consideration is not precluded by any affirmative vote on a motion to adjourn. The "unfinished business" pending at the time of adjournment is still subject to the question of "consideration."

Of course; but mark the language which follows:

The motion to adjourn precluding it on the previous day.

That is to say, if you have the right to raise the question of consideration and some member moves to adjourn, the adjournment does not preclude the question of consideration on a subsequent day. But the question of consideration is not raised here under such circumstances.

Now stop and think for a moment. You never raise the question of consideration except on the threshold of the transaction of business; you never raise it except when you have new business coming before the House. But here you come in after the question has been before the House, when you have lost your right to raise the question of consideration. You have discussed the bill; the main question has been ordered; you have adjourned pending the order of the House that you shall vote when you act again upon the question.

Clause 3 of Rule XVI which the gentleman from Kentucky had read is simply a proposition relating to the very introduction of business; but when the previous question has been ordered, it is the solemn verdict of this House that you shall vote on the question without debate. Certainly no man upon this floor, if he will think a moment, will assert the proposition that when in the regular order of business unfinished business has come up, unfinished business upon which this House has ordered a vote, you can raise the question of consideration without a reconsideration of the vote ordering the main question or without a suspension of the rules.

Here to-day we have reached by successive stages under the regular order of business that point when the unfinished business comes up. If you want to get rid of it, suspend the rules; otherwise you are held to it. If you are held to it, then you meet the next order of the House which says that you shall vote upon it. If you suspend the rules to get the unfinished business out of the way, then your rule says that—

Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to the business on the Speaker's table.

The proposition is just as logical, just as clear as any proposition in the book. You came here to-day; you read the Journal; you had the morning hour, (a motion to suspend that order having failed;) you have now come up to the unfinished business; and you must suspend the rules to get rid of the unfinished business, otherwise it comes up; and if it comes up, it comes up under the operation of the previous question.

And will the gentleman from Kentucky argue upon this floor under a rule made to govern the introduction of business that a question of consideration at the threshold is superior to the solemn verdict of this House under the previous question?

Mr. CARLISLE. Will the gentleman answer me——

Mr. HASKELL. The gentleman from Kentucky will find that decision rising to plague him for many a day hereafter, and so, I fear, will the Chair if he holds to reasoning which is absolutely inadmissible under any body of parliamentary law ever practiced in the world.

Mr. CARLISLE. Does the gentleman from Kansas mean to say that after business has been once introduced into this House that the question of consideration can never thereafter be raised against it?

Mr. HASKELL. I did not say that.

Mr. PRICE. I will answer the gentleman from Kentucky.

Mr. HASKELL. I will read from page 254, and you can construe it.

Mr. PRICE. Will the gentleman yield to me for a moment?

Mr. HASKELL. Let the House construe this language—I only read it:

But after a question has been stated and its discussion commenced, it is too late to raise the question of consideration.

There is your Journal, there is your Digest, there is your law. You construe it.

Mr. PRICE. In addition to that, Mr. Speaker, I wish to call attention to this language contained in Rule XVII, and I think it will settle it in the mind of every gentleman who will look at it fairly:

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage—

What shall be in order?

It shall be in order * * * for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

If that language means anything it means it shall not be in order for the Speaker even to entertain any motion except the motions which are specified. If it does not mean that, then the English language does not mean anything. I appeal to the Committee on Rules, who made the rules, whether it does not mean that. It shall be in order after the question is called to submit two questions; it follows as a consequence that it shall not be in order to submit any other than the two specified.

In reference to the Speaker's declaration that a day had intervened, I put his own language to him in that respect, because a good many days had intervened when the gentleman from New York put that question to the Speaker to know whether the previous question had lost its power. The Speaker replied by saying that of course it retains its force and effect.

Strong and nervous language. So that if a day or week or month had intervened the Speaker was then of opinion the previous question had not lost its force and effect.

Mr. ROBESON obtained the floor.

Mr. KEIFER. I hope the gentleman will yield to me to read a paragraph.

Mr. ROBESON. Certainly.

Mr. KEIFER. I find by looking on page 324 of the Digest this proposition is laid down: After the previous question has been seconded on the pending proposition it is not then in order to entertain a motion to go into the Committee of the Whole. Now, if the question of consideration can be raised against the bill after the previous question has been ordered, then we could go into the Committee of the Whole afterward if we voted not to take up the measure. We must execute the order of the House, in my judgment.

Mr. ROBESON. I understand that for the purpose of this discussion my friend from Kentucky treats this as unfinished business; that he has raised this question of consideration, admitting the apportionment bill is unfinished business, and not raising that question at all. Now, then, if it be unfinished, it comes over to be taken up under the rules when unfinished business is in order. When is unfinished business in order? "After an hour shall have been devoted to reports from committees"—that is now—"it shall be in order to proceed to the consideration of unfinished business in which this House may have been engaged at the time of adjournment; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs is in order," that is, whenever public unfinished business is in order. Now, if this comes up as unfinished business under that rule—and it must come up as unfinished business under that rule unless that rule is suspended, and that rule cannot be suspended without a motion to suspend it and a two-thirds vote—if it comes up as unfinished how does it come up? It comes up in exactly the position in which we left it unfinished.

Mr. CARLISLE. It does not come up. It is the rule which he has read which says it shall be in order to move to proceed to it, and when he moves to proceed to it that raises the question of consideration.

Mr. ROBESON. The gentleman says it comes up as unfinished business. It comes up in order. How does it come up in order? It comes up in order in just that condition in relation to the rules as we left it when we left it unfinished. What was the condition we left it in when we left it unfinished? We left it with the previous question ordered. Now, then, the rule says after the previous question is ordered he can raise the question of consideration, because, by the third clause of the sixteenth rule, when any motion or proposition is made, the question, Will the House consider it? may be raised. I say that it cannot be; for the House has already settled that question by determining by the previous question that it would now consider it. What is Rule XVII?

There shall be a motion for the previous question, which, being ordered by a majority of the members present, if a quorum, shall have the effect—

What effect?

to cut off all debate and—

What?

And bring the House to a direct vote upon the immediate question.

Is a question of consideration then—after the House has decided that, including the question of consideration with everything else—is that in order, or has it been decided already? How can it be raised under these circumstances? It is subject of course to certain dilatory motions, provided in the rule, and to this, and this only, is it subject.

Now, gentlemen, we are considering these rules without regard to

any particular question or any particular policy for either side of the House, and I ask any fair man if he can escape from the inexorable logic of that position.

Mr. CONVERSE. Mr. Speaker, I desire to make an inquiry of the Chair. I understand the apportionment bill came here on Saturday morning as unfinished business; that we left it on Friday night as untransacted business, and in that condition it remained all day Saturday. That day, after the expiration of the morning hour, when a motion could have been made to proceed to the consideration of the unfinished business, it could have been brought up. But that time was passed, as it was passed this morning, and a motion was made to take up the river and harbor bill instead. Action was had upon that bill after the expiration of the morning hour, and after the unfinished business could have been brought up. Now, the inquiry I desire to make is whether it is not too late to make the question of unfinished business as being now in order to the exclusion of the motion presented by the gentleman from Virginia, having already passed the point to-day as we did on Saturday in which the question of unfinished business could have been presented?

The SPEAKER. The Chair desires to state in response to the inquiry of the gentleman from Ohio that it is the inherent right in every legislative body that the majority shall regulate its course of proceeding in reference to the transaction of business.

Mr. ROBESON. According to rule.

The SPEAKER. And every rule of every legislative body, so far as the Chair is advised, conforms to that feature as illustrative of the power of the majority to control its proceedings.

Now, in reference to this case the Chair recognizes, and it is not disputed, that it has the semblance of unfinished business and that the main question was ordered upon it. The binding feature of the previous question should have operated immediately upon reassembling after the adjournment. But at any time the motion is in order to test whether the House will proceed to consider the unfinished business; and the Chair recognizes that as the substance of the effort made by the gentleman from Kentucky.

There cannot be a doubt but that the House in its inherent right, and the right under the very rules that govern it, has power to say whether it will consider unfinished business. And that right of consideration cannot be interfered with or interrupted.

The Chair begs to read from the Manual:

The question of consideration is not precluded by an affirmative vote on a motion to adjourn. The "unfinished business" pending at the time of adjournment is still subject to the question of consideration, the motion to adjourn precluding it on the previous day.

That is a decision of the House in the second session, Forty-fourth Congress.

Mr. REED. Will the Speaker allow me to read the subject-matter or actual authority out of which that question arose, and which differs from the interpretation of the Speaker?

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I wish to know if the Chair has decided the point of order.

The SPEAKER. The Chair has decided the question and an appeal has been taken from it.

Mr. COX. I move to lay the appeal upon the table.

The SPEAKER. That motion has already been made by the gentleman from West Virginia, [Mr. WILSON.]

Mr. REED. I want to ask a question in this connection, and I desire to read the decision to which the Speaker has referred.

It seems that on the 17th day of January, 1877, a certain proposition was made to the House for consideration. As soon as it was read, a motion to adjourn prevailed. The next day the same proposition came up, and Mr. Wilson, of Iowa, stated that he had intended the day before to raise the question of consideration, but being precluded on that day by the adjournment he raised it on the 18th, and that is the authority for this decision and all the authority that exists.

The SPEAKER. That is in many particulars the same as the present case on which the question of consideration is raised.

Mr. REED. Not at all; there had been no discussion at all upon that proposition on the 17th.

The SPEAKER. The Chair desires to say further, that any other decision than the one made and the interpretation given would prevent the consideration of any business that reached the Speaker's table; such business, for instance as appropriation bills when returned from the Senate by which the Government is sustained from year to year. And it would lead to consequences, serious perhaps, so serious oftentimes that they might involve the needless calling of an extra session of Congress.

Mr. FRYE. But what is the previous question for if it is not to bring a thing to a vote? It cuts off all amendments; it cuts off all discussion; how it can stand in the way of business I fail to see.

Mr. WARNER. That is what it is for—to cut off debate and amendments.

Mr. FRYE. And to bring the House to a vote.

Mr. WARNER. Not necessarily.

Mr. SPRINGER. I move to lay the appeal on the table.

Mr. COX. The motion to lay on the table is already pending, having been made by the gentleman from West Virginia, [Mr. WILSON.]

The SPEAKER. The Chair has allowed discussion on the appeal.

Mr. COX. I renewed it; and I object to time being wasted.

Mr. ROBESON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it. [Cries of "Vote!" "Vote!"]

Mr. ROBESON. We have been discussing an appeal from the Speaker's decision, and the Speaker himself has done us the honor to participate in that discussion. Now, he said——

Mr. COX. That is no parliamentary inquiry.

Mr. ROBESON. I had risen to a parliamentary question. The Speaker stated in that discussion that the majority of this House controlled its proceedings. Now, I desire to ask him whether a majority of this House controls the proceedings of the House against its rules?

The SPEAKER. On the contrary, the Chair said that the rules of the House conformed thereto. The gentleman from West Virginia [Mr. WILSON] moves to lay on the table the appeal from the decision of the Chair. Upon that question the Chair will appoint tellers, as it is not his desire to count. The Chair appoints the gentleman from Kentucky [Mr. CARLISLE] and the gentleman from Ohio, [Mr. KEIFER.]

Mr. FRYE. We may as well save the trouble of voting by tellers and have the yeas and nays. I call for the yeas and nays.

The yeas and nays were ordered, more than sixty members voting therefor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate insisted on its amendments disagreed to by the House of Representatives to the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, agreed to the conference asked for by the House on the disagreeing votes of the two Houses, and had appointed Mr. RANSOM, Mr. FARLEY, and Mr. MCMILLAN, as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 4002) for the relief of the estate of J. M. Micou, deceased;

A bill (H. R. No. 4646) for the relief of the heirs of Cornelius Boyle;

A bill (H. R. No. 6023) to authorize the Secretary of the Treasury to change the names of vessels under certain circumstances;

A bill (H. R. No. 6545) to amend section 3524 of the Revised Statutes so as to authorize a charge for melting or refining bullion when at or above standard;

A bill (H. R. No. 1197) for the relief of settlers upon the absentee Shawnee lands in Kansas, and for other purposes;

A bill (H. R. No. 1996) for the relief of W. A. Reid;

A bill (H. R. No. 2098) for the relief of the heirs of Edward B. Clark;

A bill (H. R. No. 2844) for the relief of James E. Montell; and

Joint resolution (H. R. No. 401) in relation to the barge W. J. Spicer.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 346) for the relief of W. H. Thompson;

A bill (H. R. No. 375) for the relief of Philemon B. Hawkins; and

A bill (H. R. No. 6717) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 3788) granting an increase of pension to William Hamill; and

A bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes.

ORDER OF BUSINESS.

The question was taken on the motion to lay on the table the appeal from the decision of the Chair; and there were—yeas 121, nays 93, not voting 76; as follows:

YEAS—121.

Acklen,	Clements,	Ford,	Kenna,
Armfield,	Clymer,	Forney,	Kimmel,
Atherton,	Cobb,	Frost,	Kitchin,
Atkins,	Coffroth,	Geddes,	Klotz,
Bachman,	Colerick,	Gibson,	Knott,
Beltzhoover,	Converse,	Gillette,	Ladd,
Berry,	Cook,	Goode,	Le Fevre,
Bicknell,	Cox,	Hammond, N. J.	Lowe,
Blackburn,	Cravens,	Harris, John T.	Manning,
Blount,	Culberson,	Hatch,	Martin, Benj. F.
Bouck,	Davidson,	Henkle,	McKenzie,
Bragg,	Davis, Lowndes H.	Herbert,	McMahon,
Briggs,	De La Matyr,	Herndon,	McMillin,
Buckner,	Deuster,	Hill,	Mills,
Cabell,	Dibrell,	Hooker,	Morrison,
Caldwell,	Dickey,	Hostetler,	Muldrow,
Carlisle,	Dunn,	House,	Myers,
Chalmers,	Elam,	Hunton,	New,
Clardy,	Evins,	Hurd,	Nicholls,
Clark, Alvah A.	Felton,	Johnston,	Persons,
Clark, John B.	Finley,	Jones,	Philips,

Poehler,	Shelley,	Tillman,	Wells,
Reagan,	Simonton,	Tucker,	Whiteaker,
Richmond,	Singleton, J. W.	Turner, Oscar	Williams, Thomas
Robertson,	Smith, Hezekiah B.	Turner, Thomas	Willis,
Rothwell,	Smith, William E.	Upson,	Wise,
Russell, Daniel L.	Sparks,	Vance,	Wright,
Samford,	Speer,	Waddill,	Yocum.
Sawyer,	Springer,	Warner,	
Scales,	Stevenson,	Weaver,	
Scoville,	Taylor Robert L.	Wellborn,	

NAYS—92.

Aldrich, N. W.	Crapo,	Joyce,	Sapp,
Aldrich, William	Crowley,	Keifer,	Shallenberger,
Anderson,	Davis, George R.	Kelley,	Sherwin,
Bailey,	Deering,	Ketcham,	Smith, A. Herr
Baker,	Dick,	Lapham,	Starin,
Ballou,	Dunnell,	Lindsey,	Thomas,
Barber,	Ellis,	Marsh,	Thompson, W. G.
Bayne,	Errett,	McCoid,	Townsend, Amos
Bingham,	Ferdon,	McCook,	Tyler,
Bisbee,	Fisher,	McKinley,	Updegraff, J. T.
Blake,	Frye,	Miles,	Updegraff, Thomas
Bowman,	Godshalk,	Morton,	Valentine,
Brewer	Hammond, John	Newberry,	Van Aernam,
Briggs,	Harris, Benj. W.	Norcross,	Voorhis,
Brigham,	Haskell,	O'Neill,	Ward,
Browne,	Hawk,	Osmer,	Washburn,
Burrows	Hawley,	Overton,	Wilber,
Butterworth,	Hazelton,	Page,	Williams, C. G.
Cannon,	Heilman,	Price,	Willits,
Carpenter,	Hiscock,	Ray,	Wood,
Caswell,	Horr,	Reed,	Young, Thomas L.
Claflin,	Hubbell,	Rice,	
Conger,	Humphrey,	Richardson, D. P.	
Cowgill,	Jorgensen,	Robinson,	

NOT VOTING—76.

Aiken,	Gunter,	Money,	Ryan, Thomas
Barlow,	Hall,	Monroe,	Ryon, John W.
Beale,	Harmer,	Morse,	Singleton, O. R.
Belford,	Hayes,	Muller,	Slemons,
Bland,	Henderson,	Murch,	Steele,
Bliss,	Henry,	Neal,	Stephens,
Boyd,	Houk,	O'Brien,	Stone,
Calkins,	Hutchins,	O'Connor,	Talbott,
Camp,	James,	O'Reilly,	Taylor, Ezra B.
Chittenden,	Killinger,	Orth,	Thompson, P. B.
Covert,	King,	Pacheco,	Townshend, R. W.
Daggett,	Loring,	Phelps,	Urner,
Davis, Horace	Lounsbery,	Phister,	Van Voorhis,
Davis, Joseph J.	Martin, Edward L.	Pound,	Wait,
Dwight,	Mason,	Prescott,	White,
Einstein,	McGowan,	Richardson, J. S.	Whitthorne,
Ewing,	McLane,	Robeson,	Wilson,
Forsythe,	Miller,	Ross,	Yeates,
Fort,	Mitchell,	Russell, W. A.	Young, Casey.

So the appeal from the decision of the Chair was laid upon the table.

After the second roll-call,

Mr. WILSON said: I did not hear my name called on the second roll-call. I stood here waiting for it to be called. Mr. WILBER's name was called, but not mine.

The SPEAKER. The Chair cannot direct the gentleman's vote to be received. The Chair heard the gentleman's name called.

Mr. WILSON. On the first roll-call, but not on the second.

The SPEAKER. The gentleman's name is sufficiently on the record, the vote being on his motion to lay the appeal on the table.

Mr. TUCKER. I move to dispense with the reading of the names.

Mr. REED. I object.

The Clerk proceeded to read the names of those who had voted.

The following additional pairs were announced:

Mr. STEPHENS with Mr. DWIGHT. If Mr. STEPHENS were present, Mr. DWIGHT would vote "no."

Mr. ROBESON with Mr. MCLANE, for this day.

Mr. PACHECO with Mr. YEATES, until to-morrow morning, each reserving the right to vote to make a quorum.

Mr. RYAN, of Kansas, with Mr. SLEMONS, on all political questions, for this day.

Mr. WHITTHORNE with Mr. HARMER, until further notice.

Mr. BLAND with Mr. DAVIS, of California, on all questions, for the remainder of to-day's session.

Mr. FORSYTHE with Mr. RICHARDSON, of South Carolinia, on the funding bill, for the balance of this legislative day, Mr. RICHARDSON reserving the right to vote if it be necessary to make a quorum. If Mr. FORSYTHE were present, Mr. RICHARDSON would vote "ay."

Mr. BOYD with Mr. STEELE, for the balance of this day.

Mr. AIKEN with Mr. MCGOWAN, for the remainder of this day; Mr. AIKEN to be allowed to vote to make a quorum.

Mr. PHISTER with Mr. CAMP, for two hours; Mr. CAMP reserving the right to vote on all votes to call the yeas and nays, and to make a quorum.

Mr. BEALE with Mr. WAIT, upon all yea-and-nay votes after six o'clock to-day.

Mr. TALBOTT with Mr. URNER, on all political questions; Mr. TALBOTT reserving the right to vote to make a quorum.

Mr. BLISS with Mr. BELFORD, for the rest of the day.

Mr. HAYES with Mr. KING, for the remainder of the day, but not to break a quorum.

Mr. RUSSELL of Massachusetts, with Mr. SPRINGER, on this vote.

The result of the vote was announced as above stated.

Mr. CONGER. I move that the House now take a recess until eight o'clock this evening, to meet for the memorial services of Mr. FERNANDO WOOD, late a member of this House.

The SPEAKER. The gentleman from Michigan moves that the House take a recess until eight o'clock.

Mr. TUCKER. I rise to a parliamentary inquiry. As I understand the question before the House prior to the motion of the gentleman from Michigan [Mr. CONGER] is, Shall the apportionment bill be considered? Is it not?

The SPEAKER. Pending that question, the gentleman from Michigan moves to take a recess.

Mr. TUCKER. The question of consideration is raised by the gentleman on the other side?

Mr. KEIFER. No, sir; by the gentleman from Kentucky, [Mr. CARLISLE.]

Mr. TUCKER. The gentleman from Kentucky raised the point against the consideration, but the motion to consider comes from your side. The gentleman from Ohio [Mr. KEIFER] and his friends are anxious now to consider the bill to prevent the consideration of which they filibustered a day and a night.

Mr. CONGER. I call for the regular order, which I believe is my motion.

The question being taken on the motion of Mr. CONGER for a recess, there were—ayes 81, noes 92.

Mr. CONGER and Mr. WHITE called for the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. I want it to be understood the motion is that the House take a recess until eight o'clock, to meet then for the memorial services of Mr. FERNANDO WOOD, late a member of the House.

The SPEAKER. The form of the motion as recognized by the rules is for a recess. The gentleman can state for information what is his object.

Mr. CONGER. That is the object of my motion.

The SPEAKER. The Chair did not repeat that part of the gentleman's statement, because it is not a part of the motion.

Mr. CONGER. I was afraid the proposition was not understood by gentlemen on the other side.

The question was taken; and there were—yeas 81, nays 104, not voting 105; as follows:

YEAS—81.

Aldrich, N. W.	Crapo,	Jorgensen,	Russell, W. A.
Aldrich, William	Crowley,	Joyce,	Shallenberger,
Bailey,	Davis, George R.	Keifer,	Sherwin,
Baker,	De La Matyr,	Ketcham,	Smith, A. Herr
Ballou,	Dick,	Lapham,	Speer,
Bayne,	Dunnell,	McCoid,	Starin,
Bingham,	Felton,	McCook,	Thomas,
Bisbee,	Fisher,	Miles,	Thompson, W. G.
Blake,	Fort,	Miller,	Townsend, Amos
Bowman,	Godshalk,	Monroe,	Tyler,
Brewer,	Hall,	Morton,	Updegraff, J. T.
Browne,	Hammond, John	Newberry,	Updegraff, Thomas
Burrows,	Harris, Benj. W.	Norcross,	Van Aernam,
Butterworth,	Hawk,	O'Neill,	Voorhis,
Cannon,	Hawley,	Osmer,	Washburn,
Carpenter,	Hazelton,	Overton,	White,
Caswell,	Heilman,	Prescott,	Wilber,
Claflin,	Hiscock,	Price,	Wood.
Conger,	Horr,	Ray,	
Covert,	Hubbell,	Reed,	
Cowgill,	Humphrey,	Richardson, D. P.	

NAYS—104.

Acklen,	Cravens,	Hunton,	Sawyer,
Armfield,	Culberson,	Hurd,	Scales,
Atkins,	Davis, Lowndes H.	Jones,	Scoville,
Bachman,	Deuster,	Kelley,	Shelley,
Beltzhoover,	Dibrell,	Kenna,	Simonton,
Berry,	Dunn,	Kimmel,	Singleton, J. W.
Blackburn,	Elam,	Kitchin,	Smith, William E.
Blount,	Ellis,	Klotz,	Sparks,
Bouck,	Evins,	Ladd,	Springer,
Bragg,	Forney,	Le Fevre,	Stevenson,
Bright,	Frost,	Lowe,	Taylor, Robert L.
Buckner,	Geddes,	Manning,	Tillman,
Cabell,	Gibson,	Martin, Benj. F.	Tucker,
Caldwell,	Gillette,	McKenzie,	Turner, Oscar
Carlisle,	Goode,	McMahon,	Upson,
Chalmers,	Gunter,	McMillin,	Vance,
Clardy,	Hammond, N. J.	Mills,	Waddill,
Clark, John B.	Harris, John T.	Morrison,	Warner,
Clements,	Hatch,	Muldrow,	Weaver,
Clymer,	Henkle,	New,	Wellborn,
Cobb,	Herbert,	Persons,	Wells,
Coffroth,	Herndon,	Poehler,	Whiteaker,
Colerick,	Hill,	Reagan,	Williams, Thomas
Converse,	Hooker,	Richmond,	Willis,
Cook,	Hostetler,	Robertson,	Wilson,
Cox,	House,	Samford,	Wise.

NOT VOTING—105.

Aiken,	Brigham,	Einstein,	Henry,
Anderson,	Calkins,	Errett,	Houk,
Atherton,	Camp,	Ewing,	Hutchins,
Barber,	Chittenden,	Ferdon,	James,
Barlow,	Clark, Alvah A.	Finley,	Johnston,
Beale,	Daggett,	Ford,	Killinger,
Belford,	Davidson,	Forsythe,	King,
Bicknell,	Davis, Horace	Frye,	Knott,
Bland,	Davis, Joseph J.	Harmer,	Lindsey,
Bliss,	Deering,	Haskell,	Loring,
Boyd,	Dickey,	Hayes,	Lounsbery,
Briggs,	Dwight,	Henderson,	Marsh,

Martin, Edward L.	O'Reilly,	Ryan, Thomas	Valentine,
Mason,	Orth,	Ryon, John W.	Van Voorhis,
McGowan,	Pacheco,	Sapp,	Wait,
McKinley,	Page,	Singleton, O. R.	Ward,
McLane,	Phelps,	Slemons,	Whitthorne,
Mitchell,	Philips,	Smith, Hezekiah B.	Williams, C. G.
Money,	Phister,	Steele,	Willits,
Morse,	Pound,	Stephens,	Wright,
Muller,	Rice,	Stone,	Yeates,
Murch,	Richardson, J. S.	Talbott,	Yocum,
Myers,	Robeson,	Taylor, Ezra B.	Young, Casey
Neal,	Robinson,	Thompson, P. B.	Young, Thomas L.
Nicholls,	Ross,	Townshend, R. W.	
O'Brien,	Rothwell,	Turner, Thomas	
O'Connor,	Russell, Daniel L.	Urner,	

So the motion of Mr. CONGER for a recess was not agreed to.

The following additional pairs were announced:

Mr. CLARK, of Missouri, with Mr. JOYCE, for the remainder of the day.

Mr. MARSH with Mr. DICKEY, for the remainder of this day.

Mr. KENNA with Mr. WARD, for the remainder of this day, except when necessary to make a quorum.

Mr. HASKELL with Mr. PHILIPS, on all questions until seven o'clock p. m. to-day.

Mr. JOHNSTON with Mr. ANDERSON, for to-day.

Mr. SINGLETON, of Illinois, with Mr. MILES, until to-morrow.

Mr. ROSS with Mr. WILLIAMS, of Wisconsin.

Mr. ROBINSON with Mr. KNOTT, for the rest of the day.

Mr. RICE with Mr. NICHOLLS, until seven o'clock p. m.

Mr. DAVIDSON with Mr. BRIGGS, until Tuesday morning.

Mr. CRAPO with Mr. GIBSON, for this day, except to make a quorum.

The result of the vote was announced as above stated.

Mr. CONGER. I move to reconsider the vote by which the House refused to take a recess.

Mr. COOK, Mr. MILLS, and others. How did the gentleman vote?

Mr. CONGER. The names have not been read. The House does not know.

The SPEAKER. The record is here.

Mr. SPRINGER. I desire to raise a question as to whether a motion can be made to reconsider a vote on taking a recess.

The SPEAKER. The Clerk will read from Rule XVIII.

The Clerk read as follows:

RECONSIDERATION.

When a motion has been made and carried or lost it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the House, and therefore any member may call it up for consideration: *Provided*, That such motion if made during the last six days of a session shall be disposed of when made.

The SPEAKER. The Chair finds that the gentleman from Michigan [Mr. CONGER] did not vote on the prevailing side.

Mr. CONGER. I call for the reading of the record.

The SPEAKER. It has been read once.

Mr. CONGER. I understood that the record had been sent to the Printer, and could not be obtained.

The SPEAKER. The record is here.

Mr. CONGER. I withdraw my motion to reconsider, and move that the House do now adjourn. I make this motion because the House has refused to take a recess for the funeral obsequies of Mr. WOOD.

The question being taken on the motion to adjourn, there were—ayes 35, noes 61.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 12, nays 117, not voting 161; as follows:

YEAS—12.

Burrows,	Hall,	Horr,	Osmer,
Cox,	Hammond, John	Humphrey,	Russell, W. A.
Fisher,	Hiscock,	Ketcham,	White.

NAYS—117.

Acklen,	Cobb,	Herndon,	O'Neill,
Aldrich, William	Coffroth,	Hill,	Persons,
Armfield,	Colerick,	Hooker,	Philips,
Atherton,	Conger,	Hostetler,	Poehler,
Atkins,	Converse,	House,	Prescott,
Bailey,	Cook,	Hubbell,	Price,
Baker,	Crapo,	Hunton,	Ray,
Barber,	Cravens,	Jorgensen,	Reagan,
Beltzhoover,	Culberson,	Kelley,	Richardson, D. P.
Berry,	De La Matyr,	Kenna,	Richmond,
Bisbee,	Dibrell,	Kimmel,	Robertson,
Blackburn,	Elam,	Kitchin,	Ryon, John W.
Blake,	Ellis,	Lapham,	Samford,
Blount,	Ford,	Le Fevre,	Sawyer,
Bouck,	Forney,	Lounsbery,	Scales,
Bragg,	Frost,	Lowe,	Scoville,
Browne,	Frye,	Marsh,	Shallenberger,
Butterworth,	Geddes,	McCoid,	Shelley,
Cabell,	Goode,	McKinley,	Sherwin,
Cannon,	Gunter,	McMahon,	Simonton,
Carlisle,	Hammond, N. J.	McMillin,	Springer,
Carpenter,	Harris, John T.	Mills,	Stevenson,
Chalmers,	Hatch,	Morrison,	Thomas,
Claflin,	Hawk,	Morton,	Tillman,
Clardy,	Henkle,	New,	Townsend, Amos
Clymer,	Herbert,	Norcross,	Tucker,
Turner, Oscar	Vance,	Wilber,	Yocum.
Upson,	Waddill,	Williams, Thomas	
Valentine,	Wellborn,	Willis,	
Van Aernam,	Whiteaker,	Wilson,	

NOT VOTING—161.

Aiken,	Dunn,	Martin, Edward L.	Slemons,
Aldrich, N. W.	Dunnell,	Mason,	Smith, A. Herr
Anderson,	Dwight,	McCook,	Smith, Hezekiah B.
Bachman,	Einstein,	McGowan,	Smith, William E.
Ballou,	Errett,	McKenzie,	Sparks,
Barlow,	Evins,	McLane,	Speer,
Bayne,	Ewing,	Miles,	Starin,
Beale,	Felton,	Miller,	Steele,
Belford,	Ferdon	Mitchell,	Stephens,
Bicknell,	Finley,	Money,	Stone,
Bingham,	Forsythe,	Monroe,	Talbott,
Bland,	Fort,	Morse,	Taylor, Ezra B.
Bliss,	Gibson,	Muldrow,	Taylor, Robert L.
Bowman,	Gillette,	Muller,	Thompson, P. B.
Boyd,	Godshalk,	Murch,	Thompson, W. G.
Brewer,	Harmer,	Myers,	Townshend, R. W.
Briggs,	Harris, Benj. W.	Neal,	Turner, Thomas
Brigham,	Haskell,	Newberry,	Tyler,
Bright,	Hawley,	Nicholls,	Updegraff, J. T.
Buckner,	Hayes,	O'Brien,	Updegraff, Thomas
Caldwell,	Hazelton,	O'Connor,	Urner,
Calkins,	Heilman,	O'Reilly,	Voorhis,
Camp,	Henderson,	Orth,	Van Voorhis,
Caswell,	Henry,	Overton,	Wait,
Chittenden,	Houk,	Pacheco,	Ward,
Clark, Alvah A.	Hurd,	Page,	Warner,
Clark, John B.	Hutchins,	Phelps,	Washburn,
Clements,	James,	Phister,	Weaver,
Covert,	Johnston,	Pound,	Wells,
Cowgill,	Jones,	Reed,	Whitthorne,
Crowley,	Joyce,	Rice,	Williams, C. G.
Daggett,	Keifer,	Richardson, J. S.	Willits,
Davidson,	Killinger,	Robeson,	Wise,
Davis, George R.	King,	Robinson,	Wood,
Davis, Horace	Klotz,	Ross,	Wright,
Davis, Joseph J.	Knott,	Rothwell,	Yeates,
Davis, Lowndes H.	Ladd,	Russell, Daniel L.	Young, Casey
Deering,	Lindsey,	Ryan, Thomas	Young, Thomas L.
Deuster,	Loring,	Sapp,	
Dick,	Manning,	Singleton, J. W.	
Dickey,	Martin, Benj. F.	Singleton, O. R.	

So the motion to adjourn was not agreed to.

Before the result of the vote was announced,

Mr. WILSON moved to dispense with the reading of the names.

Mr. CONGER. I object to that, for I learn——

The SPEAKER. The gentleman objects; that is all that is necessary.

Mr. CONGER. I learn that the deficiency bill is ready to be reported soon, and I wish to keep this going until that bill comes in.

The names having been read, the result was announced as above stated.

The following pairs were announced:

Mr. REED with Mr. MCKENZIE, for the rest of to-day's session.

Mr. CASWELL with Mr. GEDDES, until ten o'clock a. m. to-morrow.

Mr. PAGE with Mr. MURCH, for the rest of the day.

Mr. EVINS with Mr. MCCOOK, on this vote. If Mr. MCCOOK were present, Mr. EVINS would vote "no."

Mr. WARNER with Mr. HARRIS, of Massachusetts, on this vote.

Mr. CLEMENTS with Mr. OVERTON.

Mr. DEUSTER with Mr. UPDEGRAFF, of Iowa, for the remainder of this legislative day, each party reserving the right to vote to make a quorum or to order the yeas and nays.

Mr. O'CONNOR with Mr. HAWLEY, for the remainder of this legislative day.

Mr. SPARKS with Mr. NEWBERRY, until eight o'clock p. m. to-day, either being at liberty to vote to make a quorum.

Mr. BUCKNER with Mr. BALLOU, for this day.

Mr. SAMFORD with Mr. STARIN.

The result of the vote was announced as above stated.

ORDER OF BUSINESS.

Mr. TUCKER. Mr. Speaker——

Mr. WAIT. I now ask that the resolution of the General Assembly of the State of Connecticut——

The SPEAKER. The Chair recognizes the gentleman from Virginia, [Mr. TUCKER,] pending which the gentleman from Georgia [Mr. COOK] desires unanimous consent to submit a proposition relative to the use of the National Museum.

USE OF THE MUSEUM HALL.

Mr. COOK. Mr. Speaker, I ask unanimous consent to present for consideration a resolution at this time to which I think there will be no objection.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, (*the Senate concurring*,) That permission is granted to the Washington Light Infantry Corps of the District of Columbia to use the Museum building on Monday evening, the 7th of March, 1881, provided that no expense shall be thereby incurred to the United States.

Mr. CONGER. Let that lie over a day.

The SPEAKER. The Chair desires to state that a committee of the company called upon him in respect to this matter. Their object is to give a public reception to the visiting military companies from abroad who are expected to be here at the inauguration. It is repre-

sented that there is no other place in the city large enough for the purpose of such a reception, and this request is made in consequence thereof.

Mr. CONGER. I withdraw the objection.

Mr. COOK. I move the adoption of the resolution.

The SPEAKER. Is there objection to the present consideration of this resolution.

There was no objection.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. TUCKER. Mr. Speaker, by order of the House on Saturday last it was provided that at eight o'clock this evening the House would proceed to the consideration of the memorial addresses and resolutions in honor of the late Mr. WOOD. I therefore move that the House do now take a recess until eight o'clock in pursuance of that order.

The SPEAKER. Pending that motion the Chair desires to lay before the House certain requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MURCH, indefinitely, on account of sickness;

To Mr. TOWNSHEND, of Illinois, on motion of Mr. SPRINGER, during the remainder of the session, on account of serious illness;

To Mr. HUMPHREY, for one day;

To Mr. WILSON, of West Virginia, for this night session;

To Mr. RUSSELL, of Massachusetts, one day, on account of important business; and

To Mr. ROBESON, for one day, on account of important business.

LEAVE TO PRINT.

Leave to print remarks in the RECORD was granted as follows:

To Mr. ALDRICH, of Rhode Island, on the bill to fund the 8 per cent. certificates of the District of Columbia. [See Appendix.]

To Mr. HAWK, remarks and compilation upon the subject of the militia. [See Appendix.]

To Mr. HENKLE, on the proposed Maryland and Delaware ship-canal. [See Appendix.]

To Mr. WILBER, upon the funding bill. [See Appendix.]

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers in the case of George Cloudt from the Committee on Claims was granted to Mr. UPSON, there being no adverse report.

ORDER OF BUSINESS.

Mr. TUCKER. Mr. Speaker, I understand that the deficiency appropriation bill is about ready to be reported from the committee for printing and reference, and I will therefore modify, if permitted to do so, the motion for a recess, so as to make it until a quarter before eight instead of eight o'clock.

The SPEAKER. The Chair would suggest to the gentleman from Virginia before doing so to allow the Chair to send a messenger to the room of the Committee on Appropriations to ascertain the fact.

Mr. TUCKER. I will say further, Mr. Speaker, in order that there may be no misapprehension, that at the close of the memorial services this evening there will be a motion to adjourn and no business will be pressed upon the consideration of the House.

I am requested by several gentlemen to yield to them before pressing the motion for a recess for the purpose of making some requests of the House.

Mr. CONGER. Before that question is decided I desire to have it distinctly understood that no other business shall be transacted after the memorial services are concluded; but that the House shall then adjourn.

The SPEAKER. The Chair would not be willing to allow any disrespect to the memory of the dead. On such occasions the invariable rule has been to adjourn. The Chair has never known an occasion when such a thing was permitted to be done as to take up and consider any other business.

Mr. CONGER. If that is the understanding, I shall be satisfied.

Mr. RAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and put upon its passage the bill (S. No. 1334) for the relief of Charles H. Frank. This bill has a unanimous recommendation from the Committee on Invalid Pensions of the House, and there is no objection to it from any quarter.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

Mr. SIMONTON. While the clerks are finding the Senate bill to which the gentleman from New Hampshire refers, I would like to ask unanimous consent to pass the bill which I send to the desk. This bill is reported unanimously by the Committee on Claims to pay an old woman some pension money due her. The original certificate was lost, and this simply authorizes the issue of a new certificate.

The SPEAKER. The Clerk will report the title of the bill referred to by the gentleman from New Hampshire.

The Clerk read as follows:

A bill (S. No. 1334) for the relief of Charles H. Frank.

The SPEAKER. The bill will be read.

The bill was read at length.

Mr. WARNER. What is this? How are we proceeding here?

The SPEAKER. By consent.

Mr. RAY. I will explain that this bill passed the Senate. It is unanimously recommended by the House Committee on Invalid Pensions. This man is a poor paralytic, and this bill is simply to allow an increase of his pension.

Mr. WARNER. Why is a special act necessary? Why cannot the pension be granted by the Department?

Mr. RAY. He has a small pension now; but it is recommended to be increased to $50 per month because of his condition.

Mr. WARNER. By whom?

Mr. RAY. By the House Committee on Invalid Pensions, and also by the Senate. I call for the reading of the report, which will explain the case, if my friend desires it.

Mr. WARNER. I think we had better proceed regularly in all these cases. I call for the regular order.

The SPEAKER. The regular order is on the motion for a recess until eight o'clock.

CONFEREES ON RIVER AND HARBOR APPROPRIATION BILL.

Mr. REAGAN. Mr. Speaker, I wish to state that the conferees on the river and harbor appropriation bill desired to have a meeting to-night at eight o'clock, but Mr. HAWLEY, one of the conferees on the part of the House, wishes to be excused from serving because of a previous engagement. I therefore request that the Chair appoint some one in his place.

The SPEAKER. The Chair will appoint Mr. BROWNE to fill the vacancy.

ORDER OF BUSINESS.

Mr. TUCKER. I now renew my motion that the House take a recess until eight o'clock p. m.

Mr. WAIT. The gentleman from Virginia said he would give me an opportunity to move to have the resolution I offered this morning printed in the RECORD. [Cries of "Regular order!"]

The SPEAKER. The regular order is on the motion of the gentleman from Virginia that the House take a recess until eight o'clock.

The motion was agreed to; and accordingly (at six o'clock and thirty-five minutes p. m.) the House took a recess until eight o'clock.

EVENING SESSION.

The recess having expired, the House resumed its session at eight p. m.

CEREMONIES IN MEMORY OF THE LATE HON. FERNANDO WOOD.

The SPEAKER. The House will be in order. Rev. Dr. BULLOCK, Chaplain of the Senate, will offer prayer.

The Chaplain of the Senate, Rev. J. J. BULLOCK, D. D., offered the following prayer:

Almighty and ever living God, who art the maker of our bodies, the Father of our spirits, and the disposer of all events, we invoke Thy blessing to rest upon the services of this solemn occasion.

In Thine inscrutable Providence during the last days of this Congress it hath seemed good unto Thee to remove from this world by the hand of death two of the most distinguished members of this National Legislature. We pray that these solemn events may be deeply impressed upon the minds and hearts of all those who have been associated with them in guiding and directing the affairs of this great country. May they be led by these solemn dispensations of Thy Providence to consider their latter end and to see the importance of being prepared for their departure when it is Thy will to call them hence. For it is certainly true that it is appointed unto all men once to die, and after death the judgment; and that neither wealth, nor talent, nor high position can arrest the footsteps of death, the great destroyer of human hopes and human expectations.

And we pray that we all give heed to the solemn warning that comes from the vacant chairs clad in sackcloth that were recently filled by those who are now numbered among the dead. We do beseech Thee, Our Father, that, seeing that life is so short and so uncertain, and that death and judgment and eternity are certainly before us, we may so live that when the summons of death shall be put into our hands we shall be ready to die in peace and in the confident expectation of a glorious immortality.

We pray for the blessing of Almighty God, the Father, the Son, and the Holy Ghost to abide upon us, now and forever. Amen.

The SPEAKER. The Chair will cause the order of the House under which this evening's session is held to be now read.

The Clerk read as follows:

SATURDAY, *February* 26, 1881.

Mr. TUCKER, by unanimous consent, submitted the following order; which was read, considered, and agreed to:

"*Ordered*, That the ceremonies fixed for Sunday (to-morrow) at three p. m., in commemoration of the late Hon. FERNANDO WOOD, be postponed until Monday evening, at eight o'clock, and that the Senate be advised of the change."

Mr. COX. I am directed by the delegation of New York State to present the resolutions for our action this evening, which I send to the desk.

The Clerk read as follows:

Whereas the House of Representatives has heard with feelings of unaffected grief the announcement of the death of Hon. FERNANDO WOOD, a Representative in Congress from the ninth district of the State of New York:

Resolved, That in the loss of our late associate in legislative life we deplore one of the ablest counselors of our nation, whose long public service, beginning forty years ago, in municipal as well as in Federal life, were given with energy, intelli-

gence, sagacity, and courage to what seemed to him the best interests of his great city, the Empire State, and the entire country; and for his supreme and undaunted devotion to duty, even to the end of his illustrious career, and his unswerving loyalty to his convictions and to the Constitution of our land, we desire to testify our unaffected condolence with his family, his constituents, his city, and his State.

Resolved, That the Clerk of this House be directed to present this public expression of the sorrow felt by this House in its loss to the family of the deceased.

Resolved, That as a further mark of respect for the memory of the deceased, this House do now adjourn.

Mr. SPRINGER. I ask unanimous consent that the Doorkeeper be directed to admit ladies and gentlemen to the floor of the House during these services, and that the House take a recess for five minutes while this order is being executed.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Doorkeeper be directed to admit to the floor ladies and gentlemen who are unable to find seats in the gallery. Is there objection? The Chair hears none.

The gentleman from Illinois also asks that the House take a recess for five minutes. The Chair hears no objection.

Accordingly (at eight o'clock and ten minutes p. m.) the House took a recess for five minutes.

The recess having expired, the House resumed its session at eight o'clock and fifteen minutes p. m.

Mr. TUCKER. Mr. Speaker, death has cast the shadow of his dread presence over both Legislative Chambers of the Capitol. He has taken from this House one who was oldest in public service, and distinguished for his ability and experience; and more recently has quenched the brilliant light of the gifted and eloquent Senator from Wisconsin.

To-night, we are met to pay a just tribute of respect to the memory of our late associate, Hon. FERNANDO WOOD, a Representative from the State of New York; for four years chairman of the Committee on Ways and Means, and for nearly forty years a conspicuous figure in American politics.

The broad, deep river which rolls its majestic waters to the sea, with scarcely a ripple on its bosom, tells but little of the movements of the mountain stream it once was, of the chasms it has leaped, of the precipices over which it has fallen, of the mountains through which it has cleft its way, of its devious course to avoid what it could not surmount, until in its well-defined channel it becomes the source of blessing to all within the range of its beneficent influence.

So is it often with "this pleasing, anxious being" of our common humanity. In its primary stages it is marked by vigorous, sometimes vehement, struggles to free or avoid the obstructions to progress and success. In the antagonisms of an early career criticisms just and unjust upon the motives to action generate hostilities which as life goes on are modified, alleged, or removed; and as we near the period when it shall empty itself into the eternal and infinite "life beyond life," we cease to strive and struggle, but with the momentum of an early, resistless force we may hope to achieve, with calm and self-contained power, the highest and noblest purposes of a pure and chastened ambition.

To trace the career of so sagacious a public man as Mr. WOOD to its early stages would be a matter of interest, as it always is to see how the germs of later success were laid in the experiences of youth, and thus to find how true it is that "the child is father to the man." My personal acquaintance with him, however, having begun in the Forty-fourth Congress, I have no materials from which to speak with accuracy of his previous life. I shall leave to some other member to do this more satisfactorily than in my ignorance of it I could hope to do.

FERNANDO WOOD was born on the 14th of June, 1812, just four days before the declaration of war against Great Britain. His infant slumbers in his quiet Quaker home in the City of Brotherly Love were broken by the sounds of war; and I can well imagine that in his childhood, from hearing of the battles and victories of our then young Union, he imbibed much of that patriotic pride and devotion to his own country for which he was remarkable in his later utterances.

In his boyhood tradition relates that when engaged in manual labor his employer predicted failure for him, because while at work with his hands his eye was fixed on a book kept open before him. This thirst for the information which reading affords indicated an early self-consciousness of fitness for higher work and for more important functions. Before his majority he went into the shipping business, and by his prudence, sagacity, and energy realized a fortune. In 1841 he first became a member of this House, being elected when the whirlwind of popular feeling swept Mr. Van Buren and the democratic party from power and placed the executive and legislative branches of this Government in the hands of the whig party. I was curious to see the position of Mr. WOOD upon the sharply drawn issues of that memorable period.

His first appearance was in offering a resolution of inquiry respecting the rights of American citizens, said to have been unlawfully imprisoned by British authority in Van Dieman's land, an inquiry indicative of his jealous regard for the liberty of his fellow-citizens.

He stood with the democratic party against the re-establishment of the Bank of the United States. He spoke with earnestness against the perpetuation of a national debt; opposing all the ideas indulged in then as now of a splendid Government as contrary to the simple and economic views of the fathers of our republican system.

His opposition to a tariff for protection was very decided, and his thoughts upon free trade were boldly expressed. They were obviously inspired by the probability of that great change in British policy which a few years later was carried by Sir Robert Peel in the overthrow of the corn laws forever.

Mr. WOOD said:

The spirit of the age is tending toward free trade. The nations of Europe have recently become anxious inquirers into its political and social advantages. The general assimilation of customs regulations, the mutual dependence of an unfettered intercourse, the beautiful and harmonious working of a system, beyond the control of ambition or avarice, would in time bind mankind in bonds of amity, good-will, and peace, driving war and famine forever from the world.

This was the language of a young statesman, not yet thirty years of age—and to the views thus expressed he consistently adhered to the end.

He served but one term at that time. He continued to co-operate with the democratic party, and after its schism in 1848, he refused to follow Mr. Van Buren in that presidential election as the candidate of the free-soil party.

As a southern man, I should do injustice to the dead if I did not here mention that during the whole period of sectional strife prior to the civil war, when the free-soil democracy and the newly-born republican party assailed what the South regarded as her constitutional rights, Mr. WOOD upheld the equal right of the South to participate in the settlement of the great domain for colonization by the old States which had been won by the equal contribution of the valor and treasure of the North and South.

He was three times elected mayor of the city of New York, serving as such in 1855-'56-'57 and in 1861-'62. In this position he exhibited rare executive ability and acquired great distinction.

He was elected to the Thirty-eighth Congress and subsequently, serving as a Representative in this House nearly eighteen years altogether, and was re-elected to the Forty-seventh Congress.

Mr. WOOD was a member of the Committee on Ways and Means in the Forty-fourth Congress, and led, upon reporting the bill from the committee, the friends of the measure for carrying into effect the Hawaiian treaty. Though I differed with him on that question, I take occasion to say he supported the measure with ability, and its success was largely due to his energy and activity.

He was chairman of the Committee on Ways and Means for the last four years. His name is associated with the tariff bill which was defeated in May, 1878. But more especially will his name be associated with the bill introduced by him and referred to the committee, and afterward in a modified form reported by him to the House in March, 1880, for refunding the public debt, and which with amendments passed this House in January last.

Whatever opinions may be entertained of that measure, no man in this House can ever forget the manly, almost heroic, persistence with which, though tortured by a painful disease, and even when the stamp of death was visible in his face, Mr. WOOD came and stood at his post day after day until the bill passed. It was touching to hear him speak of it and of his connection with it as a triumph for the public credit of our country.

Nor will any of us ever forget the earnestness with which the dying man on the 15th of January last uttered these patriotic words, almost the last he ever spoke in this Hall, seemingly prophetic of his end:

This nation stands to-day upon her imperial power. Her resources in the earth and above the earth, in the manly industry and energy of her people, are as ten to one compared with those of any other nation in the world. I for one, in the expiring hours of a public life of forty years, will never consent that this great country shall hawk its credit through the money markets of the world. [Applause.]

He went away with little hope ever to return. He felt his life-work was done. He died tranquilly, in peace, and without pain. We have committed his body to his mother earth; his spirit has returned to God, who gave it.

Mr. WOOD'S mind was active and vigorous. It was practical rather than philosophic, dealing more with the concrete than the abstract. His judgment and sagacity about men and things were marked qualities of his mental constitution. He had much general information, and while from lack of early training and the mental discipline which the higher education secures his mind was not as accurate and logical as it might otherwise have been, yet his strong common sense, his keen and clear knowledge of men, and his large information on subjects of business and politics made him a wise and sagacious actor in the affairs of his time.

He had courage, fortitude, and a persistent energy which was success for his projects, when men of more intellect without these moral qualities would have failed.

His presence was striking; his style in debate was impressive and dignified; his manners were courteous; and in the intercourse of the home they were genial and full of kindness. He was very decided in his opinions and strong in his convictions, and stout and brave in their assertion and maintenance.

His hospitality was generous and warm. In all the relations of his family, he was gentle, affectionate, and true.

It has been my duty thus to speak of Mr. WOOD in his public relations, as I have known him for six years as his associate in this House and on the Committee on Ways and Means.

Having filled the measure of his life, he has met its responsibilities and has passed away from these scenes of busy, active strife forever.

Brother Representatives, standing at the grave of our dead comrade, let us resolve that we will meet our life responsibilities (the more solemn when we look on death!) in the fear of God and for the best interests of our common country!

Let a pure love of country, our whole country, inspire that earnest and harmonious co-operation for the promotion of its real interests and its true glory without which all our labor will be in vain.

In the presence of this solemn event and under a deep sense of our responsibility to our country and to our God, may it teach us so to number our days that we may apply our hearts unto wisdom!

Mr. HUTCHINS. Mr. Speaker, the members of the Forty-sixth Congress have three times been called to pause and contemplate the reality of death. To-day another vacant seat, dressed with the emblems of mourning, reminds us that we are gathered for a similar purpose. It might seem that this event so common would be viewed by us all without emotion. But this is not so. The heart, the head, and the hand join in this solemn tribute of respect for the dead. When men who are pursuing the business of life with an earnestness that absorbs their whole being, and making haste to accomplish the purposes of ambition, stand on the threshold of the inexorable grave and acknowledge the fact that "all flesh is as grass," it is an event calculated to teach lessons of profit, if rightly considered.

The man dies, but his deeds live. The art of printing and the mighty elements of nature now impressed into the service of mankind give every action upon the stage of life the meed of immortality and hand down to posterity the good and the evil of each generation. Should not this fact prompt us to an exalted patriotism and to earnest efforts looking to the greatest good of the greatest number of our fellow-citizens?

The record of FERNANDO WOOD'S life, covering an important period of our country's history, is full of deep interest and instruction. He was born June 14, 1812, in the city of Philadelphia. The fact that his ancestors were Quakers conveys to us the idea that he began life with practical and solid notions of men and things. His parents took him to New York City in 1820, where were enacted the busy scenes of his earnest and eventful life. When fourteen years of age he became a merchant's clerk, afterward a skilled mechanic; and when twenty years old, we find him struggling to establish himself in mercantile business. He battled for the prize of success with varied results until 1840. When only twenty-eight years of age his ambition, after repeated efforts, was rewarded by his election to the Twenty-seventh Congress. This Congress enrolled among its members John Quincy Adams, Millard Fillmore, Caleb Cushing, Robert C. Winthrop, Henry A. Wise, R. M. T. Hunter, and others, afterward equally honored and eminent in the annals of the nation. The Senate at that time was also composed of many statesmen of great ability. Mr. WOOD not only enjoyed the acquaintance of these eminent men, but took part in their earnest debates when the great and far-reaching questions of that day were being settled by the master minds of the Republic. Such was the school in which our deceased colleague was trained, where he had the benefit of the ablest intellects, the wisest statesmen, and the profoundest thinkers of the day. No doubt his subsequent public career was largely influenced by the forces imparted to his mind and his principles at this epoch of his life.

During the session of this Congress Professor Morse made application for aid to perfect the magnetic telegraph of which he was the inventor; Mr. WOOD had a keen appreciation of its merits, and acting upon his own judgment rendered him such valuable aid that Professor Morse in after years, and in the day of his great triumph, was wont to say that he regarded his success as largely due to Mr. WOOD.

On the expiration of his congressional term Mr. WOOD re-entered mercantile life, in which he met with marked success. In 1850 he again entered into the arena of politics, when he was the democratic candidate for mayor of the city of New York, but was defeated. In 1854 he was again the candidate of his party and elected. During the term of his service he was the earnest advocate of establishing the Central Park, and initiated measures which resulted in its becoming a success. He invited Washington Irving, George C. Bancroft, William Cullen Bryant, and other distinguished citizens to consult with him in devising plans for this great breathing place for future millions of the metropolis. Thus was New York City and the Western World largely indebted to Mr. WOOD for this successful enterprise which is becoming the central school of natural history—of the liberal arts and the depository of relics of greatness and grandeur of ancient and modern times.

He was re-elected mayor in 1856 and again in 1859. During his term as chief magistrate of the city of New York he originated the uniforming the police, which innovation has since grown into a universal custom in the cities of our country. The great abuses which had become common in the municipal government from negligence, want of discipline, and executive incapacity were inquired into, and reformed by the assistance of his practical good sense. Evil-doers in their secret haunts were discovered by the enforcement of new police regulations and restraint, exposure, or punishment meted out to them. He determined to make his adopted city a model of good government and he succeeded in so doing by his persistent and energetic efforts. It may be said of our deceased friend that during his administration of the office of mayor no man was ever abused more unsparingly than he, but he did his duty so fearlessly, and to all appearances so conscientiously, as to win the praise of unprejudiced minds.

Mr. WOOD was returned to the Thirty-eighth Congress, and from that time until his death, excepting the Thirty-ninth Congress, was a continuous member of this body. His history for the twenty-one years of his congressional career is intimately interwoven with the history of the period of that service, and the student will find the record of his acts in harmony with the best interests of the financial management of the country, and on the vital questions of currency, tariff, and commerce were conservative and sound, as propounded by the best minds and the closest thinkers of his party. The last public measure which engaged his attention showed his devotion to views that he had adopted after mature consideration, and demonstrated also his intense earnestness in carrying them to a successful consummation. He came to this House at the beginning of the present session from a sick bed. Day after day he consulted with his colleagues and urged upon them his convictions. He faltered not, though feeble in body and his vital forces nearly worn out, until this, the last public measure which bears his name, was approved by us. When it had received our sanction, he remarked, with a presentiment of his near death, "This ends a period of forty years' public service." Then his physical nature yielded to the force of disease and in a last effort to recuperate he fell a victim to death.

When success runs through the warp and woof of a whole life-time the measure of a man's greatness is the result of his fidelity to popular interests. Such is the philosophy by which to form our judgment of public men. Judged by this rule, as a merchant, as the chief magistrate of the first city of the Union, as a representative in the United States Congress of a large and intelligent constituency, the life of our late distinguished associate may be regarded as a triumphant success.

In looking at the elements of Mr. WOOD'S character we find that he was self-reliant to a wonderful degree. He was active and energetic in the pursuit of every object that engaged his attention, and also in the discharge of all public duties. His life was a stormy one, and the reason is obvious when we realize that he was a man strong in his convictions and fearless in their expression. Hence he made enemies, and he seldom endeavored to conciliate them.

The courtly dignity of his carriage and the suavity of his manners was a noted characteristic of the man. His bearing upon this floor was always unexceptional, and we might profit by imitating its propriety and befitting manliness.

Thus having labored diligently in the public service for two-score years, and lived the allotted period of human life, he died with his armor on, a true type of the American citizen, ripe in deeds of public interest and full of honors.

Mr. LAPHAM. Mr. Speaker, it is not my purpose to dwell at length upon the topics naturally suggested by the occasion which has called us together or to pronounce an elaborate eulogy or take an extended biographical notice of the life and labors of our deceased colleague. The gentlemen who have preceded me have made it unnecessary for me to do so. The event is not one calculated to excite that intense grief we have felt at times when the destroyer has snatched from our midst those who were just entering upon a public career of honor and usefulness.

Mr. WOOD had nearly filled up the measure allotted to human life, and has fallen at last, as the ripened grain falls before the reaper's sickle. Such a passing away is a harvest, not a blight.

My acquaintance with him personally began with my entrance to the Forty-fourth Congress, in December, 1875. I thus met him as one of the leaders of the dominant party in this House, flushed by a great political victory just then achieved. I had known and heard of him as a most devoted partisan, and therefore watched his course and conduct as a Representative with more than ordinary care and interest. His example from that time till he left this Hall never to return was such that I can bear cheerful testimony how often he abjured partisanship and rose to the higher duties devolved upon him by the demands of statesmanship. Years had tempered the ardor of his zeal as a politician, and ripened his judgment for the discharge of the more dignified duties of a statesman. He was an earnest advocate of a measure when once espoused by him, but he brought to its advocacy that calmness and dignity which rendered his earnestness less offensive to those with whom he differed in opinion. Which one of all those who listened to him in one of his last efforts on this floor will ever forget the example in this respect which he has left for our imitation? The patient earnestness with which he pressed to a conclusion a measure which he had come to believe so deeply concerned the public welfare and which his impressive and eloquent words proved he was conscious would be the last and crowning act of a long and eventful public service here. He had convinced himself that a Government loan at 3 per cent. interest could be successfully floated, (a conclusion in which I then thought and still think he was in error.) His colleague, [Mr. HUTCHINS,] who has preceded me on this occasion, had taken issue with him upon the subject. "Such a loan (said he) as is here proposed has never been floated. I do not believe it can be." The closing sentences of Mr. WOOD'S reply, to which reference has already been made, were in these words:

This nation stands to-day upon her imperial power. Her resources in the earth and above the earth, in the manly industry and energy of her people are as ten

to one compared with those of any other nation in the world. I, for one, in the expiring hours of a public life of forty years, will never consent that this great country shall hawk its credit through the money markets of the world.

This was on the 15th of January last. On the 19th the bill passed the House. His work was done. His labors as a Representative were ended. He left the theater in which he had so long been a prominent actor never to return. This was not to have been the close of his service had his life been spared. He had been honored by an election to the Forty-seventh Congress. His touching allusion to the "expiring hours" of his "public life" foreshadowed the end which so soon came.

A greater than any living writer has said:

> The sense of death is most in apprehension,
> And the poor beetle, that we tread upon,
> In corporal sufferance finds a pang as great
> As when a giant dies.

This sense our departed friend most clearly realized, and yet his resolute, manly, and almost perilous struggle with the great enemy in the weary journey he undertook—the effort thus made to

> Hold death awhile at the arm's end—

was characteristic of the energy manifested in his whole life, and of a determination to spare no effort to avert for a time his coming fate.

> At least we'll die with harness on our back—

was the language of his example.

And so, dying in a distant State, his mortal remains were returned by loving hands and with official fidelity and care to the residence in this city where he had so many years dispensed a generous and almost princely hospitality, and where his obsequies were held, to be taken thence to the place he had selected for their burial.

Mr. WOOD'S services as a Representative (and it is of him in that respect that I speak) were of the most exalted character. He was industrious and punctual in the performance of every duty. He avoided no labor properly cast upon him. He was kind to all classes of applicants for favor in legislation who sought his aid and whose claims he believed just. He was also courteous to younger and less experienced members of the House. In the committee-room and on the floor he was a model Representative. We shall miss his manly presence among us; and it may be many years before, in these respects, we shall look upon his like again.

Mr. LOUNSBERY. Mr. Speaker, the voice of my colleague but lately sounded in this Hall. To-day it is forever hushed. His body lies sepulchered with the dead. The mournful duties of his associates connected with his obsequies close with the present hour. I shall not indulge in fulsome adulation; but I shall mingle with others in making a truthful portraiture of a life largely devoted to the public service, and ended while engaged in a most earnest and exhausting struggle in the interest of his country. I would render here the lesson of his life, bred of self-instruction and determined effort; projected among a people of which he was truly a part, and ended amid duties that had become congenial to his habits and nature.

FERNANDO WOOD was born in 1812, at Philadelphia, where his parents were temporarily residing. He was reared in New York City. At the age of thirteen years, on his own account but with the consent of his parents, he took employment in a book-store, and thenceforward supported himself and educated himself. Very young he took part in the local politics of his city, and at the age of twenty-eight was elected to Congress from one of the city districts, and served for two years in the same Congress with Daniel Webster, Henry Clay, and John C. Calhoun, forming an intimate acquaintance with the two latter.

He returned at the end of his term, with his business broken up by his political services and with the resolve never more to participate in politics, but to devote himself exclusively to building up a fortune. He adhered to this resolution until he had succeeded to his satisfaction. He had been successful in business. He had built up a shipping trade which with several fortunate ventures had made him in 1854 an accumulation of gains on which he felt justified in retiring from active business. He had had the sagacity when the gold discoveries made California a field for adventures to land several cargoes of goods at San Francisco and with the profits to purchase real estate there. He also bought real estate in New York City, and with the growing prosperity of the country he became a man of wealth as that word was used at that time. He then again felt able to indulge his old fondness for politics, and he was elected mayor of New York in 1854 and re-elected for two subsequent terms. In 1862 he was elected to a seat in Congress from the ninth New York district, and he has without break held this seat. It seemed to be the fixed determination of his constituents to continue him in Congress till his death. At the last election, though continuously confined to his house by sickness, and though his party was divided by rival factions, he was again elected to his tenth successive term. This term by reason of his death he has not been able to enter upon.

His congressional services connect the deceased with an eventful period of his country's history. He sat in this Hall while the Representatives of many of the States were absent from their seats by secession; while a war of the sections was in active progress; while reconstruction was emerging by conflicting propositions; while the waste of war was giving place to restoration; and while the credit of the country was being rebuilt. When his party came again to a majority in this House he was made chairman of the Committee on Ways and Means. He participated in the enactment of laws that tended to returning prosperity. He participated in the triumphs of a coin resumption by the Treasury. He saw the Government bonds appreciated in the markets of the world. His voice has hardly yet died along the walls of this Chamber in the eloquent expression of his confidence in the Government credit and in its ability to refund its redeemable indebtedness at the rate of 3 per cent.

I was one of many interested witnesses of his last and most earnest effort. His voice was already broken by approaching dissolution, but his mind was clear. He seemed determined to leave this act impressed upon the financial history of his country as a monument to his legislative career. Those who saw the dying statesman as he retired from the House after the result of the vote upon his bill had been announced were irresistibly reminded of the words of the dying Adams:

> This is the last of earth, and I am content.

This picture in outline is that of a successful career. Of eminence achieved as a legislator under such circumstances as make his case, though not exceptional, sufficiently rare to mark it as a notable event. Though educated to trade, he was not unsuccessful as an orator. Without the learning of the books he had become cultured in statecraft. He was the representative of a class of public men in his country who have succeeded by a positive purpose without the aid of erudition. He was peculiarly the child of his city, and was honored by it because he so fitly represented its growth and its practical habits and methods.

The deceased was magnificent without ostentation. When he was carrying on a shipping trade with immense profits his office was small and ill-furnished. His residence in New York, though princely in its extent and in its appointments, was plain and without ornament to attract the eye of the stranger. At his home in Washington, where he was beyond precedent liberal in his hospitality, he did nothing to attract observation. His funeral obsequies were conducted according to his wishes in such manner as to repel public demonstration to his memory.

The deceased had much store in his family and his fireside. He leaves a surviving family of eleven children, not spoiled by tenderness, but reared under the affectionate eye of a devoted father.

His will, drawn when he had reason to expect a speedy death, shows that his chief concern was to make ample provision for the care of his afflicted widow.

We have put away in his tomb our distinguished associate. A column has fallen not easily replaced. I mourn in him a lost friend. The country has no longer his wise and devoted counsels. His fireside is desolated of his care and protection. We have left only the recollection of a history rounded out to a ripe and complete fruition. We can rest alone in the remembrance of his achievements—

> For memory is the only friend
> That grief can call her own.

Mr. WRIGHT. Mr. Speaker, I rise under a deep feeling of emotion. I have parted with a life-long friend. For the last forty years Mr. WOOD and myself have been connected with many of the political events which have successively excited this country; and in his departure I feel as though I was separated from a personal friend with whom I have been associated during that long period of time.

Mr. WOOD was my junior by some four years. The last conversation I had with him was in this Hall, and I inquired of him with regard to his age. He told me he was born on the day that the American Congress declared war against Great Britain in 1812. He was therefore four years my junior. According to the ordinary course of events I should have gone before him. But such is human destiny. We cannot tell what an hour will bring forth.

I am feeble to-night, but I will try to make a few remarks and make myself audible. They cannot be extended. If I were to give a general summary of the character of FERNANDO WOOD I would say he was a man of great industry, of strong will, and positive attributes; that his character for integrity was unquestioned. He filled all his high offices with dignity and purity. He was tenacious of his opinions. They were the result of labor and research as well as the result of honest convictions, convictions formed, not at random, but conclusions deduced from the power of educated and trained thought. Inferences from facts, from long experience in public and private affairs.

As a statesman his ideas were bold, yet conservative. He stood high in the estimation of his colleagues, and in the conflict of opinions his sincerity was never questioned. He was courteous in his manner, not offensive in debate, frank, open, manly, true, and reliable as a friend, and, better than all, he was a gentleman. That is my summary of the character of my colleague and my late distinguished friend.

That he was a man of industry and strong will is manifest by the manner in which he began the great battle of life. Born in my native State, which fact always attached me the more to him, born in humble circumstances, apprenticed in his boyhood, still having always that indomitable will as an element of his character, there was no power that could resist his onward march, and onward he did march; and he marched to conquest and victory, disregarding the ordinary obstacles in the pathway of life.

He entered into mercantile life, and in that he exhibited sagacity and showed that he knew how to manage and control his affairs; when he had accumulated a fortune he had the judgment and discretion to take care of it. That shows conclusively his great industry, his strong will, his positive attributes.

Let me stop here a moment to turn away from the ordinary chain of ceremonies of this kind and say that it is men of such character, men born in obscurity, with will and foresight, and power, who have laid the corner-stones of our great Government; and to their arms we are to intrust the safety and custody of it in all time to come. Mr. WOOD was a living example of what industry, temperance, and labor can accomplish.

Leaving Philadelphia, passing through his apprenticeship, accumulating a fortune as a merchant and showing that he knew how to take care of it, he entered into public life. He became the mayor of the great metropolis of this great country. No man to-day can raise his voice and say that FERNANDO WOOD, in the high office that he held as the mayor of New York, ever failed to discharge properly the duties of that office. He was always at his post, always maintaining the character and dignity of his position, and also maintaining the purity of his own life and conduct.

When he came into public life—I know the time well, because I had been in public life some years before him—when he came into public life there was a class of men from whom he received his earliest instructions such as never again will exist in this country. Why it should be so I do not know. I say nothing in derogation of the character of those who now occupy these two Chambers.

But there was a galaxy of power and learning, influence and integrity, especially in the Senate of the United States, when FERNANDO WOOD entered into public life that never before existed, and perhaps never will again.

There is but one way in which history can repeat itself with regard to the restoration in the Senate of men of the powers possessed by those who held seats in that body at that time. That was a time when men were selected by the States to represent them always with an eye solely to their ability and qualification. I stand here to-day at three-score-and-ten, and I can afford to say it, and I dare say it, that is not the rule now. There are, of course, exceptions. It was in the training of those men with whom Mr. WOOD associated that upon his mind were made those deep impressions of the honor and the integrity which characterized him as a man and statesman.

So far as he had anything to say in this Chamber during the debates of the last four years, you will find that there was no acrimony, no effort made to excite ill-will on the part of his adversaries. He followed strictly the line of his argument, and the position he maintained in carrying it out was sustained by dignity. You all know that who have seen the grand old form standing at his place here in this Chamber arguing questions of State. You all have felt impressed with the idea that he was a man who could talk to the point, talk sense and avoid all ideas and expressions which would produce acrimony, and which sometimes lead to very bad and serious results. In this particular Mr. WOOD enjoyed a proud and enviable position.

I said he was tenacious of his opinions; no man was more so. They were opinions that he had formed after deep research. He differed with me in regard to many questions of State policy, particularly in his ideas as to revenue. I thought nonetheless of him, though. He was manly; he did not conceal his opinions, he spoke them right out freely and without concealment.

As regards his standing, according to our idea and definition of statesmanship, we would not be justified perhaps in placing him in that higher circle. He was upon the plane below, but upon a plane where he could exercise his influence and his power and do as much good for the public as though he had occupied the plane that was above him.

He was tenacious of his opinions to a remarkable extent. Many a contest have I had with him in regard to those matters, especially during the last twenty years. I do not now speak as to political issues; they are out of place here to-night.

He was born in Pennsylvania but reared in New York—by birth a son of the great Keystone State; by adoption a son of the great Empire State. He was a true type of those two great States lying side by side, anchors of safety in revolution, and anchors of safety and indexes of public opinion in all time to come. He was a type of the character of those two great States lying in the center of the territory of this nation.

I have stated, in the general summary I have given of his character, that he was a courteous man. You all know that; it is needless for me to repeat it. Gentle in manner, kind in action, the last man on God's earth to offend, it never entered his mind to utter a word to hurt the feelings of his opponent, whether he was above him in the social or political scale or below him. He was courteous in his manner out of this Hall as well as in it. He was a model statesman, because his training had been such as a statesman should receive. Having been thus trained in early life, the impressions then made upon his mind were never thrown off. The mantle which he took upon himself in 1840 in the society of the men of those days was never changed, and was interred with him.

As I said when I arose, I feel under a deep sense of embarrassment, because I am reminded of an event which must happen to me in a very short time. I hear the knocking at the door. I feel as though a part of me had gone in my social and political life, as though the man who had been by my side in political issues for the past forty years had left me. I feel now that in the absence of an old friend and distinguished statesman from his seat in this body that, so far as I am concerned, it is a banquet hall deserted.

Mr. COFFROTH. Mr. Speaker, we are again called upon to mourn the loss of one of our number. Our deceased brother lived to nearly the period of time allotted to man. When we met here in December last we little thought that before the close of this session the seat of FERNANDO WOOD would be draped with the pall of mourning and decorated with white flowers—the emblem of the pure in death. He entered upon his duties with all the appearance of having many years of usefulness before him. His arduous labors as chairman of the Committee on Ways and Means, and his unrelenting exertions during the pendency of the refunding bill, wore heavily upon his constitution, and it gave way faster than any of his friends anticipated. When in the discussion of the refunding bill, on the 16th of January last, he declared, "I for one, in the expiring hours of a public life of forty years, will never consent that this great country shall hawk its credit through the money markets of the world," none of us had the remotest idea that these were among the last words of a dying statesman who had for many years given his time, intellect, and energy to the good of his country.

He left this Hall after the passage of the refunding bill to seek rest and to restore his shattered health; but, alas! he will never return again. God, in His divine wisdom, has called him away, and

> How pale appear
> Those clay-cold cheeks where grace and vigor glowed!
> Oh, dismal spectacle! How humble now
> Lies that ambition which was late so proud!

I will not at any length recount the many positions held by FERNANDO WOOD. He was born in the city of Philadelphia on the 14th of June, 1812, and is of Quaker parentage. At nineteen years of age he commenced business as a shipping merchant in the city of New York, from which business he retired with an ample fortune in 1850. He was first elected to Congress in 1840, and was a member thereof in the years 1841, 1842, and 1843. He was three times elected mayor of the city of New York, serving as such during the years 1855, 1856, 1857, 1861, and 1862. He was then elected to the Thirty-eighth Congress, being regularly in attendance at its sessions and gained great distinction by his course. He was again elected in 1866 to the Fortieth Congress, and has been a member from that time until the date of his death, which occurred at the Hot Springs, in Arkansas, on Sunday evening, the 20th of February instant.

It can be truly said of FERNANDO WOOD that his was an eventful life. He was an eloquent and captivating public speaker. The first public speech I heard him make was during the sitting of the democratic national convention, in 1860, at Charleston, South Carolina. His speeches in Congress have evinced rare ability, and have placed his name in the category of the great statesmen who have preceded him. He has forever gone from us, and his death will be mourned as a public loss, and in the private circles of life many loving hands will strew flowers over his grave, while others will shed tears over his demise, because he was the common benefactor of the poor and needy.

Mr. Speaker, death is a frequent visitor to these Halls, and we are appalled when the summons comes—

> Yet, tell me frighted senses; What is death?
> Blood only stopped, and interrupted breath;
> The utmost limit of a narrow span,
> And end of motion, which with life began.
> As smoke that rises from the kindling fires,
> Is seen this moment, and the next expires;
> As mighty clouds by rising winds are tost,
> Their fleeting forms scarce sooner found than lost.
> So vanishes our state, so pass our days,
> So life but opens now, and now decays;
> The cradle and the tomb, alas! so nigh,
> To live is scarce distinguished from to die.

Mr. Speaker, on the first Monday of December, 1863, after an absence of twenty years, FERNANDO WOOD reappeared as a member of the Thirty-eighth Congress. You and I made our first appearance as members at that time. Time has made sad and lamentable havoc with our then colleagues. We call the roll and ask, Where is Pennsylvania's "Old Commoner," Thaddeus Stevens? The answer comes—he is dead! Where is the warm and impetuous Meyer Strouse? The answer is—he is dead! Then we desire to know of that noble patriot, Philip Johnson; and the answer is—he is dead! Then we ask, Where is the pleasant and kind-hearted Charles Dennison? The answer comes—he is dead! We inquire next, Where is the eloquent and noble-hearted William H. Miller? and the answer again comes—he is dead! The inquiry is then made for the intelligent jurist, James T. Hale; and we are again answered—he is dead! We then call the name of the earnest and able advocate of the homestead law, John L. Dawson; and we are answered—he is dead! The inquiry then comes, Where is the distinguished Thomas Williams? The answer again is given—he is dead! And last, but not least, we call the name of that generous and noble man, Jesse Lazear; and the answer comes in mournful accents—he is dead!

Yes, these associates and colleagues of our first Congress have been taken from their families and their country by the hand of death. When we look over this Chamber we only see eight members now here

who were members of the Thirty-eighth Congress—four from Pennsylvania, the Speaker of this House, Mr. WILLIAM D. KELLEY, Mr. CHARLES O'NEILL, and myself; one from Iowa, Mr. HIRAM PRICE; one now from New York, but then from Ohio, Mr. SAMUEL S. COX; one from Illinois, Mr. WILLIAM R. MORRISON; and one from Indiana, Mr. GODLOVE S. ORTH. These eight mourn the loss of their deceased brother not only because of their associations with him in this, but on account of their association with him commencing with the beginning of the Thirty-eighth Congress. Having been acquainted with him for so long a period of time, we learned to love him for his kind heart, his generous disposition, and his affable treatment of all his associates. He had no disposition to utter unkind words whereby a thorn might be left rankling in the bare nerves of the heart, but his every word and action had a tendency to draw men to him in bonds of friendship, and soothe every contending passion into serene contentment.

Mr. Speaker, death shadows our pathway on every side. Since the convening of the present Congress three Senators, Mr. Zachariah Chandler, of the State of Michigan; Mr. George S. Houston, of the State of Alabama, and Mr. MATTHEW H. CARPENTER, of the State of Wisconsin; and four members of the House, Mr. Rush Clark, of the State of Iowa; Mr. Alfred M. Lay, of the State of Missouri; Mr. Evarts W. Farr, of the State of New Hampshire, and our deceased brother for whom we now mourn, Mr. FERNANDO WOOD, of the State of New York, have been removed from the councils of the nation by the unerring archer, Death.

In view of these lessons of mortality, to each one of us comes the injunction—

So live that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach the grave
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

Mr. COVERT. Mr. Speaker, sorrow finds fittest expression oftentimes in silence. It rules in a realm which is sacred, but its sway is disputed always by duty. I should stand mute to-night in my place in this Hall did not this joint ruler, duty, itself sad-eyed and sorrowful, beckon me to speak. It would be more grateful and perhaps more fitting if I remained mute of lip while the voice of the heart only responded to the kindly words others have spoken of him who, living, was my friend, and who, dead, I most sincerely mourn. And speaking, what shall I say of him whose name was familiar to the ears of thousands for nearly half a century? What shall I say of him whose presence was so familiar to us all in this Chamber? Of him who, after nearly twenty years of faithful service in this House has made his last appeal to us, has answered his last roll-call, and has passed out from this Chamber, never again to enter its portals?

You knew—who knew not Astrophel?
Alas! that I should say I knew,
And have not in possession still!
Things known permit me to renew.
Of him, you know his merit such
I cannot say—you hear—too much,

The life record of my late colleague has about it, in parts, the elements of romance, if we define romance to be that which is strange and out of the ordinary courses and conditions of events. He came from the ranks of the people, from an ancestry strong and sturdy and self-respecting. The elements of mental strength and self-respect thus inherited were through his whole life distinguishing traits of his character. When FERNANDO WOOD was born to the world he came as a born leader of men. Passing his earlier days in comparative obscurity, he even then nursed an ambition which he knew and felt would raise him above his surroundings. Even in his youthful days he was prince absolute among his associates, as in later years he ruled at seasons almost as king among men. It is related of him that even in these youthful days the methods by which he acquired dominion among the younger men with whom he affiliated were seemingly peculiar. In his association with them he was temperate in his habits; while affable, he was never unduly familiar, and there was nothing in his manner or methods that suggested any unbending to secure favor.

He preserved always around and about him a peculiar atmosphere of personal dignity which gained for him an equally peculiar quality of personal respect. His education had not been of a liberal character, and during all the time he was thus building up his leadership he was a hard and devoted student. He grew rapidly in the confidence and respect of the people by whom he was surrounded, and forty years ago he took his seat in Congress as its youngest member. As has been intimated by my distinguished friend from Virginia, [Mr. TUCKER,] there were some illustrious names on the muster-roll of that Congress. Webster, Clay, Calhoun, Benton, Silas Wright, Rufus Choate, Quincy Adams, Buchanan, and Cushing were among his associates. The young New York member was becomingly modest, but at the same time becomingly self-reliant and self-respecting always in the presence and companionship of these distinguished statesmen. He was for months a silent student of political economy and of parliamentary practice. I am glad my colleague [Mr. HUTCHINS] has alluded to one fact in his early congressional career. It was not until Professor Morse had in vain solicited Congress to aid in the establishment of a short line of telegraph to prove the utility of his invention that the young member from New York attracted any public attention to his congressional work. The inventor had met with disappointment and rebuff everywhere. The older members of Congress, immersed in affairs of state, had treated him with coldness and indifference. Mr. WOOD advocated his measure, and with such success that Congress was led finally to authorize the experiment. The result was the triumph of the invention which has since "put a girdle round about the earth."

Science and scientists the wide world over owe to FERNANDO WOOD a deep debt of gratitude, and to his memory a peculiar measure of respect in this connection. The world at large has, I fear, never sufficiently appreciated the full value of the service he thus generously and bravely rendered. The act was characteristic of the man. In the face of ridicule and of prophecy of failure, he fearlessly stood as the champion of a project doomed, seemingly, to defeat, and fought the measure through to an assured and pronounced success. This peculiar element of boldness under seemingly adverse circumstances, thus early exhibited, was to the very day of his death always a distinguishing feature in the character of our late associate.

The period during which Mr. WOOD acted as mayor of New York City was crowded thick with stirring events. The circumstances which led to his election to the mayoralty and his administration of the affairs of his office formed fruitful themes for discussion not only in his municipality, but throughout the whole country more than a quarter of a century ago. I have not the time to discuss these matters in detail or even barely to allude to them save only to say that they, too, illustrated most forcibly the characteristic I have mentioned—the possession of the highest form of personal boldness and self-reliance under exciting and most difficult conditions. Many are living to-day who opposed the policy of Mr. WOOD as mayor of New York City; but there are few, I think, even of his then bitterest opponents, who will deny that his control of affairs was marked by great strength—by a regard for the city's interest from his stand-point, and by a very high order of administrative ability.

About twenty years ago Mr. WOOD was again sent to Congress, and ever since then, up to his death, he continuously held a seat in this House. He early distinguished himself here for the strength and individuality of his opinions. He stood at times with the minority of the political party to which he belonged. Not applause from the majority; not public clamor; not the solicitation of friends nor the taunts of enemies could make him retreat from a position once thoughtfully taken or surrender a judgment once finally formed.

While Mr. WOOD was regarded perhaps as a man of action rather than of words, he was yet always an effective and most forcible speaker. The records of this House will show that while his addresses were not always decked with the flowers of rhetoric, they were yet at all times direct, logical, and earnest. It is needless to add that he never spoke for display. The time of this House was always a sacred thing to him, and it was only when occasion demanded it that he rose to speak, and rising was always accorded that attention given to one personally respected and whose counsels were entitled to regard.

Those who have preceded me, his older associates on the floor, and those who were his colleagues on committees, gentlemen who have been for years closely associated with him in his congressional labors, have spoken fully of his public services, and have borne warm and eloquent and truthful testimony to their character and value. Reference has been made more than once to the last public act of his life—his advocacy of his refunding measure. I had especial opportunities to observe the loyalty and devotion with which he gave almost his last hours to the passage of this bill through the House. Feeble and suffering, with the cold touch of death almost upon him, against the advice of his physicians, in opposition to the entreaties of his family and friends, he attended day after day the sessions of this House until his bill was passed.

My friend from Kentucky [Mr. MCKENZIE] has said to me that at once upon the passage of the measure he passed over to Mr. WOOD'S seat and congratulated him upon the result; not only because of the success he had achieved, but because it would afford him an opportunity for the rest he so much needed. The pale cheek did not blanch, the eye quail, nor the voice falter, as Mr. WOOD replied:

Sir, I have but a few hours more to live, and I would die here in my place in this House if it were necessary I should remain.

This unswerving devotion to what he deemed his duty was only in continuation of what had been the usage of his whole public life. He was leal and loyal always to what he regarded as official obligation. He was brave and faithful always in the discharge of official duty.

One of the earliest of our public men, himself an exemplar of the best and sweetest human virtues, has written:

See that thou copy no man save in the matter of faithfulness.

If we who to-night mourn our dead associate, and who try by what expression we may to do reverence to his memory, seek earnestly to copy FERNANDO WOOD only in this one regard—faithfulness to official obligation—he will not have lived and labored, he will not have died in vain. But there were other elements in the character of our

associate eminently worthy to stand as models for us to imitate and to emulate. There are many gentlemen in this Chamber to-night who have seen him in the midst of excited debate, when discussion upon the largest public measures had called forth the strongest passion of our natures. I doubt if he was ever known to so far forget himself as to wantonly say one word, even in these scenes of intense excitement, to wound the heart of any man, to needlessly use one expression that in his calmest moments might not have been appropriately uttered.

Dignified, as befitted his position here—and his was a graceful dignity that seemed inborn and natural to the man—he was in his public life, in all his intercourse with associates and friends, essentially a gentleman. I desire to emphasize what my venerable friend from Pennsylvania [Mr. WRIGHT] has too briefly said on this general point, not only because this characteristic was his to a large, even to a pronounced, degree, but because this was an element in his character that might be modeled after with profit by us all. It suggests a rule of conduct brought physically to our senses by the example of our dead friend more emphatically than Thackeray states it when he says:

Come wealth or want, come good or ill,
Let young and old accept their part;
And bow before the awful Will,
And bear it with an honest heart,
Who misses or who wins the prize.
Go, lose or conquer as you can;
But if you fail, or if you rise,
Be each, pray God, a gentleman.

I fear, Mr. Speaker, that what I have said may have seemed too like a cold analysis of what many regard as the leading traits in the character of one who since I have held a seat on this floor, up to the time of his death, honored me with his friendship, and who was more than kind to me always. I have spoken of Mr. WOOD more perhaps as the world saw him and had learned to regard him—able, ambitious, polished, courtly, and devoted to the demands of official station.

He had other traits, which the great world did not so fully understand. I know that I can speak for the whole junior membership of this House when I bear testimony to Mr. WOOD'S unvarying courtesy to them at all times and the kindness of heart which characterized his intercourse with them under all circumstances. He was ever ready to encourage right effort on their part, ever willing to give to them words of kindly counsel and suggestion. I hazard nothing in expressing the belief that he found greater pleasure in doing acts of courtesy and kindness to his younger associates on this floor—and that from the purest motives—than to those who had already made honored names and had established for themselves national reputations.

Perhaps I have no right to speak of my late colleague in his domestic relations. The home which has been saddened and the home ties which have been severed by his death seem too sacred almost for discussion here; but it was in his household that the true inner character of FERNANDO WOOD revealed itself. The ambitious leader, he who in his working hours was devoted to statecraft, at his home became the fond father and easily approached companion, the head of a domestic circle that looked up to and loved and reverenced him. This charmed circle is broken now and stricken by a grief which no words of ours can soothe. We have draped the desk of our late associate in mourning. At his broken home is a vacant place, around which his loved ones gather and where there is no need of visible token to tell them of their loss. It is present in his very absence; it is felt in the weary and unsatisfied longing

For the touch of a vanished hand,
And the sound of a voice that is still.

We can but show to those who are thus nearly and sorely stricken that this Congress has paused near the closing hours of its session to express to them and to the country its deep sense of the loss which they and the nation have alike sustained.

It seems difficult to realize that FERNANDO WOOD is dead; that the name so familiar to thousands will never again be voiced in the tone in which we call the name of the living. His name, honored in life, has now the added dignity which comes of death. Though he has passed from among us, he will live in the archives of the city whose chief magistrate he was, and in the records of the Federal Congress where for so many years he held distinguished place. He will yet live in the thoughts of those who were his associates, and in the minds of the many whose interests he protected and whom he most devotedly served.

It is a beautiful tradition—that which prevails with some of the people of Germany—that the spirit of one of their dead kings, who in his life was revered and honored, sometimes revisits the land of his love. When the moon sheds down its softest and its sweetest beams upon the earth, the spirit of the good king descends, and passing over the land blesses corn-field and meadow, and whispers low upon the night-wind words of wise counsel to his people.

Let us hope that when they who have been devoted to the public service are taken from us, their labors sharply stopped by the quick decree of death, the influence of their presence may still be felt in their accustomed places. Let us seek for the counsels they would utter could they but speak them. Let us listen for the responses they would make could they but reply to our questionings.

If these conditions may prevail, FERNANDO WOOD, though we mourn him dead, will yet remain to us, and will, far into the future, live and labor for the people whom he served so long, so faithfully, and so well.

The resolutions submitted by Mr. COX were then unanimously agreed to.

In pursuance of one of the resolutions just adopted (at nine o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of citizens of Wisconsin, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. NELSON W. ALDRICH: Memorial of the Providence (Rhode Island) Board of Trade, against certain features of the funding bill—to the Committee on Ways and Means.

By Mr. BARBER: The petition of Tolman & King and others, druggists, of Chicago, Illinois, for the repeal of certain taxes—to the same committee.

By Mr. BERRY: Memorial of the Farmers' and Wheat-Growers' Association of California, in regard to an interoceanic canal—to the Select Committee on Interoceanic Ship Canal.

Also, resolutions of the Legislature of California, asking for the improvement of Eel River, in that State—to the Committee on Commerce.

By Mr. BLAND: The petition of J. F. Gifford, to be refunded certain moneys paid for public lands—to the Committee on Claims.

By Mr. BURROWS: The petition of citizens of Michigan, for an income-tax law—to the Committee on Ways and Means.

Also, the petition of citizens of Michigan, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Michigan, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of citizens of Michigan, for the amendment of the patent laws—to the Committee on Patents.

By Mr. COBB: Resolution of the General Assembly of Indiana, asking an appropriation to construct a canal connecting Lake Erie with the Wabash River—to the Committee on Commerce.

By Mr. CRAPO: The petition of P. W. Kenney and others, of Harwich, Massachusetts, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. CROWLEY: The petition of Charles N. Parker and 24 others, of similar import—to the same committee.

By Mr. HORACE DAVIS: Memorial of the Chamber of Commerce of San Francisco, asking for the passage of Senate bill No. 2022 relative to the Japanese indemnity fund—to the Committee on Foreign Affairs.

Also, resolutions of the Legislature of California, favoring the improvement of Eel River—to the Committee on Commerce.

By Mr. DUNNELL: The petition of Gustav Auger and 20 others, citizens of Minnesota, that salt be put on the free list—to the Committee on Ways and Means.

By Mr. HEILMAN: The petition of cigar makers and manufacturers of tobacco, for the amendment of the revenue laws—to the same committee.

By Mr. HOOKER: The petition of citizens of Mississippi, for legislation on the subject of interstate commerce—to the Committee on Commerce.

Also, the petition of citizens of Mississippi, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of citizens of Mississippi, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Mississippi, for the imposition of an income tax—to the Committee on Ways and Means.

By Mr. HOUSE: Memorial of the Tobacco Board of Trade, of Nashville, Tennessee, asking an appropriation for locks and dams on Cumberland River—to the Committee on Commerce.

Also, memorial of the Merchants' Exchange, of Nashville, Tennessee, of similar import—to the same committee.

By Mr. McGOWAN: The petition of D. Anthony and 52 others, citizens of Michigan, for legislation to regulate freight rates—to the same committee.

By Mr. NEW: Resolutions of the Legislature of Indiana, in regard to the reconstruction of the Wabash and Erie Canal—to the same committee.

By Mr. NICHOLLS: The petition of the Grand Division of the Sons of Temperance, of Georgia, for the prohibition of the manufacture and sale of all alcoholic beverages in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. O'NEILL: Memorials of 1,760 merchants, mechanics, manufacturers, and others, of Philadelphia, Pennsylvania, for the repeal of the tax on bank deposits—to the Committee on Ways and Means.

By Mr. THOMAS RYAN: Three petitions of Kansas soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. OTHO R. SINGLETON: The petition of J. P. Harvey and others, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of the same parties, for the regulation of interstate commerce—to the Committee on Commerce.

Also, the petition of the same parties, for an income tax—to the Committee on Ways and Means.

By Mr. EZRA B. TAYLOR: The petition of citizens of Ohio, for legislation regulating interstate commerce—to the Committee on Commerce.

Also, the petition of citizens of Ohio, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of citizens of Ohio, for an income tax—to the Committee on Ways and Means.

Also, the petition of citizens of Ohio, that the Bureau of Agriculture be made a Department—to the Committee on Agriculture.

By Mr. VALENTINE: The petition of A. A. Crandall and 39 others, of George H. Chaffee and 22 others, and of E. Whitcomb and 59 others, of Nebraska, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. VANCE: Resolutions of the General Assembly of North Carolina, in favor of reducing taxes on tobacco, brandy, and snuff—to the Committee on Ways and Means.

By Mr. WEAVER: The petition of E. R. Clarke and 28 others, of Burr Oak, Michigan, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *March* 1, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 373) relative to printing the Agricultural Report for the year 1880 was read twice by its title, and referred to the Committee on Printing.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting a communication from J. E. Peyton, superintendent of the Yorktown Centennial Association, recommending that there be an exhibition of arms, &c., at that celebration similar to that at the Philadelphia celebration in 1876; which was referred to the Joint Select Committee on the Yorktown Centennial Celebration.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, recommending such legislation as will enable the accounting officers of the Treasury to settle the accounts of I. L. Mahan, late United States Indian agent at the La Pointe agency, Wisconsin; which was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS.

Mr. ANTHONY. I present the memorial of the Providence Board of Trade, an association representing the varied business interests of Rhode Island. The memorial enforces the importance of maintaining the Government securities at par; and petitions Congress to repeal the taxes upon the circulation, deposits, and capital stock of national banks in excess of the bonds held by the Government; and also respectfully remonstrates against the provision of the funding bill requiring banks intending to go out of business to present their own circulating notes to redeem the United States bonds deposited for security.

The memorial was referred to the Committee on Finance.

Mr. ANTHONY presented the petition of Deborah C. Sayles, of Rhode Island, widow of the late Lieutenant-Colonel Welcome B. Sayles, Seventh Rhode Island Volunteers, praying that she may be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. JONES, of Nevada, presented resolutions of the Legislature of Nevada, in favor of the passage of the Reagan bill, prohibiting discrimination in fares and freights on interstate railroads; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution to the Congress of the United States in relation to discrimination in fares and freights by interstate railroad companies.

Whereas the people of the State of Nevada have long suffered, and do now suffer, under the impositions and exactions of the Central Pacific Railroad Company, which, besides retarding enterprise, injures the business and prosperity of the people of this State, and amounts to the most enormous, unjust, and oppressive tax ever laid upon the industry of a people; the said railroad company exercises over the persons and property of others an almost absolute power, vicious and tyrannical, destructive of the rights of persons and of property, and opposed to common justice, as well as to every principle of civil and constitutional liberty known since the days of Magna Charta.

Whereas it is proper that the truth should be known concerning this corporation and its transactions, the following facts are herein stated: The people of Palisade, distant four hundred and thirty-five miles east from Sacramento, have to pay for freight on flour, (fourth class per published special-rate tariff of Central Pacific Railroad) per car-load, the sum of $282 from Sacramento; while the people of Toano, one hundred and twenty-nine miles further east, pay freight on flour per car-load, according to the printed special rate, the sum of $275 per car load; while the merchant having a contract for some so-called competitive point with this railroad company, pays freight on the same article, to wit: flour per car-load, only $200. The merchant at Toano having a special contract, pays $82 per car-load less freight than the merchant at Palisade, although as before mentioned the carriage is one hundred and twenty-nine miles more. The goods delivered at Palisade or Battle Mountain, distant respectively four hundred and thirty-five and three hundred and eighty-three miles from Sacramento, have a freight charge of $480 per car-load, while at Toano, the freight amounts to $275 per car-load to persons having special contract rates for so-called competitive points, the greater service being performed for the less amount. Persons shipping wool or other products from Palisade, Battle Mountain, Elko, or other points in this State to the Eastern States, have to pay local rates to Sacramento, thence freight at through rates back over the same road to the point of destination, the shipper being often compelled to pay freight at local rates for a distance of over five hundred miles; a service useless and unnecessary even if rendered. The same unjust discrimination is practiced by this railroad company against the people of this State in the rates of freight upon goods shipped from points east of this State. The freight on a box of eggs from Ogden to Toano costs one man $3.35 per box, and the same number of eggs, in the same sized box and of the same weight, costs another man sixty-five cents. A hundred pounds of squashes costs one man in freight $1.35, while it costs another fifty-five cents. Hams and case goods cost one man $2.04, while it costs another but fifty-five cents. The distance from Ogden to Toano is one hundred and eighty-three miles. The same unjust discrimination is also practiced by this railroad company in passenger fares. A ticket from Omaha to San Francisco costs $100, while a ticket from Omaha to Palisade, being six hundred miles nearer, costs $95. A person desiring to go east is charged within a fraction of the full fare (through) from San Francisco to the point he desires to reach, although he may ride over one-third or less of the line of the Central Pacific Railroad. More appalling examples of injustice than are shown by the above instances, selected from among a myriad of kindred transgressions, are hard to conceive. And

Whereas such pernicious practices should be no longer tolerated: Therefore,

Be it (by the senate and assembly conjointly) resolved, That the passage of the bill now before Congress, known as the Reagan bill, prohibiting discrimination in fares and freights on interstate railroads, will be hailed with joy by the people of this State as a measure of justice and relief.

Resolved, That our Senators in Congress be instructed and our Representative requested to vote for and use all honorable means in their power to secure the earliest passage of said Reagan bill.

Resolved, That his excellency the governor is hereby requested to transmit an engrossed copy of these resolutions, under the great seal of the State, at the earliest moment to each of our representatives in Congress.

STATE OF NEVADA,
Secretary's Office, ss:

I, Jasper Babcock, secretary of State of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original joint resolution which passed the Nevada Legislature on February 10, 1881, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of State. Done at office in Carson City, Nevada, this 16th day of February, A. D. 1881.

[SEAL.] JASPER BABCOCK,
Secretary of State.
By J. G. CHESLEY, *Deputy.*

Mr. JONES, of Nevada, presented resolutions of the Legislature of Nevada, favoring an appropriation of $50,000 for the erection of a building in Carson City for the use of United States offices; which were referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. LAMAR. I am instructed by the Committee on Railroads, to whom was referred the bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company, to report it without amendment. I propose that it be substituted for the bill (S. No. 1553) to incorporate the Cherokee and Arkansas River Railroad Company, now upon the Calendar, and I ask that it be considered at this time.

Mr. TELLER. I think the Senator from Ohio [Mr. PENDLETON] desires to be here when the bill is considered.

The VICE-PRESIDENT. The Senator from Ohio is in the Chamber.

Mr. COCKRELL. I object to the present consideration of the bill.

The VICE-PRESIDENT. Objection is made.

Mr. TELLER. I did not object; but I said that I understood the Senator from Ohio wishes to be here when the bill is considered. I understand that the Senator from Missouri [Mr. COCKRELL] objects.

The VICE-PRESIDENT. The Senator from Missouri objects. It requires unanimous consent to consider the bill at this time, and it will be placed on the Calendar.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (H. R. No. 1650) for the relief of Edward T. Brownell, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 6034) for the relief of the personal representative of George W. Henderlite, deceased, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1159) for the relief of Jacquelin M. Wood, of Lynchburgh, Virginia, reported it with amendments.

Mr. CALL, from the Committee on Patents, to whom was referred the bill (S. No. 1622) for the relief of Isaac E. Palmer, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. EATON. The Committee on Foreign Relations, to whom were referred a message from the President of the United States, sundry bills, resolutions, and recommendations of boards of trade in regard to the construction of an interoceanic canal or railway across the Isthmus, ask to be discharged from the further consideration of all these subjects, thinking that the time has not yet arrived when the Congress of the United States should express its opinion with regard to

any particular route or any particular manner of crossing the Isthmus.

The report was agreed to; and the Committee on Foreign Relations were discharged from the further consideration of the following message of the President of the United States, memorial, bills, and joint resolution:

A message of the President of the United States in response to Senate resolution of February 11, 1880, covering the report of the Secretary of State, with accompanying documents, in relation to the proposed interoceanic canal between the Atlantic and Pacific Oceans;

A resolution of the New Orleans Cotton Exchange, in favor of Government aid to a ship-canal across the Isthmus of Tehuantepec;

A memorial of the Board of Trade of San Francisco, California, urging the construction of a ship-canal connecting the Atlantic and Pacific Oceans;

Eighty petitions of citizens of Oregon, praying for the passage of an act authorizing the President to call an international convention to mature a plan for the construction of a free ship-canal across the Isthmus of Darien;

A bill (S. No. 1060) to incorporate the Interoceanic Transit Company, and for other purposes;

A bill (S. No. 2198) to incorporate the Interoceanic Ship Railway Company, and for other purposes;

A joint resolution (S. R. No. 43) in relation to the construction of a canal across the Isthmus of Darien by European powers; and

A joint resolution (S. R. No. 66) in relation to an interoceanic canal.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 166) authorizing the Secretary of War to loan certain tents, flags, &c., to the Masons at Louisville, Kentucky, reported it without amendment.

Mr. VOORHEES, from the Committee on Finance, to whom was referred the bill (H. R. No. 688) for the relief of the sureties of Franklin Travis, reported it with an amendment.

EAST FLORIDA CLAIMS.

Mr. MORGAN. The Committee on Foreign Relations, to whom was referred the special message of the President relating to the unsettled claims of the Spanish inhabitants of East Florida during the years 1812 and 1813, have had the subject under consideration, and directed me to submit a report in writing, and ask to be discharged from the further consideration of the subject.

Mr. EATON. As it is a very important matter, I ask that the report be read.

The VICE-PRESIDENT. The report will be read at length.

The report was read, and ordered to be printed. It is as follows:

The Committee on Foreign Relations, to whom was referred the message of the President relating to the claims against the United States, have had the same under consideration, and report as follows:

This subject has been considered in a variety of forms by the executive, legislative, and judicial departments of the Government, but no negotiation has been entered into between Spain and the United States to remove the difference between them, if any exists, as to the true meaning of the treaty.

The discussion before the tribunals of the United States has engaged the attention of a number of the best-informed jurists and publicists of this country, and seems to have exhausted research into precedents and analogies. Nothing new remains to be said, it seems, on either side of the question presented, and it is time that a final decision was made and further controversy ended.

The precise question involved in this claim for relief is, whether the Government of the United States is bound by the treaty with Spain of the 22d of February, 1819, to pay interest on claims allowed in favor of Spanish inhabitants and officers under the last paragraph of the ninth article thereof, which is in the following language:

"And the high contracting parties respectively renounce all claims to indemnities for any of the recent events or transactions of their respective commanders in the Floridas.

"The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by Spanish officers and individual Spanish inhabitants by the late operations of the American Army in Florida."

The message of the President, with the accompanying correspondence between the Spanish minister and the diplomatic representatives of the United States relative to "the Florida claims," discloses a specific demand by the Government of Spain upon the Government of the United States for the payment of certain sums, as interest, on demands ascertained to be due to Spanish subjects under the ninth article of the treaty of February 22, 1819.

Spain asserts that the payment of said sums of interest is required to complete the duty of the United States in the execution of its treaty obligations.

The President places the matter before Congress without any recommendation, and without any distinct intimation that Congress is the proper department of the Government to interpret as well as to execute the treaty, to determine the rights of Spain under the treaty, and to provide for them. This is left to be inferred, if at all, from the silence of the President. In the opinion of the committee the President is the only functionary of the Government of the United States that has the constitutional right, acting through some diplomatic agent, to conduct a discussion with Spain on the subject of these claims. Congress cannot engage in such discussion. It cannot appoint an agent or commissioner for that purpose without the cooperation of the President. The reference of this question to Congress, therefore, can only be intended to indicate either that there is no question open between the two governments, as to the duty of the United States, which admits of discussion; or else that Congress must decide whatever question may remain unsettled, without further discussion with Spain. The Executive Department has neither expressed to Congress nor to Spain, in the correspondence sent to the committee, its opinion of the duty of Congress in the premises; and the treaty-making power, which has plenary and sole jurisdiction to make treaties or to reform them, has not been invoked to remove any misunderstanding, if any exists, as to the meaning of the treaty of February, 1819, between the United States and Spain.

Spain on its part has apparently assumed an attitude of indifference as to the means that the Government of the United States may choose to employ to meet its demands; and simply asserts its right under the treaty to have interest paid to the claimants on their claims. The treaty is part of the supreme law of the land, and until it is revoked by some direct proceeding or is abandoned, or is violated by Spain, it is binding on Congress; and Congress, in executing it, must obey it. Under such circumstances, if Congress has any duty to perform, no discretion can remain to it in respect of that duty, except merely as to the time and manner of performing it. It must observe the treaty so long as it is in force. It must accept Spain's construction of the treaty and execute it by appropriating the money to pay the demands made by that government; or it must, without a discussion with Spain as to the justice of its demands and of the construction of the treaty, refuse to accede to them.

In this attitude of this delicate question the committee feel that the action of Congress, if adverse to the claims of Spain, will not be received as a conclusive declaration of the Government of the United States that no further consideration of the demands of Spain is admissible; but will leave it open to Spain and the treaty-making power of the United States to expound or reform the treaty, and thus create the possibility of inharmonious action between the legislative department and the treaty-making power of this Government. It is the opinion of the committee that when the true construction of a treaty is in question between the United States and any other government, it is the duty of the Executive Department to use its full and untrammeled privileges and rights of discussion and negotiation in the effort to reach a satisfactory understanding with such government before Congress shall intervene to declare the true construction of the treaty. If Congress should differ in the construction of the treaty with the Executive or treaty-making power of the Government of the United States it can so declare when a proper occasion is presented, or it can revoke the treaty and free the Government from its obligation, but in doing this Congress would not be dealing directly with such foreign government. It would deal with and fix the policy of our own Government, which is its appropriate constitutional function. It is manifestly unwise, if not improper, for Congress to declare in advance of any definite action of the Executive or of the treaty-making power of the Government that the construction placed by Spain upon the ninth article of the treaty of February, 1819, is true or false. Such a policy, if adopted as a general rule of action, would withdraw every such question from the control of the authorities provided by the Constitution for their consideration, and would subject our treaty relations throughout the world to extreme embarrassment. No American minister could know how to construe any treaty until the opinion of Congress had been first ascertained, nor could he discuss with any freedom the questions that frequently and unavoidably arise in consequence of the difficulties of the translation of treaties into different languages and other questions of the construction of the language employed in treaties in connection with the laws of nations. Entertaining these opinions of the respective duties of the executive department and of the treaty-making power and of Congress, it would be improper, at the present, for the committee to state their own opinions of the merits of the demand of Spain which, according to the views of that government, involves an international, and not a merely domestic question. If Spain and the United States differ in the construction of the treaty in the particular which has been so long under discussion before committees of Congress and the executive officers of the Government and can settle that difference so as to impose further duties on Congress, it will doubtless be found willing to do all that is required by the interests and honor of the Government of the United States, and in keeping with the rights of Spain or of the claimants.

Until some such duty is made apparent, Congress should not interpose to discuss or decide questions which, for the present at least, should be open to the consideration of the executive department or of the treaty-making power without embarrassment from any quarter.

The committee ask, therefore, to be discharged from the further consideration of this subject.

The committee were discharged from the further consideration of the subject.

COMMITTEE ON CONTINGENT EXPENSES.

Mr. HILL, of Georgia. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report the usual resolution, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be authorized to sit during the recess of Congress, and the necessary expenses thereof be paid out of the miscellaneous items of the contingent fund of the Senate.

By unanimous consent, the resolution was read the second time, and considered as in Committee of the Whole.

The resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL REPORT.

Mr. WHYTE. I am instructed by the Committee on Printing, to whom was referred the joint resolution (H. R. No. 373) relative to printing the Agricultural Report for the year 1880, to report it with a favorable recommendation. If it were not for the fact that the agricultural interest is panting for this information, I should be inclined to let the joint resolution go upon the Calendar; but I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. PADDOCK. I should like to inquire if the joint resolution is reported exactly as it came from the House. Has it been amended by the committee?

The VICE-PRESIDENT. No amendment is proposed by the committee.

The joint resolution was reported to the Senate without amendment, and ordered to a third reading.

Mr. PADDOCK. What is the aggregate number?

Mr. WHYTE. The resolution gives that information.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, &c., That there be printed 300,000 copies of the Annual Report of the Commissioner of Agriculture for the year 1880; 214,000 copies for the use of members of the House of Representatives, 56,000 copies for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture.

The joint resolution was read the third time, and passed.

ANNUAL REPORT OF LIBRARIAN OF CONGRESS.

Mr. VOORHEES. I present the annual report of the Librarian of Congress, exhibiting the condition and progress of the Library during

the year 1880. I move that it be printed, and that 500 additional copies with covers be printed for distribution by the Librarian.

The motion was agreed to.

ORDER OF BUSINESS.

The VICE-PRESIDENT. Is there further business for the morning hour?

Mr. COCKRELL. I call for the regular order.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent of the Senate to take up Senate bill——

Mr. COCKRELL. I object.

Mr. CAMERON, of Pennsylvania. The Senator had better wait until he finds out what I wish to have considered before he objects. It will not take five minutes to pass the bill.

Mr. COCKRELL. I cannot help it, if it only takes a minute. I call for the regular order.

Mr. CAMERON, of Pennsylvania. The Senator consumes more time in objecting than it would take to pass the bill.

The VICE-PRESIDENT. The regular order is demanded, which is the Calendar of General Orders for the consideration of House bills favorably reported. They will be reported in their order.

COURTS AT FORT WAYNE, INDIANA.

The bill (H. R. No. 2384) amendatory of and supplementary to an act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana, approved June 18, 1878, was announced to be the first House bill in order upon the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. McDONALD. The bill simply amends the law for holding courts at Fort Wayne so that there may be two terms each of the United States district and circuit courts for the district of Indiana held at that place, the terms to begin on the second Tuesday in June and December.

Mr. TELLER. Is the bill satisfactory to the Senator?

Mr. McDONALD. As amended by the committee. We report to strike out the third and fourth sections.

The bill was reported from the Committee on the Judiciary, with amendments.

The first amendment was to strike out section 3, in the following words:

Said district and circuit courts at Fort Wayne shall have exclusive jurisdiction as to the counties of Steuben, La Grange, Elkhart, Porter, Stark, Marshall, Fulton, Kosciusko, Noble, Whitley, De Kalb, Allen, Adams, Wells, Huntington, Wabash, Miami, Cass, Blackford, Grant, and Jay; and said courts shall be limited in territorial jurisdiction to said counties: *Provided*, That if part of the defendants in any case or proceeding in said courts shall reside without said counties in said State, process issued from and returnable to said courts may be served on such persons by the marshal or any of his deputies.

The amendment was agreed to.

The next amendment was, to strike out section 4 in the following words:

In all cases of removal of suits from courts of the State of Indiana, in counties above named, to the courts of the United States in the State of Indiana, such removal shall be to the United States courts held at Fort Wayne as aforesaid; and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held at said city of Fort Wayne.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN LANDS IN OHIO.

The bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio was considered as in Committee of the Whole.

The bill was reported from the Committee on Private Land Claims with amendments: In line 3, after "relinquish," to insert "to whom it may concern;" in line 5, after "land," to insert "in the State of Ohio;" in line 8, after "described," to strike out the following:

As section 26, township 4, range 5, in the State of Ohio, containing six hundred and forty acres; and that the approval of the United States be, and the same is hereby, given to the sale heretofore made by the said children of Captain Logan to Marcus Heylin; and that the title to said tract of land be, and the same is hereby, confirmed to the following-named persons, who derived title through the said Marcus Heylin, as follows:

To Madison J. Bowsher, the west one-third part of said section; to Albert Bodkin, the center one-third part of said section; and to Francis M. Bowsher, the east one-third part of said section, as shown by their several deeds bearing date, respectively, August 4, 1868, January 5, 1870, and November 1, 1862, of record in the county of Auglaize, State of Ohio.

And in lieu thereof to insert:

In the patent issued therefor by the President, and bearing date the 18th day of April, 1821; and the United States waive and relinquish, for the benefit of whom it may concern, the provision of article 3 of the treaty of September 17, A. D. 1818, between the United States and the Wyandot, Seneca, Shawnee, and Ottawa tribes of Indians, so far only as it concerns the lands granted in the eighth article of the treaty referred to in said article 3, to the children of Captain Logan.

So as to make the bill read:

That the United States relinquish to whom it may concern all title, interest, and control in and to that certain parcel of land in the State of Ohio, ceded to the children of Captain Logan, a chief of the Shawnee tribe of Indians, by the eighth article of the treaty of September 29, 1817, and more fully described in the patent issued therefor by the President and bearing date the 18th day of April, 1821; and the United States waive and relinquish, for the benefit of whom it may concern, the provision of article 3 of the treaty of September 17, A. D. 1817, between the United States and the Wyandot, Seneca, Shawnee, and Ottawa tribes of Indians, so far only as it concerns the lands granted in the eighth article of the treaty referred to in said article 3, to the children of Captain Logan.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. SALLY M. BUCHANAN.

Mr. WHYTE. The next House bill on the Calendar is the bill (H. R. No. 3292) granting a pension to Sally M. Buchanan, widow of General Robert C. Buchanan, United States Army. That bill passed the Senate unanimously two years ago, before the adjournment, at the close of the last Congress. It passed the House unanimously on a unanimous report early last year. It came to the Senate, and it has been adversely reported. It is a pension case, one of the most meritorious that has been acted upon during this Congress; and I ask the Senate to make an exception and allow that bill to be considered as one of the House bills favorably reported.

Mr. KERNAN. I appeal to my friend to let us go through with the House bills reported favorably, and then I will help him to get up this bill.

Mr. WHYTE. It is a pension bill.

Mr. KERNAN. But adversely reported.

Mr. DAVIS, of Illinois. Therefore it will create discussion.

Mr. KERNAN. Let it be passed over without prejudice.

The VICE-PRESIDENT. Is there objection to the bill being passed over without prejudice? The Chair hears no objection, and it will be passed over without prejudice. The next House bill on the Calendar will be reported.

DAKOTA PENITENTIARY.

The bill (H. R. No. 3785) appropriating money for the erection of a penitentiary in the Territory of Dakota was considered as in Committee of the Whole. It appropriates $30,000 to erect a penitentiary building in Dakota upon such tract or parcel of land, at or near the village of Sioux Falls, in Minnehaha County, in that Territory, as shall be designated by the Secretary of the Interior.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM S. BURGESS AND OTHERS.

The next House bill on the Calendar was the bill (H. R. No. 709) for the relief of William S. Burgess and others; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to William S. Burgess, William H. Willhite, and to Elizabeth Austin, administratrix of Nathaniel Austin, deceased, upon proper evidence of her administration, each the sum of $300, collected from them as special tax for distilling fruit.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

GEORGE W. BROWER.

The next House bill on the Calendar was the bill (H. R. No. 3451) for the relief of George W. Brower; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George W. Brower, late sheriff of Dodge County, Wisconsin, $1,443.05, in full for personal services rendered and expenses incurred in connection with the draft of 1862 in that county.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HENRY B. EASTMAN.

The bill (H. R. No. 4261) for the relief of Henry B. Eastman was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Henry B. Eastman, late second lieutenant of Company B, Third Regiment Wisconsin Cavalry in the war of the rebellion, the pay and allowances of a second lieutenant, mounted, from February 1, 1865, to March 20, 1865, less such pay as he may have received in any other grade for such period of time; and also to pay him three months' pay proper of a second lieutenant, mounted, under the provisions of section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866, approved March 3, 1865," and the act approved July 13, 1866.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION AT LOUISVILLE.

The bill (H. R. No. 5532) establishing a life-saving station at Louisville, Kentucky, was considered as in Committee of the Whole.

Mr. KIRKWOOD. I should be glad to hear something as to the necessity for a life-saving station at Louisville. I do not know anything about it.

Mr. WILLIAMS. I will state that the Secretary of the Treasury and General Kimball, the chief of the Life-Saving Department, have recommended it. General Kimball's statements were before the Committee on Commerce. The proof shows that more lives have been saved at the falls of the Ohio in the last four or five years than at any other station, even upon the coast.

Mr. DAVIS, of Illinois. That will do.

Mr. WILLIAMS. It is asked for by the chief of the bureau.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT JACKSON, MISSISSIPPI.

The bill (H. R. No. 6493) to provide for the construction of a public building at Jackson, in the State of Mississippi, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES H. REEVE.

House bill No. 1542 was announced as being the next in order upon the Calendar.

Mr. HARRIS. What is done with the bill (H. R. No. 2180) granting an increase of pension to James H. Reeve?

Mr. VOORHEES. I would rather not have that bill taken up now.

Mr. WILLIAMS. Has not the Clerk skipped several bills?

The VICE-PRESIDENT. The bill to which the Senator from Tennessee [Mr. HARRIS] refers stands on a motion to reconsider.

Mr. HARRIS. I entered a motion to reconsider the vote by which the bill was passed, at the request of the Senator from Virginia, [Mr. WITHERS.]

Mr. WITHERS. The motion was entered at my request. If the Senator from Indiana desires to have the bill passed I have no desire to prevent its consideration.

Mr. VOORHEES. I do not want to discuss the bill under the five-minute rule. It may consume half an hour, and I can get it up at some other time.

The VICE-PRESIDENT. The next House bill on the Calendar will be reported.

CHARLES CLINTON.

The bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Charles Clinton, late assistant United States treasurer at New Orleans, Louisiana, $5,850, being the amount of public money stolen from his office on the 1st day of May, 1871, and refunded by him to the Government of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ST. MICHAEL'S CHIMES.

The bill (H. R. No. 4663) to admit free of duty one of the bells of St. Michael's chimes, Charleston, South Carolina, which has been sent to England to be recast, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSAGE TRUST LANDS.

The bill (H. R. No. 5629) to graduate the price and dispose of the residue of the Osage Indian trust and diminished-reserve lands lying east of the sixth principal meridian in Kansas was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

Mr. PLUMB. I am authorized by the committee to withdraw the amendments.

The VICE-PRESIDENT. There are several amendments.

Mr. PLUMB. All the amendments reported by the committee are withdrawn.

The VICE-PRESIDENT. If there is no objection the amendments may be withdrawn. The Chair hears no objection.

The bill was reported to the Senate without amendment, and ordered to a third reading.

Mr. SAULSBURY. I observe that the price fixed for this land is lower than the ordinary price of public land. I should like to have some gentleman who is familiar with the matter explain the reason for that.

Mr. PLUMB. There is a body of land, about fifteen thousand acres perhaps of waste land, lying east of the sixth principal meridian, part of the Osage reservation, which has been open to settlement at a dollar and a quarter an acre for ten years. Then there are scattered tracts of the same kind of lands. These lands cannot be sold because they are not fit for settlement. It is the desire on the part of the Indians and on the part of the Department and of the people of the State living in that locality that these lands may be sold at such price as they will bring, the Indians themselves consenting to the sale and making arrangements for it.

The bill was read the third time, and passed.

MONTANA NEZ PERCÉS WAR.

The bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service, was considered as in Committee of the Whole.

Mr. THURMAN. I should like to inquire of the Senator who reported the bill whether these volunteers have or have not had pay for their services?

Mr. BURNSIDE. There is a written report with the bill which is very short and explains the whole case.

Mr. THURMAN. I do not care about the report being read if the Senator is aware that they have received no pay.

Mr. BURNSIDE. They have received no pay.

Mr. THURMAN. Because the bill makes no deduction of any pay they may have received.

Mr. BURNSIDE. There were two bills, one introduced in the Senate and one in the House. They were identical. I had the Senate bill under my care and made a report on the case. Before I made that report to the committee as a sub-committee, this bill came over from the House and my report was made upon this bill.

Mr. WITHERS. Let us have the report read.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BURNSIDE February 2, 1880:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service, have had the same under consideration, and beg leave to submit the following report:

This subject has been favorably considered by the Committees on Military Affairs of both Houses of Congress on several occasions.

A bill, similar in character to this one, passed the House of Representatives in the Forty-fifth Congress, and was also favorably reported by this committee in the same Congress, but failed to receive final action for want of time.

Your committee have adopted the report made by this committee at that time, which is as follows:

"The Committee on Military Affairs, to whom was referred the bill (S. No. 758) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service, have had the same under consideration, and submit the following report:

"This bill is to place certain volunteer citizens of Montana Territory who served with the United States troops in the war with the Nez Percé Indians on the same footing as if they had been regularly mustered into the service, and to have such rights accrue to the heirs of those citizens who were killed in action.

"The Secretary of War, upon being addressed for information, replies as follows, expressing the views of the General of the Army:

"WAR DEPARTMENT, WASHINGTON CITY, *March* 7, 1878.

"SIR: In reply to your letter of the 26th ultimo, asking to be informed as to the propriety of Senate bill No. 758, 'for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés and for the relief of the heirs of such as were killed in such service,' I have the honor to subjoin hereto the views of the General of the Army on said bill, viz:

"'The danger in Montana was imminent. No law warranted the calling out of volunteers; but if the Government of the United States is expected to protect citizens in the possession of their property against hostile Indians, the obligation is none the less strong because unauthorized. I heartily approve the measures of the inclosed Senate bill No. 758.'

"Very respectfully, your obedient servant,

"GEO. W. McCRARY,
"*Secretary of War.*

"Hon. GEORGE E. SPENCER,
"*Chairman Committee on Military Affairs, United States Senate.*

"The Secretary of War, by letter of subsequent date to his first communication, transmits the following from Colonel John Gibbon, commanding the military district of Montana, giving the names of the citizens who served in the said war, specifying those who were killed and wounded, and expressing the hope that some provision may be made for them:

"WAR DEPARTMENT, WASHINGTON CITY, *March* 15, 1878.

"SIR: In connection with my letter of the 7th instant, giving the views of the General of the Army on Senate bill 758, 'for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of such as were killed in such service,' I have the honor to inclose copy of a letter from Colonel John Gibbon, commanding district of Montana, dated September 5, 1877, giving the names of the citizen volunteers who accompanied him in the expedition against the Nez Percé Indians.

"Very respectfully, your obedient servant,

"GEO. W. McCRARY,
"*Secretary of War.*

"Hon. GEO. E. SPENCER,
"*Chairman Committee on Military Affairs, United States Senate.*"

—

"HEADQUARTERS DISTRICT OF MONTANA,
"*Fort Shaw, Montana Territory, September* 5, 1877.

"SIR: I have the honor to report that the following-named citizens of Montana Territory accompanied me as volunteers in the late expedition against the Nez Percé Indians; most of them were in the battle on the 9th and remained faithfully with us till the last.

"Those who were killed and wounded are marked in the margin.

"I trust some provision may be made by law by which these parties may be placed on the same footing in regard to pay, allowances, pension, &c., as is now provided for soldiers duly mustered into the service of the United States:

"John Armstrong, (killed,) Jacob Baker, (wounded,) Anthony Chaffin, Oscar Clark, Samuel Dunham, William Edwards, Fred. Held, —— Hubbard, Otto Lifer, (wounded.) Amos Buck, J. B. Catlin, Samuel Chaffin, I. W. Davis, L. C. Elliott, (killed,) Charles Hart, Joseph Hull, Oscar Judd, Myron Lockwood, (wounded,) Almond Lockwood, (killed,) David Morrow, (killed,) Squire Madding, M. F. Sherrill, Barnett Wilkinson, Michael Wright, Eugene Lent, Campbell Mitchell, (killed,) William Ryan, (wounded,) Thomas Sherrill, George Waide, Jerry Wallace.

"Very respectfully, your obedient servant,

"JOHN GIBBON,
"*Colonel Seventh Infantry, Commanding.*

"To ADJUTANT-GENERAL UNITED STATES ARMY,
"(Through Headquarters Department of Dakota,)
"*Washington, D. C.*

"Your committee, in view of the favorable opinion expressed by the Secretary of War, the General of the Army, and Colonel Gibbon, recognize the equity and justice of affording a portion of the relief contemplated by the bill, and therefore recommend its passage as reported."

Mr. WITHERS. The only thing I see about it is that the recommendation is that they be placed on the same footing of the Army as to pay allowances and pensions. To that I have not the slightest objection; but I ask the Senator who reported the bill if there is

any precedent for the amount of pay which is allowed to these volunteers—one dollar a day?

Mr. BURNSIDE. The claim was decided upon its own merits. We thought under the circumstances it was proper to recommend that these men be placed on the same footing as they would have been if they were soldiers at that period.

Mr. WITHERS. That is perfectly proper, and I have no objection to it.

Mr. BURNSIDE. None of them can receive pensions unless they were wounded, of course.

Mr. WITHERS. The amount of pay provided for them is much larger than that allowed to soldiers in the regular Army. I am perfectly willing that they should be placed on the same footing. I think they ought to be.

Mr. BURNSIDE. There is something beyond the mere pay, the question of commutation of clothing, &c.

Mr. TELLER. This pay includes commutation of clothing.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. S. A. WRIGHT.

The next House bill on the Calendar was the bill (H. R. No. 2414) for the relief of Mrs. S. A. Wright.

Mr. LOGAN. I object to the consideration of that bill.

The VICE-PRESIDENT. The consideration of the bill is objected to.

Mr. CALL. Does an objection carry the bill over?

The VICE-PRESIDENT. One objection takes a bill over.

Mr. CALL. I appeal to the Senator from Illinois to withdraw that objection. I think there will be no difficulty about passing the bill.

Mr. WILLIAMS. I am satisfied if the Senator from Illinois will read the report of the committee he will withdraw his objection and let the bill pass.

Mr. LOGAN. I would do anything in the world to accommodate Senators, but I am so clearly satisfied that the law is different from the bill that I shall object.

The VICE-PRESIDENT. An objection is entered, and the bill goes over.

GROUND AT SIXTEENTH AND K STREETS.

The bill (H. R. No. 4590) to provide for the sale of certain property owned by the United States in the District of Columbia was considered as in Committee of the Whole. It proposes to authorize the Chief of Engineers, United States Army, in charge of public buildings and grounds in the District of Columbia, to sell and convey, by good and sufficient deed, to each of the owners of lot 1, square 184; lot 5, square 185; lots 5, 6, and 7, square 198; lot 12, square 199, in the city of Washington, District of Columbia, such portion of the ground immediately adjoining the front of those lots, or either of them, as will make the angles at the four corners of Sixteenth and K streets, northwest, right angles, upon payment into the Treasury of the United States of an amount to be appraised by three disinterested freeholders resident of the city of Washington.

Mr. JONES, of Florida. What committee does that bill come from?

The VICE-PRESIDENT. From the Committee on the District of Columbia.

Mr. WITHERS. The commissioners of the District recommend it; the Commissioner of Public Buildings and Grounds recommends it, and there is no opposition to it anywhere. The commissioners of the District thought it was a proper thing to do.

Mr. JONES, of Florida. What property is this?

Mr. WITHERS. It is situated at the intersection of K and Sixteenth streets; it was originally designed for making a circle, and in making the circle there were little triangular pieces cut off the lots situated at the four corners. Since that a park has been put there and rows of trees planted, so that it is now not designed to have a circle. The Commissioner of Public Buildings and Grounds recommends that these little pieces be sold to the private proprietors there; the commissioners of the District recommend it, and the committee recommends it.

Mr. JONES, of Florida. Is the title vested in the Government?

Mr. WITHERS. Yes, sir.

Mr. JONES, of Florida. I thought it was a proper measure to go to the Committee on Public Buildings and Grounds; but I make no objection.

Mr. KIRKWOOD. Does this cover the square which was known as "Corcoran Square" at one time?

Mr. WITHERS. Oh, no; it is in an entirely different part of the city.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAILROADS IN THE TERRITORIES.

The bill (H. R. No. 4874) in relation to the Utah and Northern Railway Company, was announced as next in order.

Mr. McDONALD. I think I shall have to object to that bill.

Mr. SAUNDERS. I hope the Senator will not object to it. It is of very great importance that the bill shall be passed. I think some of the Senator's own constituents may be interested in it.

The bill provides simply for giving the right of way to railroads to build branches in the Territories. There are a great many mining camps that require railroads in order to transport the mineral taken out, and under the present law as I am told no branch can be built in the Territories, that is, they have no right of way over the public domain.

If it will make the matter any stronger to the Senator from Indiana, I will state that I have a letter from the Auditor of Railroad Accounts stating that unless a bill of this kind is passed he does not believe a mile of railroad can be built in the Territories within the next year or until Congress meets again. Almost every Senator here has constituents in the mining country who are interested in it. They are interested in it in Idaho, in Montano, in New Mexico, and in Arizona.

Mr. McDONALD. The bill may be read for information.

Mr. HOAR. I have information enough to assure me that I shall object to it when it is read.

Mr. McDONALD. Very well, I object now.

Mr. SAUNDERS. I am sure the bill ought to be passed for the benefit of the people of the Territories.

Mr. HOAR. It is a bill which gives any railroad company the right to build a railroad where it chooses through the Territories.

Mr. SAUNDERS. That is exactly what is done by our amendment. There were objections raised to giving it to certain railroads, and on that account it was made general that all railroads in the Territories might have the right of way in building branches to such points as they think proper.

Mr. DAVIS, of Illinois. Let us go on. This is objected to.

Mr. SAUNDERS. I hope it will go over without prejudice.

The PRESIDING OFFICER, (Mr. DAWES in the chair.) Objection is made to the consideration of the bill.

Mr. SAUNDERS. I ask that it go over without prejudice.

Mr. BURNSIDE. I cannot consent to its going over without prejudice.

Mr. DAVIS, of Illinois. When a bill is objected to, it goes over.

The PRESIDING OFFICER. The bill goes over.

SAMUEL HARPER.

The bill (H. R. No. 5389) for the relief of Samuel Harper was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury in the settlement of the accounts of Samuel Harper, agent of the Treasury Department for the sale of internal-revenue stamps at Houston, Texas, to allow him a credit for $2,510, the amount of internal-revenue stamps stolen from his office on the 20th of March, 1867.

The bill was reported to the Senate without amendment.

Mr. SAULSBURY. There ought to be some explanation of the propriety of granting this relief.

Mr. VOORHEES. There is a printed report.

Mr. SAULSBURY. Perhaps the Senator can state briefly the reasons. I do not desire to make any captious objection, but I wish to know the reason for the bill.

Mr. VOORHEES. I ask that the report be read. It is shorter than I can make the explanation.

The Chief Clerk read the following report, submitted by Mr. VOORHEES February 8, 1881:

The Committee on Finance, to whom was referred the bill (H. R. No. 5389) for the relief of Samuel Harper, having considered the same, submit the following report:

In December, 1866, Samuel Harper, the postmaster at Houston, Texas, was made agent for the sale of internal-revenue stamps, and kept the stamps under lock and key in his office. A soldier belonging to a detachment of United States troops, stationed at Houston, was charged with theft of money from a citizen and deserted. As he had been a citizen of Houston when he enlisted, the commander had a letter placed in the post-office, and detailed a private named Coe to remain in the office and apprehend him should he come for it.

Coe remained in the office about a week, and could see the box containing the revenue stamps as the postmaster sold them to persons requiring them. Mr. Harper was notified by the commander, about a week after Coe was stationed in the office, that he, too, had deserted, and advised him to see if anything had been stolen. Thereupon an examination disclosed that revenue stamps amounting to $2,510 had been stolen within the preceding twenty-four hours. Steps were immediately taken to secure his arrest, but without success. It was ascertained that one of the banks and a firm in the city had purchased revenue stamps from him. The banker recognized the man as the soldier who had been on duty at the post-office, but he had not heard of the robbery when he purchased the stamps. The firm purchased the stamps from the soldier, who claimed they had been found on a railroad track.

The theft having been committed by a man placed in the post-office under military order, and not subject to the control of the postmaster, your committee feel satisfied that Mr. Harper should not be held responsible for the loss so occasioned, and report back the bill with a recommendation that it do pass.

The bill was ordered to a third reading, read the third time, and passed.

VACATION OF AN ALLEY IN WASHINGTON.

The bill (H. R. No. 5715) to vacate and close an alley in square 504, in Washington, District of Columbia, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, after the word "to," in line 4, to strike out "vacate and close up the alley running north and south in square 504, between lots 8, 9, and 10, in the city of Washington, District of Columbia" and in lieu thereof to insert:

Sell and convey to the Washington and Georgetown Railroad Company the ground occupied by the alley running north and south in square 504, between lots 8, 9, and 10, in the city of Washington, District of Columbia, and to vacate and close up said alley: *Provided*, That said ground shall not be sold at a price below the average assessed value of the lands in said square: *And provided further*, That

the commissioners aforesaid shall deposit in the Treasury of the United States, to the credit of the general fund of the District of Columbia, the purchase-money paid by said Washington and Georgetown Railroad Company.

Mr. KIRKWOOD. I should like to know what this means.

Mr. ROLLINS. I can state in a moment.

Mr. KIRKWOOD. Have the owners of the property abutting on this alley consented to its being closed?

Mr. ROLLINS. There is no objection on the part of anybody in the world. The bill merely provides that the District of Columbia shall get pay for an imaginary alley. There never was an alley there except upon paper. The bill merely provides that the District of Columbia shall get pay for the alley and close it up. There is no objection to it on the part of anybody.

Mr. SAULSBURY. I should like to inquire how it is to affect the adjoining property.

Mr. ROLLINS. It does not affect private property at all. The alley opens upon the arsenal wall. There never was any alley there at all except upon the map. It is imaginary entirely. For sixty years it has been closed up, and the place where the alley is supposed to be is built over by two brick buildings, one three hundred feet long and the other two hundred and seventy-five.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN H. W. RILEY.

The bill (H. R. No. 2503) for the relief of John H. W. Riley, of California, was considered as in Committee of the Whole. It provides for the payment of $300 to John H. W. Riley, of San Francisco, California, in full compensation for services rendered the United States as phonographic reporter during the investigation into the claim of one Charles Murphy for extra compensation for excavating for dry-dock at the Mare Island navy-yard.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONUMENT FOR BATTLE OF SARATOGA.

The bill (H. R. No. 4451) to provide for the erection of a monument at Schuylerville, New York, commemorative of the battle of Saratoga, and for other purposes, was considered as in Committee of the Whole.

Mr. LOGAN. I should like to inquire from the Senator reporting the bill whether he believes a monument of the dimensions described in the bill can be built for $30,000.

Mr. VOORHEES. Will the Senator from Illinois allow the amendment reported by the committee to be read? I think it will meet the inquiry he makes.

The bill was reported from the Committee on the Library with an amendment, which was to add at the end of the bill the following proviso:

Provided, That before transferring said money, or any part thereof, to the Saratoga Monument Association, it shall be made to appear to the satisfaction of the Secretary of the Treasury, who shall so certify, that a sum of money has been raised by said association which, together with the sum hereby appropriated, shall be sufficient to complete the monument in accordance with the design specified in this act.

Mr. VOORHEES. That answers the question, I think.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

Mr. COCKRELL. I simply desire to place on record that I am opposed to this bill and all kindred legislation.

BATTLE OF GROTON HEIGHTS.

The bill (H. R. No. 5097) appropriating money toward the expense to be incurred in the centennial celebration of the battle on Groton Heights and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Appropriations with amendments.

The CHIEF CLERK. The first amendment of the Committee on Appropriations is to strike out the first section.

Mr. PLATT. What is the first section which it is proposed to strike out?

The PRESIDING OFFICER. The section will be read.

The Chief Clerk read as follows:

That the sum of $5,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the centennial committee of the Groton Monument Association, under the direction of the Secretary of War, for the purpose of aiding to defray the expenses which will be incurred in celebrating the one hundredth anniversary of the battle and massacre at Fort Griswold, or Groton Heights, and the burning of New London, on the 6th day of September, 1781, in such manner as shall befit the historical significance of that event, and be indicative of the present power, prosperity, and greatness of the United States as a nation.

The next amendment was stated to be in line 1, section 2, after the word "the" to strike out "further;" so as to read:

That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. PLATT. It seems to me that Connecticut never having to my knowledge asked anything for the erection of monuments or celebrations of this sort, and this bill having unanimously passed the House of Representatives, it is better to pass it in the form in which it came from the House. I hope the amendments of the committee will not be agreed to. The State of Connecticut has appropriated $3,000 for this celebration; the citizens of Connecticut have subscribed a very large amount; and I do not know why the celebration of that battle, famous in the history of the country, is not entitled to some recognition as well as the celebration of other battles in other sections of the country.

Mr. SAULSBURY. I do not know much about the merit of the proposition; but it strikes me that the sum of $5,000 for the purpose of a celebration of a battle that occurred in the State of Connecticut, and the further sum of $5,000 to repair a monument erected by the State in commemoration of that battle, is rather a small matter for that State to ask of Congress. I am sure the patriotism of the State of Connecticut if appealed to would supply all the funds that might be necessary for that purpose. We are progressing rather rapidly. The State of New York has just succeeded in getting through a bill to commemorate a battle there. If we go on at this rate we shall have centennials and commemorations of battles in every section of this common country. Why, sir, during the revolutionary war one of the most distinguished soldiers of that war was from my State, a relative of the Senator from Iowa. Captain Kirkwood was engaged in thirty-three battles and fell at last in the thirty-third battle; and yet nobody has proposed to erect a monument to his memory at the national expense. I do not think myself that until the State of Delaware, which I represent, has done something to honor one of her own distinguished sons, we ought to come here and appeal to the National Government (though we might do it with as much propriety as some other things have been done) to erect a monument to the memory of one of her sons. I think we ought to pause a little before we proceed further in this direction. The appropriations may be small from the Treasury, but they may become a precedent for taking out of the Treasury ultimately a very large amount of money.

I make these remarks not because I have any objection to the celebration of the battle of Groton, in Connecticut. On the contrary, it was a very important affair; but I think we ought to pause before we make precedents which may come back to plague us.

Mr. EATON. Mr. President, my honorable friend from Delaware makes an objection, the force of which I think we should have appreciated at an earlier period than 1881. I might have voted with him at an earlier day; but this is the centennial celebration of an action that occurred very late in the revolutionary war. There can be no more centennials, I will say to my honorable friend. There may be a second centennial one hundred years hence; but there will be no more centennial celebrations of revolutionary actions after this commemoration and that at Yorktown.

In the Committee on Appropriations I did not urge the adoption of this bill, though a representative from Connecticut; but on the whole, on reflection, it seems to me we ought to give the sum of $5,000 for the purpose proposed in the first section. Connecticut has contributed very largely from her own funds; now let the United States come in and join with Connecticut in this matter. It will not be a precedent. There will be no more centennial celebrations of the glorious actions of our fathers in the revolutionary war, and therefore I hope the amendments of the Committee on Appropriations will not be adopted, but that the bill will be passed as it came from the House.

Mr. PLATT. Mr. President, if there were no precedents in Congress for such action, I think I should quite agree with what the Senator from Delaware has said in respect to the States providing for the expenses of such celebrations and for the erection of monuments, rather than to call upon the United States; but the precedent having been set, I can see no reason why a distinction should be made against Connecticut. I do not know that she is so much richer than Virginia or New York. If this course had not been adopted in Congress heretofore, I should not stand here to ask for it. I stand and ask rather that no distinction shall be made against the State of Connecticut in such matters.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

The amendment was rejected.

The next amendment reported by the Committee on Appropriations was, in line 1 of section 2 to strike out the word "further;" so as to read:

That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, &c.

Mr. PLATT. That is connected with the other, and falls also.

The amendment was rejected.

The next amendment was, in line 6 of section 2, after the words "Groton Heights," to insert "in the State of Connecticut."

Mr. LOGAN. How much does this bill appropriate?

Mr. EATON. Ten thousand dollars.

Mr. LOGAN. I desire to say, in reply to what was said by the Senator from Delaware, that I vote for this bill not because I am in favor of all these measures, because I have heretofore voted against them, but because I do not desire an exception made. I think the country will recollect this Congress as being a Congress engaged in passing bills for the erection of monuments more than anything else. We have passed bills for the erection of monuments all over the country, $10,000 for the monument and $5,000 for the spree that comes off afterward. That is usually about the way it goes. Then there was $30,000 for Yorktown—$30,000, not for the monument, but for other purposes that can be imagined. These monuments are to be erected on every battle-field of the land, for the purpose of showing how we licked the British. According to my reading of history I do not think it will take many monuments to show how many times we did lick them; it will take but very few. The number that we are erecting I suppose will teach future generations, with the inscriptions thereon, "This is the place where the British ran;" when I do not think there is much truth in many of the statements.

I shall vote for this bill because we have passed such bills for everything else; but I do think that the action of this Congress in reference to erecting monuments is more of a humbug than anything else. I think it is spending money for no purpose whatever, except to show a kind of sentiment of patriotism that amounts to nothing.

Mr. PLATT. Mr. President, what I desire is that the bill should be passed in the same shape that it came from the House. The amendments, except striking out one section, are merely formal, and I hope the Senate will disagree to them all.

The PRESIDING OFFICER. The question is on the amendment which has been read.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, in section 3, line 4, after the word "the," to strike out "centennial services" and insert:

Purpose of celebrating the one hundredth anniversary of the battle and massacre at Fort Griswold, or Groton Heights, and the burning of New London, on the 6th day of September, 1781.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. There is a further amendment reported by the Committee on Appropriations—to strike out the preamble to the bill.

Mr. EATON. Let the preamble be stricken out, if it does not endanger the bill.

Mr. DAVIS, of Illinois. I agree that preambles are generally false, and are not necessary; but striking this out will send the bill back to the House.

Mr. INGALLS. This preamble is a recitation of events and a representation of facts that I do not suppose any member of the Senate will desire to be committed to, particularly the statement in the last section of the preamble, that these acts of heroic valor were done to escape from "the brutality and lust" of the British invaders. We are going a great distance in this matter, Mr. President, and before the Senate agrees to adopt a preamble couched in such offensive and preposterous terms, I hope they will at least hear it read. It ought to be disagreed to and go out.

The PRESIDING OFFICER. The preamble will be read.

The Chief Clerk read the preamble, as follows:

Whereas the battle of Groton Heights was one of the closing events of the American Revolution, preceding the final surrender of the British forces at Yorktown, in Virginia, only one month and thirteen days, and is logically and historically connected with that great event; and

Whereas the State of Connecticut has already commenced preparations for the centennial celebration of this battle, the massacre attendant upon the capture of Fort Griswold, and the burning of New London, all scenes in the bloody drama of September 6, 1781; and

Whereas the people of the other States of the Union, proud of the part which their fathers took in achieving American Independence, and actuated by the feeling of a common brotherhood, must desire to unite with the people of Connecticut in paying a proper tribute to the patriotism, dauntless courage, and heroic sacrifice of the noble band of men who fought valiantly against superior numbers of British troops, and chose death rather than surrender their homes to the brutality and lust of the invaders: Therefore.

Mr. EATON. I will say to the Senator from Kansas that I would hardly have written the last sentence of this preamble; but it does not assert anything but what is true. A large British force attacked this fortification on Groton Heights. One hundred, or one hundred and twenty-five, of the very flower of Connecticut were there butchered. Colonel Ledyard offering his sword in surrender to the British commander—I mean the acting commander in the assault, for the infamous traitor, Arnold, a Connecticut-born man, was the commander of the expedition; but the British commander took the hilt of Ledyard's sword in his hand and ran him through the body with his own blade; and then New London was burned to the ground. If ever there was brutality, if ever there was lust, and if ever there was an outrageous exhibition of superior force, it was upon this occasion. While I say I would put the language in different terms, still the House have unanimously passed this, and I ask that we pass it here to-day. It recites nothing but truths in regard to that transaction.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to strike out the preamble.

The amendment was rejected.

The PRESIDING OFFICER. Shall the preamble stand? [Putting the question.] It is decided in the affirmative, and the title stands as reported by the committee.

J. SCOTT PAYNE.

The bill (H. R. No. 4413) for the relief of J. Scott Payne was considered as in Committee of the Whole. It provides that the services of J. Scott Payne, now a captain in the Fifth Regiment of United States Cavalry, shall be regarded as continuous, so far as his pay is concerned, from the date of his original commission as second lieutenant of the Fifth Cavalry. The Paymaster-General in computing the pay of Captain Payne for longevity pay is to compute the same from the date of his original commission as second lieutenant of Fifth Cavalry. Captain Payne is to be paid the difference between the amounts he would have received under the computation herein provided for and the amounts he has actually received, but is to receive no pay for the time he was actually out of the military service of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARK WALKER.

The bill (H. R. No. 249) for the relief of Mark Walker was announced as the next House bill in order on the Calendar.

Mr. BURNSIDE. That bill will lead to discussion that cannot be condensed within the five-minute rule. It had better go over.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

MARTHA BRIDGES.

The bill (H. R. No. 4434) for the relief of Mrs. Martha Bridges, of Bartow County, Georgia, was considered as in Committee of the Whole. It proposes to appropriate $72.06 to pay Mrs. Martha Bridges, widow of Balaam A. Bridges, deceased, of Bartow County, for work done by him on the Western and Atlantic Railroad, Georgia, during the months of August, September, and October, 1864, while the railroad was in the hands of the United States military authorities.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LOUIS P. DI CESNOLA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1359) for the relief of Louis P. di Cesnola, late consul at Cyprus. It provides for the payment to Louis P. di Cesnola of $5,500, the amount paid by him for the official expenses of his consulate while consul at Cyprus.

Mr. BURNSIDE. Is there a report in that case?

The PRESIDING OFFICER. There is no report in the case.

Mr. EATON. I will send to the desk a report made by the chairman of the Committee on Foreign Affairs of the House of Representatives. I did not have time to draw a report.

Mr. BURNSIDE. I do not ask for the reading of it. I withdraw the demand for the report.

Mr. EATON. The report is very short—shorter than a statement would be, and yet quite full.

The Chief Clerk read the following report, submitted by Mr. COX, from the Committee on Foreign Affairs of the House of Representatives, February 11, 1880:

The Committee on Foreign Affairs, to whom was referred the petition of General Louis P. di Cesnola, late consul at Cyprus, respectfully report:

The petition states that General Cesnola was appointed United States consul at Cyprus in the year 1865, and served until June, 1876, a period of eleven years; that during this time the duties of his office compelled him to employ an interpreter at the salary of $30 per month in gold and a consular guard at the salary of $12 per month in gold, which he regularly paid out of his own private funds, amounting to the total sum of over fifty-five hundred dollars, for which he prays to be reimbursed.

It appears that all the other consulates in Turkey receive $500 each per annum, as appropriated by Congress, for interpreter and guard hire, with the exception of Cyprus, and which was also allowed General Cesnola's predecessor, Mr. J. Judson Barclay, by Congress passing a special act for his relief.

The petition is accompanied by copies of duly authenticated vouchers, and certificates of payment by General Cesnola, on file in the Department of State, and also by a letter from Hon. William M. Evarts, Secretary of State, the Hon. Samuel J. Randall, Speaker of the House of Representatives, confirming the statements of General Cesnola, and recommending that the relief prayed for be granted accordingly, and which is made a part of this report.

The committee are of opinion that the petitioner's claim is not only just and equitable, but indisputable, and therefore report the accompanying bill and recommend its passage.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOSEPH CLYMER.

The bill (H. R. No. 2705) for the relief of Joseph Clymer, of Texas, was considered as in Committee of the Whole. It proposes to appropriate $18,325 to pay Joseph Clymer, of Texas, the amount due him from the United States on a contract for transportation of Army stores made on the 18th of April, 1851.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PASSED ASSISTANT ENGINEER ABSALOM KIRBY.

The bill (H. R. No. 4607) for the relief of Passed Assistant Engineer Absalom Kirby, of the Navy, was considered as in Committee of the Whole. It proposes to so construe the act of March 3, 1873, restoring Passed Assistant Engineer Absalom Kirby to the active-list of the

Navy, as to allow him the pay of his present grade from the 11th of October, 1866, the date from which he takes rank.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL. I move to indefinitely postpone the joint resolution (S. R. No. 68) for the relief of Passed Assistant Engineer Absalom Kirby, of the Navy, the House bill for the same purpose having passed.

The motion was agreed to.

CALIFORNIA INDIAN WAR BONDS.

The bill (H. R. No. 1729) for the payment of certain Indian war bonds of the State of California was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, directed to pay, out of the unexpended balance of an appropriation of $924,259.65 made by the third section of the act of Congress approved August 5, 1854, the sum of $1,290.56, to the lawful holder of four California Indian war bonds issued by said State on the 18th day of May, 1856, under the provisions of the act of the Legislature thereof approved May 3, 1852, for the suppression of Indian hostilities therein, numbered respectively 164, 166, 167, and 168, each bond being for the sum of $250, and bearing interest from date of issue at the rate of 7 per cent. per annum; the amount herein appropriated being for the principal of said bonds, with interest thereon from date of issue until the 1st of July, 1860.

Mr. HOAR. Why does that amendment read that the money shall be paid out of the unexpended balance? I understand that unexpended balance must long since have gone back into the Treasury. Why not put the language in the ordinary form that payment shall be out of any moneys in the Treasury not otherwise appropriated?

Mr. SLATER. I think this is the usual form.

Mr. CONKLING. Year after year has elapsed and the money has been covered into the Treasury and become a part of the general funds of the Treasury. I should like to inquire why interest on the bond up to a day named in 1860 is allowed?

Mr. SLATER. I suggest that at the end of the committee's amendment we add "that the sum necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. CONKLING. What is the reason for providing for the payment of interest and its payment up to a certain day in 1860?

Mr. SLATER. The act under which these bonds were originally provided to be paid was the act of June 23, 1860. A provision was made for these bonds and a large number of other bonds of a similar character to be paid; but these not being presented within the life of the appropriation were not paid, and it was thought they should not draw interest beyond the date of the passage of the act.

Mr. CONKLING. So that the Senator proposes to pay them now in the same measure in which they would have been paid if presented in time?

Mr. SLATER. Precisely in the same measure.

Mr. HOAR. My suggestion simply requires that the committee should modify the amendment where it reads "out of the unexpended balance of an appropriation," &c., by saying "to be paid out of any moneys in the Treasury not otherwise appropriated."

Mr. SLATER. If the Senator will suggest his amendment I will accept it.

Mr. HOAR. That correction can be made at the desk——

The PRESIDING OFFICER. The Senator from Massachusetts proposes to amend the amendment.

Mr. HOAR. By striking out the provision as to payment from an unexpended balance and inserting "out of any moneys in the Treasury not otherwise appropriated."

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out "the unexpended balance of an appropriation of $924,259.65, made by the third section of the act of Congress approved August 5, 1854," and insert "out of any moneys in the Treasury not otherwise appropriated;" so as to read:

That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,290.56 to the lawful holder of four California Indian war bonds.

Mr. INGALLS. This bill was reported from the Committee on Indian Affairs, and the difficulty we desired to avoid was the recognition by the terms of this bill of any obligation on the part of the United States Government to become responsible for anything above the amount of the original appropriation made in 1858, the fact being that it is not known how many more bonds have not been presented, and the further fact being that there is $170,000 of unpaid coupons which have not been presented that we desire to avoid establishing any precedent for the recognition or payment of. Therefore the amendment proposed by the Senator from Massachusetts is wrong and the bill was right as reported from the committee. It should read that this is to be paid out of that unexpended balance, which amount is hereby reappropriated, the purpose being what I have said.

There is a very considerable doubt about the present condition of the war debt of California which Congress agreed to liquidate and assume in 1854. I therefore hope the Senators from California will consent to have this bill pass as originally amended by the committee without regard to the suggestion of the Senator from Massachusetts.

Mr. CONKLING. Would not the Senator guard the purpose he suggests by a proviso restricting this to limits within the original appropriation?

Mr. HOAR. I have prepared a proviso.

Mr. INGALLS. I think that would undoubtedly be satisfactory and sufficient, but the facts are that this is the third bill in the same line which has been passed by Congress. In the first place we appropriated the entire amount, a little less than a million dollars, out of which a considerable amount was paid. Then it was discovered that there were some bonds outstanding that had not been paid when this original balance had lapsed into the Treasury. We provided for the payment of those bonds out of that amount, reappropriating whatever was sufficient for that purpose. And now these additional bonds having turned up after the lapse of many years, it is proposed in the line of precedents heretofore adopted that they shall be paid out of the unexpended balance, the amount necessary to pay them being reappropriated, the further purpose being by no act of ours to commit Congress to the payment of any larger amount than that originally specified in the act of 1854.

Mr. HOAR. The original proposition of the committee commanded an impossibility. There is no such thing as an unexpended balance of this appropriation. It has all been covered back into the Treasury, and does not exist. The appropriation must therefore be made out of moneys in the Treasury; but the suggestion of the Senator from Kansas will be satisfied by adding to the bill:

Provided, That so much of the original appropriation of $924,259.65 still remains unpaid.

Mr. INGALLS. I do not see why the object is not attained by the course that I suggest. It is undoubtedly true that the balance has been covered into the Treasury; but it still remains on the books as an unexpended balance of a specific appropriation. Now what we want to do is to pay these bonds out of that appropriation—so much of it as may be necessary for the purpose. By that means we carry out the original design of Congress, and by that means also we guard and protect the Treasury against any subsequent demands that may be made upon it in connection with the payment of these bonds or with the claim that may be made for the $170,000 of unpaid interest that we should be very careful not to establish a precedent for.

Mr. HOAR. If the Senator from Kansas would put in his words, they would be just as well as "that the amount is hereby appropriated;" but that is not the amendment reported by the committee.

The PRESIDING OFFICER. The question is on the amendment to the amendment proposed by the Senator from Massachusetts.

Mr. HOAR. I will withdraw the amendment and let the Senator from Kansas put it in his own way, as he is on the committee.

Mr. INGALLS. I will suggest that the amendment of the committee be amended so as to read as follows:

That the Secretary of the Treasury be, and he is hereby, directed to pay, out of the unexpended balance of the appropriation of $924,259.65 made by the third section of the act of Congress approved August 5, 1854, the sum of $1,290.56, which amount is hereby reappropriated.

The PRESIDING OFFICER. Does the Senator from Massachusetts withdraw his amendment?

Mr. HOAR. I withdraw mine.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the committee.

Mr. THURMAN. It ought to be "which last-named amount."

Mr. INGALLS. That is what I mean, "which last-named amount is hereby reappropriated."

Mr. CONKLING. I venture to make this suggestion to the Senator from Kansas: no one knows when these bonds are to be presented; the holders seem from this amendment not to be known. Suppose when they come to be presented for payment, coupons which the Senator has referred to and other things have been paid so that the original appropriation is exhausted; then this appropriation takes hold and adds so much to it, which I understand to be the thing that the Senator means to avoid. Therefore I venture to suggest that if the bill is to be amended by adding a proviso at the end it should be to this general effect:

Provided, however, That no payment shall be made on said bonds unless the sum fall within the amount of the original appropriation—

Referring to it as the bill does, or employ other apt phrase that will leave no possible doubt about it; but if the Senator reappropriates this money, not knowing when the bonds or the last of them will be called for, for aught he knows the whole payment may be in excess of the original appropriation.

Mr. SLATER. If the Senators will look at the report they will see that the sum is in the Treasury as reported by the Treasury officers, so that there can be no doubt in regard to that, though I have no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment to the amendment moved by the Senator from Kansas, in line 9, after the word "cents," to insert "which last-named amount is hereby reappropriated."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Committee on Indian Affairs as amended.

Mr. INGALLS. I suggest as a further amendment to the amendment, at the intimation of some Senators who have given the matter consideration, that in order to guard the subject completely against

the difficulties that I have heretofore mentioned, the following proviso should be inserted at the close of the amendment.

Provided, That said bonds shall not be paid except out of any amount remaining unapplied of the original appropriation of $924,259.65 heretofore made.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TITLE TO AN ISLAND IN THE MISSISSIPPI.

The bill (H. R. No. 936) relinquishing the right of the United States to an island therein named was considered as in Committee of the Whole. It provides that all the right, title, and interest of the United States in and to all that island or body of land situated in the Mississippi River opposite Fort Chartres Island, in Randolph County, Illinois, the island or body of land hereby conveyed being commonly known as "Bruce's Island," and which may be further designated as being opposite the mouth of the Establishment Creek, and lands adjacent on the Missouri shore, in Sainte Genevieve County, Missouri, and between Establishment Creek's mouth and the adjacent lands in Missouri and Fort Chartres Island, shall be granted, relinquished, and conveyed by the United States, in fee simple and in full property, to John R. Boas, or his legal representatives. The provisions of the bill are not directly or indirectly to comprehend, include, extend to, grant, relinquish, or convey the whole or any part of any lot, tract, piece, or parcel of land which has heretofore been granted by the United States.

Mr. THURMAN. Seeing that the United States was about to give away an island, and the chairman of the Committee on Commerce not being here to tell me where the island was, I got the bill out of curiosity, and also the report. I find the locality of the island is pretty well described. It lies in the Mississippi River between Illinois and Missouri, and this bill proposes to relinquish all right of the United States in and to this island to John R. Boas or his legal representatives. The word "or" there is evidently a mistake, intended to be "and," it being a grant in fee simple. I was curious to know what was the reason for granting this island, and I find this to be the state of facts: this island has been formed since the erection of Illinois and Missouri into States. It is the product of gradual deposit, as the report made by the House committee, and which is adopted by our committee, says:

The evidence shows that this island lies in the middle of the Mississippi River, fifty miles below the city of Saint Louis, and is the product of gradual deposits by said river, first forming a sand-bar, and thence increasing with every recurring flood for the past fifteen or twenty years. The river flows with equal volume and breadth on both sides. It is known as "Bruce's Island," from a half-crazy man of that name who built a house upon the island, and died and was buried there some years ago. Other attempts have been made to inhabit it, but the overflows have prevented its permanent occupation.

Now comes the reason for passing this bill, and this strikes me as a little amusing; I hope Senators will weigh and ponder it.

Mr. MCMILLAN. The Senator from Ohio will permit me to say that this bill does not come from the Committee on Commerce.

Mr. THURMAN. I did not say that it did, but I always apply to that committee for geographical information. I did not say the bill came from that committee.

Mr. MCMILLAN. The report is from the Committee on Public Lands.

Mr. THURMAN. Certainly, I know it.

Mr. MCMILLAN. I understood the Senator to say the Committee on Commerce.

Mr. THURMAN. Now, for the reason why the United States should give this island to Boas:

Now, the Government is asked to pass this act in the interests of peace and good order, and as a guarantee to neighboring proprietors against intrusions from river pirates, outlaws, and nondescript vagabonds, who may make it their retreat and the abode of vice.

And therefore this island is to be given to Boas. How Boas is to keep off these river pirates, outlaws, and nondescript vagabonds, when it appears from the report itself that the island is uninhabitable and cannot be inhabited, because the river overflows it—how Boas is to achieve that the committee have not advised us, but undoubtedly Boas can do it, for the committee propose that without any guarantee in the wide world, without even a covenant on Boas's part to keep off bad characters, Boas shall have the island. I do think it is about the strangest piece of legislation I have seen.

This report that I read from was made by the House Committee on Private Land Claims. The bill when it came here was not sent to the Committee on Private Land Claims; if it had been, I dare say the chairman of that committee, our friend from Vermont, [Mr. EDMUNDS,] would never have reported it exactly as it is. I rather think the promoters of it have taken advantage of the good nature of my friend from Indiana [Mr. MCDONALD] to get this report from him; but what I want him to explain is, how Boas is to keep off these bad fellows that make this island their resort.

Mr. MCDONALD. I leave it to the Senator from Missouri, who understands the matter.

Mr. COCKRELL. The facetiousness of the very distinguished Senator from Ohio is remarkable, and has been on this occasion and one or two others. Now, in regard to the location of this island, I simply ask that the report be read entire. It is located as definitely and as distinctly as the city of Cincinnati is located in the State of Ohio.

Mr. THURMAN. No doubt about that.

Mr. COCKRELL. There is no question as to its location in the bill and in the report.

One word before the report is read. Mr. Boas has a deed from the owner of the land on the Illinois shore, and he has the ownership of the land on the Missouri shore; and as to this island being uninhabitable and so on, the Senator from Ohio has certainly forgotten that that great river rises from twenty to thirty feet, and there are seasons of the year when the land cannot be inhabited, but there is over half the year when persons go upon it and live upon it temporarily. The bill is simply to confirm to him what he already claims he has, what the highest courts of Kentucky claim that the United States have not. It is simply a relinquishment to confirm and perfect him in his title, and to do away with any doubt in regard to it; and there is no other claimant. The lands on the Illinois shore were conveyed to him. He owns the land on the Missouri shore. There might be a dispute if he were to go there and eject any person who might settle upon it; and all the bill does is to release to him the right of the United States, if there be any.

Mr. THURMAN. I did not set forth all the beauties of this report. There are other beauties in it of a very remarkable character to a lawyer. For instance, the report finds that the United States have no title at all to the island, and finds further that Missouri has no title to it, and Illinois has no title to it.

Several SENATORS. Who has?

Mr. THURMAN. Nobody but the river pirates, so far as I can see.

Mr. INGALLS. The committee also say "the island is a bastard."

Mr. THURMAN. To be sure.

Mr. INGALLS. "Some of our ablest legal minds are of opinion that the island is a bastard."

Mr. LOGAN. The Senator from Missouri says this man Boas has a claim to this island. I desire to inquire whether or not that claim arises in any other respect than from the fact that he claims the island on account of riparian rights or accretions or something of that kind? Is not that the claim?

Mr. COCKRELL. That is all; he has the title to both sides of the river.

Mr. LOGAN. The question by this bill presented is, first, that Illinois does not own the land; second, that Missouri does not own the land. If neither of them owns the land, then the title must be in the Government of the United States. If this man is entitled to it as the riparian owner or by virtue of right——

Mr. COCKRELL. Let the report be read, and it will explain the whole matter.

Mr. LOGAN. I wanted to say this for the purpose of giving my reasons to the Senate for the course I shall take in reference to the bill. If the title is in the Government—and certainly there must be a suspicion that it is or this bill would not be before Congress asking that the right of the United States be ceded to this individual—if the Government has the right or title to this property, it is asked to cede it for no reason whatever except to gratify this man. If that be true, and the title is in the Government, the Government ought not to cede it for the reason that the Government may require it for some purpose hereafter; it may require it for a coaling station; it may require it for some other purpose; and unless there is a better reason given why the interest, if there is any, of the Government shall be ceded to this man, I shall object to the further consideration of the bill.

The PRESIDING OFFICER. Objection is made.

Mr. COCKRELL. The morning hour has expired. There is no objection to be made to the bill now. It will keep its place on the Calendar.

Mr. MCMILLAN. Objection has been made, and it goes over.

The PRESIDING OFFICER. The Chair understands the Senator from Illinois as objecting.

Mr. LOGAN. I do object to its consideration.

The PRESIDING OFFICER. The bill goes over.

Mr. COCKRELL. Can he object after the morning hour has expired?

The PRESIDING OFFICER. The Senator objected before the Chair announced the expiration of the morning hour.

Mr. LOGAN. I objected while the bill was before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes; further insisted upon its disagreement to certain other amendments of the Senate to the said bill; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. T. R. COBB of Indiana, Mr. JOSEPH C. S. BLACKBURN of Kentucky, and Mr. FRANK HISCOCK of New York, managers at the further conference on the part of the House.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The message further announced that the House had passed a concurrent resolution granting permission to the Washington Light Infantry Corps of the District of Columbia to use the Museum building on Monday evening, the 7th of March, 1881.

The message also announced that the House had passed a resolution for the printing of 6,000 copies each of volumes 6, 7, 8, 9, and 10, Contributions to North American Ethnology, uniform with the preceding volumes of the series and with the necessary illustrations.

The message further announced that the House insisted on its disagreement to the first, third, and fourth amendments of the Senate to the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes, insisted upon by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. H. BAKER of Indiana, Mr. HIESTER CLYMER of Pennsylvania, and Mr. ERASTUS WELLS of Missouri, managers at the conference on the part of the House.

AMENDMENTS TO BILLS.

Mr. WHYTE. I am instructed by the Committee on Printing to report back the amendment proposed by the Senator from Rhode Island [Mr. BURNSIDE] to the sundry civil appropriation bill in regard to the purchase of certain books, and to say that we have considered this subject before, and considered it as not properly belonging to that committee, but to the Committee on Appropriations. Therefore the committee ask to be discharged from the further consideration of the amendment, and that it be referred to the Committee on Appropriations.

The report was agreed to.

Mr. HARRIS, from the Select Committee to investigate and report the best means of preventing the introduction and spread of Epidemic Diseases, reported an amendment intended to be proposed to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PADDOCK, from the Committee on Agriculture, reported an amendment intended to be proposed to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BROWN, Mr. BUTLER, Mr. COKE, Mr. HAMPTON, Mr. HEREFORD, Mr. LAMAR, Mr. McDONALD, Mr. McMILLAN, Mr. MORGAN, Mr. ROLLINS, Mr. SAUNDERS, Mr. VANCE, Mr. VOORHEES, Mr. WITHERS, and Mr. WHYTE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. GARLAND, Mr. ROLLINS, Mr. VEST, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The Chair will lay before the Senate the regular order, being the bill (S. No. 2022) in relation to the Japanese indemnity fund.

Mr. BALDWIN. I would ask my friend from Connecticut if he will not consent to lay aside this bill temporarily for a moment in order that the Senate may take up for consideration Senate bill No. 1836. It will take but a single moment. If it takes more than three minutes I will agree that it shall be withdrawn.

Mr. EATON. I cannot yield.

Mr. McPHERSON. I ask the Senator from Connecticut to yield to me for a moment for the purpose of taking up and considering a Senate bill——

Mr. EATON. I desire to say that in my good nature I yielded yesterday and lost an hour and a half or two hours. Now, I cannot yield to-day. If I could I would rather yield to my excellent friend from New York, who wants me to yield, for I told him yesterday I would.

Mr. McPHERSON. Mr. President——

Mr. EATON. I cannot yield.

Mr. McPHERSON. I will simply say to the Senator from Connecticut——

Mr. FERRY. I want to make an appeal to the Senator from Connecticut.

Mr. PADDOCK. I want to appeal to the Senator from Connecticut that he yield one moment to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Connecticut is appealed to. Does the Senator yield?

Mr. EATON. I yielded twice yesterday, and told my friend from New York that he might come in after my friend from Delaware; and I lost the whole afternoon, an hour and a half.

The PRESIDING OFFICER. The Senator declines to yield?

Mr. EATON. I decline to yield.

Mr. McPHERSON. Does not the Senator from Connecticut now see——

Mr. EATON. Yes; I see.

The PRESIDING OFFICER. The Senator from Connecticut declines to yield.

Mr. FERRY. I want to make an appeal to the Senator from Connecticut. My colleague [Mr. BALDWIN] during the whole session has not asked for the consideration of a special case. He now has a bill that he wishes to have considered, and I hope the Senator from Connecticut will yield to him and allow the bill to be passed.

Mr. CONKLING. I am not going to appeal to the Senator from Connecticut. I wish, however, to make a remark to the Senate which I believe is in order. The Senator from Connecticut yesterday was kind enough to say to me, as the RECORD will show, that I might take up pending the bill which he has in charge the trade-mark bill. Seeing as I do how embarrassed he is I would not think of claiming his promise, and certainly no other Senator, I submit, can object to his declining to yield. I want to say, however, having had that assurance from the Senator, if when this bill is disposed of I am fortunate enough to get a performance of the promise in effect made yesterday, it will give me great pleasure to give that opportunity, if it be worth anything, to my honorable friend from Michigan, who, I think, makes a very moderate request, and I trust the whole Senate will listen to him.

MUSEUM BUILDING.

Mr. HOAR. I rise to ask unanimous consent that the resolution just sent over from the House relating to the use of a certain public building for the inauguration ceremonies may be referred to the Committee on Public Buildings and Grounds.

Mr. LOGAN. With that reference I ask to have referred an amendment to strike out the words "Light Infantry of the District of Columbia" and insert "military organizations of the District of Columbia;" and I hope the committee will give it consideration.

The PRESIDING OFFICER. The Chair will lay before the Senate the concurrent resolution of the House of Representatives.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That permission is granted to the Washington Light Infantry Corps of the District of Columbia to use the Museum building on Monday evening, the 7th of March, 1881, provided that no expense shall be thereby incurred to the United States.

The PRESIDING OFFICER. The Senator from Massachusetts moves the reference of the resolution to the Committee on Public Buildings and Grounds, and the Senator from Illinois proposes an amendment which he asks to be referred with it. Is there objection? The Chair hears none, and it is so ordered.

CONTRIBUTIONS TO NORTH AMERICAN ETHNOLOGY.

The following concurrent resolution of the House of Representatives was laid before the Senate and referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 6,000 copies each of volumes 6, 7, 8, 9, and 10 of the Contributions to North American Ethnology, uniform with the preceding volumes of the series, and with the necessary illustrations; 3,030 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,970 for distribution by the Bureau of Ethnology.

DISTRICT APPROPRIATION BILL.

Mr. WITHERS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 5, 36, 37, 38, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 8, 10, 21, 22, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 61, 64, and 65.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$40,940;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its amendment to the amendment of the Senate numbered 23, and agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$96,500;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: On page 18 of the bill, at the end of line 10, after the word "Treasury," insert the following: "And with his action on the same, to be printed in the general Book of Estimates;" and the Senate agree to the same.

That the committee have been unable to agree on the following amendments: numbered 11, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 49, 50, 60, 63, and 66.

R. E. WITHERS,
ISHAM G. HARRIS,
WILLIAM WINDOM,
Managers on the part of the Senate.
T. R. COBB,
JO. C. S. BLACKBURN,
FRANK HISCOCK,
Managers on the part of the House.

Mr. INGALLS. What are the points at issue between the two committees?

Mr. WITHERS. The points at issue are four or five. There are four principal points of difference. One is in regard to the amount that shall be paid by the District of Columbia for the support of the insane in the asylum here. The Senate committee reported $40,000 and the House committee $80,000, I think. The second point of difference is in regard to the House amendment by which the office of treasurer was stricken out of the bill. It was restored by the Senate. The third is in regard to the credit to the District commissioners on account of drawback certificates in the settlement of taxes; and the fourth is the amount appropriated by the House for the expenses of a jail for the District of Columbia, which the Senate struck out of the bill. Those are the four principal points of difference. Another point of difference is the location of the high-school building, which was provided for by the House, the House proposing to locate it just on the market-house, and the Senate refusing to concur in that, and deciding to locate it upon another part of the same square, not on the market.

Mr. ROLLINS. But really locating it on the top of the other school-house.

Mr. WITHERS. It may as well be on the other school-house as on the market-house.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

Mr. WITHERS. I move that the Senate further insist upon its remaining amendments disagreed to by the House, and ask for another conference, the conferees to be appointed by the Chair.

The motion was agreed to; and Mr. WITHERS, Mr. HARRIS, and Mr. WINDOM were appointed as the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes; and

A bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes.

RIVER AND HARBOR BILL.

Mr. RANSOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 10, 25, 122, 130, 135, 138.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 136, 139; and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: Strike out "forty" and insert "thirty;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: Strike out "sixty-six" and insert "forty-five;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: Insert after the word "dollars" the following:

"*Provided*, That the Secretary of War is directed to expend of the money hereby appropriated a sum not exceeding $10,000 to extinguish any claim of right held by any company or corporation to take tolls or make charges for the navigation of so much of said river as is above described: *And provided further*, That said claim of right shall be extinguished and released on or before the 1st day of December, 1881, and no part of this appropriation shall be expended in the improvement of said river until such claim of right is wholly extinguished and released: *Provided further*, That nothing herein contained shall be taken or held as a waiver on the part of the United States to the exclusive control of the navigation of said river relieved from any charges or tolls imposed by any company or corporation."

And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: Insert in the list of surveys the following: "Little Red River in Arkansas."

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: After the word "without," in the fifteenth line of the amendment, insert "actual," and strike out the last clause; so that the whole clause will read as follows:

"Such parts of the money appropriated by this act for any particular improvement requiring locks and dams as may be necessary in the prosecution of such improvement may be expended in the purchase, voluntary or by condemnation, as the case may be, of necessary sites: *Provided*, That such expenditure shall be under the direction of the Secretary of War: *And provided further*, That if the owners of such lands shall refuse to sell them at reasonable prices, then the prices to be paid shall be determined and the title and jurisdiction procured in the manner perscribed by the laws of the State in which such lands or sites are situated. It shall be the duty of the Secretary of War to apply the money herein appropriated for improvements, other than surveys and estimates, in carrying on the various works, as far as can be without actual detriment to the interest of the Government, by contract. Where such works cannot be done by contract without injury to the public interest, they may be prosecuted by hired labor. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution of the work according to such contract, and for the proper payment of all liabilities incurred in the prosecution thereof for labor and material."

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows: Strike out "Newark" and insert "New York."

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows: After the word "White Oak" insert "Meherrin and New;" and strike out "river" and insert "rivers."

M. W. RANSOM,
J. T. FARLEY,
S. J. R. MCMILLAN,
Managers on the part of the Senate.
JOHN H. REAGAN,
JNO. E. KENNA,
THOMAS M. BROWNE,
Managers on the part of the House.

The report was concurred in.

JAPANESE INDEMNITY FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 2022) in relation to the Japanese indemnity fund.

Mr. EATON. Mr. President, I do not desire to take up the time of the Senate in an argument of this case. The whole country is acquainted with all the facts connected with the case. Yesterday I received a dispatch from the Board of Trade of San Francisco; the same from New York, from New Orleans, and from all over the country. No leading journal can be taken up but what there seems to be a universal demand that the Congress of the United States should do honor to the country and justice to Japan. Even yesterday, in an interview by a leading paper with the most eminent of living Americans, he said he would come here himself for the purpose that the country might do honor to itself and justice to Japan.

I do not wish to take up the time of the Senate; I simply ask that the report of the Committee on Foreign Relations be read. The report states the entire facts in the case, and states also what I shall ask the Senate to consider after they have considered this bill; it states also the necessity of passing another bill, which will not take one minute. I should like to have the report read.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Secretary will read the report called for by the Senator from Connecticut.

The Chief Clerk read the following report, submitted by Mr. EATON January 13, 1881:

The Committee on Foreign Relations, to which was referred the bill (S. 2021) in relation to the Japanese indemnity fund, submit to the Senate the following report, and recommend the passage of the accompanying bill as a substitute for the original bill:

The Japanese indemnity fund is a sum of money, amounting on the 15th day of February, 1881, to the sum of $1,711,224, invested in United States securities, and under control of the State Department, never having been covered into the Treasury.

This sum is the proceeds and accretions of the sum of $785,000 in gold paid to the United States by the Government of Japan under the provisions of a convention made October 22, 1864, between the tycoon of Japan and the representatives of the United States, Great Britain, France, and the Netherlands, by which Japan agreed to pay the four powers $3,000,000, "this sum to include all claims, of whatever character, for past aggressions on the part of the Prince of Nagato, indemnity, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons."

One-fourth of this sum has been paid to the United States in gold, and constitutes the fund named.

"It is," as was stated by Mr. Secretary Seward, January 8, 1868, "in our hands without substantial equivalent."

The circumstances which led to the convention between the four powers and Japan are, briefly, as follows:

Prior to 1853 the ports of the Japanese Empire were closed to foreign trade. The policy of Japan was that of seclusion. For centuries she had been isolated from all communication with foreign powers, and the minds of her people were deeply imbued with the idea that commercial intercourse with foreigners was perilous to her best interests.

The rulers of the empire were the mikado, who was the titular and hereditary sovereign, but not, apparently, possessed of the governing power; the tycoon, also hereditary, who was the executive head, and, apparently, wielded the power of the empire; and the daimios, who were rulers in localities or provinces. Many of these were very rich and powerful, aiming at independence from the mikado and tycoon. Wars were very frequent between the daimios and the tycoon.

The daimio of Chosin or Nagato was one of the most powerful of this class. His territory lay at the southwestern part of the largest of the Japanese islands, and the strait of Simonoseki, which connects the inland sea of Japan with the ocean, is within it.

The advent of Commodore Perry, in 1853, and the events following it, opened certain ports of Japan to foreign trade, and in 1858 the treaty now in existence was concluded between the tycoon and the United States. The mikado was not a party to this treaty until 1865, and none of the ports opened by it were upon the inland sea of Japan. Many of the people were incensed at this action, and several of the great daimios, notably those of Satsuma and Nagato, opposed this policy of the tycoon with great bitterness. The prejudices and fanaticism of the natives were aroused and intensified, and while the tycoon did all in his power to carry out his

treaty stipulations made with the foreign powers, it was practically impossible for him to do so in all parts of the empire.

The Prince of Nagato openly rebelled against the tycoon and his policy of opening the ports, and erected at the narrowest part of the strait of Simonoseki powerful batteries mounted with modern cannon, with the avowed purpose of closing the strait to foreign traffic. In June, 1863, the Pembroke, a small American steamer, loaded with merchandise, from Yokohama for Nagasaki, and carrying the flag of the United States, attempted to pass through the strait. She was fired upon by the shore batteries and by an armed brig belonging to the Prince of Nagato. She was not struck; no one was hurt; and she retraced her way and abandoned the voyage to Nagasaki. Demand was made by the American minister for redress for this insult to the American flag, and, by his direction, Commander McDougal, in the United States steamer Wyoming, proceeded, in July, to retaliate upon the daimio. He found at Simonoseki three vessels belonging to the prince lying at anchor near the shore. He attacked them, and, after a sharp conflict with them and the shore batteries, sank a brig and blew up a steamer, by which some forty persons were said to have been killed. The loss of the Wyoming was five killed and six wounded. A French steamer and a Dutch corvette had also been fired upon at these straits by this rebellious daimio. No English ship was attacked. A claim was at once made by Mr. Pruyn, our minister, for loss of time, freight, &c., sustained by the Pembroke, amounting to $10,000, which was fully and promptly paid by the Japanese Government. The insult to the flag had been fully redressed by Commander McDougal, and it would be supposed that here the matter was ended. On the 8th of August, 1864, our minister writes:

"The Japanese Government has arranged to my satisfaction the claims which I had been instructed by the President of the United States to make upon it."

On the 15th of the same month, we, with the representatives of Great Britain, Spain, and the Netherlands, signed a memorandum, agreeing to dispatch an armed expedition "with all consistent speed to open the strait at Simonoseki, destroying and disarming the batteries of the Prince of Chospin, and otherwise crippling him in all his means of attack, and that the political situation renders it desirable that there should be no considerable delay in the commencement of operations." This expedition, consisting of nine British, three French, and four Dutch vessels, and a chartered vessel called the Takiang, bearing the American flag, proceeded to the strait, and on the 1st of October, 1864, our minister again writes:

"A portion of the fleet has returned from the strait of Simonoseki, bringing the intelligence that on the 5th, 6th, 7th, and 8th days of September last the batteries of Chosin, commanding these straits, were entirely destroyed, the magazines blown up, shot and shell thrown into the sea, and the guns, to the number of nearly seventy, carried away. The prince made an unconditional surrender, and agreed to pay such sum as the ministers of the treaty powers might demand for the expenses of the expedition."

The cost of the hired steamer Takiang for one month was $9,500, and her coal cost $1,848. The Secretary of the Navy fixes the injury to and expenses of the Wyoming while in action at $10,169, making a total of $21,517. This is the maximum for which any claim for indemnity could justly have been made. Especially is this the case when it is remembered that the Wyoming had fully and adequately repaid the insult to our flag a year before, and every claim for loss by the Pembroke had been made and paid.

Yet, on the 22d of October, 1864, the convention between the four powers and the tycoon was executed, and by it the sum of $785,000 was obtained for our benefit from a weak and friendly power, and this sum still remains in our hands "without substantial equivalent."

The preliminary clause of this convention is in these words:

"The representatives of Great Britain, France, the United States, and the Netherlands, in view of the hostile acts of Mori Daizen, prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the strait of Simonoseki, in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade; and the government of the tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damages resulting to the interests of the treaty powers, as well as the expenses occasioned by the expedition: Therefore," &c.

And the first article of the convention is as follows:

"The amount payable to the four powers is fixed at $3,000,000. This sum to include all claims of whatever nature for past aggressions on the part of the Prince of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons."

Your committee is of the opinion that, except in so far as it may be just and equitable to provide out of this fund for the relief of the families who suffered in the attack made by the Wyoming to avenge the insult to our flag and to those who personally suffered therein or to repay the gallantry displayed in so remarkable a degree by her officers and crew in the distribution of a reasonable sum to them as prize-money, the whole of the money should be returned to Japan.

In view of the present friendly relations between the United States and the government of Japan, your committee recommend that after deducting the sum of $140,000 and the interest thereon at the rate of 5 per cent., amounting in all to the sum of $248,000, that the balance of the fund, amounting on the 15th day of February, 1881, to the sum of $1,463,224 in gold, be returned to the Government of Japan.

In making this recommendation it is not to be understood that your committee in the slightest degree attack the motives governing the authorities of France, Great Britain, or the Netherlands.

The expenditures of those governments were vastly larger than the expenditure of the United States, being in fact greater than the amount of money received by them from Japan, and thus they may be justified by every principle of public morality in retaining the full amount obtained by the convention between the powers. Yet, it is the judgment of your committee that the United States cannot in justice retain the amount allotted to it by the arrangement entered into by its representative with the representatives of the aforesaid governments.

The amount of $140,000 and the accrued interest in full remunerates the United States for its losses and expenses arising out of the unfortunate difficulties between Japan and the treaty powers, and to retain the balance would not be in harmony with the time-honored policy of the United States, to demand from foreign powers idemnity for actual losses only, and to exact no money indemnity for insults to its flag, but to accept just and suitable apology therefor.

Especially should this Government adhere to this policy in the case now under consideration, as the friendly relations between the United States and Japan, interrupted during the existence of serious internal troubles in the latter government have now been fully restored.

Your committee therefore say that the aforesaid sum of $1,463,224 should at once be returned to the authorities of Japan, and thus assure not only that government, but all the powers of the earth, that the United States demands but simple justice from other governments, and makes restitution whenever public justice and the principles of public morality demand such action.

Mr. MORGAN. Before proceeding with some remarks that I wish to submit on the bill, and in order to have Senate bill No. 2021 considered in connection with this measure, I will offer the provisions of that bill as section 2.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert the following additional section:

SEC. 2. That the President be, and he is hereby, authorized and directed to cause the sum of $248,000 to be paid, out of the fund now under control of the Department of State known as the Japanese indemnity fund, to the officers and crew of the United States ship Wyoming, or to their legal representatives, for extraordinary, valuable, and specially meritorious and perilous services in the destruction of hostile vessels in the strait of Simonoseki, on the 16th day of July, 1863, and to the officers and crew of the steamer Takiang, who were detached from the United States ship Jamestown, or to their legal representatives, for similar services on the 4th, 5th, 6th, 7th, and 8th days of September, 1864; said sum to be distributed to the said officers and crews according to the laws of the United States governing the distribution of prize-money: *Provided*, That for the purpose of such distribution, the officers and crew, detached as aforesaid, who manned the Takiang, shall be regarded as a part of the forces of the Wyoming on the 16th day of July, 1863, and according to their rank and position on the 8th day of September, 1864: *And provided further*, That in such distribution no payment shall be made to the assignee of any mariner, but to the mariner himself only or to his duly authorized attorney, or, in case of his decease, to his legal representatives or their duly authorized attorney.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama.

Mr. BAILEY. I move, in lieu of that, an amendment to the bill now under consideration. I move to strike out in lines 4 and 5 "$1,463,224" and insert "$1,688,707;" and I wish briefly to state my reasons for moving the amendment.

The report of the committee assumes that the Government of Japan was not in fault in its relations with the Government of the United States, but that one of the high dignitaries of the Empire of Japan, who was in a state of actual revolution with his government, had undertaken to block the passage-way to a certain strait to the vessels of foreign nations in contravention of treaty stipulations between the Governments of Japan and the United States.

The report further shows that the minister of the United States to China sent an American war vessel, the Wyoming, down into these straits; that an attack was made upon the vessels controlled and owned by this prince, who was in a state of rebellion against his government; that his vessels were destroyed, and that the Government of Japan made reparation to the Government of the United States, by paying to it the entire sum of money demanded as an indemnity for the injury done to this Government, which was $10,000.

Mr. JONES, of Florida. Was the sum which was paid to the United States the result of the determination of the convention of the four powers, or was it paid to the United States before she entered into the convention?

Mr. BAILEY. The Government of the United States, as I understand, claimed nothing from the Government of Japan. On the contrary, the Government of Japan had made a satisfactory settlement with the Government of the United States, and had paid the sum of money that was demanded from it by the Government of the United States.

Mr. JONES, of Florida. I understand that some $3,000,000 was paid to the four powers named, and that the sum of money received by the United States was allotted to this Government as its proportionate share of the entire award, but that no distinct claim had been made by the Government of the United States for any particular sum.

Mr. BAILEY. As I understand, no claim had been made by the Government of the United States other than for the $10,000 which was demanded as compensation to the master and owners of the ship Pembroke, whose voyage had been interrupted, and the Government of the United States made no claim whatever against the Government of Japan, and had no claim; and the report assumes that nothing was due from the Government of Japan to the Government of the United States, and therefore that it is proper and just that this money shall be refunded. But $248,000 of it is paid as prize-money to the officers and crew of the ship Wyoming, a ship of war that had been sent down there by our minister to China for the purpose of destroying the vessels that were under the command of this rebellious prince. I understand these to be the facts.

Mr. JONES, of Florida. There were lives lost?

Mr. BAILEY. There were five lives lost and six persons wounded, as the report states. It is conceded by the report that nothing is due by the Government of Japan to the Government of the United States, and that this money that she paid is money that the United States Government had no right to receive, and that in fact it has never been paid over to the Government but still is in the hands of the Secretary of State, under his control. If that be so, it seems to me that we ought to do entire and absolute justice to the Government of Japan, and that no part of this money should be retained as prize-money to the officers and crew of the ship Wyoming. They have no right to prize-money according to the laws of war. If the Government of the United States wishes to make compensation to its own officers and to its own citizens for extraordinary services that they have rendered, the compensation should be made out of the Treasury of the United States and not from money that does not belong to the United States, which they concede belongs to a friendly power, a power that was at peace with us at the time, and has so continued from that day to this. I cannot understand upon what principle it is proposed to take a part of this money and give it to citizens of the United States, it being money that our Government admits and this legislation agrees we are not entitled to at all. I ask the chairman of the committee to make some explanation on this point, for it seems

to me that in the case of a great government like ours, dealing with a weaker government, such as is Japan, and a friendly power, where it undertakes to be generous, where it undertakes to be just, it should be absolutely just and should not retain for its own citizens any part of the money that it agrees it is not entitled to.

Mr. JONES, of Florida. Before the Senator takes his seat I should like to ask him if the United States received this money jointly with other powers? I understand it to be the fact that there was a payment in gross of $3,000,000 to France, the United States, Great Britain, and the Netherlands, on the ground that indemnity was due to them in consequence of the infraction of treaties caused by one of the insurgent princes of Japan. The United States received seven hundred and odd thousand dollars of the $3,000,000 in conjunction with the other powers, under treaty stipulations, I suppose, because it was an entire act and they acted together. They made a common demand, and in response to that demand this payment was made. The question that suggests itself to my mind is, whether the Government, having thus accepted the money it ought, when it comes to refund a portion of this money, act without any concert or any communication or understanding with those governments in concert with which this Government obtained the money. Should not that be done in accordance with the justice and propriety that should always characterize great States when dealing with one another?

Mr. MORGAN. Mr. President, I had the honor to serve on the subcommittee of the Committee on Foreign Relations which reported both these bills, and, having devoted some attention to the subject, from the information I have gained in my investigation I hope to be able to enlighten the Senator from Tennessee and the Senator from Florida as to the particular facts of the transaction, so that their very just reasoning upon the hypothesis which they have stated will be found to be entirely without foundation in fact, and not to apply at all against the merits of the bill and the amendment which I have offered.

This is an old transaction, dating back to 1863. It occurred at the time of the war between the Northern and Southern States of this Union, and at that time attracted very little attention. Even on the part of the Government of the United States there might be said to have been some little remissness in understanding fully the facts and nature of the transaction at the time it occurred.

In order to understand why it is that $140,000 of this money ought to be applied to the Wyoming and the Takiang, two ships of war that were used in warlike expeditions in Japan, it will be necessary to advert somewhat to the history of the whole matter, for both the bills which I now propose to unite by the amendment that I have offered are so intimately related to each other that they constitute really but one subject of inquiry; and when that is understood by the Senate it will be found, I think, that there is no difficulty in the line of action which the committee have pursued in recommending the passage of both these measures. They both accord entirely with international law, with the duty and honor of the Government of the United States, and with the consent of both governments as expressed in the convention of 1864. I will here remark that we have the strongest assurances that the Government of Japan makes no objection whatever to our proposition to pay to the Wyoming and the Takiang the sum of $140,000, with the accumulated interest thereon, as a bounty for the services that were rendered by these ships really at the instance of the Government of Japan.

Mr. BAILEY. Will the Senator permit me to ask him a question right there?

Mr. MORGAN. Yes, sir.

Mr. BAILEY. Does the Government of Japan make any claim whatever? Is this proposed legislation in consequence of any demand or claim made by the Government of Japan, or is it supposed to be a free and voluntary act of a great government that wishes to do justice to a friendly and weaker power?

Mr. MORGAN. I will remark to the Senator from Tennessee, and I take great pleasure in saying to him, that the Government of Japan has not yet been long enough classified among the treaty powers of the earth to have acquired that sort of hardness of disposition and energy in making demands which older civilized governments have followed for a long while past. She has evinced on this subject a modesty which would be a fine example to be followed by other governments. I am not aware that Japan has sent to us in form any demand or request even for a return of this money, but I know that she has stood by with anxious expectation that we would redeem what she considers on our part a debt of honor due to her.

This has been a subject of consideration by the Japanese authorities, though perhaps not a subject of diplomatic intercourse between the two governments, but it is well understood that Japan recognizes her own obligation to the Takiang and the Wyoming as having been instruments used by her in bringing the rebellious princes of Japan to terms, so that the Government of Japan could fulfill toward the United States those treaty obligations which were imposed upon her by the convention of 1863 and previous treaties.

There is not one syllable in the bill or the amendment antagonistic either to the interests, the honor, the sentiment, or the feeling of duty on the part of Japan. I assure Senators that we shall be violating nothing whatever of the most delicate relationship with a foreign government if the bill and amendment are passed; but the passage of this measure will be as much welcomed on the part of Japan as an honest reward to the crews and officers of the Tokiang and Wyoming, as in reference to the interests that she has in the disposal of the fund.

Mr. BAILEY. If the Senator from Alabama will permit me, I understand in a few words from the chairman of the Committee on Foreign Relations that on account of a communication not proper to speak of here I should withdraw the amendment.

Mr. MORGAN. I am much obliged to the honorable Senator for following the advice of the honorable chairman, for he understands the subject thoroughly.

The PRESIDING OFFICER. The amendment of the Senator from Tennessee is withdrawn.

Mr. MORGAN. I now ask the honorable chairman to accept the amendment I have offered.

Mr. EATON. I will. As my friend will remember, I said that the bill No. 2, precisely like this, might as well go with the bill now before the Senate.

Mr. MORGAN. The time of the Senate is so very precious now that I must forbear to enter into the discussion of this question as extensively as I would feel it my duty to do, a duty in part that I owe to Senators who since I have been here have not had the opportunity of hearing a discussion of this question, and who in the midst of their numerous engagements doubtless have not had the time to pursue the history of this transaction as thoroughly as they would like to do.

Mr. JONES, of Florida. If the Senator will permit me, let me ask him if he has examined the treaty or convention which these powers made with each other before the demand was made upon Japan for this money, and will he state the substance of it?

Mr. MORGAN. I have examined the treaty or convention, and I have it before me. I desire to say to the honorable Senator that there were four powers engaged in making that treaty or convention—Great Britain, Holland, France, the United States—and with Japan, making five parties to the treaty or convention; and not one of the governments of the four powers that made this demand upon Japan had authorized any such demand to be made; but on the contrary, the history of the negotiations shows that the ministers of these four powers who were then assembled in Japan entered into this convention with Japan, and made every demand that is covered by it, and put on foot the two military expeditions that went from Yeddo down to the strait of Simonoseki without the concurrence or consent of their governments. It is true that our Government ratified the convention, but our Government never so far carried it into effect as actually to receive into its possession as its own money the tribute which was exacted from Japan in consequence of that convention.

Mr. KIRKWOOD. I understand the Senator from Tennessee [Mr. BAILEY] to have withdrawn his amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Tennessee has been withdrawn.

Mr. KIRKWOOD. Before the Senator from Alabama proceeds further with his remarks, I should like to submit an amendment in the same direction, and he may perhaps direct his attention to it if he will allow me to offer it.

The PRESIDING OFFICER. Does the Senator from Alabama yield for the purpose indicated by the Senator from Iowa?

Mr. MORGAN. Certainly.

Mr. KIRKWOOD. Before the word "dollars" in the sixth line, I move to strike out the words "one million four hundred and sixty-three thousand two hundred and twenty-four" and insert "seven hundred and fifty thousand,"—$750,000 being the precise sum we received from Japan.

Mr. THURMAN. Has my friend overlooked the fact that this money has been kept as a separate fund invested by the State Department and has brought interest all the time?

Mr. KIRKWOOD. But it has brought interest from the United States all the time.

Mr. THURMAN. It has brought interest all the while. It has been loaned, and brought interest.

Mr. KIRKWOOD. That is, the Government of the United States has loaned it to itself, and paid the interest upon it.

Mr. THURMAN. Very well; it bought bonds with it.

Mr. KIRKWOOD. I propose the amendment. I will discuss it after a while.

Mr. MORGAN. I will not now stop to discuss the amendment which the Senator from Iowa has just offered, but will pay some attention to it, perhaps, before I get through with my remarks. I will proceed with a narrative of some historical facts connected with this transaction, which are necessary to be understood in order to trace out the rights asserted in the bill as now amended, as I understand the real duties of the United States in this particular require to be upheld.

1. The ancient Japanese dynasty was based upon the religion of those people and the mikado, who was the religious head of the empire and its true sovereign, was regarded as being so sacred in his person that it was only on the most solemn occasions that he was ever seen by the people. He lived in his capital, at Tokio, retired from the seaboard, and was not only secluded in his palace from all contact with his people, but was seldom expected to take active part

in the administration of public affairs. The daimios were princes, chiefly of the dynastic family, and were the feudal lords of provinces in which they ruled with almost absolute power.

The tycoon was inferior in rank and power to the mikado. He was the real commander of the army and navy, and had executive power that included the control of a large part of the revenues and the regulations of commerce.

As to the powers of the tycoon, I read from a high Japanese authority quoted by Adams in his history of Japan. This native writer says:

It is a painful fact that there are men who openly assert that the existing estates of the daimios are direct grants from, or are held on the condition of allegiance to, the shôgunate. When these men talk so they convict both the shôgun and their own lords of treason. It is asked how? "There is not a single foot of land that is not the territory of the sovereign; not a single individual who is not the subject of the sovereign." Further, this realm of the mikado was never handed over by any sovereign to the shôgunate.

In this arrangement of powers there was ample room for jealousy and conflict with the daimios and the mikado. The traditional policy of the Chinese and Japanese Empires was that of absolute non-intercourse with foreign nations.

It is not necessary to attempt to account for this policy. It had some reasonable foundation in their struggles with people of foreign countries to introduce among them a new religion of peace at the point of the sword. It most probably was this fact that gave to Japanese and Chinese sentiment as to the exclusion of foreigners all the intensity of a religious fanaticism.

In Japan it was considered sacrilegious to entertain the idea of intercourse with foreign people. It was like the imagination of the death of the king, a sort of misprision of treason, to contemplate foreign intercourse. When in 1853 Commodore Perry reached the coast of Japan with four ships of war, and sought to open negotiations with that government, the people of Japan were thrown into a state of alarm bordering on frenzy. I quote again from the history of Japan by Mr. Adams, (Adams, volume 1, pages 109–114:)

It was in the summer of 1853 that, as the author states, an individual named Perry, who called himself the envoy of the United States of America, suddenly arrived at Uraga, in the province of Sagami, with four ships of war, declaring that he brought a letter from his country to Japan, and that he wished to deliver it to the sovereign. The governor of the place, Toda Idzu no kami, much alarmed by this extraordinary event, hastened to the spot to inform himself of its meaning. The envoy stated, in reply to questions, that he desired to see a chief minister, in order to explain the object of his visit and to hand over to him the letter with which he was charged. The governor then dispatched a messenger on horseback with all haste to carry this information to the castle of Yeddo, where a great scene of confusion ensued on his arrival. Fresh messengers followed, and the Shôgun Iyéyoshi, on receiving them, was exceedingly troubled, and summoned all the officials to a council. At first the affair seemed so sudden and so formidable that they were too alarmed to open their mouths, but in the end orders were issued to the great clans to keep strict watch at various points on the shore, as it was possible that the "barbarian" vessels might proceed to commit acts of violence. A learned Chinese scholar was sent to Uraga, had an interview with the American envoy, and returned with the letter, which expressed the desire of the United States to establish friendship and intercourse with Japan, and said, according to this account, that if they met with a refusal they should commit hostilities.

Thereupon the shôgun was greatly distressed, and again summoned a council. He also asked the opinion of the daimios. "The assembled officials were exceedingly disturbed, and nearly broke their hearts over consultations which lasted all day and all night. The nobles and retired nobles in Yeddo were informed that they were at liberty to state any ideas they might have on the subject, and, although they all gave their opinions, the diversity of propositions was so great that no decision was arrived at. The military class had during a long peace neglected military arts; they had given themselves up to pleasure and luxury, and there were very few who had put on armor for many years. So that they were greatly alarmed at the prospect that war might break out at a moment's notice, and began to run hither and thither in search of arms. The city of Yeddo and the surrounding villages were in great tumult; in anticipation of the war which seemed imminent, the people carried off their valuables and furniture in all directions, in order to conceal them in the houses of friends living farther off, and there was such a state of confusion among all classes that the governors of the city were compelled to issue a notification to the people, and this in the end had the effect of quieting the general anxiety. But in the castle never was a decision further from being arrived at, and while time was being thus idly wasted, the envoy was constantly demanding an answer. So at last they decided that it would be best to arrange the affair quietly, to give the foreigners the articles they wanted, and to put off sending an answer to the letter; to tell the envoy that in an affair of such importance to the State no decision could be arrived at without mature consideration, and that he had better go away; that in a short time he should get a definite answer. The envoy agreed, and, after sending a message to say that he should return in the following spring for his answer, set sail from Uraga with his four ships."

* * * * * * *

Early in 1854 Commodore Perry returned, and the question of acceding to his demands was again hotly debated. The old Prince of Mito was opposed to it, and contended that the admission of foreigners into Japan would ruin it. "At first," said he, "they will give us philosophical instruments, machinery, and other curiosities; will take ignorant people in, and, trade being their chief object, they will manage, bit by bit, to impoverish the country; after which they will treat us just as they like, perhaps behave with the greatest rudeness and insult us, and end by swallowing up Japa. If we do not drive them away now we shall never have another opportunity. If we now resort to a dilatory method of proceeding we shall regret it afterwards when it will be of no use." The officials, however, argued otherwise, and said: "If we try to drive them away they will immediately commence hostilities, and then we shall be obliged to fight. If we once get into a dispute we shall have an enemy to fight who will not be easily disposed of. He does not care how long a time he will have to spend over it, but he will come with several myriads of men-of-war and surround our shore completely; he will capture our junks and blockade our ports, and deprive us of all hope of protecting our coasts. However large a number of ships we might destroy, he is so accustomed to that sort of thing that he would not care in the least. Even supposing that our troops were animated by patriotic zeal in the commencement of the war, after they had been fighting for several years their patriotic zeal would naturally become relaxed, the soldiers would become fatigued, and we should have to thank ourselves for this. Soldiers who have distinguished themselves are rewarded by grants of land, or else you attack and seize the enemy's territory, and that becomes your own property; so every man is encouraged to fight his best. But in a war with foreign countries a man may undergo hardships for years, may fight as if his life were worth nothing, and, as all the land in this country has already owners, there will be none to be given away as rewards; so we shall have to give rewards in words or money. In time the country would be put to an immense expense, and the people be plunged into misery. Rather than allow this, as we are not the equals of foreigners in the mechanical arts, let us have intercourse with foreign countries, learn their drill and tactics, and when we have made the nation as united as one family we shall be able to go abroad and give lands in foreign countries to those who have distinguished themselves in battle; the soldiers will vie with one another in displaying their intrepidity, and it will not be too late then to declare war. Now we shall have to defend ourselves against these foreign enemies, skilled in the use of mechanical appliances, with our soldiers, whose military skill has considerably diminished during a long peace of three hundred years, and we certainly could not feel sure of victory, especially in a naval war."

Commodore Perry found the tycoon in virtual charge of the government, and did not know or suspect that the mikado was the true emperor. Doubtless the tycoon concealed his true rank that he might save himself from a critical dilemma by making a false treaty that he supposed would cause the ships to be withdrawn, but would not bind the empire.

Perry had threatened him heavily, and he yielded to his fears. (Adams, volume 1, pages 115, 116.)

But when the emperor and his court heard of the arrival of foreigners and of the proceedings at Yeddo, they were greatly troubled, and the shôgun's officials, fearing the consequences of their acts, sent messengers to Kiôto to communicate what had happened. They said that affairs in Kuantô had reached such a condition that they had been obliged to grant a treaty whereby ports would be opened to foreigners, and that it was intended to open one near Konagawa, in the province of Musashi;* that they evidently desired that the emperor and the shôgun should come to a good understanding with each other; and, handing over the trading regulations and certain documents connected with the matter, they begged that His Majesty might be induced to give his approval to them.

Upon this the emperor was much disturbed, and called a council, which was attended by a number of princes of the blood and kugés, and much violent language was uttered. "Our country," they are reported to have said, "has from ancient times refused all intercourse with foreign nations. A myriad of sovereigns in one unbroken line have occupied its throne; and it is an independent empire. Shall we let these people pollute one inch of our territory? But the shôgun's officials by a willful error have given permission for friendly relations and commerce; worse than this, they have promised to open ports, acts which must excite the profoundest indignation." The unanimous opinion of all present was that the mikado's court could never for one moment give its consent to such action; and this opinion was accordingly committed to paper, signed, and sent up to the emperor, who concurred, and caused the messengers from Yeddo to be informed of the imperial decision that treaties with foreigners could not be recognized.

Other messengers who were sent subsequently met with equal ill-success, and much anxiety was felt in Yeddo. That the emperor should refuse to accede to this petition for admitting the foreigners was felt to be a blow which might seriously compromise the prestige of the shôgun. There was nothing for it but to appoint the ablest man at his command to the office of tairô or regent, and Ii Kamon no Kami, the lord of Hikoné, was accordingly chosen to fill it. The choice was well made; and this daimio, taking the reigns of government into his hands, virtually ruled in the name of the shôgun, and, in direct contravention to the imperial will, negotiated with foreign nations for the opening of ports for trade with them.

The tycoon did not, however, escape from his own people. Ii Kamon no Kami was assassinated because of his indulgence to foreigners. The murder of Mr. Henskin, the translator for the American legation in Yeddo, at night, and the murder of others connected with the British legation is an evidence of the intensity of feeling against foreigners in Japan.

A furious war broke out in Japan between the emperor and the daimios, in which this intrusion of the foreigners was the leading if not the sole cause. It raged in various principalities and around the palace at Tokio, and provoked the French and British Governments to severe measures of retaliation for the violence of the Japanese toward their people in several important parts. In the end—and it is a point to which I would like to call the attention of the Senate—in the end these wars cost many of the daimios their hereditary honors and estates and their reduction to the caste of ordinary citizenship. The shôgunate was ultimately abolished, the mikado assumed the direction of all public affairs, and a complete reformation of the government was affected. In all this the government was desperately opposed by many of the people. It could never have opened the ports of Japan but for the presence of the ships of other powerful governments.

These results, which have been so wonderfully beneficial to Japan, have followed the advent of Commodore Perry, and have in fact resulted from the support given by the great maritime powers to a movement which the tycoon consented to adopt in a moment of desperation at the request of Perry.

This brief review of this most interesting part of the history of the opening up of Japan is necessary to a proper understanding of the conduct of the Prince of Nagato, out of which has grown the question presented in the bill before the Senate.

This Prince of Nagato was the feudal lord of a province through which the narrow strait of Simonoseki connected the great seas and gave a safe and short line of navigation to reach China and Corea from some of the principal ports of Japan. He denied the power of the tycoon to make the treaty with Perry and with the other great powers, and resolved to forbid the passage of ships through his province. He engaged in rebellion against the tycoon, and later against the mikado in defence of this traditional policy of Japan.

It is doubtful if he did not enjoy far more of the favor of the mikado than did the tycoon; and it is almost certain that, if he could have maintained himself in war with the foreign powers, he would have locked up the empire again in its policy of total exclusion. He failed

* Yokohama, then a mere village.

to sustain himself, and dragged nearly the entire order of daimios down with him. The shôgunnate also fell from the exhaustion of the struggle. They perished together, and so fertilized the soil of Japan that the growth of civilization has been more marvelous there than it has been in any country in the world in the short period of twenty-eight years. But this has been accomplished at a fearful cost to Japan. The Prince of Nagato, when preparing to defend his province, bought three ships of war, namely, the British brig Alert, clipper built, with twelve guns, for $45,000 Mexican money. The British iron steamer Lancefield, with a heavy armament, for $160,000; and the American bark Daniel Webster, with six or more guns, at a cost of $25,000. These ships were well appointed and officered, having on them in crews and marine corps more than twelve hundred men. That is the point to which I desire to call the attention of the Senate; the great number of men who were found upon the three ships of war which this Prince of Nagato had assembled at this town of Simonoseki in dread of the approach of some enemy.

This prince and his next neighbor also erected land batteries along both shores of the strait of Simonoseki, on which were mounted as many as sixty guns. The larger portion of the guns on the ships and batteries were 32-pounders.

The natural defenses of this narrow strait were very strong, and the ships and batteries were supported by a strong force of soldiery. Some, if not all these ships were purchased in the name of the Japanese Government by the Prince of Nagato, but not with the acquiescence of the tycoon, so far as information can be had.

In June, 1863, the Pembroke, an American merchant ship, was attempting to pass through the strait of Simonoseki and was fired upon by the batteries. This was done to warn her off, as she put back to the high seas and was not pursued. She sustained no damage, beyond a lengthened journey to the port of destination in China.

The Wyoming, Captain McDougal in command, was then at Yeddo, Japan, and by order of our minister, Mr. Pruyn, she went down to Simonoseki. In his orders to Captain McDougal Mr. Pruyn characterized the attitude of the Prince of Negato as that of a rebel and pirate. (Pamphlet A, pages 4 and 5:)

LEGATION OF THE UNITED STATES,
Yokohama, July 15, 1863.

* * * * * * *

I indulge the hope that by the time this reaches you their piratical vessels will have been destroyed or captured. If so, you may have been attacked by the batteries and have doubtless demolished them. Should their ships unfortunately have taken the alarm and escaped, I would recommend that you do not return without vindicating our flag and taking full satisfaction for the outrages upon it.

And I beg you to co-operate with Admiral Juaris in the destruction of the batteries and forts in the territories of the prince, thus giving a lesson which will not soon be forgotten, and which will put a stop to the acts of lawless violence which the hostile daimios, encouraged by the humane forbearance of the treaty powers, are so ready to commit.

I am, very respectfully, your most obedient, humble servant,
ROBERT H. PRUYN,
Minister Resident in Japan.

Captain D. MCDOUGAL,
United States Steamer Wyoming, &c.

The following letter from Mr. Pruyn to Mr. Seward sets forth the grounds upon which he issued the order to Captain McDougal, and also a brief statement of the manner in which that excellent officer executed his orders:

1. *Mr. Pruyn to Mr. Seward.*

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, July 24, 1863.

SIR: It now becomes my painful duty to inform you that the hostility of the daimios which thus far has only ventured on day attacks, when surrounded by a thousand associates, on unarmed men and women, and more frequently sought the cover of night for their assaults, has culminated in separate attacks on vessels bearing the flags of the United States, Holland, and France. On the afternoon of the 25th ultimo, the Pembroke, a small merchant steamer owned by the American house of Russel & Co., in China, in charge of a government pilot, anchored near the straits of Simonoseki, which separate the islands of Kiushiu and Niphon at the western entrance of the Inland Sea, the state of the tide not permitting her then passing through the straits.

In the afternoon, while carrying the United States flag, she passed a Japanese armed bark, under the national flag, which bark, immediately after the steamer had come to anchor, passed her and also anchored near the eastern entrance of the straits. Shortly thereafter a signal gun was fired from a shore battery, which was repeated at several points along the coast.

At one a. m. of the next day the bark commenced firing into the Pembroke, and shortly after the brig Lanrick, of ten guns, passed the steamer, her crew shouting as she passed by, and anchoring near the bark, also opened with her guns on the Pembroke.

It was, fortunately, quite dark; the steamer having her fires banked speedily got up steam, and retracing her way a short distance, went to sea through the Bungo channel, which opens into the Pacific toward the south, abandoning her voyage to Nagasaki. I received intelligence of this on the evening of the 11th instant, through a governor for foreign affairs, dispatched from Yeddo, at which place it was said the steamer had been sunk. Whether the information was the result of willful misrepresentation, or given through mistake arising from the darkness of the night, I cannot say. The fact that the Pembroke was an American vessel was well known. Later in the evening, I received a letter from Russel & Co., accompanied by affidavits of the captain and other officers of the Pembroke, giving a pretty full statement of the affair.

I transmit Nos. 1 and 2, copies of Nos. 1 and 2, the affidavit and statement of the loss. Early the next day I sent for the governor and read the affidavit to him, and called his attention to the fact that these vessels carried the Japanese Government flag. I asked whether they were government vessels. He informed me that they belonged to Matsudaira, Prince of Mori and Nagato, and that I was correct in saying that a regulation was in existence requiring vessels owned by daimios to carry the prince's flag at the fore. I made known the claim which had been presented by Russel & Co. for damages, and said that the insult to our flag was a far more serious matter, for which ample satisfaction would be demanded.

I stated that I purposed visiting Nagasaki in the Wyoming, and on my return would expect to receive a communication from the Japanese Government in relation to this serious offense.

I had requested Commander McDougal, of the Wyoming, to be present at this interview. At its close we had a conference as to the proper course to pursue, and I was gratified to find he had decided to proceed instantly to the straits for the purpose of seizing, and, if needful, destroying the two vessels.

This course was one which I felt could not safely be avoided, and I was gratified to find such entire accordance in the views of Commander McDougal and myself.

* * * * * * *

On the morning of the 13th instant, the Wyoming proceeded to sea, bound for the strait of Simonoseki, about six hundred miles distant, in charge of two pilots furnished by the government.

On the 15th instant, intelligence was received by the French minister that His Imperial Majesty's steam gunboat Keinchang, of four guns, had been fired into by the same ships and by batteries on the shore, and had reached Nagasaki almost in a sinking condition.

Rear-Admiral Jaures, with the Semiramis steam frigate of ninety-five guns, and the Tancrede, of four guns, got under way on the morning of the 16th instant; fortunately, when just out of the harbor, speaking His Netherland Majesty's steamship Medusa, of sixteen guns, which had been fired into on the 11th instant in the same straits, and receiving from Captain de Casembroot charts showing the position of the vessels and batteries.

On the arrival of the Medusa we learned that she had left Nagasaki on the 10th instant with D. Degraeff van Polsbroeck, esq., the Netherlands acting consul-general on board, and had met the Keinchang, and learned of the attack on that vessel. Not supposing it possible that the Dutch flag, which had been so well known in Japan for two hundred and fifty years, would be fired on, the Medusa entered the straits from the westward, with her men, however, at quarters, and on approaching the large island at the entrance of the straits, heard a signal of two guns fired from a battery on the island, which was repeated by eight guns at different points. Immediately after leaving the cover of the island she was fired on by the two vessels which I have before described, and received the fire of six batteries while passing during a period of one and one-half hours. The Medusa can only steam six knots an hour, and as the tide was running out at five knots, her progress was slow.

She was hulled fourteen times and had four men killed and five wounded. Five of the shots were very near the water-line, and she had a very narrow escape from destruction. During this entire action the Japanese vessels showed no other flag than that of the prince. The Medusa returned the fire of the batteries and ships with promptitude and animation. The loss of life is supposed to have been heavy, although not positively known.

The existence of these formidable batteries, each of at least three guns, (12, 24, and 32 pounders,) lining the north side of the straits, cut out of the precipitous rock about seventy feet above the water, skillfully masked and most admirably served, made me feel very anxious for the safety of the Wyoming. Her mission was under any circumstances bold and daring. The naval officers of all nations now at this port expressed fears for her safety.

I had been quite glad that no offers of assistance had been made by the British or French admiral. It is unnecessary to say to you that I felt precluded from asking any. My anxiety was relieved by the return of the Wyoming early in the morning of the 20th instant. From a copy of the report of the Secretary of the Navy, with which I have been furnished by Commander McDougal, it appears that he entered the straits on the 16th instant from eastward, passing up Bungo Channel. When the Wyoming was seen approaching a signal-gun was fired from the first battery. As she rounded the point the steamer Lancefield, (of four guns,) the brig Lanrick, (of ten guns,) and a bark (of four guns) were seen anchored opposite the village of Simonoseki. All six of the batteries fired on the Wyoming as she steamed past them, carrying the national flag, after the first battery had fired, the Wyoming reserving fire until she reached the ships.

By skillfully avoiding the main channel on which the guns of the batteries were trained, and keeping close to the batteries, the shot and shell mostly passed over the vessel, only damaging the rigging. Approaching the vessels, against the remonstrances of the Japanese pilot, who declared he would run aground, Captain McDougal carried the Wyoming between the bark and brig on the one side and the steamer on the other, receiving from and delivering broadsides into each of the ships. It was at this point the Wyoming was most under fire. Putting the ship about, he put three eleven-inch shells into the Lancefield, the last of which exploded her boilers, and she was then run aground. The brig Lanrick was sinking as the Wyoming left and the bark badly injured. The Wyoming then returned through the straits, pouring shot and shell into the batteries. The steamer Lancefield had the Japanese flag at the peak, but quickly lowered it. The other vessels carried both the flag of Japan and that of the prince.

I regret to say that this success was attended with the loss of four seamen killed and seven wounded, one of whom has since died. The loss would have been much more severe had it not been for the skill and judgment shown by Captain McDougal in avoiding the usual route by the main channel. The guns on the batteries were depressed so as to strike the hull of passing ships at that point, and stakes were set up near the guns, giving the range, so that each gun could be fired as the foremast of the ship came in range with the stake at the gun.

The Lancefield was a fine steamer, of near six hundred tons, purchased of the English firm of Jardine, Matheson & Co., for the sum of $115,000; and the brig Lanrick, formerly in the opium trade, pierced for eighteen guns, though carrying only ten, was purchased of the same firm for $20,000. The bark was built by the Prince of Hizen, and sold by him to the Prince of Nagato.

The officers of the custom-house were overheard (as I am informed by the consul-general of the Netherlands) by one of his employés to say that when the boiler of the Lancefield exploded, forty men were killed, being scalded or suffocated.

This morning Admiral Jaures returned in the Semiramis. He reached the straits on the morning of the 20th instant, but as his frigate was very heavy, did not enter the straits. The Tancrede only reached a point opposite the first three batteries.

Apprised of their existence, the admiral anchored outside, and landing a force of one hundred and fifty men under the cover of his guns, seized and destroyed one of the batteries, blew up a powder magazine and daimio's residence near the entrance, and burned the small village of Amidagamune, in which several thousand horse and foot soldiers were stationed, who made but a feeble resistance.

In one of the batteries an European work was found, marked at a page giving directions for the management of a battery engaged with a steamship embarrassed by difficult currents.

The bark and steamer were not seen by the French, having probably been taken into some of the numerous inlets near, but the masts of the sunken brig were visible.

It was quite fortunate that in all these affairs no guns were fired from the southern shore in the territories of the other daimios. These straits can very easily be rendered impassable; and had these vessels been exposed to a severe cross-fire, escape would have been almost impossible.

It is greatly to be regretted that intelligence of these different outrages reached this port at different times, so as to lead to separate action. The punishment, though severe, is not so thorough as may be needed. It is thought by all representatives of the treaty powers that the promptitude with which it has been inflicted will have a favorable influence, and will tend to the preservation of peace.

If the tycoon is sincere in his professions of friendship to us, and if he is acting with duplicity only at Kioto, where he is under duress, he may have heart and

courage to maintain his authority. But all we can now say is, we are groping in the dark.

* * * * * * *

I inclose Nos. 3 and 4, copies of letters addressed by me to the ministers, briefly detailing the operations of the Wyoming; also (No. 5) translation of a letter from the acting consul-general of the Netherlands in relation to the action of the Medusa.

2. *Statement of Russel & Co.*

Statement of loss sustained in consequence of a murderous assault made upon the steamer Pembroke, in the Inland Sea, on the 19th of June, by armed vessels flying the flag of the Government of Japan:

Loss of time by being obliged to go through an unknown and circuitous passage, to reach the open sea, five days, at $300	$1,500
Loss of freight and passengers through not being able to visit Nagasaki, whither she was bound	6,500
Consideration to be distributed among officers and crew, as recompense for the deadly peril to which they were subjected	2,000
Total	10,000

RUSSEL & CO.

SHANGHAI, *July* 4, 1863.

Up to this period the mikado had never ratified a treaty with any foreign power, and it is stated with apparent confidence, by some writers, that even his person was in the power of the Prince of Nagato, so that his acquiescence in the belligerency of that prince and other daimios was apparently coerced.

The United States on this occasion was not making war on the Government of Japan, but continued in technically friendly intercourse with the tycoon. The hostilities were conducted against the Prince of Nagato, who is styled by our minister as "a rebel" and "a pirate," to quell his rebellion and to punish him for piracy. The flags at the peak of the Japanese ships were those of the rebellious prince, and at the fore were the flags of the Empire of Japan.

Up to this point it is clear, beyond reasonable controversy, that the United States, for the protection of its own flag and the rights of its own citizens, was acting independently of every other power in waging warfare upon a hostile prince, and that the Government of Japan was not held responsible for the conduct of the Prince of Nagato in his assumption of authority to close the strait of Simonoseki.

It is also proper to be remarked here that the Government of Japan had no treaty engagement with any country in the world by which this strait of Simonoseki was to be kept open, and it was as strictly an inland sea as the Bosphorus or the Sea of Marmora. That was his rebellious act for which he was directly responsible, and not the act of the empire, for which we held it indirectly responsible.

It would be very difficult in this state of the case to find any ground upon which to base a demand for indemnity or reclamation to the Government of the United States from the Government of Japan. There was no alleged complicity of that government in the conduct of this rebellious prince. No such thing was alleged by the United States, nor was it true as matter of fact, so far as appears in any complaint made by our minister against Japan. The most that could be said was that which was said a year later by all the powers represented in Japan, in a memorandum signed by their ministers, that Japan in her trying ordeal of bringing her people to accept the demands of other powers to open her ports found herself too weak to control certain powerful daimios who were making war on their own account against the new foreign policy. In order to get this matter before the Senate more succinctly and clearly than anything of my own, I will read extracts set forth in the report of Mr. Cox, of New York, from the House Committee on Foreign Affairs, March 31, 1880, pages 5 and 6:

In 1864 the British minister invited the ministers of the treaty powers to participate in a joint expedition to forcibly open the strait of Simonoseki. No particular offense was then complained of, except a rumored threat that all foreigners were to be expelled. In a memorandum which was signed by the ministers of England, the United States, France, and the Netherlands, the reasons for their action and the object of the expedition were stated. We can best give them by taking a few extracts from their memorandums.

After stating that the tycoon and several princes were in favor of observing the treaties, but that the opposition had obtained influence with the mikado, they said:

"The political situation of Japan might, therefore, be resumed as follows:

"Weakness of the tycoon, and increasing powerlessness of that prince to resist the violent presence of a hostile majority,

"Existence of a party favorable to continued relations with foreigners, but at this moment incapable of giving effect to its opinions.

"Finally, armaments of every kind prepared, with the loudly-avowed intention of expelling all foreigners from the country.

"The position made for the representatives of foreign powers in the natural consequence of the situation and the tendencies which they have just pointed out."

They argued that inaction would make their position weaker, and—

"That by prolonging the passive and expectant policy, they would unavoidably bring about a denouement which, if there be nothing formidable in it now, owing to the imposing forces that the foreign powers have at their disposal in Japan, might come later when (these forces being called elsewhere) they would have to resist, without adequate means, an enemy fully prepared, and who would choose the hour he might judge most favorable.

"How and where the first blow must be struck is clearly determined by an examination of the present state of things."

The hostile position of the Prince of Nagato is then mentioned, and the impunity with which he had interfered with foreign and native commerce pointed out as encouraging the opposition.

"Foreign powers, therefore," continues the memorandum, "in chastising the Prince of Choshu, will meet the exigencies of their position, and best contribute to the security and well-being of their subjects who have been injured by this belligerent daimio."

"The removal of the obstructions to the free navigation in the Inland Sea, by destruction of the batteries whence the attack has come, will ruin the prestige of the aggressor, open the eyes of the daimios, deceived by our inaction, and show the inanity of their means and their impossibility of standing before the science and military resources of the treaty powers."

After the firing upon the Pembroke was redressed by the payment of $12,000 as damages, and after the Wyoming had sunk the ships of the Prince of Nagato, there was no fresh cause of offense either from the imperial government or from any of the daimios, as far as the United States were concerned.

The hostilities of 1864 by the united powers were in like manner waged against the Prince of Nagato and ostensibly to aid the tycoon in breaking down his power. The powers undertook to do what Japan was not able to do, and not what she professed to be unwilling to do.

The result proves this to be the fact, conclusively, for as soon as the prince was brought to subjection the mikado ratified all the existing treaties which the tycoon had made and went to work to destroy the power of many of the feudal lords and to confiscate their estates. The Prince of Nagato was made to suffer fearfully. The Government of Japan might have well afforded to pay $300,000 for such important aid in freeing itself from so rebellious and dangerous a power, but not as damages, indemnity, or ransom on account of any direct wrong or insult to other powers.

No claim for fines or indemnity was made except for the misconduct of this prince. The claim that was made was not because Japan was found to be sinning against other powers, but that she was sinned against by her own subjects, whom she was too weak to control, to the injury of other powers.

Government, and especially free government, would soon cease to exist under a rule that would require a State to pay damages to all treaty powers who might suffer loss on account of the rebellion of its own people against its own authority.

I now ask the Secretary to read from the modest report of Captain McDougal, commander of the Wyoming, what occurred on that occasion in the strait of Simonoseki.

The Chief Clerk read as follows:

UNITED STATES STEAMSHIP WYOMING,
Yokohama, July 23, 1863.

SIR:

* * * * * * *

On the evening of the 10th news was received through Japanese sources that an American steamer had been fired on by a bark and brig-of-war belonging to the Prince of Nagato, at the western outlet of the Inland Sea, and that she disappeared and perhaps sunk. A mail from Shanghai the same evening brought authentic information that the American steamer Pembroke, on her passage from this place to Shanghai through the Inland Sea, had been fired on by the above vessels, and had made her escape through the Bungo Passage. Inclosed is a copy of the statement of the affair by the captain of the Pembroke.

On the 13th we left this place for the scene of the outrage, and arrived off the inner entrance of the western outlet of the Inner Sea on the morning of the 16th. On the tide proving favorable we proceeded in the straits, and on opening the town of Simonoseki discovered a steamer, brig, and bark-of war at anchor off the town with Japanese colors at the peak, and the flag of the prince at the fore. We stood for the vessel, and on approaching were fired on as we got in range by six batteries, in different positions, mounting from two to four guns each. Passing between the brig and bark on the starboard hand and the steamer on the port, we received and returned their fire at pistol shot; rounding the bow of the steamer and getting in position, maintained the action for about one hour. During the affair the steamer got under way, but two well-directed shells exploded her boilers. The brig appeared to be settling by the stern and no doubt sunk. The amount of damage done the bark must have been serious, as well as great destruction on shore.

The straits opposite the city are about three-fourths of a mile wide, with strong currents, which made it very difficult to maneuver the ships properly. As I had no charts and my pilots completely paralyzed and apprehensive of getting on shore, (in fact did touch once,) I was induced to withdraw out of action.

The fire from the shore battery was extremely brisk, and continued so as long as we were in range. We were hulled eleven times, with considerable damage to the smoke-stack and rigging aloft, which was attributed to our passing within the range they were prepared for. I regret to state the loss of four killed and seven wounded, one of whom since dead. Inclosed is the surgeon's report. It affords me much pleasure to state that the conduct of officers and crew was all I could desire.

Lieutenant Barton, in charge of the first division, makes honorable mention of the conduct of Acting Master's Mate J. E. Sweeny, Peter King, seaman, captain of forward pivot-gun; Thomas Saddler, captain of the top, and Charles J. Murphy, seaman. I would also mention the cool conduct of Frank Wyatt, boatswain's mate, captain of the after pivot-gun, and Edward Penney, captain of the top and second captain of after gun.

The Prince of Nagato, it appears, has commenced this war on his own account, as he is one of the most powerful and influential princes of the empire, and bitterly opposed to foreigners, but the punishment inflicted and in store for him will, I trust, teach him a lesson that will not be soon forgotten.

On the 7th instant the French dispatch steamer Kien-Chang, passing through on her way to Shanghai, was fired on and considerably injured; and on the 11th His Netherland Majesty's ship Medusa was also fired on and sustained some damage and the loss of four men and seven wounded.

As soon as the outrage on the French steamer was known here the French admiral, Jaurez left with his flag-ship and a gunboat for Simonoseki, and no doubt will complete the punishment due for the wanton violation of existing treaties.

The Jamestown was at Woosung on the 16th, to sail immediately for this port via Nagasaki. I shall await her arrival. I inclose a proximate plan of the straits, the position of the vessels, shore batteries, course, &c. All of which is respectfully submitted by,

Your obedient servant,

J. McDOUGAL,
Commander.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

Mr. MORGAN. This very brilliant action was lost sight of in the great commotion that occurred in this country at the time that it was being enacted in the waters of Japan; but I think it is safe to say that the history of naval warfare in the United States, or perhaps in the world, has furnished no more brilliant example of courage, skill, and ability than Commander McDougal and his command evinced on that occasion. That was the turning point in the restoration of Japan to free intercourse with the nations of the world, for if the Prince of Nagato, with his formidable armament of shore batteries,

and his three ships of war, largely outnumbering in guns and also in men, the Wyoming under the command of Captain McDougal, had been able to drive him off or to sink him in the strait of Simonoseki, the empire of Japan to-day would be a sealed book to the nations of the earth, unless, indeed, we had invaded and conquered and subdued her. The civilized powers of the world owe to-day to Captain McDougal the opening of Japan to the intercourse which it now enjoys, so much to its own advantage and to the advantage of mankind. It would have required a war against a people brave and cruel even in warfare, who numbered 40,000,000 and who were not by any means unprepared for war, had it not been for the brilliant example of this commander who is now retired from the Navy, and who is almost unknown to the general history of this country, notwithstanding this gallant exploit.

The visit of the Wyoming was not completely effectual in opening the strait of Simonoseki. It had destroyed the naval power of the Prince of Nagato, but he still manned his land batteries and threatened to expel the foreigners from Japan. It was therefore necessary to put an end to his power. The joint expedition of 1864 had only this in view, as distinctly appears from the joint agreement of the powers. This expedition was intended to destroy all effectual opposition to the foreign policy of the tycoon by destroying the power of the Prince of Nagato; and it was fully understood and agreed between the powers that the expenses and losses attending it would be fully compensated if the expedition should result in opening up Japan to foreign trade. This purpose was as clearly understood before the expedition sailed as it was expressed, after it had proven successful, in the convention with Japan.

If Senators will give attention to the convention of Japan they will understand why it is that the Government of the United States has never been willing to cover into its Treasury money which was exacted from that government upon the termination of that war. I read the third article:

> Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view: therefore, if His Majesty the Tycoon, wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki, or some other eligible port in the inland sea, it shall be at the option of the said foreign governments to accept the same, or insist on the payment of the indemnity in money, under the conditions above stipulated.

The third article of this convention tells the whole story as to the objects of the expedition of the joint powers.

This $3,000,000 was paid by the Government of Japan in quarterly installments, and as each installment was due several of the powers, not the United States, however, would go to the Government of Japan and say to them, "Now make us some additional concessions in the way of tariff upon our goods and in the way of privileges to our people which shall be peculiar and exclusive, and we will release you from these money obligations." Japan, with a moral heroism that any nation in this world might feel proud to copy, declined to accept any condition of that character, but went on to pay money out of her treasury at a time when it cost her almost her existence to do it; but she kept in view the main objects of this treaty that she had made and which the mikado had not ratified until long after the tycoon had made it, that the ports of Japan should be opened, and now Simonoseki is as open to the commerce of the world as is Liverpool, and there is not a port on the coast of Japan that she has not freely thrown open to the commerce of the world.

After the recitals in that convention that we did not want the money of Japan, but that our only purpose was to have open and free commercial intercourse with her, and after Japan has opened her ports as freely as ours are opened to Japan, would it not be the worst of bad faith for us to retain this money? We have received the concessions that have been demanded, all that we have asked, and now with what degree of complacency can the people of the United States tolerate it that we should at the same time hold on to the money?

These remarks of course would apply to the entire fund, and make it an imperative duty on the part of the Congress of the United States to return the entire fund but for one consideration, to which I have partially alluded, that the Government of Japan owed to the Wyoming and afterward to the Takiang some measure of reward for the services that they rendered that government in bringing the rebellious Prince of Nagato to terms, to compel him to remove his obstructions to the policy of Japan. Japan owed to these ships and to these brave mariners of ours the accomplishment of that important result, and that government has never for a moment been ungrateful to them. While these men were engaged in warfare against their own people they were still engaged in the protection of the honor of Japan, and that government, recognizing the fact, has not the slightest disposition to deprive these brave men of the rewards which this Government should be only too proud to give them.

However, we are not taking this money out of Japan. I will explain to the Senate how it is that we are getting it from England and from France and from the Netherlands. It will be remembered that when the Pembroke first approached the strait of Simonoseki and was fired upon, there was $12,000 paid by the Government of Japan, for which there was no other consideration than the mere delay in her voyage. That sum was $2,000 more than the Pembroke herself put in a bill for. The Government of Japan paid the Pembroke $12,000 when she only demanded $10,000. Immediately after this affair with the Wyoming and with the Medusa, a vessel of the Netherlands, and with a French ship—I do not now recall the name—the tycoon sent to France a minister who entered into negotiations with that government for the purpose of clearing up the difficulty that had arisen between them in consequence of the firing upon the French vessel that was approaching the strait of Simonoseki. That was considered an insult to the French flag, and the Government of Japan instantly sent out her minister for the purpose of making all necessary apology for the insult, and to arrange for payment of damages.

The minister of Japan arranged a convention with the French Government by which $140,000 was stipulated as the amount of money that Japan was to pay France for this act of warfare upon one of her ships by the Prince of Nagato. The Japanese mission returned and found that the battle of Simonoseki had been fought by the four combined powers and that the treaty powers and Japan were then engaged in a new convention to cover the whole ground of difficulty between them. Consequently the convention that had been entered into with France was not ratified but was merged in this last convention that I have just read from and the $140,000 was not paid as a separate part of the indemnity but went into the $3,000,000 indemnity. We agreed upon $3,000,000, and how did we come to that agreement? Why, sir, after the four powers had concurred among themselves and agreed to $2,000,000 as the highest just sum that could be asked as indemnity, they agreed to put on another million, not because there was any just ground for it, but because they supposed the additional $1,000,000 would have the effect of putting a pressure upon Japan to that extent that she would open her ports; it being the purpose of each of the four powers to have the ports opened, and not to get money. That would have been the most wicked and unmanly transaction that ever disgraced a nation, the most disreputable transaction possible to be conceived of, if we had intended to have received the $3,000,000, and to keep it, after Japan has complied on her part with our real demand to open her ports. Four great powers like the Netherlands, and France, and Great Britain, and the United States treating with a half-civilized power, prostrate at their feet, their ministers coming together and agreeing in concert that they would not ask for more than $2,000,000, and then, upon the suggestion of one of them, that if they put on another million it might have the effect of causing Japan to open her ports, and then to put on another million, and when it did have the effect to open the ports, is Japan to be told that she has vainly trusted to the honor of these governments to get it back? That would be the most nefarious transaction conceivable.

When the four powers came to divide the $3,000,000, Great Britain, in a spirit, I suppose, of purely disinterested benevolence, or else for the purpose of making some other nations wear a badge that she was not willing to degrade herself with, said to the Governments of the United States and Netherlands and France, "Each of you have had ships fired on in the strait of Simonoseki," and we have seen that no insult was offered to our flag, and no shot fired at a ship of ours. We therefore insist that you shall each take out of this three million $140,000."

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. MORGAN. In a moment. "We insist that you shall take out of this three millions of money $140,000, and after you have withdrawn that sum then the balance that remains for division shall be divided, and we will take a fourth of that."

Mr. JONES, of Florida. How was this payment made? Was it made to Great Britain?

Mr. MORGAN. The payment was originally made to the British minister, and he invited the other powers in. It was paid to the British minister in the first place, or at least the first installment was.

Mr. JONES, of Florida. I understood the Senator to say that the proportion of payment between the respective powers was not determined until after the whole sum had been paid by the Japanese Government.

Mr. MORGAN. Not at all.

Mr. JONES, of Florida. It was arranged between the powers, then.

Mr. MORGAN. Yes. They took the $140,000 which had been agreed upon between the Japanese minister and the French Government in a convention which Japan did not ratify, as being their estimate of the damages these governments had sustained—not the private people, but the governments—by the insults to the flag in consequence of their vessels having been fired upon. The Wyoming was the only single ship that entered the strait of Simonoseki that made a decent fight there.

Mr. JONES, of Florida. Can the Senator give us any information as to how the decision was arrived at in respect to the measure of damages for an insult to the flag which is indemnified for in money?

Mr. MORGAN. I do not think I have any method of calculating it; but still our minister and the ministers of the four great powers, if they ever meant to take the money at all, arrived at that result in some way. But they observed a reticence on that subject, they put up a barrier behind which they could retreat for protection to the honor of their governments by saying to themselves and to Japan, too, "If you will open these ports we do not want any money." That was how they saved the honor of their countries. Indeed this was a mere compulsion; it was the strong man's language to the weak one: "Give me your purse, or I will take it; but if you do not choose to

give me your purse, give me free ports and free trade, give me a right of way over your property, and I will accept that in place of the money." Japan was not animated on that occasion by a sentiment that any nation of the earth might not be proud to acknowledge, for she had entered into a treaty obligation with us and was willing to comply with it; but Japan was torn throughout her borders with a civil war which she was unable to manage, and the very gates of Tokio, where the mikado resided, were besieged by the feudal princes of that country, who had immense power. The poor, prostrate empire of Japan was struggling for existence against her own people, stemming a current of popular sentiment which few free governments ever had to meet. We were standing around her coasts with our ships of war, and demanding of her three millions of money, and making a pressure upon her that she should open her ports, and the very day she got the power, the very first moment she got the power which she had to wrest from her own people, sword in hand, she threw her ports open and complied with her honorable obligations. From that day to this, notwithstanding honor has characterized every step of her course, she has never even presented a demand to our Government. She has never recalled to us by argument or suggestion even, or by petition, the fact that we rested under an honorable obligation to return the fine if she should open her ports.

Mr. JONES, of Florida. I would ask who prepared the various arguments we have had before us? I have heard it said that Japan never made any demand for the return of this money. Does the Senator know that she is represented by anybody in this business? I know that the question has been agitated, and I have received many well-written papers on this subject, written by I know not whom; whether by agents or attorneys of Japan I do not know; but they do not weigh a feather's weight with me. If we ought to return this money, it ought to be done without regard to other considerations.

Mr. MORGAN. If I understand the situation, it is this: every President from the day this money has been received down to this day has recommended its return, and every Secretary of State has concurred in the recommendation. The money has been kept as a trust fund, and kept on interest in the State Department, not covered into the Treasury, for the purpose of meeting the disposition to be made of it by Congress.

Mr. JONES, of Florida. One question more, and I shall not interrupt the Senator again. This money was obtained, as I understand, by the Government of the United States through the treaty-making power. The Constitution has vested that power in the Senate and in the President. Congress has nothing to do with it. The Constitution for its own wise ends has said that the power to make treaties shall reside with the President and the Senate. They made this treaty, and I suppose they are capable of making another. This money has been, I am told, in the hands of the Secretary of State, who has invested it in United States bonds; has not covered it into the Treasury; and if there has been so much injustice coupled with this transaction as has been intimated from time to time, while the matter was *in fieri*, or inchoate, as the lawyers term it, it does seem that the treaty-making power that obtained this fund had complete authority within itself to remedy whatever of injustice might have attended the original transaction without the action of Congress.

Mr. MORGAN. I do not know that I am able to give any case that is in point or in parallel so as to compare it with this as a precedent for the line of action proposed. The money was paid into the hands of the Government of the United States through its diplomatic agent; it was not paid into the Treasury of the United States; why, I am not prepared to say, except that the State Department has always considered, following the idea of the minister who made the convention and collected the money, that this was a fund the United States could not appropriate to its own use.

Mr. EATON. If my friend will permit me, it was not turned into the Treasury of the United States by the Secretary of State, and for this reason, as he said in his own letter over his own name: It was received by the United States without any substantial equivalent, and therefore it should be kept in the Department of State, and not covered into the Treasury.

Mr. JONES, of Florida. Was it not received under the provisions of a treaty?

Mr. EATON. A convention.

Mr. JONES, of Florida. What is a treaty but a contract between States, whether you call it a convention or a treaty?

Mr. EATON. There were none of the proper terms of a treaty, none of the proper powers of a treaty. Our Government had not instructed its agent in Japan to go into a convention of this character at all. He acted upon his own responsibility.

Mr. JONES, of Florida. Does not subsequent ratification amount to an original authority?

Mr. EATON. We have not quite yet ratified it. We are now trying to defeat ratification.

Mr. MORGAN. I do not know of any other fund that is in the same condition. At the same time, the Secretary of State would not venture to pay this money back to Japan upon the supposition that he was executing the treaty. All that is asked by this bill is that the Congress of the United States give its consent that he may do so. Where can be the harm in that? We remove his embarrassment by giving our consent to it, and that is one of the best reasons which can be suggested why we ought to act.

Mr. SAULSBURY. I wish to make a suggestion to the Senator from Alabama. Long ago, as a member of the Senate, I esteemed it an honor to have the privilege of voting to restore to Japan that of which she had wrongfully been deprived. The only difficulty which I have is that there is so much lobbying on every matter connected with legislation involving money, that I should be glad to adopt any means that would defeat the lobbies which have interested themselves to have a share of this money. I confess that I do not want to see any part of this fund, which we have taken wrongfully from Japan, repaid to Japan by the agency of men who hang around the legislation of this country, and seek to connect themselves with every project which has money in it. If, therefore, we could reach that result rather by the negotiations of a treaty as suggested by the Senator from Florida, so that every dollar of it would be refunded back to Japan, and no part of it given to a lobby, as is often done when matters pass the legislative department of the Government, I should be willing to agree to that.

Mr. JONES, of Florida. I have no hesitation in saying that I think that would be the proper course.

Mr. MORGAN. The bill requires this money to be paid to Japan, and not to anybody else. Is there a Senator on this floor who has witnessed the conduct of the representatives of the Japanese Government at this capital who would suppose that they would not be able to take care of the interests and welfare of their own country, or who would suppose that that government would lend itself to the control of a lobby to work through a claim before the Congress of the United States? If there is a lobby about this business, I confess it is something that I had not discovered. Surely I am not working for the lobby; they never approach me, some way or other, and so I escape all apprehension on that subject when I remember that the bill itself requires the money to be paid to Japan and to the officers and mariners of the Wyoming and Takiang, or their representatives, and not to their agents or assigns.

I will pass by that view of the case with this single remark. The honorable Senator from Florida says he would prefer to have it returned by treaty. It would be a very embarrassing matter to the State Department that the fund should be held in the name and to the credit of the United States Government, and not to the credit of Japan in the State Department, and that the Secretary of State or the President should be directed by Congress to make a treaty by which that amount of money would be given up to Japan. It would be rather a summary way of increasing the rights of the treaty-making power of this country——

Mr. JONES, of Florida. Did the Secretary of State invest this money by authority of Congress in United States bonds?

Mr. MORGAN. I do not know what authority he had for it. I know he made the investment, and that from time to time quite a sum of money has accumulated, perhaps as much as $140,000 or $150,000, as premium on the bonds, which this bill does not dispose of, because the committee understood that it had complied with its full duty when it reported a bill to pay to Japan the money which we put in bonds as interest-bearing obligations of the Government of the United States. As to the balance of the money, which is about one hundred and forty thousand dollars or one hundred and fifty thousand dollars premium on the bonds, no provision is made in this bill. We can provide for covering it into the Treasury, to be disposed of in such manner as Congress may direct. We are not responsible in any way for the question whether the Secretary of State may have violated his duty. We know that the money is there, that it has always been subject to a quasi trust, as a fund obtained from Japan and which our Government had a right to pay out, but as a fund belonging to the United States Government, burdened with a trust which this Government ought to perform.

One word more in reference to the peculiar attitude of the Wyoming and the Takiang. It is very true that Captain McDougal in command of the Wyoming did fight, and did pretty much all that was done in the strait of Simonoseki to break down the power of the Prince of Nagato. In that fight he lost four men killed, and, I believe, six men wounded, and his ship sustained damage in the expenditure of ammunition and by having shots fired into her hull, which Mr. Robeson reported to Congress on one occasion as amounting to about twelve thousand five hundred dollars, as well as I recall the sum. There will be plenty of money in the Treasury arising out of the proceeds of these bonds when they are disposed of to cover that damage.

If the Wyoming at the time of her engagement in those straits had been fighting a power with whom the United States was at war, if you will consult section 4635 of the Revised Statutes you will find that the Wyoming would be entitled to $200 in the way of bounty from our own Government for every man who was on board the Japanese fleet at the time she sank those ships. How many were there? More than eleven hundred men upon those ships that she sent to the bottom of the sea. The men were not all destroyed, but very many of them were. There was one steamer of the United States encountering ships and batteries that mounted sixty guns, 32-pounders, while running through a narrow strait that was not a mile wide, passing in between a steamer heavily armed and with a strong crew, almost her equal in power, sunk it, and then turning to the other ships, and as she came

out sank them, whipping the batteries as she passed along. That ship, if she had been engaged in open warfare under a declaration of war by the United States Government, would have been entitled to receive a bounty of $200 for every man on board those ships.

Having done this splendid fighting, won this success so important to Japan against a rebel prince, the Japanese Government felt under obligations to the Wyoming for her course, and never has there been one word of censure on the part of the Japanese Government as to the course of the Wyoming. Her services were accepted and adopted by the Japanese Government. They were successful in breaking down the power of the rebellious prince, and that government is only too willing that these brave men and their widows and orphans should be rewarded out of this $140,000, a proportion of which the other powers gave to us in addition to our quota of the $3,000,000.

The Takiang, a little ship, was hired in the port of Yeddo and a single gun was taken from the Jamestown and put on her, and she went along with the joint expedition of 1864, rather as a tender than anything else, merely to have our flag flying. And the people of the Wyoming have said to the people of the Takiang, "We are entirely willing you should receive a portion of this bounty-money; you were there in foreign seas with the American flag, and you did your duty as well as you could with the small amount of men and means at your command, and therefore we grudge nothing in reference to your participation in this fight."

I have said more on this subject than either my health would justify or my expectations would have justified when I set out to attract the attention of the Senate to its consideration; but Senators seemed to be in doubt about it, seemed not to have a very intimate knowledge of the history of this transaction, because it is rather an obscure and involved history; but the committee have worked it out with considerable labor, and I am quite sure that there is no influence operating upon any member of the committee, or upon any person connected with the effort to return this money, either in behalf of the Wyoming or the Takiang, or in behalf of Japan, that is not proper, and placed upon the highest possible ground. Senators need not be alarmed as to lobbies in this case. Every provision of law has been made that it is possible to put into the form of an enactment to protect the Government of the United States and these parties against any improper division of this money.

Japan has proceeded with good faith and energy to open her ports to our people and commerce, until Simonoseki is free to our ships and merchants. This change of policy has cost Japan immense sums of money, much loss of life in protracted civil wars, and has entailed upon her a great and increasing national debt.

It is doubtful if her treasury will in a half century recover from the great drain it has cost Japan to adopt the institutions, customs, and enterprises of our civilization. Her efforts and sacrifices in these changes of a system which has its foundation in the national religion and was supported by the traditional policy of those people for more than twenty centuries are deserving of our sympathy and respect.

No nation has ever made more rapid progress in civilization than has Japan in twenty-five years, but there is still a strong reactionary party there. They point to the increased taxation caused by adopting the customs, institutions, and methods of government of more civilized nations, and deny the advantages of the new system which has been so costly.

Under pressure like this we should uphold the Japanese Government in its liberal policy, and should justify it in the minds of their own people, who are nearly as numerous as the people of the United States, and the masses of whom must be still ignorant of the advantages of the new system.

In all our recent dealings with Japan we have been conspicuous for our liberality toward her, and in consequence we have gained their confidence, and are each year rapidly increasing our trade with the Japanese. Our latest convention with Japan was designed to relieve that government from the harsh restrictions of the former treaties upon her power to raise revenues by duties on imports. Japan has appreciated this manifestation of good will, and her people are to an unusual degree evincing their confidence in our Government and people. Our trade with Japan is increasing steadily, and gives promise of being most advantageous to our merchants and people. An act of generous and graceful justice toward that government would be accepted by the people of Japan as the best argument on which to encourage further and more liberal intercourse with us, and would confirm them in a confidence that is not now well sustained, that American civilization is based on justice and honor.

We can never honorably take lower ground on this subject than our minister took when this matter was under discussion. It is not necessary to say that the exaction was wrong when made in order to find a strong and honorable inducement for declining now to hold to its fruits. When we so charily accepted this fine or tribute from a prostrate power, we eagerly signified our assent to the proposition of Japan that we would accept free ports and open markets as an equivalent for the money they were to pay.

Mr. KIRKWOOD. Mr. President, as a member of the Committee on Foreign Relations I with some hesitation agreed with the majority of that committee that this money should not have been received from Japan, and therefore consented, so far as that would go, to the return of it. The amendment I have offered, however, proposes to pay back to Japan only the sum we received without interest. When I submitted my amendment I made the sum $750,000, that being one-fourth part of the $3,000,000 received by the four powers of which we were one; but it appears that in some way which I do not exactly understand we received more than one-fourth part. Instead of receiving $750,000 we received $785,000, $35,000 more than our equal share. How this money comes to be in the condition it is I do not understand. I was not one of the sub-committee to whom the matter was referred, and am not as familiar as members of that sub committee must be with the details; but in some way it remains in the State Department in the shape of United States bonds. Whether it assumed that shape by authority of Congress; whether it remains there by the authority of the Secretary of State for the time being; whether it assumed that shape by the authority of the Secretary of State for the time being, I do not know; perhaps the chairman can inform me.

Mr. EATON. I do not know whether it was a resolution passed by Congress or not.

Mr. KIRKWOOD. I have two or three remarks to make on the general subject. While I believe it would be perhaps a graceful and proper thing for this Government to do to return to the government of Japan the amount of money we received upon the ground that after having given the matter fair and candid consideration we think we ought not to have received; while I am willing to concede that, I do not think we have been occupying the position of a trustee or a savings-bank in this particular, but we should stand upon the precise ground that just so soon as the proper authorities of the Government of the United States became satisfied that it was the proper thing to do to return this money, we should return it just as we received it; no more, no less.

Mr. EATON. May I ask my friend a question? Has he arrived at the conclusion that it is proper to return this money to Japan?

Mr. KIRKWOOD. I am willing to consent to that.

Mr. EATON. I only asked if my friend had arrived at that point.

Mr. KIRKWOOD. Gentlemen who are more familiar with this matter than I, and perhaps more able to judge of such matters than I, are unwilling to do that much; but I am willing under the circumstances of this case to consent to the return of the principal sum.

This thing of allowing interest by the Government is assuming formidable proportions and those proportions are growing year by year, and my judgment is that if those proportions continue to grow it will not be very long until we shall have to do one of two things: either to cease paying honest claimants what we owe them, or to provide for an amount of interest that would almost if not quite equal the interest on our public debt. Every session of Congress we are passing bills paying to persons who are honest claimants large sums of money that should have been paid to them years and years and years ago. We do it often very grudgingly; we often fail to do it when we should do it, and when we do it we pay without interest.

Mr. JONES, of Florida. Let me ask the Senator one question. I am disposed to agree with the Senator in the matter of interest, because that is in the shape of a penalty for the withholding of that which ought to have been paid. Whether that principle can be applied in any view of this case, whether there can be any penalty for money paid under the stipulations of a treaty, not wrongfully, not illegally, not in violation of any right, is a serious question. Can a case of that kind be said to be one where the penalty of interest should be inflicted?

Mr. KIRKWOOD. We are not paying this money to Japan because by virtue of any contract we are bound to pay it. It did not come to our hands in any shape, in any way as a trustee for Japan; but the matter, pure and simple, is just this: by treaty, by the consent of Japan this money came into our hands upon the theory that Japan was bound to pay us for injuries that we had received from that Government. Now, after investigation, prolonged, protracted, deferred, we reach the conclusion that in equity and good conscience we ought not to have received it, and just so soon as we reach that conclusion we say to her, "Take back that which you ought not to have given and which we ought not to have received." That is my theory about it.

I cannot agree in other particulars with the bill submitted. If it be true that we ought not to have received this money, then we ought not to touch one cent of it.

Mr. THURMAN. Who says that we ought not to have received any of it?

Mr. KIRKWOOD. I understand that to be the theory on which the report of the Committee on Foreign Relations is based.

Mr. THURMAN. By no means. Nobody ever denied yet, I think, and I have known, I believe, three bills similar to this pass the Senate and heard them very elaborately argued, and nobody yet that I ever heard asserted that it was not right that we should receive what was necessary to indemnify us for the injuries done to the Pembroke and one or two other smaller vessels, something like $12,000, and also to receive what would be fair prize-money for the Wyoming. That much we were perfectly entitled to receive on the plainest principles of law. What we received above that we had no right to.

Mr. KIRKWOOD. One of the Japanese daimios in rebellion against the Japanese Government closed certain straits passing through the territory of Japan and took one of our merchant vessels and prevented the merchant vessel from proceeding through the straits; did no injury to her substantially, however, but turned her back upon her voyage. In consequence of that, we sent one of our

war vessels, the Wyoming, that attacked the forts of this daimio and destroyed them, and the Japanese Government made full compensation for the injury done to the merchant vessel by reason of the failure of her voyage. The insult to our flag was entirely wiped out by the attack of our vessel and its success on the forts of the daimio. In that condition of affairs, when the injury done to our merchant vessel had been compensated for, when the insult to our flag had been redressed, we then sent, in conjunction with three other powers, an expedition of war vessels, we having one among them, and in consequence of that extorted perhaps from the Japanese Government this sum of $3,000,000, of which we received the amount I have before stated.

If we had received full satisfaction for the injury done to our merchant vessel, as we had; if we had taken full satisfaction by reason of the attack of our war ship, the Wyoming, for the insult he had done to our flag, what had we to have reparation for at any time after that?

Mr. JONES, of Florida. I asked the Senator from Alabama awhile ago whether he could fix any measure of damages for the insult to the flag. While I am at a loss to discover any fair legal standard by which we can arrive at that I imagine that we may work ourselves up to a degree of sentiment that can be justified; but when a sum of money is paid by one power to another, I am at a loss to understand how we are to view it as a compensation for an insult to our flag.

Mr. KIRKWOOD. We had obtained indemnity for that insult to our flag, and had redress full and ample. Now this bill presents this condition of affairs, that is curious to my mind, perhaps not so to others. In the amendment offered by the Senator from Alabama, and assented to as I understand by the Senator from Connecticut, it is provided not only that we shall make compensation out of this fund to the officers and men of the Wyoming, but also make compensation to the men of the vessel that accompanied that expedition.

Mr. THURMAN. No.

Mr. KIRKWOOD. I beg the Senator's pardon. That is the bill reported from the committee.

Mr. THURMAN. No joint expedition. The Wyoming went up there alone.

Mr. KIRKWOOD. I know; that was the first expedition. But when the joint expedition went there we had a vessel called the Takiang, and on that was a detachment of United States sailors from the United States ship Jamestown. What was that vessel doing there then? What was that expedition sent there for then? Not to procure redress to our merchant ship, the Pembroke, because that had been redressed, it had been paid for fully; not to procure redress for the insult for our flag, because the Wyoming had itself redressed the insult to our flag.

Mr. JONES, of Florida. How?

Mr. KIRKWOOD. By battering down the forts and blowing up the vessels that had insulted our flag.

Mr. JONES, of Florida. Losing five men and more than that number wounded.

Mr. KIRKWOOD. It had redressed the insult to our flag; but let us go on. We sent one vessel with this second expedition, that vessel was the steamer Takiang, manned from the United States ship Jamestown, and that expedition wrung from Japan this money, and now our consciences being pricked in the matter, believing we ought not to have received this money, we say "we will pay back the money but we will retain out of it a sum sufficient to compensate the men who did the wrong in the vessels that we sent as part of the expedition."

Mr. MORGAN. The honorable Senator will allow me a moment. The expedition of the Wyoming was not with the other powers.

Mr. KIRKWOOD. I understand that.

Mr. MORGAN. In order to assist the Mikado of Japan to bring this rebellious prince to subjection these four powers combined, as well for that purpose as also to vindicate other insults those powers themselves had received, and sent this joint expedition in which the Takiang, a hired ship, participated.

Mr. JONES, of Florida. Do I understand the Senator from Alabama to say that these four powers had united for the purpose of exacting compensation from the regularly constituted authorities of Japan, had taken any notice of the insurgent movement there in any way whatever?

Mr. MORGAN. I have not asserted any such thing. I said that they united for the purpose of bringing the rebellious prince into subjection, that prince being opposed to the liberal policy of Japan in throwing her ports open to foreign powers. That was the situation precisely, and after the ships engaged in the joint expedition had brought the daimio into subjection and had taken the forts, then the four powers entered into a convention with the government of Japan, and they ratified all pre-existing treaties made by the tycoon, a different functionary of the government, and made the treaties with the government of Japan entirely obligatory on all its departments. Then for the purpose of compelling the government of Japan after that, as was provided in the third article of the convention, to throw open the port of Simonoseki or some other port in the inland seas, this arrangement was made: first, $2,000,000, and then raised to $3,000,000, as expressed in the third article of the convention, on the condition that if Japan would open the port of Simonoseki or some other port in the inland sea that should be regarded as a compensation, for the reason that these powers were not making the exaction on Japan because they wanted the money, but because they wanted open ports.

Mr. JONES, of Florida. With the permission of the Senator from Iowa, I wish to ask the Senator from Alabama one question. I understood him to say——

Mr. KIRKWOOD. I shall be done in a few minutes; but go on.

Mr. JONES, of Florida. I understood him to say that the four powers had united together for the purpose of bringing a rebellious prince of Japan to submission. That produced in my mind a confusion of ideas in connection with this whole subject.

Mr. MORGAN. I am very sorry for it.

Mr. JONES, of Florida. I am seeking for information, because I am not a member of the Committee on Foreign Relations, and when the Senator from Alabama, who is a member of that committee, says that these four great powers of the earth, including the United States, confederated together for the purpose of bringing to submission a rebellious prince of Japan, it presents to my mind a question that is most embarrassing.

Mr. MORGAN. That is just how it was.

Mr. KIRKWOOD. The Senator from Alabama has at some length presented this matter to the consideration of the Senate already, and I have endeavored not to misstate, and I think I have not misstated, anything in regard to it. Now, to bring it to a point, in July, 1864, our war ship, the Wyoming, redressed the insult to our flag, committed by turning back the Pembroke, by attacking the Japanese forts and demolishing them, and, I think, destroying some of the Japanese vessels. On the 8th of August after that our minister writes home:

> The Japanese Government has arranged to my satisfaction the claims which I had been instructed by the President of the United States to make upon it.

Now, mark you, one of our merchant ships had been turned back and lost her voyage; in that way our flag had been insulted. We made reclamation upon the Japanese Government for the injury done to the owner of the merchant vessel, and the Japanese Government had acknowledged its liability for it to the satisfaction of our minister, had given full satisfaction for whatever demand had been made upon the Japanese Government by our minister.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question right there?

Mr. KIRKWOOD. Yes, sir.

Mr. JONES, of Florida. Was this the minister who afterward participated in the convention with European powers to take this money?

Mr. KIRKWOOD. I think the same, but I am not certain. Mark you, after we had received full satisfaction for the injury done to our merchant ship; after we had taken full satisfaction for the insult to our flag; after both these things had been done, we then join with this joint expedition that is sent there; we send a vessel, the Takiang, and put on board of her a detachment of United States marines, I suppose, and sailors, and after our satisfaction had been full and complete, by this joint expedition we get from the Japanese Government this fund. And yet in this bill we are seeking to retain part of the fund in our hands to pay for the force used in exacting it.

I have some kind of indistinct recollection of having read when I was a boy, in some anecdotes of Benjamin Franklin, that he told on a certain occasion of a Frenchman who heated a poker that he wanted to apply to a certain use, and the use to which the person upon whom it was to be applied very strongly objected, and after some considerable controversy the Frenchman gave it up that he would not use the poker for that purpose at all, but he insisted that the person upon whom the red-hot poker was to have been used should pay for the heating of it. I forget the particulars of the story, but it looks to me a good deal like this.

We ought not to have joined in this joint expedition. We had received pay for the injury to our merchant ship; we had taken pay for the insult to our flag. There was nothing more to demand from the Japanese Government. Because that was so and because we did something beyond that and after that I am content to give back to the Japanese Government dollar for dollar every dollar that we received from it, and I am willing to pay the men of the Wyoming not out of what we took wrongfully from Japan but out of the public Treasury whatever they should receive. If the money was taken wrongfully from Japan and we owe anything to the men of the Wyoming, we ought, and Japan ought not, to pay it. Either this money was wrongfully or rightfully brought into the United States Treasury. I believe it was brought there wrongfully, and because I believe that I am willing to return it; but I am not willing to pay one dollar in the shape of interest, not one dollar either to Japan or to the officers and men of the Wyoming and Takiang, but I am willing to go to Japan with the money in our hands and say, "We ought not to have received this from you, and because we ought not to have received it from you we return it to you."

Mr. JONES, of Florida. Before the Senator from Iowa takes his seat let me ask him if it does not present a very remarkable scene to the country and to the world to find the Congress of the United States—and when I speak of the Congress of the United States I speak, of course, of the two Houses—animadverting in such severe terms as our records will show the world upon the deliberate action of the treaty-making power of this Government, which by the Constitution is lodged in this body and in the Executive.

Mr. KIRKWOOD. I turn that subject over to my friend from Florida.

Mr. JONES, of Florida. Mr. President, I have a few words to say, and only a few, on this subject. Although I have not considered this question as closely as some of the gentlemen who are selected for the Committee on Foreign Relations, it presents to my mind a very embarrassing question, viewed in all its parts.

What do we find to be the case? We find a large sum of money now invested in United States bonds which was originally paid by a foreign government into the hands of the Executive of the United States for the violation of a public treaty of the United States. The Constitution of the Union, framed after the most considerate debate and reflection, has vested the power to deal with foreign nations in the Senate and in the Executive, and has taken it beyond the control of Congress. The Executive, the President, made this treaty stipulation with Great Britain, with France, with Holland, and under that solemn compact of nations we received a large sum of money, which up to this time it appears has never passed out of the hands of that executive officer who is charged with the administration of our foreign affairs.

It is said to be now a trust fund. What has made it a trust fund? How came it to be a trust fund? Who gave to Mr. Evarts the power to invest this money in United States bonds? When money is paid over to the Government of the United States under the solemn provisions of a treaty, by what authority does the President or the Secretary of State presume to invest that money as a trust fund in the securities of his own Government? Where is the authority for it? And why should we be called upon at this time to pay this exorbitant demand for interest? Has Congress ever been consulted? In the case of the Geneva award money, which is familiar to every Senator here, before the Secretary of the Treasury was permitted to invest that fund in the securities of this Government it was necessary to give the authority by a distinct act of legislation. There is the record; no one will deny it. If that was necessary in the case of the Geneva award fund, I ask if it was not necessary in the case of the Japanese fund?

And now we are met here with a claim of a million of dollars nearly arising out of an investment made by the Secretary of State without any authority of law.

Mr. THURMAN. Why does the Senator say "without authority of law?"

Mr. JONES, of Florida. That is my understanding of it.

Mr. THURMAN. The understanding is all wrong. I will find authority for it.

Mr. JONES, of Florida. Does the Senator from Ohio say that an act of Congress authorized it?

Mr. THURMAN. No, sir; but I say that according to my recollection a resolution of Congress did.

Mr. JONES, of Florida. That is the same thing. I asked the chairman of the Committee on Foreign Relations if he knew of such a law.

Mr. EATON. My reply was that I did not quite remember, but I thought there was a resolution of Congress, but that possibly the Secretary of State had placed it in his Department on his own authority; my impression was that there was a resolution of Congress.

Mr. JONES, of Florida. There is nothing in the report on the subject.

Mr. EATON. The money is there.

Mr. JONES, of Florida. The money is there, invested in United States bonds, and that money was obtained under the provisions of a treaty entered into by this Government with three other powers that we recognized as nations of the earth. Now, I have no objection whatever to returning the principal sum; it is all that I will vote to return; and I agree fully in the views expressed by the Senator from Iowa that that is all that ought to be returned.

Mr. EATON. I should like to ask my friend if he thinks that it ought to be returned?

Mr. JONES, of Florida. I do.

Mr. EATON. Why? Because we hold it unjustly?

Mr. JONES, of Florida. No, because it was inequitable; not because it was illegal, but because it was inequitable. I draw the distinction between that which is not legal and that which is inequitable. I understand that no demand has been made upon this Government by the Japanese authorities for this money, and it presents a very remarkable case to me that this fund should be returned in the way that is proposed.

I agree with what was said by the Senator from Delaware, that if this money is to be returned it ought to be returned in a regular international channel, and that the Constitution of the United States has not vested in Congress the power to deal with foreign States; it has not vested it with power to deal with international affairs at all, but it has conferred that power on the President and the Senate, the treaty-making power. If this fund is to go back into the coffers of the foreign State, nothing in my mind can be more proper than that it shall go back through the regular international channel by a treaty or a convention which will bring face to face the two powers, where the reasons can be stated why it is returned and where those other powers who participated so greatly in enabling us to procure it can be brought to a knowledge of this transaction.

What a figure shall we cut in the estimation of those states with which we co-operated in obtaining this money when it shall go forth to them that after we were willing to receive their support and their co-operation to rob a weak power, after years of reflection and study and mortification and shame, we cut loose from them, and by ourselves sneakingly went to Japan and deposited in her coffers the proportion of the common spoils? Is that the way for a power to act which occupies the position the United States does among the nations of the earth? If Great Britain has been in the wrong, if France has been in the wrong, if Holland has been in the wrong in this matter, why not let us, in a manly, national way, say, "We got this money on a false principle; you co-operated with us in this transaction, and we will settle it together, and we give you notice now that having obtained it by virtue of your power added to ours, we will sever ourselves from you when it comes to the doing of justice by way of restitution." Individuals would do it. If four robbers on a public highway had stolen the purse of an honest man, and their consciences twitted them in the matter, and they made up their minds to restore it, one would hardly do it without consulting the others. I do not use that as an illustrationwhich is exactly parallel to this case; but I say it has been avowed all along that this money was taken from the Japanese Government by overwhelming force and power. The United States allowed herself to be made a party to that combination which forced $3,000,000 from this weak state, and it is possible that she would not have got this money by her own individual exertions. We know very well that a half dozen powers would succeed in wringing from a weak state what any one power would not be able to do by the exertion of its individual authority. But the United States accepted this fund as the result of a combination between four of the most powerful nations of the earth, and after retaining it for years her conscience smote her and she concluded to take her portion of it outside of her confederates and go and deposit it back again into the treasury of the power that was wronged.

I ask in all seriousness, admitting all that has been remarked in respect to the injustice done to Japan, is this the way to do what is proposed? After the treaty-making power of the United States, brought face to face with the other powers of the earth, had wrung this money from a foreign state, and it has remained in the Department of State for years, should we now return it by an act of Congress? The principle of making restitution I am not quarreling with, because I think in the main it is right; but why do you propose to pass a law authorizing the return of the money? It does seem to me that if the executive government were animated with a proper spirit on this subject it could easily communicate to the Senate, making known the facts of this case and suggesting a new convention by which this money would be returned to Japan without the action of Congress at all. This money was obtained by a convention—the Senator from Alabama said he had it on his table, and it is there—the Senate ratified the transaction by which it was obtained, not by the United States alone, but by the exhibition of physical force on the part of England, of France, of Holland, and the United States joined together to oppress this weak power. That is the way it was got; and you never would have got a dollar in any other way beyond what was due to you. And having obtained this fund in this way, there was nothing, I am sure, contrary to the law of nations in the manner of its acquisition. I say it was not exactly right, but at the same time it cannot be denounced as illegal. It was perfectly competent for this Government to have entered into the convention as it did with these foreign states, perfectly competent for its minister abroad to put any estimate he thought proper for the damage resulting from the violation of the respect due to his flag. The insult was wiped out and the money was paid; and now I say that having obtained the fund legally, in accordance with the law of nations, although this debt was more than satisfied, I am not willing to pay one dollar of interest on the fund.

Mr. THURMAN. Mr. President, I had sincerely hoped that I should not feel called upon to say one word on this bill, but that it would pass without discussion because the subject I thought was fully understood. Similar bills to this have been before the Senate from time to time ever since I took my seat in this body, and I have borne a somewhat prominent part in their discussion, and if my memory is not at fault three times with scarcely a dissenting voice the Senate has passed the bill; and therefore I did not expect that it would be necessary to say a word, but as new Senators have come in and they take new views we have to go over the ground again and again.

In the first place, then, let me say a word, for I want to speak very briefly, upon the idea of my esteemed friend from Florida, that the treaty-making power ought to be set in operation to enable us to do a simple act of justice, to return to Japan money that in the court of conscience we cannot retain. What is the necessity of invoking the action of the treaty-making power? Shall our performance of duty depend upon the will of France or England or the Netherlands, or is it necessary that we shall negotiate with Japan to get Japan to consent to receive the money? What possible use can there be in a convention or a treaty to enable us to do what any honest man would do—return to its owner the property that does not belong to him?

There is another reason why my friend from Florida need not be in the slightest degree sensitive about these foreign powers. Nobody has asserted that they got more than they ought to have received; and our returning this money to Japan is no rebuke to either of them.

So far from it, what does your Committee on Foreign Relations report:

In making this recommendation, it is not to be understood that your committee in the slightest degree attack the motives governing the authorities of France, Great Britain, or the Netherlands.

The expenditures of those governments were vastly larger than the expenditure of the United States, being in fact greater than the amount of money received by them from Japan—

But that was not our case, that was the case of those powers—

and thus they may be justified by every principle of public morality in retaining the full amount obtained by the convention between the powers. Yet it is the judgment of your committee that the United States cannot in justice retain the amount allotted to it by the arrangement entered into by its representative with the representatives of the aforesaid governments.

Each government had its own claims; each government expended money to enforce those claims. The expenditure of Great Britain alone far exceeded, thirty times exceeded the expenditure of the United States, and your committee say very properly that so far as those governments are concerned for the aid they gave they may properly retain the money; but the case is wholly different with the United States.

Then, Mr. President, the amendment offered by the Senator from Iowa involves two things. In the first place it cuts off all allowance of interest; in the second place, by returning the whole principal to Japan it cuts off all allowance to the officers and crew of the Wyoming and the Takiang. Is that right?

First, on the subject of interest: If this money had never been used by the United States; if it had lain in the gold in which it was paid, in either of the Departments of the Government, and earned nothing, then it could not be said that we were bound to pay interest. No one would pretend that; but here is money which *ex æquo et bono* ought never to have been received from Japan by the United States; but the United States did receive it, and the United States made it earn interest, and made it earn interest all the time. Now, the question is whether or not the United States will say: "We will return the principal, and all the profit we made out of the money that we ought never to have taken from you we will use for ourselves." Oh, Mr. President, that will not do.

A SENATOR. Why pay interest?

Mr. THURMAN. I have told the Senator why, and told him so that I hope he will be satisfied, for I have never found anybody yet who was not satisfied whenever this matter was discussed. I will come to that in a moment.

I said, and I still believe, that this money was kept in the State Department, invested in pursuance of a resolution of Congress. It is possible I may be mistaken about that. It may have been a resolution or it may have been in some act of Congress, or it may not have been passed at all, but it does not matter whether there was an act of Congress or whether there was a resolution or not, the fact exists that it was so kept, that the Government has allowed it to be so kept, that it is a separate fund and has earned interest all the time.

Mr. JONES, of Florida. Will the Senator allow me to ask a question?

Mr. THURMAN. Certainly.

Mr. JONES, of Florida. Do I understand him to assert the proposition here in the Senate that when money is paid under the provisions of a treaty into the hands of the executive government or the Secretary of State, that officer or the President or anybody connected with the executive government has authority to put it out at interest without the sanction of Congress?

Mr. THURMAN. I do not care whether he had one particle of authority. That has nothing to do with the question. The fact is that he did invest it, and the interest is in the fund. It is not at all likely that it was done without law. It was invested. When did we get it? We got it in installments right in the midst of the late civil war, when the Government needed every dollar it could get, and when therefore it wanted this money and was perfectly willing that the money should be put into Government bonds, so that the Government could get the money and use it in the prosecution of the war, while the bonds would constitute the Japanese indemnity fund. That is what the Government did; and if it had not been for the war that money would have been returned to Japan in less than twelve months after it was received, for the very first official declaration that ever was made upon the subject by any officer of the American Government was Mr. Seward's declaration that we held it without any equivalent.

So much, then, for the interest. I do no care whether or not these men transcended their powers. Here is the simple fact that the money was invested. This gold that we got was employed in putting down the rebellion; the money was invested and the interest has accrued upon it.

Mr. KIRKWOOD. The Senator from Ohio, I think, is mistaken as to dates.

Mr. THURMAN. How am I mistaken as to dates?

Mr. KIRKWOOD. The report says, and I think correctly, that the mikado was not a party to this treaty until 1865, and my recollection is that the rebellion ended that year.

Mr. THURMAN. Yes, sir, but this treaty was formed on the 22d of October, 1864.

Mr. KIRKWOOD. But the Mikado of Japan was not a party to it until 1865, and it was from Japan I understand that the money came. Then I should like the Senator from Ohio to explain, as to money paid to us as our money, what more benefit we could derive from it by borrowing it from ourselves and agreeing to pay ourselves interest on it, than by putting it into the Treasury and using it as any other money belonging to us. What benefit could be derived by making what we call a loan out of it?

Mr. THURMAN. Because this Government did not intend to be guilty of the injustice of keeping that money, and if it had not been for the exigencies of the time it would have been returned within twelve months after it was received. It was received, the greater part of it, during our war; it was payable quarterly and three-fourths of it must have been received before there was definitive peace in this country.

So much for that. Now, I come to the question of prize-money to the officers and crew of the Takiang. Senators have not looked at this treaty to see for what this money was paid, or they would not make any question about that. What is this treaty?

The representatives of Great Britain, France, the United States, and the Netherlands, in view of the hostile acts of Mori Daizen, prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the tycoon faithfully to observe the treaties—

The treaties that had been made before our treaty was made, when Commodore Perry was in the Japanese waters—

having been obliged to send their combined forces to the strait of Simonoseki, in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade; and the government of the tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damage resulting to the interests of the treaty powers, as well as the expenses occasioned by the expedition:

The undersigned, represetatives of treaty powers, and Sakai Hida no Kami, a member of his second council invested with plenipotentiary powers by the tycoon of Japan, animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts, in June, 1863—

I beg Senators to note the date, that was before the Wyoming went to Simonoseki—

against the flags of divers treaty powers, and at the same time to regulate definitively the question of indemnities of war, of whatever kind, in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following.

Mr. KIRKWOOD. Does the Senator claim that that is the treaty under which this money was paid to us?

Mr. THURMAN. Undoubtedly it is the very treaty under which it was paid to us.

Mr. KIRKWOOD. The report of the committee states that the money was paid under the treaty of October 20, 1864.

Mr. THURMAN. That is what I am reading from.

Mr. KIRKWOOD. I thought the transaction occurred in 1863.

Mr. THURMAN. I say this treaty goes back to cover all aggressions made by the Japanese or by the rebellious daimio beginning with 1863. That is what I called the attention of the Senate to. It covered therefore the aggression upon the Pembroke, it covered the injury that our vessel, the Wyoming, sustained when she went into Simonoseki to open that strait and to chastise that daimio.

What is the law, the international law, upon this subject? Is it not the duty of every government to prevent its citizens or subjects from preying on the commerce of other people with whom that government sustains friendly relations? Can anybody doubt it? Is not every government responsible for the acts of its own citizens and subjects? Suppose the State of New York or the State of New Jersey should fire on vessels coming over the bar at Sandy Hook or coming up the Sound, where would be the reclamation? Upon New York and New Jersey? No, sir; upon the United States. Every foreign power whose vessels were thus injured would apply not to New York or New Jersey, but to the United States, and the United States would be bound to make good the injuries that had been inflicted.

It is recognized by this very treaty, acknowledged by Japan, that the tycoon did not perform that duty, the responsibility of which rested on him, and that therefore his government was liable for those injuries and liable to pay those reclamations.

Mr. BLAIR. May I ask the honorable Senator a question?

Mr. THURMAN. Yes, sir.

Mr. BLAIR. I am one of those new Senators to whom the Senator referred, who are not so familiar with this subject as he is, and the question I ask is purely for information. I understand the Senator and I understand the report both to go upon the theory that the $3,000,000 was justly paid by Japan; that she was in fault; that these foreign powers having commercial interests in her waters were obstructed in the exercise of their rights and their interests, and were justified in the act which they did; and that Japan properly paid, not as an act of extortion, but as one of justice and reparation on her part, $3,000,000, and should have paid more, perhaps. Then, these powers having combined for the vindication of their joint rights and interests, met together and apportioned this fund among themselves. The United States received $785,000, one-fourth, precisely the same proportion that each of the others received, while she was entitled to perhaps one-twentieth of what Great Britain received. The question which I wish to ask of the honorable Senator is this: When Japan paid the whole justly, and we have received very much more than our proportion, if anybody has any right to the return of any portion of this money, why is it not Great Britain and the other foreign powers rather than Japan?

Mr. THURMAN. The Senator cannot seriously ask such a question.

Mr. BLAIR. I am extremely serious about it.

Mr. THURMAN. If he is, then I am sorry for the Senator. Really, now, what right have we to take money from Japan for injuries that she has done to Great Britain, or France, or the Netherlands?

Mr. BLAIR. But the Senator will bear in mind we do not take this money from Japan; this is long division simply.

Mr. THURMAN. I know the Senator says our sharpness has enabled us to cheat John Bull, Mynheer, and Monsieur.

Mr. BLAIR. Did not the Senator say that we have very much more than our proportion and Great Britain much less?

Mr. THURMAN. I did not say "much less."

Mr. BLAIR. I understood the Senator to say that the whole amount was properly paid by Japan, and we had much more than our proportion.

Mr. THURMAN. Who says so?

Mr. BLAIR. I understood the Senator to say so, and the report says so.

Mr. THURMAN. No, sir; I say that it does not appear, and so your committee say it does not appear, that these other powers got more than they ought to have received.

Mr. BLAIR. When I asked the question the Senator was making that statement himself, and the report says explicitly in these words:

> The expenditures of those governments were vastly larger than the expenditure of the United States, being in fact greater than the amount of money received by them from Japan, and thus they may be justified by every principle of public morality in retaining the full amount obtained by the convention between the powers.

Which is $3,000,000; that they may be fully justified in retaining the full $3,000,000; that the combination of powers are entitled to $3,000,000. That is the explicit finding of the report, and it was the statement of the Senator, as I understood him.

Mr. THURMAN. The Senator does not understand me.

Mr. BLAIR. I asked for information.

Mr. THURMAN. The committee do say that the expenditures of these powers exceeded $3,000,000. I do not know exactly where the committee got those figures, but I suppose them to be correct.

Mr. BLAIR. They make this record, however.

Mr. LOGAN. What have we got to do with the adjustment between Great Britain and Japan?

Mr. THURMAN. That is what I want to know, too.

Mr. BLAIR. But we got no money afterward except by adjustment with Great Britain, France, and Holland. This money was taken as the result of the attack of a joint expedition in protection of joint interests in Japanese waters; and the whole was paid, not to any one power, but by virtue of this convention to a combination of powers, and it is the report of the committee and the statement of the Senator certainly that it was all paid justly, that Japan was in fault to the amount of $3,000,000, and if we got a larger proportion than we were entitled to receive, why not refund to Great Britain? Our agents took $785,000 of that amount from Great Britain as our proportion more than belonged to us. If you do not choose to ratify the act of our agent in taking from those powers what did not belong to us we can return it to them; or it may be said, on the other hand, that having paid this full amount to us and paid it voluntarily they are estopped to claim it; they paid it to us as a gift, and in that case it belongs neither to Japan nor does it belong to any one of the other combined powers, and we have acquired a title to it by the rules applicable to gifts. The point with me is to know why we should return it to Japan.

Mr. THURMAN. It is delightful to have a speech interjected right into your speech; it is delightful to hear the workings of genius so strong that a Senator cannot keep in his seat, but is obliged to get straight up and interrupt somebody. I am delighted to see it again and again, because it only shows that it is a constant force that never wears out by any exertion whatsoever.

Mr. President, your committee have not said that these other powers got too much or too little, because even if their expenditures were more than $3,000,000 it does not follow at all that they were entitled to reclaim more than $3,000,000. These $3,000,000 were given by the Japanese Government, and the four powers divided it. They gave to the United States more than her share, far more than her share. Mr. Pruyn, I believe, said they did that because of the moral support that the Government of the United States gave by joining in this expedition. But what reason is there for our holding this money which we never would have demanded if we had been alone dealing with Japan, because some other nations got too much or got too little?

Mr. JONES, of Florida. Will the Senator allow me to ask him a question?

Mr. THURMAN. I would rather not.

Mr. CONKLING. These coruscations of genius improve the Senator's speech.

Mr. THURMAN. That is all true; but I wanted only about fifteen minutes, and here I have had the floor for half an hour; but more than half the time has been taken up by other Senators.

In regard to the prize-money, I have shown by the treaty itself—and there is not a lawyer on this floor but will admit that that is international law, too—that it was the duty of the government of Japan to prevent the outrages that were being perpetrated by a rebellious daimio in violation of the treaties of the four powers with Japan. It was the duty of that government to do it, but the government was not able to do it; but the United States did it, first with the Wyoming, and then the combined forces completed it about a year afterward. Therefore this duty which devolved upon the government of Japan had to be performed, and it was performed by these very vessels, the Wyoming and others; and on every principle of international law the government of Japan was bound to pay such sum as would enable the Government of the United States to pay that prize-money to her officers and her seamen which they would have paid if it had been open and flagrant war.

Japan will not complain. Japan never thought of complaining of this matter. On the contrary, by this very treaty she agrees to pay, and although she does not mention prize-money in terms, yet you very well know that if it had been open war the Wyoming would have had prize-money, the Takiang would have had prize-money, and when these vessels performed that duty which devolved upon the government of Japan, and which that government admitted in this treaty did devolve upon her, how can there be any doubt that the same principle should apply to this case as if there had been open war?

Mr. President, I will not take up the time of the Senate more than to express the hope that this bill will pass; and while it passes, do justice to those gallant men, for I undertake to say that among the many brilliant achievements of the American Navy, from the time of the Revolution down to this day, there is not an achievement of a single ship that surpasses in brilliancy that of the Wyoming in the strait of Simonoseki, and I say we should be doing the grossest injustice to the aged man, now almost at death's door, who commanded that ship, and to his officers and sailors, if we do not pay to them what would have been paid long, long ago had there been open and flagrant war. Let us do that justice, and then let us return the residue, with its accretions, to the Japanese Government, and we shall have done an act that will do more to elevate the American Government in the eyes of the civilized world than any government was ever before enabled to do.

Mr. WALLACE. I move that the Senate proceed to the consideration of executive business. ["No!" "No!"]

Mr. EATON. Let us finish this bill.

Mr. WALLACE. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes relating to homestead settlers;

A bill (H. R. No. 2269) for the relief of Calvin Bronson;

A bill (H. R. No. 3742) to authorize the Secretary of the Treasury to sell certain real estate belonging to the United States, and vesting the title to certain other lands in the city of Vincennes, in the State of Indiana, and for other purposes;

A bill (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy;

A bill (H. R. No. 5627) to amend section 1486 of the Revised Statutes, in order to preserve the meaning of the original law from which it was taken with reference to the rank of engineer officers, graduates of the Naval Academy; and

A joint resolution (H. R. No. 186) authorizing the Secretary of the Treasury to furnish States, for the use of agricultural colleges, one set of standard weights and measures, and for other purposes.

SUNDRY CIVIL BILL.

Mr. BECK, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, reported it with amendments.

JAPANESE INDEMNITY FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 2022) in relation to the Japanese indemnity fund.

Mr. JONES, of Florida. When the Senator from Ohio [Mr. THURMAN] addressed the Senate he said there was authority of law for the action of the Secretary of State in investing this money in United States bonds. I waited patiently for the distinguished Senator to read the resolution (he said it was in the form of a resolution) that authorized the Secretary of State to invest it; but he took his seat without informing the Senate that any such authority had ever been given. Nobody is less disposed to do injustice than I am. The trouble is, there has been no authority whatever given to the Secretary of State to invest this money. It ought to have been paid into the Treasury of the United States and have remained there as part of the common treasury. It is said that he did invest it, and the fact is presented

here as being equivalent to an authority to do it. When a man performs an act which involves legal power and authority, what kind of reasoning is it to say that he did it; that is enough. He did it. The Senator from Connecticut says he did; and that is an end of the argument. I do not so regard it.

Mr. EATON. It is an end of the fact, not of the argument. I will give the argument when I have the floor.

Mr. JONES, of Florida. The Secretary of State invested the money, and this Government now is about to pay over to the Japanese authorities a vast sum of money arising out of this investment without any sanction of law, without any authority of law, the investment having been made by the Secretary of State in accordance with his own will. I do not propose to tax the people of the United States to the extent that this bill proposes, to do such a thing as that. The Senator from Connecticut may be able to show to the Senate what amount of money the Government has realized from this investment when he gets the floor, as it has been paying this interest on its own security, it having been invested without authority in its own bonds. I leave it to the ingenuity of my distinguished friend from Connecticut to show how much money the United States has realized from this investment to justify this large expenditure in the way of payment to the Japanese Government with interest as proposed by the bill.

I said a while ago that interest is a penalty. You cannot take up any law book which treats of the subject which will not tell you that interest is a penalty imposed by justice because of the willful withholding of what is justly due. I say there never has been any obligation in law on the part of this Government to refund this money to the Japanese Government. There never has been any obligation which by the remotest implication could carry with it the obligation to pay it.

While I am as much disposed to conform to the principles of justice in this case as anybody can be, I will not do violence to my own sense of justice in dealing with the rights of the people whom I have the honor to represent. I will not be carried away by any false sympathy, by any far-stretched notions of commercial advantage that may inure to the Government under which I live. I do not approve of the means and ways by which justice is attempted to be done in this case. I would infinitely prefer, if I had my way, that it should be done in the way that the wrong was committed. I would do it in concert with those powers through whose instrumentality we succeeded in getting this money. I would not go alone. We got this money by and through the co-operation of three independent states, which are recognized to-day as the foremost powers on the face of the earth.

The whole fund was paid in the first instance to Great Britain, and we met there with Great Britain and divided it up. We took our part and the Senate of the United States ratified it. Now, after our conscience begins to sting us, we propose to sneak away from our confederates in this game of plunder, and, as I said awhile ago, to put back our share of the spoils into the hands of the nation from which we took it, without concert or co-operation with our confederates. It is not decent; it is not right; it is not proper in any view in which you can regard it. A nation is nothing but an aggregation of individuals, and what would not be tolerated in individual life I am sure would not be sanctioned among an aggregation of individuals.

Wrong is charged here. It is said that injustice has been done. We were only a party. Let us come out and make an honest confession, but do not let us assume more virtue than we really have. Why not enter into an international communication with the powers with which we co-operated when we got this money, and say in an open and manly way, "Let us do full justice; let us make common restitution;" and instead of giving back to the Japanese Government $785,000 with interest, give them back the $3,000,000. You never would have had a cent but for the co-operation of Great Britain and France. There is not a sensible man on this continent who does not know that; but now, for the sake of some imaginary commercial advantage or in the furtherance of some false sentiment, we propose to break away from our national confederates and, assuming a high air of virtue after we have retained this fund for years, it is proposed to go and quietly deposit it in the coffers of Japan and say to the world, "We are a virtuous people and our confederates are all rascals." Is that the way that a great power of the earth ought to act in the transaction of business?

I am sure that I do not exaggerate when I say that we occupy no small position among the nations of the earth. No member of the Committee on Foreign Relations can go further than I am willing to go in doing justice in this case, but I do not intend to be carried away by any false sentiment. I am willing to look in the face the transactions that have occurred in connection with the acquisition of this fund. I cannot overlook them; and now, when, after retaining this fund for years, you propose to do justice and disregard entirely your associates in its acquisition, you are not acting according to that spirit of etiquette and of propriety which should distinguish the honorable action of a nation.

Why did the Senate of the United States ratify this transaction? Why did it put its seal of affirmation upon the convention under which this money was paid? I care not what changes may have taken place in the political complexion of the body; the Senate is a continuing body. Foreign states never take notice of those political changes which affect us so much, but which in the character of this great assembly amount to nothing in its intercourse with foreign states. I cannot find it in my heart to condemn with the severity that I have heard indicated here the action of the Senate and the Executive in the transaction out of which this money came. This money did not float into the hands of the Secretary of State by mere accident; it got there under all the forms which are observed in the most solemn affairs appertaining to international relations. The treaty was made by the representative of the Government of the United States with foreign states, and was ratified by the Senate. Under that treaty this money was paid, and still Senators get up here and denounce this transaction, putting disgrace upon their own country in the eyes of the universe. I cannot do that. It may have been a mistake. It could easily have been corrected at the time by the Senate refusing to ratify the convention, which it did not do; but after having ratified it and when the authority of the United States was pledged in conjunction with the other powers of the earth that exacted this money from this weak power, it does not lie in our mouths to abuse either our own Government or those who represented it at that time in the transaction. It is not fitting to go forth to your own people or to the people of the world. It may have been that the facts of the case were not understood. It may have been that the Senate was not as well informed as the Senate is to-day in reference to the merits of this transaction; but do not undertake to blacken your own character in the estimation of foreign states. Do justice, but be consistent if possible.

I do not think that this foreign state has any claim in equity or in law. The sum of money which was paid in strict accordance with the law of nations and the convention entered into with France, England, and Holland can be refunded; but I say we are not liable to any penalty because the Government of the United States as then represented thought proper to give its sanction to that transaction. Things have changed; parties have changed. These things weigh nothing with me when it comes to dealing with the national affairs of this great country. In dealing with foreign states I will go as far to uphold and maintain the action of the Senate and Executive when made up of those who differ with me in politics as I will when they are composed of those with whom I am associated. Every man familiar with the transaction out of which this payment grew must admit that it had the sanction of the Senate and the Executive. No man can deny it. Still we are called upon here, and in the language of exaggeration, to denounce our own Government, to set up the claims of a foreign state, and to say that she has been oppressed, and all that. It is not becoming; it is not right. If injustice has been done, I say repair it in a decent and proper way, but do not undertake to convert yourselves into critics and review the action of your predecessors in a harsh spirit because it is possible that they did not have before them all the facts which you possess.

Mr. HARRIS. Will the Senator from Florida yield to me in order that I may move that the Senate take a recess until seven and a half o'clock?

Mr. JONES, of Florida. Yes, sir.

Mr. BURNSIDE. I move that the Senate adjourn. ["No, no."]

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island that the Senate adjourn.

The motion was not agreed to.

Mr. HARRIS. I move that the Senate take a recess until half past seven o'clock. ["No, no."] If there is any hope of finishing this bill within the next few minutes (I confess that I have very little encouragement so to hope) I will very cheerfully withdraw my motion for a recess, because I am very anxious that the pending bill shall be disposed of; but I am equally anxious that the Senate shall take a recess and come back here in order that we may proceed with the Calendar.

Mr. JONES, of Florida. I want to go to the Calendar, too, and I want to have this bill concluded. I have but a few more words to say.

Mr. CONKLING. Let me say, if either of my friends is becoming discouraged about this bill, that I have a little bill here, a very nice little bill, that I could take up and pass without anybody objecting to it, in a few minutes, I do not wish to intrude, but I think it might reconcile the differences between these two distinguished Senators.

Mr. HARRIS. I have no doubt the bill of the Senator from New York would tend very much to reconcile the differences, as everything he does has that tendency.

Mr. CONKLING. It would make the whole thing placid, if the Senate would only allow it to be done.

The PRESIDING OFFICER. Does the Senator from Tennessee withdraw his motion for a recess?

Mr. HARRIS. I withdraw it if there is any hope of proceeding with this bill. Of course I do it unconditionally.

Mr. JONES, of Florida. I have some little interest in the Calendar, and I do not propose to protract the discussion. This is a far more important matter than many others that lie behind it. There are some things on the Calendar I know which are important, but there is nothing on the Calendar half as important as this measure. I think it is proper that this subject should be understoood, because I feel satisfied from what I have read in the public prints and from what I have heard outside that the subject is not understood.

Mr. SAULSBURY. I should like to ask the Senator one or two

questions, with his permission. Is there any dispute about the fact that we have now in our possession moneys that we ought not to have taken from the Japanese Government? If that fact is admitted, then I want to ask the further question, whether we are not bound in honor to refund the money, and whether we can perform any higher act of national honor than to refund the money which it is admitted we have in our possession without authority?

Mr. JONES, of Florida. That is a very abstract question, to begin with. I am sorry that the Senator has asked me the question. I think I can answer it. This money was paid to the Government of the United States for the violation of a public treaty and an insult to its flag. Cuba paid $100,000, or something like that, for its violation of public law in taking the lives of some people there and insulting the flag of the United States. I never could understand what rule of damages was adopted in that case. Some said it was blood money, and so it was. Cuba paid some eighty thousand dollars to the United States for murdering Ryan and his associates and capturing a ship of an individual citizen of the Union, in which the Government of the United States had no interest whatever.

What is the rule of damages in such a case? How will the Senator from Delaware prescribe it? If the flag of his country is insulted, if its citizens are murdered, and if in order to avoid the penalties and perils of war it is determined to accept a pecuniary satisfaction, I ask the Senator what rule of damages his sense of justice prescribes that would regulate the amount of the payment?

Mr. SAULSBURY. My understanding of this case is (and I have not heard the fact disputed) that there was an agreement between certain powers to exact from the Japanese Government a certain amount of money, a larger amount than they themselves had lost.

Mr. JONES, of Florida. I do not understand that to be the case at all.

Mr. SAULSBURY. That has been assumed.

Mr. JONES, of Florida. I know it has been assumed, but it has not been proven.

Mr. SAULSBURY. From all that I have seen in connection with this case, my impression is that we are in the position of having money in our possession that ought not rightly to be there; and if that is true, I know of no higher act the honor of the people requires us to perform than to return it with its accumulations to the party from whom we have taken it.

Mr. HARRIS. The Senator from Florida kindly yielded to me a while ago to make a motion for a recess. I am informed since I withdrew that motion that there are two or three Senators who desire to be heard upon this bill. If we are going to take a recess at all we ought to take it at this hour, in order to get back here at half past seven o'clock. If the Senator will yield to me for that purpose, I will now make the motion and will not withdraw it.

Mr. BURNSIDE and others. Say eight o'clock.

Mr. HARRIS. It is five o'clock now, and two and a half hours at this late day of the session are quite recess enough.

Mr. HOAR. The Senator will get quite a number more votes for his motion if he will extend the recess to eight o'clock.

Mr. BURNSIDE. I can get back here by half past seven, but other Senators think eight o'clock will suit them best.

Mr. HARRIS. Does the Senator from Florida yield to me to make the motion?

Mr. JONES, of Florida. Oh, yes.

Mr. CONKLING. I want to ask a question of the Chair, if the Senator will allow me. Would that leave the Japanese indemnity-fund bill the unfinished business?

The PRESIDING OFFICER. Under the rule adopted the other morning the Senate would proceed this evening to the calendar of bills from the House unless otherwise ordered. It is within the power of the Senate to order otherwise.

Mr. HARRIS. Would it not leave the bill now under consideration the unfinished business for to-morrow after the morning hour?

The PRESIDING OFFICER. It would if taken up at the close of the night session.

Mr. HARRIS. That I supposed to be the rule. It will come up at half past one o'clock to-morrow as the unfinished business.

The PRESIDING OFFICER. It will be the unfinished business for to-morrow at half past one o'clock.

Mr. HARRIS. Now, I move that the Senate take a recess until half past seven o'clock this evening.

Mr. HOAR. I move to amend by inserting eight o'clock.

Mr. EATON. I wish to say to my friend from Tennessee that if the pending bill is set aside in this way it is the end of the bill. In justice to my committee, or myself, or my sense of decency—to use an expression that my friend from Florida has made very familiar to my ears here—I must oppose the laying aside of this bill. When we come here to-morrow, I want to say to my friend from Tennessee that the sundry civil appropriation bill will be ready, and I cannot antagonize that. Let us take a vote on this question to-night, coming here after the recess and going through with this bill. I do not want to hold anybody here now.

Mr. HARRIS. There are two answers to the suggestion of the Senator from Connecticut. If we take a recess now and reassemble at seven and a half o'clock, a majority of the Senate can proceed with the consideration of this bill if it sees proper to do so, and unless a majority favor it it ought not to be proceeded with. Secondly, if we take a recess now and return and go on with the consideration of House bills upon the Calendar favorably reported, the bill now under consideration is the unfinishad business at one and a half o'clock to-morrow. The sundry civil bill cannot be called up by that time nor for some time afterward, because it will be impossible that it shall be printed and laid upon our table until late to-morrow evening or to-morrow night; and the Senator from Connecticut will have abundant time to consider and dispose of his bill before that bill can possibly be taken up in the Senate. I do not desire to antagonize the consideration of the Senator's bill, but I do desire to utilize the time.

Mr. EATON. I think my friend is mistaken with regard to the sundry civil bill. As a member of the Committee on Appropriations, I believe that my information is such that that bill will be here to-morrow.

The PRESIDING OFFICER. The Chair will inform the Senator that it has been reported already.

Mr. HARRIS. If I am authorized to say so, it is formally reported, I grant, but I chance to know that the committee will be in session every hour of to-night to go through with that bill, and I chance to know that it will not reach the hands of the printer until to-morrow morning, and it cannot be considered by the Senate until late to-morrow or to-morrow night. I therefore move that the Senate take a recess until seven and a half o'clock.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] has moved as an amendment that the Senate take a recess until eight o'clock.

Mr. BURNSIDE. I hope the Senators who desire an evening session will yield half an hour to those whose engagements may prevent them from being here at half past seven. That is very reasonable I am sure. I do not think it is asking a great deal.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to take a recess until eight o'clock.

The amendment was not agreed to, there being on a division—ayes 16, noes 24.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee to take a recess until half past seven o'clock——

Mr. BURNSIDE. I move that the Senate adjourn.

The PRESIDING OFFICER. Pending which the Senator from Rhode Island moves that the Senate adjourn.

The motion was not agreed to.

Mr. THURMAN. I wish to inquire what will be the unfinished business to-morrow at half past one?

The PRESIDING OFFICER. The unfinished business to-morrow at half past one will be the Japanese fund bill. The question is on the motion of the Senator from Tennessee to take a recess until half past seven o'clock.

The motion was agreed to; and (at five o'clock and twelve minutes p. m.) the Senate took a recess till half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

AMENDMENTS TO BILLS.

Mr. McDONALD, from the Committee on Public Lands, reported an amendment intended to be proposed to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The Secretary will report the first House bill on the Calendar favorably reported under the rule.

The bill (H. R. No. 2773) granting a pension to James P. Hunter was announced as being first in order.

Mr. BALDWIN. I ask the Senate to consent to take up for present consideration Senate bill No. 1836. It will not take two minutes to pass the bill.

Mr. HARRIS. I appeal to the Senator from Michigan not to interfere with this call of House bills favorably reported on the Calendar. By devoting one or two hours to that call to-night I think we shall get through with the entire Calendar. I gave notice when the resolution was adopted fixing that order of business that I should object to any interference with the rule. Hence, I hope the Senator will not regard my objection as in any possible sense personal, but I must object.

Mr. McMILLAN. I think it was understood that the Senator from Michigan should have the privilege of disposing of two cases in his charge within the morning hour. I understood him to state it would take but five or ten minutes to dispose of them.

Mr. TELLER. Wait until after we have run through the Calendar.

The PRESIDING OFFICER. There being objection the Senator

from Michigan will have to move that the pending order be postponed.

Mr. ALLISON. I ask the Senator from Michigan to yield to me a moment until I call up a conference report.

Mr. BALDWIN. Certainly.

The PRESIDING OFFICER. The conference report will be laid before the Senate.

Mr. ALLISON. It is on the fortification appropriation bill.

FORTIFICATION APPROPRIATION BILL.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$175,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$325,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same.

W. B. ALLISON,
JAMES B. BECK,
NEWTON BOOTH,
Managers on the part of the Senate.
JOHN H. BAKER,
HIESTER CLYMER,
ERASTUS WELLS,
Managers on the part of the House.

The report was concurred in.

ORDER OF BUSINESS.

Mr. HOAR. I desire to remind my honorable friend from Tennessee that the Senator from Michigan had a sort of promise yesterday when the Japanese indemnity bill was laid aside that if he would withdraw his objection to the application then, it would not in the least prevent him from getting up his bills to-day without interference from the Calendar, and under those circumstances I desire to ask him whether he will not permit the Senator from Michigan to take up his bills.

Mr. HARRIS. It would afford me very great pleasure to oblige the Senator from Michigan or the Senator from Massachusetts; but I know if I yield to one appeal, I shall have seventy-five other appeals of exactly the same character, and it would afford me great pleasure to yield to all of them.

I beg to say to the Senator from Michigan, that if he will allow us to proceed for an hour or so upon the Calendar, I will give him all the aid in my power to get up his bill, for I am satisfied that in an hour and a half we can dispose of the House bills upon the Calendar, and then the Senator's bill can be taken up and considered, and it will afford me infinite pleasure to give him all the aid in my power to get it up for consideration.

Mr. BALDWIN. I am very sure, as has been suggested by the Senator from Tennessee, that there is no personal reason why he objects to the present consideration of the bill to which I have called attention; but it was understood last night when I made this motion that if it should be withdrawn at that time consent would be given that the bill should be taken up early this morning. I again made the motion in the afternoon, and the same suggestion was made as is made now; and more time has been taken up now than it would have taken to pass the two little bills I desire to have taken up. It is the first time during the present session that I have asked this of the Senate, and I must persist in the request.

Mr. COCKRELL. I simply desire to say that nobody over here that I ever heard of ever made any promise of the kind. I never heard of such a thing, I say very frankly. It may have been talked of and may have been heard by some Senators around the Senator from Michigan, but not here——

Mr. DAVIS, of Illinois. I would suggest that unanimous consent be given to-night, so far as we can, that we take up the bills of the Senator from Michigan to-morrow morning. There are too many persons interested in these House bills to have them set aside.

Mr. BALDWIN. I insist on the motion. The suggestion was made last night, and it was made again this morning, and it is the first time I have made such a request during the present session. It is something which has been granted every day; it has been granted to-day in the Senate, and it has been granted almost every day during the session. I should not, however, insist on it if I had not a very important business engagement which will take me out of the Senate by and by, and besides at a later period in the evening there will very likely be no quorum present. If the Senate see fit to vote me down, so be it. I insist on the motion.

The PRESIDING OFFICER. The Senator from Michigan moves to postpone the pending order with a view of taking up the bill which he has indicated.

The question being put, it was declared that the noes appeared to prevail.

A division was called for.

Mr. MCMILLAN. I remember distinctly when the Senator from Michigan applied to the Senate for unanimous consent to take up these bills that it was understood that if he would postpone his request the Senate would yield to his request and take up the bills. I know the Senator has yielded two or three times. This privilege has been granted to other Senators to-day, as the Senator has remarked, and I see no reason why his request should not be granted.

Mr. HOAR. It is the first time when a Senator whose term of service here was within two days of its close stating to the Senate that he had an important business engagement which is to take him away by and by was refused such a request to take up a bill as a matter of course. It is the first time such a thing ever happened.

Mr. WITHERS. The Senator is mistaken.

Mr. BALDWIN. One more suggestion. It will be remembered by the Senator from New York [Mr. KERNAN] that last night when he made a motion for an adjournment and I objected to it, the Senator said, "If the Senator from Michigan will withdraw his motion we will aid him in getting up the bill to-morrow morning."

Mr. KERNAN. I certainly did say so, and I am willing to aid him for that reason.

Mr. HARRIS. I call for the regular order.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan to postpone the pending order.

The question being put, there were on a division—ayes 20, noes 15; no quorum voting.

Mr. HARRIS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 30, nays 15; as follows:

YEAS—30.

Allison,	Dawes,	Kernan,	Pugh,
Bailey,	Eaton,	Kirkwood,	Ransom,
Baldwin,	Hampton,	Lamar,	Rollins,
Booth,	Hill of Colorado,	McMillan,	Slater,
Butler,	Hoar,	McPherson,	Vance,
Call,	Ingalls,	Morgan,	Williams.
Cameron of Pa.,	Jonas,	Pendleton,	
Coke,	Jones of Florida,	Platt,	

NAYS—15.

Beck,	Garland,	Logan,	Walker,
Cockrell,	Groome,	McDonald,	Wallace,
Davis of Illinois,	Harris,	Maxey,	Withers.
Davis of W. Va.,	Hereford,	Teller,	

ABSENT—30.

Anthony,	Conkling,	Jones of Nevada,	Sharon,
Bayard,	Edmunds,	Kellogg,	Thurman,
Blaine,	Farley,	Morrill,	Vest
Blair,	Ferry,	Paddock,	Voorhees,
Brown,	Grover,	Plumb,	Whyte,
Bruce,	Hamlin,	Randolph,	Windom.
Burnside,	Hill of Georgia,	Saulsbury,	
Cameron of Wis.,	Johnston,	Saunders,	

So the motion was agreed to.

ARTHUR W. EASTMAN.

The PRESIDING OFFICER. Will the Senate now proceed to the consideration of the bill indicated by the Senator from Michigan?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1836) for the relief of Arthur W. Eastman. It proposes to confirm the homestead entry of Arthur W. Eastman made at Traverse City, Michigan, on the 22d of May, 1876, for the southwest quarter of section 28, in township numbered 34 north, of range 3 west.

Mr. DAVIS, of Illinois. Is there a report in the case?

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HILL, of Colorado, February 23, 1881:

The Committee on Public Lands, to which was referred the bill (S. No. 1836) for the relief of Arthur W. Eastman, has had the same under consideration, and reports:

The committee adopts the letter of the Commissioner of the General Land Office as its report, and recommends that the bill do pass.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 9, 1881.

SIR: I am in receipt of your letter of the 8th instant, transmitting Senate bill No. 1836, for the relief of Arthur W. Eastman, and requesting the views of this office in reference to said bill becoming a law.

In reply I have to state that from the testimony and papers in the case, it appears that Mr. Eastman, who made his homestead entry May 22, 1876, attempted to establish a residence on the entered tract, but was prevented from doing so on account of disability from wounds received in the Army during the late civil war; that on account of his health he has been prevented from complying with the requirements of the homestead law. No other party has any claim to the land embraced in the entry of Eastman, though a contest was initiated against it by a party having no rights thereto of prior date.

I am unofficially informed that the bill in question was drafted in this Department after a careful consideration of all the equities in the case, as the only relief to be afforded Mr. Eastman. I would therefore recommend that the bill may become a law.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

JESSE B. CALDWELL, Esq.,
Clerk of Committee on Public Lands, United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAM-BARGE TECUMSEH.

Mr. BALDWIN. Now I ask the Senate to take up for present consideration the bill (S. No. 2084) to authorize the Secretary of the Treasury to issue an American register to the steam-barge Tecumseh.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment to add:

Under the legal conditions of registration.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES P. HUNTER.

Mr. HARRIS. Regular order, Mr. President.

The PRESIDING OFFICER. The first House bill on the Calendar favorably reported will be laid before the Senate.

The bill (H. R. No. 2773) granting a pension to James P. Hunter was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of James P. Hunter, late a private in First Illinois Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. FURMAN.

The bill (H. R. No. 1452) for the relief of James B. Furman was considered as in Committee of the Whole. It provides for placing the name of James B. Furman, late a private of Company C of the Seventh Regiment of Pennsylvania Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WYATT BOTTS.

The bill (H. R. No. 802) granting a pension to Wyatt Botts was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $8 per month, the name of Wyatt Botts, late a private in Company B, Eighty-eighth Regiment Infantry Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHANNA MEEHAN AND CHILDREN.

The bill (H. R. No. 2637) granting a pension and arrears of pension to Johanna Meehan and minor children was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the word "from," in line 10, to strike out "the 14th day of July, 1872, when said Patrick Meehan died," and insert "and after the passage of this act;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Johanna Meehan, widow of Patrick Meehan, private of Company I, Eighty-ninth Regiment of Indiana Volunteers, and Johanna Meehan, Annie Meehan, and Catharine Meehan, minor children of said Patrick and Johanna Meehan, and pay them a pension, to commence from and after the passage of this act until said children reach the age of sixteen years, and so long as the said Johanna Meehan remains the widow of said Patrick Meehan.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLATT. The title ought to be amended by striking out "and arrears of pension."

The amendment was agreed to.

HENRY MILLS.

The bill (H. R. No. 2439) granting a pension to Henry Mills was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Mills, late a private Company D, of the Ninety-eighth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TAXES ON CHURCH PROPERTY.

The bill (H. R. No. 6324) to construe an act entitled "An act to relieve the churches in the District of Columbia, and to clear the title of the trustees of such property," was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That upon the payment on or before the 1st day of October, 1881, of all taxes and assessments levied since the 1st day of July, 1874, upon church property used for parsonage purposes in the District of Columbia, all taxes and assessments levied upon said parsonage property prior to said 1st day of July, 1874, together with any and all penalties, costs, and interest that may have accrued thereon, shall be, and hereby are, remitted and released.

SEC. 2. That all taxes and assessments heretofore levied upon orphan asylums and on the grounds actually occupied thereby, together with all penalties, costs and interest that may have accrued thereon, shall be, and hereby are, remitted and released; and said asylums and grounds shall hereafter be exempt from taxation while so occupied: *Provided*, That all other real estate belonging to such institutions shall still be held for assessment and taxation, and for all previous assessments and taxes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to construe an act entitled 'An act to relieve the churches and orphan asylums of the District of Columbia, and to clear the title of the trustees of such property.'"

WASHINGTON AND CHESAPEAKE RAILROAD.

The next House bill in order on the Calendar was the bill (H. R. No. 7117) authorizing the Washington and Chesapeake Railroad Company to extend its railroad into and within the District of Columbia.

Mr. CAMERON, of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HARRIS. I ask the Senator from Pennsylvania to let it go over informally, and without prejudice, until the Senator from Maryland, who reported the bill, [Mr. WHYTE,] is present.

Mr. CAMERON, of Pennsylvania. I would rather not do that. I would rather have it go over.

Mr. COCKRELL. I notified the Senator from Maryland that I should object to it when it was called up. I do not think he had any expectation of passing it.

Mr. HARRIS. I prefer that it go over without prejudice, in view of the fact that he is absent and has charge of the bill.

Mr. CAMERON, of Pennsylvania. I should rather it would go over.

The PRESIDING OFFICER. Does the Senator from Tennessee make the motion that it go over without prejudice?

Mr. HARRIS. I make that motion. I simply ask that Senators consent to let it go over without prejudice.

Mr. CAMERON, of Pennsylvania. I should like to be kindly to the Senator from Maryland, but I would rather this bill should be passed by for the present.

The PRESIDING OFFICER. It will go over under the objection of the Senator from Pennsylvania.

SOUTHERN MARYLAND RAILROAD.

The bill (H. R. No. 6659) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia, was announced as being next in order.

Mr. CAMERON, of Pennsylvania. I think that should go over, too.

The PRESIDING OFFICER. The bill will be passed over.

BELT STREET RAILROAD.

The bill (H. R. No. 7032) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, to insert as section 5 the following:

That the said corporation shall be bound to keep said tracks and a space of two feet beyond the outer rails thereof, and also the space between the tracks, at all times well paved and in good order, in such manner and with such material as may be directed by the commissioners of the District of Columbia; and if there be at any time no such commissioners, then by the Secretary of War, without expense to the United States or the said city.

Mr. ROLLINS. I hope the amendment will be voted down. I think there is no necessity for the amendment. The committee have informally authorized me to make that request of the Senate, as this is provided for in the original charter. I withdraw the amendment, if I have the right to do so.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment?

Mr. INGALLS. In order to avoid the implication which might arise from withdrawing this amendment that the railroad company were authorized to disregard the provisions of this amendment, it ought to be distinctly stated that it is withdrawn, if it be the case, because the original charter of the company requires that to be done which the amendment provides for. I have not examined the bill myself, and if the Senator from New Hampshire has done so and can state that this amendment will not affect the obligation of the company to pave as required by the amendment, I shall not object to its withdrawal.

Mr. DAVIS, of Illinois. The bill, as I understand, authorizes this company to lay certain additional tracks. If it accepts this amendment to the charter, it is bound by the fourth section of this act. There can be no doubt in the world of that, and it will have to lay down its tracks accordingly.

Mr. ROLLINS. I am advised by those better qualified to judge of the effect of the original act that the company will not be relieved of any responsibility in this matter. It will still be required to keep the tracks in order and the space provided for.

Mr. DAVIS, of Illinois. They certainly will if they accept the addition to their charter.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

METROPOLITAN STREET RAILROAD.

The bill (H. R. No. 7031) to amend the charter of the Metropolitan

Railroad Company of the District of Columbia was announced as the next in order.

Mr. CAMERON, of Pennsylvania. I object to the consideration of that bill.

The PRESIDING OFFICER. The bill will be passed over.

Mr. ROLLINS. I hope the Senator from Pennsylvania will not object to this bill.

The PRESIDING OFFICER. The bill has been passed over.

Mr. ROLLINS. I was in hopes the Senator would withdraw his objection.

FORT RIDGELY RESERVATION.

The bill (H. R. No. 3751) to amend chapter 198, volume 16, of the Statutes at Large was considered as in Committee of the Whole. It proposes to amend chapter 198, volume 16 of the Statutes at Large, being an act for the disposal of the lands within the Fort Ridgely military reservation, Minnesota, by adding thereto a new section:

SEC. 4. All lands within the limits of the said reservation, and not embracing any Government improvements, shall be open to homestead settlement and timber-culture entry as other public lands in Minnesota from and after the passage of this act: *Provided*, That all persons now residing on any of said lands, or who have failed on any of the lands of said reservation as *bona fide* settlers, shall have sixty days from and after the passage of this act to refile on the same tract as homestead or tree-culture entry, and shall have a preference over all other persons as to the tracts so settled on by them. And all persons who were allowed to pre-empt any of said lands, and who have paid for the same at the rate of $1.25 per acre, shall be entitled to a patent for the same.

Mr. INGALLS. I should like to hear the report in that case read.

The Chief Clerk read the following report submitted by Mr. CAMERON, of Pennsylvania, February 22, 1881:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3751) to amend chapter 198, volume 16 of the Statutes at Large, having duly considered the same, beg leave to submit the following report:

The committee adopt the House report in this case, which is as follows:

"Your committee find the purpose of this bill is to open the Fort Ridgely military reservation in Minnesota to homestead and timber-culture entry, the same as other lands in the State. This reservation has already been restored to the public domain by the act sought to be amended, being 'An act for the disposal of the lands within the Fort Ridgely military reservation, Minnesota,' and there seems no good reason why the lands embraced in this reservation should not be subject to the same terms of entry as other lands in Minnesota.

"The Secretary of War having been addressed on the subject, replies that he 'knows of no objection to the bill.'

"The committee have amended the bill so as to except from its operation that portion of the reservation already deeded to the United States for the uses of a cemetery.

"With this amendment, your committee recommend the passage of the bill."

In addition to the above report, your committee beg to call attention to the following letter from the Secretary of War, giving further information upon the subject:

"WAR DEPARTMENT,
"*Washington City, January* 20, 1881.

"MY DEAR SENATOR: I have your letter of the 17th instant, inclosing House bill No. 3751, to amend chapter 198, volume 16 of the Statutes at Large, the purport of which is to open the Fort Ridgely military reservation in Minnesota to homestead and timber-culture entry in the same manner as other lands in the State, and, as the matter affects my State, requesting information on the subject.

"Acknowledging your courtesy, I beg to remark that by the act of Congress of July 1, 1880, (which the present bill amends,) all interest in that reservation passed out of the jurisdiction of the War Department and the whole matter turned over to the Interior Department for final disposition. The tract on which are located most of the Government improvements has been in controversy between the United States and H. B. Randall, suit having been brought at the instance of the Interior Department. Should this litigation not be satisfactorily settled, I conceive that the clause in the proposed bill, 'and not embracing any Government improvements,' will afford sufficient protection to the interests of the Government.

"With regard to the cemetery lot, the War Department, on the 16th of November last, declined to accept the proffered deed from Randall and wife, and concurred in the recommendation of the Quartermaster-General that the remains, except those whose graves have been marked by a monument erected by the State authorities and lie within an iron fence also erected by the State, be removed to the Rock Island Cemetery.

"Very truly yours,

"ALEX. RAMSEY,
"*Secretary of War.*

"Hon. J. D. CAMERON,
"*United States Senate.*"

The committee therefore beg leave to report the bill back to the Senate favorably, and recommend its passage.

Mr. McDONALD. I think I shall have to object to that bill. The lands have been for some time under the control of the Secretary of the Interior, and there does not seem to be anything from the Interior Department relating to the subject. The information from the Secretary of War on that subject certainly is too imperfect to justify our passing a bill covering so much ground.

Mr. McMILLAN. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana objects to the further consideration of the bill, and it goes over.

Mr. McMILLAN. I ask the Senator to withdraw the objection. This is a bill already considered in the House of Representatives and passed there; it is merely amending the statute placing the lands which were embraced within the Fort Ridgely military reservation in the Interior Department, and placing them subject to sale under the law regulating pre-emptions, but the laws in regard to settlement upon the lands under the timber-culture act do not apply to it. The effect of this bill is to bring these lands within the operation of those laws. I see no reason why there should be hesitation about amending the section as this bill provides. I hope the Senator from Indiana will withdraw his objection.

The PRESIDING OFFICER. Does the Senator from Indiana withdraw his objection?

Mr. McDONALD. As I heard the bill read there is much more in it than merely amending the section of the statute referred to. I certainly think the Interior Department ought to have been conferred with in regard to that reservation and the proper disposition to be made of it. The Secretary of War informs us that it has been some years since it passed from under the control of the War Department and became part of the public lands and was made subject to the control of the Interior Department. I do not feel like letting a bill of that kind pass without knowing more about it.

Mr. McMILLAN. If the Senator insists upon his objection let the bill pass over without prejudice until he can have an opportunity of examining it.

Mr. McDONALD. Very well.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

HERBERT JOYCE.

The bill (H. R. No. 5748) for the relief of Herbert Joyce was considered as in Committee of the Whole. It directs the accounting officers of the Treasury to settle with Herbert Joyce, late a private of Company B, Second Battalion, Sixteenth United States Infantry, all bounty, pay, and allowances retained from him by reason of a sentence of a court-martial approved April 23, 1866, remitted August 15, 1866, he having subsequently served for the full term of his original enlistment of five years, and been honorably discharged.

Mr. LOGAN. Read the report in that case.

The PRESIDING OFFICER. The Secretary informs the Chair that there is no report.

Mr. KERNAN. There is a House report.

Mr. COCKRELL. I have here the report of the House committee. The Senator from New Jersey [Mr. RANDOLPH] adopted the House report.

The PRESIDING OFFICER. Will the Senator from Missouri send up the report, and it will be read?

The Chief Clerk read the following report, submitted by Mr. UPDEGRAFF, of Iowa, from the Committee on Claims of the House of Representatives, June 4, 1880:

The Committee on Claims, to whom was referred the bill (H. R. No. 5748) for the relief of Herbert Joyce, would respectfully report:

That on the 4th day of January, 1864, Herbert Joyce enlisted for five years in the Sixteenth United States Infantry, (regular Army,) and was assigned to Company B, Second Battalion, then at Chattanooga, Tennessee; that his company accompanied General Sherman's army, and Joyce was in three of its battles, and was, on the 28th of May, 1864, in the battle of New Hope Church, Georgia, taken prisoner, sent to and confined in Andersonville military prison until December 11, 1864, nearly seven months; that he was exchanged, and returned to Chattanooga, Tennessee; that he was then but sixteen years old, and being disheartened and homesick, (from the hard duty, for one so young, and confinement,) without proper furlough he went to his home, but with no apparent intention of deserting. He was arrested as a deserter, tried before a court-martial, and sentenced to forfeit all pay and allowances then due him or that might become due him, and, in addition thereto, be confined at hard labor for the remainder of his term of enlistment. Upon this sentence he was confined at hard labor some four months, when Major-General Thomas remitted the unexecuted portion of the sentence, and he was returned to his company. After return to his company he continued a faithful soldier for the full remainder of his term of enlistment, and also the full time lost by reason of the desertion in addition thereto, and was honorably discharged for full-term service.

At the time of the sentence of the court-martial, and subsequently during his confinement under same, there was and became moneys due him for bounty, pay, and allowances, and which the Government refused to pay him upon his final honorable discharge, for the reason that it was part of the executed portion of the sentence of the court-martial and not remitted by order of General Thomas. This the Government still retains, and Joyce has never been paid same. The Government has received full-term service, including all loss of time, and agreed to pay these allowances and bounty therefor; and your committee, considering his youth, his imprisonment nearly seven months as prisoner of war at Andersonville, and nearly four months' confinement at hard labor upon the sentence of the court-martial, his subsequent faithful service for full term and all time lost, and honorable discharge, are unanimously of the opinion the Government should adjust and settle with him for all bounty, pay, and allowances retained from him by reason of the sentence of the court-martial, and they therefore report this bill favorably to the House, and recommend its passage.

Mr. LOGAN. I dislike to object to a bill of that kind coming from the committee of which I am a member, but I should like to hear some further explanation in reference to it. That report certainly shows that this is legislation in reference to a judgment of a court-martial, and I cannot understand how Congress can do that.

Mr. DAVIS, of Illinois. Then pass it over without prejudice.

Mr. LOGAN. I ask that it go over. I think the proper mode of relief is by pardon in a case of that kind, and not by legislation of Congress, and I shall make objection unless it be passed over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

LEWIS A. KENT.

The bill (H. R. No. 3450) for the relief of Lewis A. Kent was considered as in Committee of the Whole. It declares that Lewis A. Kent, late captain of Company G, Sixth Regiment Wisconsin Volunteer Infantry, who was mustered as such captain to date July 28, 1864, shall be taken and deemed to have been mustered as such captain as of the 7th of May, 1864, that being the day when he was assigned to and from which he continuously discharged the duties of such office, and shall be recognized and treated by all the Departments of the Government of the United States as a captain mustered at the last-named date, and doing duty as such from that date until his final muster-out of service.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

AWARDS TO PARTIES IN TENNESSEE.

The bill (H. R. No. 6248) directing the payment of certain awards in favor of parties therein named was considered as in Committee of the Whole. It provides for the payment to the persons named, in the State of Tennessee, of the sums found to be due them by the court of claims created by Major-General George H. Thomas, in the year 1864, composed of Colonel H. C. Gilbert, of the Nineteenth Michigan Regiment of the United States Volunteers, as president, and Captain Hubbard, Lieutenant Colville, Doctor John B. Armstrong, and S. L. Colville, members, the names and amounts being specified in detail.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HOMER FELLOWS.

The bill (H. R. No. 3789) for the relief of Homer Fellows was considered as in Committee of the Whole. It provides for the payment to Homer Fellows of $250, in full payment of his claim for services as an employé of the House of Representatives from December 4, 1877, to April 4, 1878.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHOCTAW CLAIM.

The bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation was considered as in Committee of the Whole.

Mr. HOAR. Is there anything in that bill which sets out what are the claims which are to be presented, in any way? If I heard it correctly, as the Clerk read it very rapidly, it is an act simply authorizing the Court of Claims to consider all differences between the United States and the Choctaw Nation. If the Choctaw Nation should claim the city of Washington as their property, the Court of Claims would have jurisdiction.

Mr. GARLAND. I will state to the Senator from Massachusetts that the preamble contains in short the object of this bill.

Whereas the Choctaw Nation, for itself and in behalf of individual members thereof, makes claim against the United States on account of various treaty provisions which it is alleged have not been complied with: Therefore.

It is in reference to treaties between the United States and the Choctaw Nation, now in existence for over thirty years, matters which have been pending in Congress for that length of time, and it is at last concluded that the cheapest way to get rid of the whole case is to let them go into the Court of Claims, prove their cause of complaint, and have it adjudicated there.

Mr. HOAR. This is a House bill, and to amend it would send it back and endanger its passage. I will not on the statement of the honorable Senator make an objection, but it strikes me it is rather a loosely drawn bill.

Mr. GARLAND. It is not as well drawn perhaps as most bills are, but I beg the Senator not to object, because an objection is fatal to the bill at this session, and one of the agents of that nation after living here thirty-odd years to see the end of this has died at last, and the other one, the only one surviving, has come on and he will not live very long if this bill is not passed.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The preamble was read and agreed to.

HEIRS OF LANGLEY B. CULLEY.

The bill (H. R. No. 3826) for the relief of the heirs of the late Langley B. Culley was considered as in Committee of the Whole. It provides for the payment to the heirs of the late Langley B. Culley, a naval constructor in the Navy of the United States, of $2,300 in payment for all services now due the heirs of Culley from the United States.

Mr. KIRKWOOD. Is there a report in that case?

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The report will be read.

The Chief Clerk read the following report, submitted by Mr. TALBOTT from the Committee on Naval Affairs of the House of Representatives February 20, 1880:

The Committee on Naval Affairs, to whom was referred the memorial of the heirs of Langley B. Culley, a naval constructor in the Navy of the United States, having had the same under consideration, respectfully submit the following report:

It appears by the records of the Navy Department that Langley B. Culley was appointed a naval constructor by the late John Y. Mason, Secretary of the Navy, February 26, 1845, at a salary, as stated in his letter of appointment, of $2,300 per annum; and that said appointment was revoked by George Bancroft, who succeeded Mr. Mason as Secretary of the Navy, April 17, 1845, Mr. Culley having accepted the appointment in a letter dated February 26, 1845. It also appears that at the time of his appointment and acceptance of the office he owned and occupied a ship-yard in Baltimore, Maryland, where he was doing a successful business in the line of his profession; and in order to enter on the discharge of the duties of the office to which he had been appointed by the Secretary of the Navy, he sold out his ship-yard, and sacrificed a flourishing business; and after holding himself in readiness for fifty days to obey the orders of the Navy Department, he was informed by the Secretary of the Navy that in consequence of the failure of Congress to make an appropriation for the pay of the office to which he had been appointed, said appointment was revoked. In the mean time his business arrangements had been broken up, and his ship-yard had passed into other hands.

From the numerous statements which the committee have examined, all of which bear testimony to the high moral, intellectual, and professional abilities of Mr. Culley, and of his eminent fitness for the position to which he had been appointed, and taking into consideration the sacrifices which he made in accepting said appointment, and for which neither he nor his heirs have received any compensation, the committee are unanimously of the opinion that his heirs are justly and equitably entitled to at least one year's pay at the rate named in his letter of appointment, and herewith report the accompanying bill.

The bill was reported to the Senate, and ordered to a third reading.

Mr. SAULSBURY. I should like to inquire whether it has been customary where a party has been appointed to an office and his appointment revoked before he enters on the discharge of the duties of the office to indemnify him for any losses which he may have sustained by reason of his having given up the business in which he had previously been engaged? It seems to me rather a strange proceeding. The Government makes an appointment of a man to an office: subsequently it is deemed proper to revoke that before he enters on the discharge of the duties of the office. This is a proposition to go now and indemnify him for the loss he sustained by giving him a year's salary. It seems to me rather a novel proceeding. I do not know personally anything about the claim except as it is presented in the report.

Mr. VANCE. I am only able to answer the Senator from Delaware that in the opinion of the committee it was just to appropriate this amount. This man had sold out and broken up his business by reason of the appointment, which was revoked by the Secretary of the Navy. Whether it is the custom or not it is but just that some compensation should be made to him. The testimony elicited by the committee was to the effect that he had received no compensation whatever, not even for the two months for which he held the commission.

The bill was read the third time, and passed.

Mr. LOGAN subsequently said: I wish to call the attention of the Senate to House bill No. 3826, which passed a few moments ago. I desire to enter a motion to reconsider the vote by which that bill was passed.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The motion to reconsider will be entered.

REDMOND TULLY.

The bill (H. R. No. 2058) for the relief of Redmond Tully was announced as next in order.

Mr. INGALLS. I should like to hear the report read in that case.

The Chief Clerk proceeded to read the report submitted by Mr. RANDOLPH from the Committee on Military Affairs February 25, 1881.

Mr. LOGAN. It is not necessary to read the report any further. The bill cannot pass, and I shall object to it. Let it go over merely.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. TELLER. Without prejudice.

Mr. LOGAN. Without prejudice. I desire, however, to state, so that it may not be considered that I am objecting to a man who was a soldier, that this bill puts him back into the Army and gives him the rank he would have held if he had remained in the Army, which certainly would displace a great many other officers. I cannot agree to a bill of that kind being passed.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the bill go over without prejudice. Is there objection?

Mr. GROOME. I object.

The PRESIDING OFFICER. The Chair will state to the Senator from Illinois that it requires unanimous consent for a bill to go over without prejudice as he has suggested, and the Senator from Maryland objects.

Mr. BURNSIDE. I object to the bill.

The PRESIDING OFFICER. The Senator from Rhode Island objects to the consideration of the bill, and the bill goes over.

Mr. GROOME. I move to postpone the present and all prior orders, with a view to proceeding to the consideration of the bill, and upon that motion I desire to be heard.

The PRESIDING OFFICER. The Chair would state to the Senator from Maryland that it is not in order to debate the merits of a bill on a motion to take it up.

Mr. GROOME. I do not propose to debate the merits of the bill.

The PRESIDING OFFICER. Anything the Senator may see proper to state in the way of taking it up would be in order.

Mr. GROOME. I do not propose to debate the merits, but I propose to state the situation to the Senate. Of course I need not remind the Senate that we are within three days of the end of the session. If the bill goes over to-night it goes over permanently. I feel that if postponed to-night, it would then be defeated. A bill for the relief of this person has been twice reported favorably at this session by the Senate Committee on Military Affairs. That fact ought to commend it to the Senate. I have consumed very little of the time of the Senate during this or the last session, as every Senator knows. I am perhaps entitled on that score to as much courtesy as any Senator can possibly ask; and if other Senators had pursued the course which I have pursued at all times as a member of this body, of not debating unnecessary questions, or consuming in frivolous discussions the time of the Senate, we would have had the most ample opportunity for the consideration of this and every other question which would possibly come before us; but having, as I said, remained almost silent during the whole session, I feel that I have a right, when an objection is made to this bill which I know is its inevitable defeat if it prevails, to make the motion I do, which is in fact nothing more than to prevent one objection from controlling the action of the Senate.

Mr. LOGAN. If the Senator will allow me, I will state to him that the objection I have is not that the bill ought not to pass, but I object to the bill in the shape in which it is.

Mr. GROOME. I understand that perfectly.

Mr. LOGAN. I will state that if the bill should pass in its present shape it would put Mr. Tully back to the rank he formerly held. I do not know how long he has been out of the Army.

Mr. GROOME. He has been out since he was illegally mustered out in 1870, as stated by this very report, and also by a report made by the Senator from Illinois himself. Both reports state that he was illegally mustered out, and state it correctly.

Mr. LOGAN. No matter how he was mustered out, the point is, the bill proposes to put him back in the Army of the date at which he was mustered out and to give him the rank that he would have had if he had remained in the Army. Following that the pay will follow.

Mr. GROOME. No, sir; any provision whatever that the Senator may propose to prevent the pay will be satisfactory to me.

Mr. LOGAN. If he is put back in the Army he displaces a number of officers, and my objection is not to the bill but to its form. I never drafted a bill of that kind.

The PRESIDING OFFICER. The Senator from Illinois will allow the Chair to suggest that this debate is out of order.

Mr. LOGAN. I am only explaining to the Senator the point of my objection.

The PRESIDING OFFICER. The Chair so understands, but the Chair is here for the purpose of enforcing the rules, and he must rule that debate on the merits of the proposition is out of order.

Mr. GROOME. My motion is simply to get rid of one single objection or two objections against this bill. My motion is that the present and all prior orders be postponed in order to enable me to take up the bill, and upon that motion I should like to have the sense of the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland that the pending and all prior orders be postponed, giving notice that if the motion prevails he will move to take up the bill mentioned by him.

Mr. GROOME. Which is the very bill that would be up but for a single objection.

The question being put, there were on a division—ayes 22, noes 11; no quorum voting.

Mr. McDONALD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BURNSIDE. I can only say if men are to be legislated back into the Army in this way——

The PRESIDING OFFICER. The Senator from Rhode Island will pardon the Chair for enforcing the same rule upon him that he did upon the Senator from Illinois. It is not in order to debate the merits of a bill on a proposition to postpone the pending order. The question is on the motion of the Senator from Maryland to postpone the pending and all prior orders for the purpose of proceeding to the consideration of the bill, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 30, nays 16; as follows:

YEAS—30.

Bailey,	Hill of Colorado,	Paddock,	Saunders,
Butler,	Jonas,	Pendleton,	Slater,
Call,	Jones of Florida,	Platt,	Vance,
Coke,	Kernan,	Plumb,	Vest,
Davis of W. Va.,	Lamar,	Pugh,	Walker,
Groome,	McDonald,	Ransom,	Williams.
Hampton,	Maxey,	Rollins,	
Hereford,	Morgan,	Saulsbury,	

NAYS—16.

Anthony,	Burnside,	Harris,	Logan,
Beck,	Cockrell,	Ingalls,	Teller,
Blair,	Davis of Illinois,	Jones of Nevada,	Wallace,
Booth,	Dawes,	Kirkwood,	Withers.

ABSENT—29.

Allison,	Conkling,	Hill of Georgia,	Sharon,
Baldwin,	Eaton,	Hoar,	Thurman,
Bayard,	Edmunds,	Johnston,	Voorhees,
Blaine,	Farley,	Kellogg,	Whyte,
Brown,	Ferry,	McMillan,	Windom.
Bruce,	Garland,	McPherson,	
Cameron of Pa.,	Grover,	Morrill,	
Cameron of Wis.,	Hamlin,	Randolph,	

So the motion was agreed to.

Mr. GROOME. I now submit the motion indicated a few moments ago, to proceed to the consideration of the bill (H. R. No. 2058) for the relief of Redmond Tully.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to reinstate Redmond Tully, late first lieutenant of the Twelfth United States Infantry, as of the date he was previously mustered out, giving him the grade, rank, and promotion which he would have held had he remained continuously in the Army; and that he shall be assigned to the first vacancy occurring in such grade in the infantry arm of the service. But he shall receive no pay or allowance for the time he was out of service other than that already received at the time of his muster-out.

Mr. GROOME. Mr. President, I do not propose at this late day of the session to delay the Senate by debating at any length this or any other question. I simply want to submit a very brief statement of facts as to this case, and when I have discharged this duty to a citizen of my State, I will be perfectly willing that the Senate shall dispose of the bill in such manner as its own sense of justice may lead it to believe is right.

The facts as disclosed in the report are few and simple. They show that upon the 2d day of January, 1871, this man, Redmond Tully, who had been a brave, capable, and efficient officer, performing every duty with the utmost fidelity, was discharged from his place in the Army without any just cause whatsoever and in direct disregard of law. That statement is fully sustained by the report of the Military Committee which I hold in my hand. On July 15, 1870, an act was passed by the Senate and the House of Representatives providing that certain officers of the Army could be put upon the supernumerary list before a given day, and that from that supernumerary list the various regiments could be filled with second lieutenancies; but the express condition of that law was that no officer should be mustered out of service without being allowed a hearing before a board of officers to show cause against it.

In direct defiance of this provision of law this officer, whom this report shows to be a most deserving one in every possible respect, was mustered out of the service without being given any chance to go before any board and show any cause whatever why he should not be so mustered out.

The report shows that he was mustered out upon the recommendation of his commanding officer, Colonel Vodges, of the First Artillery, then acting as brigadier-general. Colonel Vodges, in a letter which has been presented to the committee and has been made a part of their report, declares that he recommended the dismissal of this man from the Army because certain circumstances at that time were brought to his notice which reflected upon Captain Tully's character, which he then had every reason to believe to be true; but he adds that subsequent inquiry satisfied him that those supposed facts could not be sustained. So that, as shown by this very report, this man was illegally mustered out of the Army because his commanding officer had recommended it in consequence of the statement reflecting upon him, which the commanding officer states in the frankest and fullest manner he afterward ascertained to be totally without foundation. But that is not all of this case.

The right of the President to put officers upon this supernumerary list was limited to the 1st day of January, 1871, as shown by this report, and as shown by the twelfth section of the act to which I have referred. Yet the President of the United States, in disregard of law, on the 2d day of January, 1871, one day after all right upon his part to fill this supernumerary list had expired, issued his order placing this man on the supernumerary list, and then mustering him out, to take effect as of the day before the order was issued, which was the last day upon which such an order could legally be made. Upon the 2d day of January, 1871, I want to restate, when he had no authority whatever, under the law he made this transfer to the supernumerary list and muster out, and as the only possible means of sustaining himself he directed that the transfer and muster out should take effect and date back one day.

These are the facts simply stated. They show plainly, clearly, and unmistakably to every Senator who has listened to the statement I have made, that this man, a brave, efficient, and deserving officer, who is declared so to be by certificates of his commanding officers, and of many of his brother officers, as shown in this very report of the committee, was mustered out of the service in direct violation of law.

Mr. President, it is for the Senate to say under these circumstances whether it will pass the bill in such a shape as to put him back into the Army and give him his old date of commission and rank. He is simply asking that he may not suffer the consequence of the illegal act which removed him from the Army further than this, that he is ready and willing to agree, and it is agreed by this very bill, that if he should be reinstated in his old position in the Army he is to receive no pay during the intermediate term of years in which he was out of service.

I think he might well have claimed more than he does claim. I think he might well have claimed, having been discharged from the Army in violation of law, that he should be reinstated with compensation for the whole intervening period; but he has taken the wise and correct course, in my judgment, of asking not full justice, but a measure of relief which somewhat approaches it. Place him back in the rank of lieutenant and you will place a man who has about reached middle life in a position in which juniors without number will be over his head, who have rendered nothing like the faithful and efficient service that he has.

I have now stated the case. I think the bill ought to pass in the shape in which it is now before the Senate, and all the more do I think so inasmuch as I feel that any amendment to it may lead to its defeat at this late day of the session. I therefore submit it to the Senate and of course must abide the result, whatever it may be.

Mr. LOGAN. I desire to detain the Senate but a moment, merely to state in a plain manner, so that I may be understood by all, exactly the position that the bill would place this man in. I do not deny the unfortunate position in which he is placed; but if you pass

the bill reinstating him, you do not nominate him to the Senate to be confirmed, but give the President power to put him back in the Army. I do not believe that authority can be given, but still I will not discuss that here. If you reinstate him in the Army, and give him the rank that he would have had, for that is the bill, provided he remained in the service, will the Senator from Indiana please tell me what rank he would have had if he had remained in the service? If the Senator cannot tell, how will the President tell? He might have been a brigadier-general.

Mr. GROOME. If the Senator desires me to answer I will tell him what his rank will be.

Mr. LOGAN. What?

Mr. GROOME. It will be that of captain.

Mr. LOGAN. How does the Senator know that?

Mr. GROOME. Your report shows that—the report of the Committee on Military Affairs.

Mr. LOGAN. He might have been dismissed from the service prior to this time.

Mr. JONES, of Florida. Then he would have had no rank at all.

Mr. LOGAN. Then he would have had no rank at all. The President has got to take it for granted under this bill that he would have been a good soldier all the time, and that he would have attained a certain rank, and he is to appoint him to that rank. That is the bill. It does strike me that that is not the proper way to legislate.

Men are unfortunate or fortunate as circumstances may throw them in certain ways. That we cannot legislate for; but the rule is that where a person is entitled to go back into the Army we give the President authority to nominate him, for the reason that age intervenes sometimes. The law requires a certain age. This man is beyond that age. Hence to get back in the Army the President must have the authority from Congress to appoint this man, because he is over the age that a man may be appointed a lieutenant in the Army. Hence the bill authorizes that. If it was not so, he could nominate him in the Army to fill a vacancy as a lieutenant.

The bills that have been passed uniformly authorize the President to nominate to the Senate, and the Senate confirms a person to be rated in the Army as a lieutenant, or if he was a captain when mustered out as a captain, taking rank not of the rank that he might have had by some good fortune or other, but the rank that he held when mustered out. That is the uniform rule of the legislation by Congress.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. LOGAN. Certainly.

Mr. JONES, of Florida. Do I understand the Senator to mean that if a man who held the rank of lieutenant was unjustly dismissed from the public service, and afterward it was ascertained that injustice had been done him, and that he ought to be restored, his case would stand in law upon the same footing as that of a man who had never been in the service at all?

Mr. LOGAN. I said to the Senate that I would not discuss that proposition, and I will show the Senator why. I said that men were unfortunate sometimes. Here there are, for instance, in this man's regiment thirty lieutenants and ten captains. Their rank is all fixed; it is fixed on the register. You will put this man back in the Army, not of the rank he had at the time he went out of the Army, but of the rank that you can figure out on the roll he would have attained at this time. You displace every captain you put him above; you disorganize the whole line of captains in the regiment, and it may now under the rule disorganize the whole line of the Army.

Mr. MAXEY. I beg to call the attention of the Senator from Illinois to Senate bill No. 592, for the relief of Redmond Tully, which was reported from the Committee on Military Affairs by the Senator from Illinois with a report. That bill shows precisely the view of the committee as stated by the Senator from Illinois, and it was considered and reported on full investigation. It provides that the President shall be authorized to nominate, and by and with the advice and consent of the Senate to appoint him to the Army. I suggest to the Senator from Illinois, as he has charge of that bill, and therefore it would come better from him than me, that he move that as a substitute for the pending bill.

Mr. LOGAN. I desire the attention of the Senator from Maryland. The Senator from Maryland said that I had made a report in this case. I did, and I also reported a bill. Let me read the bill that I reported to the Senator that he may understand it.

Mr. GROOME. The Senator did not understand me as saying that he reported the same bill which is now before the Senate? I alluded to his report to show that it had received favorable action from him.

Mr. LOGAN. First I will read the bill that I reported:

That the President be, and he is hereby, authorized to nominate Redmond Tully, late first lieutenant of the Twelfth United States Infantry, as first lieutenant in the United States Infantry, to take effect from his nomination and confirmation under this act, and that he shall be assigned to the first vacancy occurring in such grade in the infantry arm of the service: *Provided*, That no pay or allowances on account of previous rank or services be allowed or paid to the said Tully: *And provided further*, That all laws prohibiting appointments in the Army in such cases be, and they are hereby, suspended so far, and so far only, as to the nomination of said Tully.

That is to suspend the law that prohibits him on account of his age. That bill I drafted, and for that bill I am ready to vote.

Mr. MAXEY. Now I ask the Senator from Illinois to read the last paragraph in the report.

Mr. JONES, of Florida. What is the difference between the two bills?

Mr. LOGAN. The difference is that under the bill passed by the House the man is not nominated to the Senate at all, but it authorizes the President to put him in the Army and on any rank that he deems he might have taken if he had staid in the service. By the bill that I reported, when he is nominated and confirmed, he is assigned by order of the President to the first vacancy in the regiment that occurs. There is a very great difference.

Mr. COCKRELL. Giving him the same grade and relative rank——

Mr. LOGAN. That he had at the time. When bills have come from the House in the form that the pending bill has come, they have always been changed in our committee as this Senate bill reads. It is the uniform practice; it is according to the rule in the Army and according to law.

Mr. GROOME. I should like to ask the Senator from Illinois if a very considerable number of bills have not passed giving to officers who have been dismissed from the Army the same rank they would have had if they had not been dismissed, and in weaker cases than this giving them the same measure of relief that is proposed in the pending bill?

Mr. LOGAN. That may have been done in times past.

Mr. GROOME. It has been done in quite a number of cases.

Mr. LOGAN. I am not responsible for many things that have been done, neither is the Committee on Military Affairs; and I hope the Senate will not be held responsible for many things that have been passed into law. But this is the rule; it interferes with nobody. It is as near justice as we can go without doing injustice to others. If we could do the justice to this man that is asked and do no injustice to others, we might agree to it, but by doing what is asked we would do injustice to ten captains in the regiment. We do not want to do injustice to ten men in order that we may do justice to one man, and where we cannot do ample and complete justice we must do justice as nearly as possible. This is as near justice as we can do under the law and under the rules regulating the Army. Therefore, I offer the Senate bill which I have read as a substitute for the pending bill.

The PRESIDING OFFICER. Does the Senator from Illinois offer the bill as proposed to be amended by the committee, or as it was originally drafted?

Mr. LOGAN. As amended in committee.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the President be, and he is hereby, authorized to nominate Redmond Tully, late first lieutenant of the Twelfth United States Infantry, as first lieutenant in the United States Infantry, to take effect from his nomination and confirmation under this act, and that he shall be assigned to the first vacancy occurring in such grade in the infantry arm of the service: *Provided*, That no pay or allowances on account of previous rank or services be allowed or paid to the said Tully: *And provided further*, That all laws prohibiting appointments in the Army in such cases be, and they are hereby, suspended so far, and so far only, as to the nomination of said Tully.

Mr. COCKRELL. This amendment leaves out one or two words which are essential and which our committee always insert. I move to insert after the word "nominate" the words "and by and with the advice and consent of the Senate to appoint."

Mr. LOGAN. I have no objection to that; that modification ought to be made.

Mr. COCKRELL. That is the way the bills have been usually reported from the Committee on Military Affairs.

Mr. LOGAN. That is right.

The PRESIDING OFFICER. The amendment will be so modified. The question is on agreeing to the amendment as modified.

Mr. GROOME. I simply want to say one word. I am not going to debate the question at any length. I simply want the Senate to understand that they are deciding whether that is all the measure of justice that they will give to an officer who has been concededly mustered out of his position as an officer in the Army in direct violation of law. If, in a case where it is conceded that the muster-out was in direct violation of the law, where the officer is truly deserving, the Senate is unwilling to give him the place in the Army which he would have had if he had remained continuously in the service, I of course bow to the wisdom of this body and will submit gracefully; but I do not propose that a vote shall be taken without the Senate distinctly understanding the proposition which they are about to pass upon.

Mr. COCKRELL. Mr. President, in 1869 we found ourselves with an immensely large Army, much larger than the people of this country were disposed to maintain by taxation. It became necessary to reduce that Army. An act was passed for the reduction of the numbers composing the Army, of men and of officers. It was impossible to mete out equal and exact justice to every officer who was then in the Army. Provision was made as favorable as Congress at that time believed could be made. Those who had to be mustered out were transferred from one arm of the service to the other; they were to be placed upon the supernumerary list; they were to be appointed as second lieutenants in the Army. A certain number had to be mustered out of the Army in order to reduce it. Congress had the power and the right to muster out or discharge every one of them. They chose that

manner of mustering out a certain number. Mr. Tully came within the provisions of this law. He was mustered out, and a large number of others were mustered out.

Mr. GROOME. Not under that law.

Mr. COCKRELL. Yes; under that law.

Mr. GROOME. The report of the committee shows differently.

Mr. COCKRELL. I know exactly what I am talking about. It was in consequence of that law reducing the Army, that Mr. Tully was mustered out of service. Some one had to be mustered out. The authorities executing the law of course did the best they could. Dissatisfaction sprang up. There was partiality shown doubtless in some instances; it is human nature to be partial to friends and relatives.

A large number of these persons have appealed to Congress to be reinstated in the Army, as it is called, for permission to be appointed again to the same grade they held. These cases have been coming before the Committee on Military Affairs ever since I became a member of that committee in 1875. I say to the Senate that we never have reported a bill restoring and reinstating a man in the rank he would have held had he been continuously in the service; and I say if you pass this bill without the amendment now offered you had better add an amendment to the foot of the bill to disband and disorganize the Army of the United States. It means that; it means nothing else. Think of it: when a young man went out of the Army in 1871, who has had his time, his talent all to himself, who has not performed one particle of service to the country, ten long years after that Congress takes him up as a pet and favorite and places him in the rank probably of a major in the Army.

Mr. McDONALD. Or a major-general.

Mr. COCKRELL. Or a major-general for that matter, depending upon the discretion of the President, and then talk about keeping up an army with such partiality as that.

Mr. President, we hear too much about officers getting out of the Army illegally. I have told attorneys and others time and again in this city when they came with a plea that a party was illegally out of the Army, that if he were illegally turned out it was a null and void act, and the only way to test it was to go into the Court of Claims and sue for pay. Not one has ever yet dared to test the legality ot these proceedings. If the proceedings mustering them out were nos legal, they are entitled to the pay from the time they went out to thif time. Why do they not sue for it? It would be $25,000 in this case. Why was not suit brought?

There may have been some hardships, there may have been injustice done, there may have been favoritism, there may have been partiality, but it is not possible for the Forty-sixth Congress to go back and undo everything that has been done in this matter in the last twenty-five or fifty years, and mete out equal and exact justice to every individual citizen. What we would consider just might be considered by a subsequent Congress to be gross injustice.

Now, I ask that the amendment offered by the Senator from Illinois embracing such amendments as the committee have always reported, the very amendments that the Committee on Military Affairs at the present session in full committee passed upon and reported to the Senate, may be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois, [Mr. LOGAN.]

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FORT RIDGELY RESERVATION.

Mr. McMILLAN. I desire to call the attention of the Senate to the bill (H. R. No. 3751) to amend chapter 198, volume 16 of the Statutes at Large, which was passed over without prejudice, and I ask that it be considered at this time.

Mr. KERNAN. I merely rise for an inquiry, not to object to the bill. I wish to inquire, now when no one is talking, whether we are under the five-minute rule.

The PRESIDING OFFICER. The five-minute rule is in force. The Chair should state that it did not occur to the present occupant of the Chair, hence it has not been enforced; but it will be hereafter.

Mr. COCKRELL. I beg the Chair's pardon; it was not in force in the consideration of the last bill.

The PRESIDING OFFICER. No, it was not, under the rule.

Mr. COCKRELL. It is now in force when we proceed under the rule to the Calendar.

The PRESIDING OFFICER. It was not in force in the consideration of the last bill because the rule had been postponed. The Secretary will report the bill called for by the Senator from Minnesota.

Mr. KIRKWOOD. What bill is it?

The PRESIDING OFFICER. A bill that was passed over at an early part of the evening without prejudice.

Mr. KIRKWOOD. Are we on the Calendar now?

Mr. McMILLAN. This bill is on the Calendar.

Mr. McDONALD. The bill referred to by the Senator from Minnesota was passed over on my objection. I have been advised since that the bill as it passed the House was submitted to the Commissioner of the General Land Office and met the approval of the Commissioner, although that does not appear in the report. Upon that understanding I withdraw my objection and will allow the bill to be considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3751) to amend chapter 198, volume 16 of the Statutes at Large.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. HOAR. The title of the bill should be amended. Let the title read "An act concerning the disposal of land in the Fort Ridgely military reservation."

The PRESIDING OFFICER. If there be no objection, the title will be amended as suggested by the Senator from Massachusetts.

Mr. McMILLAN. I hope the title of the bill as it came from the House will be allowed to remain.

Mr. HOAR. I withdraw the suggestion, as it would require sending the bill back to the House for amendment.

The PRESIDING OFFICER. The Chair hears no objection, and the title will stand as reported originally.

JOHN S. CORLETT.

The bill (H. R. No. 1102) granting a pension to John S. Corlett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was in line 4, after "pension-roll," to strike out "from the date of December 12, 1863."

The amendment was agreed to.

The next amendment was in line 8, after the word "private," to strike out the words "from the date of the amputation of his leg by reason of injuries received in line of duty in the service of the United States in the war of the rebellion" and to insert the word "soldier."

The amendment was agreed to.

Mr. INGALLS. Let the bill be read as amended.

The Chief Clerk read the bill as amended, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John S. Corlett, late a teamster in the service of the United States, and pay him the pension of a private soldier.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN T. NEALE.

The bill (H. R. No. 3309) for the relief of John T. Neale was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, as an enlisted private, the name of John T. Neale, late a scout under General Andrew Porter, provost-marshal of the District of Columbia, in the war for the suppression of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN M'CARROL.

The bill (H. R. No. 1469) granting a pension to Mary Ann McCarrol was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Mary Ann McCarrol, of Allegheny County, Pennsylvania, widow of James McCarrol, deceased, late a member of Company B, Forty-third Ohio Volunteers, who died from disease and exposure contracted in the line of duty while in the military service of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD H. MITCHELL.

The bill (H. R. No. 2549) granting a pension to Edward H. Mitchell, was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Edward H. Mitchell, of Company I, Seventy-first Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB GELWICKS.

The bill (H. R. No. 205) granting a pension to Jacob Gelwicks was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Jacob Gelwicks, late of Company L, Eleventh Regiment Missouri Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINING CLAIMS.

The bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes, relating to suits at law affecting the title to mining claims, was considered as in Committee of the Whole. It provides that if, in any action brought pursuant to section 2326 of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land office or be entitled to a

patent for the ground in controversy until he shall have perfected his title.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRIDGMENTS OF LETTERS-PATENT.

The bill (H. R. No. 5066) to provide for the preparation of classified abridgments of all letters-patent of the United States was considered as in Committee of the Whole. The first section appropriates $10,000, to be expended under the direction of the Commissioner of Patents in the preparation of classified abridgments of all letters-patent of the United States.

Section 2 provides that the abridgments shall be printed, and one copy of each shall be furnished to each Senator, Representative, and Delegate in Congress, one copy to each of eight public libraries to be designated by each Senator, Representative, and Delegate, and two copies to the Library of Congress; and also copies to such foreign governments, libraries, and learned societies as the Commissioner of Patents may designate; but copies shall be sold at the cost of printing, and all sums received from the sale shall, on or before the first day of each month, be paid into the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARLILE BOYD.

The next House bill in order on the Calendar was the bill (H. R. No. 3477) for the relief of Carlile Boyd.

Mr. COCKRELL. The adverse minority report in that case has not yet come from the Printer. I object to the bill.

The PRESIDING OFFICER. The bill goes over under objection.

Mr. CAMERON, of Pennsylvania. Let it go over without prejudice.

The PRESIDING OFFICER. That will require unanimous consent.

Mr. COCKRELL. It is not in condition for that; it is not included in the order for this Calendar. I make no point on that particularly, but the order embraced only the cases then on the Calendar. This bill has been since put on the Calendar. The record shows that fact.

The PRESIDING OFFICER. The Senator from Missouri is mistaken, in the opinion of the Chair, as to the order under which we are acting. It is not confined, if the Chair remembers without referring to the resolution, to cases now on the Calendar, but extends to all cases as reported. That is the impression of the Chair.

Mr. CAMERON, of Pennsylvania. The Senator who is most deeply interested in this case [Mr. VOORHEES] is now absent from the Senate. I have no objection at all to its going over now, but I want it to go over without prejudice, so that it may come up to-morrow.

Mr. COCKRELL. Other cases have been objected to going over without prejudice. I cannot permit it to go "without prejudice." Let it go over as other cases go over.

The PRESIDING OFFICER. The bill goes over.

JOHN H. TEMPLETON.

The bill (H. R. No. 7160) for the relief of John H. Templeton was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, after the words "sum of" in line 5, to strike out:

Five hundred and seventy-six dollars and sixty-four cents in his account with the Post-Office Department, being the amount stolen from his safe in the post-office at said village, by burglars, on the night of the 3d day of August, 1880; the said amount being made up of $486.64 in postage stamps, and $90 in postage funds, so stolen.

And in lieu thereof to insert:

Four hundred and eighty-six dollars and sixty-four cents in his account with the Post-Office Department, being the value of postage-stamps stolen from his safe in the post-office in said town, by burglars, on the night of the 3d day of August, 1880.

So as to make the bill read:

That the Postmaster-General be authorized, and he is hereby directed, to credit John H. Templeton, postmaster at Millerton, State of New York, sum of $486.64 in his account with the Post-Office Department, being the value of postage-stamps stolen from his safe in the post-office in said town, by burglars, on the night of the 3d day of August, 1880.

Mr. McDONALD. Is there a report?

The PRESIDING OFFICER. There is no written report.

Mr. McDONALD. I should like to understand how the Senate committee comes to differ with the House as to the amount of this larceny?

Mr. COCKRELL. I can state the rule adopted by the Committee on Claims, and also, as I understand, by the Committee on the Post-Office and Post-Roads, and that is only to pay for those things the officer was absolutely required to keep in his office, and not anything else that he may have had. The House bill appropriates so much:

The said amount being made up of $486.64 in postage-stamps and $90 in postage funds.

The committee find that it was not required of him to keep as much as $90 in postal funds on hand, and therefore they strike that out and put in $486.64, being the amount of postage-stamps that were stolen from him and which he had to keep on hand.

Mr. CONKLING. As I know something about this bill, I venture to ask the Senator from Missouri to call a halt, if he will in what he is saying. I understand that this man is entitled in law and in fact to what the Senator proposes to strike out, if he is entitled to anything in this regard.

Mr. COCKRELL. Will the Senator permit me to explain?

Mr. CONKLING. Yes.

Mr. COCKRELL. I know nothing in the world of this case. A reason was asked why the amendment was proposed. I only stated what had been the custom of committees in similar cases. I know nothing about this. I do not know whether the man is entitled to anything or not. I only know what I learn from having the bill before me. I was only speaking of what I understood to be the rule.

Mr. CONKLING. I beg the Senator from Missouri to hear me while I say that I know about it among other things, that which the report of the House committee, a very full and minute report now in my hands, discloses. I know also about it because of a statement made to me orally by a member of the House after this amendment had been proposed. He came and begged me not to allow a thing to be done so arbitrary and without reason, as in the same bill to affirm that this man should be repaired the loss of this burglary, and yet that he should not be repaired as to what actually and undoubtedly was stolen. If my honorable friend will indicate to me, so that I can understand the distinction which he draws, I think I can read to him from this report the answer to that distinction.

Mr. COCKRELL. I know nothing about the report. I have not read it. I have not had time to read every report that is made. I understand that the Committee on Post-Offices and Post-Roads (and I know the distinction has been made also by the Committee on Claims) do not allow a postmaster credit on a claim for everything which he may lose, but only for those things which the law requires him to keep in the post-office, and if he should have other things in addition to the amount required to be on hand, it is at his peril. I understand that to be the rule, and I presume the Committee on Post-Offices and Post-Roads to be guided by it. Members of the committee are here and can speak for it. The Senator who reported this bill [Mr. SAULSBURY] and the chairman are not here, and I only spoke of what I understood to be the rule.

Mr. CONKLING. My honorable friend and I shall be able to understand this in a moment, I am sure, without the aid of the chairman of any committee except the committee of which my friend is chairman. If a postmaster is told to deposit his funds in a bank and does not do it, puts them in a safe or somewhere else, and they are stolen, the rule undoubtedly has been not to compensate him for that. If, as in two or three cases that we have had, a safe is furnished to the postmaster in which to keep his funds, and he does not put them there, and they are stolen, we do not pay him for those funds. If he has gone on, as in two cases which I remember, somewhat heedlessly, as the committee thought, never acquainting the Department with his need of a safe or a strong box, or a lock-up, and being very careless, as in one instance particularly that I remember, the committee said "No; this man has not taken adequate care." Now, let me see whether the case before us falls within any such rule as this:

Mr. Finch and clerk sleep in the store. On the night of August 3, 1880, three masked burglars forced an entrance through a window, and going to the room of Mr. Finch and clerk found them sleeping and at once overpowered them, and having gagged and bound them took them down stairs to the safe, and ordered Mr. Finch, with pistols at his head, to open the safe for them. He refused, whereupon he was beaten with pistol butts and knocked down twice. Upon his still refusing to open the safe, he was again knocked down and beaten until he nearly fainted from loss of blood. A rope was then placed around his neck, and he was informed that if he again refused to open the safe his life would pay the forfeit. Whereupon Mr. Finch, seeing that further resistance was useless, surrendered and opened the safe to them. After robbing the safe the burglars fled, leaving Mr. Finch and clerk bound and gagged. Mr. Finch succeeded in removing the gag from his mouth, and by his cries aroused people living near. A meeting of citizens was called at once in the public hall, and an organized pursuit was given by large numbers of men, but the burglars escaped. A detective was then employed from Pinkerton's agency in New York, New York, for over a week at a heavy expense, but with no result. A notice offering a reward of $1,000 was printed and scattered far and wide within ten hours after the robbery. In fact, no effort or expense has been spared to recover the property and capture the perpetrators, but all without avail.

Then follows, by items, a particular account, to a cent and a fraction, of the contents of this safe, being that which this man was bound to keep on hand, was bound to keep on hand under a very recent decision of the highest court in the country, that for which he was chargeable in every sense in which he could be charged for stamps. If in any case whatever of a loss by fire or burglary restitution is to be made, is it possible that in an instance so extraordinary, so far beyond the ordinary casualties of this kind, the Senate is to split $486.64 in two in order to establish a principle which does not exist? I hope this amendment will be non-concurred in and that this bill, as reported with unusual care from the House committee, will be allowed to stand, and not take "two bites of a cherry," when, I humbly submit, there is no sort of distinction upon which the division can be made.

Mr. KIRKWOOD. I think the Senator from Delaware is now in his seat, and he had this bill in charge as a sub-committee.

Mr. SAULSBURY. The committee adopted the rule which had governed its action in all similar cases, to allow the postmaster for postage-stamps, it appeared from the report of the Post-Office Department he had on hand. This one had the amount which the committee have allowed. That has been the rule of the committee for the last five or six years, since I have been a member of it. It would be very unjust now to make this an exception to the rule, which has governed all the other cases that have come from that committee.

I know nothing personally about the affair, but relied upon the re-

port made by the Department that this gentleman had lost a certain amount of postage-stamps, and he had on hand at the same time other moneys, which he was not under the necessity of keeping in his drawer, and we think that this comes within the same rule which has governed the action of the committee in all similar cases for the last five years, without, so far as I know, a single exception.

Mr. CONKLING. Will the Senator allow me one moment? Will he mention to me one case, a single one, in which, in a locality where there was no bank to deposit money, and the postmaster took postal money—the Senator knows what I mean by that—and put it in the safe, and that safe was robbed, the Senate has refused to pay for it, if it was willing to pay for postage-stamps or anything else taken in that robbery? If the honorable Senator will mention one such case I shall be obliged to him.

Mr. SAULSBURY. I do not know that I can mention any particular case, but there have been numerous cases before the committee of that character. As to the particular circumstances of the cases, I cannot carry them in my brain.

Mr. CONKLING. Does the honorable Senator mean to say that there have been numerous cases, or one case of a post-office at a place where there was no bank in which to deposit moneys, and in which postal money, money belonging to the money-order branch of the Post-Office was in a safe and robbed, no other place being provided to keep it, where the Senate has said that the postmaster was not lawfully keeping that money in the safe?

Mr. SAULSBURY. As to the amount which a postmaster is required to keep for the purpose of meeting money orders, if at any time he has in his possession an amount of money beyond that limitation he keeps it at his own risk and in contravention of the direction of the Department.

Mr. CONKLING. Does the Senator know how much money this postmaster had?

Mr. SAULSBURY. I do not now remember anything about the case.

Mr. CONKLING. It was less than one hundred dollars.

Mr. SAULSBURY. The report is in conformity with the rule which has governed the action of the committee.

Mr. CONKLING. It was only $90.

Mr. SAULSBURY. My recollection is that the limitation of postal money orders is something like $50.

Mr. CONKLING. He had $486.64 of stamps and only $90 in postal funds. Does the Senator think that exceeds the limit?

Mr. KERNAN. Will my colleague yield to me a moment? The report of the House committee finds the fact that there was stolen $486.64 in postage-stamps and $90 in postal money. Then what follows?

> The circumstances of the robbery are fully set forth in the accompanying petition and report of the Post-Office inspector who made the investigation (which are made a part of this report) and fully establish the facts that every possible precaution was taken to guard against robbery, and that the loss occurred through no carelessness or neglect of duty on the part of the postmaster or of any one connected with the office.

There were the stamps; there was the little sum of money, and the House committee find that he took every precaution, in a place where there was no bank, putting it in the only safe there was in the store; which was a good one. I say a word about this because the papers show that this old gentleman is poor, and that this $90 is considerable to him; and if we amend this House bill we cannot get it through this Congress. It will take all he has to pay the amount.

Mr. CONKLING. That is the point; my colleague states it at last. It is not for this $90 I am beseeching here; but if this bill is to be amended here, amended I submit unjustly, and sent back to the House, not ninety farthings of this money will go to this man in time, perhaps, to reach him this side of the grave.

Mr. KERNAN. The Post-Office Department suspended it until Congress could act at this session, and his friends will have to raise the money if this bill does not pass.

Mr. SAULSBURY. My friends from New York represent a postmaster in their own State; but it is impossible for the Post-Office Committee, as every gentleman who has served on that committee knows, with the numerous cases that come before them, to proceed properly in the business without adopting certain rules to govern their action; and though the application of those rules to all cases may work a hardship in a particular case, that is no reason why the committee should break the rules, because if they do that then we are left to the representations that may be made to us of the hardships of each particular case to govern our action rather than by any definite rule.

Mr. HOAR. Were these money-order funds?

Mr. CONKLING. Money-order funds.

Mr. HOAR. I put the question with the view of ascertaining whether these identical bills—not the sum of money equivalent to them—were the property of the United States, so that if the Postmaster had been killed, his successor could instantly have taken possession of them; or whether they were a debt due from him to the United States, so that the United States—although, of couse, a preferred creditor—would have had to receive an equivalent from his representative? If they were money-order funds, they belonged to the United States, as post-office funds, if I understand the provision of the statute, just as postage-stamps do. If they were the ordinary postmaster's money, although for the convenience of the public service he keeps, to make his payments, a certain sum always in the post-office, still that is a debt from him to the Government. There seems to be the distinction.

Mr. CONKLING. I have stated very distinctly twice, both from the report of the House committee and from the statement of the Representative of the District, the answer to the question put by the Senator from Massachusetts.

Now, I venture once more to ask the Senator from Delaware if he will not, for the purpose of his individual vote, take notice of the fact that this bill does not violate the principle that the Senator talks about? On the contrary, I state to him again that there was but $90 of these postal funds and nearly five hundred dollars of postage-stamps so that, in place of the amount of money exceeding the limit, the case is otherwise; it did not exceed the limit. This man confessedly, within every principle, was doing just what he should have done. He had the money he was bound to have; he had it where he was bound to keep it; and there is no distinction whatever, under any rule which the Senator has referred to, between the $90 and the $480 of postage-stamps. So we are not asking the Senator to violate his rule, but merely to notice that, in point of fact, this case does not fall within it.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Post-Offices and Post-Roads.

Mr. MAXEY. I deem it due to the Post-Office Committee to make a statement of what is not only the rule of the Post-Office Committee, but the established rule of the Department. Where there is a United States depository, a national bank, or any other public depository in a town where there is a post-office, the deposit must be made regularly every day in that depository. If so made and that is robbed, the postmaster is exonerated; but if there be none, if no safe even is furnished to him, and a loss is sustained by the postmaster, there is no act of Congress which exonerates him from liability; and in every case of that kind, where there is no fault whatever, an act of Congress has to be passed for his benefit.

Now, coming to the point here, it appears from the statement made that the Post-Office Committee has endeavored to follow the rules prescribed by the Department, that is, where there is a national bank, or other means of depositing the funds, they must be deposited, and the Post-Office Department further requires that where there be no such depository in the town the funds shall be sent to the nearest depository, allowing a certain amount to be kept by the postmaster for use, and that amount is regulated by the business of the office, and the times of transmittal are also regulated by the business of the office.

In this particular case I do not know, because I did not investigate it, whether, as stated by the Senator from New York, the postmaster had on hand any more than the law and regulations authorized; but I assume that the Senator from Delaware, who had charge of the case, found that he had that much more money than he was authorized by the regulations to keep on hand. Any other rule, it occurs to me, than that which the committee have adopted, would simply make the Government an insurer for every postmaster in the country.

Mr. KIRKWOOD. I do not think we are doing precisely the right thing in this case. I have in my hand the report made by the House committee, containing all the official information there is in the case, and I do not find any place in it—perhaps I have overlooked it—where there is a claim for loss of money at all, beyond postage-stamps, except in the petition presented.

Mr. KERNAN. You will find it in the first part of the report.

Mr. KIRKWOOD. The Senator will please to understand me. I am speaking of the official documents in the case filed in the Post-Office Department. There is here a sworn statement of the postmaster, in which is given at considerable length and with much particularity, a statement of the circumstances under which the robbery took place, and the amount and value of the stamps stolen, but not one word is said in that sworn statement with regard to the loss of the money unless I have overlooked it; and in the report of the special agent sent by the Post-Office Department to investigate the matter the same statement in regard to the loss of postage-stamps is given, but nothing whatever is said in regard to the loss of money, and the only places in which the loss of money is alluded to at all are in the petition presented by the postmaster and in the report of the House committee, and there is no evidence at all sustaining either that allegation of the petition or that allegation of the House committee. Now, unless it can be pointed out in some of the official documents, either the sworn statement of the postmaster himself or in the report made by the special agent sent to investigate the matter, that some money was stolen, I repeat I think we are going rather too fast in making the allowance of it.

Mr. MAXEY. This is a very important precedent.

Mr. KIRKWOOD. Allow me further. It breaks down also, as I understand, what has been a traditionary rule in the Post-Office Committee, a rule which I found there when I became a member of it four years ago, and which I think never has been broken until now. If we break it up now, we shall have to establish a new rule.

Mr. MAXEY. I think it is a rule of the greatest importance and in the interest of the Government for safety, and, in order to know hereafter what we are to do, I ask for the yeas and nays on this amendment.

Mr. CONKLING. I ask the Senator to withdraw that call for a moment. I suppose the Senator would not like a bill of this magnitude to break up the Senate for the lack of a quorum when there are only three or four remaining bills; and, as bearing upon that, I want to say a word or two.

My honorable friend from Iowa [Mr. KIRKWOOD] says, if I understand him, that he has been looking at the evidence, as it appears in this report, and does not find in the official papers evidence to establish a particular fact. I shall decline to look at that evidence myself for this purpose, although I have read the House report, because when a committee find a fact, particularly a fact relating to dollars and cents within the limits of $90, we cannot believe the finding of the committee, without going behind and investigating the evidence to see whether the committee falsely asserted it or not, it introduces principles into legislation, which will certainly be very inconvenient at half after ten at night so near the end of this session; indeed I think life would be too short to conduct proceedings in that way. Therefore I shall say nothing about that.

One Senator spoke of an immemorial usage in the Post-Office Committee. Now, I ask any Senator to put his hand in this report, or anywhere else, upon any fact which shows that this man had of these postal funds more money, one cent more, than the law authorized and required him to have. Until that is done, I submit it is very idle to talk about a usage of the Post-Office Committee, which usage is not to allow for money had by the party in possession in excess of that which the law warranted his having. Is there any pretense of that in this case? If there is not, what is the foundation for this talk about an immemorial usage in the Post-Office Committee, in the case of a bill which has come from the Post-Office Committee of the House, that has existed just as long as this committee has, and which has had the same usage and the same rule, as I have a right to say, because they have concurred in the same bills on this subject? Now, by what sort of assumption is it that the committee have violated this rule and we are violating it when there is no evidence of it, but the proof is the other way?

The PRESIDING OFFICER. Upon the question of agreeing to the amendment the Senator from Texas demands the yeas and nays.

Mr. KIRKWOOD. Mr. President, I do not know this man at all; I do not know anything connected with this case, except what appears in the House report. The Senator from New York says that when the committee of the House make an allegation in a report made by them in regard to a sum of $90, it is of questionable propriety to investigate whether or not there is any evidence to support the report they make. Now, I call attention to this peculiarity in this case: The postmaster himself made, under oath to the Post-Office Department, a statement concerning this loss and the circumstances attending it. In that sworn statement he does not say one word in regard to the loss of money, unless I have overlooked it. The Post-Office Department sent a special agent to the place where the loss occurred to investigate the matter, and he gives a report of the loss, in which he does not say one word in regard to the loss of money. When the postmaster files his petition here, upon which the action of the other House is based, and upon which our action is based, there and then, for the first time, he alleges the loss of this $90 in money. There is no evidence whatever of the loss except the statement contained in his memorial, which the House committee adopted as evidence, I suppose. That is all there is of the case. The man himself made his sworn statement as to his loss and did not mention the money; the special agent of the Post-Office Department made his investigation and his report, and did not mention the money. I suppose the report of the House committee is based, as all reports should be based, upon the evidence, and the evidence is submitted with that report, and the evidence does not contain a single item upon which that part of their report is based.

The PRESIDING OFFICER. The Senator from Texas demands the yeas and nays on the question of agreeing to the amendment.

Mr. MAXEY. I care nothing in the world about this case because the difference in amount is very slight between the Senate committee and the House, but I do not want a rule established with respect to the reports we shall make hereafter for the consideration of the Senate, which I believe to be a dangerous rule. That is all. I believe the rule we have established is right, and I believe that the amendment is right, and, therefore, I cannot let its rejection go as a precedent for any future action.

Mr. SAULSBURY. I think we ought to take issue upon this as being dangerous in principle. We find in the petition presented by the postmaster himself, that it was money received from the sales of postage-stamps, and he has not further stated that that was retained by him to meet money orders.

Mr. CONKLING. But the committee expressly find the fact; and this unlettered old man in his petition which he drew, knowing no such distinction, simply set forth the fact that he had the money. The committee find, not only that he had the money, but they find that it was postal funds expressly, and now, because he does not say anything about it one way or the other in his petition, we are asked to find that the committee had no foundation for its finding and that we ought affirmatively to reverse it in order to mulct this old man in $90.

Mr. SAULSBURY. All I want to do is to justify the action of the committee of which I am a member. Acting on the petition itself, there was nothing to show the Committee on Post-Offices and Post-roads that a single dollar of this money was retained for money-order funds, but that it was money that he had possession of from the sale of postage-stamps. If it had been appropriated to money-order funds, if it had been set apart for that purpose, it would be according to the rule to pay him, and, if he had so affirmed in his petition, the committee would so have found; but we find from his own declaration, not that it was postal-order money, but that it was money received from the sale of postage-stamps, and so we have followed the rule which has governed the committee all the time. So far as this case is concerned, I do not care a fig about it, provided the Senate is in possession of the facts which governed the committee.

The PRESIDING OFFICER. The Chair will state the question. On agreeing to this amendment, the Senator from Texas demands the yeas and nays.

Mr. MAXEY. I have accomplished the object I had in view. I do not want this to act as a precedent. I am not in charge of the bill, and so far as the call for the yeas and nays is concerned I leave it to the committeeman having charge of the bill. I only wanted to put myself right on the record.

The PRESIDING OFFICER. Does the Senator from Texas demand the yeas and nays?

Mr. MAXEY. I do not demand them.

The PRESIDING OFFICER. The demand is withdrawn.

Mr. BAILEY. I ask for the yeas and nays, and for this reason: I understand the facts to be that in the application made by this postmaster, Templeton, to the Post-Office Department and in the statement he made to the Post-Office Department, he nowhere said that he lost any money by this burglary. An agent of the Pest-Office Department was sent out to investigate the facts, and in his investigation returned to the Postmaster-General he makes no mention of postal money-order funds, and there is no evidence whatever, as the Senator from Iowa states, of the loss of money, except the petition which is filed by the applicant for relief.

Mr. KERNAN. The Senator from Tennessee will allow me to correct him. The Post-Office agent does find that the burglars took from this safe all the money in it, being about two thousand dollars, including the post-office money.

Mr. BAILEY. Not $2,000 of post-office money.

Mr. KERNAN. No; everybody's moneys.

Mr. BAILEY. But he makes no mention of money that belonged to the Post-Office Department held by this man as postmaster. I understand, moreover, that none of this money appears anywhere to have belonged to the money-order department of the Post-Office, but the applicant states that it was money which arose from the sale of stamps. If these facts be true, as stated by the Senator from Iowa, it seems to me that the amendment offered by the Post-Office Committee is correct.

Mr. CONKLING. Will the Senator allow me to interrupt him?

Mr. BAILEY. Certainly.

Mr. CONKLING. Shall I understand the Senator to mean that the fact that this money, $90, was derived from the sale of stamps, bears at all upon the question whether it had come to be postal funds or not? If the Senator will allow me to put my question in one other form, he may understand it much better.

Mr. BAILEY. I understand the Senator.

Mr. CONKLING. Is it not true that the postal funds held in the Post-Office are just such funds, just so derived, to wit, from the sale of stamps, which in place of forwarding to the Post-Office Department or to the depository, he holds up to a certain amount to meet the money orders?

Mr. BAILEY. I say that during the four years I have been a member of the Committee on Post-Offices and Post-Roads of the Senate, the rule adopted by that committee, and that has been uniformly acted upon by the Senate, has been not to make any allowance for moneys which are lost and which arose from the sale of stamps. It has been the universal rule, and for the reason among others that the postmaster has an interest in that money; it is his own money in a sense; it does not belong absolutely and exclusively to the Government, but it belongs in part to himself; nor is he required to keep it in the post-office.

I understand, moreover, that there is no evidence whatever, except his own petition, that one dollar of money that belonged to the Post-Office was taken away from him upon that occasion. The Senator from New York speaks of a report. What report? Certainly the Senator from New York does not speak of a report from a committee of this body. He speaks of a report made by a committee of the House, of the other branch of Congress. I understand the very reason for submitting a measure which has been adopted by the House of Representatives to a committee of the Senate is that the Senate may be informed through its own instrumentalities, through its own agencies, in regard to the facts, and yet he speaks of the report of the committee. What committee? The report of the committee of the Senate? Not at all. There is no such report from the committee of the Senate, as I understand. It is a report from another body. The Senate certainly does not look to the reports of committees of the House of Representatives, not adopted by the committees of this body, for information in regard to facts. It looks to

its own agencies, to its own servants, to its own methods, and to the persons that the Senate itself intrusts with the duty of making investigations.

I think it is hardly just to the Committee on Post-Offices and Post-Roads for the Senate to disregard the testimony of the applicant himself, to disregard the report of the detective appointed by the Post-Office Department, to disregard the report of a committee of the Senate, and to fall back upon a report made by a committee of the House, without any evidence whatever, except the petition of the applicant, upon which that report is based.

It is hardly fair to this committee, it is hardly treating it, as it seems to me, justly, to disregard the report of its own committee and to look to a report made by a committee of another body, based upon no evidence whatever, and reverse a report made unanimously by a committee of the Senate. I submit whether that is fair or just to the Senate's own committee, whether it should be rebuked in that way, and rebuked why? Simply because an amendment to this bill may force it to be carried back to the House. Are you to administer that sort of chastisement to your own committees? Are you to tell them that they must disregard the evidence that is before them and rely alone on a House report; that they shall adopt it, or, if they do not adopt it, that the Senate shall adopt it?

I want the Senate to understand this question before it shall act on this matter, for it seems to me that if the action of the Senate shall be based upon a report made by a House committee, hereafter your committees will be very tender indeed upon questions of this kind when Senators come in and undertake to rebuke them for their action and ask the Senate to rebuke them for their action. The Senate committees will themselves be a little disinclined to make a report upon the facts and to act upon the rules which have uniformly governed that committee and the Senate itself.

The PRESIDING OFFICER. The question is on agreeing to the amendment, on which the Senator from Texas demands the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I desire to say that there is no proof that this office was a money-order office.

Mr. CONKLING. Is there any proof to the contrary?

Mr. SAULSBURY. We are not to assume that was the case unless it is so affirmed either in the petition itself or in some proof laid before us. The report of the House committee speaks of this money as postal funds. Now, postal funds are such funds as arise from box rents and from the sale of postage-stamps; but there is not a single asseveration here, either in the petition of the petitioner himself, in the report of the House committee, or by any proof furnished to this committee, that one dollar of this was postal-money-order funds. It was, on the contrary, expressly declared to be, in the petition itself, proceeds of postage-stamps, which had been previously sold, and there never has been a case since I have been a member of that committee, to my knowledge, where we have ever allowed a dollar for the proceeds of the sales of postage-stamps, unless it was the proceeds of sales of postage-stamps retained in a money-order office as money-order funds.

Again, there is nothing to show that one dollar of this money which is said to have been lost was kept separate and distinct from the money of the store in which the post-office was situated. There was a loss of some two thousand dollars, but there is nothing to show that the postmaster kept the post-office money separate and distinct from the other money which he lost. So that if the Senate now reverse the action of the committee, if they say that the amendment of the committee is wrong, then we have nothing to guide us in the future in our action in examining these cases. It is true the amount is but small, and the Government could well afford to give any man $90 who was poor and needy perhaps. We have thrown away thousands upon objects less meritorious, perhaps, than it would be to give this man $90; but it reverses the whole action of that committee and leaves us without anything to guide our action hereafter.

Mr. JONES, of Florida. I wish to ask the Senator upon what evidence does it appear that any loss was sustained at all?

Mr. SAULSBURY. Nothing in the world as to the money except the statement of the postmaster himself. The report from the Post-Office Department does not show, we have nothing from the Department to show, that there was any money lost. There is nothing to show it except the statement of the applicant himself.

Mr. JONES, of Florida. How is it in respect to the stamps?

Mr. SAULSBURY. As to the stamps, we have proof from the Post-Office Department that they were lost—a detailed statement of the character and numbers of the stamps.

Mr. McDONALD. Is there any evidence that the stamps were lost? The Post-Office Department furnished evidence that there were stamps in the office, but no evidence that the stamps were stolen.

Mr. SAULSBURY. An agent was sent out from the Post-Office Department on notification that there had been a robbery. He made report of the fact that there had been a robbery. The account with the Post-Office shows that this gentleman had in his possession a certain amount of postage-stamps.

Mr. McDONALD. Which might have been stolen. The fact that they were stolen and the amount stolen rests, as I understand, on the statement of the postmaster.

Mr. HOAR. The robbery was witnessed by two persons.

Mr. McDONALD. The same statement also covers the funds, so that the evidence of the robbery of the postage-stamps is precisely of the same character, so far as I can see, as that which proves that there was a certain amount of postal money stolen. The Post-Office Department had no account of the amount of postal money.

Mr. SAULSBURY. But the Post-Office Department knows about the amount of postage-stamps sold per day, per week, or per month at the respective post-offices, and reports are required, and the Post-Office Department can form an estimate as to the amount of postage-stamps on hand at any particular post-office at any particular day, drawn from the previous transactions of the Department with the particular office.

Mr. McDONALD. Suppose the postmaster had taken himself the amount of postage-stamps which were taken and had charged it as the result of a robbery, is there any evidence furnished by the Post-Office Department on that point any more than as to the amount of money he had in his safe and which was taken at the same time?

Mr. SAULSBURY. If stamps to the amount of $100 were taken the Post-Office Department could not know assuredly from actual observation that they were taken; but the Department could arrive at the conclusion that they were stolen from the fact that, according to the previous transactions of that office, there ought to have been about that amount of postage-stamps on hand at that time. Of course the Post-Office Department could not say from the knowledge the Postmaster-General possesses that they were actually stolen; but it can arrive at the conclusion that that is true from the known character of the office and the known amount of stamps.

Mr. McDONALD. And the known character of the office that the amount was taken; and therefore, as I understand, it comes back to the same question that you have just as much evidence that the money was taken out of the safe as you have that the stamps were taken out of the safe.

Mr. SAULSBURY. I will state to the Senator from Indiana that I am not making any point as to whether there was money stolen or not. I am only saying that if there was money arising from the sale of postage-stamps, it was the duty of the postmaster to protect it. He had converted the property of the Government into funds, and he could have kept them in his pocket, or deposited them in a bank, or done anything he pleased with them. They had become his property and he was responsible to the Government for it, having converted the property of the Government into money.

Mr. McDONALD. Another question. Did the Post-Office Committee have before them at the time this House bill was examined anything except the report of the House committee upon the question?

Mr. SAULSBURY. We had a report from the Post-Office Department.

Mr. McDONALD. Was that report incorporated in the report made by the committee of the House of Representatives?

Mr. SAULSBURY. We had one which was sent in manuscript to our committee, I think.

Mr. KERNAN. Was not that the same one in which the agent reported that there had been a robbery and $2,000 taken out of the safe and this post-office money with it? It was all in the same report.

Mr. SAULSBURY. I do not remember the details of that report. The report was before the committee in manuscript, which was furnished from the Post-Office Department on our call, not furnished by the House of Representatives, but it came to us in response to the call of our committee.

Mr. KERNAN. The Senator ought to be able to tell me whether the letter which I have here was not before the committee:

POST-OFFICE DEPARTMENT,
OFFICE OF THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., January 31, 1881.

SIR: Referring to my letter of the 20th instant, in relation to the robbery of the post-office at Millerton, New York, on the 3d of August, 1880, I have the honor to inclose you copy of the report of Post-Office Inspector B. K. Sharretts, who has investigated the matter.

Very respectfully, &c.,

A. D. HAZEN,
Third Assistant Postmaster-General.

Hon. J. W. STONE,
Of Committee on the Post-Office and Post-Roads,
House of Representatives.

I want to know if that was the same man who sent the letter to the Senate?

Mr. SAULSBURY. I do not remember whether it was the Postmaster-General himself or one of his subordinates, but it was sent to our committee within the last ten days in manuscript, in response to a call made by our committee. As to whether he copied this from the report of January 31 or not I do not know.

Mr. KERNAN. I assume that it was the same.

Mr. SAULSBURY. I do not know on what ground the Senator from New York could have made any such assumption.

Mr. KERNAN. I made it on this ground: The committee of the House called on the Postmaster-General, as it appears, and the Third Assistant Postmaster-General addressed a communication, inclosing a report of the inspector who had investigated this matter.

Mr. ANTHONY. Mr. President, we have been talking an hour about a question of $90. I hope we shall have a vote on the question and stop debate.

The PRESIDING OFFICER. The question is on the amendment, upon which the yeas and nays have been ordered.

Mr. HOAR. I hope theSenate will give unanimous consent to withdraw the request for the yeas and nays, and allow the question to be taken without a count.

The PRESIDING OFFICER. Is there objection to withdrawing the demand for the yeas and nays?

Mr. BAILEY. I object, for the reason that the matter is of importance.

Mr. HOAR. I do not think the Senator understands the request. My request is that there be unanimous consent to withdraw the call for the yeas and nays and take this question by the sound, when probably there will be no count required. Any Senator who desires that any further business shall be transacted to-night will see the consequences of insisting on the call.

Mr. BAILEY. I withdraw the call.

The PRESIDING OFFICER. Is there objection to withdrawing the order for the yeas and nays? The Chair hears none. The order is withdrawn. The question is, Will the Senate agree to the amendment reported by the Committee on Post-Offices and Post-Roads?

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. Is not the bill (S. No. 2190) for the relief of John H. Templeton a Senate bill of the same character, and ought it not to be indefinitely postponed? I call the attention of the Senator from Delaware to it.

Mr. SAULSBURY. It is precisely the same bill. The House sent over the bill we have just acted on.

The PRESIDING OFFICER. If there be no objection, Senate bill No. 2190 will be indefinitely postponed. The Chair hears no objection, and it is so ordered.

DAVID W. BELL.

The bill (H. R. No. 5832) for the relief of David W. Bell was considered as in Committee of the Whole. It directs the proper accounting officer of the Post-Office Department to credit David W. Bell, postmaster at Oxford, Michigan, with $363.68 in his account as postmaster with the Department, that being the amount of postal money and postage-stamps stolen from the post-office on the night of the 23d of March, 1880.

Mr. McDONALD. Is there a report in that case?

The PRESIDING OFFICER. There is a report.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPRESSMENTS IN NAVAL SERVICE.

The bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service was considered as in Committee of the Whole. It provides for payment to the several persons comprising the crews of the steamers Champion Nos. 3 and 5, or their legal representatives, for the time they were each held as prisoners of war, including the necessary time it took them to reach their homes after their release, at the same rate of pay per month they were each receiving at the time they ware captured; also, for commutation of rations for same time.

Mr. HOAR. I should like to have some explanation of a bill which pays captives a sum of money.

Mr. JONES, of Florida. This is a House bill. A bill of a like character was reported by the Senate committee and the report made by myself from the Committee on Naval Affairs, setting forth the facts of this case. I think I can give the essential facts in a much shorter time than the report can be read.

These claims grew out of the destruction of two steamboats which were employed by the Government of the United States during the war. They were engaged in the transportation of men and munitions of war on the Lower Mississippi under a contract with the Navy Department, and while in that service Admiral Porter determined to go with an expedition up Red River, and impressed those steamers into that service. They went up Red River, men and all, and when they were rather high up the river some batteries were constructed below, and on their return they were destroyed. Nearly all the lives on both vessels were lost. The owners of the boats, under a law on the statute-book, have been paid for the vessels. A few of the survivors were captured and taken prisoners, and the object of this bill is to provide for paying to them or their heirs the wages they were entitled to under the contract with the Government during the period of their captivity.

Mr. HOAR. Captured by the rebels?

Mr. JONES, of Florida. Yes. The military branch of the public service has a law or regulation which enables them to do this thing without any action on the part of Congress, but it seems that the Navy Department has not; and in like cases the Quartermaster's Department has paid claims of this description without any special warrant or authority from Congress, but it was found by the accounting officers of the Treasury that this very just relief cannot be granted without an act of Congress. The bill has passed the House, came to the Naval Committee, and is reported unanimously.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Florida to the word "or" in line 10. The Chair is of opinion that it should have been "of." It reads, "at the same rate or pay per month."

Mr. DAVIS, of Illinois. I suppose that can be corrected as a clerical error.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL. I should like to ask the Senator from Florida if he did not on the 19th of March, 1880, report a precisely similar bill, a Senate bill, order of business No. 426, which ought to be indefinitely postponed?

Mr. JONES, of Florida. Yes; and I ask that that bill be indefinitely postponed, Senate bill No. 826, for the relief of several persons impressed into the United States naval service.

Mr. COCKRELL. Let it be indefinitely postponed.

The PRESIDING OFFICER. If there be no objection the bill will be indefinitely postponed. The Chair hears no objection.

THOMAS SNELL.

The bill (H. R. No. 6479) for the relief of Thomas Snell was considered as in Committee of the Whole. It proposes to release, cancel, and satisfy a judgment against Snell as surety for a quartermaster.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

REGISTRATION OF TRADE-MARKS.

The bill (H. R. No. 5088) to authorize the registration of trade-marks and protect the same was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HIRAM JOHNSON AND OTHERS.

Mr. HARRIS. I ask the Senate to consider at this time House bill No. 6033, which was passed over without prejudice some two or three days ago.

The Chief Clerk read the title of the bill (H. R. No. 6033) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. HOAR. That bill cannot go through in the absence of a quorum of the Senate. It is a very objectionable bill in principle. I shall have to object.

The PRESIDING OFFICER. The Senator from Massachusetts objects to the present consideration of the bill.

Mr. HARRIS. Then I desire to say that I have no wish to have the bill acted upon in the absence of a quorum, if I have the power and right to do so; but I must insist upon taking the judgment of the Senate upon the merits of this bill, and in order that I may do so, I move to postpone the pending order for the purpose of moving to proceed to the consideration of this bill. I am willing to say that if the Senate will postpone the prior orders and take the bill up, so that it leaves it for us to proceed with it to-morrow morning, I have no desire to press it to a vote to-night. I am perfectly willing for every Senator to be in his seat, would prefer to have them all here, and we can proceed with its consideration then; but I want to leave it in a position that I can be sure to have consideration of it to-morrow.

Mr. HOAR. Mr. President, I have no opinion about this bill myself except that it is apparent that it requires explanation and raises a grave question; but I know that several Senators when it came up the other day expressed a very decided interest in having it discussed and expressed doubts about the propriety of the bill. Therefore I cannot consent that it shall be taken up in their absence when the seats of the Senate are vacant; but I say to the Senator from Tennessee that if a majority of the Senate desire to take it up to-morrow morning, his motion will be in order at the close of the morning business.

Mr. HARRIS. The Senator does not quite understand me. I desire to postpone all prior orders and to take up the bill to-night, and I shall not insist upon proceeding with its consideration, but I want it to have the advantage of its being the unfinished business so that I shall not be subject to be postponed by a single objection to-morrow morning. I move to postpone the present and all prior orders, and then I shall move to proceed with the consideration of this bill.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The Senator from Tennessee moves to postpone the present and all prior orders with a view of proceeding to the consideration of the bill indicated by him.

A division was called for.

Mr. HARRIS. I withdraw the motion for the present, but I give notice that I will make the motion to-morrow morning when there is a full Senate, and I shall insist upon a vote on it.

CLAIMS FOR QUARTERMASTERS' STORES.

Mr. McDONALD. I ask unanimous consent for the present consideration of Senate bill No. 1926. It is a very short bill.

The bill (S. No. 1926) relating to quartermasters' stores furnished to the forces of Major-General Lewis Wallace during the Morgan raid through Indiana and Ohio was read.

Mr. HOAR. It seems to me that the bill ought not to be passed without explanation.

Mr. McDONALD. The purpose of this bill is simply to enable those claimants who have presented their claims to come forward with proofs in support of their claims, without the production of the quartermasters' receipts, upon showing either that a receipt was not given at the time or that it has been lost.

Mr. COCKRELL. The Senator from Massachusetts will remember that this bill was before the Committee on Claims, and it is simply to place the claimants for property taken in Indiana upon the same footing that they were in the other States.

Mr. McDONALD. It is reported by the Committee on Claims.

Mr. COCKRELL. It simply enables the Quartermaster-General to take the same kind of proof from claimants in Indiana that he takes from claimants in other States under the act of July 4, 1864. They are acting under a special law which differs from the act of July 4, 1864.

Mr. HOAR. The objection is withdrawn.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. McDONALD. I propose to amend this so as to save all question and to remove any possible objection by adding:

But nothing herein shall in any manner repeal or affect the statute of limitations in relation to such claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I move that the Senate do now adjourn.

The PRESIDING OFFICER. Before putting the motion the Chair will lay before the Senate the unfinished business, which is the bill (S. No. 2022) in relation to the Japanese indemnity fund. The question is on the motion of the Senator from Missouri.

The motion was agreed to; and (at eleven o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 1, 1881.

The House met at eleven o'clock a. m. Prayer by Rev. DAVID WILLS, chaplain United States Army.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. COVERT. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports, and the morning hour will begin at thirty minutes past eleven.

Mr. McMAHON. I ask consent to report from the Committee on Appropriations the deficiency appropriation bill for printing and recommitting.

The SPEAKER. The Chair will recognize the gentleman for that purpose.

DEFICIENCY APPROPRIATION BILL.

Mr. McMAHON, from the Committee on Appropriations, reported a bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury, in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Appropriations.

AGRICULTURAL APPROPRIATION BILL.

Mr. COVERT. By instructions of the Committee on Agriculture, I now report back to the House the bill (H. R. No. 7099) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1882, and for other purposes, with the Senate amendments thereto, with a recommendation that the amendments of the Senate be concurred in.

The SPEAKER. The question is upon concurring in the amendments of the Senate.

Mr. BREWER. I ask for the reading of the report, so as to show what the amendments of the Senate are.

The SPEAKER. No report is required in this case. The bill, with the Senate amendments, is reported back from the Committee on Agriculture, with the recommendation that the amendments of the Senate be concurred in by the House.

Mr. BREWER. Let the amendments be read.

Mr. REED. Perhaps the gentleman from New York [Mr. COVERT] can state what the amendments are.

Mr. ATKINS. I ask the gentleman from New York [Mr. COVERT] to make an explanation to the House of the amendments.

The SPEAKER. They will be read.

The amendments of the Senate were read.

Mr. BREWER. I would like to hear some explanation of those amendments.

Mr. COVERT. The amendments adopted by the Senate are comparatively few, and the majority of them are of a purely formal character. The Senate has at the end of each paragraph or section, where appropriations were made, carried out the sum total of the appropriations, so that the various amounts appropriated for the several divisions of the Department are separately shown. The annual salary of the Commissioner is increased by the action of the Senate from $3,500 to $4,000. The House had adopted as a rule to govern the distribution of seeds and plants that three-fourths of all seeds should, upon their request, be supplied to Senators and Representatives for distribution among their agricultural constituents, the balance to be distributed by the Commissioner. The Senate has amended this paragraph by striking out the words "three fourths" and inserting the words "one-half," thus giving to Senators and members of the House one-half of all seeds and plants for distribution. They have also stricken out "agricultural" before the word "constituents," in the paragraph referred to, leaving the matter of distribution, so far as the character of the recipients is concerned, to the judgment of Senators and Representatives. They further amend by providing that seeds remaing uncalled for at the end of the fiscal year shall be distributed by the Commissioner.

By the action of the Senate an appropriation of $5,000 is made to complete the testing by scientific examination of the textile strength and felting capacity of the different wools and animal fibers collected at the recent international exposition held at Philadelphia.

In lieu of the appropriation of $10,000 made by the House for investigating the diseases of domesticated animals, the Senate has appropriated $25,000, to be available immediately; and of this sum $15,000 is directed to be devoted to the investigation of the disease of pleuro-pneumonia among cattle. The House bill appropriated $15,000 for the investigation as to insects injurious to agriculture. The Senate amendment increases this amount to $25,000. By the action of the Senate the appropriation for the erection of a building for the display of agricultural implements is made immediately available. The Senate amendments increase the amount appropriated by the House bill $25,500.

The House Committee on Agriculture have carefully considered all these amendments of the Senate and have instructed me to ask the concurrence of the House in all of them. I now do so, and trust the amendments as a whole will be promptly concurred in.

The amendments of the Senate were concurred in.

Mr. COVERT moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT APPROPRIATION BILL.

Mr. COBB. I submit a report from a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 5, 36, 37, 38, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 8, 10, 21, 22, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 61, 64, and 65.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$40,940;" and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 23, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$96,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: On page 18 of the bill, at the end of line 10, after the word "Treasury," insert the following: "and with his action on the same to be printed in the general Book of Estimates;" and the Senate agree to the same.

That the committee have been unable to agree on the following amendments: numbered 11, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 49, 50, 60, 63, and 66.

T. R. COBB,
JO. C. S. BLACKBURN,
FRANK HISCOCK,
Managers on the part of the House.
R. E. WITHERS,
ISHAM G. HARRIS,
WILLIAM WINDOM,
Managers on the part of the Senate.

The SPEAKER. The Clerk will now read the statement accompanying the report.

The Clerk read as follows:

The managers on the part of the House of the conference on the District of Columbia appropriation bill respectfully submit the following detailed statement in explanation of the report agreed upon by the conference committee.

The effect of the action recommended by the committee on the Senate amendments will be, if ratified by the two Houses, as follows:

On amendments 1 and 2, strikes out proposed increase of appropriation for dredging James Creek, from $5,000 to $10,000.

On amendments 4, 5, and 6, increases the salaries of three watchmen from $180 to $240 each, and also increases the appropriation for miscellaneous items and contingent expenses of the Washington Asylum from $30,000 to $34,000.

On amendment 7, increases appropriation for the new workhouse from $3,500 to $4,500.

On amendment 8, increases the appropriation for the almshouse from $3,000 to $3,700.

On amendment 10, strikes out reference to section 4843 as prescribing who are admissible to the Government Hospital for the Insane.

On amendments 21 and 22, increases the sum for relief of the poor from $10,000 to $15,000, and provides that the compensation to physicians to the poor shall not exceed $50 per month.

On amendment 23, inserts the following:

"And hereafter the engineer commissioner shall be entitled to receive such compensation, in addition to his Army pay and allowances, as will make his compensation equal to $5,000 per annum, and a sum sufficient to pay said additional compensation is hereby appropriated."

On amendments 36 and 37, strikes out proposed increase of a clerk's salary from $1,200, to $1,400.

On amendments 38, 39, and 40, makes the appropriation for current work on streets, alleys, and avenues $20,000 instead of $25,000 and increases the sum for current repairs to county roads from $10,000 to $20,000.

On amendments 41, 42, and 43, the first is merely verbal, the second and third increases the sum for erecting lamps from $500 to $1,000.

On amendment 44, provides for compensation of a justice of the peace while acting as police judge not exceeding $300.

On amendments 45, 46, 47, and 48, provides for erecting four instead of three school-houses and increases the appropriation for that purpose from $100,000 to $104,000.

On amendments 51 and 52, provides as follows:

For repairs to the Georgetown market-house, $3,000.

For removal of bodies from Holmead's cemetery, (when requested by the relatives,) $1,000.

On amendment 59, strikes out proposed increase of sum for contingent expenses from $15,000 to $20,000.

On amendments 61 and 62, regulates the manner of transmitting to Congress the estimates for the expenses of the District of Columbia.

On amendments 64 and 65, provides for the sale by the commissioners of certain real estate belonging to the District, and that the proceeds may be used for the erection of two new police station-houses in Washington and an engine-house in Georgetown, and also inserts the following:

"SEC. 4. That the Chief of Engineers, United States Army, in charge of public buildings and grounds in the District of Columbia, be, and is hereby, authorized to sell and convey, by good and sufficient deed, to each of the owners of lot 1, square 184; lot 5, square 185; lots 5, 6, and 7, square 198; lot 12, square 199, in the city of Washington, District of Columbia, such portion of the ground immediately adjoining the front of said lots, or either of them, as will make the angles at the four corners of Sixteenth and K streets, northwest, right angles, upon payment into the Treasury of the United States by said owners, or each of them, of an amount for the number of feet in each lot so to be conveyed at the rate the same may be appraised by three disinterested freeholders resident of the city of Washington, to be selected and sworn by said Chief of Engineers impartially to appraise said real estate at the true value thereof in money; and upon said sale, the owners of said lots respectively shall pay into the Treasury of the United States, for the erection of a high-school building in the city of Washington, one-third of said purchase-money, and the remainder thereof, with interest, in one year from the date of sale. No conveyance shall be made until all the purchase-money is paid: *Provided*, That said Chief of Engineers shall not sell or convey one portion or any part of said real estate unless all the same is sold or conveyed."

On amendments 11, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 49, 50, 60, 63, and 66, leaves them in the same attitude as when non-concurred in by the House.

T. R. COBB,
JO. C. S. BLACKBURN,
FRANK HISCOCK,
Managers on the part of the House.

Mr. COBB. I move the adoption of the report.

The conference report was adopted.

Mr. COBB moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COBB. I now move the House further insist on its disagreement to the amendments of the Senate, and ask for a further conference on the disagreeing votes between the two Houses.

The motion was agreed to.

The SPEAKER. The Chair appoints, as managers of said conference on the part of the House, Mr. COBB, Mr. BLACKBURN, and Mr. HISCOCK.

FORTIFICATION APPROPRIATION BILL.

Mr. BAKER. I move to take from the Speaker's table the message from the Senate in reference to the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes; and further insist on its non-concurrence in the amendments of the Senate, and agree to the further conference asked on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. BAKER moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER. The Chair appoints as managers of said conference Mr. BAKER, Mr. CLYMER, and Mr. WELLS.

LOUISIANA CONTESTED-ELECTION CASE.

Mr. SPRINGER. I rise to a question of the highest privilege.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I desire to present a report from the Committee on Elections in reference to the contested-election cases against Mr. ACKLEN. I ask that the resolutions be read.

Mr. ROBESON. I call for the reading of the report. Is there a report accompanying this case?

Mr. SPRINGER. There is.

Mr. ROBESON. Then I hope it will be read, both the report and resolutions.

The SPEAKER. The Clerk will read the report and resolutions.

The Clerk read as follows:

The Committee on Elections, to whom was referred the contested-election cases of W. B. Merchant *vs.* J. H. Acklen and Robert O. Herbert *vs.* J. H. Acklen, of the third congressional district of the State of Louisiana, respectfully beg leave to report:

That the notices of contest and answers thereto were referred to the Committee on Elections and filed with the clerk of said committee on the 13th day of April, 1879. Evidence taken in the above cases was printed on the 15th day of January, 1880, and copies of the same were sent to the contestants, as required by the rules of the committee, by the clerk of said committee with an official notice to prepare briefs within twenty days from the 25th day of January, 1880, to which no attention was given by said contestants.

On the 21st day of May, 1880, the clerk of the committee was directed by resolution to telegraph to Messrs. Merchant and Herbert to appear before the committee, either in person or by attorney, on the 29th day of May, 1880, and show cause why their cases should not be dismissed on account of the failure to file briefs as directed. No attention was given to these dispatches, and the parties neither appeared in person nor by attorneys, as notified.

The said contestants were again notified by registered letters on the 22d day of December, 1880, to appear before the Committee on Elections on the 11th day of January, 1881, and show cause why the cases should not be dismissed; and to this no reply was made. We therefore respectfully recommend the adoption of the following resolutions:

Resolved, That Joseph H. Acklen was duly elected and is entitled to a seat in this House as a Representative in the Forty-sixth Congress from the third congressional district of the State of Louisiana.

Resolved, That Robert O. Herbert and W. B. Merchant have leave to withdraw their papers of contest in this case.

All of which is respectfully submitted.

Mr. SPRINGER. This is a unanimous report from the Committee on Elections, and I move the previous question upon its adoption.

The main question was ordered.

Mr. SPRINGER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question is on agreeing to the resolutions reported from the Committee on Elections.

The resolutions were agreed to.

Mr. SPRINGER moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WARNER. I call for the regular order of business. I recognize the importance of getting to business on the Speaker's table. The funding bill is a measure of the highest public importance; and while that is blocked by filibustering, I shall insist upon the regular order to the exclusion of everything not privileged.

The SPEAKER. The regular order is the morning hour for the call of committees.

Mr. SPRINGER. I move to dispense with the morning hour to-day.

The motion was not agreed to.

LEAVE TO PRINT.

By unanimous consent, leave to print remarks in the RECORD in reference to the pension bill was granted to Mr. MYERS; also, to Mr. FINLEY and to Mr. SCALES on the interstate-commerce bill. [See Appendix.]

MORNING HOUR.

The SPEAKER. The House having refused to dispense with the morning hour, the regular order of business being demanded, the Chair will now call the committees for reports.

REFUNDMENT OF TAXES—PENALTIES, ETC.

Mr. HERBERT, from the Committee on the Judiciary, reported, as a substitute for House bill No. 2062, a bill (H. R. No. 7252) to amend and re-enact section 3220 of the Revised Statutes of the United States, so as to provide for the payment of judgments obtained under it as judgments of the Court of Claims are now paid; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. SMITH, of Pennsylvania, the Committee on Accounts was discharged from the further consideration of the claim of John G. Doran, for reimbursement of money expended by him in the preparation of indexes to House printed matter; and the same was referred to the Committee on Claims, and the accompanying report ordered to be printed.

M. C. FISHER.

Mr. FRYE, by unanimous consent, from the Committee on Ways and Means, reported, as a substitute for House bill No. 4854, a bill (H. R. No. 7253) for the relief of M. C. Fisher; which was read a first and second time, referred to the Committee of the Whole House, and ordered to be printed.

Mr. FRYE. I am authorized by the Committee on Ways and Means to ask unanimous consent to pass this bill at this time. There can be no objection to it.

The SPEAKER. The morning hour has expired. The regular order being demanded by the gentleman from Ohio, the Chair cannot recognize at this time the request for unanimous consent.

ORDER OF BUSINESS.

Mr. TUCKER. I move that the House now proceed to business on the Speaker's table.

Mr. ROBESON. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. The unfinished business is now pending, I believe.

The question of appeal from the Speaker's decision was passed upon last night. The question of consideration raised by the gentleman from Kentucky is still undecided.

The SPEAKER. Practically there is no question of consideration presented at this time.

Mr. ROBESON. When we adjourned on yesterday the House had just decided, in reference to the Speaker's ruling, that the motion of the gentleman was in order and should stand as the judgment of the House. That now stands as the judgment of this House. The gentleman's motion is in order, and remains, therefore, as unfinished business.

The SPEAKER. That character of motion must be made on each day, and can only be regulated each day for itself. It does not come over as unfinished business.

Mr. PRICE. Mr. Speaker, I ask the Clerk to read from the records of the debates of yesterday in reference to a ruling of the Speaker.

The Clerk read as follows:

The question of consideration is not precluded——

Mr. GILLETTE. Does that require unanimous consent?

The SPEAKER. The Chair supposes the gentleman rises to a question of order or a parliamentary inquiry or something of that kind not yet developed.

Mr. GILLETTE. Then I object to the reading.

Mr. PRICE. That is upon the question now pending, the question of order; and I want to have read a ruling of the Chair made on yesterday.

Mr. GILLETTE. I object.

The SPEAKER. Objection is made to the reading.

Mr. PRICE. But this is in reference to the ruling made by the Chair himself on yesterday, and is in continuation of the point of order raised.

The SPEAKER. The gentleman can save a great deal of time by calling up the unfinished business, if that is what he wants to reach.

Mr. PRICE. I do not know that I would save much time in that way. What I sent to the desk would have been read before this time if it had been allowed.

The SPEAKER. The Chair was not allowed to have it read because the gentleman from Iowa [Mr. GILLETTE] objected.

Mr. PRICE. How can the gentleman from Iowa object to the reading of a decision of the Chair given yesterday on the question that is before the House now?

The SPEAKER. What question does the gentleman mean? The only question before the House now is the motion of the gentleman from Virginia [Mr. TUCKER] that the House proceed to the consideration of business on the Speaker's table.

Mr. PRICE. And that was antagonized by the declaration that there was unfinished business pending before the House on which the question of consideration was raised yesterday. And I want to have the decision of the Chair on that question read from the RECORD.

The SPEAKER. The Chair does not doubt that if the consideration of the unfinished business is demanded in the manner as it was demanded yesterday, the same right attaches.

Mr. PRICE. Then I demand it.

Mr. CARLISLE. And I raise the question of consideration on the unfinished business.

Mr. HASKELL addressed the Chair.

The SPEAKER. Debate is not in order.

Mr. HASKELL. I do not rise to debate. But if in order, I move to recommit the apportionment bill to the committee.

Mr. PRICE. With instructions to strike out the fifth section.

The SPEAKER. That bill is not yet before the House.

Mr. HASKELL. If gentlemen wish to get rid of the unfinished business, then let them agree to recommit the apportionment bill.

Mr. COX. I did not know the gentleman from Kansas had charge of that bill. I desire to say a word as to that.

The SPEAKER. Debate is not in order. The Chair cannot recognize one gentleman for debate more than another.

Mr. COX. If I had the voice of my friend from Kansas [Mr. HASKELL] I could debate.

The SPEAKER. It will be time enough to debate the question as to the disposition of the apportionment bill when it is before the House; but the question of consideration comes up first.

Mr. ROBESON. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. The question of consideration, as I understand, is raised by the gentleman from Kentucky, [Mr. CARLISLE.]

The SPEAKER. It is.

Mr. ROBESON. I would like to know what is the effect of that question; whether the effect is merely to defeat the consideration of a particular thing, or whether it defeats the consideration of all unfinished business?

The SPEAKER. The Chair will decide that point when it arises.

Mr. ROBESON. I would rather the Chair should decide it now.

The SPEAKER. The Chair declines to decide it till it comes up.

Mr. HASKELL. I rise to a parliamentary inquiry.

Mr. COX. And I rise to a parliamentary question.

The SPEAKER. Debate is not in order.

Mr. COX. I desire to ask a question.

The SPEAKER. Debate is not in order.

Mr. COX. I rise to a parliamentary question.

The SPEAKER. The Chair will hear it.

Mr. COX. It is whether or not the Chair will entertain the motion of the gentleman from Kansas as to the apportionment bill; and further——

The SPEAKER. The Chair will, as these points in fact arise, decide them; but he will not anticipate a point of order.

Mr. COX. One more question. I want to know if gentlemen who are urging the consideration of the apportionment bill will agree to take it up in good faith and dispose of it without obstruction and without delay.

The SPEAKER. Debate is not in order.

Mr. ROBESON. I hope the gentleman from New York will have unlimited time to state what he desires.

Mr. COX. Mr. Speaker——

The SPEAKER. The Chair calls the gentleman from New York to order.

Mr. COX. And the gentleman from New York submits to the Chair.

The SPEAKER. The Chair does it with great respect to the gentleman from New York. The question is on the question of consideration raised by the gentleman from Kentucky [Mr. CARLISLE] as to the unfinished business.

Mr. ROBESON. I demand a division of the question.

The SPEAKER. What question does the gentleman desire to have divided?

Mr. ROBESON. The question can be divided; can it not?

The SPEAKER. The pending question is the question of consideration.

Mr. ROBESON. I have addressed a question to the Chair, and the Chair refuses to answer me. If the question includes two propositions, I demand a division.

The SPEAKER. If the gentleman from New Jersey means a division of the House on the question of consideration——

Mr. ROBESON. I do not mean that.

The SPEAKER. How is it possible to divide a question of consideration?

Mr. ROBESON. I desire to make a parliamentary inquiry, and I trust the Chair will listen to me.

The SPEAKER. Certainly; the Chair will listen to the gentleman.

Mr. ROBESON. I want to know if the question of consideration be decided in the negative, whether it merely defeats the coming up of the particular business which comes up first in order, or whether it has the double action of not only defeating that but of defeating something else.

The SPEAKER. The Chair is never premature in his decisions.

Mr. ROBESON. I think the Chair ought to decide that question.

Several MEMBERS. Regular order!

Mr. ROBESON. I beg pardon. I am pursuing with great respect an important parliamentary question. Now, if it has that effect, I desire the Chair should say so now, that I may exercise my right and demand a division of the question.

The SPEAKER. The gentleman is not deprived of any right he possessed by the refusal of the Chair to decide a point of order not before the House. That would be in the nature of an attempt on the part of the Chair to influence the House in the conduct of its business, which would not be justifiable. The question is upon considering the bill.

Mr. ROBESON. With all due deference to the Chair——

Mr. REAGAN. I rise to make a conference report.

The SPEAKER. The Chair will recognize the gentleman for that purpose.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. REAGAN submitted the following:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 7104, making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 10, 25, 122, 130, 135, and 138.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 136, and 139; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same, with an amendment, as follows: Strike out "40" and insert "30;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: Strike out "66" and insert "45;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: Insert after the word "dollars" the following:

"*Provided*, That the Secretary of War is directed to expend of the money hereby appropriated a sum not exceeding $10,000 to extinguish any claim of right held by any company or corporation to take tolls or make charges for the navigation of so much of said river as is above described: *And provided further*, That said claim of right shall be extinguished and released on or before the 1st day of December, 1881; and no part of this appropriation shall be expended in the improvement of said river until such claim of right is wholly extinguished and released: *And provided further*, That nothing herein contained shall be taken or held as a waiver on the part of the United States of the exclusive control of the navigation of said river relieved from any charges or tolls imposed by any company or corporation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: Insert in the list of surveys the following: "Little Red River, in Arkansas;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows: After the word "without," in the fifteenth line of the amendment, insert "actual;" and strike out the last clause, so that it will read as follows:

"Such parts of the money appropriated by this act for any particular improvement requiring locks and dams as may be necessary in the prosecution of such improvement may be expended in the purchase, voluntary or by condemnation, as the case may be, of necessary sites: *Provided*, That such expenditures shall be under the direction of the Secretary of War: *And provided further*, That if the owners of such lands shall refuse to sell them at reasonable prices, then the prices to be paid shall be determined and the title and jurisdiction procured in the manner prescribed by the laws of the State in which such lands or sites are situated. It shall be the duty of the Secretary of War to apply the money herein appropriated for improvements, other than surveys and estimates, in carrying on the various works, as far as can be without actual detriment to the interest of the Government, by contract. Where such works cannot be done by contract without injury to the public interest, they may be prosecuted by hired labor. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution of the work according to such contract, and for the proper payment of all liabilities incurred in the prosecution thereof for labor and material."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows: Strike out "Newark," and insert "New York;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows: After the word "Whiteoak," insert "Meherrin and New;" and strike out "river," and insert "rivers;" and the Senate agree to the same.

JOHN H. REAGAN,
JOHN E. KENNA,
THOMAS M. BROWNE,
Managers on the part of the House.

M. W. RANSOM,
J. T. FARLEY,
S. J. R. MCMILLAN,
Managers on the part of the Senate.

The SPEAKER. The accompanying statement required by the rule will now be read.

The Clerk read as follows:

The conference on the part of the House, who met in conference with the Senate committee on the river and harbor bill and agreed to the accompanying conference report, beg leave to submit in relation thereto the following detailed statement as to the effect of the recommendations of the conference committee:

This bill, as it passed the House, provided for the appropriation of $10,179,800. To this sum the Senate added by amendments $962,000. Of the one hundred and thirty-nine amendments to the bill made by the Senate, the House conferees agreed to recede from the disagreement of the House on one hundred and twenty-five; and receded from its disagreement, with amendments, on seven items. And the Senate conferees receded from seven of the Senate's amendments. The effect of which was to reduce the amount of the increases by the Senate amendments by the sum of $66,000. This leaves the aggregate amount proposed to be appropriated by the bill, as amended by the conference committee, at $11,141,800. All of which is respectfully submitted.

JOHN H. REAGAN,
JNO. E. KENNA,
THOMAS M. BROWNE.
Conferees on the part of the House.

Mr. REAGAN. I call the previous question.

Mr. COX. I raise the point of order that under Rule XXIX all conference reports are required to be accompanied by "a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate." I make the point of order that the formal report just read, while it shows in the aggregate the additions made by the Senate to this bill, and how the aggregate is affected by the changes made in the conference, is nevertheless not such a report as the rules require, a report containing an explicit statement showing each particular proposition. For instance, Mr. Speaker, suppose this committee had added certain items not in difference between the two Houses; suppose that on certain questions where there has been no disagreement matters entirely alien to the bill have been introduced. Then I contend that the point of order lies, and that the bill must go to the Committee of the Whole on the state of the Union.

Mr. KENNA. The report meets both those questions.

Mr. COX. We cannot tell from the report whether the committee has added anything or not.

Mr. REAGAN. If the gentleman is through, I desire to say a word on the point of order. The gentleman's point is, that as to each of the one hundred and thirty-nine amendments there ought to be a detailed report stating the action upon each. The report of the conference committee states that as to one hundred and twenty-five of the Senate amendments, the House recedes from its disagreement; that as to seven of the Senate amendments, the House recedes from its disagreement, with amendments; that as to certain other amendments, the Senate recedes. The effect of this is stated to be a reduction to the extent of $66,000 in the amount proposed to be appropriated by the Senate amendments. I can conceive of no other practical information which could be desired in this detailed report.

The point is made, however, that the House cannot tell from this report but that extraneous matters have been introduced into the bill. Why, sir, the report itself precludes the possibility of any such thing, to say nothing of the known fact that no committee of conference would dare to do a thing of that kind. The report disposes of the whole one hundred and thirty-nine amendments, stating what has been done with each; and it makes no reference to any other amendment. The point is made upon a supposition which has no foundation in the bill or report, and can have none.

As I take it, the report contains what the rule contemplates should be stated to show the House by what amount the appropriations have been increased or diminished. We show the disposition of each amendment, and that the appropriations as acted upon by the conference committee are reduced by the sum of $66,000. The provision of the rule is that—

There shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

Now, where the House has receded from the Senate amendments with amendments, where any new matter is introduced in the bill, that is explained in the conference report. It states just what has been done by the action of the committee. We have not failed to bring before the House any fact which we could bring before it and which was necessary for its action.

Mr. COX. The gentleman does not answer my question, although he admits that new matter has come into the bill—matter extraneous to the bill.

Mr. REAGAN. I have made no such admission.

Mr. COX. How can we tell from this report that that has not been done? It is an old custom; it has been done frequently; it is a vicious practice which ought to be torn up by the roots. I would like the report to show, in accordance with Rule XXIX, explicitly and in detail just how each of the amendments affects the House bill, either by reduction or increment. Here we have a bill involving ten or eleven million dollars. It goes to the Senate and $900,000 is added to it. The committee of conference, as they state, reduce the amount $66,000. The matter comes back here and the previous question is called. There may or may not be new matter in it; but we have the right to send it to the Committee of the Whole for inquiry, unless we have an explicit report, so that we may know on the call of the yeas and nays how to vote as to the final disposition of the conference report.

Mr. WARNER. And, Mr. Speaker, I submit further that the report is not sufficiently explicit to enable the House to determine whether it will agree to the increments that have been made in the Senate to certain items or the decrements that have been made to other items. The very object of such a report is to show the House explicitly the effect of the amendments, and the amendments have not even been read. The Senate amendments have never been read in this House.

Mr. MCLANE. I submit to the gentleman from Ohio [Mr. WARNER] that if he takes any such exception as that to the report, he is bound to indicate what particular item is not explained in the report.

Mr. WARNER. No item is explained in the report, even by number.

Mr. MCLANE. Any gentleman who has the bill before him, and will refer to it as the report is read, will find precisely what the rule requires.

Mr. WARNER. No member could follow by the bill the report as it was read. The object of the report under the rule is to furnish to the House the very information which we now require to have, and which this report does not furnish.

Mr. VAN VOORHIS. Mr. Speaker, this rule requires a "detailed statement" as to the manner in which every amendment affects the bill. Here are one hundred and thirty-nine amendments. There is no "detailed statement" referring to any amendment. The word "detailed" is a plain word; it means that every item of these one hundred and thirty-nine amendments must be explained so that we may see how the bill is affected by each; but here is a loosely-worded statement dealing in generalities entirely. There is no detail about it. It is the clearest kind of a violation of the rule. It seems to me the point made by the gentleman from New York [Mr. COX] is well taken and should be sustained.

The SPEAKER. The question is on agreeing to the conference report.

Mr. COX. I distinctly raise the point of order that this is not such a report as the rule requires.

The SPEAKER. That would drive the Chair to decide upon the contents of the report.

Mr. COX. Will the Chair remember that at the last session of Congress on the report of the conference committee on an appropriation bill the question was raised by the gentleman from Michigan, [Mr. CONGER,] and we were compelled to sit down and write in detail the effect of the amendments.

The SPEAKER. Because the conferees had not submitted any accompanying statement.

Mr. COX. It was the first time the new rule was administered and we were compelled to go into detail as to the effect of amendments.

The SPEAKER. So far as the Chair can observe, the rule has been complied with. It is for the House to determine whether the contents of the report meet what, in the judgment of the members, the rule requires.

Mr. COX. What was the object of the rule, Mr. Speaker, but to let the House know the action in detail so we might be able to vote properly?

The SPEAKER. The House may refuse to accept the report. To vote it down is the remedy the House has if in its judgment the report is not sufficient.

Mr. ATKINS. There is nothing practical in what my friend from New York is asking; and for this reason: yesterday when the detailed statement in regard to the legislative, &c., appropriation bill was read at the Clerk's desk there were not a dozen men in the House who knew one thing about that detailed statement when it was read through by the Clerk.

Mr. COX. Because we had a great deal of confidence in the gentleman from Tennessee and his committee.

Mr. ATKINS. That may be all true, and I thank the gentleman for the confidence he may repose in us, and I suppose the same confidence may be reposed in my friend from Texas and his committee. Now, as has been very well said, if any gentleman will take up the bill and the items in the conference report and follow the bill along with the numbers in reference to which recommendations are made one way or the other, he can tell all about what has been done by the conference committee on the disagreeing votes of the two Houses. If gentlemen do not listen, however, and do not pay attention either to the conference report itself or to the detailed statement which accompanies it, why then the one is just as blank as the other.

The SPEAKER. The Chair does not think it is within the province of the Chair to judge as to the contents of the report. That belongs to the House. One member might think as the gentleman from New York does, that the report is not a fulfillment of the injunction of the rule, but all the rest of the House might think differently. It is, therefore, to the mind of the Chair a matter for the House to determine by recommitting the report or in some other mode reaching a judgment as to its sufficiency. As far as the Chair is able to observe the letter and spirit of the rule has been complied with in this case.

Mr. COX. I rise to another point of order. I wish to say a word in reply to the very kind admonition of my friend and neighbor from Tennessee.

Mr. McLANE. I rise to the point that that is not a point of order.

Mr. COX. Hear me through.

Mr. McLANE. I want the decision of the Chair.

Mr. COX. You can never find the point until you get to the end of the sentence.

Mr. McLANE. Sometimes the gentleman will get to the end of a sentence without having any point in it at all.

Mr. COX. That depends upon how the gentleman's intellect runs.

Mr. McLANE. I require the gentleman from New York to state his point of order.

Mr. COX. It is this; the statement was made there was new matter in this bill; and, therefore, under the rules, it must go to the Committee of the Whole House on the state of the Union. I ask my friend from Texas whether or not it is true or not true that there are matters in this bill never in difference between the two Houses.

Mr. REAGAN. There is not one thing in the bill that was not in difference between the two Houses. No item has been attached that was not in difference between the two Houses.

Mr. COX. Is there any money appropriated that was not on the bill?

Mr. REAGAN. I wish to express my astonishment that the gentleman from New York should ask such a question. He has no right to impugn the motives or action of a committee when that committee is bound by parliamentary law and common decency to obey the rules of the House.

Mr. COX. I am endeavoring now to make a point of order on which I would like to have the ruling of the Chair, and I ask the gentleman from Texas the question——

Mr. REAGAN. The gentleman has no right to make an insinuation against the action of the conference committee in his question or otherwise.

Mr. COX. I have a right to make my point of order.

Mr. REAGAN. The gentleman in making his point has no right to reflect upon me or the conference committee or to impugn our motives.

Mr. COX. I am making no insinuation against the gentleman, but I will not allow my right of debate to be restricted by any such assertions. There has been, as everybody is aware, a large sum added to this bill in the Senate. Now, there must have been items added to it, and I say, without impugning the motives or action of anybody, items added which were not in the bill when it went from the House to the Senate or to the conference committee——

Mr. McLANE. I call the gentleman to order.

The SPEAKER. If the Chair understands the point of order made by the gentleman from New York, it is that there are items in the bill which have not been acted upon by the House in Committee of the Whole House on the state of the Union.

Mr. REAGAN. Let me respond to the gentleman. I think it is right that we should have the privilege of responding to him. I have already stated, and the report shows, that we have not only not added anything to the Senate amendments to the bill, but that we have absolutely reduced the total sum $66,000 in the conference. I have stated emphatically that no new matter has been introduced.

Mr. COX. Has no matter been introduced which has not been considered in the House?

Mr. REAGAN. No matter has been introduced which is not in issue between the two Houses.

Mr. HASKELL. Mr. Speaker, I rise to a question of order. There must be some method by which this matter can be gotten out of the way, so that we can go on with the apportionment bill or the funding bill, and not waste time in this way.

Mr. WARNER. There ought to be, but gentlemen on the other side seem disposed to prevent such action.

Mr. MILLS. I hope we will soon get through with this business.

The SPEAKER. The gentleman from New York makes the point of order, as the Chair is able to understand it, that there is matter in this bill which did not originate in the House, and makes the point of order that under Rule XX of this House, although such matter be incorporated in the bill in furtherance of the original purpose of the bill, that is, for the improvement of rivers and harbors, it should have its first consideration in Committee of the Whole House on the state of the Union. The Chair supposes that to be the point. Now, that would have been a good point if the rules had not been suspended and the bill taken from the Speaker's table and the amendments of the Senate non-concurred in. But the suspension of the rules interferes with the operation of the very rule the gentleman from New York seeks to apply here.

Mr. WARNER. I wish to make another parliamentary inquiry. [Cries of "Regular order!"]

Mr. MILLS. Let us dispose of this question.

Mr. WARNER. I have risen to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER. My inquiry is, that as there are amendments in this bill incorporated by the Senate, involving hundreds of thousands of dollars, which were not included in this bill as it was reported to the House, and considered by the House in Committee of the Whole, therefore these items have not been considered by the House, in committee or otherwise. Now, I submit whether it is not in order under Rule XX to require the consideration of such amendments in Committee of the Whole on the state of the Union as the rule provides?

The SPEAKER. The Chair, in response to the inquiry of the gentleman from Ohio, will state that every amendment of the Senate has been considered in the House, under a technical compliance with the rule, because they were non-concurred in, which was the action of the House upon them.

Mr. ROBINSON. In support of what the Chair has stated, I will say that the same point was up on yesterday on a question by the gentleman from Ohio, when it was proposed to suspend the rules and non-concur in the Senate amendments to this bill, and the Chair ruled that the point of order must be taken before the bill was sent to conference; and that the point of order could not be made against the conference report. In this case it is a simple repetition of the same ruling which has already been had upon other bills not only at this session of Congress but heretofore.

Mr. WARNER. But I made the point of order when the bill was sent to the committee of conference.

Mr. ROBINSON. And I say this without regard to our attitude upon the bill.

The SPEAKER. The gentleman from Massachusetts is undoubtedly correct as to the time the point should be made. But if the point of order had been made prior to sending the bill to the conference committee, the Chair would suggest in that event that the suspension of the rules accomplishes the same effect by taking it outside of the limitation placed upon it by the provisions of Rule XX.

Mr. ROBINSON. The rules were suspended on yesterday, and the Senate amendments were concurred in.

Mr. VAN VOORHIS. I understand my colleague to say that new matter has been added to this bill by the conference committee.

Mr. REAGAN. Not a dollar. There has been no matter, as I have already stated, which has not been in controversy between the two Houses. The conference committee have reduced the total amount.

Mr. VAN VOORHIS. I understand, so far as I am able to gather from the reading of this report, that numerous items have been incorporated in the bill which were not acted upon by the House at all. Now, in view of that fact, I move that the bill be recommitted to the conference committee with instructions to make a report under Rule XXIX.

Mr. REAGAN. The gentleman has not the floor to make any such motion.

Mr. COX. I desire to ask the gentleman from Texas a single question: whether or not the sum appropriated in this bill for the survey of Red River in Arkansas has not been incorporated in it since it left the House?

Mr. REAGAN. Mr. Speaker, the bill contained an appropriation of $10,000 for the improvement of Little Red River in the State of Arkansas. In the conference the point was made that improvement had not been estimated for; and the Senate committee, on the motion of the House conferees, agreed to strike out the appropriation, with an amendment ordering a survey.

Mr. WARNER. Would it be in order to move to lay this report on the table?

The SPEAKER. To vote down the report is the direct way to defeat it. The gentleman from Texas [Mr. REAGAN] demands the previous question.

The main question was ordered.

Mr. REAGAN moved to reconsider the vote by which the main question was ordered; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER. The question is on agreeing to the report of the conference committee.

Mr. ROBESON. On that question I demand the yeas and nays.

On ordering the yeas and nays there were—ayes 42, noes 115.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 84, not voting 44; as follows:

YEAS—162.

Acklen,	Cravens,	Kelley,	Sawyer,
Aiken,	Crowley,	Kenna,	Scoville,
Aldrich, N. W.	Culberson,	Kimmel,	Shallenberger,
Aldrich, William	Daggett,	King,	Shelley,
Atkins,	Davidson,	Loring,	Sherwin,
Baker,	Davis, George R.	Lowe,	Simonton,
Ballou,	Davis, Lowndes H.	Marsh,	Slemons,
Barber,	Deuster,	Martin, Benj. F.	Smith, Hezekiah B.
Bayne,	Dibrell,	Martin, Edward L.	Smith, William E.
Beale,	Dick,	Mason,	Stevenson,
Belford,	Dunn,	McCoid,	Stone,
Berry,	Dunnell,	McKenzie,	Talbott,
Bingham,	Elam,	McKinley,	Taylor, Ezra B.
Bisbee,	Ellis,	McLane,	Taylor, Robert L.
Blackburn,	Errett,	Miles,	Thompson, P. B.
Blake,	Evins,	Miller,	Tillman,
Bland,	Felton,	Mills,	Townsend, Amos
Bliss,	Forney,	Money,	Tucker,
Bouck,	Frost,	Monroe,	Turner, Thomas
Boyd,	Gibson,	Muldrow,	Upson,
Bragg,	Goode,	Myers,	Urner,
Brigham,	Gunter,	New,	Valentine,
Browne,	Harris, Benj. W.	Newberry,	Vance,
Buckner,	Harris, John T.	Nicholls,	Voorhis,
Burrows,	Hatch,	O'Neill,	Waddill,
Cabell,	Hawk,	O'Reilly,	Ward,
Caldwell,	Hayes,	Orth,	Washburn,
Calkins,	Hazelton,	Pacheco,	Wellborn,
Cannon,	Heilman,	Persons,	Wells,
Carlisle,	Henkle,	Phelps,	Whiteaker,
Carpenter,	Herbert,	Philips,	Williams, C. G.
Caswell,	Herndon,	Phister,	Williams, Thomas
Chalmers,	Hiscock,	Poehler,	Willits,
Claflin,	Hooker,	Price,	Wilson,
Clardy,	Horr,	Reagan,	Wise,
Clark, John B.	House,	Reed,	Wood,
Clements,	Hubbell,	Richardson, J. S.	Wright,
Conger,	Hunton,	Richmond,	Yeates,
Cook,	Hurd,	Robertson,	Young, Casey.
Covert,	Jones,	Ross,	
Crapo,	Jorgensen,	Samford,	

NAYS—84.

Anderson,	Einstein,	Ladd,	Robinson,
Atherton,	Finley,	Lapham,	Ryan, Thomas
Bachman,	Fisher,	Le Fevre,	Sapp,
Bailey,	Forsythe,	Lindsey,	Scales,
Beltzhoover,	Fort,	Lounsbery,	Singleton, J. W.
Bicknell,	Frye,	McGowan,	Smith, A. Herr
Bowman,	Geddes,	McMahon,	Sparks,
Brewer,	Godshalk,	McMillin,	Springer,
Briggs,	Hall,	Morrison,	Starin,
Camp,	Hammond, John	Morse,	Steele,
Clark, Alvah A.	Hammond, N. J.	Muller,	Thomas,
Clymer,	Haskell,	Neal,	Thompson, Wm. G.
Cobb,	Hawley,	Norcross,	Turner, Oscar
Coffroth,	Hill,	Osmer,	Tyler,
Colerick,	Hostetler,	Overton,	Updegraff, J. T.
Converse,	Joyce,	Page,	Updegraff, Thomas
Cowgill,	Ketcham,	Prescott,	Van Voorhis,
Cox,	Killinger,	Ray,	Warner,
Davis, Horace	Kitchin,	Rice,	Weaver,
Deering,	Klotz,	Richardson, D. P.	Whitthorne,
Dickey,	Knott,	Robeson,	Yocum.

NOT VOTING—44.

Armfield,	Ford,	Manning,	Ryon, John W.
Barlow,	Gillette,	McCook,	Singleton, O. R.
Blount,	Harmer,	Mitchell,	Speer,
Bright,	Henderson,	Morton,	Stephens,
Butterworth,	Henry,	Murch,	Townshend, R. W.
Chittenden,	Houk,	O'Brien,	Van Aernam,
Davis, Joseph J.	Humphrey,	O'Connor,	Wait,
De La Matyr,	Hutchins,	Pound,	White,
Dwight,	James,	Rothwell,	Wilber,
Ewing,	Johnston,	Russell, Daniel L.	Willis,
Ferdon,	Keifer,	Russell, W. A.	Young, Thomas L.

So the report of the committee of conference was agreed to.

At the conclusion of the second call of the roll,

Mr. FINLEY asked consent that the reading of the names be dispensed with.

Mr. ROBESON and Mr. PRICE objected.

The names of those voting were then read.

The following pairs were announced:

Mr. SINGLETON, of Illinois, with Mr. POUND.

Mr. JAMES with Mr. O'BRIEN.

Mr. JOHNSTON with Mr. WAIT, both being absent on account of indisposition.

Mr. BUTTERWORTH with Mr. SPEER, until four o'clock to-day.

Mr. STEPHENS with Mr. DWIGHT, on this vote. If Mr. STEPHENS were present, Mr. DWIGHT would vote "no."

Mr. ARMFIELD with Mr. MANNING, on the river and harbor appropriation bill.

Mr. FERDON with Mr. WILLIS, on this vote.

Mr. HENDERSON with Mr. TOWNSHEND of Illinois, on all questions, Mr. TOWNSHEND being absent on account of severe illness, and Mr. HENDERSON being at liberty to vote on any question if necessary to make a quorum.

The result of the vote was then announced as above stated.

Mr. REAGAN moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

A bill (H. R. No. 709) for the relief of William S. Burgess and others;

A bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Perces, and for the relief of the heirs of such as were killed in such service;

A bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans;

A bill (H. R. No. 2503) for the relief of John H. W. Riley, of California;

A bill (H. R. No. 3451) for the relief of George W. Brower;

A bill (H. R. No. 3785) appropriating money for the erection of a penitentiary in the Territory of Dakota;

A bill (H. R. No. 4261) for the relief of Henry B. Eastman;

A bill (H. R. No. 4590) to provide for the sale of certain property owned by the United States in the District of Columbia;

A bill (H. R. No. 4663) to admit free of duty one of the bells of Saint Michael's chimes, Charleston, South Carolina, which has been sent to England to be recast;

A bill (H. R. No. 5389) for the relief of Samuel Harper;

A bill (H. R. No. 5532) establishing a life-saving station at Louisville, Kentucky;

A bill (H. R. No. 5629) to graduate the price and dispose of the residue of the Osage Indian trust and diminished reserve lands lying east of the sixth principal meridian in Kansas;

A bill (H. R. No. 6493) to provide for the construction of a public building at Jackson, in the State of Mississippi; and

A joint resolution (H. R. No. 373) relative to printing the agricultural report for the year 1880.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. No. 3132) to confirm the title to certain lands of the State of Ohio; and

A bill (H. R. No. 2384) amendatory of and supplementary to an act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana, approved June 18, 1878.

ORDER OF BUSINESS.

The SPEAKER. The question now recurs on the question of consideration of unfinished business, raised by the gentleman from Kentucky, [Mr. CARLISLE.]

Mr. CONGER. I make the point of order that the order of business cannot be changed without a two-third vote. The rules are very distinct on that point, and the Chair has so held repeatedly.

The SPEAKER. The Chair is unable to say whether two-thirds will vote——

Mr. ROBESON. We have a right to know how we are voting.

The SPEAKER. The Chair cannot determine what the vote will be until it is taken.

Mr. CONGER. Was the motion of the gentleman from Kentucky [Mr. CARLISLE] to dispense with the order of unfinished business, or was it——

The SPEAKER. The question of consideration was pending when interrupted by the conference report on the river and harbor appropriation bill.

Mr. CONGER. The question of consideration between what?

The SPEAKER. Against the unfinished business.

Mr. CONGER. But the rule says that the order of business shall not be changed except by a two-third vote.

The SPEAKER. The question of consideration is in the line of order of business.

Mr. CONGER. No; it cannot be a question of consideration against all unfinished business. When we reach an order of business the question of consideration may be raised against each bill as it comes up.

The SPEAKER. The Chair is not deciding that question now.

Mr. CONGER. We want to know what the proposition will lead to.

The SPEAKER. The gentleman from New Jersey raised a point which the Chair did not decide because the necessity for it had not arisen, and the Chair thinks it has not yet arisen.

Mr. CONGER. I call for the regular order, which is the consideration of unfinished business.

The SPEAKER. The gentleman from Iowa [Mr. PRICE] called up the unfinished business and the gentleman from Kentucky [Mr. CARLISLE] raised the question of consideration, which question was recognized and pending when he was taken off the floor by reason of a conference report.

Mr. REED. Question of consideration of what?

The SPEAKER. Of the unfinished business.

Mr. REED. Of the whole of it?

The SPEAKER. That pending at the last adjournment.
Mr. REED. That is the apportionment bill.
The SPEAKER. The motion of the gentleman from Iowa was to proceed to unfinished business. The Chair is not going to take advantage of anybody.
Mr. REED. Then the question of consideration which we are now called to vote upon is upon the apportionment bill.
The SPEAKER. The gentleman from Iowa did not state it as such.
Mr. REED. He called for the unfinished business, and that means the apportionment bill.
Mr. TUCKER. What does the gentleman from Iowa call up?
Mr. REED. The call for the unfinished busipess is not a call for unfinished business in a lump, but for that unfinished business, whatever it may be, which has priority.
The SPEAKER. The Chair will not decide that point until the vote is taken whether the House will or will not consider the unfinished business.
Mr. REED. Do I understand then the Speaker to entertain a question of consideration against the unfinished business in a lump?
The SPEAKER. The Chair has made no such decision.
Mr. REED. The gentleman from Iowa [Mr. PRICE] called up the unfinished business; that must be that unfinished business which is in order.
The SPEAKER. The Chair will decide——
Mr. ROBESON. The gentleman from Iowa called up the unfinished business in order under the rules. If the gentleman from Kentucky [Mr. CARLISLE] desires to pass over that, he must move to suspend the rules.
Mr. CONGER. I demand that the House shall know what particular business of the unfinished business the question of consideration is raised upon, or whether it is upon the whole unfinished business.
The SPEAKER. The Journal shows that the gentlemen from Iowa called up the unfinished business.
Mr. ROBESON. That was equivalent to a call for the regular order.
Mr. REED. That is a call for the regular order.
The SPEAKER. And the gentleman from Kentucky raises the question of consideration.
Mr. REED. Consideration of what?
The SPEAKER. What gentlemen on the left want to know is whether that is comprehensive, or whether it applies only to a single bill. The Chair will decide that when the issue is made, after the vote is given.
Mr. REED. The issue is made now. I make the point of order that the question of consideration as to the unfinished business as a whole cannot be made.
Mr. CARLISLE. Then the motion of the gentleman from Iowa is out of order.
Mr. REED. Will the Chair understand the proposition——
The SPEAKER. The Chair thinks he understands it.
Mr. REED. I make the point of order that the question of consideration on unfinished business as a whole cannot be made.
The SPEAKER. The Chair will decide that——
Mr. REED. After we have voted on it?
The SPEAKER. When any member asks the Chair to decide it; when it is actually presented as an issue to the House.
Mr. REED. It is now an issue.
The SPEAKER. The Chair will decide it on request of any member when it is an issue.
Mr. REED. It is an issue now.
The SPEAKER. The gentleman from Maine [Mr. REED] will observe that the motion now is to proceed to the consideration of unfinished business.
Mr. REED. But there is no occasion to vote on that; that is the regular order. The gentleman from Kentucky interposes a question of consideration. I make the point of order that the question of consideration cannot be interposed against the call for the regular order, which is what the gentleman from Iowa made in substance.
Mr. COX. Everybody knows that the unfinished business is the apportionment bill with the previous question on it.
Mr. REED. The Speakor does not seem to be quite clear on that point.
The SPEAKER. The Chair is clear about that point. Whether it is comprehensive or whether it is single in its operation the Chair does not wish to decide until the question is raised.
Mr. REED. But it cannot be decided after the vote is taken.
The SPEAKER. The Chair will determine that point, if the vote is in the negative, whether it embraces a single bill or whether it is comprehensive.
Mr. REED. But the Chair will then decide the point after we have voted on it.
The SPEAKER. But nothing else could be done now.
Mr. REED. We need the information to enable us to vote intelligently.
The SPEAKER. The Chair thinks the gentleman is full of information on that point.
Mr. REED. I submit to the Chair that I think I am.
Mr. ROBESON. I would like to ask the Chair a parliamentary question.
The SPEAKER. Certainly.
Mr. ROBESON. When the regular order is called under the rule, I would like to ask whether that regular order can be set aside without a suspension of the rules?
The SPEAKER. The Chair decided yesterday that the House had a right to express the determination whether it would consider any business; and the question of consideration is now raised.
Mr. REED. The call of the gentleman from Iowa was equivalent to a call for the regular order.
The SPEAKER. There is not very much difference.
Mr. REED. We want to know what the difference is.
The SPEAKER. But the Chair does not wish to decide the point in advance. If the House should vote not to consider, then the Chair would be prepared to say whether that vote applied to a single bill or was comprehensive in its operation.
Mr. CONGER. Will the Chair inform the House what business would be in order under the regular order?
The SPEAKER. What is the unfinished business?
Mr. CONGER. What order of business have we now reached?
The SPEAKER. We have now reached unfinished business.
Mr. CONGER. I demand the regular order.
The SPEAKER. The gentleman from Kentucky raises the question of consideration.
Mr. REED. Now, is it the question whether we are going to consider the regular order? and if we vote not to consider it, have we got through our business?
The SPEAKER. If the House should vote not to consider, then the gentleman from Maine can make his point of order whether that applies to a single bill or whether it covers all.
Mr. REED. The point of order which I make is that under a call for the regular order there is something which is before the House.
The SPEAKER. It is the unfinished business called for by the gentleman from Iowa, on which the gentleman from Kentucky raises the question of consideration, which the Chair recognizes as in order.
Mr. REED. But there must be a particular measure which is before the House under the regular order. Now, what is that particular measure?
Mr. CARLISLE. I suggest to the gentleman from Maine that if he be correct in his proposition, then the motion which the gentleman from Iowa has made is out of order, because his motion was simply to proceed to the unfinished business generally.
Mr. REED. Now we call for the regular order.
The SPEAKER. The regular order is the demand of the gentleman from Iowa——
Mr. MILLS. The regular order is to take a vote on the questio Will the House now consider the unfinished business?
The SPEAKER. That is the point.
Mr. FRYE. I suggest to the gentleman from Kentucky, [Mr. CARLISLE,] who advocated a certain position yesterday, that the whole trouble now comes from a wrong ruling yesterday which was sustained by a majority of this House, and that the proper motion now, disregarding that ruling, would be to move to suspend the rules and go to business on the Speaker's table.
The SPEAKER. The gentleman from Maine [Mr. FRYE] will allow the Chair to say he does not consider that the ruling of yesterday was wrong; on the contrary, a night's reflection has convinced him of the accuracy of the ruling.
Mr. KEIFER. Others have had a "night's reflection," and they are satisfied of the contrary.
The SPEAKER. The Chair is bound by the ruling of the House, which supports his own judgment. But the effort of the gentleman from Maine [Mr. REED] is to induce the Chair to decide in advance the question of order whether this motion is general in its character and covers the whole of the unfinished business, or whether it is single in its operation, covering only one bill. That the Chair does not wish to decide until the point arises.
Mr. REED. I submit to the Chair that, the regular order having been called, we are entitled to know what the regular order is.
The SPEAKER. The regular order is the demand of the gentleman from Iowa, on which the gentleman from Kentucky raises the question of consideration.
Mr. PRICE. Will the House give me permission to make a proposition, not to exceed five minutes? I think it may result in some harmony.
The SPEAKER. Is there objection?
Mr. TUCKER. What is the proposition?
The SPEAKER. The gentleman from Iowa asks consent to make a statement to the House, not to exceed five minutes—a statement, as he explains, in the direction of harmony.
Mr. HASKELL and others objected.
Mr. PRICE. Then, gentlemen do not want harmony.
Mr. CARLISLE. If somebody can be permitted to reply to the gentleman from Iowa, I presume there will be no objection.
The SPEAKER. There is objection.
Mr. PRICE. Then I modify my motion, and call for the regular order.
The SPEAKER. The gentleman from Iowa modifies his motion.
Mr. ROBESON. We call for the regular order.
The SPEAKER. As many as are in favor of proceeding——
Mr. REED. There cannot be any necessity for voting to proceed with the regular order.
The SPEAKER. The regular order is the unfinished business.

Mr. REED. What is the unfinished business? What particular unfinished business is there? What is the first unfinished business?

Mr. CONGER. I call for a statement of the first unfinished business.

The SPEAKER. The Chair thinks the issue might as well be presented in one way as another. The Chair will not decide the point of order until it arises.

Mr. CONGER. I call for the first unfinished business on the Calendar.

The SPEAKER. The gentleman from Iowa modifies his motion to call for the first bill in order; and on that the gentleman from Kentucky raises the question of consideration.

Mr. REED. Not on a call for the regular order. The gentleman cannot raise the question of consideration on the regular order.

The SPEAKER. The regular order is, as the gentleman indicates now, the bill——

Mr. REED. No matter whether he does or not.

Mr. PRICE. That is what I wanted five minutes to make a proposition about.

Mr. REED. Will the Chair kindly state to the House what the proposition is?

The SPEAKER. The regular order is the unfinished business, which is the bill known as the "apportionment bill."

Mr. REED. We are much obliged to the Chair.

The SPEAKER. But the Chair was not bound to decide the question until it properly arose, although he was very clear on the point, as gentlemen on the left might have seen.

Mr. TUCKER. Do I understand the gentleman from Iowa as now modifying his motion so as to call up the apportionment bill?

The SPEAKER. That is the effect.

Mr. TUCKER. I raise the question of consideration.

Mr. KEIFER. Oh, no!

The SPEAKER. Those in favor of considering the regular order, which is the apportionment bill——[Cries of "No!" on the republican side.]

Mr. CONGER. The Chair cannot afford to change his ruling.

Mr. COX. There is an opportunity to test the sincerity of gentlemen on the other side. They evidently do not want either bill. If they vote for the apportionment bill they can have it.

Mr. CONGER. That is only talk, and I love to hear the gentleman talk.

Mr. COX. Only say so, and you can get the apportionment bill.

Mr. KEIFER. We raise the question of order that the question of consideration cannot be raised against the regular order.

The SPEAKER. The Chair thinks it can. It is against the apportionment bill, which is the first question.

Mr. KEIFER. We were operating under the previous question as to that apportionment bill yesterday.

The SPEAKER. The Chair decided yesterday it was not material whether the previous question was pending or not.

ENROLLED BILL SIGNED.

Mr. UPSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1882, and for other purposes.

APPROVAL OF BILLS AND JOINT RESOLUTIONS.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes;

An act (H. R. No. 7172) to admit free of duty two watches presented to Joseph Upton and G. W. Curtis for rescuing the crew and passengers of the steamship American;

An act (H. R. No. 6514) concerning settlement of boundary lines between New York and Connecticut;

Joint resolution (H. R. No. 315) amending and re-enacting joint resolution approved June 14, 1879, directing a monument to mark the birthplace of George Washington;

Joint resolution (H. R. No. 387) authorizing the printing of thirty thousand copies of the third report of the United States Entomological Commission;

An act (H. R. No. 4572) defining the verification of returns of national banks;

An act (H. R. No. 192) granting a pension to Hulda L. Barnard;

An act (H. R. No. 3100) granting relief to Samuel B. Hutchinson;

An act (H. R. No. 2290) granting a pension to William Bowman;

An act (H. R. No. 4887) granting a pension to Rosalie Louis;

An act (H. R. No. 2123) granting a pension to Albert N. Jack;

An act (H. R. No. 624) granting a pension to Robert S. Goodall;

An act (H. R. No. 7036) to establish post-routes;

An act (H. R. No. 7103) to constitute Atlanta, Georgia, a port of delivery; and

An act (H. R. No. 7033) making the city of Chattanooga, in the State of Tennessee, a port of delivery.

ORDER OF BUSINESS.

The question was put to the House whether it would proceed to consider the regular order which was the unfinished business, being the apportionment bill, and the Speaker declared by the sound that the "noes" had it.

Mr. ROBESON. I demand a division, and I wish to ask the Chair to state the question.

The SPEAKER. Those in favor of proceeding to the consideration of the unfinished business known as the apportionment bill, will say "ay" and those opposed will say "no."

The House divided; and there were—ayes 69, noes 100.

Mr. CONGER. I desire we may have tellers. I feel a reasonable anxiety to get at the apportionment bill as quickly as possible.

The SPEAKER. The gentleman seems to have changed his mind. [Laughter.]

Mr. CONGER. I think I am aiding the Chair in that direction.

Mr. BOUCK. I demand the yeas and nays.

Mr. SPRINGER. As this involves the question of consideration between the apportionment bill and the funding bill, I demand the yeas and nays.

Mr. ROBESON. There is no such question up.

Mr. SPRINGER. There is.

The yeas and nays were ordered.

Mr. FINLEY. I rise to a parliamentary inquiry. What is this contest on, the apportionment bill or the funding bill?

The SPEAKER. That is not a parliamentary inquiry. The question is, Will the House proceed to the consideration of the unfinished business known as the apportionment bill?

The question was taken; and it was decided in the negative—yeas 98, nays 145, not voting 47; as follows:

YEAS—98.

Aldrich, N. W.	Davis, Horace	Killinger,	Richardson, D. P.
Aldrich, William	Deering,	Klotz,	Robeson,
Bailey,	Dunnell,	Lapham,	Robinson,
Ballou,	Einstein,	Lindsey,	Russell, W. A.
Bayne,	Ferdon,	Loring,	Ryon, John W.
Beltzhoover,	Fisher,	Mason,	Sapp,
Bingham,	Forsythe,	McCoid,	Sherwin,
Bisbee,	Fort,	McCook,	Smith, A. Herr
Blake,	Frye,	McKinley,	Starin,
Bowman,	Godshalk,	Miles,	Taylor, Ezra B.
Boyd,	Hammond, John	Miller,	Thomas,
Briggs,	Harmer,	Monroe,	Townsend, Amos
Brigham,	Harris, Benj. W.	Morton,	Tyler,
Browne,	Hawk,	Neal,	Updegraff, J. T.
Burrows,	Hawley,	Newberry,	Valentine,
Calkins,	Hayes,	Norcross,	Van Aernam,
Camp,	Hazelton,	O'Neill,	Voorhis,
Carpenter,	Heilman,	Orth,	Van Voorhis,
Claflin,	Hiscock,	Osmer,	Ward,
Conger,	Horr,	Overton,	Washburn,
Cowgill,	Hubbell,	Page,	Williams, C. G.
Crapo,	Jorgensen,	Price,	Willits,
Crowley,	Joyce,	Ray,	Wood.
Daggett,	Keifer,	Reed,	
Davis, George R.	Ketcham,	Rice,	

NAYS—145.

Aiken,	Culberson,	Knott,	Shelley,
Anderson,	Davidson,	Ladd,	Simonton,
Armfield,	Davis, Lowndes H.	Le Fevre,	Singleton, J. W.
Atherton,	De La Matyr,	Lounsbery,	Slemons,
Atkins,	Dibrell,	Lowe,	Smith, Hezekiah B.
Bachman,	Dickey,	Manning,	Smith, William E.
Baker,	Dunn,	Marsh,	Sparks,
Barlow,	Elam,	Martin, Benj. F.	Springer,
Beale,	Ellis,	Martin, Edward L.	Steele,
Belford,	Evins,	McKenzie,	Stevenson,
Berry,	Felton,	McLane,	Talbott,
Bicknell,	Finley,	McMahon,	Taylor, Robert L.
Blackburn,	Forney,	McMillin,	Thompson, P. B.
Bland,	Geddes,	Morrison,	Thompson, W. G.
Bliss,	Gibson,	Muldrow,	Tillman,
Blount,	Gillette,	Muller,	Tucker,
Bouck,	Goode,	Myers,	Turner, Oscar
Bragg,	Gunter,	New,	Turner, Thomas
Bright,	Hall,	Nicholls,	Upson,
Buckner,	Hammond, N. J.	O'Reilly,	Urner,
Cabell,	Harris, John T.	Persons,	Vance,
Caldwell,	Haskell,	Phelps,	Waddill,
Cannon,	Hatch,	Philips,	Warner,
Carlisle,	Henkle,	Phister,	Weaver,
Chalmers,	Herbert,	Poehler,	Wellborn,
Clardy,	Herndon,	Prescott,	Wells,
Clark, Alvah A.	Hill,	Reagan,	Whiteaker,
Clark, John B.	Hooker,	Richardson, J. S.	Whitthorne,
Clements,	Hostetler,	Richmond,	Williams, Thomas
Clymer,	House,	Robertson,	Willis,
Cobb,	Hunton,	Ross,	Wilson,
Coffroth,	Jones,	Rothwell,	Wright,
Converse,	Kelley,	Ryan, Thomas	Yeates,
Cook,	Kenna,	Samford,	Yocum.
Covert,	Kimmel,	Sawyer,	
Cox,	King,	Scales,	
Cravens,	Kitchin,	Scoville,	

NOT VOTING—47.

Acklen,	Davis, Joseph J.	Frost,	James,
Barber,	Deuster,	Henderson,	Johnston,
Brewer,	Dick,	Henry,	McGowan,
Butterworth,	Dwight,	Houk,	Mills,
Caswell,	Errett,	Humphrey,	Mitchell,
Chittenden,	Ewing,	Hurd,	Money,
Colerick,	Ford,	Hutchins,	Morse,

Murch,	Russell, Daniel L.	Stone,	Wilber,
O'Brien,	Shallenberger,	Townshend, R. W.	Wise,
O'Connor,	Singleton, O. R.	Updegraff, Thomas	Young, Casey
Pacheco,	Speer,	Wait,	Young, Thomas L.
Pound,	Stephens,	White,	

So the House refused to consider.

The following additional pairs were announced:

Mr. STEPHENS and Mr. DWIGHT, until three o'clock to-day.

Mr. MILLS with Mr. UPDEGRAFF, of Iowa, on this vote.

Mr. O'CONNOR and Mr. HOUK, both being ill, are paired until further notice.

Mr. MONEY with Mr. HUMPHREY, until to-morrow, on all questions except making a quorum.

Mr. WHITE with Mr. WISE, for three hours from twenty minutes after one o'clock, upon all questions before the House.

Mr. ACKLEN. I wish to ask how my vote is recorded?

The SPEAKER. The gentleman's vote is not recorded.

Mr. ACKLEN. I vote "no."

The SPEAKER. The Chair cannot ask unanimous consent to allow the gentleman's name to be inserted if he did not answer to his name on either call of the roll.

The result of the vote was then announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage without amendment, of the following bills of the House:

A bill (H. R. No. 1359) for the relief of Louis P. di Cesnola, late consul at Cyprus.

A bill (H. R. No. 2705) for the relief of Joseph Clymer, of Texas.

A bill (H. R. No. 4413) for the relief of J. Scott Payne.

A bill (H. R. No. 4434) for the relief of Mrs. Martha Bridges, Bartow County, Georgia.

A bill (H. R. No. 4607) for the relief of Passed Assistant Engineer Absalom Kirby, of the Navy.

A bill (H. R. No. 5097) appropriating money toward the expense to be incurred in centennial celebration of the battle of Groton Heights, and for other purposes.

The message also announced the passage of the following bills of the House with amendments:

A bill (H. R. No. 4451) to provide for the erection of a monument at Schuylerville, New York, commemorative of the battle of Saratoga, and for other purposes.

A bill (H. R. No. 5715) to vacate and close an alley in square 504, in Washington, District of Columbia.

The message further announced the passage of the bill (S. No. 2064) to reorganize and incorporate anew the Baltimore and Potomac Railroad Company; in which bill and amendments concurrence of the House of Representatives was requested.

ENROLLED BILL SIGNED.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes.

ORDER OF BUSINESS.

Mr. TUCKER. Mr. Speaker——

Mr. PRICE. I move to suspend the rules with a view to taking from the Speaker's table and putting upon its passage a pension bill——

The SPEAKER. The Chair recognizes the gentleman from Virginia.

Mr. TUCKER. I move that the House proceed to the consideration of business on the Speaker's table.

Mr. CONGER. I demand the consideration of the unfinished business.

The SPBAKER. What is the unfinished business to which the gentleman refers?

Mr. CONGER. Whatever is on the Calendar.

The SPEAKER. The Chair desires to state that the next bill on the Calendar is the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes. That was a special order, and comes over.

Mr. KEIFER. I want to be heard on that bill.

Mr. TUCKER. I raise the question of consideration in reference to that bill.

The SPEAKER. The question of consideration being raised, the Chair will submit it to the House.

Mr. TUCKER. I demand the yeas and nays on that bill.

The Speaker announced that the yeas and nays were ordered, more than fifty members having voted therefor.

Mr. CONGER. I ask for tellers on the yeas and nays.

The SPEAKER. The yeas and nays are ordered. It does not require tellers.

Mr. CONGER. There might be a question about the number that voted.

The SPEAKER. The Chair thinks there is no question, more than one-fifth of those present having voted.

Mr. CONGER. I submit that we had better have tellers, in order that there may be no question as to the number that may have voted.

The SPEAKER. The Chair submitted the question to the House, and fifty gentlemen were on their feet in response.

Mr. CONGER. The Chair counted, and yet so many were standing that there might be some confusion.

The SPEAKER. The Chair counted fifty members rising in response to his inquiry, which is more than one-fifth of the last vote; and under such circumstances the Chair declared the yeas and nays were ordered.

Mr. CONGER. The Chair refuses to allow tellers then?

The SPEAKER. The Chair does not refuse anything. But the gentleman knows that the practice of the House is in accordance with the rules, that one-fifth of those voting on the last vote are sufficient to order the yeas and nays.

Mr. CONGER. The question is whether the House may have an opportunity of verifying the count in case a question should arise as to whether a sufficient number had voted. That is my point; of course the Chair can overrule it.

The SPEAKER. The Chair does not overrule anything in this connection. The Chair has simply conformed to the practice of the House. But if the gentleman chooses to question the count of the Chair under the circumstances, the Chair will order tellers.

Mr. CONGER and Mr. TUCKER were appointed tellers.

Mr. HOUSE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOUSE. Did not the Chair announce that a sufficient number had risen to demand the yeas and nays?

The SPEAKER. The Chair did so announce, but the gentleman from Michigan denies the accuracy of the count.

Mr. HOUSE. Who is to prevail, then?

The SPEAKER. The tellers will determine whether the Chair is correct or not. The Chair is not uneasy as to the verification of the count.

The House divided, and 58 members voted in the affirmative.

The SPEAKER. A sufficient number to order the yeas and nays. The Clerk will call the roll.

The question was taken; and there were—ayes 61, noes 164, not voting 65; as follows:

YEAS—61.

Aldrich, N. W.	Conger,	Monroe,	Smith, A. Herr
Aldrich, William	Cowgill,	Morton,	Starin,
Ballou,	Crapo,	Neal,	Stone,
Barber,	Crowley,	Norcross,	Thomas,
Bayne,	Davis, George R.	O'Neill,	Townsend, Amos
Bingham,	Deering,	Orth,	Tyler,
Bisbee,	Ferdon,	Pacheco,	Updegraff, J. T.
Blake,	Hayes,	Page,	Van Aernam,
Bowman,	Hiscock,	Price,	Voorhis,
Briggs,	Hubbell,	Ray,	Van Voorhis,
Brigham,	Joyce,	Reed,	Ward,
Browne,	Ketcham,	Rice,	Willits,
Burrows,	Lindsey,	Richardson, D. P.	Young, Thomas L.
Camp,	McCook,	Robeson,	
Carpenter,	McGowan,	Sapp,	
Claflin,	Miles,	Sherwin,	

NAYS—164.

Acklen,	Dick,	Killinger,	Rothwell,
Aiken,	Dickey,	Kimmel,	Ryan, Thomas
Anderson,	Dunn,	King,	Ryon, John W.
Armfield,	Dunnell,	Kitchin,	Samford,
Atherton,	Einstein,	Klotz,	Sawyer,
Atkins,	Elam,	Knott,	Shallenberger,
Bachman,	Ellis,	Ladd,	Shelley,
Beale,	Errett,	Le Fevre,	Simonton,
Beltzhoover,	Evins,	Lounsbery,	Singleton, J. W.
Berry,	Felton,	Lowe,	Slemons,
Bicknell,	Finley,	Manning,	Smith, Hezekiah B.
Blackburn,	Fisher,	Marsh,	Smith, William E.
Bland,	Ford,	Martin, Benj. F.	Sparks,
Bliss,	Forney,	Martin, Edward L.	Springer,
Blount,	Fort,	Mason,	Steele,
Bouck,	Frost,	McCoid,	Stevenson,
Bragg,	Frye,	McKenzie,	Talbott,
Buckner,	Gibson,	McLane,	Taylor, Robert L.
Cabell,	Goode,	McMahon,	Thompson, P. B.
Caldwell,	Gunter,	McMillin,	Thompson, W. G.
Cannon,	Hammond, John	Morrison,	Tillman,
Carlisle,	Hammond, N. J.	Muldrow,	Tucker,
Chalmers,	Harmer,	Muller,	Turner, Oscar
Chittenden,	Harris, Benj. W.	Myers,	Turner, Thomas
Clardy,	Harris, John T.	New,	Upson,
Clark, Alvah A.	Haskell,	Nicholls,	Urner,
Clark, John B.	Hatch,	O'Reilly,	Valentine,
Clements,	Hawley,	Osmer,	Vance,
Cobb,	Hazelton,	Overton,	Warner,
Converse,	Heilman,	Persons,	Washburn,
Cook,	Henkle,	Phelps,	Weaver,
Covert,	Herbert,	Philips,	Wellborn,
Cox,	Herndon,	Phister,	Whiteaker,
Cravens,	Hill,	Poehler,	Wilber,
Culberson,	Hooker,	Prescott,	Williams, C. G.
Davidson,	Hostetler,	Reagan,	Williams, Thomas
Davis, Horace	House,	Richardson, J. S.	Willis,
Davis, Lowndes H.	Hunton,	Richmond,	Wilson,
De La Matyr,	Hurd,	Robertson,	Wright,
Deuster,	Kelley,	Robinson,	Yeates
Dibrell,	Kenna,	Ross,	Young, Casey.

NOT VOTING—65.

Bailey,	Boyd,	Calkins,	Colerick,
Baker,	Brewer,	Caswell,	Daggett,
Barlow,	Bright,	Clymer,	Davis, Joseph J.
Belford,	Butterworth,	Coffroth,	Dwight,

Ewing,	James,	Murch,	Townshend, R. W.
Forsythe,	Johnston,	Newberry,	Updegraff, Thomas
Geddes,	Jones,	O'Brien,	Waddill,
Gillette,	Jorgensen,	O'Connor,	Wait,
Godshalk,	Keifer,	Pound,	Wells,
Hall,	Lapham,	Russell, Daniel L.	White,
Hawk,	Loring,	Russell, W. A.	Whitthorne,
Henderson,	McKinley,	Scales,	Wise,
Henry,	Miller,	Scoville,	Wood,
Horr,	Mills,	Singleton, O. R.	Yocum.
Houk,	Mitchell,	Speer,	
Humphrey,	Money,	Stephens,	
Hutchins,	Morse,	Taylor, Ezra B.	

So the House refused to consider the bill, (H. R. No. 2266.)

After the second roll-call,

Mr. TUCKER moved to dispense with the reading of the names.

Mr. PRICE. I object.

The Clerk proceeded to read the names of those who had voted.

The following additional pairs were announced:

Mr. BAKER with Mr. CLYMER. Being engaged in conference they are paired until further notice.

Mr. MITCHELL with Mr. STEPHENS; both being absent on account of sickness.

Mr. CASWELL with Mr. GEDDES, on this vote.

The result of the vote was then announced as above stated.

Mr. TUCKER. I now renew my motion that the House proceed to the consideration of business on the Speaker's table.

Mr. CONGER. I ask for the next unfinished business.

The SPEAKER. The next unfinished business is the interstate-commerce bill, the bill (H. R. No. 4748) to establish a board of-commissioners of interstate commerce, and for other purposes.

Mr. TUCKER. Upon that I raise the question of consideration.

The SPEAKER. The question is, Will the House consider the next unfinished business, being the interstate-commerce bill?

The House divided; and there were—ayes 43, noes 92.

Mr. CONGER. A quorum has not voted.

The SPEAKER. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Michigan, Mr. CONGER, and the gentleman from Virginia, Mr. TUCKER.

Mr. WHITE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE. Is the next item of unfinished business the interstate-commerce bill?

The SPEAKER. It is; and the issue is now on that bill.

Mr. WHITE. It is a very important bill.

Mr. REAGAN. It is a most important bill, but I do not propose to let it be used for filibustering purposes.

The House again divided; and the tellers reported—ayes 45, noes 124.

Mr. CONGER. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 40, more than one-fifth of the last vote.

So the yeas and nays were ordered.

Mr. CONGER. Will the Chair state the question to the House?

The SPEAKER. The question is, Will the House consider the interstate-commerce bill?

Mr. WHITE. Those who want to consider it will vote "ay."

The question was taken; and there were—yeas 67, nays 144, not voting 79; as follows:

YEAS—67.

Aldrich, N. W.	Cowgill,	Joyce,	Robeson,
Aldrich, William	Crapo,	Keifer,	Shallenberger,
Bailey,	Daggett,	Kenna,	Sherwin,
Ballou,	Davis, George R.	Lapham,	Stone,
Barber,	Deering,	Lindsey,	Taylor, Ezra B.
Bayne,	Errett,	Mason,	Thompson, W. G.
Bisbee,	Ferdon,	McCoid,	Townsend, Amos
Blake,	Fisher,	McGowan,	Tyler,
Brewer,	Forsythe,	McKinley,	Updegraff, J. T.
Briggs,	Frye,	Monroe,	Updegraff, Thomas
Brigham,	Godshalk,	Neal,	Van Aernam,
Burrows,	Hall,	Newberry,	Voorhis,
Calkins,	Hawk,	Page,	Ward,
Camp,	Hayes,	Price,	Williams, C. G.
Carpenter,	Heilman,	Ray,	Willits,
Claflin,	Horr,	Rice,	Wood.
Conger,	Hubbell,	Richardson, D. P.	

NAYS—144.

Acklen,	Clardy,	Einstein,	House,
Aiken,	Clark, Alvah A.	Elam,	Hunton,
Armfield,	Clark, John B.	Ellis,	Hurd,
Atherton,	Clements,	Evins,	Jones,
Atkins,	Cobb,	Felton,	Kelley,
Bachman,	Converse,	Forney,	Ketcham,
Beale,	Cook,	Fort,	Killinger,
Belford,	Covert,	Frost,	Kimmel,
Beltzhoover,	Cox,	Gibson,	King,
Berry,	Cravens,	Goode,	Kitchen,
Bicknell,	Crowley,	Gunter,	Klotz,
Bingham,	Culberson,	Hammond, N. J.	Knott,
Blackburn,	Davidson,	Harris, Benj. W.	Ladd,
Bland,	Davis, Horace	Harris, John T.	Le Fevre,
Bouck,	Davis, Lowndes H.	Haskell,	Lounsbery,
Bragg,	De La Matyr,	Hatch,	Lowe,
Buckner,	Deuster,	Hawley,	Manning,
Cabell,	Dibrell,	Herbert,	Marsh,
Caldwell,	Dickey,	Hill,	McKenzie,
Carlisle,	Dunn,	Hooker,	McLane,
Chalmers,	Dunnell,	Hostetler,	McMahon,
McMillin,	Phister,	Shelley,	Turner, Oscar
Miller,	Poehler,	Simonton,	Turner, Thomas
Mills,	Reagan,	Singleton, J. W.	Upson,
Morrison,	Richardson, J. S.	Slemons,	Urner,
Morse,	Richmond,	Smith, A. Herr	Vance,
Muldrow,	Robertson,	Smith, Hezekiah B.	Waddill,
Muller,	Robinson,	Smith, William E.	Washburn,
New,	Ross,	Springer,	Wellborn,
Nicholls,	Rothwell,	Steele,	Whiteaker,
O'Neill,	Ryan, Thomas	Stevenson,	Whitthorne,
O'Reilly,	Samford,	Talbott,	Williams, Thomas
Orth,	Sapp,	Taylor, Robert L.	Willis,
Persons,	Sawyer,	Thompson, P. B.	Wilson,
Phelps,	Scales,	Tillman,	Wright,
Philips,	Scoville,	Tucker,	Yeates.

NOT VOTING—79.

Anderson,	Finley,	Martin, Edward L.	Singleton, O. R.
Baker,	Ford,	McCook,	Sparks,
Barlow,	Geddes,	Miles,	Speer,
Bliss,	Gillette,	Mitchell,	Starin,
Blount,	Hammond, John	Money,	Stevens,
Bowman,	Harmer,	Morton,	Thomas,
Boyd,	Hazelton,	Murch,	Townshend, R. W.
Bright,	Henderson,	Myers,	Valentine,
Browne,	Henkle,	Norcross,	Van Voorhis,
Butterworth,	Henry,	O'Brien,	Wait,
Cannon,	Herndon,	O'Connor,	Warner,
Caswell,	Hiscock,	Osmer,	Weaver,
Chittenden,	Houk,	Overton,	Wells,
Clymer,	Humphrey,	Pacheco,	White,
Coffroth,	Hutchins,	Pound,	Wilber,
Colerick,	James,	Prescott,	Wise,
Davis, Joseph J.	Johnston,	Reed,	Yocum,
Dick,	Jorgensen,	Russell, Daniel L.	Young, Casey
Dwight,	Loring,	Russell, W. A.	Young, Thomas L.
Ewing,	Martin, Benj. F.	Ryon, John W.	

So the House refused to consider the interstate-commerce bill.

The following additional pairs were announced:

Mr. HERNDON with Mr. MORTON, for this day.

Mr. PACHECO with Mr. YOUNG, of Tennessee, on all political questions, for this day.

Mr. MULDROW with Mr. MILES.

The result of the vote was then announced as above stated.

The SPEAKER. The question now recurs on the motion of the gentleman from Virginia, [Mr. TUCKER.]

Mr. CONGER. What is the next unfinished business?

The SPEAKER. The Chair is not aware there is any unfinished business to be disposed of that comes within the language of the rule.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, with an amendment in which the concurrence of the House was requested, the bill (H. R. No. 1729) for the payment of certain Indian-war bonds of the State of California.

The message further announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes.

The message further announced that the Senate further insisted upon its amendments to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes, disagreed to by the House of Representatives, agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WITHERS, Mr. HARRIS, and Mr. WINDOM as the conferees on the part of the Senate.

ORDER OF BUSINESS.

The SPEAKER. The question recurs on the proposition of the gentleman from Virginia that the House now——

Mr. CONGER. I find under the head of "unfinished business" several bills which have not been noticed.

The SPEAKER. Those bills are not "unfinished business" in the light of the rule. The Chair has caused a careful examination to be made by the journal clerk——

Mr. CONGER. I find under the head of "unfinished business" a bill (H. R. No. 269) supplemental to an act entitled "An act to secure homesteads to actual settlers on the public domain." There has been an adverse report.

The SPEAKER. That was reported adversely from the Committee of the Whole House on the state of the Union, and would not be considered as "unfinished business."

Mr. CONGER. Why is it on the Calendar then?

The SPEAKER. It is put there for the information of the House as the most appropriate place; but it is not "unfinished business" within the contemplation of the rule, which says that—

After the hour shall have been devoted to reports from committees, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment.

The House was not engaged at any adjournment in the consideration of that bill.

Mr. ROBESON. One moment. I call the attention of the Chair to the last clause of the rule:

And it shall be in order to proceed to the consideration of all other unfinished business——

Mr. TUCKER. What "other unfinished business" is there?

The SPEAKER. There is not any other, as the Chair is advised.

Mr. REED. There is quite a lot of unfinished business.

Mr. CONGER. I find also on the Calendar House bill No. 1029, concerning commerce and navigation and the regulation of steam-vessels.

The SPEAKER. That was considered at a special evening session and lost its status, not having been then acted upon.

Mr. CONGER. But it is ordered to be considered "from day to day until disposed of."

The SPEAKER. It never was taken up again, and does not hold the relation of unfinished business in the light of the rule.

Mr. CONGER. It was considered twice, according to the Calendar.

The SPEAKER. The Chair has caused the most searching examination to be made; but if the gentleman can show that the journal clerk is mistaken, the Chair is quite willing to be corrected.

Mr. CONGER. This bill was ordered to be considered "from day to day until disposed of;" it has been considered twice, and is not disposed of.

The SPEAKER. It was twice considered at special evening sessions; but it fell with the day. That is the information the Chair has.

Mr. O'NEILL. There is a bill on the Speaker's table which the country would very much like to have finished—the Eaton tariff-commission bill.

The SPEAKER. The way for the gentleman to reach that bill is to vote to go to business on the Speaker's table. If the gentleman will vote in that direction, he may reach the Eaton tariff bill.

Mr. CONGER. There is another bill to which I call the attention of the Chair, House bill No. 3764, on page 23 of the Calendar. That certainly has been considered lately.

The SPEAKER. Will the gentleman be kind enough to give the title?

Mr. CONGER. It is "A bill for the relief of General Fitz-John Porter."

The SPEAKER. That has never been considered. It is on the House Calendar.

Mr. CONGER. That is a special order——

The SPEAKER. That bill is on the House Calendar. A Senate bill on the same subject is upon the Speaker's table.

Mr. CONGER. It was made a special order for Friday, February 13, and "from day to day thereafter until disposed of."

The SPEAKER. It has never been taken up, and does not bear the relation of unfinished business. [Cries of "Regular order!"] The Chair wants to be corrected if there is any error.

Mr. BLAND. How long must we wait on the gentleman?

The SPEAKER. The Chair will give the gentleman reasonable time.

Mr. BLAND. If the Chair says there is no other unfinished business——

The SPEAKER. The Chair is informed by the journal clerk, who has made a most searching examination, that there it no other unfinished business under the rule; but if any gentleman can find such business, the Chair will recognize it.

Mr. BLAND. There are a great many members here who desire that the business of the House shall proceed. We have not time to wait on the gentleman from Michigan. I demand the regular order.

The SPEAKER. This is the regular order. If the gentleman from Michigan has knowledge of any other unfinished business——

Mr. REED. There is a resolution in regard to printing, which was pending when the House adjourned June 19, 1879.

The SPEAKER. That came in as a privileged report.

Mr. REED. But it was pending when the House adjourned. That makes it unfinished business.

The SPEAKER. It was not considered. It does not come within the rule.

Mr. REED. The rule says that—

It shall be in order to proceed to the consideration of all other unfinished business——

The SPEAKER. The gentleman will please read on.

Mr. REED, (reading)—

whenever the class of business to which it belongs shall be in order.

The SPEAKER. That alludes to business assigned for Friday or to a particular day set apart for special business; for instance, business of the District of Columbia.

Mr. ROBESON. It alludes to Friday with regard to private business; but it alludes to all other days for public orders.

The SPEAKER. There is really, so far as the Chair is able to inform the House, no other business standing unfinished in the light of the rule.

Mr. REED. Here is this resolution stated in the Calendar as pending when the House adjourned on the 19th of June, 1879. Now if that was pending when the House adjourned, it is unfinished business. I refer the Speaker to page 90 of the Calendar.

The SPEAKER. The Chair has the Calendar before him.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON, of Illinois. When the Speaker made the announcement saying that the organ of the House, the Clerk of the House, could not find any other unfinished business, and none is discovered, I say we should proceed then with the regular order.

The SPEAKER. The Chair wants to make assurance doubly sure.

Mr. REED. I submit that any member of the House has a right to correct the Clerk.

Mr. CANNON, of Illinois. But the gentleman must specify some particular unfinished business, or otherwise it is mere factious opposition.

Mr. REED. I beg to state that I believe this resolution for printing report No. 14, from the Committee on Coinage, Weights, and Measures, is unfinished business.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

JUNE 19, 1879.

Mr. SINGLETON, by unanimous consent, from the Committee on Printing, to which was referred the following resolution:

"*Resolved*, That 10,000 extra copies of House Report No. 14, first session, Forty-sixth Congress, be printed for the use of the House,"

reported the same with an amendment, striking out the words "for the use of the House" and inserting in lieu thereof the following, namely: "at the Government Printing Office; 2,500 copies for the use of the Senate, and 7,500 copies for the use of the House of Representatives."

Mr. CONGER made the point of order that the said resolution and amendment must receive their first consideration in a Committee of the Whole House.

The Speaker *pro tempore* (Mr. CONVERSE) overruled the point of order, on the ground that the said resolution and amendment thereto, proposed by the Committee on Printing, did not make an appropriation of money.

The SPEAKER. The RECORD will show that the House really never proceeded in the sense of the rule to consider.

Mr. REED. The point was overruled.

The SPEAKER. The point was brought in as a check on the point of order.

Mr. REED. No; the point of order was overruled.

The SPEAKER. It was never considered nevertheless. The gentleman is correct.

Mr. REED. The point of order was overruled, and thereupon the House adjourned. It was up. That was the consideration of it.

The SPEAKER. It was never entered upon.

Mr. REED. What does the Chair regard as entered upon?

The SPEAKER. Debate.

Mr. REED. When a question is brought up and put by the Speaker, it seems to me it is being considered. If the Speaker will recollect——

The SPEAKER. The Chair is informed by the journal clerk they never actually did consider it. But the RECORD will show.

Mr. REED. If the Speaker will recollect the authority cited from the Journal of the second session of the Forty-fourth Congress, there was a case where a matter was brought up and the moment it was read a motion to adjourn prevailed. It thereupon came up the next day and the question of consideration was raised. That shows the practice of the House, at least to that extent.

The SPEAKER. The Chair will have the exact record read.

Mr. SPRINGER. I demand the regular order.

The SPEAKER. The gentleman makes the point that this report from the Committee on Coinage, Weights, and Measures is the unfinished business.

Mr. SPRINGER. Has the Chair decided whether there is any other unfinished business?

The SPEAKER. The Chair has sent for the RECORD to know how to decide. The RECORD is here, and the Clerk will read from the proceedings as published in the RECORD.

The Clerk read as follows:

Mr. SINGLETON, of Mississippi. The Committee on Printing, to which was referred a resolution of the House providing for the printing of 10,000 copies of House Report No. 14 of the first session of the Forty-sixth Congress, have directed me to report the same back with an amendment.

The SPEAKER *pro tempore*. The resolution will be read, and then the Clerk will read the amendment recommended by the Committee on Printing.

The resolution was read, as follows:

"*Resolved*, That 10,000 extra copies of House Report No. 14, first session Forty-sixth Congress, be printed for the use of the House."

The amendment reported from the committee was to strike out the words "for the use of the House" and to insert in lieu thereof the words "at the Government Printing Office; 2,500 copies for the use of the Senate, and 7,500 copies for the use of the House of Representatives."

Mr. BAKER. What document is that?

Mr. SINGLETON, of Mississippi. The gentleman from Georgia [Mr. STEPHENS] will explain.

Mr. CONGER. That report should go to the Committee of the Whole.

Mr. SINGLETON, of Mississippi. There is no appropriation of money in it.

Mr. STEPHENS. It is an ordinary report.

Mr. SINGLETON, of Mississippi. Yes, it is the ordinary form of report.

Mr. CONGER. It requires the expenditure of money.

Mr. SINGLETON, of Mississippi. Will the gentleman listen to an explanation from the gentleman from Georgia?

Mr. CONGER. I will hear the statement.

Mr. STEPHENS. The report which this resolution provides for printing is a report of the Committee on Coinage, Weights, and Measures on the metric system in coinage. The last House ordered a large number of extra copies of this report to be printed; I forget how many.

Mr. SINGLETON, of Mississippi. The order was for 10,000 copies.

Mr. STEPHENS. That order passed the House, but did not pass the Senate on account of the lateness of the session. I suppose I would be within bounds if I said that there have been a thousand letters asking for copies of that report.

Mr. SINGLETON, of Mississippi. The amendment reported from the committee is simply in regard to the distribution of the report. It is the same resolution which passed the last House, but failed in the Senate.

Mr. CONGER. I dislike so much to have the metric system forced upon the honest people of the United States, with all its unnamable terms, changing the entire names even of the usual weights and measures of the country, that I feel like opposing it whenever I have an opportunity.

Mr. STEPHENS. Let the country have an opportunity to see the report. This resolution does not adopt the report; it simply provides for printing it.

Mr. CONGER. No man knows what it means.
Mr. SINGLETON, of Mississippi. This is a privileged report; I have a right to make it.
Mr. CONGER. The gentleman says he has a right to make this report.
Mr. SINGLETON, of Mississippi. Certainly, it is a privileged report.
Mr. CONGER. Then I make the point of order that it should go to the Committee of the Whole.
Mr. SINGLETON, of Mississippi. It does not order the expenditure of a dollar of money.
Mr. CONGER. It requires the expenditure of money.
Mr. SINGLETON, of Mississippi. I say that the gentleman cannot make that motion; he has not the floor to do it.
Mr. CONGER. I make the point of order.
The SPEAKER *pro tempore*. The Chair is of the opinion that the point of order is not well taken; the resolution appropriates no money.
Mr. CONGER. Does the Chair decide that this resolution does not involve any expenditure of money?
The SPEAKER *pro tempore*. The Chair decides that it does not make any appropriation, and that the point of order is not well taken.
Mr. BREWER. I move that the House now adjourn.
Mr. FORT. Let this report be first acted upon.
The motion of Mr. BREWER was then agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

The SPEAKER. It will be seen this report came in as a question of privilege which attaches to the Committee on Printing to report at any time, and immediately the point of order was made, and that point of order was overruled, whereupon the gentleman from Michigan moved that the House adjourn. In fact the resolution and amendment were never considered, and are not in the light of the rule to be taken as unfinished business.

Mr. REED. The question was certainly debated.

Mr. TUCKER. I hope we will proceed.

The SPEAKER. The point of order was debated.

Mr. REED, No; it was debated when the point of order was raised.

The SPEAKER. It was debated out of order because the point of order was the only thing pending.

Mr. MILLS. Let us vary the performance and vote awhile.

Mr. BLAND. Either that, or I move to take a recess.

Mr. REED. Is it unfinished business?

The SPEAKER. The Chair thinks in the light of the rules it does not come over as unfinished business, an adjournment having taken place immediately on the point of order being overruled.

Mr. REED. The journal clerk seems to have made up the Calendar with that as the unfinished business.

The SPEAKER. The journal clerk does not make it up.

Mr. REED. Who does?

The SPEAKER. The file clerk made it up as unfinished business. It has not the character of unfinished business provided for under the rules.

Mr. ROBESON. Does the Speaker decide that the motion of the gentleman from Virginia is the regular order under the rule?

The SPEAKER. The Chair has recognized the gentleman to make his motion and recognizes the motion as pending.

Mr. ROBESON. Then I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. I ask that the rules be suspended to take up House joint resolution No. 324, relating to the termination of articles 18 and 21 of the treaty of 1871 with Great Britain relating to the fisheries.

The SPEAKER. The gentleman is not recognized to submit that motion, but the gentleman from Virginia has a motion pending.

Mr. ROBESON. The question that I present is one of privilege. I submit this motion as a privileged question.

Mr. TUCKER. What is the privileged part of it?

The SPEAKER. The gentleman is not recognized for such a purpose.

Mr. ROBESON. It is a privileged motion, because I move to suspend the rules.

Mr. WARNER. But the gentleman has not the recognition of the Chair for that purpose.

Mr. ROBESON. But I am entitled to the floor at any time for that purpose.

Mr. WARNER. Not more than any other gentleman.

Mr. ROBESON. If any other gentleman rises to ask a suspension of the rules the Speaker has a right to choose between them as to which he will recognize.

Mr. CARLISLE. Not while a previous motion has been recognized and not disposed of and is pending.

Mr. ROBESON. The motion that I submit is pending under the rules, and I have a right to submit it. It is a privileged question, and I do submit it now, in accordance with the rules of this House.

The SPEAKER. The Chair has not recognized the gentleman from New Jersey for any such purpose.

Mr. ROBESON. I claim that it is my right. I claim that it is a privileged motion, and I have the right during the last six days of the session to move to suspend the rules, which motion takes precedence of the demand which the gentleman from Virginia makes. The motion that I make is the regular order; it is in accordance with the rules; it is a motion to suspend the rules allowed by the rules, and cannot be denied to any member. [Cries of "Regular order!"]

Mr. CHALMERS. You must be recognized before you can submit the motion.

Mr. ROBESON. I have a right to be recognized for this purpose, though, and I have submitted the motion.

The SPEAKER. The gentleman is not recognized for such purpose.

Mr. ROBESON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. Pending the motion of the gentleman from Virginia, and after my motion is submitted, it takes precedence of the other motion, being one of a higher privilege, and must be entertained in these last six days.

The SPEAKER. The Chair does not recognize the gentleman to make his motion. The gentleman will remember that he cannot take another member off the floor who has a motion which is pending, excepting in such manner as the rules provide. [Cries of "Regular order!" "Regular order!"]

Mr. ROBESON. The rules do provide for this motion, and I rise to a point of order.

Mr. MILLS. I call for the regular order.

Mr. ROBESON. Gentlemen may demand the regular order, but you will not gain anything by that. It does not do any good here. I am on the floor now, having an important question which I think ought to be settled.

Mr. WARNER. Yes; and the funding bill is an important question, too, that ought to be settled.

Mr. ROBESON. I would like to have a ruling of the Chair upon the point of order which I raise. I claim that the motion which I submit is one of higher privilege, and must take precedence and be recognized under the rules as having precedence.

The SPEAKER. The Chair would suggest that possibly if the gentleman would speak in a lower tone it would be heard more distinctly by the House.

Mr. ROBESON. Possibly so. I thank the Speaker for his opinion. I will endeavor to regulate my voice so the Chair will hear me. Now, I rise to a point of order.

Mr. KLOTZ. Regular order.

Mr. ROBESON. My point of order is, that having moved to suspend the rules——

Mr. COX. The gentleman ought to be recognized before he can make his motion.

The SPEAKER. If the gentleman from New Jersey will suspend, the Chair will cause to be read a report upon this subject. The Chair hopes there will be order while it is being read, and is of opinion that both sides of the House will probably concur in the conclusion arrived at by this report.

The Clerk read as follows:

Mr. Garfield, from the Committee on Rules, submitted the following report; which was read, considered, and, under the operation of the previous question, agreed to, namely:

"The Committee on Rules, to whom was referred the resolution of the House in reference to a modification of Rules 59 and 113, or of the practice which has arisen under them, have had the same under consideration, and beg leave to present the following report:

"The rules under consideration are as follows:

"'59. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.—April 7, 1789.

"'113. The rules of proceedings in the House shall be observed in a Committee of the Whole House, so far as they may be applicable, except the rule limiting the times of speaking.—April 7, 1789; but no member shall speak twice to any question until every member choosing to speak shall have spoken.—December 18, 1805.

"With the exception of the last clause of Rule 113, which was adopted in 1805, these rules have remained unchanged for ninety years. In the nature of the case discretion must be lodged with the presiding officer, and no fixed and arbitrary order of recognition can be wisely provided for in advance, and the committee are of opinion that these rules should not be changed.

"The practice of making a list of those who desire to speak on measures before the House or Committee of the Whole is a proper one to enable the presiding officer to know and remember the wishes of members as to the order of recognition; he should not be bound to follow the list, but should be free to exercise a wise and just discretion in the interest of free and fair debate."—*Journal*, first session, Forty-sixth Congress.

Mr. ROBESON. That report having been read, and the Speaker having said he thought that perhaps it would convince this side of the House, I desire to show in one minute how that report does not apply to this case at all.

The SPEAKER. That was a unanimous report.

Mr. ROBESON. I admit it was unanimous, and perfectly right. But the simple fact is it does not apply to this case. It is undoubtedly true that when two gentlemen rise in order the Speaker may choose which he will recognize. Nobody doubts that. The right of recognition belongs to the Speaker. But the Speaker is not entitled to recognize a man out of order in preference to a man in order. That will not be contended.

Mr. SPRINGER. Is not the gentleman from New Jersey out of order?

Mr. ROBESON. It may be I am, and it may be I am not. Now, the question is just this: If the gentleman from Virginia makes a motion to go to the Speaker's table he is recognized for that purpose because that is in the regular order under the rule. Now, then, I am entitled, if it were not for the restriction of one of our rules, and every man would be entitled at any time, to rise and move that the rules be suspended, which would suspend the regular order under which the gentleman from Virginia rises. But our rule says that the Speaker shall not recognize anybody to move to suspend the rules except on the first and third Mondays of each month——

The SPEAKER. The rule says he shall not; but does not say he shall.

Mr. ROBESON. And during the last six days of a session.

Mr. TALBOTT. I desire to ask the gentleman from New Jersey one question on that point.

Mr. ROBESON. Not now. The gentleman will wait till I get through.

Well now, that is just the question. I may move to suspend the rules under which the gentleman from Virginia rises and presses his motion; and this is one of the last six days of the session. Now, if another gentleman moves to suspend the rules and put anything else on its passage, then the Speaker will have the right to recognize him rather than me. That is the right of recognition. But so long as no other member does rise for that purpose, then I am entitled to do so.

Mr. SINGLETON, of Illinois. I rise to a question of order.

Mr. ROBESON. I am on the floor.

Mr. SINGLETON, of Illinois. I call the gentleman from New Jersey to order. The Chair has already decided that he would not recognize the gentleman from New Jersey for the motion he is now discussing.

Mr. ROBESON. I am arguing a question of order.

Mr. SINGLETON, of Illinois. The Chair has already ruled the gentleman out of order, and I now call the gentleman to order; and pending that, I insist that the gentleman shall observe the rules and take his seat.

The SPEAKER. The gentleman from New Jersey will state his point of order in brief, that the Chair may know whether to recognize him or not.

Mr. ROBESON. I state this point of order: that the gentleman from Virginia having moved to go to the Speaker's table as the regular order under the rules, I now rise to move to suspend those rules; and my point of order is that under those circumstances the recognition of the gentleman from Virginia is out of order, and I make that point of order.

The SPEAKER. The Chair overrules the suggestion of the gentleman——

Mr. ROBESON. And I take an appeal from the Chair's ruling.

The SPEAKER. Because in the exercise of a wise discretion the Chair has recognized the gentleman from Virginia. The rule is not compulsory on the Chair, and never has been so construed in regard to motions to suspend the rules during the last six days of a session. The restriction is that the Speaker shall not do so and so except during the last six days.

Mr. TUCKER. It is that he shall not entertain a motion except, and so forth. It does not give any privilege.

Mr. ROBESON. But the discretion is with the Chair, and it is made by that very rule obligatory on the Chair to recognize motions to suspend the rules. I appeal from the ruling of the Chair.

Mr. CHALMERS. And I move to lay the appeal on the table.

Mr. ROBESON. I have the floor, and do not yield for that motion. I have made the appeal and desire to be heard in support of it.

The SPEAKER. Where would that lead to if a member could in that way take another member off the floor who has been recognized, even if the construction be correct which the gentleman from New Jersey is seeking to place on the rule? And it is not correct.

Mr. COX. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COX. It is this: that on a question of recognition by the Chair of any member of the House an appeal cannot be taken, and the Chair has so decided.

The SPEAKER. The Chair states there is no appeal from a recognition.

Mr. ROBESON. I rise to a point of order, and make the point that the gentleman from Virginia [Mr. TUCKER] is out of order after a motion has been made to suspend the rules.

The SPEAKER. The Chair has recognized the gentleman from Virginia.

Mr. ROBESON. What does the Chair rule on that point of order?

The SPEAKER. The Chair recognized the gentleman from Virginia.

Mr. ROBESON. And I rise to make the point of order, that he is out of order.

The SPEAKER. The Chair cannot entertain an appeal on a recognition.

Mr. KELLEY. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KELLEY. It is whether the gentleman from Pennsylvania be the Speaker of the House, or the gentleman from New Jersey?

Mr. MCMAHON. I was on the floor to make that same inquiry.

The SPEAKER. The Chair has decided.

Mr. ROBESON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from New Jersey is out of order.

Mr. ROBESON. I rise to reply to the parliamentary inquiry of the gentleman from Pennsylvania, [Mr. KELLEY.]

The SPEAKER. The Chair thinks the gentleman has been heard enough.

Mr. PRICE. May I make a parliamentary inquiry?

The SPEAKER. Certainly.

Mr. PRICE. Has it not always been in order to move a suspension of the rules during the last six days of a session?

The SPEAKER. It has not. It has not been the practice of the House to allow one member, by a motion to suspend the rules, to take another gentleman off the floor when a question was pending. Nor has it ever been held that it was compulsory on the Speaker under the terms of the rule to recognize that motion.

Mr. PRICE. That is not my question. My question is, has it not been considered in order during the last six days of a session to move a suspension of the rules?

The SPEAKER. It has been when a member has been recognized for that purpose, but the Chair does not recognize any member for that purpose now.

Mr. MILLS. The Chair can recognize whom he pleases.

Mr. ROBESON. I desire to say—— [Cries of "Regular order!"]

The SPEAKER. There is no controversy before the House.

Mr. TUCKER. The Speaker has decided that the gentleman from New Jersey [Mr. ROBESON] is out of order.

Mr. ROBESON. And I take an appeal from the ruling of the Chair.

The SPEAKER. There can be no appeal from the recognition of the Chair.

Mr. ATKINS. The gentleman is clearly out of order.

The SPEAKER. The question is on the motion of the gentleman from Virginia [Mr. TUCKER] to now proceed to business on the Speaker's table.

The question was taken; and upon a division there were—ayes 122, noes 27.

Mr. ROBESON. Is that a quorum?

The SPEAKER. It is a quorum.

So the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House of the following title:

A bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

BUSINESS ON THE SPEAKER'S TABLE.

The SPEAKER. The House has decided by the vote just taken to proceed to the consideration of business on the Speaker's table.

REPORT OF CIVIL SERVICE COMMISSION.

The first business on the Speaker's table was the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a copy of a letter addressed to the chairman of the civil-service commission on the 3d of December last, requesting to be furnished with a report upon the result in the post-office and custom-house in the city of New York of the application of the civil-service rules requiring open competitive examinations for appointments and promotions, together with the report of Hon. Dorman B. Eaton, the chairman of the commission, in response.

The report presents a very gratifying statement of the results of the application of the rules referred to in the two largest and most important local offices in the civil service of the Government. The subject is one of great importance to the people of the whole country. I would commend the suggestions and recommendation of the chairman of the commission to the careful consideration of Congress.

R. B. HAYES.

EXECUTIVE MANSION,
February 28, 1881.

The message, with the accompanying documents, was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

MISSISSIPPI RIVER COMMISSION.

The next business on the Speaker's table was a letter from the Secretary of War, transmitting a report of the Mississippi River commission.

The SPEAKER. That will be referred to the Committee on Commerce and printed.

Mr. CONGER. Let it be read.

Mr. BAYNE. We want to hear it.

The SPEAKER. It will be read.

The Clerk read as follows:

WAR DEPARTMENT, WASHINGTON CITY, *March* 1, 1881.

To the SPEAKER *of the House of Representatives:*

The Secretary of War has the honor to transmit to the House of Representatives, in compliance with section 5 of the act of June 23, 1879, copy of the report of the Mississippi River commission, dated January 8, 1881, together with a letter of the Chief of Engineers submitting same to the Department. In view of the importance of the subject it is respectfully requested that this report be printed.

ALEXANDER RAMSEY,
Secretary of War.

The SPEAKER. That will be referred to the Committee on Commerce and printed.

There being no objection, it was so ordered.

IMPORTATION OF CLASSICAL ANTIQUITIES, ETC.

The next business on the Speaker's table was the bill (H. R. No. 2524) in relation to the importation of classical antiquities, returned from the Senate with amendments.

Mr. MILLS. I hope the amendments of the Senate will be concurred in with an amendment.

Mr. CONGER. Let the amendments be read.

Mr. GUNTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GUNTER. When business on the Speaker's table was last being considered the House adjourned pending the consideration of the bill (S. No. 451) to reimburse the Creek Orphan fund.

The SPEAKER. That will be reached when the class of business to which it belongs shall be reached.

Mr. MILLS. I ask that the amendments of the Senate to this bill be read.

The amendments of the Senate were read, as follows:

In line 1, strike out "duty" and insert "duties generally."

At the end of line 3 insert:

"And the term 'objects of classical antiquities' as herein used shall be understood to include all such articles whether manufactured before or during the mediæval period."

After line 3, insert the following section:

"SEC. 2. That section 3022 of the Revised Statutes is hereby amended so as to read as follows:

"'Imported salt in bond may be used in curing fish taken by vessels licensed to engage in the fisheries, under such regulations as the Secretary of the Treasury shall prescribe; and upon proof that the salt has been used in curing fish, the duties on the same shall be remitted. And exporters of meats, whether packed or smoked, which have been cured in the United States with imported salt, shall upon proof, under such regulations as the Secretary of the Treasury shall prescribe, that such meats have been cured with imported salt, have refunded to them from the Treasury the duties paid on the salt so used in curing such exported meats.'"

Change section 2 to section 3.

Amend the title so as to read: "An act in relation to the importation of classical antiquities, and for other purposes."

Mr. TUCKER. I make the point of order that that amendment of the Senate must receive its first consideration in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order, because the Senate have added to the bill a proposition which comes within the scope of Rule XX, and which, if introduced into the House originally, would have been subject to the same point of order.

The bill, with the Senate amendments, was accordingly referred to the Committee of the Whole on the state of the Union.

PUBLIC MARINE SCHOOLS.

The next business on the Speaker's table was the bill (H. R. No. 2769) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, and Galveston; returned from the Senate with amendments.

Mr. CONGER. Let the amendments of the Senate be read.

The amendments of the Senate were read, as follows:

In line 5 strike out "and."

At the end of the bill add the following: "And in Narraganset Bay."

Amend the title so as to read: "An act to amend the act entitled 'An act to encourage the establishment of public marine schools,' approved June 30, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and in Narraganset Bay."

Mr. ALDRICH, of Rhode Island. I move to concur in the Senate amendments.

Mr. CLYMER. I make a point of order on those amendments.

The SPEAKER. The gentleman from Rhode Island [Mr. ALDRICH] moves to concur in the Senate amendments. The gentleman from Pennsylvania [Mr. CLYMER] makes a point of order.

Mr. CLYMER. I withdraw the point.

Mr. WHITTHORNE. I renew the point of order.

The SPEAKER. What point of order does the gentleman make?

Mr. WHITTHORNE. That the amendment increases expenditures and is not in the direction of retrenchment.

The SPEAKER. That rule does not apply. The only question is whether Rule XX is applicable; that is, whether this amendment is such an amendment as if it had originated in the House would have required the bill to go to the Committee of the Whole House on the state of the Union. The amendment does not make any appropriation at all. The Chair overrules the point of order.

The amendment was concurred in.

Mr. ALDRICH, of Rhode Island, moved to reconsider the vote by which the amendment was concurred in, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WEIGHTS AND MEASURES FOR AGRICULTURAL COLLEGES.

The next business on the Speaker's table was the joint resolution (H. R. No. 186) authorizing the Secretary of the Treasury to furnish States, for the use of agricultural colleges, one set of standard weights and measures, and for other purposes.

The amendments of the Senate were read, as follows:

In line 4, strike out "any."

In same line, strike out "college" and insert "colleges."

In lines 4 and 5, strike out "is maintained in whole or in part by State appropriations" and insert "have received a grant of land from the United States."

At the end of line 6, to insert: "*Provided*, That the cost of each set shall not exceed $200; and a sum sufficient to carry out the provisions of this resolution is hereby appropriated, out of any money in the Treasury not otherwise appropriated."

Mr. WARNER. I move to concur in the amendments of the Senate. They are merely verbal. The object is simply to provide agricultural colleges with standard instruments.

The amendments were concurred in.

Mr. WARNER moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORTIFICATION APPROPRIATION BILL.

Mr. BAKER. I rise to submit a conference report.

The SPEAKER. The Chair recognizes the gentleman for that purpose.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 6529, making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: "In lieu of the sum proposed insert '$175,000;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: "In lieu of the sum proposed insert '$325,000;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same.

JOHN H. BAKER,
HIESTER CLYMER,
ERASTUS WELLS,
Managers on the part of the House.
W. B. ALLISON,
JAS. B. BECK,
NEWTON BOOTH,
Managers on the part of the Senate.

Mr. BAKER. I call for the reading of the statement accompanying the report.

The Clerk read as follows:

The managers on the part of the House of the conference on the bill making appropriations for fortifications and other works of defense, and for other purposes, submit the following detailed statement in explanation of the action recommended in the report submitted:

The effect of the action recommended on amendment 1 is to make the appropriation for protection, preservation, and repair of fortifications and other works of defense $175,000 instead of $200,000, as proposed.

On amendment 3, makes the sum for armament of sea-coast fortifications $325,000 in lieu of $250,000, as proposed.

On amendment 4, inserts the following:

"And the President is authorized to select a board, to consist of one engineer officer, two ordnance officers, and two officers of artillery, whose duty it shall be to make examination of all inventions of heavy ordnance and improvements of heavy ordnance and projectiles that may be presented to them, including guns now being constructed or converted under direction of the Ordnance Bureau; and said board shall make detailed report to the Secretary of War, for transmission to Congress, of such examination, with recommendation as to what inventions are worthy of actual test, and the estimated cost of such test; and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for such purpose."

JNO. H. BAKER,
ERASTUS WELLS,
HIESTER CLYMER,
Managers on the part of the House.

Mr. BAKER. I demand the previous question on the adoption of the report.

The main question was ordered; and under the operation thereof the report was agreed to.

Mr. BAKER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALVIN BRONSON.

The next business on the Speaker's table was the bill (H. R. No. 2269) for the relief of Calvin Bronson.

The amendment of the Senate was read, as follows:

At the end of the bill add the following:

"In full satisfaction of an illegal tax assessed upon certain smoking-tobacco and paid by him under protest."

Mr. BRIGHT. I move that the House concur in the amendment.

Mr. CONGER. Let the bill be read as it will stand if amended.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be authorized and directed to pay to Calvin Bronson $11,211, out of any money in the Treasury not otherwise appropriated, in full satisfaction of an illegal tax assessed upon certain smoking-tobacco and paid by him under protest.

Mr. WHITE. Was there a report in this case?

The SPEAKER. None is required under the rules. This is a House bill with a Senate amendment.

The amendment was concurred in.

Mr. BRIGHT moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENGINEER GRADUATES OF NAVAL ACADEMY.

The next business on the Speaker's table was the bill (H. R. No. 5627) to amend section 1486 of the Revised Statutes, in order to preserve the meaning of the original law from which it was taken, with reference to the rank of engineer officers, graduates of the Naval Academy.

The amendments of the Senate were read, as follows:

In lines 2 and 3 strike out the words "'service' in lines 5 and 6," and insert "'accordingly,' at the end of the section."

Mr. CONGER. Let the bill be read as it will stand as amended.

The Clerk read as follows:

Be it enacted, &c., That section 1486 of the Revised Statutes of the United States be amended by inserting after the word "accordingly," at the end of the section, the words: "*Provided*, That nothing in this section shall be so construed as to give to any officer of the staff corps precedence of, or a higher relative rank than that of, another staff officer in the same grade and corps, and whose commission in such grade and corps antedates that of such officer."

Mr. TALBOTT. I move concurrence in the Senate amendment.

The amendment was concurred in.

Mr. TALBOTT moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GOVERNMENT LAND IN VINCENNES.

The next business on the Speaker's table was a bill (H. R. No. 3742) to authorize the Secretary of the Treasury to sell certain real estate belonging to the United States, and vesting title to certain other lands in the city of Vincennes, in the State of Indiana, and for other purposes, returned from the Senate, with amendments.

The amendments were read, as follows:

Page 2, line 15, after the word "city," insert "and cause the same to be appraised at its fair cash value."

Page 2, line 24, after the word "cash," insert "at not less than the appraised value."

Mr. CONVERSE. I am directed by the Committee on Public Lands to move the House concur in the Senate amendments.

Mr. CONGER. Let the bill be read *in extenso*.

The bill was read as it would be with the Senate amendments.

Mr. CONVERSE. If I may be allowed one word in explanation, I will say that the only change is in simply requiring the land to be appraised, and that it shall not be sold for less than the appraised value. Both amendments are right. I move concurrence.

The amendments of the Senate were concurred in.

Mr. CONVERSE moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOMESTEAD SETTLEMENTS.

The next business on the Speaker's table was the bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers, returned from the Senate with an amendment, as follows:

In line 3 strike out all after the word "provided" down to and including the word "land," and in line 5 insert as follows:

"That where there may be climatic reasons, the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land, under such rules and regulations as he may prescribe."

Mr. DUNNELL. Let the bill be read as it will be amended.

The bill, as amended, was read.

Mr. CONVERSE. I move the House non-concur in the amendments of the Senate and ask for a committee of conference.

Mr. DUNNELL. I move to concur.

Mr. POEHLER. I will state to my colleague that I introduced this bill, and as it is now amended it will not answer the purpose for which it was introduced.

Mr. DUNNELL. I withdraw my motion to concur.

Mr. POEHLER. I think it can be amended in the committee of conference so as to make it exactly right.

Mr. CONVERSE. I move to non-concur and ask for a committee of conference.

The motion was agreed to.

Mr. CONVERSE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASING TOBACCO FOR THE NAVY.

The next business on the Speaker's table was the bill (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy, returned from the Senate with the following amendments:

In line 7, after "New York," insert "Harrisburgh, Pennsylvania."

In lines 7 and 8 strike out "Lynchburgh, Petersburgh, Danville," and insert "Raleigh, North Carolina."

Line 9 strike out "Rochester, New York."

Mr. TALBOTT. I move to non-concur in the amendments of the Senate and ask for a committee of conference, and on that motion I demand the previous question.

Mr. McMILLIN. Oh, no; let us concur in the Senate amendments.

Mr. ARMFIELD. I move to concur.

Mr. TALBOTT. I have demanded the previous question.

The SPEAKER. The question is on concurrence.

The House divided; and there were—ayes 87, noes 30.

Mr. PRICE. No quorum has voted.

The SPEAKER. The gentleman from Iowa makes the point of no quorum. The Chair appoints as tellers Mr. PRICE and Mr. McMILLIN.

The House again divided; and the tellers reported—ayes 127, noes 32.

So the amendments of the Senate were concurred in.

ADDITIONAL LAND DISTRICT, KANSAS.

The next business on the Speaker's table was a bill (H. R. No. 4411) to establish an additional land district in the State of Kansas, returned from the Senate with amendments.

Mr. CONGER. What becomes of the joint resolution (H. R. No. 340) in reference to the distribution of the CONGRESSIONAL RECORD?

The SPEAKER. That has been signed by the President and is now a law. The pending question is on the amendments of the Senate to the bill (H. R. No. 4411) to establish an additional land district in the State of Kansas, which will be read.

The Clerk read as follows:

Page 1, line 3, strike out "27" and insert "31."
Page 1, line 6, strike out "third" and insert "fourth."
Page 1, line 7, strike out "16" and insert "21."
Page 1, line 7, strike out "27" and insert "31."

Mr. CONGER. Let the bill be read as it will be as amended.

The Clerk read as follows:

Be it enacted, &c., That the following described territory in the State of Kansas, to wit, commencing at the southeast corner of township 35 south, range 31 west of the sixth principal meridian, on the south boundary of the State of Kansas; thence west on said southern boundary to the western boundary of said State; thence north on said western boundary to the fourth standard parallel south; thence east along said parallel to the northeast corner of township 21 south, range 31 west, and thence south to the place of beginning, in the State of Kansas, shall constitute an additional land district, to be called the southwestern land district, the location for the office of which shall be designated by the President of the United States, and shall by him from time to time be changed as the public interest may seem to require.

SEC. 2. That the President be, and he hereby is, authorized, whenever the public interests shall require, to appoint, in accordance with existing laws authorizing appointment to office, a register and a receiver for the district hereby created, who shall each be required to reside at the site of the office for said district, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties which are, or may be, prescribed by law in relation to other land offices of the United States.

SEC. 3. That all sales and locations made at the offices of the districts in which the lands embraced in this district have hitherto been included, situated wholly within the limits of this district, which shall be valid and right in other respects up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed.

Mr. RYAN, of Kansas. I move to concur in the amendments of the Senate.

Mr. CONGER. I desire to ask how many land offices there are in that State already?

Mr. RYAN, of Kansas. I want to state, in response to my friend from Michigan, that some of the settlers in this part of the State have to go from one hundred to one hundred and fifty miles to reach a land office. This part of the State is filling up very rapidly and there is need for additional offices.

The motion to concur in the Senate amendments was agreed to.

Mr. RYAN, of Kansas, moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFUNDING THE NATIONAL DEBT.

The next business on the Speaker's table was the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

The Senate amendments were read, as follows:

In line 15, printed bill, section 1, strike out "in the" and insert "to an."
In same line strike out "of."
In lines 16 and 17 insert "of denomination of $50 or some multiple of that sum."
In lines 18 and 19 insert "payable semi-annually."
In line 20 strike out "ten" and insert "twenty."
In line 21 strike out "certificates in the" and insert "Treasury notes to an."
In line 22 strike out "of" and insert "not exceeding."
In line 23 strike out "twenty and fifty."
In lines 24 and 25 insert "or some multiple of that sum not exceeding one hundred thousand dollars."
In line 25 strike out "the" and insert "a."
In line 26 strike out "of" and insert "not exceeding."
In line 27 insert "payable semi-annually."
In lines 29 and 30 insert "and no Treasury note of a less denomination than $100 shall be registered."
In line 31 strike out "certificates" and insert "Treasury notes."
In line 40 insert "publication of."
In line 16, at the end of the section, insert:
"It shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may prescribe, to authorize public subscriptions, at not less than par, to be received at all depositories of the United States, and at all national banks, and such other banks as he may designate, for the bonds and for the Treasury notes herein provided for, for thirty days before he shall contract for or award any portion of said bonds or Treasury notes to any syndicate of individuals or bankers, or otherwise than under such public subscriptions; and if it shall happen that more than the entire amount of said bonds and Treasury notes, or of either of them, has been subscribed within said thirty days, he shall award the full amount subscribed to all persons who shall have made *bona fide* subscriptions for the sum of two thousand dollars or less, at rates most advantageous to the United States, and the residue ratably among the subscribers in proportion to the amount by them respectively subscribed, at rates most advantageous to the United States."
In section 2, line 3, strike out "certificates" and insert in line 4 "Treasury notes."
In line 10 strike out "certificates" and insert "Treasury notes."
In line 11 strike out "but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific Railway Companies."
At the end of the section insert "but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific Railway Companies."
In section 3 strike out lines 1, 2, and 3: "Authority to issue bonds and certificates to the amount necessary to carry out the provisions of this act is hereby granted;" and in line 3 insert "the."
Strike out in line 5 "provided that" and insert "and."
Strike out in line 7 "certificates" and insert "Treasury notes."
Strike out in line 8 "one-quarter" and insert "one-half."
In section 4, line 3, insert "temporarily."
In lines 6, 7, 8, and 9 insert "which shall from time to time be repaid and replaced out of the proceeds of the sale of the bonds or Treasury notes authorized by this act."
In line 12 strike out "certificates" and insert "Treasury notes authorized by this act."
In lines 13 and 14 strike out "certificates" and insert "Treasury notes."
In section 5, line 1, strike out "May" and insert "July."

Add section 6, as follows:

"SEC. 6. That the payment of any of the bonds hereby authorized, after the expiration of five years, shall be made in amounts to be determined from time to time by the Secretary of the Treasury, at his discretion, the bonds so to be paid to be distinguished and described by the dates and numbers, beginning for each successive payment with the bonds of each class last dated and numbered; of the time of which intended payment or redemption the Secretary of the Treasury shall give public notice, and the interest on the particular bonds so selected at any time to be paid shall cease at the expiration of thirty days from the publication of such notice."

Change section 6 to section 7.

Mr. CONGER. I ask for the reading of the bill as it is proposed to be amended by the Senate.

The bill was read with the Senate amendments.

Mr. CONGER. I desire to make a point of order upon this bill that it should go to the Committee of the Whole House on the state of the Union for the consideration of certain amendments proposed by the Senate.

The SPEAKER. It has already been there, and has received consideration in Committee of the Whole.

Mr. CONGER. I think the Chair has ruled before I have made the point of order. There are certain amendments in this bill which have been incorporated by the Senate which should receive their first consideration in Committee of the Whole under the rule.

The SPEAKER. Will the gentleman from Michigan indicate what amendment he refers to?

Mr. CONGER. I will refer now to the amendment on page 3 of the printed bill beginning at line 41, including line 59, the entire amendment in italics. I refer to the amendment of the Senate beginning with the words:

It shall be the duty of the Secretary of the Treasury under such rules and regulations as he may prescribe to authorize, &c.

The SPEAKER. Does the gentleman from Michigan make a point of order upon that amendment?

Mr. CONGER. I do.

Mr. McMILLIN. Mr. Speaker, I desire to know if it would be in order to move concurrence in the Senate amendments to this bill?

The SPEAKER. That would be the first motion.

Mr. McMILLIN. I desire to make that motion.

The SPEAKER. The gentleman from Michigan makes the point of order upon the amendments of the Senate.

Mr. CONGER. Under Rule XX I make the point of order that any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point. I make the point as to several of these Senate amendments.

The SPEAKER. Make one at a time, please.

Mr. CONGER. Then I make it upon that amendment of the Senate which is numbered 16 in this printed bill, commencing at line 41, on page 3, down to and including line 59, to which I have just referred.

The SPEAKER. What point of order does the gentleman make?

Mr. CONGER. I make the point of order that if this provision had originated in the House it would have been subject to the point of order that it should have its first consideration in the Committee of the Whole House on the state of the Union.

The SPEAKER. Does the gentleman raise the question that it would have been subject to the point of order if it had originated in the House?

Mr. CONGER. I do.

The SPEAKER. The gentleman thinks it would have been subject to the point of order in the House. Do I understand that to be the gentleman's opinion?

Mr. CONGER. I make the point of order that if it had originated in the House it would have been required under the rules to have had its first consideration in Committee of the Whole on the state of the Union, and therefore under Rule XX, coming here as a Senate amendment, it is subject to the point of order.

Mr. HASKELL. Rule XX and Rule XXIII also cover this point. The third clause of Rule XXIII is applicable to it. This rule has reference to the original point, that is where it originates in the House; and Rule XX provides for the Senate amendments.

The SPEAKER. What branch of Rule XXIII does the gentleman from Kansas refer to?

Mr. HASKELL. To the third clause of Rule XXIII.

Mr. CONGER. Let the Clerk read the rule.

The Clerk read as follows:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. CONGER. Rule XX I have already read.

The SPEAKER. The gentleman from Michigan now makes the point that under the third clause of Rule XXIII, and under the provisions of Rule XX, that amendment to which he has referred, if originating in the House, would have been subject to the point of order that it should have had its first consideration in Committee of the Whole on the state of the Union. Does the gentleman from Michigan desire to be heard upon the point of order?

Mr. CONGER. I desire to say that this is a proposition of the Senate; that if it were an original bill of the House referring to the disposition of property of the United States, it would necessarily have had its first consideration in the House in Committee of the Whole. It disposes of the property of the United States.

Mr. CARLISLE. I would ask the gentleman from Michigan if there is anything in the Senate amendment No. 16, which appropriates any part of the money or the property of the United States?

The SPEAKER. The Chair thinks that the amendment to which the gentleman from Michigan asks attention, if introduced in the House as a separate bill, being a matter directing the Secretary of the Treasury to make rules, regulations, &c., for this specific purpose, would have gone to the House Calendar.

Mr. HASKELL. Before the Chair renders a final decision, may I say a word?

The SPEAKER. Certainly.

Mr. HASKELL. The body of this bill, the Chair will admit, provides for the authorization, the manufacture, and the making of certificates of indebtedness of the United States. It provides for a bond and for certain other securities.

The SPEAKER. The Chair is only directing his attention at present to a single amendment.

Mr. HASKELL. I will come to that. That is the scope of the bill—the authorization and preparation of bonds and certificates of the United States debt obligations, current securities. Now, the language of the Senate amendment, No. 16, provides for the disposition of that property. They are negotiable notes. The bill provides for their making, and the wording of the Senate amendment, new matter that this House has never considered, provides the way, the manner, and the means of putting those securities out of the possession of the United States into the hands of private individuals. It is property of the United States and most valuable property. The amendment is therefore subject to the point of order.

Mr. WARNER. The amendment is a mere regulation directory of what precedes in the bill. It directs how that may be carried out and does not involve any expenditure at all.

The SPEAKER. The Chair is clear on the point of order made by the gentleman from Michigan that if this amendment was a bill in the House it would not be subject to the point of order but would go to the House Calendar. The Chair therefore overrules the point of order.

Mr. CONGER. I make then a point of order on the amendment in section 3, page 4, of the printed bill.

And the expense of preparing, issuing, advertising, and disposing of the bonds and Treasury notes authorized to be issued, shall not exceed one-half of one per cent.

In the original bill there was a provision for bonds and "certificates." Here it is for "Treasury notes." In the original bill the House provided that one-quarter of 1 per cent. should be the cost of preparing, issuing, &c. In the Senate amendment is a proviso that one-half of 1 per cent. shall be the cost.

The SPEAKER. The point the gentleman from Michigan makes is that because the Senate has increased the amount to be allowed in that connection the amendment is subject to the point of order.

Mr. CONGER. The Senate has put in a proposition which increases that expense $1,750,000 whatever the form may be. And the Senate has provided for an expenditure on what was not in the House bill at all, namely, the preparation, &c., of Treasury notes.

The SPEAKER. The Chair thinks that is a mere difference of designation.

Mr. CONGER. There is an increase in the amount of $1,750,000.

The SPEAKER. If the Chair gathers the point of order correctly, and if he does not the gentleman will correct him, it is that this is subject to a point of order because the Senate have increased the expense to one-half of 1 per cent.

Mr. CONGER. And also that it is for a different object.

The SPEAKER. The provision of the Constitution will be read.

The Clerk read as follows:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

The SPEAKER. Now the Senate simply in this case amended in a legitimate way authorized by the Constitution by increasing the amount. The House had in Committee of the Whole considered the question of the amount to be paid. And it constantly happens that the Senate under the Constitution and under their rules, and not at variance with the House rules, increases the amount in a House bill.

Mr. CONGER. But I supposed we were acting under Rule XX of the House.

The SPEAKER. The Chair includes both rules in his remark. The Chair spoke of the "rules" of the House. The Chair thinks it was a legitimate amendment for the Senate to make, to increase the amount. The House originally provided for an appropriation. If the House had not provided for any appropriation, there might be room for discussion. But the House already provided for an appropriation, and the Senate has simply said that under the authority given in the Constitution, in its spirit and letter, it has amended and increased the amount. The Chair overrules the point of order.

Mr. ROBESON. I wish to say we are not questioning the constitutionality of that amendment. We only say that when we consider it, it must be under our rules in Committee of the Whole on the state of the Union.

The SPEAKER. The Chair says, under the Constitution, which is higher than the rules of either or both Houses, the Senate has the

power to amend in the manner in which the Senate has amended in this case.

Mr. REED. We do not question at all the right of the Senate to make the amendment. We only say that under our rules it is an amendment which ought to be considered in Committee of the Whole House.

The SPEAKER. There is no rule of the House that would send a bill to the Committee of the Whole House on the state of the Union that had already been considered in Committee of the Whole House on the state of the Union, in connection with an appropriation, in consequence of the Senate merely adding an increase.

Mr. REED. The Senate also substitutes Treasury-notes for certificates.

The SPEAKER. That is a matter of denomination.

Mr. CONGER. I appeal from the decision of the Chair.

Mr. SPRINGER. I desire to say one word in reference to the appeal. The gentleman from Michigan makes the point of order that the increase of this particular appropriation makes the amendment obnoxious to the rule requiring it to be considered in Committee of the Whole House. If this had been a new provision, the point of order would have been well taken; but as this is simply an amendment in reference to a subject which has already been considered by the House, it is not a new proposition, but simply increases the amount already agreed upon by the House.

Now, to illustrate: If the Committee of the Whole House had put a provision in the bill fixing a particular amount, and when the bill came into the House a motion had been made to increase that amount, no person would say that that would carry the bill back into Committee of the Whole.

Mr. HATCH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH. The Chair has already decided the point of order, and my point is that debate is not in order.

The SPEAKER. Debate is not in order upon the point of order, but upon the appeal.

Mr. CARLISLE. I move to lay the appeal on the table.

Mr. CONGER. Not while I hold the floor.

Mr. SPRINGER. I thought the gentleman had yielded the floor.

Mr. CONGER. I had the floor, but the gentleman from Illinois, being livelier than I, took possession of it for a moment.

Mr. ROBESON. The gentleman from Illinois is a SPRINGER. [Laughter.]

Mr. SPRINGER. I do not desire to spring a trap on you, however.

Mr. CONGER. I think this is a very proper occasion to test the validity of our rules. Disagreeing with the Speaker in his judgment of Rule XX, I desire to have the opinion of the House upon it, and the Chair undoubtedly desires it likewise. Now I will read Rule XX:

> Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Here in this amendment of the Senate is a proposition to add $1,750,000 to the expenditure of the Government under this proposed law. It is a proposition which, originating in the House, and authorizing the expenditure of $1,750,000, it is admitted by all must go to the Committee of the Whole.

The Senate has put an amendment upon this bill which proposes an expenditure of $1,750,000 more than the House proposed. If such a proposition as that, appropriating one and three-quarter millions of the money of the United States, can be put on the bill in the Senate and not go to the Committee of the Whole of the House, then our rule is perfectly worthless, and the Senate may put on amendments and increase expenditures to any extent without the House having the power to consider them in Committee of the Whole.

The reason of the thing is against the decision of the Chair. The whole object of the rule was that these propositions for expenditure of the public money should be considered by the House in Committee of the Whole. Under the ruling of the Chair how easy it is to avoid this rule. For instance, the House passes a bill appropriating $100. That bill goes to the Senate, and the Senate puts on an amendment increasing the amount to $100,000,000. If the rule be as the Speaker now holds, there is no remedy; and if the majority of the House desire to pass such a bill without consideration in Committee of the Whole, attaching the hundred-million proposition of the Senate to the one-hundred bill of the House, under the ruling of the Chair it could be done.

It seems to me that the absurdity of the proposition should make us pause before we establish such a ruling as that. I feel it to be my duty to appeal from the decision of the Chair, in order that the House and the Speaker both may consider this question, which has come up frequently, and which must come up frequently hereafter.

Mr. SPRINGER. I move to lay the appeal on the table.

The SPEAKER. The Chair desires to say that the subject-matter of this bill was treated in Committee of the Whole House on the state of the Union, and an appropriation was attached to the bill by the House. The simple act of the Senate was to increase that appropriation.

Mr. REED. The Senate has also substituted "Treasury notes" for "certificates."

The SPEAKER. The gentleman from Michigan [Mr. CONGER] does not include that in his point of order, does he?

Mr. CONGER. I stated that distinctly.

The SPEAKER. The Chair holds that that is a mere denomination.

Mr. CONGER. I stated in my place that I included that in my point of order.

The SPEAKER. The Chair again desires to say that the subject-matter of this bill was considered by the House in Committee of the Whole on the state of the Union, and to it was attached an appropriation. The gentleman from Michigan appeals from the decision of the Chair. The Chair has decided that the Senate having increased the amount as in their judgment was necessary to secure the execution of the object originally considered by the House in Committee of the Whole on the state of the Union——

Mr. CONGER. And for a different object.

The SPEAKER. The gentleman holds that thereby, in view of that increase by the Senate, the bill shall again go to the Committee of the Whole. Let us illustrate. That point of order would send every bill with a Senate amendment to the Committee of the Whole on the state of the Union, if it had one dollar of increase in it.

Mr. PRICE. Will not this bear on the question?

Mr. CONGER. I desire the Chair in making the statement of what I appeal from to say also what I said "and for another purpose."

The SPEAKER. The Chair has overruled the point of order in reference to "another purpose," because it is a mere denomination. The Chair rules that that would not take it to the Committee of the Whole, because a bill simply designating the indebtedness would go to the House Calendar.

Mr. PRICE. There is one point which I think the Chair has not considered. It will be remembered by the Chair, because the Chair took part in that discussion, that this very question was before the House in Committee of the Whole, and the House in Committee of the Whole refused to make the amount $3,500,000. The House decided by a vote that it would make it but $1,750,000; and the Senate has done just what the House refused to do.

The SPEAKER. The House can recede or insist. The question is upon laying the appeal on the table.

The question was taken; and upon a division there were—ayes 114, noes 26.

Mr. PRICE. No quorum has voted.

The SPEAKER. The point of order is raised that no quorum has voted. The Chair will appoint as tellers the gentleman from Kentucky, Mr. CARLISLE, and the gentleman from Michigan, Mr. CONGER.

Mr. CONGER. Well, let us have the yeas and nays.

The yeas and nays were ordered, there being fifty in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 173, nays 29, not voting 88; as follows:

YEAS—173.

Aiken,	Davis, Horace	Kimmel,	Sawyer,
Aldrich, William	Davis, Lowndes H.	King,	Scales,
Armfield,	Deering,	Kitchin,	Scoville,
Atherton,	De La Matyr,	Klotz,	Shallenberger,
Atkins,	Deuster,	Knott,	Shelley,
Bachman,	Dibrell,	Ladd,	Sherwin,
Baker,	Dick,	Le Fevre,	Simonton,
Beale,	Dickey,	Lindsey,	Slemons,
Belford,	Dunn,	Lowe,	Smith, William E.
Beltzhoover,	Dunnell,	Martin, Benj. F.	Sparks,
Berry,	Dwight,	Martin, Edward L.	Speer,
Blackburn,	Einstein,	Mason,	Springer,
Blake,	Elam,	McKenzie,	Stevenson,
Bouck,	Errett,	McKinley,	Talbott,
Bragg,	Evins,	McLane,	Taylor, Ezra B.
Brewer,	Felton,	McMahon,	Taylor, Robert L.
Briggs,	Finley,	McMillin,	Thompson, P. B.
Bright,	Ford,	Miles,	Thompson, W. G.
Browne,	Forney,	Miller,	Tillman,
Buckner,	Forsythe,	Mills,	Townsend, Amos
Burrows,	Fort,	Morrison,	Tucker,
Butterworth,	Frost,	Morse,	Turner, Oscar
Cabell,	Frye,	Muldrow,	Upson,
Caldwell,	Gillette,	New,	Van Aernam,
Calkins,	Goode,	Nicholls,	Waddill,
Cannon,	Gunter,	O'Neill,	Ward,
Carlisle,	Hammond, N. J.	O'Reilly,	Warner,
Carpenter,	Harris, John T.	Orth,	Washburn,
Chalmers,	Hatch,	Osmer,	Weaver,
Clardy,	Hawk,	Page,	Wellborn,
Clark, Alvah A.	Hawley,	Persons,	Wells,
Clark, John B.	Hazelton,	Philips,	White,
Clements,	Henderson,	Poehler,	Whiteaker,
Clymer,	Herbert,	Prescott,	Whitthorne,
Cobb,	Hill,	Reagan,	Williams, Thomas
Colerick,	Hiscock,	Rice,	Willis,
Converse,	Hooker,	Richardson, J. S.	Wilson,
Cook,	Hostetler,	Richmond,	Wise,
Covert,	House,	Robertson,	Wood,
Cowgill,	Hunton,	Robinson,	Wright,
Cox,	Hurd,	Rothwell,	Yeates.
Cravens,	Jones,	Russell, Daniel L.	
Culberson,	Kenna,	Ryon, John W.	
Davidson,	Ketcham,	Samford,	

NAYS—29.

Aldrich, N. W.	Davis, George R.	McGowan,	Starin,
Bailey,	Fisher,	Newberry,	Updegraff, J. T.
Bayne,	Heilman,	Norcross,	Wilber,
Bisbee,	Hubbell,	Price,	Willits,
Bowman,	Jorgensen,	Ray,	Young, Thomas L.
Brigham,	Lapham,	Reed,	
Claflin,	McCoid,	Richardson, D. P.	
Conger,	McCook,	Smith, A. Herr	

NOT VOTING—88.

Acklen,	Geddes,	Loring,	Ryan, Thomas
Anderson,	Gibson,	Lounsbery,	Sapp,
Ballou,	Godshalk,	Manning,	Singleton, J. W.
Barber,	Hall,	Marsh,	Singleton, O. R.
Barlow,	Hammond, John	Mitchell,	Smith, Hezekiah B.
Bicknell,	Harmer,	Money,	Steele,
Bingham,	Harris, Benj. W.	Monroe,	Stephens,
Bland,	Haskell,	Morton,	Stone,
Bliss,	Hayes,	Muller,	Thomas,
Blount,	Henkle,	Murch,	Townshend, R. W.
Boyd,	Henry,	Myers,	Turner, Thomas
Camp,	Herndon,	Neal,	Tyler,
Caswell,	Horr,	O'Brien,	Updegraff, Thomas
Chittenden,	Houk,	O'Connor,	Urner,
Coffroth,	Humphrey,	Overton,	Valentine,
Crapo,	Hutchins,	Pacheco,	Vance,
Crowley,	James,	Phelps,	Van Voorhis,
Daggett,	Johnston,	Phister,	Voorhis,
Davis, Joseph J.	Joyce,	Pound,	Wait,
Ellis,	Keifer,	Robeson,	Williams, C. G.
Ewing,	Kelley,	Ross,	Yocum,
Ferdon,	Killinger,	Russell, W. A.	Young, Casey.

So the appeal from the decision of the Chair was laid on the table.

The following additional pairs were announced:

Mr. JORGENSEN with Mr. BEALE, until half past six this evening.

Mr. CRAPO with Mr. GIBSON.

Mr. VAN VOORHIS with Mr. LOUNSBERY.

Mr. HASKELL with Mr. WISE, on all questions for to-night.

Mr. BICKNELL with Mr. BOYD, until six o'clock to-day.

Mr. SINGLETON, of Illinois, with Mr. MILES, for the remainder of the day.

Mr. BLOUNT with Mr. MONROE, on this vote.

Mr. OVERTON with Mr. ROSS, on all questions.

Mr. MANNING with Mr. CAMP, for two hours, Mr. CAMP reserving the right to vote on a demand for the yeas and nays.

Mr. STEELE with Mr. HARRIS of Massachusetts, on all questions for the remainder of the day, except that either may vote to make a quorum.

Mr. HAYES with Mr. ELLIS, for this day; but either may vote to make a quorum.

Mr. BLAND with Mr. CHITTENDEN, until six o'clock this evening, Mr. BLAND reserving the right to vote to make a quorum.

Mr. ACKLEN with Mr. HORR, for to-day.

The result of the vote was then announced as above stated.

Mr. TUCKER. With a view to giving members an opportunity to obtain some refreshment, and with a view further of pressing this bill to final consideration to-night, I move that the House now take a recess until eight o'clock. And I desire to give notice that when the House shall reconvene I will press the consideration of this bill to final action.

Mr. CONGER. I ask the gentleman to put off the reassembling of the House until half past eight o'clock. Some gentlemen must go to the cars about that time.

Several MEMBERS. That is right.

Mr. TUCKER. I will not object. I am very glad for once to be able to agree with my friend from Michigan.

The motion of Mr. TUCKER was agreed to; and accordingly (at five o'clock and thirty minutes p. m.) the House took a recess until half past eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8.30 o'clock p. m.

ENROLLED BILLS SIGNED.

Mr. WARD, from the Commitee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. No. 709) for the relief of William S. Burgess and others;

A bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans;

A bill (H. R. No. 2503) for the relief of John H. W. Riley, of California;

A bill (H. R. No. 3451) for the relief of George W. Brower;

A bill (H. R. No. 3785) appropriating money for the erection of a penitentiary in the Territory of Dakota;

A bill (H. R. No. 4261) for the relief of Henry B. Eastman;

A bill (H. R. No. 4590) to provide for the sale of certain property owned by the United States in the District of Columbia;

A bill (H. R. No. 4663) to admit free of duty one of the bells of Saint Michael's chimes, Charleston, South Carolina, which has been sent to England to be recast;

A bill (H. R. No. 5389) for the relief of Samuel Harper;

A bill (H. R. No. 5532) establishing a life-saving station at Louisville, Kentucky; and

A bill (H. R. No. 6493) to provide for the construction of a public building at Jackson, in the State of Mississippi.

JAMES VANCE, ETC.

Mr. UPSON. Mr. Speaker, I ask by unanimous consent to take up for consideration at this time Senate bill No. 1268, for the relief of James Vance or his legal representatives and the legal representatives of William Vance.

Mr. WARNER. I demand the regular order of business.

REFUNDING BILL.

The SPEAKER. The regular order being demanded, the House proceeds to the consideration of the unfinished business.

Mr. TUCKER. The bill which is now before the House——

Mr. CONGER. I have some points of order on this bill yet to make.

The SPEAKER. The gentleman will state them.

Mr. CONGER. I desire to make the point of order first on amendment 26, which provides for the expenditure of money from time to time, to be repaid and replaced out of the proceeds of the sale of the bonds or Treasury notes authorized by this act. This amendment of the Senate provides for the payment of $50,000,000 not in the original bill. I make the point of order that must go to the Committee of the Whole to have its first consideration, being the payment of money independent of anything in the House bill. It has not had consideration as yet in the House. It is an entirely new proposition for the disposition of the public moneys of the United States. It has not been considered by the House, and is liable to the points which Rules XX and XXIII impose on the Senate amendments. It does not come under the class of cases upon which the Speaker ruled before.

Mr. CARLISLE. If I understand the gentleman from Michigan, his point of order is made on that part of the Senate amendment 26 which requires the $50,000,000 to be paid into the Treasury again, and not that portion which requires payment of any appropriation out of the Treasury. I suppose the Speaker can have no difficulty in ruling upon that.

Mr. CONGER. I thought I made my point so clear that it might be understood at once. The twenty-sixth amendment of the Senate is in these words:

Which shall from time to time be repaid and replaced out of the proceeds of the sale of bonds and Treasury notes authorized by this act.

Mr. WARNER. Yes, replaced in the Treasury.

Mr. CARLISLE. Put into the Treasury of the United States out of the proceeds of the sales of the bonds.

The SPEAKER. Is the gentleman from Michigan through?

Mr. CONGER. I await the decision of the Chair.

The SPEAKER. The amendment of the Senate is germane to the original text of the bill, that is it relates to the identical $50,000,000 provided for in the original text of the House bill, which has already met the requirements of the rule, that it shall be first considered in the Committee of the Whole House on the state of the Union. In fact, it is a mere modification of the original text of the House bill. The Chair overrules the point of order.

Mr. CONGER. Mr. Speaker, I now make the point of order on section 6, an entirely new section, which I ask the Clerk to read.

The Clerk read as follows:

That the payment of any of the bonds hereby authorized, after the expiration of five years, shall be made in amounts to be determined from time to time by the Secretary of the Treasury, at his discretion, the bonds so to be paid to be distinguished and described by the dates and numbers, beginning for each successive payment with the bonds of each class last dated and numbered; of the time of which intended payment or redemption the Secretary of the Treasury shall give public notice, and the interest on the particular bonds so selected at any time to be paid shall cease at the expiration of thirty days from the publication of such notice.

The SPEAKER. Does the gentleman from Michigan desire to be heard on his point of order?

Mr. CONGER. Yes, sir, for a moment. Now, Mr. Speaker, here is a provision which has never been before the House until now, for the payment of bonds hereby authorized after the expiration of five years, in amounts to be determined from time to time by the Secretary of the Treasury at his discretion. It provides for the payment of from five to seven hundred million dollars out of the Treasury, and after the expiration of five years. It has never been considered in the House. It disposes of money and property of this Government in amounts ranging from five to seven hundred million dollars. Not much of a sum I admit to require consideration in the Committee of the Whole where every little pension bill for payment of $8 a month to a soldier has to go. It embraces payments to that amount.

And if the rule be worth anything, or the necessity of the rule is apparent at all, a rule which requires bills appropriating money or providing for the appropriation of money or the disposition of any property of the United States, whatever the rule may say in its broadest extent I hold that it is manifestly applicable here. This is one of those provisions, and the last one in this bill, and I have saved it until the last, so that the Speaker may determine and consider whether a proposition contemplating as this does to dispose of five to seven hundred million dollars out of the Treasury of the United States, shall, by the ruling of the Speaker, be taken from the consideration of the Committee of the Whole, when the disposition of an acre of land, a pension of $8 a month, or the disposition of a dollar of money, is subject to the point of order. I want the Speaker to rule whether this disposition of millions and hundreds of millions of money can be swept away here from the consideration of the Committee of the Whole House, where it properly belongs, by the simple ruling of the Speaker of this House.

The SPEAKER. The Chair desires to say, in connection with the point of order, that the payment of bonds mentioned in this section is provided for in a prior section of the bill. The section to which the gentleman takes exception mentions in fact that there is authority by prior sections of the bill for the disposition of these bonds. This section simply regulates or establishes rules in reference to the

manner of the payment of these bonds provided for in prior parts of the bill. The Chair overrules the point of order.

Mr. TUCKER. Mr. Speaker——

Mr. CONGER. Mr. Speaker, I desire to have a record upon that, and appeal from the decision of the Chair.

Mr. TUCKER. I move to lay the appeal on the table.

Mr. PAGE. Will the gentleman from Virginia yield to me to ask a question before the appeal is taken? I would like to ask him if the Committee on Ways and Means have amendments which they propose to this bill, and if they will be offered, and we are to have a vote on them?

Mr. TUCKER. Yes, sir.

Mr. PAGE. On amendments offered by the committee?

Mr. TUCKER. Yes, sir.

The SPEAKER. The question is on the motion of the gentleman from Virginia, which is to lay on the table the appeal of the gentleman from Michigan from the decision of the Chair. Does the gentleman desire a record by yeas and nays?

Mr. CONGER. No; it is not necessary.

The SPEAKER. The question is on laying on the table the appeal from the decision of the Chair.

The appeal was laid on the table.

Mr. TUCKER. Mr. Speaker, in respect to the bill which is now before the House, I believe it is free from points of order which have been suggested in reference to it. I have been authorized by the Committee on Ways and Means to propose to the House to concur in the Senate amendments as mentioned in the paper which I now send to the Clerk. I am also directed to move to concur with the amendment of the Senate, No. 16, with an amendment proposed by the committee, as stated in the paper which I also send to the Chair.

Mr. McMILLIN. I desire to reserve all points of order.

Mr. TUCKER. The committee have directed me to move concurrence in the sixteenth amendment of the Senate, on page 3 of the bill, with certain amendments which I have sent to the desk.

Mr. SPRINGER. I would suggest to the gentleman from Virginia that he allow a vote first on the Senate amendments which are to be accepted.

Mr. TUCKER. Then, in section 4 of the printed bill——

Mr. CONGER. I object to the gentleman's amendments being considered in this manner.

Mr. TUCKER. I believe I have the floor.

Mr. CONGER. Well, now my friend will probably suspend until the point of order is decided; he should not be so technical.

Mr. TUCKER. If the gentleman desires to make a point of order as to the method in which I am now proceeding I will yield the floor; if not, I do not desire to yield.

Mr. CONGER. I do make the point of order as to the method of proceeding.

The SPEAKER. What is the point of order?

Mr. CONGER. That the amendments which have been incorporated by the Senate must be proposed and voted upon in their regular sequence. Let us have the amendments *seriatim* to vote upon.

Mr. CANNON, of Illinois. I think we should have the privilege of knowing exactly how the amendments are to be acted upon, that is to say, that these amendments in which it is proposed to concur be stated, and those which are not to be concurred in be stated separately.

The SPEAKER. The gentleman from Michigan makes the point of order that the amendments of the Senate to the bill under consideration must be taken up in the order in which they appear on the bill. The Chair thinks that is correct.

Mr. TUCKER. Then I move the previous question on the several amendments of the Senate mentioned in the paper I have sent to the desk.

Mr. DE LA MATYR. Will the gentleman allow me to present an amendment to the twenty-seventh amendment of the Senate?

Mr. TUCKER. I will state to the gentleman from Indiana that I do not believe the twenty-seventh amendment is one of those mentioned in the paper which I have sent to the desk.

Mr. DE LA MATYR. I ask for the reading of the paper.

The SPEAKER. The Chair will recognize the gentleman from Indiana, so that he will have an opportunity of presenting his amendment subsequently if it be admissible.

The Clerk will read the amendments which the gentleman from Virginia, the chairman of the Committee on Ways and Means, as the Chair supposes by direction of that committee, suggests and on which he demands the previous question.

Mr. CONGER. That is not a conference report.

The SPEAKER. The Chair has not so stated.

Mr. CONGER. I suppose these amendments are to be read one by one, and acted upon separately.

The SPEAKER. The Chair will cause them to be read in their consecutive order.

Mr. CONGER. One by one and subject to amendment.

The SPEAKER. The Committee on Ways and Means recommend through its chairman concurrence in certain amendments that can be voted upon separately, or in gross, unless gentlemen object. If a separate vote is demanded, it is the right of the House to have it upon each one.

Mr. CONGER. We wish to offer other amendments.

The SPEAKER. But the gentleman from Virginia moves to concur and demands the previous question.

Mr. CONGER. If he does that, he cannot in my humble opinion get the previous question to-night. There has been an understanding that there should be an opportunity to offer amendments.

Mr. TUCKER. We are perfectly willing to try conclusions with the gentleman on that subject.

Mr. CONGER. There should be the right to offer amendments.

Mr. TUCKER. I move concurrence in the amendments mentioned on the paper sent to the Clerk's desk and ask the previous question on them.

Mr. CANNON, of Illinois. I desire to ask a single question. It is, if the gentleman from Virginia cannot make his motion to concur and non-concur without prejudice to the rights of anybody, whether the House cannot be placed in possession of the recommendations of the committee and still be entitled to separate votes on the amendments?

The SPEAKER. Certainly. The right of any member to demand a separate vote cannot be taken away.

Mr. CANNON, of Illinois. It has not been stated, I understand, what amendments the committee propose to concur in.

The SPEAKER. Not yet.

Mr. CANNON, of Illinois. I think the House would like to know what the committee propose, and then we can go to work intelligently. I hope the gentleman from Michigan, with that understanding, will let the report of the committee be made in full. It occurs to me that can be done without the loss of the rights of any one and greatly to the advantage of the House.

The SPEAKER. The Chair will not suffer any one to lose any right.

Mr. HASKELL. If the previous question be ordered on twenty-seven amendments, there will be no opportunity for members to offer amendments.

Mr. CONGER. I desire the Chair to inform me how we can have a separate vote, if the previous question be ordered on twenty-seven amendments.

The SPEAKER. They need not be voted upon in gross. As soon as it is required, a separate vote on any amendment can be had.

Mr. CONGER. The previous question cannot be ordered on them till they are presented for concurrence or non-concurrence.

The SPEAKER. The amendments in the list sent to the desk are amendments pending before the House, in every one of which the gentleman from Virginia asks concurrence and demands the previous question.

Mr. CONGER. But other gentlemen may desire to offer amendments to those amendments.

The SPEAKER. Then the previous question must be voted down. The object of ordering the previous question is to cut off debate and amendment from those amendments.

Mr. FORT. Why cannot the gentleman from Michigan put in his amendments before the previous question is ordered, and let them be voted upon under the operation of the previous question?

Mr. ATKINS. I wish to make a parliamentary inquiry, but I shall wait till members on the floor cease their colloquies.

The SPEAKER. The Chair desires to have order. Gentlemen will resume their seats.

Mr. ATKINS. The inquiry I wish to make is this: Has a motion been made to concur in all the amendments?

The SPEAKER. That motion has not been made.

Mr. ATKINS. I thought a motion had been made to concur in all the amendments.

Mr. TUCKER. If gentlemen will allow me, I will make a statement that will explain the whole matter. The Committee on Ways and Means, to whom this bill when it came from the Senate with amendments was not referred, took the bill, however, into their consideration the other day and, on a full and free conference, the committee agreed I believe *nem. con.* to the amendments of the Senate which I have mentioned in the paper first sent to the desk, enumerating twenty-six or twenty-seven amendments of the Senate, as to which I was instructed on behalf of the committee to move concurrence.

There were amendments to which the Committee on Ways and Means proposed amendments on the part of the House; and I am instructed by the committee to propose in the House those amendments to amendments of the Senate. I was going on to state what those amendments were when I was interrupted by the gentleman from Michigan. But the gentleman from Michigan knows as well as I do that the amendments which are mentioned in the first paper sent to the desk were, I believe unanimously, by the committee recommended to the House for entire concurrence.

Mr. CONGER. I have not seen the paper and know nothing about it.

Mr. TUCKER. The gentleman has not seen the paper, but he knows the fact.

Mr. CONGER. I do not know what is in the paper.

Mr. TUCKER. But the gentleman knows the fact. And he knows I would not state what was not true when standing here to make a report from the committee.

Mr. CONGER. That is not the question, what is true or what is not true.

Mr. TUCKER. I do not desire any indorsement from the gentle-

man from Michigan on that subject, and other members of the committee will bear me out in what I have stated.

Mr. CONGER. I hope the gentleman is not at all in a condition to be taken out.

Mr. TUCKER. I did not hear what the gentleman from Michigan said, and I do not care.

Mr. REED. The gentleman from Virginia would have enjoyed it had he heard it.

Mr. TUCKER. No doubt. What I say is that the Committee on Ways and Means have instructed me to move concurrence in the amendments of the Senate enumerated upon the first paper sent to the Clerk's desk; and in those amendments I now move the concurrence of the House and ask the previous question.

Mr. DE LA MATYR. Before the vote is taken on the previous question I ask that those amendments be read.

The SPEAKER. They will be.

Mr. CANNON, of Illinois, (to Mr. TUCKER.) Why not go on now and state all that you propose to do?

Mr. HAWLEY. Give us the whole programme at once.

Mr. FRYE. I wish to ask the gentleman from Virginia a question. The demand being made for the previous question, did the gentleman from Virginia intend to preclude the gentleman from Michigan [Mr. CONGER] from offering an amendment to the fifth section, and the gentleman from Texas [Mr. MILLS] from offering an amendmont?

Mr. TUCKER. Unquestionably not.

Mr. FRYE. I so supposed.

Mr. TUCKER. My friend from Maine knows or might well presume that I intended to reserve, as was agreed in the committee, the right of the gentleman from Michigan to offer his amendment, and of the gentleman from Texas [Mr. MILLS] to offer an amendment. I intend to carry out the agreement made by the Committee on Ways and Means upon the principles of *uberrima fides*, perfect good faith, which even carping censoriousness must applaud and at which calumny will be silent.

Mr. CONGER. I must say I am glad of that. [Laughter.]

Mr. FRYE. The gentleman from Virginia does not understand me as implying any censure upon him?

Mr. TUCKER. None at all.

Mr. FRYE. I suppose the gentleman would carry out the agreement of the committee; but as he had not mentioned those two amendments at all in his former remarks, it was left an open question——

Mr. TUCKER. My friend from Maine will notice that when I was going on to mention what I proposed to do, I was interrupted by the point of order of the gentleman from Michigan.

Mr. REED. As I understand the gentleman from Virginia, the previous question is only called on such amendments as have already been offered.

The SPEAKER. The gentleman from Indiana [Mr. DE LA MATYR] desires that the amendments indicated by number in the paper which the gentleman from Virginia has sent to the desk be read. [Cries of "That is right!"] The Chair directs the reading.

The Clerk read as follows:

The Committee on Ways and Means propose concurrence in the following amendments of the Senate:

First amendment:

In line 15, section 1, of the printed bill strike out "in the" and insert the words "to an."

Second amendment:

In the same line strike out the word "of."

Third amendment:

In the sixteenth line of the first section, after the word "dollars," insert "of denominations of $50, or some multiple of that sum."

Fourth amendment:

After the words "per annum" in the nineteenth line of the section 1, insert the words "payable semi-annually."

Fifth amendment:

In line 20, section 1, strike out the word "ten," and insert the word "twenty."

Sixth amendment:

In line 21, same section, strike out the words "certificates in the" and insert "Treasury notes to an."

Seventh amendment:

In line 22, same section, strike out the word "of" and insert the words "not exceeding."

Eighth amendment:

In line 23, same section, strike out the words "twenty and fifty."

Ninth amendment:

After the word "dollars," in line 23, same section, insert the words "or some multiple of that sum not exceeding $1,000."

Tenth amendment:

In line 25, same section, strike out "the" and insert "a."

Eleventh amendment:

In line 26, same section, strike out the word "of" and insert the words "not exceeding."

Twelfth amendment:

In line 27, same section, after the words "per annum," insert the words "payable semi-annually."

Thirteenth amendment:

After the word "issue," in line 29, same section, insert the words "and no Treasury note of a less denomination than $100 shall be registered."

Fourteenth amendment:

In line 31, same section, strike out the word "certificates" and insert the words "Treasury notes."

Fifteenth amendment:

In line 40, same section, insert before the word "notice" the words "publication of."

Seventeenth amendment:

In line 3, section 2, strike out the word "certificates" and insert the words "Treasury notes."

Eighteenth amendment:

In line 10, same section, strike out the word "certificates" and insert the words "Treasury notes."

Nineteenth amendment:

In lines 11, 12, and 13, same section, strike out the words "but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific Railway Companies."

Twentieth amendment:

After the word "destroyed," in line 15, same section, insert the words "but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific Railway Companies."

Twenty-first amendment:

In section 3 strike out lines 1 and 2, and line 3 down to the word "the."

Twenty-second amendment:

In line 5, same section, strike out the words "provided that, ' and insert in lieu thereof the word "and."

Twenty-third amendment:

In line 7, same section, strike out the word "certificates" and insert "Treasury notes."

Twenty-fourth amendment:

In line 8, same section, strike out the words "one-quarter," and insert in lieu thereof the words "one-half."

Twenty-sixth amendment:

In line 6, section 4, after the words "this act," insert "which shall from time to time be repaid and replaced out of the proceeds of the sale of the bonds or Treasury notes authorized by this act."

Twenty-seventh amendment:

In line 12, section 4, strike out the word "certificates" and insert the words "Treasury notes."

Mr. DE LA MATYR. I desire to offer an amendment to that amendment.

Mr. TUCKER. Where does the gentleman's proposed amendment come in?

Mr. DE LA MATYR. After the word "act," in line 13.

Mr. TUCKER. I have no objection to allowing the gentleman's amendment to be read for information.

Mr. FRYE. If the gentleman is going to open this matter to amendment from one member, he must open it to every amendment which any gentleman may desire to offer.

Mr. TUCKER. I say the gentleman may have the amendment read for information. But I object to the amendment.

The SPEAKER. The previous question if ordered would cut off the amendment. [Cries of "Read!" "Read!"] The amendment which the gentleman from Indiana [Mr. DE LA MATYR] desires to offer will be read.

The Clerk read as follows:

Amend the twenty-seventh amendment by adding after the words "Treasury notes authorized by this act," in the twelfth and thirteenth lines, the following:

"*Provided*, That whenever any national banking association shall retire its circulation in whole or in part as provided by law, it shall be the duty of the Secretary of the Treasury to cause to be issued and placed in circulation in lawful manner a like amount of legal-tender Treasury notes in addition to those now in use as currency, and of the character and denominations now authorized; and no national banking association so diminishing its circulation, or which may have retired any portion of its circulating notes since the 18th of February, 1881, shall hereafter be permitted to increase the amount of its circulating notes."

Mr. TUCKER. I cannot admit that amendment. I call the previous question on my motion to concur.

Mr. CONGER. Let us understand clearly what we are doing. I desire to know whether if the previous question be called——

Mr. TUCKER. The Clerk has not read all the amendments in which we propose to concur.

Mr. CONGER. Let all the amendments be read.

The Clerk continued as follows the reading of the amendments in which the Committee on Ways and Means proposed concurrence:

Twenty-eighth amendment:

In lines 13 and 14, section 4, strike out the word "certificates" and insert the words "Treasury notes."

Thirtieth amendment:

Insert as section 6 the following:

"That the payment of any of the bonds hereby authorized after the expiration of five years, shall be made in amounts to be determined from time to time by the Secretary of the Treasury, at his discretion, the bonds so to be paid to be distinguished and described by the dates and numbers, beginning for each successive payment with the bonds of each class last dated and numbered; of the time of which intended payment or redemption the Secretary of the Treasury shall give public notice, and the interest on the particular bonds so selected at any time to be paid shall cease at the expiration of thirty days from the publication of such notice."

Thirty-first amendment:

Number section 6 as section 7.

Mr. TUCKER. Those are the amendments upon which the Committee on Ways and Means move concurrence, on which I ask the previous question.

Mr. PAGE. Now, let me ask the gentleman from Virginia to allow the amendments that are to be proposed by the Committee on Ways and Means to be read. [Cries of "Regular order!"]

Mr. TUCKER. I have no objection to that, but it was objected to when proposed awhile ago.

Mr. PAGE. It seems to me the House ought to know what amendments are to be proposed by the committee; and I understand the gentleman from Virginia has no objection.

Mr. TUCKER. None in the world.

Mr. PAGE. Then let them be read from the Clerk's desk.

The SPEAKER. The amendments will be read.

The Clerk read as follows:

It is proposed to concur in the sixteenth amendment with the following amendment:

In line 55 of section 1, after the word "subscriptions," strike out the words "for the sum of $2,000 or less" and insert in lieu thereof the words "in order of time of said subscriptions."

In line 56, same section, after the word "States," strike out the remainder of the section.

Mr. TUCKER. I send up the other amendment which the com-

mittee proposes, as the House seems to desire to know all that the committee proposes.

The Clerk read as follows:

In line 3, section 4, strike out the word "temporarily," and insert in lieu the words "from time to time."

In the same line, after the word "dollars," insert the words "at any one time."

In line 11, of the same section, after the word "of," insert the word "any."

In line 12, after the word "or," insert the words "of the."

At the end of section 5 add the following:

"*Provided*, That nothing in this act shall be construed to repeal or in any manner affect or modify sections 5220, 5222, 5223, and 5224 of the Revised Statutes of the United States of America."

Mr. TUCKER. Those are all the amendments that the committee propose. It was agreed by the committee that there should be reserved to the gentleman from Michigan [Mr. CONGER] and the gentleman from Texas [Mr. MILLS] the right to offer each one amendment—all these amendments to be brought within the influence of the previous question.

Mr. DE LA MATYR. I want my amendment pending to the twenty-seventh amendment of the Senate.

Mr. MILLS. I have the floor.

Mr. WARNER. And the gentleman from Texas yields to me.

Mr. GILLETTE. Will the gentleman from Virginia allow gentlemen on either side of the House to place their amendments before the House? I wish to call his attention to the fact that the national party has no representative on that Committee on Ways and Means, and we have agreed to an amendment, and I ask him to allow that amendment to be placed before the House for a vote.

Mr. WARNER. I offer the following amendment to the twenty-first amendment of the Senate, as follows:

In addition to the bonds and Treasury notes hereby authorized to be issued, the Secretary of the Treasury is futher authorized and required to issue United States notes, under the provisions of titles 38 and 39 of the Revised Statutes, to an amount equal to the national-bank circulation surrendered pending and during the process of retunding under this act, and no more; and said notes shall be paid out in the current expenditures of the Government, and kept as part of the paper circulation; and interest-bearing bonds of the United States equal in amount to the notes so issued shall be redeemed and canceled in addition to the bonds otherwise redeemed and.

Mr. TUCKER. Where does that come in?

Mr. McMILLIN. Before the amendment is announced, I move for concurrence in the Senate amendments. I do not like to antagonize the committee having this matter in charge, but I would like to know whether it would be in order to press that motion now.

The SPEAKER. The Chair will entertain the motion and examine the point.

Mr. WEAVER. I rise to a parliamentary inquiry. Was the amendment just read offered or merely read for information?

Mr. WARNER. It was offered as an amendment.

Mr. WEAVER. I move to amend, before the words "Treasury notes," by inserting the words "legal tender."

Mr. CONVERSE. I rise to a question of order. I understand the gentleman from Virginia to move the previous question on certain amendments to the bill. I submit now whether other amendments can be offered.

The SPEAKER. The Chair supposes these were being read for information and that the House would first dispose of the amendments which the committee recommend should be concurred in, and then, if they desired to close debate and prevent further amendment, they would order the main question, which would cut off further amendments and debate thereon.

Mr. CONVERSE. I ask for a vote on the previous question. These amendments, as I understand, do not relate to that part of the bill in reference to which the gentleman from Virginia has demanded the previous question.

The SPEAKER. They do not.

Mr. CLYMER. This twenty-first amendment is recommended by the committee to be concurred in.

The SPEAKER. If the previous question is ordered it does not come in.

Mr. CLYMER. I understand the position to be this: the gentleman from Virginia moving concurrence has, by the request of the committee, yielded the floor to the gentleman from Texas.

The SPEAKER. Then it had better come out of the list of amendments.

Mr. TUCKER. I want to know, for I could not hear, where the gentleman from Texas offered his amendment to come in.

Mr. REAGAN. The difficulty could be obviated by proceeding regularly and disposing of the amendments proposed by the committee in their order. We could then take up the amendments of the Senate including the amendment of my colleague and that of the gentleman from Michigan.

The SPEAKER. The question is on the demand for the previous question.

Mr. CONGER. On the amendments of the committee? The gentleman said I was to be permitted to offer an amendment.

Mr. FRYE. Did the gentleman from Ohio [Mr. WARNER] offer the amendment for the gentleman from Texas, [Mr. MILLS?]

Mr. WARNER. I did.

Mr. FRYE. Then that is the amendment of the gentleman from Texas, [Mr. MILLS.]

Mr. WARNER. That is correct.

Mr. TUCKER. I understand the amendment of my friend from Texas is to the twenty-first amendment of the Senate. There are certain erasures proposed by the Senate, and that amendment is to come in where the erasures are. I would suggest that the twenty-first amendment, in which I on behalf of the committee move concurrence, be left out of the motion I make for concurrence.

Mr. DE LA MATYR. I move the twenty-seventh amendment be left out, upon which I desire to offer an amendment.

Mr. REAGAN. If the gentleman would take up the amendments and act upon them regularly, we could easily dispose of them.

Mr. TUCKER. I insist on my demand for the previous question.

Mr. DE LA MATYR. I desire to know whether the twenty-seventh amendment is included.

The SPEAKER. It is included as one of the amendments upon which the gentleman moves concurrence and upon which he demands the previous question.

Mr. CONGER. The gentleman says I was to be permitted to offer an amendment. All the other amendments have been read for information. I ask that mine also be read for information.

The Clerk read as follows:

Amend the fifth section by striking out "July" in the first line and all after the words "provided further" in line 20 to and including the word "repeal" in line 24, and by inserting the word "September" in the first line in place of the word "July" proposed to be stricken out.

Mr. McMILLIN. I desire to reserve all points of order.

Mr. CARLISLE. I suggest to the gentleman from Michigan that there is no amendment now in order.

The SPEAKER. It is being read only for information.

Mr. DE LA MATYR. Before we vote I want to know whether the twenty-seventh amendment is included in this motion?

The SPEAKER. It is one of the amendments included on which the previous question is demanded. The question is now on ordering the main question.

The House divided; and there were—ayes 101, noes 60.

So the main question was ordered.

Mr. TUCKER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Is a separate vote asked on any amendment?

Mr. CONGER. On each amendment.

Mr. MILLS. I suppose there will hardly be a separate vote required on those in which we have moved concurrence.

Mr. CONGER. There is a difference of opinion about that.

The SPEAKER. The Clerk will report the amendments.

The amendments were read, and those numbered 1, 2, 3, and 4 were severally concurred in.

Amendment numbered 5 was read, as follows:

In line 20 of the first section strike out the word "ten" and insert "twenty;" so that it will read: "Redeemable at the pleasure of the United States after five years and payable twenty years from the date of issue."

Mr. WHITTHORNE. I object to that and ask a separate vote upon it.

Mr. WEAVER. I demand a separate vote on that amendment.

The question was taken, and the amendment was agreed to.

Amendments numbered 6, 7, and 8 were severally concurred in.

Amendment numbered 9 was read, as follows:

In line 24 of section 1 insert, after the word "dollars," "or some multiple of that sum not exceeding $1,000."

Mr. WEAVER. I demand a separate vote upon that.

The amendment was agreed to.

Amendments numbered 10, 11, and 12 were severally concurred in.

Amendment numbered 13 was read, as follows:

After the word "issue," in line 29 of the first section, insert: "And no Treasury note of a less denomination than $100 shall be registered."

Mr. CONGER. On that I want a separate vote. Let the amendment he again read.

The amendment was again read.

Mr. CONGER. The poor man's note cannot be registered. [Derisive cries on the democratic side.] I hear the groans, and they sound natural.

The House divided; and there were—ayes 103, noes 55.

So the amendment was agreed to.

Amendments numbered 14, 15, 17, 18, 19, 20, 22, and 23 were severally concurred in.

Amendment numbered 24 was read, as follows:

Strike out after the word "exceed," in the eighth line of the third section, the words "one-quarter" and insert "one-half;" so that if amended it will read as follows: "And the expense of preparing, issuing, advertising, and disposing of the bonds and Treasury notes authorized to be issued shall not exceed one-half of 1 per cent."

Mr. CONGER. On that I ask a vote.

The House divided; and there were—ayes 120, noes 25.

So the amendment was concurred in.

Amendment numbered 26 was concurred in.

Amendment numbered 27 was read, as follows:

In line 12 of section 4, after the words "bonds or," strike out the word "certificates" and insert "Treasury notes authorized by this act."

Mr. GILLETTE. I ask a separate vote on that amendment.

The amendment was concurred in.

Amendments numbered 28 and 30 were severally concurred in.

Mr. BUCKNER. Mr. Speaker, in the printed bill which we have there is an amendment numbered 29, at the beginning of section 5, to strike out "May" and insert "July."

The SPEAKER. That was taken out of the list furnished to the desk.

Mr. CARLISLE. There has been no report made upon that.

Amendment 31 was concurred in.

Mr. TUCKER moved to reconsider the votes by which the several amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will now report the next amendment which it is proposed to concur in with an amendment.

Mr. TUCKER. On the twenty-first amendment of the Senate, in section 3, which proposes to strike out the following words:

Authority to issue bonds and certificates to the amount necessary to carry out the provisions of this act is hereby granted, and the—

I move concurrence in the amendment of the Senate; and on that and the amendment proposed by the gentleman from Texas to that amendment I call the previous question.

Mr. DE LA MATYR. I ask the gentleman from Virginia to allow me to move a substitute for the amendment of the gentleman from Texas. He certainly will have the fairness to do that and give us a vote on the substitute.

The SPEAKER. The Chair will be guided entirely by the wishes of the gentleman from Virginia in charge of the bill.

Mr. DE LA MATYR. I hope the gentleman will allow me to offer a substitute to the amendment of the gentleman from Texas.

The SPEAKER. The gentleman from Virginia moves to concur.

Mr. MILLS. Do I understand the gentleman from Virginia to move to concur in the Senate amendment with an amendment?

Mr. TUCKER. No; I move to concur with the Senate amendment.

Mr. MILLS. Then I move concurrence with the amendment which I have offered.

Mr. DE LA MATYR. And I offer a substitute for the amendment of the gentleman from Texas.

Mr. MILLS. Your substitute is not in order; my amendment is.

The SPEAKER. Does the gentleman from Virginia yield for the substitute?

Mr. TUCKER. I have no authority to do so.

Mr. WEAVER. I hope the gentleman will yield. It is the only amendment that we will ask to offer and will not consume any time.

Mr. MILLS. The gentleman from Virginia cannot yield.

Mr. WEAVER. He can yield by unanimous consent.

The SPEAKER. The Chair will take the liberty of asking what the gentleman's instructions are?

Mr. TUCKER. I would be glad to oblige my friend from Iowa, but I am instructed by the committee to do what I have done.

The SPEAKER. The Chair will suggest to the gentleman from Indiana how he may test the sense of the House in reference to this matter: by having a record on the demand for the previous question.

Mr. DE LA MATYR. That would give us no opportunity of presenting the amendment.

Mr. WEAVER. It will not offer a test in any manner whatever.

The SPEAKER. The Chair thinks it would be indicative of the sense of the House as to the question of allowing the substitute to be presented.

Mr. TUCKER. I understand the previous question has been ordered upon this amendment.

The SPEAKER. The Chair understood that this amendment was withdrawn from the demand for the previous question on the amendments which have been acted upon.

Mr. WEAVER. On what is the previous question demanded?

The SPEAKER. Why, the gentleman from Virginia states the committee instructs him to demand the previous question on the amendment of the Senate in which he moves to concur, but allows the amendment of the gentleman from Texas [Mr. MILLS] to concur with an amendment to come in.

Mr. DE LA MATYR. I see no reason why the gentleman from Virginia cannot allow to be offered a substitute for the amendment of the gentleman from Texas.

Mr. CARLISLE. The gentleman from Virginia moved the previous question and yielded to allow the gentleman from Texas to present his amendment.

The SPEAKER. To be voted on?

Mr. CARLISLE. It was presented and then the previous question was ordered.

Several MEMBERS. Oh, no; not ordered!

The SPEAKER. The Chair has not said anything to the contrary of what is stated by the gentleman from Kentucky. But the House has not ordered the main question on the twenty-first amendment of the Senate. It was taken out from the list of amendments on which the main question was ordered.

Mr. CARLISLE. If it was taken out from the list on which the previous question was ordered, then I misunderstood the gentleman from Virginia.

The SPEAKER. The question is on ordering the main question on the twenty-first amendment of the Senate, in which the gentleman from Virginia moves concurrence, and yields to allow the gentleman from Texas to present a motion to concur with an amendment.

Mr. PRICE. And the previous question will cover both?

The SPEAKER. Now the demand is for the previous question on those two propositions.

Mr. DE LA MATYR. I ask the gentleman from Virginia to yield that I may offer a substitute for the amendment of the gentleman from Texas.

The SPEAKER. The question is on ordering the main question.

Mr. DICK. I ask that the amendment of the gentleman from Texas be again read.

Mr. WARNER. In order not to jeopardize the bill at this late day and defeat refunding, with the consent of the gentleman from Texas, I withdraw the amendment.

The SPEAKER. Then the gentleman from Virginia moves the previous question on concurring in the Senate amendment.

Mr. DE LA MATYR. I renew the amendment of the gentleman from Texas.

Mr. WEAVER. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. Has the previous question been ordered on this amendment?

The SPEAKER. It has not, but it has been demanded.

Mr. WEAVER. At the proper time I wish to be recognized to move to recommit the bill to the committee with instructions to incorporate in the bill the amendment of the gentleman from Indiana, [Mr. DE LA MATYR.] That I will have the right to do.

The SPEAKER. That would make a test vote if it is allowed. The Chair does not decide now whether that would be in order or not. As many as are in favor of ordering the main question will say "ay"——

Mr. CONGER addressed the Chair.

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. CONGER. I desired the Chair not to put the question till the amendment which had been withdrawn had been renewed by a member of this House.

The SPEAKER. The gentleman in charge of the amendment withdrew it. The gentleman had the right to control his own amendment, no decision having been made thereon; and the demand for the previous question came solely on the amendment of the Senate.

Mr. CONGER. But the amendment of the gentleman from Texas was renewed.

Mr. DE LA MATYR. Before the gentleman from Virginia demanded the previous question on the Senate amendment alone I renewed the amendment of the gentleman from Texas.

The SPEAKER. The withdrawal of the amendment took it away from the demand of the previous question, and that demand rested only on the twenty-first amendment of the Senate.

Mr. CALKINS. The gentleman from Indiana [Mr. DE LA MATYR] renewed it instantly.

The SPEAKER. If the House wants to put in that amendment, it can vote down the previous question.

Mr. CONGER. The gentleman had the right to renew it.

The SPEAKER. The Chair does not recognize that he had that right. The gentleman from Virginia was acting under instructions from his committee, and he was instructed to allow the gentleman from Texas to offer a motion to concur with an amendment. Now, that gentleman did make that motion to concur with an amendment, but susbequently withdrew it. The previous question then came upon the amendment of the Senate solely.

Mr. FRYE. The only thing that astonishes me is that the gentleman from Texas should have backed down so easily.

Mr. CLYMER. It was the gentleman from Ohio [Mr. WARNER] who withdrew the amendment.

Mr. DE LA MATYR. Does the Chair decide I had no right to renew the amendment of the gentleman from Texas?

The SPEAKER. The Chair decides that at this time the gentleman from Indiana cannot do what he desires.

The question being taken on ordering the main question, the Speaker stated on a *viva voce* vote that the "ayes" appeared to have it.

Mr. CONGER. I call for a division.

The House divided; and there were—ayes 108, noes 77.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered, upward of fifty members voting therefor; being more than one-fifth of the last vote.

The question was taken; and there were—yeas 121, nays 91, not voting 78; as follows:

YEAS—121.

Aiken,	Buckner,	Cook,	Geddes,
Armfield,	Cabell,	Covert,	Gibson,
Atherton,	Caldwell,	Cox,	Gunter,
Atkins,	Cannon,	Cravens,	Hammond, N. J.
Bachman,	Carlisle,	Davidson,	Harris, John T.
Baker,	Chalmers,	Davis, Lowndes H.	Hatch,
Beale,	Chittenden,	Deuster,	Herbert,
Beltzhoover,	Clardy,	Dibrell,	Hill,
Berry,	Clark, Alvah A.	Dick,	Hooker,
Bicknell,	Clark, John B.	Dickey,	Hostetler,
Blackburn,	Clements,	Dunn,	House,
Bland,	Clymer,	Elam,	Hunton,
Blount,	Cobb,	Evins,	Hurd,
Bouck,	Coffroth,	Finley,	Kelley,
Bragg,	Colerick,	Forney,	Kenna,
Bright,	Converse,	Frost,	Kimmel,

King,	New,	Scales,	Vance,
Kitchin,	O'Reilly,	Scoville,	Waddill,
Klotz,	Persons,	Simonton,	Warner,
Knott,	Philips,	Slemons,	Wellborn,
Le Fevre,	Phister,	Smith, Hezekiah B.	White,
Lounsbery,	Poehler,	Smith, William E.	Whiteaker,
Manning,	Prescott,	Sparks,	Whitthorne,
Martin, Benj. F.	Reagan,	Springer,	Williams, Thomas
Martin, Edward L.	Richardson, J. S.	Stevenson,	Willis,
McMahon,	Richmond,	Talbott,	Wilson,
McMillin,	Robertson,	Taylor, Robert L.	Wright,
Mills,	Ross,	Thompson, P. B.	Yeates.
Morrison,	Rothwell,	Tillman,	
Muldrow,	Samford,	Tucker,	
Myers,	Sawyer,	Upson,	

NAYS—91.

Aldrich, N. W.	Dunnell,	Ladd,	Sherwin,
Aldrich, William	Dwight,	Lapham,	Smith, A. Herr
Anderson,	Einstein,	Mason,	Stone,
Bailey,	Errett,	McCook,	Taylor, Ezra B.
Ballou,	Ferdon,	McKinley,	Thomas,
Bayne,	Fisher,	Miller,	Thompson, W. G.
Bingham,	Ford,	Monroe,	Townsend, Amos
Bisbee,	Forsythe,	Newberry,	Updegraff, J. T.
Blake,	Fort,	Norcross,	Updegraff, Thomas
Bowman,	Frye,	O'Neill,	Urner,
Brewer,	Gillette,	Osmer,	Valentine,
Briggs,	Godshalk,	Overton,	Van Aernam,
Brigham,	Hall,	Page,	Voorhis,
Burrows,	Hammond, John	Price,	Van Voorhis,
Calkins,	Harmer,	Ray,	Ward,
Carpenter,	Hawk,	Reed,	Washburn,
Claflin,	Hawley,	Rice,	Weaver,
Conger,	Hazelton,	Richardson, D. P.	Wilber,
Cowgill,	Heilman,	Robinson,	Willits,
Crapo,	Hiscock,	Russell, W. A.	Wood,
Davis, George R.	Hubbell,	Ryan, Thomas	Yocum,
Davis, Horace	Jorgensen,	Sapp,	Young, Thomas L.
De La Matyr,	Ketcham,	Shallenberger,	

NOT VOTING—78.

Acklen,	Haskell,	McCoid,	Russell, Daniel L.
Barber,	Hayes,	McGowan,	Ryon, John W.
Barlow,	Henderson,	McKenzie,	Shelley,
Belford,	Henkle,	McLane,	Singleton, J. W.
Bliss,	Henry,	Miles,	Singleton, O. R.
Boyd,	Herndon,	Mitchell,	Speer,
Browne,	Horr,	Money,	Starin,
Butterworth,	Houk,	Morse,	Steele,
Camp,	Humphrey,	Morton,	Stephens,
Caswell,	Hutchins,	Muller,	Townshend, R. W.
Crowley,	James,	Murch,	Turner, Oscar
Culberson,	Johnston,	Neal,	Turner, Thomas
Daggett,	Jones,	Nicholls,	Tyler,
Davis, Joseph J.	Joyce,	O'Brien,	Wait,
Deering,	Keifer,	O'Connor,	Wells,
Ellis,	Killinger,	Orth,	Williams, C. G.
Ewing,	Lindsey,	Pacheco,	Wise,
Felton,	Loring,	Phelps,	Young, Casey.
Goode,	Lowe,	Pound,	
Harris, Benj. W.	Marsh,	Robeson,	

So the main question was ordered.

The following pairs were announced:

Mr. BARBER with Mr. THOMAS TURNER, for the remainder of this legislative day on all questions, except when necessary to make a quorum.

Mr. MULLER with Mr. TYLER, for this evening.

Mr. SHELLEY with Mr. CROWLEY, on this question, reserving the right to vote to make a quorum.

Mr. GOODE with Mr. LORING, for evening session of to-day, except when necessary to make a quorum.

Mr. MCLANE with Mr. BROWNE, for the remainder of the day, except to make a quorum.

Mr. ROBESON with Mr. MCKENZIE, for the remainder of the legislative day, not to interfere with a quorum.

Mr. CHITTENDEN with Mr. BUCKNER, for the remainder of the day.

Mr. FELTON with Mr. PHELPS, on this bill.

Mr. ELLIS, (having voted in the affirmative.) I voted inadvertently. I am paired with Mr. HAYES, of Illinois, and withdraw my vote.

The result of the vote was then announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 6529, making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation;

A bill (H. R. No. 802) granting a pension to W. Botts;

A bill (H. R. No. 1452) for the relief of James B. Furman;

A bill (H. R. No. 2439) granting a pension to Henry Mills;

A bill (H. R. No. 2773) granting a pension to James P. Hunter;

A bill (H. R. No. 3450) for the relief of Lewis A. Kent;

A bill (H. R. No. 3789) for the relief of Homer Fellows;

A bill (H. R. No. 6248) directing the payment of certain awards in favor of parties therein named; and

A bill (H. R. No. 7032) to amend the act incorporating the Capitol, North O street and South Washington Railway Company.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 2637) granting a pension and arrears of pension to Johanna Meehan and minor children; and

A bill (H. R. No. 6324) to construe an act entitled "An act to relieve the churches of the District of Columbia, and to clear the title of the trustees of such property."

The message also announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 1836) for the relief of Arthur W. Eastman; and

A bill (S. No. 2084) to authorize the Secretary of the Treasury to issue an American register to the steam-barge Tecumseh.

FUNDING BILL.

The House resumed the consideration of the Senate amendments to the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

The SPEAKER. The main question has been ordered upon concurring in the twenty-first amendment of the Senate.

Mr. TUCKER moved to reconsider the vote by which the main question was ordered; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The question was upon concurring in the amendments of the Senate.

Mr. DE LA MATYR. Pending the vote upon the motion to concur in the Senate amendment numbered 21, I move to commit the bill, with the Senate amendments, to the Committee on Ways and Means, with instructions to incorporate with amendment number 21 the amendment which I send to the Clerk's desk to be read.

Mr. CARLISLE. I reserve all points of order upon the amendment until I hear it read.

The Clerk read the amendment, as follows:

Provided, That whenever any national banking association shall retire its circulation, in whole or in part, as provided by law, it shall be the duty of the Secretary of the Treasury to cause to be issued and placed in circulation in lawful manner a like amount of legal-tender Treasury notes in addition to those now in use as currency, and of the character and denominations now authorized. And no national banking association so diminishing its circulation, or which may have retired any portion of its circulating notes since the 18th day of February, 1881, shall hereafter be permmitted to increase the amount of its circulating notes.

The SPEAKER. What point of order does the gentleman from Kentucky make?

Mr. CARLISLE. My point of order is that the proposed amendment of the gentleman from Indiana [Mr. DE LA MATYR] is not germane to the amendment proposed by the Senate. As the bill passed the House it contained this provision:

Authority to issue bonds and certificates to the amount necessary to carry out the provisions of this act is hereby granted.

That is a clause which refers alone to the authority of the Secretary of the Treasury, and nothing else, to issue bonds and certificates. The Senate proposes to strike out that provision, and nothing else. Now, the gentleman proposes to concur in the amendment with an amendment, inserting in lieu of that provision a provision upon an entirely different subject.

The SPEAKER. But this is a motion to commit with instructions.

Mr. CARLISLE. I am coming to that. If it is not competent for the House by a direct vote to strike out the provision and insert in lieu of it what the gentleman from Indiana proposes, it is not competent for the House to accomplish identically the same thing by the indirect method of instructing the Committee on Ways and Means to report the bill back with an amendment. In other words, the House cannot, in the indirect form of an instruction to any of its committees, do what the House cannot do directly by a vote on the floor; and I maintain that the House cannot, by any amendment offered on this floor, amend that Senate amendment by adopting in lieu of it a provision upon an entirely different subject.

The SPEAKER. Not germane.

Mr. CARLISLE. Not germane at all. And it not being competent for the House to do it, it cannot instruct its committee to do it.

Mr. SPRINGER. The point of order I supposed the gentleman from Kentucky [Mr. CARLISLE] was going to make was that the motion to commit with instructions was not now in order, because——

Mr. WEAVER. I submit there cannot be more than one point of order pending at a time. One point of order has been made, and on that we want to be heard.

Mr. SPRINGER. I desire to reserve the point of order that the motion to commit with instructions to amend is not now in order, because the case now presented does not come within the terms of the rule:

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

The question now is, not upon the passage of the bill, but upon agreeing to a particular amendment.

Mr. HASKELL. It is upon the passage of the amendment. When the amendments have passed, the bill is passed.

Mr. WEAVER. The gentleman from Illinois [Mr. SPRINGER] makes a distinction without a difference.

Mr. CONVERSE. I wish to make a parliamentary inquiry. I understand that this is a motion to commit an amendment with instructions. I desire to inquire as to the effect upon the bill. If the motion to commit the Senate amendment with instructions be sustained, will it not carry the bill with it?

The SPEAKER. It would take the bill, of course.

Mr. DE LA MATYR. Allow me a word in reply to the point of order. This amendment is certainly germane to the bill; and it is certainly germane to the discussions which the bill has aroused over the country. I move to commit the bill to the Committee on Ways and Means—or, if that is not in order, to the Committee on Banking and Currency—with instructions to incorporate in the bill the amendment which has been read at the desk.

Mr. WEAVER. Mr. Speaker, the rule under which this motion is made does not require that the amendment shall be germane to anything unless to the whole bill. The bill is in the possession of the House, and it has been repeatedly held during the present session that after the main question is ordered or before the ordering of the main question, so far as that is concerned, a motion to recommit is in order. The point made by the gentleman from Illinois [Mr. SPRINGER] is certainly not a good one, because we are now voting upon the passage of this amendment; and the passage of the last amendment passes the bill. I insist that we shall not incorporate into this rule anything that is not there already. Under the rule a motion to recommit with instructions is in order.

Mr. SPRINGER. I ask that clause 1 of Rule XVII be read.

Mr. HASKELL. Mr. Speaker, allow me one word on the point of order.

The SPEAKER. Certainly.

Mr. HASKELL. The point has been raised by the gentleman from Kentucky that this amendment is not germane. Now, the gentleman from Kentucky has ruled from the Chair within a week that the amendment must be germane to the bill, not to the clause. The gentleman from Kentucky also says, that in this case the bill proper is not before the House, simply the amendments. I will agree to that, but I read further from page 135 of the Manual:

A bill originating in one House is passed by the other with an amendment.

The originating House agrees to their amendment with an amendment. The other may agree to their amendment with an amendment, that being only in the second and not the third degree; for, as to the amending House, the first amendment with which they passed the bill is a part of its text.

Here is the declaration of the Manual, that when an amendment of the Senate has passed that body it becomes a part of the text. The gentleman from Indiana [Mr. DE LA MATYR] moves to amend a Senate amendment. If his amendment is germane to the bill and is an amendment to the Senate amendment, how are you going to avoid receiving it?

The gentleman from Illinois [Mr. SPRINGER] makes the point of order that you cannot recommit with instructions, except upon the passage of a bill. I beg leave to call the attention of the gentleman to the fact that as we pass these amendments one by one we pass the bill; and when the last amendment is passed, all there is to pass has passed this House. I submit that under the rule read by the gentleman himself the motion to recommit with these proposed instructions is in order.

The SPEAKER. The Chair, being of opinion that this amendment would not be germane if offered as an amendment to the Senate amendment now pending, holds that an amendment which, not being germane to the Senate amendment, would not be in order if offered in the House as an amendment, cannot come in as an amendment through the agency of an instruction to a committee.

Mr. WEAVER. Allow me a parliamentary inquiry. There is no vote on the bill now; and I ask whether this motion will be in order after the amendment——

The SPEAKER. The Chair has not decided the point raised by the gentleman from Illinois, [Mr. SPRINGER,] because it is not necessary.

Mr. STEVENSON. Inasmuch as the Chair has decided that the motion of the gentleman from Indiana [Mr. DE LA MATYR] is not in order, I hope the gentleman from Virginia [Mr. TUCKER] will allow us to take a vote on the amendment of the gentleman from Indiana [Mr. DE LA MATYR] by unanimous consent.

The SPEAKER. The gentleman from Illinois [Mr. STEVENSON] asks unanimous consent that the amendment of the gentleman from Indiana may be allowed to be voted on.

Mr. HUNTON. I object.

The question being taken on concurring in the twenty-first amendment of the Senate, it was concurred in.

Mr. TUCKER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The sixteenth amendment of the Senate was read, as follows:

Add to the first section the following:

"It shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may prescribe, to authorize public subscriptions, at not less than par, to be received at all depositories of the United States, and at all national banks, and such other banks as he may designate, for the bonds and for the Treasury notes herein provided for, for thirty days before he shall contract for or award any portion of said bonds or Treasury notes to any syndicate of individuals or bankers, or otherwise than under such public subscriptions; and if it shall happen that more than the entire amount of said bonds and Treasury notes, or either of them, has been subscribed within said thirty days, he shall award the full amount subscribed to all persons who shall have made *bona fide* subscriptions for the sum of $2,000 or less, at rates most advantageous to the United States, and the residue ratably among the subscribers in proportion to the amount by them respectively subscribed, and at rates most advantageous to the United States."

Mr. TUCKER. I am instructed by the Committee on Ways and Means to move, after the word "subscriptions," to strike out the words "for the sum of $2,000 or less" and insert in lieu thereof "in order of time of said subscriptions," and after the word "States" to strike out these words: "in proportion to the amount by them respectively subscribed, at rates most advantageous to the United States."

The SPEAKER. This is an amendment to the sixteenth amendment of the Senate.

Mr. TUCKER. To which the committee have recommended an amendment.

Mr. ATKINS. Is it the unanimous report of the Committee on Ways and Means?

Mr. TUCKER. It is not. I demand the previous question.

Mr. WHITE. Let it be again reported.

The amendment to the Senate amendment was again reported.

Mr. McMILLIN. Is it in order to move to concur in the Senate amendments? I do not want this bill killed by having to go back to the Senate.

The SPEAKER. The vote must first be taken on concurring with the amendment.

Mr. PAGE. I ask the acting chairman of this committee——

The SPEAKER. He is chairman of the committee.

Mr. PAGE. I ask him whether this comes by authority of the Committee on Ways and Means.

Mr. TUCKER. It does, sir.

Mr. BURROWS. Must not the vote be taken on concurring?

The SPEAKER. On page 205 of the Manual is the following:

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

[Cries of "Vote!"]

Mr. CONGER. What is the question?

The SPEAKER. It is on concurrence in the Senate amendment with the amendment.

The main question was ordered.

Mr. TUCKER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. The question then is on concurrence in the Senate amendment with an amendment.

The SPEAKER. The pending proposition is to concur in the pending amendment with an amendment.

The House divided; and there were—ayes 77, noes 79.

Mr. CONGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and decided in the negative—yeas 103, nays 111, not voting 76; as follows:

YEAS—103.

Aldrich, N. W.	Crapo,	Kelley,	Sapp,
Aldrich, William	Davis, George R.	Ketcham,	Shallenberger,
Anderson,	Davis, Horace,	Lapham,	Sherwin,
Bailey,	Dick,	Marsh,	Smith, A. Herr
Baker,	Dunnell,	Mason,	Stone,
Ballou,	Dwight,	McCook,	Taylor, Ezra B.
Bayne,	Einstein,	McKinley,	Thomas,
Belford,	Errett,	Miller,	Thompson, W. G.
Beltzhoover,	Ferdon,	Monroe,	Townsend, Amos
Bingham,	Fisher,	Morse,	Tucker,
Bisbee,	Ford,	Newberry,	Updegraff, J. T.
Blake,	Forsythe,	Norcross,	Updegraff, Thomas
Bowman,	Fort,	O'Neill,	Urner,
Boyd,	Frye,	Osmer,	Van Aernam,
Brewer,	Gibson,	Overton,	Van Voorhis,
Briggs,	Godshalk,	Page,	Voorhis,
Brigham,	Hall,	Prescott,	Ward,
Burrows,	Hammond, John	Price,	Warner,
Calkins,	Harmer,	Ray,	Washburn,
Cannon,	Hawk,	Reed,	White,
Carlisle,	Hawley,	Rice,	Wilber,
Carpenter,	Heilman,	Richardson, D. P.	Williams, C. G.
Caswell,	Hiscock,	Robinson,	Willits,
Claflin,	Hubbell,	Ross,	Wood,
Conger,	Hutchins,	Russell, W. A.	Young, Thomas L.
Cowgill,	Jorgensen,	Ryan, Thomas	

NAYS—111.

Aiken,	Clark, Alvah A.	Evins,	King,
Armfield,	Clark, John B.	Finley,	Kitchin,
Atherton,	Clements,	Forney,	Klotz,
Atkins,	Clymer,	Frost,	Knott,
Bachman,	Cobb,	Gillette,	Ladd,
Beale,	Coffroth,	Gunter,	Le Fevre,
Berry,	Colerick,	Hammond, N. J.	Manning,
Bicknell,	Converse,	Harris, John T.	Martin, Benj. F.
Blackburn,	Cook,	Hatch,	Martin, Edward L.
Bland,	Covert,	Henkle,	McMahon,
Blount,	Cox,	Herbert,	McMillin,
Bouck,	Cravens,	Herndon,	Mills,
Bragg,	Culberson,	Hill,	Morrison,
Bright,	Davidson,	Hooker,	Muldrow,
Buckner,	Davis, Lowndes H.	Hostetler,	Myers,
Cabell,	Deuster,	House,	New,
Caldwell,	Dibrell,	Hunton,	Persons,
Camp,	Dickey,	Hurd,	Philips,
Chalmers,	Dunn,	Kenna,	Phister,
Clardy,	Elam,	Kimmel,	Poehler,

Reagan,	Scoville,	Talbott,	Whiteaker,
Richardson, J. S.	Simonton,	Taylor, Robert L.	Whitthorne,
Richmond,	Slemons,	Thompson, P. B.	Williams, Thomas
Robertson,	Smith, Hezekiah B.	Tillman,	Willis,
Rothwell,	Smith, William E.	Turner, Oscar	Wilson,
Samford,	Sparks,	Upson,	Wright,
Sawyer,	Springer,	Vance,	Yeates.
Scales,	Stevenson,	Waddill,	

NOT VOTING—76.

Acklen,	Hayes,	McKenzie,	Ryon, John W.
Barber,	Hazelton,	McLane,	Shelley,
Barlow,	Henderson,	Miles,	Singleton, J. W.
Bliss,	Henry,	Mitchell,	Singleton, O. R.
Browne,	Horr,	Money,	Speer,
Butterworth,	Houk,	Morton,	Starin,
Chittenden,	Humphrey,	Muller,	Steele,
Crowley,	James,	Murch,	Stephens,
Daggett,	Johnston,	Neal,	Townshend, R. W.
Davis, Joseph J.	Jones,	Nicholls,	Turner, Thomas
De La Matyr,	Joyce,	O'Brien,	Tyler,
Deering,	Keifer,	O'Connor,	Valentine,
Ellis,	Killinger,	O'Reilly,	Wait,
Ewing,	Lindsey,	Orth,	Weaver,
Felton,	Loring,	Pacheco,	Wellborn,
Geddes,	Lounsbery,	Phelps,	Wells,
Goode,	Lowe,	Pound,	Wise,
Harris, Benj. W.	McCoid,	Robeson,	Yocum,
Haskell,	McGowan,	Russell, Daniel L.	Young, Casey.

So the motion to concur with the amendment was disagreed to.

MESSAGE FROM THE SENATE.

During the roll-call a message from the Senate, by Mr. BURCH, its Secretary, announced the passage of the following bills without amendment:

A bill (H. R. No. 205) granting a pension to Jacob Gelwicks;

A bill (H. R. No. 1469) granting a pension to Mary Ann McCarrol;

A bill (H. R. No. 2549) granting a pension to Edward H. Mitchell;

A bill (H. R. No. 3309) for the relief of John T. Neale;

A bill (H. R. No. 3751) to amend chapter 198, volume 16, of the Statutes at Large;

A bill (H. R. No. 5066) to provide for the preparation of classified abridgments of all letters-patent of the United States; and

A bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes, relating to suits at law affecting titles to mining claims.

It further announced the passage of the following bills with amendments in which concurrence was requested:

A bill (H. R. No. 1102) granting a pension to John S. Corlett; and

A bill (H. R. No. 2058) for the relief of Redmond Tully.

REFUNDING THE NATIONAL DEBT.

The following pairs were announced: Mr. MORTON with Mr. LOUNSBERY.

The list of names having been read,

Mr. CAMP (who had voted in the affirmative) said: Mr. Speaker, I desire to change my vote to the negative.

The result of the vote was then announced as above recorded.

Mr. SPRINGER. I move to reconsider the vote by which the House refused to concur in the Senate amendment with an amendment; and also move that the motion to reconsider be laid on the table.

Mr. CONGER. On that motion I demand the yeas and nays. We begin now to see the good faith of the Committee on Ways and Means.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 96, not voting 83; as follows:

YEAS—111.

Aiken,	Culberson,	Kimmel,	Scales,
Armfield,	Davidson,	King,	Scoville,
Atherton,	Davis, Lowndes H.	Kitchin,	Shelley,
Atkins,	De La Matyr,	Klotz,	Simonton,
Beale,	Deuster,	Knott,	Slemons,
Beltzhoover,	Dibrell,	Ladd,	Smith, Hezekiah B.
Bicknell,	Dickey,	Le Fevre,	Smith, William E.
Bland,	Dunn,	Manning,	Sparks,
Blount,	Elam,	Martin, Benj. F.	Springer,
Bouck,	Evins,	Martin, Edward L.	Stevenson,
Bragg,	Finley,	McMahon,	Talbott,
Bright,	Forney,	McMillin,	Taylor, Robert L.
Buckner,	Frost,	Mills,	Thompson, P. B.
Cabell,	Geddes,	Morrison,	Tillman,
Caldwell,	Gillette,	Muldrow,	Turner, Oscar
Chalmers,	Gunter,	New,	Upson,
Clardy,	Hammond, N. J.	O'Reilly,	Vance,
Clark, Alvah A.	Harris, John T.	Persons,	Waddill,
Clark, John B.	Hatch,	Philips,	Weaver,
Clements,	Henkle,	Poehler,	Wellborn,
Clymer,	Herbert,	Reagan,	Whiteaker,
Cobb,	Herndon,	Richardson, J. S.	Whitthorne,
Coffroth,	Hill,	Richmond,	Williams, Thomas
Colerick,	Hooker,	Robertson,	Willis,
Converse,	Hostetler,	Ross,	Wilson,
Cook,	House,	Rothwell,	Wright,
Covert,	Hurd,	Samford,	Yeates.
Cravens,	Kenna,	Sawyer,	

NAYS—96.

Aldrich, N. W.	Bingham,	Brigham,	Conger,
Aldrich, William	Bisbee,	Burrows,	Cowgill,
Anderson,	Blake,	Camp,	Crapo,
Bailey,	Bowman,	Cannon,	Davis, George R.
Baker,	Boyd,	Carlisle,	Davis, Horace
Ballou,	Brewer,	Carpenter,	Dick,
Bayne,	Briggs,	Claflin,	Dunnell,
Dwight,	Hubbell,	Page,	Townsend, Amos
Einstein,	Jorgensen,	Prescott,	Tucker,
Errett,	Keifer,	Price,	Updegraff, J. T.
Ferdon,	Ketcham,	Ray,	Updegraff, Thomas
Fisher,	Lapham,	Reed,	Urner,
Forsythe,	Marsh,	Rice,	Valentine,
Fort,	Mason,	Richardson, D. P.	Van Aernam,
Frye,	McCook,	Robinson,	Voorhis,
Gibson,	McKinley,	Russell, W. A.	Ward,
Godshalk,	Miller,	Ryan, Thomas	Warner,
Hall,	Monroe,	Shallenberger,	Washburn,
Hammond, John	Morse,	Sherwin,	White,
Harmer,	Newberry,	Smith, A. Herr	Wilber,
Hawk,	Norcross,	Stone,	Williams, C. G.
Hawley,	O'Neill,	Taylor, Ezra B.	Willits,
Heilman,	Osmer,	Thomas,	Wood,
Hiscock,	Overton,	Thompson, W. G.	Young, Thomas L.

NOT VOTING—83.

Acklen,	Ford,	Lounsbery,	Pound,
Bachman,	Goode,	Lowe,	Robeson,
Barber,	Harris, Benj. W.	McCoid,	Russell, Daniel L.
Barlow,	Haskell,	McGowan,	Ryon, John W.
Belford,	Hayes,	McKenzie,	Sapp,
Berry,	Hazelton,	McLane,	Singleton, J. W.
Blackburn,	Henderson,	Miles,	Singleton, O. R.
Bliss,	Henry,	Mitchell,	Speer,
Browne,	Horr,	Money,	Starin,
Butterworth,	Houk,	Morton,	Steele,
Calkins,	Humphrey,	Muller,	Stephens,
Caswell,	Hunton,	Murch,	Townshend, R. W.
Chittenden,	Hutchins,	Myers,	Turner, Thomas
Cox,	James,	Neal,	Tyler,
Crowley,	Johnston,	Nicholls,	Van Voorhis,
Daggett,	Jones,	O'Brien,	Wait,
Davis, Joseph J.	Joyce,	O'Connor,	Wells,
Deering,	Kelley,	Orth,	Wise,
Ellis,	Killinger,	Pacheco,	Yocum,
Ewing,	Lindsey,	Phelps,	Young, Casey.
Felton,	Loring,	Phister,	

So the motion to lay on the table was agreed to.

Mr. DIBRELL. I move to dispense with the reading of the names.

Mr. CONGER. I object.

The following additional pairs were announced:

Mr. VAN VOORHIS with Mr. COX, this evening.

Mr. CONGER. Pending the reading of the pairs, I move that the House do now adjourn.

The SPEAKER. The House is now dividing.

Mr. CONGER. I thought the House had already divided.

The SPEAKER. The Chair has not yet announced the result of the vote. The Clerk will conclude the reading of the pairs.

The Clerk announced the following pairs:

Mr. BERRY with Mr. CROWLEY, on this vote.

Mr. CALKINS with Mr. PHISTER, for the remainder of this legislative day, Mr. CALKINS being sick and Mr. PHISTER reserving the right to vote to make a quorum.

The result of the vote was then announced as above recorded.

Mr. CONGER. I now renew the motion that the House adjourn.

The House divided; and there were—ayes 48, noes 94.

Mr. CONGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 77, nays 115, not voting 98; as follows:

YEAS—77.

Aldrich, N. W.	Davis, Horace	Hutchins,	Russell, W. A.
Aldrich, William	Dick,	Jorgensen,	Shallenberger,
Bailey,	Dunnell,	Keifer,	Smith, A. Herr
Baker,	Dwight,	Ketcham,	Stone,
Ballou,	Einstein,	Lapham,	Thomas,
Bayne,	Ferdon,	McCook,	Thompson, W. G.
Bingham,	Fisher,	McKinley,	Townsend, Amos
Bisbee,	Ford,	Miller,	Updegraff, J. T.
Blake,	Forsythe,	Monroe,	Updegraff, Thomas
Boyd,	Fort,	Norcross,	Voorhis,
Briggs,	Frye,	O'Neill,	Ward,
Brigham,	Godshalk,	Osmer,	Washburn,
Burrows,	Hall,	Overton,	White,
Camp,	Hammond, John	Prescott,	Wilber,
Carpenter,	Harmer,	Price,	Wood,
Caswell,	Hawk,	Ray,	Yocum,
Conger,	Hawley,	Reed,	Young, Thomas L.
Cowgill,	Heilman,	Rice,	
Crapo,	Hiscock,	Richardson, D. P.	
Daggett,	Hubbell,	Robinson,	

NAYS—115.

Aiken,	Chalmers,	Frost,	Klotz,
Anderson,	Clardy,	Geddes,	Knott,
Armfield,	Clark, John B.	Gibson,	Ladd,
Atherton,	Clements,	Gillette,	Le Fevre,
Atkins,	Clymer,	Gunter,	Manning,
Bachman,	Cobb,	Hammond, N. J.	Martin, Benj. F.
Beale,	Coffroth,	Harris, John T.	Martin, Edward L.
Beltzhoover,	Colerick,	Hatch,	McMahon,
Berry,	Converse,	Herbert,	McMillin,
Bicknell,	Cook,	Herndon,	Morrison,
Blackburn,	Covert,	Hill,	Morse,
Bland,	Cravens,	Hooker,	Muldrow,
Blount,	Davis, Lowndes H.	Hostetler,	Myers,
Bouck,	Deuster,	House,	New,
Bragg,	Dibrell,	Hunton,	O'Reilly,
Bright,	Dickey,	Hurd,	Persons,
Buckner,	Dunn,	Kelley,	Philips,
Cabell,	Elam,	Kenna,	Poehler,
Caldwell,	Evins,	Kimmel,	Reagan,
Cannon,	Finley,	King,	Richardson, J. S.
Carlisle,	Forney,	Kitchin,	Robertson,

Rothwell,	Smith, William E.	Tucker,	Wellborn,
Samford,	Sparks,	Turner, Oscar	Whiteaker,
Sawyer,	Springer,	Upson,	Whitthorne,
Scoville,	Stevenson,	Valentine,	Willis,
Shelley,	Talbott,	Vance,	Wilson,
Simonton,	Taylor, Robert L.	Waddill,	Wright,
Slemons,	Thompson, P. B.	Warner,	Yeates.
Smith, Hezekiah B.	Tillman,	Weaver,	

NOT VOTING—98.

Acklen,	Goode,	McLane,	Sapp,
Barber,	Harris, Benj. W.	Miles,	Scales,
Barlow,	Haskell,	Mills,	Sherwin,
Belford,	Hayes,	Mitchell,	Singleton, J. W.
Bliss,	Hazelton,	Money,	Singleton, O. R.
Bowman,	Henderson,	Morton,	Speer,
Brewer,	Henkle,	Muller,	Starin,
Browne,	Henry,	Murch,	Steele,
Butterworth,	Horr,	Neal,	Stephens,
Calkins,	Houk,	Newberry,	Taylor, Ezra B.
Chittenden,	Humphrey,	Nicholls,	Townshend, R. W.
Claflin,	James,	O'Brien,	Turner, Thomas
Clark, Alvah A.	Johnston,	O'Connor,	Tyler,
Cox,	Jones,	Orth,	Urner,
Crowley,	Joyce,	Pacheco,	Van Aernam,
Culberson,	Killinger,	Page,	Van Voorhis,
Davidson,	Lindsey,	Phelps,	Wait,
Davis, George R.	Loring,	Phister,	Wells,
Davis, Joseph J.	Lounsbery,	Pound,	Williams, C. G.
De La Matyr,	Lowe,	Richmond,	Williams, Thomas
Deering,	Marsh,	Robeson,	Willits,
Ellis,	Mason,	Ross,	Wise,
Errett,	McCoid,	Russell, Daniel L.	Young, Casey.
Ewing,	McGowan,	Ryan, Thomas	
Felton,	McKenzie,	Ryon, John W.	

So the House refused to adjourn.

After the second roll-call,

Mr. TUCKER moved to dispense with the reading of the names.

Mr. ADDRICH, of Rhode Island. I object.

The Clerk proceeded to read the names of members who had voted.

The following additional pairs were announced:

Mr. MILLS with Mr. PAGE, on this bill and its amendments, Mr. MILLS reserving the right to vote to make a quorum.

Mr. RYAN, of Kansas, with Mr. WILLIAMS, of Alabama, Mr. WILLIAMS reserving the right to vote to make a quorum.

Mr. DEERING with Mr. EWING.

Mr. SCALES with Mr. ERRETT, for the remainder of this day's session.

Mr. BLISS with Mr. CROWLEY.

Mr. URNER with Mr. HENKLE, for the remainder of this legislative day, except to make a quorum.

Mr. DAVIDSON with Mr. BOWMAN, for this night's session, not to break a quorum.

Mr. MANNING. I ask that the gentleman from North Carolina [Mr. SCALES] be excused from further attendance on the House to-night. On account of illness he was compelled to leave the House.

The SPEAKER *pro tempore*, (Mr. BLACKBURN.) In connection with that request the Chair also submits the request that Mr. ANDERSON, of Kansas, have leave of absence for the remainder of to-day's session on account of sickness. The gentleman from Mississippi asks that for the same reason the gentleman from North Carolina, Mr. SCALES, be excused from further attendance during this day's session. Is there objection to these requests?

Mr. MARTIN, of West Virginia. I object.

Mr. MANNING. The gentleman from North Carolina [Mr. SCALES] had to leave the House on account of illness. It was impossible for him to remain here.

Mr. MARTIN, of West Virginia. I withdraw the objection.

The SPEAKER *pro tempore*. The Chair hears no further objection and leave of absence for the remainder of this day's session is granted to Mr. ANDERSON and Mr. SCALES.

Mr. FRYE. My colleague [Mr. LINDSEY] is in attendance on a sick daughter, and I ask that he be excused from further attendance during this day's session.

There was no objection.

Mr. BOYD. My colleague [Mr. HENDERSON] has left the House on account of sickness. I ask that he be excused.

There was no objection.

Mr. SMITH, of Pennsylvania. I ask that the gentleman from Vermont [Mr. JOYCE] be excused from further attendance, on account of illness.

There was no objection.

ENROLLED BILLS SIGNED.

Pending the announcement of the vote on the motion to adjourn,

Mr. UPSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service;

A bill (H. R. No. 1359) for the relief of Louis P. di Cesnola, late consul at Cyprus;

A bill (H. R. No. 2705) for the relief of Joseph Clymer, of Texas;

A bill (H. R. No. 4413) for the relief of J. Scott Payne;

A bill (H. R. No. 4434) for the relief of Mrs. Martha Bridges, of Bartow County, Georgia;

A bill (H. R. No. 4607) for the relief of Passed Assistant Engineer Absalom Kirby, of the Navy;

A bill (H. R. No. 5097) appropriating money toward the expense to be incurred in the centennial celebration of the battle on Groton Heights, and for other purposes;

A bill (H. R. No. 5629) to graduate the price and dispose of the residue of the Osage Indian trust and diminished reserve lands lying east of the sixth principal meridian in Kansas; and

Joint resolution (H. R. No. 373) relative to printing the Agricultural Report for the year 1880.

ORDER OF BUSINESS.

The result of the vote on the motion to adjourn was then announced as above stated.

Mr. TUCKER rose.

Mr. CONGER. I now move the House take a recess till half past ten to-morrow morning.

Mr. TUCKER. I move——

Mr. CONGER. I insist on my motion.

The SPEAKER *pro tempore*. The Chair will recognize the motion of the gentleman from Michigan in due time.

Mr. CONGER. I demand the Chair shall recognize my motion now.

The SPEAKER *pro tempore*. The Chair does not recognize the gentleman from Michigan now, but recognizes the gentleman in charge of the bill.

Mr. CONGER. I rose to a privileged motion.

The SPEAKER *pro tempore*. Which the Chair will entertain when the gentleman from Virginia has submitted his motion.

Mr. TUCKER. I move the amendment which I send to the Clerk's desk.

Mr. CONGER. I desire to know if my motion is not in order?

Mr. HOOKER. I hope the Chair will insist on recognizing the gentleman from Virginia, [Mr. TUCKER.]

The SPEAKER *pro tempore*. The Chair will most certainly follow the precedent of recognizing the gentleman in charge of the bill, and will thereafter recognize the gentleman from Michigan for any motion that has priority.

Mr. TUCKER. The twenty-fifth amendment of the Senate is to insert the word "temporarily" in line 3, section 4, of the printed bill. The Committee on Ways and Means instruct me to offer an amendment to strike out that word and insert in lieu thereof the words "from time to time."

Mr. CONGER. We have not finished with the sixteenth amendment. I object to going from that till it is disposed of.

The SPEAKER *pro tempore*. The pending question is on the sixteenth amendment.

Mr. CONGER. Now, Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will recognize the motion of the gentleman from Michigan.

Mr. CONGER. I ask that my motion be recognized in its order.

The SPEAKER *pro tempore*. It will not be recognized out of its order. The Chair recognizes the gentleman in charge of the bill.

Mr. CONGER. But I had addressed the Chair before the gentleman from Virginia made any motion.

The SPEAKER *pro tempore*. The Chair could not allow the gentleman from Michigan to take the gentleman from Virginia off the floor.

Mr. CONGER. If the gentleman now occupying the chair gains anything by that arbitrary ruling I wish to be informed of it to-morrow morning.

The SPEAKER *pro tempore*. The Chair does not wish any instruction or counsel from the gentleman from Michigan.

Mr. CONGER. That is evident enough to all of us.

Mr. TUCKER. The House has voted down the motion to concur with an amendment in the sixteenth amendment of the Senate. I move now that the House concur in that sixteenth amendment of the Senate and upon that I move the previous question.

Mr. CONGER. There must surely be the time somewhere when a privileged motion shall come in.

The SPEAKER *pro tempore*. Which the Chair now proposes to submit. Pending which the gentleman from Michigan——

Mr. REED. Pending what?

The SPEAKER *pro tempore*. Pending the motion of the gentleman from Virginia.

Mr. CONGER. What motion?

The SPEAKER *pro tempore*. The motion for the previous question on concurring in the sixteenth amendment of the Senate.

Mr. REED. The gentleman from Michigan rose before that motion was made.

The SPEAKER *pro tempore*. The previous question has not been ordered.

Mr. REED. The previous question had not been called for by the gentleman from Virginia [Mr. TUCKER] prior to the motion of the gentleman from Michigan.

The SPEAKER *pro tempore*. The gentleman from Michigan was not recognized as entitled to the floor for any such purpose.

Mr. REED. The gentleman from Michigan was entitled to the floor after the motion to concur.

The SPEAKER *pro tempore*. Which was not the motion made by the gentleman from Virginia.

Mr. REED. That was the motion made by the gentleman from Virginia.

The SPEAKER *pro tempore*. From which conclusion the Chair dissents.

Mr. REED. It is not a conclusion; it is a question of fact.

The SPEAKER *pro tempore*. Which the Chair states.

Mr. REED. That question of fact must be determined by the Journal.

The SPEAKER *pro tempore*. And to that the Chair appeals. The question is upon the motion made by the gentleman from Virginia.

Mr. REED. If the Chair has appealed to the Journal, perhaps the Chair will wait the decision of his appeal.

The SPEAKER *pro tempore*. Does the gentleman want the Journal read?

Mr. REED. I want the statement from the Journal as to what motion was made by the gentleman from Virginia.

The SPEAKER *pro tempore*. If the House will be patient until the journal clerk can perfect his Journal, it will be read at the request of the gentleman from Maine.

Mr. REED. And I wish to remind the Speaker *pro tempore* that the gentleman from Virginia must have made the motion for concurrence, otherwise he could not have called the previous question on it.

Mr. TUCKER. The previous question has been ordered upon the concurrence.

Mr. REED. And I further state that the gentleman from Virginia was in his seat when the Chair first recognized the gentleman from Michigan.

The SPEAKER *pro tempore*. In which statement the gentleman from Maine is in error. The Chair did not recognize the gentleman from Michigan at all.

Mr. REED. I submit that I personally heard the Chair do it.

The SPEAKER *pro tempore*. The Chair simply states that he has not recognized the gentleman from Michigan at all.

Mr. REED. The Chair stated that he recognized him.

The SPEAKER *pro tempore*. The Chair stated exactly the contrary of that.

Mr. CARLISLE. If the gentleman from Maine [Mr. REED] will allow me to say a word.

Mr. REED. Certainly.

Mr. CARLISLE. I am satisfied that an appeal to the Journal will show this state of facts: that the gentleman from Virginia [Mr. TUCKER] reported a certain amendment recommended by the Committee on Ways and Means, and moved to concur in the Senate amendment with that amendment. Some gentleman on this side of the House moved to concur in the Senate amendment.

Mr. MCMILLIN. I myself moved to concur.

Mr. CARLISLE. And the Speaker decided that the question must be first taken on the motion to concur with an amendment. The previous question was then demanded and ordered on both motions.

Mr. REED. Very well; then the Speaker *pro tempore* must be in error in saying that the question now before the House is the motion of the gentleman from Virginia for the previous question.

Mr. CARLISLE. The present occupant of the chair was not in the chair at the time.

The SPEAKER *pro tempore*. The present occupant of the chair was not in the chair at that time, and does not know the fact.

Mr. REED. Then the Chair was in error in his statement.

The SPEAKER *pro tempore*. The Chair was in error, and accepts the statement of the gentleman from Kentucky [Mr. CARLISLE] that the previous question was ordered.

Mr. REED. Then a motion for a recess is in order.

The SPEAKER *pro tempore*. The motion for a recess is in order, and the Chair has been endeavoring to submit it to a vote of the House.

Mr. CONGER. I think the record will not show that the previous question was ordered on the motion to concur, for I made that distinct inquiry; and if the record has been correctly kept it will show that the previous question was ordered on the motion to concur with an amendment.

The SPEAKER *pro tempore*. The Chair is not advised.

Mr. CONGER. That, however, does not arise now; I will reserve it until the proper time. I move that the House now take a recess until ten o'clock to-morrow morning.

The SPEAKER *pro tempore*. That motion is in order.

The question was taken upon the motion of Mr. CONGER; and upon a division there were—ayes 1, noes 54.

Mr. CONGER. No quorum has voted.

The SPEAKER *pro tempore*. The gentleman from Michigan raises the point that no quorum has voted. The Chair will appoint tellers.

Mr. SAMFORD. Let us have the yeas and nays.

The yeas and nays were ordered, there being 39 in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 12, nays 112, not voting 166; as follows:

YEAS—12.

Barber,	Einstein,	Jorgensen,	Robinson,
De La Matyr,	Hall,	Prescott,	Thomas,
Dunnell,	Harmer,	Richmond,	Wilber.

NAYS—112.

Aiken,	Colerick,	Hunton,	Samford,
Armfield,	Converse,	Hurd,	Sawyer,
Atherton,	Cook,	Hutchins,	Scoville,
Atkins,	Cravens,	Kelley,	Shelley,
Bachman,	Culberson,	Kimmel,	Simonton,
Baker,	Davis, Lowndes H.	King,	Slemons,
Beale,	Deuster,	Kitchin,	Smith, Hezekiah B.
Belford,	Dibrell,	Klotz,	Smith, William E.
Beltzhoover,	Dickey,	Knott,	Sparks,
Berry,	Dunn,	Ladd,	Springer,
Bicknell,	Elam,	Le Fevre,	Stevenson,
Blackburn,	Evins,	Manning,	Talbott,
Bland,	Fisher,	Marsh,	Taylor, Robert L.
Bouck,	Ford,	Martin, Edward L.	Thompson, P. B.
Bragg,	Forney,	McKenzie,	Tillman,
Bright,	Fort,	McMahon,	Tucker,
Buckner,	Frost,	McMillin,	Turner, Oscar
Cabell,	Geddes,	Mills,	Upson,
Caldwell,	Gibson,	Morse,	Vance,
Cannon,	Hammond, N. J.	Muldrow,	Waddill,
Carlisle,	Harris, John T.	New,	Warner,
Chalmers,	Hatch,	O'Reilly,	Washburn,
Clardy,	Herbert,	Persons,	Weaver,
Clark, John B.	Herndon,	Philips,	Wellborn,
Clements,	Hill,	Poehler,	Whiteaker.
Clymer,	Hooker,	Richardson, J. S.	Whitthorne,
Cobb,	Hostetler,	Ross,	Williams, Thomas
Coffroth,	House,	Rothwell,	Yeates.

NOT VOTING—166.

Acklen,	Ellis,	Mason,	Ryon, John W.
Aldrich, N. W.	Errett,	McCoid,	Sapp,
Aldrich, William	Ewing,	McCook,	Scales,
Anderson,	Felton,	McGowan,	Shallenberger,
Bailey,	Ferdon,	McKinley,	Sherwin,
Ballou,	Finley,	McLane,	Singleton, J. W.
Barlow,	Forsythe,	Miles,	Singleton, O. R.
Bayne,	Frye,	Miller,	Smith, A. Herr
Bingham,	Gillette,	Mitchell,	Speer,
Bisbee,	Godshalk,	Money,	Starin,
Blake,	Goode,	Monroe,	Steele,
Bliss,	Gunter,	Morrison,	Stephens,
Blount,	Hammond, John	Morton,	Stone,
Bowman,	Harris, Benj. W.	Muller,	Taylor, Ezra B.
Boyd,	Haskell,	Murch,	Thompson, W. G.
Brewer,	Hawk,	Myers,	Townsend, Amos
Briggs,	Hawley,	Neal,	Townshend, R. W.
Brigham,	Hayes,	Newberry,	Turner, Thomas
Browne,	Hazelton,	Nicholls,	Tyler,
Burrows,	Heilman,	Norcross,	Updegraff, J. T.
Butterworth,	Henderson,	O'Brien,	Updegraff, Thomas
Calkins,	Henkle,	O'Connor,	Urner,
Camp,	Henry,	O'Neill,	Valentine,
Carpenter,	Hiscock,	Orth,	Van Aernam,
Caswell,	Horr,	Osmer,	Van Voorhis,
Chittenden,	Houk,	Overton,	Voorhis,
Claflin,	Hubbell,	Pacheco,	Wait,
Clark, Alvah A.	Humphrey,	Page,	Ward,
Conger,	James,	Phelps,	Wells,
Covert,	Johnston,	Phister,	White,
Cowgill,	Jones,	Pound,	Williams, C. G.
Cox,	Joyce,	Price,	Willis,
Crapo,	Keifer,	Ray,	Willits,
Crowley,	Kenna,	Reagan,	Wilson,
Daggett,	Ketcham,	Reed,	Wise,
Davidson,	Killinger,	Rice,	Wood,
Davis, George R.	Lapham,	Richardson, D. P.	Wright,
Davis, Horace	Lindsey,	Robertson,	Yocum,
Davis, Joseph J.	Loring,	Robeson,	Young, Casey
Deering,	Lounsbery,	Russell, Daniel L.	Young, Thomas L.
Dick,	Lowe,	Russell, W. A.	
Dwight,	Martin, Benj. F.	Ryan, Thomas	

The following pairs were announced:

Mr. RUSSELL, of Massachusetts, with Mr. ROBERTSON.

Mr. WRIGHT with Mr. ANDERSON, on all questions, for the legislative session of to-day.

Mr. CRAPO with Mr. GIBSON, for this day, except to make a quorum.

Mr. BLOUNT with Mr. MCCOOK.

Mr. FINLEY with Mr. RYAN, of Kansas, on this bill, Mr. FINLEY reserving the right to vote to make a quorum.

Mr. KENNA with Mr. WARD.

Mr. SINGLETON, of Illinois, with Mr. MILES.

The result of the vote having been announced,

Mr. CONGER. No quorum!

Mr. TUCKER. If the gentleman will withdraw that point, I will move that the House take a recess.

Mr. CONGER. Very well.

Mr. TUCKER. I move that the House take a recess until to-morrow morning at ten o'clock.

The motion was agreed to; and accordingly (at twelve o'clock and forty minutes a. m., Wednesday, March 2) the House took a recess until ten o'clock a. m.

MORNING SESSION.

The recess having expired, the House (at ten o'clock a. m. on Wednesday, March 2) resumed its session.

ORDER OF BUSINESS.

Mr. TUCKER. Mr. Speaker, I suppose the first business this morning is the question pending when we took a recess last night—the question of concurrence in Senate amendment numbered 16, the previous question having been ordered, I believe.

Mr. PRICE. Is it not a Senate amendment with an amendment reported by the Committee on Ways and Means of the House?

Mr. TUCKER. No, sir; the amendment reported by the committee was rejected.

The SPEAKER. There is a motion pending to concur in the sixteenth amendment of the Senate, and a demand thereon for ordering the main question.

Mr. CONGER. There is a call for the main question, which is not yet ordered?

The SPEAKER. The Chair is so advised—that the main question has not been ordered.

Mr. CONGER. Pending that, I move to take a recess until half-past ten o'clock.

Mr. COX. Is that in order?

The SPEAKER. The motion is in order.

Mr. CONGER. We may as well wait till members come in.

Mr. BRIGGS. There are bills on the Speaker's table to which there can be no objection; and I hope an opportunity will now be given to call them up.

Mr. CONGER. Let the question be put on my motion. I am not anxious about it being driven along, but I do not want, while I am back here smoking, to have matters going on without my knowledge.

The SPEAKER. The rule prohibits smoking.

Mr. CONGER. I asked that the question be put, so that I might go back out of the place where the rules prohibit smoking. I was making an unsuccessful effort to comply with the rules. [Laughter.]

Mr. WARNER. We have no objection to the gentleman's retiring to the smoking-room; but we cannot consent that he shall retain while there the right to object.

The SPEAKER. The Chair recognizes the motion for a recess.

Mr. CONGER. My only reason for desiring the question put is that nothing else shall come in ahead of it.

The SPEAKER. The motion is in order. The Chair will submit it.

The question being taken on the motion of Mr. CONGER for a recess, there were—ayes 10, noes 26.

Mr. PRICE. No quorum.

Mr. CONGER. I move a call of the House.

The question having been put on the motion for a call,

The SPEAKER said: More than fifteen members have voted for a call—a sufficient number. A call is ordered.

The roll was then called, and the following members failed to answer to their names:

Acklen,	Ewing,	Lowe,	Sapp,
Aiken,	Ferdon,	Marsh,	Sawyer,
Aldrich, Nelson W.	Finley,	Martin, Edward L.	Scoville,
Anderson,	Ford,	Mason	Simonton,
Armfield,	Forsythe,	McCoid,	Singleton, O. R.
Bailey,	Fort,	McCook,	Smith, A. Herr
Barber,	Frost,	McKenzie,	Smith, William E.
Bayne,	Frye,	Miller,	Sparks,
Beale,	Gibson,	Mitchell,	Speer,
Belford,	Gillette,	Money,	Starin,
Beltzhoover,	Godshalk,	Morse,	Steele,
Bingham,	Hall,	Morton,	Stevenson,
Bland,	Hammond, John	Muldrow,	Stone,
Bliss,	Harmer,	Muller,	Taylor, Robert L.
Bragg,	Harris, Benj. W.	Murch,	Thomas,
Bright,	Hawley,	Myers,	Tillman,
Buckner,	Hayes,	Newberry,	Townsend, Amos
Butterworth,	Hazelton,	Nicholls,	Townshend, R. W.
Caldwell,	Henderson,	Norcross,	Turner, Oscar
Calkins,	Henkle,	O'Brien,	Turner, Thomas
Camp,	Henry,	O'Connor,	Tyler,
Caswell,	Hooker,	O'Neill,	Updegraff, J. T.
Chittenden,	Horr,	O'Reilly,	Updegraff, Thomas
Clardy,	Houk,	Orth,	Urner,
Clark, Alvah A.	House,	Osmer,	Van Aernam,
Clark, John B.	Hubbell,	Overton,	Vance,
Colerick,	Humphrey,	Pacheco,	Voorhis,
Covert,	Hutchins,	Page,	Wellborn,
Cowgill,	James,	Persons,	White,
Crapo,	Johnston,	Phillips,	Wilber,
Crowley,	Jones,	Pound,	Williams, Chas. G.
Culberson,	Jorgensen,	Ray,	Williams, Thomas
Daggett,	Keifer,	Reagan,	Willis,
Davis, Horace	Kelley,	Richardson, J. S.	Wood,
Davis, Joseph J.	Killinger,	Richmond,	Wright,
Dick,	Kimmel,	Robertson,	Yeates,
Dickey,	Kitchin,	Ross,	Yocum,
Dunn,	Lapham,	Rothwell,	Young, Casey
Dwight,	Lindsey,	Russell, Daniel A.	Young, Thos. L.
Einstein,	Loring,	Russell, W. A.	
Elam,	Lounsbery,	Ryon, John W.	

The SPEAKER. One hundred and twenty-eight members have answered to their names.

Mr. TUCKER. I move to dispense with all further proceedings under the call.

Mr. CONGER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 158, nays 13, not voting, 119; as follows:

YEAS—158.

Aldrich, William	Ballou,	Berry,	Bouck,
Anderson,	Barber,	Bicknell,	Bowman,
Atherton,	Barlow,	Blackburn,	Boyd,
Atkins,	Bayne,	Blake,	Brewer,
Bachman,	Beale,	Bland,	Briggs,
Baker,	Beltzhoover,	Blount,	Brigham,
Bright,	Fisher,	McMahon,	Smith, Hezekiah B.
Browne,	Forney,	McMillin,	Smith, William E.
Cabell,	Geddes,	Miles,	Springer,
Caldwell,	Godshalk,	Miller,	Steele,
Cannon,	Goode,	Mills,	Stephens,
Carlisle,	Gunter,	Money,	Stevenson,
Chalmers,	Hammond, N. J.	Monroe,	Stone,
Claflin,	Harris, John T.	Morrison,	Talbott,
Clardy,	Hatch,	Morse,	Taylor, Ezra B.
Clark, John B.	Hawk,	New,	Thomas,
Clements,	Herbert,	Nicholls,	Thompson, P. B.
Clymer,	Herndon,	Orth,	Tillman,
Cobb,	Hill,	Persons,	Townsend, Amos
Coffroth,	Hooker,	Phelps,	Tucker,
Converse,	Hostetler,	Philips,	Turner, Thomas
Cook,	Hunton,	Phister,	Upson,
Cowgill,	Hurd,	Poehler,	Valentine,
Cox,	Keifer,	Prescott,	Waddill,
Cravens,	Kelley,	Ray,	Wait,
Culberson,	Kenna,	Reagan,	Ward,
Davidson,	Ketcham,	Reed,	Warner,
Davis, George R.	Kimmel,	Robinson,	Washburn,
Davis, Lowndes H.	King,	Ross,	Weaver,
Deering,	Klotz,	Rothwell,	Wells,
De La Matyr,	Knott,	Ryan, Thomas	Whiteaker,
Deuster,	Ladd,	Ryon, John W.	Whitthorne,
Dibrell,	Le Fevre,	Samford,	Wilber,
Dunn,	Lindsey,	Scales,	Willits,
Dunnell,	Manning,	Shallenberger,	Wilson,
Dwight,	Martin, Benj. F.	Shelley,	Wise,
Ellis,	McGowan,	Sherwin,	Wood,
Errett,	McKenzie,	Simonton,	Young, Thomas L.
Evins,	McKinley,	Slemons,	
Felton,	McLane,	Smith, A. Herr	

NAYS—13.

Burrows,	Hall,	Joyce,	Van Voorhis.
Carpenter,	Haskell,	Price,	
Conger,	Hawley,	Robeson,	
Forsythe,	Heilman,	Thompson, Wm. G.	

NOT VOTING—119.

Acklen,	Finley,	Lounsbery,	Russell, William A.
Aiken,	Ford,	Lowe,	Russell, Daniel L.
Aldrich, N. W.	Fort,	Marsh,	Sapp,
Armfield,	Frost,	Martin, Edward L.	Sawyer,
Bailey,	Frye,	Mason,	Scoville,
Belford,	Gibson,	McCoid,	Singleton, James W.
Bingham,	Gillette,	McCook,	Singleton, O. R.
Bisbee,	Hammond, John	Mitchell,	Sparks,
Bliss,	Harmer,	Morton,	Speer,
Bragg,	Harris, Benj. W.	Muldrow,	Starin,
Buckner,	Hayes,	Muller,	Taylor, Robert L.
Butterworth,	Hazelton,	Murch,	Townshend, R. W.
Calkins,	Henderson,	Myers,	Turner, Oscar
Camp,	Henkle,	Neal,	Tyler,
Caswell,	Henry,	Newberry,	Updegraff, J. T.
Chittenden,	Hiscock,	Norcross,	Updegraff, Thomas
Clark, Alvah A.	Horr,	O'Brien,	Urner,
Colerick,	Houk,	O'Connor,	Van Aernam,
Covert,	House,	O'Neill,	Vance,
Crapo,	Hubbell,	O'Reilly,	Voorhis,
Crowley,	Humphrey,	Osmer,	Wellborn,
Daggett,	Hutchins,	Overton,	White,
Davis, Horace	James,	Pacheco,	Williams, C. G.
Davis, Joseph J.	Johnston,	Page,	Williams, Thomas
Dick,	Jones,	Pound,	Willis,
Dickey,	Jorgensen,	Rice,	Wright,
Einstein,	Killinger,	Richardson, D. P.	Yeates,
Elam,	Kitchin,	Richardson, J. S.	Yocum,
Ewing,	Lapham,	Richmond,	Young, Casey.
Ferdon,	Loring,	Robertson,	

So the motion was agreed to; and all further proceedings under the call were dispensed with.

The SPEAKER. The Chair wishes to correct a statement heretofore made by him. From information he then had, he stated that the main question had not been ordered on the motion to concur in the sixteenth amendment of the Senate. The CONGRESSIONAL RECORD, which he has just been able to consult, shows that the main question was ordered. The present occupant of the chair was not in the chair at the time the question came up on concurrence in the Senate amendment numbered 16.

Mr. CONGER. The Journal will show what the actual fact is.

The SPEAKER. The Journal is the authority for the Chair.

Mr. CONGER. There is evidently an error in the RECORD. I ask the Chair to state what the Journal shows.

The SPEAKER. While the Speaker was in the chair the question came up on concurrence in the Senate amendment with an amendment, and on that the main question was ordered. The Chair is advised that it appears in the RECORD the previous question was ordered on concurrence in the sixteenth amendment; that that is the statement in the RECORD of the gentleman from Kentucky, [Mr. CARLISLE.]

Mr. WILLITS. It shows it was done while you were in the chair.

The SPEAKER. The Chair has never claimed that.

Mr. WILLITS. It is claimed in the RECORD.

Mr. CLYMER. The RECORD is perfectly right. The question was asked more than once of the Speaker, and the Speaker stated that the previous question was demanded on the Senate amendment with the amendment. The main question was ordered. The gentleman from Virginia moved to reconsider and lay upon the table, and the latter motion was agreed to.

The SPEAKER. That is true; but this is on the question of concurrence.

Mr. CONGER. The Journal ought to show. There should be no question about it.

The SPEAKER. The Chair will state that the Journal shows the main question on concurrence in the sixteenth amendment was not ordered.

Mr. TUCKER. Was not ordered?

The SPEAKER. The Journal so states.

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that said committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

DEFICIENCY BILL.

Mr. McMAHON. I ask by unanimous consent to interrupt these proceedings for the purpose of reporting the last of the appropriation bills and which has not yet been disposed of. It is the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

Mr. TUCKER. So far as I am concerned, I will yield for the purpose of disposing of that bill.

Mr. ALDRICH, of Rhode Island. I demand the regular order.

Mr. CONGER. We cannot dispose of that deficiency bill and adjourn for this legislative day, as there are but a few minutes left. If the Chair wishes the next legislative day to commence at eleven o'clock, we had better adjourn now.

The SPEAKER. The Chair has no particular feeling about the matter, and leaves it with the House.

Mr. O'NEILL. I would like to say a word in connection with this request. I moved an amendment to the sundry civil bill the other day, which was not adopted, and I gave notice then that when the deficiency bill came up I would propose to offer the same amendment to have it incorporated in this bill; that was the amendment providing for increasing the pay of the night inspectors of the port of Philadelphia; and I also informed gentlemen that I would accept any amendment they offered with reference to the increase of pay of night inspectors at seaports in which they might be interested. Now, sir, I do not see how I can fulfill that promise unless we have the opportunity to offer amendments to this deficiency bill.

The SPEAKER. The Chair would state to the gentleman that he had better get that incorporated in the Senate.

Mr. O'NEILL. I would like to have it somewhere; but it seems such an appropriate thing to offer as an amendment to a deficiency bill, for these gentlemen are deficient in their pay as compared with night inspectors at other ports which the Secretary had power to raise, but in this case, at Philadelphia, there is no such power, and it ought to be granted.

The SPEAKER. Is there objection to the request of the gentleman from Ohio.

There was no objection.

Mr. McMAHON, from the Committee on Appropriations, reported back the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, and moved to suspend the rules and pass the bill.

The SPEAKER. The bill will be read.

Mr. McMAHON. Before the bill is read, I will state that the subcommittee on appropriations prepared this bill with great care, devoting at least three weeks' time to it——

Mr. HISCOCK. I would suggest to the gentleman from Ohio that after the main question has been ordered he will have fifteen minutes if he chooses to explain the provisions of the bill.

The SPEAKER. The gentleman from New York is correct; there will be fifteen minutes allowed on each side if debate is desired.

Mr. CONGER. If this bill is to be passed under a suspension of the rules, I hope the House will be in order and the bill be read for the information of the House. I presume there will be no objection to it, although I speak only for myself.

The SPEAKER. The Chair desires that there shall be perfect order while the bill is being read, so that each member may hear all the provisions of the bill upon which he is called to vote.

Mr. ALDRICH, of Illinois. I move that the House do now adjourn.

Mr. CONGER. Is the motion to suspend the rules pending?

The SPEAKER. Unanimous consent was given to the gentleman from Ohio to report the bill on which he moves to suspend the rules, and the gentleman from Illinois now moves that the House adjourn.

Mr. CONGER. Then that motion comes after the suspension was moved.

The SPEAKER. The gentleman from Illinois made the motion after unanimous consent was given; but the motion is a proper one and will be submitted to the House.

Mr. DEERING. Does the motion of the gentleman from Ohio cut off opportunities for amendment?

The SPEAKER. It does if the motion prevails.

The question is on the motion of the gentleman from Illinois, that the House do now adjourn.

The motion was not agreed to.

The SPEAKER. The gentleman from Ohio moves to suspend the rules and put upon its passage the general deficiency bill, which the Clerk will now read.

The bill was read, as follows:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter stated, namely:

COURT OF CLAIMS.

To pay judgments of the United States Court of Claims, $450,000, or so much thereof as may be necessary: *Provided*, That no judgment shall be paid until the right of appeal has expired.

EXECUTIVE OFFICE.

For compensation of a telegraph operator in the office of the President of the United States from March 4, 1881, to June 30, 1881, at $1,400 per annum, $458.89.

For contingent expenses of the executive office, including stationery therefor, $2,000.

STATE DEPARTMENT.

To enable the Secretary of State to meet the expenses of the international sanitary congress, under House resolution of May 14, 1880, $5,000.

To pay R. C. Morgan, disbursing clerk of the State Department, for lithographing and for books and maps procured and paid for by him, also for postage paid for by him for that Department during the years 1878, 1879, and 1880, $225.35.

Foreign intercourse:

For payment of amounts found due by the accounting officers on account of contingent expenses of United States consulates, namely:

For the year 1880, $25,022.30.

For the year 1879, $2,190.23: *Provided*, That this and the two foregoing paragraphs do not effect the payment of money from the Treasury, being only required to reimburse the account for consular fees.

To pay drafts on the Secretary of State by consular officers on account of contingent expenses of consulates for 1880, $4,489.45.

For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, $6,713.

TREASURY DEPARTMENT.

Territories:

For the legislative expenses of the Territory of Montana, $6,045.

For the legislative expenses of the Territory of Dakota, $6,180.

For the legislative expenses of the Territory of Idaho, $7,030.

Internal revenue:

For additional amount to pay salaries and expenses of agents and surveyors, and fees and expenses of gaugers, and for salaries of storekeepers, and for miscellaneous expenses of internal revenue for the year 1881, $500,000; and for the year 1880, $135,000.

To pay amounts found due by accounting officers for salaries and expenses of agents and subordinate officers of internal revenue for 1879, $475.

For additional amount for dies, paper, and stamps for the use of the internal revenue for the year 1881, $75,000.

To pay amounts found due by the accounting officers on account of punishments for violation of internal-revenue laws for 1880, $2,750.75; for 1879, $81.50.

Life-saving stations:

For fuel for life-saving stations, life-boat stations, and houses of refuge; repairs and outfits for the same; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; and contingent expenses, including freight, storage, repairs to apparatus, medals, stationery, advertising, and miscellaneous expenses that cannot be included under any other head of life-saving stations on the coasts of the United States, including the rebuilding of the stations at Pea Island, North Carolina, and Brazos Santiago, Texas, and the renewal of apparatus and supplies for said stations, $12,000.

Light-house establishment:

To pay amounts found due by the accounting officers to collectors of customs for commissions, at 2½ per cent., on disbursements made by them as superintendents of lights, during 1880, $380.77.

Miscellaneous:

For rent of telephones, and incidental expenses connected therewith, for 1881, $250.

For arranging and binding canceled marine papers, requisitions, and other important records; sealing ships' registers, newspapers, books, hand-stamps, and repairs of the same, for 1881, $2,000.

For repairs and preservation of public buildings under the control of the Treasury Department, $20,000.

For vaults, safes, and locks, and repairs of the same, for all public buildings under the Treasury Department for 1881, $7,000.

For heating, hoisting, and ventilating apparatus, and repairs of the same, for public buildings under the control of the Treasury Department, $10,000.

For fuel, light, and water, and miscellaneous items required by the janitors and firemen in the proper care of the public buildings under the control of the Treasury Department, $50,000.

For constructing elevator in the court-house and post-office building at Indianapolis, Indiana, $10,000.

To pay B. F. Scribner, late special agent at the seal fisheries in Alaska, salary and traveling expenses for 1880, $329.10; and to pay J. W. Beaman, late special agent at the seal fisheries in Alaska, salary and traveling expenses for 1880, $277.10.

To pay the judgment of the United States circuit court for the southern district of New York in favor of Edward S. Sherman, plaintiff, and against Moses H. Grinnell, former collector of customs of the port of New York, defendant, including damages, $1,130.79.

For the expenses of providing suitable apparatus for the assay laboratory in connection with the office of the Director of the Mint, $300.

To enable the Secretary of the Treasury, to perfect the title of the Government of the United States to the marine hospital at Wilmington, North Carolina, once sold to Dr. J. Francis King, and now in litigation, the sum of $2,050.

To enable the Secretary of the STreasury to pay the ninth installment of the war claim of the State of Pennsylvania, duly allowed by the accounting officers of the Treasury by settlement made February 1, 1881, $5,156.06.

To enable the Secretary of the Treasury to pay the war claim of the State of Connecticut, duly allowed by the accounting officers of the Treasury, $1,793.88.

For refunding to States expenses incurred in raising volunteers under the laws: To the State of Kansas, $26,604.05; to the State of New York, $21,421.13.

To enable the Secretary of the Treasury to pay the just contribution to the maintenance of the international bureau of weights and measures, in conformity with the terms of the convention of May 20, 1875, for 1881 and prior years, $1,813.81.

For compensation of R. H. Thurston for two years' services as secretary of the

board for testing iron and steel, under act of March 3, 1875, from the 30th of June, 1877, to the 30th of June, 1879, the sum of $2,400, being his fixed compensation.

To pay John Scott Cunningham the sum as provided for in the act of February 8, 1881, $1,284.19.

To pay Mary E. Walker claim for services rendered by her as a temporary clerk in the Treasury Department for one year from July 14, 1873, $900.

For repayment to importers the excess of deposits for unascertained duties, or duties or other moneys paid under protest, including interest and costs in judgment cases, $300,000; which sum is hereby made available for the payment of all claims to which the appropriation is applicable which are not payable from the permanent annual appropriation provided for in section 3689 of the Revised Statutes: *Provided*, That no portion of this appropriation shall be expended for the payment of claims known as "charges and commissions cases."

To refund to E. E. Saunders, master of the schooner Eddie Huck, the sum of $40, being a part of the penalty exacted, but remitted by the Secretary of the Treasury.

For additional amount required for running the relieving sewer of the National Museum building into the North B street sewer instead of into the Seventh street sewer, $900.

For expense of transfer to and arrangement in the new National Museum building of the collections of the United States surveying and exploring expeditions, and of the speciments presented to the United States at the international exhibition of 1876, $10,000, being for the service of the current fiscal year.

For expenses of lengthening the steamer Fish Hawk for the purpose of increasing her fish-hatchihg capacity, and for providing additional fish-hatching apparatus, $12,709, which shall be available until used.

To enable the Secretary of the Treasury to pay for expenses incurred in his selection of a distinctive paper for the securities of the United States, such distinctive paper being required to be adopted by the Secretary of the Treasury under the provisions of section 5430 of the Revised Statutes, $321.

To enable the Secretary of the Treasury to pay out of the appropriation for "collecting mining statistics" for the fiscal year 1881 a sum not exceeding $300 for extra clerical services rendered in the office of the Director of the Mint in connection therewith.

WAR DEPARTMENT.

Office of the Surgeon-General:

For furnishing artificial limbs and appliances, $200,000.

Miscellaneous:

For fuel, light, heating apparatus, matting, cleaning, labor, and incidental items, and care of two floors of the old Navy Department building, now occupied by the Adjutant-General's Office, $500.

For fuel and gas, ice, carpets and oil-cloth, plumbing, and repairs for the building number 1725 F street, and for iron shutters for same, $500.

To enable the Paymaster-General to meet the necessary expenses of the payment of claims of colored soldiers and sailors for pay, bounty, and prize-money, the sum of $5,595.02 is hereby reappropriated from the unexpended balance remaining available for such purpose, to be available during the present and the next fiscal year.

Military establishment:

For mileage of officers of the Army traveling on duty under orders, $40,000.

For pay of Military Academy band for the year 1880, $260.04.

Arrears of pay and bounty:

For the payment of claims for pay and bounty due to officers and enlisted men of the volunteer forces, and their heirs and legal representatives, there shall be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, so much as may be necessary to pay said claims, allowed during this and prior fiscal years, under the following heads of appropriations, as follows: "Pay of two and three year volunteers," and "bounty to volunteers and their widows and legal heirs;" and the Secretary of the Treasury shall report to Congress, at the commencement of the next regular session, the amount that has been paid out under this provision during this fiscal year.

Quartermaster's Department:

For horse and mule shoes, and horseshoe nails, and for necessary office and barracks furniture, and other miscellaneous articles, $15,260.

For transportation of the Army, including baggage of the troops when moving either by land or water; of clothing, camp and garrison equipage, from the depots of Philadelphia and Jeffersonville to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the founderies and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels, and boats, required for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as from their situation require it to be brought from a distance; and for clearing roads and for removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of troops in the field, being a deficiency for the fiscal year 1880, $125,000.

To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds justly due them for transportation during the fiscal year ending June 30, 1880, and prior years, to be accepted in full of all demands for said services, $275,000.

For Indianapolis arsenal: For grading, curbing, and bowldering 1,176.7 feet of the sidewalk on Clifford avenue, along the line of the arsenal grounds, for the service of the current fiscal year, $1,118.43.

NAVY DEPARTMENT.

For payment of amounts found due by accounting officers for the naval establishment, as follows:

For pay of the Navy, $75.62.

For provisions for the Navy, $731.10.

For contingent expenses of the Bureau of Provisions and Clothing for the year 1879, $1,314.19.

For contingent expenses of the Navy Department, $11,664.

For observation of the solar eclipse of July, 1878, $1,206.68.

To enable the Secretary of the Navy to pay Messrs. Jenkins and Lee for a marine governor supplied the United States steamer Vandalia in the fall of the year 1875, $825.

United States Marine Corps:

For contingencies for the Marine Corps, 1879 and 1880, in the Quartermaster's Department, $392.79.

For pay of Marine Corps, $1,367.

For contingent expenses of the Marine Corps, $691.10.

INTERIOR DEPARTMENT.

Patent Office:

To reimburse Carl Schurz the sum he has paid as the costs in the case of the United States *ex rel.* Thomas McBride *vs.* Carl Schurz, Secretary of the Department of the Interior, said costs having been adjudged by the Supreme Court against said Schurz personally, the court declaring that no intentional wrong was charged or proven against him, $101.20.

To continue the photolithographing of the drawings for the current weekly issues of patents during the present fiscal year, $8,429.06.

For continuing the reconstruction of the Patent Office building: For skylights and fitting hardware to windows, hand-rails, plain and ornamental painting, marbleizing, iron sills, paint for roof, India-rubber plates, asphalt, and miscellaneous necessaries, $5,915.

Pension Office:

To enable the Commissioner of Pensions to continue the temporary clerical force in his office at the maximum of its present working capacity for the remainder of the present fiscal year, $55,000.

For the contingent expenses of his office for the same period, $10,000.

Public lands service:

For contingent expenses of General Land Office for 1880, $57.

For reproducing worn and defaced township plats for the use of the general and local land offices for 1881, $15,000.

For payment of amounts found due by the accounting officers of the Treasury Department on account of surveying the public lands, being a deficiency for the fiscal year 1880, $4,099.51.

For payment of amounts found due by the accounting officers, on account of surveying public and private lands, being a deficiency for the fiscal year 1879, $1,120.29.

For payment of amounts found due by the accounting officers on account of salaries and commissions of registers and receivers, being a deficiency for the fiscal year 1879, $9,582.23.

For payment of amounts found due by the accounting officers of the Treasury Department on account of expenses of investigating the habits of insects injurious to the cotton plant and agriculture, being a deficiency for the fiscal year 1880, $1.14.

For payment of amounts found due by the accounting officers on account of protection and improvement of Yellowstone National Park, being a deficiency for the fiscal year 1880, $89.76.

For payment of amounts found due by the accounting officers on account of expenses of commission to report upon depredations of Rocky Mountain locusts, being a deficiency for the fiscal year 1879, $2.80.

For payment of amounts found due by the accounting officers on account of contingent expenses of office of the surveyor-general of Nebraska and Iowa, being a deficiency for the fiscal year 1879, $22.95.

For payment of amounts found due by the accounting officers on account of contingent expenses of land offices, being a deficiency for the fiscal year 1880, $212.98.

Indian Office:

For this amount, for the care and support of the destitute Hualapai Apache Indians in Arizona, for the current fiscal year, to be expended under the direction of the Secretary of the Interior, $15,000.

That the sum of $23,109.51 be paid to the members of the Wyandotte tribe of Indians, per capita, to be in full payment of their claim under treaty of February 23, 1867.

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be sold an amount of the stocks or securities now held by the Government in trust for the Shawnee Indians, which, together with the accumulated interest thereon, will aggregate a sum not exceeding $2,000, sufficient to reimburse Daniel S. McDougal, or his legal heirs, and Charles S. Wilder, for the money by them paid for certain tracts of land belonging to said Shawnee Indians erroneously conveyed to them, and to which tracts of land the Government has given and can give no valid title.

To enable the Secretary of the Interior to pay balance due Daniel G. Major, out of an unexpended balance now on the books of the Treasury to the credit of the Sioux Indians for the fiscal year ending June 30, 1880, the sum of $110.96 is hereby reappropriated,

Support of Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas, 1881: This amount, or so much thereof as may be necessary, for the support and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas for the balance of the fiscal year, being a deficiency for the fiscal year 1881, $25,000.

Support of Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Utes, 1881: This amount, or so much thereof as may be necessary, for the support of Ute Indians of Colorado for the balance of the fiscal year, being a deficiency for the fiscal year 1881, $15,000.

POST-OFFICE DEPARTMENT.

Office of the Postmaster-General:

For the following deficiencies for the current fiscal year:

For advertising, $5,000.

Office of First Assistant Postmaster-General:

For wrapping-paper, $20,000.

For wrapping-twine, $30,000.

For railway post-office clerks and for route-agents, $30,000; to be equally divided between these two branches of the service.

For compensation to clerks in post-offices, $30,000.

For wrapping-twine for blank-agency office, $5,172.47.

To enable the Posmaster-General to refund to the rightful owner, upon satisfactory proof, the contents of a letter addressed to A. R. Brooks, 373 Pennsylvania avenue, containing the sum of $50; said sum having been erroneously covered into the Treasury.

For office of disbursing clerk and superintendent of Post-Office building:

For gas, $1,000.

For telegraphing, $500.

For miscellaneous items, $1,000.

For deficiency in the amount appropriated from the revenues of the postal service for compensation of postmasters for the fiscal year 1880, as per accounts audited by the Sixth Auditor, payable out of the revenues of the Post-Office Department, $158,407.54.

To refund to Cecilia L. Faussett allowance of the Postmaster-General of a moiety of a penalty of $150 imposed on Eli Wright for violation of the postal laws, payable out of the revenues of the Post-Office Department, $75.

DEPARTMENT OF JUSTICE.

For expenses of United States courts, being for deficiencies for the current fiscal year, namely:

For fees of jurors, $40,000.

For fees of witnesses, $30,000.

For support of prisoners, $100,000.

For fees of clerks, $20,000.

For fees of district attorneys, $20,000.

To pay amounts found due by the accounting officers on account of expenses of Territorial courts in Utah, $1,623.73.

To pay expenses of United States courts in Utah for the fiscal year ending June 30, 1880, $4,000.

HOUSE OF REPRESENTATIVES.

To enable the Clerk of the House to pay the following accounts found just and proper by the Committee on Accounts, and sent with a favorable recommendation to the Committee on Appropriations the 8th day of February, 1881:

To pay Franklin Temple, for services as messenger in the chief clerk's office, the

difference between the pay of a laborer received by him and that of a messenger, during the present Congress, $960.

To pay John P. Maloney for services as messenger to the official reporters of debates from December 1 to 15, 1880, at $1,000 per annum, $38.04.

To pay George T. Rogers for services as clerk to the Select Committee on the Yorktown Centennial, $200.

To pay W. C. Garrard for services as clerk to the Committee on War Claims from April 13 to 18, 1879, six days, at $2,000 per annum, $32.97.

To pay James A. Diffenbaugh, for clerical work to be done during the coming recess, as clerk to the Committee on Accounts, in completing the records of said committee, a sum equal to one month's pay, $180.

To pay M. M. Herr for services as messenger to the Sergeant-at-Arms during a part of the second and all of the third session of the Forty-sixth Congress, $710.

To pay Adam Reisinger, for services as messenger in the Clerk's office of the House during the present Congress, the difference between the pay of a laborer received by him and that of a messenger, $960.

To pay H. Head for services as assistant clerk to the Committee on Elections from the 6th to the 16th of December, 1880, ten days, at $6 per day, $60.

To pay Charles E. O'Connor for clerical aid rendered the Committee on Claims during the second and third sessions of the Forty-sixth Congress, the sum of $500.

To pay Beaufort C. Lee for services as laborer in the Doorkeeper's department from October 15 to December 31, 1877, $75.

To pay A. Johns, J. J. Gilbert, E. W. Grant, and C. J. Hayes, for reporting done by them at the second session of the present Congress, upon bills duly audited by the Committee on Accounts, $390.75.

To pay Charles Christian for services rendered as laborer in the office of the Sergeant-at-Arms of the House from March 5 to June 30, 1879, $200.

To enable the Clerk of the House to pay the following:

To pay Samuel P. Ivins, jr., for the difference between what he received as an annual messenger in the House post-office and what he would have received if he had been a session messenger, $413.29.

To pay James C. Saunders one month's pay as clerk to Committee on Ventilation of the Hall, $186.

DISTRICT OF COLUMBIA.

To pay claim of C. S. Bundy for services as acting judge of the police court of the District of Columbia, during the absence of the judge, from August 31 to October 3, 1880, inclusive, thirty-four days, at $10 per day, $340; one-half of which is payable by the United States and one-half by the District of Columbia.

To supply deficiencies in the amount appropriated for the support of the public schools of the District of Columbia for the fiscal year ending June 30, 1880, one-half of which is to be paid by the District of Columbia, namely:

For contingent expenses, $1,796.92.

To supply deficiencies in the amount appropriated for the support of the public schools of the District of Columbia for the fiscal year ending June 30, 1881, namely:

For salaries of superintendents, teachers, janitors, secretary of the board, and clerks, $3,200.

For contingent expenses, $3,000.

For furniture for the two new buildings now in course of erection, $5,000.

PUBLIC PRINTING.

To supply deficiency in the appropriation for public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, Supreme Court, Court of Claims, Library of Congress, and Departments, and for all necessary materials which may be needed in the prosecution of said work, $300,000.

To enable the Public Printer to pay for a hired horse lost while in the use of the Government Printing Office, through the fault of the driver, one of the employés of said office, $250.

To pay for the use of telephones during the fiscal year 1880, $10.84.

To pay the Public Printer balance due for printing for the Public Lands commission, under act of June 16, 1880, $4,456.26.

SEC. 2. For the payment of claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1879 and prior years, and which have been certified to Congress under section 4 of the act of June 14, 1878, as fully set forth in House Executive Document No. 30, Forty-sixth Congress, third session, and for other items, as follows:

COURT OF CLAIMS.

For contingent expenses of the Court of Claims, $34.80.

DEPARTMENT OF STATE.

Foreign intercourse:

For relief of destitute American seamen, $387.

For contingent expenses of United States consulates, $92.06.

For salaries of United States consuls, $28.53.

TREASURY DEPARTMENT.

Internal revenue:

For redemption of stamps, $262.50.

For allowance or drawback, $777.13.

For refunding taxes illegally collected, $15.78.

For refunding taxes illegally collected, $2,972.96.

For salaries and expenses of supervisors and subordinate officers of interna revenue, $801.56.

For salaries and expenses of agents and subordinate officers of internal revenue, $392.30.

For salaries and expenses of collectors of internal revenue, $20.

For expenses of assessing and collecting internal revenue, $1,136.39.

For refunding money erroneously received and covered into the Treasury, $64.95.

Miscellaneous:

For contingent expenses of assay office at Helena and mint at Carson, $140.88.

For contingent expenses of the independent treasury, $189.89.

For contingent expenses of steamboat inspection, two cents.

For international exhibition of 1876, $1.19.

For contingent expenses of mints at San Francisco, Denver, and Philadelphia, and at assay offices, $4,939.07.

DEPARTMENT OF THE INTERIOR.

For contingent expenses of General Land Office, 26.04.

For surveying public lands, as follows: in California, $1,966.45; in New Mexico, $305.03; in Louisiana, $699.96.

For surveying public and private lands, $394.22.

For salaries in office of surveyor-general of Arizona, $203.57.

For depredations on public timber, $85.76.

For salaries and commissions of registers and receivers, $4,656.95.

For contingent expenses of land offices, $147.

For the State of Kansas, for amount due of the 5, 3, and 2 per cent. fund to States, $190,268.27.

DEPARTMENT OF JUSTICE.

For salaries of United States district attorneys, $24.45.

For salaries of district marshals, $50.

For expenses of United States courts for 1878 and prior years, excepting claim numbered 66982, for $3,189.17, which is withdrawn from schedule herein appropriated for, $19,481.57.

For expenses of territorial courts in Utah, 1878 and prior years, $1,037.98.

TREASURY DEPARTMENT.

For expenses of collecting the revenue from customs for 1878 and prior years, to pay claim numbered 81790, $3.54: *Provided*, That hereafter the Secretary of the Treasury may appoint inspectors of customs at a compensation less than $3 per day when in his judgment the public service will permit.

For expenses of collecting revenue from customs, 1878 and prior years, to pay Thomas Kearney, Hance Lawson, George Toy, Thomas S. Hodson, Robert Bell, M. Hopkins, Joseph D. Bates, Jack Wharton, Joseph A. Dreyfous, and the Union Pacific Railroad Company the sums respectively due them, amounting in all to $1,554.05.

For contingent expenses of the Life-Saving Service, $52.

For expenses of light-vessels, $249.51.

For salaries of keepers of light-houses, $206.59.

For supplies of light-houses, $2,479.50.

For expenses of buoyage, $202.47.

For expenses of Revenue-Cutter Service and Marine Hospital Service, $3.

For refunding moneys erroneously received and covered into the Treasury, $175.

For reimbursing keepers at Timbalier light-house for loss of private property, $100.

To adjust the accounts of certain disbursing officers of the Government on account of the appropriations following, involving no expenditure of money from the Treasury, namely, under the eleven paragraphs following:

For Anita Rock Beacon, California, $183.68.

For expense of collecting the revenue from customs, $22.01.

For repairs and preservation of public buildings, $20.76.

For repayment to importers excess of deposits for unascertained duties, $530.51.

For Life-Saving Service, $45.58.

For contingent expenses of Life-Saving Service, $107.91.

For repairs of light-houses, $25.

For salaries of keepers of light-houses, fifty cents.

For expenses of fog-signals, $4,422.

For supplies of light-houses, $381.33.

For expenses of light-vessels, $725.35.

WAR DEPARTMENT.

For pay of Florida volunteers, $765.

For pay of volunteers in the Mexican war, $183.86.

For traveling expenses of California and Nevada volunteers, $187.50.

For traveling expenses of members of First Michigan Cavalry, $198.50.

For payment of mounted riflemen volunteers under Colonel John C. Frémont, in 1846, $232.87.

For pay of the Army, 1878 and prior years, as particularly itemized on pages 79 to 82 of same document, $13,314.92.

For expenses of recruiting, 1878 and prior years, $13.

For contingencies of the Army during same period, $1,006.50.

For ordnance, ordnance stores and supplies, during same period, $243.55.

For artificial limbs, same period, $138.40.

For allowance for reduction of wages under the eight-hour law, $22.33.

For draft and substitute fund, $914.88.

For medical hospital department, 1878 and prior years, $1,072.30.

For collecting, drilling, and organizing volunteers, 1871 and prior years, $351.82.

INTERIOR DEPARTMENT.

Indian matters:

For pay of Indian agents, $4,720.38; for contingencies of the Indian Department, $124.82; for Indian service in the Territories, $1,890.03; for support of Apaches of Arizona and New Mexico, $208.26; for support of Chippewas, Pillager, and Lake Winnebagoshish bands, $24.14; for support of Chippewas of the Mississippi, $271.16; for support of Crows, $30.33; for support of Kickapoos, $46.27; for support of Sioux of different tribes, including Santee Sioux of Nebraska, $936.73; for payment to Upper and Lower bands of Sioux Indians, $375; for transportation of Indian supplies, $23.45; in all, $8,650.57.

WAR DEPARTMENT.

For Army transportation, 1878 and prior years, as particularly itemized on pages 86, 87, 88, and part of 89 of the same aforenamed document, $42,759.27.

For regular supplies for the Quartermaster's Department, 1878 and prior years, as particularly itemized on pages 89 and 90 of same document, $8,859.52.

For incidental expenses of the Quartermaster's Department, 1878 and prior years, as particularly itemized on pages 90, 91, and 92 of same document, $8,165.30.

For barracks and quarters, 1878 and prior years, as particularly itemized on pages 93 and 94 of same document, except for claims, (both numbered 9972,) for $1,241.80, and for $2,026.67, which are excluded from this schedule, $12,335.17.

For horses for cavalry and artillery, 1878 and prior years, as particularly itemized on pages 94 and 95 of same document, $3,566.

For subsistence of the Army, 1878 and prior years, as particularly itemized on pages 95, 96, and 97 of same document, $2,212.44.

For commutation of rations to prisoners of war in States that were in rebellion prior to July 1, 1878, as particularly itemized on pages 97 to 106 of same document, $10,305.87.

For pay, transportation, services, and supplies of Oregon and Washington volunteers, in 1855 and 1856, 1871 and prior years, as particularly itemized on pages 106 to 108 of same document, $6,958.53.

For transportation of officers and their baggage, 1871 and prior years, $62.70.

For clothing, camp and garrison equipage, 1878 and prior years, $67.

For horses and other property lost in the military service prior to July 1, 1878, as particularly itemized on pages 108 to 121 of the House Executive Document No. 30, Forty-sixth Congress, third session, $67,180.

To pay the claim of George T. Wright, administrator of the estate of John T. Wright, deceased, for value of steamer Peerless, lost at sea November 4, 1861, allowed by the Third Auditor and Second Comptroller, under the appropriation for property lost in the military service, $35,000.

NAVY DEPARTMENT.

For pay of the Navy prior to July 1, 1878, $7,923.27; for pay of the Marine Corps, same period, $787.10; for contingent expenses of the Marine Corps, 1878 and prior years, $149.05; for provisions for the Marine Corps, 1864 and 1865, $134.50; for bounty to seamen, $3,127.88; for bounty for destruction of enemies' vessels, $1,120.39; for indemnity for lost clothing, $1,049.50; for provisions for the Navy, Bureau of Provisions and Clothing, 1878 and prior years, $1,056.40; for contingent expenses of the Bureau of Provisions and Clothing, $12.88; for contingent expenses of the Bureau of Equipment and Recruiting, $410.39; for construction and repair, Bureau of Construction and Repair, $26; for steam machinery, Bureau of Steam Engineering, $36.25; for contingent expenses of the Bureau of Navigation, forty-four cents; for Naval Observatory, Bureau of Navigation, forty-one cents; for maintenance of yards and docks, Bureau of Yards and Docks, nine cents; for widows

and orphans of the lost on the Cumberland and Congress, $216; for gratuity to seamen, $100; in all, $16,150.55.

For compensation and expenses of direct-tax commissioners, 1871 and prior years: To pay claim numbered 28176, for two months' salary, to Hiram Potter, jr., $480.70: *Provided*, That this effects no payment of money from the Treasury.

For fulfilling treaty with Apaches, Kiowas, and Comanches, 1873 and prior years: To pay claim numbered 1269, Donald Carmichael, detention of teams for transporting Indian supplies, $1,360.

For Army transportation, 1878 and prior years: To pay claim numbered 96910, estate of Andrew Woods, deceased, $187.50.

For pay of the Marine Corps prior to July 1, 1878: To pay claim numbered 257, to Julius Beumelberg, $270.

For deficiency in postal revenues, 1878 and prior years, as particularly itemized on pages 132 and 133 of House Executive Document No. 30, Forty-sixth Congress, third session, excepting the last two, marked with a star, for $2,024.17 and for $7,500, which are excluded, $18,315.43.

SEC. 3. That the sum of $221,257 86 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to pay the Miami Indians of Indiana the principal sum that became due them on the 1st day of July, 1880, in accordance with the amended fourth article of the treaty concluded with said Indians on the 5th day of June, 1854, and ratified on the 4th day of August, 1854.

SEC. 4. That the Secretary of the Interior shall appoint a competent and proper person to take a census and make a list of the Miami Indians residing in Indiana or elsewhere who are entitled to participate in the distribution of said principal sum, as provided by article 4 of the treaty that was made between the United States and the Miami Indians on the 5th day of June, 1854, as amended in the Senate. Before taking such census, publication shall be made requiring all persons claiming under said treaty to make known their claim to such person so appointed within a time specified in the notice, and failing so to do, they shall be forever barred. When said census shall be so made, it shall be the duty of the person so appointed to make such enumeration and list to report the same to the Secretary of the Interior, distinguishing in his report between males and females and between those over twenty-one years of age and those under twenty-one years, which list so made, when approved by the Secretary of the Interior, shall stand as the true list of the persons entitled to share in the payments provided for in this act; and each person named in said list shall be entitled to receive the same amount, irrespective of age or sex, payments for minors to be paid to the guardians legally appointed, as hereinafter provided, under the laws of the State or Territory in which said minors reside: *Provided, however*, That any minor who may be a resident of the Indian Territory and a beneficiary of said fund may receive his or her share thereof, as the case may be, through a guardian appointed by any court having probate jurisdiction in the State of Kansas. The person appointed to make such enumeration and list shall, before entering on such duty, take and subscribe an oath that he will make a true and correct enumeration and report of said Indians according to the best information he can obtain, said oath to be administered and certified to by a United States commissioner or a clerk of a court of record; and he shall receive as his compensation therefor the sum of $5 per day and his actual and necessary and other traveling expenses while engaged in said duty, not to exceed $400: *Provided*, That no persons other than those embraced in the corrected list agreed upon by the Miami Indians of Indiana, in the presence of the Commissioner of Indian Affairs, in June, 1854, comprising three hundred and two names as Miami Indians of Indiana, and the increase of families of persons indicated in said corrected list, shall be recipients of the money hereby appropriated.

SEC. 5. That the Secretary of the Interior shall appoint some suitable person as an agent of the United States to make payment to each of said Miami Indians who shall be more than twenty-one years of age whose name shall be borne on the list prepared as aforesaid the amount that he or she, as the case may be, shall be entitled to receive; and he, in like manner, shall pay to the guardian of each minor whose name shall appear on said list the amount that said minor shall be entitled to receive: *Provided, however*, That no payment shall be made to any guardian as such until he produce and deliver to the agent from whom he shall receive such payment the certificate of the judge of the court, attested by the seal of the same, certifying that such guardian has been duly appointed and qualified as such, and give bond, secured by unincumbered freehold surety, in the penalty of not less that three times the amount he shall receive from the United States on account of the payment so to be made for the benefit of said ward, which certificate shall be filed by said agent at the time of making of his report and final settlement. A copy of said list so prepared as aforesaid shall be furnished to said agent, for his guidance in the performance of the duties aforesaid, by the Secretary of the Interior. Said agent shall take the receipt of the persons so paid, attested in such manner as the Secretary of the Interior shall prescribe, which receipt shall be a voucher for said agent in the final settlement of his accounts. Said agent shall receive, in full compensation for the services required by the provisions of this act, a sum equal to three-fourths of one per cent. on the amount that he shall receive. The agent so appointed to make said payments shall, before entering on such duty, take and subscribe an oath, before some United States commissioner or clerk of some court of record, for the faithful performance of the duties imposed by the provisions of this act, and make and execute a bond, payable to the United States, in such penalty and with such security as the Secretary of the Interior shall require and approve. And the receipt of the sum due under this bill shall be a final discharge by each party so receiving of all claims whatsoever under said treaty against the United States Government.

SEC. 6. That there shall be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, or so much thereof as shall be necessary, to pay the agents whom the Secretary of the Interior shall appoint for the services and expenses required by the provisions of this act.

SEC. 7. That the Secretary of the Interior is hereby authorized to examine the claim of Isaac Vandeventer and James F. McDowell, attorneys-at-law, partners under the name of Vandeventer & McDowell, for services rendered in the defense of certain suits in the courts of the State of Indiana in relation to the taxation and partition of the lands of the band of Meshingomesia, in said State, and for alleged services rendered said band in and about legislation by Congress affecting their said lands and the partition of their lands pursuant thereto, and allow and pay to said attorneys such reasonable compensation as he may find legally or equitably due them for said services, out of the moneys due to said band, or out of the money due to any of said band, as he may deem just. And to enable the Secretary to properly examine said accounts, he may cause or permit testimony to be taken by said claimants and by said band, or by any individual or individuals of said band under such rules as he may prescribe: *Provided*, That in making any such payment no part of the same shall be deducted from the share of any member of said band who received no part of the land so partitioned, nor shall any part of any such payment be deducted from the share of any member of said band whose membership was contested, and who was required by proof to establish such membership to entitle him or her to share in the partition of said land.

The total sum recommended by this bill:

By the first section	$3,341,787 43
By the second	499,673 70
By the third	224,157 86
In all	4,065,618 99

The SPEAKER *pro tempore*, (Mr. CLYMER in the chair.) The gentleman from Ohio moves to suspend the rules and pass the bill. Is a second demanded?

Mr. CANNON, of Illinois. I ask the gentleman from Ohio to yield for the purpose of incorporating into this bill an amendment which is left out of it by mistake.

Mr. MCMAHON. It is impossible for me to do so without according the same privilege to other gentlemen, as I am informed a good many desire to offer amendments. I shall be compelled to refuse any. I will state to the gentleman from Illinois, however, that I will endeavor to have the correction made to which he refers in the Senate. He is undoubtedly correct. The amendment to which he alludes was agreed to by the committee, but by mistake it was left out of the bill.

Mr. CANNON, of Illinois. For that reason, and because the bill does not state the conclusions at which the committee have arrived, I ask this correction may be made here before a vote is taken upon the bill.

Mr. MCMAHON. After consulting with members of the committee, I desire to repeat that the proposition to which the gentleman from Illinois alludes was omitted by mistake in making up the bill. There is no doubt about that. It was agreed upon in committee, therefore I will allow the gentleman to offer his amendment to the bill, and will then demand the previous question upon the bill and the amendment.

Mr. ATKINS. I hope there will be no objection to that course.

Mr. MCKENZIE. I hope the gentleman will yield to enable me to offer an amendment.

Mr. VALENTINE. I desire to offer an amendment.

Mr. ROBESON. I would like to ask the gentleman from Tennessee a question, as this bill was read during some confusion in the House, whether there is any legislation in the bill which was not assented to by the republican members of the committee?

Mr. ATKINS. There is none that I know of. The gentleman in charge of the bill can probably answer better than I.

Mr. ROBESON. If there be no such legislation, I think there will be no objection on this side.

Mr. MCMAHON. I know of no legislation whatever on the bill, except in two particulars. One little item in regard to the pay of inspectors in the city of New York was put on this bill at the request and earnest solicitation of the Secretary of the Treasury, whose republicanism I have never yet had any reason to doubt. The other piece of legislation was something which passed this House a year ago on the deficiency bill, for the payment of the Miami Indians, under a treaty which expired on the 1st July, 1880. It is substantially the same as the law we adopted last year.

Mr. ROBESON. That is right.

Mr. VALENTINE. I desire the gentleman from Ohio to permit me to offer an amendment to the bill.

Mr. MCMAHON. I decline to yield.

Mr. MCKENZIE. I ask the gentleman from Ohio to yield to me that I may offer an amendment, for the compensation of James C. Rudd, of Owensborough, Kentucky, for the rent of a building for the use of the United States Government for a post-office. The amount is only $3,500. The account is just and ought to be paid.

Mr. MCMAHON. I decline to yield. All those things are matters of claim against the Government unadjusted.

Mr. HISCOCK rose.

The SPEAKER *pro tempore*. There will be an opportunity for debate for thirty minutes after the motion to suspend the rules is seconded, if a second is demanded. Is a second demanded?

Mr. KEIFER. I demand it.

The SPEAKER *pro tempore*. The Chair appoints as tellers the gentleman from Ohio, Mr. MCMAHON, and the gentleman from Ohio, Mr. KEIFER.

The House divided; and the tellers reported—ayes 151, noes not counted.

So the motion to suspend the rules was seconded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate agreed to the concurrent resolution of the House of Representatives for printing volumes 6, 7, 8, 9, and 10 of contributions to North American Ethnology.

The message further announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

A bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service;

A bill (H. R. No. 5832) for the relief of David W. Bell;

A bill (H. R. No. 5088) to authorize the registration of trade-marks and to protect the same;

A bill (H. R. No. 6479) for the relief of Thomas Snell; and

A joint resolution (H. R. No. 402) to provide for the publication of the memorial addresses on Evarts W. Farr.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. No. 7160) for the relief of John H. Templeton.

The message further announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

A bill (S. No. 1926) relating to quartermaster stores furnished to

the forces of Major-General Lewis Wallace during the Morgan raid through Indiana and Ohio.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Ohio [Mr. McMAHON] for the first fifteen minutes of debate in support of the bill.

Mr. McMAHON. I have no desire to say anything in regard to this bill unless gentlemen upon the other side say something that may require some reply. I therefore yield to my colleague on the committee, the gentleman from New York, [Mr. HISCOCK,] fifteen minutes, reserving my fifteen minutes in case I may desire to say anything hereafter.

Mr. VALENTINE. I desire to ask the gentleman from Ohio a question.

Mr. McMAHON. It will be time enough for that after I take the floor.

Mr. HISCOCK. Mr. Speaker, this bill I have not seen fit to antagonize, because it is chiefly remarkable for that in which it is deficient rather than for that for which it has made appropriations. But I have regarded it as my duty to call the attention of the House to at least three subjects upon which in my judgment more ample appropriations should have been made, desiring at the same time that the attention of the Senate may be called in that way to them.

First I call attention to the appropriation which has been made for the Internal Revenue Bureau. In view of the estimates which were submitted to the Appropriations Committee for the balance of the fiscal year, beyond any question at least $300,000 more should have been appropriated than the committee has seen fit to give. I cannot appreciate that spirit of economy that strikes at the expenditure in a service which is not flexible in its nature and which is absolutely essential to the proper conduct of that service. The salaries of the collectors of internal revenue is in the discretion of the head of the bureau. But with regard to the gaugers, the inspectors, and storekeepers, a class of officers entirely indispensable to the running of the distilleries in the country, the Appropriations Committee have seen fit to make a reduction of the estimate to the extent of $300,000; those estimates, based upon the necessity of the service, as determined by the Commissioner of Internal Revenue and by the Secretary of the Treasury, are undoubtedly indispensable for the proper prosecution of that branch of the service. And if no larger appropriation shall be made in the Senate, the Treasury Department will have to confront the fact of allowing the distilleries to be closed or these officers of the Government must work without compensation.

There is another point to which I desire to call attention, and that is in reference to the public printing. This Congress and the last session of the Forty-fifth Congress passed resolutions directing the expenditure of large sums of money for public printing.

On the 1st day of March, for the completion of the work ordered by Congress and unperformed, there should be appropriated the sum of $709,799. Gentlemen upon the other side of the House should bear in mind what I have said. This work was all ordered by the present Congress and by the last Congress. I had hoped that the other side would have been willing to have paid its printing bills before it resigned in favor of the majority in the Forty-seventh Congress.

The amount appropriated in this bill for the deficiency in that branch of the service is but $300,000. On the 1st day of March, all the money available for the purposes of the Bureau of Printing of this Government was about one hundred and fifty thousand dollars. There is required monthly for the running of the Printing Bureau, for the payment of the force which is now employed there, the sum of $190,000. This bill appropriates but $300,000 for the service, and as the result, there must go over to the next Congress to be appropriated for by that Congress work, which cannot be done under the appropriation here made, to the amount of $709,000 and for printing ordered by this and the last democratic Congresses.

Mr. WILSON. Will the gentleman allow me right there to interrupt him, because I am in sympathy with his views?

The SPEAKER *pro tempore*. Does the gentleman from New York [Mr. HISCOCK] yield to the gentleman from West Virginia?

Mr. HISCOCK. I will; but I desire to ask the Chair, before my time has expired entirely, to call my attention to it, as I wish to yield a few minutes to another gentleman on this side of the House. I now yield to the gentleman from West Virginia, [Mr. WILSON.]

Mr. WILSON. The printing already ordered by this House will be greatly retarded by the fact that but $300,000 is appropriated in this bill. And to keep the work within the appropriation, the Committee on Printing of this House has rejected $250,000 of printing which we think might have been done. It will be utterly impossible for the Printing Office to get along with this meager appropriation.

Mr. HISCOCK. I understand the gentleman from West Virginia [Mr. WILSON] to concur with me that the sum appropriated by this bill will be utterly inadequate for the proper performance of the work required of the printing bureau. I repeat again that after all which is appropriated in this bill shall have been expended the sum of over seven hundred thousand dollars will be actually necessary to pay for the printing ordered by this and the last Congresses.

There is another item for which the Committee on Appropriations have failed to appropriate in this bill. There was submitted to the committee by the Attorney-General an estimate of $100,000 required to pay and discharge the fees of the special deputy marshals. I had hoped that after all the excitement to which the nation has been subjected, after the issue of the right of the General Government to guard the election of Representatives in Congress has been so thoroughly canvassed and so emphatically passed upon by the people as it has, the majority of the Committee on Appropriations would have seen fit to have allowed these legal claims against the Government of the United States to be paid, claims which in effect have been passed upon by the highest tribunal in the United States and decided to be legal and just, and the question retired from politics. I confess I was surprised when I found that the Committee on Appropriations were unwilling to turn their backs upon the past, which certainly has not been fruitful of good to their party.

These are the three main items to which I have deemed it my duty to call the attention of the House. I will add further, that in my judgment the unpaid claims against the Government which properly might have been, yes, properly should have been passed upon by this Committee on Appropriations, or if you please audited by the committee, and provision made for their payment, and for which no provision was made by that committee, amount in the aggregate to at least $2,000,000. I was in hopes that when this branch of the Legislature was about to be turned over to us on this side of the House the other side would have been willing to have balanced their books, paid off the debts which they had incurred, and let us take a fresh start, let us have the Government relieved from indebtedness which had been incurred by them. I call attention to this here and now, and do so mainly for the reason that a point be made in the accounts which we are to keep, so that the country may take notice in the future of that which we are compelled to pay, but which was contracted by the other side, and that which we pay that we contracted ourselves.

I now yield to my friend from Iowa, [Mr. DEERING.]

Mr. DEERING. In justice to myself, Mr. Speaker, and to the Committee on Indian Affairs, of which I am a member, I will say that it was my purpose to offer the amendment which I hold in my hand to the bill now under consideration. Until yesterday we have had reason to hope that the proposition would be adopted by the Committee on Appropriations; but in that expectation we have been disappointed.

The object of the amendment is to enable the Secretary of the Interior to reach a fair and honorable adjustment of all pending differences and difficulties with the Ponca tribe of Indians. The amendment has the approval of a majority of the Committee on Indian Affairs. It is in accordance with the expressed wishes of those Indians, and substantially in accordance with the wishes expressed by the President in his recent message to this House, and also with repeated recommendations of the present Secretary of the Interior.

It is well known to every member of this House that this question is attracting the attention at this time, and very justly, of the entire country. It is standing in the way of a fair and equitable adjustment of the great Indian problem of this country. In justice to these Indians and to the country, this important question should be settled by the Government and settled at once.

The amendment proposes to pay the Ponca Indians for such lands as have been taken from them in Dakota Territory, known as the Old Ponca reservation; and to indemnify them for losses sustained by them in consequence of their removal to the Indian Territory. It also proposes to settle them on homes in severalty on their old or their new reservation, as they may elect. This would be a step in the right direction, as it looks to the ultimate adoption of the wise and generous policy of our present able Secretary of the Interior with reference to our Indian wards.

This is all I propose at this time to say on this question. In closing, as I am denied under the motion to suspend the rules the privilege of having the amendment adopted, I ask that it may be printed in the RECORD; and I shall then make an earnest effort, which I hope will be successful, to have the proposition adopted by the Appropriation Committee of the Senate, and embraced in this bill.

The SPEAKER *pro tempore*. If there be no objection, consent will be given that the gentleman's proposed amendment be printed in the RECORD.

There was no objection.

The amendment is as follows:

For the purpose of enabling the Secretary of the Interior to indemnify the Ponca tribe of Indians for losses sustained by them in consequence of their removal to the Indian Territory, to secure to them lands in severalty on either the old or new reservation in accordance with their wishes, and to settle all matters of difference with those Indians, $165,000, the money to be immediately available, and to be expended under the direction of the Secretary of the Interior, as follows:

For the purchase of 101,894 acres of land in the Indian Territory, where most of those Indians are now located, $50,000.

To be distributed per capita among the Ponca Indians in the Indian Territory, $10,000.

For the purchase of stock-cattle and draught animals for Poncas in the Indian Territory, $10,000.

For the erection of dwelling-houses for Poncas now in Dakota and Nebraska, $5,000; for agricultural implements, stock, and seeds for them, $5,000; for school purposes for them, $5,000; for general distribution among them per capita, $10,000; total, $25,000.

To be held as a permanent fund in the Treasury of the United States, at 5 per cent. interest, the interest to be distributed annually among all the Ponca Indians in cash, $70,000.

Mr. HISCOCK. How much time have I remaining?

The SPEAKER *pro tempore*. Two minutes.

Mr. HISCOCK. I yield the remainder of my time to the gentleman from Nebraska, [Mr. VALENTINE.]

Mr. VALENTINE. Mr. Speaker, I wish to call the attention of the House to Executive Document No. 56, a letter from the Secretary of the Interior dated January 21, 1881, furnishing itemized estimates of deficiencies in the Indian service, among which I find items amounting to fifty-odd thousand dollars for transportation of Indian supplies. These are not included in this deficiency bill. Will the gentleman in charge of the bill be kind enough to inform me why they are not?

Mr. McMAHON. I will allude to that when I take the floor.

Mr. VALENTINE. Will the gentleman allow me, then, to ask questions, and will he answer them? I am willing to let him have a part of my time to get at the facts of the case.

Mr. McMAHON. I hope the gentleman will continue his remarks in such line as may suit him; and when I take the floor I will make such reply as I see fit.

Mr. VALENTINE. Then, as the gentleman does not desire to get up before the House and state the fact, I will state it for him. The committee refused to put in these items because they had not been audited by the Register and Comptroller. [Here the hammer fell.] Just one moment more, if the Chair pleases. In 1878, the Appropriations Committee placed upon one of their deficiency bills a provision denying the authority of these officers to audit these claims until an appropriation had been made. Now they have refused to appropriate for the claims because they are not audited. This is the condition in which we find ourselves. I wish the gentleman would explain it to this House, if he can.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. McMAHON] is now entitled to the floor for fifteen minutes.

Mr. STEVENSON. Before the gentleman takes the floor, I would like to ask him whether or not the entire amount appropriated in this bill is not for moneys which have been expended in violation of law—whether there has been any provision of law for these expenditures?

Mr. McMAHON. Mr. Speaker, I have no doubt the House has been much edified by the remarks of my colleague on the committee [Mr. HISCOCK] and the suggestion made by him that when we are going out of power we ought to settle up our debts. I would like to ask the gentleman and the House what part we had in creating the internal-revenue deficiency, what part we had in creating the deficiency in the Department of Justice, what part we had in creating any of the deficiencies that have existed?

Mr. HISCOCK. As the genteman has asked me a question——

Mr. McMAHON. I decline to yield.

Mr. HISCOCK. I desire to answer it here and now.

Mr. McMAHON. Mr. Speaker——

Mr. HISCOCK. I supposed that the democratic party had something to do with the collection of the revenues of the Government. [Cries of "Order!"] I supposed it had something to do with the judiciary department of the Government, and was willing that it should be supported and sustained.

Mr. McMAHON. I see that my suggestion to my colleague on the committee has probed a point that seems not to have occurred to him when he was on the floor. We have had no control of the spending of the money. The very point we made in the last campaign was that we wanted to put in new executive officers, to make a new set of books, and to revise the old ones. During the six years that I have been a member of this House——

Mr. HISCOCK. And the very question which the people decided against the gentleman's party was that they preferred the present government should hold on to the books.

Mr. McMAHON. My colleague is noted for his courtesy on this floor, in the committee, and in private life. I hope he will not continue to interrupt me when I decline to yield.

Mr. HISCOCK. Then do not ask me any questions.

Mr. McMAHON. I am asking the public questions through the gentleman. He knows that I have neither time nor wish for an answer from him. The very point that we made in the last campaign was that we had no opportunity to revise these books; that we had no control over these expenditures; and that when we attempted to control the expenditures by voting less sums of money than had been given in the extravagant days of republican rule, your Departments came forward with deficiencies one after another, and said to us, "If you do not vote this, you will not get your agricultural reports; you will not have your courts; you will not have your railway service; distilleries must stop," and so on. And when they have put forward such declarations, they seem to think that they have reached the climax of an impregnable argument. And what can we do?

Mr. HAWLEY. Let me ask the gentleman one question.

Mr. McMAHON. I cannot yield; life is too short, especially in this House just now.

Mr. Speaker, by what authority are these deficiencies incurred? By what authority does the Public Printer, who is alluded to here, incur a deficiency this year? If you will take his printed letter to Congress, calling attention to the expected deficiency, you will discover he says in his letter that he deliberately exceeded the appropriations for this fiscal year.

Mr. HAWLEY. That is not so.

Mr. McMAHON. I say it is so.

Mr. HAWLEY. I deny it.

Mr. McMAHON. I say, Mr. Speaker, that the printed letter sent to Congress shows I am right.

Mr. HAWLEY. I say the House has ordered hundreds of thousands more than he has money for. The House ordered the printing.

Mr. McMAHON. I hope the gentleman will take it a little easy and not interrupt me.

Mr. HAWLEY. Give me three minutes.

Mr. McMAHON. I think democrats might have fifteen minutes to show the shortcomings of the republican party without being interrupted all the time. I say when Congress gives the Public Printer $1,600,000 for the fiscal year ending June 30, 1881, he has no business to spend any more money in that year. He can easily defer the excessive printing into the next fiscal year.

Mr. HAWLEY. Has he spent any more?

Mr. McMAHON. He will.

Mr. HAWLEY. He will have to stop and will have to discharge every printer.

Mr. McMAHON. But he said in his letter read before the committee that he set deliberately to work in the beginning of the year to employ the full force of his office, knowing that his course would exhaust the appropriation for this fiscal year long before the year was out; and I say here, and I say it in the face of the American people, that man upon his own confession violated his official oath when he deliberately set to work to exceed the appropriations for his department. A friend at my side suggests to me, Why, has the gentleman from Connecticut, who defends the Public Printer, forgotten the lesson he read to the country on the conduct of the Second Assistant Postmaster-General for his postal service deficiency?

Mr. HAWLEY. Also on the printing department I read you a lesson.

Mr. McMAHON. You did not read me a lesson; I beg your pardon. The rule that applies to the one does also to the other. You then insisted upon the doctrine I now urge.

I come now to the Internal Revenue Department, about which my friend from New York makes such a terrible and piteous appeal. Does the gentleman know, and if he does I want the country also to know, that with the deficiency appropriation for salaries and expenses of gaugers, &c., made in this bill, of $500,000 that Department gets $100,000 more for this service for this fiscal year than the Commissioner estimated for the next fiscal year, or the appropriation for that year? What is the matter with the books or the management of the Internal Revenue Department?

Mr. HAWLEY. Twenty million dollars more collected; that is the matter.

Mr. McMAHON. Why is it that for the next fiscal year he wants a total expenditure, as I have figured it up, of only $4,820,330, whereas if we give him this deficiency, as asked by the gentleman from New York, the total for this fiscal year will be $5,255,218? Is the internal-revenue service to decrease $20,000,000 to $30,000,000 next year? Oh, no; this is not claimed, and the excuse which was made before the members of the sub-committee was that the estimates for the next fiscal year were made up by some subordinate in the office while Hon. Green B. Raum was stumping the United States to elect somebody to the Presidency. Yet these very estimates are repeated and indorsed by the Commissioner of Internal Revenue in his annual report.

Mr. HISCOCK. Will the gentleman let me ask him a single question.

Mr. McMAHON. I cannot. Think of it, Mr. Speaker, that the appropriations asked for the Internal Revenue Department to complete the service of this fiscal year are more than four hundred thousand dollars more than were estimated in his letter to Congress for the service of the next fiscal year! How can this be explained? Even with the deficiency now granted, the provision for this fiscal year exceeds that of next year.

Mr. HAWLEY. And a gain of $20,000,000 of revenue in two years.

Mr. McMAHON. Are we not to gain next year? Does not the Commissioner say that the service is increasing? Why do we need $2,500,000 for gaugers and storekeepers for this year when the Commissioner only asked and received $2,100,000 for the next year?

Mr. HAWLEY. Every new distillery requires a new man to watch it.

Mr. McMAHON. I am glad to see the gentleman is uneasy and takes these statements home, because I want the country to take them home as well, and I want it to understand that either too much has been demanded of this Congress for this year or else these public officers when their estimates were being made were neglecting public interests and engaged in performing upon the stump "civil service reform" for this delightful administration which is drawing to its inglorious close.

We come to the next item; and I consider only those things objected to by the gentleman from New York. But before I leave the Public Printer I wish to say to the House and the country that we have not done this man or his department any injustice. The expenditures for the fiscal year ending June 30, 1878, were $1,638,701; the fiscal year ending June 30, 1879, $1,716,012, and for the last fiscal year, when he learned the new dodge of putting this deficiency on us they amounted to $2,034,000. We gave him at the beginning of this year $1,600,000, and he stated to the chairman of the sundry civil committee who had this matter in charge, and is my authority for the statement, that he would live within that appropriation.

Now, when we propose to give him $300,000 more, making a sum total of $1,900,000, our republican friends complain that there will be a deficiency, and that he cannot transact the public business. I never in my life have known a republican who did not claim that there was not quite enough in appropriations of the public money. I never knew one that claimed that a Department could live within its appropriations. There are always deficiencies. They are always cramped; always coming up to us with the cry of Oliver for "more, more, more." Always wanting somebody to vote them more money.

The third objection that is raised by gentlemen upon the other side against this bill is that we have not made any provision in the bill for the special deputy United States marshals. Mr. Speaker, when the enormous corruption fund which common rumor says was raised for election purposes last fall to see that Garfield and the republican Congress were put through, I think it rather cheeky at this time for gentlemen of the republican party to come in here and claim that an extra compensation of a hundred thousand dollars should be taken from the Treasury and paid out to these men who were employed without warrant of law for such electioneering purposes. I imagine that gentlemen will hardly wonder that a democratic House refuses to make an appropriation of money expended for such a purpose—money that was used to pay marshals and their deputies employed expressly and exclusively for electioneering purposes. We did leave it out, and I want to say to my distinguished friend from New York, my colleague on the committee, that Hon. John Sherman himself has had honesty and sagacity enough to know that this was not properly a deficiency. He did not recommend that $100,000 be appropriated for the payment of deputy marshals. He knew very well that there was no deficiency. It is a service which was expressly ignored and not appropriated for, and whether they have a right to be paid their money or not is a question which has been discussed in the past, and I need not now revive it. They will not get their money from us.

My friends on the other side suggest that it become a claim against the Government. That is a matter for their determination hereafter.

Now, passing from the disputed points, let me recapitulate some of the principal items of this bill. We appropriate for the Court of Claims $450,000; for the Internal Revenue Department, for deficiencies, over $710,000; for the Post-Office Department, growing out of the increased demand for mail facilities, the opening of new railroads and the increase of service upon them, $280,000; for the Department of Justice, $215,000; for certain land-grant railroads, to pay them 50 per cent. of the amount the Quartermaster's Department finds due them, $275,000; for Army transportation, $125,000; public printing, $300,000; for refunding duties to importers, the excess of deposits, &c., $300,000; for bounty, back pay, &c., to volunteers, about three hundred and fourteen thousand dollars, although the appropriation is indefinite; for payment to the Miami Indians, under the provisions of the fourth article of the treaty of June 5, 1854, $221,000; for lost horses and other property in the military service, being old war claims, we appropriate $67,000; to pay to the State of Kansas under her enabling act, $190,000; for artificial limbs and appliances, $200,000.

These are the chief items of the bill, and I will say to gentlemen upon either side that all other claims either for commutation, for rations, for artificial limbs, or for bounty and back pay, for rent, &c., or anything of that kind, which have been regularly audited by the Auditor and Comptroller, and properly recommended to the committee, will be found provided for in the bill with a very few exceptions. And I will also say to my friend from Nebraska [Mr. VALENTINE] that the items to which he refers, and which were certified to the committee only by the Secretary of the Interior, were not incorporated in the bill. But only those have been omitted for which there was no recommendation from the Auditor and Comptroller.

A large number of these claims came to the committee upon the statement from the Department that they were equitably due; but they were not included in the bill because not duly audited. The practice with our committee has been to refuse to take jurisdiction of claims unless they were properly certified to the committee in the manner provided by law.

I will say to the gentleman that the Senate has passed a bill which will reach these claims, and it is now upon the Speaker's table. No Appropriation Committee, and especially a deficiency sub-committee, would be willing to assume the responsibility of going outside of the usual custom and incorporating matters which did not come properly before them, as a mere Appropriation Committee.

Mr. VALENTINE. The letter from the Secretary of the Interior says that these are not only equitable but they are just claims.

Mr. McMAHON. If they were legal claims they should have been audited and presented to the committee. There are many equitable claims and just claims which have no standing in an Appropriation Committee-room.

Mr. VALENTINE. But has not the committee passed a law that they cannot be audited until an appropriation is made to pay them?

Mr. McMAHON. No, sir; by no means.

Mr. VALENTINE. Then the law has been repealed?

Mr. McMAHON. No, but when a man makes a claim for lost horses it does not require an appropriation to be put into the bill in advance to enable the claim to be ascertained and reported upon; and so also in reference to many other claims of that same kind. It was under the construction of the law of 1878, for which we are not responsible.

Mr. VALENTINE. I understand the gentleman from Ohio to say that it is not the law now?

Mr. McMAHON. The law says that the claim shall be first audited and then reported to Congress, and after the claims are audited then a provision for their payment is incorporated into the bill.

Mr. VALENTINE. You refuse then to put them in for that reason.

Mr. McMAHON. Undoubtedly.

Mr. VALENTINE. But the law says they cannot be audited until the appropriation has been passed to pay them.

Mr. McMAHON. The Committee on Appropriations is not a claims committee. The law does not say so.

Mr. VALENTINE. These are not claims but deficiencies, because they are itemized.

Mr. McMAHON. I have answered the gentleman.

The SPEAKER *pro tempore*. The time allowed for debate has expired, and the question recurs on the motion to suspend the rules and pass the bill. This being a general appropriation bill the vote on its passage, as required by the rule, will be taken by yeas and nays. That in the judgment of the Chair is still required, notwithstanding that this is a motion to suspend the rules.

The question was taken; and there were—yeas 242, nay 1, not voting 47; as follows:

YEAS—242.

Acklen,	Cravens,	Kenna,	Russell, W. A.
Aiken,	Crowley,	Ketcham,	Ryan, Thomas
Aldrich, N. W.	Culberson,	Killinger,	Samford,
Aldrich, William	Daggett,	Kimmel,	Sapp,
Anderson,	Davidson,	King,	Sawyer,
Armfield,	Davis, George R.	Kitchin,	Scales,
Atherton,	Davis, Horace	Klotz,	Scoville,
Atkins,	Davis, Lowndes H.	Ladd,	Shallenberger,
Bachman,	Deering,	Lapham,	Shelley,
Bailey,	De La Matyr,	Le Fevre,	Sherwin,
Baker,	Deuster,	Lindsey,	Simonton,
Ballou,	Dibrell,	Lounsbery,	Singleton, J. W.
Barber,	Dickey,	Lowe,	Singleton, O. R.
Barlow,	Dunnell,	Manning,	Slemons,
Bayne,	Dwight,	Marsh,	Smith, A. Herr
Beale,	Einstein,	Martin, Edward L.	Smith, Hezekiah B.
Belford,	Elam,	Mason,	Smith, William E.
Beltzhoover,	Ellis,	McCoid,	Sparks,
Berry,	Errett,	McCook,	Speer,
Bicknell,	Evins,	McKenzie,	Springer,
Bingham,	Felton,	McKinley,	Starin,
Bisbee,	Ferdon,	McLane,	Steele,
Blake,	Fisher,	McMahon,	Stevenson,
Bland,	Ford,	McMillin,	Stone,
Bliss,	Forney,	Miles,	Talbott,
Blount,	Forsythe,	Miller,	Taylor, Ezra B.
Bouck,	Fort,	Mills,	Taylor, Robert L.
Boyd,	Frye,	Money,	Thomas,
Bragg,	Geddes,	Monroe,	Thompson, P. B.
Brewer,	Gillette,	Morrison,	Thompson, W. G.
Briggs,	Godshalk,	Morse,	Tillman,
Bright,	Goode,	Muldrow,	Townsend, Amos
Browne,	Hall,	Myers,	Tucker,
Buckner,	Hammond, John	Neal,	Turner, Oscar
Burrows,	Hammond, N. J.	New,	Tyler,
Butterworth,	Harris, Benj. W.	Newberry,	Updegraff, J. T.
Cabell,	Harris, John T.	Nicholls,	Upson,
Caldwell,	Haskell,	Norcross,	Urner,
Calkins,	Hatch,	O'Neill,	Valentine,
Camp,	Hawk,	O'Reilly,	Van Aernam,
Cannon,	Hawley,	Orth,	Vance,
Carlisle,	Hayes,	Osmer,	Voorhis,
Carpenter,	Hazelton,	Overton,	Waddill,
Caswell,	Heilman,	Pacheco,	Ward,
Chalmers,	Henderson,	Page,	Warner,
Chittenden,	Henkle,	Phelps,	Washburn,
Claflin,	Herbert,	Philips,	Wellborn,
Clardy,	Herndon,	Phister,	Wells,
Clark, Alvah A.	Hiscock,	Poehler,	Whiteaker,
Clark, John B.	Hooker,	Prescott,	Williams, C. G.
Clements,	Horr,	Price,	Williams, Thomas
Clymer,	Hostetler,	Ray,	Willis,
Cobb,	House,	Reagan,	Willits,
Coffroth,	Hubbell,	Reed,	Wilson,
Colerick,	Humphrey,	Richardson, J. S.	Wise,
Conger,	Hunton,	Richmond,	Wood,
Converse,	Hurd,	Robertson,	Wright,
Cook,	Hutchins,	Robeson,	Yocum,
Covert,	Jorgensen,	Robinson,	Young, Casey.
Cowgill,	Keifer,	Ross,	
Crapo,	Kelley,	Rothwell,	

NAY—1.

Dunn.

NOT VOTING—47.

Blackburn,	Henry,	Morton,	Townshend, R. W.
Bowman,	Hill,	Muller,	Turner, Thomas
Brigham,	Houk,	Murch,	Updegraff, Thomas
Cox,	James,	O'Brien,	Van Voorhis,
Davis, Joseph J.	Johnston,	O'Connor,	Wait,
Dick,	Jones,	Persons,	Weaver,
Ewing,	Joyce,	Pound,	White,
Finley,	Knott,	Rice,	Whitthorne,
Frost,	Loring,	Richardson, D. P.	Wilber,
Gibson,	Martin, Benj. F.	Russell, Daniel L.	Yeates,
Gunter,	McGowan,	Ryon, John W.	Young, Thomas L.
Harmer,	Mitchell,	Stephens,	

So (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

The following additional pairs were announced:

Mr. YEATES with Mr. HEILMAN, until further notice.

Mr. WAIT with Mr. JOHNSTON, for this legislative day, both gentlemen being indisposed.

Mr. STEPHENS with Mr. MITCHELL, for this day.

Mr. MARTIN, of West Virginia, with Mr. DICK, for this day, on all questions except a quorum.

Mr. PERSONS with Mr. MCGOWAN, for this day; Mr. PERSONS to be allowed to vote to make a quorum.

Mr. HILL with Mr. RICE, until three o'clock.

Mr. THOMAS TURNER with Mr. JOYCE, for the remainder of the day.

Mr. WHITTHORNE with Mr. HARMER, on the deficiency bill.

Mr. BLACKBURN with Mr. LORING, on this bill.

The result of the vote was then announced as above stated.

FUNDING BILL.

Mr. TUCKER. I call for the regular order.

The SPEAKER. The regular order is the consideration of the Senate amendments to the refunding bill. The pending question is on the demand made by the gentleman from Virginia [Mr. TUCKER] for the main question on the sixteenth amendment of the Senate.

Mr. TUCKER. On concurring in the sixteenth amendment.

The SPEAKER. On the motion to concur.

The question being taken, on a *viva voce* vote, the Chair stated that the ayes appeared to have it.

Mr. CONGER. I call for a division.

The House divided; and there were—ayes 101, noes none.

Mr. CONGER. A quorum has not voted.

The SPEAKER. The Chair will order tellers, and appoints the gentleman from Virginia, Mr. TUCKER, and the gentleman from Michigan, Mr. BURROWS.

The House again divided, and the tellers reported—ayes 114, noes 7.

Mr. CONGER. I want the negative to have a chance. We all feel as they did in "Bluebeard," when they asked sister Anne if she could see anybody coming.

The count was resumed; and the tellers reported—ayes 119, noes 7.

Mr. CONGER. No quorum.

Mr. CARLISLE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 25, not voting 131; as follows:

YEAS—134.

Acklen,	Cravens,	Kitchen,	Scoville,
Aiken,	Culberson,	Klotz,	Shelley,
Armfield,	Davidson,	Knott,	Simonton,
Atherton,	Davis, Lowndes H.	Ladd,	Singleton, J. W.
Atkins,	De La Matyr,	Le Fevre,	Singleton, O. R.
Bachman,	Deuster,	Lounsbery,	Slemons,
Barlow,	Dibrell,	Lowe,	Smith, Hezekiah B.
Beale,	Dickey,	Manning,	Smith, William E.
Beltzhoover,	Dunn,	Marsh,	Sparks,
Berry,	Elam,	Martin, Benj. F.	Speer,
Bicknell,	Ellis,	McKenzie,	Springer,
Blackburn,	Evins,	McLane,	Steele,
Bland,	Finley,	McMahon,	Stevenson,
Blount,	Forney,	McMillin,	Talbott,
Bouck,	Frost,	Mills,	Taylor, Robert L.
Bragg,	Geddes,	Money,	Thompson, P. B.
Bright,	Gibson,	Morrison,	Tillman,
Buckner,	Gillette,	Muldrow,	Tucker,
Cabell,	Goode,	Myers,	Turner, Oscar
Caldwell,	Gunter,	New,	Vance,
Carlisle,	Hammond, N. J.	Nicholls,	Waddill,
Chalmers,	Harris, John T.	O'Reilly,	Warner,
Clardy,	Hatch,	Phelps,	Weaver,
Clark, Alvah A.	Henkle,	Philips,	Wellborn,
Clark, John B.	Herbert,	Phister,	Whiteaker,
Clements,	Herndon,	Poehler,	Whitthorne,
Clymer,	Hooker,	Reagan,	Williams, Thomas
Cobb,	Hostetler,	Richardson, J. S.	Willis,
Coffroth,	House,	Richmond,	Wilson,
Colerick,	Hunton,	Robertson,	Wise,
Converse,	Kelley,	Rothwell,	Wright,
Cook,	Kenna,	Samford,	Young, Casey.
Covert,	Kimmel,	Sawyer,	
Cox,	King,	Scales,	

NAYS—25.

Anderson,	Davis, Horace	Hutchins,	Robinson,
Belford,	Dunnell,	Jones,	Ryon, Thomas
Bliss,	Einstein,	Killinger,	Washburn,
Boyd,	Ford,	Morse,	Yocum.
Browne,	Haskell,	Neal,	
Cannon,	Hawk,	Orth,	
Daggett,	Hawley,	Page,	

NOT VOTING—131.

Aldrich, N. W.	Carpenter,	Forsythe,	Humphrey,
Aldrich, William	Caswell,	Fort,	Hurd,
Bailey,	Chittenden,	Frye,	James,
Baker,	Claflin,	Godshalk,	Johnston,
Ballou,	Conger,	Hall,	Jorgensen,
Barber,	Cowgill,	Hammond, John	Joyce,
Bayne,	Crapo,	Harmer,	Keifer,
Bingham,	Crowley,	Harris, Benj. W.	Ketcham,
Bisbee,	Davis, George R.	Hayes,	Lapham,
Blake,	Davis, Joseph J.	Hazelton,	Lindsey,
Bowman,	Deering,	Heilman,	Loring,
Brewer,	Dick,	Henderson,	Martin, Edward L.
Briggs,	Dwight,	Henry,	Mason,
Brigham,	Errett,	Hill,	McCoid,
Burrows,	Ewing,	Hiscock,	McCook,
Butterworth,	Felton,	Horr,	McGowan,
Calkins,	Ferdon,	Houk,	McKinley,
Camp,	Fisher,	Hubbell,	Miles,
Miller,	Pound,	Smith, A. Herr	Valentine,
Mitchell,	Prescott,	Starin,	Van Aernam,
Monroe,	Price,	Stephens,	Van Voorhis,
Morton,	Ray,	Stone,	Voorhis,
Muller,	Reed,	Taylor, Ezra B.	Wait,
Murch,	Rice,	Thomas,	Ward,
Newberry,	Richardson, D. P.	Thompson, Wm. G.	Wells,
Norcross,	Robeson,	Townsend, Amos	White,
O'Brien,	Ross,	Townshend, R. W.	Wilber,
O'Connor,	Russell, Daniel L.	Turner, Thomas	Williams, C. G.
O'Neill,	Russell, W. A.	Tyler,	Willits,
Osmer,	Ryon, John W.	Updegraff, J. T.	Wood,
Overton,	Sapp,	Updegraff, Thomas	Yeates,
Pacheco,	Shallenberger,	Upson,	Young, Thomas L.
Persons,	Sherwin,	Urner,	

So the main question was ordered.

At the conclusion of the second call of the roll,

Mr. TUCKER said: I move to dispense with the reading of the names.

Mr. CONGER. I object.

The names of those voting were then read.

The following additional pairs where then announced:

Mr. TOWNSHEND, of Illinois, with Mr. HENDERSON, for the remainder of the day, on all questions.

Mr. HISCOCK with Mr. COBB, they being absent on a conference committee.

Mr. PERSONS, (having voted in the affirmative.) I voted inadvertently. I am paired, and withdraw my vote.

The result of the vote was then announced as above stated.

Mr. TUCKER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question was taken on concurring in the amendment of the Senate numbered 16; and upon a division there were—ayes 95, noes 12.

Mr. CONGER. No quorum has voted.

The SPEAKER. The point being made that no quorum has voted the Chair will appoint tellers.

Mr. CARLISLE. Let us have the yeas and nays ordered at once.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 16, not voting 128; as follows:

YEAS—146.

Acklen,	Davidson,	Kitchin,	Scoville,
Aiken,	Davis, Lowndes H.	Klotz,	Shelley,
Anderson,	De La Matyr,	Knott,	Simonton,
Armfield,	Deuster,	Le Fevre,	Singleton, J. W.
Atherton,	Dibrell,	Lounsbery,	Singleton, O. R.
Atkins,	Dickey,	Lowe,	Slemons,
Bachman,	Dunn,	Manning,	Smith, Hezekiah B.
Beale,	Elam,	Marsh,	Smith, William E.
Beltzhoover,	Ellis,	Martin, Benj. F.	Sparks,
Berry,	Evins,	Martin, Edward L.	Speer,
Bicknell,	Felton,	McKenzie,	Springer,
Blackburn,	Finley,	McLane,	Steele,
Bland,	Forney,	McMahon,	Stevenson,
Blount,	Fort,	McMillin,	Talbott,
Bouck,	Frost,	Mills,	Taylor, Robert L.
Bragg,	Geddes,	Money,	Thompson, P. B.
Bright,	Gibson,	Morrison,	Tillman,
Buckner,	Gillette,	Muldrow,	Tucker,
Butterworth,	Goode,	Myers,	Turner, Oscar
Cabell,	Gunter,	Neal,	Valentine,
Caldwell,	Hammond, N. J.	New,	Vance,
Carlisle,	Harris, John T.	Nicholls,	Waddill,
Chalmers,	Haskell,	O'Reilly,	Warner,
Clardy,	Hatch,	Persons,	Weaver,
Clark, Alvah A.	Henkle,	Phelps,	Wellborn,
Clark, John B.	Herbert,	Philips,	Wells,
Clements,	Herndon,	Phister,	Whiteaker,
Clymer,	Hooker,	Poehler,	Whitthorne,
Cobb,	Hostetler,	Reagan,	Williams, Thomas
Coffroth,	House,	Richardson, J. S.	Willis,
Colerick,	Hunton,	Richmond,	Wilson,
Converse,	Hurd,	Robertson,	Wise,
Cook,	Kelley,	Rothwell,	Wright,
Covert,	Kenna,	Ryan, Thomas	Yocum,
Cox,	Killinger,	Samford,	Young, Casey.
Cravens,	Kimmel,	Sawyer,	
Culberson,	King,	Scales,	

NAYS—16.

Baker,	Cannon,	Hawk,	O'Neill,
Boyd,	Dunnell,	Hawley,	Prescott,
Browne,	Einstein,	Jones,	Robinson,
Calkins,	Ford,	Ladd,	Washburn.

NOT VOTING—128.

Aldrich, N. W.	Camp,	Ewing,	Horr,
Aldrich, William	Carpenter,	Ferdon,	Houk,
Bailey,	Caswell,	Fisher,	Hubbell,
Ballou,	Chittenden,	Forsythe,	Humphrey,
Barber,	Claflin,	Frye,	Hutchins,
Barlow,	Conger,	Godshalk,	James,
Bayne,	Cowgill,	Hall,	Johnston,
Belford,	Crapo,	Hammond, John	Jorgensen,
Bingham,	Crowley,	Harmer,	Joyce,
Bisbee,	Daggett,	Harris, Benj. W.	Keifer,
Blake,	Davis, George R.	Hayes,	Ketcham,
Bliss,	Davis, Horace	Hazelton,	Lapham,
Bowman,	Davis, Joseph J.	Heilman,	Lindsey,
Brewer,	Deering,	Henderson,	Loring,
Briggs,	Dick,	Henry,	Mason,
Brigham,	Dwight,	Hill,	McCoid,
Burrows,	Errett,	Hiscock,	McCook,

McGowan,	Osmer,	Sapp,	Updegraff, Thomas
McKinley,	Overton,	Shallenberger,	Upson,
Miles,	Pacheco,	Sherwin,	Urner,
Miller,	Page,	Smith, A. Herr	Van Aernam,
Mitchell,	Pound,	Starin,	Van Voorhis,
Monroe,	Price,	Stephens,	Voorhis,
Morse,	Ray,	Stone,	Wait,
Morton,	Reed,	Taylor, Ezra B.	Ward,
Muller,	Rice,	Thomas,	White,
Murch,	Richardson, D. P.	Thompson, W. G.	Wilber,
Newberry,	Robeson,	Townsend, Amos.	Williams, C. G.
Norcross,	Ross,	Townshend, R. W.	Willits,
O'Brien,	Russell, Daniel L.	Turner, Thomas	Wood,
O'Connor,	Russell, W. A.	Tyler,	Yeates,
Orth,	Ryon, John W.	Updegraff, J. T.	Young, Thomas L.

So the sixteenth amendment of the Senate was concurred in.

At the conclusion of the second call of the roll,

Mr. CONGER said: I move to dispense with the reading of the names.

There was no objection.

Mr. TUCKER moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TUCKER. The next amendment of the Senate, upon which the action of the House has not been had, is to section 4 of the bill, and is the amendment numbered 25, to insert the word "temporarily" in line 3, after the words "to use." I am instructed by the Committee on Ways and Means to move a concurrence in that amendment with an amendment, which I send to the Clerk's desk.

The Clerk read the proposed amendment to the amendment, as follows:

In line 3 strike out the word temporarily" and insert in lieu thereof the words "from time to time;" in the same line, after the word "dollars," insert the words "at any one time;" in line 11 of the same section, after the word "of," insert the word "any;" and in line 12 of the same section, after the word "or," insert the words "of the."

The section, as proposed to be amended, is as follows:

SEC. 4. That the Secretary of the Treasury is hereby authorized, if in his opinion it shall become necessary, to use from time to time not exceeding $50,000,000 at any one time of the standard gold and silver coin in the Treasury in the redemption of the 5 and 6 per cent. bonds of the United States authorized to be refunded by the provisions of this act, which shall from time to time be repaid and replaced out of the proceeds of the sale of the bonds or Treasury notes authorized by this act; and he may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of any United States bonds or of the Treasury notes authorized by this act.

Mr. TUCKER. I call the previous question upon concurring in the amendment with the amendment which has been read.

Mr. MILLS. I move to concur with the amendment of the Senate.

The SPEAKER. The vote will be first taken on concurring in the amendment with an amendment.

Mr. TUCKER. I call the previous question on the motion to concur with the amendment and on the motion to concur.

Mr. CONGER. Which is the first in order to be voted upon?

The SPEAKER. The motion to concur with an amendment.

Mr. CONGER. Let the gentleman from Virginia [Mr. TUCKER] call the previous question on that motion only at this time. There will be no opposition to that.

Mr. TUCKER. Very well; I will move the previous question on concurring in the amendment of the Senate with an amendment.

The main question was ordered.

Mr. TUCKER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question was upon concurring in the amendment of the Senate numbered 25 with the amendment reported from the Committee on Ways and Means.

Mr. CONGER. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 88, nays 126, not voting 76; as follows:

YEAS—88.

Aldrich, William	Cowgill,	Hubbell,	Robinson,
Anderson,	Daggett,	Keifer,	Ryan, Thomas
Baker,	Davis, George R.	Killinger,	Sapp,
Ballou,	Davis, Horace	Lindsey,	Smith, A. Herr
Bayne,	Deering,	Marsh,	Taylor, Ezra B.
Belford,	Deuster,	Mason,	Thomas,
Bingham,	Dwight,	McCoid,	Thompson, Wm. G.
Blake,	Einstein,	McCook,	Townsend, Amos
Bliss,	Errett,	McKinley,	Tucker,
Bowman,	Felton,	Miles,	Tyler,
Boyd,	Ferdon,	Monroe,	Updegraff, J. T.
Brewer,	Fisher,	Morse,	Updegraff, Thomas
Briggs,	Fort,	Neal,	Urner,
Brigham,	Frye,	O'Neill,	Van Aernam,
Browne,	Godshalk,	Orth,	Voorhis,
Burrows,	Hall,	Osmer,	Ward,
Cannon,	Harris, Benj. W.	Overton,	Washburn,
Carlisle,	Haskell,	Prescott,	White,
Carpenter,	Hawk,	Price,	Wilber,
Caswell,	Hawley,	Ray,	Willits,
Claflin,	Heilman,	Reed,	Wood,
Conger,	Horr,	Robeson,	Young, Thomas L.

NAYS—126.

Acklen,	Cravens,	Klotz,	Shelley,
Aiken,	Davidson,	Knott,	Simonton,
Armfield,	Davis, Lowndes H.	Ladd,	Singleton, J. W.
Atherton,	Dibrell,	Le Fevre,	Singleton, O. R.
Atkins,	Dickey,	Lowe,	Slemons,
Bachman,	Dunn,	Manning,	Smith, Hezekiah B.
Barlow,	Elam,	Martin, Edward L.	Smith, William E.
Beale,	Ellis,	McKenzie,	Sparks,
Berry,	Evins,	McLane,	Speer,
Bicknell,	Ewing,	McMahon,	Springer,
Blackburn,	Finley,	McMillin,	Steele,
Bland,	Forney,	Mills,	Stevenson,
Blount,	Frost,	Money,	Talbott,
Bouck,	Geddes,	Morrison,	Taylor, Robert L.
Bragg,	Goode,	Muldrow,	Thompson, P. B.
Bright,	Gunter,	Myers,	Tillman,
Buckner,	Hammond, N. J.	New,	Turner, Oscar
Cabell,	Harris, John T.	Nicholls,	Upson,
Caldwell,	Hatch,	O'Reilly,	Vance,
Chalmers,	Henkle,	Persons,	Waddill,
Clardy,	Herbert,	Philips,	Wellborn,
Clark, Alvah A.	Herndon,	Phister,	Whiteaker,
Clark, John B.	Hooker,	Poehler,	Whitthorne,
Clements,	Hostetler,	Reagan,	Williams, Thomas
Clymer,	Hunton,	Richardson, J. S.	Willis,
Cobb,	Hurd,	Richmond,	Wilson,
Coffroth,	Jones,	Robertson,	Wise,
Colerick,	Kelley,	Rothwell,	Wright,
Converse,	Kenna,	Samford,	Yeates,
Cook,	Kimmel,	Sawyer,	Young, Casey.
Covert,	King,	Scales,	
Cox,	Kitchin,	Scoville,	

NOT VOTING—76.

Aldrich, N. W.	Gillette,	Loring,	Ross,
Bailey,	Hammond, John	Lounsbery,	Russell, Daniel L.
Barber,	Harmer,	Martin, Benj. F.	Russell, W. A.
Beltzhoover,	Hayes,	McGowan,	Ryon, John W.
Bisbee,	Hazelton,	Miller,	Shallenberger,
Butterworth,	Henderson,	Mitchell,	Sherwin,
Calkins,	Henry,	Morton,	Starin,
Camp,	Hill,	Muller,	Stephens,
Chittenden,	Hiscock,	Murch,	Stone,
Crapo,	Houk,	Newberry,	Townshend, R. W.
Crowley,	House,	Norcross,	Turner, Thomas
Culberson,	Humphrey,	O'Brien,	Valentine,
Davis, Joseph J.	Hutchins,	O'Connor,	Van Voorhis,
De La Matyr,	James,	Pacheco,	Wait,
Dick,	Johnston,	Page,	Warner,
Dunnell,	Jorgensen,	Phelps,	Weaver,
Ford,	Joyce,	Pound,	Wells,
Forsythe,	Ketcham,	Rice,	Williams, C. G.
Gibson,	Lapham,	Richardson, D. P.	Yocum.

So the motion to concur in the Senate amendment with an amendment was not agreed to.

Mr. TUCKER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TUCKER. I now move to concur in the Senate amendment, and demand the previous question.

The main question was ordered.

Mr. TUCKER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question is now on concurring in the amendment of the Senate.

The amendment was concurred in.

Mr. TUCKER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLMENT OF THE RIVER AND HARBOR APPROPRIATION BILL.

Mr. KENNA. I rise to make a privileged report from the Committee on Enrolled Bills, and to ask such action from the House as may authorize two corrections in the enrollment of the river and harbor appropriation bill. By direction of the committee, I submit the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the Committee on Enrolled Bills be, and said committee is hereby, authorized and directed to change the enrollment of the bill making appropriations for the construction, completion, and repair of certain works on rivers and harbors, and for other purposes, so that the item appropriating $10,000 for the Little Red River in Arkansas shall be stricken out and the word "the" in the item in relation to the Rock Island and Pacific Railroad Company be substituted by the word "those;" the first of said changes being necessary to correct a clerical error in the conference report on said bill, and the second correction being necessary to correct a clerical error in a Senate amendment thereto.

The resolution was adopted.

FUNDING BILL.

Mr. TUCKER. The next amendment of the Senate to which I call the attention of the House is the twenty-ninth amendment, to strike out the word "May," in the first line of section 5, and insert the word "July." I move concurrence in that amendment of the Senate and on that motion call the previous question.

Mr. CONGER. Before that motion is put, I desire to be heard. I did not know that the House had voted on the second motion to concur.

The SPEAKER. It did vote.

Mr. CONGER. Mr. Speaker, before the gentleman calls the previous question——

The SPEAKER. Is there any further amendment from the Committee on Ways and Means?

Mr. CONGER. The gentleman from Virginia has demanded the previous question; I insist that I have the right to offer an amendment.

The SPEAKER. The committee's amendments had better be proceeded with.

Mr. TUCKER. The Committee on Ways and Means authorized me to move concurrence in the amendment to the fifth section, with an amendment——

Mr. CONGER. I desire to be heard.

The SPEAKER. The Chair will recognize the gentleman from Michigan.

Mr. CONGER. But the gentleman from Virginia is calling the previous question.

Mr. TUCKER. The committee authorized me to move to concur with the Senate amendment to which I have called attention, with an amendment——

Mr. SPRINGER. I reserve all points of order.

Mr. BUCKNER. Is this an additional amendment to those proposed yesterday?

The SPEAKER. The Chair is not quite able to understand.

Mr. FRYE. I desire to ask the gentleman from Virginia a question. Does he not remember that at this point the Committee on Ways and Means agreed to withdraw the committee's amendment inserting "September" for the purpose of allowing the gentleman from Michigan to offer an amendment?

Mr. TUCKER. Yes, sir.

Mr. FRYE. And this is to be open to the amendment of the gentleman from Michigan?

Mr. TUCKER. Certainly. I am only mentioning now what the committee authorized me to do, so far as their action is concerned.

Mr. FRYE. Does the gentleman state that the committee authorized him to report an amendment inserting "September" instead of "July?"

Mr. TUCKER. No, sir. On the contrary, the gentleman from Michigan asked that we would withdraw that in order that he might move to attach his amendment.

Mr. FRYE. Does the gentleman understand if the House now votes to concur with the Senate amendment that that amendment is still open for the amendment of the gentleman from Michigan?

Mr. TUCKER. I will let the gentleman offer his amendment now.

The SPEAKER. The committee's amendment had better be proceeded with.

Mr. FRYE. If the Speaker pleases, the Senate changed May to July. The committee changed July to September. Then the committee retired from the change from July to September in order to allow the gentleman from Michigan to move the September amendment with another amendment. Now, if the House concurs in the Senate amendment will the gentleman still have his right of moving to amend by changing that to September and something else? If not, then the gentleman from Michigan could offer his amendment at this point.

Mr. TUCKER. I will let the gentleman offer his amendment at this point, and then demand the previous question.

The SPEAKER. The Chair has no wish except to conform to the wishes of the committee.

Mr. CONGER. I read the amendment I am permitted to offer at this time.

Mr. SPRINGER. Is this the amendment of the gentleman from Michigan?

The SPEAKER. It is.

Mr. SPRINGER. I reserve points of order on that amendment.

The Clerk read as follows:

Amend the fifth section by striking out "July," in the first line, and after the words "provided further," in line 20 and to and including the word "repeal," in line 24; and by inserting the word "September" in the first line in place of the word "July," propcsed to be stricken out.

Mr. SPRINGER. I make the point of order on that amendment.

Mr. CONGER. I desire to say——

Mr. SPRINGER. I have no objection to the gentleman from Michigan being heard, but I insist on my point of order.

Mr. MILLS. I hope the gentleman will withdraw his point of order.

Mr. TUCKER. Withdraw your point of order and let the vote be taken on it.

Mr. CONGER. I ask the Clerk to read the words proposed to be stricken out.

Mr. SPRINGER. I make the point of order.

The SPEAKER. The Chair will first cause the words to be read which the gentleman proposes to strike out.

The Clerk read as follows:

The amendment strikes out the word "July" in line 1 of section 5, and inserts "September;" and it also strikes out, in lines 20, 21, 22, 23, and 24, the following words: "That section 4 of the act of June 20, 1874, entitled 'An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes,' be, and the same is hereby, repealed."

Mr. CONGER rose.

The SPEAKER. The gentleman from Virginia stated some debate was to be allowed, and he does not know whether that debate is to be allowed at this time.

Mr. TUCKER. If any debate is desired, I shall be willing to allow it for a reasonable time.

Mr. FRYE. If the gentleman will allow me for a moment. It is understood there should be some debate when we reach the amendment in the fifth section; that is, this amendment. It may as well be to have it now.

Mr. TUCKER. Under the rule I believe fifteen minutes to each side is allowed.

Mr. FRYE. I understand there are two gentlemen who would like fifteen minutes each.

Mr. TUCKER. I am informed I have an hour, and I will agree to yield thirty minutes to each side.

Mr. FRYE. The two gentlemen I have referred to are the gentleman from Iowa [Mr. PRICE] and the gentleman from Michigan, [Mr. CONGER.]

Mr. CANNON, of Illinois. And I should like to have five minutes.

The SPEAKER. That will be thirty-five minutes on that side. The additional five minutes will have to come out of the half hour allowed to the other side.

Mr. TUCKER. I call for the previous question. There are several gentlemen who wish to speak, and I can only agree to half an hour on each side.

Mr. CONGER. Does this side begin? If so, we wish to reserve a part of our time to answer what may be said on the other side.

Mr. CARLISLE. The question before the House is the amendment of the gentleman from Michigan.

Mr. CONGER. We propose to stand by the committee's amendment. We find unfortunately we are compelled to sustain the Ways and Means Committee.

Mr. CARLISLE. The committee's amendment is not now before the House. The amendment before the House is the amendment of the gentleman from Michigan.

Mr. CONGER. The committee directed this to be offered.

Mr. CARLISLE. It did not. The committee agreed the gentleman might offer it, but the committee did not agree to it.

Mr. SPRINGER. I reserve all points of order against the amendment.

Mr. CANNON, of Illinois. Before we proceed I should like to make an inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON, of Illinois. It was stated an amendment was to be offered by somebody, providing that nothing herein contained should repeal section 5224.

Mr. CARLISLE. That is the committee's amendment.

The SPEAKER. It will be reached in due time.

Mr. CONGER. I yield five minutes to the gentleman from Maine.

Mr. FRYE. The amendment which the gentleman from Michigan offers is one, in my judgment, in the present condition of public sentiment, of very great importance. Sections 5220, 5221, 5222, and 5224 of the Revised Statutes of the United States provide for the voluntary liquidation of banking corporations. In that voluntary liquidation the bank itself, by the action of a certain number of its stockholders, may, under the law, redeem all its bonds on deposit in the Treasury for its circulation in the lawful currency of the United States; and two of these sections providing for that contingency were the revised acts of June, 1874, referred to in section 5 of this bill.

Now, the bill proposed by the Committee on Ways and Means, in this section now under consideration and the amendments proposed by the gentleman from Kentucky, provides for a repeal of that law of June, 1874, and the question meeting this House squarely is simply this: Does that repeal of the law of June, 1874, repeal the right of a national bank to go into voluntary liquidation and redeem its bonds by the use of lawful currency? And, Mr. Speaker, gentlemen are divided, and divided honestly, in their opinion on this subject. Some of the best lawyers in this country to-day are writing to Congress insisting that if the amendment recommended by the gentleman from Kentucky shall prevail, they hold that it will operate as an absolute repeal of all power on the part of the national banks voluntarily to liquidate and redeem their United States bonds deposited with the Secretary of the Treasury as security for circulation by lawful currency. If it does this, if it accomplishes this result, a gross and grave injustice is done to this great interest in this country. If it does not, then the complaint is without foundation. But, sir, a majority of the banking people of the country to-day fully believe that it does repeal that right.

Mr. Speaker, why should there be any question about it? Why should it be left open to doubt? Here we are enacting a law touching the most sensitive thing in the world, finance, (and gentlemen can see how sensitive a subject it is by observing what has transpired within the last week,) and in that enactment we are met with questions of such gravity and doubt as this. In legislating upon a subject so sensitive as this, why should it be left to a doubt if a single amendment, a few words incorporated in it, or if the English language can make it plain, certain, and unequivocal. It is the duty of the House and of the Committee on Ways and Means to make it so

certain that a wayfaring man, even though he be a fool, need not err therein.

Sir, the committee, in order to remove all doubt, agreed to an amendment offered by the gentleman from Ohio, [Mr. McKINLEY,] providing that nothing in this act shall be construed to effect these sections to which I called the attention of the House.

But, Mr. Speaker, that very amendment is probably open to the point of order, if any gentleman here should make it; and under a former ruling of the Speaker it is very likely that it might be ruled out. What will be the effect? The friends of the bill reject Mr. CONGER'S amendment, also reject or have ruled out of order the amendment of the gentleman from Ohio, [Mr. McKINLEY.]

What meaning will you convey to the country? What will be the signification of your action? Do you not give notice, practically, to the banks that they cannot liquidate without redeeming their bonds held by the Treasury in their own circulation? By rejecting the McKinley amendment do you not send out word to the country that it is the purpose in framing this bill to prevent the banks from liquidating under the existing provisions of law? that such at any rate is your construction? Sir, I hope this House will do nothing of the kind, but will so amend the law that no man can fail to comprehend readily and understand clearly its provisions.

Mr. CONGER. I now yield two minutes to the gentleman from California, [Mr. PAGE.]

Mr. PAGE. Mr. Speaker, I shall not attempt to discuss the merits of the amendment before the House in the brief time allotted to me by the courtesy of the gentleman from Michigan. All I desire to say is this, that I believe the majority of the House have sufficiently satisfied the country of their determination to pass this bill without any amendment. I believe the minority side of the House have sufficiently shown to the country that, notwithstanding their efforts, the majority will triumph, and that the bill will pass this body as it came from the Senate, notwithstanding their efforts to correct its inequalities.

For one I am unwilling to agree to any more delay or filibustering, [laughter and applause on the democratic side,] which I do not claim in the offensive use of the term is filibustering at all. But what I do say and meant to say is that I do not feel that this side of the House, after having exhausted under the rules of the House all of its parliamentary rights, can now afford to prolong or delay the passage of this bill, but leave it to the democratic majority to take the responsibility, and if it be a good law they shall be entitled to get the credit. But, Mr. Speaker, if it be a bad one, as I believe it is, the republican party will have washed its hands of the responsibility of putting the bill before the country without permitting necessary changes or modifications to be made in it.

Mr. CONGER. I now yield ten minutes to the gentleman from Iowa, [Mr. PRICE.]

Mr. PRICE. Mr. Speaker, I would very much like to have had an hour in place of ten minutes on this bill to state what I regard as the true condition of this matter. Those gentlemen upon the other side come in and say to the House they want a 3 per cent. funding bill passed. I am willing to accord to them honesty of intention in that declaration. On this side of the House and possibly some gentlemen upon that side doubt and doubt to-day the policy and practicability of floating a 3 per cent. bond.

And I but repeat what I said once before on this floor when the bill was under discussion at its first passage, and that is, that if a 3 per cent. bond be placed upon the market without any discretion on the part of the funding officer, and if it fails, you have injured beyond redemption almost the credit of the Government.

But that is all past. Instead of bringing in a 3 per cent. clean-cut and unmistakable bill for the issue of a 3 per cent. bond, you bring us in in a bill here in comparison with which, in my judgment, Pandora's box and the Trojan horse were simply innocent toys; a bill unsettling the entire business affairs of the country, alarming the capital of the country, and of course by alarming the capital interfering with all the manufacturing and producing interests of the country.

Now, the gentleman who advocated this bill, and the gentleman from Kentucky [Mr. CARLISLE] particularly, who has the principal charge of this bill, alleges and has endeavored to make gentlemen upon this side of the House believe, possibly has made gentlemen on that side of the House believe, that you do not intend to repeal the sections referred to by my friend, the gentleman from Maine, [Mr. FRYE,] when the last section of his bill provides in terms, not by implication, not by inference, but in terms, that this bill shall be called so and so and that it shall repeal all acts and parts of acts in conflict with this act. And this act provides that you cannot get the bonds out of the Treasury of the United States belonging to a bank that has deposited them there for circulation or for security of deposits made with them by the Government unless you deposit your own paper there for them. The section I refer to provides that lawful money may be deposited and these bonds taken up; while this bill says that they must return their own notes; and it would be base flattery not to call a man very foolish—that is as mild as I can put it—who does not know there never was a bank of issue established in this world that ever got in all of its own notes. And, consequently, if they cannot get in their own notes, and if they cannot get their bonds out any other way than by depositing their notes, they never can get their bonds. In other words, by this fifth section you say they shall do a certain thing that is morally impossible for them to do. And then you say if they don't do it you will put them into the hands of a receiver under section 5234 of the Revised Statutes; and there is no getting away from that section.

But the great bug-bear about this thing is the cry as to the national banks. They are the troublesome element in this matter. There are gentlemen upon this floor of intelligence, of integrity, of standing, not only here but at home, who rush to the front with as much velocity and ferocity whenever you name "national banks" as the wildest bull that ever came from the mountains of Andalusia would rush upon a red flag.

Oh, it is astonishing. What have the national banks done? They furnished a market for your bonds, and they did it at the solicitation of the Government, instead of your having to send your bonds to Europe where you would have to send money to pay the coupons for interest accruing on them; and they did it for the purpose of aiding the Government to float its debt. But that is all forgotten, and the hue and cry was raised from one end of the country to the other that it would not do to put power in the hands of a few men. That restriction was removed and banking was made free, so that any man or set of men who had any money could establish a bank. The trouble is that under this law shysters cannot establish a bank. It is a necessary prerequisite before you can establish a bank under the national banking act you must have some money. And that does not suit some gentlemen that would like to afflict this country as they did in the days of the past, twenty-five years ago, with the wild-cat, red-dog, and stump-tail currency, so that when you went to bed at night with a few dollars in your pocket you did not know whether you would find good money there in the morning or not.

To-day you have under the national banking law what you never had before and never will have again, if you destroy it—and you are bound to destroy it; the handwriting is on the wall; you are rushing at it with as little discretion and judgment as men ever displayed. To-day you have what you never had before, a national currency. The Government gets the benefit of every dollar destroyed. And you have a national currency that is safe in the hands of every man, no matter whether it be issued at Portland, Maine, or Portland, Oregon. You never look to see by what bank your money is issued. It is just as good now as it ever has been. And yet with your insane ferocity you rush upon this national banking system; yes, and you would rush on the thick bosses of Jehovah's buckler if you thought that there was a national bank behind it and destroy it if possible.

That is what the national banks have done. And yet these gentlemen clamor here, "Down with the national banks; down with the combination!" A combination? You had better look at your dictionaries and see what the word means. There are two thousand national banks in this country; and I defy gentlemen on this floor on either side to show me letters or telegrams from over thirty-five banks in the United States since this partisan attack has been made on them.

A combination? No, sir. There are some men in this country who propose that you shall not lock the door on them and throw away the key. They propose to get out while the door is open, and protect themselves against the Vandal that would tear down everything if "national bank" be written on its portals.

I have in my hands here fifty-six letters written from eighteen different States of this Union, not from those who are interested in national banks now in existence, but those who were interested in national banks formerly in existence, banking upon 5 or 6 per cent. bonds. They went out of the business because they could not afford to do business under the national banking law and pay the taxes which that law imposed upon the business.

I have had these letters in my desk for some time, and have wanted to get them before the country in this House. This is the first opportunity I have had since I obtained them. They were written to me voluntarily, because the writers said they wanted the country to understand this matter. You cannot plead that these letters are written by bankers or by persons interested in banks, because the writers are not in the banking business now.

I have the letters here from New York, New Jersey, Tennessee, Virginia—not sectional; there is no solid North or solid South about them—Indiana, Michigan, Nebraska, Missouri, Kansas, Wisconsin, Connecticut, Illinois, West Virginia, Pennsylvania, Ohio—yes, even Ohio—Kentucky, Georgia, and Iowa. I have fifty-six letters from eighteen different States of this Union; fifty-six witnesses on the stand to say that national banking, even on a 5 or 6 per cent. bond, is not profitable. And yet if you were to believe the statements of gentlemen on this floor you would believe that to own a share of national-bank stock would make a man almost a millionaire.

The SPEAKER *pro tempore*, (Mr. CLYMER.) The time of the gentleman has expired.

Mr. PRICE. I am sorry for it.

Mr. CONGER. I will reserve the remaining ten minutes of my time until we can hear from gentlemen on the other side.

Mr. TUCKER. I will yield five minutes to the gentleman from Iowa, [Mr. WEAVER,] and five minutes to the gentleman from Kentucky, [Mr. CARLISLE.]

Mr. WEAVER. Let the gentleman from Kentucky proceed first; I will follow him.

Mr. CARLISLE addressed the House. [See Appendix.]

Mr. SAMFORD. I ask unanimous consent that the gentleman from Kentucky [Mr. CARLISLE] be allowed to proceed.

Mr. PRICE. Not unless we can have equal time on this side. The discussion may go on for a week if you will give us an equal chance.

Mr. ROBESON. I suggest that the gentleman's time be extended ten minutes, and that ten minutes be allowed also on this side.

Several MEMBERS objected.

The SPEAKER *pro tempore*. There are objections. It is not in the power of the Chair to extend the gentleman's time.

Mr. TUCKER. I will agree that there shall be ten minutes more on each side.

Mr. CARLISLE. I did want to present to the House a proposition which I supposed——

The SPEAKER *pro tempore*. The Chair will put the request again. It is asked that the gentleman from Kentucky be allowed to pursue his argument for ten minutes longer.

Mr. CONGER. If it is taken out of the thirty minutes allowed on that side, we do not object. Of course we have no control over that part of the time.

Mr. MILLS. Let there be ten minutes more allowed on each side.

Mr. CONGER. Let it be taken out of the thirty minutes.

Mr. CARLISLE. I will not deprive other gentlemen who desire to speak on this bill of the privilege of doing so, by continuing my own remarks, unless upon the terms suggested—that ten minutes additional be allowed to each side of the House.

Mr. MILLS and others. Let that be done.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. MILLS] moves that ten minutes be allowed——

Mr. CONGER. There cannot be any motion of that kind.

The SPEAKER *pro tempore*. The gentleman from Texas asks unanimous consent——

Mr. CONGER. Let this additional time of the gentleman from Kentucky be first taken out of the thirty minutes allowed to his side. We shall see hereafter whether more time will be granted.

The SPEAKER *pro tempore*. There seem to be objections to the request that the time of the gentleman from Kentucky be extended.

Mr. WEAVER. Mr. Speaker, I did, together with the other members belonging to the national party, vote against the passage of this funding bill at the time it passed the House. We then entertained the opinion, to which we all still adhere, that it was the simple and economical duty of Congress to provide for the payment of these maturing bonds by substituting greenbacks for the full amount of national-bank currency, and then canceling the bonds held by the Treasury to secure bank circulation. This would have paid at once one-half of the maturing bonds, and the remainder could have been readily provided for out of the rapidly accumulating surplus revenues of the Government. The simple common-sense of this plan can never be obscured by either sophistry or ridicule. My colleague [Mr. GILLETTE] offered a substitute for the bill containing these very provisions, but it was rejected; and so the bill provided for a new and short loan at 3 per cent. It is impossible to provide for the payment of these securities or to legislate concerning them without in some manner affecting the banks, inasmuch as they are owned by the banks and deposited to secure their circulation.

The bill, however, is very far from relating exclusively to the interests of the banks, but in the broadest and most comprehensive manner relates to the welfare of the whole people. Contrary to the expectations of everybody, the bill passed the Senate substantially as it left this House, whereupon we are informed by the national bankers that the bill is obnoxious to them, and that if Congress persists in the measure they will retire their notes and bring business and financial ruin upon the country. This threat is already in progress of execution, and over sixteen million dollars of our currency has been retired since the 18th of February last. It is the highwayman's threat: "Your money or your life." These banks say, "legislate as we require, or we will let slip the dogs of war upon the business of the people." The Treasurer of the United States (Mr. Gilfillin) in his annual report called attention to grave abuses arising under the national banking law, and it is proposed in the fifth section of the bill to provide a remedy. But the banks say to Congress, do it if you dare, and we will punish, we will chastise the people with a financial panic.

My colleague [Mr. PRICE] says this is an attack upon the banks. Are these bankers so distinct and independent in their rights and interests that a proposed lawful enactment for the benefit of the whole people can be called an attack upon the banks? He says he sees the "handwriting upon the wall." The figure is a good one, and awakens in every mind a classic remembrance—the feast of Belshazzar. The National Bankers' Association is here in force, are literally overrunning the lobby, and have eaten up everything in the House restaurant. Mr. Speaker, the banks have fired upon the Government, and defy the people and the law-making power. Let us accept the challenge. Let us see who legislates for this nation of 50,000,000 of people, Congress or the banks. Sir, we will not do justice to ourselves or the people if we adjourn without providing for the substitution of greenbacks for national-bank circulation, and for the speedy winding up of these institutions. Sir, the war has begun, and it will never stop until these undemocratic, dangerous, and hostile institutions are swept from existence and the people shall have forever reclaimed their sovereign right to issue the money of the country. This is the old Jacksonian battle over again, of the people against the banks.

We have paid the bondholder in interest alone over nineteen hundred million dollars, and they have grown arrogant and dictatorial. It is time such impudence received a backset. But my colleague [Mr. PRICE] imagines that if we get rid of national-bank currency we will necessarily return to "wild-cat" and "red-dog." There is no danger, Mr. Speaker; the national party stands in the way, to guard the people from possible danger in this direction also. It is the sovereign duty and power of the National Government to issue all our currency, and no other power shall issue it if in our power to prevent it. The apprehension from this direction is as stale as it is untrue. Talk about "stability in finance," and cry peace! peace! when there is no peace. Why, sir, this question will not down. It is impossible to settle this great controversy until the false system—the refuge of lies—is swept away forever. The very bill now under controversy, the 5-20-bond clause, preserves the question of the final payment of the debt for controversy in the next presidential struggle. These bonds will become payable one year after the next presidential election, and that feature alone will precipitate the whole question into the next struggle for power. Gentlemen, you had as well conclude now to meet this question, and begin to whet your swords and scrape your lint for the battle.

Oh, yes, "resumption is an accomplished fact and the financial question is settled," was the cry of the two old parties in the late campaign. It is "settled" just as the slavery question was "settled" by the old parties in 1850 and 1852. And the banks are as dictatorial to-day as slavery ever was in its palmiest days. Thank God, their recent action has verified all that we have ever said about them, and the people are aroused to the danger.

Mr. Speaker, I ask leave to print as a part of my remarks an article fromt he November number of the New York Commercial Magazine, showing what the national banks have cost the people in the past sixteen years. It is thoroughly non-partisan and perfectly reliable.

National bank "money;" what it has cost the people.

We extract from published returns of national banks the following aggregates, covering a space of over sixteen years. They will give an idea of what the "currency" which these institutions have furnished cost the people during that time. Friends and enemies, as the humor takes them, praise and blame the banks, often with arguments founded on partial statements, rarely embracing the whole subject. Printed reports are neither attractive nor intelligible to the general reader, and serve rather to bewilder than instruct. We have therefore taken the trouble to present the facts in a manner easily and accurately understood as the basis for correct opinions.

The outstanding circulation of 2,048 national banks October, 1879, amounted to over three hundred and thirteen and three-quarters millions, ($313,786,362,) and by average in sixteen years to over two hundred and eighty-two and three-quarters millions, ($282,863,980.) Government bonds pledged averaging over three hundred and twenty-eight and one-quarter millions, ($328,361,506.)

On these bonds there has been paid an interest by the people and received by the banks over two hundred and ninety-two millions, ($292,055,327,) more than eighteen millions per year, ($18,145,851.)

The amount returned to the Government as taxes on the circulation for the whole time was over forty-two and three-quarters millions, ($42,787,526,) or nearly two and three-quarters millions per year, ($2,674,208,) the net cost to the people on all being over two hundred and forty-nine and one-quarter millions, ($249,267,801,) which would fall due by average in the middle period. If we add interest on this for the half or eight years at the rate of 5 per cent. per annum we have a total near the end of 1879 of nearly three hundred and forty-nine millions, ($348,974,921,) about one-fifth of the whole interest-bearing debt on the 1st of November, 1879, which was then $1,782,967,600.

Hence it is evident, that, if the Government, instead of guaranteeing the circulation by the pledge of its own bonds, had issued its Treasury notes of average volume, about two hundred and eighty-three millions per year, one-fifth of the whole principal of the interest-bearing debt, would have been saved to the people; while the people would have been supplied with a currency surely as good and acceptable, at the cost only of paper, printing, and engraving. This is said in no spirit of hostility to the banks, who have given us a safe, steady, and uniform currency; but, as will be seen, at a very high cost. Dear money may sometimes be the best, and the best is worth paying for if a necessity; but in the case before us no such necessity presents itself.

It is well worth considering how future savings may be made in this respect without inflicting serious injury on vested rights, producing derangement in the currency or impairing what is especially valuable to all who labor and have no capital, its safety, steadiness of value, and uniformity.

Denouncing the banks for using the privileges given them by law is neither just nor courteous; abolishing them would not be wise, and might work public injury. Extreme measures will be frowned down by the sense of fairness and law-abiding disposition of the community. Let the law-making power be appealed to, set before it all the facts, and sooner or later the required remedy will be secured.

We have seen what the people have paid for the bank circulation, let us now examine how much of this remained as profits to the banks. It is fair enough to suppose that they received an average of from 6 to 8 per cent. per annum on the outstanding circulation; or during the whole time at, say, 7 per cent., three hundred and sixty-seven and three-quarters millions, ($367,764,886.) nearly twenty-three millions per year, ($22,985,305.)

From this must be taken what they paid to the United States and State governments as tax on circulation, forty-eight and one-quarter millions, ($48,237,780;) and the interest on the reserve of specie and lawful money which they held as "dead weight," without receiving any interest thereon. The specie so held averages nearly twenty-two and one-half millions, ($22,493,996;) the legal tenders and certificates of deposit average one hundred and eight and three-quarters millions, ($108,758,568;) in all one hundred and thirty-one and one-quarter millions, ($131,252,564;) interest per year $9,187,679, whole time $147,002,864, leaving them a net interest for the whole time of one hundred and seventy-two and one-half millions, ($172,514,242,) or over ten and three-quarters millions per year, ($10,782,765;) all due by average at the middle period, on which interest, eight years, at the same rate, 7 per cent., brings it up November, 1879, to over two hundred and sixty-nine and one-eighth millions, ($269,137,817.)

We have considered these net gains by circulation only, having deducted the taxes paid to the United States and State governments on it; and the interest on the

idle reserve they actually held, although this was in excess of what the law required.

Let us take into account the other sources of revenue exclusive of that on their capital, to wit:

On the deposits of their dealers as a rule they pay nothing. These average yearly almost five hundred and fifty-six and three-quarters millions, ($556,698,959.)

United States deposits average yearly almost eighteen and three-quarters millions, ($18,729,492.)

At 7 per cent. on these two sources, would have yielded them near six hundred and forty-four and one-half millions, ($644,479,865.) We must deduct from this taxes to the United States and State governments, namely, on deposits, $80,900,118; on capital, $18,059,075, and on current expenses, $105,689,334, or a total of $204,648,527, leaving a net of $439,831,338 realized at the middle period.

Adding, as before, interest for eight years, it becomes, November, 1879, $86,136,887; adding to this the net gain on circulation of $269,137,817, we have a total profit to the banks of $955,274,704, on the supposition of their having realized 7 per cent. per annum, and without allowance for losses.

Their capital averages $432,859,164, and was not idle, of course, but, like the rest of their assets, yielded an annual income. Dropping estimated gains, let us now see what they actually divided, and what they have left as surplus, their capital being kept intact.

Before 1869 they were not required to report their dividends. In a little over ten years since they so reported their dividends were $473,562,799, or $47,356,279 per year; nearly 11 per cent. on their whole average capital.

In the six previous years their undivided profits, less current expenses, besides a surplus of $86,165,334, were $154,366,251, or $25,727,708 per year, on a average capital of $360,418,409; an amount, including the surplus, over 11 per cent. per annum.

The whole amount divided into ten years as reported, and net earned in six years as stated, being nearly six hundred and twenty-eight millions ($627,929,050) realized at the middle period; adding interest, 7 per cent., we have, in November, 1879, over nine hundred and seventy-nine and one-half millions, ($979,569,318,) or more than twice and one-quarter their capital in sixteen years, over 13 per cent. per year, still having it left intact; and on November 1, 1879, $114,786,528 as a surplus, or 26½ per cent. of its average amount besides, after charging off losses from 1875 to 1879 of $85,845,069.

If they had gained nothing by circulation, they could still have divided over 10 per cent. annually and have the same surplus. Therefore by taking from them only the function of the right to create currency circulation, there would still remain to them profits in fair and full requital of their capital, skill, and labor employed, while they could render public services in exchanges, moving crops, &c.

If the Government issued their own in place of the national-bank notes, not in promises to pay but simply that they would be received for all debts, public and private, including duties on imports, the people could not and would not wish better "money." If besides this the existing greenbacks were retired, and replaced by Government notes as above, with the release to usefulness and activity of most of the amount now idle in the Treasury, would give the currency required, of a kind as safe, uniform, and convenient as could be provided or desired.

The more coin passing from the Treasury into circulation as currency the less Government paper would be required. By prudent and proper legislation, its volume could be kept within such limits as to prevent undue inflation, and yet afford a regular and steady supply for the legitimate wants of the business and commercial community.

Mr. TUCKER. I now yield for five minutes to the gentleman from Illinois.

Mr. CANNON, of Illinois. Mr. Speaker, there has been much said on the floor of this House and in the country as to what this bill means. There has been much misapprehension on the floor of this House and in the country as to what it means. National banks have been talked about. It is not my purpose either to attack or defend national banks.

I have but one desire under this or any other funding bill, and that is to inquire how can the 5 and 6 per cent. bonds be refunded at the lowest rate of interest? And when any man can show me how that can be done, then I am ready to vote for that bill. But I am frank to say that I do not believe this bill will refund these bonds, and therefore I shall vote against it.

Some gentlemen on both sides of the House seem to consider this bill as an attack upon the national banks. Now, the fact is, the debt to be refunded is over six hundred million dollars. The national banks hold about two hundred million dollars of this amount at 5 and 6 per cent. interest. The friends of this bill claim that the banks will have to surrender under its provision their 5 and 6 per cent. bonds and take three percents or go out of business. This is not so; and the bill will not so operate. Under its provisions the banks have until the 1st day of July next to deposit 4 or 4½ per cent. bonds in lieu of the fives and sixes. Will they do it? Look at it from a business stand-point. The four percents mature in the year 1907. They are now at a premium of 12½ per cent. At 18½ per cent. premium they are equal to three percents at par. The three percents under this bill mature in five years. What people and banks want is stability and permanency, and the banks would buy four percents at 18½ per cent. premium, or even more, before they would take three percents at par; and this can be done until the 1st day of July next. What is the result? The banks will supply the place of the fives and sixes with fours. They will purchase the same from the holders thereof, largely held in Wall street and by great capitalists. The price of fours will go up. The Wall street operator will make his profit by their advance, and as soon as the banks are supplied the price of fours will recede, and whenever they are at a less premium than 18½ per cent. the Government cannot sell the three percents at par. The result will be that your refunding act will fail in doing anything except to benefit the "bloated bondholders of Wall street" that some gentlemen on the other side and in the center are so fond of denouncing. It gives them temporarily an increased price for the four percents which they now hold, arising out of the necessities of banks (engaged in legitimate bnsiness of the country) imposed upon them by this bill. Then your act will fall flat, and the banks will not take a single 3 percent.; the people of the country will not take a 3 percent. There is not a 3 per cent. bond on the face of the earth this day that is at par. The English consol that is never redeemable is not at par.

I am opposed to this bill because it will not refund, and for no other reason. I have not offered any undue opposition to the bill. I have opposed it as I had the right to do. But I have voted, and will vote to make a quorum. If a majority of this House believes this bill will refund, so far as I am concerned they shall have the right to make a trial, and if it does not refund then the responsibility is upon their heads.

Mr. TUCKER. I now yield five minutes to the gentleman from Illinois, [Mr. MARSH.]

Mr. MARSH. Mr. Speaker, in the five minutes allotted to me, I desire simply to say that I favor this bill, including the fifth section, because I believe it is in the interest of the people of the country. I favor a 3 per cent. bond because I believe that a 3 per cent. and Treasury note can be negotiated in this country at par.

I favor the provision which requires national banks, after the 1st day of July, that desire to get circulation in addition to that which they now have, and national banks which desire to organize under the law after that time—I favor the provision that requires them to deposit these 3 per cent. bonds, because I believe it will aid the Government materially in negotiating this loan.

And, Mr. Speaker, let it be remembered by gentlemen on this side of the House that the two great fundamental grounds or reasons upon which the national-banking act was originally passed and upon which we have defended it before the people from that time until now were these: We pledged the people in the first place we would not issue over $400,000,000 of legal tenders. It was discovered that was not sufficient currency with which to do the business of the country. We could not violate that. We found that the State-banking system would not furnish the currency. Another reason for establishing the national banks was we were desirous of furnishing a market at home for our bonds, so that they might be held by our own people and the interest, which was payable semi-annually in gold, might be retained in the country instead of being shipped abroad to foreign bondholders. These were the two reasons for the organization originally of the national-banking system; and the section of the law that provides that a national bank organized after July 1 next shall deposit 3 per cent. bonds is equivalent to saying to these gentlemen what we said in the first place: It is for the purpose of enabling the Government to negotiate the more easily this loan at 3 per cent.

Now, Mr. Speaker, while my time is limited I will pass hurriedly over these points and come to sections 5159 and 5160 of the Revised Statutes, which this bill proposes to re-enact. These sections were a part of the original law. They remained a part of the original law until 1874, when they were repealed and that section 4 of the act of June 20, 1874, was substituted in their place. When this bill was pending before the House prior to its being sent to the Senate, I favored the re-enacting of these two sections because I wanted to take from the power of the national-banking institutions the right and ability to create the very panic and disturbance which they have created in the business mind of the country during the last ten days. [Applause on the democratic side.] If I had any doubt in my mind when I cast my vote to re-enact those sections, that doubt has been entirely dissipated and removed by the action of a few of these banks in New York. The very object that was contemplated by the passage of that bill has been developed in the last few days in an attempt which has been made by the banks to mold public sentiment against this bill.

These national banks were not organized for their benefit. They were organized for a great public necessity, and they should be kept clearly subservient to that great public purpose and should not be clothed with the power, dangerous in itself, by which they can surrender their circulation and in ten days paralyze the business interest of this entire country. [Applause on the democratic side.]

Mr. TUCKER. Mr. Speaker, gentlemen upon the other side having used twenty minutes of their time, and twenty minutes having been used upon this side, I now reserve ten minutes of the time for myself, so that I may have an opportunity to reply to the gentleman from Michigan, who will now proceed for his ten minutes.

Mr. CONGER. I will reply to the gentleman in five minutes' time, and yield five minutes to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. Mr. Speaker, the gentleman from Kentucky was a little mistaken when he said that I was directing my argument entirely to the amendment of the gentleman from Ohio. The amendment offered by the gentleman from Michigan strikes out that repeal or change of the fourth section. The gentleman will remember also that the amendment of the gentleman from Ohio simply provides that that law shall not be construed to repeal certain sections; so in effect both amendments operate in the same spirit precisely, and I was arguing in reference to both.

Besides, sir, I did not state my own opinion at all as to the effect of the fifth section. I have not stated it. I was simply stating that which is a fact to-day in this country and which we must recognize as an existing fact that there is a difference or division of opinion, and I was demanding that this House should recognize that, and if it passed their bill that there should be no question whatever of its effect, that its terms should be clear and explicit.

Now, sir, look a moment at this action of the House. Take the Kirkwood amendment, section 3, the sixteenth amendment in this bill. The Committee on Ways and Means, by a large majority—leading men on that committee joining in it—propose an amendment of great, and in my judgment of vital importance to the bill, if it becomes

comes a law. The Kirkwood amendment provides that this loan shall be before the public for thirty days, giving the preference to two-thousand and one-thousand-dollar subscriptions, and then says if, at the end of thirty days, more than the whole amount is subscribed, that the large subscriptions shall be cut down pro rata, while the subscriptions below $2,000 shall be allowed to remain and get their bonds in full.

What is the effect? The effect certainly will be simply to prevent any bids under this public call. Your two-thousand-dollar men and one-thousand-dollar men wait until confidence is established by bankers, men of wealth and financial reputation, making their subscriptions for forty, fifty, and one hundred millions, then come forward and confidently make their subscriptions, small in fact but large to them. Will the men of wealth and recognized financial skill set them this example? Clearly not. What would they gain by it? They must wait the thirty days; then, if more than the bonds offered are subscribed for, they must be scaled down, while the small takers get in full.

The broker or banker makes his engagements, then his subscription to meet the same. Will he do it if the result is in such doubt? This result is inevitable; the public loan will not be taken at all in the thirty days. Then you will be compelled to pass it over to syndicates and national banks to place, first having yourselves stamped it "a failed loan." The amendment of the Committee on Ways and Means obviates all this difficulty. It was indorsed by eminent democrats of the committee, adopted by a large majority, and yet in the House they cannot influence a half score of their own side in its support, and the vote was over there almost solid against the amendment recommended by the Committee on Ways and Means. And the very next amendment, changing a clerical error in the bill, a mistake in the use of the English language, is voted down by the same majority, though recommended by the same committee.

And now the gentleman from Ohio [Mr. MCKINLEY] has had accepted by the committee his amendment construing that law; and yet every gentleman on that side will vote against it, though it is a necessity. Why? Because they dare not send that bill back to the Senate of the United States with one single amendment upon it, for fear that the Senate may have had their eyes opened since they passed that bill, and will defeat it—a democratic Senate, too. Why would they defeat it? Because it is wrong, and a recognized wrong, and because they know the bill will prove a failure.

Mr. SPRINGER. The fear is that there being no previous question to operate in the Senate the bill would be talked to death.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, notified the House of the concurrence in concurrent resolution of the House in reference to correcting an error in the river and harbor appropriation bill.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 205) granting a pension to Jacob Gelwicks;

A bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation;

A bill (H. R. No. 802) granting a pension to Wyatt Botts;

A bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes, relating to suits at law affecting the title to mining claims;

A bill (H. R. No. 1452) for the relief of James B. Furman;

A bill (H. R. No. 1469) granting a pension to Mary Ann McCarrol;

A bill (H. R. No. 2165) to amend section 2297, of title 32 of the Revised Statutes, relating to homestead settlers;

A bill (H. R. No. 2269) for the relief of Calvin Bronson;

A bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service;

A bill (H. R. No. 2439) granting a pension to Henry Mills;

A bill (H. R. No. 2549) granting a pension to Edward H. Mitchell;

A bill (H. R. No. 2769) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 10, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and in Narraganset;

A bill (H. R. No. 2773) granting a pension to James P. Hunter;

A bill (H. R. No. 3309) for the relief of John T. Neale;

A bill (H. R. No. 3450) for the relief of Lewis A. Kent;

A bill (H. R. No. 3742) to authorize the Secretary of the Treasury to sell certain real estate belonging to the United States, and vesting the title to certain other lands in the city of Vincennes, in the State of Indiana, and for other purposes;

A bill (H. R. No. 3751) to amend chapter 198, volume 16 of the Statutes at Large;

A bill (H. R. No. 3789) for the relief of Homer Fellows;

A bill (H. R. No. 4411) to establish an additional land district in the State of Kansas;

A bill (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy;

A bill (H. R. No. 5066) to provide for the preparation of classified abridgments of all letters-patent of the United States;

A bill (H. R. No. 5627) to amend section 1486 of the Revised Statutes, in order to preserve the meaning of the original law from which it was taken, with reference to the rank of engineer officers, graduates of the Naval Academy;

A bill (H. R. No. 5832) for the relief of David W. Bell;

A bill (H. R. No. 6248) directing the payment of certain awards in favor of parties therein named;

A bill (H. R. No. 6479) for the relief of Thomas Snell;

A bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes;

A bill (H. R. No. 7032) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company;

A bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes; and

A joint resolution (H. R. No. 186) authorizing the Secretary of the Treasury to furnish States, for the use of agricultural colleges, one set of standard weights and measures.

FUNDING BILL.

Mr. CONGER. I desire to reserve the five minutes which remain to me till I hear from the other side.

Mr. TUCKER. How much time remains to the gentleman from Michigan?

The SPEAKER *pro tempore*. Four minutes. The gentleman from Virginia [Mr. TUCKER] has still ten minutes.

Mr. TUCKER. I desire to reserve the ten minutes.

Mr. CONGER. Oh! let the gentleman divide up his time and occupy five now.

Mr. TUCKER. Very well; I yield five minutes to the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. I shall not attempt to discuss the legal aspects of this question, but shall refer to some facts that this House and the country ought to know in order to determine the animus of those who are opposing this provision of the fifth section. The country ought to know and this House ought to know that there is a direct pecuniary interest in the banks of the United States of $4,500,000 to defeat any form of refunding, or at all events this form of refunding, for a single year. They hold two hundred millions of the five and six percents that we propose now to refund at 3 per cent.; and it would be giving them credit for more liberality and generosity than belong to banking institutions to suppose they are not controlled to a great extent by that consideration, and that they desire to defeat this bill on some pretext or other. I say their interest in this question, the money that will go into their pockets if this bill is defeated, amounts to $5,500,000 for a single year which would be saved to the people of the United States by the passage of this bill, those banks being the holders of these bonds to the amount of two hundred millions. It is an important matter to them, therefore, to delay the refunding for a single year.

I hold, then, Mr. Speaker, that these are pretexts and mere pretexts suggested by hypocritical cupidity to defeat this bill I do not speak of the gentlemen on the other side. But I do speak of the banking interests of this country when I thus characterize it. Why, sir, have the gentlemen on the other side read the report of the Treasurer of the United States as to the effect—and we have already seen it within the last ten days—the effect in another aspect of this provision of the law which they want to retain? I refer them to that document, which shows that these banks have been acting as bulls upon the market in reference to bonds of the United States; that they have been speculators in bonds of the United States, and that this provision gives them the power at any time to buy or sell by giving up their circulation. Why, sir, there is given the instance of one bank which in the last three years has exchanged its circulation as many as six or seven times; so that while it only shows $460,000 on its books of circulation, there are outstanding $852,000 of its notes. I commend this report to the attention of bank gentlemen on this floor.

Mr. ATKINS. What report is it?

Mr. BUCKNER. The report of Mr. Gilfillan. And what has been done in the last ten days in opposition to this measure? The country complained, with a great deal of reason, of a contraction of the currency of this country from 1875 to 1878 of $65,000,000 of the greenback and bank-note circulation, for they both have been contracted under the operation of the resumption act. And yet these banks, having this power which the gentlemen on the other side desire to retain in them, a power ruinous to the business interests of the country, ruinous to the stability and security of its circulation, in the last eighteen or twenty days have diminished the circulation by $18,000,000 and created panic and pecuniary troubles all over the country.

Are you willing, gentlemen, that these banks shall retain this power? Are you willing that we shall be forever at the mercy of men who have the power to make money out of their promises to pay? This section of the bill is intended to curtail that power.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CONGER. I yield two minutes of my time to the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. One great duty confronted Congress when it convened on the first Monday of December last. That duty was to pro-

vide for the refunding of $637,000,000 of early maturing Federal bonds. I was one of those who believed and who still believe that that quantity of bonds could be negotiated at 3 per cent. I voted against the great bulk of my party in favor of this bill as it passed the House. I confess that since the passage of the bill I have been led to feel great doubt whether my vote was a correct one, because of the construction that is being put on the fifth section of the bill.

I say to the gentleman from Kentucky [Mr. CARLISLE] that I think he did a wrong to this great refunding interest when he insisted that the fifth section should be made a part of this refunding bill. But for that fifth section this 3 per cent. funding bill would have passed this House; would have passed the Senate; would have been approved by the President, and, in my judgment, would have been an eminent success.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. DUNNELL. My time cannot have expired.

The SPEAKER *pro tempore*. The gentleman had but two minutes. The gentleman from Michigan [Mr. CONGER] is entitled to the floor for two minutes.

Mr. CONGER. I reply to the gentlemen who find fault with the action of the republicans on this side of the House in opposing this bill, and who say we are opposing a funding bill, with the remark that a simple funding bill has not been presented for our consideration, but a bill which already by its shadow is bringing panic and revulsion of business and disturbance of the renewed prosperity of the country beyond parallel by any other bill.

I do not wonder that the democracy desire to use the last days of their power in this House in an effort to bring ruin and destruction upon the interests of the country in the future. [Derisive laughter on the democratic side.] Sir, I do not wonder that they desire to place in the pathway of the incoming administration all the obstruction and all the hinderances to a prosperous administration that are in their power.

I believe that is the object of those amendments which have been thrust into this funding bill. That is the effect of them. A simple funding bill would have created no disturbance; it would have been passed without opposition. If it had become a law it would have received the approval of the people and aided in the development of the great vital interests of our country. As it is, it hangs like a nightmare upon the prosperity of the people of this nation. The very threat of it in advance brings the appearance and the dread of ruin.

The gentlemen of the Committee on Ways and Means of this House decided by a large majority that there were defects in this bill which must be obviated; and they directed the chairman of that committee to report proper amendments to the House. Sir, the democracy of this House have no faith in their Committee on Ways and Means. They vote down all their recommendations; they vote down all their propositions. Sir, the democracy of this House has even less faith in the wisdom of their Committee on Ways and Means than have the republicans on this side of the House; and God knows that is little enough. [Laughter.]

The SPEAKER *pro tempore*. The time of the gentleman from Michigan [Mr. CONGER] has expired. The gentleman from Virginia [Mr. TUCKER] has still five minutes remaining.

Mr. DUNNELL. By the permission of the gentleman from Virginia, I am allowed to ask that by unanimous consent this debate may be extended twenty minutes.

Many MEMBERS. No! No!

Mr. DUNNELL. One word.

Several MEMBERS. Regular order!

Mr. DUNNELL. When the gentleman from Kentucky [Mr. CARLISLE] closed his remarks a few minutes ago, he closed in the midst of an argument. It was unjust to him, it was unjust to his side, it was unjust to the question. Let him have ten minutes more; and let there be another ten minutes. Nobody will be hurt by it.

Mr. ATKINS. Does the gentleman want it?

The CHAIRMAN. Is there objection to the proposition of the gentleman from Minnesota, [Mr. DUNNELL?]

Many MEMBERS objected.

The SPEAKER *pro tempore*. There is objection on all sides of the House.

Mr. PAGE. There is no objection on this side of the House.

Mr. TUCKER. In closing this debate it is due to the distinguished gentleman from Kentucky, whose name has been connected with the fifth section of this bill, that I should give to him the last five minutes. I do so with great cheerfulness.

Mr. CONGER. Four minutes; the gentleman has occupied one.

Mr. CARLISLE. I am much obliged to the gentleman from Virginia for yielding to me his time, and I promise the House that I will use no part of it in a political discussion.

Mr. ROBESON. The gentleman from Kentucky [Mr. CARLISLE] has promised to yield to me for a question. [Cries of "Regular order!"] I will make it in half a minute, and make it in the beginning of his argument, that he may answer it.

The SPEAKER *pro tempore*. Not out of his time.

Mr. ROBESON. I do not care about that.

The SPEAKER *pro tempore*. Does the gentleman from Kentucky yield?

Mr. ROBESON. I ask the gentleman whether there are not $310,000,000 of greenbacks——

Many MEMBERS. Regular order!

Mr. CARLISLE. I am willing to yield, if it does not come out of my time.

The SPEAKER *pro tempore*. It will come out of the gentleman's time.

Mr. ROBESON. I will take none of the gentleman's time.

Mr. CARLISLE addressed the House. [See Appendix.]

The SPEAKER. The time of the gentleman from Kentucky [Mr. CARLISLE] has expired.

Mr. TUCKER. I now move the previous question upon the motion which I have already made.

Mr. SPRINGER. The time has now arrived when my point of order must be decided by the Chair. I desire to state it. I make the point or order——

Mr. CONGER. This is the Punic faith I had reason to expect.

Mr. SPRINGER. The gentleman says this is the Punic faith he had reason to expect. I have promised nothing in regard to this matter. I have assumed no obligations as to my course here. I am not a member of the Committee on Ways and Means; I did not as a member of that committee agree not to filibuster in case certain amendments were submitted to the House, and then come in and make filibustering motions.

I make the point of order in good faith; and I have a right to make it. It is that this amendment proposes to strike out portions of the bill which have been agreed to by both Houses of Congress and are no longer in dispute between them. Such a motion, I submit, is not in order and cannot be entertained. It is unnecessary for me to submit any argument to the Chair on so plain a proposition. As I am aware that the Speaker is thoroughly informed upon this subject, I submit the question at once to his judgment.

Mr. CONGER. Does the Chair entertain the point of order?

The SPEAKER. The Chair is obliged to entertain the point of order.

Mr. CONGER. I desire, then, to say that the amendment I have offered is in the usual form, and is in order under all the parliamentary rules that ever existed in this body, recognizing the right to concur in a Senate amendment with an amendment. That particular, distinct proposition I make. I have moved to strike out certain words in section 5. The Senate amendment is a part of that section. I have moved to strike out other words in the section. I have moved to strike out and insert. That is legal, proper, and parliamentary. I move to strike out a word and then to insert a word in place of the word stricken out. That is proper and parliamentary. Besides, sir, the Committee on Ways and Means distinctly guaranteed that the amendment should be proposed in the House before the previous question was called, and the previous question was to operate upon it. That is the object of that amendment. That is the reason it was put in. The Committee on Ways and Means were in such a situation that the time had passed for their session. They could not even get an order to report their own amendments, and, in order that on our side we should concede they might report their amendments, this was agreed to. Otherwise their amendments would not have been up nor their report on this bill before this House. Hence I say the good faith of the committee of the House, in my judgment, requires that we should have the right to vote on this amendment, and that is what we ask. If it did not mean that it meant nothing. If it did not mean that, I and my colleagues of the Committee on Ways and Means have been the ignorant dupes of our superiors in intellect. Not much of a compliment to them, perhaps, and not remarkably complimentary to us. [Laughter.]

Mr. FRYE. The gentleman's colleagues do not admit their superiority.

Mr. CARLISLE. Does the gentleman's colleague admit the correctness of that statement? Do his colleagues on the republican side agree to the statement he now makes?

Mr. FRYE. I have not the floor.

Mr. TUCKER. I leave it to the gentleman from Maine.

Mr. CARLISLE. The gentleman will not say so.

Mr. CONGER. How many want to talk at a time?

Mr. MILLS. When you make such an assertion as that on the floor can you prove by your own people that your assertion is correct?

Mr. CONGER. How many want the floor?

Mr. MILLS. I am the peer of the gentleman from Michigan in regard to all the privileges of the floor.

Mr. CONGER. I have the floor, and the gentleman from Texas will retire.

Mr. MILLS. The gentleman cannot make an incorrect statement about the committee without being told of it.

Mr. CONGER. I do say, at the time there was an agreement these amendments were to be reported to the House, we had passed the hour of eleven o'clock, and by the rules of our committee no further business could be done if one member objected. Who disputes it? Not a soul, [laughter,] nor a body. [Renewed laughter.] I did say, in addition to that, as a condition for permitting the report to be then made, and not have it go over to another meeting, I did propose to withdraw objection to action at that time if the amendment I proposed could be reported to the House, with an opportunity of having a vote on it. Who disputes that? Not Texas. Not anybody. That is the assertion I have made, and to that I stand. Is the understanding we had in the Committee on Ways and Means as the only means

by which they could report their amendment and get the bill before the House without going over to another meeting, is that to go out on a point of order, and are we to be refused an opportunity to have a vote on it? That is the proposition. I wait with that kind of anxiety I wait to see the minds of good men develop a result.

Mr. CARLISLE. Do I understand the gentleman from Michigan to say—and I confess I did not hear distinctly what he said—that it was agreed by the democratic members of the Committee on Ways and Means, or by any member of the Committee on Ways and Means, that he should offer his amendment and have a vote on it? That is the question I put to the gentleman.

Mr. FRYE. Mr. Speaker——

Mr. CONGER. I desire to answer that. I made my statement I think so plain that no one would dispute it. I asked for dispute. I said at the time this bill was under consideration no business could be transacted, except by unanimous consent, after the hour arrived when the House was in session, as we had not the right to sit during the sessions of the House; that at that time I did object to proceeding from fifteen or seventeen minutes after eleven o'clock unless the committee would agree that whoever had charge of the bill should permit my amendment to be offered before the previous question was called. [Laughter.]

Mr. TUCKER. And we have permitted it.

Mr. CONGER. That is what I said before. I say now, with a view of having that submitted to the House and included in the previous question and having a vote in the House on it, I permitted the Committee on Ways and Means to go on and prepare their report to the House, which I could have prevented.

Mr. CONVERSE. I would like to ask the gentleman from Michigan a question, with his permission.

Mr. CONGER. Certainly.

Mr. CONVERSE. I would like to inquire whether the Committee on Ways and Means had this bill before them at the time he claims they were acting upon it? The bill, as I understand, was on the Speaker's table, and not before the committee at all.

Mr. CONGER. Whatever authority the Committee on Ways and Means had to act upon it and prepare their report and amendments, or whatever instructions they had, I am unable to say. I did not raise the question as to the particular Senate bill being there, because we had a copy of the Senate bill, and were acting as though we had the original. It is not my fault, at all events, for it was not on my motion, if the committee undertook to act upon a bill they did not have before them. I made no point that the bill was not present, for we were trying to act upon the substance of the bill upon the Speaker's table, having, as I understood it, a true copy before us. I think there is no question about that. But the committee were acting upon it as though present, and prepared their report to this House in that way.

Mr. SPRINGER. The gentleman from Michigan does not seem to understand the point of order I make. The point of order I make is that the amendment he proposes to introduce is not germane to the amendment of the Senate which strikes out "May" and inserts "July," and it undertakes to operate upon portions of the bill which were not in dispute. For both reasons it cannot be entertained at this time. Even if it did interfere with amendments which were incorporated by the Senate, it is not germane to the question presented here; and not being germane it cannot interfere with a part of the bill which is agreed to by both Houses, and in reference to which there is no question.

Mr. CONGER. In regard to that it is not for the Chair to determine what the judgment of the House may be as to the object and effect of the amendment; because there might be in other parts of the section a necessity for a change of time as this amendment contemplates. If that were the case, nobody would pretend for a moment that the change could not be made. Now, the motion was to strike out particular words incorporated by the Senate, with other words, which has been allowed, for it is done repeatedly. It is for the House to determine the question. There is nobody who pretends that the amendment as to July was not acted upon by the Senate and was not in it then and now and always. The motion is to strike out or amend the amendment of the Senate, to strike out one word and other words and insert in their place a new word. It is not liable to the charge that we cannot reach the Senate amendment or the clause that has been voted upon by the House and adopted by the Senate.

I admit that if section 5 had not been amended at all we could not reach it by any amendment here; but having been amended, the House may concur with that amendment or may concur with an amendment, or it may amend the amendment if other parts of the bill should require it to make it correspond.

The door is open to amendments, and to the full extent to which amendments may be allowed under the parliamentary rules, notwithstanding the rule that you cannot change any bill which has been agreed upon by both Houses; but you can change any part of the bill to conform with modifications which have been made in the bill by the Senate. In other words, you must make the bill harmonious.

Mr. TUCKER. Mr. Speaker, I understand the statement of the gentleman from Michigan in reference to what occurred in the Committee on Ways and Means in some sort to indicate that there has been a departure from the understanding between the members of the committee as to the action that was to be taken in reference to the amendment he was to offer to the House.

Now, Mr. Speaker, I deny utterly that there was any agreement or any understanding that the amendment which the gentleman from Michigan proposes was to be voted upon in this House. I will state to the House what occurred at that time. I do not deny, although I do not exactly remember, how long a time had elapsed after eleven o'clock, and I am perfectly willing to admit that the gentleman from Michigan then, as on this floor, always called time or made some point of order in reference to proceeding whenever it did not suit him to go on with the business; but whenever it was, we had already agreed to an amendment to strike out the word "July," which had been substituted by the Senate, and insert "September." The gentleman from Michigan then asked to offer an amendment, which he has offered here to-day, to strike out a particular provision in reference to legal tenders, that part of the bill which relates to the withdrawal of the circulation of the banks. That amendment was voted upon in the committee and rejected. Then the gentleman from Michigan asked that he might have the permission of the committee to offer his amendment before the previous question was called in the House.

The gentleman from Michigan said he proposed to amend by striking out "July" and inserting "September," and adding the other provision to it. I replied: Why, the amendment is July, and September has been already adopted by the committee; and the gentleman from Michigan said he was afraid, or words to that effect, of the point of order; that it would exclude his amendment unless he had leave to amend the word "July" by adding "September," and therefore asked us to withdraw our amendment and let him incorporate the amendment "September" with the amendment here.

Mr. CONGER. That is true.

Mr. TUCKER. So that the question of order was in his own mind, and was presented to our minds by his mind, and he made the motion in the form in which he has done it here in order, as he said, knowing more of parliamentary law than we seemed to do, to bring his motion within the rule.

Mr. CONGER. That is what I said and say now.

Mr. TUCKER. The gentleman repeats his statement that that was the understanding. Then the question was, if that permission is awarded to you will you make factious opposition to the consideration of this bill, and he said "no."

Now, sir, where is the Punic faith? [Applause on democratic side.] The gentleman speaks of Punic faith on our part. I appeal to my republican colleagues on that committee if I have not kept faith to the last moment, and when the gentleman from Michigan has filibustered against the consideration of this bill, I have still stood to our agreement that he should be permitted to offer his amendment in the House. I say, as I said yesterday, I have shown *bona fide*. I have not raised the point of order on the gentleman's amendment, and I would not do it, and I asked the gentleman from Illinois [Mr. SPRINGER] to withdraw it.

Mr. CONGER. I wish he would.

Mr. TUCKER. And all my colleagues on the committee, so my friend from Texas [Mr. MILLS] tells me, have asked him to do so.

Mr. MORRISON. I have not.

Mr. TUCKER. All except the gentleman from Illinois, [Mr. MORRISON.] Where, then, is there room for the imputation there has been any bad faith? I cannot deny—how can I deny?—the right of the gentleman from Illinois [Mr. SPRINGER] to make that point of order.

Now, Mr. Speaker, I have been compelled to make this exhibit to the House in my own vindication and in the vindication of my honorable colleagues upon that committee; and I appeal to the gentlemen who are republicans on that committee, as well as to democrats, to say whether I have not made an accurate, fair, and candid statement of the whole facts.

Mr. BELFORD rose.

Mr. CONGER. I desire to say one word.

The SPEAKER. The gentleman from Colorado has been recognized.

Mr. CONGER. Will the gentleman allow me to say one word?

Mr. BELFORD. Yes, provided I do not yield the floor.

The SPEAKER. The Chair will not take the floor from the gentleman from Colorado.

Mr. CONGER. The gentleman has stated substantially what I had said and has repeated it. Whether the gentleman makes the statement accurately that I had said I would not filibuster in this proceeding myself, I cannot say; he may be correct; I do not deny it; that has been a matter of dispute between him and me in private and I do not propose to bring it here. But I do say I was informed as soon as this report had been made, to my surprise, that the point of order was to be made on my amendment; that members of the Committee on Ways and Means had declared it was susceptible to the point of order; and I think I may say as the justification for my course that I was informed the Speaker had his attention called to it, not perhaps in connection with this particular thing, but in the form in which the question is presented, and had already declared what the law would be on such a subject.

The SPEAKER. The Chair never made any such declaration.

Mr. CONGER. I was so informed. The Chair knows I went to him to ascertain if that statement was correct.

The SPEAKER. And the Chair stated to the gentleman from Michigan the Chair had made no such declaration.

Mr. CONGER. I had that conversation with the Chair. I had a conversation also with the gentleman from Kentucky, [Mr. CARLISLE.] I said to him if the object was merely that I might offer a naked amendment not to be voted upon, not to give my friends an opportunity of expressing an opinion upon it, and it was to be ruled out upon a point of order, I would be at liberty to conform to the wishes of those who for months have been kind enough to intrust me with the floor management of this side of the House. I said if I was required to agree to a certain course for a mere pretense, without gaining any substantial advantage, I had no right to do so. Again I told the gentleman from Kentucky, and he at least will bear me witness that I came to him with all frankness to say that if we were to reap none of the advantages of a vote on my amendment, I could not consider myself bound even by what gentlemen on that side assumed to be my promise.

Mr. CARLISLE. That is correct.

Mr. CONGER. And that occurred before any proceeding was had on this floor.

Mr. CARLISLE. It is quite correct that before any proceedings took place here the gentleman from Michigan came to my seat and told me what he has just stated.

Mr. CONGER. I thought it right to go frankly to the gentlemen with whom I had had the conversation, and who had received a certain impression with regard to what would be my conduct, and to tell them if I had bargained for the wind I must withdraw the assent if they thought I had given it. They admitted that was a frank and honorable way to meet the case. That was admitted by the gentleman from Kentucky, [Mr. CARLISLE,] whose frankness and sincerity every gentleman in this House estimates in the highest degree. That is the position. That is all there is of it; and that is all I desire to say about it.

Mr. BELFORD. When this bill was before the House on the 18th day of January last I voted against its passage, because I was opposed to the whole scheme of refunding the national debt. I believed that that debt should be paid out of the surplus revenue of the national Treasury, amounting to the sum of $90,000,000 annually, according to the report of the Secretary of the Treasury. During the year ending March 1, 1881, we decreased our national debt over one hundred and fifteen million dollars.

Mr. HOUSE. I rise to a question of order. The gentleman is not speaking to the point of order.

Mr. BELFORD. I am coming to the point of order.

The SPEAKER. The Chair will listen to the gentleman.

Mr. BELFORD. I have voted against the dilatory proceedings in this House, and ask the gentlemen on the other side to hear me as a friend of fair play and honest dealing on this question.

I say that during the year ending March 1, 1881, we reduced the national debt over one hundred and fifteen million dollars. I refer to this to show you upon what ground I predicated my opposition to the passage of a refunding bill which perpetuates this debt beyond the time when we could pay it out of our surplus revenues. When that bill was up for passage certain republicans voted for it, and among them I find the name of Judge KELLEY, whose knowledge of finance no one will question; the name of Mr. DUNNELL, of Minnesota, who has been favorably mentioned in connection with the Speakership of the next House; and the name of Mr. UPDEGRAFF, of Iowa, who won a national reputation by reason of his sturdy opposition to the river and harbor bill. Does any gentleman on this floor question their republicanism or their good sense?

True, I differed with these gentlemen, but I respect them for their manly and independent conduct. If dilatory motions looking to the defeat of this bill were justifiable, why did you not interpose them on the 18th of January last when the bill was before this House? The Carlisle amendment was in it then, and you contented yourselves with voting against it. Why do you not now content yourselves with voting against it? Has the bank clamor disturbed your equipoise and overcome your judgment?

I say that I have steadily voted during the sessions of this House for the consideration of this bill. I know that the democratic party has a majority in this House, and we live in a Republic where the majority governs theoretically and practically. They govern in church meetings; they govern in corporations; they govern in courts; they govern in municipal affairs; they govern in county elections; they govern in State elections; they govern in national elections and they should govern in this House. And I for one am willing at all times to permit the majority to assume their just responsibility of legislation, and to have the right to bring their bills before this House, and have them voted upon either for or against, by every member of Congress. Hence I have set my face steadily and at all times against dilatory and filibustering proceedings.

Now, Mr. Speaker——

The SPEAKER. For the point of order. [Laughter.]

Mr. BELFORD. There is something more involved in this question than a mere point of order. It is a question of the right of the majority to govern; it is a question of the orderly proceedings of the representatives of fifty millions of people. It is a question involving the agreement made by the members of the Committee on Ways and Means with each other, and to that question I am speaking.

Mr. Speaker, I say it seems to me that if it were agreed by the majority of the Committee on Ways and Means that the gentleman from Michigan should have the right to have his proposition considered, the easy way out of this trouble, the way to save time, the way to bring this bill to a consideration by this House is to allow him to have a vote upon it. It has been already demonstrated that he has a sufficient following to prevent the passage of this bill. And I ask you gentlemen to agree that he may have a vote on his amendment.

I shall vote against it. I do not propose to be influenced by the manufactured and artificial clamor of a few national banks in the city of New York, [great applause,] who, in my judgment, have formed an unholy alliance and a criminal union with the stock-jobbers of Wall street, and out of this union has sprung the terror that disturbs the judgment of the people.

But I say that the gentleman from Michigan, in all justice and candor, should be allowed to have a vote in this House upon his amendment, and I appeal to you gentlemen on the other side to allow him to have this vote in order that we may economize time, because if you do not, as certainly as God reigns you never will proceed one inch further with the consideration of this bill. [Loud and continued laughter.] He is the parliamentary master of the situation. Like Roderick Dhu, one blast from his horn is worth a thousand men, and if you deny him the right of a vote on his amendment he will have a following sufficient to prevent the further progress of this House in this matter.

Mr. ROBESON. I desire to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. ROBESON. The point of order, if I understand it——

The SPEAKER. The gentleman from Illinois on the right of the Chair [Mr. SPRINGER] makes a point of order twofold; first, that the amendment is not germane to the amendment of the Senate to which it is proposed; and, second, that it is not actually in order under the parliamentary practice of the House.

Mr. ROBESON. I understand the question before this House to be the question whether the point of order taken by the gentleman from Illinois is well taken or not. His point is that the amendment of the gentleman from Michigan is a substantial amendment to a section which was agreed to by the Senate, and which does not come before us for our consideration, it having already been accepted by both Houses.

Now, if I understand the proposition of the gentleman from Michigan, it is to strike out the Senate amendment to the fifth section, which substitutes the word "July" for the word "May," and to insert in its place the word "September;" also, to strike out the proviso in the final portion of the section.

The point of the gentleman from Illinois is that the proviso of that section has already been agreed to by both Houses. But it is a proviso to a section which has been amended in the Senate, and materially amended. Let me establish the point that it is a material amendment by the Senate.

The time fixed when the three percents authorized under this law were to be and remain the only basis for banking circulation is by the fifth section of this bill, as passed by the House, the 1st of May next. The Senate changed that time to the 1st of July next, altering the whole force and effect of that section and altering to that extent the effect of the whole proviso.

Mr. HOOKER. Mr. Speaker——

Mr. ROBESON. I am discussing the point of order.

Mr. HOOKER. I rise to a point of order.

The SPEAKER. There is already one point of order pending.

Mr. HOOKER. I understand that, and it is in reference to that that I make the point of order.

The SPEAKER. But the gentleman from New Jersey [Mr. ROBESON] has the floor on that point of order.

Mr. HOOKER. What I want to say (and I do not wish to apply it particularly to the gentleman from New Jersey) is that there is a rule which makes it the duty of the Speaker to decide all points of order, after the previous question has been ordered, whether on appeal or not, without debate.

The SPEAKER. The previous question has not been ordered.

Mr. ROBESON. Since the previous question has not been ordered——

Mr. HOOKER. The motion for the previous question has been made.

The SPEAKER. But it has not been ordered.

Mr. HOOKER. I desire to call the attention of the Chair to the concluding clause of Rule XVII of the House, under the head of previous question. That clause declares that "all incidental questions of order arising after a motion is made for the previous question"—not after the previous question is ordered, but after the motion is made for the previous question—"and pending such motion, shall be"—using the imperative language—"shall be decided, whether on appeal or otherwise, without debate." I do not make this point invidiously against the gentleman from New Jersey.

Mr. ROBESON. Pardon me for one moment. We have had a long discussion on this point of order, which has wandered far from the point of order itself.

Mr. HOOKER. And that is precisely what I want to cut off.

Mr. ROBESON. I am discussing purely and strictly the point of order, and no man can gainsay that proposition.

Mr. HOOKER. It is utterly impossible that we shall ever have a termination of this debate, unless the rule to which I have referred and called the attention of the Chair is enforced.

The SPEAKER. There is no doubt that the gentleman from Mississippi [Mr. HOOKER] is correct in his construction of the rule.

Mr. ROBESON. But the point comes too late.

Mr. HOOKER. It is never too late to cut off debate that is out of order.

The SPEAKER. The Chair wishes to say, however, that he has allowed this discussion to proceed briefly——

Mr. ROBESON. I am making my point, I think, clearly and directly.

The SPEAKER. And the Chair thinks the gentleman from New Jersey is speaking directly to the issue involved in this point of order. The Chair would like to have the rule waived until the gentleman from New Jersey can briefly state his position.

Mr. SAMFORD. Before the gentleman from New Jersey proceeds, I should like to inquire whether or not it would be in order to make a motion to suspend the rule under which the gentleman from Illinois has made his point of order.

The SPEAKER. The Chair will examine that point.

Mr. ROBESON. Mr. Speaker, as I was about to say, this alteration of two months in the time when this change in the basis for circulation, as required by this bill, is to take effect is a substantial alteration of the greatest importance. The proviso to the fifth section as agreed to by the Senate was agreed to with this change of time. It was not agreed to as a single abstract matter, but it was agreed to with the amendment changing the time. The Senate might just as well have said in so many words, "Provided you accept the word 'July' instead of 'May,' then we agree to this proviso." Except on that condition the Senate has not agreed to it; and as the insertion of the word "July," is an amendment qualifying the whole provision, so it is an amendment which never has been agreed to between the two Houses. Therefore the point of order of the gentleman from Illinois is not well taken.

Now, upon the materiality of that amendment, let me state that this fifth section presents to the country just three alternatives: First, the retiring of $210,000,000 of national-bank currency; secondly, if that be not done, the going into liquidation of the country banks that cannot retire their currency in time; and, thirdly, if neither of those things be done, the banks must take $210,000,000 of 3 per cent. bonds. There is now secured by the 5 and 6 per cent. bonds of this Government $210,000,000 of our circulation. The banks must either return that much circulation to the Treasury to have it destroyed, making a contraction of the currency to that extent, or they must go into liquidation, destroying the national banking system, or they must make to the Government a forced loan of $210,000,000 on 3 per cent. bonds.

Mr. WARNER. The gentleman will allow me to state—— [Cries of "Regular order!"] Mr. Speaker, what is the question before the House?

The SPEAKER. The question is on the point of order made by the gentleman from Illinois; which is twofold: first, that the amendment proposed by the gentleman from Michigan to the amendment of the Senate is not germane to that amendment; and secondly, that it is not in order under parliamentary practice, because it proposes to change a provision upon which the two Houses have agreed.

Mr. SPRINGER. Mr. Speaker, I made this point of order in good faith. The gentleman from Colorado [Mr. BELFORD] has notified the House that, in case this point of order is insisted upon, no further action will be allowed upon this bill. I do not desire, nor will I permit, the gentlemen on the other side to unload the responsibility of the defeat of this bill upon this side of the House or upon myself individually. Therefore I propose to withdraw the point of order, on condition that gentlemen on the other side will agree that the votes shall be continued without dilatory motions until the bill is finally disposed of. If this agreement can be made that the votes shall go on until the bill is finally put upon its passage, I will withdraw the point of order.

Mr. REED. Was it the object of the gentleman from Illinois in making the point of order to have something to trade on?

Mr. SPRINGER. No, sir; my object in making the point of order—and I made it in good faith—was to interpose what I believed a parliamentary right to arrest a particular amendment. Now I will ask unanimous consent to withdraw this point upon the condition that there be no further dilatory motions until the bill is finally put upon its passage.

Mr. WILBER. Those on this side must enjoy the same rights as the gentleman did.

Mr. McKINLEY. I hope the Chair will decide the point of order.

Mr. KEIFER. Is not the gentleman from Illinois willing to add the stipulation that gentlemen on his side will vote for the amendment?

Mr. SPRINGER. I am making the proposition in good faith. If we can now proceed without dilatory motions to vote on the amendments of the Senate this point of order will be withdrawn.

Mr. FRYE. Why, Mr. Speaker, if the gentleman had not made the point of order the bill would have been passed by this time. The Committee on Ways and Means agreed, and there was no trouble——

Mr. SPRINGER. Will the gentleman from Maine assure me then that the vote will go on?

Mr. FRYE. No, "the gentleman from Maine" will not agree to anything, and has no right to do so; and no other gentleman had any right to commit this side to filibustering any further.

Mr. SPRINGER. Upon the assurance of the other side——

Mr. FRYE. No assurance whatever.

Mr. REED. None whatever. The gentleman from Illinois must take his own course.

Mr. SPRINGER. I will not withdraw it when gentlemen on the other side persist in stating they will give no assurance.

The SPEAKER. The Chair states that the gentleman from Maine made a statement which indicates to the Chair there will not be much dilatory action. [Cries of "Withdraw it!" "Withdraw it!"]

Mr. SPRINGER. Believing that gentlemen on the other side who are in favor of proceeding with the public business will now resist all further dilatory motions, and trusting to their honor to do so, I withdraw my point of order.

The SPEAKER. The question recurs on ordering the main question on concurring in the Senate amendment with the amendment of the gentleman from Michigan.

Mr. KEIFER. Does it include the other amendments?

The SPEAKER. Of course it includes the amendment which has precedence under the rule. It is on concurrence in the Senate amendment with the amendment of the gentleman from Michigan.

The main question was ordered.

Mr. TUCKER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CALKINS. Is the amendment of the gentleman from Michigan divisible?

The SPEAKER. It is not.

The amendment was again reported.

The question was taken; and it was decided in the negative—yeas 117, nays 132, not voting 41; as follows:

YEAS—117.

Aldrich, N. W.	Crapo,	Keifer,	Ryan, Thomas
Aldrich, William	Crowley,	Ketcham,	Ryon, John W.
Anderson,	Davis, George R.	Killinger,	Sapp,
Bailey,	Davis, Horace	Lindsey,	Shallenberger,
Baker,	Deering,	Loring,	Sherwin,
Ballou,	Dunnell,	Mason,	Smith, A. Herr
Barber,	Dwight,	McCoid,	Starin,
Bayne,	Einstein,	McCook,	Stone,
Beltzhoover,	Errett,	McGowan,	Thomas,
Bingham,	Felton,	McKinley,	Thompson, W. G.
Bisbee,	Ferdon,	Miles,	Townsend, Amos
Blake,	Fisher,	Monroe,	Tyler,
Bliss,	Fort,	Morse,	Updegraff, J. T.
Bowman,	Frye,	Morton,	Updegraff, Thomas
Boyd,	Godshalk,	Neal,	Urner,
Brewer,	Hall,	Newberry,	Valentine,
Briggs,	Hammond, John	Norcross,	Van Aernam,
Brigham,	Harmer,	O'Neill,	Van Voorhis,
Browne,	Harris, Benj. W.	Orth,	Voorhis,
Burrows,	Haskell,	Osmer,	Ward,
Butterworth,	Hawk,	Overton,	Washburn,
Calkins,	Hawley,	Price,	Wells,
Camp,	Hazelton,	Ray,	White,
Cannon,	Heilman,	Reed,	Wilber,
Carpenter,	Hiscock,	Rice,	Williams, C. G.
Caswell,	Horr,	Richardson, D. P.	Willits,
Claflin,	Hubbell,	Robeson,	Wood.
Clark, Alvah A.	Humphrey,	Robinson,	
Conger,	Hutchins,	Ross,	
Cowgill,	Jorgensen,	Russell, W. A.	

NAYS—132.

Acklen,	Davis, Lowndes H.	Kitchin,	Scoville,
Aiken,	De La Matyr,	Klotz,	Shelley,
Armfield,	Deuster,	Knott,	Simonton,
Atherton,	Dibrell,	Ladd,	Singleton, J. W.
Atkins,	Dickey,	Le Fevre,	Singleton, O. R.
Bachman,	Dunn,	Lowe,	Slemons,
Barlow,	Elam,	Manning,	Smith, Hezekiah B.
Beale,	Ellis,	Marsh,	Smith, William E.
Berry,	Evins,	Martin, Benj. F.	Sparks,
Bicknell,	Ewing,	Martin, Edward L.	Speer,
Blackburn,	Ford,	McKenzie,	Springer,
Bland,	Forney,	McLane,	Steele,
Blount,	Frost,	McMahon,	Stevenson,
Bouck,	Geddes,	McMillin,	Talbott,
Bragg,	Gibson,	Mills,	Taylor, Robert L.
Bright,	Gillette,	Money,	Thompson, P. B.
Buckner,	Goode,	Morrison,	Tillman,
Cabell,	Gunter,	Muldrow,	Tucker,
Caldwell,	Hammond, N. J.	Myers,	Turner, Oscar
Carlisle,	Harris, John T.	New,	Vance,
Chalmers,	Hatch,	Nicholls,	Waddill,
Clardy,	Henkle,	Phelps,	Warner,
Clark, John B.	Herbert,	Philips,	Weaver,
Clements,	Herndon,	Phister,	Wellborn,
Clymer,	Hill,	Poehler,	Whiteaker,
Cobb,	Hooker,	Reagan,	Whitthorne,
Coffroth,	Hostetler,	Richardson, J. S.	Williams, Thomas
Colerick,	House,	Richmond,	Willis,
Converse,	Hunton,	Rothwell,	Wilson,
Cook,	Hurd,	Russell, Daniel L.	Wise,
Covert,	Kenna,	Samford,	Yeates,
Cravens,	Kimmel,	Sawyer,	Yocum,
Davidson,	King,	Scales,	Young, Casey.

NOT VOTING—41.

Belford,	Henry,	Muller,	Stephens,
Chittenden,	Houk,	Murch,	Taylor, Ezra B.
Cox,	James,	O'Brien,	Townshend, R. W.
Culberson,	Johnston,	O'Connor,	Turner, Thomas
Daggett,	Jones,	O'Reilly,	Upson,
Davis, Joseph J.	Joyce,	Pacheco,	Wait,
Dick,	Kelley,	Page,	Wright,
Finley,	Lapham,	Persons,	Young, Thomas L.
Forsythe,	Lounsbery,	Pound,	
Hayes,	Miller,	Prescott,	
Henderson,	Mitchell,	Robertson,	

So the Senate amendment was not concurred in with the amendment of Mr. CONGER.

During the roll-call,

Mr. KILLINGER moved by unanimous consent to dispense with the reading of the names.

There was no objection, and it was ordered accordingly.

The following additional pairs were announced from the Clerk's desk:

Mr. LAPHAM with Mr. CULBERSON, on this vote.

Mr. SINGLETON, of Mississippi, with Mr. NEAL, on the funding bill, the right being reserved to Mr. SINGLETON when necessary to vote for the purpose of making a quorum.

Mr. LOUNSBERY with Mr. MILLER, until half past seven o'clock this evening.

Mr. COX with Mr. UPSON, on this vote.

The vote was then announced as above recorded.

Mr. TUCKER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TUCKER. I now move to concur in the Senate amendment changing May to July, and on that I demand the previous question.

The main question was ordered.

Mr. TUCKER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The Senate amendment was concurred in.

Mr. TUCKER moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TUCKER. I was instructed by the Committee on Ways and Means to report the following amendment to the fifth section:

At the end of section 5 add the following proviso:
"*Provided*, That nothing in this act shall be construed to repeal or in any manner affect or modify sections 5220, 5222, 5223, and 5224 of the Revised Statutes of the United States of America."

Mr. ATKINS. I desire to know if this is the McKinley amendment?

Mr. TUCKER. It is the McKinley amendment.

Mr. WARNER. I should like also to ask whether this is not included in the proposition to be offered hereafter by the gentleman from Kentucky? [Cries of "Order!"]

Mr. TUCKER. I demand the previous question.

The House divided; and there were—ayes 130, noes 13.

So the main question was ordered.

Mr. TUCKER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McKINLEY. I am sorry gentlemen have changed their minds on the other side on that amendment. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 114, nays 128, not voting 48; as follows:

YEAS—114.

Aldrich, N. W.	Crapo,	Keifer,	Russell, W. A.
Aldrich, William	Crowley,	Ketcham,	Ryan, Thomas
Anderson,	Davis, George R.	Killinger,	Sapp,
Bailey,	Davis, Horace	Loring,	Shallenberger,
Baker,	Deering,	Mason,	Sherwin,
Ballou,	Dunnell,	McCoid,	Smith, A. Herr
Barber,	Dwight,	McCook,	Smith, Hezekiah B.
Bayne,	Einstein,	McKinley,	Starin,
Belford,	Errett,	Miles,	Stone,
Beltzhoover,	Ferdon,	Monroe,	Thomas,
Bingham,	Fisher,	Morse,	Townsend, Amos
Bisbee,	Forsythe,	Morton,	Tucker,
Blake,	Fort,	Newberry,	Updegraff, J. T.
Bowman,	Frye,	Norcross,	Updegraff, Thomas
Boyd,	Gibson,	O'Neill,	Urner,
Brewer,	Godshalk,	Orth,	Valentine,
Briggs,	Hall,	Osmer,	Van Aernam,
Brigham,	Harmer,	Overton,	Van Voorhis,
Browne,	Harris, Benj. W.	Pacheco,	Voorhis,
Burrows,	Haskell,	Page,	Ward,
Butterworth,	Hawk,	Prescott,	Washburn,
Calkins,	Hawley,	Price,	Wells,
Camp,	Hazelton,	Ray,	White,
Carlisle,	Heilman,	Reed,	Wilber,
Carpenter,	Hiscock,	Rice,	Williams, C. G.
Caswell,	Horr,	Richardson, D. P.	Willits,
Claflin,	Humphrey,	Robeson,	Wood.
Conger,	Hutchins,	Robinson,	
Cowgill,	Jorgensen,	Ross,	

NAYS—128.

Acklen,	Culberson,	Kimmel,	Scales,
Aiken,	Davidson,	King,	Scoville,
Armfield,	Davis, Lowndes H.	Kitchin,	Shelley,
Atherton,	De La Matyr,	Klotz,	Simonton,
Atkins,	Deuster,	Knott,	Singleton, J. W.
Bachman,	Dibrell,	Ladd,	Slemons,
Barlow,	Dickey,	Le Fevre,	Smith, William E.
Beale,	Dunn,	Lowe,	Sparks,
Berry,	Elam,	Marsh,	Speer,
Bicknell,	Ellis,	Martin, Benj. F.	Springer,
Blackburn,	Evins,	Martin, Edward L.	Steele,
Bland,	Ewing,	McKenzie,	Stevenson,
Blount,	Felton,	McLane,	Talbott,
Bouck,	Finley,	McMahon,	Taylor, Robert L.
Bragg,	Ford,	McMillin,	Thompson, P. B.
Bright,	Frost,	Mills,	Tillman,
Buckner,	Geddes,	Money,	Turner, Oscar
Cabell,	Gillette,	Morrison,	Upson,
Caldwell,	Goode,	Muldrow,	Vance,
Chalmers,	Gunter,	Myers,	Waddill,
Clardy,	Hammond, N. J.	New,	Warner,
Clark, John B.	Harris, John T.	Nicholls,	Weaver,
Clements,	Hatch,	Philips,	Wellborn,
Clymer,	Herbert,	Phister,	Whiteaker,
Cobb,	Herndon,	Poehler,	Whitthorne,
Coffroth,	Hill,	Reagan,	Williams, Thomas
Colerick,	Hooker,	Richardson, J. S.	Willis,
Converse,	Hostetler,	Richmond,	Wilson,
Cook,	House,	Robertson,	Wise,
Covert,	Hunton,	Rothwell,	Wright,
Cox,	Hurd,	Samford,	Yeates,
Cravens,	Kenna,	Sawyer,	Young, Casey.

NOT VOTING—48.

Bliss,	Henry,	McGowan,	Russell, Daniel L.
Cannon,	Houk,	Miller,	Ryon, John W.
Chittenden,	Hubbell,	Mitchell,	Singleton, O. R.
Clark, Alvah A.	James,	Muller,	Stephens,
Daggett,	Johnston,	Murch,	Taylor, Ezra B.
Davis, Joseph J.	Jones,	Neal,	Thompson, W. G.
Dick,	Joyce,	O'Brien,	Townshend, R. W.
Forney,	Kelley,	O'Connor,	Turner, Thomas
Hammond, John	Lapham,	O'Reilly,	Tyler,
Hayes,	Lindsey,	Persons,	Wait,
Henderson,	Lounsbery,	Phelps,	Yocum,
Henkle,	Manning,	Pound,	Young, Thomas L.

So the amendment was not agreed to.

The following additional pair was announced:

Mr. CANNON, of Illinois, on this vote, with Mr. FORNEY.

The SPEAKER. The Chair understands that this amendment was to come in as an additional proviso, and is not, in fact, an amendment to any part of the fifth section.

Mr. McKINLEY. That is correct.

The SPEAKER. And therefore the vote will stand on concurrence in the Senate amendment.

Mr. CARLISLE. That is the understanding of the committee.

The SPEAKER. The Chair thinks it proper to make this statement for the reason that this amendment comes in a little out of order.

The result of the vote was then announced as above recorded.

Mr. TUCKER moved to reconsider the vote by which the amendment was disagreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPPLEMENTARY FUNDING BILL.

Mr. CARLISLE. I ask unanimous consent to introduce at this time and put upon its passage the following bill.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

Mr. PRICE. I object.

The SPEAKER. The gentleman from Iowa objects.

Mr. WILBER. I object to the introduction of the bill.

Mr. ATKINS. I move that the House do now adjourn.

Mr. CARLISLE. Objection being made, I move to suspend the rules and pass the bill which I send to the desk.

The SPEAKER. The Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. CONGER. Let me ask whether the other bill is passed finally?

The SPEAKER. The refunding bill has passed both Houses of Congress.

Mr. CONGER. It can be recalled, then, and amended.

The SPEAKER. It has passed both Houses.

Mr. KEIFER. But it is not the law of the land yet. Has it received the approval of the President?

The SPEAKER. It has not yet been signed.

Mr. CONGER. By unanimous consent it can be called back an d this amendment made in it. I ask unanimous consent that the bill be recalled.

Several MEMBERS objected.

Mr. WARNER. Regular order.

Mr. KEIFER. There never was an attempt to change legislation in this way that I have ever heard of before.

The SPEAKER. The Clerk will proceed with the reading of the bill.

The Clerk resumed the reading of the bill. Before concluding,

Mr. CONGER. I make the point of order, and I make it now in order to get the ruling of the Chair upon it, that we have not left the

business on the Speaker's table. I think the Chair decided in another case that the motion to suspend the rules could not be entertained while business on the Speaker's table was pending.

The SPEAKER. The Chair thinks it is too late now to make a point of order raised by the gentleman from Michigan.

Mr. WILBER. I objected at the time.

Mr. KEIFER. Why is it too late?

The SPEAKER. Objection was made to unanimous consent; but this is a motion to suspend the rules. No objection was raised until after the bill was partly read. The point of order, therefore, comes too late.

Mr. KEIFER. But why is it too late to object?

The SPEAKER. Because the bill had been read.

Mr. PRICE. But I objected to it directly myself when the gentleman first introduced it.

Mr. WILBER. So did I, and before it was read.

The SPEAKER. The gentleman objected to unanimous consent, which the gentleman from Kentucky asked. This is a motion to suspend the rules.

Mr. REED. The time to make objection is after the bill is read, not before it is read.

Mr. SPRINGER. No objection can be made to the motion to suspend the rules. That is undoubtedly in order.

The SPEAKER. This bill has been considered, and the objection is, the Chair thinks, now too late.

Mr. REED. But our time to object is after the bill has been read.

The SPEAKER. The way to object is to vote against it. This bill has been presented and considered.

Mr. KEIFER. How?

The SPEAKER. By being read.

Mr. REED. The Speaker decided only yesterday that the reading of a bill was not considering it.

The SPEAKER. The Chair has entertained a motion under the rule, and the Chair thinks that the point of order cannot now be made against it. The Chair holds that the point of order made by the gentleman from Michigan comes too late. [Cries of "Regular order!"]

Mr. REED. But the Chair cannot rule a point of order out of order that is made before the bill is read. We could not object before.

The SPEAKER. The objections were made, as the gentleman from Maine will understand, to the request of the gentleman from Kentucky for unanimous consent. Objection was made when he requested to introduce the bill by unanimous consent. This is an entirely different motion.

Mr. PRICE. But I objected when the request was first made.

The SPEAKER. That is very true, but that was in reference to the question of unanimous consent to its introduction.

Mr. REED. That objection was made at the time——

The SPEAKER. Then the Chair recognized the gentleman to move to suspend the rules and pass the bill. The point of order should have been made then and before the bill was read, if made at all. But no point of order was made, and the Clerk commenced the reading of the bill. The Chair holds that it is now too late.

Mr. REED. But, Mr. Speaker, was it possible to make a point of order upon it until we knew from the reading what it was?

The SPEAKER. This is a proposition to suspend the rules, which will enable the gentleman to know what it is. The remedy is to vote it down. [Cries of "Read!" "Read!"]

Mr. REED. I am very sure the Chair does not intend to make a ruling that will commit him to such a doctrine as that.

The SPEAKER. The Chair states that the point of order came too late.

Mr. REED. But the Chair cannot state that the point of order came too late when it was made as soon as we understood what it was that was sought to be presented here. Why, we are entitled to make the point of order on a bill as soon as it is presented to us; and no one can make the point of order till he knows what it is.

Mr. CARLISLE. I had moved a suspension of the rules.

Mr. SCALES. Was the point of order reserved?

The SPEAKER. The point of order could have been reserved, but it was not.

Mr. CARLISLE. I have moved to suspend the rules and pass the bill.

Mr. REED. The Chair has ruled, as I understand, that it was too late to make the point of order.

The SPEAKER. That it was too late to make the point of order against the motion.

Mr. REED. What motion?

The SPEAKER. The motion of the gentleman from Kentucky to suspend the rules.

Mr. REED. On what ground does the Chair so decide?

The SPEAKER. The Chair so decides because the point of order was not made in time.

Mr. REED. The gentleman from Iowa [Mr. PRICE] says he rose to make the point of order.

The SPEAKER. The gentleman from Iowa did not say so, and the Chair does not think he will say he did. He only made an objection to the introduction of the bill. The Chair has carefully watched every step in the proceedings.

Mr. REED. But the whole motion is to suspend the rules and pass a particular bill.

The SPEAKER. There was no attempt to make the point of order against the motion. The Chair does not decide now whether the point of order could have been successfully made or not, but there was none made.

Mr. CONGER. The Chair cannot say the point of order was not made. He may say it was made too late; but I certainly made it very distinctly. [Cries of "Read!" "Read!"]

The Clerk resumed and continued the reading of the bill until interrupted by,

Mr. WILBER, who said: There is so much disorder in the Hall that we cannot hear what the Clerk is reading.

The SPEAKER. Gentlemen will be seated. The Chair will cause the reading of the bill to be again commenced from the beginning, so that every gentleman may hear it.

Mr. KEIFER. Before the reading is proceeded with, that we may not be too late, and as some of us desire to have a second, I reserve the right to call for a second.

The SPEAKER. The bill will be read, and then, of course, the demand for a second will be allowed.

The Clerk resumed and concluded the reading of the bill, which in full is as follows:

Be it enacted, &c., That the last sentence in section 1 of the act entitled "An act to facilitate the refunding of the national debt," passed at the present session of Congress, and known as the funding act of 1881, be, and the same is hereby, so amended as to read as follows:

"It shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may prescribe, to authorize public subscriptions, at not less than par, to be received at all depositories of the United States, and at all national banks and such other banks as he may designate for the bonds and for the Treasury notes herein provided for, for thirty days before he shall ask for or award any portion of such bonds or Treasury notes to any syndicate of individuals or bankers or otherwise than under such public subscriptions. And if it shall happen that more than the entire amount of said bonds and Treasury notes, or of either of them, has been subscribed within said thirty days, he shall award the full amount subscribed to all persons who shall have made *bona fide* subscriptions in order of time of said subscriptions and at the rates most advantageous to the United States."

SEC. 2. That section 4 of the said act be, and the same is hereby, so amended as to authorize the Secretary of the Treasury to use, from time to time, not exceeding $50,000,000 at any one time, of the standard gold and silver coin in the Treasury for the purposes mentioned in said section, and the surplus remaining in the Treasury not otherwise appropriated, or so much thereof as the Secretary of the Treasury may consider proper, may be applied to the purchase or redemption of any United States bonds or of the Treasury notes authorized by the said act.

SEC. 3. That section 5 of said act be, and the same is hereby, amended by adding thereto the following words: "*And provided further*, That nothing in this act contained shall be so construed as to repeal, modify, or in any manner affect sections 5220, 5221, 5222, 5223, or 5224 of the Revised Statutes of the United States of America."

Mr. CALKINS. I hope the gentleman from Kentucky [Mr. CARLISLE] will allow that bill to be printed in the RECORD and let it go over till to-morrow morning that members may read it.

Mr. CARLISLE. It is nothing in the world but the amendments which the gentlemen on the other side have voted for.

Mr. CONGER. But we have the judgment of the other side of the House that it is very improper to pass such amendments.

Mr. CARLISLE. That it was improper to pass such amendments, under the circumstances, to the bill just passed.

Mr. CONGER. Now, here is an attempt to huddle into four sections what is required to perfect the other bill, when it would take ten or twelve sections to do it. It is a hasty, premature, ill-advised attempt——

Mr. CARLISLE. The gentleman from Michigan has voted for every proposition in that bill.

Mr. CALKINS. If the gentleman from Kentucky is sincere in seeking to pass this, I ask him to let it go over till to-morrow morning.

Mr. CARLISLE. It would seem as if gentlemen on the other side did not want what they have been asking for.

Mr. KEIFER. The gentleman from Kentucky must not say that. He ought to allow us time to examine his bill. The gentleman may be bringing it in for the purpose of having it defeated. We can scarcely infer anything else from the way in which he has brought it before the House.

Mr. CARLISLE. I call for a vote on the proposition.

The SPEAKER. Is a second demanded?

Mr. KEIFER. Yes, sir; a second is demanded.

Mr. LAPHAM. I desire to make a point of order.

The SPEAKER. The gentleman will state it.

Mr. LAPHAM. I make the point of order that it is not competent for us to pass an act amending an act which has not yet become law. We have a right to recall that act if it needs amendment. But we cannot pass a supplementary bill amending a bill which has not yet become a law.

The SPEAKER. The House has already done exactly the same thing.

Mr. REAGAN. I desire to say a word on the point of order. The House is cognizant of its own record. It takes notice of its own actions. It may see that a bill has passed which needs revision; and certainly it must be competent for us to pass another act to make a necessary correction.

Mr. LAPHAM. I desire a ruling from the Chair on the point of order I have raised. But before he rules on it I wish to add a word or two to what I have said.

The SPEAKER. The Chair will hear the gentleman from New York as to the point of order without reference to the question whether it was made in time.

Mr. LAPHAM. I suggest that even if the bill had gone back to the Senate the House has the power to recall it for the purpose of amending it; if it had gone to the President we would have the power to ask him to return it.

The SPEAKER. The two Houses would have the power to do that.

Mr. LAPHAM. Until it becomes a law it is not the subject of legislation here of another bill.

The SPEAKER. The Chair thinks that a case exactly similar has occurred before, notably the bill——

Mr. REAGAN. The river and harbor bill.

The SPEAKER. That is not precisely like this case.

Mr. LAPHAM. The bill is not even engrossed yet; it has not passed the House.

The SPEAKER. That is a matter for the House to consider; not the Chair.

Mr. LAPHAM. The Chair knows he has not signed it.

The SPEAKER. The Chair has nothing to do with what the House wishes.

Mr. LAPHAM. Let me make another suggestion. Suppose the bill to which this proposed bill refers never becomes a law. What becomes of this bill?

The SPEAKER. The Chair would suppose that this would not become a law, as the same power would control this that would prevent the other from becoming a law.

Mr. LAPHAM. And if we desire to amend a bill which has just passed, let us take it up and amend it in a manly way, and not let us, by a mere subterfuge like this, try to avoid the evils which are contained in the bill which we have passed. You have not signed any bill yet to which this refers. The bill is within our control; and it is not yet legislation; it is not yet the subject of supplemental or additional legislation. On the contrary, this proposed bill, on the face of it, purports to be an amendment of a bill which it recites has just passed the House.

Mr. CARLISLE. I never was a member of a legislative assembly in which just such things have not been done.

Mr. KEIFER. Where were you ever before a member of a legislative assembly?

Mr. CARLISLE. I was in the Kentucky Legislature for twelve years.

Mr. KEIFER. And you there amended bills before they were laws?

Mr. CARLISLE. Allow me to make my statement. I say I have never been a member of a legislative assembly in which there have not been other bills or joint resolutions passed to correct any error that may have occurred in the passage of a bill, or to amend any clause that required amendment in a bill upon which the body had acted. Now, the gentleman from New York [Mr. LAPHAM] says that we can recall this funding bill. He forgets that every vote——

Mr. REED. Will the gentleman allow me a question?

Mr. CARLISLE. When I get to the end of my sentence I will. The gentleman from New York forgets that upon every vote by this House on that bill a motion to reconsider was made, which motion to reconsider was laid upon the table; so that the bill has passed beyond the control of this House.

Mr. PAGE. Will the gentleman allow me one question?

Mr. CARLISLE. Certainly.

Mr. PAGE. The gentleman from Kentucky then admits that there are errors in the bill we have just passed that require additional legislation?

Mr. CARLISLE. I do not admit any such thing.

Mr. PAGE. I thought you did.

Mr. CARLISLE. I say that you gentlemen say that it is subject to a certain construction, and I want to remedy that difficulty.

Mr. REED. Will the gentleman from Kentucky say——

Mr. CONGER. How can a bill——

Mr. CARLISLE. One at a time.

Mr. CONGER. How can a bill be called an act which is still a bill unenrolled and unsigned?

Mr. CARLISLE. It is described as such by its title, and that is the designation given to it in its last section.

Mr. CONGER. But that is not an act yet.

Mr. REED. Does the gentleman from Kentucky mean us to understand that in the Legislature of Kentucky he has participated in the passage of a bill which was introduced before the bill it was intended to correct had become a law?

Mr. CARLISLE. Often.

Mr. REED. Often?

Mr. CARLISLE. Yes.

Mr. REED. Before it had become a law?

Mr. CARLISLE. Yes; and we did it here on the river and harbor bill.

Mr. REED. Before the Speaker had signed it?

Mr. CARLISLE. Yes, sir.

Mr. REAGAN. Unanimous consent was given this very day to do that very thing in regard to the river and harbor bill. This House has a right to control its own action. The question which the gentleman from New York raises goes beyond the question now before the House. The question before us is simply whether we will conduct our own legislation in our own way, and leave to others to do the same.

The SPEAKER. The question is upon ordering the main question, upon which a second is demanded.

Mr. WILBER. I do not think there is one man in ten in this House that heard that bill when it was read.

The SPEAKER. That is not the fault of the Chair, it is the fault of members themselves.

Mr. WILBER. How can we vote on anything of that kind when we have not heard it? I vouch that not one in twenty here knows what it is.

The SPEAKER. The House will be in order. Gentlemen may as well take their seats and be quiet first as last. [After a pause.] There is a demand for a second of the previous question.

Mr. LAPHAM. I desire a ruling on the point of order I made.

The SPEAKER. The Chair did not understand the gentleman from New York [Mr. LAPHAM] to make any point of order.

Mr. LAPHAM. Certainly I made a point of order.

The SPEAKER. The Chair overrules the point of order.

Mr. CONGER. I take an appeal from the decision of the Chair.

Mr. SPRINGER. I move to lay the appeal on the table.

The question being taken on the motion of Mr. SPRINGER, it was agreed to, there being—ayes 131, noes 27.

The SPEAKER. The question now recurs on seconding the motion to suspend the rules.

Mr. KEIFER called for tellers; and Mr. KEIFER and Mr. CARLISLE were appointed.

The House divided; and the tellers reported ayes 142, noes 11.

So the motion to suspend the rules was seconded.

The SPEAKER. Is debate desired on the motion to suspend the rules? [Cries of "No!" "No!"]

Mr. KEIFER. Yes, sir.

Mr. WARNER. I want the gentleman from Kentucky [Mr. CARLISLE] to state that the propositions embraced in this bill are identically those already voted on.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] asks that there be debate. [Cries of "No!" "No!"]

The SPEAKER. It is the gentleman's right. The rules allow fifteen minutes debate on each side.

Mr. KEIFER. I hope that the gentleman who offers the bill will be heard, so that we may understand what the bill is.

Mr. CARLISLE. I am very sorry to hear gentlemen saying that they do not understand what these propositions are, for they have voted for every one of them on calls of the yeas and nays yesterday and to-day.

Mr. WILBER. How do we know that? We have not heard the bill read so as to distinguish anything. This is the first statement of the kind that we have had. If the printing of the bill in the RECORD had been ordered so that we could read it in the morning, we might then be ready to vote on it.

Mr. CARLISLE. The first section of this bill proposes simply to so amend the bill known as the funding bill as to make it conform to the provision offered by the gentleman from Maine, [Mr. FRYE;] that is, it proposes to incorporate into the Senate amendment which, as it now stands, constitutes the last sentence of the first section of the funding bill, the amendment which the gentleman from Maine offered in the Committee on Ways and Means, and which that committee reported to the House. The gentleman from Maine has seen this bill, and knows that this is exactly what it does.

The second section proposes to so amend the fourth section of the bill as to make it conform exactly with the amendments which the Committee on Ways and Means proposed to the Senate amendments to that section. The Senate so amended the fourth section with regard to the use of the $50,000,000 of standard gold and silver coin by the Secretary of the Treasury as to make it very doubtful whether or not the Secretary could use that fund, as he had said before the Finance Committee of the Senate he desired to use it or have power to use it; that is, as a capital fund in the process of refunding the public debt. The amendment of the Senate left it doubtful whether the Secretary of the Treasury could use that $50,000,000 more than once, whether when he had once used $50,000,000 of standard gold and silver coin in the Treasury in purchasing outstanding 5 and 6 per cent. bonds and had once replaced that money out of the proceeds of the sale of the 3 per cent. bonds, he could use it again. The Secretary of the Treasury said in effect before the Committee on Finance that he ought to have the power to use that fund from time to time as occasion might require and as his judgment might dictate in the course of this process of refunding; and the Committee on Ways and Means reported to the House certain verbal amendments to the fourth section which would undoubtedly have given him that power; but the House refused to adopt those amendments. This bill corrects that, and contains no other provision on that subject.

The third section of the bill is, I think I can say, in the identical words of the amendment proposed by the gentleman from Ohio [Mr. MCKINLEY] upon which the very last vote of this House was taken.

Mr. KEIFER. The gentleman voted against it.

Mr. CARLISLE. No, sir, I voted for it.

Mr. KEIFER. I beg the gentleman's pardon.

Mr. CARLISLE. You voted for it too.

Mr. KEIFER. Yes, sir.

Mr. CARLISLE. That amendment, as the gentleman from Maine has stated, was designed to meet a difficulty about the fifth section.

There is an apprehension in the public mind in some quarters that the fifth section might be so construed as to prevent a bank desiring to go out of business and close up its affairs from depositing lawful money in the Treasury and withdrawing its bonds at once. The amendment offered by the gentleman from Ohio was designed to remove all doubts upon that subject by providing that nothing contained in that act should be so construed as to repeal, modify, or in any manner affect sections 5220, 5221, 5222, 5223, and 5224 of the Revised Statutes. That amendment was rejected; and I have included it as the third section of this supplemental bill. These are the three propositions and the only propositions contained in the bill.

Mr. HUBBELL. Will the gentleman allow me a question?

Mr. CARLISLE. Certainly.

Mr. HUBBELL. Is the gentleman in favor of this bill?

Mr. CARLISLE. I am.

Mr. HUBBELL. Then, of course, the gentleman admits that the republicans in voting for the amendments to the Senate amendments to the funding bill voted right and the gentleman's friends voted wrong.

Mr. CARLISLE. I voted for this amendment with the republicans. I had agreed to do so in the Committee on Ways and Means, and I did it all through, as did several others on this side. Without reproaching anybody, I wish to say that, in my judgment, but for a report which reached this side of the House late yesterday evening, that it had been said by some gentlemen on the other side that if they could secure the adoption of a single amendment they would defeat the bill in the Senate, this side of the House would have adopted those amendments.

Several MEMBERS. Every one of them.

Mr. CONGER. Did so little a thing as that terrify the democracy?

Mr. CARLISLE. So large a thing as that—the utter defeat of the funding bill—did.

Mr. CONGER. With a democratic Senate?

Mr. KEIFER obtained the floor. [Cries of "Vote!" "Vote!"]

The SPEAKER. Gentlemen need not call "vote," because the gentleman from Ohio is entitled to the floor.

Mr. EINSTEIN. I desire to answer the remarks of the gentleman from Kentucky in which, I suppose, he referred to me. The report was in circulation last night, as the gentleman from Kentucky very truly says, and, being traced to its fountain-head, it was denied by the gentleman from Pennsylvania on the other side that I had made any such remark. The gentleman from Pennsylvania said the remark was gathered together on his own side, and that his side understood it from the remark he had made and had added to it themselves. So far as the remark referred to me, I cannot see how it influenced the other side.

Mr. CARLISLE. I have not charged or insinuated any gentleman of that side had made a remark. I merely said a report was circulated on this side that such a remark was made. I accept the gentleman's statement that he did not make it.

Mr. EINSTEIN. The gentleman from Pennsylvania—— [Cries of "Vote!" "Vote!"]

Mr. KEIFER. I have the floor, and I yield five minutes of my time to the gentleman from Maine, [Mr. REED.]

Mr. REED. Mr. Speaker, I suppose it would be difficult to find a more characteristic example of democratic legislation than we have had in this refunding bill with this corollary which is attempted to be added to it. It seems as if they had no connection with the business interests of the country. It would seem as if they cared nothing about giving serious shock to the present prosperity which this country has. Nobody has objected to this bill upon the simple question of the rate of interest. Some of us have entertained the opinion that a bond bearing 3 per cent. interest and running the length of time which this bond runs would not be negotiable in the market; but all that is question of opinion, and had the fifth section been left out, this bill would have taken its course according to the ideas of the majority. And yet perhaps had it not been hoped the Senate would make due amendment to it, it might have been defeated at the time when it passed the House with the fifth section in it. But believing, as we did, that the Senate would make amendment to it, it passed the House; but the Senate failing to amend it, we all of us saw what effect it had upon the business of the country.

Mr. LAPHAM. The Senate committee did amend it.

Mr. REED. The Senate committee did amend it, but the Senate did not, and we all saw the effect which it had upon the business of the country.

Now, it is utterly idle for gentlemen on the other side to sneer at that fact by talking about stock-jobbing. It is true that it manifested itself in Wall street, but it is equally true its effect was spreading to all the other business of the country, so that the legitimate business of the country was being injured by it, and it only recovered from the shock because it was believed that the bill would never become a law. And on that, in my judgment, depends the business interests of the country; and because I believed that, for my part I have helped in the most strenuous opposition to the passage of the bill. The question as to whether we shall fund our bonds at 3 per cent. or more is a simple question compared with the paralysis of the business of the country.

Now, I want to say to gentlemen that the continuance of the business of the country is not a question of figures, or a question of addition, or a question of mathematics. It is a question of human nature and of the operations of human nature, and we all of us know that while that trite saying that confidence is a plant of slow growth is true, it is equally true that the first frost may blight the flower. And, gentlemen, I want to warn you that it is not wise for us to do anything which produces a shock to public confidence. In order that business may go on harmoniously it is necessary for the business men of the country and the people of the country, all of us, to have confidence in the capacity of its business for development, and it was the shock which this bill gave to it which was the injury we have complained of and against which we have fought.

And our democratic friends themselves admitted their bill needed amendment, by making the proposition to amend it and expecting to carry it by a two-third vote. They have made the proposition in a manner which seems to me to be without precedent, notwithstanding the remarkable experience of my friend from Kentucky. Here is a bill which the Speaker has admitted by his silence was not signed by him at the time this was introduced, and was consequently within the control of the House.

The SPEAKER. The gentleman's time has expired.

The Chair will take the liberty of reading in this connection a single paragraph from the Manual:

> If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress it as if it were against order.

That relates to amendments, and by analogy the Chair thinks the same would apply to a bill.

Mr. REED. Now, I want to finish what I have to say on that point. [Cries of "Regular order!" "The gentleman's time has expired!"]

Mr. CONGER. It is a perfect mockery to give us fifteen minutes and not allow us to be heard, if gentlemen are to be interrupted all the time.

Mr. KEIFER. I will yield to the gentleman from Maine more time if he wants it.

The SPEAKER. How much time does the gentleman yield?

Mr. KEIFER. I will yield two minutes to him.

Mr. REED. The gentleman from Kentucky, in replying to my objection, said this very House had amended the river and harbor bill. But as I understand it, though I have not seen the record myself, this was a mere order to the Committee on Engrossed Bills that they should make a verbal change where a clerical error had been made, and that was the extent of it.

The SPEAKER. That was done to-day.

Mr. REED. And that was by unanimous consent; and I submit, Mr. Speaker, it was on a transaction as different as the world is wide from the amendment which is proposed here to be attached on as an explanatory clause to a bill which has not yet become a law. Why, the very title of this attempted transaction shows the absurdity of it. Here is a "bill to amend an act," and there is no such "act" on the face of the earth. The bill would not become an act until it has passed from the control of the House, from the control of the legislative power, and the President has exercised the power which he has in the premises. But we are therefore, owing to the exigencies in which the democratic party finds itself, reduced to the absurd position of proposing to amend an act which is not an act and may never be.

Mr. CARLISLE. How much time have I remaining?

The SPEAKER. The gentleman has ten minutes.

Mr. CARLISLE. I wish to yield five minutes to the gentleman from New York, [Mr. COX.]

Mr. KEIFER. Do you wish to use your time now?

Mr. CARLISLE. I have no choice. If the gentleman desires to proceed I am willing he may do so.

Mr. KEIFER. I have no objection to the gentleman from Kentucky going on and reserving my eight minutes to conclude.

Mr. CARLISLE. Then I yield five minutes to the gentleman from New York, [Mr. COX.]

The SPEAKER. The usual practice is to allow the time to be divided so that the last five minutes will belong to the member who makes the motion to suspend the rules.

Mr. CARLISLE. I have no objection to yield to the gentleman from New York if he desires to proceed now.

The SPEAKER. The gentleman then yields five minutes to the gentleman from New York; that will leave five minutes in which to close the discussion. After the gentleman from New York has concluded the Chair will recognize the gentleman from Ohio [Mr. KEIFER] for eight minutes remaining on that side, after which the gentleman from Kentucky will have his five minutes to close the debate.

Mr. COX. Mr. Speaker, this bill seems to me to be very much like renewing the contest which we had during the consideration of the other bill, except in this way: our republican brethren are opposing the very thing that they were then understood to favor. [Cries of "Oh, no!" on the republican side.] If I am wrong we will notice it in the RECORD to-morrow morning. Why are they now opposing this explanatory bill? How can they excuse themselves for voting as they have done, except by opposing this bill in this most miraculous and curious manner? What is the object of opposing the bill? Do they wish to raise the question between the banks and the people? I warn them at the threshold of their administration that they will go down with their favorite monopoly before the people on this question.

We have contended here, Mr. Speaker, for a decent percentage in the placing of our bonds. I am not sure, gentlemen, but that your Secretary of the Treasury favors this very bill. And why are you fighting it?

Mr. WILBER. None of us know what it is yet.

Mr. COX. Are you assured to the contrary? Are you certain that the Secretary does not favor it? I await your response. You are dumb.

Mr. PRICE. I am not dumb. I know he does, for I have it from his own mouth. Now, if the gentleman wanted the information he has got it.

Mr. COX. Nobody ever suspected that you were either deaf or dumb. [Laughter.]

I am not and never have been in the interest of the national banks. Has my friend from Iowa any interest in them? Is he not president of a bank? [Cries of "He is dumb now!" on the democratic side.] He is now both deaf and dumb. Why does he not answer the question?

I believe if the people had fair and free representation here they would ask for the retirement of the national-bank currency and their replacement by United States notes.

Mr. PRICE. What do you mean by saying that I am interested in national banks?

Mr. COX. How are you interested?

Mr. PRICE. I say what do you mean by my being in the interest of the national banks?

Mr. COX. I did not say "interest." I said the gentleman was an officer of a national bank.

Mr. PRICE. And I want to say I am not. I am not an officer of a national bank.

Mr. COX. Not a stockholder?

Mr. PRICE. A stockholder? Yes. If you will keep on guessing you will find out all you would like to know; my name, where I was born, and everything else.

Mr. COX. And do not you take any interest in your own stock? Of course my friend from Iowa takes some interest in his own stock. Even a cattle man would do that. [Laughter.]

There is some reason why gentlemen on the other side oppose this bill; some reason which the people will find out. Whether it is because the banks have tried to depreciate the white coin by not receiving it except in small quantities, trying to make it a drug on the market, to break down the constitutional currency; or whether for other purposes which I cannot understand, it is desired to perpetuate their charters. One thing remains, that the banks of the United States, our creatures, are endeavoring to rule their creators, and that cannot be done while true republicanism, represented by my friend from Illinois, [Mr. MARSH,] and true democracy stand up as they have done to-day against this monopoly.

Mr. WEAVER. And true greenbackism. [Laughter.]

Mr. COX. If I had only known my friend from Iowa and his friends——

A MEMBER. Every one of them voted against the bill.

Mr. COX. I did not know they voted against the bill.

Mr. WEAVER. We voted against the national banks.

Mr. COX. My time is nearly out; something like my friend from Iowa, who never got his chance to serve as President.

Mr. WEAVER. In the electoral count I authorized the Speaker of the House to withdraw my name. [Laughter.]

The SPEAKER. That is correct. That is the fact.

Mr. COX. I think the remark of the gentleman from Iowa, although it was seconded by yourself, Mr. Speaker, is a little irrelevant to this bill. One thing, however, ought to be done by this Congress before we adjourn. We are about to die. The democratic party goes down with a popular majority.

Mr. HASKELL. It has already gone down.

Mr. COX. But we will come up again on this very issue. We will have another chance, and perhaps my friend from Iowa may be with us. All we ask is a fight for free, honest revenue, tariff reform, and a fair square fight against all monopolies. And all hell then cannot prevail against the democratic party. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired. The gentleman from Ohio [Mr. KEIFER] is entitled to the floor.

Mr. KEIFER. I hope the same extension of time will be given to us.

The SPEAKER. The Chair did not give the gentleman from New York more time than he was entitled to. The Chair is guided by the watch in the hands of his clerk.

Mr. KEIFER. This Congress first met under most extraordinary circumstances—within less than three weeks of the time it was entitled to meet under any possibility provided by the Constitution—and we then knew that the democratic party was in power in both branches of Congress, and we knew then as well as at any time since that a funding bill was important and of pressing necessity. The four months of the extra session passed. During that time the Committee on Ways and Means, distinguished because of the great men or the great democrats upon it, were considering the funding bill.

In the early days, if I recollect aright, of the first regular session of this Congress a bill was introduced providing for the funding of the national debt. Since that bill was printed and laid upon our tables we have had above ten months' continual session of this Congress. And now within forty-eight hours of the time we are to close this most memorable Congress a bill of a more than doubtful character has, amid the wreck of hopes and fortunes in some cases, passed, and instantly upon its being passed, before it could be engrossed or enrolled, and before the Speaker could sign his name to it, a distinguished democratic member of the Committee on Ways and Means [Mr. CARLISLE] arises in his place and introduces a bill which is from the first letter to the last a confession that the democratic party, in above ten months' session and consideration of a bill, could not pass one that was fit to go to the country. [Applause on the republican side.] It confesses and admits that it is vile, that it is evil, that it will do wrong and injustice, and that the whole country is to be financially ruined by it.

I do not allow the gentleman from New York [Mr. COX] to get the gentleman from Kentucky [Mr. CARLISLE] off the track by talking about national banks. I do not believe the national banks in the last week have acted with great prudence or with that courage which should have been displayed by their officers in meeting the great financial problem so unnecessarily forced upon this but recently prosperous country by the democratic party. I do not believe that at all. But it is not a question of national banks. It is a question of bread; it is a question of labor; it is a question of universal prosperity in this land. That is the question. It is a question of cheap money—cheap a few days ago—dear now, because the democratic party could not pass a law, as it now confesses through one of its distinguished leaders, but what would injure and ruin and unsettle all of the great financial interests of this country. It is a question of value of property; it is a question of labor; it is a question of keeping up and preserving our great and growing manufacturing interests of this country.

We want it understood now that with all the effort and with all the labor of the democratic majority of this Congress they must go out of it confessing that it is impossible for that party to control and regulate the great affairs of this nation wisely. We have some things to congratulate the country and the democratic party upon. We have witnessed some things this session which are valuable to be recorded and remembered. We have witnessed with pleasure the democratic party lay down that spirit that I dare not characterize and bring in here from the Appropriations Committee appropriation bills surrendering the things they said at one time they would have or they would have the nation's life. ["Oh!" "Oh!" from the democratic side.] They do not even go to that bill to which they clung for so long—the Army appropriation bill; they do not even go to that now. They even come here confessing that they have been wrong on that as well as on all other things which they have been obliged to surrender. They used to put a section into that bill prohibiting the use of the money appropriated for paying, equipping, and transporting troops to be used for keeping peace at the polls on election days; and they have surrendered that and laid it down in the presence of the verdict of the American people. [Derisive cries and laughter from the democratic side.]

Mr. TALBOTT. And still we had eight thousand majority on the popular vote.

Mr. KEIFER. You are mistaken. Garfield received a majority on the popular vote. I expected to hear these groans from the other side. I admit that they surrender and die hard, but the death comes all the same. Now let me, in bidding farewell to this subject, say that the democratic party, above all other parties that ever existed, is, if possible, to be congratulated more than the country for this verdict of the people.

But I want simply to re-enforce what I said at the beginning of my remarks. That is that we have this evening, in the closing hours of this Congress, had a proposition submitted to us boldly and openly confessing that on that subject about which we have been struggling and talking so long the democratic party has been obliged to offer a new bill, giving construction to the one just passed, which new bill is made up of amendments which were prepared to the original bill by the republican members of the Committee on Ways and Means. This extraordinary thing is done to perfect not a law, but to attempt to perfect that which is not for want of the approval of the President—a law which may never become a law. [Applause.]

The SPEAKER. The time of the gentleman from Ohio [Mr. KEIFER] has expired. The gentleman from Kentucky is entitled to five minutes.

Mr. CARLISLE. If the gentleman from Ohio [Mr. KEIFER] had been upon the stump before the people in the midst of an exciting political campaign I might have expected from him just such a speech as he has delivered here; but what relevancy it has to the question under consideration by the House I am unable to see.

Mr. REED. I hope the gentleman will not consider—— [Cries of "Regular order!"]

Mr. CARLISLE. The gentleman from Ohio has undertaken to put in my mouth confessions which I not only never made, but never dreamed of. I have not confessed that this measure about which we are now speaking, or the measure which we have just so happily concluded this evening, will ruin the business interests of the country or injure them in any respect.

Gentlemen on all sides will bear witness that during all the discussion and the excitement growing out of this long contest no word of denunciation has fallen from my lips against the national banks. I have been looking alone, if I know my own heart, to the highest and best interests of this great Government and masses of the American people; and I have considered the interests of the national banks

simply as subordinate to them. If the gentleman considers it of more importance to preserve all the exclusive franchises and privileges of the national banks than to place the credit of this Government on the basis of the oldest and wealthiest countries in the world, then let him act accordingly and I will be the last to question his motives. I take this occasion, however, to say that the national banks, by their conduct during the last week, by the gross abuse of that great power which the bill passed this evening will take away from them I trust forever, have done more to arouse a spirit of just indignation in the bosoms of the American people than all the words of denunciation ever uttered by any democrat or greenbacker in this House or elsewhere. [Applause on the democratic side.] I warn them and their friends now that when they once satisfy the American people that all values may be destroyed and the whole business of the country deranged by the banks at their sovereign will and pleasure, the days of their existence are numbered. [Applause from democrats and greenbackers.]

Mr. GILLETTE. Good; good.

Mr. CARLISLE. Sir, I have taken the position from the beginning of this contest that this Congress would be faithless to the people it represents if it failed to apply a remedy for that great evil which constantly threatens the business interests of the country, so long as these banks hold the power to suddenly contract the currency as they have done during the last week. That remedy was the repeal, the simple and absolute repeal, of the fourth section of the act of June 20, 1874; and I heartily congratulate this House and the country that it has been at last accomplished, so far at least as the legislative department of the Government can do it.

Now, in reply to all that has been said by the gentleman from Ohio [Mr. KEIFER] as to what the democratic party has accomplished and what it has failed to accomplish during its supremacy in this Hall, I have only this to say: that in my opinion that party has had in view in all that it has done or omitted to do what its members conscientiously believed to be the best interests of the country; and I declare here that I will continue to act with it so long, and so long only, as I believe it to be really actuated by that spirit.

I have not made a political speech, or at least not a partisan speech, on the floor of this House during all my service here; I have given my earnest attention, so far as was possible, to what I honestly believed to be really the highest interests of the general public; and it ill becomes the gentleman from Ohio, simply because I and my associates have differed from gentlemen on the other side upon a great public measure like this, to say that our motives are not as pure and patriotic as theirs.

Mr. KEIFER. Who has said that? I did not intend to say it, if I did.

Mr. CARLISLE. That was the tenor of the gentleman's remarks.

Mr. KEIFER. Not a word of it.

Mr. CARLISLE. That we have tried to strike down the Army, and that we have tried to strike a fatal blow at the business interests of the country.

Mr. KEIFER. I said that was the effect of this proposed legislation.

Mr. FRYE. The gentleman from Kentucky is recognized on this side as the jewel of the democratic party in this House. [Applause.]

Mr. CARLISLE. Now, Mr. Speaker, if I have any time left, I want to make a response to the question propounded to me, or rather, which the gentleman from New Jersey [Mr. ROBESON] attempted to propound to me when I was last on the floor.

Mr. ROBESON. Will the gentleman permit me to propound the question?

Mr. CARLISLE. The gentleman propounded it——

The SPEAKER. The time allowed for debate on the motion to suspend the rules has expired. The Chair asks leave to lay before the House a report from the Committee on Enrolled Bills, so that he may sign the bills which have been enrolled.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 4592) to facilitate the refunding of the national debt. [Laughter and applause.]

Mr. UPSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 5088) to authorize the registration of trade-marks and protect the same; and

Joint resolution (H. R. No. 402) to provide for the publication of the memorial addresses on Evarts W. Farr.

SUPPLEMENTAL FUNDING BILL.

The SPEAKER. The time for debate on the motion to suspend the rules having expired, the Chair will now submit the question. The gentleman from Kentucky [Mr. CARLISLE] moves to suspend the rules and pass the bill which has been read.

The motion was agreed to, (two-thirds voting in favor thereof,) and the bill (H. R. No. 7254) was passed.

ADJOURNMENT TILL THURSDAY.

Mr. DAVIS, of Illinois. I move that when the House adjourns today it adjourn to meet on Thursday next.

The motion was agreed to.

Mr. TUCKER. I move that the House now take a recess until ten o'clock on Thursday morning.

Mr. CLYMER. I move the House adjourn.

The SPEAKER. Before submitting the question on the motion to adjourn, the Chair desires, if there be no objection, to lay before the House some executive communications.

There was no objection.

WASHINGTON GASLIGHT COMPANY.

The SPEAKER laid before the House a communication from the Washington Gaslight Company in answer to a resolution of the House of February 10, 1881; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF CLERK OF THE HOUSE.

The SPEAKER also laid before the House a letter from the Clerk of the House of Representatives, transmitting his annual report of contingent expenses, &c.; which was referred to the Committee on Accounts, and ordered to be printed.

The SPEAKER also laid before the House a letter from the Clerk of the House of Representatives, transmitting an inventory of public property in his possession, &c.; which was laid on the table, and ordered to be printed.

PRODUCTION OF PRECIOUS METALS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the report of the Director of the Mint upon the statistics of the production of the precious metals in the United States; which was laid on the table, and ordered to be printed.

PRIVATE LAND CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting papers in the New Mexico private land claim No. 120, in the name of José Dominguez; which was referred to the Committee on Private Land Claims.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting papers in the Louisiana private land claim No. 15, class 1, of John C. Cofield; which was referred to the Committee on Private Land Claims.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. PHELPS, Mr. GILLETTE, and Mr. DE LA MATYR to have printed in the RECORD remarks on the funding bill. [See Appendix.]

WITHDRAWAL OF PAPERS.

By unanimous consent, leave for withdrawal of papers was granted in the following cases:

To Mr. LADD, papers on the files of the Committee on Pensions in the case of Zenos Herrick, a soldier in the war of 1812.

To Mr. BOYD, papers in relation to the claim of George A. Wilson; no adverse report.

To Mr. HARRIS, of Virginia, papers in the case of James Green; no adverse report.

PRINTING OF A REPORT.

On motion of Mr. UPSON, by unanimous consent, Report No. 332, third session Forty-sixth Congress, submitted by him February 22, 1881, from the Committee on Military Affairs, upon lands granted to the Willamette Valley and Cascade Mountain Wagon-road Company; was ordered to be printed, as corrected by him, with additional matter.

The question being taken on the motion of Mr. CLYMER, that the House adjourn, it was agreed to; and accordingly (at six o'clock and thirty-five minutes p. m.) the House adjourned till Thursday.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of certain citizens of Chicago, Illinois, against the passage of Senate bill No. 1935—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAM ALDRICH: The petition of Van Schaak, Stevenson, and 100 others, dealers in drugs and medicines in Chicago, Illinois, for the repeal of the law requiring stamps on proprietary medicines—to the Committee on Ways and Means.

By Mr. BALLOU: Memorial of the Providence (Rhode Island) Board of Trade, against the passage of so much of the funding bill as requires the banks to redeem the bonds held to secure circulation by their own issue only, and for the repeal of certain taxes—to the same committee.

By Mr. BREWER: The petition of Edmund Foster and 55 others, citizens of Oakland County, Michigan, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of the same parties, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of the same parties, for legislation making the Commissioner of Agriculture a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties, for an income-tax law—to the Committee on Ways and Means.

By Mr. BROWNE: The petition of 61 ex-soldiers of the war of the rebellion, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. CALDWELL: The petition of Bailey P. Cosby and others,

soldiers of the late war, against the passage of Senate bill No. 496—to the same committee.

By Mr. COFFROTH: The petition of George Drehl, for pay as a lieutenant of Company F, Seventy-seventh Pennsylvania Volunteers, before the date of his muster—to the Committee on Military Affairs.

By Mr. GEORGE R. DAVIS: The petition of Vanschaak, Stevenson & Co., C. B. Wilson and 100 others, druggists of Chicago, Illinois, for the repeal of the stamp tax on proprietary medicines and perfumery—to the Committee on Ways and Means.

By Mr. DE LA MATYR: The petition of Louis Wuest and 37 others, of Indiana, for a change in the revenue laws relating to the tax on cigars—to the same committee.

By Mr. DUNNELL: The petition of W. D. Steuart and 30 others, citizens of Minnesota, for the appointment of a railroad commission—to the Committee on Commerce.

By Mr. HASKELL: Resolutions of the Legislature of Kansas, relating to taxing railroad lands—to the Committee on the Judiciary.

Also, resolutions of the Legislature of Kansas, asking that appropriations be made for the payment of certain Indian-depredation claims—to the Committee on Indian Affairs.

Also, resolutions of the Legislature of Kansas, in relation to the Fort Hays military reservation and the disposition of the same for agricultural purposes—to the Committee on Agriculture.

Also, resolutions of the Legislature of Kansas, for legislation for the protection of stock from disease—to the same committee.

By Mr. HAWLEY: The petition of A. B. Gillett and 480 others, of Hartford, Connecticut, for the repeal of the tax on bank deposits—to the Committee on Ways on Means.

By Mr. MILES: The petition of Lemon F. Osborn, for a pension—to the Committee on Invalid Pensions.

By Mr. MURCH: The petitions of J. A. Evans and 5 others; of George W. Morrill and 9 others; of D. M. Dwight and 24 others; of W. P. Brooks and 31 others; and of Lorin O. Clapp and 158 others, citizens and tax-payers of Massachusetts, that Congress instruct the Secretary of the Treasury to use the surplus funds now in the Treasury to cancel as much of the public debt as can be done therewith—to the Committee on Ways and Means.

By Mr. NEAL: The petition of Daniel McDaniel and 35 others, citizens of Ohio, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: Memorial of the city council of Brunswick, Georgia, asking that the quarantine station on Blackbeard Island be continued—to the Select Committee on the origin, introduction, and prevention of Epidemic Diseases in the United States.

By Mr. OSMER: The petition of the Board of Trade of Erie, Pennsylvania, for a harbor of refuge in Milwaukee Bay—to the Committee on Commerce.

By Mr. PHISTER: The petition of Alexander H. Lee and 40 others, citizens of Bracken County, Kentucky, for the amendment of the patent laws, so as to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of H. B. Asbury and 38 others, citizens of Bracken County, Kentucky, for the passage of laws against transportation monopolies—to the Committee on Commerce.

By Mr. D. P. RICHARDSON: Three petitions of citizens of New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. ROTHWELL: The petitions of James B. Frazier and others, of Randolph County, and of J. A. Wright and others, of Grundy County, Missouri, against the passage of the sixty-surgeons bill—to the same committee.

Also, the petition of John C. Turner, of Clifton Hill, Randolph County, Missouri, for pay for services as a soldier in the Mexican war—to the Committee on Claims.

Also, the petition of Isaac Waters and others, citizens of Missouri, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. J. T. UPDEGRAFF: The petition of G. W. Davis and 29 others, citizens of Belmont County, Ohio, of similar import—to the Committee on Invalid Pensions.

By Mr. WILSON: The petition of Adam White and 50 others, Union soldiers, against the passage of Senate bill No. 496—to the same committee.

By Mr. WOOD: The petition of cigarmakers of Troy, New York, for legislation to prevent the manufacture of cigars in tenement-houses—to the Committee on Ways and Means.

Also, the petition of Terrence Merriam & Co. and 640 others, of Troy, New York, for the repeal of the tax on bank deposits—to the same committee.

IN SENATE.

WEDNESDAY, *March* 2, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. COKE presented the credentials of SAM. BELL MAXEY, chosen by the Legislature of Texas a Senator from that State for the term beginning March 4, 1881; which were read and ordered to be filed.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting, pursuant to section 8 of the act of July 22, 1854, plats and papers in sundry private land claims in the Territory of New Mexico; which was referred to the Committee on Private Land Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLUMB presented the memorial of D. C. Hallock, and other citizens of Goode, Kansas, soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

He also presented a resolution of the Legislature of Kansas, in favor of granting the Fort Hays military reserve to the State of Kansas for school purposes; which was referred to the Committee on Military Affairs.

He also presented a resolution of the Legislature of Kansas, favoring an appropriation for the payment of what are known as Indian depredation claims; which was referred to the Committee on Indian Affairs.

He also presented a resolution of the Legislature of Kansas, relative to the taxing of railroad lands; which was referred to the Committee on Railroads.

He also presented a resolution of the Legislature of Kansas, which was read and ordered to lie on the table, as follows:

House concurrent resolution No. 29, in relation to Federal legislation for the protection of stock from disease.

Resolved, That our Senators in Congress be instructed and our Representatives requested to make all reasonable efforts to secure Federal legislation for the protection of stock from the disease known as pleuro-pneumonia and the disease known as Texas or Spanish fever.

Resolved further, That the secretary of state be instructed to transmit a copy of this resolution to each of our delegation in Congress.

Adopted by the house February 7, 1881.

W. W. WALTON,
Chief Clerk.

Concurred in by the senate February 12, 1881.

HENRY BRANDLEY,
Secretary.

Mr. BUTLER presented the petition of James F. Gadsden, postmaster at Rantowles, South Carolina, praying for relief from the obligation of making good a loss to the Government caused by a robbery of the post-office at that place; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES presented the petition of F. Mansfield, of Saint Louis, Missouri, praying for the repeal of the internal-revenue tax on friction matches; which was referred to the Committee on Finance.

He also presented the petition of Daniel C. Ashby and 119 others, citizens of Indiana, soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 1522) for the relief of W. P. Burwell, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. COCKRELL. The Committee on Claims, to whom was referred the bill (H. R. No. 6860) for the relief of William H. Davis, have duly considered the same, and instruct me to report it favorably without amendment, and recommend the passage of the bill as it came from the House. A bill nearly similar to this passed the Senate and went to the House. It was not concurred in, and this form of bill was sent back.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. GROOME, from the Committee on Claims, to whom was referred the petition of Wiley H. Brown, of Alabama, praying that interest on a certain judgment be refunded, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 1129) for the relief of certain laborers employed upon Government works, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1625) for the relief of Charles G. Perry, of Indiana, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 6478) for the relief of Levi Price, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HOAR. I am instructed by the Committee on Claims to report favorably the bill (H. R. No. 4438) for the relief of William Redus. I desire that the bill be placed upon the Calendar without printing the report, as the report merely adopts the House report, and the sending of the papers to the Printer would make it impossible to take up the bill during the present session. I ask that the report be read, so that it may go into the RECORD. It is only a few lines.

The Chief Clerk read as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 4438) for the relief of William Redus, having considered the same, recommend its passage for the reasons set forth in the House report, which is submitted herewith.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. No. 2183) for the relief of George W. Wicks & Co., of Louisville, Kentucky, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3782) for the relief of John H. Shugart and Robert F. Shugart, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

MEMORIAL ADDRESSES ON EVARTS W. FARR.

Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 402) to provide for the publication of the memorial addresses on Evarts W. Farr, to report it without amendment, and ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of Hon. Evarts W. Farr, late a Representative from the State of New Hampshire, together with a portrait of the deceased; 9,000 copies thereof for the use of the House of Representatives and 3,000 copies for the use of the Senate.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

CONTRIBUTIONS TO NORTH AMERICAN ETHNOLOGY.

Mr. WHYTE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 6,000 copies each of volumes 6, 7, 8, 9, and 10 of the Contributions to North American Ethnology, uniform with the preceding volumes of the series, and with the necessary illustrations; 3,030 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,970 for distribution by the Bureau of Ethnology.

MUSEUM BUILDING.

Mr. JONES, of Florida, from the Committee on Public Buildings and Grounds, to whom was referred the following concurrent resolution of the House of Representatives, reported adversely thereon, and the committee were discharged from its further consideration:

Resolved by the House of Representatives, (the Senate concurring,) That permission is granted to the Washington Light Infantry Corps of the District of Columbia to use the Museum building on Monday evening, the 7th of March, 1881, provided that no expense shall be thereby incurred to the United States.

ORDER OF BUSINESS.

Mr. HARRIS. I ask unanimous consent of the Senate to proceed at this time to the consideration of the bill (H. R. No. 6033) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. BECK. I should like to ask whether the bill is likely to lead to any debate. I am instructed by the Committee on Appropriations to call up the sundry civil bill, a long and difficult bill, which must reach the House to-day; and unless we can begin with it at an early hour this morning it will be impossible for the House to consider it and a conference committee consider it in time for it to reach the President and become a law.

Mr. HARRIS. It is impossible for me to say whether the bill will or will not lead to debate; I think very little, if any; but if the Senate shall take it up and proceed to its consideration it shall not stand in the way of the Committee on Appropriations whenever they desire the right of way for an appropriation bill.

Mr. BECK. I will take the chances for a little while.

Mr. INGALLS. I am very confident that the bill which the Senator from Tennessee wishes to have considered will require explanation and will probably lead to discussion. I suggest to him that in view of the importance of the sundry civil appropriation bill he allow this bill to be taken up and informally laid aside, reserving its place, so that after that bill shall be disposed of it may be considered.

Mr. HARRIS. All that I desire is that the bill shall be taken up, so that whenever we have time to consider it it may be proceeded with. It shall not stand in the way of the sundry civil bill or any other general appropriation bill one moment.

Mr. EATON. I shall object to the bill being taken up if my friend from Tennessee proposes it shall take the place of the bill which really has the right of way here at half past one o'clock.

Mr. HARRIS. The Senator from Connecticut will allow me to explain. The bill that he refers to, and of which he has charge, being the unfinished business after the morning hour, it cannot come up within the morning hour except by postponing the pending orders to take it up.

Mr. EATON. I understand that, and I did not intend to press it in the morning hour.

Mr. HARRIS. Hence if the bill I referred to is taken up it will not interfere with the Senator's bill at all.

Mr. McMILLAN. The bill to which the Senator from Tennessee refers is one which no doubt will lead to very considerable discussion. Under the rule which has been adopted by the Senate we are to proceed to the consideration of House bills upon the Calendar. The first bill, as I understand it, which would now regularly come up under that order is the bill (H. R. No. 4412) to regulate practice in suits brought to recover damages for infringement of patent. That bill has been considered. I think it retains its place upon the Calendar now. It is a bill in which great interest is felt by many of the Senators, and especially does it interest the constituents which I have the honor in part to represent here.

Mr. HOAR. My friend is wrong about that. The patent bill was amended and went over under an objection.

Mr. McMILLAN. It went to the foot of the Calendar. We have gone through the Calendar and now reach the patent bill again in its regular order.

Mr. HOAR. I do not so understand it.

Mr. McMILLAN. I understand that to be the order of business. Therefore, for the purpose of disposing of the patent bill in which we feel an interest, I shall be compelled to interpose an objection.

Mr. HOAR. The Senator surely seems to be greatly in error about that.

Mr. HARRIS. I move that the pending order be postponed in order that I may then move to proceed to the consideration of the bill that I have indicated.

Mr. McMILLAN. If I am correct in regard to the order of business I shall interpose an objection; otherwise I should not feel inclined to insist upon it; but I think I am right.

The VICE-PRESIDENT. The Chair did not understand the Senator from Minnesota on either occasion, on account of the confusion in the Chamber. The regular order is the consideration of the Calendar of House bills. The Senator from Tennessee moves that that order be postponed, indicating his purpose if that motion prevails to move the consideration of the bill specified by him.

Mr. McMILLAN. I understood the Senator to ask for unanimous consent at the time I had the floor before.

The PRESIDING OFFICER. He did at that time.

Mr. ANTHONY. What is the bill that the Senator from Tennessee proposes to take up?

Mr. HARRIS. It is House bill No. 6033 for the relief of Hiram Johnson and others.

Mr. McMILLAN. I desire to know the position of House bill No. 4412 upon the Calendar at this time. The bill was under consideration on a former day. It was objected to, and under the rule went to the foot of the Calendar, as I understand. We have since that gone through with all the House bills upon the Calendar that were unobjected to, and we now resume the consideration of the House bills that have previously gone to the foot of the Calendar.

The VICE-PRESIDENT. New bills have since been placed on the Calendar.

Mr. HOAR. How does my friend from Minnesota get at the idea that the bill goes to the foot of the Calendar? If he will permit me to state the point as I understand it under the three rules printed at the head of the Calendar, which all are in force though each of them supplements the other, there is a provision for the consideration of the Calendar; and "bills that are not objected to shall be taken up in their order." The first two resolutions expressly provide that; and the last one says the "House bills which have been favorably reported," shall be considered "subject to the rules governing the business of the morning hour;" and bills not objected to are "to be taken up in their order." When a bill is reached on the Calendar and objected to, it is not simply the result of that objection that the bill goes to the foot of the list of bills in that class; it simply ceases to be one of the bills to which the rule applies and remains in its place on the Calendar.

The VICE-PRESIDENT. The Chair has no doubt of that.

Mr. HOAR. We go on and call from the Calendar the House bills that have been favorably reported; and when we get through that class then the Calendar stands. Now my friend from Minnesota understands that if a House bill favorably reported by a Senate committee is objected to it simply goes to the foot of the list of House bills so favoraby reported, and when you have got through all others of that class you take that bill up, though it is in the middle of the Calendar. I do not so understand it. I understand that you take up the first bill on the Calendar when you reach the Calendar again.

The VICE-PRESIDENT. The Chair agrees with the Senator fully; he has indicated no other ruling.

Mr. HOAR. I do not understand that the Chair has, but it was to my friend from Minnesota I was replying.

Mr. McMILLAN. Then I ask in what position such a bill stands upon the Calendar?

The VICE-PRESIDENT. A bill which has once been called?

Mr. McMILLAN. A bill which has once been called and passed over.

The VICE-PRESIDENT. Several bills have been placed on the Calendar since. When the Calendar shall have been called through under the special rule introduced on the motion of the Senator from Tennessee, when that rule shall have spent its force, then the Anthony rule will attach to the Calendar, in the opinion of the Chair.

Mr. McMILLAN. Then the first case on the Calendar this morning is the bill to which I have referred.

The VICE-PRESIDENT. The Calendar has not yet been called through under the Harris rule.

Mr. McMILLAN. I am asking the Chair, however, for information, whether the bill will be displaced by the motion of the Senator from Tennessee?

The VICE-PRESIDENT. It will not. It is not affected in any way by it. The question is on the motion of the Senator from Tennessee to postpone the pending order.

The question being put, a division was called for; and the ayes were 29.

Mr. ANTHONY. Let us have the yeas and nays upon this question.

The yeas and nays were ordered; and being taken, resulted—yeas 37, nays 19; as follows:

YEAS—37.

Bailey,	Eaton,	Kernan,	Thurman,
Bayard,	Farley,	Lamar,	Vance,
Beck,	Garland,	McPherson,	Vest,
Brown,	Groome,	Maxey,	Voorhees,
Butler,	Hampton,	Morgan,	Walker,
Call,	Harris,	Pendleton,	Wallace,
Cockrell,	Hereford,	Pugh,	Whyte.
Coke,	Hill of Georgia,	Randolph,	
Conkling,	Jonas,	Saulsbury,	
Davis of Illinois,	Jones of Florida,	Slater,	

NAYS—19.

Anthony,	Dawes,	Kirkwood,	Rollins,
Blair,	Ferry,	Logan,	Saunders,
Booth,	Hamlin,	Morrill,	Teller,
Burnside,	Hoar,	Platt,	Windom.
Cameron of Pa.,	Ingalls,	Plumb,	

ABSENT—19.

Allison,	Davis of W. Va.,	Jones of Nevada,	Ransom,
Baldwin,	Edmunds,	Kellogg,	Sharon,
Blaine,	Grover,	McDonald,	Williams,
Bruce,	Hill of Colorado,	McMillan,	Withers.
Cameron of Wis.,	Johnston,	Paddock,	

So the motion was agreed to.

Mr. HARRIS. I move that the Senate do now proceed to the consideration of House bill No. 6033.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6033) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. HOAR. Let us hear the report.

The VICE-PRESIDENT. The Senator from Massachusetts calls for the reading of the report.

Mr. BECK. Before that is done I ask that the bill may be laid aside informally, so that we may proceed with the sundry civil bill.

Mr. HOAR. I have no objection if by unanimous consent it can be laid aside informally.

The VICE-PRESIDENT. It requires unanimous consent. Shall this bill be laid aside informally and without prejudice in order that the Senate may proceed to the consideration of the sundry civil bill?

Mr. HOAR. I think I must object. I think that bill is not entitled to take precedence of the great public questions which are to be left undecided when we adjourn. We ought not to lay aside all the things on the Calendar to correct the proceedings of a military court during the war.

Mr. HARRIS. I hope the Senator from Massachusetts will not interpose an objection that will force me to let the bill go over, when all that I ask is to reach the judgment of the Senate as to the merits of the bill.

I am quite satisfied that the Senator from Massachusetts and every Senator can arrive at a conclusion as to the merit or want of merit of this bill in thirty minutes' time if he will endeavor to do so. I do not desire any hot haste or hurry. The bill has been on the Calendar since last summer, and I feel that I am entitled to ask at the hands of the Senate the expression of its judgment as to the merits of the bill. Satisfied as I am that the claim is in every way meritorious, I feel bound to press it; but I cannot stand in the way of the sundry civil bill, no matter at what sacrifice to the interest of these parties or to my desire in respect of getting a vote on the bill.

Mr. HOAR. Mr. President, the seats of one-third of the Supreme Court of the United States are vacant, and the illness of a single judge deprives that court of a quorum; yet the Senator from Tennessee desires that a Congress which has not time to deal with that grave question shall refrain from considering the public want in that particular, and the public want in a hundred other matters of equal dignity and importance, to retry the proceedings of a court which sat during the war, and which assessed upon the sympathizers with certain wrong-doers $20 or $30 a piece too much. Whether the bill ought to pass or not, this is a question not of merits, but of comparative merits. For one it does not seem to me that we should agree that that is the most pressing thing which the American people need to have done by their Congress during these last few days. That is the reason I object.

Mr. HARRIS. I am satisfied if the Senator from Massachusetts understood the facts of this case as well as I do, he would not assume that I seek to set aside the judgment of a court, and he would not, either, object to the unanimous consent to let the bill be informally laid aside. Does the Senator object?

Mr. HOAR. Yes, sir.

Mr. HARRIS. Then trusting to the Senate to take the bill up at the first moment that it can be done without antagonizing an appropriation bill, I am bound to let it go over, because I cannot stand in the way of the consideration of the sundry civil bill when the Committee on Appropriations demand the right of way; but I shall appeal to the Senate to take up the bill again and proceed with its consideration at the very first moment that it does not antagonize an appropriation bill.

The VICE-PRESIDENT. The Senator from Kentucky asks the Senate now to proceed with the consideration of the sundry civil bill, to which the Chair hears no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 2769) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, and Galveston; and

A bill (H. R. No. 4411) to establish an additional land district in the State of Kansas.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes;

A bill (H. R. No. 709) for the relief of William S. Burgess and others;

A bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans;

A bill (H. R. No. 2503) for the relief of John H. W. Riley, of California;

A bill (H. R. No. 3451) for the relief of George W. Brower;

A bill (H. R. No. 3785) appropriating money for the erection of a penitentiary in the Territory of Dakota;

A bill (H. R. No. 4261) for the relief of Henry B. Eastman;

A bill (H. R. No. 4590) to provide for the sale of certain property owned by the United States in the District of Columbia;

A bill (H. R. No. 4663) to admit free of duty one of the bells of Saint Michael's chimes, Charleston, South Carolina, which has been sent to England to be recast;

A bill (H. R. No. 5389) for the relief of Samuel Harper;

A bill (H. R. No. 5532) establishing a life-saving station at Louisville, Kentucky;

A bill (H. R. No. 6493) to provide for the construction of a public building at Jackson, in the State of Mississippi;

A bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service;

A bill (H. R. No. 1359) for the relief of Louis P. di Cesnola, late consul at Cyprus;

A bill (H. R. No. 2705) for the relief of Joseph Clymer, of Texas;

A bill (H. R. No. 4413) for the relief of J. Scott Payne;

A bill (H. R. No. 4434) for the relief of Mrs. Martha Bridges, of Bartow County, Georgia;

A bill (H. R. No. 4607) for the relief of Passed Assistant Engineer Absalom Kirby, of the Navy;

A bill (H. R. No. 5097) appropriating money towards the expenses to be incurred in the centennial celebration of the battle on Groton Heights, and for other purposes;

A bill (H. R. No. 5629) to graduate the price and dispose of the residue of the Osage Indian trust and diminished reserve lands lying east of the sixth principal meridian in Kansas; and

A joint resolution (H. R. No. 373) relative to printing the Agricultural Report for the year 1880.

GOVERNMENT EMPLOYÉS.

Mr. DAVIS, of West Virginia. I ask the Senator from Kentucky to give way to me for just a moment. A few days ago the Senator from Nebraska [Mr. PADDOCK] introduced a joint resolution relating to the Government employés in the District of Columbia. I have made inquiries of the different Departments, and the substance of the information derived is contained on a sheet which I have here. Without detaining the Senate, I ask that this sheet go in the RECORD, so that when the resolution is called up it may be referred to.

The VICE-PRESIDENT. Is the joint resolution reported back from the Committee on Appropriations?

Mr. DAVIS, of West Virginia. The Committee on Appropriations having been so much engaged lately have not had time to consider it. I as chairman have looked it over and believe it is meritorious; but I am not instructed by the committee to report it back as an individual.

The VICE-PRESIDENT. Was it once referred to the committee?

Mr. DAVIS, of West Virginia. It was.

The VICE-PRESIDENT. Then it will remain in committee unless reported back by a majority action. The paper referred to will be printed in the RECORD, unless objection be made.

The statement presented by Mr. DAVIS, of West Virginia, is as follows:

War Department: Only effect—Per diem employés on 4th of March will probably be 103, and on 30th day of May 256. No rate of pay given.

Treasury Department: Secretary of the Treasury—The passage of the bill would not affect persons employed in that Department.

Navy Department: Secretary of the Navy says number of employés varies, but at present time about 725. No rate of pay given.

Interior Department: Per diem pay of employés in month of February, (average,) $142.50.

Public Printer: Says the two holidays would cost $9,343.24.

Mr. PADDOCK. I move that the committee be discharged from the further consideration of the joint resolution, so that it may be put on its passage. No member of the committee will oppose that.

The VICE-PRESIDENT. Does the Senator from Kentucky yield for that purpose?

Mr. BECK. I do not.

The VICE-PRESIDENT. The sundry civil bill is before the Senate.

SUNDRY CIVIL BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The VICE-PRESIDENT. The bill will be read in course and for amendment as the amendments of the Committee on Appropriations are reached.

Mr. BECK. I was just about to ask that. Perhaps I had best call the attention of Senators to the amendments, and I may save some little time by doing so now. I have had a statement made up by the clerk of the committee, showing the following facts:

Amount of estimates for 1882	$23,751,182 59
Amount of appropriations for 1881	22,515,428 91
Amount of bill as passed the House	20,720,405 42
Net amount added by the Senate committee	2,119,894 51
Total as reported to Senate	22,840,299 93
The bill as reported is less than estimate	910,882 66
The bill as reported exceeds account for 1881	324,871 02

The additions of the Senate are made up of a number of items, some of them quite large, for uses of the public.

The items of increase and reduction are as follows:

Additions:	
For barge-office building, New York	100,000 00
For assay office, New York	30,000 00
For Point Conception light station, California	40,000 00
For life-saving stations, establishing	5,000 00
For constructing a revenue steamer	75,000 00
For Bureau of Engraving and Printing	50,000 00
For distinctive paper for United States notes	60,000 00
For recoinage of gold and silver coins	5,000 00
For reconstructing buildings at salmon fishery, McCloud, California	10,000 00
For reimbursement of the President, expenses Louisiana commission	3,950 73
For ascertaining harbor, pilot, and other charges on vessels, &c	1,000 00
For purchasing Digest of Decisions of Treasury Department, &c	2,500 00
For purchasing copies of Lamphere's Work on United States Government	2,625 00
For inspection of cattle, pleuro-pneumonia	10,000 00
For reimbursement of Librarian of Congress	2,640 00
For National Board of Health, reappropriation	50,000 00
For machinery and shop fixtures, Rock Island arsenal	15,000 00
For improving various reservations in District of Columbia	2,000 00
For paving roadway in front of Executive Mansion	8,000 00
For additional amount for constructing elevator, Executive Mansion	1,500 00
For preparing granite, west and center wings State, War, and Navy Department buildings	200,000 00
For Signal Service, observation and report of storms, &c	25,000 00
For reappropriation for northern and northwestern lakes	8,000 00
For surveys and reconnoissances, military divisions, &c	50,000 00
For purchase of Bragg and Polk papers	20,000 00
For library building of artillery school, Fortress Monroe	30,000 00
For road to national cemetery at Vicksburgh	10,000 00
For carriageway to military depot at Jeffersonville, Indiana	4,000 00
For improvement of barracks at Omaha, Nebraska	30,000 00
For erection of barracks and officers' quarters at Fort Leavenworth, Kansas	30,000 00
For survey of peninsula of Maryland and Delaware	10,000 00
For erection of building for Pension Office	250,000 00
For erection of building for safe-keeping of public records	200,000 00
For new boiler-house for naval hospital at Mare Island	3,500 00
For navy-yard at Pensacola, Florida	75,000 00
For barracks and quarters at Norfolk navy-yard	45,000 00
For vessel, &c., for search of steamer Jeannette	175,000 00
For erection of armory, Naval Academy	25,000 00
For repairs of building, Naval Academy	3,600 00
For barracks and quarters for Marine Corps, Naval Academy	40,000 00
For fire-proofing National Statuary Hall	26,000 00
For purchase of works of art by Library Committee	10,000 00
For rent of building for Court of Claims	3,600 00
For surveying public land lying north of Texas	18,000 00
For improvement of Hot Springs Creek and reservation	33,744 78
For support of Insane Hospital	55,000 00
For inclosure of grounds, Columbia Institute Deaf and Dumb	3,000 00
For purchase of land from Creek Nation for Seminoles	175,000 00
For survey of land for same	1,000 00
For expenses of Peoria, &c., delegation to Washington, to be paid out of their funds	1,500 00
For purchase and distribution of seeds	20,000 00
For purchase of plates and manuscript of Professor Glover on Insects of America	7,500 00
For defending suits against United States and District of Columbia	5,000 00
For printing report Transportation Routes to Seaboard	4,000 00
For French and American claims commission	50,000 00
For various items for the Senate	4,234 00
Total increase	2,125,894 51
Reductions:	
For certain expenses of contested elections	6,000 00
Net increase	2,119,894 51

When the item appropriating $200,000 for preparing granite for the west and center wings of the State, War, and Navy building comes up, I will state the reasons for that. I am asked to state the reasons now and may as well do so. The $480,000 now in the bill as it came from the House will finish the north front of the building leaving the west front unfinished. Unless the superintendent is allowed to have the money now to go on with the cutting and preparation of the granite we shall not be able to give him anything more until May or June, 1882, when the season will be so far advanced that he can do very little in the way of preparing the granite for the west wing. He tells us that the great delay is caused by the preparation of the granite, that one man can lay in the wall in one day as much granite as five hundred men can cut and prepare. It requires two hundred and fifty men even on the plain work of the Washington Monument to prepare as much granite as one man can put in place in the wall. It was an amazing statement to us; but the engineer officer went over it all and showed how much one man could lay and how much one man could cut and showed that it was absolutely true. So, unless he is allowed to obtain his granite and prepare it now, we shall have a delay of a year or two, and the rents we are now paying for other buildings will have to go on.

It is therefore in the interest of economy that we should give him $200,000 additional to obtain granite to be used in that work as soon as he can prepare it. He is doing the work very economically. He has built the north front of the building corresponding in every regard with the south front quite as well and a little better and somewhat larger for a million and a half less money than the south wing cost. We found therefore that he was a man we could trust with the economical management of affairs and we ought to give him what he asked.

It was made apparent to us also that there was great necessity for the bill which passed the Senate some time ago providing for the erection of a hall of records. It ought to be erected at once. Quartermaster-General Meigs and other officers from the Treasury and other Departments came before us and assured us that in the present condition of things the records of this Government were wholly unsafe unless the building be erected at once. The Senate unanimously passed the bill for that erection. It is doubtful whether it can be reached in the House. There ought to be no delay about it and therefore we have provided $200,000 for the erection of that building. It is to be a hall of records for all the Departments with separate compartments for each. The plan described by the Quartermaster-General was that each Department will have a separate place by itself so that the burning of one part even would not affect the others; and it is to be made fire-proof, if it can be done.

We found that the Pension Office was paying enormous rents and having very few conveniences, and we made a proposition to the Senate in the form of an amendment to appropriate $250,000 under direction of the Secretary of War and the Secretary of the Interior and the Quartermaster-General for the erection of a building for the accommodation of that bureau. We think that to erect it will make the cost to us $8,000 or $9,000 a year, or not over $10,000, while we are now paying $20,000, and perhaps $24,000, for very insufficient accommodations. The rent we are now paying in the District, according to my recollection, is $166,000; and it is true economy, wherever we can economically put up buildings of our own and occupy them ourselves instead of paying the enormous rents we are paying for the accommodations we now receive, with the danger of fire to our records everywhere unless they are in fire-proof buildings. These are the items which swell up the bill so largely.

Then there is $75,000 for the navy-yard at Pensacola, Florida, the only navy-yard on the Gulf. The condition of affairs there was complained of a good deal by one of the gentlemen from Florida, and we provided for it.

We inserted in this bill a provision already agreed to by the Senate, appropriating $175,000 to provide a vessel, &c., for the search of the steamer Jeannette. That has passed the Senate in a separate bill which has gone to the House, but perhaps cannot be reached there. We have put it as an amendment to this bill, it being properly sent to us by the committee in charge of it.

There are various items for barracks and quarters for the Marine Corps at the Naval Academy at Annapolis. The present buildings are in danger of being washed away; they are supported by props. So with the barracks at Norfolk. They are in such condition that the men cannot live in them with any comfort. These things are recommended, and we think they deserve attention.

Under a contract laid before us we agreed to appropriate $33,744.78 for the improvement of Hot Springs Creek and reservation in Arkansas, property of our own, to keep it from being washed away.

We had to insert $55,000 more for the support of the Government Insane Hospital, because of the change made in the District of Columbia appropriation bill when it was before the Senate.

One item we have inserted which, when first presented, did strike us as remarkable, and that is the appropriation of $175,000 for the purchase of land from the Creek Nation for the Seminoles. I will not explain that now; but when we reach it the Senator from Minnesota [Mr. WINDOM] or myself will. The United States purchased a large tract of land from the Creeks west of a certain line, and they found it to their interest to move the Seminoles out of their territory and put them on a portion of the land purchased of the Creeks. By mistake they were placed east of the line, where they have made their

improvements, and they have been there for years, the Creeks seeking to drive them away and the Seminoles insisting on staying. In 1873 we passed a law directing the Secretary of the Interior to settle that matter, and to pay whatever was necessary in order to adjust it. It was finally brought into court. To do justice to these people $175,000 is required, and we have to make this provision for them to carry out the existing law and an order we ourselves had given to the Secretary of the Interior.

Besides these, the $150,000 demanded for the French and American claims commission constitute all increases with the exception of some small items which can be explained when they are reached.

I think it is safe to say that while we have not had much time to consider this important bill because it did not reach us until Monday, though we had begun upon it informally some days before, and while we have been pressed with amendments and applications from the Departments, and by a great many Senators and Representatives with very important questions, many of which perhaps we did not consider as fully as we would have done if we had had more time, we have endeavored to present the bill, as far as possible, free from practical objection in the interest of the public service.

That is all the statement I desire to make at present.

I do not know whether the order has been made, but if not I desire to ask that the amendments of the Committee on Appropriations be acted upon as they are reached in order in the reading of the bill, and that the amendments of the committee be acted upon before any other amendments are received.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The Senate hears the request of the Senator from Kentucky in charge of the sundry civil bill that the amendments be acted upon as they are reached in order in the reading of the bill and that the amendments proposed by the Committee on Appropriations be first acted upon before any amendments are entertained from any Senator. If there be no objection that will be the order. The bill will be read.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, in the appropriations for the Treasury Department, under the head of "public buildings," after line 45, to insert:

Barge-office building, New York, New York: For completion of building, $100,000.

Mr. BECK. I desire to have inserted in the RECORD a short letter from the Secretary of the Treasury in regard to the importance of this barge office at New York. The officer of the Government in charge of it also appeared before us, and showed us how important it was. The object in having it placed in the RECORD, even though there is no objection to the amendment, is that the gentlemen of the House may see it, as time is very important.

The letter referred to is as follows:

TREASURY DEPARTMENT,
February 23, 1881.

SIR: I have the honor to call your attention to the fact that the item of $100,000, included in the estimate for the ensuing fiscal year, for the completion of the United States barge office, is omitted from the "sundry civil bill" now before the House of Representatives.

The attention of Congress was, at the last session, called to the necessity for a further appropriation for this building, and the reasons for the increased cost above the original estimate are fully set forth in the annual report of the Supervising Architect, as follows:

"In the preparation for the foundation, upon removal of a portion of the sea-wall, which it was intended to renew, a renewal of the entire wall was found necessary, compelling the Department to construct more than double the quantity of sea-wall contemplated by the original contract. The building of this additional wall and the advance of the price of iron since the estimate of the cost was made, renders it impracticable to complete the building within the estimate originally submitted."

The foundations of the building are all completed, a large portion of the superstructure erected, and other portions of the work under contracts. The building is needed for the transaction of Government business, and should be completed at the earliest practicable date. The failure of Congress to make an appropriation at the present session will necessitate the issuing of immediate orders for the suspension of work, and I most earnestly recommend that the amount, namely, $100,000, asked in the regular estimates be appropriated.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. HENRY G. DAVIS,
Chairman Committee on Appropriations,
United States Senate, Washington, D. C.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 47, to insert:

Assay office, New York, New York: To provide increased accommodations, by the addition of a mansard story, on the Wall street front of the building, and to make necessary alterations and repairs, $30,000.

Mr. BECK. I have a letter from the Director of the Mint as to this, which I shall place in the RECORD.

The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
Washington, D. C., February 15, 1881.

SIR: I have the honor to call your attention to the insufficiency of the rooms in the United States assay office at New York for the business required to be transmitted there, approximating $75,000,000 per annum, and the imperative necessity of increasing the facilities by a few alterations and the addition of a mansard story on the Wall street front of the building for the accommodation of the assayer's department. The alterations necessary and the mansard story it is estimated will cost $30,000, and I earnestly recommend that an appropriation of that amount be procured from Congress.

Very respectfully,

HORATIO C. BURCHARD,
Director.

Hon. JOHN SHERMAN, *Secretary of the Treasury.*

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment was, after "therewith," in line 62, to strike out the following proviso:

And be it further provided, That there be expended out of the amount herein appropriated a sum sufficient for the completion and fitting up of as many of the rooms of said building as will accommodate the post-office of said city.

So that the clause will read:

Post-office and court-house, Philadelphia, Pennsylvania: For continuation of building, $350,000: *Provided*, That the sum of $25,000, or so much thereof as may be necessary, out of the amount hereby appropriated, shall be expended in completing immediately and fitting up for use the rooms in said building intended for occupancy by the United States courts and the officers connected therewith.

Mr. BECK. The reason for striking that out is that the architect of the building said if the post-office rooms were placed there now he could not go on with his work.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "dollars," in line 82, to insert:

Provided, That the roof of said building shall be iron-framed and fire-proof, and that the limit of cost for the entire building be extended $20,000 to cover increased cost therefor.

So as to make the clause read:

Court-house and post-office, Topeka, Kansas: For continuation of building, $90,000: *Provided*, That the roof of said building shall be iron-framed and fire-proof, and that the limit of cost for the entire building be extended $20,000 to cover increased cost therefor.

The amendment was agreed to.

The next amendment was, in line 94, after the word "dollars," in the clause appropriating $100,000 for the continuation of the custom-house and courthouse building at Toledo, Ohio, to insert:

Provided, That the total cost of the building, with the additional land authorized to be purchased, in the city of Toledo, Ohio, shall not exceed the sum of $400,000; and the Secretary of the Treasury is hereby authorized and directed to sell the public building and other structures standing on the lots now owned by the United States as a building site in the said city, and apply the fund realized from such sale to the construction of the new building authorized to be erected; and the amount so applied shall be deducted from the sum limited herein to be expended on this improvement.

The amendment was agreed to.

The next amendment was, under the head of "light-houses and fog-signals," after the word "appropriation," in line 136, to insert "of $7,000;" so as to make the clause read:

Stamford Harbor light-station, Connecticut: For completing the light-house in Stamford Harbor, Connecticut, the appropriation of $7,000 made by the act of June 16, 1880, for the establishment of a light on Forked Rock, Stamford Harbor, Connecticut, being hereby made available for establishing a light on such point in Stamford Harbor as the Light-House Board may select, $23,000.

The amendment was agreed to.

The next amendment was, after line 152, to insert:

Point Conception light-station, California: For rebuilding station and purchasing land for site of light-house at Point Conception, California, $40,000, of which sum not exceeding $10,000 shall be used for purchase of the site; and no portion of the residue of said appropriation shall be expended until the title to the said site is vested in the United States.

The amendment was agreed to.

The next amendment was, after "United States," in line 235, to insert "including a station at the Falls of the Ohio River, near Louisville, Kentucky;" and in line 237, after "twenty," to insert "five;" so as to make the clause read:

Establishing life-saving stations:

For establishing new life-saving stations and life-boat stations on the sea and lake coasts of the United States, including a station at the Falls of the Ohio River, near Louisville, Kentucky, $25,000.

The amendment was agreed to.

The next amendment was under the head of "revenue-cutter service," after line 254, to insert:

Constructing a revenue-steamer: For construction of a revenue-steamer for duty on the southern coast of the United States, $75,000.

Mr. BECK. In connection with that I desire to place on record a letter from Captain Merryman, in command of the revenue marine, showing the absolute necessity for one certainly, and he thought two vessels. I send it to the Reporter to be inserted.

The letter is as follows:

UNITED STATES REVENUE MARINE, TREASURY DEPARTMENT,
Washington, D. C., March 1, 1881.

SENATOR: Referring to our conversation on Saturday, you will find the item for two new steamers for the revenue-cutter service on page 163 of the Book of Estimates, fiscal year 1882. The sum required is $150,000, and was not provided for by the House Committee on Appropriations in the sundry civil bill, although recommended in the annual report of the Secretary of the Treasury, and the necessity for the vessels explained in the appendix to Book of Estimates, page 220.

As the House committee did not question the necessity for the appropriation when the chief of the revenue marine division was before it to explain the estimates for the service in general, it was supposed the item would appear in the sundry civil bill.

We have but three able vessels on the southern coast. The others are small side-wheel steamers, originally built for harbor and river service in the merchant marine. The vessels to supply the southern coast at the close of the war were purchased when the expenses of the service were defrayed from the receipts of

customs indiscriminately and without special appropriation by Congress. They have been replaced gradually with abler and more economical vessels as appropriations were made for the purpose. The two which it is now desired to replace are quite unfit for service, and it is indispensable for the proper protection of the revenue that new ones should take their places.

The sketch-map I gave you will show the extent of coast-line to be protected.

The two old steamers are stationed at Pensacola and Bay Saint Louis, respectively.

Very respectfully,

J. H. MERRYMAN,
Captain United States Revenue Marine.

Hon. JAMES B. BECK, *United States Senate.*

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment was, under the head of "Engraving and Printing," in line 268, after the word "materials," to strike out "including paper;" and in line 274, after the word "destroyed," to strike out "three hundred and fifty" and insert "four hundred;" so as to make the clause read:

Engraving and printing:

For labor and expenses of engraving and printing, namely: For labor, (by the day, piece, or contract,) including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such work; and for other expenses of engraving and printing notes, bonds, and other securities of the United States; for materials required in the work of engraving and printing; for purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of same; and for expenses of operating macerating machines for the destruction of the United States notes, bonds, national-bank notes, and other obligations of the United States authorized to be destroyed, $400,000.

Mr. BECK. I send to the Reporter to place in the RECORD in that connection a letter from Colonel Irish, Superintendent of the Bureau of Engraving and Printing.

The letter is as follows:

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
March 1, 1881.

SIR: In compliance with the suggestions made by you at our conference yesterday I have the honor to submit the following relative to the item in the sundry civil appropriation bill for labor and expenses of engraving and printing United States notes and other securities:

There will be required 8,134,500 sheets of United States notes, silver certificates, and registered bonds to meet the demands of business during the fiscal year 1882. To execute this work will require, exclusive of the cost of paper, $425,000, and if any less money be appropriated it will make a corresponding reduction in the amount of notes, certificates, and registered bonds which can be delivered. If the appropriation for the bureau as passed the House giving it $350,000, and requiring that the supply of distinctive paper be purchased therefrom, be concurred in by the Senate, the deliveries of United States notes will stop before the 1st of April, 1882, leaving three months in which none can be furnished to the United States Treasurer. And the peculiar character of the work of preparing and printing these notes will not permit the work to be taken up after having once stopped without a delay of at least sixty days before the deliveries can commence again. It requires the constant production of a certain amount of notes day by day to meet the regular demands of business, and it is likely to produce serious difficulties in the business transactions of the country if this should be interrupted for a single day. The following facts will show that there has been for months past a gradual decrease in the reserve held by the United States Treasurer:

On the 16th of October, 1880, the date at which the reserve reached its highest point during this present fiscal year, there were on hand the following amounts:

Denomination.	Amount.
Ones, 1880	$3, 062, 774
Twos, 1880	2, 936, 000
Fives, 1880	5, 380, 000
Tens, 1880	6, 600, 000
Twenties, 1878	9, 200, 000
Twenties, 1880	320, 000
Fifties, 1878	5, 500, 000
One-hundreds, 1878	8, 648, 000
Five-hundreds, 1878	9, 500, 000
One-thousands, 1878	16, 200, 000
Five-thousands, 1878	14, 995, 000
Ten-thousands, 1878	34, 990, 000
Total	117, 271, 774

As soon as the demand for United States notes for the fall business was made on the Treasurer's Office the reserve began to decrease rapidly, as will be seen from the following table:

Statement of weekly decrease of the reserve fund.

Week ending—	Amount.
October 30, 1880	$1, 001, 600
November 13, 1880	362, 600
November 20, 1880	300, 524
November 27, 1880	881, 300
December 4, 1880	625, 900
December 11, 1880	735, 759
December 18, 1880	1, 010, 400
December 30, 1880	1, 579, 811
January 8, 1881	311, 200
January 15, 1881	555, 725
January 22, 1881	698, 449
	8, 063, 267
In the week ending November 6, there was an increase of	11, 100
Leaving a net decrease of	8, 052, 167

And the reserve has been reduced to the point indicated in the following statement from the Treasurer's Office, when the last comparative statement was made:

Statement from the Treasurer's Office of the balance in reserve vault of legal-tender notes, January 22, 1881.

Denomination.	Amount.
Ones, 1880	$1, 818, 507
Twos, 1880	1, 816, 000
Fives, 1880	4, 220, 000
Tens, 1880	5, 240, 000
Twenties, 1880	320, 000
Twenties, 1878	7, 680, 000
Fifties, 1878	5, 200, 000
One-hundreds, 1878	7, 884, 900
Five-hundreds, 1878	9, 400, 000
One-thousands, 1878	16, 200, 000
Five-thousands, 1878	14, 995, 000
Ten-thousands, 1878	34, 990, 000
Total	109, 764, 407

The following extract from a letter written by the Treasurer of the United States to the Secretary of the Treasury, dated September 24, 1879, will show how far the reserve fund in his hands has fallen below the point at which he deems it absolutely necessary it should be maintained:

"I wish to renew my recommendation that the reserve fund of this office be put in a condition to supply the demands of any denomination of notes that it may be called upon to furnish. In order to do this it will be necessary that there be at all times therein $10,000,000 each of fives, tens, and twenties, and $5,000,000 each of ones and twos."

The following table will make this contrast more readily perceptible:

Denomination.	Amount demanded by United States Treasurer.	Amount in reserve.
Ones	$5, 000, 000	$1, 818, 507
Twos	5, 000, 000	1, 816, 000
Fives	10, 000, 000	4, 220, 000
Tens	10, 000, 000	5, 240, 000
Twenties	10, 000, 000	8, 000, 000

Owing to the fact that Congress last year failed to appropriate the amount of money asked for to print these notes and that the demand for silver certificates under the act of February 28, 1878, increased very largely over the estimate made by the Treasurer, (his estimate having been but for 50,000 sheets, and his requisitions 828,000 sheets,) the reserve will continue to decrease during the remainder of this year; and it will readily be seen that, the reserve having been practically exhausted, there will be no recourse except to suspend the delivery and redemption of United States notes as soon as the amount of money appropriated by Congress shall have been expended. This, as indicated above, will be about the 1st of April, 1882, should no greater amount than $350,000 be appropriated for the work.

Upon the other point which I had the honor to urge upon you—that is, the separation of the appropriation for the purchase of distinctive paper from that for labor and expenses of engraving and printing—I beg to say that there will be embarrassment so long as the combining of these appropriations shall be insisted upon by Congress. It has been the aim of the present administration to entirely separate all matters pertaining to the purchase, examination, and custody of the distinctive paper, so that a complete and effectual check might be had thereby upon the bureau charged with the printing of the notes, securities, and other values; that the chief of this bureau could not, by any means other than those prescribed, obtain possession of a particle of this paper. This will not be fully accomplished as long as he shall have any authority over the appropriation from which this paper is purchased, and the employés upon it paid therefrom.

In conclusion, I have the honor to most earnestly urge that the full amount asked for in the estimates approved and submitted by the Secretary of the Treasury be appropriated, as this matter has received special and careful consideration in his office on account of the embarrassments experienced this year in filling the requisitions of the Treasurer for United States notes and silver-certificates. The amounts asked for are: for labor, &c., (Book of Estimates, page 163,) $425,000; for distinctive paper, (page 167,) $81,000.

Very respectfully, your obedient servant,

O. H. IRISH,
Chief of Bureau.

Hon. H. G. DAVIS,
Chairman, &c., United States Senate.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, in line 314, after the word "Rivers," to insert "and at the mouth of Red River;" so as to make the clause read:

Lighting and buoyage: For maintenance of lights and buoys on the Mississippi, Ohio, and Missouri Rivers, and at the mouth of Red River, $140,000.

The amendment was agreed to.

The next amendment was, under the head of "Coast and Geodetic Survey," after the word "dollars," in line 336, to insert "and of this sum $8,000 shall be immediately available;" so as to make the clause read:

Coast and Geodetic Survey:

Survey of the Atlantic and Gulf coasts, eastern division: For every purpose and object necessary for and incident to the continuation of the survey of the Atlantic and Gulf coasts of the United States, the Mississippi and other rivers, to the head of either tidal influence or ship navigation; soundings, deep-sea temperatures, dredgings, and current-observations along the above-named coasts, in the Gulf of Mexico, and the Gulf Stream, including its entrance into the Gulf, its course through the Caribbean and into and around the Sargasso Sea; the triangulation toward the western coast, and furnishing points for State surveys; the preparation and publication of charts, the Coast Pilot, the magnetic map of Eastern North America, and other results of the work, with the purchase of materials therefor, including compensation of civilians engaged in the work, $300,000; and of this sum $8,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, in line 353, after the word "dollars," to insert "and of this sum $6,000 shall be immediately available;" so as to make the clause read:

Survey of the Pacific coasts, western division: For every purpose and object necessary for and incident to the continuation of the survey of the Pacific coasts of the United States, the Columbia and other rivers, to the head of either tidal influence or of ship-navigation; deep-sea soundings, temperatures, currents, and dredgings along and also in the Japan Stream flowing off these coasts; the triangulation toward the eastern coast, and furnishing points for State surveys; the preparation and publication of charts, the Coast Pilot, the magnetic map of Western North America, and other results of the work, with the purchase of materials therefor, including compensation of civilians employed in the work, $180,000; and of this sum $6,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous objects under the Treasury Department," after line 386, to insert:

Distinctive paper for the United States notes: For paper, including mill expenses, transportation, examination, counting, and delivery, $60,000.

Mr. BECK. I desire only to say that that item is explained in the letter from Colonel Irish which I have already sent to the Reporter. It is placed under the charge of the Secretary of the Treasury.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 389, to insert:

Recoinage of gold and silver coins: For recoinage of gold and silver coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, $5,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Under the Commissioner of Fish and Fisheries," after line 411, to insert:

For the reconstruction of buildings at the salmon-fishery on the McCloud River, in California, $10,000, to be available immediately.

The amendment was agreed to.

The next amendment was, after the word "Columbia," in line 429, to strike out "five" and insert "eleven;" after the word "necessary," in line 440, to strike out:

For contribution to maintenance of international bureau of weights and measures, in conformity with terms of convention signed May 20, 1875, to be expended under the direction of the Secretary of State, $2,270, or so much thereof as may be necessary;

and in line 446, after the word "all," to strike out "9,470" and insert "13,200;" so as to make the clause read:

For construction and verification of standard weights and measures, including metric standards, for the custom-houses and other offices of the United States, and for the several States, and of mural standards of length in Washington, District of Columbia, $11,000; for rent of fire-proof rooms in building No. 205, New Jersey avenue south, for the safe-keeping and preservation of finished weights, measures, balances, and metric standards, $1,000; for fuel and lights, materials, transportation, traveling and other miscellaneous expenses, $600; for expenses of the attendance of the American member of the international committee on weights and measures at the sexennial general conference provided for in the convention signed May 20, 1875, $600, or so much thereof as may be necessary; in all, $13,200.

Mr. BECK. That is merely a transfer from page 19 to page 66 of the bill. That matter is stricken out there because it is under charge of the Secretary of State.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment was, after the word "dollars," in line 491, to insert:

And to facilitate the collection of customs duties, and to prevent smuggling, the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, is, with the approval of the Secretary of the Treasury, empowered to enter and clear vessels and collect duties.

The amendment was agreed to.

The next amendment was, after the word "all," in line 504, to strike out "twelve thousand one" and insert "thirteen thousand three;" so as to make the clause read:

Salaries and traveling expenses of agents at seal-fisheries in Alaska: For one agent $3,650; one assistant agent, $2,920; two assistant agents, at $2,190 each; necessary traveling expenses of agents in going to and returning from Alaska, at $600 each per annum; in all, $13,350.

The amendment was agreed to.

The next amendment was, after line 542, to insert:

To enable the Secretary of the Treasury to reimburse the President for amount paid for expenses of the commission appointed to go to Louisiana in April 1877, $3,950.73.

Mr. CONKLING. If that amendment is to be agreed to, I shall ask that it be on a vote by yeas and nays, with some confidence that on such a vote it will be rejected, as it has been so often before, not only here, but in another place, to which I have no right to allude.

Mr. BECK. Does the Senator wish a vote now, or does he wish it reserved until we get through with the unobjected amendments?

Mr. CONKLING. I will consult, if I can find out what it is, the preference of the Senator from Kentucky.

Mr. DAVIS, of Illinois. It had better go over perhaps.

Mr. BECK. I am advised by my colleagues on the committee that they would rather we should go on with the unobjected amendments, and then come back to this.

Mr. CONKLING. I have no objection to any arrangement by which when the Senate is reasonably full we can get the attention of the Senate to this amendment to which for one I am very much opposed.

The PRESIDING OFFICER. The action upon this amendment will be reserved. The reading will proceed.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after line 547 to insert:

To enable the Secretary of the Treasury to ascertain and report to Congress the harbor, pilot, and other charges to which American and foreign vessels are subject under State laws, and the taxation upon ship-owners, $1,000 or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 552 to insert:

To enable the Secretary of the Treasury to purchase from F. M. Eastman the copyright and manuscript of his work entitled "Digest of the decisions of the Treasury Department and of the Supreme and circuit courts relating to the tariff, navigation, &c.," $2,500; and the said work shall be printed under the direction of the Secretary of the Treasury for the use of the Executive Departments, and 3,500 copies shall be printed for the use of the House, and 1,000 copies for the use of the Senate.

Mr. SAULSBURY. I should like to inquire of the Senator from Kentucky, who has charge of this bill, if these decisions of the Treasury Department are of such vital importance that we ought to provide for having them published? I suppose that every Secretary of the Treasury makes some regulation of his own, and we shall not have this as a permanent code to guide all future Secretaries of the Treasury in their administration of the office.

Mr. BECK. I am not prepared to give much information in regard to it. It is one of a series of amendments which were sent to us. We had a unanimous report from the Committee on Ways and Means of the House of Representatives before us, a very able report, a copy of which I will hand the Senator. We had to accept the statements of gentlemen who came before us with the reports of various committees as to the importance of different matters. All agreed that it would be extremely valuable for the use of this House and the other House in considering matters relative to taxation to have a copy of this book. I thought so and think so yet, and I was very much impressed with the small sum asked for it. Therefore, when it was urged by the Assistant Secretary and had been accepted by the Committee on Ways and Means, and also laid before us by gentlemen who seemed to know all about it, we thought proper to adopt it.

Mr. PLUMB. I should like to inquire of the Senator from Kentucky who is the gentleman who is named in this amendment and of whom this book is to be purchased?

Mr. BECK. I do not know.

Mr. PLUMB. How does he come to have this copyright and manuscript? In whose employ is he?

Mr. BECK. I have not the least idea who the man is. I only know what the Committee on Ways and Means said to us and what the letter of Mr. French says and what other gentlemen say. All agree that it is a very useful compilation. This is the substance of the statement of the Committee on Ways and Means:

The committee find the work for the purchase of which this bill provides to be a digest of the decisions of the Treasury Department relating to the tariff, navigation, &c., contained in the synopsis of decisions published by that Department. The decisions number about six thousand five hundred, and cover a period of twenty-three years. They are contained in sixteen volumes, are indexed separately and imperfectly, with no general index, and can be referred to only by those familiar with them, and even then with difficulty. Great inconvenience often results to the Treasury Department from the difficulty of referring to these decisions.

The work is also a digest of the decisions of the Supreme and circuit courts relating to the tariff, navigation, &c., and also of the decisions upon the same subjects contained in the Opinions of the Attorneys-General.

This work has been carefully and skillfully compiled. The committee believe that it will be of great utility to the Treasury and State Departments, and to any person engaged in a revision of the tariff and navigation laws.

A letter from the Treasury Department, signed by H. F. French, Acting Secretary, reads thus:

TREASURY DEPARTMENT, *January* 4, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant, submitting a bill (H. R. No. 7078) authorizing the purchase of Eastman's Digest of the decisions of the Treasury Department and of the Supreme and circuit courts relating to the tariff, navigation, &c., and asking my opinion in regard to the importance and necessity of the digest in question.

This Department is in possession of a series of decisions in relation to customs and navigation from the year 1857 to the present time.

Then, repeating what the committee have said:

These consist in part of entire official letters and in part of abstracts of such letters from the date mentioned. But it has no digest in which those decisions are concisely set forth, and none whatever of the decisions of the courts upon the subjects covered by the Department decisions.

Such a digest as is mentioned in the bill would much abridge the labors of department officials in rendering easily accessible the principles settled by the practice of the Department and the rulings of the courts since 1857, and it would further serve as a guide on questions of customs and navigation, where questions comparatively new may in future arise.

So far as I am able to judge from incomplete examinations of Mr. Eastman's manuscript, his digest well accomplishes the purpose intended by it.

Very respectfully,

H. F. FRENCH,
Acting Secretary.

Hon. WILLIAM P. FRYE,
House of Representatives.

Mr. PLUMB. I did not doubt that the committee had acted on authority; but the point of my inquiry is this: I suspect that this person is already in the employ of the Government, that he has been doing this work during the time he has been in the employ of the Government, and has been greatly facilitated in doing it by reason of the fact of such employment. If this Digest is important, it occurs to me that the Treasury Department would have discovered it some time before the lapse of twenty-three years, and would have had this

gentleman do it under and by virtue of his employment. If it be true, as I suspect it is, that this person is in the employ of the Government, I submit that it is not proper to incur this expenditure to pay him over again to do work for which he has already been paid.

As is suggested by a Senator, this amendment also provides for the printing of this work, so that the expense we incur, although nominally $3,500, is but the entering-wedge to a much larger expenditure to come in under the appropriation for the public printing in a deficiency bill. In other words, we are providing here for what will inevitably be a deficiency. I therefore hope that this amendment will not be agreed to unless the information which I have in regard to the person who has made this digest be incorrect.

Mr. BECK. It is for the Senate to do as they choose. I have stated all I know about it.

Mr. CONKLING. If the Senator from Kentucky will give me his attention for a moment it seems to me there are two or three things about this which should not be left as they are, no matter how meritorious the work may be. Here is to be a "Digest of the Decisions of the Treasury Department," relating to two things named "and so forth," a very odd title for a law-book or a book which comes any way near the law; and what that "and so forth" is we do not know. Then:

And the said work shall be printed, under the direction of the Secretary of the Treasury, for the use of the Executive Departments.

In what numbers is it to be printed? What is to be the size of this edition? Nobody knows; it is left entirely to the discretion of the Secretary of the Treasury. And in addition to this "3,500 copies shall be printed for the use of the House and 1,000 copies for the use of the Senate." That is, we have an edition of 4,500 copies provided for and in addition an indefinite edition besides. How much is all this to cost? Very likely the Senator from Rhode Island [Mr. ANTHONY] if he were here could estimate something about it; but it depends very largely upon the character of the work, what type is to be used, what paper is to be used, and how it is to be bound, it may be ten, fifteen, or twenty thousand dollars. I submit that without knowing what "and so forth" indicates as the scope of this work, and without knowing whether this gentleman as a Senator has informed me was a clerk in the Treasury Department when this work was done, without knowing anything more about it we ought hardly to vote an entirely unrestricted and indefinite sum of money which may be, for aught we know, four or five times as large as we are considering now.

Mr. BECK. I only desire to say to the Senator from New York that I am not, on looking at it, satisfied with the amendment as it reads; but it was just one of a series of amendments thrown before us with no time to consider them, examine them, and correct them. The bill did not reach us until Monday, and Senators saw the number of amendments presented and referred.

While I agreed to report this because of the report I have read from the House committee, and because of the statements made by various gentlemen, and because of the representations of the Department, if it is the will of the Senate that it should be stricken out, I have no objection. It can be provided for elsewhere if this is a valuable document, perhaps as a separate item. It is of no importance here. I am perfectly willing it shall be stricken out if the Senate choose.

Mr. KERNAN. I hope it will be stricken out. I do not believe that $3,500 is necessary to buy any such book under any such provision of law as this.

Mr. ALLISON. In accordance with the suggestion of the Senator from New York [Mr. CONKLING] I move to amend, in line 559, after the word "Treasury," by inserting the words "one thousand copies for the use of the Executive Departments," and then to strike out "3,500 copies for the House," and insert "2,500 copies," so that the total number of copies will be the same.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment as amended.

Mr. KERNAN. I trust we shall disagree to the amendment as amended.

Mr. ALLISON. I understand that this is rather a valuable compilation. I do not think the cost will be very great. It has been prepared by a very intelligent young man, who was formerly, as some Senators may remember, for many years the clerk to the Committee on the Library.

Mr. INGALLS. Where is he now?

Mr. ALLISON. I do not know where he is now. Afterward he was for a time employed in the Treasury Department. He was the clerk of the Committee on the Library during the time of Senator Howe's service as chairman of that committee, and is a very competent young man. I can readily see that he has made a valuable compilation of these decisions.

Mr. DAWES. What is the book?

Mr. ALLISON. A compilation of the decisions of the Secretary of the Treasury and the circuit and Supreme courts of the United States in reference to tariff and tax cases.

Mr. DAWES. May I interrupt the Senator from Iowa long enough to have the amendment read at the Clerk's desk.

The PRESIDING OFFICER. The amendment will be reported as amended.

The Secretary read as follows:

To enable the Secretary of the Treasury to purchase from F. M. Eastman the copyright and manuscript of his work entitled Digest of the Decisions of the Treasury Department and of the Supreme and circuit courts relating to the Tariff, Navigation, &c., $2,500; and the said work shall be printed, under the direction of the Secretary of the Treasury, 1,000 copies for the use of the Executive Departments, and 2,500 copies shall be printed for the use of the House and 1,000 copies for the use of the Senate.

Mr. INGALLS. I find in a copy of the last issue of the Official Register the name of Frank M. Eastman borne on the rolls of the Treasury Department as a disbursing clerk at a salary of $1,600 per annum. This edition bears the imprint of the Government Printing House, 1879. I suppose he is still in the employ of the Treasury Department.

Mr. LOGAN. It is true that this gentleman is a disbursing clerk in the Treasury Department. At what time he prepared this digest I do not know, but I understand from the Assistant Secretary in whose office he is that this is a very important matter for the Treasury Department. I think a mere recital of the fact will show that it would be a very convenient book for all of us—Senators as well as persons in the Treasury Department.

I have seen the young gentleman. I know him very well. I do not know at what time he has performed this labor. I presume, however, that he performed it in hours when he was not engaged as disbursing clerk. He could not, of course, perform the work when engaged as disbursing clerk. The presumption is that he performed it in hours when he was not engaged in his office; and if he did so, and made this digest, and the Government desires it, he certainly is entitled to be paid for the copyright. There can be no question about that. Whether the copyright is worth $3,500 I do not know, but that it is a work of some importance I am satisfied. I do not think the item ought to be stricken out of the bill.

So far as the gentleman who has performed the labor is concerned, he is perfectly competent to do it; of that much I am assured. He is a lawyer, a young man of intelligence, a very highly educated gentleman, and doubtless has performed this work in a very satisfactory manner. Although I have not examined the work, I have no doubt that that is the fact.

Mr. BECK. In addition to what I said a little while ago, I desire to say that several times, since I have been in Congress, we have purchased books prepared by men who were clerks in the Departments or other employés of the Government. Generally they are the only men who can afford to take the time to prepare them in connection with the information at their command. We paid Mr. Charles H. Evans $2,000 last year for a compilation of import duties, and we have paid Mr. Lewis Heyl for his tariff digest.

This digest was prepared in the Treasury Department. I do not know this gentleman; I never heard of him before, but I have no doubt he did the work just as well as Mr. Heyl, and the information obtained in the Department enabled him to do it.

The amendment was sent to the committee by the Senator from Pennsylvania, [Mr. CAMERON,] indorsed by Mr. FRYE, of Maine, and recommended by the Assistant Secretary. It had been reported from the Committee on Ways and Means; and we have submitted it to the Senate. I rather think it is a good thing to do.

Mr. LOGAN. My knowledge of the man satisfied me as to his competency. He is a very competent man to perform this work. There is no doubt upon that point. In my judgment, this work is a valuable one for the Treasury Department and for legislators desiring information in reference to the matters upon which this digest has been made. My own judgment is that it is a very proper thing to purchase the copyright.

Mr. KERNAN. My objection is that we have no information as to how valuable this book is or what it would be deemed worth, and yet we authorize the Government to buy the copyright of this gentleman for $3,500, and authorizing the publication of 4,500 copies.

Mr. LOGAN. If the Senator will allow me, I have a letter from the Assistant Secretary of the Treasury, Mr. French, in reference to this matter that I will have read.

Mr. WALLACE. It has been read.

Mr. BECK. I read that a few moments ago.

Mr. LOGAN. I beg the Senator's pardon.

Mr. KERNAN. I think this will be entering upon a line of bookmaking which will not be advantageous to the Government. So far as a digest of the the decisions of the courts is concerned, we have a digest of them in every library. As to a digest of the decisions of the Treasury Department, I assume that those in the Department can readily ascertain what the decisions are; but be that one way or the other, if this is a book that is valuable let the Government buy such copies as it wants. If we begin to buy the copies of compilations made by persons in or out of the Departments and publish them, I fear we are spending money that will never do much good. How many members of Congress will ever look at all into this digest?

I hope we shall strike out this item and let it wait until some committee looks into it and is able to inform us wherein it will be advantageous to the people to buy this copyright and publish 4,500 copies of the work.

Mr. INGALLS. As a part of the same subject, I call attention to the amendment following the one now under consideration:

For the purchase, for the use of Congress, of 1,500 copies of the work entitled The United States Government, by George N. Lamphere, 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives, $2,625.

It appears from the Official Register that this gentleman also, Mr. George N. Lamphere, is borne on the rolls of the office of the Secretary of the Treasury as chief appointment clerk at a salary of $2,500 per annum. I do not know upon what theory the Committee on Appropriations propose to stimulate literary labor. We have provided by law a copyright by which authors are protected in the enjoyment of their literary property. If they prepare a work that the public want and that has valuable and desirable information, it can be disposed of in the ordinary way that books are sold, and the publisher and the author can make arrangements about dividing the profits.

Here are two books that evidently have no value at all except as wares to sell to Congress. I venture to say that if these books are published they will be distributed and take the ordinary course of public documents, and the consequence will be that year after year these gentlemen will prepare new editions of their works for the purpose of selling them in successful appropriations to Congress.

I have in my mind one work that has been heretofore bought in the same way, a book prepared by Mr. Heyl, who was also in the employment of the Government. In an appropriation bill we provided for purchasing his book, and we kept on purchasing it year after year. It is a book that nobody reads and nobody wants. My theory is that if these books have any value they should be put into the market and sold as other books are, and not be brought into Congress for the purpose of being forced upon us through the medium of an appropriation bill.

Mr. PLUMB. I should like to be informed by the Senator from Iowa, who moved an amendment providing a thousand copies for the use of the executive departments, if he knows what officers of the executive department require the use of the book? There are certainly not a thousand officers, not half that many, who could require the work.

Mr. CONKLING. And especially in the Treasury Department. The Senator can state minutely as to that Department.

Mr. ALLISON. I did not arrange the number to cover exactly the number of the officers, but I think if this work is of any value it will be a matter of great convenience in the custom-houses. It is a work of considerable importance with reference to the Treasury. It is not necessary to enumerate the officers, but it is quite possible that it might be of value to some of the other Departments.

Mr. LOGAN. It contains the decisions of the courts in connection with the internal revenue.

Mr. ALLISON. I am obliged to the Senator for helping me. Certainly a few hundred copies could be distributed among the collectors of internal revenue. I am certain, on reflection, that a thousand copies can be very properly distributed in this way.

Mr. PLUMB. If the object is to secure useful literature among Government employés, I submit that a thousand copies are not enough; the number ought not be limited. But as the Government has got along for twenty-three years without it, I think it ought to be able to get along a little longer, until we can ascertain in some way precisely the merit of this work.

Mr. BECK. This bill, as I said, has to reach the House to-day and get into conference very soon or it will be lost. I am sorry that these two items are in the bill; and I do not care how good they are, no matter how important, I will agree that they be stricken out.

Mr. BURNSIDE. Mr. Lamphere's book is not open to the criticism made by the Senator from Kansas. I drew the amendment in regard to it myself, and I will give my reasons for it. In the first place I think it will be perceived by every one to be a useful book. It is a text-book for every one who has occasion to do business with the Departments of the Government. It is so useful that a great many Senators no doubt have bought it. I will say with reference to a great many of these works that I have purchased them and put them in the public offices, libraries, &c., in Rhode Island. The large United States maps I purchased at my own expense and put one copy in every library and every public building in the State as a matter of information to our people. I notice that people want books of this kind. The author of the book, Mr. Lamphere, is an employé of the Government, to be sure, but he is a one-armed soldier, and did this work outside of office hours. He has printed this book at his own expense. It is not a popular book, a book that will reach any great sale, and I think it is our duty to encourage him in a work of this kind.

Mr. INGALLS. When was it published?

Mr. BURNSIDE. It was published last year or the year before.

Mr. INGALLS. Has it been exposed for sale in the book-stores?

Mr. BURNSIDE. That I cannot say.

Mr. INGALLS. Has any considerable number of copies been sold?

Mr. BURNSIDE. I know nothing about the book except what I say. I have heard of the young man for many years. I talked to him about the matter nearly a year ago. I know that I distributed twenty-five or thirty copies of the book among the public offices in the State of Rhode Island to very great advantage to our people in the way of instructing them how to transact business with the Departments. I know it would be a very useful thing to do, and I should distribute my copies in that way. Just as I say, I bought a number of the United States maps that the Government published and distributed them to public offices in the State.

I hope the amendment will be adhered to. I know there is a precedent for this course. I have voted for the purchase of books in the Senate very often. This young man has printed his own book, and has not called on the Government of the United States to help him print it. He simply asks the Government to take 1,500 copies; 500 for the use of the Senate, and 1,000 copies for the use of the House of Representatives.

Mr. PLUMB. Since this discussion commenced I am informed by an authority not to be questioned that the Government issues every month, as it has done for a long time, digests of the decisions made in the Treasury Department for the use of the employés of that Department wherever they may be. I should have supposed of course that that was the case. It is not to be supposed that the Government would have been going on for twenty-three years and no one connected with the Treasury would have had the wit to make a digest which was absolutely necessary. I think it is true that they have them and most Senators have seen such digests in the Departments and elsewhere. They can be had in the Library now.

This it seems to me is only another way of giving to somebody a sum of money which the Government does not need to expend at all, for the reason that the purpose of the expenditure has already been accomplished by the Government in the transaction of its daily business, and that enforces, I think, the necessity for caution in regard to matters of this kind.

My colleague spoke of the succeeding amendment. There are a great many desirable books pleasing to the eye and useful in every way which Senators and members of course would be glad to have, many of which I have no doubt they purchase. I purchased a copy of the work of Mr. Lamphere's because I wanted it, and I wanted it bad enough to pay $3 for it, but I do not care to have the Government now turn around and buy a copy even at the wholesale price to give me another one or half a dozen, as the case may be, in order that they may be distributed among my constituents.

I think, in the first place, the Government printing of books ought to be limited as nearly as possible to strictly governmental objects. The Government ought not to engage in the printing and publication of books which come in competition with private publishers. It is a very seductive thing, of course, to have a lot of good books, gilt and nicely bound, to give to somebody, but it is not a proper way, I submit, to make use of the public money to do anything of that kind.

There is no reason, as I think, why Mr. Lamphere's work should be purchased at the expense of the Government any more than many other books I could name. While no doubt it would be very desirable for members of this body and the other House to have copies of this book, there are other things in the same line which it is desirable to have and which can be had by a person who is sufficiently moved to put his hand into his own pocket and to go into the nearest bookstore and disburse the money necessary to buy it. I submit it is not fair at all that persons shall have books they are not willing to buy themselves and which are directly in the line of private expenditure, and have them provided for out of the public purse.

Mr. BURNSIDE. The same principle applies to the public printing of all our books. We do not hesitate to authorize the printing of three or four hundred thousand copies of the Agricultural Report, which I commend very much indeed. I would be perfectly willing to vote for enough copies to cover the State of Kansas with agricultural reports; but when a book which is prepared by an industrious, intelligent crippled soldier during the time when he is not at work in his office, is offered, and is offered at cost, then the Senator from Kansas is very modest in reference to his expenditure of public money. The same principle precisely is applied to the printing of our public documents which are distributed. Thousands and millions of dollars are appropriated every year for that purpose; but when this little appropriation for this one-armed soldier who has industriously and intelligently produced a work of this kind which is very useful, useful to every Senator on this floor even the most intelligent, giving information as to how he can most easily transact business with the Departments—I say when a proposition of that kind is made then Senators seem to be very much exercised.

Mr. PLUMB. I ask the Senator from Rhode Island, why discriminate in favor of this particular industrious soldier? I think there are other industrious soldiers, who also have published works that it would be desirable to have.

Mr. BURNSIDE. For any work giving as much public information, published by a soldier or any one else possessing as much merit as this, I would vote to print it.

Mr. LOGAN. This debate seems to have moved itself from the paragraph we are discussing on to another one that is not before the Senate. The question of publishing Lamphere's book is not before the Senate at present.

In regard to the publication of the digest of the decisions of the Treasury Department, the Senator from New York [Mr. KERNAN] mentioned the fact that the matter ought to be investigated by a committee. If the Senator will examine the report of the House committee that accompanied this amendment to the Committee on Appropriations, he will find in the report made in the other House by Mr. FRYE the following language:

> The committee find the work for the purchase of which this bill provides to be a digest of the decisions of the Treasury Department relating to the tariff, navigation, &c., contained in the synopsis of decisions published by that Department. The decisions number about six thousand five hundred and cover a period of twenty-three years. They are contained in sixteen volumes, are indexed separately and imperfectly, with no general index, and can be referred to only by

those familiar with them, and even then with difficulty. Great inconvenience often results to the Treasury Department from the difficulty of referring to these decisions.

The work is also a digest of the decisions of the Supreme and circuit courts relating to the tariff, navigation, &c., and also of the decisions upon the same subject contained in the Opinions of the Attorneys-General.

This work has been carefully and skillfully compiled. The committee believe that it will be of great utility to the Treasury and State Departments, and to any person engaged in a revision of the tariff and navigation laws.

Mr. EATON. From what paper does the Senator read?

Mr. LOGAN. I am reading from the report of the Committee on Ways and Means of the House of Representatives made on this subject, and I read it in response to the Senator from New York, who said the matter should be examined by a committee. I simply read from the report to show that it had been examined by a committee and reported favorably.

Mr. DAVIS, of West Virginia. The Senator from Kentucky has indicated that the Committee on Appropriations would not insist on the amendment so as to put an end to this discussion, but I want to say one word to the Senator from Kansas. He spoke of a book issued by the Department similar to this digest, and contrasted it with this book. The publication made annually by the Department is a digest of the appropriations and nothing else.

Mr. PLUMB. Oh, no.

Mr. DAVIS, of West Virginia. I know what I am speaking about.

Mr. PLUMB. What I want to say is that the Department issues every month a digest of the decisions of every one of its bureaus, and also of the Secretary of the Treasury himself.

Mr. LOGAN. But this compilation contains the decisions of the Supreme Court in reference to questions of tariff and navigation, which is entirely different from what the Senator refers to.

Mr. PLUMB. But those are already contained in the decisions of the Supreme Court itself and they are accessible in the library of the Treasury as well as in other libraries.

Mr. LOGAN. It is very true that the decisions of the Supreme Court are accessible to every lawyer, but not to every one who has transactions with the Department.

Mr. DAVIS, of West Virginia. I have no wish to continue this debate. I simply say that the Senator from Kentucky on the part of the committee has stated that these amendments would not be insisted on. He has said that the committee is willing to take that course. The Senator is mistaken entirely as to any comparison between these two digests. The Senate committee acted more upon the report made by the House committee and the representations of members of the House than upon their own examinations; but as far as the committee are concerned it is immaterial to them whether the item remains or is stricken out.

Mr. PADDOCK. I should like to inquire of the Senator from West Virginia, the chairman of the Committee on Appropriations, if this appropriation is based upon an estimate only as to the cost of printing or binding, or if there is beyond that compensation for the authorship of the book? Is the appropriation made upon an estimate only as to the cost of printing the publication?

Mr. DAVIS, of West Virginia. The Senator will see that one of the clauses is for the purchase of the copyright and the other is for printing copies.

Mr. PADDOCK. I speak of the amendment now under consideration, not the Lamphere item. Is it for the purchase of the copyright or is it for the purchase of the book at the cost of printing and binding?

The PRESIDING OFFICER. The amendment as amended will be reported.

The Chief Clerk read as follows:

To enable the Secretary of the Treasury to purchase from F. M. Eastman the copyright and manuscript of his work entitled Digest of the Decisions of the Treasury Department and of the Supreme and Circuit Courts relating to the tariff, navigation, &c., $2,500; and the said work shall be printed, under the direction of the Secretary of the Treasury, 1,000 copies for the use of the Executive Departments, and 2,500 copies shall be printed for the use of the House and 1,000 copies for the use of the Senate.

Mr. PLUMB. There are sixteen volumes of this report. Multiply that by $3,500 and it makes $54,000.

Mr. ALLISON. Oh, no; not sixteen printed volumes.

Mr. PLUMB. According to the statement made by the Secretary of the Treasury there are sixteen printed volumes, and the appropriation to cover this cost would amount to about $50,000.

Mr. ALLISON. I think not.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 562, to insert:

For the purchase, for the use of Congress, of 1,500 copies of the work entitled The United States Government, by George N. Lamphere, 500 copies for the use of the Senate, and 1,000 copies for the use of the House of Representatives, $2,625.

The amendment was rejected.

The next amendment was, after line 568, to insert:

To enable the Secretary of the Treasury to procure information concerning and to make inspection of neat cattle shipped from any port in the United States to any foreign port, so as to enable him to cause to be issued to the shippers of such cattle certificates showing in proper cases that such cattle are free from the disease known as pleuro-pneumonia, the sum of $10,000, or so much thereof as may be necessary.

Mr. KIRKWOOD. I will ask the committee to consent to an increase of the sum from $10,000 to $15,000.

Mr. BECK. The Department officials want $15,000. They perhaps could get along with $10,000, but if the Senator from Iowa who is watching the pleuro-pneumonia bill thinks $15,000 had better be appropriated, for one I will consent to it.

Mr. KIRKWOOD. I am obliged to the Committee on Appropriations.

The PRESIDING OFFICER. Does the Senator from Iowa move to strike out $10,000 and insert $15,000?

Mr. KIRKWOOD. I do.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 576, to insert:

To enable the Secretary of the Treasury to reimburse to Ainsworth R. Spofford, Librarian of Congress, the amount stolen from his disbursing clerk on the 28th day of May, 1880, $2,640.

Mr. BECK. There is a typographical error in line 578. It reads, "to enable the Secretary of the Treasury to reimburse to;" "to" should be stricken out before "Ainsworth R. Spofford."

The PRESIDING OFFICER. The amendment to the amendment will be agreed to. Will the Senate agree to the amendment as amended?

The amendment, as amended, was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 586, in the item for the National Board of Health, after the word "that," to strike out "twenty-five" and insert "seventy-five;" so as to make the proviso read:

That $75,000 of the appropriation made by act of June 2, 1879, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," shall be applied to the same purposes; and no more money shall be expended for the above purposes out of any appropriations heretofore made or by virtue of any previous law.

Mr. BECK. We gave that item a good deal of consideration, and required a revised estimate from the National Board of Health, which I desire to have published in the RECORD; it may be useful in conference.

The PRESIDING OFFICER. It will be published in the RECORD at the request of the Senator.

The paper is as follows:

Estimates for National Board of Health.

Office expenses:			
1.	Miscellaneous investigations into matters affecting the public health		$15,000 00
2.	Pay and expenses of members		10,000 00
3.	Pay and expenses of inspectors		10,000 00
4.	Printing Bulletin, blanks, &c		10,000 00
5.	Rent, light, and fuel		1,700 00
6.	Stationery		1,000 00
7.	Telegrams		500 00
8.	Postage		250 00
9.	Clerks, messengers, and laborers		19,950 00
10.	Miscellaneous expenses		1,600 00
			70,000 00
Maintenance of quarantine stations of the board:			
11.	Ship Island	$18,500 00	
12.	Sapilo	5,000 00	
13.	Hampton Roads, Virginia	3,000 00	
14.	Mississippi River	32,000 00	
15.	Aid to State local boards	20,000 00	
16.	Repairs to Ship Island	1,500 00	
			80,000 00
Total			150,000 00

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after the word "mounds," in line 613, to insert "and be available immediately;" so as to make the clause read:

North American ethnology, Smithsonian Institution: For the purpose of continuing ethnological researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution, $25,000; $5,000 of which shall be expended in continuing archæological investigations relating to mound-builders and prehistoric mounds, and be available immediately.

The amendment was agreed to.

The next amendment was, under the head of "arrears of pay and bounty," after the word "appropriated," in line 20, to strike out "out of any moneys in the Treasury not otherwise appropriated" and insert "the sum of $300,000 or;" so as to make the clause read:

That with a view to the prompt payment of claims for arrears of pay and bounty due to officers and enlisted men of the regular and volunteer forces, and their heirs and legal representatives, there shall be, and hereby is, appropriated the sum of $300,000, or so much as may be required to pay said claims, under the following heads of appropriations: "Pay to two and three year volunteers," "bounty to volunteers and their widows and legal heirs," and "pay, &c., of the Army:" *Provided, however*, That the Secretary of the Treasury shall report to Congress, at the commencement of each regular session, the amount that has been paid out under this provision during the preceding fiscal year.

Mr. BECK. The only change we made there was to send for an estimate as to how much would be necessary, and we received infor-

mation that about three hundred thousand dollars would be required. Two hundred and fifty thousand and odd dollars being paid this year we believed it would be better to insert the sum estimated for than to leave it indefinite. That is all there is in that amendment.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, in the appropriations for "armories and arsenals," after line 638, to insert:

For machinery and shop-fixtures, $15,000.

The amendment was agreed to.

The next amendment was, under the head of "buildings and grounds in and around Washington and the Executive Mansion," after line 706, to insert:

For paving with asphaltum the semi-circular roadway in front of the Executive Mansion, $8,000.

The amendment was agreed to.

The next amendment was, after the word "Mansion," in line 712, to strike out "five hundred" and insert "two thousand;" after the word "dollars," in line 713, to insert "to be available immediately," and in line 717, after the word "all," to strike out "thirty-eight thousand" and insert "thirty-nine thousand five hundred;" so as to make the clause read:

Executive Mansion: For care of and repairs to the Executive Mansion, and for furniture, $30,000; for constructing elevator in the Executive Mansion, $2,000, to be available immediately; fuel for the Executive Mansion and the greenhouses, $2,000; care and necessary repairs of the greenhouses, $5,500; in all, $39,500.

Mr. KERNAN. I ask the committee to explain the necessity of the item for constructing an elevator in the Executive Mansion, $2,000? What is the necessity for that?

Mr. BECK. The House determined for reasons sufficient as I thought to construct an elevator in the Executive Mansion and made an appropriation of $500 for doing so, believing that was enough for the purpose. Colonel Casey, the Superintendent of Public Buildings and Grounds, made a careful estimate of what was necessary to construct such an elevator as ought to be constructed there. He brought the estimate to us and assured us he could not do what the House desired to have done for less than $2,000, and as they had determined to build the elevator and thought they were giving enough, and as the actual amount necessary to do what all desired was $2,000 instead of $500 we struck out $500 and inserted $2,000. The principal object I believe the House had in view, and I think a very laudable one, is that an aged member of the family of the incoming President is unable to walk up and down the steps, and they desire that she should have an elevator in the House, and I think the Senate will agree to give the sum necessary for that purpose.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 724, after the word "that," to insert "for each burner not connected with a meter in the lamps on the public grounds;" and in line 731, after the word "material," to insert "in the lamps on the public grounds;" so as to make the clause read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas-fitters, plumbers, plumbing, lamp-posts, matches, and repairs of all kinds; fuel for office, for the watchmen's lodges, and for the greenhouses in the nursery, $15,000: *Provided*, That for each burner not connected with a meter in the lamps on the public grounds no more than $25 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act; and in case a contract cannot be made at that rate the engineer in charge is hereby authorized to substitute other illuminating material in the lamps on the public grounds, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 748, to insert "to be immediately available;" so as to make the clause read:

Building for State, War, and Navy Departments: For continuing the construction of the building; to cover inside iron-work; plumbing and gas-fitting; granite stairs; heating-apparatus; plastering and stucco-work; materials for approaches; lumber for doors, sash, and flooring; labor and contingencies, $450,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 749, to insert:

For preparing granite for the construction of the west and center wings, $200,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 755, to insert "to be immediately available;" so as to make the clause read:

Continuation of Washington Monument: Earth embankments, marble, granite, iron frame-work, machinery, tools, labor, and office expenses, $150,000, to be immediately available.

The amendment was agreed to.

The next amendment was under the head of "Signal Service," in line 772, before the word "books" to insert "original studies;" and after the word "for," in line 774, to strike out "three hundred and seventy-five" and insert "four hundred;" so as to make the clause read:

Signal service:

Observation and report of storms: For the expenses of the observation and report of storms by telegraph and signal for the benefit of commerce and agriculture throughout the United States; for manufacture, purchase, and repair of meteorological and other necessary instruments; for telegraphing reports; for expenses of storm signals announcing the probable approach and force of storms; for continuing the establishment and connection of stations at life-saving stations and light-houses; for instrument-shelters; for hire, furniture, and expenses of offices maintained for public use in cities and ports receiving reports; for river reports; for maps and bulletins to be displayed in chambers of commerce and boards of trade rooms, and for distribution; for original studies, books, periodicals, newspapers, and stationery; and for incidental expenses not otherwise provided for, $400,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 800, to insert:

And the unexpended balance, not exceeding $8,000, of the appropriation for survey of northern and northwestern lakes for the fiscal year 1881 is hereby reappropriated and made available for the same purpose.

So as to make the clause read:

Survey of northern and northwestern lakes: For water-level observations and reductions, comparisons of standards of base apparatus and reductions, printing and issuing charts for use of navigators, completion of publication of final report, office rent, clerk hire, fuel, and miscellaneous, $18,000; and the unexpended balance, not exceeding $8,000, of the appropriation for survey of northern and northwestern lakes for the fiscal year 1881 is hereby reappropriated and made available for the same purpose.

The amendment was agreed to.

The next amendment was, after line 804, to insert:

Surveys and reconnaissances in military divisions and departments: For military surveys and reconnaissances, and surveys of military reservations, by the engineer officers attached to the various headquarters of military divisions and departments, being an average of $5,000 for each of the nine military divisions and departments west of the Mississippi River, and $5,000 for publication of maps, $50,000; this sum to be immediately available.

The amendment was agreed to.

The next amendment was, after line 831, to insert:

For the purchase of the private papers of the late confederate Generals Braxton Bragg and Leonidas Polk relating to the late war of the rebellion, $20,000.

The amendment was agreed to.

The next amendment was, after line 844, to insert:

For the construction of a public building at Fortress Monroe, Virginia, for a library and collections of the artillery school, and also for offices for the headquarters at the fort, in accordance with the provisions of section 1136 of the Revised Statutes, $30,000.

Mr. BECK. I desire to be allowed to hand a letter from the Secretary of War to the Reporter regarding that matter.

The PRESIDING OFFICER. The letter of the Secretary of War referred to by the Senator from Kentucky will be printed in the RECORD.

The letter is as follows:

WAR DEPARTMENT,
Washington City, March 1, 1881.

SIR: I have the honor to recommend that a clause be inserted in the sundry civil appropriation bill, to make an appropriation of $30,000 for erection of a building at Fort Monroe for the library collections of the artillery school and for offices for the headquarters. Such an appropriation is deemed necessary and proper at this time on the grounds set forth in Senate Executive Document No. 2, current series, which promulgates my recommendation of December 6, 1880, on this subject, and which exhibits the fact that as required by section 1136 of the Revised Statutes, plans and estimates for the building were then submitted to the Senate.

Very respectfully,

ALEX. RAMSEY,
Secretary of War.

Hon. HENRY G. DAVIS,
Chairman Committee on Appropriations, United States Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. HOAR. An amendment escaped my attention for a moment and I ask leave to go back to it to save calling it up in the Senate when the bill is reported. It is in the upper part of the thirty-fifth page.

The PRESIDING OFFICER. If there be no objection, the amendment will be taken up.

Mr. BECK. I do not object to the Senator taking it up now.

Mr. HOAR. I do not know but that the amendment is all right, and if it has the assent of the Committee on Appropriations without any division in that committee I am very strongly inclined to believe it is all right.

Mr. BECK. I will hand to the Senator a number of papers with regard to it before we are through.

Mr. HOAR. I think there are one or two points that should be stated before it passes, so that it should not go through *sub silentio*. In the first place what is the evidence that these papers are worth $20,000? In the next place, ought there not to be lodged in some public officer the right to see what papers we get. There is no description of the papers to be purchased. They are to be private papers. I should like to have the Senator from Kentucky state what security there is for the Government getting $20,000.

Mr. BECK. If the Senator will allow the amenhment to be passed over until we get through with the other amendments and come back to it, I will furnish him with all the information I have.

Mr. HOAR. I do not wish to attack what the committee think proper, but I want to know something about it.

Mr. BECK. We had a very full hearing on the subject and a number of papers were furnished to us, all of which I will give when it comes up at the conclusion of the other amendments of the committee.

The PRESIDING OFFICER. Action will be reserved on this amendment until the other amendments are acted upon.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, before the

word "silver," in line 932, to strike out "subsidiary;" in line 938, before the word "passage," to strike out "its" and insert "the;" and after the word "passage" to insert "of this act;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to transport free of charge silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury by the applicant or applicants; and that there is hereby appropriated $20,000, or so much thereof as may be necessary, for that purpose, and that the same be available from and after the passage of this act.

The amendment was agreed to.

The next amendment was, after the word "war," in line 945, to strike out:

Is directed to sell at public auction, after due advertisement, all the old clothing now held for the national military homes for disabled volunteer soldiers, and, upon proper estimates from time to time, to turn the proceeds over to the managers thereof.

And insert:

Be directed to turn over to the managers of the National Home for Disabled Volunteer Soldiers all the old clothing now held for issue to the National Home.

So as to make the clause read:

Support of National Home for Disabled Volunteer Soldiers, current expenses including construction and repairs: For the central branch, for the eastern branch, for the northwestern branch, for the southern branch, and for out-door relief and incidental expenses, $950,000: *Provided*, That the Secretary of War be directed to turn over to the managers of the National Home for Disabled Volunteer Soldiers all the old clothing now held for issue to the National Home. Said managers are authorized to estimate for building and maintenance at the central branch of a building or buildings for the safe and proper keeping of the insane. And General John Love, of the State of Indiana, one of the managers of said homes, having died, General George B. McClellan, of the State of New Jersey, is hereby appointed to fill the vacancy for the unexpired term.

The amendment was agreed to.

The next amendment was, after line 963, to insert:

Road from Vicksburgh, Mississippi, to the national cemetery: For completion of roadway from Vicksburgh, Mississippi, to the national cemetery near that city, $10,000.

The amendment was agreed to.

The next amendment was, after line 967, to insert:

For constructing a carriage-way from New Market street in the city of Jeffersonville, Indiana, to the United States military depot in said city, under the direction of the Secretary of War, $4,000.

The amendment was agreed to.

The next amendment was, after the word "third," in line 976, to strike out "and fourth volumes" and insert "volume;" so as to make the clause read:

Printing catalogue of the library of the Surgeon-General's Office: For printing and binding the third volume of the catalogue of the library of the Surgeon-General's Office, $10,000.

The amendment was agreed to.

The next amendment was, after line 1002, to insert:

To continue the permanent improvement of the barracks on the present site at Omaha, Nebraska, $30,000, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

Mr. HOAR. If the Senate will now go back to the amendment on the thirty-seventh page, I desire to offer an amendment which I understand will be accepted by the committee, and which I think will remove any possible objection.

The PRESIDING OFFICER. Does the Senator from Kentucky, in charge of the bill, consent to go back to the amendment on page 35?

Mr. BECK. Let the Senator's proposition be read; I will hear it.

Mr. HOAR. I desire to amend the amendment by making it, instead of "$20,000," read "a sum not exceeding $20,000."

Mr. BECK. That is right.

Mr. HOAR. Then I desire to add this proviso.

Provided, That the President of the United States shall be satisfied that all such papers now in existence are delivered over to the United States, and that the same are of historic importance and value equal to the sum paid.

Mr. BECK. I make no objection to that.

Mr. CONKLING. Should that amendment be adopted, it would be as convenient to know then as well as now why confederate officers are selected and provision made for paying $10,000 each to their survivors for private papers of theirs. On what principle is it that speaking of a war in which hundreds of officers were conspicuous two are arbitrarily selected and it is proposed to give to the families of each a sum not exceeding $10,000 for their private papers? If this is to be done at all, I should like to have it passed over for I want to offer an amendment adding a number of Union generals whose private papers I think would be at least equally interesting and equally valuable.

Mr. BECK. I desired to have it passed over and it was so, but the Senator from Massachusetts suggested an amendment to it, I think a very proper one. I am willing that it shall be passed over again if Senators wish; but before I sit down, in answer to the suggestion of the Senator from New York, I will say that in the act approved June 16, 1880, this provision was made:

And the Secretary of War is authorized to negotiate with the legal representatives of the late confederate Generals Bragg and Polk for the purchase of their private papers relating to the late war, and said Secretary shall report thereon at the next session of Congress.

Mr. CONKLING. Has that report been made?

Mr. BECK. That authority was given: that report has been made. As I understand it the Senator from Texas [Mr. MAXEY] has it, and is familiar with all the facts. The papers have been delivered and part of them are now being published; I believe a majority of those belonging to General Polk are now being published as part of the history of the rebellion. Those belonging to General Bragg have been indexed, and the publication has not yet begun, but the Government is in possession of all the papers under that negotiation. Papers of like character belonging to Albert Sidney Johnston were purchased some years ago and $10,000 paid for them. A commission was appointed, of which President-elect Garfield was one, and other papers were purchased. Then the act of last year authorized these negotiations, and in accordance with it the papers have been delivered, so that there is some question of good faith I think involved in this. That is the only reason why I thought it ought to be put on this bill; but I will pass it over at the request of the Senator from New York and show him all the papers I have.

Mr. CONKLING. I shall be glad if the Senator will do so.

The PRESIDING OFFICER. Shall action be had on the amendment of the Senator from Massachusetts, or shall the matter be passed over?

Several SENATORS. Let it be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after line 1006, to insert:

For the erection of permanent barracks and officers' quarters at Fort Leavenworth, Kansas, according to plans to be adopted by the Secretary of War, $30,000.

The amendment was agreed to.

The next amendment was, after line 1010, to insert:

For the expenses of the surveys to be made across the peninsula of Maryland and Delaware to connect by canal the waters of the Delaware and Chesapeake Bays, under the direction of the Secretary of War, $10,000.

Mr. MCMILLAN. I desire to ask that that amendment may be passed over for the present. I am under the impression that it was submitted to the Committee on Commerce, that it was embraced in the river and harbor bill, and was finally stricken from that bill.

Mr. WHYTE. Stricken out on the very ground that it was not proper in that bill because it was for a survey of a canal. I understand that was the report of the conference committee.

Mr. MCMILLAN. I was not aware on what ground. I know the surveys recommended by the Committee on Commerce are embraced in the river and harbor bill.

Mr. WHYTE. This comes from a different committee entirely.

Mr. BECK. It was the unanimous report of the Committee on Transportation Routes to the Seaboard, after an examination all winter, in which a good deal of testimony was taken. It is a matter of very great importance, and this survey may save a great deal of money hereafter.

Mr. MCMILLAN. I was under the impression that the matter was before the Committee on Commerce.

The PRESIDING OFFICER. Does the Senator desire the amendment reserved?

Mr. MCMILLAN. I do not desire it if that is the case.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after line 1015, to insert:

For the purchase of a suitable site in the city of Washington for the erection of a brick and metal fire-proof building to be used and occupied by the Pension Bureau, the building to be erected in accordance with plans approved by the Secretary of War and the Secretary of the Interior, under the supervision of the Quartermaster-General of the United States Army, the site for which shall be selected by him, subject to the approval of the Secretaries aforesaid, both as to location and price, and the title to the land to be approved by the Attorney-General of the United States, $250,000.

The amendment was agreed to.

The next amendment was, after line 1027, to insert:

For the purchase of a suitable site in the city of Washington for the erection of a brick and metal fire-proof building to be used for the safe-keeping of records of the executive departments not required in the present executive offices for constant reference, the building to be erected in accordance with plans approved by the Secretary of War and the Secretary of the Interior, under the supervision of the Quartermaster-General of the United States Army, the site for which shall be selected by him, subject to the approval of the Secretaries aforesaid, both as to location and price, and the title to the land to be approved by the Attorney-General of the United States, $200,000.

Mr. BECK. Before passing from the portion of the bill about additional buildings I ask unanimous consent to go back to page 42, line 1004, and strike out "at Omaha," and insert "on the present site near Omaha," the building being near Omaha, and not at Omaha.

The PRESIDING OFFICER. If there is no objection that correction will be made. The Chair hears none, and the amendment will be so modified.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was in the appropriations for "navy-yards and stations," after the word "dollars," in line 1046, to insert "to be immediately available;" so as to make the clause read:

Navy-yard, Boston, Massachusetts: For repairing rope-walk, $20,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 1052, to insert:

For erecting a new boiler-house for the naval hospital, Mare Island, California, $3,500.

The amendment was agreed to.

The next amendment was, after line 1055, to insert:

Navy-yard, Pensacola, Florida: To continue the improvement of the Pensacola navy-yard in accordance with the recommendation of the Secretary of the Navy, $75,000.

The amendment was agreed to.

The next amendment was, after line 1064, to insert:

For the construction of suitable barracks and quarters for the officers and enlisted men of the Marine Corps at Norfolk navy-yard, $45,000.

The amendment was agreed to.

The next amendment was, after the word "Government," in line 1079, to strike out "the sum of;" and in line 1081, after the word "necessary," to strike out "is hereby appropriated;" so as to make the clause read:

To enable the Secretary of the Navy to protect and preserve cemeteries in foreign countries used for the most part for the burial of citizens of this Government, $3,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 1081, to insert:

To enable the Secretary of the Navy to immediately charter or purchase, equip, and supply a vessel for the prosecution of a search for the steamer Jeannette, of the Arctic exploring expedition, (which the Secretary of the Navy is hereby authorized to undertake,) and such other vessels as may be found to need assistance during said cruise, $175,000: *Provided*, That said vessel shall be wholly manned by volunteers from the Navy.

The amendment was agreed to.

The next amendment was, after line 1090, to insert:

Armory, Naval Academy: For the erection of an armory for the safe-keeping and preservation of arms, equipments, and ammunition, in lieu of the present wooden building, $25,000.

The amendment was agreed to.

The next amendment was, after line 1094, to insert:

Repairs of building, Naval Academy: For the necessary alterations and repairs of the building of the department of steam engineering, $3,600.

The amendment was agreed to.

The next amendment was, after line 1098, to insert:

Barracks and quarters at the Naval Academy: For construction of suitable barracks and quarters for the officers and enlisted men of the Marine Corps, $40,000.

The amendment was agreed to.

Mr. BECK. As the reasons for these amendments for barracks at Norfolk and Annapolis and the erection of an armory for safe-keeping and preservation of the arms and equipments at the Naval Academy, I desire to place upon record letters from the Secretary of the Navy.

The letters are as follows:

NAVY DEPARTMENT,
Washington, December 15, 1880.

SIR: I have the honor to call the attention of the committee to the importance of having made, at the present session of Congress, appropriations for the construction of suitable barracks and quarters for the marines at Annapolis, Pensacola, and Norfolk. Such quarters and barracks are very much needed for the comfort and efficiency of this branch of the service.

For quarters and barracks at Pensacola, the sum of $100,000 is necessary. This is the estimate of the board ordered recently by the Department to visit the Pensacola yard and report what is necessary to put it in an effective condition.

The sum of $40,000 is required for the construction of barracks at Annapolis. This improvement was recommended by the board of visitors to the Naval Academy, in June last.

The sum of $45,000 is required for the construction of barracks at the Norfolk navy-yard.

The officers and privates of the Marine Corps stationed at Annapolis have, for many years, suffered the inconvenience of unhealthy and unsuitable quarters and accommodations, and I urgently present the subject to the attention of Congress.

Very respectfully, your obedient servant,

R. W. THOMPSON,
Secretary of the Navy.

Hon. H. G. DAVIS,
Chairman Committee on Appropriations, United States Senate.

NAVY DEPARTMENT,
Washington, February 19, 1881.

SIR: I have the honor to call the attention of the Senate to the importance of amending the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and to earnestly request that provision may be made, in accordance with estimates submitted (page 148, Book of Estimates) for "the erection of an armory for the safe-keeping and preservation of arms, equipments, and ammunition, in lieu of the present wooden building, which is entirely unsuited for the purpose, and now beyond repair, $25,000; the necessary alterations and repairs of the building of the department of steam engineering, $3,600; total Naval Academy, $28,600."

The small amount asked for the alterations and repairs of the "steam building" ($3,600) is an absolute necessity; owing to the fact that some of the foundation-work for the support of the columns and machinery were originally made of wood and placed on the top of piles, which has rotted away; also, that the number of cadets at the academy is now much larger than when the building was constructed, and it is necessary to make some alterations, in order to properly accommodate them during instruction. The floor in the center of the building has settled some four inches.

The present armory and drill-room is a rough board building, erected for temporary use at the time the Naval Academy was transferred from Newport, Rhode Island, to Annapolis. It is the only building at the academy for the storage of the large amount of the different classes of small-arms and artillery used in the instruction of the cadets. It is also the only place in which the cadets can be drilled in cold and bad weather. It is now unfit and unsafe for this purpose, as it is old and rotten and has twice nearly fallen down. To keep it erect it has been necessary to shore it up with timbers the whole length (southeast side) on the side opposite to the direction of the prevailing winds.

Very respectfully, your obedient servant,

N. GOFF, JR.,
Secretary of the Navy.

Hon. WILLIAM A. WHEELER,
Vice-President of the United States.

The Secretary resumed and continued the reading of the bill. The next amendment was, in the appropriations for "public buildings," in line 1120, after the word "the," to strike out "same" and insert "rooms;" so as to make the clause read:

Capitol extension: For work on the Capitol and general repairs thereof, for fire-proofing the gallery of the National Statuary Hall and the rooms adjoining, for shelving the rooms for the accommodation of the House documentary library, for cutting doorway from the northwestern room to connect with the Congressional Library, and for shelving such rooms in the basement story of the south wing of the Capitol as the Speaker may designate for the reception of the stationery and files to be moved from the rooms connected with the Hall, $50,000.

The amendment was agreed to.

The next amendment was, after line 1132, to insert:

For fire-proofing the roof of the National Statuary Hall, $26,000.

The amendment was agreed to.

The next amendment was, after line 1134, to insert:

To enable the Joint Committee on the Library to purchase works of art, $10,000.

The amendment was agreed to.

The next amendment was, after line 1156, to insert:

Rent of building for Court of Claims: To enable the Secretary of the Interior to pay the rent for that part of the Freedman's bank building as is occupied by the Court of Claims, $3,600.

The amendment was agreed to.

The next amendment was, in the appropriations for "expenses of the collection of revenue from sales of public lands" before the word "district," in line 1234, to strike out "ninety-three;" so as to make the clause read:

For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding three thousand dollars each, $450,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "surveying the public lands," in line 1248, after the word "dollars," to insert "to be immediately available;" in line 1254, after the word "mountainous," to strike out "and" and insert "or;" and in line 1257, after the word "lines," to insert:

Provided, That nothing herein contained shall be construed to repeal or modify the provisions of sections of the Revised Statutes numbered 2404 and 2405, in regard to surveys to be made in California, Oregon, and Washington Territory.

So as to make the clause read:

Surveying the public lands:

For surveying the public lands, $300,000, to be immediately available, at rates not exceeding $12 per linear mile for standard and meander lines, $10 for township, and $8 for section lines, except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, a sum not exceeding $16 per linear mile for standard lines, $14 for township, and $10 for section lines: *Provided*, That nothing herein contained shall be construed to repeal or modify the provisions of sections of the Revised Statutes numbered 2404 and 2405, in regard to surveys to be made in California, Oregon, and Washington Territory.

The amendment was agreed to.

The next amendment was, after line 1286, to insert:

For running connection lines, guide meridians, and township lines in the strip of public land lying north of the State of Texas, and bounded on the north by the States of Colorado and Kansas, to be done under the direction of the Commissioner of the General Land Office, $18,000.

The amendment was agreed to.

Mr. GARLAND. I want to submit an amendment to come in after the word "dollars" in line 1310, to be subject to my call.

The PRESIDING OFFICER. The Senator from Arkansas proposes to offer an amendment, which will be read.

The SECRETARY. After the word "dollars," in line 1310, it is proposed to insert:

Provided, That in addition to the duties of the Director of the Geological Survey as now prescribed by law, he may extend his examination of the geological structure and mineral resources and products into the respective States, when requested by the authorities thereof.

Mr. BECK. I reserve all points of order against that.

The PRESIDING OFFICER. It is not now offered, but notice given of it.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, under the head of "Geological Survey," after line 1315, to insert:

Hot Springs reservation, Arkansas: For the improvement of Hot Springs Creek within the limits of the permanent reservation at Hot Springs, Arkansas, the erection of a wall along its west bank, and for such other improvements of the reservation as may be necessary, the sum of $33,744.78, the amount received for rents at Hot Springs and covered into the Treasury, to be immediately available and expended under the direction and supervision of the Department of the Interior.

Mr. BECK. I desire to have inserted in the RECORD a letter from the Secretary of the Interior relative to that amendment, which explains it so well that I need say nothing.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1881.

SIR: By the act of Congress relating to the Hot Springs reservation in the State of Arkansas, approved March 3, 1877, the Secretary of the Interior was authorized to use the money received for water rents for the protection and necessary improvement of the reservation. Before the date of this act the receiver appointed by the Court of Claims under the act of June 11, 1870, had collected the sum of $33,744.78

for rents, which amount was covered into the Treasury of the United States. An improvement is very desirable for which there is no fund on hand. The west line of the permanent reservation at Hot Springs, Arkansas, forms the east line of Valley street, the principal thoroughfare in the town. Before this street can be graded to the lines established by the Hot Springs commission it will be necessary to construct a substantial stone wall along the line of the creek running in front of the reservation. As this creek is within the limit of the permanent reservation it is proper that the expense necessary for its improvement should be borne by the United States. I therefore recommend that the amount collected by the receiver, $33,744.78, and covered into the United States Treasury by warrant No. 1050, fourth quarter, 1877, and warrant No. 1644, third quarter, 1878, be appropriated for the improvement of the Hot Springs Creek, and for the erection of the wall along its west bank, and for such other improvements of the reservation as may be necessary, the work to be done under the direction and supervision of the Department of the Interior.

Very respectfully,

C. SCHURZ, *Secretary.*

The SPEAKER
Of the House of Representatives, Washington.

The amendment was agreed to.

The next amendment was, under the head of "Government Hospital for the Insane," in line 1340, after the word "of," to strike out "such persons as are entitled to admission therein under the provisions of chapter 4 of the Revised Statutes of the United States, $100,000," and in lieu thereof to insert:

The insane of the Army, Navy, Marine Corps, and revenue-cutter service and of all persons who have become insane since their entry into the military or naval service of the United States, and who are indigent, and of the indigent insane from the District of Columbia, $155,000; and of this sum not exceeding $1,000 may be used for transporting patients to their friends.

So as to make the clause read:

Government Hospital for the Insane:

Current expenses, Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane of the Army, Navy, Marine Corps, and Revenue-Cutter service, and of all persons who have become insane since their entry into the military or naval service of the United States, and who are indigent, and of the indigent insane from the District of Columbia, $155,000; and of this sum not exceeding $1,000 may be used for transporting patients to their friends.

Mr. SAULSBURY. I wish to inquire of the Senator from Kentucky why the committee proposes to strike out the words "such persons as are entitled to admission therein under the provisions of chapter 4 of the Revised Statutes of the United States, $100,000," and insert these other words with an increased amount. What is the reason of that amendment striking out the provision referring to the statutes?

Mr. BECK. The sundry civil act for the current year provides:

That hereafter the admissions to the hospital shall be limited to such persons as are entitled to treatment therein under the provisions of title 59, chapter 4, of the Revised Statutes of the United States, and under the act approved March 3, 1875, chapter 156, second session Forty-third Congress.

Mr. VOORHEES. I wish to give notice that after the committee's amendments have been considered and passed upon, I shall offer an amendment to come in on page 56, at the end of line 1350, and I ask to have it read at this time and I will explain it afterward.

The PRESIDING OFFICER. The Senator from Indiana gives notice that after the amendments of the Committee on Appropriations have been acted on, he will offer an amendment to this amendment, which will be reported now for information.

The Secretary read as follows:

That the proper accounting officers of the Treasury be, and they hereby are, authorized and directed to pass to the credit of Charles H. Nicholls, late superintendent of the Government Hospital for the Insane, the sum of $3,037.09, that being the amount disallowed in his accounts, and being the difference in salary between $2,500 and $4,000 per annum from June 22, 1874, to June 30, 1876, said disallowance having been made to conform to the requirements of the Revised Statutes, section 4839, adopted June 22, 1874; and the salary of the said superintendent is hereby fixed at $4,000 per annum, as originally provided in act of March 2, 1867.

Mr. BECK. If the Senator will have it sent to the committee-room to be placed on the deficiency bill, I think it will be more likely to be passed there. I believe it is all right.

Mr. VOORHEES. I may take that course.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations which has been read.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, in the appropriations for "Columbia Institution for the Deaf and Dumb," after line 1366, to insert:

For the improvement and inclosure of grounds, $3,000

The amendment was agreed to.

The next amendment was, under the head of "Indian affairs," after the line 1400, to insert:

To purchase from the Creek Nation of Indians, for the use of the Seminole Indians, at the price of $1 per acre, 175,000 acres of land adjacent, on the east, to the dividing line between that portion of the Creek domain ceded to the United States by the Creek treaty of June 14, 1866, and that portion retained by the Creeks, being the land belonging to the Creek Nation upon which the Seminoles were erroneously located by the authorities of the United States, supposing it to be the land granted to the Seminoles by the third article of the treaty with the Seminoles dated March 21, 1866, $175,000; and the Secretary of the Interior is hereby authorized to purchase said lands from the Creek Nation of Indians for the use of the Seminole Indians.

The amendment was agreed to.

The next amendment was, after line 1416, to insert:

To pay for the survey of the tract of land, to embrace 175,000 acres, authorized by this act to be purchased from the Creek Nation of Indians for the use of the Seminole Indians, $1,000, or so much thereof as may be necessary; and the Secretary of the Interior is hereby authorized to cause said lands to be surveyed and set apart for the use of the Seminole Nation of Indians.

The amendment was agreed to.

Mr. BECK. I hold in my hand relative to that matter important letters from the Acting Commissioner of Indian Affairs and the Assistant Secretary of the Interior, which I shall hand to the Reporter to be inserted in the RECORD.

The letters are as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 18, 1881.

SIR: I have the honor to invite the attention of the Department to a question that has been a matter of dispute and disturbance since 1867 between the Seminoles and Creeks, in Indian Territory—the present location of the Seminoles. The history of the matter is, briefly as possible, as follows:

By the third article of the Creek treaty of June 14, 1866, (Stats. 14, page 786,) the Creeks ceded to the United States the west half of their entire domain, "to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon." The Creek domain at that date embraced the region designated in red on the map herewith. The eighth article of the treaty made it the duty of the Secretary of the Interior to cause the line dividing the Creek country to be accurately surveyed, the expense to be paid by the United States.

By the third article of the Seminole treaty of March 21, 1866, (Stats. 14, page 756,) the Seminoles ceded their entire domain to the United States "to locate other Indians and freedmen thereon," the United States agreeing to pay therefor to the Seminoles the sum of $325,362. By the same article the United States granted to the Seminoles 200,000 acres of the lands acquired by cession from the Creeks. The lands thus granted to the Seminoles were to be taken from the extreme eastern portion of the tract ceded by the Creeks, as is evident from the terms of the grant in the treaty, although in that respect the treaty is loosely worded, the 200,000 acres granted to the Seminoles being described as follows:

"Beginning on the Canadian River where the line dividing the Creek lands according to the terms of their sale to the United States by their treaty of February 6, 1866, following said line due north to where said line crosses the north fork of the Canadian River; thence up said north fork of the Canadian River a distance sufficient to make 200,000 acres by running due south to the Canadian River; thence down said Canadian River to the place of beginning."

It is clear that the line separating the westerly half of the Creek domain ceded to the United States from the easterly half, retained by the Creeks, was intended to be the east line of the Seminole 200,000 acres tract; that the south and north boundaries of this tract were to be the Canadian River and north fork of the Canadian River, respectively, and that the west boundary must be a line parallel to the east boundary and distant therefrom far enough to include the requisite number of acres. The reference in this treaty to the date of the Creek treaty (February 6, 1866) is evidently either a misprint or a mistake of the draughtsman, as there is no treaty of that date between the United States and the Creeks. The treaty with the Seminoles was concluded March 21, 1866; that with the Creeks June 14 of that year. As before stated, it was, however, evidently the intention of the parties to the treaty of March, 1866, that the lands ceded to the Seminoles should be situated on the eastern portion of the domain, which it was believed would be ceded to the United States, for it is well known that negotiations were going on for a length of time between the commissioners on the part of the United States and the delegates of the Creek and Seminole Indians, and that the cession by the Creeks to the United States of the land granted to the Seminoles was agreed upon, and would be made when a treaty was concluded. Before, therefore, the actual location granted to the Seminoles, and which was to constitute their national domain, could be determined, it was necessary that the Creek dividing line should be established. This duty was devolved upon the Secretary of the Interior by the eighth article of the Creek treaty, the expenses to be paid by the United States, and an appropriation of $4,000 was made by Congress for this purpose July 28, 1866. (Stats. 14, page 430, third paragraph from top of page.)

At this time a large part of the Seminoles were homeless. During the war of the rebellion a portion of them had cast their fortunes with the South, and those declining to do so were refugees in Kansas, in the neighborhood of Neosho Falls, whence in the fall of 1865 they were removed to the west side of the Arkansas River, in Indian Territory, upon Cherokee lands. It had been found impracticable to remove them to their old homes in the Seminole country, for the reason that no supplies could be had there, and the long distance from Fort Gibson (about one hundred and sixty miles) to transport supplies, induced the Department to abandon the idea of settling them on their own domain, and to locate them for the time being near Fort Gibson, where Indian supplies were then delivered.

In September, 1866, the agent for the Seminoles reported that a considerable portion of the tribe had removed to their new homes, and that the remainder were preparing to emigrate that fall. In October the agent reported as follows:

"On my arrival here (Fort Gibson) I find this state of facts to exist: The Seminoles were living on Cherokee lands. They have raised small crops of corn and garden produce, which is now all gone. There is no game or meat nearer than their own country, one hundred and twenty-five miles from here. In their own country the few remaining cattle are being exhausted by the southern portion of the Seminoles. They are anxious to get home to save what few they may be able to secure. They wanted to get home so as to cut hay and prepare cabins for winter; and besides all this, the Cherokees are dissatisfied at their long stay on their lands and the using of their timber, when it was understood, when permission was given to camp on their lands, that the Seminoles were only to stay during last winter. They could not go without some assistance from the Government. Acting with the advice of Judge Harlan, agent for the Cherokees, and J. W. Dunn, agent for the Creeks, I have assumed the responsibility to attempt their removal. I have employed teams on my own credit, and will start them for home in a day or two. I shall provide transportation only for the sick, the children, and their household goods. What they will do for provisions at their homes, I cannot tell; but they are suffering here and cannot do worse in the Seminole country. I am aware that I have assumed considerable responsibility, but I know I have acted for the best interests of the Government and the Indians, and I hope I may be sustained."

A portion of the Seminoles thus removed themselves, and the remainder were removed by the Government, to what was supposed to be the country granted to them by treaty, before the boundaries of the land thus ceded had been marked. No appropriation had been made for the survey of this tract except the appropriation of $4,000 before referred to to survey the Creek dividing line, and this was found to be inadequate even for that purpose. In the meantime the necessity for the survey of the dividing line between the Creek lands ceded to the United States and those retained by the Creeks, as well as for the segregation of the 200,000 acres granted to the Seminoles, was urged by the Creek and Seminole agents, and in August, 1867, the Superintendent of Indian Affairs was instructed to have the dividing line surveyed if in his opinion the appropriation of $4,000 was sufficient to defray the expenses; if insufficient, that he should submit an estimate of the amount required.

After examination of the matter that officer reported that he was forced to the conclusion that there was a deficiency of information required to make the survey and especially a deficiency of means on hand to accomplish it, and submitted an estimate made by a practical surveyor, showing that a much larger amount was required than had been appropriated.

Afterward the superintendent was authorized to employ a competent surveyor to execute the survey of the Creek dividing line and the Seminole 200,000 acres tract; an additional estimate to be made to Congress and payment to be made as far as the

existing appropriation of $4,000 would provide, the surveyor to rely upon the favorable action of Congress for the remainder. An additional appropriation of $5,000 was made March 3, 1869, to complete the survey of the dividing line and to survey the exterior boundary of the grant to the Seminoles, (Stats. 15, page 315.) The superintendent entered into contract with John C. Rankin to do the work. I am informed that his survey at first located the east boundary of the Seminole tract (and to that extent the Creek dividing line,) about seven miles east of the correct location of said line as afterward ascertained, and this survey was, therefore, not approved, and he was required to correct it.

This incorrect survey placed the eastern line of the Seminole tract approximately as shown in green on the map. As finally surveyed and approved by the Secretary of the Interior, July 15, 1872, the correct Creek dividing line is as shown in black on the map. The country between these two lines, embracing an area estimated at about one hundred and seventy-five thousand acres, had been settled upon and occupied by the Seminoles since the fall of 1866, the Indians believing themselves, and the Department believing them, to be upon the domain granted by the treaty, and having made for themselves homes and very valuable improvements.

When it became known that the Seminoles were occupying lands belonging to the Creeks, the latter protested against such occupancy. Disputes as to jurisdiction arose between the Creeks and Seminoles, the former contending that as the country was theirs they had jurisdiction over it, and the Seminoles refusing to recognize such jurisdiction over the tract occupied by them. The Department held that while the Creeks were not responsible for the inaccurate survey of the western boundary of their country, the Seminoles certainly should not be subjected to the experience of a jurisdiction to which they were averse and within which it was not designed in the treaty to place them, and the Creeks were accordingly notified that their claim to exercise jurisdiction over the Seminoles was not approved by the Department, and that any idea of attempting it should be abandoned.

By act of 3d March, 1873, (Stats. 17, page 626,) the Secretary of the Interior was authorized to negotiate with the Creeks for the relinquishment to the United States of the tract on which the Seminoles had been erroneously located. Under this authorization three attempts were made to effect a satisfactory adjustment of the matter. Soon after the passage of the act a committee, consisting of Enoch Hoag, one of the superintendents of Indian affairs, Thomas C. Jones, and John A. Milliken were deputed to negotiate with the Creeks and Seminoles for a final and permanent adjustment of their reservations.

They accomplished nothing. The Creeks were unwilling to lessen the area of their reserve, and refused to cede or sell, and demanded that the Seminoles should either become incorporated with them or remove from their land, neither of which the Seminoles would do, as they had been placed there by the Government and were unwilling again to break up their homes and establish new ones. This effort being fruitless of any satisfactory results, in 1875 Hon. J. P. C. Shanks was appointed a special commissioner, among other duties, to settle or attempt to settle the matter, the records of this office showing that he was authorized to offer the Creeks $1 per acre for the Seminole tract.

In October of that year, Mr. Shanks laid before the Creek council a proposition contemplating the cession by the Creeks to the United States, for the Seminoles, of the tract occupied by them, (estimated to contain one hundred and seventy-five thousand acres,) the United States to pay the Creeks $1 per acre, its true area to be ascertained by survey to be paid for by the United States.

The Creek council authorized a committee of five "to arrange and settle by treaty or otherwise all Creek interests with the United States Government." This committee proposed to Mr. Shanks to negotiate for the cession to the United States of the tract upon which the Seminoles were located, but they embraced in such negotiation an agreement on the part of Mr. Shanks to obligate the Government to bring to speedy settlement and payment a mass of claims alleged by them to be unsettled.

As the authority of the Secretary of the Interior, and the agent appointed under the act of 3d March, 1873, was specifically for the adjustment of the question of the location of the Seminoles, the proposition of the Creeks could not be entertained, and General Shanks so informed them. So that effort ended, except that after Mr. Shanks's arrival in Washington he was informed by a letter from the Creek principal chief that the Creek council had authorized a commission of thirteen to negotiate for the sale of the Seminole tract upon such terms "as will give the best satisfaction to the Muscogee people," and directing the commission to "report their negotiations to the next annual session of the national council for its approval or rejection."

Matters rested thus until November, 1876, when the third effort was made by sending Mr. S. A. Galpin as a special agent to negotiate. He made no report.

I am now informed by letter from the Department, dated 12th instant, that the Creek delegation resident in this city have signified their willingness to sell to the United States 175,000 acres of their land lying east of the "division line" for the use of the Seminoles, at the rate of $1 per acre in settlement of all differences and demands on or against the United States growing out of the question of the Seminole occupation thereof.

In view of the fact that the tract of country in question is understood to embrace among the most valuable lands in the Creek reserve, and that the Creeks have been deprived of its use for more than fifteen years in consequence of the location of the Seminoles on it by the agent of the Government, I regard the price named as a just basis for settlement, and therefore respectfully recommend that Congress be requested to insert in one of the appropriation bills yet to be acted on at the present session an item of appropriation in the sum of $175,000 for the payment to the Creeks, at $1 per acre, for 175,000 acres of land lying east of the dividing line and between the Canadian River and the North Fork of Canadian River for the use of the Seminoles, and an additional item of $1,000, or so much thereof as may be necessary to survey the out boundaries of the tracts so purchased. To this end I submit a draught of items, as above indicated.

As shown in the foregoing, the homeless condition of the Seminoles, and their unwelcome occupation of lands belonging to another tribe, as well as the necessity of settling them somewhere as soon as possible, in order to enable them to commence to support their families, led the Government to locate them on what at the time was supposed to be the land that would inure to them when the "dividing line" should be surveyed, but which, upon the correct survey of that line, was found to be included in the Creek reserve. That they were thus erroneously located is, under the circumstances, not to be wondered at; but certainly it was through no fault of the Seminoles, and the Government should therefore pay the Creeks for the lands sought to be purchased, and should also meet the expense of the survey thereof. The Seminoles certainly should not be required to do this, especially when it is considered that they received only fifteen cents an acre for the country relinquished by them in the treaty of 1866, while the United States paid the Creeks thirty cents per acre for the half of their domain ceded to the United States, and then charged the Seminoles fifty cents an acre for the part of the same land sold to them, and only after the lapse of nine years made up to them the difference in price.

Very respectfully, your obedient servant,

THOS. M. NICHOL, *Acting Commissioner.*

The honorable the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, *Washington, March* 1, 1881.

SIR: The accompanying map indicates the lands selected and those occupied by the Seminoles in the Indian Territory.

The dark line running north and south represents the dividing line between the Creek reservation and their ceded lands, and the tract marked in green pencil lines denotes the lands now occupied by the Seminoles, while that in blue lines immediately west indicates the two-hundred-thousand-acre tract purchased for them under the treaty.

Very respectfully,

A. BELL, *Assistant Secretary.*

Hon. HENRY G. DAVIS,
Chairman Committee on Appropriations, United States Senate.

The reading of the bill was resumed. The next amendment was, after line 1424, to insert:

That from the funds on hand and belonging to the Peoria, Wea, Kaskasia, and Piankeshaw Indians there is hereby appropriated the sum of $500, the same to be immediately available; and the Secretary of the Interior is hereby authorized and directed to pay the same over to the delegation of Indians now or recently in Washington, for the purpose of defraying the expenses of said delegation.

The amendment was agreed to.

The next amendment was, after line 1437, to insert:

MISCELLANEOUS OBJECTS UNDER THE DEPARTMENT OF AGRICULTURE.

For the purchase and distribution of seeds, under the direction of the Commissioner of Agriculture, to settlers on the public lands in the new States and Territories whose crops were destroyed during the past year by drought and grasshoppers, $20,000.

For the purcase of plates and manuscript, from Professor Townend Glover, on the insects of America, $7,500.

Mr. BECK. We desire to add after the word "dollars," in line 1444, at the end of the first item, "to be immediately available."

The PRESIDING OFFICER. Is there objection to this modification? The Chair hears none, and it will be made.

The amendment, as modified, was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after "Attorney-General," in line 1469, to strike out "twenty-five" and insert "thirty;" so as to make the clause read:

Defending suits in claims against the United States: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and the District of Columbia pending in any Department, and for necessary expenses incurred in defending suits in the Court of Claims, to be expended under the direction of the Attorney-General, $30,000.

The amendment was agreed to.

The next amendment was, in line 1523, after the word "law," to insert "to hold a circuit or district court;" so as to read:

For expenses and fees of bailiffs, furniture, for payment of expenses of district judges who may be sent out of their districts in pursuance of law to hold a circuit or district court, and for other miscellaneous expenses, $325,000; in all, $2,950,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1526, to insert:

And so much of section 596 of the Revised Statutes as forbids the payment of the expenses of district judges while holding court outside of their districts is hereby repealed.

The amendment was agreed to.

The next amendment was, under the head of "public printing and binding," after line 1580, to insert:

For printing an edition of 5,000 copies of the first volume of the report of the Committee on Transportation Routes to the Seaboard in 1874, $4,000.

Mr. MCMILLAN. I offer an amendment to the amendment of the committee distributing the volumes authorized to be published:

Two thousand copies for the use of the Senate, and 3,000 copies for the use of the House of Representatives.

There is no distribution in the committee's amendment.

Mr. BECK. That is an improvement on our amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The Secretary resumed and continued the reading of the bill to the end of line 1586.

Mr. BECK. In line 1586, after the words "for commissioners, not exceeding three in number," the committee instruct me to offer an amendment, which is omitted in the printed bill, in the words "to be appointed by the President, by and with the advice and consent of the Senate;" so that it shall read:

For commissioners, not exceeding three in number, (to be appointed by the President, by and with the advice and consent of the Senate,) to represent the United States at a conference, &c.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment of the Committee on Appropriations was, in line 1592, after the word "each," to insert "and for a secretary to said commissioners, the sum of $3,000;" and in line 1594, after the word "State," to strike out "and for a secretary to each of such commissioners, the sum of $3,000;" so as to make the clause read:

For commissioners, not exceeding three in number, (to be appointed by the President, by and with the advice and consent of the Senate,) to represent the United States at a conference to be called to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals, the sum of $5,000 each, and for a secretary to said commissioners the sum of $3,000, and their reasonable expenses, to be approved by the Secretary of State; the amount necessary to pay such compensation and expenses to be immediately available out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, after line 1607, to insert:

For contribution to maintenance of International Bureau of Weights and Measures for the calendar year 1881, in conformity with terms of convention signed May 20, 1875, to be expended under the direction of the Secretary of State, $2,270, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 1614, to insert:

To pay the necessary expenses of the French and American claims commission, provided for by the act approved June 16, 1880, $50,000.

The amendment was agreed to.

The next amendment was, after line 1618, to insert.

SENATE.

To enable the Secretary of the Senate to pay for preparing the index to private claims, under the resolution of June 16, 1880, directing him to prepare an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the 3d day of March, 1867, $2,500.

The amendment was agreed to.

The next amendment was, after line 1626, to insert:

To enable the Secretary of the Senate to pay Francis E. Shober, Chief Clerk of the Senate, for preparing, under a resolution of the Senate of the 16th of June, 1879, a new edition of the Manual, $1,000.

The amendment was agreed to.

The next amendment was, after line 1631, to insert:

To enable the Secretary of the Senate to pay George W. Harrison additional for services as assistant clerk to the Committee on Appropriations of the Senate, $400.

The amendment was agreed to,

Mr. MAXEY. The amendment beginning on line 1620 was passed without my notice though I was endeavoring to keep here up with the reading. I desire to offer an amendment to that.

I call the attention of the Committee on Appropriations to the amendment offered beginning on line 1620 to line 1626. The object of that amendment is "to enable the Secretary of the Senate to pay for preparing the index to private claims, under the resolution of June 16, 1880, directing him to prepare an alphabetical list of all private claims," &c. It appropriates $2,500 for this service. Precisely like work was ordered for six Congresses beginning with the Thirty-fourth and ending with the Thirty-ninth, for which the Government paid $7,000. This covers six Congresses and the first and second sessions of the present Congress, covering a period when there have been in my judgment, and I think the present occupant of the chair as chairman of the Committee on Claims will indorse it, more private claims presented than ever before. It is a necessity to every committee that there should be this history of private claims in order to protect the committees from imposition. The work has been as the Secretary of the Senate certifies correctly and well done, and he wants $4,250 to pay for it.

Mr. BECK. Will not the Senator from Texas allow us to pass over that until uncontested amendments are disposed of?

Mr. MAXEY. I can see no reason why $7,000 should be allowed for less work, less Congresses, and only $2,500 for more Congresses covering far more work.

Mr. BECK. If the Senator will allow us to pass over this we shall come back to it, and I will consider what the Senator has to suggest.

Mr. MAXEY. I want what is fair to these clerks who are competent men and worked during the two months they were entitled by law to a recess, and I think they are fairly entitled to pay for this work which is of great value to us. I give notice that I shall move——

Mr. VEST. I have an amendment to offer to that clause.

Mr. MAXEY. I simply want to give notice that I shall move to make it correspond to the estimate made by the Secretary of the Senate.

Mr. BECK. The amendment of the Senator from Missouri [Mr. VEST] is in language that will accomplish the purpose. Let the whole question be reserved for a vote hereafter.

The PRESIDING OFFICER. The amendment from lines 1620 to 1626 will be regarded as not having been acted on and will be reserved for a separate vote hereafter.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, after line 1635, to insert:

To enable the Secretary of the Senate to pay the person in charge of the Senate telephone, from January 14 to June 30, 1881, at the rate of $720 per annum, $334.

The amendment was agreed to.

The next amendment was, after line 1640, to insert:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to all committee clerks, pages, and other employés of the Senate and House of Representatives, respectively, and who shall be so employed at the adjournment of this Congress, who do not now receive annual salaries, a sum equal to thirty days' pay at their present rate of compensation, as extra pay; and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwize appropriated, and shall be immediately available.

The amendment was agreed to.

Mr. WALLACE. By direction of the Committee on Appropriations, I offer the following amendment to come in immediately after line 1650:

That the Secretary of the Senate be, and is hereby, authorized and directed to pay to the widow of M. H. CARPENTER, deceased, late Senator from the State of Wisconsin, the sum of $5,466.70, the amount of compensation of a Senator and mileage from February 25, 1881, to March 4, 1882.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, under the head of "House of Representatives," to strike out from line 1657 to line 1662, as follows:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill to line 1665.

Mr. BECK. On line 1665 the name ought to be "Diemar." The spelling ought to be corrected. It is "Demars" in the printed bill.

The PRESIDING OFFICER. That correction will be made.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was to strike out from line 1724 to line 1728, as follows:

That the sum of $1,500 be, and the same is hereby, appropriated, in addition to the sums heretofore appropriated in this bill, respectively, to Noble A. Hull, Horatio Bisbee, Ignatius Donnelly, and W. D. Washburn.

Mr. VOORHEES. I have no objection to the item of appropriation for Godlove S. Orth, in line 1705; but I should like to know why Mr. McCabe is not paid for his expenses in that election contest. If Mr. Orth ought to be paid his expenses in that contest, I think his contestant, Mr. McCabe, ought to be. Was the attention of the committee of the Senate called to that matter?

Mr. BECK. Not to that particular subject; but this was the dealing of the House with its own affairs; and as we do not admit the right of the House to deal with anything that we see fit to do relative to our own affairs, we did not assume that we had the right to do anything with regard to theirs; but the provision in lines 1724 to 1728, at the request of many members of the House, we propose to strike out, so as to give the House again jurisdiction of the question involved there, and if they find that they have made any mistake, they can correct it under that amendment, which the committee propose at their request.

Mr. CALL. I hope the amendment of the committee will not be adopted. The honorable Senator from Kentucky who has charge of this bill has just made a very frank admission to the Senate. He says that he thought and the committee thought that the Senate had no right to interfere with the expenses allowed by the House in the management of their own internal affairs, their own contested cases. He also said that the committee have listened to individual members of the House of Representatives, asking that this committee shall nullify and set aside the formal action of the House of Representatives upon a bill passed in due form of law. I apprehend that this is not only erroneous but it is a method of legislation to be condemned in the most positive terms.

Now, in regard to the merits of the proposition. This bill allows $8,000 in the case of Governor Curtin, of Pennsylvania, and Seth H. Yocum; it allows in the case of Jesse J. Yeates and J. J. Martin $2,000, and an additional $250; it allows in another case $4,000; and yet in this case but $3,500 was allowed to the contestants, Noble A. Hull, Horatio Bisbee, Ignatius Donnelly, and W. D. Washburn.

The committee of the Senate, as the Senator from Kentucky says, upon the statement, the informal statement of individual members, who doubtless opposed this allowance in the House, undertook, without evidence as to the merits of the case, without any knowledge of the propriety of the action of the majority of the House of Representatives, to set aside the action of the House, not because it is vicious or improper legislation, but upon the statement of individual members that they objected to it, and desired this committee to do it in order that the House might again consider the subject.

I apprehend that there is no foundation for the action of this committee. The bill shows that amounts much larger have been allowed in various other cases, even so far back as the Thirty-eighth Congress, and there is not a particle of evidence before this committee, as has been stated by the Senator from Kentucky in charge of the bill, that this allowance was in any respect improper or excessive. I therefore hope, as a matter of precedent, as a matter of principle, and as a matter of justice in individual cases, that the action of the committee will not be concurred in.

Mr. BECK. Mr. President, the speech of the distinguished Senator from Florida [Mr. CALL] only illustrates the importance of a man knowing what he is going to talk about before he says it. This was stricken out at the express request of members of the House, and at the request of the Committee on Appropriations themselves, who desired, because they had not done justice to some other men, to add others to this list, for this is the clause giving them additional compensation, and they thought that two or three more were meritorious, but they could not insert them. It is not desired to cut down any of the men here provided for, but to allow the correction of mistakes in the case of others, so that if they see fit in their judgment they may add others. All the criticism made on the committee by the Senator from Florida is not only wholly unnecessary but it is against exactly what he wants to accomplish.

Mr. GARLAND. I should like to ask the Senator from Kentucky if the attention of the committee was called to the case of Mr. SLEMONS, who had a long contest in the House? It is not mentioned here.

Mr. BECK. It was not at the time, but it has been since, and this opening of the question leaves it open for the House to provide for him.

Mr. GARLAND. He cannot get anything under the clause now.

Mr. BECK. No, but he may be brought in, and so may the friend of the Senator from South Carolina [Mr. BUTLER] in the case which he made out, which was a good case.

Mr. BUTLER. Then I understand that in the deficiency bill the matter to which the Senator from Kentucky refers can be considered by the House.

Mr. BECK. It can be on this bill, and the sole object of the Senate committee was to give the House a chance at it. We moved the amendment to comply with the request of the Senator from Arkansas, the Senator from South Carolina, and others, and of gentlemen of the House of Representatives, who wish to have this matter further considered there to allow the insertion of other names.

Mr. BUTLER. I understand that, and so the action of the House can be had.

Mr. BECK. It can; and the striking out is for that purpose.

Mr. DAVIS, of West Virginia. In addition to what my colleague on the committee has said, let me say that the object is to give the House jurisdiction.

Mr. BUTLER. So I understand.

Mr. CALL. The honorable Senator from Kentucky may be right that a private arrangement between the Senators may control the action of the two Houses of Congress; but I do not agree to it. I am not advised what conference has been had between the honorable Senator and the members of this committee and the members of the other House. I did not know that there had been an arrangement that the will of the majority should be set aside and a new arrangement made, nor do I understand that it is either competent or right to conduct the business of the Senate and the House in that method. The intention was correct, but I still assert that, not having the advantage of that private information which seems to exist between the two committees, my action was entirely proper. I knew that this was a meritorious case, and I did not know that the necessary forms of law for the passage of a bill, which have been acted on by either the Senate or the House, were to be set aside by a private conference between members of the Committee on Appropriations of the House and the Senate in order that they might do that which they could properly do in other and better modes.

Mr. BECK. It is not for that purpose at all. There was no private action.

Mr. CALL. I withdraw the objection.

Mr. BECK. If you send this back to the House, the House itself, when the Senate has stricken out the clause, can agree to amend it. It is not a matter of private conference, but a public act publicly done. If the Senator from Florida does not understand it, it is his misfortune and not our fault.

Mr. CALL. I withdraw the objection.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

DEFICIENCY APPROPRIATION BILL.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; in which it requested the concurrence of the Senate.

On motion of Mr. DAVIS, of West Virginia, the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in acccordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I hope the Secretary will notify the Printer to have this bill printed as early as possible.

AMENDMENTS TO BILLS.

Mr. BAYARD, Mr. BOOTH, Mr. COCKRELL, Mr. COKE, Mr. JONAS, Mr. LOGAN, Mr. PADDOCK, Mr. SAUNDERS, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

ERRORS IN AN ENROLLED BILL.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a concurrent resolution authorizing the Joint Committee on Enrolled Bills to make certain changes in the enrollment of the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That the Joint Committee on Enrolled Bills be, and the said committee is hereby, authorized to direct a change of enrollment of the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, so that the item appropriating $10,000 for the Little Red River, in Arkansas, shall be stricken out, and the word "the" in the item in relation to the Rock Island and Pacific Railroad Company be substituted for the word "those;" the first of said changes being necessary to correct a clerical error in the conference report on said bill, and the second correction being necessary to correct a clerical error in a Senate amendment thereto.

Mr. RANSOM. I ask the concurrence of the Senate in the resolution.

The resolution was concurred in.

SUNDRY CIVIL BILL.

The PRESIDING OFFICER. The bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. BAYARD. I am instructed by the Committee on Finance to offer the following as an additional section to the bill——

The PRESIDING OFFICER. Does the Senator from Kentucky consent to the amendment being acted on now?

Mr. BAYARD. The amendment has been submitted to the Senator in charge of the bill.

Mr. BECK. This may as well be acted on now.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert as an additional section:

SEC. —. That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

Mr. LOGAN. I desire to inquire of the Senator if that applies to all the different character of bonds, the fours, four-and-a-halfs, fives, and sixes?

Mr. BAYARD. It will apply to any bonds which it is optional with the Government to pay.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD.]

The amendment was agreed to.

Mr. BAYARD. By law now the Secretary of the Treasury is authorized to buy the amount required by the sinking fund. This will authorize him to buy 5 and 6 per cent. bonds which are redeemable at the option of the Government.

Mr. McDONALD. Ought it not be limited to the purchasing of those bonds?

Mr. BAYARD. Without this law he cannot purchase beyond the requirements of the sinking fund.

Mr. PADDOCK. I should like to inquire if the Senate is through considering the committee amendments?

The PRESIDING OFFICER. The Committee on Appropriations are not through. The next question will be on the reserved amendment on page 23, from line 543 to line 547, the amendment which was reserved at the instance of the Senator from New York, [Mr. CONKLING.] The question is, Will the Senate agree to that amendment?

Mr. CONKLING. What is that amendment?

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. After line 542 the Committee on Appropriations propose to insert:

To enable the Secretary of the Treasury to reimburse the President for amount paid for expenses of the commission appointed to go to Louisiana in April, 1877, $3,950.73.

Mr. BECK. On the 9th of February, 1881, Hon. John Sherman, Secretary of the Treasury, sent to the Senate the following letter:

TREASURY DEPARTMENT, *February* 9, 1881.

SIR: I have to inclose herewith, for the consideration of your committee, copy of a letter and accompanying statement addressed on the 8th instant to the chairman of the House Committee on Appropriations in relation to an appropriation to reimburse the President for the amount paid by him in defraying the expenses of the commission appointed to go to Louisiana.

Very respectfully,

JOHN SHERMAN,
Secretary.

HON. H. G. DAVIS,
Chairman Committee on Appropriations, United States Senate.

The next letter is as follows:

TREASURY DEPARTMENT, *February* 8, 1881.

SIR: I have the honor to call the attention of your committee to an estimate submitted by this Department in December, 1878, (see Book of Estimates, page 158,) for $6,000 for expenses and compensation of the commission appointed by the President to go to Louisiana, and in connection therewith to state that since that time the President has paid the amount advanced by the First National Bank of New York City for this purpose.

I have therefore to recommend that an appropriation be made to reimburse the President, and inclose for the information of your committee a statement of expenses of this commission, amounting to $3,950.73, on which has accrued to January 1, 1881, $885.83 as interest.

Very respectfully

JOHN SHERMAN,
Secretary.

Hon. J. D. C. ATKINS,
Chairman Committee on Appropriations, House of Representatives.

The itemized statement I do not suppose it is necessary to read, but

it foots up actual expenses paid by the President $3,950.73, interest $885.83, total $4,836.56.

Mr. McPHERSON. I ask for the items.

Mr. BECK. I suppose I may as well give them.

Statement of expense incurred by commissioners sent to Louisiana by the President in April, 1877.

April 2-21:	
Fare entire party from Washington to New Orleans and return	$745 95
Pulman car (extra)	372 00
Meals, refreshments, &c., (*en route*)	246 30
Telegrams (*en route*)	16 04
Telegrams from New Orleans	152 35
Carriages and car fare, New Orleans	21 60
April 2-24:	
Carriages in Washington	3 00
April 2-21:	
Porterage (*en route*)	13 00
Porterage and special messenger, New Orleans	19 35
Newspapers in New Orleans	29 85
Newspapers in New Orleans	4 65
Postage	9 62
Doctor's fee, servant	1 00
Stationery	21 45
April 2-3:	
General Hawley, hotel expenses, Washington	28 55
General Harlan, hotel expenses, Washington	77 15
Judge Lawrence, hotel expenses, Washington	20 75
April 2-25:	
Governor Brown, traveling expenses to and from his home	60 00
General Hawley, traveling expenses and other expenses on account of commission	27 25
April 2:	
General Harlan, traveling expenses and other expenses on account of commission	70 00
Judge Lawrence, traveling expenses and other expenses on account of commission	66 50
Hon. Wayne McVeagh, expenses traveling from Philadelphia to Washington, hotel bill, carriage hire, telegrams, stationery, and expenses of returning home	59 82
April 21:	
Expenses, entire party, Saint Charles Hotel, New Orleans, Louisiana	1,908 25
April 25:	
Expenses of commissioners, Arlington Hotel, Washington	141 30
	4,115 73
Repayment by Mr. McVeagh	165 00
Actual expenses	3,950 73
Interest on above to January 1, 1881	885 83
Amount required to be appropriated	4,836 56

Mr. McPHERSON. And who were the commissioners?

Mr. BECK. The Senator knows the names of them as well as I do; they are all known. We recommend the reimbursement of the actual amount paid, $3,950.73, allowing, of course, no interest. The money was paid by the President. No matter what question there may have been in regard to the matter originally, it seems to me if the Executive thought the Louisiana question should be looked at in this way, and sent these men, we ought to foot the bill.

Mr. MAXEY. I ask the Senator from Kentucky if he knows of any law that justifies this appropriation. I believe as a general rule appropriations should be in pursuance of some law. Is there any law for this?

Mr. BECK. I know of no law for it. I know that we have sent cargoes of ships all over the world to inquire about things. Congress is a great court of equity to do justice where it is proper. I endeavored to defeat Mr. Hayes as hard as any man in the Senate, to the extent of my ability. Commissioners were appointed, and a Congress of which I was not a member determined that he was legally elected President, and he was sworn in, and we have all submitted. When I could not defeat him, I do not propose to take vengeance on him now by taking this little sum of money away from him, nor to stick pins in him when I cannot keep him out of the White House.

Mr. VOORHEES. I wish to ask the Senator from Kentucky was this commission sent to ascertain what was the legal Legislature of Louisiana? There were so many commissions and committees sent to Louisiana that it is hard to keep track of them.

Mr. BECK. There is not a man in the Senate who does not know that whole history as well as I do. I am not going into any political argument about it. I merely say that these men were sent; the President paid the money which covered their expenses. I think he ought to be repaid. I shall vote to repay him. It is not my way of making a political contest to refuse to reimburse him for doing what as President of the United States he thought was a right thing for him to do.

Mr. VOORHEES. I thank the Senator from Kentucky for stating the facts. He says every other Senator knows as well about this as he does. I am sure I do not. How can I? There have been many things in Louisiana and more money has been spent by the Federal Government on that tract of land than any other spot on the face of the globe. In the many visitings, winings, and dinings of committees and commissions, I wanted to inquire of the gentleman having this in charge whereabouts this commission came in. I was not seeking to embarrass the Senator from Kentucky at all, nor have I any unkind feelings toward anybody, not even the President; but I want to know just what we were to pay this money for.

Mr. BECK. I have only to say that I will not be a party to bringing on any political discussion. The 4th of March comes on Friday. This Congress expires at twelve o'clock on that day. This bill must reach the House to-day or it is lost, and I would rather have the amendment voted out than to do anything that would prolong discussion now.

Mr. VOORHEES. I am done.

Mr. McPHERSON. Will the honorable Senator from Kentucky tell me whether application had ever been made by the Secretary of the Treasury or the so-called President of the United States for the reimbursement of this fund previous to this time?

Mr. BECK. Yes, it has been discussed before; it has been in the Book of Estimates before; and has been refused before.

Mr. McPHERSON. It is I see for money expended by a commission in 1877, I suppose for the purpose of making good a title somewhat in doubt. I wish to ask the Senator another question. Being a member of the Committee on Appropriations I know he is conversant with the fact that application has been made for the payment of this money heretofore and the Committee on Appropriations have rejected the claim, if not it has been uniformly rejected by the Senate.

Mr. CONKLING. Both.

Mr. McPHERSON. Both by the committee and the Senate, I hear from two sources.

Mr. CONKLING. And the House.

Mr. McPHERSON. Then I should like to know what new testimony there is bearing upon this question that has convinced the members of the committee that it is to-day a just and proper claim. The honorable Senator declines to give me the information.

Mr. BECK. I do not decline to give any information. It was brought up before, when perhaps there was more political feeling and more temper than there exists at present; I do not know whether it was so or not. If the cases that are rejected by one Congress were not proper to be presented to another, there would be a great many claims that are now pending and being pressed every session, and by the Senator from New Jersey perhaps, that would be turned out very unceremoniously. It is for the Senate to determine. If it is not a good claim, vote it down, and let it go out of the bill. If it is, vote it in. The facts are known absolutely well to all of us.

Mr. McPHERSON. Mr. President, I for one have been in the habit of following the honorable committee in this Chamber, believing their judgment to be best in the matters which they have investigated and reported to the Senate with their recommendations. The recommendation is that we should vote an appropriation of three thousand nine hundred and odd dollars to give to Mr. Hayes for the purpose, if I understand the Senator, of defending his title to the Presidency, for the purpose of making it appear plain that Mr. Hayes was entitled to his seat, about which many of us have always been in doubt. I for one have never had any doubt upon that question.

Mr. President, I am not disposed to follow the committee in this matter. I am not disposed to take $3,900 out of the United States Treasury for the purpose of assisting Mr. Hayes to hold a position which, in my opinion, he never was entitled to hold.

Mr. BAILEY. I understand the Senator from New Jersey to assert that this commission was sent to New Orleans in order to secure to Mr. Hayes the title to the Presidency. Do I understand the Senator aright?

Mr. McPHERSON. I understand that they were sent there for the purpose of securing proof as to what had been done previous to that time in order to sustain his position, validate it, so to speak, by supporting proofs.

Mr. BAILEY. That would be new to the country; it would certainly be new to me. I understand that the title of Mr. Hayes to the Presidency was declared by a commission appointed by the Senate and the House of Representatives of the United States, and that his title to the office rested upon the judgment and decision of that commission; that he was inaugurated because the commission by a majority declared that he had been elected in the November preceding. I do not understand that the commission which was sent to New Orleans in the spring of 1877, more than thirty days after Mr. Hayes had been inaugurated and had taken the oath of office, and when he was quietly and securely seated in the presidential chair, had anything whatever to do with securing to him the title to that place.

Mr. McPHERSON. Why were they sent?

Mr. BAILEY. The gentlemen composing that commission were sent as I understand for the purpose of inquiring into the actual condition of affairs in the State of Louisiana. There were two legislatures then actually sitting in the city of New Orleans, the capital city of the State. There were two persons claiming to be governor of the State. Each had appealed to the President of the United States under the act of Congress for assistance in asserting his authority. Each of these governors declared the other to be acting in opposition to the lawful authority of the State. Each of these legislatures asserted for itself legitimate authority and denied it to the other. For the purpose of informing the Chief Executive, who had been appealed to by both parties, the President sent some of the most distinguished men in the country to Louisiana, for the purpose of ascertaining the actual condition of affairs and requesting them to make a report to him of the facts.

The commission went to Louisiana and by its policy, and approving the measures it adopted, the President succeeded in quieting the State and in adjusting and settling the differences that existed there. The expenses of that commission were paid by the President out of

his own pocket. It does seem to me that it is due from the Congress of the United States that these expenses should be refunded. Did he have any greater personal interest in that question than the Senator from New Jersey? In what did the interest consist? He was in public life; the Senator from New Jersey then was in public life. The President, however, as the chief executive officer, felt himself constrained to inquire into the actual condition of affairs. Not trusting to newspaper reports or to the reports made by partisans, he requested gentlemen of the greatest distinction, in whom the whole country had confidence, to inquire into the actual condition of affairs and to make a report. I understand that they did the work assigned to them, and did it well; they succeeded in quieting the State of Louisiana, and quiet has reigned there from that day to this.

Mr. McPHERSON. Will the honorable Senator name me the gentlemen who were sent there as this commission?

Mr. BAILEY. John C. Brown, of my own State, was one; Wayne MacVeagh, of the State of Pennsylvania, who it is said will in a few days be a Cabinet officer of the President-elect, was another. I do not remember all their names. I remember, though, that the country had confidence in these men.

Mr. McPHERSON. A commission, if I remember aright, if distinguished for anything, distinguished for their partisanship, was the commission that President Hayes instructed to learn the true condition of affairs in the South.

Mr. BAILEY. MacVeagh, as I understand, is a republican, and certainly is expected to be a Cabinet officer in the incoming administration. John C. Brown, of my own State, is a democrat. Mr. Justice Harlan, I understand always to have been a republican, and he has since been nominated by the President to be an associate justice of the Supreme Court of the United States, and his nomination was confirmed by the Senate.

Mr. President, I believe that the action of the President in sending this commission was a patriotic action. I believe that he was controlled by a desire to bring peace and repose to the country. His action certainly contributed in a great degree to settling the differences that for so long a time had kept Louisiana in a state of ferment, and gave great satisfaction to the nation.

Mr. Hayes's administration has been sometimes sneered at, sometimes scoffed at, but before I leave the Senate I wish to put it upon the record that in my opinion we have had for forty years past no administration that has been so beneficent to the country as the one that is about to expire. You may call it a weak administration if you will; call it by what name you please, but at last it has brought good and only good to the people of the United States. Mr. Hayes has done much that I do not approve. Many of his recommendations to Congress, in my opinion, have been unwise and in conflict with the principles of the Constitution; still I believe he has been animated by a sincere desire to bring peace and repose to the country, and his efforts have not been without success. Contrast our condition to-day with our condition four years ago. How great the change! Although we are indebted to a kind Providence that has rewarded our labors with bounteous crops, and thereby wrought a revolution in foreign as well as internal commerce, yet at last we could not have reaped the harvest of these great opportunities but for the wise, considerate, moderate, and patriotic efforts of our Chief Magistrate to bring peace and quiet to the country.

I trust that the amendment reported by the committee may be adopted.

Mr. JONAS. Mr. President, the honorable Senator from Tennessee [Mr. BAILEY] in giving the history of this commission, this beneficent commission as he considers it, I think made some mistakes in stating its history. I understood him to say that the President sent this commission to Louisiana in response to requests from both factions claiming to be the government of the State of Louisiana, asking him for his assistance, and asking him to maintain and support them as the true government of the State.

I desire to say that so far as the government was concerned which has been recognized as the government of Louisiana, and which has been ever since so recognized by the people of that State, and of the Union, that they never made any appeal to Mr. Hayes for assistance or for any other recognition than that which he was bound to give as the President of the United States to the proper State government existing in Louisiana. They did not ask for troops; they did not ask him to put down the opposing government, if one existed, in the State of Louisiana. Mr. Hayes came into office with a doubtful title. He was in a condition to make war upon no one; he was in a condition to have no extra trouble or controversy upon his hands, and for his own purposes which he himself thought best he sent these gentlemen to Louisiana. I was there at the time. I was a member of the Legislature, and I met this commission. I saw all their workings and all their movements, and I am unable to say, as the Senator from Tennessee has said, what they came there for, or what good their coming effected. I feel great respect for all the gentlemen composing that commission. I think one of them, our honored and esteemed friend, Governor BROWN, felt himself very much out of place, and that he was at some loss to know what to do, or what he had been commissioned to do. It was a roving commission sent by the President to ascertain what he himself should do, to support and maintain himself and to promote his own interests. It was a commission sent to Louisiana to ascertain whether the government which existed in a shell (the Packard government, which had no power or influence whatever, which was shut up and inclosed in one single building, the State-house) had power enough to sustain itself, and whether if recognized by the President it could be maintained as the government of Louisiana.

When that commission arrived in New Orleans they found this pretended government on its last legs, if it had ever existed; that its legislature had gone to pieces; that its governor had abandoned it and gone to Washington; that it was recognized in no part of the State of Louisiana and had no power or authority whatsoever. They found the control of the true State government of Louisiana was fully established, respected by the people and its authority obeyed throughout the length and breadth of the State. They found the governor installed in office; they found the Legislature engaged in passing laws which were obeyed by the people and enforced by the courts. They found the government of Louisiana firmly established in every department, the supreme court and the inferior courts in session, and rendering decisions, passing upon the rights of citizens and of property, and upon the laws which were being enacted, and all receiving the almost unanimous support of the people.

I presume the commissioners reported to Mr. Hayes that there was but one government in Louisiana, and that government could not be subverted except by the use of the Federal Army.

I admit that no government could have existed in Louisiana at war with the National Government, or which had desired to be so; but the experience of a preceding administration in subverting a government erected and installed by the people of Louisiana had not been sufficiently approved by the people of the United States as to authorize Mr. Hayes, with his doubtful title, to repeat the experiment. Upon receiving the report of his commissioners that there was but one actual government in Louisiana he recognized that government, as he was compelled by circumstances to do.

I think we have paid enough of the debts of Mr. Hayes. He has paid his debt to Mr. Packard by sending him abroad and appointing him consul at Liverpool. He has paid his debt to the members of the returning board which counted him in and made him President by bestowing upon them all lucrative offices. I wonder that he had not asked, in addition to the payment of the sum now under consideration, for an additional appropriation to repay to him the thousand dollars which he had been compelled to advance to Mr. Cazenave, of returning-board notoriety. I think we have paid enough of the debts of Mr. Hayes. He has been in the enjoyment of a salary which many of us believed never rightfully belonged to him.

These commissioners were his agents. They were not asked for by the people of Louisiana; they were authorized by no act of Congress; they did no good; they affected no public sentiment. The result was achieved by the people of Louisiana, and not by the efforts of Mr. Hayes and his commission. I think Mr. Hayes should pay his own agents, and that Congress has nothing to do with refunding him the money which he may have expended.

Mr. HEREFORD. I should like to ask the Senator from Kentucky at whose instance that item was inserted in the bill? Who appeared before the committee, by letter or otherwise, and furnished the committee with the items that aggregate the amount that is in the amendment? I know that the Senator from Kentucky is very rigid in his application of the rules on this subject, and that he would require proofs that this money had been paid by the President of the United States. I should like to know who appeared before the committee, by letter or otherwise, and asked for this appropriation. Who furnished the proof that this money had ever been paid by Mr. Hayes? And I wish to know if the Senator is satisfied of the fact that Mr. Hayes has ever paid out one dollar of it.

Mr. BECK. The Secretary of the Treasury, in the communication which I read, and in person, appeared before the committee. The itemized account I have also read in the last ten minutes. I have not a doubt that the President paid the money. It has been estimated for in the Books of Estimates, and it has been before the committees heretofore. The question simply is, will Congress as a court of equity, or call it what you like, give it? All I ask is a vote. I do not care whether you give it or not. The committee thought that it was a proper thing to submit to the consideration of the Senate. If the Senate says, "do not pay it," strike out the clause and refuse to concur with the committee; but do something. I expressed my individual opinion a few minutes ago that as the President had paid it and as in April, 1877, a month after he was inaugurated he had sent men down there to ascertain the condition of affairs, and, as I thought, about the only good that the democratic party (if we are going into politics) ever got out of any investigation, was the declaration of the fact we always asserted that the men we claimed to be duly elected were in fact the true Legislature and the true governor, and that the men who had been holding high offices, and some of them holding them now, were holding their places under no sort of authority, I am willing to pay the $4,000 to develop the truth of that fact, because the President paid it; but if the Senate think otherwise, let it go.

Mr. CONKLING. Mr. President, this amendment addresses itself to me as an appeal to sympathy. The First National Bank is located in the State of New York, and I cannot but feel the interest, not to say the tenderness, which naturally exists between a representative and his constituents; and when I reflect upon the hard and frugal road that bank has been compelled to tread, and then contemplate the

idea of its losing such a sum of money, the possibility is one I cannot calmly contemplate. It requires more fortitude to inflict such an injury than I possess.

If I turn to the idea of allowing the President of the United States to take out of his meager compensation a sum like this to defray the expenses of five tourists, called in the amendment commissioners, it might make an appeal which I must be hard-hearted to resist.

When we think of these five gentlemen, all of whose names appear in this sometimes sumptuous bill of part culars, which fails to amount to the $6,000 originally estimated, but which still does amount to a considerable sum—when we think of their defraying such expenses, unrewarded, and unrecognized as they are, we must be stingy indeed, particularly when voting the money of other people, to be willing to consent to such cruelty.

The distinguished citizen of Tennessee and one other, are not like the rest of these gentlemen in the rewards which have waited upon them. They are also not like the many other persons of whom we have heard so much in Louisiana, useful, handy and active as they were in services rendered about this complicated matter. They, the legion to whom I now refer, as I have heard the honorable Senator from Kentucky sometimes relate to the Senate, are enjoying a grand total of the annual salaries paid to them in official places held I think I have heard the honorable Senator say as rewards for the peculiar services they rendered.

As to all the citizens upon whom these expenses might fall, the amendment comes as an urgent appeal to sympathy, and yet I shall not be able to discuss it without vexing the ear of the honorable Senator from Kentucky, who does not wish to listen to a political discussion. I do not wish to engage in it or to listen to it, and yet if the amendment is to be adhered to I shall deem it my duty to enter into a political discussion so far as such discussion is needed to solve the question of the propriety of making an appropriation, worse than unlawful, as I believe it is.

The House of Representatives, in this bill and in other bills, has decided not to make it. The House of Representatives has repeatedly refused to make it. With the facts all before it the House has repeatedly refused to pay the money. The committee of this body has chosen by importing an amendment into the bill to invite the Senate to consider it, and the Senator from Kentucky says that Friday is the beginning of a new administration and the day on which this session will cease. I know all this, and I want this bill in every defensible part of it to become a law.

I submit, however, to the honorable Senator from Kentucky that if he would save time he ought not to come here with a provision that has been repeatedly discussed in the Senate, which has never succeeded in winning even an informal vote in its favor, but has over and over again been reported against, and over and over again voted down on the yeas and nays in the Senate, and which does involve political discussion, which does involve the question whether gentlemen requested to go, as tourists, not as commissioners, without law, and as I believe against law, and requested to do an errand not tolerated either by the Constitution or by any law which obeys it, whether they are to be paid under the guise of expenses to them, or upon the allegation—I choose that word because I wish not to be disrespectful—that the President has paid this money out of his own pocket, if I caught aright the expression of a Senator.

I say the Senator from Kentucky ought not to bring such a question here, if he does not wish it to be discussed and discussed at length. I ask that Senator to treat this amendment as he has treated other amendments, and spare himself and the Senate the infliction of the debate which is certain to occcur if this amendment is persisted in. It involves not the $3,000 or the $4,000, not the item of this bill of particulars insignificant as they are to all of these gentlemen, whether now holding official stations or whether, as the Senator remarked as to one of them, about to cross the threshold of distinguished official place; it involves a principle much beyond that and much more considerable than this sum of money.

I hope the honorable Senator from Kentucky will allow this cup to pass from us, and be content with the fact that this very body as now constituted, not those who went before us but consisting of those now assembled, has again and again passed upon it. If the Senator will accept the fact, I for one will relieve him; but if he will not, and wants to litigate this matter afresh then I submit he ought not to complain of any debate.

Mr. BECK. Will the Senator from New York allow me to interrupt him? Of course, I desire to close the debate. I care nothing about this item one way or the other. I hope the Senator will move to lay it on the table. I shall vote against laying it on the table because my committee has instructed me to report the amendment. If it is laid on the table, however, that ends it.

Mr. CONKLING. But my honorable friend will observe that a motion to lay on the table not only cuts off debate but brings the Senate to vote upon the merits of this amendment as those merits have been stated by those who favor it.

Mr. BECK. If the amendment is laid upon the table that ends it.

Mr. CONKLING. If laid upon the table that is the end of it, and if the Senator can assure me that such a motion will prevail I will gladly forego any discussion.

Mr. BECK. No; if it is not laid on the table it will be still open to discussion.

Mr. CONKLING. I am aware of that, but still I would not like to take the sense of the Senate after what has been said, without the Senate having brought back to its recollection and attention at least some of the circumstances which surrounded this transaction, without having read the papers which constituted the open, public, and ostensible object of this embassy.

All that will take some time, and time should be given to it,—as little time as possible; but I do not wish to go into it unless the Senator from Kentucky feels called upon to insist upon his amendment. If he will let us take the bill as the House sent it to us and rest upon the fact that over and over again this question has been passed upon both in committee and in the Senate, I shall be glad to leave it there; but if he will not, then I do not see but all those who feel as I feel that this claim ought to be not only defeated but discussed sufficiently to display its merits, must proceed in that course.

Several Senators addressed the Chair.

Mr. BECK. If I have the floor, I will move to lay the amendment on the table.

Mr. THURMAN. Not yet, I hope.

The PRESIDING OFFICER. The Senator from Kentucky moves to lay the amendment on the table.

Mr. THURMAN. I ask the Senator to withdraw the motion for a moment.

Mr. BECK. Will the Senator renew it if I do?

Mr. THURMAN. Oh, yes; and vote for it, too.

Mr. BECK. I want a vote; that is all. I will vote against my own motion, but I insist upon the motion.

The PRESIDING OFFICER. The Senator from Kentucky moves to lay the amendment on the table.

Mr. THURMAN. Will the Senator not withdraw the motion? I will renew it.

Mr. BECK. Very well.

The PRESIDING OFFICER. Does the Senator withdraw the motion?

Mr. BECK. If the Senator will renew it.

Mr. THURMAN. I will renew it, because I want to adjourn this fight over to the next Congress. I want my friend from New York to meet my successor, a member of Mr. Hayes's Cabinet, under which what my friend from New York thinks was a great crime was perpetrated. I want him to meet my successor face to face, and discuss the propriety of this thing with him, not with me. I want him to meet the new Attorney-General, who was one of these commissioners, and who was said to have had most persuasive eloquence in getting out the Packard legislature, who, by the way, were cooped up in a house and had not a particle of jurisdiction. I want him to come to this contest with some foes worthy of his steel. He has nobody here now to battle with him. The Senator from Kentucky has shown the white feather and run at the first fire. I do not feel called upon to defend this Administration or its ways, or the way that it got into power. I do not do that, but my successor is able to do it.

I say, therefore, to the Senator from New York, as the *preux chevalier*, as a man ready to put his lance in rest against any foe that sounds his trumpet and calls him to the encounter, let this thing go over until my successor is in his seat, and until the new Attorney-General will be up in the Department of Justice. That is the way to do this thing.

Do not ask to lay this amendment on the table as a final and decisive vote to determine the question on its merits. Oh, no; wait until the men who inaugurated it, who executed it, and who are able to defend it, are within the lists.

Now, I move to lay the amendment on the table, for I want to have it taken up then.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to lay the amendment on the table.

The motion was agreed to.

Mr. VOORHEES. I gave notice that at the proper time I should offer an amendment.

The PRESIDING OFFICER. The Chair will inform the Senator that there are two amendments of the Committee on Appropriations yet reserved. The Secretary will report the next amendment reserved.

CREDENTIALS.

Mr. CAMERON, of Pennsylvania, presented the credentials of John I. Mitchell, chosen by the Legislature of Pennsylvania a Senator from that State for the term beginning March 4, 1881; which were read, and ordered to be filed.

REFUNDING OF THE NATIONAL DEBT.

Mr. HOAR. I present for reference to the Committee on Appropriations an amendment to the deficiency appropriation bill, and I ask that it be read.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to add as an additional section the following:

SEC. —. That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: *Provided*, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the

refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds to an amount not exceeding $400,000,000, of denominations of $50, or some multiple of that sum, which shall bear interest at the rate of 3 per cent. per annum, payable semi-annually, redeemable at the pleasure of the United States, after five years, and payable twenty years from the date of issue; and also Treasury notes to an amount not exceeding $300,000,000, in denominations of $10, or some multiple of that sum not exceeding $1,000, either registered or coupon, bearing interest at a rate not exceeding 3 per cent. per annum, payable semi-annually, redeemable at the pleasure of the United States, after one year, and payable in ten years from the date of issue; and no Treasury note of a less denomination than $100 shall be registered. The bonds and Treasury notes shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14,1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: *Provided*, That nothing in this act shall be so construed as to authorize an increase of the public debt.

Mr. WHYTE. That ought to go to the Committee on Finance, and not to the Committee on Appropriations.

The PRESIDING OFFICER. The question is on the reference of the amendment to the Committee on Appropriations.

Mr. HOAR. I should be glad to have the amendment go to the Committee on Finance, if the Senate will consent that the rule requiring it then to go to the Committee on Appropriations one day before it is offered in the Senate will not be insisted on. The amendment simply provides for refunding at 3 per cent., leaving out all the other details, leaving out the fifth section; and I desire to have it in the power of the Senate to pass such an amendment if they see fit. If the Senator from Maryland and the Senate will consent, I will ask unanimous consent that the amendment may be referred to the Committee on Finance, and that they may, if they see fit, move it as an amendment to the deficiency bill, notwithstanding the rule requiring the Committee on Appropriations to consider it twenty-four hours.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? If not, the amendment will be referred to the Committee on Finance with that understanding.

Mr. ALLISON. Is it understood that there is no objection to that course?

The PRESIDING OFFICER. It is. The objection under Rule 27 will be waived.

Mr. ALLISON. Under any rule. That is, this amendment, if agreed to by the Committee on Finance, may be offered to the deficiency bill?

Mr. HOAR. Notwithstanding the rule.

The PRESIDING OFFICER. Notwithstanding the rule.

Mr. WALLACE. Do I understand that the amendment goes to the Committee on Appropriations without objection on the part of the Committee on Finance?

Mr. WHYTE. No, it is to go to the Committee on Finance.

Mr. HOAR. This is an amendment to the deficiency bill, which I suppose will be here to-morrow.

Mr. WALLACE. It is here now.

Mr. ALLISON. It has been referred.

Mr. HOAR. In order that it should come within the rule, only that part of the rule which has been mentioned without going into any other part of the rule, it ought to be moved by a standing or a select committee and then go to the Committee on Appropriations twenty-four hours before it is offered; but it being suggested on behalf of the Committee on Appropriations that it should go to the Committee on Finance, unanimous consent was asked and obtained that it might go to the Committee on Finance, and that so much of the rule as prevented its being offered by them, if they chose to offer it to the Senate, should be waived.

Mr. WALLACE. The reason of my question was, that the subcommittee on the deficiency bill are about to meet, and if there is any action to be taken by the Committee on Appropriations it should be attended to at once.

Mr. HOAR. The Committee on Finance will be able to deal with it.

Mr. DAVIS, of West Virginia. The Senator from Massachusetts said that by consent of the Committee on Appropriations this arrangement was made. I know nothing of it, and I ought to have known if it was done.

Mr. HOAR. My friend is mistaken. The Chair asked unanimous consent of the Senate, and that unanimous consent was given.

Mr. DAVIS, of West Virginia. Unanimous consent to what?

Mr. HOAR. That this amendment, the character of which I have explained, might be referred to the Committee on Finance, and that it should be in order for them to move it as an amendment hereafter, if they see fit.

Mr. DAVIS, of West Virginia. The Senate cannot do that.

Mr. HOAR. The Senator does not care to have the amendment go to the Committee on Appropriations?

Mr. DAVIS, of West Virginia. I do not know that I do; but then I do not want an arrangement made for the Committee on Appropriations.

The PRESIDING OFFICER. Does the Senator from West Virginia object?

Mr. DAVIS, of West Virginia. I reserve all points of order. I shall not consent to an arrangement by which the amendment shall be beyond the control of the Committee on Appropriations.

Mr. HOAR. I must then stand upon my right, it being a plain desire of the whole Senate, as it seemed to me. The Chair asked if unanimous consent was given to the request, and declared that it had been given.

The PRESIDING OFFICER. That is the state of the case.

Mr. HOAR. It is too late now to object.

Mr. DAVIS, of West Virginia. We will see when it comes up.

Mr. BAYARD. What disposition has been made of the proposed amendment?

The PRESIDING OFFICER. It has been referred to the Committee on Finance.

Mr. BAYARD. I merely say now that I have had no intimation whatever of the intention to offer such an amendment, nor so far as I know has any other member of the Finance Committee had any such intimation, nor can I say what the action of that committee will be on it.

SUNDRY CIVIL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The PRESIDING OFFICER. The Secretary will report the next amendment of the Committee on Appropriations to the pending bill, which was reserved.

The SECRETARY. After the word "dollars," in line 831, the committee report to insert:

For the purchase of the private papers of the late confederate Generals Braxton Bragg and Leonidas Polk relating to the late war of the rebellion, $20,000.

Mr. HOAR. I understand that the amendment which I offered is agreed to by the committee.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts to the amendment will be reported.

The SECRETARY. It is proposed to add at the end of the amendment the following proviso:

Provided, That the President of the United States shall be satisfied that all such papers now in existence are delivered over to the United States, and that the same are of historic importance and value equal to the sum paid.

The PRESIDING OFFICER. If there be no objection, the amendment to the amendment will be considered as agreed to.

Mr. LOGAN. Before the amendment is adopted I desire to make an inquiry.

Mr. HOAR. My amendment, I understand, has been adopted.

The PRESIDING OFFICER. It has been. The question is on agreeing to the amendment as amended.

Mr. LOGAN. I desire to inquire of the chairman of the Committee on Appropriations what is the character of these papers that are to be purchased by the Government?

Mr. BECK. There is a report, Executive Document No. 6, third session Forty-sixth Congress, "A letter from the Secretary of War, transmitting, in compliance with law, certain information relative to the negotiations with the legal representatives of the late confederate Generals Bragg and Polk for the purchase of certain papers relating to the late war," in which there is a list of the papers, covering, perhaps, from pages 12 to 53, an account of what each paper is. At the last session of Congress in the sundry civil bill we made this provision:

The Secretary of War is authorized to negotiate with the legal representatives of the late confederate Generals Bragg and Polk for the purchase of their private papers relating to the late war, and said Secretary shall report thereon at the next session of Congress.

I understand this report is made in compliance with that provision. The papers belonging to General Polk, I understand, are now being printed, while the papers belonging to General Bragg are not yet published, but the information in regard to them is now in the hands of the Government. It seemed to us, after hearing all the facts, that the arrangement should be entered into.

Mr. LOGAN. I do not wish to interpose objections to things that are of no great importance, but I cannot understand, for the life of me, what private papers these generals could have that could be of any benefit to the Government of the United States. This speaks of letters.

Mr. BECK. Will the Senator allow me to say that after the question is fairly put by the Senator from Illinois I will ask the Senator from Texas, [Mr. MAXEY,] who has had the matter under consideration, to be kind enough to give us the information laid before his committee, for the amendment came from the Military Committee.

Mr. LOGAN. This report is signed by "Marcus J. Wright, agent of the War Department for the collection of confederate records;" and here is a statement of the papers that I suppose have been found in the hands of the heirs of these generals, consisting of private letters written to those generals by other persons connected with the confederate service. The letters may be of service. I do not say they will not be, but I should like to know from some one something of the character of service they would be to the Government of the United States. I cannot understand for the life of me.

I remember very well, so far as General Polk is concerned, who was doubtless a very brave man on the confederate side, that he was killed at Kenesaw Mountain some time prior to the termination of the war; I remember very well the day when we received the news of his death. He could have had no private papers after that time, and no papers, records, or anything of the kind that could be of any interest to the country with regard to the war up to that time. He had nothing but private letters written to him, and a history and a boundary of his jurisdiction as a commanding general of the confederate army. I will say to the Senator in charge of the bill that it is not necessary to refer to his private papers to find out his jurisdic-

tion as a commanding officer. That can be found in the records that are here. The orders from the war department of the confederate army, the orders of his commanding general, General Lee, the orders of the so-called president of the southern confederacy would determine that question. It certainly is not necessary to have these papers for that; and what light the private letters of this man could throw upon the affairs of this country that would be of advantage, I cannot understand.

I do not wish to criticise the action of the War Department or anybody connected with it, or the committee or anybody connected with it; but my judgment, no matter whom it hits, is that this is merely a mode of granting pensions to the heirs and widows of confederate generals. That is all it means. There is nothing in these papers that amounts to anything. There is nothing in all of them that makes them worth $20,000. All the records that amount to anything in reference to the confederacy are now in the War Department, for which the Government paid $75,000. They have the records of all the confederate army, of all the corps, of every brigade, and of each regiment; they have the general orders and everything of that kind. What else is there that they desire I should like to know?

I do not believe in this policy at all; I do not believe it is good policy in any sense whatever. I have never heard of any appropriation of money to pay for the private papers of any Union general in the Army; not a dollar. Why is it that the private papers of some man who was on the Union side are not considered of value? I have never heard of any one asking to sell his papers. I have never heard of anybody even suggesting that an appropriation should be made to purchase the private letters of General A B or General C D of the Union Army. I know men who were in the Union Army, who had larger commands than either of these generals, and perhaps received as many letters, and perhaps wrote as many letters, yet no man has ever said that they were of value sufficient for the Congress of the United States to appropriate money to purchase them.

Before the Congress of the United States should appropriate money to buy private letters which belonged to some confederate officer or Union officer, it should be demonstrated that they are of value to the history of this country, and we should know in what respect they are to be of value. They should be examined; we should examine them here as a committee, or appoint some one to do it. The fact that there is somebody connected with the War Department who thinks it would be a very nice thing to pay $20,000 to the heirs of confederate officers, (and this is only a mode by which it may be accomplished,) is not evidence sufficient to my mind that the people of this country should be taxed for any such purpose, unless we have the evidence of the value of these papers.

Mr. BURNSIDE. Will the Senator from Illinois allow me to ask him if it is claimed that any officer of the War Department says that these papers are valuable?

Mr. LOGAN. I do not say that any one does.

Mr. BURNSIDE. I think not.

Mr. LOGAN. I say this report is signed by "Marcus J. Wright, agent of the War Department for the collection of confederate records." I do not know anything about Marcus J. Wright. I do not know anything about anybody connected with these confederate records; but I will say that from the number of letters stated in the book somebody must have been out picking them up and getting them together to see if Congress could not be induced to appropriate a large amount of money for the purchase of the same. Who has been doing it, I do not know; but that it has been done, there is the evidence.

No man has ever asked you to appropriate money for the records made and letters written by and to the Senator from Rhode Island, [Mr. BURNSIDE.] Why? He had as large a command as either of these men. Why should not his communications be of value to this country? There is nothing in our history that is sought by the War Department except the orders of the general officers which are found in the reports in the War Department. No private letters are ever asked for from any general that I know of on the Union side; and all these things on the confederate side we have now without the private letters. I do not wish to pay for them as far as I am concerned. I merely state that I shall vote against the amendment.

Mr. HOAR. Mr. President, it seems to me there is very great force in what the honorable Senator from Illinois has said, both in the reasons which he has given for what he has said and also in his authority in regard to what is valuable in illustrating the history of the war in which he himself bore so illustrious a part; but it appears to me that without quite agreeing with the opinion which he thinks this country has formed of these papers, we have gone past the stage to which the honorable Senator's arguments are applicable.

We passed a law two years ago—I was not aware of it until it was read—directing, on the recommendation of somebody in the War Office, some agent of the Government, that negotiations be opened with these women for the private papers of their husbands. Having applied to them or negotiated with them, and obtained their terms, it seems to me we agreed to buy the papers if they are willing to sell them at what we shall find and think they are worth. The law required a report to Congress. Though I do not agree with the Senator from Kentucky, that we have made a binding bargain, we have gone to that extent; we have applied to two ladies in private life for their husband's papers in their possession, and obtained the terms on which they are willing to sell them. Now, with the amendment the law, if it pass, will read in this way, that the President of the United States is authorized, on his examination of these papers, to purchase them at a sum not exceeding $20,000, at such sum as he shall find they are worth as historical matter to our Government.

Whatever may be a proper policy on the whole, I think that is reasonably safe. The incoming President of the United States himself bore a very distinguished share in this war, on the Union side, and he is a person of very large literary attainment; he has been a student from his boyhood, and probably there are few persons in the country, saying nothing about his official position, to whom we should all, on both sides of this Chamber, sooner be willing to refer a question of the value of historical material.

Of course, very valuable historical material may come from the archives or the private correspondence of the enemy. We have obtained from English sources valuable material illustrative of our revolutionary history and our revolutionary war. It seems to me, therefore, although what the Senator from Illinois says has so great weight, that having made this request and gone so far in the negotiation, it is safe for us and is proper and becoming that we should authorize the President of the United States to examine these papers, and, if he finds it to the interest of the Government, to purchase them at what he thinks their historical value.

Mr. BURNSIDE. I am satisfied that the adoption of this amendment would be the establishment of a very bad precedent. There is no reason on the face of the earth why the Government of the United States should not purchase the private papers of every general officer on both sides of the line, if it purchases these papers.

The Senator from Illinois refers to my papers; I should not have referred to them myself but for his reference. I boxed up all my papers, private letters and all, as soon as I knew that the war records were going to be published and sent them to the War Department as a matter of duty, and asked the proper officer to use such of them as he chose to use and take copies of them and send me the remainder. I think that is the duty of every officer of the Army and of the relatives and heirs of every deceased officer of the Army.

It is no time now to begin to appropriate money to buy these records. If you start out on that system, there is no end to it, because there are hundreds of meritorious Union officers, and confederate officers also, who have records that will be brought here for sale.

I shall vote against this amendment simply because I do not think it would be wise to pass it, not that I would not be very glad to see the families of these officers receive the $20,000 which is named in the amendment. I should be very glad indeed to know that any stroke of good fortune had thrown in their hands that amount of money, just as much so as I would be glad to find that it had fallen into the hands of the widows and children of Union officers. I say that with perfect candor; but I do think the precedent would be a bad one, and I hope the amendment will not be adopted.

Mr. MAXEY. Mr. President, in 1872 the Government of the United States purchased from Mr. Pickett the confederate archives for the War Department at the sum of $75,000. Subsequently, they purchased the war record of General E. Kirby Smith, an officer of the confederate army, paying $2,500. Subsequently they purchased the papers of General Albert Sidney Johnston. In the purchase of those papers the Secretary of War appointed a commission. That commission was composed of General Garfield, as I understand, General Cockerill, and General Williams of Michigan. After an examination of those papers they regarded them as of the value of $10,000, and they were purchased by the Government at that price. Subsequent to that the papers which I apprehend were those of General Sterling Price were purchased of Colonel Snead and for which the Government paid $10,000. Subsequent negotiations were authorized, as I understood, to be opened for the purchase of the papers of General Bragg and of General Polk, and those papers were sent here for the purpose of being scheduled and their value looked into. It appears, so far as I can learn, that those generals kept duplicate copies of all the headquarters papers which were returned by them to Richmond. It was estimated that those papers were of the value of $10,000 each.

Whether I would have favored originally the policy of opening out this history of war records which, it is said, have cost $80,000, is not now the question. If the purpose and design of this Government is to make a fair, honest history or to leave the material on which to prepare an honest history of both sides accessible to the historian, then we should have the documents of those who controlled the armies on both sides.

That the papers of General Polk are of the utmost importance to the true history of the confederacy we all know; that those of General Bragg are of great importance is equally true. The question therefore is not now what it would have been were this an original proposition for a purchase; but as the Government has inaugurated the policy of gathering up these records for the purpose of making history, is it now wise to complete what the Government has begun by the purchase of these papers?

But the Senator from Illinois says these papers may not be of value, that the Government now has by the Pickett purchase, as I understood him, the seventy-five thousand dollar purchase, all that it is necessary, all that can be obtained of value in the development of the confederate

side of the question. If that be true, the amendment adopted by the Senate at the instance of the Senator from Massachusetts leaves the proposition perfectly safe, because it is well known that the President who is to act as judge of the value of these papers is as thoroughly competent for that task as a historian, as a scholar, as any man in the length and breadth of this land; nor is it reasonable to suppose that the President who is to pass upon the value of these papers would declare them to be of any value whatever unless they were, or that he would fix the price of $10,000 on the papers of each of these parties unless they were of that value.

But it has been said that these papers should be donated, given up, Mr. President, after they have been in the actual possession for fifteen years of those who have possession of them. I apprehend the question of title is not one that could be now opened, and it is for them to determine whether or not they will give up these papers to the Government. If it is not intended to make a complete history, then abolish the bureau of war records. If it is not so intended, then all this large sum of $25,000 in one case, $2,500 in another, $10,000 in another, and $10,000 in another—all that is money worse than wasted, and the $80,000 we pay annually to keep up this bureau is worse than wasted. If we go into this history at all, let us complete it. If the papers are not of value the President will say so; if they are we should have them.

Mr. BURNSIDE. This bureau has in its possession already all the records of the confederate war department.

Mr. MAXEY. How do you know that?

Mr. BURNSIDE. Because they were captured.

Mr. MAXEY. How do you know that they were all captured?

Mr. BURNSIDE. There might have been some papers kept in their pockets.

Mr. MAXEY. I will say to the Senator from Rhode Island that the Secretary of War has not so considered, because he has bought papers which he did regard as valuable or he would not have made the purchase.

Mr. BURNSIDE. I am speaking of the papers which were at the headquarters of the confederate government. The War Department here also has its own papers.

Mr. MAXEY. I simply desire to say to those who hold, like myself, that the history should be complete, if it is to be made under the *imprimatur* of this Government, let us have a fair show, give us our side of the question, and let the papers come forward and be examined.

Mr. BURNSIDE. I will now go on and state what I was about to state before. We have the papers that were captured at Richmond; we have our Union papers which were here in Washington. Those two sets of papers form the foundation for the publication. There is no disposition on the part of anybody to suppress any of them. They will all be published in the regular order, so that we shall get a pretty fair understanding of the situation from the publication of those papers.

Now, all the private papers of these generals should be given up as a matter of policy. If those who served in the confederacy desire a fair history to be presented to the public, they should give up their papers, and so should the Union generals. You cannot compel a Union general to give up his papers, but General Meade's papers were all given up, and I know other papers were given up. As I said before, I gave up mine. I think it the duty of the general officers, and of their families, their representatives, to give up these papers. If they do not give them up and any injustice occurs to their side of the question from the fact that they are not given up, the blame rests with them.

It is not for the Government of the United States to say to them, "We will pay you what you ask for these papers in order that your side may be represented." We are not going to pay you to have your side represented. I hope this is not going to be a sectional thing. I do not want to make it so. The fact that we have already paid $75,000 for a certain set of papers and $10,000 for another, and $12,500 for another, does not make this right. Two wrongs do not make a right. I thought it wrong to pay for papers in the first instance. I never would have paid a dollar for them. I never asked to be paid for mine, and I never would pay a Union general or a Union general's family one dollar for them. If I wanted to contribute to a Union general's family, I would say I will give you so much for the relief of that family, but I would not say, "I will give $10,000 for papers which are necessary to your vindication, and in which you and your parent were interested." It is your duty to give them up, to see that your parent is properly represented in history, and your posterity is interested in having it so, and you should give up these papers; they belong to history; they do not belong to you, and the Government of the United States should not pay for them. I would not vote a penny to pay Mrs. General Meade for her papers. I should be very glad to vote to give Mrs. General Meade a pension, and I should be very glad to do anything I could for these families in any way in my power, but I never would vote for buying private papers of officers, because the very moment you start out on that system you are on the wide sea; there is no end to it; and justice would require you to continue to buy papers for a long time to come.

Mr. BECK. I hope we shall have a vote on this question at as early a moment as possible; but I desire to call the attention of the Senator from Rhode Island, whose sense of justice I know is equal to that of any Senator, to the fact that by law we provided that—

> The Secretary of War is authorized to negotiate with the legal representatives of the late confederate Generals Bragg and Polk for the purchase of their private papers relating to the late war, and said Secretary shall report thereon at the next session of Congress.

And under that, as proven before us yesterday in committee, the papers were delivered over to the War Department, and a large proportion of the papers belonging to the estate of General Polk have now gone into the history of the great war of the rebellion; all those belonging to Mrs. Bragg and her children have been catalogued and are ready for use.

Mr. CONKLING. May I interrupt the Senator a moment? What does he mean by their having gone into history? What has actually been done with them?

Mr. BECK. General Polk's papers are in the hands of the officers of the United States; but whether the volume to which they belong has been absolutely printed or not I am not sure; but they are in course of publication.

Mr. LOGAN. The report shows the fact that these papers have not gone into history and have not been printed at all. We desired all her papers, and they have merely been registered to be examined.

Mr. BECK. Polk's papers are now in the hands of the officers, and they are using them as though they were absolutely their own. That is the fact.

Mr. BURNSIDE. Is there any statement from the Secretary of War that he has negotiated for these papers and has agreed to give a certain price?

Mr. BECK. The Secretary of War purchased—

First, a collection of trans-Mississippi papers for	$2,500
Second, the "Sidney Johnston" papers	10,000
Third, the "Snead papers"	10,000

The law authorized this negotiation, and under that the families of these two dead generals surrendered their papers. Mr. Scott, who thought perhaps they ought not to be purchased, closes his report on the 6th day of December, 1880, by saying:

> If it be decided to purchase at all, I recommend that $10,000 be offered for each of the collections in question.

This amendment is, in my judgment, to maintain the good faith of the Government. Whether it was good policy or not to purchase any of these papers is another question. Twenty-two thousand five hundred dollars has been paid to three different parties. The Secretary of War was authorized to negotiate for these. He has done it; he has them in his possession. The report shows that he was expected to pay $10,000 each to these people. He obtained them under these pretenses, under these assumptions, using them because they were so delivered under that belief, and whether they were worth one dollar or not, after all that has been done, I would pay at least a sum not exceeding $10,000 each, in the discretion of the President, after investigation, to keep the good faith of the Government to the families of men who are dead. I would not take advantage of the families of General Bragg and General Polk by getting papers from them if they were not worth one dollar, if they thought they were worth something, and we induced them to give them up on the belief that we were going to pay. The honor of this Government is something, and the honor of this people is worth more than the amount of money this will cost. When we passed that law authorizing the negotiation, when we induced them to believe they were going to be paid for these papers, it seems to me we ought to do it, right or wrong, valuable or not, because we have taken the papers from them, and there is no means of showing that we have not used such as we want.

I do not care to say any more.

Mr. THURMAN. Permit me to ask my friend from Kentucky before he takes his seat whether the officers of the Government who have examined these papers recommend their purchase?

Mr. BECK. They have recommended it at various times; but of late they have made rather doubtful reports. They were examined by a board of generals of the Army, of which the President-elect was one.

Mr. LOGAN. When I objected to this proposition I did so upon the theory as I stated, and as was well stated by the Senator from Rhode Island, that it forms a bad precedent. I will try to demonstrate that from the report that the committee have used for the purpose of coming to their conclusion in reference to this appropriation. I read from the report:

> The Polk papers have been placed in the hands of the Government with permission to use such as are deemed important to the publication now authorized by law. The price asked for the entire collection is $10,000.
>
> The Bragg papers have been submitted for the purpose of being catalogued. No present price is stipulated for, but they, as well as the Polk collection, were appraised in 1878 at $10,000, and were once offered at, and can doubtless now be purchased for, that sum.
>
> The policy of this Department has been, as far as practicable, to procure such important military documents (Union and confederate) as were missing from its archives by gift or loan.
>
> No purchases have been made from Union officers or their legal representatives, and the only purchases it has made from confederate sources have been:
>
> | | |
> |---|---|
> | First, a collection of trans-Mississippi papers, for | $2,500 |
> | Second, the Sidney Johnston papers | 10,000 |
> | Third, the Snead papers | 10,000 |
>
> Since the establishment, July 1, 1878, of an agency for obtaining confederate mil-

itary documents by gift or loan, many important collections have thus been placed at the disposal of the Government. A list of the more extensive of these collections is transmitted.

Now, what follows?

As far as known to the Department, the only important collections of confederate records held for sale are those now under consideration and the Hood papers; but it may be well for Congress—

This is the report of the Secretary of War, and I desire Senators to listen to it, although doubtless they have read it—

But it may be well for Congress to consider whether the purchase of these collections may not cause dissatisfaction among some who have heretofore placed valuable documents gratuitously at the disposal of the Government. Moreover, important documents have been received from Union officers and their representatives, and there seems to be no good reason for paying for the one class of records and not for the other.

Respectfully submitted,

ALEX. RAMSEY,
Secretary of War.

The PRESIDENT
Of the United States Senate.

In the very document upon which you base your appropriation of $20,000 the Secretary of War tells you it is bad policy and that there is no reason why you should pay for confederate records and not pay for Union records, and not only that, but there is no reason why you should pay for these records and refuse to pay for those which have been loaned or presented as a gift.

I desire also in this connection to call attention to an extract from the annual report of the Secretary of War in 1879. He says:

UNION AND CONFEDERATE WAR RECORDS.

The preparation of these records for publication is progressing satisfactorily under the efficient management of Colonel R. N. Scott, of the Army.

The War Department agent for collecting such confederate records as may be placed, by gift or loan, at the disposal of the Government, has been very successful.

The Southern Historical Society has placed its collection at the service of the Department, and valuable documents have been furnished by Generals Johnston, Pemberton, Wheeler, Jones, Ruggles, and others. In fact, there is a general disposition on the part of ex-confederate officers to contribute material to the official History of the War.

In a few instances records of the confederate armies are held for sale, but Colonel Scott renews his objection to the purchase of such documents; and in his views I concur.

It was well said by the Senator from Massachusetts that we are partially, not entirely, obligated in this matter by a previous act passed. I presume when that act was incorporated in our laws it was done by some friend of these parties at the time to lay the foundation for these very appropriations. At the time the first provision appropriating money for purchasing confederate records was passed by the Congress of the United States it was passed in an appropriation bill, without any one in the Senate Chamber except the committee having knowledge as to what it meant. It was for the purchase of certain records; nobody noticed it and it went through, and in that way the purchase of these records commenced. Up to the time you commenced appropriating money for them every confederate and Union officer gave what documents he had to the War Department that they might be used in future history.

But my friend from Texas says "we want a fair show in the history." Nobody denies any one in this country a fair chance in the history of this matter. No one wishes to deny any man a fair chance for his history to be blazoned before the world. It is not that; but if men want their history correctly written, let them furnish that which will make an honest history without, like leeches, sucking the blood of this Government for the purpose of giving them a fair history. All the history which I have ever made—and it is little—I charge no man and no government a cent for; it is not of much value; but if it was of greatly more value than it is, my country would never have to pay one cent for it.

Pass this bill with this amendment, and I ask any Senator to tell me what private soldier who has picked up papers on the battle-field may not hold them and demand money for them? Why is it that correspondence between private soldiers and their families is not of value as well as the correspondence between the generals and their families? If you want to get a history of this war, to get an honest one on both sides, let officers and men give to this Government that which they possess by way of letters and communications which they received during the war which throw any light upon the conduct of armies or individuals or of our Government. Let it be done in that way. The best histories that we have to-day of parts of this war are the histories which are written by regiments calling upon their comrades, each and every officer and private, to furnish a short document that is to go to make up a history of the company or regiment, and they do it. The best histories of the part that they played that I have read have been made up in that way, and they have been written from the documents of the private soldier and the officer, not with a view of paying some glowing tribute to some man, whether deserved or not, but stating the facts as they did exist at the time. That is the way to get an honest and true history of the conduct of the forces on either side during the terrible and unfortunate conflict between the people of this country.

Pass this amendment, and, as I said, every confederate officer who is unfortunate who has papers will want money for them, and perhaps every Union officer, too. There is exactly where you are leading to. You are leading us in a line which may induce men on both sides to say, "Here, I have valuable papers; pay me for them or you cannot get them."

General Lee's papers were of great value, doubtless. How much are we to pay for them? The papers of many Senators here who were on the confederate side may be of great value. Are we to pay for them if they should be so unfortunate as to die within a few years? Are we to pay when General Grant passes away a large sum of money to his heirs for his private papers? So with General Sherman; so with General Sheridan; so with all these men. Is that what we mean? Do we mean a general pensioning of the families of the officers on both sides? It cannot be obtained in any other way except by paying for papers which are of any value whatever perhaps to the history of this country.

That is what this measure means. It does not mean $20,000 to the heirs of General Bragg and General Polk, but it means hundreds of thousands of dollars in the future to the heirs of other men on both sides, and to many men living, on both sides, who have papers.

In answer to the Senator from Texas, who desires honest history, as I do, I say let the men who desire an honest history who have papers which throw light upon any fact during this great conflict bring them to the War Department, and if they desire to keep them, let the War Department take copies of them and return the originals to the owners. That will show at least some patriotism. It will not show that all there is of patriotic devotion in the American people is merely to squeeze a little money out of the Government for that which is of no value on earth to them. If they keep them their light may not shine. They are worth nothing, and can be worth nothing to any one except to history.

I oppose this whole proposition. I have always voted against propositions of this kind, and I shall have to do so; for it means naught but opening the gates or doors of the Treasury to benefit certain persons who cannot be placed upon the pension-roll of the United States of America.

Mr. VEST. Mr. President, this amendment of the committee as amended I suppose will be laid on the table. I propose to make that motion.

Several SENATORS. Let it go.

Mr. VEST. I want to say one word to the Senator from Illinois before I make that motion; because I cannot content myself with simply voting to lay this whole question on the table, as I shall do, without saying as a southern man, and, as I believe, speaking the sentiment of the southern people, that I repudiate the idea that we propose to pension the widows of our generals or their children in any such fashion as that.

Sir, recollecting the devotion to the cause of the South of those now dead, I have from the beginning deprecated this thing of peddling out memoirs of our dead generals or of our living soldiers to this or any other government——

Mr. LOGAN. The Senator, I know, will allow me to make a suggestion. What I said about pensioning applied to both sides, not to one alone. As I said it would apply to those who could not go on the pension-roll on either side; this was the mode by which to provide for them. I made no application to one more than to another.

Mr. VEST. For myself, and as I believe for a majority of the southern people, I say the fact is that we make no such claim on the Government of the United States. I do not call it a pretext when men tell us they desire a fair and impartial history of themselves made. Sir, the history of that unfortunate war belongs to the victors and not to the vanquished; and when the confederacy surrendered it surrendered the history of the war as it did its munitions and its muskets. They belong to the United States Government, the history is their property; and if records should be piled here mountain high, by sale or gift, the history would still be the same. There is only left to us the demand of justice in a fair representation of the glories of so many hard-fought fields. The history of the war belongs to the Government, and for myself and the people with whose destinies I was united I have simply to say God speed that history, may it be glorious, finally and forever.

I move, sir, to lay this amendment, and I hope this question forever, upon the table.

The PRESIDING OFFICER. The Senator from Missouri moves to lay the amendment on the table.

The motion was agreed to; there being on a division—ayes 31, noes 10.

The PRESIDING OFFICER. The Secretary will report the next reserved amendment, on page 66, beginning with line 1619.

The CHIEF CLERK. The amendment is, after line 1618, to insert:

To enable the Secretary of the Senate to pay for preparing the index to private claims, under the resolution of June 16, 1880, directing him to prepare an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the 3d day of March, 1867, $2,500.

Mr. VEST. I move to amend the amendment by striking out those words and inserting:

To enable the Secretary of the Senate to pay for preparing the index to private claims under the resolution of June 16, 1880, directing him to prepare an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the 3d day of March, 1867, the sum of $4,250.

I ask the attention of the Senator from Kentucky having the bill in charge. By the act of July 28, 1866, $5,000 were appropriated and $2,000 by another act, making $7,000 in all, for indexing the private claims at the Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, and Thirty-ninth Congresses. The

work done under the present authority embraces the private claims of the Fortieth, Forty-first, Forty-second, Forty-third, Forty-fourth, and the first and second sessions of the Forty-sixth Congresses, at least one-third more labor performed under this provision than the work for which Congress paid $7,000. I know a gentleman from my State employed in this labor, and several other clerks were assisting, more or less. I know this gentleman who worked here five months will receive from the amendment of the committee, if adopted, some $50 or $75 per month, out of which he has to pay his ordinary expenses. The Secretary of the Senate assumed that Congress would pay these men at the rate of $125 per month, which is little enough in the city of Washington. Men entitled to a furlough of two months during the summer remained here to work on this list. The work has been well done, faithfully done, and $50 per month would be a very little allowance. It is great injustice to the employés who were engaged on it. That is all I desire to say in regard to it.

Mr. DAVIS, of West Virginia. The facts are about these: the Senate did pass a resolution a few years ago directing the Secretary to make up the list of private claims to date. The Secretary performed the duty. He employed clerks under pay the year round. Most probably every other man who worked upon this business has been paid by the Senate regularly along. The committee believed there were some persons entitled to a part of this sum perhaps who did not receive pay during the time this work was performed, and the committee thought $2,500 was sufficient to pay for all that kind of work. I am not opposing this especially; but the Committee on Appropriations believed, after considering the whole question, that $2,500 ought to settle it.

Mr. BAILEY. I wish to ask the Senator from West Virginia a question. He spoke of the Secretary having been directed by the Senate to have this work done, and spoke of the Secretary as a salaried officer. Does he mean that the Secretary claims for himself any part of this amount?

Mr. DAVIS, of West Virginia. Oh, no.

Mr. BAILEY. I thought the Senator's language would imply that the Secretary was to have part of it.

Mr. DAVIS, of West Virginia. I am sorry that I used language which conveyed such an implication. I did not intend to imply any such thing. I know the Secretary gets no portion of this money. I have never had a thought in that direction, but many of the employés who are paid the year round by the Senate, were engaged in this work, and I do not know but that all of them were of that class.

Mr. HARRIS. Upon a former occasion, under exactly the same character of resolution requiring the Secretary of the Senate to perform exactly the same character of work, Congress appropriated $7,000 to pay the expense. This work amounts to one-third more than the work then performed. The present Secretary of the Senate employing clerks to perform the duties which the resolution required at his hands, in the exercise of what he supposed to be a proper discretion, stated to these employés that he supposed they would receive compensation at the rate of $125 per month for their services. They have performed their work fully, thoroughly, and well, and taking an account of the time actually devoted to this service, the estimate of the Secretary of the Senate is $4,200, nearly three thousand dollars less than was allowed for a similar work, and certainly not in excess of a just compensation to these employés. For that reason I shall vote for the amendment of the Senator from Missouri and against the proposition of the committee.

Mr. WILLIAMS. I wish to add my testimony to that of the Senators from Tennessee and the Senator from Missouri. This work was authorized by law to be done. The Secretary was directed to do it, and he might have gone much further and hired other clerks to do the work, which, if he had so done, would have cost the Government more than $10,000; but these men were kept here. Everybody says the work done on this index is extra work. It is not the ordinary work of the clerks; it is all extra work. They staid here all last summer, when they might have been at home with their friends and families, and worked assiduously on this index, and I think it is nothing but just and right that they should be paid.

Mr. BECK. I hope we shall have a vote.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The vote will be taken as soon as debate ceases on the amendment.

Mr. BECK. I will only say that I agree with every word that the Senator from Missouri has said.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. VEST. Mr. President——

Mr. WITHERS. Will the Senator from Missouri yield to me to present a conference report?

The PRESIDING OFFICER. The Chair will receive the report.

THE DISTRICT APPROPRIATION BILL.

Mr. WITHERS. I submit a report from the committee of conference on the District of Columbia appropriation bill.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 25, 26, 27, 28, 49, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 13, 14, 15, 16, 17, 18, 19, 20, and 60; and agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In line 23 of said amendment, after the word "including," insert the words "one-half of;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: Add at the close of the amendment, as a new section, the following:

"SEC. 6. That the commissioners of the District of Columbia are authorized to sell to the highest bidder, at public auction, and under the provisions of section 3 of this act, the following, namely: All the right, title, and interest of the United States in and to a certain parcel of land in the square south of square 181, in said city of Washington, described as follows, to wit: Beginning at a point on the north side of N street northwest, 48 feet 2 inches west of the west line of Sixteenth street; running thence along N street westerly eighteen feet; thence northerly 62.14 feet to Massachusetts avenue; thence southeasterly along said avenue 19.69 feet; thence 54.27 feet south to the point of beginning on N street. The proceeds of sale to be applied to the use mentioned in section 3."

R. E. WITHERS,
ISHAM G. HARRIS,
WM. WINDOM,
Managers on the part of the Senate.
T. R. COBB,
JO. C. S. BLACKBURN,
FRANK HISCOCK,
Managers on the part of the House.

Mr. McMILLAN. May I ask the Senator who has submitted the report what is the property referred to there to be sold?

Mr. WITHERS. A little strip of property that formerly belonged to a foreigner that has been escheated to the Government, and the commissioners of the District and the Superintendent of Public Buildings and Grounds, as I understand, recommend its sale. It is a very small matter.

Mr. CONKLING. Does the Senator speak of the property mentioned in the last amendment?

Mr. WITHERS. Yes, sir.

The report was concurred in.

SUNDRY CIVIL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 7203) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

Mr. VEST. On page 59, line 1433, I propose the following amendment:

For the purpose of reimbursing the United States Treasury for a certain sum of money appropriated by this Congress for depredations committed by the Kiowa and Comanche and Sioux tribes of Indians, the Secretary of the Treasury is hereby authorized to withhold from the annuities payable to said Indians an amount equal to said sum so appropriated, and he may withhold all of said sum out of the annuities due or to become due to said Indians in any one year, or otherwise, as between him and the Secretary of the Interior may be agreed upon, due reference being had to the care and welfare of said Indians.

Mr. BECK. I raise the point of order that that is legislation on this bill.

The PRESIDING OFFICER. The Senator from Missouri has not stated the amendment yet.

Mr. VEST. I have a letter from the Secretary of the Interior, addressed to my colleague, now in the chair, [Mr. COCKRELL,] conveying information about this amendment. The amendment comes from the Department of the Interior, at the request of the Secretary.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 2, 1881.

SIR: I inclose herewith an item of appropriation for insertion in the sundry civil or deficiency appropriation bill now pending before Congress to reimburse the United States for such sum as may be appropriated for the Kiowa and Comanche and Sioux tribes of Indians for the sum taken from their annuities under the provisions of Senate bill No. 1181.

Very respectfully,

C. SCHURZ,
Secretary.

Hon. F. M. COCKRELL,
United States Senate.

Mr. COCKRELL. I hope no point of order will be made, for this reason: at this Congress a bill has been passed and become a law making certain appropriations to pay certain claims to come out of these annuities. There is no provision for replacing that amount. By leaving it to the Secretary of the Interior and the Secretary of the Treasury it may be paid in one, two, or five or ten years. It will be paid in such manner that no harm will be done the Indians. It makes no additional appropriations. It is simply to prevent the whole amount going out of the Treasury this year that this amendment is offered. There is no question but that it is right. I saw the Secretary of the Interior in person, and this is his suggestion.

Mr. BECK. I have made the point of order that it is legislation on this bill, and I make it for this reason: that if this be allowed——

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The Senator may proceed by unanimous consent.

Mr. BECK. We have only one day to have these amendments considered in the House and considered in conference. However right this is, it is impossible for some of us on the conference committee to

understand it, and if this amendment is right it ought to pass as an independent measure.

Mr. COCKRELL. A conference committee must be had.

Mr. BECK. A conference committee must be had, but a conference committee which has never looked into the question, not being members of the Indian Committee, cannot be expected to pay much regard to such an amendment.

Mr. CONKLING. Does the amendment come from the Indian Committee or any other committee?

Mr. BECK. Not that I know of.

Mr. COCKRELL. No, but from the head of a Department.

Mr. BECK. It has never been before the Committee on Appropriations or anywhere else that I know of.

Mr. COCKRELL. It has been before the Committee on Appropriations in the letter from the Secretary.

Mr. BECK. When?

Mr. COCKRELL. I so understood, and was so informed, that he had sent a letter to the Committee on Appropriations of the House and a letter to the Appropriations Committee of the Senate making this suggestion.

Mr. BECK. I never saw it, so far as I am aware.

Mr. ALLISON. I do not want to interfere with the Senator from Kentucky, but the facts are as stated by the Senator from Missouri, that we have taken by a bill, which has passed both Houses, from these tribes, the Kiowas and Comanches, all the money that they are entitled to for this year. The object of this amendment is to allow the appropriations made for these tribes to go on and permit the money to be taken out in the course of two or three or four years. It is true it has not been regularly referred to any committee, but the proposition is perfectly right and just in itself, and it ought to pass.

The PRESIDING OFFICER. Does the Senator from Kentucky insist on the point of order?

Mr. BECK. I do.

The PRESIDING OFFICER. The Chair submits it to the Senate. As many as are of the opinion that the point of order is well taken, will say "aye;" contrary, "no." [Putting the question.] The Chair is in doubt.

A division was called for; and being taken, resulted—ayes 20, noes 12; no quorum voting.

Mr. HARRIS. I ask for the yeas and nays to get a quorum.

Mr. CONKLING. If the Senator from Tennessee will pardon me I think if the Chair will take the question once more a quorum will vote.

Mr. HARRIS. I will withdraw the demand for the yeas and nays very cheerfully if we can have a quorum voting.

The PRESIDING OFFICER. The Chair will put the question again.

Mr. HOAR. Will the Chair state the point of order once more?

The PRESIDING OFFICER. The Senator from Kentucky raises the point of order that the amendment offered by the Senator from Missouri is not in order.

Mr. CONKLING. Being general legislation on an appropriation bill.

The PRESIDING OFFICER. The amendment will now be reported.

The CHIEF CLERK. After line 1432 it is proposed to insert:

For the purpose of reimbursing the United States Treasury for a certain sum of money appropriated by this Congress for depredations committed by the Kiowa and Comanche and Sioux tribes of Indians, the Secretary of the Treasury is hereby authorized to withhold from the annuities payable to said Indians an amount equal to said sum so appropriated; and he may withhold all of said sum out of the annuities due or to become due to said Indians, in any one year, or otherwise, as between him and the Secretary of the Interior may be agreed upon, due reference being had to the care and welfare of said Indians.

Mr. COCKRELL. Now let the letter of the Secretary of the Interior, recommending this amendment and sent here for that purpose, be read.

Mr. HOAR. Does this come from any committee?

Mr. COCKRELL. From the head of a Department.

Mr. HOAR. There is no estimate for it.

Mr. COCKRELL. There is not a dollar appropriated. It is not on that ground. There is no appropriation. It is simply to give a discretion to the Secretary of the Interior and the Secretary of the Treasury in regard to appropriations which have already been made.

Mr. HOAR. It is simply legislation, in other words, on an appropriation bill, and clearly out of order.

Mr. COCKRELL. It is not "simply legislation." There is no legislation in it.

Mr. HOAR. It is clearly out of order under our rules, and is sought to be made in order on the ground that there is a letter from a Secretary recommending it. The only case in which a letter from a Secretary can have any possible practical application is where there is an appropriation of money proposed to carry out an existing law in pursuance of an estimate.

Mr. COCKRELL. Let the letter of the Secretary be read.

Mr. HOAR. If there can be a case stated under the rules of the Senate of a proposition more clearly out of order, it would puzzle the ingenuity of my friend from Missouri to state.

Mr. DAWES. I should like to inquire of the Senator from Missouri if this does not contain an appropriation and does not contain general legislation of what practical use is it?

Mr. COCKRELL. The appropriation has already been made. The appropriation takes a certain amount of money out of the annuity fund which will exhaust that annuity. Now this simply gives the Secretary of the Treasury and the Secretary of the Interior a discretion in regard to paying the whole amount at one payment or paying it in five, six, or ten years.

Mr. DAWES. A discretion which they have not now by existing law, but will have by force of some legislation in this amendment. That is what I call independent legislation.

Mr. VEST. I am not an expert in parliamentary law, but if I understand the principles of the rule the amendment is in order. What is the rule the Senator from Kentucky invokes against it? It is in this language:

No amendment shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, &c.

Now, sir, this amendment neither increases an appropriation nor adds an item. There is not a dollar of increase in it.

The PRESIDING OFFICER. The objection of the Senator from Kentucky is based on rule 29.

Mr. VEST. That rule is:

No amendment which proposes general legislation shall be received to any general appropriation bill.

The PRESIDING OFFICER. That is the point.

Mr. VEST. I say it does not come under that objection. It is not general legislation. Here we have appropriated already by an act of Congress fifty odd thousand dollars to be taken out of the 5 per cent. fund of these Indians. It does not come out of the Treasury of the United States, but comes from the Indians. The Secretary ascertains that if he takes thirty-odd thousand dollars from one of these tribes it will leave them without a dollar for their annual supplies, and they will immediately go upon the war-path. He suggests to Congress that they simply give him the discretion to distribute this appropriation over several years instead of paying it all out in any one year. That is not general legislation, I submit. It is simply a direction to one of the officers of the Government in regard to legislation already had; simply directing him, telling him that he may make this payment in three, four, five, or ten years if he pleases, instead of exhausting the fund of the Indians by $30,000 at one time. The amendment I think is in order, and I submit that the Senate should overrule the point made by the Senator from Kentucky.

Mr. COCKRELL. I ask that the letter of the Secretary of the Interior be read.

Mr. BECK. Is it in order to have that letter read?

The PRESIDING OFFICER. The Chair thinks it is.

Mr. COCKRELL. Send it to me and I will convince the Senator from Kentucky that it is in order to read it.

The PRESIDING OFFICER. The proposition is debatable, and the Chair supposes the reading of the letter is in order as debate.

Mr. COCKRELL. I will read it myself:

DEPARTMENT OF THE INTERIOR,
Washington, March, 2, 1881.

SIR: I inclose herewith an item of appropriation for insertion in the sundry civil or deficiency appropriation bill, now pending before Congress, to reimburse the United States for such sum as may be appropriated for the Kiowa and Comanche and Sioux tribes of Indians for the sum taken from their annuities under the provisions of Senate bill No. 1181.

Very respectfully,

C. SCHURZ,
Secretary.

Hon. F. M. COCKRELL,
United States Senate.

Mr. BUTLER. May I ask the Senator from Missouri the date of that letter?

Mr. COCKRELL. It is dated to-day.

Mr. BUTLER. That is very remarkable. I ask why has not that communication been made earlier, and to the Senate instead of the Senator? I confess I do not comprehend it.

Mr. COCKRELL. Yesterday I had a letter from the Secretary of the Interior conveying a letter from the Acting Commissioner of Indian Affairs, addressed to the House Committee on Appropriations; and I was advised that the same came to the Senate Committee on Appropriations, a letter prepared by the Commissioner of Indian Affairs, addressed to the Secretary of the Interior, and by him communicated to the two Committees on Appropriations, the one in the Senate and the one in the House. This bill only passed the House three or four days ago. The measure diverting the annuities passed the Senate early in the session. As soon as the Secretary's attention was drawn to it he sent for me. I called upon him yesterday and was advised in regard to it; and I understood him—I know I saw a copy of the letter sent to the Committee on Appropriations of the House—that he had sent a copy of the same to the Committee on Appropriations of the Senate. I do not know whether they received it or not. Then it was that he made the suggestion and said he would communicate with me, and the letter I have read was sent and received this morning. There is no opportunity of referring it to the Committee on Appropriations. I never thought anybody would object to this amendment.

Mr. BUTLER. Will the Senator state why the House Appropriations Committee did not adopt the suggestion of the Secretary of the Interior?

Mr. COCKRELL. The bill was already in the Senate. The let-

ter of the Secretary of the Interior was sent yesterday, and the sundry civil bill was then here. The bill to which this refers passed the Senate last session, but only passed the House a few days ago. It appropriates a certain amount out of the annuities of these Indians. If that amount is all paid this year, it absorbs the whole fund. If the Secretary of the Interior and the Secretary of the Treasury can regulate it they will withhold the amount and pay it so that no harm will be done to these Indians. That is all there is in it. The Secretary of the Interior and the Commissioner of Indian Affairs recommend it, and it is perfectly correct.

Mr. CONKLING. Will the Senator allow me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. CONKLING. Does the Senator think this amendment is in order under the rule?

Mr. COCKRELL. I think it is, and I think I can show half a dozen decisions of the Senate that just such amendments are in order.

The PRESIDING OFFICER. The question is whether the point of order made by the Senator from Kentucky is well taken.

Mr. CONKLING. I ask the Chair to state the question again.

The PRESIDING OFFICER. The Senator from Kentucky has raised the point of order on the amendment offered by the Senator from Missouri, that it proposes general legislation to a general appropriation bill, and the question as stated by the Chair now is, Is the point of order well taken?

Mr. CONKLING. Those who vote in the affirmative vote that the point of order is well taken.

The PRESIDING OFFICER. And those who believe it is not vote in the negative.

Mr. SAUNDERS. Now let the amendment be read.

Mr. DAVIS, of Illinois. It has been read half a dozen times.

The PRESIDING OFFICER. If the Senator from Nebraska persists the Secretary will again read the amendment.

The Chief Clerk again read the amendment.

The question being put, there were on a division—ayes 25, noes 14.

The PRESIDING OFFICER. The Senate decides that the point of order is well taken.

Mr. BUTLER. I move now, on page 58, line 1657 to 1662 inclusive——

The CHIEF CLERK. From line 1657 to 1662 the Committee on Appropriations reported to strike out the following words:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. BUTLER. I move——

Mr. BECK. I rise to a point of order.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The Chair has not heard the motion of the Senator from South Carolina.

Mr. BUTLER. I move that the Senate non-concur in the amendment.

The PRESIDING OFFICER. That motion the Chair will hold is not now in order. It will come up when the bill is reported from the Committee of the Whole to the Senate.

Mr. BUTLER. I reserve it for that occasion.

Mr. GARLAND. I ask leave now to call up the amendment of which I gave notice. On page 54, line 1310, after the word "dollars," I move to insert:

Provided, That in addition to the duties of the Director of the Geological Survey as now prescribed by law, he may extend his examination of the geological structure and mineral resources and products into the respective States when requested by the authorities thereof.

Mr. BECK. I make the point of order that that is legislation.

Mr. GARLAND. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas submits his amendment.

Mr. GARLAND. I have the floor upon it and wish to say a few words.

This is the substance, in fact almost the identical language of a joint resolution passed by the House of Representatives, and that has for some time been on the table of the Senate. It simply asks that the Director of the Geological Survey may extend his work into the States, examining into their mineral resources and products upon the request of the authorities of the States. It does not compel him to go there, does not say he shall go there, but simply that he may go when he is invited to go by the authorities of a State.

If I had the time to read the report of the Director of the Geological Survey, I believe I could convince the Senate that this is a very necessary piece of work specified in this amendment. It does not ask for any additional sum to be appropriated, but it simply asks that these may be put upon him as additional duties when the authorities of a State request it. Its importance cannot well be overestimated to many States. A number of them have attempted to make geological surveys, and a number of them have failed because they have not the ability and means to make those surveys.

I will not undertake to detain the Senate now by going into details on this proposition, but I hope the Senator from Kentucky will not feel it his duty to make the point of order upon the amendment, because it was offered several days ago, printed, and referred to the Committee on Appropriations, and they had every opportunity, and I suppose they exercised the privilege they had, to look into this matter and consider it. I hope the Senate will come to a direct vote on the proposition.

Mr. BECK. I make the question of order that it is legislation on an appropriation bill.

The PRESIDING OFFICER. The question of order is made by the Senator from Kentucky that the amendment proposed by the Senator from Arkansas is not in order; that it is general legislation upon an appropriation bill.

Mr. JONES, of Florida. I want to vote intelligently on this subject. While I am in favor of this system I do not want to violate any rule of the Senate. I ask if this amendment will change the existing law on the subject?

Mr. BECK. It would extend the authority of the Director of the Geological Survey into States where by right he cannot go, and would require the payment of half a million dollars annually instead of $150,000.

Mr. JONES, of Florida. The duty of the survey is fixed by law.

Mr. BECK. It is confined to the national domain.

Mr. JONES, of Florida. This amendment proposes to extend it?

Mr. BECK. It does.

Mr. JONES, of Florida. I think it is general legislation.

Mr. GARLAND. I will say to the Senator from Florida that it enlarges the duties of the director of the survey. He may perform these duties in addition to the duties already imposed upon him by law, if the authorities of the State request it. It does not necessarily change any law, but throughout this whole bill we have provisions of that sort directing how the appropriations shall be expended. That is all there is of it.

Mr. SAULSBURY. This enacts a new provision of law.

Mr. WITHERS. I would suggest that if there was a provision of law now on our statute-book which would authorize this survey to be made in the States, this amendment is unnecessary; if it requires the enactment of a law to enable them to do it, it is general legislation.

Mr. DAVIS, of West Virginia. I understand there is a director of the geological survey at the head of it. This clause appropriates $150,000 for the expenses of that bureau. The Senotor from Arkansas now proposes to say that in addition to his present duties he may do so and so. That is the whole of it. If this be general legislation in the sense of the rule, then anything—I do not care what the proposition is—that may be offered in the way of an amendment is general legislation. If this is general legislation, no amendment whatever on which a question is raised can be offered on this bill.

Mr. WITHERS. Suppose it was proposed to make the amount of $150,000 $50,000 less, would that be legislation?

Mr. DAVIS, of West Virginia. That is not the proposition.

Mr. WITHERS. But the Senator said any amendment would be liable to the point of order.

Mr. DAVIS, of West Virginia. Any amendment outside of a mere appropriation. There is a bureau in existence; there is an officer in existence. The Senator from Arkansas proposes to add to that man's duties. While to-day he is confined to the national domain it is proposed that he may survey the States with their consent. The point which I present is, that if this be general legislation nothing can be added hereafter in any form, because here exists the appropriation, here exists the bureau officer, and here exists all the machinery, and the amendment says in addition to his duties now fixed by law he may go into the States and survey them by their consent.

The PRESIDING OFFICER. The Chair will state that debate upon a question of order is not allowable. The Chair has entertained the debate, as is usually done, by unanimous consent. The Chair decides, in accordance with the decision of the Senate made only a few moments ago, that this amendment is general legislation and is not in order, but will submit the question to the Senate if the Senator from Arkansas desires.

Mr. GARLAND. I do not desire to take up the time of the Senate. If the Chair decides it is out of order, I submit, though I had hoped that a matter of this great importance would have been permitted to go. There is very much legislation in the bill liable to the same objection if this is out of order.

Mr. VOORHEES. I gave notice of an amendment which I ask to have now read.

The CHIEF CLERK. At the end of line 1350 it is proposed to add:

That the proper accounting officers of the Treasury be, and they hereby are, authorized and directed to pass to the credit of Charles H. Nicholls, late superintendent of the Government Hospital for the Insane, the sum of $3,037.09, that being the amount disallowed in his accounts; and being the difference in salary between $2,500 and $4,000 per annum from June 22, 1874, to June 30, 1876; said disallowance having been made to conform to the requirements of the Revised Statutes, section 4839, adopted June 22, 1874; and the salary of the said superintendent is hereby fixed at $4,000 per annum, as originally provided in act of March 2, 1867.

Mr. VOORHEES. This has been considered carefully by the Committee on the Revision of the Laws and unanimously reported as a bill to the Senate during the present session, and unanimously passed by the Senate. Finding, however, that it will be impossible for it to get through the House I offer it in this shape. I offer it as an amendment to this bill under the direction also of the Committee on the Revision of the Laws; so that it stands as well as a measure can for approval. The committee have kindly allowed me to offer this inasmuch as it was considered in the committee, and I have heard no

objection to it. Now, if the Senate will, in view of the precious value of time, require no further explanation than this, I will stop. If not I can give the explanation of the merits of it very succinctly and plainly.

Mr. DAVIS, of West Virginia. We had just a moment ago an amendment offered which simply extended one step further the duties of the Director of the Geological Survey, and that was decided by the Chair to be ont of order. If that be so what is this amendment?

The PRESIDING OFFICER. Nobody has raised any question of order upon it.

Mr. DAVIS, of West Virginia. I understand——

Mr. VOORHEES. I am quite sure that the amiable chairman of the Committee on Appropriations will not do it.

Mr. DAVIS, of West Virginia. If it is not done, I suppose everybody will be coming in.

Mr. VOORHEES. But this matter has been considered by the committee, and not unfavorably.

Mr. DAVIS, of West Virginia. That is true, and the matter offered a moment ago had passed the House, been considered by the Committee on Appropriations, and yet it was ruled out of order.

Mr. BECK. It was not agreed to in committee.

Mr. DAVIS, of West Virginia. It was reported from the committee and on the Calendar.

Mr. BECK. The amendment was not before the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I referred to the joint resolution which was the basis of the amendment. I did not have reference to the amendment on this bill. If we permit this amendment, I do not see how we can prevent others, and I must raise the point of order.

The PRESIDING OFFICER. The Senator from West Virginia raises the point of order.

Mr. VOORHEES. I will say that that is so contrary to what I supposed of the Senator from West Virginia that I am taken by surprise, and consequently I am not as thoroughly posted on the question of order as I would have been if I had anticipated a necessity to discuss it; but I have no idea that it is out of order. It comes in connection with the provision made in the bill for the Government Hospital for the Insane. On what ground does the Senator from West Virginia say it is out of order?

Mr. DAVIS, of West Virginia. The Senate will observe if it has listened to the amendment that it is a correction of the law. If it is correcting the law, it is certainly legislation. It is also fixing a salary at probably what it ought to be. I admit everything that the Senator can say about the merit of it; perhaps this salary ought to be fixed at this sum; but it is legislation or it would not be necessary.

Mr. VOORHEES. Let me appeal to the Senator in behalf of a measure most meritorious and necessary. Let me state the situation of this matter, and then I will leave it to the Senate to decide whether I am in order or out of order.

In March, 1867, the salary of the superintendent of the Government Hospital for the Insane was fixed at $4,000 a year. Prior to that time it had been $2,500 a year. The increasing magnitude of that great institution was such that——

Mr. WITHERS. I suggest to the Senator from Indiana that the deficiency bill will be the more proper place for his amendment.

Mr. VOORHEES. With the assurance given me by the chairman and other members of the Committee on Appropriations, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. Hereafter when questions of order are raised the Chair will be compelled to decide them or submit them to the Senate, and not permit discussion further than a simple explanation of the object of the amendment.

Mr. MORGAN. I offer an amendment to come in after line 1603, on page 66:

For payment of expenses of an embassy to the government of Mexico, to consist of not more than two embassadors to act in connection with the minister plenipotentiary of the United States in Mexico, and for a secretary and a translator to attend such embassy, $25,000, to be expended under the direction of the Secretary of State.

Mr. BECK. The Committee on Appropriations considered that last night. The Senator from Connecticut [Mr. EATON] being absent we resolved that this might be offered and so far as we were concerned no point of order would be made upon it. It was laid over in consequence of his absence, he being chairman of the Committee on Foreign Relations. I make no point of order.

Mr. DAVIS, of West Virginia. I concur in what the Senator from Kentucky says.

Mr. MORGAN. I desire to say that the subject of an embassy to the government of Mexico has been before the Committee on Foreign Relations during this entire Congress. A formal resolution was sent to us from the House, and also a resolution has originated in the Senate. The Committee on Foreign Relations have given very attentive and diligent consideration to this question, and are of opinion that an embassy is required by the existing state of the relations between the two governments. It is not necessary now, and perhaps not proper in open session, to go into all the reasons which have influenced the Committee on Foreign Relations. The committee have been very deeply impressed with the necessity as well as the policy of sending an embassy to the Government of Mexico to readjust our diplomatic relations with that country. There is a prospect of immense gain and service to the whole country, a prospect of the realization of the hopes of many of the people of the United States and of many in Mexico also, that our relations shall become more kindly and that there shall be reciprocal advantages of trade.

Mr. DAVIS, of West Virginia. I wish to ask the Senator from Alabama a question. The amount named is $25,000; does he not think that large?

Mr. MORGAN. No, I do not, and I will state to the honorable Senator that after full conference with Mr. Evarts, the present Secretary of State, that amount was fixed upon as the amount which should be appropriated for such an object. The Government of the United States may not be called on to expend the amount; the Government of the United States may not find it necessary to send the embassy; but we make provision that during the summer, between now and the next session of Congress, the Government shall find itself in possession of the means to carry into effect its constitutional power if it desires to exercise it, and that is all the committee desires to accomplish.

I will state further, that in consultation with other gentlemen who I think are aware of what will be the policy of the incoming administration, this is very desirable.

Mr. EATON. I hope this amendment will be adopted by the Senate. It may be very important that this embassy should be established. It is a matter to be left to the incoming administration. If it is important that the President shall exercise the power, then he will exercise it; if it is not important he will not, and therefore no money will be expended, but the money ought to be placed at the disposal of the President. The Committee on Foreign Relations have no doubt on that subject.

Mr. MORGAN. I will modify the amendment by inserting "or so much thereof as may be necessary" after the word "dollars."

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 205) granting a pension to Jacob Gelwicks;

A bill (H. R. No. 1469) granting a pension to Mary Ann McCarrol;

A bill (H. R. No. 2549) granting a pension to Edward H. Mitchell;

A bill (H. R. No. 3309) for the relief of John T. Neale;

A bill (H. R. No. 3751) to amend chapter 198, volume 16 of the Statutes at Large;

A bill (H. R. No. 5066) to provide for the preparation of classified abridgments of all letters-patent of the United States;

A bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes, relating to suits at law affecting the title to mining claims;

A bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation;

A bill (H. R. No. 802) granting a pension to Wyatt Botts;

A bill (H. R. No. 1452) for the relief of James B. Furman;

A bill (H. R. No. 2439) granting a pension to Henry Mills;

A bill (H. R. No. 2773) granting a pension to James P. Hunter;

A bill (H. R. No. 3450) for the relief of Lewis A. Kent;

A bill (H. R. No. 3789) for the relief of Homer Fellows;

A bill (H. R. No. 6248) directing the payment of certain awards in favor of parties therein named;

A bill (H. R. No. 7032) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company;

A bill (H. R. No. 2269) for the relief of Calvin Bronson;

A bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service;

A bill (H. R. No. 4411) to establish an additional land district in the State of Kansas;

A bill (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy;

A bill (H. R. No. 5627) to amend section 1486 of the Revised Statutes in order to preserve the meaning of the original law from which it was taken with reference to the rank of engineer officers, graduates of the Naval Academy;

A bill (H. R. No. 5832) for the relief of David W. Bell;

A bill (H. R. No. 6479) for the relief of Thomas Snell;

A bill (H. R. No. 2769) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and in Narragansett Bay;

A bill (H. R. No. 3742) to authorize the Secretary of the Treasury to sell certain real estate belonging to the United States, and vesting the title to certain other lands in the city of Vincennes, in the State of Indiana, and for other purposes;

A bill (H. R. No. 6529) making appropriations for fortifications and

other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes; and

A joint resolution (H. R. No. 186) authorizing the Secretary of the Treasury to furnish States for the use of agricultural colleges one set of standard weights and measures.

SUNDRY CIVIL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

Mr. PENDLETON. I offer the following amendment. At the end of line 1618 to insert:

To enable the President to execute the provisions of section 1753 of the Revised Statutes for the promotion of efficiency in the different branches of the civil service, $15,000.

Mr. DAVIS, of West Virginia. It was conceded by the committee by a decided majority that no point of order would be made on that.

Mr. TELLER. Has the committee a right to waive the question whether it is in order under the rules?

Mr. PENDLETON. This is an amendment reported from a committee, referred to the Committee on Appropriations, and after examination it was not formally agreed to there, but this morning on the floor of the Senate I consulted with a number of members of that committee and they now agree to it.

Mr. TELLER. I do not rise to raise a point of order, but it strikes me as very remarkable that the committee should raise the point of order on one Senator and not on another. Here they do not raise the point of order.

Mr. PENDLETON. It is not possible to make a point of order, for it is carrying out existing legislation.

Mr. TELLER. Then let the committee say that it is not liable to the point of order.

Mr. BECK. I know of no point of order to which it is amenable. The Committee on Appropriations did not believe it was good policy to adopt it, and therefore did not report it as an amendment, but that does not prevent its being offered by the Senator from Ohio. The committee of which he is a member adopted it and referred it to us.

Mr. TELLER. The chairman of the Appropriations Committee said it was understood no point of order should be made. That was what I wanted to call the attention of the Senate to. I do not raise any point of order.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. BOOTH. I desire to offer an amendment which is clearly and unmistakably and indisputably out of order, and it can only be justified by a sovereign necessity. It is to come in as an additional section:

That section 1 of the "act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes," approved February 26, 1881, is hereby amended by striking out the words "including arrears" where they occur in the second paragraph of the section, and the words "including arrears" in the seventh paragraph of said section.

The accounting officers of the Treasury at first decided positively that under the phraseology of that act as it now stands they could not pay the accruing pensions to the soldiers of the war of 1812 unless these words were stricken out. They held a kind of consultation of war about it and finally came to the conclusion that they might pay them, but it was a matter of very great legal doubt and difficulty. They have prepared the amendment and ask that for abundant safety it be adopted. I know it is out of order.

Mr. BECK. I will not object to the amendment.

The amendment was agreed to.

Mr. WHYTE. The Committee on the Yorktown Centennial Celebration have unanimously agreed to the necessity of the purchase of the article named in the amendment which I have the honor now to present to the Senate, and the proposition has been submitted to the Committee on Appropriations, and I ask that this amendment be adopted. At the end of line 831, page 35, I move to insert:

For the purchase of a sword, bequeathed by George Washington, in his last will, to his nephew, George Lewis, and now belonging to the heirs of said George Lewis, the purchase to be made by the Secretary of the Treasury, at a sum not exceeding $10,000.

Mr. BECK. I make the point of order.

Mr. WHYTE. This amendment has been unanimously recommended by the Committee on the Yorktown Centennial, and it was offered two or three days ago and sent to the Committee on Appropriations.

The PRESIDING OFFICER. Does the Senator from Kentucky make the point of order.

Mr. BECK. I do.

The PRESIDING OFFICER. The Chair will decide that the amendment is not in order.

Mr. WHYTE. I ask that the Chair submit that question to the Senate.

The PRESIDING OFFICER. The Chair will submit it to the Senate if desired.

Mr. WHYTE. I request it.

The PRESIDING OFFICER. The question is, Is the amendment proposed by the Senator from Maryland in order?

Mr. WHYTE. I desire to say that the Committee on the Yorktown Centennial unanimously recommended this purchase.

Mr. CONKLING. Is this amendment reported by that committee as an amendment to this bill?

Mr. BECK. No, sir.

Mr. CONKLING. Simply offered by a Senator?

Mr. WHYTE. It was reported in a separate and distinct proposition, and, after it was offered, sent to the Committee on Appropriations.

Mr. CONKLING. And not reported by the committee?

Mr. WHYTE. No, sir.

Mr. CONKLING. I shall have to vote that it is out of order, and I shall do so with the less reluctance because the Senate having voted to build a brass house with plate-glass windows in a corn-field, I think that is enough in that particular direction for this session. Certainly believing this out of order I shall vote against it.

The PRESIDING OFFICER. Is the amendment in order? [Putting the question.] The noes have it, and the amendment is decided not to be in order.

Mr. HARRIS. At the end of line 593, after the word "law," I move to insert:

For the erection of buildings necessary to quarantine stations at Capello Sound and purchasing barges to convey sick, and keep channel open, and maintenance of same, $41,000.

For the erection of necessary quarantine buildings at Galveston, Texas, and purchase of vessels, and maintenance of the same, $50,000.

For the erection of buildings necessary to quarantine station at Hampton Roads, Virginia, and maintenance of same, $38,000.

Mr. WHYTE. How is that in order?

The PRESIDING OFFICER. Nobody has raised the question.

Mr. BECK. I raise every possible point as to that.

The PRESIDING OFFICER. The Chair will state that it has never been the habit of any presiding officer to rule an amendment offered by a Senator out of order, although he may believe it is out of order; the question is left to the committee in charge of the bill.

Mr. WHYTE. My inquiry was made of the committee.

The PRESIDING OFFICER. The Senator from Tennessee offers this amendment, and the Senator from Kentucky raises a question of order upon it.

Mr. HARRIS. I desire to state a single fact to the Chair. The amendment was reported from the Committee on Epidemic Diseases as an amendment to the sundry civil bill, and was two or three days ago—certainly more than one day—referred to the Committee on Appropriations. According to Rule 27 the Chair will not be able to rule it out of order.

Mr. DAVIS, of West Virginia. It is not objectionable on that rule; but it is general legislation. It makes an appropriation, and goes on to say a building shall be built. If it does not come under the rule that has been referred to, certainly it comes under the clause about general legislation if we are consistent with what we have been doing.

The PRESIDING OFFICER. If it is desired, the Chair will submit the question of order to the Senate.

Mr. HARRIS. I do not desire to take any time in respect to this matter. I have no objection to the Chair ruling or submitting the question to the Senate; but it is utterly impossible to put an amendment in shape under the rules that will be in order unless this is. It is the report of a committee, reported as an amendment, sent to the Committee on Appropriations, and has been in the custody of that committee for the last two or three days.

Mr. JONES, of Florida. What is the amendment?

The PRESIDING OFFICER. The amendment will be read.

Mr. McDONALD. I should like to ask the Senator from Tennessee a question for my own satisfaction. Is there any law now authorizing the erection of these buildings?

Mr. HARRIS. There is not.

Mr. McDONALD. And if they are erected they will be erected by force of this amendment?

Mr. HARRIS. There is a law in existence authorizing the National Board of Health to erect buildings of this general character, not these buildings by name. The act of June, 1879, authorized them to construct quarantine buildings wherever they may be necessary. That general statutory authority exists, but not these particular buildings by name.

Mr. JONES, of Florida. Let the amendment be read.

The Chief Clerk read the amendment proposed by Mr. HARRIS.

Mr. HARRIS. I desire to say one word as a matter of fact. There are the estimates of the Board of Health sent to the Secretary of the Treasury, and by him communicated to the two Houses of Congress; to that extent they are estimates.

Mr. DAVIS, of West Virginia. If it be not legislation what do you want the amendment for?

Mr. HARRIS. We want the money; an appropriation is what we want.

Mr. DAVIS, of West Virginia. It is both legislation and an appropriation.

Mr. HARRIS. I beg to assure the Senator from West Virginia that if he gives me the money I do not need legislation. I have abundant power to do all that is estimated for if he will give the money.

Mr. HILL, of Georgia. That shows it is not general legislation, because we only want money.

Mr. DAVIS, of West Virginia. Almost anything may be done if you have the money.

Mr. HILL, of Georgia. It is nothing but a simple appropriation; it is not general legislation.

Mr. DAVIS, of West Virginia. This is not only general legislation but it is making an additional appropriation to a very considerable extent; and if it was not out of order, in my judgment, it ought not to be done. The Committee on Appropriations examined into this health question, gave it considerable care, and they have already advanced $50,000 over what the House appropriated for the National Board of Health.

Mr. HARRIS. I have not felt at liberty to refer to the merits of this proposition at all on the question of order; and though I do not think it proper to do so, if the Senator from West Virginia desires to debate the merits of the proposition, I am perfectly willing that we shall do that when the proper time comes. The question now is, is this amendment in order? If so, then I may have something to say in respect to the question of merit, and I can show the Senator from West Virginia that he has appropriations of millions in this bill that I think right and proper; I have no objection to them, but resting precisely upon the same principle and relating to subjects vastly less in importance than the one to which this amendment refers. I only ask for $130,000 for an object of more intrinsic value to the people of this country than other objects for which millions of dollars are appropriated by this identical bill.

Mr. WITHERS. Mr. President, on the point of order I wish to state that the amendment offered is in my opinion distinctly within the rules of order. The twenty-seventh rule goes on to define that—

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation—

Which this does—

> unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate.

This has been moved by the order of a select committee of the Senate, and therefore it comes within the provisions of the rule. As to being legislation, it is no legislation; it is simply asking an appropriation in pursuance of legislation which already exists on your statute-book.

The PRESIDING OFFICER. The Chair will submit the question of order to the Senate. Is the amendment offered by the Senator from Tennessee in order?

The question being taken by a division, there were—ayes 20, noes 19.

Mr. DAVIS, of West Virginia, called for the yeas and nays, and they were ordered.

Mr. EATON. I only want to say one word. I think this amendment comes within every rule. I am sorry to be compelled to say so, for I shall have to vote against the amendment on its merits. That is a different thing. But here is an estimate; and it is from a committee of this body.

Mr. DAVIS, of West Virginia. Will my friend allow me? There is no estimate that I have ever seen.

Mr. EATON. It is not necessary that there should be, but I think there has been; no matter about that, it comes from a regular standing committee, and that committee sent it to the Committee on Appropriations days ago. Therefore it is brought within the rule. I shall be compelled to vote against it on its merits, but I think it is in order.

Mr. DAVIS, of West Virginia. There is a question of fact about the law now existing which empowers the board to build houses, I think perhaps the Senator from Tennessee is mistaken about; no such law has been shown to me. If there was such a law the board would not want this provision.

Mr. HILL, of Georgia. We want the money.

Mr. DAVIS, of West Virginia. I understand the money is wanted, but money has been appropriated largely, I think $500,000 originally for this board, and if there is authority of law for this, why not do it out of the money already appropriated?

Mr. HARRIS. Will the Senator allow me to ask him if he does not know that that large sum has not been expended, only a portion of it has been expended, and without any legislative authority to expend it we cannot expend it.

Mr. DAVIS, of West Virginia. But I understand Senators to assume that there is authority. The head of this board has not the authority, and he comes here and asks it.

Mr. HARRIS. The Senator is mistaken. We had abundant authority, and did not expend it because we were not ready to spend it at that time and are now.

Mr. DAVIS, of West Virginia. The Senator asks that the Senate go on and increase the large sum already appropriated for the Board of Health. It requires legislation to carry it out, and it does come within the general rule though it has been referred to the Committee on Appropriations. It certainly comes under the rule of general legislation. He wants general legislation to make the appropriation; he wants general legislation to erect the buildings; he wants it to get the land, the site, &c. General legislation has to do all these things. It certainly brings it under the clause as to general legislation in my judgment.

The PRESIDING OFFICER. Is the amendment in order? On this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HAMPTON, (when Mr. BOOTH's name was called.) The Senator from California [Mr. BOOTH] asked me to announce that he was paired with the Senator from Tennessee, [Mr. BAILEY.]

The roll-call was concluded.

The result was announced—yeas 23, nays 14; as follows:

YEAS—23.

Baldwin,	Eaton,	Jonas,	Vance,
Brown,	Ferry,	Maxey,	Vest,
Bruce,	Garland,	Morgan,	Walker,
Burnside,	Hampton,	Paddock,	Williams,
Call,	Harris,	Platt,	Withers.
Coke,	Hill of Georgia,	Slater,	

NAYS—14.

Beck,	Logan,	Rollins,	Wallace,
Davis of W. Va.,	McDonald,	Saulsbury,	Whyte.
Farley,	McMillan,	Saunders,	
Kernan,	Pugh,	Teller,	

ABSENT—38.

Allison,	Cockrell,	Hoar,	Pendleton,
Anthony,	Conkling,	Ingalls,	Plumb,
Bailey,	Davis of Illinois,	Johnston,	Randolph,
Bayard,	Dawes,	Jones of Florida,	Ransom,
Blaine,	Edmunds,	Jones of Nevada,	Sharon,
Blair,	Groome,	Kellogg,	Thurman,
Booth,	Grover,	Kirkwood,	Voorhees,
Butler,	Hamlin,	Lamar,	Windom.
Cameron of Pa.,	Hereford,	McPherson,	
Cameron of Wis.,	Hill of Colorado,	Morrill,	

The PRESIDING OFFICER. There is not a quorum voting.

Mr. BECK. I ask for a call of the Senate.

The PRESIDING OFFICER. The roll will be called.

Mr. TELLER. What is the use of calling the roll? We know who is here.

Mr. BECK. I only desire to say that unless the bill pass to-night——

Mr. WITHERS. I raise the point of order that it is out of order to debate a motion when the roll is being called.

Mr. BECK. By unanimous consent I thought I might be allowed to make a remark.

Mr. BAYARD. By unanimous consent can I not vote on the measure the result of the vote on which has just been announced?

The PRESIDING OFFICER. It cannot be done. The roll will be called; that is the quickest way.

The Secretary proceeded to call the roll.

Mr. INGALLS. The Senator from New Hampshire [Mr. BLAIR] before leaving the Chamber a few moments since requested me to state that he was paired with the Senator from New Jersey, [Mr. RANDOLPH.]

The PRESIDING OFFICER. Fifty Senators are present. There is a quorum. The question recurs, Is the amendment of the Senator from Tennessee in order, upon which the yeas and nays have been ordered?

Mr. DAVIS, of West Virginia. The yeas and nays were called, I believe. Now, I ask would it be in order to lay the whole matter on the table so as to get rid of it?

Mr. WHYTE. The amendment is not yet before the Senate. There is a question of order whether it shall be received.

Mr. DAVIS, of West Virginia. To save time I withdraw the point of order and move to lay the amendment on the table. That will bring us to a direct vote and settle the whole matter at once.

The PRESIDING OFFICER. By unanimous consent the point of order is withdrawn, and the Senator from West Virginia moves to lay the amendment on the table.

Mr. VOORHEES. It is obvious that it is with difficulty that a quorum is continued here, and it is not strange that it should be so. I think it would be good policy and economy of time and of strength to take a recess until eight o'clock, and then come back and finish this bill.

Mr. WITHERS. I hope the Senate will not do that. If we take a recess we shall not have a quorum here to-night, and to-morrow it will be too late to pass this bill.

Mr. VOORHEES. We shall get a quorum at eight o'clock much easier than we can get one now. I thought this bill could have been finished by this time; but if it is going to keep us two or three hours more, we had better take a recess till eight o'clock and come back and finish this bill and do other business to-night. Let me ask the managers of the bill—I desire to follow the lead of the committee—if the Senator from Kentucky and the Senator from West Virginia wish us to stay here and finish the bill? And what is the purpose, then, to adjourn, or to take a recess and have a night session?

Mr. DAVIS, of West Virginia. To adjourn when we finish the bill, I hope; and to-morrow morning the committee propose to have the deficiency bill ready.

Mr. McDONALD. It is very important that we should have an executive session to-day.

Mr. BECK. I only desire to say that if we take a recess now, or fail to stay here until this bill is finished, I have no expectation of its

becoming a law at all; and those who desire to have this bill passed will stay here till it is done, because I know we shall have no quorum if we ever separate. I know in addition to that there are reasons to-night why a large number of gentlemen do not wish to come back.

Mr. VOORHEES. I will not press the motion, but I do not see how the Senator from Kentucky knows more than anybody else does how there will not be a quorum here at eight o'clock. We had a quorum last night.

Mr. WILLIAMS. I would rather stay here four hours now than go off and come back.

Mr. WALLACE. As far as I am concerned, I do not care whether the Senate continues to sit now or takes a recess now and comes back at half past eight o'clock. There are one hundred and five cases on file in executive session. We need an executive session certainly, and I trust the Senate when it finishes this bill will go into executive session to-night in order to dispose of the executive calendar. The idea that we are to finish this bill and then to adjourn seems to me to be improper and incorrect.

Mr. DAVIS, of West Virginia. I meant that so far as this bill was concerned, I was willing to adjourn when it was concluded.

Mr. MORGAN. I call for the regular order.

Mr. HARRIS. I call for the regular order, which is the motion the Senator from West Virginia has made to lay my amendment on the table; and in view of the very great pressure on the time of the Senate, I will not even appeal to the Senator from West Virginia to withdraw that motion so that I can give a brief explanation of the merits of the amendment I have offered. I am quite content to let the sense of the Senate be taken on his motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia to lay the amendment of the Senator from Tennessee on the table.

The motion was agreed to; there being on a division—ayes 28, noes 21.

Mr. BALDWIN. I desire now to offer the amendment of which I gave notice the day before yesterday. It is an amendment to come in after line 105:

Court-house, post-office, and custom-house, Detroit, Michigan: For continuation, repairs, and extension in accordance with specifications submitted by the Supervising Architect of the Treasury, and for the purchase of the necessary land contiguous to the land now owned by the United States and on which said building now stands, $150,000.

Mr. BECK. I make the point of order; that is legislation.

Mr. BALDWIN. I do not now intend to discuss the merits of this proposition, because the point of order has been raised. I will simply say that the amendment which I offered has received the approval of the Committee on Public Buildings and Grounds and it has once passed the Senate.

Mr. BECK. There are just fifty-six new buildings pressed upon us. If this comes in, every other one of the fifty-six is as meritorious as this.

Mr. BALDWIN. If I am permitted to discuss the merits of the amendment, I am prepared to do so; but the point of order has been raised, and I simply state the facts and leave it there for the moment.

The PRESIDING OFFICER. The Senator from Kentucky makes the point of order that the amendment is not in order.

Mr. FERRY. I should like to ask the Senator from Kentucky upon what ground he raises the point of order?

Mr. JONES, of Florida. I have no right to go into the merits of the case on this motion.

The PRESIDING OFFICER. The Senator from Michigan asks the Senator from Kentucky a question.

Mr. FERRY. I understand this to have been recommended by a committee. If that is so, it is in order.

Mr. BECK. It is legislation on an appropriation bill. It may have been before us, but I do not know that it has been.

Mr. FERRY. It is not general legislation; it is special legislation. It has been recommended by a committee and passed by the Senate once. I cannot see the force of the point of order raised by the Senator from Kentucky.

Mr. JONES, of Florida. Did I understand the Senator from Michigan to say that the Committee on Public Buildings and Grounds had recommended this amendment as an amendment to the sundry civil bill?

Mr. BALDWIN. No, sir, I did not say that they recommended it as an amendment to this bill, but they have recommended precisely a similar measure.

Mr. JONES, of Florida. That is the point. The Committee on Public Buildings and Grounds did in this case, as it did in a great many others equally as meritorious, provide for the construction and the repair of buildings throughout the Union, and I can say in favor of one in my own town, which passed this body, received the sanction of my committee, and of the Senate, and that is all the indorsement this proposition has received, but as an amendment it has not received the sanction of the Committee on Public Buildings and Grounds as a distinct proposition.

The PRESIDING OFFICER. The Chair decides that this amendment is not in order, that it is clearly general legislation, as it provides for the purchase of grounds by the Government of the United States.

Mr. BALDWIN. I may be permitted to say one word in answer to what the Chair has said, that the amendment is not in order because it provides for the purchase of land. It provides for the purchase of a strip of land adjoining the present Government building, precisely as was recommended by the Committee on Public Buildings and Grounds and passed in the bill. If it is out of order for that reason, it is out of order because it is to enlarge the existing building. It is precisely in the language of the recommendation of the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. If the Senator desires the Chair——

Mr. BALDWIN. I simply make that point, because the Chair made it, in answer to what the Chair said. The Chair, as I understood him, decided this was out of order, not because it had not been recommended, but because it embraced a provision for the purchase of a strip of land.

The PRESIDING OFFICER. The Chair said it was clearly out of order on that ground, and he thought also it was out of order on other grounds which the Chair did not take the time to state, as that was a point very clear to the mind of the Chair.

Mr. MAXEY. From the Committee on Military Affairs, I offer the following amendment, to be inserted at the end of line 672:

For constructing bridge over the Pecos River, on the new military road, from Fort Clark, Texas, to Fort Davis, Texas, $10,000.

I desire only to say that the amendment comes by direction of the Committee on Military Affairs. Their recommendation is based upon the recommendation of the Secretary of War, which I hold in my hand, upon that of the commanding officer of the Department of Texas, upon the recommendation of the quartermaster of the Department of Texas, and upon the recommendation of the Quartermaster-General. I laid these papers before the committee myself, and I learned that afterward and without my knowledge the committee rejected the amendment upon a statement made by General Sherman, I believe. I have always heretofore thought that the Quartermaster-General and the quartermasters were the men who had to do with transportation, with bridges, &c. The action of the committee was based, as I learned, upon the idea that there would be a railroad there to supersede this. It is news to every man in Texas that there will be a railroad there within any reasonable time; for any railroad now projected in Texas will miss that route by at least fifty miles. It will pass fifty miles north of it. I have a map here. In support of the recommendation of the Quartermaster-General I will state that, as is known to everybody, the Pecos River is liable to a sudden rise of fifteen, twenty, and thirty feet in a few hours; it is on the important military road leading from Fort Clark to Fort Davis in the State, and it will be an annual saving, as the Quartermaster-General has shown, of over three thousand dollars, and the appropriation is only $10,000. The communication from the War Department is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 28, 1881.

SIR: I respectfully ask your attention to a letter of the Secretary of War and accompanying papers, in relation to laying an iron bridge over the river Pecos, on the military road lately constructed or in course of construction.

This river is a great obstruction to the transfer of troops from point to point of the frontier, and a bridge is necessary to its certain or quick passage, as well as a necessary part of the new road.

The papers referred to show that the use of this road, to which the bridge is necessary, would reduce the expense of transporting supplies enough in one year to pay for the bridge.

This question was referred to the Military Committee of the House, which unanimously reported favorably and recommended to the Committee on Appropriations to include $10,000 for this object; but to no purpose.

Most respectfully, yours,

J. E. JOHNSTON.

General S. B. MAXEY,
United States Senate.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., October 7, 1880.

SIR: I have the honor to inclose herewith certain papers in relation to bridge over the Pecos River near its mouth.

It will be seen that the brigadier-general commanding the Department of Texas asks that Congress be requested to appropriate $10,000, or so much thereof as may be necessary, in order to build a permanent iron bridge on the line of a new road between Fort Clark, via the mouth of the Pecos, to Fort Davis, Presidio del Norte, and cantonments at Peña Colorado, and Chinati Mountains; say saving seventy-five to one hundred and fifty miles in length of wagon haul, and that he is of opinion that the use of this road would save in one season more than $10,000, the cost of the bridge.

A statement of the transportation by the old route and by contract trains during the year 1879–'80 is inclosed.

About seven hundred and ninety thousand pounds were hauled to Fort Davis at a cost of $20,781.87.

Had the new route been opened, it is stated that on this hauling there would have been a saving of $3,418.37.

Nothing was sent last year to the cantonments spoken of.

I recommend that Congress be asked to make an appropriation of $10,000 for construction of a permanent iron bridge over the Pecos River on the new military road from Fort Clark to Fort Davis, Texas.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General,
Brevet Major-General United States Army.

To the honorable the SECRETARY OF WAR.

HEADQUARTERS DEPARTMENT OF TEXAS,
OFFICE CHIEF QUARTERMASTER,
San Antonio, Texas, September 24, 1880.

* * * * * * *

There were transported during the fiscal year 1879–'80 by contract trains over

the road which the "new road" is intended to supplant the following military supplies, namely:

From—	Miles.	Pounds.
San Antonio to Fort Davis	466	725,867
Austin to Fort Davis	492	45,824
Fort Clark to Fort Davis	340	9,159
Total		780,850

The cost of transportation of said stores over the old road at contract rates was $24,200.24. The cost of transportation of said stores by the "new road," if the same had been completed and practicable for use by freight trains, would have been as follows, namely:

From—	Miles.	Pounds.	Amount.
San Antonio to Fort Davis	397	725,867	$19,163 52
Austin to Fort Davis	477	45,824	1,453 56
Clark to Fort Davis	271	9,159	165 06
Total by new road			20,781 87
Difference in favor of new road			3,418 37

No stores were transported last year by contract trains from either San Antonio, Austin, or Fort Clark to Presidio Del Norte, Peña Colorado, or Chinati Mountains.

BENJAMIN C. CARD,
Brevet Brigadier-General, Chief Quartermaster.

WAR DEPARTMENT,
Washington City, December 17, 1880.

SIR: Referring to the letter from this Department of the 15th instant, concerning the construction of a bridge across the Pecos River, in Texas, I have the honor to forward to the House of Representatives copy of a report from the Quartermaster-General, dated October 7, 1880, in which he recommends an appropriation of $10,000 for construction of the bridge.

ALEX. RAMSEY,
Secretary of War.

To the SPEAKER
Of the House of Representatives.

WAR DEPARTMENT,
Washington City, December 15, 1880.

SIR: I have the honor to transmit to the House of Representatives copies of papers received from the Quartermaster-General, showing the necessity for a bridge for military purposes across the Pecos River, in Texas, and to respectfully recommend an appropriation of $10,000 for the construction of the bridge, which sum has been approved by the Secretary of War.

Respectfully submitted,

H. T. CROSBY,
Chief Clerk, for and in the absence of the Secretary of War.

To the SPEAKER
Of the House of Representatives.

Mr. BECK. The Senator from Texas states very properly that the decision was arrived at by the committee in his absence. All our decisions were arrived at in the absence of the Senators who made propositions before the committee.

Mr. MAXEY. I meant by that statement that I had no knowledge of the action of the committee.

Mr. BECK. We had proposition after proposition for building bridges, building telegraph lines, and many things were urged upon us by the heads of the different Departments of the Government. General Hazen was before us, and some other officers. Among others we sent for General Sherman, who of course was well informed about this matter. He had a map, and explained it to us as well as he could, and the committee came to the conclusion after hearing him that this bridge and quite a number of others were not needed for the military service of the United States. He seemed to be very familiar with the subject. Therefore we reported against the amendment. That is all there is in it; and in order to test the sense of the Senate, I move to lay the amendment on the table.

Mr. MAXEY. I only desire to say that I place the statements of the quartermaster who has charge in Texas and the Quartermaster-General and the Secretary of War on a little appropriation of $10,000 for a bridge which all who know anything about the country know it to be proper to construct, and that it will be missed by any railroad that may be built by fifty miles, against the verbal statements made or reported as having been made. But it is for the Senate to do as they please about it.

Mr. BECK. I move to lay the amendment on the table, and let the Senate decide it one way or the other.

The motion was agreed to.

Mr. HEREFORD. I was about to offer an amendment to come in after the word "clerk," in line 1657, but I am informed that the clause to which my amendment relates has been stricken out.

The PRESIDING OFFICER. Those lines have been stricken out, and the amendment will not be in order until the bill is reported to the Senate.

Mr. HEREFORD. I reserve the right to ask for a separate vote in the Senate on striking out the clause.

The PRESIDING OFFICER. That amendment has already been reserved by some Senator.

Mr. COKE. By direction of the Committee on Indian Affairs, after line 1424 I move to insert:

For the payment of the expenses of the Miami delegation from Indian Territory now in Washington, to be immediately available, to be deducted from the funds of said Miami Indians held in trust by the United States, $1,500.

Mr. BECK. That is precisely similar to the amendment that we inserted from line 1425 to 1432 relating to the Peoria and other Indians. It was omitted, and it ought to be inserted in my opinion.

Mr. COKE. Do I understand that the amendment is accepted?

Mr. BECK. As far as I am concerned. The Senate can do as it likes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas, [Mr. COKE.]

The amendment was agreed to.

Mr. COKE. I am instructed by the Committee on Indian Affairs to propose the following amendment, to be inserted in line 1416, after the word "Indian:"

The Secretary of the Interior is hereby authorized to expend so much of the fund belonging to the eastern band of Cherokee Indians arising under the act of Congress approved March 29, 1848, now to their credit on the books of the Treasury under the act of Congress approved August 15, 1876, as may be necessary to pay the expenses of such members of said band as have removed or may hereafter remove and unite with the Cherokees in the Indian Territory, as provided in the treaty of December 29, 1835, with the Cherokee Indians: *Provided*, That the amount so used shall not exceed the sum of $53.33 for each person so removing.

One word in explanation of this amendment. It is offered by instruction from the Committee on Indian Affairs. It has been before the Committee on Appropriations. It is asked for by the Secretary of the Interior and by the Commissioner of Indian Affairs in furtherance of a well known policy of the Government of the United States to encourage the emigration of the North Carolina Cherokee Indians to the Indian Territory. The amendment is for the purpose of paying the expenses of those Indians now desirous of going West. It is an appropriation out of their own money, and I hope that the amendment will be adopted.

Mr. BECK. I desire to say that we had the letter of the Secretary of the Interior before us, and we sent for the Commissioner of Indian Affairs. He appeared before us, and we talked over this matter as fully as we could in the hurry of many other things. I think the number of Indians was stated at sixteen or eighteen, very few at any rate, and he said it was not important enough to make much difference about it one way or the other, and we discarded the amendment because it was deemed rather unimportant.

Mr. COKE. It was of sufficient importance to justify the writing of a voluminous letter from the Interior Department to the chairman of the Committee on Indian Affairs. It is at the suggestion of the Interior Department that this amendment is offered, and I hope it will be adopted.

Mr. DAVIS, of West Virginia. Do I understand the Senator, as chairman of the committee, to recommend it? Has he examined it?

Mr. COKE. I submit the amendment by instruction of the Committee on Indian Affairs.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas, [Mr. COKE.]

The amendment was agreed to.

Mr. BECK. It will make no difference to the Senator from Texas to insert the amendment after line 1424, so as not to separate it from the other?

Mr. COKE. Very well.

The PRESIDING OFFICER. The amendment just agreed to will be inserted after the other amendment if there be no objection.

Mr. MAXEY. I wish to offer an amendment. After line 813 I move to insert:

For construction of a two-story stone warehouse, 43 feet by 155 feet, at San Antonio arsenal, Texas, $14,000.

For construction of a shed for artillery carriages at same arsenal, $2,455.

For construction of one set of officers' quarters, same arsenal, $8,000.

I desire to state that all those items are estimated for. The Chief of Ordnance says in regard to all three that they are absolutely necessary and have been so for years. His letter is as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, February 25, 1881.

DEAR SIR: The inclosed estimates for San Antonio arsenal are taken from the Book of Estimates, pages 128 and 129. Before the House sub-committee on the sundry civil bill I urged an appropriation for the erection of buildings at that arsenal to replace the old and worn-out. The last three items, for warehouse, artillery shed, and quarters, are absolutely necessary and have been so for years.

The arsenal was inspected by Colonel Benton last spring and he reported to this effect. Speaking of the wooden sheds for storage of ordnance stores, he says:

"Besides being unsafe these storehouses are not even extensive enough for the present wants of the arsenal. To meet not only the present wants but the probable future wants, these storehouses should be replaced as rapidly as possible by others larger and more substantially built."

He recommends the following new buildings: 3 storehouses, 150 feet by 40 feet; 1 artillery shed 150 feet by 35 feet; 2 new shops, (carpenter's and saddler's;) 1 set officers' quarters.

He had to recommend the removal of certain guns, carriages, &c., to relieve the storehouses, "owing to their crowded condition."

The quarters now occupied are old and in bad condition and not worth the cost to place them in proper repair. An expert examination of them showed that it would take at least $2,000 to repair them "so that a person could live in it with safety. Such an amount could be spent every two or three years." Captain Phipps, commanding, reports "that they are old, unhealthy from dampness, and need at the present time extensive repairs. It would be wisest to build anew rather than waste money in continual repairs."

I have the honor to bring this matter to your notice. - General Ord, while here

recently, urged me to get an appropriation of not less than $40,000 for buildings at that arsenal, and he considered new erections of great necessity, and the arsenal itself of the first importance to that frontier.

Respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

Hon. S. B. MAXEY,
United States Senate.

The estimates are as follows:

Estimates of appropriations required for the service of the fiscal year ending June 30, 1882.

[Estimated amount required for each detailed object of expenditure.]

San Antonio arsenal, San Antonio, Texas:

Construction of a two-story stone warehouse, 43 feet by 155 feet..... $14,000 00

[NOTE.—The present storehouses are one-story wooden structures, and of insufficient capacity; two of them (built by the confederates during the war) are so rotten that they should be torn down. A commodious and fire-proof building for the storage of the valuable property kept here should be at once provided.]

Construction of a shed for artillery carriages..... 2,455 00

[NOTE.—The artillery carriages, caissons, &c., are at present parked out of doors, there being no building suitable or available for their shelter.]

Construction of one set of officers' quarters..... 8,000 00

[NOTE.—The only quarters for officers is a building built thirty years ago, originally poorly built, and of poor material. It is very much out of repair, and should be torn down and a new one built in its place. The commanding officer of this arsenal, being also chief ordnance officer of the department, should have an assistant to relieve him of the responsibility of money and property, so that he could be at liberty to make inspections at posts in the department at all times. A second set of quarters should therefore be provided.]

Mr. COKE. Mr. President, one word before the vote is taken. The buildings the amendment is proposed to construct will be needed as long as the boundaries of the United States remain as at present fixed. So long as the Rio Grande is our southern boundary, so long will buildings of this character be needed at San Antonio. They ought to be permanent and enduring; it is true economy to have them so. The buildings now there to supply which we seek an appropriation are miserable, untenantable shanties. The report of the officer in charge is the evidence on which I base this allegation. This report is not controverted, indeed is admitted to be true. Why not, then, in view of the necessity for buildings of this character at San Antonio, and of the fact that we will always need the buildings estimated for, because San Antonio must continue to be Army headquarters, expend money enough at once to build proper enduring structures, such as will last and do the service we all know will be required of them in the future. I hope the amendment of my colleague will be adopted.

Mr. DAVIS, of West Virginia. I wish to ask the Senator from Texas how much did we appropriate last year?

Mr. MAXEY. I see of course the chairman of the committee does not understand the case. The headquarters of the Department of Texas is one thing. For that an appropriation has been made, and it is at least three miles from the arsenal. The arsenal and arsenal grounds furnish all the ordnance and ordnance stores for the entire Department of Texas. The Chief of Ordnance, not only in the letter I have read, but personally came to me to see about it, and I know the quarters myself. He says these three buildings are absolutely necessary to protect the arsenal, which he says is one of the best constructed arsenals in the United States; but of course I take it for granted the amendment will be voted down.

Mr. BECK. I have only to say that we sent to the heads of all the Departments and endeavored to get all the information we possibly could.

Mr. MAXEY. Here is the letter I read.

Mr. BECK. I know the letter of General Benét was read and there were statements on all sides, and we thought this of no more importance than other propositions that were urged, and did not see fit to recommend it. It is for the Senate to do what they like with it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The question being put, there were on a division—ayes 12, noes, 19; no quorum voting.

Mr. DAVIS, of West Virginia. I hope the Senator from Texas will consider that to be the sense of the Senate, and by unanimous consent let us get along with the bill.

The PRESIDING OFFICER. Does the Senator ask for a further division?

Mr. DAVIS, of West Virginia. No question is raised.

The PRESIDING OFFICER. The Chair has not announced the result of the count officially.

Mr. MAXEY. I do not ask for any further division. I took it for granted that I should get beaten when I began, because it is too good a case.

The PRESIDING OFFICER. The amendment fails.

Mr. MORGAN. At the end of line 1618 I move to add:

For printing and distributing monthly the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, $10,000.

I desire to say in reference to this amendment that the Secretary of State was not in Washington at the time that the committee of the House had this bill under consideration. The House made an appropriation in the legislative, executive, and judicial appropriation bill of $7,000 for the printing of the monthly consular reports. The Senate added $8,000 to that appropriation, making it $15,000. Thereupon the Secretary of State on his return from New York finding that the appropriation had only gone up to $15,000 submitted a special estimate, which was laid before the Committee on Appropriations, in which he asked for $20,600, giving credit for the $15,000 which he supposed would be appropriated by Congress. When the legislative, executive, and judicial appropriation bill went into conference that *imperium in imperio* struck out the $8,000 and let the appropriation down to $7,000. I move now to add $10,000, so that the appropriation will be $17,000, which is nearly $4,000 short of the recommendation of the Secretary of State.

I desire to say what I suppose is known to every Senator here, that the publication monthly of the consular reports is not only a very attractive manner of giving information as to our condition abroad, but the commercial men throughout the United States are seeking with great avidity for this publication. We are the only government in the world that communicates to our mercantile community monthly reports of consuls in all the different ports of the earth, and this information coming from these consular officers at foreign ports is stimulating trade and industry of every kind and increasing our commerce more rapidly than any agency we have resorted to in very many years. It is equal to a line of ships almost running back and forth between a port of this country and foreign ports.

I therefore ask that the Senate vote this appropriation of $10,000, which, added to the $7,000 in the legislative, executive, and judicial appropriation bill, will make the appropriation only $17,000, which the Secretary of State urgently recommends, because he says that he urges us to give him the money to carry on this work.

Mr. MORRILL. I hope the addition will be made. I know of no publication on the part of Congress that is so valuable as these consular reports. I believe they are printed throughout the whole country. I trust the amendment will be unanimously agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama, [Mr. MORGAN.]

The amendment was agreed to.

Mr. PADDOCK. After line 1230 I move to insert:

For reimbursement to persons who have taken under the homestead or other laws, by homestead settlement, purchase, or otherwise, from the United States, lands within the limits of a grant of lands made in pursuance of an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom or to whose grantees patents therefor were issued, and against whom or whose grantees afterwards a decree has been, or shall be, recovered in the circuit court of the United States setting aside such patent on account of the priority of the grant hereinbefore recited, $50,000, or so much thereof as shall be required: *Provided*, That when there shall be filed in any such case with the Secretary of the Interior a certified copy of such decree, together with a certificate of the judge of the court making the same, to the effect that the said decree was recovered in a *bona fide* controversy between a claimant as aforesaid from the United States direct and a claimant under such grant to the State of Kansas for the Northern Kansas Railroad and Telegraph, he shall adjust and make his requisition on the Treasury for the payment of the same to such original claimant or his grantee, on the basis of $2.50 per acre for each tract the patent for which was canceled and set aside as aforesaid.

Mr. BECK. That is clearly general legislation. I make the point of order that it is new legislation.

Mr. DAVIS, of West Virginia. It is general legislation.

The PRESIDING OFFICER. The Senator from Kentucky raises the question of order that the amendment is not in order.

Mr. PADDOCK. I suppose I shall be obliged to submit, although I regret exceedingly to be compelled to do so.

The PRESIDING OFFICER. The Chair decides that the amendment is not in order. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Shall the amendments made as in Committee of the Whole be acted on separately or all together?

Mr. BECK. All together, unless there is objection.

The PRESIDING OFFICER. One amendment has been reserved. If no further amendment is reserved it will be the only one, and the question is on concurring in all the amendments made as in Committee of the Whole with that exception.

The amendments were concurred in.

The PRESIDING OFFICER. The amendment which was reserved will now be reported.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out the following clause, from line 1657 to line 1662, inclusive:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendment made as in Committee of the Whole, striking out the clause which has been read?

Mr. BECK. May I be allowed to say a word? The House inserted a provision to pay their employés thirteen months for twelve months' work. That is the whole of it. Many of their employés now are paid more for twelve months' work than the corresponding officers of the Senate are receiving for twelve months' work. The House has been trying for years to cut down the pay of the employés of the Senate, holding us in conference night after night to force us to do it. We have said to them, "You may do what you please at your end of the

Capitol; we will not interfere with you in increasing the pay of your employés; but we are not going to cut down the pay of our employés at your dictation." They have taken this indirect mode of increasing the pay of their employés by adding a month to the year. They refuse to regulate the pay of their own employés in such a way as they ought, but insert a provision in the sundry civil bill adding a month's pay to all their employés. Our objection is that if they are going to increase the pay of their employés they should do it directly; that they should do it in a fair way.

Mr. JONES, of Florida. Why should discrimination be made between the employés of the House and of the Senate?

Mr. BECK. It should not be, and therefore we struck out the clause.

Mr. JONES, of Florida. If there was no other objection to it than that, I should vote against it. They undertake to make provision for the employés in one end of the Capitol and leave the employés at this end out.

Mr. MORRILL. May I ask the Senator from Kentucky if he knows of any instance where an extra month's pay has been given to annual clerks or to clerks who receive a whole year's compensation?

Mr. BUTLER. It certainly has been done in the Senate.

Mr. BECK. I think we did it once, but I cannot tell exactly when—never more than once, and it never ought to have been done.

Mr. BUTLER. It was done July 1, 1879.

Mr. DAVIS, of West Virginia. And that is the only time it ever was done.

Mr. BUTLER. This provision of the bill inserted by the House, as I understand, is in pursuance of that provision of July 1, 1879. The Senator from Kentucky says that he does not desire to interfere with the House in the regulation of the salaries of its employés. If that be the case, what right have we to strike out this provision from the bill? The House sent it here to us in order that the appropriation might be made, and what right have we to strike it out, unless we determine to interfere with the House in the regulation of the pay of its employés?

Mr DAVIS, of West Virginia. At this very session it will be recollected that the Senate added to the compensation of two messengers in the Secretary's office; but the Senate conferees, after holding out for several hours, had to give way to the House conferees, for they said, "We will not agree to it." This is a provision to pay thirteen months for whatever time the employés stay here, it may be four months, it may be five or six months. If the House employés get it, I believe that the Senate employés ought to have it. We have looked into the matter. I have asked employés of the House to show me precedents for it. There is one, and one only, from the beginning of the Government to the present time, and that was two years ago, I think, when we were in a contest, and House employés at that time were paid less than ours. Since then many officers of the House have been advanced beyond ours. This provision gives all House employés the thirteen months' pay without an exception. I believe there are men over there who ought to have it, but there are others who, in my judgment, ought not, because they receive higher salaries now than the corresponding employés of the Senate, and there is no excuse, in my judgment, for such a course. If the salaries are not large enough, let us increase them, but increase them fairly and properly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 7254) supplemental to and amendatory of an act entitled "An act to facilitate the refunding of the national debt," in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 4592) to facilitate the refunding of the national debt;

A bill (H. R. No. 5088) to authorize the registration of trade-marks and protect the same;

A bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes; and

A joint resolution (H. R. No. 402) to provide for the publication of the memorial addresses on Evarts W. Farr.

SUPPLEMENTAL REFUNDING ACT.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Chair will lay before the Senate a House bill.

The bill (H. R. No. 7254) supplemental to and amendatory of an act entitled "An act to facilitate the refunding of the national debt" was read the first time by its title.

Mr. MORRILL. I object to its reading more than once to-day.

The PRESIDING OFFICER. The bill is read the first time, and lies on the table.

SUNDRY CIVIL BILL.

The Senate resumed the consideration of the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, the pending question being on concurring in the amendment, made as in Committee of the Whole, to strike out the following clause from line 1657 to line 1662:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. WALLACE. We have just as much right to vote to ourselves pay thirteen months in the year as we have to agree to this proposition. It only needs a statement of the proposition to show the principle involved, and besides here we are at the end of the session, near the 4th of March, without any extra session in prospect, and these employés will not be here until December next. This is a new thing entirely. Shall we initiate such a proposition? It needs only to be stated to be voted down.

Mr. VOORHEES. I care little about the merits of this matter, but if there is a principle involved we ought always to hunt for it. There has been always since I have been a member of Congress both in the other House and in this a constant feeling on the part of the House in regard to their employés' compensation, and it seems the Senate has the same feeling in regard to its employés.

The Senator from Florida has a feeling against the House because they undertook to regulate the pay of their own employés to suit themselves and at the same time did not say anything about our employés. It seems to me that the way to avoid trouble on the subject is for each House on this particular question to mind its own business. The House with its knowledge of its own employés can tell better what is right and proper than we can determine for them; and so we here know better how to regulate the pay of our employés than the House does, and it seems to me that the simplest way is to let each House attend to its own affairs.

Mr. DAVIS, of West Virginia. Let me say to my friend that if the House desire to put up the salaries of their employés, the Senate Committee on Appropriations have never objected; but when in this indirect way they propose to add to all salaries, high and low, we have objected. It is an unusual, an uncommon thing in every way. But outside of that I want to say to my friend that when the Senate undertakes to put up one of its employés to what it believes he ought to have, the House roll is brought up and we are told that we pay ours so much less than they pay theirs and that we ought to give up. This is an indirect way of making an addition to the salaries of the House employés.

Mr. VOORHEES. I am for regulating the action of the two Houses on proper principles. I am not arguing whether the House has done right or done wrong in regard to its employés, but I am stating what I think is the true principle of action as between the Houses.

Mr. JONES, of Florida. Permit me to ask a question of the Senator from Indiana. I appreciate the force of the argument which the Senator from Indiana is making so far as the authority of the two Houses is concerned to regulate their respective affairs; but we must remember that the House of Representatives is the body in which appropriation bills originate. A Senator says that is by custom. If my interpretation of the Constitution be correct, it is by right—and I think it is wise and proper that that should be so. This power conceded, whether by usage or by constitutional right, when they originate an appropriation bill, ought they not to include within it everything which in justice and in right and in law ought to be done, and send it for our concurrence?

Mr. VOORHEES. As far as they can.

Mr. JONES, of Florida. Why should they leave out any matter?

Mr. VOORHEES. Let me ask the Senator from Florida would it not have been rather presumptuous if the House had said that regulation affecting its employés should include the Senate employés?

Mr. JONES, of Florida. They provide the compensation for Senators. They originate bills every session in which they provide for the compensation of Senators and employés of the Senate.

Mr. VOORHEES. The Senator from Florida knows that this is not the regular appropriation; you might as well cite the case of the President of the United States. Would it not be a strange proceeding if they were to come here regulating the pay of the Senate employés?

Now, I want to ask the Senator from West Virginia a question. We strike out what they do in regard to their employés; I do not stop to consider whether they have done right or wrong, but I do not want to put blame on the House when it is unjust. Suppose the House of Representatives, looking over this whole bill, find an amendment proposed by the Senate committee, acted upon by the Senate, on page 67:

To enable the Secretary of the Senate to pay George W. Harrison additional for services as assistant clerk to the Committee on Appropriations of the Senate, $400.

That is, $400 additional. We do that; that is the Senator's act in reference to one of the clerks of his committee. I have no doubt it is right; I find it here.

Mr. DAVIS, of West Virginia. It was not put there by me. I am sorry the Senator has brought it in.

Mr. VOORHEES. I do not say it was. I said he is clerk of the committee, and the committee has done that. Why is the Senator sorry that I have seen fit to refer to it? I do not know that there is any impropriety in speaking of it. I do not know of anything that hedges this amendment in from discussion any more than any other amendment. I have no doubt that it is right. If the Senator from

West Virginia is sensitive on the subject I see no reason for that. I say $400 additional is provided for this clerk, and it expressly says "additional," and it is brought here as an amendment of the Senate Committee on Appropriations. Would not the House have as much right to resent that as we to resent what they have done for their clerks? That is all I wish to say on that point.

Mr. DAVIS, of West Virginia. As to the clerk of the Committee on Appropriations, the facts are these: the salaries of the two assistant clerks of the respective Committees on Appropriations is $1,600. By some hook or crook a year ago they got only $1,200 each; and hence this provision in this bill.

Mr. BECK. I can explain that. They were made sixteen-hundred-dollar clerks at the extra session, but the President vetoed that bill, and therefore they did not get it. The House added theirs, and we have added ours to get clear of the reduction caused by the vetoed bill.

Mr. DAVIS, of West Virginia. One word further. I want to state to Senators the condition your committee of conference will be in provided the Senate disagrees with the committee in striking out this clause. How will it be? I believe if the House employés have an extra month's pay the Senate employés ought to have it. Suppose you disagree with the Committee on Appropriations, what will be the result? The result will be that the Senate employés cannot get it because when we go in conference you have agreed to the House proposition, and the Senate cannot do anything at all; the conferees will have no authority over our employés. But suppose somebody was to offer here now to put it upon this bill that the Senate employés should have the addition, what would be the result? The result would be that we would not have control of theirs and they would have control over ours. The only thing the Senate can do is to give them a fair chance and leave it to the committee; and so far as I am concerned—and I believe I shall be on the conference committee according to usage, and if I am I shall contend that if the House employés get the addition, the Senate employés ought to have it. That is the only way to secure equality.

Mr. HOAR. Mr. President, some years ago the House of Representatives undertook to strike out from an appropriation bill an appropriation of this character which the Senate had made for its own employés. The Senate objected to the amendment and there was a conference, and there was very earnest discussion in both branches. The Senate most strenuously insisted that the question of the compensation of its own servants was a question that must be left solely to the discretion of the Senate, and that it was a violation of legislative courtesy between the two branches for the House to undertake to meddle with them at all, and the House finally agreed to that view of it, abandoned its claim, and it was the view taken by the leading members of the House who discussed it at that time. The Senate having maintained against the original questioning of the House that opinion and that claim, the House having yielded to it, it would be doubly improper for us to undertake now to meddle with the House of Representatives in the exercise of its discretion.

The Senator from West Virginia says that if the House assigns to its employés a month's extra pay, or raises their pay, the Senate employés will have the same right. That is a matter which has no connection with or relation to this question.

Mr. DAVIS, of West Virginia. Is it not justice to do it?

Mr. HOAR. I have the floor, I believe. It is a question which has no relation to our action with reference to this House provision. We may cut the employment of our servants down; we may raise it; we may give them extra pay or we may give them half pay, and we shall do that in accordance with our sense of the value of their services to the public interest and the interest of this body, without considering what the House of Representatives pay their employés, any more than we should consider what is paid to its employés by the Legislature of the State of Maryland. That is the only attitude we ought to occupy upon this question. Whether our employés will be dissatisfied at getting less than the House pays, or whether the House employés will be dissatisfied if we pay more, is a question which does not enter into this consideration at all.

If the House of Representatives think fit to make a certain compensation to its officers, we owe it to them to take that proposition without question. I do not mean that if the House should go into an extravagant course of expenditure on that subject; but it is not to be considered or supposed for a moment that the House will do that. Respect for that body requires us to assume as a matter of course that they know what ought to be done. Their judgment is final. That, as I say again, is the attitude which the Senate maintained against the House and which the House yielded to five or six years ago.

Mr. HEREFORD. I agree with what the Senator from Massachusetts has so well said, that the House of Representatives has a right, within the bounds of reason, to fix the pay and salary of their own employés. That is conceded by my colleague, the chairman of the Committee on Appropriations. The only ground of objection he has is the manner in which they attempt to do it. If they have a right to say what their employés shall be paid, they also have an equal right to say in what manner they shall get at that. They propose to get at it in this way: they propose to give their employés one additional month's pay, and, as the Senator from Massachusetts has said, as a matter of courtesy, we ought to yield that to them, and I do yield it to them.

Now, my colleague, the chairman of the Committee on Appropriations, has said leave this to the conference committee. He says if you take the House bill as it came to us we are in their power; but, he says, leave it to the committee, and if they get that in, then we on the committee of conference will bring the Senate employés up to the same standard. That he cannot do, because a committee of conference has no jurisdiction except over the matters in dispute between the two Houses, and if there is no matter in dispute in regard to the Senate employés the committee of conference have no power over them. They have no right in a committee of conference to insert a new item in a bill. There is no amendment proposed by the Committee on Appropriations proposing to change the pay of the Senate employés, and the committee of conference would not have that matter before them at all.

Mr. JONES, of Florida. I think there has been a little confusion thrown around this subject by the very ingenious statement made by the Senator from Massachusetts. I do not concur in the view expressed by that Senator that this amendment proposes to fix the salaries of the officers of the House. If it were a question relating to the fixing of the salaries of the officers of that body, I would agree to everything that he said; but it is not that kind of a question. The salaries of the officers of the House are already fixed; the salaries of the officers and employés of the Senate are fixed. The House here comes to deal with the subject of a bounty, for it is nothing but a bounty; it is a bounty for no consideration, because the law has already prescribed the rate of pay of these men——

Mr. MORRILL. Allow me. It is a bounty of thirteen months' wages for the services of three.

Mr. JONES, of Florida. That may be.

Mr. MORRILL. It is setting a very bad precedent.

Mr. JONES, of Florida. But I say it is not fixing the pay of these officers, as was argued by the Senator from Massachusetts with so much plausibility. The appropriating body at the other end of the Capitol—and I know the rule stands which prevents me from alluding to it, but I cannot see how I can avoid doing so at this time—when it came to originate this appropriation bill thought proper to give a bounty to its own officers outside of their regular pay, and having control of the whole subject of extending it to the employés of the Senate, they manifested no disposition to extend the same rights to the employés here. It is not a question of the fixing of salaries. If that was the question I should say at once I would not draw in question the right of the House of Representatives to fix the pay of its own employés; but I say their pay is already fixed. When, however, that House undertakes to deal in bounties and exercise the power of disposing of the people's money in that way, common justice requires that they should extend the same bounty to the employés of the Senate that they extended to their own.

Mr. HEREFORD. I rise to a question of order. Will it be in order before the Senate acts upon the proposition made by the committee to strike out the lines indicated, to offer an amendment to that, so as to perfect the text?

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) It is always in order to perfect the text proposed to be stricken out before the question is taken on striking out.

Mr. HEREFORD. Then, in order to perfect it, I offer this amendment——

Mr. MORGAN. Will the honorable Senator from West Virginia allow me to ask for a reading at length of the supplemental funding bill that has just come from the House of Representatives?

The PRESIDING OFFICER. The Senator from Alabama demands the reading at length of a House bill.

Mr. MORGAN. I waive that for the present.

Mr. HEREFORD. Go on and read my amendment.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 1657, before the word "clerk," it is proposed to insert "Secretary of the Senate and the," and in line 1658, before the word "House," to insert "Senate and;" so that the clause shall read:

> To enable the Secretary of the Senate and the Clerk of the House to pay to the officers and employés of the Senate and House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. BECK. I move to lay that amendment on the table.

Mr. HEREFORD. Will the Senator hear me one minute?

Mr. BECK. We have been here hours now. Will the Senator renew the motion?

Mr. HEREFORD. Certainly.

The PRESIDING OFFICER. The Chair would hold the Senator from West Virginia is entitled to the floor for the present.

Mr. HEREFORD. If my amendment is adopted, then what my colleague, the chairman of the Committee on Appropriations, seeks to accomplish in committee of conference can be accomplished. Then our conferees can say to the House, "We will not agree to increase the pay of your clerks unless you yield the same thing to us." If we wish any power over the committee of conference on the part of the House, we have it in this way, and I hope the Senate will adopt this amendment of mine to put the employés of the Senate and House upon an equal footing.

Mr. DAVIS, or West Virginia. I think my colleague aims at the same thing I do, but I think we shall miss it if we add his amend-

ment and agree to the House proposition. What is the result? The House provision has been agreed to and not ours, and therefore we cannot affect the House proposition, and they can strike out ours.

Mr. BECK. I move to lay the amendment on the table.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations to strike out the clause.

The question being put, there were on a division—ayes 20, noes 15.

The PRESIDING OFFICER. There is no quorum voting.

Mr. BUTLER. It seems to me the best way to get at a result is to have the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on concurring in the amendment to strike out lines 1657 to 1662.

Mr. DAVIS, of West Virginia. If the Senate will agree with the committee to strike this clause out, then my colleague may get the conferees to add his amendment. That will give the committee of conference jurisdiction over the whole. Otherwise it cannot be done.

The question being taken by yeas and nays, resulted—yeas 26, nays 21; as follows:

YEAS—26.

Anthony,	Eaton,	McDonald,	Saulsbury,
Bayard,	Groome,	McMillan,	Slater,
Beck,	Harris,	McPherson,	Teller,
Brown,	Hill of Colorado,	Morrill,	Wallace,
Burnside,	Hill of Georgia,	Platt,	Withers.
Conkling,	Kernan,	Plumb,	
Davis of W. Va.,	Kirkwood,	Rollins,	

NAYS—21.

Blair,	Hampton,	Maxey,	Voorhees,
Bruce,	Hereford,	Morgan,	Walker,
Butler,	Hoar,	Pendleton,	Williams.
Call,	Ingalls,	Pugh,	
Coke,	Jonas,	Ransom,	
Garland,	Lamar,	Vance,	

ABSENT—28.

Allison,	Cockrell,	Hamlin,	Randolph,
Bailey,	Davis of Illinois,	Johnston,	Saunders,
Baldwin,	Dawes,	Jones of Florida,	Sharon,
Blaine,	Edmunds,	Jones of Nevada,	Thurman,
Booth,	Farley,	Kellogg,	Vest,
Cameron of Pa.,	Ferry,	Logan,	Whyte,
Cameron of Wis.,	Grover,	Paddock,	Windom.

So the amendment was concurred in.

Mr. HEREFORD. I now offer an amendment to come in immediately after line 1656:

To enable the Secretary of the Senate to pay the officers and employés of the Senate borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. BECK. I move to lay that on the table.

The motion was agreed to.

Mr. PLUMB. There is a verbal amendment which should be made on page 53. In line 1287 the word "connection" should be "correction."

Mr. BECK. That ought to be "correction."

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Without objection, that amendment will be made.

The amendments were ordered to be engrossed and the bill to be read a third time.

Mr. WALKER. I am instructed by the Committee on Indian Affairs to offer an amendment. The amendment is a bill passed by the Senate to reimburse the Creek orphan fund.

The PRESIDING OFFICER. The Chair will state to the Senator from Arkansas that no amendment is now in order unless by reconsidering the vote ordering the bill to be read a third time.

Mr. WALKER. I make that motion.

The PRESIDING OFFICER. The Senator from Arkansas moves to reconsider the vote ordering the bill to a third reading.

Mr. McDONALD. I think the amendment had better be reported for information.

The PRESIDING OFFICER. The Senator from Arkansas will send up his amendment to be read by the Clerk.

Mr. KERNAN. The Senator from Arkansas was on his feet, and was not heard by the Chair, before the bill was ordered to a third reading.

The CHIEF CLERK. On page 26, after line 629, the proposed amendment is to insert:

That the sum of $251,055.97 be, with 5 per cent. interest on $176,755.97 from April 6, 1872, and the same is hereby, appropriated, for the purpose of reimbursing the Creek orphan fund, which sum has been diverted from the said fund and is due to the Creek orphans and their heirs, under the treaty of March 24, 1832: *Provided*, Said sum shall, in the discretion of the President, be paid to the Creek orphans and their heirs under the direction of the Secretary of the Interior: *Provided further*, It shall be the duty of the Secretary of the Interior to ascertain who are entitled under the aforesaid treaty of March 24, 1832, and the provisions of this act, to receive the money hereby appropriated; and it shall be his duty to see that said moneys shall be paid to the actual beneficiaries under said law, the orphans and their heirs, to the exclusion of all claims by attorneys for fees, except such reasonable attorneys' fees as shall be approved by the Secretary of the Interior after the passage of this act: *Provided further*, That all bonds heretofore purchased with moneys belonging to this fund shall be the property of the United States: *Provided further*, That the Secretary of the Interior is hereby authorized and instructed to charge the sum of $69,956.68 used for general purposes of the Creek Nation against the general fund of said nation, and said sum shall be retained by the secretary of the nation in such installments as shall not seriously embarrass the object of the annual appropriations for the support and necessities of the Creek Nation.

The PRESIDING OFFICER. Will the Senate reconsider the vote by which the bill was ordered to a third reading?

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. WALKER] now offers the amendment which has just been reported.

Mr. WALKER. Just one word, Mr. President. The claim upon which this amendment is founded has been twice favorably passed upon by the Interior Department, twice by the Department of Justice, and at the present session a bill identical with the amendment has passed by this body. There is no certainty of its being reached in the House, and I do hope the amendment will be adopted.

Mr. DAVIS, of West Virginia. It is clearly out of order. It is general legislation, if we ever had such. I do not know but what it has great merit; I will say nothing about the merits of it. The Senate has discussed it half a dozen times, I believe, in different forms; but it is general legislation, and I make the point of order.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is general legislation, and is therefore not in order, but will submit the question to the Senate if the Senator from Arkansas or other Senators desire that it shall be so submitted.

Mr. WALKER. I desire the question to be submitted to the Senate.

The PRESIDING OFFICER. The Chair submits the question to the Senate, "Is the amendment proposed by the Senator from Arkansas in order?"

The question being put, was decided in the negative.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

FRANKLIN TRAVIS.

Mr. KERNAN. I move that the Senate proceed to the consideration of executive business.

Mr. BAILEY. I trust the Senator will withdraw that for a moment.

Mr. KERNAN. Certainly.

Mr. BAILEY. There is a bill on the Calendar which has been passed by the House of Representatives and has received the unanimous approval of the Committee on Finance of the Senate, and I ask that it may be considered. It will take but a moment.

There being no objection, the bill (H. R. No. 688) for the relief of the sureties of Franklin Travis was considered as in Committee of the Whole.

Mr. INGALLS. Is there a report? If there is, I should like to hear it read.

The PRESIDING OFFICER. The Clerk informs the Chair there is no written report from the Senate committee, but there is a House report adopted by the Senate committee.

Mr. INGALLS. Let us hear that.

Mr. VOORHEES. The House report was adopted as the report of the Finance Committee of the Senate, and it is based on a recommendation of the Secretary of the Treasury, Mr. Sherman.

The PRESIDING OFFICER. Does the Senator from Kansas desire the report to be read?

Mr. VOORHEES. It is somewhat lengthy, and the bill is recommended by the Secretary of the Treasury and the Treasury officials are for it.

Mr. INGALLS. Here is a bill that proposes to release the sureties upon somebody's official bond without stating the circumstances or the amount affected or whether the measure has received the approbation of the officers of the Treasury Department.

Mr. VOORHEES. I have stated that fact.

Mr. INGALLS. We certainly ought to know something about that before we are called upon to vote on it.

Mr. BAILEY. There is a letter from the Secretary of the Treasury approving the passage of the bill and I ask the Secretary to read it.

The PRESIDING OFFICER. The Secretary will read the letter from the Secretary of the Treasury.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 1, 1881.

SIR: Upon further examination of the bill (H. R. No. 688) in connection with the report of the Committee on Ways and Means thereon, I wish so far to modify my letter of the 23d ultimo to you as to recommend the striking out of the recitals of the bill, leaving it to stand upon the facts presented in said report. The objection to the passage of the bill that impressed me was the effect of these recitals upon other cases. Without the recitals and upon the equities stated in the report the Department can see no reason why the bill should not pass.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. THOMAS F. BAYARD,
Chairman Committee on Finance, United States Senate.

Mr. INGALLS. I have no objection.

Mr. HOAR. Are the recitals referred to stricken out?

The PRESIDING OFFICER. The Committee on Finance recommend an amendment striking them out. They are in the preamble, which has not been reached yet.

The bill was reported to the Senate without amendment and ordered to a third reading.

Mr. HOAR. Is the preamble stricken out?

Mr. VOORHEES. I wish to say to the Senator from Massachusetts that I reported the bill and reported it in exact accordance with the recommendation of the Secretary of the Treasury. The recitals are stricken out. The amendment is to strike out all the recitals.

Mr. HOAR. I have not heard any such question stated.

The PRESIDING OFFICER. The Chair will inform the Senator from Massachusetts that the recitals referred to by the letter of the Secretary of the Treasury are in the preamble. That will be considered after the bill has been acted upon.

The bill was read the third time, and passed.

The preamble was read, as follows:

Whereas on the 9th day of May, 1867, Joseph W. McCall, Young W. Allen, Wilburn H. Graves, Eli T. McGill, Priestly E. Parker, Henry McCall, and Jasper Ballew became the sureties of Franklin Travis, on his bond, executed on that day, as deputy collector of taxes, under an act entitled "An act to provide internal revenue to support the Government," &c.; and

Whereas said bond was conditioned that the said Travis would execute and discharge the duties of deputy collector according to law, and the act of June 30, 1864, as amended by the act of March 1, 1865, was the law when the bond was executed; and

Whereas, by the law at the time said sureties executed said bond, they could only be liable for the amount of certain lists returned by assessors appointed for that purpose, and under the provisions of the act of July 13, 1866, with two months' supply of stamps denoting the tax on fermented liquors; and

Whereas by an act of Congress approved July 20, 1868, the said collector was required to keep constantly on hand a large amount of stamps, and by said act his pay was changed, and the collector converted from a simple collector of assessed taxes into a public depositary of the public funds and valuables the property of the United States, and the manner of collecting and paying over changed without the consent of the sureties, and the sureties deprived of the opportunity of knowing the amount for which they were liable, he being charged with the amount of stamps deposited with him, and the risk of the sureties greatly increased without their consent; and

Whereas the said Franklin Travis fully and faithfully kept and performed all the conditions of his said bond, executed on the 9th day of May, 1867, until after the passage of the act of July 20, 1868, and then made default to about the amount of twenty-nine thousand dollars, which liability was incurred on account of stamps which could not have come into his hands under any law existing at the time said bond was executed; and it would be contrary to the principles of justice that the sureties should be held liable for the amount of said default: Therefore.

The PRESIDING OFFICER. The Committee on Finance propose to amend by striking out the preamble.

The amendment was agreed to.

ORDER OF BUSINESS.

Mr. ROLLINS. Mr. President——

Mr. KERNAN. I believe I yielded the floor to the Senator from Tennessee.

Mr. ROLLINS. I am recognized.

Mr. KERNAN. I yielded on condition to my friend.

The PRESIDING OFFICER. The Chair understood the Senator from New York as yielding the floor.

Mr. ROLLINS. The Chair will allow me to state what I wish to accomplish.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. ROLLINS. Last evening when we were considering House bills a bill was passed over on account of an objection of the Senator from Pennsylvania, [Mr. CAMERON,] a bill of considerable importance, to enable the Metropolitan Railroad——

Mr. KERNAN. What is the question before the Senate?

Mr. ROLLINS. I have the floor, I believe, and I do not wish to be taken off my feet in this way. I do not get on it often, and I want to stand on it when I do get on it. I want the Senate to take up for consideration the bill (H. R. No. 7031) to amend the charter of the Metropolitan Railroad Company of the District of Columbia.

Mr. KERNAN. Pending that I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from New York moves that the Senate proceed to the consideration of executive business.

Mr. ROLLINS. Who objects?

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire that the motion of the Senator from New York is in order, notwithstanding the request or motion submitted by the Senator from New Hampshire, and hence the Chair entertained it.

Mr. ROLLINS. Very well.

Mr. CONKLING. Mr. President, I wish to have the attention of my colleague for a moment. I understand him to move an executive session. I wish to say to him that for a reason which I need not state (he probably is aware of it) a good many Senators on this side are absent this evening for a social reason. There will be no objection to an executive session to-morrow or next day, but I submit that at this hour of the evening and on this particular evening when more than half the republican Senators have ventured to go away, if the purpose is to take up contested cases in executive session my colleague would scarcely select this time to make that motion. I will aid him, for one, in getting an executive session at any time when the Senate is full; but now at eight o'clock, with the condition which he sees to exist on this side, I take it he does not make his motion for the purpose of considering contested cases.

Mr. KERNAN. I would be very glad to accommodate every one. I would be very glad myself to go away this evening; but gentlemen around me think we ought to have an executive session and that I should insist on the motion.

Mr. WALLACE. There are one hundred and five cases on the Executive Calendar.

Mr. CONKLING. I regret to call my friend from Pennsylvania to order, but I do so. This is the second time that to-day in open session he has made that statement touching executive business. I need only to remind him of the rule and I do not think he will repeat the statement.

Mr. WALLACE. If that be secret I am wrong. I had no thought that any such statement as that was secret. We have persistently endeavored to get an executive session during all this week, and we have failed. Now, again we come to the Senate and ask that we have an executive session for the consideration of the business of the Senate, and it is to be postponed until to-morrow or the next day. I trust Senators will give us an executive session for half an hour this evening, and then Senators can go where they wish.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York, [Mr. KERNAN,] that the Senate proceed to the consideration of executive business.

Mr. TELLER. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate do now adjourn.

Mr. KERNAN called for the yeas and nays, and they were ordered, and the roll was called.

Mr. ANTHONY, (after having voted in the affirmative.) I notice that this vote has taken a party shape. I am paired with the Senator from Ohio, [Mr. THURMAN,] and I ask to withdraw my vote.

The PRESIDING OFFICER. The Chair desires to state that the Senator from Tennessee [Mr. HARRIS] is paired with the Senator from Wisconsin [Mr. CAMERON] on political questions. The Senator from Tennessee is reminded that this is a political question; therefore the Senator from Tennessee withdraws his vote.

Mr. MCMILLAN. Allow me to say that the Senator from Rhode Island [Mr. ANTHONY] has already withdrawn his vote, he being paired with a member of the Senate upon political questions.

Mr. PADDOCK. I do not see how it can possibly be a political question.

The result was announced—yeas 19, nays 29; as follows:

YEAS—19.

Allison,	Cameron of Pa.,	Ingalls,	Paddock,
Baldwin,	Conkling,	Logan,	Platt,
Blair,	Ferry,	McDonald,	Rollins,
Booth,	Hereford,	McMillan,	Teller.
Bruce,	Hoar,	Morrill,	

NAYS—29.

Bailey,	Farley,	Maxey,	Vance,
Bayard,	Garland,	Morgan,	Walker,
Beck,	Groome,	Pendleton,	Wallace,
Brown,	Hampton,	Pugh,	Williams,
Call,	Hill of Georgia,	Randolph,	Withers.
Coke,	Jonas,	Ransom,	
Davis of W. Va.,	Kernan,	Saulsbury,	
Eaton,	Lamar,	Slater,	

ABSENT—27.

Anthony,	Dawes,	Jones of Florida,	Sharon,
Blaine,	Edmunds,	Jones of Nevada,	Thurman,
Burnside,	Grover,	Kellogg,	Vest,
Butler,	Hamlin,	Kirkwood,	Voorhees,
Cameron of Wis.,	Harris,	McPherson,	Whyte,
Cockrell,	Hill of Colorado,	Plumb,	Windom.
Davis of Illinois,	Johnston,	Saunders,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from New York, [Mr. KERNAN,] that the Senate proceed to the consideration of executive business.

Mr. TELLER called for the yeas and nays; and they were ordered and taken.

Mr. ALLISON, (after having voted in the negative.) I am paired on political questions with the Senator from Maryland, [Mr. WHYTE,] and withdraw my vote.

Mr. PADDOCK. I desire to state that on political questions I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If this is a political question, I refrain from voting on that assumption.

The result was announced—yeas 27, nays 5; as follows:

YEAS—27.

Bailey,	Eaton,	Kernan,	Saulsbury,
Bayard,	Farley,	Lamar,	Slater,
Beck,	Garland,	Morgan,	Vance,
Brown,	Groome,	Pendleton,	Wallace,
Call,	Hampton,	Pugh,	Williams,
Cockrell,	Hill of Georgia,	Randolph,	Withers.
Davis of W. Va.,	Jonas,	Ransom,	

NAYS—5.

Booth,	McDonald,	Morrill,	Walker.
Hereford,			

ABSENT—43.

Allison,	Conkling,	Johnston,	Plumb,
Anthony,	Davis of Illinois,	Jones of Florida,	Rollins,
Baldwin,	Dawes,	Jones of Nevada,	Saunders,
Blaine,	Edmunds,	Kellogg,	Sharon,
Blair,	Ferry,	Kirkwood,	Teller,
Bruce,	Grover,	Logan,	Thurman,
Burnside,	Hamlin,	McMillan,	Vest,
Butler,	Harris,	McPherson,	Voorhees,
Cameron of Pa.,	Hill of Colorado,	Maxey,	Whyte,
Cameron of Wis.,	Hoar,	Paddock,	Windom.
Coke,	Ingalls,	Platt,	

The PRESIDING OFFICER. No quorum has voted.

Mr. ROLLINS. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate do now adjourn.

Mr. ROLLINS. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. BAILEY. I wish to announce that my colleague [Mr. HARRIS] is paired on all political questions with the Senator from Wisconsin, [Mr. CAMERON,] and as this seems to be a question of political tactics whether there shall be an executive session, and all questions arising therefrom, I announce the pair.

The result was announced—yeas 6, nays 30; as follows:

YEAS—6.

Booth,	McMillan,	Morrill,	Thurman.
Hill of Colorado,	McPherson,		

NAYS—30.

Bailey,	Eaton,	Lamar,	Slater,
Bayard,	Farley,	McDonald,	Vance,
Beck,	Groome,	Maxey,	Walker,
Brown,	Hampton,	Morgan,	Wallace,
Call,	Hereford,	Pugh,	Williams,
Cockrell,	Hill of Georgia,	Randolph,	Withers.
Coke,	Jonas,	Ransom,	
Davis of W. Va.,	Kernan,	Saulsbury.	

ABSENT—39.

Allison,	Conkling,	Ingalls,	Plumb,
Anthony,	Davis of Illinois,	Johnston,	Rollins,
Baldwin,	Dawes,	Jones of Florida,	Saunders,
Blaine,	Edmunds,	Jones of Nevada,	Sharon,
Blair,	Ferry,	Kellogg,	Teller,
Bruce,	Garland,	Kirkwood,	Vest,
Burnside,	Grover,	Logan,	Voorhees,
Butler,	Hamlin,	Paddock,	Whyte,
Cameron of Pa.,	Harris,	Pendleton,	Windom.
Cameron of Wis.,	Hoar,	Platt,	

Mr. CONKLING. I rise to a question of order, Mr. President.

The PRESIDING OFFICER. The Senator from New York will state his point of order.

Mr. CONKLING. Is this an announcement of the vote on the motion to adjourn merely? I was diverted for a moment. Did the Chair announce the result of the motion to adjourn?

The PRESIDING OFFICER. The Chair announced yeas 6, nays 30; no quorum voting. The noes have it, and the Senate refuses to adjourn.

Mr. CONKLING. That was the only point I wanted to make, that it should appear that no quorum voted.

Mr. WALLACE. I move a call of the Senate.

Mr. CONKLING. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. Is not that done as of course without any vote to do it, under the rule?

The PRESIDING OFFICER. The Chair will state that the Chair was in error in starting to put it as a question. It is the duty of the Chair to order a call of the roll. The Clerk will call the roll of the Senate.

The roll was called.

The PRESIDING OFFICER. The roll-call discloses the presence of thirty-four Senators, no quorum answering.

Mr. EATON. I do not know, sir, when a majority of the Senate——

Mr. INGALLS. I rise to a question of order.

Mr. EATON. Wait one moment.

Mr. INGALLS. No, sir, I will not wait one moment.

Mr. EATON. I wish you would.

Mr. INGALLS. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Kansas will state his question of order.

Mr. INGALLS. That when it is ascertained that a quorum is not present no further debate can be had upon any question.

Mr. EATON. I have not yet debated any question.

The PRESIDING OFFICER. The point of order is overruled, because the Chair is wholly unable to determine the object of the Senator from Connecticut, and he has a right to state——

Mr. EATON. I have the floor.

Mr. INGALLS. It makes no difference what his object his.

The PRESIDING OFFICER. The Senator from Kansas is out of order; the Senator from Connecticut is entitled to the floor.

Mr. EATON. I was about to observe (and if my friend from Kansas had waited one moment he would have saved his powder) that when this Senate, a majority of which are democratic, do not choose to be here to attend to business, I see no reason why I should remain, and therefore I move that we adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut, that the Senate adjourn.

Mr. BAILEY called for the yeas and nays, and they were ordered.

The question being taken by yeas and nays, resulted—yeas 11, nays 30; as follows:

YEAS—11.

Allison,	Bruce,	McDonald,	Rollins,
Baldwin,	Eaton,	McMillan,	Thurman.
Blair,	Ferry,	Morrill,	

NAYS—30.

Bailey,	Brown,	Coke,	Garland,
Bayard,	Call,	Davis of W. Va.,	Groome,
Beck,	Cockrell,	Farley,	Hampton,
Hereford,	Maxey,	Ransom,	Wallace,
Hill of Georgia,	Morgan,	Saulsbury,	Williams,
Jonas,	Pendleton,	Slater,	Withers.
Kernan,	Pugh,	Vance,	
McPherson,	Randolph,	Walker,	

ABSENT—34.

Anthony,	Dawes,	Jones of Florida,	Saunders,
Blaine,	Edmunds,	Jones of Nevada,	Sharon,
Booth,	Grover,	Kellogg,	Teller,
Burnside,	Hamlin,	Kirkwood,	Vest,
Butler,	Harris,	Lamar,	Voorhees,
Cameron of Pa.,	Hill of Colorado,	Logan,	Whyte,
Cameron of Wis.,	Hoar,	Paddock,	Windom.
Conkling,	Ingalls,	Platt,	
Davis of Illinois,	Johnston,	Plumb,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from New York, [Mr. KERNAN,] that the Senate proceed to the consideration of executive business.

Mr. CONKLING. What is the motion, Mr. President?

The PRESIDING OFFICER. The yeas and nays have been previously ordered upon the motion of the Senator from New York, [Mr. KERNAN,] that the Senate proceed to the consideration of executive business.

Mr. CONKLING. And is the Chair about to have the roll called upon that?

The PRESIDING OFFICER. That was the purpose of the Chair.

Mr. CONKLING. I humbly submit to the Chair that the rule requires another thing. It requires, when it has been disclosed that a quorum is not here, that the roll shall be called, as it has been, and then provides what may take place.

The PRESIDING OFFICER. The roll-call develops the fact that there are eleven Senators voting in the affirmative and thirty in the negative, which makes forty-one, and shows that a quorum is present. The question is upon the motion of the Senator from New York, [Mr. KERNAN,] that the Senate proceed to the consideration of executive business, upon which the yeas and nays have been ordered.

The roll was called.

Mr. WALLACE. I desire the reading of Rule 16.

The PRESIDING OFFICER. The Senator from Pennsylvania calls for the reading of Rule 16.

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New York will state his question of order.

Mr. CONKLING. The Senate is dividing, and nothing is in order except to announce the vote.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken by the Senator from New York.

Mr. DAVIS, of West Virginia. I think that the rule requires——

Mr. CONKLING. I call the Senator from West Virginia to order, on the ground that the Senate is dividing, and nothing is in order except to declare the vote.

The result was announced—yeas 30, nays 2; as follows:

YEAS—30.

Bailey,	Eaton,	McPherson,	Slater,
Bayard,	Farley,	Maxey,	Vance,
Beck,	Garland,	Morgan,	Walker,
Brown,	Hampton,	Pendleton,	Wallace,
Call,	Hill of Georgia,	Pugh,	Williams,
Cockrell,	Jonas,	Randolph,	Withers.
Coke,	Kernan,	Ransom,	
Davis of W. Va.,	McDonald,	Saulsbury,	

NAYS—2.

Hereford,	Thurman.

ABSENT—43.

Allison,	Conkling,	Ingalls,	Platt,
Anthony,	Davis of Illinois,	Johnston,	Plumb,
Baldwin,	Dawes,	Jones of Florida,	Rollins,
Blaine,	Edmunds,	Jones of Nevada,	Saunders,
Blair,	Ferry,	Kellogg,	Sharon,
Booth,	Groome,	Kirkwood,	Teller,
Bruce,	Grover,	Lamar,	Vest,
Burnside,	Hamlin,	Logan,	Voorhees,
Butler,	Harris,	McMillan,	Whyte,
Cameron of Pa.,	Hill of Colorado,	Morrill,	Windom.
Cameron of Wis.,	Hoar,	Paddock,	

The PRESIDING OFFICER. No quorum has voted.

Mr. WALLACE. It being manifest that the Senate, although full, is not willing to go into executive session, I desire to have Rule 16 read as a part of what I have to say on the subject——

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New York will state his question of order.

Mr. CONKLING. My point of order is that under a rule of the Senate, Rule 2, nothing whatever is in order save only one thing, namely, a call of the roll of Senators to see whether a quorum be here.

Mr. WALLACE. I rose for the purpose of making a motion, and preparatory to making the motion I desired to call the attention of the Chair and of the Senate to Rule 16——

Mr. CONKLING. I call the Senator to order. Debate is not in order. Nothing is in order but a call of the Senate or a motion to adjourn.

The PRESIDING OFFICER. The Chair will state to the Senator from New York, not knowing the object of the Senator from Penn-

sylvania as to what motion he proposes to make, and in the opinion of the present occupant of the chair there being at least two motions, either one of which it would be competent for him to make, the Chair decides to hear the Senator from Pennsylvania, to ascertain what his object is.

Mr. CONKLING. That is quite right, no doubt.

Mr. WALLACE. As I said, it is manifest that we cannot obtain an executive session to-night, because gentlemen are here and decline to vote——

Mr. CONKLING. That is out of order.

Mr. WALLACE. In the condition of public business——

Mr. CONKLING. The Senator is proceeding out of order.

Mr. WALLACE. I now move (because the condition of public business requires the members of the Committee on Appropriations in their committee-room to complete the consideration of the deficiency bill) that the Senate do now adjourn.

Mr. CONKLING. That is in order.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate adjourn.

Mr. BAYARD. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 22; as follows:

YEAS—30.

Allison,	Conkling,	McMillan,	Rollins,
Baldwin,	Davis of W. Va.,	Maxey,	Slater,
Blair,	Ferry,	Morgan,	Teller,
Booth,	Hill of Colorado,	Morrill,	Thurman,
Bruce,	Ingalls,	Paddock,	Wallace,
Cameron of Pa.,	Jones of Nevada,	Pendleton,	Withers.
Cockrell,	Kellogg,	Plumb,	
Coke,	Logan,	Pugh,	

NAYS—22.

Bailey,	Farley,	Jonas,	Saulsbury,
Bayard,	Garland,	Kernan,	Vance,
Beck,	Groome,	Kirkwood,	Walker,
Brown,	Hampton,	McDonald,	Williams.
Call,	Hereford,	Randolph,	
Eaton,	Hill of Georgia,	Ransom,	

ABSENT—23.

Anthony,	Dawes,	Johnston,	Sharon,
Blaine,	Edmunds,	Jones of Florida,	Vest,
Burnside,	Grover,	Lamar,	Voorhees,
Butler,	Hamlin,	McPherson,	Whyte,
Cameron of Wis.,	Harris,	Platt,	Windom.
Davis of Illinois,	Hoar,	Saunders,	

So the motion was agreed to; and (at eight o'clock and thirty-three minutes p. m.) the Senate adjourned.

IN SENATE.

THURSDAY, *March* 3, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

DEATH OF SENATOR CARPENTER.

The VICE-PRESIDENT presented resolutions of the Merchants' Association, of Milwaukee, Wisconsin, relative to the death of Senator Carpenter; which were read, as follows:

DEAR SIR: At a meeting of the Milwaukee Merchants' Association, held February 26, 1881, the following preamble and resolutions were unanimously adopted:

The Merchants' Association is deeply impressed by the information of the demise of Matthew Hale Carpenter, one of the United States Senators from Wisconsin. No class of citizens place a higher value upon extraordinary abilities of a legislator than that which represents the sinews of a nation, the merchants, the commercial men of this country.

To be recognized by them as a representative of their great interests, as a statesman devising means which tend to increase the material prosperity of the country, and as an illustrious defender of the principles underlying the whole fabric of our national existence, is an honor coveted by many and enjoyed by few.

The great Senator, whose death is mourned universally over the vast continent by individuals and communities alike, irrespective of political considerations, has been recognized during his public career as such representative, and shared the honors which a grateful people willingly offer.

His family has lost that which consolation cannot repair; his friends have lost a true friend, whose happy, genial disposition will forever be missed; the State and nation have lost his mature counsel and wisdom, the results of honest devotion to his duties and a fiery patriotism and inherent love for his country—all of which may not be easily replaced.

But his family and friends, the State and the nation, have gained in his public career, in his accomplishments and acts, an example worthy of emulation, and which will be secured to coming generations when the history of our time is recorded. The Merchants' Association hereby

Resolved, That the death of Senator Carpenter is a calamity to his family and friends, and a misfortune to the city and State which he represented in the National Legislature. That the association will attend his funeral in this city in a body; that a committee of ten, including the president of the association as chairman, proceed to Chicago to meet the senatorial delegation escorting the body of the dead Senator; that during the funeral rites and ceremonies in this city, business be entirely suspended.

Resolved further, That these resolutions be engrossed on the records of the association, and an official copy submitted to the family of the deceased Senator, to the State Legislature, and to the honored body of which Mr. Carpenter was a conspicuous member.

J. A. ROUNDY,
C. T. BRADLEY,
H. M. MENDEL,
H. H. BUTTON,
J. M. CROMBIE,
C. E. ANDREWS,
Committee.

Hon. W. A. WHEELER, *Washington, D. C.*

The VICE-PRESIDENT. If there be no objection, the resolutions will be printed in the RECORD.

Mr. GARLAND. And entered on the Journal of the Senate.

The VICE-PRESIDENT. And also entered on the Journal of the Senate. The Chair hears no objection, and it is so ordered.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting, in compliance with section 8 of the act of July 22, 1854, the papers in the New Mexico private land claim, No. 120, in the name of José Dominguez; which was referred to the Committee on Private Land Claims.

HOUSE BILL REFERRED.

The bill (H. R. No. 7254) supplemental to and amendatory of an act entitled "An act to facilitate the refunding of the national debt," was read the second time by its title, and referred to the Committee on Finance.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of H. M. Scudder and others, citizens of Brooklyn, New York, praying for the ratification of the proposed commercial treaty with China on account of the clause in it relating to the opium trade; which was referred to the Committee on Foreign Relations.

Mr. LOGAN. I desire to present, by request, a map by John Cowdon, and suggestions explaining it, in reference to the Mississippi River. I move its reference to the Committee on Printing, that it may be printed if the committee think proper.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1830) granting a pension to Peter Grattan, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WALLACE. I am directed by the Committee on Appropriations to report back with amendments the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. I give notice that I shall call up the bill when the morning business is completed.

ELECTRIC LIGHT.

Mr. MCMILLAN (by request) submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the expediency of the appointment of a joint committee of three Senators, to be appointed by the President of the Senate, and four members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, to investigate the various systems of electric lights for illuminating purposes, in order that, after a careful examination into the various systems of electric lighting now in use, the Senate and House of Representatives may select for use in the city of Washington and for the Government buildings of the United States the most satisfactory as well as economical process: *Provided*, That all experiments shall be at the expense of the owners of the patents offering such examination.

SALLY M. BUCHANAN.

Mr. WHYTE. The other day, as the Chair will recollect, I asked the Senate to indulge me by taking up the bill granting a pension to Mrs. Sally M. Buchanan. The Senate, with almost one accord, agreed that as soon as the call of the Calendar had been run through, I should have the privilege of calling up that bill. I now ask unanimous consent to call it up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3292) granting a pension to Sallie M. Buchanan, widow of General Robert C. Buchanan. It directs the Secretary of the Interior to place on the pension-roll the name of Sallie M. Buchanan, widow of the late Robert C. Buchanan, colonel and brevet major-general in the United States Army.

Mr. WITHERS. As chairman of the Pensions Committee I will call attention to the fact that we had that case before us and reported it adversely upon the ground that the applicant is already in receipt of the pension provided by law for the widow of an officer of that rank.

Mr. WHYTE. The Senator misapprehends the case.

Mr. WITHERS. I profess to know something of what I am speaking about. There was a considerable number of applications for increase of pensions beyond the rate fixed by law for widows of deceased Army and Navy officers. During the present session, according to my recollection, those increases have not been granted. The effect of granting the increase, in my judgment, would be to insure similar action in all similar cases, of which there are certainly a considerable number.

I will state that in view of the magnitude of the pension appropria-

tion now and the prospect, the certainty I might say, of its increase, the committee have been more rigid during the present Congress than heretofore in the examination and adjudication of these cases, and in their recommendations to the Senate. They regard the amount of the pension fixed by law for this class of cases as being sufficient to insure at least a decent and reasonable support to the pensioner. Of course going beyond this amount there is no criterion by which we can attempt to estimate the extent to which increase the pensions may proceed.

We have deemed it also safest, in view of the same condition of things, to report adversely upon all cases proposing to apply the principle of arrears of pension to special cases, because, as the committee deem, these cases do not stand upon the same footing as those where the regular pension is clearly established before the proper tribunal, the Pension Bureau.

Those two principles have controlled the recommendations of the committee during this Congress. It is for the Senate, of course, to determine whether they will sustain the committee in its action or not.

I have nothing further to say with regard to the merits.

Mr. BECK. I hope we shall not take up any matter on which there has been an adverse report and which will bring on discussion. There are a number of small matters which perhaps we could take up which will not be discussed, but to take up a bill upon which there is an adverse report at this late hour it seems to me would involve us in a difficulty which we could not get clear of.

I want to say to the Senate that I have been unable to be on the floor since last Saturday during the consideration of private bills; I have been running in and out, and have been sent for continually. Therefore I have not been able to present a small matter which I think the Senate will unanimously agree to. The very moment I can get the hearing of the Senate I shall ask the Senate to allow me to have passed a joint resolution authorizing the President of the United States to place upon the retired list Brigadier-General Thomas C. Crittenden. He is ordered to Dakota now, and it is utterly impossible in his state of health for him to go. He lost his only child in the Custer massacre; and to send him out there now within four or five months of the time when he ought to be retired is almost death to him. The joint resolution is reported unanimously by the Committee on Military Affairs, has passed the House, and I hope the Senate will give me a chance to consider it.

Mr. GROOME. My honored friend, the chairman of the Committee on Pensions, is right in his first statement that in this case there has been an adverse report by the Committee on Pensions. That report, I can say with propriety, was the report of a divided committee, the majority, however, being against the pensioning of this lady. He is wrong, however, in all else that he has stated, evidently from the fact of the case being called up suddenly when he was not looking for it, and when he had not examined the report.

This lady has no pension whatever. It is not the case of an application for an increase of pension to a greater rate than that usually allowed widows of officers of the same rank which her husband held in the Army. On the contrary, her husband entered the Army as a lad; he remained in it for upward of forty years; he performed, as this report shows, most distinguished services during that whole period, rising from the position of second-lieutenant to that of major-general by brevet in the regular Army.

When he reached an age when he was no longer fit for active duty in the Army, at his own request, being a broken and infirm man, he was placed on the retired list, upon which he continued to remain for several years and until his death. When he died, as his death occurred from apoplexy, it was impossible to connect distinctly and clearly that disease with a physical condition existing at the time he was placed on the retired list, and brought about by acts in the line of his duty. A physician of distinction, it is true, gave a certificate in which he stated that General Buchanan's whole bodily organization having undergone organic changes during the years in which he had passed from his early manhood to old age, a predisposition to that disease had in all probability been implanted in his system before he left the Army to go upon the retired list, and was the result of services rendered in the line of duty; but, as will be seen, it is impossible where the person died of a disease of this kind distinctly to trace the death to a physical condition existing at the time he left the service.

Therefore the minority of the committee of the Senate, following the action of the committee of the House, did not base their desire to have a favorable report in this case upon the fact that he died of disease contracted in the service, but upon military services of the greatest distinction, in which he has not only done honor to himself as a brave and faithful officer, but in which he has reflected honor upon his country.

His widow now, as I am told by my colleague, and as I am also assured by others, a lady of seventy years of age, is in most moderate circumstances; and this small boon from a grateful country we feel that we can ask with great propriety, especially in view of the fact that at former sessions of Congress, if not at this, like pensions have been granted by special acts for distinguished services rendered by the husband of the lady asking for a pension.

Mr. BURNSIDE. I will only detain the Senate a moment. I am very glad to second the remarks of my friend the Senator from Maryland, and I hope this pension will be granted. This officer was one of the heroes of three wars, the Florida war, the Mexican war, and the late war. I think this lady is a very deserving lady. I know her personally, and I know that she is in need of a pension. I am very glad to second all that the Senator from Maryland has said upon this subject, and will cast my vote in favor of the bill.

Mr. WITHERS. I wish to say that I was under a misapprehension as to the case, produced by a similarity of names. I was not in the Senate when the bill was called up or I should have objected to its consideration as it was an adverse report, and I do not wish to have the time of the Senate consumed on cases adversely reported. Coming into the Senate just as the bill was being read I confounded it, owing to the similarity of names, with the case of Mrs. Admiral Buchanan, whose case was before the committee some time ago. In this case, as I now recollect, no application for a pension has been made. I have not been able to get the report.

Mr. COCKRELL. Let the report be read at the desk.

Mr. WITHERS. I ask for the reading of the report.

Mr. GROOME. The Senator is wrong altogether as to the facts.

Mr. WITHERS. So I say; and I ask for the reading of the report.

The Chief Clerk proceeded to read the report.

Mr. HARRIS. I desire to inquire if the bill has been regularly taken up by order of the Senate?

The VICE-PRESIDENT. It has been taken up by unanimous consent of the Senate.

Mr. HARRIS. It is then in an attitude such as that one objection will not carry it over?

The VICE-PRESIDENT. It is.

Mr. HARRIS. I desired to call for the regular order, as this is a bill that will take time.

The VICE-PRESIDENT. The bill is before the Senate and must be disposed of. The reading of the report will proceed.

The Chief Clerk resumed and concluded the reading of the following report, submitted by Mr. WITHERS January 21, 1881:

The Committee on Pensions, to whom were referred the bills (H. R. No. 3292 and S. No. 7) granting a pension to Sally M. Buchanan, have examined the same, and report:

That they find the facts to be as stated in report No. 75, House of Representatives of Forty-sixth Congress:

"That the memorialist, in her petition filed in this case, substantially sets forth the military history of the said Robert C. Buchanan, and the same will be briefly mentioned in this report to show the grounds upon which the favorable action of this committee is based. That said Robert C. Buchanan entered the Army of the United States as brevet second lieutenant on the 1st day of July, 1830, being attached to the Fourth Infantry, ordered to Fort Crawford, Prairie du Chien, and served with it in and until the close of the 'Black Hawk war'; was in command of the gun-boats on the Wisconsin River on the night of the capture of Black Hawk; was present at the making of the treaty of General Scott with Keokuk, by which large portions of what is now Wisconsin, Iowa, and Minnesota were ceded to the United States; that he accompanied his regiment, as its adjutant, to Florida, and in 1838 to Fort Cass, in Tennessee, to assist in removing the Cherokees to Fort Gibson, Arkansas, and in command of his company, as its captain, again served in Florida and until the close of the war; that in 1844 he was ordered to Louisiana, where his regiment, with the Third Infantry and the Second Dragoons, formed the 'army of observation;' that in July, 1845, he proceeded with his regiment to Corpus Christi, Texas, where they formed the 'army of occupation;' that he served with the troops under General Taylor until after the capture of the city of Monterey, when, at the request of the officers of the Maryland and District of Columbia volunteers, he was assigned to the command of those troops, and commanded them until they were discharged at Tampico, Mexico, in May, 1847; that he then rejoined his regiment, and was assigned its junior major, and served in that capacity until after the capture of the city of Mexico; that in January, 1848, he was appointed by General Scott acting assistant inspector-general to the army in Mexico, in which capacity he served until the regiment of voltigeurs was mustered out of the service in September, 1848.

"In the spring of 1856 he was assigned by General Wool to the command of the district of Southern Oregon and Northern California, to command the troops operating against the Indians in what is known as the 'Rogue River war,' and in the period of three months, with about three hundred and fifty men, succeeded in bringing the war to a final close, having beaten the Indians several times, and capturing about one thousand eight hundred prisoners, and removing them about two hundred miles north of the depot. He commanded a brigade of regular troops in the Army of the Potomac, under Generals McClellan and Burnside, until after the battle of Fredericksburgh; in 1863-'64 he was assigned to duty as assistant provost-marshal-general of the State of New Jersey until the fall of 1864, when he was ordered to New Orleans to command his regiment in the Department of the Gulf; in the following year he was placed on duty at Washington, under the immediate command of the then Secretary of War, E. M. Stanton; and in the latter part of 1867 was ordered to New Orleans to command the district of Louisiana, with his brevet rank of brigadier-general; and in March, 1868, succeeded General Hancock in the command of the fifth reconstruction district, with his brevet rank of major-general, until after the State of Louisiana was admitted into the Union; he then organized the Department of Louisiana, which he commanded, after the death of General Rousseau, until April, 1869, when he was ordered with his command to Fort Wayne; and on the 31st day of December, 1870, at his own request, after a service of more than forty years, he was placed upon the retired list, with the rank of colonel, brevet major-general."

The deceased died of apoplexy on the 29th day of November, 1878, nearly eight years after he was placed upon the retired list. It is therefore impossible to connect his death with disease contracted in the service in the line of duty. Your committee, while fully appreciating the fact of the honorable, distinguished, and long-continued services of General Robert C. Buchanan, do not feel that such services justify them in making the widow of General Buchanan an exception to the general rule, that widows of officers or enlisted men are not entitled to pensions where their husbands died of disease not contracted in the service in the line of duty. They therefore report adversely.

Mr. WITHERS. I do not desire to consume the time of the Senate or to prevent a vote upon this proposition; but the position which I occupy as chairman of the Committee on Pensions and the fact that they have adversely reported on this case after deliberation and consideration of its merits, requires that I shall say something, and I shall do so notwithstanding I seem to trench on the sensibilities of the Senator from Maryland.

I call attention to the fact that by the admission of the report itself

there can be no relation established between the death of this officer and his military services. It is admitted in the report itself as I now find it that the connection cannot be established. The widow is therefore entitled to no pension under the provisions of any existing law.

With the distinct statement of this fact to the Senate, I leave it for the Senate to determine whether it will step outside of the law and grant a pension in this case.

Mr. WHYTE. I desire to say to the Senate that the Committee on Pensions of this body two years ago unanimously reported in favor of a similar bill, and the Senate unanimously passed it. It went to the House too late to be acted upon by the House. The House has since passed the bill upon the unanimous report of the committee there, and it came over to the Senate precisely as it was before. The Senate has already by its Committee on Pensions unanimously passed in favor of it, and in the body of the Senate it has been unanimously passed.

Mr. WITHERS. That statement requires an additional explanation, but it was given partly in my first remarks. I said that during this Congress we had restricted the granting of pensions beyond the degree which formerly ruled the committee, and we did it by reason of the fact of the immense increase of the pension list and the appropriation required; and that while heretofore we have granted pensions as gratuities we have not been disposed to do so during the present Congress. That is the whole explanation of it.

The bill was reported to the Senate, ordered to a third reading, and read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. WITHERS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 16; as follows:

YEAS—30.

Allison,	Cameron of Pa.,	Jones of Florida,	Saunders,
Anthony,	Coke,	Lamar,	Teller,
Bailey,	Garland,	Maxey,	Vance,
Blair,	Groome,	Morrill,	Voorhees,
Brown,	Hill of Colorado,	Pendleton,	Walker,
Burnside,	Hill of Georgia,	Randolph,	Whyte.
Butler,	Hoar,	Ransom,	
Call,	Jonas,	Rollins,	

NAYS—16.

Beck,	Harris,	Kernan,	Slater,
Cockrell,	Hereford,	McPherson,	Vest,
Eaton,	Johnston,	Platt,	Wallace,
Ferry,	Jones of Nevada,	Pugh,	Withers.

ABSENT—29.

Baldwin,	Davis of W. Va.,	Kellogg,	Saulsbury,
Bayard,	Dawes,	Kirkwood,	Sharon,
Blaine,	Edmunds,	Logan,	Thurman,
Booth,	Farley,	McDonald,	Williams,
Bruce,	Grover,	McMillan,	Windom.
Cameron of Wis.,	Hamlin,	Morgan,	
Conkling,	Hampton,	Paddock,	
Davis of Illinois,	Ingalls,	Plumb,	

So the bill was passed.

AMENDMENT TO A BILL.

Mr. LOGAN submitted an amendment intended to be proposed by him to the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which was referred to the Committee on Appropriations.

SUNDRY CIVIL BILL.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES H. BLOUNT of Georgia, Mr. JOHN A. MCMAHON of Ohio, and Mr. JAMES MONROE of Ohio, managers at the conference on the part of the House.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the Senate's amendments to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1882, and for other purposes.

On motion of Mr. BECK, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. BECK Mr. DAVIS of West Virginia, and Mr. WINDOM.

CHEROKEE AND ARKANSAS RIVER RAILROAD.

Mr. BECK and Mr. LAMAR addressed the Chair.

Mr. HARRIS. I demand the regular order.

Mr. LAMAR. The first bill on the Calendar in the regular order is the one which I now ask to take up.

The VICE-PRESIDENT. Under the special order for the consideration of House bills?

Mr. LAMAR. Yes, sir.

Mr. HOAR. Will the Chair state the regular order?

The VICE-PRESIDENT. The regular order is the call of the Calendar of House bills under the special order, or Harris rule, so-called.

Mr. PADDOCK. Did not that order expire the other evening when the Calendar was gone through with under it?

The VICE-PRESIDENT. It did not; it is a continuing order; has so been held by the Senate. The Secretary will report the House bills on the Calendar in their order.

The bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company was announced as first in order upon the Calendar.

The VICE-PRESIDENT. The bill will be read.

The Chief Clerk began to read the bill.

Mr. ALLISON. I object to the further consideration of the bill.

The VICE-PRESIDENT. The Senator from Iowa objects to the further consideration of the bill.

Mr. HARRIS. Then I move to postpone the pending and all prior orders in order that I may move to proceed to the consideration of the bill.

Mr. HOAR. I desire to say to the Senator from Tennessee that there are only one or two unobjected bills left on the Calendar which come under the rule which he himself introduced the other day. One of them is a bill which relates to a person from his own section of the country, in which both the Senators from Texas are interested. I ask the Senator if he will not postpone the motion until we can deal with these other one or two unobjected cases. It will be equally in order for him to make the motion five or ten minutes hence; but if his bill is called up now and we have a debate of an hour or two over it, which is quite possible, it being for a railroad through the Indian Territory I understand, then those matters will be driven off. I do not ask this in the interest of anything that relates either to me or to any constituent of mine. The bill relates solely to a citizen of Texas, which both of the Senators from that State take an interest in, and which I suppose it will not take two minutes to pass.

Mr. MAXEY. I desire to state in connection with what has been said by the Senator from Massachusetts, that the bill for the relief of William Redus, referred to by him, was passed by the House unanimously, was unanimously reported by the Committee on Claims, and will not take more time than the reading of it will consume, it being only a dozen lines.

Mr. HARRIS. If the bill which is now reached on the Calendar can be taken up, I shall be glad if the Senator from Mississippi [Mr. LAMAR] who has it in charge will make a brief statement as to its importance. I am sure no bill can be of greater importance than this measure, and if it can be taken up I think the Senator from Mississippi will allow it to be informally laid aside.

Mr. HOAR. I suggest to the Senator that that requires unanimous consent, and he therefore might find a difficulty; but if he can carry this motion now by a majority of the Senate, he certainly can carry it five minutes hence just as well. I do not think the unobjected cases on the Calendar will take five minutes.

Mr. LAMAR. Mr. President——

The VICE-PRESIDENT. Does the Senator from Tennessee make his motion?

Mr. HARRIS. I have made the motion.

The VICE-PRESIDENT. The question is, Will the Senate postpone the consideration of the pending order?

Mr. LAMAR. I should like to make one statement. I rarely occupy the attention of the Senate and I ask its indulgence.

Mr. PADDOCK. Mr. President——

The VICE-PRESIDENT. The Senator from Mississippi has the floor. Does he yield?

Mr. LAMAR. I have only one or two remarks to make. This bill has been very fully considered by the committee of the House and the committee of the Senate, and after that consideration both committees have cordially recommended its passage. The bill has been prepared with great care, looking minutely to the interest of the Indians through whose territory the proposed railroad is to pass. Every right of private property has been preserved.

Mr. VEST. I should like to ask the Senator a question. Is there any provision in the bill for obtaining the consent of these Indians for the passing of this railroad through their territory?

Mr. LAMAR. I think the consent of the Indians has already been formally given to a railroad of this kind in treaties made with the Government. I would have no objection whatever to a provision in the bill to that effect; such a provision was inserted in the bill recommended by the Senate Committee; it is omitted in the House bill, and the only objection to an amendment of that sort at this time is that it would prevent the legislation which both committees have concurred without conflict in recommending. The House of Representatives has already passed the bill and without objection after discussion. It is simply an ordinary bill granting the right of way. It asks no aid from the Government of any kind, either of money or land or loan of credit. It reasserts the validity of the treaties made with the Indians, and subjects every franchise granted in the charter

of incorporation to the operation of those treaties. It expressly provides that the tribal rights of the Indians and their rights of property shall be respected. Every safeguard is thrown around the rights of the Indians that is accorded by existing law, whether treaty or statute, in every respect.

I repeat, sir, that this is an important connection, and one which both of the representatives of Arkansas and the representatives of Kansas urged upon the committee as demanded by the commercial interests of both sections of the country lying on opposite sides of the Territory.

Mr. LOGAN. I wish to ask the Senator whether the amendment I propose to offer will be objectionable?

The VICE-PRESIDENT. The Chair would remind Senators that the merits of the bill to be taken up cannot be discussed on this motion.

Mr. LOGAN. I do not wish to debate it, but merely to ask whether the amendment I propose to offer will be objectionable. Let it be read.

The CHIEF CLERK. The proposed amendment is to add to the bill:

Provided, That this act shall not go into effect until the tribes of Indians through whose territory this road may run shall, in a council of their respective tribes, called together under the authority of the Secretary of the Interior, give their consent to this said act, and signify the same to the Secretary of the Interior.

Mr. LAMAR. I should be perfectly willing, and so would the committee, that an amendment looking to the result which the Senator from Illinois contemplates in his amendment should be incorporated, but the addition of any amendment now would necessitate sending the bill back to the House, and the legislation would be lost.

There is one other objection which has been suggested to the verbiage of the amendment. It makes the validity of the legislation of Congress dependent upon the assent of these Indian tribes by their respective councils. I think a different mode of expression, providing for their assent to the right of way, would be better; but any amendment now adopted would be fatal to the final passage of the bill.

Mr. LOGAN. I do not wish to take up the time of the Senate, nor do I wish to antagonize the measure, and I very much dislike to do what I even now do, seeing the earnestness of the Senator from Mississippi in reference to this matter; but I wish to say to him that I myself, speaking only for myself, cannot agree to this bill passing without this or a similar amendment. I only say that by way of notice I do not think the bill can be passed without an amendment of this kind, however much I dislike to interpose any obstruction.

Mr. ALLISON. I wish to say one word. I objected to the consideration of this bill, and did so because I have been personally called upon by the representatives of these Indian tribes objecting to this legislation unless an amendment something like the one proposed by the Senator from Illinois shall be adopted. I have no sort of objection to the consideration of the bill if the rights of the Indians, whatever they are, can be protected in it.

Mr. LAMAR. Mr. President——

The VICE-PRESIDENT. The Chair again desires to remind the Senate that the merits of this bill are not to be discussed on this motion.

Mr. DAWES. I should like to make an inquiry of my colleague on the committee, for I was not present in committee when this bill was considered. The Senate bill was referred to a sub-committee of which I was a member, and that bill, as the Senator has just stated, required the consent of the tribes. If it be not out of order, I should like to inquire of the Senator from Mississippi whether he understands, if this bill becomes a law, the railroad can be constructed through the Indian Territory without the tribe's consent or not?

Mr. LAMAR. I think that the bill does not provide for their consent, but it asserts their rights under the treaties, and those treaties have already expressly consented in my opinion and in the opinion of the committee of the House. The Indians have already in treaties made by the Government consented to the construction of railroads of this kind through the Territory.

Mr. DAWES. No doubt they consented to two roads, one north and south and one east and west across their Territory. It was the understanding of that sub-committee that that right had been exhausted. I may be mistaken about it, but the Senate bill was very particular in preserving those rights; and now I understand the Senator to object to the amendment suggested by the Senator from Illinois on the ground that it makes the legislation of Congress dependent upon the consent of the tribes. If the Senator from Mississippi means by that that he proposes by paramount legislation here to put a railroad across the Territory whether the Indians consent or not, I cannot support such a bill.

Mr. LAMAR. The legislation proposes that the road shall be constructed in accordance with the stipulations of the treaties. The Senator from Massachusetts, I think, is under an error in the impression which he has already stated, that the scheme of the treaties with the Indians looked to the construction of only two roads through the Territory, one running north and south and the other east and west, and if he will listen to me for a moment I think I can convince him of his error.

These treaties were made with different tribes and at different times, and they contain very varying and in some respects contrarient stipulations, some larger and some smaller. Each tribe consents in the treaty with the Government that through its reservation a line of railroad shall be run north and one east; a line beginning on the northern boundary, penetrating the Territory and going through the southern boundary, and another line going from east to west or *vice versa*. These treaties were not made with all the Indians together, but with the various tribes separately, and that these trunk lines should pass through each reservation.

If it were true that only two trunk lines were contemplated, the scheme would be an utterly impracticable one, inasmuch as the geographical relationship of these different tribes to each other would make such a system of railroads utterly impossible. For instance, if you were to run a road north and south through the Cherokee Nation, it would not touch the Osages; it would not touch the Seminoles; it would not touch the Chickasaws; it would not touch the Kansas territory. The Government made treaties with all these Indians. If you were to run a line east and west through any one of them, it would not touch three-fourths of the other territory. Therefore if there is anything in the point, the Government has reserved the right to run twelve roads through that country instead of two. An examination of the map will convince any gentleman that such was not the scheme of those treaties; and this view is borne out by the fact that simultaneously with the negotiation of those treaties the Congress of the United States enacted laws in 1866 incorporating four different railroads authorizing them to run their line through the territory.

Mr. PADDOCK. I dislike very much to interrupt the Senator; but in the interest of economy of time I desire to interpose the objection that this debate on the merits of the question is out of order.

The VICE-PRESIDENT. The Chair has twice reminded Senators that the merits of the bill are not in order to be discussed on this motion.

Mr. PADDOCK. We have but a few hours of the session left, and the discussion of the merits will have to be made over again when the bill is taken up. I dislike to interrupt the Senator from Mississippi with such an objection; but if we take up the bill undoubtedly the same argument on the merits of the question will have to be had over again. It seems to me in the interest of economy of time it would be better to settle whether the bill is to be taken up and then discuss it.

Mr. LAMAR. I think the point is well taken.

Mr. PENDLETON. Mr. President——

Mr. LAMAR. I should like to read just one quotation from the bill:

Provided, That it does not conflict with existing treaties.

Another is:

Provided, That property rights belonging to Indians in their tribal relations shall be included among the property rights protected by this section.

Now, Mr. President, all I ask is that the Senate will consider and either pass or vote down the bill.

Mr. PENDLETON. Mr. President, I desired only, when I rose, to give notice of an amendment similar to that suggested by the Senator from Illinois. I have examined the treaties with these various Indian tribes, and I differ entirely with the honorable chairman of the Committee on Railroads in his construction of them. I shall be prepared, if the bill is taken up, to present to the Senate the opinion of the proper Department of the Government having charge of Indian affairs on that subject; and I trust when the bill is taken up, if it shall be, the Senate will be prepared to take no action which will jeopard in any degree the rights of these Indians as guaranteed by treaties with the United States.

Mr. KIRKWOOD. I should like to have the attention of the Senator from Mississippi to a single suggestion. He fears that if this bill shall be amended and have to go back to the House it cannot be passed. I understand it to be the invariable rule when Congress passes a bill in substance like this, to reserve power to alter, amend, or repeal such a bill. I understand that to be universally the case.

Mr. COCKRELL. Always.

Mr. KIRKWOOD. And as there is no such provision in this bill I suggest to the Senator from Mississippi whether it is not very probable that if the Senate shall adhere to the rule adopted in such cases the bill will have to be amended in that particular.

Mr. PENDLETON. I desire to say to the Senator from Iowa that I have an amendment prepared upon that point.

Mr. KIRKWOOD. I noticed that it is not in the bill now.

The VICE-PRESIDENT. The question is on the motion to postpone the pending order.

The question being put, there were on a division—ayes 25, noes 15.

Mr. MCMILLAN called for the yeas and nays, and they were ordered.

Mr. MCMILLAN. It seems to me that to set aside the pending order to take up a bill of this character is a very unusual thing at this stage of the session. If this bill is to be taken up it will lead to a very lengthy discussion. Upon the face of this bill it presents to me a very objectionable scheme, and I trust the Senate will before voting upon this question consider well what they are about to do—the incorporation of a great railroad company here and granting to it privileges to pass through territory which we have already set apart to the Indians and have secured to them under all the pledges the nation could give.

The question being taken by yeas and nays, resulted—yeas 36, nays 22; as follows:

YEAS—36.

Bailey,	Groome,	Kernan,	Saunders,
Beck,	Hampton,	Lamar,	Slater,
Brown,	Harris,	McPherson,	Vance,
Butler,	Hereford,	Maxey,	Voorhees,
Call,	Hill of Georgia,	Plumb,	Walker,
Coke,	Ingalls,	Pugh,	Wallace,
Davis of W. Va.,	Johnston,	Randolph,	Williams,
Farley,	Jonas,	Ransom,	Windom,
Garland,	Jones of Florida,	Saulsbury,	Withers.

NAYS—22.

Allison,	Davis of Illinois,	Hoar,	Platt,
Anthony,	Dawes,	Kirkwood,	Rollins,
Blair,	Eaton,	Logan,	Teller,
Booth,	Ferry,	McMillan,	Vest.
Cameron of Pa.,	Hamlin,	Morrill,	
Cockrell,	Hill of Colorado,	Paddock,	

ABSENT—17.

Baldwin,	Cameron of Wis.,	Kellogg,	Thurman,
Bayard,	Conkling,	McDonald,	Whyte.
Blaine,	Edmunds,	Morgan,	
Bruce,	Grover,	Pendleton,	
Burnside,	Jones of Nevada,	Sharon,	

So the motion to postpone was agreed to.

The VICE-PRESIDENT. The Senator from Tennessee moves that the Senate now proceed to the consideration of the bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GARLAND. Under ordinary circumstances, Mr. President, I would favor the suggestion of the Senator from Illinois [Mr. LOGAN] and the Senator from Ohio [Mr. PENDLETON] as to the amendment to be incorporated in this bill; that is, to subject this bill to the approval or to the acceptance of the different nations that are interested in it, and also to put in the power to repeal, modify, &c., as suggested by the Senator from Iowa, [Mr. KIRKWOOD.] But inasmuch as it is now certain that any amendment will be fatal to this bill, I wish to say a few words to the Senate why it should be accepted and passed as it is.

In the fourth section of the bill it is required that they shall be incorporated and act under the act of March 3, 1875, the fifth section of which act reads as follows:

That this act shall not apply to any lands within the limits of any military park or Indian reservation, or other lands specially reserved from sale, unless such right of way shall be provided for by treaty stipulation or by act of Congress heretofore passed.

This was a kind of general right of way act passed March 3, 1875. The fourth section of this act, if it becomes a law, places the right of way under the act of March 3, 1875, and if the company does not comply with that act this act amounts to nothing. The rights to be guarded and protected under the amendment signified by the Senator from Illinois are reserved in the act of March 3, 1875, the fifth section of which I have read.

Mr. KIRKWOOD. What is the section?

Mr. GARLAND. Section 5 of the act of March 3, 1875, is imported by enactment into the fourth section of this act.

Mr. KIRKWOOD. But, if I understand this bill, only sections 1 and 4 of that act are made applicable.

Mr. GARLAND. That is the right granted by these previous sections. Now it says this act shall not apply, and that means the whole of this act, sections 1, 2, 3, and 4, and all the rest shall not apply to any of these particular pieces of land, unless there are treaty stipulations or acts of Congress heretofore passed making the grant. But now Senators will bear in mind that in lines 11 and 12 of section 5 of this bill we have this proviso:

Provided, That it does not conflict with existing treaties.

The treaties are cared for in all their parts and all their operations throughout the entire body of this act. So this corporation when it becomes a corporation proceeds at its own peril, takes steps at its own risk under this act; and if it has not complied with the act of Congress of March 3, 1875, and with the treaty stipulations existing, it takes nothing by this act, and it becomes a mere piece of waste paper. But, if Senators please, that is not all. In line 29 of section 5 the bill says further:

Provided, That property rights belonging to Indians in their tribal relations shall be included among the property rights protected by this section.

Now, I say it is utterly impossible to throw any more restrictions around these people than are thrown by this act in connection with the act of March 3, 1875, which *pro tanto* is incorporated in this proposed act and re-enacted.

Mr. HOAR. May I ask the Senator from Arkansas a question?

Mr. GARLAND. Certainly.

Mr. HOAR. I desire to ask the Senator from Arkansas whether there is any security in this bill that any sum whatever will ever be paid in in full in cash, or that any subscription beyond the sum of $600,000 will ever be made in good faith for such payment, and whether he deems it a wise policy in view of our past experience to incorporate railroads without that safeguard? I should like to ask further, as I see the bill refers to the famous Pacific Railroad act of 1864, whether in his judgment that contains quite all the securities for the public interest that it should have contained?

Mr. GARLAND. I will say to the Senator from Massachusetts that I do not think it does. If I had had any connection with the drafting or passing of that law, I should have attempted at least to put in more than is contained in that bill. But that bill is now the law of the land, and it is operative and we are acting under it, and this bill pretends to follow just that law in its length and breadth, and, if you please, in its depth, so far and no farther. We may have our different opinions as to the meaning of the treaties. I might believe that they meant one thing and my friend from Massachusetts might believe they meant another. It is impossible to incorporate these different interpretations in an act. It is sufficient, however, to say that unless these treaty stipulations are complied with this act goes for naught. That is as far as any law could go; and in view of the importance of this matter and in view of the high respectability and character of the gentlemen connected with this corporation, I think a sufficient guarantee is given to these people under the act attempted to be passed, and I hope the Senate will proceed to pass it.

Mr. JONES, of Florida. How far will this road run in the State of Arkansas if this charter shall be granted?

Mr. GARLAND. The Senator from Mississippi who has charge of the bill says ninety miles. I have not calculated it exactly.

Mr. PLATT. Mr. President, this bill has been discussed hitherto with reference to the question as to whether it preserves the treaty rights of the Indian tribes. It seems to me that attention ought to be called to some of the remarkable features of this bill apparent upon the face of it. The history of railroad corporations chartered by Congress admonishes us that on the last day of the session a bill of such character ought not to be passed without careful scrutiny.

Now, here is a railroad corporation proposed with a capital of $4,300,000——

Mr. HOAR. Not exceeding that.

Mr. PLATT. Not exceeding $4,300,000.

Mr. HOAR. It may be a capital of $100,000.

Mr. PLATT. It is provided that it may organize when $100,000 shall be subscribed in good faith. There is no provision that any more stock shall ever be subscribed; there is no provision in it that a dollar shall ever be paid upon any share of stock subscribed; but when $100,000 have been subscribed it may organize; it may file its certificate of acceptance with the Secretary of the Interior, and having done that, it is authorized and empowered to construct its railroad and telegraph line through any Indian land or reservation whatever. I think we ought to be very cautious about the chartering of any more railroad corporations without some security that something shall be paid before the railroad is built.

Mr. WALLACE. Mr. President, I must ask that this bill be informally laid aside in order that I may call up the deficiency bill.

Mr. INGALLS. I object to its being informally laid aside.

Mr. WALLACE. Then I move to lay it aside.

The VICE-PRESIDENT. The Senator from Pennsylvania moves to postpone the bill.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. WALLACE. I now move to take up the deficiency bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

The VICE-PRESIDENT. The bill will be read for amendment.

Mr. WALLACE. I move that the amendments reported by the Committee on Appropriations be acted upon as they are reached in reading and before any further amendments be received.

The VICE-PRESIDENT. That order will be observed, the Chair hearing no objection.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "State Department," after line 31, to insert:

To pay John Jay, late envoy extraordinary and minister plenipotentiary to Austria, for amount expended by him for telegrams on public business, $220.46.

The amendment was agreed to.

The next amendment was, after line 35, to insert:

For compensation and expenses of the commissioners appointed to act with the envoy extraordinary and minister plenipotentiary to China to negotiate and conclude by treaty a settlement of matters of interest to the two governments, and such as may be confided to them, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," in line 75, after "1881," to strike out "five hundred" and insert "seven hundred and forty-five;" so as to make the clause read:

Internal revenue:

For additional amount to pay salaries and expenses of agents and surveyors, and fees and expenses of gaugers, and for salaries of storekeepers, and for miscellaneous expenses of internal revenue for the year 1881, $745,000; and for the year 1880, $135,000.

The amendment was agreed to.

The next amendment was, in line 84, to increase the appropriation

"for additional amount for dies, paper, and stamps for the use of the internal revenue for the year 1881," from $75,000 to $130,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to line 129.

Mr. LOGAN. At that point in the bill I desire to offer an amendment.

Mr. WALLACE. I trust the Senator will withdraw his amendment until the amendments of the committee have been acted upon. That was the understanding when we began the bill.

Mr. LOGAN. I have no objection to that provided I can go back and offer my amendment.

Mr. WALLACE. There will be no trouble on that account.

The Secretary resumed and continued the reading of the bill. The next amendment was, in line 135, to reduce the appropriation "for constructing elevator in the court-house and post-office building at Indianapolis, Indiana," from $10,000 to $5,000.

Mr. VOORHEES. I should like to ask the committee why that change is made in the appropriation allowed by the House?

Mr. WALLACE. Simply because the committee believed that $5,000 was enough to construct any elevator.

Mr. VOORHEES. I should like to know on what ground $10,000 is estimated for the building, and if the committee has information that the elevator can be built for $5,000 I should be glad of it. But if it is a mere opinion, I shall have to take issue, because it has been estimated to cost $10,000.

Mr. WALLACE. We had no information before us on the subject.

Mr. VOORHEES. I give notice that I shall ask at the proper time to disagree with the amendment offered by the committee.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The question now is on agreeing to the amendment.

Mr. BECK. Having no information, we reduced the amount to $5,000, so that when we come together with the House conferees, if they show that $10,000 is estimated as the proper amount that can be agreed to at once. This is to leave it open. That is all.

Mr. VOORHEES. Very well.

The amendment was agreed to.

Mr. McDONALD subsequently said: I desire to go back for a moment by leave of the committee to line 135, where $10,000 was stricken out and $5,000 inserted "for constructing an elevator in the court-house and post-office building at Indianapolis, Indiana."

I believe the committee struck that down from a misapprehension of the facts. The construction of an elevator in the court-house at Indianapolis requires some considerable changes of the internal arrangement, taking down stairways, taking out partitions and making, a change in some of the rooms in order to accommodate the elevator. The estimate was made by the architect. Here is a bill introduced making this appropriation which received the sanction of the Committee on Public Buildings and Grounds, passed the Senate, went to the House, and would have passed there, but for the fact that they have never reached Senate bills. The House committee, however, took it up and put it into the appropriations in this bill. In that form it has passed and come here. It was under a misapprehension of the facts that it was stricken down to $5,000. It is simply to carry out a bill the Senate had already passed on the recommendation of the Committee on Public Buildings and Grounds.

Mr. WALLACE. Does the Senator know that this amount of money is necessary for the purpose?

Mr. McDONALD. I know it is thought so by the architect, and was so placed in the bill that the Senate passed. I therefore ask unanimous consent to restore this appropriation as the House made it.

The PRESIDING OFFICER. The Chair will put the question again on the amendment of the committee in line 135. If that is disagreed to the amount fixed by the House, $10,000, will stand.

The amendment was rejected.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 139, after "1880," to strike out "$329.10" and insert "$658.21;" so as to make the clause read:

To pay B. F. Scribner, late special agent at the seal-fisheries in Alaska, salary and traveling expenses for 1880, $658.21.

The amendment was agreed to.

The next amendment was, in line 143, after "1880" to strike out "$277.10" and insert "$554.20;" so as to read:

And to pay J. W. Beaman, late a special agent at the seal-fisheries in Alaska, salary and traveling expenses for 1880, $554.20.

The amendment was agreed to.

The next amendment was, after line 145, to insert:

To pay two assistant agents at the seal-fisheries in Alaska, at the rate of $2,190 each per annum, $1,095; and for necessary traveling expenses, at the rate of $600 each per annum, $300; in all, $1,395.

Mr. JONES, of Florida. I should like to ask some explanation of that.

Mr. BECK. I can answer that, perhaps. In the sundry civil bill we provided for them for next year, but as that bill does not take effect until the 1st of July, this deficiency is to provide for the interval between now and the 1st of July. There are two assistants to be appointed, two men who are obliged to be there.

Mr. JONES, of Florida. In the sundry civil bill the question of legislation on the appropriation bills was raised. I wanted to know whether this brings in for the first time these officers or whether they now exist by law?

Mr. BECK. Yes; they have existed for years and years.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the following clause, from line 152 to line 157:

To pay the judgment of the United States circuit court for the southern district of New York in favor of Edward S. Sherman, plaintiff, and against Moses H. Grinnell, former collector of customs of the port of New York, defendant, including damages, $1,130.79.

Mr. HOAR. Why should that be stricken out?

Mr. WALLACE. Because we had no information whatever, and it was not found in the Book of Estimates of deficiencies.

Mr. HOAR. I desire to say that I know all about it. The Senate ought to know that the gentleman interested is a cousin of mine, and may make any deduction from my statement on that account that they choose. He recovered for some duties wrongfully paid this amount of money eight or ten years ago in a suit against the collector of New York in the circuit court, where the legal question between them in the regular order was settled; and it has stood ever since.

This has been estimated for once or twice by the Department, but by accident did not get included in the bill. I called at his request, last year I think it was, on the Department, and asked if it had been estimated, and they said no, but they would send in the estimate at once; that it ought to be paid. Thereupon it turned out that they were a little too late with their communication, and the bill got through without its being put in last year. It is an honest judgment before the circuit court of the United States in New York for a little overpayment of duties, where there was a fair and legal question which the party raised and had settled in the ordinary way. He is a respectable New York merchant.

Mr. WALLACE. The Senator from Massachusetts gives us information that we had not before. The amendment can be voted down.

The amendment was rejected.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, under the head of "War Department," in the appropriations for "arrears of pay and bounty," after the word "appropriated," in line 275, to strike out "out of any moneys in the Treasury not otherwise appropriated;" and in line 280, after the word "heirs," to insert "not exceeding $300,000;" so as to make the clause read:

For the payment of claims for pay and bounty due to officers and enlisted men of the volunteer forces, and their heirs and legal representatives, there shall be, and hereby is, appropriated so much as may be necessary to pay said claims, allowed during this and prior fiscal years, under the following heads of appropriations, as follows: "Pay of two and three year volunteers," and "Bounty to volunteers and their widows and legal heirs," not exceeding $300,000; and the Secretary of the Treasury shall report to Congress at the commencement of the next regular session the amount that has been paid out under this provision during the fiscal year.

The amendment was agreed to.

The next amendment was, after line 316, to insert:

For the purchase and manufacture of clothing, camp and garrison equipage, $20,000.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," after line 341, to insert:

For the Bureau of Construction and Repair and the Bureau of Steam Engineering, Navy Department, $375,000.

The amendment was agreed to.

The next amendment was, after line 363, to insert:

For forage for the Marine Corps for the fiscal year 1881, $1,352.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," after line 385, to insert:

To enable the Secretary of the Interior to pay Richard Joseph, disburing clerk, the sum of $1,000, for his services in connection with the disbursement of the census fund, payable from the appropriations for the tenth census heretofore made.

The amendment was agreed to.

The Secretary continued the reading of the bill to the end of line 443.

Mr. WALLACE. By direction of the committee I offer the following amendment, to come in after line 443, as a new paragraph:

Salaries and commissions of registers and receivers:

For salaries and commissions of registers of land offices and receivers of public moneys, being a deficiency for the current fiscal year, $55,400.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in the appropriations for the "Indian Office," in line 459, after the word "exceeding," to strike out "two thousand" and insert "four thousand two hundred and sixty;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be sold an amount of the stocks or securities now held by the Government in trust for the Shawnee Indians, which, together with the accumulated interest thereon, will aggregate a sum not exceeding $4,260, sufficient to reimburse Daniel S. McDougal, or his legal heirs, and Charles S. Wilder, for the money by them paid for certain tracts of land belonging to said Shawnee Indians erroneously conveyed to them, and to which tracts of land the Government has given and can give no valid title.

The amendment was agreed to.

The next amendment was, before the word "thousand," in line 479, to strike out "twenty-five" and insert "thirty;" so as to make the clause read:

Support of Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas, 1881: This amount, or so much thereof as may be necessary, for the support and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas for the balance of the fiscal year, being a deficiency for the fiscal year 1881, $30,000.

The amendment was agreed to.

The next amendment was, after line 486, to insert:

For the purpose of enabling the Secretary of the Interior to indemnify the Ponca tribe of Indians for losses sustained by them in consequence of their removal to the Indian Territory, to secure to them lands in severalty on either the old or new reservations, in accordance with their wishes, and to settle all matters of difference with these Indians, $165,000; to be immediately available, and to be expended under the direction of the Secretary of the Interior, as follows:

For the purchase of 101,894 acres of land in the Indian Territory, where most of these Indians are now located, $50,000.

To be distributed per capita among the Ponca Indians in the Indian Territory, $10,000.

For the purchase of stock cattle and draught animals for Poncas in the Indian Territory, $10,000.

For the erection of dwelling-houses for Poncas now in Dakota, $5,000; for agricultural implements, stock, and seed, $5,000; for school purposes, $5,000; for general distribution among them per capita, $10,000.

To be held as a permanent fund in the Treasury of the United States, at 5 per cent. interest, the interest to be distributed annually among all the Ponca Indians, in cash, $70,000.

Mr. TELLER. I desire to make an inquiry of the Senator who has the bill in charge. What is the meaning of the appropriation of $70,000 in lines 509 to 512?

Mr. WALLACE. If the Senator from Colorado will take the whole of that together, he will see that it is for the Poncas. Line 487, on page 21, authorizes the appropriation of $165,000, of which that $70,000 is part. It came to us strongly indorsed and recommended, and the committee put it in the bill.

Mr. TELLER. All I want to find out is whether this is supposed to be a settlement of the Ponca matter or not?

Mr. WALLACE. That is the interpretation the committee placed on it.

Mr. TELLER. It seems to me a remarkable way to settle a controversy of that kind in the deficiency bill, and I think substantially without the consent or concurrence of these Indians. But I am not specially charged with the Ponca business; my friend from Massachusetts and some other Senators here are interested in it; and I think it needs some little attention before we incorporate this provision in the statute.

Mr. ALLISON. What is the inquiry of the Senator?

Mr. TELLER. I am inquiring what is the purpose of the amendment on pages 21 and 22 with reference to the Ponca Indians? I want to know whether the Ponca Indians are a party to this, or whether we are settling this according to our notions.

Mr. ALLISON. We are not settling anything, as the Senator will see by examining the amendment. We are making some little headway toward providing for the support of the Ponca Indians, in accordance with the agreement made on the subject. I trust the Senator from Colorado will not make any objection to this provision for the Poncas.

Mr. TELLER. I am willing to agree to any effort this committee will make to right the wrongs of the Ponca Indians. I believe I may say I was the first Senator who on this floor called the attention of the Senate to the outrages which had been perpetrated against this tribe of Indians by the Government of the United States, and I have taken some little interest and felt some sympathy in every move that has since been made to put that matter right.

I understand that now there is a very grave question before the public whether these Indians have ever accepted any settlement and whether they are prepared to accept any settlement save that of being put back upon the land which belongs to them as rightfully as any land which I own by virtue of a Government patent belongs to me; but I am not quite willing that a committee shall come here, whether it be by direction of the Interior Department or any other Department, and put upon an appropriation bill, the deficiency bill, a provision that shall in the future be declared to conclude these Indians and prevent them from asserting that which is their legal right.

I do not see any reason why it should have been in this bill, why it should not have come here in the Indian bill which is the appropriate and proper bill to make provision for all this character of claims; and it looks to me, with all deference to the committee, as if it appeared that this was one of the bills where it would be a great deal easier to settle a disputed controversy of this kind than it would on some other bill. I do not desire to object to it provided it shall not conclude these Indians and prevent them from asserting their rights in any way that they see fit and that it shall not be held as an estoppel to these Indians or their friends when they shall attempt to redress their wrongs.

Mr. ALLISON. Mr. President, I think if the Senator from Colorado will examine the first paragraph of the amendment he will see that it is the purpose and aim of the committee to enable the Secretary of the Interior to indemnify the Ponca tribe for losses sustained by them and to secure them either in their new or old reservation a settlement in accordance with their wishes. I do not see how it can be arranged in any better way for the Poncas than the committee propose.

Mr. HOAR. I desire to ask my friend from Iowa if he means by the phrase, "in accordance with their wishes," that the Indians are to be at liberty hereafter, the individual Indians, to express their wishes on that subject? Suppose there be a Ponca Indian removed from his old reservation (which removal everybody agrees was an outrage and a crime) who wants to go back, will he be entitled to go back to the old reservation under this, to have his homestead secured to him there under the direction of the Secretary of the Interior; or does it mean to claim that the Poncas were removed in accordance with their wishes?

Mr. ALLISON. I do not see that it provides anything about their removal.

Mr. DAWES. I ask the Senator if he objects to this phrase after the word "wishes," in line 492, "as the members of said tribe shall hereafter prefer?" That excludes any inference that they have already bound themselves, or that they have been forced to any conclusion whatever. Accept that amendment and we can go on.

Mr. ALLISON. I cannot accept that; I do not know about that.

Mr. KIRKWOOD. Mr. President, I have but a very few words to say.

The PRESIDING OFFICER. Will the Senator from Massachusetts repeat his amendment?

Mr. DAWES. In line 492, after the word "wishes," I move to insert "as the members of said tribe shall hereafter prefer."

Mr. HOAR. I think that will be accepted probably by the committee, from what I learn.

Mr. SAUNDERS. If they do accept it, it should be stated whether the consent is to be by the whole tribe, or by the headmen of the tribe.

Mr. DAWES. It is proposed to allot them lands in severalty, and that each member of the tribe take his allotment either in the Indian Territory or in the old reservation.

Mr. PADDOCK. Say "in open council."

Mr. KIRKWOOD. Mr. President, I have been endeavoring for the last twelve months in my way and according to my best judgment to do something for these Ponca Indians. I have differed in opinion with others who are friendly to them, as I am, as to the best mode in which that can be done. My own judgment is clear; I have no doubt whatever that the best thing that can be done for the Ponca Indians is to recognize the exact state of affairs as it exists to-day.

A portion of the tribe, something over one hundred in all, have left the reservation in the Indian Territory and gone to their old reservation in Dakota. No one proposes to disturb them there, but to make provision for them there. Something over five hundred of them remain in the Indian Territory upon the lands proposed to be bought by this bill for them.

But it is said they ought to be allowed, if they desire so to do, to leave the Indian Territory and go to Dakota. Well, Mr. President, I suppose that an Indian knows and has the right to know his own mind as well as a white man. After these Indians were taken to the Indian Territory, some two or three years ago, they were very much dissatisfied with their removal and continued so to be, as was to have been expected, considering the circumstances under which they were removed; but last year, the homesickness under which they had been laboring having passed away, they having become to a large extent acclimated to the new region in which they were living, they met in council on their own reservation and sent a written request to the Secretary of the Interior asking his permission to send their chiefs here to settle up with the Government their claim for damages because of the removal. That movement, if we can believe human testimony, originated with the Indians themselves; it was carried on by the Indians themselves. When in the month of October their letter requesting permission to send their chiefs here for the purpose of settlement reached the Secretary he assented to it, and the chiefs of the tribe came here from their agency in the Indian Territory, and spent a week, ten days, perhaps two weeks—I do not know how long—here in consultation upon this subject. They were examined in public as to what their wishes were, and what were the wishes of those they represented. They were examined in the presence of the special committee appointed to investigate this matter. They were examined in the presence of the commission appointed by the President of the United States to go to the Territory and see whether or not their chiefs here were truly representing them, and they gave throughout the whole the same and no uncertain sound in that regard.

Still, to satisfy some men who thought they knew more about this matter than the Indians themselves knew about it, a commission consisting of two distinguished Army officers and two civilians, after all this had been done, were sent to the Territory. When they arrived there they called the tribe together in consultation, and more than half of them met in council. So careful were these commissioners to exclude any undue influence from the council that they acted upon the somewhat extraordinary plan of excluding from the council while it was in session every white civil employé of the Government except themselves. The agent, the clerks, and all the employés of the agency were not permitted to be present while the Indians and these commissioners were in council. It was debated among them whether a police force consisting of Indians themselves should not be excluded as well from the council; and I suggested to one of the commissioners in examining him as a witness not long since whether they had not consulted upon the question of excluding

themselves from the council because they were employés of the Government.

These Indian chiefs, and those who were not chiefs, being in council under these extraordinary circumstances, they reiterated what the tribe had agreed upon in October last, what the chiefs who were sent here in accordance with the council held in October said, and what they swore to here. These commissioners also report, and we have their testimony here before the Senate, that every Indian there desired to stand by what the council had agreed upon in October last, and what their chiefs for them had agreed upon with the Secretary of the Interior here during the present winter.

Mr. MORGAN. If the Senator will allow me, I wish to ask him what General Miles's testimony is upon the point of the Indians having agreed to this arrangement?

Mr. KIRKWOOD. As I understand the testimony of General Miles, he testified that the Indians all said just what I am saying, but he had an opinion back of what they said, that he knew better than they did what they meant. His testimony is, that although the Indians say they want to stay there, that although they said that in October, that although they said that in the winter here and said it under oath, and although they said it in the council at which General Miles himself was present—notwithstanding all that, in his judgment they had been in some way influenced to that conclusion, and that they really did not in October or did not when here, or did not at the council, of which he was a member, express their true opinion.

Mr. HOAR. May I ask the Senator a question?

Mr. KIRKWOOD. Yes, sir.

Mr. HOAR. As I understand it, the question is not whether these Indians gave a formal assent, and not whether their seniors advised the tribe that it was best for them to assent; the question is whether they gave that assent because they despaired of justice from the United States, and because they said to themselves, "This Government never will let us go home, and it is better for our young men, who will never be permitted to go, to understand it at once, and to have it settled at once." That is the point concerning which some members of this body and some people elsewhere desire to be instructed. I wish to ask the honorable Senator if the Chief of that tribe, White Eagle, being inquired of before his committee by the Secretary of the Interior why he consented to remain in the Indian Territory after their struggles to get back to Dakota, did not reply, "It was in order that I might sit on a stone and look you in the face hereafter?" Does not General Miles say in substance that, although these Indians consented through their chiefs and in their councils, it was a consent given because they despaired of being permitted to return to the home which was as lawfully theirs under the treatics as the home of the wife and children of any member of this body is lawfully theirs, and they were removed to the Indian Territory by the bayonets of the United States in spite of its law?

Mr. KIRKWOOD. I gave way to the Senator from Massachusetts for a question. He is forgetting, and instead of asking me a question he is making a speech.

Mr. HOAR. After I had finished my question my friend took his seat, and I supposed he desired I should go on. If he does not I will withdraw and proceed hereafter; but I wanted to call his attention to the point of what that consent means.

Mr. KIRKWOOD. The point as presented is a very broad one; so broad that it would require some whittling I think to bring it to a point.

I was about saying that General Miles has an impression, doubtless honestly entertained, just such as the Senator from Massachusetts appears to have, and just such as some others appear to have, and what is that? It is that the Interior Department of the Government has been making and is making to-day a false pretense to the country in this regard; that it has been seeking by means of one kind and another to produce the impression upon the Senate and the country that this action of the Indians there is the true expression of their wishes, while such is not the fact. I cannot for my life understand what seems to be a desire and to yield a pleasure to some portion of our people to impute to others wrong motives and dishonorable actions. I am no apologist for Secretary Schurz; I have been no defender of his; we have differed widely in many regards; but justice and right ought to be done to him as well as to every other man, I apprehend.

I have before me the testimony taken by the commission which was sent down there after the proper Department of the Government had acted in this matter, and, as I presume, had acted conscientiously and rightly. It was a commission sent by the President upon outside pressure—outside of the ordinary mode of proceeding—to investigate substantially the question whether the Secretary of the Interior had been acting like an honest man or a scoundrel. Here is what those Indians there and then said. Mr. Allen, one of the civilians upon this commission, in interrogating White Eagle, puts this question to him:

Mr. ALLEN. If the Great Father wanted to send you back there and give you all you had before, would you want to go or stay?

WHITE EAGLE. If the Great Father should make that for me, I should think he'd have me wandering around; and for that reason, I should be unwilling to go and should want to remain here.

Mr. ALLEN. If the Great Father should give him as strong a paper for that land as he said he wanted for this land, would he be willing to go back there and remain permanently?

WHITE EAGLE. I would remain here. The matter is finished, and so I'll sit here.

So you will find all through this testimony that these men, knowing all the circumstances much better than either the Senator from Massachusetts or myself can know, having looked over the whole matter from top to bottom again and again, have reiterated their determination, reiterated their desire to remain where they are.

Mr. HOAR. Then will my friend inform me why he objects to a clause in the bill that they may take their choice in twelve months?

Mr. KIRKWOOD. Just because I profess to be a friend to the Ponca Indians, and want to have this matter settled sometime. I do not want to fritter away another year when they should be at work upon their farms improving their condition; and in the mean time have emissaries sent through that country stirring up strife and contention.

Mr. HOAR. Will my friend tell me, if every one of them wants to stay, how it is going to disturb him to know that twelve months are given in which they can go if they choose; how it unsettles anything?

Mr. DAWES. Simply hereafter to express a wish.

Mr. KIRKWOOD. That may be done in a year, or two years, or five years, or twenty years.

Mr. HOAR. No, one year is enough.

Mr. KIRKWOOD. If the Senator from Massachusetts says to me that he wants to do a thing, he understands what he wants to do and has told me, and if he has told me once, twice, thrice what his desires and wishes are, it is an insult to ask him again if he wants to do it.

Mr. HOAR. I desire to ask the Senator if the commission on which Generals Miles and Crook sat did not recognize that the individual Indian should have a reasonable time, and if the President does not confirm that recommendation?

Mr. KIRKWOOD. Oh, yes, they do that thing, but their judgment is not binding upon our judgment. We are here not to decide upon our action by the opinions of other men, but by the evidence given to us or to them.

Mr. HOAR. But when I put the question to my honorable friend, he implied—I will not say with a sneer or taunt, for that is not at all in accordance with his usually kindly and polite nature——

Mr. KIRKWOOD. No.

Mr. HOAR. But he implied that people who know a good deal more about it than the Senator from Massachusetts said so and so. I want to know if the commission and the President of the United States are included, in his judgment, in that list.

Mr. KIRKWOOD. I said that these Indians knew a good deal more than the Senator from Massachusetts or myself, and I said they ought to know. I did not speak of others outside of the Indians as knowing more about their own condition than they themselves did.

It seems to me that this matter is reasonably familiar to the members of the Senate. I am content with the provision reported by the Committee on Appropriations, and I hope it will not be disturbed for the very controlling reason that I do not want another year to pass by during which these poor people shall be left in uncertainty.

Mr. PLUMB. I ask that the Secretary state the question before the Senate.

The PRESIDING OFFICER, (Mr. PENDLETON in the chair.) The amendment to the amendment will be reported.

The CHIEF CLERK. In line 492 after the word "wishes" the Senator from Massachusetts [Mr. DAWES] moves to insert "as the members of said tribe shall hereafter prefer."

Mr. PLUMB. Mr. President, for about a year and a half I have been a member of the committee, a part of whose duties it has been to obtain information about the Ponca Indians. It is a long stay, and there is a good deal to be said about it on both sides; but necessarily there must at some time be a finality reached. There is an element of fairness upon the face of the proposition contained in the amendment to the amendment, but I submit to the Senate that if this matter is to be left open for the next twelve months, at the end of that time we shall be as far from the settlement of it as we are to-day.

Mr. HOAR. For six months.

Mr. PLUMB. The Senator from Massachusetts says it is for six months. It is, I think, to the interest of these Indians that this matter be settled now. I think the Indians have expressed, in a manner which is as authentic as they usually express their wishes, a desire to remain where they are now respectively; that is to say, a portion of them in Dakota and the remainder of them in the Indian Territory. I think myself it would be better for the Indians if the Government were to say that those who are in Dakota shall go to the Indian Territory or those who are in the Indian Territory shall go back to Dakota.

The PRESIDING OFFICER. The hour of half past one o'clock having arrived, the Chair will lay before the Senate the unfinished business, which is the bill (S. No. 2022) in relation to the Japanese indemnity fund.

Mr. WALLACE. I trust that bill will be laid aside.

The PRESIDING OFFICER. The Senator from Pennsylvania asks that the bill be laid aside in order to continue the consideration of the pending bill.

Mr. EATON. Without prejudice to the Japanese-fund bill.

The PRESIDING OFFICER. Without prejudice. The Chair hears no objection. The deficiency bill continues under consideration.

Mr. WALLACE. Will the Senator from Kansas [Mr. PLUMB] allow me to call attention to the fact that time is rapidly passing? When he ceases I shall ask to apply the five-minute rule to speeches on this bill.

Mr. PLUMB. I shall detain the Senate but a moment longer. I think, in view of all that has taken place, the best thing that can be done is to recognize the existing status. If there are any Indians in the Indian Territory to-day belonging to the Ponca tribe, they are there because they choose to stay there; if there are Indians of the Ponca tribe in Dakota to-day, it is because they choose to be there. Why should we unsettle that which they themselves have settled by their own deliberate act? If this thing is laid over for six months, interested parties will be pursuing these people, interviewing them, stirring them up, and endeavoring to impress upon them, not the idea which the Indians themselves ought to entertain, but the idea which they entertain with regard to where their habitation should be, and at the end of six months this whole thing will not only be as bad as it is now, but a great deal worse.

Mr. DAWES. Mr. President, it does seem to me to be very unfortunate that a question involving so much as this question does should be sprung upon the Senate in the very last hours of the session. A committee, as was said, has been eighteen months at work diligently endeavoring to find the best method of solving this question. Against the report of that committee, against the message of the President of the United States, and against the report of a commission headed by those two gallant officers, Generals Crook and Miles, it is proposed in the last hours of this session to settle this thing here without any voice, in the consequences to this tribe of Indians in all time to come, to be expressed by themselves. It is a cruel act.

Here are five hundred Indians in the Indian Territory who day and night for three long years have importuned Congress and the President of the United States to permit them to go back to Dakota. Within the last six months they have upon paper and before committees, and in every way that they have expressed themselves, signified their willingness to stay there. There is no difference of opinion about the fact that they formally say they are willing to stay there, but the President having some doubt whether notwithstanding they have said so by a sudden change of this character, to satisfy himself and the country about what was the duty of the Government to them, sent a commission of four men, General Crook at the head, who understands the Indian character as well as any other man; the gallant General Miles, who has no peer as an Indian warrior or as a man; Mr. Stickney, of the Indian commission, who has labored ten years among the Indians trying to secure justice to them, and a distinguished individual from my own State whose integrity is above question. They went down there; they examined these Indians. They come back here and tell you plainly what the Senator from Kansas and the Senator from Iowa insist upon, that about two hundred and forty-five of the men, women, and children out of those five hundred did indicate clearly enough their present wish to stay there; but they also said that it was the consent of captives, it was like agreeing to the terms of capitulation. General Miles said in his testimony before the committee, which I regret exceedingly my friend from Kansas did not hear, that it was just the terms which prisoners of war accede to; that to hold those Indians there without giving them an opportunity now to choose between the Territory and Dakota would be holding them as prisoners of war.

Mr. ALLISON. Does the Senator from Massachusetts say that this amendment holds them there against their wishes?

Mr. DAWES. I will discuss that.

Mr. ALLISON. I hope so.

Mr. DAWES. I will read just what these four men recommend:

> That an allotment of one hundred and sixty acres of land be made to each man, woman, and child of the Ponca tribe of Indians, said lands to be selected by them on their old reservation in Dakota, or on the land now occupied by the Ponca Indians in the Indian Territory, within one year from the passage of an act of Congress granting such tracts of land. That until the expiration of this period free communication be permitted between the two branches of the tribe.

That is what these four men recommend. The President of the United States, in communicating their report, recommends—I read from his message:

> Ample time and opportunity should be given to the members of the tribe freely to choose their allotments, either on their old or new reservation.

My distinguished friend, the chairman of the committee, and the Senator from Kansas distinctly argue in support of this provision in the bill because it treats things as fixed, as they are now. I ask the Senator from Iowa to hear me.

Mr. KIRKWOOD. I am listening.

Mr. DAWES. I am addressing myself now to the Senator from Iowa farthest from me, [Mr. ALLISON.] They assume that these words hold the members of the tribe to the condition of what General Miles calls a capitulation.

Mr. KIRKWOOD. Does the Senator state that from General Miles's testimony?

Mr. DAWES. General Miles said that to me. General Miles said, however, in the testimony that, looking to the future welfare of these Indians, it was absolutely necessary to give them hereafter a free choice.

The Senator from Iowa farthest from me [Mr. ALLISON] puts a question to me which has this significance: he means to intimate honestly and fairly, and with him I have no doubt it is so, that the words "according to their wishes" do give them this chance; but these two Senators here argue in support of these words that they do fix them where they are now. The question by the use of these words is left open whether it is meant that they have expressed their choice in the formal letter obtained from them when they said they had no other choice, or whether it means hereafter. In order to make it absolutely plain that it means that they shall have a choice hereafter, I modify the amendment so as to read, "to be hereafter expressed," and I modify it to meet an objection of the Senator from Kansas, and I say, "within six months." If it means that now, those words do not do any harm. If it means what two Senators upon this floor argue it should mean, then the question is fairly presented to the Senate whether these poor Indians shall have any choice hereafter. I cannot understand why it is that those who believe these Indians honestly and freely and without constraint have expressed their opinion can object to permission given them to express it over again.

Sir, I do not want to detain the Senate, but there is involved in this matter the question whether these poor human beings have any choice. What did White Eagle, Standing Bear, and the others testify? That the reason why they gave this consent was because they had no other choice. General Miles said he was satisfied in examining them down there that the choice was never presented to them between the Indian Territory and Dakota; that they were told they could not go back, and they had better make such terms as they could. With the strong arm of power upon their neck there has come from them this unwilling and reluctant consent; and now they are to be held to it by an act of Congress which refuses deliberately to give them an opportunity to say whether that is their own free consent or not. If it is their free consent I have nothing to say. Let them determine for themselves whether they will go back to the home that was wrenched from them, or take a new one in the Territory. I am for giving them that opportunity to consent. If that is their choice I have nothing to say; but if it is not their choice, if it has been wrung from them, this Government commits a wrong that no money paid to Indians will wipe out, if it wrenches from that tribe of Indians their home and refuses to give them the opportunity to go back.

I hope the Senator having charge of this bill [Mr. WALLACE] and the Senator from Iowa [Mr. ALLISON] of the committee who prepared these amendments, if the words they have chosen mean what they intimate to me they do, will make them perfectly clear, because the Senator from Iowa near me, [Mr. KIRKWOOD,] with entire frankness and openness, believes it would be wrong to give them that opportunity to consent anew, and the Senator from Kansas [Mr. PLUMB] does, and they want it to be held just as it is.

Mr. WALLACE. I now ask unanimous consent that the five-minute rule be applied to further debate upon this bill. We shall not get through with the bill in time to have it enrolled otherwise. It appropriates some five million dollars, and we must pass it this afternoon or it will be lost.

Mr. HOAR. Does the Senator object to the amendment to the amendment? If the Senator accepts that amendment, it will be very easy to have a five-minute limit, as far as we are concerned.

Mr. WALLACE. This provision came to the Committee on Appropriations from the select committee indorsed by the Committee on Indian Affairs, in the language in which it is, and unless they shall change their recommendation I have no power to accept it.

Mr. HOAR. As I understand the select committee favor the amendment of my colleague.

Mr. SAUNDERS. What is the amendment of the Senator's colleague?

Mr. HOAR. The amendment of my colleague simply is, as I understand it, that the Indians are to be in one place or the other with their assent, to be expressed by the individual members of the tribe within six months, so that any Indian may take his choice whether he will be one of the old tribe or the new. That, I understand, is supported by a majority of the special committee of the Senate on that subject. I ask my friend from Pennsylvania if he objects to that?

Mr. WALLACE. The Senator from Iowa [Mr. ALLISON] represents on the Committee on Appropriations the Indian Committee. If he assents to it I am entirely content.

Mr. HOAR. I hope my friend from Iowa will assent to it.

Mr. ALLISON. If the Senate wants to put that amendment in, it can vote it in.

Mr. HOAR. That is true, but it is proposed to limit debate.

Mr. ALLISON. Very well; let us debate it. We put the amendment on in order that something may be done at this session for the benefit of these Poncas. If Senators are not satisfied with the clause and desire to amend it, so be it, and if the bill is lost the responsibility will be upon those who are not satisfied with what has been done by the committee.

Mr. HOAR. The bill is not in the least affected by the fact that the provision is passed in one shape or another. If this amendment is put on the bill will go through, and so if the amendment is not put on; but the question is as to the length of debate. The Senators who favor the amendment of my colleague might feel constrained to address the Senate about it at length if it is resisted by my friend from

Iowa, because anything that he resists is in considerable peril in this world.

Mr. ALLISON. Thank you.

Mr. HOAR. My question, therefore, is whether the Senator from Iowa will agree with the Senator from Pennsylvania in making no objection to the amendment to the amendment.

Mr. ALLISON. I do not believe the amendment to the amendment ought to be put upon this bill in the form suggested by the Senator from Massachusetts. How is the consent of each member of this tribe to be procured?

Mr. HOAR. The Secretary of the Interior has a good deal of authority about it; he will procure it.

Mr. ALLISON. Suppose they select first a piece of land in the Indian Territory, and then afterward, under the influence of some person outside of their reservation or on their reservation, they choose to go again to Dakota, to their old reservation?

Mr. HOAR. But of course one act of consent terminates the whole thing. There are persons who believe, of whom I am one, upon the evidence, just what the commission believe, that this tribal action has taken place under a great and imminent fear which dwelt upon the minds of those Indians. They were removed, as everybody agrees, from their homes to which they were attached, without fault on their part, in violation of the express act of Congress which declared they should only be removed with their consent. Having been so removed they struggled; some of their chiefs broke from the custody of the United States and were arrested. One of them having escaped, and being rearrested, was slain.

Mr. PLUMB rose.

Mr. HOAR. I do not want to be quoted now as dealing with the question of responsibility for that act.

Mr. PLUMB. Right there, does the Senator mean to say——

Mr. HOAR. I mean to say what I am about to say, which will be stated so clearly that my friend cannot misunderstand me. It is not a question who is responsible for the original act; it is not a question who is responsible for killing Big Snake. The result of what occurred was that a mortal and permanent fear dwelt upon the hearts and minds of those unoffending Indians. They thought that it was hopeless for them to appeal further to the justice or to the mercy of the Government of the United States, and their old men said to the young men, "This tribe will chafe till it perish unless it submits and gives its consent," as it is said, to this capitulation, as a prisoner of war might give his parole.

It is due to the honor of the United States that these men have some time, with the understanding that they have a choice to return to the homes which are theirs, an opportunity to make the election. The question whether an act is an act of national honor or national dishonor is not in the least affected by the character of the person who suffers by it; it is a question of the character of the nation that does it. That is the mistake which Great Britain and other nations have made. England says, We will be guilty of oppression to the Irishman, or to the Afghan, or to the Hindoo because of some real or fancied defects in the character and temper of the Irishman, or the Afghan, or the Hindoo. The United States plants itself on the doctrine that its own honor is in question when the justice or injustice of its action to the meanest human being that lives is concerned.

I say to my honorable friend from Iowa [Mr. ALLISON] that this is not the doctrine of Massachusetts sentimentalism; and when the bravest and most famous soldiers alive on our soil, thoroughly acquainted with the Indian character, appointed by the President of the United States, selected as the commission to report what honor and justice require at our hands, come to us and say that justice and honor require that there should be given to these persons now an opportunity to make this election after they have known that they are free agents in making it, which they have had every reason to doubt heretofore, will the Senate of the United States refuse to make what the honorable Senator from Iowa claims is the meaning of his measure now, so clear and plain that no man can mistake it?

Mr. WALLACE. I now insist that for the sake of this bill the Senate will allow the five-minute rule to be applied to further debate.

Mr. HOAR. I will not consent until this amendment is disposed of.

Mr. WALLACE. Does the Senator from Massachusetts object?

The PRESIDING OFFICER. The Senator from Massachusetts objects.

Mr. EATON. Then as a member of the Committee on Appropriations, and recognizing the necessity that this bill should pass within the coming twenty-four hours, I move to lay the amendment to the amendment on the table.

Mr. DAWES. I make the inquiry whether an amendment to an amendment being laid on the table does not carry the amendment with it?

The PRESIDING OFFICER. It does not upon an appropriation bill.

Mr. DAWES. It has been so ruled by the Chair within a short time.

Mr. HOAR. I will not call it a menace, but after that movement of the Senator from Connecticut I will withdraw the objection to the limitation upon debate to five minutes.

Mr. EATON. Then I will withdraw, if I have the power, my motion to lay on the table.

Mr. WALLACE. Now I ask unanimous consent that the five-minute rule be applied.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent of the Senate to apply the five-minute rule to further debate on this appropriation bill. Is there objection?

Mr. CAMERON, of Pennsylvania. I object.

The PRESIDING OFFICER. The Senator from Pennsylvania objects. The question is on the amendment of the Senator from Massachusetts [Mr. DAWES] to the amendment of the Committee on Appropriations.

Mr. HARRIS. I shall renew the motion made by the Senator from Connecticut if there is objection to applying the five-minute rule, and move to lay the amendment to the amendment on the table.

Mr. WALLACE. Does my colleague insist on the objection?

Mr. CAMERON, of Pennsylvania. I withdraw the objection.

The PRESIDING OFFICER. The objection is withdrawn. The Senator from Pennsylvania [Mr. WALLACE] asks to apply the five-minute rule to further debate on the appropriation bill. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. WALLACE. I hope the vote will be taken on the amendment to the amendment now.

Mr. MORGAN. Mr. President, I think the Senate cannot refuse to allow these Indians to make their election. They were sent south in fraud of their treaty rights, and they have been kept there in fraud of their treaty rights. The Senate cannot do a wiser act than convince the Indians that they have some rights under the laws and the Constitution of the United States.

These Indians were taken from a reservation to which they had as perfect a title as any man in this country has to his own individual land. They were removed without the authority of law, and whether under a misconception of their rights under the treaty or not, they were still removed in fraud and in violence of their rights under the laws of the United States.

We have got to come to the point of recognizing that the humblest man in this country is entitled to all that the laws and the Constitution guarantee to him. The courts have sustained the Indians, so far as this question has been tried, in the assertion of the personal rights of liberty against unconstitutional law. The idea of the amendment to the amendment is simply that the Indians of the United States under our Government have some rights that our people are bound to recognize. If they had no rights that our people were bound to recognize, then what would they be? They would not be persons in the meaning of the Constitution.

The Congress of the United Sates cannot do itself more justice in the enactment of any law than to accept the amendment of the honorable Senator from Massachusetts. That amendment proposes to say to the Indians of the Ponca tribe, "You have a perfect right, guaranteed to you by the most solemn sanction of the Government, to the lands upon which you reside or did reside at the time of your removal." Many of the Poncas have felt that their removal was in fraud of their rights; that it was an injustice. They still adhere to that opinion. When I say they still adhere to that opinion, I mean that the great body of the Ponca Indians, notwithstanding that which has been said by the Secretary of the Interior, do still adhere to the idea that they have a right to their land in Dakota.

The question then is presented whether we shall allow them to resort to that part of the territory of the United States which we have given them a treaty right to occupy, or shall the Senate now enact a law which deprives them of the privilege of having themselves that which we have guaranteed. I have on various occasions heard comments made in this body in reference to the rights of the negroes of the South——

The PRESIDING OFFICER. The five minutes allowed to the Senator have expired.

Mr. MORGAN. Then I will ask consent to proceed for one moment.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent of the Senate to proceed with his remarks. Is there objection? The Chair hears none.

Mr. MORGAN. I thank the Senate for its courtesy. When we have been charged with excluding certain people from their rights under the Constitution of the United States, I do not wish to be a party to the invasion of any of the rights secured to the Indians by the supreme law of the United States, which we have no right to violate. Yet in the eyes of the Poncas that law has been violated and the Senate has evinced no feeling to restore these people to the rights of which they have been deprived. I desire that these Indians, the meanest and lowest with the best of them, shall enjoy under our Constitution and our laws the rights that belong to them. They have the right suggested in the amendment of the Senator from Massachusetts to go to Dakota, and if the Senate deprives them of that right it simply violates the Constitution of the country by denying to the Indians those rights which belong to them under the supreme law of the land.

Mr. SAUNDERS. When this amendment was first offered I inclined to support it and asked the Senator to modify it to some extent, which he did; but I have made up my mind on looking it over further that it will be almost impossible to settle this question in this way. How are we to learn how this question is to be settled, or who is to settle it? No provision is made by the bill. No provision is made by the amendment proposed by the Senator from Massachusetts. Who is to attend to it? Who will ascertain it? Who will report it, and to whom will the report be made? I see so many difficulties in the way

that it seems to me it is better to take the proposition as it stands than it would be to attempt to put such an amendment as that upon it. We have had this question before us for a long time in various shapes. That a blunder was committed in the start there is no kind of doubt in my mind. My own opinion is that the Congress of the United States committed the blunder in this case, and that was in appropriating a large amount of money for the removal of the Poncas, simply saying that their consent must be had before the removal. Everybody knows that those selected for the purpose manage in some way to get their consent to these things when they have a large amount of money at stake; and I say the blunder was first commenced by Congress itself; and now how we can get out of this difficulty and do justice is the question that ought to interest us at this time.

If I did not think that these Indians had pretty well settled this question among themselves as to whether they will go north or whether they will remain in the Indian Territory, I should be in favor of some kind of an amendment such probably as that brought forward by the Senator from Massachusetts; but the President of the United States sent a commission to talk to these Indians directly upon this subject; they did so; and they ascertained the precise number of Indians who wanted to remain in the Territory and those who wanted to go back to the old Ponca reservation in Dakota, as nearly as it could possibly be done or as it will be done by any other commission or by any other party if we adopt this amendment.

I think, under all the circumstances, that it is better to settle this question as they left it and as the committee have reported it, and that is to settle on the number that are there now as the number that shall remain in the Territory. This measure fixes that, and I have no doubt that things can be arranged in a reasonable time. We are not fixing any number; we are not saying there are so many in the Territory and so many to be provided for in Dakota; but we do say that those who are in the Territory and those who are going to Dakota shall have such and such appropriations made for them.

I do not know whether the committee are exactly correct in what they have done in one thing, and I call their attention to it now. I see that they appropriate $10,000 to be divided per capita among the Indians in the Territory, and the same amount to the Indians in Dakota. There may be a mistake in that. They ought to put it that each shall have the same amount, because I do not think there are as many in Dakota as there are in the Territory. I do not wish to move any amendment, but I want to call the attention of the committee to that point, that they probably are making a mistake which may cause trouble, because if we were to give the Indians in the Territory 50 per cent. more than the others they would not be satisfied. I shall now accept the amendment as offered by the Committee on Appropriations, and shall vote for it just as it is, because I think it is better to settle the question now than to keep it open longer.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. DAWES] to the amendment of the Committee on Appropriations.

A division being called for, there were—ayes 13, noes 23.

Mr. ALLISON. We may as well have the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. What is the result of the count first? It has not been declared.

The PRESIDING OFFICER. Thirteen in the affirmative and 23 in the negative.

Mr. HOAR. No quorum voting.

Mr. WALLACE. The yeas and nays will show whether there is a quorum.

Mr. DAWES. I withdraw the amendment.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts is withdrawn. The question is on the amendment of the Committee on Appropriations from line 487 to line 512.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, after line 512, to insert:

For the purpose of reimbursing the United States Treasury for a certain sum of money appropriated by this Congress for depredations committed by the Kiowa and Comanche and Sioux tribes of Indians, the Secretary of the Treasury is hereby authorized to withhold from the annuities payable to said Indians an amount equal to said sum so appropriated; and he may withhold all of said sum out of the annuities due or to become due to said Indians in any one year, or otherwise, as between him and the Secretary of the Interior may be agreed upon, due reference being had to the care and welfare of said Indians.

The amendment was agreed to.

The next amendment was, after line 523, to insert:

To pay Arthur J. Carrier, late Indian agent at the Ponca agency, Dakota, the sum of $2,313.60, being the amount advanced by him for the use of said agency during the first quarter of the year 1876 in excess of the official funds sent him for the use of said agency; and the further sums of $375, for salary as such agent for the first quarter of the year 1876, and $116.55, for expenses incurred from January 24 to March 28 in traveling upon official business; in all, $2,805.15; the same to be in full settlement and satisfaction of said claimant's account as Indian agent.

The amendment was agreed to.

The next amendment was, after line 538, to insert:

That the proper accounting officers of the Treasury, in the settlement of the accounts of Isaac L. Mahan, Indian agent, are hereby authorized to adjust and settle the same upon the principles of equity and justice, and to award him credit for disbursements as appear to have been honestly made in good faith, and have inured to the benefit of the Indians or United States.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 7035) making appropriations to provide for the expense of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE L. CONVERSE of Ohio, Mr. HENRY POEHLER of Minnesota, and Mr. W. D. WASHBURN of Minnesota, managers of the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. No. 5521) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. No. 5521) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof, was read twice by its title, and referred to the Committee on Claims.

HOMESTEAD SETTLEMENTS.

The Senate proceeded to consider its amendment to the bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers, disagreed to by the House of Representatives.

On motion of Mr. PLUMB, it was

Resolved, That the Senate insist upon its amendment disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. BOOTH, Mr. WALKER, and Mr. PLUMB.

COMMITTEE ON LIBRARY ACCOMMODATIONS.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, (the House of Representatives concurring,) That the Joint Select Committee on additional accommodations for the Library of Congress is hereby continued and authorized to sit during the coming recess of Congress.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the following acts and joint resolutions:

An act (S. No. 326) for the relief of Henry F. Lines;

An act (S. No. 76) for the relief of M. F. Clark;

An act (S. No. 367) granting an increase of pension to Isabel L. Evans;

An act (S. No. 2184) to authorize the commissioners of the District of Columbia to appoint additional policemen for temporary service in the District, and for other purposes;

An act (S. No. 1905) changing the name of the First National Bank of West Meriden, in the county of New Haven and State of Connecticut; and

A joint resolution (S. R. No. 156) in relation to the international exhibition of 1883.

The message also announced that the President had this day approved and signed the following acts and joint resolution:

An act (S. No. 1181) for the relief of Dodd, Brown & Co., of Saint Louis, Missouri;

An act (S. No. 753) to provide for the sale of the remainder of the reservation of the Confederated Otoe and Missouria tribes of Indians in the State of Nebraska and Kansas, and for other purposes; and

A joint resolution (S. R. No. 79) directing the Secretary of War to investigate the claim of the State of Florida against the United States for expenditures made in suppressing Indian hostilities in said State between the years 1855 and 1860, and to report the result of such investigation to Congress.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, under the head of "Post Office Department," in the appropriations for the office of the First Assistant Postmaster-General, in line 551, to reduce the appropriation "for supplying paper" from $20,000 to $5,000.

The amendment was agreed to.

The next amendment was, in line 554, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

For railway post-office clerks and for route-agents, $40,000, to be equally divided between these two branches of the service.

The amendment was agreed to.

The next amendment was to strike out lines 558 to 560, in the following words:

For wrapping-twine for blank-agency office, $5,172.47.

The amendment was agreed to.

The next amendment was, after line 560, to insert:

For letter balances and scales, $5,000.

The amendment was agreed to.

The next amendment was, after line 561, to insert:

For publication of additional copies of the Official Postal Guide, $3,000.

The amendment was agreed to.

The next amendment was, in the appropriations "for office of disbursing clerk and superintendent of Post-Office building," in line 573, to increase the appropriation "for telegraphing" from $500 to $1,000.

The amendment was agreed to.

The next amendment was, in line 574, to increase the appropriation "for miscellaneous items" from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, after line 601, to insert:*

SENATE.

For twenty-two clerks to committees and eighteen pages, a sum sufficient to pay them during the special session of the Senate.

The amendment was agreed to.

The next amendment was, after line 605, to insert:

For salaries of officers, clerks, messengers, and others receiving an annual salary in the services of the Senate, a sum sufficient to pay them, and the twelve laborers, during the special session of the Senate.

Mr. WALLACE. In line 608 the words "them and" should be stricken out; so as to read "a sum sufficient to pay the twelve laborers during the special session of the Senate." It was only intended to appropriate sufficient to provide for the twelve laborers during the special session of the Senate; and there is a misprint or mistake of some kind.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The Secretary resumed the reading of the bill. The next amendment was, after line 609, to insert:

To enable the Secretary of the Senate to pay to the messengers in his office the difference between their present pay and that of messengers of the Senate of the United States, from July 1, 1880, to June 30, 1881, $144 each.

The amendment was agreed to.

The next amendment was, after line 615, to insert:

To enable the Secretary of the Senate to pay J. S. Hickox for services as assistant in folding-room, from July 1, 1880, to June 30, 1881, inclusive, $240, this amount being the difference between the pay which he receives and that of assistants in the document-room.

The amendment was agreed to.

The next amendment was, after line 622, to insert:

To enable the Secretary of the Senate to pay J. P. Ringgold for services as clerk in folding-room, from July 1 to December 31, 1880, inclusive, $240, this amount being the difference between the pay of clerk and that of laborer received by him.

The amendment was agreed to.

The next amendment was, after line 628, to insert:

To enable the Secretary of the Senate to pay George T. Howard the difference between his pay as a mail carrier and that of a messenger of the Senate of the United States, from July 1, 1878, to June 30, 1879, $240.

The amendment was agreed to.

The next amendment was, after line 634, to insert:

To enable the Secretary of the Senate to pay George W. Kennedy the difference between his present pay and that of a messenger of the Senate of the United States, from December 1, 1879, to March 1, 1881, $428.80.

The amendment was agreed to.

The next amendment was, after line 640, to insert:

To enable the Secretary of the Senate to pay D. W. Carroll for services in the folding-room, $300.

The amendment was agreed to.

The next amendment was, after line 643, to insert:

To enable the Secretary of the Senate to pay L. Cowles the difference between his present pay and that of a skilled laborer, for the current fiscal year, $280.

The amendment was agreed to.

The next amendment was, after line 647, to insert:

To enable the Secretary of the Senate to pay J. J. Sanborn for twenty days' services as clerk to the Committee on Treasury Accounts during the fiscal year 1879, $120.

The amendment was agreed to.

The next amendment was, after line 651, to insert:

To enable the Secretary of the Senate to reimburse the Capitol police for expense of uniforms and equipments they were required to procure, $356.40.

Mr. WALLACE. I move as a substitute for the clause:

To enable the Secretary of the Senate to reimburse the Capitol police for the uniforms and equipments they were required to provide, the sum of $3,056.40, being the equivalent of one month's pay at the rate of compensation now paid to each of them.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, after line 665, to insert:

To enable the Secretary of the Senate to pay G. M. Wight for one cylinder-desk furnished the Senate during the fiscal year 1879, $125.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," after line 724, to insert:

To pay H. W. Spofford additional for services as clerk to the Committees on Foreign Affairs and Census, $1,125.

The amendment was agreed to.

The next amendment was, after line 727, to insert:

To enable the Clerk of the House to pay J. B. Holloway balance of salary due him as assistant clerk to the Committee on War Claims, from July 2, 1879, to November 30, 1879, $658.

The amendment was agreed to.

The next amendment was, after line 733, to insert:

To pay A. W. C. Nowlin, Postmaster of the House of Representatives, the difference between the pay of Postmaster and that of assistant postmaster, for the period of time between the 7th of October, 1880, and the 15th of December, 1880, he having acted as Postmaster of the House during that time, $92.39.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," after line 765, to insert:

To supply deficiencies in the appropriations for the Reform School, and for temporary clerks employed in the office of the collector of taxes, in the District of Columbia, for the fiscal year 1881, one-half of which is to be paid by said District, namely:

For support and maintenance of Reform School, $6,000.

For pay of temporary clerks in the office of the collector of taxes, $1,500.

The amendment was agreed to.

The next amendment was, after line 774, to insert:

Government Hospital for the Insane:

Current expenses, Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane of the Army and Navy, Marine Corps, and revenue-cutter service, and of all persons who have become insane since their entry into the military or naval service of the United States, and who are indigent, and of the indigent insane of the District of Columbia, $11,250.

For necessary repairs, $5,000.

The amendment was agreed to.

The next amendment was, after line 785, to insert:

And the proper accounting officers of the Treasury are hereby authorized and directed to pass to the credit of Charles H. Nicholls, late superintendent of the Government Hospital for the Insane, the sum of $3,037.09, that being the amount disallowed in his accounts, and being the difference in salary between $2,500 and $4,000 per annum from June 22, 1874, to June 30, 1876; said disallowance having been made to conform to the requirements of the Revised Statutes, section 4839, adopted June 22, 1874; and the salary of the said superintendent is hereby fixed at $4,000 per annum, as originally provided in act of March 2, 1867.

The amendment was agreed to.

The next amendment was to strike out sections 3, 4, 5, 6, and 7 of the bill.

Mr. VOORHEES. Is it necessary now to express my views why the amendment should not be concurred in?

The PRESIDING OFFICER. It is to be acted on now, unless reserved.

Mr. VOORHEES. These sections, 3, 4. 5, 6, and 7, which the Committee on Appropriations propose to strike out relate to a matter connected with the Miami Indians of Indiana, and these sections ought not to be stricken out. By a treaty made between the Miami tribe of Indians and the United States Government, in 1854, the following stipulation was made, which I ask the Senate to hear:

The sum of $231,004 hereby stipulated to be paid to the Miami Indians of Indiana shall be held by the United States for said last-named Indians, and by the Government invested as the President may direct, at an interest of 5 per cent. per annum, and which interest shall be paid annually, for the period of twenty-five years, to the said Miami Indians of Indiana, and at the expiration of that time, or sooner if required by them and approved by the President, the principal sum to be paid in full, the United States being directly responsible therefor, said investment to be made and the interest thereon to commence accruing the 1st day of July, 1855, and thence to continue.

By a subsequent provision of the treaty the sum of $9,746.14 was to be paid to certain persons mentioned in the treaty, making the sum remaining due just the amount stated in the third section of this bill, the sum of $221,257.86. This sum according to the provisions of the treaty fell due on the 1st of last July. At that time the twenty-five years spoken of in the treaty had elapsed and the sum became due and payable upon the part of the Government.

This provision was offered in the sundry civil bill a year ago in order to pay off this debt and stop the interest. It was rejected then, as I thought without sufficient cause on the part of the Senate. This is simply a debt due by treaty stipulation for the sum named at the expiration of twenty-five years. The twenty-five years, as I have already said, expired on the 1st of last July.

Now if any Senator or any member of this committee can explain to me why we want to keep the money of these Indians and pay 5 per cent. interest upon it, I shall be glad to be corrected. We are holding this money and paying 5 per cent. upon it. There is no question about whom the money belongs to. There is no question but what it is due and payable, and that the Indians now want it, and it is theirs; and yet when the provision to pay it to them comes here from the House the Senate Committee on Appropriations propose to reject it and keep on paying 5 per cent. interest for trust funds which we hold.

Let me call the attention of Senators to another fact. These provisions of this deficiency bill were prepared by the Committee on Appropriations of the House, and by that committee submitted to the Secretary of the Interior, by him submitted to the Commissioner of Indian Affairs, by him submitted to the assistant attorney-general for the Interior Department, and it came back to the Committee on Appropriations of the House with the approval of every one of these officers and their recommendation that it should be put in this bill, and that the money should be paid to these Indians and this interest account stopped. This provision also had the unanimous approval of the Committee on Appropriations of the House; there was not a dissenting member; and why the Appropriations Committee of the Senate should stand here insisting that this account shall be kept up with the Miami Indians of Indiana, why we should retain this $221,275.86 and pay interest on it after it is due, after the twenty-five years have elapsed, when there is no more question about our duty to pay it than there would be to pay any other debt, is a mystery to me and calls for explanation, and unless a satisfactory explanation can be given I hope the Senate will not concur with the recommendation of the committee.

Mr. WALLACE. I can only say that the Committee on Appropriations of the Senate had no information whatever in reference to these sections, except that which they found in the bill itself. The proposition came from no committee of the Senate, was not submitted to the Indian Committee, and had no approval from any one; there was nothing before us except the mere sections in the bill. Such a provision was proposed in the bill of last year, as the Senator says, and if it had so much merit that it ought to go upon that bill and should continue upon this one, why was it not put through in the form of a separate bill? Why did not Congress take it up and pass it since last year? The committee simply struck out the section because it was an appropriation of over $200,000, without any information in their possession and without the indorsement of any committee of this body.

Mr. VOORHEES. Why, Mr. President, I am astonished at the statement of the Senator from Pennsylvania that this measure came before that committee without the approval of any committee and without recommendation. It came from the House of Representatives with the unanimous report of the Committee on Appropriations there, sustained by the entire Interior Department, embracing the Secretary, the Commissioner of Indian Affairs, and the assistant attorney-general for that Department, and but a short time ago one of the most prominent members of the House Appropriations Committee came to my seat and called my attention to these facts.

Further, the Senator from Pennsylvania says that they had no information on this subject. I am not one of those who will say that he ought to have known what was in the treaty. I know how pressed and careworn and hurried members of that committee always are in the latter days of a Congress; and it is one of the evils and one of the vices of legislation that within the last few hours we have to pass in this hurry and often in an imperfect manner upon great questions. I therefore do not charge the distinguished Senator from Pennsylvania with not being informed on the subject of this treaty, yet it is public law; it is here before the Senate. It calls for the payment of this money at the expiration of twenty-five years. The treaty went into effect on the 1st of July, 1855. The 1st of July, 1880, makes the twenty-five years, and from that time on this money is due and payable, not as an appropriation in the ordinary sense of that term from money in the Treasury, but to pay a trust fund which while we keep it we pay 5 per cent. upon.

That is the naked proposition, and the Senator from Pennsylvania when he says that it is here without support is mistaken. It is supported by the terms of the treaty; it is supported by the Committee on Appropriations of the House; it is supported by the entire Interior Department, and I hope the Senate will pause before they strike out a provision so just to the Indians and so just to ourselves in point of economy, for we are not in the money markets of the world asking out of the coffers of the red men or white men to borrow money at 5 per cent. interest. We want to stop such an interest account as that.

Mr. WALLACE. Mr. President, what I said was that this was in the bill without any indorsement by any committee of this body and without any information to the Appropriations Committee of this body from any one save that they found it in the bill. It is not usual to pursue the line indicated by the Senator from Indiana in placing legislation of this kind upon an appropriation bill. This is legislation, and it should have gone to the proper committees of this body if it was intended to be placed upon a deficiency bill. This is not a deficiency. It may be justly due and owing to these Indians, but it is not a deficiency. It comes here simply with the indorsement of the House without the indorsement of our committees, and it is not a deficiency such as this bill is intended to provide for. I trust the Senate will sustain the committee.

Mr. VOORHEES. I do not know whether, under the rule we are operating upon, I am entitled to speak again or not. I know I have not spoken beyond five minutes, but whether I have a right to speak more than once I do not know. If I have, I want to say that the Senator from Pennsylvania had better not make a point on the question of whether this is a deficiency or not. If that point was made and the plowshare of strict construction was run from end to end of this bill, four-fifths of it would be turned under the sod on the question of whether the items are for deficiencies or not. There is scarcely one in five that would stand such a test, and, so far as appears from the face of them, forty-nine out of fifty, I think, would require explanation to make them appear as deficiencies. This is as legitimate and as fair legislation for this bill as four-fifths of the other provisions in it.

Mr. WALLACE. Why, Mr. President, the Senator is grossly mistaken. I trust he will recognize the fact that he is mistaken when I hold up to him the book containing estimates of the items here appropriated for with reference to page and letter. So far from being (a large proportion of this bill) new matter, it is almost entirely found in the estimates of deficiencies submitted to us for the current fiscal year. They are appropriated specifically by names and items; the whole of the second section particularly refers to items found in this book by page and by item, and nearly all the first section is the same. In this I know my honorable friend from Indiana will see his mistake.

Mr. VOORHEES. I do not want to make any point on the bill.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to strike out the sections which will be read.

The Chief Clerk read as follows:

SEC. 3. That the sum of $221,257.86 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to pay the Miami Indians, of Indiana, the principal sum that became due them on the 1st day of July, 1880, in accordance with the amended fourth article of the treaty concluded with said Indians on the 5th day of June, 1854, and ratified on the 4th day of August, 1854.

SEC. 4. That the Secretary of the Interior shall appoint a competent and proper person to take a census and make a list of the Miami Indians residing in Indiana, or elsewhere, who are entitled to participate in the distribution of said principal sum, as provided by article 4 of the treaty that was made between the United States and the Miami Indians on the 5th day of June, 1854, as amended in the Senate. Before taking such census, publication shall be made requiring all persons claiming under said treaty to make known their claim to such person so appointed, within a time specified in the notice, and failing so to do, they shall be forever barred. When said census shall be so made, it shall be the duty of the person so appointed to make such enumeration and list to report the same to the Secretary of the Interior, distinguishing in his report between males and females, and between those over twenty-one years of age and those under twenty-one years, which list so made, when approved by the Secretary of the Interior, shall stand as the true list of the persons entitled to share in the payments provided for in this act; and each person named in said list shall be entitled to receive the same amount, irrespective of age or sex, payments for minors to be paid to the guardians legally appointed, as hereinafter provided, under the laws of the State or Territory in which said minors reside: *Provided, however*, That any minor who may be a resident of the Indian Territory and a beneficiary of said fund may receive his or her share therof, as the case may be, through a guardian appointed by any court having probate jurisdiction in the State of Kansas. The person appointed to make such enumeration and list, shall, before entering on such duty, take and subscribe an oath that he will make a true and correct enumeration and report of said Indians according to the best information he can obtain, said oath to be administered and certified to by a United States commissioner or a clerk of a court of record; and he shall receive as his compensation therefor the sum of $5 per day and his actual and necessary traveling and other expenses while engaged in said duty, not to exceed $400: *Provided*, That no persons other than those embraced in the corrected list agreed upon by the Miami Indians of Indiana, in the presence of the Commissioner of Indian Affairs, in June, 1854, comprising three hundred and two names as Miami Indians of Indiana, and the increase of families of persons indicated in said corrected list, shall be recipients of the money hereby appropriated.

SEC. 5. That the Secretary of the Interior shall appoint some suitable person as an agent of the United States to make payment to each of said Miami Indians who shall be more than twenty-one years of age whose name shall be borne on the list prepared as aforesaid the amount that he or she, as the case may be, shall be entitled to receive; and he, in like manner, shall pay to the guardian of each minor whose name shall appear on said list the amount that said minor shall be entitled to receive: *Provided, however*, That no payment shall be made to any guardian as such until he produce and deliver to the agent from whom he shall receive such payment the certificate of the judge of the court, attested by the seal of the same, certifying that such guardian has been duly appointed and qualified as such, and given bond, secured by unencumbered freehold surety, in the penalty of not less than three times the amount he shall receive from the United States on account of the payment so to be made for the benefit of said ward, which certificate shall be filed by said agent at the time of making of his report and final settlement. A copy of said list so prepared as aforesaid shall be furnished to said agent, for his guidance in the performance of the duties aforesaid, by the Secretary of the Interior. Said agent shall take the receipt of the persons so paid, attested in such manner as the Secretary of the Interior shall prescribe, which receipt shall be a voucher for said agent in the final settlement of his accounts. Said agent shall receive, in full compensation for the services required by the provisions of this act, a sum equal to three-fourths of 1 per cent. on the amount that he shall receive. The agent so appointed to make said payments shall, before entering on such duty, take and subscribe an oath, before some United States commissioner or clerk of some court of record, for the faithful performance of the duties imposed by the provisions of this act, and make and execute a bond, payable to the United States, in such penalty and with such security as the Secretary of the Interior shall require and approve. And the receipt of the sum due under this bill shall be a final discharge by each party so receiving of all claims whatsoever under said treaty against the United States Government.

SEC. 6. That there shall be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, or so much thereof as shall be necessary, to pay the agents whom the Secretary of the Interior shall appoint for the services and expenses required by the provisions of this act.

SEC. 7. That the Secretary of the Interior is hereby authorized to examine the claim of Isaac Vandeventer and James F. McDowell, attorneys at law, partners under the name of Vandeventer & McDowell, for services rendered in the defense of certain suits in the courts of the State of Indiana in relation to the taxation and partition of the lands of the band of Meshingomesia in said State, and for alleged services rendered said band in and about legislation by Congress affecting their said lands and the partition of their lands pursuant thereto, and allow and pay to said attorneys such reasonable compensation as he may find legally or equitably due them for said services, out of the moneys due to said band, or out of the money due to any of said band, as he may deem just. And to enable the Secretary to properly examine said accounts, he may cause or permit testimony to be taken by said claimants and by said band, or by any individual or individuals of said band, under such rules as he may prescribe: *Provided*, That in making any such payment no part of the same shall be deducted from the share of any member of said band who received no part of the land so partitioned, nor shall any part of any such payment

be deducted from the share of any member of said band whose membership was contested, and who was required by proof to establish such membership to entitle him or her to share in the partition of said land.

The question being put, a division was called for, and the ayes were 27——

Mr. HARRIS. It is evident there is no quorum voting, and I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of Illinois. I should like to know what the vote is on.

The VICE-PRESIDENT. It is on striking out the sections which have just been read.

Mr. VOORHEES. I wish simply to say in addition to what I said before, for the information of the Senator from Illinois, that the vote to strike out will be to strike out an appropriation recommended by the Department, that comes here with the approval of the Committee on Appropriations of the House to pay the Miami Indians, of Indiana, a debt over due, and that stands to their credit now and has been for years at 5 per cent. interest. Those who vote with the committee vote to keep that money and continue to pay 5 per cent. to the Indians when they want their money, and when it has been due since the 1st of July under express treaty stipulations.

The question being taken by yeas and nays, resulted—yeas 30, nays 18; as follows:

YEAS—30.

Allison,	Davis of W. Va.,	Jonas,	Plumb,
Anthony,	Eaton,	Jones of Florida,	Rollins,
Bailey,	Ferry,	Kellogg,	Saulsbury,
Baldwin,	Hampton,	Kernan,	Thurman,
Bayard,	Harris,	Kirkwood,	Wallace,
Beck,	Hill of Colorado,	Lamar,	Whyte.
Cockrell,	Hill of Georgia,	McPherson,	
Coke,	Johnston,	Morrill,	

NAYS—18.

Burnside,	Grover,	Pugh,	Voorhees,
Butler,	Hamlin,	Slater,	Walker,
Conkling,	McDonald,	Teller,	Williams.
Davis of Illinois,	Morgan,	Vance,	
Garland,	Pendleton,	Vest,	

ABSENT—27.

Blaine,	Cameron of Wis.,	Ingalls,	Randolph,
Blair,	Dawes,	Jones of Nevada,	Ransom,
Booth,	Edmunds,	Logan,	Saunders,
Brown,	Farley,	McMillan,	Sharon,
Bruce,	Groome,	Maxey,	Windom,
Call,	Hereford,	Paddock,	Withers.
Cameron of Pa.,	Hoar,	Platt,	

So the amendment was agreed to.

Mr. WALLACE. I offer the following by direction of the Committee on Appropriations to come in on page 28, after line 659:

To enable the Joint Select Committee on Additional Accommodations for the Library of Congress to complete the payment for plans, designs, and other expenses incurred, $3,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. WALLACE. I also move by direction of the Committee on Appropriations on page 1, line 10, in the clause making appropriations to pay judgments of the United States Court of Claims, the following additional proviso:

And provided further, That this appropriation shall be applied only to the payment of judgments of the Court of Claims unappealed or to judgments entered in accordance with mandates of the Supreme Court where such mandates have been issued prior to the passage of this act.

The amendment was agreed to.

Mr. WALLACE. On page 6, line 129, after the word "twenty," I move to insert "five;" so as to read:

Furniture and repairs of furniture, and carpets, for all public buildings under the control of the Treasury Department, $25,000.

The amendment was agreed to.

Mr. WALLACE. In the next clause, line 133, I move, after the word "fifty," to insert "five;" so as to read:

For fuel, light, and water, and miscellaneous items required by the janitors and firemen in the proper care of the public buildings under the control of the Treasury Department, $55,000.

The amendment was agreed to.

Mr. WALLACE. On page 9, line 186, after the word "years," I move to strike out "$1,813.81" and insert "$2,345.77;" so as to make the clause read:

To enable the Secretary of the Treasury to pay the just contribution to the maintenance of the International Bureau of Weights and Measures, in conformity with the terms of the convention of May 20, 1875, for 1881 and prior years, $2,345.77.

The amendment was agreed to.

Mr. WALLACE. On page 4, after line 69, I move to insert:

For the legislative expenses of the extra session of the Legislative Assembly of the Territory of Arizona, $6,150.

The amendment was agreed to.

Mr. WALLACE. On page 9, after line 194, I move to insert:

To pay Solomon Spitzer $12,500 losses incurred by him as weigher of imports at the port of New York during the year 1879.

The amendment was agreed to.

Mr. HARRIS. On page 32, at the end of line 774, I move to insert:

For salary of inspector of plumbing to the 30th of June, 1881, $500, or so much thereof as may be necessary.

I simply desire to say that that office has been created since the estimates were sent in, and it is proper that the provision should be made.

The amendment was agreed to.

Mr. HARRIS. I offer the following amendment recommended by the commissioners of the District of Columbia. I will have the letter explanatory of it from the commissioners read if it be necessary, to come in immediately after the last amendment adopted:

For salaries and contingent expenses, offices of the District of Columbia, 1880.

Executive office proper:	
Contingent expenses	$76 75
Fuel, ice, repairs, general miscellaneous expenses, &c., for District offices.	345 44
Public schools:	
Repairs to school building	388 22
Contingent expenses	1,223 10
Metropolitan police:	
Contingent expenses	436 88
Fire Department:	
Fuel	369 53
Washington Asylum:	
Contingent expenses	88 82
Transportation of paupers and prisoners, District of Columbia:	
Transportation of paupers	118 42
Miscellaneous expenses, District of Columbia:	
Rent of market site, &c	233 33

Mr. WALLACE. As these seem to be deficiencies proper and come from the proper officers of the District, the committee make no objection.

The amendment was agreed to.

Mr. COCKRELL. On page 13, at the end of line 289, I offer an amendment, which I will read and send to the Clerk.

For continuing investigation of and more speedily settling claims under the act of July 4, 1864, and acts amendatory thereof, the sum of $5,000, to pay salaries and expenses of additional agents and clerks to examine such claims, and incidental expenses, to be immediately available.

Several SENATORS. What sort of claims?

Mr. COCKRELL. For quartermaster and commissary stores.

Mr. CONKLING. Claims in insurrectionary States?

Mr. COCKRELL. No; from the non-insurrectionary States.

Mr. JONES, of Florida. Does the act of 1864 relate to claims originating in particular States?

Mr. COCKRELL. For quartermaster and commissary stores.

Mr. JONES, of Florida. I should like to see the act.

Mr. WALLACE. This item is estimated for in the Book of Estimates of deficiencies, but by some means has been omitted from the bill. I send to the Clerk, and for publication in the RECORD, a letter from the Secretary of War to the chairman of the Committee on Appropriations, explaining it, which can be read.

The VICE-PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

WAR DEPARTMENT,
Washington City, March 3, 1881.

SIR: In view of the omission from the appropriation bills of the amount estimated as adequate to properly continue the examination of claims in the Quartermaster-General's office during the present fiscal year, I have the honor to earnestly urge that the omission be supplied in the deficiency or the sundry civil appropriation bill by an appropriation of $50,000 for "incidental expenses, Quartermaster's Department," to be immediately available.

This recommendation is based upon an application from the Quartermaster-General, in person, who states that the interests of the service manifestly require immediate action. (See House Executive Document 44, current series, page 13.)

Respectfully,

ALEX. RAMSEY,
Secretary of War.

Hon. HENRY G. DAVIS,
Chairman Committee on Appropriations,
United States Senate.

Mr. JONES, of Florida. I desire to say a word. I think we have gone far enough in this claims business in behalf of the class of people that this amendment extends to. I regard a person who has been pardoned by the Executive of the United States as having just as good right to come here and ask that compensation shall be made to him for any loss he may have suffered as the description of persons embraced in this amendment. I imagine that the claims of that class would not be allowed, and we shall be brought into great trouble and difficulty about determining the question of loyalty. Loyal citizens of States not rebellious are the persons included. I suppose the State of Missouri and the State of Kentucky would fall within that category, while a loyal citizen in Tennessee, in Florida, in Alabama would not be able to get any benefit out of this law. I believe in equality; equality is equity, and I think that a loyal citizen in any of the States of the Union has just as much claim upon the Government as a loyal citizen in the States which are embraced within the terms of this amendment. I am opposed to all kinds of legislation like that. I think the time has come for it to end. I think this is a country that ought to be regarded as a common country. When you speak of loyal citizens of States not adhering to the rebellion I do not understand it. I never had a great deal of rebellious spirit within me; but I am for justice, I am for right, and I do not think that this amendment ought to be passed unless it is made to embrace everybody who has claims against this Department within all the States of the Union, North and South, and who can come within the descriptive term of "loyal citizens."

Mr. LOGAN. Will the Senator allow me to suggest to him that this amendment does not raise the question that he is discussing?

Mr. COCKRELL. Not at all. It has nothing to do with it.

Mr. LOGAN. This amendment of the Senator from Missouri does not raise that question at all. The amendment only provides for carrying out the law as it exists. It is not a question as to what the law ought to have been or what it ought to be now.

Mr. McMILLAN. It would be out of order if it did.

Mr. LOGAN. Certainly. It is simply a question of appointing agents and paying them to investigate the character of claims already filed under this law, which does exist, and it is certainly proper and asked for and should be done in order to facilitate the decision of the claims filed under this law. It is not a question as to what the law should be.

Mr. JONES, of Florida. Mr. President——

The VICE-PRESIDENT. The Chair reminds the Senator from Florida that his time has expired. Is there objection to his proceeding?

Mr. COCKRELL. I have no objection as far as he is concerned.

Mr. JONES, of Florida. I was speaking of the law as it now exists. This amendment is to make more effective the provisions of the law of 1864, and that law is in the terms I have stated that these claims can only be preferred by loyal citizens of States not adhering to the rebellion. I will not vote one dollar to facilitate the further carrying out of that law. I am perfectly willing for it to terminate as it did and for everybody to get all he can under it; but when it is proposed to give it more vitality than it now has, I am not for it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Missouri, [Mr. COCKRELL.]

The amendment was agreed to.

Mr. COCKRELL. I offer this additional amendment on the recommendation of the Secretary of War and the Quartermaster-General to be inserted after line 616, on page 26:

All claims submitted to the Quartermaster-General, United States Army, under the provisions of an act of July 4, 1864, and amendatory acts, which he has caused to be examined and which are awaiting his action at any time, may be examined by any military officer designated by the President for such duty; and if said officer is "convinced that the claim is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by the Army," he shall certify such facts to the Quartermaster-General, who shall thereupon be relieved from any further examination of such claim, and shall report the same to the Third Auditor of the Treasury with recommendation for settlement: *Provided*, That nothing herein shall prevent the suspension or rejection of any of said claims found to be not just or not properly supported by proof of loyalty: *And provided further*, That in all claims arising under said act, and the amendatory acts, acted upon as provided by law, the claimant or claimants may, where questions of law are alone involved, appeal to the Secretary of War, under such regulations as may be prescribed.

Now I ask that a letter be read from the Quartermaster-General just received this morning.

The Chief Clerk read as follows:

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 3, 1881.

DEAR SIR: I have the honor to invite your attention to letter of the Secretary of War in regard to completing the investigation of claims for quartermaster stores under the act of 4th July, 1864, printed in Executive Document No. 11, part 2, House of Representatives, Forty-sixth Congress, third session.

The accumulation of these claims unsettled, the death and removal of claimants and witnesses, the long time already elapsed since they originated, make some such provision very necessary at this time in the general deficiency bill now in the Senate.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General United States Army.

Hon. F. M. COCKRELL,
United States Senate.

Mr. COCKRELL. The act of July 4, 1864, as to claims presented to the Quartermaster-General for quartermaster supplies furnished in non-insurrectionary States, required that he should examine them, and if he were satisfied of the loyalty of the claimant and the justice of a claim he should allow it. The Quartermaster-General holds that under the law he must personally pass upon each claim that is presented. This amendment is simply to enable the President of the United States to designate one or more officers of the War Department who can exercise the power vested in the Quartermaster-General under the law.

I hold in my hand Executive Document, House of Representatives, No. 11, part 2, Forty-sixth Congress, third session, "claims arising under act of July 4, 1864." The Secretary recommends—

An amendment of section 300 A, Revised Statutes, second edition, to substantially enact: That all claims submitted to the Quartermaster-General of the United States under the provisions of an act of July 4, 1864, and amendatory acts, which he has caused to be examined, and which are awaiting his action at any time, may be examined by any military officer designated by the President for the duty, and if said officer is "convinced that the claim is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by the Army," he shall certify such facts to the Quartermaster-General, who shall thereupon be relieved from any further examination of that claim, and shall report the case to the Third Auditor of the Treasury with recommendation for settlement: *Provided*, That nothing in this act shall be construed to prevent the suspension or rejection of any of said claims found to be not just or not properly supported in proof of loyalty.

It is recommended that the means above suggested be granted by Congress, and that the law be further so amended as to provide for an appeal to the Secretary of War in cases where questions of law are alone involved.

This amendment is in the precise language recommended by the Secretary of War, prepared by the Quartermaster-General.

Now, Mr. President, is there any necessity for this? I will read from the Quartermaster-General's report:

The number of cases presented during six months from July 1, 1879, to January 1, 1880, including the Indiana Morgan-raid cases and claims from Pennsylvania, is 12,757, amounting to $7,527,051.56.

* * * * * * *

The number and amount of unsettled claims filed and undergoing official examination and preparation for my action may be stated in round numbers at about five thousand, amounting to about two million seven hundred and twenty-five thousand dollars.

The number and amount of claims filed which have not yet been taken up for examination, including, however, those in the hands of officers for investigation but not yet investigated, approximate 16,500 cases, calling for about eight million six hundred and sixty-two thousand five hundred dollars.

The number of claims now about ready and awaiting my individual action as Quartermaster-General is 2,150, approximating in amount the sum of $1,129,275.

* * * * * * *

The number of cases investigated and reported on by officers and agents during the last fiscal year was 3,267, costing for services and expenses of agents employed in making the investigations the sum of $98,971.85, which is equivalent to an average of a little over thirty dollars for each claim. At the same rate of time and cost, it will require about five years and $495,000 to investigate the 16,800 claims not yet investigated, amounting to over eight million five hundred thousand dollars.

Much expense can be saved by hastening the work of investigations required to be made by agents. If Congress should be requested to make any additional appropriation for the purpose of hastening this work, I think it would be wise to make the estimate therefor large enough to warrant the employment of a sufficient force of agents to increase the number of investigations to at least double the number made during the past fiscal year.

* * * * * * *

The Quartermaster-General cannot find sufficient time in the midst of his other duties to personally examine for final decision under the law these cases as fast as they are prepared for him by the present force. So long as the law remains as it is at present, requiring the Quartermaster-General himself to examine and report upon each case presented to him, it is not believed that much more than the usual annual number of cases can be finally disposed of. Twenty-three thousand six hundred and fifty cases is a very large docket for one judge or arbitrator.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. WALLACE. I am compelled to make the point of order on this amendment. It is general legislation upon an appropriation bill, and it comes here without any recommendation of a committee.

Mr. McMILLAN. If the point of order is sustained, it will relieve me from making any remarks upon the amendment proposed.

The VICE-PRESIDENT. The amendment will be reported again. The Chair did not scrutinize it closely.

Mr. COCKRELL. It unquestionably amends the existing law. There is no question about that, if the Senator insists upon his point of order. It has been recommended by the Secretary of War and the Quartermaster-General, and is very appropriate.

Mr. LOGAN. It is out of order, however, if the point is insisted upon.

Mr. COCKRELL. I admit that if the point is insisted upon, it is out of order.

The VICE-PRESIDENT. The point of order is made, and the amendment will not be received.

Mr. FERRY. I notice several amendments giving extra pay to messengers of the Senate. I take it the committee inadvertently omitted the messenger of the Reporter's room. I send to the Chair an amendment to come in at the end of line 640.

The CHIEF CLERK. At the end of line 640 it is proposed to insert:

To enable the Secretary of the Senate to pay George A. Clarke, messenger of the Reporter's room of the Senate, the difference between his present pay and that of a messenger of the Senate of the United States from July 1, 1880, to June 30, 1881, $240.

Mr. FERRY. The committee, I understand, have no objection to this amendment, and I hope it will be agreed to.

The amendment was agreed to.

Mr. MORRILL. I rise now to call up the amendment presented by the Senator from Massachusetts [Mr. HOAR] yesterday, and I ask the Senator from Massachusetts to accept the amendments to it which I have already exhibited to him.

Mr. HOAR. I accept them.

Mr. MORRILL. I desire to say that it was agreed unanimously yesterday that this amendment should be presented.

Mr. DAVIS, of Illinois. Let us hear it read first.

Mr. LOGAN. Allow me to ask the Senator from Vermont is not his amendment to come in at the latter part of the bill?

Mr. MORRILL. At the end.

Mr. LOGAN. Will the Senator allow a few amendments, that are very small in their character, to be offered first, and then when they are passed upon this matter can be taken up and discussed?

Mr. MORRILL. I should have no objection myself to that course, but there are one or two members of the Finance Committee who desire to leave, and want to be here when this amendment is discussed.

Mr. LOGAN. I merely made the suggestion.

Mr. DAVIS, of Illinois. Let us hear the amendment read.

The CHIEF CLERK. It is proposed to add to the bill the following additional sections:

SEC. —. That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: *Provided*, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds to an amount not exceeding $400,000,000, of denominations of $50, or some multiple of that sum, which shall bear interest at the rate of 3 per cent. per

annum, payable semi-annually, redeemable, at the pleasure of the United States, after five years, and payable twenty years from the date of issue; and also Treasury notes to an amount not exceeding $300,000,000, in denominations of $10, or some multiple of that sum, not exceeding $1,000, either registered or coupon, bearing interest at a rate not exceeding 3 per cent. per annum, payable semi-annually, redeemable, at the pleasure of the United States, after one year, and payable in ten years from the date of issue; and no Treasury note of a less denomination than $100 shall be registered. The bonds and Treasury notes shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: *Provided*, That nothing in this act shall be so construed as to authorize an increase of the public debt: *Provided further*, That interest upon the 6 per cent. bonds hereby authorized to be refunded shall cease at the expiration of thirty days after publication of notice that the same have been designated by the Secretary of the Treasury for redemption.

SEC. —. It shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may prescribe, to authorize public subscriptions, at not less than par, to be received at all depositories of the United Statess and at all national banks, and such other banks as he may designate, for the bonds and for the Treasury notes herein provided for, for thirty days before he shall contract for or award any portion of said bonds or Treasury notes to any syndicate of individuals or bankers, or otherwise than under such public subscriptions; and if it shall happen that more than the entire amount of said bonds and Treasury notes, or of either of them, has been subscribed within said thirty days, he shall award the full amount subscribed to all persons who shall have made *bona fide* subscriptions, in order of time of said subscriptions, at rates most advantageous to the United States.

SEC. —. That the Secretary of the Treasury is hereby authorized, if in his opinion it shall become necessary, to use from time to time not exceeding $50,000,000 of the standard gold and silver coin in the Treasury in the redemption of the 5 and 6 per cent. bonds of the United States authorized to be refunded by the provisions of this act, which shall from time to time be repaid and replaced out of the proceeds of the sale of the bonds or Treasury notes authorized by this act; and he may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds or Treasury notes authorized by this act: *Provided*, That the bonds and Treasury notes so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

Mr. MORRILL. It will be seen that this is an amendment of an important character, and unless this amendment shall prevail there will be no refunding act passed at this session. It is a measure so important that if it fails it may be thought necessary to have a called session to remedy the default. I desire to say that the amendment presented contains the funding bill as passed by the Senate and the House with the exception of the fifth section. In all important respects, in every vital point, it is precisely the measure which has been agreed to by both Houses at the present session.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. MORRILL. Certainly.

Mr. JONES, of Florida. Does the Senator conceive that this amendment is in accordance with the rule of the Senate which prohibits legislation on an appropriation bill?

Mr. MORRILL. Yesterday consent was given if this amendment should be approved by the Committee on Finance that it might be presented, and that agreement was made unanimously. I must in frankness say that the Committee on Finance were unable at the morning session of the committee to obtain a quorum. Some members of the committee being on the Committee on Appropriations, were up all night, or nearly so, and were not present; but the majority of the committee have authorized me to report the amendment here this morning.

Mr. COCKRELL. Do I understand the Senator to say that the Senate unanimously agreed that this amendment should be received as in order?

Mr. MORRILL. I do so say, and if the Senator will look at page 62 of to-day's RECORD he will see the agreement.

Mr. COCKRELL. I thought I heard everything that was done yesterday, and I certainly never consented to anything of that kind.

Mr. HOAR. Unanimous consent was given distinctly. The Senator from Arkansas [Mr. GARLAND] was in the chair, and it was fully announced.

Mr. WALLACE. I regret very much to say that I never heard of any such agreement.

Mr. MORRILL. I desire to say that when assent was asked for it was inquired by the Senator from Iowa, [Mr. ALLISON:]

Is it understood that there is no objection to that course?

Then the Presiding Officer said:

It is. The objection under Rule 27 will be waived.
Under any rule—

Said the Senator from Iowa—

That is, this amendment, if agreed to by the Committee on Finance, may be offered to the deficiency bill.

Mr. COCKRELL. That was only in regard to the reference of the amendment, not to any point of order.

Mr. MORRILL. The Senator from Massachusetts [Mr. HOAR] said:

Notwithstanding the rule.

The Presiding Officer replied:

Notwithstanding the rule.

Clearly the assent of the Senate was given for the introduction of this amendment.

Mr. WALLACE. I make the point of order against it.

Mr. WITHERS. I wish to say for myself that I have never, either as a member of the Committee on Appropriations or a member of the Senate, given any intimation of a purpose not to raise the point of order on the amendment.

Mr. MORRILL. I hope that no Senator who is in favor of doing anything on a subject so important as this is will make a point of order about a matter which he certainly approves in his own conscience.

Mr. McPHERSON. Did I understand the Senator from Vermont to say that the amendment is exactly the bill passed by the Senate with the exception of the fifth section?

Mr. MORRILL. I say that it is in substance. Some of the phraseology is different, but it is in substance exactly what has been agreed to by both Houses at the present session.

Mr. McPHERSON. On reference to the amendment submitted by the honorable Senator from Vermont, I see that no provision is made for limiting the expenditure by the Secretary of the Treasury, and I offer an amendment to come in at the end of the amendment limiting——

The VICE-PRESIDENT. The amendment offered by the Senator from Vermont is not yet before the Senate for action. The point of order is made upon it.

Mr. WALLACE. I made the point of order upon it by instruction of the committee, that it is general legislation upon an appropriation bill.

Mr. HOAR. I wish to say, and I desire that the Senator from Arkansas then in the chair will listen to what I say——

Mr. HARRIS. Is the question of order debatable?

The VICE-PRESIDENT. Not until the Chair has decided it and an appeal is taken.

Mr. HARRIS. At this late day of the session, I raise the question of order that it is not debatable.

Mr. HOAR. I ask the Senator from Tennessee to permit me to state to the Senate my recollection in regard to unanimous consent.

Mr. HARRIS. Of course I will yield to hear a statement as to unanimous consent; but I beg to say that I have never heard of any request for such consent; I have never given any such consent; and I do not propose to give any such consent.

Mr. HOAR. The Senator is now debating something which he objects to. Yesterday, the honorable Senator from Arkansas being in the chair, I offered this amendment, and asked that it be read and referred to the Committee on Appropriations. I would be very glad to have my honorable friend from Tennessee hear this; I expect to have him with me after he hears what I say. Thereupon the honorable Senator from Maryland [Mr. WHYTE] said:

That ought to go to the Committee on Finance.

To which I said I should be very willing to have it go to the Committee on Finance if it could be understood that they should be at liberty to offer it as an amendment to the deficiency bill to-day, notwithstanding the rule which required it to be sent also to the Committee on Appropriations. Thereupon the Chair asked unanimous consent and declared that it had been granted. He said:

The objection under Rule 27 will be waived.

To which the Senator from Iowa [Mr. ALLISON] said:

Under any rule. That is, this amendment, if agreed to by the Committee on Finance, may be offered to the deficiency bill.

I then said:

Notwithstanding the rule.

The Presiding Officer then repeated it:

Notwithstanding the rule.

Then the Senator from Pennsylvania [Mr. WALLACE] asked if it was understood that the amendment was to go to the Committee on Appropriations, to which it was replied by the Senator from Maryland, [Mr. WHYTE:]

No, it is to go to the Committee on Finance.

Then I stated again what the objection was under the rule, and the Senator from Pennsylvania, making no objection, said:

The reason of my question was that the sub-committee on the deficiency bill are about to meet, and if there is any action to be taken by the Committee on Appropriations it should be attended to at once.

Then the Senator from West Virginia, the chairman of the Committee on Appropriations, asked if I had said the thing was done by consent of the Committee on Appropriations. I said no, he was mistaken in thinking so:

Mr. HOAR. My friend is mistaken. The Chair asked unanimous consent of the Senate, and that unanimous consent was given.

Mr. DAVIS, of West Virginia. Unanimous consent to what?

Mr. HOAR. That this amendment, the character of which I have explained, might be referred to the Committee on Finance, and that it should be in order for them to move it as an amendment hereafter, if they see fit.

Mr. DAVIS, of West Virginia. The Senate cannot do that.

Mr. HOAR. The Senator does not care to have the amendment go to the Committee on Appropriations?

Mr. DAVIS, of West Virginia. I do not know that I do; but then I do not want an arrangement made for the Committee on Appropriations.

The PRESIDING OFFICER. Does the Senator from West Virginia object?

Mr. DAVIS, of West Virginia. I reserve all points of order. I shall not consent to an arrangement by which the amendment shall be beyond the control of the Committee on Appropriations.

Mr. HOAR. I must then stand upon my right, it being a plain desire of the whole Senate, as it seemed to me. The Chair asked if unanimous consent was given to the request, and declared that it had been given.

The PRESIDING OFFICER. That is the state of the case.

Mr. COCKRELL. Will the Senator please read the important part of his remarks which he has wholly omitted on the left hand column.

Mr. HOAR. Wait until I finish reading; I have omitted nothing here. After the Presiding Officer said: "That is the state of the case."

Mr. HOAR. It is too late now to object.

Mr. HARRIS. I have carefully reviewed what occurred yesterday.

Mr. HOAR. I have not completed the reading.

Mr. HARRIS. I raise the point of order that this question is not debatable. I have carefully examined what occurred yesterday, and I see that the Senator from West Virginia reserved the right to raise the question of order.

Mr. HOAR. Other Senators may not have as carefully reviewed perhaps as the Senator has done.

Mr. HARRIS. I have revieved it with sufficient care to be perfectly satisfied that I understand what it means, and I raise the question of order that this question is not debatable.

The VICE-PRESIDENT. The point of order is well taken. The Chair thinks that the amendment is liable to the point of order clearly.

Mr. HOAR. I take an appeal. I desire to have the question submitted to the Senate whether the amendment shall now be received.

The VICE-PRESIDENT. The Chair will submit the question to the Senate. Shall the amendment offered by the Senator from Vermont be received?

Mr. WITHERS. May I ask a question in view of the decision upon the point of order? Unless that decision be appealed from——

Mr. WHYTE. It is appealed from by the Senator from Massachusetts.

Mr. HARRIS I ask the Chair to submit the appeal rather than the question of order. I understood the Chair to decide the question of order, and from that decision there is an appeal.

The VICE-PRESIDENT. The Chair did so state, but under the right which he has under the rule he will submit the question to the Senate, Shall the amendment be received?

Mr. HOAR. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LOGAN. I may be incorrect, but I ask whether the proper way of stating the question would not be, Shall the Chair be sustained in the decision? I myself prefer to vote in that direction.

The VICE-PRESIDENT. The Chair under the right given him by the rules submits the question to the Senate, Shall the amendment be received? having indicated his opinion that it is not in order.

Mr. LOGAN. Is not the question to be submitted to the Senate whether the Chair shall be sustained in his ruling?

The VICE-PRESIDENT. It is not. The Chair submitted the other proposition.

Mr. COCKRELL. Is not the proper question then, Is the amendment in order?

The VICE-PRESIDENT. The parliamentary question is, Shall the amendment be received?

Mr. MORRILL. I merely desire to say that I understand a veto message has been sent in upon the ground of the fifth section of the former bill.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. McMILLAN. I understand the position to be taken by the Senator from Massachusetts that an agreement was made yesterday that the point of order should be waived, and upon that gound I shall vote in favor of receiving the amendment.

Mr. WITHERS. But the RECORD shows the contrary.

Mr. McMILLAN. I shall not vote upon the ground that the amendment is objectionable to the point of order.

Mr. HARRIS. The Senator will allow me to read from the RECORD. The Senator from West Virginia distinctly announced:

I reserve all points of order. I shall not consent to an arrangement by which the amendment shall be beyond the control of the Committee on Appropriations.

Distinctly announcing that he reserved all points of order, and then subsequently he reiterated that he would not consent to waive any point of order but would reserve the right to make it.

Mr. HOAR. The Senator from Tennessee also ought to state that that was said by the Senator from West Virginia after his request for an explanation of a past transaction. The Chair had put the question distinctly and clearly to the Senate and had announced the unanimous consent. Then the Senator from West Virginia asked what had taken place, and it being discussed some time he then made his reservation of points of order. Then I said I must then stand upon my right, that the assent was given some time ago, and appealed to the Chair, and the Chair said:

That is the state of the case.

Mr. WHYTE. Probably as I brought on this difficulty yesterday I should state what the understanding was as I took it.

Mr. COCKRELL. It is in the RECORD.

Mr. WHYTE. The RECORD also states it, I know, but I will state the reason why I propose to vote against the reception of this amendment. Yesterday when the Senator from Massachusetts offered his amendment he moved that it be sent to the Committee on Appropriations. I promptly suggested that it ought to go to the Committee on Finance. That view was taken. Then the Senator from Massachusetts asked that Rule 27 be waived, which would require it to be sent afterward to the Committee on Appropriations. It was then distinctly understood that that rule would be waived provided the Finance Committee moved it as coming from that committee as an amendment to the bill. I understand that the Finance Committee does not so move it. The Senator from Vermont has admitted that there was no quorum of the Finance Committee and as a body it did not act upon the amendment at all. Therefore it is not moved by the Finance Committee, but only by a member of that committee, and the waiver does not stand. Hence I shall vote against receiving the amendment.

Mr. HOAR. I understand the Senator from Vermont also said that he had been authorized by a majority of the committee upon the floor to move the amendment. Certainly the Senate has never insisted when that has been announced on requiring a committee to assemble in its committee-room.

Mr. GARLAND. As the occupant of the chair at that time, I beg leave to detain the Senate a few moments in order to explain my understanding of this matter. When the Senator from Massachusetts offered this as an amendment yesterday and asked consent that the point of order should not be made upon it, as the occupant of the chair then, in his language I supposed he confined it entirely to the operation of Rules 27 and 28. The language that he used has been read by himself and has been referred to also by other Senators. A colloquy then ensued. The Senator from West Virginia [Mr. DAVIS] then said:

Unanimous consent to what?

Then the Senator from Massachusetts answered that, stating that the Senator from West Virginia would not care to have the amendment referred to the Committee on Appropriations, to which the Senator from West Virginia replied:

I do not know that I do; but then I do not want an arrangement made for the Committee on Appropriations.

The PRESIDING OFFICER. Does the Senator from West Virginia object?

Mr. DAVIS, of West Virginia. I reserve all points of order.

Then the Senator from Massachusetts appealed to the Chair to know and stated again his impression. The Chair answered:

That is the state of the case.

That is what occurred. The Senator from Massachusetts made his point that Rules 27 and 28 would not be invoked against his amendment. That was the understanding that the Chair had:

Mr. HOAR. It is too late now to object.

Mr. DAVIS, of West Virginia. We will see when it comes up.

The Chair considered that that was clear notice to the Senate on the part of the Senator from West Virginia that he would object when the amendment came up.

The VICE-PRESIDENT. The Chair has no doubt about the irregularity of the amendment, but he proposes that the Senate shall place its own interpretation upon the understanding of yesterday. The Secretary will call the roll.

Mr. LOGAN. I desire, inasmuch as this question may be misunderstood, in one moment to state my own position. I shall vote to sustain the point of order for the reason that I am opposed generally to general legislation on appropriation bills; and second, because putting the amendment on the bill is clearly out of order. Although the question is put, Shall this amendment be received? that only means, is it in order, and therefore I shall vote that it is not.

Mr. McMILLAN. I shall vote to receive the amendment on the ground that the point of order was waived.

Mr. SAUNDERS. I shall vote not so much on the point of order as on the point of honor. It was understood by me at any rate, whether it was by others or not, that the rule was waived yesterday, and that the Senator from Massachusetts would have the right to offer this amendment. On that ground I shall vote that the Senate did agree to admit it.

Mr. HOAR. I desire to say that without in the least being shaken in my own understanding of what the consent was, because although I first limited my request to the twenty-seventh rule, yet immediately the Senator from Iowa said the objection should not extend under any rule, and thereupon I modified my request, and the Chair announced the consent as having been given. But in order to save any question if gentlemen say now that they did not conceive that they were bound by this consent, I make the request to my honorable friend from Vermont to withdraw the amendment.

Mr. MORRILL. I desire to say that if the other side of the Chamber are not anxious to have this amendment placed on the deficiency bill I am not. I am by no means convinced that a 3 per cent. loan can be negotiated under any circumstances, and doubt very much whether now a 3½ per cent. loan could be as readily carried in the market as a 3 per cent. loan could have been three months ago. Therefore, by permission, I withdraw the amendment.

The VICE-PRESIDENT. The Senator from Vermont asks leave to withdraw his amendment. The yeas and nays having been ordered consent is required. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. WITHERS. On the part of the Committee on the District of Columbia and of some members of the Committee on Appropriations, I move a necessary amendment to the deficiency bill, which was

omitted from the legislative, executive, and judicial appropriation bill. After line 601, of section 1, I move to insert:

For salary of the warden of the jail for the District of Columbia for the next fiscal year, $1,800.

The amendment was agreed to.

Mr. MCMILLAN. I offer an amendment, which I send to the Clerk's desk to be read, to come in after line 545.

The CHIEF CLERK. After line 545 it is proposed to insert:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to fulfill the treaty stipulations relative to the payment of annuities or other things with the Chippewas of Lake Superior and Mississippi, as provided in article 9 of the treaty of September 30, 1854, $84,438.95, being the total balances of appropriations under treaties with said Indians, and covered into the Treasury between the years 1843 and 1878, inclusive: *Provided*, That an agreement can be made with the Indians that that amount is received in lieu of all arrearages on account of former treaties, as provided in said treaty: *And provided further*, That the Indians consent to have this money deposited in the Treasury to draw interest at 5 per cent. and to receive annually the interest in such manner and amounts as the Secretary of the Interior may think proper in the interests of their civilization.

For this amount, to enable the Secretary of the Interior to fulfill treaty stipulations, relative to the payment of annuities with the Chippewas of Lake Superior, Indians of the La Pointe agency, in the State of Wisconsin, and the Chippewas of Mississippi, and Indians of the White Earth agency, in the State of Minnesota, $34,165.80, being the aggregate difference between the coin value of payments made in currency during the years 1863 and 1864, at the dates of Treasury warrants and the amounts due in coin by treaty stipulations, with interest at the rate of 5 per cent. per annum, from date of said Treasury warrants to February 6, 1881: *Provided*, That said sum shall be expended under the direction of the Secretary of the Interior for the benefit of said Indians in aiding them in their efforts to become self-sustaining.

Mr. MCMILLAN. I submit the first paragraph as a separate amendment. I desire the question to be taken first on the amendment relating to the Chippewas of Lake Superior and Mississippi.

Mr. WALLACE. This amendment was before the Committee on Appropriations, considered, and rejected. It is, as the Senate will see, for moneys accruing from 1843 to 1878. We regard it as a matter that ought to have the approval of a committee and come in the form of a bill rather than go upon the deficiency bill. I trust the Senate will sustain the committee.

Mr. MCMILLAN. This is an amendment proposed by the Interior Department in a communication sent to the Committee on Appropriations. The amount embraced in this item was found to be due to the Lake Superior and Mississippi Chippewas by a committee appointed by the House of Representatives in 1878 to investigate the subject. That committee made their investigation and the result of it is that this amount is found to be unpaid and due to these Indians; and it has been covered into the Treasury of the United States and remains there to-day. The acting commissioner of Indian Affairs accompanies this communication with a letter submitted in connection with a letter also from the Secretary of the Interior, both of which I ask may be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 11, 1881.

SIR: I have the honor to transmit herewith a draft of an amendment presented by the Office of Indian Affairs, which it is desired may be attached to either the sundry civil or some deficiency appropriation bill now pending before Congress.

A copy of the letter of the Indian Office, presenting the amendment, which provides for the appropriation of the sums therein stated as due to the Chippewas of Lake Superior and the Mississippi, in accordance with the findings of a commission appointed under a resolution of the House of Representatives of the 11th of March, 1878, is also herewith and fully explains the action taken and required.

The early and favorable attention and action of Congress is respectfully recommended in the matter of the proposed legislation.

I am, sir, very respectfully,

C. SCHURZ,
Secretary.

Hon. HENRY G. DAVIS,
Chairman Senate Committee on Appropriations.

Mr. MCMILLAN. I ask that the letter of the Acting Commissioner of Indian Affairs be read; and I hope the Senator having charge of the bill will give attention to these letters.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 9, 1881.

SIR: On the 11th day of March, 1878, the following resolution passed the House of Representatives and was referred to the Committee on Indian Affairs:

"*Resolved*, That the Secretary of the Treasury be requested to furnish the Committee on Indian Affairs of this House an itemized statement of account with the Chippewas of Lake Superior and Mississippi, under the ninth article of the treaty made with those Indians the 30th of September, 1854."

Hons. George M. Beebe and J. H. Stewart were appointed by the chairman to investigate these matters, and Agent J. L. Mahan was detailed by this office to assist in this investigation.

Their labors under this resolution were long, tedious, and exhaustive, requiring an examination of the books of several Departments.

It appears from their investigation that there had been covered into the Treasury unexpended balances of appropriations for these Indians from 1843 to 1878 inclusive, the sum of $84,438 95. The committee also inquired into another matter, which has been a source of considerable anxiety to the Indians.

It appeared from an examination of their treaty that they were entitled to receive a portion of their annuity in coin or specie. On making an examination of the requisitions and warrants in the Treasury and Indian Office, they found that during the years 1863 and 1864 these Indians were compelled, under their protest, to receive currency. A statement was prepared showing the difference between coin and currency value of the several payments, which amounted in the aggregate to $32,298.77, a full account of which, with the report of said committee, will be found in CONGRESSIONAL RECORD, (Volume 3, part 3, and appendix, Forty-fifth Congress, third session.) The above aggregate of $32,298.77 included interest upon the sum due, at 5 per cent. per annum up to February 6, 1879, to which has been added interest at the same rate, to February 6, 1881, namely, $1,867.03, thus making the total amount now due $34,165.80.

Owing to the near approach of the end of the session, and press of business, the sub-committee was unable to secure any action upon its report.

The amounts found due to the said Indians, as reported by the committee, are correct, and are justly due under treaty stipulations; and with a view to securing legislation in their behalf during the present session, I have caused a draught of an amendment to be prepared covering the amounts hereinbefore named, and transmit the same herewith, with the recommendation that it be transmitted to Congress with your approval, with the request that it be attached as an amendment to some one of the sundry civil or deficiency appropriation bills yet to be acted upon by the present Congress.

Very respectfully,

E. M. MARBLE,
Acting Commissioner.

Honorable SECRETARY OF THE INTERIOR.

Mr. MCMILLAN. The only portion of this claim embraced within the present amendment is that found to be due under the treaties and covered into the Treasury of the United States. As to the merits of this claim it seems to me there can be no doubt. The authorities of the United States, the committee appointed by the House of Representatives, have made this laborious investigation. They have ascertained that this amount is due to these Indians under treaties which have been made with them by the Government of the United States; and that the amounts thus due and unpaid have been covered into the Treasury of the United States and remain there to-day. The committee recommend the payment of this amount. The Acting Commissioner of Indian Affairs admits the truth of the claim, the correctness of the report, and recommends that the amount be paid. The Secretary of the Interior, in transmitting that communication to Congress, indorses the statement of the Commissioner and recommends the payment of this claim.

Very much has been said about the care which this Government takes of the Indian tribes, and efforts have been made at the present and last session to enact legislation which will tend to the interests and welfare of the Indians; but it is just by such conduct as this on the part of the Government of the United States that the condition of Indian affairs which at present exists is brought about. These people are dealing with a Government upon whose honor they rely.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. MCMILLAN. Mr. President——

The VICE-PRESIDENT. Is there objection to the Senator continuing?

Mr. SAUNDERS. I hope the Senator will be allowed to proceed.

The VICE-PRESIDENT. The Chair hears no objection and the Senator from Minnesota will proceed.

Mr. MCMILLAN. I shall detain the Senate only by a very few remarks.

Mr. WALLACE. We shall not get through the bill if we go on in this way, I beg to inform the Senator.

Mr. MCMILLAN. The Indian tribes rely upon the honor of the Government. They rely upon the promises the Government has made to them. The fulfillment of the treaties which have been enacted between the Government and these tribes is regarded on their part as being due to them, and every breach of these treaties only brings into contempt the Government of the United States with these people. They do not know why promises are not fulfilled. They do not understand why treaty obligations are not carried out. They only know that the Government makes to them promises which they do not fulfill, and that has been the occasion of the disturbances which have existed upon the part of the Indian tribes all through the country. They rely upon a promise when it is made to them.

The Committee on Appropriations could not have considered the merits of this claim. They could not have come to any other conclusion than the conclusion arrived at by the Interior Department, if they had had time to examine this amendment. I am satisfied their action can only be attributed to the fact that the committee have not had time to give the examination to this amendment which they should have done. I know the great labors resting upon that committee. I know that it is calling upon them to endure a great deal to spend the night in labor, but the fact that this claim is one of a meritorious character should induce them to withdraw any objection to it and permit the Senate to pass it, as I hope they will.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota, [Mr. MCMILLAN.]

Mr. MCMILLAN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 30; as follows:

YEAS—15.

Baldwin,	Dawes,	Kellogg,	Rollins,
Blair,	Hamlin,	Kirkwood,	Saunders,
Bruce,	Hill of Colorado,	McMillan,	Teller.
Cameron of Pa.,	Ingalls,	Platt,	

NAYS—30.

Bailey,	Hampton,	Lamar,	Thurman,
Bayard,	Harris,	McDonald,	Vance,
Booth,	Hereford,	McPherson,	Vest,
Butler,	Hill of Georgia,	Maxey,	Walker,
Call,	Johnston,	Paddock,	Wallace,
Coke,	Jonas,	Pugh,	Williams.
Eaton,	Jones of Florida,	Ransom,	
Farley,	Kernan,	Slater,	

ABSENT—30.

Allison,	Conkling,	Hoar,	Saulsbury,
Anthony,	Davis of Illinois,	Jones of Nevada,	Sharon,
Beck,	Davis of W. Va.,	Logan,	Voorhees,
Blaine,	Edmunds,	Morgan,	Whyte,
Brown,	Ferry,	Morrill,	Windom,
Burnside,	Garland,	Pendleton,	Withers.
Cameron of Wis.,	Groome,	Plumb,	
Cockrell,	Grover,	Randolph,	

So the amendment was rejected.

Mr. McPHERSON. I desire to offer an amendment. At the end of line 366, I move to insert:

For expenditures under the direction of the Secretary of the Navy for unveiling the statue erected commemorative of Admiral Farragut, $5,000, to be immediately available.

In this connection I desire to say that an appropriation of $7,500 was asked for by the Secretary of the Navy; and the same appropriation was recommended by the Committee on Naval Affairs. It is well known to every member of the Senate that the statue has now been completed and that the pedestal has been completed. On the 23d day of April it is expected that the ceremony of unveiling the statue will take place. The appropriateness of this appropriation of money seems to me to be so very plain that no Senator will object to it.

Very strangely, the Committee on Appropriations have neglected to recommend the appropriation. I think they have overlooked it; it must have escaped their notice. That certainly must have been the reason. I can ascribe no other reason for its omission. No one upon that committee would for a moment hesitate to appropriate the necessary amount of money for a proper ceremonial attending upon the unveiling of the statue of Admiral Farragut, a man so distinguished as he. Therefore I will do the committee the justice to say that they must have overlooked the request both of the Secretary of the Navy and of the Committee on Naval Affairs. If they have not done so, I know the Senate will not refuse to grant the appropriation.

Mr. WALLACE. The committee did consider this item appropriating $5,000 for the unveiling of the statue of Farragut, or ceremonies connected therewith. The statue is completed, and we thought it could be unveiled for a good deal less money, perhaps for part of the money now in the custody of the Navy Department. Therefore we rejected the amendment. We think the amendment ought not to go on the bill, and I move to lay it on the table.

Mr. McPHERSON. Will the Senator withdraw his motion for a moment?

Mr. WALLACE. I must insist on it.

Mr. McPHERSON. I will not take any time.

The VICE-PRESIDENT. The motion is not debatable.

Mr. THURMAN. I wish to appeal to my friend from Pennsylvania to withdraw the motion for a moment.

Mr. WALLACE. I will withdraw it temporarily.

Mr. THURMAN. I am strongly inclined to vote for any amendment that will do honor to Admiral Farragut, but I want my friend from New Jersey to tell me how the money is to be expended. For what purpose is it to be expended? I wish very much to do honor to the man. Anything that I can do to pay honor to the memory of a man so distinguished as Admiral Farragut, a very short personal acquaintance with whom has made me esteem him as I do, (a man with a big heart and broad views, a generous man free from all malice or sectionalism, a great man,) I am willing to vote for; but I do want to know of my friend how this money is to be expended? In what way? If I can conceive of anything in the world to support the amendment I will support it.

Mr. McPHERSON. I cannot answer the Senator from Ohio in regard to the ceremonial. I only know that this appropriation is asked for by the Navy Department. I also know that the ceremonial attendant upon the unveiling of the statue of General Thomas cost something like $25,000. I think an appropriation of $25,000 was made by Congress for that purpose.

Mr. JONES, of Florida. Will the Senator from New Jersey permit me to make a suggestion? I did not hear any explanation asked when we so liberally voted a very large sum of money for unveiling the statue at Yorktown.

Mr. EATON. It was not necessary; the whole country was interested in it.

Mr. JONES, of Florida. And the whole country is interested in this ceremonial.

Mr. WALLACE. I must insist on my motion. I renew the motion to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Florida is on the floor just now.

Mr. WALLACE. Then I propose to do it when I have the opportunity.

Mr. JONES, of Florida. Thirty thousand dollars was voted, I believe, for the Yorktown ceremonial. The first proposition made to the Naval Committee was larger than this. I suggested that $5,000 would be a reasonable sum, and I am willing to vote it. I cannot go into every little item, and I do not suppose the Senator from New Jersey can.

Mr. McPHERSON. I know nothing about the particulars.

Mr. JONES, of Florida. I do not think such an inquiry ought to be directed to a Senator.

Mr. VOORHEES. I can answer the inquiry.

The VICE-PRESIDENT. Does the Senator from New Jersey yield?

Mr. McPHERSON. I yield to everybody.

The VICE-PRESIDENT. Does the Chair understand that the Senator yields the floor?

Mr. McPHERSON. Yes, sir.

Mr. VOORHEES. The Admiral of the Navy, Admiral Porter, has taken personal charge of the ceremonies for the unveiling of the Farragut statue and in connection with the Navy Department, and they design to make it an occasion worthy of the fame of that great hero. I speak of my personal knowledge now of their purposes. This small and trifling appropriation is asked in order to make a becoming display upon that occasion. The event is fixed for the 23d day of April, a day illustrious in the life of Admiral Farragut. It is the intention of the Navy Department and of the old naval officers who were the companions-in-arms and the companions in glory of Farragut, to make it a memorable affair.

I think it is a small request that they make, and it is a very small matter to stop and cavil one second of time about it, when the Navy Department and the old officers of the Navy, with Admiral Porter at their head, ask for the small sum of $5,000 upon the occasion of displaying to the world the statue of this man who will be as immortal in the history of the Navy of this country as Nelson is in the history of the Navy of England.

Mr. WALLACE. I move to lay the amendment on the table.

Mr. THURMAN. I beg the Senator to withdraw the motion for a moment.

Mr. WALLACE. This bill will be lost, unless we get it through before five o'clock.

Mr. VOORHEES. The Senator from Pennsylvania is taking more time than anybody else.

The VICE-PRESIDENT. Does the Senator from Pennsylvania withdraw the motion to lay on the table?

Mr. WALLACE. I must yield to my friend from Ohio for a moment.

Mr. THURMAN. The remarks of the Senator from Indiana remind me of what I heard, but which I had forgotten for the moment, that it is the wish of those who have in charge the unveiling of this statue to bring to Washington some of the naval people who have been distinguished under the command of Admiral Farragut, and that some such sum as this will be necessary for their transportation to Washington and for their return to their proper stations. I shall vote for the amendment with the greatest pleasure.

Mr. ANTHONY. Mr. President, Congress has decreed a statue to a great admiral, and now when we are prepared to unveil it, it seems to me it would be a shabby thing to refuse this modest appropriation to perform the ceremony in a decorous manner. That is all I have to say.

Mr. WALLACE. I beg to say in behalf of the Committee on Appropriations that it thinks we are spending too much money in sprees, and I think it does not belong to us to do this with the money of the tax-payers. Our duty lies in a different direction. It does seem to me that this session of Congress is to be distinguished for the expenditure of the people's money in just this direction. I trust the committee will be sustained in this small matter. I renew my motion to lay the amendment on the table.

Mr. VOORHEES. I hope the Senator will not make a stand on this matter of $5,000 by which it is proposed to do honor to a man like Admiral Farragut.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania to lay the amendment on the table.

The motion was not agreed to; there being on a division—ayes 19, noes 28.

The VICE-PRESIDENT. The question is, Will the Senate agree to the amendment of the Senator from New Jersey, [Mr. McPHERSON.]

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 7255) making an apportionment of Representatives in Congress among the several States under the tenth census, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes; and

A bill (H. R. No. 3292) granting a pension to Sally M. Buchanan, widow of General Robert C. Buchanan, United States Army.

HOUSE BILL REFERRED.

The bill (H. R. No. 7255) making an apportionment of Representatives in Congress among the several States under the tenth census was read twice by its title.

Mr. HARRIS. I see that the chairman of the Committee on Census is present. I was going to ask the reference of the bill to that Committee.

Mr. PENDLETON. That is right.

The VICE-PRESIDENT. The bill will be referred to the Select Committee to make provision for taking the Tenth Census.

Mr. KIRKWOOD. Can we have that bill printed?

The VICE-PRESIDENT. All bills are printed under the rule.

Mr. PENDLETON. It will be printed if there is time.

REPORT OF A COMMITTEE.

Mr. COCKRELL. I ask unanimous consent to report from the Committee on Claims the bill (H. R. No. 5521) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof, without amendment. I want it to lie on the table.

The VICE-PRESIDENT. The bill will lie on the table subject to the call of the Senator.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

Mr. BAILEY. By direction of the Committee on Post-Offices and Post-Roads I offer an amendment, and on it I wish to say a word.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert as an additional section:

SEC. —. That the Postmaster-General be, and he is hereby, authorized and directed to readjust the salaries of all postmasters of the third, fourth, and fifth classes, under the classification provided for in the act of July 1, 1864, whose salaries have not heretofore been readjusted under the terms of section 8 of the act of June 12, 1866, who made direct official application or sworn returns of receipts and business for readjustment of salary to the Postmaster-General, the First Assistant Postmaster-General, or the Third Assistant Postmaster-General, such readjustments to be made in accordance with the mode presented in section 8 of the act of June 12, 1866, and to date from the beginning of the quarter succeeding that in which such application or sworn returns of receipts and business were made; and any sums which may be ascertained to be due shall be reported to the next Congress by the Postmaster-General.

Mr. WALLACE. I make the point of order on the amendment.

The VICE-PRESIDENT. The amendment is clearly out of order.

Mr. BAILEY. May I say one word upon the question of order? The amendment provides no new legislation whatever. Under the act of 1866 a certain compensation was due to postmasters of certain classes, and it is due to-day, and the Government of the United States owes it to these postmasters.

This is simply a direction to the Postmaster-General to ascertain and report to the next Congress what is due to these persons. There is no new legislation in it whatever. It is simply a direction upon the part of the Congress of the United States to the Postmaster-General to make a report of the facts in order that Congress itself may be able to determine what sums are due and whether they shall be paid. I make the report by direction of the Post-Office Committee. Two years ago this identical amendment was offered by direction of the same committee, and it was rejected by the House. A question of order was then made, and the Chair and the Senate decided it to be in order.

The VICE-PRESIDENT. The Chair thinks the amendment is clearly liable to the point of order. It provides for a readjustment of the salaries of postmasters.

Mr. BAILEY. I wish to say one word more. The act of 1866 required this to be done by the Postmaster-General. In respect to nine-tenths of the post-offices he performed the duty according to the act of 1866. In respect to some of the post-offices and postmasters he did not perform that duty. The act of 1866 required this readjustment to be made. The Postmaster-General has failed in the discharge of this duty with respect to a number of post-offices and postmasters in the country, and this amendment simply requires him to perform a duty that was by law demanded of him.

The VICE-PRESIDENT. If the Senator from Tennessee desires, the Chair will submit the question to the Senate. The Chair is clearly of opinion that the amendment is out of order. The force of the former law was clearly spent, and this is the re-enactment of a new law for the adjustment of the salaries.

Mr. BAILEY. It is a matter of no interest to me. It concerns the postmasters in the northwestern part of the country, who are represented here to-day by the Senators from Illinois, Wisconsin, Michigan, Missouri, Iowa, Kansas, and Nebraska, and if they choose to let this measure of justice to their constituents fail, I have nothing to say in regard to it.

Mr. McMILLAN. If there is nothing now before the Senate, I desire to offer an amendment to the bill.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert at the end of line 330:

For reimbursing to Captain E. C. Bowen the expenses incurred by him in defending a civil suit brought against him by William Stuart, a discharged soldier, in Yankton County court, in Yankton, Dakota, $711.77.

Mr. McMILLAN. This amendment was before the Committee on Appropriations and the item was not allowed. The reason for that, as I have been informed, is that there was no evidence before the committee in regard to the claim except the petition of Captain Bowen, who desires this reimbursement of money. In that the committee was mistaken. There was a letter from the War Department, which I have in my hand. I obtained it in the committee-room, and it was overlooked by the committee. The concluding sentence of the letter reads:

The facts are fully set forth in the petition, and the circumstances of the case seeming to justify favorable action, the Secretary of War directs me to recommend that the relief asked for be granted.

H. T. CROSBY, *Chief Clerk.*

Mr. WALLACE. If the Senator will allow that communication to go into the RECORD, the amendment may go on the bill so far as the committee is concerned.

Mr. McMILLAN. Very well.

The papers submitted are as follows:

WAR DEPARTMENT,
Washington City, February 23, 1881.

The chief clerk of the War Department, in the absence of the Secretary of War, has the honor to transmit to the House of Representatives, for the consideration of the Committee on Appropriations, copy of a petition from Captain E. C. Bowen, United States Army, retired, for reimbursement of expenses incurred in defending a civil suit brought against him by William Stuart, a discharged soldier, in the Yankton County court, at Yankton, Dakota, amounting to $711.77.

The facts are fully set forth in the petition, and the circumstances of the case seeming to justify favorable action, the Secretary of War directs me to recommend that the relief asked for be granted.

H. T. CROSBY, *Chief Clerk.*

The SPEAKER *of the House of Representatives.*

—

WASHINGTON, D. C., *January* 12, 1881.

SIR: I have the honor to request to be reimbursed, on account of expenses incurred by me in defending a civil suit brought against me by William Stuart, a discharged soldier, in the Yankton County court, at Yankton, Dakota.

The facts are as follows: In December, 1877, my company, I, Eleventh Infantry, with Companies E and K, same regiment, was on scouting duty in pursuit of hostile Indians in the Black Hills, pursuant to orders from headquarters Department of Dakota.

One morning just before breaking camp, William Stuart, then a private of my company, was disrespectful, insubordinate, and insulting to me, his company commander, and after I had placed him under guard for this and other bad conduct, he continued his loud and abusive talk, calling me the vilest names, and threatening to shoot me as soon as he could get his hands on a musket, which would be before the scout was over. (His language.)

To stop such an exhibition as this before my company and others present, and to maintain proper discipline and the dignity of the service, I, acting upon my best judgment and in my capacity as an officer of the Government, determined that this man should be separated from the other men, rendered powerless to execute his threats, and, as far as possible, isolated, that he might have opportunity to reflect upon his conduct, and not contaminate others.

To do this I directed that his hands be tied front of his body, and that he should thus walk behind a wagon during the march of that day. This was done. The day in question was, for the season, mild and pleasant. The march was only fourteen miles. The command halted ten minutes each hour, and an hour at noon for lunch, &c. The man was frequently seen with his hands loose riding on the feed-box of the wagon, as I afterward learned. Thus it will be seen that my action entailed no hardship nor injury, and was not punishment, but rather a relief, from carrying a musket and accouterments and marching with the other soldiers. The officer in command, Major Bartlett, Eleventh Infantry, passed by about the time Stuart got in position behind the wagon, inquired into the circumstances, and afterward approved my action. The other officers of the command knew all the circumstances and the necessity for my action, and often spoke of my forbearance under such strong provocation.

The judge before whom the case was tried, a civilian, frequently remarked during the progress of the trial upon my mild conduct in the matter. These are all the essential facts. They can, if necessary, be readily established at any time.

This man was afterward discharged the service for fraudulent enlistment; went to Yankton, and there threatened to go for me, as he expressed it, when I passed through Yankton. It seems he found there some lawyers, so-called, who, for a share of what they could rob from me, instituted this suit. When I passed through Yankton they got service on me, and thus obliged me to defend or a judgment would be rendered in default. I applied for counsel at the time. The request was denied. Why, I cannot understand, except that the facts were not understood. The suit was tried last February, and a verdict rendered in my favor. The expenses were about seven hundred dollars. I have all the items and vouchers, which I will submit, if my claim is allowed.

I wish this application to be as brief as the circumstances will allow, and shall therefore make no argument nor statement as to the usages and custom of the service, its common law, nor as to the necessity for my action or similar action under like circumstances. These are all far better understood by my superior officers through whose hands this paper will pass.

For the same reason I will not refer to the many cases wherein action similar to mine is necessary, in fact unavoidable; nor to the many cases where civil suits and criminal suits have been brought against officers, wherein counsel and expenses were allowed by the Government under paragraph 1461 Revised Army Regulations.

Two cases now occur to me: the prosecution of Captain Lincoln, Tenth Infantry, for homicide, in Texas, and a civil suit for damages, Samuel Smith & Co., of New York, *vs.* General Butler, for seizing $50,000 in gold in New Orleans, (*Vide* opinion of the then Judge-Advocate General, J. Holt, on this case, which covers the whole ground.)

There is a question in connection with this case which, in my humble judgment, should be settled for the welfare of the Army. It is the question of jurisdiction of civil courts in my case and similar ones purely military. It will be recollected that in this case we were in the Indian country and in pursuit of hostile Indians, or in a state of war.

My address is No. 1216 F street.

I am, sir, very respectfully, your obedient servant,

E. C. BOWEN,
Captain United States Army, retired.

To the ADJUTANT-GENERAL OF THE ARMY,
Washington, D. C.

—

List of expenses incurred by Captain E. C. Bowen, United States Army, retired,

In defending suit brought against him by William Stuart, late a private of Company I, Eleventh Infantry, for alleged assault and false imprisonment:

Gamble Brothers, attorneys, retainer	$25 00
Gamble Brothers, attorneys, fees	350 00
E. G. Smith, attorney, assistant counsel	150 00
Expenses of I. R. Gamble, from Sioux City to Yankton	6 10
Paid to witnesses, Dr. Miller and McGregor	2 00
Court fees as per bill	5 90
Personal expenses as per account	93 25
Depositions as per account	15 25
Sheriff's fees as per account	3 25
Telegraph, Sioux City	17 09
Telegraph, Yankton	21 73
Expenses of Acting Assistant Surgeon S. T. Weirick, United States Army, witness	75 50
Total	765 77
Less amount paid for Dr. Weirick's mileage	54 00
Total amount due me	711 77

I certify on honor that the above account is correct and just in every particular, and incurred for the purposes as stated.

E. C. BOWEN,
Captain United States Army, retired.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota, [Mr. MCMILLAN.]

The amendment was agreed to.

Mr. SLATER. After line 443 I move to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to audit and allow the claim of William L. White for actual services performed by him as a clerk in the land office at Oregon City, under contract with the register and receiver thereof, at such reasonable rate for said service as to said Secretary shall be deemed reasonable, and to pay the same out of any moneys not otherwise appropriated.

Mr. WALLACE. That was before our committee, and the claim ought not to be allowed. I move to lay the amendment on the table.

The motion was agreed to.

Mr. BAYARD. I offer the following amendment, to come in on page 15, after line 354:

To pay Dr. Emil Bessels for articles lost on board the Polaris, $1,378.50; for articles lost on board the Saranac, $1,022.50; to reimburse him for payments made by him in the preparation of the History of the Polaris Expedition, $3,632.70; for salary from August 13, 1876, to March 1, 1880, $4,200; in all, $10,233.70.

The amendment was agreed to.

Mr. COKE. I am authorized by the Committee on Indian Affairs to offer the following amendment, to come in on page 42, after line 197:

For traveling and other expenses of Indian inspectors, $1,000.

Mr. WALLACE. That is right.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. LOGAN. If there are no other amendments from the Committee on Appropriations, I desire to call the attention of the Senator in charge of the bill to the amendment I gave notice I intended to offer on page 6.

Mr. TELLER. I desire to reserve the amendment on page 17, beginning at line 386, for a separate vote. It is:

To enable the Secretary of the Interior to pay Richard Joseph, disbursing clerk, the sum of $1,000, &c.

The VICE-PRESIDENT. The other amendments will be considered as concurred in. The question is on the amendment which has been reserved, which will be reported.

The CHIEF CLERK. The Senate, as in Committee of the Whole, after line 385, inserted the following:

To enable the Secretary of the Interior to pay Richard Joseph, disbursing clerk, the sum of $1,000, for his services in connection with the disbursement of the census fund, payable from the appropriations for the tenth census heretofore made.

The VICE-PRESIDENT. Will the Senate concur in this amendment?

Mr. TELLER. This is in violation of the plain provisions of the United States statutes, which provide that no extra compensation shall be paid to public officers. It is a provision for $1,000 additional compensation. There were before the Committee on Appropriations a great many honest claims, which were presented to them for the payment of debts due to individuals, which were properly deficiencies; and yet that committee, although some of these claims were recommended in some instances by the Secretary of the Interior, by the Commissioner of Indian Affairs, by a committee of this Senate, and by three or four special committees which have been raised for the purpose of looking into them, have seen fit to ignore them all, and the committee come here and propose, in direct violation of a statute, to pay for services rendered for which the statute has already provided an ample and sufficient compensation.

Mr. PLUMB. This occurs to me to be a very singular principle, that because we devolve some duties on an officer, which are not already provided for in the law under which he is employed, we should give him additional compensation. In this bill and in all the other appropriation bills which have passed additional duties have been devolved on the Secretary of the Treasury and a multitude of other officers, and we are now laying the groundwork, by this amendment, for them to come to Congress hereafter and ask that they be paid extra compensation.

This is for services already rendered, services which this party was entirely competent to render in the hours he was required to labor. It did not involve any extra labor on his part; it did not involve anything he could not readily do. He is, I have no doubt, a competent person, but he had ample time, not only to do his other duties but ample time to do this and besides that he has ample time to attend all the social observances of this very social city. It seems to me it is the wrong place to begin.

Mr. WALLACE. The committee have no feeling on this subject. The gentleman named and the Superintendent of the Census came before us and explained to us the large amount of this duty that was thrown upon him without additional pay. He handled some $3,000,000 of the census fund. It was only proposed to give him $500 a year for two years, making $1,000, which the committee put on. The Senate can do as they please about the amendment.

Mr. PLUMB. Disbursing this money involved no additional responsibility, because he was not required to give bond. It added nothing more than if we should increase the expenditures of the Indian Bureau, of which he is the disbursing officer. This is a gratuity. As the Senator from Colorado has said, there were claims before the committee which the committee refused to place on this bill. I am not complaining now of the action of the committee, but I call attention to the discrimination made. Here are men dying without their claims, for which they have asked recognition for years, being paid. Here is something which does not rise to the dignity of a claim. It is in violation of law. This person has no claim either in law or justice; but simply because it is a gratuity, it is in order; while a claim for supplies furnished, about which there is no question whatever, is subject to the point of order, and cannot be inserted in this bill.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole, which has been read.

The amendment was not concurred in.

Mr. LOGAN. I wish to call the attention of the Senator who has charge of the bill, to line 126, on page 6. I desire to offer an amendment to strike out the word "ten" and insert "twenty;" so as to make the clause read:

For heating, hoisting, and ventilating apparatus, and repairs of the same, for public buildings under the control of the Treasury Department, $20,000.

The Senator will observe, by examining the estimates, that the lowest estimate is $25,000 for that purpose, and only $10,000 has been allowed. As a matter of course, the amounts estimated for ought to be in the bill, unless they are fraudulently estimated, as this is a deficiency bill. I only ask to increase it to $20,000. That was the proposition in the House.

Mr. WALLACE. The Senator is right.

Mr. LOGAN. I move to strike out "ten" and insert "twenty" in line 126.

The amendment was agreed to.

Mr. LOGAN. In line 129, on the same page, the Senator will observe that the appropriation in this bill is $20,000 when the estimate is $50,000.

Mr. WALLACE. We have already amended that so as to give the conferees jurisdiction. The House would not consent to increase it to what was estimated for it. We have increased the amount from $20,000 to $25,000, and we have also increased the amount in the succeeding clause.

Mr. LOGAN. The Senator will remember that originally the estimate was for $50,000 for the deficiency in that line, and I know from information which I have in reference to the custom-house in my own city that there is as much money required in that one building to make up the deficiency as is given in this bill; and the estimate certainly should have been complied with by the Appropriations Committee in making the appropriations in the House. Of course I find no fault, except that if it is left to a conference committee I fear it may not be put in, it may be neglected, it may be overlooked, and we might just as well put it in here, because it is a proper thing to be done. I move to strike out "twenty-five" and insert "fifty," in line 129; so as to make the clause read:

Furniture and repairs of furniture, and carpets, for all public buildings under the control of the Treasury Department, $50,000.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. PLUMB. I offer an amendment to come in after line 356, and I hope the member of the committee having the bill in charge will not object to the amendment:

For payment to William Matthewson, of Kansas, the balance of amount due him for flour delivered to the Indian service at Fort Sill, Indian Territory, in the year 1874, as passed and allowed by the Indian Bureau, $2,954.

I desire to state briefly this case. In 1874 this man was a contractor for furnishing supplies to the military at Fort Sill. Arriving at that point with a cargo of flour to fill that contract, he was approached by the agent of the Indians at that point and requested to sell his flour to the agent, because that agency was out of supplies. With the consent of the quartermaster, or commissary, to whom he was to deliver the flour, he sold the flour to the Indian Bureau at the same price at which he should have delivered it to the military authorities. He was paid on that flour about six hundred dollars; the remainder of it he has never had from that day to this. He has been kept out of his money all this time. The Secretary of the Interior sends here a letter from the Commissioner of Indian Affairs, stating that this account is correct and should be paid. I have also here a letter from the Second Comptroller of the Treasury, who passes on

claims of this kind, reciting at length the facts and stating that the claim is just and that the amount due is the sum stated in the amendment. I think that this is one of those claims which should be properly attached to a deficiency bill, being a deficiency for the Indian service for the year 1874.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RECESS.

Mr. WALLACE. I move that the Senate take a recess until eight o'clock.

Mr. BURNSIDE. I move to amend the motion by saying "half past eight."

Mr. VOORHEES. I hope the Senator will withdraw that motion. I want to act on a motion to reconsider a bill already passed.

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield?

Mr. WALLACE. I do not.

Mr. ANTHONY. Will the Senator yield to me for a resolution I wish to offer?

The VICE-PRESIDENT. The question is on the amendment of the Senator from Rhode Island [Mr. BURNSIDE] to the motion of the Senator from Pennsylvania to take a recess until half past eight o'clock.

The amendment was agreed to.

The VICE-PRESIDENT. The question is on the motion as amended.

The motion as amended was agreed to.

The VICE-PRESIDENT. The Senate takes a recess until half past eight o'clock this evening.

EVENING SESSION.

The Senate reassembled at half past eight o'clock p. m.

JAMES H. REEVE.

Mr. VOORHEES. Some time ago the bill (H. R. No. 2180) granting an increase of pension to James H. Reeve passed the Senate, and a motion was made to reconsider by the Senator from Tennessee [Mr. HARRIS] on behalf of the Senator from Virginia, [Mr. WITHERS.] I move to lay that motion on the table. I do it for the purpose of saving this bill, which now has passed both branches of Congress. It passed the Senate in the Forty-fifth Congress; it has passed the Senate twice in precisely the same words, and the House once.

I do not know whether it is necessary to enter into an explanation of this bill. I know the Senator from Virginia, in the kindness of his heart, does not want to antagonize this bill of itself, while desiring to do his duty exactly as he conceives it to be on the part of the Committee on Pensions. I will state, however, by way of explanation of this bill, that in the Forty-fifth Congress it passed granting an increase to Major Reeve of $4 per month and granting the increase from the date of his original certificate in 1865, and on this ground: he lost his leg at Fort Fisher; it was amputated below the knee. There is a provision of law by which a person who can wear an artificial limb is entitled to $20 per month for the loss of his limb. When he cannot wear an artificial limb he is entitled to $24 per month. While this man's leg was amputated below the knee, yet it was ascertained that he could not wear an artificial leg. He underwent a second amputation for the purpose of enabling him to wear an artificial leg.

Mr. EATON. My friend from Indiana will pardon me for one moment.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. EATON. One moment. I simply desire to say that the unfinished business is the Japanese idemnity bill, and I desire to take that bill up and then I have no desire to interfere——

Mr. VOORHEES. I will help the Senator from Connecticut to take up the bill to indemnify the Japanese as soon as I indemnify this one-legged soldier who had his leg cut off three times.

Mr. EATON. I ask for the right——

Mr. VOORHEES. I will help the Senator to get his right; but I am on the floor. I have waited five weeks to get up this motion which was made to reconsider a bill that gives a soldier a slight increase of $4 per month who lost his leg at Fort Fisher by one amputation and a second amputation he underwent, the evidence of which I have in my hand, to qualify him to wear an artificial leg, and failing in that he underwent a third surgical operation equal to an amputation to qualify him to wear this artificial limb, and failing to do it, carrying himself on his crutches, the House sent a bill here granting him this increase of pension and rating him correctly from the date of his original pension. It passed this body and a motion to reconsider was made.

I have waited until the last day of the session to make a motion to lay that motion to reconsider upon the table, and I want it now considered. While I have the greatest possible respect for the Japanese and the greatest possible respect for the Senator from Connecticut—he knows that I agree with him on that question—yet a one-legged soldier who has suffered the agonies of death three times over has my respect even above the Japanese, and as I have the floor I desire this motion disposed of.

Mr. EATON. Well, Mr. President, when I call for the regular order——

Mr. VOORHEES. Well, Mr. President, when I yield the floor at the dictation of the Senator from Connecticut he will have his right.

Mr. EATON. I call for the regular order.

Mr. VOORHEES. I am on the floor. If the Senator from Connecticut claims the right to take me off the floor, I do not recognize it.

Mr. EATON. I call for the regular order.

Mr. VOORHEES. I am on the floor, and have been recognized by the Chair, and I make the motion to lay this motion to reconsider on the table. I have a right to do that at any time. It is in order at any time.

Mr. WITHERS. I would ask whether the bill has been taken up.

Mr. VOORHEES. There is no question of taking the bill up. The bill has passed both branches of Congress, and a motion was made to reconsider, and I make the motion to lay that motion on the table, after having waited for the last three weeks.

Mr. WITHERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Virginia?

Mr. VOORHEES. I do.

Mr. WITHERS. I rise to make an inquiry as to the parliamentary status of the question. As I understand it, a motion to reconsider a bill on the Calendar was entered, and is pending before the Senate. Can the Senator make a motion to lay that on the table? I submit that the bill has to be taken up first.

Mr. VOORHEES. How can it when the bill has passed?

Mr. THURMAN. I want to say a word. The Senator from Connecticut had a perfect right to demand the regular order, and then he was perfectly willing to yield to the Senator from Indiana.

Mr. VOORHEES. Neither the Senator from Connecticut nor anybody else, as I conceive, has the right to rise while I have the floor, recognized by the Chair, and take me off the floor for any purpose.

Mr. THURMAN. He has a perfect right, whether the Senator is on his feet or not, to call for the regular order.

Mr. VOORHEES. Then I have some matters to learn, and I shall learn them from experience, and not by the dictation of the Senator from Ohio.

The PRESIDING OFFICER. The suggestion of the Senator from Virginia is correct. It is necessary for the Senator from Indiana to move first to take the bill up, and then the motion to lay on the table the motion to reconsider will be in order.

Mr. VOORHEES. I make that motion. If the Senator from Virginia is correct, the Senator from Ohio and the Senator from Connecticut are not correct.

The PRESIDING OFFICER. The Chair will state that his interpretation of the rule is that the recess was taken to consider at the evening session, under the rule adopted some ten or twelve days ago, the House bills on the Calendar favorably reported. Before they were called the Senator from Indiana obtained the floor to make the motion which he now makes. That being disposed of, at the call of the Senator from Connecticut the Chair will lay the regular order before the Senate. Now the Senator from Indiana moves——

Mr. EATON. I bow, of course, to the decision of the Chair; but the Vice-President said I was entitled to the floor the moment after the recess whenever we came together. I intended to yield to my friend from Indiana, and so said to him.

The PRESIDING OFFICER. So the Chair understood.

Mr. EATON. All I desired was to get my bill before the Senate.

Mr. VOORHEES. I am willing the Senator shall get it before the Senate.

The PRESIDING OFFICER. The motion of the Senator from Indiana now is to proceed to the consideration of the Reeve pension bill with a view of making a motion to table the motion to reconsider the vote by which the bill was passed.

The motion to take up was agreed to.

The PRESIDING OFFICER. The bill (H. R. No. 2180) granting an increase of pension to James H. Reeve is before the Senate.

Mr. VOORHEES. I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. WITHERS. I want simply to state that I do not think it is fair and scarcely in accordance with that high courtesy which always characterizes the Senator from Indiana to move to lay this motion to reconsider on the table without giving any opportunity whatever to the Committee on Pensions who reported the bill to make any explanation of its status. However, I submit to the decision of the Chair.

Mr. VOORHEES. I wish to say, as a parting word of kindness to the Senator from Virginia, that nothing is more impossible in the world than that I should do a discourtesy toward him. It was simply a method I adopted to dispose of the question as speedily as possible.

The PRESIDING OFFICER. The Senator from Virginia can be heard by unanimous consent, if he desires.

Mr. WITHERS. I ask, then, unanimous consent of the Senate to make a statement in a few words of the exact status of this case. When the bill was passed a few weeks ago it was owing to an inad-

vertence on my part, for which I take the whole responsibility. I was under an absolute misapprehension with regard to the provisions of the bill.

The true state of the case is this: this pension bill was reported from the House to the Senate and a similar bill was on the Senate Calendar. When it came before the Committee on Pensions the Senate bill was taken up by that committee upon a favorable report by the Senator from Kansas [Mr. INGALLS] and passed and sent to the House, granting to this gentleman a pension of $30 a month, a pension greater than that allowed by law; but they did that out of consideration of the exceptional character of his sufferings, and they were willing to recognize them by giving him a larger pension than the general law allowed. The House bill, however, granting $24 a month pension contained a provision giving arrears at that rate from the time the pension was first allowed; and as the committee of the Senate had uniformly acted upon the principle that the arrears of pension should not be made applicable to special acts, they refused to report the bill, but reported a bill granting a greater pension to date from the passage of the act. That bill has been sent to the House, and I suppose in the next half hour will become a law, pensioning him at $30 a month.

A suggestion was made to me a few weeks ago that there was a mistake in the matter and that the bill had never passed the Senate. I was surprised at it, but I inquired of the journal clerk, not about the House bill but the Senate bill, and his investigation being directed to the House bill he said that from the Journal it appeared that the bill had been referred to the Pensions Committee and never reported, and in that state of the case I gave my assent to the proposition of the Senator from Indiana to call up the bill and pass it. I stated to the Senate at the time that the bill had been favorably reported by the Senate Committee on Pensions, that it had passed this body and been sent the House but that the records did not seem to establish the fact. Within one-half hour after this bill had thus passed I heard from two parties in whose cases I had reported and received a letter from a third, claiming that we granted arrears of pension in this act and that the same provision ought to be applied in these other cases, and that was the first intimation I had that the bill which passed contained the principle of arrears. Being called away and being then on my way home in consequence of family affliction, I wrote a note to the acting chairman of the Pensions Committee requesting him to enter a motion to reconsider this bill, because the Pensions Committee has uniformly refused to grant arrears and has been as uniformly sustained by the Senate whenever the question came before them for their adjudication. That is the status of the question before the Senate.

The PRESIDING OFFICER. There being no motion before the Senate upon the bill, the bill is passed.

ORDER OF BUSINESS.

Mr. EATON. I move that the Senate now proceed to the consideration of the Japanese indemnity-fund bill.

Mr. WITHERS. I ask consent of the Senator who has charge of the floor to report a few pension bills which have been acted on this evening favorably and to have them passed by this body. They are all House bills favorably reported. I ask that they be taken up and acted on.

Mr. EATON. Let the regular order be taken up.

Mr. WITHERS. I thought that bill was up.

The PRESIDING OFFICER. The unfinished business is the bill (S. No. 2022) in relation to the Japanese indemnity fund. By unanimous consent this bill will be informally laid aside for the purpose of receiving the reports of the Senator from Virginia.

WILLIAM W. CHURCH.

Mr. WITHERS. I am instructed by the Committee on Pensions to report back favorably and without amendment the bill (H. R. No. 1649) granting a pension to William W. Church, and I ask, in view of the extraordinary circumstances surrounding this last day of the session, immediate consideration for this bill and the others which I shall subsequently report.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for placing on the pension-roll the name of William W. Church, late a private in Company K of the Sixty-fifth Regiment of Infantry, Illinois Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CAROLINE STIEF.

Mr. WITHERS. I report from the Committee on Pensions favorably the bill (H. R. No. 853) granting a pension to Caroline Stief, and ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for placing on the pension-roll the name of Caroline Stief, widow of Frederick Stief, late a member of the Missouri militia.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM. C. PARKER.

Mr. WITHERS. I also report favorably, from the Committee on Pensions, the bill (H. R. No. 3786) granting a pension to William C. Parker, and ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for paying William C Parker, of West Virginia, who lost both legs by a railroad collision while transporting Government troops during the late war, under a peremptory order of General B. F. Kelley, the officer then in command of the troops in West Virginia, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. GORDON.

Mr. WITHERS. I am instructed by the same committee to report back favorably the bill (H. R. No. 1453) for the relief of James R. Gordon, and ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of James R. Gordon, late a private in Company D of the Sixteenth Regiment of Pennsylvania Cavalry Volunteers, on the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. WITHERS. There are two or three other bills to be reported by the other members of the committee of the same character.

BETSEY ELWELL.

Mr. HAMLIN. I ask for the consideration of the bill (H. R. No. 4608) granting a pension to Betsey Elwell.

Mr. WITHERS. I report the bill called for by the Senator from Maine, and ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4608) granting a pension to Betsey Elwell. It proposes to place on the pension-roll the name of Betsey Elwell, formerly Betsey Butler, widow of Jeremiah Elwell, a private in the Twenty-first Regiment United States Infantry, war of 1812, at the rate of $8 per month, to date from the passage of the act of March 9, 1878, "granting pensions to the soldiers and sailors of the war of 1812, and their widows, and for other purposes."

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

STEPHEN P. BENTON.

Mr. GROOME. The Committee on Pensions instruct me to report favorably the bill granting a pension to Stephen P. Benton, and ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5677) granting a pension to Stephen P. Benton. It proposes to place on the pension-roll the name of Stephen Porter Benton, a soldier of the war of 1812, at the rate per month provided by the act approved March 9, 1878.

Mr. LOGAN. I do not intend to object to any of these bills, but I desire that the report shall be read accompanying the bill.

The PRESIDING OFFICER. Is there a report in this case?

Mr. GROOME. There is a written report.

Mr. MAXEY. I desire to say that as soon as the Pension Committee is through I shall insist on going to the Calendar.

The PRESIDING OFFICER. The Secretary will read the report in this case.

Mr. DAVIS, of West Virginia. I desire to say that there is so much confusion that we cannot hear what is going on.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. LOGAN. If there is a report in any of these cases that is lengthy if the Senator who has the bill in charge will state the facts it will be sufficient. We want to know what the case is before we agree that the bill shall pass.

Mr. GROOME. I will state briefly what the facts are in this case. The rule of the Pension Office is that no soldier of the war of 1812 whose name is not borne upon the muster-rolls, who is not shown by the muster-rolls to have served for fourteen days in the service is entitled to a pension; but in view of the fact that during that war the records were kept with extreme looseness and that persons often served under other names than their own as substitutes or otherwise, they always permit proof by two comrades of the fact of service.

Mr. LOGAN. I want to know what the facts are. I know what the law is.

Mr. GROOME. I knew the Senator from Illinois was thoroughly familiar with the law, but perhaps some other Senators are not so familiar with this particular law. In this case this applicant proved by his own affidavit the fact of the service and proved by the affidavit of one comrade the fact of the service, but he is unable to do it by two; but General Ingalls, of the Army, certifies to the high character of the applicant, that he is a man of unquestioned integrity and veracity, and a councilman of the town in which the comrade lived also testifies in the strongest possible manner to the high character for truth, veracity, and integrity of the comrade who makes oath to the fact of the service.

Under these circumstances, in view of the fact that this service was rendered at such a remote period and that so many deaths have since occurred, the Pension Committee thought it was proper that the pension should be granted, and hence reported it.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EXECUTIVE BUSINESS.

Mr. VANCE. Mr. President——

Mr. BLAIR. I wish to call attention to one or two pension cases not yet disposed of.

Mr. VANCE. I have the floor.

The PRESIDING OFFICER. The Senator from North Carolina claims the floor.

Mr. VANCE. I move that the Senate now proceed to the consideration of executive business.

Mr. BLAIR. I hope not.

Mr. GROOME. We can do that later.

Mr. BLAIR. There are only two pension cases to be disposed of; they will not take five minutes.

Mr. VANCE. The Senator from New Hampshire was one of those who refused to go into executive session last night.

The PRESIDING OFFICER. Does the Senator from North Carolina insist on his motion?

Mr. VANCE. I do, sir.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate do now proceed to the consideration of executive business.

Mr. VANCE. I submit the motion to the sense of the Senate. Having made the motion, I will yield to no man except the Senate says so.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina.

Mr. VANCE called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 24, nays 26; as follows:

YEAS—24.

Bayard,	Hereford,	McPherson,	Vance,
Beck,	Hill of Georgia,	Morrill,	Vest,
Cockrell,	Hoar,	Platt,	Wallace,
Davis of W. Va.,	Johnston,	Randolph,	Whyte,
Garland,	Jonas,	Ransom,	Williams,
Hampton,	Kernan,	Slater,	Withers.

NAYS—26.

Anthony,	Davis of Illinois,	Jones of Florida,	Rollins,
Blair,	Eaton,	Jones of Nevada,	Saunders,
Brown,	Ferry,	Kellogg,	Teller,
Burnside,	Groome,	Logan,	Thurman,
Call,	Hamlin,	Maxey,	Walker.
Coke,	Harris,	Paddock,	
Conkling,	Ingalls,	Plumb,	

ABSENT—25.

Allison,	Cameron of Pa.,	Kirkwood,	Saulsbury,
Bailey,	Cameron of Wis.,	Lamar,	Sharon,
Baldwin,	Dawes,	McDonald,	Voorhees,
Blaine,	Edmunds,	McMillan	Windom.
Booth,	Farley,	Morgan,	
Bruce,	Grover,	Pendleton,	
Butler,	Hill of Colorado,	Pugh,	

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN A. MCMAHON of Ohio, Mr. T. R. COBB of Indiana, and Mr. FRANK HISCOCK of New York, managers at the conference on the part of the House.

The message also announced that the House had passed the joint resolution (S. R. No. 137) to create a commission for the performance of certain duties under the act of Congress providing for the erection of a monument at Yorktown and the proposed centennial celebration.

The message further announced that the House had passed a bill (H. R. No. 4905) to declare the true intent and meaning of "An act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion," approved June 8, 1872, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 688) for the relief of the sureties of Franklin Travis;

A bill (H. R. No. 1102) granting a pension to John S. Corlett;

A bill (H. R. No. 1729) for the payment of certain Indian war bonds of the State of California;

A bill (H. R. No. 2058) for the relief of Redmond Tully;

A bill (H. R. No. 2384) amendatory of and supplementary to "An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878;

A bill (H. R. No. 2637) granting a pension and arrears of pension to Johanna Meehan and minor children;

A bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio;

A bill (H. R. No. 3520) to establish a port of delivery at Indianapolis, in the State of Indiana;

A bill (H. R. No. 4451) to provide for the erection of a monument at Schuylerville, New York, commemorative of the battle of Saratoga, and for other purposes;

A bill (H. R. No. 5715) to vacate and close an alley in square 504, in Washington, District of Columbia;

A bill (H. R. No. 7160) for the relief of John H. Templeton; and

A bill (H. R. No. 6324) to construe an act entitled "An act to relieve the churches of the District of Columbia and to clear the title of the trustees of such property."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 688) for the relief of the sureties of Franklin Travis;

A bill (H. R. No. 1102) granting a pension to John S. Corlett;

A bill (H. R. No. 1729) for the payment of certain Indian war bonds of the State of California;

A bill (H. R. No. 2058) for the relief of Redmond Tully;

A bill (H. R. No. 2384) amendatory of and supplementary to "An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878;

A bill (H. R. No. 2637) granting a pension to Johanna Meehan and minor children;

A bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio;

A bill (H. R. No. 3520) to establish a port of delivery at Indianapolis, in the State of Indiana;

A bill (H. R. No. 4451) to provide for the erection of a monument at Schuylerville, New York, commemorative of the battle of Saratoga, and for other purposes;

A bill (H. R. No. 5715) to vacate and close an alley in square 504 in Washington, District of Columbia;

A bill (H. R. No. 7160) for the relief of John H. Templeton; and

A bill (H. R. No. 6324) to construe an act entitled "An act to relieve the churches and orphan asylums of the District of Columbia, and to clear the title of the trustees of such property."

DEFICIENCY APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

On motion of Mr. WALLACE, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives and agree to the conference asked for by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. WALLACE, Mr. DAVIS of West Virginia, and Mr. BOOTH.

PETER GRATTAN.

Mr. BLAIR. I desire to call up the case of Peter Grattan. It is a bill granting a pension, and was reported by the committee unanimously this morning too late to be upon the printed Calendar.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1830) granting a pension to Peter Grattan. It proposes to place on the pension-roll the name of Peter Grattan, father of John L. Grattan, late second lieutenant of Company G, Sixth Regiment United States Infantry.

Mr. BLAIR. I can state the facts in a briefer time than would be occupied by the reading of the report. The claimant, Peter Grattan, is an old man eighty years of age, totally disabled since the year 1867. He asks a pension by reason of the death of his son in the service, upon whom he was dependent for support. He was a graduate of West Point, an only child; was shot to death by the Indians in 1854. The bill has passed the House, it has been considered by the committee of the Senate, and its passage has been unanimously recommended.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANDREW J. PENNEL.

Mr. BLAIR. I desire at this time to report from the Committee on Pensions the bill (H. R. No. 7111) restoring the name of Andrew J. Pennel to the pension-roll, and ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to restore to the pension-roll the name of Andrew J. Pennel, late of Company F, Fifty-seventh Regiment Pennsylvania Volunteers, to be paid, on his pension certificate numbered 58722, the original amount allowed him from the date his name was dropped from said roll.

Mr. BLAIR. Perhaps I can state the facts more briefly than they are contained in the report.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GOVERNMENT EMPLOYES.

Mr. DAVIS, of West Virginia. I am directed by the Committee on Appropriations to report back without recommendation, to go upon the Calendar, the joint resolution (S. R. No. 164) relating to the salaries of Government employés in the District of Columbia.

Mr. PADDOCK. I ask unanimous consent that the resolution be considered at this time.

Mr. MAXEY. Now I call for the regular order.

Mr. EATON. Regular order.

The PRESIDING OFFICER. The regular order is the Japanese indemnity-fund bill.

ORDER OF BUSINESS.

Mr. HOAR. What has become of the Calendar? I hope the House bills on the Calendar will be finished. There are only two or three of them, and they will be passed, as a matter of course, I think in five minutes, perhaps in two.

The PRESIDING OFFICER. The Japanese indemnity bill was taken up and was the unfinished business, but was laid aside informally for reports from the Pension Committee, and the Senator from Connecticut now calls for the regular order.

Mr. ANTHONY. Will the Senator from Connecticut allow me to offer a resolution for printing?

Mr. HARRIS. After the recess, at night, is not the regular order the consideration of the House bills on the Calendar? If the Chair will refer to the resolution under which we are proceeding, I do not think the Chair will have any difficulty in ruling on that question.

The PRESIDING OFFICER. The Chair so held in the early part of the session, but the Senator from Connecticut stated that the Vice-President had said before the recess that this would be the unfinished business for this evening's session.

Mr. HARRIS. I understand from the Senator from Connecticut that the bill in question was laid before the Senate and was informally laid aside.

The PRESIDING OFFICER. The Chair was going to state that in addition.

Mr. HARRIS. Then I have no further remarks to make on the question of order.

The PRESIDING OFFICER. The Senator from Rhode Island desires to offer a resolution, which will be read.

NAVAL REGISTER.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent:

Resolved, That 500 copies of the Naval Register be printed for the use of the Senate.

JAPANESE INDEMNITY FUND.

The PRESIDING OFFICER. The unfinished business is the bill (S. No. 2022) in relation to the Japanese indemnity fund. The pending question is on the amendment offered by the Senator from Iowa, [Mr. KIRKWOOD,] to strike out "$1,463,224," and insert "$785,000."

Mr. EATON. At this late hour in the session I do not intend to discuss this question at any length whatever. I merely want to make a statement in addition to the report of the Committee on Foreign Relations. There is now in the Department of State a fund known as the Japanese indemnity fund, amounting to sixteen or seventeen hundred thousand dollars. The original amount paid by Japan was $785,000. That amount has never been covered into the Treasury. The administration of Mr. Lincoln, the administration of Mr. Johnson, the administration of General Grant, and the administration of Mr. Hayes have never regarded this money as belonging to us by a substantial equivalent. Those are the words used by Mr. Seward when he was Secretary of State at the time this indemnity was paid into our hands.

So far as I know, there have never been two opinions on the subject that this ought to be returned. My friend from Florida [Mr. JONES] does not desire to return anything but the amount of $785,000, because he says that under the law interest is a penalty. I was not aware of that before. I supposed that interest was for the use of money, on account of that use, and not a penalty. We received that money, the Department of State put it into bonds of the United States; and it amounts now to the sum which I before stated. The Committee on Foreign Relations with a great degree of unanimity advised the Government of the United States to return to the government of Japan the amount less $248,000, and I hope the bill will pass as a matter of justice. I regard the holding of this money by the Government of the United States as the most manifest injustice that this Government could be guilty of, and I am ready to say that it cannot be justified by anybody except by somebody who justifies the raid that was formerly made from the Highlands into the Lowlands.

We got this money; it does not belong to us; it has accumulated to this sum. Let us do a gracious, generous thing, and return it to Japan. But, says my honorable friend from Florida, this was got by a convention, and it is not decent—I use his own word—to return this money to Japan without consulting our confederates; I think I use his own words. We consult Great Britain, France, and the Netherlands with regard to what the honor of the United States demands; go into a convention and permit France, Great Britain, and the Netherlands to say what our honor demands!

My friend asks me why did we take the money from and under a convention. I did not take it. The United States did not enter into the convention. It was entered into, I agree, by the representative of the United States Government. I am not talking about ratification; I am talking exactly about what I understand, that it was not entered into by the Government of the United States except as its representative abroad went into this matter; and now, forsooth, we must get down on our marrow-bones, according to my honorable friend from Florida, and go to Great Britain, go to France, and go to the Netherlands, and ask them what the honor of the United States demands! I shall not go into that place; we have been in once and once is enough; it was a place where we had no right to be in my judgment, and my friend agrees with me. I said I would not detain the Senate. It is the last day of the session. This matter, as my friend from Ohio [Mr. THURMAN] showed us conclusively the other night, has been passed again and again by the Senate of the United States. It has been in the hands of the present Committee on Foreign Relations for three years, and with a great degree of unanimity they ask the Congress of the United States to pass the bill that is presented by the majority of the committee, and I hope that the amendment offered by my friend from Iowa will be voted down.

Mr. JONES, of Florida. I desire to ask the chairman of the Committee on Foreign Relations the fact whether or not a communication from the Executive or from the Secretary of State has ever been addressed to Congress on this subject?

Mr. EATON. So far as I remember, President Grant in his message advised us to return this money. That is my recollection. I have not in my hands the message. I think Mr. Hayes so advised; but I do not assert it with any confidence, though such is my impression. I know that the administration of General Grant recommended it; that I know as a member of the Committee on Foreign Relations. I know that the present administration is in favor of it; and I have no doubt if we fail to do this act of justice that the next administration will recommend it; and therefore I am willing to call for a vote now.

Mr. INGALLS. Before the Senator from Connecticut takes his seat I desire to ask him one question. I am not sure that I do not agree with the position which he takes, that this money ought to be returned to Japan. I understand him to base his objection to the amendment offered by the Senator from Iowa, on the fact that this money was wrongfully taken from Japan. Am I correct?

Mr. EATON. I think we had a right to some of this money, to indemnification.

Mr. INGALLS. Indemnification for what?

Mr. EATON. Indemnification for the losses.

Mr. INGALLS. The losses were all indemnified before this money was paid.

Mr. EATON. I do not think so, quite.

Mr. INGALLS. The losses of the owners of the Pembroke, the ship that was turned back, amounting to $10,000, were fully paid by the Emperor of Japan, and for the insult that was offered to the flag the commander of the Wyoming destroyed the vessels of the Japanese daimio. Now, I can readily understand that if this money was wrongfully taken from the Empire of Japan it ought to be returned; but if we should return any of it we should return all of it, and I am at a loss to see upon what ground the Senator from Connecticut bases his idea that we should retain of money that does not belong to us sufficient to reward our sailors for their valor in doing a wrongful act and our ships for the damage incurred in doing that wrongful act.

Mr. EATON. There are certain assumptions of my honorable friend from Kansas with which I do not agree. In the first place, I do not agree that a wrongful act was done. The act was right.

Mr. INGALLS. The taking of the money was right?

Mr. EATON. I am now talking about something else.

Mr. INGALLS. I am talking about the money; the bill talks about the money.

Mr. EATON. Not altogether. My friend was not talking about the money; he was talking about the destruction of the Japanese vessels. That was right in my judgment.

Mr. INGALLS. Then for what was this money taken?

Mr. EATON. My friend knows as well as I.

Mr. INGALLS. I should like to hear the Senator from Connecticut state what it was taken for.

Mr. EATON. I wish my friend would read the report.

Mr. INGALLS. I have read it.

Mr. EATON. That states.

Mr. INGALLS. I am at a loss to understand what it was taken for, because if the loss to our commerce had been paid to us in full; if the insult to our flag, which is not susceptible of pecuniary indemnification, was avenged; if we inflicted sufficient injury to repay that upon the Jananese ships——

Mr. EATON. So I say.

Mr. INGALLS. Now, what did we take this $785,000 for?

Mr. EATON. If my friend wants me to make a statement——

Mr. INGALLS. I would like it in as few words as the Senator from Connecticut can state, as he knows how to do, what was that $785,000 taken for?

Mr. EATON. I will say this to my friend, that there was a convention entered into, as he knows.

Mr. INGALLS. I know all about that.

Mr. EATON. I cannot start in the center of a thing. I must begin at the commencement.

Mr. INGALLS. I beg pardon. I thought the Senator desired to be brief.

Mr. EATON. Three million dollars was taken and divided between these four powers; but instead of giving us what we ought to have received for the acts of our sailors that were upon the two vessels for their heroic conduct, as a matter, I might say, of prize-money that they would have been entitled to if this had been an absolute war between Japan and the United States, we were allowed a share of this fund. I hold that we had a right to take $140,000, but the other three powers went further than this. That is the reason why I do not want to go into any such business as my friend from Florida desires to go into. The other three powers took from Japan $3,000,000, and they gave to us about one-fourth of that amount.

Mr. INGALLS. Who gave it to us?

Mr. EATON. The other three powers.

Mr. INGALLS. The other three powers?

Mr. EATON. The other three powers.

Mr. INGALLS. Why do we return it to Japan, if the other three powers gave it to us?

Mr. EATON. It came from Japan originally.

Mr. INGALLS. Not under the Senator's statement. He said this was awarded to the three other powers and they gave us $785,000.

Mr. EATON. Oh, no.

Mr. INGALLS. If that is the case, why do we give this back to Japan when the three powers gave it to us?

Mr. EATON. My friend is mistaken in supposing I said that, or else I was extremely stupid in my statement; very likely the latter. I stated that the amount of $3,000,000 was taken by the four powers and by the action of the other three we received one-fourth. If I used the term "awarded," it may not have been strictly and technically a legal term that I ought to have used, but we received from this convention, or we took—if my friend likes it better—one-fourth of it when we ought not to have taken more than $140,000 of that money, and I desire to pay it back.

Mr. INGALLS. But for what should we have taken the $140,000?

Mr. EATON. Fairly and properly under the law of war we should have taken the $140,000. We had a right to do it because of the efforts of our sailors and marines in this war, so to speak.

Mr. INGALLS. Well, Mr. President, I can understand that a highwayman who had stopped a passenger on the road and robbed him of his watch and his trinkets and his money should repent and make restitution, but I cannot understand that in making restitution he should say that he would withhold enough to compensate him for his courage and gallantry in robbing the victim.

Mr. EATON. That does not quite state it; it may to the satisfaction of my friend from Kansas. These gentlemen who do not want to pay back the whole amount of this money may place themselves exactly in the position of the highwayman that my friend from Kansas speaks of.

Mr. INGALLS. I understand that if this money was wrongfully taken we must have been in some sense wrong-doers toward Japan; and this, if I can judge of the statement of the Senator from Connecticut, is exactly parallel to the case of four highwaymen who proceeded to pillage an inferior power unable to resist, and that now, being afflicted with compunction, we propose to make restitution, saving only enough to compensate us for the heroism we exerted in taking this money from Japan.

I believe that the money was wrongfully taken from Japan; that we ought to restore it; that these four powers were as you might say foot-pads on the sea; they were engaged in an unlawful enterprise against a weak and friendly power that was itself struggling with rebellious subjects; that these injuries of which we complain were not inflicted by Japan, but they were inflicted by the rebellious subjects of Japan, and they were promptly denied and discountenanced by Japan. But, sir, I cannot understand why, when we are willing to make this restitution, we should be called upon to pay interest on a sum that has lain in the Treasury as a special deposit since that time, nor am I able to understand why we should take from that sum the amount of $140,000 for the purpose of compensating the sailors and marines who were guilty of the unlawful act.

Mr. EATON. There was no unlawful act; they were not guilty of any unlawful act. Again and again have I said that the assumption of my honorable friend from Kansas does not meet with my approbation. The act was not unlawful. So far as the act was concerned it was eminently legitimate and lawful. It was the business of the Emperor of Japan to take care of his rebellious subjects, and if he failed to do so and they preyed upon the commerce of the world, then the powers of the world should take care of those rebellions.

Mr. LOGAN. The wrongful act, as I understand it, was not in making war—if we may so call it—against Japan, but it was in the Government of the United States accepting that which they were not entitled to; that is the wrongful act.

Mr. EATON. I have endeavored so to state.

Mr. LOGAN. I merely wanted to suggest that the wrongful act was not in the menace of war.

Mr. EATON. Not at all.

Mr. LOGAN. But in the conduct of our Government in accepting that to which it was not entitled.

Mr. EATON. My friend from Kansas says that he would not pay back, as I understand him, anything but the amount of money that was received.

Mr. INGALLS. I would pay all of that back.

Mr. EATON. I so understand; in other words, my honorable friend from Kansas is willing to do this, and says that this Government ought to do it, that they came into possession of three-quarters of a million dollars unjustly that they ought not to have taken, that they put about three-quarters of a million dollars at interest until it amounted to $1,500,000 or $1,600,000, and then they say, we will keep the interest, Japan, and give you back the principal.

Mr. INGALLS. That money was never put at interest.

Mr. EATON. It is at interest.

Mr. INGALLS. It was a special deposit in the Treasury of the United States.

Mr. EATON. It is at interest.

Mr. INGALLS. But no officer of this Government had any right to put it where it would draw interest.

Mr. EATON. That is the fact, though. They did it anyhow.

Mr. INGALLS. They put it in bonds that did draw interest, but that does not render the United States liable for interest.

Mr. EATON. Ah, there is where we differ. I am stating a fact.

Mr. LOGAN. Let me state a question of law. If the Government of the United States invested this money for Japan, why is not Japan entitled to the interest made on that money?

Mr. EATON. Undoubtedly.

Mr. JONES, of Florida. I ask the Senator from Illinois if that is the fact?

Mr. EATON. Wait a moment. I happen to have the floor.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. EATON. I am sorry I cannot agree with the morality of my good friend from Kansas. I think this money has been at interest until it has accumulated a very large sum. I desire that Japan shall have the benefit of that interest. That is my desire.

I have had this matter in hand with my brethren of the committee for three years. I regard it as eminently just. I am going out of public life forever to-morrow, but I want to go out and have it written upon my head that I helped do this justice to Japan. I desire to be mixed up with this thing that my friend says is not decent. It strikes me as eminently decent and eminently proper that we should not keep this money in our Treasury or in our State Department, which does not belong to us, and therefore I hope the Senate will vote to return it to Japan.

Mr. LOGAN. Mr. President, I desire to say but a word. If the Government of Japan is entitled to this money, which I certainly believe it is, I do not think that a great government like ours in dealing with a sister government, and a weaker one, should higgle about whether the payment of interest or the payment of money to seamen is right or wrong. If the Government of Japan through her minister determines that is right, and therefore it is put into the bill, we should not higgle about it for a moment.

Without discussing this question in all its details, we know that so far as the insult to our flag is concerned it was fully repaired by our own strong arm, as reparation is always made where an insult is given to the flag, either by an acknowledgment asking pardon of the Government or by the Government enforcing a right by its own strong arm. So far, then, as making war as we did upon this government, we had a right to do that if we desired for the purpose of avenging the wrong, if we deemed it a wrong or an insult. If we did that it was correct, but when we come to take from them money to which we have no right, the honor of this Government is called upon to make remuneration to that weaker power.

The question is not whether England, France, and the Netherlands shall repay the portion of the money they received. The question with us is, shall the Government of the United States retain in her Treasury that to which she is not entitled, and which belongs to a sister government with whom we have friendly and amicable relations, as we have with the Government of Japan.

As to the question of interest, it is not a question that should stop us in our action one moment. If we invested the money, knowing it was not ours, for whom did we invest it? Not for our own benefit, but for the benefit of the government that was entitled to it. We invested it as a trustee for that government. They are entitled to the interest on it. I would not for one moment hesitate in reference to the amount of interest when we are called upon as a nation honorably to pay back that which does not belong to us.

It was well said by the Senator from Connecticut, in response to the Senator from Florida, that this claim is not here now for the first time. It was advocated during General Grant's administration. He recommended it to Congress time and again; and I have yet to hear the first representative say that the Government of the United States is entitled to one dollar of this money. If not entitled to it, why not give it back? Why retain it? Why discuss it? Why hesitate when we are in honor bound not to retain this money for one moment longer than we can legislate it out of our hands and pay it back to those who are justly and honestly entitled to it?

Mr. JONES, of Florida. Mr. President, I am admonished of the lateness of the session and the great pressure of business now upon this body, and I do not intend at this late hour to consume much of the valuable time of the Senate. I have already debated this matter very fully, but it is a very important bill.

Mr. HARRIS. Will the Senator from Florida yield to me for a moment?

Mr. JONES, of Florida. Not now.

The PRESIDING OFFICER. The Senator from Florida declines to yield.

Mr. JONES, of Florida. There has been so much inaccuracy of statement about this matter on the part of those who ought to be familiar with all its details that I am ready to hesitate about voting for the bill at all. When I last had the floor I said that in my opinion justice required that the principal sum received from Japan ought to be returned. I am still of that opinion.

The Senator from Ohio [Mr. THURMAN] said that this money was obtained from this weak power in the midst of our own domestic troubles, and that we used the money at a period when it was very much needed to replenish the wasted coffers of the United States. I do not understand how that can be, when I find, on looking into the public papers, that the treaty under which this money was obtained was not ratified by the Senate until 1866. It is true that the memoranda were drawn up before that time, but the treaty was not ratified until 1866, and under the provisions of it the money could not be paid until long after its ratification. This money was not paid during the period of the war. It was paid after the war terminated, although the cause of damage originated some time before. So much for the accuracy of that statement with reference to this fund.

I said the other day that I would expect the honorable Senator from Connecticut when he got the floor to point out as chairman of the Committee on Foreign Relations how it was that the United States was profited by this money to the extent of $1,000,000. The interest of this fund to-day is nearly one million dollars; and I should like for some member of that committee to point out to me how this Government has been enriched to that amount by the investment, by a mere figuring on the Treasury books, by a mere mathematical calculation. To whom did the Government loan this money? Does she not hold it to-day by the very same title that England, France, and Holland hold the $2,000,000 or more that they received? Did she not have a right to its possession as a depositor holding the money of another government, so appearing upon her books and deposited in her vaults?

The other day I sent a communication to the Secretary of the Treasury asking him to inform me of the number of bonds into which this money was converted and the date of the investment, having been unable to find anything in the published reports about it. I received a reply that he could not give it; that he supposed the State Department would be able to tell. I have not found any distinct statement of it of any account made of trust funds in the public papers of the Government, but I suppose it is all right.

Sir, it seems to me that to saddle this claim of $1,000,000 for interest on this Government for the use of a fund that it was entitled to by every principle of justice would be an outrage upon the American people greater than that which was committed upon the people of Japan.

Mr. EATON. We could not pay a dollar of the fund on the Senator's theory.

Mr. JONES, of Florida. Yes, we could. We could give up the principal sum as a matter of bounty, and that is the only way that it is proposed to do it. It has been of no value to us.

Mr. THURMAN. If the Government had not used this money, it would have had to raise a like sum by taxation or by borrowing.

Mr. KERNAN. It would have had to borrow on bonds or something else.

Mr. THURMAN. To be sure.

Mr. JONES, of Florida. Did not the Government have the right to use the money? Did it not have the right to it under the provisions of the treaty? Here is the treaty, and I ask the Secretary of the Senate to read the first part of it at least, to show when that transaction took place. It is very short.

The Chief Clerk read as follows:

The representatives of Great Britain, France, the United States, and the Netherlands, in view of the hostile acts of Mori Daizen, Prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the strait of Simonoseki, in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade; and the government of the tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damage resulting to the interests of the treaty powers, as well as the expenses occasioned by the expedition:

The undersigned, representatives of treaty powers, and Sakai Hida no Kami, a member of his second council invested with plenipotentiary powers by the tycoon of Japan, animated with a desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts, in June, 1863, against the flags of divers treaty powers, and at the same time to regulate definitively the question of indemnities of war, of whatever kind, in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following.

Mr. JONES, of Florida. It appears from this treaty entered into between the United States and the powers here named that this sum of $3,000,000 was obtained in strict accordance with the law of nations. There is nothing clearer, I think, or better settled under the international code, than that independent States have the right to enter into conventions between each other, and such agreements form a part of the law of nations. It is what we call the perfect law, because the nations have clearly indicated in such contracts their own particular opinions and wishes. There is another unwritten code that does not find sanction except by the tacit consent of the powers of the earth, which is known as the imperfect code. This money was paid under the law of nations as fixed by these powers, and the sum which the United States received was part of the $3,000,000 provided for in the second article of the treaty.

The treaty, as I said, was ratified in 1866 by this body. I do not know whether there are any Senators here now who sat in the Senate in 1866. I think, however, there are. I think there are some gentlemen within the sound of my voice to-night who occupied seats on this floor when the treaty came up here for ratification, and who had before them all the light and all the facts which are known to-day in reference to this transaction.

Here, then, we find that the Senate of the United States ratified the treaty with this whole affair before it, for nothing has happened since then to change in one single particular the state of the case as it existed when the treaty was ratified. Every fact existed at that time which exists now, and I say that I have been astonished at the declamation that has been indulged in here in regard to the immorality and the unlawfulness of a transaction which received the solemn ratification of this body sitting under all the solemn obligations of the Constitution.

Now, after years have transpired and not one single new fact has been presented, with this judgment of the body standing here on your record, you come up and you arraign your own judgment as a flagrant violation of the rights of a weak state. You proclaim to your country that the action or judgment of the Senate was an outrage, without having a single fact before you that was not before the Senate when it did that act.

I say in view of this I am justified in repeating what I said the other day that the Senate of the United States is placing itself in a ridiculous position in the eyes of its own citizens and of the world by indulging in this sort of talk with respect to the outrage committed upon Japan. If this case was the outrageous one that we hear of, why did not some Senator in 1866 stand up here and proclaim it? There are members here who were sitting then in this body; they knew all about it; and still they ratified it, because without that ratification not one dollar of this money could have been paid.

Now the chairman of the Committee on Foreign Relations, my respected friend from Connecticut, who told us that he was about to leave us, and he knows very well that nobody in this body regrets his departure more than I do, tells us that he wants to complete the full measure of his public life by carrying through the Senate this bill in the form in which he has reported it to us. He knows there is hardly anybody here who would be willing to go any further than I am in indulging him in anything that might gratify his wishes or his pride; and nothing gives me more pain in connection with this transaction than the fact that my own sense of duty compels me on this occasion to differ so widely from my honorable and much esteemed friend. But, sir, we have duties here to perform and they must be performed fairly and fearlessly, and everything that I have said in regard to this transaction is borne out by the record.

A proposed act of Congress is now reported from the Committee on Foreign Relations to do what? I have shown that by the stipulation of the treaty this money was paid and that this convention stands to-day an existing compact between the United States and all the powers that co-operated with her in that transaction. This convention is signed by England, France, the Netherlands, and by the United States and Japan; and now I say it is proposed by an act of Congress to come in and set aside this treaty in so far as it affects the United States. That is the effect of it. When was that power claimed for Congress? When has it been pretended that the simple legislative authority of the Union can be invoked to set aside at will a convention entered into between the treaty-making power and a foreign State?

I say that it may give rise to complaint that this thing is proposed to be done in this way without consulting those nations that co-operated with us in obtaining this fund. Although I am free to say that, so far as the principal is concerned, I am willing it shall go back to them in any way, when it comes to this million dollars of interest arising out of this shadowy and imaginary investment, for it was nothing more, a mere process on paper, I cannot feel it to be consistent with my duty to vote for a proposition of that kind.

This, Mr. President, is all that I propose to say.

Mr. HARRIS. This Japanese indemnity bill has been debated here now for two days; it is a Senate bill, and if passed it is not remotely probable that it will become a law. In order to test the sense of the Senate upon the question, I move to lay the bill upon the table.

Mr. EATON. Will the Senator not give way for one moment?

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee, to lay the bill upon the table.

Mr. HARRIS. The Senator from Connecticut appeals to me.

Mr. KERNAN. I propose that we vote on the bill.

Mr. EATON. I simply want to say that my friend uttered what he believes a true prediction, that if this bill shall pass the Senate it will not become a law. Now, I will give my opinion, that if the bill passes

any time between this and two o'clock to-morrow morning it will pass the House, and I hope the President will sign it.

Mr. KERNAN. Let us vote on the passage of the bill, and not on the motion to lay on the table.

Mr. HARRIS. We have debated the bill in the Senate for two days. If I could have any assurance that we could come to a vote at once on the merits of the bill I would gladly yield for that. We may as well test the strength of the bill on the motion to lay on the table.

Mr. EATON. I hope not. I hope my friend will withdraw the motion.

Mr. HARRIS. I will withdraw it if we can come to a vote. Of course I do it unconditionally, but I will renew it the first moment I get an opportunity, unless we can have a vote now. I want to end this question.

Mr. EATON. Very well, let us vote. I want to vote now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. KIRKWOOD] to strike out $1,463,224 and insert $785,000.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Alabama, [Mr. MORGAN,] which will be reported by the Secretary.

Mr. EATON. I have accepted that amendment.

The PRESIDING OFFICER. If there be no objection it will be considered as agreed to.

Mr. CONKLING. Let us hear it read.

The CHIEF CLERK. It is proposed to add as an additional section:

SEC. 2. That the President be, and he is hereby, authorized and directed to cause the sum of $248,000 to be paid, out of the fund now under control of the Department of State known as the Japanese indemnity fund, to the officers and crew of the United States ship Wyoming, or to their legal representatives, for extraordinary, valuable, and specially meritorious and perilous services in the destruction of hostile vessels in the strait of Simonoseki, on the 16th day of July, 1863, and to the officers and crew of the steamer Takiang, who were detached from the United States ship Jamestown, or to their legal representatives, for similar services on the 4th, 5th, 6th, 7th, and 8th days of September, 1864; said sum to be distributed to the said officers and crews according to the laws of the United States governing the distribution of prize-money: *Provided*, That for the purpose of such distribution, the officers and crew, detached as aforesaid, who manned the Takiang, shall be regarded as a part of the forces of the Wyoming on the 16th day of July, 1863, and according to their rank and position on the 8th day of September, 1864: *And provided further*, That in such distribution no payment shall be made to the assignee of any mariner, but to the mariner himself only or to his duly authorized attorney, or, in case of his decease, to his legal representatives or their duly authorized attorney.

The PRESIDING OFFICER. Is there objection to accepting this amendment? If there is none the amendment will be considered as agreed to. The amendment is agreed to. The bill is before the Senate as in Committee of the Whole and still open to amendment. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDING OFFICER. Shall the bill pass?

Mr. HARRIS. I ask for the yeas and nays upon the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HAMPTON, (when Mr. HAMLIN'S name was called.) The Senator from Maine [Mr. HAMLIN] is unwell and asked me to pair with him. I have done so, reserving the right to vote in order to make up a quorum. I do not know how he would vote on the passage of the bill. I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 46, nays 6; as follows:

YEAS—46.

Anthony,	Dawes,	Kernan,	Rollins,
Bailey,	Eaton,	Lamar,	Saulsbury,
Baldwin,	Farley,	Logan,	Saunders,
Bayard,	Garland,	McDonald,	Slater,
Blair,	Hill of Colorado,	McMillan,	Teller,
Brown,	Hill of Georgia,	McPherson,	Thurman,
Bruce,	Hoar,	Morrill,	Vance,
Burnside,	Ingalls,	Paddock,	Voorhees,
Butler,	Johnston,	Pendleton,	Walker,
Cameron of Pa.,	Jonas,	Platt,	Windom.
Conkling,	Jones of Nevada,	Plumb,	
Davis of Illinois,	Kellogg,	Randolph,	

NAYS—6.

Coke,	Jones of Florida,	Vest,	Withers.
Harris,	Maxey,		

ABSENT—23.

Allison,	Cockrell,	Hamlin,	Ransom,
Beck,	Davis of W. Va.,	Hampton,	Sharon,
Blaine,	Edmunds,	Hereford,	Wallace,
Booth,	Ferry,	Kirkwood,	Whyte,
Call,	Groome,	Morgan,	Williams.
Cameron of Wis.,	Grover,	Pugh,	

So the bill was passed.

SUNDRY CIVIL BILL.

Mr. BECK submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 7203, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 17, 19, 22, 32, 38, 39, 40, 41, 42, 44, 45, 53, 57, 59, 61, 64, 69, 75, 77, 79, 80, 81, 83, 86, 94, and 108.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 18, 20, 23, 24, 25, 26, 28, 30, 31, 33, 34, 35, 36, 37, 43, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 58, 60, 62, 63, 65, 66, 67, 68, 70, 71, 72, 73, 74, 76, 78, 82, 83½, 84, 85, 87, 88, 89, 90, 91, 92, 93, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 109, and 110; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "325,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: Strike out "60" and insert in lieu thereof "25;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: Strike out from the matter proposed to be inserted the word "thirteen" and insert in lieu thereof "seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate nnmbered 27, and agree to the same with an amendment, as follows: Strike out "75" and insert in lieu thereof "50;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: Strike out "300" and insert in lieu thereof "250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows: Strike out "81" and insert in lieu thereof "82;" and the Senate agree to the same.

As to the Senate amendment numbered 106 the committee are unable to agree.

JAMES B. BECK,
H. G. DAVIS,
WILLIAM WINDOM,
Managers on the part of the Senate.
JAMES H. BLOUNT,
J. A. McMAHON,
JAMES MONROE,
Managers on the part of the House.

Mr. BECK. The conferees on the part of the Senate and House have agreed on every item in the bill, with the exception of the amendment numbered 106, by which the Senate struck out the following clause:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

That alone remains in this conference report not agreed to. The conferees on the part of the House desire to lay that disagreement before that body, as they will do very promptly, when a new conference will be ordered. In the mean time the bill can all be enrolled but that one item, so as to cause no delay. I can state very briefly what the Senate had to surrender and what the House conferees agreed to, if the Senate desires. I have the bill in my hand.

Mr. THURMAN. What is the Senator's motion?

Mr. BECK. That the report which I have made be concurred in.

Mr. MAXEY. I move that the Senate recede from its disagreement with the House on the amendment on which the conference could not agree. The House has a right, in my judgment, to control affairs in its own household, and we have a right to regulate ours. I do not think it is right for the Senate to insist upon the disagreement, and I believe the Senate ought to recede.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Kentucky to the motion which has been submitted by the Senator from Texas.

Mr. MORRILL. I desire to have the Senator from Kentucky give us a statement so that we can understand the report.

Mr. BECK. I will.

Mr. MORRILL. We cannot understand a word about the amendments when they are merely described by numbers.

Mr. BECK. I can in ten minutes make a statement explaining the action of the conference committee on the disagreeing votes between the two Houses.

The first amendment to this bill by the Senate was an appropriation of $100,000 for a barge-office building in the city of New York. That the House conferees agreed to.

The second item was for the assay office in New York. For that we desired $30,000 to increase the size of the building, and to that the House conferees disagreed. The Senate conferees therefore receded from that amendment.

The House conferees concurred with the Senate in regard to the public building at Topeka, Kansas; the amendment in regard to the public building at Toledo, Ohio; in regard to the light-house at Stamford, Connecticut; in regard to the Point Concepcion light-station in California; and in regard to the life-saving stations increasing the appropriation from $20,000 to $25,000.

The House conferees agreed with the Senate in the amendment giving $75,000 to construct a revenue steamer for duty on the southern coast of the United States.

The Senate conferees receded from the Senate amendment in regard to the Bureau of Engraving and Printing, the appropriations for which we had increased some $50,000, because upon examination we ascertained that we had given in the legislative, executive, and judicial appropriation bill $50,000, which somehow or other the officers in charge of the Bureau of Engraving and Printing failed to communicate to us. We were glad to receive the information, and because we received it (and we thought we ought to have had it before) we agreed with the House conferees on that item.

The House conferees agreed with the Senate in making small por-

tions of the sum given for the Coast and Geodetic Survey available immediately, as Captain Patterson requested should be done.

The Senate conferees receded from the amendment giving to the Secretary of the Treasury $5,000 for the recoinage of gold and silver coin, the House conferees believing there were funds enough to be derived from other sources.

The House conferees agreed to the amendment for the construction of fisheries swept away in California, for which $10,000 was given. One or two other smaller amendments I need not take the time of the Senate to indicate; they amounted to nothing.

The Senate conferees receded from the amendment numbered 22, relative to giving the collector of customs in San Juan Island the power to enter and clear vessels. The House conferees said they had not sufficient information in that regard.

The House conferees concurred with the Senate in its amendment relative to the Alaska agency, which only changed the amount.

The House conferees agreed with the Senate in the amendment authorizing the Secretary of the Treasury to ascertain and report to Congress the harbor, pilot, and other changes upon American and foreign vessels. They also agreed to the amendment of the Senate giving $15,000 to the Secretary of the Treasury to aid in regard to the pleuro-pneumonia bill. They also agreed to the amendment of the Senate relieving Mr. Spofford, the Librarian of Congress, of liability for the amount stolen from the disbursing clerk.

Over the item relating to the Board of Health, we had a long controversy, that came very near being a permanent disagreement. The Senate had amended the House bill by striking out "twenty-five" and inserting "seventy-five," so as to give $150,000 for the expenses of the Board of Health. The $75,000 was stricken out and $50,000 was inserted, so that it will read $50,000 of the appropriation, instead of $25,000 as originally proposed by the House, or $75,000 as proposed by the Senate.

Mr. HARRIS. Making the whole amount $125,000.

Mr. BECK. Making the whole amount $125,000, instead of $150,000 as it passed the Senate, or $100,000 as it came from the House.

Mr. HARRIS. Dividing the difference?

Mr. BECK. We split the difference.

As to the arrears of pay and bounty the Senate had agreed upon a sum of $300,000. The House conferees believed that they had ascertained that $250,000 was the true amount; and the Senate conferees agreed to that amount.

The House conferees concurred with the Senate in the amendment giving $15,000 for machinery and shop-fixtures at the arsenal at Rock Island. They also agreed to increase the amount from $10,000 to $12,000 for improving the various reservations in the city of Washington.

The Senate conferees receded from the amendment giving $8,000 for paving with asphaltum the semi-circular roadway in front of the Executive Mansion.

The House conferees agreed with us on all the amendments relative to the Executive Mansion itself and the lighting of it. They are small items that I need not read carefully.

The Senate conferees, however, had to recede reluctantly from the amendment appropriating $450,000 for the building for the State, War, and Navy Departments, making it immediately available; also making available the amount of $150,000 given for the Washington Monument; and $200,000 proposed to be given for preparing granite for the construction of the west and center wings of the new State, War, and Navy Department building. From all these the Senate had to recede.

The next important amendment is numbered 44, $50,000 for surveys for different military departments. From that amendment the Senate conferees recede, as also from the amendment for the construction of a public building at Fortress Monroe. Several small amendments which I need not take up the time of the Senate to mention were agreed to by the House conferees.

The House conferees agreed to the item for building a road from Vicksburgh, Mississippi, to the national cemetery there. They also agreed to the construction of a carriage-way for the United States military depot at Jeffersonville, Indiana. The Senate conferees had to recede from the appropriation of $30,000 for the improvements of the barracks at Omaha. The House conferees agreed to the amendment giving $30,000 for the erection of barracks at Fort Leavenworth, and also agreed to $10,000 for the survey of the peninsula of Maryland and Delaware in regard to a ship-canal.

The House conferees agreed with the Senate in appropriating $250,000 for the selection of a site and a building for the Pension Bureau in the city of Washington, but the Senate conferees had to recede from the amendment appropriating $200,000 for the purchase of a site and the erection of a building for the safe keeping of the records. A bill for that purpose has passed the Senate, is now before the House, and may become a law yet. To the Pension Office building however the House conferees agreed, the appropriation being $250,000.

The Senate conferees receded from the amendment giving $3,500 for the construction of a boiler-house for the naval hospital at Mare Island; and the House conferees agreed with the Senate in giving $75,000 to carry on the improvements at the navy-yard at Pensacola, Florida.

The Senate conferees receded from the amendment giving $45,000 for suitable barracks for the Marine Corps at Norfolk; and the Senate conferees receded from the amendment giving $175,000 to equip a vessel to go in search of the steamer Jeannette in the arctic seas.

The House conferees agreed with the Senate in giving $25,000 for the erection of an armory at Annapolis, also for the repair of buildings there. The House conferees agreed with the Senate in giving $40,000 for the barracks and quarters at the Naval Academy at Annapolis.

The Senate conferees receded from the amendment for the fire-proofing of the roof of the National Statuary Hall, $26,000, upon the report, I desire to say to the Senator from Vermont, made to the Senate conferees that the Architect of the Capitol had to-day examined it with the House committee, and had assured them that radical changes which he was not willing to have made would be required before that could be done now, and that something more than that would have to be done before any fire-proofing could be had.

The House conferees concurred with the Senate in giving $10,000 to the Joint Committee on the Library for works of art; also for renting a building for the Court of Claims. They agreed with us in striking out several land districts, and in making immediately available $300,000 for the survey of public lands.

The Senate conferees receded from the amendment relative to the surveys in California, Oregon, and Washington Territory. They had to do it.

The House conferees agreed to the amendment appropriating $18,000 for running the lines between the States of Colorado and Kansas; and the Senate conferees receded from the amendment relative to the Hot Springs reservation. The Senate conferees agreed——

Mr. THURMAN. It was at the request of the Senator from Vermont that the Senator from Kentucky has been giving this explanation. I understand that the Senator from Vermont is now satisfied.

Mr. MORRILL. I desired only the principal items that the Senator has named. I had already ascertained that the Senate is very much of a receding body.

Mr. BECK. I assure the Senator that we came very near having no bill at all. We have done the very best we could; and until the Senate adopts some new system and asserts its right to have the appropriation bills in time to consider them, the Senate will not have much intelligent consideration of appropriation bills.

I now desire concurrence in the report of the committee of conference, and I desire to have it immediately, so that the House conferees may consult with the House in reference to the amendment upon which no agreement was reached.

Mr. THURMAN. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Ohio will state his question of order.

Mr. THURMAN. I do not know exactly whether it is a question of order; perhaps it is. Last session late one night a conference report similar to this one was made, the report being that the conferees on the part of the two Houses had agreed upon every item in the bill but one. I then occupied the Chair, and I ruled that the conference report must be concurred in altogether or non-concurred in; that we could not concur in the items that had been agreed upon and leave a part of the report without any determination upon it. The next morning, having examined the precedents, I came to the conclusion that that ruling was wrong and that the precedents justified concurring in the report as far as the managers of the conference on the part of the two Houses had agreed, leaving the rest of the bill open for a further conference; and accordingly that course was taken by the Senate. The report went to the House. The Speaker of the House, notwithstanding the decision of the Senate, ruled that the report must be either wholly agreed to or wholly disagreed to; that it could not be agreed to in part, in so far as the managers had agreed and non-concurred in as to the residue. Therefore the House, as it happened at that time, solved the difficulty by receding from the amendment which was made by the House, and upon which the managers had disagreed.

Mr. BECK. If the Senator will allow me, that was done at this session of Congress.

Mr. THURMAN. It was done at this session.

Mr. BECK. Both Houses have done it.

Mr. THURMAN. I believe we have done it also, and I think it is the right practice; but I submit to my friend whether he will allow me to move that the Senate recede from its disagreement to the provision in the bill which is now the subject of controversy so as to concur with the House in that provision.

The PRESIDING OFFICER. The Senator from Texas [Mr. MAXEY] has already submitted a similar motion.

Mr. BECK. That item is still in conference, and the House conferees desire the course to be pursued that I have suggested.

Mr. THURMAN. Very well.

Mr. BECK. I move that the report as made be concurred in.

The PRESIDING OFFICER. The Chair would state to the Senator from Ohio that the Senator from Texas a few moments ago submitted a similar motion; but the Senator from Kentucky has stated that the matter is still in conference, and the question before the Senate will be on concurring in the report as made.

The report was concurred in.

CREDENTIALS.

Mr. MCPHERSON presented the credentials of William J. Sewell,

chosen by the Legislature of New Jersey a Senator from that State for the term beginning March 4, 1881; which were read and ordered to be filed.

WITHDRAWAL OF PAPERS.

On motion of Mr. INGALLS, it was

Ordered, That Zenas Herrick have leave to withdraw the papers in support of his application for pension.

On motion of Mr. HILL, of Georgia, it was

Ordered, That leave be granted under the rule to withdraw the papers in the act to repay to the State of Georgia certain money advanced by the State, (Senate bill No. 1134,) and that said papers be delivered to W. O. Tuggle, agent of the State.

SHIPPING FEES.

Mr. BAYARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to report to the Senate at the ensuing regular session in December a detailed statement of all fees and costs collected under laws of the United States from American shipping during the fiscal year ending June 30, 1881.

RESIGNATION OF SECRETARY SHERMAN.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table.

To the Senate of the United States:

I have the honor to inform the Senate that Hon. John Sherman, Senator-elect from the State of Ohio, has resigned the position of Secretary of the Treasury, and that said resignation has been accepted to take effect at the close of the present day.

R. B. HAYES.

EXECUTIVE MANSION, *March* 3, 1881.

THANKS TO THE VICE-PRESIDENT.

Mr. WHYTE. I offer a resolution which I am sure will meet the hearty and unanimous approval of the whole body:

Resolved, That the thanks of the Senate are due, and are hereby tendered, to the Vice-President for the courtesy, ability, and impartiality with which he has presided over its deliberations during the present session.

The PRESIDING OFFICER. The Senator from Maryland asks the present consideration of the resolution. Is the Senate ready for the question? [Putting the question.] The "ayes" have it, and the resolution is unanimously adopted.

ORDER OF BUSINESS.

Mr. KERNAN, Mr. LAMAR, and Mr. McDONALD addressed the Chair.

The PRESIDING OFFICER. The Chair will call the attention of the Senate to the regular order recently adopted, which is the consideration of House bills upon the Calendar. The Secretary will report the first bill in order.

Mr. KERNAN. I ask the Senate to take up House bill No. 5748, which was passed over the other day. I think there will be no objection to it.

Mr. HARRIS. I suggest to my friend from New York that he let us go through with the bills remaining on the Calendar that have not been called, and then we can go back and take up that bill.

Mr. KERNAN. Very well.

Mr. LAMAR. I ask that the consideration of House bill No. 6061 be continued. It is the first bill on the Calendar.

Mr. HARRIS. It was objected to.

Mr. LAMAR. There will be no objection to the bill with the amendments which I am authorized by the committee to accept, which obviates the objections made to the bill. I ask unanimous consent to proceed to its consideration.

Mr. CONKLING. What is the title of the bill, Mr. President?

The PRESIDING OFFICER. The Secretary will report the bill by its title.

The CHIEF CLERK. A bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company.

Mr. COCKRELL. That bill is objected to.

Mr. LAMAR. I have accepted every amendment that was suggested.

Mr. HARRIS. I ask the Senator from Mississippi to withdraw his request at present, and let us get through with the unobjected bills, and then he can ask unanimous consent to have this bill considered.

Mr. LAMAR. I assure the Senator there will be no objection made to this bill.

Mr. HARRIS. I understood some Senator to object a moment since.

Mr. WITHERS. There were two or three objections entered.

The PRESIDING OFFICER. The Secretary will report the next House bill on the Calendar.

EDWARD T. BROWNELL.

The bill (H. R. No. 1650) for the relief of Edward T. Brownell was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay Edward T. Brownell $90, it being the amount of two drafts on the United States depository at Chicago, Illinois, drawn by B. J. Sweet, late pension agent, one draft of $30 payable to Syrena McDade, and one for $60 payable to Almira M. Bacon, both of the drafts being indorsed payable to Edward T. Brownell, and still outstanding.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE W. HENDERLITE.

The bill (H. R. No. 6034) for the relief of the personal representative of George W. Henderlite, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to make such an allowance to George W. Henderlite, deceased, late collector of internal revenue for the eighth collection district of Virginia, as will make his net compensation equal to $2,500 per annum for the time he held the office of collector.

Mr. CONKLING. Is there a report with that bill?

The PRESIDING OFFICER. The Secretary informs the Chair that there is no report. The bill was reported from the Committee on Finance by the Senator from Delaware, [Mr. BAYARD.]

Mr. BAYARD. There is no report, but there is a letter from the Commissioner of Internal Revenue among the papers which explains precisely the reasonableness of the bill.

Mr. CONKLING. May we hear that read?

Mr. JOHNSTON. I send to the desk the letter of the Secretary of the Treasury, and also of the Commissioner of Internal Revenue.

Mr. COCKRELL. There is a House report on the case that may be read for information. I do not know whether the Senate committee adopted it or not.

Mr. JOHNSTON. I ask to have the papers read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *April* 6, 1880.

SIR: I have the honor to transmit herewith a report of the Commissioner of Internal Revenue upon House bill No. 1417, "for the relief of George W. Henderlite, late collector of internal revenue for the eighth district of Virginia," together with papers which exhibit the facts of the case and accompany the bill.

The Commissioner states in full the reasons why an allowance for compensation equal to $2,500 per annum during the entire period of Collector Henderlite's incumbency was not made by this Department.

I see no sufficient reason existing why the compensation of ex-Collector Henderlite should be finally adjusted at a sum so much below that of other collectors of the same district who preceded and followed him.

Very respectfully,

JOHN SHERMAN, *Secretary*.

Hon. JOHN RANDOLPH TUCKER,
House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, March 30, 1880.

SIR: I have the honor to transmit House bill No. 1417 and accompanying papers, in which it is proposed to authorize the Secretary of the Treasury to make such an allowance to George W. Henderlite, late collector of internal revenue of the eighth district of Virginia, as will make his net compensation equal to $2,500 per annum for the time he held the office, referred to this office by Hon. J. R. TUCKER for report as to the facts in the case.

The records of this office show that for the period from June 4, 1869, to June 30, 1873, Mr. Henderlite was paid the salary and commissions allowed by law, and for the period from July 1, 1873, till the expiration of his term of service he was paid by special allowance a net compensation at the rate of $2,500 per annum.

For the period first named Mr. Henderlite received as salary and commissions $11,507.17. His expenses of office for this period, as shown by vouchers submitted to this office, were $5,883.49, leaving as net compensation for the period of four years and twenty-seven days $5,623.68, or at the rate of $1,380.39 per annum.

After Mr. Henderlite went out of office, and prior to the settlement of his accounts, he made application to this office for an additional special allowance to make up to him a reasonable salary for his term of service, a recommendation for which would probably have been made had his accounts with the United States been settled.

After his accounts were settled by the accounting officer of the Treasury, (February 25, 1875,) the Secretary of the Treasury, by act of Congress passed February 8, 1875, was deprived of the power to make further allowances to collectors of internal revenue for services, except within one year after such services were rendered.

In view of these facts this office is of the opinion that the relief proposed in the inclosed bill is entitled to favorable consideration.

In this connection I would state that the accounts of Mr. Henderlite's predecessor were adjusted on the basis of an allowance at the rate of $2,500 per annum personal salary.

Respectfully,

GREEN B. RAUM, *Commissioner*.

Hon. JOHN SHERMAN, *Secretary of the Treasury*.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM H. DAVIS.

The bill (H. R. No. 6860) for the relief of William H. Davis was considered as in Committee of the Whole. It directs the Secretary of War to cause to be investigated by the Quartermaster's Department the alleged taking by the United States authorities, for the use of the United States troops during the years 1861 and 1862, of a certain wharf and warehouse property, formerly situated in San Diego, California, alleged to have been the property of William H. Davis, of Oakland, California, and to have been used by troops of the United States for fuel; such investigation to extend to the title of the property and the incumbrances thereon, the status of the owner, whether legal or not, the value of the property destroyed, the circumstances of the destruction, and by whose direction, authority, or permission it was destroyed, and the reasons for the neglect to give notice to the War Department at or soon after the destruction occurred.

Mr. CONKLING. I have no objection to make to this bill as I understand it, but I think the report should be read or the Senator from California [Mr. FARLEY] should state as he can in a word what it is.

Mr. FARLEY. A similar bill passed this body about a year ago, or a little over. It was sent to the House. The House passed the pending bill, but improving the bill, in my judgment, from its con-

dition at the time it passed the Senate. It provides that a commission shall be appointed by the Secretary of War to ascertain the value of the property said to have been taken by the troops of the United States in 1861 and 1862, and shall have testimony as to the taking of the property and the value thereof taken and reported to the next Congress. The bill as it passed the House was referred to the Committee on Claims, and they have reported it back and recommend its passage.

Mr. TELLER. I should like to inquire if this is the claim for compensation for the use of a wharf?

Mr. FARLEY. That is the case.

Mr. PLUMB. If the Senator will allow me, I will say that I have examined the case very carefully, and it seemed to me a case in which there should be compensation made in some shape.

Mr. COCKRELL. This is a stronger bill than the bill that passed the House. The House changed the bill as it passed the Senate, referring the matter to the Secretary of War and empowering him to report the facts, which was not required by the Senate bill. The Committee on Claims accept this bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LEVI PRICE.

The bill (H. R. No. 6478) for the relief of Levi Price was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay Levi Price, of Frederick County, Maryland, $200, and to cause to be credited to him by the Commissioner of Internal Revenue $1,740.23, the amount of tax improperly assessed against him.

Mr. CONKLING. Is there a report in that case?

Mr. COCKRELL. I sent to the document-room for the report, but I understand it has not been received back from the Printer. There is a written report in the case. The Senator from Maryland [Mr. GROOME] has charge of it, and reported the bill from the Committee on Claims.

Mr. CONKLING. Then I hope the Senator from Maryland will state what it is.

Mr. GROOME. I will state the case as I find it upon the papers, which I have in my hand. Levi Price was a distiller at Frederick, Maryland. As such distiller, his distillery was rated to make three and one-half gallons of spirits to every bushel of grain mashed. It did not make the amount which it was so rated to make at the Internal Revenue Bureau. The bureau, however, is fully satisfied, and Commissioner Raum has so stated, that it did not make it, because of the fact that the distillery was defectively constructed. He has stated in strong language that he is satisfied this is an honest distiller and that he has paid every dollar of the internal-revenue tax upon the liquor actually distilled in that distillery, and he has said, as appears in my written report, that a bill authorizing him to abate these deficiency taxes would have his hearty approval.

These taxes form the whole amount covered by this bill, except $200. The bill proposes to pay to Mr. Price $200 for this reason: when it became apparent that the distillery would not make the amount of liquor at which it was rated, the Internal Revenue Bureau directed this distiller to purchase a Tice meter, for which he deposited $200 with the officers of the Government. But before the meter was put into use he was peremptorily directed by the officers of the Government not to use that meter, it having been ascertained that a meter of that kind was not a suitable one for the purpose of ascertaining the amount made by the distillery; so that, by a like imperative direction of the Government officials by which he was made to expend $200, he was ordered not to use the meter. That, in a few words, is a statement of the facts upon which the bill is based.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM REDUS.

The bill (H. R. No. 4438) for the relief of William Redus was considered as in Committee of the Whole. It directs the Secretary of the Interior to pay to William Redus $3,600, out of money belonging to the nation of Osage Indians, in payment in full for one hundred and forty-four beeves taken from him by them on the 28th of June, 1872.

Mr. CONKLING. Is there a report in that case?

Mr. HOAR. There is a House report in the case. If I can make a two-minutes' statement the Senate probably will not care about hearing the report. If they do, let it be read.

This is a case where a drover claimed that his drove of cattle was attacked when under his personal charge by Indians and some six thousand dollars' worth of cattle taken from him and destroyed or carried off. The fact was proved by his own testimony, by the testimony of the men in his employ, and by a good deal of circumstantial evidence showing that the Indians were in the neighborhood and attacked other droves. The Commissioner of Indian Affairs had the case carefully investigated, and is satisfied that the loss occurred and ought to be paid, and recommends the payment of this sum, cutting down the drover's estimate of the value of his cattle from about six thousand dollars to $3,600. The Commissioner of Indian Affairs, in his letter recommending the passage of this bill, states that the Indians in council admitted that they had made this raid and carried off a portion of the property, but asserted that the drover's valuation was too high. That is the whole story.

Mr. McDONALD. Is this amount to be deducted from the moneys due the Indians?

Mr. HOAR. This amount is to be paid from the Indian fund.

Mr. McDONALD. From the Indian annuities?

Mr. HOAR. Yes, and from nothing else.

Mr. PLUMB. Let me ask the Senator from Massachusetts what Indians made the raid?

Mr. HOAR. The Osage Indians. The name of the tribe is mentioned in the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed

JOHN H. AND ROBERT F. SHUGART.

The bill (H. R. No. 3782) for the relief of John H. Shugart and Robert F. Shugart was announced as next in order upon the Calendar.

Mr. CONKLING. Let us hear the report in that case.

The PRESIDING OFFICER. The Secretary informs the Chair that the report has not been printed. The Senator from New Jersey, [Mr. RANDOLPH,] the chairman of the Committee on Military Affairs, made the report.

Mr. CONKLING. Is the manuscript of the report here?

The PRESIDING OFFICER. It has gone to the Printer, the Chair is informed. The Senator who reported the bill does not appear to be in his seat.

Mr. ROLLINS. I suggest that the bill be passed over without prejudice.

The PRESIDING OFFICER. If there be no objection the bill will be passed over without prejudice.

Mr. KERNAN. That is the last House bill on the Calendar, I understand, and now I ask that House bill No. 2064 be taken up.

KENTUCKY STATE CLAIMS.

The PRESIDING OFFICER. The Chair will lay before the Senate a bill from the House of Representatives.

The bill (H. R. No. 4905) to declare the true intent and meaning of "an act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion," approved June 8, 1872, was read twice by its title.

Mr. BECK. I ask for the present consideration of the bill.

Mr. INGALLS. Is that a bill just over from the House?

The PRESIDING OFFICER. It came over to-night.

Mr. MORRILL. Has it been read at all?

The PRESIDING OFFICER. The Secretary will read the bill at length.

The Chief Clerk read the bill.

Mr. BECK. May I make a statement? The Third Auditor shows that other States, Ohio, Indiana, West Virginia, Pennsylvania, and Missouri, under exactly similar acts, have been settled with. In the act that was passed for Kentucky the title named all these things, but the accounting officer thought the account of the State of Kentucky could not be settled without giving him this authority, although the others had been settled with under acts precisely like it which I have before me. That is all there is of it. We are very anxious to have the matter settled, as all the others have been settled with under a similar law. I hope the bill will pass. There is a unanimous report from the House committee.

Mr. CONKLING. I ask the Senator from Kentucky to allow the bill to lie over for a few minutes until I can confer with him.

Mr. BECK. Certainly I will.

The PRESIDING OFFICER. The bill will go over informally.

Mr. BECK subsequently said: On conference with the Senator from New York, I think there will be no objection to the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4905) to declare the true intent and meaning of "an act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion," approved June 8, 1872. It provides that in adjusting the claim of the State of Kentucky the term "equipment" shall be construed to mean and include the arming of the forces as an essential part of their equipment; and the word "supplying" shall include forage and fuel, and the transportation shall be embraced as indicated in the title of the act, it being the intention of Congress in the passage of the act to settle and adjust the accounts.

The bill was reported to the Senate.

Mr. INGALLS. Does the Senator from Kentucky say there is a House report in this case?

Mr. BECK. There is a unanimous report of the House Committee on War Claims.

Mr. INGALLS. I should like to hear it read. It seems to be a subject of importance sufficient to require some explanation at least.

Mr. BECK. I read the concluding part of the House report on the bill:

This act of June 8, 1872, in its title, says the accounts for "arming," "subsisting," "equipping," "transporting;" but when the claim again came in for adjustment the Solicitor compelled, by his construction, the accounting officers to reject the accounts for "arming," for "transporting," for "fuel," and for "forage." It was evidently the intention to give the State full relief. It is folly to suppose

they would pay for equipments and not arms, that they would pay for subsistence and not forage and fuel, and not pay the transportation account, when the title of the bill says these were its objects. Besides, Missouri was paid these very accounts. We therefore unhesitatingly say it is just and right that the intention (founded on the good faith of the Government toward the States who acted on its promises and expended their money for its benefit) of the act of June 8, 1872, should be carried out and not thwarted. To do so we report the accompanying as a substitute for the bill referred to us and recommend its passage.

Mr. LOGAN. How much is the claim?

Mr. BECK. I do not know exactly.

Mr. HOAR. I should like to inquire of the Senator from Kentucky, will not that involve a reopening of the other cases that have been settled on a different principle?

Mr. BECK. No, sir; every other State has been settled with under exactly a similar law to this. The act was passed in 1872, and a subsequent construction was given to these words different from the other acts.

Mr. CONKLING. The others were like it?

Mr. BECK. Missouri had an act passed like it, so had West Virginia, so had Ohio and Indiana. They were settled with under precisely similar acts.

The bill was ordered to a third reading, read the third time, and passed.

SOUTHERN CLAIMS.

The PRESIDING OFFICER. There is a House bill reported to-day to which the Senator from Missouri [Mr. COCKRELL] has called attention which will be read.

The Chief Clerk read by its title the bill (H. R. No. 5521) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof.

Mr. INGALLS. Is that bill just reported from a commitee?

Mr. COCKRELL. It came to-day from the House, it was read twice, referred to the Committee on Claims, and has been reported back favorably by that committee.

Mr. INGALLS. To-day?

Mr. COCKRELL. To-day.

Mr. INGALLS I will object to the third reading of the bill until an explanation at least has been made by the Senator from Missouri.

Mr. COCKRELL. Certainly, I will state that this is to pay the last allowance made by the commissioners of claims, commonly called the southern claims commission. Their term of office and jurisdiction expired and they made their tenth and last report to Congress on the 9th of March, 1880, and this bill is simply to pay the claims, as we have done for nine years preceding, as they have been reported by that commission.

There is but one item in this bill which is not in the report of the commission. There was an amendment added to the bill in the House, which is the second section, and to which attention will be called. That is the only part of the bill, I presume, about which there can be the least possible controversy.

Mr. INGALLS. Has the bill been read at length?

Mr. COCKRELL. It has not been; it was read the second time by its title and referred to the Committee on Claims. I had the whole matter thoroughly examined while the bill was pending in the House, except the second section.

Mr. CONKLING. Has the bill been printed?

Mr. COCKRELL. The House bill has been printed for a month, but not this section. The House bill has been printed as it passed the House, except the second section.

Mr. CONKLING. Let us hear the section read for information.

The PRESIDING OFFICER. The section indicated will be read.

The Chief Clerk read as follows:

SEC. 2. That the Quartermaster-General of the United States is hereby authorized and directed to examine, adjust, and settle the claims of Julia A. Nutt, widow and executrix of Haller Nutt, deceased, late of Natchez, in the State of Mississippi, growing out of the occupation and use by the United States Army, during the late rebellion, of the property of the said Haller Nutt during his life-time, or of his estate after his decease, including live stock, goods, and moneys taken and used by the United States or the armies thereof. And full jurisdiction is hereby given to the Quartermaster-General to try and determine the same; and he may consider the evidence heretofore taken on said claim, so far as applicable, before the commissioners of claims, and such other legal evidence as may be adduced before him in behalf of the legal representatives of Haller Nutt, deceased, or in behalf of the United States: *Provided*, That no part of said claims upon which said commissioners of claims have passed on the merits shall be considered by the Quartermaster-General.

Mr. COCKRELL. I will now send to the Secretary the report which was made upon this bill in the House of Representatives. I find that in the House "Mr. TYLER, from the Committee on War Claims, reported the following bill" as a substitute for another bill. The bill is the amendment precisely; and this bill was, as I understand, attached as an amendment to the claims appropriation bill as a second section. The report upon that I have sent to the desk to be read.

Mr. HOAR. I do not believe it will be necessary to have the report read after a brief statement.

The southern claims commission, every Senator understands, of course; and there is added to this bill, this being the last of those bills, a section authorizing the Quartermaster-General to examine and adjust a claim. I should not ordinarily have given my consent, if it had been three months ago, to add such a section to this bill; but I do not think it is just that all these things should be compelled to wait; and this is a claim of very great merit. There is evidence from some of the Union generals and well-known Union men as to the thorough loyalty of this deceased person; among others, there being a letter from General Grant, and there are several others that I do not remember; but the loyalty of the claimant is beyond dispute, and therefore I gave my consent.

Mr. CONKLING. What is the amount of this claim?

Mr. HOAR. The Senator from Missouri will state.

Mr. COCKRELL. The Nutt claim was originally for everything about one hundred and two thousand dollars. The commissioners of southern claims allowed $56,000. This is simply authority to the Quartermaster-General to examine the items that the southern claims commission held they had no jurisdiction of, and an amount of $9,000 which it was charged was taken possession of in a bank by General Brayman and turned over to the United States.

Mr. MCMILLAN. This section I believe has not been before the Committee on Claims for its consideration.

Mr. COCKRELL. It was submitted to-day, as the Senator remembers, and I had the report read to a number of Senators.

Mr. MCMILLAN. Yes, but I had not time to examine it.

Mr. COCKRELL. The rest of the bill is all right, and I think there is no harm in this section.

Mr. HOAR. If this matter had come up three months ago, it would have seemed to me that we should have insisted that this claim be dealt with separately; but it has come up in this way on the last night of the session, and in connection with the closing of the southern claims commission. It is an authority given to the Quartermaster-General of the Army to examine the claim; we do not affirm its justice; and it is a claim of the very greatest and clearest merit. He was a Union man who made very great sacrifice for the Union cause in the rebel territory, and whose absolute loyalty and high character are shown beyond dispute. Under these circumstances, I thought it proper to let the section stand. He had a safe conduct from General Grant, signed by him personally; but our troops were obliged to use his material on his plantation, including his fences and all his stores, and $9,000 were taken from a bank by a general.

Mr. COCKRELL. General Brayman, at Natchez.

The PRESIDING OFFICER. If no amendment be proposed——

Mr. INGALLS. I objected to the third reading of the bill to-day.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The present occupant of the chair was not aware of the objection.

Mr. HOAR. As one objection sends this bill over and, of course, prevents its passage, I suggest to the chairman of the committee to obtain, if he can, the consent of the Senator from Kansas or unanimous consent to the passage of the bill amended by striking out this doubtful section, and let the bill go back to the House and be passed there with the amendment.

The PRESIDING OFFICER. Is the objection withdrawn?

Mr. INGALLS. Upon the assurance of the Senator from Missouri that he has himself personally examined the items contained in the first section of the bill and is satisfied that they are correct and that the bill ought to pass in that form, I am willing to withdraw my objection if the second section can be stricken out; but I shall resist the reading of the bill or the passage of the bill if the understanding is that this is to go into a committee of conference with that amendment, and where by some sort of parliamentary juggle it is to be reinstated and the bill passed on the report of the conference committee.

The proposed section is a very wide departure from justice and from good parliamentary practice. It authorizes the Quartermaster-General to examine, adjust, and settle a claim that is confessedly one of very grave importance and of very considerable amount. There is no doubt that this practice of bringing in bills here on the last day of the session and having them read twice by title, and the third time not at all, and passed, when the rules require that they should be read three times on three separate days, is very vicious and open to grave objection, and that it results in more bad legislation than all other violations of law combined.

Now, sir, upon the assurance of the Senator from Missouri that this section shall be stricken from the bill, I will withdraw my objection and allow it to be read.

Mr. COCKRELL. I will state to the Senator that this bill has been before the House for some time. The report was made in 1880. Anticipating that it might pass during the close of the session, I had it examined and compared, and examined all the papers, and was under instructions from the Committee on Claims to report the bill properly.

Mr. INGALLS. That is the first section.

Mr. COCKRELL. The first section of the bill, and I knew nothing of this other section until I took the bill to compare with the printed bill of the House to see if it corresponded, and I struck this section, and I have devoted all the time I could since to find out about this matter, and the report that I have sent to the desk and the bill that the Senate has before it contain all the information I can get. I never heard of the matter before.

I say myself that I do not approve of that mode of legislation, and had it been at any other time in the session I should have reported and the Committee on Claims would have reported to strike it out; but I conferred with as many members as I could and we concluded to leave it to the Senate. I say frankly I do not think the bill could have come from the Committee on Claims in that shape at any other

time, but rather than have no bill now I will consent that that section be stricken out.

The PRESIDING OFFICER. The Senator from Kansas withdraws his objection and moves to strike out the second section.

Mr. CONKLING. It is not necessary to withdraw any objection to the third reading of the bill, and if the Senator withdraws it I will renew it. If the Senator from Missouri moves to strike out the second section, that can be done and must be done before the third reading, and it being stricken out no objection will be made to the bill. Unless it is stricken out, if the objection is withdrawn I will renew it.

The PRESIDING OFFICER. If objection is made the Chair holds that the bill cannot be read a third time to-day. Does the Senator from Missouri move to amend the bill?

Mr. COCKRELL. I will, in view of the facts, move to strike out the second section.

The PRESIDING OFFICER. Is objection to the third reading withdrawn?

Mr. INGALLS. Not until the section is stricken out.

Mr. COCKRELL. Let that action be taken.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri to strike out the second section.

The amendment was agreed to.

Mr. INGALLS. Now I will withdraw my objection.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CHEROKEE AND ARKANSAS RIVER RAILROAD COMPANY.

Mr. LAMAR. I ask for the consideration of House bill No. 6061.

Mr. CALL. I hope we shall proceed with the regular order.

The PRESIDING OFFICER. The Senator from Mississippi has been recognized by the Chair. The Chair did not hear his motion.

Mr. LAMAR. My motion is that the Senate proceed to the consideration of the bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company.

The PRESIDING OFFICER. Is there objection?

Several Senators objected.

Mr. LAMAR. I have made a motion to proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Mississippi moves to postpone the pending order in order that he may ask the Senate to proceed to the consideration of the bill indicated by him.

Mr. TELLER. I suggest that there are two or three House bills here which will only take a few moments to which there is no objection, and if the Senator will just let us go through with those he can then take up his bill. They are in order. There is order of business No. 985, which was called up by the Senator from Nebraska, [Mr. SAUNDERS,] being the bill (H. R. No. 4874) in relation to the Utah and Northern Railway Company. The Senator from Indiana [Mr. MCDONALD] has some amendments he desires to offer, and then there will be no objection. The bill is a matter of a good deal of importance to the delegation.

Mr. BURNSIDE. I object to the consideration of this bill.

The PRESIDING OFFICER. The Chair will state that the Senator from Mississippi has moved to postpone the pending and prior orders in order that he may ask the Senate to proceed to the consideration of the bill mentioned by him. That motion is in order.

Mr. CALL. I have no objection to the Senator from Mississippi proceeding with the consideration of his bill; I shall be glad to aid him in it; but there are others of us who have been standing by the Calendar under the rule which has been adopted. It will take but a very few minutes to consider the Calendar and it will be impossible for these House bills to have any consideration unless we proceed with the regular order, which has been followed up to this time.

Mr. LAMAR. I will state that this bill is a House bill which has been reported, taken up, partly considered, and passed over informally.

Mr. CALL. I am aware of what my distinguished friend suggests and I gave way for the greater part of the day to him. I will, however, in deference to him, withdraw any objection on my part.

Mr. TELLER. I believe the bill the Senator from Mississippi wishes to have taken up will occupy some time, and I ask him if he will not allow us to take up the other bill?

Mr. LAMAR. Let my bill come up, and then I will agree to lay it aside.

Mr. TELLER. With the understanding that the Senator will allow us to get the other bill in, I shall not object.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi that the pending and prior orders be postponed in order that he may move to proceed to the consideration of House bill No. 6061.

Mr. MCMILLAN. I hope that the bill will not be taken up to-night. This is the incorporation of a railroad company and granting the right of way through the Indian Territory, permitting the company to condemn land, and all this just at the close of a session. It seems to me that we have not time to pass such a bill now.

Mr. PLUMB. I hope the Senator from Minnesota will not insist on any objection to this bill. The Senator from Mississippi is prepared to accept amendments which have been suggested to him, and when the bill comes up these amendments, I have no doubt, will be put in such a way as to satisfy the Senator from Minnesota.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi.

The motion was agreed to.

Mr. LAMAR. Now I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Mississippi moves that the Senate now proceed to the consideration of the bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company.

Mr. MCMILLAN. I thought another bill was to be taken up.

The PRESIDING OFFICER. The Chair understood the Senator from Mississippi to move to postpose the pending and prior orders in order to move to take up this bill. The Chair also understood the Senator from Mississippi to consent to lay it aside informally for the consideration of the bill indicated by the Senator from Colorado, [Mr. TELLER.]

Mr. BURNSIDE. I object to the consideration of that bill. I shall vote against the consideration of every railroad bill which is brought up here to-night. I do not think there is time to pass a railroad bill at this late hour of the session.

Mr. TELLER. I understand the bill is up, and the Senator from Mississippi is willing to yield to me a moment for the bill I named.

The PRESIDING OFFICER. The bill called for by the Senator from Mississippi is the pending order.

Mr. TELLER. Now, I ask the Senator to yield to me informally.

The PRESIDING OFFICER. Is there objection?

Mr. BURNSIDE. I object.

The PRESIDING OFFICER. The Senator from Rhode Island objects. The Clerk will report the bill before the Senate.

The Chief Clerk read the title of the bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company.

Mr. COCKRELL. I want the bill read.

Mr. MCDONALD. What is the state of this bill?

The PRESIDING OFFICER. The Clerk will report the bill at length.

Mr. COCKRELL. It has not all been read, I think.

The PRESIDING OFFICER. Part of it has been read, as the Chair is advised. The Clerk will report the rest of the bill.

Mr. COCKRELL. Will the Chair state to the Senate whether it has all been read?

The PRESIDING OFFICER. The Clerk answers that it has not been, and he is instructed to report the bill in full.

The Chief Clerk read the bill in full.

Mr. PENDLETON. I offer the following amendment, to come in at the end of section 4:

And the said corporation shall also file, within one year from the passage of this act, the consent of the Indian tribes through whose land the said road may be projected to the passage of said road, evidenced by the acts of their councils and authenticated by the President of the United States.

Mr. TELLER. I thought the idea was that before the company begin they shall furnish that consent.

Mr. PENDLETON. I am going to provide for that in a subsequent amendment.

Mr. TELLER. Very well.

Mr. COCKRELL. Let me ask the Senator from Ohio if that amendment requires this consent to be obtained after this date?

Mr. PENDLETON. It requires the consent to be obtained after this date and within a year.

Mr. COCKRELL. Let me hear it read again.

The PRESIDING OFFICER. The amendment will be again read.

The amendment was read.

Mr. PADDOCK. How is this consent to be obtained? It ought to be provided that it should be given in open council of the Indians.

Mr. PENDLETON. It says it shall be evidenced by the acts of their council.

Mr. PADDOCK. I think those words should be inserted: "by the consent of the Indians in open council."

Mr. PENDLETON. I have no objetion to the words "open council." Let the amendment read, "evidenced by the acts of their open councils." I am willing to insert the word "open."

The PRESIDING OFFICER. Does the Senator from Ohio so modify his amendment?

Mr. PENDLETON. I do.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio.

Mr. LAMAR. I am authorized by the Committee on Railroads to accept the amendment offered by the Senator from Ohio.

Mr. CONKLING. I will take this occasion to rise to a question of order, as I have heard several times that suggestion made. No committee can accept an amendment. I submit that with great confidence to a parliamentarian so experienced as the present occupant of the chair.

The PRESIDING OFFICER. The amendment is proposed by the Senator from Ohio, and the chairman of the committee indicates instructions from his committee to accept it. The Chair thinks the point of order raised by the Senator from New York is technically correct, and will sustain it; but the question will be upon the adoption of the amendment proposed by the Senator from Ohio.

Mr. INGALLS. I would suggest to the Senator from Ohio that the

Indian nations through whose territory this contemplated road runs have legislative assemblies, and that the term "council" which he employs in his amendment is not one that could properly be used in connection with the Cherokee and other civilized nations that occupy that Territory.

Mr. PENDLETON. I am perfectly willing to amend the amendment or to accept the suggestion of the Senator from Kansas if he is assured that that is the proper technical term to use.

Mr. INGALLS. I have no amendment to offer, because I am not familiar myself with the technical term that should be employed; but the Senator from Texas and the Senator from Arkansas, who represent States adjacent, know that those tribes have a political organization with regular elective legislative assemblies that meet annually.

Mr. GARLAND. The designation is "the council."

Mr. PLUMB. I have before me a treaty made with the United States in 1866, in which that legislative body of which my colleague speaks is spoken of as "the council of the Cherokee Nation."

Mr. GARLAND. That is true of all the tribes there.

The PRESIDING OFFICER. Does the Senator from Ohio modify the amendment?

Mr. PENDLETON. No, sir; I adhere to my amendment.

Mr. PADDOCK. I understand my proposition to have been adopted about an open council.

Mr. PENDLETON. I accepted that.

The amendment was agreed to.

Mr. PENDLETON. On line 3, section 6, I move to strike out the words "from the passage of this act" and insert "after the consent of the Indians shall be filed as aforesaid."

Mr. INGALLS. Why should the company begin to construct their line before the consent of the Indians is obtained.

Mr. PENDLETON. They do not, and they have no authority to commence, as the Senator will see from the preceding amendment. The consent of the Indians must be filed before the power to condemn the right of way attaches.

Mr. INGALLS. Then the words "shall begin to construct its line within six months" are needless.

Mr. PENDLETON. That is six months after they get the consent of the Indians.

Mr. HOAR. I desire to ask the Senator from Ohio if his amendment does not leave this company at liberty to begin and finish this road if they get the consent of the Indians at that time.

Mr. PENDLETON. Not at all. You will see if you read the amendment adopted to the fourth section that it makes it a condition precedent to the attaching of a power to condemn a right of way that this consent shall first be filed in the office of the Interior Department.

Mr. HOAR. The Senator does not understand my point. The bill as reported obliges the construction of the road to begin within six months and to be completed within two years from the passage of the act. The act dies, therefore, as originally reported, unless within two years the road is completed. That, of course, is a proper provision. It should not stand and hang over all mankind for one hundred years, the company not using it. Now the Senator proposes to strike out altogether any limitation of time with reference to the passage of the act and simply say that any time within two years after the Indian tribes have consented they may construct the road. So that if the Indian tribes consent for the first time fifty years hence, fifty-two years hence, they may finish this road. They may hang it up, therefore, over all mankind in the mean time.

Mr. PENDLETON. They must acquire the consent of the Indians within one year, and after the one year has elapsed and the consent has been given they can finish their road in that year.

Mr. HOAR. Has that been put in?

Mr. PENDLETON. Certainly.

Mr. HOAR. I was not aware of it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. PENDLETON. I offer as an additional section to the bill:

SEC. 7. Congress reserves the right to alter, amend, or repeal the foregoing act or any portion thereof.

The amendment was agreed to.

Mr. BLAIR. I am not quite sure that I understand the effect of this bill as it now stands; but by virtue of the amendment just adopted at the close of the fourth section, it seems that the consent of the Indians who own these lands in common by virtue of their tribal relation, not as individual owners, has first to be obtained in order that this right of way may exist through the reservation over which it is proposed to construct the road. Now, I do not understand, if that consent has been obtained, that there is any longer occasion for the existence of the power to condemn the right of way through the reservation. I do not see how it can be possible. If I am correct in my apprehension upon that point, then it will be proper to further amend the bill by striking out of the fifth section all these provisions which relate to the condemnation of the right of way. When there is no property in these reservations, except that which is owned by virtue of the tribal relation and the assent of those who represent the tribal relation, the control of the property has already been obtained as a condition precedent, why is there any need of the provision for the condemnation of the right of way?

Mr. DAWES. I think the Senator from New Hampshire assumes what is certainly not so, that there may not be interests in that property in individual Indians as well as the tribal property; but whether there be or not, the tribe may consent to that very process of determining the value of the property which is taken by the railroad. They may consent to its going through there and to the property being condemned in the very manner prescribed.

Mr. BLAIR. These provisions relate only to condemning the right of way over the reservation.

Mr. PADDOCK. Does the bill itself prescribe the method of condemnation?

Mr. BLAIR. Yes, through and over the reservation, and we have already adopted an amendment that the right of way shall be obtained by virtue of the consent of the tribe. I think it a dangerous and certainly unnecessary provision if the purpose of this amendment is to do what the Senate evidently understands. It is to first obtain the free and full consent of those who own these Indian rights to the condemnation of these Indian rights.

If anything further is designed, and if it is intended that these provisions in this section shall still remain, and that they shall be of any consequence, I have, what seems to me at least, very serious objections in regard to the provisions themselves. You will observe by reading on the top of page 5, beginning in line 20 of section 5, this provision:

And if at the time of such taking there shall be no judge of a court of record ithin said Indian Territory, or having jurisdiction over any part thereof, then condemnation shall be made and compensation paid for property taken and damages sustained under such regulations and before such tribunal as the President shall appoint.

This is a provision with reference to the exercise of the power of eminent domain, the taking of vested rights in private property by condemnation for public use with suitable compensation therefor. I do not understand how a power of that kind can be exercised by a mere ministerial tribunal which may be appointed by the President.

The power is a judicial power, or if not a judicial power, it is certainly a legislative power, and I am not aware that we are capable of delegating our powers of legislation to the President or anybody else. We may constitute a court, to be sure; but I do not understand that we have the power to delegate to the President the authority to constitute a court or a tribunal which may adjudicate vested rights of private property. We may enact a law authorizing the President to nominate and by and with the advice and consent of the Senate to appoint judges, but I do not comprehend how we can delegate to the President the right to constitute a tribunal which may exercise the power of eminent domain under such rules and regulations as he or that tribunal may see fit to adopt.

It seems to me that these provisions are utterly unconstitutional and void, for they are enacted in the form of legislation. I have had no opportunity of studying this bill carefully; but the more I reflect upon this provision the more it seems to me that it is utterly nugatory and a violation of the Constitution.

If the amendment which has been moved at the close of the fourth section means precisely what we understand it to mean, if it provides that the assent of the Indians shall be obtained before there can be any condemnations or before there can be any location of this right of way, if it means that in good faith, then there can be no objection it seems to me to striking out of the fifth section all after the word "line" in the fifth line of the section all the provisions with reference to the condemnation of the right of way, taking these vested rights of private property, down as far as the word "appoint" in the twenty-sixth line. Then the provision in the three succeeding lines may remain:

Said railroad and telegraph may be constructed through any military or other reservation set apart for the use of the United States.

These lines are well enough, and so also is this additional provision:

Provided, That property rights belonging to Indians in their tribal relations shall be included among property rights protected by this section.

Changing that word "section" to "act," it would be well enough.

For the purpose of eliciting the advice of those who comprehend these legal difficulties much better than I do, I move to strike out of the fifth section, after the word "line," in the fifth line, all down to and including the word "appoint," in the twenty-sixth line. If that should be adopted I think it would be proper to amend further in the thirty-first line, by substituting "act" for the word "section."

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire, which will be read.

The CHIEF CLERK. It is proposed to strike out of the fifth section, commencing with line 5, the following words:

And for that purpose to condemn a right of way to the extent of one hundred feet on each side of the central line of its said road; also grounds adjacent to said right of way for stations, buildings, depots, machine-shops, side-tracks, turn-outs, and wood, coal, and water stations, not to exceed twenty acres for each station, to the extent of one station for each ten miles of its road: *Provided*, That it does not conflict with existing treaties; and said corporation may enter upon and take private property subject to and in accordance with the provisions of section 3 of an act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;" and if at the time of such

taking there shall be no judge of a court of record within said Indian Territory, or having jurisdiction over any part thereof, then condemnation shall be made and compensation paid for property taken and damages sustained under such regulations and before such tribunal as the President shall appoint.

Mr. BLAIR. If there is no objection I will add to the amendment the remainder of the section, so as to strike out all to the end after the word "line" in the fifth line.

The Chief Clerk read the remaining words of the section, as follows:

Said railroad and telegraph may be constructed through any military or other reservation set apart for the use of the United States: *Provided*, That property rights belonging to Indians in their tribal relations shall be included among the property rights protected by this section.

Mr. BURNSIDE. I would like to ask some gentleman who is versed in the provisions of this bill and the laws of the States which adjoin this Territory, whether the legislative council of the Indian Territory cannot grant to this company the very charter they are seeking from Congress, or whether, if they cannot do that, the Territory cannot grant the right of way to build a road under a charter procured from one of the adjoining States. If such is the case, I think it is a very wrong thing for us here in the Senate at this late hour of the session to be passing an act of incorporation for this company. They have their rights, it seems to me, either in the adjoining States or in the Territory itself. I am not lawyer enough to know exactly what those rights are, but it seems to me the legislative council of the Territory have the right to grant the very thing these incorporators ask of us.

Mr. BLAIR. Precisely. That is assumed to be provided for by the amendment to the fourth section.

Mr. BURNSIDE. I think the Revised Statutes are very full on the subject, and I do not think there is any railroad company which desires to build a railroad, that should ask Congress to give them anything more than is now provided in the Statutes at Large, volume 18. I have the section before me here. I think there is ample authority in the law now for the Territories to give railroad companies the right to build, and I think it would be a very unwise thing to be compelled to vote on an important bill like this, of this great length, without having some time to examine it. I shall vote against it. I was at first inclined to vote for the bill, but when I heard it read I was startled at the length and breadth of the rights it gives.

I may be wrong, but I think there is enough law now to build this road, and I say we ought not at this late hour of the session to grant these rights.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire, [Mr. BLAIR.]

Mr. CONKLING. I wish the Senator from New Hampshire had moved to strike out this section, unnecessary the whole of it, as I think, and vicious the whole of it, as I believe. Some Senator remarked that so much of it ought to stand as consists of these words:

Said railroad and telegraph may be constructed through any military or other reservation set apart for the use of the United States.

Never in my belief ought those words to be in any bill, and the effect of them is, if I understand it aright, to allow the corporation thus to be created to pick and choose for itself where it will go over any reservation, military or otherwise. That should not be. On the contrary it should be subject to the custodian of that reservation, to the consent of the Secretary of War if it be a military reservation, or to the consent of the other custodian and trustee of the reservation if it be one of a different sort. So those words do not commend this section to me at all.

What else is there in it? Some Senator standing near me says permission in the opening lines to this corporation to go on and build this road. Does any lawyer suppose that words are needed in the fifth section for that? The preceding sections incorporating these people, incorporating them to build a road, stating that, does any Senator suppose that after that it is necessary to have provisions in the bill to declare that they may go on and build it? Not at all. But the operative portions of this section 5 are, as I think, entirely indefensible and as I think repugnant to the professions and promises of the bill.

Let me see if I understand this aright. The Indians are entitled to reservations. Over those reservations it is intended this road shall go; and the preceding sections of the bill hold out the idea that the reservations are to be traversed only by consent of their owners, the Indians. In that view what do you want with proceedings to condemn, with an exertion of what a Senator has called the power of eminent domain? Nothing.

But one Senator said there may be individual rights and as against them you may want the power to condemn. Then why not say so? This section says no such thing except as that thing is included in the drag-net spread all over these reservations as against everybody. Then we have a bill which thunders in the index about the consent of the Indians, the wards of the nation, and then brings up in this provision by not only rigorous but as I shall endeavor to show in a moment utterly unconstitutional provisions authorizing without consent and against consent a proceeding absurd wherever there is consent.

I say these provisions are unconstitutional. Let me read to any lawyer of the Senate who will listen some of these words?

And if at the time of such taking there shall be no judge of a court of record within said Indian Territory, or having jurisdiction over any part thereof—

Then what? Then what would any lawyer suppose? Why—

then condemnation shall be made and compensation paid for property taken and damages sustained under such regulations and before such tribunal as the President shall appoint.

The charter under which alone this Government proceeds provides that all judicial power shall reside in one Supreme Court, and in such inferior tribunals as the Congress shall create. Possibly I may not recite literally, which I do not stop to do, the provisions of the Constitution, but I recite them with accuracy enough to refer to them, and to remind Senators of what they are. Other provisions of the Constitution and provisions of law made in pursuance of it create judicial officers of all the courts save only those of the Territories, to hold their offices during good behavior, and the Constitution and the statutes create and determine geographically and otherwise their respective jurisdictions, or more exactly speaking the jurisdiction of the courts in which they respectively preside. There is no regulation upon those courts save those found in the Constitution, in the statutes, and in the rules of the courts which courts have power to make.

One of the provisions of the Constitution to which I refer declares that private property shall not be taken for public use without just compensation, and still another provision of the Constitution makes due process of law the process and the only one known among men in this Government in which property can be taken.

I am aware that the Supreme Court of the United States, years ago, passing upon a case which arose in New Jersey under the revenue laws, which grew out of the foreclosure of a mortgage, held that where the statute for the collection of revenue invented and established a certain process, that process might be one taking the place of judicial process *pro hac vice*, and that that became due process of law; but neither that case nor I will venture to say any case ever decided in a court of record went so far as to suggest that the President without the advice and consent of the Senate might appoint anybody to exercise judicial functions; that although the law alone bounded the jurisdiction of a court by certain judicial boundaries or measured it by certain ethical or statutory limits the President might as by a dispensation as if the President of the United States constituted an infallible individuality, change geographical or other limits found in the Constitution and found in the statutes constituting the boundaries of judicial jurisdiction.

I will venture to say no court ever suggested that the President of the United States could invent, promulgate, originate, authorize regulations or provisions under whatever name which would change the course or in any degree the nature or the effect of judicial proceedings.

Now, despite all this, here is a provision based upon one of the highest possible, and, as to individuals, the very highest prerogative right asserted in the Constitution, based upon the right to take private property by force, because all law which dispenses with assent is force under every system. Under the provision permitting private property to be taken by force and devoted to public use it is proposed that that power shall be exerted by a court which by law has no power, by a court appointed by the President; that is the word, "as the President shall appoint." The word is not even "designate," from which it might be inferred that he was to designate an existing court, but that such court as the President, who alone has any power on earth in that regard, may appoint, shall proceed to exert and consummate this highest power, I will venture to say, touching the property of citizens which the Constitution knows.

Whether I have stated clearly, or have failed to state clearly, this point, can there be a lawyer within the sound of my voice who for one moment supposes that such a provision can consist with the Constitution? I think not.

But, Mr. President, if it were within the Constitution, if it were effectual, I should be opposed to it in a bill of this sort; opposed to it because if these poor Indians are to be dealt with in the modes we know too well either in their public councils or in their legislatures, whichever they may be, and their consent such as it is is honestly to be made a condition-precedent to trampling over their lands, laying a railway track with switches and turnouts and erecting depots, water-stations, cattle-yards, and the various other things which sooner or later attend the laying of a railway track, if honestly the condition-precedent is to be their consent and the sale of their property by such consent, you want none of the enginery of the Constitution or of statutes by which, without consent, you reduce to a *possessio pedis* real estate or a right of way. Therefore I should vote against it if it were within the Constitution, and I am against it because it is without the Constitution, and I submit to the Senator from New Hampshire that his true motion is to strike out the whole of this section, unnecessary as it is as to its innocent part and vicious as I think it is in respect of every other part.

Mr. LAMAR. Mr. President, the objections which have just been urged against this section were very fully considered in the committee and discussed and satisfactorily answered in another branch of Congress, to which I am not permitted under the rules to refer. But as the hour is late and the bill will be defeated simply by continued debate, I shall offer no opposition to the amendment of the Senator from New Hampshire, nor shall I object to the striking out of the whole section.

Mr. BLAIR. I accept the suggestion, and would like to have the whole section included in my motion to strike out.

The PRESIDING OFFICER. The Senator from New Hampshire

proposes to strike out the fifth section. The question is on that amendment.

The amendment was agreed to.

Mr. BLAIR. As the bill now stands it becomes an open, bald license to this company to build a road through the Indian Territory without the leave of any one, the United States or anybody else, or any provision whatever to protect vested rights of individuals or anybody's rights, except simply the right of occupancy or the tribal property, whatever that may be, upon securing the assent of an Indian council. This bill now provides that the corporation which it is proposed to charter may construct its road without any further consultation or advice or consentof any party whatever on the face of the earth, without settling for the rights of private property.

Mr. PLATT. Will the Senator allow me?

Mr. BLAIR. Certainly.

Mr. PLATT. What is there in the bill as it now stands which prevents the company from commencing the construction of its road before obtaining the consent of the Indians? Nothing but the first clause in the section which has been stricken out prevented that.

Mr. BLAIR. I understand that is provided for by an amendment to the fourth section.

Mr. PLATT. Not at all.

Mr. BLAIR. I understand that is the force of the amendment of the Senator from Ohio, [Mr. PENDLETON.]

Mr. PLATT. The amendment to the fourth section is this, that they shall file within a year the consent of the Indian tribes.

Mr. BLAIR. They cannot do it without obtaining it.

Mr. PLATT. But they may construct their road before they file the consent, for aught that appears in the bill with that section stricken out.

Mr. BLAIR. The amendment in the sixth section was designed to guard against that state of affairs.

Mr. PLATT. That simply says they shall commence to construct six months after they have obtained consent, but there is nothing in the bill as it stands now that prevents the construction without the consent.

Mr. BLAIR. It may be that it may be so. The objection does remain—the insuperable objection as it seems to me—to this bill that it stands an open license to go without the consent of any party whatever excepting this Indian council, or that authority, whatever it may be, which represents the tribal relation and the tribal ownership, and, as suggested by the Senator from Massachusetts, when he first addressed the Senate on this question, there probably are many private interests of an important character that would be trespassed upon and destroyed by the construction of this road over a distance of some five hundred miles.

Mr. BURNSIDE. If there is to be no further discussion on the bill, I will ask if it is in order to lay the bill on the table? I move to lay the bill on the table.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the bill lie on the table.

The question being taken, there were on a division—ayes 17, noes 25.

Mr. BURNSIDE. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 32; as follows:

YEAS—18.

Anthony,	Cockrell,	McMillan,	Slater,
Baldwin,	Conkling,	Morrill,	Vest,
Blair,	Davis of Illinois,	Paddock,	Whyte.
Burnside,	Hereford,	Platt,	
Cameron of Pa.,	Jones of Nevada,	Rollins,	

NAYS—32.

Bailey,	Dawes,	Kernan,	Ransom,
Bayard,	Farley,	Lamar,	Saulsbury,
Beck,	Garland,	McDonald,	Saunders,
Bruce,	Groome,	McPherson,	Vance,
Butler,	Hampton,	Maxey,	Voorhees,
Call,	Harris,	Pendleton,	Walker,
Coke,	Hoar,	Plumb,	Williams,
Davis of W. Va.,	Jonas,	Randolph,	Withers.

ABSENT—25

Allison,	Ferry,	Jones of Florida,	Teller,
Blaine,	Grover,	Kellogg,	Thurman,
Booth,	Hamlin,	Kirkwood,	Wallace,
Brown,	Hill of Colorado,	Logan,	Windom.
Cameron of Wis.,	Hill of Georgia,	Morgan,	
Eaton,	Ingalls,	Pugh,	
Edmunds,	Johnston,	Sharon,	

So the motion was not agreed to.

Mr. TELLER. I should like to inquire—I was not paying very marked attention—what part of section 5 was stricken out?

The PRESIDING OFFICER. The whole section.

Mr. TELLER. I want to offer an amendment, then. It was provided in the fifth section that the property rights belonging to the Indians in their tribal relation should be included among the property rights protected. That goes out of the section. I want to offer that as an amendment to the bill. I understand the tribes consent to the building of this railroad through that section of country. While the tribe has the title to the land in one sense, yet there is an individual right recognized there that it seems to me ought to be protected. I do not suppose anybody objects to putting in the words I propose. I think it will look a little better, at least, in the bill.

Mr. GARLAND. I think there will be no objection to the amendment. My impression was that it was provided for in a previous portion of the bill.

Mr. LAMAR. I see no objection to it, and hope it will be adopted.

The PRESIDING OFFICER. Does the Senator from Colorado offer an amendment?

Mr. TELLER. I offer the following amendment—I do not care much in what part of the bill it is inserted—let it come in after the fourth section:

Provided, That property rights belonging to Indians in their tribal relations shall be included among the property rights protected by this act.

Mr. BLAIR. Those precise words have been stricken out by a vote of the Senate. I should like to inquire if it is in order to reinsert them.

The PRESIDING OFFICER. The Chair understands that those words were included with many other words which were stricken out. If that be the truth of the case, the Chair holds that the amendment proposed is in order.

Mr. BLAIR. The Chair will allow me to say that he decides, then, under misapprehension.

The PRESIDING OFFICER. The Chair will hear the Senator.

Mr. BLAIR. Those words are the ones contained in the twenty-ninth, thirtieth, and thirty-first lines. They are entirely distinct from the remainder of the section, and are a proviso by themselves.

Provided, That property rights belonging to Indians in their tribal relation shall be included among the property rights protected by this section.

It is a separate, independent provision, that might be in a section by itself.

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire that the amendment proposed by him, which was adopted by the Senate, was to strike out the whole of section 5. The Senator from Colorado now moves as an amendment to the bill a proviso which was a part of section 5, with a change of a part of the language of that proviso. The Chair holds that the amendment of the Senator from Colorado is in order.

Mr. BLAIR. Will the Chair please state what part of the section is changed?

The PRESIDING OFFICER. "Section" is changed to "act."

Mr. BLAIR. That is very well. I withdraw my objection; then this will cover the whole bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

Mr. MCMILLAN. I should like to ask the Senator from Mississippi, who has charge of this bill, what are the provisions in sections 1 to 4 of the act approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," which by reference are incorporated in this act. I have been unable to lay my hand on that.

Mr. LAMAR. I have the act here.

Mr. MCMILLAN. I should like the Senator to give me the substance of those sections. The act has been handed me; it is a pretty long act, and I have not had time to look over it.

Mr. LAMAR. The act to which the Senator refers is a very long one, with a great many provisions in it. It is very carefully drawn and applies to all the railroads to be constructed and operated in the Territories of the United States. I cannot, at this late hour, undertake to give the substance of it. It would be a needless consumption of time. If the gentleman insists on having these provisions stated I will have the statute sent to the Clerk's desk and read. I see that the Senator has the volume on his desk before him, and I hope that whatever he finds in it suggestive of amendment or objection he will make it known.

Mr. MCMILLAN. I think any provisions of this kind should be incorporated at length in the bill. As they are not, I move to strike out all after the word "thereof," in line 4, section 4, after the end of the section.

Mr. LAMAR. I hope the amendment will be voted down.

The PRESIDING OFFICER. It is proposed in section 4 to strike out all after the word "thereof," in line 4. The words proposed to be stricken out will be read.

The Chief Clerk read as follows:

And shall then be entitled to the benefits of the provisions contained in sections 1 and 4 of the act approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

Mr. PLUMB. This is not at all an unusual way of legislating, as the Senator from Minnesota must know. It is a very common way of legislating, and these provisions of the statute do not need to be incorporated verbally in this bill in order to become part of it. I therefore hope the amendment will not be adopted.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Will the Senate agree to the amendment of the Senator from Minnesota, [Mr. MCMILLAN?]

The amendment was rejected.

Mr. MCMILLAN. I offer the following amendment, to come in at the end of section 6:

Provided, That Congress may from time to time prescribe and regulate the rate for carrying both passengers and freight upon the line of road so constructed, and also the tariff of rates for the transmission of messages upon said line of telegraph.

I think it will be evident to the Senate that this is an amendment which should be adopted. Here we are incorporating by an act of Congress a company for the construction of a railroad through a Territory of the United States. A corporation of this kind should be under the control of Congress; it should be so beyond all doubt, and the power should be expressly reserved in the act creating the corporation. This matter has been brought to the attention of the country by the exorbitant rates charged for freight and passengers upon the lines of railroad passing across the continent; and now that this new power is attempted to be created I trust the Senate will incorporate this provision in the act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota, [Mr. MCMILLAN.]

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 365) for the relief of Hardie Hogan Helper.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; it further insisted upon its disagreement to the amendments of the Senate to the said bill; it asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES H. BLOUNT of Georgia, Mr. JOHN A. MCMAHON of Ohio, and Mr. JAMES MONROE of Ohio managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 853) granting a pension to Caroline Stief;

A bill (H. R. No. 1453) for the relief of James R. Gordon;

A bill (H. R. No. 1649) granting a pension to William W. Church;

A bill (H. R. No. 2180) granting an increase of pension to James H. Reeve;

A bill (H. R. No. 3786) granting a pension to William C. Parker;

A bill (H. R. No. 4608) granting a pension to Betsy Elwell;

A bill (H. R. No. 5677) granting a pension to Stephen P. Benton; and

A joint resolution (S. R. No. 137) to create a commission for the performance of certain duties under the act of Congress providing for the erection of a monument at Yorktown and the proposed centennial celebration.

SUNDRY CIVIL BILL.

Mr. BECK. The House having sent over the sundry civil bill with a disagreement on the part of the House to the report of the conference committee, I ask the Senate to reconsider the vote whereby the Senate agreed to the conference report, in order that I may move that the Senate disagree with the House and assent to the further conference.

The PRESIDING OFFICER. If there be no objection, the vote by which the Senate concurred in the report of the conference committee will be reconsidered. The Chair hears no objection, and it is so reconsidered.

Mr. BECK. I move now that the Senate disagree to the report of the conference committee.

The PRESIDING OFFICER. The Chair will lay before the Senate the message from the House.

The Chief Clerk read the message of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The PRESIDING OFFICER. The Senator from Kentucky moves that the Senate non-concur in the report of the committee of conference. Is there objection? The Chair hears none, and it is so ordered.

Mr. BECK. I now move that the Senate further insist on its amendments and agree to the further conference asked by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and

Mr. BECK, Mr. DAVIS, of West Virginia, and Mr. WINDOM were appointed.

CHEROKEE AND ARKANSAS RIVER RAILROAD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company.

Mr. CONKLING. I do not wish to move an amendment, but I move myself to make a remark. I have observed with great pleasure that my distinguished friend from Massachusetts [Mr. DAWES] has of late taken a good deal of interest, just interest as I think, in the concerns and welfare of some of the Indian tribes. I have more recently observed other proceedings in the State which he so ably represents indicating that those he leaves behind him in Massachusetts when he comes here to his duties, are also deeply interested, but possibly not on the same side of the same question.

I notice in this bill just twelve men (that happens to be the common-law number of a jury competent to find upon important issues) from Massachusetts to whom this very delicate matter is to be committed. I notice that with relief, because I cannot doubt, particularly as I have the pleasure of knowing the enterprise of some of these gentlemen, that everything which falls within the sphere either of activity or sympathy for the Indians will be well regarded in the prosecution of this work, and because of the fact I feel for one acquitted from the duty of attempting to put into this bill safeguards. Nothing is so effectual as an unlimited discretion, one so little limited as it is here, when it is conceded to those of whose kind intentions there is no room to doubt. Regretting as I do the passage of this bill as I understand it, that regret is modified in the view I have attempted to state.

Mr. BLAIR. Before the bill becomes a part of the statutes of the country, I wish to call the attention of the Senate to all there is in the bill now. In the first section, after enumerating the incorporators, they are designated as—

> The Cherokee and Arkansas River Railroad Company, with authority to construct, maintain, and operate a line of railroad and telegraph, beginning at the line between the Indian Territory and Kansas, near Arkansas City, in the State of Kansas, and running through the Indian Territory by the best practicable route, following substantially the general course of the Arkansas River, and bridging the same when necessary, under such regulations as may be prescribed by the Secretary of War, to a point on the line between the State of Arkansas and the Indian Territory, at Fort Smith, in said State. And said corporation is vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act.

That is the bill and all there is of the bill. It authorizes the construction of this road over a space of about five hundred miles.

Mr. PLUMB. I think not.

Mr. BLAIR. How far?

Mr. PLUMB. About one hundred and ninety miles.

Mr. BLAIR. Very well; one hundred and ninety miles along the line of the Arkansas River on the best practicable route, whatever that may be, comprising much of the best land in the Indian Territory, the most valuable land and part of it Indian reservations, much of it owned by private individuals, some of it military reservations, and other portions of it subject to the complete ownership of the United States; and this corporation is clothed with the power to go from one point to the other over all these rights, corporate rights, individual rights, Indian rights, rights of the United States, without any sort of limitation on the face of the earth, without being under any obligation to pay anybody one cent for the damage which may be done to private rights, making no compensation to the Government in any way whatever and practically as independent as the sovereignty itself from one end to the other of this route. That is all there is in the bill. When you examine the remaining provisions they are simply subsidiary provisions, with reference to organizing the company, the time of holding its meetings, and subordinate provisions for the carrying into effect of these sovereign powers. That is the bill as it now stands.

Mr. PLUMB. With a few very unimportant exceptions the statement of the Senator from New Hampshire is correct. Those unimportant exceptions are that there is no Government right intervening at all. The Government does not own a foot of land between these two points.

Mr. BLAIR. Will the Senator then answer me how the committee placed in their original bill that "said railroad and telegraph may be constructed through any military or other reservation set apart for the use of the United States?" Why is that there?

Mr. PLUMB. I presume that the party who put that in knew just as little and no more about the geography of the section of the country than the Senator from New Hampshire.

Mr. BLAIR. I do not understand why a corporation should come forward with a bill of this kind and know nothing of the locality over which they propose to run. I do not understand why a committee reports a bill to the Senate of the United States and knows nothing about the geography of the locality over which the route is to pass.

Mr. PLUMB. I suppose the committee knew no more than the Senator from New Hampshire, and if he does not know anything about it, I presume the ignorance of the committee can be excused.

Mr. BLAIR. I have inspected the map, and I take it that is better authority than the Senator from Kansas.

Mr. PLUMB. If the Senator had inspected the map he would not want any authority of the kind he suggests.

Mr. MCMILLAN. If the Senator from Kansas will allow me to put a question, I should like to know why objection was offered to the amendment. I proposed to strike out the reference to chapter 152 of the Statutes, which makes special provision for passing through the public lands of the United States.

Mr. PLUMB. I did not draw this bill, nor did I report it. I am responsible for what I say and what I do in reference to it. As I said, there is not a foot of Government land between the initial and terminal points mentioned in the bill.

Mr. BLAIR. The Senator will pardon me; they may go "by the best practicable route," which may carry them two hundred miles out of the way, and they may find some Government reservation there.

Mr. PLUMB. The Senator very conveniently overlooks the words of limitation immediately following those which he quoted, "follow-

ing substantially the general course of the Arkansas River." If he supposes that any of the people connected with this enterprise, some of whom he knows, a large number of whom are his constituents, and who will be obliged to him, no doubt, for the opposition which he is manifesting here——

Mr. BLAIR. They are not my constituents.

Mr. PLUMB. Yes, sir; they are the Senator's constituents. More of the stock of this railroad will be represented in the State of New Hampshire than in any other State, except the State of Massachusetts.

Mr. BLAIR. I trust no constituent of mine will ever own any stock under this bill. I will advise him not to do so.

Mr. PLUMB. There is, as I said, no Government land to be crossed whatever. There is no private right to be interfered with, because there is no private right that is separable from the tribal right of the Cherokee Indians, or such other tribe of Indians as may have land intervening. Consequently, the amendment which has been adopted heretofore to section 4, providing for the consent of the Indians, covers the entire subject of rights, so far as they may be trespassed upon or infringed upon in any way by this railroad company.

It is a little singular that at this late day, after Congress has been for twenty-five years legislating in regard to the rights of railroad companies in Indian reservations, persons here who are more remote from the scene of action should have become so sensitive about the rights of these Indians. It is only a few months since that the Secretary of the Interior was assisting a railroad company to treat for its right of way through an Indian reservation in a northern portion of this country, and there is a bill upon the Calendar now reported from the proper committee ratifying the agreement. The Cherokee Nation of Indians has been set up as the flower of Indian civilization; as the sum of what could be accomplished under enlightening influences in the way of improvement. They have, as has been stated here, a legislative council; they have a public school; they have, what is a better evidence of their ability to take care of themselves, a professional lobby here in Washington, as they have had for the last fifteen or twenty years. They are competent to take care of themselves, and the railroad company knows that to get a right from that tribe to go through their lands they will undoubtedly be obliged to pay for it all that it is worth. I do not think, since the bill has been amended as it is, that any railroad company will care to undergo the black-mailing operations they would have to submit to in order to run through their lands.

Mr. CONKLING. Where is the lobby?

Mr. PLUMB. The lobby is not in reference to this bill, but in reference to the Cherokee Indians, and in reference to all other Indians, because they assume general jurisdiction over every Indian in the United States.

There is no objection, such as the Senator from New Hampshire alleges, against this bill at all. There is no question whatever that any right can be trespassed upon without the full consent of the parties concerned.

Mr. DAWES. Mr. President, I think that no one looking at the map can fail to be convinced that this line will form an important link, when constructed, between large systems of railways in the southern portion of the Union and the northern portion, and will be a most important connection in the system of transportation of freight and trade and commerce in this country among the Indians. It seemed so to me when it was presented to the Committee on Railroads, and I gave my consent and my approval when the consent of those owning the land and having jurisdiction over it and so far advanced in civilization as to be able to take care of themselves was made conditional to the construction of this road. I understand that they themselves are satisfied with this provision as it is in the bill.

Mr. BLAIR. If the Senator will allow me, he will recollect that when the discussion commenced he suggested that the fifth section should certainly be retained because there were private vested rights which would be passed over by this railroad, for the obtaining of which it was necessary that machinery for condemnation should be retained in the bill. Here comes the Senator from Kansas and says there are no such vested rights. I should like to be informed how the fact is.

Mr. DAWES. I think that any one drawing a bill of this magnitude and for this purpose would be most likely to provide for any such contingency as that, whether it actually existed or not. The suggestion which the Senator from Massachusetts made which so shocked the sensibilities of the Senator from New Hampshire, was that very likely there might be private rights there and very likely the consent of the Indians to the running of this railroad over their tribal property might be upon the condition that the matter should be settled by the process of condemnation. I could not see anything so terrible in the process of condemnation of property guarded according to the methods prescribed in other laws, that would render it proper for me or that I should be called upon therefore to oppose the bill. I would rather have the bill with all the ordinary machinery connected with a corporation for the construction of a railroad provided, so that those over whose territory it goes and who have political jurisdiction thereof, who own either as tribes or as individuals property that is to be taken, may be protected as they are protected in my opinion after the amendments have been adopted which were agreed upon by the Committee on Railroads and submitted and adopted by the Senate.

I do not understand what there is that is so destructive to the rights of these Indians in this railroad. I know the zeal of the Senator from New Hampshire, and the Senator from New York. I know their untiring watchful care over the Indians always manifested, and I know how unfortunate I have been heretofore in trying to awaken other Senators—not those Senators, but other Senators—to a sense of the importance of looking out for the rights of these Indians. I know all that; and I welcome these two Senators to the ranks of those who are looking out for the Indians; but when you provide what I tried here to-day upon another bill, that you should have the consent of the Indians before you fasten them by an act of Congress to the soil whereon they were put by force, I could get just a baker's dozen to come to my aid, and no more.

Mr. CONKLING. Was that a bill for Massachusetts?

Mr. DAWES. That was not a Massachusetts bill. That was a bill that did not meet the views of the majority of the Senate, because that bill had the sanction of the distinguished Secretary of the Interior, to whom the Senator from New York alluded in such affectionate terms a few minutes since.

There is nothing in this bill, in my opinion, with the provisions which have been adopted at the suggestion of the Committee on Railroads, that trenches upon the rights of these Indians. They are protected, so far as I can see, with a sedulous care, and I am gratified that the Senate has come up to the conclusion in legislating about this bill that it is proper to consult the rights of those who own the property over which the road is to run.

Mr. TELLER. I should like to ask the Senator from Massachusetts how under this bill he expects the individual rights of the Indians to be protected?

Mr. BLAIR. They have none, the Senator from Kansas informs us.

Mr. DAWES. Since the Senator from New Hampshire has cut out of the bill that which seemed to be inserted there for the protection of those rights, I leave the Senator from New Hampshire to answer.

Mr. BLAIR. I beg the Senator's pardon; that section was stricken out by consent of the committee. They found it so bad a section upon reading it a second time that it was stricken out almost by unanimous consent, with only four or five votes against it. I think the Senator perhaps voted himself to strike it out. I cannot say how that is; I am inclined to think he did. If not, he fought his own committee; he fought himself. Since the Senator has with so much pith and pathos and glory congratulated himself upon the accession of so humble an individual as myself to the ranks of those who defend the rights of the unfortunate Indians, and although sharing the fate of my distinguished friend I am very likely to be scalped on account of the company I keep, I should like to recall his attention to his original proposition that there were private rights along this route which would not be protected by the provisions of the fifth section.

Mr. DAWES. If the Senator allows me, the difficulty with the Senator is——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield?

Mr. BLAIR. It is a little embarrassing to be interrupted in the middle of an interrogation. I was going simply to ask the Senator if, conceding the ground upon which I understand he still plants himself, that here are private rights which ought to be protected, and for the protection of which any prudent legislature would insert the necessary provisions now that the fifth section is stricken out by reason of its universally conceded unconstitutionality, as I think, whether there is remaining in the bill as it now stands any sort of protection whatever for these private rights?

Mr. DAWES. Will the Senator repeat that?

Mr. BLAIR. I cannot think of repeating it; I will abandon the effort. It is quite apparent that the bill is just what I said it is. It is a license to do wrong, and not pay for it either, and nothing else.

Mr. TELLER. It seems to me about all that is left is the license for this company to go in there and negotiate with these Indians. If this company goes on and takes possession of this land I do not know how the individual Indians are to be protected unless the company enters into some negotiations with the council or legislative body. It seems to me that we have a very disjointed affair here. I think some part of the fifth section might have gone out and ought to have gone out, but certainly not the whole section or even three-fourths of it. All that part that provided for the condemnation of the property of the Indians ought to have been left in, in my judgment.

Mr. CONKLING. I wish to introduce myself to the Senate at this time as the occupant of a new field of duty and permission. I appear now under the license of the honorable Senator from Massachusetts. I understand him to have authorized me to participate with him, and, if I can, to gain some minute share of the glory which covers him as the representative of the Indian tribes. I have understood heretofore that the honorable Senator from Massachusetts has a monopoly in a large degree of the Indian question on the humane side. Indeed I have understood that that honorable Senator kept not only the Indians but the Secretary of the Interior, in some sort for his personal amusement and entertainment. I have never felt at liberty since the honorable Senator became so conspicuously and justly eminent in this field, to enter it at all. Now that he allows me to follow him, at a distance of course, I venture to say one or two words about the bill.

The honorable Senator says it is important, and he repeated that

with my acquiescence both times. It is important to these Indians. When the head of King Charles came around on a pike a woman remarked that it was not much of a head; but quite an important head to him, poor man. So I think these one hundred and ninety miles of projected railway will be quite important when it is laid to the Indians whose domain it invades.

The honorable Senator who sits behind me, [Mr. PLUMB,] and who knows so much about this matter, as I confess I know but little, says the map is not here and the map should be looked at. As I cannot look at the map I venture to turn and look at him and to ask him if he will state to me, in view of these provisions, what the map does present as true?

Running through the Indian Territory by the best practicable route, following substantially the general course of the Arkansas River, and bridging the same when necessary.

The honorable Senator will perceive, I think, the point of my question when I call his attention to the act of March 3, 1875, which has come to be known as the defile act, the second section of which provides:

That any railroad company whose right of way, or whose track or road-bed upon such right of way, passes through any cañon, pass, or defile shall not prevent any other railroad company from the use and occupancy of the said cañon, pass, or defile for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade.

I ought to stop and observe that this is a section of an act which grants a right of way without any provisions like these, but any company "duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States." I resume my reading of the section:

And the location of such right of way through any cañon, pass, or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any cañon, pass, or defile said railroad company shall before entering upon the ground occupied by such wagon road cause the same to be reconstructed at its own expense in the most favorable location and in as perfect a manner as the original road.

I ask the Senator whether the map to which these words apply, "the general course of the Arkansas River, and bridging the same when necessary," discloses any defile, cañon, or pass, and if it does, this being after-legislation and giving to this company a monopoly in this regard, whether it will supersede the provision which qualifies, and qualifies only, the general act of incorporation found in the section which precedes it?

Mr. PLUMB. There is no defile within the meaning of that act along the Arkansas River in the Indian Territory. It is substantially an open country. The provision is that if there is any necessity for bridging the river the railroad company may bridge it at convenient points rather than go around its circuitous course. There is no narrow defile there in which the road could monopolize the available space at all. In fact, there is room for ten, fifteen, twenty, or fifty tracks at any point on the Arkansas River in the Indian Territory along the contemplated line; so that there is no priority of right, so far as that part of the bill is concerned, contained in the bill at all.

Mr. CONKLING. Mr. President——

Mr. BECK. I ask the Senator from New York to allow me to present the final conference report on the sundry civil bill, so that the bill may be enrolled. It will not detain the Senate long.

Mr. CONKLING. Yes, sir.

SUNDRY CIVIL BILL.

Mr. BECK submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 7203, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 17, 19, 22, 32, 38, 39, 40, 41, 42, 44, 45, 53, 57, 59, 61, 69, 75, 77, 79, 80, 81, 83, 86, 94, 106, and 108.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 18, 20, 23, 24, 25, 26, 28, 30, 31, 33, 34, 35, 36, 37, 43, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 58, 60, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 76, 78, 82, 83½, 84, 85, 87, 88, 89, 90, 91, 92, 93, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 107, 109, and 110; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$325,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: Strike out "60" and insert in lieu thereof "25;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: Strike out from the matter proposed to be inserted the word "thirteen" and insert in lieu thereof "seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: Strike out "75" and insert in lieu thereof "50;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: Strike out "300" and insert in lieu thereof "250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows: Strike out "81" and insert in lieu thereof "82;" and the Senate agree to the same.

JAMES B. BECK,
WILLIAM WINDOM,
Managers on the part of the Senate.
JAMES H. BLOUNT,
J. A. McMAHON,
JAMES MONROE,
Managers on the part of the House.

Mr. DAVIS, of West Virginia. That is not a unanimous report. There is one question on which all the conferees did not agree. It will be noticed that one of the conferees on the part of the Senate has not signed the report. As the Senator from Kentucky has the bill in charge it would be better perhaps for him to state what the disagreement is, and I will then state to the Senate how I stand.

Mr. BECK. There is no disagreement; it is the final report of the committee of conference agreeing on the sundry civil bill. It is true that it is signed only by the Senator from Minnesota [Mr. WINDOM] and myself on the part of the Senate. The Senator from West Virginia declined to sign the report, but it is signed by three House conferees and two Senate conferees. Therefore it is a report. It is precisely similar to the report made some hours ago which I explained on the floor of the Senate, with two exceptions. The House conferees receded from their disagreement to the amendment of the Senate numbered 64, which reads thus:

To enable the Secretary of the Navy to immediately charter or purchase, equip, and supply a vessel for the prosecution of a search for the steamer Jeannette of the arctic exploring expedition (which the Secretary of the Navy is hereby authorized to undertake) and such other vessels as may be found to need assistance during said cruise, $175,000: *Provided*, That said vessel shall be wholly manned by volunteers from the Navy.

Mr. CONKLING. Will the Senator from Kentucky allow me to ask him a question? May I inquire whether this is the last appropriation bill?

Mr. BECK. The deficiency bill will be reported in a few moments.

Mr. CONKLING. This is the last appropriation bill? Of the deficiency bill I do not speak.

Mr. DAVIS, of West Virginia. That is a regular appropriation bill.

Mr. CONKLING. As my honorable friend from West Virginia takes me up on that I respectfully deny what he says. The deficiency bill is not an appropriation bill. But no matter about that; the appropriation bills, if I may understand, will all be completed with this bill, leaving nothing but the deficiency bill behind?

Mr. BECK. That is all, and this being a long bill, and as we desire to have it enrolled, I asked the Senator from New York to allow me to present the report.

The other amendment about which the conferees disagreed before, and the disagreement on which was reported, is numbered 106, which was to strike out this clause of the bill:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Believing that not to be good legislation the conferees on the part of the Senate disagreed with the conferees on the part of the House and reported back the disagreement in regard to that amendment. The House conferees went back before their body. I am not at liberty to say what occurred there, but enough occurred to satisfy a majority of the conferees on the part of the Senate that if we attempted to change that in any regard the sundry civil bill would be a failure; and believing that the bill is too important to risk its absolute loss, a majority of the Senate conferees agreed to recede from the proposition of the Senate to strike out that clause and concur with the House, and we report that action to the Senate. That is the whole case.

Mr. DAVIS, of West Virginia. As to the enrollment of the bill, that is going on now. There is but one amendment that has been disagreed to. It is well known that the enrolling clerks are at work upon the bill and if there is a question upon that one amendment, the enrollment of the bill will go on, and there is no danger of a failure of the bill for that reason, as I understand.

So far as the minority of the committee of conference is concerned, I think that it is improper to attempt upon an appropriation bill to undertake to advance salaries and pay the House employés for thirteen months in the year when the Senate employés are to be paid for twelve. I am not in favor of paying any employés thirteen months for twelve months' work, but all annual employés ought to be paid for twelve months. I start out with that proposition. My next point is that if the House employés are to have it, then the Senate employés ought to have it.

Mr. FARLEY. I should like to ask the Senator from West Virginia a question. How does the Senator say that he is opposed to paying the regular employés more than the annual salary, that is for more than one year, and yet turn around and say he would be willing to agree to it if the Senate employés could receive the same salary? Do I understand him to claim that two wrongs make a right?

Mr. DAVIS, of West Virginia. That is the opinion of the Senator from California. My opinions differ from his. I think the Senate employés are just as much entitled to this allowance as the House employés, and I believe if the employés of one body are to have it those of the other ought to have it. I have no idea that the House ought to insist upon paying their employés this extra compensation when they refuse to pay it to the Senate employés. For that reason I have been unable to agree with my colleagues on the committee of conference. If the House is going to regulate the salaries of their own employés, I believe they ought to let us regulate ours. We have always contended for it. They have never yielded. In the very last appropriation bill that we passed here—the legislative, executive, and judicial bill—they refused to allow two of our employés to be paid a few hundred dollars extra when the Senate had voted it to them.

But the main and whole question in this proposition is, Ought we

to pay any employés for thirteen months in one year? My colleagues say that we ought to pay for thirteen months to the House employés and for twelve months to the Senate employés. I disagree with them, and I propose, as I said to them, to state to the Senate the position in which the matter stands, and let the Senate vote upon it. If the Senate is willing that we should recede from our amendment striking out the clause giving the month's extra pay for the House employés and agreeing that the Senate employés shall not have the extra pay, of course that will end the whole matter. I have no wish to prolong the discussion, but I should like to have the Senate express itself by a vote upon that point. I have, therefore, disagreed with my colleagues upon the committee so that the Senate may have an opportunity of voting whether it will agree to recede from the amendment which it had already voted, striking out the clause providing that the House employés borne upon the annual rolls may be given a month's extra pay. There is no difference in the conference upon the session or per diem employés; both Houses agree that they ought to have an extra month's pay, and they will get their extra month's pay; but these are annual employés. I shall be content with whatever the Senate may determine shall be done, but I believe it is best to insist on the action of the Senate.

Mr. WILLIAMS. I want to say one word. The whole difficulty arises out of this state of facts: the Senate is more liberal to its employés than the House; it pays them better; and in order to make something like an equality the House has chosen to give its clerks one month's pay extra. I think that is perfectly right. I think each House ought to control absolutely its own domestic arrangements. I should consider it extremely discourteous on the part of the House if they should prescribe the pay of our employés here, and should undertake to interfere with them. Yesterday I voted against striking out the clause allowing the House to give to its employés an extra month's pay upon the ground that the House is the proper judge of what its employés are worth, and I felt no disposition to interfere in the matter; and I should not consent to have the House interfere with us. For that reason I voted yesterday for the appropriation made by the House for its own employés for one month's extra pay, because they do not pay them as much as we do. We are more liberal with our employés than the House is with its.

Mr. HEREFORD. I should like to ask my colleague the question, if it be a proper question, whether, when the new conference met on this bill, the proposition was made to the conferees on the part of the House in order to settle this matter amicably, that the Senate conferees would agree to pay the House employés for thirteen months if the House conferees would agree to a like proposition in regard to the Senate employés. I should like to know if that proposition was made, and if so what was the reply?

Mr. DAVIS, of West Virginia. That matter was talked over in the conference, and I think the House conferees understood it perfectly; but no formal vote was taken. I stated half a dozen times that my position was that the employés of one body ought not to be paid the extra pay unless the employés of the other body also receive it; that they ought to go together. That is the reason why I have been unable to sign the conference report. I believe that is an answer to my colleague.

As to compensation, the Senator from Kentucky [Mr. WILLIAMS] said that the Senate is more liberal to its employés than the House. That is the fact to some extent, in regard to messengers especially. We pay our messengers $1,440, while the House pays $1,200; but when you come to the principal clerks they get the same as ours. Taking the persons who occupy the desks there and those who occupy the desks here, I think the difference is in favor of the House clerks; that is, the House pays those employés more than ours receive. I have a list in my hand, and I will answer my friend on that point. Take the principal legislative clerk. Ours receives $2,592 and theirs receives $3,000. They have, of course, nothing to correspond to our executive clerk, but the minute and journal clerk of the House receives $3,000 and ours $2,592; and so five of their clerks get $3,000, while the corresponding clerks of the Senate receive $2,592. As to many of the employés of the two Houses the pay is about the same. There is more difference in the pay of the messengers than any others.

The Senate conferees have more than once said to the House conferees, "If you want to raise the salaries of your employés we will agree to it, and let you pay your employés whatever you desire, but we do not want it done in a roundabout way coming in at the end of the session to pay thirty days when you publish to the country that you pay your employés less than ours;" just as the Senator from Kentucky [Mr. WILLIAMS] has said that the House pays its employés less than ours. That is the case to some extent; but, on the other hand, when you add a month's extra pay in an indirect way you pay the House employés more than the Senate employés receive.

It has been the position of the Senate, it is yet so far as I am concerned, that if the House had desired to pay their employés any amount, no matter how much so that it was in reason, the Senate conferees would not have objected to do it. We should be perfectly willing for them to do it, and we so said to the House conferees, and I have said it over and over again to the Appropriations Committee of the House.

Mr. BLAIR. How much does the Clerk of the House get?

Mr. RANSOM. The Senator means the Chief Clerk.

Mr. DAVIS, of West Virginia. Taking the Secretary of the Senate and the corresponding officer of the House, their salaries are about even. I believe ours is a little less.

Mr. WILLIAMS. The Senator has not answered this one proposition, that the House has the right to regulate the pay of its own employés, and courtesy between the two Houses dictates that the House shall be allowed to do that. That is the point.

Mr. DAVIS, of West Virginia. That is not the point at all. The proposition of the House is not to regulate the pay, but it is to give an extra month's pay to the House employés. I have said to the Senator from Kentucky that the Senate conferees have said over and over again to the House conferees, "Make your salaries what you please, we will not call them into question; but when you come to do it in this roundabout way, by paying a month's extra salary to the employés of one House and not allowing the other body to do it, saying you will not agree that the Senate employés shall have it even though we pay it to our own employés," that is an inequality, and it is not right. But I am detaining the Senate too long. My friend from Kentucky, [Mr. BECK,] of course, will have something to say.

Mr. BECK. I have only to say that this is one of the most important bills that have come before Congress for consideration this session. Twenty-two million dollars are involved in the bill, in which great interests of the country are concerned. We made a fair and honest effort in endeavoring to get the House conferees to recede from what we thought was a bad proposition. The House conferees would not recede; the House sustained them; the bill is to be lost unless we agree with them; and I do not propose to lose a great bill like this because the House conferees have determined to do something that I think is not right. That is their business. If they are not able to regulate their own affairs, I cannot regulate them for them. I do not propose to do wrong because they do wrong; and I submit the matter to the Senate.

Mr. DAVIS, of West Virginia. I think my colleague on the committee dwells a little too much upon the importance of passing this bill immediately. Of course it is important that it should be passed; we all agree that it ought to pass, it ought not to be lost; but the question before us is whether the Senate is now willing to concede that the House employés shall be paid an extra allowance and not the Senate employés.

Mr. BECK. Will my colleague on the committee answer me this question: Is he willing, if the House will agree to pay the Senate employés a month's extra pay, to pay the House employés a month's extra pay?

Mr. DAVIS, of West Virginia. My friend knows that I have said so half a dozen times. This inequality is the great objection that I have to receding from the disagreement; but for that objection I would have been willing to sign the report. The question is whether the Senate wishes the House employés who are borne on the regular roll to have thirty day's extra pay and not the Senate employés. I shall ask for the yeas and nays upon concurring in the report.

The yeas and nays were ordered.

Mr. WHYTE. I should like to ask the Senator from West Virginia whether he believes, if we do not concur in this report and insist, that we shall be able to get for the officers and employés of the Senate one month's extra pay?

Mr. DAVIS, of West Virginia. I doubt that we shall, but I think the Senate ought to assert itself and say whether it desires the House employés to have thirty days' extra pay.

Mr. BECK. I only desire to say that I am positively sure that we cannot do any better than we are doing now, and that we can get no more by delay.

Mr. WINDOM. I signed this report with the Senator from Kentucky because I thought it was quite too small a matter upon which to divide the two Houses and endanger the passage of the bill. What is the exact point at issue? The House provided that their annual employés should have one month's additional salary. The Senate disagreed to it. The committee recommended that disagreement, not upon the ground that the House had not the right to fix the compensation of its employés, but upon the manner by which it had accomplished it. Had the House increased the salaries of their employés to the amount mentioned in this provision, the Senate I apprehend would not have raised the question, for it has been discussed and for years has constituted a subject of disagreement between the two Houses, the Senate insisting upon its right under its own responsibility and in the exercise of its own judgment to fix the compensation of its employés. The House resisted it for a long time, but has substantially yielded that position to the Senate.

Then, how do we stand? The House has chosen in this bill to increase the compensation of its employés, not directly and as I think it ought to have been done, by increasing their pay if they do not receive pay enough, but in an indirect way, by giving them one month's extra pay which they had not earned, or at least for time they had not served. The question is, Can the Senate afford to disagree to this amendment and carry on a contest with the House, upon the manner that they propose to do the precise thing that we would have given permission to do if they had done it in a manner that better suits us? I think that is the question.

Mr. EATON. I want to ask a question of my friend from Kentucky in regard to one matter which I thought was of vital importance to the country. I think I may very properly go so far as to say

that at the instance of the executive department of the Government, the Committee on Foreign Relations submitted an amendment to the Committee on Appropriations with regard to an embassy to a sister republic. We thought it was of vast importance to the country. I may go further and say that only a year or two ago action was had by the House of Representatives in favor of the measure; and now I am led to understand that by the report of the committee of conference there is no chance for an agreement between the conferees of the Senate and the House. I do not propose to say, so far as we are permitted to do it, that the bill ought to be lost unless there is an agreement in favor of that measure, but I certainly am led to say, from everything that I have heard from the other House, as well as the executive department, that this matter ought to have been agreed to in conference.

Mr. BECK. The Senator from Connecticut will allow me to say that the House conferees refused to agree to the amendment to which he has referred. While I am up I desire to say further that they refused to agree to very many things that we thought were highly meritorious and necessary, but we were in conference; the hour was late. The Senate will observe it is now half past one o'clock on Friday morning, and we are to adjourn to-day at twelve. We did not receive the bill from the House until Monday night. We anticipated it all we could; and Saturday night, Sunday, Sunday night, Monday night, Tuesday night, most of the members of the committee devoted themselves to the bill, and I never left the committee-room before twelve o'clock at night, and Wednesday night it was early Thursday morning when I got away.

Mr. CONKLING. Working on Sunday?

Mr. BECK. Yes, sir; Sunday and all, I am sorry to say. We were obliged to be there all day Sunday; at least I was there, working with the clerk, and doing what I could to have the bill presented in a proper form. We presented all the amendments we had any hope whatever that the House would agree to; and we have done the very best we could. The bill has to be lost or passed now. I hope some better system will be adopted hereafter. I have urged it time and again. I said things I did not like to say about the action of a democratic House. I said them last summer on this floor. I do hope the Senate will assert itself hereafter, and claim its right to consider carefully all appropriation bills, which I am sure we are not able to do now under the prevailing system. It is not right. We had hundreds of amendments pressed before us with only a few minutes to consider things that would require hours and days to consider carefully.

Mr. MAXEY. Will the Senator allow me to ask him a question in regard to the item referred to by the chairman of the Committee on Foreign Relations? That I know is one of the most important items in the bill. I presented it to the committee to the best of my ability, as the chairman will remember, and my impression is that such legislation passed the House. I wish to know if there is no means of securing an agreement between the two Houses by which that amendment of the Senate will not be lost?

Mr. BECK. I know of no means unless the Senator from Connecticut or the Senator from Texas will introduce a resolution now and, passing it in a minute, send it over to the House.

Mr. EATON. I want it understood that I object to the Senate receding from that amendment, although I have no hope of securing favorable action upon it now.

Mr. BAYARD. There is, I understand, but one point of difference between the conferees on the part of the Senate, the Senator from West Virginia differing with his associates. I understand that the point is the right of the House to control the compensation of their own officers. Before now when I have been a member of conference committees of the Senate I have insisted, and will insist in the future, upon the right and duty of each House according to its own discretion and under its own responsibility to the public to fix the question of the compensation of its own employés. We have insisted before now that we were the best judge of the labor to be performed and the manner of its performance by the officers of the Senate. We have claimed that we knew best the amount of their labors, and we have insisted in conference reports that the Senate had a right to adjust such compensation according to its own sense of justice, and we have left the House the right to judge of that for themselves.

I have never been willing to diminish the number of employés stated by a House committee to be necessary for the performance of their duties, because I thought they were the proper judges; and on the same principle I have insisted that the Senate had the right and the duty to limit the number and the pay of its own officers. The House may pass upon it in a certain sense, but it is *sub modo*, and that *modus* is the discretion of the Senate.

Therefore it is, that understanding this is simply a proposition by the House to add to the pay of its own employés, not amended by the Senate by including their own or changing their own, I propose to deal by the House precisely as I propose they shall be compelled to deal by us, which is, that they shall manage their own affairs.

Mr. DAVIS, of West Virginia. The Senator from Delaware is mistaken in supposing that there was no effort to get the House to agree that the Senate employés should be put on an equal footing.

Mr. BAYARD. I did not say the Senate conferees, I said the Senate.

Mr. DAVIS, of West Virginia. They are pretty close words, however. It is unfortunate that this question should come up right at the end of the session and on a bill of so much importance. I desire a vote of the Senate on the question; but upon the statement that the bill may be lost, and as one of my colleagues on the committee who has been in charge of the deficiency bill is ready to report, I ask leave by unanimous consent to withdraw the request for the yeas and nays, in order to let the Senate vote in the usual way on concurring in the report.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) If there be no objection, the order for the yeas and nays will be withdrawn. The question is, Will the Senate concur in the report of the committee of conference?

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 5521) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof.

The message also announced that the House had passed the following bills:

A bill (S. No. 182) granting a pension to Mary A. Shemelia; and

A bill (S. No. 465) granting an increase of pension to George Smith.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers.

ENROLLED BILLS SIGNED.

The message also announced, that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 1830) granting a pension to Peter Grattan; and

A bill (H. R. No. 7111) restoring the name of Andrew J. Pennel to the pension-roll.

HOMESTEAD SETTLEMENTS.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from its disagreement to the Senate amendments to the bill; and agree to the same.

J. D. WALKER,
NEWTON BOOTH,
P. B. PLUMB,
Conferees on the part of the Senate.
GEORGE L. CONVERSE,
HENRY POEHLER,
W. D. WASHBURN,
Conferees on the part of the House.

The report was concurred in.

SCHOOL LAND IN BURLINGTON, IOWA.

Mr. PLUMB. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 4206) confirming and vesting the title to a certain tract of land in Burlington, Iowa, in the "independent school district" of said city, to report it favorably, without amendment. The bill corrects simply a description in a former act of Congress, donating a tract of land to Burlington, Iowa. The term "west" was used when the term "east" should have been used. The mistake was only recently discovered, and I ask that the bill be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends the act entitled "An act confirming the title to a tract of land in Burlington, Iowa," approved July 4, 1868, so as to read:

That all of the title of the United States in and to a certain tract of land in the city of Burlington, Des Moines County, in the State of Iowa, described as being west of lot No. 978, in said city, south of Valley street, east of Boundary street, and north of Market street, as laid down on the plat of said city, certified under the act of Congress of March 3, 1837, by William W. Conell and George Cubbage, commissioners, and now on file in the General Land Office, and which was originally reserved from sale by the United States and dedicated to public burial purposes, be, and the same is hereby, confirmed to and vested in the "independent school district" of said city, to be forever dedicated to and used by said school district for public-school purposes, and for no other purpose whatever.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DEFICIENCY APPROPRIATION BILL.

Mr. HARRIS. Mr. President——

Mr. WALLACE. I rise to a privileged question.

Mr. HARRIS. The Senator from Pennsylvania announces that he rises to a privileged question. I hold the floor subject to that.

Mr. WALLACE. I submit to the Senate the report of the committee of conference on the deficiency bill, and I ask to have it read and adopted.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 7251, making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officer of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropria-

tions, and for other purposes, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 9, 10, 11, 14, 17, 18, 22, 23, 24, 39, 40, 59, 60, 64, 75, 79, 80, 81, 82, 83, and 84.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 7, 12, 13, 15, 19, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 62, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, and 78; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of said amendment insert the following: "For the legislative expenses of the Territory of Arizona, $6,150;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$600,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the Senate amendment numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$330,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: Add at the close of said amendment, as a new paragraph, the following: "To pay Edward F. Riggs for services in the stationery-room from and including November 10, 1880, to March 4, 1881, $276;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$400,000;" and the Senate agree to the same.

WILLIAM A. WALLACE,
NEWTON BOOTH,
H. G. DAVIS,
Managers on the part of the Senate.
J. A. McMAHON,
FRANK HISCOCK,
THOMAS R. COBB,
Managers on the part of the House.

The report was concurred in.

ORDER OF BUSINESS.

Mr. HARRIS. When I rose and was recognized by the Chair I supposed the bill in charge of the Senator from Mississippi [Mr. LAMAR] had passed, and I rose for the purpose of asking the Senate to proceed to the consideration of another bill.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The bill mentioned by the Senator from Tennessee is still before the Senate, and the question is on the adoption of the amendments made as in Committee of the Whole.

Mr. HARRIS. Then I do not desire to occupy the floor.

Mr. PADDOCK. I want to appeal to the Senator from Mississippi to allow me to take up a resolution which was reported from the Committee on Appropriations this afternoon for the relief of a poor class of Government employés. It will not take two minutes to pass it.

Mr. CONKLING. I believe I had the floor, the Senator from Kentucky having asked me to yield to allow him to submit a report from a conference committee, and then other privileged reports having come in. I will yield however to the honorable Senator who wants to take up a resolution.

GOVERNMENT EMPLOYÉS.

Mr. PADDOCK. I ask unanimous consent, with permission of my friend from Mississippi, to take up Senate joint resolution No. 164.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 164) relating to the salaries of Government employés in the District of Columbia. It provides that all employés of the Government in the city of Washington shall be paid for the 4th day of March (Inauguration Day) and the 30th day of May, (Decoration Day,) 1881, as for other days on which they perform labor.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CONDITION OF BUSINESS.

The PRESIDING OFFICER. The Senator from New York [Mr. CONKLING] has the floor on the bill (H. R. No. 6061) to incorporate the Cherokee and Arkansas River Railroad Company.

Mr. ROLLINS. Will the Senator from New York yield to me for a moment while I ask the Senate——

Mr. LAMAR. I must object, and call for the regular order

Mr. KERNAN. I think we had better try to dispose of this bill as soon as we can, and then go to the Calendar of House bills.

The PRESIDING OFFICER. The question before the Senate is on concurring in the amendments made as in Committee of the Whole to the railroad bill, upon which the Senator from New York [Mr. CONKLING] has the floor.

Mr. BURNSIDE. Will the Senator from New York allow me to say that all the appropriation bills are now provided for, and if he will yield to me for a motion to adjourn until to-morrow at nine o'clock——

Several SENATORS. A recess.

Mr. CONKLING. I do not think my honorable friend ought to make it nine o'clock. If we are to get any rest at all, let us say ten.

Mr. BURNSIDE. Well, I move to take a recess until ten o'clock.

["No!" "No!"]

Mr. DAVIS, of West Virginia. The Senator from New York will yield, I know, for a statement of the condition of the appropriation bills. That condition is about this: the Senate has agreed to conference reports on all of the appropriation bills, but the House has not agreed to two of them. As soon as the agreement of the House is announced on those bills, the Senate may take a recess; but if the House should disagree and the Senate had taken a recess we should lose the bills.

Mr. CONKLING. What are the two bills?

Mr. DAVIS, of West Virginia. The sundry civil bill and the deficiency bill, and those only.

Mr. CONKLING. We have just concurred with the House on the only point on which the Houses seriously differed upon the sundry civil bill.

Mr. DAVIS, of West Virginia. That was one of the bills. The report on the other bill has not been presented to the House.

Mr. CONKLING. On the other bill I understand there is no real difference.

Mr. DAVIS, of West Virginia. Not with the conferees, but the House may raise some difference.

Mr. CONKLING. If I may be allowed without being out of order, as I have the floor to make a remark or two, I wish to say this: of course the honorable Senator from West Virginia is right in theory. If something should happen by which the House should not act upon one of these bills without sending it back here, we ought to be here in order to act upon it; but that chance is so remote that it has never I believe in a like case been regarded. If the Senate now takes a recess until ten o'clock in the morning we come here with two hours left to us. The signatures of enrolled bills can certainly be announced to both of these bills, there being no further action in the Senate to be taken. We do not facilitate the House at all, and it is as certain as death or quarter day that the House will act on both these bills, so that I submit to my honorable friend that constitutes no reason why we should exhaust ourselves by staying here all night or any further portion of the night. We are perfectly safe as to these two bills and as to every other thing which the Senator refers to by taking a recess until ten o'clock in the morning, and I am very clear we ought to do it. If the Senator from Rhode Island wishes to take the sense of the Senate upon that, I will yield for that purpose.

Mr. DAVIS, of West Virginia. One word.

Mr. HARRIS. I hope the Senator from New York will allow me to say, before the motion to adjourn or take a recess is put, that there are some other things here besides appropriation bills; not perhaps of the same importance, yet they are important. There are other bills here on the Calendar which have been favorably reported by the committees of the Senate which involve rights important to the few people who are interested in them; and even though we may be detained a few hours longer than is comfortable and agreeable, we can afford to endure that inconvenience in the performance of a solemn duty. I am opposed to a recess or adjournment until we have at least occupied all the time which we have a right to occupy under the Constitution in the effort to perform the duties that we owe to the people of this country; and I hope the Senate will neither take a recess nor adjourn until we have acted upon those bills which have been passed by the one House and which have met the approval of the committees of the other.

Mr. DAVIS, of West Virginia. The appropriation bills have gone over to the House. I believe the probabilities are that within fifteen minutes, or half an hour at furthest, we shall ascertain their fate there. I take it for granted the conference reports will be agreed to, but until that time it will be very unwise, in my judgment, for the Senate to adjourn or take a recess. I hope the Senator from Rhode Island will not press his motion until we hear from these appropriation bills.

Mr. BURNSIDE. I withdraw my motion. I will state that it is not my desire to defeat business, but I do believe that bills which have been delayed until this time of the session are of such a doubtful character as to make it proper and right for us not to allow them to go through. No private right will be harmed by stopping them. If rights are there, they can be considered at the next session; that is only next December, and then the friends of these bills can take them in hand early and get them through early in the session. The bills which have failed to become laws during the session should not be passed in such rapid haste in the last hours of the session. No rights are violated by passing over these bills.

Mr. SAUNDERS. I am sorry to hear the Senator from Rhode Island talk about "this late day" for bills. There is a bill here that ought to be passed, which I tried at least half a dozen times to get up, days and days ago, but I could not get it up, though I tried.

Mr. BURNSIDE. I will say to the Senator from Nebraska that in my opinion there cannot be much merit in the bill, or it would have been taken up and passed before now.

The PRESIDING OFFICER. The question before the Senate is on concurring in the amendments made as in Committee of the Whole to the bill in charge of the Senator from Mississippi [Mr. LAMAR] to incorporate the Cherokee and Arkansas River Railroad Company, and upon that the Senator from New York [Mr. CONKLING] is entitled to the floor.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. CONKLING. I do.

Mr. HARRIS. I desire to ask the Senator from Mississippi if he thinks there is any hope of getting the bill which he has charge of through the Senate with any prospect of concurrence in the amendments by the House; and, if not, to appeal to the Senator from Mississippi to allow it to be disposed of, so that the Senate may proceed to the consideration of other measures.

Mr. LAMAR. Will the Senator from New York yield to me?

Mr. CONKLING. Certainly.

Mr. LAMAR. Mr. President, I will answer the Senator from Tennessee with unreserved candor. I would not have asked this consideration of this bill had I anticipated the character of this opposition which it has received. I was under the impression that with the acceptance of the amendments which had been suggested by gentlemen who opposed its consideration, it would not have detained this body so long in the discussion upon it.

I will state to the Senator from Tennessee that, in my opinion, if the bill were to pass now with these amendments there would scarcely be any chance for it to be considered and passed by the House of Representatives.

I thank the Senate for its patient consideration of the merits of this measure and the evident disposition upon the part of a majority of the body to pass the bill through, as evidenced in more than one or two votes; and I am willing, if it accords with the wishes of the friends of the bill, that it should be passed over informally. It depends entirely upon the representatives of the section whose commercial interests were principally involved in the passage of this measure, and if they will give their sanction to it, I am willing that the bill should be passed by.

Mr. INGALLS. Mr. President, I shall object to the bill being informally laid aside.

Mr. HARRIS. I desire to say that I appreciate the importance of the bill in charge of the Senator from Mississippi as much as that Senator can appreciate it, and should have been delighted to have seen it pass through both Houses of Congress and become a law. Believing, as I do, however, that it is impossible at this late hour of the session for it to become a law, even though the Senate should pass it, if the Senator from New York will yield to me for that purpose, I will move to postpone the pending and all prior orders, giving notice that if that motion shall prevail I will ask the Senate to proceed to the consideration of House bill No. 6033.

Mr. HOAR. What is it?

Mr. HARRIS. A bill for the relief of Hiram Johnson and others, a bill which my friend from Massachusetts and I are both familiar with.

Mr. LAMAR. One word in reference to that motion, inasmuch as it comes from one of the most prominent friends and advocates of the measure which I am in charge of, and one who appreciates its importance as much as any other Senator on the floor. Under the conviction that he has expressed of the impossibility of its becoming a law and of the legislation being completed, I shall allow the question to be submitted to the Senate without any objection or discussion.

The PRESIDING OFFICER. Does the Senator from New York yield for the purposes of that motion?

Mr. CONKLING. I will yield in a moment, and in that moment I wish to disclaim, although I know not that it is imputed, any intention to resist the passage of the pending bill for the purpose of delay. The bill came here on the 22d of February, it seems. It was referred to a committee and reported back on the 1st of March, and when we came to act on it the committee which reported it, instead of commending and standing by the bill as it was in print, of its own accord introduced amendments which none of us not of the committee had seen. When those amendments had been acted upon and adopted there stood in the bill—and to that first my attention was directed—a section which afterward by I believe a unanimous vote was stricken out, and which seemed to me to offend the Constitution and to offend the principles of law. To that section I spoke and for one intended to terminate my connection with the matter there.

Subsequently my attention was called to several objections to the bill, which have not yet been stated—of course I am not going to state them—and the little part that I have had in this was simply because without thought or feeling as to who was concerned, or of location or regions to be affected by it, it seemed to me such an act, overthrowing as I supposed it did some of the general provisions of our system, ought not to be adopted. I therefore wish before yielding to the Senator from Tennessee, who, I believe, is one of the friends of the pending bill, to give to him and to all the residue of the Senate the assurance that no part of my purpose has been to discuss for the sake of consuming time or to put anything in the way of the passage of the bill except such substantial objections as I believed would at any time be proper to state.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee.

Mr. LAMAR. Just one word. I simply wish to say that I did not mean to suggest that there was any opposition made to this bill for purposes of delay. My remarks had no reference whatever to any one's motive.

With regard to the objections which have been made, I wish to state that I did not think they were valid or would have stood the test of analysis had there been time to have considered them and discussed them.

Mr. INGALLS. Mr. President, the Legislature of Kansas by a very decided vote in both houses within a very few days has passed resolutions instructing my colleague and myself to suppprt an act for the incorporation of a railroad through the Indian Territory, and the people of my State deemed this subject of such importance that those resolutions were telegraphed to us in full, rather than that they should be left to the ordinary transmission through the mails. It is on this account that I have felt it to be my duty to resist the informal laying aside of this bill for any subject whatever. Of course if the Senate do not see fit they can vote it down, but I have felt it to be my duty in view of what has been done by the Legislature of my State to say this in order that my course might not be misunderstood.

Mr. BURNSIDE. The remarks of the Senator from Mississippi make it almost unnecessary for me to say anything as to my opposition to the bill. I certainly have not endeavored to make any captious opposition, and have consumed but very little time. My objection to the bill is a general one to the consideration of all bills of this nature and particularly at this time of the session. The bills are too important to be taken up and passed in haste. That is my objection; and I really believe as much as I believe anything that I do not know that there are ample provisions in the statutes, if taken in connection with the powers of the legislative authorities of the Indian Territory and adjoining States, to do exactly what this bill proposes to give the company the right to do. I think the State of Kansas could incorporate a railway company, which could do precisely the same things, if the authorities in the Indian Territory would allow the right to go through there. I am inclined to think so, but still I state that with diffidence because I am not a lawyer, and I certainly do not intend to cope with any gentlemen at this late hour of the session on any legal point.

Mr. LAMAR. No one will charge the Senator from Rhode Island with any captious objection. I simply wish to make one remark, and that is, that there will not be an inch of the territory of the State of Kansas that will be touched by this proposed railroad.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee, [Mr. HARRIS.]

Mr. TELLER. What is that motion?

The PRESIDING OFFICER. To lay aside the pending and all prior orders with a view of taking up House bill No. 6033.

Mr. SAUNDERS. Do I understand that if this motion prevails the other bill of necessity comes up afterward?

The PRESIDING OFFICER. Not until the Senate votes upon it. The question is on the motion to postpone.

Mr. MAXEY. I desire to state as a friend of this bill, because I believe it ought to pass, my judgment is that if the motion of the Senator from Tennessee prevails, and the bill is permitted to be passed by in the way proposed now, it is a final quietus to this bill for all time to come. Even if the bill does not pass the House, if the friends of the bill want to put it in shape to give it a respectable standing in the next Congress, they had better put the bill on its passage, and let it either pass or be defeated.

Mr. HARRIS. I am apprehensive that the next Congress is not going to be controlled very much by our action or our non-action, and with the hour-hand pointing to the hour of two upon that clock this morning, with diverse and sundry amendments already voted upon the bill, to proceed further with its consideration is but an idle waste of time, as every Senator must recognize. While I and the people that I have the honor to represent here are as much interested in the bill of the Senator from Mississippi as that Senator himself can be interested, I persist in the motion to postpone the pending and all prior orders with a view of attending to practical legislation which can result in something.

Mr. LAMAR. I must say that I think a continuance of the consideration of this bill, and even its passage, will subserve no interest, and that it will simply delay the consideration of other matters that demand action.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee to postpone the present and all prior orders.

The motion was agreed to.

Mr. HARRIS. Now I move that the Senate proceed to the consideration of House bill No. 6033.

Mr. SAUNDERS. Before that question is put I should like to make a statement. I have stood by the bill which has just been disposed of. I was one of the committee who reported it, stood by it, but I thought it would not go through both Houses. I have a bill here that is represented as being of very great importance that I should like to have action taken on. It is a House bill, and if acted upon here according to the bill as it is reported can become a law. I therefore ask to have it taken up.

Mr. HOAR. Let that be read for information.

Mr. SAUNDERS. I should like to have a letter read which has been sent to me.

Mr. HARRIS. I believe the business in order is my motion to proceed to the consideration of House bill No. 6033.

The PRESIDING OFFICER. That is the motion.

Mr. HARRIS. It is not competent for me to argue the merits of that bill on my motion to proceed to its consideration. I shall therefore object to the argument of the merits of any other bill or the reading of any letter or communication which tends to show the merits of any other bill.

Mr. SAUNDERS. What is the bill the Senator proposes to take up?

Mr. HARRIS. House bill No. 6033, for the relief of Hiram Johnson and others.

Mr. SAUNDERS. I am opposed to that.

Mr. CONKLING. The Senator from Nebraska wants a letter read for the information of the Senator from Tennessee.

Mr. HARRIS. The Senator from Tennessee desires no information on that subject at this time, however ready and happy he will be to have the information at another time.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee that the Senate proceed to the consideration of House bill No. 6033.

Mr. SAUNDERS. I object to taking up that bill when there are bills I think of much more importance than that.

Mr. HARRIS. Mine is a motion, and not an asking of unanimous consent. The Senator may object and vote against it; but I beg that my motion be put.

Mr. TELLER. It is debatable.

Mr. CONKLING. It is debatable on everything but the merits.

Mr. TELLER. The Senator from Nebraska has not touched the merits.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. SAUNDERS. I know nothing particularly of the merits of that bill; I do not propose to enter into the merits of it, but I do know the merits of others; therefore I am very sure that there are other bills which are equal in importance to that at any rate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee.

Mr. SAUNDERS. I am not through yet. The bill that I was trying to speak to, but the Senator would not allow me, it is not my purpose to discuss the merits of, but I hope I may be allowed to state its importance to his community as well as mine. This bill probably concerns more people than any other bill that has been acted on within the last week except the deficiency bill. It is the bill in relation to the Utah and Northern Railway Company. A man might make money if he would go out into that country in order to raise cattle——

Mr. McDONALD rose.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. SAUNDERS. What is the object of the Senator from Indiana?

Mr. McDONALD. If the Senator from Nebraska will allow me to make a suggestion——

The PRESIDING OFFICER. Does the Senator from Nebraska allow the Senator from Indiana to make a suggestion?

Mr. SAUNDERS. I will hear my friend.

Mr. McDONALD. My suggestion is to allow the Senator from Tennessee to have his bill taken up, and then I think the Senator from Tennessee will consent and so will the Senate to lay it aside informally for the purpose of considering the bill which the Senator from Nebraska refers to. I wish to say in reference to that bill that it is a House bill which was passed on the regular call upon an objection made by me, and my objection was principally to the amendment which the Senate committee had reported to it and which I understand the friends of the bill are now very willing shall be voted down. I have certainly no objection to the passage of that bill as it came from the House.

Mr. HOAR. What is the bill about?

Mr. McDONALD. It is in reference to the Utah and Northern Railway Company. I suggest that the bill of the Senator from Tennessee be taken up and that then he yield to the Senator from Nebraska.

Mr. BURNSIDE. Will the Senator from Indiana allow me?

Mr. HARRIS. I hope the Senator will allow the question to be taken on my motion to proceed to the consideration of House bill No. 6033.

Mr. BURNSIDE. Will the Senator from Indiana yield to me for a moment?

The PRESIDING OFFICER. The Senator from Indiana holds the floor by the courtesy of the Senator from Nebraska.

Mr. SAUNDERS. I am perfectly willing so far as I am concerned to accept the proposition made by the Senator from Indiana.

Mr. HARRIS. I move that the Senate proceed to the consideration of the bill indicated by me, and when——

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. That the motion is not in order. The Senator from Tennessee is not in order as long as the Senator from Nebraska holds the floor.

Mr. HARRIS. Unless he holds the floor with the consent of the Senator from Nebraska. The Senator from Massachusetts was right.

The PRESIDING OFFICER. The Senator from Tennessee had already made that motion, and it was upon that that the Senator from Nebraska yielded the floor and now holds it.

Mr. HOAR. So I understand.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. PADDOCK. That is the question my colleague is discussing.

Mr. SAUNDERS. Now, if the Senator from Tennessee will consent——

Mr. HARRIS. If the Senator from Nebraska desires to hold the floor and talk about it all night, I will never consent to anything.

Mr. SAUNDERS. If I had talked one-tenth of the time that has been talked by the Senator from Tennessee he might make such a remark. [Laughter.]

The PRESIDING OFFICER. The Senate will please come to order.

Mr. SAUNDERS. I have been quite a modest man I think about talking. [Laughter.] I am not going to take up time; but I will insist that we vote down the motion of the Senator from Tennessee in order to take up the other bill, because I believe it is of more importance than any other thing that will probably come before the Senate between now and the adjournment. I am in earnest about that, and therefore will take no further time, but will ask that the vote be taken, and first I hope the Senate will refuse to agree to the motion of the Senator from Tennessee.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee.

Mr. HOAR. I hope the Senate will not adopt the motion. This is a proposition to revise certain assessments by which the rebel sympathizers in the Senator's State——

Mr. HARRIS. I raise the question of order that the Senator from Massachusetts has no right to argue the merits of this question upon a motion to take it up.

Mr. SAUNDERS. Would it not be in order to take up the bill I propose?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. SAUNDERS. I thought I had. I had not yielded the floor. My feet are tolerably large, and I will hold it. [Laughter.]

The PRESIDING OFFICER. The Chair was of opinion that the Senator from Nebraska yielded the floor, but if the Chair is mistaken the Senator from Nebraska has the floor.

Mr. SAUNDERS. I was asking the Chair whether it would be in order for me to state the nature and character of the bill which I have proposed to antagonize with the bill that has been proposed to be called up by the Senator from Tennessee. I want to state then that the bill simply authorizes the Utah and Northern Railway Company to build a branch or branches connecting with their main line. I know I shall be met by some one saying that the Territory might authorize the same thing; but the Legislatures in these Territories meet only once in two years; the sessions are biennial; and it will be a year before they are in session again. There are two or three lines, one or two at any rate, of great importance which ought to be built this year to connect with certain mines. If the Senate will allow the letter to be read which I sent to the Clerk's desk, it will show the importance of this matter in such a way that I believe the Senate will take up the bill in a moment. Now, I ask that that letter be read for information.

The PRESIDING OFFICER. The Chair will state that under the rule time is limited for debate on a motion to take up a bill, and the Senator's time has been exhausted under the rule adopted February 8, 1881. The question is on the motion of the Senator from Tennessee [Mr. HARRIS] to take up the bill indicated by him.

Mr. PLUMB called for the yeas and nays, and they were ordered.

Mr. SAUNDERS. I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from Nebraska moves to lay the motion of the Senator from Tennessee on the table.

Mr. PLUMB. I call for the yeas and nays.

The yeas and nays were ordered and the Secretary proceeded to call the roll.

Mr. HAMPTON, (when his name was called.) On all political questions I am paired with the Senator from Maine, [Mr. HAMLIN,] but as I do not regard this as a political question I shall vote "nay."

The roll-call was concluded.

Mr. WHYTE, (after voting in the negative.) This vote appears to be political in its character, and as I am paired with the Senator from Iowa [Mr. ALLISON] on political questions, I withdraw my vote.

Mr. HARRIS. Clearly a political question; every republican votes one way and every democrat the other.

The result was announced—yeas 22, nays 29; as follows:

YEAS—22.

Anthony,	Ferry,	Logan,	Rollins,
Baldwin,	Hill of Colorado,	McMillan,	Saunders,
Blair,	Hoar,	Morrill,	Teller,
Burnside,	Ingalls,	Paddock,	Windom.
Conkling,	Kellogg,	Platt,	
Dawes,	Kirkwood,	Plumb,	

NAYS—29.

Bailey,	Eaton,	McDonald,	Voorhees,
Bayard,	Farley,	McPherson,	Walker,
Beck,	Garland,	Maxey,	Wallace,
Butler,	Hampton,	Pendleton,	Williams,
Call,	Harris,	Saulsbury,	Withers.
Cockrell,	Hereford,	Slater,	
Coke,	Jonas,	Vance,	
Davis of W. Va.,	Kernan,	Vest,	

ABSENT—24.

Allison,	Cameron of Wis.,	Hill of Georgia,	Pugh,
Blaine,	Davis of Illinois,	Johnston,	Randolph,
Booth,	Edmunds,	Jones of Florida,	Ransom,
Brown	Groome,	Jones of Nevada,	Sharon,
Bruce,	Grover,	Lamar,	Thurman,
Cameron of Pa.,	Hamlin,	Morgan,	Whyte.

So the motion to lay on the table was not agreed to.

Mr. HARRIS. Is the Senator from Missouri [Mr. COCKRELL] recorded?

The PRESIDING OFFICER. He is recorded in the negative.

Mr. HARRIS. The reason I asked the question was because I had agreed to pair with the Senator from Wisconsin [Mr. CAMERON] on all political questions. The result is not changed at all by that vote, but I asked the Senator from Missouri to pair with the Senator from Wisconsin upon this particular matter.

Mr. COCKRELL. I withdraw my vote.

The PRESIDING OFFICER. The Senator from Missouri withdraws his vote. It does not change the result.

Mr. MCMILLAN. I desire, then, to say that the Senator from Wisconsin [Mr. CAMERON] is paired on this question with the Senator from Missouri, [Mr. COCKRELL.] The Senator from Wisconsin would vote "yea," if present.

The PRESIDING OFFICER. The question recurs on the motion made by the Senator from Tennessee, [Mr. HARRIS.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 1114) granting a pension to Luman Case; and

A bill (S. No. 972) granting a pension to Mrs. Anna I. Guest.

The message also announced that the House agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; and

A bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 365) for the relief of Hardie Hogan Helper;

A bill (H. R. No. 1650) for the relief of Edward T. Brownell;

A bill (H. R. No. 4905) to declare the true intent and meaning of an act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion, approved June 8, 1872;

A bill (H. R. No. 4438) for the relief of William Redus;

A bill (H. R. No. 5521) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof;

A bill (H. R. No. 6034) for the relief of the personal representative of George W. Henderlite, deceased;

A bill (H. R. No. 6360) for the relief of William H. Davis; and

A bill (H. R. No. 6478) for the relief of Levi Price.

EXECUTIVE BUSINESS.

Mr. VANCE. I move now that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Pending the motion of the Senator from Tennessee, the Senator from North Carolina moves that the Senate proceed to the consideration of executive business.

Mr. VANCE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HAMPTON, (when his name was called.) I am paired with the Senator from Maine, [Mr. HAMLIN.]

The roll-call having been concluded, the result was announced—yeas 27, nays 8; as follows:

YEAS—27.

Baldwin,	Garland,	Maxey,	Vance,
Bayard,	Groome,	Morrill,	Vest,
Beck,	Hereford,	Pendleton,	Walker,
Davis of W. Va.,	Hoar,	Ransom,	Wallace,
Dawes,	Jonas,	Saulsbury,	Whyte,
Farley,	Kernan,	Saunders,	Withers.
Ferry,	McPherson,	Slater,	

NAYS—8.

Bailey,	Call,	Coke,	Lamar,
Burnside,	Cockrell,	Harris,	McDonald.

ABSENT—40.

Allison,	Conkling,	Johnston,	Plumb,
Anthony,	Davis of Illinois,	Jones of Florida,	Pugh,
Blaine,	Eaton,	Jones of Nevada,	Randolph,
Blair,	Edmunds,	Kellogg,	Rollins,
Booth,	Grover,	Kirkwood,	Sharon,
Brown,	Hamlin,	Logan,	Teller,
Bruce,	Hampton,	McMillan,	Thurman,
Butler,	Hill of Colorado,	Morgan,	Voorhees,
Cameron of Pa.,	Hill of Georgia,	Paddock,	Williams,
Cameron of Wis.,	Ingalls,	Platt,	Windom.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) There is no quorum voting.

Mr. DAVIS, of West Virginia. The appropriation bills have all been disposed of, and it is suggested by many of the Senators around me that it would be well to take a recess until some hour in the morning.

Mr. HAMPTON. I rise, Mr. President, to ask the opinion of the Chair as to what constitutes a quorum of the Senate at present?

The PRESIDING OFFICER. Thirty-eight constitutes a quorum as the Chair is advised.

Mr. HAMPTON. I have a right to vote to make a quorum. I propose to do so if my vote will make a quorum.

The PRESIDING OFFICER. The result having been announced, a vote cannot now be received.

Mr. INGALLS. The Senator cannot vote after the result has been announced.

Mr. WHYTE. A roll-call is the only thing in order.

Mr. BURNSIDE. Is it in order to move a recess, Mr. President?

The PRESIDING OFFICER. The Chair will entertain the motion.

Mr. BURNSIDE. I move a recess until half past nine in the morning.

Mr. HARRIS. Does the Chair hold that it is in order to move to take a recess with less than a quorum? It would be in order to adjourn; but how about a recess?

The PRESIDING OFFICER. The Chair understood the Senator from Rhode Island to ask if it was in order to move to adjourn.

Mr. BURNSIDE. My question was whether it was in order to move a recess.

Mr. HARRIS. If the Senate adjourns now it adjourns for good; it is a *sine die* adjournment.

Mr. BURNSIDE. I have not made a motion to adjourn. My motion was for a recess until this morning at half past nine.

Mr. WILLIAMS. I suggest that by common consent, as there is a quorum present, the roll-call be taken again.

The PRESIDING OFFICER. There is nothing in order but a call of the house or a motion to adjourn.

Mr. WILLIAMS. I move a call.

The PRESIDING OFFICER. The Secretary will call the roll of Senators.

The roll was called and 43 answered to their names.

The PRESIDING OFFICER. Forty-three Senators have answered to their names; a quorum is present.

Mr. BURNSIDE. I now move that the Senate take a recess until this morning at half past nine o'clock.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island.

The motion was not agreed to.

Mr. RANSOM. I move that the Senate proceed now to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina.

Mr. CONKLING called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 33, nays 3; as follows:

YEAS—33.

Bailey,	Farley,	Lamar,	Vest,
Baldwin,	Ferry,	Maxey,	Walker,
Bayard,	Garland,	Morrill,	Wallace,
Beck,	Groome,	Pendleton,	Whyte,
Butler,	Harris,	Platt,	Williams,
Cockrell,	Hereford,	Ransom,	Withers.
Coke,	Hoar,	Saulsbury,	
Davis of W. Va.,	Jonas,	Slater,	
Dawes,	Kernan,	Vance,	

NAYS—3.

Burnside,	Eaton,	McDonald.

ABSENT—39.

Allison,	Conkling,	Jones of Florida,	Pugh,
Anthony,	Davis of Illinois,	Jones of Nevada,	Randolph,
Blaine,	Edmunds,	Kellogg,	Rollins,
Blair,	Grover,	Kirkwood,	Saunders,
Booth,	Hamlin,	Logan,	Sharon,
Brown,	Hampton,	McMillan,	Teller,
Bruce,	Hill of Colorado,	McPherson,	Thurman,
Call,	Hill of Georgia,	Morgan,	Voorhees,
Cameron of Pa.,	Ingalls,	Paddock,	Windom.
Cameron of Wis.,	Johnston,	Plumb,	

The PRESIDING OFFICER. There is no quorum voting.

Mr. WILLIAMS. I move a call of the Senate.

Mr. CONKLING. That is not in order.

Mr. BAILEY. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Tennessee will state his question of order.

Mr. BAILEY. It is whether it is competent for gentlemen to call for the yeas and nays who refuse to vote in answer to the call, whether the President can recognize a call for the yeas and nays by persons not present as evidenced by the vote.

The PRESIDING OFFICER. The call for the yeas and nays precedes the evidence of their being present or not present.

Mr. EATON. My friend from Tennessee is entirely out of order. There is only one course to pursue, and that is for the Chair to pursue his course and call the roll.

Mr. BAILEY. I recognize that. I want simply to call attention to the fact that Senators who call for the yeas and nays refuse to answer to their names. That is my purpose; that is all.

Mr. EATON. The only thing in order is a call of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll of the Senate.

The Secretary called the roll, and forty Senators responded.

The PRESIDING OFFICER. Forty Senators having answered to their names there is a quorum present, and the question recurs on the motion of the Senator from North Carolina that the Senate proceed to the consideration of executive business.

Mr. HOAR. I renew the motion to take a recess until half past nine. It is absolutely certain nothing will be gained by a series of roll-calls.

The PRESIDING OFFICER. Pending the motion of the Senator from North Carolina the Senator from Massachusetts moves that the Senate take a recess.

Mr. CONKLING. I ask permission of the Senate to make a remark which is entirely out of order without unanimous consent. If nobody objects I wish to state for myself that I understand that some Senators wish an executive session to act upon matters touching which I have a right to presume there will be no contest. To that, it seems to me, no one will object; certainly I do not. But if, on the other hand, the executive session be wished in order that now at three o'clock in the morning, in the absence of so many Senators, contested matters are to be acted upon, I, for one, will resist that motion and resist that purpose until the minute-hand reaches twelve to-morrow.

If we can have an understanding that we go into executive session to dispose of such matters (I have no right to allude to them) as involve no objection and debate, all can be done in a few moments.

Mr. SAULSBURY. I shall object. I shall demand as a member of this Senate if we go into executive session that we go there unconditioned and uncontrolled. I shall object to any arrangement of that kind.

Mr. CONKLING. The Senator from Delaware was very careful to ask me to yield, which I did with great pleasure, and I beg his pardon for interrupting him; but as I have the floor by unanimous consent I would simply conclude my observations by saying that I made this suggestion in the hope that it would preserve the rights of all and consist with the feelings of all. If I might assume as I thought I had a right to that nobody would wish to seek any advantage growing out of the hour of the night, I have only to say that if any Senator wishes to have acted upon in executive session a contested case in the absence of so many Senators, that case shall never be finally acted upon if I have the power within the rules of the Senate on my responsibility as a Senator to prevent it—never until the hammer falls to-morrow.

Mr. KERNAN. Mr. President, I wish to say that if we go into executive session I shall ask the Senate to proceed to the calendar and dispose of the cases in the order in which they stand. Of course I have no right to allude to any cases, but I shall ask that, because I think cases that have been here for many weeks should be acted upon, and I shall object to any arrangement by which certain cases are taken up and others passed by.

Mr. EATON. If Senators will permit me for one moment, I think we ought to go into executive session for this and for this only: There is before the Senate an important matter in which two nations are concerned, this nation and China; and if we go in at all I shall move the very moment we get there that we take up the treaties that have been by the commissioners of the two States arranged, and not any little petty nomination. That will be what I shall do.

Mr. BURNSIDE. The Senate is now nearly at a dead-lock and no business can be done. Let us have a compromise. I think it is useless to waste time in this way. I sympathize with the junior Senator from New York in the appointments that he speaks of; if we were in executive session I should vote for them; I am willing to say that in open session, but we cannot get into executive session. I have voted twice in the negative with a view to make a quorum, but we cannot go on this way all night, and I think it would be wise to take a recess or go into executive session with the understanding that only unobjected cases should be considered. We have not the time to consider the contested cases, but we had just as well look the matter in the face sensibly as not. If we remain in the condition we are now none of the cases will be acted upon, and a great many very worthy cases will be neglected and passed over. I think we had just as well look the matter in the face as not. I have voted twice, as the Senator from New York knows, in the negative, so as to feel that I was not obstructing business. I do not mean to criticise those who have not voted, because they are on my side of the Chamber and I vote with them as a rule on all questions of importance; but seeing a dead-lock now, I must be governed in the future by what I think to be right to my side of the Chamber. I do not think that any contested cases can be confirmed by the Senate. That is my deliberate opinion, and in view of that fact I ask that we go into executive session to take cognizance of the unobjected cases, or else take a recess until to-morrow at half-past nine; I do not care which.

Mr. KERNAN. Only a moment. The Senate will bear witness that for weeks and weeks in a proper, and, as I think, a moderate and modest way I have asked that we proceed to the consideration of executive business. It was with a view of disposing of cases, if they were contested cases, when there was time. When it comes, now so long as I am a member of the Senate, which will be but a very few hours, I shall, for one, vote against any course of action that will enable any one to get up and say, "If you attempt to act on that case it will be resisted until it is too late to act upon any." My judgment is that we owe it to ourselves and to our committees, and that the proper course of action is when we do go into executive session to take up the cases in their order, and that a case that it is said is to be contested is not to be forever postponed lest that should cost us some time and labor.

The PRESIDING OFFICER. Pending the motion of the Senator from North Carolina to go into executive session, the Senator from Massachusetts has moved that the Senate take a recess until half past nine o'clock.

Mr. CALL. I ask unanimous consent to make a remark. I hope the Senator from Rhode Island will withdraw his motion. There are Senators here who have been patiently waiting and doing their part to pass bills that have been passed by the House. There are several bills yet undisposed of, which I suppose will not excite any difference of opinion or any opposition, which have had no opportunity of being considered. Inasmuch as it is impossible that there should be any great discussion at this time, I ask that the Senate proceed to the consideration of House bills on the Calendar that have not been objected to. If any of them provoke discussion of any length it may be abandoned. There are some pension bills. The Senator from Indiana has a pension bill where the people are very old and probably will not live to another session of Congress. I have a bill in charge which is not a pension bill, but I suppose will not take long. I would ask, therefore, that the pending motion be withdrawn and that we go on with House bills of that kind.

Mr. BURNSIDE. I will state to the Senator from Florida that I have made no motion whatever.

Mr. CALL. I beg pardon.

Mr. BURNSIDE. I made no motion; the Senator from Massachusetts made it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts, that the Senate take a recess until half past nine to-morrow.

Mr. THURMAN. That is not the proper form in which to make that motion. "Half past nine o'clock to-morrow" will be when?

The PRESIDING OFFICER. The Chair added "to-morrow" without reflection. The motion is to take a recess until half past nine o'clock.

Mr. THURMAN. We can sit, according to the usage of the Senate, up to noon to-morrow, but it is all in legislative parlance Thursday. The right way is to move to take a recess for so many hours.

The PRESIDING OFFICER. The motion of the Senator from Massachusetts is that the Senate take a recess until half past nine o'clock.

Mr. BURNSIDE. I move to amend that by saying a recess of six and a half hours.

Mr. THURMAN. That is the right way. Now, Mr. President, I wish to say one word about this.

I really do not perceive the force of the remarks made by some of our friends on the left, that if we go into executive session we must go there to take up the calendar just as it stands and proceed with the cases whether there is objection or whether there is no objection. We do not do so with our legislative Calendar. The Senator from Florida has just proposed what we have done again and again, that we call the Calendar of House bills only, and then only take up such as there is no objection to. One of the rules under which we act and under which we have passed more bills than in any other way whatever, the well-known rule called the Anthony rule, provides for that very thing; a single objection stops a bill.

We have a very few brief hours left. I cannot say what business is pending before the Senate in executive session; but it is to be assumed from what has been said that there are cases to which objections are made, contested cases, and cases to which there is no objection. If we go into executive session, why should we not do precisely what we do with the legislative Calendar, passing on those cases where there is no objection and letting the others go by? I see nothing unfair in that; I see nothing that deprives any Senator of his right in that. We do it every day for an hour and a half under the Anthony rule with our legislative Calendar, and it seems to me to be a perfectly fair proposition that we should do the same thing with the executive calendar.

The appropriation bills are all through with, and I am perfectly willing to take a recess. I think perhaps that is just as well as any other course; but there are Senators who want certain business done in executive session, and who can have their wishes gratified if we will agree to do that to which no Senator has any objection.

Mr. BAILEY. I have only a little time to remain in the Senate, but I would be perfectly willing for any action to be taken, if it were not for a threat that has been uttered by a Senator on this floor to the effect that he intends, whatever may be the will of the Senate, whatever may be the wishes of his equals on this floor, whatever their conception of duty in regard to nominations to be made, to defeat and thwart that action, although it may take him until to-morrow at twelve o'clock. For that reason, and for that reason alone, I think that it is consistent with the dignity and the duty of the Sen-

ate to take its own course in regard to this matter; and therefore I move again that we shall go into executive session.

Mr. CONKLING. May I inquire whether the Senator from Tennessee refers to me?

Mr. BAILEY. I refer to the Senator from New York who, but a little while ago, made that threat.

Mr. CONKLING. The Senator asserts with some positiveness that I made a threat, and rather than simply to deny that I did I will restate myself. I said, and I repeat deliberately, understandingly, and ready to accept all of its responsibilities, that if certain members of this body will refuse at this hour in the morning, in the absence of so many Senators on this side to do as we usually do, and as the honorable Senator from Ohio has so well stated, and will seek (I say nothing about motives; I said nothing before about motives) an advantage growing out of the hour and out of the absence of Senators on this side to do that which with a full Senate could not be done, I will as a Senator say (I said before) under the rules of the Senate, as far as they permit me to do so, resist the consummation of that action until twelve o'clock to-day.

That is no threat. That is no statement for which the Senator from Tennessee has any right to arraign me. It is, on the contrary, that privilege, that duty, guaranteed to the minority, recorded in the rules of the Senate and cherished in all parliamentary bodies. I deny that it is a threat, and I repel whatever of imputation is conveyed in its being so characterized by the Senator from Tennessee.

I add one further remark. While I am honored with a seat in this body never knowingly will I defy the rules of the Senate; never will I transcend them; never will I do, even in resisting what I may deem an unfair advantage, anything save that which the rules of the Senate reserve to me as a member of the minority as the shield against aggression.

Mr. BAILEY. The nominations which have been made to the Senate have been made by a President who was voted for by the Senator from New York, belonging to the same political party, and surely the Senators who are in the majority in this body have no particular interest in either confirming or rejecting them. Although the Senator from New York spoke of the power of the majority of the Senate, and thereby intimated that the majority is a democratic majority, surely he must remember that every nomination that has been made by the President is a nomination of some person who belongs to his party and not to ours.

Mr. CONKLING. I should remember it if I knew it; but as I do not know it I cannot remember it.

Mr. BAILEY. I object not to the interruption. Surely the Senator knows the fact to be so. If he does not, I can say that so far as I am concerned I believe that every nomination which has been made has been made from one of the Senator's own party, one who would rally to his support if he were to-day a candidate for any great office in the country, one who would support him heartily and cheerfully. So we have no concern with that. The affairs of this Government must be conducted. Since I have been a member of the Senate I have been always willing to assist the Chief Executive, (one of the Senator's choice, voted for by him, not by me, resisted by me, but placed in office by himself and those who were associated with him,) in the administration of the affairs of this Government.

So there is nothing in all that the Senator says about a majority. Where is the minority? The minority, sir, is in accord with the President of the United States. The minority should be in accord with him who has made these nominations. I understood the Senator to say, and to say here in open session, that if we should go into executive session he would by every possible parliamentary means undertake to defeat any nomination that was disputed; I suppose, disputed by himself. Undoubtedly, unquestionably, the Senator from New York has the right to do that; no man can question his right to do that; but I speak of the threat that he made.

It was a threat. It was understood by every Senator upon this floor to be a threat that, "If you shall go into executive session, by every parliamentary means that is known to parliamentary law I will resist every effort that shall be made to confirm those to whom I object or who may be objected to by others." What does that mean? It is a threat, as I understand it. It is a threat, I think, as the Senate understand it. "You may go into executive session if you will, but if you do, your efforts will be of no avail." For that reason I called attention to it, and I do now again call attention to it.

In my judgment, the threat that has been made by the Senator should be resisted by the Senate of the United States, for this is a body of equals. However we may be inferior in point of ability one to another; however humble we may be in comparison with other gentlemen, we are here the representatives of the States of this Union, and each man in virtue of his position upon the floor of the Senate is the peer of every other Senator here. If we go into executive session, we shall go into it as we ordinarily have done, for the purpose of transacting the business that is before us, and is to be performed in the discharge of a public duty. If parliamentary methods may be used there in executive session, where the public will be excluded, in order to defeat certain nominations, let it be done there; but let no threats be made here. Let it be understood that we have no autocrat, that we have no one here who can dominate over and control the Senate of the United States.

I trust the Senate will go into executive session and permit the Senator from New York or any other Senator to employ all his ability, to bring into use every parliamentary method, to defeat nominations which may be considered there; but let no such threat as that go out to the country. For myself I defy such threats. I say they will have no influence upon me; I trust they will have no influence upon the minds of the Senators who are present.

The PRESIDING OFFICER. The Chair will read the rule, which will be rigidly enforced hereafter:

43. * * * And the motions relating to adjournment, to take a recess, to proceed to executive business, and to lay on the table, shall be decided without debate.

The question is on the motion of the Senator from Massachusetts, [Mr. HOAR,] to take a recess.

The motion was not agreed to.

Mr. VOORHEES. What is pending now before the Senate?

The PRESIDING OFFICER. The question recurs on the motion of the Senator from North Carolina, to proceed to the consideration of executive business, which is not debatable.

Mr. CONKLING. Let us have the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion.

The Secretary proceeded to call the roll.

Mr. HAMPTON, (when his name was called.) I have heretofore announced my pair with the Senator from Maine, [Mr. HAMLIN,] except that I can vote if my vote is necessary to make a quorum.

The roll-call was concluded.

Mr. WILLIAMS. I desire to call the attention of the Senate to Rules 16 and 17.

The PRESIDING OFFICER. That is not in order now.

Mr. WILLIAMS. It is exactly in order.

Mr. CONKLING. The Senate is dividing. I demand the regular order.

Mr. HARRIS. Let the Clerk report the negative vote.

The PRESIDING OFFICER. The vote is being taken.

Mr. WILLIAMS. The rule requires that after the roll is called and before the vote is announced proceedings shall be taken in regard to those who decline to vote.

Mr. HARRIS. Let the Clerk report the persons who voted in the negative, and then I want Rule 17 read and enforced.

Mr. WILLIAMS. Rules 16 and 17.

The SECRETARY. No one has voted in the negative.

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New York will state his question of order.

Mr. CONKLING. My point of order is that the Senate is dividing. The roll has been called; the names have been read, and I demand the announcement of the vote.

Mr. WILLIAMS. I deny the right to announce the vote.

The PRESIDING OFFICER. The point of order has been made——

Mr. WILLIAMS. I call the attention of the Senate and of the Presiding Officer to Rule 17.

The PRESIDING OFFICER. The Senator will please cease his remarks until the Chair determines the question of order.

Mr. THURMAN. Let the Chair decide.

Mr. CONKLING. It is not debatable.

Mr. WILLIAMS. Let Rule 17 be read, and it will be seen that I am correct.

The PRESIDING OFFICER. The Chair will direct the reading of Rule 17. The Clerk will read the rule.

The Chief Clerk read as follows:

When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them, the Presiding Officer shall thereupon submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll shall have been called and before the result of the vote is announced; and any further proceedings by the Senate in reference thereto shall be after such announcement.

Mr. WILLIAMS. I insist on the enforcement of that rule.

Mr. CONKLING. Now let us hear the Chair rule.

The PRESIDING OFFICER. The Chair rules upon this question in accordance with what has been ruled, as the present occupant of the chair understands, for the past six years, that you cannot compel a Senator to vote.

Mr. THURMAN. Then we ought to abolish the rule.

Mr. WILLIAMS. We can certainly compel a Senator to vote who refuses to vote.

Mr. HARRIS. Mr. President——

Mr. CONKLING. Is debate in order?

The PRESIDING OFFICER. The Chair will state further——

Mr. HARRIS. The Chair can enforce the rule even though he cannot force a Senator to vote.

Mr. CONKLING. Not at all.

Mr. HARRIS. It is the duty of the Chair, under the plain literalism of this rule, to have the names of Senators present who failed to vote called in order that they may assign the reasons why they did not vote, and put the question whether they shall be excused.

Mr. BURNSIDE. Is debate in order?

The PRESIDING OFFICER. The Chair cannot decide the presence or absence of Senators except as they answer to the roll-call.

Mr. WILLIAMS. That is wrong.

Mr. CONKLING. Not at all.

Mr. HARRIS. Does the Chair not recognize the fact that the Senator from New York who raises the question of order is present? If not present he could not raise the question of order; and if present he is present, and the Chair must know he is present, if he entertains the question of order raised by the Senator.

Mr. CONKLING. The Senator from New York calls the Senator from Tennessee to order.

The PRESIDING OFFICER. Debate is out of order.

Mr. CONKLING. And insists that this motion is not debatable.

The PRESIDING OFFICER. The Senator from New York is not in order, and no other Senator is in order.

Mr. CONKLING. Very well; that is what I say.

Mr. THURMAN. If the Chair decides that when proceedings are to be taken for the excuse of Senators or for their censure, if we can censure them without having previously established any rule on the subject, and that there is no debate on such a matter as that, I most respectfully appeal from the decision of the Chair. This is a very singular proceeding. It grew out of the fact that some years ago some Senators, and I confess I was one of them, refused to vote. When we were mentioned by name and a Senator demanded that we should give our reasons for not voting, we sat still. Nothing came of that. Then came this rule upon the revision of the rules, that these proceedings should take place before the vote was announced, but there is nothing in it which says that a Senator is to be tried and convicted and sentenced without debate. I say, therefore, that if any one names a Senator here and requires the Chair to ask why he did not vote and to give his excuse for not voting, that is a debatable question.

Mr. WILLIAMS. Am I to understand——

Mr. INGALLS. I wish to ask the Senator from Ohio a question——

Mr. WILLIAMS. I rise for information.

The PRESIDING OFFICER. The Senator from Ohio will answer the Senator from Kansas.

Mr. INGALLS. I ask if the Senator thinks the Chair has a right to call upon any Senator to assign his reasons without an order of the Senate?

Mr. CONKLING. Certainly not.

Mr. THURMAN. I do not remember exactly the language of the rule, but I would say that the Chair can. Will the Chair have the rule read again?

Mr. CONKLING. I wish the Chair to read Rule 40.

The PRESIDING OFFICER. Rule 17 is as follows:

When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them, the Presiding Officer shall thereupon submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll shall have been called and before the result of the vote is announced; and any further proceedings by the Senate in reference thereto shall be after such announcement.

Mr. CONKLING. Will the Chair now read Rule 40?

The PRESIDING OFFICER. The Secretary will read Rule 40.

Mr. CONKLING. Simply to show that no debate is in order now.

Mr. EATON. Rule 40 does not apply to this question at all.

The PRESIDING OFFICER. All this is being done by unanimous consent.

Mr. CONKLING. I object to it.

Mr. CAMERON, of Pennsylvania. I move that the Senate take a recess for six hours.

The PRESIDING OFFICER. The motion is not in order. Rule 40 is as follows:

A question of order may be raised at any state of the business, except when the Senate is dividing, and, when raised, shall be decided by the Presiding Officer, without debate, subject to an appeal to the Senate; or he may submit any question of order for the decision of the Senate.

Mr. CONKLING. I demand the execution of that rule.

Mr. EATON. Mr. President——

The PRESIDING OFFICER. The Chair will rule upon this question, and then if any appeal is taken the question will be submitted to the Senate, and it is the only way that business can be conducted.

Mr. WILLIAMS. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. It is this: I understand that the decision of the Chair is that Rule 17 is no rule at all.

The PRESIDING OFFICER. Is that a parliamentary inquiry, the Chair will ask?

Mr. EATON. I propose, in the very best temper in the world, to reduce this matter to a proper point. The suggestion of my friend from New York that Rule 40 should be read does not apply to this question, as I will show in a moment if it is necessary. We are now under Rule 17, which is this:

When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them, the Presiding Officer shall thereupon submit the question to the Senate.

In order to test the whole question about Rule 17 and Rule 40, I move that the Senator from New York shall assign his reasons for not voting when his name was called.

Mr. THURMAN. That is the right way to bring it up.

Mr. CONKLING. I rise to a question of order, saying meanwhile to my friend that I will assign my reasons whenever the Senate, thereby meaning the quorum, direct me to do so. I have heard the Senator's motion put and tested in this body before, and I am very well prepared for it, I think; but first I insist upon the Chair ruling on the question of order which is before it, and which the rule declares shall be decided without debate. What the honorable Senator from Connecticut can do after that is another question, but when a question of order is raised it must be decided and without debate. I ask respectfully for that decision.

Mr. EATON. One word.

Mr. CONKLING. The Senator is out of order.

Mr. EATON I beg pardon.

Mr. CONKLING. That is the question submitted to the Chair. I ask the Chair to rule whether the Senator is out of order or not.

Mr. EATON. That is the very question I propose the Chair shall rule upon.

Mr. CONKLING. So do I.

Mr. EATON. Very well; then hear me one moment.

Mr. CONKLING. I want to hear the Chair.

Mr. EATON. The Senator had better hear me first.

Mr. CONKLING. I would rather hear the Chair.

Mr. EATON. I would rather be heard.

Mr. CONKLING. I know the Senator would; but I would rather hear the Chair.

Mr. EATON. This matter might as well be decided properly.

Mr. BAYARD. Read Rule 16 first.

Mr. EATON. I will take first Rule 16:

When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question.

Then comes Rule 17. We will see whether the question of order can be interposed until after another matter is determined:

17. When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them, the Presiding Officer shall thereupon submit the question to the Senate.

I have required, under this rule, that the Senator from New York shall assign his reasons for not voting, and no question of order can be interposed.

Mr. CONKLING. Will my friend allow me to point out his error?

Mr. EATON. Certainly.

Mr. CONKLING. It consists in this: he has required me; but the Senator is not the Senate.

Mr. EATON. I ought to be so far as this question is concerned.

The PRESIDING OFFICER. The Chair will rule that this discussion is out of order; and for information the Chair will have read a compilation of the action of the Senate so far as the Chair can obtain in regard to it.

Mr. HARRIS. Will the Chair allow me to suggest——

The PRESIDING OFFICER. By unanimous consent it can be done.

Mr. HARRIS. Rule 17 has been changed since that compilation.

Mr. CONKLING. The regular order, Mr. President.

Mr. HARRIS. Rule 17 is not what it was.

Mr. CONKLING. I demand the regular order.

The PRESIDING OFFICER. The Chair will order the compilation to be read by the Clerk.

Mr. BAYARD. At what page?

The PRESIDING OFFICER. At page 24.

The Chief Clerk read as follows:

The yeas and nays are ordered and the roll is being called; several Senators when their names are called make no response. A Senator inquires of the Chair [Mr. CARPENTER] when would it be proper for him to call the attention of the Senate to the fact that several Senators sitting in their seats when their names were called by the Secretary had refused to vote? The Chair [Mr. CARPENTER] ruled that the roll-call could not be interrupted by other proceedings; but that after that was finished and the names of the Senators voting had been read over by the Secretary, and before the announcement of the result, the question raised by the Senator would be in order. Mr. THURMAN appealed from this ruling of the Chair; and after debate (Congressional Globe, February 23, 1871, 1602,) the Chair reversed his decision, and ruled that no motion or other proceedings could be interposed between the calling of the yeas and nays and the announcement of the vote.—*Senate Journal, Third Session Forty-first Congress*, 335, and *Congressional Globe*, 1602.

NOTE.—The rulings of the Chair and the action of the Senate upon this question are confused and unsatisfactory.

Mr. THURMAN. That ruling, I remember it very well, was made before this Rule 17 was adopted as it now stands. I made the point then that I could not be called upon (for I was one of the recusant Senators) while the roll was being called and until the vote was announced; and for the very purpose of getting rid of that argument when they came to revise the rules they put in this provision:

And these proceedings shall be had after the roll shall have been called and before the result of the vote is announced.

That was put in expressly for the purpose of doing away with that decision. That decision was perfectly right at the time that it was made under the rules as they stood.

Mr. President, I hope I will be allowed to say a word further. The Senator from Connecticut has taken the only course that is proper to be taken. He has moved that a Senator here shall be required—naming him—to assign his reason for not voting. That is a perfectly proper motion under Rule 17 before the vote is announced, but then it takes a majority of the Senate to make the requirement. No one Senator can make it. It requires a vote of the Senate to make it; and then what condition will we be in? He shall be required. Required by whom? Required by the Senate. The rule does not say

he shall be required by the Chair; it does not say that any single Senator may require him.

Mr. HARRIS. The Senator from Ohio will allow me to suggest that under the very literalism of that rule it is the duty of the Chair to direct the Clerk to call the name of a Senator who is present who has failed to vote.

Mr. THURMAN. I say again that when the rule says he shall be required, it must mean that he shall be required by the Senate. There is nothing to authorize the presiding officer of the Senate to require it. Therefore what is the result of all this proceeding? The question now before the Senate, the only question that is in order, is upon the motion made by the Senator from Connecticut that the Senator from New York be required to state his reasons for not voting. We will have the yeas and nays on that, our friends over here will not vote, we will have no majority of a quorum, and then we will be where we are now; the whole thing will come to nothing. I have seen it tried so often that I am sick of it, and I move that the Senate take a recess for six hours.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. The Chair rules that the motion of the Senator from Ohio to take a recess is not now in order; and the Chair, in its decision of the question of order, will direct a further reading of the compilation, and will then decide, and the Chair will not entertain further debate on the question.

The Chief Clerk read as follows:

NOTE.—The rulings of the Chair and the action of the Senate upon this question are confused and unsatisfactory. Taking the sixteenth rule as the ground of proceeding, the proper time to require a Senator to vote would seem to be when his name is called by the Secretary. It is then that he is to give "special reasons" for refusing to vote, of which the Senate alone is to judge—and this judgment is to be rendered without debate and by a vote of the Senate. If a Senator is present and refuses to vote when his name is called, and he is not then called upon, or required to give, or does not offer to give, "special reasons" why he should be "excused by the Senate," it might well be held that the Senate has waived its privilege as to him, and the calling of the next name on the roll, with a response thereto, forecloses the question, and he cannot afterward be challenged. The Senate has no right to compel or force a Senator to vote if, in the discharge of his duty, he should think fit to remain silent on a question. All it can do under its rule is to require of him "special reasons" for withholding his vote. These, when assigned, it may judge to be unsatisfactory; and if upon such judgment he should still refuse to vote, it is for the Senate to deal with him afterward, and upon a subsequent proceeding; and in the mean time the roll-call is to proceed to a conclusion, that the question in hand may be disposed of in order.

The Senate has no power over the voice of any of its members. It can only declare the reasons assigned for not voting insufficient or unsatisfactory. It may in such case, where a Senator still remains mute, reprimand or censure him; but this is the extent of its power. It cannot compel that voice which he may be resolved, for reasons however unsatisfactory to the Senate, still sufficient for him not to give. The record of the Senate is thus made up, and for the part he may have in it he is responsible to the State and the people whom he is supposed to represent. The Senate may exercise a larger discretion in dealing with a contumacious witness who refuses to testify, than with a Senator who refuses to vote. In the case of a witness, he refuses to disclose the truth which the Senate, for the purposes of justice, has a legal right to require of him; in the case of a Senator, he simply refuses to exercise a right which the Constitution gives him without qualification as to how he shall exercise, or whether he shall exercise it at all—leaving the matter entirely at his own discretion.

The practice of the Senate in permitting its members without question or challenge, to withhold their votes, whenever they have thought fit to do so, has been so uniform and unbroken that, so far as precedent can make it so, it has become an absolute parliamentary right, and cannot be questioned without reversing the steady practice upon which the members of the body have a right to rely as their protection in the exercise of their discretion in giving or withholding their votes.

In the case to which this note is appended the ground upon which certain Senators, being present, refused to vote, were, under the sixteenth rule, required to answer to their names, was that such refusal would leave the Senate without a quorum, and thus obstruct its business; but the absence of a quorum is provided for, however imperfectly, by the eighth rule, and under that rule all subsequent proceedings are to be had until a quorum shall appear in the Chamber.

From all this it would seem to be the most orderly way of proceeding to require a Senator, when his name is called, either to vote or give to the Senate "special reasons," as required by the sixteenth rule, for not voting. Should he decline to to do either, or should he give reasons which the Senate, by a vote, shall pronounce unsatisfactory, and he should still withhold his vote, the roll-call is to proceed to a conclusion, and the Senator is to be dealt with by the Senate by a separate proceeding afterward—and this that the question before the Senate may be disposed of in an orderly way, and not be complicated nor shoved out of the way by another and totally different one. Should a Senator refusing to vote not be challenged at the time his name is called, and the call be proceeded with, the right to challenge should be considered as waived and he exempt from further question; for what says the rule? "Each Senator called upon shall, unless for special reasons he be excused by the Senate, declare, openly and without debate, his assent or dissent to the question." (See ruling of the Chair, (Mr. CARPENTER,) Senate Journal, third session Forty-first Congress, 355.)

The PRESIDING OFFICER. The Chair will state that Rule 16 referred to there is not precisely the same as Rule 17. It corresponds in part with Rule 16 as we now have it, and embraces also a part of Rule 17. The Chair decides that the Chair has no right on his own motion to require a Senator declining to vote to assign his reasons.

Mr. EATON. May I take——

The PRESIDING OFFICER. The Chair decides that when a Senator alleged to be present has declined to vote, and before the announcement of the roll-call a Senator moves the Senate that that Senator, naming him, is present and has declined to vote, and that he be required to assign his reasons, that question must then be decided, and by the Senate, without debate.

Mr. EATON. Then, of course, there is no Senator so foolish as to put a question of that sort.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut.

Mr. EATON. No; I withdraw it.

Mr. CONKLING. Now, let us hear the vote if we may.

Mr. HARRIS. Let the Chair state what the question is before the Senate.

The PRESIDING OFFICER. The question is on announcing the vote. The Senator from Connecticut moved that the Senator from New York be required to assign his reasons, and the Chair proposed to submit that to the Senate, that they might or might not require him to assign his reasons. The Chair declines to peremptorily order any Senator to assign his reasons.

Mr. EATON. I beg the Chair's pardon.

The PRESIDING OFFICER. Thereupon the Senator from Connecticut withdrew his motion.

Mr. EATON. The Chair is mistaken. The Senator from Connecticut made no such motion as to move the Senate to order the Senator from New York to assign his reasons. He asked the Presiding Officer to order that the Senator from New York give his reasons. It would be very foolish in the Senator from Connecticut to ask a Senate that refuses to vote to order another Senator to vote.

Mr. CONKLING. The regular order.

The PRESIDING OFFICER. The Chair will announce the result of the vote on the motion of the Senator from North Carolina to proceed to the consideration of executive business.

The result was announced—yeas 36, nays 0; as follows:

YEAS—36.

Bailey,	Eaton,	Kernan,	Slater,
Baldwin,	Farley,	Lamar,	Thurman,
Bayard,	Ferry,	McDonald,	Vance,
Beck,	Garland,	McPherson,	Vest,
Butler,	Groome,	Maxey,	Walker,
Call,	Harris,	Morrill,	Wallace,
Cockrell,	Hereford,	Pendleton,	Whyte,
Coke,	Hoar,	Ransom,	Williams,
Davis of W. Va.,	Jonas,	Saulsbury,	Withers.

NAYS—0.

ABSENT—39.

Allison,	Conkling,	Johnston,	Plumb,
Anthony,	Davis of Illinois,	Jones of Florida,	Pugh,
Blaine,	Dawes,	Jones of Nevada,	Randolph,
Blair,	Edmunds,	Kellogg,	Rollins,
Booth,	Grover,	Kirkwood,	Saunders,
Brown,	Hamlin,	Logan,	Sharon,
Bruce,	Hampton,	McMillan,	Teller,
Burnside,	Hill of Colorado,	Morgan,	Voorhees,
Cameron of Pa.,	Hill of Georgia,	Paddock,	Windom.
Cameron of Wis.,	Ingalls,	Platt,	

The PRESIDING OFFICER. No quorum has voted.

Mr. CONKLING. Regular order.

Mr. THURMAN. What is the regular order?

Mr. INGALLS and others. The call of the roll.

Mr. McDONALD. We have reached a point in this case which has been reached several times since I have been a member of the Senate, and which very clearly discloses the fact that in the present condition of things the rules of the Senate are insufficient to enable it to conduct business.

Mr. CONKLING. The Senator is out of order.

Mr. McDONALD. I am speaking by general consent; so far nobody has objected. A quorum of the Senate consists of a majority of Senators duly chosen. If they are present in the Senate Chamber they constitute a quorum of the Senate competent to transact business. The rule requires that that majority shall be present in the Senate Chamber, and when that majority is present there is a quorum for the transaction of business. I do not understand from the rules that this can only be disclosed by the votes cast by the Senators present upon a call of the yeas and nays. The failure of Senators in the Senate Chamber to vote cannot withdraw their presence from the Senate Chamber so as to destroy the quorum; but as the rules relating to voting do not possess the necessary authority to compel a Senator to answer when his name is called, and are framed upon the assumption that each Senator will thus answer unless he is able to render such an excuse to the Senate as will be satisfatory to it, it is very evident that upon his declining to vote there is no power under these rules to force him to vote in order to proceed any further.

In my State this same difficulty has been encountered, and the legislative rules of the Legislature of Indiana now provide for it. They provide for it by requiring the officer who calls the roll to note the Senators present, those voting and those not voting; and if counting those who have voted, either yea or nay, and those present not voting, there is a quorum, then the proposition is passed in the affirmative or negative, as the majority of the yeas or nays may be. Until the rules of the Senate of the United States, having been found insufficient in this particular, are thus changed, there is but one mode of being able to conduct business while a minority of the Senate are unwilling to respond to their names, and that is by the majority having the force and power in and of themselves to go on without regard to the minority. There must therefore, under these rules as they have been applied since I have been in the Senate, be a quorum of Senators present willing to vote and to record their votes in order that business may be transacted.

Mr. BAYARD. May I interrupt the Senator for a moment?

Mr. McDONALD. Yes, sir.

Mr. BAYARD. I have seen this rule enforced, and I have yielded a

ready obedience to it when read to me for the purpose of producing a quorum in the Senate. It is the very object of it; and therefore to give such a construction to the rule as is contended for now simply makes it perform suicide. You reduce the rule to an absurdity by declaring that when it is required to produce the proof of the presence of a quorum it shall be inefficient for the very end for which it was designed; it is a *reductio ad absurdum*.

Mr. McDONALD. It has been reduced to an absurdity in the Senate again and again, and it is being reduced to an absurdity here to-night. Suppose the Senator from Delaware when called upon had refused to vote?

Mr. BAYARD. The Senator from Delaware obeys the rules.

Mr. CONKLING. Now if the Senator from Indiana yields to anybody else I shall object.

Mr. BAYARD. I do not break them; I never did.

Mr. CONKLING. I rise to a question of order. It is enough, I humbly submit, that without a quorum and in violation of the rules one Senator proceeds in a line of remark which he does not intend as a lecture but which sounds a little like it. When he comes to yield to other Senators to contribute all around, with great kindness to him, I object, and I demand the regular order.

Mr. THURMAN. What is the regular order?

Mr. CONKLING. The regular order is to call the roll, or else to adjourn, or take a recess; and the rule declares expressly that no business or debate shall go on.

Mr. McDONALD. I say that there is a quorum present.

Mr. WITHERS. I want to ask the Senator from New York how he can invoke the protection of the rule when he violates it first?

Mr. CONKLING. I deny that I violate any rule. The record discloses that no quorum is here; the rule declares that no business shall be done; and I respectfully submit the point of order, and object to the doing of any business save that which the rule points out, namely, calling the roll, or taking a recess, or adjourning, those things being within the power of less than a quorum.

Mr. WITHERS. And Rule 17 requires every Senator to vote.

Mr. CONKLING. I call the Senator to order.

Mr. WITHERS. I call the Senator to order himself.

Mr. CONKLING. I have submitted a point of order as I have a right to do.

Mr. WITHERS. I submit that the Senator has no right to violate the rules of the Senate as he has done.

Mr. CONKLING. I have not violated any rule.

Mr. McDONALD. I deny that there is no quorum of Senators present in this Chamber. All that is required is that there shall be present a majority of Senators duly chosen and sworn; and I say that there is such a majority present, as every Senator here knows there is such a majority present, and if a portion of them are unwilling to answer to their names when called upon the roll, that does not absent them from the Chamber.

Mr. ANTHONY. I call the Senator to order.

The PRESIDING OFFICER. The Chair has tried to rule Senators down time and again, he will state in answer to the Senator from Rhode Island, but Senators decline to be ruled down. The Chair feels a delicacy in compelling them. The whole proceeding is out of order.

Mr. ANTHONY. I rise to make a motion which is in order, and I rise in behalf of the tired and sleepless officers of this body. There is barely time now to put this Chamber in order for the inaugural ceremonies, and if we wait much longer the floors will not be swept, the chairs will not be arranged, and the proceedings cannot go on orderly and decorously. I move that the Senate take a recess until half past nine o'clock this morning.

Mr. CONKLING. Say ten o'clock.

Mr. RANSOM. That motion is not in order except by unanimous consent.

Mr. ANTHONY. It is in order.

Mr. RANSOM. I ask the Chair if it is in order.

Mr. THURMAN. I wish to say a word on that. It is in order if there is a quorum here. If there is not a quorum it is not in order. When there is not a quorum present the only motion that can be made is for a call of the Senate or an adjournment.

Mr. CONKLING. Or an adjournment to a time certain.

Mr. THURMAN. There is no motion for a recess provided by the rule; but I say with my friend from Indiana, there is a quorum here; and I say that when the Army bill was under consideration, and our friends over here were filibustering, being then in the chair, I counted the Senate and declared there was a quorum, and I was sustained by the Senate in holding that there was a quorum, although at the last taking of the yeas and nays a quorum had not voted. But the simplest way in the world about this matter, if anybody doubts whether that ruling was right, although the record will show it was acquiesced in, and that I was sustained in it again—if there is any doubt of that let the list of the Senators be called, and that will disclose a quorum, and then the motion of the Senator from Rhode Island will be in order, and I will cheerfully vote for it.

Mr. ANTHONY. The Chair can decide now as the Chair very properly did at the time the Senator from Ohio refers to, and ascertain from his own observation that there is a quorum present.

Mr. THURMAN. Yes, he can do that, and therefore no call of the Senate is necessary.

The PRESIDING OFFICER. The Chair has counted forty Senators in the Senate Chamber, and as the Chair is advised it has heretofore been the decision in such a case, the Chair will adhere to that decision, and decide that there is a quorum present.

Mr. SAULSBURY. I then renew the motion that the Senators who declined to answer to their names when called be now required to answer.

Mr. ANTHONY. I interpose a motion for a recess, which is in order.

Mr. CONKLING. Say until ten.

Mr. ANTHONY. I think we had better take a recess until half past nine. I will move that the Senate take a recess for five hours.

Mr. HARRIS. Does not the rule require that when less than a quorum is shown no motion is in order except a call of the Senate or a motion to adjourn?

The PRESIDING OFFICER. The Chair has decided, in pursuance of the decision which has been stated to have been made by the Chair heretofore, that he had a right to count the Senators and determine whether there was a quorum present. The Chair did that, and determined that there is a quorum present, which was in lieu of calling the roll, and ascertaining the fact in that way.

Mr. HARRIS. I do not deny that a quorum is present. I grant that a motion to take a recess is in order.

The PRESIDING OFFICER. The Chair has counted forty Senators.

Mr. ANTHONY. I move that the Senate take a recess for five and a half hours.

The PRESIDING OFFICER. The Senator from Delaware [Mr. SAULSBURY] made a motion. The Senator from Delaware will please state his motion again.

Mr. BURNSIDE. Does not the motion to take a recess have precedence?

The PRESIDING OFFICER. The Chair will permit the motion of the Senator from Delaware to be stated, and then the Chair will rule on it.

Mr. SAULSBURY. The Chair having announced that a quorum is present, I now renew the motion that Senators declining to answer when their names were called be called on to make an excuse for not answering.

The PRESIDING OFFICER. The Senator from Delaware has made the motion which he has stated, pending which the Senator from Rhode Island [Mr. ANTHONY] moves that the Senate take a recess for five and a half hours. The question is on the motion of the Senator from Rhode Island.

The question being put, a division was called for; and the ayes were 22.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 30; as follows:

YEAS—23.

Anthony,	Ferry,	Logan,	Rollins,
Baldwin,	Hill of Colorado,	McMillan,	Saunders,
Blair,	Ingalls,	Morrill,	Teller,
Burnside,	Jones of Nevada,	Paddock,	Thurman,
Cameron of Pa.,	Kellogg,	Platt,	Windom.
Conkling,	Kirkwood,	Plumb,	

NAYS—30.

Bailey,	Garland,	McDonald,	Voorhees.
Bayard,	Groome,	Maxey,	Walker,
Beck,	Hampton,	Pendleton,	Wallace,
Butler,	Harris,	Ransom,	Whyte,
Call,	Hereford,	Saulsbury,	Williams,
Cockrell,	Jonas,	Slater,	Withers.
Coke,	Kernan,	Vance,	
Eaton,	Lamar,	Vest,	

ABSENT—22.

Allison,	Davis of Illinois,	Hamlin,	Morgan,
Blaine,	Davis of W. Va.,	Hill of Georgia,	Pugh,
Booth,	Dawes,	Hoar,	Randolph,
Brown,	Edmunds,	Johnston,	Sharon.
Bruce,	Farley,	Jones of Florida,	
Cameron of Wis.,	Grover,	McPherson,	

So the motion was not agreed to.

Mr. THURMAN. Is there any unfinished business? Is there a bill pending before the Senate?

Mr. VOORHEES. Yes, sir; plenty of business. I am trying to make a motion on that subject.

The PRESIDING OFFICER. The question recurs, if no other motion has intervened, upon the motion of the Senator from North Carolina that the Senate proceed to the consideration of executive business. There is no unfinished business. The yeas and nays have been ordered upon the motion of the Senator from North Carolina.

Mr. VOORHEES. I was going to observe, if the Chair could observe me, that I desire unanimous consent to proceed to the consideration of House bills that have been favorably reported to this body by its committees. There are such bills upon the Calendar; and as we have wasted nearly all night we might as well spend the rest of the time in doing something that will ease a few aching hearts in or about this Capitol and throughout the country. I think that is the most practical way of spending the last hours of this night.

If I am in order, and I do not suppose I am, for I hardly ever am, for I profess to know but very few rules of this body, it is one of the

subjects that I cannot comprehend by even close study, but if I am in order I desire now to state a few things which I would have stated awhile ago if the Senate had required my friends who did not vote on the question of going into executive session to give the reasons therefor.

I may be wrong, but I feel really indifferent upon the subject of the recent nominations of officers to this body by the President of the United States. I cannot say that I feel unkindly to him, or that I feel disappointed in anything he has done, because I had no right to expect much; but there are things which it is not proper for me to speak of in open session. There have been instances of unfairness and of partisanship in the recent flood of nominations which came here, which relieve me in my own conscience of any anxiety or desire to act upon what the President has done, and if the presence was a different one from what it is now, I would state more fully the reasons for my conduct. I have not voted for or against these motions for executive sessions simply because I feel as indifferent on the subject as the flabby nature of the circumstances require.

I look upon the nominations as just well enough to be made over again. I do not know that we on this side of the Chamber will fare any better with the incoming Administration than we have with the outgoing one; but I am willing to take my chances for a fair look at a man's merits in those nominations which have been sent to the Senate. I do not think any Senator will say that I shrank from my duties to my party on this side of the Chamber, nor do I think any one will say that I shrink from my sense of duty if I differ from my party in this Chamber.

I wished to say this much in explanation to my colleagues and associates on this side of the Chamber as well as on the other side. I have not voted on the question of going into executive session. I would have voted against going in except for the fact that personal friends whom I esteem and cherish wanted an executive session. I did not want it, and did not care for it. I care nothing on the subject of the nominations which are before this body now; they give me no concern whatever; and that is the explanation I would have given if I could have done so at the proper time. I have been so indifferent as not to record my vote on that subject, although sitting in my seat.

The PRESIDING OFFICER. The Chair decides that the question before the Senate now is the motion of the Senator from North Carolina to proceed to the consideration of executive business, upon which the yeas and nays have been ordered.

Mr. TELLER. I move to lay that motion on the table.

Mr. HARRIS. Now I ask for the yeas and nays.

Mr. CONKLING. That leaves legislative business in order, I believe.

Mr. CAMERON, of Pennsylvania. Would it be proper to go on with legislative business?

Mr. CONKLING. If this is laid on the table it will be in order.

Mr. CAMERON, of Pennsylvania. I think we had better go to the Calendar.

Mr. RANSOM. Is it in order to lay a motion for an executive session or to adjourn, on the table?

The PRESIDING OFFICER. The Chair thinks not, and the Chair will so decide. The question is on the motion of the Senator from North Carolina, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HAMPTON, (when his name was called.) I am paired with the Senator from Maine, [Mr. HAMLIN.]

The roll-call having been concluded, the result was announced—yeas 33, nays none; as follows:

YEAS—33.

Bailey,	Ferry,	McPherson,	Vest,
Baldwin,	Garland,	Maxey,	Walker,
Bayard,	Groome,	Morrill,	Wallace,
Beck,	Harris,	Pendleton,	Whyte,
Butler,	Hereford,	Ransom,	Williams,
Call,	Jonas,	Saulsbury,	Withers.
Cockrell,	Kernan,	Slater,	
Coke,	Lamar,	Thurman,	
Farley,	McDonald,	Vance,	

NAYS—0.

ABSENT—42.

Allison,	Davis of Illinois,	Ingalls,	Plumb,
Anthony,	Davis of W. Va.,	Johnston,	Pugh,
Blaine,	Dawes,	Jones of Florida,	Randolph,
Blair,	Eaton,	Jones of Nevada,	Rollins,
Booth,	Edmunds,	Kellogg,	Saunders,
Brown,	Grover,	Kirkwood,	Sharon,
Bruce,	Hamlin,	Logan,	Teller,
Burnside,	Hampton,	McMillan,	Voorhees,
Cameron of Pa.,	Hill of Colorado,	Morgan,	Windom.
Cameron of Wis.,	Hill of Georgia,	Paddock,	
Conkling,	Hoar,	Platt,	

Mr. SAULSBURY. I ask now that the names of Senators who are present in the Chamber and have not answered to their names be called to make their excuses for not answering.

The PRESIDING OFFICER. The Chair decides that the motion is too late after the announcement.

Mr. SAULSBURY. There has been no announcement except of how many voted, but no announcement of the result.

Mr. HOAR. I suggest to my friend from Delaware that his suggestion comes too late; it should have been after the reading by the Clerk of the names of those who had voted before the announcement. Now that the vote has been passed it is not in order to demand that which the Senator now demands.

The PRESIDING OFFICER. That is just what the Chair decides.

Mr. HARRIS. But, Mr. President, I desire to move a call of the Senate. I am quite aware of the rule which makes it the duty of the Chair to require the roll to be called when a vote has developed less than a quorum, and I ask a call of the Senate with a view of moving that absent Senators be required to attend.

Mr. VOORHEES. Will the Senator indulge me in one word? I have never known a system of coercion to obtain votes in the other House or here. You may say we ought to do it; but we cannot do it. I was once a member of a very slight minority in the House during the war; my most distinguished and excellent friend on my right, the Senator from Ohio, [Mr. PENDLETON,] was there also, when we resorted to what we thought our rights—fell back upon them—and, though few in number, we were never coerced to depart from our line of conduct, and it was just as impossible to do so as it is to make a horse drink that you have taken to the trough; if he does not want to do it, you cannot make him do it. We are spending our time here on a proposition which it is manifest we shall not succeed in, and I do hope the Senate, if we are to stay in session here, will take up some bill that will do some good and help somebody. For the sake of the Senator from North Carolina, for the sake of other Senators, I, personally, would be glad to see them have their wishes accomplished.

Mr. HARRIS. Will the Senator from Indiana allow me to suggest to him that the motion of the Senator from North Carolina is pending, that the Senate proceed to the consideration of executive business, and the yeas and nays having been ordered, the Senator from North Carolina cannot withdraw the motion if he would.

Mr. THURMAN. He can withdraw it by unanimous consent.

Mr. HARRIS. It can only be done by unanimous consent. If the Senator from Indiana will ask unanimous consent I will not be an objector.

Mr. VOORHEES. I ask unanimous consent to proceed to the consideration of House bill No. 6033, for the relief of Hiram Johnson and others.

Mr. THURMAN. I ask unanimous consent that the Senator from North Carolina withdraw the motion to go into executive session.

Mr. VOORHEES. I hope that will be done.

Mr. THURMAN. I hope unanimous consent will be given, so that we may get out of this tangle.

Mr. VOORHEES. It is impracticable. My experience in both branches of Congress proves to me that it cannot be done. Whether the minority is right or wrong in breaking a quorum, it is one of the reserved rights of a minority.

Mr. RANSOM. Will my friend pardon me? If it is the unanimous wish of the Senate, I shall withdraw the motion.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent to withdraw his motion to proceed to the consideration of executive business. Will the Senate consent? The Chair hears no objection, and the motion is withdrawn.

Mr. BECK. I move that the Senate now take a recess until half past nine o'clock.

Mr. THURMAN. Say for how many hours.

Mr. CONKLING. Half past nine is just as well.

Mr. THURMAN. Say five and a half hours.

Mr. BECK. I make the motion, and I desire to say that it is too late to legislate.

Mr. VOORHEES. Out of compliment to the great ability of the Senator from Tennessee I desire that he may have an opportunity to take up and pass a bill of local interest to him and his State.

Mr. THURMAN. Let us take it up.

Mr. VOORHEES. I refer to the bill for the relief of Hiram Johnson and others, which has been twice before the Senate, and to which there is no valid objection.

Mr. HARRIS. I am very grateful to the Senator from Indiana, and I will move that the Senate do now proceed to consider House bill No. 6033.

The PRESIDING OFFICER. The Senator from Kentucky has pending a motion to take a recess until a certain time. The motion of the Senator from Tennessee is not in order while the motion to take a recess is pending.

Mr. BECK. I withdraw the motion.

The PRESIDING OFFICER. The motion for a recess is withdrawn, and the Senator from Tennessee moves that the Senate proceed to the consideration of the bill which will be reported by its title.

The Chief Clerk read the title of the bill (H. R. No. 6033) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the idemnity for which it was levied and collected.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. The Chair will state to the Senate that the motion now before the Senate is the motion of the Senator from Tennessee to proceed to the consideration of the bill which has been reported, and the rule of the Senate is that on a motion to take up a bill or resolution for consideration debate shall be limited to

fifteen minutes, and no Senator shall speak to such motion oftener than once or for a longer time than five minutes.

Mr. INGALLS. Does not that apply during the morning hour?

The PRESIDING OFFICER. It applies during the whole session:

Resolved, That, for the remainder of the present session, on a motion to take up a bill or resolution for consideration at the present or at a future time debate shall be limited to fifteen minutes, and no Senator shall speak to such motion oftener than once, or for a longer time than five minutes.

That rule is now in force. The Senator from Colorado has the floor.

Mr. TELLER. It is very apparent that this little bill will meet with opposition. When it was before the Senate some time since several Senators expressed their intention to antagonize the bill. It is not worth while for us to spend two or three hours more over a controversy of this kind, and therefore I move that we take a recess until half past nine.

The PRESIDING OFFICER. Pending the motion of the Senator from Tennessee, the Senator from Colorado moves that the Senate take a recess until half-past nine o'clock.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee.

Mr. CONKLING. May I inquire what was before the Senate when the motion to proceed to executive business was originally made?

Mr. HARRIS. I think it was the motion I now make.

Mr. CONKLING. I inquire of the Chair and ask that the record be read.

The PRESIDING OFFICER. The Senator from New York has asked a question of the Chair. The Chair is trying to obtain the information to answer. The present occupant was not in the chair at the time and therefore cannot tell personally.

Mr. CAMERON, of Pennsylvania. Is it proper to make a motion to adjourn? If it is, I make that motion right now.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate do now adjourn.

Mr. ANTHONY. We cannot adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to adjourn, and it is not debatable.

The motion was not agreed to.

The PRESIDING OFFICER. The Chair is informed that prior to the making of the motion by the Senator from North Carolina to proceed to the consideration of executive business the Senator from Tennessee had moved to lay aside the prior and all pending orders, which motion had prevailed, and he had then moved to proceed to the consideration of this bill for the relief of Hiram Johnson and others, upon which the yeas and nays had been ordered, when the Senator from Connecticut rose.

Mr. CONKLING. That is just what I supposed was true; therefore the motion was before the Senate and the Chair had announced that the time for debate was exhausted. So that the new motion is not in order and there is no new time for debate on taking it up.

Mr. THURMAN. No necessity for it.

Mr. CONKLING. No necessity for it at all.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 33, nays 1; as follows:

YEAS—33.

Bailey,	Garland,	Maxey,	Voorhees,
Bayard,	Groome,	Pendleton,	Walker,
Beck,	Hampton,	Ransom,	Wallace,
Butler,	Harris,	Saulsbury,	Whyte,
Call,	Hereford,	Saunders,	Williams,
Cockrell,	Jonas,	Slater,	Withers.
Coke,	Kernan,	Thurman,	
Eaton,	Lamar,	Vance,	
Farley,	McPherson,	Vest,	

NAYS—1.

Conkling.

ABSENT—41.

Allison,	Davis of Illinois,	Johnston,	Platt,
Anthony,	Davis of W. Va.,	Jones of Florida,	Plumb,
Baldwin,	Dawes,	Jones of Nevada,	Pugh,
Blaine,	Edmunds,	Kellogg,	Randolph,
Blair,	Ferry,	Kirkwood,	Rollins,
Booth,	Grover,	Logan,	Sharon,
Brown,	Hamlin,	McDonald,	Teller,
Bruce,	Hill of Colorado,	McMillan,	Windom.
Burnside,	Hill of Georgia,	Morgan,	
Cameron of Pa.,	Hoar,	Morrill,	
Cameron of Wis.,	Ingalls,	Paddock,	

The PRESIDING OFFICER. There is not a quorum voting.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the joint resolution (S. R. No. 164) relating to salaries of government employés in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 182) granting a pension to Mary A. Shemelia;

A bill (S. No. 465) granting an increase of pension to George Smith; and

A bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers.

HIRAM JOHNSON AND OTHERS.

Mr. HARRIS. I rise simply to say that, seeing as I do a fixed resolve not to take up and give me the judgment of the Senate upon the bill that I have desired to invoke the judgment of the Senate upon, if there is any other bill pending that is unobjected to and that will not encounter the opposition which the bill that I have desired to have considered will, I shall withdraw my motion and not remain an obstruction to legislation.

Mr. BECK and others addressed the Chair.

Mr. BAILEY. I rise to a point of order.

The PRESIDING OFFICER, (Mr. COCKRELL.) There are eight or ten Senators on the floor. The Chair cannot and will not recognize them all at once.

Mr. BAILEY. I rise to a point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. BECK] has the floor.

Mr. BAILEY. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Tennessee will state his point of order.

Mr. BAILEY. The point of order is this: A message has been received from the House of Representatives when it appears from a roll-call that a quorum of the Senate is not in session. I submit that the message from the House of Representatives cannot be received.

Several SENATORS. Too late.

Mr. THURMAN. The Chair can count the Senate and see whether there is a quorum.

Mr. HEREFORD. The Chair announced "no quorum pre

Mr. THURMAN. No, "no quorum voting."

Mr. BAILEY. A quorum is always present when voting. It is not present when not voting. The President of the Senate immediately before the reception of the message from the House announced that no quorum was present.

Mr. THURMAN. That no quorum voted.

Mr. BAILEY. The next step afterward taken was a message from the House of Representatives. I submit that the message from the House cannot be received when there is not a quorum present.

Mr. TELLER. It has been received.

The PRESIDING OFFICER. The Chair had announced no quorum voting. The Chair then stated that it would receive a message from the House of Representatives. No objection was made to it. The message has been received; has been communicated. If the Senator desires to have action on it there will have to be a different motion from the one that is made. The Chair decides that that motion would not now be in order.

Mr. BECK. I desire to ask unanimous consent of the Senate to take up joint resolution authorizing the President to place Thomas L. Crittenden on the retired list of the Army as brigadier-general, being Senate resolution No. 141, and I ask the indulgence of the Senate to say a single word. The resolution was reported by the Senator from Illinois [Mr. LOGAN] unanimously from the Committee on Military Affairs. General Crittenden is nearly sixty-two years of age, and his leave of absence has about expired. He is ordered to Dakota. He is not able to go without danger to his health, and perhaps to his life. He has served the country long and well. He was an aid of General Taylor in Mexico. He lost his only child in the battle-field with Custer, and his wife's health is such that he cannot leave her. I hope the Senate will allow the resolution to be considered. The House will pass it beyond all doubt if I can get it there in an hour. I ask for the reading of the resolution.

The PRESIDING OFFICER. The Chair cannot entertain the motion until the Chair ascertains whether there is a quorum. There not being a quorum on the last vote, the Chair will count the Senate.

Mr. BAILEY. I understand the Chair decided that there was a quorum present, so as to receive a message from the House.

The PRESIDING OFFICER. The Chair did not decide that question. No objection was made to receiving the message on that ground. The message was received. If the Senator desires to raise a point upon it, it must be by motion.

Mr. BAILEY. I submit the question whether the Chair can receive a message from the House when the Chair has just decided that no quorum is present, and when the Chair has undertaken to declare no quorum present.

The PRESIDING OFFICER. If objection had been submitted in time the Chair would have entertained it, but the message has been communicated to the Senate. It will be kept so, unless some motion is made to take it out of the Senate.

Mr. BAILEY. I understood the Chair to announce a moment ago that a quorum was present. He had already decided that a quorum was not present, and he is now undertaking to decide that a quorum is present.

The PRESIDING OFFICER. The Chair has never decided that there was no quorum present, but decided that there was no quorum

voting, and has so stated the question twice. On the roll-call there was no quorum. The message of the House was received without the attention of the Chair being called to it; but now, legislative business being called for, before the Chair entertains that, the Chair will count the number of Senators present, and will entertain no motion until that count is made.

Mr. BAILEY. I have a question of order.

The PRESIDING OFFICER, (counting the Senate.) The Chair finds forty Senators present in the Senate Chamber. The Senator from Tennessee will state his question of order.

Mr. BAILEY. I have no question of order now.

THOMAS L. CRITTENDEN.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. BECK] moves that the Senate proceed to the consideration of the joint resolution named by him; which will be read for information.

The Chief Clerk read the joint resolution (S. R. No. 141) authorizing the President to place Thomas L. Crittenden upon the retired list with the rank and pay of a brigadier-general.

The PRESIDING OFFICER. Will the Senate proceed to the consideration of this joint resolution?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was reported from the Committee on Military Affairs with amendments, in line 10, after the word "authorized," to strike out "place upon the retired list of the Army the name of" and insert "nominate and, by and with the advice and consent of the Senate, appoint;" and in line 8, after the word "war," to insert "a brigadier-general in the United States Army, and to place his name upon the retired list of the Army;" so as to make the resolution read:

That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, appoint Thomas L. Crittenden, now colonel of the Seventeenth Regiment, United States Army, formerly major-general of volunteers in the late war, a brigadier general in the United States Army, and to place his name upon the retired list of the Army with the rank and pay of brigadier-general on the retired list.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

ELECTIONS OF SENATORS.

Mr. ROLLINS. I move to take up for present consideration Senate bill No. 404.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Is there objection?

Mr. CALL. I object.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

Mr. GROOME. I move to postpone the present and all prior orders——

Mr. INGALLS. It appears to me the bill could not go over on one objection.

Mr. ROLLINS. I made the motion.

Mr. CONKLING. The Senator from New Hampshire moved to take up that bill.

The PRESIDING OFFICER. The Chair asked for unanimous consent, so understanding the Senator from New Hampshire; but if he made the motion, the Chair will submit the motion to the Senate.

Mr. ROLLINS. I made the motion to postpone prior orders in order to take up the bill.

The PRESIDING OFFICER. The Chair did not so understand the Senator from New Hampshire, but that being the motion, the Chair will now put it to the Senate. Will the Senate postpone the pending and all prior orders in order that the Senator from New Hampshire may move to proceed to the consideration of the bill referred to by him?

Several SENATORS. Let it be read.

The Chief Clerk read the bill (S. No. 404) to amend section 14, chapter 1 of title 2 of the Revised Statutes.

Mr. THURMAN. What is the use of passing a Senate bill now?

The PRESIDING OFFICER. The question is, Will the Senate further postpone the prior and pending orders so as to proceed to the consideration of the bill?

Mr. BUTLER. Pending that I move that the Senate take a recess for four hours and a half.

The question being put on Mr. BUTLER's motion, it was declared that the noes appeared to prevail.

Mr. BUTLER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 20, nays 25; as follows:

YEAS—20.

Baldwin,	Coke,	Kernan,	Pendleton,
Bayard,	Farley,	Logan,	Vest,
Butler,	Hill of Colorado,	McMillan,	Wallace,
Cameron of Pa.,	Ingalls,	Maxey,	Windom,
Cockrell,	Jones of Nevada,	Morrill,	Withers.

NAYS—25.

Bailey,	Garland,	Ransom,	Vance,
Beck,	Groome,	Rollins,	Voorhees,
Blair,	Hampton,	Saulsbury,	Walker,
Bruce,	Harris,	Saunders,	Williams.
Call,	Hereford,	Slater,	
Conkling,	Lamar,	Teller,	
Eaton,	Paddock,	Thurman,	

ABSENT—30.

Allison,	Davis of W. Va.,	Johnston,	Platt,
Anthony,	Dawes,	Jonas,	Plumb,
Blaine,	Edmunds,	Jones of Florida,	Pugh,
Booth,	Ferry,	Kellogg,	Randolph
Brown,	Grover,	Kirkwood,	Sharon,
Burnside,	Hamlin,	McDonald,	Whyte.
Cameron of Wis.,	Hill of Georgia,	McPherson,	
Davis of Illinois,	Hoar,	Morgan,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from New Hampshire to postpone the present and prior orders.

Mr. CALL. I hope that the Senate will proceed with the consideration of House bills on the Calendar, and let us try and dispose of the few which yet remain.

Mr. ROLLINS. I will agree to that.

The PRESIDING OFFICER. Does the Senator from New Hampshire withdraw his motion?

Mr. ROLLINS. No, I do not. This bill will occupy but a few moments, not more than ten minutes at most, and then we can take up House bills. If it occupies over ten minutes I will withdraw it.

Mr. BUTLER. I ask for the yeas and nays on the motion of the Senator from New Hampshire.

Mr. ROLLINS. We can dispose of this bill while the yeas and nays are being called.

The PRESIDING OFFICER. The Senator from South Carolina demands the yeas and nays on the motion of the Senator from New Hampshire.

The yeas and nays were ordered.

Mr. EATON. Is it proper to inquire what the bill is?

The PRESIDING OFFICER. The bill will be reported by its title for the information of the Senate.

The CHIEF CLERK. "A bill (S. No. 404) to amend section 14, chapter 1 of title 2 of the Revised Statutes."

Mr. WHYTE. What is that?

Mr. BAILEY. Let the bill be read.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk read the bill.

Mr. EATON. Let that come up; it ought to be passed.

Mr. BUTLER. Is there a report accompanying that bill?

The PRESIDING OFFICER. There is no report.

Mr. ROLLINS. I will simply say that it is the unanimous report of the Committee on Privileges and Elections.

The PRESIDING OFFICER. There is no printed or written report.

Mr. ROLLINS. It is the unanimous report of the Committee on Privileges and Elections, reported by the Senator from Delaware.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire.

Mr. BUTLER. I ask for the reading of the section of the Revised Statutes which this proposes to amend.

The PRESIDING OFFICER. The Clerk will read the section of the Revised Statutes called for.

The Chief Clerk read as follows:

SEC. 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

The yeas and nays were taken.

Mr. MORRILL. I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were present, I should vote "yea."

The result was announced—yeas 21, nays 19; as follows:

YEAS—21.

Anthony,	Cameron of Pa.,	Jones of Nevada,	Teller,
Baldwin,	Conkling,	McMillan,	Williams,
Beck,	Eaton,	Plumb,	Windom.
Blair,	Groome,	Ransom,	
Bruce,	Hill of Colorado,	Rollins,	
Burnside,	Ingalls,	Saunders,	

NAYS—19.

Bailey,	Farley,	Kernan,	Vest,
Bayard,	Garland,	Pendleton,	Walker,
Butler,	Harris,	Slater,	Wallace,
Call,	Hereford,	Thurman,	Whyte.
Coke,	Jonas,	Vance,	

ABSENT—35.

Allison,	Edmunds,	Kellogg,	Paddock,
Blaine,	Ferry,	Kirkwood,	Platt,
Booth,	Grover,	Lamar,	Pugh,
Brown,	Hamlin,	Logan,	Randolph,
Cameron of Wis.,	Hampton,	McDonald,	Saulsbury,
Cockrell,	Hill of Georgia,	McPherson,	Sharon,
Davis of Illinois,	Hoar,	Maxey,	Voorhees,
Davis of W. Va.,	Johnston,	Morgan,	Withers.
Dawes,	Jones of Florida,	Morrill,	

So the motion was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire now moves that the Senate proceed to the consideration of Senate bill No. 404.

Mr. PENDLETON. I desire to say, Mr. President, that it is necessary that a recess should now be taken in order to the orderly and decent proceedings of to-morrow in the ceremonies of inauguration; and therefore I move that the Senate take a recess for four and a

half hours. I do hope that gentlemen on this side of the Chamber will vote for that motion.

Mr. VOORHEES. Let me say one word.

Mr. ROLLINS. I appeal to the Senator from Ohio to allow me just a word.

Mr. PENDLETON. I decline to yield to any Senator to make an explanation in reference to pending business.

Mr. VOORHEES. Then I hope the motion will be voted down.

Mr. PENDLETON. I know it is necessary now to take this recess, if we intend to properly inaugurate the President of the United States.

The PRESIDING OFFICER. The motion of the Senator from Ohio is not debatable.

Mr. BAYARD. As an associate on the committee of arrangements with the Senator from Ohio I rise to say that I hope his motion will prevail.

Mr. VOORHEES. I hope it will not.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. The motion submitted by the Senator from Ohio is not debatable.

Mr. WILLIAMS. I do not propose to debate it, but I propose to state the importance of that very question. I recollect the trouble we had here when the last Senator from New Hampshire came here and his case occupied this Senate nearly two weeks in discussing his title to a seat on this floor. This bill is intended merely to meet that difficulty and provide for it. I am in favor of the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to take a recess for four hours and a half.

Mr. BAILEY. I trust the Senate will take up and consider and pass that bill. I voted against taking it up, but I think——

The PRESIDING OFFICER. Unless there is unanimous consent the Chair cannot permit debate to proceed.

Mr. BAILEY. Just one word.

The PRESIDING OFFICER. The Chair has no authority to hear one word without unanimous consent. The motion is not debatable.

Mr. FARLEY. The motion is to take a recess until half past nine o'clock.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio, that the Senate take a recess for four and a half hours.

The question being put, there were on a division—ayes 33, noes 12.

The PRESIDING OFFICER, (at five o'clock a. m.) The motion prevails.

Mr. ROLLINS. Yeas and nays.

The yeas and nays were ordered, and taken.

Mr. BAILEY. I trust I may be allowed to say one word.

Several SENATORS. Regular order!

The PRESIDING OFFICER. Objection being made, the Chair decides that the Senator from Tennessee is not in order. The roll will be called.

The result was announced—yeas 26, nays 13; as follows:

YEAS—26.

Anthony,	Cockrell,	Maxey,	Thurman,
Baldwin,	Farley,	Morrill,	Vance,
Bayard,	Garland,	Pendleton,	Vest,
Bruce,	Hill of Colorado,	Plumb,	Walker,
Burnside,	Ingalls,	Ransom,	Withers.
Butler,	Kernan,	Saulsbury,	
Cameron of Pa.,	McPherson,	Slater,	

NAYS—13.

Blair,	Groome,	Rollins,	Williams.
Call,	Harris,	Saunders,	
Conkling,	McMillan,	Teller,	
Eaton,	Paddock,	Voorhees,	

ABSENT—36.

Allison,	Davis of W. Va.,	Hoar,	McDonald,
Bailey,	Dawes,	Johnston,	Morgan,
Beck,	Edmunds,	Jonas,	Platt,
Blaine,	Ferry,	Jones of Florida,	Pugh,
Booth,	Grover,	Jones of Nevada,	Randolph,
Brown,	Hamlin,	Kellogg,	Sharon,
Cameron of Wis.,	Hampton,	Kirkwood,	Wallace,
Coke,	Hereford,	Lamar,	Whyte,
Davis of Illinois,	Hill of Georgia,	Logan,	Windom.

The PRESIDING OFFICER, (at five o'clock a. m.) The Senate takes a recess until nine and a half o'clock this morning.

MORNING SESSION.

The Senate reassembled at half past nine o'clock a. m., (Friday March 4.)

The VICE-PRESIDENT. There is evidently no quorum present.

COMMITTEE ON LIBRARY ACCOMMODATION.

Mr. VOORHEES, (at ten o'clock and twenty minutes a. m.) I ask that a concurrent resolution which was adopted by the Senate continuing the Joint Select Committee on the subject of additional accommodations for the Library be returned by the House to the Senate. I wish the Senate to make a request of the House to return that concurrent resolution.

The VICE-PRESIDENT. A message to that effect will be sent to the House, if no objection be made.

PAY OF SENATE EMPLOYÉS.

Mr. BUTLER. I offer the following resolution——

The VICE-PRESIDENT. The Chair does not feel warranted in entertaining anything of a legislative nature in the way of business. There is evidently not a quorum here.

Mr. BUTLER. My impression is that there is a quorum in the Chamber. It can very easily be tested. There are many Senators in the cloak-room.

The VICE-PRESIDENT. If they will make their appearance inside the Chair will be very glad to recognize a quorum.

Mr. BUTLER. I ask that my resolution be read.

Mr. TELLER. I suppose there is no objection to having the resolution read for information.

The VICE-PRESIDENT. The resolution will be read.

The CHIEF CLERK read as follows:

Be it resolved, &c., That to enable the Secretary of the Senate to pay the officers and employés of the Senate borne on the annual rolls on the 4th day of March, 1881, one month's extra pay at the rate of compensation now paid them by law, a sum sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE-PRESIDEENT. What is the request of the Senator from South Carolina?

Mr. BUTLER. I ask for immediate consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. McMILLAN. I should like to hear it reported.

The VICE-PRESIDENT. It will be again read.

The joint resolution was again read.

Mr. DAVIS, of West Virginia. The Senate know what my position was on this, and I hardly think it would be expedient with the present number in the Senate here to pass such a resolution. I should be glad to have had our employés put on a footing with those of the House, but I hardly think it a proper thing to do with so thin a Senate. If the Senate was full, I should not have a word to say about it.

Mr. BUTLER. Do I understand the Senator from West Virginia as objecting to the resolution?

The VICE-PRESIDENT. The Chair so interprets the remarks of the Senator from West Virginia.

Mr. BUTLER. He says he knows of other Senators who are opposed to it. I think they can speak for themselves if they come here. If the Senator objects, of course that settles it.

Mr. DAVIS, of West Virginia. I have a right to object on account of a quorum not being present.

Mr. RANSOM. I think there is a quorum.

Mr. BUTLER. I hope the roll will be called.

The VICE-PRESIDENT. The roll of the Senate will be called.

The Secretary called the roll, and thirty-eight Senators answered to their names.

The VICE-PRESIDENT. A quorum is present.

Mr. BUTLER. I now ask for the present consideration of the joint resolution which I had the honor to introduce.

The VICE-PRESIDENT. The Senator from South Carolina moves that the Senate proceed to the consideration of the joint resolution introduced by him, which will be again read.

The Chief Clerk read the joint resolution (S. R. No. 167) to pay officers and employés of the Senate borne on the annual roll one month's extra pay.

The VICE-PRESIDENT. The joint resolution has already been read twice.

The joint resolution was considered as in Committee of the Whole, reported to the Senate, ordered to be engrossed for a third reading, and read the third time.

Mr. DAVIS, of West Virginia. This is unprecedented. I believe we have never done it. I gave the Senate last night a fair opportunity of providing for the employés of the Senate. I thought they ought to have done so; but I hardly think this ought to be done.

The VICE-PRESIDENT. The joint resolution having had three several readings, the question is, Shall it pass?

Mr. DAVIS, of West Virginia. I intended to object.

The VICE-PRESIDENT. The Senator did not formally object. The Chair put the motion to the Senate for consideration and a majority voted for consideration. The question has progressed to this stage, Shall the resolution pass?

Mr. DAVIS, of West Virginia. It certainly cannot be read three times on the same day.

The VICE-PRESIDENT. It could not if objection had been made. No objection was interposed. It has been read three times and the question now is, Shall the resolution pass? A bill can be read three times and passed on the same day if there be no objection. It has progressed to this stage without objection.

Mr. DAVIS, of West Virginia. It is an unpleasant duty; but I shall move to reconsider the vote. Certainly the Senate did not understand, I know I did not, that the resolution had had three readings at the same time, and I shall move to reconsider.

The VICE-PRESIDENT. The Senator from West Virginia moves that the vote by which this joint resolution was ordered to a third reading be reconsidered. The question is on that motion.

Mr. INGALLS called for the yeas and nays; and they were ordered.

Mr. HARRIS. We do not hear over here at all what the question is.

The VICE-PRESIDENT. The question now is shall the vote be reconsidered by which the pending joint resolution was ordered to a third reading, it being a joint resolution providing a month's extra pay to the Senate officers.

The question being taken by yeas and nays, resulted—yeas 18, nays 26; as follows:

YEAS—18.

Baldwin,	Dawes,	Ingalls,	Teller,
Blair,	Hamlin,	McMillan,	Thurman,
Cockrell,	Hill of Colorado,	Platt,	Vance.
Davis of Illinois,	Hill of Georgia,	Rollins,	
Davis of W. Va.,	Hoar,	Saunders,	

NAYS—26.

Bailey,	Conkling,	Lamar,	Ransom,
Booth,	Garland,	McPherson,	Saulsbury,
Burnside,	Harris,	Morgan,	Voorhees,
Butler,	Hereford,	Morrill,	Walker,
Call,	Johnston,	Plumb,	Withers.
Cameron of Pa.,	Jonas,	Pugh,	
Coke,	Kirkwood,	Randolph,	

ABSENT—31.

Allison.	Eaton,	Jones of Nevada,	Sharon,
Anthony,	Edmunds,	Kellogg,	Slater,
Bayard,	Farley,	Kernan,	Vest,
Beck,	Ferry,	Logan,	Wallace,
Blaine,	Groome,	McDonald,	Whyte,
Brown,	Grover,	Maxey,	Williams,
Bruce,	Hampton,	Paddock,	Windom.
Cameron of Wis.,	Jones of Florida,	Pendleton,	

So the motion to reconsider was not agreed to.

The VICE-PRESIDENT. Shall this joint resolution pass?

Mr. DAVIS, of West Virginia. Mr. President, believing that the vote as announced is the expression of the Senate, which is the only thing I desired, I shall make no further objection to the resolution in any way. I am glad the Senate has voted upon it. I wanted them to give an expression to their view. That was the way I thought it best to do it.

The joint resolution was passed.

WITHDRAWAL OF PAPERS.

On motion of Mr. TELLER, it was

Ordered, That the papers in the case of Frank D. Yates and others be withdrawn from the files of the Senate.

Ordered, That the papers in the case of Mark Walker be withdrawn from the files of the Senate.

Ordered, That the papers in the case of Mrs. S. A. Wright, widow of George Wright, be withdrawn from the files of the Senate.

On motion of Mr. WILLIAMS, it was

Ordered. That William Tully have leave to withdraw his petition and papers from the files of the Senate.

Ordered, That leave be granted to withdraw from the files of the Senate the petition and papers connected with the bill regulating the compensation of paymasters' clerks in the United States Army.

UTAH AND NORTHERN RAILWAY.

Mr. PADDOCK. I want to ask the Senate to allow my colleague to call up the House bill which he sought to bring to the attention of the Senate last night and to which I think there will be no objection. There are amendments proposed by the Senate committee which it is agreed shall be left off and the bill presented to the Senate exactly as it came from the House——

Mr. BURNSIDE. There will be great objection to the bill, and it cannot be passed in the limited time left.

Mr. PADDOCK. If that is so, I have only to say that I have performed my duty in regard to it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a concurrent resolution for the printing of 10,000 extra copies of the annual report of the Chief Signal Officer for the fiscal year ending June 30, 1880, for distribution by the War Department.

The message also announced that the House had passed a joint resolution (H. R. No. 419) to print 15,000 copies of the report of the Director of the Mint on the statistics of the annual production of gold and silver in the United States; in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 4050) to divide the State of Louisiana into two judicial districts.

The message also returned the resolution of the Senate providing that the Joint Select Committee on additional accommodations for the Library of Congress may be continued during the recess, in compliance with the request of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. No. 972) granting a pension to Mrs. Anna I. Guest;

A bill (S. No. 1114) granting a pension to Luman Case;

A bill (H. R. No. 4206) confirming and vesting the title to a certain tract of land in Burlington, Iowa, "in the independent school district" of said city;

A bill (H. R. No. 4050) to divide the State of Louisiana into two judicial districts;

A bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes;

A bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury, in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; and

A joint resolution (S. R. No. 164) relating to salaries of Government employés in the District of Columbia.

HOUSE BILLS REFERRED.

The joint resolution (H. R. No. 419) to print 15,000 copies of the report of the Director of the Mint on the statistics of the annual production of gold and silver in the United States was read twice by its title, and referred to the Committee on Printing.

ANNUAL REPORT OF CHIEF SIGNAL OFFICER.

The VICE-PRESIDENT laid before the Senate the concurrent resolution of the House of Representatives for the printing of 10,000 extra copies of the annual report of the Chief Signal Officer for the fiscal year ending June 30, 1880, for distribution by the War Department; which was referred to the Committee on Printing.

ANNUAL PRODUCTION OF GOLD AND SILVER IN THE UNITED STATES.

Mr. RANSOM, (at ten o'clock and fifty minutes a. m.) I ask leave to report House joint resolution No. 419 from the Committee on Printing, and ask immediate consideration.

By unanimous consent, the joint resolution (H. R. No. 419) to print 15,000 copies of the report of the Director of the Mint on the statistics of the annual production of gold and silver in the United States was considered as in Committee of the Whole.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANNUAL REPORT OF THE CHIEF SIGNAL OFFICER.

Mr. RANSOM, from the Committee on Printing, to whom was referred the following House concurrent resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed for distribution by the War Department 10,000 extra copies of the annual report of the Chief Signal Officer for the fiscal year ending June 30, 1880.

COMMITTEE ON LIBRARY ACCOMMODATIONS.

Mr. VOORHEES. Mr. President, I desire to call up the concurrent resolution which passed the Senate yesterday, and which I asked to have recalled from the House, and which has been returned. I move that it be amended so that it will not be a concurrent resolution, but a resolution for the Senate only, and in that shape I desire it passed.

The VICE-PRESIDENT. The Senator from Indiana calls for the consideration of the concurrent resolution returned from the House of Representatives. Is there objection? The Chair hears none.

The vote by which the resolution was formerly passed will be regarded as reconsidered.

Mr. VOORHEES. Now I move to substitute the following;

Resolved, That the Select Committee on additional accommodations for the Library of Congress is hereby continued and authorized to sit during the coming recess of Congress.

The amendment was agreed to.

The resolution, as amended, was agreed to.

HEIRS OF LANGLEY B. CULLEY.

Mr. VANCE. Day before yesterday a bill was passed for the relief of the heirs of Langley B. Culley, and a motion to reconsider was entered. I move to lay that motion on the table.

The VICE-PRESIDENT. The Senator from North Carolina moves to lay the motion to reconsider a bill on the table, which will be reported by title.

The CHIEF CLERK. "A bill (H. R. No. 3826) for the relief of the heirs of Langley B. Culley."

Mr. LOGAN. What is the object of calling up that bill?

The VICE-PRESIDENT. The Chair is not aware.

Mr. VANCE. The object is to lay the motion to reconsider on the table and have the bill passed.

The VICE-PRESIDENT. The motion is not a debatable motion.

Mr. LOGAN. I know. I merely wish to give notice that the bill cannot pass, so far as I am concerned.

The VICE-PRESIDENT. Shall the motion to reconsider lie on the table?

A division was called for.

Mr. HOAR. What is the bill?

The VICE-PRESIDENT. It will be again reported by title.

The Chief Clerk again read the title of the bill.

Mr. LOGAN. I shall ask for the reading of the report so that the Senate may understand what the bill is.

Mr. VANCE. Is that in order?

The VICE-PRESIDENT. The Chair thinks not. It is in the nature of debate. Shall the motion to reconsider lie on the table?

The motion to lay on the table was agreed to.

Mr. VANCE. I desire now to give notice to the Senator from Illinois that the bill has passed.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. SAULSBURY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee of two members of the Senate be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that Congress having finished its business is now ready to close its session by adjournment.

The Vice-President was authorized to appoint the committee on the part of the Senate, and Mr. SAULSBURY and Mr. HOAR were appointed.

CREDENTIALS.

Mr. FERRY. I present the credentials of my colleague-elect, [Mr. CONGER,] and ask that they be placed upon the files of the Senate.

The VICE-PRESIDENT. The Chair thinks the originals of these credentials have been hitherto presented, and are already on the files of the Senate.

Mr. FERRY. Then I ask that this duplicate be placed on the files of the Senate, the original having been laid already before the Senate.

The VICE-PRESIDENT. It will be so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a resolution for the appointment of a committee of three members on the part of the House, to join such committee as may be appointed by the Senate, to wait upon the President of the United States and inform him that Congress having finished its business, is now ready to close the session by adjournment, and had appointed Mr. J. RANDOLPH TUCKER of Virginia, Mr. GEORGE W. GEDDES of Ohio, and Mr. GEORGE M. ROBESON of New Jersey, the committee on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 3826) for the relief of the heirs of Langley B. Culley; and

A joint resolution (H. R. No. 419) to print 15,000 copies of the report of the Director of the Mint on the statistics of the annual production of gold and silver in the United States.

EXTRA SESSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Senate of the United States:

I transmit herewith a copy of a proclamation for the convening of an extraordinary session of the Senate of the United States at the Capitol, in the city of Washington, on the 4th day of March next, at noon.

R. B. HAYES.

EXECUTIVE MANSION, *February* 28, 1881.

BENJAMIN HARRISON.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

I have the honor to inform the Senate that Hon. Benjamin Harrison, Senator-elect from the State of Indiana, has resigned his office as a member of the commission for the improvement of the Mississippi River; and that the same has been accepted, to take effect March 3, 1881.

R. B. HAYES.

EXECUTIVE MANSION, *March* 3, 1881.

CLOSE OF THE SESSION.

Mr. SAULSBURY. The committee of the two Houses appointed to wait on the President and inform him that the two Houses had closed their business for the present session have performed that duty, and were informed by the President that he had no further communication to make to the present Congress.

SWEARING IN OF VICE-PRESIDENT.

The Vice-President-elect (Hon. CHESTER A. ARTHUR, of New York) entered the Chamber, accompanied by Mr. PENDLETON, Mr. BAYARD, and Mr. ANTHONY, as members of the committee of arrangements for the inauguration, and was conducted to a seat at the right of the retiring Vice-President, Hon. WILLIAM A. WHEELER.

Vice-President WHEELER. The Chair has the honor to present to the Senate of the United States Hon. CHESTER A. ARTHUR, Vice-President elect of the United States. [Applause.]

ADDRESS OF THE VICE-PRESIDENT ELECT.

The VICE-PRESIDENT elect, (Mr. ARTHUR.) Senators, I come as your Presiding Officer with genuine solicitude. Remembering my inexperience in parliamentary proceedings, I cannot forget how important, delicate, and often embarrassing are the duties of the Chair.

At the threshold of our official association I invoke that courtesy and kindness with which you have been wont to aid your presiding officer. I shall need your constant encouragement and support, and I rely with confidence upon your lenient judgment of any errors into which I may fall.

In return, be assured of my earnest purpose to administer your rules in a spirit of absolute fairness, to treat every Senator at all times with that courtesy and just consideration due to the representatives of equal States, and to do my part—as assuredly each of you will do his—to maintain the order, decorum, and dignity of the Senate.

I trust that the official and personal relations upon which we now enter will be marked by mutual confidence and regard, and that all our obligations will be so fulfilled as to redound to our own honor, to the glory of our common country, and the prosperity of all its people. [Applause.]

I am now ready to take the oath of office prescribed by the Constitution.

Vice-President WHEELER administered the oath of office to Mr. ARTHUR, and then said:

Senators, the moment which terminates my official duties as Presiding Officer of the Senate is at hand. Those duties have been rendered of easy performance by your uniform leniency and forbearance. I am sure that in this parting hour I need no other guarantee of full amnesty for all my shortcomings. If I do, it is furnished in your very kind resolutions of approval of my official action. I shall carry into my retirement grateful memories of the personal kindness alike of the Senate and its officers, and a cordial wish for the future well-being of all.

And now I perform my last official act by declaring that the hour for the termination of the Forty-sixth Congress having arrived, the Senate stands adjourned without day.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 3, 1881.

The House met at eleven o'clock a. m. Prayer by Rev. David Wills, chaplain United States Army.

The Journal of Tuesday's proceedings was read and approved.

EXPLANATION.

Mr. TYLER. Mr. Speaker, I was paired during Tuesday night's session with Mr. MULLER, of New York, but understanding that the pair terminated with the night session, I voted on all questions yesterday, and did not observe that the gentleman from New York did not vote. He now informs me that he was under the misapprehension that the pair was operative yesterday. I say this in justice to Mr. MULLER, who desired to vote in favor of the funding bill, but refrained from voting for the reason I have stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, with amendments in which concurrence was requested.

It further announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes.

It further announced the passage of the bill (H. R. No. 688) for the relief of the sureties of Franklin Travis, with an amendment in which concurrence was requested.

ORDER OF BUSINESS.

Mr. BLOUNT. I ask by unanimous consent to take up from the Speaker's table the amendments of the Senate to the sundry civil bill for the purpose of moving that they be non-concurred in and a conference requested.

Mr. VALENTINE. I ask, Mr. Speaker, unanimous consent to present a resolution.

Mr. MCKENZIE. I demand the regular order of business. The gentleman from Nebraska has already been allowed, by unanimous consent, to call up a bill which has been passed, while there are several other gentlemen who have been clamoring for recognition and have been refused it. I believe in fair dealing all round. I have no sort of objection to the gentleman's measure.

The SPEAKER. Does anybody object?

Mr. MCKENZIE. I have been asking for a year for recognition, and never have got it. I demand the regular order of business.

A MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President, by Mr. ROGERS, his Private Secretary.

CORRECTION OF JOURNAL.

Mr. UPSON. I am recorded as not having voted on the last vote on the funding bill. I did vote "no" on the McKinley amendment.

The SPEAKER. The gentleman is not recorded, and the correction will be made.

SUNDRY CIVIL BILL.

Mr. BLOUNT. I move by unanimous consent to take from the

Speaker's table the amendments of the Senate to the sundry civil appropriation bill for the purpose of moving non-concurrence.

HOMESTEAD SETTLERS.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers, Mr. CONVERSE, Mr. POEHLER, and Mr. WASHBURN.

SUNDRY CIVIL BILL.

Mr. BLOUNT. I move by unanimous consent to take from the Speaker's table the amendments of the Senate to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, for the purpose of moving non-concurrence and asking a committee of conference.

Mr. WARNER. I reserve all points of order.

The SPEAKER. Will the gentleman state what points of order he reserves?

Mr. WARNER. I do not know there are any; but I only reserve all points of order so as to be in time. I do not know there are any definitely.

The SPEAKER. The point of order might be made that would take the bill to the Committee of the Whole House on the state of the Union, and if that point is to be made now is the time to make it. That point could not be made after the bill got into conference.

Mr. WARNER. I have not the amendments of the Senate before me. I do not want to embarrass the gentleman from Georgia.

The SPEAKER. It is not an unreasonable request to have the amendments of the Senate read before they are acted on.

Mr. BLOUNT. I understand the gentleman from Ohio to withdraw his point of order.

Mr. WARNER. Yes; under the circumstances I will withdraw my point of order.

Mr. LAPHAM. I object until the amendments have been read for the information of the House.

Mr. BLOUNT. The amendments of the Senate can be found in the RECORD, on page 2340. I supposed members had read them.

Mr. KEIFER. Why not concur in some of them?

The Clerk proceeded to read the amendments of the Senate.

Mr. LAPHAM. I do not insist on the further reading of the amendments.

Mr. SCALES. I desire to ask the gentleman from Georgia whether there is any amendment from the Senate in reference to the Indian peace commission?

Mr. BLOUNT. There is not. The amendments are on page 2340 of the RECORD, except three amendments put on striking out the publication of some books and another relating to the employés of the Senate.

Mr. SCALES. That is all I desire to know, that there is no amendment on the bill in reference to the Indian commission.

Mr. BLOUNT. I now move that the amendments of the Senate be non-concurred in and a committee of conference requested.

There was no objection, and it was ordered accordingly.

WAR CLAIMS.

Mr. BRAGG. I am directed by the Committee on War Claims to move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 5521) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof, and that the same be passed, together with the amendments reported from the Committee on War Claims.

Mr. THOMPSON, of Kentucky. I call for the regular order, which is the unfinished business, being the apportionment bill.

The SPEAKER. The gentleman from New York having charge of the unfinished business has not, as the Chair understands, been pressing the consideration of that business.

Mr. THOMPSON, of Kentucky. But I have the right to raise the question of consideration.

The SPEAKER. The Chair will recognize that; but does the gentleman desire to interrupt the consideration of this bill?

Mr. THOMPSON, of Kentucky. I have been upon the list to move a suspension of the rules on an important public bill since the 30th of last April.

The SPEAKER. The Chair has no list, and has not recognized any since the report of the Committee on Rules.

Mr. ATKINS. I hope the gentleman from Kentucky will withdraw his objection and allow this bill, which is an important public one, to be considered.

The SPEAKER. Does the Chair understand the gentleman from Kentucky to insist upon his question of consideration?

Mr. THOMPSON, of Kentucky. I withdraw the objection in consequence of the statement made that this is a public bill; but I shall insist on my right hereafter.

The SPEAKER. The Clerk will read the bill and amendments of the committee.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims presented by such persons to the commissioners of claims under the act of March 3, 1871, and reported to the House of Representatives under the said act, namely:

OF THE STATE OF ALABAMA.

To Jonathan Barton, the sum of $1,202.50.
To Murphy Bruce, administrator of William B. McGuire, deceased, $614.82.
To John Cavin, $662.50.
To Andrew J. Herron, administrator of Samuel H. Herron, deceased, $445.
To C. T. Ladd, $1,197.
To Elias Thrasher, administrator of James Roberts, deceased, $560.
To John Washburn, $1,120.
To Margaret Wynn, administratrix of John Wynn, deceased, $192.

OF THE STATE OF ARKANSAS.

To Judy Anderson, widow of Charles V. Anderson, $126.75.
To Wesley Drake, $470.
To Mary A. C. Harper, $525.
To Cornelius H. Kidd, administrator of Tandy K. Kidd, deceased, $1,172.07.
To Henry Lackey, $440.
To John L. McNeely, $99.
To A. A. Tufts, administrator of Hugh Lewis, deceased, $1,740.
To George W. Wines, $1,075.
To Timothy, Mary Adelia, and William Stewart, children of Minerva Stewart, deceased, $544; the same to be in satisfaction and discharge of claim allowed by the commissioners of claims, in their ninth general report, to Minerva Stewart, and in full satisfaction and payment of appropriation made on such allowance of the commissioners of claims to Minerva Stewart in and by act of Congress numbered 106, (private,) entitled "An act making appropriations for the payment of claims allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof," approved June 14, 1880.

OF THE STATE OF GEORGIA.

To Martin Brown, $875.
To Marion M. Dicken, (heirs of,) $540.
To William Hetzel, $550.
To Pryor May, $285.
To Sarah C. Gray, (claim 11403,) $285.
To Sarah C. Gray, (claim 11404,) $566.
To Nancy M. Stephens, (widow of Curren P. Stephens, deceased,) for her own use and as natural guardian for her children, (heirs of Curren P. Stephens,) $354.
To Milly Wilson, $226.

OF THE STATE OF LOUISIANA.

To Levi Allain, $1,100.
To Saint Luke Allain, $1,550.
To the following-named heirs of William Blunt, deceased: Mary M. Dellinger, $300; John C. Harper, $766.06; James B. Adams, $256.47; Henrietta M. Harrington, $256.47; John C. Adams, $256.47; Marcella Davidson's children, $271.89; Sidney M. Seth's children, $44.19; Spedden Orem, $44.19; Frank S. Orem, $44.19; Julia Seth, $44.19; James R. Blunt, $543.72; William H. Harrington, $127.76; Julia Harrington, $127.76; Joseph B. Harrington, $127.76.
To Martha T. Cleland, administratrix of Dr. Andrew Owen, deceased, $1,560.
To Delphina Fortunee, $475.
To Julia H. Morgan, $5,420.88; in full discharge of all claim, in her own right and as heir-at-law, against the United States, stated in the petition or declaration numbered 14601 in the records of the commissioners of claims, appointed under the act of March 3, 1871.
To Narcissa Keene Johnson, $3,523.88; in full discharge of all claim against the United States, stated in the petition or declaration No. 14601 in the records of the commissioners of claims, appointed under act of March 3, 1871.
To Fannie Richer, $5,165.
To J. Madison Wells, $4,080.

OF THE STATE OF MISSISSIPPI.

To Benjamin Bruton, the sum of $840.
To Moses Curtis, $544.
To Isaac J. Fouche, $1,457.50.
To Bettie T. Gray, administratrix of William B. Gray, deceased, $3,559.
To John G. Higginbotham, $1,569.
To James A. Jumper, $1,476.
To Robert H. Malone, executor of James Mooring, deceased, $1,907.14.
To William A. McPheeters and William H. Dunbar, executors of Martha W. Dunbar, deceased, $848.33.
To Catherine Q. McGowan, executrix of William McGowan, deceased, $1,101.66.
To William D. Nesbitt, $5,670.
To Samuel J. Proctor, $1,090.
To Walter D. Sprott, administrator of Samuel Millikan, deceased, $2,430.
To Henry O. Sykes, $782.
To Malinda Williams, administratrix of Samuel Bond, deceased, $3,180.
To Emma J. Yeiser, administratrix of Lydia A. M. Ranaldson, $533.33.

OF THE STATE OF NORTH CAROLINA.

To Elijah S. Bell, the sum of $385.
To Henry E. French, $386.
To John Horton, $512.
To John S. Manix, administrator of Willis M. Lewis, deceased, $213.75.
To Sarah McSween, $895.
To John Swinson, $275.
To Mary M. Welborn, $372.50.

OF THE STATE OF SOUTH CAROLINA.

To Joseph H. Risley, the sum of $879.89.

OF THE STATE OF TENNESSEE.

To John C. Bailey, $125.
To Mrs. Aaron V. Brown, $1,869.50.
To Calvin Conley, $250.
To John Daughtrey, $365.
To John V. Dobson, executor of Isaac C. Dobson, deceased, $300.
To Nelson Fox, administrator of John C. Yett, deceased, $525.
To John P. Gill, $215.
To John Hart, $1,057.
To Robert W. Hall, $3,013.
To Enos Kincheloe, executor of Elizabeth Keys, deceased, $218.50, for the use and benefit of Landon Keys.
To George Lovelady, $445.
To Mary G. Marsh, administratrix of Daniel H. Marsh, deceased, $2,436.50.

To Sampson W. McClellan, administrator of O. D. Williams, deceased, $255.
To Margaret McKinney, $100.
To William Murphy, Jones County, $450.
To William Murphy, of Davidson County, $300.
To William A. Newland, $892.
To Noble Calhoun, executor of George W. Scurlock, deceased, $1,145.
To Eliza A. Swift, $489.
To Joseph R. Thompson, $341.
To William M. Turner, $803.
To James H. Yarbrough, administrator *de bonis non* of Margaret Yarbrough, deceased, for the use and benefit of James H. Yarbrough and Cordelia Binkley, $389.34.

OF THE STATE OF TEXAS.

To Jacob Zeigler, the sum of $880.

OF THE STATE OF VIRGINIA.

To John H. Beery, the sum of $553.
To Martha E. Beasley, guardian, for the use and benefit of Amanda, John, Susan, and William Beasley, her children, $2,500.
To John C. Davis, $326.
To William Heflin, $560.
To Bransom G. Jones, $1,595.
To Lewis Kelley, $125.
To Elliott Patton, sr., $477.
To Mary L. Payne, $614.
To James W. Pettigrew, $891.
To Mary Ann Reid, administratrix of Horatio Reid, deceased, $650.
To Lucy J. Wiseman, $408.
To Fannie S. and Mary A. Scott, $3,790.

The SPEAKER. Is there a second demanded on the motion to suspend the rules and pass the bill with amendments?

Mr. HOOKER. I ask the chairman of the Committee on War Claims to permit me to move an amendment to the bill which I understand has been favorably acted upon by the committee and incorporated in a bill now pending before the House, No. 7199, for the relief of Julia A. Nutt. This bill simply proposes to refer the question of that claim to the Quartermaster-General to determine the amount due.

Mr. BRAGG. I have no objection to the incorporation of the amendment. The committee were unable to act upon it and they therefore reported a bill referring the question to the Quartermaster-General for information. That bill is now upon the Calendar.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Add as an additional section the following:

"The Quartermaster-General of the United States is hereby authorized and directed to examine, adjust, and settle the claims of Julia A. Nutt, widow and executrix of Haller Nutt, deceased, late of Natchez, in the State of Mississippi, growing out of the occupation and use by the United States Army, during the late rebellion, of the property of the said Haller Nutt during his life-time, or of his estate after his decease, including live stock, goods, and moneys taken and used by the United States or the armies thereof. And full jurisdiction is hereby given to the Quartermaster-General to try and determine the same; and he may consider the evidence heretofore taken on said claim, so far as applicable, before the commissioners of claims, and such other legal evidence as may be adduced before him in behalf of the legal representatives of Haller Nutt, deceased, or in behalf of the United States: *Provided*, That no part of said claims upon which said commissioners of claims have passed on the merits shall be considered by the Quartermaster-General."

Mr. CALKINS. Is that offered as an amendment to the bill?

The SPEAKER. It is an amendment proposed, as the Chair understands, with the consent of the chairman of the committee before the motion to suspend the rules is submitted.

Mr. HOOKER. It is proposed as an additional section to the bill.

Mr. CALKINS. How much money is involved it it?

Mr. HOOKER. I do not know the exact amount.

Mr. CALKINS. About how much?

Mr. HOOKER. I am unable to state. The gentleman from Wisconsin, the chairman of the committee which investigated the subject, will probably be better able to give you that information.

Mr. BRAGG. There is no specified amount involved in this bill. It simply refers the matter to the Quartermaster-General.

Mr. CALKINS. Can you state about how much it will involve?

Mr. HOOKER. I will repeat that it simply refers the whole question to the Quartermaster-General to investigate and see how much is due.

Mr. BRAGG. The bill was reported by the gentleman from Vermont who sits near the gentleman from Indiana, and he can possibly give the information.

Mr. CALKINS. I do not object; I simply ask for information as to what amount is involved in this proposed amendment.

Mr. BREWER. Does the Committee on War Claims favor this amendment?

Mr. BRAGG. The Committe on War Claims directed the bill to be reported favorably to the House, which bill is now proposed as an amendment or an additional section to the bill.

The SPEAKER. The proposed amendment is admitted, there being no objection. Is there a demand for a second on the motion to suspend the rules?

There was no demand for a second.

The question was taken on the motion to suspend the rules and pass the bill with the amendments, when (two-thirds voting in favor thereof) the rules were suspended, and the bill passed.

CONFERENCE ON THE SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER appointed the following as conferees on the part of the House on the sundry civil appropriation bill: Mr. BLOUNT, Mr. MCMAHON, and Mr. MONROE.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. COBB. Mr. Speaker, I desire to make a conference report on the bill of the House No. 7035, making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes.

The SPEAKER. The conference report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 25, 26, 27, 28, 49 and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 13, 14, 15, 16, 17, 18, 19, 20, and 60; and agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In line 23 of said amendment, after the word "including," insert the words "one-half of;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: Add at the close of the amendment, as a new section, the following:

"SEC. 6. That the commissioners of the District of Columbia are authorized to sell to the highest bidder, at public auction, and under the provisions of section 3 of this act, the following, namely: All the right, title, and interest of the United States in and to a certain parcel of land in the square south of square 181, in said city of Washington, described as follows, to wit: Beginning at a point on the north side of N street northwest, 48 feet 2 inches west of the west line of Sixteenth street; running thence along N street westerly eighteen feet; thence northerly 62.14 feet to Massachusetts avenue; thence southeasterly along said avenue 19.69 feet; thence 54.27 feet south to the point of beginning on N street. The proceeds of sale to be applied to the use mentioned in section 3."

T. R. COBB,
JO. C. S. BLACKBURN,
FRANK HISCOCK,
Managers on the part of the House.
R. E. WITHERS,
ISHAM G. HARRIS,
WM. WINDOM,
Managers on the part of the Senate.

Statement in explanation of the report upon the nineteen amendments that remained open, namely:

By action on amendment 11 the amount appropriated is decreased $40,000.

By action on amendments 13, 14, 15, 16, 17, 18, 19, and 20, for maintaining the jail, the appropriations for the employés, &c., is dropped out.

By action on amendments 24, 25, 27, and 28, the office of treasurer is abolished, and a system of book-keeping is provided for in the assessor and collector's office.

By action on amendment 26, the special assessment division is abolished.

By action on amendment 27, the appropriation remains in gross sum as originally fixed by the House.

By action on amendments 49 and 50, the location of the high school provided for in the bill is fixed on the southeast part of square 446, as provided in the original bill as passed by the House.

By action on amendment 63, provision is made for the depositing the revenues of the District in the Treasury of the United States, and the manner in which they shall be drawn therefrom, and that the General Government shall be liable for one-half of all general taxes paid in drawback certificates as required by the act approved June 27, 1879.

By action on amendment 66, section 7 of the act of March 2, 1867, which exempts from taxation the buildings, grounds, rents, revenues, &c., of the same, of the joint stock company of the Young Men's Christian Association of Washington, and the commissioners of the District are authorized to sell the right, title, and interest of certain parcel of land in square south of square 181 in the city of Washington.

THOS. R. COBB,
JO. C. S. BLACKBURN,
FRANK HISCOCK,
Managers on the part of the House.

Mr. COBB. I demand the previous question upon the adoption of the conference report.

The main question was ordered; under the operation of which the report of the conference committee was agreed to.

Mr. COBB moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPORTIONMENT OF REPRESENTATIVES.

Mr. COX. I move to suspend the rules and put upon its passage the bill which I send to the desk. It is the bill as to the apportionment of Representatives, having in it the number 307 and the two sections of the original bill.

The SPEAKER. The bill will be read.

Mr. ANDERSON. I ask the gentleman from New York if he will not withhold that motion for the present to allow the message of the President just received to be read?

Mr. KEIFER. We demand a second on the motion of the gentleman from New York to suspend the rules. If the gentleman will put the number at 319 we will pass the bill.

Mr. COX. I have made my motion to pass the bill with the fairest number possible.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, without amendment, the bill (H. R. No. 3292) granting a pension to Sally M. Buchanan, widow of General Robert C. Buchanan, United States Army.

The message further announced that the Senate insisted on its amendments to the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, disagreed to by the House of Representatives, agreed to the committee of conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BECK, Mr. DAVIS of West Virginia, and Mr. WINDOM, as the conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. TUCKER. I ask that the message from the President received this morning be taken from the Speaker's table and laid before the House.

The SPEAKER. Does the gentleman from New York [Mr. COX] yield for that purpose?

Mr. COX. I do.

VETO OF REFUNDING BILL.

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

Having considered the bill entitled "An act to facilitate the refunding of the national debt," I am constrained to return it to the House of Representatives, in which it originated, with the following statement of my objections to its passage.

The imperative necessity for prompt action, and the pressure of public duties in this closing week of my term of office, compel me to refrain from any attempt to make a full and satisfactory presentation of the objections to the bill.

The importance of the passage at the present session of Congress of a suitable measure for the refunding of the national debt, which is about to mature, is generally recognized. It has been urged upon the attention of Congress by the Secretary of the Treasury and in my last annual message. If successfully accomplished, it will secure a large decrease in the annual interest payment of the nation; and I earnestly recommend, if the bill before me shall fail, that another measure for this purpose be adopted before the present Congress adjourns.

While in my opinion it would be wise to authorize the Secretary of the Treasury, in his discretion, to offer to the public bonds bearing 3½ per cent. interest in aid of refunding, I should not deem it my duty to interpose my constitutional objection to the passage of the present bill if it did not contain, in its fifth section, provisions which in my judgment seriously impair the value and tend to the destruction of the present national-banking system of the country. This system has now been in operation almost twenty years. No safer or more beneficial banking system was ever established. Its advantages as a business are free to all who have the necessary capital. It furnishes a currency to the public which for convenience and the security of the bill-holder has probably never been equaled by that of any other banking system. Its notes are secured by the deposit with the Government of the interest-bearing bonds of the United States.

The section of the bill before me which relates to the national-banking system, and to which objection is made, is not an essential part of a refunding measure. It is as follows:

SEC. 5. From and after the 1st day of July, 1881, the 3 per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation, or as security for the safe-keeping and prompt payment of the public money deposited with such banks; but when any such bonds deposited for the purposes aforesaid shall be designated for purchase or redemption by the Secretary of the Treasury, the banking association depositing the same shall have the right to substitute other issues of the bonds of the United States in lieu thereof: *Provided*, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn, as provided by law, within thirty days after interest has ceased thereon, the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: *And provided further*, That section 4 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," be, and the same is hereby, repealed; and sections 5159 and 5160 of the Revised Statutes of the United States be, and the same are hereby, re-enacted.

Under this section it is obvious that no additional banks will hereafter be organized, except possibly in a few cities or localities where the prevailing rates of interest in ordinary business are extremely low. No new banks can be organized, and no increase of the capital of existing banks can be obtained except by the purchase and deposit of 3 per cent. bonds. No other bonds of the United States can be used for the purpose. The one thousand millions of other bonds recently issued by the United States, and bearing a higher rate of interest than 3 per cent., and therefore a better security for the bill-holder, cannot, after the 1st of July next, be received as security for bank circulation. This is a radical change in the banking law. It takes from the banks the right they have heretofore had under the law to purchase and deposit, as security for their circulation, any of the bonds issued by the United States, and deprives the bill-holder of the best security which the banks are able to give, by requiring them to deposit bonds having the least value of any bonds issued by the Government.

The average rate of taxation of capital employed in banking is more than double the rate of taxation upon capital employed in other legitimate business. Under these circumstances, to amend the banking law so as to deprive the banks of the privilege of securing their notes by the most valuable bonds issued by the Government will, it is believed, in a large part of the country, be a practical prohibition of the organization of new banks, and prevent the existing banks from enlarging their capital. The national banking system, if continued at all, will be a monopoly in the hands of those already engaged in it, who may purchase Government bonds bearing a more favorable rate of interest than the 3 per cent. bonds prior to next July.

To prevent the further organization of banks is to put in jeopardy the whole system by taking from it that feature which makes it as it now is, a banking system free upon the same terms to all who wish to engage in it. Even the existing banks will be in danger of being driven from business by the additional disadvantages to which they will be subjected by this bill. In short, I cannot but regard the fifth section of the bill as a step in the direction of the destruction of the national-banking system.

Our country, after a long period of business depression, has just entered upon a career of unexampled prosperity.

The withdrawal of the currency from circulation of the national banks and the enforced winding up of the banks in consequence, would inevitably bring serious embarrassment and disaster to the business of the country. Banks of issue are essential instruments of modern commerce. If the present efficient and admirable system of banking is broken down, it will inevitably be followed by a recurrence to other and inferior methods of banking. Any measure looking to such a result will be a disturbing element in our financial system. It will destroy confidence and surely check the growing prosperity of the country.

Believing that a measure for refunding the national debt is not necessarily connected with the national-banking law, and that any refunding act would defeat its own object if it imperiled the national-banking system or seriously impaired its usefulness; and convinced that section 5 of the bill before me would, if it should become a law, work great harm, I herewith return the bill to the House of Representatives for that further consideration which is provided for in the Constitution.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *March* 3, 1881.

An act to facilitate the refunding of the national debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: *Provided*, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds to an amount not exceeding $400,000,000, of denominations of $50, or some multiple of that sum, which shall bear interest at the rate of 3 per cent. per annum, payable semi-annually, redeemable at the pleasure of the United States, after five years, and payable twenty years from the date of issue; and also Treasury notes to an amount not exceeding $300,000,000, in denominations of $10, or some multiple of that sum, not exceeding $1,000, either registered or coupon, bearing interest at a rate not exceeding 3 per cent. per annum, payable semi-annually, redeemable at the pleasure of the United States after one year, and payable in ten years from the date of issue; and no Treasury note of a less denomination than $100 shall be registered. The bonds and Treasury notes shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: *Provided*, That nothing in this act shall be so construed as to authorize an increase of the public debt: *Provided further*, That interest upon the 6 per cent. bonds hereby authorized to be refunded shall cease at the expiration of thirty days after publication of notice that the same have been designated by the Secretary of the Treasury for redemption. It shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may prescribe, to authorize public subscriptions, at not less than par, to be received at all depositories of the United States, and at all national banks, and such other banks as he may designate, for the bonds and for the Treasury notes herein provided for, for thirty days before he shall contract for or award any portion of said bonds or Treasury notes to any syndicate of individuals or bankers, or otherwise than under such public subscriptions; and if it shall happen that more than the entire amount of said bonds and Treasury notes, or of either of them, has been subscribed within said thirty days, he shall award the full amount subscribed to all persons who shall have made *bona fide* subscriptions for the sum of $2,000 or less, at rates most advantageous to the United States, and the residue ratably among the subscribers in proportion to the amount by them respectively subscribed, at rates most advantageous to the United States.

SEC. 2. The Secretary of the Treasury is hereby authorized, in the process of refunding the national debt, to exchange, at not less than par, any of the bonds or Treasury notes herein authorized for any of the bonds of the United States outstanding and uncalled bearing a higher rate of interest than 4½ per cent. per annum; and on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of exchange to the time of their maturity, and the interest for a like period on the bonds or Treasury notes issued; and the bonds so received and exchanged in pursuance of the provisions of this act shall be canceled and destroyed; but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific Railway Companies.

SEC. 3. The Secretary of the Treasury is hereby authorized and directed to make suitable rules and regulations to carry this act into effect; and the expense of preparing, issuing, advertising, and disposing of the bonds and Treasury notes authorized to be issued shall not exceed one-half of 1 per cent.

SEC. 4. That the Secretary of the Treasury is hereby authorized, if in his opinion it shall become necessary, to use temporarily not exceeding $50,000,000 of the stand-

ard gold and silver coin in the Treasury in the redemption of the 5 and 6 per cent. bonds of the United States authorized to be refunded by the provisions of this act, which shall from to time be repaid and replaced out of the proceeds of the sale of the bonds or Treasury notes authorized by this act; and he may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of the United States bonds or Treasury notes authorized by this act: *Provided*, That the bonds and Treasury notes so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

SEC. 5. From and after the 1st day of July, 1881, the 3 per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation, or as security for the safe-keeping and prompt payment of the public money deposited with such banks; but when any such bonds deposited for the purposes aforesaid shall be designated for purchase or redemption by the Secretary of the Treasury, the banking association depositing the same shall have the right to substitute other issues of the bonds of the United States in lieu thereof: *Provided*, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn, as provided by law, within thirty days after interest has ceased thereon, the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: *And provided further*, That section 4 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," be, and the same is hereby, repealed; and sections 5159 and 5160 of the Revised Statutes of the United States be, and the same are hereby, re-enacted.

SEC. 6. That the payment of any of the bonds hereby authorized, after the expiration of five years, shall be made in amounts to be determined from time to time by the Secretary of the Treasury at his discretion, the bonds so to be paid to be distinguished and described by the dates and numbers, beginning for each successive payment with the bonds of each class last dated and numbered; of the time of which intended payment or redemption the Secretary of the Treasury shall give public notice, and the interest on the particular bonds so selected at any time to be paid shall cease at the expiration of thirty days from publication of such notice.

SEC. 7. That this act shall be known as "The funding act of 1881;" and all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. TUCKER. I move that the message of the President be printed and that it do lie upon the table, subject to be called up at a future time for consideration.

Mr. CONGER. I move that the House proceed to the consideration of the President's message.

The SPEAKER. It is usual to proceed to consider immediately a veto message unless a motion is made to postpone. The clause in the Digest showing what is the practice will be read.

Mr. ROBESON. The motion to proceed to consider is a privileged motion. It has been so decided.

The Clerk read as follows:

Whenever a bill is returned to the House with the objections of the President, it is usual to have the message containing his objections immediately read—Journals, 1, 28, pp. 1081, 1084; 1, 29, pp. 1209, 1214; 2, 33, pp. 397, 411; 1, 34, p. 1420; and for the House to proceed to the reconsideration of the bill—*Ibid.*—or to postpone its consideration for a future day.—*Ibid.*, 1, 21, p. 742. But not where less than a quorum is present.—*Ibid.*, 33, p. 1341. A veto message and a bill may be referred, or the message alone, and the bill may be laid on the table.—Journal, 2, 27, pp. 1253, 1254, 1256, 1257; Congressional Globe, same session, p. 875.

The main question in the consideration of a vetoed bill is, "Will the House on reconsideration agree to pass the bill?"—Journals, 2, 27, p. 1051; 1, 28, p. 1085; 1, 29, p. 1218, &c.

Mr. COX. I yielded the floor only temporarily. I did not yield for any motion or debate.

The SPEAKER. The Chair will entertain the motion of the gentleman from Virginia if it is made.

Mr. ROBESON. I rise to a privileged question.

The SPEAKER. What motion does the gentleman from Virginia make?

Mr. TUCKER. I move that the President's message be printed and lie on the table subject to be called up hereafter.

Mr. ROBESON. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. I move that we proceed to the reconsideration of the funding bill just returned with the objection of the President, and I claim that is a privileged question.

The SPEAKER. The Chair will entertain the motion. He will also entertain the motion to postpone, which is substantially the motion of the gentleman from Virginia.

Mr. TUCKER. I move to postpone.

The SPEAKER. The question is on the motion of the gentleman from Virginia.

Mr. CONGER. It will save time to have the yeas and nays, and I demand them.

Mr. ROBESON. We want to consider immediately; because we can still have a funding bill.

The yeas and nays were ordered.

Mr. CONGER. Will the Chair please state the question again?

The SPEAKER. The question is on the motion to postpone the present consideration.

The question was taken; and there were—yeas 138, nays 116, not voting 36; as follows:

YEAS—138.

Acklen,	Beltzhoover,	Bragg,	Clardy,
Aiken,	Berry,	Bright,	Clark, Alvah A.
Armfield,	Bicknell,	Buckner,	Clark, John B.
Atherton,	Blackburn,	Cabell,	Clements,
Atkins,	Bland,	Caldwell,	Clymer,
Bachman,	Blount,	Carlisle,	Cobb,
Beale,	Bouck,	Chalmers,	Coffroth,
Colerick,	Herndon,	Muldrow,	Sparks,
Converse,	Hill,	Muller,	Speer,
Cook,	Hooker,	Myers,	Springer,
Covert,	Hostetler,	New,	Steele,
Cox,	House,	Nicholls,	Stevenson,
Cravens,	Hunton,	O'Reilly,	Talbott,
Culberson,	Hurd,	Persons,	Thompson, P. B.
Davidson,	Jones,	Philips,	Tillman,
Davis, Lowndes H.	Kenna,	Phister,	Tucker,
De La Matyr,	Kimmel,	Poehler,	Turner, Oscar
Deuster,	King,	Reagan,	Turner, Thomas
Dibrell,	Kitchin,	Richardson, J. S.	Upson,
Dickey,	Klotz,	Richmond,	Vance,
Dunn,	Knott,	Robertson,	Warner,
Elam,	Ladd,	Ross,	Weaver,
Evins,	Le Fevre,	Rothwell,	Wellborn,
Finley,	Lounsbery,	Ryon, John W.	Whiteaker,
Ford,	Lowe,	Samford,	Whitthorne,
Forney,	Manning,	Sawyer,	Williams, Thomas
Geddes,	Martin, Benj. F.	Scales,	Willis,
Gibson,	Martin, Edward L.	Scoville,	Wilson,
Gillette,	McKenzie,	Shelley,	Wise,
Gunter,	McLane,	Simonton,	Wright,
Hammond, N. J.	McMahon,	Singleton, J. W.	Yeates,
Harris, John T.	McMillin,	Singleton, O. R.	Yocum,
Hatch,	Mills,	Slemons,	Young, Casey.
Henkle,	Money,	Smith, Hezekiah B.	
Herbert,	Morrison,	Smith, William E.	

NAYS—116.

Aldrich, N. W.	Cowgill,	Keifer,	Robeson,
Aldrich, William	Crapo,	Kelley,	Robinson.
Anderson,	Crowley,	Ketcham,	Russell, Daniel L.
Bailey,	Daggett,	Killinger,	Ryan, Thomas
Baker,	Davis, George R.	Lapham,	Sapp,
Ballou,	Davis, Horace	Lindsey,	Shallenberger,
Barber,	Deering,	Mason,	Sherwin,
Barlow,	Dick,	McCoid,	Smith, A. Herr
Bayne,	Dunnell,	McGowan.	Starin,
Belford,	Dwight,	McKinley	Stone,
Bingham,	Einstein,	Miles,	Taylor, Ezra B.
Bisbee,	Errett,	Monroe,	Thomas,
Blake,	Felton,	Morse,	Thompson, W. G.
Bowman,	Ferdon,	Neal,	Townsend, Amos
Boyd,	Fisher,	Newberry	Tyler,
Brewer,	Forsythe,	Norcross,	Updegraff, J. T.
Briggs,	Fort,	O'Neill,	Updegraff, Thomas
Brigham,	Frye,	Orth,	Urner,
Browne,	Hall,	Osmer,	Valentine,
Burrows,	Harmer,	Overton,	Van Aernam,
Butterworth,	Harris, Benj. W.	Pacheco,	Van Voorhis,
Calkins,	Haskell,	Page,	Voorhis,
Camp,	Hawk,	Phelps,	Ward,
Cannon,	Hawley,	Prescott,	Washburn,
Carpenter,	Heilman,	Price,	White,
Caswell,	Horr,	Ray,	Wilber,
Chittenden,	Hubbell,	Reed,	Willits,
Claflin,	Jorgensen,	Rice,	Wood,
Conger,	Joyce,	Richardson, D. P.	Young, Thomas L.

NOT VOTING—36.

Bliss,	Hazelton,	Loring,	Pound,
Davis, Joseph J.	Henderson,	Marsh,	Russell, W. A.
Ellis,	Henry,	McCook,	Stephens,
Ewing,	Hiscock,	Miller,	Taylor, Robert L.
Frost,	Houk,	Mitchell,	Townshend, R. W.
Godshalk,	Humphrey,	Morton,	Waddill,
Goode,	Hutchins,	Murch,	Wait,
Hammond, John	James,	O'Brien,	Wells,
Hayes,	Johnston,	O'Connor,	Williams, C. G.

So the motion of Mr. TUCKER was agreed to.

The following pairs were announced:

Mr. JAMES with Mr. O'BRIEN, until further notice.

Mr. O'CONNOR with Mr. HOUK, until further notice, both being ill.

Mr. WAIT with Mr. JOHNSTON, for this legislative day, Mr. JOHNSTON being confined to his room by severe illness.

Mr. HISCOCK with Mr. WELLS, on this vote.

Mr. HENDERSON with Mr. TOWNSHEND of Illinois, on all political questions, for the remainder of the session.

Mr. STEPHENS with Mr. MITCHELL.

Mr. GOODE with Mr. LORING.

The result of the vote was then announced as above stated.

Mr. TUCKER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COX. I now call up my motion to suspend the rules.

Mr. MCKENZIE. I desire to ask the gentleman to yield to me.

Mr. COFFROTH. I rise to make a privileged report.

Mr. SPEAKER. The pending motion is a motion to suspend the rules.

Mr. MCKENZIE. I believe that motion has not yet been submitted.

Mr. COX. I submitted the motion some time ago, but yielded to the gentleman from Virginia [Mr. TUCKER] to call up the President's message.

Mr. COFFROTH. I desire to make a privileged report.

APPORTIONMENT BILL.

Mr. COX. I cannot yield now. I have modified my motion and reduced it to writing and ask the Clerk to read it.

The Clerk read as follows:

To suspend the rules so as to consider the apportionment bill, and that a vote be taken on the numbers 322, 319, 315, and 307 in the order stated; and, when a majority shall agree upon any number, that the bill with the second and third sections of the original bill be put upon its passage without debate or dilatory motions.

Mr. CONGER. I make the point of order that even under a motion to suspend the rules this House cannot compel members to vote or not to vote, to use dilatory motions or not to use them. A motion to suspend the rules must be to do something within the power of the House.

The SPEAKER. It is a motion to suspend all rules.

Mr. CONGER. To do something within the constitutional rights of members.

The SPEAKER. The motion is a legitimate motion, one known to the rules, a motion which the Chair is bound to recognize. Whether it is a proper motion in substance or subject is a matter for the discretion of the House, for the judgment of the members of the House.

Mr. CONGER. Suppose the gentleman had included in his motion a proposition that the minority should not vote.

The SPEAKER. Well, it would be in the discretion of the House.

Mr. CONGER. It would, eh?

The SPEAKER. That would be so absurd that the Chair will not respond.

Mr. CONGER. Well, this proposition says there shall be no more dilatory motions.

The SPEAKER. The motion is a legitimate one known to the rules.

Mr. CONGER. I asked the question of the Chair in good faith in order to see how far this could go, to see what motions could be submitted controlling the actions of the members of this House.

The SPEAKER. The remedy with the House is to vote it down. The Chair does not think that he has any right to rule out a proposition touching a subject on which a motion is in order.

Mr. CONGER. Let the proposition be read again. I think the Chair could not have heard that portion of the proposition.

The SPEAKER. The Chair may not have understood it entirely.

Mr. CONGER. Let it be read again.

The proposition of Mr. COX was again read.

Mr. KEIFER. There is too much of that.

Mr. ROBINSON. The last portion would be entirely inoperative. "The bill shall be put on its passage" is enough; that will require a vote upon it. Certainly nobody claims that there is any power to compel gentlemen to vote if they wish to refrain from voting. I submit to the gentleman from New York that the last part of his proposition would be entirely inoperative.

Mr. COX. It applies only to the consciences of men.

Mr. ROBINSON. Oh, you had better let their consciences alone.

Mr. COX. I will strike out the last part of it.

The SPEAKER. The proposition will be again read as modified.

The proposition as modified was read, as follows:

To suspend the rules so as to consider the apportionment bill, and that a vote be taken on the numbers 322, 319, 315, and 307 in the order stated; and, when a majority shall agree upon any number, that the bill, with the second and third sections of the original bill, be put upon its passage without debate.

Mr. ROBINSON. Now let the sections referred to be read, so that the House may know what they are.

Mr. COX. I ask that the bill having the number 307 in it be read.

Mr. ROBINSON. Let the two sections referred to be read, so that we may understand them.

Mr. COX. I ask that sections 2 and 3 be read.

The Clerk read as follows:

SEC. 2. That whenever a new State shall be admitted into the Union the Representative or Representatives assigned to it shall be additional to the number herein provided for.

SEC. 3. That in each State entitled under this apportionment the number to which such State may be entitled in the Forty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants, and equal in number to the Representatives to which each State may be entitled in Congress, no one district electing more than one Representative.

Mr. COX. I call for the yeas and nays on my motion to suspend the rules.

Mr. CALKINS. Is this a motion to suspend the rules and consider merely, or a motion to suspend and pass?

Mr. COX. To consider the four numbers I have named, and have a vote on them.

Mr. CALKINS. I understand that the proposition of the gentleman from New York [Mr. COX] is that there shall be no dilatory motions.

Mr. COX. That portion is stricken out.

The SPEAKER. There could be under the rule but one motion to adjourn.

Mr. CONGER. I desire to know whether if this motion to suspend the rules should prevail, there will then be a vote by which a majority can pass the bill.

The SPEAKER. The Chair thinks there would be.

Mr. CONGER. Then we do not propose to let it come to that point.

The SPEAKER. This is a motion to suspend the rules to consider.

Mr. CONGER. But it compels a vote upon several numbers, and it requires that the number which the majority may adopt shall be part of the bill.

Mr. COX. That is the advantage you have. I give gentlemen on the other side that advantage at their own request, or the request of many of them.

Mr. CONGER. That proposition was made to the committee of the two sides, and was rejected. The gentleman knows it.

Mr. COX. This is not the same proposition.

Mr. CONGER. It is the same proposition.

Mr. COX. Oh, no; I have them here.

Mr. CONGER. So have I.

Mr. COX. There is a different order.

Mr. CONGER. It is the same proposition on which the two sides failed absolutely to agree.

Mr. COX. Not on this proposition.

Mr. CONGER. Substantially the same. Now they come in and want a suspension of the rules to compel us to take the bill up.

Mr. COX. I must correct the gentleman——

Mr. MARSH. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARSH. I desire to know, if this motion prevails, whether when the vote comes upon 322 or upon 319, or any lower number, it will be within the power of members of the House to refuse to vote.

The SPEAKER. The Chair would not like to decide that until members do refuse to vote. But he does not know how he could make members vote if they did not wish to do so.

Mr. REED. The Chair is familiar with such matters.

Mr. CONGER. I have here the proposition of the gentleman to the committee——

Mr. BLAND. I object to debate. [Cries of "Regular order!"]

Mr. CONGER. It is in writing too.

Mr. COX. The numbers are not in the same order.

The SPEAKER. On the question of suspending the rules the gentleman from New York has called for the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. I demand that the question be taken by tellers on seconding the motion to suspend the rules.

Mr. ERRETT and Mr. COX were appointed tellers.

The House divided; and the tellers reported—ayes 132, noes 72.

So the motion to suspend the rules was seconded.

The SPEAKER. There are now fifteen minutes on each side for debate.

Mr. MCKINLEY. I wish to make a parliamentary inquiry. If the resolution offered by the gentlemen from New York should be adopted, would we proceed to vote upon the several propositions contained in the resolution under the rules of the House?

The SPEAKER. The House would proceed to vote on the several numbers, as directed to be voted upon in the words of the resolution.

Mr. PAGE. I wish to make a parliamentary inquiry. If the rules should be suspended under the proposition made by the gentleman from New York, the House, as I understand, would come to a vote first on 322; if a majority should vote against 322, then the question would be taken on 319; if a majority should vote against 319, then there would be a vote on 315; and then on 307.

The SPEAKER. That is the order.

Mr. PAGE. That we would be compelled to do if the rules should be suspended under the gentleman's motion.

The SPEAKER. That would be the order of voting. The Clerk will now call the roll.

Mr. KEIFER. I thought debate was in order.

The SPEAKER. The Chair did not hear any one claiming the right to debate the proposition, although he gave notice that there were fifteen minutes on each side for debate under the rules. [Cries of "Vote!" "Vote!"]

Mr. COX. If anybody claims the floor for debate on the other side, I claim the right to respond; otherwise I have no wish to speak.

Mr. ROBESON. Having been named first on the list in the debate on the bill, am I not entitled to the floor?

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. SHERWIN] as controlling the matter on his side of the House. [Cries of "That is right!"]

Mr. COX. I shall claim the concluding quarter of an hour.

Mr. SHERWIN. Mr. Speaker, I do not expect at this time in the fifteen minutes at my disposal to be able to say anything which will change the opinions of gentlemen upon the questions before the House. I will however refer to a few things which tend, as I think, to obscure and distort the subject. It would seem as though there was no end to the confusion which arises out of questions of arithmetic, the chance of shifting fractions. No gentleman can claim that there is any injustice *per se* in any of the numbers which have been suggested, whether 293, 301, 307, 311, 319, or 322. No unfairness can be

detected anywhere, except as you make it a political question. Three hundred and eleven is as fair as 319, except for the politics involved in it; but even those who have declared upon this floor that politics ought to have nothing to do with it have said that 311 was unfair. Gentlemen upon the other side and gentlemen upon this side who have determined to eschew politics have dropped 311. Why did they abandon it? It was not unfair mathematically. Gentlemen have confessed what many of us have from the first asserted that it is a political question. Then, having made that confession, where can you stop except at that point which is in fact fair politically? I believe I demonstrated in my first speech that we could not stop short of 319 if we wish to secure political fairness. My position has not been assailed. I again assume it, with the additional remark that I think 322 is still nearer to political exactness. But we have not asked for that, as we believed that you who have the majority would not give it to us. We thought you would accept 319 as fair, but it was a vain hope.

I wish to make a few more observations in regard to fractions and the part they have played here in this discussion.

And first I will say that the object of an apportionment is not to represent fractions. They are but an incident. Washington and all the early statesmen of our country claimed that only whole ratios could be represented. That was the uniform policy and practice of Congress until 1840, and not until then was any fraction allowed a Representative, no matter how unjust it seemed to be in some cases. Then the policy changed, and fractions greater than one-half were allowed a Representative, and since then the strife has been on the part of different States to secure, by means of fractions, greater representation than they were entitled to.

In the light of the early practice of Congress, and in the very nature of apportionment, that number is best which requires the least number of Representatives to be given to fractions and which represents the most whole numbers. If a number could be found which would so divide the population of the different States that all the fractions were less than one-half of a ratio, that would be the best number we could find; for no one would claim that such small fractions should be represented. Then, again, if we could find a number which when applied to the population of the States would only leave, say, three fractions greater than one-half and all of the others less than one-half, that number would be more in consonance with the true theory of apportionment than another number which would leave, say, twenty-five or thirty fractions greater than one-half, and so requiring so many Representatives to be given on their account.

It follows from this that the argument so much used here, that that number which leaves the least unrepresented fractions is the best, is fallacious. For instance, suppose one number gives us ten fractions greater than one-half and entitled to a Representative for each, and that the fractions in each of the other twenty-eight States amounted to 50,000 or 1,400,000 unrepresented fractions in the aggregate, would not that be nearer to equity as well as to theory than to choose a number which would cause twenty-eight fractions greater than a half and ten less than a half, with 500,000 people unrepresented? For, in the first instance, there would be only ten States instead of twenty-eight which would get a representation for a fraction, although the aggregate of unrepresented fractions would be nearly three times as great in the first case as in the last, but they would be distributed over many States, and the situation would approximate the case where no fractions at all would be represented, which we have seen is the desirable thing if it could be compassed.

To illustrate in another form this fallacy that the number which leaves the least unrepresented fractions is most desirable, I call your attention to the fact that the number 311, which has been at last conceded to be unjust, leaves 641,477 people in the aggregate unrepresented, while the number which our unpartisan friends have pitched upon leaves 658,844 people unrepresented, showing upon that principle that 311 is the best number, as it represents 17,367 more people than 307. The number 322 is better than 307, for at 322 only 645,390 people are unrepresented, which is 13,454 less people unrepresented than there are at 307.

To show what the situation is with regard to the States which have represented and unrepresented fractions, I will state that at 301 there are ten Northern and eight Southern States which have unrepresented fractions, while seven Southern and eleven Northern States have Representatives on account of them.

At 307 there are fourteen Northern and six Southern States which have unrepresented fractions, while there are nine Southern and seven Northern States which are represented by fractions.

At 319 there are eleven Northern and nine Southern States with unrepresented fractions, and six Southern and ten Northern States which have Representatives for fractions.

Having said so much about the uncertainties and confusion caused by fractions, and the fallacies that are supported by them, I will add that it seems to me that there are two cases in which Congress might relax its rule in the furtherance of justice, that is in the case of small States which ought to have every benefit they can obtain from them, and new States, or those fast increasing in population. States like Rhode Island, Vermont, and Connecticut on the one hand, and Texas, Kansas, Nebraska, and Minnesota on the other, as probably within a year or two each of the last four States will have increased sufficiently to entitle them to another Representative. I give in tabular form an exhibit of unrepresented fractions heretofore referred to:

Amount of unrepresented fractions at 307	658,844
Amount of unrepresented fractions at 304	630,078
Amount of unrepresented fractions at 311	641,477
Amount of unrepresented fractions at 322	645,390

It will be seen by the above table that if the lowest aggregate of unrepresented fractions is to be our guide, the order of the numbers should be 304, 311, 322 and 307.

A calculation was furnished the gentleman from New York [Mr. COX] by Mr. Smiley, of the Smithsonian Institution, which was published February 12, and a subsequent table in the RECORD of March 2. The gentleman is an accomplished mathematician, but his tables and those of the distinguished statistician of the Treasury Department, Mr. Elliott, given to us by the gentleman from Connecticut, [Mr. HAWLEY,] have started from erroneous premises. I do not know as gentlemen of this House have the time or is it necessary to enter into an extended analysis of those tables and those furnished by the Census Bureau. I wish to remind statisticians again that it is not a question of pure mathematics, and we do not expect to be ground to powder in the mill of circulating decimals. I shall at this time content myself with pointing out some inconsistencies in them.

I have already shown that the amount of unrepresented fractions at certain numbers are three or four times as large as given in the first of the tables mentioned. The first tables mentioned are upon a division of the States into four groups, East, West, South, and the Pacific, which are not chosen so as to represent the true object of the apportionment. The next tables are upon groups of States on the basis of republican, democratic, and doubtful States. It appears from the last tables that the most accurate number upon a division into republican, democratic, and doubtful is 307, and that the republican States are those which have the advantage. This is termed by the gentleman from New York [Mr. COX] "almost exquisite."

Three hundred and two is the next best number, varying but a trifle from 307, and might be called charming, as it is so accurate mathematically, and gives the South but 5 advantage over the North.

Three hundred and eight should be equally fascinating to the democracy, as it also gives them a net gain of 5.

Three hundred and eighteen comes fourth in desirableness mathematically, but it could never be adopted, as at that number the South has but 1 majority.

Now, to refer to another table in the first column of the fourth page of the RECORD of March 2 upon the basis of North and South. I wish to remark that there is a fallacy in the proportions used, in this, that he has taken as his second term in both proportions numbers that are not accurate in themselves and are a part of the problem upon which we are at work, and must be found, independently, the same as the fourth terms of his proportions, and cannot be assumed, and they do not give correct proportions. The true method to ascertain the proportional amount of representation for the sections is to take the proportion of the population of the North and the South to the whole population. That is, for the South .3748, and the North .6252.

Upon that basis, at 307, the South is entitled to 115.06 of the representation and the North to 191.94. That is, the South really has 9,648 people unrepresented, while the North has a representation for the same number of people, which it does not possess.

At 302, upon the same basis, the South is entitled to 113.19 of the representation, and the North to 188.81. That is, the South has 31,059 people unrepresented, while the North has the same number of people which it does not have, yet, notwithstanding this, the South has a net gain of 1 more, making 5 over the North.

The next singular thing is, that at 318, where the South has but 1 majority, the South is entitled to 119.19, and the North to 198.81; that is, the South has no representation for 29,497 of her people, while the North gains them. That is, a change of 19,849 people over all the country leaves the South but 1 majority instead of 4.

When we examine these questions in the light of pure mathematics we see, as I have shown, that if you choose the number which leaves the most unrepresented fractions, we must take not only 304, but the numbers which are asserted to be shockingly unfair, namely, 311 and 322, before we accept 307. If we take the theory of proportional representation in its strict sense as between sections, then you allow a difference of less than 20,000 people scattered over the whole country to make a difference of 3 members as between the North and South.

Again, dividing the States upon the basis of republican, democratic, and doubtful, 307 is the best number by pure mathematics upon the small margin stated as before. While upon a basis of East, West, South, and Pacific there are six other numbers better than 307, as shown by the first tables of Mr. Smiley.

After this exhibition of the jugglery of figures, shall we stand here enmeshed in their fallacies, or shall we treat it as it is, as a political question? Every one of these numbers when chosen is fair and true by arithmetic and in accordance with the requirements of the Constitution.

To those who feel like yielding to arithmetic pure and simple, I would say you cannot vote for 307. You must choose 304, 311, or 322 first.

To those who desire equity, I would reiterate, it is found at 319.

It deprives no State or section of any representation it is entitled to, and I for one shall stand by that number and shall oppose in every way the adoption of any smaller number than that.

I append to my remarks on the apportionment bill two tables prepared at my request by Mr. T. L. De Land, of the Treasury Department:

Table of distribution of population, gains and ratios of gains of same, present Representatives, and Representatives assigned, between North and South, Census of 1870 *and* 1880.

THE NORTH.

States.	Population.				Present Representatives.	Representatives assigned, 1880.					
	1880.	1870.	Gains.	Rate per cent.	293	293	301	307	311	319	322
California	864,686	560,247	304,439	54 +	4	5	5	5	5	6	6
Colorado	194,649	47,164	147,485	313 −	1	1	1	1	1	1	1
Connecticut	622,683	537,454	85,229	16 −	4	4	4	4	4	4	4
Illinois	3,078,769	2,539,891	538,878	21 +	19	18	19	19	19	20	20
Indiana	1,978,362	1,680,637	297,725	18 −	13	12	12	12	13	13	13
Iowa	1,624,620	1,194,020	430,600	36 +	9	10	10	10	10	10	11
Kansas	995,966	364,399	631,567	173 +	3	6	6	6	6	6	7
Maine	648,945	626,915	22,030	3.5+	5	4	4	4	4	4	4
Massachusetts	1,783,012	1,457,351	325,661	22 +	11	10	11	11	11	12	12
Michigan	1,636,331	1,184,059	452,272	39 −	9	10	10	10	10	11	11
Minnesota	780,806	439,706	341,100	78 −	3	5	5	5	5	5	5
Nebraska	452,433	122,993	329,440	268 −	1	3	3	3	3	3	3
Nevada	62,265	42,491	19,774	47 −	1	1	1	1	1	1	1
New Hampshire	346,984	318,300	28,684	9 +	3	2	2	2	2	2	2
New Jersey	1,130,983	906,096	224,887	25 −	7	7	7	7	7	7	7
New York	5,083,810	4,382,759	701,051	16 +	33	30	31	32	32	33	33
Ohio	3,198,239	2,665,260	532,979	20 −	20	19	19	20	20	21	21
Oregon	174,767	90,923	83,844	92 +	1	1	1	1	1	1	1
Pennsylvania	4,282,786	3,521,951	760,835	22 −	27	25	26	27	27	28	28
Rhode Island	276,528	217,353	59,175	27 +	2	2	2	2	2	2	2
Vermont	332,286	330,551	1,735	5 +	3	2	2	2	2	2	2
Wisconsin	1,315,480	1,054,670	260,810	25 −	8	8	8	8	8	8	9
Total North	30,865,390	24,285,190	6,580,200	27.11—	187	185	189	192	193	200	203
Representatives North at present						187	187	187	187	187	187
Representatives gained (+) and lost (−)						−2	+2	+5	+6	+13	+16

THE SOUTH.

Alabama	1,262,794	996,992	265,802	27 −	8	7	8	8	8	8	8
Arkansas	802,564	484,471	318,093	66 −	4	5	5	5	5	5	5
Delaware	146,654	125,015	21,639	18 −	1	1	1	1	1	1	1
Florida	267,351	187,748	79,603	42 +	2	1	1	2	2	2	2
Georgia	1,539,048	1,184,109	354,939	30 +	9	9	9	9	10	10	10
Kentucky	1,648,708	1,321,011	327,697	25 −	10	10	10	10	10	11	11
Louisiana	940,103	726,915	213,188	30 −	6	5	6	6	6	6	6
Maryland	934,632	780,894	153,738	19 +	6	5	6	6	6	6	6
Mississippi	1,131,592	827,922	303,670	37 −	6	7	7	7	7	7	7
Missouri	2,168,804	1,721,295	447,509	26 −	13	13	13	13	14	14	14
North Carolina	1,400,047	1,071,361	328,686	30 +	8	8	8	9	9	9	9
South Carolina	995,622	705,606	290,016	40 +	5	6	6	6	6	6	6
Tennessee	1,542,463	1,258,520	283,943	23 −	10	9	9	10	10	10	10
Texas	1,592,574	818,579	773,995	95 −	6	9	10	10	10	10	10
Virginia	1,512,806	1,225,163	287,643	24 −	9	9	9	9	10	10	10
West Virginia	618,443	442,014	176,429	40 −	3	4	4	4	4	4	4
Total South	18,504,205	13,877,615	4,626,590	33.34—	106	108	112	115	118	119	119
Total North	30,865,390	24,285,190	6,580,200	27.11—	187	185	189	192	193	200	203
Aggregate, United States	49,369,595	38,162,805	11,206,790	29.37+	293	293	301	307	311	319	322
Representatives assigned to South						108	112	115	118	119	119
Representatives South at present						106	106	106	106	106	106
Representatives gained South						+2	+6	+9	+12	+13	+13
Representatives gained or lost North						−2	+2	+5	+ 6	+13	+16
South's advantage over present apportionment						4	4	4	6	0	.....
North's advantage over present apportionment						.....	.....	.....	.....	0	3
Advantage to neither North nor South						.....	.....	.....	.....	0	.....

Redistribution of political power under the census of 1880.

NORTHERN STATES.

Unconstitutional method.											Constitutional method.						
Distribution of gains in Representatives in proportion to gains in population, or as 6,580,200 to 4,626,590.						Distribution of gains in Representatives in proportion to the ratios of gains, or as 27.11— to 33.34—.					Distribution of Representatives in proportion to the whole population, or as 30,865,390 to 18,504,205.						
Number	301	307	311	319	322	301	307	311	319	322	Number	293	301	307	311	319	322
Gain	8	14	18	26	29	8	14	18	26	29	Gain	....	8	14	18	26	29
	Fractions and whole numbers.					Fractions and whole numbers.											
Gain North	4.70=5	8.23=8	10.58=11	15.28=15	17.05=17	3.59=4	6.29=6	8.08=8	11.67=12	13.02=13	Loss North	2	2	5	6	13	16
Gain South	3	6	7	11	12	4	8	10	14	16	Gain South	2	6	9	12	13	13
North's advantage	2	2	4	4	5	0	.....	.....	.....	.....	North's advantage	....	....	....	....	0	3
South's advantage	.....	.....	.....	.....	.....	0	2	2	2	3	South's advantage	4	4	4	6	0	....

Redistribution of political power under the census of 1880—Continued.

SOUTHERN STATES.

	Unconstitutional method.										Constitutional method.					
	Distribution of gains in Representatives in proportion to gains in population, or as 4,626,590 to 6,580,200.					Distribution of gains in Representatives in proportion to the ratios of gains, or as 33.34— to 27.11—.					Distribution of Representatives in proportion to the whole population, or as 18,504,205 to 30,865,390.					
Number	301	307	311	319	322	301	307	311	319	322	293	301	307	311	319	322
Gain	8	14	18	26	29	8	14	18	26	29	0	8	14	18	26	29
	Fractions and whole numbers.					Fractions and whole numbers.										
Gain South	3. 30=3	5. 76=6	7. 40=7	10. 71=11	11. 95=12	4. 41=4	7. 71=8	9. 92=10	14. 33=14	15. 98=16	2	6	9	12	13	13

[During the delivery of the foregoing remarks the following proceedings took place:

The SPEAKER *pro tempore*, (Mr. CLYMER in the chair.) The gentleman's time has expired.

Mr. WHITE. How much more time is allowed on this side of the House?

The SPEAKER *pro tempore*. The gentleman from Illinois has exhausted the fifteen minutes allowed on that side. The gentleman from New York is now entitled to the floor.

Mr. SHERWIN. I ask leave to print some tables, in connection with this matter, in the RECORD.

There was no objection.]

Mr. WHITE. I ask consent to print some remarks on this subject.

There was no objection. [See Appendix.]

Mr. COX. I now yield five minutes to my colleague on the committee, the gentleman from Kentucky.

Mr. THOMPSON, of Kentucky. Mr. Speaker, after the long political wrangle that we have endured here for so many days and weeks on this bill, I am gratified to find that the members on both sides of the House are willing now to lay aside all political or sectional prejudices and unite in voting for the adoption of what I hope will prove to be a fair, just, and equitable apportionment bill.

While I consider the two numbers presented by gentlemen upon the other side as somewhat out of the way, and especially the number 322, as giving to one section of the country, looking at it in a sectional point of view, undue political advantage and an undue power both in the House and electoral college, still I am willing, for the sake of harmony, to have a vote taken upon both propositions in their order. I hope that I may have the attention of the House in the few moments which I shall devote to this question, because what I have to say is for the purpose of trying to reach the consideration of this bill and to induce all members of the House to unite in the enactment of a law upon some equitable basis.

I believe, Mr. Speaker, that it is our constitutional duty at this session of Congress to pass an apportionment bill, and I know that no apportionment bill can be passed unless it is felt to be reasonably fair, reasonably just, and equitable to both sides of the House, and to all sections of the country. I believe the numbers which have been presented on our side, either of which if adopted by the House would meet the approval of the country, are perfectly fair and just to all sections as well as to all the States. As far as the number 315 is concerned, it was introduced by myself as a compromise between the number 311 and 319, which were presented originally by the majority and minority of the committee, and which were distasteful to gentlemen respectively on both sides of the House. Three hundred and fifteen, the number proposed in my amendment, was four numbers greater than 311, proposed by the majority of the committee, and four numbers less than 319, proposed by the minority. It was a compromise between these extremes, and it certainly is as fair and equitable a distribution of political power between the sections of the country as in my judgment can possibly be reached.

As far as the number 307 is concerned, we have assurance from the highest authority and from calculations that have been carefully made and presented to the committee from the Census Bureau itself, from General Walker, who has devoted a great deal of time and attention to the consideration of it—I say we have assurances from him that this number 307 (upon which and 315 we ask a vote) is almost magic in its equal division of political power in this country between the two sections and among the States. And we can give assurances to gentlemen on all sides of the House who are opposed to the passage of such a proposition, that if the two numbers or either of them that we propose be adopted, they at least shall not suffer, nor shall there be thereby any unfair distribution of political power to themselves or their sections.

I would like to say to the House and to our friends upon both sides that, while so far as I am individually concerned, having investigated this question as far as I was capable of investigating it, having done all that I could possibly do to try and effect a compromise between the conflicting opinions of the two sides of the House, in the position in which they honored me with, I am willing to accept these numbers or either of them, because it enables us to frame a bill and to arrive at a fair conclusion in reference to a matter which has been the source of so much controversy. By fixing the number either at 315 or 307, either of which is perfectly fair to the majority and to the minority, we establish a just, equitable, and reasonable basis, and I think it ought to be accepted. I wish to say right here if any member upon our side refuses to vote for these 307 or 315 members, he does injustice to himself as well as to his section; because, while it gives us no political advantage, it nevertheless treats all with perfect fairness and justice. They obey also the mandate of the Constitution which declares that this bill shall be passed. The Constitution says this bill ought to be passed, and the interests of the country, upon grounds of economy, absolutely demand that it shall be passed immediately, for the reason that nineteen States in the Union whose Legislatures are in session are waiting to act upon it, which action cannot be had except at a tremendous expense to the people if further delay is to be had here, necessitating extra sessions of these nineteen Legislatures.

[Here the hammer fell.]

Mr. COX. I now yield three minutes to my friend from Pennsylvania, [Mr. SHALLENBERGER.]

Mr. SHALLENBERGER. Mr. Speaker, while this proposition by the gentleman from New York to suspend the rules is not just what I would like, I shall vote for it. I do not see in it the danger that was feared by gentlemen upon this side of the Chamber when it was first stated.

This is substantially the proposition to which the republicans, in the conference recently had, assented with the sole exception that we are now called to vote upon four numbers instead of upon all the numbers consecutively from 322 down to 301. This proposition does not commit the republican side of this House to vote at all upon any number under 322 or 319, unless we choose to do it. The proposition simply declares that we shall now without debate vote upon 322, 319, 315, if we desire, 307 if we desire; and if a majority of this House shall agree upon either number, then the bill without debate shall be put upon its passage. We reserve the right, as that side of the House always has reserved the right, and I take it always will, to refuse to vote if for any reason the bill or proposition presented seems inimical to the public interests or wholly unsatisfactory as a measure calculated to subserve the public good.

Now, Mr. Speaker, 319 is absolutely less fair to this side of the House than it is to the other. I claim that apportionment should be based upon population alone. I waive all other considerations now. We will apportion, whether in this Congress or the next, on population; we will apportion under the present census upon figures and statistics now before us. The North, consisting of twenty-two States, has gained 2,000,000 people more than the South in ten years. The North has 187 members in this House now, and the South, sixteen States, has 106 members. Now, if the South, with 106 members, gains 13, as it does under the 319 bill, will any man tell me that the North, with 187 members, ought not to gain 13, with 2,000,000 more of an increase of population in the last ten years? Will any gentleman say that is unfair? If it is, it is unfair to the North, not to the South. But the republicans want apportionment now, and we waive the political advantages of a House of Representatives larger than 319, and have reason to hope that some of our democratic friends will yield in turn the political advantages of a smaller House.

[Here the hammer fell.]

Mr. COX. The people of this country do not make very much account of a small addition of members to this body. Whether we increase our body by seven or ten or twenty members, they will not retrograde. Still the general sentiment is against any considerable increase.

But the people are interested in carrying out the provisions of the Constitution, namely, that the Representatives shall be apportioned according to the number of the people. They believe that such a roll of members should be given as will come nearest to the true representation of the people. I am more particular as to some number being fixed at this session than that my favorite should be named.

The number 307, as the authentic tables show, is nearer than any

other named. It is nearer than either of the other three numbers pending in this proposition. With that number, 307, there will only be 279,000 people unrepresented in our whole population of over fifty millions. With 319 there will be 10,000 more unrepresented. With 322 there will be 709,000 unrepresented. With 315 there will be about four hundred and fifty-five thousand unrepresented. The tables heretofore printed show the exact details in this connection. I refer to these tabular and other statements as ample testimony in behalf of the best number.

The fairness of the number 307 abundantly appears, and still more explicitly from the calculations to which I referred in my published remarks, and which appeared in the letters of Mr. Smiley of the "Smithsonian," and other statements approved by General Walker, Superintendent of the Census.

This statement comes with the approval of your own Superintendent. It is based on the authentic returns. I said your Superintendent of the Census, because he belongs to your party, gentlemen. We ought to be proud of the returns made under his superintendence and their authenticity. We should stand by him when he gives a fair count, as well from his subordinates as by arithmetic, so as to fix this apportionment aright. I say General Walker made the ciphering upon which I base my number, 307.

With the number 307 the old free States, with a population of 30,865,000 by the present census, will gain eighteen hundredths of a Congressman. The old slave States, with more than a population of 18,504,000, with 307 will lose one hundred and seven one-thousandth parts of a Congressman. You cannot get nearer to a nice and adequate representation.

If anybody can imagine the thousandth part of a Congressman they can perhaps understand it, but it is almost impossible. [Laughter.]

Mr. ROBESON. That depends upon the size of the Congressman. [Laughter.]

Mr. COX. Square men do not reckon size against other qualities.

And now take these figures; what do you find as to political relations? Take the republican States, the democratic States, and six doubtful States, that have gone both ways in the last few years. What do you find? Why, that 307 is the number nearest to exact justice. It stands first in this table; the total political injustice being seventy-eight hundredths.

With 319 there is a political injustice of one and seventy-four hundredths. What does 322 give? It does the greatest political injustice of any number, being last on the long list of computations, the amount of political injustice being four and forty hundredths. The number 319 is seven places lower down in the column than 307 in the order of political fairness.

How much time have I left?

The SPEAKER *pro tempore*, (Mr. CLYMER.) The gentleman has two minutes remaining.

Mr. COX. So that in concluding this long labor, as I hope by a vote on these four numbers, we will have shown to the House what the majority really desire. We will then demonstrate to the country a fairness which has no partisanship and no sectionalism and no distraction by reason of these unrepresented fractions. We come down to the very nicest point possible for representation in a representative body.

Mr. ROBINSON. May I ask the gentleman a question?

Mr. COX. Yes, sir.

Mr. ROBINSON. In the gentleman's bill making 307 the whole number of Representatives he has distributed among the States their respective numbers of Representatives. Now, suppose the House should choose the number 319 or the number 315, it would be necessary, I suggest, that the gentleman change his bill in advance so as to give the further numbers to the different States.

Mr. COX. I am advised of that and shall do that in perfect good faith. I have offered my proposition to attain a definitive vote of a majority here on some number. There is no danger of any jugglery; not on my part, in fixing the representative numbers for the different States. I intend to follow the vote of the House.

Mr. ROBINSON. I have only made the suggestion now in order that by and by there may be no confusion about it.

Mr. COX. I will endeavor with the aid of my friend from Massachusetts and other gentlemen, whatever number be adopted, to put the bill in proper shape. [Here the hammer fell.] I may ask, since my friend from Michigan [Mr. CONGER] has not made a full report on behalf of the committee of advisement, that I may be permitted to print with my remarks the propositions made in that committee, so that it may be seen without further disputation whether or not this proposition made to-day is the same as was submitted to the committee.

Mr. CONGER. They have all been printed in the newspapers.

The SPEAKER *pro tempore*. The time allowed for debate has expired.

Mr. CONGER. On the order of business I wish it to be fully understood that we vote on this proposition with the reservation made by the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] and my own reservation on behalf of myself and my friends, so that there may be no charge of bad faith. That being fully understood, I am in favor of the suspension of the rules for the purpose which has been stated.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from New York [Mr. COX] to suspend the rules for the purpose stated.

The motion was agreed to, two-thirds voting in favor thereof.

The SPEAKER *pro tempore*. The first proposition before the House to be voted upon is the number 322.

Mr. COX. I suggest that the roll be called on that proposition.

The SPEAKER. If there is no objection the roll will be called on the several propositions.

There was no objection.

Mr. ROBESON. Those in favor of the number 322 will vote "ay," and those opposed will vote "no."

The SPEAKER. Certainly.

The Clerk proceeded to call the roll, and there were—yeas 119, noes 132, not voting 39; as follows:

YEAS—119.

Aldrich, N. W.	Daggett,	Keifer,	Ryan, Thomas
Aldrich, William	Davis, George R.	Kelley,	Sapp,
Anderson,	Davis, Horace	Lapham,	Shallenberger,
Bailey,	Deering,	Lindsey,	Sherwin,
Baker,	De La Matyr,	Marsh,	Smith, A. Herr
Ballou,	Deuster,	Mason,	Starin,
Barber,	Dick,	McCoid,	Stone,
Barlow,	Dwight,	McCook,	Taylor, Ezra B.
Bayne,	Einstein,	McGowan,	Thomas,
Belford,	Errett,	McKinley,	Thompson, W. G.
Bingham,	Ferdon,	Miles,	Tillman,
Blake,	Fisher,	Miller,	Townsend, Amos
Bouck,	Fort,	Morton,	Tyler,
Bowman,	Frye,	Neal,	Updegraff, J. T.
Boyd,	Gillette,	Newberry,	Updegraff, Thomas
Brewer,	Godshalk,	Norcross,	Urner,
Briggs,	Hall,	O'Neill,	Valentine,
Brigham,	Hammond, John	Orth,	Van Aernam,
Browne,	Harmer,	Osmer,	Van Voorhis,
Burrows,	Harris, Benj. W.	Overton,	Voorhis,
Butterworth,	Haskell,	Pacheco,	Washburn,
Camp,	Hawk,	Page,	Weaver,
Cannon,	Hawley,	Prescott,	White,
Carpenter,	Heilman,	Price,	Wilber,
Caswell,	Hiscock,	Ray,	Williams, C. G.
Chittenden,	Horr,	Reed,	Willits,
Claflin,	Hubbell,	Rice,	Wood,
Conger,	Humphrey,	Richardson, D. P.	Yocum,
Cowgill,	Jorgensen,	Robinson,	Young, Thomas L.
Crapo,	Joyce,	Russell, W. A.	

NAYS—132.

Acklen,	Dibrell,	Le Fevre,	Scoville,
Aiken,	Dickey,	Lounsbery,	Shelley,
Armfield,	Dunn,	Manning,	Simonton,
Atkins,	Elam,	Martin, Benj. F.	Singleton, J. W.
Bachman,	Ellis,	Martin, Edward L.	Singleton, O. R.
Beltzhoover,	Evins,	McKenzie,	Slemons,
Berry,	Felton,	McLane,	Smith, Hezekiah B.
Bicknell,	Finley,	McMahon,	Smith, William E.
Blackburn,	Forney,	McMillin,	Sparks,
Bland,	Frost,	Mills,	Speer,
Bliss,	Geddes,	Money,	Springer,
Bragg,	Gibson,	Morrison,	Steele,
Bright,	Gunter,	Muldrow,	Stevenson,
Buckner,	Hammond, N. J.	Muller,	Talbott,
Cabell,	Harris, John T.	Myers,	Thompson, P. B.
Caldwell,	Hatch,	New,	Tucker,
Carlisle,	Henkle,	Nicholls,	Turner, Oscar
Chalmers,	Herbert,	O'Reilly,	Turner, Thomas
Clardy,	Herndon,	Persons,	Upson,
Clark, Alvah A.	Hill,	Phelps,	Vance,
Clark, John B.	Hostetler,	Philips,	Waddill,
Clements,	House,	Phister,	Warner,
Clymer,	Hunton,	Poehler,	Wellborn,
Cobb,	Hurd,	Reagan,	Wells,
Coffroth,	Hutchins,	Richardson, J. S.	Whiteaker,
Colerick,	Jones,	Richmond,	Whitthorne,
Converse,	Ketcham,	Robertson,	Williams, Thomas
Cook,	Killinger,	Ross,	Willis,
Covert,	Kimmel,	Rothwell,	Wilson,
Cox,	King,	Ryon, John W.	Wise,
Cravens,	Kitchin,	Samford,	Wright,
Culberson,	Knott,	Sawyer,	Yeates,
Davis, Lowndes H.	Ladd,	Scales,	Young, Casey.

NOT VOTING—39.

Atherton,	Ford,	Johnston,	O'Connor,
Beale,	Forsythe,	Kenna,	Pound,
Bisbee,	Goode,	Klotz,	Robeson,
Blount,	Hayes,	Loring,	Russell, Daniel L.
Calkins,	Hazelton,	Lowe,	Stephens,
Crowley,	Henderson,	Mitchell,	Taylor, Robert L.
Davidson,	Henry,	Monroe,	Townshend, R. W.
Davis, Joseph J.	Hooker,	Morse,	Wait,
Dunnell,	Houk,	Murch,	Ward.
Ewing,	James,	O'Brien,	

So the number 322 was rejected.

At the conclusion of the second call of the roll,

Mr. TAYLOR, of Tennessee, said: I desire to vote.

The SPEAKER *pro tempore*. Did the gentleman respond on either call of the roll?

Mr. TAYLOR, of Tennessee. I did not.

The SPEAKER *pro tempore*. Then under the rule the Chair cannot entertain the request.

Mr. KLOTZ. I desire to know how my name is recorded?

The SPEAKER *pro tempore*. The Clerk informs the Chair that the name of the gentleman is not recorded as voting.

Mr. KLOTZ. I sate in my seat (to the right of the Chair) when the

first call of the roll was made, and did not hear my name called. I then came here (in front of the Chair) and looked at the Clerk all the time he was making the second call so that I might hear my name when called, but there was so much confusion that I did not hear it.

The SPEAKER *pro tempore*. The record cannot now be changed.

Mr. KLOTZ. Order ought to be maintained so that members may hear their names when called.

The SPEAKER *pro tempore*. That is the fault of members themselves, not of the Chair.

Mr. VAN VOORHIS. I move that the reading of the names be dispensed with.

Mr. HASKELL and others objected.

The Clerk read the names of those voting.

The following additional pairs were announced:

Mr. BLOUNT with Mr. MONROE, during the session of the committee of conference on the sundry civil appropriation bill. If present, Mr. MONROE would vote "ay" and Mr. BLOUNT "no" on the first two propositions.

Mr. TAYLOR, of Tennessee, with Mr. DUNNELL, on this vote.

Mr. MORSE with Mr. HAZELTON, on this vote.

Mr. WARD with Mr. KENNA, on this vote, both being engaged on the Committee on Enrolled Bills.

Mr. ROBESON with Mr. HOOKER, for one hour from one o'clock and thirty minutes p. m.

The result of the vote was then announced as above stated.

The SPEAKER *pro tempore*. The number 322 having failed to receive the votes of a majority of those voting, the question will now be taken on the number 319; upon which the Clerk will call the roll.

Mr. MARTIN, of Delaware. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MARTIN, of Delaware. Does it require a simple majority to adopt one of the numbers proposed, or does it require the votes of two-thirds of those voting?

The SPEAKER *pro tempore*. A majority simply, under the order of the House.

Mr. WHITE. On this vote those in favor of 319 vote "ay."

The roll was called; and there were—yeas 136, nays 123, not voting 31; as follows:

YEAS—136.

Aldrich, N. W.	Crowley,	Jones,	Russell, Daniel L.
Aldrich, William	Daggett,	Jorgensen,	Russell, W. A.
Anderson,	Davis, George R.	Joyce,	Ryan, Thomas
Bailey,	Davis, Horace	Keifer,	Ryon, John W.
Baker,	De La Matyr,	Kelley,	Sapp,
Ballou,	Deering,	Ketcham,	Shallenberger,
Barber,	Dick,	Lapham,	Sherwin,
Barlow,	Dunnell,	Lindsey,	Smith, A. Herr
Bayne,	Dwight,	Marsh,	Starin,
Belford,	Einstein,	Mason,	Stone,
Beltzhoover,	Errett,	McCoid,	Taylor, Ezra B.
Bicknell,	Felton,	McCook,	Thomas,
Bingham,	Ferdon,	McKinley,	Tillman,
Bisbee,	Fisher,	Miles,	Townsend, Amos
Blake,	Ford,	Miller,	Tyler,
Bowman,	Forsythe,	Morton,	Updegraff, J. T.
Boyd,	Fort,	New,	Updegraff, Thomas
Brewer,	Frye,	Newberry,	Urner,
Briggs,	Gillette,	Norcross,	Valentine,
Brigham,	Godshalk,	O'Neill,	Van Aernam,
Browne,	Hall,	Orth,	Van Voorhis,
Burrows,	Hammond, John	Osmer,	Voorhis,
Butterworth,	Harmer,	Overton.	Ward,
Calkins,	Harris, Benj. W.	Pacheco,	Washburn,
Camp,	Haskell,	Page,	Weaver,
Cannon,	Hawk,	Prescott,	White,
Carpenter,	Hawley,	Price,	Wilber,
Caswell,	Heilman,	Ray,	Williams, C. G.
Chittenden,	Hill,	Reed,	Willits,
Claflin,	Hiscock,	Rice,	Wise,
Coffroth,	Horr,	Richardson, D. P.	Wood,
Conger,	Hubbell,	Richardson, J. S.	Wright,
Cowgill,	Humphrey,	Robeson,	Yocum,
Crapo,	Hutchins,	Robinson,	Young, Thomas L.

NAYS—123.

Acklen	Cook,	Hooker,	Muller,
Armfield,	Covert,	Hostetler,	Myers,
Atherton,	Cox,	House,	Nicholls,
Atkins,	Cravens,	Hunton,	Persons,
Bachman,	Culberson,	Hurd,	Phelps,
Beale,	Davidson,	Kenna,	Philips,
Berry,	Davis, Lowndes H.	Killinger,	Phister,
Blackburn,	Deuster,	Kimmel,	Poehler,
Bland,	Dibrell,	King,	Reagan,
Bliss,	Dunn,	Kitchin,	Richmond,
Bouck,	Elam,	Klotz,	Robertson,
Bragg,	Ellis,	Knott,	Ross,
Bright,	Evins,	Ladd,	Rothwell,
Buckner,	Finley,	Le Fevre,	Samford,
Cabell,	Forney,	Lounsbery,	Sawyer,
Caldwell,	Frost,	Manning,	Scales,
Carlisle,	Geddes,	Martin, Benj. F.	Scoville,
Chalmers,	Gibson,	Martin, Edward L.	Shelley,
Clardy,	Gunter,	McKenzie,	Simonton,
Clark, Alvah A.	Hammond, N. J.	McLane,	Singleton, J. W.
Clark, John B.	Harris, John T.	McMillin,	Singleton, O. R.
Clements,	Hatch,	Mills,	Slemons,
Clymer,	Henkle,	Money,	Smith, Hezekiah B.
Cobb,	Herbert,	Morrison,	Smith, William E.
Converse,	Herndon,	Muldrow,	Sparks,
Speer,	Thompson, P. B.	Waddill,	Williams, Thomas
Springer,	Tucker,	Warner,	Willis,
Steele,	Turner, Oscar	Wellborn,	Wilson,
Stevenson,	Turner, Thomas	Wells,	Yeates,
Talbott,	Upson,	Whiteaker,	Young, Casey.
Taylor, Robert L.	Vance,	Whitthorne,	

NOT VOTING—31.

Aiken,	Hazelton,	McGowan,	O'Connor,
Blount,	Henderson,	McMahon,	O'Reilly,
Colerick,	Henry,	Mitchell,	Pound,
Davis, Joseph J.	Houk,	Monroe,	Stephens,
Dickey,	James,	Morse,	Thompson, W. G.
Ewing,	Johnston,	Murch,	Townshend, R. W.
Goode,	Loring,	Neal,	Wait.
Hayes,	Lowe,	O'Brien,	

The following additional pairs were announced:

Mr. NEAL with Mr. DICKEY, on this vote. If Mr. NEAL were present, Mr. DICKEY would vote "no" and Mr. NEAL "ay."

Mr. AIKEN with Mr. MCGOWAN, on this and the next two votes, Mr. AIKEN favoring 307 and Mr. MCGOWAN 319.

Mr. ATKINS. I desire to state that the gentleman from Ohio [Mr. MCMAHON] is absent on a conference committee.

The SPEAKER. On agreeing to the number 319 the yeas are 136 the nays 123. The ayes have it, and that number is agreed to. [Applause on the republican side.] Under the terms of the resolution providing for the suspension of the rules, 319 will be incorporated in the bill. The question will now be on the bill as thus arranged.

Mr. COX. I intend to carry out the proposition which I made and to abide by the will of the majority of the House, although I cannot vote for the bill in this form. I now send to the desk the bill with the details arranged in accordance with the action just taken by the House.

The SPEAKER. The bill will be read in full, so that every member may know exactly what it contains.

Mr. MARTIN, of Delaware. I rise to a parliamentary inquiry. Will it now require a two-thirds vote to pass this bill, or simply a majority?

The SPEAKER. A majority.

Mr. BLACKBURN. I give notice that upon the passage of the bill I demand the yeas and nays.

The SPEAKER. The Chair will recognize the gentleman for that purpose.

Mr. RYON, of Pennsylvania. I desire to make an inquiry whether the amendment I offered the other day is a part of the bill to be voted on now?

The SPEAKER. That the gentleman will learn by listening to the reading of the bill. The Chair is not able to answer with certainty the gentleman's question.

The Clerk read as follows:

A bill (H. R. No. 7255) making an apportionment of Representatives in Congress among the several States under the tenth census.

Be it enacted, &c., That after the 3d day of March, 1883, the House of Representatives shall be composed of 319 members, to be apportioned among the several States as follows: Alabama, 8; Arkansas, 5; California, 6; Colorado, 1; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 10; Illinois, 20; Indiana, 13; Iowa, 10; Kansas, 6; Kentucky, 11; Louisiana, 6; Maine, 4; Maryland, 6; Massachusetts, 12; Michigan, 11; Minnesota, 5; Mississippi, 7; Missouri, 14; Nebraska, 3; Nevada, 1; New Hampshire, 2; New Jersey, 7; New York, 33; North Carolina, 9; Ohio, 21; Oregon, 1; Pennsylvania, 28; Rhode Island, 2; South Carolina, 6; Tennessee, 10; Texas, 10; Vermont, 2; Virginia, 10; West Virginia, 4; Wisconsin, 8.

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be added to the number.

SEC. 3. That in each State entitled under this apportionment the number to which such State may be entitled in the Forty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

Mr. RYON, of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RYON, of Pennsylvania. My amendment was offered as an addition to the third section.

The SPEAKER. It was not offered under the motion to suspend the rules which has been adopted to-day, and it is not before the House.

Mr. WHITE. Was not the amendment of my colleague [Mr. RYON, of Pennsylvania] pending?

The SPEAKER. It may have been pending when this subject was up before; but, so far as the Chair could hear from the reading, it is not embraced in the bill which the gentleman from New York now presents to be voted on.

Mr. COX. I have conformed exactly to the proposition I made to the House. That proposition did not include my friend's amendment and was not intended to include it.

Mr. RYON, of Pennsylvania. I do not understand by what principle, if there is any principle in it, an amendment to the third section of that bill, the bill reported by the minority and not by the chairman of the committee, is excluded at this time.

The SPEAKER. The amendment of the gentleman from Pennsylvania was pending before the House under its rules; but this bill is now before the House under a suspension of the rules.

[Cries of "Vote!"]

Mr. COX. How is the State of Iowa included in the bill?

The SPEAKER. At ten.

Mr. RYON, of Pennsylvania. Is my amendment now in order?

The SPEAKER. It is not, except by unanimous consent.

Mr. SPRINGER. The Committee on Elections unanimously instructed me to request the House to incorporate in any apportionment bill which might pass the proposition which I now send to the Clerk's desk to be read. I believe it is entirely unobjectionable.

The SPEAKER. The Chair desires to call the attention of the gentleman from Pennsylvania to the fact that the gentleman from New York can admit his amendment subject to unanimous consent.

Mr. COX. This is not my bill, and I do not propose it as such.

Mr. ROBINSON. The proposition of the gentleman from Pennsylvania cannot be in order except by unanimous consent.

The SPEAKER. Only by unanimous consent.

Mr. ROBINSON. The gentleman from New York could not admit it; therefore I wanted to put in the warning at the outset so we might make no mistake.

The SPEAKER. The Chair merely called the attention of the gentleman from Pennsylvania to the fact it might be offered by unanimous consent.

Mr. SPRINGER. I present the amendment which the Clerk will read under instructions of the Committee on Elections. It relates to filling vacancies in districts occurring by death or resignation.

The SPEAKER. It can only be done by unanimous consent.

[Cries of "Read!"]

The Clerk read as follows:

Whenever there shall be a failure to elect a Representative in Congress in any State or district, or whenever a vacancy in the office of Representative in Congress shall occur in any State or district, a Representative shall be elected or the vacancy filled by the State or district according to the law in force at the time when the original election was or should have been held.

Mr. COX. I have no objection to taking a vote on that amendment, as well as on the proposition of the gentleman from Pennsylvania, if that be the pleasure of the House.

Mr. SPRINGER. I understand there is no objection to the proposition I have offered.

Mr. COX. Let a vote be taken on the amendment of the gentleman from Pennsylvania, as well as on the amendment of the gentleman from Illinois.

The SPEAKER. The gentleman from New York asks that a vote be taken on the proposition of the gentleman from Pennsylvania. Is there objection?

Mr. CAMP. I object.

Mr. WHITE. I hope the gentleman from New York will permit a vote to be taken on my colleague's proposition.

Mr. HAWK. Let the proposition be read.

The SPEAKER. Is there objection to the reading of the proposition?

Mr. PAGE. I hope not. Let it be read.

The SPEAKER. The Chair hears no objection to the reading of the proposition.

Mr. ROBINSON. Subject to the right of objection to its introduction.

The SPEAKER. Certainly; subject to the right of objection.

The Clerk read as follows:

That no county or parish shall be divided in the formation of congressional districts except a county or parish having more than the requisite population for one congressional district, and in all districts composed of more than one county or parish the counties or parishes contiguous to each other having the population nearest to the ratio for a Representative shall be formed into a district.

Mr. ROBINSON. That is an utterly impracticable proposition. I object to it and demand the regular order.

Mr. SPRINGER. Is there objection to the proposition I have submitted?

Mr. McCOOK. That may be right enough and probably is, but I object. [Cries of "No!" "No!"] I insist on my objection.

Mr. BAYNE. I ask unanimous consent to offer an amendment. Add to the third section the words which I send to the Clerk's desk.

The Clerk read as follows:

And the States are hereby prohibited from forming congressional districts but once under this act, and any such redistricting shall be unlawful and void.

Mr. COOK. I object.

Mr. BAYNE. This shows which side is in favor of gerrymandering and which side is opposed to it.

Mr. SPRINGER. Was there objection to my proposition?

Mr. BRAGG. I objected to it.

Mr. BLACKBURN. I have demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 145, nays 113, not voting 32; as follows:

YEAS—145.

Aldrich, N. W.	Bicknell,	Calkins,	Crapo,
Aldrich, William	Bingham,	Camp,	Crowley,
Anderson,	Bisbee,	Cannon,	Daggett,
Bailey,	Blake,	Carpenter,	Davis, George R.
Baker,	Bowman,	Caswell,	Davis, Horace
Ballou,	Brewer,	Chittenden,	Deering,
Barber,	Briggs,	Claflin,	De La Matyr,
Bayne,	Brigham,	Coffroth,	Dick,
Belford,	Browne,	Colerick,	Dunnell,
Beltzhoover,	Burrows,	Conger,	Dwight,
Berry,	Butterworth,	Cowgill,	Einstein,
Errett,	Jorgensen,	Page,	Thompson, W. G.
Felton,	Joyce,	Prescott,	Tillman,
Ferdon,	Keifer,	Price	Townsend, Amos
Fisher,	Kelley,	Ray,	Tyler,
Ford,	Ketcham,	Reed,	Updegraff, J. T.
Forney,	Killinger,	Rice,	Updegraff, Thomas
Forsythe,	Ladd,	Richardson, D. P.	Urner,
Fort,	Lapham,	Richardson, J. S.	Valentine,
Frye,	Le Fevre,	Robeson,	Van Aernam,
Gillette,	Lindsey,	Robinson,	Van Voorhis,
Godshalk,	Lowe,	Russell, Daniel L.	Voorhis,
Hall,	Marsh,	Russell, W. A.	Ward,
Hammond, John	Mason,	Ryan, Thomas	Washburn,
Harmer,	McCook,	Sapp,	Weaver,
Harris, Benj. W.	McKinley,	Scoville,	White,
Haskell,	Miles,	Shallenberger,	Wilber,
Hawk,	Miller,	Sherwin,	Williams, C. G.
Hawley,	Morton,	Singleton, J. W.	Willits,
Hellman,	New,	Smith, A. Herr	Wise,
Henderson,	Newberry,	Speer,	Wood,
Hill,	Norcross,	Springer,	Wright,
Hiscock,	O'Neill,	Starin,	Yocum,
Horr,	Orth,	Stevenson,	Young, Thomas L.
Hubbell,	Osmer,	Stone,	
Humphrey,	Overton,	Taylor, Ezra B.	
Jones,	Pacheco,	Thomas,	

NAYS—113.

Acklen,	Davidson,	Lounsbery,	Shelley,
Armfield,	Davis, Lowndes H.	Manning,	Simonton,
Atherton,	Deuster,	Martin, Benj. F.	Singleton, O. R.
Atkins,	Dibrell,	Martin, Edward L.	Slemons,
Bachman,	Dunn,	McKenzie,	Smith, Hezekiah B.
Beale,	Elam,	McLane,	Smith, William E.
Blackburn,	Evins,	McMahon,	Sparks,
Bland,	Finley,	McMillin,	Talbott,
Bliss,	Frost,	Mills,	Taylor, Robert L.
Bouck,	Geddes,	Money,	Thompson, P. B.
Bragg,	Gibson,	Morrison,	Tucker,
Bright,	Gunter,	Muldrow,	Turner, Oscar
Buckner,	Hammond, N. J.	Muller,	Turner, Thomas
Cabell,	Harris, John T.	Myers,	Upson,
Caldwell,	Hatch,	Nicholls,	Vance,
Carlisle,	Henkle,	Persons,	Waddill,
Chalmers,	Herbert,	Phelps,	Warner,
Clardy,	Herndon,	Philips,	Wellborn,
Clark, Alvah A.	Hooker,	Phister,	Wells,
Clark, John B.	Hostetler,	Poehler,	Whiteaker,
Clements,	House,	Reagan,	Whitthorne,
Clymer,	Hunton,	Richmond,	Williams, Thomas
Cobb,	Hutchins,	Robertson,	Willis,
Converse,	Kenna,	Ross,	Wilson,
Cook,	Kimmel,	Rothwell,	Yeates,
Covert,	King,	Ryon, John W.	Young, Casey.
Cox,	Kitchin,	Samford,	
Cravens,	Klotz,	Sawyer,	
Culberson,	Knott,	Scales,	

NOT VOTING—32.

Aiken,	Goode,	Loring,	O'Brien,
Barlow,	Hayes,	McCoid,	O'Connor,
Blount,	Hazelton,	McGowan,	O'Reilly,
Boyd,	Henry,	Mitchell,	Pound,
Davis, Joseph J.	Houk,	Monroe,	Steele,
Dickey,	Hurd,	Morse,	Stephens,
Ellis,	James,	Murch,	Townshend, R. W.
Ewing,	Johnston,	Neal,	Wait.

So the bill was passed.

Mr. CHALMERS moved to dispense with the reading of the names.

Objection was made.

The following additional pairs were announced from the Clerk's desk:

Mr. DICKEY with Mr. NEAL, on this vote.

Mr. STEELE with Mr. BOYD, for the remainder of this session, on all political questions.

The vote was then announced as above recorded.

Mr. SHERWIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. THOMPSON, of Kentucky, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes.

AGRICULTURAL DEPARTMENT INVESTIGATION.

Mr. LE FEVRE, by unanimous consent, from the Committee on Agriculture, submitted a report in reference to the Agricultural Department; which was laid on the table, and ordered to be printed.

ORDER OF BUSINESS.

Mr. LORING obtained the floor.

Mr. REAGAN and Mr. SPRINGER demanded the regular order.

The SPEAKER. The regular order is the morning hour.

Mr. SPRINGER. I move to dispense with the morning hour.

Mr. COX. Where does it leave that other morning hour?

The SPEAKER. That is gone. There are quite a number of bills on the Speaker's table, House bills with Senate amendments, which some time in the afternoon ought to be taken up by common consent.

Mr. KENNA. Let me add there are a few bills of the Senate granting pensions which the House ought to act on.

The SPEAKER. There are ten bills of the House with Senate amendments on the Speaker's table and there are about nineteen pension bills on the Speaker's table.

The House divided; and there were—ayes 130, noes 17.

So (two-thirds having voted in favor thereof) the rules were suspended and the morning hour was dispensed with.

YORKTOWN CENTENNIAL CELEBRATION.

Mr. LORING. I move to suspend the rules and pass joint resolution (S. R. No. 137) to create a commission for the performance of certain duties under an act of Congress providing for the erection of a monument at Yorktown and for the proposed centennial celebration.

The joint resolution was read, as follows:

Resolved, &c., That John W. Johnston, of Virginia; E. H. Rollins, of New Hampshire; Henry L. Dawes, of Massachusetts; H. B. Anthony, of Rhode Island; W. W. Eaton, of Connecticut; W. A. Wallace, of Pennsylvania; Francis Kernan, of New York; T. F. Randolph, of New Jersey; Thomas F. Bayard, of Delaware; W. Pinckney Whyte, of Maryland; Mat. W. Ransom, of North Carolina; M. C. Butler, of South Carolina; Benjamin H. Hill, of Georgia; John Goode, of Virginia; Joshua G. Hall, of New Hampshire; George B. Loring, of Massachusetts; Nelson W. Aldrich, of Rhode Island; Joseph R. Hawley, of Connecticut; Samuel B. Dick, of Pennsylvania; Louis A. Brigham, of New Jersey; Nicholas Muller, of New York; Edward L. Martin, of Delaware; J. Fred C. Talbott, of Maryland; Joseph J. Davis, of North Carolina; John S. Richardson, of South Carolina; and Henry Persons, of Georgia, be, and they are hereby, appointed a commission with full power and authority to discharge all the duties and perform all the functions which were devolved upon them as a joint committee of thirten Senators and thirteen Representatives under the act of Congress approved June 7, 1880, entitled "An act to carry into effect the resolution of Congress adopted on the 29th of October, 1781, in regard to the monumental column at Yorktown, Virginia, and for other purposes."

And the said commission may employ a clerk during the time they are engaged in the performance of said duties, whose compensation shall be at the usual rate of clerks to committees of Congress, and who shall be paid out of the contingent fund of the Senate and House of Representatives in equal proportions.

The question was taken on the motion to suspend the rules, and (two-thirds having voted in favor thereof) the rules were suspended, and the resolution was passed.

ORDER OF BUSINESS.

Mr. ATKINS. I move to take from the Speaker's table House bills with Senate amendments in the order in which they appear upon the Speaker's table.

Mr. TALBOTT. Is a motion to go to business upon the Speaker's table in order?

Mr. McKENZIE. Is this motion debatable?

The SPEAKER. It is not.

Mr. McKENZIE. Why should this privilege be accorded to these bills?

The SPEAKER. It has preference because it is a motion of a higher privilege. It is in the line of disposing of bills which have passed both Houses of Congress in some form. The motion is to suspend the rules and proceed to consider these bills with Senate amendments.

The House divided; and there were—ayes 120, noes 13.

So (two-thirds having voted in favor thereof) the rules were suspended in the manner indicated.

INDIANAPOLIS A PORT OF DELIVERY.

The first bill on the Speaker's table with a Senate amendment was the bill (H. R. No. 3520) to establish a port of delivery at Indianapolis, in the State of Indiana.

The Senate amendment was read, as follows:

That Indianapolis, in the State of Indiana, be, and the same is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said port; and there shall be appointed a surveyor of customs to reside at said port, who shall receive a salary, to be determined by the Secretary of the Treasury, not exceeding $1,000 per annum.

Mr. DE LA MATYR. I move concurrence in the Senate amendment.

The motion was agreed to.

Mr. DE LA MATYR moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS, FORT WAYNE, INDIANA.

The next bill on the Speaker's table with Senate amendments was the bill (H. R. No. 2384) amendatory of and supplementary to an act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana, approved June 18, 1878.

The Senate amendments were read. They propose to strike out sections 3 and 4, as follows:

SEC. 3. Said district and circuit courts at Fort Wayne shall have exclusive jurisdiction as to the counties of Steuben, La Grange, Elkhart, Porter, Stark, Marshall, Fulton, Kosciusko, Noble, Whitley, De Kalb, Allen, Adams, Wells, Huntington, Wabash, Miami, Cass, Blackford, Grant, and Jay; and said courts shall be limited in territorial jurisdiction to said counties: *Provided*, That if part of the defendants in any case or proceeding in said courts shall reside without said counties in said State, process issued from and returnable to said courts may be served on such persons by the marshal or any of his deputies.

SEC. 4. In all cases of removal of suits from courts of the State of Indiana, in counties above named, to the courts of the United States in the State of Indiana, such removal shall be to the United States courts held at Fort Wayne as aforesaid; and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held at said city of Fort Wayne.

Mr. COLERICK. I move to concur in the Senate amendments.

The motion was agreed to.

INDIAN LANDS IN OHIO.

The next bill on the Speaker's table with Senate amendments was the bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio.

The Senate amendments were read, as follows:

In line 1, after the word "relinquish," insert "to whom it may concern."

In line 2, after the word "lands," insert "in the State of Ohio."

Strike out all after the word "described," in line 5, down to and including line 19, and insert "in the patent issued therefor by the President, and bearing date the 18th day of April, 1821; and the United States waive and relinquish, for the benefit of whom it may concern, the provision of article 3 of the treaty of September 17, A. D. 1818, between the United States and the Wyandot, Seneca, Shawnee, and Ottawa tribes of Indians, so far only as it concerns the land granted in the eighth article of the treaty referred to in said article 3, to the children of Captain Logan."

The SPEAKER. The gentleman from Ohio, chairman of the Committee on the Public Lands, will give his attention.

Mr. CONVERSE. I think this bill does not belong to the Committee on the Public Lands of the House.

The SPEAKER. It is to confirm the title to certain lands in the State of Ohio.

Mr. HILL. I would like to inquire who this bill is from?

The SPEAKER. The Chair is unable to say.

Mr. CONVERSE. What is the number of the bill?

The SPEAKER. Three thousand one hundred and thirty-two.

Mr. HILL. I move to concur in the Senate amendments.

Mr. HUTCHINS. If nobody understands anything about the bill, I move that it be laid aside until somebody comes who does understand it.

Mr. HILL. I know what it is about, and wish to state to the House—[cries of "Vote!" "Vote!"] I move to concur in the Senate amendments. The amendments are unimportant.

The motion to concur was agreed to.

SARATOGA BATTLE MONUMENT.

The next bill on the Speaker's table with a Senate amendment was the bill (H. R. No. 4451) to provide for the erection of a monument at Schuylerville, New York, commemorative of the battle of Saratoga, and for other purposes.

The Senate amendment is as follows:

Add at the end of the bill the following proviso:

"*Provided*, That before transferring said money, or any part thereof, to the Saratoga Monument Association, it shall be made to appear to the satisfaction of the Secretary of the Treasury, who shall so certify, that a sum of money has been raised by said association which, together with the sum hereby appropriated, shall be sufficient to complete the monument in accordance with the design specified in this act."

Mr. STARIN. I move to concur in the Senate amendment.

Mr. SPARKS. I think that amendment has never been considered by the House. My impression is that it ought to go to the Committee on Military Affairs.

The SPEAKER. There is no point of order resting against this. The question is on the motion to concur in the Senate amendment.

The motion was agreed to.

Mr. STARIN moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VACATION OF AN ALLEY IN WASHINGTON.

The next bill on the Speaker's table with a Senate amendment was the bill (H. R. No. 5715) to vacate and close an alley in square 504, in the city of Washington, District of Columbia.

The Senate amendment was read, as follows:

Strike out all after the word "directed," in line 2, down to and including line 5, and insert "sell and convey to the Washington and Georgetown Railroad Company the ground occupied by the alley running north and south in square 504, between lots 8, 9, and 10, in the city of Washington, District of Columbia, and to vacate and close up said alley: *Provided*, That said ground shall not be sold at a price below the average assessed value of the lands in said square: *And provided further*, That the commissioners aforesaid shall deposit in the Treasury of the United States, to the credit of the general fund of the District of Columbia, the purchase-money paid by said Washington and Georgetown Railroad Company."

Mr. HUNTON. I move concurrence in the Senate amendment.

The motion was agreed to.

Mr. HUNTON moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALIFORNIA INDIAN WAR BONDS.

The next bill on the Speaker's table with a Senate amendment was the bill (H. R. No. 1729) for the payment of certain Indian war bonds of the State of California.

The Senate amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, directed to pay, out of the unexpended balance of an appropriation of $924,259.65 made by the third section of the act of Congress approved August 5, 1854, the sum of $1,290.56, which last-named amount is hereby reappropriated, to the lawful holder of four California Indian war bonds issued by said State on the 18th day of May, 1856, under the provisions of the act of the Legislature thereof approved May 3, 1852, for the suppression of Indian hostilities therein, numbered respectively 164, 166, 167, and 168, each bond being for the sum of $250, and bearing interest from date of issue at the rate of 7 per cent. per annum; the amount herein appropriated being for the prin-

cipal of said bonds, with interest thereon from date of issue until the 1st of July, 1860: *Provided*, That said bonds shall not be paid except out of any amount remaining unapplied of the original appropriation of $924,259.65 heretofore made."

Mr. DEERING. I move to concur in the Senate amendment.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KELLEY from ten o'clock this evening.

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 3292) granting a pension to Sally M. Buchanan, widow of General Robert C. Buchanan.

ORDER OF BUSINESS.

Mr. KNOTT. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. Would it be in order for me at this time to move to suspend the rules?

The SPEAKER. The House is acting now under a suspension of the rules.

Mr. KNOTT. I understand that. But I wish to know whether it would be in order for me at this time to move to suspend the rules?

The SPEAKER. It would not, because the House is now proceeding under a suspension of the rules for a particular object. That object is being now executed.

Mr. KNOTT. If I am recognized, my object is to call up Senate bill No. 1441.

The SPEAKER. The Chair does not recognize the gentleman at this time for the reason he has stated.

JOHANNA MEEHAN AND CHILDREN.

The next bill on the Speaker's table with Senate amendments was the bill (H. R. No. 2637) granting a pension and arrears of pension to Johanna Meehan and minor children.

The amendments of the Senate were read, as follows:

Strike out, after the word "from," in line 10, "the 14th day of July, 1872, when said Patrick Meehan died," and insert "and after the passage of this act."

Amend the title, so as to read: "An act granting a pension to Johanna Meehan and minor children."

Mr. COLERICK. I move concurrence in the Senate amendments.

The motion was agreed to.

TAXES ON CHURCH PROPERTY.

The next bill on the Speaker's table with a Senate amendment was the bill (H. R. No. 6324) to construe an act entitled "An act to relieve the churches in the District of Columbia, and to clear the title of the trustees of such property."

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert the following:

"That upon the payment, on or before the 1st day of October, 1881, of all taxes and assessments levied since the 1st day of July, 1874, upon church property used for parsonage purposes in the District of Columbia, all taxes and assessments levied upon said parsonage property prior to said 1st day of July, 1874, together with any and all penalties, costs, and interest that may have accrued thereon, shall be, and hereby are, remitted and released.

"SEC. 2. That all taxes and assessments heretofore levied upon orphan asylums and on the ground actually occupied thereby, together with all penalties, costs, and interest that may have accrued thereon, shall be, and hereby are, remitted and released; and said asylums and grounds shall hereafter be exempt from taxation while so occupied: *Provided*, That all other real estate belonging to such institutions shall still be held for assessment and taxation, and for all previous assessments and taxes.

Mr. ALDRICH, of Rhode Island. I move to concur in the Senate amendment.

Mr. MILLS. I would like some gentleman who knows something about that bill to give an explanation. Meanwhile, I reserve points of order on it.

Mr. ALDRICH, of Rhode Island. The bill, as it passed the House originally, relieved parsonages and rectories from taxation. The Senate have added orphan asylums to the exemption.

Mr. MILLS. That is the only change?

Mr. ALDRICH, of Rhode Island. Yes, sir. I move concurrence in the amendment of the Senate.

The motion was agreed to.

JOHN S. CORLETT.

The next bill on the Speaker's table with Senate amendments was the bill (H. R. No. 1102) granting a pension to John S. Corlett.

The amendments of the Senate were read, as follows:

Strike out all after the words "pension-roll," in line 2, down to and including "1863," in line 3.

Strike out all after the word "private," in line 5, down to and including line 7, and insert the word "soldier."

Mr. CARPENTER. I move that the House concur in the Senate amendments.

The motion was agreed to.

Mr. CARPENTER moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPORT DUTIES AND INTERNAL-REVENUE TAXES.

Mr. CONGER, from the Committee on Ways and Means, reported back, with a favorable recommendation, the bill (H. R. No. 6568) to amend an act entitled "An act to reduce duties on imports and to reduce internal-revenue taxes, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REDMOND TULLY.

The next bill on the Speaker's table with a Senate amendment was the bill (H. R. No. 2058) for the relief of Redmond Tully.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert:

"That the President be, and he is hereby, authorized to nominate and, with the advice and consent of the Senate, to appoint Redmond Tully, late first lieutenant of the Twelfth United States Infantry, as first lieutenant in the United States Infantry, to take effect from his nomination and confirmation under this act, and that he shall be assigned to the first vacancy occurring in such grade in the infantry arm of the service: *Provided*, That no pay or allowances on account of previous rank or services be allowed or paid to the said Tully: *And provided further*, That all laws prohibiting appointments in the Army in such cases be, and they are hereby, suspended so far, and so far only, as to the nomination of said Tully."

Mr. URNER. I move to concur in the Senate amendment.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. McKENZIE. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McKENZIE. Would it be in order for me to move to discharge the Committee of the Whole on the state of the Union from the further consideration of House bill No. 5084, providing for the construction of a public building at Owensborough, Kentucky?

The SPEAKER. The Chair recognizes the arrangement made by the House on the subject of public buildings. As soon as he can do so, he will recognize motions to take up bills for public buildings in the order in which they stand on the Calendar. The Chair cannot do that as yet, because he has promised to recognize the gentleman's colleague, the gentleman from Kentucky, [Mr. THOMPSON,] after the present proceeding is completed.

JOHN H. TEMPLETON.

The next bill on the Speaker's table with a Senate amendment was the bill (H. R. No. 7160) for the relief of John H. Templeton.

The amendment of the Senate was read, as follows:

Strike out all after the words "sum of," in line 3, down to and including line 9, and insert in lieu thereof the following:

"Four hundred and eighty-six dollars and sixty-four cents in his account with the Post-Office Department, being the value of postage-stamps stolen from his safe in the post-office in said town, by burglars, on the night of the 3d day of August, 1880."

Mr. STONE. I move that the House concur in the Senate amendment.

The motion was agreed to.

SURETIES OF FRANKLIN TRAVIS.

The last bill on the Speaker's table with a Senate amendment was the bill (H. R. No. 688) for the relief of the sureties of Franklin Travis.

The amendment of the Senate was read, as follows:

Strike out the preamble.

Mr. ATKINS. I move to concur in the Senate amendment.

The motion was agreed to.

Mr. ATKINS moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was ageed to.

ANNA ELLA CARROLL.

Mr. BRAGG, from the Committee on War Claims, reported a bill (H. R. No. 7256) for the relief of Anna Ella Carroll; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

PENSIONS, BOUNTIES, AND BACK PAY.

Mr. COFFROTH. I am instructed unanimously by the Select Committee on the Payment of Pensions, Bounty, and Back Pay to submit a report in writing to accompany the evidence taken by that committee; and I move that the report be printed with the evidence.

The motion was agreed to.

KENTUCKY WAR CLAIMS.

Mr. THOMPSON, of Kentucky. I move to suspend the rules so as to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill (H. R. No. 4905) to declare the true intent and meaning of "an act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion," approved June 8, 1872, and to pass the same.

The bill was read, as follows:

Be it enacted, &c., That in adjusting the claim of the State of Kentucky the term "equipment" shall be construed to mean and include the arming of said forces, as an essential part of their equipments, and the word "supplying" shall include forage and fuel, and the transportation shall be embraced, as indicated in the title of the bill, it being the intention of Congress in the passage of said act to settle and adjust said accounts.

Mr. DUNNELL. Has that bill been reported from any committee?

The SPEAKER. The Chair is advised that it is a unanimous report.

Mr. THOMPSON, of Kentucky. It is the same bill which I showed the gentleman from Michigan [Mr. WILLITS] when he objected to it.

Mr. SMITH, of Pennsylvania. I call for a second on the motion to suspend the rules.

Mr. McCOOK. Do I understand that this is a unanimous report?

The SPEAKER. The Chair is so advised. The gentleman from Kentucky [Mr. THOMPSON] can state to the House whether it was a unanimous report or not.

Mr. THOMPSON, of Kentucky. I understand it to be a unanimous report; I never heard any objection to it.

Mr. CALKINS. The gentleman from Vermont, [Mr. TYLER,] a member of the Committee on War Claims, says it is the unanimous report of that committee.

The SPEAKER. The Chair was so informed, and so stated to the House. After an inquiry was made by the gentleman from New York [Mr. McCOOK] the Chair desired to have his statement confirmed by some member who is on the committee reporting the bill. The gentleman from Pennsylvania [Mr. SMITH] calls for a second on the motion to suspend the rules.

Tellers were ordered; and Mr. SMITH, of Pennsylvania, and Mr. THOMPSON, of Kentucky, were appointed.

The House divided; and the tellers reported that there were—ayes 123, noes 2.

No further count being called for, the motion to suspend the rules was seconded.

The SPEAKER. Under the rule there is now fifteen minutes on each side for debate.

Many MEMBERS. No! No! Vote! Vote!

Mr. WARNER. Let us have a brief explanation from the gentleman from Kentucky.

Mr. THOMPSON. I will yield a moment to the gentleman from Michigan [Mr. WILLITS] to make a statement.

Mr. WILLITS. At the last session of Congress, when the gentleman from Kentucky [Mr. THOMPSON] asked unanimous consent for the consideration of this bill, I objected to it. Subsequently I made some investigations at the Treasury Department, and the information I received from the Treasury officials satisfied me that the claim is just.

Several MEMBERS. That is enough.

The question was taken upon suspending the rules and passing the bill, and (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

PUBLIC BUILDING AT ROCHESTER, NEW YORK.

Mr. VAN VOORHIS. I move to suspend the rules, so as to discharge the Committee of the Whole on the state of the Union from the further consideration of the substitute for House bill No. 2531, for a public building at Rochester, New York, and to pass the same.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase, at private sale or by condemnation, in pursuance of the statute of New York, a suitable lot of ground for a site for a building suitable for a post-office, court-house, custom-house, internal-revenue office, and other Government offices, in the city of Rochester, State of New York, and cause to be erected thereon a building suitable for the aforesaid purposes; and for the purposes herein mentioned the sum of $100,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury. The lot of land to be purchased, and the building hereby authorized to be constructed, when completed upon plans to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $300,000: *Provided*, That the site shall be of sufficient extent to leave an open space upon every side of the building to be erected, including streets and alleys, of at least fifty feet: *Provided always*, That the June term of the circuit court of the United States for the northern district of New York, now appointed to be held at Canandaigua, in said district, shall hereafter continue to be held in the court-rooms belonging to the United States in said village, as now provided by law, notwithstanding the erection of a public building in the city of Rochester as herein provided: *And provided*, That no money to be appropriated for this purpose shall be available until a valid title to said lot shall be vested in the United States.

Mr. VAN VOORHIS. This bill is unanimously reported from the committee.

Mr. MILLS. There are a number of bills of that kind on the Calendar unanimously reported from the committee.

The SPEAKER. The Chair is going by the Calendar, and is trying to do the best he can.

Mr. BLACKBURN. I protest that with fifty-odd bills of this kind on the Calendar——

The SPEAKER. There are fifty-five of them.

Mr. BLACKBURN. It is not fair to take them up in their order on the Calendar.

The SPEAKER. How would the gentleman have them taken up?

Mr. BLACKBURN. According to the list by which the Chair has always been guided for recognition of members to move a suspension of the rules.

The SPEAKER. The House determined that that list should not be conformed to, on a report from the Committee on Rules.

Mr. BLACKBURN. There is no report to that effect from the Committee on Rules, and no agreement of the House.

The SPEAKER. There was an agreement of the House that these bills for public buildings should be considered in their order on the Calendar.

Mr. BLACKBURN. I deny the accuracy of the Chair's recollection, and ask for the record.

The SPEAKER. The Chair will suspend this class of business until the record can be found.

Mr. SCALES. I desire to say that I have been postponed for nearly twelve months, as I understand it, on that agreement.

Mr. SPRINGER. What is the necessity of passing these bills at this hour of the session and sending them to the Senate, where they cannot be acted on?

The SPEAKER. The Chair will send for the record so as to find the agreement of which he has spoken. According to the recollection of the Chair, he was relieved from any choice, and these bills were to be taken up in their order on the Calendar.

Mr. SPARKS. It seems to me we ought first to act on Senate bills.

Mr. SPRINGER. I demand a second on the motion to suspend the rules.

The SPEAKER. The Chair will suspend all recognitions in reference to bills for public buildings until he can find the order agreed to by the House.

Mr. PAGE. I want to move to suspend the rules to pass a pension bill.

Mr. FERDON. I move to suspend the rules to take up Senate pension bills now upon the Speaker's table and the Calendar.

The SPEAKER. The gentleman from New York [Mr. FERDON] moves to suspend the rules and take up all Senate pension bills——

Mr. HARRIS, of Virginia. All Senate bills.

Mr. PAGE. The gentleman's motion is "Senate pension bills."

The SPEAKER. Gentlemen will take their seats, and the House will come to order. The Chair will do nothing until order is restored.

Mr. WARNER. Would it be in order to move to take a recess?

The SPEAKER. It would be.

Mr. WARNER. I make the motion that the House take a recess until eight o'clock.

The SPEAKER. The gentleman from New York [Mr. FERDON] will repeat his motion.

Mr. FERDON. I move to suspend the rules so as to take up all Senate pension bills, first those upon the Speaker's table, then those upon the Calendar.

Mr. FINLEY. I rise to a parliamentary inquiry. Is that motion open to amendment?

The SPEAKER. It is not.

Mr. WARNER. Under this motion would those bills be all taken up and passed by one vote?

The SPEAKER. Each bill would be acted upon separately.

Mr. PAGE. I suggest to the gentleman from New York [Mr. FERDON] that the bills upon the Private Calendar have been considered by the House committee, and they ought to have preference over bills on the Speaker's table, which have not been considered by a House committee.

Mr. UPSON. I move that the House take a recess till eight o'clock.

The SPEAKER. The gentleman from New York moves to suspend the rules to consider Senate pension bills——

Mr. FERDON. First, those on the Speaker's table.

The SPEAKER. The Chair thought the gentleman from New York had agreed to the suggestion of the gentleman from California, [Mr. PAGE.]

Mr. PAGE. I move to amend the gentleman's motion.

The SPEAKER. It is not amendable.

Mr. FINLEY. I demand a second on the motion to suspend the rules.

Mr. MILLS. There is a motion pending to take a recess.

The SPEAKER. The Chair entertains the motion for a recess.

The question being taken on the motion that the House take a recess till eight o'clock, it was agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House took a recess.

EVENING SESSION.

The recess having expired, the House (at eight o'clock p. m.) resumed its session.

ORDER OF BUSINESS.

The SPEAKER. When the House took its recess the motion of the gentleman from New York [Mr. FERDON] was pending, which was a motion that the House suspend the rules to proceed to consider in their order Senate pension bills on the Speaker's table, and thereafter Senate pension bills on the Private Calendar.

Mr. SINGLETON, of Illinois. I insist that the gentleman from New York, [Mr. VAN VOORHIS,] who first rose and moved a suspension of the rules, is entitled to be heard.

The SPEAKER. The gentleman from Illinois should have made the motion at the time. The motion of the gentleman from New York [Mr. FERDON] was pending. As many as are in favor of suspending the rules for the purpose stated——

Mr. SINGLETON, of Illinois. Mr. Speaker, I have rights on this floor, and will be recognized to express what I think my duty as a Representative requires of me. I say that the Speaker himself laid down a rule——

The SPEAKER. Yes; and the Speaker is going to adhere to it.

Mr. SINGLETON, of Illinois. Very well; when the Speaker adheres to it then he will recognize the gentleman from New York, [Mr. VAN VOORHIS,] as he ought to do.

Mr. VAN VOORHIS. Mr. Speaker, a single word. I understood the Speaker to ask a suspension of action on my motion until the record could be produced. I have the record.

The SPEAKER. Whenever the Chair has the opportunity to recognize gentlemen desiring the passage of bills for public buildings they will be recognized.

Mr. SINGLETON, of Illinois. Now, Mr. Speaker, aside from any feeling—and I am very sorry indeed that I permitted a little feeling to overcome me—I desire to say this: the Speaker will remember that a year ago when I rose and was recognized by the Speaker, and called up a bill of this kind, the Speaker informed me that the rule——

The SPEAKER. The Speaker adheres to every word he has ever uttered.

Mr. SINGLETON, of Illinois. Then out of deference to the Speaker's request, I withdrew the bill and took my seat.

Mr. VAN VOORHIS. I claim the right to the floor.

The SPEAKER. The Chair will recognize the gentleman whenever he has the opportunity. As many as are in favor of the motion of the gentleman from New York [Mr. FERDON] to suspend the rules to consider in their order Senate pension bills on the Speaker's table, and thereafter Senate pension bills on the Private Calendar, will say "ay."

Mr. FERDON, Mr. SINGLETON of Illinois, and others, called for the yeas and nays.

The yeas and nays were ordered.

Mr. BRIGHT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRIGHT. Would it be in order to move to amend the motion of the gentleman from New York?

The SPEAKER. It would not as it is a motion to suspend the rules.

ENROLLED BILLS SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 688) for the relief of the sureties of Franklin Travis;

A bill (H. R. No. 1102) granting a pension to John S. Corlett;

A bill (H. R. No. 1729) for the payment of certain Indian war bonds of the State of California;

A bill (H. R. No. 2058) for the relief of Redmond Tully;

A bill (H. R. No. 2384) amendatory of and supplementary to "An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878;

A bill (H. R. No. 2637) granting a pension to Johanna Meehan and minor children;

A bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio;

A bill (H. R. No. 3520) to establish a port of delivery at Indianapolis, in the State of Indiana;

A bill (H. R. No. 4451) to provide for the erection of a monument at Schuylerville, New York, commemorative of the battle of Saratoga, and for other purposes;

A bill (H. R. No. 5715) to vacate and close an alley in square 504 in Washington, District of Columbia;

A bill (H. R. No. 6324) to construe an act entitled "An act to relieve the churches and orphan asylums of the District of Columbia, and to clear the title of the trustees of such property;" and

A bill (H. R. No. 7160) for the relief of John H. Templeton.

ORDER OF BUSINESS.

Mr. GUNTER. What is the question before the House?

The SPEAKER. It is a motion to suspend the rules and take up Senate pension bills.

Mr. GUNTER. I did not so understand the motion, nor did others on this side.

The SPEAKER. The gentleman will state his motion again.

Mr. GUNTER. I understood the gentleman's motion was to consider Senate bills on the Speaker's table, and after that pension bills on the Private Calendar. That was the motion we understood to be made.

The SPEAKER. The gentleman from New York will state his motion again.

Mr. FERDON. My motion is that we suspend the rules and take from the Speaker's table all pension bills which have passed the Senate; and thereafter Senate pension bills upon the Private Calendar.

Mr. GUNTER. I misunderstood the gentleman.

Mr. HUNTON. When we go to the Private Calendar can we take up any other Senate bills than those for pensions?

The SPEAKER. Not under the motion.

Mr. FERDON. My motion has reference only to Senate bills.

Mr. HARRIS, of Virginia. Make your motion to go to the business upon the Speaker's table and you will carry it.

The question was taken, and it was decided in the affirmative—yeas 109, nays 41, not voting 140; as follows:

YEAS—109.

Anderson,	Crapo,	Killinger,	Sapp,
Atherton,	Crowley,	King,	Sherwin,
Bachman,	Davis, George R.	Klotz,	Simonton,
Bailey,	Davis, Lowndes H.	Ladd,	Smith, A. Herr
Baker,	Deering,	Lapham,	Stevenson,
Ballou,	De La Matyr,	Marsh,	Stone,
Barber,	Deuster,	Mason,	Talbott,
Beale,	Dunnell,	McMahon,	Taylor, Ezra B.
Belford,	Dwight,	Miles,	Thomas,
Bicknell,	Ferdon,	Muller,	Thompson, W. G.
Blake,	Fisher,	Myers,	Tillman,
Bouck,	Forsythe,	Neal,	Tyler,
Bragg,	Frye,	New,	Updegraff, J. T.
Brewer,	Geddes,	Norcross,	Valentine,
Briggs,	Gillette,	Orth,	Van Aernam,
Browne,	Hall,	Osmer,	Ward,
Butterworth,	Harmer,	Overton,	Warner,
Calkins,	Harris, Benj. W.	Pacheco,	Washburn,
Cannon,	Hatch,	Page,	Weaver,
Carpenter,	Heilman,	Phelps,	White,
Caswell,	Hill,	Poehler,	Whitthorne,
Chittenden,	Horr,	Prescott,	Williams, C. G.
Claflin,	Hostetler,	Price,	Willits,
Clymer,	Hubbell,	Rice,	Wilson,
Coffroth,	Hutchins,	Robinson,	Wise.
Conger,	Jones,	Ross,	
Covert.	Kelley,	Rothwell,	
Cowgill,	Kenna,	Ryon, John W.	

NAYS—41.

Bright,	Hammond, N. J.	Morrison,	Tucker,
Clark, John B.	Herbert,	O'Reilly,	Upson,
Converse,	Herndon,	Philips,	Vance,
Cook,	Hooker,	Reagan,	Van Voorhis,
Cravens,	Hunton,	Richmond,	Waddill,
Culberson,	Knott,	Scales,	Wells,
Davidson,	Manning,	Shelley,	Whiteaker,
Dibrell,	McKenzie,	Singleton, J. W.	Williams, Thomas.
Elam,	McMillin,	Slemons,	
Evins,	Mills,	Smith, Hezekiah B.	
Forney,	Money,	Sparks,	

NOT VOTING—140.

Acklen,	Dick,	Keifer,	Robertson,
Aiken,	Dickey,	Ketcham,	Robeson,
Aldrich, N. W.	Dunn,	Kimmel,	Russell, Daniel L.
Aldrich, William	Einstein,	Kitchin,	Russell, W. A.
Armfield,	Ellis,	Le Fevre,	Ryan, Thomas
Atkins,	Errett,	Lindsey,	Samford,
Barlow,	Ewing,	Loring,	Sawyer,
Bayne,	Felton,	Lounsbery,	Scoville,
Beltzhoover,	Finley,	Lowe,	Shallenberger,
Berry,	Ford,	Martin, Benj. F.	Singleton, O. R.
Bingham,	Fort,	Martin, Edward L.	Smith, William E.
Bisbee,	Frost,	McCoid,	Speer,
Blackburn,	Gibson.	McCook,	Springer,
Bland,	Godshalk,	McGowan,	Starin,
Bliss,	Goode,	McKinley,	Steele,
Blount,	Gunter,	McLane,	Stephens,
Bowman,	Hammond, John	Miller,	Taylor, R. L.
Boyd,	Harris, John T.	Mitchell,	Thompson, P. B.
Brigham,	Haskell,	Monroe,	Townsend, Amos
Buckner,	Hawk,	Morse,	Townshend, R. W.
Burrows,	Hawley,	Morton,	Turner, Oscar
Cabell,	Hayes,	Muldrow,	Turner, Thomas
Caldwell,	Hazelton,	Murch,	Updegraff, Thomas
Camp,	Henderson,	Newberry,	Urner,
Carlisle,	Henkle,	Nicholls,	Voorhis,
Chalmers,	Henry,	O'Brien,	Wait,
Clardy,	Hiscock,	O'Connor,	Wellborn,
Clark, Alvah A.	Houk,	O'Neill,	Wilber,
Clements,	House,	Persons,	Willis,
Cobb,	Humphrey,	Phister,	Wood,
Colerick,	Hurd,	Pound,	Wright,
Cox,	James,	Ray,	Yeates,
Daggett,	Johnston,	Reed,	Yocum,
Davis, Horace	Jorgensen,	Richardson, D. P.	Young, Casey.
Davis, Joseph J.	Joyce,	Richardson, J. S.	Young, Thomas L.

So the motion was agreed to, two-thirds having voted in favor thereof.

During the roll-call,

Mr. HOOKER said: Mr. Speaker, I rise to a point of order. There is some difference of opinion as to what is the actual purport of the motion of the gentleman from New York.

The SPEAKER. The Chair has stated it several times. That is not a point of order.

Mr. HOOKER. It is a point of order, because I understand from the gentleman from New York his motion is confined to bills on the Speaker's table.

Mr. PAGE. To Senate pension bills on the Speaker's table and on the Private Calendar.

Mr. HOOKER. I rise to a point of order.

Mr. FERDON. I have stated over and over again that my motion refers simply to Senate pension bills on the Speaker's table and to the Private Calendar.

Mr. HOOKER. I want to read Rule XVI, so all doubt may be removed. It requires every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any member. Now, what is the purport of the gentleman's motion as reduced to writing?

The SPEAKER. It is too late; the rules have been suspended and the motion adopted.

The following pairs were announced:
Mr. SAMFORD with Mr. RYAN of Kansas.
Mr. CLEMENTS with Mr. HOUK.
Mr. CLARDY with Mr. FORD, for this evening.
Mr. BLACKBURN with Mr. ROBESON. Mr. BLACKBURN would have voted "nay" and Mr. ROBESON "yea."
Mr. STARIN with Mr. RICHARDSON of South Carolina, for the remainder of the legislative day or until both are present.
Mr. BLAND with Mr. DAVIS of California, on all political questions, for the remainder of this day.
Mr. JOYCE with Mr. BUCKNER, for the remainder of the session.
Mr. O'NEILL with Mr. KNOTT, on the Eaton tariff bill and political questions.
Mr. CALDWELL, of Kentucky, with Mr. UPDEGRAFF, of Ohio, on all questions until ten o'clock to-night, except to make a quorum.
Mr. BELTZHOOVER with Mr. BAYNE, on this vote.
Mr. WILLIS with Mr. NICHOLLS, on this vote.
Mr. BOUCK with Mr. MCKINLEY.
The result of the vote was then announced as above recorded.
Mr. SINGLETON, of Illinois. I move the House do now adjourn.
Mr. HOOKER. On that I demand the yeas and nays.
The yeas and nays were not ordered.
Mr. SINGLETON, of Illinois. I demand tellers on the yeas and nays.
Tellers were refused, twenty-three members only voting therefor.
So the House refused to adjourn. [Cries of "Regular order!"]
The SPEAKER. The Clerk will read the first bill on the Calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed, with amendments, the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury, in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; in which amendments concurrence of the House of Representatives was requested.
The message also announced that the Senate insisted on its amendments to the bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers, disagreed to by the House of Representatives, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Messrs. BOOTH, WALKER, and PLUMB as managers on the part of the Senate in said conference.
The message further announced that the Senate had passed a concurrent resolution providing that the Joint Select Committee on additional accommodations for the Library of Congress be continued and authorized to sit during the coming recess of Congress; in which concurrence of the House of Representatives was requested.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will now report the first bill on the Speaker's table, in pursuance of the action of the House just taken.
The Clerk read as follows:
A bill (S. No. 365) for the relief of Hardie Hogan Helper.
The SPEAKER. The bill will be read.
Mr. COFFROTH. I move to suspend the reading of these bills and pass them by their title.
Several members objected.

DEFICIENCY APPROPRIATION BILL.

Mr. MCMAHON. I move to take from the Speaker's table the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury, in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, and move to non-concur in the Senate amendments and ask a committee of conference on the disagreeing votes of the two Houses thereon.
The motion was agreed to.
Some time subsequently the Speaker appointed Mr. MCMAHON, Mr. HISCOCK, and Mr. COBB as the conferees on the part of the House on the said bill.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will proceed to read the first bill upon the Calendar.
Mr. HOOKER. I demand the reading of the bill, and also the report.
Mr. COFFROTH. Mr. Speaker, I have made a motion to pass these bills by their title, and save time consumed in reading.
Mr. SINGLETON, of Illinois. I rise to a point of order.
The SPEAKER. The gentleman will state it.
Mr. SINGLETON, of Illinois. My point of order is that every member has a right to demand the reading of a bill on which he is required to vote.
Mr. HOOKER. I have demanded the reading of the bill, and also the reading of the report accompanying it.
Mr. KNOTT. I wish to ask what is before House.
The SPEAKER. A pension bill from the Senate, now on the Speaker's table.
Mr. KNOTT. What was the object of the vote just taken?
The SPEAKER. To suspend the rules.
Mr. KNOTT. Have the rules been suspended?
The SPEAKER. The rules have been suspended.
Mr. KNOTT. What is the object of suspending the rules? Was it to take up and pass these bills?
The SPEAKER. That is the order of the House.
Mr. KNOTT. I ask if it requires a motion to suspend the rules in each case to pass a bill?
The SPEAKER. It does not. The motion was to suspend the rules and proceed to the consideration of this business. A majority vote will pass a bill under this order.
Mr. KNOTT. It does not require a two-thirds vote?
The SPEAKER. It does not.
Mr. KNOTT. Then the rules have been suspended for what purpose?
The SPEAKER. The motion was to suspend the rules and proceed to the consideration of pension bills from the Senate upon the Speaker's table, and then proceed to consider pension bills from the Senate upon the Calendar. That motion has been agreed to by a vote of 109 to 41, more than two-thirds.
Mr. KNOTT. The motion was to take up pension bills from the Speaker's table; for what purpose?
The SPEAKER. For consideration and action upon them by the House. The first bill will be read.

HARDIE HOGAN HELPER.

The bill was read a first and second time. It is as follows:
Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hardie Hogan Helper, who was disabled while on special duty under the command of General A. E. Burnside, in the war of the late rebellion, and pay him a pension at the rate of $10 per month from the passage of this act.
Mr. RYON, of Pennsylvania. I move that the Senate bill be passed, and that the Senate bills taken from the Speaker's table be read merely by their titles.
The SPEAKER. Any member has the right to call for the reading in full of every bill.
Mr. RYON, of Pennsylvania. Cannot the rule be suspended under which that right exists?
The SPEAKER. The House is operating now under a suspension of the rules, and while that is the case another motion to suspend the rules would not be in order.
Mr. WARNER. I demand the regular order.
Mr. SINGLETON, of Illinois. I desire to make a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. SINGLETON, of Illinois. The rules have been suspended for the purpose of taking up these bills for consideration. Now, is not a two-thirds vote necessary to pass a bill?
The SPEAKER. It is not. [Cries of "Regular order!"]
Mr. HOOKER. I call for the reading of the report on the pending bill.
The SPEAKER. The report is not at the desk. It has been sent for.
Mr. FRYE. When the rules are suspended touching the enactment of legislation, is not that rule suspended which requires the reading on the demand of any memher?
The SPEAKER. The Chair thinks not. The order made under a suspension of the rules was to proceed to the consideration of these bills. The Chair is informed there is no report. The papers in the case have been transmitted by the Senate.
The question was on ordering the bill to be read a third time.
The question was taken, and there were—ayes 109, noes 2.
Mr. SINGLETON, of Illinois. No quorum.
The SPEAKER. The Chair will order tellers, and appoints the gentleman from Illinois, Mr. SINGLETON, and the gentleman from New York, Mr. FERDON.
The House again divided; and the tellers reported—ayes 126, noes none.
Mr. SINGLETON, of Illinois. No quorum.
Mr. HOOKER. I move a call of the House.
Mr. COFFROTH. I demand the yeas and nays.
Mr. WILSON. I rise to a privileged question.
Mr. HOOKER. I demand the regular order.
The SPEAKER. The Chair will not permit the regular order to be interrupted. The gentleman from Pennsylvania [Mr. COFFROTH] demands the yeas and nays.
Mr. HOOKER. When the House divided on the question of the third reading of the bill no quorum voted. Only two motions were then in order, the motion for a call of the House and a motion to adjourn. I moved that there be a call of the House.
The SPEAKER. The gentleman from Pennsylvania [Mr. COFFROTH] demanded the yeas und nays.
Mr. HOOKER. I moved a call of the House before that demand was made.
The SPEAKER. A further count may show a quorum.
Mr. HOOKER. It may be so; but I moved a call of the House, and no motion was in order but a motion to adjourn or a motion for a call of the House. I ask the ruling of the Chair on that point.
The SPEAKER. The Chair overrules the point of order. The

House has the right by a further proceeding to find out whether there be a quorum present.

Mr. HOOKER. An actual count has shown there is no quorum.

The SPEAKER. The tellers' count did not show a quorum; but the House may desire a yea-and-nay vote, and the yeas and nays have been demanded to ascertain if there is a quorum. When a count by tellers does not show a quorum it is in order for the House further to test the fact by a yea-and-nay vote. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

Mr. HOOKER. Do I understand the Speaker rules the demand for the yeas and nays is proper?

The SPEAKER. The Chair rules that the House has a right to exhaust all its power under its rules and under the Constitution to find out whether there is a quorum.

Mr. HOOKER. But, as I understand it, the yeas and nays are ordered on a motion pending, and not on a question whether there is a quorum or not.

The SPEAKER. The Chair overrules the point of order.

Mr. HOOKER. I appeal from the decision of the Chair.

Mr. BROWNE. I move to lay the appeal on the table.

Mr. HOOKER. And upon that I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 17; not a sufficient number.

Mr. HOOKER. I call for tellers on the yeas and nays.

On the question of ordering tellers there were ayes 16; not one-fifth of a quorum.

So tellers on the yeas and nays were refused and the yeas and nays were not ordered.

Mr. McKENZIE. I demand a division on the motion to lay the appeal on the table.

The House divided; and there were ayes 135, noes none.

Mr. HOOKER. No quorum.

The SPEAKER. A quorum not having voted, the Chair will appoint tellers.

Mr. COFFROTH. I call for the yeas and nays.

The SPEAKER. The yeas and nays have been refused. The Chair appoints as tellers the gentleman from Kentucky, Mr. McKENZIE, and the gentleman from Indiana, Mr. BROWNE.

The House divided; and there were—ayes 140, noes 6.

The SPEAKER. The Chair votes "ay." The "ayes" have it, and the appeal is laid on the table.

Mr. HOOKER. Did a quorum vote?

The SPEAKER. A quorum has voted without the Chair; but, that there may be no controversy, the Chair has voted. There are two vacancies and 146 is a majority of the House.

Mr. HOOKER. I move that the House do now adjourn.

The question being taken on a *viva voce* vote, the Speaker stated that the "noes" appeared to have it.

Mr. HOOKER. I call for a division.

Mr. PRICE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. PRICE. During a motion to suspend the rules but one motion to adjourn is in order.

The SPEAKER. Yes; but the rules have been suspended and we are now operating under a suspension. The Chair overrules the point of order.

The question being taken on the motion to adjourn, there were—ayes 4, noes 105.

Mr. HOOKER. I demand tellers on the motion to adjourn.

On the question of ordering tellers, there were ayes 15; not one-fifth of a quorum.

So tellers were not ordered; and the House refused to adjourn.

Mr. HOOKER. I have a proposition to make to the other side.

Many MEMBERS. Regular order!

Mr. HOOKER. I propose that we shall devote one hour to the consideration of pension bills and one hour to the consideration of other bills. [Renewed cries of "Regular order!"] I am perfectly willing to consider all the pension bills on the Speaker's table, but I am not willing to consider Senate bills now on the Calendar of the House, to the exclusion of all other business. [Continued cries of "Regular order!"]

The SPEAKER. The regular order is called for, which is on ordering the Senate bill now before the House to a third reading, upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 170, nays 18, not voting 102; as follows:

YEAS—170.

Acklen,	Bicknell,	Calkins,	Cowgill,
Aldrich, N. W.	Bisbee,	Camp,	Crapo,
Aldrich, William	Blackburn,	Cannon,	Cravens,
Anderson,	Blake,	Carlisle,	Daggett,
Atherton,	Bliss,	Carpenter,	Davis, George R.
Bachman,	Bouck,	Caswell,	Davis, Horace
Bailey,	Boyd,	Chittenden,	Davis, Lowndes H.
Baker,	Brewer,	Claflin,	De La Matyr,
Ballou,	Briggs,	Clark, Alvah A.	Deuster,
Barber,	Brigham,	Clark, John B.	Dibrell,
Bayne,	Bright,	Clymer,	Dunnell,
Beale,	Browne,	Coffroth,	Dwight,
Belford,	Burrows,	Colerick,	Ellis,
Beltzhoover,	Butterworth,	Conger,	Errett,
Berry,	Cabell,	Covert,	Ferdon,
Fisher,	Klotz,	Philips,	Thomas,
Forsythe,	Ladd,	Poehler,	Thompson, W. G.
Fort,	Lapham,	Prescott,	Tillman,
Frye,	Le Fevre,	Price,	Townsend, Amos
Geddes,	Lindsey,	Ray,	Townshend, R. W.
Gillette,	Loring,	Reed,	Tucker,
Hall,	Marsh,	Rice,	Updegraff, J. T.
Hammond, John	Mason,	Richmond,	Urner,
Hammond, N. J.	McLane,	Robertson,	Valentine,
Harmer,	McMillin,	Robeson,	Vance,
Harris, Benj. W.	Miles,	Robinson,	Van Voorhis,
Harris, John T.	Miller,	Ross,	Voorhis,
Haskell,	Mills,	Rothwell,	Waddill,
Hatch,	Morrison,	Ryan, Thomas	Ward,
Hawk,	Morse,	Ryon, John W.	Warner,
Hawley,	Muller,	Sapp,	Washburn,
Heilman,	Neal,	Sawyer,	Weaver,
Hostetler,	New,	Scoville,	Wells,
Hubbell,	Newberry,	Shallenberger,	White,
Humphrey,	Nicholls,	Sherwin,	Whiteaker,
Hunton,	Norcross,	Simonton,	Whitthorne,
Jones,	O'Reilly,	Smith, A. Herr	Williams, C. G.
Keifer,	Orth,	Sparks,	Willis,
Kelley,	Osmer,	Springer,	Willits,
Kenna,	Overton,	Stevenson,	Wise,
Ketcham,	Pacheco,	Stone,	Young, Thomas L.
Killinger,	Page,	Talbott,	
Kimmel,	Phelps,	Taylor, Ezra B.	

NAYS—18.

Bland,	Forney,	Samford,	Turner, Oscar
Bragg,	Herbert,	Scales,	Wellborn,
Cook,	Herndon,	Shelley,	Williams, Thomas.
Culberson,	House,	Singleton, J. W.	
Elam,	Money,	Slemons,	

NOT VOTING—102.

Aiken,	Finley,	Lounsbery,	Russell, Daniel L.
Armfield,	Ford,	Lowe,	Russell, W. A.
Atkins,	Frost,	Manning,	Singleton, O. R.
Barlow,	Gibson,	Martin, Benj. F.	Smith, Hezekiah B.
Bingham,	Godshalk,	Martin, Edward L.	Smith, William E.
Blount,	Goode,	McCoid,	Speer,
Bowman,	Gunter,	McCook,	Starin,
Buckner,	Hayes,	McGowan,	Steele,
Caldwell,	Hazelton,	McKenzie,	Stephens,
Chalmers,	Henderson,	McKinley,	Taylor, Robert L.
Clardy,	Henkle,	McMahon,	Thompson, P. B.
Clements,	Henry,	Mitchell,	Turner, Thomas
Cobb,	Hill,	Monroe,	Tyler,
Converse,	Hiscock,	Morton,	Updegraff, Thomas
Cox,	Hooker,	Muldrow,	Upson,
Crowley,	Horr,	Murch,	Van Aernam,
Davidson,	Houk,	Myers,	Wait,
Davis, Joseph J.	Hurd,	O'Brien,	Wilber,
Deering,	Hutchins,	O'Connor,	Wilson,
Dick,	James,	O'Neill,	Wood,
Dickey,	Johnston,	Persons,	Wright,
Dunn,	Jorgensen,	Phister,	Yeates,
Einstein,	Joyce,	Pound,	Yocum,
Evins,	King,	Reagan,	Young, Casey.
Ewing,	Kitchin,	Richardson, D. P.	
Felton,	Knott,	Richardson, J. S.	

So the bill was ordered to a third reading.

The following additional pairs were announced:

Mr. McKENZIE with Mr. DAVIDSON, on this vote.

Mr. HISCOCK with Mr. COBB, both being absent by order of the House on a conference committee.

Mr. EVINS with Mr. CALDWELL of Kentucky, on this vote.

The result of the vote was then announced as above stated.

The bill was read the third time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed without amendment bills of the following titles:

A bill (H. R. No. 853) granting a pension to Caroline Stief;

A bill (H. R. No. 1453) for the relief of James R. Gordon;

A bill (H. R. No. 1649) granting a pension to William W. Church;

A bill (H. R. No. 2180) granting an increase of pension to James H. Reeve;

A bill (H. R. No. 3786) granting a pension to William C. Parker;

A bill (H. R. No. 4608) granting a pension to Betsey Elwell; and

A bill (H. R. No. 5677) granting a pension to Stephen P. Benton.

The message further announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, and agreed to the conference asked by the House on the disagreeing votes thereon, and had appointed Mr. WALLACE, Mr. DAVIS of West Virginia, and Mr. BOOTH the conferees on the part of the Senate.

H. H. HELPER.

The SPEAKER. The question is upon the passage of Senate bill No. 365, for the relief of Hardie Hogan Helper.

Mr. BELFORD. I desire to submit a proposition to this House which I think will facilitate the transaction of public business here to-night.

Many MEMBERS. Regular order!

Mr. BELFORD. You may call the regular order, but unless some

accommodation is reached there will be very little legislation done here to-night. And in the interest of public business I desire to submit a proposition. [Renewed cries of "Regular order!"]

Mr. HOOKER. I hope order will be preserved so that we may hear the proposition of the gentleman.

Mr. BELFORD. I propose that we devote one hour to the consideration of these pension bills, and at the expiration of that hour that one hour be devoted to the consideration of other measures pending in this House. We who represent the great West——

A MEMBER. Have you a bill on the Speaker's table?

Mr. BELFORD. I have no bill on the Speaker's table; but I have one to which no man in this House objects, [laughter,] and I propose to insist upon its consideration. It is a just and meritorious bill.

The SPEAKER. What is the proposition of the gentleman?

Mr. BELFORD. It is a bill for a public building at the capital of my State. [Laughter.] We are perfectly willing to allow you to pass these pension bills during the next hour without any opposition, provided that you will afford to us then a right to be recognized on the floor of this House to bring forward legislation in which our constituents are deeply interested.

The SPEAKER. What is the proposition of the gentleman?

Mr. KEIFER. It is to devote an hour to pension bills, and then an hour to something else.

The SPEAKER. The Chair will submit the proposition to the House.

Mr. BELFORD. My proposition is that we devote an hour from this time to the consideration of these pension bills; that then we devote an hour to the consideration of other bills; then if all the pension bills be not passed that we devote another hour to the consideration of pension bills. This proposition is fair and just, and I ask that it be adopted in the interest of the transaction of the public business.

The SPEAKER. Is there objection?

Mr. HOOKER. On this side, I for one accept the proposition of the gentleman, believing it to be made in good faith, that after one hour devoted to pension bills members be accorded the floor to exercise the right, which the rules give us during the last six days of the session, to move to suspend the rules.

Several members called for the regular order.

The SPEAKER. The regular order is demanded. The question before the House is on the passage of this bill.

The bill was passed.

MARY A. SHEMELIA.

The next Senate pension bill upon the Speaker's table was the bill (S. No. 182) granting a pension to Mary A. Shemelia.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place, or cause to be placed, upon the pension-rolls of the United States the name of Mary A. Shemelia, as dependent widowed mother of William H. Shemelia, deceased, late a member of Company C of the Thirty-fourth Regiment of New Jersey Volunteers, who died at post hospital at Paducah, in the State of Kentucky, December 14, A. D. 1864, at the full rate of pension allowed by the pension laws to dependent widowed mothers of enlisted soldiers, to commence from and after the passage of this act.

Mr. CLYMER. I call for the reading of the report, if there is one, in this case.

The report of the Senate Committee on Pensions was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. No. 182) granting a pension to Mary A. Shemelia, have carefully examined the same, and report:

That Mary A. Shemelia was the mother of William H. Shemelia, who was a private in Company C, Thirty-fourth New Jersey Volunteers, and who died while in the service, in the post-hospital, December 11, 1864, of "typho-pneumonia," contracted in the line of his duty.

The evidence submitted shows that prior to enlistment and during his term of service the petitioner's son contributed to her support, and that she is now a widow and living in abject poverty.

Your committee therefore report back the accompanying bill, and recommend its passage.

The question being on ordering the bill to a third reading,

Mr. SINGLETON, of Illinois, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 8, not voting 108; as follows:

YEAS—174.

Aldrich, William	Briggs,	Cox,	Forney,
Anderson,	Brigham,	Crapo,	Forsythe,
Atherton,	Bright,	Cravens,	Fort,
Atkins,	Browne,	Daggett,	Frost,
Bachman,	Burrows,	Davis, George R.	Frye,
Bailey,	Butterworth,	Davis, Horace	Geddes,
Baker,	Cabell,	Davis, Lowndes H.	Gibson,
Ballou,	Caldwell,	De La Matyr,	Gillette,
Barber,	Calkins,	Deering,	Hall,
Bayne,	Camp,	Deuster,	Hammond, John
Beale,	Cannon,	Dibrell,	Hammond, N. J.
Belford,	Carlisle,	Dick,	Harmer,
Beltzhoover,	Carpenter,	Dunnell,	Harris, Benj. W.
Berry,	Chittenden,	Dwight,	Harris, John T.
Bicknell,	Clark, Alvah A.	Einstein,	Haskell,
Bisbee,	Clark, John B.	Ellis,	Hatch,
Blackburn,	Clymer,	Errett,	Hawley,
Blake,	Coffroth,	Evins,	Heilman,
Bliss,	Colerick,	Ferdon,	Henderson,
Bouck,	Conger,	Finley,	Herbert,
Boyd,	Covert,	Fisher,	Horr,
Bragg,	Cowgill,	Ford,	Hostetler,
House,	Morrison,	Ryon, John W.	Valentine,
Hubbell,	Morse,	Sapp,	Van Aernam,
Humphrey,	Muller,	Sawyer,	Vance,
Hunton,	New,	Scoville,	Van Voorhis,
Hutchins,	Newberry,	Shallenberger,	Voorhis,
Jones,	Nicholls,	Sherwin,	Waddill,
Killinger,	O'Neill,	Simonton,	Ward,
Kimmel,	O'Reilly,	Smith, Hezekiah B.	Warner,
King,	Orth,	Sparks,	Washburn,
Kitchin,	Overton,	Starin,	Weaver,
Klotz,	Pacheco,	Stevenson,	Wells,
Ladd,	Phelps,	Stone,	Whitthorne,
Lapham,	Philips,	Talbott,	Williams, C. G.
Le Fevre,	Prescott,	Taylor, Ezra B.	Williams, Thomas
Marsh,	Price,	Thompson, P. B.	Willis,
Martin, Edward L.	Ray,	Thompson, W. G.	Willits,
Mason,	Richardson, D. P.	Tillman,	Wilson,
McKinley,	Robertson,	Tucker,	Wise,
McLane,	Robeson,	Tyler,	Yocum,
McMillin,	Robinson,	Updegraff, J. T.	Young, Thomas L.
Miles,	Ross,	Updegraff, Thomas	
Mills,	Rothwell,	Urner,	

NAYS—8.

Gunter,	Money,	Singleton, J. W.	Turner, Oscar
McKenzie,	Scales,	Slemons,	Whiteaker.

NOT VOTING—108.

Acklen,	Felton,	Manning,	Richmond,
Aiken,	Godshalk,	Martin, Benj. F.	Russell, Daniel L.
Aldrich, N. W.	Goode,	McCoid,	Russell, W. A.
Armfield,	Hawk,	McCook,	Ryan, Thomas
Barlow,	Hayes,	McGowan,	Samford,
Bingham,	Hazelton,	McMahon,	Shelley,
Bland,	Henkle,	Miller,	Singleton, O. R.
Blount,	Henry,	Mitchell,	Smith, A. Herr
Bowman,	Herndon,	Monroe,	Smith, William E.
Brewer,	Hill,	Morton,	Speer,
Buckner,	Hiscock,	Muldrow,	Springer,
Caswell,	Hooker,	Murch,	Steele,
Chalmers,	Houk,	Myers,	Stephens,
Claflin,	Hurd,	Neal,	Taylor, Robert L.
Clardy,	James,	Norcross,	Thomas,
Clements,	Johnston,	O'Brien,	Townsend, Amos
Cobb,	Jorgensen,	O'Connor,	Townshend, R. W.
Converse,	Joyce,	Osmer,	Turner, Thomas
Cook,	Keifer,	Page,	Upson,
Crowley,	Kelley,	Persons,	Wait,
Culberson,	Kenna,	Phister,	Wellborn,
Davidson,	Ketcham,	Poehler,	White,
Davis, Joseph J.	Knott,	Pound,	Wilber,
Dickey,	Lindsey,	Reagan,	Wood,
Dunn,	Loring,	Reed,	Wright,
Elam,	Lounsbery,	Rice,	Yeates,
Ewing,	Lowe,	Richardson, J. S.	Young, Casey.

So the bill was ordered to a third reading.

The following additional pairs were announced:

Mr. CHITTENDEN with Mr. NICHOLLS, on all questions, until the regular session to-morrow morning.

Mr. MONEY with Mr. STONE, for the remainder of to-night's session.

Mr. KENNA with Mr. WARD; Mr. KENNA being absent on duty upon the Committee on Enrolled Bills.

Mr. WARD. Mr. Speaker, I am paired with the gentleman from West Virginia, [Mr. KENNA,] but as he would have voted "ay" on this question, I have also voted "ay."

The bill was read a third time.

The question being on the passage of the bill,

Mr. SINGLETON, of Illinois, called for the yeas and nays.

On ordering the yeas and nays there were—ayes 16, noes 90; less than one-fifth voting in the affirmative.

Mr. HOOKER. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

The question being taken on the passage of the bill, there were—ayes 99, noes 5; no quorum voting.

Tellers were ordered; and Mr. WHITE and Mr. HOOKER were appointed.

Mr. WHITE. I have a proposition to submit to the House. [Cries of "Regular order!"]

Mr. WHITE. Will the Chair hear me?

The SPEAKER. The Chair is unable to hear the gentleman; the House will not permit the Chair to do so.

Mr. WHITE. I ask unanimous consent. [Cries of "Oh, no!"]

The House divided; and the tellers reported—ayes 144, noes 3.

So the bill was passed.

GEORGE SMITH.

The next Senate pension bill on the Speaker's table was the bill (S. No. 465) granting an increase of pension to George Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of George Smith, of Culpeper County, Virginia, late private in Captain Charles C. Allen's Company of Virginia Volunteers, and pay him a pension at the rate of $15 per month, that being the amount to which his disability entitles him according to the report of the board of examining surgeons.

Mr. SINGLETON, of Illinois. I call for the reading of the report.

The report of the Senate Committee on Pensions was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. No. 465) granting an increase of pension to George Smith, have examined the same, and report:

That the claimant, while unable to furnish the testimony of an eye-witness to the

accident whereby he received the injury for which he claims the pension, does, in the opinion of the committee, furnish abundant proofs that he did receive it as he alleges, and they therefore recommend the passage of the bill as amended.

Mr. SINGLETON, of Illinois. Mr. Speaker, I do think that this is a case which ought not to receive the approval of this House. The report just read states there is no witness to prove the injury for which the pension is claimed. The fact that the man was wounded in the service cannot be proved, yet the committee say that he ought to have a pension. I think the report is sufficient to show that the bill should not pass.

Mr. HUNTON. If my friend will allow me, I beg leave to say just a word. This man had his hip dislocated in the war of 1812, and has been walking on a crutch ever since. He is now over eighty years of age.

Mr. CONGER. There is no objection to the bill.

Mr. HUNTON. The Senate committee reported it back favorably. I hope it will be passed.

Mr. BROWNE. There is no objection on this side.

Mr. HUNTON. My friend from Illinois takes back all he said.

Mr. SINGLETON, of Illinois. Yes; I demand the yeas and nays.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (S. R. No. 137) to create a commission for the performance of certain duties under the act of Congress providing for the erection of a monument at Yorktown and the proposed centennial celebration; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

It further announced the passage without amendment of a bill (H. R. No. 1830) granting a pension to Peter Grattan, and a bill (H. R. No. 7111) restoring the name of Andrew J. Pennel to the pension-roll.

SUNDRY CIVIL BILL.

Mr. BLOUNT. I rise for the purpose of submitting a conference report, and the statement required by the rules of the House to accompany it. That statement fully explains what has been agreed to by the conferees.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 7203, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 17, 19, 22, 32, 38, 39, 40, 41, 42, 44, 45, 53, 57, 59, 61, 64, 69, 75, 77, 79, 80, 81, 83, 86, 94, and 108.

Mr. WARNER. I demand those amendments be read.

Mr. BLOUNT. If the gentleman from Ohio will only wait a moment he will find the accompanying statement specifies exactly what those amendments are. It will save a good deal of time. [Cries of "Read!" "Read!"]

The Clerk proceeded with the reading of the report, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 18, 20, 23, 24, 25, 26, 28, 30, 31, 33, 34, 35, 36, 37, 43, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 58, 60, 62, 63, 65, 66, 67, 68, 70, 71, 72, 73, 74, 76, 78, 82, 83½, 84, 85, 87, 88, 89, 90, 91, 92, 93, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 109, and 110; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "325,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: Strike out "60" and insert in lieu thereof "25;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: Strike out from the matter proposed to be inserted the word "thirteen" and insert in lieu thereof "seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: Strike out "75" and insert in lieu thereof "50;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: Strike out "300" and insert in lieu thereof "250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows: Strike out "81" and insert in lieu thereof "82;" and the Senate agree to the same.

As to the Senate amendment numbered 106 the committee are unable to agree.

JAMES H. BLUONT,
J. A. McMAHON,
JAMES MONROE,
Managers on the part of the House.
JAMES B. BECK,
H. G. DAVIS,
WILLIAM WINDOM,
Managers on the part of the Senate.

The SPEAKER. The statement accompanying the conference report will now be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the sundry civil appropriation bill submit the following detailed statement in explanation of the conference report submitted.

The effect of the action recommended on the Senate amendments will be, if ratified by the two Houses, as follows:

On amendment 1, appropriates $100,000 to complete barge-office building in New York.

On amendment 2, strikes out $30,000 for additions and repairs to assay-office building in New York.

On amendment 3, in reference to the public building in Philadelphia, strikes out the following, which was inserted by the House:

"*And be it further provided*, That there be expended out of the amount herein appropriated a sum sufficient for the completion and fitting up of as many of the rooms of said building as will accommodate the post-office of said city."

On amendment 4, provides for iron-framed and fire-proof roof on public building at Topeka, Kansas, and extends cost of said building $20,000.

On amendment 5, extends limit of cost of public building at Toledo, Ohio, to $400,000, and authorizes Secretary of the Treasury to sell the property now situated on the site of said building.

On amendment 6, is verbal.

On amendment 7, provides $40,000 for a light-station at Point Conception, California.

On amendments 8 and 9, appropriates $5,000 for a life-saving station at the falls of the Ohio River.

On amendment 10, provides for a new revenue steamer for service on the Gulf, $75,000.

On amendments 11 and 12, decreases sum for engraving and printing from $400,000 to $325,000.

On amendments 13, 14, and 15, is verbal and makes $14,000 of the appropriation for coast survey immediately available.

On amendment 16, appropriates $25,000 for distinctive paper in lieu of the $60,000 as proposed.

On amendment 17, strikes out $5,000 for the recoinage of gold and silver coins.

On amendment 18, appropriates $10,000 for reconstructing buildings at the salmon fishery in California.

On amendments 19, 20, 21, and 95, is to change location of certain paragraphs in the bill, and makes appropriation for construction and verification of standard weights and measures, $5,000 in lieu of $11,000 as proposed.

On amendments 22 and 23, strikes out provision to empower the collector of customs at Puget Sound to enter and clear vessels and corrects a total.

On amendments 24, 25, and 26, inserts the following:

"To enable the Secretary of the Treasury to ascertain and report to Congress the harbor, pilot, and other charges to which American and foreign vessels are subject under State laws, and the taxation upon ship-owners, $1,000, or so much thereof as may be necessary.

"To enable the Secretary of the Treasury to procure information concerning and to make inspection of neat cattle shipped from any port in the United States to any foreign port, so as to enable him to cause to be issued to the shippers of such cattle certificates showing in proper cases that such cattle are free from the disease known as pleuro-pneumonia, the sum of $15,000, or so much thereof as may be necessary.

"To enable the Secretary of the Treasury to reimburse Ainsworth R. Spofford, Librarian of Congress, the amount stolen from his disbursing clerk on the 28th day of May, $9,640."

On amendment 27, increases the reappropriation for salaries and expenses of the National Board of Health, from $25,000 to $50,000.

On amendments 28 and 29, makes immediately available appropriation for orchæological researches, and fixes the appropriation for audited claims for pay and bounty for 1882, at $250,000.

On amendment 30, provides $15,600 for machinery and shop fixtures for the Rock Island arsenal.

On amendments 31, 32, 33, 34, and 35, increases appropriation for improving reservations in Washington from $10,000 to $12,000; strikes out the sum of $8,000 to pave roadway in front of Executive Mansion, and reappropriates $2,000 for elevator in the Executive Mansion.

On amendments 36 and 37, is verbal to perfect language of a clause.

On amendments 38, 39, and 40, strikes out increase of appropriation for State, War, and Navy Department building of $200,000, and strikes out provisions to make the appropriation together with the sum appropriated for the Washington Monument immediately available.

On amendments 41 and 42, strikes out the proposed increase of the appropriation for the Signal Service from $375,000 to $400,000.

On amendment 43, reappropriates $8,000 for the survey of northern and northwestern lakes.

On amendment 44, strikes out proposed appropriation of $50,000 for military surveys and reconnaissances.

On amendment 45, strikes out proposed appropriation of $30,000 for a library building at Fortress Monroe.

On amendments 46, 47, and 48, perfects the language of a clause.

On amendment 49, directs the Secretary of War to turn over to managers of the National Home for Disabled Volunteer Soldiers all the old clothing now held for issue to the National Home.

On amendments 50 and 51, inserts the following:

"Road from Vicksburgh, Mississippi, to the national cemetery: For completion of roadway from Vicksburgh, Mississippi, to the national cemetery near that city, $10,000.

"For constructing a carriage-way from New Market street, in the city of Jeffersonville, Indiana, to the United States military depot in said city, under the direction of the Secretary of War, $4,000."

Amendment 52 provides for printing the third volume of the catalogue to the Surgeon-General's library.

On amendment 53, strikes out appropriation of $30,000 for barracks near Omaha.

On amendments 54, 55, and 56, inserts the following:

"For the erection of permanent barracks and officers' quarters at Fort Leavenworth, Kansas, according to plans to be adopted by the Secretary of War, $30,000.

"For the expenses of the surveys to be made across the peninsula of Maryland and Delaware to connect by canal the waters of the Delaware and Chesapeake Bays, under the direction of the Secretary of War, $10,000.

"For the purchase of a suitable site in the city of Washington for the erection of a brick and metal fire-proof building to be used and occupied by the Pension Bureau, the building to be erected in accordance with plans approved by the Secretary of War and the Secretary of the Interior, under the supervision of the Quartermaster-General of the United States Army, the site for which shall be selected by him, subject to the approval of the Secretaries aforesaid, both as to location and price, and the title to the land to be approved by the Attorney-General of the United States, $250,000."

On amendment 57, strikes out proposed appropriation of $200,000 for erection of a fire-proof building for safe-keeping of the records of the Executive Departments.

On amendment 58, makes the appropriation for repair of rope-walk at Boston navy-yard immediately available.

On amendment 59, strikes out appropriation of $3,500 for a new boiler-house at Mare Island, California.

On amendment 60, appropriates $75,000 for navy-yard at Pensacola.

On amendment 61, strikes out appropriation of $45,000 for barracks for the Marine Corps at Norfolk.

On amendments 62 and 63, verbal to perfect paragraph.

On amendment 64, strikes out sum of $175,000 for the prosecution of a search for the steamer Jeannette.

On amendments 65, 66, and 67, provides for improvements, repairs, and barracks at the Naval Academy.

On amendment 68, verbal to perfect paragraph.

On amendments 69 and 70, strikes out provision for fire-proofing Statuary Hall, and appropriates $10,000 to enable the Joint Library Committee to purchase works of art.

On amendment 71, appropriates $3,600 for rent of rooms for Court of Claims.

On amendments 72 and 74, verbal and does not change sense of the clauses.

On amendments 73 and 75, makes the appropriation for surveying the public lands immediately available, and strikes out the following proposed to be inserted in the clause making appropriations for surveying the public lands:

"That nothing herein contained shall be construed to repeal or modify the provisions of sections of the Revised Statutes numbered 2404 and 2405, in regard to surveys to be made in California, Oregon, and Washington Territory: *Provided*, further."

On amendment 76, inserts the following:

"For running correction lines, guide meridians, and township lines in the strip of public land lying north of the State of Texas, and bounded on the north by the States of Colorado and Kansas, to be done under the direction of the Commissioner of the General Land Office, $18,000."

On amendment 77, strikes out proposed appropriation for improvement at Hot Springs reservation.

On amendment 78, makes the appropriation for the maintenance of the Government Hospital for the Insane $155,000.

On amendment 79, strikes out proposed sum of $3,000 for inclosure of grounds of the Deaf and Dumb Asylum.

On amendments 80, 81, and 83, strikes out provisions concerning Creek and Cherokee Indians.

On amendment 83½, provides $3,000 for expenses of the Miami and other Indian delegations recently in Washington.

On amendments 84 and 85, inserts the following:

"For the purchase and distribution of seeds, under the direction of the Commissioner of Agriculture, to settlers on the public lands in the new States and Territories whose crops were destroyed during the past year by drought and grasshoppers, $20,000, to be immediately available."

On amendment 86, strikes out the following:

"For the purchase of the plates and manuscript from Professor Townend Glover on the insects of America, $7,500."

On amendment 87, increases appropriation for defending suits in claims against the United States from $25,000 to $30,000.

On amendments 88 and 89, verbal to perfect clause.

On amendment 90, provides $5,000 to publish first volume of the report of the Committee on Transportation Routes to the Seaboard in 1874.

On amendments 91, 92, and 93, provides that the commissioners to attend the international monetary conference shall be appointed by the President by and with the consent of the Senate, and provides for one secretary to said commissioners at $3,000.

On amendment 94, strikes out provision for an embassy to Mexico.

On amendment 96, provides $50,000 for expenses of French and American claims commission.

On amendments 97 and 98, inserts the following:

"To enable the President to execute the provisions of section 1753 of the Revised Statutes, for the promotion of efficiency in the different branches of the civil service, $15,000.

"For printing and distributing monthly the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, $10,000."

On amendments 99, 100, 101, 102, 103, and 105, relate to compensation of officers and employés and expenses of the Senate.

On amendment 104, provides an extra month's pay for the session employés of the House and Senate.

On amendments 107 and 108, makes a verbal correction and restores appropriations for certain contested-election expenses of the House proposed to be stricken out.

On amendment 109, inserts the following:

"SEC. 2. That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled."

On amendment 110, inserts the following:

"SEC. 3. Section 1 of 'an act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies and for other purposes;' approved February 26, 1881, is hereby amended by striking out the words 'including arrears to' where they occur in the second paragraph of the section, and the words 'including arrears' in the seventh paragraph of said section."

On amendment 106, leaves clause as amended by the Senate and disagreed to by the House for submission to the House.

JAMES H. BLOUNT,
JOHN A. McMAHON,
JAMES MONROE,
Managers on the part of the House.

Pending the reading of the above report—

Mr. WARNER. I understand this amendment No. 24 to be agreed to. If agreed to it will stand as there read?

Mr. BLOUNT. It will.

Mr. WARNER. In reference to the fifty-fifth amendment read by the Clerk is that retained or stricken out?

Mr. BLOUNT. It is inserted.

Mr. WARNER. Then amendment 56; do I understand that is retained or stricken out?

Mr. BLOUNT. That is agreed to.

Mr. ATKINS. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. ATKINS. I submit it is not competent to interrupt the reading of the detailed statement.

The SPEAKER. The report will be gone through with.

Mr. WARNER. Is it not competent to know, as we go through with it, what is done with these various amendments?

The SPEAKER. The Chair thinks the statement had better be read, and then questions may be asked in reference to any special amendment.

Mr. WARNER. Very well, then.

The Clerk completed the reading of the report.

Mr. BLOUNT. Mr. Speaker, in addition to the statement there I desire to add that the total amount added to the bill as reported to the Senate is $2,069,894.51. The Senate struck off a few items, leaving it still above two million dollars.

The conferees on the part of the Senate have yielded in round numbers $1,200,000; and the House have yielded in round numbers $869,000. The law as agreed to, for the current fiscal year, amounted to $22,523,821.60. The bill as agreed to by the committee of conference of the two Houses amounts to $21,513,447.42, leaving a decrease or diminution in the amount of the bill over the next fiscal year of over one million ten thousand three hundred and seventy-four dollars and eighteen cents.

But it is to be borne in mind that the census appropriations for this fiscal year were about three million dollars, whereas during the fiscal year 1882 it is but $625,000; so that really on the current expenditures for the two years there is substantially an increase in the bill.

The House and Senate conferees, as will be seen by the report, have agreed upon every matter of difference in the bill except on the amendment numbered 106, on page 69 of the sundry civil bill as amended by the Senate. That amendment reads as follows:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 1st day of July 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

The Senate conferees claim that this was without precedent.

Mr. CONGER. What is the number of that amendment?

Mr. BLOUNT. Number 106. The Senate conferees claim that this, as I have said, is without precedent. That it had been usual to pay committee clerks, pages, and other employés of the Senate, who were not receiving annual salaries, an extra month's pay, but that never, except in a single instance, had there been payment of an extra month's pay to the annual employés; and that was two years ago, where there had been discontent between the two Houses as to the relative pay of the employés. At that time the House passed a resolution giving an extra month's pay to the annual employés of the House, and in that single instance, and in that one only, the Senate agreed to the resolution.

The Senate conferees announced most positively to the conferees on the part of the House that they cannot consent to this proposition. They thought it was wrong, but that if the House should insist upon it, they would feel it to be their duty to add the Senate employés to this item.

This proposition to pay the House employés was inserted on the idea of equalizing to some extent the salaries of the House and Senate employés; and that being so, we could not consent to a failure of that purpose by inserting the Senate employés as well as the House employés in the bill, thereby keeping up the very inequalities of which the House was complaining. There was but little time to adjust this matter, and we felt it our duty before yielding anything to bring this question back to the House for instructions.

I now ask, Mr Speaker, the previous question on the adoption of the conference report.

Mr. HAWLEY. I hope the gentleman will not insist upon that.

Mr. BLOUNT. I will yield to the gentleman if he wishes to be heard.

Mr. HAWLEY. It seems to me, Mr. Speaker, that there must be some way of expressing a difference on the part of the House with the conclusions reached by the conference committee. There are several points on which a difference of opinion may exist, but one specially I will refer to as an example. I allude to the sixty-fourth amendment, on page 44 of the bill, in the following words:

To enable the Secretary of the Navy to immediately charter or purchase, equip, and supply a vessel for the prosecution of a search for the steamer Jeannette of the arctic exploring expedition, (which the Secretary of the Navy is hereby authorized to undertake,) and such other vessels as may be found to need assistance during said cruise, $175,000: *Provided*, That said vessel shall be wholly manned by volunteers from the Navy.

I understand the report to say that this is to be stricken out.

If it be in order, I wish to say a word or two about that as briefly as it may be. I think there is a great mistake in striking out that provision.

Two years ago, Mr. Speaker, a wealthy and enterprising citizen of the United States, who had previously distinguished himself by his enterprise, put at the service of the Government, or at the service of science, if you please, a vessel of his own, a most excellent ship. The United States accepted and equipped that vessel. There are three commissioned officers of our Navy upon that ship. It is provided with a crew of our own good sailors. Two years ago that vessel started out through Behring's Strait on an exploring expedition in the interest of geographical knowledge, and also at the behest of charity, for the relief of two whaling-ships which had started out from New Bedford and had never been heard of. That ship, the Jeannette, the gift of this large-hearted citizen of the United States, went on that expedition of charity, and, as Divine Providence would have it, the Jeannette is missing, too.

We are not justified in saying those people are all dead. It is only two years ago they went there. They were abundantly equipped. They may have reached Wrangel Land and erected huts and be living there. And if they have nothing but their rifles and a good supply of ammunition they can live on the seals for years. There is on record here the experience of a Connecticut sailor, who, with eighteen persons, Esquimaux and others, passed six months floating on a field

of ice coming down Baffin's Bay, a distance of 1,600 miles, and the entire party came out in good health.

Now, there are three vessels there; two owned by private parties, one owned by a private party but adopted, indorsed, taken up by and sent into the field by the United States Government with three gallant officers and a gallant crew. They have not been heard from for a time. Whether the original sending out of the Jeannette was wise or not, I do not discuss to-night. Whether it be well for the Government to enter into a partnership with private citizens in a matter of that sort, is nothing to us in this connection. We did it. We accepted that vessel. We put our people on it. They are our commissioned officers, our children in a certain sense as well as our gallant defenders. They may be—I hope we may reasonably believe they are—alive somewhere there now, looking and waiting and hoping, as they have a right to hope, we are a nation of gentlemen. And under these circumstances this House—I do not care what may be the motive, if it be economy I am ashamed of it—strikes out the appropriation of $175,000 to send a vessel there to hunt them up. We ought to be equipping it with double haste. That vessel ought to have sailed before this. It ought to go up to Behring Straits, and go just as far into that great arctic drift as it dare go; and they could put up huts, with provisions, on Wrangel Land and the main land to the southward of it, and prosecute this search as much as they can do without running the risk of losing another vessel.

I do not know how this House can agree to desert the men that went there on a message of charity, and from a false—I would say if permitted to do so, a shameful—idea of economy say, "Oh, we want to keep this sundry civil bill as low as we can."

I want to disagree with the action of the conference committee. I cannot, perhaps, precisely word the parliamentary motion; but I would move, if that be the way, to instruct the conference committee to restore that appropriation. [Applause.]

Mr. BLOUNT. After a word or two I shall ask the previous question on the conference report.

Mr. HAWLEY. I hope not. There are other points that ought to be noticed besides that of which I have spoken.

Mr. MILLS. I wish to ask the gentleman from Georgia if he does not propose to allow discussion on the question as to the payment of the House employés?

Mr. BLOUNT. I propose to do that; but I desire to move the previous question on the adoption of the report so far as the conferees on the part of the two Houses have agreed.

Mr. ATKINS. Will my colleague on the committee, the gentleman from Georgia, allow me to ask him a question, that the House may understand distinctly the effect of the report? As I understand, the conference committee have agreed on every amendment except two, those numbered 106 and 108.

Mr. BLOUNT. The only amendment on which the conference committee has failed to agree is number 106, in relation to the extra pay of the House employés.

Mr. WHITTHORNE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITTHORNE. If the previous question is demanded and sustained by the House, can we have a separate vote on the proposition to disagree to amendment numbered 64, in relation to the search for the steamer Jeannette?

The SPEAKER. The only way to reach that would be to vote down the report.

Mr. HAWLEY. I hope I am not losing my place. I wish to move to disagree and instruct the committee of conference to restore amendment numbered 64.

The SPEAKER. A conference report has to be agreed to or disagreed to as an entirety.

Mr. HAWLEY. I hope the House will disagree. Is it not competent for the House to instruct the committee on a given point?

Mr. BAKER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAKER. If the House should disagree to the report of the conference committee, would it then be competent for the House to instruct the conferees to agree to this item or attempt to insert it? Would not that be competent?

Mr. ROBESON. Mr. Speaker, is it not competent——

The SPEAKER. The gentleman from New Jersey will allow the Chair to answer one question before he submits another. In reply to the gentleman from Indiana, [Mr. BAKER,] the Chair will state that the practice of the House in most cases has been to recognize the fact that a conference had to be a free and full conference without instructions; and yet there have been exceptions to that rule, and the House has expressed its opinion, not, perhaps, in the form of instructions, but its opinion upon particular items. The Chair thinks there was a case in the Forty-fifth Congress where that was done on the legislative appropriation bill. The gentleman from New Jersey [Mr. ROBESON] will now propound his question and the Chair will endeavor to answer it.

Mr. ROBESON. I am answered.

Mr. BAKER. I wish to ask the gentleman who makes the report from the committee on conference a question in reference to an item contained in that report which I do not understand. I observe the sum $250,000 is appropriated for the construction of a building to accommodate the Bureau of Pensions. The question that I want to ask is, whether or not this sum of $250,000 is appropriated simply for the purpose of purchasing a site, or whether it is intended with that amount of money to procure a site and also to erect a building, and if it is not intended to complete the building how much is the limit, if any, fixed for the cost of the building?

Mr. BLOUNT. The $250,000 relates alone to the site for the building. There is no proposition for a building other than that contained in the purchase of a site. The building is to be a matter for future consideration.

Mr. BAKER. I ask consent to have printed in the RECORD as a portion of the debates a table which I have had prepared touching receipts and expenditures of a general nature of the Post-Office Department.

There was no objection, and it was so ordered.

The table is as follows:

Postal receipts and expenditures for the fiscal year ending June 30, 1880, in States comprising the electoral college, (excluding the District of Columbia and the Territories, and also receipts and expenditures of a general nature not due or chargeable to any particular State or Territory.)

[Compiled from Table No. 3, page 558, Report of the Postmaster-General for 1880.]

STATES VOTING FOR GARFIELD.

Name.	Receipts.	Expenditures.	Excess of receipts.	Excess of expenditures.
Maine	$514,389 54	$509,520 14	$4,869 40	
New Hampshire	308,376 02	262,946 44	45,329 58	
Vermont	276,995 69	290,245 80		$13,250 11
Massachusetts	2,260,308 10	1,503,097 92	757,210 18	
Rhode Island	261,510 51	146,872 07	114,638 44	
Connecticut	636,231 50	542,034 59	142,196 91	
New York	6,200,334 62	4,384,235 06	1,816,099 56	
Pennsylvania	2,981,703 36	2,484,870 87	496,833 49	
Ohio	2,193,586 23	2,630,586 89		437,000 66
Michigan	1,143,470 91	1,003,852 00	139,618 91	
Indiana	924,431 49	976,745 36		53,313 87
Illinois	2,683,244 30	2,511,219 68	172,024 62	
Wisconsin	814,929 12	763,864 37	51,064 75	
Iowa	1,048,423 31	1,067,723 15		19,299 84
Oregon	138,790 54	353,786 74		214,996 20
Minnesota	534,645 38	594,405 26		59,759 88
Kansas	616,955 20	852,598 47		241,643 27
Nebraska	319,747 48	843,505 61		523,758 13
Colorado	343,817 44	533,336 03		189,518 59
Total	24,245,790 74	22,257,446 45	3,739,884 84	1,751,540 55

Net excess of receipts States voting for Garfield	$1,988,344 29
Percentage of total receipts paid by States voting for Garfield	75.3+
Percentage of total expenditures required for States voting for Garfield	65.7+
Percentage of electoral college of States voting for Garfield	57.7+
Amount of revenue yielded for each dollar expended in States voting for Garfield	$1 08+

STATES VOTING FOR HANCOCK.

Name.	Receipts.	Expenditures.	Excess of receipts.	Excess of expenditures.
New Jersey	$704,930 58	$566,037 99	$138,892 59	
Delaware	80,627 70	72,900 12	7,727 58	
Maryland	591,282 98	641,734 40		$50,541 42
Virginia	495,737 10	722,473 40		226,736 30
West Virginia	176,861 15	213,187 83		36,326 68
North Carolina	252,214 70	402,534 50		150,339 80
South Carolina	208,528 14	276,256 43		67,728 29
Georgia	407,279 12	589,466 18		182,187 16
Florida	101,604 15	224,787 80		123,183 65
Missouri	1,323,256 55	1,563,828 33		240,571 78
Kentucky	511,110 28	634,717 17		123,606 89
Tennessee	377,449 92	461,055 74		83,605 82
Alabama	274,949 13	461,374 65		186,425 52
Mississippi	219,267 44	326,201 56		106,925 12
Arkansas	194,076 45	719,651 62		525,575 17
Louisiana	338,751 03	526,718 86		187,967 83
Texas	593,927 87	1,295,810 68		701,882 81
California	967,575 15	1,631,278 39		663,703 24
Nevada	94,806 70	269,901 49		175,094 79
Total	7,914,245 14	11,599,937 14	146,620 17	3,832,312 17

Net excess of expenditures States voting for Hancock	$3,685,692 00
Percentage of total receipts paid by States voting for Hancock	24.6+
Percentage of total expenditures required for States voting for Hancock	34.2+
Percentage of electoral college of States voting for Hancock	42.2+
Amount of revenue yielded for each dollar expended in States voting for Hancock	$68 00

Mr. KEIFER. I desire to call the attention of the gentleman from Georgia [Mr. BLOUNT] to that part of the report relating to the amendment of the Senate in regard to which the committee of conference was unable to agree. And I wish to know of the gentleman, or rather of the Chair, whether after the previous question has been ordered on this report it will be time for the House to consider a resolution instructing their conferees on the subject of that disagreement in relation to the payment of one month's extra pay to the employés of the House?

The SPEAKER. This is a partial report from the committee of conference, and the Chair is advised that there is but one subject of disagreement between the two Houses. Immediately after the adoption of this report, if it shall be adopted, the Chair would recognize a motion for the House to insist upon its disagreement and ask a further conference, or to recede from its disagreement.

Mr. KEIFER. Then at that time I desire to be recognized for the purpose of offering a resolution instructing the conferees of the House to insist on its disagreement to the amendment of the Senate striking out that provision.

Mr. ATKINS. The gentleman from Georgia allows me to make one remark in reference to Senate amendment No. 64. There is now pending before this House a bill for the relief of the steamer Jeannette. That bill was reported from the Committee on Appropriations, and if the House desires it, it is perfectly competent for the House to pass that bill.

While I do not express any opinion one way or the other as to the propriety of the passage of that bill at this time, I beg to say that I hope this House will not concur with the gentleman from Connecticut [Mr. HAWLEY] and instruct its conferees upon this subject. The hours of the session are growing very few, and it is high time that this bill be passed if it is to become a law. I trust the Committee on Enrolled Bills will have time to read over this bill and compare it. It will take hours to read it, and if this bill is to go back to the committee of conference, upon the point which the gentleman from Connecticut asks, it may be too late to pass this bill.

If a majority of this House desires to pass an appropriation of $175,000 for the relief of the Jeannette, let it do it upon its own merits and not tack it on this bill to be dragged through by the momentum of the sundry civil appropriation bill.

Mr. BLOUNT. I yield three minutes to the gentleman from Massachusetts, [Mr. CRAPO.]

Mr. CRAPO. I wish to say a word in answer to what has been said by the gentleman from Tennessee, [Mr. ATKINS.] A bill for the relief of the Jeannette, appropriating a hundred and seventy-five thousand dollars to equip a vessel to be sent to the Arctic region, was passed by the Senate and sent to the House. That bill was referred to the Committee on Appropriations, with instructions to report the same back to the House within a week. That bill has not yet been reported back from the Committee on Appropriations.

Mr. ATKINS. Which bill?

Mr. CRAPO. The bill from the Senate for the relief of the Jeannette, which was referred by this House to the Committee on Appropriations.

Mr. ATKINS. A House bill in the very language of the Senate bill was reported from that committee.

Mr. CRAPO. The House gave instructions to the committee to report that very Senate bill back to the House within a week.

Mr. ATKINS. Not instructions to report it back.

Mr. CRAPO. That is the record in the Journal; and I refer to the Journal.

Mr. ATKINS. I read the Journal differently.

Mr. CRAPO. Let the Journal be read.

Mr. BLOUNT. If that is so, we can very easily dispose of it.

Mr. ROBESON. Was not that a substantial instruction from this House to the committee to put it in this bill?

Mr. CRAPO. If there is any doubt about it, as a matter of fact, I ask that the Journal be read.

Mr. BLOUNT. I have yielded now all the time I can on this report.

Mr. CRAPO. One word further.

Mr. MILLS. I remember that I made a point of order against the bill, and I do not see how it could have got to the Committee on Appropriations.

Mr. CRAPO. That is the record in the Journal; I have examined it.

Mr. MILLS. I made the point of order that the Senate could not originate an appropriation bill.

Mr. WHITTHORNE. And I remember that the next morning, upon my motion, that bill was sent to the Committee on Appropriations, with instructions to report it back to the House within one week.

Mr. MILLS. How did it get there?

Mr. WHITTHORNE. It went there by order of the House.

Mr. CRAPO. Now, Mr. Speaker, if any effective aid is to be furnished to the Jeannette, we must at once put in operation the necessary means to supply it. There is among arctic navigators a difference of opinion as to the condition of that vessel. For myself—and I have given considerable attention to the question—I believe that she is now in safety; but her danger is yet to come. The Jeannette was last seen in September, 1879. She was then drifting in the ice to the north. I believe after that she made an anchorage on Wrangel Land; and the next season, the summer of 1880, she pursued her way northward toward the pole. She was amply equipped for two arctic winters. Her great danger is the breaking up of the ice in the coming summer, when it will be absolutely necessary for her to make her way southward.

Now, it may be that her crew have been reduced by death or enfeebled by disease, or that her machinery may have been crippled, or the vessel herself somewhat injured; and if succor should be sent to her in season, those brave men may be saved; and if they are saved they will bring back to us some account of the mysteries of those ice-blocked regions.

Mr. BLOUNT. I yield to the gentleman from Illinois [Mr. CANNON] for a single question.

Mr. CANNON, of Illinois. My question is this: Even if this conference report be adopted, does not the bill have to go back to the conference committee; and if it is to go back, can we not instruct the House conferees to agree to the Senate amendment touching the Jeannette?

Mr. BLOUNT. I do not yield for that question.

Mr. ROBESON. It is perfectly competent to instruct the conference committee to agree to this amendment.

The SPEAKER. This conference report must be accepted or rejected as a whole. The only way for the House to reach the Jeannette appropriation is to vote down this conference report, and thereafter instruct the committee of conference touching it as well as the other matter in disagreement.

Mr. CONGER. Will the Chair answer this one question?

The SPEAKER. Certainly, if he can.

Mr. CONGER. If the House should concur in this conference report will not the bill still have to go back to the conference committee?

The SPEAKER. Only one item.

Mr. CONGER. Well, it leaves one item; so that there must be a meeting of the conference committee.

The SPEAKER. There must be another meeting of the conference committee, but only on that one amendment.

Mr. FORT. Would it not be easier to pass the Senate bill, which we have now on our table, than to disagree to the report for the sake of getting at the Jeannette appropriation?

The SPEAKER. The point of order will be made against the Senate bill, that the Senate had no right to originate it.

Mr. ROBESON. The easiest and quickest way is to vote down this report and instruct the House conferees to agree to that amendment.

Mr. BLOUNT. I have only a few words to say, and then I shall ask the previous question.

We are getting very near to the end of this session; we have very little time for deliberation. It is alleged that as a matter of humanity we should vote this sum of money for the purpose designated in the amendment. I desire to call the attention of the House for a moment to the methods that have been adopted in reference to these scientific expeditions. We agreed to allow certain naval officers to go to the relief of the arctic exploring party, upon the understanding that a certain vessel, the Gulnare, was to be furnished for the purpose. On the understanding that there was no expense to the Government involved, the House agreed to the proposition. It turned out, under the construction put upon the statute, that there was an actual expenditure of $50,000. The work, it was alleged, was a public work commenced, so that it was in order upon an appropriation bill this year to insert an appropriation of $25,000 for the continuation of this work. Thus we are involved already in an expenditure of $75,000.

In reference to this very vessel it was expressly provided that the cost of the expedition should be paid by James Gordon Bennett. With the view of making it perfectly certain that there was to be no danger of any liability on the part of the Government, the following was inserted in the statute as the last proviso:

Provided, That the Government of the United States shall not be held liable for any expenditure incurred, or to be incurred, on account of said exploration.

That is the history of this matter. This House was induced to go into it upon the idea that what we did was to be the end of the matter. This is the view that has been taken by the committee of conference. A great deal is said about the bounden duty of this Government, as a matter of humanity, to go forward in search of this crew. Nobody is on board that vessel except as a volunteer; and I trust that as this report is a matter of mutual concession all the way through, the House will see fit to agree to it. I ask the adoption of the report, and demand the previous question.

Mr. ROBESON. I ask for a second.

The SPEAKER. There is no second. The question is on ordering the main question.

Mr. BLOUNT. It requires the making out of a new report, and we cannot do it.

The SPEAKER. The Chair desires to state to the House that the main question may be ordered in any event, even though the report is to be voted down.

The main question was ordered.

Mr. BLOUNT moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred on the adoption of the conference report.

Mr. HAWLEY. Let me make a parliamentary inquiry. Is the way to reach the Jeannette matter to vote down this report?

The SPEAKER. It is the only way.

Mr. WARNER. Is not the Senate bill upon the table? We can take that up.

The SPEAKER. That is subject to the point of order.

Mr. McKENZIE. I move that the committee of conference be instructed to adhere to the amendment numbered 106.

The SPEAKER. The gentleman from Ohio has given notice of that.

Mr. ATKINS. I do not believe it is competent to make out another detailed statement and report and get this bill through in time.

Mr. HAWLEY. A new report would not be a page long.

Mr. ATKINS. The gentleman is mistaken.

Mr. HAWLEY. There is only one item.

The SPEAKER. The question is on the adoption of the report.

The House divided; and there were—ayes 51, noes 96.

Mr. BLOUNT. I demand tellers.

Mr. COX. I hope my friend will not take up so much time.

Mr. BLOUNT. We will take up time.

Tellers were not ordered.

So the report was disagreed to.

Mr. HAWLEY. I move to instruct the conference committee.

The SPEAKER. Put it as the opinion of the House.

Mr. ROBESON. Cannot we proceed with the regular order without binding our committee or departing from our ordinary course, because the conferees are now sufficiently informed, if they were not before, of the opinion of the House?

Mr. HAWLEY. I will make the motion in that form; that it is the opinion of the House, &c.

Mr. BLOUNT. If the gentleman will allow me, I will ask for the adoption of the report, except as to those items.

The SPEAKER. The report comes here signed by the conferees on the part of the Senate, and you cannot do it. The Chair thinks that the conferees have the opinion of the House.

Mr. BLOUNT. I ask the gentleman from Connecticut to yield to me. The action taken by the House is sufficient instruction to the House conferees.

The SPEAKER. The gentleman from Georgia states that the action taken by the House is sufficient.

Mr. HAWLEY. Then I have nothing further to say.

Mr. KEIFER. I offer the following resolution:

Resolved, That it is the opinion of the House that its conferees on the sundry civil appropriation bill should insist on the right of the House to determine the compensation of its officers and employés; to resist the amendment of the Senate numbered 106 to said bill.

Mr. BLOUNT. Before that is voted on I want to say to the House——

Mr. KEIFER. Let me make a remark. This instruction is in accordance with precedent; and I want to add this, that in the Forty-fifth Congress, when there was a dispute between the House and the Senate as to the pay of Senate employés, the Senate insisted and insisted in conference committee upon determining the price to be paid to its own employés, and it insisted it was not the right, or at least it was not courteous on the part of the House to undertake to dictate to them what they should pay their own employés. On the 15th day of June, 1878, after the present chairman of the Committee on Appropriations had reported a disagreement in conference committee on the legislative, executive, and judicial bill, Mr. BEEBE, of New York, introduced a resolution substantially in form as this to instruct our committee to recede from its position on the subject of the pay of the employés of the Senate. And the House yielded to the Senate, and allowed the Senate to fix the pay of its own employés; and it then fixed, as it has ever since, the pay of its own employés from 10 to 40 per cent. higher than is paid the House employés, although the House employés perform more labor and work more hours than those of the Senate. These employés perform more labor and work more hours than they work in the Senate. Now, then, the allowance of a single month's extra pay will not come anywhere near compensating our employés for the difference in salaries that have been paid. The salaries of the Senate employés are largely in excess of those paid in the House for performing similar work or greater work.

Mr. BLACKBURN. Will the gentleman from Ohio allow me to supplement what he has said by asking the Clerk to read a joint resolution which was passed by this very Congress, the Senate concurring, and showing conclusively that the Senate did not during the earlier days of this very Congress make any objection to the same proposition on the part of the House? I will ask the Clerk to read the proposition which I send to the desk.

The Clerk read as follows:

[PUBLIC RESOLUTION—No. 19.]

Joint resolution to pay the employés of the House of Representatives borne on the annual roll one month's extra pay.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clerk of the House be, and he is hereby, authorized and directed to pay to the employés of the House borne on the annual roll one month's extra pay at the same compensation as now paid them by law, and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Approved July 1, 1879.

Mr. BLACKBURN. I simply want to add a word now to what that resolution shows. That was a joint resolution passed at the first session of this very Congress, to which the Senate offered no objection. And, further, in conclusion, I want to say only this: that whenever we have sought to equalize the pay of the employés of the Senate and House, the Senate has met us with the assertion that it was the province of the House to regulate the pay of its own employés, and it was the right of the Senate to regulate the pay of its own employés. Now, sir, we are simply asking them to stand by their own conclusions and to allow us to fix the pay of the employés upon the annual roll and say how much they shall receive. They have always insisted upon the right to fix the salary of their own employés.

Mr. CALKINS. And we have always yielded.

Mr. BLACKBURN. Yes, sir; we have always yielded that trigh to them. Now, we only ask the Senate to supplement that joint resolution which relates alone to the annual employés of the House, and to which they consented and made no objection whatever in this very Congress, yet in existence, allowing us the privilege that we demand in this matter of fixing the compensation of our employés and giving them what we believe is their right to this additional sum.

Mr. BLOUNT. Mr. Speaker, I desire that the House shall understand exactly the condition in which the conference committee finds itself in this connection. I hope that the House will fully understand that the very argument which has just been made by the gentleman from Kentucky, and made by other gentlemen advocating this proposition, has been already considered and presented as forcibly as we knew how, by the conferees on the part of the House to the conferees on the part of the Senate. Their answer is this: that in fixing your salaries in the legislative bill you have agreed as to what they were. The legislation has been already had and is now in existence to that extent. They hold that the proposition here is not to fix salaries, for they have already been fixed.

Mr. WARNER. They must be fixed by law.

Mr. BLOUNT. Yes. They allege that it has been already fixed by law.

Mr. CONGER. But cannot a new law alter it?

Mr. BLOUNT. I am simply stating the facts now as they exist, if gentlemen will allow me to show what occurred in the conference committee. The merits of the matter is another question.

That is the argument they make, that this proposition is to give an extra month's pay to the employés of the House, and nothing more. We insisted that the very resolution to which the gentleman from Kentucky refers, and which has been read from the desk, was agreed to by the Senate; and their answer was yes, but it was the only one in the history of legislative proceedings where it had been done.

Mr. CONGER. May I ask the gentleman a question?

Mr. BLOUNT. In a moment I will yield to the gentleman. I wish to say that we have the most positive assertion on the part of the conferees of the Senate that they cannot and will not yield to this proposition unless we attach another proposition to pay the annual employés of the Senate one month's compensation additional.

Mr. KEIFER. Then they are not very virtuous upon the question. It is not a desire to protect the Treasury, but if they cannot pay their own employés they are going to refuse to pay the House employés what they ought to have.

Mr. BLOUNT. Well, they may not be very virtuous, but it is important for us to agree upon something before we go.

Now, as I understand this resolution, it is proposed to send us back to the Senate conferees to insist upon this paragraph as originally inserted in the House bill. In other words, to strike out the Senate amendment 106; and the probability is we shall come back as we are now. It is well enough for us to be prepared for that result. Gentlemen may say what they please in connection with this matter, but I propose to deal candidly with you and state the true facts. I am perfectly willing to go back, but I do not want to go back positively instructed by the House unless the House means it. If the House does mean it, and the question of allowing the sundry civil bill to fail is before us, I am willing to obey its command.

Mr. WARNER. It does not mean any such thing.

Mr. CONGER. If the proposition of the House is right, as I believe it to be right and just to the employés of this House, we have the right here without risking any bill to instruct our committee to emphasize the argument that has been made in this House to-day as indicative of the opinion of the House on this question.

Now, sir, our doing so does not prevent that committee from insisting on this amendment even if another amendment be connected with it. That is a question for the committee on the part of the House, to say whether they will yield to the Senate's proposition or not. For myself, sir, I would rather yield the right to the Senate to increase the pay of their employés than deprive the employés of the House of the pay which I believe they have justly earned and which I believe we ought to grant to them. If it follows that we must increase the pay of officers of the Senate, I see no reason why the committee should not take that into account and agree with an amendment.

Mr. BLOUNT. I think the suggestion of the gentleman from Michigan is a proper one to be considered at this time.

Mr. BAKER. I desire to offer an amendment.

Mr. ATKINS. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] is on the floor. To whom does he yield?

Mr. BLOUNT. I yield to the gentleman from Tennessee, [Mr. ATKINS.]

Mr. ATKINS. The inquiry I desire to make of the Chair is this: The gentleman from Georgia [Mr. BLOUNT] has thrown out the intimation that it is very likely this matter could be accommodated if the House conferees would agree to a simple clause in the sundry civil appropriation bill increasing the salaries of the annual employés of the Senate; and the gentleman from Michigan [Mr. CON-

GER] intimated that he would be willing to have that done. Now, I desire to ask the Chair if it would be competent for the conference to insert any such clause as that in this bill? In other words, is there anything at all that this conference committee can act upon except the points at issue? And the point at issue is as to the salaries of employés of the House.

Mr. CONGER. Might not the conference committee agree to that with an amendment?

Mr. ATKINS. I ask the Chair if it would be competent for the conference committee to insert any such thing?

The SPEAKER. The Chair would like to see the exact language before he decided. No doubt a conference committee can agree to an amendment with an amendment, but that amendment must be germane to the subject-matter in dispute. Now, whether the fact that the employés of the Senate and the House are both alike employés of Congress would make such a proposition germane or not is a matter the Chair would decide after he saw the language in which it was expressed.

Mr. BLOUNT. I yield two minutes to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. I desire to express the hope that the resolution offered by the gentleman from Ohio [Mr. KEIFER] may not be adopted for a different reason from the one expressed by the gentleman from Georgia. This House has insisted on different occasions within the last four or five years that the pay of the employés of the two Houses was a matter to be regulated by law, and that both Houses were alike responsible for the pay of the employés of each. The principle is just; the principle is right; and now when the Senate have come to the point of conceding the principle for which, for several years, we have contended, though at our expense, we ought, it seems to me, to avail ourselves of that concession to assert the principle that the compensation of employés is the result of a law for which the House and Senate are alike responsible.

Mr. KEIFER. There has been a very considerable discussion on this, and I now move the previous question on the adoption of the resolution.

Mr. BLOUNT. Before that is done I want to say a single word.

Mr. BAKER. I desire to offer an amendment to the resolution.

Mr. KEIFER. I do not wish to yield further to a general talk on this question.

Mr. BLOUNT. I do not want the gentleman to yield to a general talk. But I do not want to go back to meet the Senate conferees blind upon this matter. We may as well be simple and direct on this issue with the Senate. We have a bill involving $21,000,000 upon which there is no disagreement and no likelihood of a disagreement except upon this question. The House has information that the Senate conferees, supported by the opinion of the Senate, as elicited in the debate which is to be found in the RECORD, are unwilling that this provision shall go in unless a similar provision shall be inserted as to the Senate employés. Why, therefore, Mr. Speaker, should we not settle now the question as to whether we will go that far or not?

Mr. BAKER. I have an amendment touching that very point which I desire to offer to the resolution now pending.

Mr. BLOUNT. Let the amendment be read. Let us hear what it is.

Mr. KEIFER. Yes; let it be read.

Mr. BAKER. That will bring up the whole question.

The Clerk read the amendment proposed to be offered by Mr. BAKER, as follows:

That it is the opinion of the House that their conferees yield to the Senate conferees touching the subject of the pay and salaries of the Senate employés.

Mr. KEIFER. I do not yield for the purpose of admitting that amendment.

Mr. BAKER. There is no use of sending our conferees back until that question is settled. And I insist I have the right to offer that amendment. The previous question has not been ordered.

Mr. MCMILLIN. I make the point of order on that amendment.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] was on the floor and had demanded the previous question on his resolution, as he had a right to do, in order to test the sense of the House.

Mr. KEIFER. I simply yielded to the gentleman from Indiana to have the amendment read; not that it should be offered.

Mr. BLOUNT. I hope the gentleman from Ohio will allow the amendment to be voted on.

Mr. KEIFER. It is utterly inconsistent with the resolutions.

Mr. BAKER. On the contrary, it is a necessary part of it. There is no use in talking about coming to an agreement unless the sense of the House is known on the very subject embraced in the resolution.

Mr. KEIFER. The sense of the House will be known in a moment, if it can possibly be known any better than it is now when by a unanimous vote of this House we put this clause into the sundry civil bill. The conference committee must know very well what is the sense of the House upon that matter. And I propose by this resolution to inform them it is the sense of this House we shall deal justly with our own employés.

I yield for a single remark to my friend from Michigan, [Mr. CONGER.]

Mr. BLOUNT. I desire to make a parliamentary inquiry.

Mr. CONGER. Wait a moment. I desire to say that we stand here to-night asserting the right of the House to pay its own employés as it thinks best. Shall we not give the same right to the Senate?

Mr. BAKER. Certainly.

Mr. CONGER. Can we maintain our proposition of the right of the House over the pay and compensation of its own employés without admitting the same right on the part of the Senate? We instruct our committee to insist upon the proposition as to the House, and in doing so we also recognize the right of the Senate to do the same.

Mr. BLOUNT. I desire now to make a parliamentary inquiry.

Mr. WARNER. I deny the right of either House to fix the salaries—[cries of "Vote!" "Vote!"]

The SPEAKER. There will be no voting until quiet is restored.

Mr. KEIFER. I insist upon my demand for the previous question.

Mr. BLOUNT. And now I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. I desire to inquire of the Chair if after the resolution of the gentleman from Ohio [Mr. KEIFER] has been acted upon it will not be competent for the House to act upon the proposition of the gentleman from Indiana [Mr. BAKER?]

Mr. CONGER. Wait until that time comes.

The SPEAKER. "Sufficient unto the day is the evil thereof." The Chair will decide that point when it comes up. The question is now upon ordering the main question upon the resolution of the gentleman from Ohio, [Mr. KEIFER.]

The main question was ordered; and, under the operation thereof, the resolution was adopted.

Mr. KEIFER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BAKER. I now offer my proposition which I send to the Clerk's desk.

Mr. KEIFER. I make the point of order that that is not in order, because it relates to no substantive thing in the sundry civil bill upon which there has been any disagreement whatever. It only looks to a compromise on additional matters.

Mr. BLOUNT. I hope that if there is anything in the point of order the gentleman will not insist upon it, but let the House vote upon the proposition.

Mr. BAKER. Let my proposition be read.

The Clerk read as follows:

That it is the opinion of the House that their conferees yield to the Senate conferees touching the subject of the pay and salaries of the Senate employés.

Mr. KEIFER. I must insist upon my point of order. That proposition is an invitation to the Senate to do that which, in the consideration of the sundry civil bill, they did not vote to do at all. It is not proper for us to invite them to act upon the matter at all. We had better stand on our own dignity and on our own rights in relation to this matter, and not tender to the Senate that which is not necessary.

Mr. BAKER. I desire to be heard upon the point of order. There can certainly be nothing in the point of order. It is entirely competent for the House to instruct its conferees, or to express an opinion to them touching any subject-matter that by any possibility may come before them. The question as to how far the House shall instruct its conferees is a question for the judgment of the House, and no point of order can lie against it at all.

We might as well confront this question here and now as at any other time. It has been brought distinctly before the House. The House has been notified that unless we are prepared to yield to the demand of the Senate that they shall be permitted to fix the pay and salary of their own employés on just such basis as they see fit, regardless of our views and judgment, this proposition of the House will not be agreed to.

Mr. HAWLEY. One word.

Mr. ROBESON. I appeal to the gentleman from Ohio [Mr. KEIFER] to withdraw his point of order.

Mr. KEIFER. I believe the point of order is well taken and should be insisted upon; yet, as many gentlemen about me think it should not be made at this time, I will withdraw it.

Mr. MCMILLIN. I renew the point of order. My point of order is that it is not competent for this House in the present stage of this bill to submit to the conferees any subject not originally submitted to them. This subject is not in conference, and we cannot give any instructions concerning a matter not in conference.

Mr. BLOUNT. I desire to say a word.

Mr. REED. There is no need for any further instructions to the conferees. There will not be any trouble about the House sustaining them, if they deem it proper and suitable to yield to the Senate on this matter. The House has expressed its opinion upon the subject of disagreement, and our conferees can understand without further resolutions of instructions.

Mr. KEIFER. If the Senate insists upon not paying the employés of the House, I hope the conferees never will agree.

The SPEAKER. The Chair thinks the House can express its opinion upon any question, and the will of the House will be taken into consideration by the conference committee. But the Chair decides that the point of order is well taken; that that which is in the bill

by a vote of the two Houses, being a substantive proposition, cannot be changed in the conference.

Mr. McMILLIN. And any change of the bill in that respect would be liable to a point of order when the bill came back.

The SPEAKER. There may be some provision in the bill to which the amendment might be attached, but to anticipate in this way by a resolution the Chair thinks is not within the scope of the rule or parliamentary practice.

Mr. BLOUNT. Then, Mr. Speaker, I shall assume no authority as a House conferee to put anything in this bill except what, under the rules of this House, I am authorized to put there.

Mr. KEIFER. That is all right.

Mr. BLOUNT. I am therefore left with nothing to do except to agree to this Senate amendment or refuse to agree, and there to stand to the end.

Mr. KEIFER. That is right.

The SPEAKER. The gentleman from Georgia moves a further conference with the Senate on the disagreeing votes of the two Houses upon this bill.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BLOUNT, Mr. McMAHON, and Mr. MONROE as the committee on the part of the House in the further conference upon the sundry civil appropriation bill.

GEORGE SMITH.

The House resumed the consideration of the bill (S. No. 465) granting an increase of pension to George Smith.

The bill was ordered to a third reading, and was accordingly read the third time.

The question being on the passage of the bill,

Mr. UPSON called for the yeas and nays.

The yeas and nays were not ordered.

The bill was passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS.

Mr. BRAGG. I ask unanimous consent to have taken from the Speaker's table for concurrence in an amendment of the Senate the bill (H. R. No. 5521) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof.

There being no objection, the amendment of the Senate, which was to strike out section 2 of the bill, was read and concurred in.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 853) granting a pension to Caroline Stief;

A bill (H. R. No. 1453) for the relief of James R. Gordon;

A bill (H. R. No. 1649) granting a pension to William W. Church;

A bill (H. R. No. 2180) granting an increase of pension to James H. Reeve;

A bill (H. R. No. 3786) granting a pension to William C. Parker;

A bill (H. R. No. 4608) granting a pension to Betsey Elwell; and

A bill (H. R. No. 5677) granting a pension to Stephen P. Benton.

SLACKWATER NAVIGATION.

Mr. REAGAN. I ask unanimous consent to offer a resolution calling for information to be reported to the next Congress. This resolution has been agreed to by the Committee on Commerce, and I am sure that after it has been read, there will be no objection to it.

Mr. PAGE. We will hear it read, reserving the right to object.

The Clerk read as follows:

Resolved, That the Secretary of War be requested to investigate and ascertain through the Corps of Engineers of the Army what mills and manufacturing and other establishments owned or operated by persons or corporations are being run by water-power furnished from locks and dams on streams which have been improved or are now being improved by the United States for slackwater navigation; that he report on this subject to the next session of Congress, and that this examination and report shall also extend to and cover all private works and business carried on by water-power furnished by any public work or improvement made or being made by the United States for slackwater navigation.

Mr. REAGAN. This resolution is reported as the unanimous action of the Committee on Commerce.

The SPEAKER. Is there objection?

Mr. CONVERSE. I object unless the resolution is read again. We could not understand it.

Mr. BROWNE. I heard it read, and I object.

Mr. WHITE. I think it is a good thing.

The SPEAKER. The resolution will be read again.

The Clerk again read the resolution.

Mr. CONGER. That seems to refer to water-power above improvements and above navigation.

Mr. McCOOK. It seems to me simply a supplemental river and harbor bill.

Mr. CONGER. I call for the regular order.

MRS. ANNA I. GUEST.

The next Senate bill on the Speaker's table was the bill (S. No. 972) granting a pension to Mrs. Anna I. Guest; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Anna I. Guest, widow of John Guest, late commodore in the United States Navy, and pay her a pension at the rate of $50 from and after the passage of this act.

Mr. CLYMER. I call for the reading of the report in this case.

The SPEAKER. There is no report accompanying the bill.

Mr. CLYMER. There ought to be some explanatory statement. The amount of the pension appears to be excessive. There are many widows of commodores and admirals who do not receive such a pension.

The SPEAKER. The Chair will cause to be read a paper connected with the case that may give some information.

The Clerk read as follows:

The petitioner, Mrs. Anna J. Guest, is the widow of the late Commodore John Guest, United States Navy, who died in command of the Portsmouth navy-yard on June 11, 1879, having five children, three of whom are sons under sixteen years of age.

The petitioner is now in receipt of a monthly pension of $30, which she asks to be increased to $50 a month.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of the following bills, without amendment:

A bill (H. R. No. 1650) for the relief of Edward T. Brownell;

A bill (H. R. No. 4438) for the relief of William Redus;

A bill (H. R. No. 4905) to declare the true intent and meaning of an act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion, approved June 8, 1872;

A bill (H. R. No. 6034) for the relief of the personal representatives of George W. Henderlite;

A bill (H. R. No. 6478) for the relief of Levi Price; and

A bill (H. R. No. 6860) for the relief of William H. Davis.

The message also announced the passage of the bill (S. No. 2022) in relation to the Japanese indemnity fund, in which concurrence of the House of Representatives was requested.

LIMIT OF CONGRESSIONAL TERM.

Mr. SINGLETON, of Illinois. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SINGLETON, of Illinois. I notice that the hour of twelve o'clock has arrived, and I make the point of order that the Forty-sixth Congress has expired, and I desire to say a few words in connection with it. I know very well what the practice has been, but I desire to have the Clerk read section 26 of the law upon that subject.

Mr. ROBESON. If the point of order is correct, the gentleman himself is out of order, because he is no longer a member of this House.

Mr. COX. He is just ten minutes too late.

Mr. SINGLETON, of Illinois. I ask the Clerk to read the twenty-sixth section of the Revised Statutes.

The Clerk read as follows:

The time for holding elections in any State, district, or Territory, for a Representative or delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories, respectively.

The SPEAKER. The Chair will direct the Clerk to read in this connection the twenty-fifth section of the Statutes.

The Clerk read as follows:

The Tuesday next after the first Monday in November, in the year 1876, is established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates to the Forty-sixth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is established as the day for the election, in each of said States and Territories, of Representatives and Delegates to the Congress commencing on the 4th day of March next thereafter.

Mr. SINGLETON, of Illinois. I did not call for the reading of the twenty-fifth section.

The SPEAKER. The Chair called for the reading of that section.

Mr. SINGLETON, of Illinois. I desire to say but a word further upon this subject. If I could think of a word, a single word, in the English language that would express what I desire to say to the House, I would use that word. But I cannot find one single word to express what I feel upon the point of order which I have made.

Now, I say to this House that if the lightning had stricken the President of the United States at ten minutes before twelve o'clock to-night—[cries of "Louder!"] Louder! do you take me for a jackass? You must do your own braying. [Great laughter.] If you will be still you can hear me without interrupting me.

I say, Mr. Speaker, that there is not a gentleman here upon this floor to-night who feels or believes, and I think if he was required to put his hand upon his heart he would be unwilling to deny that the 4th of March has arrived. It has arrived.

The Ides of March have come, but not passed.

Now, Mr. Speaker, a single word in illustration of what I have to say here. I was about to say that if the President of the United States should have died at ten minutes before twelve o'clock, who would deny that the incoming President might have been sworn in by a justice of the peace or anybody else authorized to administer

an oath, and entered upon the duties of his office at the hour of twelve o'clock this morning, this day, the 4th of March? If that is true, we must admit it. If it is not true, deny it, and show me where the statement is wrong. But if it is true, I repeat we must admit it to be a fact, and the term for which you have been elected members of this Congress has expired and you cannot make a ruling here which is to override the law.

If you can make the legislative day extend to to-morrow, cannot you make it extend to twelve o'clock on the next day and twelve o'clock on the day after, and so on indefinitely and extend it perpetually to the end of all time? It is not necessary, sir, that I should repeat that argument. You are sensible men, you understand language, you understand the force of words; the law is plain and clear. I ask your attention to it.

Mr. WHITE. I rise to a question of order.

Mr. SINGLETON, of Illinois. I have the floor and do not mean to be taken off it. I have submitted to that process long enough. I am speaking in good earnest and from my heart.

The SPEAKER. The Chair recognizes the point of order made by the gentleman as a very substantial one, which has occasioned from time to time in the history of this country much discussion. The Chair will listen to the gentleman's statement on the point of order and will, as far as is in his power, answer it.

Mr. SINGLETON, of Illinois. I desire to say I make the point of order in good faith. I make it on my judgment of the law and under a sense of my high obligations as a member of this House. I believe that the time for which this Congress was elected has expired. Whatever the practice may have been, here is a law which overrides all practice. If Congress by its practice, or by its rules, can override the written obligations of the law, we might as well cease to enact law on this and all other subjects.

The SPEAKER. The Chair is ready to answer the gentleman on the point of order.

Mr. ROBESON. Does the Chair desire any further debate?

The SPEAKER. He does not. This point of order has from time to time been made in the history of this country, and was the subject of enlarged discussion by some of the ablest men the country has ever produced; such men as Mr. Benton, Mr. Cass, and others. The Chair supposes the practice of Congress in this connection is based on the fact that it does not recognize the calendar day, but recognizes the legislative day. The legislative day of the 3d of March does not expire until twelve o'clock noon on the 4th of March. Practice construes the law. In 1851 this question came up in the House of Representatives, as the Chair is advised, on a resolution offered by the gentleman from Georgia, who is now a member of this House, [Mr. STEPHENS.] On the 3d of March, 1851, Mr. STEPHENS offered a resolution to test this question, and on the ruling of Speaker Cobb it was decided that the Congress expired at noon on the 4th of March; which ruling has been in effect ever since.

Mr. SINGLETON, of Illinois. That was in 1854.

The SPEAKER. No, sir; in 1851.

Mr. SINGLETON, of Illinois. Then I call the attention of the Speaker to the date of the law.

The SPEAKER. The Chair has sent for the Journal of that day. This memorandum has been sent to the Chair by the gentleman from North Carolina, [Mr. SCALES.]

Mr. SINGLETON, of Illinois. I desire to ask the Speaker one single question, and then I have done. It is if Congress can extend the legislative day till twelve o'clock to-morrow, I ask the Speaker whether it may not extend it till twelve o'clock of the next day?

The SPEAKER. That has never been done.

Mr. SINGLETON, of Illinois. It matters not what has been done. I make that parliamentary inquiry of the Chair, and I want the Chair to answer it.

The SPEAKER. The Chair will decide that question when the attempt is made to extend the legislative day beyond noon of the 4th of March.

Mr. SINGLETON, of Illinois. I desire to have stated the date of the law to show whether the action the Chair has referred to is prior to the law I sent to the Clerk's desk to be read.

Mr. WILSON. I call for the regular order.

The SPEAKER. The Chair has stated what is the practice and has sent for the Journal containing the decision to which he has referred.

Mr. PAGE. Is it in order to call for the regular order?

Mr. ROBESON. I rise to a question of order.

The SPEAKER. The House will come to order.

Mr. ROBESON. My question of order is, that we are here endeavoring to transact public business, and we should transact it in a decent way, as becomes reputable men. I say that this House is not in order. And if this disturbance is meant as another form of filibustering against the progress of public business and the passage of pension bills [cries of "Oh!" "Oh!"] I want the country to understand it.

The SPEAKER. The Chair desires to have order.

Mr. SINGLETON, of Illinois. I desire to ask the gentleman from New Jersey his opinion, as a lawyer and a statesman, on the question I have raised.

Mr. ROBESON. I would be glad to answer the gentleman if it were in order to do so.

Mr. SINGLETON, of Illinois. I ask the gentleman to answer me.

Mr. ROBESON. I will make a single remark in answer to the gentleman in order to save time. The gentleman has asked me a question as to my opinion as a lawyer. This question does not present itself to the House as an original question. Whatever may be the language of the law, I say that it is the accepted practice of this country for more than eighty years that laws are construed by constant consent or universal practice.

Mr. SINGLETON, of Illinois. And I deny it.

PRINTING EULOGIES ON HON. FERNANDO WOOD.

Mr. COX. I ask unanimous consent to submit a resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That 8,000 copies of the eulogies delivered on the late FERNANDO WOOD, a member of the Forty-sixth Congress from the State of New York, together with a portrait of the deceased, executed under the direction of the Joint Committee on Printing, be printed; 6,000 copies thereof for the use of the House and 2,000 for the use of the Senate.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. SINGLETON, of Illinois. I now move that this House adjourn *sine die.*

Mr. WHITE. I desire to offer a resolution in regard to documents.

Mr. SINGLETON, of Illinois. I will yield for that.

DISTRIBUTION OF DOCUMENTS.

Mr. WHITE. I ask consent to submit the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That all documents and books ordered by the present Congress to be published, and which are actually printed prior to the 1st Monday of December next, shall be allotted as heretofore to the members of the present Congress and transmitted to their residences as fast as printed, unless otherwise ordered by the members themselves.

Mr. COX. That is a copy of a former resolution.

Mr. PAGE. I call for the regular order.

Mr. SINGLETON, of Illinois. The regular order is my motion to adjourn *sine die.*

Mr. WHITE. Is there any objection to my resolution?

The SPEAKER. The Chair hears no objection.

There being no objection, the resolution of Mr. WHITE was adopted.

LIMIT OF THE CONGRESSIONAL TERM.

The SPEAKER. In regard to the point made by the gentleman from Illinois [Mr. SINGLETON] the Chair will state that on the 3d of March, 1851, at two minutes after twelve o'clock, midnight, Mr. STEPHENS moved that the House adjourn *sine die,* just as the gentleman from Illinois now does. The authority to which the Chair has referred is evidently based upon the vote on that motion as being a test whether the House had a right to sit until twelve o'clock noon the 4th of March. The vote on that occasion, upon the motion to adjourn *sine die* at twelve o'clock midnight of the 3d of March, was ayes 30, noes 153. That has been construed as the judgment of the House on the subject, and the Chair is advised that ever since that time the practice of the House has been uniform in that regard.

Mr. HAMMOND, of Georgia. I now insist upon my motion to take a recess until half past nine o'clock to-morrow morning.

Mr. SINGLETON, of Illinois. The Speaker has read an authority in reply to the point of order which I made. I desire to say that that was a decision made before the law was passed which I have sent up to be read at the Clerk's desk, and cannot be quoted as the construction of that law.

The SPEAKER. The House can now express its judgment on the subject by a vote on the motion which the gentleman makes that the House adjourn *sine die.*

Mr. KEIFER. I make the point of order that that motion is not in order.

Mr. WILSON. Oh, let us vote on it.

Mr. KEIFER. Very well.

The question was taken on the motion of Mr. SINGLETON, of Illinois, and it was not agreed to, upon a *viva voce* vote, there being one vote only in the affirmative.

Mr. SINGLETON, of Illinois. I have voted in the affirmative anyway. [Laughter.]

ORDER OF BUSINESS.

Mr. PAGE. I now call for the regular order.

Mr. HOOKER. The regular order is the motion of the gentleman from Georgia [Mr. HAMMOND] for a recess.

Mr. HAMMOND, of Georgia. I withdraw that motion, as I understand we may have a conference report very soon.

Mr. COBB. The report of the committee of conference on the deficiency appropriation bill will be ready in a very few moments, as the committee have come to an agreement.

The SPEAKER. The Chair thinks the House had better remain in session until the conference report on the deficiency appropriation bill comes in.

Mr. SINGLETON, of Illinois. I give notice now that I will bring before the Supreme Court the question I have raised upon every bill that is passed by this House after this time.

ENROLLED BILLS SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that

they had examined and found truly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. No. 1830) granting a pension to Peter Grattan; and

A bill (H. R. No. 7111) restoring the name of Andrew J. Pennel to the pension-roll.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had further insisted on its amendment disagreed to by the House to the sundry civil appropriation bill; had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. BECK, Mr. DAVIS of West Virginia, and Mr. WINDOM.

ABUSE OF THE FRANKING PRIVILEGE.

Mr. CONVERSE. I rise to submit a privileged report, which I move be laid upon the table and printed. I understand that my colleague on the committee, the gentleman from Indiana, [Mr. BROWNE,] desires to submit the views of the minority.

Mr. WHITE. What is the report?

Mr. BROWNE. It is a report from a select committee that is authorized to report at any time.

Mr. WHITE. What is the report about?

Mr. BROWNE. It is a report from the select committee on the abuse of the franking privilege. I ask that the views of the minority be printed with the report of the majority. I suppose the chairman of the committee returns to the House the evidence taken and will ask to have it referred to the Committee on the Post-Office and Post-Roads.

Mr. CONVERSE. The resolution appointing the committee did not require it to report the evidence taken by them; only their findings.

Mr. VALENTINE. Was not the committee required to report the evidence?

Mr. CONVERSE. No; there was no instructions to that effect.

Mr. VALENTINE. The evidence ought to be published. I desire to inquire if the House is not entitled to have the evidence in this case printed?

The SPEAKER. The report will be read, and then the views of the minority will be read.

Mr. VALENTINE. I do not care about the report being read——

Mr. CLYMER. I think it ought to be.

Mr. VALENTINE. But I think the House should have the testimony printed with these reports—all the testimony taken by the committee.

The SPEAKER. It is a question for the House to determine.

Mr. VALENTINE. If it be in order, I move that the testimony be printed with the report.

The SPEAKER. The report will be read.

Mr. COFFROTH. Does it not require unanimous consent to have the report read?

Mr. SINGLETON, of Illinois. It requires the consent of one member only.

Mr. COFFROTH, (to Mr. SINGLETON, of Illinois.) Are you the Speaker?

The Clerk proceeded to read the report. Before the reading was concluded,

Mr. PAGE said: I make the point of order that this matter has no business before the House. The House is operating under a suspension of the rules; and although this is a privileged report, it could not properly come before the House at this time.

The SPEAKER *pro tempore*, (Mr. MCLANE.) The Chair will say to the gentleman from California [Mr. PAGE] that even if the point of order were good, it comes altogether too late.

Mr. PAGE. But I was not here. [Laughter.] This matter ought not to have been entertained by the Speaker. We are operating under a suspension of the rules, and no business is in order except to execute the order of the House.

Mr. RANDALL, (the Speaker.) It was entertained by unanimous consent.

Mr. BRIGGS. If these reports have been ordered to be printed, I move to dispense with the further reading.

The SPEAKER *pro tempore*. The reports were received by unanimous consent, and if there be no objection will be ordered to be printed.

There was no objection.

The SPEAKER *pro tempore*. The gentleman from New Hampshire now moves to dispense with the further reading.

Mr. HAMMOND, of Georgia. Let it be printed in the RECORD.

Mr. BRIGGS. I have no objection to printing the report in the RECORD; but it seems to me proper we should not take up the time of the House and weary the clerks by continuing the reading.

The SPEAKER *pro tempore*. The Chair does not hear any objection to dispensing with the further reading.

Mr. BROWNE. Do I understand that the House has dispensed with the further reading of the report?

The SPEAKER *pro tempore*. The Chair did not hear any objection, and assumed that unanimous consent was given.

Mr. BROWNE. If so, then, as a member of the committee, I move that the committee be directed to report to the House the testimony taken by it, and that it be referred to the Committee on the Post-Office and Post-Roads, and printed. The committee has taken voluminous testimony in the matter to which these reports relate. I move that the committee be directed to report that testimony to the House, and that it be referred to the Committee on the Post-Office and Post-Roads, and be printed with the report.

Mr. SINGLETON, of Illinois. I demanded the reading of this report, and it cannot be assumed that I have waived that demand until I have assented to dispensing with the reading.

Mr. PAGE. The gentleman is too late; unanimous consent has been given; and the gentleman from Indiana [Mr. BROWNE] had submitted a motion.

Mr. SINGLETON, of Illinois. If I had not demanded the reading, it might have been assumed that I assented to dispensing with it; but as I made that demand, no one had any right to assume the demand was waived.

The SPEAKER *pro tempore*. The Chair put to the House the question whether there was objection to dispensing with the reading. No objection being made the Chair directed the Clerk to suspend the further reading. Then the gentleman from Indiana [Mr. BROWNE] was recognized, and has made a motion which the Chair will now put to the House.

Mr. BROWNE. I want to put a parliamentary inquiry to the Chair. The Chair is correct in saying that by unanimous consent the further reading of these reports was dispensed with. Is it true that the report, a part of which has been read, will be printed in the RECORD to-morrow?

The SPEAKER *pro tempore*. The entire report will be printed in the RECORD.

Mr. BROWNE. If so, I ask that the views of the minority, no part of which has been read, may also be printed in the RECORD. [Cries of "All right!" and "No objection!"]

The report is as follows:

The select committee appointed to investigate abuses connected with the transmission of letters, documents, and other matter through the mails of the United States beg leave to make the following report:

The resolution of the House of Representatives, adopted January 11, 1881, under which said committee was appointed, reads as follows:

"Whereas charges have been made that the laws of the United States have been violated by sending through the mail, under the frank of members of the House of Representatives and the Senate, of matter not authorized to be sent without the payment of postage:

"*Resolved*, That a select committee of five be appointed by the Speaker of this House to examine into said charges and all other abuses that may be brought to their attention connected with the transmission of letters, documents, or other matter through the mails of the United States; that said committee shall have power to sit during the sessions of the House, to send for persons, papers, and records, to administer oaths, and to report to this House, by bill or otherwise, its findings and conclusions at any time. The expense of said investigation shall be paid out of the contingent fund of the House."

Immediately after appointment your committee organized, and on the 14th of January, 1881, began the takingrof testimony on the subject mentioned in the resolution. They have examined to ty-one witnesses and held twenty-four sessions of the committee.

The statutes providing for and regulating free matter passing through the mails of the United States are embraced in sections 5 and 7 of the act of March 3, 1875, United States Statutes, volume 18, page 343, and section 1 of the act of March 3, 1879, United States Statutes, volume 20, page 356, and are as follows:

"SEC. 5. The CONGRESSIONAL RECORD, or any part thereof, or speeches, or reports therein contained, shall, under the frank of a member of Congress or Delegate, to be written by himself, be carried in the mail free of postage under such rules and regulations as the Postmaster-General may prescribe."

"SEC. 7. That seed transmitted by the Commissioner of Agriculture, or by any member of Congress or Delegate receiving seed for distribution from said Department, together with agricultural reports emanating from this Department and so transmitted, shall, under such regulations as the Postmaster-General may prescribe, pass through the mails free of charge."

"And the provisions of this section shall apply to ex-Members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as Members and Delegates."

"SECTION 1, (act of March 3, 1879.) Senators, Representatives, and Delegates in Congress, the Secretary of the Senate and Clerk of the House of Representatives, *may send and receive* through the mails free all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon with the proper designation of the office he holds, and the provisions of this section shall apply to each of the persons named herein until the first Monday of December following the expiration of their respective terms of office."

It will be observed that the last-named act is an extension of the privileges of the mails beyond that authorized by the act of 1875. Both require the name of the officer to be written on the document; but no frank is required to send seeds or reports from the Agricultural Department through the mails—whether sent by the Commissioner of Agriculture or a member of Congress. That act authorizes each Senator, Member, Delegate, the Clerk of the Senate and Clerk of the House to receive the designated matter through the mails free of postage, as well as to send it free. The officer could not be expected to frank the documents which he is entitled to receive free. The law therefore must contemplate that the name and designation of office may be written by another. The earlier statute provides that the business shall be done "under such regulations as the Postmaster-General may prescribe." That provision is omitted in the act of 1879.

Your committee are of opinion that the object and intention of Congress in the enactments was to give the designated matter free passage in the United States mails rather than create a privilege for the officer who may send it. The distribution of documents, seeds, and cuttings is an onerous and laborious official duty. The purpose of the law was not to benefit the officer or representative, but it was to benefit the constituent and voter, and keep him advised as far as possible of the transactions of the Government. So that whoever sends documents printed by order of Congress, through the mails, whether reports or speeches, to be distributed among the people, contributes to the spread of intelligence and knowledge, and promotes the primary objects and purposes of the statute.

Your committee find that the practice of permitting clerks of committees and private secretaries or some political or personal friend to frank documents has prevailed with a majority of Senators and Members under the present as well as former laws regulating the franking of documents. This delegation of authority, though not a violation of law, is liable to abuse, and especially so when the first agent is permitted to employ as many different persons as he chooses to assist him in the work

of franking. The latter practice is vicious, and ought to be condemned. Whether known to Members and Senators or not, it has been practiced to a very considerable extent by both political parties during heated political contests.

The law does not require the officer to certify or designate the character of the document. A large number of Senators and Members of Congress have used for years a fac-simile frank, and matter so franked has been permitted in the mails by postmasters throughout the country.

Your committee are not prepared to say that practice is illegal; but as in the other mode of franking it is liable to abuse. As long as it covers only a franked document no harm is done.

Your committee find that of the thirteen democratic members whose names were reported by the postmaster at Washington in the papers sent to your committee to have been found on envelopes detained in his office, eleven gave permission for the use of their names by some clerk or friend in sending such matter as was, under the law, frankable. One did not give his consent. He was written to for that purpose, but did not reply to the letter. As to the thirteenth name, the postmaster himself was mistaken. He had no envelopes with that member's name on them. A very large number of franked envelopes were furnished on the application of the secretary of the democratic congressional committee by the democratic members of Congress at or before the opening of the last political campaign, to be used in sending to their constituents or into their respective States frankable documents, and in several cases particular clerks or friends of the member were authorized to use the frank, and in some instances the secretary of the democratic committee was given permission to do so. So far as your committee could learn, no complaint has ever been made of any improper use of franked envelopes to cover unfrankable matter. Franked envelopes were furnished from time to time by committee clerks and by members for such proper use to the end of the campaign. Your committee find that franking by the hand of another has been practiced by members of all parties ever since the franking privilege was granted.

As to the republican congressional committee and their mode of sending out documents, your committee find that fifty-six republican Members and Senators either directly consented to the use of their respective names for franking documents by the republican congressional committee, or wrote to that committee for documents to be sent into their respective districts or States, which was construed into a consent for the use of their respective franks for that purpose; and their franks were accordingly used by the committee. The assistant secretary testified that whenever he sent documents into any district he always used the frank of the member of that district if a republican; but if such district was represented by a democrat, then he used the frank of some republican Member or Senator from that State. He said he put on the frank without any authority whatever, and that the exigencies of the business required it; and he supposed others did the same way. The greater part of five millions of documents were sent out and distributed to every congressional district in the United States from the republican headquarters in Washington through the Washington post-office under a stamped frank, notwithstanding the Washington postmaster testified that he could tell a stamped from a written one, and that he had carefully scrutinized the mail matter from the republican headquarters during the entire canvass, and that none of it bore a stamped frank. Your committee further find that one of the clerks in the Washington post-office himself used a stamp in said office, and sent out therefrom mail matter under such frank. Your committee are of opinion that the use of a stamp or fac-simile frank by a member of Congress to cover matter which by law is free in the mails of the United States is not a violation of the law. Your committee further find that the Washington postmaster, without legal process and in violation of the post-office laws, sent 9,000 franked envelopes by mail without the payment of postage from Washington to Pottsville, Pennsylvania, to be used in behalf of a republican editor at that place in a suit with a member of this House, thus doing himself the very act which he charged upon others.

It is true, as charged, that eleven mail bags, containing boxes of franked envelopes without any inclosures in them, came to the Washington post-office on or about the 20th of September, 1880, directed to Duncan S. Walker, secretary, &c., at the democratic committee-rooms, under the frank of a Senator. Where they came from the postmaster does not and could not know. The stamps on the tags indicate that they came from New York. The directions on the tags had been changed, some name having been scratched off and Duncan S. Walker's name put on. The frank of the Senator is not in that gentleman's handwriting. Who put it there does not appear. Who franked the envelopes does not appear. The envelopes bear the names of democratic congressmen. Duncan S. Walker is of opinion that the envelopes had been sent by mistake (supposing they were documents) from Washington to New York, and when it was found out that they were only envelopes that they were returned in the same manner in which they had been sent, but he has no knowledge on the subject. The Washington postmaster is of opinion that they were sent from Washington to New York by mail, and not being used were returned to Washington again.

By a singular coincidence, about the same day (20th of September) a package was returned to the Washington post-office as "rejected," or "not delivered," from Newton, Ohio, which was said to have broken open accidentally in transit, and which, it is said, contained under frank documents not frankable, and of the same character as those being circulated by the democratic party. Neither the frank nor the documents thus coming from Newton, Ohio, were ever shown to either the chairman, secretary, or any member of the democratic committee. Neither has it been exhibited to your committee.

By the same singularity, on or about the same day (September 20) a republican employé of the democratic committee went to the Washington post-office and gave information that unfrankable matter was being put up and sent off under frank from one of the rooms at democratic headquarters. It turns out that another republican by the name of Gibson was in charge at that room with thirty or forty employés under him. Still further complicating the events which thus came together, the Washington postmaster states that in changing the mail which came from the democratic committee-rooms, either on that or the next day, some of the bundles accidentally broke open, and the postmaster discovered that some of the documents in the packages under frank were not frankable. None of the packages or documents thus found to be unfrankable were ever returned to the democratic committee-rooms or shown to any member of it, nor has any of it been exhibited to your committee. All of the mail from the democratic committee-rooms which accumulated at the Washington post-office for several days from and after the 20th of September was detained, and amounted to thirty or forty bags. Correspondence was then had between the postmaster and Walker, and the packages which had not been opened were returned to the committee-rooms and on examination found to be correct, with the exception that some paid matter was slightly overweight, and in one package one of the employés found a dozen speeches, unfrankable, put with frankable matter, but that fact was first made known in the testimony before your committee.

The bags of mail matter thus returned were taken to the democratic committee-rooms and opened publicly in the presence of a number of the employés, who were witnesses before your committee, and so far as the testimony shows nothing was found to show intentional fraud, or which might not have occurred by accident. The paid matter was reduced, returned to the mails, and the residue sent by express, for the reason, as Walker states, that he was then in receipt of between three or four hundred letters of recent date complaining that his correspondents had not received remittances of documents sent by mail, and he concluded that democratic documents were being detained in the post-offices of the country for political reasons. A hundred or more of the letters have been submitted to your committee, showing complaints that the writers had failed to receive documents.

Gibson, the republican in charge of the room, and Redgate and Galer, two republicans under him, testify to putting up frankable and unfrankable matter in the same package; and Gibson testifies that he was directed by McDonnell, who was chief clerk under Walker, to put it up in that way with the frankable matter on the outside and the unfrankable matter on the inside of the package, so that when franked if it should be opened by accident or otherwise the frankable matter would be exposed and the unfrankable concealed. Two of the three persons say that they saw franked slips pasted on some of the packages of unfrankable matter. On the other hand, McDonnell testified that he had never given such instructions to Gibson or any one else. He says, on the contrary, he frequently cautioned all the persons employed, including Gibson, to be very careful to keep those packages which were frankable from those that contained unfrankable matter. Walker supports McDonnell in this; and ten employés were examined by your committee who testify that they heard these cautions frequently given, four of whom testify to hearing that caution given by McDonnell to Gibson himself on different occasions during the canvass.

In the midst of these contradictions we are obliged to look to the witnesses themselves to determine which statement is probably true.

1. The three witnesses are contradicted by ten or twelve witnesses of equal character and intelligence in some particulars.

2. The three are republicans testifying about their political opponents.

3. One of them was dismissed from the service of the democratic committee for taking that which did not belong to him, on account of which he threatened vengeance against the members of the committee. He told the messenger who subpœnaed him that he expected the republicans to do something for him on account of his infamy on the democratic committee, but that they had not done so yet. Mr. Gibson has shown zeal in visiting and talking to the witnesses who concurred with him before they gave their testimony. While he was foreman of the room he was discovered sending a package or packages of unfrankable matter under a member's frank to some of his friends in Pennsylvania, and was severely reprimanded therefor and told he would be discharged if it was ever repeated.

Your committee are therefore of opinion that the charges made against the democratic congressional committee are not sustained by the proof. The democratic and republican committees both did their business in much the same manner. Both frankable and unfrankable documents were kept in and distributed from the same room. Some of the matter was sent off in single envelopes. Three different classes of matter were put up and sent off in packages. Some packages were composed exclusively of frankable matter. This class, together with that put in single envelopes, was intended to be sent under frank. Another class of packages was composed of both frankable and unfrankable documents, and were called "sets," consisting of one or more documents of each kind printed by the respective political parties. Another class consisted exclusively of unfrankable matter. The two latter classes were intended to be sent by mail on payment of postage, or by express. From ten to thirteen millions of documents were distributed by each committee within the space of a few weeks. That there should be mistakes in so large and crowded a business, that packages which were frankable should be sent by express or under postage, and some that were unfrankable should get mixed with those that were frankable, and so escape the payment of postage, is not marvelous. But that there was any intention to perpetrate any frauds on the part of either the republican or democratic congressional committees by improper use of the franking privilege is not proven, and your committee do not believe.

Your committee find that Government envelopes, which are furnished under the law by the various departments and executive offices of the Government for themselves to cover, under penalty, only official correspondence, and which pass free in the mails of the United States, are in fact used for the transmission of other than official matter. Three of the five members of your committee have received through the mails in such envelopes matter chargeable with postage. Your committee have like information from two Senators and several Members of the House, and the testimony likewise shows that many such envelopes are dropped in the street mail-boxes or at the Washington post-office which would not be likely to occur if used by executive offices, because their mail is taken several times each day by carriers directly from the Departments, and there would be no occasion to drop official communications in the street boxes or at the city post-office. These envelopes are manufactured by the million, by different parties, on contract, and there is as great a variety in the style as the executive offices are numerous, thus affording every facility for, if not inviting, frauds upon the postal revenues. This evil ought to be remedied.

Your committee recommend on this point for Government envelopes which shall pass free in the mail—

1. That they should be made out of special paper manufactured for that particular purpose, which could not be easily counterfeited. If so made the paper could be made light and strong, and being manufactured in large quantities would not cost more than by the present mode.

2. Each envelope should have the impression of an engraved die upon it, which could not be easily counterfeited.

3. Each executive officer should be required, under severe penalties, and before the envelope and contents should be received into the mails, if sealed, to place a written or stamped certificate on the same after it is so sealed, certifying that it contains only official free matter, and also the date when so used.

The views of the minority are as follows:

The undersigned do not agree with the majority in some of their conclusions, nor do we think the report of the committee on some points sustained by the evidence. We therefore briefly express the views of the minority.

There were three instances only brought to the attention of the committee in which the evidence tended to show a violation of the postal laws of the United States in the transmission of matter through the mails:

1. A large number of empty envelopes, purporting to bear upon them the frank of Hon. J. W. RYON, were, some time in the month of November last, forwarded in a mail pouch and by mail from the post-office at Washington to Pottsville, Pennsylvania. The circumstances were these: Mr. RYON had caused a prosecution to be instituted against the editor of the Pottsville Republican for libel in falsely charging him (Mr. RYON) with the illegal use of the franking privilege. Certain empty envelopes, bearing what purported to be Mr. RYON'S frank, had been received by mail at the Washington post-office and were detained there. These envelopes were thought to be important evidence by the defendant in his defense to the libel suit, and he sent an attorney to Washington to secure their use as evidence on the trial. In the absence of Mr. Ainger, the postmaster, Mr. Bell and Mr. Springer, two of the employés in the post-office, one having charge of the city delivery and the other of the out-going mails, caused these envelopes to be sent by mail so they might be used at the trial. The packages were not postage paid, and were forwarded in violation of law, but we think the circumstances fully acquit these gentlemen of any criminal purpose.

2. There was received at the Washington post-office, through the mails in sacks, some seventy-seven thousand two hundred and fifty empty envelopes. These envelopes bore what purported to be the franks of members of Congress, the names of twelve democratic members being used.

The tags attached to the mail sacks bore the purported frank of Hon. W. A. WALLACE. The post-office from which this matter was forwarded is not clearly shown, but we believe the evidence justifies us in the conclusion that it was the city of New York. From the appearance of the tags we also believe it was first sent by mail from Washington to New York. By whom it was sent the evidence does not show, although the circumstances leave no doubt that the envelopes were prepared under the auspices of the democratic national committee at Washington. The

evidence shows that the signature or purported frank of Senator WALLACE is not genuine. That the transmission through the mails of this matter, without the payment of postage, was unlawful, we assume will not be controverted. We are not able to fix the responsibility of this transaction upon any individual. There is no evidence tending to show that any of the gentlemen whose names were borne on the envelopes had any connection with it.

3. The gravest charge which the committee was called upon to investigate was that one J. B. McDonnell, who was an employé of the democratic national committee, and engaged as a general superintendent of the business of folding and forwarding its political documents, directed some of his employés to put up for transmission through the mails under frank, matter known not to be frankable under the law. The evidence as to this charge is voluminous, and it is impossible now, in the closing hours of this session, to review it in detail.

One W. H. Gibson was in the employ of the democratic national committee from about the first of September until some time in October. He had supervision of the folders of documents in one of the corridors of the Capitol. He testifies that McDonnell gave him instructions to put up packages with frankable matter on the outside and such as was not frankable on the inside; that this matter was to be and was franked, and was removed for transmission by mail. Gibson's testimony is corroborated by that of Joseph H. Galer, W. S. Ridgate, and Samuel J. Price, also employés of the democratic committee. It is strengthened by the fact that matter put up as described by him was actually found in the mails.

Some twenty or more mail sacks of franked matter sent to the post-office at Washington by the democratic committee for transmission through the mails were detained in that office by the postmaster for the reason that one or more of the packages which had accidentally been broken open were found to contain matter not entitled to go out under frank. This matter was delivered to the democratic committee upon the order of General Walker, its secretary.

Against the conclusion to which the above facts inevitably lead is interposed the testimony of Mr. McDonnell, who testifies that he never gave Gibson or any other person directions to fold or send unfrankable matter under cover of a frank, but he was careful to direct precisely the contrary. Numerous employés testify that McDonnell repeatedly enjoined them to be careful in keeping the matter to be sent under frank and that requiring payment of postage separate, so that none would be illegally sent. It is also in evidence that the mail matter returned from the Washington post-office for attempted violation of the franking privilege was subjected to examination, package by package, by General Walker, and but one unfrankable package at most was found therein.

However this may be, it is admitted that these facts were not communicated to the postmaster at Washington; that this matter was not returned to that office for transmission, but was all sent out afterward by express.

General Walker's explanation of these admitted facts is, first, that he had received many letters complaining that the writers did not receive their documents sent by mail, and he forwarded these by express to make the delivery more expeditious and more certain; and secondly, that soon after the transaction of detaining and returning this mail his conduct in this connection was criticised by a republican paper of this city, and he did not care to vindicate himself except through the press, which he did.

As the letters of complaint to which General Walker refers were largely written before he sent this matter in the first instance to the post-office, it strikes the minority that the propriety of sending it by express should have then occurred to him. The minority also think that the very fact that this transaction was being severely commented upon by the press should have created a very strong and sincere desire on the part of General Walker to promptly inform the postmaster here of the facts by which he was so fully vindicated.

The above-recited facts, tending strongly to show that Gibson's statement is true, are supplemented by the evidence of several of the other employés of this committee in which they testify that the fact that matter was being sent out in fraud of the franking privilege, was the subject of frequent conversation among the men employed in the folding and forwarding rooms. We believe Gibson's statement to be true.

THOMAS M. BROWNE,
GEO. D. ROBINSON.

Mr. CONVERSE. I desire to make a suggestion upon the motion that the committee report the testimony to the House and that it be printed, if that motion is entertained by the Chair.

The SPEAKER *pro tempore*. The views of the minority were submitted with the majority report by unanimous consent, and of course when the House without objection suspended the reading of the majority report, it suspended the reading also of the views of the minority; but both will be printed in the RECORD together.

Mr. BROWNE. That is satisfactory.

Mr. PAGE. I now call for the regular order of business, and I make the point that nothing is in order but the regular order under a suspension of the rules.

The SPEAKER *pro tempore*. The gentleman from Indiana submits a motion perfectly in order.

Mr. SPRINGER. What is it?

The SPEAKER *pro tempore*. It is that the testimony taken by the committee shall be printed and referred to the Committee on the Post-Office and Post-Roads.

Mr. BROWNE. I wish I could have the attention of the House for a moment. I desire to modify my motion so far as asking for the printing of the testimony is concerned. It is voluminous. There are many printed exhibits accompanying it; there are some three or four hundred letters. I do not believe the matter is sufficiently important to print. All I desire, therefore, is that the evidence shall be reported to the House and referred to the Committee on the Post-Office and Post-Roads so access may be had to it in future Congresses. I want it placed where it may be seen and referred to.

Mr. SINGLETON, of Illinois. I desire to ask the gentleman one question. What is the use of asking to print a report of testimony in the expiring hours of a session to be referred to a committee that goes out at twelve o'clock to-morrow?

Mr. BROWNE. There need not be any controversy about it. I understand it will go on the files anyhow.

Mr. CONVERSE. I object to the motion the gentleman makes. It is not in order. We have fulfilled our duty under this resolution. I will state to the House that there are questions which were investigated by this committee which have not been reduced to writing. There was evidence taken by the committee which has not been reduced to writing. If it is to become the subject of reference and the subject of future critic ism, those facts should be put on paper, and all should go together. That implys time and labor, and some one must be paid to do it.

Mr. BROWNE. I have no earthly objection to that.

Mr. SINGLETON, of Illinois. I object, then.

Mr. BROWNE. Let me make this suggestion: This testimony is the property of the House. It was taken by one of its committees, by its authority, by its commands, and it must remain on the files of the House.

Mr. CONVERSE. The gentleman is mistaken about it.

Mr. BROWNE. With the gentleman's permission, I am not mistaken about it. It must go on the files of the House; it belongs to the House; it makes no difference whether it was reported and referred to some committee or not. It seems to me monstrous to commission a committee to take testimony on a subject committed to the House and then, after the testimony is taken, stick it in a pigeon-hole or destroy it in some way or other.

Mr. CONVERSE. Why, does not the gentleman know under the resolution the committee were required, not to take and report the testimony but to investigate the subject and report their findings. The committee have investigated and have reported their findings by majority and minority reports. It would be unjust to parties if these papers were to go on record which have been reduced to writing unless the other facts which came before the committee and which were not reduced to writing and upon which the committee have acted were also reduced to writing and put with the other facts and evidence. No one desires to put this in a pigeon-hole. It is not the property of the House; but without any suggestion it was my intention under the rules to have sealed up what evidence and documents we have and placed it in the care of the Clerk of the House, with a statement in relation to certain evidence which was taken orally and which was not reduced to writing; but it is not the right of the gentleman to make this motion, and on that I make the question of order that the gentleman's motion is not in order.

Mr. WILSON. What is the question of order?

The SPEAKER. The gentleman from Ohio raises a question of order.

Mr. BROWNE. A word and I am done. It is assumed by my colleague on the committee that if this testimony were to come into the custody of the House it should have been so stated in the resolution. I apprehend that idea never occurred to anybody. To be sure the resolution required us to investigate and report. We reported conclusions when this might require affirmative action on the part of the House. How can the House determine the propriety of our report unless it has access to the testimony and can inquire through the chairman of the committee as to the accuracy of the statements reported by the committee. I have no thought the chairman intended to pigeon-hole this testimony, and the question occurred to me then, as it does now, if the testimony is not to come into the custody and under the control of the House, where is it to go? What is to become of it, if the House has no right to control it? If it does not come into the House it may go into a pigeon-hole, and there is no impropriety in the remark.

Mr. SINGLETON, of Illinois. How could the House control it if it was referred to the Committee on Post-Offices and Post-Roads, as the gentleman proposes? When that committee expires to-morrow what becomes of it? Is it not as well in a pigeon-hole as in the grave? Who is to blow the horn of Gabriel and resurrect it at the next Congress? Does the gentleman from Indiana propose to come in and play the part of Gabriel, and allow nobody to have any control over it but himself? Let us publish the whole thing. If there is anything wrong on the part of any member of this House in sending documents not entitled to the franking privilege, let us spread it upon the records and let the country see the fact, and condemn the wrong and defend the right.

Mr. PHILIPS. Mr. Speaker——

Mr. WILSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman from Missouri has the floor.

Mr. WILSON. The gentleman had not the floor when I rose. I have been trying to get the attention of the Chair to a point of order. I want to make a privileged motion.

The SPEAKER *pro tempore*. The gentleman from Missouri is recognized.

Mr. WILSON. But I rose before the gentleman propounded the parliamentary inquiry to the Chair.

The SPEAKER *pro tempore*. The gentleman from Missouri is perfectly in order, and will proceed.

Mr. PHILIPS. I rose to say a word as a member of that committee, that if it be the desire of the minority of the committee that the evidence taken should be printed, I trust there will be no objection, for there is certainly nothing in the evidence, so far as the majority is concerned, that we should have any apprehension of or object to seeing in print. And I hope, speaking for myself, that if it is requested, the request will be granted.

But I desire to make a suggestion to my friend from Indiana. He is aware that some matters came to the knowledge of the committee upon which we were agreed without going to the trouble and expense of calling witnesses before us. And if the evidence is to be printed, we ought at least to put so much of that evidence that we

agreed upon in writing, in order that it may come in with this report. Otherwise there will be evidence upon which we predicate a conclusion that will not appear in the printed testimony.

Mr. BROWNE. I hope nobody suspects for a moment that in making this motion I have any desire to attack anybody or anything.

Mr. PHILIPS. Certainly not; and I make the suggestion simply for the sake of making the report consistent and harmonious.

The SPEAKER *pro tempore*. The motion of the gentleman from Indiana——

Mr. HOUSE. Do I understand the gentleman from Indiana to desire that this testimony shall be printed?

Mr. BROWNE. No, sir.

Mr. HOUSE. So I understood.

Mr. BROWNE. I withdrew so much of the motion as required the printing. I simply wanted the committee to put the matter in the custody of the House.

Mr. HOUSE. That is right.

Mr. DAVIS, of Illinois. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the disposition of this report. The report is before the House. The gentleman from Indiana moves that the committee shall submit to the House the testimony and that the report and testimony lie upon the table together to be deposited in the archives of the House.

Mr. BROWNE. I am willing that the motion shall he put in that form.

The SPEAKER *pro tempore*. And in reference to that the gentleman from Ohio raises, as the Chair understands, a point of order.

Mr. CONVERSE. I understand the gentleman's motion did not go so far in the hands of the Clerk.

The SPEAKER *pro tempore*. No; the gentleman moves that the committee report to the House the testimony taken. Thereafter, the testimony taken and the report, which has been read in part, will go naturally to the table, and there remain unless there is a motion to refer.

Mr. CONVERSE. I would like to ask, now, who is to reduce this testimony to writing.

Mr. BROWNE. Of course no testimony will be reduced to writing. It is not contemplated to print this testimony at all, the motion which I made to that effect having been withdrawn.

Mr. CONVERSE. But there is certain testimony, as the gentleman will remember, which is referred to in the report, and which should be written. That testimony is not now in existence, and it cannot be written in time. If the committee were to sit down and work steadily from this time, they could not reduce it to writing before the expiration of this Congress.

Mr. WILSON. What is the point of order that has been raised?

Mr. CONVERSE. The point of order I have made is that the motion of the gentleman from Indiana is out of order.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Ohio to raise that point of order.

Mr. DUNNELL. I desire to ask the gentleman from Ohio why the testimony in this investigation was not reduced to writing?

Mr. CONVERSE. A good deal of testimony was taken orally, some given by members of the House, and by consent of all the members of the committee was received without the oath being administered. Some was taken from memoranda, notes, and letters. There are now in the possession of the committee between three and four hundred political letters that came to the democratic committee. That by itself would fill one volume if it was to be printed. These letters were submitted to the committee; and I do not know whether there is any objection to their being filed or not.

Mr. DUNNELL. I would like——

Mr. KEIFER. They are not forged letters, are they?

Mr. DUNNELL. I would like to ask the gentleman from Ohio what advantage we derive from this investigation if you have no printed report or testimony?

Mr. CONVERSE. We were directed to make an investigation into certain matters alleged to exist, and report the findings. We have made that investigation, and our findings are submitted.

Mr. DUNNELL. I insist that in an investigation made by any committee of this House, it is not sufficient simply to make a report, but the report is always accompanied with the evidence.

Now, I insist that this report is a defective one, in that it simply states results and findings without giving us all the evidence that was obtained in the investigation.

Mr. PHILIPS. I would like to state for the information of the gentleman from Minnesota that we did have a shorthand reporter who took down the evidence of all the witnesses examined.

Mr. DUNNELL. But the gentleman from Ohio says a part of it was taken orally.

Mr. PHILIPS. There were some matters which came to the knowledge of the committee about which there was no disagreement; and merely to save time, trouble, and expense, as I understood, it was agreed those matters might go in by consent in that form. And my suggestion was that when the written evidence was put in, that also should go along with it in a form to be agreed upon by the committee.

Mr. ROBINSON. I did not design to say anything, although I was a member of the committee. But I think now I ought to say something, because it seems to me the House would get a very wrong impression from the way this debate is going; and I believe we can have it right in a moment if gentlemen will listen.

This committee was charged with investigating certain matters connected with an alleged abuse of the franking privilege. Certain reports had appeared in the newspapers which attracted a great deal of attention, and names of members of this House and of the Senate were brought into public notice. The committee proceeded to investigate the charges and took a great deal of testimony that has been committed to writing. A portion of the testimony and facts submitted to the committee has not been reduced to writing because the committee found that although on certain points they could take the statements of members of the House and of the Senate informally, the members of the committee themselves also being possessed of certain knowledge bearing on the finding of the committee, it was not necessary that should be committed to writing at all.

Now I submit that the committee is but the agent of the House. This testimony does not belong to the chairman of the committee. He does not own it, and he does not claim any property in it; and it does not belong to the other four members of the committee. It is the property of the House of Representatives of the United States, and belongs to that House, and nobody has a right to withhold it. Why do we linger at the threshold for a moment talking about instructions to deliver it to the Clerk? No member and no committee has a right to fail of that duty, as I understand it. It should go on the files of the House at once. Nobody wants to have it printed; there is not enough of consequence in that testimony to have it printed. If gentlemen will read the finding of the committee and the opposition views of the minority, they will have all there is of it. Nobody will trouble himself after this Congress expires to read that abundance of testimony which has been taken.

I hope my friend from Ohio [Mr. CONVERSE] will withdraw his point of order, which I do not think is good for anything, because we have a right to put in that testimony as our first duty. Let it go. There is nothing to keep back at all. The testimony does not reflect on the members of the House or the Senate in any way. Everybody is cleared from any sort of imputation about it. There were certain irregularities in one way, and gentlemen of the majority find others; but these were on the part of persons outside of Congress.

Mr. CONVERSE. That is exactly what I said to my colleague on the other side of the House, the gentleman from Indiana. It was my intention to hand the testimony over to the Clerk in the ordinary way without a motion or instructions in any form on the part of the House.

Mr. ROBINSON. Let it drop. That is the best thing we can do, and let us go on with other business.

Mr. BROWNE. I withdraw the motion.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Indiana [Mr. BROWNE] that as he has modified his motion and does not ask to have the testimony printed, his motion is really unnecessary, as the thirty-eighth rule of the House provides that the testimony shall be delivered to the Clerk of the House.

HOMESTEAD SETTLERS.

Mr. CONVERSE. I rise to make a privileged report. I present a report from a conference committee.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2165) to amend section 2297, title 32 of the Revised Statutes, relating to homestead settlers, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendments to the bill, and agree to the same.

GEORGE L. CONVERSE,
HENRY POEHLER,
W. D. WASHBURN,
Managers on the part of the House.
J. D. WALKER,
NEWTON BOOTH,
P. B. PLUMB,
Managers on the part of the Senate.

Mr. CONVERSE. I will state to the House, in a word or two, the effect of this report. The original bill gave the homesteaders one year after making the entry, during which they might move on the land. The Senate struck that out and put in a proviso that that might be done with the consent of the Commissioner of the Land Office wherever there were climatic reasons for doing so. In those northern regions where the winters are very severe, settlers are sometimes, I believe, not able to go on there immediately after making their entries. This bill is in their interest, and it is right.

The question being taken on agreeing to the report of the committee of conference, the Speaker *pro tempore*, on a *viva voce* vote, stated that the "ayes" appeared to have it.

Mr. SINGLETON, of Illinois. I call for a division.

The House divided; and there were—ayes 91, noes 10.

Mr. VAN VOORHIS. No quorum.

Mr. DUNNELL. I hope the gentleman from New York [Mr. VAN VOORHIS] will not insist upon that point.

Mr. VAN VOORHIS. I have made the point because I believe these so-called settlers are merely speculators.

The SPEAKER *pro tempore*. The point of order being made, the Chair will appoint as tellers the gentleman from Ohio, Mr. CONVERSE, and the gentleman from New York, Mr. VAN VOORHIS.

Mr. VAN VOORHIS. At the request of many members I will now withdraw the point of order.

No further count being called for, the report of the committee of conference was agreed to.

ORDER OF BUSINESS.

Mr. DAVIS, of Illinois. I call for the regular order.

Mr. KING. I rise to make a privileged report.

Mr. BELFORD. I rise to a parliamentary inquiry.

Mr. VAN VOORHIS. I rise to a point of order.

Mr. KING. I desire to make a privileged report from the Committee on Interoceanic Ship Canal.

Mr. VALENTINE. What has become of the report of the committee of conference made by the gentleman from Ohio, [Mr. CONVERSE?]

The SPEAKER *pro tempore*. It has been adopted.

Mr. VALENTINE. Was the point of order withdrawn upon it?

The SPEAKER *pro tempore*. It was.

Mr. VALENTINE. I would like to renew it.

The SPEAKER *pro tempore*. It is too late to do that.

Mr. KING. I rise to make a privileged report from the Committee on Interoceanic Ship Canal, and move that it be placed on the Calendar.

The SPEAKER *pro tempore*. Will the gentleman state what is the report, so that the Chair may be advised whether it is privileged or not?

Mr. KING. It is a report from the Committee on Interoceanic Ship Canal on House joint resolution No. 236, in relation to the Monroe doctrine.

The SPEAKER *pro tempore*. The Chair would state to the gentleman from Louisiana [Mr. KING] that the House is now acting under a suspension of the rules, and the gentleman has no right to make even a privileged report except by unanimous consent.

Mr. KING. I ask unanimous consent.

Mr. PAGE. I object. I want to go on with the regular business.

ANNA I. GUEST.

The SPEAKER *pro tempore*. The regular order being called for, the question is upon ordering to a third reading Senate bill No. 972, granting a pension to Mrs. Anna I. Guest.

Mr. SINGLETON, of Illinois. I ask that that bill be read.

The SPEAKER *pro tempore*. The bill will be again read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Anna I. Guest, widow of John Guest, late commodore in the United States Navy, and pay her a pension at the rate of $50 from and after the passage of this act.

Mr. HOOKER. I call for the reading of the report.

The report of the Senate Committee on Pensions was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. No. 972) granting an increase of pension to Mrs. Anna I. Guest, have examined the same, and report:

"That Commodore John Guest, the late husband of the applicant, enlisted in the Navy in the year 1837, and served with distinction in the war with Mexico. He was with Commodore Perry in the Japan expedition, rendering gallant service, and assisted in laying the first cable across the Atlantic. He participated in a large number of naval engagements during the war of the rebellion, and displayed great courage therein. In January, 1879, while in command at the navy-yard at Portsmouth, New Hampshire, he died of Bright's disease, which his surgeons say was contracted in the line of duty. In view of his long and distinguished services, the committee recommend that the bill pass.

The question was upon ordering the bill to a third reading.

ORDER OF BUSINESS.

Mr. MCKENZIE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MCKENZIE. Would it be in order for me now to move to interrupt the present proceedings and ask unanimous consent to discharge the Committee of the Whole from the further consideration of House bill No. 5084, appropriating $50,000 for the construction of a public building in the town of Owensborough, Kentucky? [Laughter.]

I desire to say in this connection that I have done more gratuitously hard work for other people on the floor of this House than any other man who is a member of it. Of fifty-odd reports which have been made recommending the construction of public buildings all over this country, I have been one of the sub-committee that has undertaken all the labor, and while I have assisted other gentlemen in passing bills for their special sections, I have been utterly unable to gain the attention of the House for a single moment to call up a bill which I myself have at heart.

Now I desire to ask unanimous consent of this House to take up and pass the bill I have indicated. I will deem it a special favor if the House will permit me to call up that bill and have it passed by the House at this time.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. WARNER. Let the bill be read.

Mr. CLYMER. I shall object, unless the gentleman from Kentucky will pledge himself to call the previous question on the bill.

Mr. MCKENZIE. I will pledge myself to call anything you want. [Laughter.]

Mr. WARNER. And further, that he will oblige himself that it shall not leave the House until after the adjournment.

Mr. VALENTINE. I object, and call for the regular order.

Mr. BELFORD. I hope the bill will be passed.

The SPEAKER *pro tempore*. The regular order being called for, the consideration of the Senate bill which has been read will now be proceeded with.

Mr. VALENTINE. I have a bill in my hand which has passed the Senate; and if the House will act upon it it will become a law. I asked consent to have it taken up and passed, and the gentleman from Kentucky [Mr. MCKENZIE] objected. Now that gentleman asks the House to pass a House bill which he must know cannot become a law, for there is not time for the Senate to act upon it.

Mr. HUMPHREY, I reported ten of these bills two years ago, and I would like to know where they are.

Mr. WHITE. I call for the regular order.

MRS. ANNA I. GUEST.

The House resumed the consideration of the bill (S. No. 972) granting a pension to Mrs. Anna I. Guest.

Mr. STEVENSON. I trust there will be no objection to the bill of the gentleman from Kentucky after this is disposed of.

Mr. CLYMER. The regular order has been demanded.

The question being taken on the passage of the bill, there were—ayes 73, noes 19.

Mr. VAN VOORHIS. I move a call of the House, as the last vote shows no quorum.

Mr. CLEMENTS. I move that the House adjourn.

The SPEAKER *pro tempore*. The House is now dividing. No quorum having voted, the Chair appoints as tellers the gentleman from Illinois, Mr. SINGLETON, and the gentleman from Pennsylvania, Mr. BAYNE.

The House divided; and the tellers reported ayes 102, noes not counted.

So the bill was passed.

The SPEAKER *pro tempore*. In the confusion prevailing in the Hall, the Chair did not hear the gentleman from Nebraska [Mr. VALENTINE] withdraw his objection to the proposition of the gentleman from Kentucky, [Mr. MCKENZIE,] but is informed now that he did so.

Mr. VALENTINE. I can be more magnanimous than was my friend from Kentucky when I appealed to him this morning to withdraw an objection. I withdraw my objection.

Mr. BRIGGS. I renew the objection.

LUMAN CASE.

The next Senate pension bill on the Speaker's table was the bill (S. No. 1114) granting a pension to Luman Case; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Luman Case.

Mr. WARNER. Is there a report accompanying this bill?

The SPEAKER *pro tempore*. There is not, and none is necessary as the bill is a Senate bill.

Mr. CLYMER. Then some one ought to explain the bill.

The bill was ordered to a third reading, and was read the third time.

The question being taken on the passage of the bill,

The SPEAKER *pro tempore* said: The ayes appear to prevail.

Mr. WARNER and Mr. CLYMER called for the yeas and nays.

Mr. BLOUNT. I hope we shall not have the yeas and nays. There is a conference report ready to be presented in a few minutes.

The question being taken on ordering the yeas and nays, there were ayes 18, noes 90—less than one-fifth voting in the affirmative.

Mr. BERRY. I call for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

So the bill was passed.

Mr. SINGLETON, of Illinois, (amid great confusion.) I demand to have the vote announced. That is the right of every member.

The SPEAKER *pro tempore*. The House will come to order, and the gentleman from Illinois [Mr. SINGLETON] will be good enough to state his request again.

REPORTS FROM COMMITTEE ON PRINTING.

Mr. WILSON. I hold in my hand two reports from the Committee on Printing which relate to the printing of documents that are valuable to the House and to the country. I have no personal interest in these matters; but I desire to discharge my duty. I have been seeking an opportunity for some time to present these reports. I now send them to the desk. One is a substitute for House joint resolution No. 375, and provides for printing 15,000 copies of the report of the Director of the Mint on the statistics of the annual production of gold and silver in the United States. The other is a resolution to print for distribution by the War Department 10,000 copies of the annual report of the Chief Signal Officer for the fiscal year ending June 30, 1880.

The SPEAKER *pro tempore*. The gentleman from West Virginia asks unanimous consent to present two reports from the Committee on Printing. Is there objection?

Objection was made.

ORDER OF BUSINESS.

Mr. KING. The gentleman from California [Mr. PAGE] has with-

drawn his objection, and I hope the House will give unanimous consent that I may present a report from the Interoceanic Ship Canal Committee, to go upon the Calendar and be printed. In these expiring hours of the session I fear there will be no other opportunity.

Mr. BROWNE. What is the report?

Mr. KING. It is a report in relation to the Monroe doctrine.

Mr. SINGLETON, of Illinois. I would like to know what the decision of the Chair was upon the last vote. No quorum voted, and I insist on my right to make the point. The Chair did not announce his decision.

Mr. WHITE. I move a recess for ten minutes.

Mr. SINGLETON, of Illinois. I insist on my point of order. I have a right to have the decision of the Chair announced.

ENROLLED BILLS.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 365) for the relief of Hardie Hogan Helper;

A bill (H. R. No. 1650) for the relief of Edward T. Brownell;

A bill (H. R. No. 4438) for the relief of William Redus;

A bill (H. R. No. 4905) to declare the true intent and meaning of "An act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion, approved June 8, 1872;"

A bill (H. R. No. 5521) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof;

A bill (H. R. No. 6034) for the relief of George W. Henderlite, deceased;

A bill (H. R. No. 6478) for the relief of Levi Price; and

A bill (H. R. No. 6860) for the relief of William H. Davis.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Illinois is rising to a point of order. He will state it.

Mr. SINGLETON, of Illinois. My point of order is that the vote was not announced on the last bill. There was no quorum, and I made the point of order.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois, and he hopes he will accept his word for it, that he did announce the vote, although the gentleman from Illinois may not have heard it.

Mr. SINGLETON, of Illinois. I made the point of order that there was no quorum voting.

The SPEAKER *pro tempore*. The Chair did not hear the gentleman.

Mr. SINGLETON, of Illinois. The Chair will believe and will take my word for it that I labored under the same difficulty the Chair did when I did not hear him, and I hope the Chair will preserve order in the House so we can hear each other hereafter. [Laughter.]

Mr. BUTTERWORTH. I ask the attention of the Chair for a single moment. I have not bothered you much, and I trust there will be no objection.

Mr. HOOKER. What is the ruling on the point of order?

Mr. SINGLETON, of Illinois. The Chair has not ruled on it.

Mr. BUTTERWORTH. I have a resolve in reference to the Society of the Army of the Cumberland, which will take but a single moment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

It further announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

It further announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers.

It further announced the passage of the bill (H. R. No. 4206) confirming and vesting the title to a certain tract of land in Burlington, Iowa, in the independent school district of said State.

COURT OF PENSIONS.

Mr. HOSTETLER, by unanimous consent, was granted leave to print remarks on the bill (H. R. No. 5394) to establish a court of pensions. [See Appendix.]

SUNDRY CIVIL BILL.

Mr. BLOUNT. I desire to submit a conference report on the sundry civil appropriation bill. The report is identical with the one already communicated to the House on this bill, with a few differences. In accordance with the views of the House the appropriation in reference to the Jeannette is agreed to. The Senate conferees agreed to recede in reference to the appropriation for the pay of the annual employés of the House for thirty days. I will send up an additional statement which covers it. I do not ask for the reading of the report unless some gentleman desires it. [Cries of "No!" "No!"]

The Clerk read as follows:

The effect of the foregoing report will be, if adopted by the two Houses, in addition to the effect already explained in the detailed statement submitted by the conferees in the report disagreed to by the Houses, as follows:

On amendment 64, inserts the following: "To enable the Secretary of the Navy to immediately charter or purchase, equip, and supply a vessel for the prosecution of a search for the steamer Jeannette of the arctic exploring expedition, (which the Secretary of the Navy is hereby authorized to undertake,) and such other vessels as may be found to need assistance during said cruise, $175,000: *Provided*, That said vessel shall be wholly manned by volunteers from the Navy."

On amendment 106, inserts the following: "To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available."

JAMES H. BLOUNT,
JOHN A. McMAHON,
JAMES MONROE,
Managers on the part of the House.

The SPEAKER. The question is on the adoption of the report of the committee of conference.

The report was adopted.

Mr. BLOUNT moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. McMAHON. Mr. Speaker, I ask to make a privileged report.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill of the House No. 7251, making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officer of the Treasury in accordance with section 4 of the act of June, 14, 1878, heretofore paid from permanent appropriations, and for other purposes, having met after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 9, 10, 11, 14, 17, 18, 22, 23, 24, 39, 40, 59, 60, 64, 75, 79, 80, 81, 82, 83, and 84.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 12, 13, 15, 19, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 62, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, and 78, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of said amendment insert "for the legislative expenses of the Territory of Arizona, $6,150;" and Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$600,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the Senate amendment numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$330,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: Add at the close of said amendment, as a new paragraph, the following: "To pay Edward F. Riggs for services in the stationery-room from and including November 10, 1880, to March 4, 1881, $276;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$400,000;" and the Senate agree to the same.

J. A. McMAHON,
FRANK HISCOCK,
THOMAS R. COBB,
Managers on the part of the House.
WILLIAM A. WALLACE,
NEWTON BOOTH,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. McMAHON. Mr. Speaker, the deficiency bill passed the Senate to-day, and the sub-committee of the Committee on Appropriations were deprived of course of the publication of the views of the Senate in connection with that bill, and they were also deprived of seeing in print some of the amendments which were incorporated in the Senate. I will state now, for the benefit of gentlemen who desire to know what we have done exactly, the condition of the bill as it comes from the conference committee. We have added $100,000 for the internal-revenue service in one branch and $25,000 in another. We have added $100,000 for the Printing Department of the Government, so as to make the total appropriation for that service for the current year $2,000,000. The Senate put an amendment upon the bill involving an expenditure of $275,000 for the Bureau of Construction and Repair and for the Bureau of Steam Engineering in the Navy Department. We finally agreed upon the sum of $150,000 for that purpose, reducing thus the total amount of the amendment of the Senate by $125,000.

The Senate put in various provisions, amounting in the aggregate to $175,000, for the benefit of the Ponca Indians, and as this clause had

been recommended by the Committee on Indian Affairs in the Senate——

The SPEAKER. Will the gentleman yield for a moment to receive a message from the Senate?

Mr. McMAHON. Certainly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed a joint resolution (S. R. No. 164) relative to the salaries of Government employés in the District of Columbia; in which the concurrence of the House of Representatives was requested.

DEFICIENCY APPROPRIATION BILL.

Mr. McMAHON. The provision in regard to the Miami Indians for a sum of money due them last July under a treaty, which was put in the deficiency bill by the House this year and had been put in the deficiency bill last year, was retained, the Senate receding from its disagreement.

In regard to public buildings, we increased the appropriation $10,000 for the heating, hoisting, and ventilating apparatus. We increased the appropriation for the furniture for public buildings $10,000; and we adopted the amendment of the Senate increasing the appropriation for fuel, light, and water, $5,000.

I will state to the House, Mr. Speaker, that quite a number of claims were put in by the Senate upon full investigation by them, as we were given to understand, which, however, we had not time to examine and could not examine, most of which have been left in. If there is any point upon which any gentleman desires any information I am ready to give it as far as I can.

Mr. KENNA. I hope the House will at once vote on the report?

Mr. DUNNELL. Can the gentleman from Ohio state what is the total increase upon the amount in the bill as it left the House of Representatives?

Mr. McMAHON. I am unable to state precisely the total increase. I can state, however, that the net reduction upon the amendments placed on the bill by the Senate amounts to $380,319. The bill appropriates somewhere between four and five millions of dollars.

If no gentleman has any question to put, I move the previous question upon concurrence.

Mr. ATKINS. How much did the Senate increase the bill?

Mr. McMAHON. I think about a million of dollars.

The report of the committee of conference was agreed to.

Mr. McMAHON moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON THE MONROE DOCTRINE.

The SPEAKER. The Chair is informed that the objection to printing the report presented by the gentleman from Louisiana [Mr. KING] from the Interoceanic Ship Canal Committee on the Monroe doctrine is withdrawn. Is there any further objection?

There was no objection, and the motion was agreed to.

ORDER OF BUSINESS.

Mr. PRICE. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Ohio [Mr. CONVERSE] that the House take a recess until ten o'clock to-morrow morning.

The question being taken, there were—ayes 102, noes 20.

Mr. SINGLETON, of Illinois. No quorum.

The SPEAKER. The Chair will order tellers; and appoints the gentleman from Illinois, Mr. SINGLETON, and the gentleman from Iowa, Mr. PRICE.

Mr. HUNTON. I believe there will be no objection to a recess if gentlemen will withdraw their objection to the little bill which I desire to have passed at this time.

Mr. BUTTERWORTH. If there is an opportunity to consider some other little bills I will not object; otherwise, I must.

The House again divided; and the tellers reported—ayes 115, noes 6.

Mr. SINGLETON, of Illinois. No quorum.

The SPEAKER. The tellers will retain their places.

The count was resumed, and the tellers reported—ayes 118, noes 9.

Mr. SINGLETON, of Illinois. I withdraw the call for further count.

The SPEAKER. The point as to a quorum is withdrawn.

ENROLLED BILLS SIGNED.

Pending the announcement of the result of the vote,

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 182) granting a pension to Mary A. Shemelia; and

A bill (S. No. 465) granting an increase of pension to George Smith.

PAY OF GOVERNMENT EMPLOYÉS ON HOLIDAYS.

Mr. McKENZIE. I withdraw the objection I made to-day to the consideration of the Senate resolution in reference to the pay of employés of the Government in the District of Columbia.

There being no further objection the Senate joint resolution (S. R. No. 164) relating to salaries of Government employés in the District of Columbia was taken from the Speaker's table and read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That all employés of the Government in the city of Washington, District of Columbia, shall be paid for the 4th day of March, inauguration day, and the 30th day of May, decoration day, 1881, as on other days on which they perform labor.

Mr. WARNER. I do not think that is right.

Several MEMBERS. Oh, do not object to that.

Mr. ATKINS. It applies only to the employés in the Government Printing Office.

Mr. HUNTON. And in the Bureau of Engraving and Printing.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was given to withdraw from the files of the House papers in the following cases, there being no adverse report thereon:

To Mr. RYON, of Pennsylvania, the pension papers of John Ryon, reports having been made but no further action taken thereon;

To Mr. FORD, papers from the Committee on War Claims submitted by him in connection with House bill No. 1702 for the relief of N. B. Giddings;

To Mr. GILLETTE, papers in the pension case of Clementina Bickford, not acted upon by the Pensions Committee;

To Mr. BINGHAM, papers in the case of William H. Stricker; and

To Mr. BARBER, papers in the case of J. B. Braun.

INTERNATIONAL EXHIBITION AT PARIS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of State, transmitting a statement of expenditures on account of the international exhibition at Paris; which was laid on the table, and ordered to be printed.

NEW MEXICO PRIVATE LAND CLAIMS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting the papers in four New Mexico private land claims; which was referred to the Committee on Private Land Claims.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent to present for action at this time a resolution to pay the employés of the House borne on the annual roll their salaries for the month of March on Monday, March 7, or as soon thereafter as possible.

Mr. TALBOTT. What is the regular order?

The SPEAKER. The regular order is the announcement of the vote on the motion to take a recess.

Mr. SPRINGER. There will be no objection to this resolution.

The SPEAKER. The regular order is demanded by the gentleman from Maryland.

Mr. TALBOTT. I only asked what was the regular order.

Mr. WHITE. I demand the regular order.

The SPEAKER. The regular order is the announcement of the vote on the motion that the House take a recess until ten o'clock to-morrow. The ayes are 118, and the noes are 9.

Mr. SPRINGER and Mr. HILL. No quorum.

The SPEAKER. It is too late to make that point. The point as to a quorum was withdrawn.

Mr. HILL. I renewed the point that a quorum had not voted.

Mr. PRICE. The gentleman who made the point [Mr. SINGLETON, of Illinois] withdrew it, and no further objection was made.

Mr. ROBESON. We had tellers to test the question of a quorum, and the member who made the point of order that no quorum had voted withdrew that point by stating that he asked for no further count.

The SPEAKER. The Chair thinks that is correct. The Chair will state that if the point of order is now insisted upon no business can be transacted and nothing will be gained.

Mr. HILL. I renewed the point of order.

The SPEAKER. When?

Mr. HILL. Immediately the vote was announced, and all the time, and I now renew it.

The SPEAKER. The tellers will again take their places.

Mr. ROBESON. I protest against that. A quorum appeared by the acknowledgment of the tellers on both sides; the teller on the one side claiming there was a quorum, and the teller on the other side demanding no further count. I say, therefore, that this House is now in recess.

Mr. HILL. The gentleman is mistaken. He does not know what occurred.

Mr. ROBESON. I stood by the tellers and saw and heard what was done.

Mr. HILL. How could you see that, when fifty members were demanding a further count?

Mr. ROBESON. Nobody was demanding it.

Mr. HILL. I was.

Mr. SCALES. When the point of order of a quorum was withdrawn, was it not distinctly stated from the Chair that the call for a quorum was withdrawn?

The SPEAKER. It was.

Mr. HILL. It was renewed by a half dozen members.

The SPEAKER. Did the gentleman renew it?

Mr. HILL. I did renew it and I do renew it.

Mr. CONGER. I suppose the facts are these: the point was made that there was no quorum voting, and tellers were ordered and took their places. Members passed between the tellers until the one of the tellers who had made the point of order [Mr. SINGLETON, of Illinois] was induced to withdraw the point that no quorum had voted. He did withdraw that point, and it was not then renewed, because the Chair immediately asked permission to present some papers.

The SPEAKER. Before the point was renewed as to there being a quorum, the Chair had by the courtesy of the House presented certain executive papers which he desired to have offered. But the Chair takes no advantage. When a member rises and states that immediately after the point of order had been withdrawn by the gentleman from Illinois [Mr. SINGLETON] he himself renewed it, the Chair feels obligated to recognize it, if he insists upon it.

Mr. HILL. I do not insist upon it.

The SPEAKER. The Chair will state to the gentleman that if he made the point the Chair did not hear. But the Chair never puts his own hearing or eye-sight against the declaration of a member on the floor.

Mr. ATHERTON. Has not the House some rights in this matter?

The SPEAKER. It has.

Mr. HOOKER. How could the point be made until the announcement of the vote?

The SPEAKER. It was well understood what the vote was.

Mr. ALDRICH, of Illinois. I desire to make a single suggestion only.

Mr. WILSON. If the point that no quorum is present is insisted upon, can the Speaker allow any business at all to be transacted?

The SPEAKER. He cannot.

Mr. WILSON. Then I hope the point of order will be withdrawn.

Mr. WHITE. As there appears to be no quorum, I move a call of the House.

Mr. VAN VOORHIS. I ask the Speaker to submit to the House whether or not the gentleman raised the point in time. Nobody heard him, and I think the House ought to decide upon it.

The SPEAKER. The question is upon the motion for a call of the House.

The question was taken, and more than fifteen members voted in the affirmative.

The SPEAKER. A call of the House is ordered, and the Clerk will call the roll.

Mr. ATHERTON. I hope the point of order will be withdrawn. I give notice that if it is insisted upon no business can be transacted by the House until a quorum appears.

The SPEAKER. The Clerk will call the roll.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Aiken,	De La Matyr,	Lindsey,	Russell, Daniel L.
Armfield,	Deering,	Loring,	Russell, W. A.
Bachman,	Dick,	Lounsbery,	Ryan, Thomas
Bailey,	Dunn,	Lowe,	Ryon, John W.
Baker,	Dwight,	Manning,	Sawyer,
Ballou,	Einstein,	Martin, Edward L.	Scoville,
Barlow,	Elam,	Mason,	Singleton, O. R.
Bayne,	Errett,	McCoid,	Slemons,
Beale,	Evins,	McCook,	Smith, A. Herr
Belford,	Ewing,	McGowan,	Smith, William E.
Beltzhoover,	Felton,	McLane,	Speer,
Bicknell,	Finley,	Miles,	Starin,
Bingham,	Fisher,	Miller,	Steele,
Bisbee,	Frost,	Mitchell,	Stephens,
Bland,	Gibson,	Money,	Stone,
Blount,	Gillette,	Monroe,	Taylor, Ezra B.
Bowman,	Godshalk,	Morrison,	Taylor, Robert L.
Brewer,	Goode,	Morse,	Thompson, P. B.
Bright,	Hall,	Morton,	Thompson, W. G.
Buckner,	Hammond, N. J.	Muller,	Townsend, Amos
Caldwell,	Harmer,	Murch,	Townshend, R. W.
Calkins,	Harris, John T.	Myers,	Turner, Thomas
Camp,	Haskell,	Neal,	Updegraff, J. T.
Carlisle,	Hayes,	New,	Updegraff, Thomas
Carpenter,	Hazelton,	Newberry,	Van Aernam,
Caswell,	Heilman,	Nicholls,	Vance,
Chalmers,	Henderson,	Norcross,	Wait,
Chittenden,	Henry,	O'Brien,	Weaver,
Claflin,	Houk,	O'Connor,	Wells,
Clardy,	Hubbell,	O'Reilly,	Wilber,
Clark, Alvah A.	Humphrey,	Orth,	Williams, C. G.
Clark, John B.	James,	Page,	Willis,
Coffroth,	Johnston,	Persons,	Wise,
Cook,	Jones,	Phelps,	Wood,
Cox,	Jorgensen,	Philips,	Wright,
Cravens,	Joyce,	Pound,	Yeates,
Crowley,	Kelley,	Richardson, J. S.	Young, Casey.
Daggett,	Killinger,	Robertson,	
Davis, Joseph J.	Kitchin,	Ross,	
Davis, Lowndes H.	Lapham,	Rothwell,	

The SPEAKER. The call of the roll shows the presence of 131 members. The doors will now be closed.

Mr. HILL. I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. HILL. I now move that the House take a recess until ten o'clock a. m.

The motion was agreed to; and accordingly (at two o'clock and fifty-five minutes a. m., Friday, March 4) the House took a recess until ten o'clock a. m.

MORNING SESSION.

The recess having expired, the House (at ten o'clock a. m. Friday, March 4) resumed its session.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 972) granting a pension to Mrs. Anna I. Guest;

A bill (S. No. 1114) granting a pension to Luman Case;

A bill (H. R. No. 4206) confirming and vesting the title to a certain tract of land in Burlington, Iowa, in the "independent school district" of said city;

A bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes; and

A bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury, in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

Joint resolution (S. R. No. 141) authorizing the President to place Thomas L. Crittenden on the retired list with the rank and pay of brigadier-general.

JUDICIAL DISTRICTS IN LOUISIANA.

Mr. KING. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4050) to divide the State of Louisiana into two judicial districts. It has been returned from the Senate with an amendment in the form of a substitute. I ask that the amendment be taken up and concurred in. It proposes simply to give a court to a part of the country which needs provision of that kind. The measure has received the unanimous indorsement of both branches of Congress. I beg that as a matter of public relief the bill may be taken up and the amendment concurred in.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The bill is not at the desk. As soon as it is found the Chair will again present the matter to the House.

ORDER OF BUSINESS.

Mr. BREWER. While that bill is being found I desire to be recognized——

Mr. WHITTHORNE. Pending that I move to suspend the rules for the purpose of putting upon its passage joint resolution (H. R. No. 403) providing for testing an automatic recording apparatus.

PAY OF HOUSE EMPLOYÉS.

Mr. MARTIN, of Delaware, from the Committee on Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay the employés of the House the compensation that may be due them, respectively, for the month of March, 1881, on Saturday, the 5th day of the month.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Several members called for the regular order.

Mr. McCOOK. Before the regular order proceeds, I wish to be recognized upon a matter to which I think there will be no objection.

Mr. BLACKBURN. I hope the gentleman from New York [Mr. McCOOK] will be recognized. I am sure there will be no objection to his proposition.

Mr. WHITTHORNE. There could not be any objection to mine. [Renewed cries of "Regular order!"]

CHARLES H. FRANK.

The SPEAKER. The regular order is the consideration of the next Senate pension bill on the Speaker's table.

The bill (S. No. 1334) for the relief of Charles H. Frank was taken from the Speaker's table, and read a first and second time.

The question being on ordering the bill to a third reading, it was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to increase the pension of Charles H. Frank to $50 a month to date from and after the passage of this act.

Mr. WARNER. Is there any report accompanying this bill? It is a bill which I think needs to be debated before it is acted on.

The SPEAKER. The report will be read.

The report was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. No. 1334) granting a pension to Charles H. Frank, have carefully examined the same, and report as follows:

It appears from the evidence on file in the case that the petitioner was a private in Company H, Third Delaware Volunteers; enlisted March 3, 1862; discharged May 28, 1863; and filed declaration for pension June 3, 1863.

Pension was granted at $4 per month, which has been since increased to $18 per month.

The petitioner claims to have been injured on the retreat to Harper's Ferry. He fell down in crossing a ditch, and was injured in the spine by being trod upon by a comrade.

The reports from the Adjutant-General's office and hospital reports confirm fully the statement of the petitioner, and it is further verified by a large number of witnesses.

He claims his disability to be total and permanent.

Drs. Reyburn and Stanton examined the petitioner on November 17, 1879, and report him thus: "He is now in a condition to warrant a rating of second grade, as he is wholly unable to do any manual labor."

The medical referee upon the report presented disagrees with the conclusions of the board, and thereupon the Pension Office rejected the application for increase.

The petitioner has an aged mother and sister dependent upon him for support, and he is entirely disabled from contributing to their support, but, on the contrary, has been a burden upon them by reason of the injury he received in the service. His disability seems to be increasing, and is without doubt continuous, as shown by reports of medical officers.

The committee therefore recommend the passage of the bill with an amendment.

Mr. WARNER. I desire to say that on a previous day when unanimous consent was asked for the passage of this bill I interposed an objection. I will yield now, if it be in order, to the gentleman from Louisiana, [Mr. KING,] so that his bill may be taken up.

Mr. MARTIN, of Delaware. I insist on this pension bill being considered now.

Mr. KING. Let my bill pass. The House has already given unanimous consent for its consideration.

The SPEAKER. The House gave consent for the consideration of the bill of the gentleman from Louisiana, [Mr. KING,] which has now been found. Its consideration was interrupted by the fact that the bill was not then at the desk.

JUDICIAL DISTRICTS IN LOUISIANA.

The House resumed the consideration of the bill (H. R. No. 4050) to divide the State of Louisiana into two judicial districts, the pending question being upon concurrence in an amendment of the Senate which was read as follows:

Strike out all after the enacting clause and insert the following:

That the parishes of Caddo, Bossier, Webster, Claiborne, Union, Morehouse, West Carroll, East Carroll, Madison, Richland, Ouachita, Lincoln, Bienville, Red River, De Soto, Sabine, Winn, Natchitoches, Jackson, Caldwell, Franklin, Tensas, Concordia, Catahoula, Grant, Vernon, Rapides, Avoyelles, Saint Landry, La Fayette, Saint Martin's, Vermillion, Cameron, and Calcasieu, in the State of Louisiana, shall constitute, and is hereby created, the western judicial district in that State; and the district court now existing in Louisiana shall, from and after the passage of this act, be known as the district court for the eastern district of Louisiana, and all the parishes in said State not above named shall belong to said district.

SEC. 2. That all suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the district where he resides, but if there are two or more defendants, residing in different districts, such suits may be brought in either district.

SEC. 3. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within said district; and all prosecutions for crimes or offenses heretofore committed in the district of Louisiana shall be commenced and proceeded with as if this act had not been passed.

SEC. 4. That all civil suits in law or equity which have arisen in the parishes composing said western district, or against persons residing therein, or concerning lands situated therein, and now pending, together with all process, writs, recognizances, and records belonging thereto, shall, with the consent of all the parties, be transferred to said western district.

SEC. 5. That there shall be held semi-annually in said district two stated sessions of the district and circuit courts, at each of the following places, to wit: At Opelousas, on the first Mondays of January and June; at Alexandria, on the fourth Mondays of January and June; at Shreveport, on the third Mondays of February and July; at Monroe, on the first Mondays of April and October.

SEC. 6. That a person learned in the law shall be appointed by the President of the United States, by and with the advice and consent of the Senate, district judge thereof, with a salary of $3,500 per annum, payable quarterly, and with the same powers and duties of the district judge of the United States for the district of Louisiana as it now exists, and such as are conferred on him, or required of him, by this act. And the said judge shall appoint a clerk of the district court in the western district, and a clerk of the circuit court for said district shall be appointed in the same manner as other such clerks are appointed, and who shall receive for the services performed by them the same fees and compensation that are allowed to the clerks of such courts holding their sessions in New Orleans, in the same State, and shall be subject in every respect to the same restrictions and responsibilities; and the district and circuit courts for the eastern district of Louisiana shall be held in New Orleans, as heretofore. And it shall be the duty of the clerks of the district and circuit courts of the United States in New Orleans, whenever the courts shall so order, to transmit, by some safe conveyance, or to deliver to the clerks of the courts in the western district, or their order, the original papers in all such cases as properly belong to the court in the western district by the provisions of this act, together with a transcript of the proceedings had therein.

SEC. 7. That the President of the United States, by and with the advice and consent of the Senate, be, and hereby is, authorized to appoint one person as marshal and one as district attorney for the said western district of the United States within the State of Louisiana created by this act; and that the terms of appointment and service, together with the duties and responsibilities of the said marshal and district attorney, respectively, for the district aforesaid shall be in all respects the same within their said district as the terms of appointment and services, the duties, and responsibilities of the marshal and district attorney, respectively, of the eastern district of the State of Louisiana.

The amendment of the Senate was concurred in.

Mr. KING moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WARNER. I call for the regular order.

Mr. BREWER. I wish to make one request.

Mr. WARNER. Let us first dispose of the bill under consideration. Then there will be opportunity for the gentleman from Michigan and other gentlemen.

Mr. BREWER. I am about to retire from Congress. Here is a bill which has passed the Senate unanimously. It does not take one cent from the Treasury. I hope it will be taken up and passed.

Mr. WARNER. I will yield to the gentleman from Michigan [Mr. BREWER] provided his measure does not displace the pension bill now pending.

Mr. HATCH. I call for the regular order. I object to the gentleman from Ohio [Mr. WARNER] yielding to one member and calling the regular order against everybody else.

Mr. COX. I move that the House take a recess until eleven o'clock.

PRIVILEGES OF MEMBERS.

Mr. HUTCHINS. Mr. Speaker, I rise to a question of privilege. On coming to the Capitol this morning I was stopped at the Senate entrance by men dressed in military attire, with arms in their hands, who refused me admittance. I stated I was a member of this House. They then admitted me. I suppose it is too late to inquire by what authority a military in place of a civil force is placed at the doors of this Capitol to restrain members from entering; and I wish to call the attention of the Speaker and this House and of the country to the fact.

Mr. BARBER. When you elect your own man next time, then you can have any sort of a guard there you please, if you object to this one.

Mr. VALENTINE. I was not restrained, and I came through the guard.

Mr. HUTCHINS. I call the attention of the House and the country to the fact. It is a proper thing for Congress to take cognizance of, and such an outrage should not be allowed to go uncensured.

Mr. VAN VOORHIS. I wish to make a parliamentary inquiry.

The SPEAKER. The question is on the motion of the gentleman from New York to take a recess until eleven o'clock.

Mr. VAN VOORHIS. I wish to inquire if the House takes a recess until eleven o'clock to-day, when it will assemble again. The motion for a recess will carry us beyond the legislative day.

The SPEAKER. That question has been already overruled in another form.

The House divided; and there were—ayes 38, noes 49.

Mr. COX. No quorum has voted.

The SPEAKER. The question of order being raised that no quorum has voted, the Chair will appoint tellers.

Mr. BREWER and Mr. COX were appointed tellers.

The House again divided; and the tellers reported 42 members voting in the affirmative, noes not counted.

Mr. COX. I withdraw the point of order.

The SPEAKER. The motion for a recess is disagreed to.

JOINT RESOLUTION SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (S. R. No. 164) relating to salaries of Government employés in the District of Columbia; when the Speaker signed the same.

PRODUCTION OF PRECIOUS METALS.

Mr. WILSON. Mr. Speaker, I have two privileged reports to submit from the Committee on Printing, and if they cannot be received and acted upon at this time, I hope the Clerk will take charge of them. They are for printing public documents for the use of members of Congress.

Mr. BREWER. I want to have recognition to take up a Senate bill.

The SPEAKER. The gentleman from West Virginia is recognized for a privileged report.

Mr. WILSON, from the Committee on Printing, reported, as a substitute for House resolution No. 375, a joint resolution (H. R. No. 419) for the printing of the report of the Director of the Mint on the annual production of gold and silver in the United States; which was read a first and second time.

The joint resolution, which was read, provides that 15,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed; 8,000 for the use of the House of Representatives, 3,000 for the use of the Senate, and 4,000 for the use of the Treasury Department.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANNUAL REPORT OF SIGNAL OFFICER.

Mr. WILSON also, from the Committee on Printing, reported back favorably the concurrent resolution that there be printed for distribution by the War Department 10,000 extra copies of the annual report

of the Chief Signal Officer for the fiscal year ending June 30, 1880; which was agreed to.

Mr. WILSON moved to reconsider the vote by which the concurrent resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FILING REPORTS, ETC.

Mr. TUCKER. I submit the following order, which I hope will be adopted by unanimous consent.

The Clerk read as follows:

Ordered, That committees be authorized to file with the Clerk any reports authorized to be made by such committee for printing and proper reference.

Mr. CARLISLE. Does that include the views of the minority as well as the report of the majority? We have a report to make on a privileged matter, and the minority ought to have an opportunity to present their views.

The SPEAKER. This is the usual resolution, and the Chair thinks it would include the views of the minority.

Mr. WARNER. Let it be amended to include the views of the minority.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

The order, as amended, was adopted.

LIBRARY OF CONGRESS.

A message was received from the Senate, by Mr. BURCH, its Secretary, asking for the return of Senate resolution in relation to continuing the Joint Select Committee on additional accommodations for the Library of Congress during the recess of Congress.

The SPEAKER. Is there objection to granting the request of the Senate?

There was no objection, and it was ordered accordingly.

PENSION LAWS, ETC.

Mr. STEVENSON, by unanimous consent, was granted leave to print in the RECORD remarks upon the pension laws and remarks upon California land grants. [See Appendix.]

JOHN SHARP.

On motion of Mr. COFFROTH, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of John Sharp.

CUSTOM-HOUSE AT FORT BENTON.

The SPEAKER, by unanimous consent, laid before the House a memorial of the Legislature of Dakota, concerning the erection of a custom-house at Fort Benton; which was referred to the Committee on Public Buildings and Grounds.

INDIAN RESERVATIONS.

The SPEAKER also, by unanimous consent, laid before the House a memorial of the Legislature of Dakota, concerning Indian reservations; which was referred to the Committee on Indian Affairs.

TERRITORIAL OFFICERS.

The SPEAKER also, by unanimous consent, laid before the House a joint resolution of the Legislature of Dakota, relating to the appointment and election of United States and territorial officers in that Territory; which was referred to the Committee on the Territories.

PRIVILEGES OF MEMBERS.

Mr. HUTCHINS. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HUTCHINS. I offer the resolution which I send to the desk, and I ask that it be read for the information of the House.

Mr. BROWNE. What is the question of privilege?

Mr. HUTCHINS. It relates to the armed guard stationed around the building to obstruct the entrance of members.

Mr. BROWNE. Is that a question of privilege?

Mr. HUTCHINS. I claim it is a question of the highest privilege.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas members of this House have this day been refused admission to the Capitol of the United States by an armed military force:

Resolved, That this breach of the parliamentary and constitutional privilege of the members of this House in going to and returning from the same meets its severest censure.

Mr. HUTCHINS. I move the adoption of the resolution, but will yield if I am allowed to do so for a few minutes to gentlemen who may wish to say a word in connection with this matter.

Mr. BARBER. Who stopped the gentleman? Did he not get in?

Mr. WARNER. This is not a light matter, and it ought to have the consideration of the House. Bayonets ought never to be crossed to prevent the entrance of members of this body. [Cries of "Regular order!"]

Mr. HUTCHINS. I yield two minutes to the gentleman from Missouri, [Mr. FROST.]

Mr. FROST. I maintain, Mr. Speaker, that this is a question of the highest privilege.

Mr. BROWNE. Is this debate in order?

The SPEAKER. If any member of the House was obstructed or prevented from entering, the Chair thinks it would be a question of privilege.

Mr. PRICE. I want to say a word about this matter myself. I was stopped at the door——

Mr. FROST. I have the floor. [Cries of "Regular order!"]

Mr. BARBER. I have been obstructed for more than a year trying to get recognition here for public matters.

The SPEAKER. The gentleman from Missouri will proceed without interruption.

Mr. FROST. I maintain that the question presented to us here by the resolution of the gentleman from New York is one of the very highest character of privilege.

I do not wish to make a mountain out of a mole-hill, but I insist that this, which may be harmless in itself at present, may present in the future a precedent of the most dangerous character to the liberties of this people. The time may come, I do not anticipate that it will, but it is possible that in the future it may come, when that which now passes without notice may be set up as a precedent, and a dangerous example, and one set by a democratic Senate and democratic House for the purpose of trampling upon the liberties and rights of both of those bodies. It is our duty to guard against such a contingency.

Mr. Speaker, if we permit this act to go unrebuked we give our assent to a precedent that may be used to overthrow the rights of this body in the future. We have had instances in the past, not only in this country, but in that country from which we have derived our parliamentary laws and our parliamentary institutions, and it is a well-known historical fact that at a not very distant period armed troops were stationed at the doors of legislative assemblies and passes were demanded from each of the members duly elected to those bodies without which they could not obtain admission.

It is because we do not wish to set such a precedent here and give our assent to a proceeding of such dangerous character, or permit it to be established with the sanction of a democratic Congress, that the resolution of the gentleman from New York is offered, and I hope will be immediately adopted without dissent.

Mr. FRYE. The gentleman need not worry about the matter. Nobody is going to follow a democratic precedent.

Mr. WARNER. We do not propose to have one of such a character as that set. Gentleman may make light of this, but it is a matter that demands attention. [Cries of "Regular order!"]

Mr. PRICE. I would like to have a word upon this question, if I can be in order.

The SPEAKER. The Chair will listen to the gentleman if he can do so. The gentleman from New York now has the floor.

Mr. HUTCHINS. I yield one minute of my time to the gentleman from California.

Mr. BERRY. Mr. Speaker——

Mr. BROWNE. I rise to a parliamenary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE. I want to know how long the gentleman from New York is entitled to the floor.

Mr. HUTCHINS. I only ask five minutes. I do not know how much time I may be entitled to under the rule, but five minutes will be ample, I imagine.

Mr. KEIFER. We would like to have a few minutes to show the country who is responsible.

Mr. BROWNE. Is this a privileged resolution?

The SPEAKER. The Chair thinks that if a member is obstructed in his entrance to this Hall it presents a question of privilege.

Mr. CARLISLE. I would like to have the resolution which has been reported read again.

The resolution was again read.

Mr. BARBER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARBER. I want to ask if the gentleman did not say when he announced the fact to the guard that he was a member of this House, that he was permitted to pass unmolested?

Mr. HUTCHINS. Yes, sir.

Mr. BARBER. Then what more do you want?

Mr. HUTCHINS. I want to know by what authority such an outrage upon the privileges of members, the representatives of the people, is permitted.

Mr. KEIFER. I understand the democratic Sergeant-at-Arms of the Senate——

Mr. BERRY. I had to exhibit a pass before I could come in.

Mr. BROWNE. Before I could get in I had to exhibit a commission signed by a democratic governor. [Laughter.]

Mr. WARNER. You did not have to present it before armed soldiers.

Mr. CANNON, of Illinois. Is a democratic House and a democratic Senate using the bayonet upon their own members?

Mr. WARNER. I want to find out who is using it, and by what authority.

Mr. ATKINS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ATKINS. The point of order I make is this—and if gentlemen will observe it there will be no more confusion—that every member of this House who desires to speak shall first address the Speaker.

If gentlemen keep on talking to each other we get into a state of utter confusion.

The SPEAKER. The Chair sustains the point of order; and hereafter gentlemen who desire to speak shall address the Chair.

Mr. CARLISLE. Let the resolution be again read.

The Clerk read as follows:

Whereas members of this House have this day been refused admission to the Capitol of the nation by an armed military force:

Resolved, That this breach of the parliamentary and constitutional privilege of the members of this House in going to and returning from the same meets its severest censure.

Mr. CONGER. That should be changed to "militia force." These gentlemen that are here in uniform are militia from the different States.

Mr. HUTCHINS. Has the gentleman from Michigan [Mr. CONGER] the floor?

The SPEAKER. The gentleman from New York [Mr. HUTCHINS] has the floor.

Mr. HUTCHINS. I yield to the gentleman from California, [Mr. BERRY.]

The SPEAKER. The Chair desires to have order.

Mr. BERRY. Mr. Speaker, being a young member, this being the first term I have served in Congress, when I was called to a halt in coming to the Capitol of the nation this morning by armed men dressed in blue—[derisive laughter on the republican side.]

Mr. BAKER. I rise to a question of order.

Mr. UPDEGRAFF, of Ohio. Blue is a good color; don't you like it?

Mr. CONGER. Blue is on duty in the morning; gray will be in the afternoon.

Mr. BERRY. I demand to be heard.

Mr. BARBER. I have risen to a question of order.

The SPEAKER. The gentleman from California [Mr. BERRY] is entitled to the floor. The gentleman from Illinois [Mr. BARBER] will please be seated.

Mr. BARBER. I have risen to make a point of order. I think we ought to try one case at a time. We have the case of the gentleman from New York [Mr. HUTCHINS] to dispose of.

The SPEAKER. That is not a point of order. That is merely a mode of getting in a remark out of order.

Mr. BERRY. I rose for the purpose of finding out whether I was prevented from coming into this Capitol by law or not. I was about to say I was a young member, and did not know but on the 4th of March when I attempted to come up to this Capitol that by law I was prevented from entering its portals until I exhibited a pass. Armed soldiers called me to a halt.

Mr. CONGER. May I ask the gentleman by whom the pass is signed?

Mr. BERRY. The pass is signed by the Sergeant-at-Arms of the Senate of the United States. [Laughter on the republican side.]

Mr. CONGER. Yes. Be thankful that you have got a pass.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 4050) to divide the State of Louisiana into two judicial districts.

PRIVILEGES OF MEMBERS.

The SPEAKER. The gentleman from California [Mr. BERRY] is on the floor.

Mr. VALENTINE. May I ask the gentleman from California a question?

Mr. BERRY. Yes, sir.

Mr. VALENTINE. At what door were these soldiers stationed? At the door of the House or of the Senate?

Mr. BERRY. I did not find them at the door; I found them surrounding the building.

Mr. VALENTINE. At the House wing or the Senate wing?

Mr. BERRY. Beyond both, and beyond the Senate wing. I told them I was a member of the American Congress and demanded admittance, and I was refused.

Mr. CONGER. I rise to a question of order.

Mr. BERRY. I demanded admittance by virtue of being a member of Congress.

The SPEAKER. The time of the gentleman from California has expired.

APPROVAL OF BILLS, ETC.

A message from the President, by Mr. PRUDEN, his Secretary, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 6717) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

An act (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes;

An act (H. R. No. 6545) to amend section 3524 of the Revised Statutes, so as to authorize a charge for melting or refining bullion when at or above standard;

An act (H. R. No. 1197) for the relief of settlers upon the absentee Shawnee lands in Kansas, and for other purposes;

An act (H. R. No. 2098) for the relief of the heirs of Edward B. Clark;

An act (H. R. No. 4646) for the relief of the heirs of Cornelius Boyle;

An act (H. R. No. 4002) for the relief of the estate of J. M. Micou;

An act (H. R. No. 1996) for the relief of W. A. Reid;

An act (H. R. No. 3788) granting increase of pension to William Hamill;

An act (H. R. No. 6023) to authorize the Secretary of the Treasury to change the name of vessels under certain circumstances;

An act (H. R. No. 4607) for the relief of Passed Assistant Engineer Absolom Kirby, of the Navy;

An act (H. R. No. 375) for the relief of Philemon B. Hawkins;

An act (H. R. No. 2844) for the relief of James E. Montell;

An act (H. R. No. 346) for the relief of William H. Thompson;

An act (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes;

An act (H. R. No. 2705) for the relief of Joseph Clymer, of Texas;

An act (H. R. No. 2503) for the relief of J. H. W. Riley, of California;

An act (H. R. No. 709) for the relief of William S. Burgess and others;

An act (H. R. No. 4413) for the relief of J. Scott Payne;

An act (H. R. No. 4434) for the relief of Mrs. Martha Bridges, of Bartow County, Georgia;

An act (H. R. No. 1359) for the relief of Louis P. di Cesnola, late consul to Cyprus;

An act (H. R. No. 5389) for the relief of Samuel Harper;

An act (H. R. No. 3451) for the relief of George W. Brower;

An act (H. R. No. 4261) for the relief of Henry B. Eastman;

An act (H. R. No. 5097) appropriating money toward the expenses to be incurred in the centennial celebration of the battle at Groton Heights, and for other purposes;

An act (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, Louisiana, late assistant treasurer at New Orleans;

An act (H. R. No. 4663) to admit free of duty one of the bells of Saint Michaels chimes, Charleston, South Carolina, which has been sent to England to be recast;

An act (H. R. No. 5532) establishing a life-saving station at Louisville, Kentucky;

An act (H. R. No. 3785) appropriating money for the erection of a penitentiary in the Territory of Dakota;

An act (H. R. No. 4590) to provide for the sale of certain property owned by the United States in the District of Columbia;

An act (H. R. No. 6493) to provide for the construction of a public building at Jackson, in the State of Mississippi;

An act (H. R. No. 1320) for the relief of citizens of Montana, who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service;

An act (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1882, and for other purposes;

An act (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes;

An act (H. R. No. 5066) to provide for the preparation of classified abridgments of the letters-patents of the United States;

An act (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for armament thereof, for the fiscal year ending June 30, 1882, and for other purposes;

An act (H. R. No. 3450) for the relief of Lewis A. Kent;

An act (H. R. No. 3789) for the relief of Homer Fellows;

An act (H. R. No. 205) granting a pension to Jacob Gelwicks;

An act (H. R. No. 802) granting a pension to Wyatt Botts;

An act (H. R. No. 3309) for the relief of John T. Neale;

An act (H. R. No. 5088) to authorize the registration of trade-marks and protect the same;

An act (H. R. No. 5832) for the relief of David W. Bell;

An act (H. R. No. 4411) to establish an additional land district in the State of Kansas;

An act (H. R. No. 2437) for the relief of several persons impressed into the United States service;

An act (H. R. No. 2439) granting a pension to Henry Mills;

An act (H. R. No. 3751) to amend chapter 198, volume 16 of the Statutes at Large;

An act (H. R. No. 1280) to amend section 2326 of the Revised Statutes relating to suits at law affecting the title to mining claims;

An act (H. R. No. 2769) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, Baton Rouge, Galveston, and in Narraganset Bay;

An act (H. R. No. 7032) to amend an act incorporating the Capitol, North O Street and South Washington Railway Company;

An act (H. R. No. 2773) granting a pension to James P. Hunter;

An act (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy;

An act (H. R. No. 2269) for the relief of Calvin Bronson;

An act (H. R. No. 3742) to authorize the Secretary of the Treasury

to sell certain real estate belonging to the United States and vesting the title to certain other lands in the city of Vincennes, in the State of Indiana, and for other purposes;

An act (H. R. No. 1469) granting a pension to Mary Ann McCarrol;

An act (H. R. No. 2549) granting a pension to Edward H. Mitchell;

An act (H. R. No. 1452) for the relief of James B. Furman;

An act (H. R. No. 5627) to amend section 1486 of the Revised Statutes in order to preserve the meaning of the original law from which it was taken with reference to the rank of engineer officers, graduates of the Naval Academy;

An act (H. R. No. 6248) directing the payment of certain awards in favor of parties therein named;

An act (H. R. No. 440) for the ascertainment of the amount due to the Choctaw Nation;

A joint resolution (H. R. No. 401) in relation to the barge W. J. Spicer;

A joint resolution (H. R. No. 373) relative to printing the agricultural report for the year 1880;

A joint resolution (H. R. No. 402) to provide for the publication of the memorial addresses on Evarts W. Farr; and

A joint resolution (H. R. No. 186) authorizing the Secretary of the Treasury to furnish States, for the use of agricultural colleges, one set of standard weights and measures, and for other purposes.

PRIVILEGES OF MEMBERS.

Mr. HUTCHINS. I yield two minutes to the gentleman from Iowa, [Mr. PRICE.]

Mr. YOUNG, of Ohio. I ask the recognition of the Chair.

The SPEAKER. The gentleman from Iowa is on the floor.

Mr. YOUNG, of Ohio. I have asked recognition. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman from Ohio has not been recognized, and is not in order.

Mr. PRICE. I am very glad to have a minute to speak in order. I want to say to the House that I, too, an old radical republican, was stopped when I was on my way to the Chamber this morning. And I was stopped because those men were there to protect the body from the crowd on the outside; and all we had to say to them was, "Why, I am a member of Congress." And they said, "Well, that is all right; we are here to protect members of Congress, so that they may find admission to the Hall."

Mr. HUTCHINS. I yield one minute to the gentleman from Tennessee, [Mr. ATKINS.]

Mr. MILLS. I rise to a question of order. I insist that gentlemen shall take their seats. I ask, have we a Sergeant-at-Arms of this House?

The SPEAKER. Gentlemen will be seated and the House will come to order. Otherwise the Chair will direct the Sergeant-at-Arms to proceed with the mace.

Mr. ATKINS. If the House will hear me I desire to make one statement.

Mr. COX here took the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The gentleman from Tennessee will suspend till order is restored. Members will be in order.

Mr. CONGER. I ask the gentleman from Tennessee to yield to me.

Mr. ATKINS. I yield to the gentleman.

THANKS TO THE SPEAKER.

Mr. CONGER. I desire to present a resolution to the House. At this closing hour of the session it is with pleasure I am permitted to offer the following resolution, and ask its acceptance by the House.

The Clerk read as follows:

Resolved, That the thanks of this House are due and tendered to Hon. SAMUEL J. RANDALL, the Speaker, for the ability, fairness, and courtesy with which he has presided over its deliberations during the Forty-sixth Congress.

The resolution was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

Joint resolution (S. R. No. 167) to pay the officers and employés of the Senate borne on the annual roll one month's extra pay.

PRIVILEGES OF MEMBERS.

Mr. ATKINS. I desire to state to the House (and I wish the House to hear me) that in policing the doors of this Capitol—by whatever order I do not know—the Sergeant-at-Arms of the House had charge of the western and eastern doors, and he directed that there should be no obstruction to members or anybody else. He therefore is not responsible for any obstruction which members may have encountered.

Mr. WARNER. I desire to know by what authority armed men are stationed about this Capitol at all. The gentleman from Iowa [Mr. PRICE] has said they are here for the protection of members of this House. Has it come to that—that we must have a soldiery about this Capitol to protect its members? I have seen bayonets crossed at the entrance of deliberative assemblies in other countries; but I never expected to see such a thing at the Capitol of this Republic.

Mr. FRYE. I call the gentleman's attention to the military in the galleries. Look at them! [Laughter.]

Mr. WARNER. I am glad to see them, but they are not here for our "protection." Whether armed men are placed at the doors of this Capitol, or about it, to prevent entrance or for our protection or for any other purpose I do protest against it, and I concur in every word that has been said by the gentleman from Missouri, [Mr. FROST.] Can the Speaker inform us by what authority it has been done? Is it by any officer of this House or of either House? I care not whether it is done by the officers of one House or the other, or by any other authority, it should not be passed by unnoticed. Eternal vigilance is the price of liberty, and I will not see the military, whether militia or the regular soldiery, substituted for civil officers without my solemn protest, I care not whether it was done thoughtlessly or otherwise. It is a precedent fraught with danger. The substitution of military force for civil officers in the administration of the civil power has been the beginning of the end of every free government that has had an existence on the face of the earth. Liberty and the armed soldier in the administration of civil law have never stood together and never can. I should like even to see a civic procession on an occasion like this unmarred by the presence of a single bayonet.

Mr. YOUNG, of Ohio. I rise to a question of order. There is so much confusion in the Hall that we cannot understand what the gentleman is speaking about.

The SPEAKER *pro tempore*. Nobody can understand till members are seated. Every member will be seated.

Mr. ROBESON. On both sides?

The SPEAKER *pro tempore*. On both sides.

Mr. ROBESON, (rising.) I trust the Chair will enforce its order.

The SPEAKER *pro tempore*. The gentleman from New Jersey [Mr. ROBESON] will be seated. [Laughter.]

Mr. WARNER. It will not do for gentlemen to try to cry down a matter of this kind. However harmless it may be to-day, it is a thing that should be killed at its birth.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. WARNER] will be seated, and members will come to order.

Mr. CONGER. We cannot be quiet while there are soldiers in this Hall. The galleries are full of soldiers. It fills us with alarm! [Laughter.]

Mr. CARLISLE. Mr. Speaker, if gentlemen will preserve order, the question presented by this resolution can be disposed of without any excitement or any undue feeling. I have no doubt that these armed men—whether they be militia or soldiers of the regular Army I do not know—have been placed here as a part of the police to preserve order to-day. If any harm has been done let this House, in a calm and dispassionate way, as becomes us, express our opinion concerning it; but let us not make a great sensation in the country over a small matter, which doubtless was not intended to do any harm to anybody. I admit that it is a very bad precedent to station armed men around this Capitol and that it ought not to be tolerated, especially if they have been stationed here for an improper or illegal purpose. If it has been a mere mistake, if they have been placed here to preserve order during the ceremonies which are to take place to-day, I repeat that we ought not to get into a great passion or a high state of excitement about it. But we can express our opinion concerning the proceeding nevertheless, and I am willing to do so.

Mr. WARNER. If there has been a mistake made, let us know it. This may appear to the gentleman from Kentucky [Mr. CARLISLE] "a small matter," but it makes a very bad precedent.

Mr. CARLISLE. I have said so.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. HUTCHINS] holds the floor. To whom does he yield?

Mr. HUTCHINS. To the gentleman from Illinois [Mr. SPARKS] for one minute.

Mr. SPARKS. Mr. Speaker, I desire to say but very few words on the resolution now before us, and feel that those words ought to be spoken calmly and in earnestness.

There is no man in this House or country, I am quite sure, who would deprecate more deeply or resent more indignantly than myself any interference on the part of the military with the legitimate functions of the civil authorities. At first blush this would seem to be such case; for it is difficult to present a case more flagrant than that of the members of the highest legislative body known to our laws being compelled to enter the halls of their deliberations through the gleaming ranks of bayonets stationed there to question their entrance.

In this case members state that not only were armed men stationed at or near the approaches to the Capitol, but that they were by them halted and refused admittance except on the presentation of passes, or evidences of authority to enter.

Now, sir, this looks serious, but, calmly considered, what is there in it? What are the facts?

In anticipation of the immense crowd which is now here attending the inauguration the Senate, to guard against intrusion and confusion incident to the exercises to be had in the Senate Chamber, made some regulations or orders (not sufficiently guarded, perhaps) to meet that exigency, and the Sergeant-at-Arms and other officials of that body in carrying into effect those regulations employed, as I am informed, some independent militia who, being armed, were assigned to that duty.

The regular military forces of the Government have had nothing whatever to do with it, neither in command nor execution by officers or men, and are in no wise responsible for any errors or inconveniences that may have arisen from it.

The mistake seems to have been in the employment of these militiamen who were not sufficiently acquainted with the members of Congress.

Whatever responsibility, therefore, may be resting upon anybody belongs to the loose orders of the Senate or the inefficient and ill-guarded execution of them by the Senate officials charged with that duty, and if condemation or censure is to be passed upon any one, it ought to be upon them and not upon the military, for in a proper sense the military have had nothing whatever to do with it.

Mr. WARNER. But it is a matter for earnest protest.

Mr. HUTCHINS. I yield to the gentleman from Iowa, [Mr. GILLETTE.]

Mr. GILLETTE took the floor.

Mr. ROBESON. I ask the resolution be again reported and I will ask there be order in the House while it is being read.

Mr. McCOOK. Mr. Speaker, I wish to be heard.

Mr. BROWNE. I rise to a parliamentary inquiry. How much time has the gentleman from New York?

The SPEAKER *pro tempore*. He has one hour.

Mr. BROWNE. He has been on the floor about three quarters of an hour.

The SPEAKER *pro tempore*. The Chair will decide that.

Mr. FRYE. Allow the tempest in a tea-pot to go on.

Mr. CONGER. We are acting under a suspension of the rules and I insist that the gentleman from New York is not entitled to the floor, but that the regular order of business is to proceed with the pension bills in their order.

The SPEAKER *pro tempore*. The Chair will not decide the point of order until order is restored in the Hall.

Mr. CONGER. Then the Chair will not decide the point this session.

The SPEAKER *pro tempore*. The gentleman from Michigan will state his point of order.

Mr. CONGER. I make the point that the Chair has no right while the House is acting under a suspension of the rules to declare other business in order.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. CONGER. I appeal from the decision of the Chair.

Mr. ATHERTON. I move to lay the appeal upon the table.

Mr. McCOOK. What is it?

The SPEAKER *pro tempore*. The gentleman from Michigan will state his point of order.

Mr. CONGER. My point of order is that we are acting under a suspension of the rules and no other matter can come in by unanimous consent. Therefore, the gentleman has no hour and no minute to talk here.

Mr. ATHERTON. The gentleman is too late with that point of order.

The SPEAKER *pro tempore*. The Chair has overruled the point of order.

Mr. CONGER. And I have appealed from the decision of the Chair.

The SPEAKER *pro tempore*. The point of order comes too late, in the first place, and in the next place the resolution was introduced as a question of privilege, parliamentary and constitutional.

Mr. CONGER. I appeal from that decision of the Chair.

Mr. ROBESON. I ask that the resolution be again read.

Mr. ATHERTON. I have moved to lay the appeal upon the table.

Mr. SINGLETON, of Illinois. I demand the yeas and nays.

Mr. RYON, of Pennsylvania. Let us take a recess until half past eleven.

The yeas and nays were ordered.

The question was taken, and decided in the affirmative—yeas 119, nays 92, not voting 79; as follows:

YEAS—119.

Acklen,	Coffroth,	Hurd,	Poehler,
Aiken,	Colerick,	Hutchins,	Reagan,
Atherton,	Converse,	Jones,	Richardson, J. S.
Atkins,	Cook,	Kenna,	Richmond,
Bachman,	Cravens,	Kimmel,	Robertson,
Baker,	Culberson,	Klotz,	Ross,
Beale,	Davidson,	Knott,	Rothwell,
Beltzhoover,	Davis, Lowndes H.	Ladd,	Ryan, Thomas
Berry,	Deuster,	Le Fevre,	Ryon, John W.
Bicknell,	Dibrell,	Lounsbery,	Samford,
Blackburn,	Elam,	Lowe,	Sawyer,
Blount,	Evins,	Manning,	Scales,
Bouck,	Felton,	Martin, Edward L.	Shelley,
Bragg,	Forney,	McKenzie,	Singleton, J. W.
Brewer,	Frost,	McLane,	Singleton, O. R.
Briggs,	Geddes,	McMillin,	Slemons,
Bright,	Gunter,	Mills,	Smith, William E.
Cabell,	Hammond, N. J.	Money,	Sparks,
Caldwell,	Haskell,	Morrison,	Speer,
Calkins,	Hatch,	Myers,	Springer,
Carlisle,	Herbert,	New,	Stephens,
Chalmers,	Herndon,	Nicholls,	Stevenson,
Clark, Alvah A.	Hill,	Persons,	Talbott,
Clements,	Hooker,	Phelps,	Taylor, Robert L.
Clymer,	Hostetler,	Philips,	Thompson, P. B.
Cobb,	Hunton,	Phister,	Tillman,
Tucker,	Warner,	Whiteaker,	Wilson,
Turner, Oscar	Weaver,	Whitthorne,	Wise,
Turner, Thomas	Wellborn,	Williams, Thomas	Young, Casey.
Vance,	Wells,	Willis,	

NAYS—92.

Aldrich, William	De La Matyr,	Lapham,	Robinson,
Anderson,	Dick,	Lindsey,	Sapp,
Bailey,	Dunnell,	Loring,	Shallenberger,
Ballou,	Dwight,	Marsh,	Sherwin,
Barber,	Einstein,	Mason,	Smith, A. Herr
Bayne,	Errett,	McCook,	Starin,
Belford,	Fisher,	McGowan,	Stone,
Bingham,	Ford,	McKinley,	Taylor, Ezra B.
Blake,	Forsythe,	Miles,	Thomas,
Brigham,	Frye,	Miller,	Thompson, W. G.
Browne,	Godshalk,	Morton,	Townsend, Amos
Burrows,	Hall,	Newberry,	Updegraff, J. T.
Camp,	Harmer,	Norcross,	Updegraff, Thomas
Cannon,	Harris, Benj. W.	O'Neill,	Valentine,
Carpenter,	Hawk,	Orth,	Van Aernam,
Caswell,	Heilman,	Osmer,	Van Voorhis,
Chittenden,	Horr,	Overton,	Wait,
Claflin,	Hubbell,	Prescott,	Ward,
Conger,	Humphrey,	Price,	Washburn,
Cowgill,	Keifer,	Reed,	White,
Davis, George R.	Kelley,	Rice,	Williams, C. G.
Davis, Horace	Ketcham,	Richardson, D. P.	Willits,
Deering,	Killinger,	Robeson,	Young, Thomas L.

NOT VOTING—79.

Aldrich, N. W.	Ellis,	Johnston,	Pound,
Armfield,	Ewing,	Jorgensen,	Ray,
Barlow,	Ferdon,	Joyce,	Russell, Daniel L.
Bisbee,	Finley,	King,	Russell, W. A.
Bland,	Fort,	Kitchin,	Scoville,
Bliss,	Gibson,	Martin, Benj. F.	Simonton,
Bowman,	Gillette,	McCoid,	Smith, Hezekiah B.
Boyd,	Goode,	McMahon,	Steele,
Buckner,	Hammond, John	Mitchell,	Townshend, R. W.
Butterworth,	Harris, John T.	Monroe,	Tyler,
Clardy,	Hawley,	Morse,	Upson,
Clark, John B.	Hayes,	Muldrow,	Urner,
Covert,	Hazelton,	Muller,	Voorhis,
Cox,	Henderson,	Murch,	Waddill,
Crapo,	Henkle,	Neal,	Wilber,
Crowley,	Henry,	O'Brien,	Wood,
Daggett,	Hiscock,	O'Connor,	Wright,
Davis, Joseph J.	Houk,	O'Reilly,	Yeates,
Dickey,	House,	Pacheco,	Yocum.
Dunn,	James,	Page,	

So the appeal from the decision of the Chair was laid on the table.

The following pairs were announced:

Mr. JAMES with Mr. O'BRIEN, until further notice.

Mr. O'CONNOR with Mr. HOUK, both being ill, until further notice.

Mr. HENDERSON with Mr. TOWNSHEND, of Illinois.

Mr. BEALE with Mr. BOYD.

Mr. JOYCE with Mr. BUCKNER.

Mr. MARTIN, of Delaware, moved to dispense with the reading of the names.

Mr. SINGLETON, of Illinois, and others objected.

Mr. PAGE. Mr. Speaker, I have listened attentively for the calling of my name during the roll-call, and was unable to hear it. I do not know whether my vote has been recorded or not.

The SPEAKER *pro tempore*, (Mr. CARLISLE.) Did the gentleman vote?

Mr. PAGE. I have just stated that I listened to the calling of my name. The Clerk has passed it. At all events, in the confusion, I have failed to hear it. I ask permission to vote.

The SPEAKER *pro tempore*. The Chair cannot entertain, as the gentleman is aware, a request for unanimous consent under the rules. The gentleman, however, accomplishes his purpose by stating how he would have voted.

Mr. PAGE. I would have voted in the negative.

The result of the vote was then announced as above recorded.

Mr. HUTCHINS. Mr. Speaker, I now move the previous question on the adoption of the resolution.

Mr. KNOTT. I ask the gentleman from New York to yield to me to offer the following.

Mr. HUTCHINS. I will yield to the gentleman for that purpose.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed without amendment a joint resolution of the House (No. 419) to authorize the printing of 15,000 extra copies of the report of the Director of the Mint on the statistics of the production of gold and silver in the United States.

The message also announced that the Senate had agreed to the resolution of the House providing for the printing and distribution under the direction of the War Department of 10,000 copies of the report of the Chief Signal Officer.

Also, that the Senate had passed without amendment the bill of the House (No. 3826) for the relief of the heirs of the late Langley B. Culley.

The message further announced that the Senate had appointed a committee of two members, to join such committee as may be appointed on the part of the House, to wait upon the President of the United States to inform him that the two Houses of Congress, having finished their business, were now ready to receive any communication he may have to make prior to an adjournment; and further, that

Messrs. SAULSBURY and HOAR had been appointed as such committee on the part of the Senate.

PRIVILEGES OF MEMBERS.

Mr. HUTCHINS. I yield to the gentleman from Kentucky.

Mr. KNOTT. Then I offer the following as a substitute for the resolution originally reported.

Mr. O'NEILL. What has become of the regular order?

The SPEAKER *pro tempore*. The regular order is being proceeded with.

Mr. BROWNE. I would like to offer an amendment.

The SPEAKER *pro tempore*. The resolution proposed as a substitute by the gentleman from Kentucky will be read.

The Clerk read as follows:

Resolved, That the placing of an armed force at the doors of this Capitol is without authority of law, a breach of the privileges of this House and a restraint upon the liberty of the citizen which should be condemned; and that the Speaker of this House be, and he is hereby, directed to cause their instant removal from the approaches to this Hall.

Mr. HUTCHINS. I accept the substitute of the gentleman from Kentucky, and demand the previous question.

Mr. BROWNE. I desire to move an amendment to the substitute if I can get an opportunity to do so.

The SPEAKER *pro tempore*. The gentleman from New York demands the previous question.

Mr. CONGER. I move to lay the whole subject on the table.

Mr. HUTCHINS. I have demanded the previous question.

Mr. WILSON. I ask gentlemen to yield to me in order to make a privileged report by unanimous consent. This is of public importance and necessity.

Several members objected.

Mr. BROWNE. I desire simply to place the responsibility where it belongs.

Mr. HUTCHINS. I demand the previous question.

Mr. BROWNE. I insist that it is not fair that gentlemen who have occupied part of an hour on the other side should now move the previous question so as to cut off all debate or amendment on this side. I desire to insert in the amendment, after the word "Capitol," the words "by the democratic Sergeant-at-Arms of the Senate." This will put the responsibility in the right place.

The SPEAKER *pro tempore*. The question is on ordering the main question.

Mr. CONGER. Where is my motion to lay on the table?

The SPEAKER *pro tempore*. That will be in order after the main question is ordered.

Mr. CONGER. The rule says it may be before or after.

The SPEAKER *pro tempore*. The previous question was demanded first, and if ordered it does not preclude the gentleman having a vote upon his motion.

Mr. CONGER. But when the motion to lay on the table was made the previous question had not been ordered.

The SPEAKER *pro tempore*. It had been demanded, the Chair is aware.

Mr. CONGER. But not ordered. I prefer to have a vote on my motion first.

The SPEAKER *pro tempore*. The Chair is inclined to think the gentleman from Michigan is entitled to have a vote on his motion pending the demand for the previous question under the new rules. The question is on laying the resolution and proposed substitute on the table.

Mr. BLACKBURN. On that I demand the yeas and nays to save time.

The yeas and nays were ordered.

COMMITTEE TO WAIT UPON THE PRESIDENT.

The SPEAKER *pro tempore*. Before the vote is taken, the Chair would like to appoint the usual committee to wait upon the President in conjunction with the Senate committee, to inform him that the two Houses are ready to adjourn, and to receive from him any communication he may have to make.

The following committee on the part of the House was appointed: Mr. TUCKER, Mr. GEDDES, and Mr. ROBESON.

ENROLLED BILLS SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution and bill of the following titles; when the Speaker signed the same:

Joint Resolution (H. R. No. 419) to print 15,000 copies of the report of the Director of the Mint on the statistics of the annual production of gold and silver in the United States; and

A bill (H. R. No. 3826) for the relief of the heirs of the late Langley B. Culley.

PRIVILEGE OF MEMBERS.

The SPEAKER *pro tempore*. The yeas and nays have been ordered upon the motion to lay on the table the substitute for the proposed resolution. The Clerk will call the roll.

The question was taken; and there were—yeas 99, nays 120, not voting 71; as follows:

YEAS—99.

Aldrich, William	Barber,	Brigham,	Carpenter,
Anderson,	Bayne,	Browne,	Caswell,
Bailey,	Bisbee,	Butterworth,	Chittenden,
Baker,	Blake,	Camp,	Claflin,
Ballou,	Brewer,	Cannon,	Conger,
Cowgill,	Heilman,	Norcross,	Taylor, Ezra B.
Crapo,	Horr,	O'Neill,	Thomas,
Crowley,	Humphrey,	Orth,	Thompson, W. G.
Daggett,	Jones,	Osmer,	Townsend, Amos
Davis, George R.	Keifer,	Overton,	Tyler,
De La Matyr,	Kelley,	Page,	Updegraff, J. T.
Deering,	Ketcham,	Prescott,	Updegraff, Thomas
Dick,	Lapham,	Price,	Urner,
Dunnell,	Lindsey,	Ray,	Valentine,
Dwight,	Marsh,	Reed,	Van Aernam
Einstein,	Mason,	Rice,	Voorhis,
Errett,	McCoid,	Richardson, D. P.	Wait,
Forsythe,	McCook,	Robinson.	Ward,
Fort,	McGowan,	Russell, W. A.	Washburn,
Frye,	McKinley,	Ryan, Thomas	Weaver,
Godshalk,	Miles,	Sapp,	Williams, C. G.
Harmer,	Monroe,	Shallenberger,	Willits.
Harris, Benj. W.	Morton,	Sherwin,	Yocum,
Haskell,	Neal,	Smith, A. Herr	Young, Thomas L.
Hawk,	Newberry,	Stone,	

NAYS—120.

Acklen,	Deuster,	Le Fevre,	Shelley,
Aiken,	Dibrell,	Lounsberry,	Simonton,
Atkins,	Dickey,	Manning,	Singleton, J. W.
Beale,	Dunn,	Martin, Benj. F.	Singleton, O. R.
Beltzhoover,	Elam,	Martin, Edward L.	Slemons,
Berry,	Evins,	McKenzie,	Smith, William E.
Bicknell,	Finley,	McMahon,	Sparks,
Blackburn,	Forney,	McMillin,	Speer,
Bouck,	Frost,	Mills,	Springer,
Bragg,	Geddes,	Morrison,	Stevens,
Briggs,	Gunter,	Muldrow,	Stevenson,
Cabell,	Hall,	Myers,	Talbott,
Caldwell,	Hammond, N. J.	New,	Taylor, Robert L.
Carlisle,	Hatch,	Nicholls,	Thompson, P. B.
Chalmers,	Henkle,	O'Reilly,	Tillman,
Clark, Alvah A.	Herbert,	Persons,	Tucker,
Clark, John B.	Herndon,	Phelps,	Turner, Oscar
Clements,	Hill,	Phillips,	Turner, Thomas
Clymer,	Hooker,	Phister,	Upson,
Cobb,	Hostetler,	Poehler,	Vance,
Coffroth,	House,	Reagan,	Warner,
Colerick,	Hurd,	Richardson, J. S.	Wellborn,
Converse,	Hutchins,	Richmond,	Wells,
Cook,	Kenna,	Robertson,	Whiteaker,
Covert,	Killinger,	Ross,	Whitthorne,
Cox,	Kimmel,	Rothwell,	Williams, Thomas,
Cravens,	King,	Ryon, John W.	Willis,
Culberson,	Klotz,	Samford,	Wilson,
Davidson,	Knott,	Sawyer,	Wise,
Davis, Lowndes H.	Ladd,	Scales,	Young, Casey.

NOT VOTING—71.

Aldrich, N. W.	Davis, Joseph J.	Houk,	O'Connor,
Armfield,	Ellis,	Hubbell,	Pacheco,
Atherton,	Ewing,	Hunton,	Pound,
Bachmam,	Felton,	James,	Robeson,
Barlow,	Ferdon,	Johnston,	Russell, Daniel L.
Belford,	Fisher,	Jorgensen,	Scoville,
Bingham,	Ford,	Joyce,	Smith, Hezekiah B.
Bland,	Gibson,	Kitchin,	Starin,
Bliss,	Gillette,	Loring,	Steele,
Blount,	Goode,	Lowe,	Townshend, R. W.
Bowman,	Hammond, John	McLane,	Van Voorhis,
Boyd,	Harris, John T.	Miller,	Waddill,
Bright,	Hawley,	Mitchell,	White,
Buckner,	Hayes,	Money,	Wilber,
Burrows,	Hazelton,	Morse,	Wood,
Calkins,	Henderson,	Muller,	Wright,
Clardy,	Henry,	Murch,	Yeates.
Davis, Horace	Hiscock,	O'Brien,	

So the House refused to lay the resolution on the table.

After the second roll-call,

Mr. RUSSELL, of Massachusetts, said: I move to dispense with the reading of the names.

Mr. CONGER. I object.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Michigan, that owing to the lapse of time no further action will be had on this matter.

Mr. CONGER. I ask that unanimous consent be given to that effect.

The SPEAKER *pro tempore*. The Chair is informed by the gentleman from New York [Mr. HUTCHINS] that no further action will be sought under the circumstances.

Mr. CONGER. Let unanimous consent be asked.

Mr. WARNER. I hope the resolution may be put upon its passage without the yeas and nays.

Mr. ERRETT. No, no.

The SPEAKER *pro tempore*. If the regular order is demanded the Clerk will read the names.

Mr. CONGER. The Speaker of course will check the proceedings when the proper time comes.

The Clerk proceeded to read the names of members who had voted.

The result of the vote was then announced as above stated.

Mr. HUTCHINS. It is so near the time of the final adjournment of this session, but ten minutes remaining, that I will not insist on the resolution.

WITHDRAWAL OF PAPERS.

On motion of Mr. BOYD, by unanimous consent, leave was granted to withdraw from the files of the House papers in the case of Orrin L. Shippen, there being no adverse report thereon.

LEAVE TO PRINT.

By unanimous consent leave was given to Mr. WHITE to have

printed in the RECORD some remarks on the proper treatment of the Mormon question. [See Appendix.]

PRINTING OF REPORT.

Mr. RUSSELL, of Massachusetts. The Committee on Commerce ask to have printed 2,000 extra copies of House report No. 342, including report of the minority.

There was no objection, and it was so ordered.

CHARLES W. BUTTON.

Mr. COLERICK, from the Committee on Claims, reported a bill (H. R. No. 7257) for the relief of Charles W. Button; which was read twice, committed to the Committee of the Whole, and ordered to be printed.

INAUGURAL CEREMONIES.

The SPEAKER. The Chair is requested to state that after the final adjournment the members of this House will form and go in a body to the Senate for the purpose of being present at the inaugural exercises in the Senate.

PRESERVATION OF HOUSE ARCHIVES.

Mr. DAVIS, of California. I desire to make a privileged report from the Committee on Accounts, and I will ask for its present consideration, as it affects the preservation of property of great value which cannot be replaced, consisting of the original manuscript records of this House. I ask that the report be read.

The report was read, as follows:

Mr. DAVIS, from the Committee on Accounts, to which was referred the joint resolution (H. R. No. 391) providing for arranging and classifying the files of the House now stored under the Hall of the House, submits the following report:

That your committee have visited the rooms assigned to the clerk for the storage of original papers, and find an actual and immediate necessity for the removal of the large collection of valuable executive and miscellaneous documents stored beneath the Hall of the House.

The originals in this store-room are of great value, being the only manuscript record of legislation from the First to the Thirtieth Congress, and to properly examine, arrange, and transfer these papers to the fire-proof rooms recently perfected by the Architect of the Capitol will require months of labor. Your committee therefore unanimously recommend the adoption of the following resolution:

Resolved, That the Clerk of the House be authorized to appoint a clerk, whose duties shall be to properly arrange, classify, and place in the fire-proof rooms adjoining the file-room the large collection of original manuscripts now stored under the Hall of the House; also to assist in the preparation and filing of papers of the Forty-sixth Congress; said clerk to be paid, until otherwise ordered, out of the contingent fund of the House of Representatives a compensation per diem the same as is now paid messengers in the House library.

The resolution was agreed to.

CHARLES H. FRANK.

Mr. MARTIN, of Delaware. I call for the regular order.

The SPEAKER. The regular order is the consideration of the bill of the Senate, No. 1334, for the relief of Charles H. Frank.

Mr. MARTIN, of Delaware. I ask a vote on the bill.

The SPEAKER. The question is on the passage of the bill.

Mr. WARNER. I move to lay the bill aside. There are reasons why it should not pass, but I have not time to state them now.

Mr. MARTIN, of Delaware. This is my man, and I hope the bill will be passed.

Mr. WARNER. Let it be passed over, and take up the next bill.

Mr. MARTIN, of Delaware. I call the previous question on the bill.

Mr. WARNER. Then I will call for the yeas and nays.

Many MEMBERS. Oh, no!

Mr. CONGER. I hope the gentleman will not devote the last moments of his time here in filibustering against a pension bill.

BILLS APPROVED.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 688) for the relief of the sureties of Franklin Travis;

An act (H. R. No. 853) granting a pension to Caroline Stief;

An act (H. R. No. 1102) granting a pension to John S. Corlett;

An act (H. R. No. 1453) for the relief of James R. Gordon;

An act (H. R. No. 1649) granting a pension to William W. Church;

An act (H. R. No. 1729) for the payment of certain Indian war bonds of the State of California;

An act (H. R. No. 2058) for the relief of Redmond Tully;

An act (H. R. No. 2180) granting an increase of pension to James H. Reeve;

An act (H. R. No. 2384) amendatory of and supplementary to "an act to provide for holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878;

An act (H. R. No. 2637) granting a pension to Johanna Meehan and minor children;

An act (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio;

An act (H. R. No. 3292) granting a pension to Sally M. Buchanan, widow of General Robert M. Buchanan, United States Army.

An act (H. R. No. 3520) to establish a port of delivery at Indianapolis, in the State of Indiana;

An act (H. R. No. 3786) granting a pension to William C. Parker;

An act (H. R. No. 4050) to divide the State of Louisiana into two judicial districts;

An act (H. R. No. 4206) confirming and vesting the title to a certain tract of land in Burlington, Iowa, in the independent school district of said city;

An act (H. R. No. 4451) to provide for the erection of a monument at Schuylerville, New York, commemorative of the battle of Saratoga, and for other purposes;

An act (H. R. No. 4608) granting a pension to Betsey Elwell;

An act (H. R. No. 5521) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof;

An act (H. R. No. 5629) to graduate the price and dispose of the residue of the Osage Indian trust and diminished reserve lands lying east of the sixth principal meridian in Kansas;

An act (H. R. No. 5677) granting a pension to Stephen P. Benton;

An act (H. R. No. 5715) to vacate and close an allley in square 504 in Washington, District of Columbia;

An act (H. R. No. 6324) to construe an act entitled "An act to relieve the churches and orphan asylums of the District of Columbia, and to clear the title of the trustees of such property;

An act (H. R. No. 6860) for the relief of William H. Davis;

An act (H. R. No. 7035) making appropriations to provide for expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes;

An act (H. R. No. 7160) for the relief of John H. Templeton;

An act (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes;

An act (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; and

Joint resolution (H. R. No. 419) to print 15,000 copies of the report of the Director of the Mint on the statistics of the annual production of gold and silver in the United States.

NOTIFICATION OF THE PRESIDENT.

Mr. TUCKER, from the committee to wait on the President of the United States, reported that, in conjunction with the committee appointed on behalf of the Senate, they had performed that duty, and the President had requested them to inform the two Houses of Congress that he had no further communication to make to them.

LATE CONGRESSIONAL ELECTION IN CINCINNATI, OHIO.

Mr. YOUNG, of Ohio. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. YOUNG, of Ohio. Nearly two years ago a resolution was introduced into this House challenging the methods by which my colleague, Mr. BUTTERWORTH, and myself were elected to this Congress. The resolution was discussed at some length, and finally adopted. Under the resolution the Speaker appointed a committee of investigation. To be brief, that committee went to the city of Cincinnati and took testimony at an expense of nearly six thousand dollars to the United States Government. That testimony was regarded of sufficient importance to be printed, at an additional expense to the Government. I demand, therefore, that before the final adjournment of this Congress the committee shall state to this House and to the country, for the benefit of my colleague as well as of myself, why no report of that investigation has been made to this House.

Mr. CARLISLE. Perhaps if the gentleman from Ohio [Mr. YOUNG] would ask the members of the minority of that committee, they could inform him why the report on this subject was not made at the last session before the adjournment.

Mr. YOUNG, of Ohio. I am not asking the minority or the majority of the committee. I am asking why the committee have not made any report.

Mr. CARLISLE. Those gentlemen stated that it was so late in the session that they had not time to prepare the views of the minority, and besides they wanted to call another witness, Mr. Sayler. At the beginning of this session of Congress I informed the gentleman from Michigan, who is at the head of the minority of the committee, [Mr. CONGER,] that if they desired to call that witness it could be done as we desired to make a report. They have not called him.

A resolution has been adopted by the House to-day authorizing committees desiring to make reports to file them with the Clerk of the House. If there is no objection from the minority of the committee, a report will be made and filed with the Clerk under that resolution.

The SPEAKER. The resolution referred to by the gentleman from Kentucky [Mr. CARLISLE] authorizes a minority of a committee to file its views with the report of the majority.

Mr. CONGER. The committee has had no opportunity to meet and consider a report, and has not met and considered any report on that subject. I desire to say that the minority have never interposed any obstacle or objection to the majority making any report, provided a former member of Congress from Cincinnati, Mr. Sayler, could be called before the committee and examined.

Mr. CARLISLE. Why did you not call him?

Mr. CONGER. The committee has never been called together for that purpose.

Mr. CARLISLE. I notified the gentleman that I would call the committee together any day he wanted to call a witness.

Mr. CONGER. And we notified the gentleman of the time we would call the witness.

VALEDICTORY OF THE SPEAKER.

The SPEAKER. The work of the Forty-sixth Congress is done. Before uttering the final words of its adjournment precedent justifies a few appropriate reflections.

In 1874 the democratic party, after a long interval, obtained control of this House. With the close of this session it is again in a minority. At the outset it had to face a financial crisis almost unparalleled in our history. Labor unemployed, trade depressed, commercial distress widespread, gloom everywhere. It stopped extravagance, established economy in administration, restored confidence, and now with gladness it beholds the Republic launched upon a career of unexampled prosperity.

It found gold at a premium and the notes of the Government at a discount. It leaves the credit of the United States better than ever before, and unequaled in the money markets of the world.

It has witnessed the removal of sectional distrust and the restoration of perfect unity within our borders. It has given birth to an era of fraternal concord. Men of all classes and every section seem only to strive who shall best serve the common weal.

With the expenditures of the Government and with payments for interest reduced, the crowning triumph of its administration was the effort to refund the public debt at 3 per cent.

I am sincerely grateful to the members of the House on every side for the vote of thanks with which they have honored me. I am sensible how much I owe to the generous forbearance and active goodwill of my fellow-members. Thrice elected to this exalted position, there may be personal pride for me to remember that during all the service no decision of the Chair has been overruled. But it is of higher import, and the renown more enduring to the House of Representatives, that its fair fame for this entire period is unstained.

Members have differed widely, and yet, manifestly acting from deep conviction of duty, they have won mutual esteem. For myself, I shall retire from the Speaker's chair with unkind feeling toward not a solitary member.

Wishing you, one and all, a safe return to your homes, it now only remains for me, in obedience to the mandate of the Constitution, to declare this House adjourned without day. [Loud applause.]

PETITIONS, ETC.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. WILLIAM ALDRICH: The petition of the Yearly Meeting of Friends, against the passage of the bill (H. R. No. 5638) to provide for reorganizing, arming, and desciplining the militia—to the Committee on the Militia.

By Mr. ANDERSON: Three petitions of citizens of Jackson, Davis, and Ellis Counties, Kansas, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. BURROWS: The petition of citizens of Michigan, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of citizens of Michigan, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of citizens of Michigan, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of citizens of Michigan, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. DEERING: The petition of ex-soldiers of Chickasaw County, Iowa, who were inmates of rebel prisons, for the enactment of a law granting them pensions—to the Committee on Invalid Pensions.

Also, the petition of ex-soldiers of Chickasaw County, Iowa, against the passage of Senate bill No. 496—to the committee on Invalid Pensions.

By Mr. EDWARD L. MARTIN: The petition of John Heyd and others, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of J. S. Willis and others, that the Commissioner of Agriculture be made a member of the Cabinet—to the Committee on Agriculture.

Also, the petition of R. D. Leech and others, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of George W. Killen and others, for the passage of a law taxing incomes—to the Committee on Ways and Means.

By Mr. SPRINGER: The petition of Seth Driggs, for relief—to the Committee on Foreign Affairs.

By Mr. WEAVER: The petitions of Alfred Kelly and 30 others, of V. B. Knowles and 100 others, and of J. Nickell and 100 others, against refunding the public debt and for paying the same—to the Committee on Ways and Means.

Also, the petition of John C. Green and 25 others, of Illinois, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Refunding of the National Debt.

SPEECH OF HON. RICHARD P. BLAND,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 10, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. BLAND said:

Mr. CHAIRMAN: On the 16th day of December last I introduced and had referred to the Committee of the Whole as a pending amendment to the funding bill the following:

Strike out all after enacting clause and insert as follows:

"That of the coin now in the Treasury the sum of $100,000,000 is hereby appropriated for the payment of the interest-bearing debt of the United States due in the years 1880 and 1881: *And it is further provided*, That the sum of $100,000,000 of revenues not otherwise appropriated be, and the same is hereby, appropriated for the purposes aforesaid: *It is further provided*, That the Secretary of the Treasury shall cause to be coined the maximum amount of silver bullion into standard silver dollars in the manner now authorized by law, and shall pay out such dollars in the redemption of the public debt hereinbefore mentioned monthly, and the particular bonds to be redeemed from time to time in pursuance to this act shall be determined by lot under such rules as the Secretary of the Treasury shall prescribe.

"SEC. 2. That all laws and parts of laws, so far as the same may authorize the issuing of bonds for the purpose of refunding or redeeming the interest-bearing debt of the United States be, and they are hereby, repealed."

The debt that is now or during this year will be redeemable at the pleasure of the Government is as follows:

Loan.	Rate.	Payable.	Redeemable.	Amount.
February, 1861	6 per cent.	Dec. 1, 1880		$13,414,000
Oregon war	6 per cent.	July 1, 1881		711,800
July and August, 1861	6 per cent.		June 30, 1881	145,786,500
1863, (1881s)	6 per cent.		June 30, 1881	57,787,250
1881, funded	5 per cent.		May 1, 1881	469,651,050
Outstanding, Nov. 1, 1880				687,350,600

Constituting a total of $687,350,600. The proposed amendment utilizes one hundred millions of coin now in the Treasury and one hundred millions of revenue for the payment of the debt. This would leave a balance of $487,350,600 to be provided for. This amount is provided for by the amendment in requiring the Secretary of the Treasury to execute the laws of Congress enacted with special view of meeting and paying the public debt. All the bonds now outstanding are coin bonds, the 5-20 bonds, that were originally payable in lawful money, having been redeemed and canceled. To provide the coin to pay these coin bonds the silver law was passed by Congress. This law authorizes and requires the Secretary of the Treasury to purchase, at market rates, not less than two, nor more than four million dollars' worth of silver bullion per month, and to coin the same monthly into standard silver dollars. At the present price of silver bullion two million dollars' worth per month, or twenty-four million dollars' worth per annum, will coin something over twenty-seven million dollars; so that the profit on twenty-four millions of bullion is $3,000,000. It will be observed that the law requires to be coined twenty-four million dollars' worth of bullion as the minimum amount of bullion to be coined, so that $27,000,000 is the minimum amount of dollars to be coined, for the law requires not less than twenty-four million dollars' worth of bullion to be coined annually. If the Secretary of the Treasury would coin the maximum amount of silver bullion, namely, forty-eight million dollars' worth annually, we would have as the product of this fifty-four million silver dollars as the maximum amount authorized to be coined annually. The profit on this would be $6,000,000. We therefore see that a profit of six millions annually would accrue to the Government should we coin standard silver dollars at the maximum rate required by law.

By coining forty-eight million dollars' worth of bullion per annum we can pay off fifty-four millions of the debt every year at a clear profit of six millions on every forty-eight million dollars of revenue invested in silver bullion in the manner now authorized by law. It may be remarked right here that there is common misunderstanding of the provisions of the law restoring the silver dollar. It is generally supposed that the law requires the coinage of not less than two nor more than four millions of standard silver dollars per month, but such is not the terms of the law. The law requires the purchase of not less than two million nor more than four million dollars' worth of bullion, and this bullion must be coined monthly into standard dollars; consequently two million dollars' worth per month or twenty-four per annum will coin over twenty-seven millions of dollars per annum.

It is thus made plain that if we coin standard silver dollars at the maximum rate required by law the Government will realize a profit of over six millions of dollars. I will call it only six millions, and this margin will be sufficient to cover any probable rise of bullion in the market. After discharging two hundred millions of the debt as proposed we have, as before stated, $487,350,600; say four hundred and eighty-seven millions to be paid in the coinage of silver as required. If we purchase monthly, as the law in all respects authorizes and provides for, four millions' worth of silver bullion per month or forty-eight millions per annum will purchase sufficient bullion to coin and pay fifty-four millions annually. This will enable us to pay the debt in nine years, which is less than any time proposed in any other proposition pending before the committee. By reducing the principal annually, we *pro tanto* reduce interest; so that, calculating the interest at 5 per cent., in nine years we would pay less than nine million dollars as interest. Add nine millions as interest to the four hundred and eighty-seven millions principal and we have a total of four hundred and ninety-six millions to be paid in nine years.

The profit on the purchase and coinage of silver bullion is over twelve million dollars on every hundred millions purchased coined. The profit on the coinage of four hundred and ninety-six millions would be not less than sixty million dollars. Subtract sixty millions from four hundred and ninety-six millions and we have four hundred and thirty-six millions. This shows that four hundred and thirty-six millions of revenue will purchase silver bullion sufficient to coin and pay the whole debt of four hundred and eighty-seven millions principal.

The facts stated are based upon the law and mathematics. They cannot be disputed. It may be said that during this period silver bullion would appreciate in the market, especially when the Government purchased this increased amount. In my calculations I have made much allowance for that because I have simply placed the profit on the coinage of silver dollars at only twelve millions on every hundred coined, when in fact the profit is really at this time near thirteen millions on every hundred millions coined. It was supposed that to purchase and coin two millions per month would enhance the price of bullion, but it has only had the effect probably to sustain the price, for silver bullion is not worth more now than when the silver law was enacted. Silver bullion never can be of the same market value as gold bullion so long as the Government coins gold without limit and excludes silver from that advantage. The demand of the country is that we should come to the double standard.

Yet the Secretary of the Treasury, by coining silver at the very lowest limit possible under the law, seeks to continue the gold standard. The President in every annual message and the Secretary of the Treasury in all his annual reports implore Congress to stop the coinage of silver. The administration of the Government is hostile to the silver dollar. The Secretary has the following to say in his report for 1879, (Executive Document No. 2, Forty-sixth Congress, second session:)

It would seem to be the best policy for the present to limit the aggregate issue of our silver dollars, based on the ratio of 16 to 1, to such sums as can clearly be

maintained at par with gold, until the price of silver in the market shall assume a definite ratio to gold, when that ratio should be adopted and our coins made to conform to it, and the Secretary respectfully recommends that he be authorized to discontinue the coinage of the silver dollar when the amount outstanding shall exceed $50,000,000.

He again respectfully calls the attention of Congress to the importance of further limiting the coinage of the silver dollar. The market value of the bullion in this coin has been during the past year from 10 to 16 per cent. less than the market value of the bullion in the gold dollar. The total amount of silver dollars coined to November 1, 1879, under the act of February 28, 1878, was $45,206,200, of which $13,002,842 was in circulation and the remainder, $32,203,358, in the Treasury at that time. No effort has been spared to put this coin in circulation. Owing to its limited coinage, it has been kept at par; but its free coinage would soon reduce its current value to its bullion value, and thus establish a single silver standard. The inevitable result would be to exclude gold coin from circulation. It is impossible to ascertain what amount of silver coin, based upon the ratio of 16 of silver to 1 of gold, can be maintained at par with gold, but it is manifest that this can only be done by the Government holding in its vaults the great body of the silver coin. It would seem that nothing would be gained by an unlimited coinage unless it is desirable to measure all values by the silver standard. The Secretary cannot too strongly urge the importance of adjusting the coinage ratio of the two metals by treaties with commercial nations, and, until this can be done, of limiting the coinage of the silver dollar to such a sum as, in the opinion of Congress, would enable the Department to readily maintain the standard dollars of gold and silver at par with each other.

In his examination before the Committee on Coinage, Weights, and Measures at the last session of Congress, I asked him questions on this subject, to which he gave answers which I will quote, (Miscellaneous Document No. 34, Forty-sixth Congress, second session:)

Mr. BLAND. Was not that the reason why the Clearing House Association has excluded silver, and is not that one of the reasons why the Government acceded to that rule of the Clearing House Association—that is, for the purpose of holding the silver and preventing its circulation?

Secretary SHERMAN. I would not state it in exactly that way. I would state it in this way: that as gold and silver are both standards of money, I would seek to maintain gold as the standard of money, and therefore I would seek, by holding the silver, to prevent its depreciation below the gold standard. Perhaps that answers your question substantially.

Mr. BLAND. Then it is as much the act of the Government that silver is not in circulation as it is the act of the people?

Secretary SHERMAN. Yes. We do not issue it unless we can issue it at par with gold. Whenever Congress desires it, it can (by making free coinage of silver, and by simply saying that silver shall be the standard of value to the exclusion of the gold standard) do it very quickly.

It is quite clear that it is the settled policy with the Administration to set at defiance the law of Congress and the will of the people on this question.

Mr. Chairman, as the representatives of the people, I deem it our duty by affirmative legislation, such as is proposed by the amendment offered, to compel the Secretary to execute the laws of Congress in the spirit they were enacted. The only debt of the Government that calls specifically for coin payments is our bonded debt. Then, why not coin the money and pay it? There is no injustice done the bondholder, because, first, his bond specially demands coin; secondly, the silver dollar is as valuable as the gold dollar. If he desires it, he can take silver certificates for the coin. These certificates are as valuable as any other money and as convenient.

Mr. Chairman, what are the forces arrayed against the proposition I have submitted? They are, first, the national banks, because every silver dollar and silver certificate issued comes directly in competition with their issues. If we had four or five hundred million of silver dollars or silver certificates in circulation it would displace the notes of national banks; they would have to wind up business. The next opposition comes from those whose interest it is to continue the single standard of gold valuation. Every silver dollar or silver certificate that is coined comes in direct competition with the gold dollar. This has the effect of reducing the value of gold. This reduction in the value of gold by the use of silver as well as gold is what is meant by the double standard, so that my amendment seeks to establish in this Government the double standard. The Secretary of the Treasury, in defiance of Congress and the will of the people, is determined to evade the law restoring the silver dollar and thus maintain the gold standard. This being the case we ought, in equity and justice to the people of this country, check him in his arbitrary course.

We have the opportunity here presented that should not be neglected. These bonds are specifically payable in coin. We have a law enacted for the purpose of providing for the coin in which to pay them. Let us demand that this law be executed. If we stand idly by and permit this domination on the part of this Administration without protest we will have failed in performing a duty to our constituents.

Mr. Chairman, I know there are many members here who object to this proposition, although they are favorable to the double standard. Their objection is that they dislike to discriminate in this manner of designating what particular debt shall or shall not be paid in silver or in other currency. My answer is, in the first place the debt is by law made payable in coin; secondly, unless there is some mandatory statute those who administer the Government will not in good faith execute the silver law.

If silver was coined without limit there would be no demand for further legislation upon the subject. Even if the Secretary of the Treasury would coin silver at the maximum rate now authorized there would be no object in passing the amendment I proposed. The object aimed at by the amendment is simply to carry out in good faith the present law of the land. The direction given that this money be paid upon these bonds conforms in all respects with law and justice. The ultimate object aimed at is to compel the coinage and placing in circulation of a sufficient amount of silver dollars to bring about a valuation based upon the double standard, instead of, as now, the single gold standard. All our debts, public and private, are paid from the products of labor. If these products are measured by the double standard of both gold and silver they will of necessity command better prices. As an illustration, let me say that a single standard of gold means a limited supply of money. A limited supply of money necessitates low prices. Low prices for the product of labor means that it will require a greater amount of this product to pay off a debt than would be required if prices were different. It is the interest of the debtor to have the double standard of valuation in the payment of his debt, because, measured by that standard, it requires a less amount of labor or the products of labor to pay his debt. It is the interest of the creditor, in this case the bondholder, to have his debt paid in the products of labor measured by this single standard of gold, because he will receive a greater amount of the products of labor measured by this standard than the standard of gold and silver. The laws of the land give to the debtor in this country the right to pay all debts, public and private, in the products of labor measured by the double standard. The Secretary of the Treasury refuses to execute that law, hence it is the duty of this Congress to compel him to do it.

If the Administration would execute this law in good faith there would be no necessity for this amendment. But when we all know that is not done and will not be done, then it becomes our duty to legislate affirmatively upon the subject. This is the fitting time and place for this mandatory legislation. I am told by many gentlemen here that while they favor this proposition, yet in view of the fact that the President would veto the measure it would be useless to pass it. That he would veto it is certain from the recommendations in his messages and from the fact that he vetoed the silver bill. This being the case, gentlemen who are friendly to this measure, and a sufficient number of them probably to pass it, hesitate because in this case the debt would continue drawing 5 and 6 per cent. interest, when it can now be converted into a debt drawing not over 3 or 3½ per cent., and reserving the right in the Government to call in the bonds and pay them off at any time. These considerations should have due weight, but in my view of the case I think we ought to enact such laws as we believe to be demanded by the tax-payers of the Government, and let those who veto them or override them take the consequences.

The Secretary in his report before quoted recommends that the coinage of silver be limited to the sum of $50,000,000. He is very solicitous to so limit the coinage as to keep the silver dollar at a par with the gold. The Secretary says in the report named:

It is impossible to ascertain what amount of silver coin, based upon the ratio of sixteen of silver to one of gold, can be maintained at par with gold; but it is manifest that this can only be done by the Government holding in its vaults the great body of the silver coin.

This language, taken in connection with his statement before the Committee on Coinage, Weights, and Measures in answer to my questions, shows the animus of his intentions as regard the silver dollar. First, he proposes not to coin it; secondly, if it is coined, it must be hoarded so as to maintain the single standard of gold. Inasmuch as the Secretary here calls upon Congress for legislation, let us legislate, but let us legislate quite differently from his recommendations. The Director of the Mint, in his annual report, 1879, in Executive Document No. 2, Forty-sixth Congress, second session, gives the circulation of France as follows:

	Francs.	*Dollars.*
Paper	2,418,419,689	466,755,000
Gold	3,800,000,000	733,400,000
Silver, unlimited tender	1,900,000,000	366,700,000
Silver, limited tender	306,450,000	59,144,850
Total	8,424,869,689=1,625,999,850	

This shows that there are 366,700,000 of unlimited legal-tender silver dollars in circulation, measured by our coinage, and $59,144,850 of subsidiary, thus showing that France, with a population of fifteen million less people than the United States, circulates coins of the value of over four hundred millions of legal-tender silver dollars. The French relation, it must be borne in mind, is 15½ to 1, while ours is 16 to 1. This is an item of no small importance in our favor.

These figures prove that should we coin the amount of silver demanded by the amendment I have proposed, it would not disturb the parity between the gold and silver dollar. The effect would be to reduce the value of the gold dollar by entering as a competitor therewith the amount of silver coined. This silver and the certificates that would be issued for coin deposited under the law would have the effect, as before stated, of driving out of circulation the notes of the national banks. When the three hundred and odd millions of national-bank notes are thus displaced it would give room for all the silver that we would coin; indeed it would open the door to the safe and necessary free coinage of silver. Those who favor a currency of gold and national banks exclusively are, as a matter of course, hostile to the further coinage of silver. The people demand a currency based upon the two metals—the double standard. They are opposed to the exclusive gold valuation, and hence it is our duty to take such necessary steps in our legislation as will secure that end.

Interstate Freights and Passengers.

SPEECH OF HON. JOSEPH H. ACKLEN,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 15, 1881,

On the bill (H. R. No. 3115) for the regulation of interstate freights and passengers, and to relieve the same from the restrictions of local quarantines.

Mr. ACKLEN said:

Mr. SPEAKER: The public health should take equal rank with questions of education and finance. To prevent the spreading of disease by wise health laws is as commendable as the building of hospitals to receive the afflicted. The wisdom of the legislator may often render unnecessary the charity of the philanthropist. When a law is needed for the general good, forced constructions of our Constitution should not be presented as insurmountable obstacles. It was not until after the fearful epidemic of 1878 that the country at large was aroused fully to the necessity of strict quarantine measures to prevent the spread of future visitations of the yellow-fever scourge, which during that year well-nigh paralyzed the industries of the entire southern section of our country.

The National Board of Health was the natural outgrowth of a universal desire on the part of Congress to put such checks upon the introduction and spread of infectious and contagious diseases as they could by legislation. That the efforts of this board in matters of sanitation, despite the attacks upon it from certain sections, have been fruitful in beneficial results to the country at large no one uninfluenced by selfish considerations or personal animosities will for a moment deny. That a board thus constituted to deal for the first time with a subject of such grave importance to the whole country should give universal satisfaction is not for a moment to be expected.

Human nature contains too much selfishness and all the professions too many petty rivalries to have anticipated universal commendation for the board. That they may have committed some errors is simply to admit that they were not above humanity in general. But that the important trust of the public health confided to them has not been jealously guarded and judiciously treated is as untrue in fact as it is ungenerous to the high character of the men who compose the board.

I have been led to these remarks since the bill to which I address myself proposes to vest certain additional powers in the board not already conferred by existing legislation. The dreadful loss of life by the epidemic of 1878 had prepared the public mind for a panic the year following, and therefore when the yellow fever again made its appearance the "shot-gun" quarantine became general throughout the South. So great was the alarm and dread of the fearful disease that persons were often stopped in their travels on the merest suspicion and freights consisting of the necessaries of life debarred from passing through towns on their way to others whose people stood in actual need of them. Instances have actually been brought to my attention where physicians and nurses with medicines have been stopped from passing through a county by rail to reach the afflicted at a point more remote.

Fortunately for the good name of our people such inhumanities were not numerous, but they strongly tend to emphasize the fact that in such times of excitement and fear the people in localities that may become subject to infectious and contagious diseases are rendered unfit to frame rules and regulations for its arrest, prevention, and spread.

The fears of a community under these circumstances induce them to pursue that course only which they deem necessary for their own individual protection, without any reference or consideration for the rights or safety of others.

Then it was that business men, interested in the commerce of the country, while deploring the ravages of the epidemics of 1878 and 1879, began to see in the wide-spread alarm and consequent shot-gun quarantines which they produced a danger, different, it is true, but one almost as great as the disease itself—the destruction of commerce and intercourse, and the financial ruin of the business interests of the country.

The position which I assume, that people of a community when panic-stricken from fear of a contagious and infectious disease are incompetent to act calmly and wisely for its arrest or prevention, will hardly be gainsaid by any one who has once witnessed the wide-spread alarm consequent upon reports of an advancing epidemic.

The bill to which I address these remarks looks to a remedy for this evil. It reads as follows:

A bill for the regulation of interstate freights and passengers, and to relieve the same from the restrictions of local quarantines.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any city, town, or place, in any State or Territory, shall have been declared infected with yellow fever or other contagious or infectious disease, by either the President of the United States or the governor of any State or Territory, on information furnished by the National Board of Health, authority being hereby conferred to make such declaration, or should any State or territorial board of health or other competent authority, in the lawful exercise of the police power of the State, make and publish declarations of quarantine, then the executive committee of the National Board of Health, and the governor, or his appointee, if he chooses to serve, of the State or Territory which shall have made such declarations, or for the State or Territory where said infected city, town, or place may be located, shall be constituted under this act an executive committee to establish in said State or Territory, at such points as they deem best along the line of the railroads, water-courses, or other lines of travel leading from said infected city, town, or place, quarantine stations, and appoint quarantine officers for the inspection of freights and passengers and those vehicles of transportation whose starting point or whose destination is beyond the limits of said State or Territory: *Provided*, That should the governor, or his appointee of the State or Territory, decline to serve, then the other persons constituted under this section as the executive committee shall proceed at once to carry out its provisions.

SEC. 2. The quarantine officers appointed under the provisions of section 1 of this act shall make their inspection and issue their certificates, under such rules and regulations as may be promulgated by the National Board of Health. They shall have the sole and exclusive inspection and certification in the State of all freights and passengers whose starting point or whose destination is beyond the borders of said State or Territory.

SEC. 3. That when said quarantine officers, under the rules and regulations prescribed by the National Board of Health, shall have duly inspected said freight or passengers, and certified that they are free from infection, it shall be unlawful for any person or persons, whether claiming authority under a State, municipality, board of health, or otherwise, to stop, detain, or in any manner interfere with the passage over said railroads or water-courses or other lines of travel of said freights or passengers, or their vehicles of transportation, on the charge or ground that they may be infected, or dangerous to the public health.

SEC. 4. The provisions of this act shall not, however, be construed as applying to freights or passengers whose starting point and whose destination lie wholly within the limits of the same State or Territory.

SEC. 5. Any person or persons who, contrary to the provisions of this act, willfully arrests or detains, or aids or abets in so doing, any freights or passengers, or their vehicles of transportation, on the ground that they may be infected or dangerous to the public health, after the same shall have been certified by the quarantine officers appointed under the provisions of this act as free from infection, shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a penalty of $1,000, one-half to be paid to the informer, and shall be punished by imprisonment not less than six nor more than twelve months.

SEC. 6. The expenses incurred under the provisions of this act shall be paid out of such funds as have been, or may be, appropriated for the use of the National Board of Health.

That feature of the bill which in the first section refers to the declaration of infection by the National Board of Health confers no additional power upon the board.

In the original bill introduced on this subject the President of the National Board of Health, the Surgeon-General of the Army, the Surgeon-General of the Navy, and the president of the State or territorial board of health, if he chooses to serve, were constituted the executive committee; but on consultation with these parties, as will be seen by letters placed as an appendix to these remarks, it was deemed best to confer this power upon the executive committee of the National Board of Health.

If the principle which I laid down, that "in times of epidemics the local authorities of a community, by reason of their fears, are hardly competent to deal with the impending danger in a calm and wise manner," be correct, then it follows that this authority, to act promptly and effectually, must be vested in some body entirely removed from any such local influences; and I submit, without further argument, that the parties designated in this section as constituting the executive committee would command, by reason of their position and special knowledge of the subject to be treated, the entire confidence of the people threatened by the disease.

The remaining sections of the bill raise at once the question as to the constitutional powers of Congress under the eighth section of the first article of the Constitution, which confers upon Congress the power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes," to enact any legislation affecting the police power of a State.

Section 4 of the bill, which reads—

The provisions of this act shall not, however, be construed as applying to freights or passengers whose starting point and whose destination lie wholly within the limits of the same State or Territory—

shows that it is not within the intent and meaning of this act to assert any power over commerce that is not entirely interstate in its nature.

The question therefore resolves itself between the power of Congress, under the commerce clause of the Constitution above quoted, to say what freights and passengers shall pass through a State, and the police power of the State to declare what freights and passengers shall or shall not enter her territory.

"*Salus populi est suprema lex*" has passed into a maxim which is as untrue in fact as it would be unwise in practice.

Nothing, in my opinion, is justly above the law of the land. Laws are framed for the good and welfare of society. They should be obeyed as they exist, and if they are bad and defective the surest way to secure their repeal is to enforce them.

Appreciating the importance of the constitutional questions involved in this case, I have felt it my duty to examine at length all the authorities touching upon the questions raised by this bill.

In the celebrated case The City of New York *vs.* Miln, the question was raised as to the constitutionality of the act of the State of New York concerning passengers and vessels coming to the port of New York, as to whether this was a regulation of commerce or of police. This act required the master of any ship arriving from a foreign port within twenty-four hours after its arrival to report to the mayor in writing and under oath the place of birth, age, occupation, &c., of every passenger brought in his ship, and prescribed penalties for a violation of the same.

And in this connection I desire particularly to call the attention of members of this House to the fact that there is a marked difference between commerce from foreign ports and commerce between the States, and that this distinction should not be forgotten in a consideration of the questions involved in this case. That the police power of the State extended to guaranteeing the State and the city against the importation of disease is unquestionable, but the point is as to whether the power over the particular subject or the manner of its exercise was or was not restrained by the Constitution of the United States.

Justice Story, who dissented from the opinion of the court rendered in this case, said:

That the power of Congress to regulate commerce is exclusive, and not concurrent with the States, and that this doctrine was clearly enunciated in the case of Gibbons *vs.* Ogden; that this act of New York is not a mere police law on the subject of paupers, but a regulation of commerce to prevent paupers in certain cases from entering and remaining in the State; and although he fully admitted the power of the States to pass health and quarantine laws, and other police laws of a similar nature, not contravening the acts of Congress rightfully passed under their constitutional authority, and to pass poor-laws and laws to prevent the introduction of paupers into the State, under like qualifications, and even in the exercise of their legitimate authority to use the same means with Congress, if the means be suitable to the end, yet it was with this reserve, that those means be not exclusively vested in Congress. A State (he says) cannot make a regulation of commerce to enforce its health laws, because it is a means withdrawn from its authority. It may be admitted that it is a means adapted to the end; but it is quite a different question whether it be a means within the competency of the State jurisdiction. The States have a right to borrow money, and borrowing by the issue of bills of credit would certainly be an appropriate means; but we all know that the emission of bills of credit by a State is expressly prohibited by the Constitution. If the power to regulate commerce be exclusive in Congress, then there is no difference between an express and an implied prohibition upon the States.

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If this were a new question in this court, wholly untouched by doctrine or decision, I should not hesitate to go into a full examination of all the grounds upon which concurrent authority is attempted to be maintained. But in point of fact the whole argument on this very question, as prescribed by the learned counsel on the present occasion, was presented to the learned counsel who argued the case of Gibbons *vs.* Ogden; and it was then deliberately examined and deemed inadmissible by the court. Mr. Chief-Justice Marshall, with his accustomed accuracy and fulness of illustration, reviewed at that time the whole grounds of the controversy, and from that time to the present the question has been considered (as far as I know) to be at rest. The power given to Congress to regulate commerce with foreign nations and among the States has been deemed exclusive from the nature and objects of the power and the necessary implications growing out of its exercise. Full power to regulate a particular subject implies the whole power and leaves no residuum; and a grant of the whole to one is incompatible with a grant to another of a part. When a State proceeds to regulate commerce with foreign nations or among the States it is doing the very thing which Congress is authorized to do; and it has been remarked with great cogency and accuracy that the regulation of a subject indicates and designates the entire result, applying to those parts which remain as they were, as well as to those which are altered. It produces a uniform whole, which is as much disturbed and deranged by changing what the regulating power designs to leave untouched as that upon which it has operated.

* * * * * * *

It is no answer to the objection to say that the States will have too much wisdom and prudence to exercise the authority to so great an extent. Laws were actually passed of a retaliatory nature by the States of New York, New Jersey, and Connecticut during the steamboat controversy which threatened the safety and security of the Union, and demonstrated the necessity that the power to regulate commerce among the States should be exclusive in the Union, in order to prevent the most injurious restraints upon it.

And I call attention to the fact that in the case of Groves *vs.* Slaughter (15 Peters, S. C. R., 503, 510) Mr. Justice McLean and Mr. Justice Baldwin give the full weight of their opinion in favor of the exclusiveness of this power of Congress to regulate commerce; others of the judges thought the question did not arise in the case. Mr. Chief-Justice Taney considered the power of Congress as concurrent with that of the States.

Justice Story further says:

That the States of this Union cannot constitutionally tax the commerce of the United States for the purpose of paying any expense incident to the execution of their police laws; and that the commerce of the United States includes an intercourse of persons, as well as the importation of merchandise.

If further additional authority should be deemed necessary I would refer to 9 Wheaton (pages 203–208) as well as to Blackstone's Commentaries (pages 251 and 252) as demonstrating beyond all doubt or question that the authority of Congress extends to quarantine laws and pilotage laws, and that any act of a State in the absence of an act on the part of Congress which may be deemed constitutional must yet bow to the laws of Congress when they are enacted, for it cannot be disputed that when the power is given all appropriate means to carry it into effect are necessarily included; that under cover of the police power of the State such rules and regulations might be framed as to place restraints upon commerce to the extent of creating such rivalries among the States as would be a source of constant difficulty and discontent.

Members of this House entertaining different views from me on this question would doubtlessly maintain that to the police power of the State alone should be relegated all questions concerning rules and regulations to be framed for the arrest, prevention, or spread of epidemic diseases. The maxim *salus populi est suprema lex* would no doubt be the bulwark from behind which they would launch all of their arguments. Such a position would be as untenable in law as it would be unwise in practice.

In the celebrated passenger cases which excited the attention of the country, and upon which so many admirable constitutional arguments were lavished, I find that in February, 1799, when the yellow fever again made its appearance and raged with great violence in New York, Congress passed a law which declares that quarantines and other restraints which shall be required and established by the health laws of any State, or pursuant thereto, respecting any vessels arriving in or bound to any port or district thereof, whether from a foreign port or place, or from any district in the United States, shall be duly observed by the collectors and all their officers of the revenue of the United States.

Further, in the case of Gibbons *vs.* Ogden the court were manifestly of the opinion that health laws, harbor laws, and police laws generally do not necessarily conflict with the power of the United States to regulate commerce, but that both the States and the United States may and ought to exercise their respective powers together in the ports which are common to both; but the doctrine distinctly maintained is that all police laws are constitutional unless in conflict with some law of the United States; and this branch of the opinion is fully sustained in the case of New York *vs.* Miln and in the license cases, which show beyond doubt that until Congress should choose to act in the matter of regulating the public health and provide means to prevent the introduction of contagious or infectious diseases, the police power of the State would naturally be supreme in the management thereof. When Congress has taken the initiatory step, however, as in the formation of a national board of health, amply endowed by the funds of the Government, and confers upon this national board of health such authority as would enable them in their wisdom to provide rules and regulations paramount to any to be exercised by the States, their rules must bow to the superior law, and this would be both wise and desirable for the public welfare.

It was said by Mr. Hall, in his argument of the passenger cases, that "a mere power in the Federal or State government is latent and dormant; like the electricity of the air, it is unfelt and unseen until its energies are concentrated into the thunderbolt of a law;" and this position I maintain upon this question, namely, that the power in Congress is latent and dormant; that when it is exercised in the manner or shape of a law, such act is paramount to any State power or legislation on the subject.

It has been said, however, that all of the States of the Union constantly enforce the writ of *ne exeat*, and that many of the States, since the adoption of the Constitution, have passed laws prohibiting the egress of debtors without the consent of their creditors. While this is true yet it does not, in my opinion, touch at all the question under consideration.

In the opinion of Justice McLean, in the passenger cases, (7 Howard, 406,) he says:

As early as May 27, 1796, Congress enacted that "the President be authorized to direct the revenue officers commanding forts and revenue-cutters to aid in the execution of quarantine, and also in the execution of the health laws of the States respectively." And by the act of February 25, 1799, which repealed the above act, more enlarged provisions were enacted, requiring the revenue officers of the United States to conform to and aid in the execution of the quarantine and health laws of the States. In the first section of this law there is a proviso, that "nothing therein shall enable any State to collect a duty of tonnage or impost without the consent of Congress."

A proviso limits the provisions of the act into which it is introduced. But this proviso may be considered as not restricted to this purpose. It shows with what caution Congress guarded the commercial power, and it is an authoritative provision against its exercise by the States. An impost, in its enlarged sense, means any tax or tribute imposed by authority, and applies as well to a tax on persons as to a tax on merchandise. In this sense it was no doubt used in the above act. Any other construction would be an imputation on the intelligence of Congress.

If this power to tax passengers from a foreign country belongs to a State, a tax, on the same principle, may be imposed on all persons coming into or passing through it from any other State of the Union. And the New York statute does in fact lay a tax on passengers on board of any coasting-vessel which arrives at the port of New York, with an exception of passengers in vessels from New Jersey, Connecticut, and Rhode Island, who are required to pay for one trip in each month. All other passengers pay the tax every trip.

If this may be done in New York, every other State may do the same, on all the lines of our internal navigation. Passengers on a steamboat which plies on the Ohio, the Mississippi, or on any of our other rivers, or on the lakes, may be required to pay a tax imposed at the discretion of each State within which the boat shall touch. And the same principle will sustain a right in every State to tax all persons who shall pass through its territory on railroad-cars, canal-boats, stages, or in any other manner. This would enable a State to establish and enforce a non-intercourse with every other State.

Also:

The police power of the State cannot draw within its jurisdiction objects which lie beyond it. It meets the commercial power of the Union in dealing with subjects under the protection of that power, yet it can only be exerted under peculiar emergencies and to a limited extent. In guarding the safety, the health, and morals of its citizens a State is restricted to appropriate and constitutional means. If extraordinary expense be incurred, an equitable claim to an indemnity can give no power to a State to tax objects not subject to its jurisdiction.

And from the opinion of Justice Wayne in the same cases, page 435, I quote the following:

Police relates only to the internal concerns of one State; and commerce within it is purely a matter of internal regulation, when confined to those articles which have become so distributed as to form items in the common mass of property. It follows that any regulation which affects the commercial intercourse between any two or more States, referring solely thereto, is within the powers granted exclusively to Congress, and that those regulations which affect only the commerce carried on within one State, or which refer only to subjects of internal police, are within the powers reserved.

In the celebrated case of Gibbons *vs.* Ogden Mr. Webster in his argument says:

And as some powers have been holden exclusive, and others not so, under the same form of expression, from the nature of the different powers respectively; so, where the power on any one subject is given in general words, like the power to regulate commerce, the true method of construction would be to consider of what parts the grant is composed, and which of those, from the nature of the thing, ought to be considered exclusive. The right set up in this case, under the laws of New York,

is a monopoly. Now, he thought it very reasonable to say that the Constitution never intended to leave with the States the power of granting monopolies, either of trade or of navigation; and therefore that, as to this, the commercial power was exclusive in Congress.

And further:

But this is not all; for it is admitted that when Congress and the States have power to legislate over the same subject, the power of Congress, when exercised, controls or extinguishes the State power; and therefore the consequence would seem to follow, from the argument, that all State legislation over such subjects as have been mentioned is, at all times, liable to the superior power of Congress; a consequence which no one would admit for a moment.

And further:

The presence or absence of a *non-obstante* clause cannot affect the extent or operation of the act of Congress. Congress has no power of revoking State laws, as a distinct power. It legislates over subjects; and over those subjects which are within its power its legislation is supreme, and necessarily overrules all inconsistent or repugnant State legislation.

And further:

There are subjects upon which the United States and the individual States must, of necessity, have concurrent jurisdiction; and all fears and apprehensions of collision in the exercise of these powers, which have been urged in argument, are unfounded. The Constitution has guarded against such an event, by providing that the laws of the United States shall be the supreme law of the land, anything in the constitution of any State to the contrary notwithstanding. In case of collision, therefore, the State laws must yield to the superior authority of the United States.

The same doctrine is very ably maintained by Kent, who gives as a safe rule of construction and of action—

That if any given power was originally vested in this State, if it has not been exclusively ceded to Congress, or if the exercise of it has not been prohibited to the States, we may then go on in the exercise of the power until it comes practically in collision with the actual exercise of some congressional power. When that happens to be the case, the State authority will so far be controlled; but it will still be good in all those respects in which it does not absolutely contravene the provision of the paramount law.

In the opinion of the court in the same case I find the following:

With regard to the quarantine laws and other regulations of police respecting the public health in the several States, they do not partake of the character of regulations of the commerce of the United States. It had been said that these local regulations were recognized by Congress, which had made them a part of its own system of commerce. But this recognition would have been superfluous if they could have stood without it on the basis of State sovereignty; and so far as their adoption by Congress could be considered as affecting the question, the manner and purpose of the recognition operates the other way. It would be found that by the commercial regulations which Congress had made, a general system was adopted which, if executed in every instance, would have carried ships and vessels into all the ports of the several States, their local quarantine laws to the contrary notwithstanding. An express regulation is therefore introduced requiring the collectors of the customs to conform the execution of their official duties, under the navigation and revenue laws, with the quarantine laws of the respective States. Without such a provision the local health laws must have given way to the supremacy of the navigation and revenue laws of the Union.

* * * * * * *

The subject to be regulated is commerce; and our Constitution being, as was aptly said at the bar, one of enumeration, and not of definition, to ascertain the extent of the power, it becomes necessary to settle the meaning of the word. The counsel for the appellee would limit it to traffic, to buying and selling, or the interchange of commodities, and do not admit that it comprehends navigation. This would restrict a general term, applicable to many objects, to one of its significations. Commerce, undoubtly, is traffic, but it is something more: it is intercourse. It describes the commercial intercourse between nations, and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse. The mind can scarcely conceive a system for regulating commerce between nations, which shall exclude all laws concerning navigation, which shall be silent on the admission of the vessels of the one nation into the ports of the other, and be confined to prescribing rules for the conduct of individuals, in the actual employment of buying and selling, or of barter.

And further:

The subject to which the power is next applied is to commerce "among the several States." The word "among" means intermingled with. A thing which is among others is intermingled with them. Commerce among the States cannot stop at the external boundary line of each State, but may be introduced into the interior.

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This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

That inspection laws may have a remote and considerable influence on commerce will not be denied; but that a power to regulate commerce is the source from which the right to pass them is derived, cannot be admitted. The object of inspection laws is to improve the quality of articles produced by the labor of a country; to fit them for exportation, or, it may be, for domestic use. They act upon the subject before it becomes an article of foreign commerce, or of commerce among the States, and prepare it for that purpose. They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government—all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, &c., are component parts of this mass.

No direct general power over these objects is granted to Congress; and, consequently, they remain subject to State legislation. If the legislative power of the Union can reach them it must be for national purposes—it must be where the power is expressly given for a special purpose, or is clearly incidental to some power which is expressly given.

The acts of Congress, passed in 1796 and 1799, empowering and directing the officers of the General Government to conform to and assist in the execution of the quarantine and health laws of a State, proceed, it is said, upon the idea that these laws are constitutional. It is undoubtedly true that they do proceed upon that idea; and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations or among the States, for they do not imply that such laws are an exercise of that power or enacted with a view to it. On the contrary, they are treated as quarantine and health laws, are so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of a State to provide for the health of its citizens. But, as it was apparent that some of the provisions made for this purpose and in virtue of this power might interfere with and be affected by the laws of the United States made for the regulation of commerce, Congress, in that spirit of harmony and conciliation which ought always to characterize the conduct of governments standing in the relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of these laws and has in some measure adapted its own legislation to this object by making provisions in aid of those of the States. But in making these provisions the opinion is unequivocally manifested that Congress may control the State laws, so far as it may be necessary to control them, for the regulation of commerce.

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The possession of this particular power, then, during the time limited in the Constitution, cannot be admitted to prove the possession of any other similar power.

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But the adoption of the State system being temporary, being only until further legislative provision shall be made by Congress, shows conclusively an opinion that Congress could control the whole subject, and might adopt the system of the States or provide one of its own.

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It has been contended by the counsel for the appellant that, as the word "to regulate" implies in its nature full power over the thing to be regulated, it excludes necessarily, the action of all others that would perform the same operation on the same thing. That regulation is designed for the entire result, applying to those parts which remain as they were as well as to those which are altered. It produces a uniform whole, which is as much disturbed and deranged by changing what the regulating power designs to leave untouched as that on which it has operated.

This opinion has been frequently expressed in this court, and is founded as well on the nature of the government as on the words of the Constitution. In argument, however, it has been contended that if a law passed by a State in the exercise of its acknowledged sovereignty comes into conflict with a law passed by Congress in pursuance of the Constitution, they affect the subject and each other like equal opposing powers.

But the framers of our Constitution foresaw this state of things, and provided for it by declaring the supremacy not only of itself but of the laws made in pursuance of it. The nullity of any act inconsistent with the Constitution is produced by the declaration that the Constitution is the supreme law. The appropriate application of that part of the clause which confers the same supremacy on laws and treaties is to such acts of the State Legislatures as do not transcend their powers, but though enacted in the execution of acknowledged State powers, interfere with or are contrary to the laws of Congress made in pursuance of the Constitution, or some treaty made under the authority of the United States. In every such case the act of Congress or the treaty is supreme; and the law of the States, though enacted in the exercise of powers not controverted, must yield to it.

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Powerful and ingenious minds, taking as postulates that the powers expressly granted to the Government of the Union are to be contracted by construction into the narrowest possible compass, and that the original powers of the States are retained, if any possible construction will retain them, may, by a course of well-digested but refined and metaphysical reasoning founded on these premises, explain away the Constitution of our country, and leave it a magnificent structure indeed to look at, but totally unfit for use. They may so entangle and perplex the understanding as to obscure principles which were before thought quite plain, and induce doubts where, if the mind were to pursue its own course, none would be perceived. In such a case it is peculiarly necessary to recur to safe and fundamental principles to sustain those principles, and, when sustained, to make them the tests of the arguments to be examined.

And if any further reasons should be needed to show how unwise would be the admission of the supremacy of the police power of the State over the constitutional power of Congress to pass an act not only regulating commerce, but prohibiting any interference therewith by the police power of a State, I need only to quote from the opinion of Justice Catron in the License cases, as follows:

What, then, is the assumption of the State court? Undoubtedly, in effect, that the State had the power to declare what should be an article of lawful commerce in the particular State; and having declared that ardent spirits and wines were deleterious to morals and health, they ceased to be commercial commodities there, and that then the police power attached, and consequently the powers of Congress could not interfere. The exclusive State power is made to rest, not on the fact of the state or condition of the article, nor that it is property usually passing by sale from hand to hand, but on the declaration found in the State laws, and asserted as the State policy, that it shall be excluded from commerce. And by this means the sovereign jurisdiction in the State is attempted to be created in a case where it did not previously exist.

If this be the true construction of the constitutional provision, then the paramount power of Congress to regulate commerce is subject to a very material limitation; for it takes from Congress, and leaves with the States, the power to determine the commodities, or articles of property, which are the subjects of lawful commerce. Congress may regulate, but the States determine what shall or shall not be regulated.

Upon this theory the power to regulate commerce, instead of being paramount over the subject, would become subordinate to the State police power; for it is obvious that the power to determine the articles which may be the subjects of commerce, and thus to circumscribe its scope and operation, is, in effect, the controlling one. The police power would not only be a formidable rival but, in a struggle, must necessarily triumph over the commercial power, as the power to regulate is dependent upon the power to fix and determine upon the subjects to be regulated.

And, in conclusion:

That any State law whose provisions are repugnant to the existing regulations of Congress (within the above limit) is void, so far as it is opposed to the legislation of Congress.

That the police power of the States was reserved to the States, and that it is beyond the reach of Congress; but that such police power extends to articles only which do not belong to foreign commerce, or to commerce among the States at the time the police power is exercised in regard to them; and that the fact of their condition is a subject proper for judicial ascertainment.

That the power to regulate commerce among the States may be exercised by Congress at pleasure, and the States cut off from regulating the same commerce at the same time it stands regulated by Congress; but that, until such regulation is made by Congress, the States may exercise the power within their respective limits.

The distinction must be borne in mind by this House between that feature of the police power of the State which comes into exercise after such freights deemed dangerous to the public health may have arrived within the borders of the State, and that provision of the

Constitution which gives authority to Congress to regulate such freights while *in transitu*. I do not maintain for one moment that after freights or passengers shall have become situated within the State, and under the control of the police power, they may not be excluded on the ground of public safety. This view of the case is sustained by the opinion rendered by Justice Woodbury in the License cases, from which I quote the following:

It is possible that under our system of double governments over one and the same people the States cannot prohibit the mere arrival of vessels and cargoes which they may deem dangerous in character to their public peace or public morals or general health. This might perhaps trench on foreign commerce. Nor can they tax them as imports. This might trench on that part of the Constitution which forbids States to lay duties on imports. But after articles have come within the territorial limits of States, whether on land or water, the destruction itself of what contains disease and death, and the longer continuance of such articles within their limits, or the terms and conditions of their continuance, when conflicting with their legitimate police, or with their power over internal commerce, or with their right of taxation over all persons and property under their protection and jurisdiction, seems one of the first principles of State sovereignty and indispensable to public safety.

I do not deem it necessary to refer to the case of Lemmon *vs.* The People, (20 New York Reports,) which further sustains the position already taken: that during the voyage or trip Congress has the power of regulation over passengers; when the trip ceases and they come under the jurisdiction of the State, then the State laws must prevail. In the case of The United States *vs.* Holliday (3 Wallace) the opinion of the court goes to show that commerce could even be regulated within the limits of the State if such commerce should be with an Indian tribe. In their opinion, quoting from Chief-Justice Marshall, they say:

The power does not stop at the jurisdictional limits of the several States. It would be a very useless power if it could not pass those lines. If Congress has power to regulate it that power must be exercised wherever the subject exists. It follows from these propositions, which seem to be incontrovertible, that if commerce, or traffic, or intercourse is carried on with an Indian tribe, or with a member of such tribe, it is subject to be regulated by Congress, although within the limits of a State. The locality of the traffic can have nothing to do with the power. The right to exercise it in reference to any Indian tribe or any person who is a member of such tribe is absolute without reference to the locality of the traffic or the locality of the tribe or of the member of the tribe with whom it is carried on.

In connection with this subject, which is of such grave importance to the people at large, my attention has been particularly called to the inadequacy and inefficiency of local quarantines. They are established in times of imminent danger, when rules and regulations are framed by persons in the community whose minds are excited by the dire results of an approaching epidemic, and they are hardly fit under such a mental strain to wisely and calmly enact rules looking to their own safety and protection.

Another consideration, and one of moment, is the fact that in the South the means are often wanting to pay the officers and to provide those precautions necessary in the case of an epidemic. That this subject should properly and justly come under the jurisdiction of the United States Government cannot, I think, be for one moment denied. The public health of the country is a matter of the gravest importance. Congress in its wisdom has seen fit to make an appropriation of $500,000 and to place a major portion of this amount under the direct control of the National Board of Health. The sentiment of Congress was almost unanimous on the subject that some action should be taken by the Government looking to future protection from the ravages of the fearful scourge of yellow fever; and, in due consideration of the importance of maintaining the commerce between the States unrestricted by local quarantines framed by incompetent persons, I am of the opinion that such a provision as is provided in the bill referred to should be enacted into a law, that the business interests of the country may not meet with financial ruin before the desolating blasts of epidemics like those of 1878 and 1879.

I have attempted to present both the legal and utilitarian view of this subject. It is an important question, both from a constitutional and commercial stand-point. The public health as well as the business interests of the country demand some congressional action. This great nation should not be fettered with *ante bellum* traditions. We cannot unlock the portal of our country's future greatness with the rusted key of past ideas.

The following petition has been numerously signed by leading business and railroad men of the country; some are appended.

APPENDIX A.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners respectfully represent to your honorable body that the facts connected with the yellow-fever epidemic of 1878 demonstrated so clearly that the public interest of the country required some national legislation on the subject of the public health that Congress established the National Board of Health, with an ample appropriation.

Yellow fever prevailed so generally in the South in 1878 and its ravages were so destructive to both life and the business interests of that section that on its reappearance in 1879, in Memphis, quarantines of a most rigid character were everywhere established. So great and widespread was the alarm that many places entirely free from infection were quarantined by others on mere suspicion. Railroad trains filled with passengers traveling from State to State, and other trains loaded with the produce of the country and the necessaries of life, would be notified on the point of starting that they could not pass through such and such a place, as the local board of health had established a shot-gun quarantine. Many travelers away from home were debarred from returning by intervening quarantines, and small towns were often cut off from their base of supplies by the action of the local board of health of some intermediate village, and there were instances where trains with physicians, nurses, and medicines, *en route* to some infected place were stopped and sent back, so intense was the fear of infection, and so unreasonable did some communities become in the general alarm.

The country which suffered so dreadfully in 1878 with the fever itself was now threatened by a different danger, but one almost as great—the destruction of commerce and intercourse, and the attendant financial ruin of the business interests of the country. Every incorporated town or village claimed the right to regulate its quarantine as it deemed best, and these regulations, based upon no uniformity of rule, were generally enlarged or restricted according to the fears or necessities of its inhabitants. The great trunk lines in the South, carrying interstate freights and passengers, were forced to struggle against these local quarantines as best they could, while passengers, passing from one State to another, had no guarantee that, though certified as free from any infection by the first several local quarantines, they would not be stopped at the next.

Satisfied that the very existence of the country's commercial interests, particularly in the South, required some uniformity in quarantine regulations, and that they should not be left to the fears or prejudices of any one locality, a convention was called in Nashville, Tennessee, during the month of November, 1879, when the following resolutions were read and adopted:

"Whereas the experience of the years 1878 and 1879 has shown that in times of excitement and great fear, the people living in localities that are or may become subject to infectious or contagious disease are rendered unfit to frame rules and regulations and modes for its arrest, prevention, and spread, and that the fears of each community induce them to prescribe only such course as may be deemed sufficient for their own individual protection, without reference to for consideration for the rights and safety of others, it has become a necessity that the general preservation of the public health be now delegated to some power capable of devising the best plans and modes for its protection; and

"Whereas it is believed that the General Government, which is and should be administered for the common benefit of the whole country, should enact laws, as far as the same can be done, for the conservation of the public health, and to promote the material prosperity of the nation, dependent entirely upon interstate as upon foreign commerce: Therefore,

"*Be it resolved*, That the representatives of the several railroads, assembled in convention, do most respectfully petition the Congress of the United States to charge the National Board of Health with the sole power of making and carrying into effect such rules and regulations as to them shall be deemed wise and proper to govern interstate commerce, affecting the transportation of passengers and merchandise on railroads and on steamboats or other craft plying on lakes and rivers between and through States or Territories where any contagious or infectious disease does or may exist.

"*Resolved*, Your petitioners respectfully suggest that, in order to secure promptness and efficiency to prevent the spread of any infectious or contagious disease, the president of the National Board of Health, the Surgeon-General of the United States, and the president of the State board of health, or the members of the National Board of Health from the State where such disease exists, should constitute an executive committee, with power to act and put in force quarantine rules and regulations for governing the transportation of passengers and merchandise. It is believed that, by delegating this power to the persons above named, more prompt action can be secured than would otherwise be the case if the whole board of health had to be called together to devise such measures. Sudden emergencies must be met by quick and decisive action; the details necessary to make the system adopted work smoothly and harmoniously can afterward be arranged as circumstances may require. Where so great a matter as the public health of the country is at stake, no clashing should be allowed between national and State authority. There should be no bickerings, abstract theories, or professional courtesies permitted to prejudice by delays such great objects as the public health and the material prosperity of the country, the latter so greatly depending on the former.

"*Resolved*, That wherever said National Board of Health deems it necessary to put such quarantine regulations into force, it shall designate what class of merchandise (if any) may be transported to or from or through such infected place, district, State, or Territory, and prescribe all such rules, regulations, and provisions under which such transportation may be made.

"*Resolved*, That when said National Board of Health establishes quarantine regulations, it shall designate stations or points upon such railways, rivers, and lakes as it shall consider necessary for conducting an effective system of inspection of such passengers or merchandise, and making provision for caring for sick persons as the interests of the general public health and safety shall require; and the rules and regulations adopted by the authority of the National Board of Health shall be enforced by such agents, officers, and servants as may be charged with the sanitary inspection of such stations or points.

"*Resolved*, That when such inspection shall have been made such passengers, with their personal effects, and such merchandise as may be found entitled to it, shall be furnished with a certificate that shall be their passport to point of destination, and they shall not be detained or prosecuted by any intermediate regulations of any town, city, county, or State from passing through the same.

"*Resolved*, That whenever any passenger shall be refused a certificate setting forth that he is free from contagious or infectious disease, such passenger may be detained at such station until his condition shall entitle him to receive a clean bill of health; and he shall not be permitted to proceed beyond such point of inspection until there is a reasonable certainty that such person is not likely to be the vehicle of contagious or infectious disease.

"*Resolved*, That whenever any merchandise in transit from any infected place shall, in the judgment of the inspector of the National Board of Health, be deemed unsafe and likely to convey contagious or infectious disease to any point, such merchandise, on the order of the sanitary inspector, shall be disinfected before it is allowed to proceed.

"*Resolved*, That the Congress of the United States be requested to appropriate such sum or sums of money annually as may be necessary to enable the Board of Health to provide the means for effectively carrying out its provisions in the interest of the public health.

"*Resolved*, That the said National Board of Health shall determine when any place shall be declared infected with contagious or infectious disease, and when such disease has ceased to exist, and shall give public notice of the same."

By the adoption of uniform and intelligent quarantine regulations, carriers and transporting companies will be enabled to co-operate with and render aid to the National Board of Health in arresting and preventing the spread of any contagious or infectious disease along the routes of highway traversed by such carrying and transporting companies, who, in common with the inhabitants of such routes, have a direct interest in promoting the general good health and prosperity of the whole people.

"*Resolved*, Your petitioners most respectfully suggest to your honorable body that they believe it will meet the approval of all good citizens and tax-payers of the United States if the National Government will take the matter of the public health under its fostering care and supervision, and enact such laws and make such appropriations as a careful and honest expenditure of the public treasure will warrant."

Your petitioners believe, by these means, not only will the public health be protected, but the prosperity of all communities be increased by the assurance given to uninterrupted communications between all parts of a common country under such precautions as the dictates of wisdom and humanity may suggest.

Your petitioners further believe that the great and paramount object to be attained—the public health of the country—can be largely secured under wise laws enacted for this purpose, and that such expenditures as may be involved in mak-

ing and executing the same will not be a burden seriously felt by the national Treasury.

By your honorable body enacting such laws and providing for their maintenance and efficiency, which we believe will go far toward accomplishing the desired end, your petitioners will ever feel in duty bound to pray.

Your petitioners therefore respectfully pray that, as a bill (H. R. No. 3115) known as the "Acklen interstate quarantine bill" is now before your honorable body for consideration, and that as its provisions tend in everywise to harmonize existing difficulties by establishing uniformity, as well as thoroughness, in quarantine rules of inspection and certification, by delegating such power to a body removed from any local fear or prejudice, your honorable body will enact the same into a law; and for this and all other and general relief your petitioners will ever pray, &c.

Charles A. Whitney, president Morgan's Louisiana and Texas Railroad and Steamship Company, New Orleans, Louisiana; of E. D. Morgan and James A. Raynor, trustees and receivers New Orleans and Mobile Railroad; of John T. Terry, president of Texas and New Orleans Railroad of 1874; of Norman Webb, general superintendent Selma, Rome and Dalton Railroad, Selma, Alabama; of A. L. Rives, vice-president and general manager Mobile and Ohio Railroad; of N. Nonsarrat, general manager Memphis, Paducah and Nashville Railroad, Paducah, Kentucky; of Roswell Miller, general superintendent Cairo and Vincennes Railroad, Cairo, Illinois; of Rudolph Fink, general manager Memphis and Little Rock Railroad, Little Rock, Arkansas; of George Noble, general superintendent Texas and Pacific Railroad, Marshall, Texas; of John B. Peck, general superintendent South Carolina Railroad, Charleston, South Carolina; of A. B. Hawkins and S. Conant, receivers Jacksonville, Pensacola and Mobile Railroad, Tallahassee, Florida; of M. Burk, general superintendent Mississippi and Tennessee Railroad, Memphis, Tennessee; of G. J. Foreacre, general manager Atlanta and Charlotte Air Line, Atlanta, Georgia; of George W. Adams, general superintendent Macon and Brunswick Railroad, Macon, Georgia; of Theodore Hartman, general superintendent Little Rock and Fort Smith Railroad, Little Rock, Arkansas; of L. P. Grant, general superintendent Atlanta and West Point Railroad, Atlanta, Georgia; of Charles L. Schlatter, general superintendent, treasurer, and director Brunswick and Southwestern Railroad, Brunswick, Georgia; of W. G. Raoul, general superintendent Montgomery and Eufaula Railroad and general superintentent Southwestern Railroad of Georgia, Macon, Georgia; of J. W. Thomas, general superintendent Nashville, Chattanooga and Saint Louis Railroad, Nashville, Tennessee; of Cecil Gabbit, president and general manager Western Railroad of Alabama, Montgomery, Alabama; of W. K. Ackerman, president Illinois Central Railroad, Chicago, Illinois; of A. F. Ravenele, president Northeastern Railroad Company, Charleston, South Carolina; of J. W. Green, general manager Vicksburgh, Shreveport and Pacific Railroad, Monroe, Louisiana; of Henry Fink, receiver Atlantic, Mississippi and Ohio Railroad, Lynchburgh, Virginia; of C. M. McGhee, vice-president East Tennessee, Virginia and Georgia Railroad, Knoxville, Tennessee; of R. G. Fleming, general superintendent Port Royal and Augusta Railroad, Augusta, Georgia; of George W. Parker, general manager Cairo Short Line, Alton and Terre Haute Railroad, Saint Louis, Missouri; G. Jordan, vice-president and general manager Houston and Texas Central Railroad, Houston, Texas; of John M. Bridges, superintendent Alabama Central Railroad Company, Selma, Alabama; of Charles P. Ball, general superintendent Alabama Great Southern Railroad, Chattanooga, Tennessee; of H. M. Hoxie, general superintendent International and Great Northern Railroad, also vice-president and manager of Galveston, Houston and Henderson Railroad, Palestine, Texas; of J. A. Woodson, general superintendent Little Rock, M. R. and T. Railroad, Pine Bluff, Arkansas.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, D. C., January 2, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of December 25, 1879, inclosing copy of a bill (H. R. No. 3045) and requesting suggestions with regard to the same.

In reply I would respectfully suggest that as the Medical Departments of the United States Army and Navy are each represented in the present National Board of Health and in its executive committee, it would seem preferable to place the carrying out of the provisions of the bill in the hands of the executive committee of the National Board of Health, and not to bring the Surgeon-General of the Army or of the Navy into the matter.

I am of the opinion that the present National Board of Health is so far satisfactory in its organization and in the plan of its operations that it does not need any such additions to its membership as is contemplated by the bill to secure the satisfactory execution of any duties of this kind which may be imposed upon it.

In this connection, also, I would suggest the omission of section 5 of the bill, as seeming to imply that there is special danger that the board or the executive committee would disobey or be negligent in executing the law. Such danger, in my opinion, does not exist.

The object which the bill seeks to attain is certainly desirable, being in the interests of commerce as well as of the public health.

Very respectfully, your obedient servant,
J. K. BARNES,
Surgeon-General.

Hon. J. H. ACKLEN, M. C.,
Washington, D. C.

MY DEAR SIR: I have transmitted a copy of your bill, with such memorandum as remembered of your conference with the executive committee of the other evening, to Dr. James L. Cabell, president of the National Board of Health, and for your information upon this matter I herewith respectfully inclose extracts from his comments upon the bill which have been addressed to me.

I shall look with some degree of concern upon the progress of your amended bill, and trust that you will favor me with copies of all the amendments that may be suggested by members of Congress interested in its fate.

I have to thank you for your extended courtesies, and am, sir,

Very respectfully,
T. J. TURNER,
Secretary National Board of Health.

Hon. JOSEPH H. ACKLEN,
House of Representatives, Washington, D. C.

UNIVERSITY OF VIRGINIA, *January* 13, 1880.

MY DEAR SIR: May I beg the favor of you, if convenient, to furnish me with a copy of your bill, in regard to which you addressed a communication to the National Board of Health on the 25th ultimo. That communication, with the accompanying bill, was sent to me for my information by Dr. Turner, secretary of the board; but as in the intervals of the session of the board the executive committee and not the president of the board is charged with the duty and responsibility of acting for the board, I returned these papers immediately, with a brief and hurried statement of the objections which presented themselves to my mind, a statement intended, of course, for the executive committee, though with permission to recite them to you for your consideration. Whether this has been done I am not certainly informed, and as I am now addressing you for another purpose, will you pardon me for again referring to those objections? This I do *unofficially*, as I have no authority to make an official statement except by order of the board or of its executive committee. I sympathize so warmly in the objects you desire to attain that I feel impelled to indicate the objections which will be made by a number of members who in the main are disposed to assist the National Board of Health in its efforts to prevent the introduction and spread of infectious diseases without unnecessary interference with travel and traffic.

The fate of Senator HARRIS's first bill, with the objections urged by its opponents, who constituted a majority of the Senate, leaves scarcely a room for doubt, I should think, that your bill will have no chance in that body. It will, I am confident, encounter earnest opposition from Mr. TUCKER and Mr. GOODE in the House of Representatives, as being in conflict with their recorded views as to the decisions of the Supreme Court, especially in the case of Gibbons *vs.* Ogden, 9 Wheaton, 1, as delivered by Chief-Justice Marshall.

It seems to me that, in view of this decision, our only hope of attaining the very desirable end sought by the railroad authorities who have petitioned Congress, is to appeal to the States concerned, and to induce them to adopt a uniform system of regulations and to enforce them by uniform and appropriate legislation. This I know will be a slow and difficult process, but it is not altogether hopeless, especially as the concurrence of the States may be made a condition of their receiving aid from the General Government through the instrumentality of the National Board of Health.

There was one clause in your bill, the precise phraseology of which I cannot now recall, and this makes me desirous of having a copy, which, as I hastily read it, seemed to me to expose the board, or its officers, to the risk of being greatly annoyed by suits for damages in cases in which the aggrieved parties might choose to ascribe the successful interference of the State authorities to a failure on the part of the national health authorities to do their duty, thus placing the latter in the unpleasant dilemma of incurring a legal responsibility toward the shippers and consignees of freight, or else of having a conflict with State or municipal authorities. Such a conflict would be very detrimental to the true interests of sanitation which are only to be attained by harmonious action between the national and the local authorities.

With the utmost respect and deference I submit these views to your consideration, again reminding you that they are presented only as my personal opinions, and that I am not at all authorized to speak for the National Board of Health.

I am, very respectfully, yours,
J. L. CABELL.

P. S.—After this letter was written I have received by this day's mail from Dr. Turner, a copy of your amended bill, which entirely removes the ground of my second objection. The constitutional difficulty referred to in the first objection will I fear still be urged. I accordingly submit it for your consideration.

Very respectfully and truly, yours,
J. L. C.

Hon. JOSEPH H. ACKLEN,
House of Representatives.

Refunding of the National Debt.

SPEECH OF HON. HENRY POEHLER,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. POEHLER said:

Mr. CHAIRMAN: There are two principal questions involved in the proposition before us, and I am glad that one of them has been settled to my satisfaction, and that is the question of interest, whereby the burden of taxation of the people is lessened. I care not so much for the time these bonds shall run. It has been argued by a number of gentlemen on this floor that we must pay off this debt in a few years, as though the people had the money lying idle and ready to pay it at almost a moment's notice.

Mr. Chairman, money now is cheap, and we can make a loan at a low rate of interest. It is doubtful if this state of things will exist for a long time; and if it does it will be so much better for this country. We should not hasten too much with the payment of the debt without consulting the condition of affairs of the country. We have drawn more money from the people than they were able to pay without great hardships to many of them, who earned but little; and of these small earnings they had to pay a very large portion to the Government. This was the case at least for a number of years, and now that the financial affairs of this country are in such a prosperous condition, we should take advantage of it, and not place ourselves in such a position that we must meet these bonds in a few years when times may be hard. Let us make them redeemable at a short time, if you please, but not payable, except at the pleasure of the Government, until from fifteen to twenty years.

I am not in favor of perpetuating our national debt beyond a period that is absolutely necessary, but I am unwilling to tax the people beyond their ability to pay, to compel the individual to mortgage his home and property at high rates of interest so that the Government may pay off the national debt in as short a time as possible.

Mr. Chairman, we all have seen the time, not long since, when a large portion of the people of this country were in a poor condition to pay the burden imposed upon them, and many suffered in want, and lost hearths and home, and not the least cause for much of this suffering was the enormous burden imposed upon the people by our high tariff for the support of the Government and to enrich the manufacturers; and I think it is time the burden should be reduced, and this can be done by paying a low rate of interest.

Mr. Chairman, I am convinced that a bond drawing 3 per cent. interest can be sold at par, and it would be criminally wrong to pay a fraction more. These bonds are not taxed for any purpose, and a low rate of interest is the only way that the holders of them can be reached, and that will benefit the whole country even more than taxing them would do.

Interstate Commerce.

SPEECH OF HON. COLUMBUS UPSON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 11, 1881,

On the bill (H. R. No. 4748) to establish a board of commissioners of interstate commerce, and for other purposes.

Mr. UPSON said:

Mr. SPEAKER: Gravely doubting the wisdom and practicability of national legislation as to the transportation of interstate commerce, particularly, as Congress cannot extend its jurisdiction to the vast amount of transportation carried on wholly within each State, and, more particularly, as to the proposed legislation, which is not to be applied to water transportation, thereby failing to establish by law a uniform and equitable system of transportation for the whole country, yet, conceding that under the constitutional power to regulate commerce among the several States, Congress has the authority to regulate the transportation thereof as between the States, and if we concede that there is a great public necessity for the exercise of such authority, it then becomes the duty of Congress, so far as may be done, to establish such regulations as will bring about a just, practical, and uniform system of interstate commerce transportation.

Two modes are suggested—one by the original bill, and the other by the substitute now under consideration. The system proposed by the original bill is for the Government, through its officers, to be styled a Board of Commissioners, to take and exercise supervisory control over the transportation of commerce between the States, while the substitute proposes to regulate such transportation by the enactment of certain prohibitory and compulsory rules.

If these great corporate powers—railroad companies—as is charged, have so far obtained control over the State governments as to set at defiance local authorities, and avoid being prevented by State laws and State tribunals from an unjust, oppressive, and destructive exercise of their franchises and a corrupt use of their vast wealth, there is but one certain, practical, and effective remedy, and that is for the General Government, by its strong arm, through its officers, clothed with full discretionary power, to take and exercise directory, prohibitory, compulsory, and supervisory control over these bodies as to the transportation of interstate commerce, and thereby compel them to so regulate and conduct their business of transportation between the States as will be just and equitable to all concerned.

With that object in view the original bill is a step in the right direction, and possibly may be perfected into a practical and wise system. It is in harmony with the following resolution adopted by the National Board of Trade in December, 1879:

Resolved, That in the opinion of this board it is desirable to secure national legislation upon interstate commerce by railroad, and that said legislation should embody the following provisions: first, to raise a special commission or tribunal to secure uniformity and publicity in railway accounts, and publicity of railway contracts and transactions; second, to enforce provisions securing uniformity of rates and classifications under like circumstances, and relative quality where circumstances differ; third, to secure publicity of rates and prohibition of sudden and arbitrary changes; fourth, to secure the prevention of extortionate charges, and of personal or local favoritism.

Our statute-books may be filled with the most stringent laws, our enactments may be bristled over with the severest penalties, which may result in filling our court dockets with lawsuits and criminal prosecutions, and in crowding our jails with railroad convicts, but laws alone, without the instruments to put them into practical and effective execution, will not accomplish the object desired.

I confess that I am not prepared to discuss the question as to the regulation of the transportation of interstate commerce, either satisfactorily to myself or as thoroughly as its importance demands. I desire mainly to give some of the prominent reasons, which seem to me unanswerable, why I cannot support the substitute known as the "Reagan interstate-commerce bill;" and, in doing so, I shall take the liberty of quoting from several able arguments made before the House Committee of Commerce.

I am opposed to the Reagan bill upon the following grounds:

First. As I believe, it will destroy, or greatly impair, competition between competing lines of railroads, as well as competition between railroads and water transportation, chiefly at terminal points, such as Chicago, Saint Louis, Atlanta, New Orleans, Kansas City, San Francisco; and in my own State I may mention Galveston, Houston, Austin, San Antonio, Dallas, and Sherman, besides many other places which might be named, constituting the chief central points of interior trade throughout the country, and that thereby, "through freights," from East to West, and from West to East, and from and to Europe, principally for the valley of the Mississippi and the entire country west of the Mississippi River, will be greatly increased, to the injury of the whole people living in those sections.

Second. As it makes a discrimination in favor of water transportation as against transportation by railroads, thereby preventing free competition between those different lines, which will inevitably result in the increased prices of freights to the great detriment of the public.

Third. As it will result in discriminating in favor of and in transferring a large amount of freight to the railroad and water lines of transportation running through Canada and along our borders, to the great benefit of a foreign people, and to the positive injury of our own citizens.

Fourth. As it discriminates against our farmers in the South and great West, by depriving them of cheap transportation and forcing upon them an unequal competition in the sale of their products in the markets of New York and of Europe.

Fifth. As the bill cannot deal with transportation performed wholly within a State it unavoidably makes an unjust discrimination in favor of transportation within the States, where the roads may charge any rate of freight or allow any amount as a drawback or rebate.

Sixth. That it will foster and build up monopolies of trade in the city of New York to the injury of the merchants and people in the interior, and thereby increase the cost of commodities purchased and diminish the prices of articles sold at remote points from the great commercial Emporium—New York.

The following is the full text of the substitute, or Reagan bill, namely:

Be it enacted, &c., That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same. And all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage, or to evade any of the provisions of this act.

SEC. 2. That it shall be unlawful for any person or persons engaged in the transportation of property, as aforesaid, directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered, as aforesaid, by him or them.

SEC. 3. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property, as mentioned in the first section of this act, to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, breaking car-loads into less than car-loads, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads. And it shall be unlawful for any person or persons carrying property, as aforesaid, to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property, as provided in the first section of this act, to charge or receive any greater compensation per car-load of similar property for carrying, receiving, storing, forwarding, or handling the same for a shorter than for a longer distance in one continuous carriage; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated under a contract or lease by such corporation.

SEC. 5. That all persons engaged in carrying property, as provided in the first section of this act, shall adopt and keep posted up schedules, which shall plainly state:

First, the different kinds and classes of property to be carried.

Second, the different places between which such property shall be carried.

Third, the rates of freight and prices of carriage between such places, and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same.

Such schedules may be changed from time to time as hereinafter provided. Copies of such schedules shall be printed in plain, large type, at least the size of ordinary pica, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be changed in any particular except by the substitution of another schedule containing the specifications above required, which substitute schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted, as above provided, at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall, as aforesaid, be substituted. And it shall be unlawful for any person or persons engaged in carrying property on railroads as aforesaid, after thirty days after the passage of this act, to charge or receive more or less compensation for the carriage, receiving, delivery, loading, unloading, handling, or storing of any of the property contemplated by the first section of this act, than shall be specified in such schedule as may at the time be in force.

SEC. 6. That each and all of the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in the first section of this act, and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 7. That each and every act, matter or thing in this act declared to be unlawful is hereby prohibited; and in case any person or persons, as defined in this act, engaged as aforesaid, shall do, suffer, or permit to be done, any act, matter or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall forfeit and pay to the person or persons who may sustain damage thereby a sum equal to three times the amount of the damages so sustained, to be recovered by the person or persons so damaged, by suit in any district or circuit court of the United States where the person or persons causing such damage can be found, or may have an agent, office, or place of business: *Provided, however*, That in any such case of recovery the damages shall not be assessed at a less sum than $500; and the person or persons so offending shall for each offense forfeit and pay a penalty of not less than $1,000, to be recovered by the United States, by action in any circuit or district court aforesaid, one-half of such penalty or penalties, when collected, to be paid to the informer.

Any action to be brought as aforesaid to recover any such penalty or damages may be considered, and if so brought shall be regarded, as a subject of equity jurisdiction and discovery, and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance, preliminary or final injunctions may, without allegation or proof of damage to any plaintiff or complainant, be granted upon proper application, restraining, forbidding, and prohibiting the commission or continuance of any acts, matters, or things, within the terms or purview of this act, prohibited or forbidden. In any action aforesaid, and upon any application for any injunction above provided for, any director, officer, receiver, or trustee of any corporation or company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled, the same as in the case of any other witness; and in case any such deposition or evidence, or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any injunction aforesaid, the same, and the production of books and papers, may and shall be had, taken, and compelled, by or before any United States commissioner, or in any manner provided or to be provided for, as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers, in or by chapter 17 of title 13 of the Revised Statutes of the United States. In actions to be brought as aforesaid, damages sustained in the period of a month or part of a month may be regarded as and counted or declared upon, or complained of generally, and as one separate cause of action, and so whether such damages be sustained in one month or in different months; and such separate causes of action may be joined in the same action. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue. And any judgment, under the provisions of this act, shall be rendered against the person or persons violating its provisions and against the corporation or corporations in whose service or under whose authority they perform such unlawful acts.

SEC. 8. That any director or officer of any corporation or company acting or engaged as aforesaid, or any receiver or trustee, lessee, or person acting or engaged as aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of one of them alone, or with any other corporation, company, person, or party, who shall directly or indirectly do, or cause or willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or forbidden, or directly or indirectly aid or abet therein, or shall directly or indirectly omit or fail to do any act, matter, or thing in this act required to be done, or cause or willingly suffer or permit any act, matter, or thing so directed or required to be done not to be so done, or shall directly or indirectly aid or abet any such omission or failure, or shall directly or indirectly be guilty of any infraction of this act, or directly or indirectly aid or abet therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one thousand dollars.

SEC. 9. That nothing in this act shall apply to the carriage, receiving, storage, handling, or forwarding of property less than an ordinary car-load, or wholly within one State, and not shipped from or destined to some foreign country or other State or Territory; nor shall it apply to property carried for the United States at lower rates of freight and charges than for the general public, or to the transportation of articles free or at reduced rates of freight for charitable purposes, or to or from public fairs and expositions for exhibition.

SEC. 10. That the words "person or persons" as used in this act, except where otherwise provided, shall be construed and held to mean person or persons, officer or officers, corporation or corporations, company or companies, receiver or receivers, trustee or trustees, lessee or lessees, agent or agents, or other person or persons acting or engaged in any of the matters and things mentioned in this act.

Amend the title so as to read: "A bill to regulate interstate commerce and to prohibit unjust discriminations by common carriers."

It will be seen that this bill prohibits any "drawbacks," "rebates," pooling, or the charging of any greater compensation for a shorter than for a longer distance in one continuous carriage, under any circumstances, and prescribes, as I believe, unreasonable and impracticable rules as to scheduling and posting of the rates of freight, &c.

The following is the original or Henderson bill as proposed to be amended by me:

A bill to establish a board of commissioners of interstate commerce, and for other purposes.

Be it enacted, &c., That a board of commissioners of interstate commerce is hereby established as a bureau of the Interior Department, to consist of three commissioners, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate. The President shall, as soon as may be after the passage of this act, appoint said three commissioners, who shall hold their offices for the term of two, four, and six years, from the 1st day of July next thereafter, respectively, as designated in their commissions; and a commissioner shall be appointed as aforesaid before the 1st day of July in each second year thereafter, to continue in office for the term of six years from that day, and in the same manner any of said commissioners may be removed; and if a vacancy shall occur at any time by resignation, removal, or otherwise, a commissioner shall be appointed, as aforesaid, to fill such vacancy for the residue of the term. The action of a majority of said board shall be the action of the board.

SEC. 2. The annual salary of said commissioners shall be $5,000 each, payable quarterly. Said board shall have a clerk, whose duty it shall be to keep a full and faithful record of the proceedings of said board, and otherwise to assist the members thereof in the performance of their duties, and who shall receive an annual salary of $2,500; and also one accountant, at an annual salary of $2,500, each payable monthly. Said clerk and accountant shall be appointed by the Secretary of the Interior, who may also furnish the board of commissioners such additional clerical, engineering, expert, or other service as they may request and he shall deem proper. All actual and necessary traveling and other expenses incurred by said commissioners or their employés, under their orders, shall be allowed them, for which itemized vouchers shall be rendered.

SEC. 3. That said board shall exercise a supervision over that portion of the business of all railroads which passes from one State or Territory into or through one or more other States or Territories, or to or from any foreign country, and over the transportation of all property by railroad from one State or Territory into or through one or more other States or Territories, or to or from any foreign country, whether such property be carried by one railroad or by several railroads running in connection with each other, and whether such commerce be carried on railroads lying wholly within one State or more. But such supervision shall be limited to questions of commerce between the States, and the methods of operating railroads, to extend to and include, at the discretion of said board, the power of regulating, controlling, and prohibiting drawbacks, rebates, and pooling, and the establishing, making, changing, altering, and modifying of the rates of tariff, toll, or compensation, to be charged and paid, with the scheduling, posting, and advertising of the same, by railroad corporations, as affecting said commerce.

SEC. 4. Said board shall prescribe a railroad year, and a system of reports covering said year, to be rendered by all railroad companies hereinbefore described; examine the books and accounts of said companies in any manner affecting the said commerce between the States, at such times as may be deemed by them necessary; see that all United States laws relating to said companies are enforced, furnish such information to the several Departments of the Government, or the Government directors of any of said railroads, in regard to the tariff of fares and freight on such business, or the accounts as aforesaid of said railroads, as may be required of them or as they may deem expedient, and make annual reports of their doings to the Secretary of the Interior on or before the 1st day of November of each year, and other, wise endeavor to procure such data and recommend such legislation as may be deemed necessary to establish a just and practical system of interstate railroad commerce.

SEC. 5. That it shall be the duty of said board to investigate all complaints which may be forwarded to it of any unreasonable charges, or of discriminations in the charges, made for its services as a common carrier in commerce between the States by any railroad corporation or corporations; such investigation shall be made by one or more commissioners on the spot where such cause of complaint originated, or wherever else it may be found most convenient; and the results of all such investigations, and the findings of the commissioners thereon, shall be reported in writing to the parties thereto, and included in the next annual report of the board.

SEC. 6. That whenever it shall appear to said board that any change is necessary or expedient in the manner in which any railroad corporation, organization, or person conducts it or his business as a common carrier between the States in order to promote the public interests they shall give notice thereof in writing to said corporation, organization, or person, with a statement of such changes as they adjudge to be proper, which changes shall be complied with by such corporation, organization, or person within a reasonable time after such notice, and any refusal or neglect to comply with such recommendations shall be deemed a violation of this act.

SEC. 7. That whenever in the judgment of said board it shall appear that any corporation, organization, or person owning or operating any railroad or other means of transportation has violated any law of the United States relating to said railroad organization or person, or has in any respect or particular neglected to comply with the terms of any such law, or that any person or corporation or organization has violated or neglected to comply with any of the terms of this act, they shall give notice thereof in writing to such person, organization, or corporation, and they may present the facts to the Attorney-General of the United States, who (if so instructed by said board) shall institute such proceedings thereon against said corporation, organization, or person as may be herein or otherwise by law authorized.

SEC. 8. That said board of commissioners, in any investigation conducted by or before them, shall have power to summon witnesses and to direct the production of books, papers, contracts, and reports relating to any subject-matter of complaint or alleged violation of the provisions of this act; and in case any person so summoned shall fail or refuse to appear or to produce any books, papers, contracts, or reports which may be called for as aforesaid, the attendance of such witnesses and the production of such books, papers, contracts, and reports, in so far as they relate to the questions and business referred to in this act may, on application of said board, be compelled by or before any United States commissioner, as in civil cases depending in district or circuit courts of the United States, in the manner provided in chapter 17 of title 13 of the Revised Statutes of the United States; and such investigations as aforesaid, in which the commissioners may direct the production of books, papers, contracts, and reports, shall be conducted when practicable at the place where the general office of the corporation owning said books, papers, contracts, or reports may be situate.

SEC. 9. That no company or companies, railroad corporation or corporations, organization or organizations, person or persons so engaged as aforesaid in operating a line or lines of railroad, shall charge, collect, demand or receive more than a fair and reasonable rate of toll or compensation for the transportation of freight or property of any kind or description, or for the use and transportation of any railroad-car upon its track, to be carried from one State or Territory to another State or Territory, or to or from any foreign country, in so far as the transportation of such freight and property, or the use and transportation of such railroad-car shall relate to commerce between the States; and for each and every violation of this act, by charging, collecting, demanding, or receiving more than such reasonable rate, the company or companies, railroad corporation or corporations, organization or organizations, person or persons so offending shall be jointly and severally liable for extortion, and subject to the forfeitures and penalities hereinafter provided.

SEC. 10. That no railroad corporation, organization, or persons, whether engaged alone or associated with others in the transportation of property between the States by railroad, steamboat, canal-boat, or other water-craft, within the purview of this act, shall, directly or indirectly, charge to or receive from any person or persons any greater or less rate or amount of freight charge or compensation than is by them charged to or received from any other person for the same facilities and for like and contemporaneous service under similar circumstances and conditions in the carrying, storing, or handling of the same on or over the same line of transportation, and all such railroad corporations and persons so engaged as aforesaid shall furnish, as nearly as may be, and as may be reasonably within their power, and without discrimination, the same facilities for the carriage, storage, and handling of all property of like character carried by it, him, or them as aforesaid; and shall, as near as reasonably may be, perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break of bulk or interruption, nor any contract or understanding, shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage, or to evade any of the provisions of this act.

SEC. 11. That no person or persons engaged in the transportation of property between the States or otherwise, as aforesaid, shall, directly or indirectly, allow any person any rebate, drawback, or other advantage in any form upon shipments made or services rendered, as aforesaid, by him or them, which are not open and public and under like conditions and for the same contemporaneous service is not allowed to all other persons, nor shall any person or persons for whom such service is done accept or receive such rebate, or drawback, or other advantage in any form, and the penalties provided in this act shall apply to the receiver of such rebate, drawback, or other advantage, as well as to the party paying the same.

SEC. 12. No person or persons engaged in the carriage, storage, or handling of property, as mentioned in the tenth and eleventh sections of this act, shall enter into any combination or agreement the object of which is to prevent, by changes of schedule, carriage in different cars, breaking different car-loads into less than car-loads, or by any other means, the carriage of such property being continuous from the place of shipment to the place of destination, whether carried on one or several railroads.

SEC. 13. That the provisions of this act shall apply to all interstate commerce and business, as aforesaid, including the carriage, storage, and handling of all property on one actually or substantially continuous interstate carriage, or part of such carriage, as provided for in the tenth and eleventh sections of this act, and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, or wholly on water, or partly on railroad and partly on water, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 14. That any corporation or corporations, person or persons, guilty of a violation of any of the provisions of this act shall forfeit and pay to the person or persons who may sustain damage thereby a sum not exceeding three times the amount of the actual damages so sustained, to be recovered by suit in any district or circuit court of the United States where the corporation or corporations, person or persons, causing such damage can be found, or may have an agent or place of business; and the corporation or corporations, organization or organizations, person or persons, so offending shall, on conviction thereof, forfeit and pay for each offense a penalty of not less than $1,000, to be recovered by the United States by action, on information of the commissioners of interstate commerce, or otherwise, in any district or circuit court of the United States, one-half of such penalty, when collected, to be paid to the party damaged by such violation of law, and bringing action thereon, or commencing proceedings by complaint to said commissioners. No action as aforesaid shall be sustained unless brought within one year after the cause of such action shall accrue.

SEC. 15. That nothing in this act shall apply to the carriage, storage, or handling of property less than an ordinary car-load, or wholly within one State or Territory, and not contracted to be carried beyond such State or Territory, or property carried for the United States, or to the transportation of articles free, or at reduced rates, for State or municipal governments, or for charitable, educational, or scientific purposes, or to or from public fairs and expositions for exhibition thereat.

SEC. 16. That in the construction of this act the words "railroad" or "railroads" shall be construed to mean a railroad or all railroads engaged in transporting property from one State or Territory into or through one or more other States or Territories, or into or from any foreign country, whether the same be operated by the corporations owning them or by other corporations or otherwise, and no others. The phrases "railroad corporation" and "railroad company" shall be held to be synonymous, and to signify a corporation which either owns or operates a railroad, as aforesaid. And the term "person or persons," wherever used in this act, shall be held to include corporations and joint-stock companies as well as individuals.

SEC. 17. That the sum of $25,000 is hereby appropriated for the uses and purposes of this act for the fiscal year ending June 30, A. D. 1882, and the intervening time anterior thereto; and it is expressly provided that no pending litigation between railroad companies shall in any way be affected by the provisions of this act.

This bill provides for a board of commissioners, who shall exercise supervision over railroads as to interstate commerce, with discretionary power to fix the rates of freight, and regulate, control, and prohibit drawbacks, rebates and pooling. It prohibits unfair and unreasonable charges and unjust discriminations; provides for the recovery of damages, for forfeitures, and penalties, for a violation of any of its provisions, or for the violation of any law of the United States by any railroad company, and makes such other provisions as are deemed necessary to accomplish the object of the bill, which is the establishment and operation of a fair, equitable, and practical system of interstate-commerce transportation.

DRAWBACKS AND REBATES.

While, no doubt, some secret and pernicious drawbacks have been allowed by railroad companies to the enrichment of the few and to the impoverishment of the many, which should be condemned and hereafter prevented, I can see many good reasons why open, fair, and public drawbacks or rebates should be allowed to all persons alike.

Mr. Blanchard, in his argument before the House Committee on Commerce, clearly shows the necessity and benefits of drawbacks or rebates. He says:

Lake navigation closes about December 1. The larger coal companies and carriers would not be justified in mining the coal, carrying it and storing it at Buffalo or Erie at the higher rates prevailing in winter, involving loss of interest and deterioration upon the large aggregate delivered.

Furthermore, the equipments provided by the railways could not carry it in sufficient quantities at about the opening of navigation; and to save large additions of cars which would be idle during winter months, to transact the larger annual business with a smaller number of cars, to do so with regularity, and to keep miners more constantly employed, all the railways to the lakes agree that coal sent to their lake docks during the winter months and charged and paid for at the winter rates shall receive a rebate or drawback upon the opening of navigation to make the rate equal to that fixed at such opening. Does not good accrue to every interest from this well-considered action? Yet the proposed act would render it illegal and discriminating. It is true, the act would permit the charge made at the lower through rate, but that would bring all the local winter charges down to the navigation level of summer through rates, without cause or reason.

In further illustration he says:

A manufacturing establishment is erected in New Jersey, contiguous to New York. It desires in each and every month fifty car-loads of supply, and will forward twenty-five of product. To be assured of such quantity and regularity, by which station, train, and other expenses can be regulated with certainty is a valuable railway consideration, and if, after providing facilities upon such assurance, the railway fall materially short of the assured traffic, it would disarrange its plans and increase, rather than decrease, the expenses provided to meet them. A new siding is, for instance, provided, a new storehouse erected, an additional clerk and more laborers required; and to secure the railway for this outlay and at the same time provide a penalty for the non-fulfillment of such an engagement, it has become a wise custom to charge a specific or local rate, and at the end of fixed periods refund to the contracting party an amount justified by the volume and regularity of the traffic, or impose the penalty of withholding the excess in case of his failure to comply with the terms of his agreement. This could still be done on State business, but it would be forbidden on interstate traffic by this act, and would not discrimination thus again ensue? I venture the assertion that a large majority of all the manufacturers of the country would choose such arrangements, establishing fixed rates, a specific contract, and terms of absolute certainty in the transaction of their business, rather than be governed by the fluctuating rates which would practically follow the passage of this act if its provisions were carried out.

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What mercantile law, what equity, and what necessity render it wise for railways to refuse rebates to these large manufacturing establishments, to enable them to meet the varying conditions of trade, and at the same time to protect the revenues of the carriers against abuse, by holding in their hands cash penalties for their violation until the contracts have been completed? Why single out the transportation interests and eliminate from that interest alone the wholesale or quantity principle which is recognized in every other department of human traffic, and which even the Government justly insists upon in its purchases of arms and ammunition and supplies of all kinds? Does not every other trade make a reduction of its marked or public rates to large purchasers, for cash or superior credit; and are those reductions not varied upon different articles; and is that deemed mercantile discrimination? If, for further example, at any station now upon our line some one and the same person now receives coal, lumber, and lime, and sends away a few car-loads of apples, grain, and miscellaneous barter, and a company with a large capital locates at the same point to make articles requiring the consumption of large and regular receipts of lumber, coal, and lime, and the regular exportation of manufactures, would it be unjust to the former to give the latter a concession by rebate or drawback in consideration of such quantity and regularity?

Would not the interest of the railway and the company be stimulated by a concession to the latter through the establishment of such works, the advance in real estate, and the bringing in of increased population? And if so, what wisdom or mercantile principle can justify a law which forces the carrier to avoid such drawback or rebate?

Again, assuming in store in Buffalo 100,000 bushels of wheat, which could be forwarded by the free canal to New York at eight and a half cents per bushel, but which the railway agreed with the shipper to transport at nine cents per bushel, contingent upon receiving the entire quantity at the rate of twenty-five car-loads per day, and upon condition that it could charge twelve cents per bushel, and refund the three cents upon the fulfillment of the contract. Unless such safeguard had been provided—if freight on the canal had dropped to seven cents per bushel the forwarder might suddenly plead discrimination and combination and give it to the canal, and it is but just to enable the railway to protect itself in the manner indicated. If, upon the fulfillment of the agreement, the three cents per bushel was refunded as a rebate or drawback, in what sense has any harm come to any interest which seeks or desires the protection of this act? Is not this argument unanswerable while the New York Central Railroad and the canal would be free and this company alone amenable to such an act?

Yet, again, if through rates are made in either direction between western points and seaports which can be reached via the Canada Southern, Great Western, or Grand Trunk Railways, between the Niagara and Detroit Rivers, those companies, being within Canadian territory and jurisdiction, can pay rebates and drawbacks out of their proportions of such through rates without hinderance, and 1 per cent. per one hundred pounds, or $2.50 per car-load, will turn the business via their lines and away from the Lake Shore, Pittsburgh, Fort Wayne and Chicago, Pan-Handle, and Baltimore and Ohio Railroads, to the loss of American interests, because the latter would by this act be prohibited from meeting their action, as a mere reduction of through rates would not do it. Is this justice? The railways can now meet this state of affairs, but this act deliberately permits Canada to take their trade away in that manner, while you tie the hands that would retain and defend it.

Mr. Franklin B. Gowan, president of the Philadelphia and Reading Railroad Company, before the same committee stated:

There is no particular objection to the directory clause, that for light and contemporaneous services equal charges should be made to all. But open and public drawbacks, which all shippers can obtain, are not wrong, though a secret drawback given to one shipper and not to another in similar circumstances is not only bad policy but bad law and bad morals. Take a company like our own for example. We ship for consignment beyond the borders of Pennsylvania, say, three millions of tons of coal per annum, and we have to compete with other railroads which are only two-thirds of the distance that we are from the markets taking the coal. We, therefore, make open and public drawback, fully and properly announced, which every shipper to the competitive market can obtain, and such drawbacks are entirely fair and proper, and ought not to be prohibited. If they were prohibited, however, a railroad company by merely publishing several rates to different points could obviate all difficulty imposed by the prohibition. I think it unfair, if not unjust, to prohibit drawbacks of this character. But by the language of this act all drawbacks, whether open and general or special and private, would be equally prohibited.

For instance, we have extensive coal-mines. Our mines are located, say, two hundred miles from New York, while others are from one hundred and twenty-five to one hundred and sixty miles; therefore the shorter lines would fix the rate to New York, and if our long line desires to compete with the short line, it must name an equal charge. We must either do that or lose the business; and if you announce the rule of no discrimination in rates, or what in our case would be the same, no drawbacks, the result would be to throw the traffic into the hands of the shorter line, and prevent competition by the longer, unless we should be willing to make the competitive rate to New York govern our entire trade. Because we carry our coal to tide-water at the end of our line, which is within the State, and it is only when the coal is reshipped by vessel that we can tell whether it is entitled to a drawback. We have, as I have said, a large depot at tide-water; the coal goes there by rail, is dumped, and the car comes back. That coal may be afterward shipped to a competitive point, from which it would have been excluded unless carried at a lower rate than we charge for coal to other places; but we cannot name this lower rate when we first get the coal to carry, because it is not until after our railway service is ended and the coal delivered at tide-water and reshipped by vessel that we can tell whether the low rate is applicable to it or not, as the latter depends upon its point of ultimate destination by vessel after it leaves our line. Hence we must adopt the drawback system, which would be prohibited by the bill under consideration by your committee. Now, no one is injured by such drawbacks. They apply to locality, and not to shippers; they are open and public. Each shipper, whether of a hundred tons or a hundred thousand tons to the same locality, gets the same drawback; and if we were forced to discontinue them we should probably be obliged to quit competition with rival lines for the trade of New York. If we abandon competition, we must reduce our output of coal; if we reduce the output, we must increase the cost per ton not only of mining but of carrying, and therefore would be obliged to charge even the local traffic a higher rate than we do now, when we have the advantage of shipping our surplus at lower rates to competitive districts.

RATES FOR LONG AND SHORT DISTANCES.

As to charging more for a short distance than a long one, Mr. Gowan said:

I will take our road as an example. We carry eight millions of tons of coal a year, and of this amount about three millions of tons are carried to a great depot on navigable water, where every facility is afforded for the immediate delivery of the coal and the speedy return of the car. The trip can be made and the car returned in twenty-four hours, and it is no uncommon thing to get three trips a week out of a car running to this depot. We make more money, therefore, out of a car so used than out of one which, although moved a shorter distance, occupies more time in its discharge and return. There must be, therefore, either a charge for the detention of the car or the gross charge for freight must embrace a sum representing the value of the car as an earning power. If we get the most effective use of rolling stock by moving our cars one hundred and twenty miles three times in one week, it is better and more profitable than to move them one hundred miles and only secure one trip a week; and hence, without injustice the charge for the one hundred miles may be greater than the charge for the longer distance. The capital rendered useless by the detention of the cars is something for which compensation should be made to a railroad company.

Mr. J. F. Farnsworth, in discussing the interstate-commerce question before the same committee, said:

The effect of such a law would be reactionary, to put the citizens of remote portions of the country in the condition they were before *through lines of railroads* were established for the transportation of their products to the seaboard.

The value of the agricultural products of this country—nearly all of them—is regulated by the Liverpool and New York markets, and every discrimination by railroad companies and other common carriers in favor of freights toward those markets is a benefit to the producer; and while this law would be of no apprecia-

ble benefit to the "short-stop" freighter, it would take more or less from the price of every bushel of wheat and every pound of beef and pork in the markets of Chicago, Milwaukee, Saint Louis, and all the other principal markets of the West.

In fact, the whole scope of the bill seems to be rather in the interest of the complaining few, the small shippers for short distances, to the prejudice of large shippers for long distances, whose interests are those of the great mass of producers in the country, upon the same principle as would be the requiring the wholesale merchant to sell at retail at the same price that he does at wholesale. Thus, that provision of the bill prohibiting rebates, or drawbacks, and requiring railroad companies to transport a single car-load from one shipper at the same rate that they charge for a hundred car-loads for a single shipper, is clearly unjust.

What damage can it do me, who have but one car-load of goods to transport, that the railroad company, for the sake of getting a large shipment for some other party of a hundred car-loads, may make a special bargain with him and allow him some rebate upon the tariff? So the passage of this law, while it would not benefit me, and I would get my car-load transported no cheaper, would injure the man who has the hundred car-loads to transport; and while the freight upon my single car-load of wheat would have no material effect upon the market price of wheat, the freight upon a hundred car-loads might visibly affect it.

Suppose (what happens almost every year) an immense amount of the productions of the West—grain, cattle, pork—which have to be moved to the seaboard, cars must be supplied to move them. How? They cannot be continually running in one direction; they must be *brought back*. Fortunately, at the very seasons of the year when these productions are being moved the people of the West want goods—stoves, clothing, hardware, and *coal*. If the cars can bring a return load, even at very low rates, it helps so much to cheapen the freight upon those productions. The same engines which haul a load east can haul just as large a load west in the same cars. It therefore costs the railroad company but a trifle more to return the cars loaded than empty. The destination of the train in one direction is Baltimore, New York, or Philadelphia; in the other, Chicago, Saint Louis, or Saint Paul. Every car that is dropped from the train at intermediate stations requires the stoppage of another train to pick it up after it is unloaded. The expense of maintaining way stations and this loss of time cannot be incurred for nothing. Besides, it is just as much trouble and expense to settle and collect for the freight on one car-load as a hundred. Under the present system of low through freights hard coal is carried to the great railroad centers of the West so cheaply that people are able to save their groves of timber, and firewood is not worth as much to-day in Chicago as it was twenty-five years ago, prairie country as it is.

POOLING OR CO-OPERATION.

In vindication of the pooling or co-operative system, in regard to which so little is understood and which has been most bitterly denounced, Mr. Albert Fink before the same committee said:

Suppose that the Baltimore and Ohio Railroad Company charges to a shipper, A, forty cents per hundred pounds on grain from Chicago to New York, and the same rate to all its patrons for contemporaneous and like service. It will have strictly complied with the Reagan bill. Suppose, also, that the Pennsylvania Railroad charges on the same day twenty-five cents to another shipper, B, from Chicago to New York, and the same to all its patrons for like and contemporaneous service. Both companies will have strictly complied with the Reagan bill, and yet the shipper A, who may be a next-door neighbor of B, and compete with him in the same article of trade, pays fifteen cents more per hundred pounds than B. The effect of the independent action of these two companies is precisely the same as if one and the same company had made this unjust discrimination.

It certainly can make no difference how discrimination is produced, or by whom it is practiced, as long as it exists.

To prevent this sort of unjust discrimination, it is necessary that the two roads in the case I have mentioned for illustration, and also the other Chicago roads and their connections which can carry this freight to New York, should agree together upon a like charge to be made for contemporaneous and like services to all shippers at Chicago. These several roads should co-operate first in agreeing upon a joint tariff, and then strictly adhere to it. It is only in this way, and in no other, that the shippers in Chicago, or in any one locality where a number of roads compete for the same traffic, can be put upon the same footing, and that the spirit and intention of the common law and the Reagan bill can be practically enforced.

To illustrate this subject still further, suppose the rate from Chicago to New York on grain per hundred pounds is to-day forty cents, while from Saint Louis, upon a strict mileage basis, the rate is forty-five cents. These are the rates actually observed to-day; they are reasonable and just, and do not discriminate between Chicago and Saint Louis, and therefore ought to be, and are, satisfactory to all parties. But suppose the New York Central company charges in Chicago twenty-five cents to-day, while the Saint Louis roads charge forty-five cents in Saint Louis. The Saint Louis shipper would at once complain against this unjust discrimination; but the Reagan bill would afford him no relief and grant him no protection.

In order to secure to the Saint Louis people a non-discriminating tariff—a tariff that will enable them to compete on equal terms with Chicago—there must be an understanding or an agreement, there must be co-operation between the several lines centering in Chicago with the lines centering in Saint Louis in determining the just and proper difference in the tariff from the two cities to the same point of shipment as justified and made necessary by their relative location from the markets and by other commercial considerations; and after the relative tariff is established upon the correct and satisfactory basis, there must be joint and co-operative action in maintaining the same.

Each of the terminal roads in Chicago has a number of connecting roads which reach to the seaboard. Counting the various and distinct combinations of connecting roads with the main roads, there are upward of twenty distinct organizations, working over some fifty different routes to the East, each having separate interests, soliciting business on its own account, and at liberty to make such tariffs as it pleases. A similar state of affairs exists at Saint Louis, from which place freight is shipped over one hundred and seven different routes to the seaboard, controlled by more than twenty different organizations, so that there must be an agreement between upward of forty different interests, all of which must be satisfied as regards the tariff and the amount of business each receives under it, in order to secure the intended object of the Reagan bill: to prevent unjust discrimination. I have only mentioned Chicago and Saint Louis; but you must now also consider that the rates made from these cities influence and control the rates from almost every section of the country, from Indianapolis, Louisville, Cincinnati, Toledo, Detroit, in fact from the lakes down to the Gulf of Mexico, and from the Atlantic to the Pacific Ocean; and further consider, that the co-operation of all the roads interested in the carrying business of this large country is required to regulate and maintain just and proper tariffs; and you may be able to form some idea of the complications and difficulties of the problem, to satisfy the demands of the people for indiscriminating railroad transportation tariffs.

POSTING SCHEDULES OF RATES.

Section 5 of the substitute, as to the posting of schedules, seems impracticable, as is clearly set forth in the remarks of John A. Wright before the Commerce Committee, namely:

If the railway companies should be compelled to carry out the provisions of this bill, they must post a schedule that will embrace every town and every station in the country, covering the possibility of any interstate freight being carried between such stations, otherwise it does not carry out the principle of the bill, and any omission to give such rate in such schedule over its own and connecting roads would render a company liable to the heavy penalties in the bill.

Now, there are about twenty thousand stations in this country, and rapidly increasing in number, and at every station there must be a rate fixed from each station to every other on all freight which can possibly be termed interstate.

You see, gentlemen, that the carrying out of such a provision would be out of the question. It would simply be impracticable.

If it was limited to the road itself it would be a different question. Then, again, this asking a portion of the railroads to put a schedule up for conveyance of freight over other roads, over which it has no control, is impracticable. The first road would be held legally responsible, while roads over which it may be expected that the traffic would pass would decline to make contracts. So the provision is not wise; and anything impracticable, anything that affects the proper interchange of business is, of course, unwise. What you want in railroads, and what you want in all business, is the freest possible movement with the fewest restrictions, so as to keep all the machinery working smoothly and most surely to the end to be reached.

It appears to me that, if the provisions of the substitute were carried out, great monopolies of trade would be built up and fostered in the city of New York to the injury and ruin of merchants in many of our interior cities. To illustrate, take the cities of Chicago and Saint Louis, whose merchants import largely and directly from Europe, their goods passing through the port of New York without there paying tribute. By reason of the facilities of cheap freights, they are enabled to successfully compete in the sale of merchandise with New York and to carry on extensive wholesale trades. If, for example, the railroads running between New York and Saint Louis (from which places freight is shipped over one hundred and seven different routes to the seaboard) charge but a reasonable rate, say $50 for transporting a carload of goods from New York to points, say within two hundred miles east of Saint Louis, should these roads be prohibited from charging considerably less per car for transporting fifty or more carloads from New York to Saint Louis the merchants of Saint Louis would have to abandon their trade with such points east of them, as, to the cost of their goods landed in Saint Louis, there must be added the cost of transportation from Saint Louis back to such eastern points. This would be of no benefit to the community or the merchants at such points east of Saint Louis, but would be a positive injury to them, as it would destroy competition in their trade and force their purchases to be made in New York, when otherwise the Saint Louis merchants could sell to them at lower rates than the New York merchants.

Who, then, is to be benefited by such a provision? Evidently the New York merchants, to the certain injury, not only of the merchants and entire community of Saint Louis and other cities similarly situated, but to the injury of their surrounding communities, now depending upon them for their trade and traffic. It is within the memory of the most of us, when the wholesale mercantile business of the country was carried on by our seaboard cities, mostly by the city of New York, and when wholesale houses in the interior were not known. It has been since the advent, and through the facilities, of railroads that country wholesale houses, removed from our seaboards, have been built up, and they are now successfully carried on in almost every State and Territory of the Union.

While the object sought to be accomplished by the substitute is to relieve and protect the many from the wrongful and unjust encroachments of the few, I am constrained to believe that, if carried out, it will operate to the injury of the many and to the benefit of a favored few. It may kill off a few railroad kings, but over their remains will arise a few princely merchants to amass fabulous fortunes and control the great commercial interests, and perchance the political machinery, of the continent.

As to the people of my own State, depending so much upon long lines of competing railroads for the transportation of their products and merchandise, I confidently believe that the enforcement of the Reagan bill would in the course of a few years, by the increased rates of freight, burden their commerce with millions of dollars of expenses, which, otherwise, would be saved to them and added to their material prosperity.

In our efforts to strike down one unjust monopoly let us take care that we do not build up another less useful and quite as dangerous. In our attempt to regulate the carriage of our vast commerce by railroads, let us beware that we do not stagnate and depopulate many of the growing and thriving cities, villages, towns, and settlements with which railroads have dotted our magnificent domain from our lakes upon the north, and from the Gulf of Mexico upon the south, to the Pacific.

In my judgment, to adopt and enforce the Reagan bill will not only destroy, to a great extent, competition between railroads, and between railroads and water transports, but it will encircle and penetrate our railroad lines, restrained and hampered by fixed rules, with lines of water transportation by Ocean and Gulf, and by Rivers and Lakes, free and unlimited in their rates of transportation, and unrestrained as to "drawbacks," "rebates," and "pooling," of which there is so much complaint.

Competition makes cheap freights, cheap freights make cheap goods, cheap goods bring comfort, contentment, and prosperity to the people. Competition by railroads brings the farmer and stock-raiser of the old States and the farmer and stock-raiser of the far-off West and of the distant frontier, comparatively, upon an equal footing in the markets at home and in the marts of the world. Free, fair, and open competition and rivalry should be permitted and encouraged in all the varied business callings and business transactions of life.

The just regulation of the transportation of commerce is a very great and complicated question, little understood and difficult of solution.

It is a problem which will require the highest order of intelligence, moral courage, and integrity, years of study and experience, with great discretionary powers conferred upon some competent tribunal to work it out, and to mold it into a practical, harmonious, and equitable system. It has baffled the greatest governments and the greatest minds of the world.

The question we are now dealing with, the regulation of the transportation of interstate commerce, under our dual form of government, is much more difficult than the question of the transportation of commerce which for years has engaged the attention of England and France and other European Governments, and many of our State governments; yet, with all their long experience and accumulated wisdom and repeated experiments, they have failed to devise or establish any satisfactory system regulating the transportation of commerce.

It is not within the capacity of any human mind, pigmy or giant, or within the power of any legislative body to lay down a set of arbitrary rules which will be applicable, just, fair, and undiscriminating in all of the innumerable and diversified cases growing out of the transportation of the vast commerce of 50,000,000 of people. Hence the necessity, if we would even approximate a satisfactory, effective, and reasonable system, of a supervisory board clothed with full discretionary power to take charge of this matter and make such regulations from time to time as experience, a thorough study and knowledge of the question, justice, wisdom, and fair dealing may suggest, for the protection and promotion of individual rights and the general good of the public.

Refunding of the National Debt.

SPEECH OF HON. SETH H. YOCUM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Section 5 of the bill is as follows:

From and after the 1st day of July, 1880, the 3½ per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation."

For which Mr. CARLISLE had offered the following substitute:

"From and after the 1st day of May, 1881, the 3 per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation or as security for the safe-keeping and prompt payment of the public money deposited with such banks; but when any such bonds deposited for the purposes aforesaid shall be designated for purchase or redemption by the Secretary of the Treasury, the banking association depositing the same shall have the right to substitute other issues of the bonds of the United States in lieu thereof: *Provided*, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn as provided by law within thirty days after interest has ceased thereon the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: *And provided further*, That section 4 of the act of June 20, 1874, entitled 'An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes,' be, and the same is hereby, repealed, and sections 5159 and 5160 of the Revised Statutes of the United States be, and the same are hereby, re-enacted."

Mr. YOCUM said:

Mr. CHAIRMAN: I think there are the most cogent reasons why the provisions of the fifth section of this bill should be retained, at least in substance. The national banks are the creatures of special favors and privileges at the hands of the Government, and are, and of right ought to be, subject to governmental control. It is idle for gentlemen to say that these special privileges amount to nothing. A company of gentlemen, such as compose a bank, may loan the Government the money required to buy one hundred thousand dollars' worth of bonds, and thus far they are on a common level with all other purchasers. But when the Government actually hands them back $90,000 of their investment, so that they are made the possessors of one hundred and ninety thousand dollars' worth of capital, leaving but $10,000 actually invested, and on which investment they receive the interest on $100,000 from the Government and the profits on $90,000 of money in their bank at home, they are indeed made the special favorites of the Government and granted privileges that result in an injury to all the balance of the people. We cannot in a republic afford to raise up a privileged class. It is abhorrent to the spirit of our institutions. Gentlemen say the banks are heavily taxed. Unless they are taxed to an amount equal to the interest either on the bonds or the notes that the Government donates to them, they are still the gainers.

I believe it to be the policy of the advocates of long-time bonds to bridge over, if possible, the present ruling desire to pay off promptly and rapidly the public debt; and if able to do so they will then rely upon building up a sentiment in favor of postponing payment. The permanency and continuation of the national banking system largely depend upon their success in this direction. For with the rapid payment of the public debt must inevitably disappear the foundation of this system of banking and the issuing of its notes as money. The fatal policy of squandering the public moneys in the payment of premiums on its own bonds cannot be defended from any direction. Why not, then, encourage and stimulate the public desire to pay this debt by keeping always within reach of a class of securities that are due and payable? The nation is just now in the strength and vigor of early manhood, and it will add to its industry and energy to make this manly effort to get rid of the burdens of this debt. The postponement of its payment to future generations will have a tendency to weaken and destroy public energy.

I cannot but deplore the attitude of the national banks and their friends in relation to the speedy payment of the bonds. While it will be conceded that the payment of these bonds and the utter wiping out of our national debt is a thing most devoutly to be sought after, every interest of the banks, financial as well as political, is against the project. Composed, as are these banks, of the foremost business men of almost every community, and in many instances of men who generously furnished the money with which the war was carried on to a successful termination, it is indeed to be deplored that this large body of influential business men should be at cross-purposes with the best interests of the Government. But it perhaps would be unnatural to be unselfish.

In almost every considerable town and village in the land is a national bank. Thus, scattered all over the broad land, east, west, north, south, you have a network of business interests, closely combined, to which direction is given from a common center, the financial center of the country. The confidential and suggestive circular sent out from this center produces an impression all along the line. Irresistible and overpowering in relation to the financial affairs of the nation, this influence steps boldly into the arena of politics and dictates who shall be the candidates and which of the candidates shall be successful. Such a combination of power has never heretofore existed in the country, crossing political lines, governed alone by self-interest, acquiring strength alone from the special privileges of the Government.

It is idle to say they enjoy no special privileges. And it is but natural that they should be loath to part with this preference. In a business sense they have a right to cling to them as long as the people will bear with the imposition. Even in holy writ they find some excuse for its retention. "He that hath, to him shall be given; but he that hath not, from him shall be taken even that which he hath." Or, in other words, he that hath $100,000 with which to buy bonds shall immediately have added thereto $90,000 in bank notes, in order that he may have $190,000; but he that hath nothing, except a large family and hands to work with, shall have taken away even that which he hath, in order that the interest on the bonds may be paid. Gentlemen say that the banking privileges are free to all; that any company of men who have the money may engage in it; that they are not accountable for the poverty of the people. They forget that not every man can become rich; that in fact only a few out of the many can acquire wealth; that the misfortunes of life as well as the mistakes and surroundings of men preclude them. But see how unequal you thus make the struggle of life. To the already fortunate you add greater favor, but to the poor you preclude the possibility of success.

Mr. Chairman, I do not believe it is either wise or prudent to proceed with undue haste in the matter of funding the maturing debt. While it may be true, as the Secretary of the Treasury insists, if the debt is now to be funded, that some preparation should be made before the 1st of February, in order that ninety days' notice may be given before the 1st of May, yet the preliminary question as to whether it is necessary to fund at all ought first to be definitely settled.

The extraordinary change that has taken place in the country and in this House within the last few months convinces me that no fixed conclusions have been reached. It was contended at last session that forty-year bonds should be issued, that the amount to be funded exceeded seven hundred millions of dollars, and that the interest rate should not be less than 3½ per cent. It is now conceded that the Treasurer can pay in the immediate future all of this debt in excess of six hundred millions, that the rate of interest need not exceed 3 per cent., and that in no event ought the time to extend beyond the period of ten years. This marvelous change convinces me that the equilibrium of public sentiment has not been reached and that hasty action would be unwise.

It ought not to be forgotten that no part of the maturing debt can press upon the Government for payment, but that its payment is entirely at the option of the Government itself.

That it would be safer to retain the option to pay whenever it can, and cheaper to have its payments credited on the part of the Government as they are made, and interest at once stopped, can scarcely admit of a doubt. The vast sum of almost four millions of dollars has already been paid by the Government to the speculators in bonds, because the option to pay had been bartered away. The payment of these premiums for bonds in the market is an absolute squandering of the public funds, from which no one derives any benefit excepting the bond speculator, and such management of the public affairs deserves the condemnation of every citizen. There can be no excuse offered for depriving the Government of the right to pay whenever it has the funds to do so.

But gentlemen have arrogated to themselves all the virtue and all the honesty of the country because they propose to reduce the interest on the public debt. It has been demonstrated that the present matur-

ing debt can be paid within the next ten years, unless our country is overtaken by some unforeseen calamity. And yet these virtuous gentlemen propose to preclude the Government from the possibility of payment during this time unless we go into the open market and pay the bond speculator his price for the bonds.

That the amount of interest to be paid will be less than any proposed by gentlemen in case of continued payments directly applied from month to month and from year to year, thus stopping interest on these amounts, is a matter of the simplest mathematical demonstration. The honorable gentleman, Judge KELLEY, has so forcibly put this idea that I quote him:

> The interest on the sixes would be $26,400,000, and that on the fives while the annual payments were going on would be $76,072,000 and for the period required to pay the six percents would, as I have said, be $83,825,000, giving a total of interest during the whole process of payment of $186,298,062.
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> By this process we would have paid every bondholder that was entitled to 6 per cent. his full interest, and every one entitled to 5 per cent. his full interest; yet we would have paid interest on the whole debt for but one-half of the period, for we would have been paying it regularly along and extinguishing the debt in ten years, so that the total interest paid would be precisely five years' full interest. It would be an interest rate during the period of gradual payment of from 2.60 to 2.65 per cent. Two hundred million dollars carry 6 per cent. and $437,000,000 carry 5 per cent. He who will add the total of interest on these two sums for ten years and divide it by two will ascertain the annual rate of interest we will have paid, and find that it will have been lower than that proposed by any bill.
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> No bill proposes to pay less than 3 per cent. Therefore they all propose to pay for the privilege of surrendering the option we are soon to possess. They propose to pay for the privilege of extending a debt which we may pay year by year out of our current surplus at a lower rate of annual interest than is proposed in any bill, and to extend it by the scheme of the Secretary of the Treasury for fifteen years, with a possibility of forty years, and by that of the Committee of Ways and Means for twenty years, with a possibility of forty years.
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> In the name of the nation that stands as an exemplar to the oppressed people of the world I appeal to gentlemen to do no wanton act which shall lead them to believe that the American people regard a national debt as a national blessing and are willing to pay for the privilege of perpetuating it.

If it be said that payments will be made month after month in case this funding bill is passed, as they are now made and as the surplus funds will permit, the answer is that the same force that seeks to fund into long-time bonds is just as actively at work in seeking the reduction of taxation, by which, if successful, they will deprive the Government of the power to pay at all. These gentlemen ask that the tax may be taken off bank circulation, bank deposits, bank-checks, and other items from which revenue is derived. So that this business is the determination of a policy to be pursued rather than the simple consideration of this bill. The question is, shall the debt be paid at all or shall it become perpetual?

No private business concern of any prudence whatever would continue to have its paper discounted, with the accompanying expense of interest, if it had the means to pay. I do not believe that any different rule can be applied to the affairs of the Government. But this proposition brings us in conflict with a school of financial philosophers, which has grown up in this country in imitation of those in Great Britain and other monarchical governments, who claim that "a public debt is a public blessing." You hear many discreet persons, with apparent candor, declare that it is absolutely necessary to have a public debt in order that the vast amount of trust money and other surplus funds in the country may be absorbed; that the nation must be encumbered that the people may prosper; that the highest state of prosperity means a want of money on the part of the Government to pay its just obligations.

The doctrine itself would be entirely unaccountable in logic, as it is foreign to every principle of republican institutions, were it not for the fact that the existence of a public debt adds largely to the money-making power of a small class of our people. By considering for a moment the results of the absolute extinguishment and payment of our public debt, will help us to appreciate the change that must take place. Fifty thousand office-holders would be left without occupation, and the Government pay-roll correspondingly reduced. The burdens and responsibilities in governing the nation would be greatly removed, and customs of primitive simplicity could be restored. With the bonds paid, our cumbersome and expensive national-banking system would be wiped out, its special privileges gone, and the Bureau of Printing and Engraving reduced to a shadow.

I believe it to be the controlling financial idea, in the background of both of the old political parties, that this debt shall remain unpaid. Unrepublican and undemocratic as it is in every essential feature, it cannot be openly expressed in the face of the people; but covertly and with a hidden design, every step of a large class of our financial managers is on a line parallel with that idea. One of the strongest evidences of the truth of this proposition is the evident desire of the prominent leaders of the combined parties to fund nearly eight hundred millions of our public debt for twenty or even forty years, if it were found possible to do so. No nation that has funded her debt into long bonds, or deferred its payments for a long term of years, has ever paid that debt. History affords no instance of the payment of a national debt that has assumed a permanent character and passed beyond the generation in which it was contracted. Great Britain less than two hundred years ago initiated her system of deferred payments with an insignificant sum of less than six millions of dollars—which under the profound wisdom of her financial teachers has grown to the enormous sum of more than four billions of dollars. France, Italy, and Russia are like witnesses of the truth of the assertion that deferred payments are the precursors of a permanent debt. It can then be fairly assumed that the men who are in favor of issuing long-time bonds also favor making our national debt a perpetual one.

In making the proposition I am about to offer I am aware that I shall meet the opposition of the most powerful combination of financial influences that exist in the country; to be resisted by combined force, because it strikes at their selfish interests. The national banking system is a creature that lives and prospers on account of the special favors it enjoys. It would be almost unparalleled for those who enjoy special privileges of so important a character to give them up without a struggle. Yet there are instances where men, and even nations, have risen above every sordid motive. These perhaps are exceptions. My proposition is simply to retire the national-bank notes and substitute full legal-tender notes in their stead.

This would give the United States Treasurer $350,000,000 with which to pay off and cancel a like amount of the public debt without disturbing the amount of paper money in circulation and without interfering with any one except the national banks, and without affecting them except as to their special privileges. They could thus get rid of tax on circulation and the country would have a better paper money than at present. The balance of two hundred and fifty millions could well remain to be paid out of current revenue without funding at all. In three years the whole of the present maturing debt could readily be paid, with seven years left to prepare for the next bonds that fall due. This proposition places us face to face with the other question, as to whether the Government has the right and the power to issue paper money. It has the right under the express terms of the Constitution "to coin money, regulate the value thereof and of foreign coin."

At the time that this provision was drawn the use of paper money was almost entirely unknown, and there can be no reasonable doubt but that the framers of the Constitution intended to clothe the General Government with all the authority necessary to control the entire issuing of all money. But coupled with this and as high as the Constitution itself is the right in the Government to protect its own existence and secure the happiness and prosperity of the people. As well might the strict constructionist say that the right "to establish post-offices and post-roads" limited the carrying of the mails to the lumbering old stage-coaches of a century ago, and that there was no authority for carrying them on the railroads, at that time unknown.

How do these hard-money advocates treat the argument themselves? They do not hesitate for a moment to transfer the right to issue paper money to the national banks. In fact, all parties admit that there is not a sufficient quantity of the precious metals to make up our currency. Where does the right come from that they so freely accord to the banks? If the right does not exist, how does it come that they undertake to delegate it by statute? The fact is there is no intelligent body of men in the country who doubt the authority of the Government to issue paper money; but the doubt arises as to the propriety of allowing this right to the people through their representatives in Congress. A select few, the rich and the powerful—the bankers—are alone to be intrusted with this authority, an aristocratic idea conceived in sin and born of iniquity. The Government actually does, day after day under existing law, issue paper money, and it has the sanction of the highest authority in the land, the Supreme Court of the United States, for so doing.

The national-bank party, driven to the necessity, are constantly charging upon its opponents the intention to re-establish State banks of issue, and then in glowing terms portray the evils of that system. This is a trick that is as unreasonable as it is dishonest. There is no one that proposes any such plan. The power to issue money is vested in the General Government. I do not believe it even has the power to delegate that authority. It is a right that can alone be exercised by the supreme power of the nation; and it is idle to charge upon us any attempt to revive the evils and absurdities of the old State banking system.

There is a "twin relic" standing alongside of our present banking system that I cannot help but notice in this connection; and that is the single standard theory—that gold alone shall be money. Everything shall be bought with gold; everything shall be sold for gold; a most disinterested and unselfish proposition, since all the gold in the land is owned or controlled by its advocates. How monstrous this proposition is will appear when you consider that there is not enough gold in the United States to pay the assessed *poor tax* of the land. And yet these financial fanatics, in case of calamity, would reduce us to the terrible necessity of redeeming everything in gold. A new system of idolatry is to be established, and gold is to be the god. This gold, that has proved itself to be both a coward and a traitor, is to be made supreme ruler. At the approach of trouble in the country it hides away like a dastardly villain, and when the shock of battle comes is more than apt to go over to the enemy. The severest test of financial respectability hinges on this point—as to whether you are a pure and simple goldite. But all of these propositions resolve themselves into the more elementary one of whether you are for the great, the rich, and the powerful, or for the poor, the weak, and the oppressed. Republicanism in its primitive days derived its inspiration and its soul from its defense of the poor and the helpless. It was considered to be a noble thing to bear the stings of reproach for its defense of the down-trodden. I believe there is enough virtue and patriotism left in the American people to vindicate the rights of the wronged.

Refunding of the National Debt.

SPEECH OF HON. J. W. DWIGHT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. DWIGHT said:

Mr. CHAIRMAN: No one who desires to preserve and improve the credit of the Government can doubt the wisdom of refunding so much of the public debt as we are unable to pay at a lower rate of interest than it now bears. If on the $638,000,000 of the debt which will become redeemable between the first days of May and July next 2 per cent. per annum can be saved in interest $12,760,000 can be applied in payment of the principal of the debt without increasing the burdens of taxation.

The duty of Congress is plain. It should promptly pass a refunding bill that will enable the Secretary of the Treasury to borrow money to pay all the bonds as fast as they become redeemable, provided he can save money to the people by so doing.

That differences of opinion exist as to the rate of interest which should be fixed is not surprising. With the ever-changing phases of the money market, no one can now foretell with mathematical exactness whether it can be done at 3 per cent., 3½ per cent., or even 4 per cent. I would therefore provide in the bill now under discussion that the Secretary of the Treasury may issue and put upon the market the necessary amount of bonds, bearing interest at as high a rate as 3½ per cent. It is, in my judgment, wiser to vest in that officer such discretion than for us to fix it arbitrarily here. I do not myself believe that our debt can now be refunded at 3 per cent., certainly not unless the bonds are permitted to run for a long period of time, which is not likely to be consented to by this Congress. It would be a grave blunder to so legislate here as to make the attempt to refund the debt at a lower rate of interest a failure.

The great and varied industries and enterprises of the country are all active, which require for constant use vast sums of money, and for which from 5 per cent. to 8 per cent. per annum is readily paid.

The reasons why it seems improbable that the debt can be refunded at 3 per cent. are obvious and numerous, and might be elaborated if time permitted. That does not, however, seem to be necessary, for as I fear it has already been predetermined by the majority party here that no successful refunding bill shall be permitted to pass during this session, and, if I am right in this apprehension, reasons would not avail in changing the purposes of the majority.

I trust that I may be permitted to call the attention of Congress and the country to some of the reasons that have led me to conclude that the other side intend to prevent the Secretary of the Treasury from refunding.

In the course of this discussion the gentleman from Missouri [Mr. BLAND] said:

I assert this proposition, that to pay the debt in standard silver dollars will cost the people less than to pay it in any manner of refunding. At the present price of silver bullion, $48,000,000 of revenues will purchase sufficient bullion to coin fifty-four millions of standard silver dollars; so that $54,000,000 is the maximum required by law to be coined. We see that there is a clear profit of $6,000,000 on every forty-eight millions' worth of bullion; so that we save to the people $6,000,000 on every fifty-four millions of debt thus paid. If, then, we pay at the rate of fifty-four millions annually, we reduce the debt to that extent, and thus reduce the interest. By this process we can pay the debt of five hundred and eighty-two millions in about ten years. During that time we will have paid about eighteen millions of interest and five hundred and eighty-two millions of principal, making, in all, $600,000,000. The profit in coinage will have been $72,000,000. Subtract $72,000,000 from $600,000,000, and we have as a result $528,000,000. It will thus be seen that we have paid the whole debt of $582,000,000 and the interest on it for ten years at 5 per cent. with $528,000,000, thus not only saving all the interest, but $54,000,000 of the principal. In short, $528,000,000 expended in the purchase of silver bullion will, under the silver law, pay off this debt and the interest on it during the process of payment. This is what the people expect and demand of us. This was the object and intent of the silver law.

The gentleman from Mississippi [Mr. CHALMERS] said among other things:

The people of the United States have been swindled enough in the refunding of our debt, and I hope no more such frauds will be practiced upon them. We lost millions by refunding the bonds payable in greenbacks into bonds payable in coin, and we will lose millions more if we refund bonds payable in silver into bonds payable in gold.

A distinguished writer has said, "Abraham Lincoln described the Government of the United States as one of the people, by the people, and for the people," but his successors have perverted it into one "of the bondholder, by the bondholder, and for the bondholder." During our late canvass for President the public were amused and deluded by the payment of the debt at the rate of from six to eleven millions per month, and by their votes they indorsed this rapid cancellation of their bonds. Now that the election is over, and the offices secured for another four years, the payment ceases and we are asked to refund at long time.

But, sir, there is another and most serious objection to refunding this debt. The democratic party has been denouncing the republicans for creating a bomb-proof sanctuary for the investments of capitalists, where they would pay no taxes, and now a democratic Congress is talking about doing the same thing. When money is growing scarce in trade and when all classes of industries are laboring under heavy loads of taxation a democratic Congress is talking about again bringing the Government into the market as a borrower to compete with its citizens, and, worse still, are talking about creating six hundred and seventy millions of property that shall pay no taxes.

Sir, there are a thousand industries in every part of this broad land only awaiting the quickening influence of capital to spring up, and yet a democratic House is talking about offering inducements to bankers to hide their money in Government bonds. I have seen the demoralization of defeat on many fields. I have seen cannoniers cutting loose their horses; I have seen infantry in flight throwing away their arms, and I have seen hatless horsemen in wild retreat; but, sir, if a democratic House shall change bonds payable in silver into bonds payable in gold, and shall create six hundred and seventy millions of wealth to bear no share in the burden of taxation, I shall confess that I have never seen demoralization before. I am opposed, sir, to any refunding whatever. I shall vote to amend the bill as far as I can, and then I shall vote against it when amended.

Now, Mr. Chairman, whatever the purposes of gentlemen who use such language may be, for myself I must conclude that it tends to impair the public credit and embarrasses refunding. I admit that when the first bonds were issued to raise the money to put down a causeless and wicked rebellion the silver dollar containing 412½ grains, and the gold dollar containing 25.8 grains, were recognized by all parties as the legal currency of the country. It must be remembered, however, that the Congress of the United States in 1873 attempted to adopt one standard by stopping the coinage of silver dollars, and gold was therefore regarded as the standard currency of the country, and this was done when 412½ grains of silver were worth in the markets of the world more than 25.8 grains of gold.

As we saw fit to practically adopt the gold standard, and at a time when it was the cheaper metal, it is, in my judgment, against good morals and against the public credit to readopt the double standard after having sold our bonds for gold, and after silver has fallen in value to eighty-six or eighty-seven cents on the dollar in the markets of the world, unless we put silver enough into each dollar to make it as valuable as gold.

General CHALMERS must, I think, have forgotten the statute of 1862, which authorized the issuing of bonds to obtain money to enable the Union armies to cause "the demoralization of defeat on many fields," of which he so eloquently spoke, provided that the customs revenues of the Government should be collected in coin to pay the interest on the bonds, and 1 per cent. per annum, collected in like manner, as a sinking fund, and set it apart for the redemption of the principal of the bonds. That statute clearly made both principal and interest of every bond that has been issued payable in coin. The gentleman's charge that "the people of the United States have been swindled in refunding the bonds payable in greenbacks into bonds payable in coin," should not have been made, because the bonds have all been sold for the equivalent of coin, and by their terms and by the provisions of the statute they were all payable in coin.

I am glad to see that the gentleman has commenced to quote the martyred Lincoln. I trust he will bye and bye really admire the character and official conduct of that great and good man, and when he does he will realize that Lincoln respected the rights of all men, and never hated a bondholder who loaned his honest earnings to the Government to enable it to perpetuate its existence. And, moreover, that he believed that the creditors of the Government should all be paid and the public credit fully maintained, so that its integrity should nowhere be doubted.

The gentleman says the democratic party has been denouncing the republicans for creating a bomb-proof sanctuary for the investment of capitalists, where they would pay no taxes. It certainly seems strange that he should so misunderstand or so misquote history, for undisputed facts will declare, both now and forever, that the gentleman and his democratic allies created the necessity for issuing the bonds, and that they so far impaired the credit of the Government as to make it necessary for it to accept less than forty cents on the dollar for its promises to pay, and that it was therefore obliged to exempt its bonds from taxation to secure purchasers.

Perhaps it should not create any surprise that all men who would have destroyed the Union cannot consent to forgive those who invested their honest accumulations in Government bonds. Union soldiers, fed, clothed, equipped, transported, and cared for by the means derived from the sales of the bonds, defeated those who were determined to destroy the grandest and the best government on earth. We may therefore expect to hear much said in criticism of the hateful bondholder until all of our countrymen learn to love the Union.

My distinguished colleague, the chairman of the Committee on Ways and Means, [Hon. FERNANDO WOOD,] among other statements said:

A profit of hundreds of millions of dollars has fallen into the hands of a few men in consequence of the shameful policy of this Government in humbly beseeching the syndicates and the banks, the capitalists of Europe and New York, to be so kind as to take our 4 and 4½ per cent. bonds. [Applause.] The time has now arrived when "Uncle Sam" is "stalwart," in the language of my friend. This nation stands to-day upon her imperial power. Her resources in the earth and above the earth, in the manly industry and energy of her people, are as ten to one compared with those of any other nation in the world. I for one, in the expiring hours of a public life of forty years, will never consent that this great country shall hawk its credit through the money markets of the world. [Applause.]

I will venture, Mr. Chairman, to say that in my opinion the gentleman has no justification whatever in making the charges above quoted. These charges are in harmony, however, with the gentleman's political prejudices and conduct at the breaking out of the rebellion and since, which in my judgment have cost the Government in blood and treasure a thousand times more than any mistakes that have been made by the friends of the Government in placing its numerous loans.

Since gentlemen have seen fit to make the observations which I have quoted, I assume that they will not take exception if I call attention to the fact, as I now do, that the democratic party has a record showing its ability, or rather its want of ability, in dealing with financial questions. When it was last in full control of every department of the Government, and when the whole amount of the public debt was less than the annual interest is now upon our bonded indebtedness, it was unable to borrow money upon the credit of the Government at a less rate than from 10 per cent. to 12 per cent. per annum.

Since that period this same party has shown great facility in creating indebtedness; but if it has shown any facility in paying the debt, I am not aware of it.

Now, sir, suppose you determine by law that the Secretary of the Treasury shall have no discretion as to the rate of interest that he may pay, and he should find that he cannot refund the debt at 3 per cent. The result will necessarily be that you defer the consummation of the efforts for at least a year, which will cost more than twelve million dollars, besides impairing the public credit. On the other hand, if you give the Secretary the discretion, that will enable him to pay 3½ per cent. and thereby both obtain the needed money, save a very large sum in the reduction of interest, and improve the public credit. But I am admonished that the time allotted to me has already expired, and I crave the indulgence of the House for a moment longer to call especial attention to the quotations I have made from the speeches of the gentleman from Missouri [Mr. BLAND] and the gentleman from Mississippi, [Mr. CHALMERS.] The first-named gentleman, as will be observed, wants to pay the public debt, if it is paid at all, at eighty-six or eighty-seven cents on the dollar, and as much less as silver bullion may be purchased for.

The gentleman from Mississippi regards it as a most disastrous calamity, as will be seen by his reasoning, to refund the public debt at a lower rate of interest than it now bears.

Mr. Chairman, I must conclude that the majority of the people of this country will be as unwilling to follow these gentlemen now on the great questions of finance as they were to march under their banners during the war.

Refunding of the National Debt.

SPEECH OF HON. G. G. BENNETT,

OF DAKOTA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. BENNETT said:

Mr. CHAIRMAN: The discussion on this bill has taken a wide range, and has given ample opportunity for the presentation of the multifarious theories entertained on the question of national financiering. The measure is one providing for the refunding of the national debt; but, if judged by some of the amendments and substitutes offered, it must be regarded by several members on this floor as one to defeat that purpose, a purpose and object which in their estimation must be reprehensible and exceedingly pernicious.

The great mistake which lies at the bottom of many theories or vagaries entertained by professed public teachers on this branch of political economy consists in a willful or ignorant forgetfulness of the fact that in business transactions and relations the Government is only a person; an artificial one, it is true, but nevertheless a person; and that in its financial transactions and dealings with its own citizens and the outside world it must recognize the well-established laws of business or it will sooner or later find itself on the road to bankruptcy.

A nation does not possess in the remotest degree that supreme creative power that can call into existence something out of nothing, or give to that the solid substance of fact which is but a hollow lie. Money is defined, laconically, to be current coin, and in a certain sense is the creature of law, receiving its character as a circulating medium through the stamp of legislative sanction. But it by no means follows that in the wise and prudent administration of government anything and to any amount may be declared money, regardless of its intrinsic value or the power or possibility of redemption in something which, in the ordinary transactions of life, may be regarded as a good and valuable consideration. A government that compels its citizens to accept a currency of its own issue, without intrinsic value, non-convertible, and irredeemable, makes simply a forced loan, without interest, something resorted to only by despotic governments or governments in great financial straits, or in times of great emergency and peril.

But we are asked what about the greenback? Why is it to-day on a par with gold? In the first place, the greenback had its birth in the struggles of this nation for existence. It was the child of a dire and terrible necessity, and so long as the life of this Republic hung trembling in the balance it was of a very uncertain and depreciated value. The greenback lived, not because the people had faith in it, but in the Government that stood behind it. Faith that it would survive the desperate struggle and hold its place as a nation among the nations? Yes; but more. They believed it would redeem its promises, and, like an honest debtor, pay its obligations to the last farthing. And just as fast as the country recovered from the calamities of war and commenced climbing the heights of prosperity the greenback kept pace with it, and when the Government announced its ability and readiness to pay all of its outstanding matured obligations in gold and silver the greenback sprang to par. Will any one pretend to say such would have been the case had they been irredeemable or non-convertible?

But if greenbacks constitute so good and so safe a currency, why not issue a sufficient volume, with the surplus money in the Treasury, to pay off the maturing bonds, and thus dispense with refunding? That legislator is very unwise who never forecasts the future nor provides against a possible disaster or emergency. There are, without pretending to give the exact figures, about three hundred and fifty millions of greenbacks in circulation. Add to that the amount necessary to redeem the bonds now maturing, and which are sought to be refunded by this bill, after using all the surplus in the Treasury, and we find on our hands the appalling sum of $1,000,000,000, for the redemption of which we are liable every day and every hour.

But it may be said the people are so well satisfied with them they will not be presented for redemption. That may be so long as this era of prosperity continues, and so long as the balance of foreign trade is so largely in our favor and gold continues to pour in on us in a steady stream. But let another financial crisis such as struck and staggered us in 1873 again overtake us; let the wheels in our mills stop, the fires in our forges die out, and our factories close their doors; let the balance of trade turn against us and gold and silver take up their steady march from our shores, (and such times will periodically come,) then you will find men clamoring at the doors of our Treasury only to see them closed, and this great nation suspending specie payment, thereby adding to the general calamity and financial demoralization. I am aware that in the theory that embraces such a system of finance redemption is not a factor. But I do not forget that this Government has resumed specie payment, has given its solemn promise to the world, and in the faithful keeping of that promise are involved its honor, its stability, and its perpetuity. Not only is the Government as such concerned, but the highest welfare and prosperity of the people, for we are all bound up in the bundle together.

The national-bank notes, forming a portion of the circulating currency of the country, redeemable in greenbacks or coin by the banks, relieves the Government to the extent of that circulation from the obligation of redemption, and makes the success of the policy of resumption not only possible, but its failure impossible; for the time is past when any one seriously doubts the ability of this Government, under its present financial policy, to meet all the demands that are likely to be made on the Treasury by the holders of its securities. Then the question is asked, Why not abolish national banks and substitute Treasury notes for their circulation? Several good and sufficient reasons might be given. The Government should, like a prudent business person, never allow its obligations payable on demand to exceed its possible available resources provided for that purpose, except in times of great emergency. It will not do for the Government to act on the theory that these notes would never be presented for payment any more than it would for a banker to presume that the notes which he issues will never again come to his counter for redemption; but, strange to say, there are men who seemingly have no conception of national honor, who regard the Government as a thing of power, with the right to do or not to do what it pleases, in utter disregard of all principles of moral honesty or political economy, and with no accountability to either God or man.

In all civilized nations, banks and bankers are regarded necessary for the proper and convenient transaction of commercial affairs. They existed in the country before national banks, and they would continue to exist if that system was abolished. We have a national debt, and in all human probability will continue to have one for years to come. Why not utilize that debt for banking purposes? True, we may retire the national-bank circulation and substitute Treasury notes, and with these notes pay off the bonds hypothecated for the security of the holder of the national-bank currency, and to that extent reduce our interest. This can be done if we are prepared to compel the creditors of the Government to take non-interest-bearing securities in place of interest-bearing, and throw upon the Treasury the burden of this additional volume of currency, liable to be called upon to redeem it at any time.

National banks are treated on this floor by certain gentlemen as though they were inimical to our institutions, dangerous monopolies to be placed under the most rigorous restraints, and finally pressed to the wall.

It is urged that it is unsafe to commit to these corporations so large a control in determining the volume of our currency, and therefore that control should be lodged absolutely in Congress. One of the greatest mistakes of the age consists in supposing that all honesty

and wisdom are monopolized by legislators, and that the panacea for all social and financial evils is to be found in legislative enactments. The laws of trade and commerce are pliable and elastic, accommodating themselves to the varied changes and vicissitudes known in the realm of business, and cannot be brought within the rigid lines of statutory phraseology. The volume of currency must, as far as possible, and within the proper limits of safety and soundness, be left to be adjusted by the same principles. In other words, it must be elastic, so as to meet the ever-changing conditions and demands of business.

This desired result can only be attained under some such system as we now have, one that is not in any sense a monopoly, but open and free to all who may have the desire and the means to embark in the banking business. Capital will seek this channel for investment, and men will engage in it just so long as there may be such a demand for money as to make it profitable. When it no longer pays dividends, they will wind up their concerns, retire their circulation, and find other and more lucrative employment for their means. This system gives a volume of currency that can be varied with demand, and not to be fixed by any procustean rule or cast-iron method. It brings it nearer to the people, distributes capital, interests men in every part of our country in maintaining the public credit, and in making resumption on the part of the General Government an unquestioned and unquestionable consummation. If national banks should be abolished and the entire currency of the country consist in Treasury notes, it is conceded by all that some limitation would have to be placed on the volume to be issued. That duty would devolve on Congress, and would of necessity be exercised arbitrarily. Under the present system, with the present limit on the issue of greenbacks, inflation is scarcely possible beyond a healthy condition.

It matters not what the issue of a bank may be, or how well secured its notes are, it will lie in the vaults of that bank unless the interests of business and the demands of trade and commerce require its circulation; and, as before stated, if there is no demand for it it will be retired. Not so under the cast-iron system that would prevail were the nation the banker. The volume authorized would be issued and floated regardless of its effect on values and the business of the country. The bulls and bears of Wall street and the gamblers of the gold-rooms would be transferred to the corridors of this Capitol; and if Congress assumes to exercise legislative control over the business of railways in manner contemplated by the bill now pending, there will be inaugurated such a system of jobbery and corruption as has never found a parallel in history. One Congress might fix the volume at seven hundred millions, the next might deem it wise to increase it to twelve hundred millions, while the next might reduce it to five hundred millions. With such fluctuation, such uncertainty, such instability, where would the business interests of the country land? It needs but the bare statement of the proposition to show its absurd and dangerous character.

Why, then, meddle with a system that is so satisfactory in its workings? Above all things the people want a paper dollar that is worth a dollar in gold, and that in times of financial reverses and panics will not turn to dust and ashes in their pockets. That we have now. Good, whether in Maine or on the Gulf, from Hell Gate to Golden Gate. Everything else may disappoint us, but our money never; for behind the greenback and the national-bank note stands the plighted faith of this great Government for their redemption, and until this Government fails our currency is secure.

There is much cheap talk about the "people" being ground down and oppressed by capital, and especially "bank monopolies." If we had a few facts and fewer figures of speech, it would be more satisfactory. Judging by these rhetorical flourishes, we might conclude that by "people" is meant the paupers of the land, men who never handle a dollar, draw a check, or purchase a bill of exchange. In this day and age of the world it is no virtue to be poor when so many avenues to wealth are open to the industrious and sagacious. Nor have I yet learned that it is a crime to be rich.

It was not the man who returned to his master the talent which he had hid in the earth who was commended, but he who brought "five other talents," the accumulation from the honest use and employment of the original capital.

It is capital that builds our railways, constructs our telegraphs, develops our mines, operates our factories, kindles the fires in our furnaces and forges, whitens the seas with our commerce, furnishes to the honest laborer remunerative employment, and drives the life-blood of prosperity and progress through every vein and artery of our social and commercial system. But it has become fashionable to inveigh against capital. It might be expected from communistic, sand-lot politicians, but not from men who aspire to the place and dignity of law-makers and statesmen.

Nowhere does the dignity of labor receive such recognition as in this country; and the glory of our institutions consists in the fact that men are estimated according to their worth as men, and not by their bank account. The man who is rich to-day may be poor to-morrow, and the man who is poor to-day may be rich to-morrow. What extreme folly and how wicked the attempt to array one interest against another, when the men who represent them may change places in a few hours. Neither class can well succeed without the other, their interests are in common; and laws which protect men in their rights, but leave them as far as possible free to fight their own battles and carve out their own fortunes, are the wisest and most salutary.

I have said thus much on our present financial system, because I deem it a safe and wise one, and because it has recently received such an amount of unmerited and unjustifiable abuse. I am in favor of paying off the national debt as rapidly as possible without making taxation burdensome, and certainly would not favor the continuance of that bonded indebtedness for the simple purpose of providing a basis for the existence of national banks. When the debt is paid, and we no longer have bonds with which to secure a bank circulation, I apprehend the wisdom of the country will be equal to the task of providing some other method equally safe and satisfactory.

Refunding of the National Debt.

SPEECH OF HON. GEORGE W. JONES,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 8, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. JONES said:

Mr. CHAIRMAN: Having already made my argument and entered my protest against the refunding policy proposed by the bill, I had not thought to participate further in the debate until the late elections, with the parties and their issues involved, were thrust into it. Of the three parties, the greenback alone ever desired or now designs the extinguishment of the national debt. The ability is ample and the situation most opportune to pay maturing obligations. The demand for full legal-tender United States notes exceeds greatly the bonds. These notes are preferable to coin because more convenient, and as a common medium of exchange they would take the place of so much gold, and their serviceableness as such medium would maintain them at par with metallic money.

It is said that creditors will not take legal-tender paper in payment of coin bonds. Have we tried them? During the year 1879 there was paid into the Treasury, in exchange for absolute paper money, forty millions more in coin than there was tendered of legal-tender paper for redemption in coin. At the United States Treasury to-day you cannot get legal-tender currency in change for a *twenty-dollar gold piece*. Creditors never refuse the better currency, but if in this instance they should, just to fulfill the prophecy of politicians, the Treasurer could easily exchange the paper for coin and thus practically obviate the difficulty. Yet there are those who tell us that republican legislation has made the bonds all payable in coin, and therefore we cannot now pay them and must needs refund. The pretense is transparent. It is assumed by nincompoops, who suppose the people such dolts that they cannot discern *Mammon* through the gauze.

It never has been and never can be a matter of practical consequence whether the debt be payable in coin or paper, if the one be as good as the other. There could be no gain to the debtor or loss to the creditor; so nothing to wrangle about. "Where there is a will there is a way."

The whole subject resolves itself practically into the simple question, Does the law make money?

The fiat theory asserts that the law makes money; that money is not wealth, but in its simple character merely the means of exchanging wealth, credit being its chief element and dependent upon the authority making it. So that a small State, or one of doubtful credit, can make but little or none; while a great State, of solid foundations and large resources, can make money proportionally.

By money is meant whatever the State receives and makes a legal tender in all payments. The metallic theory asserts that nothing can be money but gold and silver, and that all other currency depends for its value upon a metallic basis.

The issue is fairly presented by the bill under consideration. The friends of the metals will vote for Treasury notes without the legal tender, and for refunding in some form; while those who have faith in the Government and believe in its ability to make money will vote against refunding in any form.

This issue was prominently involved in the late elections; democrats and republicans supporting the metallic, and the greenbackers the fiat theory. If the vote cast could be taken as an expression of popular opinion on this particular issue, then further advocation of the people's cause would be futile, and wisdom would counsel and valor allow the greenbackers to decline further combat and acquiesce in the triumph and unavoidable sway of a metallic oligarchy. But partyism was the controlling element in the elections, and as there was no issue of public policy between democrats and republicans the result merely exhibits the positive and relative power of democratic and republican clannishness over the American people. The clansman true rallied to the flag and caught and echoed the watchword, little considering anything else than the success of his clan and the defeat of its inveterate foe; and thus it has been in successive elections for the

last twenty-five years, and time and disaster seem to increase and consolidate this blind power. No matter how wielded or to what ends devoted, absolute, blind obedience and uncomplaining devotion have characterized its dupes, tools, and victims.

Example: In 1878 the democratic party of Texas adopted a fiat platform, denouncing banks and demanding that the Government alone should issue paper currency, and when issued should be made of full legal tender and in quantities to meet the demand of the population for money. In 1880 the same democratic party, with the same leaders and same following, ratified the Cincinnati hard-money national-bank platform and ticket, and gave them their support without the slightest change in cheek or least abatement of zeal, such being the talismanic sway and potent influence of clannishness. The alternative is plain; this power must be overthrown or it will overthrow the Republic.

In popular government party is natural and necessary; natural because men will differ, especially upon political topics, and necessary as suitable instrumentality to formulate different opinions into practical issues, and thus serve to ascertain and give force and effect to popular opinion in the administration of the government.

But the great danger to popular institutions is the clannishness—clanism—which party association and strife always endanger, which, surviving the issues, stimulates pride to folly and prejudice to madness; and transferred to new issues fealty to clan absorbs all patriotic aspirations and devotes the partisan to the Juggernaut of faction. If parties should pass away with the issues that excite them, our Republic would be exempt from danger; and why not? In our constitutional government, wherein its jurisdiction and all the fundamental principles of social and political rights are plainly defined and acknowledged by organic law, parties can differ only as to questions of expediency. These in the nature of things are not continuous, but successive, and being always different in some phase, circumstance, or interest involved, partisans formerly agreeing would naturally differ as to new measures, and hence the transfer of partisan fealty from the old to the new would obstruct and coerce instead of facilitating the expression of public opinion.

Before the adoption of the Constitution fundamental differences existed, but they were settled by its adoption, and now such differences become issuable only when presented in the form of Constitutional amendments. It is true we have two schools, one babbling *Nation* and the other State rights, but brought to any practical test they appeal to the same Constitution, invoke and apply the same canons of interpretation, cite the same precedents, and recognize the same authoritative expositions. The disciples of *Nation* recognize constitutional boundaries and acknowledge the reserved rights of the States, while those of the State-rights school acknowledge the paramount authority of the General Government within the boundaries fixed by the Constitution. Both profess unbounded loyalty, and morning and evening renew the vow and pledge life, fortune, and sacred honor to uphold, protect, and defend the Constitution and to perpetuate the union of the States thereunder. Analyzed, the difference is in statement, not in substance, "words ranked in right learned phrase" to the contrary notwithstanding.

Refunding of the National Debt.

SPEECH OF HON. J. S. RICHARDSON,

OF SOUTH CAROLINA.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. RICHARDSON, of South Carolina, said:

Mr. CHAIRMAN: I shall vote for the bill under consideration, because I believe it necessary to pass some refunding bill. I do not, however, approve all the provisions of this bill. I believe that the Government should have the option to pay the bonds after three years, and for the good and to my mind sufficient reason that before the expiration of five years, at which time, according to the provision of this bill, the option of the Government to pay begins to run, we shall likely have $200,000,000 of revenue in the Treasury without the right to pay it out on any debt of the Government. In my judgment it is unwise to lose the interest on this enormous sum of money, which we could save by providing to pay it out on the bonds proposed by this bill to be issued. It is equally unwise to my mind to lock up that amount of money in the Treasury and thus withhold it from the business of the country.

I believe, too, that the bonds should have a longer time to run than ten years. I doubt the ability of the Government to sell the bonds at par on so short time. Twenty years would insure their sale at par, and the Government, with the option to pay within its own grasp, can suffer nothing from the length of time suggested.

Refunding of the National Debt.

SPEECH OF HON. J. C. BURROWS,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. BURROWS said:

Mr. CHAIRMAN: And here is the conclusion of the whole matter: A simple business proposition to provide for the funding of a portion of the national debt at a lower rate of interest, requiring for its consideration only the calm judgment of sound business men, and which ought to have been disposed of at a single session of this committee, has been dragged through the slough of party politics until, soiled and disfigured, it has forfeited the respect of its friends, and provokes the mingled astonishment and derision of the business world. What were we asked to do? The Secretary of the Treasury in his last annual report informed the House that on the 1st day of November, just passed, there were outstanding bonds of the Government amounting to $687,350,600, which would be redeemable on or about the 1st day of July next; that the surplus revenue accruing prior to July 1, 1880, would probably reach the sum of $50,000,000, which applied to the payment of these obligations would leave a balance to be provided for of $637,350,600. On the 1st day of July next we shall be without the requisite funds to take up these obligations, and the Government is forced to do one of two things—either permit them to run on until they can be discharged out of the surplus revenues of the Government, or borrow the money with which to redeem them.

True, another way is pointed out by our greenback friends, to wit: the issuing of non-interest-bearing notes, a full legal tender for all debts, public and private, based on the resources of the United States, payable in nothing and redeemable never—a course marked with folly and crime in its beginning and terminating in national shame and dishonor. We must therefore pay these obligations or let them run. To permit these bonds to run is to pay 5 and 6 per cent. interest when we can borrow money at a lower rate. As the Secretary well says, "these bonds bear a much higher rate of interest than the rate at which new bonds can be sold." Authority, therefore, is asked to permit and enable the Secretary of the Treasury to fund this debt at a lower rate of interest—the simplest business proposition in the world.

Now, what is proposed by this bill? Instead of conferring upon the Secretary authority to fund this debt at as low a rate of interest as possible and make the matter a success, you propose to restrict his power to borrow to 3 per cent. on short time, and if he cannot fund for that, he is not to fund at all. In other words, you will grant him no discretion whatever. If you cannot borrow money at 3 per cent., then the Government shall continue to pay 5 and 6 per cent. One would suppose that any rate of interest less than 5 and 6 would be a saving. But it seems to be the prevailing sentiment of this House that any rate above 3 is as objectionable as 5 and 6. You will save 3 per cent. on the sixes or you will save nothing. If you cannot save 2 per cent. on the fives, then nothing shall be saved. That is the cast-iron character of this bill. And it is this feature of it which makes success under it entirely problematical. No business man in this House voting for this bill would in his own private affairs take any such stand. On your personal obligations drawing 5 and 6 per cent. interest you would borrow money at any rate of interest less than that and regard it a saving; and no business man possessed of the slightest business capacity would insist upon paying 5 and 6 per cent. until he could borrow for 3. The same judgment which would control us in private affairs should guide us in the disposition of this question. I insist that this provision of the bill does violence to the plainest business principles.

Again, before any of the bonds can be issued under this act the Secretary of the Treasury shall pay out on these bonds all the coin in the Treasury held for redemption purposes over and above fifty millions of dollars. The folly of such a proposition is apparent when it is remembered that you leave the law unchanged, requiring the Secretary to sell bonds at any discount to accumulate a sufficient quantity of coin to maintain resumption. But I do not propose to further point out the objectionable features of this question. In my judgment the effort to fund the debt under it will prove a disastrous failure. But the discussion of this matter has served to inform the country that the democratic party and the greenback party are in practical accord in their hostility to bonds, national banks, and resumption, and the effort has not been half so sincere to perfect a practical refunding scheme as to assault the credit of the Government, holders of Government bonds, and the owners of national banks.

On the whole this bill is as wise a measure probably as could be expected from a body embracing within its numbers men who vote deliberately to tax Government bonds and thereby strike a vital blow at the national credit. The debate shows that the democratic party and greenback party are practically in accord upon the proposition to overthrow the national banks and revive the old State-bank sys-

tem. This bill is an insidious attack upon the present banking system—a system which, for safety to the bill-holder and adaptability to the demands of trade, stands unrivaled in the financial legislation of the world. The proposition to retire the national-bank notes and issue greenbacks in their stead, the volume to be regulated by Congress and subject to its constant tampering and caprice, is so fraught with evil as to inspire the hope that the Government may speedily return to the money of the Constitution, regulated in quantity by the supreme law of supply and demand. And, finally, the democratic and greenback parties are in practical accord in all efforts to overthrow resumption, and this bill is a direct assault upon the policy and purpose of the republican party to maintain it. But all efforts to overthrow resumption will fail. It will be maintained at all hazards. The ship of resumption has weathered the storm and outlived the gale, the waves of repudiation have hissed around it, but, safely in the harbor of specie payment, the people will throttle and throw overboard any man or party that now attempts to lift her anchor or haul down her flags.

Refunding of the National Debt.

SPEECH OF HON. G. DE LA MATYR,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. DE LA MATYR said:

Mr. CHAIRMAN: This debate has taken a wide range. It has embraced the entire field of finance. The bill to fund that part of the public debt soon due in long-time interest-bearing bonds has legitimately opened this subject.

The obvious fact that funding is sought mainly to furnish a continued basis for the issuing of currency by national-bank corporations has inspired this long and heated discussion. The confusion into which the modifications proposed to the bill and the debate upon them have thrown the House exhibits our inexplicable monetary system. It is cumbrous, immensely costly, and unstable "like the sea when it cannot rest, whose waters cast up mire and dirt." There will be no peace until it is radically changed.

My opposition to this bill is mainly because of its relations to the national banking system. I regard that system as the sum of all financial villainies. I shall oppose all measures which minister in any way to its support or continuance.

By influencing Congress to make a fatal blunder in an exception to the legal-tender power of the greenbacks, thereby causing them to depreciate in relation to gold, and by securing the issue of interest-bearing bonds to form a loan for them to issue currency for the people, the bankers enriched themselves immensely out of the waste and misery of our civil war.

By persuading the Government to refuse to receive its notes which it made legal tender for private debts, and suffering money-loaners to refuse to receive it for interest on the money loaned the Government, they caused the price of gold in Treasury notes to range from April 1, 1863, to January 1, 1864, from $1.30 to $1.60, averaging $1.45.

During this time sixty-six banks were organized, with a capital stock of $7,188,393, making a profit to the bankers of	$2,322,388 00
From January 1, 1864, to January 1, 1865, five hundred and eight banks were organized, with a capital of $86,782,802. The average price of gold was $2.10, making a profit to the bankers of	47,729,542 90
From January 1, 1865, to January 1, 1866, one thousand and five banks were organized, with a capital of $306,374,404. The price of gold averaged $1.69½, making a profit to the bankers of	107,484,228 60
From January 1, 1866, to January 1, 1867, one hundred and thirty-one banks were organized, with a capital of $22,315,163. The price of gold averaged $1.42, making a profit to the bankers of	6,694,548 90
From January 1, 1867, to January 1, 1870, the increase of capital was $10,316,886; currency was worth 70 per cent. The banks made a profit of	3,095,068 80
Making the aggregate of profit	167,325,777 20

Showing the absolute profit made on the investment to have been more than four times the capital of the Bank of the United States, when it controlled the Senate, Congress, and the money of the Union, and more than $17,000,000 more than the entire capital of the Bank of England, which controls the finances of the British Empire.

Not contented with this enormous bounty, the United States was forced to obligate the people to exempt all of the bonds from taxation and to pay interest in gold on the face of the bonds, namely:

On United States bonds to secure circulation	$392,563,300
United States bonds to secure deposits	17,753,650
United States bonds for reserve	24,517,059
Total	434,834,009

In addition to this enormous profit the national banks have drawn interest out of the people on $350,000,000 of currency loaned them by the Government. The account stands thus:

Investment (in specie)	$197,508,239
Receipts—United States bonds	$434,834,009
National-bank currency	350,000,000
Making the sum on which they received interest	784,834,009
The interest received has been as follows:	
On United States bonds	$39,135,060 81
On national-bank currency	33,250,000 00
Total	72,385,060 81

This is not all. The Government not only lent the banks its credit, so that they at once drew to their vaults deposits which have averaged $600,000,000, but they gave the banks the chartered right to loan these deposits. So that the aggregate of their loans have averaged the sum of $783,250,000, which makes the amount of their loan on their deposits $433,250,000, which at 9¼ per cent per annum—that being the percentage the Comptroller of the Currency reports the banks to have realized on their loans—makes the annual sum of their interest on their deposits $38,922,500. So that the national-bank interest account on an investment of $197,508,239 is demonstrated to be as follows:

On United States bonds	$39,135,060 81
On national-bank bills	33,250,000 00
On national-bank deposits	38,992,500 00
Total	111,377,560 81

or more than 50 per cent. annual profit.

Nor does this give the full measure of the most infamous privileges these chartered cormorants are enjoying.

They were made agents of the Government to sell bonds, given the right to sell, exchange, and do all the discounts the most favored bank charters ever allowed; and, beyond this, there is still another feature of their profits which should not be overlooked, namely, the premium on their bonds, which to-day, at the lowest figures reported in the money markets, amounts to an additional sum of $21,184,254, which, deducted from the actual investment, shows that the investment of capital is only $176,323,985, on which their interest annually received is $111,377,560.81, or about 65 per cent.

But, sir, there is a still darker phase of this infamous system. These private corporations have control of the volume of the currency, and can inflate and contract it at pleasure, and thereby change all prices.

In June, 1866, there was afloat Treasury notes, paid to the Army and for supplies, as follows:

Demand notes	$272,162
United States notes, (greenbacks)	400,619,206
Temporary loan, (ten-day notes)	120,176,196
One and two year Treasury notes	3,459,230
Certificates of indebtedness	26,391,000
Postal currency	7,030,700
Compound-interest Treasury notes	159,012,140
Fractional currency	20,040,176
7.3 Treasury notes, August and September, 1864	139,301,700
7.3 Treasury notes, 1864 and 1865	806,251,550

Making the vast sum of $1,682,554,080. These notes constituted a currency issued directly by the Government, costing the people only the expense of printing. It caused intense industrial enterprise. It set all the people at work creating wealth and inspired the devotion of capital and skill to preparing for larger production and creating facilities for transportation. It enabled producers to do a cash business and evade the ruin which large interest is sure sooner or later to cause. Notwithstanding the measureless wastes of the war, that activity in creating wealth made the country prosperous as never before. That prosperity was real and not balloonish, as it is so flippantly charged. Every farm opened or improved, every house built or reconstructed, every factory erected, every railroad constructed, in short, every stroke which helped to turn nature to man's benefit, added to *real prosperity*.

Had that portion of these notes that were interest-bearing been refunded in greenbacks as they became due, and been made legal tender, that prosperity would have continued and we should now have no bonded debt to refund.

But, sir, at the dictation of bankers, and under the same inspiration which is impelling the passage of this bill, those notes were refunded in long-time interest-bearing bonds, so that in June, 1873, there remained:

Demand notes	$79,967
United States notes (greenbacks)	356,000,000
Temporary loan (ten-day notes)	78,560
One and two year notes	142,105
Certificates of indebtedness	678,000
Compound-interest notes	479,400
Fractional currency	44,799,365
7.3 Treasury notes	274,100
Total	402,531,497

Amount of contraction in seven years, $1,280,022,583. This amount was taken out of the channels of trade. The active business men of the country being embarked on large productive enterprises in which immense capital was invested, were forced to fill its place with notes and mortgages bearing ruinous rates of interest.

This contraction of currency in the interest of this infamous system caused the paralysis of industry which has resulted in far more poverty and misery than the war produced, and has loaded our sources of wealth with about twenty billion dollars of debt, on which the product of labor is paying at the lowest estimate $1,400,000,000 annual interest. This brief statement presents the reason for my opposition to the present system.

But, Mr. Chairman, I did not rise to elaborate a speech in my own language, but rather to adopt the language of an address to the Congress and people of the United States upon this and kindred subjects, so wise and timely, that I desire it may receive the wide circulation that is given utterances made in this House. I am certain that nothing I could say would compare with it in weight or influence. It is by the venerable and venerated Peter Cooper, who has devoted a long life and unsurpassed business abilities to creating—not absorbing—wealth; who has given employment to thousands of laborers, and has so wisely and generously directed their toil as to secure for them a competence while he amassed a fortune for himself; and who is spending the serene evening of his days in planning and executing beneficence on a scale scarcely ever surpassed by a private individual. He says:

Feeling desirious of doing what I can to promote the general welfare and happiness of the masses of the people and to secure the permanent prosperity of our country, I trust you will receive kindly and consider thoughtfully the few facts, observations, and suggestions I have to make in this my latest appeal to the American people.

I propose to show in this paper some of the causes of the many blessings we as a people enjoy, and point out the evils that will follow our failure as a nation to act wisely in the "establishment of" justice by securing proper legislation and by the execution of constitutional laws.

I feel that there is a tremendous responsibility now resting upon those who are chosen by the people to make and execute the laws of this country. We have but recently recovered from the devastation and ruin caused by a civil war, which shook the country from its center to its sea-coast, and which put the experiment of self-government by the people to its severest test. Out of that war we have come, like gold from the fire, purified and improved, with the principles of a free government firmly implanted on every foot of American soil, but with, I regret to say, the enemies of such a government still lurking in our midst.

During the last three years we have been wonderfully blessed as a nation by a succession of bountiful crops, and that, too, at a time when other nations have suffered from foreign wars, bad crops, and from fevers, floods, and famine.

The large increase in the volume of our currency, resulting from the sale of our products and the importation of foreign coin and bullion, supplemented by the products of our own mines and by a marked increase in the notes of our national banks, has placed us as a nation on a most dangerous elevation of prosperity.

I see clearly, however, forces now at work that are directly calculated to check the wonderful prosperity we are now enjoying, and, if those forces are continued, will soon develop a condition of affairs as bad if not worse than that which followed the panic of 1873. It is now our privilege to avoid such results by adopting such a national policy as will establish justice as the true and only means that can secure the blessing of liberty and permanent prosperity to ourselves and our posterity.

How can this be done?

AN AMERICAN SYSTEM OF PUBLIC WORKS.

May we not now learn a valuable lesson from the Government of France, that would if profited by carry our country safely to the highest pinnacle of prosperity and greatness among the nations of the earth?

On the 16th of August last, M. de Freycinet, formerly minister of public works in France, said: "We are giving the greatest stimulus to public works. The programme drawn up, and the execution of which I was able to commence, I have handed over, not without a pang, to a man imbued with my ideas. The progress from year to year is reckoned by hundreds of millions of francs in proportion as workshops are filled up and multiplied. In 1877, the starting year, I expended one hundred millions; in 1879, two hundred millions; this year we are expending three hundred; next year we shall exceed four hundred millions. In 1884 we shall exceed five hundred millions, and we shall keep at that level to the end, which will be about the year 1890. While making this enormous work we are effecting on a large scale remissions of taxes; that is to say, our outlay is increasing while we seem to be diminishing our receipts. In the year just elapsed we have asked the Chambers, which voted them with patriotic eagerness, for one hundred millions of remissions, but we are quite sure that the country will give them back to us in the shape of increased consumption, for this country is admirable; with it nothing is lost. Every facility granted to it is immediately transformed into fresh effect and fresh progress. The situation is grand at home and abroad. Abroad it is peace; peace without boasting, as without weakness. At home it is calmness, security, industry, and a financial prosperity without precedent; a commercial and industrial activity excelling all calculations; a material order which nothing disturbs, and which rests not only on the firmness of the government, but what is much better, on the wisdom of the population."

If France can safely and profitably thus carry on an extensive system of public works, why cannot the Government of the United States do the same? The public debt of France is $4,695,000,000, which is nearly $300,000,000 more than twice the amount of the debt of the United States. Her annual expenditures are $592,000,000, while ours is but $265,000,000. Her population is 37,000,000, while ours is 50,000,000. Her territory has an area not so large as the State of Texas. Her revenues under the system of public works inaugurated are $583,000,000, while ours is but $273,000,000. She has no mines of the precious metals of any great value, while ours are the richest in the world.

If France, then, with such a debt and area and population can carry on a vast system of public works and have her revenues increased and her taxes lightened, what may we not do under a sound financial system? The large volume of currency in France is one of the secrets of her success. She has about $1,600,000,000 of coin and $473,000,000 of bank currency, making nearly $55 per capita of her population.

France resorted to the issue of rentes or bonds to get money to construct her public works. She has few savings-banks of any kind.

Why cannot the United States adopt a system of finance that would enable our Government to inaugurate a system of public works on a grander scale than that of France without resorting to the issue of a small bond or in increasing the taxes of the people in the smallest degree? We think it can be done.

A RAILROAD TO MEXICO.

Among the needed public works, that of a railroad to Mexico has been presented for the consideration of our Government. It is one of unbounded importance, both to Mexico and our own country.

I have read with the most profound interest the account given by Signor Romero, and also the valuable opinion expressed by General Grant, as to the very great advantages that *must result* by a system of railroads that will make it for the interest of both countries to exchange a vast variety of their products with *each other*.

These great national advantages can only be secured by a railroad that will connect the City of Mexico with the railroads of our own country. Such a railroad should be built by our Government without delay in the best manner, without the issue of bonds for any part of the work.

A plan for the road should be adopted and presented by men who will agree to build the road and furnish complete all parts of the work by contract, to be *paid for in cash*, without the issue of *bonds*.

HOW CAN WE OBTAIN MONEY FOR SUCH PUBLIC WORKS?

How can the money be obtained to build the Mexican railroad and to complete other public works the nation requires? is the question.

To answer this question in brief, I would say let Congress restore to the people the lawful money it has wrongfully taken from them since the war, and in place of which interest-bearing bonds have been issued. Let the currency of the national banks be withdrawn and United States Treasury notes, made receivable for all forms of taxes, duties, and debts, be issued to take its place.

A gentleman who has built more than one thousand miles of railroads in this country under contract says he will take a contract, and give good security for its faithful performance, to build a double-track, narrow-gauge road from the Atlantic to the Pacific, with steel rails, depots, side-tracks, and the requisite rolling-stock for $30,000 per mile. Estimating the distance at three thousand miles, the aggregate cost of such a road would be less than $100,000,000.

The Government has given as a subsidy to the banks in bank-notes—that they have rendered no equivalent whatever in labor for—money enough to build three of these railroads across the continent, and have a balance of $50,000,000 to build a branch road to Mexico. If the Government would substitute United States Treasury notes for the notes of the national banks, and use those Treasury notes to build railroads, it would construct, without cost to the people, three double-track railroads across the continent, and, in my opinion, it would be a very practical thing to do.

The money to make these improvements will be easily secured as soon as our Congress can be induced to re-enact the law that was passed by the House of Representatives, after the most mature deliberation, as an act of common justice then and now due to the American people—a people who had nobly furnished all the means that had enabled our Government to save for us the life of our nation. It will now only require the exercise of the inherent sovereign right and power of the people's government, as set forth in our Constitution and code of laws—laws that were expressly designed to establish justice, secure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

These blessings have all been placed in jeopardy by the enactment of a train of unjust, unconstitutional financial laws—laws that were passed by and under the influence of men legislating in their own interest—in direct violation of a law of Congress signed by George Washington and John Adams. Those laws declare that "any person holding any office or any stock in any institution of the nature of a bank for issuing or discounting bills, or notes payable to bearer or order, cannot be a member of this body while he holds such office or stock."

This law was passed December 19, 1773, with but two dissenting votes. In direct violation of this law, the bankers have controlled both Houses of Congress, passed laws to convert the people's lawful money into bonds, which bonds they purchased at one-half their face value in coin, and on which they are now receiving 90 per cent. in bank-notes, an inferior currency, which is especially issued for the benefit of bankers, and which are a direct tax upon the people. All these blessings provided for in our Constitution and code of laws may be secured to our country, and at the same time prove the most ready means for obtaining the money not only to build the Mexican road and make other public improvements, but to place our coast-line cities in condition for defense against a few foreign iron-clads that can lay our cities under a contribution at any time.

THE FIRST CURRENCY BILL.

The first currency bill passed by the House of Representatives was intended to legalize in the fullest possible manner the United States Treasury notes—the people's money—for which value was given by the people to the Government in labor and property for every dollar put in circulation.

The passage of this bill called forth a grateful acclaim from all parts of our country, and would have become the law of the land but for the combined power of brokers and bankers of our own and other countries. Thus a power was brought to bear upon the Senate an influence to deprive the money thus issued of the power to pay interest on the public debt and duties on foreign imports. The combined influence of this vast moneyed power was found sufficient to defeat the passage of the law as first presented, a law that would have been to our country of value sufficient to more than compensate for the cost of war. Such an amount of the people's legal money as was actually found circulating without cost to the Government or the people, at the close of the war, could have been and now should be made, for our country, an unfluctuating measure, of all values, for all coming time, and thus have secured for our country, by positive law, a national currency that should never be increased or diminished, except as per capita, with the increase of the inhabitants of our country.

Such a currency General Grant in his message to Congress says "was the best that our country had ever possessed, and no more in circulation than was necessary for the dullest period of the year." Such a currency Secretary Sherman, when Senator in 1869, said "every citizen of the United States had conformed his business to the 'legal-tender clause' of the law regulating the currency of our country." Such a currency President Hayes says, in his last message, was "authorized as a war measure, made necessary by the exigencies of the conflict in which the United States was then engaged. The preservation of the nation's existence required, in the judgment of Congress, an issue of legal-tender paper money. That it served well the purpose for which it was created is not questioned."

And such a currency, as is stated in Secretary Sherman's last report, "in form, security and convenience, is the best circulating medium known. The superior convenience of which makes a greater demand for it than for coin, the legal-tender quality of which when first issued was essential to its value and circulation, and which now makes their value equal to coin and of ready circulation in any of the marts of the world, and which is still the choice of the people."

Such a currency should be, by law, legally on a par with gold and silver at its present value, weight, and fineness. Such a currency would be as uniform in its purchasing power as the yard-stick or pound weight.

Such a currency would *bind our Union of States* in a bond of mutual interest, and would do more to heal the wounds between the North and South than any and all other measures that can be devised.

CONSTITUTIONAL MONEY.

The Constitution of the United States expressly declares that Congress shall have power to coin money and to regulate the value thereof and of foreign coin, and that no State shall have the right to make anything but gold and silver coin a legal tender for debts; no rights or privilege granted to any State, or corporation, or bank, or body of men to make legal money. Congress should exercise its powers and per-

form its duties to the people by giving them a uniform currency composed of gold and silver coin and a paper currency of United States Treasury notes made legally receivable for all forms of taxes, duties, and debts. It could readily be kept at par with coin by being kept at the option of the Government, redeemable in coin or receivable by the Government, in exchange for Government obligations, on which a rate of interest is paid that would keep its value at all times equal to coin. The advice of Jefferson should be followed when he said, "all bank currency should be suppressed and the currency restored to the people, to whom it belongs." Such a currency put in circulation among the people would be the means of relieving the country from the enslavement of the national debt.

This currency could be used to pay off our national bonds in exact conformity with the agreement under which the bonds were issued, giving the bondholders their choice to take their pay in gold, silver, or paper, at their option. When our national debt has been paid, the restoration of the people's money, which was wrongfully taken from them by the banker and bondholder since the war was over, and the amount of bonds that is now unjustly freed from bearing any part of the public burdens, is again returned to the channels of trade in money; that money will seek investments in various ways that will secure a safe and reasonable rate of interest and bear its proportion of taxation, and all the people will be greatly benefited by the change.

POST-OFFICE SAVINGS-BANKS.

We are rejoiced to learn that a measure of so vast importance to the people as that of post-office savings-banks is receiving the consideration of officers of the Government. The Postmaster-General in his last report calls the attention of the Government to this subject in the following language:

"One of my predecessors, some years since, recommended the incorporation into the Department of a system of postal savings. The system has, from time to time, occupied the attention of Congress. For several years the system has been in operation in the United Kingdom of Great Britain and Ireland and in Canada. When in London recently, Her Majesty's postmaster-general kindly gave me facilities for observing the management of his department. I learned that the postal savings system had been remarkably successful, and had constantly grown in popular favor. As managed in that country it is a source of some profit to the government. In this country I incline to the belief that the system would have advantages even greater than in a compact population like that of Great Britain. In by far the larger portion of the United States there are no savings depositories, and are not likely to be. To people of these parts the use of the post-office for this would be a real boon. It would be an additional advantage that deposits would be available at any depository office in the United States—an important consideration with a people so migratory as ours. It is believed that the system would interfere little with the business of savings-banks, but would absorb funds not now deposited in them. Nor would the patronage of the Government be sensibly increased, since the system would be operated by persons already in the public service, with no considerable addition to number."

If post-office savings-banks are established, they will eventually, on account of greater security and convenience, become the depositories of all the people's money not required for active use in business. And this money can be used to cancel the bonded debt, and to carry out a system of public works that shall rival those now inaugurated in France, and that will make this nation the most prosperous on the face of the globe.

FACTS WORTHY OF CAREFUL CONSIDERATION.

We copy from the National Journal the following facts and figures, which are deserving of the most thoughtful consideration of every citizen of this country:

"Mr. John Knox, the Comptroller of the Currency, in his annual report for the year 1880, recently published, says that the banks now established in the United States are as follows:

National banks	2,076
State, savings, and private banks	4,456
Total number of banks	6,532

The capital of these banks is as follows:

National banks	$455,910,000
State, savings, and private banks	194,140,000
Total capital	650,050,000

These banks have the money of the people deposited in them as follows:

National banks	$900,790,000
State, savings, and private banks	1,319,000,000
Total deposits	2,219,790,000

The national banks invest their capital mostly in Government bonds, of which the Secretary of the Treasury has given them in national-bank notes $342,063,467. Now, if we take the amount of the bank-notes, which is practically a free gift of the people to the national banks, from the amount of their capital, it stands as follows:

Capital of the national banks	$455,910,000
National-bank notes out	342,063,451
It leaves of actual capital but	113,846,549

On this they hold of the people's money deposited with them $900,790,000. These figures show that the national banks are using and doing business with about eight dollars of the money belonging to the people to each one dollar of their own money invested.

By comparing the amount of deposits in the State, savings, and private banks with their capital, we discover that they are using about seven dollars of the people's money to one dollar of their own.

Now, if we take the amount of bank-notes from the total capital of all the banks, we find that it is as follows:

Total amount of capital	$650,050,000
Bank-notes out	342,063,451
It leaves of actual capital	307,986,549

By a comparison of these figures with the total amount of deposits held by all the banks, it will be observed that the entire banking institutions of the country hold and use about seven dollars of money belonging to the people to one dollar of their own capital invested.

If these figures are true do they not clearly show from what source the money comes which is now used to build our railroads and make other public improvements? Do not the people furnish this money to establish the existing monopolies? If so, is it not evident that if the Government, acting on the advice of Jefferson, would restore the entire paper circulation to the people, to whom it belongs, and would make United States notes the only paper currency, and would issue a volume sufficient to replace the bank currency now in circulation, and should, acting upon the advice of Postmaster-General Maynard, establish post-office savings-banks in the principal cities and towns of the country, the money could readily be provided to pay off the interest-bearing debt, to protect our harbors, and to do other important works which the good of the country requires? If the policy here indicated was carried out would it not place the great corporations of the country completely under the control of the people?

THE NATIONAL-BANK ACT.

There have been three important purposes accomplished by the national-bank act. The first was to supply the temporary wants of the Government; second, to use the national banks as an excuse for taxing out of existence the old, unconstitutional system of State banks; third, it was, perhaps, the best means to enable the Government to assume its own inherent, sovereign right to take and hold the entire control of all that shall ever be allowed or used as money.

The following will show the losses brought on our country by the destruction of the people's non-interest-bearing money, for which they had given, as I have said, labor and property for every dollar they have paid out as legal money, and in place of which interest-bearing bonds and bank notes have been issued. These wrongs will more fully appear by the following statement of facts:

The national-bank act was signed by President Lincoln February 25, 1863. January 1, 1864, there was but $280,000 of these notes issued. Coin that month was worth 197½, so that Government bonds that were used as a basis for the issue of bank notes could be purchased for about fifty-one cents on a dollar. On the 1st of July, 1864, there were $31,235,270 of national-bank notes out and $179,157,717 of State-bank notes. The value of the gold dollar that month reached $2.85 in greenbacks, so that bonds which were bought on which bank notes were issued cost only about thirty-eight cents on a dollar in coin. For $380 in coin the bankers could buy a thousand-dollar bond, on which the Secretary would issue for him $900 in bank notes, and the bankers were permitted to have $350,000,000 thus issued for them.

The price of gold from July 1, 1864, to March 1, 1865, during which the largest amount of Government bonds were sold to the bankers, was never less than $2.01, and the average price during the whole year, from July 1, 1864, to July 1, 1865, after the close of the war, was about $2.23. This was a period when the expenses of the Government were the greatest, and when the largest amount of bonds bought by the bankers was less than forty cents on a dollar. A thousand-dollar bond that cost less than $400 in coin would command $900 in bank notes when this bond was deposited with the Secretary of the Treasury by a national banker.

These bankers obtained the most of their bonds at the small sum of $400 in coin on each one-thousand-dollar bond.

In the year 1869 the bankers induced Congress to pass an act making the people pay them $1,600 in coin on each of these when redeemed, thus paying them $600 in coin more than they cost them, besides giving them the $900 in money on each bond and a semi-annual interest of 6 per cent.

Could a scheme be devised that would more effectually rob the people than this?

This is what they call strengthening the public credit, and giving the people honest money.

When we consider the small sums paid for these bonds in United States notes at the time they were first purchased, and recognize the fact that the parties who bought those bonds at about half their coin value procured an act of Congress requiring the people to pay them full value in coin, and more especially when we remember that the Government has given these same parties in bank currency nearly half as much capital as all the banks in the country have invested in their business, and that in addition to this the people of the United States are giving the bankers nearly eight dollars of money on deposit to one of their own *capital*, we are filled with astonishment at any proposition coming from any source making any attempt to lay further contribution upon the people by meddling with their money, and yet the policy of the party that has just elected General Garfield for President and who has obtained control of the Government for the next four years is to destroy all United States notes and issue bonds and bank notes to represent them.

CONFLICTING OPINIONS.

To the astonishment of every one, the President of the United States in his annual message recently delivered to Congress actually recommends that every one of the legal-tender notes be withdrawn and canceled, and Secretary Sherman also thinks that their legal-tender qualities should be withdrawn.

President Hayes says:

"I repeat what was said in the annual message of last year, that the retirement from circulation of United States notes, with the capacity of legal-tenders in private compacts, is a step to be taken in our progress toward a safe and stable currency which should be accepted as the policy and duty of the Government and the interest and security of the people."

Secretary Sherman says further in reference to the legal-tender notes now in circulation:

"The Secretary expresses the utmost confidence what without new legislation the entire amount of United States notes now authorized and outstanding can be easily maintained at par in coin even if the present financial condition should change.

"The United States notes to the extent they are willingly taken by the people and can beyond question be maintained at par in coin is the least burdensome form of debt.

"The public thus saves over $7,000,000 of annual interest and secures a safe and convenient medium of exchange."

The Secretary ventures to express the opinion that "the present system of currency is the best system ever devised and more free from objection than any other, combining the only safe standard with convenience for circulation and security and equality of value."

Now the question arises, if a currency, one-half of which consists of United States legal-tender notes redeemable in coin, and the other half of bank notes redeemable in the United States notes or coin, constitutes the best currency ever yet devised, would it not be an improvement upon this currency to withdraw the bank notes and issue United States notes to be kept at par with coin to take their place.

The Secretary informs us that "the business men on account of their greater convenience and safety prefer these notes to coin."

These notes are now at a premium over coin not only in New York but in Montreal and in other foreign cities. There has been for some months past a standing offer in Wall street of 2½ per cent. premium in gold for $500,000 in exchange for notes of the United States. This offer, up to the time of my last inquiry, had not been accepted.

If $7,000,000 are annually saved as interest by having one-half the currency in United States notes, would there not be twice that amount saved if the whole of our paper currency was in such notes, representing so much of the public debt. Had all our currency been in legal-tender notes and all our bank notes destroyed from the time the war closed, we should have saved enough of interest to have canceled the bonds. Is it not by far the wisest policy for the Government to adopt, to convert its interest-bearing debt, so far as it can be done, into Treasury notes, which are preferred to coin by our business men, and thus save the interest annually paid on the amount of debt they represent, and give back to the people which is theirs, than it is to destroy this money and issue interest-bearing bonds that increase the burden of the debt instead.

Will President Hayes be kind enough to explain to the people how it is that our progress toward a safe and stable currency and the interest and security of the people "are to be secured by the retirement of a currency" which Secretary Sherman says is, on account of its safety and convenience, preferred to coin, which saves the people $7,000,000 annually as interest, and which he declares is now, in form, security, and convenience, the best circulating medium known?

CONTRACTION BRINGS RUIN TO DEBTORS.

In the year 1869 Secretary Sherman made a speech in the Senate, the whole tenor of which was to show that a nation's currency could not be contracted without bringing ruin on the debtors and on the laboring classes throughout our country. He described in language never to be forgotten the scenes of misery and ruin that would come upon our country as a consequence of taking away from the people the legal money they had received in payment for all the labor and property they had passed into the possession of the Government in exchange for the legal dollars they had received. He declared that "the contraction of the currency is a far more distressing operation than Senators supposed." He stated that "it is not possible to take such a step without the sorest distress to every person except a capitalist out of debt or a salaried officer or annuitant. It is a period of loss, danger, lassitude of trade, fall of wages, suspension of enterprise, bankruptcy, and disaster. To every railroad it is an addition of one-third the burden of its debts, and more than that deduction to the value of its stock. * * * It means the ruin of all dealers whose debts become twice their (business) capital though one-third less than their actual property. It means the fall of all agricultural productions without any great reduction of taxes.

"In my late appeal to all legislators and religious teachers I have demonstrated a fact that cannot be disproved, namely, that all the legal money paid by the Government for labor and property during the war was, beyond all controversy, the people's money. The money having been wrongfully taken from the people must, in order to establish justice, be given back to them in the purchase of all the outstanding interest-bearing bonds of the Government, in exact accordance with the law under which they were issued."

But if the policy of the republican party is enforced, and the legal-tenders are all destroyed, and the volume of currency placed in the hands of the banks, we shall have a return of hard times, a repetition of the panic of 1873, and the bankruptcy and business distress that follow. We shall have a repetition of the events described by the Secretary in his Senate speech, and merchants and business men will again be plunged into bankruptcy, our laboring classes changed into tramps, and sore distress forced upon the people.

As I understand the subject, it would be one of the greatest misfortunes that could happen to the business men and to the working classes of this country to have the advice of President Hayes followed out in reference to the withdrawal of the legal-tender notes now in circulation, or to even have the advice of Secretary Sherman followed, and their legal-tender quality destroyed. The bankruptcy that followed the panic of 1873 was only arrested by the act of 1878, which prohibited the further destruction of the legal-tender notes. If the destruction of the legal-tenders is again resorted to, will there not be a return of the panic and the bankruptcies which followed it?

As an act of common justice, the Government should not think of contracting the volume of currency without at the same time shrinking the amount of the claims of creditors just in the ratio that the currency is contracted.

THE SILVER QUESTION.

A small work on money and legal-tender, of which the late Dr. Lindermann, Director of the Mint, was the author, contains a table giving the price of the standard silver dollar of 412½ grains as compared with the gold dollar for each year from 1834 to 1876. There was not an hour from 1834 to 1873, the year silver was demonetized, but that the silver dollar was worth more than the gold dollar. In 1859 it was 105.33, in 1866 it was 104.16, in 1873 it was 100.46. After silver was demonetized by Germany and the United States it rapidly declined in price, until now the bullion in the silver dollar is only 88 cents in gold.

The coining of the silver dollar was practically stopped for years, for the reason that silver was exported about as fast as it was coined. Gold was our only standard, because it was the cheapest coin.

Silver, like gold, was a legal-tender during the time that the public debt was contracted. The Government has a perfect right to pay all its debts in silver.

This point is admitted even by Secretary Sherman himself.

It would save 12 per cent. to the people to purchase silver bullion, coin it, and pay off the bonds, rather than pay them in gold. Considering the enormous profits made by the bondholders by purchasing their bonds in greenbacks, why should not the people have the benefit of paying the debt in silver? The legal tender should not be restricted to gold coin alone. The people should demand both gold and silver as money, unlimited coinage, the mints to be kept constantly running, and that as many United States notes should be issued as was found in circulation at the close of the war, as can be kept at par with coin, and that this should be the permanent policy of the Government.

Are not the bankers a little too exacting when they refuse to receive the silver dollar on deposit like other lawful money and in payment of the principal and interest on these bonds, when for forty out of the last forty-six years of this country's history that same silver dollar has been at a premium over the gold dollar?

The amount of silver obtained from our mines annually is about equal to that of gold. If both of these metals when coined are made lawful money, it gives the people two reservoirs to draw from instead of one, and inevitably gives twice the supply we should have if only one was used.

The business interests of the country require a large volume of money. The people are everywhere in debt. With only gold coin a legal tender, the debtors are at the mercy of the creditors.

It is the business men of the country who are in debt. Make only gold coin a legal tender, and you send most of these men into bankruptcy. Make both gold and silver, and have all our paper currency United States notes, all of which are lawful money, and the business men will have three resources to draw from instead of one, and it will enable them to pay their debts and give them business prosperity instead of bankruptcy.

CLASS LEGISLATION.

All of the financial laws that have been passed during the last fifteen years have been in the interest of the moneyed class which has been, and is, producing in this country a like concentration of wealth to that which was produced in England after a paper money had secured for their country the greatest prosperity ever known.

The British Government, after their terrible war with France, in their efforts to obtain specie payments by contraction, plunged their country into a ruin that the historians—Doubleday and Sir Archibald Allison—said "actually passed five-sixths of the real estate of England out of the possession of the great mass of the people into the hands of the few who had the coin to buy up the property at the ruinous prices at which it was compelled to be sold."

If those who contract debts with a large volume of money and high prices have these debts to pay with a small volume of money and low prices, it inevitably leads to the bankruptcy of the debtors.

A similar effort to obtain specie payments has been forced in this country by taking out of the legal currency of the country the United States notes, the people's money, that amounted to $58 per capita at the close of the war, and reducing the same to some $16 per capita at the present time.

This suicidal policy has cost our country the loss of our steam marine, which would not have taken place if the prosperity of our country had not been broken up by a cruel financial measure that took from the people the very life-blood of the trade and commerce of our country. This outrage on the people's rights has cost the American people, by the shrinkage of values and stagnation of business, more than ten thousand millions of dollars, besides having made bankrupts of tens of thousands of the best and the most enterprising men of our country, and has handed their property over to the money-lenders who have been enforcing this policy.

In direct opposition to the law passed on the 2d of December, 1793, signed by George Washington and John Adams, forever forbidding bank stockholders from becoming members of Congress, a late Congress was composed of one hundred and twenty bankers, ninety-nine lawyers, fourteen merchants, thirteen manufacturers, seven doctors, four mechanics, and not a single farmer or day laborer. This is agreeable to a statement made by Moses W. Field, M. C.

Is it not apparent, when Congress is so largely composed of bankers and lawyers, who represent but a small fraction of the people, and contains so few farmers, laborers, and mechanics, who compose the bulk of the population, that the legislation secured will be more in the interest of those who make the laws than in that of the people they are supposed to represent? Is it any wonder that the financial laws of the country are all made in the interest of those whose occupation it is to deal with money, and not for the benefit of the masses of the people?

THE VOLUME OF CURRENCY.

The American people do not fully realize the importance of having a uniform and unfluctuating volume of currency kept constantly in rapid circulation in the country.

It is a well-established law, recognized by all writers on political economy, that other things being equal the prices of all kinds of property and the wages of the working classes will increase just in the ratio of the increase of the volume of currency, and that such prices diminish just in the ratio that the volume of money is diminished. Such being the case, is it not apparent that in order to establish justice between debtors and creditors it is of vast importance that the volume of currency should be uniform and unfluctuating, so that prices will be correspondingly uniform and steady, and the business enterprises will thus remain in a steadily prosperous condition and exact justice be established between debtor and creditor?

We are told by men interested in banking institutions that the volume of currency should be regulated by the laws of trade, and that it would be a dangerous experiment to trust to Congress the power to regulate the volume of money. If the laws of trade only had the regulation of the volume of currency, the operation of those laws would simply contract that volume when the balance of trade was against us, and increase its volume when it was in our favor, and the result would be to equalize the prices of products between all countries with which we do business. The money would naturally flow to that country where the products are the highest, a surplus of importation would soon reduce the prices of those products, and the currency would then set in another direction.

But, independent of the laws of trade, the banks have had far more to do with the increase and decrease of the volume of currency than anything else.

There has seldom been a period when there was much restriction to the issue of bank notes. When these notes are issued on a coin basis the effect on an increase of prices is just the same as though so much coin was put in circulation. As a result of this prices advance rapidly, foreign importations increase, the coin leaves the country, the banks are not able to redeem their notes, and all debts contracted in bank currency on inflated prices become payable in coin, and widespread bankruptcy follows. An examination of the issue of bank notes during the history of the Government will reveal the fact that inflation and prosperity followed by contraction and bankruptcy have followed each other with almost as much certainty as the changes of the seasons.

The finance report for 1876 contains a table which shows that during the four years following the closing up of the first United States Bank there was an inflation of bank notes amounting to $81,000,000. This inflation culminated in the panic of 1815. Within four years after there was a contraction of $65,000,000. During the seven years previous to the panic of 1837 there was an inflation of bank notes amounting to $87,961,990. Within one year there was a contraction of $33,046,980, and during the six years from 1837 to 1843 there was a contraction of bank notes amounting to $90,643,182. From 1843 to 1854 there was an inflation of bank notes amounting to $166,133,214, and in 1856 they contracted $59,636,974. The panic of 1857 followed this. This is the record of the way the volume of currency was regulated under the old State bank system.

Under the present national banking system the power to inflate and contract the currency has been largely increased and become tenfold more dangerous than it was even under the old State bank system. This power the bankers use with tremendous influence whenever it is for their interest to do so. Even since the last election we are informed, from reliable sources, that over $200,000,000 of currency has been taken from circulation and locked up. This has been done to enable the bankers to sell their 4 per cent. bonds at a premium of 12½ per cent., under the expectation of buying the new refunding loan at about par.

One of the tightest money markets known for years is now being felt all over the country. The merchants and heavy debtors are already rapidly going into bankruptcy again, and the business prosperity is now being brought to a standstill, and, a period of hard times and prostration of industry being forced upon the people, will soon far exceed that which followed the panic of 1873.

The only remedy for this condition of things will be to deprive the banks of all power to control the volume of currency, and let that power be placed in the hands of the Government, where it belongs. Let the volume of currency be regulated by acts of Congress which will be submitted to the wisest discussion and most candid scrutiny, both by the people's Representatives and by the people themselves. A constitutional amendment, fixing the currency at a definite amount per capita, would be sure to establish a uniform volume of currency.

We are told that Congress cannot be safely trusted to regulate the volume of currency.

The testimony of Secretary Sherman is to the point on the subject. He says that "since the first issue of United States notes they have been carefully limited in amount and invested with every quality to improve their circulation. Every effort to increase the amount during the time has failed." In fact it is the only kind of currency that has ever been issued the volume of which was uniform and not subject to inflation and contraction.

If we cannot trust our Representatives, who are chosen from the wisest men of the nation, to fix the volume of currency, surely we cannot trust a more irresponsible and less conscientious set of men known as national bankers, over whom we have no control whatsoever, and who are greatly interested in inflating and contracting the currency.

REFUNDING.

The true policy of the Government should be to pay the public debt as fast as it becomes due, and not to refund it into bonds that have a long time to run, and which become a burden upon the people to pay the annual interest. If the suggestions we have offered for restoring to the people the money wrongfully taken from them are followed out, and United States notes issued to take the place of bank notes, and the money thus issued is used to pay the bonds in accordance with the terms on which those bonds were issued, and post-office savings-banks are established in all our cities and villages, there will be funds provided to pay the bonds as fast as they become due. If there should be any deficiency at any time the issue of Treasury notes bearing 3 or 4 per cent. interest, as suggested by Secretary Sherman, that can be paid at the call of the Government, would supply this deficiency. Thomas Jefferson declared a most important truth that should never be forgotten. He says: "The power to issue Treasury notes, bearing or not bearing interest, is a fund that can never fail." It is a fund amply sufficient for every necessary purpose.

The Comptroller of the Currency, on page 39 of his report for 1880, says: "Were the entire tax upon banks and bankers of the country, including the two-cent check tax, as well as the tax on matches and patent medicines, removed, the amount of

revenue received by the Government from the taxes on spirits, beer, and tobacco, and from custom duties, would alone be sufficient to meet its expenses and reduce the public debt at the rate of at least seventy millions annually."

The Secretary of the Treasury, on page 6 of his last report, estimates the surplus revenues of the Government "that can be applied to the redemption of the public debt for the years 1881 and 1882 at about ninety million dollars each year."

From these statements is it not safe to say that, if there is no reduction of taxes, and if the saving of interest is also used with the surplus revenue, the bonds can be canceled from the revenues alone at the rate of $100,000,000 annually?

The amount to be paid, for which refunding schemes are now before Congress, as given by Secretary Sherman, is $637,353,600.

Is it not apparent, then, that with our present revenues we can cancel this portion of the public debt in less than six years, and that by using the surplus funds in the Treasury, and by substituting Treasury notes for bank notes, and using these to buy bullion with, as we have elsewhere suggested, all the bonds that mature next year can be paid in about one year and six months. What wicked folly, then, it will be to refund the amount of the debt where it cannot be paid in less than twenty years. With a surplus revenue of $100,000,000 a year, ten years is ample time to cancel every bond that the nation owes.

By paying these bonds in silver, a saving of 12 per cent. can be effected to the people. Instead of trying to relieve the people from the burden of debt, the Government seems to have managed so as to perpetuate the debt as much as possible. Had there been no converting the money into bonds and no contraction of the currency, the public debt might have been all paid by this time. To refund the debt into long-time bonds is to put it where it cannot be paid, except the bonds be bought at a high premium. The currency sixes are rated at a premium of 134 and the four percents are at 113.

The legislation has been to increase and not pay the debt, and all this refunding and contracting the currency is done in the interest of the money-lending class.

OPINIONS OF DISTINGUISHED MEN.

The United States Treasury notes made receivable for all forms of taxes, duties, and debts given to those who render an equivalent to the Government in labor and material will most assuredly be the best currency for the people. The national-bank notes are emphatically the currency for the banks. The issue of Treasury notes had been sustained by the most eminent men of the nation as being the safest and best currency for the people.

Daniel Webster claimed that:

"The producing cause of all prosperity is labor, labor, labor. * * * The Government was made to protect this industry, to give it both encouragement and security. To this very end, with this precise object in view, power was given to Congress over the currency and over the money of the country."

Even Ricardo, the bullionist, says:

"A regulated paper currency is so great an improvement in commerce that I would greatly regret if prejudice should lead us to return to a system of less utility."

Benjamin Franklin, the wisest of American statesmen, has learned from the experience of the colonies that "paper money has great advantages over gold and silver and is more convenient and not so liable to be drawn away by foreign importations."

John C. Calhoun declared in the Senate, (volume 3, page 83:)

"'Bank paper is cheap to those who make it, and dear, very dear to those who use it.' On the other hand, the credit of the Government, while it would greatly facilitate its financial operations, would cost nothing, or next to nothing, * * * and would give every branch of our industries—agricultural, commerce, and manufactures—great advantages both at home and abroad. And I undertake to affirm, without the fear that I can be answered, that a paper issued by the Government, with the simple 'promise to receive it for all dues,' * * * would be as uniform in value as the metals themselves. And I shall be able to prove that it is within the Constitution and power of Congress to use such a paper in the management of its finances, according to the most rigid rules of construing the Constitution.

"'On the whole,' he declares, 'no method has hitherto been forced to establish a medium of trade equal in all its advantages to bills of credit made a general legal tender.'"

To the above we append the following suggestions from the late John Earl Williams, president of the Metropolitan Bank of this city:

"I would suggest that Congress assume at once the inherent sovereign prerogative of a Government 'of the people, by the people, and for the people,' and exercise it by furnishing all the inhabitants of the United States with a uniform national currency. Surely the people, and the people only, have a natural right to all the advantages, emolument, or income that may inure from the issue of either one-thousand-dollar bonds with interest or ten-dollar notes without, based on the faith and credit of the nation.

"This principle, simple, clear, and undeniable, ought to be recognized as fundamental and the only safe and proper basis on which may securely rest all the circulating medium of the country for the sole benefit of all the people, and not, as now, for the profit of a class of stockholders, however deserving they may be in all other respects.

"To carry into effect this principle, to substitute United States notes for bank notes, take away as soon as practicable and forever all circulating notes from banks.

"They would do a strictly legitimate business as banks of discount and deposit, knowing that whatever leads to the prosperity of the whole people must be beneficial to the banks, but leaving the right where it belongs—to the United States Government—to supply the whole circulating medium of the country.

"In this connection we must remember that banks are the creatures of law. The laws which created them may, by virtue of rights reserved, be amended, altered, or repealed."

Could such a financial system as we have here introduced be adopted by Congress, it would be one of the most effective means of establishing justice, securing domestic tranquillity, and of conferring the blessings of civil liberty upon the people that could possibly be devised. It would provide ample means to cancel our public debt, to construct the railroad to Mexico and other countries, to protect our seaport cities, to rebuild our decaying commerce upon the seas, and to make all the public improvements the country requires. It would confer untold blessings upon all classes of the people by providing steady and remunerative employment for labor and insuring profitable investment for capital in developing the exhaustless resources of our great country. It would do more to bury sectional animosities and promote fraternal relations with all classes in every section of the Federal State than all the gold and silver mines of the world could do.

Should the opposite course be pursued and the legal-tender notes be destroyed, silver demonetized, and all debts made payable in gold coin, and the public debt be refunded into bonds that cannot be paid for many years, it will inevitably cause another period of wide-spread bankruptcy among men, complete stagnation of the industry of the nation, great dearth of employment and consequent suffering among the working classes, a great increase of crime among all classes, and entail such untold calamities upon the nation as would severely endanger our present form of Government. It would inevitably concentrate the wealth of the nation into a few hands, and those who receive this wealth will use it to strengthen their power and influence, even by military force if necessary.

The greatest desire of my heart is that those to whom this paper is addressed may heed the advice and warnings here given, that justice may be done to all, and that the blessings of peace, prosperity, and happiness may rest upon the whole people, and that the American Republic as designed by its founders may become the model government of the civilized world.

Loring vs. Boynton.

SPEECH OF HON. W. A. FIELD,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 20, 1881.

On the contested-election case of Loring *vs.* Boynton.

Mr. FIELD said:

Mr. SPEAKER: In this case the returned plurality of Mr. Loring is 113. There are one or two questions in the case that need to be determined; the others are immaterial and in no event affect the decision. The first and most important is that in the town of Groveland 138 votes were cast and counted for Mr. Loring which had on them these words: "For Representative sixth district, George B. Loring, of Salem." The ballot was the regular republican ballot for that town. It had on it the candidates for governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, Representative sixth district, senator fifth Essex district, councilor fifth district, county commissioner, register of probate, county treasurer, and for representative to the General Court seventeenth Essex district. The General Court is the name by which the Legislature of Massachusetts is known.

In the notice of contest there is no allusion to the town of Groveland, and the contestant is not entitled to make any objection to this vote. If the House choose to consider it, the facts are that the town of Groveland is situated in senatorial district No. 5, councilor district No. 5, State representative district No. 17, and congressional district No. 6. The State is by law divided into forty senatorial districts, eight councilor districts, two hundred and forty State representative districts, and eleven congressional districts. The senatorial and State representative districts are numbered separately in each county. The different towns and cities that make up the sixth congressional district are or may be in different State, representative, senatorial, and councilor districts; but the only towns or cities in the sixth congressional district, or which are in any other sixth district, are, Salem, which is in part in the sixth State representative district, and North Andover, which is in the sixth senatorial and in sixth councilor district.

Groveland, where the votes in question were cast, is in no sixth district of any kind, except in the sixth congressional district. The qualified voters of Groveland would have no right to vote for any representative for any sixth district except a congressional Representative, and no right to vote for any representative except a Representative in Congress and a representative to the General Court, and no right to vote for but one representative to the General Court, and that representative is the representative to the General Court for the seventeenth Essex district, whose office and whose name were on the ballot voted.

The warrant for the town of Groveland, under which the election was held, warned the inhabitants of the town qualified to vote to meet at a time and place stated, and to bring in their votes on one ballot for all officers above named; and the only representatives therein named, as has been stated, were for the Representative in Congress for district No. 6, and the representatives to the next general court for district No. 17; comprising the towns of Bradford, Georgetown, and Groveland. George B. Loring was the regular nominee for Representative in Congress for congressional district No. 6.

Chapter 7 of section 13 of the general statutes of Massachusetts is as follows:

> Votes for different persons for the same office found in one envelope shall not be counted; and if more than one vote for the same person for the same office is found in one envelope but one such vote shall be counted, and no vote shall be counted which does not clearly indicate in writing the office for which the person voted for is designed, except when but one officer is voted for.

It is settled law that ballots are to be construed like other written instruments, in view of the surrounding circumstances under which they are cast, and that only reasonable certainty is required. This statute of Massachusetts seems to be declaratory of the general law as now understood. The law applied to ballots is simply the law applied to the construction of written instruments.

The voter must express in his ballot his intention with reasonable certainty under the actual circumstances under which he votes. Except from a consideration of the surrounding circumstances no form of words can be devised which would be absolutely certain in meaning. If the words "in Congress" were added to the word "representative" on these ballots, the words themselves would not express what Congress is meant; but in the place and under the circumstances under which the ballots were cast, there could be no doubt at all that the Congress of the United States of America was meant. The voters of Groveland having been warned to bring in their votes for a Representative in Congress for the sixth congressional district, and having lawfully no right to vote for any Representative for any sixth district, except he be a Representative in the Congress of the United States of America, must be held to have intended his vote for such Representative. He could not lawfully vote to fill but two offices of representative, and the other was the representative to the general court of Massachusetts for the seventeenth district, which was also expressed on the ballot.

There could be no mistake of what was meant by a voter of Groveland in voting for George B. Loring, of Salem, as Representative for the sixth district. In view of the circumstances under which it was cast, if the ballot were a contract in writing, made under the exact circumstances of this case, there is no doubt on proof of the surrounding circumstances any court would hold that the words "Representative, sixth district" must be held to mean Representative in Congress for the sixth district. The rule of law in regard to ballots cannot be stricter than the rule of law for the construction of written contracts. If these 138 votes are counted for Mr. Loring they are decisive of the case in any view of it.

If they are not counted for Mr. Loring, the only other disputed question which would in any event be decisive of the case is the question which arises on the vote of the city of Gloucester. Mr. Boynton's plurality in that city is returned at 532, and has been counted for him. The election was held November 5, 1878. The seventh day preceding this election was October 29, 1878. In the city of Gloucester there was put on the voting lists by the determination of the mayor and aldermen, after October 29, 107 names.

The contestee contends that by the law of Massachusetts the registration of voters in cities ceases at midnight on the seventh day preceding the election and that the registration of voters after that time is void, and that in consequence of this violation of law the whole vote of Gloucester should be thrown out. The contestant denies that such is the law, and further, if it be the law, that any such consequence follows from the violation of it.

Chapter 376 of the act of 1874 provides that the selectmen of towns shall be in session at some convenient place, for a reasonable time, within forty-eight hours of an election, for the purpose of receiving evidence of the qualification of voters and correcting the voting-lists; and that such session shall be holden for one hour at least before the opening of the meeting on the day of election, and that notice of the times and place of holding sessions shall be given; and that the mayor and aldermen of cities shall be in session on the day preceding the election for the purpose of receiving evidence, as aforesaid, and of correcting the lists of votes. Section 10 is as follows:

The name of no person shall be added to the voting-lists in any city after the lists have been placed in the hands of the ward officers, unless the qualifications of said person as a voter shall have been determined by the mayor and aldermen at some meeting held previous to the opening of the polls, such fact to be verified by the certificate of the city clerk.

Chapter 208 of the acts of 1877 provides that the selectmen of towns shall keep a register of voters, containing their names, residence, and occupation, and section 3 is:

No name shall be added to the voting-list in any town until it has been recorded n the register, and none shall be added to the list of voters in use at any election after the opening of the polls, except to correct a clerical error or omission, and all names on voting-lists shall be written or printed in full.

Chapter 235 of the acts of 1877 provides that in cities the place of residence shall, in making up the voting-lists, be entered opposite the name of the voter, and that the assessors of taxes shall enter opposite the name in the list committed by them to the collector of taxes the residence, &c.

Section 2 is as follows:

In cities registration of voters shall cease at twelve o'clock midnight of the seventh day next preceding the day of any election, and no name shall thereafter be entered on the voting-lists of cities except as provided in section 10 of chapter 376 of the acts of the year 1874.

Chapter 233 of the acts of 1878 amends section 10 of chapter 376 of the acts of 1874 by striking out the words "opening of the polls" and inserting in place thereof "close of registration;" and also provides that the mayor and aldermen of cities shall be in session until ten o'clock in the afternoon of the day when registration ceases, and for as much longer time previous thereto as they judge necessary, for the purpose of receiving evidence of the qualification of voters and correcting the list of voters, and that "after the close of registration no name will be entered on the check-list except as provided by section 10 of said chapter 376 as amended by this act." This act was approved May 10, 1878. Section 10 of chapter 376 of the acts of 1874, as amended by this act, would read:

The name of no person shall be added to the voting-lists in any city after the lists have been placed in the hands of the ward officers, unless the qualifications of said person as a voter shall have been determined by the mayor and aldermen at some meeting held previous to the close of registration, such fact to be verified by the certificate of the city clerk.

Section 1 of chapter 251 of the acts of 1878, approved May 15, 1878, is as follows:

The provisions of chapter 208 of the acts of the year 1877 shall apply to cities, and the mayor and aldermen in cities shall keep the register therein provided for: *Provided*, That nothing herein contained shall apply to any city for which special provision for keeping a similar register has been made by law.

And section 3 makes it the duty of the mayor and aldermen and selectmen in making said registers to give proper notices at least two weeks before any annual election, to all persons to present themselves for registration, &c. The one hundred and seven names in Gloucester were put on the register at meetings held within the seven days preceding the election.

I think that under these statutes the registration in cities ended at twelve o'clock midnight on the seventh day next preceding the day of the election, and that the effect of chapter 251 of the acts of 1878 in making chapter 208 of the acts of 1877 applicable to cities did not change the time when registration should cease in cities, although it may have given the right to correct the voting lists so as to conform to the register up to and even after the opening the polls; but no name could be added to the voting lists that had not been previously recorded in the register before the time when by law registration ceased. If this is the correct view of the law, what is the effect of the one hundred and seven names registered and put on the voting lists or check-lists in Gloucester within seven days of the election?

There is no evidence how many of these persons voted. If it were shown they voted and it could not reasonably be shown how they voted, and it was found as a fact that a sufficient number voted to make it impossible to determine with the other evidence in the case whether Mr. Loring or Mr. Boynton received a plurality of legal votes, the ordinary result would be that the election should be declared void and a new election ordered, although there is authority for throwing out the whole vote of Gloucester. If it becomes necessary to determine this question, and it can only become necessary when refusing to count for Mr. Loring the 138 votes in Groveland, then if the vote of the city of Gloucester is thrown out Mr. Loring is elected. If it is not thrown out, as the plurality of Mr. Loring as returned is 113 and the Groveland votes are 138 in number, which, if not counted for him, would make the plurality of Mr. Boynton 25, and as these 107 Gloucester names are more than the plurality of Mr. Boynton on the hypothesis stated, as it is not known how they voted, the result of the election could not be determined. Whether on this statement, if the consideration of the Gloucester vote becomes material, the whole vote should be thrown over and thus let Loring, even if these 138 Groveland votes be denied him, be declared elected, or the election be declared void and a new election ordered, I leave to the determination of the House.

The remaining objections taken to this election concern only a few votes in different places, which would in no event, it seems to me, affect the result. They are too few in number to be decisive under any view that can be taken of the case. The main point, however, on which the contestant relies is the alleged disfranchisement of her citizens by the constitution and laws of Massachusetts in violation, as it is said, of the fourteenth amendment of the Constitution of the United States and of the apportionment act of 1872. It is said that although the laws of the United States give Massachusetts eleven Representatives, the State has denied or abridged to her citizens the right to vote; that the Constitution operates by its own force, and this House by resolution in the pending election case can right the wrong or reduce the number of Representatives which Massachusetts shall have, and that the proper way to do this, the manner in which it is proposed to reduce the representation of Massachusetts in this House, is by unseating Mr. Loring and by seating Mr. Boynton in his place, which is the resolution offered by the gentleman from Iowa. I shall leave to that gentleman the task of reconciling the conclusion with his premises in any manner that would not imply that Mr. Boynton, if admitted, would still be no Representative, and would not even be entitled in the catalogue to count as one.

So much has been said upon this topic in this case and at other times, although it has nothing whatever to do with the question whether Mr. Boynton or Mr. Loring received the more legal votes at the election of 1878, that I venture to call the attention of the House to the constitution and laws of Massachusetts on the subject and the facts so far as they can be ascertained. The original constitution of Massachusetts, adopted in 1780, required a property qualification for electors. The electors of senators were every male inhabitant of twenty-one years of age and upward having a freehold estate within the Commonwealth of the annual income of £3, or any estate of the value of £60. The electors of State representatives were every male person being twenty-one years of age, a resident of any particular town in the Commonwealth for the space of one year next preceding, and having a freehold estate within the same town of the annual income of £3, or any estate of the value of £60. By the Constitution of the United States the electors of State representatives are the electors of Repsentatives in Congress. This property qualification remained until it was changed by an amendment to the constitution ratified in 1821. Article 3, ratified at that time, is as follows:

Every male citizen of twenty-one years of age and upward (excepting paupers and persons under guardianship) who shall reside within the Commonwealth one year, and within the town or district in which he may claim a right to vote six calendar months next preceding any election for governor, lieutenant-governor, senators, or representatives, and who shall have paid, by himself or parent, master or guardian, any State or county tax which shall within two years next preceding such election have been assessed upon him in any district of this Commonwealth, and also every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election for governor, lieutenant-govneror, senators, and representatives, and no other person shall be entitled to vote in such elections.

And this remains a part of the constitution to-day unchanged.

The next amendment to the constitution of Massachusetts in respect to the qualifications of electors is article 20, which was ratified May 1, 1857, and is as follows:

No person shall have the right to vote or be eligible to office under the constitution of this Commonwealth who shall not be able to read the Constitution in the English language and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upward at the time this amendment shall take effect.

This amendment remains unchanged, and is a part of the constitution to-day.

These provisions of the constitution, if they needed to be enforced

by statutes, were enforced by statutes a long time before the adoption of the fourteenth amendment of the Constitution. Without going further back than 1860, it is sufficient to cite section 1, chapter 6 of the general statutes of Massachusetts of 1860, which is as follows:

Every male citizen of twenty-one years of age and upward (except paupers, persons under guardianship, and persons excluded by articles 20 and 23 of the amendments of the constitution) who has resided within the State one year, and within the city or town in which he claims the right to vote six months next preceding any election of town, county, or State officers, or of Representatives to Congress, or electors of President and Vice-President, and who has paid by himself, his parent, master, or guardian a State or county tax assessed upon him in this State within two years next preceding such election, and every citizen exempted from taxation but otherwise qualified, shall have a right to vote in all such elections; and no other person shall have such right to vote.

And this law has been in force ever since, except that the twenty-third amendment of the constitution, which has nothing to do with the question under debate, has been annulled by the people of Massachusetts.

This provision of law has been re-enacted *in totidem verbis* (except the twenty-third amendment was excluded after it was annulled) by subsequent acts. But the original section of the act of 1860 has never been repealed or changed, except in striking out the twenty-third amendment after it was annulled.

The statement, therefore, in the report of the minority that after the apportionment act of the United States of February 2, 1872, Massachusetts has, either by her constitution or her laws, denied or abridged, in any sense, any male inhabitant of that State from voting, is entirely erroneous; and the further statement that Massachusetts took advantage of that apportionment in order to get her representation, and then deliberately disfranchised in the face of that law a portion of her citizens, is utterly without foundation. There has been no change whatever in the qualification of voters in Massachusetts since the passage of that act, or since the adoption of the fourteenth amendment to the Constitution of the United States, and none since 1857, (except the twenty-third amendment of the constitution,) which required every naturalized foreign-born male person to have resided within the jurisdiction of the United States for two years subsequent to his naturalization to entitle him to vote, and which was ratified in 1859, and was annulled in 1863.

The gentleman from Iowa is equally unfortunate when he speaks of the laws of Massachusetts. In his report he says, among other things, that all those citizens of the United States who are so unfortunate as at some time in their lives to have required aid from the public are by the laws in force in Massachusetts deprived of their vote. This is not the law of Massachusetts. Paupers cannot vote, but they must be paupers at the time of the election. If not paupers then, although at some time before they may have been paupers, they are not excluded from voting. If the gentleman wishes authority on this point he can read the opinion of the justices of the supreme judicial court in 124 Mass. Repts., 597, and the cases therein cited.

The gentleman is equally unfortunate when he speaks of the law of the United States as implying that the right to vote is one of the privileges or immunities of a citizen of the United States.

The gentleman is equally unfortunate when he deals with the official statistics of Massachusetts, in which he says, by the official report of the Massachusetts census bureau of the State census taken in 1875, it appears that there were 449,686 taxed persons called ratable polls—that is, of twenty-one years of age and upward. But the ratable polls of Massachusetts include every male inhabitant of the Commonwealth above the age of twenty years, whether a citizen of the United States or an alien. The ratable polls are the male persons twenty years old, not twenty-one, on the 1st day of May. He also says in his report, it also appears that there were 351,113 names on the voting-list. In this he has been misled. The number of names on the voting-lists in Massachusetts at any time has not been ascertained. This number was taken originally from the first volume of the census of Massachusetts of 1875, page 16, as giving the total number of voters in Massachusetts. If the gentleman had examined that census carefully he would have discovered that what is called therein the total number of voters was not taken from the voting-lists.

To make this matter certain I some time ago sent the following telegram to Carroll D. Wright, superintendent of the census:

WASHINGTON, D. C., *December* 15, 1880.

CARROLL D. WRIGHT,
Superintendent of Census, Boston, Massachusetts:

In Massachusetts census of 1875 how was the list of voters made up, from the voting-lists or from the answers of individuals? Does the list as published include or exclude persons otherwise qualified who had not paid a tax within two years, or persons who had not the requisite length of residence? Answer by telegraph.

I received from him the following reply:

BOSTON, MASSACHUSETTS, *December* 15, 1880.

Census of voters in 1875 was from the answers of individuals. The number given in report included every native male who had reached the age of twenty-one, (not an idiot, pauper, nor convict,) and every naturalized foreign-born male, (not an idiot, &c.) The non-payment of taxes did not and could not enter into the definition of a legal voter for census purposes. The resulting disqualification being temporary, none of the above were excluded for non-payment of taxes or for change of residence within the State. All of voting age, within constitutional limit, who could neither read nor write, were excluded.

This number, then, has nothing to do with the voting-list, but is a number obtained from the answers of individuals, and includes all native-born males and all naturalized foreign-born males twenty-one years of age, (not idiots, paupers, nor convicts,) and who could read and write. Whether they had resided long enough in the State or district, whether they had or had not paid a tax within two years or at any time, and whether they had or had not registered or tried to register, were not considered in this enumeration.

Indeed a comparison of this number of so-called voters with the number of ratable polls, and with the number of unnaturalized foreign-born males twenty-one years of age and upward, and the number of illiterates twenty-one years of age and upward, so far as they can be ascertained, and the number of paupers, insane, and idiotic, will easily show that the difference between these two aggregates is accounted for. When you take into consideration that the ratable polls include all who are twenty years of age on the 1st day of May, and the voter must be twenty-one years of age at the time of the election, it is seen that only about one-half of the young men who are taxed a poll-tax for the first time in any year in consequence of becoming twenty years of age are entitled to vote at the following election in November.

The difference between the ratable polls as given by this census, that is, 449,686, and the number of voters as given by this census, that is, 351,113, is 98,573. The number of foreign-born unnaturalized males over twenty years of age is given on page 377 of the first volume of that census as 79,136, which, deducted from 98,573, leaves but 19,437 to be accounted for as illiterates, paupers, convicts, idiots, insane, and as male persons who were twenty years of age on the 1st of May and not twenty-one in the following November.

The number of illiterates in Massachusetts who, except for illiteracy, would be entitled to vote cannot be ascertained accurately. The total number of native-born male illiterates above twenty-one years of age is given on page 665 of the first volume as 3,153. I suppose most, if not all, of these are idiots, insane persons, or persons under guardianship, for I have never happened to know of any native-born persons of sound mind in Massachusetts who could not read and write.

The number of foreign-born male illiterates above twenty-one years of age is given at 31,444. How many of these are naturalized and how many are unnaturalized the census does not state. The gentleman from Iowa in his report has stated the number of illiterate naturalized males above twenty-one years old as 13,478, and of aliens as 17,966. I do not suppose that gentleman can tell from what source those figures are derived. I cannot find them in the census. But they have, I suppose, been obtained by ciphering, in the following manner: on page 377 and on page xl of the introduction it is stated that the whole number of foreign-born male persons above twenty years of age is 161,885. Deducting from this the number of non-naturalized males above the age of twenty, (on page 377 and page xl,) to wit, 79,136, and the remainder is 82,749. Deducting from this the number of naturalized voters, taken in the manner I have before mentioned, to wit, 69,271, and the remainder is 13,478, which is the number the gentleman has given as the number of illiterate naturalized male persons over twenty-one years of age. But this remainder includes persons who were twenty, and not twenty-one, being illiterates, as well as illiterates who had no sufficient residence either in the State or the district.

And so I say that the number of foreign-born illiterates who, except for illiteracy and the non-payment of taxes, would otherwise be entitled to vote cannot be exactly ascertained.

If, however, these numbers be assumed the native-born male illiterates above twenty-one are 3,153, and the foreign-born male naturalized illiterates (assumed) above twenty-one are 13,478; total, 16,631, which, subtracted from the original remainder, to wit, 19,437, which was left to be accounted for, leaves only 2,806 of the difference between the number of ratable polls and of the voters as given by the census to be accounted for as paupers, idiotic, and insane, as well as the number of young men who were twenty on the 1st of May and not twenty-one on the following November.

It is plain that these classes will more than account for this difference; and the reason I suppose is that the number assumed of foreign-born illiterates is far too large, as there is no inducement for a foreign-born male person in Massachusetts who could not read and write to be naturalized, and from the further fact that all, or nearly all, native-born illiterates more than twenty-one years old, and some of the foreign-born, are either idiots, paupers, convicts, or insane. The number of male paupers, without regard to age, found on page 451, is 2,388. The number of male convicts of all ages is 3,578. The number of male idiots of all ages is 835. The number of male insane of all ages is 1,704. The total of these four classes is 8,505; and if you assume one-half to be above twenty-one years of age, you have 4,252. The number of persons under guardianship not idiotic or insane cannot be ascertained.

There is no law of Massachusetts which disfranchises a convict that I know of, although, as the election is not held in a prison, it is difficult for him to vote. There is no statute law or provision in the constitution that disfranchises an idiot or insane person not under guardianship. On the best information that I can give the native-born male illiterates over twenty-one are 3,153, probably nearly all under guardianship as insane or idiotic. The foreign-born naturalized male illiterates over twenty-one years old who, except for illiteracy, might vote may perhaps be 10,000. The male paupers, convicts, idiots, and insane over twenty-one years old may perhaps be 4,252, although it is probable that a good many of these have also been counted among the illiterates. The total of these sums is 17,405, which is the esti-

mated number of male illiterates, paupers, convicts, and insane over twenty-one years old. The number of persons otherwise qualified to vote who cannot vote by reason of want of sufficient residence, or by reason of not paying a State or county tax within two years, cannot in any manner be ascertained any more than the number of persons who do not vote at any election because they do not choose to vote, or are too ill to vote, or are absent from the place of voting.

There is no possible foundation for forming even an estimate of the number of any one of these classes. The attempt is made to guess at it from the number of voters as given by the census (which included persons otherwise qualified, but who have not sufficient residence, and who have not paid a State or county tax within two years) with the number of votes actually cast at any particular election.

But the number of votes cast at elections differ very much. Massachusetts is not ordinarily in any sense a doubtful State, politically. And except in the third and fourth congressional districts, there is rarely a very heated contest. Very considerable numbers of her men are absent from the State or from their places of residence, engaged in business or traveling for education or pleasure, and they rarely or never take pains to come home to vote.

The third and fourth congressional districts have been for some years regarded as doubtful districts, and in congressional elections almost every possible means have been taken to get out the full vote. The third district is wholly in Boston, and the fourth largely in that city; and I have in the city of Boston, from the register of voters, a very striking illustration of the manner in which the number of voters vary at different elections. The Boston voting-list, at the November election in 1880, contained 58,367 names, and at the municipal election for mayor and aldermen, in the following December, contained 58,639 names. The number of votes cast in Boston for presidential electors was 53,335; for mayor, in the municipal election, was 41,654. This vote for mayor was cast at one of the most exciting municipal elections the city of Boston ever saw, in which the result was doubtful, and the mayor was elected by a few hundred plurality. The most extraordinary attempt was made to bring out a full vote, yet, although the number of persons entitled to vote was a few hundred larger than in November, the vote fell off from the November vote 11,681, and the November vote, the largest ever polled, was less than the voting-list by 5,032.

This voting-list included only those who had a right to vote, which means they had sufficient residence and had paid a State or county tax within two years. It is manifest that it is utterly impossible not only to ascertain but even to conjecture the number of persons who do not vote at any particular election by reason of non-payment of a tax, or the number of persons who do not vote from want of the legal residence, or the number of person who do not take pains to register, or do not choose to vote, or who are absent at the time of the election. These numbers undoubtedly vary greatly at different elections.

This payment of a State or county tax within two years, if it be regarded as a hardship to pay something toward the support of the Government in the protection of persons as well as property, is a very small matter. The tax cannot now exceed $1, and never exceeded $2, which must be paid once in two years, and as the law now stands is a tax not exceeding fifty cents a year.

The people of Massachusetts are not unanimous in opinion whether this disqualification ought to remain or not. The main argument in favor of its removal is that in all hotly contested elections it is a tax on candidates or parties who pay the tax for the voters, and that this tends to political corruption. How much or how little force there is in this I express no opinion.

I do not propose to discuss the meaning of the second section of the fourteenth amendment of the Constitution of the United States in this election case.

The laws and constitution of Massachusetts in regard to the right to vote are uniform and impartial. They deny the right to vote to no male inhabitant of the State, being twenty-one years of age and a citizen of the United States, for any causes that are not easily removable by such inhabitant. They abridge no right to vote which any man ever had in Massachusetts. They do require that a man shall register, that he shall take the trouble to go to the polls, that he shall have resided a reasonable time in the State and district in which he votes, that he shall not be a pauper or person under guardianship at the time of voting, that he shall have paid a State or county tax within two years, and if he has never had the right to vote under the constitution and has no physical incapacity, that he shall be able to read the constitution in the English language and to write his name.

The number of persons who are excluded by reason of illiteracy and pauperism are so few as not to affect any apportionment. And the number of persons who do not vote because they do not choose, or because they have not taken pains to register, or because they have not resided a sufficient length of time in the State or district, or because they have not paid or had paid for them a tax, is a number that has no permanency and varies with each election. Neither do I consider whether the general political policy of Massachusetts conduces to the welfare of her people. I think her history for two hundred and fifty or two hundred and sixty years has shown that her own people may be trusted to take care of that. Certainly it has never yet been the will or the wish of a majority of her voters that ignorance or imbecility should rule her.

Refunding of the National Debt.

SPEECH OF HON. RICHARD P. BLAND,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 17, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. BLAND said:

Mr. CHAIRMAN: I shall at the proper time offer the following amendment in the nature of a substitute for the funding bill:

Strike out all after the enacting clause, and insert:

"The Secretary of the Treasury shall, for resumption purposes, maintain a reserve of coin in the Treasury equal to 25 per cent. of all legal-tender notes outstanding, and a further sum of coin sufficient to redeem all certificates issued thereon in pursuance of law. The residue of all standard gold and silver coin there may now be in the Treasury, or hereafter accrue thereto, shall be paid out monthly in the redemption of the public debt on which interest has ceased, and upon the interest-bearing debt of the United States payable in the years 1880 and 1881. It is further provided that he shall pay out, in the manner and for the purposes aforesaid, all other surplus revenues not otherwise appropriated, and the amount of moneys thus paid shall be credited to the sinking fund: *Be it further provided*, That in order to aid the Secretary of the Treasury to procure the coin herein required, he shall cause to be coined monthly the maximum amount of silver bullion into standard silver dollars in the manner now authorized by law."

"SEC. 2. That the Secretary of the Treasury shall determine by lot, under such rules and regulations as he may prescribe, the particular bonds to be redeemed from time to time in pursuance of this act: *Provided*, That the bonds bearing the highest rate of interest shall be first paid.

"SEC. 3. That all laws and parts of laws, so far as the same may authorize the issuing of bonds for the purpose of refunding or redeeming the interest-bearing debt of the United States, be, and the same are hereby, repealed."

This amendment provides for the payment of the debt instead of funding it. The debt should be paid—

First. Because it can be done in the manner proposed at less cost than to fund it.

Second. Because a national debt is a national calamity. It provides a mode for hoarding capital that should be applied to business enterprises.

Our national debt is a constant menace to the peace and prosperity of our Government. It fosters a class whose business it is to deal in such securities. They are constantly contriving to secure legislation to enhance the value of this species of property at the expense of the people. It divides our citizens into hostile classes—the debtor and creditor, the tax-eater and tax-payer. The exactions of the bondholder class beget a spirit of revolution and repudiation. When hard times oppress the people they naturally seek to throw off all burdens they deem unjust. Repudiation will be the inevitable result of our legislation unless we pay off this debt when we have the power to do so. Refunding looks to a perpetuation of the debt and not to its payment.

There is a general sentiment now in favor of paying the debt. The fear is, that after we have funded it at a lower rate of interest we will go on as before, wasting our surplus revenues by extravagant appropriations. A thousand schemes will be devised to get the money accumulated in the Treasury and waste it in all sorts of jobs. Let us look to the payment of the debt and not to refunding it. The proposition submitted here will wipe out the debt in less than six years that we propose to fund for ten years. Let us economize and pay this debt, and thus place all the coin and surplus revenues in circulation, instead of locking it up or wasting it on jobs and subsidies. Bonds, like a cancer, eat out the substance of the body-politic. Pay the debt is the demand of the tax-payers, and stop the interest. No proposition of funding will strike the popular heart with favor. Let us pay out all the coin and all the surplus revenues in the manner provided in this amendment, and the debt will soon melt away. Fund it, and at the end of ten or twenty years we will have paid out large sums in interest and still have the principal to meet.

This will necessitate a further funding—all this means a perpetual debt.

Political parties are now being organized upon questions growing out of this debt. The people are forming themselves in line of battle against this debt. We may not admit the fact yet; the question is or soon will be either to pay or repudiate the public debt. If we do not pay when we can, it will in time be the cause of repudiation, revolution, and disaster. It is claimed by the friends of the funding bill that it provides the mode of payment and reduces interest during the time of payment. But the bill extends the time unnecessarily. Besides, when it is funded at a lower rate of interest the resolve to pay will gradually die out. We will hear no more of it.

The amendment I propose will pay the debt in five years, and save both principal and interest from being saddled on the tax-payer for probably a generation to come. Besides, the amendment proposed compels the Secretary to execute the laws of the land in order to procure the coin to pay the debt. It will enable us to continue resumption and provide a coin basis of the double standard for resumption and payment of this debt.

Let this House pass this amendment and it will be hailed by the

people, the tax-payers, as the beginning of a new era, a new departure in legislation, in which the rights and interests of the tax-payer have been recognized. The conflict is here sharply drawn between the tax-consumer and the tax-payer. No one can fail to see the difference in the two propositions. The funding bill favors the bondholder. It pays his bond, measured by the gold standard, if it pays at all. The other proposes no perpetuation of the debt, but the payment of it at a valuation measured by the two metals or the double standard.

Interstate Commerce.

SPEECH OF HON. W. G. THOMPSON,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 25, 1881,

On the bill (H. R. No. 4748) regulating interstate commerce.

Mr. THOMPSON, of Iowa, said:

Mr. SPEAKER: In violation of my usual custom since taking a seat in this House, I rise to offer a few remarks on this bill, containing, as I believe it does, some of the most important, far-reaching provisions which we have as yet been called to investigate and pass upon. Not only are the vast interests of the railroad corporations, whose lines of road reach into every State and Territory in this Union, affected, but also every citizen; and the marvelous rapidity of the development of this system in the few years past, and still becoming more apparent every day, warrant us in the belief that, startling as this development has been, the immediate future will see still more rapid advance in this direction. The grounds of vantage seen by those expert managers who lead and control these vast corporations are not intended to be reached by slow and measured tread, but by swift-footed and determined energy. Now flushed with unexampled success in working out the problem of railroad communication already completed, and the dream of the enthusiast but yesterday ridiculed by the conservative man of progress, has become the reality of the day; and no barriers, however formidable, which nature in angry mood reared as if to discourage and hinder the movement of the car of progress, but what modern intelligence has surmounted, and the grand triumphs of civil engineering stands attested in the completed lines of railroad.

Spanning the continent, reaching from the sea-boards of the East to the Golden Gates of the Pacific coasts, a line of thoroughfares for public travel and transportation of freights superior and greater than those of any other country, the sums of money involved in the construction of these lines are great, and the aggregates stagger the powers of ordinary arithmetic, and when the sum total is presented to the mind and comprehended in such presence we stand appalled. These facts furnish those who war upon corporations an assertion, but in fact no argument, which they use as an appeal to passion and prejudice to create and foster enmity between capital and labor, where, in my opinion, mutual trust and confidence only should exist; and those who do so are not the friends of our material interests; nor have they at heart the general welfare of our common country.

No great public enterprise can ever be carried to successful completion by individual outlay. The expense attending the building of railroads, canals, and other lines for carrying freight and passengers, completing and equipping them so as to meet not only the reasonable expectations of the public but such as are demanded by the wants of those who pay for accommodations furnished, require such an outlay of money as only an aggregation of capital can meet; and because an aggregation of capital is required, if it is honestly expended and the results used as an engine of good and not of oppression and wrong to the interests of either individuals or communities, then the fact whether it is money in the aggregate belonging to many or the money of a single individual is absolutely immaterial, for I take it that I am entitled to my property purchased with my own means, and also entitled to protection in the use and enjoyment of that property, whether it is in land, in gold, or in railroad bonds, or stock; and while I claim that right and that protection, I shall not be so selfish as to deny them to any others, whether they are individuals or an aggregation of individuals known and designated as a corporation, against the latter of which so much fustian and very cheap and unmeaning abuse is vented. And it is unfortunately true that these things are indulged in by a few men of brains and thought.

With broad and catholic views on most subjects in which public interests are involved, but unable seemingly to stem the current of prejudice against corporations, simply because they are corporations, yet generally they are the trade in stock of failures in business, demagogues in politics, and charlatans in everything, who would excite a mob to deeds of violence, yet lack the courage to lead in danger. We should be able to rise above prejudice, ascertain the wrongs existing, and whether perpetrated by railroad corporations, partnerships, or individuals, remedy them speedily and effectually so far as we may. I take it for granted that it is now a conceded fact that we have the constitutional right to regulate commerce between the several States, whether that is transacted by land or water lines, for it would be a monstrous doctrine, one subversive of our best interests as a people and a nation, which could successfully interpose constitutional quibbles and legal technicalities between the oppressions and extortions of those controlling the lines of railroad and water communications over which the commerce of the country is transported, in every pound of which is involved the honest toil of the producer, as a tiller of the soil or as a laborer in the trades, arts, or professions.

No man or community in our country but has interests in this intricate question, in the solution of which the brightest minds of the experienced and honest have struggled for years, and as yet arrived at no satisfactory result; nor will it be expected that Congress can by any act fix or establish uniform rates of either freight or passenger carriage on railroads or boats; nor does the bill under consideration attempt any such thing. How futile would be the attempt to fix such rates over the various lines, aggregating more than eighty-seven thousand miles, and every year increasing at a rate unexampled in the history of railroad building. No man believes that this could be accomplished if attempted; but that we have the right under the Constitution to legislate upon this subject, and prevent wrong by unjust discriminations against individuals, cities, or towns by these corporations, and prevent them from pooling earnings, is, I take it, a conceded fact; and so believing, I shall not take a moment of time in discussing that proposition, but leave it until such times as the question is raised. We can then, in treating these varied and intricate matters necessarily attending and growing out of the present system of railroad development, extending through thirty-eight States and eight Territories, many of them empires in geographical extent, many of them almost undeveloped, with grand possibilities beyond the conception of the present age, practical and utilitarian as it is, well afford to be just to the enterprise, energy, and faith in the future of our common country which invests in the grand enterprises which open the way for civilization, and bringing the remote frontiers into close relations with the older States, creating a homogeneous people, making our interests a common one throughout the length and breadth of the land. And while we are just to these, we are called upon by every consideration to be vigilant and prompt in enacting measures to protect the interest of all others who deal directly or indirectly with these enterprises which so materially affect all other public and private interests. To correct existing evils and prevent wrong in the future should be the primary aim and object of legislation.

The inquiry now to be made and answered is, does the bill under consideration secure to the public and to all sections of the country the protection against the wrongs complained of, and at the same time do justice to the great interests of these corporations? I am frank to say that it does not. True, it makes provision against unjust discriminations by the transportation companies in favor of persons, firms, cities, or towns, for the same services performed at the same time, but does not sufficiently prevent transportation lines by this discrimination from concentrating business in the hands of the few wholesale dealers, who in many cases pay comparatively a small and low rate, while the many smaller dealers are thereby prevented from purchasing their merchandise in the seaboard markets. Nor do I believe it would be just or even feasible to compel, even if in our power, a common carrier to transport a small quantity of goods or other freight as cheaply as they would a large amount; but all should be charged alike for the same services and done at the same time. In brief, I do believe that shippers of less than a car-load should only be charged the additional rate which it costs the carrier to transport goods in smaller quantities. This we have the right to provide for. But the bill under discussion makes no such provisions, as I read it, but virtually prevents it, and prohibits any discrimination in favor of long hauls or large quantities; consequently prohibits special rates or drawbacks.

How will this relieve producers or shippers, especially those residing west of the city of Chicago, from what is now taxed for carrying the produce of the States and Territories west of that city by the lines of transportation which, however widely they diverge in crossing from Chicago to the Missouri River, have each terminal facilities in that city furnished by individual enterprise, and not controlled by the railroad companies? As I understand it, the magnificent elevators, the stock-yards, and packing-houses are the result of individual enterprise and owned by the individuals and corporations erecting and maintaining them, and in which the transportation lines have no interest or control. The fact that these transportation lines west of Chicago and having a terminus on the Missouri carry to Chicago the great bulk of the freight which passes over the lines of transportation from Chicago to the seaboard, and thus become mere feeders, and in fact supply them with the larger part of their remunerative business, and which, owing to their superior facilities—having a double track and cheaper fuel—should be carried at a less rate than those roads located west of the Mississippi River, and which they can do and

ought to be allowed to do, but this bill says you shall not have a less rate, because your distance is great and your freight large in quantity—the result of such a law must be to discriminate against the producer living west of Chicago, a vast and productive territory, which to-day is furnishing to the markets of the world more bread and meat than the entire remainder of the American continent, and which will continue to do so, and are increasing these productions every year, and will continue to do so long as we have a national existence. But if you compel payment for long hauls in proportion the same as short hauls the result is to increase the rates and compel the buyer to pay less for the produce in the market, and the producer is taxed to pay the increased rate by a reduction in the price of his productions, and the much-abused railroad puts this forced increase into the treasury of the company.

I could not, with my present knowledge of the business of the transportation lines west of Chicago, invent a better plan to increase railroad earnings at the expense of the western producer than to make this measure a success. I do not use the term western producer in a sectional sense, or to institute any unjust comparisons between the West, the East, or South, but to call attention to the fact that the portion of our country known as the West is the great meat and bread producing section, besides the immense quantities of dairy products sent over these lines, not only west but east of Chicago. And I assert that were it not for the business furnished by the West to the transportation lines east of Chicago to the seaboard they would in a great measure be worthless as an investment; and they cannot afford any more than Congress can to be unmindful of the western interests, or encourage, much less demand, any action discriminating against the same; for it is a fact, which the records will show, that, immense as the carrying trade over these lines from west to east is, yet in the State of Iowa the local freight received from the east in that State constitutes only about 15 per cent. of the freight charges. And by these rates, under the supervision of State commissioners acting under the laws of the State, and as yet cheerfully acquiesced in by the transportation lines, our producers are protected against the discrimination provided for in this bill.

I am not advocating the right of railroads to discriminate against a man who ships one car of wheat from a station and in favor of the man who sends in the same train twenty cars of produce, for what I demand is a law that will permit a farmer to engage a car and fill it from the products of his farm and send it at the same rates that the shipper of many car-loads gets from the same point, and if in less than car-loads he will have to pay only the additional rate which it costs to transport in smaller quantities; and that discrimination shall not be made against any person or place for like services. And while I am convinced that all railroads, both East and West, can carry grain and other produce from the West to the seaboard for a less rate than at present charged—and indeed this is about the only complaint made against them by shippers and producers—yet while this is true it is also true that this bill does not even suggest a remedy for this evil, much less provide against a continuance of the wrong.

I have before attempted to show how this bill does directly discriminate against the western producers by giving them no opportunity to procure a rebate of rates in consideration of both the long haul and the quantity of freight offered, which shippers can now procure and thereby are enabled to pay a higher price in the home market; and that rebate, because of active competition among the home buyers, goes into the pockets of the producer and not to the railroad. But I am answered that this law compels transportation lines, owned or leased, operated as a continuous line, to carry at uniform rates, and neither discrimination against persons or cities, nor pooling of earnings or drawbacks shall be allowed. All this is very well, and it would still be better if it could or even made provisions for carrying out these reforms. I have before called attention to the fact that all the leading railroads west of Chicago have their eastern termini in that city. Consequently the contract for carrying freight from any point west of that city ends at Chicago. It is the market for all of the surplus cattle, grain, and other products of the western farm. When the cars arrive there they are unloaded, the grain is put into the elevators, the cattle and hogs into the stock yards. Eastern buyers are there to purchase both for the seaboard as well as the foreign markets. The hogs are purchased by the packers and converted into marketable meats, and from that point are reshipped on other lines of transportation under new contracts and for different points and at such rates as they can obtain. All this is done without regard to what the lines west of that point have done or may do. This bill makes no change in these things, and indeed could not, consequently, bring either relief or reform to those who have furnished this freight.

Unless we assume that the Government, because of some unwritten and hitherto unclaimed power, own the railroads, and take not only control but actual possession of all the lines of transportation constructed over American soil, and then reduce rates to suit the reform, such a suggestion, by whomsoever made, can meet only reprobation, is dangerous and revolutionary, and, if once established, would break with tyrannical hand every title a citizen could hold from the Government for the land conveyed by it. It has been accepted as a well settled doctrine that a patent from the Government is a title of the highest and best, and secures to the holder the land conveyed against the world; and this being true, these corporations, by virtue of law enacted by the sovereign power of a State, authorized to construct and operate lines of railroad, and empowered to hold, purchase, and convey real estate upon which to construct these lines and build and erect necessary buildings thereon, are thereby clothed with the power of eminent domain; and they holding the right of way from the patentee of this Government gives them an indisputable title thereto. And the power which usurps these rights and franchises could with the same justness and right take possession and control of the rolling-stock. To do either would be only a high handed usurpation, and find a counterpart and example only in the acts of the excited mob who wantonly destroy the property of others. Yet while Government has no right to confiscate property of the citizen, it has the right, and it is an imperative duty incumbent upon it, to protect the citizens of all the States from all wrong and oppression practiced by a railroad or other corporation.

Now, as our contracts before mentioned end at Chicago, how do you in this bill give those west of that city relief? The answer must be, none whatever. And I do ask that if we get no relief, leave us at least in as good a condition as you find us, and allow us the privilege of making our own contracts. It is not only the interest of these through lines to secure freight, but the main object to secure it for the longest possible haul, as such contracts bring the greatest profits. Mr. Nimmo, the best authority on railroad statistics, informs us that ten years ago it was an opinion generally entertained by the managers of the leading east and west trunk lines from Chicago to the seaboard, that they could not profitably engage in the transportation of grain from Chicago to New York at a lower rate than forty cents per hundred pounds, which would be twenty-four cents per bushel of sixty pounds. But during the year 1878 the average rate for carriage of wheat from Chicago to New York, by lake and canal, was a little less than ten cents per bushel, and by all rail for the same destination only sixteen and one-half cents per bushel; and that during the year 1879, just past, grain has been shipped from Chicago to Liverpool for seventeen cents per bushel, and at the same time the rate for carrying the same grain from Council Bluffs, Iowa, to Chicago over the lines who had entered into the pooling or apportionment schemes was, as I am informed, about fourteen cents per bushel. In this there is a wrong, remedied but little if any by the State commissioners. Nor is it in the power of that commission to do so. And while this bill does prohibit pooling, that is all. It still leaves the charges as it found them, and leaves competition to furnish the remedy, and to western producers it gives absolutely no relief.

The lines east of Chicago cannot as a matter of self-interest discriminate against the lines west of Chicago, for that would be killing the goose that lays the golden egg, and the competition arising between the eastern lines for this trade must in the nature of things, in the absence of pools, reduce rates. Nor does the real danger to the producing interest west of Chicago lie in the facts already stated. The great evil is, and for years has been, that western produce cannot be put into the Chicago market with the present railroad facilities, although worked to the very limits of their capacities. The result is that after the lake and canal navigation closes, thereby putting this carrying business into the hands of the railroads, who at once increase the rates for transportation—and this lasts for about one-half of each year—the result will readily be seen. Those who deal in grain in Chicago and store it, anticipating this rise, must pay a reduced price and ship as opportunity affords; and whenever shipped and over whatever road the producer west of Chicago has always been the sufferer, and pays from his labors the immense loss to them by reason of such action. This is a grievous wrong and ought to be remedied. But I submit that this bill has no provision in it even contemplating a remedy for these evils, but again leaves competition to work out the remedy; and indeed I am impressed with the belief that the community will find in wholesome competition the panacea so long sought in legislation, and sought in vain, and that we can well afford to encourage and foster these great enterprises by which this competition can be had and through which relief must come.

I repeat, let us be just to the railroads and we can then with reason expect that we will receive proper consideration from them. That those west of the Mississippi have already made material reductions in rates, is true, and I deem it right to call attention to this with some particularity, remembering in the mean time that twenty-five years ago we had no railroads. At present in the State of Iowa, which I have the honor in part to represent, we have now completed and operated about five thousand miles of railroad, standing the fifth State in the Union in this particular, embracing within her geographical limits over fifty-five thousand square miles, and divided into ninety-nine counties, and not one of those counties but can to-day be reached on first-class cars. Remember at the same time that the enterprising citizens of that young and vigorous Commonwealth have contributed more in proportion to their means in aid of these enterprises than any other people of the same number in the Union. They have encouraged and fostered the building of railroads, and are still willing to do so and honestly protect those who have put their money into these lines which have so largely contributed to the development of the material interests of our young and prosperous State. Their industry, enterprise, and energy have furnished a surplus of the great staples, for the feeding of the people both at home and abroad greater than any other State old or young, and after using the millions of

bushels of corn in fattening cattle, hogs, and sheep for the market, she sent to the foreign market ninety-nine million bushels of corn of the one hundred and thirty million sent out in 1879, or more than all the other States together. Not claiming to be a wheat-producing State, yet she in the same year raised forty-five million bushels of wheat besides her millions of oats and barley, and to-day she has on hand, as the product for the year 1880, nearly four hundred million bushels of corn, and still larger crops of oats, barley, rye, and other seeds than any previous year, and has taxed for 1880: Cattle 1,758,078, valued at $18,326,852; horses 691,085, of the value of $20,290,390; mules 43,172, value $1,581,338; sheep 349,568, value $457,958; swine 2,465,393, value $4,871,642, and this with less than one-half of our tillable land in cultivation, and all these productions must find transportation over these roads, and our western producers expect and demand a fair and honest consideration at the hands of all lines of transportation both East and West. They ask no special privilege nor will they tamely submit to oppression and wrong.

I have said that the roads west have already done much in the direction of cheap rates. From the report of the auditor of railroad accounts, 1880, I find that certain railroads, wholly or partially, west of the Mississippi River make the following showing in comparison with the same number of miles or nearly the same of roads east of the Mississippi, and if true, and of that I have no doubt, is it not at least a partial answer to the many charges made by those who make a business of inflaming a prejudice against these railroads, for all will readily admit these corporations have enough shortcomings to answer for, even after you have placed the whole truth to their credit side, and will these men tell us where the terrible oppression comes in at these rates, and when ascertained, let us drop theories and guesses and deal with the facts:

Comparative statement of business of certain railroads for 1878 *and* 1879.

Items.	Western, or certain railroads wholly or partially west of the Mississippi River.				Eastern, or certain railroads east of the Mississippi River.			
	1879.	1878.	Increase.	Decrease.	1879.	1878.	Increase.	Decrease.
Miles operated	12,919	12,047	872		12,716	12,364	352	
Passengers carried	17,949,000	17,617,000	332,000		84,752,000	80,118,000	4,634,000	
Passengers carried one mile	784,572,000	711,828,000	72,744,000		1,894,014,000	1,804,264,000	90,750,000	
Passenger earnings	$21,429,000	$20,341,000	$1,088,000		$41,139,000	$41,233,000		$894,000
Rate per passenger per mile	2.73 cents.	2.86 cents.		0.13 cent.	2.12 cents.	2.29 cents.		0.17 cent.
Tons of freight carried	21,618,000	18,367,000	3,251,000		87,924,000	69,678,000	18,246,000	
Tons of freight carried one mile	4,411,166,000	3,430,195,000	980,971,000		11,584,400,000	9,468,210,000	2,116,190,000	
Freight earnings	$66,403,000	$60,357,000	$6,046,000		$103,582,000	$97,094,000	$6,488,000	
Rate per ton of freight per mile	1.50 cent.	1.76 cent.		0.26 cent.	0.89 cent.	1.03 cent.		0.14 cent.
Gross earnings	$95,772,000	$89,031,000	$6,741,000		$164,147,000	$155,490,000	$8,657,000	
Operating expenses	49,848,000	44,974,000	4,874,000		101,362,000	96,984,000	4,378,000	
Net earnings	45,924,000	44,057,000	1,867,000		62,785,000	58,506,000	4,279,000	

This statement is very suggestive on many points.

First. That while the ratio of operating expenses to gross earnings on these western roads is, say, 52 per cent., and on the eastern roads 62 per cent., the eastern roads have done three times the work at only double the cost.

Second. That both these eastern and western railroads have reduced their rate per ton per mile 14 per cent., and passenger rates about 7 per cent., on an average.

Third. That the average haul, both of freight and passengers, on the western is nearly double that on the eastern roads.

Fourth. That the average rate per ton per mile on the eastern roads is down to the very low price of less than nine-tenths of a cent, and the rate per passenger per mile to two and one-eighth cents.

I ask here the attention of the House to the following report made by the State commissioners of Iowa, just completed and filed. I take this as published in the Iowa State Register, a paper whose loyalty to the producing interests of Iowa no one can doubt; and in this we will find that the increase of freight and long hauls reduce rates:

The board of railroad commissioners have placed their annual report in the hands of the governor, and it will soon be published. All that part of the report preceding the returns of the railway companies is printed, and from that we glean the following, which will prove of interest to the public: "The people are congratulated upon the growing efficiency of the Iowa railway service, its growth, and the prompt, harmonious, and inexpensive solution of many difficult questions of transportation. It is shown that while there is largely increased business the rates have been in many instances reduced, the decline during the past dozen years being from an average of about three cents per ton per mile to about one and a quarter—about 58 per cent. Two instances of this marked reduction are given—the New York Central and the Chicago, Rock Island and Pacific—both important lines, one in the East and the other in the West. The receipts of the former on freight in 1869 were $14,160,000 on 3,180,840 tons. In 1879 the receipts were $18,270,250 on 9,441,242 tons. Had the rate of 1869 been charged upon the tonnage of 1879, the receipts would have been $55,099,857, or an increase of $36,829,607, three times as much. In 1869-'70 the Rock Island transported 130,683,671 tons, receiving $3,587,002. In 1879-'80 the tonnage was 686,458,954, and its receipts therefor $8,035,165. The rates of 1869-'70 would have produced on the business of 1879-'80 the sum of $18,808,975, an increase of $10,773,810.

During the last three years the rate has been diminished on the Iowa division of the Illinois Central, the Burlington, Cedar Rapids and Northern, and the Chicago, Milwaukee and Saint Paul, as follows:

	1878.	1879.	1880.
Illinois Central	1,990	1,760	1,680
Burlington, Cedar Rapids and Northern	2,340	2,140	3,200
Chicago, Milwaukee and Saint Louis	1,800	1,720	1,600

"The decrease by the Illinois Central is seen to be more than four-tenths of a cent per ton per mile in three years. The commissioners confidently expect like reductions in the future as the business of the State increases. Inspection of the roads shows better grades, improved track and facilities, and a steady increase in equipment, though lower rates are charged.

"There were 4,977 miles of railway in Iowa on the 15th of September, and enough was built after that date to increase the mileage to more than five thousand. The stock representing these roads is carefully estimated at $106,719,429, or $21,442.52 per mile. The entire debt is estimated at $82,164,510, or $18,719 per mile. Stock and debt combined amount to $188,883,940, or $40,363.55 per mile. We have 581 miles more of railway this year than last, and the net increase of debt is $16,452,265.57.

"EARNINGS.

"All of the roads show increased earnings over last year. The total earnings are:

Passenger, mail, and express	$6,209,386 34
Freight and miscellaneous	18,628,159 01
Total year ending June 30	24,837,545 35
Total last year	21,340,709 44
Increase over last year	3,496,835 91

The following shows the increase per road:

Burlington, Cedar Rapids and Northern	525,823 49
Central Iowa	167,436 79
Chicago, Burlington and Quincy	891,736 17
Chicago, Milwaukee and Saint Paul	791,920 95
Chicago and Northwestern	684,198 79
Illinois Central	183,846 54
Missouri, Iowa and Nebraska	40,717 56
The entire operating expenses for the year are	13,982,653 77
Expenses last year	12,904,420 92
Excess over last year	1,078,232 85

"The net increased earnings over last year are $2,419,603.06."

I am opposed to the clause in the seventh section of the bill which in terms provides for the informer receiving one-half of the $1,000 penalty imposed. The *qui tam* actions are at best a relic of barbarism, and not favored by our present civilization. The informer and spy have always been looked upon with suspicion by both courts and juries, but when you allow every irresponsible to become informer and bring suits in the name of the United States, what a door is at once opened for fraud, perjury, and vexatious litigation. Informers under such circumstances have all to gain and nothing to lose; for the Government, in case of failure, pays the costs, and you would thereby impose upon the men you pretend to guard an additional and ever-growing burden to meet by taxation, for these costs are paid from the ordinary revenues of the Government. And have not those who deal with these corporations sufficient personal interest to insure a prosecution in all cases where they have been wronged?

I see no relief to the producer in the provisions of this bill. And while I know its author to be an honest fair-minded man and wise legislator, I have not that reverence for this bill I might otherwise have if it was the result of the committee's labors and investigations; but it is the production of the gentleman himself which by some means is receiving consideration before the bill reported by a majority of the committee. And however much I may respect the ability and learning of the gentleman, he will scarcely expect me to adopt his individual views instead of the committee's recommendations. I am anxious to have a law at once that will meet the demands of the public so far as possible, in hopes that knowledge will mature with time, and that we can, in the near future, adopt such legislation as will secure the public against all wrong. That the bill reported by the committee better provides for this I believe, and, so believing, shall support it and vote against the bill under consideration.

Boynton vs. Loring.

SPEECH OF HON. DANIEL L. RUSSELL,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, January 21, 1881,

On the contested-election case of Boynton *vs.* Loring.

Mr. RUSSELL, of North Carolina, said:

Mr. SPEAKER: I propose to offer a substitute for both reports with a view of sending this case back to the Committee on Elections to ascertain whether the sitting member in this case or any other member of this House from the State of Massachusetts is entitled to a seat on this floor.

It seems it is substantially admitted that Massachusetts has deliberately disfranchised a very large number of her inhabitants, citizens of the United States. It is also manifest that this disfranchisement is so extensive as to deprive her of the representation founded on the whole number of her inhabitants. Even the contestee in this case seems to admit that this disfranchisement is sufficient to take from her at least one member of the eleven which she claims and holds in this House. Here we have the astounding fact that this State, one of the foremost of those States which joined in establishing the fourteenth amendment as a part of the organic law of this land, has deliberately violated that amendment and has been, and is now, enjoying the fruits of this crime by holding representation here which belongs to the people of the other States of the Union.

And now, sir, it is plain that if this can be done your fourteenth amendment is a dead letter and the Constitution of the country a defunct instrument. Much has been said about the disfranchisement of black men in the South by violence and bloodshed, but it seems that Massachusetts does by her law-makers what she denounced the South for permitting to be done by her criminals.

The gentleman from Massachusetts, the sitting member in this Congress, has devoted much time to a defense of the laws, policies, and history of Massachusetts, and has made a signally unsuccessful attempt to wipe out blurs and blots that rest upon her name and fame. His glorification of his people as warriors, his claim to pre-eminent distinction for Massachusetts men as soldiers in the late rebellion, is calculated to bring smiles to the faces of the real soldiers of great war States of this Union, North and South.

Why, sir, if the real statistics could be obtained there is every reason to believe that States like North Carolina and Tennessee, which, next to Virginia, formed the backbone of the confederacy, furnished more of their *bona fide* citizens to the Federal Army than Massachusetts. Of course in arriving at this result it would be necessary to deduct from Massachusetts and credit to us the large numbers of our black men that she enlisted into Massachusetts regiments and used as substitutes for her kid-gloved gentry, and not one in a hundred of whom ever went into the Army, except in an easy, comfortable, and safe position. She is no more entitled to claim these as a part of her war quota than she is to claim as her own production the cotton which we produce and she manufactures. And if her talent and her culture were in the Army, how is it that she cannot send any of them to Congress; how is it that almost all her representative men, instead of being soldiers, were during that terrific strife engaged in making money and contributing to that vast wealth of the North without which the South could not have been conquered?

But, sir, I make no charge upon the people of Massachusetts. The gentleman has gone far out of his way to seek an opportunity to defend what he is pleased to call the State of Massachusetts. Nobody had assailed the State, but the gentleman, with a coolness that is characteristic of his caste, assumes the aristocracy of Massachusetts to be the people and the State. The great mass of the people of Massachusetts are laboring men and women. Her common people and her middle classes that constitute the great majority of her people are as good as the people of any other State. It is not they who are now brought to the bar of the country for a violation of the Constitution, but the minority which tramples them down by disfranchising them by thousands, and which constitutes itself an aristocracy, founded upon neither blood nor brains, but money alone.

It can hardly be seriously contended that the contestant is entitled to admission.

The legal question here is, it being established that Massachusetts is entitled to less than eleven members of this House, shall she be permitted to violate the plain mandate of the Constitution because Congress by the apportionment act of 1872 allotted to her eleven members?

It is contended, Congress having fixed the apportionment erroneously, wrongfully, and unconstitutionally, the wrong can only be righted by a new congressional reapportionment. The answer is that Congress can no more violate the Constitution than Massachusetts can, and when Congress declared that Massachusetts was entitled to eleven members it violated the Constitution, and, like all other unconstitutional legislation, the act, so far as it applied to Massachusetts, was simply null and void. Will any man contend if North Carolina had been declared to be entitled to forty members when in truth and in law she was only entitled to eight, that she could have sent forty members to this House and kept them here under the pretense that Congress had so ordered? Would Massachusetts consent that her people should be robbed of their legitimate share of political power because Congress, in violation of the Constitution, had given to North Carolina an excessive quantum of representation? Would she admit that members elected under such circumstances should be entitled to hold their seats in this House a single day?

It may be said that although Massachusetts is enjoying an undue share of political power by her excessive representation in this House, having eleven members, for example, when she is only entitled to nine, it would be monstrous to turn out all of her members, to deprive her of all representation. The answer is that if she has two more votes on the floor of this House than she is entitled to, thereby giving to, say, three men in Massachusetts the same political power as four men in New York or North Carolina—if she has thus violated the Constitution of the country in its plainest terms, then the wrong must be remedied and such steps must be taken as are necessary to give her her true and lawful representation. The only way to do this is to turn out all her members in this House and provide by competent legislation for her true and lawful apportionment. It is clear that there is no difference between the title of the contestee in this case and that of any other member of the Massachusetts delegation. There is no method by which you can select two of the eleven and exclude them so as to reduce the number down to her constitutional nine. The defect is in the title of each and every one of them, it is inherent and vital, and no man can distinguish this case from the other case which I have put of a State sending forty members when she is only entitled to eight.

It does not follow that because the apportionment law of 1872 is null as to Massachusetts it is so as to the other States. Every lawyer knows that a law may be good in part and bad in part; nor does it follow because the illegitimate and excessive two which Massachusetts unlawfully enjoys belong to some other State that the title of the Representatives of that State is defective.

The distinction between the case of a State which sends more and the State which sends less than its constitutional quota is easy. A State which sends more can only remedy the wrong by withdrawing them all and sending the proper number. The State which sends less has only to provide by her own legislation for the additional number, leaving those who have already been elected. For example, if in this case the Massachusetts members should be ousted and that State should send nine and the other two should be distributed between two other States, the two latter States could provide through their Legislatures for an election, perhaps by districts, certainly by the State at large, for the additional member.

Refunding of the National Debt.

SPEECH OF HON. D. WYATT AIKEN,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. AIKEN said:

Mr. CHAIRMAN: I have been an attentive listener to this protracted debate, and though from the outset open to conviction, I am not yet convinced that it will be either wise or economical to refund so much of the public debt as matures during the year 1881. I believe the prosperity of our country will warrant our liquidating the 5 and 6 per cent. bonds as they mature, or in too short a time after maturity to impose upon us the necessity of attempting to float a new loan at lower interest and short time. The only question, then, is, can we pay this debt? I believe we can, and will assign succinctly the reason for the faith that is in me.

The Secretary of the Treasury tells us that on the 1st day of November last there were in the Treasury $218,710,154 in coin, of which amount $141,597,013 were "an available cash balance." This latter sum had increased by the 31st of December so far as to become at that time $148,503,615. With the same ratio of increase this available coin will amount to $200,000,000 before the expiration of the present year, and would be an amount equal to the entire 6 per cent. indebtedness. Then why should it not be appropriated for the purpose of canceling that portion of the public debt? Gentlemen reply, because it is only available for specific purposes, to wit, resumption and redemption. Why, Mr. Chairman, until I heard it asserted on this floor a few days ago that it was a "delusion" and a "snare," I thought that resumption was a fixed fact. The Secretary of the Treasury tells us in his report that "while no distinction as to value is made between coin and notes in business transactions, a marked preference is shown for

notes, owing to their superior convenience in converting and carrying." And he further assures us that "United States notes are readily taken at par with coin in all parts of this country and in the chief commercial marts of the world." If this be not resumption, Mr. Chairman, what is it? We are told by the gentleman from Ohio [Mr. HURD] that resumption will be assured when all debts are paid in specie. Practically, sir, that time never has been and never will be. Indeed, if the monthly salary of that gentleman were proffered him by the Government in specie, in gold, to assure him that resumption was an established fact, we know very well that he would rebel against receiving such payment of Government indebtedness. To all practical purposes specie payments are maintained to-day, and the much-abused silver dollar has the same purchasing power that the gold dollar has. It will buy as many yards of clothing, as many pounds of food, as many plugs of tobacco, and as many drinks of whisky; and we all know that in the mind of the average American citizen, I will not say average American Congressman, these four articles are essentially necessary to sustain human comfort. No, sir, I would not hold this amount for resumption, because, as the Secretary of the Treasury well says, "in a supreme emergency the power granted to sell bonds will supply any possible deficiency," and he has in the Treasury authorized to be sold, but not sold, $104,652,200 of 4 per cent. bonds available for this purpose.

But then we are told this "available cash balance" of $148,503,615 must be held for redemption purposes. Mr. Chairman, during the year 1880 there were held in the Treasury for this purpose $141,597,013, and the Secretary tells us seven hundred and six thousand six hundred and fifty-eight dollars' worth of notes were presented for redemption. An enormous trap set for very little game, surely. And I venture the suggestion, that twelve months hence we will hear a similar report simply because United States notes are now in form, security, and convenience the best circulating medium known. Hence I conclude, sir, that this reserve fund should be used to cancel the 6 per cent. indebtedness of the country during the current year, thereby saving to the tax-paying citizens of the country an annual sum of $12,000,000.

But then, sir, during this same year of 1881 the 5 per cent. indebtedness of the country matures, and what disposition do we propose to make of it? Pay it, of course, as rapidly as the net revenue of the country will enable us. The Secretary of the Treasury estimates that we will have a surplus of $90,000,000 to apply annually to the extinguishment of the public debt. Add to this the $12,000,000 saved by the payment of the 6 per cent. debt, as above suggested, and it will be fair to conclude that we can pay $100,000,000. Now, Mr. Chairman, if upon a debt of $470,000,000 at 5 per cent. per annum we pay the interest and an annual payment of $100,000,000 upon the principal, we will have liquidated the debt in six years and six months and will have paid out something over eighty-one million dollars in interest. If, on the other hand, we fund this debt into 3 per cent. bonds, payable after five years at the option of the Government, we will in six years and a half have paid out over ninety million dollars of interest, and the principal will remain untouched. And the $100,000,000 which we proposed to pay upon the principal annually will have gone into the sinking fund which, the Secretary tells us, will have reached something over three hundred million dollars by the middle of 1888. But then we are left with a deficit of $170,000,000, whereas by applying our annual net revenues to the payment of the debt direct we will have liquidated the entire 5 per cent. indebtedness at the expiration of six years and six months.

Mr. Chairman, suppose these millions of 3 per cent. ten-year bonds should be issued, and the various Secretaries should find that national adversity had prevented their paying any portion of the principal or even accumulating a sinking fund, how will we find ourselves in 1891? At that time $250,000,000 of 4 per cent. bonds mature, and the Government would then be compelled to negotiate a new loan for longer time, and thus the people would have laid upon their shoulders a perpetual debt, which, as has been well said on this floor, is "un-American."

But, Mr. Chairman, I may be told that such strenuous efforts to pay the public debt would produce a financial disturbance that would check the prosperity of the country. To my mind just the reverse would take place. Money now wrapped up in bonds would then be free and privileged, or rather compelled to seek other investments. All over this broad country fertile lands are now lying idle that by a free circulation of this bonded wealth might be brought into profitable cultivation. In our Appalachian chain of mountains, extending through Virginia, North and South Carolina, Tennessee, Georgia, and into Alabama, there are inexhaustible supplies of coal, iron, marble, sandstone, and rich mines of gold, silver, and copper, all now imbedded within the bosom of mother earth. And throughout the entire Piedmont section of country, extending from the Potomac to the iron hills of Alabama, illimitable water-powers, so majestic that one feels like standing uncovered in their presence, are running to waste, and their constant roaring sounds as if it were a mournful dirge, murmuring because the capitalists of the country would not utilize these gifts of nature.

Yes, Mr. Chairman, instead of wrapping up the people's money in the country's debt, let it be invested in the uncultivated lands of the South and West, and our exports, which are our only guarantee of prosperity, will be increased; let it build up factories on the spot where our products are grown, and we will then export flour instead of wheat, bacon instead of pork, yarns and cloth instead of cotton, and our material resources will be so developed that our prosperity will be permanent and perpetual, while our debt will be short-lived; our income will be so increased as to materially decrease our taxes, and ours will be the freest and happiest people in the world.

In conclusion, Mr. Chairman, I would say, and I speak now only for that section where can be found those magnificent water-powers and those invaluable mineral deposits, the people there are this day, with outstretched arms, extending to capitalists a welcome, and urging them to come over and help them in developing the natural resources of that beautiful country. And if, sir, by paying the national debt we could effect but this single result, I can see in it a healthful influence upon the politics of the country which would be ample compensation for the burdens of taxation to which the people would be subjected until the debt was paid; because, sir, sectionalism would then be destroyed, our Union would be restored, and ours would be that happy people we once were. Therefore, Mr. Chairman, I say let us pay the debt.

Refunding of the National Debt.

SPEECH OF HON. PETER V. DEUSTER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. DEUSTER said:

Mr. CHAIRMAN: I desire to say but a few words on the amendment offered by the gentleman from Alabama, providing that the Secretary of the Treasury, before any of the bonds authorized by this bill shall be issued, shall pay out in exchange for matured bonds all the silver dollars and all the gold coin in the Treasury, over fifty millions of dollars held for the purposes of resumption. This amendment is in my estimation a very objectionable feature in the bill. You will remember that it really was adopted by the other side of the House by refraining from voting when a division of the vote was demanded. The refunding of over six hundred millions of dollars of maturing obligations of our Government should not be trifled with. It seems to me that there is no such great mystery in the subject of finance; that whatever a prudent, discreet, honest man should do in regard to his own business affairs, is safe for the Government to do, of course, on a larger scale. Republicans as well as democrats should drop all party affiliations and unite in perfecting one of the most important measures now pending before this House.

I have been an attentive listener to the exhaustive debate on this subject ever since its commencement, and will say that the bill in its present shape, except the amendment of the gentleman from Alabama, ought to pass. From assurances given by gentlemen on both sides of the House, that even bankers were ready to take a 3 per cent. bond, and in view of the fact that our 4 per cent. bonds are at a high premium, I would not attempt to cast my vote for a higher per cent. bond. The credit of our Government is, as generally conceded, better than that of any other government in the world. While other nations are increasing their national debt year by year, we are fortunately among the very few who yearly have paid a part of the principal. Our great wealth derived from the inexhaustible resources and surplus revenue, will enable us to discharge, in the near future, a still larger amount of our debt, and for these reasons the bill wisely provides for a 5-10 bond.

The same economic rules that govern private individuals in discharging a debt as soon as possible are applicable also to a well-governed nation. I am somewhat astonished to see well-meaning gentlemen advocating a higher per cent. bond, since they are aware that the same arguments were made at the time our 4 per cent. funding bill was under consideration in the House. It was then asserted that a 4 per cent. bond could not be floated. Experience has taught us differently. The 4 per cent. certificates even, designed to be issued for investments of the savings of poorer classes, were gobbled up by large capitalists as fast as they could be issued by the Secretary of the Treasury. It has been asserted over and over again during this debate that a 3 per cent. bond could not be floated. Upon what grounds are these assertions based? It has been stated that a 3 per cent. bond never before had been sold at par. Had a 4 per cent. bond ever been offered in this country before these bonds were funded? Was the issue of those bonds, which are now at a high premium, not considered a mere experiment at the time? The result is known to all of us. I venture to say that the bonds issued under the provisions of this bill will prove as good and in many localities a better investment than real estate, devoured almost by local taxation in many cases; or, show me the farmer who, with an abundant crop and hard labor, can realize a net profit of more than 3 per cent. of his investment. I hope, therefore, that the bill will pass.

Refunding of the National Debt.

SPEECH OF HON. JOHN A. ANDERSON,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. ANDERSON said:

Mr. CHAIRMAN: When action was taken upon an amendment proposed by me to the first section of this bill, and also upon a substitute for that section, the debate was restricted to five minutes, and I avail myself of this opportunity to present some views upon the general subject more fully than was then possible.

NATIONAL DEBT THAT MAY BE PAID IN 1881.

The position in which we find ourselves respecting the national debt can be simply stated and easily understood.

In 1861 the United States borrowed $202,266,550 by selling its bonds bearing 6 per cent. interest, "irredeemable for twenty years, and after that period redeemable at the pleasure of the United States." In 1871, for the purpose of reducing the interest on other 6 per cent. bonds, it sold 5 per cent. bonds amounting to $469,651,050, "redeemable at the pleasure of the United States after ten years from the date of their issue." Hence, on the 1st of next May the Government will have the option of paying off these $671,917,600 of indebtedness, on which it is annually paying $35,618,545 interest. Not having the money with which to make so large a payment, this bill proposes that we sell new bonds bearing 3½ or 3 per cent. interest, and with the proceeds of this sale take up the five and six percents. If we can borrow at 3½ per cent. the annual interest charge would be $23,517,116, or a yearly saving of $12,101,429; and if at 3 per cent. the annual interest would be $20,157,528, or a yearly saving of $15,461,017.

This process of selling bonds bearing low interest and with the money thus obtained paying off bonds bearing a higher interest is called "funding," or "refunding," the debt. It is exactly analogous to the act of an individual who, because of his better credit, or a greater abundance of money in the market, gives his note at 3 per cent., and, with the funds thus raised, pays off a previous note bearing 6 per cent. And for the same reason that he promotes his own interest by so doing, the Government promotes the interests of the people by "refunding." So that the simple question before the committee is whether we shall compel the tax-payers to pay to one set of bondholders twelve or fifteen millions of interest a year more than we can borrow money for from another set of bondholders. The question answers itself.

OBJECTION TO REFUNDING.

The most plausible objection to this course is that urged by the gentleman from Pennsylvania, [Mr. KELLEY,] who adduces figures to show, first, that we can afford to raise a surplus revenue of $60,000,000 annually; and, second, that we can better afford to leave the five and six percents outstanding, and pay them off in ten years at the rate of $60,000,000 a year, than to issue long 3 per cent. bonds. That is true if the Government parts with the power to pay the new bonds for ten years; but if it retains the option of paying them in five years, then it makes no earthly difference how long the bond runs after that option, whether ten or fifty years, because five years hence we could pay them off at pleasure.

It is perfectly clear that 6 per cent. is twice as great as 3 per cent., and therefore that under Mr. KELLEY'S plan we would have to pay a larger amount than under the funding plan. The gentleman from Kentucky [Mr. CARLISLE] has shown that the total sum required for the payment of principal and interest by Mr. KELLEY'S method would be $826,750,000; and that if refunded at 3 per cent., and paid off at the same rate of sixty millions a year, and in the same time, the total sum required would be but $748,210,000, or $78,540,000 less. This saving of seventy-eight millions in ten years is a conclusive answer to the cry against refunding, and will be so accepted by every tax-payer in the nation.

INFLUENCE OF HIGH-TARIFF VIEWS ON REFUNDING.

There is one feature in this proposition of Mr. KELLEY worthy of especial attention. The raising of a surplus of sixty millions a year necessarily requires that the revenues shall be collected at existing rates; therefore, that the present tariff shall be maintained. For one, I favor a wise and equitable revision of a schedule of duties that was framed to meet war necessities and established in the heat of the war period. That period, with its voracious demands for revenue, has passed away. Our present necessities are only those incident to peace and prosperity, with the added legacy of the war in the shape of a national debt. However advantageous it might be for the advocates of an extreme tariff to possess a pretended necessity for an enormous surplus during the coming ten years, as a pretext behind which they could plausibly resist an equitable revision of the tariff, yet I am unwilling to pay seventy-eight millions of the people's money for the sole purpose of furnishing them with that pretext.

In this connection, as well as elsewhere, may also be suggested a bearing which the high-tariff question may have had upon the course taken by another set of gentlemen. Everybody knows that men are willing to lend money on long time at a less rate of interest than for a short time; that, for example, a bond irredeemable for ten years may be sold at 3 per cent., while if the Government has the choice of redeeming a bond in five years buyers will not take it at a less interest than 3½ or 4 per cent. The rate of interest and the length of time directly affect each other, so far as the willingness of men to lend money is concerned.

The plea for a low rate of interest, and also the one for a short bond, are strong pleas with which to go before the people, a fact fully realized by the astute leaders of the democratic party. But it is evident that the Government cannot compel anybody to buy its bonds a bit more than I can compel any man to take my note. He may be so ungenerous as to say that his money is worth more to him than my note would be. So may he say with respect to the Government's bond, and may prefer to keep his money. Hence it is clear that if we fix either a lower rate of interest or a shorter period, or both together, than buyers are willing to accept, our bonds will remain unsold, and the six percents will remain outstanding. In that event the cry would be renewed for a speedy payment of the fives and sixes, and by consequence, for the collection of the largest possible revenues with which to make these payments. The bearing of this pressure upon the tariff question would be precisely the same as under Mr. KELLEY'S plan.

The most strenuous advocate on the floor for both a lower interest and a shorter time than any government in the world has ever successfully adopted has been our distinguished Speaker and the recognized leader of the democratic party, [Mr. RANDALL, of Pennsylvania.] I am bound to accept, and do accept, his assurances, repeatedly given, as to the sincerity of his belief that the bond he advocates can be sold. But in case he should be mistaken, in case the short 3 per cent. bond which the House, under his vigorous leadership, has specified should be rejected by the market, then, and in such a dire contingency, it is possible that his grief over the failure of this funding measure might be greatly mollified by the beneficial influence which that failure would have upon the Pennsylvania view of the tariff question. It is a very ill wind that blows no good.

A HALF OF ONE PER CENT. DISCRETION.

The chief difference between the bill and my substitute touched precisely this possibility of failure. The bill inexorably fixed the rate of interest at 3 per cent. The substitute fixed "a rate not exceeding 3½ per cent." The time in both was the same. Under the substitute the Secretary was not required to pay 3½ per cent., nor debarred from offering 3 or 2 per cent. if he found such bonds would sell; it only prohibited him from paying more than 3½ per cent. No human being can tell whether the lenders will buy three percents. They might refuse three and yet take three and a quarter, or three and a half; and the difference of a quarter or a half per cent. while important is far less important than a failure which would result in 5 and 6 per cent. The only way of positively knowing what the market will take is by actual trial. Somebody has got to make that trial. The Secretary is more competent to do so than are the able-bodied financiers in this House, whose judgment on roast beef is possibly better than their judgment on finance. And it is only the part of common sense and business prudence for the House to give a discretionary lee-way of a half per cent. to the Secretary, as a guard against failure.

With all due deference to everybody, I believe that the democratic party is determined to pass a funding bill warranted not to fund; that this bill will admirably serve that purpose, and, furthermore, that extreme views on an altitudinarian tariff may have had more to do in shaping this measure than has a proper regard for the financial interests of the people. In passing from this branch of the subject I desire to record my firm belief in the wisdom of a tariff not "for revenue only," but for the real and broad protection of American workmen and industries as against the cut-throat wages of Europe or Asia. But I do not believe, under the guise of protection, in furnishing any set of manufacturers with an unnecessarily high tariff as a cloak against the brisk winds of healthy competition. These gentlemen are quite able to buy their own cloaks, as a rule.

RETIREMENT OF NATIONAL-BANK NOTES AND SUBSTITUTION OF UNITED STATES NOTES.

As regards the amendment respecting the national banks I am satisfied that neither its design nor effect was generally understood by the committee. It provided that all the vested rights of the banks under existing laws should be fully respected; that when a charter expired it should not be renewed; that as notes were surrendered by a bank the United States should issue "currency" notes of the same number and amount; that these currency notes should not be a legal tender, and in that respect should differ from the "greenback;" that they should not be accepted for customs or be used in paying the public debt; in short, that they should have precisely the qualities, limitations, and powers of the national-bank note. Under the law the bank-note is payable in "lawful money." But as the greenback is "lawful money," bank-notes were always redeemed with it, and not with coin when the latter was at a premium. The same would be true of the proposed currency notes under similar circumstances; but until such circumstances arose these notes would practically be exactly what the greenback is to-day—gold notes. The amendment

was as follows, and its bearing upon this funding question is clearly stated in the last paragraph:

The Secretary of the Treasury is hereby authorized to issue, as hereinafter provided, currency notes of the United States, which shall not bear interest, and which shall be payable to bearer on demand in the lawful money of the United States.

From and after June 30, 1881, it shall be unlawful for the Comptroller of the Currency to authorize any association for carrying on the busines of banking under title 62 of the Revised Statutes to commence the business of banking under said title; and it shall be unlawful for him, or for any other officer of the United States, from and after June 30, 1881, to issue circulating notes to any association which shall at that date be duly authorized to transact the business of banking under said title 62, except for the purpose of replacing mutilated, worn-out, or destroyed circulating notes, as provided in section 5184 of the Revised Statutes.

The Secretary of the Treasury shall ascertain the number, denominations, and aggregate amount of all circulating notes issued to banking associations under title 62 outstanding June 30, 1881; and when, from any cause, any of said circulating notes at that date outstanding shall be redeemed by the Treasurer, as provided in section 5224 Revised Statutes, he shall thereupon, and not otherwise, be authorized to issue the currency notes herein provided, of the same denominations and to the same amount as that of the circulating notes so redeemed by him; and he shall thereafter pay out said currency notes in discharge of any services rendered to or for supplies purchased by the United States after June 30, 1881.

The aggregate amount of outstanding circulating notes issued to banking associations, and of currency notes issued by the Treasurer, shall at no time be greater than the total amount of circulating notes outstanding June 30, 1881, as ascertained by the Treasurer; nor shall it at any time be more than $1,000,000 less than said amount.

Said currency notes shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt and in redemption of the national currency.

The Secretary of the Treasury shall, as currency notes are issued by him, set apart an equal amount of the coin then in the Treasury, and not otherwise appropriated, for the redemption of the bonds redeemable during or subsequent to the year 1881. And the amount of the bonds so redeemed by him prior to the sale of the last of the bonds and certificates authorized in this section shall be deducted from the aggregate amount of such bonds and certificates herein authorized, nor shall he issue an aggregate amount of said bonds and certificates greater than the sum remaining after such deduction. So much of said coin so set apart as is not used in the redemption of bonds shall be applied by the Treasurer to the sinking fund.

POPULAR PREFERENCE FOR "GREENBACKS" OVER COIN.

In addition to the debt that bears interest there is a debt on which no interest is paid, amounting to $404,907,383, of which the greenbacks are far the greater part, namely, $346,681,016. Were these notes withdrawn from circulation we should then have to pay interest on just that much more debt, say $347,000,000, which, at 3½ per cent., would be $12,145,000 annually. And the reverse of this proposition is true. If it were in our power to double the amount of greenbacks we could, with the funds received for them, decrease the interest-bearing debt $347,000,000 in principal and save twelve or more millions a year in the shape of interest.

When a man accepts a greenback he lends just that much money to Government, without charging interest; and we are able to borrow $347,000,000 from the holders of these notes, without interest, partly because they are lawful money, but chiefly because they are preferred to coin. The reasons for this popular preference are:

1. That the greenback is promptly paid in gold or silver when demanded.

2. That in case of loss or theft it can be identified by its number, whereas coins of the same mintage cannot be identified at all.

3. That it is more difficult to counterfeit.

4. That it is much lighter, more safely carried about the person, and shipped at less cost for express charges than coin.

In other words, it is a more convenient "money" than gold, less bulky than silver, and so much better than either of them that people are more willing to lend money to Government without interest than they are to take coin. And just as long as the national-bank note possesses precisely the present qualities of the greenback it will be equally preferred to coin in our domestic commerce.

Eastern gentlemen may talk as they please about the expediency of retiring the greenbacks, and other gentlemen may shout themselves hoarse over the free coinage of silver—for the benefit of bonanza kings; but the fact that the people are willing to lend the Government $347,000,000, without interest, ought to be satisfactory evidence as to the demands of the business world. The coins have their proper places, because of their different qualities. For small change silver is better than gold, because of its greater bulk. The diminutive size of a gold-dollar piece debars its use. Whereas the bulk of twenty silver dollars debars their use as compared with that of a twenty-dollar gold piece. In the transfer of large sums there never was a greater nuisance than silver; that is the proper place of gold. For small change silver is invaluable, but beyond this use it is a ponderous humbug. And silver men need not imagine that the farmers of the West, when shipping vast crops to the East, are going to pay the express charges for the transfer of silver when gold can be shipped cheaper, or the expressage on gold when paper can be shipped cheaper. The very nature of things determines the proper place of these different kinds of money. We want enough of each to fill its place, and we do not want the crowding out of either of them by the others. And I conclude this digression by saying that, for just the reasons above indicated, I am in favor of reissuing a proper amount of the old fractional currency in order that the people of the West may be able to send by letter a less sum than one dollar.

WHY NATIONAL-BANK NOTES CANNOT AT ONCE BE RETIRED.

Now, Mr. Chairman, over and above the $347,000,000 of greenbacks in circulation, there are $344,000,000 of national-bank notes. The Comptroller of the Currency reports the relative proportions of currency and coin on November, 1, 1880, as follows:

Legal-tender notes		$346,681,016
National-bank notes		343,834,107
Total currency		690,515,123
Gold coin	454,012,030	
Silver coin	158,271,327	
Total coin		612,283,357
Total currency and coin		1,302,798,480

The proposition cannot be denied that, if we were now able to retire these bank notes and issue United States notes in their stead, we could at once convert just that amount of the interest-bearing debt into non-interest-bearing debt; that is, if we could issue $344,000,000 of currency notes, we could, with the money received for them, pay off $344,000,000 of the 6 per cent. debt, and do so without paying either 3 per cent., 2 per cent., or any interest whatever on this currency loan. I need not argue that proposition; it is self-evident.

But there are certain reasons why we are not at present able to retire the bank notes, namely, the laws of the land and the nation's honor.

In 1863, when the value of the greenback had run down from one hundred to sixty cents, and when the Government could neither borrow money nor redeem its promises, the act of February 25 was passed, giving to banking associations the right to issue circulating notes to within 10 per cent. of the amount of United States bonds deposited as security therefor. The objects of the act were, first, to make a home market for our bonds, Europe refusing them; and, second, to provide additional currency. Gold and silver had disappeared from trade, and the depreciated greenbacks and notes of private banks were the only money in use. The measure was not only necessary, but vital. Now, one of its most valuable conditions was that the charters of the banks and the right to issue notes should be in force for twenty years from date of grantal; otherwise capitalists would not have invested their money in the business, and so would not have bought the bonds required for banking, and which Government had to sell or die. None of these charters have expired, and none will expire until 1883; nor has the law been repealed. And just that is the reason, and, to my notion, a sufficient reason in the eyes of every man who prefers honesty to treachery, and honor to shystering, why it is beyond the power of this nation, so long as it respects its plighted faith, to strike down the national banks with one fell stroke.

No matter how great may be our prosperity to-day as compared with our dire necessities in that midnight year of the horrible war, 1863, and no matter how great may be the apparent hardships of the banking contract, yet it is a contract; it was deliberately made, and was a good contract for us at the time of its making. For one, I will execute it to the letter and in the spirit of 1863, under all hazards and to the end; not because it is a contract with banks, but because it is the nation's plighted word—a token to be redeemed when presented, though the heavens fall. It is for this reason that I am opposed to the amendment of my respected friend from Kentucky, [Mr. CARLISLE,] as I understand its effect, and for the same reason shall at all times vote against any infringement of the chartered rights of these banks.

TWENTY YEARS' NOTICE REQUIRED TO BE GIVEN TO THE BANKS.

But, Mr. Chairman, the question as to whether we will observe existing contracts is wholly different from the question whether, after the expiration of a contract, we will again enter into a similar one? The first proposition is a matter of integrity; the second is a matter of business prudence, to be determined by our estimate of resultant advantages.

One significant feature of the existing contract is that which enables a new association to organize at any time, and guarantees its privileges for twenty years from that date. The first banks were formed in 1863, and will have to renew their charters before 1883, or dissolve. The charters taken in 1871 will run to 1891; and those taken in 1881 to 1901. So that if we maintain our faith with the banks, and equitably regard the rights which they have acquired under the law, it will be twenty years from to-day before these contracts can be finally closed; because, suppose this amendment were about to become law, would not those banks that wished to continue in business renew their charters before the approval of this bill, and would they not then have vested rights till the year 1901? Hence the real issue raised by this amendment is not whether we will now destroy the banks, nor whether we will now retire their notes; but whether we will now give the stipulated notice of twenty years, to the effect that after the year 1901 the national-bank system shall cease. This is the sole question, and is one to be solely decided by our interests as a nation.

FINANCIAL ADVANTAGE OF ABOLISHING THE BANKS IN 1901.

Let us see, first, what would be the effect of the amendment on the payment of the national debt.

The interest-bearing debt is as follows:

Six per cent. bonds irredeemable before 1881	$202,265,550
Five per cent. bonds irredeemable before 1881	469,651,050
Four and a half per cent. bonds irredeemable before 1891	250,000,000
Six per cent. Pacific Railway bonds irredeemable before 1901	97,678,808
Four per cent. bonds irredeemable before 1907	738,404,450
Total	1,757,999,858

We will assume that the five and six percents will be funded in three percents, and also that none of the banks organized prior to 1871 would withdraw their circulation until twenty years from that date.

In 1871 there were 1,767 banks, having a circulation of three hundred and seventeen millions. Under the amendment their notes would be retired in 1891 and the same amount of United States notes issued. With the proceeds thus obtained, we could pay off three hundred and seventeen millions of the interest-bearing debt, and in that year two hundred and fifty millions of the four and a half percents fall due. In 1881 there are 2,090 banks having a circulation of three hundred and forty-four millions which would be retired in 1901, when one hundred millions of the 6 per cent. Pacific Railroad bonds mature; while six years later the four percents of 1907, amounting to $738,000,000, are payable.

We have seen that the interest at 3½ per cent. on the bank-note circulation amounts to $12,000,000 a year. By substituting our own notes for the bank notes we would certainly save that amount of interest during ten years, or an aggregate sum of $120,000,000. Whether the advantages which the nation would derive during the decade from 1891 to 1901 by the continuance of the bank notes, rather than of United States notes, would prove to be worth $120,000,000, is a question that each gentleman can answer for himself. I would prefer to see that sum applied to the reduction of the debt. And so would every man, if this were the only effect of the amendment.

OUR FINANCIAL SYSTEM THE BEST WE HAVE EVER HAD.

But it is sincerely believed by many gentlemen on this floor that even so great a pecuniary benefit as this would be more than counterbalanced by a termination of the national banks. They affirm that neither this nor any other nation has ever had a safer, wiser, or better financial system than is ours to-day.

I heartily concur in the proposition. Any one at all familiar with the old days of State banks, of fluctuating paper, of "red-dog," "wild-cat," and "shin-plaster" notes, will fully concede the incomparable superiority of the present system; and if the only alternative be the one or the other of these two systems, most certainly the existing laws should remain unchanged. But that is not the only alternative. It does not follow that upon an abandonment of the present system we would return to the former one. The American people, like revolutions, never go backward. Neither does it follow that because the present system is the best we have ever had, it is therefore the best which we ever can have. Perhaps all of the wisdom may not die with us, and perhaps the next generation may make financial improvements quite as great as those which this generation has undoubtedly made.

What, now, are the elements which give to the present system its admitted superiority? They are, first, the presence of gold and silver coin in their proper places and performing their natural functions; second, the presence of a paper currency everywhere at par and always exchangeable for coin in any town on this continent; third, the security given to the national-bank note by the indorsement of Government, and the security given for this indorsement by the deposit of United States bonds. So that the real question is: What would be the effect of a substitution of United States notes for bank notes upon the practical workings of this financial system, or, to what extent is that system dependent upon the national banks for its excellence?

EFFECT OF SUBSTITUTING UNITED STATES NOTES FOR BANK NOTES.

It is certainly evident that so long as the quantity of paper remains what it now is, the proportion of this quantity issued by the Government or issued by the banks can have no effect whatever upon the supply of coin, and therefore none upon the workings of the present system. It is immaterial whether the whole volume be issued by the one party or by the other. The essential quality of a paper currency is not who issues it, nor, for that matter, what quantity is issued, but the certainty that it can be promptly exchanged for coin. When this certainty is assured, the question whether a bank or the United States makes the issue is of no practical importance; and therefore the withdrawal of bank notes and the equal issuance of United States notes could in no wise affect the excellence of our present financial system, so far as the quantity and quality of money are concerned.

Neither could this substitution of one for the other affect the working of the present system, so far as the willingness of the people to take paper instead of coin is concerned.

What security has the holder of a bank note for the fulfillment of its promise to pay money? None in the world, except the indorsement of the United States. The confidence of the holder rests chiefly upon the pledge of the Government, and precious little, if at all, upon that of the bank. He does not care a straw whether the bank is solvent or insolvent; the Government will make the promise good, and that is enough for him.

And so far as the Government is concerned, the only security possessed by it for its indorsement is the market value of its own promise. The bond which it holds, as the property of the bank, is simply a promise of the United States to pay dollars. A greenback is exactly the same—a promise of the United States to pay dollars. The one has no greater strength or availability than the other. Hence the exact difference between a bank note and a greenback is, that the former is the note of five men secured by the promise of the United States to pay it, if they do not, and a greenback is the direct promise of the United States to pay. And all men will admit that as the willingness of the people to take the bank note arises solely from their confidence in the promise of the Government, they would certainly be equally willing to take a United States note instead of a bank note. So that, in this regard, the present system would not be affected by the plan proposed in my amendment.

Hence, as neither the present volume of coin and currency, nor the willingness of the people to take a United States note, can by any possibility be affected, one way or another, by the substitution of United States notes for bank notes, the proposition certainly is proven that the excellence of our financial system does not depend upon the fact that banks, rather than the Government, issue our currency.

NEITHER THE GOVERNMENT NOR BANKS SHOULD HAVE POWER TO CONTROL THE VOLUME OF CURRENCY.

But it is alleged that the banking system gives to business men the power to increase or diminish the quantity of currency, upon the deposit or withdrawal of bonds as security. That is true. It is further claimed that this power over the elasticity of currency is an essential and valuable feature of the national banking system, and that the destruction of this elasticity would injuriously affect our whole financial system. I deny this proposition, and wish to discuss it fairly.

For many years after the enactment of the banking law this power was not exercised by the banks; because the maximum number of banks, the amount of notes which each might issue, and the total of circulation were rigidly limited. The volume of paper could be diminished, but not increased; so that this elasticity is neither an original nor an essential feature of the banking system.

I deny further that this power is a valuable or beneficial one to either the business world or the people, and affirm that the exercise of such a power should under no ordinary circumstances be committed to any State, corporation, or individual; should be exercised by the Government alone, when exercised at all; and by it only to the extent of providing the people with a more convenient money than coin. I utterly deny the expediency, as a general proposition, of any legalized power over the elasticity of the currency which is dependent for its exercise upon the whims or interests of any set of men, whether they be bank directors, Congressmen, political conventions, or stump orators; and affirm, on the other hand, that an eternal tinkering with the volume of currency always has been and always will be a usurpation of unwarranted power, and a curse to every man who has anything to sell or buy.

When the bank advocates denounce the measures of the greenback party in this direction I concur, and when the greenbackers denounce the action of the bank advocates in this respect I also concur. Each is right, in my judgment, as respects the other on this point. And when the bank orators portray the dangerous consequences that would follow from congressional action, the wonder instantly arises at their failure to perceive that this precise power over the elasticity of currency, which they so greatly deplore when exercised by politicians, is the very thing which they claim as the great excellence of our financial system when exercised by the banks. Perhaps, after all, it is not so much the "power" to which either of these parties is opposed, as it is to the fact that the other fellows are exercising that power instead of their fellows!

I concede the claim that if this power should be exercised by anybody, it is as safely guarded and as responsive to the demands of trade under the present banking system as it can be under any artificial system. The holders of the notes are secured by the promise of the Government; Government is secured by an ample deposit of marketable bonds. If there is a demand for more currency, the bank can make a profit by an additional issue, just as a smith can make a profit by supplying an increased demand for horse-shoes. If the supply of paper becomes greater than the demand, the bank, failing to make a profit, will reduce the supply of notes and invest its capital where a profit can be made. The system is one of checks and balances, guarded by that most powerful of forces, self-interest, and is measurably responsive to the fluctuations of supply and demand. It is frequently spoken of as being a self-acting "regulator" of the supply of money, in the same sense that a "governor" regulates the supply of steam to an engine.

THE TRUE FUNCTION OF MONEY.

Now, the fact is that money performs a wholly different function from that performed by steam. Steam drives the engine; money does not drive business, neither does it drive the machinery of exchanging products. So far from being the force which impels the exchange of articles, it is only as the wagon in which the balance remaining after an exchange has been made is delivered to the proper person. You

may say that a wagon measures quantity; it does. But that is not the main use of a wagon, only an incident to its use. And so does money measure quantity, but that is only an incident; its main use is as a carrier of exchangeable value, chiefly of the balance remaining after an exchange of articles. In no sense is it the motor which drives the machinery of exchange; and therefore in no sense can it be true that the power of banks to regulate the supply of money is a "governor" or self-acting "regulator" of business.

Money is neither more nor less than a tool, by the use of which the exchange of commodities can be more accurately and quickly effected than if the commodities were exchanged in kind. Men use it for exactly the same reasons that they use a hammer for driving nails or a plow for turning the soil. And they make this tool out of gold and silver for the same reasons that iron is used for hammers and steel for knives, because the qualities of these respective metals best fit them for the particular tool.

MONEY NOT ESSENTIAL IN MAKING EXCHANGES.

But exchanges may be made without the use of coin, paper, or any other sort of lawful money. Labor may be directly exchanged for merchandise; wheat for city property; legal skill for medical skill. The greater part of exchanges is made by credits on account; by promissory notes; by checks and drafts. In one sense, and to a huge extent, these perform exactly the same office that coin does; and in that sense are a part of the money machinery of the country, just as truly as are currency and coin. And it is perfectly clear that in this sense the elasticity of currency is wholly independent, and beyond the control, of either banks or government. Any man who is willing or unwilling to trust another exercises to that extent a power over the elasticity of general currency. For every sale amounting to $100 in value, on the average less than ten dollars of lawful money is used. During the year 1880 the transactions of the New York clearing-house averaged $121,000,000 a day; and yet the amount of lawful money used in settling balances was less than five millions a day, or at the rate of $4 of money for each $100 of business.

THE TRUE ELASTICITY OF CURRENCY.

Here, then, you have an elasticity which is higher than statutes and broader than the reach of governments. It springs from the very nature of things, and roots itself in the individual judgments of men. It is not artificial. It is not exercised by any one class; it is exercised by every man who credits either the written or verbal promise of another man, and for this reason it acts instantaneously both as a record of, and in flashing response to, the demands of trade. It is older than governments and will outlast civil law, for it began when the first trade was made on the earth and will endure as long as one man desires that which another is willing to deliver. It was originally devised by the Creator, and moves with the precision of the stars under laws which He enacted. In my judgment this Congress cannot particularly improve upon the arrangement, and I doubt whether even the eminent financiers of this House can either prevent or expedite its action. I do not wish to be brash, but it strikes me as being quite as good as and a deal more certain than even the "elasticity" provided by the national-banking system.

But, of course, when we speak of money the "lawful" money of the land is intended, and the elasticity of the bank system applies to this "lawful" money. We have now thirteen hundred millions of it, about one half of which is paper. Is not that enough? Is there any good reason why banks should have unrestrained power to issue more? Are we not safer in depending upon the fixed laws of trade and upon this natural elasticity than upon an artificial one, which somehow suggests the idea of dame Partington sweeping back the ocean with a broom?

When all is said the value of paper depends on its payment in coin. If the coin is not in the country the paper will be worthless. Now is there anything in the banking system which insures the presence of coin? Certainly not. That is a result of exportation and importation. So long as we sell more to other nations than we buy from them the balance will be paid in coin. And just when we buy more than we sell we must pay our balance in coin.

Can the banks change these facts? All that they can do is to "relieve" the stringency of money, occasioned by the outflow of coin, by issuing more of their promises to pay coin. The greater the stringency, the greater their issues of promises, and of course the less relative amount of coin with which to pay them. Then what? Smash, all along the line! So far from preventing ruin, this "elasticity" intensifies it; and so far from being a valuable or beneficent feature of our system, it is a humbug and a fraud. It always has been so, and always will be so, whether controlled by associations or by a government.

The sooner this notion is eliminated from the minds of the people, and this power from our financial system, the better for all concerned. And the sooner the eastern wing of the republican party makes up its mind, that while as a nation we must keep our pledges, and as a party we must stand by the nation's contract with these banks, yet we cannot afford to put off forever the serving of notice that this legalized elasticity shall cease twenty years after such notification, the better it will be for the republican party as a whole. Defending the national faith, and maintaining the national honor so long as it is pledged, even were it to the devil, is one thing; but defending the proposition that we will, year by year, put the possibility of terminating the pledge still twenty years further beyond our reach, is a wholly different thing. I stand squarely toward both of these propositions, and, while supporting the first, oppose the last.

Long before 1901 this American nation, with its fertile soil, numberless fields, bright workmen, and wonderful machineries, will have reached the point where its productions will so greatly exceed its importations that the balance of trade will inevitably and permanently keep the surplus coin of the world in our coffers. And then certificates of coin deposited in the national Treasury will be even a safer paper than the promise of the United States to pay coin, and I had almost said even a safer paper than a promise of the United States to pay a promise of a national bank in the event that the bank should not. But I will not presume to say that on the spur of the moment—that is a thing to be carefully considered before it is said!

Refunding of the National Debt.

SPEECH OF HON. J. R. CHALMERS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt, as amended.

Mr. CHALMERS said:

Mr. CHAIRMAN: A few days since I announced that I was opposed to the funding bill then and that I should vote against any proposition then pending to refund for the reasons then given; but so many of my objections have been removed by the bill as now amended that I shall vote for it. The option of the Government to pay the debt is retained and the danger of its perpetuation therefore removed. The new bonds and certificates are to be issued upon precisely the same terms as the bonds now outstanding and the right to pay in silver thereby preserved. Again, full provision is made for the use of the surplus coin in the Treasury in payment of the bonded debt, though this is not made as mandatory as I would have preferred it to be; and this I regard as a very important step in the right direction. But the new feature of the bill introduced by what is known as Mr. CARLISLE'S amendment is the one that commends it most to my approval.

Under the law as it now stands the national banks could, by a combination, withdraw all their bonds, almost in a day, by placing the same amount of greenbacks in the Treasury, and thus not only fearfully contract the currency but leave the United States Government alone responsible for the national-bank circulation. It puts a stop also to the constant speculation that has been going on by the national banks in the bonds which they pretended to have deposited for the security of their circulation. When bonds went up they deposited greenbacks and drew out their bonds for sale. When bonds went down they deposited new bonds and drew a new issue of national-bank circulation. Thus they have not only speculated in bonds, but while denouncing all attempts to increase the circulation by Treasury notes they have been increasing the number of national-bank notes. The Treasurer's report shows that by this operation one bank had nearly double the amount of its notes in circulation that it was entitled to have by the original law. And with the law as it now stands it is clear that the national banks, which were created to assist the Government in disposing of its bonds, can defeat any scheme of refunding that does not suit them and dictate their own terms to the Government. The effect and importance of this amendment has been well described, by a leading New York paper, as follows:

> The most important change made in the bill is the adoption of Mr. CARLISLE'S substitute for its fifth section. Without Mr. CARLISLE'S amendment it would have led to such a violent contraction of the currency as would have convulsed business and have brought swift ruin on many interests. The main lever for forcing a sale of the new bonds is a requirement that they alone shall be receivable as deposits for securing the circulation of the national banks. Without Mr. CARLISLE'S amendment this purpose could easily be defeated by the banks by a withdrawal of their circulation. The act of 1874, which Mr. CARLISLE'S substitute repeals, affords them facilities for the prompt and speedy retirement of their circulation in a way which might cause a disastrous contraction of the currency. They have only to deposit with the Treasurer an amount of legal-tender notes equal to their circulation to be entitled to withdraw the bonds pledged for it, which they would be under a strong temptation to do in order to realize the premium on the present bonds. The new funding bill aims to forestall such action by repealing the fourth section of the act of 1874 and compelling the banks actually to redeem their circulation before they can recover the bonds deposited to secure it. Redemption of the bank notes by this method would necessarily be a slow process, which would prevent both a violent contraction of the currency and a sudden withdrawal of the deposited bonds.

Mr. CARLISLE'S substitute makes another great change. It re-enacts certain sections of the Revised Statutes which require all national banks to keep on deposit with the Treasurer an amount of Government bonds equal to one-third of their capital, whether they issue any circulating notes or not. By the law as it now stands they can withdraw nearly all their bonds by simply retiring their circulation.

Under the new bill they cannot do business at all without a large amount of bonds kept on deposit with the Government. The bill also requires that only the new bonds shall be received as security of the public money deposited with the national banks. In virtue of these provisions it may be possible to create an artificial market for 3 per cent. bonds.

From this it will be seen that this is an amendment which must commend itself to all who do not desire to see the Government controlled by the banks. What Mr. Calhoun said of the war of General Jackson against the United States Bank is true to-day:

That extraordinary man, who had the power of imprinting his own feelings on the community, then commenced his hostile attacks, which have left such effects behind that the war then commenced against the banks, I clearly see, will not terminate unless there be a separation between them and the Government, until one or the other triumphs, till the Government becomes the bank or the banks the Government.

To produce this separation I introduced my amendment. As I had not opportunity fully to explain the amendment offered by me in the brief time allowed under the five-minute rule, I take advantage of the leave granted by the House to explain it at greater length, and I propose especially to show that this amendment contains the old doctrine of the democratic party.

Thomas Jefferson advocated the issuance of Treasury notes by the United States Government.

Mr. Calhoun, who was the greatest leader of Southern democratic thought, said:

It is, then, my impression that in the present condition of the world a paper currency, in some form, if not necessary, is almost indispensable in financial and commercial operations of civilized and extensive communities.—*Calhoun's Works*, 3d volume, page 83.

Mr. Hunter, when the democratic chairman of the Finance Committee in the Senate, said:

Perhaps no discovery in the whole machinery of commerce has been more important to the world than that of the bills of exchange.—*Senate Report*, first session Thirty-second Congress, page 104.

General Jackson overthrew the United States Bank, but recognizing the necessity for some kind of paper currency formed a league with State banks that was called the "pet-bank system."

When this system failed, the democratic party under Mr. Polk passed the law of 1846, declaring that nothing should be received into the Treasury of the United States as money except gold, silver, and Treasury notes, and that was the law when the last democratic administration closed under Mr. Buchanan.

It is scarcely necessary to cite authority to show that the democratic party has always opposed a union of the Government with banks, but it may be necessary to show what many seem not to understand, that the national banks of to-day are the fiscal agents of the United States, and that the notes of the national banks are by law made a legal tender for every debt except between individuals.

The United States is compelled by law to receive them for everything except customs dues, and every man to whom the Government is indebted is bound also to take these notes, which are but the debts of corporations, as legal-tender money. The Government may to-morrow buy a thousand horses from its citizens to mount its cavalry, and they would be compelled to receive national-bank notes as payment whether they wish to or not.

After providing for the issuance of these bank notes, the law says:

And the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt and in redemption of the national currency.—*Revised Statues United States*, section 5182.

And yet the republican party, which denies to the Government the constitutional power to give a legal-tender quality to greenbacks in time of peace, maintains the constitutional power of the Government to give this legal-tender quality to these notes which are but the debt of private bank corporations. And a republican administration, indorsed, I regret to say, by some few democrats, have proposed to take from greenbacks their legal-tender quality and leave the national-bank notes with their full legal-tender quality as to everything except debt between individuals. As a strict-construction democrat, I believed the original issuance of legal-tender paper money unconstitutional, just as I believed the war itself unconstitutional to coerce a State. But those who believe a war of coercion against a State constitutional cannot logically deny the constitutionality of legal-tender greenbacks. And those who acquiesce in the results of the war should not seek to disturb the greenbacks, which have proved the most beneficial of all those results.

But the advocates of national banks claim that the issuance of legal-tender greenbacks was the exercise of a war power, and that while constitutional in time of war it is unconstitutional in time of peace, and that the Supreme Court of the United States so held in the case of Knox *vs.* Lee, 12 Wallace.

This is not true. The logic of that decision, stripped of its verbiage, is this: the Government has power to preserve its own life, and this gave the power to make war against States claimed to be in rebellion. The Government has power to borrow money, and if its existence depends on obtaining the money necessary to its existence, and no one is willing or able to lend this money thus to preserve its life, it has power to force a loan from its citizens by the issuance of legal-tender paper.

But the Supreme Court decided in the Mulligan case that there could be no such thing as a constitutional power in war which did not exist in time of peace. There are, of course, emergencies in war which do not arise in time of peace, which would induce Congress to exercise a power in war which it would not exert in peace. But at last, when a power is admitted to exist, it is left entirely to the law-making power to say when that power shall be exercised. The seceding States were conquered and coerced in war, and when the war was over they were forcibly reconstructed in peace. Emancipation was proclaimed in war and forcibly accomplished in peace. So greenbacks were issued in war, and their circulation, by their legal-tender quality, forcibly maintained in peace. The injustice of their issuance was upon those who had contracted debts expecting payment in coin, and the withdrawal now of their legal-tender quality would work injustice to those who have contracted debts expecting to be able to pay in greenbacks. I am opposed, therefore, to any interference with the greenback now in circulation. Again, while I am not disposed to question now the constitutional power of this Government in an emergency to issue further legal-tender paper, I do not believe that emergency exists at this time. And further, I recognize the fact that a further issue of legal-tender paper might inflate prices, and I agree to the fullest extent that the constant exercise of this great power by Congress would be dangerous to the business interests of the country and tend to further centralization of Federal authority.

I know that a great change has already come over the public spirit of the United States; and I fear that what General Garfield said in the last canvass is only too true: "The ideas of Thomas Jefferson are losing and the ideas of Alexander Hamilton are growing in popular favor." The youth of the country and the rapidly increasing foreign population are all taught to believe that State rights and slavery, strict construction and rebellion, are synonymous terms. The freedom of the individual is lost sight of in the splendor of a nation, and local liberty is sacrificed if it conflicts with the demands of national power. While the Queen of Great Britain must give up a favorite minister and appoint another distasteful to herself in obedience to the will of the House of Commons, American Presidents are growing so fast in power that they bid defiance to both branches of Congress. For this reason I am opposed to any further issuance of legal-tender money at this time, and I am equally opposed to a continuance of the national-bank system.

But some kind of paper money is essential to commerce. What, then, shall this currency be? Let that question be answered by John C. Calhoun. No intellect was more able to penetrate truth, no hand more ready to strike in defense of the Constitution, and no heart more true to his people than his; and where he leads any democrat may well follow without fear of infringing the Constitution or strengthening centralized power. He says:

On what, then, ought a paper currency to rest? I would say on demand and supply simply, which regulate the value of everything else, the constant demand which the Government has on the community for its necessary supplies. A medium resting on this demand which simply obligates the Government to receive it in all of its dues, to the exclusion of everything else except gold and silver, and which shall be optional with those who have demands on the Government to receive or not, would, it seems to me, be as stable in its value as these metals themselves, and be as little liable to abuse as the power of coining. It would contain within itself a self-regulating power. It could only be issued to those who had claims on the Government, and to those only with their consent.

Believing this to be the true financial theory to be adopted by our Government, I offered the following amendment as a separate section to the bill, and if it had been adopted I believe our bonded debt could have been paid without any refunding, and that national-bank notes would have been easily and gradually retired and their place supplied by the best currency we could possibly have:

SEC. 6. That from and after the passage of this act, all notes of national banks which may be received by the Treasury Department, or by any officer thereof, shall be retained and forwarded to the Secretary of the Treasury at Washington, who shall retain the same, and shall not pay them out again for any purpose whatever; but shall assort them, and whenever the notes of any one bank shall be received to the amount of $1,000, it shall be the duty of the Secretary of the Treasury to immediately notify the officers of such bank and require them to come forward and witness, if they see fit, the destruction of said notes, and thereupon the bonds of the United States pledged for the redemption of said notes, to an amount equal, after computing the interest thereon, to the said national-bank notes so held, and the notes so held shall be immediately canceled and destroyed by the Secretary, in accordance with the provision of existing laws.

It shall be the duty of the Secretary of the Treasury, whenever the notes of any national bank to the amount of $1,000 or more shall be canceled and destroyed under the provisions of this act, to cause to be printed and made ready for use an amount of Treasury notes, under the form provided in the law of 1862 and subsequent acts authorizing the issue of Treasury notes, exactly equal to the amount of national-bank notes so canceled and destroyed; which said Treasury notes shall be issued and paid out, to all persons willing to receive the same, for any and all demands against the Government of the United States, as fast as may be by law authorized and permitted, and when so issued they shall not be held and esteemed a legal tender.

That the Secretary of the Treasury is hereby authorized and directed to purchase, without limit, all silver bullion, trade-dollars, and foreign silver coins that may be offered for sale at the market value of silver, and such purchases shall be continued as long as 412½ grains of standard silver can be purchased for one dollar of Treasury notes. All such purchases shall be paid for with this new issue of Treasury notes. And all holders of any of the silver coins of the United States may present the same in any sum not less than $20 and receive therefor Treasury notes at par for the same. And the Secretary of the Treasury is hereby directed to have the silver bullion, trade-dollars, and foreign silver pieces coined as fast as possible into American silver coins and to apply all silver coins of the United States that may come into the Treasury to the payment of the interest and principal of the public debt.

I did not press this amendment more, because many who were willing to support it as a separate measure were unwilling to place it as an amendment to this funding bill. But the time is coming and will soon be here when national banks will be applying for new charters, and then this question must come up again.

The great questions which are now troubling the minds of men, and upon which parties will soon be compelled to divide, are:

1. Shall we have a silver or a gold standard of value?

2. Shall the paper money of the country be furnished by the United States Government or by national banks?

Upon the first question I do not care to say more than I have. I do not think any sane man will say the old democratic fathers did not favor the silver dollar of 412½ grains.

But men in high places have asserted that in order to return to the old democratic faith we must advocate coinage by the Government of metallic money alone, and we must look to bank corporations for paper money necessary for the business of the country. The best way to settle this question is to turn to the record and see what the democratic fathers have said and practiced.

Mr. Gallatin was Secretary of the Treasury from 1801 to 1813. He declared that Treasury notes were as good as coin, and appealed to Congress for power to issue them in small denominations. (See his reports, volume 1, pages 469–489 and 503.) Mr. Campbell succeeded Mr. Gallatin in the Treasury, and, in accordance with recommendations from him and Mr. Jefferson, $25,000,000 in Treasury notes were issued in 1813.

Mr. Jefferson was clear and emphatic in his declarations as to the power and duty of the Government to issue Treasury notes, and equally emphatic against what he called "the useless, usurious, and demoralizing practices of bank directors and their accomplices," and we call special attention to this declaration of his. "Bank paper must be suppressed and the circulating medium must be restored to the Government, where it belongs. It is the only fund on which they can rely for loans; it is the only recourse which can never fail them, and it is an abundant one for every purpose." But I give his opinions at length on this subject, (Jefferson's Works, volume 4, pages 40 and 41:)

And so the nation may continue to issue its bills as far as its wants require and the limits of the circulation will admit. Those limits are understood to extend with us at present to two hundred millions of dollars, a greater sum than would be necessary for any war. But this, the only resource which the Government could command with certainty, the States have unfortunately fooled away, nay, corruptly alienated to swindlers and shavers, under the cover of private banks. Say, too, as an additional evil, that the disposal funds of individuals to this great amount have thus been withdrawn from improvement and useful enterprise, and employed in the useless, usurious, and demoralizing practices of bank directors and their accomplices. In the war of 1755 our State availed itself of this fund by issuing a paper money bottomed on a specific tax for its redemption, and to insure its credit, bearing an interest of 5 per cent. Within a very short time not a bill of this emission was to be found in circulation. It was locked up in the chests of executors, guardians, widows, farmers, &c. We then issued bills bottomed on a redeeming tax, but bearing no interest. These were readily received and never depreciated a single farthing. In the revolutionary war the old Congress and the States issued bills without interest and without tax. They occupied the channels of circulation very freely till those channels were overflowed by an excess beyond all the calls of circulation. But although we have so improvidently suffered the field of circulating medium to be filched from us by private individuals, yet I think we may recover it in part, and even in the whole, if the States will co-operate with us.

If Treasury bills are emitted on a tax appropriated for their redemption in fifteen years, and (to insure preference in the first moments of competition) bearing an interest of 6 per cent., there is no one who would not take them in preference to the bank paper now afloat, on a principle of patriotism as well as interest; and they would be withdrawn from circulation into private hoards to a considerable amount. Their credit once established, others might be omitted, bottomed also on a tax, but not bearing interest; and if ever their credit faltered, open public loans, on which these bills alone should be received as specie. These, operating as a sinking fund, would reduce the quantity in circulation, so as to maintain that in an equilibrium with specie. It is not easy to estimate the obstacles which, in the beginning, we should encounter in ousting the banks from their possession of the circulation; but a steady and judicious alteration of emissions and loans would reduce them in time. But while this is going on, another measure should be pressed to recover ultimately our right to the circulation. The States should be applied to to transfer the right of issuing circulating paper to Congress exclusively, *in perpetuum*, if possible, but during the war at least, with a saving of charter rights. I believe that every State west and south of Connecticut River, except Delaware, would immediately do it, and the others would follow in time. Congress would, of course, begin by obliging unchartered banks to wind up their affairs within a short time, and the others as their charters expired, forbidding the subsequent circulation of their paper. This they would supply with their own, bottomed, every emission on an adequate tax, and bearing or not bearing interest, as the state of the public pulse may indicate. Even in the non-complying States, these bills would make their way, and supplant the unfounded paper of their banks by their solidity, by the universality of their currency, and by their receivability for customs and taxes. It would be in their power, too, to curtail those banks to the amount of their actual specie, by gathering up their paper and running it constantly on them. The national paper might thus take place even in the non-complying States. In this war, I am not without a hope that this great, this sole resource for loans in an agricultural country, might yet be recovered for the use of the nation during the war; and if obtained *in perpetuum*, it would always be sufficient to carry us through any war.—*Jefferson's Works*, volume 6, pages 40 and 41.

The question will be asked, and ought to be looked at, what is to be the recourse if loans cannot be obtained? There is but one—"*Carthago delenda est.*" Bank paper must be suppressed, and the circulating medium must be restored to the nation, to whom it belongs. It is the only fund on which they can rely for loans; it is the only recourse which can never fail them, and it is an abundant one for every necessary purpose. Treasury bills, bottomed on taxes, bearing or not bearing interest, as may be found necessary, thrown into circulation will take the place of so much gold and silver, which last, when crowded, will find an efflux into other countries, and thus keep the quantum of medium at its salutary level. Let banks continue, if they please, but let them discount for cash alone or for Treasury notes.

By comparing the first and the last of these articles, we see that if the United States were in possession of the circulating medium, as they ought to be, they could redeem what they could borrow from that, dollar for dollar, and in ten annual installments; whereas the usurpation of that fund by bank paper, obliging them to borrow elsewhere at 7½ per cent., $2 are required to reimburse $1. So that it is literally true that the toleration of banks of paper discount costs the United States one-half their war taxes; or, in other words, doubles the expenses of every war. Now think, but for a moment, what a change of condition that would be, which should save half our war expenses, require but half the taxes, and enthrall us in debt but half the time.—*Ibid.*, page 201.

But we were in the midst of war, and the New England bankers—the fathers of the same money power in the East which refused in the late war to take Treasury notes until they were made legal-tenders, and which now seeks to substitute bank-notes for greenbacks—refused to receive the Treasury notes at par, and the United States Bank was chartered, against the advice of both Jefferson and Madison.

Mr. Madison has been called the father of the Constitution, and next to Mr. Jefferson was certainly the father of the democratic party. He was in favor of issuing Treasury notes for circulation, and vetoed the first bank bills passed during his administration because it tended to withdraw Treasury notes from circulation.

Mr. Jefferson had said "bank paper must be suppressed," but he foresaw the difficulty of it when he said, "It is not easy to estimate the obstacles which in the beginning we should encounter in ousting the banks from their possession of the circulation." General Jackson felt the full force of these difficulties, and after a desperate struggle, succeeded in doing what this great leader said should be done. But the descendants of Jefferson and Jackson are now called on to meet the hydra-headed monster of bank circulation again, and we must meet it as they did.

The importance of the principle involved in the inquiry whether it will be proper to recharter the Bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen in any degree the danger which many of our citizens apprehend from that institution as at present organized. In the spirit of improvement and compromise which distinguished our country and its institutions it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank, through the agency of a bank of the United States so modified in its principles and structure as to obviate constitutional and other objections.

It is thought practicable to organize such bank, with the necessary officers, as a branch of the Treasury Department, based on the public and individual deposits, without power to make loans or purchase property, which shall remit the funds of the Government, and the expenses of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank: and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank so formidable.—*Message of Andrew Jackson, December* 7, 1830, (*Statesman's Manual*, volume 2, page 753.)

OPINIONS OF JOHN C. CALHOUN.

But it was left for Mr. Calhoun, the clearest intellect our country has ever produced, to exhaust the argument on this, as on every other subject he touched. Rejecting the idea of what is called "fiat money," he required "that it be left perfectly free to those who have claims on the Government to receive it or not."

I quote from the speech of Mr. Calhoun in the Senate of the United States, in October, 1837, as follows:

It is, then, my impression that in the present condition of the world a paper currency in some form * * * is almost indispensable in financial and commercial operations of civilized and extensive communities. In many respects it has a vast superiority over a metallic currency, especially in great and extended transactions, by its greater cheapness, lightness, and the facility of determining the amount.

It may throw some light on this subject to state that North Carolina, just after the Revolution, issued a large amount of paper, which was made receivable in dues to her; it was also made a legal tender, but which, of course, was not made obligatory after the adoption of the Federal Constitution. A large amount—say between four and five hundred thousand dollars—remained in circulation after that period, and continued to circulate for more than twenty years at par with gold and silver during the whole time, with no other advantage than being received in the revenue of the State, which was much less than $100,000 per annum.

No one can doubt but that the Government credit is better than that of any bank—more reliable, more safe. Why, then, should it mix it up with the less perfect credit of those institutions? Why not use its own credit to the amount of its own transactions? Why should it not be safe in its own hands while it shall be considered safe in the hands of eight hundred private institutions scattered all over the country, and which have no other object but their own private profit? to increase which they extend their business to the most dangerous extremes. And why should the community be compelled to give 6 per cent. discount for the Government credit, blended with that of the bank, when the superior credit of the Government could be furnished separately without discount, to the mutual advantage of the Government and the community?

But whatever may be the amount that can be circulated, I hold it clear that to that amount it would be as stable in value as gold and silver itself, provided the Government be bound to receive it exclusively with those metals in all its dues and that it be left perfectly optional with those who have claims on the Government to receive it or not.—*Appendix to Congressional Globe*, first session, Twenty-fifth Congress, page 36, 1837.

Again I quote from Mr. Calhoun:

We are told the form I suggested is but a repetition of the "old continental money;" a ghost that is ever conjured up by all who wish to give the banks an exclusive monopoly of Government credit. The assertion is not true; there is not the least analogy between them. The one is a promise to pay when there is no revenue, and the other a promise to receive in the dues of the Government when there is abundant revenue.

We are told that there is no instance of a government paper that did not depreciate. In reply, I affirm that there is none, assuming the form I propose, that ever did depreciate. Whenever a paper, receivable in dues of Government, had anything like a fair trial, it has succeeded. Instance the case of North Carolina, referred to in my opening remarks. The drafts of the Treasury at this moment, with all their incumbrance, are nearly at par with gold and silver. * * * The case

of Russia might also be mentioned. In 1827 she had a fixed paper circulation in the form of bank notes, but which were inconvertible, of upward of one hundred and twenty million dollars, estimated in the metallic ruble, and which had for years remained, without fluctuation, having nothing to sustain it but that it was received in dues of the government, and that, too, with a revenue of only about ninety million dollars annually. I speak on the authority of a respectable traveler. Other instances no doubt might be added, but it needs no such support.

It has another and striking advantage over bank circulation in its superior cheapness as well as greater stability and safety. Bank paper is cheap to those who make it, but dear, very dear, to those who use it—fully as much as gold and silver. It is the little cost of its manufacture and the dear rates at which it is furnished to the community which gives the great profit to those who have a monopoly of the article. Some idea may be formed of the extent of the profit by the splendid palaces which we see under the name of banking-houses and the vast fortunes which have been accumulated in this branch of business, all of which must ultimately be derived from the productive powers of the community, and of course adds so much to the cost of production. On the other hand, the credit of Government, while it would greatly facilitate its financial operations, would cost nothing, or next to nothing, both to it and to the people, and of course would add nothing to the cost of production, which would give to every branch of industry, agriculture, commerce, and manufactures, as far as circulation might extend, great advantage both at home and abroad.

Quotation from Mr. Calhoun, in 1838:

I now undertake to affirm positively, and without the least fear that I can be answered, what heretofore I have but suggested—that a paper issued by Government, with the simple promise to receive in all dues, leaving its creditors to take it or gold and silver, at their option, would, to the extent to which it would circulate, form a perfect paper circulation, which could not be abused by the Government, that would be as steady and uniform in value as the metals themselves. I shall not go into the discussion now, but on a suitable occasion I shall be able to make good every word I have uttered. I will be able to do more—to prove that it is within the constitutional power of Congress to use such a paper in the management of its finances according to the most rigid rule of construing the Constitution; and those at least who think that Congress can authorize the notes of private corporations to be received in the public dues are estopped from denying its right to receive its own paper.

Let those who talk about returning to the old democratic doctrine study what the democratic fathers taught. As Mr. Calhoun says, "Paper currency is indispensable in commercial transactions," and the simple question now is, who shall furnish that paper money? No prudent man desires to return to the system of wild-cat banks. The paper money must be national in character, and it must be issued either by the Government itself or by national banks.

OPINION OF T. H. BENTON.

To show that no democrat can advocate its issuance by national banks I cite the following from Thomas H. Benton, who was for thirty years a leader in the democratic party:

The Government ought not to delegate this power if it could. It was too great a power to be trusted to any banking company whatever, or to any authority but the highest and most responsible which was known to our form of government.

The Government itself ceases to be independent, it ceases to be safe, when the national currency is at the will of a company. The Government can undertake no great enterprise, neither of war nor peace, without the consent and co-operation of that company; it cannot count its revenues for six months ahead without referring to the action of that company—its friendship or its enmity, its concurrence or opposition—to see how far that company will permit money to be scarce or to be plenty; how far it will let the money system go on regularly or throw it into disorder; how far it will suit the interest or policy of that company to create a tempest or suffer a calm in the moneyed ocean. The people are not safe when such a company has such a power. The temptation is too great, the opportunity too easy, to put up and put down prices; to make and break fortunes; to bring the whole community upon its knees to the Neptunes who preside over the flux and reflux of paper. All property is at their mercy. The price of real estate, of every growing crop, of every staple article in the market, is at their command. Stocks are their playthings, their gambling theater, on which they gamble daily with as little secrecy and as little morality, and far more mischief to fortunes, than common gamblers carry on their operations.

These were the doctrines of our democratic fathers, and the sooner we return to them the better for us. Banks, fundmongers, and corporations have no sympathy with the democracy, and when their managers profess to be democratic it is but to control that party for their own interest. The principles of democracy are imbedded in the hearts of the people, and the sooner we learn to fight for principle without regard to success the sooner we will succeed and the more lasting our victory will be. When we fought boldly under what is now ridiculed as "the Ohio idea" we won State after State and filled both Houses of Congress with democrats from the North and the South. When we changed to the eastern platform at Saint Louis in 1876 we began to lose members of Congress and continued to lose until we are now once more in a minority. I have no objection to forming alliances against the republican party, either with Wall-street bankers or national greenbackers or Pennsylvania protectionists, but we should receive them simply as allies and not the controlling leaders of our own party. The tories united with O'Connell to defeat the whigs; Beaconsfield or Gladstone would either unite to-day with the Irish home-rulers to defeat the other; the republicans united with the greenbackers in Tennessee, Alabama, Texas, and Missouri to defeat the democrats, but none of these great parties surrendered any principle in so doing.

The English, the Scotch, and the French laid aside their feuds in defense of the holy sepulcher, and such combinations show practical wisdom either in politics or war.

It is idle for us to denounce the greenbackers of Missouri as republicans in disguise, when we know a democrat represents Indiana in the Senate by the aid of greenback votes. If we had been governed more by common sense and less by passion and sentiment we would have preserved our combination made in Indiana in 1878, and to-day Hancock would be the President-elect of the United States.

Refunding of the National Debt.

SPEECH OF HON. BENTON McMILLIN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 12, 1881.

The House being in the Committee of the Whole on the state of the Union and having under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt—

Mr. McMILLIN said:

Mr. CHAIRMAN: In the limited time allowed for the discussion of this bill, I shall be unable to consider it in all of its bearings and to discuss the financial questions which are necessarily interwoven with it as fully as I should like; but will ask the attention of the House briefly upon some of the most important points. We have an immense interest-bearing public debt hanging over us, amounting in the aggregate to $1,675,265,400. A large portion of it becomes payable or redeemable on or before July 1, 1881, as follows:

Title of loan.	Rate.	Payable.	Redeemable.	Amount.
Loan of February, 1861	6 per cent.	Dec. 31, 1880	.....	$13, 414, 000
Oregon-war debt	6 per cent.	July 1, 1881	.....	711, 800
Loan July and Aug., 1861	6 per cent.	.....	June 30, 1881	145, 786, 500
Loan of 1863, (1881's)	6 per cent.	.....	June 30, 1881	57, 787, 250
Funded loan of 1881	5 per cent.	.....	May 1, 1881	469, 651, 050
Outstanding Nov. 1, 1880.	.....	.....	.....	687, 350, 600

According to the contract under which these bonds were issued, the Government may pay them off this year, but is not compelled to do so. The proposition before the House is to issue new bonds bearing a lower rate of interest, and with that raise the money necessary to redeem the outstanding bonds. It is practically to reduce the rate of interest. If we can have some amendments made to the bill reported by the committee I shall support it, but will not in its present shape.

We have now reached a point where we have to determine whether we will pay the debt as fast as possible or perpetuate it. I am heartily in favor of paying it as rapidly as we can consistently with reasonable taxation. In the course of my remarks I shall discuss the means of paying it. The governments of the Old World, weighted down with debts which have been accumulating for centuries, stand out and admonish us to extinguish ours. England's debt began in 1688, and has come down with the generations accumulating like the avalanche with the descent. That debt-oppressed people pay three or four times as much as the principal of their debt in interest each century, and yet the principal stands against them. Germany and Russia both pay about twice as much to carry on their governments and pay their interest accounts as they did in 1865. Spain, Turkey, in fact all of the old countries, may be said to be in the same deplorable condition.

I am unalterably opposed to any scheme which tends to make our debt permanent. I can conceive of no legislation more pernicious than that which would make this burden everlasting. A tender to us by our creditors of low interest or longer indulgence should not make us so far forget the best interest of our country as to refund the debt in long-time bonds, and thereby give up our right to be free from debt any day we have the money to pay out. I do not propose while my constituents honor me with a seat here to vote for any bill refunding in bonds which the Government cannot call in less than fifty, forty, thirty, twenty, or even ten years. If we can issue Treasury notes or short-term bonds bearing a lower rate of interest, say 3 per cent., instead of the six percents, and at the same time not hamper the Government in its exercise of the right to pay, I have no objection. We will thereby save by reduction of interest $12,000,000 per annum without sacrificing our control of the debt. My preference would be a Treasury note which could be paid off at the end of one year; but doubts are entertained as to whether they can be floated to the full extent of the debt falling due in July. If not we may be forced to give a little longer time on part of it, but whatever comes we should not give up control of the debt.

The former Secretary of the Treasury, Mr. Chase, showed his financial wisdom so far back as 1863 by admonishing Congress to keep control of our national debt by making the bonds redeemable after a short term instead of a long one, in the following language:

The object of future controllability has also had a prominent place in the regards of the Secretary. Under the conditions which existed at the outbreak of the rebellion he acquiesced in the necessity which seemed to dictate the negotiation of bonds payable after twenty years; but he acquiesced with reluctance, and as soon as permitted by circumstances recommended the enactment of laws authorizing the issue of bonds payable after shorter periods as well as the creation of temporary debt in other forms. In harmony with these views, Congress provided for the issue of the bonds known as the five-twenties, and also for the issue of Treasury notes payable three years from date; for certificates of indebtedness payable in one year, and for temporary loans by deposits reimbursable after ten days' notice. At the last session Congress repealed some embarrassing restrictions of former acts, and author-

ized the issue of bonds payable after ten years, and of Treasury notes payable at pleasure or three years from date. These Treasury notes were made legal-tenders for face value or convertible, for amount and interest, into United States notes.

The Secretary availed himself of this legislation by placing with the people as large an amount as possible of 5-20 bonds and by using the other powers so as to put the whole debt, except the long loans first negotiated, in such a shape that prompt advantage can be taken of favorable circumstances to diminish the burdens it imposes on industry. Whenever the constitutional supremacy of the nation shall be re-established over all its parts it will be completely within the power of Congress and the Secretary to fund the whole or any part of the temporary debt in bonds bearing a very moderate interest and redeemable at the pleasure of the Government after very brief periods or perhaps at any time after their issue. Nothing further seems desirable on the score of controllability.

Mr. Chairman, I will give my reasons for holding that long-term bonds are not necessary and that we should not under any circumstances issue them: of the $687,350,600 of bonds falling due this year, the Secretary of the Treasury informs us he will be able to pay $50,000,000 out of the revenues of the year, leaving only $637,350,600 to be provided for. He also estimates the surplus revenues for 1881–1882 at more than ninety million dollars per annum. We may presume that with the rapid increase of our population and wealth there will be a corresponding increase of the revenues. What is to prevent us from discharging this portion of the debt within the next ten years? If we economize in expenditures and continue to receive the large surplus flowing into the Treasury we can pay it within that time. There is now lying idle in the Treasury in coin for the purpose of resumption, as shown by the last annual report of the Secretary of the Treasury, $141,597,013.61.

I do not desire to molest resumption. We had much difficulty in arriving at it, and would have again were we to depart from it. But I favor keeping on hand no more specie than is necessary to maintain it. The gentleman from Alabama [Mr. SAMFORD] has signified his intention to offer at the proper time an amendment to this bill requiring the Secretary of the Treasury to pay out all the specie held for redemption of greenbacks except $50,000,000 on bonds falling due. I favor that amendment and hope some such principle will be ingrafted into this bill. My opinion is that we can use $100,000,000 of our coin without endangering resumption in the least. It is presumed that there was as much currency presented for redemption in coin last year as will be in succeeding years.

On page 13 of the Report of the Secretary of the Treasury he tells us that the amount of notes presented for redemption for one year prior to November 1, 1880, was $706,658. To meet and redeem this amount we keep locked up in the Treasury vaults more than $141,000,000. The surplus—say $100,000,000—above the amount necessary for redemption is represented by outstanding bonds, upon which we pay four and one-half millions of interest yearly, and we will pay more than $100,000,000 in interest thereon between now and 1907, when the bonds fall due. By paying off the bonds with the specie this will all be saved. One hundred million dollars more of coin will thereby be added to the circulation, inflating the currency to that extent, and will go forth to enliven trade, move commerce, and carry joy to a tax-ridden and debt-burdened people by furnishing them the means with which to meet their obligations. The very fact of scattering so large an amount of coin among the people will tend to supply their gold and silver demands and prevent them from having to go to the Treasury for coin. As shedding light upon the question how much gold should be hoarded to maintain resumption of specie payments I send to the Clerk's desk to be read a statement contained in the last report made by the Treasurer.

The Clerk read as follows:

The amount of gold coin and bullion in the Treasury January 1, 1879, the date of resumption of specie payments, was $135,382,639.42, and at this date it is $140,952,637.74, a gain of $5,570,198.32; and, in addition, there have accumulated in the Treasury $47,084,459 in standard silver dollars.

The redemption of United States notes in gold since the resumption of specie payments have aggregated $11,963,336, as follows:

	1879.	1880.
January	$1,571,725	$71,500
February	909,249	72,080
March	952,766	43,020
April	699,773	16,000
May	1,339,883	51,000
June	2,503,302	47,200
July	954,800	25,000
August	981,400	22,000
September	603,485	150,000
October	740,295	9,000
November	77,499	.....
December	122,359	.....

Mr. McMILLIN. From this, Mr. Chairman, it will be observed that resumption has added to instead of diminishing the amount of coin in the Treasury; that less than $12,000,000 of specie has been used in the two years of specie payments and that more than eleven-twelfths of that called for was demanded the first year. Another thing which must be taken into consideration is the fact stated by the Secretary of the Treasury on page 13 of his report, that:

Gold coin now enters largely into general circulation. Of the revenue from customs collected in New York for one year ending November 1, 1880, .57,475 per cent. was paid in gold coin, .00,125 per cent. in silver coin, .31,087, in silver certificates, and .11,313 per cent. in United States notes. While no distinction as to value is made between coin and notes in business transactions, a marked preference is shown for notes, owing to their superior convenience in counting and carrying.

With these facts before him, can any one say that we are not keeping locked up more coin than is necessary? By paying out $100,000,000 of coin on those bonds the amount to be paid between 1881 and 1891 on the principal will be only $537,350,600, or less than $55,000,000 a year. We paid annually on our public debt, from 1865 to 1879, an average of more than $57,000,000.

COINAGE OF SILVER.

Mr. Chairman, we can add greatly to our ability to pay by the coinage of silver. When our bonds were first issued there was no law requiring their payment in coin. But as coin was much more valuable than the greenbacks, the holders of bonds clamored till they got a statutory agreement from Congress that they should be paid in coin, thus adding without consideration millions to the value of their bonds and the burdens of the people. We had cause to hope that here at last the avarice of bondholders would be satisfied; but not so. Encouraged by past triumph, and impelled by a greed which would only rest satisfied with payment made in the most precious metal, Congress was asked, in view of the fact that the gold was more valuable than the silver dollar, to demonetize silver, and thereby pay our immense debt in gold alone. And in disregard of every principle of justice and every interest of the people, silver was demonetized, and the single or gold standard established. The Bible tells us that Abraham bought the burial place for his people with "thirty pieces of silver." Commentators inform us that the coin miraculously obtained from the fish's mouth to be used in payment of the Saviour's tribute, was silver. The fathers of the Republic established it as a currency to be used in paying the debts incurred for our independence. It had been good enough to pay for the sufferings and sacrifices of our forefathers. It had been good enough to purchase a last resting place for God's chosen people. It had been good enough to pay the tribute due from the Son of God and the Saviour of the world. But it was declared by the republican Congress and republican President not good enough for the holders of United States bonds, and the silver dollar was demonetized.

But the people hurled from power those who had demonetized silver, and sent here a Congress which passed a bill for silver coinage. The President vetoed it and popular will was so strong that even over the veto a bill was passed requiring the Secretary of the Treasury to have coined not less than twenty-four million dollars' worth of silver annually. Discretion was given the Secretary to coin two or four million dollars' worth per month.

HOW DID THE SECRETARY USE THE DISCRETION?

I regret, Mr. Chairman, to have to say that he used it against his people, by coining the least amount the law allowed him to coin instead of the greatest. According to law we have a right to pay our bonds in silver dollars of 412½ grains' weight, or in gold of 25.8 grains. Upon this all are agreed. The Secretary of the Treasury, in his report, tells us that the difference between the cost of silver bullion coined into silver dollars and the face value of the dollars coined therefrom from February 28, 1878, the date of the act authorizing their coinage, to November, 1880, is $8,520,871. This has been made by the Government by the coinage of $2,000,000 a month. It amounts to $258,208 a month, or more than $8,220 a day. It would be double this if the Secretary had coined four million dollars' worth of silver monthly instead of two. He thus costs the country more than $8,200 a day by refusing to coin our silver as he is authorized to do, and is, I am constrained to say, a very dear luxury.

HE RECOMMENDS THAT THE COINAGE OF SILVER BE STOPPED.

The following extract from the Secretary's report shows that he is not content with the $8,000 daily loss he entails upon the country by refusing to fully carry out the law for silver coinage, but that he is determined not to ground the arms of his opposition to "the dollar of our fathers" while there is one extant containing less than 450 grains of silver:

For these reasons the Secretary respectfully but earnestly recommends that the further compulsory coinage of the silver dollar be suspended, or, as an alternative, that the number of grains of silver in the dollar be increased so as to make it equal in market value to the gold dollar, and that its coinage be left as other coinage to the Secretary of the Treasury or the Director of the Mint, to depend upon the demand for it by the public for convenient circulation.

What would be the effect of increasing the weight of the silver dollar till it is equal in value to the gold dollar? It would be raised from 412½ grains to 450 grains. When discharging our public debt in silver, as we have a legal and moral right to do now, we would give by this proposed law 37½ grains on every dollar as a gratuity, which upon the entire debt would amount to more than one hundred and fifty millions, and our liabilities would be increased to that degree. Private debts would be affected in the same way and millions would thereby be added to the burdens of the debtor class and to the fortunes of the creditor class. Yet the President favors it; the Secretary of the Treasury urges it, and a large class in the country abuse those who refuse to accede to it.

Mr. Chairman, suppose I contract a debt with my neighbor and we agree that it may be paid in oats at 25½ cents a bushel or wheat at 412½ cents a bushel; before pay-day the price of wheat declines; what lawyer would say that because of this the debtor could not pay in wheat without putting more pounds in the bushel? What moralist would say he should not? What creditor less relenting than Shylock would say he ought not? But it is insisted that the gold and silver dollars are unequal in value and that they should be made equal. If the people's representatives were to try to make the equalization by taking some grains out of the gold dollar instead of adding some to the silver dollar, a terrific yell would be raised because

there was an attempt to violate the contract. What we as the representatives of the people desire is to carry out the contract. We demand nothing more; we will accept nothing less. When we get out of debt it will be time enough to talk of increasing the weight of the silver dollar. To do so now would be a political crime against the people which would not and should not be forgiven.

NATIONAL BANKS.

It is urged that if we pass a bill reducing the rate of interest on United States bonds the national banks will be forced to give way and go out of business. Suppose they should, what Representative has a right to complain if the welfare of the people and economy in government demand it? Is the Government created for the banks, or were the banks brought into existence for the good of the Government? Is it contemplated that the national banks are to be perpetual? This should not be, and cannot be on the present basis, without the perpetuation of our bonded indebtedness. Whenever the public debt ceases the national banks die. No man on this floor will be rash enough to insist that to make our debt everlasting would not be a curse. Every President and patriot who has written or spoken on the subject has warned us against continuing public debts longer than was absolutely necessary. In answer to the argument that it will force national banks out of business, let me say that I am in favor of the Government issuing the currency *directly* instead of indirectly, as it now does through the banks. To-day we print the money, and upon the banks depositing United States bonds with the Treasurer we turn over to them national-bank notes and let them put them in circulation. We pay them interest on the bonds to give the people a currency.

The money paid to national banks since their organization as interest on the bonds deposited by them to secure their circulation amounts, if I err not, to about two hundred and fifty millions of dollars. Nearly two-thirds as much as the bonds themselves. I fail to see the statesmanship in that policy which pays banking corporations so much to issue currency which might be issued by the Government without cost. Much has been said by the advocates of national banks in this discussion about the taxes the banks pay to the Government. I have examined into the matter, and find that they have paid, all told, upon their circulation less than fifty millions of dollars. Representatives will readily see the vast difference between the amount they have received from the Government and the amount they have paid to it, and will observe by the comparison that they have made between one hundred and fifty and two hundred millions of dollars.

Mr. Chairman, I have heard it urged here by the advocates of national banks that it will not do to intrust the currency to Congress; that there would be danger of inflation, &c. Yes, I have heard this argument advanced by members of Congress themselves; I heard it with astonishment, and I believed that it was not true. I should be sad indeed if I thought that that body of legislators to whom is intrusted the destiny of this great Republic, the lives and liberties of its citizens, is not fit, from stupidity or corruption, to control its currency.

Do gentlemen making this assertion forget that Congress might any day increase the volume of currency or strike down greenbacks, and that it has control of the currency to this extent and never has abused the power? The argument is a weak one.

"The spider's most attenuated web
Is cord, is cable" compared to it.

The national banks may inflate the currency at will. So may Congress. The question to be determined is, which are most to be intrusted with fixing the volume of currency, the members of the Senate and House of Representatives, who have no financial interest of their own to subserve, and are elected and sworn to discharge their duty to the whole country faithfully, or 2,095 national banks, whose officers are not chosen by the masses of the people, and not acting under oath, with no interest to serve except that of the national banks? It is passing strange that any man will admit here that he lacks the intelligence or the integrity to discharge the duties his office devolves upon him.

It has been asked whether the currency which the Government would furnish, if the banks were dispensed with, would be sound. In response, I need only say that when you present your note to the national bank for redemption it pays you in United States notes, and not in coin. Its charter only requires it to redeem in greenbacks, and you get United States currency at last. A law authorizing the issuance of United States Treasury notes, receivable in all dues to the Government, redeemable in coin, and never to be issued under par, and the amount outstanding not to be increased when they were below par, could not be unsafe. I send to the Clerk's desk to be read an extract from the last report of the Secretary of the Treasury upon the value of Treasury notes as a currency.

The Clerk read as follows:

United States notes are now in form, security, and convenience the best circulating medium known. The objection is made that they are issued by the Government, and that it is not the business of the Government to furnish paper money, but only to coin money. The answer is that the Government had to borrow money, and is still in debt. The United States note, to the extent that it is willingly taken by the people, and can, beyond question, be maintained at par in coin, is the least burdensome form of debt. The loss of interest in maintaining the resumption fund, and the cost of printing and engraving the present amount of United States notes, is less than one-half the interest on an equal sum of 4 per cent. bonds. The public thus saves over seven million dollars of annual interest, and secures a safe and convenient medium of exchange, and has the assurance that a sufficient reserve in coin will be retained in the Treasury beyond the temptation of diminution such as always attends reserves held by banks.

Another objection to the issue of United States notes is, that they are made a legal tender in the payment of debts. The question of the constitutional power of Congress to make them such, is one for another branch of the Government. The Secretary of the Treasury is still of the opinion that this quality of legal tender does not add to the usefulness, safety, or circulation of United States notes. So far as it excites distrust and opposition to this form of circulating notes it is a detriment. The fear that a withdrawal of this attribute will contract the currency is as delusive as was the fear that resumption would have a like effect. The notes would still be received and paid out by the Government, and, like bank-notes, would not be refused in payment for debts while they were redeemable and promptly redeemed in coin on presentation.

Mr. McMILLIN. These are the views of one who cannot be accused of too great a partiality for greenbacks.

If we would dispense with national banks, and issue such Treasury notes as may be issued under the Constitution to take the place of national-bank notes, we would thereby obtain a fund of more than three hundred millions, to be used in the extinguishment of our debt by purchase of the bonds or other lawful means. Our population increases about 3 per cent. per annum and our commerce with equal rapidity. This requires an increase of currency to correspond. If the Government should issue it instead of hiring banks to do so we would have a large fund annually with which to pay our debts and expenses. By pursuing this policy vigorously instead of the one now followed, we could lawfully pay every dollar of our bonded debt in twenty years, instead of sending it down to oppress children whose fathers are yet unborn.

Mr. Chairman, I offered an amendment, which has been read, providing that the bonds issued under this act shall be subject to taxation as any other property. I regard this as a very important and most salutary amendment. I know that it is said that such a provision will tend to increase the rate of interest that we will have to pay; but I believe that, rising above everything else, public policy demands that they should be taxable. That the taxation of the people should be equal and uniform nobody on or off this floor will deny. It is in accordance with the spirit of our institutions that no one class of the community should be free from the duties which the framers of the Government intended should be imposed upon all.

No class, however humble, should feel that there is another class owning millions of property, worth a thousand times more than they are, and yet not being required to contribute to the support of the Government. There is nothing so likely to breed discontent and undermine the foundations of our free institutions as a feeling on the part of the masses of the people that injustice is done them. Take an example. It has been announced here that Mr. Vanderbilt owns one-thirtieth of the outstanding bonds of the United States. Upon this he draws annually more than $2,000,000 interest. How much does he pay to the support of the Government of the United States, the city of New York, the State of New York, and the county in which he lives upon this colossal fortune?

The poor, humble man who owns nothing but the clothes he wears and, perhaps, the cabin in which he lives, pays more of taxes whenever he strikes a single friction match at midnight to ascertain what has caused the cries of his child—the heir to his poverty—than Vanderbilt pays upon this immense fortune in ten years. Where is the equity in such a system? Where the principle of political economy which justifies it? We search in vain for them. Let us, whenever bonds are to be issued, make them subject to taxation, that those who own them may pay their proper proportion of the taxes necessary to support the Government.

EXPENSES OF THIS GOVERNMENT.

When we look at the expenses of this Government and see the immensity of the taxes, we are appalled. I speak not now of county taxes, State taxes, or municipal taxes, for over these we have no control. The Secretary's report shows that the ordinary receipts of the Government last year from all sources was $333,526,610, a sum so vast that we can only comprehend it by comparison. It is more than thirty-eight thousand dollars an hour, more than six hundred and thirty dollars a minute. With this great financial weight resting upon us it behooves us to prevent every dollar of expenditure we can by stopping and lowering interest.

LET US PAY THE DEBT AS FAST AS POSSIBLE.

I am in favor of paying the public debt instead of perpetuating it, because by doing so we lift from our people a weight which will otherwise descend upon generation after generation, and because we ought to keep ourselves in a condition not to be embarrassed should we ever have difficulties with foreign countries. I favor it, because when this is done there will be no longer any excuse to keep up the onerous, discriminating, unjust, and unwarranted protective tariff which, by its inequalities, now curses the country. I favor it, because when it is paid the system of internal revenue which now sends United States officials to every town and across every threshold in the land can be done away with. I favor it, because when we have paid off the bonds we will have dug down and taken out the foundations of the national banking corporations which have been fostered, as they should not have been, and which, as stated above, have been paid more than $200,000,000 to issue a currency to the people. I favor it, because I believe that a permanent public debt in a republican government is a constant threat and menace to free institutions, by making it necessary to have swarms of government officials ready to do

political service on short notice to whatever party may have brought them into existence. And because I favor its extinguishment, I shall favor substituting short-time Treasury notes whenever it can be done, and upon that portion of the bonds for which we cannot substitute Treasury notes I am in favor of reducing the interest to the lowest per cent. obtainable, for that will enable us to apply the millions of interest annually saved to the extinguishment of the principal of the debt.

I would violate no contract, but would pay the debt the earliest day practicable. I look forward with pleasure to the time when the last dollar shall have been paid, and I would behold with deep grief any measure which threatened to make it permanent.

Refunding of the National Debt.

SPEECH OF HON. A. J. WARNER

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. WARNER said:

Mr. CHAIRMAN: In his speech some days ago (January 6) the gentleman from New York [Mr. CHITTENDEN] quoted from a speech made in this House by General Garfield, now President-elect, on which great stress was laid both on account of its distinguished author and because of the financial doctrine advocated. This doctrine is so often repeated and so generally accepted that it seems to me that something more than a passing notice is demanded of those who question its soundness. I do not propose to speak of General Garfield as authority on such questions; that is not necessary, for authority, however high, establishes nothing in science, and especially is this true in economic science. And if it were a question of authority on the points raised General Garfield and the gentleman from New York who follows him, would not, I fear, be found with the majority among those recognized as standing highest as authorities on such questions. But authority aside, the question is one respecting the correctness of the principles laid down in the quotations referred to. The gentleman from New York said:

Now, Mr. Chairman, I will ask the Clerk to read an extract from a speech made by General Garfield on the 13th of July, 1876, which is a better answer than I can give to those who insist upon paying the national debt in silver.

The Clerk read as follows:

"It is claimed that, by the terms of the act of 1869, it would be lawful for us to pay the public debt in silver dollars such as might have been coined under the law as it stood in 1861.

"Now I desire to recall to the mind of the House the letter and the spirit of that law. After all the doubt and the turbulent excitement about what the actual obligation of the nation was in regard to the public debt, the first act of the Congress approved by President Grant made a solemn declaration designed to put all those doubts to rest. It was declared by Congress that—

"'The faith of the United States is solemnly pledged to the payment'—

"In what? Not in silver, not in gold, not in coin, but—

"'in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money or other currency than gold and silver.'

"The declaration there was that the payment of all these national obligations not specifically currency obligations was to be in 'coin or its equivalent.' Now, what did Congress mean? What were our laws before 1861? Why, Mr. Speaker, since 1834 we have had one standard, a dollar; and we have by law embodied it in two metals, gold and silver. But all the time, in order to have one standard, not two, we have sought to make the coins of the two metals conform to the one standard; keeping the amount of metal in one so adjusted to the amount of metal in the other that a dollar of gold should be equivalent to a dollar of silver. Every hour that we had a double standard it was double only on the ground of equivalency; and when by reason of the shifting value of the two metals in reference to each other the silver dollar and the gold dollar have varied from each other in value Congress has undertaken to equalize them by increasing the amount of metal in one or decreasing the amount of metal in the other. We always sought to avoid the evil of having two kinds of dollar, one worth more than the other. And when Congress promised to pay *in coin* it was a promise to pay gold coin or silver coin of equal value to the same nominal sum in gold. I cannot believe that this statement will be denied."

I will add as a basis for further comment another extract from the same speech from which the above is taken. (See CONGRESSIONAL RECORD, July 13, 1876, page 4561.)

Let it be remembered that we are solemnly bound by the act of 1869 to pay in coin or its equivalent. Dare any man say that we can pay in this so greatly depreciated silver and really obey the law of equivalency which was the basis and spirit of the statute of 1869? He denies the principle of equivalency who proposes to pay in this silver coin. He violates the law who violates the essential object of it—equivalency.

If you insist on paying in silver, then I insist that your silver dollar must be made equivalent to your gold dollar. Do gentlemen consent to maintain equivalency in the two standards and then pay in silver? Manifestly not; their incentive is gone the moment they are asked to pay one hundred cents on the dollar. Some one has said that there is an innate desire in the human mind to get a chance to cheat somebody. A great minister once said that there were two things in human nature which, when united, always made iniquity complete—one was the desire to do a dishonorable thing, and the other was the opportunity to do it. It has happened in the fluctuations of these metals that there is now a notable opportunity to cheat several millions of men by adopting the baser metal as the standard of payment, and thus accomplishing a swindle on so grand a scale as to make the achievement illustrious. By the proposed measure one-fifth of the enormous aggregate of public and private debts can be wiped out as with a sponge. This nation owes $2,100,000,000, and private citizens of the United States probably owe $2,500,000,000, possibly more. At the present moment the relation of the debtor and creditor in the United States involves nearly five billion dollars. It is proposed by the amendment of the gentleman from Indiana [Mr. Landers] that at one fell stroke one-fifth of all this enormous sum shall be wiped off, repudiated, and that this process shall be called honest legislation! Since I have been in public life I have never known any proposition that contained so many of the essential elements of vast rascality, of colossal swindling, as this.

After the reading of the quotation made by the gentleman from New York I asked to have read to accompany it the Matthews concurrent resolutions, which passed the House January 27, 1878, having previously passed the Senate, but the gentleman declined to permit the resolution to be then read, and hence, before proceeding to examine the principles so authoritatively laid down in the quoted extracts, I insert the resolutions referred to as being in themselves a sufficient answer to General Garfield's interpretation of the act of 1869:

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment, in coin or its equivalent, of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas at the date of the passage of said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value for any sums whatever: Therefore,

Resolved by the Senate, (the House of Representatives concurring therein,) That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.

I will also add by way of further interpretation of the act of 1869, and also as bearing on the character of certain of the bonds proposed to be redeemed by the bill under consideration, some extracts from a speech made in 1868, by Mr. Sherman, then chairman of the Finance Committee in the Senate and now Secretary of the Treasury. (See Appendix to Congressional Globe, February 27, 1868, pages 182–184.)

When we look at the law, which is the contract, it so happens that the identical act which provided for the legal-tenders also provides for the 5-20 bonds. Every man who bought a bond bought it under an act which also provides for the legal-tenders. They were contemporaneous. However, the notes were issued before the bonds were issued. The notes were all outstanding before a single bond was issued.

Mr. EDMUNDS. What was the limit of the legal-tenders?

Mr. SHERMAN. I will come to that presently. Now, this legal-tender clause provides that—

"Such notes herein authorized shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States, except duties on imports, and of all claims and demands against the United States of every kind whatsoever, except for interest upon bonds and notes, which shall be paid in coin, and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid."

Does not this act, in so many words, declare that while coin shall be paid for the interest of the public debt, yet the notes provided by this act shall be a lawful tender in payment of all public debts? * * * Finally, after long consideration—for the subject was debated over and over again—the Committee on Finance agreed upon the act to which I will now refer, the act of March 3, 1863. That act repealed the limit as to the amount of circulation, and raised it to $450,000,000; and it also took away the right to convert, which the Secretary said was the other restriction that prevented the sale of the bonds; and by an ingenious device, suggested by the then Senator from Vermont, (Mr. Collamer,) it was proposed to limit to the holders of the outstanding greenbacks the right to convert them up to the 1st of July then next; but if they did not do so by that time, the right was to cease.

By this legislation in the act of March 3, 1863, the limitations which prevented the sale of the first 5-20 bonds were repealed, and then, for the first time, this loan was taken. Then it was that an agency was organized, and means were taken to spread these bonds all over the country, and they were sold; but they were not sold until these restrictions were removed, and they were sold upon a basis of $450,000,000 without the right of redemption, with no privilege whatever except that of being receivable in payment of taxes. That was the state of the law upon which the legal right of the holders of the five-twenties rests. They refused to buy these bonds upon the terms of the act of February 25, 1862. They did buy them under the act of March 3, 1863, and it is idle to rest their claims upon restrictions repealed before their bonds were issued.

I wish to read a little further to show that the Secretary of the Treasury, Mr. Chase, a year afterward, in December, 1863, in his report, again stated that Congress having relieved him from the restrictions of the act of 1862 enabled him to sell the 5-20 bonds. He says:

"On that day, March 3, 1863, the act to provide ways and means for the support of the Government received the approval of the President and became a law. In addition to various provisions for loans it contained clauses repealing the restrictions affecting the the negotiation of the five-twenties, and thus disengaged that important loan from the embarrassments which had previously rendered it almost unavailable."

Then he goes on and says that every dollar of it was sold in a short time, presenting a remarkable case of success; but it was not sold as my friend from Ver-

mont says, under the act of February 25, 1862. On the contrary, there was an utter failure to sell the loan under that act. It was sold under the subsequent law which repealed the restrictions of the act of 1862, and it was sold upon a basis of currency amounting to $450,000,000, and when the notes had been so depreciated by our legislation, purposely, for wise purposes, when the right to fund was taken away, and no right was given to these notes except to be paid to the Government in the way of taxes.

And again:

I say that equity and justice are amply satisfied if we redeem these bonds at the end of five years in the same kind of money, of the same intrinsic value it bore at the time they were issued. Gentlemen may reason about this matter over and over again, and they cannot come to any other conclusion; at least, that has been my conclusion after the most careful consideration. Senators are sometimes in the habit, in order to defeat the argument of an antagonist, of saying that this is repudiation. Why, sir, every citizen of the United States has conformed his business to the legal-tender clause. He has collected and paid his debts accordingly. Every State in this Union without exception has made its contracts since the legal-tender clause in currency and paid them in currency.

General Garfield's reasoning when analyzed amounts to this:

First. The faith of the Government by the act of 1869 was pledged to the payment of the bonds "in coin or its equivalent." So far, correct.

Second. By "equivalent" is meant that coin of one metal shall be made and kept equal in value to coin of the other metal.

Third. Therefore the bullion value of silver coin must be made equal to the bullion value of gold coin. For, he says:

When Congress promised to pay in coin it was a promise to pay gold coin or silver coin of equal value to the same nominal sum in gold.

But when was such a promise made? Where, pray, is such a pledge to be found? General Garfield begs the whole question in his conclusion. Why not say when Congress promised to pay in coin it was a promise to pay silver coin or gold coin of equal value to the same nominal sum in silver? Is not that proposition as true as the other? Does it not follow just as logically from the assumed premises? And if we go behind the given premises, surely we have much stronger reasons for the support of the latter conclusion than the former. The silver dollar is much the older unit of value; much the older standard, if you please. The pure silver in the dollar has never been changed. The weight of the gold dollar has been changed. Was General Garfield conscious of the sophistry so apparent both in the premises and the conclusion when he added: "I cannot believe that this statement will be denied?" The wonder is that such a statement was ever made.

In the first place, the pledge of 1869 to pay in coin or its equivalent means just what it purports to mean—that the Government will pay in coin—the coin then known to the law, or, if in paper, in paper equivalent to coin. It had no reference to the ratio of metal in the coins of the different metals. That question was not up at all in 1869, and was not thought of. But to make his reasoning appear the more plausible, General Garfield introduces a fiction, and a strange fiction it is, too. He says: "Since 1834 we have had one standard—a dollar." Our standard is not gold, nor silver, not one metal nor both metals—but "a dollar." And he goes on, "We have sought to make the coins of the two metals conform to the one standard"—that is, the dollar.

This goes beyond ordinary fiction. It sets up a name, a denomination, an ideal unit, and proposes to make coins conform to it by varying the metal in the coins. Montesquieu had a fancy that "there are real and ideal moneys," and instanced the African *macute* as such an ideal standard; and Sir James Steuart, following him, built up a theory of money on such an ideal. Stephen Colwell also, in some respects an able writer, became entangled with such an idea. But that an abstraction can be a standard is absurd; and for my part I should not know where to look for so much bad logic, ably used, as in the quotation under consideration. "Dollar" is the name given to our money unit, which, by the law of 1792, was to be the same weight of silver as the Spanish milled dollar then in general circulation in all the States.

There is no dispute about the desirability of so regulating the ratio of the metals in gold and silver coins as to make the coin value of the two metals correspond respectively with their bullion value. But the assumption that the gold metal must be taken as the standard by which to measure the other is unwarranted by law or logic. I do not propose to discuss here the question of ratio. If it were possible for one country alone to maintain such ratio as it might fix, I should favor the adoption of a ratio that would make the coin value of the metals correspond respectively with their bullion value and with each other; but since every one who has examined the question must admit that such a result can only be secured by international concurrence, for us to enter upon such a line of policy alone would tend rather to more unsettle than to settle the question of ratio.

But in any event to claim that to coin dollars of 412½ grains of silver and make them legal tender is a fraud upon creditors, is to talk without comprehending the full scope of the question. Under limited coinage silver dollars will buy just as much of anything in this country as gold dollars will. But this aside.

On what ground is it assumed that gold is to be taken as the standard by which silver is to be measured? How does it appear that there are not a hundred cents in a silver dollar? Has the value of gold changed not at all? Is all the change in the silver? No such thing can be proven. On the contrary, compared with commodities gold has risen in the markets of the world; compared with commodities silver has not fallen. But suppose it had, by what right does the creditor come in and demand gold? What is legal tender for? To enable the creditor to choose the kind of money he will take? The Comptroller of the Currency would seem to think so. He says:

Sooner or later the time will come when the creditors of the bank will prefer payment in the dearer metal, and the refusal to pay the kind of coin asked for by the creditor who has the option will bring down the cheaper coin to its value in the markets of the world.

It has long been known that this officer, although paid from the public Treasury, serves only the banks, and from the above quotation from his report it would almost seem as though he was even ready to sacrifice his wits in their behalf. What would be the use of legal tender if the creditor holds the option? The option belongs to the debtor always, and every contract and every money obligation in the land is based on that right. Suppose A contracts with B to discharge a certain obligation in corn at fifty cents a bushel, or wheat at $1 a bushel. Suppose in the mean time corn becomes the more plentiful and wheat scarcer, shall A be made to pay in wheat or to give more corn to the bushel? Every one who promised under the law as it existed in 1869 or 1870, or who promises under the law as it exists now, to pay coin at a future time, promises to pay gold coin or silver coin at his option, and every acceptor of such a promise accepts it on such conditions. There is no obligation of equivalency anywhere involved. That is simply a question of government policy, and nothing more. It is an important question, I admit, and one we have tried to settle in the only way by which it can be settled—by international concurrence.

Bimetallism, however, does not rest upon any expressed or implied obligation to change the ratio of metal in coins. It rests, rather, upon the option to pay in either coin. The par of coins, in fact, can only be maintained, even with international concurrence, by resting the option with the debtor. If one metal, then, from any cause, by even a small fraction, falls or tends to fall, that metal is at once taken up by everybody who has payments to make, and by extending its use its value is upheld; at the same time the other metal is left and its use thereby lessened till it falls to the level of the first, or till the two meet on that plane where option has no value.

It is, I conceive, no longer an open question or a matter of doubt, that if the same ratio could be agreed upon even between the United States, Germany, France, and the other States of the Latin Union, the two metals would circulate together, being upheld by the option in the debtor operating alternately in different places, perhaps, on the one and then on the other. The option is the pivotal point on which bimetallism turns.

I here quote from a recent paper by the eminent economist, Emile De Laveleye, which ably sets forth the principles of bimetallism:

Bimetallism simply declares that all debts contracted in a country can be paid by a weight in gold, or, adopting the ratio of the Latin Union, by fifteen and a half times this weight in silver. The relative value can change, and probably will. But the nature of the contract remains the same. Each monetary debt is an alternative obligation. It may be claimed that the system offers more disadvantages than advantages; that point requires examination; but it cannot be said that it is absurd or unjust. Alternative obligations are recognized under all codes, and no creditor can complain of them since he enters into the contract under the empire of a law of which he has full cognizance, and which is maintained.

The fear is often expressed that by continuing the coinage of silver we may be left with a single silver standard. That is impossible. In the first place, it might be shown that the par of silver coin and gold coin would not be disturbed until silver enough had been coined to nearly take the place of all the gold in the country; but even then the standard would not be silver alone. Let me illustrate. Suppose England and the United States to possess each $500,000,000 of metallic money, or together $1,000,000,000. The international valuation would be the same whether each country had $250,000,000 of gold and $250,000,000 of silver, or one possessed $500,000,000 of gold and the other $500,000,000 of silver. But let one of the metals be abolished and the other divided between the two countries, allowing to each but $250,000,000 altogether, and then a single standard would in fact be set up, and the valuation of the wealth of the two countries would be reduced one-half. There is no danger of the abandonment of gold, and hence a single silver standard, or an exclusive silver valuation, is out of the question.

The danger is all from the abandonment of silver. And every one ought to know that the abandonment of silver must result in an enormous increase in the value of gold. The gold in the world applied to monetary use may be taken at ten thousand tons. If the equivalent in gold, at the ratio of 16 to 1, of the silver used as money, be taken at ten thousand tons more, then the whole stock of the money metals for the world would be equal to twenty thousand tons of gold. Everybody can understand the effect of a reduction to half this stock.

Is it possible that gentlemen sitting in bank parlors can plan, and through the aid of legislation carry out, schemes for such vast spoliation as must follow the alteration in the value of money that would take place—and has already in some measure taken place—by the demonetization of silver? Why, such world-plundering was never dreamed of by the Alarics and the Attilas of the Middle Ages.

It took physical courage and great endurance on the part of Roman leaders and Roman legions to subdue and subject conquered provinces to perpetual tribute.

It was the barbarian Calgacus who, in the speech put in his mouth by Tacitus, called these conquerers *raptores orbis*—plunderers of the world—"exhausting the land by their devastations," "unsatiated by the east and by the west."

But history affords no example of such avarice and wantonness as is manifested in the scheme of modern money manipulators to double the money standard and thereby doubly mortgage the industry and earnings of generations unborn. Think of such a change in connection with the overwhelming debts of the world! I make no war on capital. He who earns and saves, who makes sacrifices to-day that he may have more to-morrow, whether it be one dollar or a million, is a benefactor and a capitalist, and the social compact fails if he is not protected in its free use. But when capitalists combine to ask governments to give them power to spoliate whole nations by changing the money scale, I say they seek by new methods to accomplish what the old sea-kings of the Middle Ages undertook by open piratical maraudings.

What can General Garfield mean, then, when he talks of the "vast rascality" connected with the restoration of silver? From what school of philosophy were such ethics derived? Or did his zeal to serve those who flattered blind even so great an intellect?

The question of the future supply of the metals, too, becomes one of the greatest importance in this connection. Population ever increases, and trade, if not hampered, increases still faster. Economists tell us that the supply of the precious metals has at all times had a marked influence on the commerce and prosperity of the world. And nothing perhaps contributed more to the downfall of the Roman Empire, and with it the earlier civilizations of the world, than the falling off in the supply of the precious metals.

Geologists tell us now again that the gold supply must necessarily in the future be a diminishing quantity. With the world's commerce multiplied as it has been in the last thirty years, and a century hence there can scarcely be more gold applicable to monetary uses than would be required to settle international balances alone. On the other hand, there is not the least danger that the supply of both metals will be excessive. Sir Roderick Murchison said:

> The quantities of gold and silver procurable will prove no more than sufficient to meet the exigencies of an enormously increased population and an augmenting commerce and industry.

Mr. J. S. Newberry, in a recent lecture, referring to the yield of the mines of the United States, said:

> There has been an outcry that there would be an overproduction of silver. But past history shows us that this cannot be the case. At Leadville it is at present easy of access, but it is not so elsewhere. There are no indications of an oversupply, but there will be a steady flow of gold and silver, varying from $75,000,000 to $100,000,000 annually, for years to come. The result of all my observations for the last twenty years is that gold and silver will not glut the market.

I give the opinions of these high authorities in addition to the opinion of M. Sass, quoted by Laveleye. Why, the entire gold production of the world for 1879 did not exceed eight cents per capita, an amount equal, say, to $3 to each person for the average life-time of a generation, which is hardly more than the bad teeth of later generations take up.

I quote again from Laveleye on the disadvantage of monometallism:

> Thus the disadvantages of gold monometallism would be to inflict a considerable loss on the states which tried to adopt it. But that is a secondary point. The great evil—and we must say it, the great iniquity—is, that it would alter the basis of all contracts and to the detriment of the debtors. The expulsion of silver would naturally lead to a great reduction in prices, and for two reasons: first, because the metallic instrument of exchange would probably be reduced one-third; secondly, because, as the number of exchanges is constantly increasing, gold alone would not suffice as a means of payment unless there was a considerable lowering in prices. The production of gold has been diminishing for several years. The eminent geologist of Vienna, M. Sass, has shown in his book, *Zukunft des Goldes*, that in the future, except in very rare cases, less and less gold will be found; and he concludes therefrom that gold alone would be utterly insufficient as a universal money.
>
> Here a question of equity suggests itself. Has a State the right, except in cases of absolute necessity, to modify the basis of contracts, and to overwhelm debtors for the benefit of creditors? Can a more iniquitous, a more anti-democratic measure be conceived than one which should take from the tax-payers the right which they have acquired and possess, to pay in either gold or silver the sum they owe to the capitalists who have lent money to the Government, and which would oblige them to pay their debt in gold only, when at the same time this measure would inevitably and greatly heighten the value of the metals?
>
> Not only does this deprive the debtor or tax-payer of his alternative, but it increases to an unknown and certainly to an enormous extent the price of the only metal with which they can henceforth pay their debt. Think of the numerous classes who would fall victims to this iniquity; not only all tax-payers, that is to say, to a greater or less extent, every individual, but also and more particularly all mortgagors, and I believe the mortgage debts in Europe amount to about forty or fifty billion francs, (£1,600,000,000, or £2,000,000,000.) Add to these all farmers who, in order to pay a fixed rent in gold, would be obliged to sell a larger quantity of provisions, as all products would have fallen in price. It is when living in the country that one sees all the suffering, all the misery, that a fall in prices occasions, and one feels indignant at the bare idea of such injustice.
>
> Second. Monometallism and the fall in prices which would be the result of it would lead to a long crisis, attacking both industry and commerce, and indeed all economical activity.

This eminent French economist, it will be seen, takes quite a different view of bimetallism from that taken by General Garfield. Again, although not strictly pertinent to the bill under consideration, I desire to notice still another quotation from the same distinguished source, General Garfield, made by the gentleman from New York in the speech referred to:

> Mr. Garfield on the 16th of November, 1877, uttered these words:
> "I want it remembered in the outset that the greenback currency was, and is so known in the courts, and so known everywhere, a forced loan—a forced loan by the Government upon its Army and upon its other creditors, to meet the great emergencies of the war; and the primary fact connected with every greenback is that it is a promise to pay."

It has been quite common, ever since its issue, to speak of the greenback currency as a forced loan. Now, with due deference to the distinguished author of this quotation, I maintain that there is nothing whatever of the character of a forced loan connected with the issue of greenbacks. Greenbacks on their face are promises to pay, but that is not all they are. Mr. Chase spoke of them as "debt made into money." In the final analysis of the problem greenbacks in their first issue constituted a tax, and nothing else. It was a very unequal tax, but nevertheless that is what it was. I will try to make this appear. At the beginning of the war the whole volume of money in the United States, paper and coin, was a little less than $500,000,000. Having issued $500,000,000 to take the place of the previously existing currency, if then $500,000,000 more were issued, the whole thousand millions, other things remaining the same, was worth no more—that is, had no greater purchasing power—than the $500,000,000; a single unit of the thousand millions had only half the value a single unit of the $500,000,000 would have had. But $500,000,000, or half of the whole money volume, became available for the Government to buy with. They who accepted it for supplies did not loan the supplies, nor did they who sold supplies make a loan of goods. The Government created an economical device, which, though it reduced the purchasing power of the pre-existing money one-half, gave the Government a purchasing power equal to half the whole money volume.

The mere substitution of greenbacks for the money before in use, up to the limit it could be done without depreciation, was a gain to the Government without corresponding loss to any one, but beyond that and to the extent of the depreciation it was a tax, and nothing else, but a most unequal and therefore unjust tax. In the first place it was a tax on every soldier, officer, and employé of the Government to the extent of the depreciation, and, second, it was a tax on every man in whose hands this money depreciated to the extent of the depreciation. The whole money volume, I say, was depreciated by overissues, and that depreciation amounted to a tax, not always directly to the Government, but from one individual to another, little by little, a thousand times over. But the Government got exactly what purchasing power the additional issue of paper primarily possessed, and no more, which, in the case supposed, where a thousand millions were issued to take the place of $500,000,000 existing before, amounted to $250,000,000 of the pre-existing volume, or $500,000,000 of the double volume.

The right conclusion, then, is that men who were fighting the battles got only half dollars where whole dollars were promised them, and paid as tax the other half; or, to put the whole case just as it was, soldiers for fighting battles got one dollar where they were entitled to two, while they who lent their money—and that was mostly after the battles had all been fought and the war was over and the permanency of the Government established—got two dollars where they lent but one and where but one was honestly due. And what is more, the soldier who got but half his pay then has to help during the rest of his life to work out the debt due to the lender. Well might he say, in the language of Shakspeare:

> I have kept back their foes,
> While they have told their money, and let out
> Their coin upon large interest.

But greenbacks are not money, we are answered. Not money! Yet for seventeen years they were the only legal-tender currency in use in this country! With them the greatest and most costly war of modern times was carried on. With them two-thirds of all our railroads have been built, and half of all the wealth now in existence in the United States has been created. They have paid thousands upon thousands of millions of debts, and, in short, have effected more exchanges than any other kind of money ever in use on this side of the Atlantic. And yet we are wisely told they are not and never have been money! And if we had no other money for the next hundred years, or till the judgment day, I can imagine these economists rising up and swearing that we never did have any money at all. It is strange that otherwise logical minds become involved in such a mist.

Grant, if you please, that they are debt—that is not all they are. I say, they possess and they perform all the functions of money, and it is in their character as money that we have to deal with them.

Professor F. A. Walker says: "Plain men know perfectly well that greenbacks are money and have been money these seventeen years." And again, "Money *is* that money *does;*" and that is a good definition. Car-wheels are now made of paper. But according to these financial technologists they are not wheels at all but *represent* wheels made of something else.

There is one important feature in the bill that has not been as much discussed as its merits demand. I refer to the proposition to authorize the Secretary of the Treasury to apply part of the coin now in the Treasury to the payment of bonds. I think it can be made to appear that this would be entirely safe and in every view a wise step. In the first place, there is no definite or certain relation necessary to be maintained between coin reserves and a paper circulation. Much depends on how the paper is issued, who issues it, what its money character is, and how it is accepted by the people. And at any rate the value of a paper circulation does not depend wholly on coin reserves.

For instance, if a paper circulation be permitted to exceed the volume of coin the country would have if it had no paper, no amount of coin reserve would keep it from depreciation, and only by reducing the paper volume could its equivalency with coin be maintained. But if an inconvertible paper were in circulation, such as the green-

backs, Bank of England notes, or the state paper money of Germany, the volume might stand without depreciation at the level which a metallic currency would rise to if there were no paper. But if after a time such a paper circulation were made convertible, as our greenbacks have been, then another question arises: what proportion of the whole volume, paper and coin, will the people choose to have in the form of paper and what proportion coin? In other words, when the people are permitted to choose between paper and coin, what will be the state of equilibrium between the two? At the commencement of resumption this was an open question; but it is no longer so. Given the facilities, as now offered for choosing between paper and coin, the state of equilibrium has, it may safely be concluded, I think, been reached. What is this state of equilibrium? The Director of the Mint makes the gold and silver coin and bullion in the country $650,000,000.

This is divided as follows:

Given total coin and bullion in the country		$650,000,000
Held as bullion	$80,000,000	
In reserve in the Treasury	130,000,000	
In reserve in the banks	120,000,000	
Total coin and bullion out of circulation		330,000,000
Leaving coin in circulation		320,000,000
Total paper currency		$690,000,000
Consisting of—		
Legal-tender notes	$346,000,000	
National-bank notes	344,000,000	
Total as above	690,000,000	
Of this there is held in banks as legal-tender reserves	$56,000,000	
Held in the Treasury as a redemption fund for bank notes and failed banks	34,000,000	
Total currency reserve		90,000,000
Leaving paper currency in circulation		600,000,000
Add coin in circulation		320,000,000
Total paper and coin in circulation		920,000,000

And this may be taken as very near the present actual circulation.

Then it follows that the proportion of $600,000,000 of paper, of the character of the paper now in circulation, to from $300,000,000 to $350,000,000 of coin, is a settled state of equilibrium between the two kinds of currency. No doubt if the opportunity were given to everybody in every part of the country to choose between paper and coin in every transaction the proportion would be altered, that is, if redemption facilities were extended to every part of the country the state of equilibrium would be somewhat changed. But I say that the foregoing proportions indicate the state of equilibrium that exists under existing conditions of redemption.

Then why keep $130,000,000 of coin in the Treasury? Is there any possible danger that the time will come when a hundred and thirty millions less paper and a hundred and thirty millions more coin will be wanted, or that the state of equilibrium will change to any such extent? But it is said the time may come when the coin will be wanted for export. But it is impossible for the $600,000,000 of paper now in circulation to expel the coin that is outside of the Treasury, and there are two hundred millions of that not in circulation at all. I cannot conceive, then, what could send greenbacks to the Treasury for coin for export. The paper volume in actual circulation does not, by more than one-third, fill the channels of circulation, and, including reserves and circulation together, amounts to little more than one-half of the total volume.

This amount of paper, then, cannot possibly operate to expel coin from the country any more than a fluid that but partly fills a vessel can expel another fluid. Since, then, no demand is likely to be made on the Treasury for coin, as a consequence of a preference for coin to paper for circulation, and since a demand for coin for export is less likely, for the reason that the coin part of the circulation is now large enough—to say nothing of the large coin reserves and the annual production from the mines—to permit all the outflow at all likely to take place, why, then, keep so large a store in the Treasury? Indeed, if the paper volume be kept within its present limits, the only question the Secretary of the Treasury need consider is how much coin is likely to be called for to satisfy any preference for coin over paper for circulation and that for the last year has been less than $1,000,000. Indeed coin has probably more often gone to the Treasury for paper than paper for coin.

I have not considered, it will be seen, the authority the Secretary possesses to sell any class of bonds if necessary to replenish his stock of coin for resumption purposes. I believe, therefore, that the stock of coin might be reduced by a full hundred millions without endangering in the slightest degree the par of paper and coin. And, moreover, a hundred millions more coin out would tend to lessen the demand for coin. And who, if in debt, would keep his money locked up and pay interest rather than pay the debt?

Electoral Count.

SPEECH OF HON. JAY A. HUBBELL,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Friday, January 28, 1881,

On the Senate resolution providing for a twenty-second joint rule for counting the electoral vote for President and Vice-President.

The Constitution, in its words, is plain and intelligible, and it is meant for the homebred, unsophisticated understandings of our fellow-citizens.—*Dallas in Defense of the Constitution.*

There are two kinds of construction—one calculated to maintain, the other to corrupt or destroy the principles upon which governments are established—one visible to common sense, the other consisting of filaments so slender as not to be seen except through some magnifying glass—one which addresses the understanding, the other which addresses prejudice or self-interest. When a man splits his mind, and glues one half to certain principles and the other to a mode of construction by which the same principles are subverted, it is no easy matter to find arguments which will please both halves, &c.

* * * * * * *

With them [all other governments but our own] construction is not a science to preserve the rights of mankind, but an art for extending their own power. Its business is to forge wealth for individuals or combinations, and chains for majorities, to make payment for usurpations in fulsome flatteries and insidious projects. * * * And to furnish parties, factions, combinations, and individuals with concealed dirks to stab liberty.

The framers of our Constitution exerted all their faculties to exclude from our policy this pernicious species of construction by specifications and restrictions. Its wonderful acuteness in misinterpretation was understood and sedulously guarded against. It had often perverted the Scriptures and converted patriotism into treason. Russell and Sidney fell under the edge of constructive treason. The day on which the former was beheaded, the wise and learned University of Oxford, convinced by its doctors in the art of construction, declared every principle by which a free constitution can be maintained to be "impious and heretical"—especially the doctrine that "all civil authority is derived from the people." * * * Which can do most harm to mankind, constructive treason or constructive powers? The first takes away the life of an individual—the second destroys the liberty of a nation. The machine called inference can act as extensively in one case as in the other.—*Construction Construed, by John Taylor of Caroline.*

Mr. HUBBELL said:

Mr. SPEAKER: What are the duties and powers of Congress in connection with the counting of the votes of the electoral colleges for President and Vice-President of the United States? What its duties and powers under the Constitution? The second clause of section 1 of article 2 of the Constitution declares:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Article 2 also defines the qualifications of President and Vice-President, and declares that none but those having those qualifications shall be eligible to those offices.

Article 12 of the amendments to the Constitution, after prescribing where and how the electoral colleges thus appointed shall meet and vote, and certify their votes, and transmit them sealed to the President of the Senate, declares:

The President of the Senate—

That is, the Vice-President of the United States—see fourth clause, third section, article 1—

shall, in presence of the Senate and House of Representatives, open all the certificates, and the vote shall then be counted;—the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President, &c.

Now what, under these clauses of the Constitution, are the duties and powers of the two Houses of Congress, separately or in joint session, in reference to the votes of the electoral colleges? Are they those of a grand national canvassing board, invested with high judicial or inquisitorial powers to step within the boundaries of the States and inquire into the manner in which they have executed an important constitutional trust; to examine into and ascertain the character of the elections or the methods or agencies by which electors may be appointed; to inquire into the qualifications of electors or of the candidates for whom they may vote, or into the legality of the proceedings or votes of the colleges? If not, can Congress, either by law or joint resolution, legally assume or exercise such powers? Would not their exercise be a usurpation in Congress, a violent usurpation, and one striking at the very fundamental principles of the Constitution.

To my mind, sir, from the attitude of the dominant majority of this Congress, these are very grave issues, indeed dangerous and alarming issues, involving the integrity of the Constitution, even the liberties and rights of the people and States and the character or form of our government.

I propose, therefore, to examine them in the light of the proceedings of the constitutional convention of 1787, in the light of the recorded speeches and principles of the illustrious and able men who constituted that body as in the light of the Constitution itself, in

that of the contemporaneous exposition of the principles and purposes of the framers of the Constitution as embodied in the provisions of that instrument, in the practices hitherto of Congress in reference to the counting of the electoral vote, in the light of the attitudes, character, and principles, since the formation of the Government, of individuals and parties who have favored or attempted the exercise by Congress of such extraordinary and unconstitutional powers, and the fate of such attempts and of the parties and individuals who favored them, under the judgment of the people, the final arbiter, under our system of all political issues, of all issues affecting their liberties and rights and the character or form of government under which they live.

First, as to the constitutional convention and its proceedings which led to the adoption of our Constitution, and the preserved opinions of its leading men.

The convention met at Philadelphia May 15, 1787. It embraced the representatives of twelve of the thirteen colonies or States included in the Confederation—such men as Roger Sherman, John Langdon, Abraham Baldwin, Pierce Butler, Oliver Ellsworth, John Rutledge, Rufus King, Elbridge Gerry, Robert and Gouverneur Morris, James Wilson, Luther Martin, Charles and Charles Cotesworth Pinckney, Edmund Randolph, Benjamin Franklin, George Mason, Alexander Hamilton, James Madison, and George Washington—illustrious and able men, some of whom subsequently under the Constitution filled the highest places of honor and trust.

On May 29 Edmund Randolph moved what was called the Virginia plan of constitution, embraced in a series of seventeen resolutions, of which—

Resolution 7 provided that a national executive be instituted, to be chosen by the national legislature, [Congress,] for the term of ——, &c.—*Debates in the Federal Convention of* 1787, volume 5 of Elliott's Debates, &c., page 123.

Mr. Randolph favored a triumvirate for the national executive.

On the same day, Mr. Charles Pinckney, of South Carolina, "laid before the House" a draught of a constitution, prepared by himself, article 8 of which provided—

The executive power of the United States shall be vested in a President of the United States, which shall be his style; and his title shall be his excellency. He shall be elected for four years, and shall be re-eligible.—*Ibid.*, page 131.

On June 2, Mr. Wilson, of Pennsylvania, moved—

That the States be divided into —— districts, and that the persons qualified to vote in each district for members of the first branch [House of Representatives] of the national legislature elect —— members for their respective districts, to be electors of the executive magistracy, [the President;] that the said electors of the executive magistracy meet at ——, and they, or any —— of them, so met, shall proceed to elect, by ballot, but not out of their own body, —— person in whom the executive authority of the National Government shall be vested.—*Ibid.*, page 143.

On June 13, Mr. Gorham, of Massachusetts, from the Committee of the Whole, in which the various plans, motions, amendments, &c., had been considered, reported, as the result of its proceedings up to that date, a series of nineteen resolutions, the ninth of which provided—

That a national executive be instituted to consist of a single person, to be chosen by the national legislature for the term of seven years, &c.—*Ibid.*, page 190.

It made him "ineligible a second time."

On June 15, Mr. Patterson, of New Jersey, moved what was known as the New Jersey plan of constitution in a series of nine resolutions, the fourth of which provided:

That the United States in Congress be authorized to elect a federal executive, to consist of ——persons; to continue in office for the term of —— years, &c.—*Ibid.*, page 192.

The federal executive "to be ineligible a second time."

On June 18, Alexander Hamilton introduced his "sketch" of a constitution in a series of eleven propositions, the fourth of which provided:

The supreme executive authority of the United States to be vested in a governor, to be elected to serve during good behavior, the election to be made by electors chosen by the people in the election districts aforesaid, &c.—*Ibid.*, page 205.

That is, in the election districts provided for in a previous proposition of his "sketch."

On July 17, Mr. Luther Martin moved that the executive be chosen by electors appointed by the several legislatures of the individual States.

On July 23, the proceedings of the convention up to that date, with the various propositions before it, "for the establishment of a national government," were referred to a committee of detail, consisting of five members, "to prepare and report a constitution conformable thereto."

On July 24, Mr. Wilson, of Pennsylvania, moved that—

The executive be chosen every —— years by —— electors, to be taken by lot from the national legislature, who shall proceed immediately to the choice of the executive, and not separate until it be made.—*Ibid.*, page 362.

Mr. Wilson "did not move this as the best mode," nor as one which he favored. He was for an election by the people.

On July 25, Mr. Ellsworth, of Connecticut, moved—

That the executive be appointed by the legislature, [Congress,] except when the magistrate last chosen shall have continued in office the whole term for which he was chosen, and be re-eligible; in which case the choice shall be by electors appointed by the legislatures of the States for that purpose.—*Ibid.*, page 363.

By such a mode Mr. Ellsworth believed that a "deserving magistrate" might be re-elected, and maintain his independence of Congress. On the same day Elbridge Gerry, of Massachusetts, moved—

That the executive be appointed by the governors and presidents of the States, with the advice of their councils; and, where there are no councils, by electors chosen by the legislatures, &c.—*Ibid.*

On July 26, the different propositions offered since the 23d, with the proceedings of the convention since that date, were unanimously referred to the committee on detail, and the convention adjourned till August 6, "that the committee might have time to prepare and report the constitution." The proceedings thus referred were embraced in a series of twenty-three resolutions, the twelfth of which—

Resolved, That a national executive be instituted, to consist of a single person; to be chosen by the national legislature for the term of seven years; to be ineligible a second time, &c.—*Ibid.*, page 376.

On August 6, Mr. Rutledge, of South Carolina, from the committee on detail, reported a draught of a constitution, based upon the proceedings referred to it on the 23d and 26th of July. Section 1 of article 10 of this draught read:

The executive power of the United States shall be vested in a single person. His style shall be "the President of the United States of America," and his title shall be "his excellency." He shall be elected by ballot by the legislature, [Congress.] He shall hold his office during the term of seven years, but shall not be elected a second time.—*Ibid.*, page 380.

Between the 6th and 31st of August a number of motions and amendments of more or less importance were offered and adopted or rejected, and on the 31st the proceedings of the convention up to that date were referred to a committee of eleven. On September 4, Mr. Brearly, of New Jersey, from that committee, reported a series of amendments to the resolutions referred to them. Amendment 4 to the article relating to the President provided:

He [the President] shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected in the following manner, viz: Each State shall appoint, in such manner as its legislature may direct, a number of electors equal to the whole number of Senators and Members of the House of Representatives to which the State may be entitled in the legislature, [Congress.] The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves; and they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign, and certify, and transmit sealed to the seat of the General Government, directed to the President of the Senate. *The President of the Senate shall, in that house* [the Senate,] *open all the certificates, and the votes shall be then and* THERE *counted.* The person having the greatest number of votes shall be the president, if such number be a majority of that of the electors; and if there be more than one who shall have such a majority and have an equal number of votes, then the *Senate* shall immediately choose by ballot one of them for president; but if no person have a majority, then, from the five highest on the list, the *Senate* shall choose by ballot the president, &c.—*Ibid.*, page 507.

Here, in this amendment of the committee of eleven, is the first appearance in the convention of the clause relating to the counting of the electoral votes by the Vice-President. It provides that the certificates shall be opened by the Vice-President in the Senate, and that in that House the votes shall be counted. On several motions the words "in the presence of the senate and house of representatives" were added after the word "counted." Presuming (for it is not so stated in Elliot's debates in the convention) that the words "in that house" were stricken out—for otherwise the added words would render the amendment a meaningless jumble—then the clause as amended read:

The President of the Senate shall open all the certificates, [where?] and the votes shall then be counted in the presence of the Senate and House of Representatives.

Still an awkward, if not a meaningless sentence. It was subsequently altered to read as it now stands in the Constitution, but upon whose motion, or by whose authority, is not stated in the report of the debates. It was probably so altered by the committee on detail.

As a whole, this amendment of the committee of eleven to the article constituting the Executive was regarded by the majority of the convention as a decided improvement upon the previous plans. It removed many of the weightiest objections of members to those plans. It provided for the appointment of the President by electors to be chosen by the States under the direction of their legislatures, thus inhibiting all control by Congress over the appointment of the electors, and removing the great and fundamental objection of the majority to a choice of the President by electors; but it also provided that, in the event of a failure of the electors to appoint, the Senate should choose the President—a provision most odious to the majority. Very few, indeed, of the members favored an election of President by Congress, or by electors appointed in any way by either House of Congress, or over which they or either of them would exercise any control. Fewer still favored a choice in any event by the Senate.

In opposition to the eventual appointment by the Senate, Mr. Williamson, of North Carolina, urged:

There are seven States which do not contain one-third of the people. If the Senate are to appoint, less than one-sixth will have the power.—*Ibid.*, page 514.

In that case a minority and not a majority would govern. If the Senate was invested with such a power corruption and intrigue would soon ensue. The President would become "the minion" of the Senate, and, as Mr. Williamson feared, the result would be the establishment of a detestable aristocracy. That view and fear was common to the majority. Hence, by an almost unanimous vote—ayes 10, noes 1 (Delaware)—upon the motion of Mr. Roger Sherman, for the words "the Senate shall immediately choose" was substituted:

The House of Representatives shall immediately choose, by ballot, one of them for president, the members of each State having one vote.—*Ibid.*, page 519.

Nor was that wholly satisfactory. "Many," in the language of Mr. Madison, "considered it a primary object to render an eventual resort to any part of the legislature [Congress] improbable" in the appointment of a President. Hence, Colonel Mason, of Virginia, moved that a plurality only of the electoral votes, instead of a majority,

should be necessary to a choice; Mr. Madison and Mr. Williamson that one-third should elect. They clearly saw and urged that intrigue and corruption, the demoralization of both the executive and legislature, would inevitably attend a control by Congress or by either House of Congress, either primarily or eventually, over the appointment of the President.

Other amendments or motions looking to the independence of the executive were made to amendment 4 of the committee of eleven. After the words "may be entitled in the legislature" (Congress) were added:

But no person shall be appointed an elector who is a member of the legislature of the United States, or who holds an office of profit or trust under the United States.—*Ibid.*, page 515.

Neither Congress nor its individual members should control or influence or be interested in the appointment of the President.

Amendment 4 was further amended until the article constituting the national executive assumed the form and language and provisions which it embraced when finally adopted, and which it retained in the Constitution until repealed by article 12 of the amendments.

Now, sir, throughout all the proceedings of the constitutional convention of 1787 the well-defined theory upon which its majority acted was, that the "National Government" should be constituted of three great departments—the executive, legislative, and judiciary—which should be co-ordinate but distinct and independent in their separate spheres. But to raise such a fabric, to construct it of materials and parts and upon a foundation which would endure the machinations and assaults it was certain to encounter from within and without, exacted all their abilities, all their sagacity and skill, and sternly tested all their patriotism. It was a work of infinite difficulty. The result of their labor was long doubtful. But in nothing did they encounter greater difficulty than in the constitution of the Executive. Originally, and up to a late hour, the differences in the convention were apparently as wide as to the proper mode of his appointment as to the powers with which he should be clothed. Consequently, as I have shown, every possible plan was in turn suggested, urged, adopted, and then rejected, until the report of the committee of eleven. But amid all this apparent division of sentiment, all these conflicting plans and motions, and equally conflicting votes of the convention, clearly and distinctly stands out the grand objective purpose of the majority, as finally drafted into the Constitution. It was, that the national Executive should not be a dependent of Congress, that he should not be indebted to it for his appointment, and at the same time subject to its impeachment and removal, and consequently to hold his office at its will and pleasure, as its "mere creature," its subservient tool, its "minion;" but that he should be the President of the nation, wholly independent of the National Legislature, holding his appointment from the people through the States, and armed with the veto as the champion of the States and people against "legislative encroachments," "legislative despotism," "legislative tyranny."

Of that the utterances of its leading men are full of proofs. "A particular objection" of Mr. Wilson, of Pennsylvania, one of the ablest and most influential men in the convention, to an election of the President by the National Legislature was—

That the executive in that case would be too dependent [upon Congress] to stand the mediator between the intrigues and sinister views of the representatives [Congress] and the general liberties and interests of the people.—*Ibid.*, page 323.

Mr. Wilson urged—

In the appointment to great offices, where the legislature might feel many motives not common to the public, confidence was surely misplaced. This branch of business, it was notorious, was the most corruptly managed of any that had been committed to legislative bodies.—*Ibid.*, page 324.

He had previously warned the convention that—

Despotism comes on mankind in different shapes—sometimes in an executive, sometimes in a military one. Is there no danger of a legislative despotism? Theory and practice both proclaim it.—*Ibid.*, page 196.

Hence, in Mr. Wilson's judgment, to invest Congress with the appointment of the President, with the added power of removal through impeachment, would inevitably lead to intrigue, cabal, and corruption, and result finally in "legislative despotism," "legislative tyranny."

Mr. Pierce Butler, of South Carolina, urged:

The two great evils to be avoided [in the appointment of the President] are, cabal at home and influence from abroad. It will be difficult to avoid either if the election be made by the national legislature.—*Ibid.*, page 365.

And in supporting the plan of the committee of eleven, Mr. Butler observed:

The mode was not free from objection, but much more so than an election by the legislature, where, as in elective monarchies, cabal, faction, and violence would be sure to prevail.—*Ibid.*, page 509.

Mr. Elbridge Gerry, of Massachusetts, regarded "an election at all," whether primarily or eventually, "by the national legislature" as "radically and incurably wrong." He urged:

There would be constant intrigue kept up for the appointment. The legislature [Congress] and the candidates would bargain and play into one another's hands. Votes would be given by the former under promises or expectations from the latter of recompensing them by services to members of the legislature [Congress] or their friends.—*Ibid.*, page 144.

Mr. Gouverneur Morris, a distinguished member of the convention from Pennsylvania, and to whose elegant pen as a member of the committee on detail we are indebted for the literary excellence of the Constitution, said:

Of all possible modes of appointment [of President] that by the legislature [Congress] is the worst. If the legislature is to appoint and to impeach, or to influence the impeachment the executive will be the mere creature of it.—*Ibid.*, page 361.

Mr. Morris urged:

He [the President] ought to be elected by the people at large—by the freeholders of the country. * * * If the legislature [Congress] elect it will be the work of intrigue, of cabal, and of faction. It will be like the election of a Pope by a conclave of cardinals—real merit will rarely be the title to the appointment.—*Ibid.*, page 322.

If the executive [President] be chosen by the national legislature he will not be independent of it, and if not independent usurpation and tyranny on the part of the legislature will be the consequence. This was the case in England in the last century. It has been the case in Holland where their senates have engrossed all power. It has been the case everywhere. He was surprised that an election by the people at large should ever have been likened to the Polish election of the first magistrate. An election by the legislature [Congress] will bear a real likeness to the election by the Diet of Poland. The great must be the electors in both cases, and the corruption and cabal which are known to characterize the one would soon find their way into the other.—*Ibid.*, page 323.

Again, he urged:

One great object of the executive is to control the legislature. The legislature will continually seek to aggrandize and perpetuate themselves, and will seize those critical moments produced by war, invasion, or convulsion, for that purpose. It is necessary, then, that the executive magistrate [the President] should be the guardian of the people—even of the lower classes—against legislative tyranny, against the great and the wealthy, who in the course of things will necessarily compose the legislative body. Wealth tends to corrupt the mind, to nourish its love of power, and to stimulate it to oppression. History proves this to be the spirit of the opulent. * * * * The executive, [President,] therefore, ought to be so constituted as to be the great protector of the mass of the people.—*Ibid.*, page 334.

And again:

If the legislature [Congress] have the executive [President] dependent on them, they can perpetuate and support their usurpations by the influence of tax-gatherers and other officers, by fleets, armies, &c.—*Ibid.*, page 473.

James Madison, justly called one of "the fathers of the Constitution," also apprehended the most disastrous consequences from the exercise by Congress of any control or influence, primarily or eventually, over the appointment of President. "A powerful tendency of the legislature was to absorb all power." Mr. Madison declared—

Experience had proved a tendency in our Government to throw all power into the legislative vortex. The executives of the States are in general little more than ciphers—the legislatures omnipotent. If no effectual check be devised for restraining the instability and encroachments of the latter, a revolution of some kind or other would be inevitable. The preservation of republican government, therefore, requires some expedient for the purpose, &c.—*Ibid.*, page 327.

Hence, Mr. Madison agreed with Mr. Wilson and others that the absolute independence and "joint weight" of the other "two departments," the executive and judiciary, were "necessary to balance the single weight of the legislature." Besides, said Mr. Madison:

Besides the general influence of that mode on the independence of the executive in the first place, the election of the chief magistrate would agitate and divide the legislature so much that the public interest would materially suffer by it. Public bodies are always apt to be thrown into contentions, but into more violent ones by such occasions than by any others. In the second place, the candidate would intrigue with the legislature—would derive his appointment from the predominant faction, and be apt to render his administration subservient to its views, &c.—*Ibid.*, page 363.

This—

Urged Mr. Madison—

This was the real source of danger to the American Constitution.

And consequently he advocated the independence of the executive and judiciary, and the arming of them against the legislature with "every defensive authority" "consistent with republican principles."

Thus intrigue, cabal, and corruption, the degradation of the Executive into a "mere creature" of the legislature, the usurpation and absorption by Congress of all the powers of the Government, legislative despotism, legislative tyranny, the subversion and destruction of the fundamental principles and forms of the Constitution, and consequent revolution, were the disastrous consequences apprehended by the ruling minds of the convention—by Gerry, and Wilson, and Butler; by Morris, and Pinckney, and Madison; by George Washington, &c.—from a subordination of the Executive to the legislature through the appointment of the President by Congress, or by either House of Congress; from the exercise primarily of any influence over the appointment. These apprehensions and the reasonings by which they were so ably supported prevailed.

On July 19 Mr. Wilson said:

It seems to be the *unanimous* sense that the executive should not be appointed by the legislature, [Congress,] unless he be rendered ineligible a second time. He perceived with pleasure that the idea was gaining ground of an election, mediately or immediately, by the people.—*Ibid.*, page 337.

On July 25 Mr. Dickinson said:

As far as he could judge from the discussions which had taken place during his attendance, *insuperable objections* lay against an election of the executive by the national legislature, as also by the legislatures or executives of the States. He had long leaned toward an election by the people, which he regarded as the best and purest source. Objections, he was aware, lay against this mode, but not so great as against the other modes, &c.—*Ibid.*, page 367.

On September 4 the committee of eleven, and evidently as a compromise between the several plans for an election by the people and by the State legislatures, reported "amendment 4," which provided for the appointment of president by electors to be chosen under the direction of the State legislatures, and embraced the clause relating

to the reception of the electoral certificates by the President of the Senate and the counting of the electoral votes in the presence of the Senate and House of Representatives.

What, then, was the manifest purpose of the convention, in article 2 of the Constitution, relating to the Executive? What is the only rational or common-sense construction of that article, and particularly of that clause respecting the counting of the electoral votes? Is it not manifest and plain? Is it not really indisputable? The convention had provided by article 1, section 6, that—

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

And by article 2, section 1, provided that in the election of the Executive—

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Is it probable or possible, then, that having thus, in its great dread of legislative corruption, its anxiety to secure the absolute independence of the Executive as a check to legislative usurpation, invested the States with the appointment of the President, having thus inhibited all control or influence of Congress over his election, and excluded all interest of members of the legislature in executive patronage, the convention proposed by the clause (article 2, section 1) respecting the counting of the electoral votes to annul or abrogate, to overthrow and destroy, what it had effected only after so much difficulty and labor?

The clause as reported by the committee of eleven and amended by the convention, read:

The President of the Senate shall open all the certificates, and the votes shall then and there be counted in the presence of the Senate and House of Representatives.

The arrangement of its parts was subsequently altered by the committee on detail or style to the form in which they now stand in the Constitution—altered, in all probability, by Mr. Gouverneur Morris, who as a member of that committee was assigned by his colleagues the literary part of its preparation—by a man who, as I have shown, anticipated the most disastrous consequences to our institutions and liberties from a control by Congress over the appointment of President. Is it probable, then, or even possible, that the convention or Morris proposed by that clause to clothe Congress with the power now claimed for it to control or influence the election of President; to invest Congress with authority to enter the States and inquire into the manner in which they should execute a grave constitutional trust; to pass judicially upon the legality or illegality of the votes or qualifications of electors or the qualifications of candidates—in a word, to franchise or disfranchise States through the count or rejection of the votes of their electors, and thus endow it with the very powers, demoralizing and destructive, against which they had so earnestly fought; to introduce into Congress intrigue and cabal and corruption; to establish in the organic law the very agencies which they had denounced as pregnant with legislative despotism—legislative tyranny; to introduce into that instrument the very forces which they apprehended would inevitably subvert and destroy the institutions and liberties of the nation? Would not that have been the sheerest stultification?

And Kent and Story and the Federalist in reviewing the acts of the convention leading to the adoption of the Constitution, in analyzing the principles upon which they were founded, the motives which influenced their authors, and their utterances in the convention, also enlarge upon the dangers to be apprehended from the tendency of the legislature to usurp and absorb all "power within its impetuous vortex." They urge, in the language of the forty-seventh number of the Federalist:

The legislative department is everywhere extending the sphere of its activity, and drawing all power into its impetuous vortex. * * * It is against the enterprising ambition of this department that the people ought to indulge all their jealousy and exhaust all their precautions.

And what was the interpretation placed upon this clause by the men chosen by the people to put the new government into operation?

One of the resolutions adopted by the constitutional convention provided that as soon as nine States should ratify the constitution "the United States in Congress assembled" should fix a day for the appointment of electors to choose a President and a Vice-President of the United States; that Senators and Members should be elected and assemble, and that Senators should appoint a "President of the Senate for the sole purpose of receiving, opening, and counting the votes for President," &c. Accordingly, on April 6, 1789, a quorum of members-elect of the two Houses assembled. John Langdon, of Connecticut, was chosen President of the Senate. The Senate then—

Ordered, That Mr. Ellsworth inform the House of Representatives that a quorum of the Senate is formed; that a President is elected for the sole purpose of opening the certificates and counting the votes of the electors of the several States in the choice of a President and a Vice-President of the United States, and that the Senate is now ready, in the Senate Chamber, to proceed in the presence of the House to discharge that duty, &c.

To discharge what duty? To count the votes of the electors in the presence of the House? Is that a function or duty of the Senate alone under any construction of the Constitution? If not, what was the duty it was ready to discharge? What did the House understand as that duty? In response to the notification of the Senate, the House, through Mr. Boudinot, one of its members, informed that body that it was "ready forthwith"—to do what? To attend or assist the Senate in counting the votes? No; but "to meet the Senate to attend the opening and counting of the votes of the electors"—that is, to unite or "attend" with the Senate the opening and counting of the votes by the President of the Senate, appointed for that sole purpose.

And Mr. Langdon, who had been a member of the convention which framed the Constitution, in his certificate notifying Washington of his election as President of the United States—a certificate drafted by a committee of four Senators, three of whom had also been members of the constitutional convention, and adopted by a Senate in whom were, besides those I have named, Strong of Massachusetts, Robert Morris of Pennsylvania, Few of Georgia, Bassett of Delaware, &c., also members of the constitutional convention, framers of the Constitution—in that certificate Mr. Langdon declares, not that he had, in the presence of the Senate and House of Representatives, opened all the certificates, and the vote was then counted but that he—

The underwritten appointed President of the Senate for the sole purpose of receiving, opening, and counting the votes of the electors, *did*, in the presence of the said Senate and House of Representatives, *open* all the certificates and *count* all the votes of the electors for a President and a Vice-President, &c.

Again, at the second count, a joint committee of the two Houses, appointed "to ascertain and report a mode of examining the votes for President and Vice-President, and of notifying the persons who shall be elected of their election," &c., made a report on February 11, 1793, fixing the time and place for the assemblage of the Senate and House, and providing for the appointment of tellers in the manual part of the count, which report was adopted by the two Houses. And that in the performance of a constitutional duty. What duty? To organize Congress into a grand canvassing board, with high judicial functions to revise the acts of the States in the appointment of electors, to inquire into the legality or illegality of votes, or the qualifications of electors or of candidates? What said the two Houses? The Senate, on February 13, in its proceedings, adopted the language of the House at the first count. It—

Ordered, That the Secretary notify the House of Representatives that the Senate are ready to meet them in the Senate Chamber to attend the opening and counting the votes for President and Vice-President of the United States, as the Constitution provides.

Not to count the votes—certainly not to transform the Congress into an arbitrary inquisitorial board to sit in judgment upon the act of the States, but simply in the performance of a purely ministerial duty "to attend," with the House, the opening and counting of the votes as the Constitution provides, by the Vice-President, or President of the Senate.

Again, at the third count, after similar proceedings and similar language in the resolutions and orders of the two Houses, John Adams, as Vice-President and President of the Senate, in notifying Thomas Jefferson of his election, declared not that he had in the presence of the Senate and House opened all the certificates and the votes were then counted, but that he—

The underwritten, Vice-President of the United States and President of the Senate, *did*, in the presence of the said Senate and House of Representatives, *open* all the certificates and *count* all the votes of the electors for a President and for a Vice-President, &c.

But at the fourth count of the electoral votes, or rather at the first session of the Sixth Congress, in anticipation of the count, in the extremities of a party, the ruling or dominant federalist faction in Congress, which, by its want of sympathy with the masses, by its distrust of the fitness of the people for self-government—its extraordinary and despotic attempts, through unconstitutional laws and methods, to dragoon the people and press into an approval and support of its tyrannical rule—had outraged and alienated a majority of the nation, had excited riot and bloodshed, and threatened to subvert the institutions and liberties of the Republic—in the extremities of that party a characteristic attempt was made by the federalist leaders in Congress to usurp the power of deciding the presidential election through a bill to "decide disputed elections of President and Vice-President." It was notoriously the last desperate intrigue of an expiring faction—a violent measure cooked up in their despair in a party caucus as a means of perpetuating their rule in the Government. I will as briefly as possible sketch its history, its text and purpose, and the crushing and lasting judgment upon it and its advocates by the people.

On January 23, 1800, Mr. Ross, of Pennsylvania, a leading federalist, moved:

Resolved, That a committee be appointed to consider whether any, and what, provisions ought to be made by law for deciding disputed elections of President and Vice-President of the United States, and for determining the legality or illegality of the votes given for those officers in the different States.—*Annals of Congress*, Sixth Congress, first session, column 29.

A motion was made to amend by adding, "and that the committee be authorized to report by bill or otherwise."

This motion was instantly antagonized by Mr. Brown, of Kentucky, a republican of the Jeffersonian school. In his opinion, it was "a subject on which Congress had no right to legislate." If the Constitution was "incomplete or defective" in the matter, it could only be

remedied by an amendment to that instrument, not by a law of Congress.

Mr. Ross, the mover of the resolution, admitted that "the Constitution had certainly made no provision on the subject." But "suppose," he urged, "that persons should claim to be electors who had never been *properly* appointed;" "suppose they should vote for a person to be President who had not the age required by the Constitution, or who had not been long enough a citizen of the United States, or for two persons who were both citizens of the same State," "is there no remedy?" He thought a law of Congress was sufficient, and that it was their duty to pass it.

Mr. Charles Pinckney, of South Carolina, a Jeffersonian republican, and a distinguished member of the convention which framed the Constitution, opposed the resolution. In his judgment, the proposed law was unconstitutional. He said:

It was a very dangerous practice to endeavor to amend the Constitution by making laws for the purpose. The Constitution was a sacred deposit put into their hands; they ought to take great care not to violate or destroy the essential provisions made by that instrument. He remembered very well that in the federal convention great care was used to provide for the election of the President of the United States independently of Congress—to take the business as far as possible out of their hands.

He urged that the President was to be chosen by electors, not by Congress; by electors appointed by the people or States, and that "the whole direction as to the manner of their appointment is given to the State legislatures."

Nothing—

He declared—

Nothing was more clear to him than that Congress had no right to meddle with it at all; as the whole [matter] was intrusted to the State legislatures, they must make provisions for all questions arising on the occasion.

But Mr. Samuel Dexter, of Massachusetts, the ablest of the federalist leaders in the Senate, had no doubt as to the right of Congress to make all necessary provisions on this subject. He urged that the proceedings in the election of a President may be defective in the particulars stated by Mr. Ross. Was there "no way to correct them?" The Constitution was "not silent" on the subject. Among the powers given to Congress is that of "passing all laws necessary and proper to carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States," &c. The proposed law was "necessary to carry into effect the power of appointing a President," and was therefore "clearly constitutional."

Mr. Baldwin, of Georgia, a republican of the Jeffersonian school, and one of the framers and signers of the Constitution, rejoined at considerable length. The Constitution provided that the President should be chosen, not by Congress, but by the States through electors appointed under the direction of the State Legislatures—a body "as respectable as Congress, and in whom the Constitution had more confidence than in Congress." All that related to "the elections, returns, and qualifications" were by the Constitution vested in the electoral colleges. "Shall these be taken away from that body and submitted to the superior decision of Congress without a particle of authority for it from the Constitution?" As to "the legality or constitutionality" of the proceedings of the electoral colleges—that is, "whether they vote for two persons both of their own State," whether "for a a person under thirty-five years of age or one who has not been fourteen years a citizen of the United States," and "the authentication of their own acts"—were matters under the Constitution wholly under the control of the colleges and the States. If the colleges performed or were guilty of any "unconstitutional or corrupt steps," it was at their peril, and was punishable by the States, to which only they were amenable. Congress had no control over them or their acts. The clause of the Constitution respecting "the power of Congress to pass all laws necessary and proper for carrying into execution" the powers vested by that instrument in the Government of the United States, &c., had no application here. The appointment of a President, or the appointment or control of the electors in the choice of a President, was not a power vested by the Constitution in Congress, but in the States; nor could Congress acquire that power except through an amendment of the Constitution. All the power the Senate and House had in the matter, "when met together in one room," was to "receive the act of the electors as they would the act of any other constitutional branch of the Government, to judge only of its authentication," and to see that the votes were properly counted and declared.

The Ross resolution nevertheless passed. On January 28 a committee was appointed, and on February 14 it reported a bill "prescribing the mode of deciding disputed elections for President and Vice-President." The principal provisions of this bill were—

Section 1: That on the day before the second Wednesday of any year when a President and Vice-President of the United States shall have been voted for by electors in the preceding December, the Senate and House of Representatives should each choose six members by ballot, and the twelve persons thus chosen, with the Chief-Justice or senior judge of the Supreme Court of the United States, should form "a grand committee," with power to examine and finally to decide all disputes relating to the election of President and Vice-President of the United States.

Section 4: That the President of the Senate shall deliver to the chairman of the "grand committee" "all the certificates of electors," "all certificates or other documents transmitted by them or by the executive authority of any State, and all the petitions, exceptions, and memorials against the votes of electors," or "of the persons for whom they have voted, together with the testimony accompanying the same."

Section 5: That this grand committee shall meet, be sworn, and sit with closed doors.

Section 6: That the "grand committee" "shall have power to send for persons, papers, and records," "to compel the attendance of witnesses," "to administer oaths," "as fully and absolutely" as the Supreme Court of the United States, under "all the pains, penalties, and disabilities" of "willful and corrupt perjury."

Section 8: That the "grand committee shall have power to inquire, examine, decide, and report upon the constitutional qualifications of the persons voted for as President and Vice-President of the United States," "of electors appointed by the different States, and whether their appointment was authorized by the State Legislatures or not, [or made according to the mode prescribed by the Legislature;] upon all petitions and exceptions against corrupt, illegal conduct of the electors, or force, menaces, or improper means used to influence their votes, or against the truth of their returns, or the time, place, or manner of giving their votes."

Section 10: That the "grand committee" should report on the 1st day of March next after their appointment; that the report of a majority of the committee should be a final and conclusive determination of the admissibility or inadmissibility of the votes given by the electors, and that on the following day the Senate and House of Representatives should meet, ratify, and record the decree of the committee in its choice of a President, &c.

Very naturally the usurpations and principles of such a bill shocked the republican sentiment of the country—even excited the "abhorrence" of the republican leaders and press. In the Senate all efforts by amendments to destroy it failed. Mr. Pinckney, of South Carolina, "in defense of the just rights of the States," opposed it at great length and with much earnestness. He urged, the bill "is a serious invasion of some of the most important rights solemnly and explicity reserved by the Constitution to the State legislatures"—a bill "more alarming in its consequences than the alien and sedition laws." The fundamental principle of the Constitution, so zealously insisted on by the States, and incorporated in the amendments to the Constitution, was, that "all powers not specifically granted to Congress by the Constitution are reserved to the States or the people respectively." No power, specific or other, was given to Congress to control or influence, directly or indirectly, the appointment of the President. On the contrary, the power to choose that officer was specifically invested in electors under the direction of the States. Nor "is there a single word in the Constitution which can by the most tortured construction be extended to give Congress, or any branch or part of our Federal Government, a right to make [laws] or alter the State Legislatures' directions on this subject." The right in the States "is complete and conclusive," "subject to no control or revision," and designedly so "for the most unanswerable reasons." The grand object of the Constitution in the article respecting the Executive, was to make the President absolutely independent of the Legislature, and to make him through his appointment dependent upon the people. In framing the Constitution the convention proposed to invest the President with "the most important powers," with "the command of the Army and Navy," with "the disposal of all honors or offices of the Government," with the management of foreign affairs and the revision of the laws through his veto, as well as their administration. Was it to be supposed that they intended to make such an officer, clothed with such high and far-reaching powers, such vast patronage, dependent upon the Legislature by vesting in that body either his appointment or any control over his appointment, making him liable at the same time to its impeachment.

Speaking as a member of the constitutional convention of 1787, Mr. Pinckney declared:

Knowing that it was the intention of the Constitution to make the President completely independent of the Federal Legislature, I well remember it was the object, as it is at present not only the spirit but the letter of that instrument, to give to Congress no interference in or control over the election of a President * * * It never was intended nor could it have been safe, in the Constitution, to have given to Congress, thus assembled in convention, the right to object to any vote, or even to question whether they were constitutionally or properly given. This right of determining on the manner in which the electors shall vote; the inquiry into the qualifications, and the guards necessary to prevent disqualified or improper men voting, and to insure the votes being legally given, rests and is exclusively vested in the State Legislatures. If it is necessary to have guards against improper elections of electors, and to institute tribunals to inquire into their qualifications, with the State Legislatures, and with them alone, rests the power to institute them, and they must exercise it. To give to Congress, even when assembled in convention, a right to reject or admit the votes of States, would have been so gross and dangerous an absurdity as the framers of the Constitution never could have been guilty of.—*Annals of Congress*, Sixth Congress, first session, page 130.

They knew that "unprincipled and designing men had existed" in all governments; that cabal and faction and corruption through foreign influence, "foreign gold," had tainted all publ'c bodies; "that around the seat of Congress would be placed all the open and accredited ministers as well as the secret emissaries of foreign powers;" that around it will assemble "the concealed leaders of domestic faction," and that "all the arts and intrigues that have been used in elective governments in the Old World would soon find their way among us."

All that was elaborately discussed in this convention, was a principal source of its most serious alarm, and gave rise to the question, "How was this election [of President] to be guarded to prevent, as far as human prudence could, improper domestic combinations, or, what is infinitely worse, foreign interference?"

It was a difficult problem. And the convention solved it in the Constitution by excluding Congress from all control, directly or indirectly, over the election of President by vesting his appointment in electors under the direction of State Legislatures, and inhibiting all members of Congress from being chosen as electors—in electors widely separated from and unknown to each other, and presumably from that fact incapable of collusion or intrigue, who were to assemble on the same day and vote by ballot for two persons, one of whom should not be an inhabitant of the same State with themselves, and then to seal up and transmit their votes to the President of the Senate. Their vote was to remain unknown until opened in the presence of the Senate and House; and when opened and counted, if no one had a majority, then the House was to "immediately"—"instantly"—elect a President from the five highest candidates voted for.

Mr. Pinckney declared:

It is expected and required by the Constitution that the votes shall be secret and unknown until opened in the presence of both Houses. To suffer them to be known, as heretofore has been the practice, is unconstitutional and dangerous, and goes to defeat in some measure the wise provisions of that instrument in declaring that, when the House of Representatives are to elect, it shall be done immediately. The electors therefore ought never to divulge their votes. The votes being thus unknown, it would be impossible in most instances to say who were elected, or who had the five highest numbers on the list. The leaders of domestic intrigue and foreign emissaries would be at a loss how to direct their influence, and the election by the House of Representatives taking place immediately after the votes have been opened and counted, that body would go to the election free and uninfluenced, as they ought.

* * * * * * * *

If the election by the electors can be destroyed by any means, the Constitution gives to that House the election of the President; if, therefore, their favorite candidate has not the majority of votes, but comes so near that the rejecting a few of the rival's votes will prevent an election and bring it to their house, how easy is it for them to elect six members whose opinions they have previously known, and that Senator out of the three nominated by the Senate whom they can most depend upon, as fitted for their purpose, and with these to destroy the election, and assume to themselves the power of deciding who is to be your supreme executive.

* * * * * * *

Wisely foreseeing this, the Constitution expressly orders that the electors shall vote by ballot, and we all know that to vote by ballot is to vote secretly; that the votes shall be sealed up, and not opened until the day appointed by law, and that if no election has been made by the electors, an immediate one shall take place by the House of Representatives; that so far from appointing committees to receive memorials or petitions respecting the election, or decide upon it, or so far from having any right to delegate an authority on this subject, that Congress shall not themselves, even when in convention, have the smallest power to decide on a single vote—that they shall not have authority to adjourn for one moment, but that the House shall instantly and on the spot, in case of no election by the electors, proceed to the choice of a President, and not separate until it is determined.

But, said Mr. Pinckney, it is urged:

Are Congress bound to receive every vote of an elector whether it is constitutionally given or not? Suppose votes are sent for a person not a citizen or fourteen years a resident of the United States, or under thirty-five years of age, or that the Legislature of a State has not authorized by their act the votes of the electors, or that double returns are made, who are then to decide? Or has not Congress, under these circumstances, a power to determine which of the votes shall be received or rejected?

To these inquiries Mr. Pinckney replied, "that the Constitution supposes a mutual confidence between the Federal and State Governments." As the Constitution vests the appointment of electors in the States, and imposes upon the State Legislatures the responsibility of providing for the proper execution of this constitutional trust, it was to be presumed that they would honorably and efficiently perform that duty. That was the theory of the Constitution—the principle upon which article 2 was constructed. Hitherto the States had performed all the duties imposed on them by the Constitution, and, as Mr. Pinckney believed, would continue faithfully, and even jealously, to execute every constitutional trust. But if duplicate returns of electors were received, that return authenticated by the executive authority of the State was the act under the constitution of the State, and must be counted. Congress had no legal option in the matter. Or if any State, in any particular, should fail to efficiently guard against the possibilities urged, the neglect or error was in the State, and must be referred to and remedied by the State. The acts and votes of the electors of a State, authenticated by the executive authority of the State, were the acts and votes of the State. From them there was no appeal but to the State. Certainly none to Congress. The letter and spirit, the express provisions of the Constitution, inhibited Congress from all meddling in the matter. The Constitution, as its framers intended, makes the President wholly independent of Congress in his appointment, makes him "the man of the people," one "on whom they can depend," the champion of the people against legislative despotism; "not a fettered, dependent creature of the Legislature"—not a "production of little packed committees—a thing with a chain on his pen and a curb in his mouth," incapable of "writing or speaking, or even signing his name, but at the will of his creator." Hence the proposed bill, or any bill which clothed the two Houses with power to revise the acts of electors, to inquire into their qualifications, or to admit or reject their votes, was a violent invasion of the reserved rights of the States, an infraction of the Constitution, and its passage would be fraught with disaster to our institutions and liberties.

But little recked the federalist leaders. The fiat of their caucus had more obligatory force upon their consciences than had the provisions of the Constitution or the designs of its framers. Power, authority, domination in the Government, was their great ambition, and all agencies to that end, whether constitutional or not, were proper and just. The bill accordingly passed the Senate by a party vote, 16 federalists to 12 republicans.

In the House, as in the Senate, the whole weight of the republicans was opposed to the bill. They denounced it as unconstitutional, as an invasion of the rights of the States, and "expressed their abhorrence of its principles." With the aid of what the federalist organs denounced as "half federalists, half conciliation men," the republicans in the House succeeded in expunging from the bill some of its most odious features, modifying some of its sweeping usurpations, and returned the bill to the Senate. In that body the federalists were supreme. The amendments of the House were so amended as to destroy their effect and to practically restore to Congress the unconstitutional powers assumed in the original bill, and, both Houses refusing to recede, the bill was lost.

In this rapid review of the proceedings of the constitutional convention of 1787, relating to article 2 of the Constitution, and of the proceedings and construction of Congress respecting that article up to the fourth count of the electoral votes for President and Vice-President, I have labored to give a faithful exposition of its history and the purposes of its framers in adopting it, as well as of the constitutional doctrines and rules of construction which at that early period of our political history distinguished Jefferson and his disciples, of the men, the fathers and founders of the later democracy, like Jefferson, Madison, and Monroe, Gouverneur Morris, John Langdon, and Charles Pinckney, Pierce Butler, Hugh Williamson, and Baldwin, Dickinson, Benjamin Franklin, and Elbridge Gerry, William Cary Nicholas, Peter Muhlenberg, Albert Gallatin, Nathaniel Macon, John Randolph, &c., able and brilliant men, framers and signers of the Constitution, or leaders of the republicans of the day, disciples of Jefferson, preaching the doctrine of "a Government of the people, by the people, and for the people." I have labored to clearly describe the doctrines and rules of construction of the republicans of a period within the first decade of the new Government, only twelve years subsequent to the adoption of the Constitution by the people of the States, and when its principles and the purposes of its framers—the character of the Government which they had created—had been widely discussed by our ablest writers and jurists in the press as in the constitutional convention.

In these doctrines and principles and rules of construction the republicans were antagonized in Congress and the country by the federalists. In the constitutional convention of 1787 the men who, under the government of the Constitution, became the federalist leaders, doubting the fitness of the people for self-government, and dreading all popular forms as leading to anarchy, had sternly resisted their adoption in the Constitution—men like Alexander Hamilton, who labored for the establishment of an elective monarchy, the election of a president during good behavior—for life—a Polish monarchy, and who, according to Jefferson in his *Anas*, not merely favored a monarchy, but a monarchy based, like the English, on corruption, the very form of government so much dreaded by the republican leaders of the convention, and the form which would inevitably result from the control in any sense of Congress over the appointment of the Chief Magistrate of the nation—these men carried their doctrines and fears and distrust of the people into Congress, and attempted, by construction, by usurpation through a loose construction of the provisions and powers of the organic act, to fasten upon the people their favorite form of government.

Fortunately for the nation they failed. The bill of 1800 prescribing the mode of deciding disputed presidential elections was among their latest attempts in that direction. Fortunately for the nation and people, fortunately for mankind, it proved their latest opportunity in which to attempt the subversion of the republican principles which lie at the foundation of our Government and support its noble superstructure. Already their power was waning; already the fabric of their despotic rule was tottering to its fall. Nor were they blind to the signs of the times. Extraordinary measures like the *alien and sedition laws*, unconstitutional and despotic, if not tyrannical expedients adopted as a means of arresting and crushing out all republican sentiments or principles in the country, all had failed them, and thoroughly alarmed at the rapid growth of their republican opponents in popular strength and apprehending defeat in the impending presidential election, these federalist leaders, with characteristic audacity, resorted to this bill to decide disputed presidential elections, supported by the sedition law, as a means of wresting from the people their constitutional right of choosing a President, and of usurping that right through Congress.

It was so understood and denounced in the country. It was so arraigned and denounced by the republican leaders in Congress and before the people, by the "powerful triumvirate, Jefferson, McKean, and Monroe," and by the republican press, among others by an able and a leading republican organ of Philadelphia, the General Advertiser or Aurora. Side by side in the columns of the Annals of Congress with the Federalist resistance to the attempted repeal of the unconstitutional and infamous sedition law upon the motion of Mr. Nathaniel Macon, of North Carolina; side by side with the debate on the bill

"prescribing the mode of deciding disputed elections of President and Vice-President," are the proceedings of the Federalist in the Senate in prosecution of William Duane, the editor of the Aurora, for his strictures in that paper upon the disputed presidential election bill.

Thus the infamous alien and sedition laws and the bill "to decide disputed elections of President and Vice-President" sprang from the same parentage, had their origin in federalist intrigue, in the pursuit of power by the federalist leaders through unconstitutional agencies.

At the presidential election in the November following, the people, "the fountain of all power" and the arbiter of all political issues under our republican system, placed their seal of condemnation upon both these measures. The federalists were beaten. Jefferson and Burr, the republican candidates, had both majorities of the electoral colleges, but the same number of votes. Consequently, under the Constitution as it then read the election fell upon the House of Representatives. After a prolonged and doubtful struggle through seventeen days and thirty-six ballots, after a struggle which, extending to the country excited and exasperated the people and shocked the very foundations of the Republic, Jefferson was chosen "President." The federalists, as a party, were destroyed. Only fourteen electoral votes opposed Jefferson's re-election in 1808. Madison followed Jefferson in the presidential chair—was re-elected in spite of the burdens and losses and sufferings of a war with England, and against the strongest of the federalist leaders. Monroe succeeded Madison, and at his second election the federalists, as a party, disappeared forever from the theater of our national politics. The despotism and usurpations of their brief rule literally filled the people with abhorrence of their doctrines and measures, with their alien and sedition laws, their bills to decide disputed elections of President, and their Hartford conventions; and the title of federalist became a reproach and a stigma.

Jefferson, in his certificate declaring the election of Burr as Vice-President, declared that he—

> The underwritten Vice-President of the United States and President of the Senate, *did*, in the presence of the Senate and House of Representatives, open all the certificates and *count* all the votes, &c.

And from the first count of the electoral votes, in 1787, to the tenth count, in 1825, all the different Vice-Presidents and Presidents of the Senate—John Langdon, John Adams, Thomas Jefferson, Aaron Burr, John Milledge, William H. Crawford, and John Gaillard—all jurists and statesmen distinguished for ability and learning, each in his respective certificate announcing the result of the count, successively declared that he, as Vice-President or President of the Senate, "*did*, in the presence of the Senate and House, open all the certificates and *count* all the votes." Did these declarations mean nothing? Is their truth questioned? Did these Presidents of the Senate, for thirty-six years, count the votes of electors? If they did so count the votes, is not the fact conclusive, as far as anything can be established by precedent, as to where resides the right and duty to count that vote, and as to the powers or duties of Congress in the matter?

In the campaign of 1824 all the presidential candidates were republicans—Jackson and Adams and Crawford and Clay. Again the electoral colleges failed to choose, and the election of President for the second time fell to the House of Representatives. Both Houses of Congress were largely republican. In both were active and devoted adherents of all the different candidates. Before the opening of the certificates in joint session the result of the election was known. Jackson had received 99 votes, Adams 84, Crawford 41, and Clay 37—making 131 necessary to a choice; and active and earnest were the friends of the several candidates to insure a majority of the States, each for his favorite.

The excitement ran high—intrigue was notorious. But did the violent federalist expedient of 1800 occur to any one in either House? Did any of those old republicans, those old champions of the rights of the people and States under the Constitution, propose to organize Congress into a quasi-inquisition with arbitrary powers to invade the States, and inquire into the manner in which they had executed a responsible constitutional trust? Did any dare propose a measure so unconstitutional and odious? Apparently the fate of the experiment of 1800 and the crushing judgment of the people upon it and its authors warned them to avoid all measures of that character. And manifestly regarding the issues respecting them settled by the uniform practices of the two Houses since the beginning of the Government, the vote was counted after the forms thus established, the result announced, and the House proceeded to ballot for a President. John Q. Adams was elected.

Instantly the adherents of Andrew Jackson were in arms. Jackson had received 99 votes, 15 more than Adams. They maintained that he was the choice of the people, and denounced his defeat and the election of Adams as the result of "barter and sale," of "bargain, corruption, and intrigue!" Here the present democracy organized under Jackson, and adopted as its cardinal principle undying hostility to elections of President by the House of Representatives—to all control or influence over his election by Congress. Thomas Hart Benton in the Senate, and Governor McDuffie, of South Carolina, in the House, moved for an amendment to the Constitution which would divest the latter body in every event of the power or duty to elect the Chief Magistrate. In the debate which followed in both Houses these motions were supported by the ablest and most distinguished of the democratic leaders—by Benton, Hayne of South Carolina, Richard M. Johnson of Kentucky, Martin Van Buren, James Buchanan, C. C. Cambreling, James K. Polk, J. S. Barbour, and others, and passed the House by a vote of yeas 138 to nays 52.

These gentlemen adopted the principles and language of the republicans of the constitutional convention of 1787 and of the early Congresses under the Constitution. With them they maintained that all experience demonstrates that the power lodged in the House to elect in a certain contingency is corrupt and corrupting; that it threatens the sovereignty of the nation in a probable defeat of the will of the people; that it frustrates the manifest design of the Constitution, which contemplates that in all cases a majority shall rule—the will of a majority legally expressed, without intrigue or force or fraud—in the choice of a President. They maintained that the President of the Constitution is a President of the people; that a "Congress President," a President elected by the House, was a political monster execrated by the people. Such a President was a menace to the liberties of the nation, and his "creation" a usurpation in Congress of the sovereignty of the people. Besides, the existence of such a power in the House destroys all the salutary provisions of the Constitution to insure the purity of the Government.

"Responsibility" is the very essence, the "vital principle" of our constitutional system. Upon it depends our "safety from anarchy and despotism." Hence, the danger of a participation of the House in the election of President. It destroys "that separation of the legislative from the executive indispensable to the effective responsibility of the latter." "What!" exclaims Governor McDuffie—

> What! a Congress President! Who makes him—"we, the people of the United States?" No, sir; we the servants of the people. A grade of workmen below the journeyman fixes him up; the master-hand is not in the work.

"Who is he responsible to"—to the people or Congress? Who but to those who made him? And what the inevitable result? Intrigue and faction, the opening wide of the flood-gates of corruption through the "barter and sale" of patronage. Congress, "instead of enforcing a very vigorous accountability against the President of its own creation," "instead of standing to the Executive in the relation of an independent and co-ordinate department, becomes the partisan of his power and the apologist of his transgressions."

These enlightened leaders and founders of the democracy urged that "the tide of corruption never flows backward." "Corrupt Congress and you assail liberty in the very seat of its vitality;" for corruption, not force, was the destroyer of all free governments. The participation of the House in the election of President necessarily degrades alike the Legislature and the Executive. In the language of Governor McDuffie—

> Instead of statesmen profoundly versed in the sublime art of rendering the Republic flourishing and happy, the members of this House will degenerate into mere managing politicians, trained in the little arts of intrigue, * * * engrossed exclusively in making Presidents.

Hence, Governor McDuffie looked upon the interference by the House in the election of President in any event with "perfect abhorrence." The abhorrence of James K. Polk was equally pronounced; and James Buchanan had even an amendment of his own for emancipating the Constitution and country of an abomination so monstrous; he would not tolerate it, nor would the people. He and they demanded that the constitutional clause conveying the power to the House be expunged. So, too, Van Buren declared "upon no point were the people so united;" and Richard M. Johnson "in vain expected to see a President elected by Congress hailed as the President of the nation." "In no event" would he vote to continue in the House a power so anti-democratic and vicious; and Mr. Benton "pledged himself to the Senate and the American people" to persevere in the movement "with all the energy he was master of."

Jackson, in 1828, was chosen President by the people. In the campaign which preceded his election the philippics of the democratic leaders against an election by the House, in Congress, in State Legislatures, in the press, upon the stump, and even in the pulpit, abounded with eloquence and fire. Jackson heartily indorsed their utterances. Hence, in every one of his eight annual messages to Congress he earnestly recommends the adoption of such an amendment to the Constitution as will sever forever the corrupt, corrupting, and dangerous connection of the House with the election of a President in every contingency. Thus hostility to an election of President by the House of Representatives, hostility to all control or influence over his election by Congress, was one of the earliest measures of the democracy. It lay at the foundation of the party, gave it life and its first victory in the election of Jackson. Nor did any party, prior to the adoption of the twenty-second joint rule, except the federalists in 1800, ever claim the power or attempt to exercise the power of revising the acts of the States in the appointment of electors, of inquiring into the qualifications or acts of the electors, of admitting or rejecting votes of the States, and thus of directly controlling the election of the Chief Magistrate.

As a matter of fact, the only objections to the count of a vote prior to the adoption of that rule (except that to the vote of Wisconsin in 1857, by which it was proposed to disfranchise a sovereign State through a technical legal fault involving neither fraud nor malpractice) were those by members of the House to Indiana in 1817, to Missouri in 1821, and to Michigan in 1837, on the ground in each case that the State at the date of the appointment of her electors was

"not a State in the Union." It was an objection outside and independent of the matter of counting the votes. It did not assert any right in Congress to canvass or reject the votes of a *bona fide* State, but was a question under the Constitution properly subject to the decision of the two Houses in their legislative capacity. Hence, under the objection the question was, not whether if States their votes should be counted, but whether in the sense of the Constitution they were States. Only States can vote in the electoral colleges. If Indiana, Missouri, and Michigan were States their votes must be counted; if not States of course they had no right to vote. But whether they were States or not was a question distinct from and independent of that of counting the votes, and when raised could only be determined by the two Houses in their legislative capacity.

In the case of Missouri in 1821 the facts were: a heated and dangerous political struggle between the sections growing out of the slavery question had attended every step in her admission—even threatening the dissolution of the Union. Consequently the whole country was in a state of the greatest excitement—all parties sensitive upon every question touching the State. Under the circumstances, and as a means of avoiding all controversy at the counting of the votes, as the vote of the State would make no difference in the result of the count, Henry Clay, in the spirit of the compromise which he had effected in the settlement of the Missouri question, caused the adoption of a joint resolution which provided that while counting the votes of Missouri the announcement of the vote should be in a hypothetical form. But even that was assailed by the sagacious and brilliant John Randolph of Roanoke, one of the leaders and founders of the democracy, in a philippic as severe as just. He arraigned the House for a violation of the Constitution. He declared:

He could not consent to this special verdict. He could not recognize in that House or the other House, singly or conjointly, the power to decide on the votes of any State. Suppose you strike out Missouri and insert South Carolina, which also has a provision in its constitution repugnant to the Constitution of the United States, or Virginia, or Massachusetts, which had a test, he believed, in its constitution, was there any less power to decide on their votes than on those of Missouri? He maintained that the electoral college was as independent of Congress as Congress of them; and we have no right to judge of their proceedings. * * * Suppose a case in which some gentleman of one House or the other should choose to turn up his nose at the vote of some State and say that if it be so and so such a person is elected, and if it be so and so What-you-call-'em is elected, did not everybody see the absurdity of such a proposition? * * * He went back to first principles. * * * Your office in regard to the electoral vote is merely ministerial; it is to count the votes, and you undertake to reject votes. To what will this lead? * * * What was the theory of this Constitution? It is that this House, except upon a certain contingency, has nothing at all to do with the appointment of President and Vice-President of the United States, and when it does act, must act by States, and by States only can it act on this subject, unless it transcends the Constitution. * * * If you for the first time now receive the votes of a State, it will be created into a precedent, and that in the life-time of some of those who now hear me, for the manufacture of Presidents by this House.

Even after the votes had been counted and the result declared, hypothetically, as agreed upon, Mr. Randolph arraigned the announcement as a fraud upon the Constitution and an outrage upon the rights of the States. He introduced a resolution reciting the facts, and declaring the proceedings "irregular and illegal."

Do the democracy of this House now propose to reverse all this, to reverse the uniform practice of Congress up to the adoption of the twenty-second joint rule—to deliberately stultify its own record as a party? It claims Jefferson and the republicans of 1787 as the progenitors of its organization—as the founders of its party creed. For half a century prior to 1861 it denounced the federalists as "monarchists"—as guilty, in their measures and administration of the Government, of usurpation, of systematic violation of the Constitution through a loose or latitudinarian construction of its provisions, and of a systematic infraction of the constitutional liberties and rights of the people and States. They also arraigned the whig party as the natural successors of the federalists, denounced them as adopting the methods of construction and the measures of the federalists, and as being like them governed by the maxim that "the people were unfit for self-government, and consequently unsafe depositaries of political power." They also claimed to be the party of the people, the party of strict construction and States rights, as opposed to the theories of a strong consolidated Government maintained by their ancient enemies, the federalists, and their modern foes, the whigs.

Does the democratic majority of this House, by the passage of the joint resolutions now before it, propose to reverse all this, to abandon their ancient faith, the life-long theories of the democracy, the doctrines of the republican fathers of the Constitution and the republican founders of their party creed, the doctrines and principles of the celebrated Virginia and Kentucky resolution of 1799–1800, the doctrines and principles of Jefferson, Madison, and Monroe, of John Taylor of Caroline and Randolph of Roanoke, of Jackson, Van Buren, and Benton, of all the representative men of their party and faith since its origin? Do they thus propose to abandon the doctrine of strict construction, the championship of the States, to stigmatize the dogmas and principles for the maintenance of which they engaged in a terrible rebellion against the Government, destroying half a million of valuable lives and five thousand millions of treasure, and to take their stand upon ancient federal grounds?

The republicans of 1789, as the democracy subsequently up to 1861, all of their ablest jurists and distinguished men, denounced all interference by Congress with the rights of the people or States to appoint the President as unconstitutional, as an infraction of the rights of the people, a violent invasion of the rights of the States. They maintained that all control or influence of the Legislature over the appointment of President was corrupt and corrupting; that it would inevitably result in legislative despotism, and finally in the subversion of our institutions. They maintained that the framers of the Constitution never intended to invest Congress with any such control; that it invested that power in the State Legislatures, and inhibited and carefully guarded against its exercise by Congress; that Congress, consequently, under the Constitution, has no authority to inquire into the qualifications of electors or of candidates for President and Vice-President, or to canvass the votes of electors; that all regulations involving that power must be adopted by the States and exercised through or under them, and that all votes of electors, authenticated by the executive authority of the States, must be received and counted; that there was no authority in Congress to reject them or to entertain a contest respecting them.

Do the democratic majority of this House, notwithstanding, now propose, by the passage of these joint resolutions, to reverse these judgments, sustained as they were, again and again, by the people? I warn them that these positions challenge their gravest consideration.

Department of Agriculture.

SPEECH OF HON. H. L. MULDROW,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 7, 1881,

On the bill (H. R. No. 4909) for the creation of a Department of Agriculture.

Mr. MULDROW said:

Mr. SPEAKER: I regret that a temporary absence from the Hall while attending to business of importance to some of my constituents prevented me from speaking on the bill reported from the Committee on Agriculture to create a Secretary of Agriculture and to make him a Cabinet officer.

While my presence would not have changed the practical result so far as the vote and passage of the bill is concerned, yet it is my desire at all times to record myself as a friend of this measure, and I have greatly desired the enactment of this legislation.

It was my privilege to introduce the first bill in Congress for this purpose. I have never regretted it; but, on the contrary, I have every year since then seen in a greater degree the importance of encouraging the pursuit of agriculture and doing all that is possible to elevate it; and no more feasible plan has anywhere been suggested than giving it a voice in the executive branch of the Government.

The recognition of the rights of agriculture is demanded by its great importance, and not alone by this, but by every consideration of justice and good policy. It represents 50 per cent. of our population and about 30 per cent. of our property. The means now invested in agriculture is estimated at more than $12,000,000,000. Napoleon called it the body and soul of the Empire of France. It is that to America. It is the life of commerce, and it turns the wheels of manufactories. The anvil and forge, the workshop and the storehouse, are alike dependent on it.

In commerce it furnishes more than 80 per cent. of our exports. Cotton alone furnishes two hundred millions every year, or about one-third of our entire exports. But for cotton our foreign trade during the last four years would have been largely against us. It is a mockery to compare it with any other industry or interest in our land. It pays the greater part, either directly or indirectly, of the entire taxes of the country, both State and Federal. Our farmers pay to-day for the protection of manufactories five times as much as do those of Great Britain, four times as much as France, six times as much as those of Germany, and more even than those of monarchical Russia or Spain.

Yet with all these immense taxes to pay and with all this vast interest to protect, the Department of Agriculture, to foster this industry, has no voice in the suggestion of wise and wholesome laws in its own interest; nor has it the means of pointing out vicious legislation as to it that has been passed by Congress, and which should be vetoed by the President. There is the same warrant in the Constitution for the creation of the Cabinet position that there is for several that now exist. It is no reply to say that there is no express authority in the Federal Constitution for it until several that now exist have been abolished. The people are moving on this subject, and their power will be felt. They have sent their petitions here by thousands asking for the passage of this bill. Individually and through their organized bodies the farmers of the country demand it. Their petition is urgent and respectful, their demand is reasonable, and it is now only a question of time when their wishes shall be fulfilled.

Diabolism of Politics.

SPEECH OF HON. S. S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 27, 1881.

"Draw the curtain of night upon injuries; let them be as though they had not been. To forgive our enemies, yet hope God will punish them, is not to forgive enough; to forgive them ourselves, and not to pray God to forgive them, is a partial piece of charity. Forgive thine enemies totally, and without any reserve that however God will revenge thee.

"Let not the law of thy country be the *non ultra* of honesty, nor think that always good enough which the law will make good. Narrow not the law of charity, equity, mercy; join gospel righteousness with legal right; be not a mere Gamaliel in the faith, but let the Sermon on the Mount be thy *targum* (paraphrase) unto the law of Sinai.

"If thou hast not mercy for others, be not cruel unto thyself. To be too acute in our apprehensions is to add unto our tortures, to lash ourselves with the scorpion of our foes, and to resolve to sleep no more. While thou so hotly disclaimest the devil, be not guilty of diabolism. Fall not into one name with that unclean spirit, nor act his nature whom thou so much abhorrest, that is, to sinistrously interpret other's degenerous depravities and narrow-minded devices not only below Saint Paul's noble Christian but Aristotle's true gentleman. Look humbly upon thy virtues, and though thou art rich in some, think thyself poorer and naked without that crowning grace which thinketh no evil, which envieth not, which beareth, hopeth, believeth, endureth all things.

"The blessed spirits above rejoice at our happiness below, but to be glad at the evils of one another is beyond the malignity of hell."—*Sir Thomas Browne.*

The House being in Committee of the Whole on the following bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Elizabeth P. Page, widow of the late Captain Hugh N. Page, the sum of $136.85, being the balance of pay due the said Hugh N. Page as captain in the United States Navy: *Provided*, Said payment shall not be made until the said Elizabeth P. Page files with the Secretary of the Treasury copies of her letters of administration, showing that she is the lawful representative of the said Hugh N. Page—

Mr. COX said:

Mr. CHAIRMAN: This little matter seems to have kindled on the other side a great deal of vindictive spirit. I am sorry for it. I had hoped that after the last Administration had signalized itself by some gentle tenders toward the South, after the present Administration had copied this policy in many kindly ways, and after General Garfield had been elected President and a new lease of power had been given to the republican party, there might have been some generous oblivion of the war; something better than this wrathful exhibition of its hatreds over this little claim of $136.85. Sir, is it not a mortification to the American people that now, twenty years after the war began, fifteen years after Appomattox, we are debating with bickering and provocation, and in a Christian land, about paying a small sum to an elderly widow, whose husband served with Commodore Perry at Put-in-Bay on the memorable 10th of September, 1813. For shame, gentlemen! Why, sir, is there to be no cessation of these unfraternal discussions?

While this debate was going on, while the gentleman from Michigan [Mr. CONGER] was talking, I sent for Sir Thomas Browne's *Urn Burial* and Christian Morals for consolation and philosophy. Here are some of his quaint gems fit for our pondering:

They who calumniate the absent living will be apt to be loud enough in infamy of the dead; wherein there should be a civil amnesty and an oblivion concerning those who are in a state where all things are forgotten.

And then he admonishes us not to expect great matters where they are not to be found; and would not fail were he living to console us who are disposed to be kindly toward those who were in strife against us by such advice as I desire to place here for our remembrance:

Be not prodigal or prodigious in revenge; overdo not the necessities of evil; humor not the injustice of revenge; let its arrows fly short.

This volume is full of that wisdom which has its full and best significance, as applied to the distempered state, in the remark of the Bible: "Let not the sun go down upon thy wrath!" Sir Thomas goes further, and urges us not to let the sun in Capricorn go down upon our wrath; that the shortest time possible for its indulgence is the best. He teaches us in many pages how oblivion should be cultivated for great purposes; how little our names are worth after a few years, not to speak of centuries; and he warns us that there is no antidote against the opium of time, and that generations pass while even trees stand. He speaks of a class of men whom I once denominated in this House as "human hyenas." He describes them as those who "gnaw us out of our graves, who make our skulls drinking-bowls, and our bones into pipes, to delight and sport our enemies." He calls such "tragical abominations." So they are, sir; there is not a lofty, spiritual, or Christian idea connected with this class of men or this sort of debate. It has not an element of the spirit of forgiveness. There is nothing in it that belongs to Christian statesmanship, to genuine manhood, or historic chivalry. Debating these old and buried hatreds over a widow's claim for her dead husband's due is neither good nor great.

Gentlemen, even Turkey sets you a better example, as in the days when she protected Kossuth, the revolutionist, who found refuge in her borders. The republic of France strips you naked and makes you ashamed; for has she not bid even the communists come back into her midst, conscious of her power?

All the great publicists known to ancient and modern times have told you, as Montesquieu epitomized, that "it is advisable to exceed in lenity rather than in severity; to banish but few rather than many; and to leave them their estates, instead of making a vast number of confiscations. Under pretense of avenging the republic's cause, the avengers would establish tyranny. The business is not to destroy the rebel, but the rebellion. They ought to return as quickly as possible into the usual track of government, in which every one is protected by the laws, and no one injured."

Here is essential wisdom. You have put down a rebellion, yet you would destroy the rebel. Why not endeavor to bring him back—not as an enemy, but as a friend—into the usual track of the Government, so as to bring about that good feeling which promotes national prosperity and unity. Yet fifteen years after the close of the war we have renewed again and again embittered harangues, and one to-day from our friend from Michigan, and that, too, just after his brow is crowned with the senatorial wreath! He might well have forgotten his old debates through many years, marching as he is, triumphantly to the other body.

He illustrates, I will admit, his devotion to the Treasury, in opposing this claim of $135.85! I will admit that the gentleman is a good Treasury watch dog; but a good deal like the dog of an old lady down in North Carolina, who, when her house was burning up was so good a dog that he would not allow the people to pull the old lady out of the burning house! [Laughter.] A sort of a Snarleyow—a sort of "dog-fiend," about which Marryatt has written a novel. Why, are we forever to have these unchristian utterances? Can no lapse of time pour oil into these old wounds?

Why, gentlemen on the other side talk as though they were already in power, and had the popular voice with them. Not at all; the popular voice, nearly nine millions strong, by some 6,332 majority, was for Winfield Scott Hancock for President! I know you elected your statesman, and I trust that he will turn out a better man in the Presidency than you are in your seats. General Garfield himself said in this House that the man who attempts at this late day to stir up sectional feeling in this House or in this country does not deserve and will not command a following or a party. Yet gentlemen are undertaking to build up his administration in advance on these obnoxious and hateful doctrines, which he said would command neither following nor party.

When, sir, are we to have peace? Just after the war, as we all know, General Grant reported that the Southern States were anxious for contentment and deserved confidence and amnesty. He was solicitous, willing to be at peace and amity with them and they with the rest of the Union. They needed peace to give to their toil its reward, and our good will to give them those interchanges which build up a common prosperity. Have fifteen years made no difference with you of the other side? Are you jealous because the South is growing in population and prosperity, in planting, manufacturing, and commerce; that her cattle, cotton, and corn are enriching her abundantly? Surely not. Why, then, this continual debate, as if their interests and ours were not one.

What is the object of opposing this bill? The debt is not disputed. What can be the object in trying to cut down or deny this little claim of an old widow, a claim of $136.85? Is it only a pretext to display old animosities? Was there ever such monstrosity built on so small a foundation? Is it not time to have a better spirit in reference to the relations between North and South?

When General Butler was in our midst on the other side, and we debated a bill to restore to men who had been in the rebel army the old swords which they had worn gallantly in the battle of New Orleans, he favored the measure with touching and patriotic eloquence. He had the spirit of true soldierly chivalry. He said, "Give back to the old soldiers the swords they wore in the war of 1812;" and men on both sides applauded the patriotic sentiment. What would he say were he here to-day?

Mr. CHITTENDEN rose.

Mr. COX. I see that my friend from Brooklyn, the City of Churches, has risen. [Laughter.] I am glad that my pious exhortations have brought Brooklyn up to the horns of the altar. [Laughter.]

Mr. Chairman, if there is one thing more than another that I love to think of it is the battle of Lake Erie. I have many associations with it. It connects by patriotic relations and personal reminiscences Rhode Island, where I was educated, with my native State of Ohio. The suggestion of the picture of Commodore Perry for the State-house at Columbus, as well as some efforts in behalf of the picture which adorns this Capitol, add other associations to this naval battle scene. Those who fought that fight are heroes to me of rare mold and character.

Mr. CHITTENDEN again rose.

Mr. COX. I wish my friend from Brooklyn would not look so peculiarly at me. [Laughter.] I am speaking for the heroes of Lake Erie, in a Christian and gentle spirit; and I want my friend from Brooklyn to aid me. He is going to speak on our side, I hope.

Now, Mr. Chairman, it ill becomes the gentlemen on the other side, after the Administration which is just dying out, has called to office such gallant rebels as Colonel Mosby, after the former and present

Administration had preferred above Northern soldiers other men of the Southern rebellion like General Longstreet——

A MEMBER. And Key.

Mr. COX. After a republican administration has called to Cabinet positions such men as Judge Key——

A MEMBER. And Akerman.

Mr. COX. Yes, there is a long roll of them, and he was among the purest and best of them. After, I say, these republican Administrations have selected these gentlemen for the best honors of the Government, in which I may say the Administration did nobly, it ill becomes them to carp at this side for voting a little debt due to the widow of an old soldier of the war of 1812 because he resigned his commission when his State was about to "go out."

Now, we have this great fight over $135.85. [Laughter.] All to prevent a poor widow in Virginia from getting a little balance due for services rendered by her patriotic husband in the war of 1812. [Renewed laughter.] Will not my friend from Brooklyn [Mr. CHITTENDEN] stand by us on that? [Laughter.] Does the gentleman from Michigan want to cut off the eighty-five cents? [Laughter.] Does my friend from Brooklyn want to divide this debt, or pay it all? I am told he is for paying the whole amount. Why, then, will you gentlemen on the other side not rally round him? [Laughter.] I see many noble countenances anxious to respond, and but for party they would. Oh, then, how your faces would gleam with true Christian statesmanship! [Laughter.]

I see my friend from Maine, whose forehead shines like a star in the sky. [More laughter.] I call upon him first, because he represents the plumed knight of Maine; and I can recall to this House when JAMES G. BLAINE, in his kindest days, before he was bitten with that peculiar tarantula, the Presidency, authorized the Committee on Rules in this House, of which I was a member, to report a bill for general amnesty, Jefferson Davis and all. [Laughter.] So the record will show. That was about seven years ago. I see my friend from Maine already taking the cue for an amnestical speech. [Renewed laughter.] For they all follow BLAINE of Maine. [Laughter.] Why should they not?

Who objects to this bill? And what is the reason? Is it on account of the large amount? Why not openly object to it on the only pretext or principle, that this patriotic Captain Page is in his grave, and his widow is attaint for his acts, and that she should be punished for them? There is nothing else in the way of objection to the bill.

But, Mr. Chairman, to come back to this question in its serious aspect. It is time this nation had shown some of the generosity other nations in all ages have exhibited toward those vanquished in rebellion—high time, sir. We are in the afternoon of the nineteenth century. We are in the midst of our centennial celebrations. All the old associations thronging about Monmouth, Saratoga, Bennington, and Yorktown have revived and are reviving. Soon we shall have the celebration of our treaty of peace with the mother country and of our Constitution. Are we to postpone all comity till after these events are honored? Is the established order in this country, dating from the establishment of peace, to be satirized by such sectional asperities as these debates tend to foster and perpetuate?

Now is the time, if ever, when we the representatives of this country should come together, without hatred, with no unkindness, all one, as the idea of Deity is one. I should like, sir, to have this poetry put upon record, that all may study its fraternal meaning and in the best spirit. It reaches from the grave of the dead patriot, whose widow will be the beneficiary of this bill, to its source above:

Under the blossom, the blue;
Under the garlands, the gray;
Under the sod and the dew,
Waiting the judgment day.
We have love and tears for the blue,
And tears and love for the gray.

If we cannot meet in that spirit here in our deliberations, and on committees in the preparation of our work, and at the inauguration, and in all our public duties, God help this Republic! We are worse than the pagan nations, who at least had the grace to give peace to the vanquished and incorporate them into a commonwealth. Let us begin on this bill to discard these spiteful abominations, which should be consigned to oblivion forever. God knows in His infinite mercy what is best for us all. Let us follow his spirit of forgiveness, and all will be well!

You upon the other side have not been so virtuous and pure that you can call us on this side to account in our political relations. I remember the time as a member of Congress here when hot words and threats of disunion came from that side, and when a few Douglas men here in our midst stood as a breakwater against excesses. I remember the hundred provocations given and returned, almost an epitome of the war in advance here in our very Chamber. I plead then as I do now for the unity of the Government and people in the bonds of peace. I favored what some called murder, if you please, although it was not murder to uphold the Union and the Government by killing. But the killing came, killing by the million. Was that killing to keep up strife forever? No; for unity. At last we came together under a noble impulse, spirit, and agreement. It was under the historic apple tree of old Virginia. Has that spirit gone, the agreement been broken, all unity departed?

Is there to be no charity for those who differed from us? Are we to judge their hearts who contended with their lives for the "lost cause" they loved? Let God judge them! It is not for us—in our feebleness of vision and weakness of understanding—to judge them harshly, now that time has covered them with its tenderness and the earth with its turf.

Where we but see the darkness of the mine,
God sees the diamond shine;
Where we can only clustering leaves behold,
He sees the bud they fold.
We only see the rude and outer strife;
God knows the inner life;
And those from whom, like Pharisees, we shrink,
With Christ may eat and drink.

In some better time, it may be, controlling men will arise who will wear the jeweled honors which come to those who champion fairness, magnanimity, kindness, brotherhood in the State, not spite, malice, vengeance, and all uncharitableness. [Long-continued applause.]

Department of Agriculture.

SPEECH OF HON. F. E. BELTZHOOVER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 7, 1881.

On the bill (H. R. No. 4909) for the creation of a department of agriculture.

Mr. BELTZHOOVER said:

Mr. SPEAKER: The bill now under consideration provides for the establishment at the seat of Government of the United States of an executive department of agriculture which shall be under the supervision and control of a secretary who shall be appointed by the President and shall receive the same compensation and in like manner as the Secretaries of the other Executive Departments of the Government. It also provides for the appointment of an assistant secretary and all the other subordinate officials and employés necessary for the successful operation of a complete and independent bureau of the Government. The object of the bill is therefore plainly to put the great agricultural interests of the nation under the control of a branch of the Government co-ordinate with and equal in all respects to the Departments of State and War and law and postal matters, and so forth. I am heartily in favor of any measure which thus proposes to distinguish and honor and elevate the rights of the agricultural masses of the nation. The census reports show that of our 50,000,000 of population more than 50 per cent. are engaged in the various branches of agriculture. We have more than 188,000,000 acres of farm land under cultivation and a reserve of 318,000,000 acres yet unbroken by the spade or plow. This great and ancient art represents more than 30 per cent. of all the values of the nation, the amount so invested being estimated at $12,000,000,000. It furnishes more than 80 per cent. of our commerce. It pays vastly more taxes and bears more burdens than all the other industries of the country. It is taxed not only to meet the immediate responsibilities and expenditures of Government, but it is put under requisition by tariff to protect nearly all the manufactories of the nation. It is the soul of the nation's existence. It has been the chief occupation of mankind in all ages of the world. It comes down to us from history having inscribed on its banners a long list of honorable names. There was no greater praise among the old Romans than to be called a good farmer. Cincinnatus, the mighty martial leader and statesman, was called from his plow to take command of his country's armies in the hour of her greatest danger. Cato, the censor and distinguished orator, wrote a book on farming, and held it as his proudest work. The Roman Senate ordered the twenty-eight books of Mayo of Carthage on agriculture to be translated for the use of the Romans. Cato and Varro and Virgil and Columella and Pliny and Palladius were not only the sweetest poets and greatest historians of the golden age, but they wrote equally brilliantly on farming. The most famous houses among the ancient Romans, such as the Pisones, the Fabii, the Lentuli, &c., took their names from their favorite crops and vegetables. It is not too much to assert that many of those qualities which fitted them for conquering the world and perfecting their celebrated jurisprudence were acquired and nourished and matured by the skill, foresight, and persevering industry so needful for the intelligent and successful cultivation of the soil. In Egypt, "a land rich in corn," in Palestine, "a land flowing with milk and honey," and in every country mentioned in sacred and profane history the chief men have been husbandmen. Cicero, the greatest orator and one of the greatest patriots and statesmen of the ancient world, in speaking of agriculture, puts the most glowing and exquisite language in the mouth of his Cato. He says:—

I come now to the pleasures of husbandry, in which I vastly delight. They are not interrupted by old age and they seem to me to be pursuits in which a wise man's life should be spent. The gains of husbandry are not what exclusively commend it. I am charmed with the nature and productive virtures of the soil. In my opinion there can be no happier life, not only because the tillage of the soil is salutary to all, but from the pleasure it yields. Nothing can be more profitable, nothing more beautiful than a well-cultivated farm.

This is praise, indeed, from one who had scaled all the heights of civic fame and sounded all the depths of social and intellectual luxury and refinement. In Egypt and Chaldea and China, in the very dawn of authentic history, agriculture seems to have reached great perfection and success. From the paintings and inscriptions with which the Egyptians decorated their tombs we get the first knowledge of agriculture among that wonderful people. In one of these paintings which after 3,000 years retains great exactness and beauty there is a complete panorama given of the processes of the agricultural art down to the smallest details. In an ancient hieroglyphic a simple pick is used as a plow, showing the rudeness of the art in early times. From Egypt agriculture traveled into Greece, and Hesiod, the great Greek poet, a thousand years before Christ describes a plow as "a beam, a share, and handles."

In Judea in the patriarchal age the people were nomads, but rapidly turned to agriculture. Vast herds constituted their chief wealth, at first of sheep and goats, but finally of oxen. With the use of oxen came plowing. We learn that Job, besides immense possessions in flocks and herds, had five hundred yoke of oxen, which he employed in plowing, and "a very great husbandry." Isaac, too, was a successful husbandman; for we read that he sowed in the land of Gerar and "reaped an hundred-fold." Along with the Babylonians, Egyptians, and Romans the Israelites are classed as one of the great agricultural nations of antiquity. They acquired their knowledge of farming during their captivity in Egypt, and upon their release from bondage they found Canaan a land of inexhaustible richness in corn and grain and abounding in vineyards and olive-yards. It was so rich in grain that the invading army, numbering 600,000 able-bodied men, with their wives and children and camp-followers, found "old corn" in the land sufficient to maintain them from the day they passed the Jordan. Moses took a census and made a law giving every man from sixteen to twenty-five acres of land. This was held by a direct tenure from Jehovah and could not be sold or aliened. Debts could not accumulate fast, because there was no interest allowed and all debts were released every seven years. At the year of jubilee all land went back to the original owner or his heirs. The owners of these small farms cultivated them with great care. The stones were carefully gathered off and the land watered by canals and conduits communicating with the brooks and streams, with which the country "was well watered everywhere." The seventh-year fallow prevented the exhaustion of the soil. The whole system of agriculture in that historic country was superb and wonderful. With peculiar political and social arrangements and their balmy and delicious climate, the country at its most advanced stages must have exhibited such an example of high cultivation, rich and varied produce, and widespread plenty and contentment as the world has never yet elsewhere produced on an equally extensive scale. Not by a figure of speech, but literally every Israelite "sat under the shadow of his own vine and fig-tree," while the country is described as "a land of corn and wine," "a land of bread and vineyards," "a land of oil-olive and honey." The early Romans, like the Israelites, limited the amount of land to be held by each man to about seven acres. Cassius, the orator, says, "He is not to be counted a good citizen, but rather a dangerous man to the State, who cannot content himself with seven acres of land."

In later times the quantity was extended to each man to fifty and afterward to five hundred acres. Greece, unrivaled in literature and art, had a country unfavorable for agriculture, and early adopted a social status which still further hindered the growth of farming. Having reduced the aboriginal tribes to bondage they made them till the soil, and by the decadence and failure of their agriculture proved that slavery and that art are absolutely incompatible. Agriculture is an art which can only be learned and nurtured and perfected by freemen. It is a child of liberty and nature. With the Romans, who grew to be masters of the world in arms and jurisprudence and power and civilization, the fundamental idea was the culture of the soil and the acquisition and control of territory. With the Greeks the dominant idea was the culture of art and aesthetics. This fact marks the great line of divergence and difference between these two great contemporary nations. It was the custom to send the evidences of the greatest success in agriculture among the Romans to their emperors. Pliny tells us that four hundred stalks of wheat were grown from one seed and sent to Augustus. Also, that three hundred and forty stalks were grown from a grain in another instance and sent to Nero from Africa. In the later days of her greatness Rome began to be supplied with products from her conquered colonies, and with this foreign supply came the neglect and decline of her agriculture at home. With the decline of that art on which all true and substantial national prosperity must be based came the decline of Rome's national power and her rapid descent into voluptuous enervation and decay. Then came, with her weakness, the invasion of the Vandal hordes from the north and the desolation and destruction of the fair fields of the mistress of the world. Agriculture then degenerated into the hands of vassals, and a long, dark night came down over the world. War became the chief and only pursuit of men which was deemed honorable. In a few instances it is true that war carried the banner of agriculture into foreign lands. Thus the Saracens carried it into Spain, and the Romans carried it into Britain. But in all times war and revolution have been the greatest enemies of agriculture, and as a consequence all the forces of a prosperous agriculture co-operate to preserve peace and encourage thrift. The history of agriculture is full of lessons which ought to be impressed on the mind of the statesman and legislator. Its progress during the last century is filled with triumphs of civilization. The mighty area of land now under superb cultivation, the wonderful perfection of the culture, the extraordinary efforts put forth by scientific, experimental, and practical farmers to develop and foster and extend the science, the stupendous amount of products, the vastly improved methods by which these immense crops are gathered and garnered and carried to market, are the greatest and truest and most enduring victories of our age. They were all won in bloodless battles, with no tears, nor suffering, nor distress in their wake, but have built up and increased the great sum of human happiness, and give the only promise of the realization of the dreams of the prophet and poet of a grand millennium.

In accord with the spirit of advancement in this most useful and beneficent of all the arts it is our duty as the highest legislative body of this great country to strive to free agriculture from all possible obstructions and give it the widest possible scope. We should always discriminate in its favor and never against it. We should elevate the Department of Agriculture from its position as a secondary and subordinate one and make it the most prominent of the Cabinet places in the national administration. The Committee on Agriculture, instead of being briefless and insignicant, should stand at the head of the committees of the Senate and House. It should be composed of the most eminent agriculturists and the most ardent and enlightened friends of the art. It should be constituted with a view to the most effective and unbiased work for the advancement and elevation of agricultural interests. No man should assume to stand as a representative of the farming interests of the mightiest farming nation on the earth who does not believe that a good, successful farmer is the highest type of a citizen. The appropriations for the aid of corporations should be infinitely less, and those for the encouragement of agriculture should be more. The one hundred millions given to subsidize the Pacific railroads, and the millions more to other still more grasping corporations, too numerous to mention, were all drawn from the sweat and toil of the tillers of the soil of the nation. A mere tithe of these sums, given within a few years to fill the pockets of credit mobilierites, has not been appropriated in a century to encourage the earnest, honest art on which the country must depend for its existence. If the great producing masses of the nation, the farmers and laborers, would keep an eye single to their own interests as faithfully as the myriads of corporations and speculators in all the other walks of life do, they could command supremacy everywhere for the pursuit in which they and their posterity must earn their bread. One of the greatest and purest of the dead statesmen of the nation has said that—

Our national interests require that its agriculture should be freed from all the obstacles of the past, and that it should receive the benefit of a fair share of public provision such as is made for the training of youths for the learned professions and for the public service, and of such grants as are given in aid of scientific research for the encouragement of fine arts and for the furtherance of manufactures and commerce.

There can be no success adequate to the importance of this great subject without thorough organization and earnest, untiring work. These things cannot be accomplished without money. The Government that draws all its revenues from the agricultural resources of the nation should appropriate the money. It gives untold millions to maintain a war to defend the political unity of the nation. It contributes hundreds of millions more in pensions to the disabled soldiers who served it in the hour of peril. It appropriates from eight to ten millions every year to improve the rivers and harbors of the country in the interest of commerce. Why should it not contribute a few hundred thousands to support a great department of the Government which should embody and symbolize the great dignity and importance of the most ancient and most useful and most honorable calling among men? The department which would be established under this bill would be a head and center for all the agricultural industries and interests of the nation. The more good agricultural societies there are, the more granges, the more agricultural schools, the more agricultural newspapers, the more legislation and work and argument in the direct line of agricultural knowledge the sooner will come the day when the art and science of tilling the earth, which is the natural, God-given pursuit of humanity, will be brought up again to the dignity it held when the "tiller of the garden was the lord of the earth."

This bill should be passed because it is right, in view of all the considerations which surround it in the light of the present. It should be passed because, from the lessons of the past, it is plain that agriculture develops the highest types of men and the most ardent patriots and the purest lovers of liberty, and discourages all kinds of slavery; it develops and encourages the spirit of accumulation, both of the products of land and of land itself, and becomes thereby the pioneer and leader in national aggrandizement, and wealth, and growth; it discourages war, and appeals to the most potent passions of mankind in favor of peace and thrift. The bill should be passed because the farming people of the nation demand and are entitled to a full, fair, and unequivocal recognition and acknowledgment of the magnitude and importance of their grand interests. The great Napoleon, nearly a century ago, called agriculture the body and soul of the Empire of France. More truthfully in this day and this country, with its 30,000,000 of farmers and farm laborers, and its $12,000,000,000 of investment, can it be called the body and soul of this Republic.

Legal-Tender Treasury Notes Preferable to National-Bank Currency.

SPEECH OF HON. G. DE LA MATYR,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. DE LA MATYR said:

Mr. CHAIRMAN: The refunding measure before us is in the interest of the national-bank system of issuing currency. I oppose it on that ground.

I propose to show that legal-tender Treasury notes are preferable to bank paper for currency.

Legal tender is imparted to currency by law, and only that currency which islegal tender is money. It has become necessary to demonstrate that money is solely a creature of law. The prevalent sneering at the unfortunate phrase, "fiat money," which means simply money created by law, exhibits an amazing ignorance and justifies elaborate proof of a proposition which in itself is so clear "that a way-faring man, though a fool," ought not "to err therein."

Plato says, "money is a creation of law, to effect exchanges." (Plato's Republic.)

Aristotle says, "Money is a measure of value, a medium of exchange, an invention of man, not a product of nature." (Aristotle's Politics.)

The English courts give this definition:

Money comes from *monendo*—to stamp; as wax is not a seal without the stamp, so metal is not money without the impression of sovereign authority.

These definitions are from the highest authorities.

MONEY INCREASED IN VOLUME BY MEANS OF ALLOY PER FORCE OF LAW.

For centuries, when coin was the only money of Europe, the monarchs of England were wont to increase the volume of currency in times of stringency by means of alloy. If appeals were made to the courts, they invariably decided that the monarch, having the right to make money, could use any material, and alloy gold and silver to any extent demanded by his treasury. As the alleged money was received for all debts due the king or the government, that which was good enough for the ruler was good enough for the ruled. As the king had the right to decree what money should be received in his treasury, he had the right to decree what should be legal tender for the people of his realm. Nearly all the English and French kings resorted to alloying their coins, in order to increase the volume of the circulating medium to meet exigencies. In 1720 the French made their coins more than 50 per cent. copper, without lessening their legal value.

VOLUME OF MONEY INCREASED BY LESSENING WEIGHT THROUGH ACT OF GOVERNMENT.

Having for centuries practiced increasing the volume of money by alloy, the governments of Europe at length changed the mode to lessening the weight of coins. The Parliament and King of England decreed that a pound (troy) should make sixty-two shillings instead of twenty, as had been the law for many years before, thus reducing the bullion value of a shilling more than three to one. Those shillings, reduced so much at a single stroke, were made the lawful money of the nation. Twenty of them made a pound sterling; that is, a legal pound instead of a pound weight. Each shilling had the same legal value as before, and the volume of shillings was trebled by an act of Parliament signed by the King.

From 1797 until 1815 England had been at war. Her silver had been drained by the sustaining of armies in foreign countries. The government was compelled to increase the volume of money and to check its exportation; so out of a pound (troy) of silver sixty-six shillings were coined instead of sixty-two.

SILVER PARTIALLY DEMONETIZED BY LAW.

Up to 1816 both gold and silver coins had always been full legal tender in England, but since then gold alone has been full legal tender, and other nations have also demonetized it. Silver bullion has fallen 15 per cent. below gold.

LEGAL VALUE OF SILVER MADE GREATER THAN BULLION VALUE BY LAW.

Notwithstanding the depreciation of silver bullion full 15 per cent. and its demonetization in large sums, yet silver coins 6 per cent. light are good as gold for the sum of forty shillings in each separate transaction. The retail trade of England is mainly carried on in these depreciated coins and in those of copper. Thus hundreds of millions of money made out of less valuable metal answer the same purpose as gold, and law alone makes them equal.

I have cited these facts from European history to show that money is made and unmade *solely by law*.

MONEY MADE BY THE ACT OF OUR GOVERNMENT.

In our own country, under the Confederation, Congress made 375.60 grains of pure silver a dollar. Under the Constitution, in 1792, 371¼ grains of pure silver were made a dollar and fixed as the unit of our money. The law of 1792 made one pound of gold equivalent to fifteen pounds of silver. In 1834 the law was changed so as to make one pound of gold worth sixteen pounds of silver. Under the law of 1792 gold was eleven-twelfths fine; under that of 1834 it was required to be only nine-tenths fine. The law of 1792 made 27 grains of gold eleven-twelfths fine a dollar; that of 1834 made 25.8 grains nine-tenths fine a dollar. In 1873 a trade-dollar was created containing 420 grains of silver nine-tenths fine, and was made money by being legal tender for $5 in one transaction. It has since been demonetized by having its legal-tender power taken away, and now it is worth ten cents less than the legal-tender or money dollar of seven and a half grains less of silver.

Previous to 1853 all silver half and quarter dollars and dimes were full legal tender. In 1853 fractional coins were by law reduced 7 per cent. in weight and restricted in legal-tender power to $5 in one payment.

In February, 1873, the silver dollar of 412½ grains, which had been money by force of law from 1792, was demonetized by an act passed in the interest of the money power. By the force of law the same amount of silver was again made a dollar of money in 1878. Thus we see that all gold and silver money has been made so by law; that is, every dollar and fraction of a dollar of these metals which have been money at all have been so by force of law only. We learn also that baser metals, used as alloy, have become money as really as gold and silver, the idols of Shylock worship, thus exploding the theory that worth of material has anything to do with fixing the value of money.

We will examine for a moment smaller fractions of dollars made money wholly out of the baser metals.

The law in 1792 authorized the issue of cents and half cents made of copper. The cent containing two hundred and sixty grains of copper was made full legal tender. The law of March, 1857, reduced the weight of the cent forty-eight grains, but did not lessen its legal value. In 1864 a much lighter coin was substituted, composed of ninety-five parts copper and five parts tin and zinc. Its weight was only forty-eight grains. One pound of this metal cost twenty cents. The legal value of a pound, when coined, was $1.60. In 1866, a five-cent piece was issued composed of seventy-five parts copper and twenty-five parts nickel. One pound of this mixture costs about seventy cents. One hundred pieces are coined out of a pound, making its legal value $5. Here is more clearly seen that law makes money without regard to the value of material used.

FOREIGN COINS MONEY TO US ONLY AS MADE SO BY OUR LAWS.

From 1793 to 1857 coins of most other countries were legal tender by our laws.

In 1857 all foreign coins were demonetized by the Government and they have not been money here since.

The talk about "world money" comes from ignorance. Money is created by law, and no nation can make laws for other nations. If gold and silver were money by virtue of their intrinsic value, as is generally assumed by our opponents, there would be no need of laws to monetize or demonetize them, and they would be money the world over.

We need not pursue this investigation further to convince the most ignorant and prejudiced that specie even is money only by force of law, and that law gives value to coin by making it money which as a commodity it does not possess.

We have established the principle, for which we as a party contend, and which is stoutly and persistently denied, that law regulates the value of currency, and not the material of which it is made.

THE INTENSITY OF CIVILIZATION WE HAVE REACHED DEMANDS PAPER MONEY IN THE FORM OF TREASURY NOTES.

Metal currency belongs to the barter system of barbarism. It is far too cumbersome and costly for a high civilization. It was originally chosen to replace the exchange of one class of common property for another, because the precious metals were less cumbrous than common commodities.

COST OF SPECIE IN THIS AGE OF INTENSE COMMERCIAL ACTIVITY.

No one will question that, as a nation, we need $1,000,000,000 of currency. In the annual report of the Director of the Mint, for the fiscal year ending June 30, 1880, page 59, is a table showing the specie and paper circulation of France for a series of years. The total circulation in 1878, the last year given, was 13,294,948,000 francs, which, taking the franc at nineteen cents, would be equal to $2,526,040,120. Now, France has a population less than ours by some thirteen millions, dwelling on a territory not larger than Texas, for which circumstance alone, not to speak of others, we would be able to wield certainly as large a circulation as France—yea, unquestionably a much larger one. But I make the calculation on one billion, to show the cost of an amount every one would readily admit as necessary.

If we use coin, labor must first produce it, and that amount of real wealth must be taken from the people by taxation. Abrasion will wear it out within fifty years, and it must be replaced by draining the amount out of the product of labor again. In fifty years simple interest at 6 per cent. on this sum will be $3,000,000,000. This amount must be added to the original cost, which makes $4,000,000,000. If we compound the interest, which we must do to reach the real cost of such a currency to the people, we have the enormous sum of $18,420,154,177.88 which a specie currency meeting our demands would cost in fifty years. Real wealth in the hands of the people as active capital is supposed to be worth in this country 6 per cent. annually. In the case we are considering that amount of real capital is taken from the people. Therefore, interest is added to the cost.

If we put the volume at $2,000,000,000, which we regard as below what we shall need on an average for the next fifty years, we have a cost of $36,840,308,355.76 as much as the entire country with all of its improvements is worth.

These figures show us that the barter system is simply impossible now. The thought of such a system of currency for this age would be far more chimerical than is charged upon the notions of greenbackers.

THE BARTER SYSTEM TOO SLOW AND BURDENSOME, AS WELL AS TOO COSTLY.

Before the substitution of paper for specie currency, gold, silver, and other metals had to be shipped to the place of making a purchase or paying a debt. If a merchant shipped any commodity to another country or to distant parts of his own country, he was compelled to invest the proceeds in some other commodity which he could sell at home, and be out of the use of his capital until the long transaction was completed. If he received coin in return he must wait for the shipment both ways and bear the expense and peril. The world has reached a state of commerce which utterly forbids this system of exchange, and nations have been forced to substitute largely a paper currency. Thus paper currency is the herald of commercial advancement.

BILLS OF EXCHANGE.

Bills of exchange were the first effort to substitute paper for coin. The system of negotiating bills of exchange was first instituted by the Bank of Barcelona. These bills are well understood to be drafts drawn in one city or country upon persons residing in others. A merchant in New York ships a cargo to London or Canton. As soon as his invoice and insurance papers are perfected, he can draw a bill of exchange upon the party to whom he ships the goods and obtain of a banker a large per cent. of the value of his cargo. His banker has arrangements with a house in the city to which his cargo is shipped, so that the exchanges are largely effected without the shipment of coin either way. It is not necessary to explain the intricacies of these paper exchanges. It is sufficient for our purpose to note the fact, that on a very large scale, paper currency is substituted for the barter system, the highest phase of which is coin exchange.

LETTERS OF CREDIT.

Letters of credit are another phase of paper currency. A merchant goes from Philadelphia to Paris to buy goods. He takes no coin with him, but instead carries letters of credit from a bank in his own city to a banking house in Paris, draws bills, and obtains currency there to pay for his goods. Not one-hundredth part of the medium of exchange in commerce is now coin.

CHECKS OF INDIVIDUALS AND FIRMS.

In all large cities in Europe and the United States more than nine-tenths of business is conducted by means of checks either on the credit of individuals or firms. It is stated that the banks of England have on an average more than $5,000,000,000 in checks out marked "good," though they may not have one billion of any kind of money in their vaults. Our authority is Sir John Lubbick. When California banks received on deposit only gold, to avoid the inconvenience of handling it the check system was used in payments instead of coin.

BANKS OF DEPOSIT AND EXCHANGE.

Banks of exchange were early resorted to, to escape the intolerable burden of coin circulation. The Bank of Venice was the first of this kind in Europe.

The intense activities caused by the crusades inspired the creation of that remarkable institution. It was established in 1171, and destroyed only with the republic in 1797, standing firm as a rock for more than six hundred years. Its system of exchange was essentially the same we propose, and we shall notice it under another head.

The Bank of Genoa was fully established in 1407, that of Barcelona in 1401, and that of Amsterdam in 1609. These banks all had the same object in view. Their general principle was that money deposited in the bank was not to be paid out, but that the credit of and in the bank was to be used in the payment of debts instead of money. This saved the loss in the coin by friction, clipping, sweating, and boring, and furnished an invariable representation of value. Debts in considerable amounts were all paid by crediting the party to whom the debt was due and debiting him who owed it. These credits in these banks were made legal tender, and were at a premium over coin because all debts due the government and the people had to be paid in them.

THE BANK OF FRANCE.

I give the history and analysis of this bank in the language of Judge Warwick Martin, than whom there is no better authority on finance. I quote from an article of his in the National View:

This bank succeeded the Royal Bank of France, which failed about 1720. The charter has been renewed several times. It was and is chartered by the French nation. At first its capital was only 45,000,000 francs, now it is 192,000,000 francs, or $36,000,000. It is located in Paris, but has seventy-eight branches in different parts of the nation. No bank but this one can issue paper money in France. The governor and two sub-governors are appointed by the nation. There are fifteen regents and four censors, who are appointed by the stockholders. The bank receives and holds the money of the government, but allows no interest thereon. It is the disbursing agent of the government, and makes advances to it upon treasury and mint bills or bonds, similar to the exchequer bills of England or interest Treasury notes of the United States. The notes of the bank are legal tender for all debts due the nation. They are so made by law. The law does not limit the circulation of the bank. The issues are controlled by demand for the bills.

In addition to the business of the government the following private business is done:

1. The bank discounts bills of exchange having three months to run, secured by two or three names.
2. The bank makes advances upon French public securities, railroad stocks, bonds of the city of Paris, or deposits of bullion.
3. The bank not only issues paper money, but notes payable to order and transferable by indorsement, which can be used as bills of exchange.
4. This bank receives on deposit coins, bank-notes, and bills of exchange.
5. This bank also receives for safe-keeping bonds, public securities, and diamonds; and cashes interest coupons when payable in Paris. The circulation is supplied by the bank in Paris, but the branches distribute it throughout the country. The amount of the business of the bank is from $2,000,000,000 to $3,000,000,000 per annum. The rate of interest charged is fron 2½ to 3½ per cent. per annum, according to demand and supply. The rate is not regulated by law.

THE AMOUNT OF PAPER CIRCULATION.

As we stated before, there is generally no legal limit to the circulation. From 1870 until 1878 the limit of the full legal-tender paper issues of the bank was $600,000,000. These were, however, really government issues made by the bank. This limit extended only from 1870 until January 1, 1878.

GOLD AND SILVER COINS HELD BY THIS BANK.

This bank, unlike other so-called specie-paying banks, is not required by law to hold any particular amount of coin. The law provides no minimum or maximum of coin, but this bank generally holds as much coin as all the banks in England, Germany, and several other European states together.

The following coins were held by the bank each year from 1868 until 1878:

In 1868	$202, 800, 000
In 1869	253, 360, 000
In 1870	263, 760, 000
In 1871	138, 300, 000
In 1872	158, 000, 000
In 1873	164, 160, 000
In 1874	266, 200, 000
In 1875	333, 700, 000
In 1876	436, 580, 000
In 1877	450, 260, 000
In 1878	429, 200, 000

These are the maximum amounts. In 1871, when $250,000,000 in coin were paid to Germany, the coin in the bank ran down to $79,700,000. In all the other years during which the notes were not paid in coin the sum in the bank greatly increased from what it had ever been until it reached $450,260,000, more than any other bank ever possessed from the beginning of banking up to that time. The Bank of England holds only $75,000,000 coin, and is at all times alarmed if one or two million pounds in coin are drawn out. But the Bank of France, when suspended, had six times as much coin as the Bank of England ever had. The Bank of France did not purchase this coin. It was paid and deposited in the bank in exchange for the notes of the bank, which, though not redeemable in coin, were full legal tender, and preferred to coin, as our legal-tender notes are now.

This adds to the proof that people will not use coin for business purposes if they can obtain reliable paper money. The paper money of the bank was not only made by law full legal tender, but it became the paper of the government by being, under the law, receivable for all debts due the government.

The facts here stated respecting the Bank of France are from the official statement of Leon Say, French minister of finance. They can, therefore, be relied upon.

THE NOTES DURING SUSPENSION.

The most of the time during the suspension the notes of the bank were $600,000,000. In 1877, they were $545,043,480. On January 1, 1878, they were $502,505,950. But we are asked, why was the law suspending specie payments and making the notes legal tender repealed? It was not repealed. The bank was loaded down with nearly five hundred million dollars coin, about one-half of which was silver. This coin was burdening to the bank. The directors wished to unload a portion of it. They therefore proposed to pay coin for their notes. But the coin has not been materially decreased, nor have the notes.

THE REASON WHY THE FRENCH PEOPLE CONFIDE IN THEIR MONEY.

1. The circulation of coin and of the notes of the bank has always been large. In addition to the coin held by the bank, there are generally about one thousand million dollars coin in circulation among the people. Including the notes of the bank and coin, there are over fifteen hundred million dollars money in the country, which is $50 per capita. It is diffused among the people. For generations the bank, through its seventy-eight branches, has diffused its circulation among the people. It has never failed them. They therefore confide in it, as the people of the United States do in the notes of the Government. France has never imitated the bad practices of England and of the United States in reducing her paper circulation to prepare for the humbug of resumption, thus prostrating the industries of the country and reducing the value of all commodities so that the people have nothing with which to pay debts. On the contrary, the French have invariably increased the circulation in all crises, and kept the people employed and their industries in a prosperous condition.

IN 1848 THEY DID THIS.

2. In 1848, when Louis Philippe abdicated and a republic was declared, surrounding nations were greatly alarmed. They anticipated the scenes of the former revolution. The people of England and of all Europe commenced talking and acting rebellion. Monarchs trembled upon their thrones. The stocks of all nations were greatly depressed. Those of France for the time being were unsalable. The Rothschilds had just before the abdication taken a large French loan, which they had not yet disposed of. It was then estimated that had they been compelled to sell it, they would have lost at least $8,000,000 upon it. But they showed their great strength by holding it.

A run was made upon the Bank of France. The bank was in good condition for ordinary times, but not able, as no bank ever is, to pay all its liabilities in coin on demand. The industries of the country were prostrated for the time being. The people were out of employment. The bank contemplated winding up. But there were wise men connected with the government. They compelled the bank to suspend, and the government made the notes of the bank legal tender. This made them equal to coin.

But this was not all. The bank was compelled, instead of calling in its circulation, to increase it to $600,000,000. This increased circulation of legal-tender paper money was diffused among the people. All the people were set to work, and paid good wages. While other nations decreased their circulation and prostrated their business, the business interests of France were prosperous. The storm passed over. The credit of the nation was restored. The products of France met ready sale. Gold and silver flowed into the country, until it could boast $1,000,000,000 in addition to a large legal tender bank circulation.

The writer will never forget this French revolution. It cost him a business worth $100,000 a year, and many days, months, and years of embarrassment, from which he never fully recovered. Had the Bank of France not been taken possession of by the government, and its notes made legal tender, the bank would have failed, and untold calamity would have resulted. But by this one act all calamities were avoided. It was done without scarcely any cost to the people. They were blessed, instead of being cursed, by the revolution.

FRANCE FROM 1870 UNTIL 1878.

The war between Germany and France broke out in 1870. Louis Napoleon was then Emperor of the French. He repaired to the field with his army, expecting a great triumph over Germany. He then left Paris for the last time. In a few days his army was scattered and he was a prisoner. The conquest by Germany of France was complete. A republic was again declared. Paris was surrounded by German troops. The people within had no ingress or egress, excepting by balloon. A treaty of peace was finally concluded, the conditions of which were that two of the most valuable French provinces should be ceded to Germany, and that the former should pay the latter $1,100,000,000, and that the troops of Germany should remain on French soil until certain installments of this sum were paid. The opinion of most persons was that France would be wholly unable to pay this debt in a generation. But the wise policy which had saved the country in 1848 and 1849 was adopted by the republican government in 1870 and 1871. The coin in the bank had been drawn from $264,000,000 to $72,700,000, and this small balance would soon have been gone. Confidence was destroyed. Had the policy of England of late years and of the United States since 1873 been adopted and carried out by France in 1870 and 1871, the bank would have failed, the industries of the country would have been ruined, and the very existence of the nation would have been threatened, if not destroyed.

But there were statesmen and wise financiers in France at that time. These men, instead of being controlled by Shylocks, were controlled by the love of their country.

The Bank of France was ordered by the supreme authority to suspend specie payment, and to issue sufficient notes to make the circulation $600,000,000. These notes of the bank were made by law legal tender for all debts due the government and individuals. Two hundred millions of notes were put into the business of the country. The laborers and manufacturing establishments were put to work. Employment was given to every man at good wages. The first installment of the debt to Germany, amounting to $250,000,000, was paid in coin, which was furnished principally by 5,000,000 small farmers, and was called "the stocking loan." In exchange for their coin, which had been hid away in stockings, these small farmers received either the legal-tender notes of the Bank of France or small interest-bearing bonds. This payment reduced the debt to $850,000,000. Not another dollar of this debt was paid in coin. It was paid by loans made in other countries and by manufactured articles sold to Germany. Germany had been so elated over her conquest of France and the anticipated receipts of $1,100,000,000 coin from France that her own industries had been neglected.

Indeed, so many German soldiers had been taken from the plow, the anvil, and the loom to occupy the soil of France until the debt was paid that it was impossible for the usual industries of Germany to be carried on. All the time when the German soldiers were keeping watch of France, the French people, by the aid of $200,000,000 legal-tender notes, in addition to their former circulation, were crowding the German markets with their merchandise until they had sufficient credits with German banks and bankers to pay the $850,000,000 balance of the debt without the shipment of coin. By the use of paper money receivable for all debts, public and private, but not otherwise redeemable before 1877, the Bank of France had paid the whole $1,100,000,000, and had $450,000,000 coin in its vaults.

We call attention to the fact that no great speculations took place during these years when the notes of the bank and of the government were not redeemed in coin. The history of the world shows that all such speculations have their origin with banks that profess to pay coin for all their liabilities.

THE DISCOUNT ON NOTES OF THE BANK OF FRANCE WHEN LEGAL TENDER.

We noticed a few days ago in the Chicago Times a very uncandid, untruthful statement to the effect that as soon as the notes of the Bank of France were made legal tender, and certain issues were made, they went to 2½ per cent. discount, and as the quantity of the notes was increased, the discount thereon increased.

The party who wrote that article is either ignorant or dishonest. He may be both. The facts of history are just the reverse of those stated by him.

After the notes of the bank were made full legal tender they became the money of account and the standard of payment in all transactions. Coins, whether of gold or silver, for the time being ceased to be the money of account and the standard of payment. They were simply commodities or metal, and were purchased and sold as such, the legal-tender paper money being the standard of payment for the coin or bullion. When the $250,000,000 in coin had to be paid to Germany, the silver and gold were in great demand to make this payment. The large, unusual demand raised the price of these metals so that it required $102.50 of the legal-tender paper to purchase a given quantity of gold and silver, just as iron or lead would have been raised in price if two hundred and fifty million dollars' worth of lead or iron had been in haste purchased. Gold and silver were high in price because of the demand.

But immediately after this payment was made, and the notes of the bank had been increased in quantity and diffused among the people, and were actively employed in the industries of the country, there was no premium on either gold or silver over the legal-tender notes. On the contrary, the notes on account of convenience and safety were everywhere preferred to gold and silver coin. The bank was able, therefore, in three or four years to accumulate nearly five hundred million dollars of coin, the coin not being wanted by the people. Such will always be the case with the legal-tender notes of a nation of credit and large revenue.

THE BONDED DEBT OF FRANCE.

France has the largest debt of any nation in the world. It is $4,000,000,000. At only 3 per cent. per annum it amounts to $120,000,000 a year, $12,000,000,000 in one hundred years, and $24,000,000,000 in two hundred years.

This bonded debt, like that of England, commenced near the close of the sixteenth century and by the many wars of France since that time it has been greatly increased. Banking and funding commenced about the same time in France as they did in England. They generally go hand in hand.

Previous to the introduction of banks and bonds in France, when an increase of money to carry on wars or for other purposes was required, the money was forced from those who had it in abundance, or the gold and silver coins were doubled in legal value by copper alloy placed in the coins; or by decreasing their weight, so as to make two or three pounds out of one. This was extensively done in the sixteenth and the early part of the seventeenth century in France, as it was in England near that time. This practice of increasing the amount of money by adding alloy to the coins and reducing their weight was not confined to France and England. It was practiced by most monarchs of that time, and sustained by the courts. It was greatly preferable to the practice of funding. The money changed was still the lawful money of the country issuing it, and as money is nothing but a creation of law to effect exchanges of commodities, it was immaterial of what it is composed, so that it was the lawful money of the nation for all purposes.

OPPRESSION OF THE PEOPLE BY THE DEBT.

Though the French bonded debt is larger than that of England, it does not oppress the French people as that of England does the English. Some of the reasons for this are the following:

The debt of France is all owned in France. The money paid as interest is to the French people. It is not as in the United States sent to pay interest in foreign countries.

1. The French bonded debt is like the notes of the Bank of France, distributed in small sums among the people. The smallest farmer and the poorest laborer has some of it. This is one peculiarity of French loans. They are made into bonds of a few francs, so that all the people can purchase them. They are, therefore, held by the humble tax-payers, and these tax-payers receive the interest. The whole $250,000,000 paid Germany were paid by these tax-payers.

2. The French Government keeps the circulation of either coin or bank-notes so large that money is plenty and the industries of the country are generally prosperous. The people can therefore pay tax to discharge interests due to themselves without being oppressed by the payments. The bonded debts of England and of the United States are generally in few hands, and a large majority of the people are compelled to pay taxes to raise the interest for a few persons who live in idleness and are exempt from taxation.

The Bank of England commenced existence in 1694. It was born of the exigencies of war. It has a monopoly of furnishing a paper currency based upon interest-bearing national bonds. This was the first bank that issued a paper currency in the form of a "promise to pay." At first its notes were based solely upon the debt of the nation. The currency it issued was its credits against the nation. It drew interest on its credits paid by the government, and issued its own notes, based on its credits, and received interest from the people. Not until a large amount of coin had been received by sale of its own notes, which were made receivable for all government dues and for "bills of exchange," were their notes ever professedly payable in coin. From the establishment of this great monopoly, permitted to drain a double interest out of the products of labor for currency, commenced the accumulation of debt and impoverishment of the producers.

The national debt of England has steadily grown from that time till it has reached the ominous sum of $3,700,000,000. At 3 per cent. the interest on this debt taxes labor $111,000,000 annually. Compound this interest for forty years, the time of a single generation, and it would swell the debt to $12,067,543,600. In one generation labor must be taxed to pay a tribute of $8,369,543,600 interest to support an idle, haughty, and voluptuous class. This enormous tribute added to the other necessary burdens of labor inevitably dooms the toiling masses to helpless drudgery and squalid, degrading poverty.

Such is the present condition of the producers in Great Britain. The class to whom interest is paid have absorbed the soil and all other sources of wealth, and collect tribute from every stroke of toil. No marvel that Ireland starves, and on the verge of despair revolts. The oppressors of the poor "sow the wind," and are sure to "reap the whirlwind." The harvest ripens fast.

I have analyzed the English system of double usury drained out of the products of toil for currency, and hinted at the nearly ripe fruits of terrible retribution to suggest the measureless folly of our statesmen who with open eyes have copied it.

OUR BANKING SYSTEM BEFORE THE WAR.

We will notice but briefly our banking system before the civil war. It consisted of a national bank and of State banks. The national bank was founded in 1791. It expired in 1811, and was revived in 1816. Because of President Jackson's noted veto, it was not rechartered, and perished finally in 1836.

The first State bank was established in Boston, in 1784. This was followed by numerous banks in all the States. The main features of this entire system were "specie basis" and control of the volume of currency by bankers. The unsoundness of these features is clearly seen in the facts I quote from a speech I delivered on this floor in February of last year.

The following table exhibits a statement of the number of State banks, the amount of their circulating notes, and the amount of specie they held at different periods from 1784 to 1861:

Year.	Number of banks.	Circulation.	Specie.
1784	3	$2,000,000	$10,000,000
1790	4	2,500,000	9,000,000
1796	24	10,500,000	16,500,000
1800	28	10,500,000	17,500,000
1811	89	28,100,000	15,400,000
1815	208	110,000,000	17,000,000
1820	308	44,863,344	19,820,240
1830	330	61,323,898	22,114,917
1834	506	94,839,570	.....
1835	704	103,692,495	43,937,625
1836	713	140,301,038	40,019,594
1837	788	149,185,890	37,915,340
1838	829	116,138,910	35,184,112
1839	840	135,170,995	45,132,673
1840	901	106,968,572	33,103,155
1841	784	107,290,214	34,813,958
1842	692	83,734,011	28,440,423
1843	691	58,563,608	33,515,806
1844	696	75,167,646	49,898,269
1845	707	89,680,711	44,241,242
1846	707	105,552,427	42,012,095
1847	715	105,519,766	35,132,516
1848	751	128,506,091	46,369,765
1849	782	114,743,415	43,619,368
1850	824	131,366,526	45,379,345
1851	879	155,163,251	48,671,048
1853	750	146,072,780	47,138,592
1854	1,208	204,689,207	59,410,253
1855	1,307	186,952,223	53,944,546
1856	1,398	195,747,950	59,314,063
1857	1,416	214,778,822	58,349,838
1858	1,422	155,208,344	74,412,832
1859	1,476	193,306,818	104,537,818
1860	1,562	207,102,477	83,594,537
1861	1,601	202,005,767	87,674,507

COMMENTS ON THE ABOVE TABLE.

If we examine closely the above table we will discover three important facts: 1, that the number of banks in operation at different periods increased and diminished greatly; 2, that the volume of bank-notes in circulation was subject to rapid and extensive expansion and contraction; 3, that the amount of specie held by the banks up to 1811 greatly preponderated over the volume of bank-notes, and that thereafter it was subject to expansion and contraction to a marked degree, but was always less than half in volume to that of bank-notes out at any one time.

INCREASE AND DECREASE OF STATE BANKS.

Notice these facts, found in the foregoing table: From 1784 to 1811 only eighty-nine new banks were started, in a period of twenty-nine years. During this period the first United States Bank was in operation for twenty years. In the four years from 1811 to 1815, two hundred and nineteen new banks were started. This was just after the expiration of the charter of the first United States Bank. Again, from 1820 to 1830, a period during which the second United States Bank was in existence, there were but twenty-two new banks started, while during the ten years from 1830 to 1840, five hundred and seventy-one new banks were started, and in the next three years two hundred and ten of them went out of existence. This occurred immediately after the veto of the bill to recharter the second United States Bank. Again, from 1843 to 1851, a period of eight years, one hundred and eighty-eight new banks were organized, while between 1851 and 1853, one hundred and twenty-nine banks expired.

INFLATION AND CONTRACTION OF BANK-NOTES.

A careful study of this table shows several very important facts in reference to the inflation and contraction of bank currency. It will be seen that from 1784, the time the first bank was organized, to 1811, there was a gradual increase in the volume of bank-notes until $28,100,000 were put in circulation. There was no sudden inflation or contraction of their volume for a period of twenty-nine years. But between 1811 and 1815 the volume of currency suddenly increased from $28,100,000 to $110,000,000, an actual inflation of $81,900,000 in four years. Notice what followed this: Within the next five years the currency was contracted $65,136,656. The coin during the entire period from 1811 to 1820 increased less than $5,000,000. Again, during the years from 1820 to 1830, a year or two before the veto of the bill for the recharter of the second United States Bank, there were but twenty-two new banks started, and there was an increase of but $16,460,554 in the bank-note circulation. But from 1830 to 1837, a period of seven years, four hundred and fifty-two new banks were organized, and the bank circulation was inflated $87,961,992.

This inflation of bank-notes took place soon after the veto of the bill for the recharter of the second United States Bank by General Jackson. Business was booming during this period. Now what followed?

This table shows that from 1837 to 1838, in one year, they contracted the volume of bank notes $33,046,980. During the next year, from 1838 to 1839, they inflated again $19,032,085; and during the four years, from 1839 to 1843, they contracted these bank notes $76,607,387. The startling fact is observed from these figures that from 1837 to 1843, the paper currency was contracted $90,622,182.

That is what they call honest money and a stable basis of business, and it shows the working of a paper currency redeemable in coin.

Notice again that from 1840 to 1843, a period of three years, three hundred and ten banks went out of existence, and from that time to 1848 they inflated their currency $69,942,483. During the next year they contracted again $13,752,676.

Again, from 1849 to 1853, in four years, they inflated $89,943,792. During the next year they contracted $17,636,974.

From 1854 to 1857 they inflated $37,826,599; while in one year after this they contracted $59,579,478.

This sudden expansion and contraction of the currency resulted in the panic of 1857 and 1858.

From 1858 to 1860 they again expanded the bank currency $51,900,133.

This constant inflation and contraction of the currency is what the hard-money press calls "regulating the currency according to the laws of trade." It shows the very great disadvantage to the people of "doing business on a specie basis" with "a paper currency at all times redeemable in coin."

BUT HOW ABOUT THE COIN?

Another important fact is discovered by examining the foregoing table, and that is, that while the banks were increasing the issues of their notes $64,546,320, the volume of coin held for the redemption of these notes diminished over $8,753,513, and that during the three years, from 1839 to 1842, when everybody wanted more money, when bank notes were being contracted over $90,000,000, the coin also disappeared from the banks to the extent of $16,692,250. Again, from 1842 the coin increased in the banks $21,457,846. In three years thereafter it contracted $14,735,753. From 1847 to 1859 it greatly increased in volume until it reached $104,537,818, an increase of $69,405,302. In one year thereafter, however, it diminished $20,993,281. Soon after the war began it disappeared from circulation altogether.

CONCLUSIONS.

These facts and figures are taken from the finance reports of the Treasury Department of the Government, and therefore they should be authentic.

They furnish a record of the unreliability of a specie basis and of a bank paper currency which is supposed to be at all times convertible into coin. It is what bankers call an "unfluctuating standard of value," a "redeemable currency," a "reliable medium of exchange," and it is a kind of "dishonest money" these dishonest money advocates would have the people adopt.

The great advantage to the banks of this system is the power it gives them to expand and contract the currency, thus increasing and decreasing prices at their pleasure, and bankrupting debtors and absorbing their property—defrauding the laborers. Shall this system be perpetuated?

Our banking system before the war, with its great imperfections, was a step in the advance of civilization. We have passed on from it. Only those who "learn nothing and forget nothing" think of going back to it. It is a graveyard out of which there is to be no resurrection. We shall never return to a currency supplied by State authority. We have learned the value of paper currency resting on the credit of the nation, and therefore alike good in every State of the Union.

THE COST OF ISSUING CURRENCY ON THE NATIONAL BANKING SYSTEM.

The national-bank bill was passed February, 1863. This system is copied from that of the Bank of England. The bank buys of the government interest-bearing bonds, deposits the same with the Treasurer, and receives 90 per cent. of the deposit in notes to issue to the people at the rate of interest allowed by State laws. Thus the bank receives interest on its capital and also on its notes.

I ask careful attention to what this plan has already cost us, as revealed in the books of the Treasury. To ascertain this cost we must find how much, in bonds, the Government paid the bankers for the loan received from them, and what amount of interest has been paid to them. First, what has the Government paid for the loan secured?

To get at just what the bankers paid for their bonds, we must establish the price of gold at the periods when the bonds were sold by the Government and purchased by the bankers. The bonds were sold at par with greenbacks. The price of gold, in greenbacks, from April 1, 1863, to January 1, 1864, varied from $1.30 to $1.60, averaging $1.45. During this time sixty-six banks were organized, with a capital stock of $7,188,393. This capital was in bonds which cost the bankers, in specie, $4,866,005, giving them a clear profit of $2,322,388.

From January 1, 1864, to January 1, 1865, five hundred and eight banks were organized, with a capital of $86,782,802. The average price of gold was $2.10. This stock cost only $39,530,259.10, a clear profit of $47,252,542.90.

From January 1, 1865, to January 1, 1866, one thousand and five banks were organized, with a capital of $306,374,404. The price of gold averaged $1.62½. This stock cost $198,890,175.40, making a profit to the bankers of $107,484,228.60.

From January 1, 1866, to January 1, 1867, one hundred and thirty-one banks were organized, with a capital of $22,315,163. The price of gold averaged $1.42. This stock cost $15,620,614.10, making a profit to the bankers of $6,694,548.90.

From January 1, 1867, to January 1, 1870, the increase of capital was $10,316,886. Currency was worth 70 per cent. This stock cost $7,221,818. The banks made a profit of $3,095,068.80. Thus we see up to 1870 the banks bought of the Government bonds for a basis of issuing currency to secure circulation and deposits and for reserve to the amount of $432,977,648, for which they paid in specie only $265,651,870.80, making a clear profit of $167,325,777.20. Since 1870 the amount of bonds held by the banks has not greatly varied.

On the sums enumerated above the bankers have averaged at least 6 per cent. interest in currency. Their interest having been paid in gold, which has been at high premium much of the time, no doubt makes it average much more. It is well known that they have been able to loan their interest at from 7 to 12 per cent. as soon as received, so that we fall far below their real gains when we compound their interest at 6 per cent. This compound interest paid to bankers on their bonds for the years respectively in which they were bought to the present we find to be $1,108,088,083.93. Add to this the principal, $432,977,649, and we have the sum of $1,541,065,731.93. These figures are not easily grasped. They express sums which bewilder and amaze; yet they state approximately the amount drained out of the products of labor to furnish simply a basis for the issue of bank paper as currency. We may be able to understand this enormous expense better by considering how much it has averaged per month, which is $7,134,563.11, or still better per day, which is $237,818.77.

It should not be forgotten that their bonds of $432,977,648, which are now above par, cost them in specie but $265,651,870.80. If the Government had issued currency directly, as it did the greenbacks, to the amount of bonds sold the national banks, it would have received the full value in the service of men and in means to carry on the war, whereas it received from the banks only $265,651,870.80; and also would have saved the enormous sum of interest stated above.

On this costly basis banks have issued about three hundred and fifty million dollars of currency, costing them only the expense of preparing the notes. The amount of tax on them only a little more than meets that expense. It is difficult to fix the amount of discount paid over the counters of the banks for the currency, but we will approximate it. We estimate that they have furnished an average of $350,000,000 for sixteen years. The average rate of discount has been at least 8 per cent. This would give them $849,080,050, if we compound it.

We challenge any man to show why the Government might not have issued $432,977,648 directly to meet war expenses, to have been used as currency instead of bank notes, as it did the greenbacks. By doing so it would have saved to the people the amount paid in discount to the banks as well as the principal and interest of the bonds.

I utterly fail to find any reason why the amount of the national debt put into interest-bearing bonds to furnish a basis for bankers to issue currency might not have been put directly into currency. That simple course, demonstrated to be feasible by the sum issued in greenbacks, would have saved the enormous cost so plainly set forth.

We charge that the marvelous expense of the national-bank system has been robbery, deliberate, merciless, and ruinous to the producers. It is a curse more to be deprecated than the civil war, with all its wastes and woes. It is wholly gratuitous; there is absolutely no need of it.

Now, sir, it is the settled purpose of the authors of this iniquity to greatly enlarge it by retiring the greenbacks and making it a complete and perpetual monopoly. This purpose is the secret inspiration of the funding bill now before the House. Before we suffer the consummation of this gigantic scheme let us further count the cost.

At the lowest estimate we shall need for the next twenty years an average of $1,000,000,000 of currency. With our present population this would give $22 per capita. If the issuing of this be committed to the national-bank association we must pay them interest on bonds to the amount of $1,100,000,000. That at 4 per cent. compounded would enlarge the amount to $2,213,034,230, and that vast sum must be taken out of the product of labor to swell the fortunes of bankers and minister to their luxurious living. *All this in the brief space of twenty years.*

Then all currency must be borrowed of bankers by the people, and interest from 6 to 10 per cent. be paid for it in advance. For every dollar issued somebody's note must go into the bank, and the note must be the amount of the discount added to the currency issued. Thus this form of supplying the people with currency taxes them a double interest—one for the bonds and a larger one for the currency. This is a drain which no state of business can long endure. It absorbs faster than the people can produce, and causes frequent general bankruptcies.

There is still a worse phase of this infamous system. It makes the bankers "absolute dictators of the financial and business affairs of the whole people." It gives them power to vary at will the volume of currency, and thus to absolutely dictate the price of labor and property. It enthrones over the Republic a sordid, selfish, irresponsible oligarchy, a tyranny most odious and rapacious.

Mr. Chairman, to prevent the consummation of this scheme the national party has been organized, and, sir, we shall fight it to the end. We propose instead that, to the extent that our business demands, the debt of the nation shall be funded directly in currency, and that all paper currency shall be issued from the Treasury Department to the servants and creditors of the Government. The Bank of Venice furnishes us a precedent. We will present the salient points of the Venetian system by quotations from the celebrated work of Stephen Colwell on The Credit System.

I am informed that the publication of this inestimable work has been stopped by the money power by controlling the plates and copyright, and I do not wonder. That power has full control of current literature and has subordinated certain definitions and principles in standard literature to its insatiable greed. Every American dictionary up to the years 1878 and 1879 defined "dollar" as existing in silver only. Not a solitary lexicon defined the unit of money and account as existing in gold. The dollar was of silver only. An eagle was of the value of $10, &c. Until to-day Worcester's Dictionary, unabridged, retains the old definition unchanged, thus:

> A silver coin of Germany, Holland, Spain, the United States, Mexico, &c., of different values;—that of the United States dollar is 100 cents, or 4*s.* 2*d.* sterling.

All the editions of Webster up to 1879 defined "dollar" as existing in silver only. The definition in the unabridged ran thus:

> A silver coin of the United States weighing about 417 grains and equivalent to about four shillings and two pence sterling. It is equal to 100 cents, 10 dimes, or $\frac{1}{10}$ of an eagle.

In 1879, or late in 1878, the publishers of Webster's Dictionary cut the plate containing the definition of "dollar," and changed it so that dollar was defined as existing in gold. Out of sheer shame the long-standing definition was spared, but the clause defining the dollar as existing in gold was adroitly inserted so as purposely to change and corrupt the immemorial meaning of the word. The clause added to the old definition was this:

> A gold coin of the United States weighing 25.8 grains of standard gold, or 23.2 grains of pure gold.

Thus in silence and subtlety the unit of money and account which, according to the standard lexicons and the laws of the United States, had never existed except in silver, was turned into a new form so as to give the unit dollar an existence in gold. It was an ill-disguised attempt to make American lexicography bear witness to the righteousness of robbery.

A like perversion in the definition of money and the defense of silver money is found in the revised edition of Wayland's Political Economy. The "honest dead man" cannot rise from the grave to confront and punish the unscrupulous perpetrators, and his work thus corrupted must be placed in the hands of the young to inculcate error and mislead the unwary.

The revision consists for the most part of the perversion of the author's doctrine, so gross and outrageous that no parallel can be found anywhere. Wayland defines money as being "the instrument of exchange;" the reviser defines it as being "some useful product of labor which serves as a standard of value by which wealth of every kind is measured." Wayland places silver money on terms of perfect equality with gold. The reviser has the following disinterested paragraph:

> The proposed remonetization of silver would simply warrant the payment of the debts of the Government and of all private debts with a depreciated money. So far it impairs existing contracts and works a wrong of the same kind with that involved in the action of the kings of the middle ages when they debased the coin of the realm. Seen in its true light, the measure involves this: it says to every debtor as did the defaulting steward in Christ's parable, "Sit down quickly and take thy bill and mark ninety-two for every hundred."

This pious and excessively moral reviser adds the following remarkable explanation of the terrible disasters to industry from 1873 to 1878, as being in part the fact that within the last sixty years the invention and introduction of labor-saving machinery have changed the methods and increased the results of productive industry. The fact that within this time productive power has been increased very many fold is given as the reason of almost unparalleled distress among producers. Here we have presented the superior wisdom of this moneyed aristocracy.

Mr. Chairman, I confess that such morality and such wisdom are "too powerful" for common mortals, and having no language to characterize them we proceed to our quotations concerning the Bank of Venice.

THE DEBT OF THE REPUBLIC THE BASIS OF THE CURRENCY.

The public loan of Venice, which gave origin to the bank, was forced; but the whole subsequent history of the bank and the public credit is one of entire confidence on the part of the people, and admirable prudence, good faith, and forbearance on the part of the government. Venice made the public debt the chief currency or medium of exchange in all the large operations of trade; and the public debt was wisely kept at that amount, which not only preserved its value, but furnished the full quantity of currency required for trade, with the means of increasing or diminishing the amount, according to the proper demand. This mutual confidence and prudent management are creditable alike to the financial skill and intelligence of all concerned. The government enjoyed a loan, free of interest, equal to the whole capital of the bank, without having given any special guarantee, or any evidence of the debt, except an inscription on the books of the bank; the people enjoyed a currency which for centuries stood at a high premium over gold and silver.

THE DEBT SUBSTITUTED FOR CURRENCY.

The facility of payment furnished by the bank, which made it the admiration of Europe, honorable at once to the government and merchants of Venice and a support to the pride and power of its people, consisted in substituting as a medium of payment the debt of the republic for current coin.

THE DEBT MADE A LEGAL TENDER.

It was established by a solemn edict of the republic that all payments of merchandise in gross and of bills of exchange should be made only in bank, and that all debtors should carry this money to the bank to receive credits in bank therefor, and that creditors should receive payment in bank by a simple transfer from their debtors.

SUCCESS OF THE SYSTEM.

This system of payments was so well adapted to the exigencies of commerce that it was maintained in full vigor in the great commercial city of Venice for almost four hundred years.

The Bank of Venice enjoyed a reputation throughout the commercial world which greatly promoted the success of Venetian trade. It was a tower of financial strength to the republic in her long and expensive wars, and of course contributed no small share to the celebrity of the city, as well as to its power and wealth.

There is no evidence extant that the Bank of Venice ever caused any derangements of the social economy. The voice of the best authorities is all the other way.

THE FACT THAT THIS SYSTEM WAS LEGAL TENDER FOR DEBTS GAVE IT SUCCESS.

To comprehend this extraordinary fact of a credit on the books of a bank, with no money in its vaults, and not bound to make that credit good in later times, even by the payment of interest, or to redeem it in any way, having been for hundreds of years at a high premium over gold and silver, we need only remember that these credits were the funds in which debts were chiefly paid. If credits had been convertible at will into the precious metals, the agio could never have originated, much less attained so high a point; for the moment the holders of credits advanced the price, specie, if a legal tender, would have become the medium of payment as the cheaper medium.

ALL THE BULLION NEEDED EASILY OBTAINED.

Those who had occasion for gold or silver purchased with their deposits what was required, and, with slight exception, for more than four hundred years the precious metals were at a discount compared with the bank funds, the demand for that which would pay bills of exchange being greater than for gold or silver for any special use to which they could be applied.

These quotations, from an unquestioned authority, exhibit a system of finance in all essentials such as we advocate. They answer also every objection urged by the defenders of the national banks against our proposed plan.

The Venetians used all their specie for foreign exchange. They took their gold and silver to the bank and received credit therefor, which credit they used for home exchanges.

The government used the specie whenever needed to pay its obligations to other peoples, and did not keep it locked and guarded and drawing no interest for fear the people would cheat themselves, on the plan of the specie basis for currency. The credits owned by individuals against the whole people acting together in their government, by their solemn agreement put in the form of law, were made their only medium of exchange among themselves.

If it be possible to make a public debt a blessing, the Venetians made it so. They certainly prevented it from being a burden through the drain of interest. They also turned it to a great convenience by using it as a medium of exchange. We emphasize the facts that it avoided the enormous expense of the purchase of coin for home currency and its waste by wear. It also saved all interest on the public debt. It was a medium of exchange without cost. It was an eminent success for centuries. It resulted in unparalleled prosperity for those centuries. It brought no evils, but only good, to the people. Facts are stubborn things. We challenge the advocates of the bank monopoly to meet these unquestioned facts.

Mr. Chairman, we propose to follow the wise system of Venice, adapting it to our condition. The small area of the Venetian Republic made it convenient to effect all home exchanges by transfers on the books of the bank of credits against the government. With us that would be impossible. The credits of individuals against the Government must be exchanged in the form of notes convenient for circulation, as are the greenbacks. This is the main difference, made necessary by the immense area of our country.

OUR PLAN TESTED AND FOUND SUCCESSFUL IN OUR OWN HISTORY.

As far as we have used Treasury notes receivable for taxes as currency in the Confederation, States, and nation, they have proved to be the best.

Mr. Calhoun says that "under the Confederation North Carolina issued $500,000 State notes, which were made legal tender and were received for all debts due the State, and that they were always equal to coin."

Benjamin Franklin says that "from 1720 till 1760, Pennsylvania had issued her own legal-tender paper money, not one dollar of which was ever at a discount for coin." It was received for taxes. It was a currency without cost.

Thomas Jefferson says that "in 1755 Virginia issued treasury notes bearing interest. They were received for all debts due the State, and were never at a discount for coin." They afterward issued non-interest-bearing notes which were equally successful as currency.

In 1841, when the Bank of the United States of Pennsylvania failed, that State issued a large amount of what was called "relief money," which was not based upon or payable in coin, but upon the credit of the State and receivable for all debts due the State. For years it was the entire money on which the business of the State was transacted, and it was ultimately redeemed in the payment of taxes.

When the civil war burst upon the nation it made the question of finance the most difficult problem for the Government. As it always does, when tested, specie failed as a basis of currency. Borrowing money was resorted to. The banks of New York and Boston loaned to the Government $60,000,000. They did so to make excuse for suspending specie payments, and in the hope of compelling the Government to exchange its bonds for their suspended notes at eighty cents on the dollar; but the Government refused to accept loans on those conditions and issued $60,000,000 of "demand notes." These notes the banks then suspended labored to discredit, and would have done so had not the Secretary of the Treasury ordered the notes to be received for duties on imports, and afterward had them made legal tender by law.

In 1862 the issue of greenbacks was commenced. They were used to pay war expenses to the amount of $400,000,000. They were made legal tender except for interest on the public debt and for customs dues. That exception was secured by the united and desperate efforts of bankers. They brought their power to bear upon the Senate, and through it effected their fell purpose. The conduct of the bankers in this matter cannot be adequately characterized; it exhibited "total depravity." They took advantage of the Government when in a life-and-death struggle, manifesting a sordid greed unparalleled in the annals of sin. The acts of ghouls who followed the Army to rob wounded men while bleeding on the field of battle were saintly compared to it. The latter secured from those who periled their lives for the nation a few dollars; the bankers robbed them and their families of millions. But for that exception, the greenbacks in which the soldiers were paid would not have fallen below par, but by that means the bankers depreciated them so that at one time it took $2.85 in them to buy $1 in gold; the bankers had the gold. The time will come when that infamy will be fully understood by a robbed people, and those who perpetrated it will be execrated as Benedict Arnold is not. The Senators who yielded to the pressure of these robbers are partakers with them.

Notwithstanding these credits held by individuals against the Government were thus outrageously crippled, they sustained the nation through four years of the wastes of an unparalleled war, have built the Pacific railroads, and for nearly nineteen years have proved better currency than bank-notes. Just as soon as the Secretary of the Treasury ordered them received for customs dues they rose to equality with gold, and since then have been preferred to gold by the collectors of interest. These facts from our own history demonstrate the wisdom of Mr. Jefferson expressed in the noted words—

> Bank paper must be suppressed, and the circulating medium must be restored to the nation, to whom it belongs. It is the only fund on which they can rely for loans. It is the only resource which can never fail them, and it is an abundant one for every necessary purpose. Treasury bills, bottomed on taxes, bearing or not bearing interest, as may be found necessary, thrown into circulation, will take the place of so much gold or silver, which last, when crowded, will find an effiux into other countries, and thus keep the quantum of medium at its salutary level.

Mr. Chairman, we have shown clearly that money is purely a creature of law, having its value as money fixed by law instead of by the commercial value of the material of which it is made.

We have demonstrated that metal money has become utterly impracticable for the rapid, numerous, and vast exchanges we have reached, and have shown that civilized people have been forced to substitute for it paper currency.

We have demonstrated further, that the cost of a paper currency based on specie or on interest-bearing bonds has become intolerable.

We have made clear by incontrovertible facts and logic that a currency made of the credits of individuals held against the Government, drawing no interest but made legal tender, answers every purpose of money in the home exchanges of a people. Such a currency costs only the preparing and replenishing the notes which are the evidences of the credit. This currency represents labor done by individuals for the Government, or the products of labor sold the Government.

We have shown that such a currency was used by Venice for centuries with marvelous success, and also that we have given it partial trial, and as far as tried it has done for us what it did for the Venetian Republic. This system is represented and illustrated by the greenbacks.

Mr. Chairman, the great, overshadowing issue before us is, shall the national bank currency or the greenback currency become universal and perpetual? We have them both now, but between them is a conflict as irrepressible as between freedom and slavery before the civil war. While the legal-tender greenback currency remains it menaces the system of the national banks. The bankers, aware of this, are determined on their destruction. The President in his last message and the Comptroller of the Currency in his last report voice that stern purpose. It will not do to have the two systems in contrast. The people are learning that while each has given about the same amount of currency for the last eighteen years, one has cost them in double interest, at the lowest estimate, $2,390,145,781, and the other only a nominal amount, and there is danger they will adopt the latter. The bankers understand this full well. One of the main motives which impelled them to the desperate efforts which secured the *exception* to the legal-tender power of the greenbacks was the fear to have the people learn the value of such a currency.

The same motive inspired them to secure the law by force of which a large share of the national debt has been refunded in long-time interest-bearing bonds, and is the secret of the hot haste to refund what remains of that debt manifested in the pressure to pass this bill. They fear that the temptation to refund this part of the debt in non-interest-bearing notes, to be used as currency, will be too strong for the people to resist; hence the persistent effort to make that an impossibility.

Mr. Chairman, we take the side of a currency issued directly into the channels of trade by the Government and made full legal tender. We would refund the bonds in controversy in such notes and retire the national-bank notes. The increase of the volume of currency that would result is sorely needed. We oppose every other mode of refunding. On this issue we shall appeal to the people, the sovereign power of our Republic.

Improvement of Rivers and Harbors.

REMARKS OF HON. PHILIP C. HAYES,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 12, 1881,

On the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. HAYES said:

Mr. CHAIRMAN: I wish to make a few remarks in regard to the bill now before us, and only a few. Notwithstanding all that has been said against it, I stand here as its supporter and friend. I want the bill passed, because I believe the shipping interests of this great country demand it. I wish it to be distinctly understood that I am in favor of internal improvements first, last, and all the time. I am in favor of appropriating out of the public Treasury each year all the money that can profitably be used in improving our rivers and harbors. I do not believe in being niggardly in regard to a work of such magnitude and importance. When a question comes before us which interests the whole nation, I believe in looking at it from a national stand-point; in taking views in regard to it as broad as the nation itself. More than this, I believe that it is the duty of the Government to take hold not only in a liberal but in a determined manner and improve the rivers and harbors of this great country.

Having said this much, Mr. Chairman, I wish to ask what the matter is with this bill? Why do gentlemen oppose it so bitterly? Why is there arrayed against it such a solid phalanx? I do not understand it. I have never witnessed such opposition to any river and harbor bill since I have been a member of this body. Is this war waged against it because the amount proposed to be appropriated is too large? It is a large sum, I admit, when looked at in the abstract, disconnected from the great work which it is designed to help forward. But when considered in connection with that work, it is not large. It is nothing more than we ought to have. But what makes it so large? What are the items that go to make it up? The gentleman from Texas [Mr. REAGAN] informed us in his speech on last Thursday in regard to the chief of these items. Something like $1,625,000 are to be set apart for the improvement of the Mississippi River according to a plan submitted by the commission authorized by the act of Congress of 1879, and approved by the War Department. Now, who is to blame for this addition to this bill? Not the Committee on Commerce assuredly. That committee acted in this case, as in all cases, upon the recommendation of the War Department, the War Department acted upon the recommendation of the commission, and the commission acted under the authority of Congress. Now, it strikes me that Congress is as much to blame as any one, if there is any blame anywhere, and gentlemen, if they would hit the guilty party, should aim their blows at Congress rather than at the Commerce Committee.

Now, sir, take this sum of $1,625,000 from the aggregate amount of the bill, and what remains? Over four hundred thousand dollars less than was appropriated in the river and harbor bill of last year. Did we appropriate any too much last year? Where is the gentleman that will say that we did? I do not think we did; and I do not think we shall appropriate too much this year if we pass this bill as it came from the hands of the committee. It seems to me from what I have heard certain gentlemen say on this floor that they fail to comprehend the magnitude and importance of the work we are making pro-

vision for carrying on; that they do not realize the enormous proportions of that work. Why, sir, look at the long line of sea-coast stretching from Maine along the Atlantic, around by the Gulf of Mexico, and along the Pacific up to Alaska. Look at the numerous rivers, many of them navigable for hundreds of miles, flowing out from the center of the country into these great bodies of water. Look at the immense number of bays, inlets, and harbors along this vast stretch of sea-coast to be improved and kept fit for use. Look at the great chain of lakes on the north with their importance to the shipping interests of the country. Look at the mighty Mississippi and the Missouri flowing through the very heart of the country with their many tributaries, all so necessary to the immense carrying trade of the great Mississippi Valley. I say look at all these and tell me if $10,000,000 are too much to expend for the year 1882 for improving them and making them subservient to the vast commercial interests of our people. I believe, sir, that we can expend double that amount to advantage every year. What is the sum of $10,000,000 in comparison with the magnitude and importance of the work? It is but a trifle; and so long as we know that it will be wisely and properly expended in improving the shipping facilities of the country I cannot see why any one should oppose its being appropriated.

I hold, Mr. Chairman, that both the internal and external or foreign commerce of this country demand that we make large appropriations for the improvement of our rivers and harbors. The commerce of this country is an immense thing now, and is yearly increasing. Look at our foreign commerce. For the year ended June 30, 1880, it amounted, both exports and imports, to the enormous sum of $1,613,770,633. But this is nothing in comparison with our internal commerce. Look at this great country, stretching from the Atlantic to the Pacific and covered with a complete net-work of railroads, running in all directions and busy in transporting from one point to another the extensive products of our forests, our mines, our manufactories, and our farms! Look at our grand lakes and magnificent rivers, covered during the summer months with an immense number of water craft, all plying their busy wheels to help forward the carrying trade of our fifty millions of people! Why, sir, I have the pleasure of living in the great Mississippi Valley, that immense garden lying between the Alleghany and Rocky Mountains and rich in all that munificent nature can bestow. With all the vast and varied productiveness of that valley, we need all the shipping facilities we can have. To give some idea of what we are doing out there, I call attention to the following tables, compiled by the Chicago Inter-Ocean, showing a portion of the trade of one of our cities, Chicago, for the year ending December 31, 1880. It will be observed that, except lumber, shingles, and salt, all the articles mentioned in these tables are the products of the farm:

Received.		Shipped.	
Articles.	Quantity.	Articles.	Quantity.
Flour.....barrels..	3,377,313	Flour.....barrels..	2,953,459
Wheat.....bushels..	23,313,650	Wheat.....bushels..	23,114,908
Corn.....bushels..	95,846,145	Corn.....bushels..	94,911,213
Oats.....bushels..	21,852,073	Oats.....bushels..	21,007,619
Rye.....bushels..	1,841,142	Rye.....bushels..	1,855,403
Barley.....bushels..	5,274,428	Barley.....bushels..	2,998,236
Grass-seed.....bushels..	53,886,351	Grass-seed.....pounds..	44,851,348
Flaxseed.....bushels..	192,110,983	Flaxseed.....pounds..	150,888,565
Broom-corn.....pounds..	12,727,002	Broom-corn.....pounds..	9,389,992
Cured meats.....pounds..	165,331,511	Cured meats.....pounds..	954,039,680
Beef.....packages..	6,231	Beef.....packages..	92,666
Pork.....barrels..	38,103	Pork.....barrels..	366,294
Lard.....pounds..	68,481,193	Lard.....pounds..	329,753,120
Tallow.....pounds..	18,620,419	Tallow.....pounds..	28,288,902
Butter.....pounds..	67,635,852	Butter.....pounds..	60,056,453
Dressed hogs...number..	89,189	Dressed hogs..number..	33,426
Live hogs.....number..	7,066,144	Live hogs.....number..	1,386,776
Cattle.....number..	1,382,346	Cattle.....number..	747,145
Sheep.....number..	335,770	Sheep.....number..	220,815
Hides.....pounds..	71,810,334	Hides.....pounds..	71,178,309
Highwines.....barrels..	17,095	Highwines.....barrels..	7,399
Wool.....pounds..	40,253,385	Wool.....pounds..	37,940,566
Potatoes.....bushels..	1,998,845	Potatoes.....bushels..	190,922
Coal.....tons..	2,674,758	Coal.....tons..	618,027
Hay.....tons..	45,435	Hay.....tons..	12,285
Lumber.....feet..	1,556,134,000	Lumber.....feet..	813,574,000
Shingles.....number..	652,547,000	Shingles.....number..	124,230,000
Salt.....barrels..	1,169,119	Salt.....barrels..	1,019,980

These figures show an immense amount of business done. But it is only a part of what is done. To get at the correct figures we must add to these tables the products of our mines that go to that city, the products of our mills and shops and factories, and all the vast amount of various kinds of goods that go out from that city to supply the great Northwest. But when we have ascertained all that Chicago does in the line of commerce, we have only ascertained what one single city in that valley is doing. Look at the many other cities, all as busy as Chicago in proportion to their size. There is Saint Louis, Louisville, Cincinnati, Pittsburgh, Cleveland, Toledo, Detroit, Milwaukee, Minneapolis, Saint Paul, Omaha, Kansas City, Burlington, and hundreds of others of lesser size, all busy with life and activity, helping forward the carrying trade of the country. Could we ascertain the aggregate amount of all the shipping done at these places, what an enormous sum it would be. But could we, in addition to this, ascertain all the vast amount of shipping done at all the thousands of cities in the whole land, the amount would swell to almost incredible proportions. But it is impossible to do this with any great degree of accuracy. Certain estimates, however, have been made from time to time, which, although not exactly correct, yet serve to show that the carrying trade of the country is of immense magnitude. The latest of these estimates that I have been able to find is the one made by the Bureau of Statistics (connected with the Treasury Department) some time during the summer of 1880, which gives the following:

> The internal commerce of this country greatly exceeds in magnitude its foreign commerce. From the data furnished by Mr. H. V. Poor, the accepted authority upon railroad statistics, it appears probable that the value of the traffic upon the railroads of the country alone, counting each separate shipment, is at least twenty times as great as the value of our foreign commerce. About 90 per cent. of our internal commerce now finds the means of transportation on railroads.

Now, we know what our foreign commerce is. For the year 1880, as I have before stated, it was $1,613,770,633. Multiply this by 20 and make proper additions for the commerce carried on by water, and we have something over thirty-five billion five hundred million dollars as the amount of internal commerce of this country each year. Add to this the amount of our foreign commerce, and we have a grand aggregate of $37,000,000,000. But, startling as these figures are, they are not all. They will become larger rather than smaller every year. It is safe to say that during the next decade our population will increase over a million each year. With this increase will come increased productiveness. Our agricultural interests will widen and broaden. Our mineral resources will be developed more rapidly. New manufacturing establishments will spring up on every hand; and as we thus grow as a people, and become stronger and richer and more powerful, our necessities will grow also. As our productiveness increases, our shipping facilities must be increased also. In view of these facts; in view of the vast amount of our commerce to-day, and its large probable increase each year to come, how can any gentlemen stand up on this floor and say that we ought not at this time to appropriate $10,000,000 for the improvement of our rivers and harbors? It seems to me that, as a body of men legislating for the nation's good, we ought to give heed to these facts and endeavor, so far as we can do so by legislation, to keep our shipping facilities abreast of our productive industries.

Now, Mr. Chairman, there appears to be a great disposition here to criticise the committee that got up this bill; but I cannot see why this should be so. In my opinion that committee has done remarkably well. I know there is not a committee in this House that has worked harder, nor do I believe there is a committee that has sought more earnestly to do the fair and right thing. Of course they may have been imposed upon now and then, and placed some little item in the bill that ought not to be there; but would that, if it were true, be a remarkable thing? Was there ever an appropriation bill passed by this House that did not have some objectionable items in it? I think very few. My belief is that this bill is as free from objectionable features as any river and harbor bill that has been passed since I have been a member of this body, and I am surprised to hear gentlemen assail it with such bitterness. I am surprised to hear them denounce it as recommending appropriations for improvements that the Government never ought to undertake. How was this bill gotten up? The gentleman from Texas [Mr. REAGAN] says:

> There is no item in the bill that is not put there in conformity with the recommendation of the War Department—not one; and there are very few or no items (unless it may be some small items for finishing works) as to which we have allowed the amount of the estimate of the Department.

Now, if items have crept into this bill that ought not to be there, who is to blame? Congress authorizes the War Department to send out engineers to survey certain rivers and harbors. Acting under this authority the War Department sends engineers here and there, who, having done their work, return and make their reports. If any one of these recommends the improvement of a certain river or harbor, that fact is set forth in the estimates furnished the Commerce Committee by the War Department. The Commerce Committee act upon these recommendations. They rely upon the judgment of these engineers. If any of these improvements which they recommend ought not to be made, then the engineers are the parties to blame, and not the Commerce Committee. But, sir, I imagine that these engineers, as a general thing, are competent and reliable men. They are not likely to make recommendations for the improvement of any river or harbor unless they are thoroughly convinced that such improvement is going to benefit the carrying trade of the nation. I think we can rely upon what these men advise; and as every item in this bill has their indorsement, has in addition the approval of the War Department and the recommendation of the entire fifteen gentlemen who constitute the Commerce Committee, I think we can accept it with a reasonable assurance at least that it is about as fair and just and honest as any of the appropriation bills that come here for the consideration of this House.

I might say more, Mr. Chairman, but I feel that I have already taken up more time than I ought to have taken in advocating a bill whose merits alone should recommend it to the favorable consideration of every gentleman on this floor. As I have said before, I hope to see the bill pass and become a law. We cannot afford to let it fail.

Should we do so, immense loss must ensue to all our river and harbor improvements now being carried on, by arresting the work on them and holding it in check for a whole year. This fact gentlemen should consider before they commit themselves positively to a policy that may defeat the bill. But I cannot think the bill will be defeated. In the interest of economy, in the interest of our producing classes, in the interest of cheap freight rates, in the interest of our commerce upon the rivers, the lakes, and the ocean, the bill ought to pass, and I trust it will.

Apportionment.

SPEECH OF HON. C. E. HOOKER,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 5, 1881.

The House having under consideration the bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census—

Mr. HOOKER said:

Mr. SPEAKER: I had hoped, when this bill was reported to the House for its consideration, and my honorable friend from New York [Mr. COX] as chairman of the committee reporting it had made the opening speech which seemed to receive universal approbation from all parts of this House, when I saw gentlemen from the other side of the Chamber crowding over to this side to congratulate him upon the able and exhaustive speech which he had made on this subject—I say I had hoped that this was one subject at least which might be considered by the American Congress without dragging it through the mire and the slough of partisan politics. But it seems in this I was mistaken. We have had, upon a simple proposition to apportion the ratio of representation in this body on the recently taken census as many political speeches as we could have had upon almost any subject that could have been introduced. I had myself believed that this was a subject so wholly foreign to politics that it would be impossible to crowd into this discussion anything of political significance. I was struck with the fact that the distinguished gentleman at the head of the Census Bureau, General Francis A. Walker, had not only by his own conduct but through the agents he appointed under the law, the supervisors and others, conducted the taking of the census in such a manner, so free from any partisan spirit, that the result I supposed would be received by the House in the same spirit, and the apportionment of members of this House under it would be made in the same spirit.

When a portion of the public press of the country undertook to criticise the manner in which the census had been taken in South Carolina and in some portions of the State of Mississippi the distinguished officer having this matter in charge at once sent his agents to make inquiry in those two States; and they came back and submitted a report which at once refuted, so far as South Carolina was concerned, and so far as portions of the State of Mississippi was concerned, the accusation that an improper and partial census had been taken. Under these circumstances I say I had hoped that we would have a discussion of this subject, not as politicians, but that we should be governed primarily in determining the ratio of the representation by the question of increase of population. I did not expect to see the question of suffrage under the fourteenth amendment of the Constitution dragged into this discussion; but it has been done, and therefore it is necessary at the threshold of this discussion to ascertain how far the fourteenth amendment of the Constitution of the United States is to be consulted in the action which the House of Representatives shall take in fixing the ratio of representation.

The second section of the fourteenth amendment to the Constitution provides in the first clause—a clause which the distinguished gentleman from Massachusetts [Mr. ROBINSON] wisely did not comment upon, and which the gentleman from Michigan [Mr. HORR] did not comment upon, and which the gentleman from New York [Mr. CROWLEY] did not comment upon—as follows:

> Representatives shall be apportioned—
>
> Using the imperative term *shall*—
>
> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

The remaining portion of that section makes provision for securing the right to vote to every male citizen in every State in the Union, excepting under certain circumstances. It was said by the gentleman from New York, [Mr. CROWLEY,] in the speech which he made a few days ago, that you must deduct from the population of each State all the male citizens of that State twenty-one years of age who are denied the right to vote. And the gentleman from Michigan [Mr. HORR] undertook to show how many Representatives Mississippi ought to have, and how many Louisiana ought to have, and how many certain other States ought to have, on the basis of votes cast.

Upon what basis did the gentleman from New York or the gentleman from Michigan proceed? By what election would they test the question as to how many persons were not allowed to vote in these States? Why, sir, it is a very well known fact that in the various elections the votes of all the States differ, and differ materially. I will call attention first to the State of New York, to see what basis the gentleman would adopt there. In 1876 the total vote in the State of New York was 828,445; in 1877 it was 786,616; in 1878 it was 1,015,502. Upon what basis, then, would the gentleman from New York undertake to ascertain what proportion of the population of New York had not been allowed to vote? Take the district which the gentleman himself now represents, and you will find that in 1876 there were cast in that district 24,118 votes. In 1878, when the gentleman was a candidate, there were cast in his district only 21,784, with three candidates in the field, a democrat, a republican, and a greenbacker. In determining what proportion of the male population of New York had been denied the privilege of voting, would the gentleman take as the basis the vote of 1876, when he was a candidate with but one opponent, and when there were 24,118 votes cast, or would he adopt as the basis the election of 1878, when there were only 21,789 votes cast?

It is proposed now that the Congress of the United States shall shrink from the discharge of its duty in making this apportionment until it has ascertained what proportion of the people in the various States of the Union have been denied the right to vote; and this position is taken especially with reference to the Southern States. The gentleman from Massachusetts [Mr. ROBINSON] who has just spoken maintains that the fourteenth amendment to the Constitution, though it does not say so in terms, was, looking to contemporary legislation in the reconstruction acts, designed to apply alone to the colored vote of the South. There is nothing in the language of the fourteenth amendment to indicate this. But if this construction were admitted, how are you going to fix the basis? For instance, in Mississippi in 1878 the entire vote in all the congressional districts and in the gubernatorial election amounted to but a few thousand. In 1876 it amounted to over one hundred and fifteen thousand. On what basis will you proceed if you undertake to ascertain how many people of Mississippi were denied the right to vote? Every man living in that State knows how this discrepancy occurred. The total vote of the State in 1878 was only 49,631; in 1876 it was 164,778; in 1877 in round numbers it was 97,000. In 1876 Mr. Tilden, the democratic candidate for President, received 112,173 votes, and Mr. Hayes, the republican candidate, 52,605. In 1877 Mr. Stone, the democratic candidate for governor, without any republican opposition, without opposition of any kind, received over ninety-seven thousand votes. Now, every one who resides in the South knows that in 1878 there was practically no vote cast. Several gentlemen on the other side have asked where were the voters? Why, they were there; but a terrible scourge afflicted the country, and our population did not come out and vote at all. In the city where I reside, the capital of the State, I received but one hundred and twenty votes at that election, and my opponent received but a very few. Such was the case all over the South.

The gentleman from New York and the gentleman from Michigan and those who concur with them, say that before you can make an apportionment, you must ascertain what proportion of the male citizens of every State in the Union have been denied the right to vote, and especially must ascertain this in the Southern States. They fail to show how this can be ascertained. They proceed, too, upon the idea that every colored voter in the Southern States, if left to vote freely according to his own judgment, would vote the republican ticket. Allow me to say that this is a very great mistake. In 1875 we changed our form of government of the Southern States. How? Not by the white vote alone, because that could not be done; but because the governments which had been established by "carpet-bag" and alien rule under a law passed by the Congress of the United States had been found so burdensome in the taxes which they imposed upon the people that every man, whether one of the loftiest intelligence or the very humblest citizen, felt the oppression of those governments—felt that they had become too onerous to be borne. The result was that when an economical form of government was proposed, whites and blacks, rich and poor, all that had to pay taxes, felt it necessary that there should be a change.

How had the governments thus brought to an end been established in the Southern States? By "carpet-bag" rulers who were aliens and strangers uniting with the colored vote, and thus filling our legislative halls with their representatives. On this question I do not like to speak my own sentiments, because it might be said, "You are a southern man; you were a rebel formerly, and you do not state the whole truth about those governments."

Mr. HORR. What does the gentleman mean by an "alien?" He says those men were "carpet-baggers" and aliens. Were they not citizens of the United States?

Mr. HOOKER. They were aliens to our soil, strangers to our institutions and our wants. They came there to run our governments for purposes of rapine and plunder. That is the reason we turned them out. But I will give the gentleman an authority that he will not question. I will answer him through the voice of a member of

his own party. In 1872, when the canvass for the Presidency was going on, the most prominent man at present in the Cabinet of Mr. Hayes, a man from whom I have had occasion to differ in reference to questions of policy, but whose integrity of purpose and whose uprightness I have never doubted, took occasion to speak of those "carpet-bag" governments in the South. He said they had established there a system of government more tyrannical, more odious, and more corrupt than had ever been established anywhere before.

In the speech he made at Syracuse in the State of New York, in speaking of the reasons and the how and the wherefore of that carpet-bag government, Mr. Schurz, a member of the Cabinet of the present Executive, said, and I commend it to the sober reflection of the gentleman from Massachusetts and others who think like him:

And thus it is that the great name, the great authority of the republican party, in its national capacity, is being used this very moment to uphold the most atrocious system of government which this country ever saw. A party which cannot live and prosper unless it be supported by a revival of the old war feeling, and by tearing open again the wounds from which the people of the United States have bled so long—*such a party, when it has come to that, does not deserve to live.*

He referred to these Southern State governments; and that was the sentiment of Mr. Schurz in his speech which he delivered in 1872 in Syracuse.

In the same year, Mr. Speaker, this distinguished leader of the republican party, this man of lofty thought, in his own State of Missouri, in the city of Saint Louis, said that they had predicted that if you allowed the rebels to become voters, you would destroy the rights of the colored people in Missouri. But I will quote his own words. I remember he said "that the State of Missouri was not frightened by the predictions that were made then to frighten them, that the 'red-handed rebel' would rise up again in bloody ferocity and make it impossible for Union people and colored people to live in some parts of this State. Well, the people of Missouri were not frightened. They did trust. They clasped hands over the bloody chasm in 1870. Their trust was not in vain. The rebels were enfranchised. They became, not only voters, but good citizens again. The rights even of the lowest among us were more secure and sacred than ever, and we have lived as friends and brothers since. Let the American people profit by the lesson."

Mr. BREWER. Will the gentleman allow me to ask him a question?

Mr. HOOKER. Certainly.

Mr. BREWER. When was it that Mr. Schurz made that speech?

Mr. HOOKER. In 1872.

Mr. BREWER. He was then speaking for the democratic candidate for President.

Mr. HOOKER. He was speaking for the honest party, then represented by old Mr. Greeley, of New York. [Laughter.] But do you mean to say because he was then speaking for the democratic party, he did not tell the truth? Did he really describe the Southern States' governments as they were? Did he not depict them as everybody knew them to be; and has he ever retracted one word of what he then said? No; and it stands as the recorded sentiment of the great leader of that party, who is now a member of the present Cabinet. He has never retracted one word of it, and never taken it back in the least.

No wonder the southern people, colored people as well as white, rose up in opposition to a form of government which had become intolerable. They overturned it, and then these States, acting in obedience to the instructions from the Federal Government, gave to the colored people in their constitutions the right to vote. Those colored people have exercised that right ever since. Indeed, the first proposition that ever was made to take away from the colored man the right to vote was made by a republican Executive in a message sent to the Congress of the United States, in 1876, in which it was proposed that a general property qualification should be applied after 1880.

Why, sir, so far from being opposed to colored suffrage, although we thought it doubtful at the time it was begun whether they were fitted at once, springing as they did from a condition of slavery and ignorance, to become voters at the baHot-box—although we thought it doubtful whether they were so qualified, and we had high authority for so thinking, nevertheless that suffrage was accorded them and they have ever since retained it. We had very high authority for doubting whether they were fitted at once to become full voters at the ballot-box. The late Senator Morton, in a speech which he delivered at Richmond, Indiana, and he was the great leader of his party while living, said, and his statement was afterward quoted in the Senate, that he did not believe the colored people ought to be invested with the ballot until they had undergone ten, twelve, or fifteen years of probation. But the majority of the republican party decided otherwise, and so they were made voters at once under the constitutions of the various States adopted under the reconstruction acts. They were made voters by force of those constitutions.

And that right has been secured to them, it is said, by the fourteenth amendment to the Constitution of the United States. Who are the persons to deny it to them? Who are the persons to take it from them? But you now deny you want to make an apportionment, because you say certain portions of the people of the South have not the right to vote. I turn you to the votes of 1876 and 1878, and show you that many of the people of the North, if you are to be controlled by that test, did not vote. I can show it from subsequent elections. I can demonstrate the fact also from the district of the gentleman from New York, [Mr. CROWLEY,] who represents the Lockport district. The difference is apparent there. Would you oppose now this apportionment, when the census has been taken, when we have gone back to the bosom of the people to ascertain again what sort of representation they ought to have, when we have gone back by enumeration of the people under the Constitution to ascertain their numbers, when in accordance with the ancient and well established practice of this Government since its foundation we have gone out into the body of the people, and learned exactly what increase of population has taken place since the last census—will you, I say, refuse to make an apportionment under that census, and bring renewed life and vigor into the Representative Hall of Congress? It is your duty to make this apportionment under the recent census. You owe it to the great mass of the American people to do it. You have done it every ten years, and now if you shall oppose it according to the sentiments of the gentleman from New York, and the gentleman from Michigan and others who have participated in this debate, until you can send out commissioners to ascertain how many in Rhode Island have been deprived of the right to vote, and how many in Pennsylvania, because of property qualifications, and how many in the Southern States have been denied the right to vote, then you will say in effect to this whole country, notwithstanding its vast increase in population, notwithstanding its increase in industrial pursuits, notwithstanding the people are looking forward to the American Congress to give them proper representation, that this largely increased population on the part of our people shall have no representation until the next decennial period.

Mr. Speaker, it must be remembered that we are only fixing under the Constitution the ratio of representation which shall last for ten years. Yet gentlemen on the other side say we shall refuse to the great mass of the people the right of representation under the recent census, until we have ascertained how many people in Rhode Island, and how many in Pennsylvania, and how many in New York, have been denied the right of voting. We are told that we shall be denied this representation until it has been ascertained how many colored people in the South have been denied the right to vote. Sir, if gentlemen postpone it until then, if they postpone it until they ascertain that fact, they will never make a report. The duty of the present Congress, Mr. Speaker, is to make the apportionment now. I say it must be made upon the basis of increased population, that is the great leading idea that must distinguish and characterize legislation.

Some portions of the South have increased in population. The State represented by my friend Mr. REAGAN (the State of Texas) has increased its population to such an extent that it will be entitled, I understand, to four additional members. The State of Mississippi has increased until it will be entitled to one additional member. Some of the extreme New England States have reduced their population and will lose here and there a Representative in Congress, but no great proportion. And will you say that you will refuse to make an apportionment because the great tide of immigration, following the law of its natural pursuits and avocations, has flowed to the South and West? Will you say that because the great West has increased vastly in population, and because the South has increased, that you will decrease their ratio of representation to which they are entitled in this House, or that you will deny them representation? Do you begrudge the people of the South their rights, that people laboring after the war with nothing but their lands, blackened and scarred by the terrible breath of war but, thank God, not altogether deprived of fertility and the power of production? Will you, I say, deprive them of the increased representation to which they are entitled? Will you refuse it to the West and say, "No, we will not give you your increased representation; we will withhold that to which you are constitutionally entitled until we ascertain why five hundred men in Massachusetts, or in South Carolina, or in Rhode Island, have not exercised the right of suffrage to which they are entitled?" Will you refuse to perform a great and solemn duty due by you to the American people for a mere chimerical idea like this?

As I have stated, sir, the increase of population has been South and West. We have our representation upon the basis of population, and we ask you to comply with your solemn duty; we ask that alone, and nothing else. We ask that the natural increase which has been granted to us shall be recognized.

Do you want to take away the right of the colored man to vote? Do you want to refuse representation in the South because the negro does vote? If you do, if you want to deprive him of his rights, or deprive him of his representation, then I protest against it as a southern man. You gave them the ballot when they were probably altogether unfitted for it. You gave it to them when they were not prepared to exercise it as freemen ought to exercise it. But ten, fifteen years have passed, and they have learned that if we of the South make a cheap government for the white man, we make a cheap government for the colored man. They are becoming now, to a considerable extent, interested in holding property. They are the owners of land and the owners of leases all over the South. They own the animals with which they cultivate these lands and the implements of agriculture, and they own their own household furniture, and, in a great measure, they are interested in all the prosperity of that section of country. If they have increased in population,

are they not entitled to additional representation? Would you take it away? Is there anybody on the other side who wants to do it? Then, if not, what are you grumbling about? You are like the old woman who was always knitting stockings for the children in the Timbuctoo Islands. She was always knitting, always at work for them, and when her neighbors came in and asked the question, "What are you doing?" she says, "I am knitting stockings for the poor children in the Timbuctoo Islands;" while her own children were running around the floor shoeless and stockingless.

The negro is but another illustration of your paternal care. As long as you can drive him; as long as you can make him go your way; as long as you can herd them together and force them to the polls to vote the republican ticket, you want to protect them, and you claim for them that they need protection even among those people who have proven themselves to be their friends. But as soon as the negro living with the white man there, learning that his property is protected under the same law that protects the property of the white man, learning, as I have said, that a cheap government for the white man means a cheap government for himself, as soon as he begins to exercise his own judgment and votes the democratic ticket, you say that it is an instance of depravity on the part of the negro, or intimidation on the part of the white people, and that they shall be deprived of their representation in proportion.

In the last election in the State of Mississippi, I think there was not a single instance—not one certainly that came to my knowledge in any portion of that State, or in any portion of the adjoining States, Alabama or Georgia—where a single colored man, entitled to vote, and authorized to vote under the Constitution and the laws, was denied the privilege. They have long since learned to understand that we are all in the same boat together. They know that if we ride the storms safely they will also. If we have a good government for the white man, a cheap government for the white man—low taxes—we make it a good government for the negro, and a cheap government for the colored man as well.

I say to you, Mr. Speaker, that the people who pay the taxes of this country—that the people who pay the taxes of every country—are in the end the laboring men. It is the product of his labor that pays the tax, whether he makes one bag of cotton or one bushel of grain or a thousand bags of cotton.

I say, therefore, that when you make cheap government for these people you make cheap government for the white man and for all alike; and they know it and find it out.

Now, it is said that you ought to pause before you make this apportionment, before you determine what shall be the number of this House. I am indifferent as to the number, except to this extent, that I do not think it ought to be increased until this House becomes an unwieldy body. In 1842, when the question of apportionment was under discussion and when some of the most distinguished men of this country engaged in the discussion, it was proposed to fix the number of this House then—even as early as 1842—at three hundred and six; three hundred and six was the number in the bill which passed this House. When it went to the Senate the number was largely decreased there. Reference was made then, as in this debate, to the forms of governments in other countries, and particularly to the House of Commons in England. The House of Commons consists of six hundred and fifty-eight members. But, Mr. Speaker, a quorum of the House of Commons consists of only forty. And then there is no basis on which you can draw an analogy between the House of Representatives in the American Congress and the House of Commons in England; for this reason, that the House of Commons legislates for all Great Britain, for India, for the African Islands, for all the British dependencies. There is but that single legislature to speak for them. The House of Representatives legislates simply on those subjects that are intrusted to it under the Constitution. And in addition to that, every State of the Union has its representatives in the Senate and House of Representatives of each of the thirty-eight States looking to their local interests and local affairs.

I would rather, sir, compare this House with the ancient governments of the old world when the Roman Senate, in the palmiest days of the power and splendor of the empire, consisted only of five hundred representatives and a little over, clothed with absolute unchecked power, with the power even to remove a consul. I say I would rather compare our system of government with that more analogous to it alike in its extent and in its operation than with the English Parliament. I would leave it at three hundred and one or fix it at three hundred and seven. In that debate in 1842 the proposition was to make three hundred and six the basis of representation. I am not particular about the number. Only I say we ought to be governed by two things: First, we must be governed by the laws of increase of population; secondly, we must be governed by the consideration that we ought not to make this House too numerous a body, a body too unwieldy in the exercise of its power.

But I am not in favor of a very restricted representation. I believe, sir, that a large House of Representatives is essential to our institutions. We have grown now from the number of sixty-five, which was fixed arbitrarily in the first House which assembled, up to two hundred and ninety-three. It is proposed by this bill of the majority of the committee to put the number at three hundred and eleven. The amendment of my friend from New York, [Mr. COX,] the chairman of the committee, puts it at three hundred and one. I am indifferent whether three hundred and one or three hundred and seven be the number adopted; but I do not think it should go beyond the latter number. I think the House is now as large as it ought to be and as is consistent with proper deliberation. But if you will remember, Mr. Speaker, that a quorum of this House must exceed the one-half of its members, as a quorum of the Senate must also exceed the one-half of its members, and since we must not lose the idea of a representative system, and when the census shows the immense increase in numbers of the people of this country, extending across the continent from ocean to ocean, with vast industries, great pursuits, and wonderful commerce stretching all over the world, its ports from New York to Galveston sending out fleets all over the world—that we number fifty millions, and that the population increases at a rapid rate north, south, east, and west; I say do not deny to the great American people, with their wonderfully diversified resources and development, the right of representation, and do not delay the settlement of this question upon a simple pretext that there are persons in certain portions of the country not entitled to vote.

I would inquire, Mr. Speaker, how much time I have remaining?

The SPEAKER *pro tempore*. The gentleman has ten minutes of his hour left.

Mr. HOOKER. I must keep my promise to a gentleman on the other side, and will draw my remarks to a close.

I again appeal to the fair-minded men of this House, on the other side and on this side, that if the freedom of the colored man and his admission to representation gives power to the South or to the West, then do not deny it, do not be niggardly in the liberality with which you treat the colored race. Let them enjoy the full benefit of it.

I am glad to see by the census that the negroes as well as the whites have increased in numbers. The people of the South, white and black, after the war were very poor. All were struggling for the means of keeping soul and body together and driving the wolf away from the door. It does not become a great and mighty party, powerful in its extent and great in its resources, to attempt to strike down the weak. Let them take a lesson from the great thunderer of the skies, who with his lightning bolt "strikes rather the gnarled and unwedgeable oak than the soft and tender myrtle."

I now yield the remainder of my time to the gentleman from Indiana, [Mr. CALKINS.]

Electoral Count.

SPEECH OF HON. C. E. HOOKER,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 5, 1881,

On the subject of counting the electoral votes for President and Vice-President of the United States.

Mr. HOOKER said:

Mr. SPEAKER: In 1841 and 1845 and 1849 and 1853 and 1857 and 1861 and 1865 and 1869 and 1873, as in every presidential election since 1797, and including that, the official record states, and I now quote from that record, that—

> The two Houses of Congress having assembled, the certificates of election of the several States for President and Vice-President were in their presence opened by the Vice-President and delivered to the tellers, who, having read and ascertained the number of votes, presented to the Vice-President a list thereof.

And here ends the quotation. In 1793, when General Washington was unanimously re-elected, the proceedings differed somewhat from all that followed. The record states with reference to the count:

> The two Houses having accordingly assembled, the certificates of the electors of the fifteen States in the Union, which came by express, were, by the Vice-President, opened, read, and delivered to the tellers appointed for the purpose, who, having examined and ascertained the votes, presented a list of them to the Vice-President, which list was read to the two Houses.

It will be observed that even on this occasion, in 1793, on the re-election of General Washington, while the President of the Senate opened and read the returns from the respective electoral colleges, they were yet delivered to the tellers appointed by the two Houses to examine and ascertain what the votes were, and they were then returned to the Vice-President, who simply performed the function of announcing the result.

In 1857, when the vote of Wisconsin was not cast on the proper day, owing to the fact that the electors could not reach the capital of the State, but cast upon a subsequent day, the inquiry arose as to whether the vote of Wisconsin should be counted; and after debate in each House, and the report of the tellers requiring it, it was counted. But in the course of the debate, the Vice-President was bitterly accused by men of both parties of having usurped a power with reference to counting the electoral vote with which he was not invested by the Constitution.

In reply to that the then Vice-President said that he "did not undertake to decide whether the vote of Wisconsin was a good vote or a bad vote." He disclaimed—I now quote his own language—"having assumed on himself any authority to determine whether that vote or any other vote was a good or a bad vote."

In the joint convention which assembled, Mr. Jones, one of the tellers, remarked:

I suppose, Mr. President, the proper way would be for the tellers to report the facts to the convention of the two Houses and let them decide.

To which the Vice-President replied:

The presiding officer so considers.

In the debate which ensued after the two Houses had separated, Mr. Seward said, speaking of the power which the Vice-President was accused of assuming:

A misunderstanding exists in both Houses of Congress whether the President of the Senate, acting, as I hold, as the organ of the Senate, has not passed upon the question and counted the votes from the State of Wisconsin, and whether that may not be drawn into a precedent hereafter. I am one of that number who think that the Vice-President has not counted them.

Mr. Douglas, then a distinguished Senator from the State of Illinois, commenting upon the same subject-matter of the assumed power of the Vice-President, said:

I rise to state that in my opinion the tellers have no right to authenticate the certificate until the two Houses have passed upon it as being a true count.

Mr. Crittenden said—

That any member of either House has the privilege and right to object to the counting of a vote.

But I proceed with the remarks of Mr. Crittenden. He said—

That any member of either House has the privilege and right to object to the counting of a vote, and that it was competent for the Senate and House of Representatives alone to decide upon that objection.

Speaking of a supposed assumption of authority by the Vice-President to declare the vote, he said:

It involves the privilege of determining a presidential election and declaring who shall be President. I protest against any such power.

So much, then, Mr. Speaker, for the early precedents upon this subject and the manner in which they run through the several occasions when the powers of the two Houses were called in question. They settle conclusively and forever the assumption that the Vice-President, or the President *pro tempore* of the Senate, has the right to open and count the electoral vote for President and Vice-President of the United States.

Department of Agriculture.

REMARKS OF HON. H. D. MONEY,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 7, 1881,

On the bill (H. R. No. 4909) for the creation of a Department of Agriculture.

Mr. MONEY said:

Mr. SPEAKER: The business of the executive branch of the Government is to execute the laws and administer public affairs. The Cabinet of the President is a political council with whom the President advises upon his foreign and domestic policy. All matters of mere business are attended to by the several bureaus and divisions of the respective Departments; but in the council of State no business, trade, or industry, as such, should have any voice. The Cabinet as a whole represents all the interests of the Republic and all classes of its citizens.

There is nothing in this bill, nor is there anything in the arguments in its favor that shows that the addition of another officer to the Cabinet to be called the Secretary of Agriculture, or by any other name, would in the slightest particular confer any advantage or benefit upon our farmers. The present officer, the Commissioner of Agriculture, can do all for our agricultural interests that he could do if admitted to the Cabinet. This bill does not enlarge his powers for usefulness nor make more effective those which he has, and if any new legislation is proposed in that direction it can be done for him as the head of a bureau as well as the head of a Department.

Gentlemen talk about adding dignity to the profession of agriculture! It is insulting to this noble profession to say so! I beg gentlemen's pardon, but there is no power in this Congress to add one jot or tittle to the dignity of the profession which embraces the majority of our population, owning the greater part of our property, and the most reliably conservative in peace and patriotic in war—a profession upon whose labors the prosperity of every other class is based, and whose industry, economy, and intelligence furnishes the solid foundation of our national prosperity and honor. No, sir; the farmers of our land stand independent of empty compliments, and are accustomed to confer dignity upon others. If it could be shown that this measure could lift even one single burden from the farmer's shoulder, add one single dollar to his purse, soften a single asperity of his rugged toil, brighten his life with one added ray of sunshine, or endow him with a higher conception of the dignity, honor, and usefulness of his profession, it would receive my hearty support. We have now no vocation, trade, or industry represented as such in the Cabinet; it is, as was designed by our forefathers, a political council to assist the President, who is responsible for their acts, not they for his. Add to this council the representative distinctly of a class or business calling, and at once you will be called upon to make a department of commerce, another of manufactures, another of mines, another of railroads or transportation, and so on, until the Cabinet, which now meets to advise the President upon the affairs of the whole country in the interest of all citizens for the common weal, would become a wrangle of trades over conflicting interests, each representative member anxious for his own and indifferent to the whole.

I represent an agricultural constituency. I believe I understand their wants. I know I fully sympathize with them in all their aspirations and efforts for improvement, materially and otherwise, and my recorded votes since I have been a member of this House show that I have consulted their interests and provided for them as faithfully as lay in my power, and I will gladly assist in any measure to promote their good; but I am convinced that this measure can in no respect whatever ameliorate their condition, ennoble a profession already of primal dignity, or make any weightier their already preponderant power; but, on the contrary, that it is an innovation that may lead to unhappy consequences. For these reasons, sir, I record my vote in the negative.

Apportionment.

LETTER TO HON. S. S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 9, 1881.

The following letter and accompanying table, relating to the apportionment of representation under the recent census, and supplementary to the various papers previously published, were, on motion of Mr. COX, February 9, 1881, ordered to be printed in the RECORD:

SMITHSONIAN INSTITUTION,
Washington, D. C., February 9, 1881.

DEAR SIR: The main difficulty in apportioning members of Congress among the States being that some States fall short of their share of representation by reason of small fractions of population, while others by reason of large fractions get an additional Representative, thus exceeding their just share of representation, I desire to call your attention to the inclosed table, which shows at what number of total Representatives these disadvantages are reduced to the minimum.

If what New Hampshire loses by reason of fractions Vermont could gain, and what South Carolina loses Georgia could gain, it would be far more just than that Vermont and New Hampshire both gain by fractions while South Carolina and Georgia both lose. The table shows the sectional gains and losses under each apportionment from two hundred and ninety-three to three hundred and twenty-five, inclusive. Among the Eastern States are included the six New England and the four Middle States; in the Southern States are included Maryland, West Virginia, Kentucky, Missouri, and the States south of them; in the Western States all from Ohio to Kansas and Nebraska; and in the Pacific States California, Colorado, Nevada, and Oregon.

As will be seen from the table, if two hundred and ninety-four be the total number of Representatives, the East gets eighty-eight, while its population strictly entitles it to 87.27; the South gets one hundred and seven, while its population entitles it to 109.82; the West gets ninety-one, while its population entitles it to 89.69; and the Pacific gets eight, while entitled to 7.72. Thus so many of the Southern States lose by fractions that their net loss is equivalent to 389,584 people unrepresented, or to 2.32 Representatives. A correspondingly unfair advantage is distributed between the East, West, and Pacific States; the excess of eastern representation, .73 of a member, being equal to a double representation of 122,585 people; of the West, 1.31 of a member, being equal to a double representation of 219,980 people; and of the Pacific States, .28 of a member, being equal to a double representation of 47,019 people. The total variations between the four sections of the country are such as would result from unrepresenting or doubly representing 779,168 people.

If three hundred and one be the total number of Representatives, the East gets ninety, while entitled to 89.35; the South gets one hundred and eleven, while entitled to 111.92; the West gets ninety-two, while entitled to 91.82, and the Pacific gets eight, while entitled to 7.90. In this case the South suffers the loss of .92 of a Representative, equivalent to 150,897 people unrepresented, which is distributed; to the East .65 of a Representative, equivalent to 106,612 people doubly represented; to the West .18 of a Representative, equivalent to 29,523 people doubly represented; to the Pacific .10 of a Representative, or 16,402 people doubly represented; a total variation from justice of 303,434 people's representation.

If three hundred and seven be the total number of Representatives, the East gets ninety-two, while entitled to 91.13; the South gets one hundred and fourteen, while entitled to 114.15; the West gets ninety-three, while entitled to 93.66, and the Pacific gets eight, while entitled to 8.06; thus the East has .87 of a Representative more than its share, equivalent to 139,907 people twice represented, of which the South sacrifices .15 of a Representative, equivalent to 24,121 people unrepresented; the West sacrifices .66 of a Representative, equivalent to 106,136 people unrepresented, and the Pacific sacrifices .06 of a Representative, equivalent to 9,649 people unrepresented. The total variation amounts in this case to 279,814.

If three hundred and eleven be the total number of Representatives, the East gets ninety-two, while entitled to 92.32; the South gets one hundred and seventeen, while entitled to 115.64; the West gets ninety-four, while entitled to 94.88, and the Pacific gets 8, while entitled to 8.17. In this case the South has an excess of 1.36 Representatives, equal to 215,893 people twice represented, which it takes from the East .32 of a Representative, 50,798 people; from the West .88 of a Representative, 139,695 people, and from the Pacific .17 of a Representative, 26,987 people. The total variation is 433,286.

If three hundred and nineteen be the total number, the East gets ninety-five, while entitled to 94.69; the South gets one hundred and eighteen, while entitled to 118.62; the West gets ninety-seven, while entitled to 97.32; and the Pacific nine, while entitled to 8.38. Here the East gets an excess of .31 of a Representative, 47,977 people, and the Pacific an excess of .62 of a Representative, 95,954 people; which excesses are taken from the South, .62 of a Representative, 95,954 people, and from the West .32 of a Representative, 49,524 people. The total variation is equivalent to doubly representing or not representing 289,409 people.

The foregoing are the numbers which seem to have been most thought of, except the one first named, which is given as illustrating the greatest sectional injustice that can be done by any number between two hundred and ninety-three and three hundred and twenty-five. The number which does the least sectional injustice is three hundred and four. In this case the East gets ninety Representatives, while

entitled to 90.24; the South gets one hundred and thirteen, while entitled to 113.04; the West gets ninety-three, while entitled to 92.74; and the Pacific gets eight, while entitled to 7.98. The South only lacks .04 of a Representative of justice, and the Pacific only exceeds justice by .02 of a Representative. The .24 of a Representative which the East falls short of justice and the .26 of a Representative which the West gets in excess of justice, would equal the unrepresentation of but 38,976 people out of the 14,654,671 people of the East, and the double representation of but 42,224 people out of the 15,061,006 people of the West. The total variation would be represented by 90,944 people unrepresented or doubly represented.

The number next to three hundred and four in doing little injustice is three hundred and six, where the effect is equal to 124,231 people unrepresented or twice represented, and the number next nearest to justice is three hundred and two, equivalent to 140,588 people unrepresented or doubly represented. The order therefore in which the proposed numbers come nearest to doing equal justice to all sections of the country is: three hundred and four, three hundred and six, three hundred and two, three hundred and five, three hundred and eighteen, three hundred and three, three hundred and seven, three hundred and nineteen, three hundred and one, three hundred and twenty, three hundred and eight, three hundred and seventeen, three hundred and sixteen, three hundred and twenty-five, three hundred and eleven, three hundred and thirteen, three hundred and nine, two hundred and ninety-nine, two hundred and ninety-seven, three hundred and fifteen, three hundred and twenty-four, three hundred and twenty-one, three hundred, three hundred and ten, two hundred and ninety-five, three hundred and twelve, two hundred and ninety-eight, three hundred and twenty-three, three hundred and fourteen, two hundred and ninety-three, two hundred and ninety-six, three hundred and twenty-two, two hundred and ninety-four.

Yours, very truly,

CHAS. W. SMILEY.

Hon. S. S. COX,
Chairman Joint Special Committee Tenth Census,
United States House of Representatives.

The apportionment of members of Congress under the census of 1880, *(upon each total from* 293 *to* 325, *inclusive,) compared sectionally with an apportionment strictly according to the population of each section, and showing the sectional injustice of the different apportionments from* 293 *to* 325, *inclusive.*

Proposed number of Representatives.	Ratio, 1 to—	Eastern States.				Southern States.				Western States.				Pacific States.			
		Representatives assigned.	Representatives entitled to.	More or less than justly entitled to.	People doubly represented or unrepresented.	Representatives assigned.	Representatives entitled to.	More or less than justly entitled to.	People doubly represented or unrepresented.	Representatives assigned.	Representatives entitled to.	More or less than justly entitled to.	People doubly represented or unrepresented.	Representatives assigned.	Representatives entitled to.	More or less than justly entitled to.	People doubly represented or unrepresented.
293	168,497	87	86.97	+.03	5,055	107	108.95	−1.95	328,569	91	89.38	+1.62	272,965	8	7.69	+.31	52,234
294	167,924	88	87.27	+.73	122,585	107	109.32	−2.32	389,584	91	89.69	+1.31	219,980	8	7.72	+.28	47,019
295	167,354	88	87.57	+.43	71,962	108	109.69	−1.69	282,828	91	89.99	+1.01	169,028	8	7.75	+.25	41,838
296	166,789	89	87.86	+1.14	190,139	108	110.06	−2.06	343,585	91	90.30	+.70	116,752	8	7.77	+.23	38,361
297	166,228	89	88.16	+.84	139,631	109	110.44	−1.44	239,368	91	90.60	+.40	66,491	8	7.80	+.20	33,246
298	165,670	90	88.46	+1.54	225,132	109	110.81	−1.81	299,863	91	90.91	+.09	14,910	8	7.82	+.18	29,821
299	165,116	90	88.75	+1.25	206,395	110	111.18	−1.18	194,837	91	91.21	−.21	34,674	8	7.85	+.15	24,767
300	164,565	90	89.05	+.95	156,337	110	111.55	−1.55	255,075	92	91.52	+.48	78,990	8	7.88	+.12	19,748
301	164,018	90	89.35	+.65	106,612	111	111.92	−.92	150,897	92	91.82	+.18	29,523	8	7.90	+.10	16,402
302	163,475	90	89.64	+.36	58,851	112	112.30	−.30	49,042	92	92.13	−.13	21,252	8	7.93	+.07	11,443
303	162,936	90	89.94	+.06	9,776	112	112.67	−.67	109,166	93	92.44	+.56	91,244	8	7.96	+.04	6,517
304	162,400	90	90.24	−.24	38,976	113	113.04	−.04	6,496	93	92.74	+.26	42,224	8	7.98	+.02	3,248
305	161,868	90	90.53	−.53	85,790	114	113.41	+.59	95,502	93	93.05	−.05	8,093	8	8.01	−.01	1,619
306	161,339	91	90.83	+.17	27,428	114	113.78	+.22	35,494	93	93.35	−.35	56,469	8	8.03	−.03	4,840
307	160,813	92	91.13	+.87	139,907	114	114.15	−.15	24,122	93	93.66	−.66	106,136	8	8.06	−.06	9,649
308	160,291	92	91.43	+.57	91,366	115	114.53	+.47	75,337	93	93.96	−.96	153,879	8	8.09	−.09	14,426
309	159,772	92	91.72	+.28	44,736	116	114.90	+1.10	175,749	93	94.27	−1.27	202,910	8	8.11	−.11	17,575
310	159,257	92	92.02	−.02	3,185	117	115.27	+1.73	275,514	93	94.57	−1.57	250,033	8	8.14	−.14	22,296
311	158,745	92	92.32	−.32	50,798	117	115.64	+1.36	215,893	94	94.88	−.88	139,695	8	8.17	−.17	26,987
312	158,236	92	92.61	−.61	96,524	117	116.01	+.99	156,654	94	95.18	−1.18	186,718	9	8.19	+.81	128,171
313	157,730	92	92.91	−.91	143,534	117	116.39	+.61	96,215	95	95.49	−.49	77,288	9	8.22	+.78	123,029
314	157,228	92	93.21	−1.21	190,246	118	116.76	+1.24	194,963	95	95.79	−.79	124,210	9	8.24	+.76	119,493
315	156,729	92	93.50	−1.50	235,093	118	117.13	+.87	136,354	96	96.10	−.10	15,673	9	8.27	+.73	114,412
316	156,233	93	93.80	−.80	124,986	118	117.50	+.50	78,116	96	96.40	−.40	62,493	9	8.30	+.70	109,363
317	155,740	93	94.10	−1.10	171,314	118	117.87	+.13	20,246	97	96.71	+.29	45,165	9	8.32	+.68	105,903
318	155,250	94	94.39	−.39	60,548	118	118.24	−.24	37,260	97	97.01	−.01	1,553	9	8.35	+.65	100,913
319	154,764	95	94.69	+.31	47,977	118	118.62	−.62	95,954	97	97.32	−.32	49,524	9	8.38	+.62	95,954
320	154,280	95	94.99	+.01	1,543	118	118.99	−.99	152,737	98	97.62	+.38	58,626	9	8.40	+.60	92,568
321	153,799	95	95.28	−.28	43,064	118	119.36	−1.36	209,166	99	97.93	+1.07	164,565	9	8.43	+.57	87,665
322	153,322	95	95.58	−.58	88,927	118	119.73	−1.73	265,247	100	98.23	+1.77	271,380	9	8.45	+.55	84,327
323	152,847	95	95.88	−.88	134,505	119	120.10	−1.10	168,132	100	98.54	+1.46	223,157	9	8.48	+.52	79,480
324	152,375	95	96.17	−1.17	178,279	120	120.48	−.48	73,140	100	98.84	+1.16	176,755	9	8.51	+.49	74,664
325	151,906	96	96.47	−.47	71,396	120	120.85	−.85	129,120	100	99.15	+.85	129,120	9	8.53	+.47	71,396

RECAPITULATION.

Proposed number of Representatives.	Ratio, 1 to—	More or less Representatives than justly entitled to.				People doubly represented or unrepresented.				
		East.	South.	West.	Pacific.	East.	South.	West.	Pacific.	Total.
293	168,497	+.03	−1.95	+1.62	+.31	5,055	328,569	272,965	52,234	658,823
294	167,924	+.73	−2.32	+1.31	+.28	122,585	389,584	219,980	47,019	779,168
295	167,354	+.43	−1.69	+1.01	+.25	71,962	282,828	169,028	41,838	565,656
296	166,789	+1.14	−2.06	+.70	+.23	190,139	343,585	116,752	38,361	688,837
297	166,228	+.84	−1.44	+.40	+.20	139,631	239,368	66,491	33,246	478,736
298	165,670	+1.54	−1.81	+.09	+.18	255,132	299,863	14,910	29,821	599,726
299	165,116	+1.25	−1.18	−.21	+.15	206,395	194,837	34,674	24,767	460,673
300	164,565	+.95	−1.55	+.48	+.12	156,337	255,075	78,990	19,748	510,150
301	164,018	+.65	−.92	+.18	+.10	106,612	150,897	29,523	16,402	303,434
302	163,475	+.36	−.30	−.13	+.07	58,851	49,042	21,252	11,443	140,588
303	162,936	+.06	−.67	+.56	+.04	9,776	109,166	91,244	6,517	216,703
304	162,400	−.24	−.04	+.26	+.02	38,976	6,496	42,224	3,248	90,944
305	161,868	−.53	+.59	−.05	−.01	85,790	95,502	8,093	1,619	191,004
306	161,339	+.17	+.22	−.35	−.03	27,428	35,494	56,469	4,840	124,231
307	160,813	+.87	−.15	−.66	−.06	139,907	24,122	106,136	9,649	279,814
308	160,291	+.57	+.47	−.96	−.09	91,366	75,337	153,879	14,426	335,008
309	159,772	+.28	+1.10	−1.27	−.11	44,736	175,749	202,910	17,575	440,970
310	159,257	−.02	+1.73	−1.57	−.14	3,185	275,514	250,033	22,296	551,028
311	158,745	−.32	+1.36	−.88	−.17	50,798	215,893	139,695	26,987	433,286
312	158,236	−.61	+.99	−1.18	+.81	96,524	156,654	186,718	128,171	568,067
313	157,730	−.91	+.61	−.49	+.78	143,534	96,215	77,288	123,029	440,066
314	157,228	−1.21	+1.24	−.79	+.76	190,246	194,963	124,210	119,493	628,912
315	156,729	−1.50	+.87	−.10	+.73	235,093	136,354	15,673	114,412	501,532
316	156,233	−.80	+.50	−.40	+.70	124,986	78,116	62,493	109,363	374,958
317	155,740	−1.10	+.13	+.29	+.68	171,314	20,246	45,165	105,903	342,628
318	155,250	−.39	−.24	−.01	+.65	60,548	37,260	1,553	100,913	200,274
319	154,764	+.31	−.62	−.32	+.62	47,977	95,954	49,524	95,954	289,409
320	154,280	+.01	−.99	+.38	+.60	1,543	152,737	58,626	92,568	305,474
321	153,799	−.28	−1.36	+1.07	+.57	43,064	209,166	164,565	87,665	504,460
322	153,322	−.58	−1.73	+1.77	+.55	88,927	265,247	271,380	84,327	709,881
323	152,847	−.88	−1.10	+1.46	+.52	134,505	168,132	223,157	79,480	605,274
324	152,375	−1.17	−.48	+1.16	+.49	178,279	73,140	176,755	74,664	502,838
325	151,906	−.47	−.85	+.85	+.47	71,396	129,120	129,120	71,396	401,302

River and Harbor Improvements.

SPEECH OF HON. G. DE LA MATYR,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 7, 1881.

On the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

By substituting treasury notes for national-bank currency funds can be secured to open three lines of water-ways from the Mississippi Valley to the ocean, besides improving the Missippi River.

Mr. DE LA MATYR said:

Mr. SPEAKER: The river and harbor bill now before the House brings up a subject which next to finance is the most important that engages the attention of our statesmen. The measureless resources of agriculture and mineral wealth opened in the Mississippi Valley and west of it make the question of transportation to the seaboard one of immediate and paramount interest.

I rise, sir, mainly for the purpose of calling attention to a remarkable report upon this subject presented to the Senate by Mr. WINDOM, of Minnesota, in 1874. No more able or valuable report was ever presented to Congress, and I marvel that it has elicited so little interest. I had the honor at the extra session of last year to present to the House a bill prepared by Colonel John Childs, of Kentucky, the purpose of which was to execute the recommendations of that report; and it called forth an outburst of derision, especially from the republican press of the whole country. It was stigmatized as proposing a system of "De La Matyr canals." It was evident that metropolitan editors as well as their country cousins were utterly ignorant of this report, although it came from a committee a majority of whom were the ablest republicans in the Senate. I was not so lost to all sense of propriety as to have presented, even at the request of another, a bill proposing so vast a system of internal improvements, resting on my judgment alone; but, sir, I did not hesitate to act on a judgment so competent as that which originated that report, and the ignorant sneering which Mr. Childs's bill caused did not in the least disturb me.

Mr. WINDOM'S report recommends the opening or improving of four lines of transportation to the seaboard. It shows conclusively that they were then needed. The eight years which have elapsed since have doubled the demand for such addition to our facilities for moving the products of the West to the sea. The vast range in the Northwest capable of unlimited production of cereals, opened by the extension of the Northern Pacific Railroad, and by explorations for other purposes, and the tide of immigration into it, promise to more than double the amount of freight to be shipped.

Within these few years the South has exhibited resources which demand attention. Alabama promises to be the banner iron State. Capabilities of cotton and tobacco under free and skilled labor are awaking interest.

Florida is only beginning to receive investigation of her marvelous possibilities. She is capable of producing oranges—the best in the world—pine-apples, lemons, limes, and cocoa-nuts in such abundance that she is destined to be one of the richest States in the Union. These fruits and the iron of Alabama must be transported to the great Northwest and cereals returned to the South.

Just now the people are rousing to the fact that railroad corporations have acquired a dangerous power, and they are seeking a way to break that power. This report discusses that subject with the same eminent ability that it presents the necessity of great thoroughfares for freight under Government control.

We are greatly indebted to the Senate committee, and especially to its able chairman, Mr. WINDOM, of Minnesota, for that exhaustive report.

Mr. Speaker, in order to call the attention of the country to this report I quote the substance of it, skillfully pressed into a small compass in the summary:

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS.

The following general summary of the conclusions and recommendations of the committee are respectfully submitted:

First. One of the most important problems demanding solution at the hands of the American statesman is: By what means shall cheap and ample facilities be provided for the interchange of commodities between the different sections of our widely-extended country.

Second. In the selection of means for the accomplishment of this object Congress may, in its discretion and under its responsibility to the people, prescribe the rules and regulations by which the instruments, vehicles, and agencies employed in transporting persons or commodities from one State into or through another shall be governed, whether such transportation be by land or by water.

Third. The power "to regulate commerce" includes the power to aid and facilitate it by the employment of such means as may be appropriate and plainly adapted to that end, and hence Congress may, in its discretion, improve or create channels of commerce on land or by water.

Fourth. A remedy for some of the defects and abuses which prevail under existing systems of transportation may be provided by direct congressional regulation, but for reasons stated at length in this report it is seriously doubted if facilities sufficiently cheap and ample to meet the just and reasonable requirements of commerce can ever be obtained by this method.

Fifth. Whatever may be the limit of the power of Congress over interstate commerce, it is believed that the attempt to regulate the business of transportation by general congressional enactments establishing rates and fares on 1,300 railways, aggregating nearly one-half the railway mileage of the world, and embracing an almost infinite variety of circumstances and conditions, requires more definite and detailed information than is now in the possession of Congress or of your committee. Believing that any ill-advised measures in this direction would tend to postpone indefinitely the attainment of the desired object, cheap transportation, the committee deem it expedient to confine their recommendations in this regard to such measures only as may be enacted with entire safety, reserving other matters of legislation for further inquiry and consideration. They therefore recommend for present action the following:

1. That all railway companies, freight lines, and other persons or organizations of common carriers engaged in transporting passengers or freights from one State into or through another be required, under proper penalties, to make publication at every point of shipment from one State to another of their rates and fares, embracing all the particulars regarding distance, classifications, rates, special tariffs, drawbacks, &c., and that they be prohibited from increasing such rates above the limit named in the publication, without reasonable notice to the public, to be prescribed by law.

2. That combinations and consolidations with parallel or competing lines are evils of such magnitude as to demand prompt and vigorous measures for their prevention.

3. That all railway companies, freight lines, and other organizations of common carriers employed in transporting grain from one State into or through another should be required, under proper regulations and penalties, to be provided by law, to receipt for quantity, and to deliver the same at its destination.

4. That all railway companies and freight organizations receiving freights in one State to be delivered in another, and whose lines touch at any river or lake port, be prohibited from charging more to or from such port than for any greater distance on the same line.*

5. Stock inflations, generally known as "stock-waterings," are wholly indefensible; but the remedy for this evil seems to fall peculiarly within the province of the States who have created the corporations from which such practices proceed. The evil is believed to be of such magnitude as to require prompt and efficient State action for its prevention, and to justify any measures that may be proper and within the range of national authority.

6. It is believed by the committee that great good would result from the passage of State laws prohibiting officers of railway companies from owning or holding, directly or indirectly, any interest in any "non-co-operative freight line" or car company, operated upon the railroad with which they are connected in such official capacity.

7. For the purpose of procuring and laying before Congress and the country such complete and reliable information concerning the business of transportation and the wants of commerce as will enable Congress to legislate intelligently upon the subject, it is recommended that a bureau of commerce in one of the Executive Departments of the Government be charged with the duty of collecting and reporting to Congress information concerning our internal trade and commerce, and be clothed with authority of law, under regulations to be prescribed by the head of such Department, to require each and every railway and other transportation companies engaged in interstate transportation to make a report, under oath of the proper officer of such company, at least once each year, which report should embrace among other facts the following, namely: First, the rates and fares charged from all points of shipment on its line in one State to all points of destination in another State, including classifications and distances, and all drawbacks, deductions, and discriminations; second, a full and detailed statement of receipts and expenditures, including the compensation paid to officers, agents, and employés of the company; third, the amount of stock and bonds issued, the price at which they were sold, and the disposition made of the funds received from such sale; fourth, the amount and value of commodities transported during the year, as nearly as the same can be ascertained, together with such other facts as may be required by the head of such bureau, under the authority of law.

Sixth. Though the existence of the Federal power to regulate commerce to the extent maintained in this report is believed to be essential to the maintenance of perfect equality among the States as to commercial rights; to the prevention of unjust and invidious distinctions which local jealousies or interests might be disposed to introduce; to the proper restraints of consolidated corporate power, and to the correction of many of its existing evils, yet your committee are unanimously of the opinion that the problem of cheap transportation is to be solved through competition, as hereinafter stated, rather than by direct congressional regulation of existing lines.

Seventh. Competition, which is to secure and maintain cheap transportation, must embrace two essential conditions: 1. It must be controlled by a power with which combination will be impossible. 2. It must operate through cheaper and more ample channels of commerce than are now provided.

Eighth. Railway competition when regulated by its own laws will not effect the object, because it exists only to a very limited extent in certain localities, it is always unreliable and inefficient, and it invariably ends in combination. Hence additional railway lines under the control of private corporations will afford no substantial relief, because self-interest will inevitably lead them into combination with existing lines.

Ninth. The only means of securing and maintaining reliable and effective competition between railways is through national or State ownership or control of one or more lines, which, being unable to enter into combination, will serve as regulators of other lines.

Tenth. One or more double-track freight railways, honestly and thoroughly constructed, owned or controlled by the Government, and operated at a low rate of speed, would doubtless be able to carry at much less cost than can be done under the present system of operating fast and slow trains on the same road; and being incapable of entering into combinations would, no doubt, serve as a very valuable regulator of all existing railroads within the range of their influence.

Eleventh. The uniform testimony deduced from practical results in this country and throughout the commercial world is that water routes, when properly located, not only afford the cheapest and best known means of transport for all heavy, bulky, and cheap commodities, but that they are also the natural competitors and most effective regulators of railway transportation.

Twelfth. The above facts and conclusions, together with the remarkable physical adaptation of our country for cheap and ample water communications, point unerringly to the improvement of our great natural water-ways and their connection by canals or by short freight-railway portages under control of the Government as the obvious and certain solution of the problem of cheap transportation.

Thirteenth. After a most careful consideration of the merits of various proposed improvements, taking into account the cost, practicability, and probable advantages of each, the committee have come to the unanimous conclusion that the following are the most feasible and advantageous channels of commerce to be created or improved by the National Government in case Congress shall act upon this subject, namely:

1. The Mississippi River.

*This provision, it is believed, will prevent the discriminations now practiced against such ports, and will enable States which are separated from water lines by intervening States to reach such lines at reasonable cost. Congress has no power to regulate commerce wholly within a State, and hence States bordering upon such water lines will regulate the rates to ports within their own territory.

2. A continuous water line of adequate capacity from the Mississippi River to the city of New York, via the northern lakes.

3. A route adequate to the wants of commerce through the central tier of States, from the Mississippi River, via the Ohio and Kanawha Rivers, to a point in West Virginia, and thence by canal and slack-water or by a freight railway to tide-water in Virginia.

4. A route from the Mississippi River, via the Ohio and Tennessee Rivers, to a point in Alabama or Tennessee, and thence by canal and slack-water or by a freight railway to the ocean.

In the discussion of these four existing and proposed channels of commerce we shall for the sake of brevity designate them repectively the "Mississippi route," "Northern route," "Central route," and "Southern route."

THE MISSISSIPPI ROUTE.

The improvements necessary on the Mississippi route are: 1. The opening of the mouth of the river so as to permit the free passage of vessels drawing twenty-eight feet; estimated cost, $10,000,000. 2. The construction of reservoirs at the sources of the river, (if upon a careful survey they shall be deemed practicable;) estimated cost, $114,000. 3. Improvements upon a system to be provided by the War Department at all intermediate points, so as to give from three to five feet navigation above the Falls of Saint Anthony; from four and one-half to six feet from that point to Saint Louis; and from eight to ten feet from Saint Louis to New Orleans at the lowest stages of water; estimated cost, $5,000,000.

The total cost of the Mississippi improvements may, we think, be safely estimated at $16,000,000.

THE NORTHERN ROUTE.

The improvements suggested on this route are:

First. The Fox and Wisconsin Rivers improvement, by which five feet of navigation will be secured during the entire season from the Mississippi River to Green Bay, thereby affording the shortest and cheapest connection between the centers of wheat production and the eastern markets, and a continuous water channel from all points on the Mississippi River and its tributaries to the Atlantic Ocean. Estimated cost, $3,000,000.

Second. The construction of the Hennepin Canal (sixty-five miles long) from a point on the Mississippi River, near Rock Island, to the Illinois River at Hennepin, thereby affording the shortest and cheapest route from the largest areas of greatest corn production to the East, and a connection by water between the river system of the West, the northern lakes, and the Atlantic Ocean. Estimated cost, $4,000,000.

3. The enlargement and improvement, with the concurrence of the State of New York, of one or more of the three water-routes from the lakes to New York City, namely: the Erie Canal from Buffalo to Albany, the Oneida Lake Canal from Oswego to Albany, or the Champlain Canal from Lake Champlain to deep water on the Hudson River, including such connection as may be effected between Lake Champlain and the Saint Lawrence River, with the co-operation of the British Provinces. Estimated cost, $12,000,000.

Total cost of the northern route from the Mississippi River to New York City, $19,000,000.

The enlargement of the Welland Canal, now in progress, with the construction of the Caughnawaga Canal, and the proposed enlargement of the Champlain Canal, will enable vessels of a thousand tons to pass from western lake ports to ports in Vermont and to New York City. The Erie Canal enlarged as proposed will pass vessels of about seven hundred tons.

THE CENTRAL ROUTE.

The plan of improvement for this route contemplates—

First. The radical improvement of the Ohio River, from Cario to Pittsburgh, so as to give six to seven feet of navigation at low water. Estimated cost, $22,000,000.

Second. The improvement of the Kanawha River, from its mouth to Great Falls, so as to give six feet of navigation at all seasons. Estimated cost, $3,000,000.

Third. A connection by canal or by a freight railway, from the Ohio River or Kanawha River, near Charleston, by the shortest and most practicable route, through West Virginia to tide-water in Virginia; the question as between the canal and freight railway to be decided after the completion of careful surveys and estimates. If by canal and slack-water, the estimated cost is $55,000,000; if by a freight railway, the cost would probably not exceed $25,000,000.

The total expenditure necessary for the improvement of the Ohio and Kanawha Rivers is estimated at $25,000,000. The amount necessary to complete the connection with tide-water depends upon the nature of the improvement, as above stated.

THE SOUTHERN ROUTE.

The plan suggested by the committee for the southern route contemplates:

First. The improvement of the Tennessee River from its mouth to Knoxville, so as to give three feet of navigation at lowest stages of water. Estimated cost, $5,000,000.

Second. A communication by canal, or freight-railway, from some convenient point on the Tennessee River in Alabama or Tennessee, by the shortest and most practicable route to the Atlantic Ocean. The railway, if constructed, will be about four hundred and thirty-five miles long; the question as between the canal and railway to be decided after a careful survey and estimate of both shall have been completed. If by canal, the cost will be about $35,000,000. If by railway, probably about $30,000,000. Large portions of all of the above routes have been surveyed, and careful estimates prepared by the War Department. It is recommended that appropriations be made at the present session of Congress for completing the surveys of the entire system of improvements proposed, in order to determine accurately the cost of each route, and to enable the Government to enter at once upon the work, if the same shall be deemed practicable and expedient after such surveys shall have been completed.

On presenting this general plan of improvements the committee wish to be distinctly understood that the ordinary annual appropriations for other important works in aid of commerce should not be omitted.

The cost of the entire improvement will depend upon the decision to be hereafter made between the canal and the freight-railway portages, on the central and southern routes. If the canals be constructed the total cost will be about one hundred and fifty-five million dollars. If the railways be chosen, the total cost will be about one hundred and twenty million dollars.

An actual expenditure of $20,000,000 to $25,000,000 per annum will be required for five years, (in addition to the loan of Government credit, as above stated,) when the whole work can be completed. The resulting benefits will, for all time, annually repay more than double the entire cost.

In view of the fact that private companies invariably combine with each other against the public, it is recommended that no aid be given to any route to be owned or controlled by private corporations, but that the four great channels of commerce suggested shall be improved, created, and owned by the Government, and stand as permanent and effective competitors with each other and with all the railways which may be within the range of their influence.

The committee believe that the water-routes suggested should constitute free highways of commerce, subject only to such tolls as may be necessary for maintenance and repairs. If, however, Congress, shall deem it expedient to require them to provide interest on the cost of construction, and the means for ultimate redemption of the principal the whole improvements will involve only a loan of Government credit.

NATIONAL CHARACTER OF THE PROPOSED IMPROVEMENTS.

By reference to the map of the United States it will be seen that the completion of the system of improvements proposed will provide four great competing commercial lines from the center of the continent to the Atlantic seaboard and the Gulf of Mexico. It will also be observed by reference to the crop-maps, republished with this report, that these routes lead directly from or through the greatest areas of production to those sections which constitute the greatest areas of consumption, thus dividing their benefits equitably between producers and consumers, and contributing to the development and prosperity of the whole country. The Great Architect of the continent seems to have located its rivers and lakes with express reference to the commercial necessities of the industrious millions who now and shall hereafter occupy it. The plan of improvements suggested by the committee merely follows the lines so clearly indicated by His hand.

The proposed improvements are so located as to distribute their benefits with great equality among all the States east of the Rocky Mountains. Twenty-one of those States are situated directly on one or more of said routes; two States—Kansas and Nebraska—are so situated as to enjoy the full benefits of reduced cost of transportation from the Mississippi River by all of the proposed lines. Eleven States, namely, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, New Jersey, North Carolina, Florida, and Texas, nearly all of which consume largely of the food of the West, and most of which are to a great extent dependent upon the West for a market for their manufactures and other products, are directly connected by the waters of the ocean with their several termini. The improvements will therefore connect, by the cheapest known means of transport, every one of the thirty-four States east of the Rocky Mountains with all the others, and but one State in the Union will be without water connection with the whole world. The accomplishment of so great a result by an expenditure of money comparatively so small illustrates the wonderful provisions of nature for cheap commercial facilities on this continent.

These four great channels of commerce under public control, and hence unable to combine with each other, or with existing lines of transport, will, by the power of competition, hold in check all the railways radiating from the interior to the seaboard, and, by affording a cheap and ample means of communication, will solve the problem of cheap transportation. If local railways discriminate against them, it will be in the power of the States whose boundaries they touch to prescribe regulations for the correction of such discriminations. A law of Congress prohibiting discriminations against river or lake ports will enable the other States not directly upon any of said lines to reach them at reasonable rates. The committee submit that no scheme of public improvement could be more eminently national in its character, nor diffuse its benefits more generally and equitably than the one proposed, and they believe that the entire system of improvements should be considered and acted upon as a whole.

Let us now consider more specifically the benefits and advantages to be anticipated from each route and from the entire system when completed.

I.—BENEFITS ANTICIPATED FROM THE NORTHERN ROUTE.

From all points on the Mississippi River between Minneapolis, Minnesota, and Quincy, Illinois, the average railway rate to lake ports in 1872 was 17 cents per bushel of 60 pounds. From Chicago to New York, by rail, the average charge during that year was 33⅓ cents per bushel, and the average rate by water was 26.6 cents per bushel, making the all-rail charges through from the Mississippi to New York 50⅓ cents and the rail and water charge, exclusive of terminals, 43.6 cents per bushel. In the section of this report devoted to the Fox and Wisconsin Rivers improvement and the Hennepin Canal we have shown that an average saving can be effected through their agency of at least 10 cents per bushel on all the cereals transported from points west of the Mississippi River and north of the southern line of Iowa.

It is believed by those who have studied the subject that the enlargement of the New York canals so as to pass boats of 600 to 1,000 tons will reduce the cost of transportation on that part of the line 50 per cent. The establishment of reciprocal trade relations with the Dominion of Canada, which shall induce the construction of the Caughnawaga Canal, (if such an arrangement can be made,) and which will encourage Canadian shipmasters to compete for the carrying trade on the lakes, will also materially cheapen the cost of transport to New England. The evidence taken by your committee fully justifies the opinion that by the enlargement of the New York canals, the construction of the Caughnawaga Canal, and the use of the enlarged Canadian canals, the cost of transport from Chicago to Burlington, Vermont, and to New York City will not exceed from 12 to 15 cents per bushel, making the entire cost from the Mississippi River to Burlington, Vermont, or to New York, not more than 22 cents per bushel, against the present cost of 43.6 cents by water, and 50⅓ cents by rail. We may therefore reasonably estimate that by the proposed improvements upon this route a saving can be effected of 20 cents per bushel or $6.70 per ton on all the east tonnage moved between that river and the East.

BENEFITS ANTICIPATED FROM THE CENTRAL ROUTE.

Assuming a charge of 4 mills per ton per mile on the Mississippi River and on the improved Ohio and Kanawha Rivers,* a charge of 8 mills per ton per mile on the James River and Kanawha Canal, and 6 mills per ton per mile on the slack-water improvement, the following statement will represent the cost of transport from Cairo, Illinois, to Richmond, Virginia, by the central water line:

Cairo to Great Falls of the Kanawha, 790 miles, at 8 mills per ton per mile	$3 16
From Great Falls to Richmond, the distance (equating each lock at one-half mile of canal) is 509 miles, of which 348 is canal (equated) and 161 is slack-water:	
Three hundred and forty-eight miles canal, at 8 mills per ton per mile	2 78
One hundred and sixty-one miles of slack-water, at 6 mills per ton per mile.	96
Total per ton for entire distance	†6 90

equal to 20.4 cents per bushel of sixty pounds.

If the freight railway from the Kanawha to tide-water be adopted instead of the canal and slack-water improvement, the cost of transport from the Ohio River to the ocean will, it is believed, be substantially the same as above stated. The central route would be closed by ice only about thirty days each year, and hence it would be an active competitor with all the railways from the Mississippi River to the Atlantic at times when competition is now suspended by reason of frost on the northern water route. The effect of such a regulation of railway charges would be to greatly reduce the present winter rates, and by the constant competition it would maintain to compel uniformly low charges on all rail and water lines from the interior to the eastern and southern seaboard. Its advantages would be greatest,

*The evidence taken by the committee, and already stated in this report, shows that average charges by the Ohio and Mississippi Rivers is now only from 3½ to 4½ mills per ton per mile, and in many cases only 2 mills.

†It is due to this route to say that the above estimates of costs are fully 50 per cent. higher than those relied upon by its advocates. The committee have adopted them from superabundant caution, preferring to understate the benefits to be anticipated from all the routes, rather than to exaggerate them. The successful application of steam as a motor on canals will doubtless reduce the cost of transport by this line very much below the figures named.

however, to the central tier of States. Four of the largest interior cities of the continent—Saint Louis, Cincinnati, Louisville, and Pittsburgh—are situated directly upon it. The trade of these cities, together with the other towns and cities on the Ohio River, is now far in excess of our entire foreign commerce. A vast area of the richest agricultural and mineral country in the world is directly tributary to it, and only awaits reasonable facilities for transportation to develop a commerce the magnitude of which it is difficult now to conceive.

BENEFITS ANTICIPATED FROM THE SOUTHERN ROUTE.

Assuming the same rate of charges as in the estimate just made for the central route, namely, 4 mills per ton per mile on the open river, 6 mills per ton per mile on slack-water navigation, and 8 mills per ton per mile by canal, the following will represent the cost of transport by this route from Cairo to the ocean:

Open river, 980 miles, 4 mills per ton	$3 92
Slack-water, 70 miles, 6 mills per ton	42
Canal, 325 miles, 8 mills per ton	2 60
Total per ton for entire distance	*6 94

It is believed that a freight railway from the vicinity of Guntersville, Alabama, or Chattanooga, Tennessee, would enable this route to accomplish very nearly the same results.

This route will never be obstructed by ice, and hence will afford unfailing competition throughout the year. Its greatest advantages, however, will be found not so much in furnishing a highway of commerce to the seaboard as in opening up a valuable connection between the grain-growing States of the West and the cotton plantations of the South, whereby each section will have the full benefit of those crops for which its soil and climate are best adapted. It will connect with various southern rivers, penetrating a very large portion of the cotton districts of the South. It is believed that eventually inland navigation will be obtained at small expense along the coast of South Carolina, Georgia, and Florida, connecting with the rivers in those States which flow into the ocean. By this route the center of the cotton-producing region can be reached from the center of the corn area, at a cost not exceeding 15 to 18 cents per bushel; and hence, in addition to the creation of a new competing avenue to the sea, the home market for food that will be developed and the increased production of cotton that will be induced will much more than compensate for the entire cost.

BENEFITS ANTICIPATED FROM THE MISSISSIPPI ROUTE.

The evidence submitted with this report justifies the conclusion that, upon the completion of the entire improvement of the Mississippi River, wheat and corn can be transported from Minnesota, Iowa, Wisconsin, Illinois, Indiana, and Missouri, and other States above Cairo, to New Orleans for an average of 12 cents per bushel, and that the cost from Saint Paul will not exceed 17 cents. The average rate from New Orleans to Liverpool in 1872 was about 27 cents, (currency,) which can be reduced, as hereinbefore shown, to 18 or 20 cents by the improvement at the mouth of the river. Estimating the cost from Saint Paul to New Orleans at 17 cents, the two transfers at Saint Louis and New Orleans at 1 cent each, and the charge from New Orleans to Liverpool 20 cents, the total from Saint Paul to Liverpool will be 39 cents per bushel. The charge in 1872 from Saint Paul to Liverpool, including transfers and terminals at Chicago, Buffalo, and New York, by the cheapest route, averaged 67½ cents per bushel. The saving to be effected by the improvement of this route may, therefore, be estimated at 28 cents per bushel from Saint Paul to Liverpool, with a proportionate reduction from all other points on the river.

In view of the benefits and advantages to be derived from each of the four proposed routes, and from their combined influence when in constant competition with each other and with the railroad system of the country, it is, in the judgment of your committee, entirely safe to say that the completion of the system of improvement suggested will effect a permanent reduction of 50 per cent. in the cost of transporting fourth-class freights from the valley of the Mississippi to the seaboard; and that the cost of carrying a bushel of wheat or corn to the markets of the East and of the world will be reduced to at least twenty to twenty-five cents per bushel below the present railway charges, and that a similar reduction will be effected on return freights.

The actual movement of grain to the eastern and southern markets in 1872, as shown by the carefully prepared statistics submitted with this report, amounted to about 213,000,000 bushels. An average saving of twenty cents per bushel on the surplus moved that year would have amounted to about $42,000,000, or more than two-thirds of the entire expenditure necessary to complete the proposed routes, in addition to the loan of Government credit as before stated. But for the fact that large quantities of corn were unable to find a market on account of the high transportation charges, the amount moved would have been very much greater. Hence, in addition to the saving in transportation above named, a benefit perhaps equally great would have been conferred upon the producer in affording him a market for his surplus products.

To this must be added the enhanced value which such reduction would give to the improved lands of the West, amounting, in the eight Northwestern States of Indiana, Illinois, Iowa, Minnesota, Wisconsin, Missouri, Kansas, and Nebraska, in 1870, to 55,841,000 acres. Estimating the productive capacity of these lands at an average of only twenty bushels per acre, (the average of corn, oats, &c., being in fact very much greater,) an addition of only ten cents per bushel (one-half the estimated saving) to the value of cereals those States are capable of producing would give a net profit of $2 per acre, which is the equivalent of 10 per cent. interest on a capital of $20, and hence equal to an increase in the value of lands to that extent. Twenty dollars per acre added to the value of improved lands in those States would exceed an aggregate of $1,100,000,000. This calculation assumes that one-half of the reduction will inure to the benefit of the consumer, and the other half to the producer.

Add to all this the increased value of farms in other States, the increased value of unimproved lands, the enhanced value of cotton plantations, the benefits to accrue from reduced cost of movement of the products of the mine, the foundry, the factory, the workshop, and of the thousands of other commodities demanding cheaper transportation, and some conception may be formed of the vast additions to be made to our national wealth and prosperity by the system of improvements under consideration. In comparison with the great benefits reasonably to be anticipated, their cost is utterly insignificant.

The probable effect of such reduction in the cost of internal transportation upon our exports and foreign balances of trade is also worthy of the most careful consideration. America and Russia are the great food-producing nations of the world. Great Britain is the principal market. For many years America and Russia have been active competitors for the supply of that market. Until recently the farmers of the West have had the advantage of the wheat producers on the Don and the Volga; but a few years ago, Russia inaugurated a system of internal improvements by which the cost of transporting her products from the interior to the seaboard is greatly reduced. The result is shown by the importations of wheat into the United Kingdom during two periods of five years each.

Imports of wheat from Russia and America into the United Kingdom from 1860 to 1864, compared with the imports from 1868 to 1872.

1860 to 1864, inclusive.		1868 to 1872, inclusive.	
From—	Wheat.	From—	Wheat.
	Bushels.		*Bushels.*
Russia	47,376,809	Russia	117,967,022
United States	127,047,126	United States	116,462,380

An increase during the latter period as compared with the former of 70,590,213 bushels from Russia, and a decrease of 10,584,746 from the United States.

The cheaper mode of handling grain by elevators has not yet been adopted by Russia, but doubtless will be very soon. When this shall be done, and her wise system of internal improvements, which have already turned the wavering balances in her favor, shall be completed, she will be able to drive us from the markets of the world unless wiser counsels shall guide our statesmanship than have hitherto prevailed. In fact, as the increased size of ocean vessels is constantly decreasing the cost of ocean transport and our wheat-fields are yearly receding farther westward from the lakes, it is not impossible that when she shall have driven us from the markets of Europe she will become our active competitor in Boston and Portland, if cheaper means of internal transport be not provided.

A condition of things equally unsatisfactory exists with regard to our chief article of export—cotton. High transportation charges from the grain-fields of the Northwest to the cotton-fields of the South have compelled the planter to devote his cotton lands to the production of wheat and corn, for which they are by nature unsuited, thereby reducing the product of cotton and diminishing the market for grain. The effect upon our cotton exportations is shown by the following statement:

Receipts of cotton in Great Britain in 1860 compared with 1872.

1860.	Quantity.	1872.	Quantity.
From—	*Pounds.*	From—	*Pounds.*
United States	1,115,800,608	United States	625,600,080
All other countries	275,048,144	All other countries	783,237,392

Our cotton exports have fallen off nearly 50 per cent., while other countries have gained nearly 300 per cent. This is doubtless largely due to the war, which stimulated the production of cotton in India; but it is also attributable to a great extent to the causes above mentioned, and to the system of internal improvements inaugurated by Great Britain in India for the express purpose of rendering herself independent of us for the supply of cotton. Every cent unnecessarily added to the cost of transportation is to that extent a protection to the cotton-planters of India and the food-producers of Russia against the farmers of the West and the cotton-planters of the South.

The cry of despair which comes from the overburdened West, the demand for cheaper food heard from the laboring classes at the East and from the plantations of the South, and the rapid falling off of our principal articles of export, all indicate the imperative necessity for cheaper means of external communication. If we would assure our imperiled position in the markets of the world, reinstate our credit abroad, restore confidence and prosperity at home, and provide for a return to specie payments, let us develop our unequaled resources and stimulate our industries by a judicious system of internal improvements.

A reference to the expenditures of our Government* since the adoption of the Constitution will show that in some matters we have been sufficiently liberal, but in appropriations for the benefit of commerce and for the development of our vast resources, most parsimonious. For public buildings, including those in the District of Columbia, and custom-houses, post-offices, and court-houses in other parts of the country, we have expended over sixty-two million dollars; while for the improvement of the 20,000 miles of western rivers, through which should flow the life-currents of the nation, we have appropriated only $11,438,300. For the improvement of these great avenues of trade, which are designed by nature to afford the cheapest and most ample commercial facilities for the teeming millions who inhabit the richest country on the earth, we have expended an average of $133,100 per annum; while for public buildings we have appropriated an average of over seven hundred and fifty thousand a year. Is it not high time that all expenditures not absolutely necessary be suspended, and that the imperative necessities of the country receive attention?

England, in order to encourage and stimulate the culture of cotton in India for the supply of her factories at home, guaranteed interest on an expenditure for internal improvements in that distant country amounting to over four hundred million dollars. The most advanced nations of ancient and modern times have regarded their highways of commerce of the first importance, and, in exact proportion to the excellence of those highways have been the development of national resources and power, and the augmentation of national wealth.

It may be said that in the present financial condition of the country, and with our heavy burden of indebtedness, we cannot afford to enter upon the system of improvements indicated. It is true, our debt is large, and our industrial enterprises are temporarily deranged, but our resources are immeasurable, and need only a liberal and wise statesmanship to insure their full development.

As we have already stated, the public debt of a nation is great or small according to the proportion it bears to public wealth and to the commercial prosperity of the people who have it to pay. A debt that would have crushed the United States in 1800 would scarcely be felt to-day. In the exact proportion that our wealth increases the burden of our debt diminishes. For instance, in 1840 the entire national wealth was estimated at $3,764,000,000. At the close of the rebellion our national indebtedness had reached $3,300,000,000. Hence to have paid the debt of 1865 in the year 1840 would have required 90 per cent. of all the property in the country. On the 1st of March, 1874, our debt was $2,145,880,066. Our national wealth is estimated at over $30,000,000,000. While, therefore, the debt of 1865 would have consumed almost the entire property, public and private, owned in the United States in 1840, the payment of our present debt would require only about 7 per cent. of our present wealth. It is, therefore, apparent that the burden of the debt of 1874 is less than one-twelfth as great on our present property as the debt of 1865 would have been in 1840.

If by the development of our resources we can maintain the same ratio of increase during the next twenty-five years that we have since 1850, the debt of the nation (if no further payments be made) will amount to only about 1 per cent. on the national wealth in 1900. In other words, with the full development of our resources, which it is in the power of wise statesmanship to induce, the entire debt

*The same remark should be made with reference to this route just made with regard to the Central, namely, that the estimates of the committee are much higher than those of its special advocates.

*See Appendix, pages 184 to 186, inclusive, showing the expenditures for various purposes from the adoption of the Constitution to June 30, 1873.

can be paid in the year 1900 by the assessment of a tax but little greater than is now required to meet the current expenditures of the Government. If it be true, then, that the burden of a nation's debt diminishes in exactly the same ratio as its wealth increases, is it not the dictate of wisdom and sound policy to pay only so much of our debt as may be necessary to keep our faith and maintain our credit, and to devote whatever surplus revenues may remain to such improvements as are required for the full development of our unequaled resources?

Mr. Speaker, if the nation could enter at once upon the execution of this admirable system of internal improvements, employment could be given to all the idle in the land. Such employment would enable thousands of men to provide comfortably for their families which now suffer for the necessaries of life, and also to pay for homes, making them freeholders. General employment would stop the tide of crime which during the years of enforced idleness has swollen to a flood.

No man can measure the importance to the safety of our institutions, now resting on universal suffrage, of employment for the idle and the multiplication of freeholders among voters. Then the many idle hands would be employed in creating wealth.

The opening of these ways for commerce would make arteries for the flow of national life, and do more to bind the Union than all the frantic efforts of the party in power expended in warnings from stump and press and halls of legislation.

But of most value, these facilities of commerce under Government control would lessen the cost of transportation so as to inspire vastly increased production, and at the same time break the power of monopolies which threaten our liberties.

Mr. Speaker, thus far we all agree; but, sir, the difficult question is how to get funds.

We assert that the necessary funds can be secured by retiring the national-bank currency and filling its place with greenbacks. We can replace the more than $400,000,000 in interest-bearing bonds which are the basis of the national-bank currency with non-interest-bearing notes to be used as currency. This would give us the means for constructing all these works and for a ship-canal across Florida, and all improvements of harbors and rivers now pressingly needed. At the same time, instead of increasing the burdens of taxation, we should lift from the people the payment of annual interest on the bonds.

These simple statements cannot be refuted. We challenge the supporters of the national-bank monopoly to answer them. We propose to unceasingly urge their consideration upon the people. We beg the House to consider them in view of the refunding bill soon to be reported from the Senate. When that bill comes back we shall be called upon to provide for a portion of the national debt now coming due. Why not provide for it in the way we have indicated? Will not members take the interests of the whole country into view, rather than give attention alone to the clamor of a gigantic and oppressive corporation?

Remember, the attention of the people is fixed upon this refunding scheme with a scrutiny they seldom manifest. They will hold their servants to a strict account.

Yeates vs. Martin.

SPEECH OF HON. J. VAN VOORHIS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 29, 1881,

On the contested-election case of Yeates *vs.* Martin.

Mr. VAN VOORHIS said:

Mr. SPEAKER: It is easier for a camel to pass through a needle's eye than for a republican elected to Congress from any district in thirteen States of this Union to get and keep his seat.

Joseph J. Martin is the only republican in this House from these thirteen States who took his seat when this Congress began. It is now proposed to oust him from that seat. These thirteen States have seventy-one Representatives in this House. We know that many districts in these States have republican majorities, and there is scarcely a doubt that they elected republicans to this Congress who have been unable to obtain their seats. They failed to run the gauntlet of the democratic returning boards. Upon one pretext or another, they never got so far as to receive the legal certificates of their election.

One man from those thirteen States, solitary and alone, reached the doors of this House at the opening of the first session of this Congress with such a certificate of his election. That man is Joseph J. Martin, of the first congressional district of North Carolina. He passed the ordeal of the democratic election officers, of the democratic boards of county canvassers, and of the democratic State returning board, and appeared here with the certificate of the democratic governor of North Carolina, the democratic secretary of State and attorney-general, and two democratic Senators from that State, showing that he was elected to the Forty-sixth Congress by 51 plurality. This result was reached notwithstanding the trickery and fraud of the counsel for the contestant, and notwithstanding the fact that hundreds of votes cast for him, and honestly cast, by legitimate voters were rejected by the democratic officials.

For instance, in Merry Hill precinct 108 votes cast for Martin were rejected by the inspectors because the words "republican ticket" were printed as a caption on the inside of the ticket, this being deemed a wicked device to cheat honest democrats into voting for Martin.

It made no difference with the democratic returning boards that J. B. Martin, the chief-justice of a North Carolina court, the agent and friend of the contestant and his counsel on this contest, got these tickets printed and circulated them for a fraudulent purpose.

The majority of the committee are in favor of sustaining this fraud of Chief-Justice Martin and aiding him in consummating it. He intended to cheat as many republicans as he could into voting a ticket which he thought would vitiate their votes, and the majority of the committee, by their report, say he ought to be permitted to do so. If this be a device, under the laws of North Carolina, then the fraud destroys its character as such, and the contestant cannot be permitted to profit by the fraudulent act of his attorney, counsel, and agent. If the republicans cannot rely upon the good faith of a North Carolina democratic chief-justice, then what is there in that State, which is democratic, that can be relied upon? But this is no device within the meaning of the laws of North Carolina.

It is the fairest possible statement to the voter that if he votes that ticket he votes for a republican. In Salem precinct 135 votes cast for Martin were rejected by the county board of canvassers, because the return was brought to them by a registrar instead of a judge of election. If the county canvassers received the return, it makes no difference what messenger brought it. These 135 votes were unquestionably rejected for this informality for several reasons: (1) This same board rejected 39 votes cast for Yeates for that reason; (2) no other reason is assigned; (3) this county canvassing board possessed no judicial power, and any of the other reasons now alleged would have required a judicial investigation and the production of evidence. It is not pretended there was any. The 39 majority for Yeates in Providence Township was rejected as a pretext for rejecting the 135 majority for Martin in Salem. This 135 majority in Salem was made of legal votes honestly cast—indisputably so—and they were excluded simply and solely because one messenger instead of another carried the returns to the county canvassers. In Goose Nest precinct 120 legal voters who offered to vote for Martin were refused the right to do so. This refusal was on the ground that these votes were registered in Hamilton as well as at Goose Nest. The fact is that Hamilton had been divided and Goose Nest set off from it, and all the votes of Goose Nest had been taken from the Hamilton registry by order of the court. These 120 voters were refused the right to vote because their names remained on the Hamilton register. They had no power to get them off, although they tried to do so.

The town of Hamilton for several years prior to this election had formed a single precinct, called Hamilton. Prior to this election this town had been divided into two precincts, one called Hamilton and one called Goose Nest. The registrar of Goose Nest was required to transfer to his register the names of all voters in the Goose Nest territory whose names were on the Hamilton register as it was before the change. He did so. This made two new precincts out of one old one. The new Hamilton district was as much a new district as Goose Nest was. The old Hamilton district had been cut in two, and a new register made of the votes in the Goose Nest half. The vote of every democrat whose name had been on the register of the old Hamilton precinct, and whose name had so been transferred to Goose Nest, was received. The votes of at least 120 voters at Goose Nest precinct who were republicans and who offered votes for Martin, and whose names had been duly transferred to the Goose Nest register, were rejected because they did not produce certificates that their names had been erased on the old Hamilton register. Many democrats produced no such certificates, but their votes were received and counted. Here was a transparent illegality that deprived Martin of 120 votes. Notwithstanding all this Martin was elected. The State board of canvassers were compelled to give him his certificate of election. This fact raises a presumption, which is almost conclusive, that Martin was fairly elected.

The democratic majority of the Elections Committee ask this House at this late day in the life of the Forty-sixth Congress to throw Martin out, and upon what grounds? They assume that the votes for Martin rejected in Merry Hill, Salem, and Goose Nest were properly rejected; and then they go to work to extinguish Martin's majority in this way. They reject the 64 majority which Martin received in Hamilton, for the sole and only reason, that Martin, for a few minutes and to relieve somebody else, performed the clerical duty at the polls of checking the poll-list. He checked off perhaps fifty names. This ground was too narrow for even a North Carolina returning board to take notice of. It is absolutely ridiculous—no fraud or wrong of any kind was intended, or is pretended.

Next they throw out Martin's majority of 64 in South Mills because the democratic election officers did not open the polls as early as they ought to have done. There is no pretense but that every voter who desired to vote had abundant opportunity to do so after the polls were opened and before they were closed. The election officers excuse the delay as unavoidable. Here again is a point too narrow to be noticed by the democratic returning boards of North Carolina. It is left for the majority of the Committee on Elections.

Again, they reject the majority of 40 given to Martin in Vandemere precinct. The sole reason here again is that the democratic election officers did not open the polls until eleven o'clock. This makes 168 votes cast for Martin and allowed to him by all the returning officers of North Carolina, which the committee take away from him. Then the committee add a single item of 39 votes in Providence to Yeates's vote, and this gives as a result 156 majority for Yeates.

There can be no doubt from the evidence in this case that Joseph J. Martin was elected by over 350 majority, instead of 51. And yet Martin is to be ousted. A political necessity demands it. The solid South demands it, and villainous as it is, it will be done. The notice of contest in this case embraced fourteen precincts. The case thundered in the index. The fourteen precincts complained of at the first were reduced to four. No evidence was offered as to ten of them.

It was intended to make the pleadings broad enough to cover any evidence which might be discovered. The ingenuity of the counsel for the contestant, and of the majority of the committee could discover nothing except the three frivolous things to which I have referred. To oust Martin on this case would be a gross outrage upon the law, upon the people of this North Carolina district, and upon the country. The majority of this House will not carry this high hand but a few days longer. Its days are numbered.

The republican party is a patriotic party and abides by the law. Were it such a party as that which now controls this House it might say to the majority of this House, "The villainy you teach me, I will execute; and it shall go hard but I will better the instruction." The Forty-seventh Congress will have opportunity, I trust, to set right some of the wrongs against the ballot-box in the Southern States; and if it does not make reprisals it will not be because the Forty-sixth Congress has offered no provocation therefor.

Refunding of the National Debt.

SPEECH OF HON. W. G. COLERICK,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. COLERICK said:

Mr. CHAIRMAN: The bill now under consideration, in its present form, authorizes the Secretary of the Treasury "to issue bonds in the amount of $400,000,000, which shall bear interest at the rate of 3 per cent. per annum, redeemable at the pleasure of the United States after five years and payable ten years from the date of issue, and also certificates in the amount of $300,000,000, in denominations of $10, $20, and $50, either register or coupon, bearing interest at the rate of 3 per cent. per annum, redeemable at the pleasure of the United States after one year and payable in ten years from the date of issue." The bonds, if issued, are to be paid in coin, and exempted from taxation.

The purpose of this bill when first reported was to enable the Secretary of the Treasury to pay certain bonds described in his annual report for 1880, page 10, as follows:

Title of loan.	Rate of interest.	Payable.	Redeemable.	Amount.
	Per cent.			
Loan of February, 1861	6	Dec. 31, 1880.		$13, 414, 000
Oregon war debt	6	June 30, 1881.		711, 800
Loan July and August, 1861	6		June 30, 1881.	145, 786, 500
Loan of 1863 (1881's)	6		June 30, 1881.	57, 787, 250
Funded loan of 1881	5		May 1, 1881.	469, 65, 1050
Outstanding November 1, 1880				687, 350, 600

The bonds described in the first item of this statement, amounting to $13,414,000, have since been paid. The bonds now proposed to be refunded are those described in the last three items of the statement, which, it will be observed, are of two classes:

First. Those redeemable June 30, 1881, amounting in all to $203,573,750, bearing 6 per cent. interest; and

Second. Those redeemable May 1, 1881, amounting to $469,651,050, bearing 5 per cent. interest.

The Secretary of the Treasury in his report, to which I have referred, says that these bonds "are not by their terms payable at a specific date, but they are redeemable at the pleasure of the United States after the dates above-named."

Wise statesmanship and an economical administration of the Government, in my judgment, imperatively requires the payment of our public debt as rapidly and promptly as the ability and resources of the Government will permit without increasing the present burdens of the people. If these bonds can be paid without issuing new ones then I am opposed to the passage of the bill, because I do not believe that any more bonds ought to be issued unless actually necessary. The system of issuing Government bonds by reason of its many flagrant abuses, has justly become odious to the people, who, as a measure of economy, demand that the public debt, represented by interest-bearing and non-taxable bonds, shall be paid as soon as practicable, and not perpetuated. I am willing that the republican party, which created the system, may have all the glory and honor that can possibly flow from its perpetuation.

Sir, the people have not forgotten, and will never forget, that by the provisions of the law under which the 5-20 bonds were issued they were payable in the lawful money of the country, then, as now, consisting of coin and greenbacks, and that after the bonds had been issued, and sold for greenbacks, which were then greatly depreciated in value by the act of the Government in dishonoring them in refusing to accept them in payment of her own demands. When a dollar in gold would purchase from two to three dollars in greenbacks, a republican Congress, in the interest of the holders of the bonds, passed a law, falsely bearing the euphonious and deceptive title, "An act to strengthen the public credit," by which it was declared "that the faith of the United States is solemnly pledged to the payment in coin" of the bonds, and they were afterward so paid, thereby unjustly bestowing, as a bonus, and paying, without right or consideration, out of the public Treasury, to the holders of the bonds, millions of dollars to which they otherwise had no right, legally or morally, and at a time when the people were sorely oppressed by the weight of heavy taxation in every form. It was then an undisputed fact that those bonds might have been lawfully paid in greenbacks. It was so declared on this floor by Thaddeus Stevens, then the acknowledged leader of the republican party in this House. John Sherman, a United States Senator and now the Secretary of the Treasury, declared in a letter written by him, that any man who insisted on coin in payment of his bonds was a public extortioner. In a speech delivered in the Senate in February, 1868, by Mr. Sherman, then chairman of the Finance Committee of the Senate, he said:

> I say that equity and justice are amply satisfied if we redeem these bonds at the end of five years in the same kind of money, of the same intrinsic value it bore at the time they were issued. Gentlemen may reason about this matter over and over again, and they cannot come to any other conclusion; at least that has been my conclusion after the most careful consideration. Senators are sometimes in the habit, in order to defeat the argument of an antagonist, of saying that this is repudiation. Why, sir, every citizen of the United States has conformed his business to the legal-tender clause. He has collected and paid his debts accordingly. Every State in this Union without exception has made its contracts since the legal-tender clause in currency and paid them in currency.—*Appendix to Congressional Globe*, February 27, 1868, page 184.

Both of the great political parties in their platforms and in speeches delivered by their favorite leaders declared that those bonds were so payable. In 1868 the democratic party, in its national platform adopted at New York, so declared, and tendered that as an issue to the republican party, who refused to accept the issue because, as then asserted, no difference in opinion existed between the two parties on that question; and yet, at the first session of Congress after the presidential election of 1868, the republican party, which then controlled both branches of Congress, in violation of justice and in defiance of its pledge to the people, passed the measure to which I have referred, and President Grant, as his first official act, signed that infamous bill. If such legislation under such circumstances could transpire, what assurance have the people that hereafter the bonds now proposed to be issued, although payable by their terms in coin, may not by a republican Congress be declared payable in gold alone. Such legislation would be as justifiable as that to which I have alluded; and this danger is greatly enhanced by the fact that it is the avowed design of the republican party to again demonetize the silver dollar, or at least forbid its further coinage, as recommended by President Hayes in his messages to Congress, and by the Secretary of the Treasury in his annual reports. The leaders of the republican party all unite in denouncing it as a "dishonest dollar," although it was invented and its present weight established by the fathers of this Republic, whose honesty, intelligence, and patriotism have never been questioned except by the modern-day saints of the republican party.

Mr. Chairman, if this bill in its present form becomes a law and the proposed bonds are issued and sold, the holders will demand and receive gold alone in payment of them. A book has been recently issued by Fisk & Hatch, one of the leading banking-houses of this country, and who extensively deal in Government bonds, in which it is said:

> There can be no doubt that in the various loan acts in which the word coin is used, as well as in the public-credit act, it was the intention of Congress to pledge the payment of the bonds in the recognized money standard common to the financial nations of the world, namely, gold, or its equivalent. The absence of the word "gold" in the several acts affords no ground for a presumption to the contrary or for the belief that its omission was intentional and designed to leave the Government the option of paying the bonds in a depreciated silver currency.

Again they say, "We do not believe that any bonds or other obligations of the United States will ever be paid off in any coin or currency of a less value than gold coin, except at the option of the holder, unless payment otherwise than in gold has been expressly provided for in the terms of the contract;" and to justify their belief they refer to the fact that "all bonds and obligations of the United States which have matured have invariably been redeemed in gold coin." Thus we are advised of the construction that will be given to this bill, if it becomes a law, by the holders of the bonds to be issued and by the Secretary of the Treasury, who, in his present official capacity, has always made the interests of the people subservient to those of the bondholders. This bill does not expressly provide that the bonds shall or may be paid in silver as well as gold. All the provisions

relating to that subject have been eliminated from the bill; and in their absence we will not be able to utilize in the payment of these bonds or the ones that they are intended to replace the silver with which God has so lavishly blessed us, and all our efforts to compel the Secretary of the Treasury to pay out of the public Treasury the silver dollars now uselessly hoarded there, as well as those hereafter to be coined, will prove abortive. By the provisions of this bill he is merely required, in his discretion, to use not exceeding $50,000,000 of the standard gold and silver coin in the Treasury in paying the outstanding bonds. We all know how he has heretofore exercised such power as to the silver coin, by invariably paying the bonds redeemed exclusively in gold, and that by reason of his conceded hostility to the present standard silver dollars he will not use them for that purpose unless compelled to do so by mandatory provisions of law.

The Treasurer of the United States, in his last annual report, dated November 1, 1880, informs us that the total coinage of standard silver dollars under the act of February 28, 1875, (which remonetized silver,) to November 1, 1880, is $72,847,750. Of this amount $47,588,106 were then in the Treasury and the mints. Since that time others have been, and under said act must be, coined at the rate of not less than $2,000,000 per month. The total amount of silver certificates issued under said act to September 30, 1880, was $27,308,000, of which, according to the report of the Treasurer, only $12,429,381 were then outstanding and unredeemed, so on that day there were in the Treasury 35,158,725 standard silver dollars in excess of the amount required for the redemption of the outstanding silver certificates. There was also then in the Treasury $24,629,489.89 of fractional silver coin, and $6,043,367.37 of silver bullion, making as the entire amount of silver coin and bullion in the Treasury on that day $65,831,582.26 in excess of the amount of the outstanding silver certificates, and this sum has been greatly increased by the silver dollars coined since that time.

Is the Treasury to be converted into a storehouse or depository for the silver, or is the silver to be used for the purposes designed by the law remonetizing it, which was enacted, as a democratic measure, in obedience to the voice of the people? The same popular sentiment that secured the passage of that law demands its enforcement. I am in favor of using the silver dollars now on hand and which may hereafter come into the Treasury, other than those required for the redemption of the silver certificates, in paying the outstanding bonds. That this may lawfully be done has been declared by Congress in the resolution adopted in January, 1868, known as the Stanley Matthews resolution, which, after reciting the provisions of the several acts under which the bonds were issued, declares:

Resolved by the Senate, (the House of Representatives concurring therein,) That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.

Believing, as I firmly do, that if this bill becomes a law it will, by reason of the discretionary power granted to the Secretary of the Treasury in using the silver now in the Treasury in paying the outstanding bonds, and his avowed hostility to that coin, result in his not using the silver for that purpose, and keeping in view other objections to the bill to which I will refer, I cannot vote in favor of its passage.

If any compulsion rested upon the Government to pay these outstanding bonds when they become redeemable, then the assertion so often made, that the credit and honor of the Government is involved, that an imperious necessity exists in promptly procuring the money to pay them at that time, would have great weight, in the absence of other objections, in persuading me to vote for the bill. But fortunately no such compulsion exists, as the bonds will not then become due so as to authorize the holders in demanding payment, but the Government will, from and after that time, enjoy the option or privilege of redeeming them, from time to time, according to her ability and pleasure, and the Government alone is to determine whether or not it will avail itself of that privilege, and when it shall be exercised, so that those who assert that the honor of the Government will be tarnished or her credit affected if this bill fails to pass have either not read or misapprehend the provisions of the laws under and by virtue of which these bonds were issued.

The only plausible argument that has been or can be presented or urged for the passsge of the bill is that it will enable the Secretary of the Treasury to exchange or replace these outstanding bonds with ones bearing a lower rate of interest. This persuasive but delusive argument would be potential if those who urge it could demonstrate that the people would be benefited by so refunding the debt. If the Government was unable to extinguish by payment these bonds before the new ones proposed to be issued mature, or if, having the ability to pay them before that time, it possessed no option or privilege of so redeeming them, then I concede that it would be unwise, if not a dereliction of duty on our part, if we failed or refused to avail ourselves of the earliest opportunity to exchange or replace the present bonds with ones bearing a lower rate of interest. But, sir, as I have stated, the Government will soon enjoy the right or privilege of paying them, or any of them, at her convenience and pleasure; and by availing itself of that privilege it can, as I will endeavor to show, with its annual surplus revenues and the money now in the Treasury not needed for resumption or other purposes, pay all of these bonds before the new ones mature and thereby not only the interest but the principal of more than one-third of our public debt will be paid, to the great relief and joy of a people upon whom the heavy burden of excessive taxation has so long and oppressively rested.

Sir, if these new bonds are issued it will result in delaying unnecessarily the payment of that part of the public debt which they will represent, and the surplus revenues which are now constantly flowing like an uninterrupted stream into the public Treasury (excepting that which may be used in the redemption of the certificates authorized to be issued by this bill, and which, in my judgment, will never be issued or sold) will be hoarded there and remain idle and useless until the debt again becomes redeemable, unless the bonds are purchased by the Government at a high premium, as we will by the passage of this bill surrender or suspend for years the invaluable option which the Government will soon enjoy of applying these revenues in paying the principal of the debt, instead of consuming them as has been done in the payment of interest and premiums. Why surrender or suspend this option? Is it of no value to the people?

Why, sir, in its absence the money vaults of the Treasury might overflow with their precious treasures seeking an outlet, and the Government would possess no power to compel the bondholders to receive the money in payment of their bonds, and the Secretary of the Treasury would again resort to the novel and expensive mode of paying the public debt by purchasing the bonds of the Government from the Wall street brokers, or competing with them in the purchase of the same, and paying therefor large premiums. The report of the Secretary of the Treasury for 1880 shows that the Government, from 1869 to 1880, inclusive, paid, in the form of premiums, the sum of $19,461,238.03 for the privilege of paying a part of its bonded debt. This sum was paid in addition to the amount of the bonds, principal and interest, as a bonus to induce the bondholders to allow the Government the privilege of paying its debt. Is this ot be repeated? God knows that it is a sufficient hardship for the people to pay the actual debt, principal and interest, without requiring them to pay vast sums in addition thereto for the privilege of paying it. I am unalterably opposed to the surrender or suspension of the power that the Government will soon enjoy of paying its debt without purchasing the privilege of doing so.

The bonded debt of the Government since and including 1865 has never been less than $1,700,000,000, and during all that time, covering a period of seventeen years, the bonds have been exempted from taxation for Federal, State, county, township, city, town, and all other purposes, which exemption has been equal to 2½ per cent. annually on the amount of the bonds so exempted. If the bonds, estimating their amount at $1,700,000,000, had been taxed at the rate of 2½ per cent. annually, it would have produced an annual revenue of $42,500,000, or $722,500,000 for the entire time, producing a sum sufficient in amount to pay one-third of our present public debt. The people naturally inquire why these bonds, like all other property, are not taxed. The fact that men of wealth invest their fortunes in Government bonds to avoid taxation is well calculated to engender a spirit of discontent on the part of the poorer classes of the people, who are unable to comprehend how in a republic like ours a privileged class can thus be created and protected by the Government. Certainly it is not in harmony with the form of government adopted and established by our fathers, which forbids and ought to preclude the creation or existence of any and all such distinctions between the rich and the poor, and where the burdens of government as well as its blessings should fall on all alike. It has been asserted without contradiction that William H. Vanderbilt owns one-thirtieth of the bonds of the United States, upon which he receives annually more than $2,000,000 interest, and on this collossal fortune he does not pay one dollar in the form of taxes.

The democratic party, through its Representatives in this House, on the 29th of March, 1869, endeavored to rectify this great wrong, but was defeated in its efforts by the republican party, which then controlled the House. The record shows that on that day General George W. Morgan, of Ohio, a democrat, introduced in this House the following resolution:

Resolved, That as a means of relief to the people, and in some degree to equalize taxation, the Committee of Ways and Means be, and said committee is hereby, instructed to report a bill, first, to exempt salt, tea, coffee, sugar, matches, and tobacco from every species of taxation for Federal purposes; second, to impose a tax of 2½ per cent. on all bonds heretofore issued or which may hereafter be issued by the Government of the United States.

This resolution was defeated—the democratic members voting in favor of its passage, and all the republicans, except one, voting against it. The democratic party thus stands committed on the records of this House in favor of taxing Government bonds. Why should we now yield our position on that question and abandon the fight in favor of equal taxation, when we can by inserting a provision in this bill provide for the taxing of the bonds to be issued? It would be better, far better, to increase the proposed rate of interest on the new bonds and tax them, than sacrifice the principle involved in exempting them from taxation.

Can we pay these outstanding bonds without issuing new ones? The Treasurer of the United States in his last annual report, dated November 1, 1880, says:

The amount of gold coin and bullion in the Treasury January 1, 1879, the date of resumption of specie payments, was $135,382,639.42, and at this date it is $140,952,837.74, a gain of $5,570,198.32, and in addition there have accumulated in the Treasury $47,084,459 in standard silver dollars.

Is it necessary to retain in the Treasury for the redemption of the United States notes, commonly called greenbacks, the $140,952,837.74 in gold now held there for that purpose? Is it likely that that amount of greenbacks will be presented for redemption? How many have been redeemed? The Treasurer, in the report to which I have referred, says:

The redemptions of United States notes in gold since the resumption of specie payments have aggregated $11,963,336.

Of this amount only $706,658, less than one million, were presented for redemption during the year ending November 1, 1880, and the amount presented for that purpose is decreasing monthly. Only $9,000 were presented and redeemed during the month of October last. The confidence of the people in these notes, which the Government alone impaired by refusing to accept them in payment of its own demands, has now been completely restored and established, as they are now received by the Government in payment of all demands, including import duties. The Secretary of the Treasury is even constrained to express his admiration for them, and says in his last report:

While no distinction as to value is made between coin and notes in business transactions, a marked preference is shown for notes, owing to their superior convenience in counting and carrying.

This House in Committee of the Whole expressed its opinion as to the amount of gold necessary or proper to be held in the Treasury for redemption purposes in adopting the amendment proposed by the gentleman from Alabama, [Mr. SAMFORD,] fixing the amount at $50,000,000, which amendment received the support of three-fourths of all the members who voted. I voted for the amendment, because I then believed, as I now do, that that sum is amply sufficient for that purpose. Deducting the $50,000,000 from the amount of the gold now in the Treasury for redemption purposes, and it leaves $90,952,837.70 that can and ought to be applied in paying the bonds; and adding to this the $34,710,189 in standard silver dollars now in the Treasury in excess of the amount required for the redemption of the outstanding silver certificates, and it makes in all $125,663,016.70 in coin that can be used in paying the bonds. Why not use this money in paying the 6 per cent. bonds, which amount to $203,573,750?

If so applied the balance due on those bonds will be $77,810,733.30, and this can be paid out of the surplus revenues of the Government for the present fiscal year, ending June 30, 1881, which the Secretary of the Treasury estimates at $90,000,000, and leave an unexpended balance of the surplus revenues in the Treasury of about twelve million dollars. By doing this not only the interest, but the principal, of more than $203,000,000 of our public debt will be paid; and then the 5 per cent. bonds amounting to $469,651.50 can be paid in such amounts annually as the surplus revenues of the Government will permit. The Secretary of the Treasury estimates the amount of the surplus revenues for the next fiscal year, ending June 30, 1882, at more than $90,000,000, and it is not likely that they will ever amount to less than that sum annually, as the country is now in a prosperous condition, and is constantly increasing in population and wealth. With the surplus revenues, estimated at $90,000,000 per annum, the 5 per cent. bonds can be paid in five years, so that on June 30, 1886, the debt now proposed to be refunded can be paid. Is it not wiser to thus pay the debt than refund it by issuing new bonds?

The Government has already paid as interest on its bonds a sum nearly equal to the present amount of the public debt. Let us pay the bonds as rapidly as possible and stop interest, the payment of which is consuming the revenues of the Government, and which will never cease until the bonds are paid. By doing so, the money now invested in Government bonds will necessarily seek other investments, and enter the active channels of business, and impart increased vitality to our reviving industries and augment the wealth and prosperity of the country, and the money thus invested, which now escapes taxation, can then be reached for that purpose and thereby relieve the people to a great extent of their present burdens.

Interstate Commerce.

SPEECH OF HON. J. W. SINGLETON,

OF ILLINOIS.

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 4, 1881,

On the bill (H. R. No. 1028) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The General Government should not seek to operate when the States can operate with more advantage to the community.—*Daniel Webster.*

Mr. SINGLETON, of Illinois, said:

Mr. SPEAKER: I arise to address this House for the first time on the pending question laboring under an embarrassment that one arrived at my time of life and so long accustomed to public discussion should not feel. But, sir, the evil consequences to follow and flow from the power asserted by the bill before us alarm me, and a feeling of distrust of my ability to accomplish what duty to my constituents prompts me to undertake, fills me with a degree of trepidation beyond the power of my courage to suppress.

But if I can have the attention and indulgence of the House for a little while, I will try in a discursive way to present my objections; so that if I cannot convince any who differ with me of their error, I have, at least, the courage to believe I can lead them into a line of thought that will work its own conviction in time to save the country from the catastrophe of this bill.

When an individual contemplates some important action having a desired object in view he naturally, in the business order of procedure, first inquires as to his right under the law to do what his mind proposes. Having settled that question affirmatively, he will, as a prudent and wise man, carefully consider the means best adapted to the end in view.

The bill before us suggests the same, and many other inquiries to my mind.

First. What is "interstate commerce?"

Second. Is there such a commerce known, and amenable to the Constitution and laws of the United States?

Third. If there is such a commerce as "interstate," ought it not to be regulated by the same rules wherever it exists or may be found?

Fourth. Has Congress, in virtue of its authority to "regulate commerce," the power to discriminate in favor of one class of carriers and against another class; in favor of wind against steam, and in favor of water against railroads; in favor of one State and against another; in favor of one port and against another?

These are all important inquiries to be settled correctly, I hope, before we enter upon the boundless and unfathomable sea of legislation, to which the subject will lead in the future if the power claimed for Congress be conceded and exercised.

The time has come, to say the least, for directing public attention to this great question, that it may be made the subject of sagacious thought and wise determination upon the part of Congress as well as the States and people.

It is an important economic question. The carrying trade, which is the real subject of the bill, has its ramifications extending to all the departments of social and business intercourse. It is an ever-present necessity, as indispensable as the power of locomotion. And while necessary to commerce and intercourse generally, the qualified power of Congress over the subject can be exercised only when conjoined to "commerce with foreign nations and among the several States." Were it otherwise—and the power to regulate commerce extends to common carriers and their business, because common carriers are necessary to commerce—then the power of Congress will know no law but necessity, and everything *necessary* to commerce will be subject to its control, and thus absorb all the remaining powers of the State. Imagine if you can the field, the factory, or the shop that is not as necessary to commerce as common carriers.

The business of common carriers, I am free to admit, has, in the last quarter of a century, grown into such vast and almost immeasurable proportions of importance to the general welfare of mankind that legislative restraint upon its alleged aggressive tendency and power has become as indispensable and imperative as laws for the suppression and punishment of crime.

The hue and cry of "oppressive exactions and unjust discriminations" is heard on every hand, but I am not prepared to affirm or deny these charges, nor is it necessary to my purpose that I should do so at this time. True or false, I am fully persuaded the exercise of the power invoked to remedy the abuses charged would be far more pernicious than acquiescence in a continuance of the evil unmitigated.

The transportation of persons and property from one place to another for a reasonable compensation is a business or trade as old as human society, and the improvement in the mode and expedition with which such trade is now carried on is but a development in the line and march of civilization commensurate with its ever-growing wants.

If Congress has power to deal with the general and abstract subject of transportation, its action should not be confined to railroads alone, which are but modern adjuncts to the broad and intricate system of foreign and domestic intercourse, to which common rules and regulations should be applied.

If there is one class of carriers less subject than another to congressional jurisdiction and control, it is rail corporations created and authorized by the laws of the several States, licensed to prosecute their business of "common carriers" for a reasonable compensation.

No inflated idea of their "vested rights," no aggregation of wealth can lift them above the power of State laws and popular interest, to which they owe allegiance, if in fact guilty as charged of "oppressive exactions and unjust discriminations."

The power of thirty-eight States, acting independently of or in concert with each other, is a much more formidable power to control and a safer repository of the public interest in respect to railroads than the Congress of the United States.

Mr. Webster, in the argument of Gibbons *vs.* Ogden, says "the General Government should not seek to operate where the States can operate with more advantage to the community." Such in fact was the object that led to the adoption of the Federal Constitution—to accomplish something beyond the power of a State.

The management of railroad corporations created by the States is not beyond their power. Their roads are operated under State laws and subject to legislative revision.

The railroad power of the country is less effective distributed among the States than it would be concentrated upon Congress. If it is a power for evil, as is said, it is like all other powers of the same kind weakened by diffusion. A thimbleful of powder discharged from a pistol or gun-barrel would send a ball through a man's head, but you might scatter a quart of it over the floor of this Hall and it would prove less harmful than the malarious atmosphere with which we are daily regaled.

A distinguished statesman at the other end of this Capitol in a published communication over his own name printed in the January number of the North American Review, speaking of the democratic party, gives us a warning not to be unheeded in the consideration and determination of this question. He says "the hour for its triumph will have come, when it boldly asserts its true theories, and ignores the blandishments of money, monopoly, and corrupt power." If my democratic friends in Congress would profit by these wholesome suggestions they will give no support to the pending measure, lest by so doing they should provoke the promoters of monopoly and corrupt power, and invite the blandishments of five thousand millions of railroad capital to the lobby of Congress.

I insist, and shall endeavor to demonstrate by logical deductions from conceded premises, that Congress has no power over the subject of this bill. And if it has such power I say it is, in my opinion, unskillfully employed by the pending proposition, which, in operation and effect, would prove a ligature upon the great arteries and capillaries of the system to which it is applied. The intercourse and commerce that existed prior to the adoption of the Constitution, and constituted the attractive force and leading object of the convention, was of four kinds—three kinds of intercourse with commerce, and one kind of intercourse without commerce: first, the commerce of the several States with each other; second, the commerce of the several States with foreign nations; third, the commerce of navigable waters lying beyond and between two States; fourth, intercourse without commerce known as social, political, and religious.

There was a wide difference as to the power and mode applicable to the regulation of the several kinds of commerce and intercourse, and wisely the convention decided by the adoption of permanent and uniform rules and inhibitory provisions to regulate commerce between the States and the intercourse of their citizens with each other; and the successful and satisfactory manner in which that duty was performed I will now proceed to show.

The fourth of the articles of confederation contain among others the following provisions:

> The free inhabitants of each of these States—paupers, vagabonds, and fugitives from justice excepted—shall be entitled to all the privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and egress to and from any other States, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof: *Provided*, That such restrictions, shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant.

Prior to the adoption of this article each State had the unlimited power of discrimination in favor of its own inhabitants and their property and against the citizens and inhabitants of every other State and their goods. Each State had the power to exclude the citizens and inhabitants of every other State and their goods and wares from their markets, their climate, their territory, and soil. They could make an act, if done by a citizen or inhabitant of one State, lawful and harmless; if done by an inhabitant or citizen of another State, at the same time and place and under precisely the same circumstances, unlawful and criminal. And each could declare a perfect non-intercourse of *their* inhabitants with the inhabitants of other States, or establish gates or posts upon their borders with or without highways, and collect toll or tribute from all who came in or passed out.

To improve this condition of things and remove as far as the States would agree the embarrassments to which they were alike liable to be subjected in their intercourse with each other, the article I have quoted was adopted. That it failed to accomplish the object in respect to the matters most essential to the States is apparent. Its purport confused by ambiguity, its insufficiency and difficulty of practical application to the relief of the wants of the country under any construction its language would bear, plainly foretold the result. While it pretended to make the personal intercourse of the inhabitants free, "paupers, vagabonds, and fugitives from justice" (a numerous class at that time) were excepted from its benefits, and the State retained the power to decide who were paupers, who vagabonds, and who fugitives from justice. All men not possessed of a certain amount of money or property might be declared "paupers;" all persons without fixed homes whose calling and business might lead them from place to place, "vagabonds;" and all who fled to the New to escape the tyranny of the Old World pronounced fugitives from justice. The "ingress and regress" of the people, clogged and spanceled by "duties, impositions, and restrictions," was a fascinating picture of vineyards, farms, herds, shops, and factories to the benighted vision, while the State retained the power to erect impassable barriers at will.

The subject remained in the bondage of State authority, subject to the power of the necromantic agency of evil-disposed persons to revive the disorder in its worst and most malignant form.

Thus stood commerce and intercourse between the States at the adoption of the Constitution. And from the clouds and darkness of the articles of confederation sprang the bright and unfaded light of the Constitution, which with the mailed hand of its own supremacy broke the shackles of local sovereignty from the palsied limbs of social, political, and commercial intercourse between the people of the several States and made them free. That light still shines undimmed and unimpaired by the consuming power of time, though the darkness comprehend it.

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." This clause—the *multum in parvo* of constitutional law—is a meteor of wisdom and patriotism which broke through the clouds of conflict to establish a pillar of cloud by day and a pillar of fire by night to direct our intercourse by the paths of Providence, so long obstructed by unfriendly and hostile legislation. It obliterates State lines, and with the inhibitions born of the same cause—State and Federal authority also.

Under this provision the privileges and immunities of citizens in each State are extended to the citizens of every other State—without a reserved power of the States to restrict or embarrass the due exercise of the right or a power delegated to the Federal Government to suspend or control it. The people of each State are thus secured in the natural right of enjoying the society and markets of every other State beyond the power of legislative interference, limitation, or restriction. They may freely come and go by water, rail, or any other public or private mode of conveyance, nor can the State of which the citizen is a resident impose any restrictions upon his right to seek the markets of his own and foreign countries by such channels of communication as he may choose—"no tax or duty shall be laid on any article exported from any State."

The convention that formed our Constitution did nothing without consulting the most ancient laws and usage for meaning, effect, and operation of every clause and term employed. The provision I have just quoted and extolled was the result of much careful examination and study. Its broad operation and ready application to the regulation of intercourse between the States was supported by the experience of the Hanse Towns two hundred years prior to its adoption. Among the laws of this ancient confederation I find the following:

> These towns are so knit together by their common interest that the citizens of any one of them are fellow-citizens to all the rest, enjoying, in point of trade, the same privileges and immunities, and paying no manner of custom or impost within the jurisdiction of the Hanse.—*Malyne's Lex Mercatoria*, volume 1, *Sea Laws*.

This expresses the result intended and accomplished by the Constitution.

Are not the people of the United States knit together by a like common interest, and held in the indissoluble bonds of the Union and the Constitution, enjoying like privileges and immunities in "*point of trade*," and equally exempt from all "manner of *customs* and *imposts*."

Such, sir, is the freedom of intercourse and trade established by the Constitution.

The two provisions of the Constitution to which I have referred, with their kindred associates, disarmed the States.

No State shall enter into any treaty, alliance, or confederation, grant letters of marque and reprisal, coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts, or pass any *ex post facto* law or law impairing the obligation of contracts, lay duties on imports or exports, or any duty of tonnage.

Each of the foregoing restrictions upon the power of the States relate to and are a necessary part of the system by which the convention intended and has regulated the commerce of the States with each other and put it on an equal footing with the citizen.

Without the employment of one or all of the inhibited powers I have enumerated, no State can narrow the privileges and immunities of the citizens of other States within her jurisdiction, or in any manner clog, embarrass, or obstruct the free intercourse established by the Constitution.

Equality of the citizen, with equal privileges and immunities for his goods, wares, and merchandise, is the result of the operation of the Constitution.

No citizen of Missouri or other State temporarily sojourning in the State of Illinois can there be deprived of or denied any of the privileges, social, political, religious, or commercial which citizens of Illinois are permitted to enjoy.

Both persons and property wear the same impenetrable shield of natural right. Both may move from place to place, from State to State, as interest or pleasure may dictate. It is the right of unrestricted intercourse for persons and property between the States that we are considering. And how, I ask, can a commerce between States be created except through transactions between their citizens, respectively, whereby one thing is exchanged for another? This right of the citizens of the several States to exchange their products with each other is a natural right; it is a trade, commerce, or intercourse, one or all as you please, between the States regulated by the Constitution beyond the power of interruption. It adjusts itself to every attempt to violate this right with the same overruling power that it asserts in behalf of "life and liberty." It has invited the free intercourse of the States with each other, and has prepared the way by opening all the gates, letting down the bars, burned the fences, broke the dams, and destroyed the power to rebuild or replace them, so that the products of the several States may mingle as freely as wind or water.

The commerce of the several States with each other and the intercourse of their citizens are twin subjects, from the same womb, treated alike, and bound together by the necessities of social order and the ligaments of constitutional law that forbid their separation.

The power of regulating or interfering with commerce between the States was abolished by the Constitution. Prior thereto the States exercised the same powers as between themselves that are now exercised by the General Government in reference to commerce with foreign nations. The power of laying duties on imports and exports was a common power exercised by all the States. The power to contract and be contracted with; to grant letters of marque and reprisal; to coin money, emit bills of credit, make what they pleased a tender in payment of debts, pass *ex post facto* laws and laws impairing the obligations of contracts, and lay duties on tonnage—all these powers have been surrendered by the States, and thus placed their intercourse beyond the possibility of local embarrassment.

Commerce between the States as political corporations cannot exist, because they can form no alliance, or enter into any contract, or adopt any regulations or restrictions for such purpose without a change of the organic law. Commerce between two States, or "interstate commerce," so called, is the carrying trade found on navigable waters forming the boundaries of States lying upon our coasts, or such navigable waters as the Ohio and Mississippi Rivers, that separate and flow between two States over which neither has more than a qualified jurisdiction. As the waters are between two States, the commodities that float upon them are geographically so, and therefore called interstate commerce.

The traffic between the ports of Texas, Louisiana, Mississippi, Alabama, through the navigable waters of the Gulf; the traffic between the ports of California and Oregon, by way of the Pacific; the intercourse of the States of Georgia, South and North Carolina, Virginia, Maryland, New Jersey, New York, Connecticut, Massachusetts, New Hampshire, and Maine is a remnant of interstate commerce over which Congress has a qualified control. The vessels in which the commodities of those States are carried to each other for the purpose of exchange through the waters I have indicated require the license of the Government of the United States, because all navigable waters are natural highways of commerce, and subject to the exclusive jurisdiction of the United States as to the privileges of navigation. But the commodities transported on these waters under the license of the Government, if of domestic growth or manufacture, cannot be affected by any regulation of Congress without interfering with the unrestricted intercourse between the States established by the Constitution.

The commodity that floats upon the waters of the Mississippi from Saint Paul to New Orleans is almost the entire distance between two States until it reaches New Orleans, and more closely approximates what is called "interstate commerce" than anything I know of; yet it is a misnomer to call it "interstate commerce" simply because the commodity floats from the place of production to the place of sale or exchange between two States; for we must bear in mind that the moment the cargo reaches New Orleans and is sold or exchanged it becomes the commerce of New Orleans and subject to the laws of the State of Louisiana applicable to the commerce of that city, and if the vessel should sink or burn, the cargo would never become commerce at all. A return cargo of sugar and molasses is carried by the same vessel on the same waters from New Orleans to Saint Paul, which in like manner passes between two States until it arrives at Saint Paul, where it is discharged as part of the commerce of Saint Paul and subject to the laws of that State, and *eo instanti* a part of the internal commerce of Minnesota, where it is distributed and consumed or again transported by rail or other mode to some other State. It was first the commerce of New Orleans; secondly, the commerce of Saint Paul. Whose commerce was it on the waters of the Mississippi between Saint Paul and New Orleans? It could not be the commerce of Minnesota or Saint Paul, because they have no jurisdiction over the water, the vessel, or the commodity. For the same reason, it could not be the commerce of Louisiana or New Orleans.

The United States has jurisdiction over the waters and the vessel, but can exercise no control over the cargo; it cannot, therefore, be the commerce of the United States. Again I ask, whose commerce is it? It is not commerce at all, but the material ready to be converted into commerce. There can be no such thing as commerce *in transitu*. Commerce is the exchange of commodities between different places and communities.

The commerce over which Congress has control is the *exchange* of the merchandise and manufactures of foreign nations among the several States of this Union. It is the *exchange* of commodities between foreign nations and the several States that constitutes the commerce of the Constitution. Such exchange is made upon the terms and conditions prescribed by Congress. The power to "regulate" is the authority to prescribe the terms upon which the exchange shall be made. There are two kinds of commerce to be regulated—internal and external; or, if you please, foreign and domestic commerce. Domestic commerce is the internal commerce of the States—the exchange of products between different places in the same States, or between places in different States. If the commodity to be exchanged is of domestic origin it matters not where it is produced, where it is carried from or to, it is the commerce of the State where the exchange takes place. The fruits and wines of California exchanged in Chicago is, *pro tanto*, the commerce of Chicago and the internal commerce of Illinois. External commerce, or the "commerce of foreign nations and among the several States" to which the Constitution relates, is the same commercial intercourse that existed among the States and foreign nations prior to the adoption of the Federal Constitution, and which each State regulated for itself by prescribing the terms upon which foreign merchandise would be admitted and exchanged in their markets.

The clashing and adverse regulations of thirteen different States made it the interest of all that some uniform regulation should be adopted, and for that purpose the power was of necessity committed to Congress to do what no one State could do, and what all, acting separately, had failed to accomplish. The power committed to Congress was to regulate a commerce *then* existing and to be *continued among* the several States, a commerce already distributed but embarrassed and clogged by conflicting discriminations. The commerce of the States with each other being liberated by the provisions of the Constitution to which I have already referred, the only commerce that remained beyond the regulating power of each State was the exchange of foreign products among them. The Federal Government, representing the unity of the States on the subject, was empowered to make the regulations; in other words, to prescribe the terms and conditions upon which the future commercial intercourse of the States with foreign nations should be conducted. Commerce requires two or more places and two or more parties to give it an existence. One party to the commerce of the Constitution is foreign nations, the other the several States. The places from which the commodity must come are in a foreign nation, and the places to which it is brought are among the several States.

Chief-Justice Marshall, whose opinions have been quoted on the other side of this question, has given the clearest possible proof that could be furnished of his opinion as to the commerce committed to the regulation of Congress. In the case of Gibbons *vs.* Ogden, 9 Wheaton, 195, he says:

> But in regulating commerce with foreign nations the power of Congress does not end at the jurisdictional lines of the several States. It would be a very useless power if it could not pass those lines. The commerce of the United States with foreign nations is that of the *whole United States. Every district* has a right to participate in it. The deep streams which penetrate our country in every direction pass through the interior of almost every State in the Union, and furnish the means of exercising this right. If Congress has the power to regulate it that power must be exercised wherever the subject exists. If it exists within the States, if a foreign voyage may commence or terminate at a port within a State, then the power of Congress may be exercised within a State.

If the commerce of the United States with foreign nations is, as Judge Marshall correctly remarks, "that of the *whole* United States," then the thing to be regulated and the *locus in quo* could not have been more clearly indicated and expressed than has been done in the descriptive words of the Constitution, "commerce *with* foreign nations, *and* among the several States."

When this clause was adopted there was a commerce *with* foreign nations, and that commerce was among the several States; but after the adoption of the Constitution it ceased to be commerce among the several States, because the Constitution united the States as well as the commerce, and it thereby became the commerce of the United States—the commerce of the *whole*, instead of the *parts* as it had previously existed. Since the adoption of the Constitution, it is the commerce of the United States *with* foreign nations; before its adoption, and while the subject was being considered by the convention, it was the "commerce with foreign nations and among the several States;" hence the description, that the commerce might be clearly identified to which the power relates.

The power to regulate commerce with the Indian tribes is a broader power and is not limited by descriptive words as the power that precedes it, in the same clause. It comprehends *all* commerce *with* the Indian tribes, whether it is the commerce of foreign nations with them or the intercourse of the United States; it extends to all association, connection, and intercourse. It is a distinct and substantive power—conjunctively expressed, but disjunctively exercised—and unlike the power to coin money and regulate the value thereof. The power to coin money and the power to regulate its value are mutually dependent powers, in performing the duty to which they are annexed, like the power of admiralty and maritime jurisdiction are necessarily conjoined in their application.

Admiralty without maritime jurisdiction would be like coin *without* value.

Congress, I submit, has no power to apply the same rules and regulations to the intercourse of civilized men with each other that it may apply to savage tribes of Indians. It has no power to extend the existing intercourse laws of the Indian tribes to the States and people of this Union.

> If a foreign voyage may commence or terminate at a port within a State, *then* the power of Congress may be exercised within a State.

What is this power to be exercised by Congress in a State where a foreign voyage may commence or terminate? It is the power to apply its rules regulating the intercourse of the States with foreign nations. If the Constitution had simply given to Congress the power to "regulate commerce with foreign nations" and there stopped, omitting the words "and among the several States," the question would naturally arise, what commerce? It could not regulate the commerce between two foreign nations. Then what commerce is to be regulated? The

answer is found by adding to the words of the supposed grant the words of the grant itself, "and among the several States;" these are words of explanation and description only, showing where the regulation was required and where the disorder had prevailed. Thus has the Constitution laid the venue of congressional jurisdiction. The commerce subject to its regulations must have its inception in a foreign nation. The voyage that brings the material to be converted, sold, or exchanged on our shores must begin in a foreign country and end among the States, or *vice versa*. There will be no commerce to be regulated if the vessel is never unladed, but returns with her cargo to the foreign port from which the voyage commenced.

If there is such intercourse as interstate commerce left to the regulation of Congress, what are the means appointed by the Constitution for such purpose? It must be the same power and the same machinery employed in regulating commerce with foreign nations and among the several States, as there is but one grant of power on the subject.

If interstate commerce is subject to the regulating power of Congress, then it must be conducted, if Congress should so require, under the same regulations prescribed in the case of commerce with foreign nations. Custom-houses may be established wherever a railroad crosses a State, and every locomotive and car required to enter, clear, and pay duty, and the officers and conductors to be licensed, consuls appointed to reside at every important trading town in the States—truly a Government of general and unlimited power, instead of a Government of special and enumerated powers, as we democrats have been educated to believe; no restraints upon its power except that it is forbidden to lay any tax upon articles exported from a State, give preference to the ports of one State over those of another, or require *vessels* bound to or from one State to enter, clear, or pay duty in another.

If the power claimed be admitted, can any gentleman who supports this claim give a reason why Congress may not require specific duties to be paid on all products or commodities arriving in Chicago from points beyond the State of Illinois?

There is but one reason why Congress may not do so, and that reason cannot come from those who advocate the pretensions set up for Congress; but from my stand-point will give the reason, which is, that whatever is bought, sold, or exchanged in Chicago, being the produce or manufacture of the United States, is a part of the internal trade or commerce of the State, it matters not from what State or Territory of the United States it may come. A stream of water may have its source in one State and wind its way through the mountains and valleys of several States before it becomes a navigable stream subject to regulations of commerce and the jurisdiction of admiralty. It is subject to the control of the States through which it flows, without reference to its source, until its increased and navigable proportions bring it within the purview of the power of Congress.

The little streams of mountain and valley that make up the deep and navigable waters that flow between and through the States on their way to the sea are to navigation what the products of the States are to commerce. One is an element of navigation essential to commerce, and the other an element of commerce. These mere elements of navigation and commerce are not the subjects of congressional power and jurisdiction. As the waters that form and replenish the rivers and seas are not a part of either river or sea until they have reached their destination and mingled in the natural element of navigation and highways of commerce, so the commodities of the States *in transitu* are no more commerce until they reach their destination and become so by the only mode known to human intercourse—exchange—than the rivulets that make up the rivers are navigable streams. Commerce means the business of exchange on a large scale—a wholesale business.

The corn of Kansas, Nebraska, Missouri, and Illinois is retailed in Chicago, where it is internal commerce; but when thus aggregated and shipped by lake, river, and sea to Liverpool, it is a wholesale transaction, over which the General Government exercises supervision and control.

If it had been the intention of the convention to confer on Congress the power to interfere with or regulate in any manner the trade and intercourse of the citizens of the several States with each other by any general provision, it would not have exhausted the subject as it has done by the numerous provisions directly affecting and regulating that question. How easy, if such had been the intention, to have given expression to it in the words following:

> Congress shall have power to regulate the commerce of the citizens of the several States with each other and with foreign nations.

These words are plain and direct, and if employed would not admit of a doubt that the power now claimed for Congress was meant to be and was granted.

Chief-Justice Marshall says in discussing the same clause of the Constitution:

> As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed the Constitution and the people who adopted it must be understood to have employed words in their natural sense.

It will not be pretended that there was any intention that required concealment, and that they did employ the words that most directly and aptly expressed their ideas.

Then if the words I have suggested as a substitute for those employed in the Constitution are admitted to be more direct and apt words for conferring such a power as is now claimed for Congress than the words from which it is attempted to deduce such power, then the presumption is raised that no such power was conferred or intended to be conferred.

No preference shall be given by any regulation of commerce or revenue to the *ports* of one State over those of another; second, nor shall *vessels* bound to or from one State be obliged to enter, clear, or pay duty in another.

These restrictions indicate the commerce to which the general power of Congress was applicable. They show that it was a commerce carried on in *vessels* on *water*. There was no commerce or laws of commerce until navigation was invented. Admiralty and maritime laws were unknown until navigation had become the *primæ viæ* of commerce, when admiralty followed as the shadow follows the substance. It was external and not internal commerce. External commerce or the commerce of foreign nations among the several States was then the only commerce necessarily confined to vessels and ports. It was the only commerce to which the forbidden preference of the ports of one State over those of another could apply in view of the regulations by the Constitution of other branches of commerce, because it was the only commerce which Congress could affect by its discriminating regulations for the purpose of revenue or protection and thereby prefer the ports of one State to those of another. The power to regulate *foreign* intercourse, with or without commerce, by water or by land, is not denied.

"It is a settled rule of construction that the exceptions from a power mark its extent as well as its object," says Chief-Justice Marshall, "and the most obvious preference that can be given to one port over another, in regulating commerce, *relates to navigation*." He also says in the same opinion, "the enumeration of particular classes of commerce would not have been made had the intention been to extend the power to every description of commerce. The enumeration presupposes something not enumerated and that must be *internal commerce*. What is "internal commerce," and how produced? It is the aggregated transactions between different people and different places in the same State, and between themselves and the people of other States, who sell something to, or buy something from, or exchange something with them. If these transactions which take place in a State, involving the sale or exchange of commodities, do not constitute internal commerce, then I beg some gentleman better informed to have pity upon and relieve my ignorance.

The commerce of foreign nations is with the United States, but is distributed among the States and carried on by its citizens under the license of the Government; no other commerce requires such license. The commerce with foreign nations and among the several States, to which the intention of the convention and the language of the Constitution relate, means that intercourse with foreign nations by which the States severally exchanged what they had to spare for what they wanted respectively.

In construing an instrument like the Constitution of the United States, containing so little of detail or legislation to explain its meaning, the import of its words and their application to its objects make verbal criticism indispensable, as is evidenced by the example of the Supreme Court of the United States. The word "among," says the venerable Chief-Justice Marshall, means "intermingled with; a thing which is among others is intermingled with them." If the opinion of Justice Marshall be correct, that the words "intermingled with" are equivalent to and mean the same thing as the words "and among," used in the clause of the Constitution we are considering, it seems to me the intention of the convention should not remain a moment longer in doubt.

Then if we substitute the words "intermingled with" for the words "and among," the Constitution would read thus: *Congress shall have the power to regulate commerce with foreign nations intermingled with the several States.* It was the commerce of foreign nations intermingled with and among the States that was to be regulated at the time appears clear. There was no commerce with foreign nations that the power of Congress could reach except what was among or intermingled with the several States. Justice Johnson, of the Supreme Court of the United States, in the case of Gibbons *vs.* Ogden, in commenting upon that clause of the Constitution under consideration, reasons as follows:

> The power to regulate foreign commerce is necessarily exclusive. The States are unknown to foreign nations; their sovereignty exists only with relations to each other and the General Government. Whatever regulations foreign commerce should be subjected to in the ports of the Union, the General Government would be responsible for them, and all other regulations but those imposed by Congress would be regarded by foreign nations as trespasses and violation of national faith and comity.

Why is this power necessarily exclusive? Because there is no other sovereignty but the United States capable of exercising it.

Foreign nations in their intercourse are not permitted to recognize any other sovereign, on this or any other subject, but the United States. State sovereignty is unknown abroad since the adoption of the Constitution.

If the exceptions from a power mark its object and extent, the following will reduce the power of Congress and object of the convention to its properly attenuated form of intercourse with foreign nations:

> Congress shall have power to coin money, regulate the value thereof, and of foreign coin.

This power gives rise to two inquiries: first, To what extent can Congress exercise the power of regulating the value of its own money? second, Where is the value of foreign coin to be regulated?

The exchangeable value of a dollar is very fluctuating, and it is very desirable it should be otherwise. The value of a dollar depends upon how far it will go to supply our wants. One dollar may supply our wants to-day, and to-morrow may require two dollars for the same food and fuel. No regulation of the value of money is perfect until it is uniform. And it can never be uniform until it is made to bear the same exchangeable relation to other things one day that it does to another. Has Congress therefore the right to fix the price of commodities in order to give uniformity to the value of money? If Congress should say that the value of wheat should be one dollar a bushel, and so on with all commodities, money would then be a true and unvarying measure of value—it cannot otherwise be so.

In the case of money, Congress has the power to *create and* regulate; in the case of commerce, it has no power to *create*, but to "regulate" only.

The power of Congress to coin money and regulate its value is not limited by any restriction whatever. The power is denied to the States and delegated to Congress. It is one of the powers exercised by the States before the adoption of the Constitution, and forms one of the many exceptions to the power of Congress to regulate commerce. Money is certainly essential to commerce; and if it had been intended that everything essential to trade and commerce should be included in the grant to regulate commerce, the power to coin money and regulate its value need not have been specifically delegated.

If the power to *create and regulate* commerce which is now being contended for had been delegated, the field would have been no broader than it is now claimed to be by the advocates of this bill.

The power is also conferred upon Congress to regulate the value of foreign coin, a necessary incident to the power of regulating commerce with foreign nations. Where is the regulation of the value of foreign coin to be made? Where can it circulate so as to be subject to the regulation? Nowhere but among the several States—like foreign commerce subject to the same power. In regulating the value of foreign coin Congress may discriminate in favor of or against its own coin. Although inferior in weight and quality of metal, it may be made a legal tender equally with our own coin. It is the value of both coins Congress may regulate by the same rules if it please.

The regulation of value depends on the single will of Congress. There is no second party to regulate it with. Not so with the regulation of commerce. Commerce must be regulated with somebody. Between whom and with whom is the regulation to be made? The Constitution says "with foreign nations" as one party to the transactions to be regulated, and among the several States as the other party, because it is among the several States that the subject exists. The exercise of the power to regulate the value of money is properly confined to the weight and quality of metal which shall constitute a dollar as the unit of value, and the use of that unit, but if the same latitude of construction be given to the power of regulating the value of money that is claimed for the power to regulate commerce, other things than money are incidentally brought within the power as necessary to its exercise.

Congress has the power to fix the standard of weights and measures; under the exercise of this power a pound is a pound the year round, a bushel, gallon, and yard are the same at all times, and everywhere weights and measures are uniform, everywhere and always the same. This power is also necessary to commerce, but is not included in the grant on that subject. While Congress fixes the dimensions of the pound, bushel, and yard as a general regulation applicable to all commerce, the States adjust the pounds to the bushel. The power of Congress is exhausted when it has fixed the standard by saying how many cubic inches shall constitute a bushel measure; it has no power to say how many pounds the commodity to be measured thereby shall weigh. This is one of the reserved powers of the States, by means of which they regulate quality, by the conjoined use of the weights and measures Congress has provided.

The power to borrow money, pass bankrupt laws, punish offenses on the high seas, provide and maintain a navy—all these powers are exercised in the interest of commerce and are essential to it. Why, therefore, should such enumerations of power have been considered necessary if the grant on that subject was to be made the laboratory of its power? With deference I say it is a mistake to suppose that everything necessary to commerce is comprehended in the grant, or that the word commerce imports more than the intercourse of nations.

If the power is "necessarily exclusive," which, in its application to foreign commerce, I admit, the same necessity that makes it exclusive would confine its exercise to foreign commerce and exclude it from interference or control over a commerce where no such necessity could be urged.

If foreign goods have *crept* into the country without conforming to the regulations prescribed for their admission, the power of Congress may be exercised wherever found as against the person or thing. But if the person and thing thus stealthily escaping for the time being the duties and obligations imposed by the statute be found in some secluded spot in a State, the power of Congress to follow it there and seize both person and property is not an exercise of the power to regulate commerce, but a power to punish offense against the laws of the United States. Nor is it the exercise of the power where the subject exists, because the subject cannot exist where no provision of law has been or can be made, in the nature of the power, for its existence. The place where the subject can have a legal existence is ports of entry and ports of delivery. "If it exists within the State, if a foreign voyage may commence and terminate at a point within a State, the powers of Congress may be exercised within a State."

The act of Congress entitled "An act to regulate the collection of duties on imports and tonnage," passed March 2, 1799, divided the United States into districts for such purpose, with ports of entry and ports of delivery in each district, defining the territorial jurisdiction of the collector of the port of entry and likewise the jurisdiction of the port of delivery.

The word port used in the law and the Constitution must have been employed in its universal legal and commercial acceptation, and is defined by lexicographers, compilers, and commentators on commercial law, sustained by the courts of all Christendom, to be a place for ships to ride at anchor and for lading and unlading of the cargo of vessels and the collections of duties and customs on imports and exports. Many of the ports of England, like those of the United States, have inland streams into which it is unlawful for ships to enter for the purpose of importing or exporting goods without special license. In England it is the prerogative of the Crown to designate the ports and havens or such places only where foreign merchandise shall pass in and out of the realm, including all navigable waters through which such passage could be made, and its courts have held long before the adoption of our Constitution that the king is lord of the whole shore and guardian of the ports, havens, and navigable waters, inlets, and outlets of the realm. In the time of Elizabeth it was found necessary to fix bounds of ports, establish wharves and quays in each port for the exclusive landing and lading of foreign merchandise, and also to improve the harbors.

The word "port" is defined by the statutes of the United States to be a place from which merchandise can be exported and to which imported, or, in the language of Judge Marshall, "where a voyage may commence or terminate." In the reign of George III it was enacted that no pier, quay, wharf, jetty, or embankment should be made on or adjoining to any port, or harbor, or river immediately communicating therewith so far as the *tide-water* flows up the same. We are not at liberty to suppose that the word "port" is used in any other sense than that which it carried to every civilized nation on earth. I concede to Congress all the power to which I have referred, in view of which, and the rule of the common law and English statutes applicable to the subject and country, the Constitution was formed, and the law to which I have referred enacted. I admit that Congress is lord of the whole shore and guardian of the ports and havens and navigable waters of the United States; that it may improve harbors and rivers, establish wharves, quays, light-houses, &c., fix the boundaries of ports, and confine the landing, lading, and unlading of foreign merchandise within the same.

In a word, I concede all the powers of the King and Parliament exercised over the subject at the time of the adoption of the Constitution and such other powers as are necessary to execute the power specified. But its regulations must be confined, and applicable to, the subject to which its powers relate—"commerce with foreign nations." These words were not inserted in the Constitution without consulting existing laws upon the subject of the construction due to them.

The Constitution says Congress shall have power to define and punish piracies on the high seas and offenses against the laws of nations, but no provision is made for the *place* of trial. Another provision of the Constitution, to be found in Article 3, section 2, clause 3, supplies the omission, by authorizing Congress to fix the place of trial when the offense is not committed, *infra corpus commitatus*, or "when not committed in a State:"

> The trials of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Now, let us compare these clauses of the Constitution with the following clauses on the same subject to be found in 27 and 28 Henry VIII, and that we may see that the convention consulted the laws of England applicable to this country for ideas as well as words:

> All offenses of piracy, robbery, and murder done on the high seas or within the admiral's jurisdiction, shall be tried in such places of the realm as shall be limited in the king's commission.—*First Statute, 27 Henry VIII, chapter 4.*
>
> All treason, felonies, robberies, and murders upon the seas or within the admiralty jurisdiction shall also be tried in such shires and places in the realm as shall be limited by the king's commission.—*Second Statute, 28 Henry VIII.*

Thus it will be seen that the idea of giving to Congress the power to appoint the place for the trial of offenses not committed within the body of a State or county is taken from the English statutes to which I have referred, giving a similar power to the king's commission.

But for the laws of England, how impenetrable would be the darkness in which, after the lapse of a century, we should now find ourselves. In the case of Baine *vs.* The Schooner James and Catherine, 1 Baldwin, 588, the court, in determining a question of admiralty jurisdiction, says "neither the Constitution, amendments, or law give a definition of *law, equity, admiralty, or trial by jury;*" and,

I add, is equally silent as to the word *commerce*. The court proceeds:

But the terms are not consequently indeterminate, or open to any construction that may be put upon them; they must be taken in the sense in which they have been universally understood through all time by the people, the Convention, and governments of the States and Union. The jurisprudence of England is the *test* and standard to which these terms are to be referred, and by which they are clearly defined.

If these words have been used with proper reference to their sense as employed in the English laws, why should the word commerce be excluded from the same rule?

The civil jurisdiction of admiralty was well and clearly defined, but there was criminal jurisdiction that might with profit to commerce be extended by Congress to particular cases in dispute between the admiralty and common-law courts of England; such, for example, where a mortal blow is given at sea and the victim dies on land in his own or a foreign country. This identical question came up in the Supreme Court of the United States in the case of The United States *vs.* James Magill, reported in 4 Dallas. The court says the "words of the Constitution must be taken to refer to the admiralty and maritime jurisdiction of England, but no case, no authority, has been produced to show that such a prosecution would be sustained as a case of admiralty and maritime jurisdiction." Admiralty jurisdiction is conferred on the judicial department in terms no more general than the power of Congress to regulate commerce, except that the commerce to be regulated is indicated by the Constitution.

Congress may prescribe the form and mode of proceeding in admiralty courts, but the question of *jurisdiction* must be determined by the courts, agreeably to the laws of commerce.

The power to *regulate* is not intended to confer on Congress a supreme law-making power over the subject to be regulated. It could not execute such a power for want of territorial jurisdiction. The power conferred is merely a subordinate authority to adjust and apply existing laws of commerce, navigation, and admiralty, and provide for their proper administration and enforcement, under such regulations as it may prescribe. No law of Congress can confer rights, privileges, or immunities on the high seas or in foreign countries. Congress may and has made "*rules* concerning captures on land and water," but these rules are made with reference to long-established laws of nations and of war.

To define and punish felonies committed on the *high seas* is the only power delegated to Congress by which it can constitutionally extend the jurisdiction of admiralty beyond its ancient limits and usefulness, and this power was intended to cover precisely such a case as I have cited, and which appears not to have been, at the time, provided for by any law of this country or England.

Admiralty and maritime jurisdiction are wisely separated in the Constitution from the power to regulate commerce, being confided to different departments. If both these ancient powers were united in the legislative department of the Government of the United States, it would be omnipotent beyond the power of restraint. If to the power now claimed for Congress by the advocates of the pending measures you superadd the power to extend admiralty jurisdiction over the *land*, it carries with it the power to abolish trial by jury. Admiralty recognizes no right of trial by jury. In criminal cases only the right would exist under the Constitution.

Navigation, admiralty, and commerce go hand in hand—they are the trinity of navigable waters. Commerce follows navigation, and admiralty follows both, and the power of commercial regulation in Congress, and the jurisdiction of admiralty in the judicial department, are as coterminous as the boundaries of land and water. They are co-ordinate powers relating to the same subjects and are limited to the same territory, and cannot be exercised independent of each other. Courts of admiralty originated in England for the administration of the laws of commerce. They have jurisdiction of all causes of merchants and marines, all offenses of treason and piracy, robbery, murder, and other felonies committed on the seas, its branches and navigable streams up to tide-water; also of all duties, toll, tribute, or tariff upon merchandise, mariner wages, and contract for building ships, of things done in navigable waters, such as damages to persons, ships' goods, and the annoyances of passengers as well as of contracts, and other things done beyond but relating to the seas. To these and like things the regulations of Congress may extend. The jurisdiction of Congress and the jurisdiction of admiralty are alike confined to water.

It was enacted in the time of Richard II that the admirals and their deputies shall meddle with nothing done within the realm, but only with things done upon the sea. It was further enacted in the same reign that of all contracts, pleas, and quarrels and other things done within the bodies of counties, by land or water, the admiral shall have no cognizance, but they shall be tried by the law of the land. It will be seen that admiralty jurisdiction is confined to the sea, its coasts and other navigable waters not being within the body of a county, for it is further declared by the same law that "all ports and havens are *infra corpus comitatus*, and the admiral hath no jurisdiction of anything done in them." If the captain of a vessel were to commit a felony at sea, such as robbing his passengers, admiralty would have jurisdiction, and the regulations of Congress as to trial and punishment would apply; but if the offense be committed on land at a hotel in New York, neither admiralty nor Congress could take cognizance of the offense, because it is committed *infra corpus comitatus*, and the laws of the State of New York must govern the trial and punishment. Admiralty has never claimed jurisdiction of crimes committed on the navigable rivers of the United States above tide-water.

If the regulations of Congress can be extended to the internal trade and carriers of a State, the jurisdiction of the courts of admiralty may follow and attach to any transaction between man and man, and thus be made the mere bailiffs of Congress, as was attempted to be done by an act of the British Parliament in 1793, and subsequently held by Chief-Justice Mansfield to be a violation of the British constitution. The code *Oleron-Wizbey Consolato del Mare, Lex Mercatoria*, and the articles of the Hanse Confederation were sources of information to the convention on all subjects relating to navigation, commerce, and admiralty, to be consulted now in construing as they were then in forming our Constitution. The laws of admiralty settled by universal custom recognize that broad and important distinction between commerce and trade so necessary in defining the boundaries of its jurisdiction.

The Colonies in their address to the Crown, October 26, 1774, protest against the exercise of such a power by the King and Parliament; and from that document I extract the following:

By several acts of Parliament, made in the fourth, fifth, sixth, seventh, and eighth years of Your Majesty's reign, duties are imposed on us for the purpose of raising a revenue; and the powers of admiralty and vice-admiralty courts are extended beyond these ancient limits, *whereby* our property is taken from us without our consent; the trial by jury in many civil cases is abolished.

The English law dictionary compiled by Giles Jacobs before the Revolution, and recognized as a standard of authority at the time of the adoption of the Constitution, says:

There is a distinction between commerce and trade; the former relates to our dealings with foreign nations, or our colonies abroad, the other to our mutual traffic and dealings among ourselves at home. For this reason the affairs of commerce are regulated by a law of their own called the *lex mercatoria*, which all nations agree in and take notice of, and in particular it is held to be part of the law of England which decides the causes of merchants by the general rules which obtain in all commercial countries.

A distinction—

Says Burrill—

is frequently made between commerce and trade properly so called, the latter, intercourse between citizens and subjects of the same nation, (cites Wharton's Lex.,) and the former seems almost *ex vi termini* to import intercourse by means of shipping as to be used as the synonym of maritime.

The *lex mercatoria*, with which every lawyer of the Convention was familiar, thus defines the word:

Commerce is that intercourse with foreign nations which is carried on from one country to another by means of navigation, either for the exchange of commodities or for the sale or purchase of them through the medium of money. Commerce, then, has its basis in navigation, and is supported by exports and imports, whereas simple trade may be transacted independent of these elements of commerce. And herein chiefly consists the difference.

This definition is concurred in by all respected authorities.

Navigable rivers are truly the wards of Congress for the purpose of keeping them unobstructed and free for foreign commerce as well as domestic trade and traffic. Its regulations may extend to the seaworthiness of the vessel, its boilers and machinery, its captain and pilot, and other officers charged with the navigation, so far as the same may relate to the safety of persons and property, but, however desirable it might be to have a vessel leaving the port of Pittsburgh, Pennsylvania, for the port of New Orleans, Louisiana, stop at all the cities, towns, and landings upon the Ohio and Mississippi Rivers, between the two ports named, for the purpose of accommodating trade and travel, passengers and freight, Congress has no power to prescribe such a regulation, because the Constitution has explicitly commanded that "vessels bound to or from one State" shall not be obliged to enter or pay duties in another. The restriction applies with equal force to vessels engaged in the carrying trade between Boston and Charleston. Congress is prohibited to interfere *with this trade* between two States. Its powers of discrimination are wisely and properly confined to foreign nations and their goods, wares, and merchandise. President Madison in stating his objections to a bill for internal improvements, on the 3d of March, 1817, says:

The power to regulate commerce among the several States cannot include a power to construct roads and canals in order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the import of the term.

On the 13th of July, 1784, Mr. Monroe, chairman of the committee having the subject in charge, reported the following amendment to the ninth article of confederation:

The United States in Congress assembled shall have the sole and exclusive power of regulating the trade of the States, as well with foreign nations *as with each other*.

This is the identical power claimed by the advocates of this bill, that was rejected by the States and refused by the convention that formed the Constitution.

Mr. Monroe, who submitted and advocated this proposition, and who was a member of the congress of the Confederation and took a leading and active part in all the measures that brought about the convention, thus speaks:

Commerce between independent powers or communities is *universally regulated by duties and imposts*. It was so regulated by the States before the adoption of the Constitution—equally in respect to each other and foreign nations. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power then to impose such duties and imposts in *regard to foreign nations*, and to *prevent any on the trade between the States*, was the only power granted.

In the case of Gibbons *vs.* Ogden the Supreme Court of the United States says State inspection laws, health laws, and laws for regulating the internal commerce of a State, and those which respect *turnpike roads*, ferries, &c., are not within the power granted to Congress.

If turnpike roads and ferries are *not*, as Judge Marshall says, "within the power granted to Congress," I would like to know by what process of reasoning or power of legerdemain railroads and bridges, which are but the substitutes of turnpikes and ferries, can now be embraced. At the time this decision was made, ferries formed an important if not the only mode among many of the States of conducting their intercourse with each other, and still retain much of the same importance. At my own home a large share of the trade of the city of Quincy comes from the State of Missouri, and is brought over by a ferry-boat. There is also a railroad bridge above the ferry over the same river, within the limits of the same city and State. Why, I ask, should Congress exercise control over the one, and not over the other? If the power of Congress does not extend to turnpike roads, it will not be pretended that it extends to the ordinary highways laid out, and maintained by the States, and it must follow, then, as a matter of absolute necessity, that the power conferred upon Congress *is confined to water*, because *all* other known avenues of trade, transportation, and intercourse between the States are *excepted* from the power. Turnpike roads, common highways, and ferries constituted at that time the only means of inter-communication that could be employed between many of the States.

I have no connection with or interest in any corporation; not one dollar of stock or bonds of any kind are mine; I own nothing but the land I cultivate and the stock upon it, and I dare to do justice when I say the railroads are more sinned against than sinning. It is a mistake to suppose that the States or people are in their power; they can "starve them," as the gentleman soon to preside at the White House might truthfully exclaim if he were now present participating in this discussion. If railroad corporations engage in combinations whereby competition is destroyed and the cost of transportation increased, it is such a fraud upon the public as would justly forfeit their charter and franchise to the State or States from which they are derived; but railroad corporations, whatever errors and wrongs they may have committed, have rights that Congress should respect, and duties to perform that the States alone can enforce.

Our system of railroads that now permeate all the States of the Union was commenced and carried on and completed under special grants or contracts with the several States, whereby rights have vested in corporations, individuals, and communities, which cannot be taken away or impaired without an utter disregard of all constitutional restraints, the adjudication of all the most enlightened courts of modern times, and the mutual and relative obligation of government and citizens. A grant of authority by the Legislature of a State to one or more persons to build and operate a railroad is a contract between the State and such individuals. The Supreme Court of the United States says:

> A grant from a State is as much protected by the operations of the provisions of the Constitution as a grant from one individual to another; and a State is as much inhibited from impairing its own contracts, or a contract to which it is a party, as it is from impairing the contracts between two individuals. (Fletcher *vs.* Rich, 6 Cranch.)

Again, in Ferrit *vs.* Taylor it was held that a legislative grant vested an indefeasable and irrevocable title; that there is no authority or principle to support the doctrine that a legislative grant was revocable in its nature, and held only *durante beneplacito*, nor can the Legislature repeal statutes creating private corporations or confirming to them property acquired under the faith of previous laws, and by such repeal vest the property in others without the consent or default of the corporations. Such a proceeding would be repugnant to the letter and spirit of the Constitution and to the principles of natural justice. (9 Cranch, 43.)

In the celebrated Dartmouth College case it was held that the charter granted by the British Crown to the trustees of Dartmouth College in 1769 was a contract within the meaning of the Constitution of the United States and protected by it.

Missouri, Illinois, Indiana, Ohio, Pennsylvania, Maryland, New Jersey, Delaware, and New York have each established a system of railroads for internal transportation; built and operated by private capital and enterprise. Neither has the power to prevent the trade and commerce of the other from passing over those roads, nor have they or either of them ever attempted it.

These roads have been located for mutual accommodation and interchange of commodities and friendly intercourse, and thus form a continuous line to the seaboard, so that each State may enjoy that share of foreign commerce by *exporting and importing*, which Congress by existing laws has long since regulated among them.

Common carriers are of two kinds: First, such as pursue their business or calling for hire upon the public highway, made and maintained at the public expense. This class of carriers, in this country as well as in England, may have their compensation as well as their duties and liabilities regulated by law, but such regulation *must be prescribed by the State.*

The other class of common carriers, known as railroad corporations, are not subject to the same restrictions. This latter class pursue their calling or business under a franchise which implies exemption or immunity from ordinary jurisdiction. This franchise is granted by the State upon a consideration sufficient in law to support a contract. In England it was regarded as a part of the royal privilege or branch of the king's prerogative, subsisting in the hands of the subject. This franchise or branch of the king's prerogative may be vested either in natural persons or in body-politic, in one or many, but when once granted cannot be taken away or bestowed on another, for that would prejudice the former grant. The rights of railroad corporations in this country to collect reasonable tolls is founded upon the same principle of reason and law that the right to take tolls at bridges, wharves, &c., is in England.

The rights presuppose something done or to be done as the consideration, such as the building of a road and keeping it in repair. A grant to A and B of the exclusive use as common carriers of a public highway, made and to be kept in repair at the public expense, would I suppose be illegal and void in this country as in England. When justice is not done by railroad corporations under their franchise, the courts may compel the owners of the franchise to do justice. Railroad corporations like other owners of a franchise are liable to forfeiture for abuse, misuser, or non-user.

If a railroad corporation should fail to keep its road in proper repair for the safe transportation of persons and property over the same, the State courts might upon *quo warranto* inquire into the same and declare the franchise forfeited. A failure to keep the road in such repair is a failure of consideration which the State may take advantage of on information.

A railroad corporation is the creature of the State—an artificial citizen, in whose hands, temporarily, and for a special purpose, subsists a portion of the State's sovereignty; and if that portion of the State's sovereignty can be appropriated by Congress, the whole may.

Mr. Speaker, I shudder for posterity when great and good men lend their names to such heresies. I find a small tract circulating among the members of this House, purporting to emanate from the Board of Trade of the city of New York, containing a letter from a distinguished and honored citizen of Pennsylvania on this subject, with the following extracts from the report of a United States Senate committee on the subject of the power of Congress to regulate commerce. The committee are made to say:

> That in the selection of means by which interstate commerce shall be regulated, Congress may—
> 1. Prescribe the rules by which the instruments, vehicles, and agents engaged in transporting commodities from one State into or through another shall be governed, whether such transportation is by land or water;
> 2. That it may appropriate money for the construction of railways or canals, when the same shall be necessary for the regulation of commerce;
> 3. That it may incorporate a company with authority to construct them;
> 4. That it may exercise the right of eminent domain within a State in order to provide for the construction of such railways and canals; or,
> 5. It may, in the exercise of the right of eminent domain, take for the public use, paying just compensation therefor, any existing railway or canal owned by private persons or corporations.

If the power of eminent domain in the Federal Government extends to taking canals and railroads why may not Congress condemn every State in the Union for a "*public use*," of which it claims to be the sole judge, and as a *pretended* recognition of constitutional restraint tax each State to provide the compensation for the destruction of its own sovereignty?

If, as is asserted, the horses, wagons, and drivers of the farmer that convey the products of a Virginia farm to a Maryland market are to be made the subjects of congressional power and regulation, then, indeed, will home government, the foundation of our edifice, be swept away forever?

What, sir, is this power of eminent domain, claimed for the Federal Governments, under which it may enter the States and appropriate the property of its corporations to its own use?

"Eminent domain," says Kent, "is the inherent sovereign power of a State which gives the *Legislature* the control of private property for public use." (2 Kent, 339.)

It is the ultimate right of the sovereign power to appropriate, not only the public property, but the private property of *all* those within the territorial sovereignty to public purposes. (11 Peters, 641; 6 Howard, 531.)

The right of eminent domain is as inherent in the States as the right of life and liberty is in the individual man.

The States surrendered no part of their sovereignty to the Federal Government, but only their jurisdiction over specified subjects, and with that jurisdiction their aggregate of power to maintain it.

I know of no case in which the Federal Government has exercised the power claimed. On the contrary, the Constitution utterly negatives the idea of such a power existing in the Government of the United States. First article, eighth section, seventeenth clause of the Constitution is as follows:

> That Congress shall have the power to exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may by cession of particular States and the acceptance of Congress become the seat of Government of the United States, and to exercise like authority over all places purchased by the *consent* of the Legislature of the States in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

Congress was not permitted to exercise the power of eminent domain, even to the extent of providing a place for the seat of Government, or to provide the grounds for forts, arsenals, dock-yards, and other needful buildings. It has no power to *accept* a grant of land without consent of the State. Its right of eminent domain is

confined to such territory as it may acquire by cession from the States, and that territory cannot exceed ten miles square, with the addition of such other territory as may be granted for the purposes specified.

If there is a species of treason not contemplated by the Constitution, which has one friend more deserving than another, it is him who claims for the Government of the United States the power of eminent domain within the States of this Union.

He who would destroy the very foundations of liberty by blotting out the autonomy of the States and deprive the people of home government and domestic rule, with the power of eminent domain in the hands of the Federal Government, carries in his heart, unconsciously perhaps, rank treason to all the traditions and precious memories that recall the trials and sacrifices of our brave ancestors to establish and maintain that right. A treason too abhorrent and unnatural to be thought of or conceived by the authors of our Government, and consequently too vile and unprecedented to find its definition and punishment in the Constitution and laws of the country.

The opinions and heresies of Senators, and others no less distinguished, to the contrary should not be accepted by this House as its rule of action until they have been subjected to the crucible of reason and the Constitution.

Let us bring ourselves up to the level of this high and important duty imposed on each and every member of this House, by forgetting the prejudices local wrongs have engendered, discarding all opinions but our own, as having no binding force upon our action, to be considered and valued only for the light they may throw upon the path of duty to our constituents and country.

If the dogmas of paid professional service are to countervail convictions of duty drawn from the Constitution by each one for himself, and thus mold the action of this House, there is nothing I can do but implore the people to resume the power committed to our hands before we perpetrate the threatened violence on their rights of enlarging the powers of the Federal Government to redress private grievances, conceived and urged upon us by the mercenary advocates and employés of boards of trade, and gamblers, who lose their money because the manipulation of the cards is in other hands than their own. We cannot afford in this insidious manner to weaken the bonds that bind our consecrated structure dedicated to liberty, equality, and justice.

This Government, sir, cannot be contracted or expanded in any of its parts without destroying their relative equality and thereby impairing the strength and endangering the usefulness of the whole.

Beginning, as it does, with helpless families in search of shelter from oppression, rising and expanding with each course of organized society employed in its structure, villages, cities, counties, colonies, and States succeeded and rose, and expanded one above another, until the grand structure of popular and domestic government was complete, and surmounted by a Federal power as the shield and armor of all beneath. Thus it began, and thus it ended, rising like an inverted pyramid from the solitudes of a new world. Shall we to whom its preservation has been committed allow the superincumbent weight and power of Federal authority to be increased until it sinks the whole in one indistinguishable mass? God forbid!

Yeates vs. Martin.

SPEECH OF HON. E. K. VALENTINE,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 29, 1881,

On the contested-election case of Yeates *vs.* Martin.

Mr. VALENTINE said:

Mr. SPEAKER: There seems to be a manifest disposition by the other side of the House to avoid discussion of the pending case. At their action I am not surprised when I think of the outrage they are about to commit on the sitting member, on the electors of the first district of North Carolina, and upon this House. This is no ordinary case. It is one calling upon every member of this House for a careful examination and investigation.

We of the North have heard very much concerning the methods adopted by the democrats of the South for the purpose of electing themselves to office, and so successful are they that it is a very rare occurrence for a republican to secure a certificate of election. This case, however, is one of the exceptions, a republican having been fortunate enough to secure a certificate. But not to be thwarted by this circumstance, his democratic opponent is here asking this House, a majority of which are democrats, to give him the seat, and a majority of the Committee on Elections by their report have decided so to do. I shall not enter into all of the details touching this election, but desire to call attention to some circumstances which appear from the evidence. If the sitting member is deprived of his seat it will be because certain democratic officials failed to perform their sworn duties, and by the contrivance and machinations of leading democratic supporters of the contestant.

Let me call your attention briefly to

PROVIDENCE AND SALEM TOWNSHIPS.

The record shows that the returns of these two townships were taken by the registrars (they having been selected for that purpose by the election boards of their respective townships) to the board of county canvassers. The election laws of North Carolina require the returns to be carried to the board of county canvassers by one of the judges of election. By referring to the majority report of the committee you will notice that they count Providence Township which returned a majority of 39 for Mr. Yeates, but exclude Salem Township where the sitting member received a majority of 135; thus in two cases precisely alike they count the one which benefits the democrat, and exclude the other which if counted would elect the republican.

On page 2 of the majority report, in referring to Providence Township, the committee say:

> The action of this board (election board) seems to have been arbitrary and unjustifiable. There was no allegation of fraud or irregularity in the conduct of the election. * * * To reject this return in this county was manifestly illegal, and the evidence shows that the contestant is entitled to have 39 votes added to his aggregate vote by the rectification of this error, this being contestant's majority in that precinct.

But a little further along on the same page of the report, when they reach Salem Township, they adopt a very different mode of reasoning. They say:

> The committee are not asked to reject this vote. It is already rejected by the proper authorities of the county, and this record furnishes a conclusion only. * * * This board, in the absence of proof to the contrary, is entitled to the legal presumption that they have done their duty.

Why not apply the same rule in both instances? But they say we should count Providence because of the fact that the minority report of the committee is in accord with that of the majority, namely, "that the action of the county board in excluding Providence was illegal;" and so say I. The fact that the returns were carried to the board of county canvassers by one not expressly authorized by law, the election having been honest and fair, and it being conceded that the returns were delivered as received, is not sufficient to exclude the vote of this township. It is disputed by the gentleman from Georgia [Mr. SPEER] that Salem and Providence Townships were excluded by the board of county canvassers for the same reason. In this assertion the gentleman is mistaken, as is clearly established by the record from which I read, page 56, being part of deposition of James S. Wilcox:

> Q. State whether you were a member of the county canvassing board for the county of Pasquotank, who canvassed the returns from the several precincts in said county at said election.
>
> A. I was registrar of the election at Salem precinct, and brought the returns of the election from that precinct to the county canvassing board of said county at the request and by the direction of the poll-inspectors who conducted the same, and claimed the right to act as a member of said returning board, but by a majority vote of the board I was not allowed to do so.
>
> Q. Were you present when said board considered said returns, and do you know what action they took in regard to them?
>
> A. I was present; they proceeded to canvass the returns from Salem precinct and refused to count them.
>
> Q. State whether there is in your office, as register of deeds for said county, any record of the action of the canvassing board for the county of Pasquotank in reference to the returns from said precinct at said election?
>
> A. Yes. It appears from a book among the records of my office styled "Election book," which book I now hold in my hand, that the following entry was made on page 47 of the same, headed "Record of an election held for Representative in Congress and senators and representatives in the General Assembly, on Tuesday after the first Monday in November, 1878, in the county of Pasquotank, North Carolina," to-wit:
>
> "The votes as returned by the board of canvassers from the precincts of Salem and Providence were not received and counted by the board on account of informality, and therefore not counted in the above statement. Signed, R. F. Overman, clerk board county canvassers."

The committee make some further objection to the counting of this township which I will consider more particularly further along.

I shall not take up the time of the House in reviewing all of the tawnships and precincts rejected by the majority report of the committee, but content myself by referring to two or three of them.

VANDEMERE TOWNSHIP,

in Pamlico County, is the next that I desire attention to. The record shows that the polls were not opened until between ten and eleven o'clock a. m., and for this reason the majority of the committee have decided to reject the whole vote.

The registrar in this precinct, one H. C. Holton, a democrat, swears that the polls were not opened sooner because the judges appointed were not there. Under the laws of North Carolina it became the duty of this registrar to appoint from the electors present to fill the vacancy, taking them equally from each political party. The registrar testifies that he arrived at the polling place about seven o'clock a. m.; that there were five or six persons there then; swears that he could not get persons to serve on the board until shortly before the time he opened the polls; says he appointed two democrats "some time before eleven o'clock," but could not get a republican who would serve.

Now, sir, this same witness, a democratic official charged under the law with organizing this election board, on his cross-examination admits that he only asked one republican to serve, and that he was a colored man who could neither read nor write, and that the person so

informed him at the time and asked him to get some one else who was better qualified to fill the position.

I read from the testimony of Mr. Holton, page 17 of the record:

Cross-examined by defendant:

Q. What hour did you go to the place where the polls were to be opened?
A. About seven o'clock.
Q. Who did you find there?
A. I do not remember at present.
Q. How many persons were present?
A. Five or six.
Q. How long did you wait before you took steps to supply the place of the absent inspectors?
A. About one hour.
Q. How many republicans did you apply to to act as inspector?
A. I only applied to one, that I remember.
Q. Did he refuse?
A. He did.
Q. Did he assign any reason for his refusal?
A. The only reason that he assigned was that he did not care about it, and thought that I could get somebody that would do better; he could not read and write.
Q. Was this person a white man or a colored man?
A. He was a colored man.

You will observe that this man testifies that for one whole hour after he arrived at the polling place he did not even try to organize the board, asking no one to serve, either democrat or republican.

The vote of other precincts are excluded for similar reasons as this. I shall, however, refer to them only in general terms. Under the law of North Carolina, which requires the registrar to fill vacancies occasioned by the absence of any of the regularly appointed board, some delay is absolutely necessary. How much thus necessarily required, it seems to me, should be determined by the facts in each particular case.

It is maintained by the minority report, and rightfully, I think, that the mere fact that the polls of these precincts were not opened at the exact time prescribed by law does not form good ground for the exclusion of the whole vote of the poll, more especially as it is shown in these cases that there was ample time for every man registered in the precinct to have voted. That there were a few persons who left before the polls were opened is admitted on all sides. But, sir, it is clearly shown that they were aware of the fact that the polls would soon be opened. If they desired to vote they should have remained.

There are many decisions to the point that when the polls are closed at an hour earlier than that fixed by law, and electors are deprived thereby from voting, to a sufficient number to have changed the result, the whole vote of the precinct should be rejected; but where in the books do you find a decision that where the mere opening of the poll was delayed beyond the time fixed by law that the whole vote should be rejected? The gentleman from Georgia [Mr. SPEER] seems to think he has found such a case, and cites Chadwick *vs.* Melvin, reported in Brightly's Leading Cases on Elections, page 257. I have that case before me. It is from the supreme court of Pennsylvania, March term, 1871, and is inserted in this work under the heading, "Place of holding elections." There are seven pages of the opinion in the case, all devoted to the subject indicated in the caption, with exception of the following, which appears at the close of the opinion, and as you will notice is mere dictum, not being necessary to the decision of the case:

We think that if the facts be as stated in the petition in regard to Corydon Township, namely, that the election was not opened until two o'clock p. m. of the day, instead of between six and seven a. m., as required, the return should have been rejected; but I think the cause of complaint is not sufficiently averred.

The committee, after citing this case in support of their decision to exclude the whole of these precincts, say:

The soundness of this rule is indisputable; otherwise the door is opened for unmeasured frauds. Suppose, for instance, in a heated election, one party should by accident be prevented from polling its heavy vote until late in the afternoon, how easy would it be for a partisan board of managers to defeat a man who otherwise would be the choice of the people.

The committee, sir, could not have chosen language more apt than this to illustrate just what was done by their "partisan board of managers" in these precincts. Knowing them to be republican, these officials adopted just the case "supposed" by the committee of this House as a reason why the poll should be rejected.

I desire to call the attention of the House to another point touching the precinct of Vandemere, which to my mind seems quite convincing as to the deliberate scheme of the democrats to exclude the vote of this precinct. In Pamlico County, as shown by the record, (page 27,) there are eleven voting precincts. Now, sir, in none of these precincts (save one, where he received 5 majority only) did the sitting member receive a majority, except Vandemere, where he had a majority of 41. It will thus be seen that the banner, or in fact the only republican, precinct in the county was the one selected by these democratic managers to be so conducted as to afford a pretext whereby the vote could be excluded.

In my opinion, sir, and I think I am warranted by the facts as shown by the record in saying, the opening of this poll, as also those of Salem and South Mills, was purposely and willfully delayed by the democratic managers; and, sir, we find this House, or a majority of its Committee on Elections, ready and anxious to avail themselves of this pretext to oust a republican and seat one of their own party. But, sir, this is not all they propose to do. Count out, if you please, Salem, South Mills, and Vandemere, and give to the contestant the 39 from Providence, and still the record shows that the sitting member is entitled to the seat he now occupies; that he was fairly and honestly elected thereto.

Allow me to next call your attention to

HAMILTON PRECINCT.

At this precinct the votes returned and counted are, 161 for Yeates, and 225 for Martin. The contestant contends that the vote of this precinct should not be counted on account of the conduct of contestee in "discharging the duties of registrar, and checking off the names of persons who presented themselves to vote." The law of North Carolina is, "that no person who is a candidate for any office shall be the registrar, or judge, or inspector of an election." The rejection of this vote is recommended by but five of the Committee on Elections, two democrats and five republicans deciding that the vote of this precinct should be counted. The report of the committee, as submitted by the gentleman from Georgia, [Mr. SPEER,] in speaking of the action of the contestee in this regard, says:

It is conceded by the contestee in his brief that he did for a time act as registrar at this precinct. In the interest of the purity of elections, the committee are compelled to reject the vote of a precinct where a practice so reprehensible has been adopted by the claimant of this honorable and responsible office. * * * The evidence fails to show that the conduct of Mr. Martin was justifiable, fair, and impartial while acting in this important official character.

Now, sir, I desire to take issue with the committee on these statements of facts. The contestee does not admit that he acted as registrar at that poll; neither does the evidence show it. The evidence, sir, shows simply this: that one Jonathan G. Carraway was the registrar, and acted as such on election day. The sworn statement of Mr. Carraway is that at said election poll there was a counter dividing the election board from the electors; that at some time during the day the contestee, being upon the side of the counter opposite from the election board, did, for and on behalf of the registrar, check off some forty or fifty names on the registration list as they voted. The evidence of the registrar, who, of course, was a democrat, is in direct opposition to the statement of the committee, and shows distinctly that the action of the contestee was "honest and fair;" that he did not act corruptly; that no elector was prevented from casting his ballot, or none permitted to vote who were not legally entitled to do so, as fully appears from the testimony of the registrar, to wit:

Q. How many names did Mr. Martin check off the poll-book?
A. I can't say positively, but I think he checked off some forty or fifty.
Q. Was the checking off done in the presence of the poll-holders?
A. I think it was, or a majority of them.
Q. Did Mr. Martin act corruptly in checking off the names?
A. Not that I know of.
Q. Who received the votes?
A. W. K. Gladson.
Q. Was any man's ballot deposited in the box before his name was checked off of the poll-book?
A. None that I know of.
Q. Were you one of the judges at said election?
A. I was acting as registrar for Mr. Justus Everitt, who was the legally appointed registrar.
Q. Was the election conducted fairly?
A. So far as I know.
Q. What party do you belong to?
A. To the national democratic party.
Q. Who did you vote for?
A. I voted for Jesse J. Yeates.
Q. How was the party divided of those votes that were checked off by Mr. Martin?
A. I don't know.

Now, sir, will this House reject the vote of this entire precinct because the contestee inadvertently, and as an act of kindness to the registrar, relieved him for a short time by checking a few names from the registration book as they voted, when every particle of evidence submitted by the record shows that no wrong was committed upon any one thereby? I think, sir, that as to this precinct the opinion of the majority of the committee should prevail; that it should be counted, thereby giving to the sitting member the 64 majority received by him.

The next precinct to which I desire the attention of the House is

MERRY HILL.

Merry Hill is the name as given in the report and also in the record, but I am of the opinion, sir, from the manner in which they conducted themselves in that precinct, that there is a typographical error in the last word of the name—an "e" should be inserted for the "i." The name thus corrected would be more appropriate. What are the facts? Section 18, chapter 275, of the laws of North Carolina, 1877, provides—

The ballots shall be on white paper and may be printed or written, or partly written and partly printed, and shall be without device.

The evidence shows that a few days prior to the election one J. B. Martin, a democrat, an active supporter of Yeates and one of his counsel in this case, went to one William M. Bond, editor and manager of the Chowan Gazette, a democratic newspaper, and procured the printing of several hundred tickets, one of which I now hold in my hand, as follows:

REPUBLICAN TICKET.
For Congress:
J. J. MARTIN.

That he took these tickets and distributed them among republican electors of the precinct in such manner as to lead them to believe that they came from the republican campaign committee. One hundred and eight of these tickets were voted, and rejected by the election

board at the instance of this same J. B. Martin on the ground that the words "republican ticket" was a device. The object of the statute was, I think, to prevent the electors from placing upon the ticket a device by which they could be easily distinguished, such as the portrait of the candidate, a flag, an eagle, or other device of this nature, which when printed on ordinary white paper would be distinguishable on the reverse side of the paper, whether open or folded.

The gentleman from North Carolina [Mr. RUSSELL] told this House on yesterday that previous to the passage of this act it was very common in that State for such practices to prevail; that the national tickets usually had printed on them the portraits of the candidates for President and Vice-President. This was done so that the colored voter who could not read might easily distinguish the ticket he desired to vote; but as soon as the democrats came into power in that State they enacted the law now in force on this subject. I think it is fair to say that the object of the enactment of this law was to prevent this practice, and that the words "republican ticket" printed on this ballot is not a device within the meaning of the statute.

An examination of the ticket which I have here shows that the words "republican ticket" are printed in brevier caps; the words "for Congress" in long primer, and the words "J. J. Martin" in paragon—rather a peculiar combination. You will observe that the name of the candidate is in large, bold type, distinguishable through the paper, while the words "republican ticket" are in a small type and not distinguishable through the paper. There is nothing in the statute regulating the size of the type to be used, so that our democratic friends could not seize upon the only thing on this ticket which might under any circumstance aid the unlettered in determining the kind of ticket to vote.

The committee in their report say:

The contestee advances the claim that he is entitled to 108 votes not counted for him at Merry Hill precinct. The committee are of the opinion that under the stringent laws of North Carolina Mr. Martin is not entitled to these votes. The committee come to this conclusion with much reluctance.

Very magnanimous indeed! "With much reluctance." I should say that this conclusion ought to have been reached "with much reluctance;" so much, sir, that it ought never to have been reached at all; and, sir, I believe never would have been reached but for the purpose of furnishing a precedent, to be used and urged in the next Congress, where we all know contests will arise in more than one instance where the question of a "device" upon the ballot voted will be considered, and you will find, sir, that if the vote of this precinct is rejected because of the "device" thereon, the case of Yeates *vs.* Martin will be cited by the other side of the House as a precedent established upon this question. I now desire to have read the depositions of William M. Bond and J. B. Martin, found on pages 79, 80, 81 of the record:

Deposition of Wm. M. Bond.

WM. M. BOND, a witness on part of the contestee, Joseph J. Martin, being duly sworn, deposes and says:

Q. What is your name, age, and occupation?

A. Wm. M. Bond; age, twenty-one; occupation, newspaper man.

Q. In the fall of 1878 were you editor and manager of the Chowan Gazette, a democratic newspaper published in Edenton, North Carolina?

A. I was.

Q. Do you know James B. Martin, of Merry Hill precinct, Bertie County?

A. Yes.

Q. Was he then and is he now a leading democratic politician in said county?

A. Yes. He was an active democratic politician of that county.

Q. Did he hold any official position in said county at that time?

A. I think he was chief justice of the inferior court of that county.

Q. Was he, in the congressional election in November, 1878, an active supporter of Jesse J. Yeates?

A. I think he was.

Q. Who were candidates for Congress in the first congressional district of North Carolina in November, 1878?

A. J. J. Yeates, J. J. Martin, J. B. Respass, and I. S. Chamberlain.

Q. Were you, just previous to said election, requested by any one, and, if so, by whom, to print several hundred tickets, of which the one attached is a copy? Please state if the said tickets were printed and delivered or received by any one; and, if so, by whom; and any other facts connected therewith.

A. I was requested by J. B. Martin to print said tickets for him, of which the attached is one. I printed several hundred of them, and sent them to Mr. J. B. Martin, and he stated afterward that he received them.

Q. Were they printed and received prior to the November election, 1878?

A. They were.

(Contestant's counsel declines to cross-examine.)

Further this deponent saith not.

W. M. BOND.

Witness:
WM. P. GURLEY.

REPUBLICAN TICKET.
For Congress:
J. J. MARTIN.

Deposition of J. B. Martin.

J. B. Martin, a witness on the part of the contestee, Joseph J. Martin, being duly sworn, deposes and says:

Q. What is your name, age, and occupation?

A. James B. Martin; age, thirty-five; occupation, attorney-at-law; resident of Bertie County.

Q. Just previous to the congressional election in 1878 did you have printed some tickets as follows: "Republican ticket. For Congress: J. J. Martin;" if so, who printed them, and how many were received by you?

A. I did. I did not receive to exceed one hundred and fifty. William M. Bond, of Edenton, printed them.

Q. Were those received by you prior to the election?

A. I received them night before election.

Q. What did you do with them?

A. A part of them were put in an envelope and directed to Daniel Cooper, and deposited in Nicholls's store, at Merry Hill precinct, in a box, where the public got their mail. I think some of them were placed near the voting place, in a box near the polls.

Q. Who directed the envelope?

A. I did.

Q. Who is Daniel Cooper?

A. A negro politician of the republican party.

Q. Was he an active supporter of Mr. J. J. Martin at said election?

A. I presume so, from the fact that he distributed those tickets very rapidly.

Q. Who did you support?

A. Jesse J. Yeates.

Q. Did you and James B. Nicholls put up those tickets in packages, at the time and place mentioned?

A. We put them up in one package and directed them to Daniel Cooper.

Q. Who requested you to have those tickets printed?

A. No one.

Q. Is Cooper an ignorant man?

A. I judge he could read, from the fact that he examined those tickets and compared them with others.

Q. Was any representation made to Cooper that those tickets were sent by J. J. Martin?

A. No such representation made to him by myself, nor any other person to my knowledge.

Q. Was the envelope containing the tickets stamped with a United States postage-stamp?

A. It was not, to the best of my knowledge and belief.

Q. Were any of these tickets voted at Merry Hill precinct at said election?

A. Tickets similar in appearance were voted at said election—about one hundred and nine, as I am informed. I am not positive as to the number.

Q. Were the said tickets so voted refused to be counted for J. J. Martin, candidate for Congress, at said November election held at Merry Hill precinct, Bertie County, in said congressional election and State?

A. I do not know of my own knowledge.

Q. What is your best information and belief as to that?

A. Basing my answer on hearsay evidence, they were not counted.

Q. By whom were the said tickets thrown out and refused to be counted?

A. I do not know of my own knowledge.

Q. What is your best information and belief on that point?

A. From hearsay testimony, by the judges of election at said precinct, on the ground of device and voting more than one ticket. The device consisting in the words "Republican ticket" printed on the said ballot.

(Answer to the two preceding questions objected to on the ground of hearsay.)

Q. What was the political complexion of the board of judges of election?

A. My impression is that J. E. Nicholls, J. H. Brown, T. J. Webb, and James W. Smith were the judges of election, all of whom were democrats, and supported J. J. Yeates for Congress.

Q. Did you not advise the judges of election that these tickets were illegal and should not be counted?

A. I did.

Q. Did you send or give any tickets to D. C. Winston in form, "Republican ticket. For Congress: J. J. Martin?"

A. I did.

Q. About how many?

A. About twenty-four.

Q. Is D. C. Winston a resident of Windsor, Bertie County, a lawyer, and a strong supporter of Joseph J. Yeates in said election?

A. He is and was.

Q. Do you know if D. C. Winston received said tickets?

A. I was informed by D. C. Winston that he received them.

Cross-examined:

Q. Did you see any official connected with said November election take any of those tickets, "Republican ticket. For Congress: J. J. Martin," and publicly exhibit them to republican voters, and advise them that said tickets were illegal?

A. I did; Mr. J. C. Freeman, the registrar. My impression is they were so exhibited by him before any of them were voted.

Redirect by counsel of contestee:

Q. Did Mr. Freeman do this at your request?

A. He did not. Further this deponent saith not.

J. B. MARTIN.

Witness: W. P. GURLEY.

I shall now briefly consider the last precinct, to which I shall call the attention of the House.

GOOSE NEST.

The contestee claims that 139 votes should be counted for him that were not received at this precinct. The vote as received and counted at this precinct was, for Yeates, 184; for Martin, 52, (page 77, record.) Prior to September, 1876, Goose Nest precinct and Hamilton precinct were separate precincts in the same township. September 4, 1876, Goose Nest precinct was abolished and the names of its registered electors transferred to the registration books of Hamilton precinct. From that time up to August 5, 1878, all the electors of Hamilton Township were required to be registered and to vote at Hamilton precinct. On the 5th day of August, 1878, the precinct of Goose Nest was re-established and a registrar for Goose Nest appointed, who was required to transfer from the registration books of Hamilton precinct the names of such registered electors as were then resident in Goose Nest precinct, which he did. (See record, page 69.)

This was done under the sixth and seventh sections of the election laws of North Carolina, approved March 12, 1877, which are in these words:

SEC. 6. Registrars shall be furnished with a registration book, and it shall be their duty to revise the existing registration books of their precinct or township in such a manner that said books shall show an accurate list of electors previously registered in such precinct or township, and still residing therein, without requiring such electors to be registered anew, &c.

SEC. 7. No elector shall be entitled to register or vote in any other precinct or township than the one in which he is an actual and *bona fide* resident on the day of election, and no certificate of registration shall be given.

The registration book of Goose Nest precinct having been prepared in this way, the judges of election met on the afternoon of the day preceding the election for members of Congress, when their attention was called to the twelfth section of the North Carolina election laws, which is in these words:

Every person who shall present himself for registration shall state, under oath, how long he has continuously resided in this State, and in the county in which

he offers to vote, whether he is an alien or native born, when he became twenty-one years of age, whether married or single, and where and with whom he resides. Upon the request of an elector, the registrar shall require the applicant to prove his identity, or age, and residence, by the testimony of at least one elector, under oath. And if an elector has previously been admitted to registration in any ward, township, or precinct in the county in which he resides, he shall not be allowed to register again in another ward, precinct, or township in the same county, until he produces a certificate of the registrar of the former township, ward, or precinct that said elector has removed from said township, ward, or precinct and that his name has been erased from the registration books of the ward, township, or precinct from which he has removed; and the identity of any person claiming the right to be registered in any precinct of the same county, by virtue of such certificate, with the person named therein, shall be proved by the oath of the claimant, and, when required by the registrar, by the oath of at least one other elector. Every person found qualified shall take the following oath: "I, ——, do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of the State of North Carolina; that I have been a resident of the State of North Carolina for twelve months, and of the county of —— for ninety days; that I am a duly qualified elector, and that I have not registered for this election in any other precinct, and that I am an actual and *bona fide* resident of —— township (or precinct.) So help me God." And thereupon said person shall be permitted to register, and the date of his registration shall be noted opposite his name in the registration book.

The judges of election thereupon decided that under section 12 no elector whose name had been transferred to the Goose Nest registration book should be allowed to vote on the next day unless he should produce a certificate that his name had been erased from the Hamilton book, and on the next day they refused 154 votes offered by republicans for the reason that they had no certificate.

The evidence in this case discloses the fact that one J. T. Hyman, a democrat, was appointed registrar for this precinct; that he transcribed from the registration books of Hamilton precinct the names of all electors who resided in the newly organized precinct as required by law to do; that he kept the books open for the necessary time required by law for registration of new voters. It is also further shown that this registrar, J. T. Hyman, was present on the day previous to the election when the judges decided that a certificate was necessary to entitle those whose names had been transferred to vote. He immediately called to his assistance one J. T. Weldo, a prominent democratic politician, and taking with him the registration books went to the house of the registrar of Hamilton precinct and procured a certificate for every democrat in Goose Nest precinct, it taking until about ten o'clock at night to write out and sign the several certificates; whereupon the registrar of Goose Nest precinct wrote upon his book opposite the name of each democrat the word "certificate." On election day the ballots of the democrats were received and those of the republicans rejected.

When it was ascertained on election day, by the republicans, that they would not be permitted to vote without a certificate, they went in large numbers to the registrar of Hamilton precinct and demanded certificates, but they were refused them, and by the same man who received the aid and kind assistance of the sitting member on election day, and for which act that precinct is now rejected by the committee. Thus the act of this registrar causes, if the report of the committee be adopted by this House, the disfranchisement of one entire precinct, and of 154 republicans in another. Now, sir, this may be considered a clever trick on the part of the democrats, but by reference to section 12, which I have heretofore cited, it will be noticed that the following language appears:

And if an elector has previously been admitted to registration in any ward, township, or precinct in the county in which he resides, he shall not be allowed to register again in another ward, precinct, or township in the same county, until he produces a certificate of the registrar of the former township, ward, or precinct, that said elector has removed from said township, ward, or precinct, and that his name has been erased from the registration books of the ward, township, or precinct from which he has removed; and the identity of any person claiming the right to be registered in any precinct of the same county, by virtue of such certificate, with the person named therein, shall be proved by the oath of the claimant, and when required by the registrar, by the oath of at least one other elector. Every person found qualified shall take the following oath.

I claim that under the law no certificate was required. These voters did not change their place of residence—move from one precinct to another. The transcribing of their names to the new registration book was all that was required under the law. But, sir, suppose we adopt the position taken by the election board, and adhered to here by the majority report of the committee—*i. e.*, that a certificate was required. Then in that event each elector should have appeared in person, answered all necessary questions, and taken the oath prescribed in section 12. This was not done but by a very few of the democrats who voted, they voting on the certificate procured for them by the registrar, without their request or knowledge, and in plain violation of the law. Their votes should not be counted for the contestant.

One W. A. Johnson testifies that he was present on the day of election and personally inspected each ballot offered by the republicans that were rejected; that the name of the sitting member, J. J. Martin, was on each and every ballot thus rejected. The names of the electors whose ballots were refused were carefully noted down by him at the time they were called from the registration book and rejected, and will be found on page 72 of the record.

Now, sir, to briefly sum up this case. It will be observed that three precincts are rejected by the committee because the polls were not opened at the precise hour prescribed by law; that the cause of this failure is clearly and wholly attributable to the action of democratic officials, and we find a democratic House of Representatives about to take advantage of the wrongs of their own partisans; another precinct is to be rejected because the contestee inadvertently accommodated a democratic registrar by checking a few names from the registration book on election day; and the republican vote of another precinct is to be rejected because they did not have a certificate not required by the law.

It was boldly asserted on yesterday by the gentleman from North Carolina, [Mr. RUSSELL,] and has not been denied by any one on the other side, that there was a deliberate attempt on the part of the democratic officials in the first district of that State to "count out" the sitting member, and that they supposed they had succeeded in doing so, but that the returns from a "back county" elected the sitting member by the meager majority of 51.

Has it ever occurred to any gentleman on the other side of the House that the action of these democratic officials was premeditated and purposely done, that you might here at this time seize upon it for the purpose of doing that which the returning board failed to do? Is it not a little singular that none of these "informalities" occurred in a single democratic precinct in that entire congressional district?

If the democracy of this House oust the sitting member, a republican, and seat the contestant, a democrat, upon the case made and submitted, it will be a most damnable but fitting crown of infamy to place upon the brow of a once honorable but now dishonored and rejected party, and thus close the chapter of its history for 1880, which is one of fraud, forgery, and frustrated ambition.

Moneys Advanced for Military Purposes.

SPEECH OF HON. F. E. BELTZHOOVER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 3, 1881,

On the bill (H. R. No. 2272) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore, growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812.

Mr. BELTZHOOVER said:

Mr. SPEAKER: The bill now under consideration provides—

That the proper accounting officers of the Treasury be authorized and instructed to examine the accounts between the United States and the States of New York, Pennsylvania, Delaware, Virginia, South Carolina, and between the United States and the city of Baltimore growing out of moneys expended by such States and by the city of Baltimore for military purposes in the war of 1812 with Great Britain, and apply in each examination, computation of interest, and settlement the provisions and principles of the twelfth section of the act of March 3, 1857, entitled "An act making appropriations for certain civil expenses of the Government for the year ending June 30, 1858," and that there be paid to such States and to the city of Baltimore any sums that shall so be found to be due them at the time of payment, out of any money in the Treasury not otherwise appropriated: *Provided*, The Secretary of the Treasury be, and is hereby, required in such settlements to observe the act entitled "An act prescribing the duty of the Secretary of the Treasury in certain cases therein named," approved March 25, 1870, and make the deductions as therein required.

This bill is therefore intended to secure the repayment to the States of Pennsylvania, New York, Delaware, Virginia, South Carolina, and the city of Baltimore of balances of moneys advanced by them for military purposes to the General Government in a great financial exigency which occurred in the war with England in 1812. These balances, computing interest down to this date, amount to about one million six hundred thousand dollars, to wit:

Maine	$21,223 92
Tennessee	1,411 78
Georgia	30,831 25
South Carolina	202,230 90
Virginia	1,076,683 35
Delaware	18,540 97
New York	48,896 21
Pennsylvania	218,507 71
City of Baltimore	23,662 55

There is no contention as to the amounts which were advanced originally nor as to the amounts which were repaid by the Government on account. The controversy arises from an unjust and fraudulent basis for the calculation of interest adopted by the Government in its settlement with its creditors. The rule adopted and insisted on by the Government was to compute interest on the sum advanced by the State from the date of advancement up to the time of repaying to the State by the Government of any portion of the sum advanced, deduct the sum repaid from the advancement, and then compute interest on the balance, and so on until the final payment of the principal. In other words, the payments were applied first to the payment of the principal, and after the principal was wholly extinguished then to the several items of interest. The Government under this rule paid back sums on account from time to time on their indebtedness to the States and insisted on crediting the whole of such payments on the principal debt. After the whole principal was extinguished in this manner the Government then paid the interest in similar installments.

The very great and palpable injustice of this method of computation can be shown better by illustration than argument. In 1812 we will suppose that the State of Pennsylvania borrowed $1,000,000 and loaned it to the General Government. In 1828 the Government repaid $1,000,000, the amount of the principal debt, and insisted that it be credited on the principal and thereby extinguish it. The simple interest at that time was just $1,000,000. In 1844 the Government concluded to pay its interest and arbitrarily handed over the $1,000,000 due in 1828, and claimed to have extinguished its whole liability. It is plain that in this transaction the State would lose exactly $1,000,000, as the reward for having stepped forward patriotically and helped the Government in its hour of peril. Now this method of computing interest has no precedent or authority or support in law or equity. It has been repudiated by the General Government in all other transactions long ago. It has been rejected by all the States. It has been discarded and denounced by the Supreme Court of the United States, by all the subordinate Federal courts, by all the State courts, by all the disbursing and financial bureaus and departments of the General Government and of the State governments. Against this mode of computing interest the States formally protested at the time of payment; but it was not until the act of March 3, 1857, that partial redress was obtained.

By that act a re-examination and readjustment of the account of the State of Maryland was directed to be made, and it was provided that in the calculation of interest due under the act aforesaid the following rules should be observed, to wit: Interest shall be calculated up to the time of any payment. To this interest the payment shall be first applied, and if it exceeds the interest due, the balance shall be applied to diminish the principal. If the payment falls short of the interest, the balance of interest shall not be added to the principal, so as to produce interest. Second, interest shall be allowed the State of Maryland on such sums only on which the said State either paid interest or lost interest by the transfer of an interest-bearing fund.

In the settlement made under this act the State of Maryland was paid the sum of $275,770.23.

Maryland, having thus succeeded in obtaining a just and proper settlement under the act above cited, South Carolina was prepared to take the same course for relief; and other States coming forward at the time, the passage of a bill in the Senate in 1857-'58 was obtained providing for a settlement with them upon the same terms as obtained in the case of Maryland. This bill went to the House of Representatives, where it met with temporary opposition, the House requiring a statement of the claims and the amount of money necessary to pay them; and to get at this information an amendment was put on the sundry civil appropriation bill in the House calling upon the Secretary of the Treasury for a report in the premises. (See ninth section in act of June 12, 1858, making appropriation for the sundry civil expenses of the Government.)

The Secretary of the Treasury, in obedience to this call on him, transmitted to the House of Representatives on the 8th January, 1859, (see volume 5, second session, Thirty-fifth Congress, Executive Document,) a report, accompanied by full and thorough statements from the Second and Third Auditors of the Treasury, showing generally and in detail the character and merits of the claims in question, and what amounts would be then required to pay the claims—that is, up to the 1st January, 1859, to which period the interest claimed was computed.

Unfortunately no further action was taken on the claims of these States during the short period that passed between the date of these reports and the initiation of hostilities between the States in 1861; and they were, of course, during the war and for some years after in a measure lost to view, and no effort made to bring about a settlement such as was contemplated by both Houses of Congress when the report from the Secretary of the Treasury was called for and transmitted as above stated.

In the report of the Second Auditor of the Treasury, accompanying that of the Secretary of January 8, 1859, it is remarked by the Auditor that the "new method contemplated of computing the interest (as prescribed by the act of March 3, 1857) is understood to be this: To compute interest on the sum advanced up to the time of any payment, and then deduct the interest from the payment, and apply the balance to the extinguishment of the principal, and so on, except in those instances where the interest is found to exceed the payment. In cases of this kind, cast the interest on the principal up to the next succeeding payment, or until the payment will exceed the interest, and then deduct the interest from the payment."

This calculation, remarks the Auditor, is based upon the payment of simple interest on the sums advanced.

Massachusetts made the next successful movement to that of Maryland, by an appeal to Congress for payment of interest on advances made by her for the use and benefit of the United States during the war of 1812, obtaining the passage of an act, approved July 8, 1870, under which a settlement was made by the accounting officers of the Treasury, and interest on such advances was allowed and paid to the amount of $678,362.42. One-third of this amount was in favor of Maine as an integral part of Massachusetts when the advances were made; and by the terms of separation from the latter, in 1820, the former became the owner of one-third of the amount of said claim.

WHEN INTEREST IS ALLOWED.

Interest is generally regulated by statute, but in the absence of any statute a reasonable rate may be allowed as damages. (1 Cal., 422.) Interest is regarded as an incident to the debt, and is given in the form of damages without being especially claimed in the declaration. (3 Ill., 313.) Equity should follow the law in decreeing interest. (3 Marsh., 480, 483—Ky.; 23 Ala., 296.) Interest attaches as an incident to a debt or money demand from the time of its maturity. (30 Ala., 668; 29 Ala., 558; 8 Florida, 161.) Interest should be allowed on all liquidated demands, whether tested by writing or not. (1 Marsh., 576—Ky.; 19 Ark., 487; 2 Ga., 370; 19 Ga., 537.)

THE CORRECT RULE FOR COMPUTING INTEREST.

The correct rule in respect to interest in general is, to calculate interest whenever a payment is made, to the interest then due to apply the payment first, and if it exceeds the interest, to apply the residue to diminish the principal. (31 Miss., 51; 14 Mo., 500; 13 Peters, 359; 2 McCord. ch., 188, 207—S. C.; 1 Marsh, 584—Ky.; 53 Maine, 351; 28 Indiana, 488; 1 H. & J., 42—Md.; 17 Mass., 417; 1 Pick., 194; 5 Minn., 508; 2 N. H., 169; 6 N. J. L., 408; 1 Johns, ch., 13—N. Y.; 2 Johns, ch., 209; 8 S. & R., 452—Penn'a.; 5 Yerg., 310—Tenn.; 3 Iowa, 76; 35 Cal., 692; 4 H. & M., 431—Va.)

By examining the statutes of the United States it will be found that the Government collects interest on every kind of obligation due to it in conformity to the rule just stated, and which the claimants seek to have applied in this case. It sues the bonds of its defaulting officials and collects interest to the last cent, and penalties besides. It demands interest on all the judgments it obtains in its courts. It sends out its swarms of tax-gatherers and exacts interest from all poor and embarrassed and impecunious tax-payers at the rate of 12 per cent. and 5 per cent. penalty after ten days' notice. Under the same rule and in conformity to the same principle the Government pays interest on every other obligation it owes. From the year 1861 down to this hour there is no one end and object to which all the power and ingenuity and energy of the legislators of this nation have so earnestly and undeviatingly co-operated as to securing the certain, full, prompt, and honest payment of interest to the holders of the Government debt. Loyalty to the public faith and credit has become a part of the regulation creed of all true patriots. This point is so palpable as to need no comment. If this be true to so great an extent with regard to those who aided the Government in the late war, and who received besides and beyond their interest an hundredfold on their investment, why should not the Government render a tardy return to those who came to its aid in its infancy and poverty and peril, when a great common foreign enemy were invading our shores and threatening destruction to the young Republic. There is not and cannot be any answer except that which prompts and approves repudiation of the most sacred and honorable obligations.

The claim was earnestly pressed and payment demanded in 1832, and from that time down to this hour. The great State of Pennsylvania, by a solemn act of her Legislature and by a strong and urgent memorial signed by her governor and auditor-general and State treasurer, on file in this House, now demands payment of the sum due that Commonwealth.

The States are not concluded by the acceptance of the sums already paid. The doctrine which prevails in the courts between individuals that the acceptance of the principal under certain circumstances bars any subsequent demand for interest, can have no bearing upon transactions in which this Government is concerned. Settlements between individuals are made on terms of equality, remedy in the courts being open to both parties. But this Government does not permit itself to be sued, and those who have claims upon it have no other alternative than to accept whatever it may determine to pay. This Government may itself be bound by the acts of its own officials, and by its own appropriations; but nobody else is concluded thereby. Certainly this is not the case, unless there is a requirement that a particular sum offered shall be accepted in full payment of a claim, if accepted at all.

The claims have been fully and clearly recognized by Congress in paying the claim of the State of Alabama of a similar character. Again, by the act of March 3, 1857, under which Maryland was paid, and again by the act of July 8, 1870, under which Massachusetts and Maine were paid. The last bill passed the House by a vote of two to one. The very bill now pressed was passed in 1857, and but for the intervention of the war these claims would doubtless have been adjusted and paid long ago. The claims have received the unanimous approval and recommendation of the Judiciary Committee of the House at the first session of this Congress. The committee say:

> This bill proposes to apply to the other States that made similar advances of money in the war of 1812 with Great Britain the same rule of computing interest which has been applied in the cases of Alabama and Maryland, a rule which has been established by the decision of the Supreme Court of the United States, by the practice of every State in the Union, and followed for many years past at the Treasury Department of this Government.
>
> The bill gives simple (not compound) interest on any balance of principal that may be found unpaid, upon the proposed basis of settlement, until its payment by the United States. It provides for any and all proper offsets which the United States may have against any of the States hereby entitled. Both Virginia and South Carolina are largely indebted to the United States, and will receive but a part of what is reported in their favor.
>
> In conclusion the committee recommend a settlement of the accounts of the United States with the other States by the same rule of computing interest that

has been applied in the cases of Alabama and Maryland. It makes this recommendation because the rule itself is just and equitable; because it has already been applied to some of the States, and if applied to one should be applied to all; because it has been repeatedly approved by the Supreme Court of the United States, sanctioned by the practice of every State in the Union, and for many years past followed, in similar cases, at the Treasury Department of this Government.

The bill is founded on plain, even-handed, old-fashioned principles of honesty and square dealing. It is based on the rules for computing interest which are adopted and approved and followed by all the courts, from the highest to the lowest, in the nation and in the State; by all financial agents and disbursing authorities; by all business men, and by all people in every pursuit and avocation in the land. It is supported by the precedents set in the acts authorizing payment of the claims of those States which have received their money years ago. It has the sanction of the law which was elaborately and ably discussed and passed by Congress before the war, and which was intended to pay these claims. It appeals far more strongly to the justice and generosity of the nation than the thousands of claims which, with less merit and less obligation, Congress has assumed and paid during the last decade. It is an old and honorable war debt of the nation, and rests upon the same plighted and implied faith which sustains with such unparalleled fidelity the obligations incurred by the Government in the late war. In the light of every reasonable consideration of law and equity and justice Congress should promptly and cheerfully pass this bill.

Sugar Tariff.

SPEECH OF HON. JOSEPH H. ACKLEN,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 4, 1881,

On the bill (H. R. No. 6094) in relation to customs duties on sugar.

Mr. ACKLEN said:

Mr. SPEAKER: Many questions of grave importance have come before the Forty-sixth Congress for consideration—the funding of the national debt, the interstate-commerce bill, the interoceanic canal, the joint rule for counting the electoral vote, national quarantine and educational bills, besides numerous other measures familiar to members of this House—but I venture to say that none of these properly take precedence of the sugar question.

Politics, which tend to mold so much of our national legislation, fortunately need not enter into a discussion of this question. The presidential election of 1880 is a thing of the past, and the country has quietly acquiesced in the result. Four years are now before us when the people will justly expect the National Legislature to turn its attention to the material interests of the country and not waste time in making brief political capital for coming campaigns.

The opinions I entertain on the sugar question are not restricted to the local interests of any particular section; it is not merely to the present but to the future I look when expressing my views as to what legislation should be enacted on this subject. We have within the boundaries of the United States a country as fair as the sun ever shone upon; we have a population which is increasing in a ratio unknown in the history of the world. Our mode of life and republican institutions are producing a people peculiarly distinct and eminently fitted to [illegible] to its full the measure of our country's future greatness. Therefore it becomes especially our duty to see that legislation here furthers and assists the splendid future lying before the United States and does not retard its growth or check its increasing prosperity.

Before proceeding to the merits of the bill under consideration, I ask the attention of the House to a short history of sugar and the progress made in its manufacture in the last few centuries. Sugar produced by boiling the juice of canes and plants is mentioned as early as the fifth century, although even prior to that time it was in use, exclusively, however, as medicine. At what date it became first known to the inhabitants of China and India, it is impossible to say. Certain remarks of Pliny lead us to believe that the Chinese, at an earlier date than any other nation, were well advanced in its production from canes.

In the ninth century canes were introduced into Sicily, Crete, and Cyprus, and in 996 sugar was exported to Venice. In the twelfth century exportations were largely made from Egypt. The first historical mention of a mill for grinding canes was made in 1166; it was not, however, until some centuries later that its use became sufficiently general to make it an important article of commerce.

Saint Domingo appears to be the first of the West India Islands where the sugar-cane was successfully cultivated; from 1493 to 1518 the production here rapidly increased and supplied after this latter date many of the European markets.

In the seventeenth century we find production of sugar general throughout the West Indies, central and the northern States of South America. The first introduction of the cane in Louisiana appears to have been in 1751, from which time forward its cultivation has largely increased. The mills of these times were of the rudest description, and it was not until 1822 that steam was used in Louisiana as a motive power.

Sugar was discovered in the beet-root in 1747. In 1796 a factory was established in Silesia to extract sugar from beets. France, however, gave the greatest impulse to the manufacture of beet sugar under the first Napoleon, and its production in that country under a high protective tariff has enormously increased.

The history of the production of sugar in the United States must necessarily be of interest in connection with this subject. I have already reverted to the first introduction of cane in the State of Louisiana in 1751. Since that date, however, the cultivation of the cane had largely increased, particularly in Louisiana, where from 1822, the date of the first introduction of steam, plantations were rapidly increased in number; and after the annexation of the State, in 1803, an impetus was given to the cultivation of cane which prior to that time it had never received. The following table, taken from Mr. Bouchereau's sugar report, gives from the year 1823 to 1879 the annual production of sugar by hogsheads:

Statement of the Louisiana sugar crops from 1823 *to* 1876, *inclusive.*

Year.	Hogsheads.	Year.	Hogsheads.
1823	30,000	1853	449,324
1824	32,000	1854	346,635
1825	30,000	1855	231,427
1826	45,000	1856	73,296
1827	71,000	1857	279,697
1828	88,000	1858	362,296
1829	48,000	1859	221,840
1832	70,000	1860	228,753
1833	75,000	1861	459,410
1834	100,000	1862	No data.
1835	30,000	1863	76,801
1836	70,000	1864	10,387
1837	65,000	1865	18,079
1838	70,000	1866	41,000
1839	115,000	1867	37,647
1840	87,000	1868	84,256
1841	90,000	1869	87,090
1842	140,000	1870	144,881
1843	100,000	1871	128,461
1844	200,000	1872	108,520
1845	186,000	1873	89,498
1846	140,000	1874	116,867
1847	240,000	1875	144,146
1848	220,000	1876	169,331
1849	247,923	1877	127,753
1850	211,201	1878	213,221
1851	236,547	1879	169,972
1852	321,934		

A much better, more lucid and correct statement, however, will be found in the following table:

Crop years.	Total crops.	Total value.	Crop years.	Total crops.	Total value.
	Pounds.			*Pounds.*	
1835–'36	30,000,000	$2,700,000	1857–'58	307,700,000	$17,900,000
1836–'37	70,000,000	4,200,000	1858–'59	414,800,000	25,000,000
1837–'38	65,000,000	5,063,000	1859–'60	225,100,000	18,200,000
1838–'39	70,000,000	4,375,000	1860–'61	263,200,000	14,469,000
1839–'40	115,000,000	5,750,000	1861–'62	528,300,000	25,100,100
1840–'41	87,000,000	4,785,000	1862–'63	96,000,000	7,750,000
1841–'42	90,000,000	3,600,000	1863–'64	84,500,000	13,800,000
1842–'43	140,000,000	4,750,000	1864–'65	10,800,000	2,000,000
1843–'44	100,000,000	6,000,000	1865–'66	19,900,000	2,847,000
1844–'45	200,000,000	9,000,000	1866–'67	42,900,000	5,360,000
1845–'46	186,600,000	10,266,000	1867–'68	41,400,000	5,800,000
1846–'47	140,000,000	9,800,000	1868–'69	95,100,000	11,610,000
1847–'48	240,000,000	9,600,000	1869–'70	99,500,000	10,442,000
1848–'49	220,000,000	8,800,000	1870–'71	168,900,000	14,261,000
1849–'50	269,800,000	13,396,000	1871–'72	146,900,000	13,911,000
1850–'51	231,200,000	12,678,000	1872–'73	125,300,000	10,900,000
1851–'52	257,100,000	11,827,000	1873–'74	103,200,000	8,555,000
1852–'53	368,100,000	15,453,000	1874–'75	134,500,000	11,265,000
1853–'54	495,200,000	15,726,000	1875–'76	165,450,000	11,578,000
1854–'55	385,700,000	18,025,000	1876–'77	194,960,000	15,646,000
1855–'56	254,600,000	16,200,000	1877–'78	149,469,200	11,957,536
1856–'57	81,400,000	8,137,000	1878–'79	245,319,150	18,398,936

This latter table is not open to the objection, so far as accuracy is concerned, of the other; the computations in the first being, solely by hogsheads, do not offer a very definite idea of the actual amounts, since the weight in hogsheads varies from two to often four hundred pounds. Just prior to the war the aggregate amount of sugar produced in Louisiana, as it will be observed, was 528,300,000 pounds. This production was nearly equal to the quantity of foreign sugar imported in 1862, which was 661,185,215 pounds. The effects of the war, however, well-nigh, for eight or ten years, destroyed the sugar industry of Louisiana; and it was not until 1870–'71 that this industry began to revive in proportion to its importance in the United States.

It has been demonstrated as a fact beyond dispute that if the proper protection is afforded the sugar industries of this country, Louisiana, with her splendid climate and fertile soil, can unquestionably produce the largest proportion of sugar required for consumption in the United States.

Continental Europe, Great Britain and her dependencies, with the United States, annually consume upward of three million tons of raw sugars; but for purposes of assimilate comparison, the United States and Great Britain present the essential elements, the people of these countries being the largest consumers of sugar per capita in the world, the relative consumption being, according to the official data of both countries and deductions therefrom, as follows:

Consumption per capita of raw sugar in Great Britain.

Year.	Population.	Pounds raw sugar.	Pounds per capita.
1870	31,000,000	1,492,664,320	48.00
1874	32,200,000	1,912,612,800	59.40
1875	32,400,000	2,111,650,240	65.17
1876	32,700,000	1,909,461,120	58.39
1877	33,000,000	1,869,710,080	56.66
1878	43,800,000	2,103,427,200	62.25

Consumption per capita of imported raw sugar in the United States.

Year.	Population.	Pounds raw sugar.	Pounds per capita.
1870	38,558,000	1,183,089,146	30.68
1874	42,856,000	1,511,456,915	35.27
1875	44,060,000	1,575,893,948	35.77
1876	45,316,000	1,561,880,545	34.47
1877	46,624,000	1,486,072,996	31.87
1878	47,983,000	1,583,243,440	32.99

The above tables relate to all dry raw sugars consumed in Great Britain, which is not a sugar-producing country, but relate only to imported dry raw sugars consumed in the United States; consequently an average annual consumption of fully five pounds per capita should be added to the latter for Louisiana and maple sugars annually consumed, which would make the total consumption of raw sugars per capita in both countries compare as follows:

Year.	Pounds per capita.		
	Great Britain.	United States.	Excess Great Britain.
1870	48.00	35.68	12.32
1874	59.49	40.27	19.13
1875	65.17	40.77	24.40
1876	58.39	39.47	18.92
1877	56.66	36.87	19.79
1878	62.25	37.99	24.26

The people of the United States actually eat as much sugar per capita as do the people of Great Britain; but the latter feed large quantities of cheap raw sugar to cattle and use sugar more extensively in brewing than is the case in this country, which partly accounts for the difference in consumption per capita. But the fact is evidenced that the people of Great Britain are enabled to eat and profitably use more sugar per capita than the people of this country, simply because they could obtain the raw sugar without restriction as to grade under a classified tariff. When the duty on sugar was high in England consumption was small.

For instance, in 1860, under high duty on sugar in England, her people, numbering 28,984,000, consumed 1,003,676,800 pounds of raw sugar, or 34.63 pounds per capita, while in 1870, under a reduced tariff, the consumption rose to 48 pounds per capita, and after the abolition of duty on sugar, in 1874, the consumption reached 59.40 pounds per capita for that year, and 65.17 pounds per capita in 1875. This too rapid increase has now settled down to about 62 pounds per capita.

The sugar-maple also contributes to the sugar supply, but the constantly increasing cultivation of the cane, beet, and sorghum indicates that as a source of sugar supply it will continue to be restricted, and used mostly by local producers.

The annual product of this sugar in the United States, however, appears to be rapidly diminishing, 28,443,000 pounds, according to the census returns, being produced in 1870, as compared with 40,120,000 in 1860; while the present annual supply is admitted to be much smaller than in 1870. The cause of this decrease is undoubtedly due in part to the destruction of our forests; and also to the fact that such increased facilities are afforded by the railroads for transportation that sugar from the maple tree cannot be sold as cheap as sugar produced from the cane.

Another feature of the sugar supply which prominently presents itself is the manufacture of sirups and sugars from Indian corn and sorghum. No one can visit the chemical-room in the Agricultural Department without being surprised at the quality of the samples of these sugars there on exhibition and impressed with the great possibilities for the future of this industry.

For the latest statistics and important facts connected therewith I have drawn largely upon Mr. Henry A. Brown, whose statements before the Committee on Ways and Means and whose last work on the existing condition of the sugar-tariff question have done more to direct public attention to this subject than all the sugar literature extant.

The production of cane sugar throughout the world for the crop year ending in 1880 will certainly exceed 4,000,000 tons, or 8,960,000,000 pounds of cane sugar produced, appproximately, as follows, according to the most reliable statistics and reports as compiled by Mr. Brown:

	Tons.
British India	1,550,000
Cuba, Porto Rico	700,000
Other Spanish possessions	50,000
British West Indies, Demerara, &c	250,000
China, Hong-Kong, &c	250,000
Dutch India, Java, &c	220,000
French West Indies, Guiana	175,000
Brazil, South America, &c	130,000
Louisiana	125,000
Mauritius	125,000
Philippine Islands	120,000
Egypt, &c	75,000
Peru, South America, &c	55,000
Mexico	35,000
Other countries	140,000
Total cane sugar	4,000,000

In addition to cane sugar, it is estimated that the production of maple, palm, and sorghum sugars in the crop year ending in 1880 will exceed 150,000 tons, and the amount of beet-root sugar produced in Europe the present crop year is estimated at 1,670,000 tons, apportioned as follows:

	Tons.
Germany	500,000
France	425,000
Austria	410,000
Russia, Poland	225,000
Belgium, Holland, &c	110,000
Total beet sugar	1,670,000

Total known production of sugars, crop year ending in 1880:

	Tons.
Cane sugar	4,000,000
Beet, Europe	1,670,000
Maple, &c	150,000
Total sugars	5,820,000

There are, however, good reasons for believing that the world's annual production of cane and assimilative sugars exceeds 6,000,000 tons, and that China, from whence sugar-cane first found its way to Europe, alone produces enough more sugar than she reports to more than justify such statement.

Of this vast quantity the people of this country consumed in the year ending 1880 nearly 1,000,000 tons, say one-sixth part, or, as officially reported, 2,087,527,625 pounds of sugars, as follows:

	Pounds.
Dutiable sugars entered into consumption	1,592,261,957
Dutiable melada entered into consumption	33,709,344
Hawaiian sugars, duty free, consumed	61,556,324
Louisiana, Texas, &c., 250,000 hogsheads, or	300,000,000
Maple, sorghum, and beet sugars	100,000,000
Total consumption of sugar for 1880	2,087,527,625

Total consumption of sugars in 1880 per capita in the United States, 41.75 pounds.

Naturally, when the consumption of sugar became great throughout the world, one of the questions of importance which presented itself to the different nations was the imposition of a tariff or duty on sugar for purposes of revenue. I deem it, therefore, proper to give somewhat in detail the tariffs levied in the United States from 1789 down to the present time; and also those of some of the principal sugar-consuming countries, as condensed in Mr. Brown's revised analyses of the sugar question. Duties on sugar have been levied as follows:

1789.—On all raw sugar, 1 cent; on refined, 3 cents per pound.
1790.—On all raw sugar, 1.50 cents; on refined, 5 cents per pound.
1794.—On two grades sugar, 1.50 and 2.50 cents; on refined (*3), 9 cents per pound.
1797.—On two grades sugar, 2 and 2.50 cents; on refined (*3), 9 cents per pound.
1804.—On all raw sugar, 2.50 cents; on refined (*3), 9 cents per pound.
1812.—On all raw sugar, 5 cents; on refined (*6), 18 cents per pound.
1816.—On all raw sugar, 3 cents; on refined, (*4), 10 and 12 cents per pound.
1832.—On all raw sugar, 2.50 cents; on refined (*3½), 10 and 12 cents per pound.
1842.—On all raw sugar, 2.50 cents; on refined (*4), 6 cents per pound.
1846.—On all raw and refined sugar, 30 per cent. ad valorem.
1857.—On all raw and refined sugars, 24 per cent. ad valorem.
1861.—On all raw and refined sugars, 7.50 mills per pound.
1861.—August 5, the Dutch color standard was adopted.
1861.—Not above No. 12, D. S., 2 to 2.50 cents; above 12, D. S., 2.50 to 3 cents.
1862.—To No. 12, D. S., 2.50 cents; to 15, D. S., 3 cents; above 15, 3.50 cents.
1864.—To No. 12, D. S., 3 cents; to No. 15, D. S., 3.50 cents; above 15, 4 cents.
1870.—December 20, the present sugar-tariff schedule was adopted.
1875.—March 3, 25 per cent. ad valorem was added to said schedule.

The duties now supposed to be levied upon sugars are as follows:

Sugar not above No. 7, Dutch standard in color, per lb., 1¾c. plus 25 per cent., 2.1875 cents.

Sugar not above No. 10, Dutch standard in color, per lb., 2c. plus 25 per cent., 2.50 cents.

* White clayed or powdered advanced beyond a raw state.

Sugar not above No. 13, Dutch standard in color, per lb., 2¼c. plus 25 per cent., 2.8125 cents.

Sugar not above No. 16, Dutch standard in color, per lb., 2¾c. plus 25 per cent., 3.4375 cents.

Sugar not above No. 20, Dutch standard in color, per lb., 3¼c. plus 25 per cent., 4.0625 cents.

Sugar not above No. 20, Dutch standard in color, per lb., 4c. plus 25 per cent., 5 cents.

On sirup, melada, tank bottoms, &c., per lb., 1½c. plus 25 per cent., 1.8750 cents.

On molasses, per gallon, 5c., plus 25 per cent., 6.25 cents.

The rates allowed as drawback on refined sugar exported as being entirely the product of foreign duty-paid sugar have from time to time been fixed by the Government; since the Dutch standard was adopted sugar drawback has been allowed, the rates having been fixed as follows:

August 5, 1861.—On refined hard sugar, 3 cents per pound; on B and C lower grades, 2 cents per pound; on sirup, 5 cents per gallon; all less 10 per cent. to the Government.

March 29, 1875.—On refined hard sugar 3.75 cents per pound; on B and C lower grades, 2.50 cents per pound; on sirup, 6.25 cents per gallon; less 1 per cent. on sugar and 10 per cent. on sirup to the Government.

December 17, 1875.—On refined hard sugar, 3.60 cents per pound; on refined coffee sugar above No. 20, D. S., 3 cents per pound; on refined coffee, No. 20, D. S., and under, 2.50 cents per pound; on sirup, 6.25 cents per gallon; less 1 per cent. on sugar and 10 per cent. on sirup to the Government.

October 1, 1877.—On refined hard sugar, 3.18 cents per pound; on refined coffee sugars above No. 20, D. S., 2.58 cents per pound; on refined coffee sugars, No. 20, D. S., and under, 2.08 cents per pound; on sirups, 6.25 cents per gallon; less 1 per cent. on sugar and 10 per cent. on sirups to the Government.

Reviewing the foregoing sugar-tariff tables, it will be observed that from 1789 to 1846 sugar was in fact divided into two classes for levying duty—raw and refined. In 1846 Congress was beset by a mania for reducing the revenue and for ad valorem duties. Among a multitude of articles sugar was changed from specific to ad valorem duty. In 1857 the work was continued by Congress, and in that year a further reduction of 20 per cent. from the tariff of 1846 was made.

With the adoption of the Dutch standard in 1861 specific duty was again levied upon sugar, virtually dividing it into three grades—raw, semi-refined, and refined. This classification continued until the adoption of the sugar tariff of 1870, which subsequent events have shown was evidently demanded in the interests of consumers, in order to introduce low grades of raw sugar for refining to meet the growing demand among the great mass of consumers for cheap refined sugars which could not be made in sufficient quantity from high grades of raw sugars, unless such were adulterated for the purpose. (See section 2 for classifications.)

Great Britain abolished duty on sugar in 1874, having a manufacturing competitive eye to windward, and a natural desire to favor consumption of her colonial sugars. Duties were levied on sugars in England in 1870 to 1874 as follows:

English classification of and duties on sugar in 1870.

Classification.	Per cwt., (112 pounds.)	Per pound, reduced to cents.
	s. *d.*	
Sugar, refined, or equal in quality thereto	6 0	1.339
First class, not equal to refined	5 8	1.258
Second class, not equal to refined	5 3	1.169
Third class, not equal to refined	4 9	1.053
Fourth class, including cane juice	4 0	0.892
Molasses	1 9	0.383

In 1874 England reduced the sugar duty on the above-named classes to the following rates per cwt.: Refined, 3*s.*; first class, 2*s.* 10*d.*; second class, 2*s.* 8*d.*; third class, 2*s.* 5*d.*; fourth class, 2*s.*; molasses, 10*d.* Shortly after this almost inoperative schedule was enacted, the duty on sugar was abolished, as above stated. The chances now are that it will ere long be restored, in order to counteract the heavy export bounties of France, and encourage the sugar-planters of the British colonies to compete with Continental beet sugars.

The following sugar tariff was in force in the Dominion of Canada, (40 Victoria, Chap. XI,) but has been superseded by the new tariff:

On sugar above 16 D. S., 1 cent per pound and 25 per cent. ad valorem.
On No. 9 to not above 13 D. S., ¾ cent per pound and 25 per cent. ad valorem.
On below No. 9 D. S., ½ cent per pound and 25 per cent ad valorem.
On cane juice and sirup, ⅝ cent per pound and 25 per cent ad valorem.
On melada and concrete, ⅝ cent per pound and 25 per cent. ad valorem.
On molasses for refining, 75 cents per 100 pounds.
On molasses not so used, 25 per cent. ad valorem.

The new sugar tariff of the Dominion of Canada proposes to levy duty substantially as follows:

On melada and concrete, per pound, ⅝ cent and 30 per cent. ad valorem.

On sirup of cane, per pound, ½ cent and 30 per cent. ad valorem.

On raw sugar below No. 9, D. S., per pound, ½ cent and 30 per cent. ad valorem.

On No. 9 to not above 14, D. S., per pound, ¾ cent and 30 per cent. ad valorem.

On all sugar above No. 14, D. S., per pound, 1 cent and 35 per cent. ad valorem.

It will be observed that Canada aims at two important objects in the above tariff: First, to admit all low grades of raw sugar at low rates, under an equitable adjustment of classes and duty thereon, in order to encourage consumption and the re-establishment of Canadian refineries; and next, to restrict the importation of refined sugars from the United States by counteracting our drawback, thus virtually placing her trade in refined sugar in the hands of English refiners until Canada can again refine sugar for home consumption. For instance, the duty on all sugar above No. 14 would be 1 cent per pound and 35 per cent. ad valorem; refined sugar costing 7 cents would pay 3.45 cents per pound duty, 8-cent refined sugar would pay 3.80 cents duty, 9-cent refined sugar would pay 4.15 cents per pound duty.

The sugar tariff of France is as follows: Duty is levied on each 100 kilograms by the Paris standards; a kilogram is about 2.2 pounds, (2.204621 pounds.) Raw sugar below No. 13, per 100 kilograms, 65.52 francs; Nos. 13 to 20, both inclusive, 68.64 francs; above No. 20, 70.20 francs; refined, 73.32 francs.

The Netherlands levy duty on foreign sugars practically as follows: Per each 100 kilograms, on first class, 25.38 florins; second class, 23.76 florins; third class, 21.6 florins; fourth class, 18.9 florins.

Belgium levies duty on foreign sugars as follows: Per each 100 kilograms, on first class, Nos. from 15 to 18, D. S., inclusively, 48.07 francs; second class, Nos. from 10 to 15, D. S., exclusively, 45 francs; third class, Nos. from 7 to 10, D. S., exclusively, 40.9 francs; fourth class, under No. 7, D. S., 34.26 francs.

Germany levies duty on foreign sugars as follows: Per each 50 kilograms or 110¼ pounds, on refined and all raw sugars above No. 19, D. S., 15 marks; below No. 19, D. S., 12 marks; sirup, 7.5 marks. Germany employs the Dutch standard for imported sugars, and polarization for exported sugars.

In the United States dutiable sugar and melada constituted 24.03 per cent. of all dutiable merchandise entered into consumption in the fiscal years 1876-'77-'78, and yielded 27.93 per cent. of the duty received in those years, while dutiable dry and wet sugars and molasses constituted 26.52 per cent. of all dutiable merchandise entered into consumption in the years named, and yielded an average of no less than 29.41 per cent. of the total revenue from customs; the yield being in 1878 30.61 per cent. Had the full duty on the higher grades of dry sugars been collected during 1876-'77-'78, the revenue, under the present tariff from sugar, melada, and molasses, would have exceeded 35 per cent. of the entire revenue from customs in those years.

In the fiscal year ended June 30, 1879, the total value of dutiable merchandise entered into consumption was $296,742,215; total value of sugar and melada, $67,153,667, or 22.63 per cent. of all dutiable merchandise. The total amount of duty received in the same year was $133,159,025, of which $38,065,803, or 28.58 per cent., was received from sugar and melada; if molasses be added, the per cent. of duty received from sugar and molasses in 1879 is 30.24.

I am satisfied that had there been no foreign centrifugal machines in motion to increase frauds, with reasonable official diligence, at least 37 per cent. of the customs revenue would have been derived from sugars and molasses; that is, we should have received $50,000,000 in the fiscal year 1879 from sugar and molasses instead of $40,275,402.

As some members may not understand fully what is meant by the Dutch standard, I will explain it before proceeding to show how, under the present tariff, artificially colored sugars were imported and the Government defrauded of its just revenue. The Dutch standard was first founded on the theory that color in sugar was coefficient of its purity, or rather of its saccharine strength, and was adopted by the Dutch Government, who, at the time of its initiation, was the great merchant marine power of the world, and in the broad bottoms of whose great ships were imported the major part of the sugar brought from the East Indies and the island of Java. This standard originated in Holland, where sworn sugar brokers annually classify the sugar crops of Java and other Dutch dependencies according to the natural color of the raw product; numbering the different shades from 1 to 20 and 22, beginning with wet sugars, nearly black, and ending with white sugar. Having separated the sugar into grades of natural color, the samples are placed within glass bottles, sealed, and numbered accordingly. Sales are then made of the coming crop, to accord with the samples in sealed bottles.

The frauds which have been perpetrated upon the revenue have sprung principally from the practice of outwardly discoloring sugars. The West Indies were not content with supplying us with raw sugars; greed of gain and tariff facilities furnished by depending entirely upon the color standard for levying duty led Cuba and Demerara to manufacture melada and drained raw sugars into large, dry, almost pure crystals, by clarification, vacuum-pan boiling, and centrifugation, and induced the producers to outwardly discolor the sugar crystals while completing the vacuum-pan and centrifugal process, for the purpose of evading duty on the actual or intrinsic color, quality, and value of sugars known as centrifugals, by false classification for duty when entering this market.

Centrifugals, or semi-refined foreign sugars, are consequently manufactured and doctored in Cuba and Demerara for this market, at an extra expense to American consumers of at least 1½ cents per pound more than the industry would cost in this country; in other words, American refiners can profitably produce centrifugals from melada and low grades of raw sugars, exclusive of cost of raw sugars, for 1 cent per pound or less, while we pay Cuba and Demerara about 3 cents per pound for raw material, and 2½ to 3 cents per pound for Cuban industry, or 5½ to 6 cents per pound in the country of production for dry centrifugals outwardly discolored to represent low-grade raw sugars, and thus evade duty.

It was found necessary by the government of the Netherlands to take some action to protect their revenues against this same practice, as will be seen by the following letter:

ROSENDAAL, *September* 26, 1879.

GENTLEMEN: We have the honor to inform you that two days ago the minister of finance has presented a law to prevent artificial coloration of sugars and the use of artificial mixtures intended to deceive as to the true value of sugars. Their value will be determined by chemical analysis.

Please, gentlemen, accept the assurance of our distinguished consideration.

B. JAEGER,
President
B. REIGER,
Secretary.

To the PRESIDENT AND MEMBERS,
Of the central committee of the sugar manufacturers of France.

Some slight indication of the great extent to which these practices were carried will be shown in the following table classifications of sugar for duty, which expose the discoloration practices. In the more honest classifications of 1880 will be found the good effects of the efforts of Mr. Brown in exposing the dishonesty of the importers and of certain refiners who advocate the Carlisle sugar bill, in his analyses of the sugar question, and in his remarks before the Committee on Ways and Means. The following table is taken from his "condensed summary of the sugar-tariff question" recently published:

Classification by the Dutch standard.	1873.			1876.			1877.		
	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.
Sampled and classed for duty.	*Pounds.*			*Pounds.*			*Pounds.*		
All not above No. 7, Dutch standard	200,588,712	$9,781,864	$3,510,302	534,822,824	$26,344,948	$11,654,445	757,946,855	$37,501,481	$16,580,087
All above No. 7 and not above No. 10, Dutch standard	860,454,194	46,342,844	17,209,084	869,785,687	36,593,778	21,628,822	604,317,151	29,748,890	15,107,929
All above No. 10 and not above No. 13, Dutch standard	250,842,299	14,584,126	5,643,952	150,107,868	6,543,106	4,092,846	88,462,336	4,371,003	2,488,003
All above No. 13 and not above No. 16, Dutch standard	60,881,348	3,891,750	1,674,257	6,127,732	318,830	207,593	4,536,195	218,943	155,932
All above No. 16 and not above No. 20, Dutch standard	5,407,628	370,308	175,748	1,011,458	58,045	40,107	92,477	6,182	3,757
All above No. 20, loaf, and other refined.	324,651	22,172	12,986	24,976	2,003	1,248	32,840	2,590	1,642
Total dry sugar	1,378,498,832	74,993,073	28,226,309	1,561,880,545	63,860,710	37,625,061	1,455,387,854	71,849,089	34,337,350
Melada entered into consumption	107,084,690	4,872,353	1,606,270	96,751,914	3,151,183	1,813,354	49,650,354	1,923,427	930,944
Total sugar and melada	1,485,583,522	79,865,426	29,832,579	1,658,632,459	67,011,893	39,438,115	1,505,038,208	73,772,516	34,268,294

Classification by the Dutch standard.	1878.			1879.			1880.		
	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.
Sampled and classed for duty.	*Pounds.*			*Pounds.*			*Pounds.*		
All not above No. 7, Dutch standard	860,287,182	$41,516,497	$18,818,784	890,801,182	$36,627,477	$19,486,276	299,298,496	$11,394,541	$6,547,154
All above No. 7 and not above No. 10, Dutch standard	618,019,876	33,232,883	16,450,497	671,574,592	27,614,075	16,789,365	1,222,747,078	52,407,812	30,568,677
All above No. 10 and not above No. 13, Dutch standard	72,316,574	4,110,502	2,033,904	35,556,456	1,649,309	1,000,307	67,726,078	3,085,292	1,904,796
All above No. 13 and not above No. 16, Dutch standard	1,474,118	73,831	50,673	483,110	25,627	16,607	2,353,604	118,229	80,905
All above No. 16 and not above No. 20, Dutch standard	561,068	35,491	22,793	20,221	1,160	821	118,582	8,453	4,817
All above No. 20, loaf, and other refined.	216,294	16,866	10,814	16,425	1,283	821	18,119	1,502	906
Total dry sugar	1,552,875,112	78,986,070	36,387,463	1,598,461,986	65,918,931	37,294,197	1,592,261,957	67,015,831	39,107,256
Melada entered into consumption	36,691,376	1,383,482	687,963	41,152,357	1,234,736	771,606	33,709,344	1,036,808	632,050
Total sugar and melada	1,589,566,488	80,369,552	37,075,426	1,639,614,343	67,153,667	38,065,803	1,625,971,301	68,052,639	39,739,306

In 1872 these practices of discoloration were in their infancy, as will be noted in the table of 1873, wherein the classifications of the low grades of sugars for duty are approximately correct, but they rapidly increased in frequency and volume, as will be seen by the tables of 1876, 1877, 1878, and 1879; it was not until 1880 that the beneficial effects of the exposure of these frauds are notable in the apparently decreased quantity of importations of the low-grade sugars, which fell off from 890,801,182 pounds to 299,298,496 pounds in a single year, when properly classified, as will be observed in the classification in the table of 1879 and 1880. Imported centrifugal sugars assimilate intrinsically to refined sugars. However skillfully the intrinsic color, quality, and value of centrifugals may be disguised by outwardly discoloring the crystals in order to falsely represent No. 7 or No. 10, Dutch standard in color, and evade proper duty, the simple process of grinding cargo samples of such sugar produces, instead of No. 7, Dutch standard, a disguised No. 16, Dutch standard, sugar; instead of No. 10, Dutch standard, a disguised No. 20, Dutch standard, sugar; and instead of No. 13, Dutch standard, a beautiful pure white sugar above No. 20, Dutch standard in color, 98 to 99½ per cent. pure cane-sugar crystals; whereas the same grinding process applied to cargo samples of No. 7, No. 10, No. 13, Dutch standard, raw sugars of all kinds, naturally produced merely by boiling, evaporation, and draining, produces no effect upon the color of such sugars as outwardly represented, simply because actually raw sugars contain the molasses and dark impurities which have been eliminated from foreign centrifugal sugars by semi-refining.

From Cuban and Demerara centrifugals only the very highest grades of refined sugar can be made, such as granulated and standard A sugars; thus, unless we can obtain raw sugar material from other countries, the great mass of consumers would be without any adequate supply of cheap sugar food, which refiners can only obtain from low grades of raw sugar and melada. Centrifugal sugars doctored in color, as at present, to evade duty, or admitted under a uniform duty to No. 13, or even to No. 10, Dutch standard, or under a specific duty on all sugars, absolutely prohibit the importation of all raw "grocers' sugars," and undersell Louisiana sugars, a No. 13, Dutch standard, and often a No. 10, Dutch standard, foreign centrifugal sugar being, when ground, far whiter and purer than the best "raw grocers' sugar," and equal to the best Louisiana sugar.

The dry centrifugal or semi-refined sugars, testing from 94 to 99 in crystals, while their market or intrinsic value approximates that of refined sugars, should certainly pay duty on their actual value. The cost of refining these centrifugal sugars does not exceed twenty-five to thirty-five cents per hundred pounds as against sixty-five cents to one dollar per hundred pounds, the cost of refining ordinary and low grade of foreign raw sugars. The effects of these frauds upon the revenues by discoloration have an important effect upon the Louisiana sugar interests. Although in Louisiana there is produced a sugar of superior quality, both in grain and flavor, yet, owing to the difference in climate and condition of soil, she cannot be expected to compete with Cuba on equal terms as a sugar-producing country.

The contest, as it may be termed, between the Louisiana sugar interests and those of Cuba is not properly between the low grades of imported foreign sugars and sugars of a like or nearly like quality produced in Louisiana, but entirely between the intrinsically high grades of imported sugars which have been outwardly discolored to defraud the revenues, and grades of the highest quality produced in Louisiana. As has already been shown, the centrifugal sugars of Cuba which have been outwardly discolored to represent raw sugars contain intrinsically from 93 to 99 per cent. of pure sugar crystals, and

consequently bring in this market a higher price than the sugars of Louisiana, even though the latter may be very much higher in color and suitable for immediate consumption. Thoughtful consideration upon this point will at once convince that there is no contest between the producer of sugar in Louisiana and the refining industries of this country, although frequently it has been believed that to a great extent this constituted the existing difficulties in regard to the sugar-tariff question. The evil, therefore, is that Cuba, aiming to possess control of this market, having overreached herself in these practices, now finds it necessary to endeavor to legalize the importation of these high grades of semi-refined but outwardly discolored sugars in order to retain possession of this market as against American producers and other sugar-producing countries of the world.

Perhaps no greater legislative mistake was ever committed by Congress than the reciprocity treaty between the United States and Hawaii in the matter of admitting sugars to this country duty free. Mr. Brown in his last book exhibited this treaty in its true colors, and shed much light upon the practices which have lately prevailed, of landing large quantities of China and Hong-Kong sugars in Hawaii, there to be reshipped to San Francisco as Hawaiian sugars, duty free; and it may be justly remarked that these manipulations of China sugars by way of Hawaii, and the introduction of free sugars, are even more detrimental to Louisiana interests than to those of the refiners; and while such transactions are not only a fraud upon the Government, and injustice to the sugar-producing interests of this country, they invariably tend to increase the actual cost of the article to the consumer. Although the amount of sugar imported from Hawaii is comparatively small, it is large enough to furnish means to enhance and control prices of sugars to American consumers on our Pacific coast, and invite the landing of large quantities of China and Hong-Kong sugars at Hawaii, to be reshipped to San Francisco as Hawaiian sugars, duty free, while we pay dear for such sugars, lose the duty thereon, and receive no adequate return, which becomes palpably plain in the following exhibit:

Hawaiian sugars, duty free, entered into consumption in the fiscal years ending June 30, 1878, 1879, 1880:

Year.	Grade.	Pounds.	Value.
1878.	Above No. 7, not above No. 10, Dutch standard	2,437,920	$161,922
	Above No. 10, not above No. 13, Dutch standard	10,805,283	757,735
	Above No. 13, not above No. 16, Dutch standard	12,227,780	963,549
	Above No. 16, not above No. 20, Dutch standard	4,897,345	391,224
	Total consumed, duty free	30,368,328	2,274,430
1879.	Above No. 7, not above No. 10, Dutch standard	8,174,146	501,850
	Above No. 10, not above No. 13, Dutch standard	16,615,686	1,099,164
	Above No. 13, not above No. 16, Dutch standard	15,670,564	1,118,117
	Above No. 16, not above No. 20, Dutch standard	1,232,673	92,061
	Total consumed, duty free	41,693,069	2,811,192
1880.	Above No. 7, not above No. 10, Dutch standard	7,793,349	450,030
	Above No. 10, not above No. 13, Dutch standard	28,416,596	1,892,737
	Above No. 13, not above No. 16, Dutch standard	23,868,886	1,689,060
	Above No. 16, not above No. 20, Dutch standard	1,477,493	103,659
	Total consumed, duty free	61,556,324	4,135,486

Total Hawaiian sugars entered into consumption during the three fiscal years ending June 30, 1878, 1879, 1880, *value, duty lost, estimated at 60 per cent. ad valorem, and total value of domestic merchandise, exclusive of specie, exported to Hawaii during the same years.*

Year.	Hawaiian sugars, duty free.	Value.	Duty lost.	Domestic merchandise to Hawaii.
	Pounds.			
1878	30,360,328	$2,274,430	$1,364,658	$1,683,446
1879	41,693,069	2,811,192	1,686,715	2,288,178
1880	61,556,324	4,135,486	2,481,291	1,985,506
Total	133,617,721	9,221,108	5,532,664	5,957,130

Average price paid for sugar in Hawaii, three years, per 100 pounds $6 75
Average price paid for sugar in other countries, 1880, per 100 pounds 4 20
Average price paid for sugar in Hawaii, 1880, per 100 pounds 6 71

By the above exhibit of facts, officially verified, and palpable deductions therefrom, two subjects of vital importance to American interests present matter for grave consideration in connection with the sugar question:

First. The apparently rapid increase in sugar production and exports to this country in the Sandwich or Hawaiian Islands, under the reciprocity treaty, exceeds relatively that of all other sugar-producing countries in this regard. The islands of Hawaii send most of their sugars to this country. We received from them in 1878, 30,368,328 pounds; in 1879, 41,693,069 pounds; in 1880, 61,556,324 pounds. Meantime, China and Hong-Kong, where sugar production is extensive and regular in increase, supplied this country with 21,677,177 pounds of sugar in 1877, and with 31,695,743 pounds of sugar in 1878.

But this supply fell to only 1,677,507 pounds of sugar in 1879, in which year Hawaii increased her exports to us by 20,000,000 pounds. China sugars are largely above No. 7, D. S. in color, and correspond in color with many grades of sugar imported from Hawaii, while the falling off of imports of sugars from China and Hong-Kong in 1879 corresponds with the wonderful increase of imports of sugars from Hawaii in 1880. The temptation to buy China and Hong-Kong sugars in those countries, at about 2½ to 3 cents per pound, and land them at Hawaii, to be reshipped thence to this country as Hawaiian sugars, duty free, at 6¾ cents per pound, is not only very great, but the opportunity is supplied by the reciprocity treaty between the United States and the kingdom of Hawaii.

Second. Taking the article of sugar imported from Hawaii, duty free, during the fiscal years 1878, 1879, 1880, the people of this country bought sugars to the amount of $9,221,108, paying $2.55 per 100 pounds more than similar sugars cost us in the great cane-sugar producing country of the world, as seen above, besides losing $5,532,664 duty on sugars imported duty free from Hawaii in the years named, under a reciprocity treaty which only enabled us to sell the paltry sum of five million nine hundred and fifty-seven thousand one hundred anp thirty dollars' worth of domestic merchandise to Hawaiians during the aboved-named fiscal years, 1878, 1879, 1880.

Thus, under the treaty, we have thrown away $5,532,664 sugar duty, paid an extra price for sugar, and been obliged to pay a cash balance over and above our $5,957,130 exports of merchandise to Hawaii of $3,263,978 for the single article of sugar; in plain words, the loss of duty on sugar and other merchandise imported from Hawaii free annually exceeds the value of our exports to the Hawaiian Islands; while the importation of Hawaiian sugars, duty free, at San Francisco only serves to injure home production, keep out competing sugars, and enhance the cost of refined sugars to consumers in California and sections of country contiguous to our Pacific coast. Hawaiian sugars should unquestionably be made dutiable.

THE REMEDY.

What shall this Government do to counteract the present evils existing in the collection of customs duty? Plainly and clearly, they cannot be checked by playing into the hands of the Cuban producer, as would be done in the adoption of the Carlisle bill or, in a more modified form, in the Tucker bill, but rather by adopting efficient means whereby the intrinsic color, quality, and value of imported sugars may be accurately determined without question. The enactment of any tariff law without provisions insuring its proper enforcement results in a simple farce in legislation. Nor is it wise, or in the interest of the Government, to leave the interpretation of tariff laws to subordinate officials. Their provisions should always be so clearly defined and their manner of enforcement so fully detailed that no question or room is left for misapprehension.

The following bill, which has received the careful attention and supervision of Mr. Henry A. Brown, looks to the best means of correcting these existing evils; and after a full consideration of the subject, I feel assured that if its provisions are enacted into a law these disgraceful practices to which I have already referred will cease to exist. The Secretary of the Treasury can then put a check upon the illegal transactions of those dishonest parties who have stood with one hand filching from the revenues of the Government, while the other has been extended praying a change of the tariff in their favor. The interest of millions of consumers in this country demands more at the hands of this Government than these few who, winking at fraud, if not openly guilty themselves, have made the sugar business profitable out of the pockets of the poor. It is the duty of Congress as a conservator of public morals, and it is our duty here as legislators, not only to protect the industries and revenue of the country, but to make fraud difficult and unprofitable if we cannot make it impossible.

The bill reads as follows:

A bill to regulate the collection of customs duties on sugar.

Be it enacted, &c., That melada, concentrated molasses, sirups of cane juice, wet sugars, and all sugars not above No. 7, Dutch standard in intrinsic color, when testing not above 84° in the polariscope, shall pay a duty of 2$\frac{4}{10}$ cents per pound.

That all sugars above 7 and not above No. 10, Dutch standard in intrinsic color, when testing not above 88° in the polariscope, and all sugars not above No. 7 in color, when testing above 84° and not above 88° in the polariscope, shall pay a duty of 2½ cents per pound.

That all sugars above 10 and not above No. 13, Dutch standard in color, when testing not above 92° in the polariscope, and all sugars not above No. 10 in color, when testing above 88° and not above 92° in the polariscope, shall pay a duty of 2$\frac{11}{16}$ cents per pound.

That all sugars above 13 and not above No. 16, Dutch standard in color, and all sugars testing above 92° and not above 96° in the polariscope, shall pay a duty of 3$\frac{1}{16}$ cents per pound.

That all sugars above 16 and not above No. 20, Dutch standard in color, and all sugars testing above 96° in the polariscope, shall pay a duty of 4 cents per pound.

That all sugars above No. 20, Dutch standard in color, all refined sugars, and all sugars that assimilate to refined sugars, shall pay a duty of 5 cents per pound.

That raw muscovado or drained sugars, and raw beet sugars, when above No. 13, Dutch standard in color, and testing less than 92° in the polariscope, shall be classed for duty as not above No. 13, Dutch standard in color.

That all sugar-candy, and confectionery made wholly or in part of sugar, and all sugars that are colored, tinctured, or adulterated, shall pay a duty of 50 per cent. ad valorem.

SEC. 2. That all samples of imported sugars used to classify such sugars for the purpose of levying duty thereon shall be crushed or ground to the consistency of raw muscovado and molasses sugars before levying duty; and such samples shall be made to assimilate in grain to sugars contained in the official Dutch standard samples with which imported sugars are compared for the purpose of levying duty;

and all samples used for levying duty shall remain on public exhibition until the duty on the sugars they represent has been finally liquidated.

SEC. 3. That all dutiable sugars not above No. 20, Dutch standard in color, shall be tested in the polariscope, and such other means shall be employed as the Secretary of the Treasury may deem necessary to accurately determine the intrinsic color and quality of all imported sugars in order to levy duty thereon correctly.

The provisions and safeguards of this bill are definite, equitable, and lucid. In it the well-known trade classifications of sugar are maintained, and the interests of the sugar consumers, importers, producers, refiners, and revenue of this country will be adequately and fairly protected by its enactment. Not only this, but under the provisions of this bill our commerce with distant sugar-producing countries, which are relatively far better customers for our merchandise than Cuba, would enormously increase, and the practice of discoloring sugars for this market would be unprofitable and cease.

Contrast the honest provisions of this bill with the Carlisle sugar bill, which attempts to dispose of imported sugar, which constitutes a fourth of our dutiable commerce and yields about three-tenths of our customs revenue, in seventeen lines, six of which are devoted to protecting the King of Hawaii and eleven to the gigantic interests and sugar industries of fifty millions of consumers and tax-payers in this country.

The Carlisle sugar bill would not only virtually prohibit four-fifths of the actual raw material now consumed by three-fourths of the refining capital, labor, and machinery of this country, and thus increase the cost of sugar to consumers and reduce revenue, but would compel Louisiana to continue the unequal contest now waged by cane, beet, and sorghum sugar producers in this country against the surreptitious entry for duty of dry centrifugals or foreign semi-refined sugar crystals, outwardly discolored with a film of molasses impurities—foreign practices which Cubans propose to legalize in the Carlisle bill.

The Carlisle sugar bill utterly ignores all provisions for the proper enforcement of tariff laws, and thus assumes that fraudulent practices in the entry of sugar have not and cannot exist. Casual examination of classifications of sugar for duty for several years past disposes of such assumption; but the enactment of a sugar tariff without adequate safeguards for its enforcement would be legislative blundering.

Nor is the Tucker sugar bill of the Committee on Ways and Means any better than the Carlisle sugar bill. The provisions of the Tucker sugar bill are pernicious and subtly worded. To all intents and purposes it is a Cuban centrifugal bill, and should be so named. Starting off with apparent liberality toward raw-sugar material, not above No. 7, Dutch standard in color, it next prohibits the same by ignoring No. 8 to 12 in color sugars, which constitute the bulk of sugars imported for refining purposes, and winds up by admitting all dry centrifugal or semi-refined sugars that may be and would be outwardly discolored, below No. 14, at two cents and one-half per pound, the present duty on sugar above 7 and not above 10, Dutch standard in color.

The provision of the Tucker bill for an 85° test is simply farcical, as under it dry semi-refined centrifugal sugars testing 99° in pure white crystals, but outwardly discolored with 1 per cent. of molasses impurities to represent not above No. 13 in color, would pay the same duty as actual raw sugars above 7 in color testing only 86° in crystals, thus admitting the highest grades of sugar at the lowest rates, and virtually prohibiting the low grades of raw-sugar material; under such circumstances the authority conferred upon the Secretary of the Treasury in the Tucker bill is meaningless.

Both the Carlisle bill and the Tucker bill prohibit light muscovado or grocers' sugars, because said bills would admit dry centrifugals, which are better sugars, far richer in crystals, and more valuable, at lower rates of duty than grocers' sugars would pay if imported; whereas under the ad valorem basis of the bill herein presented all sugars would be admitted and pay duty according to their intrinsic color, quality, and value. The Carlisle and Tucker bills do not provide a single practicable safeguard against existing abuses. On the contrary, both bills seek to remove all obstructions to fraud and leave the construction and execution of the tariff to Cuban and Demerara sugar producers, who have too long dictated the methods of levying duty on outwardly discolored but intrinsically refined sugars. On the contrary the bill herewith presented provides an equitable tariff on a sound ad valorem basis, with the necessary safeguards to insure its further enforcement, and its enactment will afford relief and protection to the sugar consumers, importers, producers, refiners, and revenue of this country.

In the bill presented herein provision is made that all samples of sugar shall be ground, and the polariscope shall be employed as an adjunct to the Dutch standard of color, in order to accurately determine the intrinsic color, quality, and value of sugar and levy duty thereon correctly. There is no uncertainty about the language of this bill; no loop-hole appears therein through which semi-refined centrifugals, doctored in outward color to evade duty, can be smuggled through the customs under loose constructions and arbitrary rulings of Treasury and customs officials. The bill adheres to commercial usage in employing the Dutch standard. The polariscope, grinding, and so forth, are merely adjuncts to its proper enforcement.

The Dutch standard is perfectly competent to determine the intrinsic colors of all raw sugars of natural color when such sugars are reduced to the consistency of Dutch standard samples in grain; as regards low grades of raw sugar, the importation of which it is sought to prohibit by adopting a uniform duty to No. 13, evasion of duty is impracticable under the Dutch standard alone, except through official fraud in sampling or weighing. Crush such sugars thoroughly, still their color remains the same. Neither analysis nor polarization are required to determine the intrinsic color and quality of melada and sugars not above No. 10 Dutch standard in natural color. Muscovadoes and molasses sugars, made by natural draining alone, although from No. 10 to No. 14 in color, can also be accurately classed for duty by the use of the Dutch standard only.

Discolorations to evade duty begin with the higher grades, namely, with centrifugals, Javas, and vacuum-pan sugars, and such foreign sugars as would naturally be about No. 11 to No. 16, Dutch standard in color, when honestly made, and which almost invariably test above 92 and to 98 in crystallizable strength in 100 parts of raw sugar material.

Natural discoloration of raw sugar to evade duty, especially as regards centrifugals, consists simply in the retention of molasses impurities or in adding an excess of lime, sulphuric acid, burnt sirup, or caramel to the juice in defecators, in the pan, or in the mass in the centrifugal machine. Vacuum-pan sugars and clayed sugars may be similarly discolored by injection and leaching. Lowering of color may be carried to any desirable extent in centrifugal sugar, and still maintain therein 93 to 98 per cent. of crystallizable sugar, varying in color and strength in crystals at the option of manipulators.

That the polariscope is almost invariably employed in connection with the Dutch color standard by refiners, producers, and the sugar trade is an incontestible fact, well evidenced in the testimony of Mr. T. A. Havemeyer, who represents the most extensive sugar refineries in this country, given before the Committee on Ways and Means. From his statements on this point I extract telegrams from London, showing that when raw sugar is offered for sale the grade by the Dutch standard, as well as the polariscopic test, is always given:

[From F. Englehardt, London, November 7, 1879.]

HAVEMEYER & ELDER, *New York:*

We offer you, firm, for reply thence same day, 950 Trinidads, average sugars, under No. 7, Dutch standard, polarizing 86°, 26*s.* 3*d.*, c. & f.; 750 sugars, No. 7 to 8, Dutch standard fully, polarizing 88½°, 27*s.* 3*d.*, c. & f.; 500 Jamaica sugars, under No. 10, Dutch standard, and over No. 10, Dutch standard, polarizing 89½°, 27*s.* 9*d.*, c. & f.; 150 tons Vincents, polarize 88°, 27*s.* 3*d.*, c. & f. Shipment by steamer from London.

[From F. Englehardt, November 7, 1879.]

We offer you, firm, for reply thence same day, 6,000 tons vacuum-pan Demeraras, No. 7 to No. 10, Dutch standard; hogsheads, usual stowage, polarizing 93° to 94° basis, maximum polarizing, 94°; three pence allowance, 30*s.* 9*d.*; cost and freight, commission, and shipping charges included; steamer, equal quantities.

Two hundred and fifty tons concrete Peruvian bloc[illegible], under No. 7, Dutch standard; advise bought 27th ultimo, test, 82°.90; immediate instructions required. Refined market strong, rising.

NEW ORLEANS, LOUISIANA, *October* 31.

HAVEMEYER & ELDER, *New York:*

Receipts to date, 2,200 hogsheads, ⅞ clarifieds; kettle sugar very green; test low, 75 to 82, owing to cane first rolled not being matured; selling at 5¾ at 6¾; expect increased receipts next week and lower prices; will then send samples, and make shipment if possible to give you an idea of quality; weather favorable for maturing cane.

Market strong, with upward tendency. What price can you pay for 3,000 hogsheads vacuum-pan Demeraras, No. 10–13, Dutch standard, or sugars under No. 10, Dutch standard, free on board, sellers willing to guarantee any polarization and color? November and December, (delivery.) Cable us your outside limit; we will save on it if possible.

The above are specimens of telegrams received daily from London. The last of these telegrams will enable one to form an opinion as to whether or not sugar can be made in Cuba and the West Indies of high intrinsic value, but of low color, to escape paying the proper duty. It is to be here noted that the duty thus saved does not go to the American buyer, as these colored sugars are sold at within a fraction of the same price as the uncolored ones, the fractional difference being allowed on account of the expense of decolorizing them.

Specimen of New York market report sent to Havana by each steamer, showing that, with prices paid for raw sugar, the polariscopic test is invariably given:

Market Report per City of Vera Cruz.

[15th instant to date.]

NEW YORK, *January* 21, 1880—11 a. m.

Sales: 1,297 hogsheads, 60 boxes, and 60,217 bags, including 50 hhds. 60 boxes centrifugals, $95\frac{89}{100}$°, $96\frac{19}{100}$°, at 8¾ cents; 40 hhds. molasses sugar, 89°, at 7⅞ cents, 28 hhds. inferior refining, 76°, at 6½ cents; 50 hhds. centrifugals, $96\frac{42}{100}$°, at 8⅞ cents; 45,156 bags Philippine Islands, 80°–81°, at 6⅛ cents; 194 hhds. Porto Rico, 86°–60°, at 7⅛ cents; 150 hhds. centrifugals, 96°–90°, at 8⅞ cents; 150 hhds. centrifugals, 96°–30°, at 8⅛ cents; 4,079 bags Brazil, 90°–60°, at 8⅛ cents; 151 hhds. Porto Rico, 83°–30°, at 7⅜ cents; 10,400 bags Manila, 80°, at 6¾ cents.

We quote fair to good refining muscovadoes, 88°–91°, 7⅛, at 8⅛ cents; centrifugals, 95°–98°, 8⅛ @ 8⅛ cents; molasses-sugars, No. 6 to 10, 85°–90°, 7⅛ @ 7⅛ cents; melada, 70°–80°, 5¼ @ 6¼ cents.

We note sales of fair refining at 4.95 cents, and of good common, 88°, at 4.90 cents.

Refined: Trade has been slow, and prices of some sorts are off. We quote A sugars, 9, at 9⅛ cents. Exports since our last, 801 tons.

Molasses: Sales of new-crop Cuba have been made, to arrive, at equal to 32 cents, landed, basis 50°.

London sugar market is weak at 24.0 for fair refining, afloat; 23.6 for centrifugals, 96°.

Havana acceptances, 4 and 5 per cent. for best names.

Exchange on London, 60 days, $4.82½.

GRINNELL, MINTURN & CO.

The following extracts from sale notes will show that not only is the polariscope test of all sugar bought and sold given, but that such tests are guaranteed. Further, that additions to and deductions from the quoted price are made in case a sugar either exceeds or falls below the guaranteed test, and even fractions of a degree are sometimes proportionately allowed for. These are merely specimens of thousands of such documents which are constantly passing from firm to firm all over the world:

NEW YORK, *October* 30, 1879.

Sold, for account of Messrs. S. & W. Welsh, to Messrs. Havemeyers & Elder, about 1,500 hogsheads centrifugal sugar, of the estate Neda, below No. 10, Dutch standard, and average 96° test, to arrive. Sugar to be received ex-ship. Should the average test be under 96°, an allowance of one-tenth of a cent per pound to be made for every degree below, fractions in proportion.

SKIDDY, MINFORD & CO., *Brokers.*

NEW YORK, *November* 11, 1879.

Sold, for account of Messrs. Fernandez & Calvo, to Messrs. Havemeyers & Elder, about 40 hogsheads molasses sugar, guaranteed 87°; about 300 bags centrifugal sugar, guaranteed 93°; 40 hogsheads and 300 bags Cuba sugar. Should the test be under that guaranteed, an allowance to be made of one-tenth of a cent per pound on the centrifugals, and one-sixteenth of a cent per pound on molasses sugars for every degree below, fractions in proportion.

SKIDDY, MINFORD & CO, *Brokers.*

[Memorandum.]

NEW YORK, *October* 4, 1879.

Sold, for account of Burdick, Frisbie & Co., to Messrs. Havemeyers & Elder 456 hogsheads Porto Rico sugar; 89° test guaranteed.

BURDICK, FRISBIE & CO.

[Memorandum.]

NEW YORK, *September* 18, 1879.

Sold, for account of Burdick, Frisbie & Co., to Messrs. Havemeyers & Elder, 246 hogsheads, 122 tierces, and 30 barrels Trinidad sugar, at 6⅞ cents per pound. Basis of 86° test. If 85° test, ⅛ of a cent deducted; if 87° test, ⅛ of a cent added.

BURDICK, FRISBIE & CO.

The subjoined New York market report of Minford, Thompson & Co. shows that the information given their subscribers not only includes the price of raw sugar, but invariably the polariscopic test and the name of the seller and buyer:

Daily market report.

OFFICE OF MINFORD, THOMPSON & CO.,
90 *Wall Street, New York, January* 8, 1880.

Receipts reported this a. m., 888 hhds.

Received by refiners direct out of above, 579 hhds.

Est'd stock in importers' hands this a. m., 26,810 hhds., 9,531 b'xes, 584,494 bags, 103 melada.

Sales: 160 hhds. Cardenas centr'fs, test 93°, "Himely to B'klyn," 8⅜; 250 hhds. Martinique, good com'n, test 87°, "Trowbridge to H. Brs. & E.," 7⅝; 114 hhds. Demerara, good com'n, test 8[illegible], "Armstrong to H. Brs. & E.," 7⅜; 315 hhds. P. R., to come from N. Haven, test 87°, "Armstrong to H. Brs. & E.," 7⅝; 571 hhds. P. R., infe'r to good r'f'g, test 80°–91°, "Rivera to B'klyn," 7–7⅝; 396 c'sks Mexican clayed and musc., test 85°–86°, "Thebaud to H. & E.," 7½; 42 hhds. Sagua mol's-sugar, test 83°, "Youngs to B'klyn," 7¼; 31 hhds. Sagua mol's-sugar, test 87°.6, "Youngs to B'klyn," 7⅜; 37 hhds. Sagua, good com'n to sct. fair, test 86°–88°, "Youngs to B'klyn," 7⅛–7⅜.

MINFORD, THOMPSON & CO.

The advisability of employing the polariscope in the collection of customs duties on sugar has been widely discussed, and while its merits as a test of the saccharine strength of sugar have been broadly heralded by many, some of its defects as a "modus operandi" for the collection of duties have been pointed out by others. Let us examine it from an impartial stand-point. In the application of this instrument for determining the amount of pure crystallizable sugar in a given volume of sugar of cane solution, the following process is necessary: Weight of cane-sugar crystals, 26,048 grams; dissolve in 100 cubic centimeters of water, gently heating the preparation; add acetate of lead sufficient to precipitate; filter through prepared bone-dust to clarify; reduce to the proper temperature, and fill a glass tube 200 millimeters in length with the solution; place the tube in the polariscope; turn on the light, look through and adjust the instrument until both hemispheres of the circle that appears in the instrument to be divided by a dark line present to the eye precisely the same shade of color. The test is then completed, the per cent. of pure sugar will be found registered in degrees and fractions on the scale attached to the polariscope, and may be read through the magnifying-tube. One hundred degrees represent entirely pure sugar crystal in solution.

A few of the reasons urged against the use of this instrument for the collection of duties are well taken, and in so far as they apply to its use alone, and not in connection with the Dutch standard for gauging the value of all sugars imported, there can be no doubt whatever that it would open still wider the gates for frauds upon the revenues.

If the color standard were abolished and the polariscope made the sole and only mode of testing sugars and assessing duties thereon, it would be a very great temptation to dishonest refiners to bribe and corrupt the Government officials to vary the gauge in their favor.

Some arguments against its use which I have heard border upon the ridiculous. Here is a sample:

In order to accurately determine the grade of a cargo of raw sugar by the polariscope test, the whole cargo must be reduced to a prepared solution of the proper proportions of sugar, of cane, water, and acetate of lead, and samples thereof be tested.

And it is further said "that, without providing further safeguards, which do not now exist, to use the polariscope would be to prostitute a beautiful and valuable scientific instrument and the science of chemistry to base purposes of fraud." And further statements that it is utterly useless as a test, because it is unable to detect such adulterations as glucose, grape sugar, flour, starch, &c., may be placed along with other puerile criticisms.

All must admit that the polariscope is used in commercial transactions for the sale and purchase of sugar to a very large extent throughout the world. Sugar is now described generally as color number so-and-so and testing so much by the polariscope. Why, then, I would ask, should not the Secretary of the Treasury be allowed to supplement his present means by this instrument, which is so extensively used in the civilized world? We know that probably the most scientific men in the world are in Europe, and we know also that a crop of nearly fifteen hundred thousand tons of sugar is sold in Europe annually by polariscope tests, and in the United States every large importer or refiner would tell you that they seldom or ever buy or sell cargoes of sugar except after applying to it such tests, as I have fully shown by telegrams already quoted.

The difficulties under which the Treasury Department has labored are set forth in the report of the Secretary of the Treasury for 1878, as follows:

The embarrassments alluded to in the last annual report in regard to the collection of duties on sugar have not ceased. Seizures have been made of cargoes of sugar claimed to be artificially colored for the purpose of reducing the duties at the custom-house, and a suit involving one of these cases was tried at Baltimore at great expense to the Government and to the importers, and was recently concluded, the verdict being that the sugars were artificially colored after the process of manufacture was completed, but that it was not proven that the importer of the sugars had a knowledge thereof at the time of making entry. Though the claim of the Government that the sugars had been artificially colored for the purpose of defrauding the revenue is maintained, it is powerless, under the anti-moiety act of June 22, 1874, to enforce fines, penalties, and forfeitures against persons or property, unless there is proof of guilty knowledge of fraud.

It is deemed imperative that some change in the mode of collecting duties on sugar should be had, and it is preferred, as stated in the last report, that the duty should be at one rate on all sugars up to a point which will exclude temptation either to color sugar for the purpose of reducing the duty or to commit fraud by means of sampling and classification. The duties now are, to a large extent, dependent upon the fidelity of the sampler, one of the lowest-paid officers in the public service.

In the event that duties upon sugars are made dependent to any considerable extent upon color by the Dutch standard, it is recommended that authority be given to this Department to ascertain the true saccharine strength of imported sugars by means of the polariscope, and that the relations between the color of sugars and their saccharine strength be definitely prescribed by Congress.

The main features of the recommendations in the above are completely covered by the bill which I have introduced.

Mr. Havemeyer, when before the Committee on Ways and Means, said:

In order to explain the reason for the introduction of the polariscopic test in the proposed duty on sugar, it should be understood that the grades of raw sugar may be classified under five heads:

POLARISCOPIC TEST.

Melada, Concrete, } average 82 per cent. and below.
Common, average 82 per cent. and below.
Fair, from 82 to 87 per cent.
Good, from 87 to 92 per cent.
Centrifugals, above 92 per cent.

These are all below No. 13, Dutch standard in color, and all must be refined before fit for consumption.

All sugars ranging from No. 13 to above No. 20, Dutch standard in color, have been partly or wholly refined in the producing country, and therefore may go direct into consumption; they are known as grocery or refined sugars, and the color only of these sugars gives them their commercial value. When the existing tariff law was introduced color alone was the standard for all sugars, but the foreign producer (not the American refiner) has manipulated the natural color of the product of the plantation, and thus destroyed the equality and equity of the system, conforming to the wording on the law, but not to the intention, for a centrifugal sugar (the highest grade of raw sugar) can be lowered in color and pay therefore a less duty under the present tariff than its intrinsic value should permit.

The refiners have suffered with the Government, and therefore have earnestly advocated the introduction of a check, namely, polarization, as proposed in the bill presented by the Committee of Ways and Means. The polariscope will act simply as a detective, and confine to its proper class such sugars as might under a color condition only claim entrance into United States ports at a reduced duty. This test is strongly opposed by the foreign producers and their agents in this country. Those who deny its accuracy use it continually, and to-day hardly a pound of raw sugar is sold to be refined without the polariscopic test being made the basis of value. The system will not introduce too radical a change.

The grades of raw sugar are well known, and disputes would not arise if the Government is authorized to apply the polariscope to detect an attempted evasion.

A still further objection would naturally arise were the polariscope, however, to be the sole test applied, and the question of color entirely abrogated. Foreign producers would under such circumstances immediately flood the country with a highly refined sugar, which by excessive washing and the introduction of glucose would contain but little saccharine strength, and these sugars would not only greatly injure the refiners themselves but utterly ruin the sugar-planters of Louisiana.

The conclusions to which we are therefore forced in a consideration of the polariscope as a means of collecting duties is that as an agent to be used alone, and not in conjunction with the color test, it would prove not only dangerous to the interests of the Government by assisting the perpetration of frauds upon the revenues, but that its use is impracticable.

That in connection with the color test, however, it will effectually put a stop to the importation of artificially colored, or perhaps, more properly speaking, discolored sugars, for the purpose of evading the revenue laws. The adulteration of cane sugar with manufactured

glucose is of importance in this connection. Whatever the merits of corn glucose for food may be, it is a manufactured substance greatly inferior to cane, beet, and sorghum sugars in sweetening qualities; its market value—less than half that of ordinary cane sugar—accurately determines its value as a substitute for the pure sugars of commerce.

The Carlisle and Tucker sugar bills both discriminate to prohibition against the lower grades of raw-sugar material; consequently both of those bills offer a premium for the adulteration of dry centrifugal sugars, the importation of which is encouraged therein, to the detriment of consumption and revenues, and apparently for the destruction of American sugar-producing industries.

It is impossible to produce an adequate supply of cheap refined sugars for consumption from semi-refined centrifugal sugars that test from 92° to 99° in crystals before being refined, but the cost of the refined outturn from centrifugal sugars may readily be reduced by adding glucose thereto before and after the refining process has been completed without impairing the outward appearance of the product. The mixture can be sold at pure refined cane-sugar prices.

Under the provisions of the Carlisle sugar bill centrifugal sugars testing 99° in crystals, but outwardly discolored below No. 14, Dutch standard in color, would be admitted at the same rate of duty as melada and other low-grade raw-sugar material, or 2.4 cents per pound. Almost the same percentage of crystals would be obtained in the refined outturn from such sugars, which, if exported, would claim a drawback of from 2.58 to 3.18 cents per 100 pounds. Should the refined product from dry centrifugals be stretched with glucose, the drawback would be about 3.50 cents on the outturn from material which only paid 2.40 cents duty.

Under the provisions of the Tucker sugar bill those conditions would be only slightly modified, centrifugal sugars testing 99° in crystals, but outwardly discolored below No. 14, Dutch standard in color, would pay the same duty as raw sugars, No. 8 in color testing only 86° in crystals, or 2.50 cents per pound, while the refined outturn from the dry centrifugals (99° test) would if exported pure obtain a drawback of from 2.58 to 3.18 cents, and if glucosed would claim a drawback of about 3.50 cents on the outturn from material which paid only 2.50 cents duty. It is almost needless to say that these conditions are impossible with actual raw-sugar material, and would be impossible with centrifugal sugars and all other sugars should the bill presented herewith become law.

Before closing I want to notice the claims of a State ruined and wrecked by the war, and whose fair fields since have been so often submerged by the turbid waters of the Mississippi, and whose recovery to prosperity has been so checked by the political vampires who fastened themselves upon her just after the war. Has Louisiana no claim upon the Government for proper protection of her sugar interests?

She is one of the States of our great Union, and her weal and her woe should appeal to the hearts of citizens of other States. The slave labor which existed before the war, and which was one of the peculiar institutions of the South, no longer exists. It has been forever swept away, and with it went the fortunes of many of the best and worthiest of our people.

The sentiment of the civilized world sustained and justly the act of the North in giving freedom to four million bondsmen. Yet that sentiment has not been sufficiently strong to force Spain to emancipate her slaves in Cuba; on the contrary, when the gallant little band of revolutionists who had struggled for years in that island to free themselves from the heavy hand of Spanish rule had fallen one by one under the guns of Spain's yearly imported veterans, the captain-general saw fit to sow the seed of discord in their few remaining camps by offering freedom to those slaves who had joined the insurgents if they would come in and lay down their arms; while those who had been faithful to their masters, who had by night watched their fields as a guard against fire, and had by day toiled in the heat of the broiling sun, were left still to be "hewers of wood and drawers of water." Can the people of the North who gave brothers and sons to swell the great Army of the Union, whose banners flaunted in the southern breeze from Atlanta to the Gulf, and whose blood dyed red the streams and soaked the ground of many a battle-field, can they have aught of sympathy with men whose actions so stink in the nostrils of the world? Surely there cannot be in this House a man who would sacrifice the interests and enact the ruin of a sister State to pander to the wish and fill the pockets of the foreign owners of slaves.

Then, if not for this, why do northern Representatives in Congress hesitate in the clearly marked path of duty?

Is it in the belief that our 50,000,000 of people demand a cheaper sugar? Let me tell you then that Louisiana alone, with her rich soil, can produce sugar enough to supply all the States if the promise of the fruit is not killed before the bud is blown. Have you forgotten the cry of distress that came upon the western breeze from starving thousands when Pittsburgh was all aflame, and the strikers for higher wages seized railroads, captured towns, and caused the rich man to tremble for his money, his stocks, and his bonds? Do you know what that cry meant? It meant demand for work, demand for living wages; it was the outpouring of anguish from the souls of strong men who saw starvation sitting upon their wretched thresholds and mocking their wives and children.

When the gaunt specter of famine stalks abroad and whispers foul and bloody messages in the ears of desperate men—men who are willing to work, but find no market for their brains or "brawn"—can you wonder then that communism rears its horrid front and threatens with anarchy our fairest cities?

To ameliorate the wretched condition of the poor, to relieve their sufferings, and to give them employment has stirred the hearts and tried the brains of many of the highest and best of our land. Their unhappy condition has aroused the warmest sympathies of the philanthropist; it has loosened the purse-strings of the rich to build hospitals and found asylums that stand as milestones marking the road of our advancing civilization. Xerxes, it is said, offered a fortune to the man who could invent for him a new pleasure; but how much more does he, who by his ability adds one blessing to the lot of his fellow-man, deserve that which outweighs a fortune—the lasting gratitude of his country.

How shall we find work for our daily increasing laborers? Year by year science and invention supply by machinery the need of manual labor, and our great cities become more and more crowded with the unemployed. Had they lucrative agricultural pursuits, do you suppose that the workman would not prefer the pure air of the country and the bright sunlight of Heaven to the fetid stenches and smoky glare of the city's din? Had he not rather see his children playing on the green sward than dabbling in the gutters of the streets? Then, by all means, let legislation further the agricultural interests of our country. Do we not protect our manufacturers in every way we can? Are we not yearly building up their interests by a high protective tariff? Why is it done? Surely not for any special class, but because we think the country at large has part and parcel in the growth of a part. Do we want to find work for the thousands of unemployed hands? Do we want to provide for the thousands of mouths that cry out for food? Then make our agricultural pursuits profitable by protecting these industries even as we have and are protecting our manufacturers. Do you know what we are paying for labor in Louisiana? Why, from $18 to $20 a month, and when the crops are taken off $30 a month, and often more. "Why, then, have not thousands gone South?" is asked. The answer is simply this: Capital will not risk itself in business where little or nothing can be gained. Sugar cannot be profitably cultivated under an imperfect enforcement of the present tariff, which is not, in its lack of safeguards, sufficient to protect Louisiana, being evaded by artificially colored sugars that are handled by foreign agents in co-operation with our importers and refiners to the ruin of the planting interests of my State.

The agricultural prosperity of a nation is its surest and safest source of wealth, and if Representatives of the North, who have legislated against riots and strikes want employment for the many thousands now idle in this land, let them protect our agricultural interests, improve our rivers, build up our levees, and the great valley of the Mississippi, whose fair lands border the banks of that noble river, will furnish employment not to thousands alone but to millions.

We are now paying nearly $90,000,000 annually to foreign countries for sugar. If this money were kept in the States and annually expended among the poor it would be quite sufficient to relieve their wants. If Louisiana and the beet and sorghum growing States with proper protection can make all the sugar we require, this enormous sum will not yearly leave our shores to fill the pockets of Spanish slave-owners. Do not think that it would enrich Louisiana alone; she requires grain from the West, mules from the Middle States, and machinery, tools, and other merchandise from the great manufactories of the East and North. Enlarged sugar cultivation there would give a new impetus to trade, revive the drooping interests of many manufacturers who stand upon the brink of ruin, assist the farmer in the West and the stock-raiser in the Middle States, and quiet that angry, ominous growl that, coming from hungry men, strikes more terror through the land than fire or plague.

The West, whose people are engaged in the increasing cultivation of the sorghum-cane, the East, where the sugar-beet is raised, and to perfect which France spent millions, are both interested in this question. It is not for the protection of Louisiana's sugar interest alone I speak. It is for a protection whose benefits would stretch far beyond the limits of my State, and whose blessings would be felt throughout the land.

We have a country whose destined greatness no man can foresee. From the Atlantic to the Pacific, from the great lakes of the North to the warm waters of the Gulf, lies a territory as richly endowed by nature as it is vast in extent. We need depend on no country for the necessities or luxuries of life; raising more in wheat and corn, live stock, cattle, and wool than we need for consumption; oil from our wells, coal, iron, gold, and silver from our mines, why should we continue to depend upon other lands for our sugar? Why let this be the only great necessity of life that we do not sufficiently raise within our own borders? When, perhaps in the near future, we measure our strength with other nations in war, can we safely rely upon importations alone for sugar food? Would not the increased price then in one year be a greater burden to the country than the just and limited protection at the hands of the Government we ask in the bill herewith presented? Let us, then, stimulate and sustain our agricultural interests, and tender, rather than take from, the laboring classes the bread they would earn with this encouragement and aid.

With no great standing army as a menace to the rights and liberties of the people; with our laboring classes contented, peaceful, and happy, we can move on to the grandeur of a future far beyond the most sanguine hopes of those past patriots and statesmen whose lives have lent undying luster to the earlier days of our Republic.

Apportionment of Representatives.

SPEECH OF HON. E. W. ROBERTSON,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1881,

On the bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census.

Mr. ROBERTSON said:

Mr. SPEAKER: While I have always deprecated sectional controversy and avoided partisan discussions in this House, a sense of duty compels me to answer some of the unjust charges made during this debate against the fair fame of the people whom I have the honor in part to represent.

The gentleman from Michigan, [Mr. HORR,] although he did not open the debate on the apportionment bill now under consideration, was the first to give the discussion its sectional character. After basing his argument upon an apportionment made by himself, and which was entirely irrelevant, he went on to state, in effect, that at the South a systematic intimidation was practiced by one portion of the people against the other so as to prevent a free and fair expression of the will of the people at the polls. Although he did not charge it directly, yet the tenor of his remarks was that systematic intimidation had been practiced upon the colored people of Louisiana to an extent sufficient to disfranchise them. And he significantly asked of the gentleman from Maryland [Mr. MCLANE] why there was such a disparity between the vote of 1876 and that of 1880, the apparent object of the question being an insinuation that the small vote of 1880 in Louisiana was caused by intimidation. I propose to briefly answer the gentleman's question, and trust I will do so to his entire satisfaction.

The attention of the gentleman is called to the fact that the vote in 1876 was the largest ever cast in the State. The whole strength of both parties was brought to the polls and voted, except in the parish of East Feliciana, where but one republican vote was cast. The cause of that one exception was not intimidation, but a part of a preconcerted plan by the carpet-bag leaders who, for political effect, had given orders to the colored voters to keep away from the polls. As is well known, the State government was at that time in the hands of the republican party, which had been in power for eight years, and had enacted the laws governing the elective franchise and the conduct of elections. The machinery to carry these laws into effect was also wholly within their hands, so of course it cannot be said that any undue influences were brought to bear to control that machinery in the interest of the democratic party. The contest that year was almost exclusively confined to questions of State policy. The paramount question with the democrats was the establishment of law, order, peace, and good will among the people of all classes, against carpet-bag rule, rapine, plunder, and violence under the forms of law. The names of Tilden and Hayes were hardly mentioned during the campaign.

It was a contest on the one hand headed by Francis T. Nichols, and upon the other by S. B. Packard. A state of lawlessness had existed for eight years, under carpet-bag rule, supported and sustained by the strong arm of the Government. It has frequently been asserted by republican stalwarts that the responsibility of these disorders rested upon the white people of Louisiana, and that it was their duty to put them down. What a humiliating and disgraceful admission! It is a political axiom the world over, undisputed by any party or government, free or despotic, that the party or government in power is responsible and must be held accountable for the peace and order of the community over which it rules. Who was in power? Who exercised all the functions of government? Who were in possession of the offices? Who was the governor? Who were the judges to interpret and administer the law? And who were the sheriffs and officers to execute it? Republicans in almost every instance—bad men of both races, utterly unfit by character or capacity honestly and patriotically to discharge the duties devolving upon them. The temples of justice were transformed into dens of thieves and places for corrupt bribe-taking. Trial by jury, where ignorance reigned supreme, was a mockery. The social structure was shaken to its foundation by raising a servile race suddenly and without preparation to rule over the white people through the instrumentality of force and coercion. Take, for example, the mass of the colored people now living in Washington City, recruit them from all parts of the South, in the condition they were left at the close of the war, and distribute them in sufficient numbers in the States of Massachusetts and Maine to give them the numerical majority; change the fundamental law of those States; place there a standing army and put them in control of the State governments: I ask you, Mr. Speaker, I ask the Representatives from those States upon this floor, how long would peace, law, and order be maintained? Sir, the aggressive and liberty-loving people of Massachusetts and Maine would rise in their might and drive the colored race from their borders. Not so with us. There had always been a kindly and friendly feeling existing between the slave and his owner before the war, and be it said in all honor to the colored slaves of the South, that when Abraham Lincoln issued his proclamation which invited them everywhere to rise in their might in insurrection against their masters, instead of obeying that proclamation they were true and loyal, peaceable and quiet; and although loving liberty and yearning for it, and many prompted by the impulses of human nature to fly to the Federal Army, they left no murdered women and children, no smouldering ruins behind them. There was no antagonism of race, no animosity, until the firebrand of discord was thrown into their midst by carpet-bag demagogues—until these enemies of both races stirred up strife in order that they might prey upon the community and eat out the substance of the poverty-stricken people.

Then it was that the good people of my State rose in their might, not with arms, but peaceably and in order, to overthrow at the ballot-box the power of ignorance and plunder. The result was, as I have stated, a full vote—the largest ever polled in my State—the total vote as cast being 160,897, of which Tilden received 83,723 and Hayes 77,174.

This election placed the State in the hands of the conservatives, and confidence was restored among the people. The administration of Governor Nichols established peace and order in home affairs. In accepting the nomination he did so with the distinct declaration that if elected he would cease to be a partisan, and would be the governor of the whole people. He redeemed this pledge by appointing to office good men from both political parties. He made no distinction on account of race, but appointed many colored men to places of trust.

The cause of education was earnestly supported and advanced, the grade of teachers was raised, and, as far as possible, colored teachers were appointed to conduct colored schools. This conservative course offended some of the radical democrats, but it was a wise policy, and did much to rebuild the party as a whole. It was also a blow to the republican party, for it gained the confidence and support of the best element of the blacks, particularly those who were anxious for the advancement of education. The "carpet-bag" element being left without officers and opportunities for plunder, left the State to prey upon other communities. In this way the republican party of Louisiana lost largely in numbers.

In 1878 there was an attempt to reorganize the republican party under the countenance of President Hayes's administration, and to vindicate the action of the returning board of 1876. But as the policy of the Administration was neither robust nor consistent and was without the support of Federal bayonets, the attempt proved abortive.

In the campaign of 1880 the republicans were lukewarm and disappointed. They had hoped that the stalwarts would control the convention at Chicago and nominate a ticket which would revive the power of the carpet-baggers. But the nomination of General Garfield was a disappointment—in brief, a wet blanket upon their hopes and unholy aspirations. They were further discouraged by the action of the national republican campaign committee, which made no canvass except in the third congressional district.

Again, there were two factions in their party in Louisiana: one composed of the custom-house officials and employés and the other of the adherents of General Grant. Crimination and recrimination among themselves was the order of the day.

A cause for apathy on the part of the democrats of my State was the tariff plank of the Cincinnati platform. The sugar industry of Louisiana is a matter of vital importance to our prople, and they believed that the policy of the democratic party would be injurious in this respect. But the one great question of paramount importance to Louisiana is the improvement of the Mississippi River. The republican platform contained a clause in favor of appropriations for the great water-ways of the country, and General Garfield in his letter of acceptance stated that the Mississippi was entitled to exceptional consideration. The democratic platform and letters of acceptance were silent upon this important subject. No wonder, then, that many democrats of Louisiana failed to see where their material interests would be subserved by supporting General Hancock, notwithstanding they had the highest regard for him as a man and as a friend and advocate of their political liberties.

Again, there was no local election in 1880 to attract to the polls a large portion of each party which in Louisiana, as elsewhere, usually care more for questions relating to home affairs than for national politics. This was owing to the new State constitution of 1879, which provided for State elections on a separate day.

This constitution was most liberal and just in its provisions. It contained no educational or property qualification for suffrage as exists in Rhode Island and other States. It made no distinction on account of race or color, but guarded the rights of all classes alike. The

intelligent colored people were so well satisfied with it, and felt so secure under its provisions, that at the first presidential election thereafter, that of 1880, they took little interest in political questions. Evidences of this feeling of security may be found in the proceedings of the constitutional convention, which contains speeches to this effect from Demas, Pinchback, and other representative colored men who were members of the convention.

The result of all these circumstances and the neglect by each party of a suitable campaign organization was an unusually small vote at the presidential election of 1880, the total vote being but 97,201; of which the democratic ticket received 65,310 and the republican 31,891.

It is idle to talk about a discrepancy between the vote cast at this election and the population as shown by the new census returns. That is a frequent occurrence in every State of the Union, as the gentleman who raises this point well knows. If a light vote is an evidence of intimidation, then the voters of Michigan and other Northern States have frequently been intimidated. As 25,000 white voters of Louisiana remained away from the polls at this election, the gentleman might as well say they were intimidated.

The real trouble about Louisiana is that certain stalwart republicans want it to be republican, and because it is not they raise the senseless cry of intimidation. They should bear in mind that the State has ever since the war been democratic and conservative whenever an effort was made to carry it. This is shown by the returns of the votes cast at each presidential election. In 1868, the first presidential election after reconstruction, Seymour and Blair carried the State by 46,962 majority. In 1872, Greeley and Brown had a majority of 6,492; in 1876, Tilden and Hendricks a majority of 6,549; and in 1880, Hancock and English a majority of 33,419.

I might discuss this question in detail in reply to the insinuations of the gentleman from Michigan, but I believe the country is heartily tired of listening to speeches on Louisiana returning boards and carpet-bag manipulations. At least Louisiana is tired of it and wants a rest. She is awaking to her new industrial and commercial opportunities and would put partisan politics in the back-ground. She has in good faith accepted the results of the war and the constitutional amendments. The successful opening of the mouth of the Mississippi River; the improvement of its channel above the mouth; the emphatic indorsement of this great national work in the letter of acceptance of the President-elect; the new transportation movement down the river of the surplus grain products of the great valley; the construction of new railways through the cotton, sugar, and rice plantations of Western and Northwestern Louisiana; new commercial relations with the Spanish-American islands and countries on the south; a short and direct commercial outlet to the Atlantic by means of a canal across Northern Florida; direct communication with the California coast and the foreign countries resting upon the Pacific Ocean, by means of ordinary and ship railways across the Isthmus of Tehuantepec, are matters of transcendent importance to my State and have eclipsed her former interest in returning-board history.

In brief, the people of Louisiana believe that a new era of material progress is dawning upon the Republic, and they are ambitious to contribute their share to the development of its agriculture, industries, commerce, and wealth. They want more business and less politics, and my excuse for these brief remarks on an exploded political subject is the uncalled-for and unnecessary remarks by the gentleman from Michigan against the good name of my State and people.

Apportionment of Representatives.

SPEECH OF HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 2, 1881.

Numbers are the only certain things. They can neither be controlled nor perverted. Every nation has its own ideas of right and wrong; every law can be rendered invalid by circumstances; but the results obtained from numbers can never be overthrown. Numbers determine the contents of every existing thing whatever is, is equal to its contents; numbers, therefore, are the true being, the essence of all that is.—*Professor Ebers.*

A moderate oligarchy, in which men of a certain census elect a council entrusted with the deliberative power, but bound to exercise this power according to established laws.—*Aristotle*, Polit. book vi.; ch. 14.

The House having under consideration the bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census—

Mr. COX said:

Mr. SPEAKER: The abstract idea in this quotation has its concrete application. If government is founded upon a true enumeration of the people, it is the only certain government of the people. From the ancient time when the priests of Egypt calculated the course of stars and the limitations of life to the latest calculus of the moons of Mars, numbers fill uncertain voids with absolute truths.

Alone, sir, among the nations, this country founds her law-making power upon an actual enumeration of all the people. The only exception is, Indians not taxed, which is inconsequential. Another exception, not as yet acted upon, is that of citizens whose right to vote is denied or abridged under certain circumstances. But practically, the "whole number of persons" of all sexes, ages, races, and conditions are, by the first clause of the second section of the fourteenth amendment of the Constitution, to be counted for the apportionment of Representatives among the several States, according to their respective numbers.

This clause was, in substance, borrowed from the resolve passed by the Continental Congress on the 18th of April, 1783, recommending the States to amend the articles of confederation in such manner that the national expenses should be defrayed out of a common treasury, "which shall be supplied by the several States, in proportion to the whole number of white or other free inhabitants, of every age, sex, and condition, including hose bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in each State."

PRIMARY OBJECT OF CENSUS.

In other ages and countries there has been a dynastic demand for the listing of persons and property; but it was not because rulers desired right returns for the weal of the people, nor was it because such returns were the groundwork of social science and political order; such returns were made for war levies and tax exactions.

The framers of our Constitution solved the problem of direct taxation and representation by the second section of its first article. It was the first government in the world which by an organic law so founded its free fabric on a legally ascertained census that the liberty of the people to meet through their delegates should go hand in hand with taxation. It is one of our anomalies, that, with fair representation, we have had but four laws for direct taxation. It was not intended, however, at first, to require of the Federal Government more than an enumeration of the people.

SECONDARY OBJECT OF CENSUS.

Efforts were faintly made to enlarge its scope, but it was not until the law of 1850 that this clause spread out into a prescript to register agriculture, manufactures, mortality, social conditions, civil relations, and industrial and other interests. In this advancing age and with our progressive people, such returns have become indispensable to wise legislation and scientific research. Their statistics are both cause and effect. They are annals, vital with those things which make for peace and prosperity. They enable the historic Muse to trace with luminous pencil the development of society and its industries and liberties, under the influences of soil, waters, climate, and position, so as to educe those physical and spiritual laws which affect civilization.

Mr. Speaker, when on the 6th of May, 1878, I offered the resolution for a special census committee, I did not dream of the labor involved in framing a new and efficient law fitted to our changing conditions. It is one of my felicitations, however, that not only was the law passed timely, so as to get ready good machinery, but that in many of its minutiæ and particulars, it was such an improvement on the law of 1850 as will make the result the most complete history of an active society ever compiled by any government. When this result shall have been accomplished, may I not say, as the builder of the Eddystone light-house said when, with praise to God, he crowned his work: *Finis coronat opus!*

When the results shall have been digested, tabulated, and printed, the marvel will stand confessed. The great facts in the life of this century-old Republic will astonish more than the fictions of other nations.

The story of the beginning and unfolding of races and nations is more or less legendary and mythical. Most of the monuments of their civilization have been buried by time and warfare. If it be so with the refined and victorious, is it not more so with the uncultured and vanquished nations? Wherever the plastic hand of man cannot be distinctly traced in molding institutions, miraculous interventions of some divinity are called in to encircle its dim history and doubtful heroism with a halo. Few solid landmarks, few granite facts remain to tell their rise and fall.

But from our returns at this decennial period every leading fact in our prodigious progress will be recorded. No poetic license, party bias, or philosophic prejudice interferes to distract. The nation will be seen with the anatomical distinctness of a skeleton, and yet as in a mirror of diamond, inspired and clothed with the glowing life of a Hercules. Not only will all our natural resources and physical labors and their divers causes and effects, together with the hinderances to our progress—the defective, dependent, and delinquent elements—be displayed, but under this constitutional requirement every man, woman, and child is registered for a grand purpose. The babe just cradled and the aged just coffined, the old inhabitant and the newcomer, the Senator and the scavenger, the scientist and the scamp, the sane and insane, male and female, the diseased and blind, the halt and maimed, the deaf and dumb, all are included in one vast mass, out of which the intellect may evoke its science, legislation its law, and even poetry its *genii*. One by one the little drops of fact

ooze out of this enormous labor, until the whole is a mountain of crystal. More than fifty millions of our kind are seen to have their being in one orderly organism, out of which the Government, in its representative capacity, is to be reinvigorated and exalted.

HOW TO ASCERTAIN THE QUOTA SO AS TO APPORTION.

The prime object of this enumeration is the apportionment of members of Congress. This duty now devolves upon us. It cannot be shirked. It is a simple and easy duty. The data are before us. The difficult part is already done.

After we determine the number of our members, the quota of population for each member and State is easily ascertained by the rule of three. The whole population, omitting Territories and the District of Columbia, is divided by the number of members, and the quotient is the basis of representation for each member. But on the division of the population of the States so as to ascertain the number of members for each State is there no fraction, no residuum? Certainly. Shall it go unrepresented? No. Such has not been the practice. It is counted. The loss in the number of members caused by the fractions in the several States is compensated for, as near as may be, by assigning to so many States having the largest fractions, an additional member each for its fraction, so as to make up the whole number of Representatives.

THE MOIETY FALLACY.

This has not been the practice uniformly. A party has always appeared favoring simply the largest fractions, or fractions over a number arbitrarily assumed, or a number above the moiety of the ratio. The gentleman from Illinois has printed in the RECORD an estimate of population, and a ratio on our present basis of two hundred and ninety-three members, and also the fractions to which he assigns additional members. He finds out somehow that there are twenty-one highest fractions, and, by accident or otherwise, all these are over one hundred thousand and none under, and these fractions entitle the States named to one more member each, and the sum is two hundred and ninety-three members. But he goes further. He then adds eight other States with fractions less than one hundred thousand, which would, if the number were increased beyond two hundred and ninety-three, have each one more member.

This sort of calculation, with all respect to my diligent friend from Illinois, tends to confusion. Whether the States having over one hundred thousand happen to have the highest fractions for a sufficient number of Representatives so as to make up the total number, I do not inquire. The plan is faulty, and misleads. It is on a parity with the argument for a member for a State having more than the moiety of the ratio, which has been so persistently urged on other apportionments.

To show the sophistry of such an irrational mode, peruse the letter and tables which General Walker sent to me on the 15th instant and published in the public document ordered by the House. It will appear that if an additional member be assigned to each State on account of a moiety the ratio may be altered. The work is then spoiled, and it has to be done over again. On the new ratio another State might be found to have a fraction in excess of the moiety, and therefore entitled to an additional Representative. That would make a new total; and again the ratio would be changed, and so on.

Take the tables which detect the moiety fallacy. Here are twenty-three counties in a State, having 120,000 population. Fix the Representatives at 200. That gives 600 a ratio. Apply this ratio to the population of the several counties, and lo! 190 Representatives. This is on equal division. But there is an aggregate of fractions; they number 6,000. Assign the ten additional members to those States having the highest fractions, and the total is 200, the original and proper number. Here the equitable work of fractions ends. Beyond that comes confusion. Whether it come by having a fixed limit as a fraction, say 100,000, or a moiety of the ratio, no matter. The confusion is complete. If assignments are to be made upon a moiety, and there should be one county too many having a moiety, then, if one is added, the Representatives would not be 200, but 201. The moieties are in that case more than sufficient to exhaust the number of members originally selected. Again and again and again this will occur. The ratio changes, first, from 600 to 597; second, to 594; third, to 591, and last, to 588; and their aggregate changes with them while the total number of members is increased.

HISTORY OF APPORTIONMENTS—FRACTIONS.

The first apportionment was made by the Constitution itself. It limited the number of Representatives. They should not exceed one for every 30,000; and each State, however much below the ratio in population, should have at least one member, thus showing that fractional differences were not altogether ignored in small States; still the practice has been to count these very small States in the general division as having a full ratio for one member.

On the first apportionment bill by Congress, in December, 1791, fractions were the main topic of debate. The effort was made to reduce them by fixing a ratio to produce the least fractions; and a member suggested the plan adopted by the bill of May 23, 1850, and since, namely, that the Representatives shall amount to a certain number according to the whole number of the people.

This would have given a surplus number which might have been assigned to those States that have the largest fractional numbers. (Annals of Second Congress, page 243.) At that time there was an apprehension that the large States would combine; but this had its offset. It was argued that by the equal representation in the Senate the small States were equipollent with the large States. Again, it was said that the injury to the small States by rejecting fractions is more severely felt by them than by the larger States. These jealousies led to a scuffle as to fractions, in which the bill was killed.

Another bill, after much incubation on fractions, was passed. It met a veto from Washington, April 5, 1792. [Here Mr. COX sent to the Clerk's desk, to be read, the message of Washington.] The veto was, first, because no proportion or division applied to the respective numbers of the State would yield the allotment of Representatives in the bill; and second, because the bill gave to eight of the States more than 1 for every 30,000, and was therefore unconstitutional. The veto was sustained and made the policy for forty years. Another bill was tried. Its ratio was 33,000. It passed.

The Seventh Congress fixed the same ratio, January 14, 1802, with little friction. Only Delaware complained; for she had a fraction of 28,811 unrepresented. She appealed to her bloody sweat and patriotic trial in the Revolution, [laughter;] and her member more than hinted that the rule of taxation was not according to representation. He contended—but in vain—for a smaller ratio, 30,000, as having fewer fractions; so as to give Delaware two members.

The fourth apportionment in 1811 did not give rise to much debate. It was here and now that the maiden effort of Calhoun was made on this topic. The fractional question arose again. He called it "a squabble among the States which should bear the loss of large fractions, rather than a serious division on principle." He was jealous of the Senate passing on the representation in the House, believing that that body would by the strength of precedent ultimately control the House.

The next apportionment was in 1822, and on a basis of forty thousand. It produced little discussion, except as to dilatory returns from Alabama and one trenchant speech from John Randolph, who, picturing the rising and sinking States, exclaimed:

> From whom do we hear of this unrepresented population? From the States beyond the mountains; beyond the Mississippi; not, indeed, beyond Aurora and the Ganges, but where the setting sun allays his golden axle—not in the steep Atlantic stream, but in the Pacific; from States which, with a population of sixty thousand souls, have for years been admitted in the Senate to a voice potential as the greatest.

In the following decade, 1830, Representatives were apportioned upon even divisions. Up to 1840 the apportionment was not made upon the aggregate mass of the representative population of all the States, but that of each State without regard to fractions. It was held by some that fractions, whatever they were, were unconstitutional, and a total departure from the rule of the veto and the Constitution. But after 1840 the practice was fixed. Fractions were counted, and even when less than a moiety. The rule of equal division was abandoned. It was in the discretion of Congress to add members at pleasure for fractions.

General Garfield epitomizes this history in a paragraph wherein he says, (December 9, 1869, page 39:)

> I desire to say to the House in regard to the whole matter of representation, that there are just two ways in which the Government has settled the question. For the first fifty years of the Government it was settled by fixing not the number of members of the House, but the number of population which should be entitled to a Representative; and when that was fixed dividing the total population by that number and letting the size of the House be the result of that division. For fifty years the size of the House of Representatives was so determined. In 1840 a change was made in that respect, after a long and most searching debate. The result of that debate was that they fixed the number of members of the House, and finding the total population, divided that by the number of members and got the basis for each Representative.

After all, he and all of us agreed on the present mode.

There is no rule better than that which the committee has adopted, the first step of which is the ascertainment of the number of members.

PROPOSITIONS AS TO NUMBER—GAINS AND LOSSES.

At every increase of the number of members there will be unrepresented fractions, and consequently local complaint.

It is the object of my bill, originally introduced, fixing the number at 301, to remove as many objections as possible, growing out of the "scuffle for fractions." There is not any partisan, local, or sectional inclination in that number. That will appear to any one who will observe the tables and the care I have taken for the fullest scrutiny.

But, sir, I may, likely shall, find it necessary, since I cannot get the lesser number of 301, for wise purposes, introduce an amendment which I have prepared for 307. This will not make any difference in gains North or South different from 301, for the net gain of four remains on each number, but it may assist a useful purpose.

Under my bill the old slave States gain eight and lose two; the Middle States lose three; the New England States lose three; and the Western States gain ten and lose two. The old slave States make a net gain of six Representatives, while the rest of the States gain two net. The West gain eight net, with loss to New England, New York, and Pennsylvania of six!

Classifying the States into the old slave States, the Middle States, comprising New York, New Jersey, and Pennsylvania, the New Eng-

land States, and the Western States, including all the West, we find that their gains and losses under my proposed apportionment are:

Classification.	Gain.	Loss.	Present total.	Proposed total.
Old slave States	8	2	106	112
Middle States	.....	3	67	64
New England States	.....	3	28	25
Western States	10	2	92	100

If any one complains that this is sectional or partisan, let him calculate the net gains North and South from numbers 290 to 319, and he will find that on every number the South has a net gain over the North. The annexed table marked "Exhibit A" will show that, beginning with a net gain to the South of nine on 290, that gain runs as follows, namely: 291, eight; 292, seven; 293, six; 294, five; 295, six; 296, five; 297, four; 298, three; 299, four; 300, three; 301, four; 302, five; 303, four; 304, five; 305, six; 306, five; 307, four; 308, five; 309, four; 310, five; 311, six; 312, five; 313, four; 314, five; 315, four; 316, three; 317, two; 318, one, and 319, naught. After 320 the loss of the South over the North begins, with one at 320, two at 321, three at 322, two at 323, one at 324, and two at 325.

Here, then, is the dilemma to the northern legislator if he is opposed to an increased number. As the Northern States will gain more (being larger States) at each increase, he gives up to party or section what was meant for a reasonably sized body. He adds twenty-six members to the House to reconcile some State which may lose. In other words it is the bill of my friend from Illinois [Mr. SHERWIN] who, after his arithmetic, finds neither gain to North or South at 319, and favors that number, and at the expense of the representative population; for he leaves more of them out of the count than by my bill of 301 or 307 or 311.

It is true that this is a plausible but a dangerous increase. Surely I do not object to his bill because it restores New York to her present number, thirty-three. Other States, large and influential, are placated at 319. Ohio gains one over her present number, and so does Pennsylvania, Michigan, Kentucky, Massachusetts, Virginia, Illinois, &c. The scheme is adroit for votes; is it so wise for legislation? Is not the increase of eight, as I propose, better every way? It is an odd number, and in the ties we have had since I have been here, a wise precaution. Besides the average, from 290 to 320, (as per "Exhibit A,") is a gain of nearly five to the South. My bill is a gain of four only. Is it not fair? It is fairer than 311, which gives a larger gain to the South than the average, for it gives six.

The New York Times, with its intelligent interest in this large question, in a recent article says that the bill for 301 secures equity by giving to each State as nearly as possible its proportional representation, and allows the sections an aggregate number of members, corresponding as closely as practicable with their percentage of population. The sections it selects are as follows:

Northeast, including New York, New Jersey, and Pennsylvania with New England, containing 29.4 per cent. of the population.

The West, embracing all the free States west of Pennsylvania, containing 33.1 per cent. of the population.

The South, the sixteen old slave States, containing 37.5 per cent. of the population.

My bill gives to the northeast 89 members, to the west 100, to the south 112. The exact percentage of members corresponding to that of population, would be about 88½, 99½, and 112½. No number will come so near as this to exactness.

Besides my bill re-enacts the single district and contiguous territory clause; and that ought to be the law, as all will admit. The only difference would be as to the proper bill upon which to place the section.

I know that certain States must lose. Some lose who can hardly brook it. Florida, Ohio, and Indiana, by my proposition, lose one each, which they regain on a rise. Florida adds one at 302, because of a large fraction of 103,876. Missouri adds one more at 309, Indiana one at 311, Ohio one at 303, New York at 307, Pennsylvania at 306, and Georgia one at 308; so that the scheme for 311 is a taking one for some States. But the line must be drawn somewhere. It should follow two considerations: First, the convenient number for business, and second, it should be as fully representative as possible by lessening the fractions.

That 301 or 307 is more convenient than 311 or 319 all will agree. That 301 produces as little inequality as any other number will be seen. It regards an "equal division," and the fractions for each member allotted are of fair size, if not the largest.

Mr. KEIFER. I understood the gentleman to say his bill provided that the districts should be composed of contiguous territory. I do not see that provision in the bill.

Mr. COX. The committee did not report that back. I say that I shall offer that as an amendment myself. The bill which I originally introduced, providing for 301 Representatives, contained that provision.

Mr. KEIFER. The gentleman does not object to such a provision?

Mr. COX. I do not myself. But the committee struck it out.

NUMBER OF MEMBERS.

In 1869 I favored 250 as most fit for business and fully representative of the people. The House thought it best to increase the (then) number 243 to 293.

The House, however, had increased with the ratio and population, though not in as great a proportion. In 1869 we added fifty members. This was done partly to conceal losses—or comparative losses—and to save the *amour propre* of certain States, and from a desire to preserve the number or influence of the House while the Senate was growing. The arguments for a large House were these:

First. That large districts were apt to have adverse interests and were not so homogeneous.

Second. That the House grew less than the population and should share its growth.

Third. That the increase of business required more Representatives.

Fourth. That it was more republican to have smaller districts and more members.

Without pursuing the order here indicated, let me ask, Is there any force in the objection that the larger the districts the more adverse the interests? Why should not the interests of one district be varied? It is impossible to make a district with only one interest. To be sure a district may be half agricultural and half manufacturing, and the tariff may torture its candidates, but why should not the question and the candidates receive inquisition, pitiless and exhaustive, under these adverse yet enlightening conditions?

In sparsely populated districts a small House and large ratio may make the district inconvenient for canvassing and communication, and its interests may be more varied and antagonistic than in dense communities. Still these disadvantages are to be balanced by the inconveniences of a large House.

Now, does it add political consequence and power to the most popular branch of Congress if we only add to its number? May it not tend to weaken the body? Is corpulency health? If its efficiency as a factor is destroyed by its ponderosity, where is the increase of relative strength? Is the Senate less potential for its smaller number? Ah! sir, what we need is, not new members, but more studious attention to business. Increase will only add to idleness unless wise industry help. Not that the number of the House should be so reduced as to make it more corruptible; for it is a fact that larger bodies are less pliable to the allurements, wheedling, and bribery of the lobby. Besides, larger bodies have a virtue, because of their dilatory ways and unwieldly proportions; and this is to be considered.

Mr. Hamilton disfavored (No. 58 Federalist) large assemblies as tending to beget weaker representatives; the more multitudinous the assembly the more infirmities appear. For local information, diffusive sympathy, and safety he urged the smaller number. In this he agreed with the commentator upon the Constitution. Judge Story held that the question is one of sound policy and discretion; that it is a fallacy to found political calculations on arithmetical principles, and that the main object is "to secure the benefits of free consultation and discussion, guard against too easy a combination for improper purposes, and to prevent hasty and ill-advised legislation." He advises a moderate number, to avoid the confusion, intemperance, and inconvenience of a multitude. He combats the idea that a small number would be fools and a large number a mob, and rebuts the suggestion that a numerous representation is necessary to obtain the confidence of the people.

The extract from the Federalist, in the article by Alexander Hamilton, may not be altogether acceptable to this side, but it will to the other. It is as follows:

> The people can never err more than in supposing that by multiplying their representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to their representatives. The countenance of the government may become more democratic; but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.

Out of which Judge Story made his wise comment:

> Nothing can be more fallacious than to found political calculations on arithmetical principles. Sixty or seventy men may be more properly trusted with a given degree of power than six or seven. But it does not follow that six or seven hundred would be proportionately a better depository. And if the supposition is carried on to six or seven thousand, the whole reasoning ought to be reversed. The truth is, that, in all cases, a certain number seems necessary to secure the benefits of free consultation and discussion; to guard against too easy a combination for improper purposes, and to prevent hasty and ill-advised legislation.
>
> On the other hand, the number ought to be kept within a moderate limit, in order to avoid the confusion, intemperance, and inconvenience of a multitude. It was a famous saying of Cardinal De Retz, that every public assembly consisting of more than one hundred members was a mere mob. But surely this is just as incorrect as it would be to aver that every one which consisted of ten members would be wise.
>
> The question then is, and forever must be in every nation, a mixed question of sound policy and discretion, with reference to its size, its population, its institutions, its local and physical condition, and all the other circumstances affecting its own interest and convenience.

It all comes to this, Mr. Speaker, that good legislation will inspire faith and respect, and however large or small the number, this is as indispensable as intelligence. Pondering all these matters, still is not the present number, or something near it, a sufficiency—sufficiently large for honesty and sufficiently small for business? Whether the number should be smaller or not, the House is not likely to lower it. There is a tendency to aggrandize power in each State, and the ambition of members to make sure of being returned from their respective States has its weight in fixing the number.

This question is one which every member will likely decide for himself. Argument will not help him to a determination. It requires little logic and less learning, save such as spring from the practical wisdom, biased, it may be unconsciously, by selfish and local motives, for the House to say what the number should be. My impression is that it will settle down upon some number as a golden mean between extreme opinions.

OUR OWN CONGRESS AS TO NUMBERS.

In our own experience, we have run the number from sixty-five in 1789 to two hundred and ninety-three in 1870, adding two hundred and twenty-eight members while increasing the ratio from 30,000 to 131,425. The increase of members and ratio has run together; but both are behind the growth of population. If population and interests are eliminated from the question and only convenience is consulted, we might well be content with about three hundred members.

In 1842 there was a desperate encounter of wit and wisdom in the House over the number of members. Should there be large districts with a larger ratio, or should there be small districts and a larger number of members? The fractions again play their part here, but subordinately. The star-part is the ratio. Mr. Underwood claims that 141,000 is not too much, as the "shake-hand and grog-shop influence" at elections would be lessened if not abolished by larger districts and fewer members. Sixty amendments, running from 141,000 down to 30,000, are offered. "In the multitude of counselors there is wisdom," cries out one. "Nay," says another; "in the paucity of numbers there will be no crowing of cocks, braying of asses, and the coughing, noises, and deviltry of the English Commons, with neither business done nor dignity preserved."

At last the House strikes a mean, and all acquiesce.

Mr. McCOOK. Will my colleague, out of his wealth of wisdom on this subject, give the House a statement of the number of members in other representative bodies in this country and in other countries?

Mr. COX. I will say to my distinguished Representative, for I live in his district, [laughter,] that I have anticipated his very intelligent question, and shall publish with my remarks a table of the numbers of members of all the known legislative bodies in all the world.

OUR STATE LEGISLATURES AS TO NUMBERS.

If we draw any analogies from our own local Legislatures, we would not greatly increase the number. There is not a senate among our States which has more than fifty members. Indiana, Iowa, and Pennsylvania have precisely that number. The representatives average over one hundred to the State, although Connecticut has 246, Massachusetts 240, Pennsylvania 201, and Vermont 242. Only one, New Hampshire, has a greater number than Congress, to wit, 300. If it be said that the business is small in these States compared with that of our Congress, where seven thousand bills are produced in one session, it may be answered that it would be best not to forward so much legislation; and next, if it must be forwarded, let it be done properly, as it would be by fewer members. It is a question whether this Chamber is commodious enough for an increase of more than we propose. The experiment of removing the desks was a failure, and we know that one-half of our present number is cut off by remoteness from the Chair from taking part in or hearing anything of our proceedings.

OTHER DELIBERATIVE BODIES AS TO NUMBERS.

It might, however, be interesting, if not instructive, to review the constitution of other deliberative bodies, a list of which, from our Librarian's Almanac, I have appended hereto, and marked "Exhibit B." It will be observed from it that our American legislatures are not heavily weighted in either the upper or lower house. Brazil has 122 and Chili 108 representatives; Mexico rejoices in 331 members of Congress, and Canada 206 in her Commons. All the rest of the American legislatures have less than one hundred.

Austria seems to be fond of numbers. Her Herrenhaus (which is the "gentleman's House") has 191, and her Reichstag (which is the "Empire's day" in court) 353, while Hungary's House of Magnates is 731, and her lower house 444. The Bundsrath, representing the federal relations of Germany, is small, only 59; but the lower federal house is 397. The subordinate legislatures of Germany are small, excepting Hamburg, whose House of Burgesses is 196, and Prussia, whose upper house is 302, and lower 434. Sweden has 198, and Switzerland 135, while France and Great Britain lead, the former having 300 senators and 532 deputies, and the latter 497 peers and 652 members of Parliament. Spain has a single chamber of 406 members; and I must say, from personal observation, that the conduct of her Cortes is elegant, decorous, and dignified compared with the French Chamber and English Commons.

If it be said that large bodies are more republican, I answer that the largest bodies are born of monarchy or oligarchy. They are not necessarily democratic or representative of the people; but of classes and orders. If Parliament be urged as an example of the efficiency of a large number, it may be answered that but forty are a quorum for public, and twenty for private business; and that except on division days and crucial questions, when the fate of the government is at stake, there is no need and no presence of more than a quorum. To be sure Parliament legislates for hundreds of millions of people, all round the world; and Great Britian has no local legislatures in Scotland, Ireland, or England. How immense, then, is the work of her few statesmen, under her constitution which gives to Parliament transcendent and unlimited power.

But it is said that we can decrease our number of Congressmen, because in the last two decades our physical progress has created greater facilities of communication, so that larger districts are lessened by reason of the more familiar relation of people through railroads and telegraphs. However this may be, it is impossible to increase the number of members in the proportion of the increase of the people. If in 1910 we shall have 100,000,000 of people, we should then have six hundred members on the present basis. But numbers do not depend on a principle. The bulk of the people of early Greece and later Switzerland met to make laws. The inconvenience was great, but the true principle of the popular assent was maintained. In northern climates, and in our time, it is impossible for the masses to meet to make laws. The meteorological and other conditions limit a pure democracy. Modern peoples meet by representatives; not as Poland did by her nobles, to vindicate her sovereignty and elect a king, but under conditions of popular existence which indicate advancement in the art and philosophy of government.

POSTPONEMENT OF APPORTIONMENT.

It may be objected that this apportionment might well be postponed until the next Congress. The same reason might as well have been made against the passage of the new law approved March 3, 1879, namely, that it was not absolutely necessary, as the census taking did not begin until the 1st of June, 1880. But it is now seen that our promptitude was a great benefaction. It gave ample time for the preparation, the labor of which, to the uninitiated, would seem incredible. Under the new law, the business began in season, and the results show our wisdom. So will it be with the apportionment. It is a prerequisite before the States can redistrict. It is absolutely necessary. It is a constitutional command. If we postpone it until next winter, 1881–'82, (supposing no extra session,) there may be many collisions and omissions, to say nothing of personal ambitions, party bickering, and subtle negotiation, to delay and hinder the performance of this duty. Let us take warning from the troubles which followed our delay in 1870 and other years.

The 1840 apportionment was behind. Judge Clifford, who had charge of it, admonished the House of the great expense likely to occur by extra sessions of the Legislatures. This was on the 22d of January, 1842. In 1852, as late as July 22, the House was hurried; the elections were to come off in the fall of 1852; returns were not adequate; California's fractions were in dispute, and the districting yet to be done. The apportionment under the eighth census (1860) was not made until March 4, 1862, and gave rise to great inconvenience; and under the ninth, (1870,) not until February 2, 1872. As to the last, many here will remember the harassing difficulties. There had to be a supplemental bill as to certain States which had to elect at large. The delay was partly because of the quarrels as to the fractions and as to the fourteenth amendment, and because the Legislatures had not been advised in time of the number and ratio. In Texas, the Legislature had adjourned *sine die*, and could not be convened. Besides, difficult local questions were raised as to the increase of population since the census in certain growing States. They claimed to have added to their ratio by the increased population, and that they should have, consequently, increased representation. This led to long, heated, and fruitless discussions, for the apportionment had to be made on decennial returns, and by no other statistics than those taken the tenth year.

MOST CONVENIENT TO APPORTION NOW.

Besides, unless we have prompt action this session there will be great inconvenience. Many of the States whose Legislatures meet this winter have biennial sessions. They do not meet again until the winter of 1883. This is after the time of the next congressional elections, which occur in the fall of 1882. Among these are twenty States, namely, Arkansas, Alabama, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Maine, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Pennsylvania, Tennessee, Texas, Vermont, West Virginia. Their Legislatures are limited in their sessions to a certain time, from forty to ninety days. They represent in the present Congress one hundred and fifty-seven members or more than one-half. But as to the States whose Legislatures meet annually, as in New York, Massachusetts, Connecticut, New Jersey, South Carolina, and Wisconsin, or which, like Iowa, meets in January, 1882, or like Kentucky, which meets in December, 1881, would it not be even for them the most convenient to be told in full time the number of Representatives to which they are entitled, so that the difficult task of redistricting be well done,—done with such heed and considerateness as to satisfy a jealous people?

Prior to 1850, the apportionment was not made until after the census. This produced, as might be supposed, much wrangling among the States and sections. And the longer the apportionment is postponed, the more difficult its adjustment. I append a table ("C") of these Legislatures and their date of meeting.

PARTY ADVANTAGE—IF ANY.

Is there any advantage to either party, by the apportionment this session, or its postponement? If there is, let us ignore it. The last census law was not conceived, passed, or executed in a partisan spirit; far otherwise, as its clauses testify. So far as I am concerned, the work shall not be crowned by the ugly effigy of party.

In New York, Pennsylvania, Ohio, Wisconsin, and a majority of the large States, the republicans will have the redistricting, if the

apportionment is made this session. There are changes that may occur in these and other States—the "annual" as well as "biennial" States. These might inure to the benefit of the democratic party; so that if the matter were postponed until the next winter, some advantage might be gained by the democracy. No party feeling, therefore, can possibly influence the action of the committee in reporting this measure now, and urging its passage.

THE COST OF POSTPONEMENT.

It is a useless waste of money to postpone this legislation until the next Congress. It compels extra sessions of the State Legislatures in the twenty-two biennial States. A republican member from Pennsylvania [Mr. HARMER] thought an extra session would cost his State $400,000. If so, then the cost to the twenty-two States would not be less than $6,000,000. Why may not this be saved by provident action this session? The same urgency was made in other years, so as to avoid useless and heavy expense.

INACCURACY OF RETURNS.

If it be said, as a reason for postponement, that the returns from certain States are not correct, and that time is required for investigation, it may be answered that there is no foundation for the suspicion, and no reason, therefore, for the postponement.

EXAGGERATED ESTIMATES.

Even the most philosophic of our statisticians are apt to be disappointed in census returns. Their inflated estimates often collapse on the appearance of the veritable figures. Local enthusiasms and pride are then dampened and the best guesses "gang aft a-gley."

The President-elect, in a speech at Cleveland, with all his accomplishments and studies in the matter of census, mistook the relative growth of the North and South. A prescient statesman, Senator EDMUNDS, entranced by the "all-hail hereafter" of his party and country, in a speech at Burlington, on the 29th of October, 1880, gave a graphic and glowing picture of our future population and resources North as compared with the laggard South. With such imagery thrown in exaggerated proportions upon the canvas by the *camera obscura* of party, it is no wonder that the totals reported from the South were for a time discredited.

ERRORS IN RETURNS.

Of course we cannot pretend in census-taking to perfect,—only to proximate exactness; but as to population, where the work is simple and the expert is not needed, we may generally rely on the returns for all practical purposes. In 1870 there were many odd errors made in certain classes of statistics. There were reported 131 out of 151 colored children in one family as insane in a city in Massachusetts; infants died of delirium tremens, and old men of teething, and people were frozen to death South in August, and sunstruck North in January. These were some of the eccentricities under the law of 1850 by deputy marshals, but they do not apply to the enumeration of the people.

THE INEVITABLE.

Why do not our politicians prepare for the inevitable? Let them compute the past *percentages* for the relative strength of the sections! They will find that New England fell from 28 per cent. in 1790 to less than 10 per cent. in 1870; that the Middle States since 1820 fell from 32 per cent. to 23 per cent. in 1870, and that the Southern States only fell from 45 per cent. in 1800 to 34.8 per cent. in 1860; while the West and Southwest has bounded from 3 per cent. in 1810 to 31 per cent. in 1870. In 1880 the States along the Mississippi, west and east, have made astounding advancement. The general increase of the country is 30.07 per cent. We are coming to our *ante-bellum* growth. If this rate be continued, we will have sixty-five millions in 1890, eighty millions in 1900, and nearly one hundred millions in 1910. It may not be accurate to say that the Southern States have increased the most, though they seem to have done so, owing to the defective census of 1870. Probably they have. Whether true or not, these divisions of North and South, especially in the West, have lost their significance. In any event, the North continues to exceed the South, in Congress, the electoral college, Senate, and population. But the wonderful increase of five States west of the Mississippi is the salient feature of the census. In twenty years they have doubled their numbers, leaping from one-tenth of our whole people to one-fifth! These five States have increased 87.3 per cent. No State east of the Mississippi has attained to 50 per cent., while the Pacific States have gained 58.80 per cent. during the ten years.

This computation represents the percentage of increase, and will be especially useful in reconciling members and States to inevitable yet comparative losses in membership:

Southern States.	
Alabama	.26
Georgia	.30
Louisiana	.29
Maryland	.19
Missouri	.26
South Carolina	.41
Texas	.94
West Virginia	.39
Florida	.42
Kentucky	.24
Arkansas	.65
Mississippi	.37
North Carolina	.30
Tennessee	.23
Virginia	.23
New England States.	
Connecticut	.15
Massachusetts	.22
Rhode Island	.27
Maine	.03
New Hampshire	.09
Vermont	.005
Middle States.	
New Jersey	.25
Pennsylvania	.22
New York	.16
Delaware	.17
Western States.	
California	.54
Illinois	.21
Iowa	.36
Michigan	.38
Nebraska	2.68
Ohio	.19
Wisconsin	.25
Colorado	3.88
Indiana	.17
Kansas	1.73
Minnesota	.77
Nevada	.46
Oregon	.92

The orb of power may be departing from the east, but yet with its radiance full. It is the star of empire holding its western way for new conquests. Along with it arises above the horizon the Southern Cross, to add its symbolic cluster to the constellation.

IMPEDIMENTS AND FACILITIES UNDER THE LAW.

It must be remembered that our census does not aim to photograph the nation at once. England and France do this in one day—France in May, and England in April. These may be better months for the purpose of a census than June. Doubtless in some States the law as to the time of taking the census is inconvenient. People west move on April 1; at the East, on 1st of May; in the South the summer is not a good time; but the one answer is: the period of ten years ends 1st of June.

Besides, the new law was an improvement on that of 1850, which General Walker proved to be clumsy, antiquated, and barbarous. It was unfit for the work. The new agencies were found more efficient than was expected. Besides, the shorter time prevented much doubling of the names in the returns, owing to the locomotion of persons. The greater number of enumerators and the small area of the districts aided accuracy, removed doubt, and prevented negligence. In 1870 we had but sixty marshals, who had but 6,390 assistants, with an average district of 6,000 population, and no definite limit as to the time of taking. Under the new law we had one hundred and fifty districts and supervisors, and 31,265 enumerators and districts, with an average of 1,600 inhabitants each. The time was shortened for the returns, and the work went along with alacrity and energy. The most stringent instructions, as to courtesy, patience, copying, reporting, and returning, gave accurate results. When these results come to the Superintendent they are at once sifted. The totals are not verified until the crude reports out of which to make up the record of fifty-one millions are twice examined, and the names twice counted. It is then tabulated; and out of the chaos arises in columnar grandeur the superb consummation.

SOUTHERN GROWTH.

To be sure, parts of the South, like Texas, have grown by interstate and foreign immigration at the enormous rate of over 94 per cent. in ten years. It is easy to account for this advancement. Mineral, agricultural, and grazing interests have drawn people to Georgia, Alabama, Arkansas, and Virginia, as well as to Texas, while skilled labor has found reward in new manufacturing centers, as at Richmond, Lynchburgh, and Atlanta. Better governments have supervened since 1870, and black labor has rivaled white, in its efforts to better its condition. A productive soil and balmy climate attract industry and trade, and as a consequence the Southwest has no rival in its progress except the Northwest.

Are we of the East and North to have no pride in these victories because won over western and southern soil and climate by the hand of toil? May we not raise our hymn of praise to that Providence which has lifted the fallen South from the slough of despondency? The vanity which swaggers over a fallen foe will soon be forever vanquished by patriotic love; so that we may say with Whittier:

> No victor's pride is ours,
> Who bend above our triumph won,
> Like David o'er his rebel son.

The victories in which our pride is aroused are those over wood land and lake, prairie and gulf, and mountain and river, achieved by the energy of our whole people, with their "varying intensity of settlement," over our vast area!

Sensible on other topics, some of our philosophers refuse to believe in the census of their own locality or section, unless its growth tallies with the dreams of their prophetic souls. Unless the returns disparage a rival section or party, they are incredulous of the most authentic results.

Notwithstanding the rapid and wild internal changes of the country, defying previous calculation, the sanguine patriot denounces the census as partisan or partial if it does not fill his extravagant vaticinations. Was it not so in 1870? Philadelphia then bragged of

800,000 or 850,000; the return was 657,277. A new census showed 674,022, or 2½ per cent. greater; a normal increase. A second census was taken in 1870, for New York. It developed 2 per cent. only increase since the first census. This was accounted for by the births between June, 1870, and January, 1871. Saint Louis complained of the present census. It was retaken and by the chief complainant. The result vindicated the office and was satisfactory to all.

SOUTH CAROLINA RETURNS.

Yet, in despite of all this care and labor, complaints were made against the accuracy of the population returns from certain States, mainly South Carolina. It was a partisan clamor against its own party. It was accounted for at once; not by the stupendous growth of the State, or portions of it, since 1870, but by the spurious and negligent returns of 1870. The census of 1870 was taken in the South by idle, if not corrupt, dependents on party patronage. What cared they for the good and progress of these States? Wherever they could record names—at camp-meetings, musters, or political meetings—they did so in their illiterate way, and drew their pay.

If there were no general reasons for this marvelous southern growth, we cannot resist the testimony of republican officials, thrice verified, as to the present condition of South Carolina.

Each time of the retaking of this census the normal gains appeared, giving proof of carelessness, if not something worse, in 1870, and of heedfulness in 1880 which is not merely irreproachable, but commendable—fit to fix the highest prerogative of governmental representation!

What need, therefore, of postponing the apportionment to verify what is already so completely confirmed?

Mr. LOWE. Will the gentleman from New York allow me to ask him whether the committee took into consideration the provisions of the fourteenth amendment in fixing the basis of representation?

Mr. COX. The committee may not have fully considered that; but I will give the gentleman from Alabama the full statement on that point as I understand it. Under the fourteenth amendment of the Constitution, with which the House is familiar, a law was passed in 1870 which re-enacted the provision of the Constitution which declared that—

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

The committee did not consider themselves bound to take that question into consideration. It was not taken into consideration in 1870, for the reason, first, that there were no authentic data on which the committee could base any deduction. This will appear if my friend will be patient. Secondly, the intent of that second section never was to cut off men from being counted because of illiteracy, of failure to register, insanity, idiocy, &c. This will appear also if my friend will be patient with my slow process.

Mr. LOWE. Does the gentleman express his own opinion or the opinion of the committee?

Mr. COX. If the gentleman from Alabama will not anticipate me, I am sure that I shall meet every question legitimately arising in connection with this bill.

Mr. LOWE. I am sure the gentleman can answer any question I can possibly propound; but I wanted to know in this connection whether the opinion he expresses as to the construction of the fourteenth amendment is his own opinion merely or the opinion of the committee.

Mr. COX. Well, sir, I will come right to the logic of this matter. I have here the speech of Hon. Michael C. Kerr, formerly the Speaker of this House, in which he takes the ground that the second section of the fourteenth amendment was never intended to apply except to negro suffrage. I am inclined to agree with it just now. He held that it applied only in cases where there is some disqualification on account of race or color or nationality—something adhering to the person—not any disqualification which may be overcome by the voter, as by paying a capitation tax in Pennsylvania, or by learning to read the Constitution as in Massachusetts. A mere disqualification of that kind, which may be overcome by the voter, does not constitute a ground for a deduction of representative population. I hold, sir, representation very high.

Now I will ask the gentleman from Alabama a question. Will he undertake to say that Alabama should lose in the allotment of representation a certain portion of her population because she provides that idiots and insane persons should not be suffragans?

Mr. LOWE. Such persons are *non compos mentis*, and consequently have no right of suffrage. I will answer the gentleman in the terms of the fourteenth amendment, that "if the right to vote is denied or in any way abridged except for crime, the basis of representation shall be reduced in proportion."

Mr. COX. I am familiar with that provision; the gentleman need not read it.

Mr. LOWE. The language is so plain that it needs no construction.

Mr. COX. Now I take my friend on his own statement. If he says that where the right of suffrage is abridged on account of insanity or lunacy, as in the State of Alabama, there is no reduction, then, by parity of reasoning, for illiteracy as in Massachusetts or non-registry as in New York, or as in Pennsylvania for non-payment of a capitation tax, the same will happen. Where can he stop? When we came to consider this matter in 1870 and 1871, we found, as General Garfield said, from seventy to eighty different kinds of disqualification. Who is to judge as to these disqualifications? Who will make the discriminations? Must Pennsylvania, which forbids all voting except on payment of a tax, be forever unrepresented?

REDUCTION UNDER THE FOURTEENTH AMENDMENT.

An objection may be raised to the present bill for apportionment. Gentlemen may be inclined to raise a party or sectional issue out of article 14 of the amendments, and seek to postpone this measure for further inquiry, on the ground that suffrage has been abridged in the Southern States by law or by fraud and intimidation. While the same may be urged against certain northern communities, where laws abridge suffrage and where "mill hands" and others may have been unduly influenced, the answer to such an objection to present action is complete. In fact, I am not sure but the House gave it in their vote on the Massachusetts election case the other day. It may require an elucidation of the principle and practice under our Constitution.

ORIGINAL PLAN—THREE-FIFTHS.

The plan adopted by the framers of the Constitution was the result of a compromise. It regarded the slave as two-fifths property and three-fifths person. The South insisted then on his being all person. The North said, "No, he is a chattel like a horse." After much contention and some trading as to other matters, the three-fifths plan obtained and continued until the abolition of slavery. It disregards all idea of representation based on property, or on voting or on a mixed basis, or anything else than human nature. Whether that nature be of any sex, age or race, color or condition,—the blind, crazy, young, deaf, dumb or colored,—the principle remains. It is the broad base of our human kind, in all its strength and weakness, which furnishes the foundation for our political pyramid. When civil war came, and riddled slavery with the bullet till it died, and the two-fifths property disappeared beneath its ensanguined flood, the principle of representation remained, and its application was enlarged. The South received an accession of representatives as a consequence of the enlargement of each one of her slaves. But this question I discussed fully in 1871. I ask leave to append my remarks at that time to this speech. They are marked "E," (Globe, second session Forty-second Congress, part 1, page 108.)

ATTEMPTED CHANGE IN REPRESENTATION.

Let me call attention to article 14 of the amendments of the Constitution, which provides as follows:

> SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. * * *
>
> SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors of President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

This amendment became a part of the organic law in 1868, and under its provisions, a new apportionment of Representatives was made upon the basis of the census of 1870.

In this act of apportionment (act of February 2, 1872, chap. 11, Stat. at Large, vol. 17, p. 29) it was provided:

> SEC. 6. That should any State, after the passage of this act, deny or abridge the right of any of the male inhabitants of such State, being twenty-one years and citizens of the United States, to vote at any election named in the amendments to the Constitution, article 14, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned in this act to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

This provision of the statute added little or nothing to the Constitution, as it provided no means to effectuate it.

Before I proceed to ascertain the effect of this attempted change in representation, let me repeat that emancipation added two-fifths to the representation of the slave population. This was a consequence of the thirteenth amendment, without the fourteenth amendment. The basis, therefore, (not speaking of "Indians not taxed,") was the whole population.

VOTERS AS A BASIS—DEBATE AND RESULT.

As, however, certain States had disfranchised the rebels, as in Missouri for instance, where one-half of the voters were disfranchised, and as negro suffrage had not been adopted in many Southern States, it first occurred to the dominant party, in the winter of 1865–'66, to re-establish representation on the basis of voters.

This was the policy of President Johnson. It was introduced into the House by General Schenck. It was the egg out of which came the second section of the fourteenth amendment, and from which so much confusion has grown. It is surprising that with such an advo-

cacy as "voters" had, as a basis, it did not succeed. Such statesmen as Sherman, Sumner, Schenck, Professor Lieber, and others, were its champions; but President Johnson favored it, and it was lost.

When the attempt was made to change the grand idea of the whole population as our basis, and substitute therefor the suffragans, as fixed by the variant will of the States, the spirit of republicanism revolted. Representative BLAINE led the revolt. Why? Because the females of New England, being non-voters, exceeded the males West and South who were voters. This was local reasoning. It was not of a high order of patriotism or philosophy, but it won. Others revolted because aliens, not naturalized, as in New York and elsewhere, would not be counted and so much representation would be lost to the East and West. Still others revolted because certain Southern States had disfranchised the rebel, as Maryland, and had not enfranchised the negro; and they desired a penalty to compel the latter, in which "rebellion and crime" were excepted. But sturdy Thaddeus Stevens stuck to the principle that population, not property; people, not voters—the entire people—should be counted; only this, that he would punish by the loss of representation wherever the negro was denied or abridged his suffrage. Even this idea seems to have been enlarged verbally, in the final amendment, so as to give representation as a premium to liberality in granting the largest suffrage possible. When the matter was mooted in the Senate it took the form of an amendment offered by Senator Clark founding representation on electors. On that occasion Senator ANTHONY was somewhat confused, as appears by his remark on the 9th of March, 1866. (Globe, page 1284.)

> The State of Maryland, the State of Tennessee, and some other States, have disfranchised all their rebel voters, all those persons who have been engaged in the rebellion, or in any way have given aid or comfort to the rebellion. Now, if this amendment is passed, those States, having disfranchised about one-half their voters, will be reduced to one-half their present number of representatives. It will be an encouragemnt for those States to restore the franchise to the rebels, and it will be a discouragement to other States to follow the very good example which they have set.

He was answered that the contingency of restoring voting to rebels was too remote. It would be postponed at least until the census of 1870–'71. It was answered further by Senator Conness who said "that it presents as strong an inducement for those States (Maryland, Missouri, and Tennessee) which have deprived the colored man of the right to vote to extend the franchise to him, and thus gain in their basis of representation."

It was not much debated until formally presented on the 31st of January, 1866, as an amendment to the proposition of the Reconstruction Committee. General Schenck contended that his suffrage basis would "leave no room for discussion, wrangling, difficulty, or difference" when the apportionment was called for. As the elector was to be fixed by the State, and Congress was to apportion on that basis, the matter seemed simple to him. He forgot that there was a Charybdis to his Scylla. Who was to find out the legal voters under the law, and their number? What judge? So that whichever way these statesmen turned there was trouble; for they were leaving the principle of the Constitution, which is, the whole people as a basis. Mr. Stevens bitterly responded to General Schenck. "If a State," said he, "abuses the elective franchise and takes it from those who are the only loyal people there, the Constitution (as he would amend it) says, by way of penalty, 'You shall remain a shriveled and dried-up nonentity.'" He proceeded to argue that if the South excluded colored people they would lose thirty-five members. If they did not, they will have 83 votes. Take the right to disfranchise away from them and they will have only from 45 to 48 votes, all told, in this Hall.

The motive of the proposition was more tersely stated by Mr. Stevens, at another time, in the following:

> The effect of this provision will be either to compel the States to grant universal suffrage or so to shear them of their power as to keep them forever in a hopeless minority in the National Government, both legislative and executive.

As it passed the House, (page 538, Globe,) the proviso was:

> That whenever the elective franchise shall be denied or abridged in any State, on *account of race or color*, all persons therein of such race and color shall be excluded from the basis of representation.

This could have reference only to Chinese and Africans. It made a whole race pay the penalty for the exclusion of one of its number. But this did not become the law. After various amendments and discussions in the Senate and House, it took its present form, and passed the Senate on June 8, 1866, and the House on June 13, 1866. (Globe, first session, Thirty-ninth Congress, page 3149.) It was submitted to the States and became a part of the Constitution.

But, Mr. Speaker, it has never had a practical application. All the prophecies of the statesmen of that day have failed. The freedmen are voters by law in their States, and by the fifteenth amendment of the Constitution. They are counted in the representation, and cannot by any census or return be counted out. The Constitution must be amended, if they are to be excluded from representation or voting.

WHAT IS DENIAL AND ABRIDGMENT, AND BY WHOM?

The first question which arises under this second section of the fourteenth amendment is, What is a denial or abridgment of the right to vote as contemplated? Must it be by law or by individuals? What constitutes a denial or abridgment if otherwise than by law? What is the amount of private force and intimidation, or the kind of device or fraud which constitutes a denial or abridgment? The last act of apportionment was passed on the 2d of February, 1872. It did not pretend to settle this or anything else as to this fourteenth amendment. It re-enacted the clause of the Constitution, and fixed the power which must deny or abridge.

It says "should any State" deny or abridge. It does not say person or community or other organism; so that, in so far as any interpretation may be drawn from the law of 1872, the only constraint on suffrage must be from the State and by legal enactment. No practical application has been made of the constitutional clause or the law. It has been hitherto a dead letter. Nor is it possible now, with any known data ascertainable with reasonable accuracy, to apply either the Constitution or the law to the apportionment. In the absence of any expression in the Constitution as to what is denial or abridgment and through and by whom it must occur, we can but guess at its meaning, or take the interpretation given by the law of 1872. The right of voting remains even if individual wrong-doing impede its exercise. The act of an individual cannot set aside, shorten, or modify the legal right. If the right remain and its exercise be obstructed the remedy and penalty are by law, civil and criminal. The remedy is found in State and Federal statutes and at common law.

EFFECT OF THE FOURTEENTH AMENDMENT.

In 1870 the attempt was made to ascertain what would be the effect of the constitutional amendments upon the representative population of the several States. Returns were made by the governors of States to the Census Committee. They showed the cause of disqualification in various States. A section was incorporated in the bill at that time empowering the Secretary of the Interior to make the deductions under the fourteenth amendment, but the bill failed to become a law. No provision was made for the deduction.

GENERAL GARFIELD'S PERPLEXITY.

The debate which took place at that time on this topic is instructive, especially as the republican leader of the House (General Garfield) endeavored, but in vain, to meet the difficulty. (Globe, December, 1869, page 37 *et seq.*) He had charge of the bill, and tried to readjust the schedule of population so as to conform to the fourteenth amendment.

> It is a curious fact—
>
> Said he—
>
> perhaps not new to every gentleman in this House, though it certainly was to me, that the provisions of the fourteenth amendment to the Constitution change the representative basis of the National Legislature in a way that no one, so far as I remember, supposed it would when that amendment was before Congress.

He further said:

> Everybody knew, of course, that there was a change, but none seemed to be aware how radical and sweeping that change was. I observe my friend from New York [Mr. COX] is disposed to understand the word "radical" in a more literal sense than I used it. I admit that he is entitled to that view. The fourteenth amendment, so far as it related to suffrage, was generally understood as referring exclusively to the denial of the right to vote on account of race or color. But the language of the Constitution is much broader. It is in substance that wherever the right to vote is denied or abridged in any State, not merely on account of race or color, but for any other reason than rebellion or crime, in that State the basis of representation shall be reduced proportionately. The committee found it necessary, in view of that provision, to inquire what were the other grounds in the several States on which the right to vote was abridged or denied except for rebellion or crime.
>
> * * * * * * *
>
> Without going into the matter more minutely, I will say in general that there *are seventy or eighty grounds on which men are excluded from the right to vote under the laws of the different States besides rebellion or crime.* How far those different causes will operate to reduce the basis of representation is a grave question.

In concluding his remarks General Garfield confessed the difficulty of arranging any plan or schedule to carry out the sweeping clauses of the fourteenth amendment. The schedule which he proposed, but which never passed, as to male citizens over twenty-one, did not help. Where any one is denied or abridged suffrage, who has or can ascertain it?

WHO DECIDES ON THE DISQUALIFICATIONS.

It will not do to allow the Superintendent of the Census or the Secretary of the Interior, or their subordinates, enumerators, or others, to decide who are to be deducted. That encroaches upon our duty. Their duty is not judicial, only ministerial. Congress, on a report of authentic facts, may decide it, if they believe that the tenor and intent of the fourteenth amendment demands it.

NUMBER OF DISQUALIFICATIONS.

"There are seventy or eighty grounds of exclusion," says General Garfield. Now I say that it was never intended by the framers of the fourteenth amendment to do more than carry out what was afterward expressed in the fifteenth, viz, "that the rights of citizens of the United States shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude." This I affirm and will prove. The second section of the fourteenth amendment was a penalty and command for universal suffrage. It meant that the representative quality of the negro should not exist except it go hand in hand with his voting quality.

Among the many disqualifications from voting gathered from the Constitution and laws of the States, in addition to rebellion or crime, are the following:

1, Those who have inflicted cruel or unusual punishment in the "rebellion," or violated the rules of civilized warfare; 2, embezzlers of public funds, or those guilty of malfeasance in office; 3, idiots and insane; 4, United States soldiers, sailors, and marines; 5, those dis-

qualified in States from which they came; 6, duelling, or challenging, or aiding; 7, test oaths; 8, reading; 9, tax-paying—county and other tax; 10, pauperism; 11, persons under guardianship; 12, not presenting certificates of naturalization, if naturalized; 13, betting on elections; 14, education; 15, time of residence; 16, non-registered persons; 17, locality; 18, capitation or poll-tax; 19, dishonorable discharge from United States service; 20, defrauding United States or State; 21, students; 22, read English, and write his name; 23, property qualification; 24, imprisonment; 25, Chinaman; 26, rental; 27, nativity; 28, certain Indians "taxed;" 29, persons living on United States lands ceded by State; 30, read an article in Constitution, &c.; 31, not good moral character; 32, not of quiet and peaceful behavior; 33, not citizens ten days before the election.

For a more recent catalogue of these alleged abridgments, I refer you to the debate on the Massachusetts case. The very disputation there as to the tenor and effect of the fourteenth amendment shows how useless it is to try to extract any authentic facts bearing on this question.

Some of these disqualifications may have been removed since their collation ten years ago, and since the adoption of the fourteenth amendment; but most of them remain. Doubtless others have been added. So that in a hurried glance, and without going into the divisions under each head, some thirty-odd cases seem to be within the strict category of the fourteenth amendment, whether intended or not.

INTENT OF THE FOURTEENTH AMENDMENT.

If we take the intent of those who passed and adopted the fourteenth amendment, it is clear that they meant it only as a punitive or forceful mode of compelling negro suffrage, which was denied in the South when the amendment was declared ratified on the 16th of June, 1866. No one understood that it meant to reduce representation, because States had made regulations concerning the exercise of the right of voting, such as previous residence, registration, or taxation which do not absolutely deny or abridge voting. It was only understood to apply to denial or abridgment of a class which had individual and fixed peculiarities inherent in the person, such as race, color, or nationality. That this was the understanding of Congress is apparent, when we recall that new constitutions, as in Georgia, which required registration and a poll tax before voting, were approved by Congress after this fourteenth amendment was a part of the Constitution. Why, if this be not so, Pennsylvania, which requires a poll tax should have no representation; for the right to vote of every voter in the State is thus abridged. If this be not so, then a State is to be punished for not allowing crazy people to vote.

In debating upon the list of the disfranchised in 1872, Ohio was put down as having some twenty-five hundred disqualified. "Who are they?" it was asked. Senator Sherman replied, "They must be lunatics and insane." That was before Ohio had given so much grace and glory to the Republic.

If this be not the true rendering of the meaning of the fourteenth amendment, then a mode by which the voter comes into the exercise of his right, as by learning to read and write, or by registration, or by the acquisition of property, is a denial of the right itself instead of a step toward its enjoyment! If this view be correct, then we are authorized to adopt the opinion of Mr. Speaker Kerr, who contended that any attempts of this kind to settle representation by deducting all the disqualified would prove abortive. He believed that no discrimination, except as to the denial of negro suffrage, should be made. Congress finally, in 1872, acted upon this belief, or its necessity was obviated, by increasing the number of members, and thus avoiding the difficult problem of the fourteenth amendment.

CONTEMPORARY OPINION.

On the 16th of December, 1869, (Globe, second session Forty-first Congress, page 181,) in speaking on his bill just before its passage by the House, General Garfield again declared that when the fourteenth amendment was adopted the exclusion applied only to colored people who were denied the ballot by the laws of their State. But as the language was broader and covered all grounds of exclusion, he felt the embarrassment. He specified nine general classes, with various subdivisions, and specified the number of States where the exclusion existed. Sixteen States then excluded for color, thirty-six as to residence in the State, and thirty-seven as to local residence, eight as to taxes and property, twenty-four as to pauperism, idiocy, and insanity, and so on. I send to the Clerk the statement to be read.

The Clerk read as follows:

	States.
1. On account of race or color	16
2. On account of residence on lands of the United States	2
On account of residence less than required time in the United States	2
On account of residence in State less than required time, (six different specifications)	36
On account of residence in county, city, town, district, &c., (eighteen different specifications)	37
3. Wanting property qualifications, or non-payment of taxes, (eight specifications)	8
4. Wanting literary qualifications, (two specifications)	2
5. On account of character or behavior, (two specifications)	2
6. On account of services in Army or Navy	2
7. On account of pauperism, idiocy, and insanity, (seven specifications)	24
8. Requiring certain oaths as preliminary to voting, (two specifications)	5
9. Other causes of exclusion, (two specifications)	2

Mr. COX. It was meekly proposed to get information from the census as to these citizens thus excluded from the suffrage. I need not again remind the House how it failed. The statesmen who passed the fourteenth amendment utterly ignored it. They seemed satisfied with its sequence, the fifteenth amendment.

A Senator from New York, [Mr. CONKLING,] in discussing this matter on the 7th of February, 1870, (page 1079,) held that the fractional enumeration of the slaves was superseded by the fourteenth amendment. So Mr. Speaker Kerr held. In their judgment the fifteenth amendment obliterated the last distinction as to color in representation. Both, therefore, disfavored the proposition to reduce the representative population by counting out any excluded persons. The Senate agreed to this. An Ohio member who was foremost in leading the House on these new amendments (Mr. Bingham) strenuously contended that no matter if the discrimination existed when the census was taken, if thereafter the State redressed the wrong no reduction should take place. He regarded color and race as the only objective points of the fourteenth amendment, and these were no longer obstacles to a full representation of all the people.

On the 14th of December, 1869, General Garfield, after showing that in 1860 there were in fourteen States 726,635 people to whom the right of suffrage was denied by reason of color or race, and that the number must have increased since 1860, insisted that the representative basis of these fourteen States would have been proportionately reduced by the fourteenth amendment. But he held that if the fifteenth amendment forbidding the denial or abridgment of the rights of citizens "on account of race, color, or previous condition of servitude" should be adopted, (as it was afterward,) there would be no such reduction. In view of the difficulty then, he struck out of his census bill all that referred to representation, deferring it to another time, which never came.

PLANS IN 1871-'72.

When the apportionment was considered in the last session of the Forty-second Congress, on the 6th of December, 1871, two plans were offered. One was the old plan of fixing arbitrarily upon the ratio and dividing the population of each State by that number, so as to obtain the number of members for each State. This cut off Missouri and Illinois from one member each, although their fraction was above the moiety of the ratio and larger than that of other States, which obtained another member by that plan. The other plan was the one which our committee adopts. It divides the whole number of the population by the number of members, and thus fixes the ratio, and then following out the logic of figures by dividing that ratio into the population of each State, obtains the number of members for each State The fractions which were largest receive the additional member until the whole number of members fixed upon was complete.

When the debate occurred on fixing the ratio and number of members in December, 1871, this same fourteenth amendment was a lion in the path. Again General Garfield reiterated the facts as to exclusion from suffrage. He again failed to find any proper calculations under the amendment in the report of the Census Office or in the pending bills. He said that he did not know how large was the sum to be subtracted in any State; that the facts were difficult to ascertain, and he insisted very timidly on further information before further action.

A BLADE WITH TWO EDGES.

Finally, on the 12th of December, 1871, (Globe, 83,) a table was presented from the Census Office showing reductions from the total populations of each State, according to the proportion of their disfranchised persons. This, on a basis of two hundred and eighty members, left 2,329,983 of fractions. Much complaint was made of this statement and its effect, as in some States, like Massachusetts, Missouri, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Wisconsin, Virginia, and Texas, owing to alienage and other disqualifications, there were large reductions from the ratio. The table did not particularize the separate causes of disqualification, and I demonstrated in that debate, from that table, that if the fourteenth amendment was to be executed Rhode Island and Ohio were entitled to one member less each, and that Massachusetts came within one thousand of losing one, if moiety was the rule and two hundred and eighty the number. Mr. Garfield admitted that I was justified in my criticism, (Globe, 82,) and bemoaned again the unfortunate language of the fourteenth amendment. He repeated:

> I do not believe that those who put it into the Constitution saw at the time the full scope and extent of its meaning. As a matter of history it was intended to declare simply that where suffrage was denied or abridged in any State on account of race or color or previous condition of servitude, representation should be diminished in the proportion of such denial and abridgment. And that was a wise and a just proposition. But I believe, as a matter of historical fact, that when the article was pending in Congress some one suggested, in the spirit of a similar criticism made by Madison in the constitutional convention, that the word "servitude" or "slavery" ought not to be named in the Constitution as existing or as exercising any influence in the suffrage; and hence this negative form was adopted to avoid the use of an unpleasant word. But in adopting the negative form, with a view to the exclusion of only two classes, they did, as a matter of fact, exclude many classes, who were manifestly not in the mind of the authors of the amendment at the time. Thus they made the back of the blade cut as sharp as the edge itself. The whole case is a striking illustration of the danger of attempting to reach an object indirectly where there was a direct road which led to the same end.

As both the back and edge of the blade were made sharp beyond any intent, no one has had the temerity to insist on the practical application of the blade, which cuts north, south, east, and west. Still he insisted, feebly, that the deductions should somehow be made;

but, as the Constitution did not execute itself, and as the Senate had refused to make any law to collect the needed data, and as the Interior Department, after having made some little effort, gave an unsatisfactory and indefinite result, the matter subsided into the limbo of departed Utopias.

Upon so important a matter as the popular foundation of our legislature, and with the quick jealousy of representatives as to local interests, Congress in a searching debate unraveled as best it could the tangled skein; but when it was unraveled the labor and material were found not worth the pains. One difficulty arose after another until there was nothing left but a mangled or dead fourteenth amendment.

COMPLICATIONS FROM THE FOURTEENTH AMENDMENT.

Aside from the fourteenth amendment, complications grew out of the question whether Nevada with 42,491 population, Delaware with 125,015, and Oregon with 90,923, should be deducted from the whole population, out of which the ratio is made, and which is the proper divisor to ascertain the number of members for each State. Each of these States being entitled to one member, irrespective of its population, must not the dividend be reduced by their population and the divisor reduced by the number of these little States? This was settled more easily than the fourteenth-amendment imbroglio.

In the debate which occurred in the House on the 10th of May, 1866, another difficulty appeared in an inquiry made by you, Mr. Speaker, to which no answer was vouchsafed. This second section of Article XIV, in your opinion, was ambiguous, and you asked this question:

What does this amendment mean? Does it mean that those males over twenty-one years not allowed to vote shall not be counted in the basis of representation? If so, why not say so in terms; but if it means, as it may, that the diminution of representation is to be in the proportion they bear to the voters, it may deny all or greatly abridge representation. Suppose, for instance, a State with 100,000 voters, and a similar number excluded; if proportions are considered, this State would seem to have no Representative.

I cannot find that this question was answered; and the second section continued to present this arithmetical problem: that the basis of representation shall be reduced in the proportion which the male inhabitants and citizens of twenty-one years of age who are excluded shall bear to the whole number of those twenty-one years of age in such State. When the matter came up for practical action in 1871–'72 I endeavored to make this plain by an illustration, which showed the tangle into which representation was drawn by departing from the principle of the Constitution and by making a mixed basis of suffrage and population.

FOURTEENTH AMENDMENT OVERBOARD.

So great were these complications that at last it was agreed to throw overboard the fourteenth amendment. The ratio was fixed without heeding it, at 131,425; which, by allowing an additional Representative to each State that had a fraction greater than a moiety of the ratio, made the House consist of two hundred and ninety members. Then a supplemental bill came in on the 8th of May, 1872. It gave to two States a member each, for a fraction less than a moiety, namely, New Hampshire 55,450, and Florida 56,323. Other States, Indiana, Louisiana, Pennsylvania, Tennessee, New York, and Alabama, had the fraction above the moiety, and altogether made up two hundred and ninety-two, to which Colorado added one more, to make our present number two hundred and ninety-three.

But the greatest difficulty, insuperable to the execution of the fourteenth amendment, is the various grounds of exclusion. Doubtless, counting all the subdivisions, the estimate of General Garfield of seventy or eighty grounds of exclusion, beside rebellion and crime, will be found to be correct. Since no State by law excludes or abridges any one from suffrage now on account of race, color, or previous condition of servitude, and since the facts for the reduction are not forthcoming, is it possible for Congress to execute this amendment? Not according to its letter. According to its spirit and intent it has no binding force; it operates on nothing.

THE CASE OF RHODE ISLAND.

If there be any case where disqualification should reduce the ratio it is the case of Rhode Island. It is a most flagrant case of disfranchisement. A report has been made upon it (No. 572, Senate report, Forty-sixth Congress, second session) by Senator WALLACE.

Under the constitution of that State naturalized citizens, who are equal under all laws with native-born, must possess a qualification not required of native-born citizens. This is an odious real-estate disqualification, and is altogether less republican than the disfranchising laws of Massachusetts, which concern illiteracy. The number thus deprived of suffrage is variously reckoned. Dr. Snow, the Superintendent of Census, a competent judge, estimates the disfranchised at from three thousand to five thousand. "It is possible," says the report, "that from twenty thousand to twenty-five thousand foreign-born citizens of Rhode Island might be qualified to vote if naturalized;" the number reported in the Rhode Island census of 1875 as qualified being only 5,364. Others estimate the disfranchised as not less than ten thousand to fifteen thousand.

In Rhode Island the vote for President and Congressmen, as compared with other thickly populated States, is significant. The averages in 1878 are nearly one-half those of Vermont, and about a third of those of Maine, Connecticut, and New Hampshire, and more than half of those of Massachusetts. The vote in 1878 of Rhode Island per district, average, was 9.198; of Massachusetts, 22.707; Vermont, 16.358; Maine, 25.749; Connecticut, 26.089; and New Hampshire, 25.257. Not only does this denial and proscription vitiate the political life of the State, giving a low tone to its morality, but it goes further. It is a scandal to republican government. The population of Rhode Island, for the year ending June 1, 1880, is 276,528; for the year ending June 1, 1870, it was 217,353. The quota for the past decade was 131,425. Deducting 9.96 per cent. as the disqualified people of Rhode Island, then, the representative population would have been reduced to 190,000. Rhode Island would have lost one representative in Congress, and consequently one in the electoral college; and one vote would have decided the Presidency in 1876.

This is the substance of Senator WALLACE'S report. He justly inveighs against this discrimination against the foreign-born. He recognized the legal difficulties in construing the fourteenth amendment; but he found more difficulty in the absence of facts which might serve as an intelligent basis of legislation. The committee therefore recommended the passage of a bill referring both law and facts to the Superintendent of the Census. This officer was to construe the amendment and count up the citizens who were abridged and denied in their suffrage.

This bill never passed. No steps were ordered to ascertain the facts. We are utterly helpless, because of the lack of this knowledge, even if we should construe the amendment as reducing the basis.

The minority of that committee, through Senator BLAIR, made a counter-report. It held that Congress had no power whatever under that amendment to reduce the basis of representation.

STATE CONTROL OVER SUFFRAGE.

The Senator held that the State, in its discretion, could fix such conditions upon voting as the property-ownership of aliens, and that such a condition was no worse than the registry and tax conditions in other States. After quoting from the majority report, to show that it held that the States were sovereign over suffrage, the minority refer to the Report on Frauds, &c., in Massachusetts and Rhode Island, page 8, where the majority, speaking of alleged wrongs brought to the attention of the committee in Massachusetts and Rhode Island, say:

Wrongs upon the ballot or interference with the right of suffrage or with the modes of qualifications of the voter, are questions which are to be corrected and controlled by the States, and not by the Federal Government. Suffrage is under the control of the States, and not of the Federal Government. The latter has no voters of its own creation; it cannot define who are voters; it cannot qualify voters, nor can it protect voters from wrong by inflicting punishment upon those who compel them to improperly exercise their right of suffrage. It may punish for crimes committed in regard to the *manner* of voting, but an offense against the *right* itself must be punished under State law, and not by Federal statute.

See, also, pages 12 and 13 of their report above upon alleged discrimination in Rhode Island.

The whole question is one of the right and power of the State to regulate the rule of suffrage as it affects presidential electors and members of Congress. This power and right under the Constitution of the United States is with the States, and not under the control of Congress. The Federal system bases its very existence upon the rights of the States to regulate the rule of suffrage.

The existence of the Federal Government depends upon the existence of the State governments. Without their existence in their entirety it absolutely falls into chaos. It cannot continue itself for an hour. There are three great parts of the Federal Government—the legislative, the executive, and the judicial. The legislative has two branches—the House and the Senate. There can be no House of Representatives of the United States after the State governments have ended. The governments of the States must exist or the popular branch of Congress fails to exist. * * * We cannot and dare not entertain the thought suggested by those who suffer in Rhode Island. Their remedy lies in another field.

The doctrine of the majority—

Says this minority, (in which I cordially concur)—

is thus seen clearly to be that the States have the absolute right to deny or abridge the suffrage. The majority then stand upon this position, namely, that the States are supreme and absolute in their control of the *right* of suffrage. They, perhaps, ought not to destroy it; but if they do, there is no remedy. The fifteenth amendment confers no power over the *right* generally. It only forbids discrimination by reason of race, &c., and all conceivable limitations, and even final destruction, may be imposed upon the exercise of this right, provided that there is no discrimination by reason of race, color, or previous servitude. The outrage, if partial, may be prevented. If it reaches all citizens alike, even though absolutely destructive, it is lawful and remediless, so far as the National Government is concerned.

Whatever, Mr. Speaker, may be our duty in guaranteeing to each State a republican form and displacing thereby an oligarchical form of government, under article 4, section 4, of the Constitution, I should be reluctant, on the grounds stated, to interfere with the State right to regulate suffrage. Each State should provide the qualifications of is own voters, subject to the Constitution; but where naturalization supervenes and confers the right of citizenship, there is no right in the State to discriminate between one class and another class of citizens.

The variety of qualifications and abridgments of suffrage in the States would, however, render the work of reducing representation interminable and complicated. In other States than Rhode Island qualifications and denials of suffrage are applied equally to native and foreign, black and white. It is reserved to Rhode Island, in effect, to nullify the naturalization laws of the United States, leaving many of our best white inhabitants, who pay their taxes and are liable to military duty, and who had abjured allegiance to the land of their birth, without a country. The remedy, however, is not in reducing her representation.

MASSACHUSETTS' CASE.

The report of the minority in the Massachusetts election case claimed that of the 376,332 citizens of the United States 136,859 were disfranchised from other causes than criminality, idiocy, and insanity, the causes being illiteracy and failure to pay tax and pauperism. This is indeed startling, if true. It would be more so if the other disfranchised, idiots, &c., were added, as by parity of reasoning they should be. Leaving out those above excepted and adding aliens, it was claimed that 105,109 citizens had their immunities abridged and could not vote. This, it was held, would reduce the Massachusetts representation in Congress from eleven to eight, and in the electoral college. This holding was stoutly denied, and the right of Massachusetts is cogently stated and defended in the speeches of the honorable gentlemen from Massachusetts, [Mr. FIELD and Mr. LORING.] It is the best doctrine as to suffrage; for it is the right of the State to regulate her own suffrage, and it was roundly asserted.

RECENT ACTION AS TO THE FOURTEENTH AMENDMENT.

During the last Congress there was some action taken in regard to the census of naturalized citizens. By the seventeenth section of the law of March 3, 1879, in schedule No. 1, there was an inquiry required as "to all foreign-born, whether alien or naturalized persons." This was inserted as an addition to the schedule of the law of 1850. The Senate sent us a bill proposing its repeal. After much debate on the 1st of April, 1880, (RECORD, volume 10, pages 20-32,) in which my friend from Rhode Island [Mr. ALDRICH] took a leading part, and notwithstanding a careful letter from General Walker against its retention, the House refused to strike out. I opposed striking out, and the House agreed to let it remain for a conference. The animus of the movement to strike out was apparent from the remarks of my friend from Rhode Island. He evidently thought that the inquiry was intended to elicit facts, so as to reduce the number of Rhode Island's Representatives by reason of her denial of the suffrage to naturalized persons lacking $134 real property. He was right in his surmise, and he has gained his point.

The communication read to the House from General Walker, (second session, Forty-sixth Congress, page 2033,) held that the census was not a competent agency for prosecuting an inquiry as to naturalized persons. He gave his reasons: First, that the inquiry was generally made of women by the enumerators, and they could not decide as to the record or process of naturalization. Second, mere voting was no test, as many voted who were not finally naturalized. On the whole, the Superintendent of the Census could not insure any result worth having by the inquiry. If not as to this inquiry as to naturalization, how could he expect answers as to the seventy or eighty kinds of disqualification? Our courts have differed on these points. Even if you should send around your best judges they would not agree as to what was a denial or abridgment of suffrage under the fourteenth amendment of the Constitution; and, *a fortiori*, how could you expect it of officers unfamiliar with such nice legal questions? Certainly you should raise their pay and the standard of selection if this should be required of the ordinary enumerator.

However, when the conferees met on the Senate bill of last session the question was still open. I presented it to them. It was considered, and, on the whole, it was decided to be impracticable to execute the fourteenth amendment as it was interpreted. This was the opinion of northern and southern Senators. The House conferees acquiesced. The gentleman from Rhode Island was gratified. No account was to be taken of the amendment. Its inhibition against enumerating those who were denied suffrage was treated as null; and so it has remained.

More than that; the Senate absolutely denied to Senator WALLACE the enactment of his bill to enumerate the class in Rhode Island which was disfranchised.

REPRESENTATION OF THE WHOLE PEOPLE.

Why should we be so eager to apply penalties to States, so as to compel a certain kind of suffrage? Why, by construction, refine away the principle of representation? Is it not a more comprehensive principle than that which underlies voting? It includes voting. Voting concerns one in five; representation concerns five out of five—all. In representation there is no sex, color, or condition; no division of the black into fractions, the unrepresented part, two-fifths, being property, and the remainder represented as persons. Is it not democratic and republican—now that the object of the amendment, colored suffrage, is attained as well in the States as by the fifteenth amendment—to strengthen, by widening and cementing the foundation of our Federal structure?

Let it be remembered that we are not here as the exponents of suffrage, the servitors of wealth, or the choice of education. We do not sit here for the few nor for the many. We are for all. All—this is the source of our system. This is our best credential. It requires no tabulation of votes or great seal. It is our pride that before any other nation we made it a part of our fundamental law, that the census of all should be taken, and taken as the *fons et origo*, the essence and genius of our polity.

In the thirty-ninth number of the Federalist, Mr. Madison placed this polity in its lofty light. He declared that it was essential to such a government as ours, that it be derived from the great body of the society, not from an inconsiderable portion or a favored class. The whole number of the people was his standard of representation. Every tradition, utterance, and principle of our early statesmen condemn the sophism that a non-voting population have no interests to be represented, and that female and minor, idiot, insane, and poor are not entitled to protection; and that aliens, ay, and rebels, too, who are not voters, do not make up that living mass in whose veins, in the eye of God, runs a more precious purple than ever gave its Tyrian dye to the robes of royalty!

THE STATES—AS SAMPLES.

Our own States, following Federal example, based their representation on a census taken by themselves in some cases and in others upon the Federal census. Twenty States include the total population in the representation; while New York, less republican, excepted aliens and colored people not taxed, and Nebraska and Wisconsin except Indians not taxed and Navy and Army officers. Oregon, Illinois, and Texas limit the representative basis to white inhabitants; Indiana to white males over twenty-one years of age; Kentucky and Tennessee to voters, and Pennsylvania, still less republican, limits it to the taxable inhabitants.*

OTHER GOVERNMENTS NOT TRULY REPRESENTATIVE.

So that with these few exceptions, all our Commonwealths have a thoroughly popular basis, ascertained by legal methods. Volumes have been written to show the representative quality of ancient and modern governments, but I have yet to find one, even in the ideals of Plato, More, Bacon, and Harrington, so instinct with the spirit and so grounded on the fact of popular supremacy as our Federal Government and its constituent States. Approaches may have been made to enlightened liberty; well-ordered republics have survived for centuries without this substantial groundwork; but after all, nations which have risen and flourished have decayed, because not founded on the will of the people. If the power of the people be not asserted as well by a body of legislators as by its full representative capacity, it is no republic.

The democracy of Athens was overthrown by a *coup d'état*, accompanied with assassination, and by the substitution of a council of four hundred and limiting the franchise to five thousand. Legislature as it was, still it was an oligarchy, and soon died a violent death. Nowhere in the varied history of Greece do we find the principles or practice of representation. Aristotle nearly guesses out, *á priori*, our federal system, when he speaks of a moderate oligarchy, in which men of a certain census elect a council intrusted with the deliberative power, but bound to execute this power agreeably to established laws. (May's Democracy in Europe, volume 1, page 130.) Greece had her leagues, international and municipal, but they were not founded, like our Congress, upon a count of the whole people.

Rome had a senate, but it was made up of the rich and ambitious, men chosen to high magistracies, or who had done the State some conspicuous service. But the senate was continually at war with the tribunes and the comitia. It had no popular element in it, and like the English House of Lords, it could not bear the brunt of popular tumult. Attempts were made in the Middle Ages and in the Italian republics to revive the old Roman senate, but its glory had departed. A senate which was a travesty on ancient Rome met in the old capitol. It had fifty-six members. It grew less and less, until only one senator remained. It had no popular basis. The "bannerets" of Rienzi were chosen by districts, and the democracy of Florence was sustained by popular meetings in the square of the Signoria, voting by acclamation, as in the agora and forum; but it was only a family arrangement. The Hebrews, after their exodus from Egypt, acknowledged but one God and king. The several tribes followed their own leaders, but general decrees required the ratification of the whole people, like the Saxon laws described by Tacitus. The popular councils of Switzerland, modeled after those of Germany, where laws were made in the open assembly without the bidding or hinderance of kings or chiefs, were the forerunners of that pact, by which the barriers of lake and mountain were removed, so that distinct nationalities sat side by side in a federal diet, drawing the federal bond tighter and tighter till it assumed a form that ranks beside Achaia and America. (Freeman, volume 1, page 6.)

The Witenagemote of early England, made up of the earldormen, bishops, abbots, thanes, and courtiers, had its final outgrowth in the Parliament just assembled on the Thames. From the Conquest to the time of King John, prelates, earls, and barons formed the legislative power, except for taxes. The landed estate afterward made up the Parliament. Judge Story, writing his Commentaries, in 1833, in vindication of our system, says that the House of Commons is made up of representatives of old and decayed boroughs, in some cases with scarcely a single inhabitant; and of the five hundred and fifty-eight members then and there, one-ninth were elected by 364 persons, and one-half by 5,723 persons, and the half are representative of other than popular interests. (Book III, chapter ix, sections 642 and 661.)

There has been much improvement, owing to household suffrage, since that time; but still one only out of twenty of the British people at the present time vote; there is no trace of representative government, based on a census. (Todd, page 36, volume 1.)

* Since speaking I am informed that the new constitution of Pennsylvania has changed this.

The legislature has its history in France; and the French Chamber, like the Spanish Cortes and German Reichshräth, are growths from the crude councils which in all ages, countries, and under various names, have made laws for mankind. The Champ de Mars was the origin of the Frank assemblies. They were called to divide the loot of armies, at first; and after many vicissitudes, and long gaps amounting to five centuries, they died out. In 1779, provincial assemblies were revived. They discussed grievances; they became masters. The Parliament of Paris called for the states-general. It had been two hundred years obsolete; but it was based on "orders"—three estates, one of which was the commons. It grew into the national assembly, and the revolution began. But what is the French Chamber as a representative element? Had the body been representative of the people, its leaders would not have been carted away in the dead of night, on the 2d of December, 1851, to ignominious cells by the De Mornys, Fleurys, Persignys, Saint Armauds, and De Maupas of the *coup d'état*, while Louis Napoleon replaced, under a sham plebiscite, the Roman eagle on the national standards.

Mr. Speaker, in none of these legislative organisms do we find the semblance of the American system of enumeration and representation. Opulence, dignities, titles, vassalage, municipalities, and classes have had their obsequious representatives in all ages and countries, and now and then, by some convulsion, the common people, in a fierce, wild, unequal way, had their will expressed in legislation, but as a general rule the people were unrepresented, either because of unfair local distribution of the representation or by the suppression of the franchise.

MINORITY REPRESENTATION.

It has been said by John Stuart Mill, in his book on Representative Government, that our American system is a collective despotism, as it ignores the representation of minorities. In discussing Mr. Hare's famous plan, he inveighs against our system, and mourns over our "faulty models," under which the highly instructed members of the community, except such as become the servile mouth-pieces of their inferiors in knowledge, do not even offer themselves for Congress or the State Legislatures, so certain is it that they would have no chance of being returned. (Page 160.)

Believing that under the Hare plan every member would be the representative of a unanimous constituency, Mr. Mill would provide a *point d'appui* for individual and minority resistance to the majority, or, in other words, organize a "function of antagonism." Without inquiring into the truth of these statements, or the despotism of majorities, or the practice in Illinois, and the New York board of aldermen, or even whether the plan of the gentleman from Illinois is workable or not, Utopian or not, comprehensible or not; without showing, as I can, that the plan of the gentleman is not a minority plan, but an awkward attempt to help a minority that needs no such help to be heard, it is no time now and this bill is no place for the consideration of propositions so unfamiliar and whose consequences are so problematical. Besides all innovations in cases of doubtful improvement have this disadvantage: they supplant the established which is already understood. But, sir, I deny that our representative system is the despotism of the majority. We have minorities, if not local, yet sufficiently distinguished by "the function of antagonism."

REFINEMENT OF OUR SYSTEM.

The history of our Federal representation in every sense is republican in fact, form, and spirit. What is representation in a political sense? Rousseau has denied its legitimacy as an agent of society; Guizot combats that theory of individual will as the source of sovereignty, and holds to the doctrine that no individual will has in itself any right to power except it conform to reason. These metaphysical distinctions have been spun into such a thin fiber that the one side has held that when you have supplied yourself with a representative you are no longer free. You have lost your sovereignty, your will, and given them to a master. The other side retorts, "Your personal will is insufficient for order and security. You employ a servant. He is your slave. You give him your suffrage only to execute your sovereign will."

So that, whether we individually consent to that which our deputy does or not, we are bound by his act as representing us. Even the minority, by the theory of our system, consents impliedly to the will of the majority, and there is practical unanimity, and this is the refinement of our system.

OUR DANGERS AND SUCCESSES.

But it may be said that with all this popular basis and its results, have we not the same greed for gain, ambition to excel, love of rule, desire to intrigue, and play of unruly prejudice, jealousy, and passion, which have made the history of other nations tragical even to their decline and fall?

Still, in spite of this demoralization in its worst aspect, it may be answered; who shall compete with us in our abundant harvests, our rich balances of trade, our increase in commerce and expansion of labor, our influx of precious metals, and our own inexhaustible mines of coal, copper, gold, and silver; our unexampled exportations and importations, our attractive forces and their marvelous immigration, our stupendous intercommunications and their incomes and outgoes by rail, canal, lake, river, and sea; our inventive faculty, with its miracles of manufacture; and above all and beyond all, what can rival the star which as it moves westward from ever-renewing centers of a restless population has in a century, added 47,000,000 to its active energies?

Again, it may be said, that with a tendency to corruption and decay, where is the warrant that this immense gathering of figures and facts in a census for the splendid generalizations of political philosophy will not prove a dead aggregation of mere material facts and not a vitalizing and ennobling principle of civilization? That warrant is in the virtue, schools, and intelligence of the whole people, who, receiving their inheritance of natural wealth, endowed in the æons past, by geology and its changes,—with an opulence of fertility and wealth, have transmuted it beyond the dreams of alchemy into manifold and magnificent values, spreading their domain since 1790 from a little strip along the Atlantic into continental proportions, reaching from sea to sea. These extraordinary advances in greatness and glory are due to the representative system which strikes no name, however humble or dependent, from its roster of nationality.

France and Spain may indulge in their revolutions; Russia and Germany may tremble before communistic and nihilistic terrors; England may boast of her rule in Asia, Africa and Ireland, and proudly echo the praise which her laureate lavishes on her, as

> A land of settled government,
> A land of just and old renown,
> Where freedom broadens slowly down,
> From precedent to precedent;

but she has no popular representation in her Parliament founded on the people. It was left for us—her colonies—a century ago, in this new hemisphere, and in a written Constitution, to erect a muniment, high and splendid, around the temple of our liberty, and to guard it, with a unity and force which the division and variety made by mountain and river, and the strong passion of hostile armies, could not sever. By it our composite society is assured of protection, stability, and progress.

In rearing this muniment every one has builded over against his own house as in the days of dismantled Jerusalem; so that by the whole mass of our living people, freedom broadens decennially, not from precedent to precedent, but it expands and strengthens like the boles of the oak, by its inner growth drawn from the soil, sun, and sky, into an intense robust life which, thanks to a kind God, has defied the tempests of the past century, and under His guidance will defy the storms of centuries to come! [Loud and continued applause from both sides.]

EXHIBIT A.

Gains and losses North and South.

Number of Representatives.	North.				South.				Gain of South over North.	Loss of South over North.	Totalnorthern Representatives.	Total southern Representatives.	Northern members by fractions.	Southern members by fractions.
	Total.		Net.		Total.		Net.							
	Gain.	Loss.	Gain.	Loss.	Gain.	Loss.	Gain.	Loss.						
290	7	13	....	6	7	4	3	....	9	....	181	109	11	7
291	8	13	....	5	7	4	3	....	8	....	182	109	12	7
292	9	13	....	4	7	4	3	....	7	....	183	109	12	7
293	10	13	....	3	7	4	3	....	6	....	184	109	13	7
294	10	12	....	2	7	4	3	....	5	....	185	109	13	6
295	10	12	....	2	7	3	4	....	6	....	185	110	13	7
296	10	11	....	1	7	3	4	....	5	....	186	110	14	6
297	10	10	....	....	7	3	4	....	4	....	187	110	15	6
298	10	9	1	....	7	3	4	....	3	....	188	110	14	5
299	10	9	1	....	7	2	5	....	4	....	188	111	14	6
300	10	8	2	....	8	3	5	....	3	....	189	111	13	5
301	10	8	2	....	8	2	6	....	4	....	189	112	12	6
302	10	8	2	....	8	1	7	....	5	....	189	113	11	7
303	10	7	3	....	8	1	7	....	4	....	190	113	11	7
304	10	7	3	....	9	1	8	....	5	....	190	114	10	8
305	10	7	3	....	9	....	9	....	6	....	190	115	7	9
306	10	6	4	....	9	....	9	....	5	....	191	115	7	8
307	10	5	5	....	9	....	9	....	4	....	192	115	8	8
308	10	5	5	....	10	....	10	....	5	....	192	116	8	8
309	11	5	6	....	10	....	10	....	4	....	193	116	7	9
310	11	5	6	....	11	....	11	....	5	....	193	117	7	9
311	10	4	6	....	12	....	12	....	6	....	193	118	6	10
312	11	4	7	....	12	....	12	....	5	....	194	118	6	10
313	12	4	8	....	12	....	12	....	4	....	195	118	7	9
314	12	4	8	....	13	....	13	....	5	....	195	119	7	10
315	13	4	9	....	13	....	13	....	4	....	196	119	8	10
316	13	3	10	....	13	....	13	....	3	....	197	119	9	9
317	14	3	11	....	13	....	13	....	2	....	198	119	8	8
318	15	3	12	....	13	....	13	....	1	....	199	119	9	7
319	16	3	13	....	13	....	13	....	....	....	200	119	10	6
320	17	3	14	....	13	....	13	....	....	1	201	119	11	5
321	18	3	15	....	13	....	13	....	....	2	202	119	10	3
322	19	3	16	....	13	....	13	....	....	3	203	119	11	3
323	19	3	16	....	14	....	14	....	....	2	203	120	10	4
324	19	3	16	....	15	....	15	....	....	1	203	121	10	5
325	19	3	17	....	15	....	15	....	....	2	204	121	10	5

EXHIBIT B.

Legislative bodies of the world, with their numbers.

Country and name of legislature.	Number of chambers.	Number of members.		
		Upper.	Lower.	Single chamber.
Argentine Confederation—Congress:				
Senate	2	28	50	.....
House of Deputies				
Austria—Reichsrath:				
1. Herrenhaus	2	191	353	.....
2. Abgeordnetenhaus				
Belgium:				
Senate	2	68	136	.....
Chamber of Representatives				
Bolivia—Congress:				
Senate Chamber of Censors	3	30	30	30
Chamber of Tribunes				
Brazil—Legislative Assembly:				
Senate	2	58	122	.....
House of Congress				
Chili—Congress:				
Senate	2	37	109	.....
Chamber of Deputies				
Colombia—Congress:				
Senate	2	27	66	.....
House of Representatives				
Costa Rica:				
Congreso Constitutional	2	25	29	.....
Denmark:				
Landsthing	2	66	102	.....
Falkething				
Ecuador:				
Senate	2	18	30	.....
Chamber of Deputies				
France:				
Senate	2	300	532	.....
Chamber of Deputies				
Germany—Empire:				
Bundesrath	2	59	397	.....
Reichstag				
Anhalt—Diet	1	.....	.....	36
Baden:				
Upper Chamber	2	29	63	.....
Lower Chamber				
Bavaria:				
Chamber of Reichsräthe	2	72	156	.....
Chamber of Deputies				
Bremen:				
Senate	2	18	150	.....
Bürger-Convent				
Brunswick—Diet	1	.....	.....	46
Hamburg:				
Senate	2	18	192	.....
House of Burgesses				
Hesse:				
First Chamber	2	34	50	.....
Second Chamber				
Lippe—Chamber of Deputies	1	.....	.....	21
Lübeck:				
Senate	2	14	120	.....
House of Burgesses				
Mecklenburg-Schwerin and Mecklenburg-Strelitz—Diet	1	.....	.....	73
Oldenburg—Landtag	1	.....	.....	33
Prussia:				
Herrenhaus	2	302	434	.....
Abgeordnetenhaus				
Reuss-Greiz—Chamber of Deputies	1	.....	.....	12
Reuss-Schleiz—Diet	1	.....	.....	19
Saxe-Altenburg—Diet	1	.....	.....	24
Saxe-Coburg-Gotha—Diet	1	.....	.....	21
Saxe-Meiningen—Diet	1	.....	.....	24
Saxe-Weimar—Diet	1	.....	.....	31
Saxony:				
Upper Chamber	2	48	80	.....
Lower Chamber				
Schaumburg-Lippe—Diet	1	.....	.....	15
Schwarzburg-Rudolstadt—Chamber of Representatives	1	.....	.....	16
Schwarzburg-Sondershausen—Diet	1	.....	.....	15
Waldeck—Diet	1	.....	.....	41
Würtemberg:				
Standesherrenhaus	2	45	93	.....
Abgeordnetenhaus				
Great Britain—Parliament:				
House of Lords	2	538	658	.....
House of Commons				
Canada, Dominion of—Parliament:				
Senate	2	78	206	.....
House of Commons				
Cape of Good Hope:				
Legislative Council	2	21	66	.....
House of Assembly				
Natal—Legislative Council	1	.....	.....	28

County and name of legislature.	Number of chambers.	Number of members.		
		Upper.	Lower.	Single chamber.
Great Britain:				
New South Wales—Parliament:				
Legislative Council	2	21	102	.....
Assembly				
New Zealand—Parliament:				
Legislative Council	2	45	88	.....
House of Representatives				
Queensland—Parliament:				
Legislative Council	2	30	42	.....
Legislative Assembly				
South Australia—Parliament:				
Legislative Council	2	18	46	.....
House of Assembly				
Tasmania—Parliament:				
Legislative Council	2	16	32	.....
House of Assembly				
Victoria—Parliament:				
Legislative Council	2	30	36	.....
Legislative Assembly				
Western Australia—Legislative Council	1	.....	.....	21
Greece—Boulé	1	.....	.....	188
Guatemala—Congress:				
Council of State	2	24	52	.....
House of Representatives				
Hayti—National Assembly:				
Senate	2	30	.....	.....
Chamber of Deputies				
Honduras—Congress:				
Senate	2	7	11	.....
Chamber of Deputies				
Hungary—Reichstag:				
House of Magnates	2	746	444	.....
House of Representatives				
Italy—Parliament:				
Senato	2	270	508	.....
Camera de Deputati				
Liberia—Congress:				
Senate	2	8	13	.....
House of Representatives				
Mexico—Congress:				
Senate	2	56	227	.....
House of Representatives				
Montenegro—Council of State	1	.....	.....	18
Netherlands—States-General	2	39	86	.....
Nicaragua—Congress:				
Senate	2	10	11	.....
House of Representatives				
Norway—Storthing:				
Lagthing	2	28	83	.....
Odelsthing				
Paraguay—Congress:				
Senate	2	.....	.....	.....
House of Deputies				
Peru—Congress:				
Senate	2	44	110	.....
House of Representatives				
Portugal—Cortes Geraes:				
Cámara dos Parés	2	123	149	.....
Cámera dos Deputados				
Roumania—Parliament:				
Senate	2	70	145	.....
Chamber of Deputies				
Russia—No Legislature	.....	.....	.....	.....
San Domingo—Congress:				
Consego conservador	2	12	15	.....
Tribunado				
San Salvador—Congress:				
Senate	2	12	24	.....
House of Representatives				
Servia:				
Senate	2	17	160	.....
Skupstina				
Spain—Cortes:				
Senate	2	.....	.....	408
Congress				
Sweden—Diet:				
First Chamber	2	136	204	.....
Second Chamber				
Switzerland—Parliament:				
Ständerath	2	44	135	.....
Nationalrath				
Turkey—No Legislature	.....	.....	.....	.....
United States—Congress:				
Senate	2	76	293	.....
House of Representatives				
Uruguay—Parliament:				
Senate	2	13	40	.....
Chamber of Representatives				
Venezuela—Congress:				
Senate	2	.....	.....	.....
House of Representatives				

United States—the State Legislatures—number in senate and house.

States.	Number of senators.	Number of representatives.	States.	Number of senators.	Number of representatives.
Alabama	33	100	New Jersey	21	60
Arkansas	31	93	New York	32	128
California	40	80	North Carolina	50	120
Colorado	40	80	Ohio	37	114
Connecticut	21	248	Oregon	30	60
Delaware	9	21	Pennsylvania	50	201
Florida	32	92	Rhode Island	36	72
Georgia	44	175	South Carolina	33	124
Illinois	51	153	Tennessee	25	75
Indiana	50	100	Texas	31	93
Iowa	50	100	Vermont	30	240
Kansas	40	125	Virginia	40	100
Kentucky	38	100	West Virginia	25	65
Louisiana	36	120	Wisconsin	33	100
Maine	31	151	*Territories.*	*Coun.*	*Ho.*
Maryland	26	84			
Massachusetts	40	240	Arizona	13	26
Michigan	32	100	Dakota	13	26
Minnesota	41	106	Idaho	13	26
Mississippi	37	120	Montana	13	26
Missouri	34	143	New Mexico	13	26
Nebraska	30	84	Utah	13	26
Nevada	25	50	Washington	13	26
New Hampshire	24	300	Wyoming	13	26

EXHIBIT C.

Time of meeting of the Legislatures of States.

States.	Sessions.	Limit of session.	Next Legislature meets—
Alabama	Biennial	Fifty days	Nov. 7, 1882
Arkansas	Biennial	Sixty days	Jan. 10, 1881
California	Biennial	Sixty days	Jan. 5, 1882
Colorado	Biennial	Forty days	Jan. 5, 1881
Connecticut	Annual	None	Jan. 7, 1881
Delaware	Biennial	None	Jan. 4, 1881
Florida	Biennial	Sixty days	Jan. 4, 1881
Georgia	Biennial	Forty days	Nov. 3, 1882
Illinois	Biennial	None	Jan. 5, 1881
Indiana	Biennial	Sixty days	Jan. 6, 1881
Iowa	Biennial	None	Jan. 12, 1882
Kansas	Biennial	Fifty days	Jan. 11, 1881
Kentucky	Biennial	Sixty days	Dec. 31, 1881
Louisiana	Biennial	Ninety days	Jan. 12, 1882
Maine	Biennial	None	Jan. 5, 1881
Maryland	Biennial	Ninety days	Jan. 4, 1882
Massachusetts	Annual	None	Jan. 5, 1881
Michigan	Biennial	None	Jan. 5, 1881
Minnesota	Biennial	Sixty days	Jan. 4, 1881
Mississippi	Biennial	None	Jan. 6, 1882
Missouri	Biennial	Seventy days	Jan. 5, 1881
Nebraska	Biennial	Forty days	Jan. 4, 1881
Nevada	Biennial	Sixty days	Jan. 3, 1881
New Hampshire	Biennial	None	Jan. 1, 1881
New Jersey	Annual	None	Jan. 11, 1881
New York	Annual	None	Jan. 6, 1881
North Carolina	Biennial	Sixty days	Jan. 5, 1881
Ohio	Biennial	None	Jan. 5, 1882
Oregon	Biennial	Forty days	Jan. 13, 1882
Pennsylvania	Biennial	None	Jan. 4, 1881
Rhode Island	Annual	None	Jan. 18, 1881
South Carolina	Annual	None	Nov. 23, 1881
Tennessee	Biennial	Seventy-five days	Jan. 3, 1881
Texas	Biennial	Sixty days	Jan. 3, 1881
Vermont	Biennial	None	Oct. 6, 1882
Virginia	Biennial	Ninety days	Dec. 18, 1881
West Virginia	Biennial	Forty-five days	Jan. 12, 1881
Wisconsin	Annual	None	Jan. 12, 1881

EXHIBIT D.

[Extract from S. S. Cox's speech, December 13, 1871.]

Mixed basis.

The idea of population is not altogether the idea on which suffrage is based. You, gentlemen, in the fourteenth amendment, in making a basis counting out "numbers," who are disfranchised, have departed from the original constitutional order. You gave us in the fourteenth amendment a mixed basis. It is a basis of numbers and suffrage; and they are not akin or correlative. Our representation, according to the original structure and theory of the Government, is one of numbers. Any fair construction of the instrument should be on that principle. It should be so, unless we depart from the genius and form of our Federal system.

In 1830 the representation in the House was two hundred and forty members. In 1840 it dropped down to two hundred and twenty-three, although the ratio of representation had grown from 47,700 in 1830 to 70,680 in 1840. At the beginning of the Government in 1790, when the States numbered sixteen, and the ratio was 33,000, there were only one hundred and eight members of Congress. In 1800 there were one hundred and forty-two; in 1810 there were one hundred and eighty-two; in 1820 there were two hundred and sixteen; 1830 there were two hundred and forty; in 1840 there were two hundred and twenty-three; in 1850 there were two hundred and thirty-three; in 1860 there were two hundred and forty-three. The following tables will show these figures in detail:

Representatives.	Year.	States represented.	Ratio.	References.
65...	1787	13	30,000	Constitution.
108...	1790	16	33,000	Statutes-at-Large, volume 1, p. 253.
142...	1800	17	33,000	Statutes-at-Large, volume 2, p. 128.
182...	1810	18	35,000	Statutes-at-Large, volume 2, p. 669.
216...	1820	27	40,000	Statutes-at-Large, volume 3, p. 651.
240...	1830	28	47,700	Statutes-at-Large, volume 4, p. 516.
223...	1840	29	70,680	Statutes-at-Large, volume 5, p. 491.
233...	1850	33	93,420	Statutes-at-Large, volume 9, p. 432.
243...	1860	37	126,823	Statutes-at-Large, volume 12, p. 353; also supplementary act, volume 12, p. 572.
293...	1870	38	131,425	Revised Statutes, chapter 2, section 1, p. 28; supplementary act, p. 192.

Apportionment of Representatives in Congress and ratio of representation by the Constitution and at each census.

States.	Admitted to the Union.	Representatives to which each State was entitled by—									
		Constitution, 1789—ratio 30,000.	First census from Mar. 4, 1793—ratio 33,000.	Second census from Mar. 4, 1803—ratio 33,000.	Third census from Mar. 4, 1813—ratio 35,000.	Fourth census from Mar. 4, 1823—ratio 40,000.	Fifth census from Mar. 4, 1833—ratio 47,700.	Sixth census from Mar. 4, 1843—ratio 70,680.	Seventh census from Mar. 4, 1853—ratio 93,423.	Eighth census from Mar. 4, 1863—ratio 127,381.	Ninth census from Mar. 4, 1873—ratio 131,425.
Alabama	1819	.....	.....	.....	.....	3	5	7	7	6	8
Arkansas	1836	.....	.....	.....	.....	.....	.....	1	2	3	4
California	1850	.....	.....	.....	.....	.....	.....	.....	2	3	4
Colorado	1876	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1
Connecticut	.....	5	7	7	7	6	6	4	4	4	4
Delaware	.....	1	1	1	2	1	1	1	1	1	1
Florida	1845	.....	.....	.....	.....	.....	.....	.....	1	1	2
Georgia	.....	3	2	4	6	7	9	8	8	7	9
Illinois	1818	.....	.....	.....	.....	1	3	7	9	14	19
Indiana	1816	.....	.....	.....	.....	3	7	10	11	11	13
Iowa	1846	.....	.....	.....	.....	.....	.....	.....	2	6	9
Kansas	1861	.....	.....	.....	.....	.....	.....	.....	.....	1	3
Kentucky	1792	.....	2	6	10	12	13	10	10	9	10
Louisiana	1812	.....	.....	.....	.....	3	3	4	4	5	6
Maine	1820	.....	.....	.....	.....	7	8	7	6	5	5
Maryland	.....	6	8	9	9	9	8	6	6	5	6
Massachusetts	.....	8	14	17	20	13	12	10	11	10	11
Michigan	1837	.....	.....	.....	.....	.....	.....	3	4	6	9
Minnesota	1858	.....	.....	.....	.....	.....	.....	.....	2	2	3
Mississippi	1817	.....	.....	.....	.....	1	2	4	5	5	6
Missouri	1821	.....	.....	.....	.....	1	2	5	7	9	13
Nebraska	1867	.....	.....	.....	.....	.....	.....	.....	.....	*1	1
Nevada	1864	.....	.....	.....	.....	.....	.....	.....	.....	*1	1
New Hampshire	.....	3	4	5	6	6	5	4	3	3	3
New Jersey	.....	4	5	6	6	6	6	5	5	5	7
New York	.....	6	10	17	27	34	40	34	33	31	33
North Carolina	.....	5	10	12	13	13	13	9	8	7	8
Ohio	1802	.....	.....	.....	6	14	19	21	21	19	20
Oregon	1859	.....	.....	.....	.....	.....	.....	.....	*1	1	1
Pennsylvania	.....	8	13	18	23	26	28	24	25	24	27
Rhode Island	.....	1	2	2	2	2	2	2	2	2	2
South Carolina	.....	5	6	8	9	9	9	7	6	4	5
Tennessee	1796	.....	.....	3	6	9	13	11	10	8	10
Texas	1845	.....	.....	.....	.....	.....	.....	.....	2	4	6
Vemont	1791	.....	2	4	6	5	5	4	3	3	3
Virginia	.....	10	19	22	23	22	21	15	13	11	9
West Virginia	1863	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Wisconsin	1848	.....	.....	.....	.....	.....	.....	.....	3	6	8
Whole number	.....	65	105	141	181	213	240	223	234	243	293

* These States admitted subsequently to the apportionment.

EXHIBIT E.

[Remarks of S. S. Cox, December 13, 1871, from the Congressional Globe, second session, Forty-second Congress, page 109.]

Basis of representation.

It was urged that equality means equality of votes by States, not equality by representation of individuals. It was shown that in the Amphictyonic confederation of Greece each city, however different in wealth and strength, sent the same number of deputies, and each had an equal voice. So, too, in the seven provinces of Netherlands and in Switzerland. It was insisted, on the other hand, that taxation and representation ought to go together, and that wealth as well as numbers ought to be considered in fixing the number of Congressmen and their votes. It was urged that representation should depend on the quotas of money furnished. Mr. Rutledge argued that money was power, and was entitled to be heard in the affairs of the Federation. To this it was answered by Mr. Wilson that wealth was measured fairly by population, and that numbers represented as well the wealth as the people.

Again, it was replied that if one State had byreason of its excess of people more votes than another, the smaller ones would become the slaves of the larger ones.

"Each State," it was said, "like each individual, had its peculiar habits, usages, and manners, which constituted its happiness, and could not give to others a power over it, any more than an individual when he could avoid it." Here, indeed, was a difficulty almost insurmountable. Finally, through the wisdom and efforts of these great and good men, the present plan of the Constitution was adopted. Early in the sittings of the Convention the number of inhabitants was taken as the basis. Then arose a question of details. Shall untaxed Indians and enslaved negroes be counted? If untaxed Indians, then is not representation given for those who pay no taxes? Accordingly, the red men who had the felicity of being untaxed (what a blessing, if they lived now!) were dropped out.

As to the enslaved Africans, the three-fifths rule was adopted on the motion of Mr. Wilson, seconded by Mr. Pinckney. Eleven out of the thirteen States agreed to it. Mr. King, who was strongly anti-slavery, agreed to this as the rule of equality between the "Eastern and Southern States." He argued that as the eastern had more population and the southern more wealth the slaves should be partially counted to attain equality. Accordingly the slaves were carved into five parts, three parts counted as persons and two parts property. The property parts were ignored and the persons counted three for five. This was not done without conflict. Mr. Gerry contended "that the blacks were property, and are used to the southward as horses and cattle to the northward, and why should their representation be increased to the southward on account of the number of slaves than horses or oxen to the North?" Why, indeed, except that it was intended to approximate to the principle of population as the basis voted by the convention? I maintain that this is the only just and stable principle. Any other is a fraud on the representative system. By the abolition of slavery, since our war, all the negroes are counted one for one, and not one for three-fifths of one. If there had been no slavery in 1787 all would have been thus counted then. Unless this had been done there could have been no Union. There was no other plan of equality possible unless every State had been given one vote each in the House of Representatives, as when the House elects a President. The object of representation is not to protect States simply, but the interests and rights of individuals in the States.

What, then, is the principle of the fourteenth amendment? Is it population? Or is it suffrage? Is it both or neither? It purports, in its terms, to be based on the principle of the Constitution—population. "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State." "But"—ah, how much in this monosyllable! The exception contains the swindle, the threat, and the bribe. See! "But, whenever in any State the elective franchise shall be denied to any portion of its male citizens, not less than twenty-one years of age, or in any way abridged, except"—another swindle in the form of a preposition—"except for participation in rebellion or other crime, the basis shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens not less than twenty-one years of age."

This is your boasted fourteenth amendment, about to be discarded by your disregard of the disfranchised. Any one who will take the pains to read the Madison report of the debates of the constitutional convention will find that the question of State rights was involved in the question of representation. In the first place, the larger States claimed that they should have the same voice in the Senate proportionate to their size. The smaller States said, "No; we must have equal representation in the Senate." You have seen how that was settled. That settlement remains; but the House is subject to the vicissitudes of every decade, and we are called upon to decide about this decade. Our representative basis is not based on money or wealth. It should be, as it was intended, based on population.

After much controversy, which almost drove the good people of that day to distraction and the Union nigh unto failure, our fathers struck the idea of "numbers" as a safe rule.

River and Harbor Improvements.

SPEECH OF HON. W. H. KITCHIN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 7, 1881,

On the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. KITCHIN said:

Mr. SPEAKER: I desire to record my protest against the passage of this bill in its present shape and for the purposes therein specified, believing as I do that the system is fraught with untold evils, and is antagonistic to both the letter and spirit of the Constitution as well as wrong in principle and practice.

If this bill becomes a law, as it will—for no power short of Divine interposition can prevent it—one more precedent of this corrupt legislation will be established, one more violation of the Constitution recorded, and one more step taken in the direction of the ultimate consolidation of the Government; and this, too, by a Congress claiming to be democratic. No gentleman who votes for this bill ought ever again to raise his voice in favor of a strict construction of the Constitution, or in favor of the reserved rights of the States, or in favor of strict economy in the administration of the Government. Its passage will certainly be a departure at right-angles from republican and democratic doctrines as they have been understood from the foundation of the Government up to 1860. No statesman of democratic antecedents or of State-rights persuasions up to that time ever gave countenance to or advocated such a measure. It was, until since 1860, universally held to be sound constitutional democratic doctrine that the Federal Government was one of limited and specified powers, that it had no constitutional power to invade the jurisdiction of the States, to float up their rivers, to anchor in their inland waters, or to force navigation up their creeks, rivulets, and swamps.

So jealous were our forefathers, the early expounders of the Constitution, of the rights of the States, that the Federal Government did not assume to exercise jurisdiction over the harbors on the sea-coast in the different States, but allowed the States to improve the harbors, to plant buoys, beacons, and light-houses on the coast, in the harbors, and in the mouths of the rivers; and not until 1820 did the General Government assume and take control of the harbors on the coast and up the rivers, and in the sounds and bays as far as the ebb and flow of the tide. And this is as far as the Federal power ever claimed jurisdiction over State territory, until the reorganization of the States and the Federal judiciary. And the power now claimed and exercised by the Congress of the United States to invade the State jurisdiction and cross with impunity the State lines, is not set up as a new grant of powers from the States to the Government, by any of the recent amendments to the Constitution, for none such exist, but is claimed as inherent in the Constitution and as a natural outcome of a liberal construction of that instrument. But no such construction was ever placed upon it by Washington, Madison, Jefferson, Jackson, Monroe, Polk, or Pierce, nor by any other democratic statesmen or eminent lawyer or jurist of that period.

The only grant of power to Congress found in the Constitution for this system of internal improvements by the Federal Government is in this clause of the Constitution:

> Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Now, if this clause can be so construed as to give Congress power to go into a State and make its unnavigable rivers, creeks, and branches navigable, it could be so construed as to give to this body power to levy and collect taxes, build merchant ships, employ navigators, dig canals, build locks, and furnish money to float the commerce of the whole country, at a cost of one hundred or two hundred million dollars per annum, with no limit to taxation or the exercise of power save the discretion of Congress. Such enormous, dangerous, and despotic power was never intended by the States or the people to be granted to the Federal Government in the clause to regulate the commerce among the several States. If such a sweeping, reaching, grasping construction is to be placed upon the word "regulate," and State lines are to be blotted out and State jurisdiction disregarded, would it not be better to so amend the Constitution that there should not be room for cavil, so that we could all agree that this is one grand consolidated Government with unlimited powers and unlimited jurisdiction?

I may be mistaken; I hope I am; I fear I am not; but it does appear to me that every sound, fundamental principle of State authority, jurisdiction, and rights, and every democratic doctrine are surrendered in the advocation of this bill and in the submission to such an odious and obnoxious construction of this clause of the Constitution. I am not antagonizing the appropriation for improving the national harbors and rivers running through and between the sovereign States of this indissoluble Union, floating the commerce of large communities and whole States upon their waters. This I recognize as constitutional and within the scope of the powers and authority granted to Congress by the States and the people in the Magna Charta of American liberty, the Constitution. But it is against the abuses and corruption and extravagance growing out of this manner and style of legislation, and the unconstitutional paragraphs of this bill, the encroachments upon the rights of the people, and the absolute disregard of the republican and democratic spirit of the Constitution, that I am contending.

I know it is said that some of us are opposed to the bill because our States or districts do not get as big a grab as some others. I speak for myself. I am opposed to this bill from conviction, because I believe it unconstitutional in its present shape; because it does great injustice to a large body of the American people, by levying an unjust tax upon them for the benefit of others; because, if the object is to get the money out of the Treasury and distribute it among the people or the States, the distribution is unequal, unjust; and because it violates every principle of my democracy, and, in my judgment, tramples the Constitution under foot.

My friend [Mr. HAZELTON] was right when he defied this side of the Chamber to produce just one precedent of a democratic President or statesman favoring the system of internal improvements adopted by the republican party. He said one precedent could not be produced, that it had its origin in the old whig party in its days of prosperity. That is a grand commentary and eulogy on the democracy of this country, when a republican takes from its shoulders the responsibility of this unjust, unequal, corrupt, unconstitutional legislation. If there be any glory in it, to that glory they are entitled, and far be it from me to rob them of it. In this bill we find a large number of rivers and creeks not known to the geographers of my school-boy days, but I suppose they have since been discovered, invented, or created. It would startle the civilized world to know the amount of commerce floated on the placid bosoms of the Chickahominy, the Pamunkey, the Mataponi, and a hundred other such creeks and swamps named in this bill. I will venture the assertion that one steamship could transfer at one trip to Liverpool all the commerce that floats on forty of these streams in the space of twelve months. I am sure a catfish could not navigate some of these streams in the summer season without great damage to his bottom side.

If the brakes are not put on this kind of legislation, in a few short years $100,000,000 will not suffice to improve the rivers and harbors of this country. We now have ports of entry over one thousand

miles from the sea; and if we progress as fast in the next decade as in the last, I expect to see ports of entry on the tops of the Alleghany and Rocky Mountains, and I am not sure there is not one now in my own State on top of the Blue Ridge, on the French Broad River, amid the falls, rocks, and cliffs, and about seven thousand feet above the level of the sea. It seems to me that we have been outside of and above the Constitution long enough. Let us return to its protection, hide behind its shield, and use it as an armor of defense, and all will be well and the people will be safe.

Hear what James K. Polk said in his veto message of August 3, 1846, on the river and harbor bill:

The Constitution has not, in my judgment, conferred upon the Federal Government the power to construct works of internal improvement within the States, or to appropriate money out of the Treasury for that purpose.

Further on in the same veto message:

A construction of the Constitution so broad as that by which the power in question is defended, tends to a consolidation of power in a government intended by its framers to be thus limited in its authority. The obvious tendency and inevitable result of a consolidation of the States into one sovereignty, would be to transform the republican system of the United States into a monarchy.

There is a rule well settled in the construction of the Constitution, and that is that Federal officials ought never to exercise doubtful power; and if the power claimed in this bill to dig out creeks, rivers, and swamps so as to make them navigable is not a doubtful power, I cannot conceive of any power claimed in that instrument which is. Further on, the same author says, speaking of the river and harbor bill:

It not only leads to a consolidation of power in the Federal Government, at the expense of the rightful authority of the States, but its inevitable tendency is to produce combinations of local and sectional interests, strong enough when united to carry propositions for appropriations of public money, which could not of themselves, and standing alone, succeed, and cannot fail to lead to wasteful and extravagant expenditures. The treasures of the world would hardly be equal to the improvement of every bay, inlet, creek, and river in our country which might be supposed to promote the agricultural, manufacturing, or commercial interests of a neighborhood. Should this bill become a law, the principle which it establishes will inevitably lead to large and annually increasing appropriations and drains upon the Treasury, for it is not to be doubted that numerous other localities not embraced in its provisions but quite as much entitled to the favor of the Government as those which are embraced will demand through their representatives in Congress to be placed on an equal footing with them. With such an increase of expenditures must necessarily follow either an increased public debt or increased burdens upon the people by taxation.

President Madison says in his verbal message on the same subject:

The power to regulate commerce among the several States cannot include a power to construct roads and canals and to improve the navigation of water-courses, in order to facilitate, promote, and secure such commerce, without a latitude of constructive departing from the ordinary import of the terms.

All the democratic presidents, including Buchanan, held the same views and advocated the same doctrine. I am aware this is an age of progress, advancement, and civilization, and that it is urged that we must keep apace with the times, and that times have changed, and that we must change with them; but, sir, principles never change. Times change, men change, principles never. If this kind of legislation was wrong and unconstitutional, and undemocratic, and nonrepublican twenty years ago, it is equally so to-day. If protecting one interest at the cost of another, and robbing one locality to enrich another, and encroaching upon the reserved rights of the people by Federal authority are democratic doctrines, I am no democrat. This ten millions will soon become fifty millions, and the people will have the bill to foot yearly, and it is hard to tell how big the amount will eventually be, as it seems to be the maxim of politicians to make the Government rich and keep the people poor.

Aside from the unconstitutional feature of this measure, from my stand-point, there are other insurmountable reasons and obstacles to its support. This $10,000,000 intended to be appropriated was collected from the people of the whole country, and if distributed for the benefit of the same people ought to be more equally and equitably distributed than this measure proposes. It will be expended entirely upon the harbors, bays, sounds, inlets, rivers, creeks, branches, and swamps in special localities, while those who are not so fortunate as to live near these favored spots are deprived of any participation or benefit in this their common fund. Now, I am unable to see any good reasons why the Government should provide for the transportation of the products of those who live near unnavigable streams by digging out such swamps. To build railroads out of the public funds to every other section of the country, for the free use of the transportation companies, would be as reasonable, as just, and as constitutional as at least one-half of this work proposed to be done.

The legal, natural, and constitutional meaning of the word "regulate," as used in the Constitution, is to fix the rules, terms, and conditions of commerce by which the parties thereto are to be governed, such as the tariff, taxes, customs, and duties. In other words, Congress has power under the Constitution to fix the terms of the contract between individuals and the States and the General Government under the restrictions and limitations of the Constitution. But Congress cannot go beyond the power granted or implied in that instrument without becoming a usurper and a tyrant. I do not know as a matter of fact, but I believe over half of this appropriation will be squandered or wasted for other purposes than for the commerce of the country. This money, if this bill becomes a law, will go into the hands of the dominant party, and much of it will indirectly be turned to the use of and made to serve that party. This will unavoidably be so; and I shall never give my consent to place the public funds in this way in the hands of any political party, unless it shall be redeemed, regenerated, and disenthralled from their present attitude.

Now, sir, in my opinion, this whole log-rolling system and combination legislation ought to be cut up by the roots. Each measure in this House ought to stand or fall on its own merits.

This principle, you tickle me and I will tickle you, you support my measure and I will support yours, strikes at the very root of honest, wise, and economical legislation. It breeds corruption and laxity in morals, and hoists high and opens wide the flood-gates of reckless extravagance.

I am not ignorant of the fact that many gentlemen will vote for this bill because, if they did not, it would appear to some that they were voting against appropriations to their own States and districts; and there is much force in that fact, unless the bill could be defeated, because, if ten or eleven millions of dollars are to be taken from the Treasury for common distribution, common honesty and fair dealing would suggest and demand its distribution on grounds both of equity and justice, which would give it to all sections in proportion to the amounts contributed by them to the common fund from which this is drawn. And as the members of this body are human and possessed of human frailties and weaknesses, they may be excused in giving their support to a measure of this kind. But $68,000 to the State of North Carolina, out of $10,000,000, is too small an inducement, even for the reason above given, to carry her delegation for this unconstitutional, unjust, and extravagant measure.

River and Harbor Improvements.

SPEECH OF HON. G. A. BICKNELL,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 15, 1881,

On the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. BICKNELL said:

Mr. CHAIRMAN: So far as this bill provides for any object of national concern I should be glad to support it, but its beneficial and national provisions are so intermingled with appropriations for individual benefit merely, appropriations which promote no national interest, that the bill as a whole is exceedingly objectionable. It authorizes the use of public money for private purposes only in more than a hundred cases, making appropriations which are mere gifts of money to be expended within congressional districts.

The members of the Committee on Commerce have spoken largely about the labor they underwent in preparing this bill, and the fairness of their intentions to make an equitable distribution, or, in other words, a fair bill.

I think nobody will deny that the committee undertook to do their best under the difficult circumstances surrounding them. It required labor and management and nice calculation to arrange this bill so as to secure its passage. It required ingenuity to discover plausible reasons for many of the appropriations in this bill. Perhaps it was deemed a sufficient reason for any appropriation that thereby some member of Congress might be induced to support the bill because his district, or somebody therein, would get the benefit of the money. Such bills have been carried heretofore by a judicious distribution of the people's money among private interests. There are indications of some such arrangement on every page of this bill. A great many of its provisions may help individuals, but can do no more; and the inference from this fact is obvious.

This inference is corroborated by the fact that the advocates of the bill voted in a solid column against every amendment tending to give the bill a national character, and to confine its appropriations to streams and harbors within the admiralty jurisdiction of the United States. The bill is full of cases of this kind: a stream never claimed to be navigable, a blacksmith shop, or furnace, or mill, or brickyard near it; the owner of it, if he could have it dug out, might float his property to or from market with more profit than by hauling it over muddy or sandy roads; he would be glad if the Government would do it, but he would not incur the risk and expense of doing it himself; whether the work would be profitable or not may be doubtful, but the money will be spent in his neighborhood and he will have the benefit of it.

In other cases a man owns the shore around a small estuary of a northern lake; it is shallow, it is obstructed by sand-bars, it will not float a vessel of fifty tons burden. If it could be deepened without

expense to the owner of the shore, he would have the advantage of it. There is no commerce there, but commerce might perhaps be brought there; and whether the commerce be brought or not, the money expended upon the improvement would help the neighborhood. These examples explain many of the appropriations in this bill. The owner of the property to be benefited prevails upon his Congressman, the Congressman prevails upon the committee, the committee makes the appropriation, and a vote is gained for the bill. The Congressman claims credit with his constituents for promoting the expenditure of public money in his district.

I cannot vote for a bill with such provisions, apparently the result of such combinations. If the bill could be amended so as to strike out all except national features, I should be glad to support it; but as it stands it is merely a bill to divide ten millions of the people's money among the several congressional districts on the pretense of improving the commerce of the country.

Agriculture and its Needs.

SPEECH OF HON. J. T. UPDEGRAFF,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 7, 1881.

"The plow was man's first creditor."—BURKE.

The House having under consideration the bill (H. R. No. 4909) for the creation of a Department of Agriculture—

Mr. UPDEGRAFF, of Ohio, said:

Mr. SPEAKER: Not being a member of the Committee on Agriculture, I am under special obligations to that committee and to the gentleman in charge of this bill [Mr. AIKEN] for the courtesy of an opportunity at this time to address the House in favor of this measure. I feel too deep an interest in this bill and too strong a conviction of its importance, indeed of its *necessity*, to give it merely a silent support. It is true it does not embrace all the interests which should, in my judgment, be combined in this reconstruction of the Agricultural Department. A fully organized "Department of Industry" should embrace both mining and manufactories. Commerce is now very properly united with the Treasury Department.

A BEGINNING.

But it is a move in the right direction. It is some official recognition of AGRICULTURE as the great industry which is the underlying source of all our wealth and national prosperty. For years its delay or denial has been a wrong to that interest, and therefore of necessity a damage to every associated interest. The great fact of modern history is the *creation* of values by the development of natural resources. The great poblem of wise government is the just recognition and fostering care of these productive forces; for material development is itself an important element of civilization. Millions of dollars of our national wealth have been created by what meager aid our Government has given to the enlargement of our agricultural productions. Millions have been lost by the utter inadequacy of the appropriations which have been doled out to this immense industry. And yet the Department of Agriculture, weaker in working force than most of the bureaus in other Departments, stinted in its endowments and hampered by hostility and disparagement, has been of incalculable value, not only to the agricultural interests, but to our marvelous material development. Every year these facts are becoming more generally appreciated, not only by farmers, but by progressive men in all ranks of activities.

WHY THIS BILL?

This bill simply proposes an act of long-deferred justice. It elevates this Department to the full rank of other Executive Departments, with all their rights and dignities. Why shall it not be? It is the direct representative of more than one-half of the people of the whole country. They constitute largely the productive element of our population. No class can justly claim any superiority over them as intelligent, patriotic, *usefu* citizens. Their industrious habits and conservative virtues are no small factors in the strength and security of our institutions. However trade may enrich and art may adorn our progress, the *nation* dwells largely in the cottages and farmhouses of the country.

The farmers of the United States, though not largely active in mere political strifes, are earnest in their intelligent appreciation of the recognition due not only to their material interests but to the just elevation of that great industry. They fully understand that their branch of our productive forces has been ignored, or recognized in a grudging, half-hearted way. Indeed, it would seem as if the Government was half ashamed of *that industry that is the bed-rock of its wealth and power*. Indeed, in this House it is receiving less ridicule only as its strength is becoming more obvious and formidable. This bill may be defeated to-day, but its success you cannot long postpone. This Department has, in spite of manifold obstacles, attained to such national importance that its just rank and representation in the Cabinet cannot be defeated. I trust it may be done now. For many years the attention of Congress has been asked to the importance of an Agricultural Department worthy of its name and necessities. Its capacity for good should be enlarged to an extent somewhat commensurate with its present benefits and its grand possibilities. It would be not only a substantial service to every industrial interest, but a just and graceful recognition of that large class, the farmers of the country, who have always been modest in their demands on the Government.

OBJECTIONS.

We have to-day heard some of the well-worn arguments against this measure. My excellent friend from New York, [Mr. COVERT,] learned, eloquent, and accomplished, still in himself as well as in his speech affords a striking illustration of what I have been saying in regard to the neglect or injustice with which the great agricultural interest is treated here and elsewhere. He is a good lawyer, and as such has held high positions in his district. He is a polished gentleman. He is an entertaining speaker, and I always enjoy listening to him. But I have never heard that any reckless admirer suspects that he knows practically anything about agriculture. And yet in utter disregard or sheer contempt of its fair claims, or for some mysterious reasons, he was made chairman of that committee, and now opposes this bill reported from his own committee and so important to the interests, development, and rank of agriculture. What stronger proof could we have that it will be treated fairly only when it comes to full dignity and power?

But let us turn to what we will call the argument of the gentleman from New York, [Mr. COVERT,] *chairman of the Committee on Agriculture*. He says:

> I assume that perhaps the only important argument which is submitted for the adoption of this measure is in the fact that a large proportion of the people of this country who are engaged in industrial pursuits are engaged in some branch of the business of agriculture. It seems to me therein lies one great reason why this bill should not be adopted by this House and should not be enacted into law. We have, sir, the strange spectacle presented of a large class of the people, already strong in number, strong in material resources, and abundantly able to protect their own interests, clamoring for the elevation of this Department and for the dispensing of special favors to them, when, with the same glance, we see our commercial interests lying prostrate and our manufacturing interests by no means such as they should be; yet no demand comes up from those engaged either in commerce or manufactures asking special governmental intervention in their behalf.
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> I say, without fear of successful contradiction, that this request is not made by the real agriculturists of this country or by any relatively large number of thoughtful or intelligent men engaged in that business throughout the length and breadth of this land. The intelligent and thoughtful farmer belongs to his local grange, to his town, county, or State agricultural society, and has the benefit of periodicals and newspapers published specially for his uses and needs. These give him the latest experimental information on all questions in which he takes an interest in connection with his business; he is self-reliant, and does not come to besiege the doors of Congress, asking that this be made a Cabinet Department, or that the Commissioner be made a Cabinet officer.

I have quoted his argument thus fully, since his place at the head of the Committee on Agriculture gives it the added weight of his position, and also because he is an honest, able opponent of the measure. But it evinces a sturdy disregard of facts and an affluence of misinformation which probably it is not unreasonable to expect when a New York lawyer expounds the subject of agriculture. The assumption that the "only important argument" for this measure is that the large proportion of the people are engaged in agricultural pursuits is simply to misapprehend the real points in issue. The fact that a majority of the people of this country are engaged in this industry furnishes of itself *no proof* that this should be made a full Executive Department. But that the demand comes from a class so vast in number and so commanding in character and influence *is a reason* why it should be respectfully heard and favorably considered. Then the justness of the measure, its obvious benefit to that mighty industry and necessarily to every other productive industry of which it is the underlying source, its earnest approval by so large a class of the most intelligent and valuable portions of our population, and, not least, its healthy and ample recognition of that honorable labor which in the highest sense, as an intelligent and ennobling husbandry, is distinctively an American occupation, do furnish "argument" and "reason" abundant and conclusive that it should receive the approval of Congress and the authority of law.

Then the gentleman involves himself in a greater absurdity. He claims first, as I have quoted, that the farmers, "a large class of these people, strong in numbers, strong in material resources," come "*clamoring* for the elevation of this Department." He reproves them sharply for their presumption and seems specially annoyed by this *clamor* of such a multitude. But in the next paragraph he declares that "*this request is not made by the real agriculturists*" at all. They are at home quietly reading the "periodicals and newspapers *published specially for their uses and needs*," and doubtless pondering the mysteries of legislative wisdom so far as it is revealed to him in those rural journals

suited to his "needs." Is it not a little unfair that this measure shall be refused because those most vitally interested come "clamoring" for it, and so do not deserve it because most earnestly and most respectfully they ask for it. And if not denied on that account they shall be, since they did not ask at all, and of course by default have lost all rights. One or the other of these positions may be good. That both can be is impossible, and I deny the truth of either.

It is true that petitions, courteous and earnest in terms, have come to this and former Congresses asking for this measure, bearing the signatures of hundreds of thousands of men of various occupations and representing largely the most intelligent and valuable elements of American citizenship. But, my friend says, this request does not come from the "real agriculturists." Still he describes them "as a large class, strong in numbers, strong in material resources." Among the farmers of this country there is no such class, save the "real agriculturists." The theorists, the bummers, and the laggards in that noble but laborious pursuit never fill the last condition as to "material resources."

Since the opening of this Congress I have presented to this House petitions signed by thousands of the "real agriculturists" of the district I represent in favor of this measure of justice and public good. No more intelligent, useful, or productive class exists in this or any other country. It is a rapidly progressive class. Science and invention have somewhat relieved the drudgery of their occupation, and they can give more time to improvement and culture.

I assert that the real agriculturists by a vast majority are heartily in favor of this measure of practical benefit and just recognition. In large and long intercourse with the farmers of this country—a class to which I have always been proud to belong—I have found this opinion almost universal. The only exception I can recall is a man whose crops and fields attest that he has faith in neither industry nor fertilizers nor what he calls "book-farmin'." As a class they are neither clamorous nor aggressive, but they are earnest in their convictions and progressive in intelligence. They do not confine themselves strictly to any special "papers and periodicals," but find "uses" and "needs" as well as pleasure alike in science, history, and literature, in liberal culture and wise development. This morning I read the report of a "farmers' institute" just held at Barnesville, Belmont County, in the district I have the honor to represent, and the proceedings, participated in largely by the farmers of the vicinity would do honor to this or any other deliberative body. Among a crowd of good things in the proceedings I was struck with this, which I have long wished we could realize fully in this House: "The Government assumes the right to take the farmer's land for railroad purposes, paying him a price fixed by some one who has no interest in the matter. *Why has it not the same right to regulate freight charges for transportation, which absorb the price of products?*"

The Ohio State Board of Agriculture has just put in operation a plan for reliable statistics in regard to growing or recently harvested crops. It has also organized and is now conducting a series of "farmers' institutes" throughout the State with great interest and benefit. All over the United States institutes, granges, and agricultural societies are demanding the elevation of the Department of Agriculture to the full rank of other Executive Departments. Only last week the New England Agricultural Society strongly indorsed this measure, believing that it would enable that Department "to attain a broader field of usefulness and more securely reach the standard contemplated in its original construction." Agriculture is daily advancing in the scope of its powers and the magnitude of its results. Already its dignity and domain are the broadest realms of science and its benefits are the support, comfort, and prosperity of civilized nations.

"NO WARRANT IN THE CONSTITUTION."

But "the unkindest cut of all" is dealt when the chairman of the Committee on Agriculture arraigns and repudiates that whole Department of which he is supposed to be the titulary exponent and defender. The gentleman from New York [Mr. COVERT] says:

> The design of the framers and founders of our Constitution was that every person and every class of industry here should stand entirely upon its own basis, without reference to governmental aid or special privileges. There is absolutely no warrant in the Constitution for the so-called "elevation" of this Department of Agriculture, *and no warrant even for the establishment or existence of a Department of Agriculture as it stands to-day.* That Department stands to-day as the illegitimate child of the Government.

Being a rural member and not a great constitutional lawyer, if it was only my own judgment against the "opinion" of the gentleman from New York I would at once consent to a nonsuit. But it generally happens you can offset the opinion of one great constitutional lawyer by that of another equally learned who maintains the exact opposite. This very question was up in the United States Senate upon a time when I happened to be present, when a great constitutional lawyer triumphantly demanded to be informed what clause of the Constitution gave Congress any power to establish an Agricultural Department. Fortunately a still greater constitutional lawyer was ready to make it plain. So we are left at last to contemporaneous interpretation, common sense, and public necessity. Indeed the very highest legal authorities can bring us no better guides. And this measure is one which comes fully within the scope of that power to "promote the general welfare" affirmed in the first lines of the Constitution as one of its special objects. No less is it completely covered by that ample provision of section 8 which affirms the power of Congress:

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

And so since the foundation of our Government it has been an accepted principle of interpretation to deduce the existence of "implied powers" from one or several of the substantive powers expressly affirmed and defined. Such construction of the Constitution is plainly recognized in its own provisions. A careful study of the debates of the convention which framed the Constitution makes it clear that in the opinion of its founders powers are there created which are neither expressly specified nor deducible from any one specified power, but which grew out of "the aggregate of powers conferred upon the Government or out of the sovereignty instituted." More than fifty years ago Chief-Justice Marshall said:

> A constitution to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which it may be carried into execution, would partake of the prolixity of a political code and would scarcely be embraced by the human mind. * * * Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, *and the minor ingredients which compose those objects be deduced from the nature of those objects themselves.*—4 *Wheaton*, 405.

In the same decision Chief-Justice Marshall, in speaking of the discretion which must be allowed to Congress as to the means by which the powers conferred are to be carried into execution, with great directness further says:

> *Let the end be legitimate*, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

But we are not left to legal theories or judicial opinions alone in regard to the intention of the framers of our Constitution, not only as to the general scope of its implied powers, but even as to the constitutionality, the necessity, and utility of some such measure as the one now before this House. Facts must dominate theories, however plausible or attractive. One of the profoundest thinkers of this age, himself not only an interpreter of law but of the rules of its interpretation, wisely says:

> On doubtful points of high importance, especially in constitutional matters, we may by a precedent leave the sea of theory and cast anchor in the solid ground of practical life. We moor in reality, and it requires an additional power to weigh anchors, which, for good or evil, have buried their flukes in substantial ground.

"AN ANCHOR IN SOLID GROUND."

And on this very question we have precedent and authority as old as the convention which framed our Constitution, but to which, so far as I know, reference has never been made. In that convention various outlines of plans for the basis of the Constitution were proposed. On the 20th of August, 1787, a plan was offered by Morris, of Pennsylvania, and seconded by General Pinckney, of South Carolina, providing for "a council of state composed of the following officers: 1. Chief-justice of the supreme court. 2. The secretary of domestic affairs, whose duty shall be to attend to matters of general police, *the state of agriculture and manufactures*, the opening of roads and navigation, and the facilitating communication through the United States. 3. Secretary of commerce and finance. 4. Secretary of foreign affairs. 5. Secretary of war. 6. Secretary of the marine."

This plan, with the others, was "referred to the committee of detail," and no Cabinet officers were provided for in the constitution. But it is a significant fact that in this detailed plan of a constitution, brought forward by two of the ablest men in that august body, the first Cabinet officer named was one whose duties would be such as to make him substantially a secretary of "agriculture and manufactures." And such first place for that first industry of our country was in exact conformity with the consideration in which it was held by these founders of our Government.

In further proof of this it may be mentioned that Washington in his first message to Congress brings this subject to its attention very forcibly in saying, "The advancement of agriculture, manufactures, and commerce, by all proper means, will not, I trust, need recommendation."

But, contrary to his expectations, no active measures had been taken to carry into effect his suggestions. And in his last annual message, December 7, 1796, he not only urges Congress to do something practically to promote agriculture, but suggests the plan by a board organized and supported by national law. He says:

> It will not be doubted that, with reference to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders *the cultivation of the soil more and more an object of public patronage.* Institutions for promoting it grow up, supported by the public purse; *and to what object can it be dedicated with greater propriety?* Among the means which have been employed to this end none have been attended with greater success than the establishment of boards charged with collecting and diffusing information, and enabled by premiums and small pecuniary aids to encourage and assist a spirit of discovery and improvement. * * * Experience accordingly hath shown that they are *very cheap instruments of immense national benefit.*

HISTORY.

Washington's views on this subject came from practical knowledge.

Himself devoted to agricultural pursuits, he spoke from wide experience and observation when he said, "I know of no pursuit in which more zeal and important service can be rendered to any country than by improving its agriculture, its stock of useful animals, and other branches of the husbandman's cares." To all these details on his own farm he gave the most careful attention. While he was President he continued his interest and personal control of his agricultural affairs. It is interesting to trace this in the correspondence he kept up on the subject throughout both terms of his Presidency with some of the most distinguished men in this country and Europe. In a letter to Sir John Sinclair, of England, dated 1794, he says:

> After the peace of Paris in 1783, and my return to the occupations of a farmer, I paid particular attention to my breed of sheep, of which I usually kept about seven or eight hundred. By this attention at the shearing of 1789 the fleeces yielded me the average of five and one quarter pounds of wool equal in quality to the Kentish wool. But in that same year I was again called from home, and have not had it in my power since to pay such attention to my farm, the consequence of which is that my sheep at the last shearing yielded not more than two and one-half pounds.

But his interest in these pursuits was that of the statesman no less than the personal interest of the farmer. He recognized this as an industry which is the basis of manufactures and commerce, and the source of the wealth and prosperity of the nation. To the end of his life, both privately and publicly, he urged that it should receive recognition and benefit by congressional legislation. In a letter to Sir John Sinclair, March 6, 1797, *only two days after the expiration of his second term*, this was the main theme of discussion. After speaking of the pleasure he anticipated by the change "for a more tranquil theater and for the indulgence of rural pursuits," he says:

> I am sorry to add that nothing final in Congress has been decided respecting the institution of a *national board of agriculture*, recommended by me at the opening of the session. *But this did not, I believe, proceed from any disinclination to the measure*, but from their limited sitting and the pressure of what they conceived more important business. I think it highly probable that next session will bring this matter to maturity.

DID WASHINGTON KNOW?

I have quoted this more fully not only for the weight and wisdom of this great authority, so moderate, so sagacious, and so venerated, but because we have been told by the gentleman from New York that "the design of the founders and framers of our Constitution was that every person and every class of industry should stand entirely upon its own basis, without reference to governmental aid or special privileges." The gentleman adds that there is absolutely no warrant in the Constitution for an Agricultural Department.

Was not Washington one of the "framers?" Ah, how densely ignorant he lived and died of the "design" of the illustrious body which framed that great charter of national power! Is it not passing strange that month after month he sat at the head of that august council, and then for eight years carried their work into successful execution, urging upon Congress substantially such measures as have given us the Department of Agriculture, believing it failed "not from any disinclination to the measure," died hoping for its early "maturity," and yet never fathomed the great secret which a grateful country now receives with some wonder, that there is in that Constitution "no warrant" for such work. Irreverent iconoclasts have attempted to rob us of the beautiful legend of the tree and hatchet, but now we are to be told that George Washington, in the maturity of his years and the ripeness of his wisdom, did not even understand the Constitution of his country, and its full interpretation was reserved to the sage of "Sumpawamus." The marvel is that the gentleman from New York, so strict a constructionist against expenditure for an Agricultural Department, had no constitutional scruples when he procured to be inserted in the river and harbor bill of the present session an appropriation of $5,000 for the improvement of Sumpawamus, an inlet of Long Island, whose location is so obscure as to be in dispute between the gentleman himself, his senior colleague from New York, and the chairman of the Committee on Commerce, and whose very existence is still stoutly denied by a leading New York journal. This constitutional power to improve rivers and harbors once so stoutly denied by the gentleman's party, he now claims for the benefit of commerce by a liberal construction which he denies to agriculture, that mighty industry which is the source not only of commerce, but of all prosperity.

MORE AUTHORITY FOR IT.

The Agricultural Department has gradually grown up to meet, to some extent, the needs of that interest and the demands of the country. In 1839 $1,000 were appropriated to be expended in collecting agricultural statistics, to be done under the control of the *Commissioner of Patents*. In 1849 the Department of the Interior was created by law, and in this agriculture was allowed *a clerkship*. By 1851 the appropriation for it had gone up to $3,000.

In his first annual message, December 2, 1861, Abraham Lincoln urged Congress to do something commensurate with its importance and predicted that the "results will be of great practical value to the country." He says:

> Agriculture, confessedly the largest interest in the nation, has not a department, nor a bureau, but a clerkship only assigned to it in the Government. While it is fortunate that this great interest is so independent in its nature as not to have demanded and extorted more from the Government, I respectfully ask Congress to consider whether something cannot be given voluntarily with great advantage.

This, too, was at a period when every resource and energy of the nation seemed fully engaged in the struggle to preserve its own existence. But the far-reaching wisdom of Lincoln recognized the development of agriculture as an element inseparable to national growth and power, whether in peace or war. The unfitness of the time was urged by the fogies of both parties. The debate on the measure of creating an Agricultural Department at that time is full of interest and instruction. The constitutional objections were raised and answered. Then, as now, there was much law and little agriculture in either House or Senate. But one of the greatest lawyers and statesmen then in the Senate (Mr. Fessenden, of Maine) so well stated a principle which might constantly assist us, and its application to the present measure is so doubly forcible, that it may be adduced. Alluding to what had already been done in that direction by the collection of statistics and the distribution of seeds, which by that time amounted to $60,000 per annum, he said:

> There is such a thing as having a constitutional question settled by legislative construction to such an extent at least that Senators feel compelled to follow the precedents that have been set, *and are perfectly justified in following them*, because they cannot be raised always in reference to matters of this description.

Years before President Madison had said:

> Repeated recognitions under varied circumstances, in acts of the legislative, executive, and judicial branches of the Government, *accompanied by indications in different modes of the concurrence of the general will of the nation* * * * afford to the President sufficient authority for considering such disputed points as settled.

Now appropriations have been made by Congress for forty-two years for this purpose. Success has lent its sanction. Every year's experience emphasizes the fact that all the money expended is returned over and over in absolute increase of wealth and prosperity. Legislative construction multiplies its authorities. Executives and courts accept it as settled. Abundant indorsement, by resolutions, by the press, and by petitioners, indicate unmistakably the "concurrence of the general will of the nation." The present Executive year after year wisely urges the necessity of enlarging the scope and "facilities of the Department of Agriculture." And yet in the House or Senate every opponent of this measure who has ever in a law office become "versed in title pages" or drawn a brief, rushes to rescue the Constitution imperiled by the distribution of a meager and most inadequate supply of seeds and plants. They know it stood the shock of civil war, that its ample powers have been large enough for every need of progressive development and yet strong enough to resist every encroachment, and yet they refuse to be comforted or to believe it can survive the deadly assault of a few thousand packages of incendiary "Minnesota sorghum" or treasonable Fultz wheat.

"CLASS LEGISLATION!"

It is sometimes urged that this would be class legislation. I once heard it flippantly declared in the United States Senate that a shoemaker's bureau might as legitimately be established by the Government as an agricultural department. As an argument, this simile is not formidable. The Constitution has no obstacle to Congressional care for all those interests which lie at the foundation of our prosperity as a people. Commerce has received the special protection of the Government since its foundation. The improvements of our harbors and navigable rivers, the establishment of light-houses and signals along our shores have always been liberally made in its behalf. The manufactures of our country have been developed into their present vast proportions by the wise and direct protection and fostering care of the Government. Amply has this cost and care been repaid, not only in the actual return of increased wealth and utilized resources, but more important and higher far in the vast employment of intelligent labor, in awakened inventive powers, and in the new life and energy which their productive forces infuse into all our industries. Indeed, while commerce and manufactures combined employ about half as many of our people as agriculture, the Departments of the Interior and the Treasury are very largely occupied with their interests.

Agriculture is a fundamental and universal interest, for it involves not only our material prosperity but the welfare, comfort, social condition, and progressive growth of the American people. The laws, both physical and economic, which govern it still need for their interpretation every light of science and every aid of art. Government alone, with its wide opportunities and organizing capacity, can give this success. And agriculture can speedily return all this outlay, however magnificent. Just now no more important work awaits reward than that of classifying its resources and products, exploring its great opportunities, improving its processes, and giving it, as the grant and guarantee of all this, the support and recognition of Government in its organization and progress. A department devoted to this work and combining the associate industries, such as manufactures, mining, and inland transportation, is what the country needs. If such a department is entitled to a Cabinet position, as it certainly is, why shall it be denied? There is no bar to it either in law or Constitution. The ministers which now stand around the President have from time to time been called there as the demand and necessities of our country justified it.

THE GRADUAL GROWTH OF THE CABINET.

In September, 1789, six months after the inauguration of Washington, *three* Executive Departments were created by statute, and to them special duties were assigned. These were the Departments of

State, of the Treasury, and War. The several heads of these alone composed the Cabinet, which sat in council with Washington. In 1798 a Navy Department was organized by law, and its first Secretary, Benjamin Stoddard, took his seat in the Cabinet of John Adams with Pickering, Wolcott, and McHenry. The Constitution authorizes Congress "to establish post-offices and post-roads," but that Department was never by statute elevated into a full Executive Department. That was done by the edict of Jackson, who, in March, 1829, appointed John McLean, of Ohio, Postmaster-General, and called him to a seat in his Cabinet with Van Buren, Ingham, Eaton, and Branch. In 1849 the Department of the Interior was created, and its first Secretary, Thomas Ewing, became a member of the Cabinet. The Attorney-General, of course, was a member of the Cabinet also, though he had no Executive Department until 1870, when Congress by law established the Department of Justice. Thus the Cabinet has been enlarged from time to time as the new demands and needs of our rapidly progressive development indicated the wisdom of such change. We have an Army of only 25,000 soldiers, but a Secretary of War in full cabinet rank. We have no Navy worthy of the name, but the Secretary of that Department sits at the council of the President. The Secretary who supervises mail contracts, and the Secretary who has charge of the Indians and of the wild lands of the Government, each, by virtue of his office, belongs to the President's council.

Twenty-seven millions of our population are directly interested in agriculture, and all the rest indirectly. The capital invested in it is estimated at more than $14,000,000,000, equal to full one-third of all our property. It is furnishing direct from the farms more than four-fifths of our immense exports. When commerce was stagnant; when our manufactures, overwhelmed by the late panic, were prostrate and pulseless; when our great financial fabrics went down, burying fortunes and enterprise in their ruins, then this great and enduring productive force displayed its full measure of beneficent power and came, with the measureless affluence of its varied resources, to bring back prosperity, and to fortify the nation's credit with the bounty of the nation's surest wealth. Why shall it still be condemned to secondary rank? This injustice involves not only the wrong and indignity to this greatest and most necessary of all human industries, but by limiting its benefits and neglecting its grand possibilities the loss falls on all other industries of which it is either the primal source or the indispensable reliance.

Fogyism derides all change, and therefore necessarily resists all progress. In this age, and under free institutions, new epochs rapidly succeed each other, instinct with the principles of an expansive life. So in our development many of our wisest, most necessary, and now most universally accepted systems were at first opposed by fogies as innovations, and by the technical as unconstitutional. Just thirty-seven years ago Congress made an appropriation of $30,000 to Morse that the world might have the telegraph. For six years its full success only awaited the needed means. The chief argument against it was ridicule. The serene wisdom of Congress waited long; some for its success, more for its failure. Cave Johnson, of Tennessee, pronounced it "unworthy the notice of sensible men." The vote was close, and after the aid was given its opponents stood ready with the cowardly "I told you so," awaiting the failure of the great invention.

There is in our Constitution ample powers for wise progression. There is in it no express authorization of our Life-saving service, or a Coast-survey, or an Arctic expedition, or a Fish commission, or a Geodetic survey, or a Soldiers' national cemetery, or a Soldiers' home, or a Yorktown centennial. But if that charter is not vital with possibilities of progress, it is a fetter upon our national life. Burke wisely says, "He only is a statesman who unites the ability to improve with the disposition to preserve."

It has been only a few years since the judges of our Supreme Court sat in horse-hair wigs of the English fashion, and as late as 1825, says the reliable author of Reminiscences of Washington, "*No lawyer had ever addressed that court with boots on or wearing whiskers.*" Now the judges wear only their own hair, or none as the case may be, and lawyers come before it in all styles and no style, and yet the Constitution survives the innovation and the country moves on in its career heedless of the shock or the peril.

RESOURCES AND PRODUCTS OF AGRICULTURE.

Professor Johnson estimates that nine-tenths of the *fixed capital* in the United States is embarked in agriculture. It pays nearly four-fifths of the taxes collected in the country. Over 51 per cent. of our population, or more than 26,000,000 are engaged in this industry. Our country is rapidly becoming the food-field of the world. Less than forty years ago wheat was imported from the Black Sea to New York. Last year ending June 30, 1880, we sent two hundred and eighty-eight millions thirty-six thousand eight hundred and thirty-five dollars' worth of wheat and breadstuffs to feed Europe. In July The London Times said: "American harvests ripen for the food of Lancashire and London. *All mankind gain by the prosperity which the American people has succeeded in extracting from that noble land.*" Besides wheat and breadstuffs our last year's export of other provisions to Europe was more than two hundred million dollars' worth. The value of the cotton crop of 1879 was $242,140,987. But cotton is no longer "king." The value of the corn crop of that year was $580,486,217. *Corn is king.* The value of the wheat crop of same year was $497,030,-142. *Wheat is queen.* The value of the hay crop was $330,804,994. *Hay is heir apparent.* Within the last year the farmers of this country have enlarged their business capital $416,000,000. The aggregate value of the various agricultural products of 1880, according to the most reliable estimates, represents the grand total of not less than $2,240,000,000 or nearly 76 per cent. of our total products. Largely from these vast resources the country is developed, our national debt is rapidly reduced, our growth in wealth and culture outruns all example, and the nation's credit and the nation's balance-sheet is the modern marvel to the world.

Our increase in national wealth since 1850, says a high English authority, would be enough "to purchase the whole German Empire, with its farms, cities, banks, and manufactories." The annual accumulation of wealth in Great Britain is $325,000,000; in France, $375,000,000. In the United States it is $875,000,000, or nearly $2,300,-000 for every day. Each decade adds more to the wealth of the United States than the capital value of both Italy and Spain. Of this vast aggregate about three-fourths has constantly been supplied by agriculture, besides the uncounted millions from that source which, in home consumption, daily contribute the necessities and luxuries of life, but of the value of which, in their infinite variety, no definite computation is possible.

Mr. Nimmo, the accurate and accomplished chief of the Bureau of Statistics, by my request, has kindly prepared for me the two following tables; the first of which furnishes interesting and reliable data of our agricultural products of 1879, the last fully known, and also of our agricultural exports for the year ending June 30, 1880. The second furnishes a valuable and suggestive comparison of the agricultural exports of 1871 with those of 1880:

Quantities and values of the following-mentioned domestic articles, produced in the United States during the calendar year 1879, *and exported from the United States during the fiscal year* 1880, *with the percentage of the quantity of each article exported and retained for consumption.*

[NOTE.—Corn-meal and flour are reduced to equivalent bushels of grain.]

Articles.	Production, calendar year, 1879.		Domestic exports, year ended June 30, 1880.		Percentage of product exported.	Percentage retained for consumption.
	Quantity.	Value.	Quantity.	Value.		
Corn, bushels	1,547,901,790	$580,486,217	*87,884,892	*$54,279,608	5.68	94.32
Wheat, bushels	448,756,630	497,030,142	†180,304,181	†225,879,502	40.18	59.82
Rye, bushels	23,639,460	15,507,431	‡4,871,295	‡2,387,493	20.61	79.39
Oats, bushels	363,761,320	120,533,294	766,366	308,129	.21	99.79
Barley, bushels	40,283,100	23,714,444	1,128,923	784,819	2.80	97.20
Buckwheat, bushels	13,140,000	7,856,191	Not specified.	Not specified.		
Potatoes, bushels	181,626,400	79,153,673	696,080	522,039	.38	99.62
Tobacco, leaf, pounds	391,278,350	22,727,524	215,910,187	16,379,107	55.18	44.82
Hay, tons	35,493,000	330,804,494	13,739	206,819	.04	99.96
Cotton, raw, pounds	2,367,540,900	242,140,987	1,822,061,114	211,535,905	76.96	23.04
Wool, raw, pounds	232,500,000	Not stated.	191,551	71,987	.08	99.92
Sugar, pounds	177,644,000	Not stated.	30,142,004	2,718,627	16.97	83.03
Molasses, gallons	12,200,000	Not stated.	3,596,010	539,603	29.48	70.52
Pig iron, pounds	5,483,706,000	Not stated.	2,948,773	54,115	.05	99.95
Railroad bars or rails:						
Iron, pounds	840,320,000	Not stated.	1,555,840	32,746	.19	99.81
Steel, pounds	1,386,226,000	Not stated.	702,040	14,744	.51	99.49
Coal, tons	59,808,398	Not stated.	615,260	2,058,080	1.03	98.97

* Including corn-meal. † Including flour. ‡ Including rye flour.

JOSEPH NIMMO, Jr., *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *February* 16, 1881.

Hon. J. T. UPDEGRAFF.

Values of products of domestic agriculture exported from the United States during the years 1871 *and* 1880. (*Mixed gold and currency values.*)

Commodities.	Year ended June 30— 1871.	1880.
Animals, living:		
Hogs	$61,390 00	$421,089 00
Horned cattle	403,491 00	13,344,195 00
Horses	173,273 00	675,139 00
Mules	265,827 00	532,362 00
Sheep	86,888 00	892,647 00
All other, and fowls	28,735 00	16,688 00
Total	1,019,604 00	15,882,120 00
Animal oils:		
Lard-oil	153,850 00	816,447 00
Neat's-foot and other animal oils	137 00	23,519 00
Total	153,987 00	839,966 00
Provisions:		
Bacon and hams	8,126,683 00	50,987,623 00
Beef, fresh	.....	7,441,918 00
Beef, salted or cured	3,825,666 00	2,881,047 00
Butter	853,096 00	6,690 687 00
Cheese	8,752,990 00	12,171,720 00
Condensed milk	91,624 00	121,013 00
Eggs	1,428 00	14,148 00
Lard	10,563,020 00	27,920,367 00
Meats, preserved	208,362 00	7,877,200 00
Mutton, fresh	.....	176,218 00
Pork	4,302,320 00	5,930,252 00
Total	36,725,189 00	122,212,193 00
Hides and skins, other than furs	700,604 00	649,074 00
Tallow	3,025,035 00	7,689,232 00
Bones and bone-dust	55,629 00	46,431 00
Hair, unmanufactured	301,095 00	232,726 00
Glue	12,316 00	22,650 00
Total	4,094,679 00	8,640,113 00
Bread and breadstuffs:		
Barley	200,625 00	784,819 00
Bread and biscuit	760,637 00	686,158 00
Indian corn	7,458,997 00	53,298,247 00
Indian-corn meal	951,830 00	981,361 00
Oats	83,080 00	308,129 00
Rye	44,678 00	2,362,765 00
Rye flour	34,135 00	24,728 00
Wheat	45,143,424 00	190,546,305 00
Wheat flour	24,093,184 00	35,333,197 00
Other small grain and pulse	357,893 00	1,272,028 00
Maizena, farina, and all other preparations of breadstuffs used for food	252,704 00	2,439,098 00
Total	79,381,187 00	288,036,835 00

Commodities.	Year ended June 30— 1871.	1880.
Fruits:		
Apples, dried	$79,026 00	$192,069 00
Apples, green or ripe	136,693 00	1,190,560 00
Other fruit, green, ripe, or dried	138,353 00	272,715 00
Preserved, in cans or otherwise	195,283 00	435,290 00
Total	549,357 00	2,090,634 00
Seeds:		
Cotton	29,386 00	134,116 00
Flaxseed or linseed	721 00	.....
Clover, timothy, garden, and all other	2,336,252 00	2,642,707 00
Total	2,366,359 00	2,776,823 00
Textiles:		
Cotton, unmanufactured	218,327,109 00	211,535,905 00
Wool, unmanufactured	8,762 00	71,987 00
Hemp, unmanufactured	5,775 00	8,796 00
Total	218,341,646 00	211,616,688 00
Vegetable oils and oil-cake:		
Cotton-seed oil	140,577 00	3,225,414 00
Linseed-oil	35,962 00	31,214 00
Oil-cake	4,160,021 00	6,259,827 00
Total	4,336,560 00	9,516,455 00
Miscellaneous:		
Hay	104,261 00	206,819 00
Hops	316,288 00	2,573,292 00
Rice	22,502 00	13,366 00
Tobacco, leaf	19,908,797 00	16,379,107 00
Potatoes	432,815 00	522,039 00
Onions	79,114 00	50,074 00
Other vegetables, raw, prepared and preserved	124,760 00	222,953 00
Sugar, brown	2,453 00	1,064 00
Wax, bees'	113,070 00	48,880 00
Wine	26,444 00	123,317 00
All other agricultural products	366,939 00	4,208,353 00
Total	21,497,443 00	24,349,264 00
Total value of agricultural products above enumerated	368,466,011 00	685,961,091 00
Total value of all exports of domestic merchandise	478,115,292 00	823,946,353 00
Per cent. of agricultural products to total exports of domestic merchandise	77.07	83.25

JOSEPH NIMMO, Jr., *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *February* 16, 1881.

The above tables show that the value of our exports of bread and breadstuffs for the year ending June 30, 1880, amounted to $288,036,835, exceeding the exports of raw cotton during the same year by the sum of $76,500,930. The following table giving our exports and imports for the last twenty years shows another valuable fact in our history, namely, that it has been only since our agricultural products have assumed such vast proportions and furnished so large a surplus for exportation that the balance of trade has been in favor of our country:

Value of merchandise imported into and exported from the United States from 1860 *to* 1880, *inclusive; also, annual excess of imports or of exports.* (*Specie values.*)

Year ended June 30—	Exports. Domestic.	Foreign.	Total exports.	Imports.	Excess of exports over imports.	Excess of imports over exports.
1860	$316,242,423	$17,333,634	$333,576,057	$353,616,119	.....	$20,040,062
1861	204,899,616	14,654,217	219,553,833	289,310,542	.....	69,756,709
1862	179,644,024	11,026,477	190,670,501	189,356,677	$1,313,824	.....
1863	186,003,912	17,960,535	203,964,447	243,335,815	.....	39,371,368
1864	143,504,027	15,333,961	158,837,988	316,447,283	.....	157,609,295
1865	136,940,248	29,089,055	166,029,303	238,745,580	.....	72,716,277
1866	337,518,102	11,341,420	348,859,522	434,812,066	.....	85,952,544
1867	279,876,809	14,719,332	294,596,141	395,761,096	.....	101,254,955
1868	269,389,900	12,562,999	281,952,899	357,436,440	.....	75,483,541
1869	275,166,697	10,951,000	286,117,697	417,506,379	.....	131,388,682
1870	376,616,473	16,155,295	392,771,768	435,958,408	.....	43,186,640
1871	428,398,908	14,421,270	442,820,178	520,223,684	.....	77,403,506
1872	428,487,131	15,690,455	444,177,586	626,595,077	.....	182,417,491
1873	505,033,439	17,446,483	522,479,922	642,136,210	.....	119,656,288
1874	569,433,421	16,849,619	586,283,040	567,406,342	18,876,698	.....
1875	499,284,100	14,158,611	513,442,711	533,005,436	.....	19,562,725
1876	525,582,247	14,802,424	540,384,671	460,741,190	79,643,481	.....
1877	589,670,224	12,804,996	602,475,220	451,323,126	151,152,094	.....
1878	680,709,268	14,156,498	694,865,766	000,051,532	217,814,234	.....
1879	698,340,790	12,098,651	710,439,441	445,777,775	264,661,666	.....
1880	823,946,353	11,692,305	835,638,658	667,954,746	167,683,912	.....

The table following shows the increase of our exports for fifty years, and exhibits the suggestive fact that when in 1830 our whole exports were $58,524,878, agriculture furnished 82 per cent. of that amount, and when last year our exports amounted to $823,946,353, agriculture still furnished 82.9 per cent. of that great total.

EXPORTS OF AGRICULTURAL PRODUCTS.

The following statement shows the total value of exports of domestic merchandise, the value of the exports of the products of agriculture, and the percentage which the exports of such products bear to the total value of exports of domestic merchandise, for the years specified:

Year ended—	Value of exports of domestic merchandise.	Value of exports of products of domestic agriculture.	Per cent. of products of agriculture.
September 30—			
1830	$58, 524, 878	$48, 095, 184	82. 18
1840	111, 660, 561	92, 548, 067	82. 93
June 30—			
1850	134, 900, 233	108, 605, 713	80. 51
1860	316, 242, 423	256, 560, 972	81. 14
1870	455, 208, 341	361, 188, 483	79. 34
1871	478, 115, 292	368, 466, 011	77. 07
1872	476, 421, 478	368, 796, 625	77. 41
1873	575, 227, 017	446, 900, 004	77. 69
1874	633, 339, 368	501, 371, 501	79. 16
1875	559, 237, 638	430, 306, 570	76. 95
1876	594, 917, 715	456, 113, 515	76. 67
1877	632, 980, 854	459, 734, 148	72. 63
1878	695, 749, 930	536, 192, 873	77. 07
1879	699, 538, 742	546, 476, 703	78. 12
1880	823, 946, 353	683, 010, 976	82. 90

THE REASON WHY.

Such is the basis of resource and wealth upon which agriculture is developing. To meet its just needs it should have the aid of all the resources and authority of a full Executive Department with a Secretary at its head who as a Cabinet counselor of the President would represent its interests and thereby promote the general welfare, for he could not only increase its products but defend its policies. No department of the Government would be in its character so representative of the American people. Just such assistance the interests of the whole people now need, that it may for the common good check the power of the railroad monopolies which are robbing the industries of the country, and especially agriculture. These corporations are so combined and so powerful that they have not only risen above the control of law, but themselves dictate or defy legislation. Their power is arrayed against the common good, but the national authority resolutely used is ample for their control.

Another present need for the full authority of an executive department comes in the imperative necessity that it control the forestry of the country and protect it from wasteful use and wanton destruction. A division of forestry should be created in this department to take in especial charge this matter of public interest. The increase of our forest growth has now become a question of the supply of water and of the fertility of the soil as well as of the healthfulness and beauty of the country. Several State Legislatures have recognized its importance and have made appropriations to protect existing forests and plant new ones. But we have still a large national domain and the Government can do great good at little cost.

IN OTHER COUNTRIES.

No country on earth has an agricultural interest or product equal to ours, yet in most countries of Europe it receives such consideration as is here denied to it. In France the ministry of agriculture and commerce is one of the executive departments and its head a minister of State. In Russia one of the ten secretaries is "minister of the domains" and has charge of agriculture, mining, forestry, and stock-raising. Spain has eight cabinet secretaries of whom one is minister of agriculture. Italy and Austro-Hungary give agriculture the same full rank. In Russia one of the eight secretaries is minister of agriculture.

In England the interests of agriculture are under the control of the board of trade; but in a private letter which I lately received from John Bright he says "the demand is strong for a minister of agriculture." Why shall this country continue to degrade the rank of its greatest industry? Why shall the Commissioner of Internal Revenue receive double the salary by statute paid the Commissioner of Agriculture? Why shall the Secretary of the Navy (?) be paid three times as much? Why shall the time and work of the Commissioner of Agriculture be declared by law worth less by thousands or by hundreds than the time and work of the Commissioner of Patents, of Customs, of Lands; or of the Comptroller of Currency, or Register of Treasury, or Assistant Secretary of Treasury, or Architect of Capitol, or United States Geologist, or Librarian, or Congressional Reporter? There is no valid reason and no justification. Our Commissioner of Agriculture has worked for the interests and success of his Department with a zeal, an ability, and energy which have added millions to the agricultural productions of the country. The meager and unequal compensation is part of the stupid and invidious policy which seeks thereby to give an inferior status to that Department. The agriculturists of this country possess the power—and it is time they should make it felt—and remedy, not only an injustice, but an indignity, to that industry which is the basis of general prosperity. In his message of 1861, President Lincoln declared it was through forbearance they had not "extorted" just recognition. But each year there is better associated power among them; and it is no less resolute than it has always been moderate. In 1859 the reform bill of the English Parliament was compelled to concede that "*interests*" no less than population had a right to be represented.

AMERICAN AGRICULTURE MEANS FREE LABOR AND FREE HOMES.

Montesquieu, in his Spirit of Laws, says well, "Countries are not cultivated in proportion to their fertility, but to their liberty." The four million farms in the United States are mostly homes of plenty and of culture. The peasantry of Germany, the tenant of England, the vine-dresser of France, and the American farmer represent the same occupation, but in all else how different. The social and intellectual condition of the rural population of any country is no uncertain measure of its high civilization and progress. The thoughtful statesmen of Europe now admit that our system of land-holding is one of the great sources of enterprise and thrift as well as of popular content, and gives to industry the chance of permanent reward, and to labor the dignity of freedom. Popular education brings general intelligence. Industry, energy, and physical health combine to produce the elements of character which make good citizens and successful men. Loving their homes, the love of country is easier and stronger.

Schlegel, in his Philosophy of History, says:

Perhaps it is not too much to assert that many of the qualities which fitted the Romans for conquering the world, and perfecting their so celebrated jurisprudence, was acquired, or at least nourished and matured, by the skill, foresight, and persevering industry so needful for the intelligent and successful cultivation of the soil.

And in this country, since the dawn of the Revolution, when at Concord bridge,

"the embattled farmers stood,
And fired the shot heard round the world,"

this hardy and patriotic class has been, in every conflict, a chief source of the Nation's triumph as it is to-day a large element of the Nation's strength.

The bane of England and the curse of hapless Ireland to-day is the unnatural divorce of the soil from those who till it. One-fourth of the whole of England and Wales (more than nine million acres) is owned by 710 persons, and two-thirds of it by 10,200 persons; two-thirds of Ireland by 1,942 persons, mostly in entailed estates. Two-thirds of Scotland is owned by 330 persons. In Great Britain and Europe agriculture is loaded with the dead weights of standing armies and idle aristocracies. These it feeds from the products of its toil. No wonder that nearly six hundred thousand immigrants within the last year have sought free homes within our borders. More than *three-fourths of 1 per cent. of the entire population* of Great Britain and Canada have immigrated to this country during 1880! American products have filled the English markets, and this competition, with oppressive land-tenure laws, is destroying their agricultural prosperity, and producing social and political changes which will affect the structure of English society. The historian dates the decline of Spain to the expulsion of the Moors, who were the only "industrious agriculturists" of that country. Neither civilization nor prosperity has ever long remained when this fundamental industry declined.

Our country presents a grand arena for the full development of healthy national life. Our territory, without Alaska, is fifteen times as large as France or Germany, and twenty-five times as large as Great Britain and Ireland. But our free and happy homes are more than land and wealth. They and our civil institutions, our schools and churches, honored labor and equal manhood, are the expansive forces of our progress. Literally it is described in the account of the "land of promise." It is indeed "a good land, a land of brooks of water, of fountains and depths, that spring out of valleys and hills—*a land wherein thou canst eat bread without scarceness; thou canst not lack anything in it—a land whose stones are iron, and out of whose hills thou mayest dig brass.*" The marvels of its natural resources need only wise development to return to the nation wealth beyond the dreams of avarice.

Population, wealth, and national credit have formally and definitely placed the United States among the great powers of the earth. No nation ever entered on so splended an inheritance. Its domain is large enough for independence, and enriched with every seed of national power. Here science and inventive arts have taken labor by the hand, that they might meliorate its drudgery, multiply its products, and brighten all its work with the graces of knowledge. All these advances have enlarged the scope and elevated the rank of agriculture. Quiet industries and honored labor nourish patriotism and are bribes to peace. The energy of our race developed here in open schools and free homes, elevated by the conflicts for liberty and ennobled by the opportunities and aspirations which belong to a republic, evolving wealth by the creation of real values in mine and farm, by manufactures and commerce, arms itself for independence and insures progress by the growth of indispensable interests. That career, wisely guided and expanded to the amplitude of its proper destiny, is a majestic possibility.

Apportionment of Representatives.

SPEECH OF HON. W. G. COLERICK,

OF INDIANA.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 5, 1881.

The House having under consideration the bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census—

Mr. COLERICK said:

Mr. SPEAKER: I would gladly refrain from participating in the discussion of the bill now under consideration were it not for the unreasonable opposition that has been manifested to the bill reported by the committee fixing the number of Representatives to be apportioned among the States at 311 by gentlemen who ought to give the bill their cordial approval and zealous support. It will be remembered that the distinguished gentleman from New York [Mr. COX] introduced a bill fixing the number at 301, which was referred to the Committee on the Census, of which he is the chairman and I have the honor of being a member. The bill was carefully considered by the committee, and at my suggestion, in the interest of the State of Indiana, which I represent in part on this floor, the number of Representatives to be so apportioned was increased to 311, as provided in the bill reported by the committee to the House as a substitute for the bill introduced by the gentleman from New York. The number was not increased to 311 for partisan purposes or political advantages, as asserted, but for the sole purpose of preventing a reduction in the present representation of Indiana in this House, as the number named in the bill introduced by the gentleman from New York, as well as in the amendment proposed by him fixing the number at 307, will, if either is adopted, reduce the representation of Indiana from 13, its present number, to 12, and no smaller number than 311 will preserve its present representation; and for that reason I then opposed, and will continue to oppose by my vote and voice, any proposition which if adopted will reduce its present representation. Sir, it is pardonable, if not commendable, for a member representing, as I do, one of the most populous, prosperous, and wealthy States of the Union to raise his voice in protest against the passage of any bill which will unjustly reduce the representation of his State in this body, as such a reduction will necessarily lessen the influence and impair the power of that State to secure legislation in which it may be interested and prevent legislation prejudicial to its interests.

The ratio adopted for the last apportionment was fixed at 131,425, and under it the present number of members in this House is 293. If it is deemed best neither to reduce nor increase the present number of members the ratio must be fixed at 168,497; and by adopting that as the ratio Indiana, Illinois, Massachusetts, New Hampshire, Vermont, Ohio, Alabama, Florida, Louisiana, Maryland, and Tennessee will each lose a member, Pennsylvania 2, and New York 3, making in all 17. These losses will be numerically neutralized by gains of other States, as California, Iowa, Michigan, Arkansas, Mississippi, South Carolina, and West Virginia will each gain 1 member, Nebraska and Minnesota 2 each, and Kansas and Texas 3 each, making 17 in all.

If the number is fixed at 301, as provided in the bill introduced by the gentleman from New York, [Mr. COX,] being an increase of 8 over the present number of members, the ratio of representation will be 164,018, and Alabama, Illinois, Louisiana, Maryland, Massachusetts, New York, Pennsylvania, and Texas will each secure one of the additional members. This increase will enable Alabama, Illinois, Louisiana, Maryland, and Massachusetts to preserve unbroken their present representation in the House, which they will be unable to do if the present number of members is not enlarged. If the number is to be increased to gratify the wishes and subserve the interests of those States, then I submit that the wishes and interests of other States equally deserving and alike sensitive in preserving intact their present representation should be respected, and not ignored. Indiana, Ohio, Pennsylvania, Tennessee, North Carolina, Florida, and Georgia will each suffer a loss of 1 in their present representation if the number of members is fixed at 301. The gentleman from New York, realizing the wrong that he would commit by making such a discrimination between States, seeks to partially rectify such glaring injustice by offering his amendment fixing the number at 307, being an increase of 6 over the number first proposed by him, and he gives these 6 additional members to Tennessee, North Carolina, Florida, Ohio, Pennsylvania, and New York, and thereby still deprives Indiana and Georgia of their present representation.

I fail to comprehend the true motive that induces the gentleman to disregard the desire of Indiana to preserve her present representation. Surely her claim is as well founded on right and justice as the claims of those States which he seeks to conciliate by his amendment. Why should his amendment prevail over the bill reported by the committee, which fixes the number at 311, only 4 more than the number proposed by him? By adding these 4 the present representation of Indiana and Georgia will be maintained, and no State will be deprived of a single member save Maine, New Hampshire, Vermont, and New York, each of which will lose 1; but none of the three New England States which I have named will be able to preserve their present representation even if the number of members is fixed at 325, and no one has advocated or will likely advocate a proposition to increase the number so largely. While the gentleman from New York professes to be indifferent as to the manner in which his State may be affected by the apportionment, yet it is worthy of observation that if the number of members of this House is not increased New York will lose 3 members, and that by increasing the number to 301, as first proposed by him, that State will lose only 2 members, and that by his last proposition, fixing the number at 307, she will lose but 1 member. Why does the gentleman oppose the bill reported by the committee of which he is the chairman, and to whose care and management the bill was intrusted? Will it afford him any personal gratification to defeat the bill because the committee deemed it proper, over his opposition, to fix the number at 311?

The gentleman has deservedly won, in the many fierce and bitter conflicts that have occurred in this House during his long and eventful career, by his gifted and brilliant accomplishments as a debater and parliamentarian, many precious laurels of which he may justly feel proud, and he should not now covet the doubtful honor or distinction of securing a triumph over his own committee by thwarting their wish and nullifying their action. The amendment which he has offered does not emanate from the committee or meet with their approval, and I hope that it may be rejected by the House.

Mr. Speaker, I am opposed to the substitute offered by the gentle- from Illinois, [Mr SHERWIN,] which fixes the number of members at 319, because no necessity or propriety exists for increasing so largely the size of the House. It is not offered for the purpose of preserving the present representation of States, but solely for the purpose of increasing their present representation. It is true, and I think evident to all, that this House, now consisting of 293 members, is cumbersome and unwieldy, resulting in obstructing and retarding legislation instead of facilitating and expediting it. The interests of the people in securing wise, just, and needful legislation would probably be better promoted and attained by reducing than enlarging the number of members. But it is quite evident that a determination exists to increase and not reduce the number, and in view of this fact our efforts and purpose should be to restrict the proposed increase to, and not extend it beyond, a number sufficiently large to preserve, as far as practicable, the present representation of States, and this is accomplished by the bill reported by the committee. I concede that by adopting the number suggested by the gentleman from Illinois the State of New York will be able to retain her present representation, but the generous offer which he extends to that State is rejected by her Representatives on both sides of the House, who proclaim that no such favor is asked or desired by her. Therefore I hope that he will not persist in forcing his offer on an unwilling State. If the number is fixed at 319, neither Maine, Vermont, nor New Hampshire will be able to secure their present representation. No sufficient reason can be assigned why his bill should be preferred to the one reported by the committee, which is fair and just to all the States, as none of them, save the ones that I have named, will be deprived or shorn of any of their present power in this House.

In fixing the number of Representatives to be apportioned among the States, we ought to select that number which, when apportioned, will afford the largest representation of the people, that is, which will leave the smallest fractions or fewest people unrepresented. The ratio of representation is ascertained by dividing the number of people in all the States, 49,369,595, by the number of the Representatives to be apportioned, and when the ratio is so obtained the number of Representatives to which each State will be entitled under that ratio is determined by dividing the figures representing the population of the State by those representing the ratio, which division will invariably result in leaving a fraction. As the successive divisions of the population of the different States by the ratio adopted will not produce the entire number of Representatives to be assigned, the additional ones required to complete the desired number are obtained by assigning them to those States which may have the largest fractions. To illustrate, the population of Indiana, according to the recent census, is 1,978,362. If the number of Representatives to be assigned is fixed at 301, the ratio of representation will be 164,018, and by dividing the population of the State by that ratio it will give Indiana 12 Representatives and leave a fraction of 10,146, which will be too small to entitle her to one of the Representatives to be assigned to the States having the largest resulting fractions; at 307 the ratio will be 160,813, which will give the State 12 members and leave a fraction of 48,606, which will be insufficient to entitle her to an additional Representative; at 311 the ratio will be 158,745, which will give the State 12 Representatives and leave a fraction of 85,602, which will be sufficient to give her an additional Representative, making 13, her present number; and at 319 the ratio will be 154,764, which will give the State 12 Representatives and leave a fraction of 121,194, sufficiently large to entitle her to an additional Representative.

The same resulting fractions will occur in dividing the population of each and every State by the several ratios to which I have referred, and as the additional Representatives required to complete the number to be assigned will be given to those States which may have the largest fractions, the smaller fractions will indicate the number of people who will be unrepresented, and these fractions which will be

produced regardless of the ratio that may be adopted will aggregate a vast number. Hence the importance of mitigating as far as possible the wrong in depriving people of representation. It can be mitigated by selecting that number of Representatives which when apportioned will leave the smallest number of people unrepresented. Let us ascertain the number of people or fractions that will be unrepresented under the different bills or propositions that have been submitted. If we fix the number of Representatives at 301 they will amount to 648,788; at 307 to 658,844; at 311 to 641,477; and at 319 to 670,457. It will be observed that under the bill proposed by the committee the largest number of people will be represented, while the smallest number will be represented under the bill proposed by the gentleman from Illinois, [Mr. SHERWIN.] This, in my jugment, furnishes a potential and unanswerable argument in favor of the bill reported by the committee. If this is "a Government of the people, by the people, and for the people," a duty devolves upon us to so apportion their Representatives that the greatest number of people may be represented in this House of the people.

Mr. Speaker, it is unfortunate and deplorable that gentlemen on the opposite side of the House seek to make this a partisan or sectional question, and evince a disposition to prevent the passage of an apportionment bill by this Congress, with the vain hope that the republican party may possibly secure some political advantage by deferring action on the subject until the next Congress convenes. No plausible pretext or excuse can be offered or given for doing so, as the census returns are before us, accompanied by elaborate tabulated estimates relating to the subject now under consideration, which were carefully prepared by the Superintendent of the Census, and by which we can now consider and determine the matter intelligently, wisely, and justly. The conduct of those who seek to evade or avoid the constitutional duty imposed on us to make the apportionment is inexcusable. The gentleman from New York [Mr. COX] truthfully and pertinently said in his speech:

> It is a useless waste of money to postpone this legislation until the next Congress. It compels extra sessions of the State Legislatures of the twenty-two biennial States. A republican from Pennsylvania [Mr. HARMER] thought that an extra session would cost the people of his State $400.000. If so, then the cost to the twenty-two States would not be less than $6,000,000. Why may not this be saved by provident action this session?

If the republican members of this House defeat or suspend action on this bill at this session the sole responsibility for imposing upon the people this enormous expense will rest upon them. Are they desirous of assuming the responsibility? As a pretext for their conduct they assert that under this bill the representation of Southern States will be increased, but adroitly suppress the fact that it is caused by a corresponding increase in the population of those States. We cannot deprive them of that increase unless we ignore the Constitution and disregard the law, by which we must be governed and controlled. It is probably true that many persons in the Northern States were surprised at the large increase in the population of the Southern States as shown by the census returns, but the correctness of the returns have been so strongly verified and attested by the accomplished and efficient Superintendent of the Census as to dispel all suspicion of fraud or mistakes, and we must accept them as true. The apparent increase in the population of the Southern States is largely attributable to the imperfect and defective census that was taken in those States in 1870.

We must adjust the apportionment in accordance with the census returns, regardless of the manner in which it may affect any section of the country. If the Southern States gain in representation it is their good fortune, and the Northern States should not unjustly seek to deprive them of it. By examination it will be seen that if the apportionment is fixed at 311 the gain of the South will be less than it would be if the apportionment was based on other numbers less than 311. The net gain of the South over the North on any apportionment from 290 to 311, inclusive, would be as follows: 290, 9; 291, 8; 292, 7; 293, 6; 294, 5; 295, 6; 296, 5; 297, 4; 298, 3; 299, 4; 300, 3; 301, 4; 302, 5; 303, 4; 304, 5; 305, 6; 307, 4; 308, 5; 309, 4; 310, 5, and 311, 6.

If the committee had permitted partisan or sectional interests to influence or control their action, they might have selected 290 as the number of members to be assigned, and the South would have gained over the North 9 members; or 291, by which the gain would be 8; or 292, by which the gain would be 7. By retaining the present number of Representatives, 293, the gain of the South over the North will be the same as at 311, the number named in the bill under discussion. But the committee were not influenced by such considerations. The number of members was reluctantly increased to 311 for the sole benefit of Indiana, so that she may retain her present representation. I greatly regret that the action of the committee in fixing the number at 311 for the purpose stated should be so unjustly assailed, and the motive that induced the committee to select that number so grossly misrepresented. If the bill proposed by the committee is passed the Northern States will for the next ten years be represented in the House by 193 members, nearly two-thirds of all the members, and the Southern States by 118, giving the North a majority over the South of 75.

It has been asserted that in the Southern States the elective franchise is denied to the colored man. No proof is referred to or produced to sustain this charge. It is based alone on the naked fact that the vote cast in certain Southern States for President in 1880 was less than the number cast in the same States for President in 1876, and from this it is rashly inferred that those who failed to vote at the last election were prevented from doing so by intimidation. The gentleman from Michigan [Mr. HORR] in his speech said:

> You must remember that the election last fall was a general one, one in which all the people were equally interested without regard to latitude or sectional lines; that the canvass was spirited and determined in all parts of the country alike, so that the inference is fair that the great bulk of voters whose rights were not in some way denied or abridged went to the polls and cast their ballots. Therefore I affirm that the votes of that election are a better index of the people who should be taken into account in this apportionment than is the census just completed.

It is a great misfortune to the country, viewed in the light of economy, that the gentleman from Michigan was not a member of the Forty-fifth Congress when the present census law was enacted. If he had been he would probably have suggested the propriety of omitting to take the census and waiting until after the presidential election and then consulting the political almanacs or Congressional Directory to ascertain the number of voters in the country and apportion Representatives accordingly. To show the absurdity of the charge that all voters "whose rights were not in some way denied or abridged went to the polls and cast their ballots" at the last presidential election, let us compare the vote which was cast in Michigan for Tilden in 1876 with that cast for Hancock in 1880. In 1876 Tilden received 141,095 votes, while in 1880 Hancock received but 131,496 votes. Where were these 10,000 democrats who voted for Tilden and failed to vote for General Hancock? Were their "rights in some way denied or abridged?" Were they intimidated? It would be more charitable to infer that as Michigan was hopelessly republican they refrained from voting. Would it not be equally charitable and just to infer that the failure of republicans to vote at the last presidential election in Southern States strongly democratic was caused by the same apathy and indifference that kept thousands of democrats in Michigan away from the polls?

The cry of a "solid South" that was sounded so loudly and fiercely in the recent political campaign by the "stalwarts" of the republican party, to frighten the timid and harmonize the discordant elements of that party, is now heard in this Hall. It has become familiar to the people, it has lost its terrors and possesses no charms. The South is now solid in its adhesion to the Union and fidelity to the Constitution. The fact that a large majority of the people in the Southern States oppose the republican party is mainly attributable to the harsh and cruel legislation that was inflicted upon those States by the republican party after the close of the war, resulting in the creation and maintenance in those States of corrupt and infamous carpet-bag governments presided over by aliens and upheld by Federal bayonets, and so truthfully and eloquently described by Hon. Stanley Matthews, now a distinguished leader of the republican party, in a speech delivered by him at Cincinnati, Ohio, on the 1st day of May, 1872, as follows:

> Look at the South to-day. What a spectacle! We have the example of so-called civil governments bankrupting the communities they affect to represent; power usurped by strangers and not conferred by the voice of the people, and not for the purpose of restoring the prosperity of those battle-grazed fields, but for corruptly enriching the men who think that power and office belong to them as property and not as a trust. And so, gentlemen, in every department of the Government the slow poison of corruption, only not sufficiently slow, seems to have pervaded the whole civil and political administration of the country from the head to the foot.

But it is said that the republicans in the Southern States are, in the language of the gentleman from Michigan, [Mr. HORR,] "eliminated from representation" in this House. There will be in the next Congress fifteen republicans and nationals from the Southern States, a gain of ten over the number in this Congress. Let us stop for a moment and examine this question of "elimination from representation," and apply it to the republican party and the Northern States. What do we find? Look at the New England States. The entire vote cast in those six States at the last presidential election was 739,518, of which General Hancock received 311,435 and Mr. Weaver 11,803, making in all 323,238, being nearly one-half of the entire vote cast. Those States have twenty-eight Representatives in this House. By dividing the entire vote, 739,518, by the number of congressional districts in those States, 28, it is ascertained that the number of voters in a district average 26,411, and by dividing the combined democratic and national vote, 323,235, by the average number of voters in a district, 26,411, we find that the democrats and nationals are fairly entitled to twelve Representatives on this floor, instead of four, the number elected at that election, while the republicans, representing about one-half of the entire vote, elected twenty-four members. In other and plainer words, it requires 80,809 democratic and national voters to elect a member of Congress in New England, and only requires 17,345 republicans to elect one. Now let us look at the gentleman's own State, (Michigan.) We find that at the last presidential election General Garfield received 185,336 votes, General Hancock 131,496, and Mr. Weaver 34,895. The republican vote represents about 52 per cent. of the entire vote cast, while the democratic and national vote combined, amounting to 166,691, represents about 48 per cent. of the entire vote. The State of Michigan has nine Representatives in this House, all of whom are republicans. It requires 20,593 republicans in that State to elect a member of Congress, while 166,691 democrats and nationals are unable to elect a single member. And yet, confronted by these facts, the gentleman from Michigan [Mr. HORR] talks about "elimination from representation." When he is able to correct in his own State the evil of which he complains,

by which over one hundered and thirty thousand democrats have no Representative on this floor or voice in the legislation of the country, it will be time enough for him to talk about a "solid South."

The charge that colored men in the Southern States are deprived of the right to vote is denied by gentlemen representing those States in this body, and no proof is submitted to sustain the charge. In the absence of proof no one is justified in making the charge. But, sir, it is true that the right of white men, of foreign birth, to vote is abridged in the States of Massachusetts and Rhode Island. In Massachusetts it is expressly declared in her constitution that no person shall have a right to vote or hold an office in that State who is unable to write his name and read the Constitution in the English language. This prohibition was evidently intended to apply alone to persons of foreign birth. It was the creature of the know-nothing party, and after the death of that ignoble party it was adopted by the republican party to retain and perpetuate its political control of that State. By its rigid enforcement thousands of white men of foreign birth, who mainly constitute the industrial class of that State, and whose political sympathies and affiliations are naturally with the democratic party that has always been the friend and ally of the laboring-men of the country, are precluded from voting in that State. This subject was presented to the Committee on Elections of this House in the contested-election case of Boynton against Loring, and was ably discussed by General B. F. Butler, recently an honored and distinguished leader of the republican party of Massachusetts. He said, in his printed brief:

We now approach another proposition of vital importance, both to the State of Massachusetts, to the country, and to the contestants.

By an amendment to the constitution of Massachusetts, article 20, (page 38, general statutes,) adopted the 3d day of May, 1857, it is provided as follows:

"No person shall have a right to vote, or be eligible to office, under the constitution of this Commonwealth, who shall not be able to read the Constitution in the English language, and write his name."

This article was adopted by the Legislature of 1854-'55, and ratified by the people on the 23d day of May, 1857, by a vote of 23,833 in favor, and 13,776 against, out of some 150,000, the then voters of Massachusetts.

It will be remembered that in 1853-'54 a political wave swept over the country, bringing into existence and into power in Massachusetts a short-lived, illogical, intolerant political party, rightly designated by the name of "know-nothing," whose principal article of creed was opposition to any one not born on the soil. An exhibition of that intolerance will be seen in the provision, that to vote in Massachusetts a man must be able to read the Constitution in the *English* language.

Under it the most learned professors of Europe, coming here and taking upon themselves the duties and privileges of citizens, could not vote, unless they were able to read English. It attracted no attention, and has not been enforced by a statute until since 1874, when the dominant party in Massachusetts began to fear for their majority.

After presenting a tabulated statement showing the number of male persons over twenty-one years old in the State, and the number of votes cast at the election of 1878, he said:

That of the 403,444 citizens of the United States made so by the fourteenth amendment, (allowing that 4 per cent. of the total vote of the State remained away from the polls,) 136,859 were disfranchised from other causes than criminality, idiocy, and insanity, the causes being what are known as "illiteracy," failure to pay a tax, and pauperism. * * * Thus it will be seen that, by the constitution and laws of Massachusetts, 136,859 persons are disfranchised in contravention of the first section of the fourteenth amendment to the Constitution of the United States, which was adopted by the State of Massachusetts prior to the 21st day of July, 1868, when it was declared adopted by resolution of Congress, which ratification has never been withdrawn by her, and so is at least binding upon Massachusetts.

* * * * * * *

Shall the State, by its laws and their execution, be allowed to disfranchise so many of its citizens, and have the benefit of the representation of these disfranchised citizens in Congress and in the electoral college under the present apportionment? Let the law under which this very apportionment is made answer.

Section 6, chapter 11 of the acts of 1872, approved February 2, 1872, (17 Statutes, 28,) under which the apportionment is made, enacts:

"That should any State, after the passage of this act, deny or abridge the right of any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, to vote at any election named in the amendments to the Constitution, article 14, section 2, except for participation in the rebellion, or other crime, the number of Representatives apportioned in this act to such State shall be reduced in the proportion which such male citizens shall have to the whole number of male citizens twenty-one years of age in such State."

The State of Rhode Island, unlike Massachusetts, made no efforts to conceal her purpose to disfranchise persons of foreign birth. The constitution of Rhode Island, in plain language, makes a discrimination against them. By reason of frequent complaints to Congress by persons disfranchised in that State, the special committee appointed by the Senate to inquire as to "the denial or abridgment of the right of suffrage to citizens of the United States" visited that State for the purpose of investigating the subject, and afterward, on the 4th of May, 1880, made a report to the Senate, which was ordered to be printed. I hold in my hand a copy of the report, and now read the following extracts from it:

Under the present constitution of Rhode Island a discrimination is made, and one class of citizens (naturalized) are required to possess a qualification that is not required of native-born citizens, and this additional qualification amounts to disfranchisement.

The discrimination referred to by the committee consists in prohibiting any foreign-born citizen from voting unless he owns in his own right real estate in the city or town where he resides of the value of $134 over and above all incumbrances, while a native-born citizen can vote without owning real estate.

We examined a large number of witnesses to ascertain as nearly as possible to what extent this disfranchisement of foreign-born citizens had been carried in that State. This testimony is now reported to the Senate, and an abstract of it is appended to this report.

The testimony upon the subject of the number of persons deprived of the right of suffrage by the property qualifications imposed upon foreign-born citizens by the constitution and laws of Rhode Island is somewhat conflicting, various estimates being made by different witnesses ranging from 3,000 to 25,000. * * * Carl W. Ernst, an intelligent republican foreign-born citizen, gives still another estimate, after a careful examination, and places the number at not less than 10,000 to 15,000. His judgment was based upon careful inquiry, and his position as a journalist fitted him to judge.

Mr. Ernst, in his evidence, says:

So that we have in Rhode Island the extraordinary phenomenon of a constant decrease in the number of voters, (who are almost exclusively natives,) while the number of residents who are disfranchised increases. To all intents and purposes Rhode Island has now more people of foreign birth or foreign parentage than it has of people who are natives, and that fact applies as emphatically to this city of Providence and to some of the principal towns of the State as it does to any other portion of the State. * * * Making a liberal allowance for the floating population, (and that, I think, must be considerable, because this State offers special inducements to young men in various ways, in our shops, in the mills, and in various walks of life,) I think that the number disfranchised in this State cannot be less than 10,000, and it may be 15,000.

To show the class of men affected, I will read the following evidence:

Daniel Donovan: Naturalized; came from Connecticut; lived in United States since five years old; am a skilled mechanic; ten of us work together in one room in our factory; the highest grade room in it; six of the ten are foreigners, and cannot vote for want of land; a house and lot to suit my family would cost me $3,000.

The committee, after citing and reviewing the evidence adduced before them, state:

Restricted suffrage, registry taxes upon poor men alone, statutory closing of the polls at sunset instead of at eight o'clock, as formerly, by which the operatives in the mills are prevented from voting, and the compulsory payment of the registry tax ten months prior to the general election in a presidential year, cause great complaints upon the part of the poor men and foreign-born citizens in Rhode Island; and to these features of her laws many intelligent witnesses ascribe the small percentage of voters among her people and the large amount of corrupt practices in the elections of the State. A foreign-born soldier, brevetted a major for gallantry, said, under oath, "I have never qualified myself to vote, for the reason that I consider the principle wrong; that suffrage ought to be based on manhood, and not on real estate; and that no qualification was required for negroes, their color being sufficient passport, provided they vote right." In reply to the question what action the Government of the United States could take to remove the disqualifying features of the State constitution, he said "that by the fourteenth and fifteenth amendments of the Constitution of the United States universal suffrage was forced upon the South, and that the rule ought to work just as well on the North." Another foreign-born soldier, brevetted at Missionary Ridge as lieutenant-colonel, testified that he had tried to get many foreigners to become naturalized, telling them that in time they would become voters, but they would not do so, as they declared they would feel more degraded in becoming citizens of the United States, and not having the privilege of voting, than they felt that they were without naturalization; he said that was his own feeling, and although he owned no real estate now, but did when he voted, he felt that one who had for so long been a soldier in the service of the country ought not to need any such qualification.

* * * * * * *

Witnesses testify that a minority of her people has ruled Rhode Island for more than fifteen years past, and that the opposition to the extension of suffrage came mainly from those now in power, who fear the loss of place that would follow.

Your committee believes that there are good grounds for the complaints made, that the government of Rhode Island, under its present constitution, is nearer an oligarchy than a democracy. The disfranchisement of so large a percentage of her people, by systematic effort and rigidly enforced statutes, the small vote cast for President at a hotly contested election, the small number of votes cast for members of Congress in four successive elections, when contrasted with the number cast in other States in the same elections, the choice of members of Congress, governors, and Presidents by the votes of one out of every ten of the people, while other States cast one vote for every five of theirs, the maintenance of the rule of three-fifths for the amendment of her constitution, by which the will of the majority has been twice defeated, all compel us to recognize Rhode Island as different in her government, her institutions, and her policy from all of her sister commonwealths in the Union, and lead us to grasp at any provision of the Federal Constitution which, fairly construed, will grant us power to enforce for her people "a republican form of government," by which we mean a government by the whole people, for the whole people of the State.

Mr. Speaker, the leaders of the republican party in the States of Massachusetts and Rhode Island were active and zealous in their efforts to confer the elective franchise on colored men in the Southern States. Words are inadequate to convey their sad lamentations or express their haughty indignation over any imaginary attempt in the Southern States to deprive colored men of the right to vote, but they have no tears to shed or grief to express over the deprivation of that right to the white men of their own States.

Let us for a moment contrast the number of persons and voters in Massachusetts and Rhode Island with those in Indiana. In Massachusetts, with a population of 1,783,012, only 282,512 votes were cast at the last presidential election—the voters representing about 15.84 per cent. of the population, or one out of every six and a half persons. The State has eleven Representatives on this floor, the average number of voters in each congressional district being 25,610. In Rhode Island, with a population of 276,528, only 29,000 votes were cast, the voters representing about 10.48 per cent. of the population, or one out of every ten persons. The State has two Representatives on this floor, the average number of voters in each of the districts being 14,500; while in Indiana, with a population of 1,978,362, the number of votes cast at that election was 470,678, the voters representing about 23.79 per cent. of the entire population, or one out of every four and one-quarter persons. The State has thirteen Representatives in this House, the average number of voters in each congressional district being 36,996.

I call attention to the fact that the number of voters in Indiana is sufficient to make eighteen congressional districts of the average size of the districts in Massachusetts, and thirty-two of the size of

those in Rhode Island. And yet it is proposed by the gentleman from New York, [Mr. COX,] in fixing the number of Representatives to be apportioned at 301 or 307, to permit Massachusetts and Rhode Island to retain their present representation and reduce the representation of Indiana. I protest against such injustice in the name of a State constituting a part of the great West which reaches out to the Pacific Ocean, and from which State after State are rising like bright stars in the firmament. It is now in the power of the House to perpetrate this wrong; but, sir, the day is not far distant when the voice of the mighty West will be heard and its power respected in this House.

Interstate Commerce.

SPEECH OF HON. W. J. SAMFORD,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 10, 1881,

On the bill (H. R. No. 4748) to establish a board of commissioners of interstate commerce, and for other purposes.

Mr. SAMFORD said:

Mr. SPEAKER: Had it not been for the fact that railroad corporations have become so powerful, that they could oppress great cities, and materially injure the commerce of commercial centers, they might have continued indefinitely unjust exactions, against rural communities and private citizens. But, grown strong by combinations of unlimited, and limitless capital, they assumed to lay tribute on forces, little less powerful than themselves, and inaugurated a controversy, which I trust will only end in salutary legislation for all concerned.

There is no member of this House, whose experience does not readily recall instances of wrong to individuals, and communities, effected by unequal, unjust, and unlawful methods, and tariffs of railroads. And no one will deny, unless he be in some way connected with these corporations, that a persistent and universal demand comes to us, for some legislation to correct these palpable abuses.

The American citizen is pre-eminently law-abiding, and though he has experienced, for many years, the heavy burdens which have been laid on his industry, he has borne them silently, almost without a protest, because he has been educated to the belief that resistance, even by legislation, would be interfering with "vested rights." It has not been until very recently, through the agitation induced by encroachments, that he is being enlightened to the fact, that there are rights of property, which railroads are bound to respect, that they owe reciprocal duties to the public, in return for the franchises and privileges granted them.

Communities, cities, and individuals, have seen their property ruinously depreciated, values dwindle away, and their utmost effort wasted, by the avarice, or even caprice, of a railroad dignitary, possessing all save the outward trappings of arbitrary royalty. The ruin has been the more galling, that it seemed to be wrought under the rights of law. There may be danger now, since discussion has shown the illegality of the tyranny, that an outraged public, may demand reparation, severe if not excessive.

I shall therefore seek to be just toward the railroads, while I will be content with nothing short of absolute fairness for all concerned.

What are the abuses complained of, and which demand correction by congressional legislation?

First. Excessive and extortionate charges.

Second. Discrimination in charges, by which favored communities and individuals are benefited at the expense of others less fortunate.

But I am met at the threshold of the argument, that a railroad corporation is but an aggregation of individuals, who should have the right to use their means according to their profit, or even whim. That is the fundamental error of their assumption. *Sic utere tuo ut alienum non laedas*, is a legal maxim whose justice and wisdom, have passed beyond the realms of controversy. No man has a right to use his own to the detriment of his neighbor. And especially is this true when his private property, has added to it, public privileges. Lord Hale asserted more than two hundred years ago, that "when private property is affected with a public interest, it ceases to be *juris privati* only," which dotrine was emphasized by Chief-Justice Waite in a recent decision. When, therefore, private property "becomes clothed with a public interest," its use passes from the sphere, of the mere profit or caprice of its owner, and becomes a proper subject for public regulation. Even the grain-elevators at Chicago, worked in connection with the railroads, were held by the Supreme Court of the United States, to come within this principle, and subject to have their charges regulated by the Legislature of Illinois.

Not only does private property invested in railways become affected with a public interest, but it affects that interest which has, at all times, in all countries, been under the control and supervision of law. From a date long before the building of the Appian highway to Rome, down to the present hour, the highways of a country belong to its people. There can be no absolute alienation by a government of this sovereign right.

The supreme duty of a representative government is to protect the citizen from oppression, in the enjoyment of his life, liberty, and property. The power to do this is indefeasible; any granted charter used to oppress, or to violate, the rights of others is repealable. No vested right to extort or oppress can ever be ingrafted on a charter. The humblest citizen in the land has a vested right to protection. Even in private contracts between individuals, equity will modify the universality of common law, and dissipate an unconscionable advantage. *A fortiori*, when a public contract is obtained by legislation, and diverted to improper uses, legislation can remedy the abuses, else the creature becomes stronger than the creator. Any legislation which operates to turn loose a lawless tyrant, which may trample down all individual right, is a nullity, because it is a surrender of the sovereign power, of government, to prevent wrong. Such power was never intended to be given in the charters of railroads. An eminent jurist very recently contends that corporations "have no proprietary right, title, or claim to the roads themselves, but a mere franchise, annexed to and exercisable thereon."

To contend that the exercise of a mere franchise, may develop into rights as absolute and comprehensive, as pertain to proprietary ownership is utterly, illogical and indefensible. Again, innumerable Federal and State decisions have settled the status of railroads to be quasi-public corporations. Exercising the power of eminent domain in condemning land and material for its use, necessarily makes it public. For this, and other privileges reciprocal duties arise. Becoming a public highway, every citizen has a right to use it, by complying with the reasonable exactions of law. And the law-making power alone, can say what is reasonable. To give that power to the corporation, would be to surrender all control as completely, as if it were entirely private. When, therefore, a reasonable sum is tendered to the occupiers of these great highways for the carrying of freight or passengers, they should be compelled by law to perform the service. The Reagan bill, however, which I shall support, does not deal with the question of extortion. In the near future it will be considered. A long-suffering people will not cease this agitation, once begun, until thorough and exact justice is meted out to all alike. This bill is less comprehensive than I would like, but it may be better to settle one point at a time, and hence I support it as the best now attainable.

Its aim, as the title indicates, is "to regulate interstate commerce, and to prohibit unjust discriminations by common carriers."

I have attempted to show that even, when private funds exclusively, are used to build railways, such railways become subject to the regulations of law. When they are constructed by the aid of Government funds, or credit, or by the donation of public lands, a moral, pervades the legal, right to control and regulate them, which admits of no refutation. Millions of dollars and hundreds of millions of acres of land, have thus been given to the railroads of this country, and yet they are operated with no regard to the interests of the public. In the recent investigations by the Legislatures of New York and Pennsylvania, railroad officials did not hesitate to testify that they acted, with no reference to the public interest, but with an eye solely to the interests of their roads. And when the official who has charge of the railroad connecting the city in which I live, with the outer world, was remonstrated with, by a committee of citizens on account of oppressive and discriminating tariffs, he coolly informed them that hewas consulting only the interests of his stockholders. Time and again the merchants and farmers of my section, have vainly demanded transportation for cotton, and were refused it, unless they would ship to certain cities specially favored by that corporation. And it is a fact, so notorious and frequent as not to provoke comment, that it is often cheaper for us to ship our produce, seventy miles west, and thence back over the same road to Charleston, Savannah, or New York, than to ship directly to those ports in the first instance. This is but one of many, yes, of very many, instances of the freaks of these modern common carriers, who are asking to be let alone, that they will be held in check by the natural laws of competition applicable to common carriers. You might as well attempt with meshes, prepared for mice, to hold royal Bengal tigers. A committee of the Senate, six years ago, reported to that august body that—

> In the matter of taxation, there are to-day four men, representing the four great trunk-lines between Chicago and New York, who possess, and who not infrequently exercise, powers which the Congress would not venture to exert. They may at any time, and for reasons satisfactory to themselves, by a single stroke of the pen reduce the value of property in this country by hundreds of millions of dollars.
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> With the rapid and inevitable progress of combination and consolidation, these colossal organizations are daily becoming stronger and more imperious.

Think of it! "By one stroke of the pen" these representatives of soulless corporations, can beggar 10,000 families and reduce to want and destitution, 50,000 free American citizens! And yet Congress sits idly by, and refuses or fails to interfere; and we are told "these colossal organizations are daily becoming stronger and more imperious." Yes, "imperious" is the fitting term to characterize such imperial power. That report was six years ago. It was a prophecy then, which finds its fulfillment now.

Sir, there are 100,000 miles of railway in this country, representing more than $5,000,000,000, engaged in carrying the commerce of this people, which amounts to $30,000,000,000 annually. This vast power is not only gathering its forces for defensive warfare, but it is with

lightning rapidity consolidating, combining, and concentrating, under its Vanderbilts and Goulds, for offensive and aggressive ends.

Neither is it choice as to means in attaining its objects. It demands and receives every vestige of privilege under law, and when necessary, special laws are obtained by methods not only alarming, but subversive of the institutions of all free government. Even now the dark shadows of these mammoth powers, are lengthening athwart the liberties of this land. The great and overshadowing issue of the immediate future, is whether the people shall control corporations, or corporations the people. Mark that down.

I said they hesitate at no methods to succeed; being soulless, they can afford to be Ingersollites. It is notorious that the railroads furnish large sums of money in political contests. They belong to no party, have no allegiance to anybody, or anything except their own aggrandizement. Before the New York committee, in 1873, Jay Gould had the effrontery to testify, with a swagger, in these words:

> I do not know how much I paid towards helping friendly men. We had four States to look after, and we had to suit our politics to circumstances. In a democratic district I was a democrat, in a republican district I was a republican, and in a doubtful district I was doubtful; but in every district and at all times I have always been an Erie Railroad man.

This railroad king absolutely spent so much money to help "friendly men" that he did not know the amount. Debauching suffrage, and poisoning the very fountain of civil liberty. And who are these "friendly men?" Representatives of the people, elected by them to serve the people, but being captured by the railroads, they help to shackle the people, by legislation favorable to the railroads, and grinding on the people. In the terse language of a writer in the December number of Scribner:

> The railroad statesman is found in both parties and in every legislative assembly; while perhaps not numerically in the ascendant, through packing the principal committees, and "retaining" members of the legal profession, who happen at the time to be legislators, their ends are usually obtained.

And Senator BECK, whose vigorous mind illumines whatever it touches, is no less emphatic in declaring:

> It is impossible to have an honest Legislature, State or Federal, so long as representatives are sent, who owe their election to, or are personally interested in, great moneyed corporations or monopolies. No matter whether they call themselves democrats or republicans, they are not the representatives of the people; they are simply the agents and attorneys of those who seek, by taxing the masses, to enrich themselves, whenever they owe their election to monopolists.

Not only in the political or legislative hall do we find their vast power displayed, but in the sacred precincts of temples of justice they stand, and demand favorable judicial decision, on pain of their displeasure. Mr. Gowen, of Pennsylvania, is my authority for saying, that a few months ago, the counsel of the Pennsylvania Railroad Company, in the supreme court of that State, threatened that court with the displeasure of his clients, if it decided against them.

But why multiply instances of obliquitous methods by which they obtain and retain unjust and unconscionable privileges? Why weary myself with an argument, to demonstrate the danger of this overgrown and usurping power? Only those who will not see, refuse to admit the truth of these glaring facts, which demand intervention if the power exists to do so; and hence I recur to the legal phase of the problem.

The question with me is, have we the power to remedy the evil? Is it lodged in Congress or in the States; for I will not admit that it is not lodged somewhere? If in Congress, then does the bill under consideration afford the remedy? That Congress has the power to "regulate commerce among the States" there can be no question, as that is expressly one of the enumerated powers of Congress, in the Constitution. Not only the power, but full and exclusive power is thus given. Full power over a given subject implies the whole and leaves no residuum. It is true, as decided in the case of Welton *vs.* The State of Missouri, in 1 Otto; so far as some of these instruments of commerce are concerned, and some subjects local in their operation, it has been held that the States may act.

But I regret to find that when Congress does act with reference to commerce between the States, in so far as it assumes to act, at least, all State authority, *eo instanti*, ceases. I shall not stop to argue the exact extent of State authority, as that question is not involved in this discussion. I am in favor of holding on for the States all power they have. As an argument of convenience and efficiency, Congress alone is adequate to remedy the evil, in a large sense. The doctrine established in 10 Wallace, "whenever a commodity has begun to move as an article of trade, from one State to another, commerce in that commodity between the States has commenced," would seem to imply that any interference therewith by the State, after congressional action, would trench on congressional jurisdiction. It is in the transportation of just such commodities as these, cotton, bacon, sugar, and cereals—articles produced in one State and destined for the markets of another—that the abuses complained of exist. If the State should attempt to lay the hand of regulation on their transportation, she could only follow them to the confines of her territory, and leave them to the tender mercies of railroads beyond her limits, whereas Congress may lay its enactment on its carriage, from State to State, and thence to foreign countries.

Therefore, for the purpose of controlling the great trunk lines, which span States, and stretch from ocean to ocean, it is absolutely the duty of Congress to provide for proper regulations.

But what are "regulations?" As early as 1823 Mr. Justice Washington decided:

> Commerce among the several States can mean nothing more than intercourse among the States, for the purposes of trade, be the object of the trade what it may, and this intercourse must include all the means by which it can be carried on.

Again, in 15 Wallace, it is decided that—

> The transportation of freight, or of the subjects of commerce, is a constituent part of commerce itself.

In a very recent case Mr. Justice Miller is in accord with the same principle when he says:

> The power to regulate commerce is a power to regulate the instruments of commerce. * * * It extends to the persons who conduct it as well as to the instruments used.

Long before any of these decisions, in the leading case of Ogden *vs.* Gibbons, Chief-Justice Marshall, than whom no higher authority exists in this country, settled finally and forever the true construction, when he decided:

> Commerce undoubtedly is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations, and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse.

Railroads are nothing more than the instruments of commerce; they are, therefore, subject to legislative regulation. They are the great arteries of intercourse between the States, and the lawful objects for prescribed "rules for carrying on that intercourse."

If any doubt existed as to the constitutional power of Congress to pass this bill, that doubt is dissipated by the fact, that these great corporations have received no comfort on that score, from their learned and astute attorneys. And hence they have directed their combined energies to defeat it by other means than constitutional argument. Its constitutionality has been demonstrated beyond the possibility of cavil by the distinguished gentleman from Texas, [Mr. REAGAN,] who offered this bill as a substitute for the committee's bill. And I may as well say here, I shall not discuss the provisions of the bill of the committee. With all respect for its author it brings no relief, as was fully shown by the gentleman from Texas, [Mr. REAGAN.] It is the giving of a stone in response to a request for bread. And the national commission therein provided for, shackled as it is with mere dress-parade functions, will only be an apologist for the abuses it will be powerless to prevent, even if so inclined.

This brings me to the second and last and main question I propounded: Does the Reagan bill afford an adequate remedy for the evil?

It simplifies largely this discussion, by dealing alone with general principles. Its provisions do not require the assistance of experts in railroad matters to be intelligently and justly considered. They seek to protect the people, and at the same time are not unfair to the railroads. The first section is intended to prevent discrimination in charges between individuals. It provides that all shall be charged alike in the matter of transportation. The small farmer, the humble mechanic, the honest laborer, are placed on the same plane with the merchant prince and the man of wealth. All are to be charged alike for like services. One man's money is as good as another's. Is there any unfairness in this? Where is the wrong? Who objects to it? How does this hurt the railroad? Who has a right to complain? No fair-minded, just man can object to this humane regulation. It is constitutional, because restricted to property transported from one State or Territory to another State or Territory, or to foreign countries.

The second section is necessary to the effectiveness of the first. It is therein provided that it shall be unlawful, to allow any rebate, drawback, or other advantage upon shipments made or services rendered. The allowance of rebates has been ruinous to many men, to the advantage of a favored few. The illustration of this pernicious practice, oftenest mentioned because of its enormity, is the payment in rebates, by the trunk-lines of railroads to the Standard Oil Company in eighteen months, of over ten million dollars. They went further and guaranteed that company against loss by competition. Such an arrangement, of course, placed all others engaged in the like enterprises at the mercy of this favored company. I do not know, but it is fair to conclude, that the officials of these roads were personally interested in this company. If so, they were prostituting their trust to their pecuniary gain. Such a practice as this eliminates from enterprise and commerce the salutary and just element of competition, paralyzes earnest effort, blasts well-defined hopes, and robs honest labor of hard-earned wages. A man may be ever so prudent, be ever so cautious, honest, and industrious, and yet be beggared in a day by arts like these. And yet, I dare say, these rebates and drawbacks are of daily occurrence on every trunk-line in the United States.

The third section prevents "pooling." And what is pooling? An agreement or combination between different railroads to divide in a certain ratio their aggregate or net earnings; an agreement not to compete with one another for patronage; a combination or conspiracy, to charge the maximum rates which traffic will bear, and divide the plunder between them. They "pool their issues." It is a railroad union, by which they can effectively strike for higher wages, whenever spasms of prosperity appear in the country. It destroys all competition, and lays every industry and enterprise helpless at the feet of this vast money power. It is a device of modern invention, a refinement of that common-law crime known as conspiracy. Five cents a bushel on corn added to the freight, we are told, is a tax annu-

ally, of $45,000,000 on the western farmers. One cent a pound on cotton would be on one crop $30,000,000. Who can prevent this enormous taxation? The cotton and corn must go to market, else the fifty million people of this country must starve and go naked. Why do they not add this annual tax? Simply because a cold, selfish calculation demonstrates, that the producer cannot pay it, and continue to produce. As it is, the entire profit of agriculture is taken, and a bare subsistence left. And yet Mr. Vanderbilt says "the relations between the railroads and the people are better adjusted by the people and themselves, than by any iron-clad legislation." A repetition of the fable of the wolves advising the sheep, to drive away the dogs that peace might reign between them. No, sir, unions among laboring classes are denounced as communism, and yet here is the most powerful money union ever established among men. I do not wonder that this section is more bitterly fought by these corporations than any other.

In a recent letter from Messrs. Vanderbilt and Jewett is this language:

> The growth of a disregard of property in this country is very marked, and railroad corporations offer favorable forms of attack. The encouragement by such a body as the Chamber of Commerce to such ideas will not stop at railroad corporations, but will reach all kind of associated capital, and will not stop until it reaches all property.

Here is an artful and insidious appeal to the fears of capital, to rally to its aid, in this struggle of the people against oppression. If ever communism and socialism assume dangerous proportions in this country, (which God forbid,) it will be owing to the abuses these gentlemen are fostering, and this bill is seeking to correct. There is a point to all endurance. The Grangers of the Northwest who forced the railroads to terms were not communists. Their resistance may have been, the soft breeze, dallying before the lightning and wild winds of a coming storm.

The rest of the bill is devoted to that detail and proper penalties, necessary to the enforcement of these provisions, except the fourth section, which forbids greater compensation for transportation a less, than a greater distance. This is not an attempt to regulate the rate, nor to require even a *pro rata* rate, but a simple denial of the power to charge more for carrying freight fifty, than five hundred, miles. This is absolutely needed, to protect cities and communities less favored than others, from being despoiled by an arbitrary and cruel discrimination. At one time, and perhaps now, the rate from New York to Salt Lake City was $4 per hundred pounds, and but two dollars and a half to San Francisco from New York. For the purpose of building up some cities within their interests, or their good graces, they will carry commercial products many hundred miles without profit, and make up the loss by imposing double rates on intermediate local points. Ah, but they say their interests and those of the people are mutual, and naively ask if it is natural that they should damage themselves. I concede that they hold up their heavy hand before utterly destroying; a different policy would be suicidal. But the burden is made as heavy as it can be borne and leave life in the subject. But for the buoyancy and strength of this young nation it would have reeled under the load long ago. Cities, towns, and lands near markets and commercial emporiums are dearer in value than remoter sections. Proximity to these points is a natural advantage, for which the possessor pays. It is natural and right that such investments should have legitimate returns. But all these natural laws are violated and abrogated, by these great highways, and these advantages are held by the precarious tenure of their sweet will.

At the request of the gentleman [Mr. REAGAN] I have given this question some consideration, and did hope that an opportunity would be afforded for passing this bill. But the session drawing to a close forces the necessity of availing myself of the previous consent of the House to offer my views at this time.

Being public highways, owing reciprocal duties to the public, these highways ought not to be allowed unreasonable compensation for services. If it is reasonable to carry one hundred pounds, one hundred miles, for $1, how can it be reasonable to charge $2 for carrying the same amount fifty miles? At an early day I propose to ask a jury to answer that question.

Sir, I despise that political leper, a demagogue. The man who, for selfish ends and unholy objects, would array one class against another, or jeopardize the stability of property rights, for mere personal applause, deserves the withering scorn of all honest men. But the false charge of demagogy, so flippant on the lips of railroad claquers, shall not deter me, from sympathizing with the interests of the struggling people, who sent me here. To their interests alone, within the bounds of justice to all, I owe my allegiance.

I am not inimical to capital honestly won, and by no means to the railroad interests of the country. I admire the splendid achievements of that factor of our national greatness. Its magnificent strides, interlacing and interlocking the social and material industries of this great country, is a source of gratification as well as wonder. It is the modern car of progress, and capable of being the greatest civilizing agency, and blessing of the century. Wind and tide and lightning have been made subservient forces to the arts of civilization; but all these combined, fail to contribute that material advancement of a country, which springs up like magic, in the wake of the locomotive, properly managed. Waking the first echoes of the morning, this matchless steed of the nineteenth century, with iron ribs and withers of steel, fleeter far than Lampus and Phaëthon, annihilates distance through all the long hours of day; and when night comes, tireless still, breathful still, a Polyphemian eye lights his careering course along trembling valleys, and through rock-ribbed mountains, crumbling under his tread.

But when, Polyphemus-like, "caring nought for the gods, and devouring human flesh," he crushes individual rights to powder, and stamps the life out of individual enterprise, some Ulysses must be found, not to "put out the eye of the monster," but to bridle and tame him, and subdue him, for a nation's good.

One other word in conclusion. I regret that I have but a faint hope of early relief from congressional action. This whole subject is too novel and intricate for men to form accurate conclusions speedily. The public mind is, however, being directed to it, and in the near future will be aroused to inquire for a lawful remedy. I denounce all unlawful methods to secure a remedy, as tending to communism, the greatest crime against society and government, of the age. The ballot-box alone can bring relief; and in our Government that will be done only by the agency of political parties. I know this should be no political question; but I have seen enough to know, that relief will never come from the dominant party in power. Owing its recent success to the unlimited use of money, furnished by the vast money corporations of the country, it is bold enough to stand by its friends. The greenback party, subordinating the great principles of local government, and the real interests of the people, to wild financial theories, utterly subversive of the Constitution, and tending to a despotic nationalism, or what is worse, to anarchy and confusion, cannot and should not, receive any support from the conservative, law-abiding masses of this country. The only hope we have, and I say it not as a partisan, but from earnest, mature conviction, is to be found in the triumph of the everlasting and indestructible principles of democracy, the party which in all the years of its existence has fought the battles of the people against oppression. By unholy methods, it recently met defeat. It has survived defeat before, and like the Lybian giant, invincible in contact with Mother Earth, it needs only to keep in contact, with the sacred rights of the people. to emerge from defeat with renewed strength. It needs now only to gird up its loins, emblazon on its banners: *The right of local self-government—Tariff for revenue only—Free education—Freedom of elections—Freedom from corporate tyranny—The payment of public dues according to contract*, and leaving all trimmers, traitors, and time-servers behind, march on, over burning plowshares, to victory and dominion.

Rivers and Harbors.

SPEECH OF HON. E. W. ROBERTSON,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 7, 1881,

On the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. ROBERTSON said:

Mr. SPEAKER: The press and the country seem to have an erroneous idea of the facts relative to the river and harbor bill, particularly that portion providing for the improvement of the Mississippi River. It is thought the bill is large and extravagant. I desire to correct this misapprehension by a brief statement of facts.

The total appropriations for all rivers and harbors of the United States during the first century of the Government, ending July 4, 1876, was in round numbers but $61,000,000. That total is considerably less than the single State of New York spent during the same period for the construction, enlargement, and improvement of her canals, for as early as 1866 it had spent $64,700,000 for that purpose. Those canals were but 1,308 miles in extent, while the extent of the navigable rivers of the United States was fourteen times greater, or about twenty thousand miles. In other words, one State spent more on her artificial water-ways than the General Government appropriated for all the great rivers of the United States. It is but 1½ per cent. of the sum expended by private corporations on the railroads of the United States to the beginning of 1876, their total cost being $4,658,208,630. Of said $61,000,000 the 15,000 miles of navigation of the Mississippi and tributaries received but $21,000,000, or but a fraction over one-third. In marked contrast with this total appropriation for suitable water-ways from the valley to the sea-board, the British and Canadian Governments have spent more than double the sum for the same purpose, or nearly fifty-four million dollars, for the construction and improvement of a direct water-line from our grain-producing States, via the Welland Canal and Saint Lawrence River, to the Atlantic seaboard, which route will soon be completed.

It is true that the river and harbor bills during the past four years have been a little larger than during previous years, but it is because of past neglect of needed improvements.

Again, the press, the country, and a portion of this House seem to misunderstand the facts about the proposed improvement of the Mississippi River. In June, 1879, we passed a bill providing for the appointment of a Mississippi River commission. The creation of the act was almost universally heralded to the country by the press as the levee commission. It has since been alluded to by a distinguished member of this House, in debate upon this floor, as the levee commission. Such erroneous statements and impressions are throwing discredit upon a great national work—one which the President very justly called in his recent message a matter of "transcendent importance."

For more than fifty years, or from the time when the Government commenced the work of improving rivers and harbors to 1879, no well-defined plan of improving the Mississippi was agreed upon. Rival and conflicting theories were urged, and sums of money appropriated for patchwork which accomplished little for the producers and consumers interested in the river. Finally we agreed to provide for a board of skilled engineers to review the whole subject and bring order out of chaos. They were appointed in 1879, have made the necessary examinations, and submitted to us their report. They are not a levee commission at all, but a Mississippi River commission, created for the purpose of improving that great trunk line—the nation's most important highway of commerce—all the way from its headwaters to the Gulf.

I desire the correction to be as public as the error, and therefore improve this opportunity to call the attention of this House, the press, and the country to the facts.

Apportionment of Representatives.

SPEECH OF HON. R. M. A. HAWK,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 5, 1881,

On the bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census.

Mr. HAWK said:

Mr. SPEAKER: Congress is about to proceed, under the authority conferred by section 2, article 1 of the Constitution and the laws in force upon the subject, to adopt a ratio under the enumeration of population of the tenth census of the United States and apportion to the several States of the Union the number of Representatives in Congress to which each may be entitled under such ratio.

In the exercise of this high and delicate power it is the duty of the Representatives of the people to ascertain the principles discussed and the basis upon which the section of the Constitution to which reference has been made and the laws enacted were founded in the formation of the same; and for the purpose of presenting in connected form the consideration of the subject, the respectful attention of the House is called to the clause of the Constitution which refers directly to this subject. It is as follows:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed 1 for every 30,000, but each State shall have at least one Representative.

The remainder of the clause refers to an arbitrary distribution of representation among the thirteen original States until a regular enumeration could be made and an apportionment of representation under the same.

At the commencement of the session of the Continental Congress, September 5, 1774, a resolution was adopted allowing each colony or province one vote, and care was taken that no precedent should be made that would in any manner interfere with the establishment of representation upon the basis of population. Under the articles of confederation the same plan of representative voting was agreed upon and continued until the adoption of the Constitution.

In 1789, when the Constitution went into effect, our present system of representation went into operation. When it was decided by the convention that two legislative bodies should be formed, the powers to be exercised by representatives in voting was discussed. Some favored equal State representation; others claimed that the powers of the States in legislation should be based on population. In the consideration of this question the larger States were favorable to the formation of the basis of representation upon population, while the smaller ones favored the equality of the States as organized governments in casting the representative vote. The question of apportionment with reference to population was discussed and advocated by some, while others favored a basis to be made upon property.

After the adoption of the population basis, the question of who should constitute the people referred to as population evoked some contention, such points as, for the purposes of representation, the voters should be considered as the population, and questions arose as to white or free population. The decision as stated in the clause of the Constitution quoted was finally reached that the representation should be "according to their respective numbers," which includes inhabitants of every sex and condition "excepting Indians not taxed," and a clause referring by implication to slaves uses the language, "three-fifths of all other persons." This latter clause gave certain advantages to the slave-holding States, because while slaves were denied the privilege of exercising the rights of the ballot they nevertheless gave power to the States in Congress by entering into the formation of a basis of representation, each slave exercising three-fifths of the power of a free white citizen.

The abolition of slavery by the proclamation of emancipation, and as a result of the war of 1861–'65, gives to the colored population the right to participation in the apportionment for the purposes of full representation, so that we can, as in the last census, proceed without the inequality resulting from this slavery clause of the Constitution to make a just and equitable apportionment of representation.

From the time the Constitution went into effect until 1842 the basis of representation was determined by dividing the population of the several States by the number of inhabitants, fixed by the ratio adopted, which number was established by section 2, article 1 of the Constitution at a minimum of 30,000. The same section of the Constitution fixes the number of Representatives to which each State was entitled.

From the foundation of the Government until 1842 the plan was followed of dividing the population of each State by the number taken as the basis of representation, President Washington having, soon after his first election, vetoed a bill requiring that the whole population of the United States be divided by such number.

In 1842 by act of Congress it was provided that 70,680 should constitute the number upon which each Representative should be based, and a member for a moiety of that number.

In 1850 an act of Congress was passed requiring the whole population of the United States to be divided by the number of Representatives fixed upon, and the quotient thus obtained constituted the ratio by which the population of each State was divided, the quotient resulting indicating the number of Representatives to which such State was entitled, the States having the largest fractions being entitled to extra representation until the arbitrary number is reached.

This latter plan is the one now in force, and the question for this Congress to decide is, what shall be arbitrarily fixed as the number of Representatives for the next decade.

By reference to the Constitution it will be seen that the number of members of the first Congress was fixed at 65, which number was duly apportioned between the thirteen original States.

The following table shows the number of Representatives of which Congress was composed during the several decades of the existence of the nation, and also the number of inhabitants to each Representative under the various apportionments made by Congress, to wit:

Decade ending—	Number of members.	Population to each Representative.
1793	65	.....
1803	105	33,000
1813	141	33,000
1823	181	35,000
1833	212	40,000
1843	240	47,700
1853	223	70,680
1863	234	93,500
1873	241	127,941
1883	292	130,533

The number of Representatives was increased from time to time in the various Congresses by the admission of new States; as, in the last stated number the members comprising the House should be 293, one member having been added by the admission of Colorado as a State in 1876.

Thus far I have thought best to sketch the history of apportionment and representation under the Constitution and laws, and to give a very short epitome of the early workings of the same. We have presented by the Census Committee for our consideration, and from which to form conclusions, a computation of representation upon various bases, from 293 to 325, inclusive. And upon an examination of all the facts to be considered, and in view of the expressed opinions of many of the members of the House, I have deemed it best to confine the consideration of the subject to the effects upon representation which may be produced by adopting either of the following numbers of members as a divisor of the population of the States, to wit, 307, 311, and 319, as compared with the present number, 293.

Upon a careful investigation of the tables presented to the House by the committee through their chairman, the gentleman from New York, [Mr. COX,] it is believed that for all purposes 319 will be the most satisfactory to all sections of the country. I as deeply regret as any member of this body the necessity for referring to this subject in anything like a partisan or political sense, but it is believed that the presence of two great parties in this country must of necessity

enter into the discussion of this question, and it becomes absolutely necessary to so consider the subject in the light of present conditions. For this purpose I have divided the States into those certainly democratic, certainly republican, and doubtful, basing such division of the country upon the popular vote cast at the last presidential election. Upon this basis I have placed the following States as certainly democratic, to wit: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Those certainly republican are Colorado, Connecticut, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin. Under the head of doubtful States are such as in my judgment are evenly divided, or nearly so, as indicated by the vote at the last election. These are as follows: California, Indiana, Nevada, New Jersey, New York, and Oregon. The population of the first named under the census of 1870 was 13,877,615. Under the late enumeration the population of these States is 18,504,203.

The second group of States, being those denominated as certainly republican, under the census of 1870 shows a population of 16,614,737. Under the enumeration of 1880 these States show a population of 21,570,517, while the doubtful have for 1870 a population of 7,663,153, and by the census of last year 9,294,873. Under the apportionment of 1870 these certainly democratic States had 106 Representatives, each based upon a population of 130,920; the certainly republican States 128 Representatives, based upon a population of 129,802 to each Representative; the doubtful States 59 Representatives, based upon a population of 129,883 for one Representative. It will thus be seen that the ratio of representation in these sections of the country under the apportionment of 1870 was as nearly equal as perhaps the computation could have been made.

By the apportionment on a basis of 319 members under the census of 1880 the representation in these three sections of the country would be as follows: Certainly democratic States, 1 to 155,497; certainly republican States, 1 to 155,183; and the doubtful States, 1 to 152,374. The general ratio, taking 319 as the number of Representatives, shows 1 to 154,764 of population. It is believed that no other figures will produce such an equality of results. In fact, after a most careful computation this is found to present a degree of equality in this respect which the adoption of no other number would do.

That these comparisons may be made by those who may have a desire to do so for themselves I present the following table, giving the population of the several States in 1870, together with a column showing the number of members allowed to each State under the apportionment of that census. The table is as follows:

Apportionment for Congressmen upon census of 1870.

States, (thirty-eight.)	Population, 1870.	Total members.	States, (thirty-eight.)	Population, 1870.	Total members.
Alabama	996,992	8	Missouri	1,721,295	13
Arkansas	484,471	4	Nebraska	122,993	1
California	560,247	4	Nevada	42,491	1
Colorado	39,864	1	New Hampshire	318,300	3
Connecticut	537,454	4	New Jersey	906,096	7
Delaware	125,015	1	New York	4,382,759	33
Florida	187,748	2	North Carolina	1,071,361	8
Georgia	1,184,109	9	Ohio	2,665,260	20
Illinois	2,539,891	19	Oregon	90,923	1
Indiana	1,680,637	13	Pennsylvania	3,521,951	27
Iowa	1,194,020	9	Rhode Island	217,353	2
Kansas	364,399	3	South Carolina	705,606	5
Kentucky	1,321,011	10	Tennessee	1,258,520	10
Louisiana	726,915	6	Texas	818,579	6
Maine	626,915	5	Vermont	330,551	3
Maryland	780,894	6	Virginia	1,225,163	9
Massachusetts	1,457,351	11	West Virginia	442,014	3
Michigan	1,184,059	9	Wisconsin	1,054,670	8
Minnesota	439,706	3			
Mississippi	827,922	6	Total	38,155,505	293

That we may have a close comparison between the population and apportionment of 1870 and of our present apportionment, together with the relative ratio of our present representation, being on the basis of 293 members, and that of 307, 311, and 319, the numbers which are thought to meet with the ideas of the Census Committee as indicated by the bills presented for the consideration of the House, as well as many of the members of the House, I insert the following table upon these numbers, taken from the pamphlet printed under the instructions of the House, upon the motion of the chairman of the Census Committee. It is as follows, to wit:

States.	Population.	293			307			311			319		
		Ratio, 1 : 168,497.			Ratio, 1 : 160,813.			Ratio, 1 : 158,745.			Ratio, 1 : 154,764.		
		No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.
United States	49,369,595	271	3,706,908	293	289	2,894,638	307	293	2,857,310	311	301	2,785,631	319
Alabama	1,262,794	7	83,315	7	7	137,103	8	7	151,579	8	8	24,682	8
Arkansas	802,564	4	128,576	5	4	159,312	5	5	8,839	5	5	28,744	5
California	864,686	5	22,201	5	5	60,621	5	5	70,961	5	5	90,866	6
Colorado	194,649	1	26,152	1	1	33,836	1	1	35,904	1	1	39,885	1
Connecticut	622,683	3	117,192	4	3	140,244	4	3	146,448	4	4	3,627	4
Delaware	146,654	.....	146,654	1	.....	146,654	1	.....	146,654	1	.....	146,654	1
Florida	267,351	1	98,854	1	1	106,538	2	1	108,606	2	1	112,587	2
Georgia	1,539,048	9	22,575	9	9	91,731	9	9	110,343	10	9	146,172	10
Illinois	3,078,769	18	45,823	18	19	23,322	19	19	62,614	19	19	138,253	20
Indiana	1,978,362	11	124,895	12	12	48,606	12	12	73,422	13	12	121,194	13
Iowa	1,624,620	9	108,147	10	10	16,490	10	10	37,180	10	10	76,980	10
Kansas	995,966	5	153,481	6	6	31,088	6	6	43,496	6	6	67,382	6
Kentucky	1,648,708	9	132,235	10	10	40,578	10	10	61,258	10	10	101,068	11
Louisiana	940,103	5	97,618	5	5	136,038	6	5	146,378	6	6	11,519	6
Maine	648,945	3	143,454	4	4	5,693	4	4	13,965	4	4	29,889	4
Maryland	934,632	5	92,147	5	5	130,567	6	5	140,907	6	6	6,048	6
Massachusetts	1,783,012	10	98 042	10	11	14,069	11	11	36,817	11	11	80,608	12
Michigan	1,636,331	9	119,858	10	10	28,201	10	10	48,881	10	10	88,691	11
Minnesota	780,806	4	106,818	5	4	137,554	5	4	145,826	5	5	6,986	5
Mississippi	1,131,592	6	120,610	7	7	5,901	7	7	20,377	7	7	48,244	7
Missouri	2,168,804	12	146,840	13	13	78,235	13	13	105,119	14	14	2,108	14
Nebraska	452,433	2	115,439	3	2	130,807	3	2	134,943	3	2	142,905	3
Nevada	62,265	.....	62,265	1	.....	62,265	1	.....	62,265	1	.....	62,265	1
New Hampshire	346,984	2	9,990	2	2	25,358	2	2	29,494	2	2	37,456	2
New Jersey	1,130,983	6	120,001	7	7	5,292	7	7	19,768	7	7	47,635	7
New York	5,083,810	30	28,900	30	31	98,607	32	32	3,970	32	32	131,362	33
North Carolina	1,400,047	8	52,071	8	8	113,543	9	8	130,087	9	9	7,171	9
Ohio	3,198,239	18	165,293	19	19	142,792	20	20	23,339	20	20	102,959	21
Oregon	174,767	1	6,270	1	1	13,954	1	1	16,022	1	1	20,003	1
Pennsylvania	4,282,786	25	70,361	25	26	101,648	27	26	155,416	27	27	104,158	28
Rhode Island	276,528	1	108,031	2	1	115,715	2	1	117,783	2	1	121,764	2
South Carolina	995,622	5	153,137	6	6	30,744	6	6	43,152	6	6	67,038	6
Tennessee	1,542,463	9	25,990	9	9	95,146	10	9	113,758	10	9	149,587	10
Texas	1,592,574	9	76,101	9	9	145,257	10	10	5,124	10	10	44,934	10
Vermont	332,286	1	163,789	2	2	10,660	2	2	14,796	2	2	22,758	2
Virginia	1,512,806	8	164,830	9	9	65,489	9	9	84,101	10	9	110,930	10
West Virginia	618,443	3	112,952	4	3	136,004	4	3	142,208	4	3	154,151	4
Wisconsin	1,315,480	7	136,001	8	8	28,976	8	8	45,520	8	8	77,368	8

From this table it will be seen on a basis of 319 that of the sixteen certainly democratic States, as compared with present ratio of 293, six remain stationary, to wit: Alabama, Delaware, Florida, Louisiana, Maryland, and Tennessee, while Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Virginia, and West Virginia gain one each; Texas gaining four. Of the sixteen certainly republican States four remain stationary, to wit: Colorado, Connecticut, Rhode Island, and Wisconsin. While Illinois, Iowa, Massachusetts, Ohio, and Pennsylvania gain one each; Michigan, Minnesota, and Nebraska two, and Kansas three. Maine, New Hampshire, and Vermont lose one each. Of the six doubtful States five remain stationary, to wit: Indiana, Nevada, New Jersey, New York, and Oregon; California gaining two.

To epitomize: The present representation of the sixteen certainly democratic States is 106, the representation, taking 319 as a basis, will be 119, showing a gain of thirteen. The certainly republican States under the present basis of representation have 128 members, while under the proposed basis of 319 they will have 139 members, showing a total net gain of eleven. The gain being fourteen but the three States losing one each leaves a net gain of eleven. The doubtful States under the present representation have 59, under the proposed they will have 61 members, showing a gain of two.

It is submitted that in a political sense it would be exceedingly difficult to secure a more equitable distribution of the increase between the politically divided sections on the basis of population.

It may not be uninteresting to know the ratio of representation on the basis of the late enumeration of population as applied to the electoral vote. It is as follows: Of the sixteen certainly democratic States, the ratio is 1 to 134,088; the certainly republican States, 1 to 134,815, and the doubtful States, 1 to 130,913. It is, of course, understood that the electoral vote, as such, has nothing to do with the apportionment of the population, except in so far as it affects the electoral college; but for the purpose of comparison, all these matters are of interest.

In this connection, I present for the information of the House the following table, showing the electoral vote in 1880:

Electoral vote for President and Vice-President, 1880.

States.	President.		Vice-President.	
	Garfield.	Hancock.	Arthur.	English.
Alabama	.....	10	.....	10
Arkansas	.....	6	.....	6
California	1	5	1	5
Colorado	3	.....	3	.....
Connecticut	6	.....	6	.....
Delaware	.....	3	.....	3
Florida	.....	4	.....	4
Georgia	.....	11	.....	11
Illinois	21	.....	21	.....
Indiana	15	.....	15	.....
Iowa	11	.....	11	.....
Kansas	5	.....	5	.....
Kentucky	.....	12	.....	12
Louisiana	.....	8	.....	8
Maine	7	.....	7	.....
Maryland	.....	8	.....	8
Massachusetts	13	.....	13	.....
Michigan	11	.....	11	.....
Minnesota	5	.....	5	.....
Mississippi	.....	8	.....	8
Missouri	.....	15	.....	15
Nebraska	3	.....	3	.....
Nevada	.....	3	.....	3
New Hampshire	5	.....	5	.....
New Jersey	.....	9	.....	9
New York	35	.....	35	.....
North Carolina	.....	10	.....	10
Ohio	22	.....	22	.....
Oregon	3	.....	3	.....
Pennsylvania	29	.....	29	.....
Rhode Island	4	.....	4	.....
South Carolina	.....	7	.....	7
Tennessee	.....	12	.....	12
Texas	.....	8	.....	8
Vermont	5	.....	5	.....
Virginia	.....	11	.....	11
West Virginia	.....	5	.....	5
Wisconsin	10	.....	10	.....
Total	214	155	214	155

While dealing with this subject of the ballot and the electoral vote in their relation to apportionment it may not be uninteresting to present in this connection the popular vote for candidates for President for the year 1880. I have not divided this vote between the sections of the country, nor do I propose to deal with it in detail, since the gentleman from Michigan [Mr. HORR] has so fully and completely presented facts and figures upon this point for the information of the country showing the relative powers of the voters of the various sections of the Union in the election of Representatives.

For the information of the House and country I call attention to the following tabular statement of the popular vote of last November:

Popular vote for President, 1880.

States.	Garfield.	Hancock.	Weaver.	Dow.
Alabama	56,221	91,185	4,642	.....
Arkansas	42,436	60,775	4,079	.....
California	80,378	80,417	3,376	.....
Colorado	27,450	24,647	1,435	.....
Connecticut	67,071	64,415	868	409
Delaware	14,133	15,275	120	.....
Florida	23,632	27,922	.....	.....
Georgia	54,086	102,470	969	.....
Illinois	318,037	277,321	26,258	443
Indiana	232,164	225,522	12,986	.....
Iowa	183,927	105,845	32,701	592
Kansas	121,549	58,801	19,851	25
Kentucky	106,306	149,068	11,499	258
Louisiana	38,016	65,067	439	.....
Maine	74,039	65,171	4,408	93
Maryland	78,515	93,706	.....	.....
Massachusetts	165,205	111,960	4,548	682
Michigan	185,341	131,597	34,895	942
Minnesota	93,903	53,315	3,267	286
Mississippi	34,854	75,750	5,797	.....
Missouri	153,567	208,609	35,135	.....
Nebraska	54,979	28,528	3,950	.....
Nevada	10,445	11,215	.....	.....
New Hampshire	44,852	40,794	528	180
New Jersey	120,555	122,565	2,617	191
New York	555,544	534,511	12,373	1,517
North Carolina	115,874	124,208	1,126	.....
Ohio	375,048	340,821	6,456	2,616
Oregon	20,619	19,855	245	.....
Pennsylvania	444,704	407,428	20,668	1,939
Rhode Island	18,195	10,779	236	20
South Carolina	58,071	112,312	566	.....
Tennessee	107,677	129,569	5,917	43
Texas	53,298	156,528	27,405	.....
Vermont	45,567	18,316	1,215	.....
Virginia	84,020	128,586	.....	.....
West Virginia	46,243	57,391	9,079	.....
Wisconsin	144,400	114,649	7,986	69
Total majority	4,450,921	4,447,888	307,740	10,305

There is another subject in connection with this apportionment which it seems to me may be considered with profit with reference to the three politically divided sections of the country as I have presented them, and that is the question of the collection of internal revenue. It will be remembered that there is a clause in the Constitution in which occur these words:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers.

While it is not claimed in any sense that the collection of internal revenue comes under the meaning of direct taxation under this clause of the Constitution, it certainly will be of interest and is pertinent to the discussion to know what proportion of the tax of this character is collected from the sections of the country referred to.

The aggregates are as follows:

In the certainly democratic States there was collected for the fiscal year ending June 30, 1880, $30,362,089.42; in the certainly republican States, $56,850,673.61; and in the doubtful States, $29,582,862.82. It will thus be seen that while the certainly republican States pay almost one-half of this class of revenue, they will, under the 319 ratio, have 139 members, while the certainly democratic and doubtful States, under the same ratio and paying about one-half of the total revenue collected, will have 180 members. It will, by this statement, appear that the discrimination is in favor of the democratic and doubtful States, upon comparing the number of representatives with the amount of the taxes paid.

It is in no sense claimed that this should form a basis for apportionment, but since taxation and representation are so intimately connected it occurs to me that this may very properly be considered as one of the elements representing the relative business enterprise and wealth production of the politically divided sections of the Union.

It has been said since this debate began that the only duty incumbent upon Congress is to fix the number of Representatives, and this having been done the other labor necessary is the use of figures in order to distribute these to the several States under the law in proper ratio.

While the Constitution expressly says that Representatives shall be apportioned according to population, it is nevertheless incumbent upon this body to view the subject from as great a number of stand-points as possible.

The gentleman from New York, [Mr. CROWLEY,] in his speech of the 4th instant, opposes an increase of the number of members of this House, claiming that the body is with its present number unwieldy and at times noisy. The gentleman forgets that in the history of all legislative bodies and of legislation in the civilized world the chief protection of the people against corrupt enactments and jobbery has been in a numerous branch of the popular Legislature.

It may be urged that a few men do the business in bodies of this kind, but I submit did such arguments lie it might only be necessary for the very few who claim to do the business, when it has been

demonstrated who these few are, to occupy seats in this body. It must be remembered that there is a nice distinction to be drawn upon this point, and it is an historical fact that when ambitious or designing men desire to accomplish the overthrow of personal liberty and establish monarchies, among the first steps in the programme is the reduction of the numbers in bodies representing directly the people. Again, many precedents are quoted and comparisons made of the members of which similar bodies are composed under European governments. The gentleman from New York, [Mr. COX,] in his able speech on the 2d instant, refers to the French Chamber of Deputies, which is composed of five hundred and thirty-two members, as an illustration of a representative body, and in this connection makes the statement that "the largest bodies are born of monarchy or oligarchy."

It is submitted, however, that the French Republic after the trials of years, and now possessing that wisdom which is born of experience, having resorted to this plan of a numerous representation fresh from the people, argues that the greatest safety to the liberties of the people lies in direct contact rather than a more concentrated and necessarily a further removal from constituencies. The French Republic has fixed her representation, as follows: Number of deputies, 532; population, 36,905,788; constituents to each deputy, 69,371. Our Republic, under the number proposed by Mr. SHERWIN'S amendment, would be 319 Representatives; population, 49,369,595, or one Representative to each 154,764 of population, showing that, should this number be adopted, we should have nearly two and one-fourth times as many constituents to a Representative as is deemed wise in France; and, surrounded as she is by the monarchies of Europe, it is reasonable to suppose she has adopted the system under which her people feel that their liberties are the most secure.

In my own State of Illinois the most potent reason for increasing the number of the members of the Legislature at the time of the adoption of our present State constitution was that a large body could not be so easily corrupted and organized into rings for the advancement of jobbery.

Gentlemen argue that we shall, by increasing the number of Representatives from decade to decade, soon so augment the numbers in the House as to utterly destroy its effectiveness, or at least greatly weaken the body. Let us see how the ratio of increase has progressed since the organization of the Government. The first House was composed of 65 members, on a basis of 3,000,000 inhabitants in the whole country as approximated. Upon this basis the population by the census of 1880 is more than sixteen times greater than at the organization of the Government, while the number of Representatives, should 319 be taken as the basis, would show an increase of less than five times the original number, the exact increase being 4.90, and should the number 319 be adopted we would have the lowest representation that has ever been in this country, to wit, 1 to 154,764; the lowest previous number being that under the last apportionment on the census of 1870, 1 to 130,533. In the light of these figures, will any unprejudiced gentleman, whose opinions are formed upon information derived from our past history, for one moment suppose that we are increasing the numbers of our Representatives in a too rapid ratio?

We are not here to deal with the questions that may arise under the apportionment of Representatives ten, twenty, thirty, or a hundred years in the future. Conditions may be prevailing at the next enumeration of the inhabitants that may have little connection with our actions at the present. We are here to meet the duties and questions that confront us, and not what we expect or surmise may be those of ten years from this date and that may then affect the country. I have dealt with some of the questions involved from a political stand-point; that is, with reference to the certainly democratic States, the certainly republican States, and the doubtful States, as indicated by the vote at the last presidential election, according to my best judgment. I have done this in no partisan spirit. I regret as much as any Representative in this body that our condition is such that this treatment of the subject may in any sense appear sectional or narrow.

But we must meet the conditions as they exist, not as we could wish them to be. We have two great political parties in this country opposed to each other radically upon the principles that should prevail in our governmental system, and each of these parties would be glad to obtain an advantage, if possible, in the apportionment of representation, especially as the basis now fixed must also enter into the organization of and the powers to be wielded by the electoral college in two presidential contests. The statesman, in my judgment, should meet these questions, and, acknowledging the importance that attaches to the solution of them, proceed in the broad sense of national benefit and advancement, with a full regard and care for the protection and happiness of the whole people, to deal with them. We as republicans believe that this can be best wrought out through republican doctrines, principles, and teachings; and while we do not contend for advantages over our antagonists, we do propose to see to it that no advantages are gained by our opponents, whom we conscientiously believe to be wrong in their theories of government.

We have in the course of an honest, fair-minded investigation concluded that the number under which right and justice will be meted out to all sections of the country is the number 319. And for this we stand, because, in our judgment, while it gives us as partisans no particular advantage, it also gives our political opponents none. It comes more nearly dealing out equal and exact justice to all sections and parties, and in so doing best represents the wishes and interests of the whole people in establishing a ratio of representation.

I have, in considering this question, while doing so in a partisan sense, tried to put aside all feelings of narrow sectionalism; yet at the same time, realizing that the struggle must finally come between the two great parties as to which shall secure advantages, I have attempted and believe have succeeded in taking a politically business-like view of the case, and my theories and cause must stand or fall upon the facts and figures submitted.

This subject is too great and important to sink it into personal or partisan abuse. There is nothing to gain by such a course. The progress and civilization of the age will never sanction such treatment of the question. Our motto should be the broadest, freest prosperity of the whole country under national union and the most sacred protection to the citizen in his right to a full, free, untrammeled, unforced representation in this House, and to secure these rights as well in the electoral college during the next decade.

Improvement of Rivers and Harbors.

SPEECH OF HON. T. UPDEGRAFF,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 15, 1881,

On the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. UPDEGRAFF, of Iowa, said:

Mr. CHAIRMAN: Let us examine further the appropriations made by this bill in the light of the report of the engineers.

"Improving Winnepiseogee Lake, New Hampshire, $2,500." The engineers say:

Lake Winnepiseogee is *about twenty miles in length*, with an average width of about five miles. At its southwestern extremity (at Weirs) it has an outlet into Long Bay, which bay is navigable for a distance of four miles to its outlet at Lake Village.

The waters are navigated, when not closed by ice, by three or four steamers, drawing from four to five feet of water, and by seven or eight smaller ones of one to three feet draught. They are chiefly used from the middle of May to the latter part of November, *in the transportation of pleasure travel;* while the smaller boats are used principally for carrying wood and produce, and occasionally passengers, about the shores of the lake.

"Broad Creek from its mouth to Laurel, Delaware, $10,000." The engineers say:

The distance from Laurel, the head of tide-water, to the mouth of the creek is *about seven miles.* * * * The remainder of the creek up as far as Laurel is very shoal, the depth declining rapidly to three, two, one, and one-half feet, and even less. * * * It is stated that the depth of water below Laurel was once much greater. The creek is certainly very shoal now. It is estimated that to make a channel of seven feet depth at mean low-water, and sixty feet in width, will require the removal of 175,000 cubic yards of material—$46,500. If the creek has shoaled so much in the past, the same process would probably continue after the making of the artificial channel. The tendency to deposition might be checked to a considerable extent by regulation of the water-way by wing-dams and training-walls, and the cost of these would increase the foregoing estimate to $60,000.

"Nomini Creek, Virginia, $2,000." The engineers say:

Its navigation was obstructed by a bar of sand and oyster shells at its mouth, over which but three feet could be carried at low water.

After passing the bar a wide and navigable stream is found, in which eight and one-half feet can be carried to Nomini Ferry, *three miles above the mouth*, and five feet can be carried *for two and one-half miles above the ferry.*

The improvement proposed was the excavation of a channel one hundred feet wide and nine feet deep at low water through the bar, and the estimated cost was $20,000.

"Pagan Creek, Virginia, $5,000." The engineers say:

The flourishing town of Smithfield is at the head of navigation. Between the town and the mouth of the creek, a distance *of about five miles*, four shoals occur, through which Mr. Abert reports that a channel should be dredged sixty feet in width and from six and one-half to seven feet in depth. He estimated the cost of the above excavations would then be about twenty-eight thousand dollars.

"Staunton River, Virginia, $5,000." The engineers state the depth at forty-six stations or shoals within thirty-two miles between Brookneal and Roanoke as varying all the way from *four inches* to twenty, and the fall in these thirty-two miles at forty-five and a half feet. They also say:

The navigation between Brookneal and Roanoke is at present carried on by a small steamboat and bateaux. The bateaux float down the river with the current, and are pushed up stream by the aid of poles.

"Totusky River, Virginia, $2,500." The engineers say:

It is twenty miles long. About five miles from its mouth it is crossed by a bridge without a draw, over which passes the county road. The examination was therefore limited to the portion of the river below the bridge.

The tides reach above the bridge, the mean range at the mouth being about one and six-tenths foot.

"French Broad River, North Carolina, $5,000." The engineers say:

The part of the river which it was proposed to improve was that between Brevard and Big Buck Shoals, a distance of thirty-two miles. The obstructions were fish-traps, bowlders, and ledges of rock, and gravel shoals, and it was proposed to

secure the proper depth and slope at these points by means of dredging, rock excavation, and the construction of wing-dams where found necessary. The estimated cost of securing a depth of two-and-a-half feet at low water, with a channel thirty-five feet wide, by this method was $45,500.

"Escambia River, Florida and Alabama, $5,000." The engineers say:

The work would not be permanent in its character, but would require more or less dredging and snagging from year to year. The commerce to be benefited is confined to lumber, about five million feet of which, including hewn and sawed, are annually transported down the river. Amount (estimated) required for completion of existing project, $17,000.

"Suwanee River, Florida, $30,000." The engineers say:

It is proposed to expend the amount asked for in continuing the work according to the plan. It is not thought the improvement will be permanent, but that a small amount of dredging will be required from time to time. The commerce to be benefited is principally in pine, cypress, and cedar timber, 2,000,000 feet of which were shipped last year. Cotton, sirup, and other farm products in limited quantity are also annually shipped, chiefly to Cedar Keys, from points on the Suwanee River:

Amount appropriated by act approved June 14, 1880	$5,000
July 1, 1880, amount available	5,000
Amount (estimated) required for completion of existing project	50,158
Amount that can be profitably expended in fiscal year ending June 30, 1882	50,000

"Pearl River, below Jackson, Mississippi, $25,000." The Engineer says:

The work is not considered of a permanent character, as obstructions, caused by trees falling into the river, drift-logs, and snags are liable to reform at any time.

Original estimated cost	$95,940
Amount appropriated (last year)	30,000

"Tallahatchee River, Mississippi: Lower part, $1,000; upper part, $2,000." The engineers say:

For thirty miles above Sharkey's Landing it is almost impossible for steamboats to navigate, the leaning timber nearly meeting each other as it leans over from both banks, and at any stage of water it is next to impossible for boats of any dimensions to get through into the Coldwater. The other portion of the Tallahatchee above, and this side of the mouth of the Coldwater, is in much better condition, being wider and more free from obstructions of any description.

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From the mouth of Coldwater to Sharkey's Landing, on the Tallahatchee, a distance of one hundred miles, the river runs through a wild and thinly-settled country.

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From inquiries made from planters living near the river, and from steamboat men running on the Tallahatchee and Yazoo Rivers, I am informed it would be no benefit to improve the upper part of Tallahatchee above Sharkey's, for the business is so small and so readily accessible to the Mississippi River on the west, and to the Mississippi and Tennessee Railroad on the east, that the business offered on the river would not be sufficient to pay a single steamboat to run.

"Tombigbee River, above Columbus, Mississippi, $1,000." The engineers say:

The present project for the improvement of this portion of the river was adopted in 1873, the object being to give good high-water navigation by the removal of snags and overhanging trees from Columbus to Fulton. The old channel was not navigable during low-water, and was so difficult and dangerous during high-water, on account of the obstructions named above, as to stop all steamers.

The amount expended to June 30, 1880, is $19,590.32, and has resulted in so opening the river that light-draught steamers were enabled to run up to Fulton, during the last high-water season, and bring down over two thousand bales of cotton.

* * * * * * *

It is estimated that a yearly appropriation of $2,000 will be required to keep this section of the Tombigbee River in navigable condition.

Before the commencement of this improvement all cotton and other produce had to be hauled about twenty miles to the railroad and pay high rates of freight. As soon as the river is made navigable cheap freights will increase the trade and tend to induce farmers to settle in this section of the country.

The original estimated cost of the work under existing project is $35,000.

Total amount appropriated, $30,667.05.

"Amite River, Louisiana, $5,000." The engineers say:

The improvement is not considered a permanent one, as the obstructions caused by trees falling into the river, drift-logs, and snags are liable to reform at any time. * * * The general character of the stream is a succession of pools, sometimes over a mile in length and not less than four feet in depth, connected by ripples or shoals, there often being not more than one foot of water over them. The bed of the stream is generally gravel or sand, and the shoals are invariably composed of these materials.

"Bayou Terrebonne, Louisiana, $8,800." The engineers say:

By act of Congress approved June 14, 1880, an appropriation of $10,000 was made for its commencement.

To do this it will be necessary to clear away the overhanging willows and bushes on the right bank of the bayou for a distance of twenty miles below Houma and to dredge the shoal spots that exist at intervals for a distance of six miles below that place.

The work is not considered permanent, as the shoals below Houma are apt to reform with each high water.

"Tangipahoa River, Louisiana, $2,000." The engineers say:

The work is not considered of permanent value, as the obstructions caused by drift trees and snags are liable to replacement by new obstructions of the same character supplied by caving banks.

Total estimated cost	$10,700
Amount appropriated (last year)	5,000

"Warrior and Tombigbee Rivers, Alabama and Mississippi, $25,000." The engineers say:

The main increase in business that will result from the completion of the Warrior River improvement will be in the transportation of coal from Tuscaloosa, which, with navigation made practicable for barges, will undoubtedly become extensive and of great importance.

Of the Tombigbee, the engineers say:

This improvement, like that of the Warrior, and for the same reasons, will need annual revision after completion; $5,000 will be a sufficient annual appropriation for this purpose.

On both rivers below Columbus there had been expended to June 30, 1880, $80,213.04; amount appropriated and then available, $54,786.96.

Amount (estimated) required for completion of existing project, $203,000.

"Arkansas Pass and Bay, up to Brockport and Corpus Christi, Texas, $80,000." The engineers say, ($100,000 having been appropriated in 1879 and 1880:)

Amount (estimated) required for completion of existing project, $1,100,722.75.

"Improving channel over bar at mouth of Brazos River, Texas, $40,000." The engineers say, July 1, 1881:

The first appropriation was by act of June 14, 1880, $40,000. Amount (estimated) required for completion of existing project, $246,484. * * * The work is not considered as susceptible of permanent completion, and estimates will vary accordingly.

"Pass Cavallo Inlet into Matagorda Bay, Texas, $60,000," $120,000 having been appropriated in 1879 and 1880. The engineers say:

Amount (estimated) required for completion of existing project, $919,180.

"Improving ship channel in Galveston Bay, Texas, $50,000." The engineers say:

Original estimate, (for channel 100 feet wide and 12 feet deep,) 1877		$146,326 42
Appropriated, (1872 to 1880)		302,000 00
Unappropriated balance of the original estimate, (1877)		144,326 42

"Neches River, Texas, $3,000." The engineers say:

The present project for improvement of this river was adopted in 1873, with a view to opening up the river to navigation, to increase the depth across the bar at the mouth of the river from two and one-half feet to five feet, and by annual grants keeping it open by dredging.

The amount expended to June 30, 1880, is $12,892.70, and has resulted in temporarily securing a channel across the bar of five feet in depth at mean low tide. The work is not susceptible of permanent completion.

July 1, 1879, amount available	$12,662 08	
Amount appropriated by act approved June 14, 1880	5,000 00	
		$17,662 08
July 1, 1880, amount expended during fiscal year	11,246 23	
July 1, 1880, outstanding liabilities	1,308 55	
		12,554 78
July 1, 1880, amount available		5,107 30
Amount (estimated) required for completion of existing project		8,318 05

* * * * * * *

When the river is low in summer and early autumn the volume of flow is very small. * * * At low river very little water is running in the channel, and there are numerous shoals of sand and gravel. * * * During the summer, while the river is at low stage, there is so little water running and so many shoals and sandbars over which there is less than one foot in depth, that it would seem impossible to secure navigation throughout the year except by means of an expensive system of dams and locks, which the present state of the adjacent country does not warrant.

"Narrows of Sabine River above Orange and to deepen channel at its mouth, Texas, $7,000." The engineers say:

In several places the rocky strata cross the river, forming shoals and rapids that render navigation impossible at low water. The most noted of these rocky shoals occur just below Sabinetown, and at Goodwin's Ferry, where a fall of one and a quarter feet was observed in a distance of one hundred feet. The river is very tortuous in its course, and at low water varies constantly in its depth from ten feet and over to only a few inches.

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A few farms appear on the upper part of the river, and cotton and corn are cultivated.

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Belgrade, at the lower end of the "Raft," is ninety miles from Orange; one family lives here and keeps a small store.

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Throughout all this part of the river very little good arable land exists in the immediate vicinity of its banks.

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Last summer the small steamboat Lark, drawing a little less than two feet, was twenty-two days getting through the Narrows.

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East Hamilton, the initial point of this survey, is situated in Shelby County, Texas. It contains two stores and about thirty inhabitants.

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Pendleton, in Sabine County, has only one store and a cotton warehouse. Two families live here, and 1,000 bales of cotton were shipped last year.

Sabinetown is a small settlement of a half dozen families and one store.

There are no more towns on this river until we reach Orange. Some little cotton is shipped from a few landings. About every fifteen miles a single family can be found living on the river and tending a ferry. The reason of such a scarcity of population on the river is partly due to the fact that the bottoms are subject to overflows and cannot be cultivated, and partly to the prevalence of malarial fevers near the river in the summer months. * * * This year 45,000 logs were cut in the vicinity of the river, and at the time of the survey were waiting for the first rise to be floated down to the mills at Orange.

"Trinity River, Texas, $10,000." The engineers say:

Mr. Webb's report shows that above Liberty, the head of tide-water, and forty-one miles from its mouth, no sufficient improvements can be made except at a cost out of all proportion to the importance of the interests to be benefited, the river being a succession of rocky or gravel shoals, with deep pools between, very tortuous, with abrupt bends.

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The river was at extreme low-water stage, not navigable in places for our light skiffs.

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Twelve miles below the amount of water flowing in the river was found to be about sixty cubic feet per second. This amount was slightly increased lower down by creeks and springs.

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The river is very tortuous, with abrupt bends.

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Riverside, Walker County, at the crossing of the International and Great Northern Railroad, has three stores, a cotton-seed-oil mill capable of producing fifty barrels of oil per day, and three dwellings.

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Newport, Walker County, on the west bank of the river, two and one-half miles

below Riverside, has a store and two dwelling-houses. There is a public ferry here.

The site of Sevastopol is marked by the ruins of a warehouse.

In January, 1878, the steamer Wren went up to Ryan's Ferry, seventeen miles below Riverside, and took off a load of cotton. No steamboat has been that high up since. In 1879 six hundred bales of cotton were carried down the river without steam-power on a barge built at the ferry.

Swartwout, Polk County, on the east bank of the river, has four dwelling-houses. No business is done here.

Marianna, Polk County, seventy-five miles below Riverside and eighty-two miles above Liberty, has three stores, a school-house and warehouse, and five residences. While steamboats were navigating the river it was the most important place above Liberty. In 1879, seventy-five bales of cotton were floated down the river on a flat-boat.

Liberty, county seat of Liberty County, one mile west of the river and forty-one miles above its mouth, on the Texas and New Orleans Railroad, is by far the most important place on the river. It has three hundred inhabitants, nine stores, and is surrounded by a thickly settled country.

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Moss Bluff, twenty-one miles below Liberty, has a store and post-office and two dwellings.

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Wallisville, the county seat of Chambers County, six miles above the mouth of the river, has two stores, a post-office, and steam cotton-gin, and about two hundred inhabitants.

"Arkansas River, between Fort Smith, Arkansas, and Wichita, Kansas, $20,000." The engineers say:

During the coming season it is proposed to set a party at work at the upper end of the district. They will work at low water, either from flat-boats or the banks of the stream, and will remove snags and rocks from the channel, and perhaps build a few dams on the worst shoals. These operations will be carried on as far as the funds available will allow, and will, it is thought, benefit at least flat-boat navigation, which, with the impassable bridges below, is all that the stream is now capable of.

"Fourche Le Fevre River, Arkansas, $2,000." The engineers say:

Instead of building a flat-boat and placing upon it the necessary machinery for pulling snags and removing rocks, as originally contemplated in the project for the improvement of this stream, a complete outfit, consisting of three barges, was hired; one with steam-power; one for the working party engaged in clearing timber from the banks; and a third as quarters for the men.

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This shoal so far was the worst we had met with, having at least eighteen inches of a fall over it, and to enable me to get the boats over this fall I had to build a temporary brush dam to give sufficient water-level to do it.

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On the 5th November I arrived at Indian Grave Shoal, and found four inches of water on it; the shoal is about three hundred feet long, composed of slate rock. A passage-way sufficient for the boats to navigate was cut through.

The next place was Piney Point Shoal, about four hundred feet long and about forty feet in width; there was only three inches of water when I commenced work on it, which I deepened to about eighteen.

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Taking a general view of the river since the work has been done, I think it is one of the prettiest in Arkansas.

"Big Hatchie River, Tennessee, $3,500." The engineers say:

In the year 1866 the State Legislature of Tennessee declared the Hatchie to be an unnavigable stream, and gave permission to the Mississippi Central, the Memphis and Louisville, and Memphis and Paducah Railroad Companies to construct bridges across it, which created an effectual blockade, and although many attempts have since been made to navigate the river, which has led to much litigation, and the United States remaining silent on the question, navigation has been entirely suspended.

In 1880, possibly in anticipation of the "golden stream" which so delighted the Kanawha Gazette, the act was repealed.

"Cumberland River, from Kentucky line to Smith's Shoals, $15,000; at Smith's Shoals, completing improvement, $10,000." The engineers say:

The Smith's Shoals obstructions, especially that part known as Long Shoals, has been found more formidable than was anticipated, and may require some change of plan to overcome the difficulties encountered.

While at low water a person may walk about these shoals dry shod, it is found that during the flood stages the stream becomes a torrent of such force as to pick up large stones and roll them along as a small stream does pebbles.

There has already been appropriated for the shoals $90,000.

"Duck River, Tennessee, $3,000." From Centreville to the mouth of this stream the distance is 68.50 miles. In this distance there are fifty-one obstructed places, varying from 345 to 6,639 feet in length. The least depth in channel in these fifty-one places at low water is given at from four inches to eighteen. In only fourteen of the fifty-one places does this depth reach one foot, and in only six does it reach eighteen inches. For the long stretch of 6,639 feet the depth given is four inches. The fall for the sixty-eight and one-half miles is given at 122.05 feet. Comment is unnecessary!

"Hiawasse River, Tennessee, $1,500." The engineers say:

The original project for this improvement was adopted in 1874, and *contemplated* the formation of a channel at least two feet deep and forty feet wide, between Savannah Ford and the Tennessee River, a distance of about thirty-three miles.

Amount heretofore appropriated, $26,000.

"Kentucky River, from its mouth to Three Forks, Kentucky, $100,000." The engineers say:

The present project for the improvement of this river is that proposed by Major W. E. Merrill, Corps of Engineers, in his report of August, 1879, on the survey of the river, contemplating a slackwater navigation of six feet depth with permanent dams for the main river, *i. e.*, up to Three Forks, or for two hundred and fifty-eight miles. There is, at present, no regular or permanent navigation, the five old locks and dams on the lower eighty-two miles of the river having become, by disasters and neglect, practically useless, and above them there is too little water in low stages, with ripples and bars of rock and gravel scattered along the channel.

Heretofore appropriated, $200,000; amount required for completion, $942,402; total, $1,142,402. This does not include "maintenance and repairs," which in this case the engineers say, "may be considerable."

"Gasconade River, Missouri, $10,000." Of this stream from Vienna to its mouth, the engineers say:

This portion of the Gasconade, some seventy-eight miles in length, is a small stream, the low-water discharge being only four hundred and fifty cubic feet per second. The fall is heavy—one hundred and eight feet in this distance—and the river is much obstructed by gravel bars, the channels through which are tortuous and shallow. To thoroughly improve a stream of this character is a very costly operation.

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The river is a series of pools and shoals.

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The survey of the river develops seventy-six places needing improvement, as shown on the maps and in the following table.

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Rafting is at present the only traffic done on the river, though several boats have been up the stream. Lumber and railroad ties are rafted in various quantities year by year. It is estimated that 80,000 ties were rafted in the year 1879. Not much lumber came down, due probably to the very low water and the small demand for that article.

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Attention is also called to the existence and operation of a grist-mill, as shown on sheet 20 of the map.

How the "grist-mill" got there is not stated. It was, no doubt, discovered by the use of engineering instruments. Its engineering importance is not seen. Its commercial importance depends upon additional statistics. Whether this mill has a dam-site is not stated. For the kind of navigation, however, contemplated by much of the pending bill, it is a comfort to know the dam may be so "modified" as to occasion it no inconvenience.

Again the engineers say:

Attention is respectfully called to the condition of the bridge of the Missouri Pacific Railroad, near the mouth of the river, (sheet 31;) *it has no draw-span.*

This is the unkindest cut of all.

"Tradewater River, Kentucky, open navigation, $3,000." The engineers say:

The present examination covered the lower forty-one miles of the river. Further up than that the stream is so small, crooked, and obstructed as to render any examination looking to river improvement unnecessary. The results developed in the stretch examined show a succession of small pools and ripples.

The river is navigable for rafts and flat-boats descending, and small steamboats ascending, during very high water, which occurs at intervals from November to March, but as the stage of water is very uncertain steamboats do not venture far up.

"Sumpawamus Inlet, New York, $5,000." The engineers say:

GENERAL: I have the honor to submit the following report on the survey of Sumpawamus Inlet, Long Island, *with such information as I have been able to obtain* in regard to the commerce and navigation of the same:

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The amount of commerce and navigation to be benefited by the proposed improvement is unknown.

The amount of tonnage for the past year is unknown.

Sumpawamus Inlet is a tributary of the Great South Bay, and lies toward its western end. It is only an estuary and the supply of fresh water, which is large only after heavy rains, is stored in a pond used for milling purposes. The water in the inlet is so shallow that only very light-draught boats can navigate it, but those now employed *are nearly all pleasure-boats for the use of summer residents.*

Now, Mr. Chairman, I can spare no more time for "extracts" from the Engineer's reports. They could be obtained by non-members of the Committee on Commerce only about the time the discussion began. I can only guess at what I could have found in the 2,556 pages of the general reports, if I could have studied them as long and as carefully as the committee has done. On what I have presented comment is hardly necessary. The bill stands condemned. It will pass this House. That is predetermined. The same causes that make the committee which framed it unanimous in its favor will secure it a majority here. Let us hope, however, that no such bill will ever again be reported.

It is said that nothing is stationary; that all created things, all systems, are either advancing or retrograding, growing or dying. May we not hope that the system of carrying home to "deestricts" large appropriations from the national Treasury to lay at the feet of admiring constituents has reached its climax? Zeal in a Representative in caring for the local interests of his people is commendable; but may it not advance so far as to degenerate, after a while, into a mere division of the contents of the national Treasury. Does not the pending bill betoken greater zeal for local interests than for national or interstate commerce? Will not too many of its supporters on their return home "point with pride" to the amount of money which under its provisions is to be expended among their constituents? Will it not some time occur to these constituents that they themselves pay this money?

The savage estimates his valor and prowess by the number of scalps he carries home in his belt. If the progress of the last few years in appropriating money to be expended on thunder-gust creeks, bayous, and bubbling brooks is to be continued, how long will it be until at every adjournment of a session the Congressman will count his appropriations as the Indian does the scalps of his enemies? That constituents have already begun to do this was too abundantly indicated by the newspaper press of the country on the adjournment of the last session of this Congress. The following is a sample, taken from the Chicago Tribune of June 30, 1880:

KENNA, of West Virginia, is one of the members of the House Committee on Commerce, and in that capacity helps to prepare the river and harbor bill. He holds his seat apparently by the indulgence of his constituents, in consequence of his activity as a ———, and after the adjournment of each Congress returns to his district with a great flourish of trumpets. The Kanawha Gazette welcomed him home after

his late exploits in very cordial terms and gave him the credit of securing the following appropriations:

For Guyandotte River	$2,000 00
For Elk River	5,000 00
For New River	12,000 00
For Big Sandy River	55,000 00
For Kanawha River	200,000 00
For Charleston custom-house	75,000 00
Total	349,000 00

The Gazette commented on the appropriations as follows:

"Kanawha River receives as much as the harbor of New York; Charleston as much as the city of Philadelphia for its harbor. The third district receives more this year from the public Treasury than the net amount of all the taxes that have gone into the Treasury from the whole State of West Virginia for five years. Every dollar of it is now in the Treasury ready to be paid out as soon as it is called for. Since HEREFORD and KENNA have been our representatives the golden stream has poured steadily into our midst, refreshing the hearts and bearing blessings into the hands of our laboring-men, their wives and children."

Some of the results of democratic economy and southern supremacy may be seen in the river and harbor bill as applied to the great State of West Virginia, which has a solid democratic delegation at Washington.

Can any patriotic man witness this tendency without indignation? Can any judicious friend of river and harbor improvement see it without alarm? Is not the value of the great commercial arteries of the nation sufficient to enable them to stand upon their own merits? Must the magnificent Mississippi and tributaries which wash or penetrate the borders of every State between the Rocky and the Alleghany ranges be degraded commercially to a level with the Cheesequakes and the Choptank, and Chicago, Saint Paul, Saint Louis, and New Orleans be severally rated as an oyster-bed, a "grist-mill," or a "brick-yard," in order that river and harbor improvement may survive? Cannot the commerce on the great national water highways be cared for and protected without squandering the people's money on a trade that can get over a series of "modified mill-dams" in "push-boats," or "pole-boats," or boats that float down stream to be hauled back in wagons? Must the "boating" grounds of wealthy pleasure-seekers in "summer residences," where the "*elite* and lovely spread their silken sails" and lovers "bill and coo" in the soft moonlight, be adorned, and private "brick-yards" and "clay pits" made approachable by flat-boats, out of the taxes laid upon the people, in order that that which all recognize as just and wise may be done? If so, then it needs little foresight to discern that the whole system of river and harbor improvement will soon become odious and die.

I do not believe in this necessity. I have too much confidence in the wisdom and patriotism of Congress and the country. Let local and private interests be ignored. Stop "modifying mill-dams" for "push-boats." Drop the insignificant streams, creeks, and bayous. Abandon slackwater navigation, save perhaps where it forms a link in great transcontinental routes. Let the national river and harbor system appeal for aid on its own merits. The aid will not be denied. It will be vastly stronger than when associated and loaded down with shams and absurdities.

The political party with which I am proud to act is distinctly pledged to the improvement of national water-highways. I know of no dissent among its leading members. I am in full accord with its most advanced expressions on the subject. In this pledge fulfilled lies a large measure of relief against the exactions of selfish and grasping railway corporations. It violates no constitutional provision and invades no private right. Its results will not be uncertain. Let us hope that it is destined to a beneficent fulfillment and expansion. But the system can have no healthy growth until stripped of the barnacles and fungi which the engineers have so graphically described.

Let me illustrate. This bill appropriates $10,000,000 in the aggregate. For the Chattahooche River, Georgia, it appropriates $20,000; the engineers estimate the cost of the whole improvement at $6,403,811; so that the bill gives $\frac{1}{320}$ of the amount necessary. Now, if one item of $20,000 in this bill involves an ultimate expenditure of $6,400,000, then in the same ratio the aggregate of the bill, to wit, $10,000,000, involves the ultimate expenditure of $3,200,000,000, a sum nearly one and a half times as large as the national debt. Is it not sure that such a system will soon fall to pieces of its own weight?

In a former hasty reference to this stream the ultimate expenditure was stated at about three million dollars, which on close examination is found to have had reference to only one of the three sections of the river.

It is claimed that this is not a fair illustration, that the survey and estimate relate to a part of the river not to be improved. In the engineer reports the river is divided into two sections, first, "the Chattahoochee River, Georgia and Alabama;" second, "the Chattahoochee River, Georgia, above Columbus." The appropriation is for "the Chattahoochee River, Georgia," without limitation except by the word "Georgia." The survey and estimate from which I read are of the upper part of the river, which is in Georgia, if my geography is correct.

But take the Big Sandy, Kentucky and West Virginia. The bill gives it $30,000 for slackwater navigation. The estimate in round numbers is $2,000,000. Capitalizing the cost of operation, repairs, &c., at 4 per cent. per annum, we have $2,000,000, more, in all, $4,000,000, or one hundred and thirty-three times the appropriation for this stream in this bill. Now multiply the aggregate of the bill, to wit, ten million by one hundred and thirty-three and we have $1,330,000,000, an amount pretty close up to the whole national debt, for which this bill is an "entering-wedge."

Everybody knows the several items in this bill could not receive the approval of this House, each on its own merits. How long could the Cheesequakes, the Secretary, or the Choptank stand alone in this Hall? Its passage will be said to be due to the omnibus or log-rolling principle, a motive power in legislation so vicious as to need no characterization.

The States represented on the Committee on Commerce receive large appropriations. Some of them are, perhaps, not justly criticisable. Every member of that committee is understood to be warmly in favor of the bill as an entirety. The remainder of the House is practically without information as to the character of the streams appropriated for save what can be snatched from 2,000 unindexed pages in the hurly burly of debate. Very many of the surveys are special and as yet unattainable, and of these I fear many are of streams most insignificant and absurd. No member of the committee has given to the House, so far as I know, any information as to how much of wrong it must approve in order to do *some* justice. So anxious are many, myself among the number, for the improvement of navigable or important waters, that yielding much to differences of opinion and the weakness of human nature, and out of regard for the difficult and laborious duties which the Committee on Commerce has performed, they would be willing to endure what seems to them a considerable wrong in order that great good might be done. But the Sumpawamuses, the Guyandottes, the Big Sandys, the Cheesequakes, the Choptanks, &c., are much too numerous, and I know not how many more such the attainable and unattainable reports disclose.

Whether the distributions of the bill be regarded as based upon population, commerce, or the navigability of streams it is indefensible. As a "big divide," a character which its friends seem to give it, it is unfair. Speaking in round numbers, the bill appropriates twenty cents *per capita* of the population of the United States. Texas carries off $750,000, while the proportion of her population, 1,592,000, would entitle her to no more than $318,400. Iowa, with a population of 1,642,000, receives about ninety thousand dollars, when she is entitled to $328,400. Are the streams of Iowa and on her borders less noble than the bayous of Texas? Is she nearer the sea-coasts than Texas? Why should Texas receive $750,000, while Iowa with a greater population, is thrust aside with not a farthing for her interior, and only $90,000 for her six hundred or seven hundred miles of navigable boundary? True, Iowa has asked nothing for her interior streams. That industry she has never developed. Nevertheless she has streams as deep and broad as the Trinity or the Sabine, that will yield as gracefully to the embraces of lock and dam as the Big Sandy. She has bubbling brooks wherein the shy but gamy trout hides under "overhanging trees," "ripples and shoals," that murmur sweet music, and pools and inlets and lakes whereon lusty youth breathes its tale of love and plies the drippping oar. In her classic "Skunk" she has her "splatterdock" ready to part gracefully for the plowing keel of traffic, and her bullfrogs to "bay its deep-mouthed welcome." But she has no "push-boat" commerce or "pole-boat" navigation, and cares little for a "down-stream" trade that involves a return portage of vessels. I fear also her "mill-dams" would absolutely refuse to "modify," even at the command of the Commerce Committee.

Of the ten millions in this bill over one-half goes to the Southern States. If I remember correctly, statistics current during the last summer showed that these States represented but a small fraction of the commercial, financial, property-owning, tax-paying interests of the United States—about one-fourteenth. But even though the fraction be larger, why should more than one-half go South? Her population does not, I think, exceed one-third of the whole. Is it because she has more assiduously coveted the "golden stream" which last year so delighted West Virginia, or because she is by birthright entitled to the "lion's share" spoken of so frankly by the distinguished Georgian? The South comes here annually and comes almost solidly as a section and demands these inequitable appropriations, and when the North, which for the greater part must "foot the bill," cries out against it, she holds up her hands in horror and screams, "Oh, for shame; you are sectional and tearing open gaping wounds which should long since have been healed." I have been glad to notice, however, a few men from that section on this floor, who, with a broad patriotism, have resisted the blandishments of this bill, and are content to appeal for approval to the better sentiment of their people, men who evidently believe that to waste public money among their constituents can do them no permanent good at all commensurate with the general evil of the example, and representing communities who bear their full share of the public burden.

It is due to the Department of Engineers to say that in the hurry of this discussion some unintentional injustice has been done by all sides. It has often been remarked that the engineers "recommended" such and such appropriations. This is hardly ever correct. The engineers are directed to examine and report upon the feasibility of a given project. They do not start it. They report the facts with reference to it and estimate the costs. These "estimates" are often erroneously treated as recommendations. The responsibility is with the Congress, and not with the Engineer Corps. It sometimes happens that these gentleman very properly express an opinion like this: "If this work is to be done it were better not to do it in driblets, thus incurring unnecessary waste and injury." I know of no suspicion of improper or unwise application of money appropriated; and from some personal observation in the West I am inclined to think that in that section the appropriations are wisely and economically administered.

River and Harbor Improvements.

SPEECH OF HON. JOHN WHITEAKER,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 15, 1881,

On the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. WHITEAKER said:

Mr. CHAIRMAN: I desire to submit a few remarks upon the bill now under discussion in Committee of the Whole House. I am in favor of the passage of this bill, because I believe the interests of this great country demand it. Although representing the most remote State in the Union, I desire, nevertheless, to consider the merits of this bill in a national point of view. I hold that it is the duty of the Government to provide in a liberal manner for the improvement of its rivers and harbors. I would go further, and amend the bill so as to include in its provisions other sections of the country which have been either ignored entirely or granted such small appropriations as to render the execution of the work inefficient. There are gentlemen upon this floor who can speak eloquently and determinedly in behalf of their own excluded sections. I propose to devote my allotted time to the discussion of the rights and demands of that section of the Union which I have the honor to represent in this body.

While this bill was being formulated by the Committee on Commerce, which under the rules of the House was charged with its preparation, I submitted to it, through its chairman, the following communication relating to the improvement of the rivers and harbors of Oregon, to wit:

HOUSE OF REPRESENTATIVES,
Washington, January 16, 1881.

DEAR SIR: I have the honor to transmit herewith the following estimates of appropriations for the improvement of the rivers and harbors of the State of Oregon. I most respectfully urge that these amounts may be incorporated without reduction in the bill to be reported by your committee relating to the improvement of the rivers and harbors of the United States.

The amounts following are those estimated and recommended by the Secretary of the Treasury; and the congressional delegation from the State of Oregon urge them as necessary and proper for the improvement of the rivers and harbors of that State, to wit:

For continuing work on the canal around the Cascades of the Columbia River, $500,000. The appropriation last year for this work was $100,000. (See Book of Estimates, page 145; also see Report of Chief Engineer, United States Army, page 2301.)

For the improvement of the Upper Columbia River, including Snake River, $50,000. The appropriation last year was $15,000. (See Book of Estimates, page 145; also Report of Chief Engineer, United States Army, page 2272.)

For the improvement of the mouth of Columbia River, protecting beach at Point Adams, $20,500. A very important item. (See Book of Estimates, page 145; also, Report of Chief Engineer United States Army, page 2317.)

For the improvement of the Lower Willamette and Columbia Rivers from Portland to the sea, including the bar at the mouth of the Columbia River, $150,000. The appropriation last year was $45,000. This is a work of great importance to the State. (See Book of Estimates, page 145; see also Report of Chief Engineer United States Army, page 2258.)

For the improvement of the Upper Willamette River, including Yam Hill River, $50,000. The appropriation last year was $12,000. (See Book of Estimates, page 145; see also Report of Chief Engineer United States Army, page 2277.)

For improvement of entrance to Coos Bay and Harbor, $60,000. The appropriation last year was $40,000. (See Book of Estimates, page 137; see also Report of Chief Engineer United States Army, page 2326.)

For the improvement of the mouth of Umpqua River, $12,000. (See Report of Chief Engineer United States Army, page 2334.)

I have the honor to request, in behalf of the delegation from the State of Oregon, that your committee will incorporate in the river and harbor bill a clause directing an examination of Youngs, Lewis and Clarke's, and Skipanon Rivers, entering into Youngs Bay, in the county of Clatsop, near the mouth of the Columbia River, in the State of Oregon, as far as tide-water extends on said rivers, with a view of ascertaining whether any improvement of the said rivers is advisable.

In support of this request I would urge that the performance of this work will not involve a special appropriation. It can be performed by the engineer in charge of that district, at a small expense which will be obtained from the annual appropriation of $150,000 made for such purposes.

I have also been informed by General Wright, Chief of Engineers, United States Army, that certain specific information relating to Yaquina and Coquille Rivers will shortly be forwarded to your committee for its consideration.

I am, sir, with great respect, your obedient servant,

JOHN WHITEAKER,
Representative from Oregon.

Hon. J. H. REAGAN,
Chairman Committee on Commerce,
House of Representatives

The bill as reported to the House by that committee reduces those estimates and grants to the State of Oregon to the following amounts, which, in my opinion, are inadequate to the wants and interests of the people of that growing State:

Canal around Cascades of Columbia River, Oregon, $100,000.

Improving Upper Columbia River, including Snake River, Oregon, $15,000.

Improving Lower Willamette and Columbia Rivers, from Portland, Oregon, to the sea, including bar at mouth of Columbia River, Oregon, $45,000.

Improving Upper Willamette and Yam Hill Rivers, Oregon, $15,000.

Young's, Lewis and Clarke's, and Skipanon Rivers, entering into Young's Bay, in the county of Clatsop, near mouth of Columbia River, Oregon.

Improving entrance to Yaquina Bay, Oregon, $10,000.

It is not my purpose, Mr. Chairman, to enter upon a tirade against the committee because they have not granted the Pacific coast what I think the interests of that great section demand. As that committee is now constituted, it is perhaps as fair a bill as could be expected. In my judgment, the Pacific slope was entitled to a representation upon that committee. It is impossible for any committee to understand fully the commercial importance of the far West unless they possess personal knowledge of its wide and varied resources. Oregon, California, and Washington Territory have a seaboard of sixteen hundred miles or more. And back of these States, and still on the Pacific slope, lie the State of Nevada, and the Territories of Arizona, Idaho, and parts of Utah and Montana, embracing limits far greater than those of the Middle and New England States. The State of Oregon alone has a coast line on the Pacific of more than four hundred miles, embracing many harbors. The first, on the south, is formed by Rogue River and has two fathoms of water. Many rocks border the shore, and a dangerous reef with a channel one mile wide lies off the entrance. Port Orford is two miles long and one mile wide, and has an anchorage of six fathoms.

It is proposed to make this a harbor of refuge by the erection of a breakwater to protect it from south winds. The Coquille River is accessible by vessels of light draught. Coos Bay is about ten miles long and two miles wide and has a depth of four fathoms; the bar sometimes fills up in winter, which prevents large vessels from crossing it at certain periods. Umpqua River is accessible by vessels drawing from three to fifteen feet. Yaquina Bay is about four miles long and two miles wide; the bar has a depth of less than two fathoms at low water. Tillamook Bay has an area of more than six square miles; the entrance has a width of six hundred yards, with a channel one hundred and thirty-five yards wide and from four to eight fathoms deep. Nehelem River forms a bay four miles long and eight miles wide, with an entrance from two hundred to four hundred yards wide and a depth of eighteen feet at high tide. The Columbia River furnishes the best harbors in the State. Between Cape Disappointment (now officially called Cape Hancock) and Point Adams it is five miles wide. It has two channels; the south channel, more than two miles wide, with a depth of four fathoms at the lowest stage, and the north channel, more than six hundred yards wide at the narrowest point, with a depth of three and a half fathoms. Its chief drawback is a shifting bar.

The Columbia River forms the north boundary of the State for three hundred miles and is navigable by steamers the entire distance, with portages of six and fifteen miles at the Cascades and the Dalles respectively, around which railroads have been constructed. Ships ascend one hundred and fifteen miles above its mouth. Its chief tributary west of the Cascade Mountains is the Willamette, formed by the junction near Eugene City of three streams, known as Coast, Middle, and McKenzie Forks, which, with the exception of the latter, rise in the Cascade range south of Diamond Peak. The Willamette flows north one hundred and fifty-five miles and joins the Columbia one hundred and ten miles above its mouth. It is navigable by light steamers one hundred and twenty-six miles above Portland, and by sea-going ships eighteen miles. Navigation was formerly obstructed by the falls at Oregon City, but the difficulty was overcome by locks constructed by the State at a cost of $450,000. The chief tributaries of the Willamette are composed of three rivers. East of the Cascade Mountains the Columbia receives the Des Chutes River. John Day's River rises in the Blue Mountains and has a north course of two hundred and fifty miles, emptying into the Columbia River a short distance above the mouth of the Des Chutes. The Umatilla and Walla Walla Rivers rise in the Blue Mountains and empty into the Columbia. The Snake River forms the eastern boundary of the State for more than one hundred and fifty miles, and is navigable above the mouth of the Powder River. The principal streams that flow into the Pacific from this State are the Rogue and Umpqua Rivers, each about two hundred miles long, which rise in the Cascade Mountains and flow west, breaking through the Coast range. The Umpqua is navigable by steamers of light draught to Roseburg, ninety miles above its mouth, though more than half this distance is obstructed by rapids. Numerous other streams rise in the Coast Mountains and flow west to the Pacific, among which are the Nehelem, Tillamook, Coos, and Coquille. The headwaters of the Klamath River, which empties into the Pacific in California, are in the southwest corner of Eastern Oregon, just east of the Cascade Mountains.

From this statement, Mr. Chairman, it will be seen what a vast area of rich and fertile territory in the State of Oregon is watered and drained by innumerable streams forming the tributaries and emptying into the larger streams that find their way to the Pacific Ocean, and for which we have asked appropriations to aid their navigation, whereby the products of millions of acres of fertile soil may be enabled to find their way to the markets of the world. In Eastern Oregon a portion of the chief agricultural tracts are along the streams. The soil in the valleys of the Willamette, Umpqua, and Rogue Rivers is of the most fertile character. In Western Oregon, particularly east of the Coast Range, grass is abundant and it was formerly a stock-raising country. A large part of the State is well adapted to stock and sheep raising, and the table lands of Eastern Oregon may be profitably devoted to this industry. Wheat is the chief crop, and its yield is very abundant and its quality most excellent. The climate and soil are also well adapted to the raising of oats and barley. Corn is grown to some extent in portions of Eastern Oregon and in the

south valleys, between the Coast and Cascade Mountains. All manner of fruits and vegetables thrive in great abundance, and flax grows wild in the vicinity of the Klamath basin. Prunes, peaches, and figs are also successfully grown in different parts of the State. The rivers of Oregon abound in fish, chief among which is the salmon, which has given rise to profitable industries. The annual value of the salmon fisheries of the State is estimated at several millions of dollars.

Another great product of the State, and which, with the proper improvements of the rivers of Oregon, would promote immense industries and thereby aid in enriching the Government, is its densely wooded and gigantic forests. This is particularly true of the coast range and the region west of it. On the Cascade Mountains the forests extend to the snow line. There are several varieties of deciduous trees, but the chief product of the forest is the coniferous evergreen, which furnishes most excellent ship timber, and several species attain a height of three hundred feet and a diameter of eight to ten feet. There are twelve varieties of this tree, all of magnificent growth, which, together with the Oregon oak, the red wood, the white maple, the Oregon ash and alder, the cottonwood, aspen, birch, and willow, form a product of the soil, which, in time, will give rise to one of the mightiest industries that has ever found a lodgment among the people of the earth; an industry by which the navies of the world shall be recuperated and ride at anchor in harbors on our coast, which shall have been created by a generous government in support of an industrious, brave, and energetic people.

The returns of the census of 1880 have not been so far completed as to enable me to present the wealth and resources of the State of Oregon in regard to its internal improvement and the productions of its varied industries at the present time; but from the census of 1870, ten years ago, we find that the number of acres of land in farms was 2,389,252, and the number of farms 7,587. The cash value of farms was $22,353,988; of farming implements and machinery, nearly two millions; of wages paid during the preceding year, $719,875; value of farm productions, including betterments and additions to stock, $7,122,790; the value of orchard products, $310,041; of produce of market gardens, $105,371; of forest products, $259,220; of home manufactures, near one hundred thousand dollars; of animals slaughtered, $1,365,737; and of live stock, $6,828,675.

The productions of spring wheat were 1,794,494 bushels; of winter wheat, 546,252 bushels; of rye, 3,890 bushels; of Indian corn, 72,138 bushels; of oats, 2,029,909 bushels; of barley, 210,736 bushels; of buckwheat, 1,645 bushels; of peas and beans, 12,575 bushels; of Irish potatoes, 481,710 bushels; of sweet-potatoes, 2,000 bushels; of grass-seed, 1,220 bushels; of flaxseed, 10,988 bushels; of tobacco, 3,847 pounds; of wool, 1,080,638 pounds; of butter, 1,418,373 pounds; of cheese, 79,333 pounds; of hops, 9,745 pounds; of flax, 40,474 pounds; of wax, 1,207 pounds; of honey, 66,858 pounds; and 75,357 tons of hay.

The live stock at that time consisted of 51,702 horses, 2,581 mules and asses, 48,325 milch-cows, 2,441 working oxen, 69,431 other cattle, 318,123 sheep, and 119,455 swine, besides 12,923 horses and 30,049 cattle not on farms. The number of manufacturing establishments in 1870 was about one thousand, both steam and water power, employing near three thousand hands, with an invested capital of $4,376,849, paying $1,120,173 wages during the year, and using material valued at $3,419,756, and producing $6,877,387.

There were nearly three million dollars of wheat and flour exported in that year, in a total tonnage of steam and sailing vessels belonging to the State, of 20,496.

In 1874 there were nearly five hundred miles of telegraph lines, and in the same year there were in operation two lines of railroads, the Oregon and California and the Oregon Central. The former runs along the east bank of the Willamette and through the Umpqua Valley, from East Portland to Roseburg, two hundred miles, and is to be extended thence to the California line, a total distance of two hundred and ninety miles, to connect with the Oregon division of the Central Pacific Railroad.

The Oregon Central Railroad extends from Portland to Corvallis, a distance of eighty-five miles. It runs along the west bank of the Willamette, and assists in opening up one of the richest and most fertile valleys in the world. Of course the census returns of the year 1880 will increase all of the foregoing statistics to at least from 30 to 500 per cent. There are now in the State of Oregon eight universities and colleges of learning. The State agricultural college, endowed by Congress with a land grant of ninety thousand acres, was organized as a department of Corvallis College in 1872. It has a farm connected with it, and has received additional aid from the State.

The University of Oregon was established by the Legislature in 1872. It receives from the State as an endowment the "university fund," amounting to more than fifty thousand dollars. This institution, which is under the control of a board of directors, a part of whom are appointed by the governor, is located in the beautiful Willamette Valley, near Eugene City. In addition to these seats of learning Oregon possesses a fine system of public school instruction at which more than sixty thousand children are being educated at the expense of the State. The value of public school property was nearly three hundred and thirty-three thousand dollars in 1874. The receipts for public school purposes during that year was nearly a quarter million of dollars, and the "irreducible school fund," the income of which is apportioned among the different districts, amounted to half a million of dollars.

According to the census of 1870, the number of libraries both public and private in the State was 2,361, with 344,959 volumes. In that year there were forty-one newspapers and periodicals published in the State issuing about four million copies annually. As I said before all of these results belong to a period ten years or more ago, and will be largely increased by the returns of the census of 1880, and perhaps many of them will be quadrupled.

But, Mr. Chairman, these returns are sufficient for my purpose, which is to lay before this House the true character of the State of Oregon, and the relative position it now holds to the other States of this Union in all that pertains to material progress and wide and varied resources. The tireless energy of the settler and frontiersman who has pushed his way across the continent, and by his industry and unceasing efforts has opened up to civilization a vast territory and founded an empire within a single State of this Union, on its remotest boundary, ought to be recognized by the Government, and such needed appropriations as I have urged before the committee ought to be granted without objection and in the interest of the Government itself as well as the people of that vast and rising State on the western border of our continent.

Mr. Chairman, while I have shown our great resources in minerals and other products of our lands and soil, we are in the main an agricultural people, and in this great interest which in every land underlies and sustains all others, Oregon stands pre-eminent; and it is because the bill reported by the Committee on Commerce has, as I believe, failed to do the people of my State that justice to which they are entitled, that I now appeal to this House while in Committee of the Whole.

Sir, the Columbia River is second only to the Mississippi. It is the great inland water-way of our Northern Pacific possessions, not including the barren lands of Alaska, and upon its banks and tributaries are to-day produced millions of bushels of cereals, a large proportion of which is surplus and seeks a market through the mouth of the Columbia River, as at present all transportation of the products of the soil of Northern Oregon must find its way through this river. Sir, is it good policy on the part of our Government to permit our industries to stagnate and our large surplus of grain to rot in destruction on our hands for the want of a small appropriation to open up this great water-course to the demands of commerce? And when we consider that all these industries have been built up without external aid, that an unbroken wilderness four thousand miles from this capital has been redeemed to civilization and made to contribute so largely to the wealth, grandeur, and security of our common country, and that all these results have been accomplished within a quarter of a century by an industrious, intelligent, brave, and honest people, it appears to me, and it ought to appear to this House, that their just demands should receive instant and favorable consideration.

Sir, as a representative of the people on this floor I would not ask for my State what I did not conscientiously believe it to be entitled to; and, sir, I am not now asking for one dollar more than I firmly believe to be just and proper and even profitable to the Government to grant.

On the Columbia River and its tributaries there is to-day as fine a fleet of river steamers as is to be found on the waters of any stream in this great country; but there are such natural obstructions to free navigation at certain points as to make transportation so expensive that the great productive interests of the people are seriously crippled and in many instances forbids entirely the production of certain products, and in others the production of no more than will be sufficient to satisfy a home demand. Thus are many of our most fertile lands untilled and our richest valleys surrendered to the rude growth of the wilderness. Thus is labor checked in its endeavor to fructify the earth and make it yield to the comforts and support of mankind. Thus, in a measure at least, is the idle and surplus population of our great cities prevented from seeking homes in the rural parts of our State and planting wheat-fields and building homesteads in its rich producing valleys where the plow ripping the rich glebe makes the land "laugh with the harvest." And this while thousands of our countrymen are seeking homes in the far West, and on our coast; while many thousands are suffering for food in our own land and millions starving in the Old World for the food that is rotting on our soil for the want of proper transportation.

Mr. Chairman, the entrance at the mouth of the Columbia River is such as to materially lessen the number of vessels that would otherwise find their way to the city of Portland and at vastly reduced rates of tonnage transport to foreign markets the immense surplus products of our State. From the want of this means of transportation that portion of the valley of the Columbia which lies east of the Cascade Mountains, and which is unequaled for its production of wheat, both in quantity and quality, is practically deprived of a market for its great surplus. As I have already shown, there are two portages compelled to be made, one at The Dalles of fifteen miles and one at The Cascades of six miles. The cost of loading and unloading at these portages is so great as to forbid the transportation of grain on that river unless the prices rule extremely high. Around The Cascades there is now being constructed a canal for the passage of vessels. The engineer in charge of this work recommended to the Government an appropriation of $500,000, and the House will observe that the Committee on Commerce in the bill now before us has generously allowed one-fifth of that amount.

I had the honor, Mr. Chairman, to introduce at the last session of this Congress a joint resolution instructing the Secretary of War to appoint a board of competent engineers to make a full and exhaustive examination of the bar or other obstructions to the safe entrance of the Columbia River, and to recommend some plan of improvement whereby this great evil to its free navigation might be removed, together with an estimate of the costs, and to report the same to Congress for its action. That resolution, like many others of merit, has been snowed under an avalanche of talk. It sleeps well! The small sum annually appropriated for the improvement of the Lower Columbia River, including the bar at its mouth, is undoubtedly useful as to the river, but is absolutely without avail as to the bar. The only practical method of dealing with this bar, in my opinion, is that proposed by the terms of the resolution I introducted at the last session. At the mouth of this river on the south side is Point Adams upon which stands Fort Stevens, the principal work of defense north of San Francisco. The engineer in charge of that district reports a fact already known to every one there, that Point Adams is rapidly washing away and being carried out to sea or into the channel through the bar, which cannot fail to produce additional obstructions to vessels endeavoring to pass over it.

At the rate the beach is now disappearing it cannot be very long before the waters of the ocean will reach the fort, and thus destroy one of the principal defenses of the Pacific coast, situated as it is at the entrance of a river which, if once entered by an enemy, would place the entire Pacific northwest at the mercy of an invading force. And still the Government, through the niggardly policy pursued by Congress with regard to appropriations for the Pacific coast, with all these facts before them and the very integrity of its possessions imperiled, is unable to do anything toward rescuing it from such a state of affairs. Notwithstanding the dangers attending the crossing of the Columbia bar, to show the importance of this point in a commercial light, I will state that during the past year there were 234 coastwise and foreign vessels registered as crossing in, and 269 coastwise and foreign vessels as crossing out, presenting an aggregate tonnage of 834,726.

This statement would be vastly increased if the dangers attending the crossing and the recrossing of the bar were removed. How greatly to the interests of the Government and the whole nation would be the permanent improvement of this important work.

But, Mr. Chairman, the Columbia River and its tributaries are not, as I have already shown, the only waters in Oregon which demand the fostering care of this great Government. As before stated, there are about four hundred miles of sea-coast indented with many bays, and there are also a number of smaller rivers flowing into the ocean which would form excellent harbors if the bars at their entrance could be removed.

Many of these rivers afford deep water, from ten to thirty miles inland, and both the rivers and bays are settled by a thrifty, industrious, and productive population.

Yaquina Bay, including a part of the river, extends inland with deep water, twenty-five miles or more, and is now being connected with the Willamette Valley by rail. The removal of the bar at the entrance is not difficult, according to the report of the United States Engineer, and when that shall have been done, and the railroad now being constructed shall be completed, there can be no doubt that a handsome revenue will be collected at Newport in the form of customs duties.

It is no answer to a demand from the General Government for aid in the removal of obstructions to the entrance of harbors like the ones I have enumerated to say that the revenue now derived from the commerce of such places will not justify the expenditure of considerable sums in their improvement. It might with the same propriety be urged that because wild lands are unsalable, no matter how rich the soil or valuable their timber or mineral deposits, they are not worth a survey or purchase by individuals, inasmuch as in their unimproved condition they are unproductive. The argument is weak. Every one knows that they only await the encouragement of the Government and the hand of industry to develop their latent wealth and thus add prosperity to the individual citizen and wealth to the Government.

The Umpqua River has been navigated by a steamboat for a distance of eighty miles, but the rapids and other obstructions were found too great to be overcome, and the navigation of that stream by large crafts has ceased altogether. This river waters and drains one of the finest sections on the Pacific coast, annually producing a large surplus of wheat, oats, wool, beef, and mutton. We do not, however, ask for the expenditure of any money on this stream above Scottsburgh. The very small sum of $12,000 is urged, and this amount is insignificant when the importance of the work is considered.

At the last session of Congress $10,000 was appropriated for the improvement of the entrance to the Coquille River, and the United States Engineer suggested the same amount this year, and it is likewise recommended in the Book of Estimates. The bill now before us omits this needed appropriation. Why it has not been provided for I cannot understand. Were this stream located on the Atlantic instead of the Pacific coast it would not have been thus neglected; doubtless a much greater sum would have been readily granted to complete the improvements already begun at the mouth of this river. This river is navigable for a distance of forty miles, and flows through a country which for richness of soil is not surpassed on the Pacific coast. Along the banks of a part of this stream is a dense forest of the finest timber in the world, much of it being the celebrated myrtle so valuable in ship-building. The river itself abounds in salmon, one of the finest delicacies in the world, and from which a great industry has sprung. And yet all these sources of wealth are paralyzed for the want of an outlet through the mouth of this river, which could be obtained for the inconsiderable sum recommended by the Engineer. Why has it been denied? Can it be for any other reason than its location on the Pacific instead of the Atlantic coast?

Why is it, Mr. Chairman, that a point of so much importance as that of Coos Bay should be unprovided for, and the works already begun be permittted to stand useless and a monument to a narrow and misguided policy adopted by this Congress. Sir, the coal alone obtained at this place would justifiy the expenditure of a far greater sum in improving the entrance to that harbor than has been recommended by the engineer in charge of that work! It is well known that the greater portion of coal now consumed by steamers plying between San Francisco and the various ports to which they run—Portland, Victoria, and other points on the sound—to Alaska, Mexican, Central American, and South American ports, and to China and Japan comes originally from the coal-mines of the sound country, nearly four hundred miles north of Coos Bay, being first transported from that point to San Francisco at great expense, that being the great coaling depot of the Pacific coast. And yet it is not claimed that the sound coal is in any wise superior to that obtained at Coos Bay, both being of the same excellent quality. The coal is obtained at the sound and shipped to San Francisco, an increased distance of nearly four hundred miles, and of course at a much greater cost, because there is a harbor on the sound into which vessels can enter and lie in safety. At Coos Bay there is, on the other hand, great danger in entering and leaving the bay, although when once inside the harbor is as safe as any in the world.

Now, is it wisdom on the part of the Government to permit this great natural wealth to lie imbedded in the bowels of the earth for the want of a sufficient appropriation to open up a safe and easy entrance into this harbor? Notwithstanding all these disadvantages, nearly fifty thousand tons of superior coal were shipped from Coos Bay during the past year. This was, however, accomplished by small craft and at some risk, and consequently at a much greater cost than if the obstruction to the harbor were removed. The country about Coos Bay is thickly settled, and the farming interests are very great. It is also one of the best lumbering localities on the coast. Just sixty miles east of Coos Bay lies the great Umpqua Valley, to which I referred when speaking of the Umpqua River. As I then said, this is one of the greatest grain-growing sections on the Pacific coast, and when its connection by rail to Coos Bay is assured, as it undoubtedly would be if the entrance to Coos Bay Harbor were improved so as to secure a safe and easy outlet, it will be found that an immense surplus of products raised in that rich and fertile valley will find their way to the markets of the world.

Sir, I again assert that the custom-house statistics furnish no reliable data as to the commercial importance of a given point before the harbor is made easy of access. Until vessels can arrive and depart in safety the surplus products of a people can find no market, and consequently the revenues of the Government are far less than if commercial trade was constant and increasing.

Again, sir, why is it that no notice has been taken in the report of the United States Engineer Department of the work of the board of engineers directed to make a survey and examination of the coast north of San Francisco with a view of selecting and locating a harbor of refuge between that point and Puget Sound? It is rumored that the board of engineers selected Port Orford; officially, however, the country knows nothing of their action, nor even that such a board was organized and performed its appointed work. And yet more than a year has elapsed since this commission was engaged in making the survey and locating the harbor. How truly are the interests of the people on the Pacific coast subserved!

Of course, Mr. Chairman, when this important matter was entirely ignored by the Department, and no suggestions or recommendations submitted to Congress with regard to an appropriation for this work, I could not expect the Committee on Commerce to include an appropriation for such a work in the bill they have framed. But, sir, in justice to the commerce of the entire Pacific coast, I desire to say that such a harbor, located between the points mentioned, is a prime necessity, and one of such a character and affecting such manifold interests that the American Congress cannot well afford to pass it by in silence. Sir, in the name of the people of the Pacific Coast, and in the name of those great interests I have enumerated, I demand an exhaustive examination of this matter. If, after such an examination shall have been made, and full discussion shall determine Port Orford to be the proper point for the location of such a harbor, as I now believe it to be, this Government and this Congress shall continue to ignore such a just demand in the interest of the commerce of the Pacific coast, as well as the security of human life involved in the adoption of the measure, then I unhesitatingly pronounce such dereliction of duty on the part of Congress and the Government as criminal in the highest degree. The interests not alone of trade, but of humanity demand for this object a liberal appropriation.

Mr. Chairman, before I resume my seat I desire to make a few

remarks of a somewhat personal character relating to the State I have the honor to represent upon this floor. I entered this House without a colleague. I stand here alone upon this floor, and cannot, like the majority of members of this body, command the aid of ten, twenty, aye thirty colleagues to obtain from this House the just demands of the people of my State. I have but little more power than a Delegate, who possesses no vote. As combinations appear to rule in the passage of such acts, standing here alone I am at the mercy of the majority and am powerless to enforce the just demands of my State. The time will soon come, however, when Oregon will not stand alone in its representation upon this floor. "Westward the course of empire takes its way," and the State which in less than a quarter of a century has accomplished so much through the energy, industry, and intelligence of her people, will rise to greater heights of prosperity and increased strength in wealth and numbers.

Sir, I have been a resident of the Pacific Coast for more than thirty years. I was a citizen of California at the time of the adoption of her constitution, and was not an idle spectator. I saw her rise up like a star from out of the sea, and join the constellation of the Union. I was likewise present at the adoption of the constitution of the State of Oregon, and have resided there ever since that important period. I have watched its growth with pride, and with unspeakable gladness have beheld its transformation from an almost unbroken wilderness into an empire of strength, wealth, and prosperity. Step by step I have watched its progress, studied its interests, and pondered upon its wants and necessities. Since the formation of its State government I have participated largely in its legislation, and through the partiality of its generous people have been called from retirement to fill some of its highest offices. I therefore believe that I am fully conversant with its wants, and as fully as possible understand to what my people are justly entitled, and the favorable legislation which is due them by this Congress. They are a part of our common country, and as a people are as intelligent, industrious, and enterprising, as any people on the face of the earth. And, sir, the time may come when amid the shock of arms this Government may have to depend upon their bravery and heroism to defend the integrity of all that vast country lying west of the great Rocky Mountains.

Sir, in my opinion it would not only be wisdom but in the interest of economy for the General Government to deal fairly, if not generously, with the people of the Pacific States. Although we are somewhat remote, yet by iron bands and lightning chains we are bound to the great heart of this nation. The ingenuity and industry of our race has crossed great deserts, pierced our mountains, and crossed our valleys. We are no longer remote strangers, but a well-known part of the great brotherhood of the Union. Why not then do us that justice which is amply our due? I regret to say that the bill now before this House does not do us that justice to which we as a people and as great States of the Union, are entitled. I ask that these wrongs may now be righted, and that a liberal and charitable feeling may prevail in amending this bill, so that the wants and necessities of all sections of our country may be justly provided for and relieved.

And now, Mr. Chairman, I am through, and in a few days the same may be said of this Forty-sixth Congress. Now is the opportunity to do justice, for what is not now done will remain undone at its close. I have been a quiet, if not a silent member of this House, and have sat at the feet of many Gamaliels who have sought to impart their wisdom to less fortunate members. I trust their labor has not been in vain.

In leaving this Congress I shall gladly return to that retirement from which I was unwillingly called to occupy a seat upon this floor. In going hence from its walls, it will be with the proud satisfaction that at all times and under all circumstances I have endeavored to perform my duty conscientiously, as I have been given to understand it, and in no instance have ever failed to act as I believed would be for the interests of all sections of our common country.

Improvement of Rivers and Harbors.

SPEECH OF HON. THOMAS TURNER,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 10, 1881.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes—

Mr. THOMAS TURNER said:

Mr. CHAIRMAN: I shall support the bill under consideration, not because I believe it entirely just, or based upon the true principles which should govern appropriations for the improvement of rivers and harbors, but because it is an improvement upon its predecessors, and contains some meager appropriations for the improvement of the rivers of my long-neglected State. I had the honor to introduce for the consideration of Congress House bill No. 626, which reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sum of $750,000 be, and is hereby, appropriated for the improvement of the Kentucky River, to be expended in accordance with the report of Major W. E. Merrill, of the United States Engineer Corps; and $50,000 for the improvement of the Licking River; and $100,000 for the improvement of the Big Sandy River, including the Tug Fork; and $368,500 to be expended in overcoming and canalizing the falls of Cumberland River, in accordance with the survey and report thereof, made by Major W. R. King, United States Engineer Corps. Said sums to be paid out of any moneys in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War.

I had intended to offer the provisions of this bill as an amendment to the pending one, but have been induced to desist from so doing by the fear that loading it with amendments might defeat it. At first blush these demands may seem extravagant, but when viewed in the light of the facts and figures disclosed and principles advocated in the sequel, they will appear not only moderate, but modest. If the sums asked had been granted in full they would only have been an installment of partial and tardy justice to the State which I have the honor in part to represent.

I shall avail myself of this occasion to discuss the true principles which should obtain in the formulation of bills making appropriations for the improvement of rivers and harbors, and the disbursement of Federal money for internal improvement, public buildings, and education, and to expose the rank injustice which has been perpetrated upon the State of Kentucky, and how it has been treated as the hated step-child of the Union and made to bear an undue proportion of its burdens without participating in its advantages, except to a meager extent.

The history of river and harbor appropriations is at once curious and instructive, and illustrates the proneness of poor, weak human nature to conform its principles and modes of constitutional construction to its local interests and surroundings. At the formation of the Constitution, and for many years after, nearly every State in the Union bordered on the sea-shore, and the great body of people who made Senators, Representatives, and Presidents resided in the sea-shore States and were interested in improvements upon tide-water, and, strange to say, the doctrine was unblushingly asserted that the Constitution conferred no power on Congress to make improvements except where the tide ebbed and flowed.

In other words, it was asserted that the Constitution of the United States was a salt-water instrument, and that the constitutional power to appropriate money for the improvement of a locality depended upon whether that locality was blessed with salt water or cursed with the presence of fresh water. This doctrine is entitled to the same respect, or, rather, contempt, with that more modern one that the Constitution is an elastic, expansive, and contractile instrument which confers powers on Congress in time of foreign or domestic war that it does not in time of peace. This doctrine proceeded upon the idea that it was necessary to have a foreign commerce, and its adherents seem to have been unconscious of the fact that there can be no foreign commerce unless means be provided to transport the internal productions to the shore, thence to be shipped to foreign countries and exchanged for the productions of those countries which are shipped back to us and form our imports. They also ignored the fact that the Constitution of the United States gives Congress plenary power over interstate as well as foreign commerce.

I would be happy to have the few advocates of this almost exploded heresy tell me how we could have a foreign commerce if there was no means for the transportation of internal products to the sea-shore.

But we are told that the States must open the rivers and furnish the means of transportation to the shore. But if a river runs through two States or more, and the State in which it debouches into the ocean or salt water refuses to improve and make it navigable, how are those on its headwaters to find a pathway to tide-water? After a time population spread over the interior, and the Western States began to have a potent voice in selecting Presidents, Senators, and Representatives; and then we advanced to the idea that the lakes, the Mississippi, and other great rivers were "inland seas," and that the Constitution conferred upon Congress the power to improve these "inland seas."

In order to counteract this doctrine and obtain for the sea-shore the lion's share of the appropriations, the untenable and unsound doctrine that appropriations must be given to localities in proportion to their commerce and the revenue paid in by them was promulgated, and for a time all river and harbor bills were fashioned and shaped upon this false principle, until the growing political power of the interior and the great West compelled a compromise with the salt-water politicians, by which the great bulk of the money appropriations were given to the tide-water States. And in order to reconcile the new States that contained vast areas of lands which belonged to the Federal Government and which were bought with the money paid into the Treasury by all the States or won by the valor of the citizens of all the States, these lands were, with a lavish hand, to the tune of hundreds of millions of acres, given to the States in which they were situate, for the purpose of opening their rivers, digging canals, constructing railroads, and developing their resources. And by this

unholy coalition the new sectionized States and the sea-shore States were rapidly developed; and Kentucky and Tennessee, the only two States that were unfortunate enough to have neither tide-water nor Government lands within their borders, were left out in the cold; and the money paid into the Treasury by them, and the lands bought with their money, or won by the valor of their sons, were all unjustly devoted to the development of their sister States.

After a time, the growing political power of the Northwest, which had been greatly stimulated by these land-grants, compelled liberal money appropriations to open their harbors, improve their lakes and rivers, and develop their material resources, and, by this duplicate hot-house process, their commerce assumed gigantic proportions, and the revenue collected at their ports and internal-revenue districts swelled to large sums, and now we find them here joining hands with the East in advocating the false principle that appropriations to rivers and harbors should be made and apportioned to localities according to their tonnage and commerce and the amounts of revenue collected in them.

To expose the fallacy of such a basis of appropriation it is only necessary to look to its effect. This very commerce and tonnage and revenue has been created by most liberal appropriations of land or money, and now the very past liberality of the Government to certain localities at the expense of the balance of the country is made an argument in favor of continuing to vote all the spare money of the Government to these heretofore favored localities. Such a principle, if enforced, would cause the expenditure of all the spare public revenues in the localities that have already received large appropriations, and would preclude the hope of ever undertaking a new work in any of the pretermitted localities.

Again, the sea-shore States and those States which are fortunate enough to be located upon what they claim to be great national rivers and lakes or "inland seas," have united to enforce the doctrine that appropriations must be confined to what they are pleased to call great national streams, lakes, and seas. This false principle is also the offspring of local self-interest and a selfish desire to apply the revenues derived from the whole country to their localities. Generosity would prompt the expenditure on those unfortunate localities that have been less favored by Providence. But this last and latest subterfuge of local selfishness has been stricken down by the Supreme Court of the United States, and it is the duty of all good citizens to acquiesce in the decisions of the court of last resort. Any other course is a vain and selfish assertion of individual infallibility.

The Supreme Court of the United States, in the cases of Waring *vs.* Cluke, 5 Howard, 378; 3 Wheaton, 336; in the case of the Genesee Chief, 12 Howard, 443 and 466; Cunningham *vs.* Hull, 1 Clifford, 43; and in Jackson *vs.* The Magnolia, 20 Howard, 296; and in Daniel Ball, 10 Wallace, 557; and in other cases, has decided that the Federal Government had jurisdiction over streams wholly within a State or even wholly within a county, and notably in the two last-named cases, in which it in substance says: All these streams empty into others which traverse different States or run into the ocean waters, and they are a part of the means by which those resident on or near them transact their commerce with other States and foreign countries; and that all navigable streams, however small, run into other waters, and finally into the ocean, and are national in their character.

If the Federal Government has jurisdiction over the commerce of these streams it certainly has the right to appropriate money to improve their navigation so as to give it an outlet. But it is insisted by some that the Federal Government has power to improve the navigation of rivers, however small, by dredging out the channels and building wing-dams so as to confine the channel and make it deep enough to float craft, but that it has no power to improve navigation by a system of locks and dams or slackwater.

Now, Mr. Chairman, I am so obtuse that I cannot understand how the constitutionality of the improvement of a river depends upon the mode of improvement, the purpose and object of all modes being to improve its navigation and enable it to transport the productions and supplies of those who reside on its banks or in their vicinity. Nor can I understand how the constitutionality of appropriations to improve a river are determined by its size or the volume of water it discharges in a given time. It is true the propriety of appropriations must be determined by results, and by ascertaining or forecasting whether the results will be commensurate with and compensatory for the expenditure. No work should be undertaken which will not broaden the base of taxable property and develop resources that will directly bring results which authorize the requisite expenditure. The advocates of this doctrine forget that there would be but little water in or commerce upon the large streams but for that contributed by the tributaries.

Having disposed of the false principles that have entered into the make-up of river and harbor bills and of the questions of their constitutionality, I now proceed in an effort to point out the true principles which should control in the formulation of bills making appropriations for the improvement of rivers and harbors. It is difficult to enunciate inflexible principles which should be applied to every proposed appropriation. But it seems to me that the following principles and considerations will be found to be true in theory and just in practice and results:

First. The amount of money paid into the Treasury by the inhabitants of a section as direct tax or as consumers of taxed articles.

Second. The extent of its water-ways and the resources of the country to be developed and the effect of the expenditure in developing wealth and capacity for taxation.

Third. The amount of money hitherto appropriated to a locality, and whether equal or better results cannot be obtained by new works than by continuing lavish expenditures to further develop the localities which have been highly favored in the past.

The first principle is one that cannot be successfully controverted, namely, other things being equal, that each section should participate in the benefits of government in the ratio that it contributes to the revenues.

The effect of the distribution of money in a locality in stimulating trade, prosperity, and industrious activity cannot well be overestimated. No one can fail to have observed the difference in trade and activity for miles around when an iron-furnace is silent and when it is in blast and distributing large amounts of money daily. My State has for eighty-eight years paid into the Treasury of the United States annually an average of almost three and a half millions of dollars, and yet next to nothing has been expended by the United States Government in it. And when we consider the fact that this money has been taken from us and mostly expended in other localities to develop their resources, we will find why it is that Kentucky, blessed as she is with the richest soil and with abundant mineral resources, has not kept pace with some of her sister States in wealth and population. It must and will impoverish any locality to have its resources taxed to develop other sections, and it is only by the aid of superior natural advantages that Kentucky has not been impoverished by almost a century of this injustice.

In times of commercial distress Kentucky is oppressed more than any other State, because the pressure is not alleviated as in other States by the expenditure in her borders of a part of the money taken from her for Federal taxes.

The second proposition is self-evident. The country is laboring under the burden of a large debt and should not beyond the necessary expenses of ordinary administration expend money that will not bring a return and increase the aggregate capacity to pay and ultimately reduce taxation.

The third proposition results from the first, and no one can be found who will seriously contend that all the benefits of Government should be lavished on those sections who have heretofore been the recipients of them to the detriment of others which bear an equal share of its burdens, when the money can be as profitably expended in the heretofore pretermitted sections.

Self-interest is the great lever that moves mankind, and no union can long be maintained which habitually impoverishes one section for the benefit of others, and those who are really devoted to the Union and desire its perpetuity should advocate justice to every section of it.

The only objection that has been made to the meager appropriation made to the rivers of Kentucky by this bill has come from Mr. UPDEGRAFF, of Iowa. His State is not superior to Kentucky in soil and is far inferior to it in coal, iron, mineral, and lumber resources, and is hardly equal to it in navigable water-ways, and yet Iowa has, in the forty-two years she has been in the Union, received from the Federal Government for internal improvement, public buildings, and education, in public lands and money, $10,505,708, and my State, in eighty-eight years, has only received from it for these purposes $2,251,550. This objection to a meager appropriation to some of the rivers of Kentucky comes in ill grace from the Representative of a State which has received grants from the United States Government for 5,455,486 acres of rich land, which was won and paid for in part by the money and blood of the citizens of Kentucky and one twenty-fifth part of which rightly belonged to it. And yet the Representative of a State that has been made rich by the appropriation of that which belonged in part to Kentucky has the grace to read from the reports of the surveys of her rivers that part of them which speaks of the upper waters, in order to induce the House (in its supposed ignorance of geography) to believe they are mere rivulets.

I hope this was not done to impress his constituents with the idea that he had in his great zeal and energy read the whole 3,000 pages of the reports of the engineers touching the public works in progress or in contemplation. It is but a short time since other members of the Iowa delegation were before the Committee on Commerce urging a large appropriation to the Nishnabatona, a stream scarcely as large as any respectable tributary of the Kentucky or Big Sandy Rivers, and, failing to get this, some of them are here opposing this bill, on the ground that it makes appropriations to streams that have but little water and do not extend into more States than one. The Nishnabatona, in comparison with the Kentucky or Big Sandy, is but a rivulet or spring branch.

It has been asserted that Kentucky has no navigable water-ways and hence the meagerness of her past appropriations. As shown by actual surveys the Kentucky River has four hundred and eighty miles of navigable water; Green and Barren Rivers, three hundred and fifty; Licking, one hundred and fifty; the Big Sandy in and bordering on Kentucky, one hundred and fifty; trade-water forty-one miles; the Cumberland in the State of Kentucky, four hundred; making in the aggregate 1,571 miles of navigable water in the State; and besides this, broad along its margin rolls the magnificent Ohio for over eight hundred miles. But not only has Kentucky water-ways that

demand and deserve improvement by the Federal Government, but upon these water-ways lie unexampled resources of coal, iron, and lumber which await and demand development, and the development of which will enhance almost incalculably the wealth of the United States, broaden the base of taxation, and repay many fold the outlay necessary to their development.

On the Big Sandy, only twenty-seven miles from its mouth, is found coal of the finest quality, and these coal-fields extend from that point up the main river to the State line, one hundred and sixty miles, and up the Tug Fork to the State line an equal distance. This coal is only, by water, one hundred and fifty-three miles from Cincinnati, which now draws its coal supply from Pennsylvania, a distance of four hundred and seventy-six miles, by water. In Cincinnati this Big Sandy coal commands the same price as the Pittsburgh, and the cannel is superior to that of Pennsylvania, and the block coal of this region is used at Ashland in the raw state for smelting iron ore. Open this river, and it will furnish Cincinnati with coal at one cent per bushel cheaper than it can be furnished by the Pennsylvania mines. Colonel John Gray, civil engineer, in a pamphlet entitled "Kentucky and her resources in Coal, Iron, and Timber," says of these coals and those of the Kentucky and Licking Rivers:

I took to New York in 1876 about three hundred pounds of specimens from a wide extent of our hill country. The lot of three hundred pounds comprised every variety of bituminous, splint, cannel, and semi-cannel. The best cannels from Morgan and Breathitt Counties were pronounced by English experts fully equal to the best English cannel, worth then by the cargo in New York, as quoted by the New York papers, $17.50 per ton, and $25 delivered to houses for domestic use. One specimen of semi-cannel was declared by the superintendent of the Philadelphia and Reading Company to be the finest steam-coal ever exhibited in New York City.

The strata range from three to six feet in thickness.

The coal and lumber fields on the Kentucky River are unsurpassed in quality and boundless in supply. I here append the analyses of several coals on the Kentucky River made by Professor A. R. Crandall, of the Kentucky geological survey:

Coal on Kentucky River near the three forks.

	Per cent.
Specific gravity	1.307
Moisture	4.000
Volatile combustible matter	35.500
Fixed carbon	55.500
Ash	5.000
Coke	60.500
Sulphur	1.041

Professor N. P. Morse in his report gives the following analysis of fine coals found on the Kentucky River—Nos. 1, 3, and 4 from Breathitt County, No. 2 from Wolfe County, and No. 5 from Perry County:

Class.	Specific gravity.	Moisture.	Volatile matter.	Fixed carbon.	Ash.	Coke.	Sulphur.
	Per ct.	Per ct.	Per ct.	Per ct.	Per ct.	Per ct.	Per ct.
No. 1	1.300	2.50	41.10	49.22	7.18	56.40	.180
No. 2	1.294	3.50	35.20	56.70	4.60	61.30	1.189
No. 3	1.297	3.56	33.56	58.38	4.50	62.88	1.381
No. 4	1.290	2.76	36.60	56.50	4.06	60.56	.865
No. 5	1.289	2.10	36.20	58.20	3.50	61.70	.836

He also gives the following analysis of fine Kentucky River cannel coals—Nos. 1, 2, 3, and 4 from Breathitt County, and No. 5 from Perry, as follows:

Class.	Specific gravity.	Moisture.	Volatile combustible matter.	Fixed carbon.	Ash.	Coke.	Sulphur.
	Per ct.	Per ct.	Per ct.	Per ct.	Per ct.	Per ct.	Per ct.
No. 1	1.280	.94	52.38	35.54	11.14	46.68	1.423
No. 2	1.265	1.30	47.00	44.40	7.30	51.70	1.574
No. 3	1.280	3.40	34.40	46.96	6.24	53.20	.630
No. 4	1.180	1.20	58.80	35.30	4.70	40.00	None.
No. 5	.....	1.20	40.86	46.44	9.50	57.94	.634

He also says the Kentucky cannels are free from the objection of other cannel coals, namely, that they pop when first placed in the grate.

These analyses show that the Kentucky River coals compare favorably with the best English, Pennsylvania, and Indiana block coals.

Professor Crandall, in his report of the geology of the Upper Cumberland, on page 8, part 12, volume 4, says:

The thickness of coal measures in this valley is greater by many hundred feet than in any other part of Kentucky. The number of coals is also greater. * * * The quality of the coals of this valley is most excellent; the proportion of ash and sulphur is very low and the fixed carbon high.

I give below the analysis of seven average specimens from this section:

Class.	Moisture.	Volatile combustible matter.	Fixed carbon.	Ash.	Coke.	Sulphur.	Specific gravity.
	Per ct.	Per ct.	Per ct.	Per ct.	Per ct.	Per ct.	Per ct.
No. 1	1.70	35.70	59.60	3.00	62.60	.750	1.289
No. 2	5.20	31.26	60.08	3.46	65.59	.618	1.356
No. 3	2.96	35.28	59.40	2.36	.....	.736	1.277
No. 4	1.50	37.94	58.40	2.10	.....	1.038	1.262
No. 5	1.00	43.60	47.80	7.60	.....	.590	.....
No. 6	1.90	37.50	57.90	2.70	60.60	1.579	1.276
No. 7	1.36	35.80	59.54	3.30	62.84	.975	1.284

These coals compare favorably with any in the United States or England. On the Kentucky River and its tributaries is found a larger supply of the celebrated car-wheel iron ore, which makes iron with a smooth surface, deep chill and great tenacity and tension, and is peculiarly adapted to making car wheels. Before the panic three furnaces were engaged in making pig metal from this ore, and had all their cold-blast charcoal pig sold for five years ahead at $63.80 per ton, all to be made into car wheels. Other valuable iron ores are found on the Kentucky and the Cumberland. I will content myself with giving the analysis of one specimen of Kentucky River car-wheel iron ore and two of the Cumberland River ores. Car-wheel ore:

	Per cent.
Iron heroxide	75.598
Alumina	1.971
Lime carbonate	.540
Magnesia	.258
Phosphoric acid	.601
Silica and insoluble silicuts	8.910
Combined water	11.739
Metallic iron	52.918
Phosphorous	.262
Silica	7.260

Cumberland River—ore near Cumberland Gap:

Iron heroxide	77.380
Alumina and manganese	3.941
Lime carbonate	.420
Phosphoric acid	.349
Silica and insolubles	15.960
Combined water	2.529
Metallic iron	54.156
Phosphorus	.140

Here follows an analysis of a limonite found on Mud Creek, Whitley County, Kentucky.

Oxide of iron	80.50
Carbonate of lime	.18
Alumina	1.88
Silex and insolubles	2.48
Moisture and loss	12.66

On the Big Sandy and Kentucky Rivers are found large fields of yellow poplar, white oak, yellow pine, and hickory timbers. On the head waters of the Sandy large yellow poplars are found, that measure five and six feet across the stump.

Professor Defrees in his report on the timbers of the Upper Cumberland and Kentucky Rivers, in speaking of a section in Bell and Harlan Counties, says:

About five hundred feet below the crest of the mountain I found a remarkable belt of the finest old forest walnut timber I had ever seen. This walnut-bearing belt winds along the mountains as far as I had time to trace it on the northern exposure; on the other side about 35 per cent. of the timber is massive yellow poplar, many trees of which are six or seven feet in diameter, with trunks sixty to eighty feet high. The white hickory and blue and black ash rank next in value, and they all abound in the black mountains especially. At one hundred feet up—the mere list of trees gives no idea of the splendor of the forest—the yellow poplars are five to seven feet in diameter with trunks sixty to eighty feet long; the white oak is also extremely heavy, and the blue ash as fine as any I ever saw. * * * At 1,050 feet the splendor of the forest can hardly be imagined; the belt of walnut begins to show itself here, and the yellow poplar, chestnut, and white hickory are of the finest. At 1,250 feet * * * 25 per cent. of the whole timber is old forest walnuts. In size and quality these trees have no superior in this country.

Jno. R. Proctor, State geologist of Kentucky, in his report on the improvement of the navigation of the Kentucky River, page 37, bulletin 1, says:

In the region drained by the Upper Cumberland and Kentucky Rivers there is more black-walnut timber than in any other region of like area with which I am acquainted. White oak and yellow poplar of large size and superior quality is very abundant.

It is not generally known, but the coal-fields of Kentucky are of greater area than those of Ohio or Pennsylvania. Ohio has 10,000 square miles of coal fields; Pennsylvania, 12,630; Kentucky, 12,771.

Having shown that Kentucky is at least an average State in water-ways, and far above an average one in soil, minerals, timber, and other resources, and as such is entitled to have appropriations to improve her water-ways and develop her resources in proportion to the revenues paid into the Treasury, and that their development would enrich the whole country, and bring an ample return for money appropriated to it, I now propose to speak of the injustice done her in the past. At the cost of much hard labor, extending through the last three years, I have tabulated the money paid into the Treasury by each State and Territory, from 1789 to 1st July, 1880, and the

money expended in each State and Territory for internal improvement, education, and public buildings, including land grants for these purposes, which are charged at $1.25 per acre. I now present these tabulations:

A.—*Apportionment of the public revenues of the United States, according to population, by decades from* 1790 *to* 1880.

States and Territories.	1790 to 1800.	1801 to 1810.	1811 to 1820.	1821 to 1830.	1831 to 1840.
Alabama				$2,910,561 79	$7,331,276 30
Arkansas				324,391 31	719,753 38
California					
Colorado					
Connecticut	$4,103,901 10	$6,173,702 18	$7,622,116 26	6,261,367 36	7,050,535 85
Delaware	1,019,240 33	1,580,872 96	2,114,703 42	1,655,503 21	1,817,809 36
Florida					822,593 13
Georgia	1,423,721 28	4,001,461 62	7,345,418 61	7,759,576 92	12,241,168 53
Illinois			357,388 31	1,225,286 58	3,729,149 56
Indiana		138,747 47	713,495 76	3,349,235 88	8,124,833 89
Iowa					
Kansas					
Kentucky	1,270,721 66	5,434,658 83	11,822,852 06	12,837,659 65	16,293,601 84
Louisiana			2,227,664 46	3,479,969 73	5,109,869 42
Maine	1,665,044 19	3,731,714 63	6,654,970 10	6,787,516 70	9,461,257 20
Maryland	5,514,411 02	8,400,792 02	11,073,313 86	9,269,802 52	10,588,330 44
Massachusetts	6,533,012 97	10,400,389 49	16,735,650 77	11,905,194 69	14,457,768 64
Michigan			138,565 81	199,460 49	749,382 90
Minnesota					
Mississippi		217,676 22	1,174,181 69	1,716,922 89	3,235,926 32
Missouri			606,557 77	1,514,594 86	3,326,733 93
Nebraska					
Nevada					
New Hampshire	2,447,117 81	84,522,212 47	6,240,460 84	5,553,052 65	6,379,147 30
New Jersey	3,175,881 73	5,193,468 50	7,145,482 64	6,313,206 66	7,598,825 36
New York	5,866,115 67	14,488,431 18	27,906,875 67	31,221,250 42	45,443,031 71
North Carolina	6,791,100 31	11,759,529 47	16,164,209 75	14,537,423 36	17,479,528 99
Ohio		1,115,808 33	6,714,769 56	13,228,157 79	22,214,623 19
Oregon					
Pennsylvania	7,491,715 54	14,815,906 49	25,572,422 64	23,837,444 64	31,933,462 58
Rhode Island	1,187,037 76	1,700,140 89	2,238,575 03	1,889,117 66	2,302,198 88
South Carolina	4,295,810 35	8,500,234 41	12,079,219 01	11,440,554 92	13,765,609 99
Tennessee	615,569 88	2,597,411 25	7,615,859 37	9,620,727 32	16,151,180 92
Texas					
Vermont	1,473,341 63	3,799,256 48	6,340,415 13	5,369,727 54	6,647,360 42
Virginia	12,894,175 32	21,649,597 93	23,359,385 51	24,238,161 12	23,692,632 02
West Virginia					
Wisconsin					
Arizona					
Dakota					
District of Columbia		346,634 95	699,033 29	751,847 36	943,484 13
Idaho					
Montana					
New Mexico					
Utah					
Washington					
Wyoming					
Total*	67,767,917 95	130,563,647 77	210,669,587 32	219,230,716 62	304,611,096 18

States and Territories.	1841 to 1850.	1851 to 1860.	1861 to 1870.	1871 to 1880.	Total.
Alabama	$9,388,392 00	$20,041,693 44	$93,251,459 21	$80,788,394 86	$213,711,777 60
Arkansas	1,550,660 35	5,451,742 57	42,113,904 83	39,257,719 14	89,418,261 58
California		2,405,062 73	36,750,643 07	45,398,016 96	84,553,722 76
Colorado			3,315,055 46	3,230,262 26	6,545,317 72
Connecticut	4,926,221 65	9,630,738 21	44,502,518 26	43,551,050 32	133,822,171 19
Delaware	1,240,939 38	2,377,401 78	10,852,813 81	10,130,243 18	32,789,527 43
Florida	865,757 09	2,271,245 67	13,589,925 76	15,213,627 28	32,754,148 93
Georgia	10,987,717 17	23,536,731 21	102,254,067 49	95,950,905 85	265,500,768 68
Illinois	7,567,580 34	22,115,595 84	165,569,157 55	205,812,817 42	406,406,975 30
Indiana	10,899,894 87	25,672,551 48	130,604,919 81	136,185,646 07	315,689,325 23
Iowa	685,141 89	4,992,457 60	65,273,342 32	96,754,019 05	167,404,960 86
Kansas			10,368,291 20	29,528,032 73	39,896,323 93
Kentucky	12,393,155 89	25,516,428 55	111,770,483 22	107,044,359 95	304,389,924 65
Louisiana	5,600,573 54	13,448,051 32	68,473,508 79	58,903,497 71	157,213,134 97
Maine	7,944,576 71	15,146,898 50	60,763,204 07	50,800,284 25	162,985,466 35
Maryland	7,469,618 86	15,143,392 69	66,447,077 29	63,277,533 89	197,184,272 59
Massachusetts	11,723,633 61	25,830,939 32	119,060,977 82	118,092,290 57	331,739,857 88
Michigan	3,373,361 07	10,328,436 21	72,449,495 30	95,946,844 04	183,185,565 82
Minnesota		157,839 68	16,636,979 22	35,630,305 78	52,425,124 68
Mississipp'	5,969,909 33	15,753,559 93	76,530,061 82	67,088,291 02	171,686,529 22
Missouri	6,097,857 18	17,715,023 48	114,316,773 76	139,480,241 12	283,057,782 10
Nebraska			2,780,327 30	9,966,364 84	12,755,692 14
Nevada			663,181 39	3,443,132 25	4,106,313 64
New Hampshire	4,522,498 34	8,258,925 11	31,535,722 55	25,792,544 03	95,251,681 10
New Jersey	5,932,641 93	12,715,421 74	64,994,999 55	73,422,899 49	186,492,827 00
New York	38,600,816 17	80,449,943 07	375,320,311 90	335,144,380 18	974,444,155 97
North Carolina	11,973,460 46	22,571,923 16	96,000,158 74	86,814,680 85	284,092,015 09
Ohio	24,147,621 94	51,435,934 72	226,262,813 94	215,971,742 91	561,091,469 88
Oregon		345,291 99	5,074,091 79	7,367,682 50	12,787,066 28
Pennsylvania	27,398,619 64	60,045,006 94	281,070,857 15	285,391,261 83	735,556,697 45
Rhode Island	1,729,545 46	3,832,251 94	16,888,135 44	17,612,593 64	49,379,596 70
South Carolina	9,446,271 30	17,363,412 60	68,058,229 76	57,176,760 59	202,126,102 93
Tennessee	13,177,943 25	26,043,998 49	107,332,994 47	101,980,586 26	285,136,251 21
Texas		5,521,744 28	58,435,865 57	66,331,357 45	130,288,967 30
Vermont	4,639,686 03	8,158,774 65	30,474,291 73	26,785,249 94	93,688,103 55
Virginia	19,703,058 91	36,925,412 69	115,789,378 25	99,277,589 19	387,529,390 94
West Virginia			38,536,469 55	35,817,336 42	74,413,805 97
Wisconsin	491,784 24	7,932,053 67	75,038,329 43	85,462,192 48	168,924,359 82
Arizona				782,616 69	782,616 69
Dakota			467,797 11	1,149,116 76	1,616,913 87
District of Columbia	694,679 07	1,342,489 61	7,261,270 58	10,671,932 16	22,711,371 15
Idaho				1,215,386 72	1,215,386 72
Montana				1,668,840 73	1,668,840 73
New Mexico		1,598,588 30	9,044,269 99	7,444,731 87	18,087,590 16
Utah		295,578 18	3,894,943 85	7,032,458 35	11,222,980 38
Washington			1,121,308 11	1,941,138 10	3,062,446 21
Wyoming				738,842 90	738,842 90
Total*	271,173,637 67	602,372,541 35	3,041,000,498 21	3,124,467,782 28	7,971,862,424 75

* Including "net ordinary receipts," "interest," and "premiums."

TABLE B.

States and Territories.	Money expenditures for internal improvements.	Money expenditures for public buildings.	Acres of land grants for internal improvements.	Value of same at $1.25 per acre.	Acres of land grants for schools and universities.	Value of same at $1.25 per acre.	Acres of land grants for public buildings.	Value of same at $1.25 per acre.	Total for internal improvements and school and public buildings.
Alabama	$2,273,347	$628,879 00	3,729,542	$4,661,927 50	970,773	$1,213,466 25			$8,777,619 75
Arkansas	1,344,391	189,184 00	2,878,889	3,598,623 75	934,637	1,168,496 25			6,300,670 00
California	3,853,034	4,128,406 00	26,800,100	33,500,125 00	6,765,404	8,456,755 00	64,000	$80,000 00	50,018,320 00
Connecticut	1,316,407	875,373 00							2,191,780 00
Delaware	3,584,396	103,127 00							3,631,523 00
Florida	763,179	613,483 00	2,260,468	2,825,585 00	1,021,587	1,276,983 75	64,000	80,000 00	5,559,240 75
Georgia	1,128,523	633,473 00							1,761,996 00
Illinois	3,689,351	6,783,803 00	3,386,968	4,232,460 00	1,031,146	1,288,932 50			15,994,546 50
Indiana	1,454,261	898,526 00	1,939,279	2,424,098 75	696,397	870,496 25			6,195,958 33
Iowa	3,180,001	505,838 00	4,440,260	5,550,325 00	951,224	1,189,030 00	64,000	80,000 00	10,505,708 00
Kansas	2,584,814	139,545 00	8,351,531	11,064,413 75	2,937,386	3,671,732 50	64,000	80,000 00	17,540,505 25
Kentucky	1,555,283	696,207 00							2,251,550 00
Louisiana	3,573,190	5,588,493 00	1,572,404	1,965,505 00	832,124	1,040,155 00			12,167,343 00
Maine	1,444,889	2,196,113 00							3,641,002 00
Maryland	2,513,840	2,041,838 00							4,555,678 00
Massachusetts	2,670,735	7,161,185 00							9,780,920 00
Michigan	7,747,537	753,729 00	4,978,976	6,223,720 00	1,113,477	1,391,846 25			16,116,827 25
Minnesota	1,776,775	578,638 00	10,249,455	12,811,818 75	3,052,630	3,815,787 50	64,000	80,000 00	19,063,019 25
Mississippi	1,514,435	143,775 00	1,435,159	1,793,946 25	883,664	1,114,587 50			4,556,738 25
Missouri	2,290,315	4,141,384 00	3,128,004	3,910,005 00	1,245,219	1,556,523 75			11,898,287 75
Nebraska	61,083	748,996 00	8,208,400	10,260,500 00	2,748,124	3,435,155 00	64,000	80,000 00	14,585,734 00
Nevada	3,400	419,281 00	4,800,000	6,000,000 00	4,031,510	5,039,387 50	64,000	80,000 00	11,542,068 50
New Hampshire	138,000	173,691 00							311,691 00
New York	8,535,216	15,075,391 28							23,410,607 25
New Jersey	956,463	552,261 00							1,508,724 00
North Carolina	2,210,377	397,450 00							2,607,827 00
Ohio	5,027,914	4,595,816 00	1,100,361	1,375,451 25	773,608	967,010 00			11,966,191 25
Oregon	1,118,105	695,585 00	7,500,000	9,375,000 00	3,375,786	4,219,732 50	64,000	80,000 00	15,478,422 50
Pennsylvania	1,564,963	9,095,106 00							10,660,069 00
Rhode Island	680,985	326,413 00							1,007,398 00
South Carolina	726,716	3,351,457 00							4,078,173 00
Tennessee	705,946	1,078,233 00			200,000	250,000 00			2,034,179 00
Texas	1,664,200	154,359 00							1,818,559 00
Vermont	525,357	220,467 00							745,824 00
Virginia	1,595,460	1,418,233 00							3,013,693 00
West Virginia	1,500,133	318,094 00							1,818,227 00
Wisconsin	3,674,024	605,044 00	3,600,500	4,500,625 00	1,050,809	1,313,511 25	64,000	80,000 00	10,173,204 25
Arizona	261,415		17,340,000	21,675,000 00	4,050,350	5,062,937 50			26,999,352 50
Colorado	13,827	90,723 00	3,200,000	4,000,000 00	3,793,635	4,742,093 75	64,000	80,000 00	8,926,593 75
Dakota	92,000		9,852,000	12,315,000 00	8,554,560	10,693,200 00	640	800 00	23,101,000 00
Idaho	46,500	57,233 00	1,320,000	1,650,000 00	3,233,137	4,041,421 25			5,789,154 25
Montana	666,496	113,075 00	15,400,000	19,250,000 00	5,112,135	6,390,168 75			26,419,739 75
New Mexico	217,072	99,649 00	12,800,000	16,100,000 00	4,355,448	5,444,310 00			21,861,031 00
Utah	7,943	68,254 00	2,272,800	2,841,000 00	3,176,949	3,971,186 25			6,888,383 25
Washington	308,178	67,650 00	11,300,000	14,125,000 00	2,534,755	3,168,443 75			17,669,271 75
Wyoming		37,455 00	5,800,000	7,250,000 00	1,740,142	2,175,177 50			9,462,632 50
Total									475,886,984 58

C.—*Population of States and Territories at date of admission (or organization) and percentage of total population for each decade from* 1790 *to* 1880.

States and Territories.	Admitted or organized—	Population at date.	Population of United States at date.	Percentage of population.								
				1790 to 1800.	1801 to 1810.	1811 to 1820.	1821 to 1830.	1831 to 1840.	1841 to 1850.	1851 to 1860.	1861 to 1870.	1871 to 1880.
Alabama	Mar. 3, 1817	127,901	9,633,822				1.327625	2.406766	3.462133	3.327126	3.066473	2.585669
Arkansas	Mar. 2, 1819	14,255	9,633,822				.147968	.236286	.571833	.905045	1.384873	1.256461
California	Sept. 9, 1850	92,597	23,191,876							.399265	1.208505	1.452984
Colorado	Feb. 28, 1861	34,277	31,443,321								.109012	.103386
Connecticut	Jan. 9, 1788	237,946	3,929,214	6.055817	4.728319	3.618043	2.856063	2.314609	1.816630	1.598801	1.463417	1.393871
Delaware	Dec. 7, 1787	59,096	3,929,214	1.504016	1.210760	1.003801	.755142	.596764	.457618	.394673	.356883	.324223
Florida	Mar. 30, 1822	34,730	12,866,020					.270047	.319263	.377050	.446594	.486919
Georgia	Jan. 2, 1788	82,548	3,929,214	2.100878	3.064642	3.486701	3.539457	4.018622	4.054912	3.907338	3.362514	3.070952
Illinois	Feb. 3, 1809	12,282	7,239,881			.169644	.572587	1.224233	2.790677	3.671415	5.444562	6.587132
Indiana	May 7, 1800	5,641	5,308,483		.106264	.338680	1.527722	2.667281	4.019526	4.261906	4.294801	4.358683
Iowa	June 12, 1838	43,112	17,069,453						.252658	.828799	2,146443	3.096656
Kansas	May 30, 1854	107,206	31,443,321								.340950	.945058
Kentucky	Feb. 4, 1791	73,677	3,929,213	1.875108	4.162300	5.614885	5.855776	5.348985	4.570192	4.235988	3.675451	3.426003
Louisiana	Mar. 3, 1805	76,556	7,239,881			1.057421	1.587355	1.677506	2.065309	2.232514	2.251677	1.885233
Maine	Mar. 3, 1820	96,540	3,929,214	2.456980	2.858048	3.158961	3.096061	3.106012	2.940764	2.514540	1.998132	1.625886
Maryland	Apr. 28, 1788	319,728	3,929,214	8.137200	6.434004	5.256247	4.228332	3.476016	2.754552	2.513958	2.185040	2.025226
Massachusetts	Feb. 6, 1788	378,787	3,929,214	9.640274	7.965457	6.519997	5.430441	4.746304	4.323294	4.288200	3.915191	3.779597
Michigan	Jan. 11, 1805	4,762	7,239,881			.065774	.090982	.246013	1.243993	1.714626	2.382423	3.070822
Minnesota	Mar. 3, 1849	6,077	23,191,876							.026203	.547089	1.140364
Mississippi	Apr. 7, 1798	8,850	5,308,483		.166714	.557357	.783158	1.062314	2.201508	2.615252	2.516608	2.147191
Missouri	June 4, 1812	20,845	7,239,881			.287919	.690868	1.092125	2.248991	2.940875	3.759183	4.464128
Nebraska	May 30, 1854	28,841	31,443,321								.091724	.318978
Nevada	Mar. 2, 1861	6,857	31,443,321								.021808	.110199
New Hampshire	June 21, 1788	141,885	3,929,214	3.611027	3.463475	2.962203	2.532972	2.094194	1.667750	1.371066	1.037018	.825502
New Jersey	Dec. 18, 1787	184,139	3,929,214	4.686408	3.977577	3.391796	2.879709	2.494599	2.187765	2.110890	2.137290	2.349933
New York	July 26, 1788	340,120	3,929,214	8.656184	11.096409	13.246751	14.242644	14.918377	14.234723	13.355513	12.342001	11.366556
North Carolina	Nov. 21, 1789	393,751	3,929,214	10.021114	9.006396	7.672778	6.631107	5.738310	4.415422	3.747170	3.156861	2.778543
Ohio	Apr. 30, 1802	45,365	5,308,483		.854576	3.187345	6.033898	7.292782	8.904856	8.538891	7.440407	6.912273
Oregon	Aug. 14, 1848	13,294	23,191,876							.057322	.166856	.235806
Pennsylvania	Dec. 12, 1787	434,373	3,929,214	11.054959	11.347216	11.189286	10.873223	10.483355	10.103718	9.968085	9.242710	9.134076
Rhode Island	May 29, 1790	68,825	3,929,214	1.751622	1.302105	1.092600	.861703	.755783	.637800	.636193	.555348	.563699
South Carolina	May 23, 1788	249,073	3,929,214	6.339003	6.510165	5.733727	5.218500	4.519077	3.483477	2.882504	2.238021	1.829968
Tennessee	June 1, 1796	35,691	3,929,214	.908350	1.989307	3.615073	4.388403	5.302230	4.859596	4.323570	3.529529	3.263934
Texas	Dec. 29, 1845	212,592	23,191,876							.916666	1.921600	2.122965
Vermont	Feb. 18, 1791	85,425	3,929,214	2.174099	2.909777	3.009649	2.449350	2.182245	1.710965	1.354440	1.092114	.857274
Virginia	June 25, 1788	747,610	3,929,214	19.026961	16.581008	13.461547	11.056006	9.419431	7.265846	6.129996	3.807608	3.177424
West Virginia	Dec. 31, 1862	442,014	38,558,371								1.269203	1.146350
Wisconsin	Apr. 20, 1836	30,945	17,069,453						.181354	1.316802	2.467554	2.735256
Arizona	Feb. 24, 1863	9,658	38,558,371									.025048
Dakota	Mar. 2, 1861	4,837	31,443,321								.015383	.036778
Dist. of Columbia	July 16, 1790	14,093	5,308,483		.265481	.331815	.342948	.309734	.256175	.222867	.238779	.341560
Idaho	Mar. 3, 1863	14,999	38,558,371									.038899
Montana	May 26, 1864	20,595	38,558,371									.053412
New Mexico	Sept. 9, 1850	61,547	23,191,876							.265382	.297411	.238272
Utah	Sept. 9, 1850	11,380	23,191,876							.049069	.128081	.225077
Washington	Mar. 2, 1853	11,594	31,443,321								.036873	.062127
Wyoming	July 25, 1868	9,118	38,558,371									.023647
Total				100.000000	100.000000	100.000000	100.000000	100.000000	100.000000	100.000000	100.000000	100.000000

TABLE D.

States and Territories.	Per cent. of total revenues contributed by States on the basis of population.	Amount received for internal improvements, public buildings, and education.	The proportionate amount due to each State.	Excess.	Deficit.	Percentage paid in and received back for internal improvements, &c.
Alabama	2.680826	$8,777,619 75	$12,757,702 01	.....	$3,980,082 26	4.111902
Arkansas	1.121673	6,300,670 00	5,337,895 82	$962,774 18	.....	7.046289
California	1.060652	50,018,320 00	5,047,504 82	44,970,815 18	.....	59.155668
Colorado	.082105	8,926,593 75	390,727 01	8,535,866 74	.....	136.381366
Connecticut	1.678681	2,191,780 00	7,988,624 30	.....	5,796,844 39	1.637830
Delaware	.411316	3,631,523 00	1,957,399 31	1,674,123 69	.....	11.075252
Florida	.410872	5,559,240 75	1,955,286 37	3,603,954 38	.....	16.667325
Georgia	3.330474	1,761,996 00	15,849,292 29	.....	14,087,296 29	.663650
Illinois	5.098018	15,994,566 50	24,260,080 41	.....	8,266,237 63	3.935600
Indiana	3.960045	6,195,958 33	18,845,338 74	.....	12,649,380 40	1.962575
Iowa	2.103711	10,505,708 00	10,011,286 84	494,421 16	.....	6.264393
Kansas	.500464	17,540,505 25	2,381,643 04	15,158,862 21	.....	43.965216
Kentucky	3.818304	2,251,550 00	18,170,811 77	.....	15,919,261 77	.739692
Louisiana	1.972477	12,167,343 00	9,386,761 32	2,780,581 68	.....	7.757916
Maine	2.044509	3,641,002 00	9,729,552 23	.....	6,088,550 23	2.233942
Maryland	2.473503	4,555,678 00	11,771,078 84	.....	7,215,400 84	2.310365
Massachusetts	4.161385	9,780,920 00	19,803,489 59	.....	10,022,569 59	2.948070
Michigan	2.297902	16,116,827 25	10,935,416 54	5,181,410 71	.....	8.998087
Minnesota	.657627	19,063,019 25	3,129,561 30	15,933,457 95	.....	36.362372
Mississippi	2.153656	4,556,738 25	10,248,968 59	.....	5,692,230 34	2.654103
Missouri	3.550711	11,898,287 75	16,897,371 50	.....	4,999,083 75	4.203480
Nebraska	.160009	14,585,734 00	761,462 00	13,824,272 00	.....	114.346864
Nevada	.051510	11,542,068 50	245,129 39	11,296,939 11	.....	281.081000
New Hampshire	1.194849	311,691 00	5,686,130 87	.....	5,374,439 87	.327228
New Jersey	2.339388	1,508,724 00	11,132,843 01	.....	9,624,119 01	.808909
New York	12.233545	23,410,607 25	58,170,259 71	.....	34,759,652 46	2.402457
North Carolina	3.563684	2,607,827 00	16,959,108 33	.....	14,351,281 33	.917951
Ohio	7.038399	11,966,191 25	33,494,824 76	.....	21,528,633 51	2.011484
Oregon	.160403	15,478,422 50	763,337 00	14,715,085 50	.....	121.047487
Pennsylvania	9.477794	10,660,069 00	45,103,588 07	.....	34,443,519 07	1.410889
Rhode Island	.619424	1,007,398 00	2,947,758 20	.....	1,940,360 20	2.040010
South Carolina	2.535494	4,078,173 00	12,066,085 94	.....	7,987,912 94	2.012690
Tennessee	3.576784	2,034,179 00	17,021,444 76	.....	14,987,265 76	.713405
Texas	1.634360	1,318,559 00	7,777,706 52	.....	6,459,147 52	1.020250
Vermont	1.175235	745,824 00	5,592,790 40	.....	4,846,966 40	.796071
Virginia	4.861215	3,013,693 00	23,133,889 48	.....	20,120,196 48	.776716
West Virginia	.933456	1,818,227 00	4,442,195 61	.....	2,623,968 61	2.443400
Wisconsin	2.119008	10,173,204 25	10,084,083 27	89,120 98	.....	6.022342
Arizona	.009817	26,999,352 50	46,717 83	26,952,634 67	.....	3450.009799
Dakota	.020283	23,101,000 00	96,524 16	23,004,475 84	.....	1422.524750
District of Columbia	.284894	.....	.....	.....	.....	.....
Idaho	.015246	5,789,154 25	72,553 73	5,716,600 52	.....	476.321793
Montana	.020934	26,419,739 75	99,622 18	26,320,117 57	.....	1583.119304
New Mexico	.226893	21,861,031 00	1,781,276 74	20,781,276 74	.....	120.862043
Utah	.140782	6,888,383 25	669,963 21	6,218,420 04	.....	61.377496
Washington	.038416	17,669,271 75	182,816 74	17,486,455 01	.....	576.965943
Wyoming	.009268	9,462,632 50	44,105 21	9,418,527 29	.....	1280.738083
Total	100.000000	.....	.....	.....	.....	.....

E.—*Comparison, by decades, showing the per cent. of population of the Southern States to that of the United States.*

Decades.	Population of Southern States and Territories.	Population of the United States.	Percentage of population of Southern States.
First decade	1,961,174	3,929,214	49.91263
Second decade	2,607,818	5,294,390	49.25625
Third decade	3,456,899	7,215,858	47.90697
Fourth decade	4,451,760	9,600,783	46.36872
Fifth decade	5,808,469	12,820,868	45.30480
Sixth decade	7,403,051	17,019,641	43.49123
Seventh decade	9,614,969	23,140,189	41.55052
Eighth decade	12,240,293	31,368,261	39.02129
Ninth decade	13,877,615	38,426,671	36.11454
Total percentage			398.92695
Average percentage of the South			44.32522
Percentage of appropriations received by the Southern States			16.03979

NOTE.—Of the $475,886,984.58 expended for internal improvements, public buildings, and education, the South received $76,331,304.50, and was entitled to receive $210,937,952.86; the North received $399,555,680.08, and was entitled to receive $264,949,031.72, being an excess over its share of $134,608,648.36, and a deficit of the same amount in the South.

Table A shows the amount paid into the Treasury by each State by decades and the total amount paid into the Treasury by each State and Territory from 1789 down to the 1st of July, 1880.

Table B shows the total appropriations to each State and Territory for internal improvements, public buildings, and educational purposes to the 1st of July last, and includes land grants charged at $1.25 per acre, all the sums amounting in the aggregate to $475,886,984.58.

Table C shows when each State was admitted or organized as a Territory and what percentage of the whole population each State and Territory contained at each census or decade.

Table D shows the percentage of total revenues paid by each State, the amount received by each for internal improvement, public buildings, and education, the amount each State and Territory should have received according to the amount paid into the Treasury, and the excesses received by and deficits due each State and Territory, and the percentage of the amount paid into the Treasury received back by each State for the three purposes named.

Table E shows the average proportion the population of the South (or sixteen late slave States) bore to the population of the whole Union during the nine decades, and what portion of the whole sum of $475,886,984.58 each of these sections received, and what each should have received if it had been divided according to the population of, and the amount of money paid into the Treasury by, the two sections.

The Southern States have averaged 44.32522 per cent. of the whole population, and paid that proportion of all the money into the Treasury, and only received 16.03979 per cent. of the appropriations. The North received of the amount appropriated ($475,886,984.58) the sum of $399,555,680.08 and the South the sum of $76,331,304.50, when the North should have had $264,949,031.72 and the South $210,937,952.86. The deficit of the South is $134,608,648.36.

In ascertaining the amount of money paid into the Treasury by each State each decade, and in the aggregate, I did not proceed on the erroneous idea that Kentucky paid into the Treasury the tobacco and whisky tax, or that New York City paid into it the customs or tariff tax collected at that point, but that each State consumed tariff and internal revenue paying articles in proportion to its population. I am aware that this assumption may not in all instances be exactly accurate, but it is the best possible approximate basis. In paper B, as a part of the $2,251,550 of appropriations received by my State it is charged with over $1,300,000, money expended on the Louisville and Portland Canal. This sum should be divided between seven States, each of which were as much interested in it as Kentucky, and certainly it might have been fairly divided between Indiana and Kentucky, but as the canal was wholly on the soil of my own State and it had received so little that it could afford to have it so charged, and then be far behind its sister States, and as I desired there should be no cavil and no suspicion that I had favored my own State in these tabulations, it was thought best to charge this sum to it.

In paper B no account is taken of the land-grant or scrip act of July 3, 1861, as by it all the States received land or scrip according to their representation in the two Houses of Congress, and if taken into the estimate it would vary the result but little, and that in favor of my own and the other larger and older States.

Paper E does not prove exactly, but near enough for practical pur-

poses, this is owing to the fact that fractions could not be carried out indefinitely, and that from the total sum paid into the Treasury was not first deducted the amount paid by the District of Columbia before the percentages were taken, and which should have been done, as no account was taken of expenditures in the District of Columbia. If this error had been avoided, the balances in favor of Kentucky would have been still larger, and excesses of the new States have been greater; and hence I did not undertake the great labor of correcting the table in this respect.

These facts and figures demonstrate the past injustice done to Kentucky. Justice demands liberal future appropriations for the rivers and public buildings of that much-neglected State. It has paid into the Treasury of the United States over three hundred and four million dollars, and after charging it with over one million three hundred thousand dollars, of which at least half is not just, has received in over eighty-eight years but $2,251,550 for internal improvements, public buildings, and educational purposes, while California, that has only been in the Union for thirty years, and has only contributed to the Treasury $84,553,722.76, has received of the Federal Government $50,018,320 for these purposes. Kansas has only paid in $39,896,323.93, and received back for these purposes $17,540,505.25. Minnesota has received for them $19,063,019.25, and only contributed to the Treasury $52,425,124.68. Iowa in forty-two years received $10,505,708 of the $167,704,960.86 paid by it into the Treasury. Kentucky, Tennessee, Georgia, and New Hampshire have each received for these three purposes less than three-fourths of 1 per cent. of what they contributed to the Treasury, while California has received nearly 60 per cent., Kansas nearly 44 per cent., Minnesota 36 per cent., and the average State about 5 per cent., and the Territories of Montana, Arizona, and Dakota, that have not yet population sufficient to demand admission as States and have been organized as Territories but a few years, have each received for the three purposes named ten or twelve times as much as Kentucky has received in over eighty-eight years.

These tables show that upon a fair and equitable distribution according to the amount contributed to the common Treasury there is justly due to the State of Kentucky almost sixteen million dollars.

If I had been elected to the Forty-seventh Congress I had intended to introduce a bill to make up this deficit and injustice in installments of 5 per cent. each year for twenty years, in addition to giving my State her fair proportion of the annual appropriations to rivers and harbors and public buildings. It is reasonable to presume that the annual appropriations for rivers and public buildings will be $12,000,000. Kentucky, according to the census of 1880, is about one-thirtieth of the whole Union in population, also in water-ways and resources to be profitably developed. This would give her for twenty years to come annual appropriations to the amount of $1,200,000 each. It is the custom of our friends resident in the younger States to taunt us with a want of enterprise and progress, and to speak of Kentucky as an old-fogy State, and to boast that they surpass us in schools, internal improvements and progress; but let these States remember that they have been developed and their railroads constructed and their common schools endowed with our land and money.

In their prosperity, obtained at our expense, let them be just to us and give us the $1,200,000 per year for twenty years which we are justly entitled to, and let us expend it in opening our rivers, in building railroads, and opening up our wealth of coal, iron, and lumber, and within a few years we will again take the lead of them. This system of giving away to the new States the public domain, which belonged to all the States, grew partly out of a desire upon the part of the sea-shore States to reconcile the West to the doctrine that no public money should be appropriated for improvements except upon tide-water, and partly out of the desire of the party in power to court the favor and political support of the new States. The democratic party did some of this political juggling prior to 1861, and gave away a few millions of acres of the public domain; but since 1861 the republican party has engaged in it on a gigantic scale, and has given away to corporations about two hundred and seventy million acres of the public lands, and by doing so has built up mammoth corporations that threaten the liberties of the people and assert, if they do not exercise, supremacy over the Government, and have a controlling and baneful influence in its administration and councils, and that have and exercise the power to elect Senators and Representatives in Congress and to control their action in their interest in opposition to that of the great body of the people. And yet the prejudices of the war control the people of the old States who have been robbed of their interest in the public domain, and the poor people, whose children will soon need to settle on these lands, into supporting a party the conduct of which, in this and many other respects, they condemn. I trust that their children will not curse them when, instead of being independent owners of the soil, they will have to become the tenants and servants of heartless corporations.

But a few of our democratic friends who desire to out-Herod Herod, to paint the lily and gild gold, and to improve on the democracy of Jefferson, Calhoun, and Jackson, think it undemocratic for the United States Government to make appropriations to improve our rivers and harbors.

In 1806 Jefferson signed the bill appropriating money to construct the National Road in the States of Pennsylvania, Virginia, and Maryland. On the 16th of December, 1816, Mr. Calhoun moved in the House of Representatives for a committee to inquire into the propriety of setting apart the dividends arising from the Government's National Bank stock as a permanent fund for internal improvements, and favored this course. (See Congressional Annals, page 851.) And this committee reported in favor of this course, and in their report asserted the power of Congress to make such improvements under the power to regulate commerce between the States.

Jackson, in 1830, 1831, 1832, 1834, and 1836, signed bills appropriating money to construct the National Road. In 1832, 1833, and 1834, Jackson signed bills making appropriations to improve the Cumberland and Arkansas Rivers. Jackson, in the years from 1830 to 1836, signed bills to improve Black River, Cunningham Creek, and Conneaut Creek, all of which are wholly within the State of Ohio.

I made this speech in substance before the Committee on Commerce two years since, and also one year ago, and then exhibited similar tabulations, and the result was that I then for the first time obtained in the shape of appropriations to the rivers of Kentucky some little recognition. It was not printed then, and I make it now, not in the hope of increasing the appropriations to the rivers of Kentucky in this bill, but to place the facts and figures before the country with a hope that they may induce the Senate to increase them or may induce future Congresses to mete out to my State long-delayed justice. I must acknowledge my obligations to Mr. L. J. Barnes, of the Statistical Bureau, for valuable assistance in revising the tabulations made a part hereof. I had the honor to first press the improvement of the rivers of Kentucky upon the consideration of Congress with some success. If the great labor expended in these tabulations contributes to continued appropriations and the rapid completion of the works undertaken in Kentucky, I shall be fully rewarded for the wearisome labor they have cost, most of it performed in the small hours of the night, after my other duties were discharged.

I am about to retire from public life, and am fully aware that the credit of opening up the coal, iron, and lumber regions of Kentucky will be awarded to whoever may obtain the last appropriations which complete the improvements leading thereto; for not until then will the people of the State feel the beneficent influences of the improvements made with these appropriations. But I hope that a few men of reflection will recall the fact that I was an humble factor in initiating the work, and thereby made it possible and comparatively easy to obtain appropriations for their continuance and completion.

Rivers and Harbors.

SPEECH OF HON. G. L. FORT,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 7, 1881,

On the bill (H. R. No. 7104) making appropriation for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. FORT said:

Mr. SPEAKER: This bill ought not to pass under suspension of the rules without opportunity for adequate debate, or for amendment, yet I presume it will pass. I am opposed to many of the clauses of the bill making large appropriations. The bill is manifestly unfair, giving Texas $750,000, while it has but few if any rivers that can be called navigable. Other localities have large appropriations where there is no public necessity and where the money must be spent without utility. Appropriations of many thousands of dollars are made for small streams, creeks, and bayous.

There appears to be no appropriation for "the *slough of despond*" into which *Christian* fell on his "*Pilgrim's Progress*," which is the only omission I have found in the bill.

Sir, this bill of all others ought to be regularly reported and considered in Committee of the Whole House, with full opportunity to strike out some of the items and if proper to add others, or to decrease or increase any of the appropriations made.

The most meritorious rivers and harbors have not been recognized by the bill.

There is no one of the appropriation bills we consider and pass but could be more properly passed under suspension of the rules and without amendment than should this bill. This bill with the first $1,000,000 in my opinion commits Congress to the policy of rebuilding and maintaining the levees on the Mississippi River below Cairo, which will ultimately require many millions of dollars and will only benefit the owners of swamp and overflowed lands along the bank of that river, and not tend in any considerable degree to the improvement of navigation or be for the public welfare.

While I am strongly in favor of appropriating liberally for the improvement of all navigable rivers and water ways, and for the extension and safety of harbors, and for making new ones where practicable, I doubt whether it is my duty to vote for this bill, offered as it is by the gentleman from Texas [Mr. REAGAN] under the gag of the suspension of the rules, yet under all the circumstances I shall give commerce the benefit of the doubt and vote for the bill.

Pension Appropriations.

SPEECH OF HON. A. H. COFFROTH,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 9, 1881.

On the bill (H. R. No. 6532) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882.

Mr. COFFROTH said:

Mr. CHAIRMAN: Much has been said in reference to the present magnitude of the pension-roll, and the impression has been generally made that it is annually increasing to an alarming extent. These statements have been so general in their character, and accompanied by such meager details of the actual facts and figures involved, that the country is liable to be misled as to the truth.

An examination of official reports, however, dissipates all fears upon that subject and demonstrates that the increase is but temporary (being limited to one year) and more apparent than real, and is to be accounted for upon principles entirely consistent with the highest degree of uprightness of purpose on the part of the pensioners.

If we take the annual reports of the Commissioner of Pensions for the nine years last past, we find that the highest point reached was during the year ending June 30, 1875, when the yearly value of the pension-roll for pensioners of all the wars, excepting that of 1812, under acts of 1871 and 1878, was $24,269,871.59.

If we next turn to the annual report for 1880, we find the total value for that year, exclusive of pensioners of the war of 1812, to be $22,568,658.60, or $1,701,212.99 less for the year 1880 than for the year 1875, or an annual decrease for each of the five years from 1875 to 1880, of $340,242.59.

The following table will give a correct exhibit of the number of Army pensioners of all classes borne on the roll:

Year ending June 30—	Page of annual report.	Number of pensioners on the rolls.	Less pensioners of the war of 1812, under acts of 1871 and 1878.	Pensioners of late and other wars except of 1812, under acts of 1871 and 1878.	Yearly value of the pension-rolls.	Less yearly value of pensions due for war of 1812, under acts of 1871 and 1878.	Yearly value of pensions due for war of the rebellion and all other wars except that of 1812.
1872	1-3	232,229	20,127	212,092	$25,480,578 00	$1,932,192 00	$23,548,380 00
1873	1-2	238,411	23,319	215,092	26,259,284 43	2,238,192 00	24,021,092 43
1874	4-6	236,241	22,932	213,309	26,244,786 46	2,201,472 00	24,043,314 46
1875	4-5	234,821	21,038	213,783	26,289,519 59	2,019,648 00	24,269,871 59
1876	7	232,137	19,193	212,944	25,596,324 69	1,842,528 00	23,753,796 69
1877	14	232,104	17,411	214,693	25,371,215 43	1,671,456 00	23,699,759 43
1878	18	223,998	14,132	209,866	24,107,981 90	1,356,672 00	22,751,309 90
1879	11	242,755	32,815	209,940	25,493,742 15	3,150,240 00	22,343,502 15
1880	17	250,802	34,888	215,914	25,917,906 60	3,349,248 00	22,568,658 60

It will be seen from this table that on the 30th of June last there were on the pension-roll 34,888 survivors and widows of soldiers of the war of 1812, and that the number for all other wars was 215,914. The gross annual value of all pensions was $25,493,742.15, and the gross annual value—excluding those of the war of 1812—of all other pensions was $22,568,658.60.

It must also be borne in mind that during this period of decrease in the annual value of our pension-rolls, Congress has passed five acts increasing the rate of invalid pensions in certain specified cases, to wit: Act of February 28, 1877; act of June 17, 1878; two acts of March 9, 1879, and act of June 16, 1880.

There was an increase of $225,156.45 during the year 1880 over that of 1879, owing, no doubt, in some degree, to the impulse given to applicants by the passage of the arrears act. Applicants whose injuries were slight, entitling them to but a trifling monthly sum payable only from the date of the completion of their claims, had been comparatively indifferent; but as they became entitled to arrears for fourteen or more years they were stimulated to immediate action in completing their proofs.

Others, also, who had failed to make application because of the insignificance of the monthly rate due them, at once became interested and immediately filed their claims.

In addition to this, cases of slight injury, such as the loss of a finger, thumb, toe, or other gun-shot wounds of a comparatively trifling nature, are as likely to be the subject of an entry on the company rolls as those of a more serious character, thus making the additional proof required less difficult to secure.

But independent of and beyond the question of the cost to the country of our pension list, let us inquire if the numbers now upon the roll, and of those now applying, are greater than is consistent with the nature of the case, and within the limits of the number disabled in the Army.

The whole number of dead Union soldiers lying buried in national cemeteries on the 30th of June, 1866, is officially reported in the introduction to the first volume of the Medical History of the War as being 341,673.

If to this number we add those dying at home during the war, and such others as were buried by the enemy wherever killed in skirmishes, or who died on marches, or under other circumstances precluding all opportunity of their being reinterred, it is not an unreasonable estimate to fix the total number of fatal casualties in our armies during the war and up to June 30, 1866, at 375,000.

How many have died between June 30, 1866, and June 30, 1880, a period of fourteen years, by reason of diseases contracted while in the Army, we shall not now undertake to estimate. Leaving that number out of view for the present, let us inquire how many applications for pension on account of the death of the 375,000 soldiers of the late war who died prior to June 30, 1866, have been made, and whether that number is so great as to justify the charge or apprehension even that any material number of them are fraudulent.

In the annual official report for the year ending June 30, 1880, we learn that the total number of applications filed from 1861 to June 30, 1880, for widows' Army pensions was 274,087. In this number are included all applications for minors, dependent parents, brothers, and sisters. From reliable data it appears that 79,642 of this number are based upon the death of soldiers who died since the 30th of June, 1866. Deducting these, there are left 194,445 pensioners whose claims are based upon the death of soldiers who died prior to the 30th of June, 1866.

These figures clearly show that for 180,555 of the dead heroes and patriots who gave their lives that our great Government might be maintained, no claim for pension has been filed by either widows, children, or dependent relatives; and yet the whole country has been startled by the wholesale, general, and intangible charges of fraud, originating, as is believed, from official sources. These charges are made indiscriminately against pensioners, pension applicants, and their friends, but are unsustained by any specific statement of facts to give them even a color of justification.

In the annual report of the Commissioner of Pensions for the year ending June 30, 1872, the number of widows, minors, and dependent relatives upon the pension-roll, is stated at 113,518, and the annual value or amount required for their payment was $14,530,778.39. In his report for 1880 this number is reduced to 78,772, and the amount required for their payment is correspondingly reduced to $8,515,585.20, a reduction in number in nine years of 34,746, and in annual value of $6,014,193.19, or an average annual reduction in number of 3,860, and in value of $668,243.68. At this rate of reduction it will be but a few years until the pension-roll of this class of pensioners will become a matter of comparative insignificance.

Let us now turn our attention to the invalid rolls. From an official statement published by the War Department under date of November 19, 1880, we learn that 2,772,408 men were furnished for our armies between the 15th of April, 1861, and the close of the rebellion. Deducting from this number the 375,000 who died prior to June 30, 1866, we have remaining 2,397,408 who from various causes were discharged either during the pendency of their term of service or at the close of the war.

In part first of the Medical History of the War we learn that 285,545 soldiers were discharged for disability during the progress of the war. How many of these have since died by reason of the disabilities for which they were discharged, we have no means of ascertaining; but it is not reasonable to suppose that many of them form a part of the 375,000 estimated to have died prior to June 30, 1866, as 341,670 were lying in their graves at that date in the national cemeteries. It is safe to say that at least 90 per cent. of the number discharged by reason of disability before the close of the war, were entitled to a pension and have probably made application therefor.

In the annual report of the Commissioner of Pensions for the year ending June 30, 1880, it is stated that the total number of applications for invalid Army pensions from the year 1861 to June 30, 1880, is 405,858. This includes all soldiers of the regular Army, and all others that have been disabled since the close of the late war. It is therefore safe to say that the whole number of invalid applications for pension on file in the Pension Office on the 31st of January, 1881, arising out of the late war, does not exceed 400,000.

As 341,670 of the soldiers of our Army died, and 285,545 were dis-

charged on account of disabilities during the war, is it not a safe and reasonable estimate to say that for every soldier that died during the progress of the great conflict for the preservation of the Union, two were more or less permanently disabled? Those of us who were old enough to judge can form a tolerably correct estimate from our own observations. Will any reasonable man of ordinary correctness gainsay the statement that, of every one hundred men who left their homes in health and strength to take their chances in the war of the rebellion, more than the proportion of two to one returned free from disability? If this estimate of one-third is correct, the whole number of deaths and permanent disabilities resulting must have been 914,894.

These figures challenge the closest scrutiny for their fairness and impartiality, and while perhaps no two persons can be found whose estimates would entirely agree in details, it is confidently believed that the conclusions that would be reached by any candid investigation of the subject would rather exceed than fall below this estimate.

The best writers on the subject all agree that our late war was one of the most gigantic and severe of any yet recorded in the history of the world. Our soldiers were not inured to the hardships of the tented field. With but few exceptions, they left comfortable homes in a healthful northern climate to endure long marches in enervating southern climes, whole armies sleeping in the open air on marshy ground for months at a time. And from the large extent of country embraced within active operations, the hardships endured were necessarily more constant and uniformly severe than in any of the wars covering the same length of time in other countries. And can it be other than true of such a war that an estimate of one-third of fatal and permanent casualties, is an extremely reasonable one? And if reasonable, then it follows that to the number of invalid applications for pension already filed there may yet be added, we have every reason to assume, from one to two hundred thousand more before that limit is reached when the cry of fraud, on account of the magnitude of the number of applications, will be justified.

It is not supposable that so large a number will ever apply, for, year by year, death is rapidly thinning the ranks of our late soldiers, and as time goes on each passing year renders it more difficult to furnish the necessary proofs. From June 30, 1871, to June 30, 1879, a period of eight years, the number of applications filed were only 128,022, or an annual average of 16,003. It will require a greater ratio to continue for eight years to come, in order to reach the number contemplated by this calculation.

The passage of the arrears act unquestionably stimulated the filing of applications, as will be seen by reference to the Commissioner's report for 1880, from which it appears that in the year 1878 but 18,812 applications were filed, which were increased to 36,835 for the year ending June 30, 1879—the arrears act having been in force during five months of that time. For the year ending June 30, 1880, the number reached 110,673. But this extraordinary number was reached by reason of the fact that claims presented after that date, if allowed at all, would be barred from the benefits conferred by the arrears act, and payment could begin only from the date of filing the application.

The attention of the whole country having been turned to the arrears bill during the several years it was under discussion before it became a law, it is only reasonable to suppose that the soldiers interested, as well as the survivors of the dead and their immediate friends, were on the alert to take advantage of its provisions, and consequently filed their applications on or before the 30th of June, 1880, the date of limitation by the provisions of the act. It therefore follows that a great falling off in the filing of applications may be expected from this time forward. It must be many years before an entire cessation can be expected; for as a man advances in years the disabilities contracted in the service, though trifling when they first appeared, become aggravated in the course of time, and when the sufferer finds himself old, and infirm from the disease or wounds he at first regarded as slight, he naturally turns to his country for relief. Fortunately for him, the classes now manifesting impatience by reason of the gravity of the burden imposed upon the public Treasury by the length of the pension-roll, are not sufficiently large in number or potent in influence, politically or otherwise, to close the door of relief against him. The cry of fraud that has filled the air during the last year has found no echo in the hearts of the people, and it never will.

To convince intelligent and thinking people that 10 per cent. or even 1 per cent. of the names now on our pension-roll, are there by fraudulent means, or that any large number of those whose applications for pension are now pending are attempting a fraud upon the public Treasury, will require something more than vague surmises, ill-founded suspicions, and general allegations. Justice requires specific statements of frauds if discovered, the names of the perpetrators, place, occasion, and all the circumstances involved. Nothing short of definite specifications will satisfy the public as to such charges, nor will anything less sufficiently enlighten Congress to enable it to adopt the proper legislation to prevent such fradulent practices.

Instead of specific facts showing the number and extent of frauds, the circumstances under which the law is violated and evaded, and the means used, the Commissioner estimates the frauds to be 10 per cent. Is this the reward that was promised our suffering soldiers during the dark days of our struggle for national existence?

Let us see how his official report for the year 1880 bears out the position taken as to frauds. Under the head of "special investigations—frauds," we are told that "during the last four years the investigations have been very thorough and made with great care;" and yet in the paragraph immediately preceding the one above quoted, we are informed that of the $40,000 appropriated for the discovery and prosecution of frauds "only $26,466.19 was expended." If frauds were known to be so numerous and extensive, why is it that all of this $40,000 was not expended for the legitimate purposes of its appropriation? Why allow it to lie idle in the Treasury and frauds go on without an effort at further detection and bringing to punishment the offenders? Is not the conclusion irresistible that either frauds on the part of the pensioners and applicants are not sufficiently numerous to justify the expenditure of more than $26,466.19 in their detection and prosecution, or that those in authority are criminally remiss in attending to their imperative duties as public officers? I accept the former alternative, and am strengthened in this conclusion by official reports. By reference to the annual reports of the Commissioner it will be seen that the number of criminal prosecutions of attorneys for the year 1878 was 59; for the year 1879 the number was 47, and for the year 1880 the number was 30. It also appears from his reports for 1879 and 1880, that in the former year 47 indictments were found for violation of the pension laws, and in the latter only 23. The same reports also show that in 1879 there were 8 acquittals, and in the year 1880, 18, of persons who had been indicted for infractions of the pension laws.

Section 4744 of the Revised Statutes authorizes the Commissioner of Pensions to investigate suspected attempts at fraud. He is not required to wait until fraud has been committed, but in all cases where it is attempted he is authorized to detail, from time to time, experienced experts direct from his office, to aid in ferreting out the perpetrators of these criminal attempts.

Such being made the Commissioner's duty by the mandate of the law, are we justified in coming to any other conclusion than that during the year 1880 the frauds, or attempted frauds, did not extend beyond the cases actually investigated and referred to in his annual report? To suppose that he did not exhaust all the means at his disposal in investigating all attempts at fraud coming to his knowledge, is to suppose him unfaithful to his trust.

The country is advised by the Commissioner of Pensions that the present system of adjudicating pension claims is inadequate to the settlement of the number already on file in less than twelve years. If this statement is well founded, it is eminently proper that Congress should provide some remedy for so great an evil. But before casting aside methods that have been in successful use for three-quarters of a century, it is proper to consider such facts as experience has developed that go to show that the capacities of the present system, if wisely administered, are fully equal to the demands of existing emergencies.

It has been officially announced from the Pension Office that in the month of October last 4,423 original pension claims were admitted and allowed. If this is correct, of which there can be no doubt, is there any good reason why the same number cannot be allowed every month in the year, and in this way relieve every year 53,076 of the waiting multitude of suffering applicants? If this were continued for five years, 265,380 claims would be allowed, and this, in all probability, would cover every claim "proven up" by the claimant. But this rate of dispatch of business by no means tests the capacity of the present system. We are informed that the heads of the nine divisions of examiners in the Pension Office can add at least one-half more to their force of examiners, if they are furnished by Congress, and by this means increase the work of adjusting pensions at least 50 per cent. Therefore, if with the present force they can settle 4,423 cases in one month, that number can be increased to 6,635 per month, or 79,620 per annum, which in three years will settle all the claims that will likely be made out.

Thus, instead of twelve years being required to dispose of this mass of business, it is seen by the experience already had that with the present force it can be done in five years; and with an increase of force quite practicable to handle, the whole difficulty can be dealt with and overcome in three years.

It may be said that the number of allowances that issued from the Pension Office in October were so issued to influence the presidential election then pending. But if so, is it not reasonable to expect that, if the present force of that office could, under partisan feeling, be stimulated to the allowance of 4,423 cases in October, it is entirely practical to continue the same rate under the higher stimulus of devotion to duty and of a desire to do justice to the thousands of suffering soldiers, and their widows and children, of the late war?

I am aware it is said that 315,340 applications are now pending; but this is of all classes, and includes the accumulations of nearly twenty years. In fact it is stated by those who are practically acquainted with the subject, that there are not over two hundred and twenty-five thousand of these claims upon which any labor should or ever will be bestowed. All of the meritorious claims can be adjudicated in a few years if the Commissioner of Pensions will liberally administer the law as it now is found upon the statute-books. In my opinion there exists no necessity for a radical change in the pension laws. Prompt, energetic, and liberal-minded officials will soon dispose of the just claims, rendering to the claimants what is due them and protecting the Government from frauds.

Mr. Chairman, much has been said in reference to the amount

required to meet the provisions of the arrears act of January 25, 1879. The Commissioner estimates that the total present and prospective burden imposed thereby will be $510,301,672.25. In this is included the prospective accessions to the rolls and the continuance thereon for twenty-two years of 125,000 persons whose applications would never have been filed had it not been for the inducements held out by the arrears act. As a matter of principle, does the magnitude of an obligation necessarily incurred in the prosecution of a legitimate object render it improper or impolitic to pay it?

One of the inducements held out to our men to volunteer and fill up the ranks of the Army was that they and their families should be liberally pensioned for every disability contracted while serving their country; and this arrears legislation goes only in the direction of redeeming that promise. As well might the people estimate the present and prospective burden of the public debt upon the common Treasury for the next twenty-two years, and then, by reason of its magnitude, cavil about its payment. When the pensioner dies the debt, principal as well as interest, ceases and is forever canceled; but the Government bonds live on for generations unnumbered, or until the principal itself is extinguished by actual payment to the last farthing.

It does seem to me that very little consideration is required to show these official estimates to be uncertain and largely exaggerated in amounts; and for evidence of which, reference is had to official reports and data for the following estimates.

The Commissioner, in his annual report for 1880, shows there were on file 307,697 unsettled invalid and widows' Army claims. If every one of these claims were settled at the average of claims already allowed, it would require $244,164,066.77 for their payment. But a very large number of these claims have now been abandoned because of the death of the applicant, and a still larger number cannot be sustained for want of the required proof.

The Commissioner estimates—

Amount of arrears to old pensioners	$25,293,963 66
First payment previous to July 1, 1880	$8,821,826 09
Arrears in pending claims	192,000,847 50
Total	226,116,637 25

The Commissioner, in his estimate to Senator DAVIS, charges to the arrears act the continuance upon the rolls for twenty-two years, of all the applicants it is supposed will succeed subsequent to June 30, 1880, in becoming pensioners, but who, it is assumed, would never have made the attempt but for that act, and this item is set down at $284,185,000.

This estimate is entirely gratuitous. Who that is wise enough to determine how many of those entitled to pension would have forever neglected to avail themselves of their legal rights? The presumption should be, and in fact is, that every person will claim his or her rights when properly advised as to what they are. The object in passing any law is, that it shall be effective for the purposes of its enactment. Our pension laws, as they stood before the passage of the arrears act, form no exception to this rule. Hence, the conclusion is that if the arrears act had never been passed, all entitled to pension would, sooner or later, have applied for the same, and all speculations as to the number that would not have done so, are idle and vain.

But let us examine these speculations as they are submitted. The estimate of twenty-two years' continuance upon the rolls from July 1, 1880, is based, we are told, upon the Carlisle tables of expectation of life at given ages, and the assumption is indulged in that our surviving soldiers, their widows and parents, all averaged, at the date given, about forty-three years; consequently, the average of life in expectation for all these pensioners, is twenty-two years.

In my opinion the reasoning of the Commissioner of Pensions is not sound. Let us ask how many fathers and mothers of our soldiers to be affected by the arrears act will remain upon the pension-rolls for twenty-two years to come, and how many of their orphans will be there, when by the law their right to pension ceases at the age of sixteen years? How many widows of our dead soldiers, whose husbands were dead more than five years before January 25, 1879, will be there? And how many of our invalid pensioners who are such because of disease contracted or wounds received in the service will survive twenty-two years longer?

Life tables are based upon the average expectation of each individual of a healthy community, and not upon the expectation of life to a class of invalids, who are suffering from every conceivable disease and infirmity arising from the exposure of camp life in an unhealthy climate, from long imprisonment while in the hands of the enemy, or from wounds of all parts of the body, and loss of limb. With such a community there can be no reliable basis for forming any judgment as to the expectation of life, and all attempts to arrive at a satisfactory result by these means must, necessarily, prove futile.

Of 362,350 pensioners who were placed on the rolls of Army and Navy pensions since 1861, but 215,914 were there June 30, 1880, showing a total loss of 146,436, or within 6,748 of the whole number admitted to the rolls from 1861 to June 30, 1867.

If, during the first fifteen years after the close of the war, forty out of every one hundred of our pensioners have been swept from the roll by death and other causes, how greatly must this rate of diminution be accelerated with each recurring year!

In view of such data, we are safe in concluding that the pensioners placed upon the rolls from and after June 30, 1880, will not remain there on an average of twenty-two years, nor one-half of that time.

We are told that the average age of our soldiers in 1863 was twenty-six years; on the 30th of June, 1880, they had attained the age of forty-three years; and twenty-two years hence the average age of our soldiers who were disabled to an extent entitling them to pension, will be sixty-five years. If this is to be the average age of our sick soldiers, what is to be the maximum? And if our disabled invalid soldiers are to attain such a degree of longevity, to what ripeness of old age will not those attain who escaped the war unscathed?

As in the ordinary course of nature, our soldiers must die more rapidly with each succeeding year, it is more than likely that the average duration of a pension will not exceed eleven years, and that the future payment to pensioners will not exceed one-half of $284,185,000—the Commissioner's estimate—or an amount not exceeding $13,000,000 per year.

Liberal speculation is indulged in as to the probable annual payments to our pensioners in the future, and every effort has been, and is still being, made to exaggerate the sum, in order seemingly to alarm the public mind as to its magnitude, and induce legislation to limit or reduce it.

Whether the amount is to increase suddenly must depend upon the number of applicants admitted each year. If the allowances are to be made with more promptness and dispatch at the Pension Office, a large and immediate additional annual appropriation will be required. But all this is immaterial. If, under the law, these applicants are entitled to pension at all, it is due them that payment be made at the earliest possible moment. If payments are presently increased they will be less in the future. The one important consideration on the part of the people is the prompt and willing discharge of whatever obligation is due our suffering soldiers and their dependent representatives. All considerations as to when it is to be paid, and the means by which it is to be reduced to a minimum, are unworthy of the American people, and will not receive their sanction.

Our soldiers fought and endured as none others ever did in the history of the world, and all caviling and equivocating and quibbling in order to avoid or postpone the redemption of promises made to them in the hour when their services were necessary to the preservation of our Government is as dishonest a form of repudiation as it would be to ignore our bonds in the markets of the world. The debt we owe our brave and heroic soldiers is, if possible, more sacred than any other, and should be paid them with the same promptness and alacrity as the interest is to the holders of our bonds.

River and Harbor Improvements.

SPEECH OF HON. J. H. ACKLEN,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 15, 1881,

On the bill (H. R. No. 7104) making appropriation for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. ACKLEN said:

Mr. SPEAKER: The present river and harbor bill I regard as one of the most equitable ever brought before this House for its consideration. As a member of the Committee on Commerce, I can bear testimony to the time and labor spent in its preparation. It is true that it appropriates a large sum of money, but the magnitude of the many works and their importance to the commercial interests of this country fully warrant such an expenditure, and the criticisms that certain members have unwisely made upon this measure are totally unwarranted in point of fact. The bill provides for an appropriation of $10,149,800. The amount contained in the river and harbor bill reported by our committee to this House at the last session of Congress was $8,206,500, and the total amount contained in the bill as approved June 14, 1880, was $8,951,500. This present bill contains in the aggregate a sum of $1,625,000 for the improvement of the navigation of the Mississippi River, including an appropriation of $150,000 for establishing a system of reservoirs at the headwaters of the Mississippi. Therefore, the bill which has now been reported, independently of the above-mentioned sum, is only $218,300 more than was in the river and harbor bill reported by this committee last year, and is $451,700 less than was appropriated by act of June 14, 1880, for rivers and harbors.

I desire to say to the House that this bill has been made up on estimates from the War Department, which aggregate in round numbers twenty-six million dollars, and it can well be seen how difficult was the task imposed upon our committee in reducing this large sum to the amount presented in this bill, and retaining at the same time as equitable a distribution among the different States as has been

done. The Committee on Commerce were deeply impressed with the importance and necessity of inaugurating some general plan for the improvement of the Mississippi River, and though many difficulties had been presented in this matter, yet they have been substantially removed by the acquiescence of the Mississippi River commission in a plan covering the whole subject, which has been concurred in by the War Department; and the Committee on Commerce, having in view the general interests of the country, have not felt that they could longer postpone the inauguration of this great work.

The reports of the engineers, which have been the basis for the formation of this bill, convey the gratifying intelligence that the moneys already expended for the improvement of rivers and harbors have tended greatly to facilitate the commercial interests of this country.

A question has been raised as to whether the democrats of this House could, in view of the past policy and doctrines of that party, justly support this measure. I answer, without any qualification, yes. The gentleman from New York [Mr. COX] has chosen to quote an extract from the veto message of President Polk of August 3, 1846, as outlining the doctrine and policy of the party in regard to such measures. He assumes that the precedents and doctrines of the party in the past are against the enactment of such legislation. Such an assumption is not warranted by the facts. I admit that the opposition to this line of legislation did exist; but point to me any great measure of public importance that has not found bitter opponents. The meritorious measures enacted through the influence of Sir Robert Peel, namely, the repeal of the then existing corn laws in England, and other measures looking to the welfare of the English people at large, met, as history has well shown, with the bitterest opposition that the Parliament of England ever witnessed.

The first appropriation for rivers and harbors we find as early as April 27, 1816, and the next on March 3, 1823. Both of these measures were approved respectively by Presidents Madison and Monroe, and the latter also approved the measure of May 26, 1824. John Quincy Adams approved four river and harbor bills, the first on May 20, 1826, and one other each year thereafter during his term of office. When Jackson was President he approved annually a river and harbor bill passed during his eight years of administration. Mr. Van Buren approved the river and harbor bill of 1838, and I might go further and quote the views of President Tyler, did the occasion require.

Mr. Speaker, it would not matter in the least to me whether a river and harbor bill had ever before met with democratic sanction. I believe the rivers and harbors of this great country need the assistance of the General Government to enable them to float our constantly increasing commerce, and I would therefore earnestly support this measure irrespective of past precedents and party doctrine. Party doctrine is but the embodied expression of popular thought; and the people of this country to-day, keeping mental pace with our growing prosperity, demand that the facilities for commerce shall be furthered and not restricted by the National Government. That this great system of public improvements should be left to the States is an argument which, I regret to say, has been used upon this floor. How narrow-minded a view is this to take of so important a subject, how unwise in view of the importance of rendering facilities to our great commerce is the position that the burden of these improvements should be thrown exclusively on the States, and not borne by the National Government. The navigable waters of this country belong to and are under the control of the United States.

On this subject the opinion of Mr. Justice Field in the case of the Daniel Ball is considered conclusive. He said:

> The doctrine of the common law as to the navigability of waters has no application in this country. Here the ebb and flow of the tide do not constitute the usual test, as in England, or any test at all of the navigability of waters. There no waters are navigable in fact, or at least to any considerable extent, which are not subject to the tide, and from this circumstance tide-water and navigable water there signify substantially the same thing. But in this country the case is widely different. Some of our rivers are as navigable for many hundreds of miles above as they are below the limits of tide-water, and some of them are navigable for great distances by large vessels, which are not even affected by the tide at any point during their entire length. A different test must therefore be applied to determine the navigability of our rivers, and that is found in their navigable capacity. Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water. And they constitute navigable waters of the United States within the meaning of the acts of Congress, in contradistinction from the navigable waters of the States, when they form in their ordinary condition, by themselves, or by uniting with other waters, a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water.

The commerce clause of the Constitution is broad, and he who would destroy its spirit by restrictive construction to the letter does not deserve and will not receive the confidence of the people of this country. The arguments heretofore used, that a measure of this importance should not be passed under a suspension of the rules, thus cutting off debate, has been fully answered. The bill is now in Committee of the Whole subject to debate and amendment, and where every measure can stand or fall according to its merits. To those insinuations that the committee have not justly distributed this money among the States, I shall not deign to reply. Such remarks are as uncharitable as they are unjust, and if the members of this House would but consider that the Commerce Committee is composed of fifteen members from as many States, and selected with a view to the commercial needs of the country, they can readily see why these fifteen States have a larger proportion of the money appropriated in this bill than others. If any appropriation be discovered in this bill which should not have been made, then let it be stricken out; but if such there be, and I know of none, the fault is not chargeable to the committee, for they have not set up their judgment in such matters against the matured experience of the Chief of Engineers and his corps of able assistants. They have followed without hesitation the recommendations of the Department, and in so doing believed that they were serving the public interests.

I desire now, Mr. Speaker, to touch upon the point of order raised under clause 3 of Rule XXI of this House, which embraces the point as to whether the river and harbor bill is a general appropriation bill, and if so, do not appropriations made for new works and contained therein come under this point of order as not being made in accordance with existing law? This clause reads as follows:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

I submit that the river and harbor bill is not a general appropriation bill in the proper sense of the term. Properly speaking, it is a law unto itself, and the improvements for which appropriations are made are not in accordance with any previously existing law, each bill as a law unto itself determining the question of the continuation or discontinuation of these existing works. But the question as to whether the bill is a general appropriation bill is definitely settled by the rules. Clause 46 of Rule XI is as follows:

> The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the Committee on Appropriations, the general appropriation bills; the Committee on Enrolled Bills, enrolled bills, &c.

Thus it will be observed that the jurisdiction of the Committee on Appropriations is confined to the reporting of the general appropriation bills, and from clause 7 of this same rule it will be observed that—

> The Committee on Commerce shall have the same privileges in reporting bills, making appropriations for the rivers and harbors, as is accorded to the Committee on Appropriations in reporting general appropriation bills.

And, further, we again notice the distinction drawn between general appropiation bills and river and harbor bills in clause 6 of Rule XXI, which reads as follows:

> Upon all general appropriation and revenue bills and bills for the improvement of rivers and harbors, the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.

The word "general' as applied to appropriation bills does not mean including many subjects, nor does it necessarily mean the appropriation of large sums of money; but it does mean that class of appropriations upon which the movements of the Government absolutely depend; that class of appropriations which are necessary for carrying on the powers which are given to the several departments of the Government. Special legislation should not be placed upon general appropriation bills, but this bill is in the nature of special legislation for each of its definite objects, and yet general in so far as the interests of the country at large are concerned.

The gentleman from New York [Mr. COX] has chosen to mention me by name as having obtained too large a proportion of the money contained in this bill for my own State. I consider this rather more as a compliment than otherwise. If I have been zealous on behalf of my State, it is because heretofore her interests have been neglected and her streams unappropriated for. He has furnished the RECORD with the following list of appropriations for Louisiana:

LOUISIANA.

New Orleans	$75,000
Amite	5,000
Courtableau	7,500
Bayou Teche	20,000
Terre Bonne	8,800
Red River	10,000
Tangipahoa	2,000
Vermillion	4,900
Calcasieu	12,000
Calcasieu	3,000
Bartholomew	8,000
Tensas	3,000
Boeuf	5,000
Tchefuncta	1,500
Tickfaw	2,000
Bayou Teche	25,000
Bayou La Fourche	500
Total	193,200

I am glad to say that even this list does not contain all that Louisiana has justly received. There is an appropriation of $50,000 for the Mississippi River at Vidalia. The Ouachita has not been forgotten, and I trust that an appropriation for Bayou Black will yet be inserted before this bill shall become a law. It certainly would have been,

because the work is meritorious, had the report from the Engineer Department not unfortunately been delayed.

If I have devoted myself for the last month in impressing the Commerce Committee with the importance and necessity of granting a large sum for the Mississippi River, surely this is no ground for criticism. I believe that the interests of this country demand that this work should no longer be delayed, and the following, cut from the New Orleans Democrat, shows that at least among my colleagues my efforts are not unappreciated:

WASHINGTON, D. C., *January* 28, 1881.

To the Editor of the New Orleans Democrat:

The Committee on Commerce have appropriated $1,000,000 for the Lower Mississippi River. This insures the permanent improvement of the river according to the plan and under the supervision of the commission. Mr. ACKLEN, of the Commerce Committee, deserves the thanks of our people for his efforts in passing this appropriation through the committee.

E. W. ROBERTSON,
Chairman Committee on Levees and Improvements of the Mississippi River.

But since the gentleman from Iowa [Mr. UPDEGRAFF] has attacked some of these appropriations, I will briefly set forth the facts contained in the reports from the Engineer Department of those in my own district.

COURTABLEAU.

Survey and examination of this stream was provided for in the act of Congress approved March 3, 1879. The full report is found in Executive Document No. 54, Forty-sixth Congress, second session. The object of the improvement is to secure a navigable channel at all seasons of the year from Washington to the mouth of the stream where it debouches into the Atchafalaya. A glance at the topography of this section of the State makes manifest the importance of this improvement. Rich and fertile as the lands are, the facilities of commerce are poor, and during a long period of the year the bars near the mouth of this stream render navigation impossible. The amount of money necessary for the completion of this work is small compared to its importance and its necessity for the facilitation of commerce. The appropriation is strongly recommended by the Department.

BAYOU TECHE.

Survey and examination of Bayou Teche was provided for in the act of Congress approved March 3, 1879. The work contemplated is to secure slackwater navigation from New Iberia to Port Barre, where this stream joins the Courtableau. The full report is found in Executive Document No. 54, Forty-sixth Congress, second session. Six thousand dollars was appropriated for this stream in the last river and harbor bill, and $20,000 in addition have been recommended in the present bill. The entire cost of this work is estimated at $58,190. Needle dams and locks must be constructed in order to secure navigation at all seasons of the year, and dredging will have to be extensively done between Saint Martinsville and Port Barre before the needed facilities for commerce can be furnished. The Bayou Teche, though not the largest, is yet one of the most important streams in the State. Its commerce is very great. The entire supplies of a large portion of this section of the State are received by this route. Food, fencing, and materials for building, as well as ordinary plantation supplies, are brought up the stream; while the exports are sugar, cotton, cattle, and many other products, which are shipped chiefly to New Orleans. This section of the State, in proportion to its area, produces more sugar than any other portion; and with increased facilities for production, with cheaper freights, and with facilities for shipment all times of the year, the sugar production of the Attakapas country bids fair to be greater than all the rest of the State combined.

TERREBONNE.

Examination and survey of this stream provided for in act of Congress approved March 3, 1879. Report will be found in Executive Document No. 54, Forty-sixth Congress, second session. Ten thousand dollars were appropriated in the last river and harbor bill, and $8,800 are recommended in the present bill. The object of this improvement is to secure navigation in Bayou Terrebonne at all seasons of the year. The entire amount needed for the completion of this work, according to the estimate of the Engineer Department, is $18,800, and the work consists in dredging the bayou and clearing it from fallen trees and stumps. The Bayou Terrebonne, in connection with the canal now being cut by a private corporation, and the Bayou Black can be made to furnish an inland line of navigation from New Orleans to Morgan City, and perhaps there is no improvement in the State more demanded by the local interests of Terrebonne and the adjacent parishes than the establishment at the earliest possible date of this inland line of navigation, inasmuch as the charges of the present railroad company have been onerous in the extreme.

VERMILLION.

Examination and survey of this stream provided for in the act approved March 3, 1879. The entire amount recommended was $9,900, of which $5,000 were appropriated for in the last river and harbor bill and $4,900 recommended in the present bill. The objects of the improvement are to secure uninterrupted navigation at all seasons of the year from Pin Hook Bridge, just above the town of Vermillionville, to where the bayou debouches into the bay. This improvement is important inasmuch as the facilities for transporting the productions of these and adjacent parishes have been poor in the extreme. It is perhaps needless to say that the improvement is strongly recommended by the Department.

CALCASIEU PASS.

The reports of the Chief of Engineers for 1871, 1873, and 1874 give full information in reference to the importance of this improvement. The channel which was dredged out under former appropriations has been almost completely obliterated by storms, and it is very desirable that the channel should be reopened at the earliest possible date. In the report of the Engineer (Executive Document No. 46, Forty-sixth Congress, third session) the estimate for dredging the pass is $15,000, and the amount recommended in this bill is $12,000. This is the outlet for an extensive commerce, consisting principally of lumber and supplies. The deputy collector at Calcasieu Pass has furnished the following as the crew and tonnage entering this port during six months of 1879: crew, 485; tonnage, 10,682.

CALCASIEU RIVER.

Examination and survey of this stream was provided for by act of Congress approved June 14, 1880. The work contemplates the removal of existing bars in the stream by dredging, and also the removal of snags, stumps, and fallen trees. The entire estimate is $10,080 for the improvement of Calcasieu River from Philip Bluff to its mouth, of which some three thousand dollars is appropriated in the present bill. The commerce to be benefited consists of several thousand bales of cotton which now take the overland route to the railroad. Many thousand saw-logs are annually floated down to seven saw-mills located near the mouth of the river. The greater proportion of this lumber is shipped to Texas.

CHARENTON CANAL.

Survey for this work was provided for by joint resolution approved June 28, 1879. The work contemplates the connection of the Bayou Teche with Grand Lake, near the town of Charenton, by a canal which in length will not exceed one mile. The entire cost of this work, according to the plans and estimates of the Engineer Department, will be $73,000. The present bill provides for an appropriation of $25,000 to commence this improvement. There is perhaps no public work in Louisiana costing so small a sum which will be so fruitful in good results as the completion of the Charenton Canal. As heretofore stated, the Attakapas country is the richest section of the State, and by the construction of this canal an almost direct water communication with New Orleans is established for the upper portion of the Teche country. Difficulties are constantly being encountered in the lower portion of Grand Lake, known as Flat Lake, during extreme low tide on account of the extensive mud flats which are there found. This work has not only received the approval of the Commerce Committee, but likewise the unanimous approval of the Committee on Railways and Canals.

BAYOU LA FOURCHE.

The appropriations heretofore made for Bayou La Fourche have been in the aggregate $25,000. This money has been used for dredging and removing stumps and snags. No appropriation is this year demanded by the Department, inasmuch as $13,500 of the last appropriation is still on hand, which will be used in continuing the work. Five hundred dollars, however, of this amount, as provided for in the present bill, will be used for removing a brick pier situated in the Bayou near Donaldsonville, which offers during low tide serious obstruction to the passage of steamboats, and which has, further, tended much to the filling of the bayou at this point. The reports on Bayou La Fourche are lengthy, and contain much information as to the productiveness of that section of the State through which it passes. It is the artery of commerce for the parishes of Ascension, Assumption, La Fourche, and likewise greatly facilitates the removal of the products of a part of the parish of Terre Bonne. As an estuary of the Mississippi it commences at Donaldsonville and empties its waters into the Gulf. The main difficulties found in the way of a permanent improvement of this stream are that the Mississippi River during each high water has a tendency to fill up with sand that portion of the bayou which has been dredged out, thus in one season of high water obliterating the work done during low water. It has been urged that Bayou La Fourche should be closed, but to such a plan of improvement I am earnestly opposed.

BAYOU BLACK.

Survey and examination of this stream were provided for in act approved June 14, 1880. The report of the engineers shows $27,080 is the aggregate amount required for the completion of the work, which is dredging and removal of stumps and snags. As an evidence of the importance of this work, I cannot do better than quote the following from the report of the local engineer:

The importance to commerce of dredging and cleaning out this outlet to the sea is incalculable. It would open out a channel from New Orleans to the Atchafalaya, and passes through one of the richest and most productive portions of the whole alluvial region. The deepening of this outlet would, to a considerable extent, furnish safety from overflow. It is a section of the Old Barataria Canal now in disuse, and forms the connecting link between that canal and Bayou Teche, thus giving uninterrupted interior water navigation, cheap freights, and security against sea-storms.

The general plan of improvement I have contemplated in the foregoing works is securing an inland water navigation from New Orleans to Morgan City, by way of Bayous Terrebonne and Black and the canal now in process of construction; the opening up of the Teche by slackwater navigation, so as to secure communication at all sea-

sons of the year from the Attakapas country to New Orleans by way of Bayou Courtableau and the Atchafalaya; the opening of the Vermillion River into the Bayou Teche, near Arnaudville, through Bayou Fusilier; and the completion of a direct water communication for the Lower Teche with New Orleans by way of Charenton Canal and Bayou Plaquemine to the Mississippi River, at which point locks are to supersede the present dike, so that no obstruction to navigation would be offered. This is a short summary of the improvements I have contemplated and inaugurated for this section of Louisiana.

I now approach, Mr. Speaker, that portion of the bill making an appropriation of one million for the Mississippi River. It is manifest, from the expressions heard on both sides of this House, that fears are entertained by many members that this is not strictly an appropriation for the improvement of the navigation of that river, but rather an appropriation for purposes of rebuilding the levees in the lower Mississippi Valley. While in my opinion it would be manifestly just for the Government of the United States to repair the levees on the Lower Mississippi, yet, in so far as this appropriation is concerned, no such idea is entertained; and, in view of that fact, to quiet all apprehensions, the immediate friends of this measure have decided to accept the amendment offered by the gentleman from Massachusetts, [Mr. ROBINSON,] which reads as follows:

Provided, That no portion of the sum hereby appropriated shall be used in the repair or construction of levees for the purpose of preventing injury to lands by overflow or for any other purpose whatever, except as a means of deepening or improving the channel of said river. And it shall be the duty of said commission to make report on or before the 1st day of January next to the Secretary of War, for transmission by him to Congress, of a detailed statement of the work done, and of the expenditure made from the sum hereby appropriated, with their judgment upon the effect of such work and the general practicability, and estimates of the total cost of such improvements along such river from Cairo to the head of the passes.

While I do not think that such an amendment was necessary, yet we have concluded to accept it in the same spirit of good faith in which we are assured it was offered. That the improvement of the navigation of the Mississippi River, and not the reclamation of the alluvial lands is contemplated by the Mississippi River commission, is made manifest from an examination of their report and of the act of Congress approved June 28, 1879, which constituted the Mississippi River commission. Section 4 of that act reads as follows:

It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

What then was the work assigned to the commission?

First. To direct and complete such surveys of the Mississippi River between the head of the passes, near its mouth and its headwaters, as were then in progress; and to make such additional surveys and examinations of said river and its tributaries as might by it be deemed necessary.

Second. To take into consideration and mature such plan or plans as will correct, permanently locate, and deepen the channel, and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods and promote and facilitate commerce and the postal service; and with such plans to prepare and submit estimates of the cost of executing the work.

Third. To report specifically upon the practicability, feasibility, and probable cost of the plans known as the jetty system, the levee system, and the outlet system.

The outlet system they examine and condemn. The commission say:

It has been supposed by many persons that, because the immediate effect of a crevasse during a flood is the reduction of the height of the river's surface in the vicinity of the crevasse and below it, lateral outlets, either natural or artificial, by which the flood-waters of the river are drawn off and conveyed through a shorter route to the sea, tend to prevent the recurrence of destructive floods, by supplying additional avenues for their escape. This method would undoubtedly be effective if the flood-waters of the Mississippi were not highly charged with sedimentary matters, which are held in suspension in the water by the current. To support this immense mass of earth and sand in suspension, and thus insure its transportation to the Gulf, the velocity of the current must be sustained. Without stopping to determine, or even discuss, the character of the relation which exists between the various velocities of current and the proportionate quantities of sediment which such velocities are capable of carrying in suspension, the fact seems to be established that when the current is checked in its natural flow during floods, a deposit of sediment will occur. Shoals are found in the river immediately below crevasses, which it is difficult to refer to any other cause than the loss of current-velocity which takes place below the crevasse. As a portion of the volume of the river is drawn off by the crevasse when it is first made, it is impossible that the current below the crevasse can then be as rapid as it was before its occurrence. Being less rapid, it is unable to sustain the whole quantity of matter held in suspension by the more rapid current above the outlet, and consequently its surplus sediment falls to the bottom below the crevasse. This deposition continues until the size of the river below the crevasse has been so reduced by the shoaling that the current is again restored through the short distance in which the bottom of the river has been thus raised and the channel diminished. If the crevasse remained open, however, for several years, it is evident that the shoal will continue to extend down the stream, for the reduced velocity will still exist in the river below the shoal. If the crevasse be kept open indefinitely, the shoaling will continue to extend down the stream until certain other injurious effects are produced, which will be presently referred to.

In the case of a crevasse an island is also formed, having the main body of the river on the one side of it, and the crevasse channel on the other side. As the volume flowing in the main channel below a crevasse has been decreased by the amount drawn off through it, a steeper slope in the main river, if the crevasse be kept permantly open, becomes inevitable; because the shoal below the outlet, as it grows in length down stream from the deposition of successive floods, gradually increases the frictional resistance of the volume flowing through that diminished channel, and this tends to check the current of the river above the crevasse, and thus the shoaling of the river bed and the raising of the flood line above the site of the outlet ensue as a secondary and permament effect.

It is in this way that silt-bearing streams flowing through alluvial deposits have the ability to increase or steepen their surface slopes, and thus recover the velocity of their currents and adjust them to the work of transporting the sedimentary matter with which the flood-waters are charged so that this matter may be carried without loss or gain. In proof of the correctness of these views, and of their full accordance with well-established hydraulic laws, we have the evidence of this relation between slope and volume presented in the phenomena of silt-bearing streams all over the world. Wherever such streams flow through alluvial deposits, other conditions being the same, the slope is least where the volume is greatest; and, conversely, the slope is found to be invariably increased as the volume is diminished. The Mississippi throughout its alluvial basin, not only in its main trunk but in all of its outlets, presents no exception to this peculiar feature.

And, in conclusion—

The outlet system which, being one of diffusion and waste, and not of concentration, does not commend itself to the judgment of the commission.

The levee system the commission treat solely with reference to its effect upon the navigation of the river. They say:

Levees have never been erected upon the banks of the Mississippi River except for the special purpose of protecting the alluvial lands from overflow. They have therefore always had sole reference to the high-water stage, and the degree to which levees might prudently be relied upon "to improve and give safety to navigation," "promote and facilitate commerce, trade, and the postal service," has not hitherto entered into the question of the construction and maintenance of a levee system.

There is no doubt that the levees exert a direct action in deepening the channel and enlarging the bed of the river during those periods of "rise" or "flood" when by preventing the dispersion of the flood-waters over the adjacent lowlands, either over the river banks or through bayous and other openings, they actually cause the water to rise to a higher level within the river-bed than it would attain if not thus restrained.

While it is not claimed that levees in themselves are necessary as a means of securing ultimately a deep channel for navigation, it is believed that the repair and maintenance of the extensive lines already existing will hasten the work of channel improvement through the increased scour and depth of river-bed which they would produce during the high-river stages. They are regarded as a desirable, though not a necessary, adjunct in the general system of improvement submitted.

It is obvious that levees are, upon a large portion of the river, essential to prevent destruction to life and property by overflow. They give safety and ease to navigation and promote and facilitate commerce and trade by establishing banks or landing places above the reach of floods, upon which produce can be placed while awaiting shipment, and where steamboats and other river craft can land in times of high water.

In a restricted sense, as auxiliary to a plan of channel improvement only, the construction and maintenance of a levee system is not demanded. But in a larger sense, as embracing not only beneficial effects upon the channel, but as a protection against destructive floods, a levee system is essential; and such system also promotes and facilitates commerce, trade, and the postal service.

A levee system aids and facilitates the postal service by protecting from injury and destruction by freshets and floods the various common roads and railways upon which that service is conducted to and from the river bank, and generally within that portion of the alluvial region subject to overflow. Moreover, the permanent maintenance below Cairo of a connected levee system, a system of sufficient strength to inspire confidence in its efficiency, or the demonstration, by the achieved results of an improved river, that overflow need no longer be seriously apprehended, would act as a prompt and powerful stimulant in rapidly developing a largely increased trade and commerce in all the products of agricultural industry indigenous to that region, and in those branches of manufacturing enterprise related thereto.

The foregoing is submitted as the opinions of this commission, with regard to the attributes and functions of levees, and their general utility and value.

Further examination of their report shows that the work to be done, therefore, is to scour out and maintain a channel through the shoals and bars existing in those portions of the river where the width is excessive, and to build up new banks and develop new shore-lines, so as to establish as far as practicable the requisite conditions of uniform velocity for all stages of the river.

The practicable applications of the principle upon which this improvement is to be made is found in many rivers of the world, and as applied to the Mississippi on a larger scale it must and will be successful. Mr. Speaker, Congress can hesitate no longer to inaugurate this national work. For years the people of the valley have waited expectant upon the General Government for relief. Cheap transportation is the crying need of the hour; it is with the West and the South the vital, paramount, and all-absorbing question. A great and unobstructed channel for commerce to the Gulf will tend to more relief from the exactions of railroad monopoly than any legislation of a restrictive character Congress can enact.

The price of transportation regulates the price of food. The great granaries of the West should be thrown open to the South and the world through the Mississippi, and not unnaturally forced to Atlantic sea-ports by railroad monopoly. The West by the Mississippi River can supply the South with food at reasonable rates, and with a fair profit to producers, which is now being swallowed up by the extortions of rail rates to the East. Over two hundred million dollars in gold are annually pouring into this country from Europe to purchase our cereals. Where do they come from? The West. Where do they go for shipment? To the East. The natural outlet is the mouth of the Mississippi, now capable of floating the largest foreign vessels. Water transportation for bulky articles, as every member of this House well knows, has always and must ever remain cheaper than that by rail.

The people of the valley can wait no longer. They are fast realizing the truth of the words of Daniel Webster: "Ere long the strength of America will be in the valley of the Mississippi." The "father of waters," as the Mississippi has been most justly termed, sweeps far beyond local preference or prejudice. It is the greatest treasure of

the nation. With 15,000 miles of navigable waters in its tributaries, the Mississippi offers highways of commerce from the Alleghany to the Rocky Mountains.

Sir, the time is come, the hour is ripe for action, and we must either take a step forward or backward. We can hesitate no longer slipshod in the path of so clearly defined a duty. In our political firmament we see the star of empire moving westward, while the southern cross, like the aurora of the arctics, is shining resplendent with new financial and political power. Grand as our future is destined to be, the Mississippi must ever remain the great artery of our commercial life and bear upon the broad bosom of its waters the food for millions to the blue waves of the Gulf.

Rivers and Harbors.

REMARKS OF HON. JOHN E. KENNA,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 15, 1881.

The House being in Committee of the Whole and having under consideration the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes—

Mr. KENNA said:

Mr. CHAIRMAN: I regret that in the course of my four years' experience here I have never discovered the gentleman from New York [Mr. COX] in an attitude to illustrate his opposition to the river and harbor bill outside of the State of West Virginia. Precisely what motive fires the gentleman's strife I am unable to say. The Elk River, which is the subject of his last attack, is a beautiful and valuable stream. It is the outlet to an important and extensive region of country, blessed with a population active and vigorous, and abounding in the finest varieties of timber and coal in quantities which will last forever. The money heretofore expended on the river has been productive of good results, and I hope to secure such further appropriations as will suffice to give the best possible development to its navigation. The gentleman is mistaken in his idea that the only effect of this expenditure is to advance and promote the interest of private corporations. It is true that there is what the engineers call a "miserable lock and dam near Charleston which should be removed as a nuisance and obstruction to navigation."

And while that is undergoing the process of destruction by time and flood its owners will probably continue to collect tolls under their charter if they can, whether the river is improved or not. But I fail to see wherein that company can be immediately benefited by increased facilities for navigation by boats and rafts on the upper river. If I had my way I would give the right to collect tolls on a stream in anywise navigable to no corporation or person on earth. I would lay no such tax on the commerce of the country. But we are to deal with facts as they are, and I repeat that the advantage to be realized by corporate interests is trivial compared with the great good to result to the public from this improvement. In so far as the Boom Company is concerned, the gentleman from New York [Mr. COX] ought to know that instead of increasing the payment of tribute to it, the improvement of the river will have a tendency to limit that necessity. He ought to know that the very charter from which he has read contains a proviso:

That said booms be so constructed as to admit the safe passage of rafts and boats and not prevent the navigation of said river or tributaries.

He ought to know that insufficient facilities for navigation in the upper river enlarge the necessity for running loose logs and thereby promote the financial interests of the boom into which loose logs must go, and he ought to know further that the improvement of the river enables shippers of timber to raft it in larger quantities and run it safely without availing themselves of this private improvement, thus diminishing rather than increasing the receipts of these corporations from the commerce of the river. While I am on this subject I desire to make some reference to the observations of the gentleman from Iowa [Mr. UPDEGRAFF] in regard to dams on this stream. For a distance of eighty miles or more from its mouth there is no mill-dam across Elk. The mills are supported by wing-dams, which do not cross the river but are run diagonally a short distance out and above the mills to divert a sufficient quantity of water to supply them. They are, however, so located, as the engineers state, that in some instances and at certain stages of water they interfere with the safety of navigation, and their modification is recommended. Elk is a glorious stream, boundless in the resources that enrich its valleys and mountains, and I shall not yield without a struggle an appropriation to improve it.

Mr. Chairman, I know the House will spend considerable time in the consideration of this bill, and I would rather facilitate its action than allow time occupied by me to retard its progress. For that reason I have paid little attention to the numberless and frivolous attacks made on this floor upon West Virginia rivers. The Guyandotte, Big Sandy, New, Monongahela, Little Kanawha, and Shenandoah, as well as the Elk and Great Kanawha, have come in "jointly and severally" for their share of abuse. I have contented myself with such brief response as I thought sufficient to protect their status in this bill. The result has vindicated the propriety of that course. But now comes a vigorous and fresh attack on the Great Kanawha, and I think it is due to my constituents as well as to myself that I should once more place its great merit squarely before this House. I will support every fact I assert by the records of the War Department itself. In the first place, by reference to the Engineer's report, first session forty-fourth Congress, page 94, you will find that the plan for the improvement of the Great Kanawha was recommended by a board of able engineers, of which General H. G. Wright, now Chief Engineer of the United States, was at the head. His associates were Major William P. Craighill, who is now in charge of the works, and Major O. M. Poe. In another report of the Engineer, (first session Forty-third Congress, page 508,) the following statement, to which I invite the attention of the House, is made:

The special reason for improving the Great Kanawha is, that great bodies of fine coal lands lie on its upper waters, and that the people of all the States below demand it for their comfort and their manufacturing prosperity.

In the next place, as shown by the Engineer's reports of last year, notwithstanding the remarks of my friend from New York, [Mr. COX,] who is always to be understood as talking in a Pickwickian sense when he speaks of the Great Kanawha or anything else pertaining to West Virginia, this beautiful stream has "always an abundance of water if properly utilized." I quote from the current Engineer's report, volume 1, page 681. And now a word with reference to the resources of this splendid region. Its salt is known and valued everywhere. Its timber in variety and quality is unsurpassed on earth. Its iron, though not fairly developed, is declared to be of excellent kind and large in deposit. Its coal is exhaustless as the air. The coal area of Pennsylvania, wonderful as it is, is not as large as that of West Virginia by 3,300 square miles! I give the comparative area in square miles of seven leading States, as found in the Engineer's report, second session Forty-fifth Congress, volume 3, page 306:

West Virginia	16,000
Pennsylvania	12,700
Ohio	10,000
Eastern Kentucky	8,900
Alabama	5,000
Tennessee	5,100
Maryland	550
Total	58,250

This boundary of coal deposits is marvelous. It is not surpassed to my knowledge on earth, and yet its depth is as much a subject of wonder. I quote now from the same report and the authorities therein copied, page 312:

In no other part of the Appalachian coal-field are the lower coal measures developed to such an extent, contain a greater number of workable seams or more varieties of coals, or better or purer fuel. After leaving Hawk's Nest the next important disclosure has been made by the Cannelton Company nine miles below the Kanawha Falls. A partial section of the hill shows seven seams above the water level, as follows:

	Feet.
No. 1 in thickness	4
No. 2 in thickness	7
No. 3 in thickness	3½
No. 4 in thickness	4
No. 5 in thickness	5
No. 6 in thickness	7
No. 7 in thickness	8
Total thickness	38½

A synopsis of sections of the lower coal measures on the Kanawha and New Rivers is furnished on page 313. It is as follows:

Locality.	Nature of section.	Number of seams over three feet thick.	Aggregate thickness of seams including partings.
			Ft. In.
Hawk's Nest	Partial	6	41 2
Cannelton	Partly above water level	7	38 6
Paint Creek	Completely above water level	8	38 10
Opposite Coalburgh	Completely above water level	9	41 3

The volume to which I have referred is replete with information extracted from a work by Professors Maury and Fountain, entitled "Resources of West Virginia." I commend it to gentlemen who have failed to find in the Engineer's reports information satisfactory to themselves concerning the resources of these sections of country whose navigable waters the Government is improving. No region has advanced more rapidly in the last decade than the Kanawha and New River Valleys. Enterprises of magnitude have sprung into life all along the line of the Chesapeake and Ohio Railway, and that great trunk-line, to my own knowledge, has over and over again been un-

able with all its rolling-stock to supply the demand for cars to carry their product to the seaboard. Twenty-nine coal mines are in full operation on the Kanawha alone, and their shipments by rail east and by water westward form an important factor in the make-up of the commerce of this great country. It is a fact familiar to many on this floor that low water in the Upper Ohio in summer and ice in winter have seriously interfered at those seasons with the navigation of that magnificent stream. More than once that condition of affairs has cut off the Pennsylvania supply and precipitated coal panics from Wheeling to New Orleans.

This winter, Mr. Chairman, when the Ohio above the mouth of the Kanawha was blockaded by ice, but for the shipments by this much maligned Kanawha River there would have been a recurrence of these panics, and apart from the fabulous prices the insufficient supply of coal would have commanded, suffering and hardship would have resulted without limit. This improvement is in no sense local. The benefits to be produced are as broad and as long as the valleys of the Ohio and the Mississippi. Cheap fuel is essential to personal comfort and to manufacturing prosperity. This Kanawha improvement once completed, thus enabling the Kanawha coals to reach the Ohio at all convenient stages of its navigation, and the Ohio and Lower Mississippi Valleys will be in full command at all seasons of the year of a bountiful supply of the cheapest and the best fuel in the world.

River and Harbor Improvements.

SPEECH OF HON. THOMAS RYAN,

OF KANSAS.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 15, 1881.

The producers of the country have no security against extortion in the competition of lines of rail with each other. It is the great water lines alone that afford certain and healthful competition, that compel the railway to deal with the producer in a spirit of at least comparative justice.

The House having under consideration the bill (H. R. No. 7104) making appropriation for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, the Clerk read the following:

Improving Mississippi, Missouri, and Arkansas Rivers: Removing snags, wrecks, and other obstructions, $150,000; of which sum $80,000 shall be expended on the Mississippi River, $45,000 on the Missouri River, and $25,000 on the Arkansas River.

Mr. RYAN, of Kansas, said:

Mr. CHAIRMAN: I move to amend the paragraph just read by striking out all after the words "and other obstructions" and inserting that which I send to the Clerk's desk.

The Clerk read as follows:

Three hundred and fifty-five thousand dollars, to be expended as follows: $100,000 for building one iron-hulled snag-boat; $50,000 for repairing one wooden snag-boat and fitting it up for working purposes; for working expenses on Mississippi River, $90,000; for working expenses on Missouri River, $75,000; and for working expenses on the Arkansas River, $50,000.

Mr. RYAN, of Kansas. Mr. Chairman, I have drawn this amendment in accordance with the report of the Chief of Engineers. The expenditure is for the removal of snags, wrecks, and other obstructions from the Missouri, the Mississippi, and the Arkansas Rivers. At least two of these streams, the Missouri and the Mississippi, are the greatest commercial water-ways of this country. Yet the Committee on Commerce seems to have treated them precisely as it treated the smaller water-ways provided for in this bill.

So far as the estimates of the engineers are concerned, the committee seems to have done with the Mississippi and Missouri Rivers precisely what it has done with the smaller streams; that is, struck a percentage. It seems to me that if any one will carefully go over this bill he will find that the Committee on Commerce has allowed about 33⅓ or 40 per cent. of what has been asked for by the Chief of Engineers for the improvement of water-ways. Whatever may be said of that plan, it certainly ought not to be applied to the two great navigable streams of the country. If it be necessary, as is reported by the Chief of Engineers, to expend the sum of $355,000 to keep these three great channels of commerce open, there ought not to be any hesitation in putting such an appropriation in a river and harbor bill that calls for the expenditure of over ten million dollars.

The Engineer states that $155,000 is necessary to provide the machinery to prosecute this work on the Mississippi, Missouri, and Arkansas Rivers. He further tells us that $200,000 more is needed for working expenses. How does the Committee on Commerce respond to that? Why, by allowing $150,000 only for working expenses and nothing whatever for machinery. As well might you expect a machinist to construct a locomotive without the necessary mechanical instruments as to expect the engineers of this country to open these water-ways, to remove these snags and other obstructions without the necessary appliances.

Now, Mr. Chairman, it seems to me there ought to be no hesitation in voting the small sum asked for by the Engineer Department to keep these great water-ways open for commerce.

From what source do the Committee on Commerce and this body get the information upon which they act in perfecting this river and harbor bill? Is it not from the Engineer Corps of the Army? Is not that corps employed and paid for that purpose? Officers of the highest skill, removed beyond venal, selfish, or other improper influences by life commissions in the service, may we not without offense conclude that their judgment, enlightened as it is by the highest scientific attainments, formed after a careful survey, after a most thorough personal investigation, is safer for our guidance than the opposing judgment of the Committee on Commerce? I can understand the wisdom of the committee when with regard to the multitude of small streams whose navigability is problematical and all appropriations for their improvement are tentative they withhold altogether or in part the sum reported by the Engineer Corps to be necessary for the prosecution of work upon them.

But with respect to the great navigable streams, whose channels it is our duty to keep open and free to a nation's commerce, there can be but two questions, and those are, What is the work necessary to be done? and, What will it cost? For an intelligent answer to that we must look alone to the Engineer Corps. I have already stated that the Chief of Engineers says that $355,000 is needed to remove snags, wrecks, and other obstructions from the Mississippi, the Missouri, and the Arkansas Rivers. The Committee on Commerce tells us that $150,000 is enough for that purpose. How does the committee know that is enough? Has it any information to that effect from any reliable source? I think not. Is it not patent that the committee in this case has simply arbitrarily allowed less than half the sum needed, without special regard to the character of the work or its relation to the interests of commerce? Where is the committee's data upon which it has intelligently determined that, in this instance, the Engineer's judgment is a little over 50 per cent. erroneous?

Again, the Chief of Engineers tells us that $60,000 is needed the ensuing fiscal year to improve the Missouri River at Atchison, in my State. An examination of the Engineer's report discloses the importance of this work. But we are informed by the committee that in this case $20,000 is enough. In other words, the judgment of the Chief of Engineers is only 33 per cent. right. Pray how did the committee learn that fact?

To improve the river at Brownville, Nebraska, the Chief of Engineers tells us $51,000 is needed. The committee denies that, and says only $10,000 is needed. Upon what data does the committee repudiate four-fifths of the Engineer's judgment in this case?

At Cedar Point, Missouri, $45,000 is needed to improve this stream, says the Chief of Engineers. The committee tells us only $15,000 is needed. Will the committee explain to us the intelligence of its guess in this case?

At Council Bluffs, says the Engineer, $60,000 is needed to improve the river. The committee allows but $20,000. I am curious to learn just how the committee was informed that the Engineer erred 66 per cent. in this case.

The Engineer informs us that $27,000 ought to be expended on the river at Fort Leavenworth. The committee says only $8,000 is needed. I will proceed with details no further. The Chief of Engineers says that over nine hundred thousand dollars is needed for the improvement of this great water-way. The committee tells us that $300,000 is enough. I am apprehensive that it has no intelligent or reliable data to warrant the repudiation of the judgment of the Engineer Corps. I fear that the committee's action in this case is purely arbitrary. It looks very much as if the committee had determined upon a sort of general rule in framing this bill—that is, to allow about one-third of the Engineer's estimate, without regard to the nature of the work or the commercial importance of the improvement.

Look at the small streams in the bill. The same rule seems to have been applied to them. Some of them will never float a pound of commercial articles; others of them possibly may by the expenditure of very large sums of money. In regard to many of them the projected improvements are experimental, while the practice of voting sums wholly inadequate for any practical purpose for the improvement of such as might by intelligent treatment be made navigable, amounts to a criminal waste of the public funds. This bill is full of illustrations of this folly. Take the Arkansas River between Wichita and Fort Smith. Some of my people thought it could be made navigable. I asked Congress to provide for a survey. It did so. The Engineer reported in substance that the expenditure of $100,000 would make that portion of the river as good for navigation as that portion between Fort Smith and Little Rock. Thereupon the work of improvement was undertaken. Ten thousand is voted one year; fifteen thousand another year; and now twenty thousand in this bill. The Engineer asks for over fifty thousand. Twenty thousand, in my judgment, is wholly insufficient for any practical results. Fifty thousand may be, but I think it reasonably certain that less than that will in nowise promote the interests of commerce.

Let us in such cases appropriate an adequate sum or nothing. If we are restricted by the revenues, then let us appropriate for fewer of these doubtful streams. Above all let us be practical, and see to it, first, that ample appropriations are voted to the great national waters, and second, if our resources will permit, treat the doubtful

streams in a practical manner. When the committee are asked why they do not appropriate the sums needed for such great commercial water-ways as the Mississippi, the Missouri and the Ohio, they reply the revenues will not admit of a greater expenditure than this river and harbor bill contemplates. But suppose they give to those streams what they now in this bill give to the eighteen or twenty creeks, from Otter Creek to Rock Creek, would not they better subserve the interest of commerce? Why drain the Treasury to improve the little creeks and unheard-of inlets, and ignore the great navigable waters of the country? Why give the little mountain streams of West Virginia nearly three hundred thousand dollars, and only forty thousand to remove obstructions from the channel of the great Missouri River, navigable 2,500 miles? This great river drains the resources of an empire. Dakota, Iowa, Nebraska, Kansas, and Missouri are washed by her waters. Dakota is destined to rival the greatest of our agricultural States. Minnesota farms yield an annual production of $80,000,000. Iowa farms an annual production of over two hundred million dollars. Missouri farms very little less—about one hundred and seventy million dollars.

The annual product of Nebraska farms will exceed $60,000,000, and Kansas farms (and the State not one-sixth developed) rolls up an aggregate annual production of about one hundred million dollars. These States, some of them yet in their infancy, contribute over six hundred million dollars annually to the wealth of this country from farm products alone, not to mention their manufactures at all. There is not a pound of those products that would not instantly suffer depreciation in the hands of the producer if the Missouri River should be closed to commerce. Then, indeed, would the railway be a monopoly, and the producer its victim. Keep that river open, free and safe for navigation, and the rail must compete with its cheap transportation for all that vast commerce.

It is no answer to say that most of that commerce goes by rail anyhow. So it does, but it is because the railway rates sustain such a relation to the low rates of water transportation that, other things considered, the producer reaps an advantage by shipping over the rail. The producers of the country have no security against extortion in the competition of lines of rail with each other. Experience has demonstrated that fact. It is idle to hope for competition when combination is possible. It is the great water lines alone that afford certain and healthful competition, that compel the railway to deal with the producer in a spirit of at least comparative justice.

Sir, we have proceeded far enough in the consideration of this bill to satisfy me of a predetermination on the part of a decided majority of this body to vote down every amendment regardless of its merits.

The pending amendment will probably suffer the fate of all those that have preceded it. This bill practically ignores the great navigable waters, and lavishly, improvidently, and profligately expends the public funds upon unimportant creeks, mountain streams, and inlets, and unless it shall be materially amended I shall deem it my duty to vote against it.

Tariff—Changes must follow a Principle.

SPEECH OF HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 7, 1881,

On the bill (H. R. No. 7099) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The humblest laborer has the right at the close of his day's work to employ his scanty wages in the purchase of a foreign product, without being compelled to pay a tax upon it for the benefit of another.—*Bastiat.*

Mr. COX said:

Mr. SPEAKER: All discussions relating to changes in the existing tariff run ultimately to the first dogma of the policy of protection. This must be so so long as the doctrine of protection remains as it is—a confused mass of contradictory assertions, which the believer supports with conflicting arguments, and which the dissenter denounces as the co-production of folly and greed.

It is impossible to construct the first syllogism of protection without making a contradiction. It is impossible to elaborate it as a theory without denying the most patent facts of industrial growth, the plainest precepts of financial wisdom, and the most common tenets of democratic justice and republican beneficence. This being so, I see no hope for the cessation either of "tariff tinkering" or of repetitious discussion of the foundation of things, until the structure of the protective policy is swept away!

Waiving, therefore, as already argued threadbare, the constitutional question as to whether money should be raised for other than governmental purposes, and estopping the puling cry of "infancy" to our hundred-year Republic, let me come to the alphabet—the elements of the economic question. Thus and thus only can we reawaken, with the aid, perhaps, of disaster to crops as a cudgel to the farming brain, the lethargy of the body of our people on the vital topic of their means of subsistence.

I propose, therefore, to present once more the elements of this great question, than which I know of none which more deeply concerns the prosperity of the whole country, the liberty of the individual, and the purity and integrity of the Government.

THE FREE-TRADE THEORY.

It is easy to formulate the free-trade theory. It is as easy as to formulate the kindred doctrines of free speech, free press, free men. Free trade is the natural condition. Every man in his practice is a free trader, however loud his professions of faith in protection. The free-trade theory is simply the acceptance of the facts of human nature and its environment. All agree that freedom is best; all agree that trade must exist in society. Their conjunction is deprecated only by ignorance and avarice.

Every man is given a certain ability for labor. He is surrounded by certain natural conditions of labor. The free-trade theory with respect to the individual is, that if he be left free to apply his best ability to the best conditions open to him he will (as a rule) achieve the greatest results. The exceptions come from individual folly or weakness. Nor do I know that the hottest protectionist ever pretended to rule out stupidity or laziness by tariff taxation, although he may yet tax the iron in the blood and the phosphorus of the brain.

Every individual knows his own business best; that is the free-trade theory. He is his own best judge as to what he should turn his hands and how he can make the most of his materials and his energy.

The advocates of protection have never ventured to deny this fundamental proposition in terms; but they certainly do deny it by their acts. Their theory is that Congress is the best judge of what a man should do to win his bread. Congress should decide for him whether he should till the soil, or make wheat into flour, or throw the shuttle, or drive cattle, or delve in the mines of the earth. The average American citizen, says the protectionist, has not enough common sense to choose his own trade; if left to himself he will degrade (this is the term the protectionist uses) himself with agriculture, or he will seek starvation in the fruitless effort to make wooden toys in competition with the paupers of Germany.

Is this true? I am compelled to put the question soberly, for most soberly are these propositions of the protective theory acted upon as true. Are they not incorporated as active principles in the law of the land? Is not our statute full and running over with instances?

This is the first step in the free-trade theory: The individual is his own best judge of his own abilities for the making of things of value. The second step is equally simple, namely, the individual is his own best judge as to where and how he shall trade. If left alone he will sell his productions where he can get the most for them, and buy what he wants where he can buy cheapest. Does it not seem obvious that in this way the individual will get the most there is to be had out of his industrial efforts?

But the protective theory interposes here also a denial—even a downright, specific denial. One of the commonest arguments of protection is this: The American farmer, if he were left to his own unguided judgment, would buy his shovels and his prints, his clothing and his crockery, from England or from France. Understand that I do not make this statement. Under a free-trade system I believe that American manufactures would prosper beyond all our dreams. It is only the advocate of the hot-house system of industrial development who is afraid of the free rain, the free sun, and the free air of the world's broad field. It is the protectionist who lays down the proposition that the unguided farmer would go to England or France or Germany for the furnishing of his farm and his household. He would buy abroad, says the Pennsylvanian philosopher, and the result would be ruin. Why? Because he would create an "unfavorable balance of trade," and because he would lose the "home market" for his sales which he now maintains by his purchases.

As to the "unfavorable balance of trade," it is sufficient to say that trade is trade—the giving of value for value. When a trade is completed there is no balance at all, favorable or unfavorable. The simple American farmer can bankrupt himself, it is true, by trading his wheat for things he does not want and cannot afford; and it does not matter whether these things be the demoralizing luxuries of Spain or the costly comforts of Pennsylvania. But his trading is trading, all the same. It does not make a particle of difference whether he barters at home or abroad. He can ruin himself just as quickly on New England rum as on French champagne. There is no question of a "balance" here. The only "unfavorable balance" I know of is an unpaid tailor's bill, or some other unliquidated debt. If an American farmer sells his crop at the highest market price and then with the proceeds buys farm and home supplies at the lowest figure, is there any logic ever manufactured in Philadelphia which can make him believe that he has not done well?

"Unfavorable balance," where is it? He has been paid for his wheat; he has paid for the goods he has bought. There is no balance. The only question is, has the trade given him much or little for his

crop? Has he netted a liberal supply of blankets, shoes, hose, clothing—general utilities and comforts—or is the return scanty and unsatisfactory?

HOME MARKET.

And what is this argument about the "home market?" I have already often refuted it in this House and in my little volume on "Free trade and Free land," published last year by the Putnams. But there can be nothing gained for truth without iteration. The farmer, it is said, must maintain the home market by his purchases, in order to have the advantage of it for his sales. Mr. Speaker, how can any one be deluded by such an attenuated fallacy as this? The home market is to be sustained by paying for things more than they are worth. Would it not be easier to subsidize one's customers directly? Directly, I say. Suppose the market price of wheat is $1, the protectionist plan for raising it to $1.25 is to have the farmer agree to buy goods in a protected market at 20, 30, or 40 per cent. over their true value. Why this machinery? Why should not the farmer say to the grain buyer, "I am not satisfied with your offer of $1,000 for my crop; give me $1,200 and I will pay you a five-hundred-dollar bonus?" That would be a much simpler transaction. It would amount to just what the protection of the home market now amounts to; and there would be this additional advantage, that the sagacious farmer would know exactly what he was doing. Now, under the tariff system he can only guess how much the luxury of a home market is costing him.

I can imagine, sir, a protectionist remarking that every practical business man can give you scores of cases where a producer will buy in a particular market, and pay an advanced price for the privilege, in order to secure that market for the sale of his own goods. Very true, so he will; but he does it for his own individual and peculiar reasons and on his own individual judgment. He does not do it at the direction of the Congress of the United States.

LEGISLATIVE AND INDIVIDUAL SAGACITY.

Here is just where the protectionist goes astray continually. He tries to put legislation in the place of individual sagacity. The American citizen, under the protection view, is a baby. He cannot be trusted to his own free motion; he would fall into the fire or drown himself in the tub, or choke himself with the camphor-bottle. The manufacturing baby needs to be fed on tariff pap; the agricultural baby must be barred out from the foreign jam-closet; the trading baby must be tied into a jumper lest he tumble over the balusters and break his blessed little neck.

Just now, for example, the navigation laws are under consideration. A protectionist paper recently started in New York defends those barbarous restrictions on the astonishing ground that investments in railroads are more profitable than investments in ships! That is to say, Congress shall determine for the baby capitalists of America what enterprises will pay and what will not; and shall then put up the bars against the unfruitful fields, lest the guileless Goulds and cherubic Scotts rush madly in and get a colic of crab-apple.

To all this absurdity the free-trade theory opposes its simple tenet, "the individual is the best judge." He is his own best judge in the selection of a vocation, his own best judge in the choosing of a market. Expanding these propositions a little we have a complete statement of the positive side, often expressed, of the free-trade theory. That is to say, every locality, every country has its own peculiar advantages for the production of things of value: The West wheat, the South cotton, New England shoes, China tea, Brazil coffee, and so on. Now, it is true that cotton can be grown in New York, coffee raised in England, and silk cocoons produced in Maryland. But it is obvious that the easiest, cheapest, and best way for each locality to supply itself with all that it needs is to produce in abundance those things which it can produce easiest, cheapest, and best, and exchange the surplus of production for the best fruits of other localities.

THE GENTLE SAVAGE AS A PROTECTIONIST.

This is the sum and substance of the free-trade theory. But this also is the first principle of civilization. True, indeed. Free trade is neither more nor less than civilization. And protection, however fine its guise, patriotism, nationalism—with never so large an "N"—humanitarianism, is nothing more nor less than savagery. The Indian of the western plains is to-day your highest type of the protectionist. He is self-contained, self-centered, and independent. He recks not the rise and fall of British prices, he makes his own tools, he finds his own food, he builds his own shelter, he consolidates all markets in his own person—yea, in his own stomach; he puts the balance of trade in either pocket at discretion. He believes that things are never too high, where every one of his precious tribe can be fed from the bounty of the Government. If all else fail and a crisis impend, he straightway goes to Washington for a subsidy of three-point blankets, powder, and corned beef. So much for first principles. Now let me be a little more specific.

WHAT IS A PROTECTIVE TARIFF?

A protective tariff is a system of duties on imports so levied as to prevent or restrict the importation of certain commodities. The purpose of the arrangement is to cut off foreign competition in certain lines and compel the citizen to purchase the protected class of goods from the domestic producer, paying for them a higher price than the foreign producer would demand. In the new nomenclature of France protectionists call themselves "compensators" and their system one of "compensation." If the end in view were sought directly and without disguise—if, that is to say, Congress were to pass laws prohibiting the purchase of foreign-made blankets, steel rails, and clothing—the American people would rise in revolt against the tyranny. Nothing saves the system from instant destruction at the hands of indignant freemen but its sneaking indirection and nocturnal burglarious methods. But for the cunning way in which its real aims and real results are covered up under a mass of pretentious philosophizing and simulated patriotism it would rot even before it died.

Let me clarify my view with examples: Blankets and steel-rails will do as well as any others; from one or two learn all. In 1879 the duty actually collected on imported blankets averaged 86 per cent. of the value of the same. That is, the total import was in value $1,453, and the duties collected amounted to $1,233. Now, what does this duty of 86 per cent. *ad valorem* signify? I want a direct answer. I shall not be satisfied with evasion. This question has been put specifically to protectionists and to others suspected of having a weakness for blankets and blanket manufacturers. But no answer is forthcoming. What does an 86 per cent. duty mean? This annual purchase of blankets in this country is, in round figures, $20,000,000. On the face, therefore, this protective duty of 86 per cent. means that the American people are practically prohibited from purchasing foreign-made blankets and forced to pay for the home goods annually something like seven million dollars more than they are worth. If this is *not* what this enormous protective duty means, let some protectionist say why and how.

Again, the *ad valorem* duties collected on steel rails in 1879 averaged 104 per cent. What does a protection of 104 per cent. signify? What *can* it signify but that the free American is denied the privilege of buying rails abroad, and compelled by law to purchase at home and pay a double price for the goods? This is what it *does* signify. And the lesson from any number of examples would be the same. A protective tariff is simply a device to compel the people to buy of particular manufacturers and to pay those manufacturers what they think they must have.

The point may be viewed otherwise by considering the plea which is put forward in defense of the system, namely, "Protection is necessary in order to enable the American manufacturer to *compete.*"

Very well. Now, it is admitted that the United States has industries which do not need protection. When, therefore, we assert that this industry or that requires protection, we assert simply that such an industry is comparatively a losing enterprise. Unless the Government intervenes it cannot be conducted without loss. Hence, the proposal of protection is that the Government shall enable A, B, and C to go into certain unprofitable lines of business, and give them the privilege of making good their inevitable losses by pillaging those whose business pays a profit. Is this democratic? Is this American? I may ask, indeed, although this atrocious system has been practiced since the foundation of the Republic, is this constitutional?

Mr. Speaker, this Government was never designed to create privileged classes, nor to place obstacles in the way of any man in his pursuit of the means of living. The only constitutional basis for a tariff is the basis of *revenue.* The Government must have a revenue; and a system of duties on imports may be properly defended as a revenue-producing device.

WHAT IS A TARIFF FOR REVENUE?

This brings us to the question, What is a tariff for revenue? Many imagine that the free-trade theory demands the abolition of tariffs; but the abolition of tariffs is not at all a necessary part of the practice of free trade. The demand is that taxes be laid *for revenue only;* that no taxes be levied except such as are needed for the Government expenses; and, furthermore, to carry out the free-trade principle to the end, that where a duty is levied for revenue which may give to any manufacturer an undue advantage—which may, in other words, put into his hands the power of extorting tribute from the consumer—then such duty on importation should be offset by an *excise tax* on the domestic manufacturer. No taxes except for Government purposes! That is the free-trade rule; that is the doctrine of tariff for revenue only.

The distinction between a protective tariff and a revenue tariff is broad and plain. The protective tariff, in so far as it really *is* protective, produces *no revenue at all,* for its protective operation is the prevention of importation; and in so far as it does actually prevent importation precisely to that extent does it prevent the payment of duties. Where the protection is complete, as is virtually the case in the instances of blankets, steel rails, spool-thread, &c., the tax, or extra price, which the consumer pays goes entirely into the pockets of the manufacturers. The public Treasury gets not a penny. A rough estimate of the taxes thus extorted from the people for the exclusive benefit of the protected classes gives a total of over a thousand million dollars annually.

A THOUSAND-MILLION BOUNTY.

That is to say, the total value of our manufactures per year was, in 1870, over four thousand million dollars. Take it for 1880 at no more than five thousand million dollars. The average rate of duties now collected is over 40 per cent. Suppose, therefore, that 40 per cent. of duty means an artificial rise in the prices of protected commodities of no more than 25 per cent., then 25 per cent. as the protective element in $5,000,000,000 would be $1,000,000,000—one thou-

sand millions to the privileged classes. The Government share of the protective taxes is about one hundred and seventy-five millions.

This is theory, says the protectionist. So it is. Are we not figuring among unknown quantities? The protective system prevents us from reaping the full fruits of our industry. How can we estimate as to what might have been? My own belief is that the protective system, is costing this country many times the heaviest estimate of protective taxation that I have ever seen. A thousand millions a year! This is only a guess at the *direct* cost of the protective system. We have yet to estimate the damage the system itself brings in its very operation, for I beg you to notice that we by no means complete the entry in our ledger when we charge up the losses which we make good to the conductors of naturally unprofitable labors. What of the loss from the distortion of our industrial forces? The protective system obviously achieves its results by diverting capital and labor from the natural to the unnatural channels; from the lines where there is a real profit to the lines where there is an actual loss. How much is sacrificed yearly by the failure to apply our capital and labor in the right directions? We have no estimates of this factor, and can have none. We can only rest on a *moral certainty* that our loss is far greater in this direction than in the other.

Not for lack of material but for the sake of terseness, I close my exhibit of the positive side of this question with a brief summary:

THE PROTECTIVE TARIFF CREED.

1. The protective tariff is a device to compel the people at large to pay tribute to privileged classes in order to enable these classes to conduct manufactures otherwise unprofitable.

2. In so far as such a tariff accomplishes its purpose it produces no revenue to the Government. It operates purely and simply as a tax on the well-directed industrial efforts for the support of ill-directed industrial efforts.

3. The protective tariff diverts industry and capital from profitable to unprofitable channels. The few who manage the protected enterprises may grow rich, since to them is committed the division of the spoils; but the result to the country cannot be other than a diminution of wealth.

4. The protective system is a clear invasion of personal liberty.

THE REVENUE TARIFF CREED.

1. The revenue tariff is a system of duties on imports laid for the purpose of bringing income for the expenses of Government. It is so laid that the Government Treasury will receive the whole tax levied—less the expenses of collection. All taxes are due to the Government "only."

2. The revenue-tariff system discountenances the creation of classes to be supported by tribute from others, and therefore demands as a supplement the adjustment of internal taxes in such a way as to offset the effect of import duties.

3. The revenue tariff leaves the industrial forces of the country just as it finds them, free to seek the best channels which the resources of the country afford.

4. The revenue tariff infringes on no man's liberty, except to the extent of exacting from each individual his contribution for the maintenance of law and order.

WHICH IS THE CHOICE?

It would seem that between these opposing systems it would not be difficult to make a choice. How does it happen, therefore, that so enlightened a people as the citizens of these United States have chosen the system of protection? The proper answer to this is that they never did *choose* it. The first tariff made was made *for revenue*. The protective element was forced into it by the representatives of certain manufacturing interests, (it is a remarkable coincidence that their leader hailed from Pennsylvania,) who found their opportunity in the critical need of the nation for immediate income. A foot-hold thus secured, the history of the progress of protection in the tariff is simply the old history of encroachment on the common, and therefore unchampioned, rights by a *class* organized and equipped for plunder under the forms of law.

I know of no more exasperating case of misrepresentation than that of the protectionist version of this part of the history of our tariff.

PERVERSIONS OF THE CONSTITUTION.

Take for example the speech of the arch-protectionist, the late republican candidate for the Presidency. It passes my comprehension how a member of the Cobden Club—even if he did not know what that club was—could so distort the plain record. In the speech to which I refer, originally made in this House in 1878, but made again in print ten thousand times and more during the late canvass, this fierce protectionist begins by planting himself on the Constitution and on the very first grant of powers to Congress:

> Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

How is it possible for any one to go astray in the reading of this simple and business-like clause? What can it mean other than this: that Congress is empowered to raise a *revenue* by certain means, the purposes of such *revenue* being the payment of debts, the sustaining of the means of national defense, and such other objects as may be broadly classed under the term "general welfare." In other words, the plain reading of the clause is, that since the Government must have a *revenue* it may raise that revenue in the several ways specified.

But, lo! our protectionist champion makes these simple words read very differently. His translation is that Congress has the power to impose taxes *in such a way* that the *general welfare* will be promoted; "general welfare," in the bright lexicon of the protectionist, meaning always the profits of the pig-iron men.

I shall not stop to argue the point. I only ask that clear-headed men scan the clause of the Constitution in question in an honest way, and then say frankly if they can find anything in it authorizing any provision for the "general welfare" excepting by the *expenditure* of the *revenues* previously acquired. The clause may possibly be construed to authorize subsidies, and even river and harbor appropriations; but so to twist this clear revenue-producing provision as to make it a license for Government dabbling in manufacturing experiments, even to the extent of cutting off and preventing revenue, distances the usual dexterity of the most supple and subtle politician.

THE FATHERS.

On the second page of this remarkable and representative speech, referring to the founders of the Republic, "the men who created this Constitution," occurs this striking passage:

> Our fathers said: "Though we will use the taxing power to maintain a small Army and Navy sufficient to keep alive the knowledge of war, yet the main reliance for our defense shall be the intelligence, culture, and skill of our people; a development of our own intellectual and material resources, which will enable us to do everything that may be necessary to equip, clothe, and feed ourselves in time of war, and make ourselves intelligent, happy, and prosperous in peace."

Now, the fact is, "our fathers" said nothing of the kind. Our father from Massachusetts said, "Put an impost tax on rum. We make it here, and don't want the West Indies to run into our market." "Besides," he added piously, "such a tax will aid the cause of temperance."

Our father from Georgia opposed: "Give me my rum free, if you please. I buy it with my lumber in the West Indies, and, besides, good rum never hurt anybody."

Our father from Pennsylvania patriotically remarked: "I must have a duty on iron, since the iron industry is the foundation of all things."

Our father from South Carolina replied: "You cannot have it. I am not going to pay more for my plows and hoes than they are worth. Let iron be free. But hemp, now—hemp is a good thing to put a duty on. I raise hemp myself; and wouldn't mind it."

And then the father from Pennsylvania collided with him because hemp was the raw material of cordage. And thus the wrangling continued. No, Mr. Speaker, "our fathers" used no such mellifluous language as that put into their mouths by the eloquent protectionist from whom I have quoted. Tariff legislation was in the beginning what it has ever been, a jangling strife for the biggest share in the plunder of the whole people. It always ended in some fashion by a compromise and a deal.

MADISON'S VIEWS.

The late candidate's address is even so bold as to declare in effect that James Madison was the leader of the protection forces in the initial tariff debate. I quote:

> Two days after the votes for President were counted, and long before Washington was inaugurated, James Madison rose in the first House of Representatives and for the first time moved to go into the Committee of the Whole on the state of the Union, for the express purpose of carrying out the theory of the Constitution to provide for the common defense and general welfare, both by regulating commerce and protecting American manufactures.

James Madison, Mr. Speaker, did nothing of the kind. He rose in the first House of Representatives with these words on his lips:

> The deficiency in our Treasury has been too notorious to make it necessary for me to animadvert upon that subject. Let us content ourselves with endeavoring to remedy the evil.

That is, James Madison's first speech was for revenue, and the tariff he proposed in that speech was a revenue tariff. Fitzsimons, of Pennsylvania, and others, who put the claims of their locality above the nation's need and the nation's honor, began at once a course of bully-ragging to get in their protective items. Madison protested, urged the need of instant action for revenue, and finally yielded his position because he saw that if he did not the conflict would be indefinitely prolonged, the national Treasury would remain empty, and the young Republic be disgraced in the eyes of the whole world, if not torn asunder by the angry contestants.

I beg your patience while I quote from James Madison in this very debate. You will see for yourselves how much truth there is in the statement that he rose in the first Congress to advocate the protective system.

I am myself—

Said Mr. Madison—

> the friend to a very free system of commerce, and hold it as a truth that commercial shackles are generally unjust, oppressive, and impolitic. It is also a truth that if industry and labor are left to take their own course they will generally be directed to those objects which are the most productive, and this in a more certain and direct manner than the wisdom of the most enlightened legislature could point out. Nor do I think that the national interest is more promoted by such restrictions than that the interest of individuals would be promoted by legislative interference directing the particular application of its industry. For example, we should find no advantage in saying that every man should be obliged to furnish himself, by his own labor, with those accommodations which depend on the mechanic arts, instead of employing his neighbor, who could do it for him on better terms. It would be of no advantage to the shoemaker to make his own clothes to save

the expense of procuring them from the tailor. It would be better policy to suffer each of them to employ his talent in his own way. The case is the same between the exercise of the arts and agriculture—between the city and the country, and between city and town—each capable of making particular articles in abundance to supply the other. Thus all are benefited by exchange, and the less this exchange is cramped by government the greater are the proportions of benefit to each. The same argument holds good between nation and nation, and between parts of the same nation.

Was ever, Mr. Speaker, a clearer, broader, more clean-cut statement of the principle of free-trade? I am free to say, sir, that Mr. Madison subsequently gave a kind of support to the doctrine of "tariff for revenue with incidental protection;" but in this first congressional debate he planted himself distinctly, emphatically, and without possibility of mistake upon the democratic platform—a tariff for revenue only; free trade the highest condition of industrial growth.

I will not pursue further the devious line of assertion and of sophistry on which the speech under consideration draws its slow length along. Enough is before us to illustrate the misrepresentation of which protectionists are guilty when they try to make it appear that their system of class taxation and local monopoly was created by the statesmen of the early and patriotic days, and was accepted deliberately by the people as the clear means to industrial growth and commercial greatness. The fact is, as I have stated, and as any man can see by reviewing the record, protection was forced into the first tariff by sectional greed; it was suffered to enter only as an incident, the main object of the tariff being agreed on all hands to be revenue; but once in, it grew and became masterful. It used those evil means which are a necessary part of any such system of class privilege and favoritism.

INCIDENTAL ROBBERY.

In the beginning, on the most favorable construction for the protectionist view, we had a tariff for revenue with incidental protection. To-day we have a tariff for protection, with incidental revenue. The protectionists have had the advantages of personal and pocket interest for the pressing of their schemes; the revenue tariff men have had no center of organization on any business basis; they have had as their working force only the spirit of equity and patriotism. And patriotism, Mr. Speaker, while it is a consuming fire when focused under the lens of imminent national danger, commonly acquires a rather milk-and-watery temperature when the purpose of action is only the conservation of general business interests.

The people have never in any true sense declared in favor of a protective tariff. They have simply grown used to it. They will throw it off with indignation as soon as their eyes are really opened to its true character.

HOW MANY INTERESTED IN THE PLUNDER?

For I ask you to consider how many of the people of these United States have any share whatever in the benefits or spoils of the protective tariff. In 1870 the census returns figured the number of the country's working force at 12,500,000. If the ratio of increase is the same as for the general population, our working force now numbers about fifteen millions. Now suppose these working and business people to be distributed as they were ten years ago. We obtain this exhibit:

Table showing number of persons engaged in the various classes of vocation.

Vocation.	Per cent.	Number engaged.
Agriculture	47	7,050,000
Profession and personal services	22	3,300,000
Trade and transportation	9	1,350,000
Manufacturing, mechanical, and mining	22	3,300,000

This reduced to terms of tariff means that the protected workers are 3,300,000; unprotected workers, 11,700,000.

For every working man or woman in the protected industries there are four (nearly) in the industries that are not protected. A tariff for revenue only would therefore bring benefit directly to four out of five of our working and business men; and since to them, to those who depend upon them for support: that is, (roughly,) to forty millions of the people of the United States.

But this is not all. The class "manufacturing, mechanic, and mining" yields interesting results on analysis. The army of mechanics contains but a small minority who can in any way be regarded as benefited by protection. What protection does a carpenter get? His saws and hammers are taxed, his screws pay an exorbitant tribute to monopolies, the very lumber he uses is made more costly by tariff restrictions. How is the plumber protected? His wrenches and his pots all pay tax, the iron for his sinks, the copper and brass for his tubes, are levied upon by the private tax-gatherer of the combinations. Neither is protection extended (except in the way of imposing burdens and exacting tribute) to the masons, the tailors, the shoemakers, the bakers, and the great host of the country's skilled and unskilled working people.

Of course it is pretended that the workmen engaged in the industries which do actually receive shares of the tariff spoils are directly and greatly benefited.

The protectionist reasoning on this subject will not hold water; but suppose we allow it. Taking away from the fourth class in the table the working people engaged in mechanic arts like plumbing and masonry, the proportion of those who are benefited by the protective tariff to those who are injured will be about one to twenty. That is to say, about two and one-half millions are benefited, while forty-seven and one-half millions of our people are injured.

I cannot believe, and I do not think that anybody believes, that forty-seven and one-half millions of our people are willing to be taxed in order to sustain a body of two and one-half millions engaged in fancy occupations. When the great majority awake to the truth, then expect a revolution more sudden and startling than the corn-law repeal.

We can go further yet. It is pretended, as I have said, that the "workingman" in the protected industries is obviously benefited. How is he benefited?

WAGES.

Here is an industry, say, which must have protection. Why must it have protection? In order, says the protectionist, to make it possible to pay the workmen fair wages.

How does any one imagine that the protected manufacturer pays any more than the market rate? He does not. He pays wages, not on the philanthropic plan which is commonly paraded before the public, but on strictly business principles. And what fixes the market rate of wages? Not the small demand of the subsidized industries; not the 5 per cent. demand, but the 95 per cent. demand of the great unprotected employments.

PAUPER LABOR.

The very arguments which the protectionist uses give the refutation of his position. We cannot compete, he says, with the "pauper labor" of Europe. Why? Because there is no pauper labor here; wages in this country are high. Wages are high. Wages are not to be made high; they are high. And every employer must meet this situation, protection or no protection. The protection, that is to say, does not touch wages; good wages are already secured by the conditions of the general labor market. The tariff tax goes to the manufacturer either to make good his natural losses, or, as in copper and sundry other cases, to give him exorbitant profits.

The hands in the mills and forges and mines of the country have no share at all in the fund contributed by the forty-seven and a half millions for the support of the two and a half millions. It is not a wage fund at all; it is at best only a bankruptcy fund. They are not benefited; but on the contrary they are subject to tribute with the mass of consumers. They must pay more than they otherwise would for all that they eat or drink or wear.

ARE THE MANUFACTURERS BENEFITED?

Whom have we left? The manufacturers themselves. And even here what do we find? Their machinery and appliances cost, the most of them, anywhere from 20 to 50 per cent. more than they should; the majority of them are loaded down with taxes on their raw materials and their transportation expenses are magnified enormously. Last, but not least, they are all of them, practically, cut off from the foreign market; penned up to the home demand with facilities and capital to fill that demand five times over. This is the meaning of the recurring gluts, the slaughtering of price-lists, the running on half time, the selling of plants for one-tenth of their value.

It is amazing to remark the prevailing blindness in this regard. "I cannot live without protection," says the manufacturer of hats. Of course you cannot, so long as you pay a duty on your cloth, on your thread, on your silk, on your paper, on everything that goes into your hat. But suppose your materials were free and your machinery bought at its proper cost; what then? I will tell you what then.

FOREIGN MARKET.

The manufactures of this country would advance with such strides as we have never seen. Our statistics of exports would not be the disgrace they are now; they would not show that we are selling our birthright, throwing away the crude richness of our soil. We would export manufactured goods, and make our profit not on gross sales of our inheritance, but by the genius of our minds, the cunning of our hands, and the industry of our muscles, as impressed on the finished goods.

Protective tariff—revenue tariff. An illusion on the one hand, a business-like system on the other. Let the American people decide between them, and that speedily, before darker days come.

CONCLUSION.

Political parties have played the coward on these vital issues. Each party seems fearful of a struggle with the bounty-fed monopolies of the land.

But, Mr. Speaker, future platforms will be built on the principles of freedom in trade, since they closely affect our business relations, which are stifled when freedom is lacking. We are no longer dependent upon others for raw materials or manufactured articles. We need, we must have, a market beyond our borders for our surplus productions. For all the forms of matter produced for utility and comfort there must be an outlet. New markets must be found. We cannot be forever mutual with ourselves. It is a solecism. Without foreign markets our limited foreign commerce will fade away and our home commerce be paralyzed. We are at the mercy of the first disaster to our harvests or at the caprice of the first abundant harvest abroad. Will not our farmers take note of the peril? Their prosperity might and should have been better, notwithstanding the bad harvests abroad and good harvests here. They have hugged the

delusion that their prosperity is to continue. Cannot they see that retaliation is as old as human selfishness? Do they desire a prohibitory tax in France and England against our wheat and cattle? Will not other countries, shut off from us by our protective and prohibitive policies, strike back?

M. Maurice Rouvier spoke eloquently for commercial liberty in the French Chamber on the 17th of February, 1880; but he spoke most significantly also, if our farmers will heed even the translation. I append it in the form of extracts to guide us toward living fountains of true economy, to show what is preparing against our abundance and surplus and what will evidently come unless we liberalize our own custom policies under the light of science.

Let us not be deluded. We may now float on a Pactolus of European gold as if on a summer stream, reflecting all the blessings from above; but let the adverse elements appear and the clouds lower, and the protective illusions will dissolve. The need of natural laws which govern production, distribution, and consumption will be so surely felt (though it may be too late to avert the worst catastrophe) that a revolution will be hailed as the only hope and harbinger of this new hemisphere, now so alluring to the labor of mankind and so attractive as the only true protecting genius of popular activity and advancing civilization.

APPENDIX A.

Extracts from the speech of M. Maurice Rouvier, on the general customs tariff bill, in the French Chamber, February 17, 1880.

INVASION OF FRANCE BY AMERICAN PRODUCTS—DUTY DEMANDED AGAINST AMERICAN WHEAT AND CATTLE—FRANCE IN A BAD WAY—CHRISTOPHER COLUMBUS AN ENEMY TO OUR RACE.

The crops had been bad in France for two years. This fact indicated the line of conduct for our opponents to pursue. They excited agitation throughout the land. They went among the agriculturists to exhibit the phantom of an invasion of American products.

An able orator traveled through the provinces everywhere, and visited the principal agricultural towns. Before the political trip of which I speak, they had flooded the rural districts and even the smallest villages of France with a little blue paper, in which the president of the republic and the Chambers were petitioned to protect agriculture, and to impose a duty of three francs upon wheat. We have in the archives of the committee eighty-seven volumes, almost a cubic meter, of documents of all kinds, containing thousands of signatures, all demanding invariably this duty of three francs.

It is easy to conceive what response would be elicited by this agricultural circular. The peasants were asked: "Do you wish to obtain three francs more for your wheat?" As in all circulars, one side only of the question was presented. They were not told: "In selling your wheat for three francs more you will have to pay six francs more for all other necessaries." No; this simple question was asked: Do you wish to obtain three francs more for your wheat? They replied: "Yes; of course we do;" and affixed their signatures. And from this has resulted all that mass of documents to which I refer.

I am indeed astonished that up to the present hour no one in the Chamber has brought to the desk this demand for a duty of three francs upon wheat.

After this campaign, undertaken for the duty upon wheat, we have the tour of M. Ponyer Quertier. He is not here, but as he has a platform from which he can speak, and as he has agitated this question, I do not hesitate to mention his name. M. Ponyer Quertier traveled over France and excited the rural population about the danger to which it is exposed on account of America. He represented our country as inundated by immense quantities of wheat and by large numbers of cattle. It is one of the most curious incidents of these discussions that it can be proved that, at the very time when this politician traveled over France creating a sort of economical panic, in another direction he was making appeals for the capital of his fellow-citizens, in order to unite France and America by a telegraphic cable. This has struck me so forcibly, as I have listened during the past few days to all the orators who have successively denounced from this platform the dangerous invasion of American products, that I have asked myself if we are not subject to a sort of delusion in considering the illustrious navigator who discovered the New World as a benefactor of humanity. Ought he not to be considered as an evil genius, who prepared the invasion of all those products which have flooded our markets?

If Christopher Columbus should be held up for public execration because he discovered America, and thus opened the way for the evils with which we are threatened, we ought then to stigmatize M. Ponyer Quertier, who desired to connect America with France by a telegraphic cable, because the least fluctuations in our markets will be known instantly in America, and the speculators of the New World will be advised of all that occurs in France.

At the time when the country was subjected to this agitation the committee which you appointed made an investigation, and summoned before it successively, as committees always do, the representatives of every industry. Almost all, alas! gave a deplorable picture of their business. To believe them, this land of France, which we love, perhaps too fondly, is a very ungrateful soil, and quite unfavored by nature. In nothing is it equal to other nations. Coal does not burn here so well, and operatives are less skillful. The sun even does not warm it like other lands.

Open the report of the investigation, and you will see that what I have just told you is not exaggerated. Open it, and you will find in every page this long lamentation upon French industry. I even ask myself how was it that those imprudent men who gave their testimony were ignorant of the fact that the most terrible blow that could be inflicted by our foreign competitors would be the printing in every language of those three volumes of the investigation. The manufacturers pointed out different causes of inferiority. I will take for example coal, which is said to be dearer in France than in England. There is some truth in their assertion. I know that it is easy for them to exaggerate the importance of statements of this sort. They gave the cost of coal at the mine in England and in Belgium, and then the price at Paris. I beg the manufacturers to settle their differences with M. Allain Targé, the deputy of the department of the Seine, who finds that the freight on coal is too low, and who regards as a new evil the deepening of the river so that the barges of Belgium may transport their coal more cheaply.

That is the doctrine of the school which regards as an evil the importation of foreign productions. This cannot be denied. As for myself, I belong to the opposite school, which professes that when we buy foreign productions we benefit ourselves by obtaining at a lower cost products which are dear in our own land.

APPENDIX B.

MORE DANGERS FROM AMERICAN MANUFACTURES.

But we are told, "There are other considerations; new contingencies have arisen owing to America and Germany." "America," it is asserted, "overwhelms us with its importations of grain."

Now, has there ever existed in the world a country, I will not say civilized, but even a barbarous one, where one hectoliter of grain has been imported that was not necessary for the consumption of its inhabitants?

We are told, "America sends us grain; floods us with it." Yes, thank Heaven! She has sent us a great deal—I do not know if the plains of Russia after the wars of the past few years could have supplied our wants—well, America has sent us a great deal, and we rejoice at it.

We were told that she also sent us cattle and sheep. The minister of commerce made known from this platform, with the authority which attaches to his statements, how unimportant this invasion actually was.

It is true that some reply, that these steers and these sheep imported from America come by the way of Antwerp, through Belgium, and enter by our Belgian frontier. Truly those are steers and sheep which have a strange fancy for traveling about!

Moreover, before exhibiting to us this specter of an invasion of American products, they made another campaign. At the commencement of the investigation to which I just now alluded, we heard manufacturers say, "Take care, America is going to flood our markets with its manufactured goods, and as we have prohibitive tariffs instead of treaties of commerce in force as to the United States, these manufactured goods, not yet being able to enter France, already pour into England."

APPENDIX C.

QUESTION OF FAILURES AND WAGES IN FRANCE AND UNITED STATES, AS AFFECTED BY PROTECTION.

[David A. Wells, quoted by the French Economist.]

We are again told, "But the United States are in an excellent condition internally; wages are greater; in England failures are taking place one after another; in the United States prosperity is increasing."

Relative to this point it is proper for me to submit a few reliable figures. In 1872, the number of failures amounted to 4,069, representing liabilities of 605,000,000 of francs;* in 1878 the failures amounted to 11,478, with liabilities of 1,172,000,000 of francs.† That is the way that excessive protection in the United States develops domestic prosperity.

But let us not discuss the subject of failures, because I am aware that in Anglo-Saxon countries a failure is of less importance than it is in France. In France it is an injury to the property of others; in the country referred to a kind of liquidation, and a failure there does not entail the opprobrium which attaches to it in France. Let us, then, eliminate these subjects from our debate.

But there is another consideration—wages. What has been the effect of the increase of duties upon wages? Our opponents have said, "We are the protectors of national labor. We do not wish the wages of our operatives to be lowered."

Let us see now what takes place in regard to wages in a country where your principles are applied. America has applied your principles, let us look at the results. Here are the figures taken from the Board of Trade Gazette:

"Wages have diminished one-half or two-thirds. In 1873 carpenters in New York received 12.50 francs‡ a day as wages. In 1878 this fell to 8.75 francs; § operatives in all trades $2 or 10 francs a day; in 1878 their wages were 5.50 francs. ‖ Cigar-makers were paid in 1873 15 francs. ¶ They now receive 6.25 francs ** a day. People smoke less."

When people reduce their expenses, when they deprive themselves of luxuries, it is a proof that they are scarcely able to supply their necessary wants.

"Tinsmiths who earned 15 francs do not now obtain more than 10 francs." In order to appreciate the true value of these figures you must keep in sight the fact that the cost of living in the United States is three times as much as it is in our own country. Moreover, here is the opinion of Mr. David Wells, formerly Commissioner of Internal Revenue; and he is not the only one who entertains these views. He wrote as follows in the North American Review in 1872:

"It is certain that the people of this country to-day consume less sugar and less coffee, they buy a smaller quantity of boots, shoes, and hats, and of every other article of general consumption than they did in 1859."

That is an estimate, but here are the figures: "The consumption of cotton goods calculated in weight," Mr. Wells adds, "was less in 1870 for a population of 39,000,000 than it was in 1860 for one of 30,000,000." These are the effects of protection upon wages and upon consumption. When we examine presently the nature of custom duties, we shall see that this is the inevitable effect of such duties.

When you create in addition to the tax levied for the support of the Government a tax imposed for special classes,—for you cannot apply this system to one industry only, you must make it of general application and apply it to all,—you thereby create an unnatural enhancement of price, which results in causing a decrease in consumption.

APPENDIX D.

ALL TARIFFS ARE TAXES. WHAT GOES TO THE TREASURY AND WHAT OUTSIDE. THE ECONOMIC FORMULA OF UNIVERSAL SUFFRAGE. THE CUSTOM DUTY IS A TAX.

This has not been stated too often. It has been described as a sort of moral barrier; but the truth is it is a tax which differs from others in this, that a part only of the proceeds of this tax goes into the public Treasury, while the balance—and it is the largest part—goes into the pockets of manufacturers and producers.

Can there be in a republic those who would think of establishing such a condition of affairs? Can there be in a republic those who would pretend to have the right to impose such a tax upon their fellow-citizens? Can such a policy find support? When you impose a custom duty upon a necessary article of consumption which is produced in the interior of the country, and which comes also by importation from abroad, can you deny that you cause the following results? On one hand the duty levied upon the goods goes into the vaults of the Treasury, and on the other hand the domestic productions are increased in cost by an amount equal to the entire custom duty.

Our opponents deny that domestic productions are enhanced in cost by an amount equal to the entire custom duty, but indeed they admit, I think, that their cost is increased in a certain proportion. Now, I will tell them that if I desired to oppose their arguments by others of their own making I would remind them that Hon. M. Méline confessed that warehouse duties, which are in reality custom duties, resulted in increasing the cost of cotton by the whole amount of the tax.

However, I will concede this also, the custom duty does not affect prices to its full extent; but please acknowledge at least that it does to a certain extent.

Well, I have given the figures of the production of grain: 77,000,000 of hectoliters are domestic grain; 42,000,000 are imported. Impose a duty of two francs upon this grain and what will the grain brought from foreign countries pay into the treasury? Eighty-four millions! But the home producers, owing to the protection resulting from the duty, will obtain 154,000,000!

You know this so well that not one of you, however devoted to the agricultural interest and imbued with this doctrine, not one of you has risen to demand a duty upon grain.

What you dare not do in regard to grain and other provisions of prime necessity,

* About one hundred and twenty-one million dollars.
† About two hundred and thirty-four million four hundred thousand dollars.
‡ About two dollars and fifty cents.
§ About one dollar and seventy-five cents.
‖ About one dollar and ten cents.
¶ About three dollars.
** About one dollar and twenty-five cents.

how can you do it in regard to other articles, the necessity for which is as great, if not as apparent? How can you do it without inflicting an injury upon consumers?

Gentlemen, if it is true that custom duties are of this nature; if it is true that they do not benefit the State alone which imposes them, but also certain classes of citizens, is it not evident that the question now debated is essentially a political one, whatever may be asserted to the contrary? We must decide whether, under the republic, under a democratic government, one part of the population shall impose duties upon the other.

Do you not feel, gentlemen, that this is impossible, and that the unrestricted right to consume whatever we need is, in a certain measure, the economic formula of universal suffrage?

APPENDIX E.

THE ARISTOCRACY OF MANUFACTURES. PROTECTION AN ANACHRONISM; AN INSULT TO SCIENCE AND PROGRESS. TALLOW CHANDLERS *vs.* THE SUN. PROTECT EVERY ONE OR NO ONE. WORDS OF WISDOM FROM AN ELOQUENT FRENCHMAN.

In this regard I recall to mind a passage from a speech of the minister of commerce, in which he spoke of the demand for a reduction of tariff duties, which was made under the monarchy of 1830, and of the reply returned by Count Jaubert.

Ah! there was no deception in Count Jaubert. He did not say, "We wish to protect the wages of the working classes!" He came to the platform and declared with a frankness characteristic of the time, "In every monarchy there must be an aristocracy, and the aristocracy upon which the government of 1830 ought to rely for support is the aristocracy of manufacturers!"

Well, in a democratic republic there is no place for any other aristocracy than that of merit, of talent, and of virtue; there is none for that which comes from a name or from wealth.

The custom-tariff duties whose political character I have just now endeavored to demonstrate, have still another disadvantage. I confess that I have hesitated to discuss this point because I have feared that I would be charged with exaggeration. But after all I have heard here, I can safely assert that the fact has already been acknowledged upon this platform. Custom-tariff duties are not only a tax contrary to democratic principles, but they are also an actual anachronism. They are a tax upon the discoveries of science, and upon what has been regarded as too great facility of commercial transportation.

You demand an increase of duties—it was stated explicitly—because transportation has become cheaper. And we would exhibit the spectacle of a people who are now making sacrifices in order to develop their means of transportation, who are seeking to encourage discoveries in human science, who are constructing new canals and new railroads, who have already pierced the Isthmus of Suez, who to-morrow, perhaps, will accomplish as great a work in another hemisphere; we would exhibit the spectacle of a people who would station at the end of their railroads and canals a custom-house officer armed with tariffs, who will say to science, "Thus far shalt thou go and no farther!" We would present this spectacle of a people whose brightest intellects are seeking to invent improvements in manufactures; and when a man of genius shall succeed in shortening distances and in lightening labor, behold, a protectionist appears and cries out, "No admittance."

This is not a paradox; it is occurring every day. These doctrines have been presented from this platform without disguise. You all remember that pamphlet of Bastiat in which he speaks of the tallow-chandlers who present a petition against the sun, calling him a competitor who does not buy any raw material or pay for labor, and who, in the interest of accursed England, floods us with his light, so that as soon as he appears there is no longer a chance to sell the products of their labor.

That apparently is facetiousness in the celebrated economist, but in reality it is nothing of the kind. There was presented here one day a petition from tallow-chandlers in another form. In 1821 the oil merchants of Lille importuned the public authorities with a petition against gas. They demanded that measures should be taken against this new article of competition, because, as they asserted, it would ruin their business.

And frankly, gentlemen, do you not find to-day even evidences in our tariffs of the same interested motives? Do we not perceive that a crusade has been organized for the purpose of imposing duties upon colors derived from coal? upon alizarine and upon aniline, which come in competition with madder, a natural product?

Custom-tariff duties, I repeat, are a positive anachronism, and if we had not suffered the calamity of the war of 1870, which so frightfully increased our debt, and which compelled us to impose new taxes; if we were in a normal condition, we would demand their abolition, and the adoption in this country, as the greatest and surest stimulant, of the English tariff with its eight or ten clauses imposing duties upon articles which are not produced in that country, and so preserving an exclusively fiscal character.

We would say to you, Break down the barriers! Fear nothing, for the French are a people sufficiently energetic to compete with foreigners.

But we are compelled to accept the situation in which we are placed. We are not influenced by a blind party spirit. We do not ask you to go forward. We bear in mind, no matter what assertions are made, that since 1870 seven hundred millions of additional taxes have been imposed upon the country. It is because we bear this in mind that we support the tariff bill submitted by the government and refrain from asking you to proceed further.

But we implore you to take no step backward, and to give no encouragement to an economic reaction. When a step in that direction is taken, there is no telling where we will stop. To-day you are asked to protect a single industry; to-morrow there will be another, because it is impossible to create two classes of citizens in this country, one which is protected and another which is not. If we do not wish to divide the country we must protect all alike.

Now, to protect every one or to protect no one amounts to exactly the same thing.

A Judicious Tariff the Hope of the South.

SPEECH OF HON. W. H. FELTON,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 18, 1881.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. No. 7098) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes—

Mr. FELTON said:

Mr. CHAIRMAN: I am not a protectionist; I am not a free-trader, and especially I am not the advocate of a tariff which is levied for revenue only. I believe that the revenues of the Government should be raised by duties levied upon imported foreign commodities and those duties should be so arranged and imposed as to afford encouragement and protection to American industries. They should discriminate in favor of home production. There are, in my judgment, two objects in view whenever a judicious tariff is levied and collected by this Government: First, revenue; second, incidental protection to our own industries. If the tariff upon any article is so exorbitant as to exclude it from our ports, then the first object of all wise tariff legislation, the raising of revenue, is lost sight of, and such a tariff is purely in the interest of the manufacturer—of a class, of a monopoly. If, on the other hand, the duty is so low as to permit foreign labor and foreign capital to suppress any particular branch of our home industries, then the second object of a wise tariff is destroyed, competition in production is broken down, manufacturers combine, prices advance, and consumers are oppressed.

A great many people and some members of Congress seem to believe that the work of tariff reform is the work of a day. That without investigation it is only necessary to hear the opinion of some clever political leader, who is perhaps little acquainted with practical business pursuits—either commercial, agricultural, or manufacturing—in order to enable a committee of the House of Representatives to frame a tariff bill which shall affect for weal or woe every business interest in the United States. There is no subject on which crude and hasty legislation can accomplish so much evil, destroy or cripple so many industries, wipe out so many fortunes, and impoverish so many of our laboring population. Sometimes when we imagine that we are cheapening an article by removing the duty thereon and that we are thus bringing relief to the consumers of said article, we find that we are only preparing the way for combinations in trade and for speculators, that immediately after removal of the impost duty on such an article the price is wonderfully augmented and the consumer is in nowise benefited.

Sometimes when we persuade ourselves that only one article of consumption or only one industry is to be affected by our "tariff tinkering," we find that we are engaged in legislation, the influence of which ramifies in every direction, touches almost every industry, affects the manufacturer, affects the farmer, affects the merchant, affects the health and knowledge of the people, indeed affects all the sources of wealth and civilization.

The material industries and enterprises of this country, while composed of many members, form one beautiful whole, one system "compact together like a temple built up" with living stones; if you impair one you impair all. Like the human body with its various members, if one suffers all are in sympathy. If manufacturing enterprises are depressed the agriculturist finds his markets curtailed, his profits reduced, and his lands depreciated in value. If agriculture, the mainspring of all productive wealth, is oppressed by legislation or blighted by unpropitious seasons, then depression, stagnation, and business ruin spreads through the land.

These are mutually dependent, and so also with the several parts in each of these grand divisions of productive labor. Hence the difficulty of framing with exact justice a tariff bill, and more especially the difficulty of selecting a few articles for tariff revision without including the entire list.

This work should be committed to a commission whose members should be experts in trade, in manufactures, and in agriculture, familiar with all the details of practical business pursuits; no theorists, no dreamers, no schoolmen who derive their knowledge from technical books written in advocacy of certain political theories, but from men who have learned wisdom in the factory, at the furnace, in the counting-room, or in the field of practical agriculture.

Especially this commission should be non-partisan in its character, free from the prejudices and passions of political aspirants.

I have sometimes heard it suggested that the democratic party must make a platform on this tariff question; that agitation and discussion is necessary even if nothing practical is accomplished; that the party must keep its eyes steadily fixed upon party success.

With all respect for the eloquent gentleman from Ohio, [Mr. HURD,] it seems to me these resolutions now under consideration, and of which he is the author, are intended as a mere party maneuver; that his design is to make them act as a sort of cog-wheel in the political machinery of the future rather than that they should have any practical bearing or significance whatever. Thus it is proposed to subject the material interests of the country, the great interests of agriculture and manufactures, to the arbitrament of politics.

Let us eliminate from our political platforms as far as practicable this business question, for the whole country would rather risk the combined wisdom of one intelligent farmer, one manufacturer, and one merchant upon all matters of trade and production than to risk the unaided wisdom of a thousand wrangling and discordant politicians. Then let this tariff question, these reforms which are so desirable, be carefully investigated by business men, and let their report thereon be the guide and directory for congressional legislation.

In discussing this subject we must never forget the two objects of all just tariff laws, their original purpose, namely, to raise the money necessary to support the Government, and the incidental protection afforded thereby to our home industries.

I imagine there are but few American citizens who favor a prohibitory tariff, who are willing to adopt an exclusive system of trade and shut out all foreign nations from our markets. Foreign commerce is essential to our civilization, contributes to our wealth and

our intelligence. It means progress, growth in all the arts, the acquisition of the comforts and luxuries of life. Its suppression means national decay. We retrograde as our commerce is diminished, and when it disappears ignorance, poverty, and crime are in the ascendant. If there were no revenues to be raised and no encouragement afforded to our industries, then no man would advocate a tariff for the simple purpose of excluding foreign workshops and the products of other climes from competition with our own industries. Prohibitory tariffs not only shut out foreign products from our markets, but they exclude our domestic products, in some measure, from foreign markets. We impoverish our foreign customers, and they cease to buy because they cannot pay. We will not receive in exchange for our industrial products the only commodities they have for international trade. Hence, prohibitory tariffs would soon confine us to our own domestic markets, and would speedily blot out all incentives to increased work and enterprise.

Again, tariff laws should not be enacted for the simple purpose of protecting our productive industries. If no revenue was needed by the Government, it is reasonable to suppose that no considerable number of our citizens would advocate a duty upon imported goods as a mere bonus to American manufacturers. It is true the necessity for American independence of foreign governments, the absolute necessity for a home supply of the leading articles of manufactured goods when our ports should be blockaded, or when European wars should diminish foreign production, might lead the wise and prudent statesman to offer even a bounty pure and simple to some agricultural or manufacturing industry while in its infancy. It is true the wise legislator, in order to create competition, destroy combinations, multiply production, and thus cheapen the price of a commodity, might be induced to impose a considerable tariff upon that commodity without regard to the revenues arising therefrom.

This is illustrated in some measure by the earnest manner in which Alexander Hamilton, in 1791, urged upon Congress the importance of levying a duty of two cents per pound upon nails. It would not do for the United States to be dependent upon Europe for this indispensable iron manufacture. He said:

> The expediency of an additional duty is indicated by an important fact. About one million eight hundred thousand pounds of them were imported into the United States in the course of a year ending the 30th of September, 1790. A duty of two cents per pound would, it is presumable, speedily put an end to so considerable an importation. And it is in every view proper that an end should be put to it.

He also, as Secretary of the Treasury, urged upon Congress the same considerations in reference to bar-iron, steel, and castings, or hollow-ware. The duty on steel at that time was seventy-five cents per cwt., and he recommended an increase of $1 per cwt.

Hamilton, with all his faults—and these faults were numerous and glaring—was yet one of the grandest intellects this country has ever produced, while his patriotism was unquestioned by his bravest and purest contemporaries. Thus we see that he pressed upon the consideration of Congress the necessity of protecting with a prohibitory tariff those infant industries which were essential to the wealth and independence of the nation.

It will be remembered that the duty on raw cotton at that time was three cents per pound, which our fathers levied in order to protect the cultivation of cotton in the Carolinas and Georgia, and to shut out the importation of cotton from Cayenne, Surinam, and Demerara; and though Hamilton recommended the abolition of this tax on the raw material, he did suggest a bounty on domestic grown cotton when wrought at a home manufactory, and also an increase of customs duties on all manufactured cottons for the purpose of stimulating its growth in the Southern States. Under the fostering care of the Government in the days of its infancy the growth of cotton in the South was rapidly developed. The production of iron has gone on multiplying, and to-day both in cotton and iron industries, we are independent of the world.

These were the sentiments of the founders of our Government. But the infantile days of a majority of our industries have passed, and it is no longer the part of wisdom or patriotism to levy impost duties for the purpose of protection only. Why, then, advocate a tariff? First, that we may raise the money which is necessary to meet the expenditures of the Government.

We owe a debt of nearly two billion dollars. The interest on this debt, after refunding at 3 per cent., will be nearly one hundred million dollars per annum. In addition to this our civil and military appropriations are extravagantly large. Our pension list alone is increasing with fearful rapidity, and unless checked will in a few years absorb the larger part of our present revenues. All together it requires nearly two hundred and eighty million dollars per annum to support our Government, exclusive of the principal of our public debt, which principal, unless paid as rapidly as our resources may authorize, will fasten on this country the most terrible monopoly that ever crushed the enterprises and liberties of a people. How, I repeat, shall we raise this vast sum of money? Shall we do it by direct or indirect taxation? Shall we do it by taxing our own industries or by taxing the industries of foreign governments? Sometimes in our zeal for free trade, falsely so called, we forget that we are opposing a tariff system which, if abolished, would of necessity send the Federal tax assessor with his summary processes into our agricultural districts, out upon our farms, into our quiet and happy homes, there to levy and collect from our lands, our farming implements, and all the possessions of our farming population this enormous sum of money which is required for the support of the Government.

Even the execution of our present excise laws—the collection of the tax upon our industries of tobacco, whisky, licenses, and stamps—covers the country with a consuming horde of tax-gatherers, and gives rise to litigations, frauds, and oppressions innumerable. But who can conceive the annoyances, the tyrannies, the corruptions, and the suffering that would attend the collection of the entire revenues of the country directly from the people. By this tariff system of raising revenue the man who buys most is taxed most, the man who buys but little is taxed but little; and under its operation it is possible for the independent farmer, the self-supporting, self-sustaining agriculturist of the United States to live comparatively exempt from Federal taxation. These tariff laws should always discriminate in favor of the agriculturist. We should keep the duties on those commodities which he is compelled to buy at the lowest standard compatible with their greatest production—duties that will prevent foreign manufacturers from controlling the market of said articles and at the same time stimulate and multiply their home manufacture.

It is possible that the more important of these articles which are of prime necessity to the farmer, and which cannot be produced or grown in this country, should be placed on the free list. He should be comparatively exempt from taxation, because he is the great wealth-producer of the nation. His occupation is the motive power which drives all the manufacturing machinery of the world, and every act of legislation should carefully guard his interests.

But if the utopian scheme of free trade is ever consummated in this country, and the revenues of the Government should be raised by direct taxation—taxation of property, or by laws authorizing the taxation of our own industries similar to the internal revenue laws now in force—then agriculture, the foundation of all wealth, will be the industry on which it will bear most heavily, and which will feel most sensitively the burdens of Federal taxation. Large commercial cities like New York are fully conscious of this truth, for they not only amass their colossal fortunes by handling imported foreign goods, but they know if free trade and direct taxation should be resorted to by the Government, then the burdens of that Government would be transferred from their warehouses to the lands and productions of our agricultural population. New York's importunity for low duties and free trade is the prompting of supreme selfishness. Of course this city would abolish all tariffs, that all the commodities consumed in the United States might enter through her mercantile establishments, and by their rich deposits swell the already overgrown wealth and power of this commercial emporium.

I trust the day will never come when the revenues of this country will be collected directly from the people or indirectly from our own industries. Free trade forces the Government to resort to this mode of taxation. Hence I believe that the term free trade is used by intelligent citizens more as a party shibboleth than as an expression having practical significance. Free trade *per se* is a dream, a vision which has floated through the brains of impracticable politicians and theoretical schoolmen in all ages; but which was never designed for or adopted by any modern nation.

It is true, England since 1845 claims to have abandoned the protective policy and to have adopted free trade. She claims now in her age and infirmities to be a reformer. After having grown gray in practicing the most selfish and exclusive system of trade that ever enriched and disgraced a nation, she now makes broad her phylacteries and invites the United States to embrace her doctrines of free trade.

But if we examine this philanthropic pretension we will find that under the guise of free trade she is still protecting her spindles and furnaces with the same exacting selfishness that has ever made her the grasping and monopolizing power of the world. She made breadstuffs free in 1846, because an increased supply of food was essential to the continuance and prosperity of her manufacturing establishments. These breadstuffs were regarded as "raw material," which, in the philosophy of protectionists, must always be free for the benefit of manufacturers. Other customs duties were abolished because by her high protective system for years she had well-nigh succeeded in crushing out all rivals. Because by her improved machinery, her skilled artisans, her cheap labor, and her secured and firmly established position in the markets of the world she was able to compete successfully with all the nations which she could persuade to adopt her reform measures. In 1801 she abolished all duties on Irish manufactures, but retained her own protective duties, compelled Ireland to buy from her own manufacturing lords, and forced this conquered people to rely only on agricultural pursuits for a support.

Thus England has succeeded in making Ireland the poorest and most hopeless land in Europe. When famines come she has no money to buy food. Her surplus population must seek homes in foreign countries, and thus, with a starving and helpless peasantry, Ireland stands out as a forcible illustration of the boasted free-trade system of England. She also destroyed the cotton manufactures of India by forbidding the importation of Indian cotton goods in the year 1700, because they would injure her domestic manufactures. By prohibiting the export of machinery and workmen by whom machines could be made and by lessening the Indian duties very soon English manufactured goods flooded all India and made the owners of English spindles immensely rich.

I need not describe the efforts of England to obtain a monopoly of

the markets of the United States, her efforts to prevent these States from ever becoming a manufacturing nation, her efforts to break down the cultivation of cotton in the Southern States, and her untiring efforts to build up the cultivation of that crop in India and Egypt. No, sir; England has never ceased in her labors to destroy foreign competition with her manufacturing establishments, and to "gain and keep possession of foreign markets" for her manufactured products. She has protected those establishments at the expense of all other industries, until her national existence is inseparable from them. Her free trade, I repeat, is protection to these manufacturing industries; and she never wages a war or annexes a distant territory or enacts a law without direct reference to these sources of her strength. This great political power, this center of the world's wealth and intelligence, keeps only one principle at the helm of state, and that is unconditional and unlimited protection to English manufactures.

I need not refer particularly to her system of internal taxation. She still collects from customs £20,316,000, and to raise her remaining revenue she collects from—

Excise	£27,400,000
Stamps	10,670,000
Land and house tax	2,720,000
Income tax	8,710,000
Post-office	6,240,000
Telegraphs	1,335,000
Crown lands	410,000
Other internal sources	5,300,000

Here you have a picture of free-trade England. She has removed in some measure her impost duties and transferred her burdens to the property and business pursuits of her citizens. Over three hundred million dollars extracted from her farmers, her merchants, and her laborers; real estate, sales, incomes, furniture, light, heat, books, food, spirits, medicines, almost everything that a man eats, wears, or drinks, almost everything that he possesses or can hope ever to possess, is taxed to support that government. Under this policy of heaping a mountain of taxation upon her own people and allowing foreigners comparatively free access to her markets, she has succeeded in centralizing her immense wealth in a few families and entailing greater poverty upon the majority of her laboring population than any other European government.

To this condition would those who advocate the abolition of revenue tariffs bring these United States—all wealth concentrated in the hands of the few, and grinding poverty the entailed lot of the laboring, tax-paying multitude.

Then let us raise our revenues by taxing foreign factories and work-shops, foreign furnaces and fields, foreign labor and production, rather than our own industries. Whenever the question is presented, "Who will you sustain and benefit by your legislation; American citizens, American laborers, who defend us in war and enrich us in peace, whose virtues and patriotism are the strength of the nation, or the pauper laborers of European and Asiatic despotisms?" I will unquestionably decide in favor of my native land. The glory and power of the "American system" consists largely in the fact that it prefers home to strangers, and delights to honor and strengthen American citizenship, rather than those who pay allegiance to foreign crowns.

If the necessity was not upon us to raise an immense sum of money to meet the payment of our national debt, the interest thereon, and other public expenditures, I repeat it would be desirable to have a large free list, placing thereon those articles of prime necessity, such as tea, coffee, and every article of food or medicine not abundantly within the producing capacity of our labor and soil. But during these necessities of the Government this free list must be limited, and we must reduce the tariff on many of these articles to that standard, specific or ad valorem, which will bring revenue to the Government and cause their greatest consumption among the people.

The importance of a tariff for revenue being apparent, let us inquire more particularly as to the importance of so arranging these impost duties that they afford incidental protection to our industries, especially that they may discriminate in favor of the grain, cotton, and iron industries of this country.

Every citizen of the United States knows that the present and prospective wealth of our common country is inseparable from these three great products. They are our leading resources. They have valuable auxiliaries, it is true; mighty dependencies which cluster around them; but they are the central industries which give assurance to every American citizen that he has a country destined for material supremacy among the nations of the world.

I am glad to know that the section which I in part represent is intimately connected with these three great products of our fields and mines, producing the raw material in sufficient quantity to secure for its citizens a future of wealth and prosperity unsurpassed by any other section of the Union. Shall we, just as this future is opening so full of promise, after New England and the Middle States have grown immensely rich under the fostering care of our tariff laws; shall we, just as railroads and improved river navigation are multiplying routes of transportation and cheapening freights; just as iron-ore and manganese, coal-fields, copper and gold veins are being developed in rich and inexhaustible quantities; just as furnaces and cotton-factories are rapidly springing up all over the South, especially in Georgia, Alabama, Tennessee, and Virginia; just at the time when we are inviting the capital and skilled labor of the North to locate in our beautiful mountains and fertile valleys, with a soil fruitful in every agricultural product; just when we hope to transfer the spindles of Massachusetts and the rolling-mills of Pennsylvania to the States above named; finally, just as we are emerging from the night of our poverty, shall we strike down all encouraging duties on these industries and send the South back to its helpless dependence upon European markets?

I am told the South can manufacture successfully independent of this protective policy. Strange it has never distinguished itself heretofore as a manufacturing section, with all the aids furnished by this tariff system. It would be as wise to demand that all friendly support should be removed from the infant venturing upon its first steps as for southern men at this time to require the removal of these protecting influences. For I find the limited number of cotton and iron manufactories now in the South liable to and influenced by the fluctuations which increase or diminish the profits of northern manufactories, and it seems to me unreasonable to suppose that northern or European capital will seek investment in southern manufacturing establishments when all enterprises of this character throughout the North are prostrated by the repeal of our tariff system. No, sir, the free trade doctrines eloquently expressed by the gentleman from Ohio [Mr. HURD] are nothing more than a notice served upon the owners of those splendid cotton-mills in Augusta, Columbus, Roswell, Tryon, and others in Georgia, that if his views are successful they must close up in poverty and ruin. It is simply a notice served on every capitalist in New England and Europe not to venture a dollar in southern cotton-mills and iron furnaces until it can be seen if the American Congress will ratify his utterances. God help the South, for vain is the help of party and politicians!

The Southern States export about one hundred and sixty-two million dollars' worth of cotton per annum, and it is shipped back in the shape of iron, steel, silks, broadcloths, wines, brandies, cotton fabrics, woolens, and the thousand and one commodities which our people consume. We ship raw cotton to the value of some eighty million dollars per annum to northern factories and receive in return therefor the products of northern workshops. These returns both from Europe and the Northern States reach us enhanced in value almost beyond computation over the price we obtained for our lint cotton. A bale of cotton when it leaves the gin-house of the Georgia farmer is worth $50. When the same bale is returned to the Georgia consumer from Europe and New England in the shape as indicated above, it is worth from one hundred to two hundred dollars. Mr. Carey illustrates this increased value thus:

> The man of Tennessee sends his cotton to Manchester to be twisted. His corn goes along with it to feed the man who twists it. It leaves him worth twenty cents. By the time it is consumed by the Manchester spinner it is worth perhaps a dollar. The laborer buys it at that price. The manufacturer gives him a dollar to pay for it, and he charges it to the cloth at $1.10. The corn and cotton become cloth, and the Tennessee man buys it back paying five bales for one.

Transportation, all the expense and profits of the manufacturing process, all the commissions and percentage of intervening merchants and brokers, and at the end of the year when accounts are balanced the cotton-planter of Georgia and the corn-grower of Tennessee have made no progress in wealth. This has been our history for years; poorer and poorer because the farmer refuses to bring the "loom to the cotton and the anvil to the food," and persists in sending the mass of cotton and food year after year in search of the loom and anvil.

Yes, sir, let our revenue tariff discriminate in favor of cotton and iron manufactories, because these manufacturing establishments benefit and enrich the farmer and the day-laborer.

I repeat that all the legislation of this country should especially guard the interest of the farmer. Whatever promises him wealth is worthy of trial, and whatever threatens to retard his growth in wealth should be abandoned.

These manufacturing establishments enhance the market value of his land; they bring population, attract capital, build towns and cities, create markets for all farm products, and multiply routes of transportation. The sole cause for the difference in the price of land anywhere (quality being equal) is to be found in its proximity to or distance from a good market. Why is it that lands in Upper Georgia, capable of such varied and prolific production, are not equal in market value to the less intrinsically valuable lands of Pennsylvania, New York, and New England? There is no comparison in the natural fertility of the two soils, or in the richness and variety of their products. The mineral resources of Upper Georgia are fully equal to the mineral wealth of any northern State. The reason for this difference in the value of land is apparent. Everything produced on the lands of the Pennsylvania farmer, from a garden vegetable to a ton of hay, the products of dairy and orchard, of stall and vineyard, all find a constant and remunerative home market. There is a dense population there, cities are there, railroads traverse every settlement, with rivers made navigable by Government aid. These have made their lands valuable. What has attracted that population? What has built those cities, constructed those railroads, and is crowding those navigable rivers with costly freight? I answer, their manufacturing industries.

Why is it that the naturally bleak and sterile lands of Massachusetts, with their limited products, are so valuable, while the lands of upper Georgia and Alabama are comparatively so inferior in market

value? It is because the citizens of Massachusetts have availed themselves of the benefits of our tariff laws and erected factories and workshops to manufacture the products of the lands of Georgia and Alabama, while we of the South have said "none of these things for us." We have caught up the shibboleth of some political leader and shouted the absurd cry that tariff laws discriminating in favor of factories and furnaces were antagonistic to agricultural pursuits, while Yankee skill and Yankee energy, Yankee enterprise and Yankee manhood were carving fortunes from the raw products of our labor.

Here is Virginia. How we honor the old State! There is not an American citizen who does not feel his heart thrill with emotion at the mention of the name of the grand old Commonwealth. But even before the war she felt the approaching doom of agricultural poverty. There she is to-day, many of her once valuable farms exhausted, much of her territory a worn-out, sterile "old field," with meager and stinted crops for the support of her laboring population. She has iron-ore and coal, and water-power enough, if developed, to make an empire rich—enough to attract a sufficient population to restore her waste places and consume all the products of an improved tillage. Yet in the midst of her retrogression many of her citizens adhere to the teachings of the free-trade schools.

Here is South Carolina. My eloquent friend [Mr. O'CONNOR] said during the last session of this Congress that South Carolina was the first State in this Union to raise the banner of free trade. Yes, sir. How my heart leaps with pride as I recall the names of Hayne, McDuffee, and Calhoun. While Calhoun lived this State felt very much like the boatman who was rowing Cæsar across the water: a storm arose, and ignorant of the character of his passenger he became alarmed and agitated. Cæsar observing his trepidation cried out, "*Cur times? Cæsarem vehis!*" Instantly his agitation ceased and he landed his royal passenger in safety.

The South had unbounded confidence in Mr. Calhoun, in his great intellect and his patriotism. But Mr. Calhoun is gone; the South which he represented and many of the political doctrines which were then applicable to the South are all gone; free trade and the nullification of tariff laws are gone never to return. There is his State, and as I now look at some of her once flourishing towns and some of her once fertile and productive lands I am almost reminded of the prophet's description of the destruction and desolation of Babylon. But South Carolina has produced, and is yet capable of producing, incalculable wealth. The products of South Carolina have built up Manchester in England, and Lowell and Fall River in Massachusetts, and many other manufacturing cities in New England.

She reminds me of the mother who dies in giving birth to her child. She has given birth to more wealth than any State in this Union, and yet the throes of the parturition have destroyed her. She is the State over which the first banner of free trade floated. She has fine water-power in her upper counties. I believe one of the first iron furnaces ever erected in a Southern State was built in South Carolina, but free-trade prejudices and theories strangled it. If this State had manufactured the raw materials which it has so abundantly produced, her lands would still be valuable and the State powerful. But alas! her political theory was "sell in foreign markets, buy in foreign markets." Old England and New England are dependent on us for their cotton and we can dictate commercial law to the world.

The war came on. Old England encouraged the growth of cotton in India and Egypt. New England snapped its fingers in the face of South Carolina, and there she lies to-day under the first banner of free trade, desolate and poor. She has sown, but others have reaped. She has planted and watered, but others have gathered the increase.

By encouraging and building up these manufacturing industries we create additional consumers for our agricultural products, and thus increase their value. Formerly southern planters were dependent upon Liverpool merchants and Manchester spinners for the price of cotton. These spinners were the sole purchasers of cotton; they formed combinations in the trade; raw cotton declined and manufactured cotton advanced in price, according to the caprice or interest of these cotton lords. But New England to-day, under the operation of our tariff laws, is a competitive bidder for our cotton, and foreign avarice and foreign capital are no longer the undisputed masters of southern cotton-fields; and I verily believe, if political madness fails in abolishing these laws, the time will soon come when Georgia spinners will be able to price the cotton grown on Georgia soil.

These laws advance the value of all agricultural products. Suppose all the millions who are soon to inhabit this country were to devote their labor to agricultural pursuits. Where would the West find a market for its wheat? It would not pay for the reaping; glut, stagnation, poverty, would cover the land. Crush out the manufacturing establishments of this country, and you multiply indefinitely the number engaged in agricultural labor and increase agricultural products indefinitely; you crowd the European markets with our cotton and breadstuffs, and the inevitable result would be that agricultural labor and products would decline 100 per cent., financial ruin would overtake our agricultural population.

Again, by this diversity of pursuits we create an additional demand for labor, and thus advance the wages of the day laborer. There is nothing the South needs more than a general advance in the prices paid for labor and the products thereof. There is nothing which indicates the prosperity of a country more than the demand for and the rewards or wages of labor. The man who creates wealth by his labor must have remunerative wages or the whole country retrogrades. He must have the means to command the comforts of life—food, raiment, and education; he must have good opportunity to accumulate property—a farm, a home for himself. These results can only be attained by advancing the profits of labor.

As a farmer myself and the representative of farmers, I am satisfied that no class of our population reap so many benefits from a judicious tariff, discriminating in favor of American industries, as our "toilers of the soil." And when the day comes, as come it will, when the congressional district I represent shall convert all its iron and coal, all its cotton and grain, into manufactured fabrics, then will our farmers have reached that prosperity which secures wealth and all that wealth can purchase.

It is especially in iron that this section of Georgia is so vitally concerned, and which, in connection with our fertile lands and valuable agricultural resources, is destined to make this portion of the State, in conjunction with the adjoining portions of Alabama and Tennessee, the wealth-gatherer of the South. We want no political abstractions to project their shadows across this promising future. We want no legislative interference with the present and prospective growth of this portion of the South, and while we believe that some reforms in our present tariff should be effected—its irregularities adjusted, its discordances harmonized, and the duty on many articles reduced—still we now and forever desire a tariff for revenue, with protection to American industries.

Department of Agriculture.

SPEECH OF HON. E. B. FINLEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 18, 1881,

On the bill (H. R. No. 7099) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1882.

Mr. FINLEY said:

Mr. CHAIRMAN: When the democratic party at Cincinnati declared in favor of "a tariff for revenue only" it struck a key-note in the interest of the great West and South.

I am not surprised that the manufacturers of New England or the iron men of Pennsylvania favor a protective tariff. Why not? It brings water to their mills. They are the beneficiaries of a protective tariff, and why should they not favor it? But in the great grain-producing, non-manufacturing regions of the West and South, where the masses are purchasers and consumers of the products of protected industries, the interests of the people lie in a tariff for revenue only. Being consumers, our interests lie in cheap markets; and cheap markets grow out of unrestricted trade with the commerce of the world. I do not favor free-trade absolutely. We must raise revenue, and a certain duty is necessary for that purpose.

The statesmanship that imposes unnecessary burdens upon labor is, to say the least of it, unwise; and when such statesmanship legislates in favor of the few, and against the interests of the many, it is arbitrary and unjust. If the rule of the greatest good to the greatest number is to be respected, the interests of the great body of our farmers and other laborers are first to be regarded in questions of political economy.

The average intelligent farmer knows that the law of taxation is necessary for the maintenance of government, and he voluntarily pays his taxes for this purpose; but he at once sees that the law is unjust if it imposes a proportionally greater burden upon his class than it does upon some other productive or non-productive class of the people. Where such a tax is a direct one, its unjust operation may easily be seen; but if it is an indirect tax, its injustice is not so patent.

Reciprocity of obligation, and advantages for all classes of the people, is the true spirit of our institutions; it is the true principle of democracy in social laws; and the observance of a just reciprocity in legislation affecting productive industry is quite as necessary as that affecting any other part of our political or economical relations. As with classes of people under civil laws, so it is with classes of productive labor under economic laws; they must forego some profit or advantage incident to their own industry for the benefit of some other class of people, so that obligations and advantages may be most equally distributed. This is merely maintaining a sound political economy—a just reciprocity. If, however, any industry has any undue advantage, reciprocity is destroyed; the system that permits it is unjust, and those who are injured by it are in a state of oppression. If the oppression is severe and extensive, the people who suffer from it are not, under the laws which create or permit the existing condition, the equals of the favored class; on the contrary, they are to the extent of the oppression their slaves, bound to that extent to labor for the benefit of the favored class.

As with social and productive laws, so it is with the laws of trade and commerce—a just reciprocity is their true spirit. Indeed, in the

latter case, in international trade, where the laws of one country cannot control the other, reciprocity is enforced by the mere fact of international trade. The trade is one of exchange of products, and not of sale of goods for cash. To illustrate this, I call attention to the following figures from the United States Bureau of Statistics:

Value of our net exports for five years ending June 30, 1880	$3,318,479,338
Value of imports for same period	2,397,299,494
Balance apparently in favor of the United States	921,179,844

This shows an enormous international commerce, an enormous exchange of products; the balance in our favor represents cash—a debt that would bankrupt Europe to pay in cash. Europe would never have incurred her enormous portion of the debt if she had expected to pay it in cash; and we would not have trusted her. We would have gauged our exports to her ability to pay if we had expected cash; in other words, we would have exported several hundred million dollars' worth less of our products in that period. But the fact is, there is another ledger account to be considered. Our bonded debt, a good deal of our State and national debt, and much more of our railroad debt appears in foreign ledgers. The payment of the interest of this debt and a small reduction of the principal almost wipes out the foregoing balance, as the following statement of the net imports and exports of gold and silver coin and bullion for the same period shows:

Net imports of gold, silver, coin, and bullion	$158,451,937
Net exports of same	147,138,242
Balance of cash paid to us in five years	11,313,695

An average of $2,262,739 per annum.

This $2,262,739 is our real "balance of trade" of which our republican friends have boasted so long and loudly.

Does any sane man suppose we would find a market in foreign countries for three and one-third billions of dollars' worth of our products every five years were our railroad and other foreign debts paid, unless we took in exchange a proportional value of their products? Could these countries afford to trade with us if they had to remit $921,179,844 in cash every fifth year? Such trade in ten years would empty the coffers of Europe into the United States and render coin utterly valueless for the purposes of money. This would be the logical result of a protective tariff which would close our ports to foreign commerce.

Our exports are mainly agricultural products, and our imports are mainly manufactured articles. If we had a home market for these surplus products, there might be some policy in saying to our farmers, "Buy only from our own manufacturers; you can get as good a price at home as abroad for your products, and it is patriotic to pay a higher price for American products than for foreign manufactures."

But we have no such home markets for our agricultural products, and until we have it would be foolish for our farmers to favor a policy that must necessarily tend to destroy our export trade, since that trade exists by and depends upon just reciprocity; an exchange of one commodity for another. Small cash-paid balances, now on one side, again on the other, are not important; but heavy balances to be paid in cash are fatal to international trade.

The republican party is not only the advocate of a tariff for revenue, but is the champion of a prohibitory tariff, claiming that such a tariff is a protection to American labor. So far as a tariff for revenue is concerned, there can be no serious dispute as to its propriety, if it is imposed upon articles that do not increase the cost of home production. Taxation falls upon labor, either directly or indirectly. All non-producers live upon the labor of the producers. All wealth is derived from the products of labor. If the farmer did not till the soil and the miner did not delve in the bowels of the earth, whence would come our wealth?

The farmer is the great provider, the great tax-payer, because he is the great producer. He pays the taxes or affords the means to others to do so. Therefore it matters little to labor whether the taxes necessary for the support of Government are collected by a direct or indirect tax, as the burden falls upon the producer, and the masses are the producers. If the tax is an indirect one, as, for instance, a tariff, the masses, being the consumers, pay for it. Figure it as we may, taxation falls upon productive labor; hence it should be judiciously imposed, so as to least affect the means of production. Having attempted to show that a so-called protective tariff is impolitic and tends to decrease if not destroy our export trade, I propose to show by statistics that such a tariff, instead of being a benefit and protection to labor, is a grievous burden upon it. I herewith submit a table of figures, taken from the ninth census report, showing the profits realized by the principal manufacturers throughout the United States on their capital invested, together with the average wages paid to labor, as follows:

Table illustrating the operations of a "protective tariff" as shown for the year 1870 in the Ninth Census Report of the United States.

Some of the principal manufactures.	Number of hands employed.	Amount of capital employed, including machinery and real estate.	Value of products.	Deduct from value of products—			Amount of profits realized.	Percentage of profit on capital.	Average wages of each hand employed per annum.
				Value of the materials used and consumed in manufactures.	Wages paid.	Total expenses of manufacture.			
Agricultural implements	25,249	$34,834,000	$52,066,000	$21,473,000	$12,151,000	$33,624,000	$18,442,000	52.90	$409 00
Sawed lumber	150,000	143,493,000	210,159,000	103,343,000	40,000,000	143,343,000	66,816,000	46.50	266 00
Steel	2,437	6,345,000	9,609,000	5,166,000	1,651,000	6,817,000	2,792,000	44.00	677 00
Pig-iron	27,554	56,145,000	69,640,000	45,498,000	12,475,000	57,973,000	11,667,000	20.75	452 00
Cast-iron	51,305	67,578,000	99,843,000	48,222,000	28,835,000	77,057,000	22,786,000	33.71	562 00
Rolled iron	44,662	54,774,000	120,311,000	79,176,000	25,192,000	104,368,000	15,943,000	29.10	564 00
Forged iron	3,588	4,620,000	8,385,000	5,011,000	1,975,000	6,986,000	1,399,000	30.28	550 00
Nails and tacks	7,353	8,043,000	23,101,000	17,786,000	3,721,000	21,507,000	1,594,000	19.80	506 00
Worsted goods	12,920	10,085,000	22,090,000	14,308,000	4,368,000	18,676,000	3,413,000	33.84	338 00
Woolen goods	80,053	98,824,000	155,405,000	96,432,000	26,877,000	123,309,000	32,096,000	32.50	335 00
Cotton goods	135,369	140,706,000	177,489,000	111,736,000	39,044,000	150,780,000	26,709,000	19.00	288 00
Total	540,490	625,447,000	948,098,000	548,151,000	196,289,000	744,440,000	203,657,000	32.56	363 17

It will be observed by the foregoing table that our most important manufacturing industries yielded on the average a profit of 32.56 per cent. per annum in the year 1870 on the capital employed, while the average wages paid was $363.17 per annum, or an average of $1.16 per day or $6.96 per week, counting every working-day in the year. While the protected manufacturer pockets his 32.56 per cent. annual profit on his capital and labor employed, the farmer of the West and South who buys his wares, who pays the bulk of the tax, does not realize 3 per cent. on his capital and labor.

I have not the data from which to tabulate for any subsequent year, and the statistics will not be obtainable until after the publication of the Tenth Census report; but it is safe to say that capital has been growing and manufactures increasing in the United States yearly since 1870, with but a slight interruption in 1873–'74, and that the profits have not been decreasing, but, on the contrary, increasing and likely to continue to increase if the tariff laws are not modified. The "business boom" may not be a boom to the farmer or the average consumer of manufactured articles; but there can be no question that the great manufacturing "boom" will yield enormous profits to those who own the capital employed in that branch of our industries.

An important question is, out of whose pockets do these enormous profits come? With the exception of a few expensive agricultural implements, and a few cheap cotton goods, for which a mere temporary demand exists in the East Indies, our manufactures are mainly consumed at home, because a high tariff makes the home market the best. Farmers and miners produce the raw material used in the economy of civilized life. Railroads, steamboats, canal-boats, and ships carry these products to the markets, and the heaviest cost of transportation falls upon the raw material because of its bulk. Iron and lumber are the materials used in constructing ships, railroads, rolling-stock, and other vehicles of transportation. If we have cheap transportation, both the producer and consumer of the goods and products shipped are benefited. We cannot, however, have cheap transportation while the manufacturers of the iron, steel, and lumber used in constructing and keeping in repair our vehicles of transportation derive an average annual profit of 36.46 per cent. on the articles supplied for these purposes.

The capital invested in 1870 in sawed lumber and iron and steel manufactures was $332,955,000, and the profits on the capital invested that year amounted to $120,403,000, a snug profit of over 36 per cent. Contrast these results with the profit derived by the farmer on his capital. After paying hired labor and allowing equal wages for himself he will not have 3 per cent. left, as I will show hereafter. Yet the manufacturer, from the sale of his wares, (enhanced in value by

a protective tariff, paid mainly, as I have shown, by the farmers and consumers of the West and South,) can double his enormous capital once every three years from his profits, and still have an annual profit of more than 3 per cent. per annum left. The railroad is as much a farm appendage now as the Conestoga wagon was forty years ago. It is freight and not passenger traffic that supports railroads. There are thousands of miles of railroads. The farmer, the laborer, the mechanic, and their families number millions. Capitalists and manufacturers, thousands. Yet the millions of consumers, the thousands of miles of railroads must be taxed outrageously in order that these manufacturers may have a monopoly of the trade, and an annual profit of 36.46 per cent. of their capital.

This is an illustration of the operations of a so-called protective tariff. I have taken only such manufactures as are mainly consumed or used in productive labor in the United States for an illustration. Sawed lumber, steel, iron, domestic worsted, woolen and cotton goods; these articles are the daily necessaries of life to the farmer, and in fact to all productive labor; and to tell the consumers of these fabrics and products, men who toil year after year, from sunrise to sunset, rain or shine, for a bare subsistence, or at least a 3 or 5 per cent. profit on their muscle or money or farm capital, "that the maintenance of a high tariff" that opens the door for such an enormous profit to the manufacturers is "protection to American labor," is an insult to their intelligence.

Labor has no share in the manufacturer's profits. Manufacturing is not yet conducted on the co-operative plan. We do not export any appreciable amounts of our most extensive and important classes of manufactures. They are mainly consumed at home. Therefore the 32 or 33 or 36 or 40 or 50 or 56 per cent. profit, as the case may be, comes out of the pockets of the American consumers, the farmers and other industrial laboring classes, who have to pay the manufacturers, even on the necessary articles named in the foregoing table, an annual profit of 32 to 56 per cent. on the capital—a profit on the articles purchased of $203,657,000 per annum.

That was the amount ten years ago. What is it now? The percentage of profit is at least the same as it was then. Business is "booming," but the manufacturers' enormous profits are "boomed" out of the pockets of the American farmers and American laborers. It is safe to say that the two hundred and three millions per annum of ten years ago will amount to three hundred and three millions per annum now—almost a million dollars a day for each working day of the year out of the pockets of labor and into the pockets of the great manufacturer who so piteously appeals to Congress to protect American labor from "European competition." When American farmers and other American laborers can count their annual profits at an average of 32 to 56 per cent. of their capital or of the value of their annual labor, a protective tariff upon the daily necessities and means of industrial life may seem right and beneficial. The farmer's profit is less than 3 per cent., yet we never hear a clamor in his behalf. We do not find Congress proposing to tax other classes of community for the farmer's benefit.

Some time since a modification of the tariff laws was proposed by the House Committee on Ways and Means, whereby some relief might have been given to farmers and other laborers, by such a reduction of tariffs as would compel manufacturers to sell their staple products at a reasonable profit, something less than 30, 40, or 50 per cent. of their capital. Did it become a law? Oh, no; a solid republican delegation in Congress at once came to the relief of "American labor" and killed the proposition, and the result is that American labor pays, not to American labor, but to American capital, 52.90 per cent. profit on its agricultural implements, 46.50 per cent. on sawed lumber, and from 19 to 33.84 per cent. profit on the cotton, woolen, and worsted clothing it wears. Can any one wonder that our farmers are mostly in debt, while our manufacturers become "cotton kings" and iron lords, counting their riches by millions?

It is said that tariff laws are for the protection of "American labor." American labor is the great factor instigating tariff legislation; but somehow or other it always happens that it is American capital instead of American labor, the employer instead of the employé that is found hanging around the committee-rooms and lobbies of Congress invoking congressional aid in the premises.

If the system of taxing the millions of America for the benefit of a few thousand millionaires did really carry with it an incidental benefit to labor, we might stand a moderate loss of self-respect in thus submitting to a grievous taxation without receiving a just equivalent; but labor in fact derives no real benefit under any tariff that permits enormous profits, such as are shown to be realized under our present system. This is so true that it is self-evident. The system of taxation which has been in force for twenty years has not only degraded labor, but has created classes in American society, has gradually closed the avenues of honest enterprise and moderate wealth against American labor; "the rich becoming richer and the poor poorer."

The man of moderate means, forty years ago, by industry and thrift could acquire a competency at least, if not amass a fortune, in almost any branch of industrial persuits; because, having a fair market for the fruits of his labor, the competition he met was that of individual enterprise, such as his own, and only stimulated trade, and the labor of his hands or the profits of his small capital yielded a fair reward. But how is it now? Small capitalists, men of slender means, however enterprising and industrious, know better than to attempt to compete with the wealthy manufacturing corporations that have absorbed the leading manufacturing industries of the country and grown rich and all-powerful under the ægis of a protective tariff. To attempt it is suicidal. Aggregate corporate wealth forces individual enterprise to the wall and crushes out individual competition, as every-day experience proves.

Let us examine a few more statistics with reference to this question. The statistics which I have produced, exhibiting the enormous profits realized by our leading manufacturers, emanate from their own ledgers, taken down by sworn officers of the census. Let us produce some more from the same source, with reference to "American labor," for which our republican politician has such a tender solicitude.

Take first the great mass of our laboring population, the farmers, their families and hired employés, and see what their profits and earnings are per annum. We will see that they all fare alike so far as profits are concerned. The following figures, taken from the same census report of 1870, tell the tale:

Total value of farms in the United States, 1870	$9,262,803,000
Total value of live stock on farms	1,525,276,000
Total value of farming implements	336,878,000
Total value of capital	11,124,957,000

This capital is not due to legislation, but to a fertile soil, hard and unremitting toil.

The number of farmers in 1870 was 3,032,471; their average capital, therefore, was $3,668. These farmers employed, besides their own families, 2,890,000 hired hands, male and female, at the average wages (including value of board) of $117 per annum. The wages paid amounted to $336,878,429. The value of farm products, including increase of stock, betterments of farms, and improvements, was $2,447,538,000.

These figures show that the account of each farm on the average would stand as follows:

Capital, (that is to say value of the farm, stock, and implements)		$3,668 00
Value of products	$727 00	
Estimated value of betterments and improvements	80 00	
		807 00
Deduct wages and board of hired help, say one hired man		117 00
Balance, representing gross profits		690 00

Deduct from the foregoing $690, the wages of two persons at $117 each per annum, $234, being the personal service of the farmer and his family, and we have left $456 as the farmer's profit. But out of this must come the cost of living and clothing for himself and family, as well as his taxes, county and State, which leaves the average farmer no profit whatever on his capital. This is as true now as it was in 1870. Our farmers make nothing, as a general rule, beyond a bare living, except the gradual rise in the value of real estate, which is offset by the sweat and toil incident to its cultivation and improvement. They sweat and toil for a living. They do not grow rich. As a class, especially in the West and South, they are in debt, and will continue to be so as long as they are taxed for the benefit of the few manufacturers, which piece of baseness the advocates of a high tariff call "protecting American labor."

What do the farmers of Ohio, Indiana, Illinois, of the great West and South, think of this sort of protection? The very tools these farmers work with, their agricultural implements, are taxed 52.90 per cent. for the "protection of American labor," while European manufacturers could make and sell to them the same implements—average good common implements in daily use—at from 25 to 40 and 50 per cent. cheaper than they are compelled to pay to our home manufacturers because of the present tariff system, which imposes a duty upon the material used in their manufacture, and on the finished articles. Suppose the manufacturers I have named were compelled to forego half their profits by a reform in the tariff laws, they would still have left the handsome profit of 16.28 per cent. on their capital. One-fifth of that rate would satisfy the farmer, if he could make it on his capital. This would be a clear saving of from one hundred to one hundred and fifty million dollars per annum to the consumers of manufactured products.

But it is claimed that prohibitory tariffs protect American labor from competition of ill-paid European labor. From time to time we see comparative statements of wages paid to labor in Europe and America. These statements appearing in tariff organs claim to show that the American artisan earns from $15 to $25 per week on the average, and the best paid artisans of Europe, those of England, earn little more than half that amount. These comparative statements deceive no intelligent person. They refute themselves. If they were true, if there was a difference of 100 per cent. between the wages paid labor in Europe and America, if the skilled laborer of Europe could get double the wages in America that he could receive at home, all other things being equal, does not every one know that there would be such an immigration of skilled labor into this country within a few years as no country ever witnessed? It would be like the California rush

of 1849, and in a very short time reduce wages from the alleged American standard to an equality with the alleged European standard.

Some few skilled American artisans do earn from fifteen to twenty-five dollars per week, it is true, and these rates are not unknown in England, but $2 a day at steady employment for good, average, skillful mechanics is much nearer the American figure; and there are more of our artisans who are paid $1.50 than of those who get $2 per day, and glad to get it at that. The average mechanic knows this to be true.

These rates are not much, if any, higher than the English wages. No one knows better than the mechanic himself how important a factor the element of steady employment becomes in this connection, and no one knows better than he that steady employment is open to the English mechanic all the year round. This is the case because not their own country alone but the whole world is a market for English manufactured products. American skilled laborers know by sad experience that theirs is not a steady and regular employment. This cause alone more than equalizes our wages with foreign rates, and reduces the average earnings here per annum to bare subsistence. Few of our mechanics can save a dollar at the end of the year. If it were otherwise our skilled-labor market would be glutted by immigration of skilled labor from Europe. This fact is more forcible than any array of figures that can be presented for or against the proposition.

A high protective tariff does not, never did, and never will protect American skilled labor. It might possibly do so if Congress were to prohibit immigration and distribute to the employés a joint *pro rata* share of the profits of manufacturers. All experience, all statistics show that such a distribution of profits is not made under the tariff system as it now operates, and that the manufacturer will not voluntarily abandon one dollar of his profits in behalf of labor.

I have attempted to show that a protective tariff affords no relief to the great mass of our laboring population, the farmer and other industrial classes of the West and South, but works a positive wrong. Now, if it affords a protection to any class, it certainly must be to those employés engaged in manufacturing establishments.

What is the average rate of wages paid in our great manufacturing establishments to American labor? Let us consult the table before us: It shows 540,490 hands employed, a small number compared with our farmers and farm laborers. Is it for the benefit of this handful that the masses are taxed two or three hundred million dollars a year? No, for the wages paid them are only $196,289,000 a year, not as much as the profits of the manufacturers by $7,368,000—profits derived from the labor they employ and from the taxation of labor which they do not employ. It does not protect labor employed in manufacturing. The wages table shows an average of $1.16 a day for each man employed. Does this look like the fifteen to twenty-five dollars per week we read of in the comparative tables of wages? Even $1.16 per day is too high, because in the estimate before us no deduction is made on account of the increased salaries of foremen, master mechanics, superintendents, and a large corps of clerks and bookkeepers whose wages are considered in and are a part of the statistical table, and hence go toward swelling the average wages paid employés.

Go into our manufacturing towns, live there the year round, and see how our American labor lives; see how it has to struggle for living wages; how it has to combine and force out of the wealthy employer every dollar it gets beyond mere living wages. No appreciable percentage of these laborers can lay by a dollar for a rainy day. When the engine ceases to move, when the wheels of the factories stop, how many families have the means of one month's comfortable support? Few, very few indeed. Thus we see that the mechanic and the mill operative are in nowise gainers by reason of a protective tariff. Tariff protects no one but the manufacturer. It taxes the whole community for his especial benefit. The pretense that it protects the laborers in our factories from the alleged "pauper wages of Europe," is an outrage on credulity, an insult to ordinary intelligence, and a pitiable sham gotten up to cover and disguise the most corrupt, most sinful and infamous system of extortion that crafty capital ever ingrafted upon legislation, for its own gain, and for grinding down honest labor into a condition of penury and absolute dependence upon the will of wealthy employers.

This is the operation of a so-called protective tariff, as shown by official figures. The advocates of such a tariff have made its maintenance the policy of the republican party. The democratic party stands pledged to a reduction of this iniquitous measure of oppression. At Cincinnati we declared in favor of a tariff for revenue only, which, after careful consideration, in my judgment, is the only tariff Government should impose. With the argument all on the side of a revenue tariff, as it appears to me, at the recent elections, for want of a thorough and full discussion of the question in all its bearings, mechanics, artisans, operatives, and even the farming community of the West were tricked into believing that our present tariff not only afforded protection to American labor, but that the great "business boom" was mainly due to the beneficial effects of a republican protective tariff, which was destined ultimately to empty the wealth of Europe into the lap of American industry. The result of all this was that tens of thousands of democratic and wavering votes were cast for the republican nominees, because, as it was said, "a change of policy might disturb the business prosperity of the country, and it was better to let well enough alone."

In my judgment, the discussion of last summer's campaign was but the beginning of the end. The tariff question is bound to become an important factor in American politics, and the more it is discussed the better informed the people become on the subject, the clearer they will see that protection does not protect, and that the party standing as the advocate of a protective policy is no friend to American labor. Sooner or later there will come a great change, unless, indeed, the power of corporate wealth proves too strong for the people. When this change does come, it will be wrought out through the great democratic party, especially of the West and South, whose instincts, interests, and sympathies always have been, and I trust always will be, found on the side of labor and the toiling millions of America rather than for aggregated wealth and great moneyed corporations.

Department of Agriculture.

SPEECH OF HON. SETH H. YOCUM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 18, 1881,

On the bill (H. R. No. 7099) making appropriations for the Agricultural Department, &c.

Mr. YOCUM said:

Mr. CHAIRMAN: The district I have the honor to represent consists largely of agricultural lands. While the great bituminous coal fields cross it, and its whole extent is dotted over with furnaces and forges, yet its greatest wealth consists in highly cultivated farms, elegantly improved, a limestone soil, and one of the few districts left where the maximum of wheat to the acre can still be raised. The skill and judgment of our agricultural people have not allowed our lands to deteriorate, but have preserved them in pristine fertility and vigor of vegetable growth. Here, too, in the midst of these great farms is located one of the largest, best, and most flourishing agricultural colleges of the country. So that I shall ask no further excuse for the presentation of my views upon this subject and this bill than that I represent a large agricultural constituency.

Practical agriculture is not only one of the most ancient, but also one of the most honorable of callings. The farmer, in the varied branches of his work, does not, as in most other avocations, depend solely upon his own ingenuity and industry, but forms, as it were, a copartnership with nature and nature's God. These, working hand in hand, accomplish the successful result. The experience of gathering centuries has proved that in order to secure the highest results this compact between the farmer on the one hand and the Great Ruler of natural causes on the other must be honestly and fairly carried out on the part of the farmer. The time was when the farmer (if he could be called by so honorable a name) expected, if he simply scratched up an old, worn-out stubble-field with a shovel plough a month or six weeks after season, and sowed wheat upon it, that Providence would do the balance, and that he would reap a bountiful harvest. So, too, have men been inclined to think that by loud prayers and laziness they might succeed as well as by industry and the use of proper methods. Superstition and ignorance as to the causes of famine and its proper sequent, pestilence, have led many to look upon the avocation as liable to the displeasure of some blind divinity whose only pleasure was destruction and death.

But these vague ideas of theology as applicable to prosperous agriculture, as well as the unreasonable methods by which the copartnership with the Ruler of natural forces shall be carried into effect, have been utterly obliterated by the light of true science and religion. The day has gone by when man can succeed in farming by magic, and he, as well, need no longer fear the blasting of his prospects by some unknown and consequently greatly-dreaded power. Farming is a science. The rules and laws that govern vegetable growth are better understood than the laws that govern our own bodies. With vast fields yet unexplored, with almost unlimited scope for advancement, yet elementary principles are sufficiently ascertained to constitute farming a science. And I venture the prediction here that the day is not far distant when, through a knowledge of our varied climate, the effect and use of rain-fall, the place and nature of the fertile lands, with the proper grain, fruit, and plant for each, the United States alone will be able to effectually preclude the possibility of a famine anywhere upon the face of the globe that can reach to any formidable extent. The consummation of this result, it will easily be seen, can only be attained by steady progress, by that succession of scientific triumphs which has marked the last century being carried forward into the future.

That the safety of the human race to a great extent depends upon the present and future knowledge of scientific methods as applied to agriculture may be learned by referring to the sad history of India.

In a lack of real education in the science of farming, added to the selfishness, greed, and inhumanity of man, are found the real dangers to the perpetuation in prosperity of the race. Its protection from destruction by famine and pestilence are to be sought in a thorough education in the great rules and truths which constitute its science.

The farm is the great common nursery from which is obtained the sound bodies and the good brains that give new life and vigor to every profession, and in fact to every avocation in life. As the life and vigor oozes out of the various professions, by overwork and bad habits, constantly there is coming in from the farms of the land minds as bright as gems, and bodies whose ancestors as well as themselves were free from the leprosy caused by vice and indulgence, and who are perfect models of manhood in both body and mind. This is equally true in every branch of business life. The successful merchant, mechanic, and business man, as well as the brightest lights among professional men, almost invariably come from the farm, where temperate living, habits of industry, and purity of life give basis for all the noble accomplishments of life.

Yet the farmer, not unlike other branches of the animal and of vegetable life, has natural enemies. The drone and the cormorant live and flourish at his expense. In every town and city, and extending even to the villages, crowd the drones, "who toil not, neither do they spin," yet they must be fed. Your poor-tax is doubled for these; your charity is called upon, and your corn-crib and meat-house are the subjects of their midnight prowlings. If human society, like the industrious bee community, could with propriety drag out these excrescences and hurl them, bee-like, over some precipice to destruction, the world at large would no doubt be benefited. The drone is the man who has nothing and does nothing, yet claims that the world owes him a living. But more active and more fatal to the interests of the farmer are the cormorants. The dishonest merchant, who imposes upon him with his worthless wares; the unscrupulous usurer, who, as need may enable him to do, sucks his life-blood at every pore; the soulless corporation that eats up almost every dollar of his hard-earned money, in the way of freights, tolls, and charges, while the owners and managers of these concerns move around in a lordly way as though they could barely tolerate the existence of men who honestly earned what they had and enjoyed—men who earn their bread by the sweat of their face—these are the chief of the farmer's enemies.

Who in the fight of life deserves success, if not the farmer? Shall industry reap her own reward, or shall others steal justice from her hands? At early dawn the farmer, in the vigor and strength of his manhood, is already at his daily work. As day declines you still find him with iron nerve pursuing his unequal task. His wife, no less dear to him than are the wives to them of the presumptuous and the proud, and more beautiful and perfect in person and in soul, measures up to her lord in every responsibility and duty of life. Even the little boys and girls soon find a place for usefulness in this hive of industry. And shall all these things avail nothing in the struggle for success and for place? The great bane of city life is the destruction of her youth. Unnatural nurture and the debilitating influences consequent upon the vices and habits of city life reduce the offspring to the lowest stage of vitality, both mental and physical; evil conconstitutional tendencies are not only aggravated, but new poison is introduced at every step.

Once in a while a young man or woman may struggle through the environments of early youth and develop into true manhood in spite of the violation of every condition conducive to physical, moral, and intellectual development; but these are the exceptions rather than the rule. Nature has kindly provided relief. The city death-list of children shows that more than half of those born die before reaching the age of seven years. The majority of those left are not worth their keeping. The mother who thus neglects the physical, mental, and moral well-being of her child for the frivolities of fashionable life has as a result abundance of time to devote to the graveyard, the tombstone, and the epitaph. I hope, therefore, that the young men and women from the farm will not fail to appreciate the dignity as well as the true nobility of their calling.

The olden-time simplicity of life and of customs, which all so much admire, is found alone among the farmers. When the rest of the world have gone mad in their worship of foolish fashions and their love of gaudy and senseless show, the farmers hold with matchless courage the idiotic herd and drive them back to reason and a possibility of reformation. You can afford, therefore, to bear the taunts of the senseless fop, whose gaudy clothes are bought on credit and never paid for. True manhood consists more in honesty, virtue, and strength than in any senseless decoration of the person. Be proud of living with economy; for the fool who wastes his life in fast living has, in most cases, either stolen the money he spends in some modern refined way, or never expects to pay his bills; and be it the one or the other, his life is but a blight. It requires courage to stand up against this current of giddy, useless life, but you have enough of courage as well as strength to do it.

The farmers are the conservative element of the country. Never inclined to wander away after wild theories or take up with new and untried projects, there is a stability about them as a class that is not found among any other class of people. But valuable as is this characteristic in many respects, it has disadvantages in others. In the line of political promotion the farmer is seldom found among those asking for place. Suffering more ills from bad legislation than all other classes combined, they never ask legislation for themselves, and as a result they get just what they ask for—nothing. Praiseworthy as conservatism is when contending only with legitimate forces when met by every possible combination of fraud and double dealing, it becomes them, in this age of railroad monopolies, political combination, and consolidated power in the shape of corporations, all acting with an accumulated, because with a combined, force, to assume the aggressive. Let them become aggressive in forming a solid combination to defend the right—aggressive in political life—aggressive in the use of their great means of securing just legislation—aggressive in furthering the interest of their common calling. If the farmers of the United States were to put their heads together and their shoulders to the wheel, there is no object, in either of these directions, that they could not readily accomplish. If they do not thus combine utter chaos will result.

With the unchecked power of rings and corporations riding roughshod over the land, who can withstand their force, unless the farmers come to the rescue? The owners of seven-tenths of all the wealth of the United States, they are represented in our National Legislature by scarcely more than a score of members, while the balance of the three hundred and seventy-one Senators and Representatives are chiefly lawyers, bank-men, and corporationists. While less than $300,000 are appropriated by this bill for all this vast and immense interest of agriculture, $11,000,000 is readily thrown away in the crooked river and harbor bill. Committees are so formed and legislation so handicapped as to prevent either position or consideration for agricultural objects. This will continue to be the case unless the farmers become aggressive—unless they rise up as one man and demand redress. Seven-tenths of the members of the United States Congress should be active, aggressive men, in favor of protecting the rights of the farmer. This end can be accomplished if the farmers but determine it shall be so. All the bitter political warfare now going on could thus, at a single blow, be wiped out. If the farmers will it, it shall be done.

The greatest danger that threatens the agricultural interest of the United States to-day is the loss of her young men. Thousands of her best farmer-boys are drawn into the professional callings; other thousands seek other avocations than farming, while an untold number, allured by the show and gaudy appearance of city life, enter that whirlpool of destruction, where they are swallowed up and utterly lost. The fault that causes this terrible drainage is not altogether with the boys. Many of the old men who have lived lives of happiness and prosperity are contributing to this result by themselves breaking away from the early customs established. In the good old times, when the father had acquired surplus means he started the boys by helping them to buy, or at least to stock a farm; and with thus early insured success there was no danger of any allurements that might present themselves in any direction. But of late years the farmer of means retires to some attractive neighboring town, invests his money in the enticing bonds of the town, county, State, or the United States, and consequently lets the boys look out for themselves. He promises them, in his mind, a large sum when he shall finally die, and thinks he has done his duty.

But what, I pray you, in the mean time, becomes of the boys? Those that have the inclination and the courage strike out for a profession, perhaps first for a more thorough education; others choose merchandising, take the lowest place in a store, with the hope of winning success by working their way; but many idle their time in expectation and soon fall a prey to the vices that allure on every hand, and thus a good and successful farmer, with a promising family of boys, has driven them all away out of the pursuit of agriculture—some to success on their own merits on a new line, but more to ruin and final destruction. It is a noticeable fact that a farmer with small means is more apt to do justice to the boys by giving them such aid as he can in the line of farming than one who has been more successfull in making money. I speak thus circumstantially concerning this matter because here lurks a hidden vice that is growing into a confirmed custom among farmers. Help the boys—put them on their feet as they are about to start out in life, and more than half of those lost to the pursuits of agriculture will be saved to happiness and prosperity. The farmer's home should be the brightest, happiest home in the land, as it certainly is the home where the comforts of life are most certain to come. But in order to make these homes what they ought to be, the best young men must remain on the farms; from the farm they must be able to see the brighest hopes of promotion and political preferment looming up. No place is too high to be filled by the intelligent, educated, industrious, honest farmer; and any policy that drives these young men away from the farm is a fatal policy.

The scope of the present bill ought to have been much broader than it is, if the proper legislation could have preceded it. I had hoped that the Commissioner of Agriculture could have been raised to the dignity of a Cabinet officer, and thus agriculture could have assumed the importance in the councils of the nation to which it is entitled. But where the opposition is of so positive a character as that developed in the present Congress, it is an easy matter to find an excuse for the failure of this necessary legislation. With a place in the Cabinet, agriculture would have at once become one of the most important departments of the Government. The department would

have naturally and necessarily been organized into bureaus for the proper accomplishment of the work to be done:

First. Bureau of experiments, to investigate, test, and report upon new and valuable products capable of being raised upon the soil of the United States, and of being made valuable and useful to the farmers, and consequently to the people of the country. An example of what might be done can be found in the culture of the sugar-beet and the manufacture of sugar therefrom. France, while furnishing feed for her cattle, also supplies her people with most of the sugar they use. Thus the scope of agriculture could be enlarged and the nation saved many millions that have now to be sent to foreign lands to buy sugar.

Second. Bureau for the investigation and analysis of the various soils of the country, the climate, the rain-fall, the adaptability to the various localities and conditions of climate and rain-fall; of grains, fruits, vegetables, cotton, tobacco, and all valuable farm products. These are fields utterly beyond the scope of individual enterprise, yet of so vital importance that vast sums counted by millions are yearly wasted for the want of the information that would thus be obtained.

Third. Bureau for the investigation of disease to animal and vegetable life—disease of cattle, swine; the scourge of the vineyard and the wheatfield, the vegetable garden and the orchard; the methods of prevention and the treatment and cure for these. The Government has already spent large sums of money upon these objects; but the money has, to a great extent, been wasted for the want of proper organization, and the establishment of method in its use.

Fourth. Bureau for the purpose of seeking out the cause and source of the insect enemies of vegetable life, their methods and habits of life; how to avoid and how to destroy them. It is a well-ascertained fact that, by the use of such information as can thus be obtained, the great scourges of the West and South can be entirely averted, or so guarded against as to become harmless. There could also be established, with advantage, a bureau for the inspection and testing, in a most thorough and practical way, the great mass of farm implements and machinery that is constantly offered the public; a report thereon, with such description of their use and value as could thus be obtained, and the useful thus separated from the valueless, without the waste of the many thousands uselessly wasted in this direction.

Many other equally valuable aids to agricultural interests could be dealt with in a practical way. About two hundred million dollars of money is annually expended by the Government, all of which, except the paltry sum of $300,000, is spent in other branches besides that of agriculture. If this vast sum could be reduced one-half, and the half of the sum expended devoted to agriculture, its development, and its interest, a new state of prosperity would be reached unknown to our country heretofore.

But to accomplish this great work, or any considerable part of it, it will be necessary for the farmers to join hands, assume the aggressive, and drive opposing forces from the field. Preserve your simplicity of manners, your ancient and well-established customs, but fall into line, form in battle array, and let shot and shell and gleaming steel be heard and seen on every side, until you can only see the backs of all that host of enemies to right and justice which now infest every corner of the land.

River and Harbor Improvements.

SPEECH OF HON. A. J. WARNER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 15, 1881.

The House being in Committee of the Whole on the state of the Union and having under consideration the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes—

Mr. WARNER said:

Mr. CHAIRMAN: I regard the question of the improvement of the Mississippi River and its tributaries as altogether the most important feature of this bill; and it is entitled to the fullest consideration in the light of all the facts which we have before us. The question of the improvement of the Mississippi presents itself under two phases: First, the low-water navigation of the river—for there is always navigation at flood tide—and this includes making permanent the banks, preventing the shifting of the channel, &c. The other phase is the flood tide of this great river—its overflows, and its drainage.

Now, the amendment of the gentleman from Massachusetts proposes to limit the expenditure of this money to the low-water channel of the river, with a view to the improvement of navigation only. I am not prepared to say whether, if the question of taking care of the overflow and the drainage of the river were up, I should be willing to take the position that it was a national question, to be controlled by the Government, for, if we do admit that, then questions immediately arise as to the various interests that are involved and how the money shall be raised, for when we expend the public money to improve the channel of the river you and I and everybody else have the right to navigate it; but when, by preventing overflow, land is reclaimed or improved the owner of the land alone has the right to it, and he alone gets the benefit of the improvement. These and other questions must all be considered when we come to the question of the flood tides of the Mississippi. But, passing by for the moment the question of Government policy, it is well known that different opinions are held by engineers who have studied the subject as to the best methods for taking care of overflow. These differences are, perhaps, best indicated by the terms "levee system" and "outlet system." The Mississippi River commission, not without misgivings on the part of the ablest of its members, however, seem to favor a general levee system—that is, jetties at the mouth and levees for the river wherever necessary to prevent overflow; but, for one, I am not prepared to give my assent to this system.

I know that at one time the Gulf extended up to the point where New Orleans now is and far above that. I know that when it did extend there the high-water mark of the Mississippi was some fifteen or sixteen feet below the present high-water level; I know, too, that if the Gulf line were to be brought back to that point that then the high-water level of the Mississippi River would be drawn down fifteen or sixteen feet below its present level. This would accelerate the flow of the water above and lower the surface of flood tides as far up as they have been affected by the raising of the surface-level, caused by the extension of the river to its present mouth.

It is proposed by the outlet system to make a way to the Gulf by the shortest cut practicable, sufficient to discharge water enough to bring the surface-level of the river at New Orleans down as near to the old gulf level as possible. If the surface-level at New Orleans could be reduced even eight or ten feet the whole river by the acceleration of the flow would be brought within the banks, and the bottom of the river instead of being built up would be cut deeper. The best possible proof of this is furnished in the Bonnet Carré outlet. The effect of this outlet beyond question has been to lower the level of the river for a long distance above. It could not be otherwise. If one-fifth of the water discharged through the present mouths of the river could be drawn off above or immediately below New Orleans, as I have said, the entire river surface would be drawn down and overflow prevented.

It is claimed, however, that the effect of drawing off a part of the volume of water at a given point will be to retard the flow below that point, and consequently to increase the deposits in the channel. But experiments made below Bonnet Carré disprove this theory. General Humphreys states in his report that "the velocity of the current below the break was more than one foot per second greater than above, and actually an increased velocity of 6 per cent. in the river." Or, to take another view of the question, the engineers who have taken the measurements tell us that about one million five hundred thousand cubic feet of water per second flows into the great Mississippi basin at Cairo at high water, while the outflow is only about one million one hundred thousand cubic feet per second—hence the overflow. Now, increase the discharge, and plain common sense would tell us that the overflow would be less; and but increase the outflow sufficiently, and there would be no overflow.

On the other hand, the jetty and levee system contracts the channel, narrows the river at its mouth, raises the surface, and thus by contracting the channel and raising the water increases the flow in a narrowed channel, and to some extent may scour out the bottom. Then, to take care of the flood-tides of the river it is proposed to build levees.

This plan has been called a plan to eventually destroy the lowlands of the river basin. By damming up the mouth of the river and contracting the channel, so as to raise the water and get an increased flow to effect a scour, the surface of the water is raised, if not the whole length of the river, at least to the first rapids; and as a necessary consequence of a rise in the surface, sediment is deposited and the bottom of the river is built up after it. The tendency to overflow is thus increased, and to counteract the overflow levees must be raised higher.

As the jetties are extended the surface of the river will be raised still higher, and that the jetties must be extended, if this system is to be continued, there is hardly room for two opinions. The river meeting the Gulf waters must and will deposit its sediment. This sediment has built up in recent times the whole of the Lower Mississippi Valley and it will continue to build out into the Gulf. It is building out beyond the jetties now; how fast will depend upon the depth of the waters of the Gulf. It is true that the mere lengthening of the river incline will itself raise the surface of the river very slowly, but it is from the effect of the jetties and levees themselves in causing the bed of the river to rise with the surface that the greater danger is to be apprehended. Less sediment will be carried down and more will be deposited along the way. This is the history of all great rivers whose waters have been confined by levees or the outflow obstructed by natural or artificial means.

I think we should, therefore, hesitate before we enter upon an expenditure of $50,000,000 upon a system of levees which in the end may, and I believe will, have to be abandoned. It will cost comparatively little, at any rate, to try the other plan—that of making way for the water to get out. Then the only improvements required would be to give permanent low-water navigation, by taking care of

the low-water channel; and here let me say that I believe the time has come when the Mississippi and its great tributaries, the Ohio and the Missouri, should be taken in hand, with a view of making them permanently navigable. These rivers have their high and their low water channels. In high water they are always navigable, unless obstructed by ice. It is when the floods have passed and the low-water stages come on that the need of improvement is felt. It is the low-water channel that needs the improvements; it is this channel, especially of the Ohio, that ought, without further loss of time, to be taken in hand and put in condition to make it navigable throughout the lowest stages of water. It can be done, and done with a moderate outlay of money, and the vast commerce of the river demands it. To this end I should like to see these great national water-ways separated from the innumerable streams always connected with them in any appropriation, so that works of really national importance might be appropriated for without being encumbered with a waste of millions, as in this bill, for works that never can and never will be of any practical use.

Color-Blindness in the Navy.

SPEECH OF HON. B. W. HARRIS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 18, 1881,

On the joint resolution (H. R. No. 308) relating to color-blindness and visual acuteness in persons employed in the Navy and merchant marine.

Mr. HARRIS, of Massachusetts, said:

Mr. SPEAKER: On the 31st of January last I had the honor to introduce several petitions upon the subject of color-blindness and visual acuteness, which were referred to the Committee on Naval Affairs. They were all in the following language, omitting the address or heading, to wit:

Whereas a normal acuteness of vision and good color perception are needed in officers and seamen, for the safe navigation of vessels; and whereas most of maritime nations now require a certain standard of these qualifications by absolute test, the undersigned would most respectfully petition your honorable body to take into consideration a general law of control in the Navy and merchant marine of color-blindness and visual acuteness, and the agreement by an international commission upon definite and uniform standards of testing these necessary qualifications.

These petitions were not numerously signed, but the names appended to them were of gentlemen who will be at once recognized as of great scientific and literary attainment and of high standing and reputation in the country.

They are as follows:

B. Joy Jeffries, Henry I. Bowditch, O. F. Wadsworth, Thomas T. Bouvé, Charles T. Folson, Charles W. Elliot, Joseph Lovering, E. G. Robinson, Eli W. Blake, jr., Elias Loomis, Theodore S. Woolsey, C. R. Agnew, Edward Loring, Peter A. Callan, Arthur Matthewson, William Thomson, George C. Harlan, George Strawbridge, F. B. Loring, O. W. Holmes, Calvin Ellis, H. P. Bowditch, William B. Rogers, Charles R. Cross, Samuel H. Scudder, Noah Porter, A. W. Wright, W. H. Carmalt, C. S. Lyman, Henry D. Noyes, D. St. John Roosa, H. Knapp, E. Gruening, J. S. Prout, W. F. Norris, H. S. Schell, A. D. Hall, Swan M. Burnett.

These gentlemen have lent themselves to this movement because their knowledge of the subject has enabled them to appreciate its importance and the dangers to life and property which may be averted by a proper control over it on the part of those having authority over the navies and the mercantile marine of the world. No other motive can have actuated these learned and honorable petitioners.

The Committee on Naval Affairs gave the petitions prompt and careful attention. Dr. B. Joy Jeffries, of Boston, the head petitioner, was heard with much satisfaction by the committee. He has given the subject greater personal attention and study than any other person in this country, and has for a long time been in frequent correspondence with scientific societies and ophthalmologists in Europe. He exhibited and explained the very simple and perfect apparatus now in use for detecting and testing color-blindness.

He found no difficulty in satisfying the committee of the existence of color-blindness to a dangerous degree, for the committee were able to furnish him from their number two examples of decided color-blindness. After repeated experiment and trial these gentlemen became themselves satisfied that they possessed an infirmity of vision which would render them very unsafe persons to be intrusted on watch at sea or where safety required that they should be able to read correctly colored signals. The committee unanimously and promptly agreed that the subject deserved immediate and effective action on the part of Congress. It cannot be reasonably doubted that great loss of life and the destruction of vast amounts of property have occurred at sea from the unconscious defect of vision and inability to distinguish correctly the colors of signals on the part of men placed on watch and in pilots and officers of vessels.

Modern discovery and science furnish us the means of averting these perils in the future, and we shall be remiss in our duty if we fail to adopt and use them. The dangers of the sea are great at best, and we should not fail by legislation and education to avoid and remove such as can be overcome.

The committee in their report say:

The petitioners are among the best and most scientific men in the country. They take a very deep interest in the subject, and we think they are fully justified in presenting it to Congress and urging action upon it. Its importance cannot, in the opinion of the committee, be overestimated. Vast numbers of human lives and a commerce of immense value depend for their safety upon the perfect eyesight of the men in charge of vessels and railroad trains. Persons who cannot distinguish perfectly the colors of lights, flags, signals, and buoys, or are liable to mistake them, or who from want of acuteness of vision cannot perfectly observe the forms of objects at ordinary distances, ought not to be placed in positions of responsibility on ships at sea. A perfect watch at sea requires perfect eyesight. The subject is comparatively new, but not the less important; and perhaps for the reason that it is new and important it should have the more careful attention.

Throughout the civilized world there has been for the last few years great attention drawn to defective vision and color-blindness among sea-going men, as well as railroad employés.

Reliable statistics from the best medical experts in Europe and America have proved the existence of color-blindness in about 4 per cent. of men, while in women this peculiar defect is very rare. Color-blindness exists as *red* or *green* blindness, one involving the other. Violet or blue-yellow blindness also exists, though more rarely.

Red and green being the colors which all maritime nations have agreed to show on the port and starboard sides of vessels at night, and red buoys, red storm-signals, and red light-house lights being used, of necessity require on the part of those navigating vessels a normal or perfect perception of colors, and this of course in addition to good eyesight for form, or normal *visual power*.

In proportion as the person is color-blind, in that proportion will the red and green lights or signals be undistinguishable from each other, and the person be uncertain which he sees. This defect exists in all degrees of severity, the lightest forms of it often being the most dangerous, since, if the person who can see a strong red light at a certain distance, while the paler green light cannot be distinguished from the mast-head light, he may be deceived as to his surroundings and fall into fatal rrors which he cannot account for or excuse himself for, but which may be wholly attributable to color-blindness, of the existence of which he is himself wholly unconscious. Just such a case has been reported.

Color-blindness is very hereditary. When congenital it is incurable and cannot be palliated by any practical methods. It is also said to be produced by injury, disease, and poisoning by alcohol and tobacco. All these conditions are now recognized in regulations for its control on land and sea.

Till Professor Holmgren, of Sweden, introduced his method of examination, medical experts had no accurate and quickly applied means of testing for color-blindness. This is largely the reason why it and also defective visual power have been overlooked in the past.

Now that attention has been so generally called to these sources of danger on land and sea, European governments and railroad corporations have enacted laws and adopted rules of control. In this country only one State (Connecticut) has passed the requisite laws. Some railroad corporations have acted, but, as was also first done in Europe, in an uncertain manner, from lack of recognizing the necessity of medical experts to carry out the examination in a thorough and systematic manner.

The maritime nations of Europe have introduced these tests into their navies, and some of them into the merchant marine. Our Government has recognized the importance of the subject, as shown by the action of the three Departments, Army, Navy, and Marine-Hospital Service. In the last it is made compulsory with pilots but not with seamen.

The Supervising Surgeon-General of this Department has well shown in his annual report for 1879 the great value of enforced physical examination of seamen, a part of which is testing the color sense and visual power.

To the medical officers alone of these several departments is intrusted this important duty. They are provided with the "Manual" lately published by B. Joy Jeffries, M. D., the head petitioner, who has given the subject great attention and careful study, and the material necessary to carry out the test of Professor Holmgren therein recommended. There are of course no returns from these departments on these points, regulations having been so recently made. When, as in European navies, the tests have been carried out, about the same proportion of seamen are found color-blind as among railroad employés, namely, from 2 to 5 per cent.

This dangerous defect in so large a number of persons cannot but explain the cause of many marine disasters otherwise unexplainable.

A classification in Europe of the reports of 2,408 accidents, between 1859 and 1866, showed—

Want of skill, carelessness of the ship *personnel*, or accidents which it was impossible to prevent or avoid	1,562
Error of pilot or captain	215
Want of observation or proper interpretation of the rules of the road	537
Undetermined causes	94
	2,408

Under the last three heads are eight hundred and forty-six accidents which might have been due to color-blindness or defective vision.

While maritime powers have sought to eliminate the danger from color-blindness by requiring examinations, all have not directed such methods to be used as would render the elimination certain. Moreover, all are not agreed as to the requisite amount of color perception necessary to render a lookout perfectly safe for the vessel the lookout is on, as well as for the one approaching. There is also no definite standard of visual power acknowledged as necessary in the navigation of vessels. Mutual intercourse and the comparison of the results of different tests would enable the maritime nations taking part in it to avail themselves of each other's experience, and readily lead to the adoption of the best methods of examinations and the requisite standard of requirements.

Dr. Jeffries, in his "Manual" above mentioned, says: "The test for color-blindness now being so simple as to be readily carried out by the surgeons attached to vessels, especially naval medical officers, there can be no great difficulty in having an international commission meet and frame the laws or regulations which shall govern all the navies and merchant marines of the great maritime nations at least. It would then be as readily recognized that every officer and man must be able perfectly to distinguish the red and green lights as to know where they belong and what they mean." This author's experience is based on the examination of over 30,000 individuals, and corresponds with that of all the scientific European observers. The final conclusion in his Manual is: "An international commission should be called to establish rules for the control of color-blindness on the sea, and the carrying out the same examinations among pilots, masters, and crews of steamers and sailing-vessels in the navies and the merchant marine."

It will avail but little if, of two vessels of different nations meeting, but one of

them has no color-blindness on the lookout. An international commission would, from the weight of its authority, force examinations even among those nations not participating in it, as well as settle standards, methods, and requirements.

Since the resolution was introduced even greater attention than before has been given to the question of the necessity of freedom from color-blindness and good eyesight among seafaring men. Constant notices of the examinations of pilots, for instance, have been in the daily press, showing the interest of the community in the matter. This interest has been naturally stimulated by the attempts to enlist the press in behalf of defective pilots and defective railroad employés, it having been made in Connecticut in reference to the latter even a *political* question.

The published reports of examinations in Europe carry up the number to many thousands, and with the same general result of about 4 per cent. of males, or one in twenty-five as color-blind. In our own country, Dr. B. Joy Jeffries reports among 18,556 examinations of males 764 color-blind, *the same per cent.* These individuals were of all classes and occupations.

The medical expert in charge of the tests of the thousands of employés of the Pennsylvania Railroad Company reports over 4 per cent. as color-blind. (In Medical News and Abstract, December, 1880, page 711.)

A similar report comes from the medical expert in charge of the Illinois Central Railroad. (Chicago Railroad Review, August 28, 1880.)

Of examinations carried out by the different departments of our Government, we have already reports from the Marine Hospital Service of the Treasury in reference to the tests of pilots. Among 2,870 examined up to June 30, 1880, *sixty-four* were found color-blind, and unfit for their positions. (Annual Report Supervising Surgeon-General Marine Hospital Service, 1880, page 18.) It is to be remembered that the whole subject of color-blindness and its detection is new to the medical officers, in whose hands it alone can be placed. Familiarity gained by experience will give greater certainty.

There is no compulsory examination of the vision of masters, mates, and seamen in the merchant marine. This is of course as necessary as for pilots, but requires the sanction of Congress to be carried out. It has been repeatedly and most strenuously urged. The whole question is most thoroughly put in the report of the Supervising Surgeon General Marine Hospital Service, 1879 and 1880.

Lieutenant Shroeder, United States Navy, in an article on collisions at sea in "United Service," August, 1880, says:

> The number of collisions, however, far from decreasing in proportion to the means taken to prevent them, keeps on increasing. This is mainly owing, of course, to the continued increase in ocean traffic and in the speed of modern steamers, but it also shows that we are not keeping up with the increased demands on professional care and forethought.

The English Lloyd's report the average *annual* number of collisions throughout the world during the years 1866 to 1871 was 2,163, resulting in the sinking of one hundred and seventy-five vessels. This number only includes those that were insured, and also necessarily excludes a great many whose cases were settled without litigation. This may readily be believed when a society of ship-masters in Marseilles report that in the Mediterranean only about twenty vessels in a hundred carry *red* and *green* side-lights. When they see a steamer coming they show a red, green, or white light until she has passed. The French carry but few; the English, American, and other northern nations carry still less, and the Italian, Greek, and Levantines none at all. Lieutenant Schroeder says:

> Color-blindness being a not infrequent physical defect, is cited as an argument against the use of colored position lights, as any man of the crew is liable to lookout duty at night. Persons troubled in this way, however, are not fitted for active sea duties, and have no business on board ship. Here again, though, we see the disadvantage under which merchant captains labor. Their crews are not subjected to such physical examinations as are the recruits for the naval service, and it may well happen that one of their lookouts cannot distinguish between red and green. It must be remembered that very much the greater number of vessels met with at sea belong to and are equipped by private parties, and rules and regulations should be framed with due regard to their frequent inferiority in *material* and *personnel*.
>
> Unfortunately, too, this peculiar defect, although most often originating in birth, may be brought about by various causes, such as bruises on the head, typhoid fever, or similar diseases, excessive use of tobacco and alcohol, to all of which seamen are particularly liable, especially the first and last.

To the assertion of danger from color-blindness on the railroads it has been replied that accidents have rarely if ever been traced to this cause. The fact is that they have not been investigated in this light. Certainly color-blindness will explain many maritime accidents; and these are now more likely to be investigated. The inspector-general of steam-vessels says, annual report, 1880, page 6:

> Another case to which my attention has been called, and which is of a serious character, more strongly shows the wisdom of requiring an examination for color-blindness. On the night of July 5, 1875, there was a collision near Norfolk, Virginia, between the steam-tug Lumberman and the steamship Isaac Bell, the former vessel bound to and the latter from Norfolk. The accident occurred at about nine o'clock p. m., on an ordinarily clear night, under circumstances which until recently seemed more or less mysterious. The master of the steamer and all his officers made oath that at the time signals were made to the tug the latter was from one to two points on the steamer's starboard bow, and consequently the steamer's *green* light only was visible to the approaching vessel. Yet the master of the tug, whose statement was unsupported by any other testimony, asserted that the steamer's *red* light was exhibited, and he signaled accordingly. The discrepancy in the statements was so great that many persons uncharitably charged the master of the tug with being intoxicated, although no evidence was ever offered in support of the charge. By this accident ten persons lost their lives. Upon a visual examination of this officer under the rules during the past summer by the surgeon of the marine hospital at Norfolk, he was found to be color-blind, two examinations having been accorded him with an interval of ten days between them. The Supervising Surgeon-General reports that up to June 30, 1880, 2,870 pilots were examined, and sixty-four of this number were found to be color-blind.

Professor W. Thomson, of the Jefferson Medical College, in Philadelphia, says, in a recent clinical lecture on color-blindness:

> I have been informed by a prominent lawyer in Baltimore, who is counsel for several steamship companies, that he is satisfied that many cases in which he has defended his companies for injuries done to sailing-vessels in Chesapeake Bay could be accounted for in no other way than by supposing that the lookout on one or other boat was color-blind.—*Medical News and Abstract*, December, 1870, page 705.

Our Government, like several other maritime powers, has adopted tests of visual power and color perception for naval recruits and pilots. The amount of visual power required of *sailors* is defined, but not the amount of this for *pilots*, or *any definite amount of color perception* for officers or men of the Navy or for pilots. This is very natural, as there are no standards recognized universally or standard tests. Among some of the European states there are requirements of visual power and color perception explicitly set down, and based on the reports of the medical experts of highest authority whom the governments have called upon for advice. (Jeffries's Manual, pages 255 and 262.)

The newness of the whole subject, a desire to not exceed what is both safe and practical in requirement, and a knowledge that an international commission must sooner or later settle these points for the guidance of all, contribute largely to this condition.

While our Government Departments have adopted the most simple, sure, and practical test for color-blindness as a standard, and one the medical officers who employ it can readily learn, the lack of definite rules as to the *amount of defect* in the color-sense which may be safely permitted has been seriously felt. It has also served to hinder the proper carrying out of this reform.

From the report of the Surgeon-General Marine Hospital Service it will be seen that the Treasury Department yielded to the pressure brought to bear to retain defective pilots in their places, and allowed them to be re-examined by inspectors of steamboats with signal lights and flags, even after being reported by the medical officer as partially color-blind. It is most difficult for the laity to understand the *hidden* danger. The Treasury Department, when fortified by the results of a conference of naval officers and experts from all the great maritime nations, would never place the decision in the hands of steamboat inspectors. Surgeon-General Hamilton well says, pages 20 and 21:

> No test will be satisfactory to those persons who fail to pass.
>
> When signal-lights are proposed as tests for color-blindness, in opposition to the united opinions of the best-informed ophthalmologists in Europe and America, it seems to be assumed that the medical examiner has a peculiar and special interest in the rejection of the candidate. This assumption needs no refutation.

The superintending surgeon of the Illinois Central Railroad showed by absolute testing of the color-blind employés of that road "the danger and uncertainty of the flag test." (Hamilton's report, page 21.)

A most instructive case, entirely in confirmation of this, is given in a "report of a case of color-blindness" by Surgeon W. H. H. Hutton, which has been quoted and commented on with great interest by the daily press. (Hamilton's report, page 155.) Every sort of pressure was brought to bear on the examining surgeon to induce him to pass a color-blind pilot, or to call him only partially so, in order that he could then be tested by the inspectors of steamboats, who would quickly decide he was all right and relicense him. It is to be remembered, as the Treasury rules now stand, that they could give him at once a license as master of a vessel, since *masters or sailors* do not have to be tested.

Here, again, had the Treasury Department been fortified with the results of an international commission, Surgeon Hutton would have had such definite instructions as to have rendered attempts at pressure useless. Surgeon-General Hamilton would have been sustained in his opposition to tests being taken out of medical officers' hands by steamboat inspectors.

Yielding to the same sort of pressure in a still more exaggerated extent the board of health of Connecticut recently agreed to test defective railroad employés with flags and lanterns. It is true their existence as a board was threatened by both political parties previous to the recent State elections. The introduction of color-blindness into politics afforded food for merriment, at the expense of the State, in many of the journals. A thorough *personal* investigation of the subject by the members of the board would have, of course, obviated their uncomfortable position. They would have had thorough support from the resulting experience of an international commission.

The cry of persecution in every form and on all sides was raised in Connecticut because the board of health, under law, required of engineers and firemen simply the *average* normal visual power or eyesight. In vain did the medical experts show that this was a *low* standard, and that when it was understood the community would demand a higher one of *all* employés. Of other employés engaged in moving trains no more sight was required than of a sailor entering the United States Navy. Now, how uselessly would the counsel of the defective employés have argued with the board of health had they had behind them the authority of an international commission!

The same sort of international commission for *railroads* has been proposed since this bill was entered. The minister of public works in Belgium appointed a commission to investigate and report on all the relations of color-blindness and visual defects to the working of

railroads. This commission made their report June 10, 1880. (Annales d'Oculistique, September-October number, 1880.) The report of this commission entirely substantiates the recommendations of the international medical society of September, 1879, at Amsterdam. They prove the necessity of the examinations being carried out by medical experts only, and give the details of the methods recommended for testing, the standard of requirements, rules and regulations to govern the examiners, &c. They close their very practical report by urging the necessity of all railroad corporations entering into a general reform of this kind, and strongly advise an international commission to agree upon standards of requirement and tests, in which Belgium shall take the initiative step, just as our Government is authorized by this bill to do in reference to the sea.

The Chicago Railway Review, November 20, 1880, says:

We would recommend this international railroad commission proposed by the Belgian committee to the serious consideration of our great corporations. If Congress will authorize the Government's taking the initiative in relation to the sea our country will have the honor of commencing so important and valuable a step in civilization. If the State governments would at once organize an interstate commission for the *railroads* we might even now get the start of Belgium. Connecticut has been the first to pass laws and enforce them. Perhaps to her belongs the right to inaugurate such an interstate commission to discuss and agree upon standard methods of testing visual power and color perception, and the necessary standard of requirements.

The minister of public works of France, December 27, 1879, notified the railroads of the danger of defective vision and color-blindness, and asked them to suggest such measures as the administration should take. This circular of the minister was replied to by a report from the administration of railroads, substantially the same as the Belgian commissioners' report. It received the sanction of the superior railroad commission, and the minister of public works communicated it to the chief surgeons of the companies, asking for their opinion of the value of the different methods of testing therein proposed. (Examen de le Vision chez les employés de chemins des fer. Preface, 1880.)

The Boston and Hingham Steamboat Company, who carry thousands of pleasure seekers to and from Nantasket Beach at night, through a tortuous channel and among the shipping in the harbor, have the past two seasons had all their officers and employés tested by a medical expert, although not called upon by law so to do. Now, this expert had no standard, universally recognized, to guide him. He says in his report of June 28, 1879, that his decision as to fitness was guided "by the usual standard, and the color test being adopted in the navies, pilot service, and merchant marine of Europe, and enforced on the railroads there." Had he had a standard agreed upon as safe and fair by an international commission it would have been of great service. Refusal to give a certificate naturally excites in the mind of the *examined* an idea of something personal, which the medical expert has to bear the brunt of. A recognized standard having the authority of such a commission would carry great weight, and no doubt cause owners of vessels and steamboats to have all their employés tested long before Congress makes such physical examinations compulsory, by yielding to the repeated calls to do so from the Treasury Department. (*Vide* annual reports of Surgeon-General Marine Hospital Service, 1879, 1880.)

Imperfect as are the regulations of the Treasury Department in relation to tests and requirements of pilots, they are much in advance of those of England at the present time. There the board of trade required tests of the color perception of masters and mates as long ago as January, 1877. The method of carrying out examinations has, however, rendered the whole quite useless, as is well shown by the reports to Parliament. The matter was left to the "examiners of navigation and seamanship;" *no medical men were employed.* These examiners were provided with *cards* and pieces of *glass*, white, black, red, green, yellow, and blue. Further examination was refused to any candidate failing in even one of these colors, and a special report was to be made to the board of trade.

No instructions have been issued to the examiners as to the amount of visual power and color perception required, each case being decided on its own merits, and the examiners being directed to apply to the board of trade in all cases of doubt and difficulty.

In the return to an order of the honorable the House of Commons, August 5, 1879, it will be seen that these non-medical examiners tested masters and mates with these pieces of colored glass and cards by asking them the *name* of the color. Now it is admitted and well understood that asking the *names* of color is no test whatever of a person's color-sense, and any method dependent on this is wholly unreliable. No better proof of this exists than the report of these examiners in relation to thirty-nine cases of doubtful color perception.

A person born color-blind remains so, and there is no present cure for it. Yet among these reports we find several cases of masters and mates declared color-blind by the examiners' tests and subsequently allowed to pass. That naming colors will amount to mere guessing is perfectly shown by the report of the "nature of errors as to color." This same sort of testing of railroad employés in England has been very thoroughly shown up by medical experts, and the uselessness of it proved. A man ignorant of color-names, and most males are, or frightened or confused, is just as likely to *prove* himself thereby color-blind, when he is *not*, as a color-blind person is quite sure of passing as perfect.

No better proof also is needed of the necessity of examinations being made by medical experts and proper tests being used, than the fact that those *not* medical examiners of navigation and seamanship found only twenty-six color-blind among 5,976 males tested, or less than ½ per cent., while everywhere in the world where males have been tested by competent experts about 4 per cent. have been found thus defective.

No report of visual power or good eyesight is made, and, as stated, no instructions are issued to these examiners as to the *amount* of *visual power* or *color perception*.

Equally faulty with lack of proper examination is the rule of the board of trade that color-blindness is not to prevent a man receiving a certificate of a higher grade, only on this certificate is stated "failed to pass the examination in colors." This will hardly prevent collision from defective vision, and sounds strange from the land of *Dalton*. No wonder the international commission is earnestly advocated in Great Britain.

The great value and necessity of an international commission has been shown, not only by the character and standing of the petitions to Congress, but by the direct evidence of all the medical experts who have been *practically* engaged in the work of examination; especially by the urgent support of those gentlemen in Europe whom the several governments here called upon for advice in the framing of regulations for the navy and merchant marine, as Professor Holmgren, of Sweden, the originator of the movement of control, and Professor Donders, of Holland, than whom we have no higher authority, and who went to England this last summer to lecture before the British Medical Association on this topic.

The dismissal from service, or the refusal to admit to the navy or mercantile marine for defective eyesight or color-blindness, is of course a serious matter for those interested. Every government will be desirous of being on the safe side, and they must naturally refer the question of the amount of defect permissible to those who are familiar with the question practically, namely, the ophthalmic surgeons whose every-day work includes these decisions.

Hence the interest the several societies of oculists have expressed in this whole question of defective vision, and especially in this proposed international commission to determine *standard* methods of testing and standard requirements. Several of the original petitioners were professors of ophthalmology in our universities, &c.

The American Ophthalmological Society at their sixteenth annual meeting in July last at Newport passed the following vote:

The society would hereby heartily approve of the proposed international commission in reference to visual acuteness and color-blindness, and the secretary of the society is hereby directed to transmit this vote to the Naval Committee of Congress.

At the forty-eighth annual meeting of the British Medical Association at Cambridge, last August, a very interesting discussion followed Professor Donders's lecture on color-blindness, at the conclusion of which the following resolutions were unanimously passed, the report of the Naval Committee of Congress and the bill being before the members:

Resolved, That it is most desirable to establish *international standard tests of visual acuteness and of color perception*, by means of an international commission, to which the several governments should be invited to send delegates.

Resolved, That, in all countries, persons upon whom may devolve the charge of life, by sea or land, where signaling is employed, with or without the use of color, should be required to submit themselves to such standard tests of their sight, both before being admitted to their several services and also at stated subsequent intervals.

Resolved, That an important part of the duty of such an international commission should be to devise some *common system of signaling*, especially on sea-going ships and for all coast service; and that the standard tests should be decided on with special reference to such common system of signaling.

The sixth international congress of ophthalmology, which met at Milan in September last, voted "to indorse the resolutions and opinions of the ophthalmological section of the British Medical Association," and—

1. That an international commission should be appointed by the several governments to determine standards of tests and of requirements of visional power and color perception for railroad employés and the navy and merchant marine.

2. That in all countries persons called upon to distinguish the signals, on land or sea, should be obliged to submit to an examination not only before entering service, but also afterward at stated intervals.

3. That this international commission should be charged with the determination of an uniform system of maritime signals.

Since then the "Ophthalmological Society of Great Britain and Ireland" has appointed a committee for the purpose of considering "the defects of sight in relation to the public safety and communicate with the government on the subject." This committee has commenced its labors and are now putting themselves *en rapport* with what has been done in relation to control of color-blindness and defective vision on land and sea in all the different countries. The passage of this bill causes the United States Government to initiate a commission which they will prove the value of to the British Government.

The gentlemen in Europe to whom the various governments will refer this question for decision are awaiting the action of Congress. One of them in Norway writes to one of your petitioners:

I congratulate you with what you have already carried through, and hope that Congress will pass the proposed bill. No doubt other countries will then resolve to be represented at an international commission.

Another, Professor Donders, of Holland, writes:

When will the commissioners meet? And will the American Government take the initiative?

Constant European correspondence with your head petitioner shows that men of science are looking to America to commence this movement.

Captain Robert B. Forbes writes:

The subject is of great importance, and if you can show me where I can be of use, I shall certainly try to help you. When I went to sea I took it for granted that all men had eyes like mine, and I frequently blew up men for neglect and stupidity who were probably more or less blind.

The Secretary of the Navy, in his annual report, (page 116,) says:

The safety of a vessel and crew may turn upon the accuracy of the powers of vision, and hence the importance of ascertaining the soundness of the eye, both as regards color perception and refraction. It is to be regretted that no uniform standards for such examinations exist among the various maritime nations as seem to be demanded in the interest of the safe navigation of the seas. Some movement on this important subject is desirable, and I recommend that Congress authorize the creation of a commission, under the national sanction, to determine these matters by scientific and uniform methods.

General Order No. 253 of the United States Navy, July 16, 1880, a revised code of "regulations for preventing collisions at sea," has been approved by nearly all the maritime nations of the world, and adopted by them to go into effect September 1, 1880, thus becoming an integral part of the law of the sea. It is hereby adopted for the naval service of the United States, to go into effect on the above-mentioned date.

This code requires colored signal-lights and calls for normal visual power on the part of those who are to read them. To be assured of this by international agreement is the object of this commission.

The lamentable lack of obedience to the international code, which requires red and green side-lights to be carried by all vessels, has been commented on. An international commission would by the diffusion of knowledge on this very point, and from the weight of its authority, force the various maritime powers, even those not participating, into requiring their merchant marine to comply with what is not only a custom but a law.

Attention would thus also be drawn to the very great necessity of the physical examination of officers and men in relation to their visual power and color-perception; and *standard requirements* of these qualities being determined on, no excuse could be given for not complying with them. Every officer and sailor in the Navy and merchant marine would know just what must be his physical condition in this respect to be fit for duty. The employment by ship-owners of those not up to the international standard would be at their own risk, a most sure means of preventing collisions at sea.

A few years ago in England a royal commission was appointed on lights, buoys, and beacons, consisting of five members. There is the best authority for stating that "one of these was so color-blind that he could not distinguish a red light from a dull white one, and another, though not color-blind in the ordinary sense, was somewhat abnormal in his perception of them." "An occasional clerk of the commission was once found writing with *red* ink believing it to be black." There is equally good authority for asserting that *two* members at least of the naval committee could not pass the color test and would be very dangerous pilots.

While the color-blind have even been successful as portrait painters (provided their *red* and *green* paints were carefully marked) it would be well that the several governments taking part in this international commission should not send color-blind delegates. The instances just mentioned show the natural possibility of it.

APPENDIX.

[Boston Sunday Herald, Sunday, July 25, 1880.]

COLOR-BLINDNESS AND DEFECTIVE VISION—THEIR CONTROL ON LAND AND SEA—WHAT THE NATIONAL AND STATE GOVERNMENTS ARE DOING IN REGARD TO THESE MATTERS.

A year ago the Herald called the attention of the public to the regulations then in force in this country protective against defective vision and color-blindness on our railroads and at sea. The purpose now is to present the public what the past twelve months have been productive of in the same direction. The following order explains what has been done in the Army. It should be added that the cadets entering and leaving West Point this year were carefully tested by the medical board convened for their physical examination:

"[General Orders No. 82.]

"HEADQUARTERS OF THE ARMY,
"ADJUTANT-GENERAL'S OFFICE,
"*Washington, August* 13, 1879.

"By direction of the Secretary of War, the following additional instructions with regard to the examination of the eyes of recruits are published for the guidance of recruiting and medical officers and boards of inspection. * * * This test will be made by means of cards, prepared under the direction of the Surgeon-General of the Army. The black spots on the cards will be circular, four-tenths of an inch in diameter, and the recruit must be able to count them with facility at twenty feet distance.

"At the principal recruiting depots all accepted recruits will be examined for color-blindness by the medical officers on duty. Any defect observed will be noted on the descriptive list of the soldier, but will not, of itself, constitute a cause of rejection, except in the case of enlistments for the Signal Corps. The examination for this defect will be made by the method of Holmgren. Test-wools for this purpose, accompanied with directions for their use, will be issued to the principal recruiting depots by the Surgeon-General.

"By command of General Sherman.

"E. D. TOWNSEND,
"*Adjutant-General.*"

By a circular of the Treasury Department, dated June 11, 1879, medical officers of the Marine Hospital Service were directed to examine, free of expense, any seamen owners of vessels presented to them. Such examinations were not compulsory. Since then compulsory examination of the visual power and color perception of pilots has been ordered by the Treasury Department.

"[Circular.]

"*Examination of pilots for color-blindness.*

"[1880.—Department No. 14. Steamboat inspection.]

"TREASURY DEPARTMENT,
"*Washington, D. C., February* 17, 1880.

"*To supervising and local inspectors of steam-vessels:*

"By an amendment of rule 47, rules and regulations of the board of supervising inspectors, adopted at the twenty-eighth session of the board, recently held in this city, and which was approved by the Secretary of the Treasury February 13, 1880, and promulgated in Department Circular No. 13, 1880, it was ordered that all persons applying for either a renewal of license or an original license as pilots on steam-vessels shall be required to undergo a visual examination, in order that it may be determined whether such person can properly distinguish the colored lights used as signals on steam-vessels; and in future inspectors will issue pilots' licenses only upon certificates of surgeons of the United States Marine Hospital Service that applicants therefor fulfill all the requirements of the rule referred to.

"Under the provisions of Department circular of June 11, 1879, surgeons of the Marine Hospital Service are directed to make such examinations free of expense to persons applying therefor.

"JOHN SHERMAN, *Secretary.*"

This circular has now been modified by the following one. They are of importance to all pilots in the United States and those employing them:

"ARMY—TREASURY FOR PILOTS.

"[Circular.]

"*Modification of Department Circular No.* 14, *relating to examination of pilots for color-blindness.*

"[1880.—Department No. 19. Steamboat inspection.]

"TREASURY DEPARTMENT,
"*Washington, D. C., March* 9, 1880.

"*To supervising and local inspectors of steam-vessels:*

"In view of the expense and hardship likely to accrue to pilots living at points remote from stations of the Revenue Marine Hospital Service in visiting such stations for the purpose of being examined as to color-blindness, as required by the amendment to rule 47, rules and regulations of the board of supervising inspectors, Department Circular No. 14, dated February 17, 1880, is hereby so modified as to allow pilots employed at places remote from a marine hospital station to be examined by any respectable resident physician, whose certificate that such pilot is exempt from the disease known as color-blindness shall accompany the license and oath of office of such officer when sent to any board of local inspectors for renewal of his license in the manner provided in rule 42, rules and regulations. Upon the receipt of the certificate a license shall be issued the same as though said examination had been made by a marine hospital surgeon. This modification is not to be applied to applicants for original licenses. They, in all cases, must be examined in the manner provided in Circular No. 14.

"A second visual examination will not be required in any case, and inspectors will therefore retain all certificates upon their permanent files for reference in cases of application for renewal of licenses.

"JOHN SHERMAN, *Secretary.*"

It will thus be seen that there is only enforced examination of pilots in the merchant marine. The Boston and Hingham Steamboat Company was the first, and remains the only, steamboat company which requires a thorough examination and certificate by a medical expert of the visual power and color perception of all its officers and crew who are called upon to distinguish marks, buoys, and colored signals. This in addition to the required examination of their pilots by the medical officer of the Marine Hospital Service.

Surpervising Surgeon-General Hamilton, of the United States Marine Hospital Service, in his report for last year, shows very conclusively the great value of compulsory examinations of all seamen in the merchant marine. Under the regulations of the circular of last year but few sailors were presented for volunteer examination. Surgeon-General Hamilton says:

"In this connection it is proper to state that while the objects of the circular have been approved by the medical profession, the United States shipping commissioners, the Philadelphia Board of Trade, the Ship-Owners' Association, the National Board of Steam Navigation, the Maritime Exchange of Philadelphia, and shipping associations generally, the sailors' boarding-house keepers, disreputable owners and ship-masters, have usually opposed the examinations. On this head, Captain Duncan, the United States shipping commissioner for the port of New York, writes as follows:

"'My officers call the attention of all outgoing captains, when opening their articles, to the desirability of such examination, and the facilities for it offered by the Government. A large proportion of captains heartily approve of the system, and promptly declare their intention of adopting it; but most of them quite as promptly ignore it when their crews are shipped.

"'The reason is, as I predicted, the "blood money" landlords will pay more to captains or owners for the privilege of filling their crew lists without than with examination, and a little money of this kind, unlawfully extorted from seamen seeking employment, seems of more consequence than the physical condition of their seamen.'"

An investigation of this subject shows that the people receiving the money are the class of owners and ship-masters above referred to. Should a boarding-house keeper fail to pay "blood money," his boarders are not shipped; and, as a natural result, nearly all this class of men act, perforce, as middle-men in this nefarious business. A severe penalty visited upon all persons convicted of paying or receiving "blood money" would relieve sailors of an onerous tax, and take away the incentive to the opposition now shown by the "blood money" takers.

The board of commissioners ordered physical examination of the Boston police last year, and the board of fire commissioners ordered a similar examination of the firemen; in each case the examinations were conducted under the direction of the city board of health. The Boston and Hingham Steamboat Company and the Boston and Lowell Railroad Company required all their employés to be examined for color-blindness by an expert. The proportion of color-blind which has been found in Dr. Jeffries's examinations is as follows: Out of 11,735 men and boys, he found 488, or 4.15 per cent. of color-blind; out of 10,605 women and girls, he found only six. Dr. Jeffries is of the opinion that the difference is inherent in sex, and has nothing to do with training. If sound and healthy men are necessary for employment in the Army, on coasting lines, and as railroad employés on shore, how obviously necessary that sailors should be seaworthy when beyond the possibility of replacement and out of the reach of professional assistance. The consequences to vessels of being at sea with a disabled crew, or of having on board as lookout a man unable to distinguish signal-lights, are too obvious to need elaboration.

ORDER OF NAVY—PETITION—REPORT—RESOLVE BILL.

During the past year examinations of the visual power and the color perception of all sailors entering the United States Navy have been carried out. The cadets entering and leaving the United States Naval Academy at Annapolis are, of course, also tested, as part of their physical examination, by the inspecting medical board. The necessity for a knowledge of the color perception of all officers and men already in the Navy is shown by the following:

"[Circular.]

"NAVY DEPARTMENT, BUREAU OF MEDICINE AND SURGERY,
"*Washington, D. C., March* 30, 1880.

"Upon the receipt of this order and the colored worsteds to be used as tests, medical officers of ships and stations will make a careful examination of all persons in the Navy as to their color sense, the result to be reported to this bureau according to the accompanying form. Quarterly returns will also be made of the result of the examinations of those who shall be hereafter examined for the service.

"The method to be employed is that of Holmgren. Additional tests may be employed at the option of the examiner, in which case the fact is to be so stated.

"PHILIP S. WALES,
"*Surgeon-General United States Navy.*"

INTERNATIONAL STANDARD TESTS AND REQUIREMENTS.

The three Departments of the United States Government that have thus acted in reference to the control of defective vision and color-blindness have not yet established any standard requirements by which their medical officers can be governed in their decisions. The value of such is shown by the result of the following petition presented to the last Congress, which was signed by the professional scientists of our New England universities, as well as ophthalmic surgeons:

"*To the honorable Senate and House of Representatives in Congress assembled*:

"Whereas a normal acuteness of vision and good color perception are needed in officers and crews for the safe navigation of vessels; and

"Whereas most maritime nations now require a certain standard for these qualities by absolute test, the undersigned would most respectfully petition your honorable body to take into consideration a general law of control, in the Navy and merchant marine, of color-blindness and visual acuteness, and the agreement by an international commission of definite and uniform standards of testing these necessary qualifications."

This petition was presented by Hon. B. W. HARRIS, January 29, 1880, and referred to the Naval Committee, who gave a hearing to the petitions March 3, 1880, and reported to Congress, as follows:

"COLOR-BLINDNESS IN THE NAVY.

"The Committee on Naval Affairs, to which were referred the petition of B. Joy Jeffries and others and the several petitions in aid thereof, has considered the subject, and submits the following report:

"The petitioners are among the best and most scientific men of the country. They take a very deep interest in the subject, and we think they are fully justified in presenting it to Congress and urging action upon it. Its importance cannot, in the opinion of the committee, be overestimated. Vast numbers of human lives and a commerce of immense value depend for their safety upon the perfect eyesight of the men in charge of vessels and railroad trains. Persons who cannot distinguish perfectly the colors of lights, flags, signals, and buoys, or are liable to mistake them; or who, from want of acuteness of vision, cannot perfectly observe the forms of objects at ordinary distances, ought not to be placed in positions of responsibility on ships at sea. A perfect watch at sea requires perfect eyesight. The subject is comparatively new, but not the less important; and, perhaps for the reason that it is new and important, it should have the more careful attention.

"Throughout the civilized world there has been, for the last few years, great attention drawn to defective vision and color-blindness among sea-going men as well as railroad employés.

"Reliable statistics from the best medical experts in Europe and America have proved the existence of color-blindness in about 4 per cent. of men, while in women this peculiar defect is very rare. Color-blindness exists as red or green blindness, one involving the other. Violet or blue-yellow blindness also exists, though more rarely.

"Red and green being the colors which all maritime nations have agreed to show on the port and starboard sides of vessels at night, and red buoys, red storm-signals, and red light-house lights being used, of necessity requires on the part of those navigating vessels a normal or perfect perception of colors, and this, of course, in addition to good eyesight for form, or normal visual power.

"In proportion as the person is color-blind, in that proportion will the red and green lights or signals be indistinguishable from each other, and the person be uncertain which he sees. This defect exists in all degrees of severity, the lightest forms often being the most dangerous, since, if the person who can see a strong red light at a certain distance, while the paler green light cannot be distinguished from the mast-head light, he may be deceived as to his surroundings, and fall into fatal errors, which he cannot account for or excuse himself for, but which may be wholly attributable to color-blindness, of the existence of which he is himself wholly unconscious. Just such a case has been reported.

"Color-blindness is very hereditary. When congenital it is incurable and cannot be palliated by any practical methods. It is also said to be produced by injury, disease, and poisoning by alcohol and tobacco. All these conditions are now recognized in regulations for its control on land and sea.

"Till Professor Holmgren, of Sweden, introduced his method of examination, medical experts had no accurate and quickly-applied means of testing for color-blindness. This is largely the reason why it, and also defective visual power, have been overlooked in the past.

"Now that attention has been so generally called to these sources of danger on land and sea, European governments and railroad corporations have enacted laws and adopted rules of control. In this country only one State (Connecticut) has passed the requisite laws. Some railroad corporations have acted, but, as was also first done in Europe, in an uncertain manner, from lack of recognizing the necessity of medical experts to carry out the examination in a thorough and systematic manner.

"The maritime nations of Europe have introduced these tests into their navies, and some of them into the merchant marine. Our Government has recognized the importance of the subject, as shown by the action of the three departments, Army, Navy, and Marine Hospital Service. In the last it is made compulsory with pilots but not with seamen.

"The supervising surgeon-general of this department has well shown, in his annual report for 1879, the great value of enforced physical examination of seamen, a part of which is testing the color sense and visual power.

"To the medical officers alone of these several departments is intrusted this important duty. They are provided with the Manual lately published by B. Joy Jeffries, M. D., the head petitioner, who has given the subject great attention and careful study, and the material necessary to carry out the test of Professor Holmgren therein recommended. There are, of course, no returns from these departments on these points, regulations having been so recently made. When, as in European navies, the tests have been carried out, about the same proportion of seamen are found color-blind as among railroad employés, namely, from 2 to 5 per cent.

"This dangerous defect in so large a number of persons cannot but explain the cause of many marine disasters otherwise unexplainable.

"A classification in Europe of the reports of 2,408 accidents, between 1859 and 1866, showed:

Want of skill, carelessness of the ship's *personnel*, or accidents which it was impossible to prevent or avoid	1,562
Error of pilot or captain	215
Want of observation or proper interpretation of the rules of the road	537
Undetermined causes	94
Total	2,408

"Under the last three heads are eight hundred and forty-six accidents which might have been due to color-blindness or defective vision.

"While maritime powers have sought to eliminate the danger from color-blindness by requiring examinations, all have not directed such methods to be used as would render the elimination certain. Moreover, all are not agreed as to the requisite amount of color perception necessary to render a lookout perfectly safe for the vessel the lookout is on as well as for the one approaching. There is also no definite standard of visual power acknowledged as necessary in the navigation of vessels. Mutual intercourse and the comparison of the results of different tests would enable the maritime nations taking part in it to avail themselves of each other's experience, and readily lead to the adoption of the best methods of examination and the requisite standard of requirements.

"Dr. Jeffries, in his Manual above-mentioned, says: 'The test for color-blindness now being so simple as to be readily carried out by the surgeons attached to vessels, especially naval medical officers, there can be no great difficulty in having an international commission meet and frame the laws or regulations which shall govern all the navies and merchant marines of the great maritime nations at least. It would then be as readily recognized that every officer and man must be able perfectly to distinguish the red and green lights as to know where they belong and what they mean. This author's experience is based on the examination of over thirty thousand individuals, and corresponds with that of all the scientific European observers. The final conclusion in his Manual is: 'An international commission should be called to establish rules for the control of color-blindness on the sea, and the carrying out the same examinations among pilots, masters' and crews of steamers and sailing-vessels in the navies and the merchant marine.'

"It will avail but little if, of two vessels of different nations meeting, but one of them has no color-blindness on the lookout. An international commission would, from the weight of its authority, force examinations even among those nations not participating in it, as well as settle standards, methods, and requirements.

"The committee recommends the adoption of the joint resolution herewith reported as a first step toward the accomplishment of the object in view.

"In the House of Representatives, May 24, 1880, Mr. B. W. HARRIS, from the Committee on Naval Affairs, reported the following joint resolution relating to color-blindness and visual acuteness in persons employed in the Navy and merchant marine:

"'Whereas it is important that definite and uniform standards of examination for color-blindness and tests for visual acuteness in persons employed in the Navy and the merchant marine should be established which shall be in harmony with such standards and tests established or to be established by other nations: Therefore,

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of State is hereby authorized to designate such officer or officers in the diplomatic or consular service of the United States, and the Secretary of the Navy is hereby authorized to detail such officer or officers of the Navy of the United States as may be deemed qualified for such service, to attend and represent the United States in any international congress held to consider and act on said subject. And such officers so designated and detailed shall join in a report of the proceedings of such congress and of the conclusions reached thereby, if any, to the President of the United States, to be by him laid before Congress, to the end that an international system of examinations and tests as aforesaid may be established by law.'"

This bill will come up at the next session of Congress. Meanwhile, the attention of other maritime nations is being called to the whole question and the usefulness of the proposed international commission. Each country would naturally include in its representatives, besides officers of the navy and diplomatic service, some professional scientists, who would, from their practical acquaintance with the subject, be able to answer the questions which would arise in such a commission. Naval officers know what is required to be seen, what colors and combinations, &c., and they must depend on the medical experts as to how much visual power is necessary for this, as well as how good color perception. As to the practicability of the various methods of examination, their advice also must be sought, since it is only these medical experts who have tried these methods by the thousands of examinations lately made in Europe and this country.

RAILROADS—STATE ACTION—CONNECTICUT REGULATIONS.

Visual power and color-blindness on railroads.

In the volume published last year by Dr. B. Joy Jeffries, of Boston, on "Color-Blindness, its Dangers and its Detection," adopted as a manual by the United States Government, on page 177 he says: "The Government can, and no doubt will, carry out proper examinations for color-blindness in the Army and Navy. General national laws can also be enacted as to the merchant marine; international will come in time as a matter of necessity. The difficulties with the railroads are, however, very great. Here the interests and the safety of the community have to contend with ignorance, prejudice, pecuniary considerations, and incredulity born of supposed immunity from danger. These corporations have no surgeons attached to their roads who in their interests could carry out proper examinations to both protect themselves and the community. Even when interest is awakened from acknowledged danger justly feared, railroad managers are very likely to turn to any one calling himself a medical man and rely on his statement as to his ability to examine and pass judgment on their employés. Then, when they are satisfied from his reports that they are safe, and accident happens, color-blindness is proved in the employé before the court and jury, and at once undeserved miscredit is thrown upon the surety and usefulness of such examinations. It is, therefore, without hesitation that I would caution as to the choice of those to be engaged in testing railroad employés for color-blindness. The life-insurance companies of the country recognize this most thoroughly, so much so that examinations for life insurance is almost a specialty."

Time has certainly proved that Dr. Jeffries was right. The United States Government has acted promptly where it could. Just the difficulties spoken of have been met with by the railroads. In Massachusetts the only railroad that has had any of its employés tested by a medical expert is the Boston and Lowell, and the report to the manager in the Advertiser of August 14, 1879, conclusively shows the necessity of these examinations. There is, however, no law to prevent the continuance in office of those employés found defective. The public are probably familiar with the failure, so far, of the attempts to have such a law enacted. Very many of the railroads of the country are known to have carried out, or are carrying out, examinations of their employés. But, at present, no access can be had to their official reports. It is hazarding but little to foretell that an experience similar to that of Europe will be met with in this country, viz: total failure to protect stockholders, employés, and the traveling community from the hidden dangers of defective vision and color-blindness through any examinations by other than experienced medical experts, and legal enactments preventing the corporations from employing those found below a requisite standard equally established by competent authority.

STATE LEGISLATIVE ACTION.

Connecticut has, through the action of our officials, had opportunity to steal from us the honor of being the pioneer in this work of reform, which must naturally come by the legislative enactments of the individual States, provided the General Government does not step in before to control the railroads.

The railroad commissioners of Connecticut, in their report, January, 1880, devote much space to the subject, and say: "But, if it has been thought necessary for the protection of life to adopt signal colors of such marked difference to the normal eye as red and green, then the danger of trusting life to the ability of the color-blind eye to detect a difference simply in quantity or intensity of light, affected by all the variations of the atmosphere and conditions of the individual's eye, will be readily admitted. * * * Examination of railroad employés becomes, therefore, a matter required by public safety. These examinations should not only be required of each applicant for employment, but should be made periodically and systematically; for while those born color-blind can never be cured, those at one time normal-eyed even may become color-blind through injuries, disease, or the excessive use of alcohol and tobacco. And, again, the examinations must be by qualified persons, with suitable tests, for any imperfect examination is worse than none, allowing, as it would, a blind man to act with the confidence of one seeing. * * * Periodic examinations by competent specialists are required on most of the Euro-

pean roads; they should be by law enforced here; for, although some of our railroad companies have, within the past six weeks, turned their attention to this subject and had examinations of their employés made, the examinations should be universal and uniform, carried out thoroughly by skilled experts, and not left to the discretion of any one."

The whole subject was, in consequence of this report, referred to the joint committee on railroads, who granted a public hearing, and from the expert testimony presented were induced to report a bill to the Legislature, which readily passed both branches of the State government, and was signed by the governor. This bill is here given in full, as so important in its relations to the railroad corporations and the public. The rights of the various parties interested are carefully considered, and the exact duties of examiners and officials defined. The rules and regulations emanating by law from the State board of health have just been made public, and we therefore give them in full. They concern directly many thousands of railroad employés in Connecticut, as all there have to be tested before October 1, 1880. It is, of course, a mere question of time when similar regulations shall be legally enforced in all the States and Territories of our country, as is almost universally the case in Europe.

"VISUAL POWER AND COLOR-BLINDNESS—ACT OF LEGISLATURE OF CONNECTICUT REQUIRING EXAMINATIONS — RULES AND REGULATIONS OF THE STATE BOARD OF HEALTH.

"An act directing the examination of railroad employés for color-blindness and visual power.

"*Be it enacted, &c.*, That the State board of health shall prepare rules and regulations for the examination and re-examination of railroad employés in regard to color-blindness and visual power, prescribing the method in which and the intervals at which such examinations shall be made, the maximum fee to be charged for each examination, the form of certificate to be issued by the examiners, and such other regulations as said board may deem necessary. Said board shall send a copy of such rules and regulations to every railroad company and trustee operating a railroad in this State, on or before the 1st day of July, 1880. Said board may, from time to time, make such changes in said rules and regulations as they may deem best, and communicate the same to said companies and trustees. Said board shall annually in the month of May recommend two or more medical experts to make the examinations above referred to, and the governor shall annually, on or before the 1st day of July, appoint not less than two medical experts, any one of whom shall be authorized to conduct the examination for color-blindness and visual powers, and issue certificates in accordance with the rules of the board of health.

"SEC. 2. On or before the 1st day of October, 1880, every railroad company and trustee operating any railroad in this State shall cause every person in their employ as locomotive engineer or fireman, train conductor or brakeman, station-agent, switchman, flagman, gate-tender, or signalman to be examined at the expense of the railroad company, by one of the examiners appointed by the governor, in regard to color-blindness and visual power, and shall cause a like examination to be made of all persons employed after said date in either of the capacities named above, and shall cause re-examinations to be made in accordance with the rules prescribed by the board of health.

"SEC. 3. Any railroad company or trustee operating any railroad in this State employing, after the 1st day of October next, in any of the capacities specified in the second section of this act, any person who does not possess a certificate of freedom from color-blindness and possession of normal visual power, duly issued in accordance with the provisions of this act, or knowingly employing in any such capacities any person whose certificate has been revoked by the examiners, shall for each and every offense be punished by a fine of not less than $200 nor more than $1,000.

"Approved March 25, 1880."

"RULES FOR EXAMINATION OF RAILROAD EMPLOYÉS UNDER PRECEDING ACT.

"RULE I. All railroad employés requiring examination under the law of March 25, 1880, shall be divided into two general classes. Class first shall include engineers, firemen, and brakemen. Class second shall include train-conductors, station-agents, switchmen, flagmen, gate-tenders, and signalmen.

"RULE II. Certificates shall be given for each position in accordance with the succeeding rules for examination. Promotion from one class to the other requires re-examination and certificate.

"RULE III. Re-examinations shall be made: First, after any disease of the eyes; second, after injuries affecting the head or eyes; third, after any disease or trouble of the brain, and after long-continued illness, as typhoid fever; fourth, after mistakes or acts which call in question the visual powers; also, whenever directed by the board of health.

"RULE IV. The examiners shall report regularly to the State board of health, and their work shall at any time be open to the inspection of any member or members of said board.

"RULE V. The regulations for conducting the examinations and the standards for each class shall be determined by the board of health, and not by the examiners. New rules and regulations shall be adopted from time to time, as required, and alterations and amendments made.

RULES FOR CONDUCTING EXAMINATIONS.

"RULE 1. For the qualitative estimation of color-blindness the following tests are to be employed: Holmgren's worsteds, the tables of Stilling, Donders's color-test patterns, Pflüger's letters with tissue-papers. Däae tests and Woinow's revolving cards may also be used. For the quantitative test for color-blindness, Donders's reflected spots, Donders's method with transmitted light, Holmgren's shadow tests shall be employed.

"RULE 2. The following are the requirements for a certificate in the first class: (1) healthy eyes and eyelids without habitual congestion or inflammation; (2) unobstructed visual field; (3) normal visual acuteness; (4) freedom from color-blindness; (5) entire absence of cataract or other progressive disease of the eyes. The second class shall have: (1) healthy eyes and eyelids without habitual congestion or inflammation; (2) unobstructed visual field; (3) visual acutenes at least equal to three-fifths without glasses and normal with glasses in one eye, and at least one-half in the other eye with glasses; (4) freedom from color-blindness in one eye, color-perception at least equal to three-quarters in the other eye.

"RULE 3. In the case of employés who have held their positions five years or more, the standards required in each class shall be determined under special instructions from the board of health."

Connecticut is a pioneer in this work in this country, being the first State to pass a law requiring examination of all railroad employés engaged in moving trains. The standards adopted are for the most part those agreed upon at the international medical congress at Amsterdam, September, 1879.

The following is the form of certificate. These are bound in books, the stubs retained for reference and tabulations. The form of regular returns by the examiners to the board follows:

"STATE OF CONNECTICUT.

"No. ——. State board of health, bureau of vital statistics. Certificate of examination for visual power and color-blindness.

"This may certify that I have this day tested carefully the visual power of —— ——, whose signature is attached to this certificate, and find that it is ——. I have also tested his color perception, and find that it is ——. He is, in these respects, fitted for the position of ——.

"Given in presence of the examiner.

"—— ——,
"*Examining Ophthalmic Surgeon.*
"——————, 18 .

"—— ——,
"[Signature of party examined.]

"Stub accompanying certificate and retained by the examiner: No. ——; name, —— ——; age, ——; height, ——; complexion, ——; occupation, ——; vision, ——; color perception, ——; railroad, ——.

"—— ——,
"*Examining Surgeon.*

"POSTAL CARD REPORT FROM THE EXAMINERS.

"——————, 18—.

Report for week ending ——, 18—.
No. in class first examined.....
No. in class second examined.....
Total.....
No. with incomplete color sense.....
No. with complete color-blindness.....
No. with defective visual power.....
Connected with which railroads.....

"

In compliance with this law and these regulations, two ophthalmic surgeons have been recommended by the Connecticut State board of health and appointed by the governor to thoroughly carry out the examinations. They are Dr. W. H. Carmalt, professor of ophthalmology of Yale University, and Dr. W. T. Bacon, of Hartford. To them is first committed in this country this extremely delicate duty. The results of their work in the report of the State board of health will be most interesting and of great practical value.

The American Ophthalmological Society, at its annual meeting last week at Newport, indorsed by vote these standard requirements of the State board of health of Connecticut in reference to visual power and color-blindness.

It will thus be seen what has been done in the necessary work of reform the past year. It would be an injustice to a fellow-townsman not to recognize that, to the unremitting though unrequited labors of Dr. B. Joy Jeffries, is the movement in this country due. His services in the cause of science and the community, by his testing all the public school children of Boston above the primary, has been recently admitted by the school board printing his report to them as one of the school documents. The Nation of January 15, 1880, well says:

"The subject offers the most striking recent instance of a strictly scientific inquiry that has suddenly been transformed into a serious question of every-day practice."

Apportionment of Representatives.

SPEECH OF HON. JOHN H. EVINS,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1881,

On the bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census.

Mr. EVINS said:

Mr. SPEAKER: This is a measure which should be discussed without partisan or sectional feeling. It is a question simply of giving to each State the representation in this House to which its population, as ascertained by the recent census, entitles it. Of course there may be differences of opinion as to whether the number of Representatives should remain the same as at present, be increased or diminished. My own opinion is that it will be unwise greatly to increase the number which now makes up this body. It seems to me we cannot do better than to stop at 307. This number comes as near doing exact justice to all the States and to all the sections as any which it is possible to adopt, without converting the House into a huge mob.

I have no objection to 301, or any number less than 307, which will be equally just with the one I have named. I think it probable, however, that we can more readily agree upon 307; and I am willing to concede whatever preferences I might entertain for a smaller House in order to put an end to discussion and pass the bill.

The gentleman from New York [Mr. COX] and the gentleman from Massachusetts, [Mr. ROBINSON,] as well as the gentleman who has just spoken, [Mr. HAMMOND, of Georgia,] have shown, I think, pretty clearly that, notwithstanding the sweeping terms of the fourteenth amendment to the Constitution in reference to the abridgment of or denial of the right of suffrage by any State to "its male inhabitants, being twenty-one years of age and citizens of the United States," it was intended to apply only to cases in which the negroes of the South were denied the right to vote on account of their color or previous condition of servitude.

If this be true, the fifteenth amendment having rendered impossible such an abridgment or denial on the part of any State, we have nothing whatever to do with the qualifications and restrictions which the States have imposed upon the right of suffrage. While I might not approve the election laws of some of the States which have been so severely criticised in this debate, I am satisfied they do not violate the Federal Constitution, or render the States which have enacted them liable to any loss of representation in this House. Holding these views, I would not have thought it necessary to say anything in reference to the pending bill had not several gentlemen on the other side, with that persistence which seems to me never to flag or to grow weary, insisted upon converting this subject also—like every

other which is presented for our deliberation—into a sectional question.

Mr. Speaker, during the four years I have been a member of this body I have anxiously wished for and waited for the hour when matters which concern the whole people of this country would be discussed without sectional feeling, and without intolerance of opposing opinion. I am pained to say that the clock has not yet struck that hour. Are we never to reach it? We of the South had to forget many things and to subdue prejudices which were a part of our inheritance in order to adapt ourselves to the new order of events. Cannot our friends on the other side of this Hall forget some of the prejudices of their birth and early training and put aside the passions engendered by a war, which ended fifteen years ago, long enough to consider calmly this southern question about which they talk so much and seem really to know so little? I ask them just for a moment to view this southern problem from a stand-point from which, possibly, they have never looked at it.

The people of that section were suddenly and at once forced to consider not only how they could provide the necessary means of living, but how they could preserve their civilization and a semblance at least of free and honest State governments. The negro had just been emancipated and endowed with all the rights of a freeman. On the one side stood the former master invested with all the high instincts which belong to his Anglo-Saxon blood, intelligent, proud, accustomed to command and to receive obedience from his slave. On the other side was the newly enfranchised negro, with his dark face, his dark mind, his dark superstitions, and with all the confidence and affection which he once entertained toward his master and the members of his master's family, now turned into distrust and hate by the malign teachings of his pretended friends. These incongruous and now opposed social and political forces were thenceforth ordained to live at least under the same government.

A majority of votes, even though cast by negroes ignorant of the very names written or printed upon the ballots they place in the ballot-box, is to rule the State and to furnish the only security for life, liberty, and property. Is there nothing in this picture to excite grave apprehensions and to try the souls of liberty-loving white men? Is it easy to conceive of a problem the solution of which under the circumstances involves more wisdom, more forbearance, more heroic endurance, more self-sacrifice, a more thorough surrender of all preconceived notions and ideas, a more radical change in thought, in sentiment, and feeling?

In several of the States (my own, one of the original thirteen, among the number) these semi-barbarians, inflamed with wrath and hatred, and supremely incompetent for the duties of citizenship, were made the governing majority. If my friend from Michigan or my friend from Indiana, who have spoken so lightly in regard to this matter, had seen the heathen Chinese suddenly thrown into their States, enfranchised in a mass, in such preponderating numbers that the political power of their Commonwealths was likely to pass immediately into their hands, they might have some proper realization of the fearful condition of things brought about at the South by the reconstruction measures enacted into law by their party. History has never recorded a peaceable solution of any such problem, and I doubt not the people of the States just named, awaking to behold the horrors of such a condition of things as I have suggested, would not stop to count the cost before sounding the call to arms.

Failing to appreciate how fearful has been our struggle to preserve even our very civilization, and unable to understand the dreadful apprehension which still hangs like a pall over our future, lest we be again subjected to the blind and barbarous rule of an ignorant and irresponsible majority, you are fearfully shocked because things do not sometimes run so smoothly at the South as in New England, or that voters do not always walk up to the polls and cast their votes in the orderly manner characteristic of the men of that land of steady habits. What, I ask, in all sincerity, were the results which might have been reasonably expected to follow the turning loose of millions of slaves armed with the ballot? It has been well said that "if pillage, plunder, arson, murder, rape, which, indeed, largely followed, had at once become universal throughout the South, the law would not have been more guilty than it is, for it was the logical tendency of the law to produce exactly these and similar results."

I do not refer to these matters for the purpose of criticising or finding fault with your action. You no doubt felt that the only way in which the freedom and rights of the negro could be secured was by giving him the ballot. I refer to them rather with a view of enabling you if possible to understand something of the nature and magnitude of the struggle we have made and are making to secure the blessings of an honest government for both races at the South I have often felt pained that our motives and actions in political matters are so frequently called in question, and that our best efforts to solve this great problem have received so little encouragement from our friends on the other side of this Hall and from the constituencies they represent.

It was perhaps our misfortune that we inherited the institution of slavery from our fathers. The civilized world was arrayed against us, and had every motive to malign us, and to make us the bloody heroes of its wild romances. One generation has passed away from our midst and another has grown to manhood in their stead, many of whom still retain the belief of their fathers, that we are more intelligent but little less savage than the red men upon our western plains. Perhaps no people on the face of the globe have been so persistently and grossly misrepresented. We, however, have accepted this as part of our fate, and have long since ceased to hope for that measure of justice awarded to others.

But I am digressing from the line of thought I intended to pursue. Without a bitter thought or a bitter word, I want to talk very plainly for a moment with my republican friends. It is certainly to the interest of both sections that they should understand each other better. You will agree with us that the ballot in the hands of a basely ignorant majority, unless that majority can be controlled in some way by superior intelligence and virtue, is fatal to civil liberty and to everything we hold dear. Now, in South Carolina we have a large majority of ignorant negro voters, nine-tenths of them not being able to tell when they have deposited their ballots whether they voted for James A. Garfield or Andrew Jackson. The minds of these ignorant people have been so thoroughly poisoned by the teachings of bad men claiming to be republicans that as a body they have arrayed themselves politically against the white people.

With this condition of affairs, how are the ends of honest government to be secured? If the ignorant prejudices of their superstitious natures had not been so cruelly turned against us by the fiendish cunning of those who only sought an opportunity to plunder and oppress us, we might control them by an appeal to the kindly affections which grew out of the former relations of master and servant. If they had sufficient intelligence to appreciate their own interests, we might convince them that they would best secure those interests by co-operating with us. If they had a higher moral sense, they could be persuaded to vote for honest men instead of notorious thieves for office.

Shall we disfranchise them by creating an educational qualification? You would not, and I do not favor such a remedy. Such a law, if it could be passed, would take the ballot not only from nine-tenths of the negroes in my State, but I regret to say from a large number of white men. We cannot afford to have such a law, unless it is to take effect ten or twenty years hence, and such a one would be no remedy for present evils. Our greatest difficulty is in knowing how to deal with such voters. If, failing to reach or influence their dull minds in any other way, we attempt a little "object teaching" by such spectacular demonstrations of men in "red shirts" as we have had in two or three campaigns, you at once cry out against it as an attempt at bulldozing. You, by banding them together in your Union league organizations and fettering their superstitious minds with solemn oaths, made them believe there was no greater crime in the catalogue which any one of them could commit than to vote with his former master. Hence those who could be induced to break the shackles thus put upon them and to co-operate with us in our efforts to secure good government, were followed by the fiercest persecutions of their fellows, and we, on our part, were forced to demonstrate our power to give such new allies protection and in some way to overawe their assailants.

That disorder and sometimes riot and bloodshed grew out of this attitude of the two races was natural and almost inevitable. But what could we do? Quietly submit and allow the yoke to be put again upon our necks? You say the solution is a simple one, only come over to the Republican party and vote with the negro instead of attempting to prevail upon him to vote with you. In 1872, I think it was, my friend Governor Orr, late minister to St. Petersburg, proposed the same remedy. He had not then gone over to the Republicans; and in a conversation with a number of gentlemen at my house he urged, as the only method of regaining the confidence of the negro, that we should join the Republican party. I replied to him "that for every ten honest men he could carry with him to that party an equal number of dishonest ones, who were only kept out of it by the force of public opinion, (emboldened by his example,) would go over, and, joining with the thieves and robbers who already had possession of the negro, would bring to naught all his efforts at reform."

I said to him it was not so much a question of politics as of honesty. He thought differently and went over. I am sure he was actuated by pure and patriotic motives. He went soon afterward as a delegate to a State convention of his party in Columbia, and did his best to prevent the nomination of Franklin J. Moses, jr., who even then was known throughout the State and to every member of that convention as a public plunderer and shameless thief.

I saw my friend again some months after this convention, and, recalling our former conversation, he admitted to me that his plan was a failure, and that he never had the slightest conception until he was thus brought into close political affiliation with the leaders of the party how low and debased were the methods by which they obtained and held their power over the ignorant mass of negro voters, making it impossible for an honest Republican to reach them by any sort of appeal to their better nature. This was the confession of a man, not only of distinction and great ability, but of one who possessed in an eminent degree that rare power by which multitudes are moved and controlled.

But you say things have greatly changed since then, and that your plan could now be adopted successfully. Even supposing we are willing to change our political creed as we do our clothes, and join with your party, what assurance have we that the result would be different? Every political party has its bummers and camp-followers,

and we have a woful experience of those who have followed in the wake of your party. Would not such political cormorants swoop down upon us again, and by the same methods which once made them so powerful for evil, reassert their sway over the negro? You perhaps cannot understand it, but we know how easy it would be for them to convince the ignorant mass of negroes that they alone were to be trusted, and that we were simply masquerading as Republicans in order to re-enslave them, or in some way to deprive them of their rights. No; the truth is, you do not and in the nature of things cannot fully understand the character of the negroes with whom we have to deal, or appreciate the difficulties which environ us on every hand. To thousands of your people the negro is still the polished "ebony idol"—a white man with a black skin—set up by the early anti-slavery agitators; or the "Uncle Tom" of Mrs. Stowe's cabin. Left to themselves, and uninfluenced by the vile teachings of the corrupt and miserable wretches who have used them simply as stepping-stones upon which they could mount into office, they are as kindly disposed as any race of people on the face of the earth. But, by no fault of theirs, the great mass of them are basely ignorant, and as the result of generations of slavery they have a very low moral sense. Accustomed, as a majority of them were while slaves, to think that the crime of stealing consisted only in being detected, the large body of them still think no less of a member of their own race, or of the white race, because he has been convicted of this crime. These plain truths, which are known and understood by every southern man, should be known and appreciated by you and the constituencies who stand behind you, if you intend to take any further action in regard to this question.

But, putting it on no higher ground, would it not be well for you to inquire whether you are seeking or promoting the best interests of the freedmen by attempting to make them so important a factor in all election contests? You strive to keep them solid so far as you can for the republican party, and yet you are greatly exercised over the fact that the white people are solidly democratic. The whites are so because you have forced them to it, not for aggression but for defense. They could find safety alone in united action. Besides, their fathers before them for generations have been democrats; and permit me to say you have done little to invite a change of political faith on their part. You were not distressed because the South was solidly republican a few years ago, nor are you concerned that the North is almost as solid to-day.

Political parties had their origin among those who founded our Government, and their continued existence has been regarded by our wisest men as a part of our good fortune. But I agree with you that it is far better that the line which divides them should not be a sectional one. On our part, however, we believe that republican rule at the South means negro rule, and negro rule means ruin. Until this impression is removed a sense of such impending danger must keep the South united.

How is this impression to be removed? I answer frankly and in the interest of both races: Let us have no further congressional interference with the question. Let the Executive appoint men of character to fill the Federal offices at the South. Let their claims to such appointments no longer rest upon the amount of vile work they have done for their party in the way of deluding with false hopes and alarming with groundless fears the ignorant masses of colored men; knowing full well that by such means alone they can prevent them from becoming subject to the wholesome influences of those who alone have the intelligence and virtue to give direction to the public affairs of the State.

Let those officers, too, understand that while they are to fearlessly perform the duties which the law imposes upon them, they can no longer find political preferment through groundless prosecutions and persecutions of democratic voters. Leave the rest to time and to those who have the deepest interest in a just and right solution of this great problem. We have no hostile feelings toward the negro, but we have been driven sometimes to act under a "necessity that knows no law," and whatever appearance of harshness, or whatever feelings of bitterness grew out of such circumstances, have been eagerly seized upon by those whose interest it was to misrepresent and traduce us. The political adventurers who came among us, and the natives of our own section who joined hands with them for the sake of public plunder, prompted by the basest of all possible motives, for years have labored only too successfully I know to create a belief that we have persecuted the negro and refused to recognize his rights under the law simply because his face is black and because he aspires to be something more than a chattel.

The charge is utterly false and groundless; and I assert that whatever coloring of truth these vile slanderers have been able to give it is directly traceable to their own base and wicked acts and doings. But for them and the unwise encouragement and support afforded them by this Government under the control of your party, I sincerely believe the relations of the two races at the South would to-day be such as to make the solution of this question a simple one. The North knows the carpet-bagger now by his works; we have known him for fifteen years. The average Federal office-holder in the South is but one degree removed from the carpet-bagger. We know him for what he is; sooner or later he will be found out at the North.

This brings me to the point I desire to emphasize, that the condition-precedent for a proper adjustment of this whole question is a restoration of harmony and kindly relations between the two races. This cannot be brought about but may be greatly retarded by further legislation on the part of this Government. It will be hastened by putting good and true men into the Federal offices at the South who will not only cease to provoke strife, but will endeavor to restore harmony between the black man and the white man; men who will hold their party allegiance subordinate to those higher interests which vitally concern not only the political, but the domestic and social well-being of a large portion of the people of this Union. It will be greatly promoted, too, if you will strike from the party catechism out of which you have taught the negro "that the chief end for which he was made a freeman and a voter was to support and vote the republican ticket." Let him understand that the duties of good citizenship consist in something more than an unreasoning and blind adherence to party, whatever may be the issues involved.

We invoke your aid in making him a good citizen, rather than a bad partisan. Patient effort on the part of the good people of the South will, I am convinced, if unhindered by adverse influences from other quarters, bring back and re-establish these kind relations, and at an early day. With the governments of all the States of the South in our possession, we are endeavoring to administer them in such a way as to secure the rights of every citizen, without regard to his color or previous condition. Everywhere the negro is the equal before the law of the white man. We have provided as generously for his education as our limited means would enable us to do. His children are not only being educated, but he is beginning to prosper, and is to-day enjoying more of the comforts of life than he ever knew before. Many of the vile men who so long held him in bondage to their thirst for power and greed of gain have taken flight, thus diminishing the elements of strife and causes of irritation.

Vigorous efforts are also being made, with encouraging results, to suppress lawlessness. That violations of law are of more frequent occurrence at the South than at the North will not appear strange to those who are unprejudiced enough to look for the real causes which necessarily make them more frequent. We are, however, making progress, and if let alone we have strong hopes of bringing order and harmony, peace and prosperity, back again to become the heritage of all our people.

I know full well the answer which perhaps you are anxious to make to all this. You are ready to say, this is all very well from your stand-point; but what will become of the poor negro when thus left to the tender mercies of the southern bulldozer? The popular notion of a bulldozer is a rough, reckless fellow with a pistol or club, ready to break the head of a negro whenever and wherever he dares to raise it in opposition to the political plans of the white man. While I have no personal knowledge of such persons, I will not deny that we have bad men at the South, as you have at the North; but I am sure the number of this class has been grossly and willfully exaggerated. If, however, your question could be propounded to one of these so-called bulldozers, even he, palliating his offense, might answer you by saying: "Yes, I confess I have, under a deep sense of many wrongs inflicted through the negro, treated him harshly, sometimes cruelly if you will have it so, and I am sensible I did him great injustice; but you armed him with the ballot and with the bullet, and turned him loose upon me and my people, and, under the leadership of men intent upon destroying all that made life desirable to me, he put his heel upon my neck and by your aid kept it there until by a superhuman effort I regained my feet. I desire to be on good terms with him and see him prosper, and if you will cease your efforts to again foist him into power, I will lay down my club and join with all good citizens in seeing that he is fully protected in all his rights."

Is it not well to disarm this class of persons (whom you insist upon making a very large one) of their fears, if they can thus be converted into law-abiding citizens? Is this not indeed the first and most important step toward accomplishing the object you profess to set above every other, the welfare of the negro? Further legislation, further interference through partisan investigating committees of this House, in my humble judgment, will only furnish new causes of irritation and create a wider breach between the two races. I know how easy it is by turgid rhetoric about rebellion, fraud, bulldozing, and the sacred rights of American citizens to carry the multitude against the policy I have advocated; but as legislators to whom is intrusted in a large measure the welfare of all the people, we should divest this subject of all sentiment and treat it as a matter demanding practical statesmanship.

Mr. Speaker, no people in any section of this broad land sympathize more sincerely with the negro, and none are more ready to do him acts of kindness than the intelligent white men of the South, but they have suffered such grievous wrongs and oppressions through his utter lack of moral fitness and supreme incompetency to govern that they view not only with the deepest concern but with horror his return to power. The vice and corruption, the bribery and debauchery, the pillage and plunder, the tyranny and oppression which characterized his reign form the darkest page which has yet disgraced our history. With us it is a question, not which party shall rule the State, but whether we shall have a government under which anybody can live.

In such a contest will you make the occurrence of disorders which

are inseparable from it an excuse for the adoption of measures which will tend to make it only more doubtful and bitter? It is for you to decide.

In conclusion, I desire to say a few words in reference to the charge made by the gentleman from Indiana [Mr. CALKINS] against the census returns from my State. That a gentleman so distinguished and so well informed on most subjects should be found repeating, even with dramatic manner and utterance, a charge which had been sometime since so thoroughly disproved, only shows how slow the refutation of any slander touching the South travels when it reaches Republican channels. I am sure my friend is a diligent reader of his party newspapers, and yet they had told him nothing about the complete manner in which General Walker had refuted this slander. The truth is the census of 1870, so far as South Carolina is concerned, was a shameless fraud; and that of last year is as complete and trustworthy as any which was ever taken in any of the States.

Let me further say to my friend, for whom I entertain a very kind feeling, that even with his eloquence he can never vindicate the name of "carpet-bagger" from the just infamy to which it has been consigned by the judgment of the good and virtuous everywhere. Out of the number of those who earned a just title to this name, with all the ignominy which rightly attaches to it, in my State, two were sent in disgrace from this Hall by a republican House, one is now in an Ohio jail for murder, another is wanted to fill a cell in the Kansas penitentiary, and most of the others are fugitives from justice or aimless wanderers and outcasts. Let them alone; darkness and obscurity form their only shelter from public indignation and scorn.

Apportionment of Representatives.

SPEECH OF HON. DANIEL L. RUSSELL,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1881.

The House having under consideration the bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census—

Mr. RUSSELL, of North Carolina, said:

Mr. SPEAKER: The Constitution of the United States, in the second section of the first article, provides that Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons three-fifths of all slaves, and that there shall be an enumeration of all the inhabitants every ten years; and that every State shall have at least one Representative. From 1790 until now a census of the people has been taken at the end of every ten years. The basis of representation has been founded upon numbers, and numbers alone. Upon the whole subject of suffrage the States have always been and, save only as restricted by the fifteenth amendment in the matter of color, they are now sovereign. The provision for the representation of "three-fifths of all other persons"—that is, slaves—was the result of a compromise between the free and the slave States which gave to the slave States, calculating upon the basis of suffrage, a large advantage over the free States. The war abolished slavery and brought about the adoption of the thirteenth amendment to the Constitution, which simply prohibits slavery throughout the Union.

When the North came to reconstruct the South it started out by adopting the fourteenth amendment, and required the insurrectionary States to adopt and ratify it also as a condition precedent to their admission to representation in Congress and rehabilitation as States. That amendment in its second section is this:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

The history of this amendment, the causes which led to its adoption, the mischiefs which were intended to be remedied, and the purposes and policy upon which it was founded are known to every reading and thinking man in this country, whether he be lawyer or layman. The North saw, if the insurrectionary States were reconstructed without some guarantee in regard to suffrage, that the white slaveholders of the South could by disfranchising the emancipated blacks regain the same unequal political power in the popular House which they had enjoyed under the institution of slavery. It was unwilling that two white men in the South should longer be equal to three white men in the North in political power in the House of Representatives.

At the same time the North was afraid of negro suffrage. The statesmen of the dominant party, the party which had conducted the war to a successful issue and struck down the institution of slavery, fully appreciated the difficulties of inducing the loyal States to accept the black man as a political equal. Many of the great war States of the North at that very time by their constitutions excluded the black man from the polls. Some of them, after the war, in the full flush of its success and glory, voted by large majorities against admitting the insignificant number of their own blacks to the suffrage. These statesmen were willing to make negro suffrage universal, but they were afraid that the people of their own States would not stand it. To meet the case and keep themselves within the bounds of prudence and caution, they adopted the fourteenth amendment, which did not establish negro suffrage anywhere, but which cut deep into the political power of those Southern States, where the black population mainly resided, which should refuse suffrage to the negro. On the other hand, on account of the small number of blacks inhabiting the Northern States, it could not appreciably affect their political power.

Now, sir, everybody knows that these were the causes and purposes which led to the adoption of the fourteenth amendment. But it does not follow upon any principle of statutory or constitutional construction that the amendment must be restricted to such purposes as were directly in the view of its framers; nor to the particular mischiefs which it was intended to meet, and without the existence of which it would not have been adopted. If its words are broad enough to cover other cases, and to subserve other purposes, and to meet other mischiefs, then full scope and effect must be given to them. This is too plain for argument; and yet it is gravely asserted on this floor that the amendment means the negro and nothing but the negro. Any school-boy will tell you when he reads it, if he is sufficiently matured to understand plain English words, that it no more means the negro than the white man, and that it is not confined to race at all. And yet because its particular intention was to induce the insurrectionary States to accept black suffrage, and to impose upon them a penalty in the loss of representation for the non-acceptance of it, we are now told that its plain words must be disregarded and its meaning restricted to the particular case which led to its adoption.

The argument is, if it had not been for the negro the fourteenth amendment would not have been adopted; *ergo*, it means the negro and nothing else. So the thirteenth amendment was adopted to emancipate the negro; *ergo*, it is entirely constitutional to reduce the white man to chattel slavery. A State by its statute to prevent horse-stealing denounces the death penalty against horse-stealing and child-stealing. Previous to the statute there had been no case of kidnapping children, but horse-stealing had been frequent and serious, and was the sole cause which led to the adoption of the statute; *ergo*, that law does not apply to kidnapping children. And so statutes and constitutions are to be read, not by their words, not by their language, not by what they plainly say, not by what their words necessarily import, but by the antecedent and contemporaneous history of their adoption. If we want to find out what the law is, we are not to look at it as it is written, but go behind it and read the stump speeches of the men who advocated and approved it.

Such arguments as these the lawyers who make them here and elsewhere would be ashamed to address to any intelligent court in this land. They know that no honest and intelligent judge would listen in patience to such puerile nonsense; but they also know another thing. They know that this never can be made a judicial question; that it never can be carried to the courts of the country to be decided according to the principles of reason and law. They know that it is a political question, to be decided by a political tribunal, and they rely upon what is coming to be the general understanding of this country, that political bodies decide the law just in that way which will best subserve and promote their political purposes.

These lawyers know themselves that they are not arguing to show that their contention is correct in law, but simply to furnish an excuse and pretext for construing away the Constitution of the country.

Let us look for a moment at the consequences to which their construction will lead. If the fourteenth amendment protects only the negro, then the fifteenth amendment protects only the negro. Its particular purpose was to protect him, and but for that purpose it would never have been thought of. So the black men of South Carolina and Mississippi, where they are largely in majority, may change the constitutions of their States and disfranchise all the white men within their borders! Yet the Supreme Court of the United States, in all the numerous cases where the question has been brought before them, has been particular to say that the amendments are not confined to the black man, but protect the white man as well To meet the express dicta of the Supreme Court on this subject these absurd constitutional constructionists are forced to fall back and admit that the amendments do protect the white man and to contend that while they cover race discriminations they do not cover any other discriminations, unless it may be such as are founded on qualities which are inherent and irremovable. The moment they admit this, they are driven entirely from the whole ground upon which their construction stands, because everybody knows that the protection of the white man was not the particular purpose which led to the adoption of the amendments; that if he only had been considered they would not have been adopted at all. It is readily seen that in this admission they

are construing them upon their plain words and according to reason and common sense.

When they get on this ground, that is to say the ground of reason, of right, of justice, of common sense, and of law, they cannot stop at the race line; that is purely arbitrary. The words of the fourteenth amendment necessarily import more. There is no more in it about race than there is about the negro. The language is "when the right to vote shall be denied to any of the male inhabitants or in any way abridged" the basis of representation shall be reduced. It does not say that the denial or abridgment must be on account of race, but it does say in substance that if it be for any cause except rebellion or crime the representation shall be reduced.

The fifteenth amendment is confined by its words to discrimination by the State on account of race and color. If it were not so who would dare to insert those words into it, and thereby give it a different meaning from what the words themselves necessarily import?

But even taking the fourteenth amendment in connection with the history of its adoption it is to be observed that its framers expressly declined to confine the "denial" and "abridgment" to such cases as were founded upon race only. The amendment, as first reported by the committee on reconstruction in the House, was in these words:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed; provided that whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons therein of such race or color shall be excluded from the basis of representation.

In these words substantially it was passed by the House. In the Senate, in the course of an exhaustive discussion, it was pointed out that under this language the States might resort to denials and abridgments of the right on grounds other than of race. They might impose tax and property and educational qualifications, thereby barring from the suffrage the great mass of male citizens and accomplishing by indirection the precise mischief which it was intended to avoid. And so it was determined that the idea of race should be discarded and the principle of manhood suffrage should be substituted. And so the language was changed to that which is now embodied in the fourteenth amendment. We see, therefore, that interpreting the fourteenth amendment by the actual purposes of its framers as well as by its plain express words, it was intended to cover all denials or abridgments of the right to vote founded on property or educational qualifications or other tests of that character.

Driven from the position that the fourteenth amendment applies only to denials or abridgments on account of race, the opponents of free suffrage fall back on the assertion that the amendment cannot be executed. They say that no sufficient data has been obtained, or is obtainable in the nature of things, whereby the apportionment, based upon population and suffrage, as the amendment requires, can be made. They say to us, "If your construction is right, then every State is disregarding the fourteenth amendment, which you say means manhood suffrage, pure and naked; that is, that every male citizen of the United States, twenty-one years of age, who is an inhabitant of the State on the day of election, must be permitted to vote, and any restriction whatever upon this right is within the amendment. So the States must be punished if they do not allow idiots and lunatics to vote. They must not be permitted to pass registration laws. They must not fix residence qualifications, because if a man is an inhabitant on the day of election he is within the definition of the fourteenth amendment, although he may have acquired his domicile on the very day of the election. All the States require a residence previous to the election, varying from six to twelve months; so an enumeration must be had to ascertain how many citizens, inhabitants of the State on the day of election, had not resided in the State the prescribed time. The number of these is as changing as the sands of the sea, and never can be ascertained with any degree of certainty. Besides, you break down all the barriers by which the States protect themselves against election frauds. If they cannot pass registry laws and make residence qualifications, then all of them are now subject to the penalties of the fourteenth amendment, and none of them can ever provide for honest elections in the future. You thus strike down the last vestige of sovereignty in the State and leave your whole elective system without a safeguard. Now, if you admit the power of the State to do what all of them are doing in this regard, and what, according to the common acceptation of the whole country it has been and is their right to do, then it follows that you cannot put a limit upon the exercise of their discretion. If the State may require a residence of one year it may require a residence of twenty years, or forty years. If it can exclude idiots and lunatics because they are, as everybody admits, incompetent to exercise the right of suffrage, so it may exclude ignorant persons generally for the same reason. If it may require a registration of the voter antecedent to the election, it may require that the voter shall register himself, that is, write his own name on the registration books, which would, in effect, disqualify all the illiterates. So, if you once depart from the letter of the fourteenth amendment, you give up your whole case, and admit that the entire question of suffrage is with the States and that they may control it as they please without subjecting themselves to the loss of representation.

The answer to all this is plain and simple. A mere reference to the settled principles of election law as frequently adjudicated by all the State and Federal courts brings the mind to the distinction between the right of suffrage and the regulation of suffrage. The fourteenth amendment speaks only as to the right of suffrage, the regulation of it is with the States. The amendment holds out the inducement to the States to confer the right upon all male citizens of the United States over twenty-one years of age residing in the State. Whenever the State by its laws denies or abridges this right it is within the purview of the amendment, but it may regulate the exercise of the right as it chooses, without regard to the amendment. So it may provide for voting by ballot or *viva voce*, or in any other reasonable way. It may say how many poll-holders there shall be, and where the place of election shall be. It may require the voters to be registered; it may require a reasonable length of residence prior to the election. All this is regulation. It does not impair the right of the citizen of the United States. It is a mere regulation intended for the protection of the ballot-box, and it will not do to run out this idea of regulation to extreme cases, so as to show that the right itself is affected. Whenever the State law passes beyond regulation and invades the dominion of right, then the State does subject herself to the penalty.

The regulation must be reasonable. When it becomes unreasonable, it is no longer regulation, but it affects the right itself. Who shall draw the line between what is reasonable and what is unreasonable? Who shall administer the rule as thus laid down? Manifestly the Congress which makes the apportionment, and which is the only tribunal having jurisdiction of the question. It shall judge and it shall draw the line, just as the courts do in cases involving the doctrines of reasonable time, of probable cause, and many other cases where the line of demarkation can only be stated in general words, and where it largely depends upon the circumstances of each particular case. A man makes a contract, and agrees with the other contracting party to do a particular thing; nothing is said about the time for the performance. The law says that he has contracted to do it within a reasonable time. The court looks at the contract and the circumstances which surround it and says what is a reasonable and what is not a reasonable time. So Congress looks at the Constitution and says that the right is conferred, and the regulation left to the States. It must say, looking at the law of each particular State, whether it is within the bounds of regulation, or invades the dominion of right. If the State should prescribe a twenty years' residence as a qualification to suffrage any court in which it became a judicial question would instantly say that this was something more than a mere regulation of the right of suffrage; that it manifestly appeared that there was an intention to disfranchise thousands of the *bona fide* citizens simply because they were not old residents, and hence that is not a regulation at all, but an invasion of the right itself. But if the State prescribes only a twelve months' residence the court would say this is merely a reasonable protection to the right of suffrage; it is not intended to disfranchise *bona fide* citizens, but only to prevent bogus citizens from exercising the right of suffrage.

The Constitution uses the word "inhabitant." This means, in that connection, a resident; that is, that he shall have a domicile in the State. Now, clearly, the States may declare that no one shall acquire a domicile in the State until he shall have actually resided there twelve months, and that in all questions of domicile arising in its courts the party claiming a domicile shall not only show his actual intention but shall show the fact of residence for twelve months. This would be a mere rule of evidence which the State is entirely competent to establish. But if the State should say that no person not born in the State should ever become a resident of the State until he had resided there sixty years the court would say that this was something more than a mere rule of evidence; that it was intended to exclude non-resident citizens of the United States from the rights of State citizenship, and was in clear violation of the first sentence of the fourteenth amendment, which declares that all persons born in the United States are citizens of the United States and of the State wherein they reside.

As to the argument about idiots and lunatics the answer is that they are not persons within the meaning of the Constitution and the laws. The word inhabitant in the fourteenth amendment means a person inhabiting the State. Horses and cattle are in one sense inhabitants, but when the Constitution speaks of civil and political rights it refers to persons. Idiots and lunatics are *civiliter mortuus*. As a rule they are not embraced by general words which cover other persons. The law says no person shall commit larceny or perjury, yet idiots and lunatics may commit it without being subjected to the penalty. Why? Because they are not persons within the meaning of the law.

The same argument which is here made by the enemies of free suffrage against the protecting clauses of the fourteenth amendment, and which is founded upon the universality of the protection, and the absurdities to which they attempt to carry it, was made by the dissenting judges in the Virginia jury cases decided in the Supreme Court of the United States in 1879. There the court held that to exclude men of color from the jury-box was to deny to them the equal protection of the laws, and hence within the inhibition of the fourteenth amendment. The dissenting judges said that if this was so, then it followed that all persons, whether permanent residents or temporary sojourners, women, children, aliens, (they knew too much law to say idiots and lunatics,) must sit on the juries of the State.

But the court said that although the word person was used, which included them all, it referred to such persons as under the acknowledged policy of the State and the country, and in the nature of things, should reasonably exercise their right of composing juries, and only to these.

The attempt has been made by the opponents of free suffrage to state a distinction between those grounds of disfranchisement which are founded upon qualities that inhere in the individual, and are inseparable from his existence and are not removable by his effort or will, and those which do not inhere in the individual, but which may by his own act be removed. That is to say, that you may impose a tax or property qualification, or you may require that the elector shall be able to read the English language, because these things by sufficient effort he may do, and thereby qualify himself; but you must not found your disqualifications upon his nativity, or the length of his foot, or the color of his hair, because these things are inseparable from his existence, and not removable at his will. It is difficult to see how this distinction can be anything more than a merely arbitrary one, set up and contended for by the disfranchising States as necessary for their own purposes, unless it proceeds upon the idea that this imposition of these removable disabilities is mere condition precedent to the exercise of the right, and does not necessarily involve an absolute denial of it. You say to a man, You shall not vote unless you pay taxes or own property, or can read the Constitution in English. He may perform these conditions, and so the right is not denied. But when you say to him, You shall not vote because your hair is straight, or your foot is long, or you were born in Ireland, you absolutely deny the right, because these are disqualifications which are beyond his power to remove or control.

In regard to property, tax, and educational qualifications, this distinction is not sound. It is not true that the poor, the humble men of this country, have it in their power to acquire property or education, or even to pay at all times the tax which the States impose. In the thickly-populated States of New England, where wealth has accumulated and men decayed and poverty become the heritage of the vast mass of their people, it is nothing less than a cruel mockery to say to the poor that they can accumulate property and pay taxes and acquire an education. There are thousands of men of foreign birth within their limits who to comply with such requirements must study and learn a new language. It is false and wicked to say that they, in the few hours of rest from incessant toil necessary to support themselves and their families can master a language foreign and new to them. If these men of foreign birth and the emancipated blacks of the South were compelled to do so and to lose the time from labor necessary to do it, they would be driven to beggary and starvation. There are to-day hundreds of the children of the very millionaires and plutocrats who are, in Massachusetts and Rhode Island, imposing this condition on their less fortunate fellow-citizens, who, even taking them at a reasonably advanced age, could not learn to read the constitution with facility in two years. Take these same children and advance them to an age past the meridian of life and deny all educational advantages until that time, and they could not learn it so soon, and many of them could never learn it at all. An unlettered man past the meridian of life who speaks only a foreign tongue presents a still stronger case. It is, therefore, the cruelest mockery to say to these men that you are simply fixing a condition to the exercise of their rights which they can perform. It is false, and you know it. Thousands of them cannot and never will attempt it.

The State of Connecticut requires that every person shall be able to read any article of the constitution or any section of the statutes of that State before being admitted as an elector, and has no saving whatever for unfortunate men who are prevented by physical disability from complying with these requirements.

But even if there was any practical truth in the distinction which is here attempted to be set up in favor of disfranchisement on account of poverty and ignorance, the apologists and defenders of it are met by the very words of the fourteenth amendment. As has been said, there is no sense in the distinction, unless it proceeds upon the idea that such requirements do not deny the right to vote absolutely. But the fourteenth amendment, in order to meet just such cases, adds an additional powerful and far-reaching word. Not only shall you not "deny," but you "shall not in any way abridge" the right to vote. Will any of these defenders of the disfranchisement of citizens give us a construction of the word "abridge" that is consistent with their theory? Was it not intended to meet these very cases of conditions precedent to the right? To "abridge" means to cut off, to lessen, to curtail. Now, when you say to the citizen, "You shall not vote under any circumstances," you "deny" the right. When you say to him, "You shall not vote unless you comply with a certain condition," not in the nature of a mere regulation, although it may be in his power to comply, you "abridge" the right to vote. The word "abridge" was put in to meet all such cases as might not be included in the word "deny." The word "abridge" is much more comprehensive than the word "deny," and it was inserted to reach every possible case where the right of suffrage should be interfered with. An impossible condition "denies" the right; a possible condition "abridges" it; and one reduces the basis of representation as much as the other.

Citizens may refuse to comply with hard conditions for the very purpose of bringing the penalty on the State as the best means of redress for the wrong done them, thus falling back on the General Government to protect them against the wrong done them by the State.

It is idle to attempt to give the word "abridge" a less scope than the word "deny." They both apply to "any citizen" and to "any election," and are precisely equal in the extent of their application. "In any way abridge" is another use of words showing that the right was meant to be absolute and unrestricted. To prescribe educational, property, or tax qualifications, or any other not connected with the orderly and honest exercise of the right of suffrage, such as registration, residence, and the like, is to "abridge" it, make it less than the simple manhood suffrage meant to be secured by the fourteenth amendment. No lawyer in this country, if he were employed to write the principle of manhood suffrage in the Constitution, with the brevity necessary in such an instrument, could do it better or state it stronger than it was done by those who framed it in the words in which we find it written there in the fourteenth amendment.

Now, let us glance at the States which are now violating the Constitution by holding representation in this House to which they are not entitled. Before coming to that, however, let us for a moment go back to the census of 1870 and the apportionment act of 1872, under which these States are claiming the representation which they now possess. Let us see how it happens that for ten years the Constitution has been persistently violated by some six or seven States which are this day exercising illicit power in the popular House of the country, and thereby, in the very teeth of the Constitution, diluting the power of all the other States of the Union.

When Congress came to provide for the census of 1870, it was suggested that it would be necessary to ascertain the number of men disfranchised under the fourteenth amendment, and a provision looking to such count was adopted by the House of Representatives. In the Senate it was contended that it would be the duty of the Secretary of the Interior to execute the Constitution in this respect, and provide by regulations of his office for such return, and hence that no legislation was necessary. This view finally prevailed in the Senate, and the matter was left with the Interior Department. The Secretary of the Interior instructed the deputy marshals to make a return of the disfranchised persons, and blanks were sent to them for this purpose. They did go through the motion of making such returns, but they were so manifestly incomplete and so ridiculously untrue that the Secretary of the Interior, in an official communication, stated that no reliance could be placed upon them. In the State of Rhode Island they reported some two thousand disfranchised persons, when it was well known that the State disfranchised many times that number; and in all the States the count was a mere mockery.

Speaking with reference to that report and to the meaning of the fourteenth amendment, Mr. Garfield, of Ohio, said:

> As a matter of history this amendment was intended to declare simply that should suffrage be denied or abridged in any State on account of race or color representation should be diminished in the proportion of such denial or abridgment; and this was a wise and just proposition. But in adopting the negative form with a view to the inclusion of only two classes, they did as a matter of fact include many classes who were manifestly not in the minds of the authors of the amendment at the time. Thus they made the back of the blade cut as sharp as the edge itself. * * * But, Mr. Chairman, the Constitution is here in the words that have been quoted several times during this debate. Can we obey its requirements? If so, how? Or shall we neglect it?

Again he said, speaking of the insufficiency of that report in the census:

> It seems to me that we are bound to take this report into account, and I hope this work will compel after Congresses to provide some more efficient mode for taking these statistics.

It is thus seen that Mr. Garfield rejected the restricted construction of the fourteenth amendment which is now contended for, and interpreted it according to its manifest scope and meaning. He held that the amendment should be enforced, and hoped that future Congresses would take such steps as were necessary to do it in good faith. Let us see what has been done in that direction. That Congress, in pursuance of the views of Mr. Garfield and others, inserted in the apportionment bill this provision:

> Should any State, after the passage of this act, deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, article 14, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

Now, what was the purpose of this section of the apportionment act of 1872, and what was the reason and policy which led to its adoption? Congress was making an apportionment and claiming to execute the Constitution, which required an apportionment based not only upon numbers but upon suffrage also. It was admitted on all hands that the data in hand in so far as suffrage was concerned, that is, the number of disfranchised persons in each State, were totally inadequate, insufficient, and incorrect, but they held that it was such a return as they could lawfully act upon *prima facie*. In order, however, to give full effect and validity to the fourteenth amendment they inserted the clause which I have just read. What did it mean? It meant that the States themselves should be compelled to enforce the fourteenth amendment, and that they should send their Representatives to the Lower House at their peril; that if they should after the passage of this act so disfranchise their citizens as to curtail the number of their Representatives, they as

States, through their Legislatures, should reduce the number according to the true facts and figures. They knew, or ought to have known, what the true number was. The facts were or might have been peculiarly in their possession. If they did not have the number of disfranchised citizens they could provide by law for obtaining it, and they were expressly commanded, in case they should disfranchise their citizens, to reduce their representation accordingly. Now, this provision either meant that or it was mere nonsense. It was not contemplated to take a new census, and it might well be doubted whether there is any authority in the Constitution to take a new census until the ten years had expired. So that we see that this provision of the apportionment act of 1872 was intended to operate upon the States as States, and to compel them at their peril to comply with the Constitution.

It is insisted by these States which have disregarded this law that it does not apply on account of the words "after the passage of this act." They contend that this means only to apply in case they should after the passage of the act, by some affirmative action of their own, disfranchise their citizens. It means no such thing. It means, as it says, if they shall *do it*, whether they do it in pursuance of some antecedent or subsequent legislation of their own. The only question was, *shall they do it*, no matter how, whether by an old law or by a new law. If they do it they must submit to the penalty.

Now, let us see how the law and the Constitution have been carried out. The State of Massachusetts has continuously and persistently from that day to this disfranchised large numbers of her citizens who are within the fourteenth amendment. She requires the payment of a tax, and that the elector shall be able to read the constitution in the English language, and write his name. The most distinguished citizen of that State now living declares that according to the best information that is obtainable this disfranchises about one hundred thousand of her male citizens over twenty-one years of age. It can be shown that according to the figures given by her Representatives here the disfranchisement is sufficient to impair her representation; and yet she sits here, and has been here since the passage of that act of 1872, with eleven members, not one of whom is entitled, or has been entitled, to his seat under the Constitution and laws of the country. I say none of them, because it is manifest that if a State sends more members to this House than she is entitled to under the Constitution and laws, they come all affected with the same infirmity, and there is no distinguishing between them. You can not select one, or two, or three arbitrarily, and turn them out so as to reduce the number to her constitutional quota. You can do nothing but execute the Constitution by rejecting the whole of them and inviting the State to send her lawful number. But they say, who is to fix the lawful number? I say the law which you have made, and which is now on your statute-book, has fixed it by leaving it to the State to say how many, subject to the review of this House, which under the Constitution is the judge of the elections, returns, and qualifications of its own members. But they say, how can this House ascertain what is the true number? I answer, that it must ascertain it precisely as it ascertains any other fact, by investigation, if it chooses; through committees, if it sees proper; by the ordinary channels of information and communication, such as it acts upon in arriving at other facts of the most momentous character. Suppose the State had changed its laws after the apportionment act of 1872 so as to disfranchise its citizens, thereby curtailing its representation, and still refused to comply with the plain mandate of the law and sent more Representatives than it was entitled to; suppose Massachusetts had after the passage of the act disfranchised all her male citizens under the age of sixty years by act of her Legislature or constitutional convention, thereby leaving herself entitled to only one member, would it be contended that she could still have eleven, and that this House was powerless to protect itself and the other States and enforce the Constitution?

If the words "after the passage of this act," in the apportionment law of 1872, are to be construed as I contend, then the conclusion is irresistible that none of her members are entitled to seats on this floor; and they should be remanded to that State to the end that she shall enforce the Constitution and the laws. Otherwise you might as well say that the State which sends 40 members, and is only entitled to 1, shall have them here to dilute and destroy the political power of other States, and in the very teeth of the Constitution magnify her own. And so the State of Rhode Island most flagrantly disfranchises vast numbers of her male citizens otherwise qualified. She requires the payment of a tax of all her native-born citizens as a condition precedent to the enjoyment of the elective franchise, and as to her foreign-born citizens, who constitute the bulk of her population, she requires a property qualification to the amount of $134 in real estate, over and above all incumbrances. In all probability, if the Constitution and laws were enforced upon her, she would only be entitled to one member, and that not by reason of her population and voters, but under that clause of the Constitution of the United States which guarantees to each State at least one member.

The State of Connecticut disfranchises all who cannot read the Constitution and statutes.

The States of Delaware, Pennsylvania, Virginia, and Georgia require the payment of taxes antecedent to the exercise of the elective franchise.

It is marvelous that a great State like Pennsylvania, the bulk of whose people are not inimical to manhood suffrage, should have adopted the fourteenth amendment; and although she has held a constitutional convention since its adoption, should have failed to conform her constitution so as not to expose her representation in this House. The tax which she requires of her voters is much less than that of the other disfranchised States, and I am told by her members that it is merely nominal. It may be that it would fall under the maxim *de minimis non curat lex*. It might be likened to the case where the States require a small registration fee of the voter for the purpose of paying the expenses of conducting the election, which I submit would fall within the line of regulation, and would not impair the right itself; but since it is a tax which at the will of the Legislature may be largely increased, and may at any time be made burdensome, it would seem to be an invasion of the right of suffrage.

All these States which impose the tax qualification do abridge the right of all their citizens within the meaning of the fourteenth amendment. The abridgment applies not only to those who from inability and indisposition to pay the tax do not vote, but it applies to every citizen otherwise qualified within their borders. It imposes a condition precedent to the right of voting upon every man within their limits. As to those who cannot possibly pay it amounts to a denial; as to those who can pay it is an abridgment of the right. It is making the right less than absolute, and it applies not to a part but to all male citizens over twenty-one years of age. In this respect it is unlike the case of the illiteracy disqualification. There the abridgment applies only to those who cannot read. As to them it is either a denial or an abridgment, according to the circumstances of each case. When one, from poverty or physical disability, cannot comply, it is a denial, otherwise it is an abridgment; and so as to those who are already qualified, that is, those who can read there is neither a denial nor an abridgment; no condition is required of them, but when you require the poll-tax you impair the right to vote by saying to every voter in the State that he must comply with your requirement before he can exercise the right. This is an abridgment applying to all. In this view these States are entitled to no representation whatever except to one member, which the Constitution gives to every State without regard to its population or its suffrage laws.

Now, I have shown how the Constitution and the laws upon this subject have for ten years been systematically, persistently, and wilfully disregarded. In the census of 1870 they did pretend to attempt to execute the Constitution by going through the forms of obtaining a report as to the disfranchised persons in each State. Then Congress by the apportionment act says to the States they must send their members to the House of Representatives, and fix the number so as to conform to the Constitution, and their action shall be subject to the review of the House itself. This, I say, is what the section which I have quoted of the apportionment act of 1872 meant, and is the only construction of which it is susceptible that is consistent with reason and common sense. It has turned out that it was a mere *brutem fulmen* which nobody regarded. Now we see these disfranchising States again preparing to drive a coach and six through the Constitution and laws. The census of 1880 is provided for by Congress, and not one word said about obtaining the statistics necessary for the enforcement of the fourteenth amendment. No attempt is made to ascertain how many men are disfranchised in Massachusetts, Rhode Island, Virginia, and Georgia. We have not even the worthless return such as we had in 1870. They have ceased even to go through the forms of executing the Constitution; and now, almost by common consent, we are having a new apportionment, lasting for ten years, based upon numbers alone.

The sooner we have an understanding about this matter the better. If Massachusetts and Rhode Island can disfranchise the poor and the humble citizens of foreign birth within their limits, then South Carolina and Mississippi may easily avoid what they regard as the danger of universal negro suffrage.

The leading newspaper of South Carolina, a little while ago, told the country that the white people of that State were growing excessively restive under the constantly recurring necessity of driving the negroes from the polls, and of doing it in such a way as to keep out of the penitentiary; that they are living under a negro majority, and that that majority had to be overcome by force and fraud at each recurring election, and that it was about time to put a limit on the suffrage by law and thereby avoid the necessity for a reign of lawlessness in every campaign.

Now, if Massachusetts may restrict her suffrage without loss of representation, why not South Carolina? Why shall not South Carolina copy the Massachusetts constitution, and adopt it as her own? To do this with a slight variation, she has only to provide that no one shall vote who cannot read the constitution and statute law, with the proviso that no person shall be disfranchised who enjoyed the suffrage previous to the 1st day of January, 1868. This would give South Carolina literally a white man's government. It would be the government of the old slave-holding oligarchy of that State restored. It would disfranchise nine-tenths of her black citizens, and a small proportion of her poor white men. It would not violate the fifteenth amendment, because in it there would be no discrimination on account of color or race.

The history of the last ten years, the present attitude of Congress toward these disfranchising States, the impurity with which these

States disregard the plainest requirements of the Constitution, the manifest purpose to construe away the Constitution by silly quibbles and sorry subterfuges, the high-handed violation of the amendments by the very States which forced them on the South and the country, all go to show the existence of a wide and deep conspiracy for the overthrow of free suffrage in this country. No man can be so blind as not to see that the issue of the future is between the people on the one hand and untaxed and lawless capital on the other. Ten or fifteen years more of submission by the people to the encroachments of monopolists and the demands of capital will see the American aristocracy enthroned and the people powerless. The monopoly classes have now their hands upon the throat of the Constitution. They have ceased to work to accumulate money except as a means for obtaining political power. They dominate courts and Legislatures. They have their representatives by the score in this House; they are fast capturing the Senate. They are to-day exercising more actual power than the Congress itself. They can by a stroke of the pen fix the price of bread in every Atlantic city, and pinch with hunger the toiling millions. The press they have already bought and paid for. With only a few exceptions, they carry in their pockets a bill of sale for all the leading daily newspapers of the country. Even the great channel of speedy communication and thought, the telegraph, is theirs. Vanderbilt and Gould are our masters. You cannot speak to a friend at a distance, or send a quick order for a dozen shirts, without paying tribute to them. Their grip is fast closing upon the entire railway system of the country. This colossal interest, embracing seven or eight thousand million dollars in capital and bonded debts, employing an army of 600,000 servants, is rapidly falling into their hands. They, with a few other kings with whom they are combining, handle double the revenue of the Government, and stand menacingly at the gates of commerce. And yet when we attempt to pass an interstate-commerce bill that shall in some degree put a curb upon their power and afford some little protection to the people, we find that it receives less than a hundred votes in the popular House. When we try to establish a postal telegraph for the protection of the people, we cannot even bring it to a vote in this House.

Eastern capital sees that its cheapest enemy is universal suffrage. It is debauching that enemy by introducing habits of venality among the poorer classes, by buying up ward and township politicians and primary meetings. The results of elections depend upon the "influence," as they call it, that is, the amount of money which each side puts into the business. Every recurring election is more expensive than the one that preceded it. If it goes on every election will bring about a redistribution of property to some extent at least. Capital sees this, and is preparing to stop it. How? By disfranchising the poor and the humble. It is cheaper to disfranchise them than to buy them up at every election.

Those who hope for the success and permanence of free institutions must begin to look to the great and free West and central States like Tennessee, North Carolina, and Virginia, and growing States like Texas. The alliances of the future ought to be between these States on the one hand and eastern millionaires and southern Bourbons on the other. The West has adopted universal manhood suffrage; Tennessee and North Carolina have it in substance as well as in name.

As the Representative of a State which has put free suffrage into her constitution I demand that her representative power shall not be diluted by other States in violation of the Constitution of the country. Execute the Constitution or change it.

Apportionment of Representatives.

SPEECH OF HON. J. H. ACKLEN,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1881,

On the bill (H. R. No. 6958) making an apportionment of representation in Congress among the several States under the tenth census.

Mr. ACKLEN said:

Mr. SPEAKER: It was not my intention to have participated in this debate, but owing to certain criticisms of gentlemen on the other side of this House upon that section of the country which I have the honor to represent, I have felt compelled, wedded as I am to my people and their every interest, to reply.

Much has already been well and eloquently said on the subject of the apportionment, and I hardly deem it necessary now to more than cursorily touch upon it, but a few suggestions may be pertinent.

In a country growing so rapidly as ours past precedents are not always the best guides for the future. Perhaps in England, where it is said "freedom slowly broadens down from precedent to precedent," such a rule might apply, but America stands a phenomenon among nations, and has in one century grown from a child to a giant in strength. As the wisdom of the past would be the folly of to-day, so a national policy based upon existing conditions must prove inapplicable to our future welfare. As nations progress or retrograde, so should the views of those who govern them be modified to meet the requirements of the time. From 1803, when our representation of 105 was based upon 33,000 of population to each member, the country has taken a grand step forward, until to-day our House of 293 members has a population of 50,000,000 at its back. The apportionment upon the last census gave 130,533 of population to each member; to-day, if that number should be retained for the House, the number of population to each member must be largely increased. The following short table is of interest in this connection:

Decade ending—	Number of members.	Population to each Representative.
1793	65	
1803	105	33,000
1813	141	33,000
1823	181	35,000
1833	212	40,000
1843	240	47,700
1853	223	70,680
1863	234	93,500
1873	241	127,941
1883	293	130,533

Shall we go forward and increase the size of the House in a ratio equal to the increase of our population? This is an important question, and merits careful consideration. It is well known that very large bodies of men tend rather to delay than expedite legislation. On the other hand, we must bear in mind that our first object should be to give every section of this country the fairest representation. I have no sympathy with views based upon purely partisan feeling, views which, if enacted into law, would enlarge the political power of one section to the detriment of the other.

If we cannot cut loose from politics in the consideration of such a question, we are not fit to deal with it. In the history of all countries we find one section increasing in population while the other stands still or falls off. This is the case in ours, but it should be no ground for boasting on the one side and anger and regret on the other. Are we not a common country, having a like destiny, and should we not be proud of the welfare of the whole without reference to the vantage or disadvantage of a part? Why, sir, while glad and proud that the South has taken a great step forward in the last ten years, I have no feeling of exultation that New England has stood still. As the birthplace of freedom, as the educator of the nation, she will ever hold an honored position. The recent census points with the unerring finger of fate to the West and South as the seat of future power and wealth of the country, but no man of the East with the patriotism of a true American should find aught therein for regret.

In dealing with this question of apportionment party bias and feeling should be laid entirely aside, and the only sentiment which should animate members ought to be a fixed determination to do each and every part of this country even-handed justice. Four numbers are particularly mentioned for the increase of Representatives: 301, 307, 311, and 319. I do not advocate 311, as in my opinion it would give the democratic party an advantage in the apportionment which they cannot justly ask, and for the contrary reason 319 would not be equitable to them. Either 301 or 307 offers to both parties the fairest representation that the apportionment could afford, and, so far as I am individually concerned, I will support either of these.

Considering our population, 307 is not too large a House. Great Britain, with a population of 31,628,338, has a House of Commons of 652 members. The Chamber of Deputies of France consists of 532 members, on a population of 36,905,788. Germany, with a population of 42,727,360, has in the Reichstag 397 members. Austria has 21,742,884 in population and her Lower House has 353 members. The Cortes of Spain consist of 408 members. In Italy the Camera de Deputati consists of 508 members, and that upon a population of 27,769,475. In Hungary, where the population is 15,609,455, the House of Representatives consists of 444 members. Belgium has only 5,412,231, but her Chamber of Representatives consists of 124 members. Three hundred and one or 307 will therefore not be too large a number for our House of Representatives, but there exists no reason why we should increase this representation beyond these figures.

The brief time accorded me will not permit an enlargement upon this subject, but I wish to reply before concluding to certain remarks of the gentleman from Michigan [Mr. HORR] who has raised the question as to whether the South should be represented upon the basis of her population or upon the vote cast at the last election.

What, in substance, are we then to judge is a summary of the position assumed by the gentleman from Michigan, [Mr. HORR?] It is that the republican vote in the South has been suppressed by violence and intimidation. I will not pretend to deny that in some instances violence has been practiced, but it sprang out of that feeling

of political animosity which is ever prevalent in that sharp struggle between two parties for dominance in a State; but that this has been generally the case I most emphatically deny. In the third district of Louisiana, which I have the honor to represent, I maintain that there has not been since the war one single well authenticated case of violence springing from political animosity to the colored voter. On the contrary, from the tables which I will incorporate as a part of my remarks, it will be seen that prior to the change in the political government of the State in 1876 the republican vote in the third district was no greater than it is at present.

The registered vote of the twelve parishes of the third congressional district for 1880 was 37,782, of which there were 17,100 white voters and 20,687 colored. At the election for governor in 1872, when the political machinery of the State was entirely in the hands of the republican party, there were cast in this district 23,198 votes, 13,572 republican and 9,626 democratic. Again, in 1874, while the State was still in the control of the republican party, the aggregate vote in the district was 25,132, of which 13,256 were republican votes and 11,876 democratic. In the great struggle of 1876, when the State was racked to its very center with political excitement, and which contest resulted in the election of Governor Nicholls, the aggregate vote was 29,159, there being 15,626 republican and 13,533 democratic votes cast. In 1878 the political machinery of the State passed from the hands of the republican to those of the democratic party.

Now, then, we should note, according to the position assumed by the gentleman from Michigan, a decided change, but although at the election of 1878 there was but one State officer to be voted for, namely, the State treasurer, the aggregate vote was 21,154; of which 10,700 were republican and 10,454 democratic votes. In 1879, when the State officers under the new constitution were to be elected, the aggregate vote was 25,560; of which 14,387 were republican and 11,173 democratic votes. Contrast the republican vote at this election of 1879 with the republican vote of 1872 and 1874, when the State was entirely in the hands of the republican party, and we find it to be in excess of the republican vote at either one of these elections. Now, in 1880 there were no State officers to be elected. The only names of candidates appearing upon the ballots being that of a member of Congress and the presidential electors, and yet, although there was but 21,630 votes cast, yet 13,648 were republican and but 7,982 democratic. These facts and figures unquestionably answer the position, in so far as this district is concerned, assumed by the gentleman from Michigan.

If we examine these tables more in detail we will find in the parish of La Fourche where the registered vote stands 2,391 democrat as against 2,001 republican, a majority of 390 democratic votes. The returns at this last election gave Hancock 1,433 and Garfield 1,699, or a republican majority of 266. The parish of Vermillion, with a registered vote of 1,240 democrats and 312 republicans, gave Hancock 474 votes and Garfield 116. The parish of Calcasieu, with a registered vote of 1,739 democrats and 389 republicans, gave Hancock 784 and Garfield 109 votes. The parish of Saint Mary, with a registered vote of 1,236 democrats and 3,288 republicans, gave Hancock 561 votes and Garfield 2,181.

Mr. Speaker, the time has gone by when the charge of fraud and violence against the South will have any effect upon the people of this country. The incoming President said in substance, while a member of this body, that "he who strove to array the sections against each other should be frowned upon." What we want is only to be let alone in the management of our political affairs. What we ask at the hands of the Government is only equal consideration in the public improvements of our rivers and harbors with other sections of this country. We have accepted in good faith the results of the war, and mean to stand by the Union, and should the welfare of this country be in the future threatened by foreign powers, the men of the South will be found the first to stand like a wall of fire in defense of our common country.

Third congressional district of Louisiana—vote by parishes, elections of 1878, 1879, *and* 1880.

PARISH OF ASCENSION.

Wards and precincts.	Election of 1878.			Election of 1879.		Election of 1880.				Registered voters.	
	Acklen.	Hebert.	Merchant.	Wiltz.	Beattie.	Hancock.	Garfield.	Billin.	Darrall.	White.	Colored.
First police-jury ward.....polling precinct No. 1	27	161	.....	20	170	22	158	22	158	.....	.....
polling precinct No. 2	41	.....	.....	8	65	10	48	10	48	.....	.....
Second police-jury ward....polling precinct No. 3	163	12	.....	15	193	11	136	11	136	.....	.....
polling precinct No. 4	93	12	.....	22	174	26	200	21	200	.....	.....
Third police-jury ward.....polling precinct No. 5	35	1	.....	100	338	89	294	89	294	.....	.....
Fourth police-jury ward....polling precinct No. 6	226	3	.....	28	152	17	83	17	83	.....	.....
Fifth police-jury ward.....polling precinct No. 7	23	.....	.....	3	65	6	54	6	54	.....	.....
polling precinct No. 8	9	3	.....	15	94	35	149	35	149	.....	.....
Sixth police-jury ward.....polling precinct No. 9	54	91	.....	9	131	9	127	9	127	.....	.....
polling precinct No. 10	52	.....	.....	3	60	1	35	1	35	.....	.....
polling precinct No. 11	26	.....	.....	23	154	47	114	50	109	.....	.....
Seventh police-jury ward...polling precinct No. 12	29	.....	.....	3	56	8	59	8	59	.....	.....
Eighth police-jury ward....polling precinct No. 13	116	.....	.....	42	129	23	126	24	125	.....	.....
polling precinct No. 14	80	59	.....	22	.....	16	13	16	5	.....	.....
Ninth police-jury ward.....polling precinct No. 15	24	4	.....	75	64	79	.....	79	.....	.....	.....
Tenth police-jury ward.....polling precinct No. 16	17	.....	.....	26	1	12	84	15	72	.....	.....
polling precinct No. 17	64	124	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	1,089	388	.....	414	1,846	411	1,679	418	1,654	1,048	2,350

PARISH OF CAMERON.

First police-jury ward .....polling precinct No. 1	29	.....	.....	30	.....	21	.....	21	.....	35	.....
Second police-jury ward.....polling precinct No. 2	69	.....	.....	55	.....	48	.....	48	.....	57	13
Third police-jury ward.....polling precinct No. 3	59	.....	33	41	31	20	21	23	15	.....	.....
polling precinct No. 4	52	.....	9	57	2	19	20	17	22	130	28
Fourth police-jury ward ....polling precinct No. 5	9	.....	3	11	.....	17	2	17	2	51	3
Fifth police-jury ward .....polling precinct No. 6	67	.....	2	58	6	41	14	41	15	75	19
Total	285	.....	47	252	39	166	57	138	62	348	63

PARISH OF ASSUMPTION.

First police-jury ward .....polling precinct No. 1	91	221	.....	156	246	73	196	73	195	178	275
Second police-jury ward ....polling precinct No. 2	106	125	.....	152	170	98	137	98	137	149	205
Third police-jury ward .....polling precinct No. 3	44	143	.....	116	235	48	179	48	179	88	338
Fourth police-jury ward ....polling precinct No. 4	82	35	.....	143	55	100	32	100	32	156	61
Fifth police-jury ward .....polling precinct No. 5	62	25	.....	141	47	56	44	56	44	167	59
polling precinct No. 6	64	131	.....	90	181	76	138	76	138	119	189
Sixth police-jury ward.....polling precinct No. 7	36	3	.....	63	2	24	.....	24	.....	89	3
Seventh police-jury ward ...polling precinct No. 8	39	260	.....	108	353	67	289	67	290	153	438
polling precinct No. 9	45	64	.....	48	86	25	57	25	57	86	94
polling precinct No. 10	4	9	.....	6	33	.....	.....	.....	.....	32	6
Eighth police-jury ward ....polling precinct No. 11	141	1	.....	199	218	91	178	91	178	238	230
Ninth police-jury ward .....polling precinct No. 12	31	.....	.....	54	27	2	.....	.....	.....	111	4
Tenth police-jury ward .....polling precinct No. 13	91	6	.....	146	249	68	199	68	199	125	303
Eleventh police-jury ward ..polling precinct No. 14	110	2	.....	84	12	70	8	70	8	142	16
Total	996	1,025	.....	1,506	1,914	798	1,457	796	1,458	1,833	2,221

Third congressional district of Louisiana—vote by parishes, elections of 1878, 1879, *and* 1880—Continued.

PARISH OF CALCASIEU.

Wards and precincts.	Election of 1878.			Election of 1879.		Election of 1880.				Registered voters.	
	Acklen.	Hebert.	Merchant.	Wiltz.	Beattie.	Hancock.	Garfield.	Billin.	Darrall.	White.	Colored.
First police-jury ward ..... polling precinct No. 1	33	.....	.....	52	.....	.....	.....	.....	.....	68	3
polling precinct No. 2	107	.....	.....	113	5	35	8	35	8	93	54
polling precinct No. 3	49	.....	.....	47	.....	18	.....	14	.....	51	9
Second police-jury ward .... polling precinct No. 4	61	.....	.....	69	.....	46	.....	46	.....	88	9
polling precinct No. 5	17	.....	10	26	4	14	.....	14	.....	43	5
Third police-jury ward ..... polling precinct No. 6	266	.....	22	295	83	205	80	198	81	384	124
polling precinct No. 7	32	.....	1	26	.....	14	.....	14	.....	43	8
Fourth police-jury ward .... polling precinct No. 8	104	.....	.....	134	1	75	2	70	2	104	26
polling precinct No. 9	70	.....	.....	91	30	52	11	51	12	88	56
Fifth police-jury ward..... polling precinct No. 10	41	.....	.....	47	.....	42	.....	42	.....	53	7
polling precinct No. 11	24	.....	.....	32	.....	13	.....	13	.....	43	2
polling precinct No. 12	26	.....	.....	35	.....	24	.....	24	.....	45	8
Sixth police-jury ward..... polling precinct No. 13	25	.....	.....	32	.....	14	.....	14	.....	25	13
polling precinct No. 14	89	.....	.....	76	.....	61	.....	60	.....	98	19
polling precinct No. 15	29	.....	.....	31	.....	13	.....	13	.....	47	6
Seventh police-jury ward... polling precinct No. 16	150	.....	4	150	6	89	8	89	8	209	5
polling precinct No. 17	67	.....	.....	68	.....	39	.....	39	.....	86	1
polling precinct No. 18	33	.....	.....	37	.....	15	.....	15	.....	46	1
Eighth police-jury ward.... polling precinct No. 19	43	.....	4	47	.....	15	.....	15	.....	55	15
polling precinct No. 20	75	.....	.....	66	.....	.....	.....	.....	.....	70	18
Total	1,341	.....	31	1,474	129	784	109	766	111	1,739	389

PARISH OF IBERIA.

First police-jury ward..... polling precinct No. 1	221	.....	395	183	305	127	218	119	226	.....	.....
Second police-jury ward..... polling precinct No. 2	39	.....	170	29	175	15	156	15	156	.....	.....
Third police-jury ward..... polling precinct No. 3	62	.....	93	46	121	34	98	34	98	.....	.....
Fourth police-jury ward..... polling precinct No. 4	163	.....	109	178	63	76	58	76	58	.....	.....
Fifth police-jury ward ..... polling precinct No. 5	89	.....	204	87	179	55	157	45	167	.....	.....
Sixth police-jury ward ..... polling precinct No. 6	219	3	65	262	315	243	330	228	340	.....	.....
Seventh police-jury ward ... poilling precinct No. 7	104	.....	211	101	155	51	98	11	118	.....	.....
Total	887	3	1,447	886	1,313	601	1,115	528	1,163	1,642	1,802

PARISH OF LA FOURCHE.

First police-jury ward ..... polling precinct No. 1	48	46	.....	66	75	44	60	44	60	96	80
polling precinct No. 2	62	143	.....	96	170	60	160	60	160	140	197
Second police-jury ward .... polling precinct No. 3	218	227	.....	275	283	264	272	264	272	328	327
polling precinct No. 4	31	53	.....	29	72	22	67	23	66	49	77
Third police-jury ward..... polling precinct No. 5	28	9	.....	26	68	38	31	38	31	72	42
polling precinct No. 6	50	10	.....	63	23	45	19	45	19	74	25
polling precinct No. 7	75	21	.....	98	39	93	29	93	28	114	30
Fourth police-jury ward .... polling precinct No. 8	70	.....	.....	99	9	94	3	95	2	120	12
polling precinct No. 9	52	1	.....	53	23	29	2	28	2	121	1
Fifth police-jury ward..... polling precinct No. 10	69	57	.....	118	142	102	109	99	109	172	124
polling precinct No. 11	42	154	.....	74	169	58	186	56	181	83	212
polling precinct No. 12	50	61	.....	82	131	63	122	63	122	110	144
Sixth police-jury ward..... polling precinct No. 13	30	31	.....	51	37	32	38	32	38	76	40
polling precinct No. 14	1	3	.....	20	21	4	23	4	24	64	15
polling precinct No. 15	28	.....	.....	19	23	26	8	27	7	54	2
Seventh police-jury ward.... polling precinct No. 16	41	47	.....	83	113	87	97	87	97	112	121
polling precinct No. 17	89	40	.....	88	63	74	64	74	65	100	72
polling precinct No. 18	55	156	.....	95	140	79	159	78	158	78	209
Eighth police-jury ward..... polling precinct No. 19	39	20	.....	52	57	57	65	62	65	69	74
Ninth police-jury ward..... polling precinct No. 20	57	17	.....	35	86	30	86	31	85	42	115
polling precinct No. 21	58	17	.....	71	34	48	29	48	29	79	35
Tenth police-jury ward ..... polling precinct No. 22	66	39	.....	93	59	63	50	61	51	160	39
polling precinct No. 23	24	13	.....	29	29	21	19	19	21	78	8
Total	1,283	1,165	.....	1,715	1,866	1,433	1,699	1,418	1,694	2,391	2,001

PARISH OF LA FAYETTE.

First police-jury ward ..... polling precinct No. 1	85	.....	10	90	17	37	.....	34	.....	96	29
polling precinct No. 2	123	.....	45	135	30	54	16	46	16	159	69
Second police-jury ward..... polling precinct No. 3	101	.....	43	153	45	32	21	31	21	171	37
polling precinct No. 4	71	.....	40	110	47	48	49	45	49	81	74
Third police-jury ward..... polling precinct No. 5	110	.....	89	137	115	73	5	54	4	148	142
polling precinct No. 6	165	.....	197	188	185	141	189	135	189	250	245
Fourth police-jury ward .... polling precinct No. 7	57	.....	53	63	52	32	35	28	35	74	75
polling precinct No. 8	127	.....	66	173	79	89	77	81	77	219	96
Fifth police-jury ward ..... polling precinct No. 9	153	.....	141	156	120	84	45	76	45	188	188
Total	992	.....	684	1,205	690	590	437	530	436	1,386	955

PARISH OF IBERVILLE.

First police-jury ward..... polling precinct No. 1	17	517	.....	60	593	75	579	75	578	.....	.....
Second police-jury ward..... polling precinct No. 2	31	318	.....	66	405	43	395	49	399	.....	.....
Third police-jury ward..... polling precinct No. 3	90	121	1	168	180	149	145	150	194	.....	.....
Fourth police-jury ward..... polling precinct No. 4	233	11	.....	72	285	78	255	85	248	.....	.....
Fifth police-jury ward ..... polling precinct No. 5	2	122	.....	29	220	31	180	142	69	.....	.....
Sixth police-jury ward ..... polling precinct No. 6	8	7	184	37	205	37	270	37	278	.....	.....
Seventh police-jury ward.... polling precinct No. 7	21	30	.....	125	290	53	137	55	135	.....	.....
Eighth police-jury ward..... polling precinct No. 8	19	48	.....	69	67	33	82	33	82	.....	.....
Ninth police-jury ward..... polling precinct No. 9	.....	.....	.....	.....	.....	25	120	25	120	.....	.....
Total	421	1,174	185	626	2,245	524	2,163	651	2,095	834	3,027

Third congressional district of Louisiana—vote by parishes, elections of 1878, 1879, *and* 1880—Continued.

PARISH OF SAINT MARTIN.

Wards and precincts.	Election of 1878.			Election of 1879.		Election of 1880.				Registered voters.	
	Acklen.	Hebert.	Merchant.	Wiltz.	Beattie.	Hancock.	Garfield.	Billin.	Darrall.	White.	Colored.
First police-jury ward.....polling precinct No. 1	185	459	4	166	456	108	423	108	423	.....	.....
Second police-jury ward ....polling precinct No. 2	42	.....	.....	53	1	75	1	56	1	.....	.....
Third police-jury ward.....polling precinct No. 3	125	176	.....	123	165	54	126	54	126	.....	.....
Fourth police-jury ward ....polling precinct No. 4	287	204	.....	57	50	240	227	240	227	.....	.....
Fifth police-jury ward.....polling precinct No. 5	284	198	1	225	195	156	172	156	172	.....	.....
Total	923	1,037	5	624	867	633	949	614	950	1,250	1,328

PARISH OF SAINT MARY'S.

First police-jury ward .....polling precinct No. 1	47	40	24	118	31	46	61	46	61	88	122
polling precinct No. 2	71	49	132	82	172	63	171	59	170	104	257
Second police-jury ward.....polling precinct No. 3	151	32	125	27	254	45	251	45	251	111	405
Third police-jury ward.....polling precinct No. 4	10	40	70	12	117	15	112	15	72	26	141
polling precinct No. 5	144	186	336	253	414	157	418	156	416	314	686
Fourth police-jury ward ....polling precinct No. 6	29	181	5	15	52	45	214	45	214	91	282
polling precinct No. 7	27	131	43	8	197	20	85	20	85	54	134
Fifth police-jury ward.....polling precinct No. 8	13	12	44	.....	.....	68	352	68	352	135	470
Sixth police-jury ward .....polling precinct No. 9	40	8	213	.....	.....	93	458	80	449	292	725
polling precinct No. 10	.....	.....	.....	.....	.....	19	59	19	59	23	66
Total	532	679	1,012	515	1,237	561	2,181	553	2,129	1,236	3,288

PARISH OF TERRE BONNE.

First police-jury ward .....polling precinct No. 1	21	187	.....	40	219	37	228	37	227	.....	.....
polling precinct No. 2	3	124	.....	27	139	20	132	20	132	.....	.....
Second police-jury ward ....polling precinct No. 3	45	184	.....	56	232	76	194	76	194	.....	.....
polling precinct No. 4	18	98	.....	17	112	13	131	13	131	.....	.....
Third police-jury ward.....polling precinct No. 5	2	5	.....	20	.....	13	.....	13	.....	.....	.....
polling precinct No. 6	36	22	.....	41	22	38	21	38	21	.....	.....
polling precinct No. 7	107	86	.....	180	173	168	136	168	137	.....	.....
Fourth police-jury ward ....polling precinct No. 8	32	267	.....	41	303	50	274	50	274	.....	.....
polling precinct No. 9	21	167	.....	19	220	22	164	24	162	.....	.....
Fifth police-jury ward .....polling precinct No. 10	67	27	.....	58	25	54	25	46	25	.....	.....
Sixth police-jury ward .....polling precinct No. 11	11	70	.....	35	75	13	79	75	17	.....	.....
polling precinct No. 12	56	2	.....	51	6	77	1	77	1	.....	.....
polling precinct No. 13	40	.....	.....	46	.....	50	.....	50	.....	.....	.....
Seventh police-jury ward ...polling precinct No. 14	65	43	.....	68	40	53	22	53	22	.....	.....
polling precinct No. 15	47	14	.....	36	11	22	3	22	3	.....	.....
polling precinct No. 16	38	6	.....	40	10	38	11	38	11	.....	.....
Eighth police-jury ward.....polling precinct No. 17	38	18	.....	51	21	52	16	52	16	.....	.....
polling precinct No. 18	35	71	.....	30	72	40	62	40	62	.....	.....
Ninth police-jury ward.....polling precinct No. 19	36	88	.....	33	127	27	97	27	97	.....	.....
polling precinct No. 20	74	23	.....	39	44	47	24	47	24	.....	.....
Tenth police-jury ward .....polling precinct No. 21	62	64	.....	44	78	50	75	49	75	.....	.....
polling precinct No. 22	48	7	.....	35	7	47	.....	47	.....	.....	.....
Total	903	1,573	.....	1,007	1,936	1,007	1,695	1,004	1,689	1,866	2,269

PARISH OF VERMILLION.

First police-jury ward.....polling precinct No. 1	79	.....	29	153	42	66	19	66	19	182	49
Second police-jury ward ....polling precinct No. 2	116	.....	8	137	12	77	.....	77	.....	184	17
Third police-jury ward .....polling precinct No. 3	147	.....	99	149	116	100	61	104	55	214	115
Fourth police-jury ward ....polling precinct No. 4	109	.....	32	121	54	24	13	24	13	159	49
Fifth police-jury ward .....polling precinct No. 5	76	.....	8	115	.....	32	.....	32	.....	143	.....
Sixth police-jury ward .....polling precinct No. 6	132	.....	21	134	28	45	5	45	5	179	14
polling precinct No. 7	35	.....	.....	47	6	6	.....	7	.....	62	8
Seventh police-jury ward ...polling precinct No. 8	96	.....	48	107	47	21	18	21	18	128	66
polling precinct No. 9	12	.....	.....	13	.....	3	.....	3	.....	27	1
Total	802	.....	245	976	305	474	116	379	110	1,278	319

Third congressional district, Louisiana—election November 2, 1880.

Parishes.	W. S. Hancock.	J. A. Garfield.	J. S. Billin.	C. B. Darrall.
Ascension	411	1,670	418	1,654
Assumption	798	1,457	796	1,458
Calcasieu	784	109	766	111
Cameron	166	57	138	62
Iberia	601	1,115	528	1,163
Iberville	524	2,163	651	2,095
La Fayette	590	437	530	436
La Fourche	1,433	1,699	1,418	1,694
Saint Martin	633	949	614	950
Saint Mary's	561	2,181	553	2,129
Terre Bonne	1,007	1,695	1,004	1,689
Vermillion	474	116	379	110
Total	7,982	13,648	7,795	13,551
Majority	.....	5,666	.....	5,756

Third congressional district, Louisiana—the vote by wards for General W. S. Hancock; election November 2, 1880.

Parishes.	Police-jury wards.											Total.
	First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Eighth.	Ninth.	Tenth.	Eleventh.	
Ascension	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	411
Assumption	73	98	48	100	132	24	92	91	2	68	70	798
Calcasieu	53	60	219	127	79	88	143	15	.....	.....	.....	784
Cameron	21	48	39	17	41	.....	.....	.....	.....	.....	.....	166
Iberia	127	15	34	76	55	243	51	.....	.....	.....	.....	601
Iberville	75	43	149	78	31	37	53	33	25	.....	.....	524
La Fayette	91	80	214	121	84	.....	.....	.....	.....	.....	.....	590
La Fourche	104	286	176	123	223	62	240	57	78	84	.....	1,433
Saint Martin	108	75	54	240	156	.....	.....	.....	.....	.....	.....	633
Saint Mary's	109	45	162	65	68	112	.....	.....	.....	.....	.....	561
Terre Bonne	57	89	219	72	54	140	113	92	74	97	.....	1,007
Vermillion	66	77	100	24	32	51	24	.....	.....	.....	.....	474
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7,982

Official returns of elections, third congressional district, 1872 *and* 1874.

Parishes.	Vote for governor in 1872.						Vote for governor in 1874.			Census, 1870.	
	Herron board, (rep.)			Foreman board, (dem.)			Rep.	Dem.	Total.	White.	Colored.
	Rep.	Dem.	Total.	Rep.	Dem.	Total.					
Ascension	1,840	666	2,506	1,840	666	2,506	1,950	859	2,809	4,265	7,312
Assumption	1,912	1,276	3,188	1,403	1,730	3,133	1,530	1,498	3,037	6,247	6,987
Calcasieu	96	548	644	64	610	674	6	1,172	1,178	5,171	1,562
Cameron	40	176	216	40	176	216	47	203	250	1,249	342
Iberia	965	616	1,581	965	616	1,581	923	939	1,862	4,330	4,512
Iberville	2,239	691	2,930	2,239	722	2,961	2,167	770	2,937	3,671	8,676
La Fayette	482	884	1,366	482	892	1,374	530	976	1,506	5,629	4,759
La Fourche	1,792	1,697	3,489	1,096	1,773	2,869	1,846	1,905	3,751	8,059	6,660
Saint Martin	718	670	1,388	(*)	(*)	(*)	704	921	1,625	4,284	5,088
Saint Mary's	1,667	739	2,406	1,367	1,239	2,606	2,148	1,050	3,198	4,202	9,668
Terre Bonne	1,593	1,407	3,000	(*)	(*)	(*)	1,168	891	2,059	6,080	6,371
Vermillion	228	256	484	229	676	905	228	692	920	3,480	1,048
Total	13,572	9,626	23,198	9,725	9,100	18,825	13,256	11,876	25,132	56,667	62,985

* Did not count votes; fraud and violence claimed.

Statement of the registered voters of the parishes constituting the third congressional district of the State of Louisiana, taken by the assessors of the said parishes during the year 1880.

Parishes.	Total number of registered voters.	Number of native-born.	Number of foreign-born.	Number of white voters.	Number of colored voters.	Number of white voters who write their names.	Number of white voters who make their marks.	Number of colored voters who write their names.	Number of colored voters who make their marks.
Ascension	3,398	3,312	86	1,048	2,350	824	224	340	2,010
Assumption	4,410	4,301	109	2,078	2,323	1,042	1,036	273	2,050
Calcasieu	2,173	2,074	99	1,800	373	1,197	603	28	345
Cameron	906	376	30	345	61	215	130	9	52
Iberia	3,444	3,337	107	1,642	1,802	1,140	502	231	1,571
Iberville	3,860	3,788	72	833	3,027	757	76	202	2,825
La Fayette	2,347	2,271	76	1,407	940	774	733	51	889
La Fourche	4,473	4,343	130	2,423	2,050	1,386	1,037	229	1,821
Saint Martin	2,578	2,532	45	1,250	1,328	780	460	123	1,205
Saint Mary's	4,511	4,277	214	1,168	3,343	1,030	138	446	2,897
Terre Bonne	4,135	4,017	118	1,866	2,269	911	955	173	2,096
Vermillion	1,552	1,506	46	1,240	312	572	668	36	276
Total	37,787	36,134	1,132	17,100	20,178	10,628	6,562	2,141	18,087

I, the undersigned, secretary of State, do hereby certify that the above is an accurate report of the number of registered voters in the parishes of the third congressional district of the State of Louisiana.

Parish of Orleans, this 18th day of November, 1880.

OSCAR ARROYO, *Assistant Secretary of State.*

Abrogation of Clayton-Bulwer Treaty.

SPEECH OF HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1881,

On the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

Lo! on a narrow neck of land
'Twixt two unbounded seas I stand,
Alone, insensible!

Mr. COX said:

Mr. CHAIRMAN: I desire to present my views on the abrogation of the Clayton-Bulwer treaty, proposed in the joint resolution which I reported from the Foreign Affairs Committee. There will be no other germane proposition or opportunity for this purpose except on this bill.

That report made last session by that committee comprehends every reason pertinent to its adoption. It has been commended by patriotic men of all parties. It would open the way anew for our best aspirations as a people. It recognizes our continental relations, which include commercial relations. Whether we should vote money for coaling stations on the Isthmus, as a collateral proposition to this continental policy, I do not propose now to consider.

The House was confiding, beyond the ordinary trusts which committees receive from it, in referring resolutions to the Foreign Affairs Committee pertaining to this question, in view of the fact of the existence of a special committee on a kindred subject. The Committee on Foreign Affairs took no material or narrow view of the matter intrusted to their judgment. It did not consider appropriations for maritime stations. It dealt only with the higher questions of the *lex gentium*. These include not only the treaties, the best virtues and conscientious convictions of right and duty, but the natural justice recognized among nations. It regarded them as a bar to the general retrogression of our race by the abrogation of our duties upon this continent as the chief government and the best helper to its civilization and advancement.

This Congress, in its daily routine, and especially in this hurried short session, hardly has the leisure to mark time, much less to move forward to generous policies, which have their best champion in these federated States of North Amercia. Still we do sometimes pause, even on appropriations for coal, to lift above the dull and mercenary round of our legislation an ensign, whose sacred cross in the southern skies is brighter and loftier than that which Constantine saw in the heavens, and in whose sign he conquered?

The President of the United States recognized the sign, and his message of March 8, 1880, illustrates how the American idea rises above the ordinary schemes of men and parties. No microscopic horoscope of our relation to this hemisphere is now possible or honorable. The report recognizes the adhesion of the executive department to the doctrine of our supremacy as a leading power on this hemisphere. It recognizes our "rightful control" over isthmian enterprises, in which we have the paramount interest. It recognizes the necessity of clearing away the *debris* created by improvident diplomacy, such as the Clayton-Bulwer treaty, to the end that we may securely found a policy indispensable to our safety, security, commerce, production, and advancement. The obstacles the Executive hints at, the report of our committee would remove by a bold and unmistakable revocation of the obnoxious treaty.

The report rehearses the story of the Isthmus and the wiles of diplomacy to counteract, impede, and destroy our "rightful control" in that remarkable neck of land. The alarm felt in 1849-'50, and which led to the "ill-omened treaty," as if it were portentous of a conflict with Great Britain, has been dissipated. Crops—surplus crops here and failure of crops abroad—commercial changes, and the advance of popular principles and liberal trade—these and other elements of our country, not excluding our material strength, developed against our-

selves since 1849, make the fears of those early days as to war and its consequences as unsubstantial now as the mist that evaporates before the sun.

Nearly all that could be said as to the diplomatic blunders of Mr. Clayton, our former Secretary of State, has been well said by our leading statesmen, such as Cass and Douglas. But the inside history, the wiles and devices of the English diplomats who captured Mr. Clayton, and whose record has transpired lately, as well as the violations of the treaty by England, are stated in the report with sufficient fullness. They need no repetition from me here and now. It might be permitted me, not because of any vanity of consistency but out of the logic of events, to recur to some early discussions, so as to show what is of moment and pith in the present emergency.

We abandoned "through pusillanimity great and splendid advantages fairly secured to us by treaty." It is our duty, now that the apprehensions growing out of the balance of power between free and slave States is ended, to recognize ourselves as sole arbiters of our interests upon this continent.

On the 18th of January, 1859, I had the honor to address the House in words and with meaning very similar to the language and tenor of this report. At that time there was a disquieting aspect in our affairs growing out of English pretenses. It looked to changes in territory and power. The law governing such changes was expressed with more latitude than would now perhaps be compatible with my relation to foreign affairs; for I said, speaking almost abstractly, that nationalities of inferior grade must surrender to those of superior civilization and polity. The expression was this:

The largest expression of this law of annexation is that no nation has the right to hold soil, virgin and rich yet unproducing—no nation has a right to hold great isthmian highways or strong defenses on this continent without the desire, will, or power to use them. They ought and must inure to the advancement of our commerce. They must become confiscate to the decrees of Providence.

After showing our relations to Cuba and the hostility of Spain by tariff discriminations and otherwise, these remarks of mine appear in the Globe of that time:

As to Central America, we know well the impediment existing in the way of our acquisition there. The Clayton-Bulwer treaty, the diplomatic blunder of the century, stands as a huge gorgon in our path. The policy of its abrogation is conceded; but "how not to do it" seems to have been the practice. The present Executive, in his message of December 8, 1857, bewailed this condition of things. He inherited, as did President Pierce, this treaty of peace, which has proved a treaty of offense. England and the United States have been quarreling over its construction when its destruction was the most pacific course that could have been adopted. Collateral treaties may be made which will prevent the consequence of an abrupt abrogation of this treaty. Diplomacy is now, we are told, working to this end.

But as we now know all such collateral endeavors utterly failed. The civil war came; and the utter oblivion of isthmus routes followed under the pressure of our great necessities. In pursuing this theme at that day, I said further:

But there is in the American mind a chronic distrust of England. It is well grounded in her laxity of faith. When her interests can be subserved, she breaks any compact; and only adheres to it when demanded by her interests. Whether the treaties to be made with Honduras, Costa Rica, and Nicaragua throttle this bantling of Bulwer, whether we are to lose still more by British dilatory diplomacy, remains to be seen. One thing is remarkable, that we have not advanced since 1849, when Nicaragua, in the Hiess-Selva treaty, proposed to "confer on us the exclusive right" of an interoceanic canal or highway. Had that treaty been confirmed, we might have had to-day forts and free cities along its route and at its termini, with full right to protect Nicaragua by all the strength of our Navy and Army. A year later, and that wily diplomatist, Bulwer—who, for his tact, is sent to the Bosphorus to teach Russia her *rôle* in the East—comes forward with his *projêt*. Our Government nibbles coyly at his bait; but, like a foolish fish, at last leaps for the fly, is barbed, and hauled in to flounder for the amusement of the world. Would that Mr. Clayton had weighed the meaning of Smelfungus's philosophy: "It is always time to cut your throat; but if your throat is once cut, there are certain difficulties in the way of reconsidering your determination."

Crampton and Webster tried in 1852 to unravel the web. Then Webster and Molina tried it with the aid of Costa Rica. Then Wheeler and Escobar, acting for Nicaragua, made an effort, which our Government failed to accept. Then Clarendon and Herran, for Honduras, sought to untie the knot, and this led the way to the Cass-Yrissari treaty in the fall of 1857, which began *de novo*. Then a fair treaty was made, allowing us the protectorate of the transit, but through foreign influence, it was so modified by Nicaragua as to be unacceptable to our Government. Now, Sir Gore Ouseley, having ceased to be a diplomatic myth here, has gone to the South where, we trust, something may be done to cancel that part of the Clayton-Bulwer treaty by which we agreed with England to cut our throats by never "occupying, fortifying, or colonizing, or assuming or exercising any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America." We trust that such an agreement may be made to this end; but my reading of history is vain if we do not find thrown about this abrogation some clog which the American people will not bear.

Then, as a public man, jealous of foreign domination over the interests of our continent, I foresaw the relations and designs of France and England. They had designs upon our continent which appeared afterward, but did not appear so clearly when I remarked:

Their *entente cordiale*, as Clarendon said it would be, is extended to this hemisphere; and here we have them! They are, by their presence, if not by their diplomacy, ignoring the far-famed doctrine of Mr. Monroe, which had, when first given, as general a meaning and as practical a use as it ought now to have a specific application. His doctrine was that the countries of the American continent, by the free and independent condition which they assumed and maintain, are henceforth not to be considered as subjects for future colonization or influence by any European power.

Let controversy contend as to the meaning of this doctrine. I know that when Yucatan was about to be taken by England, and when English arms were furnished her for an independency of Mexico, which would have been a dependency of England, Mr. Calhoun then tried, in an able speech, to limit the application of that doctrine to the surroundings out of which it grew, namely, to the intervention of the Holy Alliance to recover the revolted American States for Spain, and the Russian occupation on our northwest. But the declaration has a larger meaning; it has become settled policy. In 1823 Mr. Jefferson laid it down thus:

"Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cisatlantic affairs."

Yet this doctrine is sneered at, as if Monroe's ghost were invoked to do a kind of constable's duty, to warn all foreign intruders from this continent. So far as emigration is concerned, this continent is open as day; but no flag, no policy, no institution, no colonies, no protectorates of Europe, can exist here without endangering the peace, infringing the rights, or disturbing the order and prospective interests of this continent.

Whatever may have been the occasion of the Monroe declaration, which has been so truthfully and cogently set forth in the admirable report of my colleague on the Foreign Affairs Committee, [Mr. HILL, of Ohio,] its cause is as eternal as liberty and its consequences will be as progressive as our nation. I care not for its traditionary emphasis. Democrats, at least, can afford to let that go. Is it sound doctrine for the present? If so, it ought to be the enthusiastic sentiment and genius of this Government. If so, let it be no more the jeer of Europe, the swagger of America, but a fact as much a part of our historic life as the Declaration of Independence, which was its procreant source. It is the law of self-preservation. General Cass gave it proper direction. It was intended to guard this continent against the incursion of any alliances, "holy" or unholy. It looked to that law which I have laid down, by which the interests and honor of this hemisphere were to be guarded by none but ourselves. We do not want to be foreclosed against its occupation, fortification, and annexation. In the present feeling of this country, no treaty can be made, and made to stand, if it does not break down all protectorates of England and all interference of Europe.

England pretended to settle all in the Clayton-Bulwer treaty; yet that treaty was a delusion and a snare. While that treaty was yet warm, England drove the Nicaraguan forces out of San Juan del Norte; then she pirates that *entrepôt* from an independent State; anoints a hybrid savage as a king; gives to a few Jamaica negroes, dressed like the Georgia major without his spurs, the constabulary baton; and builds a *congeries* of negro huts, which she nicknames after the Earl Grey. She performs the same office for Honduras by what Clarendon called the "spontaneous settlement" of the Bay Islands, and then claims from us good faith in keeping the compact which she breaks. Then comes Sir Gore Ouseley to maintain the delusion, in spite of Lord Napier, who goes home. What more? She approves of the Cass-Yrissari treaty by fomenting difficulties in the way of its ratification. She pretends to Mr. Dallas, through Malmesbury, that Belly is a French adventurer for whom she has no sympathy, yet in acts gives to him French and English protection through the alliance.

These facts now almost forgotten show that it is not safe to trust her. Her treaties are ropes of sand. Her international law is too elastic for use by any but herself. All complications with her are dangerous and entangling. Thank God, we have had a Secretary of State like General Cass, whose life was marked with signal ability in anticipating, demonstrating, and frustrating her designs. This nation will sustain him in his declaration that—

The establishment of a political protectorate by any one of the powers of Europe over any of the independent States of this continent, or, in any other words, the introduction of a scheme of policy which would carry with it a right to interfere in their concerns, is a measure to which the United States have long since avowed their opposition, and which, should the attempt be made, they will resist by all the means in their power.

It will do more. Irrespective of party, it will sustain the present Administration on the principles of the recent message, in which the doctrine of our democratic statesmen like General Cass is reiterated.

I am ready either to give the moral force of a resolution such as that now referred to the Committee of the Whole, to abrogate the Clayton-Bulwer treaty, or I am ready to go further and to clothe the President with extraordinary powers, and to give him means, or the authority to procure means, by which his recommendations may be acted on.

But it may be said, why so much risk of war with the combined powers of Europe? Why so much anxiety for the Isthmus or Central American route? Not because we are in danger of being cut off from its dominion. That will come if these Central American States remain independent of European constraint. Not because it is the only feasible mode of transit for the great oriental trade between the oceans, for in time there will be rapid and safe transits on our own soil; not so much because we ought to have and hold the hundred and fifty millions of trade with these Spanish American tropical lands, instead of but ten millions which we now have; but nature never made so narrow an obstacle, one so easily severed, and on which such great commercial and economical results depended, as that at Darien or Nicaragua. She buried mountains and valleys beneath the wave to narrow that neck and thus expand the bounds of interchange and encircle the earth with a white zone of argosies.

If this Congress has optic nerve enough to look a few years ahead, it will at least start a policy that will secure all the Isthmus highways, which are so indispensable to our development and power. Its first duty is to repel every attempt of the remotest influence, come from what quarter it may, which may impede this procession of events or arrest our inevitable and legitimate aggrandizement. No nation with one harbor, much less a nation with a coast bestrewn with har-

bors like ours, can be long prosperous within that does not prosper and grow without. When a State which is commercial by situation forgets the work of outbuilding its empire it loses its inner vitality. The day that marks its failure to meet every rising opportunity of advancement abroad, marks its sure decline at home. As with the individual, so with the State; if its ambition be dead and its hopes of expansion smoulder, its dissolution is speedy and sure. While its intellectual and physical energies are tense and grasp a large range, its internal and foreign empire will become consummate, because it has the everlasting law of growth.

Believing that the baleful shadow over the Isthmus, which came through bad diplomacy, against the general sentiment of our country, should be removed, and that the way should be cleared for our proper relation to the interoceanic transit and "its rightful control," I hope that the resolution from the Foreign Affairs Committee may be adopted as a part of the advanced policies looking to our supremacy on this hemisphere.

A Plea for the Education of the Poor.

SPEECH OF HON. J. S. RICHARDSON,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 22, 1881,

On the bill (S. No. 133) to apply the proceeds of sales of public lands to the education of the people.

Mr. RICHARDSON, of South Carolina, said:

Mr. SPEAKER: This bill is very similar to one I had the honor to introduce during the extra session. It meets my most hearty approval. The importance, yea, the necessity of educating all classes of our people will not be questioned, and cannot be overestimated. It is true that in the earlier days of the Republic our legislators placed great importance upon the education of the people, and gave much care and considerable grants of land to that purpose. But of late years the American statesmen, judged by what they have attempted as well as by what they have accomplished, seem in a great measure to have lost sight of this most important of all the means for promoting the welfare and preserving the liberties of a people.

It was not so with the fathers of our country. It may be well said, there was no subject on which they laid greater stress or more importance. Washington, in his first annual message, endeavored to impress upon the country the importance of educating the people. Said he:

> Knowledge is in every country the surest basis of public happiness.

And in his farewell address he was careful to leave this injunction upon his fellow-countrymen:

> Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

John Adams, Jefferson, and Madison, each and all, endeavored to impress upon their countrymen the education of the people "as the means of a better administration of our Government and the eternal preservation of its republican principles."

And Monroe in his inaugural address said, "it is only when the people become ignorant and corrupt, when they degenerate into a populace, that they become incapable of exercising the sovereignty." And he added:

> Let us by all wise and constitutional measures promote intelligence among the people as the best means of preserving our liberties.

These views, after the lapse of nearly three-quarters of a century, have lost none of their force and none of their truth. It is beyond questioning that if we are to have good citizens we must have an intelligent people, and if we are to have independent voters we must not have an ignorant people. And yet what has the Government, with its vast and ever-increasing resources, done to insure that every citizen shall be an intelligent voter? What has it done in the last quarter of a century for the cause of general education? While it has given its millions upon millions for local, State, and private purposes, for the construction of railroads and canals, for the improvement of rivers and harbors, and for the erection of costly edifices, the education of the people has been left, in great measure, to take care of itself. Whatever has been accomplished has been effected by individual or State effort. The General Government has, within that time, done little or nothing. The beneficent and wise requirement that each new State shall set apart so much of the land, within its own borders, for educational purposes can hardly be called a gift or donation by the Government to the cause of general education.

Much might be said upon this branch of the subject, but the limited time at my disposal will not permit of my pursuing further this review of the failure of our Government to foster, encourage, and provide for the educational wants of her people. But I must not fail, in this connection, to call attention to a comparison between what we, in like circumstances, have failed to accomplish, and what France, with her immense war debt pressing upon her people, has done within the last few years. Notwithstanding the devastation of war which so recently swept over her sunny hills and fair valleys, and her immense debt, France gave, in 1877, $23,160,000 in order that a school-house should be erected in every hamlet, and by statute provided for the education of the youth throughout her entire borders. Shall it be said that France, but yesterday born into the family of free nations, fosters with greater care and more wisdom than free America this true germ and best safeguard of liberty?

But leaving to others the discussion of the general subject of education, its importance and necessity in a Government constituted as ours is, and the propriety and wisdom of devoting the proceeds of sales of the public lands to the cause of general education, I ask the attention of the House for the few remaining moments of my time to the claims of the Southern States, and especially of the lately enfranchised freedmen, to the assistance of the General Government in the education of her people.

The Southern States were once rich and prosperous. They are not so now. On the contrary, they are poor and unable to educate their people. In 1860 the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, according to the United States census, possessed an aggregated wealth of $5,192,166,107; and in 1870, their aggregated wealth was only $2,739,290,037. Even this enormous falling off does not show the true condition of the people of that unfortunate region of our country. It should be remembered that, without exception, they were weighed down with very large State, county, municipal, and, in many instances, individual indebtedness, which the casualties of war had left them poorly able to meet. And I venture nothing in saying that while the taxable property of these States was but little more than one-half of what it had been in 1860, the non-tax-payers were fully two-thirds of the entire population. The people of these States on the cessation of hostilities found themselves face to face with a population, according to the United States census of 1870, of 5,544,388 whites, and 3,938,993 colored—the colored population being over two-thirds of the white; and the children of both races, in whole or in part, uneducated. The war and poverty after its ravages, in many cases, prevented the white children from securing an education, while the colored youths were entirely ignorant.

In solving the problem whether the General Government should do anything toward educating these people three questions present themselves as preliminary and necessary to be first answered:

First. Have these States done their duty, and all within their reasonable power, toward providing education for their people?

Second. Have they given assurance that funds provided for educational purposes will be fairly, equally, and economically expended?

Third. Is there any special reason why the General Government should assist in the education of the colored people?

My time will not permit me to tell in detail what each of these States has done, since the war, for the education of their people; nor how great with each is the necessity for help from the General Government.

An examination of the reports on education exhibits the fact, however, that they have all established free schools for colored and white children alike, which are superintended by State officers and supported by taxation; that in each of these States the school funds are divided in proportion to the school population without regard to race, and that all children between the school ages have the right to attend the schools; that the schools are being more and more generally patronized, and year by year becoming more and more popular.

But here the bright side of this picture ends. The reverse side exhibits the fact that the funds collected for school purposes in all of these States are utterly inadequate to the wants of the people and the demands for education, that in that want the children of the white citizen fares equally with the children of the colored, and that as a general rule the schools have not been able to be kept open longer than from three to five months in any one year; in most cases not over four months. The great need felt and lamented by all, but overpowering and insurmountable, is the want of means. The great obstacle is our poverty and the vast numbers of the helpless thrown upon our hands.

It is the simple truth to say, "the people of these States have imposed upon themselves as great an educational tax as they are able, in their poverty, to bear; and help must come from the General Government, or from others, if the ignorant in our midst are to be educated and thus made useful citizens and intelligent and independent voters.

In order that those unacquainted with the history of education in the South since the war may have a better idea of this whole subject, I ask the attention of the House for a few moments to education as presented in my own State, (South Carolina,) with which I am more familiar, and which I am satisfied is but a counterpart of what exists in each of the other Southern States.

The constitution of South Carolina makes it the duty of the General Assembly to "provide for a liberal and uniform system of free public schools throughout the State." This has been done, and these schools have been in operation for years; but until 1878 they were

supported chiefly by a voluntary tax imposed by the citizens of each township, and was, of course, variable and uncertain. In that year (1878) an amendment to our State constitution was ratified which provides that for the support of public schools "the boards of county commissioners shall levy an annual tax of not less than two mills on the dollar of all the taxable property in their respective counties."

The amount thus raised, together with the poll-tax, which is also set apart for school purposes, constitutes the school-fund. The schools and school-houses in the State have been equally divided between the white and colored children, and by amendment to our constitution recently adopted it is further provided that "the school-tax shall be distributed among the several school districts in proportion to the respective number of pupils attending the public schools." This provision is faithfully and fairly carried out.

Now, under these provisions of our constitution and laws, what has been actually done?

The entire taxes collected in any one year since 1877 for all State purposes, not including the interest on our State debt, does not exceed $300,000; while the school tax amounts to something over three hundred and fifty thousand dollars. Now, when it is remembered that the entire taxable property of the State is only $115,007,862, it will be admitted by all candid people that that is all the school tax the State can bear. Thus, too, it will be seen that South Carolina devotes to the education of her people, white and colored, a sum greater than the entire amount collected for her State government. And yet, as has been said, the amount falls far short of what is needed to afford even a moderate education to her 134,072 school children or to run her 2,973 schools for more than from three to four months in the year.

The superintendent of education in South Carolina is an educated and cultivated gentleman, faithful and conscientious in the discharge of all the duties of his office, and deeply interested in his work. In his report for 1879 he says:

It is true that the negroes continue to show a praiseworthy desire to avail themselves of the benefits of education; but it is equally true that they are receiving encouragement from the whites, and their full share of the school fund from the officers intrusted with its disbursement. Not only are school officials discharging their duties impartially, but, from personal observation, I assert that in every part of the State men of character and of influence are cheerfully giving to the negroes aid and counsel in the management of their schools and in all matters tending to the general improvement of their race.

The reports of my predecessor, which cover the period of time from 1869 to 1876, show that the average attendance of colored pupils was 41,691, while my reports, which include the returns from 1876 to the present time, show the average attendance of colored pupils to be 60,723, an increase of a little more than 45 per cent.

The increased attendance is proof that the colored schools receive their share of the school fund, and is the best answer to the charge that the negroes are denied the opportunities of education. While it is true that in the country districts there is much need for improvement, both in white and in colored schools, it is not true that discriminations have been made in favor of one or against either race. The public schools for the colored in Charleston deserve especial notice. The first school established in Charleston for the colored was the Morris street school, which was opened in September, 1867. The school board at that time was composed of leading citizens of Charleston. Under the administration of Governor Scott the members of the school board were selected from men in sympathy with what was then the dominant political party in this State. At no time while the schools were under this management did the number in attendance at the Morris street school exceed nine hundred. In June, 1871, the public schools of Charleston were closed, the salaries of teachers and employés for the preceding six months being unpaid. The democratic board, elected in the latter part of 1871, found empty buildings and an empty treasury, but the public schools, including the Morris street school, were reopened with a full corps of teachers. Since 1872 the Morris street school has steadily increased in numbers, the greatest increase being since 1876–'77. The report for October, 1879, shows the following figures:

Number of departments—grammar, intermediate and primary	3
Number of pupils enrolled	1,404
Average daily attendance, (per cent.)	93
Number of teachers	26

The principal of this school is a distinguished graduate of the South Carolina military academy. The other teachers are all native whites, the majority being graduates of the Charleston normal school. These teachers receive the same salaries as are paid in the white schools and are subject to the same rules. The school building is the best in the city, and cost when completed and furnished about thirty thousand dollars. It possesses all necessary facilities for teaching, being well supplied with maps, globes, and the other appliances of a well-equipped school. This school will bear comparison not only with the schools for the whites in Charleston, but with any public schools in this country.

The Mary street school, which is also for the colored, has a corps of thirteen teachers, with an enrollment of over six hundred pupils.

It will be seen from this statement that in the public schools for the colored in Charleston there are at this time over two thousand pupils and thirty-nine teachers. The whole number of colored pupils attending the public schools in Charleston for the last school year was 3,568. It is probable that the number for this year will be larger.

There is one more statement in this connection which should be made. It is this: The only institution in South Carolina for higher education which now receives State aid is the Claflin University and College of Agriculture, which is devoted solely to the education of the colored race. This institution receives annually from the State $7,500. It is in successful operation, with a large number of students. The president, Rev. Edward Cooke, D. D., is a northern man, eminent as a minister of the gospel and as a successful teacher of large experience. He is ably supported by a carefully selected faculty, two of whom are natives of this State. Before the civil war South Carolina boasted with pride of her State college and her State military schools. In these institutions many of her most useful and some of her most distinguished sons were educated. Now, although unable to support either of these seats of learning, she is nevertheless contributing liberally to maintain an institution for the higher education of the colored race.

This, then, is what South Carolina in her poverty has done and is doing toward educating her white and colored children. She is not able to increase her educational facilities, and the wants of her people in the matter of education are not more than half met. Her children are asking and hungering for education.

Dr. Sears, speaking of education in the Southern States, in his report for 1879 to the trustees of the Peabody fund, says:

I have alluded to the debts which, with almost crushing weight, hang over most of the Southern States. Among other questions of fearful import which are engaging the attention of public men in these States, that of supporting or not supporting the schools in their existing financial condition is not the least perplexing.

It is not for me to express an opinion how far it would be expedient or possible for Congress to come to the aid of these impoverished States by making temporary or permanent provision for national education. The subject is not a new one to Congress. But if ever there was a moment when its consideration seemed called for by the exigencies of the cause of education in the Southern States it is this moment. Nor can it be regarded as a mere local or sectional question. No part of the country can be uninterested in its decision. The want of good schools in any quarter of the Union is an injury to the whole Union, as the success of republican institutions rests upon the intelligence and capacity for self-government of the whole people and of all the States. The inability of some of the States to maintain their schools for more than four months in the year may have influences far beyond the region in which the inability exists.

Every member in this House from the South can bear testimony to the truth of what Dr. Sears says as to the poverty of the southern people and the present pressing necessity there exists for help, and for immediate help. A generation is growing up in comparative ignorance. The facts which I have stated in reference to the conduct and management of the educational facilities afforded by South Carolina to her people I have no doubt can with equal truth be said of all the Southern States. They furnish conclusive evidence that these States have done their duty and all within their power toward providing education for their people, and that any assistance rendered by the General Government will be fairly and equally expended upon the education of all classes of our population. It remains but to consider the claims of the colored people to the assistance of the General Government in providing education for their children.

The colored people were not responsible for being slaves, nor were the southern people alone responsible for it. If sin or wrong it was, that sin or wrong was equally the sin or wrong of the American people. It was an institution originated as much at least by the North as by the South. The North sold their slaves to the South, and the South thus became in the end the only pecuniary losers from the emancipation of the slaves. The true history of slavery in the United States cannot be said with fairness or candor to fix the responsibility of the institution on one section more than on the other. But let the responsibility rest where it may, the result to the colored people was the same. In consequence of being slaves the colored people were not educated. It was no fault of theirs. They had no opportunity or means of obtaining education.

The United States Government has made them free. In doing this it has taken them from under the care and guardianship of their late owners, and as the result of their freedom they have been invested with the right of suffrage. What was their condition when set free by the United States Government? To say that they were in utter poverty hardly expresses their true condition. They had neither land to live on nor food to satisfy their hunger, without property and utterly without education, and yet the Government called upon them and still calls on them to vote. It certainly was not liberal to them if it was fair to give them freedom and the ballot and yet give them no means of a support and no education to guard and direct the right of suffrage. All will admit that in order to be intelligent voters it is necessary that they be educated; and few will deny that in order to be safe and trustworthy voters they must not be ignorant voters.

View it from any stand-point you please, all will admit they should and must be educated. The southern problem will be solved when and, in my judgment, only when education is given to the illiterate masses within her borders. Now, who is to educate them? Who ought to do it? Who can do it? Is it right to say the southern white people should educate them because freedom happened to find them upon southern soil and at our doors? Who put them there as freedmen and in their helpless condition?

Ah, who educate them as they need and ought to be educated? Not the southern people, stripped as they were by the results of the war of three-fifths of their entire property and with little else left them but the land on which they lived. Without the means of educating their own children, and scarcely able to feed and clothe them, it is amazing what they have done toward educating the children of their former slaves. But with all their willingness they have been unable to educate the colored people as they should be educated. I ask, then, again, who educate them?

The United States Government can, and in my judgment ought to, provide the means of educating them. Whatever may be said to justify the failure heretofore of the United States Government to provide the means of education to the five millions of poor, starving, almost naked, ignorant, and helpless colored men, women, and children, who it set loose without a foot of land they could call their own, and without the means of utilizing their freedom or making of themselves intelligent and useful citizens, has not the time now come when it can and ought to make provision for their education? After the war the Government felt itself crippled and burdened with an enormous debt, but now it is prosperous and wealthy, our resources year by year increasing, and there seems to be no bounds to our future growth and prosperity. And here by the provisions of this bill is the way pointed out whereby without the expenditure of a single dollar or the addition of a single cent to our indebtedness the education of these people can be secured.

The simple question is, Will the Government donate the proceeds of sales of public land to this great object, or will it keep it for other railroad subsidies and grants?

The leading nations of Europe are providing educational facilities for all classes of their people. Germany is constantly improving her system of education. Austria, France, and Russia are making the most liberal provision for the education of the masses. When the English Government liberated the slaves of the West Indies it made provision for their education. Can free America, where every citizen by his vote helps decide the destinies of the Republic, afford to do less?

Railroad Wrongs in Nevada.

SPEECH OF HON. R. M. DAGGETT,

OF NEVADA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 25, 1881.

The following joint resolution of the Legislature of the State of Nevada being presented for reference—

Joint resolution to the Congress of the United States in relation to discrimination in fares and freights by interstate railroad companies.

Whereas the people of the State of Nevada have long suffered and do now suffer under the impositions and exactions of the Central Pacific Railroad Company, which, besides retarding enterprise, injures the business and prosperity of the people of this State, and amounts to the most enormous, unjust, and oppressive tax ever laid upon the industry of a people. The said railroad company exercises over the persons and property of others an almost absolute power, vicious and tyrannical, destructive of the rights of persons and of property, and opposed to common justice, as well as to every principle of civil and constitutional liberty known since the days of Magna Charta; and

Whereas it is proper that the truth should be known concerning this corporation and its transactions, the following facts are herein stated: The people of Palisade, distant four hundred and thirty-five miles east from Sacramento, have to pay for freight on flour (fourth-class freight, per published special-rate tariff of Central Pacific Railroad) per car-load the sum of $282 from Sacramento, while the people of Toano, one hundred and twenty-nine miles further east, pay freight on flour per car-load, according to the printed special rate, the sum of $275 per car-load, while the merchant having a contract for some so-called competitive point with this railroad company pays freight on the same article, to wit, flour, per car-load, only $200. The merchant at Toano, having a special contract pays $82 per car-load less freight than the merchant at Palisade, although, as before mentioned, the carriage is one hundred and twenty-nine miles more. The goods delivered at Palisade or Battle Mountain, distant respectively four hundred and thirty-five and three hundred and eighty-three miles from Sacramento, have a freight charge of $480 per car-load, while at Toano the freight amounts to $275 per car-load to persons having special contract rates for so-called competitive points, the greater service being performed for the less amount. Persons shipping wool or other products from Palisade, Battle Mountain, Elko, or other points in this State to the Eastern States, have to pay local rates to Sacramento, thence freight at through rates back over the same road to the point of destination, the shipper being often compelled to pay freight at local rates for a distance of over five hundred miles, a service useless and unnecesary even if rendered. The same unjust discrimination is practiced by this railroad company against the people of this State in the rates of freight upon goods shipped from points east of this State. The freight on a box of eggs from Ogden to Toano costs one man $3.35 per box, and the same number of eggs, in the same sized box, and of the same weight, costs another man sixty-five cents. A hundred pounds of squashes costs one man in freight $1.36, while it costs another fifty-five cents. Hams and case goods costs one man $2.04, while it costs another but fifty-five cents. The distance from Ogden to Toano is one hundred and eighty-three miles. The same unjust discrimination is also practiced by this railroad company in passenger fares. A ticket from Omaha to San Francisco costs $100, while a ticket from Omaha to Palisade, being six hundred miles nearer, costs $95. A person desiring to go East is charged within a fraction of the full fare, through and from San Francisco to the point he desires to reach, although he may ride over one-third or less of the line of the Central Pacific Railroad. More appalling examples of injustice than are shown by the above instances, selected from among a myriad of kindred transgressions, are hard to conceive; and

Whereas such pernicious practices should be no longer tolerated: Therefore,

Be it by the senate and assembly conjointly resolved, That the passage of the bill now before Congress, known as the Reagan bill, prohibiting discrimination in fares and freights on interstate railroads, will be hailed with joy by the people of this State as a measure of justice and relief.

Resolved, That our Senators in Congress be instructed and our Representatives requested to vote for and use all honorable means in their power to secure the earliest passage of said Reagan bill.

Resolved, That his excellency the governor is hereby requested to transmit an engrossed copy of these resolutions, under the great seal of the State, at the earliest moment, to each of our Representatives in Congress.

STATE OF NEVADA,
Secretary's Office, ss:

I, Jasper Babcock, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original joint resolution which passed the Nevada Legislature February 10, 1881, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of State. Done at office in Carson City, Nevada, this 12th day of February, A. D. 1881.

[SEAL.]

JASPER BABCOCK,
Secretary of State,
By J. J. CHESLEY, *Deputy.*

Mr. DAGGETT said:

Mr. SPEAKER: In presenting this joint resolution of the Legislature of the State of Nevada, I ask permission, since the story is but partially told, to supplement its declarations with certain other facts and figures pertinent to its prayer.

RAILROAD METHODS AND PRACTICES.

Some one has said, or should have said, that excessive discretion is the twin-sister of cowardice, and he who recognizes and fails to rebuke a wrong is scarcely less guilty than the one who commits it. Whatever may be the prevailing judgment here, to my humble thinking the time has at length been reached in the history of national railroad legislation when it behooves every Representative upon this floor whose action has not been circumscribed by unwholesome influences, or whose lips have not been sealed with doubt, to speak plainly.

It is impossible for any member to shut his eyes to the character of the struggle which, since the convening of the present Congress, has marked the action of this House concerning the legislation referred to in this joint resolution. In every feature have been made manifest the resources, the craft, the audacity which the railroad rulers of the land are prepared in extremity to summon to their assistance.

With their millions wrung from the many they have purchased and enslaved abilities ennobled in better fields of effort. They have subsidized the public press. They have fouled the fountains of justice. They have stifled the expression of public sentiment. They have corrupted the ballot, and sought to undermine the morality of every department of State and National Government; and their accredited agents have abused the privileges of this floor by obtruding their presence among the members during legislative hours.

Nor this alone. Many-tongued rumor, the unblest evangel of calumny, has more than hinted that to the glitter of gold have been added the enchantments of beauty to warp the judgments of men, and that the corporate Aladdins of the land, whose influence it is impossible not to feel, even in the inner chambers of this temple, have called to their councils both the sightless son of Ceres and the star-eyed cyprian whose home is on the heights.

I must not, dare not, will not give credence to reports so humiliating to the membership of this House; and, to borrow a figure for the occasion, even were it possible for me to believe them, over my shoulders I would hang the mantle of doubt, and, like the blessed of Noah's sons, walk backward with it to cover the infamy before the world beheld it or our own eyes were blasted by the unwelcome vision.

RAILROAD BILLS BEFORE THE HOUSE.

But let us glance for a moment at the situation, without further reference to the circumstances which may have conspired to create it. During the last Congress what is known as the Reagan bill passed this House by a large majority. Its provisions were everywhere discussed, and almost everywhere approved. It was plain, straightforward legislation, and the people could understand it. If it did not completely correct railroad discriminations, it fixed a limit, at least, beyond which they could not be exacted, and embodied a principle in interstate railway transportation so just, so reasonable, so necessary, that it received the prompt indorsement, I am warranted in believing, of a majority of the constituents of four-fifths of the members upon this floor. If they doubt it, let them call the roll on the question at the next election, and they will return to their seats instructed.

After passing the House this bill died with the Forty-fifth Congress in the Senate. The manner of its death was never reported by the committee having it in charge. One Washington correspondent said it died of neglect, another that it was disemboweled and then strangled, and a third that the chairman sat down upon it, I presume by mistake. But, whatever may have been the cause of its death, let him be punished according to his deserving who harbors a suspicion that the funeral expenses were paid by the railroad companies. I am not permitted to believe it.

The same bill was reintroduced in the House during the extra session of the present Congress. After due consideration the Commerce Committee authorized their chairman to report it back to the House. Such action thus early in the session did not accord with the plans of the railroad managers. Should it go to the Senate within two or three months of the opening of the session, it would be difficult to hold it in committee there until the close. Hence, they asked that the report might be withheld long enough for them to be heard before the committee. They intimated that they had some new and overwhelming testimony against the bill, and their request was granted.

Their ablest attorneys were hastily summoned to the capital; their lobby force was increased and redrilled in desperate and shameless tactics; they interrupted communication between the committee and the House; their subsidized journals threw open their throttle-valves, and the assault began. We know the result, if we do not the details, of the struggle. The committee yielded to new convictions, and in the end agreed to a new bill instead of the one which they had a few weeks before authorized their chairman to report.

THE COMMISSIONER BILL.

When the committee finally reported, in graceless compliance with a popular demand which could not be well disregarded, it was to hand in silence to this House three distinct railroad bills. The first was the commissioner bill, agreed to by a majority of the committee after the rehearing, and which, it seems to me, should be satisfactory to the railroad companies. The second was the Reagan bill, modestly appearing as an amendment—a bill which has already received the indorsement of the people. The third was the substitute bill of Mr.

McLANE, which says nothing, means nothing, and provides for nothing. It is a ghastly mockery of railroad legislation—something which resembles an uncharged shell from a railroad battery, spluttering, fizzing, but harmless, and therefore entitled to no further attention.

Now, let us glance for a moment at the two bills remaining for consideration. The commissioner bill, or the bill of the majority, is a dangerous measure, for it wears upon its face the smile of honesty. It is adroitly and carefully drawn; so carefully that its enforcement as a law would not seriously interfere with existing discriminating railroad practices. Its aim seems to be to supply the people with litigation rather than legislation, and perpetuate evils which it is the duty of Congress to correct.

In a speech before the committee one of the attorneys of the railroads remarked that there was a knife in the fourth section of the Reagan bill, and the trouble seemed to be that his clients could not get hold of the handle. The hallucination was not new with the gentleman, and in recalling similar examples of mental distemper the air-drawn dagger of Macbeth presents itself as a kindred case. But if there is a knife in the fourth section of the Reagan bill, there is a whole cuttlery establishment in this commissioner bill, with every edge turned toward the people. Read thoughtlessly it sounds well. It abounds in sections of tender solicitude for the people and clauses of stern restraint of railroad rapacity. Both are mere mouthings. Accommodating public journals have been prompted to say that there are sections in the bill highly unsatisfactory to interstate railroad managers. This may be so. It may be more difficult to please these gentlemen than we imagine. But the sections are coupled together like a train of cars, and in reading them we can catch the echo of the sound of wheels.

Now, permit me to make a very brief synopsis of the vital provisions of this commissioner bill in plain English, and I will then dismiss it. It provides for the appointment of a board of three railroad commissioners, who shall have supervision over the interstate business only of interstate railroads. This supervision is limited—now mark this provision—to questions of commerce between the States, and does not extend to any other portion of the business of the roads. That is, the commissioners are not permitted to inquire either into the cost of construction and maintenance or the earnings or expenses of the roads gravely mentioned as being under their supervision. They can take cognizance alone of the methods of operating railroads by railroad corporations, as affecting interstate commerce. This, and nothing more.

Having no supervision, then, of practical value over interstate roads, what are the commissioners authorized to do in the way of equalizing or reducing the rates of carriage for freights passing from one State or Territory into another? Why, they are to see that the railroads charge no more than "a fair and reasonable rate" for full carloads of freights—for full car-loads, let it be observed, and nothing less—conveyed by rail from one State or Territory to another; and it is left with them to determine what rates are "fair and reasonable" for such service.

Now, I ask, what facilities have the commissioners for determining what are "fair and reasonable" rates, since they are expressly prohibited from inquiring into the costs of construction and operation of the roads under their exceedingly limited supervision? None, whatever. They must accept the figures of the railroad companies as they are given to them, and base their schedules of "fair and reasonable" rates upon a return to the corporations yearly of a "fair and reasonable" rate of interest on from three to five times the amounts actually expended in construction, together with a deduction from the gross earning of exaggerated expenses of operation. In this I am referring more especially to the overland roads.

Then, since the commissioners in their "supervision," as it is called, are permitted to do little more than watch the cars as they pass from State to State, and since the information is withheld upon which "fair and reasonable" rates alone can possibly be fixed, of what value can their services be to the public? Certainly of little or none in the investigation of complaints against railroad lawlessness, for they are not empowered to investigate charges of that character unless they are approved and forwarded by an incorporated board of trade or chamber of commerce, or a State or city government—thus practically locking the doors of relief against individual grievance and popular complaint.

The twelfth section of the bill says "the commissioners shall inquire into that method of railroad management or combination known as pooling." What for? Why, to ascertain whether or not it should be restricted by legislation! And then, to cap the climax of absurdity, a cruel farce is made of the entire eighteen sections of the bill by extending every interstate railroad restriction and prohibition to every "steamboat, canal or other water craft" engaged "in the transportation of property between the States."

"It needs no ghost come from the grave to tell us" the meaning of this provision. The purpose is to render the bill inoperative, should it become a law, and invoke for it merited derision and contempt, by attempting to apply general transportation laws alike to railroads constructed over condemned lands by legislative authority, and the grand river highways of the Republic, fed by cloud and fountain, and given in perpetuity to the free and unquestioned use of the dwellers in the lands they make fruitful by the providence of God. However it may be concealed, the aim is to subject to the same rules of interstate transportation the unpretentious barge floating with the current down the broad thoroughfare of the Mississippi, with its cargo of coal or lumber, and the train of freight cars flying from State to State under the impulse of special privileges, and robbing one community for the benefit of another.

But, sir, I have not the patience to discuss in further detail the provisions of a bill so disrespectful to the intelligence of this House, so flagrantly treasonable to popular demand. From every congressional district west of the Alleghanies comes the voice of petition asking for railroad legislation, and in response this masterpiece of ambiguity and deception has been laid before us. What the people demand is positive legislation, and not laws to inquire into the necessity of it. They want statutes that can be neither misunderstood nor evaded, and not boards of corrupt or incapable commissioners to tardily deliberate upon their grievances and extend the tenure of railroad imposition. They want laws, not empty promises. They want the substance, and not the shadow that vanishes when the twilight comes. They want definite action by Congress—ay, and they will have it, too, no matter what may be the result of the deliberation here to-day—and not wily subterfuges in eighteen sections to beguile the thoughtless and prolong the years of corporate tyranny.

THE REAGAN BILL.

In short, sir, what the people want—what the people will have, either at our hands or the hands of our successors, if we fail to do their bidding—is a law embodying substantially the vital features of what is known as the Reagan bill, the central provision of which is that connecting interstate railroads shall charge no more for conveying full car loads of similar freights a shorter than for a longer distance. This does not mean that the charge is to be no more per mile for a shorter than for a longer distance in a continuous carriage, but no more in the aggregate. In other words, and to illustrate, the provision is, that if the freight charges on a car load of clothing from New York to San Francisco are $1,800, they shall be no more than $1,800 if the car is to be switched off five hundred or a thousand miles this side of San Francisco, thus giving the railroads the benefit of hundreds of miles of unaccomplished carriage. In the name of all that is reasonable, what more can they have the face to demand?

This question I shall now proceed to answer. I am not sure, now that a bill calculated to afford relief is again before this House, that the necessity of legislation is fully appreciated by a majority of the Representatives here. Hence, in the belief that I may be able to throw some additional light on the subject of railroad overcharges, I ask the privilege of presenting a few facts and figures, not generally known, in relation, more especially, to railroad management in the State of Nevada.

Bewildered in the mazes of a trackless forest, the sun obscured, and nothing in the surrounding vegetation to indicate the points of compass to an unaccustomed eye, the traveler moves round and round in a wearying and endless circle, and finally, when darkness closes around him, finds himself at the same spot from which he started in the morning. So, it seems to me, sir, is it with many who have sought and are still seeking to find their way out of the tortuous labyrinths and impenetrable jungles of interstate railroad government. To the right and to the left, to the East and to the West they adventure, but no furlong of real progress ever marks their steps. They attempt an egress, in turn, through the paths of compromise, the narrow avenues of competition, and the broader but no less bewildering thoroughfares of State legislation; but in the end they return, and must continue to return, discomfited to the spot from which they started, and upon which is based the broad warrant of the measure known as the Reagan bill:

The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.—*Constitution*, article 8.

From this point, it seems to me, the pole-star is plainly visible to all who know how to read the heavens, and with them there should be no doubt; and the way is clear to those who have the courage to follow it, and with them there should be no hesitation.

Although the course may be still uncertain to some of us, be assured that it is no longer so to the millions whom we in the aggregate represent. They have counseled together, for suffering has made them thoughtful; their purpose is fixed, for their wrongs have made them resolute; and now, from the very foundation of power and source of law itself, an undeviating finger is pointing the way to deliverance.

The Representative in these halls is worse than blind who fails to see it, and seeing, worse than dead who fails to heed; for he who turns his face against the right and his heart against his people is dead to everything which gives a man the right to live.

RAILROAD OUTRAGES IN NEVADA.

I admit that I have not made myself very familiar with the details of railroad discriminations east of the Rocky Mountains; yet, were it possible for me to shut my ears to popular complaint and my eyes to unchallenged statement, the consideration of this bill, radical in purpose and general as it is in application, would in itself be evidence that the evil is as widespread in the States east of the Mississippi and Rio Grande as it is unjust and commercially demoralizing everywhere.

But however oppressive or general may be the burden of railroad

discrimination on this side of the Rocky Mountains, or however emphatic may be the demand for congressional action in restraint of interstate railroad imposition throughout the Central and Southern States, I am here to-day, sir, to place before and upon the records of this House a verified complaint of discriminations against the State of Nevada, in character so monstrous that beside the exhibit the recital of other grievances will sound like favors conferred and the sweet promise of still greater benefactions to come.

Gentlemen from Illinois may bring their statements of railroad wrongs, and I will pile an Ossa upon the Pelion of their complaints; they may bring them from Texas or Colorado, and I will Hood the Shasta of their appeals for relief, and still fall short of expressing in the double monument of outrage the full measure of discriminations practiced against Nevada. Their statements tell of a few dollars per ton unjustly collected; mine of $200, $300, $400, $500 per car-load wickedly, audaciously, remorselessly taken from the pockets of consumers without even the pretense of consideration.

Discrimination! They will never understand the full meaning of the word until they have settled for the carriage of a ton of freight, I care not of what kind, by rail from New York to any railroad point in Eastern Nevada.

Their railroad managers are comparatively mild-mannered gentlemen. They collect more than is honestly their due, but are gracious enough to try to explain the reason. This is not the case in Nevada. There the merchant is compelled to pay through rates from ocean to ocean, and from $200 to $500 per car-load in addition for the privilege of paying it, and the mouth of protest is closed by the threat of increased exactions.

These statements must be regarded as strange by those who know nothing of their truth; but I am strangely well prepared to establish that they are strangely correct.

Possessing no especial knowledge of railroad discriminations east of Nevada, and assuming that a majority of the members upon this floor can know but little of railroad tariffs west of the Rocky Mountains, inasmuch as the effort has been ceaseless to disguise or keep them secret, I shall confine myself to the operations of the eight hundred and ninety-five miles of road between San Francisco and Ogden, and incidentally to the 1,032 miles stretching eastward thence to Omaha. Of the eight hundred and ninety-five miles of track belonging to the Central Pacific Railroad Company, about four hundred and fifty miles wind across the State of Nevada, passing through or near its most populous counties and most productive mining districts. Hence, the general dependence of the people of the State for transportation over this road.

PERSONAL EXPLANATION.

And now, sir, lest I may overlook the explanation, I will take the occasion to mention here that, personally as well as politically, I entertain toward the directors of the Central Pacfic Railroad Company no feeling of hostility, and no desire that they may be deprived of anything that is justly theirs.

Like myself, Governor Stanford, the president of the company, was a republican when the title carried with it persecution and reproach; when the public addresses of the Bakers and Traceys of California were answered, as they only could be answered, by tumult and violence; when the dissenting Brodericks of orthodox democracy were healed of their apostacy by half-ounce bullets and modest monuments in Lone Mountain. I assisted, and most cheerfully, in his election as governor of California, and well and faithfully did he perform the duties of his high office.

It is therefore with regret that I am compelled to assail the greater and later acts of his life, and make such showings as must bring in serious question his corporate integrity. But I have a duty to perform, and have neither the right nor the will to shirk it; and if in my allusions to the public acts of these gentlemen inferences may be drawn prejudicial to their individual honesty or sense of justice, friendship will permit me to offer nothing in return beyond the assurance of my pity for all whose greed of gain makes a footstool of equity, and in the midst of their millions bankrupts them in the respect of mankind.

THE CENTRAL PACIFIC.

Passing entirely through the State of Nevada, eastward from the Sierra Nevada Mountains, and tortuously following its most fertile valleys for the sake of the land grants, without especial regard to distances, is the railroad of the Central Pacific. Along its four hundred and fifty miles of track in the State are scattered fifty or sixty villages and other stations, a few of the more prominent of which I shall now mention, together with their distances from San Francisco. They are as follows:

Distances by the Central Pacific from San Francisco eastward to points in Nevada.

	Miles.
From San Francisco to Reno	306
From San Francisco to Wadsworth	340
From San Francisco to Winnemucca	475
From San Francisco to Battle Mountain	535
From San Francisco to Palisade	587
From San Francisco to Elko	619
From San Francisco to Kelton, (Utah)	803
From San Francisco to Ogden, (Utah)	895

As it will be shown that the nearer these towns are to the Missouri River the greater is the charge for the transportation of freights from that point, or in other words, that the freight rates from the East increase in rigid and unconscionable uniformity with the decrease in distance, it is essential to a proper understanding of the figures following that the respective distances from San Francisco of the towns just noted be borne in mind.

TARIFF SCHEDULES OF THE COMPANY.

I will now give, under warrant of the printed schedule of tariffs of the Central Pacific Railroad Company, (Appendix A,) the through rates from New York to San Francisco on such freights as embrace the leading articles of consumption in Nevada. The schedule, however, which names and classifies between twelve and thirteen hundred distinct commodities, will be given entire as an appendix to these remarks, believing that it will be instructive reading to many. The charges are all the way from $300 to $1,800 per car-load of ten tons.

This schedule is issued and signed by the general freight agent of the Union Pacific in Omaha, the general freight agent of the Central Pacific in San Francisco, and the general agent of both companies in New York. The title of the schedule is as follows:

Special through freight tariffs, in force February 1, 1877, to San Francisco, Sacramento, Marysville, San José, Stockton, and Oakland, California.

Freights are rated from four different points and their surroundings in the East, namely, New York, Cincinnati, Chicago, and Omaha, and no distinction in prices is made between the cities named for delivery in California; that is, the prices are precisely the same, for example, at Sacramento and San Francisco, although the latter point is one hundred and fifty-one miles farther westward.

Although a distinct line in the title of the schedule announces that it is "published only for the information and guidance of agents and employés of the Union and Central Pacific Railroads," I have availed myself of its figures just as freely as if it had been printed for the benefit of the public; and as it is further declared that "no contracting agent has authority to deviate from the rates herein given," I must assume that they are, what I know them to be, the through rates actually charged, except in special cases where they are dishonorably lessened as a reward to sycophancy or a punishment of complaint.

With this explanation I present the through rates on a few articles, per one hundred pounds and per car-load of ten tons:

Through rates from New York to San Francisco.

Articles.	Per 100 lbs.	Per car-load.
Coal-oil	$1 50	$300
Candles	1 50	300
Machinery, in car-loads	----------	600
Dry goods, in bales or cases	6 00	1,200
Fine machinery, boxed	5 00	1,000
Clothing, in cases	6 00	1,200
Iron, (bar, band, or boiler)	1 50	300
Liquors, in barrels	2 50	500
Shovels and spades	3 00	600
Pumps, steam or hydraulic	5 00	1,000
Picks and mattocks	1 75	350
Nails and spikes, in boxes	1 50	300

These rates, be it remembered, are for the transportation of the freights mentioned from ocean to ocean, representing an aggregate carriage of over thirty-one hundred miles. The rates to Sacramento and San Francisco are the same, as shown by the schedule from which these figures have been compiled; but does the Central Pacific Railroad Company charge San Francisco rates to Reno, three hundred and six miles nearer New York, or to Winnemucca, four hundred and seventy-five miles nearer, or to Elko, six hundred and nineteen miles from the Golden Gate? Let us see. I may possibly be able to show that the collection of San Francisco rates, six or seven hundred miles east of that point, for freights delivered from New York does not quite satisfy the railroad freebooters who fix the rates of transportation in Nevada, but that to the through rates from the Atlantic to the Pacific they add a godless, lawless, merciless tariff of their own.

Having given the through transportation rates on certain standard commodities from New York to San Francisco—all passing through the State of Nevada, let it be borne in mind—I now present another printed schedule of freight tariff on merchandise consigned to Nevada, (Appendix B.) Consigned from where? No one knows. It may be from New York, from San Francisco, from heaven or hell—and from the prices it might be from any of these points—but the destination alone is mentioned. The title of this mysterious schedule is as follows:

Special freight tariffs for freights consigned to Winnemucca, Wadsworth, Reno Virginia City, and Carson, Nevada; and Truckee and Colfax, California; to take effect Monday, October 29, 1877.

Consigned from where, I repeat? The schedule is silent; but from anywhere, let me answer, since it seems to fix the rates either from Ogden, Omaha, New York, or San Francisco. Between two hundred and three hundred articles are enumerated and classified, and the transportation charges authorized by it are as follows to Reno and

Winnemucca, respectively three hundred and six and four hundred and seventy-five miles from San Francisco:

Special freight rates from San Francisco to points in Nevada.

Merchandise.	Reno, per car-load.	Winnemucca, per car-load.
Coal-oil	$236	$416
Candles	236	416
Mining machinery	218	396
Dry goods in boxes	236	416
Clothing in bales	246	596
Iron	154	276
Liquors in barrels	236	416
Other machinery	246	596
Nails and spikes	236	416

As the schedule gives the rates no further east than Winnemucca, I must rely upon other information for the charges from San Francisco to other points beyond; and as the classifications at those places are vague and capricious, I have selected two of the cheapest articles of freight, as follows:

Special freight rates for coal-oil or candles from San Francisco to points east of Winnemucca, Nevada.

Coal-oil or candles.	Per 100 pounds.	Per car-load.
To Battle Mountain	$2 25	$450
To Palisade	2 40	480
To Elko	2 50	500

A car-load of coal-oil or candles is taken from New York to San Francisco by rail for $300. This is the printed rate, the rate that is actually charged; but here are charges of $416 at Winnemucca, $450 at Battle Mountain, $480 at Palisade, and $500 at Elko for precisely the same service. Whether representing the rates from New York or San Francisco, these charges are absolutely atrocious, and I cannot wonder that the directors of the overland roads have deemed it prudent to withhold them from print—at least, the charges east of Winnemucca.

But these charges of from $416 to $500 for a car-load of candles delivered in Nevada do not tell the whole story of railroad pillage in that State. "What!" must in thought be asked, "do you intimate that $500 per car-load on the very cheapest freights scheduled does not pay the bill in full—that additional transportation charges are collected from the people of Eastern Nevada?"

The thought is natural. One would imagine that human rapacity had exhausted itself in these monstrous exactions; that the heart that could demand and mercilessly collect this lawless spoil—this excess of $200 per car-load on through charges from New York to San Francisco, with a saving of six hundred and nineteen miles of carriage—was dead to every instinct of justice, every suggestion of humanity, and was already tottering on the decrepitating edge of burglary, arson, and murder.

But it seems that, within the scope and possibility of unbridled railroad brigandage, the gentlemen who fix the rates for Nevada did not think that in these charges—these outrageous advances over through tariffs—they had quite reached the limit between which and confiscation stretches a narrow and misty zone which honest traffic dare not travel; and, therefore, still deeper they adventured into the pockets of our people, and drew forth this additional mountain of charges which they cruelly and without remorse added to the already staggering burden of almost double rates.

In direct and authoritative proof and explanation of this, I quote from the printed schedule from which I have drawn the exhibit entitled "special freight rates from San Francisco to points in Nevada," the schedule which authorizes the charges of from $416 to $500 per car-load for the cheapest of freights consigned to prominent points in Nevada. The instruction, printed in two places that it may not be overlooked, reads as follows:

> Freights for the points named below [Winnemucca, Wadsworth, Reno, &c.] may be contracted through to destination [from where is not mentioned] by adding to the through rates given in the tariffs dated February 1, 1877, the amounts stated below.

Is there any doubt about the intent or meaning of these words? If there is, sir, I am prepared to dissipate it with the receipted bills of the Central Pacific Railroad Company.

The plain meaning, verified by practice, is this: that on all merchandise consigned from New York to railway points in Nevada, and there delivered, must be paid the following charges:

First. Full through rates from New York to San Francisco, when in reality the freights are not taken through, but delivered six hundred or seven hundred miles east of San Francisco; and,

Second. Excessive way rates back from San Francisco to points of delivery in Nevada of the same freights, which have neither been forwarded beyond nor brought back by the railroad company making the cold-blooded charge.

So inhuman, so infamous are these combined charges, that, familiar as I am with their enforcement, I should refer to them with hesitation but for the proofs in my possession, to which I invite the scrutiny of the skeptical.

And now, sir, that the full rates exacted in Nevada may be seen at a glance on commodities of largest consumption there, together with the distinct charges embracing the unwholesome aggregates, I present the following exhibit, and challenge the world to produce a parallel of tabulated railroad robbery. Should the showing fail to appall, I will submit to a change in the title:

APPALLING EXHIBIT.

Through-freight rates from New York to San Francisco, added to way rates back from San Francisco through the State of Nevada.

Car-load of ten tons.	Through rates from New York.	Back rates from San Francisco.	Charges at Reno.	Through rates from New York.	Back rates from San Francisco.	Charges at Winnemucca
Coal-oil	$300	+$236	= $536	$300	+$416	= $716
Candles	300	+ 236	= 536	300	+ 416	= 716
Machinery, in car-loads	600	+ 218	= 818	600	+ 396	= 996
Dry goods, in boxes	1,200	+ 236	=1,436	1,200	+ 416	=1,616
Clothing, in boxes or bales	1,200	+ 246	=1,446	1,200	+ 596	=1,796
Iron, bar, band, or boiler	300	+ 154	= 454	300	+ 276	= 576
Liquors, in barrels	500	+ 236	= 736	500	+ 416	= 916
Fine machinery, boxed	1,000	+ 246	=1,246	1,000	+ 596	=1,596
Nails and spikes, in kegs	300	+ 236	= 536	300	+ 416	= 716

The charges in this table are compiled from the printed schedules of rates of the Union and Central Pacific Railroad Companies, and must therefore be authentic. East of Winnemucca, as I have mentioned before, their figures do not extend. I therefore supplement the exhibit with the following figures, derived from receipted railroad bills and other information:

ADDITIONAL EXHIBIT.

Through-freight rates from New York to San Francisco, added to way rates back from San Francisco to points in Nevada east of Winnemucca.

Coal-oil and candles, per car-load.	Through rates from New York.	Back rates from San Francisco.	Total.
To Battle Mountain, 535 miles, from San Francisco	$300	+$450	=$750
To Palisade, 587 miles, from San Francisco	300	+ 480	= 780
To Elko, 619 miles, from San Francisco	300	+ 500	= 800

Is comment necessary upon these terrible rates? Do they not speak trumpet-tongued of impositions unparalleled in the annals of railroad ruffianism? These charges have been neither known nor credited beyond the State of Nevada. When mentioned by the press they have been denied, and with threats of still greater oppressions the railroad dictators have silenced the complaints of their victims.

Nevada is an orange which for ten years these railroad vampires have been sucking in silence. We have been, and are still, bleeding at every pore, but the extent, I am satisfied, has not been even imagined by those in whose will has reposed the means of relief. I am here to-day to make proclamation of these wrongs, that others may understand them as I do.

THE TESTIMONY OF RECEIPTED BILLS.

The plans of the well-conditioned gentlemen who manage the affairs of the Union and Central Pacific Railroad Companies will doubtless be somewhat interfered with by these expositions, resulting, as they may, in acquainting the Forty-sixth Congress with the full measure of railroad tariffs in Nevada; but since their plans and purposes are equally lawless and infamous, they cannot reasonably expect that any consideration personal to themselves will check the development.

Tell it not in Gath, publish it not in the streets of Askelon; yet the figures I have presented have been drawn from their own printed schedules. Let it die with the unsavory breezes of the great basin, whose partial nature with foot of ashes has trampled out the green; yet will I add to their admitted rates the testimony of their receipted bills.

It may be imagined that, although the printed schedules of the railroad companies exact certain extravagant rates in Nevada, they

are really not charged as a matter of fact; that they are simply an exhibit of what might be done in the way of charges, rather than of what the consciences of the railroad managers will permit their agents to do. In other words, that these printed schedules are but harmless exhibitions of power, intended to reconcile shippers to lower but still excessive rates.

Assuming that some such idea may be entertained, I will proceed to dissipate it at once by the production of copies of a few of the receipted railroad bills in my possession, all showing that the scheduled rates are adhered to. I will first present four or five bills for merchandise delivered from the east at Reno, the receiving overland railway point for the Comstock and its surroundings. Reno is three hundred and six miles east of San Francisco. Some of the freights were delivered at Virginia from Reno by the Virginia and Truckee Railroad, but to avoid complications I have omitted the latter carriage from the bills, and they embrace the overland charges alone. They are as follows:

Expense bill.

No. 2310. RENO, NEVADA, 10—13, 1879.

Messrs. J. & J. B. Mallon, to Central Pacific Railroad Company, debtor, for transportation of merchandise from Ogden:

Merchandise.	Weight.	Rate.	Amount.
500 boxes candles	20,000	$1 14	$228 00
Advances, (meaning through rates to San Francisco) State toll.			302 50
Total			530 50
Storage. Date of way-bill, 10—9. No. of way-bill, 371. No. of car, 380.			

Received payment for the company,

J. E. WRATTAN, *Agent.*

Expense bill.

No. 337. RENO, NEVADA, 10—6, 1879.

Mr. J. J. Quinn, to Central Pacific Railroad Company, debtor, for transportation of merchandise from Ogden:

Merchandise.	Weight.	Rate.	Amount.
19 small six-plate stoves	1,470	$1 19	$17 57
B. C., (meaning through rates to San Francisco)			36 75
Total			52 32
Date of way-bill, 10—3. No. of way-bill, 114. No. of car, 3404.			

Received payment for the company,

HURD, *Agent.*

Expense bill.

No. 1137. RENO, NEVADA, 10—21, 1879.

Messrs. Hagerman & S., to Central Pacific Railroad Company, debtor, for transportation of merchandise from Ogden:

Merchandise.	Weight.	Rate.	Amount.
12 sacks ham 1 case bacon	2,626	$1 14	$29 87
B. C., (meaning through rates to San Francisco)			75 45
Total			105 32
Date of way-bill, 10—20. No. of way-bill, 816. No. of car, 4756.			

Received payment for the company,

HURD, *Agent.*

Expense bill.

No. 253. RENO, NEVADA, 9—11, 1879.

Messrs. J. & J. B. Mallon, to Central Pacific Railroad Company, debtor, for transportation of merchandise from Ogden:

Merchandise.	Weight.	Rate.	Amount.
500 boxes candles	20,950	$1 14	$238 83
Advances, (meaning through rates to San Francisco) State toll.			312 00
Total			550 83
Storage. Date of way-bill, 9—8. No. of way-bill, 263. No. of car, 5008.			

Received payment for the company,

J. E. WRATTAN, *Agent.*

Expense bill.

No. 689. RENO, NEVADA, 8—12, 1879.

Messrs. J. & J. B. Mallon, to Central Pacific Railroad Company, debtor, for transportation of merchandise from Ogden:

Merchandise.	Weight.	Rate.	Amount.
250 cans lard-oil	22,200	$1 14	$253 08
Advances, (meaning through rates to San Francisco) State toll.			441 02
Total			694 10
Storage. Date of way-bill, 8—9. No. of way-bill, 327. No. of car, 520.			

Received payment for the company,

J. E. WRATTAN, *Agent.*

What do these bills show? They show that the rates of the printed schedules have been observed to the letter. Take, for example, the bill of the Messrs. Mallon for a car-load of candles from the East, which was switched off at Reno. I have shown that the through rates for a car-load of candles of ten tons from New York to San Francisco is just $300, and it will be seen by this bill that to the through rate of $312, in payment for a car-load and nine hundred and fifty pounds, is added the back rate from San Francisco of $1.14 per hundred pounds, making a total charge of $550.83. And be it forever remembered that that car-load of candles was not moved a single mile beyond Reno. And so with the other bills.

THUMB-SCREWS TO SILENCE COMPLAINT.

It is possible that the railroad tyrants of the Pacific may devise some punishment for the gentlemen who have furnished these bills, for they brook no interference with their plundering practices in Nevada. But I warn them to move with caution. This is an inauspicious time for them to single out men who have dared to speak for their especial vengeance, for there is a spirit abroad which is growing red-eyed under the contemplation of such tyranny, and those who are now intolerant of reproach have reached the verge of a visitation of radical, irresistible, and irrevocable retaliation. Up the bronzed and sturdy arm of toil is steadily being rolled the sleeve of preparation, and they are wise who will not provoke the blow.

I now offer the following bill from Palisade, five hundred and eighty-seven miles east of San Francisco. It is the railroad supply point for Eureka, in importance the second mining locality in the State:

Expense bill.

No. 418. PALISADE, NEVADA, 9—17, 1879.

Mr. H. Johnson, to Central Pacific Railroad Company, debtor, for transportation of merchandise from Ogden:

Merchandise.	Weight.	Rate.	Amount.
6 boxes canned goods 25 boxes common soap 6 boxes Castile soap 6 boxes maple molasses 2 boxes sardines 2 barrels baking powder	3,480	$1 91	$66 48
Advances, (meaning through rates to San Francisco) State toll.			73 51
Total			139 99
Storage. Date of way-bill, 9—14. No. of way-bill, 1409. No. of car, ——.			

Received payment for the company.

J. L. FAST, *Agent.*

THE TESTIMONY OF MERCHANTS AND OTHERS.

It will be seen by the foregoing bill that the excess over through rates to Palisade is $1.91 per hundred pounds, while at Reno, as a rule, it is $1.14. The Palisade tariff is charged from Ogden, and the Reno rate from San Francisco. But no matter at what point in Nevada east of Winnemucca the railroads begin to charge Ogden instead of San Francisco rates, the extortion is about the same; and under the India-rubber way rates prevailing there it makes but little difference to the Elko merchant whether he pays through San Francisco rates to Ogden and way rates thence to Elko, or through rates at his own door and way rates back from San Francisco. Through rates added to way rates, either from San Francisco or Ogden, are charged and collected, no matter how the bills may be made out to mystify the public.

In further explanation of the freight charges at Palisade, and of the mysterious manner in which the business of the railroad is conducted there, I will now read a brief but pertinent extract from the letter of Mr. Johnson, referring to and inclosing with some others the bill last given. Mr. Johnson is a reputable merchant of Palisade and Eureka. He says:

The rate from Ogden to Palisade is almost invariably $1.91 per hundred weight. We have the utmost difficulty in getting expense bills from the Central Pacific

Railroad. All their business, to the most trivial matters, is clouded in mystery. In the matter of kerosene-oil in car lots, the price from Pittsburgh to Eureka is $1,075 per car freight. (Equivalent to not less than $975 at Palisade.) We find that we can buy oil in San Francisco, (that has gone past our doors,) and pay $2.55 per hundred weight from that place to Palisade, and lay it down here $100 per car-load cheaper than we can get it by direct shipment from the East. We have at this end of the State a tough time, being in the squeeze both ways, and are praying for relief. We have immense quantities of ores which cannot now be worked, as none yielding less than $40 per ton can be reduced at a profit.

I have placed the rate from San Francisco to Palisade at $2.40 per hundred pounds, while Mr. Johnson makes it $2.55. These differences are doubtless due to the irregular classifications of freights between Winnemucca and Ogden. Either rate, however, is sufficiently monstrous.

I now offer the following bills for freights delivered at Battle Mountain, the point from which Austin and tributary mining districts receive their consignments by rail. The importance and extent of traffic of the locality will be appreciated when I mention that Battle Mountain and Austin were recently connected by rail, the distance being between ninety and one hundred miles. Like the country south of Palisade, the Austin section abounds in valuable mineral deposits of base and free ores, many of which would be worked but for excessive railroad rates, and the consequent high prices of almost everything consumed. Battle Mountain, permit me to repeat, is five hundred and thirty-five miles from San Francisco, and three hundred and sixty miles from Ogden. The bills referred to are as follows:

Expense bill.

No. 425. BATTLE MOUNTAIN, NEVADA, *May* 16, 1878.

Mr. A. A. Curtis, to Central Pacific Railroad Company, debtor, for transportation of merchandise from Ogden:

Merchandise.	Weight.	Rate.	Amount.
13 boxes machinery—100 boiler tubes; 3 iron drums, 1 casting, 2 sections W. pipe, 12 pieces W. pipe, 1 balance W. pipe	20,600	$2 04	$420 24
Advance, (meaning through rates to San Francisco) State toll.			502 88
Total			923 12
Storage. Date of way-bill, 5—13. No. of way-bill, 603. No. of car, 4764.			

Received payment for the company,

J. BROWN, *Agent.*

Expense bill.

No. —. BATTLE MOUNTAIN, NEVADA, *February* 16, 1878.

Mr. A. A. Curtis, to Central Pacific Railroad Company, debtor, for transportation of merchandise from Ogden:

Merchandise.	Weight.	Rate.	Amount.
1 punch, 4 boxes P. plates, 2 crates	7,700	$2 09	$160 93
Advances, (meaning through rates to San Francisco) State toll.			360 56
Total			522 49
Storage. Date of way-bill, 2—14. No. of way-bill, 508. No. of car, 2740.			

Received payment for the company,

JAMES BROWN, *Agent.*

Expense bill.

No. 6260. BATTLE MOUNTAIN, NEVADA, 7—24, 1879.

Messrs. Gage, Curtis & Co., to Central Pacific Railroad Company, debtor, for transportation of merchandise from Ogden:

Merchandise.	Weight.	Rate.	Amount.
260 cars refined petroleum	20,600	$2 25	$463 50
Advances, (meaning through rates to San Francisco) State toll.			310 25
Total			773 75
Storage. Date of way-bill, 7—16. No. of way-bill, 10829. No. of car, 776.			

Received payment for the company,

JAS. BROWN, *Agent.*

Although this last bill has been made to conform with the others from Battle Mountain, the charges are really embraced in two distinct bills—the first from Pittsburgh to Sacramento, comprising the through rates, amounting to $310.25, and the second from Sacramento back to Battle Mountain, with an additional charge of $463.50, and a total of $773.75.

INTIMIDATION OF BUSINESS MEN.

From Elko, the receiving point of Tuscarora, Cornucopia, and other important mining districts stretching to the southern boundary of Idaho, I have been unable to procure the testimony of receipted railroad bills. Why? Because, under the frown of their railroad tyrants, the merchants have been afraid to furnish them. Something of railroad rates at Elko, however, and the extent to which the merchants of that place have been terrorized by railroad management may be gathered from the following extract from a letter, under date of December 9, 1879, from a prominent and respected citizen of Elko. I quote:

In relation to getting railroad receipts for freights I have been unsuccessful, for the reason that merchants and business men are afraid to have their names connected with the matter. They say the railroad company could and would ruin them in their business; therefore, they decline to give any printed receipts. Hence, I have only been able to collect the following items from a few of our leading merchants:

The Central Pacific Railroad Company charge $350 for a car-load of coal from San Francisco to Elko.

From Cleveland, Ohio, to Elko, freight charges on a car-load of oil, (ten tons,) $806.

Car-load of wagons from Racine, Wisconsin, to Ogden, $350; from Ogden to Elko, on the same, two hundred and seventy-five miles, $350; total, $700.

Car-load of stoves, from Ogden to Elko, two hundred and seventy-five miles, $344.

The merchants and business men of Eastern Nevada would be perfectly satisfied if they were not charged more for the delivery of freights at Elko than is charged for through freights to San Francisco, a distance of six hundred and nineteen miles farther on; or, in other words, they believe the Reagan bill now before Congress will give the desired relief, and all join in hoping that it may become a law.

What little I have written you in this matter is in confidence, as the little property I have is on the line of the railroad, and I, like others, am at their mercy.

What, I ask any gentleman upon this floor, is the meaning of this strange revelation? It means a lawless and cold-blooded levy of over five hundred dollars per car-load upon the people of Elko, with a threat to increase the amount should they make it public. It means highway robbery, sir, with hot pincher and thumb-screw accompaniments.

The gentleman who furnished the Battle Mountain bills, writes as follows:

I inclose herewith several bills of lading of the Central Pacific and Union Pacific Railroads. It is difficult to understand their system, except that they get all they can, as they have four or five classes, and seem to use their own judgment or whim as to which class they will rate your freight under. The bills are all of the Manhattan Company, which has shipped a large amount of machinery from the East during the past two years. We have simply paid whatever they asked without growling, as that would do no good.

Certainly not; growling "would do no good." The agents of the Central Pacific Railroad Company are instructed to dismiss their consciences, close their ears to protest, their hearts to mercy, and their eyes to everything beyond the ghastly schedule of rates which has been placed in their hands, and charge—charge to the right of them, to the left of them, in front of them—charge everywhere and everything, and see that the charges are collected. That is their business, their sole business, and it is no part of their duties to listen to complaints and rectify wrongs. Life is too short for that; and the directors of the Central Pacific, who are fast nearing the misty realm beyond the cloud-rifts and the storm, have not yet completed by some miles the southern road, which they expect in time to exchange for the one they are now operating in Nevada.

FALSEHOOD AND AUDACITY.

I think I have now satisfactorily shown that the people of Nevada are struggling under a weight of railroad impositions alike unprecedented and unendurable. Yet, in his annual report of July, 1879, and in his late reply to Judge Black, the president of the Central Pacific Railroad Company audaciously attempts to defend these outrages. He says:

Discriminations, in one sense, may be said to be made only upon compulsion, and always against the carrier, as he would not take less than his maximum rate unless forced to do so by some of the causes above stated. Discrimination against an individual or a community is a thing unknown. The discrimination most prejudicial to the interests of the company is that which arises from competition by other carriers, which forces a lower rate than could otherwise be wisely obtained.

Here is the cool admission that, but for competition, the managers of the Central Pacific would charge maximum rates in all instances, whereas it is now done on but 7 per cent. of the freight business of the road.

In reference to their freight charges in Nevada, I should like to know what they would consider "maximum rates," the rates I am warranted in believing they would fix but for the unembarrassing competition of pack mules and ox teams. Why, sir, incredible as it may seem, seventeen years ago freights were hauled on wagons from Sacramento to Virginia City, up through the heated valleys and over the rough roads and frozen summits of the mountains, for prices but a trifle in advance of existing railroad rates between those two points. In favorable weather Sacramento freights were then delivered in Virginia City at $1.50 per hundred pounds. The railroad rates are now $1.46½—but three and a half cents per hundred less than old teaming rates.

This is the only competition which the people of Nevada have to offer to railroad imposition, the only competition with which the railroads are confronted in fixing their rates between the Rocky and Sierra Nevada Mountains, for our streams die in the great basin, and desert barriers and mountain ranges fretting the clouds have closed to us all cheaper avenues of commercial supply.

Yes, pack-mule competition in Nevada, of which the directors of the Central Pacific inferentially complain as a sort of wicked and unnecessary menace to their financial well doing, is indeed all that stands between them and the establishment of rates in keeping with their rapacity, and their charges are scheduled just a shade below figures that would line the roads again with pack-trains and wagons.

It will be observed that the directors of the Central Pacific, through their president, report that—

Discrimination against an individual or a community is a thing unknown.

In view of the terrible showing that has been and can be made to the contrary, what must be thought of an assertion such as this? The spirit of falsehood itself should feel like standing uncovered in the presence of the chilled-iron cheek and sublime hardihood of the gentlemen who, in their names, permitted this declaration to reach the eye of the public.

What is "discrimination?" What is the meaning of the word? Is it to charge the people of Elko $800 per car-load for freight and $300 for a precisely similar car-load delivered in San Francisco, six hundred and nineteen miles beyond? Is it to exact $14 freight per ton for Wyoming coal delivered at Reno, the supply point of the Comstock, and $9 or $10 per ton for the same article taken through to San Francisco, three hundred and six miles farther westward? Is it to charge two prices widely apart for the same classes of freights delivered at Winnemucca or Kelton, the larger price to be paid for commodities to be consumed there and the smaller for such as are to be conveyed thence to Idaho? Is it to give one man special and another general rates in the same place for the same carriage of the same freights at the same time? If this is not discrimination against both individuals and communities, then in the name of Heaven what is it? Perhaps in the new railroad lexicon it has either been stricken from the language as an obsolete term or given another definition. Very well; then let us drop the word and substitute the more fitting one of larceny.

No discrimination against either individuals or communities! I have shown by the schedules of the railroad companies and their receipted bills that the farther overland freights are moved in Nevada the less is the charge. This would seem to be a discrimination against communities, notwithstanding ox-team competition. I assert, and can prove, that special rates are given to the friends and supporters of the Central Pacific Railroad Company, both in California and Nevada, thereby affording the favored few unjust, dishonest, and unlawful advantages over their business rivals. This would seem to be a discrimination against individuals, notwithstanding the flimsy explanations of the directors in their annual reports, which must be regarded as specimens of commercial literature absolutely approachless in ingenious delusion and deliberate falsehood.

SOPHISTRIES OF RAILROAD BRIGANDAGE.

It is not denied by the Central Pacific managers—or rather it dare not be now denied—that back rates are added to full through rates on freights consigned to Nevada from the East. But this, they tell us, is not a discrimination against communities, but against themselves, and is the result of competing carriage which will not permit them to charge maximum rates at all points. In other words, they charge all that competition will allow them to charge where there is competition, and where there is no competition all their consciences can be made to approve under the inspiration of boundless greed and lawless enterprise; and when I mention that the charges in Nevada are the conscience rates of the directors, it seems to me that an appeal to this House for relief should be irresistible, without the exhibit of a single fact or figure beyond.

As it is assumed by the directors that all the discriminations are against themselves, it would be but natural that they should seek to correct the inequalities when pointed out, especially where they would be exclusively benefited by the change. A single illustration will show the manner in which these discriminations against themselves—and they admit no other—are corrected.

HOW RATES ARE "EQUALIZED."

Not long since Colonel C. was the owner of a large wheat-farm in Colusa County, California. The railroad rates for wheat from that locality to San Francisco were $6 per ton. Considering the distance of the carriage, these rates were excessive, but the farmers of Colusa were compelled to submit to them. In San Joaquin County, about the same distance from San Francisco, was another wheat-growing section, among the prominent farmers of which was Mr. E. The railroad charges for wheat to San Francisco from that district were $9 per ton. Learning of the Colusa rates, and not understanding why his should be any greater, since the carriage was about the same from both places, Mr. E., after consulting with the colonel, decided to confer with the railroad authorities with a view to their equalization. A few days after the gentlemen again met. "Have you equalized your wheat rates?" inquired the colonel. "Oh, yes," replied Mr. E.; "I had a long talk with President Stanford, and he promised that I should have Colusa rates." "Then your rate has been reduced from nine to six," returned the colonel; "I am glad to hear it." "Oh, no," was the answer; "the thing has been equalized by raising your rate from six to nine."

Thus was the railroad company happily relieved of a complaint of discrimination, which the directors declare to be "a thing unknown." It certainly ought to be when it is susceptible of a correction so satisfactory to the railroad company.

The annual reports of the directors of the Central Pacific are simply ingenious fictions, intended to deceive the world and divert attention from their conscienceless dealings with the public. Behind these narrow screens of deception and sophistry they attempt, like an ostrich with its head in the sand, to hide the body of their acts; but the sleek and greasy carcass of their misdemeanors, pompously adorned with feathers and bedecked with the gaudy trappings of vulgar taste, finds no concealment.

THE PASSENGER TRAFFIC.

But the impositions of the Union and Central Pacific Railroads are not confined to the carriage of freights. The through passage rates between San Francisco and Omaha are over five cents per mile, with the addition of $14 for a single berth, and $13.50 for meals at their eating-stations. The most of these eating-stations are appurtenances of the railroads, and the food hastily served is as economical in cleanliness, variety, and wholesome material as it is extravagant in price. I do not mention this in the way of complaint exactly, for passengers can carry their own lunch-baskets, and a rough pioneer experience of thirty years on the frontiers of the Pacific has rendered me somewhat indifferent to the luxuries and appointments of a well-spread table. My object is simply to show that the exceedingly thrifty managers of the overland roads are not restrained by any feeling of pride from swelling their annual receipts with the profits of badly-provisioned lunch-stands.

The price of a through ticket from Omaha to San Francisco is $100.50; distance, 1,927 miles. But this represents the price as well from Omaha to Reno, 306 miles from San Francisco, and from San Francisco to Cheyenne, 516 miles from Omaha. Excessive and discriminating though the rates be, the passenger can at least congratulate himself on possessing the advantage over candles of not being compelled to pay way rates back from San Francisco should he stop at Reno on a through ticket from Omaha. His facilities for unloading the freight of his own person at his point of destination, together with a not unreasonable repugnance to being carried five or six hundred miles out of his way, are circumstances which have happily relieved him from the operations of the back-rate schedule.

EXCLUSIVE OUTRAGES OF THE CENTRAL PACIFIC.

Having thus far devoted myself to the freight rates of the Central Pacific in Nevada, in connection with other roads, I will now say a few words in relation to the freight rates of the company exclusively over its own rails. The rates from point to point in Nevada amount almost to an interdiction of internal traffic, and farmers wagon their grains to the mills and their produce to the markets from station to station along the railroad track. Why, the farmers of Big Meadows are to-day hauling their grains in wagons along the line of the railroad from Lovelock Station to Winnemucca for milling, and profitably competing with railroad charges. A correspondent of the Silver State, writing from Lovelock under date of November 29, 1880, gives the following:

The farmers of Big Meadows, not having received any encouragement from the Central Pacific Railroad Company, in the matter of reducing rates for transporting grain, have raised a yell of indignation and started eight teams, loaded with about sixty thousand pounds of wheat, for the flouring mills at Winnemucca. It looks like old times to see so many teams leave a small place like this at one time to compete with the railroad. The farmers purpose exchanging their wheat for flour, and by doing so will have loads back. They expect to make the round trip in seven days, and give employment to several men and a large number of horses, and make money by doing so, and running in opposition to the railroad company. As soon as the teams return they will be loaded again and their number will be increased.

The farmers save on this trip $1.08 per hundred pounds, making a total for the eight loads of $648, and all this money is kept at home. Even by paying drivers $2 per day and board, the farmers claim to make from $10 to $15 per day on each team, which they would have to feed if idle in their stables, and that is a good price for small teams nowadays. There is plenty of grain on the Meadows this year, and there is talk of hauling the barley by wagon to Wadsworth instead of shipping it by rail.

And no wonder the farmers of Big Meadows are hauling their grains to market along the line of the railroad when the charges for a distance of less than seventy-five miles are over two hundred dollars per car-load. Yet the gentlemen who manage the affairs of the railroad company talk of their efforts to develop the resources of the State.

PARALYZING OUR INDUSTRIES.

Nevada abounds in rich and rebellious ores, requiring the expensive aid of fire in reduction. To be reduced at a profit they must be either cheaply transported to cheap fuel, or cheap fuel must be cheaply transported to them. These railroad promoters of our industries will fulfill neither requirement, and while the mines remain undeveloped, and thousands of hands are vainly seeking employment, their cars are hourly running unburdened through the State.

Their object seems to be to crush, not to develop, the industries of Nevada, and to this end the competition of special rates from California is employed when there is danger of an industry growing into importance. Lest I may not be quite understood, permit me to cite an example or two:

Limestone is rare in the neighborhood of the Comstock. Finally, to the gratification of all, a quarry was discovered and opened about ten miles south of Virginia City, and for a few months lime was furnished on the Comstock cheaper than it had ever been sold before. California lime was no longer required in Virginia, and its transportation to Nevada almost ceased. The opening of this quarry was

an interference with the business of the railroad company, and they promptly closed it by putting the rates on California lime to figures below the cost of local production. The quarry was abandoned, many men were deprived of employment, a growing industry was crushed, and the price of lime has gone back to its old figures.

There are valuable sulphur deposits in Humboldt County, and large quantities of the article were used in the manufacture of acids near Virginia. Nevada sulphur is no longer in demand. It can be laid down in Virginia City cheaper from Europe than from Humboldt County.

We have salt and soda in abundance, but they cannot be transported beyond the State, and farmers along the line of the railroad are kept in poverty by special rates from California.

SPECIAL DISCRIMINATIONS AGAINST NEVADA.

With San Francisco rates of transportation the foundries and machine shops of Virginia and Gold Hill would be able to supply Eastern Nevada and Utah with large quantities of mining machinery; but the Central Pacific folks will not permit it, and to prevent it they charge $200 per car-load more for machinery forwarded from Reno to Utah than from San Francisco to Utah. In verification of this strange statement I submit the following copies of telegrams in my possession.

In explanation I will state that the Ontario Mining Company, in Utah Territory, required a quantity of heavy machinery, which Mr. Eckart, an enterprising foundryman and machinist of Virginia City, believed he could furnish at San Francisco prices, provided he was charged no more than San Francisco rates for transportation. Mr. Eckart was in San Francisco at the time, and telegraphed to the freight agent of the Virginia and Truckee Railroad Company to get the lowest rates of transportation from Virginia City to Reno and from Reno to Ogden. In reply he received the following dispatch:

VIRGINIA, *August* 21, 1878.
(Received at San Francisco, August 21, 1876—11:50 a. m.)

To W. R. ECKART:
Your message promptly answered. Central Pacific rates from Reno to Ogden, $2.66 per hundred. Our (Virginia and Truckee) rates to Reno, $75 per car. Have no authority to name special rates over the Central Pacific, but I will join them in any reduction of tariff rates above named.

D. A. BENDER.

But no reduction in the rates telegraphed was made, and the machinery was furnished from San Francisco. Curious to know what rates had been charged on the machinery from San Francisco to Ogden, after its delivery Mr. Eckart telegraphed the superintendent of the Ontario Mining Company at Salt Lake, making the inquiry. The reply was this:

SALT LAKE, *February* 12, 1879.
(Received at Virginia City, February 12, 1879—3:10 p. m.)

To W. R. ECKART:
Three hundred and twenty a car for machinery.

R. C. CHAMBERS.

Freights which the railroad company refused to take from Reno to Ogden for less than $532 per car-load they forwarded from San Francisco to Ogden for $320, and made a longer carriage by 306 miles. In this instance there was no connecting road to dictate terms. It was a matter entirely with the Central Pacific, and I am curious to know what the explanation can be for such heartless discriminations against the manufacturers of Nevada.

BLIGHTING THE FUTURE OF THE STATE.

Not only are these excessive railroad rates and discriminations an unjust and barbarous affliction to those who are compelled to endure them now, but they are blighting the future of the State with a cureless evil. To keep hot the flues of Story County alone, tens of thousands of acres are being denuded of the grandest timber that ever lifted its wealth of green above the valleys. In a few years will vanish the snow-fed streams which now breathe their healthful balm upon the summer air, and deserts will crawl up to the feet of ravaged mountain sides, and with them curse the children of the men who made the land a desolation.

For these disappearing forests the owners of the Central Pacific Railroad are in a measure responsible. Years ago had they been grateful enough for what has been done for them to deliver Rocky Mountain coal in Reno at San Francisco rates, they would have taken every stick of wood from the furnaces of the Comstock, and saved from destruction hundreds of square miles of timber. Hence, I am warranted in saying that the passage and approval of the Reagan bill would be an important element in the legislation contemplated for the protection of the timber ranges of the Sierra Nevada Mountains.

HOW THE RAILROADS ATTEMPT TO JUSTIFY THEIR ROBBERIES.

When confronted with this array of outrages, what are the explanations offered by the overland railroad owners and their agents? I can answer the question, for I am somewhat familiar with their sophistries. They tell us that they are forced by the Eastern roads to discriminate against Nevada on through rates; that there is little or no profit in the carriage of freights from ocean to ocean, owing to the low rates compelled by water competition; and, finally, that their charges and discriminations are in accordance with commercial law.

The assertion that they are forced by the Eastern roads with which theirs connect to charge way rates back from San Francisco or Sacramento to points in Nevada cannot be properly classed, I think, among the frozen truths which sometimes sanctify the utterances of men. If I am correct, and I shall assume that I am, Mr. J. C. Stubbs, the general freight-agent of the Central Pacific, testified before a committee of the Nevada senate, in 1879, that these back rates collected in Nevada were not accounted for east of the Mississippi, but were apportioned and retained as follows: Central Pacific, twelve-twentieths; Union Pacific, eight-twentieths. I shall believe Mr. Stubbs.

They next tell us that their profits amount to little or nothing on through freights. If so, then, in the name of all the gods at once, where have they made their millions annually? As about one-half the Central Pacific road lies in Nevada, and its owners have derived but little profit from through carriage, it follows that in some manner the people of Nevada have been plundered annually of an amount equal to about one-half the profits of the road. This gives the explanation an ugly look, but I shall not stop to smooth down its unpleasant features.

The "commercial law" under which they find warrant for their depredations is a statute of their own creation. All recognized laws are founded in justice. Theirs is the law of piracy; the law of him whose business capital is a skeleton key and dark lantern. It is the law of lawlessness; the very law which it is the purpose of the Reagan bill to repeal; a law which, carried to its ultimate by aggregated arms instead of aggregated dollars, would make tramps of its authors along the rails of their own roads. When all other explanations fail the railroad owners and their feed advocates fall back behind that ridiculous defense which, for the lack of a better name, we may call the "long" and "short-haul" theory. The Commerce Committee have courteously listened to a volume of this kind of argument, if argument it may be called, during their patient consideration of this bill; and I especially request that no shadow of reproach to the intelligence of the distinguished gentlemen who compose that committee may be inferred when I express the opinion that the "long" and "short-haul" theory is still something of a mystery to them. And it could not well be otherwise, for its advocates know not what it means. But it must mean, if it means anything, that long hauls can be made cheaper per mile than short hauls. No one will deny this; yet, in the name of common sense, does it follow that the cost of transporting a car-load of freight is in the aggregate greater for a shorter than for a longer distance, and that railroad companies may therefore charge more dollars for moving a car-load of freight five hundred miles than for a thousand?

"Springes to catch woodcocks." Sophistry itself furnishes but an indifferent prop to an argument so feeble, and for support it is leaned against the audacious assumption that the growth of the West has been promoted by railroad discrimination. Wherever prosperity has been thus created it has been dishonest, fictitious, and in the end hurtful, for other communities have been robbed to secure it. Without the restraints of legislation it is doubtless possible for railroads connecting with the Atlantic seaboard to penetrate lands in the West, which five years ago were purchased at a dollar and a quarter per acre, and advance their value a hundredfold by giving their products the advantages of cheaper rates of carriage than are exacted from farmers farther east. The fact that the railroads possess this almost omnipotent power—that they are permitted to do what the Government itself cannot do, which is to lay unequal burdens of taxation on the several States—is an overwhelming argument in favor of the necessity of railroad restriction. According to their own admissions, these railroad princes have become our State-makers. It is at their feet that "the solemn tides of empire ebb and flow." They can make or unmake communities; destroy or commercially aggrandize whole sections; and yet we hesitate about taking from them these more than royal prerogatives.

This argument, then, briefly expressed is, that the prosperity of the West has been promoted through the cheap rates of "long hauls." At what degree of longitude does the railroad West begin, and where does it end? The State of Nevada is well toward the sunset. From the croppings of the Comstock can almost be heard the beating of the waves against the pillars of the Golden Gate; yet the only prosperity vouchsafed to us has been under the inspiration of double the rates charged from New York to San Francisco. And as for the "haul," ours is long enough, certainly, to entitle us to all the advantages of that seductive character of railway business; but the figures I have given show that the benefits of 2,500 miles of continuous carriage are not especially inviting.

The West of the railroads, like their "hauls," is a movable and indefinite point, meaning anything or nothing, to meet the exigencies of defenseless discriminations and drown the clamors of complaint.

It may perhaps be said that it seems scarcely reasonable that men should thus oppress the people, discourage the industries, and retard the growth and development of a State holding within its boundaries so many miles of their road. But, sir, the future of Nevada is nothing to them. They have another continental road which will soon be completed—a road which they are building on the spoil of back rates—and I cannot question that it is their purpose to adandon the old road for the new, whenever the maturity of its accumulating obligations will warrant the transfer of the property to the Government. They have made and are making no adequate preparations to meet the bonds guaranteed by the Government, and in the end the road will be permitted to go for its mortgages. Meantime, they will have sold their vast subsidies of lands, and are not over-anxious to

pass with the transfer of the road the competing advantages of the trade of a populous and prosperous State.

Hence, their sole object is to make the most of the present, and their operations in Nevada show how well they are succeeding. The flight of their trains through the State is like the winging of vultures, and ruin stalks in the shadow of their boilers and sleeps beside their depots. The whistle of their locomotives through our narrow valleys is a scream of defiance, and the thunder of their wheels a mockery of commercial law and individual justice. Behind their smoking chariots, with heels bored, is being dragged the living body of the State. Shall tardy legislation like Priam come hereafter to beg the corpse for sepulture; or will Congress now stretch forth its hand and rescue the victim before life becomes extinct? And who are the men who have been made the victims of these especial corporate cruelties? Are they outcasts, felons, fugitives from prisons, who, recognizing no law themselves, should be judged and treated without the pale of law? No, sir! They are a part of that grand army of men who years ago became the State-makers of the Republic; who, with ax and rifle on their shoulders, plunged boldly into the wilderness, uncovering its riches, and blazing the ways for timid feet to follow. Strong arms and fearless hearts were their heritage, and their lives have been full of hardships and dangers. Many of them have gone down by the wayside, with no hand to help, no human voice to cheer, and their humble graves are found in the sands of the desert and under the shadow of the pines.

These, sir, are the men who, venturing beyond the reach of railroad competition, have been singled out as especial victims of unusual railroad greed. Had the overland roads been built by their owners, there would have been some poor excuse for these exactions; but when we consider that they were constructed by the Government, and paid for at almost double their value, the excess being absorbed by the directors themselves, it is difficult to refer with patience to the wrongs for which we are seeking a remedy.

HOW THE CENTRAL PACIFIC WAS BUILT.

Nor can the necessity of securing a fair return for the money invested by the Central Pacific Railroad owners be urged in explanation of their extraordinary charges. When they began the construction of the road they paid taxes in the aggregate on property of all kinds amounting to less than $150,000. To-day their railroad property alone, with the indebtedness standing against it deducted, is valued by them at the enormous sum of over one hundred and eighty-six million dollars. But it cannot be shown that they ever advanced money enough from their own pockets to build a single mile of the road. The bonds of the Government and the subsidies and gifts of the people were more than sufficient to build and stock the road entire.

The original incorporators paid in 10 per cent. on $1,000 a mile for one hundred and fifteen miles, the estimated distance from Sacramento to the Nevada line. Twelve hundred and fifty shares of stock were subscribed at $100 per share, of which Messrs. Stanford, Huntington, Hopkins, and Crocker took six hundred shares. Assuming, however, that they advanced the required 10 per cent. on all the shares subscribed, and their original investment did not exceed $12,500 all told. On this small investment the gentlemen have done well—so well, in fact, that in 1877 President Stanford reported the property of the Central Pacific to be worth $187,003,680.66, while Mr. Crocker, president of the Southern Pacific, valued the property of that road at $115,359,011.98, making a total valuation of $302,362,692.64. The indebtedness of the Central Pacific was given by Mr. Stanford at $85,391,350.64, and the indebtedness of the Southern Pacific was placed by Mr. Crocker at $30,415,332.95, making the total indebtedness of the two roads $115,806,683.59. The account then stood as follows:

Value of the property of both roads	$302,362,692 64
The indebtedness of both roads	115,806,683 59
Assets over liabilities	186,556,009 05

Independently of the United States bonds loaned to the Central Pacific, the gifts to the two roads amount to $91,011,280, according to the estimates of their executive officers. The net earnings of the roads are reported at $75,000,000. In reality they have been much larger, as their expenses, like their construction accounts, have afforded large margins of profits to their managers in other capacities.

A part of the wealth of these railroad gentlemen two years ago consisted of $54,000,000 of watered stock of the Central Pacific and $36,000,000 of the Southern Pacific, being an aggregate of $90,000,000 in stock, which cost them only the price of printing, and upon which they are compelling the public to pay them 8 per cent. yearly in dividends.

The Southern Pacific has been constructed and paid for from the earnings of the Central Pacific, yet the owners issue $50,000 in stock and $40,000 in bonds per mile, and charge such rates as will enable them to collect annually 8 per cent. on the stock and 6 per cent. on the bonds.

But, inviting as the subject may be, it is not my purpose now to inquire into the methods by which the owners of the Central Pacific have acquired their stupendous wealth. I have desired only to show that their extortions are as unnecessary as they are ungrateful and dishonest.

WHAT THE PEOPLE OF NEVADA WANT.

In relation to excessive charges and discriminations in Nevada—and I have not deemed it necessary to go beyond—I have presented facts which in no essential particular will be denied. I have submitted the printed rates and instructions authorizing these merciless charges, together with receipted bills showing that they have been collected. I have shown that instead of advancing the industries of the State, the railroads are sitting like an incubus upon the breast of enterprise and dwarfing the energies of the people with the paralysis of their almost boundless impositions; that for every dollar they collect legitimately for services performed they extort another in addition in the form of charges for services never rendered; that their discriminations extend to individuals as well as to communities, and that their favor frequently decides who shall succeed and who fail in business; that with a full knowledge of this merchants along the line of their road, fearing the penalties they have so often seen meted out, tell in whispers of the rates they pay and hesitate to exhibit their receipted railroad bills.

And in connection with these facts and statements I now make the assertion, based upon a reasonable estimate, that during the past ten years the Union and Central Pacific Railroad Companies have insolently and without explanation taken from the pockets of the people of Nevada $30,000,000 in gold more than they were justly entitled to, and for the collection of which they have had no authority more respectable in the eyes of fair-minded men than that of "Stand and deliver!"

All that the people of Nevada ask is that their freights from New York, Chicago, or Saint Louis may be delivered from two hundred and fifty to seven hundred miles east of the Golden Gate at San Francisco rates from the same points. Is this unreasonable? They are willing to pay for hundreds of miles of carriage which their freights never receive, but, in the name of humanity, they implore that they may be relieved of the additional burden of way rates back.

The Reagan bill will give them this relief. After the showing that I have made, will it be denied by this House? Let not the provisions of the bill be misunderstood. It speaks not of miles, but of distances, and provides simply that car-loads of the same classes of freights passing over interstate roads shall be subjected to charges no greater for a shorter than for a longer distance—not charges per mile, I repeat, but in the aggregate, without respect to miles.

This bill does not go far enough, but it will answer for the present as a compromise between unchecked discrimination and complete restraint, and railroad owners will do well if they accept it. It embodies but a part of the true principle of railroading, which is that charges for carriage should be the same per mile for the same classes of freights, irrespective of distance, with a reasonable allowance for handling freights when carried less than a certain number of miles.

Congress created the Union and Central Pacific Railroad Companies, and has thereby made the Government a party to their acts. It is by the authority of their charters that for ten years they have exacted double rates in Nevada, and through the patronage of Congress they have been enabled to violate the laws of trade and set at defiance the decencies of commercial intercourse. Vainly may we look for relief in competition; in appeals for mercy; in popular or individual protest. The strong arm of that power alone which has rendered this railroad tyranny possible, must now be stretched forth either to curb or crush it.

PUBLIC RAILROADS ARE NOT PRIVATE PROPERTY.

I shall not consume much time in discussing the constitutional aspects of this most important of questions, or in referring to the relations between the railroad corporations and the political powers under which, and subject to which, they hold alike their being and their life. The decisions of the highest tribunals in the land, as well as the reasonable suggestions of common sense, warrant us in assuming without further question that corporations existing by virtue of special grants are entitled to special privileges just so long, and so long only, as they subserve the special purposes for which they were created.

Their roads are public highways, and not private property, and as such are as legitimately subject to the restraints of legislation as are toll-roads or private bridges, for the use of which tolls are exacted. The rolling-stock is theirs; the rails and the ties are theirs; the depots are theirs, to rent, sell, or give away; but the highways they have constructed through condemned private property and over the legal thoroughfares of the land can never cease to be the property of the public, for they become the estate of all through a sacrifice of private rights. This is a sacrifice which the State alone can command for its uses, and neither in its name nor by its authority can this prerogative be transferred, either directly or indirectly, to others.

The few who contend that railroads are private property, and as such beyond the control of legislation, attempt to sustain themselves with the assumption that, admitting the right of the law-making power to regulate railroad rates, there would then be nothing to prevent railroad corporations from being legislated into bankruptcy.

These railroad gentlemen are driving their tent-pins on high altitudes. It has been maintained by the Supreme Court, and properly, that if a State possessed the right to tax the securities of the General Government, then might it be taxed out of existence by State conspiracy. This position is based upon the theory of a supreme and

indestructible central authority. Do our railroad autocrats claim exemption from legislative control on the ground that they too occupy a lofty plane beyond its constitutional reach? From their acts this presumption is reasonable. But the illustration is unfortunate, since it suggests the other extreme of unbridled railroad license. Say it were possible to legislate railroads into bankruptcy—a presumption too absurd to be seriously entertained—what, on the other hand, would there be to prevent railroad corporations, if unrestrained by legislation, from taxing communities and individuals to the very verge of ruin? The answer to this is, that competition may be relied upon to prevent excessive charges. True, where there is competition rates are usually satisfactory; but instead of competing with each other railroads have fallen into the more profitable habit of making a combined assault upon the public by agreeing upon rates and dividing the plunder. Hence, even where competition is possible it cannot be depended upon for the maintenance of reasonable rates. But competition is not always possible, and where not, what are the people to rely upon then? There are but few practicable railroad passes through the Sierra Nevada Mountains. What if there was but one? This would render competition impossible, and enable the overland roads connecting at Ogden to absorb in charges, unless checked by legislation, the entire profits of our continental commerce, whereas they now content themselves with about two-thirds.

I spoke a moment ago of the purposes of legislation in granting special privileges to railroad corporations—of the considerations urged in warrant of the concession of unusual franchises, trampling to some extent upon personal rights. These considerations are public convenience and increased commercial facilities between communities, and whenever a corportion fails to confer these benefits, its contract with the State falls equitably if not legally void, and its chartered rights, forfeited by every suggestion of fair dealing, revert to the people. Railroads not only fail to benefit but wantonly injure communities when they discriminate against them, and by the act their charters are annulled and their corporate privileges cease. If we cannot take away these violated charters, we can at least compel a better observance of the spirit of their provisions. We might in justice do more. In strict regard to our obligations we cannot possibly do less.

LEGISLATION MUST CONTROL RAILROADS, OR RAILROADS WILL CONTROL LEGISLATION.

With a community of interest steadily drawing them together in aggressive as well as defensive alliance, the railroad corportions of the country, representing a capital of over four thousand million dollars, and as a rule controlled by able but conscienceless men, have at length acceded to a commercial and political power as omnipotent in some of the States of this Union as it is dangerous to them all.

With this menace to personal rights and good government, and with justices upon the supreme bench openly justifying their usurpations, it has become the unquestioned duty of Congress—a duty so plain that it seems to me no member can safely disregard it, unless he is helmeted against his own conscience—to put an end to the encroachments of these overshadowing combinations, whose arms of steel, like the tentacles of the devil-fish, are taking a continent to their vast embrace.

And when should this duty be performed? Not next year, but this; not to-morrow, but to-day. We should not sleep until this gigantic power, growing bolder with its successes, shall have pinioned the arms of authority and stifled the voice of legislation. We are unshackled now, and may be able to do what the future might be powerless to accomplish. Therefore, let us act—act at once—and not leave to men who may be less resolute, and to events which may be less propitious, the performance of a duty already loo long neglected and plainly ours.

CONCLUSION.

It is in no spirit of personal unfriendliness to the managers of the Union and Central Pacific Railroad Companies that I have made this showing of their misdemeanors. I have simply told a part of the simple story of the people of one of the States of this Union whose burdens have become well-nigh unendurable; and in the humility of a great grief I am here kneeling at the feet of legislation and imploring that relief for a brave and patient people which I believe the manhood and magnanimity of thirty-eight Christian Commonwealths will not deny.

APPENDIX A.

Special through freight tariffs in force February 1, 1877, to San Francisco, Sacramento, Marysville, San José, Stockton, and Oakland, California.

From—	Rate per hundred pounds.							
	First class.	Second class.	Third class.	Fourth class.	Class A.	Class B.	Class C.	Class D.
New York	$6 00	$5 00	$4 00	$3 00	$2 50	$2 00	$1 75	$1 50
Cincinnati and Indianapolis	5 31	4 25	3 19	2 65	2 39	2 12	1 86	1 59
Chicago and Saint Louis	5 00	4 00	3 00	2 50	2 25	2 00	1 75	1 50
Omaha	4 50	3 75	2 75	2 25	2 00	1 85	1 70	1 50

CLASSIFICATION—NOTE IMPORTANT CHANGES.

[NOTE.—"D 1" indicates double first-class rates; "1½" one and one-half times first-class rates, and "3 t 1" three times first-class.]

A.

Acids	2
Advertising almanacs, circulars, pamphlets, and posters	4
Agricultural implements, owner's risk, in less than car-loads, as follows: Reapers, mowers, harvesting-machines, thrashers, plows, feed-cutters, and harrows	1
Metal appurtenances of agricultural implements, iron-work and castings of reapers and mowers, when K. D., in small quantities, apply machinery rates.	
Seed-drills, corn-planters, cultivators, shovel-plows, fanning-mills, horse-rakes, and similar light and bulky machines	1½
Do., knocked down	1
Plows and harrows, knocked down and boxed	4
Agricultural implements, named above, in car-load of 20,000 pounds	A
Albums	2
Alcohol, in cans, boxed	A
Alcohol, whisky, highwines, and pure spirits, in wood, owner's risk of leakage	B
Alcohol, whisky, highwines, and pure spirits, in wood, shipped under valuation, $1 per gallon	C
Ale and beer, in glass or stone, packed	4
Ale and beer, in wood, owner's risk of leakage	A
Ale and beer, bottled or in wood, owner's risk of leakage, in car-loads of 20,000 pounds	B
Alum, in barrels	D
Ammunition, fixed	1
Anchors	D
Anchovies	4
Andirons	4
Antimony	4
Anvils and anvil-dies	D
Apples, dried	4
Apple-parers	4
Argols	4
Artificial flowers and feathers	D 1
Asbestos	D
Augers, post-hole, boxed	4
Axes, without handles, in boxes	C
Axes, on handles	4
Axle-grease	B
Axles, carriage and wagon	C
Axles, car	D
Axle-clips	4

B.

Backing	C
Bacon, in boxes, barrels, or casks	4
Bacon, in sacks	3
Bacon, hams, and all cured and salted meats when not in regular packages, same as bulk meats.	
Bags, paper	C
Bags and bagging, cotton, compressed, in bales, released	2
Bags and bagging, burlap, compressed, in bales, released	4
Bags and bagging, gunny, compressed, in bales, released	B
Baking-powders	A
Bark, extracts	4
Barley, pearl	4
Barometers	1
Barrels, empty	1
Barrels, knocked down or set up, in car-loads of 20,000 pounds	D
Barytes	D
Base balls and bats	3
Baskets, willow	D 1
Baskets, splints, nested	1
Bath boilers, iron, rubber-coated, as machinery, boxed	2
Bath-brick	C
Bath-tubs	1
Bath-rims	1
Batts	1
Batts, compressed	2
Beans	4
Bed-plate of an engine, as machinery.	
Beef and pork, (mess,) in barrels	4
Beef-tongues, as ham and bacon.	
Bee-hives, prepaid	2
Beer, (see ale.)	
Beeswax	4
Bedsteads and bunks, iron	1
Bed-slats, wooden, in bundles or packages	C
Bells, less than 100 pounds each	4
Bells, 100 pounds or over, each	3
Bellows, blacksmith	2
Belting, rubber	4
Belting, owner's risk, released from chafing	A
Belting, leather	3
Belting, leather, released	4
Benzine	A
Benzine, owner's risk of leakage and fire	C
Bird-cages, boxed	D 1
Billiard-tables, boxed, owner's risk	2
Billiard-tables, complete, including slate or marble, car loads of 20,000 pounds	3
Billiard-tables, woodwork of separate, without slate or marble	1½
Binder's boards	D
Bitters, in glass, owner's risk	4
Bitters, in glass, owner's risk, in car-loads of 20,000 pounds	C
Bitters, in wood, same as liquors.	
Blacking, in boxes and barrels	C
Blacking, liquid	C
Black lead, barrels and boxes	C
Blackboards, in racks and boxes	4
Bladders and sausage skins	1

Special through freight tariffs in force February 1, 1877—Continued.

Blankets in bales, released	2
Bleaching-salts	C
Blinds	1
Blowers	2
Blue vitriol, or blue stone	D
Blueing, liquid	4
Bobbins, wound	1
Bobbins, spools	A
Boats, not over twenty-six feet long	D 1
Boats, in sections	1
Boiler felting	3
Boiler flues, copper or brass	4
Boiler flues, iron	D
Boilers, not more than twenty-six feet long	1
Books	1
Books, blank	3
Boots and shoes, leather, strapped	1
Boots and shoes, leather, not strapped, $1 above first-class.	
Bottles, empty, in crates or boxes, owner's risk	D
Bottles, druggists', fancy and nursing	A
Box stuff, in packages	C
Brackets, bronze, brass or fine metal	2
Brackets, wood or iron	4
Brandy peaches	5
Brass kettles	2
Brass, castings, sheet, wire, nails, and tacks	4
Brimstone	D
Bristles	D 1
Bristol board	A
Britannia-ware	1
Bronzing powder	1
Brooms	1
Broom-corn, compressed	3
Brushes	2
Buckets, nested	2
Buck saws and frames	4
Buckwheat	4
Buffalo robes	1
Buggies, taken apart and all parts boxed in tight cases, completely inclosing them	1½
Buggies, taken apart and inclosed in open boxes, crates or skeleton frames	D 1
Buggy bodies, in the white, in crates	D 1
Buggy reaches, in the white	4
Bulbs and roots, (must be prepaid)	1
Bulk meats	1
Bulk meats, car-loads of 20,000 pounds	3
Bungs, wood or iron	B
Burial cases, metallic	3
Burial cases, wooden	2
Burr blocks and millstones	4
Butter	2
Butter tubs	4
Butts, hickory	C
Butts, hinges, hooks, and staples, (if specified on receipt as such)	B
Buttons, pins, needles, hooks and eyes, buckles, and corset clasps	1

C.

Candles	D
Canned fruits and vegetables	D
Canned fish and meats	D
Canvas, in cases	1
Canvas, in bales	1
Canvas, in bales, owner's risk of chafing, released	2
Caps, percussion	1
Capstans	C
Cards, playing	4
Cardboard	A
Carpets, in cases	1
Carpets, in bales	1½
Carpets, in bales, owner's risk of chafing, released	1
Carpet lining	3
Carpet sweepers	2
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in tight boxes completely inclosing them, if not too large to be loaded in a box car	1½
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in tight boxes completely inclosing them, if too large to be loaded in a box car	D 1
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in open boxes, crates, or skeleton frames, or covered with tarpaulin, if not too large to be loaded in a box car	D 1
Carriages, taken apart, wheels and poles taken off, and the carriage and all its parts packed in open boxes, crates, or skeleton frames, or covered with tarpaulin, if too large to go in a box car	3 t 1
Carriages, omnibusses, street-cars, buggies, and stages, released, in car-load lots, estimated at 20,000 pounds	3
Carriage castings	4
Carriage springs	B
Carriage and coffin trimmings, silver-plated	1
Car-wheels	D
Car-springs, rubber or steel, boxed	C
Car-springs, rubber or steel, in bundles, released	C
Car-springs, rubber or steel, in bundles, not released	A
Castor-oil, in cans, boxed	A
Celery salt	4
Cement, plaster, and stucco, in barrels	D
Chains	C
Chalk	4
Cheese	2
Chests of personal effects	1
Chicory	4
China-ware and porcelain, boxes or casks	2
Chocolate and cocoa	4
Churns	1
Churns, boxed or racked	2
Cider, same as liquors.	
Cigars, packed in cases	D 1
Cigars, in cases, corded, sealed, and strapped	1
Cigar-molds	4
Citron	4
Clocks and weights	4
Clothes-pins, boxed	C
Clothes wringers and horses	4
Clothing, in cases	1
Clothing in bales	1½
Clothing, in bales, owner's risk of chafing, released	1
Coal-oil or petroleum, at owner's risk of leakage and fire	D
Coal-scuttles, nested	2
Cocoa and straw mattings and mats	4
Cocoa-nut, desiccated	4
Codfish, desiccated	4
Cod-liver oil	4
Coffee, in sacks	4
Coffee-mills, common, small, for family use	B
Coffee-mills, fine, grocers', with fly-wheels	2
Coffee extracts	4
Cologne spirits, in wood, same as liquors.	
Coloring	4
Condensers	2
Condensing-tubes, iron	D
Comfortables, as dry goods.	
Composition for roofing	D
Concentrated lye	C
Condensed milk	D
Confectionery	1
Copper—wire, nail, sheet, bolts, rods, rivets, and tacks	4
Copper, ingot	B
Copper bottoms, tubes, and pipes	4
Copper vessels	2
Copy-books, either impression copying books, or copy-books used in schools.	3
Copying-presses	A
Cordage	4
Cork and corks	1
Corn and corn-meal	4
Corn and corn-meal, in car-loads of 20,000 pounds	D
Corn starch, prepared as food	A
Corner irons, or castings for trunks	B
Cornices, zinc or galvanized iron	1
Cotton, compressed	3
Cotton, uncompressed	1
Cotton, waste	4
Covers	1
Cove oysters	D
Cow-bells	4
Crackers	1
Cranberries, owner's risk only	3
Crayons	4
Cream of tartar	4
Crockery, in casks and crates	A
Crockery, in boxes and barrels	3
Croquet sets	3
Crowbars	C
Crucibles, black lead	4
Crucibles, clay	A
Currants, in casks, (original packages)	A
Curry-combs	4
Cutlery, pocket and table	2
Cutters, for cutting out boot and shoe soles	4

D.

Dates	4
Demijohns	1
Dental and surgical instruments	1
Dry goods, in cases	1
Dry goods, in bales	1
Dry goods, in bales, at owner's risk of chafing, released	2
Doors	2
Dressing-cases	1
Dried fruit, not otherwise specified	4
Drill-frames	1
Drugs and medicines	4
Drums, including all kinds, children's and musicians	D 1
Dumb-bells	4
Dye-stuffs, not otherwise specified	4

E.

Earthenware	B
This rate applies only on common dark earthen or stoneware of domestic manufacture. All whiteware should be rated as crockery.	
Earth paints	D
Egg-beaters	4
Eggs, owner's risk	2
Emery	4
Emery-wheels, paper and cloth	4
Emigrant movables, including live stock, man in charge to pay emigrant fare from Council Bluffs, (must be prepaid)	A
Enameled cloth, as dry-goods.	
Engines, steam and portable	2
Engines, steam and portable, car-loads, 20,000 pounds	4
Envelopes	4
Essential oils	1
Excavators	1½
Excavators, car-loads, 20,000 pounds	A
Excelsior	3
Excelsior cooking-utensils	1
Extract of beef	4

F.

Facing-sand	3
Fans, in boxes	1
Fancy goods, not otherwise specified	D 1
Farina	4
Faucets, brass or iron	4
Faucets, plated	1
Feathers, in bags	1½
Feather dusters	1
Felt	1
Figs	4
Files	4
Fire-arms, boxed	1

Special through freight tariffs in force February 1, 1877—Continued.

Fire brick and clay	B
Fire-works	1
Fire-extinguishers, boxed	2
Fish, pickled	3
Fish, pickled, released	4
If the difference between billed and correct weights is not more than 5 per cent., it will be considered the result of shrinkage in transit and no correction will be made.	
Fish, dried and salted, boxed	4
Fishing-rods and tackle	1
Flavoring extracts	4
Flax	3
Florida water	4
Flour, buckwheat or other	4
Fluting-irons	4
Fluting-machines	2
Fly-paper	4
Fulling-mills	1
Forges	2
Forks, hay and manure	4
Forks, wooden, grain	2
Fountains, automatic, well boxed	1½
Fountains, automatic, well boxed, owner's risk, released	1
Fruit butter	4
Fruit-jars, empty, owner's risk	A
Fruit juice, not otherwise specified	4
Fruit jellies	4
Furnaces, for heating, same as stoves.	
Furnaces, for smelting, as machinery.	
Furnishing goods	1
Furniture, except chairs, as follows:	
Set up, not boxed, not taken except in car-loads of 20,000 pounds.	
Set up, well boxed	1
Knocked down, not compact, well boxed	2
If in bundles, knocked down, flat, and compact, finished	2
Finished or upholstered, knocked down, flat, and compact, well boxed	3
Black walnut or other valuable wood, in the white, not upholstered, knocked down, flat, and compact, well boxed	4
Same, crated or in bundles	3
Not black walnut or other valuable wood, in the white, not upholstered, knocked down, flat, and compact, well boxed	B
Same, crated or in bundles	A
School-desks, knocked down, flat, well boxed or racked	A
Chairs, set up, if completely boxed	1½
If set up in racks, released	D 1
Upholstered, knocked down, and well boxed, including ordinary upholstered chairs, barbers' and dental chairs, and iron-framed, invalid, and easy chairs	1
Not upholstered, made of black walnut or other valuable wood, knocked down, flat, and compact, if finished, well boxed	3
If finished, crated	2
If finished, in bundles, at owner's risk	1
If in the white, well boxed	4
If in white, crated or in bundles	3
Not consisting wholly or partially of black walnut or other valuable wood; cane seated; knocked down flat and compact, if finished and well boxed	B
If finished and crated	A
If finished in bundles, at owner's risk	4
If in the white, well boxed	C
If in the white, crated or in bundles	B
Any or all of the above-described chairs, with or without other furniture, in car-loads of 20,000 pounds	B
Common kitchen wood-seated chairs, knocked down flat and compact, in either car-loads or smaller lots, if finished, well boxed	C
If finished, crated	B
If finished, in bundles, at owner's risk	A
If in the white, well boxed	D
If in the white, crated or in bundles	C
Iron theater-chairs	3
Furniture and chairs, consisting in part of black walnut or other valuable wood, will take the same rate as if consisting wholly of such wood.	
Furniture and chairs having one or more coats of oil, shellac, varnish, paint, or other similar preparation, will take the rates provided for finished chairs.	
The rates provided for chairs and furniture "in the white," will be applied only to chairs and furniture coming strictly under that designation.	
Boxes must be tight and completely inclose the freight to entitle it to the rates provided for freight "well boxed." Open boxes will be considered same as crates.	
Chair frames, iron, reclining	3
Furniture, including school, released, in car-loads, 20,000 pounds	B
Furniture castings	4
Furs	1
Fuse	1
Fuse, car-loads	3

G.

Galvanized ring-bolts, ship's clews, belay pins	B
Gang-plow irons	4
Gambia	4
Garden seeds	2
Gas fixtures and burners, boxed	2
Gas stoves, released	4
Gasoline	A
Gasoline, owner's risk of fire and leakage	C
Gas-pipe, iron	D
Gelatine	2
Ginger	4
Ginseng	A
Glass chimneys, in boxes and barrels	5
Glass, plate, not over 6 feet long, released	1
Glass, plate, over 6 feet long, released	D 1
Glass, rough	D
Glass signs	1
Glass garden-vases or flower-pots	A
Glassware, except chimneys and globes	A
Glass, window, not over 3 feet long	D
Glass, window, over 3 feet long	4
Glaziers' triangular points	1
Glue	4
Glycerine, less than 5,000 pounds	4
Glycerine, 5,000 pounds or more	B
Granite iron-ware, same as hollow-ware.	
Grass and clover seed	3
Grass and hemp matting and mats	3
Grindstones	D
Grist-mills, iron, as machinery.	
Gum, chewing	1
Gums, copal and shellac	4
Gum-kowrie	4
Gunpowder and other explosives not taken except by special contract.	
Gun-stocks	4
Gun-wads	1
Guttering, copper and tin	4

H.

Hair, in sacks	1
Hair, compressed or in rope	2
Hair-oil	1
Hair goods, imitation	1
Hair, human	D 1
Hair-cloth, in cases	1
Hair-pins	1
Hames	4
Hams, same as bacon.	
Hammers and hatchets	4
Hammocks	1
Handspikes	C
Handles, broom or mop without heads	D
Handles, ax and pick	B
Handles, drop, brass and ebony, used for bureaus, &c	4
Handles, plow, in the rough	4
Hardware, not otherwise specified	4
Harness, in boxes	1
Harrow-teeth	4
Hassocks and ottomans	1
Hats and caps, men's, straw, fur, or wool, in cases, strapped	1½
Same, not strapped	D 1
Hats, ladies', in case, strapped	1½
Same, not strapped	D 1
Hay-knives	4
Hay-presses	2
In car-loads, machinery rate.	
Head-lights	2
Hearses, see vehicles	
Hemp carpet	2
Hemp, in bales	3
Hempseed	3
Herring and bloaters, in boxes	3
Herrings, in kegs. (See fish, pickled.)	
Hobby horses, knocked down	3
Hobby horses, set up	1½
Hoes and rakes	4
Hollow-ware, released	4
Hominy and grits	4
Hominy and grits, in car-loads of 20,000 pounds	D
Honey	4
Hoop-skirts	1
Hoop-skirt wire	A
Hops, compressed	4
Horse-collars	1
Horse-nails, in bags	A
Horse-nails, in boxes	B
Horse-shoes	D
Horse-posts	A
Horse-powers, tread-mill	1
Horse-powers, circular	2
Hose-reels, knocked down and compactly boxed	2
Hosiery, as dry goods.	
Household goods and personal effects, packed in trunks, prepaid	D 1
Household goods, not new furniture, well boxed, released, must be prepaid.	1
Household goods, car-loads of 20,000 pounds, must be prepaid	A
Hydraulic jacks and handles	4

I.

Ice-cream freezers	1
Indigo	2
Ink, in glass or stone, owner's risk	B
Ink, printing or other, in wood	C
Ink, printing, in cases	C
Ink-stands of crystal glass	1
Irish moss	2
Iron beams, columns, and girders, not over 27 feet long	B
Iron and coal facings	B
Iron, bar, band, or boiler	D
Iron.—All sheet or plate, band or hoop iron thinner than No. 12 (Birmingham wire-gauge) will take the rates provided for hoop and sheet iron. No. 12 plate and band iron, and all thicker grades, when shipped at owner's risk of injury from wet, will take Class D rate. No 12 Birmingham wire-gauge is the number applied to iron twelve one-hundredths of an inch in thickness. Iron thinner than this is described by a higher number.	
Iron and steel, shoes and dies	D
Iron, furniture, carriage, wagon, and plow castings	4
Iron castings, not otherwise specified	2
Iron casters	4
Iron crowbars	C
Iron head-rests, photographers' use	3
Iron, hoop or sheet, except Russia or imitation	A
Iron, hoop or sheet, (except Russia or imitation,) released, at owner's risk of rust	C
Iron, malleable castings	4
Iron nuts and bolts, washers, and boiler-rivets	B
Iron rivets, other than boiler-rivets	4
Iron bolts, carriage, door, &c	4
Iron pipes and tubes	D
Iron pipe-fittings	B
Iron railing	A
Iron roofing	B
Iron shafts, wrought, not over twenty-seven feet long	3
Iron shutters	B
Iron vault fronts, linings, and facings	A

Special through freight tariffs in force February 1, 1877—Continued.

Iron, galvanized	4
Iron, galvanized, released	B
Iron garden vases and ornaments, owner's risk, released	A
Iron railroad chairs, spikes, splices, and bolts, taken only by special contract.	
Iron wedges, in cases	C
Ironware, granite, same as hollow-ware.	
Irons, soldering, well boxed	4
Iron screw-plates and dies	4
Iron safes, weighing three thousand pounds each, or less	4
Over three thousand pounds, and not exceeding six thousand pounds, each	3
Over six thousand pounds, each.	2
Iron sinks	4
Iron tubs, galvanized	1
Iron tubs, galvanized, nested	4
Isinglass	2
Ivory	1
J.	
Jar rings	4
Japanned ware	1
Japanned tins, boxed	A
Jack screws	4
Jute and jute butts	4
K.	
Knitting machines	2
L.	
Ladders, not over fifteen feet long	1
Lampblack, casks or barrels	4
Lamp globes and shades	2
Lamps, lanterns, and fixtures	2
Lamp-posts, iron	B
Lard	4
Lasts, boxed	4
Lawn mowers	2
Lead, bar and sheet, in boxes	C
Lead bullets	4
Lead pipe, in casks	C
Leather	2
Leather belt-lacing	2
Leeches	4
Lemons and oranges, owner's risk, prepaid	2
Lemon peel	4
Lentiles	4
Licorice	4
Linen sets and collars, as dry goods.	
Life rafts	D 1
Lignum vitæ	A
Lime water, in wood	4
Liquors, in glass, owner's risk of leakage	4
Liquors, in wood, owner's risk of leakage	A
Liquors, $1 per gallon valuation	C
Lithographic stones	2
Live plants and trees, boxed, prepaid	1
Live stock, at estimated weights as follows	1
Horses, mules, and horned animals, not valued at over one hundred dollars each—one, 2,000 pounds; two, 3,500 pounds; three, 5,000 pounds. Each additional animal, 1,000 pounds. Stallions, 4,000 pounds each.	
The same when valued at more than $100 each, add to the rate 5 per cent. of the increased valuation.	
Hogs, sheep, lambs, and calves, actual weight, but not less than three hundred pounds each.	
Live stock (except blooded horses) shipped by special contract, in car-loads of not less than 20,000 pounds	3
At the above rate the owner is to enter into a contract, agreeing to feed, water, and take care of the stock at his own expense, and assuming all risk of injury or damage that the animals may do to themselves or each other.	
In consideration of the above agreement, one man, in charge of the stock, will be passed free with a shipment of two or three car-loads; two men with four, five, or six car-loads; over six car-loads, three men.	
No pass will be given with the shipment of one car-load, and no return passes will be given in any case.	
Whenever the owner or man in charge requests or requires the use of a whole car for his animals, he will be charged the full car-load rate, though he has but one animal.	
For blooded horses in car-loads, valued at over two thousand dollars to the car-load, add 5 per cent. of the increased valuation to the car-load rate.	
Contracting agents are notified that the Pacific roads will not accept fictitious valuations, but the actual cash value of the animals must be stated.	
Locks, exclusively of iron	B
Locks, iron, with brass bolts and keys	4
Locks, pad and prison	4
Locomotives and tenders, narrow gauge, on cars, taken only by special contract.	
Locomotive tires	C
Looking-glasses, not over 6 feet long, released	1
Looking-glasses, over 6 feet long, released	D 1
Logwood	C
Lumber, hard and soft, less than car-load, not exceeding 16 feet in length	A
Lumber, car-loads of 20,000 pounds	C
M.	
Macaroni and vermicelli	4
Machinery, coarse, not boxed, not otherwise specified	2
Machinery, fine, boxed	2
Machinery, fine, not boxed, not otherwise specified	1
Machinery, in car-loads of 20,000 pounds	4
Machines, woodworking	2
Mahogany	A
Mallets and handles, wooden, boxed	4
Manilla, in bales	3
Mantels, iron and slate marbleized, including grates, not boxed, released	3
Mantels, boxed	4
In car-loads, same as stoves.	
Maps, boxed	1
Map rollers	4
Maps, not mounted on cloth and not on rollers	3
Marble, wrought, owner's risk, (if lettered must be prepaid)	B
Marble, unwrought, owner's risk	D
Marble dust, in barrels	D
Mast hoops	4
Matches	4
Matches, in car-loads of 20,000 pounds	B
Match-safes, bronzed iron	4
Mattresses and spring beds, and bottoms	1½
Mattresses, wire and spring beds and bottoms, knocked down or rolled together so as to form a compact package	2
Mats and rugs, not otherwise specified	1
Medicines, patent	4
Meat choppers	3
Merchandise.—Shippers are requested to give full description of contents of packages. All articles described as merchandise will be charged double first-class rates.	
Metallic cartridges	1
Metallic soda-bottle tops	3
Meters	2
Miller hooks, buffers, links, pins, and other attachments, truck frames, equalizers, brake shoes, and railroad draw-bars	4
Millinery and straw goods	D1
Mills, bark, cider, feed, corn, and paint	2
Mineral waters, in glass or stone, packed, owner's risk, prepaid	4
Mineral waters, in wood, owner's risk of leakage, prepaid	C
Mince-meat	2
Molasses, owner's risk leakage	C
Monuments and headstones, cast zinc	A
Monuments and headstones, cast zinc, released	B
Money-drawers, in nests or boxed	4
Mops, in bundles	4
Moss, in barrels	1
Moss, pressed in bales	3
Moss and excelsior, when used as packing to protect furniture, same rate as the furniture. This applies only when in sufficient quantities to protect and no more, and does not include hair or feathers.	
Moldings, either wood, iron, papier-maché, or gilt	4
Mower knives and sickles	4
Musical instruments not otherwise specified	1
Mucilage and mucilage bottles, with caps and brushes	3
Mustard seed, in bags or casks	4
Mustard, ground	4
N.	
Nails, in boxes	B
Nails and spikes, cut, in kegs	D
Nails, iron and brass shoe	4
Nails, yellow metal	4
Naphtha	A
Naphtha, owner's risk of leakage and fire	C
Narrow-gauge cars, taken only by special contract.	
Nets, fishing	1
Newspaper files	1
Nickel-plated goods	1
Nutmegs	2
Nuts, in barrels, boxes, or bags	3
O.	
Oakum, in bales	B
Oars	4
Oil-cloth, floor, boxed, not over 12 feet long	B
Oil-cloth, floor, boxed, over 12 feet long	2
Oil-cloth table covers, as dry goods.	
Oil, in glass, owner's risk	4
Oil, (not otherwise specified,) in cans, boxed, or in barrels and casks, owner's risk of leakage	B
Oil-stones	4
Oil-tanks, in crates	1½
Oil-tanks, completely boxed	1
Organs, church	1½
Oysters in shell, in barrels, owner's risk, prepaid	4
Ox bows and yokes	4
Ox goads	4
P.	
Packing, rubber and other	A
Pails, nested	2
Paintings and pictures, owner's risk, valued at not over $200 per package	1
Paintings and pictures valued at over $200 per package, not taken.	
Paints in boxes, not otherwise specified	B
Paints, assorted cakes of water-colors	1
Paints, in glass, boxed	4
Paints, white lead or zinc, dry or in oil, in kegs or cans, boxed	C
Empty kegs with a car-load of white lead	C
Paper collars, cuffs, and bosoms, boxed	1
Paper collars and cuffs, flat and compact	3
Paper, gilt, fancy writing, or note	1
Paper, drawing, mounted on cloth	1
Paper, medicated	4
Paper, posters	4
Paper, tissue	B
Paper, blotting	B
Paper, blotting, printed	3
Paper, flat in boxes, not ruled or printed	A
Paper, printed or ruled	3
Paper, news, printing, in bales or bundles	C
Paper, news, printing, in bales or bundles, released	D
Paper hangings, in boxes	A
Paper, roofing and building, uncolored	D
Paper, building, tinted for inside walls, &c	A
Paper carpetings, or imitation oil-cloth	3
Paper, straw, wrapping	D
Paper, wrapping, manilla and hardware	C
Paper, for covering trunks	A
Paper, paper goods, and paper ware, not otherwise specified	1
Pasteboard	A
Paraffine and spermaceti	A
Pease	4
Pedestals, cast iron	A
Peg scrapers	4
Pen racks	1

Special through freight tariffs in force February 1, 1877—Continued.

Perfumery	1
Pepper	3
Photographic goods	1
Photographic cardboard	A
Phosphorus, not taken.	
Pianos, organs, and melodeons, boxed	1
Piano stools, boxed	2
Pickles, preserves, and sauces	4
Picks and mattocks, iron, boxed	C
Picture frames, boxed	1
Pigs' feet and sausage	3
Pill boxes	4
Pipes, clay	4
Pipes, other	1
Pitch, owner's risk	D
Plaster of Paris ornaments, released	1
Plated ware	1½
Plow beams, iron, steel, or wood	4
Plow beams, in the rough	B
Plow castings	4
Plow points	4
Plumbago	C
Pocket stoves	2
Pork, dressed, owner's risk, prepaid	3
Portmanteaus, satchels, and valises, boxed	1
Potash, in boxes, barrels, or casks	C
Potatoes	4
Potted ham	4
Poultry, dressed, owner's risk, prepaid	1
Poultry, live, car-loads, 20,000 pounds	3
Less quantities not taken.	
Printers' cases, racked	4
Printers' iron frames	3
Printing-presses	3
Prunes, in casks, (original packages)	A
Prunes, boxed	4
Prunes, canned in liquid, hermetically sealed	D
Prunes, when packed dry, in tin cans, not hermetically sealed, or if in glass jars	4
Prune-juice	C
Pulleys and blocks	4
Pumps, hand, released	4
Pumps, steam or hydraulic	2
Pump-valves	4
Pumicestone	4
Putty	D

Q.

Quicksilver, in flasks	4
Quicksilver flasks, empty	4
Quicksilver flasks, car loads	D
Quilts	1

R.

Rags, in bales	4
Rags, in sacks	2
Raisins, strapped	4
Rattan, reeds, and willows	1
Razor straps	2
Refrigerators and water-coolers	2
Regalias	1
Resin, owner's risk	D
Retorts, clay	3
Retorts, clay, owner's risk, released	A
Ribbons	1
Rice	C
Rice starch	A
Rollers, as machinery or castings, to be judged by inspection.	
Roofing, felt	A
Ropes, exceeding one inch in diameter	C
Ropes, one inch or less in diameter. (See Cordage.)	
Rubber, boots, shoes, clothing, and goods not otherwise specified	4
Rubber hose, in bales	4
Rubber hose, in cases	B
Rubber hose, in bales, released	A
Rubber caps	C
Russia sheet-iron, or imitation	1
Russia sheet-iron, or imitation, released, owner's risk of wet	2

S.

Saddlery	1
Saddlery hardware	4
Saddles	1
Sad-irons	B
Safes, milk and cheese	1½
Same, at owner's risk chafing	1
Saleratus	A
Salts, epsom, in barrels	A
Saltpeter	A
Sal-soda	A
Sand, except "facing"	4
Sandpaper	4
Sardines	B
Sash cords	4
Sash weights, boxed	D
Sash, doors and blinds, car-loads of 20,000 pounds	B
Sauer kraut	4
Saws, on board	2
Saws, boxed	4
Saw-frames	4
Scales and scale beams, boxed	A
School slates, boxed	B
Scrapers, road	4
Scrapers, car-loads, 20,000 pounds	A
Screws	4
Scythes	4
Scythe snaths	4
Scythe stones	4
Seed, not otherwise specified	2
Seed sowers	1
Sewing-machines, boxed	2
Sewing-machines, knocked down and boxed	4
Sewing-machines, in racks	1
Sewing-machines, wood-work, when separate, in boxes	2
Sewing-machine heads, when separate, in boxes	2
Sewing-machines, (castings of,) when separate, in boxes	B
Parts of sewing-machines when all shipped together may come forward with the castings and wood-work, packed in separate boxes, at fourth-class rate.	
Shawls, as dry goods.	
Sheep-shears	4
Sheep soap	4
Sheet music	1
Shipping tags	A
Ship and boot spikes	D
Shoe-thread	1
Shoe pegs and nails, iron or brass	4
Shoe-findings	1
Shot, in kegs and boxes	C
Shovels and spades, owner's risk	4
Show-bills advertising	4
Show-cards	1
Show-cases, owner's risk	D 1
Shuttles	1
Sickles	4
Sieves and rims	1
Silk goods, in boxes	1
Skins, sheep, goat, or deer, &c	2
Skiving-machines, as machinery.	
Slate-pencils	1
Slate, roofing, car-loads of 20,000 pounds	D
Sledges, with handles	4
Sledges, without handles	C
Snuff, boxes and barrels	2
Soap, common, lots of 5,000 pounds or over	D
Soap, common, lots less than 5,000 pounds	B
Soap, fancy, castile or imitation castile	4
Soap, (except castile or imitation,) when in bars, same as common soap.	
Soapstone	3
Soda, in kegs and boxes	A
Soda caustic	C
Soda-fountains	1
Spectacle-glasses and optical goods	D
Spelter and solder	B
Spices	3
Spirits turpentine, in barrels or cases, owner's risk of leakage	C
Sponges	1½
Sponges, compressed in bales	1
Spring bars, in the white	4
Springs, rubber, as car springs.	
Springs, steel	B
Springs, wire, in boxes or casks	4
Squares	4
Stamped ware, (articles each made from a single piece of metal without solder)	B
Stair-rods	2
Stamps, for stamping impression for office use	2
Starch	D
Stationery	1
Statuary, owner's risk, valued at not over $200 per package	1
Statuary, valued at over $200 per package, not taken.	
Staves, headings, and shooks	4
Staves, headings, and shooks, car-loads of 20,000 pounds	D
Steam ganges and indicators	2
Steam-drums, as machinery.	
Steel, cases and bundles	B
Steel wedges	4
Steel shanks, for boots and shoes	4
Stirrups	4
Stoneware. (See earthenware.)	
Stoves, ranges, registers, radiators and reservoirs, released	4
Stoves, ranges, registers, radiators, reservoirs, stove furniture and hollow-ware, in car-loads of 20,000 pounds, owner's risk of breakage	B
Stove-pipe and elbows, in crates or boxes	1
Stove-castings, bundles, released	4
Stove-castings in boxes	B
Stove-polish	C
Straw boards	D
Straw, saw-dust, and tan-bark, used to protect property in box-cars	D
Sugar	C
Sugar-cane	1
Sugar, maple and lemon	3
Sugar, grape	A
Sulphur, flour of	4
Sulphur, roll	D
Sumac	A
Swords	1
Sirup, released, owner's risk of leakage	C
Sirup, maple, owner's risk of leakage	3
Sirups and coloring, in wood, not molasses	3

T.

Tacks	A
Tallow	B
Tar, owner's risk	D
Tassels, cord, &c	1
Tea	1
Teazles	1
Telegraph instruments	1
Telegraph insulators	4
Telegraph-battery material	4
Telegraph cable	4
Thread	1
Thread cabinets	1
Tiling, marble or slate	D
Tiling, earthen, fancy	4
Tin-foil, boxed	4
Tin-pans and covers, nested	A
Tin-plate	D
Tin-plates, nested	B
Tin, pig or bar	C
Tin tubes and pipes	1

Special through freight tariffs in force February 1, 1877—Continued.

Tinned spoons	4
Tin-waiters, boxed	A
Tinware, boxed	1
Tinners' trimmings	4
Tire benders	4
Tobacco, manufactured	2
Tobacco, manufactured, released	3
Tobacco, leaf, domestic	3
Tobacco, leaf, domestic, released	B
Tobacco, leaf, foreign	3
Tool chests, mechanics'	2
Tools, edge	4
Toothpicks	4
Tow	4
Towel-racks	4
Toys, boxed	1
Traps, animal	4
Trucks	3
Trunks, empty or filled, released	D 1
Trunks, when completely boxed, rate on actual contents.	
Truss hoops, not too large to be loaded in box-car	3
Tubs, nested	2
Turbine-wheels	A
Twine, in cases or barrels	3
Twine, in bales	2
Twine, in bales, owner's risk chafing, released	3
Twine, fish-net, linen	1
Type or type-plate, in boxes	4
Type-writers, as fine machinery.	
U.	
Umbrellas, boxed	1
Underwear, as dry goods.	
V.	
Varnish, owner's risk of leakage	B
Vases, China, bronze, or Bohemian glass, as chinaware.	
Vault lights	D
Vegetine	4
Vehicles of all kinds, not boxed, set up, owner's risk of chafing, fire, weather, and breakage, at estimated weights, as follows:	1
Stage-coaches, omnibuses, hearses, carriages, hacks, and extra large wagons or sleighs, five thousand pounds each.	
An ordinary two-horse express wagon, buggy, or sleigh, three thousand pounds each.	
A one-horse buggy, chaise, cab, cart, wagon, or sleigh, with top, twenty-five hundred pounds each.	
Same, without top, two thousand pounds.	
A gig or sulky, fifteen hundred pounds.	
An ordinary one or two horse wagon or buggy, without top, cart or sleigh, taken apart so as to be loaded in a box-car, fifteen hundred pounds each.	
A two-horse peddler's wagon, 3,000 pounds.	
A one-horse peddler's wagon, 2, 500 pounds.	
Fire-engines, hand, each, 4,000 pounds.	
Fire-engines, steam, each, 8,000 pounds.	
Hose-carts, each, 1,500 pounds.	
Street-cars, one-horse, 6,000 pounds.	
Street-cars, two-horse, 8,000 pounds.	
Fire-engines and fixtures, hook-and-ladder trucks, in car-loads of 20,000 pounds	3
Velocipedes, knocked down, boxed	1
Verdigris	4
Veneering, boxed	4
Vinegar	C
Violins and cases, boxed	1½
Vises	A
W.	
Wadding	1
Wagons, children's, set up	D 1
Wagons, children's, knocked down and boxed	3
Wagons, common, in pieces	1
Wagon fellies, spokes, and hubs	B
Wagon rims and bows, bent	4
Wagon rims and bows, bent, released	B
Wagon whiffletrees	B
Wagon single and double trees	B
Wagon and carriage wheels, poles, and shafts	1
Wagon poles and shafts, rough	4
Wagons—ordinary farm wagons—without springs, car-loads of 20,000 pounds.	A
Smaller lots, taken apart, wheels and poles taken off, actual weight	1
Spring wagons, car-loads of 20,000 pounds, not released	3
Car-loads, of 20,000 pounds, released, at owner's risk of chafing	4
Smaller lots. (See Vehicles.)	
Mixed car-loads of ordinary farm wagons and spring wagons will take the rate provided for spring wagons in car-loads.	
Wagons, Concord, knocked down and boxed, same as carriages knocked down and boxed.	
Wagons, Concord, set up same as stage coaches.	
Wagons, express, knocked down so as to be loaded in a box car, shall be classed same as buggies and carriages knocked down and boxed.	
Wagons, in car-loads; shippers frequently load with these wagons kegs of nails. In all such cases charge car-load rate on 20,000 pounds of wagons and tariff rate on actual weight of the nails.	
Wagon, castings, not otherwise specified	4
Wagon skeins	B
Warp	2
Washboards, boxed	4
Washing-machines, boxed	2
Watch crystals	D 1
Water-closet sinks, iron	4
Water-closet sinks, crockery	3
Wax	4
Weather-strips, boxed	4
Webbing	1
Whalebone, manufactured	1
Wheelbarrows, knocked down	A
Wheelbarrows, set up	3
Whips, boxed	1
Whiting	C
Wicking	1
Willow-ware	D 1
Wind-mills	1
Wind-mills, car-loads of 20,000 pounds	4
Windlasses, as machinery.	
Windlasses, ship, same as capstans.	
Window-shades	1
Wine, in boxes and baskets	4
Wire, coppered	B
Wire, copper or brass	4
Wire cork-fasteners	4
Wire, bonnet	1
Wire cloth and netting boxed	4
Wire goods	1
Wire, fence	B
Wire, barbed fence	4
Wire fencing	4
Wooden-ware, boxed	4
Wooden ironing-boards	4
Wood skewers	4
Wood pipe	4
Wool, compressed	2
Woolen goods, in cases	1
Woolen goods, in bales	1½
Woolen goods in bales, owner's risk of chafing, released	1
Wrenches	4
Y.	
Yarn, in cases	1
Yeast-powders	A
Yeast-cakes	A
Yellow metal	D
Z.	
Zinc, sheet, in casks or boxes	B
Zinc paints	C
Zinc plates, stamped and Japanned	4
Zinc, slab	B

APPENDIX B.

Special freight tariff for freight consigned to Winnemucca, Wadsworth, Reno, Virginia City, and Carson, Nevada, and Truckee and Colfax, California, to take effect Monday, October 29, 1877.

NOTE.—Freight for the points named below may be contracted through to destination, by adding to the through rates given in the tariffs dated February 1, 1877, the amounts stated below.

[Rates in cents per hundred pounds, United States currency, to be added to the through rates given in the tariffs dated February 1, 1877, subject to the rules and conditions of such tariffs respecting weights and dimensions to be loaded in one car.]

Articles.	Winnemucca.	Wadsworth.	Reno.	Virginia City and Gold Hill.	Carson.	Truckee.	Colfax.
All articles not otherwise named	$2 08	$1 43	$1 18	$1 59	$1 49	$0 91	$0 40
A.							
Acids, owner's risk	2 98	1 59	1 23	1 65	1 54	93	42
Agricultural implements, owner's risk of chafing and ordinary breakage, in car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
At company's risk	2 08	1 43	1 18	1 59	1 49	91	40
In less than car-loads, owner's risk, as follows:							
Reapers and mowers	2 08	1 43	1 18	1 59	1 49	91	40
Threshing and harvesting machines	2 98	1 59	1 23	1 65	1 54	93	42
Plows, feed-cutters, and harrows	2 98	1 59	1 23	1 65	1 54	93	42
Seed-drills, corn-planters, cultivators, shovel-plows, fanning-mills, smut-machines, horse-rakes, cider and wine mills, and similar light and bulky machines	2 98	1 59	1 23	1 65	1 54	93	42
Knocked down and boxed	2 08	1 43	1 18	1 59	1 49	91	40
Gang-plows, each	13 90	7 95	6 15	8 25	7 70	4 65	2 10
Antimony, car-loads of 20,000 pounds	1 38	95	77	1 19	1 08	60	26

Special freight tariff for freight consigned to Winnemucca, &c.—Continued.

Articles.	Winnemucca.	Wadsworth.	Reno.	Virginia City and Gold Hill.	Carson.	Truckee.	Colfax.
B.							
Barrels or casks, empty, car-loads of 20,000 pounds	$1 38	$0 95	$0 77	$1 19	$1 08	$0 60	$0 26
Baskets	2 98	1 59	1 23	1 65	1 54	93	42
Bath-tubs	2 98	1 59	1 23	1 65	1 54	93	42
Batting or batts	2 98	1 59	1 23	1 65	1 54	93	42
Bacon, in car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Band-boxes	2 98	1 59	1 23	1 65	1 54	93	42
Bee-hives	2 98	1 59	1 23	1 65	1 54	93	42
Bees, car-loads of 20,000 pounds	64	47	39	80	70	33	17
In less quantities not taken.							
Beef and pork, in car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Benzine, or benzole, same as coal-oil.							
Bellows	2 98	1 59	1 23	1 65	1 54	93	42
Billiard-tables, boxed	2 98	1 59	1 23	1 65	1 54	93	42
Bird-cages	2 98	1 59	1 23	1 65	1 54	93	42
Blue vitriol, or blue stone, in car-loads of 20,000 pounds	1 38	95	77	1 16	1 08	60	26
Boats, not over twenty-eight feet long	2 98	1 59	1 23	1 65	1 54	93	42
Over twenty-eight feet long by special contract.							
Boilers, steam, in car-loads of 20,000 pounds, loaded and unloaded by the owner or at his expense	1 98	1 34	1 09	1 50	1 40	83	34
Less than car-loads, loaded and unloaded by owner or at his expense	2 98	1 59	1 23	1 65	1 54	93	42
Borax, refined, in car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Crude, car-loads of 20,000 pounds	64	47	39	80	70	33	17
Crude, less than car loads	1 38	95	77	1 19	1 08	60	26
Borate of lime, crude soda or ermal, in car loads of 20,000 pounds	64	47	39	80	70	33	17
Less than car-loads	1 38	95	77	1 19	1 08	60	26
Brimstone, in car-loads of 20,000 pounds	1 38	95	77	1 19	1 08	60	26
Brick, fire, in car-loads of 20,000 pounds	1 38	95	77	1 19	1 08	60	26
Brooms, bundled or packed	2 98	1 59	1 23	1 65	1 54	93	42
Broom-corn, bundled or baled	2 98	1 59	1 23	1 65	1 54	93	42
Loose not taken.							
Bran, (see mill stuff.)							
Burning fluid, same as coal-oil.							
Buckets, loose or nested	2 98	1 59	1 23	1 65	1 54	93	42
Bulbs and roots, well packed, prepaid	2 98	1 59	1 23	1 65	1 54	93	42
Burial cases, metal or wood, boxed	2 98	1 59	1 23	1 65	1 54	93	42
Buggies, knocked down and completely boxed or framed	2 98	1 59	1 23	1 65	1 54	93	42
Buckwheat, in car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Bulk meat, in car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
C.							
Candles, in car-loads of 20,000 pounds	2 08	1 43	1 18	1 56	1 49	91	40
Carwheels	2 08	1 43	1 18	1 59	1 49	91	40
Camphene, same as coal-oil.							
Carboys, empty, estimated weight 100 pounds each	2 08	1 43	1 18	1 59	1 49	91	40
Carriages, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Less than car-loads, knocked down and completely boxed or framed	2 98	1 59	1 23	1 65	1 54	93	42
Cars, horse railway. (See Vehicles.)							
Cars, railroad, on their own wheels, by special contract.							
Cars, railroad, not on their own wheels, in car-loads of 20,000 pounds	1 38	95	77	1 19	1 03	60	26
Less than car-loads by special contract.							
Cauldron kettles	2 98	1 59	1 23	1 65	1 54	93	42
Cartridges, metallic, if well packed and name of contents plainly marked on outside of package	2 08	1 43	1 18	1 59	1 49	91	40
Caps, percussion, same as cartridges.							
Carpets, in bales, released or unreleased	2 98	1 59	1 23	1 65	1 54	93	42
Cement, car-loads of 20,000 pounds	1 38	95	77	1 13	1 08	60	26
Charcoal, in sacks	2 08	1 43	1 18	1 59	1 49	91	40
Chicory, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
China baskets and contents at owner's risk	2 98	1 59	1 23	1 65	1 54	93	42
Children's sleds or sleighs, cabs or wagons, (not toys,) set up	2 98	1 59	1 23	1 65	1 54	93	42
Knocked down and boxed	2 98	1 59	1 23	1 65	1 54	93	42
Cigars, in cases, (if not well boxed not taken)	2 98	1 59	1 23	1 65	1 54	93	42
Clothing, in bales, released or unreleased	2 98	1 59	1 23	1 65	1 54	93	42
Coal and carbon oil, owner's risk of fire or leakage and company's convenience, in car-loads of 20,000 pounds	2 08	1 43	1 18	1 56	1 49	91	40
Less quantities	2 98	1 59	1 23	1 65	1 54	93	42
Corn and corn meal, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Cotton, car-loads, (freight in all cases to be charged on 20,000 pounds)	1 98	1 34	1 09	1 50	1 40	83	34
In less than car-loads as follows:							
If compressed in bales so that about 20,000 pounds can be loaded in one car	2 08	1 43	1 18	1 59	1 49	91	40
If not compressed as above, or if in sacks	2 98	1 59	1 23	1 65	1 54	93	42
Copper vessels, unless nested and packed	2 98	1 59	1 23	1 65	1 54	93	42
Nested and packed	2 08	1 43	1 18	1 59	1 49	91	40
Cornices, zinc or galvanized iron	2 98	1 59	1 23	1 65	1 54	93	42
Cordage, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Crucibles, blacklead or clay	2 98	1 59	1 23	1 65	1 54	93	42
If well packed in casks	2 08	1 43	1 18	1 59	1 49	91	40
D.							
Demijohns	2 98	1 59	1 23	1 65	1 54	93	42
Doors, fine, boxed	2 98	1 59	1 23	1 65	1 54	93	42
Doors, sash, and blinds, straight or mixed lots, 20,000 pounds	1 38	95	77	1 19	1 08	60	26
Door and window frames	2 98	1 59	1 23	1 65	1 54	93	42
Dry goods, in bales or trunks, released or unreleased	2 98	1 59	1 23	1 65	1 54	93	42
Dry goods, in boxes	2 08	1 43	1 18	1 59	1 49	91	40
E.							
Eggs, well packed, owner's risk	2 98	1 59	1 23	1 65	1 54	93	42
Not well packed, not taken.							
Emigrants' movables. (See Household goods.)							
Engines, steam and portable, including boiler, loaded and unloaded by owner, in car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Engines, steam and portable, including boiler, loaded and unloaded by owner, in less quantities	2 98	1 59	1 23	1 65	1 54	93	42
Excavators, in car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Excelsior, well baled, owner's risk of fire, car-loads of 20,000 pounds	1 38	95	77	1 19	1 08	60	26
Less than car-loads	2 08	1 43	1 18	1 59	1 49	91	40
F.							
Feathers and feather-beds	2 98	1 59	1 23	1 65	1 54	93	42
Fire clay, car-loads of 20,000 pounds	49	33	28	69	58	22	16
Fire-crackers and fire-works, securely packed, owner's risk and company's convenience	2 98	1 59	1 23	1 65	1 54	93	42
Fowls, live, car-loads of 20,000 pounds	64	47	39	80	70	33	17
Crates and coops	2 98	1 59	1 23	1 65	1 54	93	42
Furniture, including school and cabinet ware, in car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Less than car-loads	2 98	1 59	1 23	1 65	1 54	93	42

Special freight tariff for freight consigned to Winnemucca, &c.—Continued.

Articles.	Winnemucca.	Wadsworth.	Reno.	Virginia City and Gold Hill.	Carson.	Truckee.	Colfax.
G.							
Gasoline, same as coal-oil.							
Glass, plate, under eight feet long, well boxed, owner's risk	$2 98	$1 59	$1 23	$1 65	$1 54	$0 93	$0 42
Over eight feet long, by special contract.							
Grain, car-loads of 20,000 pounds	1 98	1 34	1 09	1 40	1 40	83	34
Grape cuttings, same as shrubbery.							
Gunpowder, transported only by special contract.							
Giant powder and other nitro-glycerine explosives not taken by Union Pacific Railroad.							
Gypsum, car-loads of 20,000 pounds	64	47	39	80	70	33	17
H.							
Hair, in sacks or barrels	2 98	1 59	1 23	1 65	1 54	93	42
Compressed, in bales or in rope	2 08	1 43	1 18	1 59	1 49	91	40
Hats and caps	2 98	1 59	1 23	1 65	1 54	93	42
Hay and wool-presses, in car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Less than car-loads, set up	2 98	1 59	1 23	1 65	1 54	93	42
Less than car-loads, knocked down	2 08	1 43	1 18	1 59	1 49	91	40
Hams, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Hops, baled	2 98	1 59	1 23	1 65	1 54	93	42
Hominy and grits, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Household goods (including old furniture, emigrants' movables, utensils, kitchen and farm, comprising the plunder of a family moving, and domestic animals) in mixed lots, car-loads of 20,000 pounds.	1 38	95	77	1 19	1 08	60	26
Less than car-loads, if boxed	2 08	1 43	1 18	1 59	1 49	91	40
If not boxed	2 98	1 59	1 23	1 65	1 54	93	42
Household goods will not be received for transportation unless well boxed, or the company is released from all liability for breakage or chafing resulting from shipments without boxing.							
I.							
Iron, pig, bar, band, or boiler, car-loads of 20,000 pounds	1 38	95	77	1 16	1 08	60	26
Less than car-loads	2 08	1 43	1 18	1 59	1 49	91	40
Iron castings, heavy, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Less than car-loads	2 08	1 43	1 18	1 59	1 49	91	40
Frail, boxed	2 08	1 43	1 18	1 59	1 49	91	40
Frail, not boxed	2 98	1 59	1 23	1 65	1 54	93	42
Settler bottoms, mining pans, pan shoes, and dies	2 98	1 59	1 23	1 65	1 54	93	42
Battery shoes and dies	2 08	1 43	1 18	1 59	1 49	91	40
Iron, railroad, by special contract.							
Sheet, common	2 08	1 43	1 18	1 59	1 49	91	40
Sheet, Russia	2 98	1 59	1 23	1 65	1 54	93	42
Iron pipe, car-loads of 20,000 lbs	1 98	1 34	1 09	1 47	1 40	83	34
Less than car loads, as follaws:							
Cast-iron pipe	2 08	1 43	1 18	1 59	1 49	91	40
Sheet-iron and asphaltum pipe	2 98	1 59	1 23	1 65	1 54	93	42
Iron water-wheels	2 98	1 59	1 23	1 65	1 54	93	42
K.							
Kerosene, same as coal-oil.							
L.							
Liquors and liquids, in demijohns, (not taken unless completely boxed,) owner's risk	2 08	1 43	1 18	1 59	1 49	91	40
In jars or china baskets, owner's risk	2 98	1 59	1 23	1 65	1 54	93	42
Wines	2 08	1 43	1 18	1 59	1 49	91	40
Whisky	2 08	1 43	1 18	1 59	1 49	91	40
Live plants and trees, boxed, prepaid	2 98	1 59	1 23	1 65	1 54	93	42
Live stock, taken only under contract wherein the shipper agrees to feed, water, and take care of the stock at his own expense, and assumes all risk of injury or damage the animals may do to themselves or each other, and stipulates that in case damage occurs for which the carrier may be liable the actual value at date and place of shipment shall constitute the measure of damages to be collected from the carrier, provided that in no case shall it exceed: for stallions, $200; horses, $100; mules, $65; cattle, $50; and other animals $20 per head.							
In car-loads of 20,000 pounds, as follows:							
Horses, mules, and horned animals	64	47	39	90	55	33	17
Hogs, in single-deck cars	64	47	39	49	55	33	17
Hogs, in double-deck cars	96	71	59	74	83	50	26
Sheep, in single-deck cars	54	40	33	06	49	28	15
Sheep, in double-deck cars	81	60	50	55	74	42	22
In less than car-loads, as follows:							
One horse, mule, or horned animal, (charge for the animal)	41 60	28 60	23 60	31 80	29 80	18 20	8 00
Charge for two horses, mules, or horned animals	72 80	50 05	41 30	55 65	52 15	31 85	14 00
Charge for three horses, mules, or horned animals	104 00	71 50	59 00	99 50	74 50	45 50	20 00
For each additional animal, add	20 80	14 30	11 80	15 90	14 90	9 10	4 00
Stallions and breeding bulls double the above amount.							
One mare and sucking colt	52 00	35 75	29 50	39 75	37 25	22 75	10 00
One cow and sucking calf	52 00	35 75	29 50	39 75	37 25	22 75	10 00
Colts and cattle under one year old, one-half live-stock rates.							
Hogs, each	6 24	4 29	3 54	4 77	4 77	2 73	1 20
Calves, each	10 40	7 15	5 90	7 95	7 45	4 55	2 00
Sheep and lambs, each	4 16	2 86	2 36	3 18	2 98	1 82	80
In no case will the charges on less than a car-load of stock be extended in a sum greater than the car-load rate.							
Looking-glasses, under eight feet long, well boxed, owner's risk	2 98	1 59	1 23	1 65	1 54	93	42
Over eight feet long, by special contract.							
Locomotive engines, on their own wheels, man in charge, to pass free one way, by special contract.							
Not on their own wheels, in car-loads of 20,000 pounds, same as machinery.							
Less than car-loads by special contract.							
Lumber, lath, and shingles, straight or mixed lots, car-loads of 20,000 pounds	64	47	39	76	56	17	13
Lumber and timber of any length requiring more than one car for support, unless loaded with short lumber, making full car-loads	2 60	1 79	1 48	1 89	1 79	1 14	50
M.							
Machinery, car-loads of 20,000 pounds, owner's risk	1 98	1 34	1 09	1 47	1 40	83	34
Less than car-loads, properly packed	2 08	1 43	1 18	1 59	1 49	91	40
Marble, wrought or finished, plain or lettered, owner's risk, well boxed	2 08	1 43	1 18	1 59	1 49	91	40
Not boxed, owner's risk	2 98	1 59	1 23	1 65	1 54	93	42
Marble, in blocks or slabs, rough, car-loads of 20,000 pounds	49	33	28	69	58	22	16
Mattresses and spring beds and spring-bed frames	2 98	1 59	1 23	1 65	1 54	93	42
Matches, well packed, with name of contents plainly marked on outside of package	2 98	1 59	1 23	1 65	1 54	93	42
Meats, salted or cured, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Less than car-loads	2 08	1 43	1 18	1 59	1 49	91	40
Moss	2 98	1 59	1 23	1 65	1 54	93	42
Musical instruments (except pianos and organs) boxed	1 98	1 34	1 09	1 50	1 40	83	34
Not boxed, not taken.							
N.							
Nails, in car-loads of 20,000 pounds	2 08	1 43	1 18	1 56	1 49	91	40
Naphtha, same as coal-oil.							
Nitro-glycerine will not be received for transportation under any circumstances whatever.							
Niter, car-loads of 20,000 pounds	1 38	95	77	1 16	1 08	60	26

Special freight tariff for freight consigned to Winnemucca, &c.—Continued.

Articles.	Winnemucca.	Wadsworth.	Reno.	Virginia City and Gold Hill.	Carson.	Truckee.	Colfax.
O.							
Oil, coal, &c. (See Coal-oil.)							
Ornaments, plaster, bronze, and terra-cotta, well boxed	$2 98	$1 59	$1 23	$1 65	$1 54	$0 93	$0 42
P.							
Paintings and pictures, well boxed	2 98	1 59	1 23	1 65	1 54	93	42
Not boxed not taken.							
Paper-hangings, boxed	2 08	1 43	1 18	1 59	1 49	91	40
Bundles	2 98	1 59	1 23	1 65	1 54	93	42
Pianos, organs, and melodeons	2 98	1 59	1 23	1 65	1 54	93	42
Picture-frames	2 98	1 59	1 23	1 65	1 54	93	42
Pitch, car-loads of 20,000 pounds	1 38	95	77	1 19	1 08	60	26
Plaster, car-loads of 20,000 pounds	1 38	95	77	1 13	1 08	60	26
Plow points and shares, same as frail castings.							
Poultry, dressed, prepaid	2 08	1 43	1 18	1 59	1 49	91	40
Pulu, in bales	2 98	1 59	1 23	1 65	1 54	93	42
R.							
Rags in bales, car-loads of 20,000 pounds	64	47	39	80	70	33	17
Less than car-loads	2 98	1 59	1 23	1 65	1 54	93	42
Resin, car-loads of 20,000 pounds	1 38	95	77	1 19	1 08	60	26
Rope, two inches in diameter and over, unless securely boxed	2 98	1 59	1 23	1 65	1 54	93	42
If boxed	2 08	1 43	1 18	1 59	1 49	91	40
Rope and cordage, car-loads of 20,000 pounds, owner's risk of chafing	1 98	1 34	1 09	1 50	1 40	83	34
S.							
Sewing-machines, knocked down and boxed	2 08	1 43	1 18	1 59	1 49	91	40
Set up	2 98	1 59	1 23	1 65	1 54	93	42
Show-cases, must be well boxed	2 98	1 59	1 23	1 65	1 54	93	42
Shrubbery, hot-house plants, &c., loose, owner's risk, prepaid	2 98	1 59	1 23	1 65	1 54	93	42
Closely packed in bundles, owner's risk, prepaid	2 98	1 59	1 23	1 65	1 54	93	42
Smoke-stacks	2 98	1 59	1 23	1 65	1 54	93	42
Soda, car-loads of 20,000 pounds	1 38	95	77	1 16	1 08	60	26
Spirits of turpentine, (same as coal-oil.)							
Statuary, iron, bronze, or marble, boxed, owner's risk, prepaid	2 98	1 59	1 23	1 65	1 54	93	42
Staves and heading, car-loads of 20,000 pounds	64	47	39	80	70	33	17
Stone in blocks, dressed or rough, car-loads of 20,000 pounds, owner's risk	49	33	28	69	58	22	16
Stone or earthenware, car-loads of 20,000 pounds, owner's risk	1 98	1 34	1 09	1 50	1 40	83	34
Less than car-loads, properly packed	2 08	1 43	1 18	1 59	1 49	91	40
Loose, not taken.							
Stoves, ranges, registers, radiators, and reservoirs, car-loads of 20,000 pounds, owner's risk	1 98	1 34	1 09	1 50	1 40	83	34
Less than car-loads, owner's risk	2 98	1 59	1 23	1 65	1 54	93	42
Stove pipes and elbows	2 98	1 59	1 23	1 65	1 54	93	42
Stove-plates, same as frail castings.							
Sulphur, car-loads of 20,000 lbs	1 38	95	77	1 16	1 08	60	26
T.							
Tallow, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Tar, car-loads of 20,000 pounds	1 38	95	77	1 19	1 08	60	26
Telegraph-poles, by special contract.							
Tinware, boxed or in barrels	2 08	1 43	1 18	1 59	1 49	91	40
Loose, not taken.							
Tiling, floor and roof, car-loads of 20,000 pounds	64	47	39	80	70	33	17
Less than car-loads, if boxed	2 08	1 43	1 18	1 59	1 49	91	40
Less than car-loads, if not boxed	2 98	1 59	1 23	1 65	1 54	93	42
Tiling, drain, car-loads of 20,000 pounds	49	33	28	69	58	22	16
Less than car-loads	2 98	1 59	1 23	1 65	1 54	93	42
Tobacco, in caddies, drums, or pails	2 98	1 59	1 23	1 65	1 54	93	42
Toys, well packed	2 98	1 59	1 23	1 65	1 54	93	42
Trees, fruit and shade, owner's risk, prepaid, car-loads of 20,000 pounds	64	47	39	80	70	33	17
Less than car loads, owner's risk, prepaid, closely packed in bundles or boxes	2 98	1 59	1 23	1 65	1 54	93	42
Loose, not taken.							
Trunks, empty or filled	2 98	1 59	1 23	1 65	1 54	93	42
Turbine-wheels	2 98	1 59	1 23	1 65	1 54	93	42
V.							
Valises, same as trunks.							
Vehicles of all kinds, not otherwise provided for, securely boxed, actual weight	2 98	1 59	1 23	1 65	1 54	93	42
Car-loads of 20,000 pounds, owner's risk of chafing	1 98	1 34	1 09	1 50	1 40	83	34
Of all kinds, not boxed, set up, owner's risk, as follows:							
Stage coaches, omnibuses, and extra large wagons and sleighs	104 00	71 50	59 00	79 50	74 50	45 50	20 00
An ordinary two-horse carriage, hack, wagon, or sleigh	62 40	42 90	35 40	47 70	44 70	27 30	12 00
A one-horse buggy, chaise, cab or wagon, with or without top	41 60	28 60	23 60	31 80	29 80	18 20	8 00
A gig, cab, or sulky	31 20	21 45	17 70	23 85	22 25	13 65	6 00
A two-horse peddler's wagon	62 40	42 90	35 40	47 70	44 70	27 30	12 00
A one-horse peddler's wagon	52 00	35 75	29 30	39 75	37 25	22 75	10 00
Vehicles, taken to pieces (box and wheels off, tongue and coupling pole out, hounds off, &c.) will be taken as follows:							
A one or two horse wagon	31 20	21 45	17 70	23 85	22 35	13 65	6 00
A four or six horse wagon	41 60	28 60	23 60	31 80	29 80	18 20	8 00
An extra large wagon	83 20	57 20	47 20	63 60	59 60	36 40	16 00
Fire-engines and fixtures, hook and ladder trucks, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
In less than car-loads, as follows:							
Fire-engines, (hand,) set up, each	83 20	57 20	47 20	63 60	59 60	36 40	16 00
Fire-engines, (steam,) set up, each	166 40	114 40	94 40	127 20	119 20	72 80	32 00
Hose-carts, set up, each	41 60	28 60	23 60	31 80	29 80	18 20	8 00
Street cars, one-horse, each	124 80	85 80	70 80	95 40	89 40	54 60	24 00
Street cars, two-horse, each	166 40	114 40	94 40	127 20	119 20	72 80	32 00
Vitriol. (See Acids.)							
W.							
Wagons, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Waste	2 98	1 59	1 23	1 65	1 54	93	42
Wadding. (See Batts and Batting.)							
Wheelbarrows and trucks, set up	2 98	1 59	1 23	1 65	1 54	93	42
Whisky. (See Liquor.)							
Wheels, iron, (not car-wheels,) not boxed	2 98	1 59	1 23	1 65	1 54	93	42
Willowware and wickerwork	2 98	1 59	1 23	1 65	1 54	93	42
Wines, native and foreign. (See Liquor.)							
Wind-mills, car-loads of 20,000 pounds	1 98	1 34	1 09	1 50	1 40	83	34
Wool, car-loads, (freight in all cases to be charged on 20,000 pounds)	1 98	1 44	1 09	1 50	1 40	83	34
Less than car-loads, as follows:							
If pressed, in bales, 19 pounds to cubic foot	2 08	1 4	1 18	1 59	1 49	91	40
If not compressed, as above, or if in sacks	2 98	1 5	1 23	1 65	1 54	93	42

Abuse of Power in the District of Columbia.

SPEECH OF HON. N. W. ALDRICH,

OF RHODE ISLAND,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 28, 1881,

On the bill (S. No. 1681) to provide for funding the 8 per cent. improvement certificates of the District of Columbia.

Mr. ALDRICH said:

Mr. SPEAKER: This bill proposes to fund into 3-65 interest notes of the District of Columbia all of the outstanding 8 per cent. special improvement certificates issued by the board of public works together with interest thereon, amounting to $800,000. It proposes to add this large sum to the funded debt of the District, for one-half of which, principal and interest, the United States is responsible, to redeem certificates of indebtedness, for the payment of which ample security was originally provided by law. The security has been wasted and destroyed by the authorities of the District, until the holders of the certificates are now compelled to appeal to Congress for relief. Although there is little prospect that the measure can become a law at this session it will doubtless be again presented to this House, and I desire to place on the public records a statement of the manner in which the commissioners of the District have performed their duty in relation to the certificates which it is now proposed to fund and to the securities which were pledged for their payment. A year ago the whole subject was fully investigated by the Committee on the District of Columbia, and the duty was devolved upon me, as a member of a sub-committee, of preparing a report thereon. I cannot better express my views upon this measure than by quoting at length the report which I had the honor to submit to the full committee, but which was never formally acted on by the committee, although the greater portion of it was informally assented to by a majority of the members:

The investigation originated in certain complaints made by the Treasurer of the United States, as the successor of the commissioners of the sinking fund of the District of Columbia, concerning the manner in which the commissioners of the District had performed their duties relative to the revision and collection of the special assessments pledged to the sinking-fund office. To properly understand the subject, it is necessary to review as briefly as may be the legislation governing assessments for special improvements in the District. Prior to the passage of the act of Congress of February 21, 1871, (16 Statutes, 427,) known as "the organic act," establishing the "territorial form of government," assessments for all special improvements in the city of Washington were levied for their entire cost upon the adjacent property, under authority of the act of Congress of February 23, 1865, (13 Statutes, 434,) and numerous ordinances of the corporation of Washington passed in pursuance of that act. The thirty-seventh section of the organic act enacted that the board of public works "shall assess in such manner as shall be prescribed by law, upon the property adjoining and to be specially benefited by the improvements authorized by law and made by them, a reasonable proportion of the cost of the improvement, not exceeding one-third of such cost, which sum shall be collected as all other taxes are collected."

An act of the Legislative Assembly of August 10, 1871, "prescribing the mode of assessment for special improvements and providing for the collection thereof," provided (section 3) that if any person notified of an assessment should neglect or refuse to pay the amount assessed against his property after the expiration of thirty days, the board of public works should immediately issue against the property certificates of indebtedness bearing interest, until paid, at the rate of 10 per cent. per annum; that, until paid, the assessment and certificate should be a lien upon the property; and that, if the assessment should not be paid within one year, the board should, upon the application of the holder of the certificate of indebtedness, proceed to sell the property.

May 29, 1873, the Legislative Assembly passed an act "for extending the time of payment of special assessments, and for other purposes," under which most of the questions at issue between the Treasurer and the commissioners have arisen. This act authorized (section 1) the board of public works, for the purpose of extending the time of payment of the assessments for special improvements, to issue $2,000,000 in 8 per cent. certificates of indebtedness, payable in five annual installments and receivable in payment of special assessments. To secure the payment of these certificates the act required (section 2) the board of public works to deposit with the commissioners of the sinking fund all tax-lien certificates thereafter issued, and declared that "such assessment certificates, and all payments thereon, shall be, and hereby are, pledged to and shall be received, held, and applied under the direction of said commissioners for the payment of the principal and interest of the certificates of indebtedness authorized by this act, and for no other use or purpose whatever." The act further authorized (section 5) the commissioners of the sinking fund "to prescribe proper rules and regulations in order to effectually secure the application of the proceeds" of the tax-lien certificates to the payment of the 8 per cent. certificates, and required "all officers of the District government" "to obey and conform to such rules and regulations."

The full amount of $2,000,000, in 8 per cent. certificates, was forthwith issued, payable in five equal annual installments, beginning July 1, 1874. (page 291.) The principal and interest of these certificates outstanding February 21, 1880, the Treasurer stated to exceed $890,000. (page 4.) Under this act $1,068,310.11 in tax-lien certificates were deposited with the commissioners of the sinking fund, the last deposit having been made on August 9, 1876, (page 18.) These certificates, it would appear, represented assessments made up to May, 1876, (page 6.) For the assessments made by the commissioners since that date no tax-lien certificates have been delivered to the sinking-fund office. As the commissioners state that the assessments pledged for the redemption of the 8 per cent. certificates represented originally $3,456,821.94, (page 12,) it would appear that the assessments, for which no tax-lien certificates have been issued, amounted to $2,388,502.98. It is not known what proportion of these assessments was paid before the expiration of the thirty-days' notice required to be given before issuing the tax-lien certificates; but it is safe to say that for at least $1,500,000 thereof tax-lien certificates ought, under the law, to have been issued and deposited in the sinking-fund office.

The seventh section of the act of Congress of June 11, 1878, (20 Statutes, 107,) abolished the offices of sinking-fund commissioners, and enacted that "all duties and powers possessed by said commissioners are transferred to, and shall be exercised by, the Treasurer of the United States, who shall perform the same in accordance with the provisions of existing laws." June 19, 1878, an act was passed by Congress (20 Statutes, 166) directing the commissioners to enforce the collection of all special assessments prepared under the act of August 10, 1871, and authorizing them, upon complaint being made to them within thirty days from the passage of the act, of erroneous or excessive charges in respect of any unpaid special assessments, to revise and correct the same. Where tax-lien certificates had been issued the commissioners were required to issue to the holder of the certificate a drawback certificate for the amount of the erroneous or excessive charges, receivable at any time in payment of special assessments. June 27, 1879, a further act was passed, providing for the revision of paid assessments, as the former act had provided for the revision of those which had not been paid. This act authorized (section 1) the payment of all special taxes in arrears due to, and the liens for which were held by, the District of Columbia, with interest at 6 per cent. per annum, if paid on or before October 1, 1879. This provision plainly had reference to the special assessments pledged to the sinking-fund office, as the liens for all others were held by private parties.

The third section of the act authorized and directed the commissioners, upon written complaint being made to them within sixty days from the passage of the act, by any persons who had, prior to June 19, 1878, paid their special-improvement taxes, prepared under the act of August 10, 1871, that their assessments were erroneous or excessive, to revise and correct the same; and to issue for the amount of the erroneous or excessive charges drawback certificates, receivable in payment of all special assessments and for all general taxes due before July 1, 1877: "*Provided*, That complaints filed under the act of June 19, 1878, (paid or unpaid,) by a property-holder, his agent, or attorney, need not be refiled under this act."

It was under these various provisions of law that the proceedings took place of which the Treasurer of the United States complained in his letter of February 21, 1880, (page 3,) to the Secretary of the Treasury, and which the committee was directed to investigate. These complaints were formulated by the Treasurer in his testimony, (page 16,) as follows:

"1. That the District authorities have not issued and delivered to the sinking-fund office all the 10 per cent. tax-lien certificates required by the second section of the assembly act of May 29, 1873.

"2. That they have not demanded, and do not now demand or collect, any interest whatever upon tax-lien certificates not delivered as above.

"3. They have, since October 1, 1879, in collecting the assessments covered by tax-lien certificates in the sinking-fund office, demanded but 6 per cent. interest to that date, and for the time subsequent to that date they have demanded no interest whatever.

"4. They have revised assessments, paid and unpaid, for special improvements, prepared under the act of August 10, 1871, though such assessments have not been complained of as erroneous or excessive, as required by the acts of Congress of June 19, 1878, and June 27, 1879, by the owner of the property or his authorized agent.

"5. They have revised assessments for improvements, prepared under an act of the corporation of Washington, dated long prior to the assembly act of August 10, 1871, referred to in the acts of Congress conferring upon the District commissioners authority to revise assessments and issue drawbacks. The drawback certificates issued under this revision are excessive and illegal."

A great amount of testimony was taken by the committee, filling three hundred and thirty-six printed pages, (Forty-sixth Congress, second session, House of Representatives, Miscellaneous Document No. 39; the references to pages, when not otherwise stated, are to this document,) and covering not only the subject of the Treasurer's complaints, but the general management of the revision authorized by the acts of Congress. The evidence given under each charge will be first considered, and then the evidence as to the general conduct of the revision.

THE WITHHOLDING OF THE TAX-LIEN CERTIFICATES.

It was conceded by the commissioners at the outset (pages 6, 20) that no tax-lien certificates had been delivered to the sinking-fund office since May, 1876, but the reasons given for their non-delivery were conflicting and unsatisfactory. As early as May 15, 1876, the commissioners of the sinking fund informed the commissioners of the District, that if all the tax-lien certificates in their custody were paid "the proceeds would not suffice to meet the outstanding 8 per cent. certificates by $369,026.55," and that they would "require an additional amount to supply this deficiency." (page 294.) Again, on August 13, 1877, they called the attention of the District commissioners to the fact that the tax-lien certificates held by them were insufficient to secure the redemption of the 8 per cent. certificates, and requested that all tax-lien certificates provided for by existing laws, including those upon the property of the several street railroads, should be issued and placed in their hands as early as practicable, (page 17.) To this request no response appears to have been made. October 26, 1878, soon after taking charge of the sinking-fund office, the Treasurer renewed the demand, in order, he said, that the full security contemplated by the act of May 29, 1873, for the redemption of the 8 per cent. certificates might be provided, (page 18.) The commissioners replied that the former commissioners, having become satisfied that the rules under which they were making assessments did not comply entirely with the law, and that the surveyor had acted under an erroneous interpretation of those rules, had suspended the issue of tax-lien certificates "until a further revision of all assessments could be made." They promised to issue and hand over the certificates as soon as the revision should be completed. The Treasurer replied (page 19) that the reasons given for the non-delivery of the tax-lien certificates did not satisfy the law requiring their issue. He protested against their revision and correction before delivery as illegal, and asked the commissioners without further delay to place his office in possession of them, "without deduction of the amount or change of date." The commissioners replied (page 19) that they had not yet issued any tax-lien certificates, and had none in their possession issued by their predecessors, but promised to forward them as soon as they should be ready for delivery. After waiting fourteen months, the Treasurer, on January 6, 1880, (page 19,) renewed his demand for their delivery. The commissioners in reply referred the Treasurer to their former letters on the subject, dated more than a year before, (page 20.)

In their letter of February 19, 1880, in answer to inquiries from the committee, the commissioners for the first time publicly ascribed the non-delivery of the tax-lien certificates to the discovery by the late board of commissioners of "gross errors in nearly all of the assessments of the board of public works," (page 6.) The Treasurer promptly called the attention of the committee to the fact (page 13) that tax-lien certificates for all of the assessments of the board of public works were delivered to the sinking-fund office within six months after the abolition of that board; that the commissioners had for seventeen months been issuing certificates against their own assessments when the issue was suspended; that, although the issue of the certificates was suspended in May, 1876, the rules of assessment, as shown by their own reports, were not changed until January, 1877; that their report for 1876 showed that the rules of the board of public works were still being applied and were working satisfactorily; that the assessments made by the commissioners were found, on revision, to contain errors more gross than those of the board of public works; and that the assessments made after the modification of the rules in January, 1877, were, so far as revised, even more erroneous than those previously made.

The president of the present board of commissioners, on being questioned as to his authority for the statement that the issue of tax-lien certificates was suspended in May, 1876, on account of the discovery of gross errors in the assessments of the board of public works, testified at first (page 121) that there was evidence on the records of the office of that fact. On being requested to produce that evidence,

however, he was compelled to admit, (page 125,) after having examined the records of the office, that he could not "point to any particular record" of the reasons of the suspension.

The former president of the commission appeared as a voluntary witness before the committee, and devoted much time to an explanation of the reasons for the non-delivery of the tax-lien certificates. His testimony cannot, however, be regarded as clear or conclusive. Considering the circumstances under which this witness appeared and the fact that he had evidently prepared himself with some care for the examination and that the suspension of the issue of the tax-lien certificates and the changes in the rules of assessment, which were alleged to have led to that suspension, were the principal topics of his testimony, his lack of memory and of information on essential points and his contradictory statements of fact are destructive of the value of his testimony as a defense of the action of the commissioners.

The evidence presents no well-defined or satisfactory reason for the failure of the commissioners to deliver the remainder of the tax-lien certificates to the sinking-fund office. Even if errors in previous assessments had been discovered in May, 1876, that fact would have furnished no reason for withholding the tax-lien certificates against assessments made thereafter. The law requires the certificates to be issued within forty days after the completion of the assessment. If this requirement had been complied with by the commissioners, the discovery at any time of errors in previous assessments would, at the most, have affected only the certificates against assessments made within the preceding forty days. All others would have been delivered to the sinking-fund office.

Nor does the fact that a revision of the assessments was authorized by Congress justify the failure to issue the certificates. The revision was not authorized until June 19, 1878, more than two years after the errors in the methods of making assessments are said to have been discovered, and more than a year after the last assessment was made. If the commissioners had performed their duty under the law, the tax-lien certificates would have been deposited in the sinking-fund office before the revision was authorized. Even if their view was the correct one, that the certificates ought not to have been issued for assessments known to be erroneous, and that interest ran only on the certificates, there was nothing to prevent them from issuing the certificates for the correct amount, and transmitting them to the Treasurer immediately upon the completion of the revision.

INTEREST ON UNDELIVERED TAX-LIEN CERTIFICATES.

The non-delivery of the certificates would be of little moment had it not resulted in the failure to collect any interest whatever on the assessments, the certificates against which were not delivered. This is the burden of the Treasurer's complaint.

It was the plainly expressed intention of the law that 6 per cent. interest should be collected on all unpaid assessments. It would be absurd to suppose that Congress would pass a law giving the tax-payer the privilege of paying at 6 per cent. when he already had the privilege of paying without any interest whatever, and would continue to have that privilege even after the passage of the law. The interest was remitted, the president of the commission testified, for the "reason that the attorney decided that the interest was an incident of the tax-lien certificate, and not of the assessment," (page 122.) This opinion is not well founded. The issue of the tax-lien certificates is a purely ministerial duty imposed by the law, in no wise affecting the relation of the tax-payer to the District. If the assessment is not paid within thirty days after the proper notification is issued, the tax-payer is in default and is chargeable with interest. The failure of the commissioners to sign and transmit to the sinking-fund office the formal evidence of this fact does not lessen the default or relieve the tax-payer from the penalty.

But even if the theory of the commissioners were correct, it would increase rather than diminish their responsibility. If the omission to issue the certificates deprives the District of the penalty which the law imposes, so much the greater is the responsibility of those to whom the omission is due. Nor does the plea avail that the commissioners had discovered that the assessments were erroneous and deemed it "unjust to cloud the titles of citizens with liens for taxes known to be erroneous and excessive," (page 6.) It is the assessments themselves which encumber the property. The delivery to the sinking-fund office of the certificate of the assessment would in no wise increase the incumbrance or darken the cloud upon the title. As a matter of fact, in searching titles, no attention is paid to the tax-lien certificate. Only the assessment itself is regarded.

Had the certificates been issued the Treasurer would have been compelled to accept, in discharge of them, in common with the other certificates held by him, the reduced assessment *plus* the penalty of 6 per cent. By the commissioners' action he has been compelled to accept, in full discharge, the face of the reduced assessment, without any penalty for from two to four years' delay in payment.

INTEREST ON ASSESSMENTS PAID AFTER OCTOBER 1, 1879.

On this point there was a conflict of testimony. The commissioners stated in their letter of February 19, 1880, to the committee, that "no payments of taxes under the act of 27th June, 1879, have been accepted since 1st October, 1879, with 6 per cent. interest, or at a lower rate of interest than that provided by law, except in cases where, on or before the 1st October, the parties had tendered payment, or had presented themselves to the collector offering to pay, but could not do so because their accounts could not be revised and corrected within the time limited," (page 7.) When, however, the Treasurer's charge on this point was read to the commissioners, in the course of the former's examination, it was positively denied by the president of the commission without any of the qualifications made in this letter, and the commissioners asked for "a specification of the cases in which the charge is made," (pages 25, 26.) On the 27th of March the president of the commission, on being asked whether he meant to say that in no case had payment been accepted since October 1, 1879, at 6 per cent. or lower, except in cases where the party had made a tender of payment before October 1, answered that he did, and promised to produce evidence of that fact, (page 128.) On the 13th of April, seventeen days after the later of these emphatic denials, the collector of special taxes testified that out of five hundred assessments, "more or less," bearing interest, paid prior to that date, "probably eight or ten or a dozen" only had been paid at 10 per cent., and that all of these latter payments had been made "within the last two or three weeks." Up to that time all bills for which tax-lien certificates were held by the Treasurer had been collected with interest at the rate of 6 per cent. up to the 1st of October, and with no interest whatever after that date, precisely as the Treasurer had charged, and no one had been charged 10 per cent. and no evidence was required that a tender of payment had been made prior to the 1st of October, (pages 241, 242.) It appears, moreover, that this practice was not confined to assessments, the revision of which was not finished until after October 1, but was extended to all unpaid assessments due the District of Columbia, on which interest was collected, no matter when they were revised.

The evidence shows that no record was kept of the cases in which tender had been made, and that no inquiry was made of parties whether they had made tender or not. The delinquent tax-payer, who did not tender payment until after the time limited by the act, was put in a better position than the citizen who paid his taxes within the appointed time. The commissioners are responsible not only for having remitted all interest on the special assessments for which they failed to issue tax-lien certificates, but for having abated all interest on all other assessments pledged to the sinking-fund office, paid between October 1, 1879, and April 1, 1880, and for having collected a penalty of only 6 per cent. in a large number of cases where 10 per cent. was legally due.

REVISION OF ASSESSMENTS NOT COMPLAINED OF.

The Treasurer's charge that the commissioners had revised assessments for special improvements of which complaint had not been made, as required by the acts authorizing the revision, was denied by the commissioners, who informed the committee that they would "require specifications under that head also," (page 26.) In their letter of February 19 they informed the committee that the complaints were "very numerous, almost universal," (page 7,) and that over "thirty thousand were filed on the last day limited for such applications" by the act of June 19, 1878, (page 6.) The president of the commission, in his testimony, (page 123,) declared that there "was an overwhelming amount of complaints;" that "they were practically universal." The chief of the special-assessment division, with whom the complaints were filed, on being examined as to the manner in which the complaints were made, testified, however, (page 65,) that of the complaints of the assessments on certain streets, which had been selected at random, and examined by two members of the committee and himself, "about 5 per cent. of the complaints were signed by parties in their own proper signatures; about 5 per cent. were represented by lawyers and brokers, and about 90 per cent. on those streets were represented by William Dickson." The complaints made by William Dickson were on printed forms, signed by clerks in his office with the names of property-holders without their knowledge or authority. On "West street," Georgetown, one of the streets examined by the sub-committee, "there were one hundred and thirty property-holders, and only eighty of them filed complaints." On Massachusetts avenue, another street examined, and the assessments on which had been revised, the witness testified that no complaints were filed under the act of June, 1879, within the time specified, although a large part of the assessments had been paid prior to June 17, 1878, (page 65.) After having "checked back certain streets," in order that he might form an idea as to the proportion of complaints, he testified (page 73) that "the complaints signed by the owners, under all circumstances, were a very small percentage;" that the complaints of the owners, when made by other persons, were "very seldom" accompanied by a power of attorney, or "any evidence showing that the owners had authorized the complaints to be made;" that the complaints in such cases were signed by "the broker, agent, or attorney representing the owner;" and that most of them in number were filed by William Dickson, whose signature as attorney, when he signed as such, was lithographed, and whose complaints were not accompanied by any power of attorney. He admitted that his office "paid no attention as to whether complaints were filed or not after one particular period." He admitted, also, that the two streets selected, on one of which complaints were made by only about 50 per cent. of the property-holders, were "fair average tests as to the number of complaints filed," (page 75.)

Evidence was also given by a number of property-holders that their assessments had been revised without complaint by them or on their behalf, (pages 30, 39, 42, 44.) William Dickson testified (page 149) that he filed "in the neighborhood of 15,000 claims," (complaints,) as his records and books showed, instead of 30,000, as stated by the chief of the special assessment division. He averred (page 151) that he had authority, either written or verbal, to make them all; but he subsequently testified (page 250) that his record showed that he had received in all only one hundred and eighty-five powers of attorney to act for property-holders, including those given before, as well as after, the passage of the act of June 19, 1878.

It thus appears that the complaints covered only a portion of the assessments revised, and that, of the so-called complaints accepted by the commissioners, only about 10 per cent. were made in the manner prescribed by the law—by the "property-holder, his agent or attorney." The remainder were made by brokers and attorneys—mostly by one man—who furnished no evidence of their authority to represent the property-holders, and who evidently filed the complaints in the expectation of afterward obtaining from the owner of the property a power of attorney to receive the drawback certificate, and of charging him a commission thereon. Such complaints were plainly not within the meaning of the law, and should not have been regarded by the commissioners.

The claim is set up by the commissioners in defense of their action, that, as the total cost of improving a street was assessed, pro rata, against the various lots abutting on it, a single complaint of erroneous or excessive charges on any street necessitated the revision of every assessment on that street, whether paid or unpaid, (page 6.) This claim was not supported by the engineer under whose direction the assessments were made. Their construction of law was, however, supported by an opinion of the attorney, which was not put in writing until February 2, 1880, (page 10,) just five days after the committee made inquiry as to the number of complaints filed under the act of June, 1879, and as to the amount of the assessments complained of. This opinion is directly opposed to an opinion given on September 6, 1879, by the same officer, (page 322.) In that opinion he held that "the claim must be made in writing within sixty days after June 27, 1879. I know of no power to enlarge any of these conditions by the commissioners. The claim must be made by the person who paid the assessment." There is no doubt that this earlier opinion embodied the true construction of the law, by which the commissioners should have been guided. Their authority to revise was confined to the cases in which *bona fide* complaints were made within the time limited by the acts of Congress.

The evidence presents the spectacle of the revision, under laws authorizing revision only in cases where specific complaint was made, of the entire body of assessments, of which only 10 per cent. of the persons affected had complained, and with which the other 90 per cent. were presumably satisfied; and, as to that 10 per cent., it does not appear that the commissioners knew that even that proportion of the tax-payers had legally complained until after an investigation into the subject had been ordered by Congress, or that they now know that there was that or any other percentage of legal complaints against all of the assessments which they have revised.

THE REVISION OF THE "COOKE" AND "EMERY" ASSESSMENTS.

The final charge of the Treasurer is, substantially, that the commissioners have unlawfully revised certain assessments prepared under acts of the corporation of Washington, dated prior to the assembly act of August 10, 1871, and signed by M. G. Emery, as mayor of Washington, and by H. D. Cooke, governor, as successor of the mayor, whereas the acts of Congress authorized the revision only of assessments prepared under the act of August 10, 1871. The so-called "Emery" assessments were thirty-four in number, and amounted to $66,073.24, (pages 11, 12.) They bore date from March 20 to June 30, 1871, and were levied under acts of the corporation of Washington, passed at various dates, from August 12, 1869, to March 8, 1871. Only a very small fraction of the work was, however, done under ordinances passed after February 21, 1871, the date of "the organic act," (pages 158, 159.) The "H. D. Cooke" assessments were sixty-eight in number, and amounted to $233,743.11, (pages 11, 12.) They bore date from May 14, 1871, to June 12, 1872, only three, however, being dated subsequent to December 16, 1871. They were levied under ordinances dated from May 28, 1868, to April 27, 1871, (pages 159–165.) These various ordinances were enacted under authority of an act of Congress of February 23, 1865, (13 Stats., 434,) amending the charter of the city of Washington, and giving to the corporation "full power and authority to lay taxes on particular wards, parts, or sections of the city, for their particular local improvements," and "to lay and collect a tax upon all property bordering upon each street or alley" that might be improved under the provisions of the act. Pursuant to these provisions the total cost of the improvements covered by the assessments in question was levied upon the property bordering thereon, and for the deferred payments paving "stock certificates," bearing 10 per cent. annual interest, were issued under authority of an ordinance of the corporation of October 28, 1867.

Without entering further into the facts, it seems perfectly clear that the commissioners had no power to revise these assessments. In both the act of June 19, 1878, and the act of June 27, 1879, the power of the commissioners to revise assessments was limited to assessments for special improvements "prepared under an act of the Legislative Assembly of August 10, 1871." The "Emery" and "Cooke"

assessments were notoriously not prepared under that act, and it would not seem possible for any refinement of legal sophistry to bring them within the operation of the acts authorizing revision.

The commissioners, however, claim that they had full authority under the law to revise them, and their claim is supported by several opinions of their attorney. It is claimed that the improvements for which these assessments were made, although begun by the old corporation authorities under contracts made by them, were finished under the board of public works. No evidence in proof of this claim was, however, submitted to the committee.

Reliance is also placed upon an act of the Legislative Assembly of December 19, 1871, which provided "that all improvements made subsequent to February 21, 1871, the date of the approval of the organic act, shall be assessed in accordance with the requirements of the thirty-seventh section of said act; "that is," it is claimed, "on the one-third principle," (pages 315, 316.) If the Legislative Assembly had authority to pass this act, which is not conceded, it merely tends to show that these assessments ought to have been prepared by the board of public works under the act of August 10, 1871, but does not, by any means, bring them within the scope of the acts of Congress authorizing the revision.

In his opinion of July 19, 1878, the attorney held that "the act of August 10, 1871, prescribed the mode of assessment in the first section," and "is recognized as binding law" by the act of June 19, 1878; "that all of the assessments under it are legal and valid;" and that "they are to be *enforced according to that act* [the italics are his own] and the acts amendatory of it," (pages 318, 319.) All of these sound propositions are denied in the *ex post facto* opinion of March 6, 1880.

Another important fact concerning these assessments is that they were not complained of as erroneous. The chief of the assessment division testified (page 71) that he did not know that any of the persons assessed under either the "Cooke" or the "Emery" assessments filed complaints under either the act of June, 1878, or that of June, 1879.

The Treasurer further charges that "the drawback certificates issued under this revision are excessive and illegal," (page 17.) The testimony shows (page 11) that the assessments were cut down by the revision to one-third of the original amount, or from $299,816.35 to $99,938.78. There was issued to the holder of the lien certificate a drawback certificate for the two-thirds of the assessments remitted, plus interest at 10 per cent. from the date of the lien certificate—about eight years and a half. By this means the drawback certificate was made to exceed by more than 20 per cent. the amount of the original assessment.

Both of the acts governing the revision authorize the commissioners to issue drawback certificates only for the amount of the "erroneous or excessive charges," and neither expressly nor by implication do they authorize the addition of interest to that amount. The action of the commissioners is deprived of all defense by the fact that the drawback certificates, issued under precisely the same provision of law to the property holders who had paid their assessments, were for only the amount of the original error, without interest. In other words, the speculator who bought the lien upon the assessment at a discount, and subject to all the risks of the transaction, receives 10 per cent. on the face of his certificate, while the citizen who promptly paid his tax and virtually redeemed the certificate against his property is compelled to lie out of his money without interest. Any argument in favor of allowing interest to the lien-holder would be vastly stronger in favor of allowing it to the property-holder. In this, as in other cases, the commissioners discriminated against the prompt tax-payer in favor of the delinquent and the speculator.

The fact is not overlooked that the lien-holder may possibly have an equitable claim for the amount paid to the District for his certificates and for legal interest thereon. But even if this were so, the commissioners had no power under the law to recognize the claim. Congress is the only power competent to deal with such a claim. The present president of the commission, in a statement published in September, 1878, at the very time that the "Cooke" assessments were being revised, took the same view of the case. "The holders of the tax-lien certificates," he declared, "occupy the position of purchasers at tax sale or sale under execution, and as investors in this species of property they assumed all the risks incident to the speculation. The rule of *caveat emptor* clearly applies to them, and no doubt their risks have been covered by ample margins. The fact is well known that these certificates were, to a large extent, issued in payment for work to contractors whose necessities compelled them to sell, and that for a time they were purchasable in the market at forty to fifty cents on the dollar. * * * Those aggrieved, if any, must look to Congress or the courts for redress." An opinion given by Messrs. Caleb Cushing, William E. Chandler, and Walter S. Cox, in April, 1873, strongly supports this statement. They held that the 8 per cent. certificates "are in fact the indebtedness of the individual property-holders converted into negotiable form * * * for the convenience and relief of the individual property-holders assessed and indebted. *They are not a debt of the District of Columbia.*" (Senate Report No. 453, first session Forty-third Congress, page 481 of governor's answer.) If the 8 per cent. certificates were not a debt of the District, it is clear that the lien certificates, on which they were based, could not be. Besides, the lien certificates issued against the "Cooke" and "Emery" assessments state on their face that "the principal and interest * * * is to be paid out of the special-tax fund," (page 74.) If the special-tax fund failed to produce the amount required to reimburse the lien-holder, the commissioners had no power to make him whole. The attorney of the District undoubtedly held this view when he advised the commissioners, in his report for 1875, (commissioners' report, page 36,) that the "grounds of objection to the assessments are of such a nature that, if sustained, the holders of the certificates of indebtedness will not have recourse against the District government."

The only defense offered by the commissioners for ignoring the requirements of the law was that the acts were "measures of relief," and they point with satisfaction to the fact that "they have afforded great relief to individuals," (page 6.) They forgot, apparently, that the law granted the relief only on certain conditions, and that they had no authority to waive one of those conditions in a single case. To waive all of the conditions imposed by the law in the endeavor to carry out its assumed purpose, when that purpose could be gathered only from its provisions of which the conditions were an essential part, was beyond their lawful power.

OPINIONS OF THE ATTORNEY.

The opinions of the attorney of the District have played an important part in the investigation. With a few marked exceptions, all of the irregularities and the omissions to carry out and enforce the provisions of the law have been based upon or supported by opinions of this officer. No less than thirty-one of these documents have been furnished to the committee and are printed in the testimony, pages 8-10, 140, 292-94, 296-312, 314-30.) All imaginable questions arising in the transaction of their business, including, on the one hand, the simplest questions of executive discretion, and, on the other, important questions affecting the relations of the District to the United States, which must ultimately be decided by the proper law officers of the Government, have been left by the commissioners to his decision.

This officer is not, as might be inferred, an independent officer, with well-defined position and responsibilities, but a subordinate of the commissioners, appointed by them, and subject to removal by them at pleasure. His opinions are simply advisory. The commissioners are the responsible officers. They could not divest themselves of responsibility for illegal acts or omissions by producing an opinion of their attorney defending or supporting their course. On the contrary, they are responsible for his competency and fidelity.

There are grave discrepancies between the earlier and the later opinions of this officer. Among the former are the opinions of July 19, 1878, that interest must be computed from the date of the original assessment, and that the commissioners have no power to declare an assessment void, (page 318;) the opinion of June 24, 1878, that in contemplation of law there is a precise sum due on a revised assessment on which interest would accrue, (page 317;) the opinion of September 10, 1878, that it must be assumed that the property adjoining an improvement is thereby benefited to the extent of one-third of the cost, (page 320;) and that of September 6, 1879, that assessments can be revised only on complaint made within the time prescribed by law, by the person who paid the assessment, (page 322.) Every one of these opinions, all of which are believed to be sound, has either been reversed, or its effect greatly impaired by later opinions. The effect of the opinion that it must be assumed that there is a precise sum due, and that interest will accrue upon it, is largely defeated by the opinion of April 25, 1879, that interest cannot be collected where tax-lien certificates have not been issued, (page 8.) The opinion that the property must be assumed to be benefited to the extent of one-third of the cost of the improvement, is substantially reversed by the opinion of September 2, 1879, advising the commissioners that "from one-third downward, to an amount not worth the collecting, is within the discretion of the assessors under the law," (page 324.) The opinion that the commissioners have no power to declare an assessment void, is disregarded in the opinion in the Water street case, under which the assessment was virtually annulled. The opinion that revision can be made only on proper complaint by each individual tax-payer is flatly contradicted by the opinion of March 12, 1880, advising the revision of all assessments on streets from which a single complaint has been made, (page 299.) In every case, the earlier opinion is favorable to the District and to a strict construction of the law, while the later opinion is invariably against the District and in favor of delinquent tax-payers.

The most remarkable discrepancies exist, however, between the various opinions concerning the "H. D. Cooke" assessments. The former attorney, in an elaborate opinion, reviewing these assessments, held that they were void, (page 316.) The present attorney afterward approved this opinion, (page 317,) but the date of the approval is not given. September 26, 1879, on the other hand, he held that the "Cooke" assessments "are the subjects of revision," and that they are affirmed as valid under the act of June 19, 1878, (page 327.) Certain assessments of this class having been declared void by the supreme court of the District, "correctly," as he said, the attorney, on December 18, 1879, recommended a new assessment in all these cases, declaring that the old assessments were in "violation of all law," and stating that "interest * * * will date from the time of the new, or legal assessment, for the reason that the former assessments were void for all purposes," (page 329.) March 6, 1880, he again shifts his ground, and, notwithstanding the decision of the supreme court of the District, declaring certain of the assessments void, holds that the "Cooke" assessments "are brought directly within the scope of the revising acts of Congress," and are "subject to drawbacks," (page 298.) Here are four different opinions concerning the same class of assessments. They are first held to be void, then valid, then void, and then valid again. As a matter of fact, all of the "Cooke" assessments were revised and reduced to one-third. Against the very assessments held by the court and their own attorney to be void, and the lien certificates against which were held by the court to be no "lien or incumbrance" on the property, the commissioners issued to the holder of the lien certificates drawback certificates for two-thirds of the assessments and 10 per cent. a year for nearly nine years.

It is evident that opinions so contradictory and erratic afford no safe guide for executive action; and that they furnish no defense to the commissioners for disregarding the requirements of law.

It is remarkable that, although the attorney was consulted on some of the simplest details, action was taken in several important matters, involving grave questions of law, without his advice. Among these are the allowance of interest, at 10 per cent., on the drawback certificates issued against the "H. D. Cooke" assessments, and the annulling of the assessments on county roads. The latter action was taken in the very teeth of the decision of the Supreme Court, that the assessments on county roads "were confirmed and ordered to be enforced by the act of Congress of June 19, 1878," (page 133,) and the former was wholly without authority of law.

I may, perhaps, be pardoned for making some allusion to a document which was presented in printed form to the committee by the attorney for the District, after the statement just made had been submitted to them, apparently as a defense against my strictures upon the discrepancies between his various opinions. He says, first, "I nowhere stated that interest accrued on an assessment. It does not." Compare this flat denial with the final words of his opinion of July 19, 1878. "*Interest on the revised assessments* must date from the expiration of the notice of thirty days, and not from the date of the revision." Certainly nothing more need be said on this point. He declares, second, that an assessment "could only be revised when complained of. *When adjudged bad and revised it could alone be enforced against anybody.*" What this means, or whether it means anything at all, is very doubtful. At any rate, he did advise the commissioners on March 12, 1880, "that a single complaint under the law secures the revision of the assessment of the whole line," and that they were right in "permitting property-owners to have the benefit of the revisions" "made on the complaints of others," although he had unqualifiedly advised them on September 6, 1879, that the complaint "must be made in writing" "by the person who paid the assessment."

The attorney asserts (third) that it is charged that he "denied that the commissioners had power to set aside an assessment, and then said they had." The alleged charge, which the attorney so vigorously denies, was never made. It was simply stated that "the opinion that the commissioners have no power to declare an assessment void is disregarded in the opinion in the Water street case, under which the assessment was virtually annulled," which is literally true. He also denies (fourth) that any contradiction exists between his opinions of September 10, 1878, and September 2, 1879. On this point a single quotation from each opinion will suffice to show what a modification his views underwent in less than a year. In the former opinion he said:

> I know of no practical solution of this matter but to accept * * * the rule * * * that *the property adjoining an improvement is thereby benefited to the extent of one-third its cost*, and this I understand to be the rule of the books.

September 2, 1879, he says:

> An amount in excess of one-third is forbidden. *From that downward to an amount not worth the collecting is within the discretion of the assessors* under the law.

He then endeavors (fifth) to extricate himself from the net of contradictions in which he has entangled himself in dealing with the "Cooke" and "Emery" assessments. He says:

> The Governor Cooke assessments also furnish matter of criticism. My predecessor * * * declared these assessments void. *Almost my first act in office, under the light I had, was to concur in his views, that was in the fall of* 1877, *after two*

years of study and various arguments, after Congress had amended or reaffirmed the law, then these assessments came up again under the revising acts. I then held they were valid.

It is difficult to see how even this lucid explanation explains the opinion of December 18, 1879. At the risk of repetition I insert literal extracts from the remarkable series of opinions given by this officer on the subject of these assessments.

July 28, 1877, (page 316:)

That said assessments having been made in excess of that power and without authority of law, were and are void.

September 26, 1879, (page 327:)

It is clear, then, that the assessments * * * are the subject of revision. * * * I think these assessments are affirmed as valid under the act of June 19, 1878.

December 18, 1879, (page 329:)

The court in general and special terms has pronounced these assessments void, and correctly. I recommend a new assessment in all these cases.

March 6, 1880, (page 298:)

It seems to me that * * * this class of assessments are brought directly within the scope of the revising acts of Congress; they thus get legal confirmation and are entitled to revision.

The attorney, in both his affirmative opinions, it will be noticed, states that the act of June 19, 1878, affirmed the validity of these assessments, seeming to forget that the supreme court of the District had decided in 1879, after the passage of both acts of revision, that the assessments were void.

The effect of this apparently innocent blundering was that, while the court held (with the approval of the attorney) that the assessments and certificates were void, enjoined their collection and relieved the tax-payer from all payment and liability and his property from any lien or incumbrance thereunder, the attorney held that they were valid to authorize the commissioners to issue on account of the District of Columbia drawback certificates equivalent to cash to the amount of nearly four hundred thousand dollars to persons holding these void certificates, and who had no legal claim against the District, having in their purchase "assumed all the risks incident to the speculation."

THE REVISION GENERALLY.

The evidence shows that the entire revision was based upon a grave misconstruction by the commissioners of the law, and of their powers and duties under it. The act of June 19, 1878, directed them to enforce the collection of the special assessments according to existing laws. The Supreme Court of the United States decided that this act "was practically a confirmation of what the board of public works had done," and "that the assessments have been ratified by Congress," (page 133.) The attorney in his earlier opinions took the same ground.

The assessments had been confirmed by Congress and the court of last resort. The Supreme Court decided that all defects in the manner of their imposition or the authority of the board of public works to do the work or to levy the assessments, if any existed, were cured by subsequent legislation.

The commissioners had no power to go behind the assessment and inquire into the validity of the contract under which the work was done. Congress never intended to turn over to them the whole body of assessments for reassessment according to their own or their subordinates' notions of equity. Yet, in the face of the law, of the decision of the Supreme Court, and of their attorney's earlier opinions, the commissioners annulled all of the assessments on county roads, (pages 67, 129;) they reduced the assessments on Columbia road to one-third, and upon the Seventh-street road and the Fourteenth street road to one-fourth of the original amounts; and they reduced the assessment on one side of Boundary street to one-third of that on the other side of the street, (page 67.)

Even less defensible was the revision of the Water street assessment. This assessment was made, not by the board of public works, but by the commissioners, (page 137,) and was "for one-third of the total cost of the improvement." (page 80.) In common with all others it had been confirmed by Congress and the Supreme Court. Whether the contract were valid or not, the work had been done, and the assessment made on a principle decided to be lawful and correct. The commissioners had no power to vacate it. It is notorious that a great number of contracts were "jumped" from one street to another, by a former board of commissioners, in the same manner as the Water street contract. These so-called "extensions" of contracts were investigated in 1876, by a committee of this House, who reported (first session Forty-fourth Congress, Report No. 702, page 8) that the "cost of these extensions amounts to the sum of $2,034,334.04." As these expenditures were made the basis of special assessments, there was quite as good reason for overturning any other of the numerous assessments into which they entered as that on Water street. As the case stands, it appears that the only assessment which was annulled on this ground was one affecting the estate of which one of the commissioners is a trustee, and two members of his family the beneficiaries, (page 133.) The annulled assessment covered eleven squares, on four of which was property owned by this estate. The assessments against the estate were reduced by the commissioners' action from $2,324.82 to $290.82, (pages 80-84,) or 87½ per cent. Although the attorney advised that this was "a case for a compromise," and although the amount tendered by the property-holders was accepted by the commissioners as a compromise, (page 140,) the president of the commission testified that, as trustee and executor of the Linthicum estate, he still has "an outstanding claim for damages," and if he should "choose to press it, a just one," (page 138.)

The facts do not support the theory of a compromise. January 16, 1879, Robert Christy, as the attorney for the Linthicum estate and others, presented to this House a memorial "relative to erroneous assessments in the District of Columbia." (House of Representatives, third session Forty-fifth Congress, Miscellaneous Document No. 15.) In this memorial he gives at length "a statement of the allegations in the bill filed by the executors of Edward M. Linthicum, deceased, in the supreme court of this District, and pending therein prior to the passage of said act of Congress," and declares that "the effect of the said act of June 19, 1878, as construed by the Supreme Court of the United States, will be to dismiss this bill of complaint and validate and legalize these assessments." He therefore prays Congress to grant relief. Congress granted no relief, and the record of the court shows that no action was taken on the bill of complaint between the date of the memorial and that of the so-called "compromise." Yet, although the attorney for the complainants had admitted that the decision of the court would be against him, and although Congress had refused to grant any relief, the commissioners of the District, the defendants in the suit, accepted a tender of one-eighth of the sum due as a compromise of the case.

But this is not the worst aspect of the case. The president of the commission testified (page 139) that, "in this particular case, they [the former commissioners] not only extended the contract from First street in Washington to Water street in Georgetown, but, after they had done the work on Water street they went back and finished the contract on First street from Virginia avenue to N street south, as originally contracted, so that both works were done." The impression conveyed by this statement is, that, after the contract had been unlawfully "jumped" from First street to Water street, it was unlawfully "jumped" back again to First street, and that the same contractors did both jobs. Just the reverse of this is true. The evidence taken in a former investigation shows that George Neitzey had a contract with the board of public works, dated July 17, 1873, for grading and paving First street west, between Maryland avenue and N street south; the estimated cost of the work was $78,881.32. (House of Representatives, Forty-fourth Congress, first session, Miscellaneous Document 103, part 2, page 194.) Birch & Fletcher had a contract, dated June 12, 1873, for certain work on Water street, Georgetown. (*Ibid.*, page 214.) Neitzey, after performing work amounting to $35,793.82 under his contract, relinquished the remainder of the work on First street, and in lieu thereof was awarded, on November 30, 1874, the work on Water street, on which the assessment under discussion was based, and for which he received $57,379.91. The remainder of the transaction is explained in the commissioners' report for 1875, (pages 412, 413.) "This transfer of [Neitzey's] work," the report says, "was subsequently found to be an encroachment upon an oral contract with Henry Birch, of which the latter produced satisfactory written evidence. The work on First street was therefore given to Mr. Birch, in place of that taken from him." The estimated cost of the new work thus awarded was $57,397.91, precisely the amount received by Neitzey for the work done on Water street. So it appears that this was not a case of a "jumped" contract at all, in the sense in which that expression has been used. There were valid contracts for both the work on First street and the work on Water street. The sole effect of the former commissioners' action was an exchange of work between the contractors, by which neither the rights nor the liabilities of the property-holders were in anywise affected. The result was precisely the same as if each contractor had worked out his contract on the street which it originally covered—Neitzey on First street and Birch on Water street.

The fact that the commissioner benefited by this action, though present in the room when it was taken, took no part in it, does not lessen his responsibility. The act was the joint act of the commissioners, and no one of them—least of all the one benefited—could divest himself of responsibility by such a plea.

In consequence of these and other like stretches of authority the errors in assessments which were originally computed at but 5 per cent. of the assessments, and which, in a communication made to Congress just before the passage of the act authorizing the revision, were estimated at a little more than 10 per cent., (page 56,) were, on revision made out to be about 18½ per cent., in the assessments of the board of public works, and about 28 per cent. in the assessments of the commissioners. One assessment, and that the very latest of the commissioners reported as revised, was reduced more than 84 per cent., (page 14.) In May, 1878, the errors were estimated at $500,000, in assessments amounting to $4,860,954.35, (page 56.) The errors claimed to have been discovered in assessments revised to the date of the commissioners' report for 1878, including the "Cooke" assessments, were $639,798.36 in assessments amounting to $2,350,284.83, (report, pp. 244-47.)

The errors, since discovered, for some reason, do not appear in the report for 1879, nor is there any testimony on that point. The errors in $1,566,255.25 unrevised assessments, pledged for the redemption of the 8 per cent. certificates, are, however, estimated at $406,714, (testimony, page 13.) Applying the same rate of reduction to the assessments concerning which no report has been made, the aggregate reduction of special assessments by revision, including the "Cooke" and "Emery" assessments, will amount to not less than $1,400,000, as against the estimate of $500,000, on which the legislation authorizing the revision was based. Congress never intended any such wholesale razeeing of assessments as this, and it is almost certain that, had this action been foreseen, the revision would never have been authorized.

By reason of this excessive reduction of assessments, and of the failure to charge interest upon those for which they had failed to issue tax-lien certificates, the surplus of the assessments, pledged for the redemption of the 8 per cent. certificates, over the amount required for that purpose, which, in 1875 and 1876, the commissioners estimated at $1,689,844.74, (reports, 1875, page 10; 1876, page 6,) was reduced to $1,156,810.03 in 1877, (testimony, page 92,) and in 1879 to $182,456.96, (page 93,) an aggregate reduction of more than one and a half million dollars. This reduction has taken place in spite of the fact that the amount of the expenditures on which the assessments were based turned out to be greater than it was expected it would be when the estimate of the surplus was made in 1875, (page 92.) The engineer, by whom that estimate was made, testified that "it was the result of a careful examination," made by himself, (page 91;) that it "was absolutely correct at the time," (page 94;) and that he could not explain the reduction of $1,000,000 between 1877 and 1879, (page 93.)

The law directs the commissioners to enforce the collection of all the assessments for special improvements. They have not only failed to enforce a large portion of the assessments, but they have annulled some of them, and have reduced others to a fraction of their original amount. The law authorizes them to revise assessments only when complained of within a certain time by the property-holder, his agent, or attorney. They have revised assessments on the complaint of brokers, made without authority of the property-holder; they have revised others on complaints made after the expiration of the time prescribed; and they have revised others still of which no complaint whatever has been made. The law authorizes them to revise only the assessments prepared under the act of August 10, 1871. They have revised assessments notoriously not prepared under that act. The law authorizes them to issue drawback certificates only for the amount of the erroneous or excessive charges contained in the assessments. They have issued drawback certificates exceeding by 25 per cent. the amount of the original assessment. The law requires the collection of 6 per cent. interest per annum on all assessments in arrears if paid before October 1, 1879, and, by fair inference, requires the collection of 10 per cent. per annum on all assessments paid after that date. They have accepted payment, long after October 1, of assessments revised prior to that date, with interest at only 6 per cent., to October 1, and with no interest thereafter, and on a large portion of the assessments they have failed to collect any interest whatever, whether paid before or after the expiration of the time prescribed.

The disposition of a portion of the tax-payers of the District to postpone and resist the payment of taxes has been fostered, if not created, by the mistaken leniency of the commissioners in waiving the penalties for non-payment, and in holding out the hope that continued delinquency would result in continued legislative relief. Had the laws been firmly and impartially enforced, and their penalties promptly applied, the amount of taxes in arrears would have been much less, and the condition of public sentiment on the question far more healthy.

GENERAL CONCLUSIONS.

Testimony was taken by the committee concerning numerous alleged frauds and irregularities in the offices of the District, not covered by the Treasurer's charges. While the evidence taken was not sufficiently conclusive to justify the committee in reporting that any corrupt or fraudulent acts had been committed by any persons now connected with the government of the District, it was deemed sufficient to demand an investigation by the proper legal authorities. The evidence on these points was accordingly referred by the committee to the United States Attorney for the District for such action as he might think proper, and has since been made the subject of a report by the grand jury. But as to the general looseness of the management of the revision of assessments, the testimony was conclusive. Of this a few instances, out of many testified to, must suffice.

The acts authorizing the revision provide that the commissioners shall issue drawback certificates for the amount of the erroneous or excessive charges found on revision. Notwithstanding this requirement of law and the fact that the duty is one which, according to the best authorities, cannot be delegated, (1 Dillon on

Municipal Corporations, 180, 181; Cooley's Constitutional Limitations, 204,) the commissioners intrusted the entire preparation and issue of these drawback certificates to one of their clerks and allowed them to be issued under his signature. It also appears that no other officer of the District government than the one who signs them, approves, audits, looks over or checks off the certificates, and that neither the collector of the District nor the collector of special taxes, by both of whom they are receivable, has any record of the number or amount of the drawback certificates issued. (page 63.)

The evidence fully sustains the conclusion that the charges of the Treasurer of the United States against the Commissioners of the District of Columbia have been fully proved, the evidence in most instances reaching far beyond the allegation; that the revision of assessments has been conducted in a loose and irresponsible manner, without proper supervision by the commissioners; that the commissioners have, by their acts and omissions, deprived the District of large amounts of revenue justly due to it; that they have improperly discriminated in favor of the delinquent tax-payer to the detriment of the interests of the District and of the conscientious tax-payer; that they have disobeyed the requirements of the law, and have set up evasive pretexts for that disobedience; and that on the plea of construing the acts of Congress as measures of relief they have perverted them from their true intent in order to relieve property-holders from taxes and penalties lawfully due; in all of which various acts and omissions they have been guilty of dereliction of duty deserving of censure.

While the members of the board of commissioners cannot be relieved from responsibility for their acts, it is nevertheless true that inefficiency and lack of responsibility are inherent in the present form of government of the District. That form contains an element which is hostile if not fatal to efficiency and responsibility—a plural executive.

History abounds in examples of the failures of forms of government in which executive power is vested in several hands, by whatever name they may be known. A government of this kind rarely becomes efficient, except when some master spirit usurps supreme control. Ordinarily responsibility is not merely divided; it is completely lost—a truth of which this investigation has given abundant evidence. When the responsibility for all acts is distributed among several a keen sense of it is felt by none.

The requirement of the act of June 11, 1878, that the commissioners shall have been actual residents of the District for three years prior to their appointment is an unnecessary and unwise restriction on the appointing power. The people of the United States contribute one-half of the amount appropriated for the expenses of the District. The commissioners are officers of the United States, and their selection should be subject only to the same restrictions as that of other officers of the United States. Besides, a large proportion of the tax-payers of the District, although thoroughly identified with its interests, have chosen to retain a residence elsewhere rather than surrender the right of suffrage by becoming legal residents of the District. There is no reason why such persons should be excluded from the field of choice.

The board of commissioners should be abolished and their powers and duties be conferred upon a single commissioner, to be appointed without regard to residence in the District, and to whom the engineer and other officers of the District shall be subordinate.

Such, sir, are the views which I had the honor to submit to the committee. They are the result of a thorough examination and careful consideration of the testimony, with a conscientious desire to place before this House and the public an exact statement of the facts. The evidence would have justified a much stronger arraignment of the vacillating incompetency with which the government of the District has struggled with the question of the revision and collection of special improvement taxes. Many irregularities disclosed by the testimony have not even been alluded to.

Refunding of the National Debt.

SPEECH OF HON. DAVID WILBER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 28, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. WILBER said:

Mr. SPEAKER: I have taken but little time on the floor of this House in debate, and have been surprised sitting here day after day in listening to the wild financial theories advocated by the opposition. It seems to me that they cannot be really sincere in this matter.

If you have not any personal financial interests in the country can you not see in this funding bill "the handwriting on the wall?" Have you no interest in the financial condition of the country you represent? The prosperity which this country has so lately enjoyed and is now enjoying is such as no other has. Every laborer can find employment; a gold and paper dollar are equal. You now attempt to check this prosperity, to throttle our financial interests by forcing upon us a funding bill so obnoxious to the business interests that its effect is like a firebrand thrown broadcast throughout the land, kindling a flame, causing the money market in New York (the money center) to advance 1 per cent. in a single day on call for that cause alone.

I claim that this action shows incompetency on the other side of the House for financiering. Your hatred to national banks causes you to do such foolish things. Do you not want the $17,000,000 of taxes paid the people by the national banks of this country, a sum larger by over two million dollars than they receive in interest on the bonds held for their circulation? Still your cry has been, "Tax them! Tax them! Tax them!" For what would you cause them more expense? For the best circulating notes that ever existed under any banking system, for the safest and cheapest banking system the people ever had the advantage of; or is the reason, as I said before, hatred? You wish to force, to compel them to take 3 per cent. bonds and pay the people over 4 per cent. in taxes. You wish to tax them for the deposits they receive. Did you ever hear of an individual or corporation being taxed for the debts they owe? They see that you mean to try and compel them to take 3 per cent. bonds and gather in their circulating notes before they can get their bonds, making it impossible to close out their business; to fund your debt at your own price, and pay taxes upon the debts they owe. Are you surprised that they have already commenced surrendering their circulation; and do you suppose that they will not continue to do so, when such unheard-of restrictions will be imposed upon them? I have been largely engaged in business for many years. I own stock in three national banks, and the dividends I receive are smaller than from any other investment; even my farming lands pay me better, in which I am more largely interested than in banking. You cannot compel bankers to do your bidding; that is a point they will not submit to and will not yield or be driven to. By this action you will drive the best banking system out of existence. Do you prefer to now cripple this system so that it would have to resemble the old State banks in their charges on exchange between Chicago and New York, (which has been in my day by that system twenty-five to fifty cents on a dollar?)

You want, in your mad career, to impose this outrage upon them; but, thank God, the 4th day of March is near at hand and will check you, and ere long the great financial, business, and laboring interests of this country will rise up and sweep you completely from power, for foolish and incompetent financial legislation, as they ought.

Registering Foreign Shipping.

SPEECH OF HON. GEORGE W. LADD,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1881,

On the bill (H. R. No. 4068) to provide for the registry or enrollment of any vessel built in a foreign country.

Mr. LADD said:

Mr. SPEAKER: The House bill No. 4068, which was introduced February 2, 1880, and referred to the Committee on Naval Affairs, and by them reported back to the House and referred to the Committee on Ways and Means, involves grave questions of vast importance to the American people, especially to the people of the State I have the honor in part to represent.

The bill reads as follows:

A bill to provide for the registry or enrollment of any vessel built in a foreign country.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be owned by a citizen of the United States.

Mr. Speaker, the many causes that have contributed to the decline of our ocean commerce, I maintain, can be removed or changed by legislation. It is not too late to correct errors and to retrace our steps, if we want to restore our American marine. We can recover all we have lost from ill-advised legislation and through the improvements consequent upon the introduction of iron and steam, now important factors in the commerce of the world.

In order to successfully compete with England, now the acknowledged master of the seas as well as of the workshops of the commercial world, let us adopt those wise rules of industrial progress, such as we have heretofore applied to other industries, and which have worked such a change in our country, the seeds of which were planted when we were comparatively free from class legislation.

From a few dependent colonies scattered along our Atlantic coast, we have, in opposition to the conservative ideas brought with us from the Old World, wrought out a problem of a successful government and abundant prosperity in material results, so that we have grown from three to fifty million. We have constructed a hundred thousand miles of railroad, made rivers navigable, and canals equal to navigable rivers; opened up a country larger than Europe; and this, in part, since our ocean commerce commenced to decline. England has availed herself of our carrying trade from our neglect, consequent upon our proneness to run to extremes in one interest made profitable for a time by the wonderful producing power of our virgin soil.

A nation of States which has produced the large surplus that we have the last few years, which has the capacity to double its production the next decade, (if it has the capital to do it,) which has such abundant facilities to transport its productions to tide-water, need not despair for the want of water carriage to transport its surplus to a suffering world.

Surely there is not much patriotism, but there is abundant short-sighted selfishness, in giving to England our carrying trade as advocated by the selfish merchant who looks for a commission only, when the nation to gratify his wants may lose its very life.

WHAT IS OUR CONDITION?

Have we not at our very doors all the materials needed, the iron,

wood, copper, hemp, pitch, and duck, and all the skilled labor desired to build iron and wooden steamers, all waiting our action? Yea, more, the mariners and engineers begging to be allowed the privilege to whiten every sea with our canvas or with our steamers, to take our mails to every port, to waken every sleeper by the whistle of our vapor in iron ships bearing at their peaks the Stars and Stripes, now known and honored throughout the world, but unhappily rarely seen.

There is a class who propose for us to imitate France, to repeal our registration laws, to purchase and register British ships, and thereby make us dependent on a rival. Yea, more, a rival who became so from a knowledge of our superior facilities to cope with her on the ocean; our parent state, who so generously curbed us in youth, who so forcibly fought us in early manhood, and who, now that we have matured, is so anxious to surpass us on the ocean with iron and steam. We inherited too much of her Saxon blood to yield to her any more than her share of the ocean or the power to control it. We learned when first under the maternal roof of her constitution—the production of the wealthy half of her people—what we could do for commerce when we should call all to come hither to form a united country "for common defense and general welfare."

Now, can we afford to be divided in this important service of restoring our commerce, which supports so old and important a part of our Union, that part which will defend all when the dark cloud of war shall lower over our country? Is it wise to repeal our registration laws, and thereby strike from us and the world the better part of the power to produce the vehicle of commerce for the world and concentrate it in the hands of a power thirsting for dominion? And this, too, under the expectation that when our hands are tied and our builders and laborers scattered, repair-shops will spring up among us (as shops of necessity) to blossom into another American marine capable to cope with that of Great Britain, whose power on the ocean had its commencement, as ours did, centuries ago, in its extensive fisheries. Its early and proud existence in her contests with Holland was crowned with glory when she met the first Napoleon with Europe at his feet, who fell as he did before the maritime power of England. It is only England's determined efforts in behalf of her commerce and her industries that has made her successful, notwithstanding her exhausted soil and forests and a declining mineral supply, which her scientists measure with tolerable accuracy. The day when her iron and coal are exhausted will end her dominion of the seas, unless we furnish her with the crude materials to be used to make her great and ourselves dependent.

When our fathers indulged in the proud ambition of commercial success, they had equal rights, equal burdens, equal hopes and aspirations. Whence comes this change? Who has planted in this Eden of ours seeds of unbounded privilege (for a class) and incurable poverty, unbounded wealth and unmitigated suffering, unbounded prerogative and power, unprecedented cringing of the dependent?

Must we call this civilization? If so, give up this monster, the growth of class legislation—"remain by the ship and we all shall be saved." Our motto should be no backward steps. Hold our advanced position upon the ocean, for our boasted freedom is but a myth when we trust our very existence to the hands of that imperious power which to-day is struggling even with its own members as to which shall eat the bread of labor, the industrious producer or the idle land owner, or whether both shall suffer in a wild struggle soon to come.

Our American ships should be held as sacred to us as our soil, and should be as hard to part with.

Let me prophesy that when you give up our registry laws you give up the ocean to England and the power to compete with her. This will not do. We have separated from our mother country; a century has passed, and its history has been written; the world knows it. We cannot go back. If capital requires it, we must resist. We cannot employ her to build our ships, it means too much; that has been settled by our statesmen—by Jefferson, Madison, and others, and by the heroes of our second war, (1812.) We then fought for sailors' rights; we must, if required, fight again for our share of the great oceans and the trade in our own bottoms which our sailors are so manifestly capable to maintain. The hand of destiny directed us hither to lay broad and deep the foundations of our empire, based upon a higher level of humanity than that existing elsewhere, based upon prerogative. Shall we surrender the right arm of defense because the sting so often felt from her power has been mitigated by a prosperity resultant from our own institutions? Shall we deny to the skilled laborer a home which he has adorned by his manhood and made happy by his industry?

If I am wrong, if my imagination and early training on our noble rivers and on our rock-bound coast have stimulated me to magnify in any way the importance of our ocean commerce, give me leave in this short hour to recommend a course of action in harmony with your legislation: Put out your lights except where needed to light the British in and out of a few harbors, pass no more river and harbor bills, roll up your charts for a century, sell your chronometers, burn up your navy-yards, stop your coast survey, discharge your marines, abolish your skeleton Navy, and send your officers on half pay to England to be educated. By this course fifty millions can be saved yearly, and more if you send your now made useless consuls home. This is a great contest, greater than that which Gibbon says existed for one hundred and sixty years between Venice and Genoa for the control of the Mediterranean, and which was settled by the ruin of both, through the enterprise of the mariner in doubling Cape Good Hope.

We must go to the foundation in this matter. No subsidies can cure this decay; they may be made useful, when we have laid the foundations of reform, to expedite us on the road to success, as an offset to similar assistance granted by other nations, as was done for our fisheries in 1819. The United States, finding the fishing industry impoverished and declining, passed a bounty act, which should have been styled an indemnity act, giving to each vessel under thirty tons $3.50 per ton for three and a half months' actual employment in codfishing. Vessels over thirty tons, carrying not less than ten men, received $4 per ton, provided it did not exceed $360 for any one vessel, three-eighths going to the vessel and five-eighths to the crew. This act gave a new impulse to the business, but was repealed some years since.

EARLY HISTORY OF OUR MARINE.

Jefferson, in his famous Report on Commerce in 1794, says:

Our navigation involves still higher considerations. As a branch of industry it is valuable; but as a resource of defense essential. The position and circumstances of the United States leave them nothing to fear from their landboard, and nothing to desire beyond their present rights. But on the seaboard they are open to injury, and they have there too a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen, and of artists and establishments in readiness for ship-building. If particular nations grasp at undue shares, [of our commerce,] and more especially if they seize on the means of the United States to convert them into aliment for their own strength and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded, or it will be disarmed of its defense, its productions will be at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of our own commodities, if once established in another channel, cannot be resumed in the moment we desire. If we lose the seamen and artists whom it now occupies we lose the present means of marine defense, and time will be requisite to raise up others, when disgrace or losses shall bring home to our feelings the evils of having abandoned them.

I quote now from Henry Hall's valuable book on American Navigation:

The first vessels built on our shores were for the fisheries and coasting trade, but principally for the fisheries. The people were poor, and had to pay for their vessels in grain, calicoes, and similar commodities.

The fisheries were very profitable. They had attracted attention in Europe at a very early period, and large numbers of vessels went out to America for no other purpose than to visit the fishing banks. A voyage generally yielded from £3,000 to £4,000 profit. The consequence was that as early as 1660 there were often as many as six hundred sail from Europe on the banks at one time. The New Englanders went into this business at once. Ship-builders were sent out to them from London in 1631, and they fitted out a large number of vessels of very respectable size for that age, some of them being of three hundred tons burden, and put them at once into the fisheries, and subsequently into trade.

The New England colonies had very little transatlantic trade of their own until shortly before the Revolution, but they supplied the principal part of the colonial shipping which went into the transatlantic commerce of the other portions of the coast. The navigation act protected them against the Dutch, and their abundance of timber and naval stores, and frugal habits, enabled them to compete for the carrying trade with the mother country. A very fair share of the fish, tobacco, rice, timber, and hides of this country, were sent to England in our own shipping. At the time of the Revolution we owned nearly half of the tonnage employed.

Besides this transatlantic trade, the shipping of the early colonies was employed somewhat in trading to the Spanish West Indies. This was against the law. It was in contravention both of English and Spanish policy. It was, however, the principal resource of the colonists in obtaining a supply of silver for ready money, and they carried it on in spite of its illegality and dangers. The enforcement of restrictions upon the freedom of our navigation to the Spanish colonies and to the different ports of Europe was one cause of the Revolution.

During the revolutionary war, navigation received a check, but the building art improved. Nearly all the ships built for the foreign trade were privateers, made for strength and speed, and carrying an armament of guns. The loss of our shipping in that war was very great, for, able as were our sailors, the cannon of the English were superior to ours, and their ships generally larger and stronger as well as more numerous. Mr. Currier, the historian of ship-building on the Merrimac, tells how twenty-two gallant vessels sailed from Newburyport alone during that period, which, with the thousand men on board of them, were never heard of again. But this very superiority of the royal navy in weight of metal and size of ships was the most direct and powerful stimulus to our native builders, and they began to produce excellent vessels, which, before the war was over, attracted attention even in Europe.

John Adams, in a letter to Senator Varnum, gave an illustration of this. He said: "In June, 1879, I dined with M. Thevenôt, intendant of the navy at l'Orient, certainly one of the most experienced, best read, and most scientific naval commanders in Europe. That excellent officer said to me in the hearing of the Chevalier de la Luzerne, M. Marbois, and twenty officers of the French navy, 'Your country is about to become the first naval power in the world.' My answer was: 'It is impossible to foresee what may happen a hundred or two or three hundred years hence; but there is at present no appearance or probability of any great maritime power in America for a long time to come.' 'Hundred years!' said Thevenôt; 'it will not be twenty years before you will be a match for any maritime power of Europe.' 'You surprise me, sir; I have no suspicion or conception of any such great things; will you allow me to ask your reasons for such an opinion?' 'My reasons,' said M. Thevenôt—'my reasons are very obvious; you have all the materials, and the knowledge and skill to employ them. You have timber, hemp, tar, and iron; seamen and naval architects equal to any in the world.' 'I know we have oak, and pine, and iron, and we may have hemp, but I did not know our shipwrights were equal to yours in Europe.' 'The frigate in which you came here,' said M. Thevenôt, (the Alliance, Captain Landais,) 'is equal to any in Europe. I have examined her, and I assure you there is not in the king's service, nor in the English navy, a frigate more perfect and complete in materials and workmanship.'" Other incidents could be cited to show that, even before this country had obtained its independence, the building art had so improved here as to make American ships respected everywhere for their speed, strength, and beauty, and to excite the liveliest anticipations as to the future of this Republic in navigation. Building revived after the Revolution. It is not known what the tonnage was at that time. It could hardly have exceeded 100,000 tons, if it was as much as that. The facts do not appear in the colonial records, and the National Government had no control over the registry of shipping until after the adoption of the Constitution, March, 1789.

In 1789 the registration was 123,893 tons in the foreign trade, 68,607 in the coasting trade, and 9,062 in the fisheries.

Year.	Registered for foreign trade.	Coasting trade.	Fisheries.
1795	529,470	164,795	37,102
1800	669,921	245,295	30,078
1805	749,341	301,366	58,363

The period from 1806 to 1815 I will pass over. We had the non-importation act, and the difficulties growing out of Napoleonic wars between England and France, both parties seizing and destroying our commerce—over 1,660 of our ships, worth millions of dollars. The embargo of December, 1807–9, all to culminate in the war with England in 1812, who had taken from us a million of our men to man her ships.

After the war—

Date.	Registered for foreign trade.	Enrolled for the coasting trade, &c.	Licensed.
January 1, 1815	674,632	338,198	16,453
July 1, 1850	1,585,711	1,899,555	50,188

An era of prosperity came. Mr. Hall says:

Three-fourths of the cotton export went in our vessels, and we got better pay for the service. All the mails and passengers, and a vast majority of the immigrants, were transported under our flag. The British whale-fisheries were almost extinct, while the Americans had over seven hundred ships and 17,000 seamen actively employed in that field. While ship-building stagnated in England, and owners were losing money, building was active here, and owners had many exceedingly prosperous years. From 1820 to 1850 this country built 3,900,000 tons of shipping. In 1831 $5,000 was often paid for a ship over and above the contract price when she was completed, property was increasing so rapidly in value. In 1840 many vessels repaid their original cost in freight-money. The interest was rich, prosperous, aggressive, and public expectation on both sides of the Atlantic would not have been disappointed had America become in twenty-five years the leading maritime nation of the world. It was already only second.

Tonnage of the United States, 1850 to 1880.

Year.	Sail.	Steam.	Total.
	Tons.	*Tons.*	*Tons*
1850	3,010,020	525,434	3,535,454
1855	4,441,716	770,285	5,212,001
1860	4,485,931	867,937	5,353,868
1865	4,029,643	1,067,139	5,087,782
1870	4,171,412	1,075,095	4,246,507
1875	3,685,064	1,168,668	4,853,732
1880	2,856,476	1,211,558	4,068,034

The Bureau of Statistics report as follows:

FOREIGN CARRYING TRADE.

The imports and exports of the United States carried, respectively, in United States vessels and in foreign vessels, during each fiscal year from 1821 *to* 1880, *inclusive, and the percentage of imports and exports carried in vessels of the United States.*

Fiscal year.	Imports.		Exports.		Total imports and exports.		Percentage carried in American vessels.
	In American vessels.	In foreign vessels.	In American vessels.	In foreign vessels.	In American vessels.	In foreign vessels.	
1821	$58,025,890	$4,559,825	$55,175,572	$9,798,410	$113,201,462	$14,358,235	88.7
1822	76,984,331	6,257,210	60,715,568	11,444,713	137,699,899	17,701,923	88.4
1823	71,511,541	6,067,726	65,315,666	9,383,464	136,827,207	15,451,190	89.9
1824	75,265,053	5,283,954	67,411,706	8,574,951	142,676,759	13,858,905	91.2
1825	91,902,512	4,437,563	88,799,749	10,735,639	180,702,261	15,173,202	92.3
1826	80,778,120	4,196,357	69,553.516	8,041,806	150,331,636	12,238,163	92.5
1827	74,965,496	4,518,572	72,090,544	10,232,283	147,056,040	14,750,855	90.9
1828	81,951,319	6,558,505	61,108,374	11,156,312	143,059,693	17,714,817	88.9
1829	69,325,552	5,166,975	62,089,441	10,269,230	131,414,993	15,436,205	89.5
1830	66,035,739	4,481,181	63,882,719	9,966,789	129,918,458	14,447,970	89.9
1831	93,962,110	9,229,014	65,546,181	15,764,402	159,508,291	24,993,416	86.5
1832	90,298,229	10,731,037	66,140,760	21,036,183	156,438,989	31,767,220	83.1
1833	98,060,772	10,057,539	68,058,231	22,082,202	166,119,003	32,139,741	83.8
1834	113,700,174	12,821,158	77,693,461	26,643,512	191,393,635	39,464,670	83.0
1835	135,288,865	14,606,877	94,135,191	27,558,386	229,424,056	42,165,263	84.5
1836	171,056,442	18,323,593	97,139,457	31,530,583	268,188,899	49,854,176	84.3
1837	122,177,193	18,812,024	91,207,563	26,211,813	213,384,756	45,023,837	82.6
1838	103,087,448	10,629,956	89,819,799	18,666,817	192,907,247	29,296,773	84.2
1839	143,874,252	18,217,880	94,787,948	26,240,468	238,662,200	44,458,348	84.3
1840	92,802,352	14,389,167	105,622,257	26,463,689	198,424,609	40,802,856	82.9
1841	113,221,877	14,724,300	94,808,628	27,043,165	208,030,515	41,767,465	83.3
1842	88,724,280	11,437,807	79,893,023	24,798,511	168,617,303	36,236,318	82.3
1843	49,971,875	14,781,924	65,053,636	19,292,844	115,025,511	34,074,768	77.1
1844	94,174,673	14,260,362	78,450,529	32,749,517	172,625,202	47,009,879	78.6
1845	102,438,481	14,816,083	86,942,442	27,704,164	189,380,923	42,520,247	81.7
1846	106,008,173	15,683,624	86,550,175	26,938,341	192,558,348	42,621,965	81.7
1847	113,141,357	33,404,281	100,204,804	53,868,210	213,346,161	87,272,491	70.9
1848	128,647,232	26,351,696	109,657,931	44,374,200	238,305,163	70,725,896	77.4
1849	120,382,152	27,475,287	100,533,123	45,222,697	220,915,275	72,697,984	75.2
1850	139,657,043	38,481,275	99,615,041	52,283,679	239,272,084	90,764,954	72.5
1851	163,650,543	52,574,389	152,456,689	65,931,322	316,107,232	118,505,711	72.7
1852	155,258,467	53,038,388	139,476,937	70,181,429	294,735,404	123,219,817	70.5
1853	191,688,325	76,290,322	155,028,802	75,947,355	346,717,127	152,237,677	69.5
1854	215,376,273	86,117,821	191,322,266	84,474,054	406,698,539	170,591,875	70.5
1855	202,234,900	59,233,620	203,250,562	71,906,284	405,485,462	131,139,904	75.6
1856	249,972,512	64,667,430	232,295,762	94,669,146	482,268,274	159,336,576	75.2
1857	259,116,170	101,773,971	251,214,857	111,745,825	510,331,027	213,519,796	70.5
1858	203,700,016	78,913,134	243,491,288	81,153,133	447,191,304	160,066,267	73.7
1859	216,123,428	122,644,702	249,617,953	107,171,509	465,741,381	229,816,211	66.9
1860	238,164,855	134,001,399	279,082,902	121,039,394	507,247,757	255,040,793	66.5
1861	201,544,055	134,106,098	179,972,733	69,372,189	381,516,788	203,478,278	65.2
1862	92,274,100	113,497,629	125,421,318	104,517,667	217,695,418	218,015,296	50.0
1863	109,744,580	143,175,340	132,127,891	199,880,691	241,872,471	343,056,031	41.4
1864	81,212,077	248,350,818	102,849,409	237,442,730	184,061,486	485,793,548	27.5
1865	74,385,116	174,170,536	93,017,756	262,839,588	167,402,872	437,010,124	27.7
1866	112,040,395	333,471,763	213,671,466	351,754,928	225,711,861	685,226,691	32.3
1867	117,209,536	300,622,035	179,788,851	279,399,969	296,998,387	580,022,004	33.9
1868	122,965,225	248,659,583	175,016,348	301,886,491	297,981,573	550,546,074	35.1
1869	136,802,024	300,512,231	153,154,748	285,979,781	289,956,772	586,492,012	33.1
1870	153,237,283	309,140,304	199,732,324	329,786,978	352,969,607	638,927,282	35.6
1871	163,285,710	363,020,644	190,378,462	392,801,932	353,664,172	755,822,576	31.8
1872	177,286,302	445,416,783	168,044,799	393,929,579	345,331,101	839,346,362	29.1
1873	174,739,839	471,806,765	171,566,758	494,915,886	346,306,597	966,722,651	26.4
1874	176,027,778	405,320,135	174,424,216	533,885,971	350,451,994	939,206,106	27.2
1875	157,872,726	382,949,568	156,385,066	501,838,949	314,257,792	884,788,517	26.2
1876	143,389,704	321,130,500	167,686,467	492,215,487	311,076,171	813,345,987	27.7
1877	151,834,067	329,565,833	164,826,214	530,354,703	316,660,281	859,920,536	26.9
1878	146,499,282	307,407,565	166,551,024	569,583,564	313,050,906	876,991,129	26.3
1879	143,590,353	310,499,599	128,425,339	600,769,633	272,015,692	911,269,232	23.0
1880	164,087,606	579,394,159	115,917,891	730,072,637	280,005,097	1,309,466,796	17.6

Now let me examine the causes that have operated to produce this decline in our foreign tonnage, great when we contrast it with our increased exports and imports.

PERIOD OF PROSPERITY.

The discovery of gold in California and the settlement of this vast territory acquired from Mexico, commencing in 1849, undoubtedly stimulated us and the whole world to great commercial activity, and for ten years we had a constantly increasing currency. This was a very prosperous period for our commerce.

The latter part of this decade, England, after years of experimenting, commenced the building of iron ships for sail and steam as a business, having fully settled the question that iron ships for ocean commerce were preferable to wood, less expensive to keep in repair, and insurable at less rates.

Builders in the United States also tried it to a limited extent, but soon gave it up for want of encouragement, England having superior advantages in capital and in material for immediate use.

Next comes the period of our late war, the history of which, so far as our commerce is concerned, is familiar to all, and it is unnecessary to allude to it. The war closed with a large loss of our ocean tonnage, and at this period we may fairly date the permanent decline of our ocean commerce. And this from two causes: First, from a want of a true appreciation of our condition; second, from legislation growing out of different views as to the mode of equalizing our currency and taxation.

FROM 1865 TO 1878.

Infatuated with the idea of making by extraordinary legislation the holders of our bonds doubly wealthy at the expense of all other industries, we were engaged in destroying all values of real property. The period of commercial success, consequent upon an increasing currency from the gold-fields of California and Australia, was now to be followed after a period of inflation by a revolution, a shrinking of our currency for the benefit of a class, initiated by Mr. McCulloch, then Secretary of the Treasury, backed by a willing Congress.

On one side was England with her iron and steam, on the other McCulloch's fallacious doctrines of restoring commercial life by a system of industrial death. A period of weakness and glorification consequent upon proneness to man-worhip came, bringing its train of expenditures and follies, and a disregard for all real wants. Our ocean tonnage daily grew less. Could any other result have been expected?

Frequent struggles for reform were made by voting subsidies. The only result was to keep perhaps one ship-builder afloat while the million went down. But interested parties hoped that this might act as an opiate to quiet the people, while the mammoth bondholder and his worshipers were laying the foundation for the new order of things, which has been already too successful in destroying our shipping industries.

SUEZ CANAL.

Another cause of the decline of our shipping was the opening of the Suez Canal in 1869, which nearly ended our commerce with Asia. Appleton's Cyclopedia says of the commerce of this canal:

From November, 1869, to December 31, 1874, 4,781 vessels, of 6,643,368 tons, had assed through, of which 2,588 entered from the Mediterranean and 2,193 from the Red Sea. Of the same 3,286 were British, 394 French, 281 Austrian, 235 Italian, 121 Ottoman, 109 Dutch, 85 Egyptian, 83 German, 61 Spanish, and the remainder of other nationalities, only 8 being American.

COMMERCE AND FUNDING.

I hardly think the country fully appreciates the magnitude of the disaster to our marine consequent upon the introduction of the new system of funding our debt, a part of which had been so successfully used as a currency, by changing it into interest-bearing obligations. When this became understood all capital was diverted from industry into the more profitable channel of investing in non-taxable bonds. It required no great sagacity to see what would occur. Moneyed men invested all their surplus in our securities. Ships and ship-yards were sold, real estate declined daily, until the low prices of all property culminated in a general bankruptcy. Bankers regarded ship-builders who continued in business as lunatics, soon to fail; local taxation had to be doubled in order to support local communities; expenses increased by reason of the power of the non-taxable part of the community to control expenditures by party machinery.

The few shipbuilders who have survived all this double taxation, decreasing values, and the reputation of a want of sagacity deserve to be regarded as monuments of American enterprise and patriotism.

Capital and labor can have but one interest in this country. Together they prosper; separate them by legislative enactments and ruin follows. This is fully demonstrated in the decline of our ocean marine. Industry must now make it the interest of capital to co-operate for the restoration of our ocean commerce by giving capital no other opportunity to invest in non-taxable bonds.

The average profit of the industry of the shipbuilding States does not exceed 3 per cent. per annum based upon the low taxation formerly made by our communities.

DEBT AND TAXATION.

Our cities and towns after the war found themselves largely in debt. And by the recent returns made by the Census Bureau, which are as follows:

WASHINGTON, *February* 11.

Mr. Robert P. Porter, special agent of the census on wealth, debt, and taxation, furnishes an interesting exhibit of the outstanding bonded indebtedness of the cities and towns of the United States containing a population of 7,500 inhabitants and upward. Forthcoming tables will show the purposes for which all bonds were issued in each year from 1860 to 1880, and the amounts maturing each year from 1880 to 1900. The figures given in the following table are subject to possible revision:

States.	No. of cities.	Population.	Total bonded debt.	Per capita.
Maine	8	116,098	$11,635,550	$100 22
New Hampshire	5	81,242	2,952,400	36 34
Vermont	2	23,513	607,900	25 85
Massachusetts	39	1,122,084	73,696,019	65 68
Rhode Island	6	181,554	11,424,756	62 93
Connecticut	15	295,300	12,846,564	43 52
New York	28	2,550,157	207,742,881	81 46
New Jersey	13	503,071	38,578,350	76 69
Pennsylvania	29	1,505,705	95,258,134	63 26
Delaware	1	42,499	1,372,450	32 29
Maryland	1	332,190	34,516,417	103 91
Virginia	7	155,956	10,705,177	68 64
West Virginia	1	31,266	506,500	16 20
North Carolina	1	17,361	530,500	30 56
South Carolina	2	60,039	4,775,451	79 54
Georgia	4	100,860	8,387,000	83 15
Florida	1	9,890	.....	.....
Alabama	3	55,448	3,492,500	62 99
Mississippi	1	11,814	373,217	31 59
Louisiana	2	227,157	15,968,570	70 30
Texas	6	92,026	3,141,662	34 14
Arkansas	1	13,185	178,694	13 15
Kentucky	5	198,830	10,321,500	51 91
Tennessee	4	99,636	1,583,400	15 89
Ohio	21	760,363	38,291,926	50 36
Indiana	12	252,823	6,958,700	27 52
Illinois	22	770,244	18,590,660	24 14
Michigan	13	279,409	5,109,775	18 29
Wisconsin	11	227,988	3,683,650	16 16
Iowa	10	152,576	2,749,309	18 02
Minnesota	4	107,647	2,991,911	27 79
Missouri	6	467,871	26,178,449	55 95
Kansas	4	55,618	1,524,777	27 42
Nebraska	2	43,522	428,535	9 85
Colorado	2	50,450	.....	.....
Nevada	1	13,705	112,000	8 17
Oregon	1	17,578	76,500	4 35
California	6	324,097	7,055,115	21 77
Total	300	11,350,772	664,346,913	58 53

Geographically considered, the bonded indebtedness of the cities and towns of the United States containing 7,500 inhabitants and upward is as follows:

States.	No. of cities.	Population.	Total bonded debt.	Per capita.
Eastern	75	1,819,791	$113,163,183	$62 18
Middle	72	4,933,622	377,468,232	76 51
Southern	38	1,073,468	59,964,171	55 86
Western	115	3,523,891	113,751,327	32 28

If 11,350,772 population owe $664,346,913, it is fair to presume fifty million do not owe in municipal debts less than $2,000,000,000. This debt has certainly been increased by a class of "dead-heads," who have acquired wealth, and thereby the power to control communities and perpetuate a system which, if continued, will eventuate in a change of our institutions. Shipping, like real estate, is taxed when it is registered, and, like real property, soon becomes a burden rather than a profit if subjected to a taxation approximating to its earnings.

This is not all. The present system is leading us into deeper water daily. Those who advocate subsidies without reform propose to increase the burden already imposed on industry by increasing taxation without removing the evils that call for subsidies.

Local taxation in the ship-building States is now from 2 to 3 per cent. per annum, and will average 2½ per cent., and is increasing, rather than diminishing. By what process of reasoning do the friends of registering foreign-built ships arrive at a solution of this marine question by free registration? Who will be stupid enough to take vessels (iron or wood) from British register when they pay next to no taxation, (taxation in England being on incomes, not on valuation,) and register in New York or Maine, where local taxation is about 3 per cent. per annum, the average amount of our income?

A recent writer in the New York World, who is anxious for the retention of the "anchor as one of the emblems of American industry," advocates strongly the repeal of our registry laws to admit British ships for registry, which, if it means anything, means to admit them for our coasting trade. He says:

One of the southern railroads, adapted for the carrying of cotton from the interior to a seaboard port, would at once put on a line of freight (cotton) steamers from their terminus to New York, if the proper ships could be obtained at a satisfactory cost. Such ships cannot now be had in the United States, but the company can procure them exceedingly cheap, because of old but desirable pattern for the business in question, in England. But as foreign-built ships cannot participate in the coasting trade the project has necessarily had to be abandoned, and with it the development of a new local southern industry.

If by purchasing British vessels you could stimulate building here and place them when built on the same footing they are on in England, free from taxation, you would have some argument; but this is not proposed. England acted thus years ago by purchasing our wooden ships to fill a gap in her commerce and made it profitable from the fact that she relieved them from taxation; this she did while she was maturing her system of iron ships. To follow her in one and abandon her in the other, would be worse than suicide. Before proceeding to point out a remedy for our declining ocean commerce, let me reproduce the principal argument made at the national shipping convention held at Boston, October 7, 1880, which shows considerable selfishness and but little of old Massachusetts patriotism. William H. Lincoln in his address said:

Greater freedom is what is required. The ocean, the great highway of commerce, is free to all alike. All nations are in competition. It is evident that the nation that can produce the ships the best adapted for the business, and at the lowest price, and that can sail them at the least expense, will outstrip all others. It is admitted by every ship-owner, so far as I can learn, that at present our foreign commerce is not upon an equal footing, and we cannot to-day successfully compete with the navigation of other nations. The problem to be solved is, what will enable us to do so? I reply, we must put ourselves in the line of progress; further restrictions upon commerce will not do it; greater freedom will. Give us ships as cheap as other nations furnish them, and the same advantages in respect to maintaining them, and that is all we ask. To put the proposition in plain terms, change our navigation laws so that any citizen of the United States may purchase steamships or sailing vessels in the markets of the world, and place them under the flag of his country, with this provision, that such steamship or vessel shall be forever excluded from the coastwise trade. As the coasting trade is confined to our own vessels, there is a manifest propriety in excluding all vessels of foreign build from participation in it. The vessels in this business are not brought into competition with those of any other nation, and consequently no relief is demanded. This trade is peculiarly our own, and should remain so. It is where we are brought into the arena of the world's commerce that we require entire equality and freedom.

Again he says:

On the other hand, it is more than probable that the introduction of iron steamships and vessels into our commercial marine will stimulate our own industries in the same direction, and that in consequence of being able to obtain the material at the same price as other nations, we shall secure the natural and legitimate result; our own ship-yards will multiply, and building interests will revive.

There are some timid persons who fear that if any breach in the wall of protection is effected it will invite an assault upon the whole tariff system. But our shipping occupies a different position from all other interests of the country. Our vessels must be brought into competition with those of every other nation, and the desired changes relate only to our foreign trade. The same rules that apply to the one interest cannot be brought to bear upon the other. So that it seems just to assume that the great industrial establishments of the country that have grown up and developed so successfully under our system of protection, that the producers of the raw material who have experienced the benefits of the fostering care of the Government, will suffer no injury by the removal of the burdens upon our commerce. Their interests will not be jeopardized or put in peril, for the parties foremost in urging the removal of restrictions upon navigation would as earnestly oppose any measures that would cause the great industries of the nation to suffer.

AMERICAN PROGRESS IN IRON STEAMERS.

The condition of our iron ocean steamers I quote from one of the few ship-builders who has survived all disaster, and who, from his locality, can be excused for not giving the public all the facts attending the general disaster to our ocean marine.

STATEMENT OF JOHN ROACH.

In this connection permit me to call your attention to the progress we have made in iron-ship building during the past seven years, in the face of the difficulties which I have pointed out. In four iron-ship yards on the Delaware, from 1872 to 1879, there were built seventy-six iron screw steamships, of 152,088 tons, giving employment to a crew of 3,986 men. All these vessels are sea-going, and equal in strength, speed, and finish to any of their class in the world. All are excellent cruisers, having great speed, and easily adaptable to naval uses. With the number of men employed they make in themselves a respectable navy. Of these vessels twenty-five have a speed of fourteen knots, twenty a speed of thirteen knots, and the balance a speed of twelve knots. In tonnage they range from 5,300 to 2,000 tons. At the same time there have been built in this country twenty-five ocean-going wooden screw steamers, with a tonnage of 27,563, most of these steamers having a speed of twelve knots. This makes the following showing:

Steamers built in the United States from 1872 *to* 1879.

Class.	Number.	Tonnage.
Iron screw steamers	76	152,088
Wooden screw steamers	25	27,563
Total	101	179,651

Referring again, for comparison, to the ocean-going steam tonnage of the world in 1860, we find that it consisted of 338 steamers, with tonnage of 431,000, divided as follows:

Nation.	Number.	Tonnage.
Great Britain	156	250,000
United States	52	71,000
All other nations	130	150,000
Total	338	471,000

A GOOD SHOWING.

Comparing these tables we see that there has been built in this country within these seven years—and years of great business depression—more than twice the tonnage of ocean-going steamers owned by the United States in 1860, and nearly one-half as much as the ocean-going steam tonnage of the world at that time. Our increase in steam tonnage was greater than that of France or Germany, with all their advantages, including that of buying cheap ships in England. Moreover, of the fifty-two steamers owned by the United States in 1860 nearly all were wooden side-wheelers, not fit for the foreign trade; whereas the seventy-six iron steamers mentioned are all screws, of the most improved modern make. Had we possessed these in 1860 we could have thoroughly blockaded our coast, with some ships to spare as cruisers. Of the 179,651 tons 80,000 are in the foreign trade, the balance in the coasting trade. These 100,000 tons, now competing with the railroads, could in case of a European war at once be put into the foreign trade, leaving the coast business to the railroads and wooden side-wheel steamers.

REMEDY NEEDED.

This must come in an American way, based upon sound principles of equal rights, equal burdens and prerogatives. We must abolish class legislation, not imitate it by imposing burdens upon one class to build up another in fostering commerce by subsidies.

Let us come to the fact that selfishness has tempted us to float too long on a sea of doubt and darkness, with an enterprising neighbor at our doors seeking to recover that which she lost a century ago.

To present this question clearly, let me do so by asking a few simple questions.

Our national debt bearing interest is	$1,700,000,000
Railroad bonded debt	2,282,570,065
Railroad (not funded) debt	156,881,052
Cities and towns, debt not less than	2,000,000,000
State debts by last reports	272,990,066
In all	6,412,441,183

Who pays the interest and taxes on this vast debt? On whose property and industry is it assessed? And who escapes taxation, and how? When these questions are answered by our communities one-half of the problem of a declining ocean marine is solved. When we have retraced our steps and have come to equal taxation the burden will be light and easily borne. Then will the hum of industry come from every ship-yard, and the happy sounds of joy and contentment will come up from millions of homes now, alas! shrouded in gloom and sorrow.

To the ship-builder, ship-owner, and to merchants of enterprise and patriotism we owe a debt which we can partly pay by abolishing a system of compulsory pilotage; admit all materials that enter into the construction of ships duty free; permit owners of American vessels engaged in foreign commerce to take all needed stores out of bond free; relieve American vessels of all consular fees; oblige our postal department to send all mail matter in our own ships, (pay them generously, as we do for carrying our internal mails;) modify our laws so that American ships shall not needlessly be burdened; remove all local taxation on all ships engaged in foreign commerce, or advise the States to do it, they to be reimbursed for the loss of this tax by the institution of an income tax on all incomes derived from non-taxable securities, either national or corporate, (now excepted from taxation.)

Again, cannot the same power given in our Federal Constitution to control ocean commerce fix the rate of taxation on the same when its existence depends on the wise use of this power? After having restored to the shipping industry its rights, by placing this important interest upon an equal footing with other industries, do you not owe it another important debt consequent upon injustice to it in the past and for what it can do for us in the future as an arm of defense?

VALUABLE CARGO.

Freighted in our ships of to-day we have the destinies of fifty million people spread over a vast continent, and the last to be discovered. Peopled from all nations, having all the fire of the cavalier, Roundhead and Huguenot; again mixed with the Northman and the descendant of the once ruler of the world, the Roman, with one-half of Britain's better half, tinctured with the sufferings of twenty-five decades of wrong—all Americans, all for self-government, prosperous and happy to-day, hopeful perhaps for the future. Does not history teach us the lesson that success and prosperity will raise up enemies as we year by year increase in power and strength, and the desire to send our humane influences abroad? At some time surely will come a struggle between the two systems of government; kings and people will not always remain contented while both are thirsting for power. Then will come our great struggle for liberty, and those who shall then tread these capacious halls will ask for a record of the men who failed to appreciate in the latter part of the nineteenth century the importance of the American marine as an arm of defense. Rather than take from England her ships let us imitate her foresight and prudent management of her navy and navy-yards, by changing our expensive system of navy-yards, in reducing them in numbers, and by building up private ship-yards as a nursery for our future navy, as a part of a great system of naval defense.

OUR NAVY.

From an elaborate report made by the Committee on Naval Affairs to Congress, February 21, 1879, I quote their conclusions upon the construction account for a period of ten years:

You have sixty-five or seventy millions of dollars to be applied solely to purposes of construction of war vessels, a sum of money which if it had been so expended, burning up every vessel in the Navy, leaving them entirely out, would have given the Navy seventy vessels like the Trenton, one of the best now in the Navy. In other words seventy or eighty millions of dollars of the public money and property has been in these years expended with no responsive results, which in the hands of a prudent man would have purchased and had now in commission from seventy to eighty vessels of war, a number sufficient to have made a navy at once respectable and useful.

It is conceded that for all of the vast expenditure for the construction account of our Navy, we have literally nothing to show but a

skeleton. By changing this system we can, without increasing expenditure, subserve two important interests:

First. Produce an ocean marine of steam and iron.

Second. Utilize it as a navy when wanted for war.

Naval vessels to be serviceable must be constructed to meet the improvement in the science of projectiles, otherwise all expenditures on them will be money thrown away.

We should therefore bring our marine and Navy together as far as is possible in a system to be built upon when the exigencies of war call for their use. If our naval vessels are not great and strong, shipyards and laborers will be in a condition to be made serviceable for immediate use for war purposes.

Utilize the six millions per annum which are now appropriated by Congress and thrown away in assisting in a proper manner the construction of iron ocean steamers of 2,500 tons and upward, to be built under the supervision of experienced officers of our Navy in a substantial manner, with all modern improvements, so they can be utilized for war vessels, and when afloat, to be under the command of naval officers, if you please.

For the assistance so rendered in their construction, your consideration to be that they shall never be sold to go out of the country, except by the consent of the Government, and in the event of war that they shall be valued and placed on our Navy rolls. This will build up private yards from Maine to Texas, which will in return for assistance rendered give us from fifty to one hundred (according to size) first-class iron steamers and prepare fifty ship-yards or more to multiply tenfold this production if required.

When legislation has completed this work there will come an era of commercial prosperity, such as came to our internal commerce when the two great parties of 1856 indorsed internal improvements by recommending Government aid for the construction of the railroad to the Pacific.

What have we not done since by legislation to build up internal commerce? I quote the language of Senator BLAINE, in the Senate, January 28:

> During these years, in which Congress has not stepped forward to do one thing for the foreign commerce of this country, for all that vast external transportation whose importance the Senator from Kentucky has not exaggerated but has strongly depicted, the same Congress has passed ninety-two acts in aid of internal transportation by rail; has given 200,000,000 acres of the public lands, worth to-day a thousand million dollars in money, and has added $70,000,000 in cash, and yet, I repeat, it has extended the aid of scarcely a single dollar to build up our foreign commerce.

In conclusion, let me say our builders of wooden ships need no nursing in order to compete with the world. All they require is the repeal of those laws and impositions that are justly obnoxious to the charge of being unequal and burdensome and against our civilization.

Now, that iron is to rule the world, let us make its power our own. Possessing it in larger quantities than any other country of the world, let us successfully work it into plates, as we have into rails, until our abundant supply shall again give us our former position on the ocean.

Mr. Speaker, I can see hopeful signs of a change. From the savannas, prairies, and the mountains of our vast country comes one universal wish for a restored American marine. We are great in production, great in internal commerce, and the whole country is now looking with anxious hopes for some truly American mode of building up our shipping interest, and of making it our principal arm of defense in war and our proudest boast in peace. Why should we not hope for a glorious future for our marine? What is there in the material world that we have grappled with that has not succeeded, when our labor and industry has been untrammeled? What have not the last fifty years accomplished? If the railroad and telegraph have grown from doubtful experiments to be giants in our land, let us change the direction of our enterprise to the more important interest, that of our ocean commerce, so long prosperous, now endangered by an opponent so manifestly our inferior in resources, so far behind us in government and human enterprise. Gentlemen, this aggregation of individuality, this American world of diversified humanity, speaks to-day, discordantly it is true, but earnestly, for that which is all important, the dominion of the seas.

Apportionment of Representatives.

SPEECH OF HON. H. BISBEE, JR.,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1881,

On the bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census.

Mr. BISBEE said:

Mr. SPEAKER: There have been opinions expressed upon this floor in favor of an apportionment that would give the State of Florida but one member; and for this reason, if for no other, I think it is my duty to speak in her behalf.

One theory upon which representation in the popular branch of Congress is based is, that no congressional district should extend over so large a territory nor embrace so many people as to render it impossible for a member to become acquainted with their wants and interests and promote their welfare by securing proper legislation.

This, it is true, cannot always be done in new States under constitutional restrictions, but it is a principle in our system not to be lost sight of.

The area of Florida is larger than that of any other State in the Union east of the Mississippi River. She has as yet but two main lines of railroad, one extending from Jacksonville, on the Saint John's River, westward to the Chattahoochee River, to be extended, we hope, very soon to Mobile, Alabama; the other, extending from Fernandina, on the Atlantic, to Cedar Key, on the Gulf of Mexico, with a branch line projected and partially completed from Waldo, Alachua County, to Tampa Bay. Her inland water transportation is at present chiefly on the Saint John's River and its tributaries, which are navigable by ocean and river steamboats over 600 miles in the aggregate. In view of her enormous area, the facilities for travel and transportation are yet insufficient to afford easy and rapid intercourse among her people, which, according to the late census, number 267,351. If, then, there is any force in the argument that the districts should be so constructed that the Representative may hope to be acquainted with the varied industries of the people he represents, the State of Florida has the right to appeal to Congress not to pass an apportionment bill that will give her but one member. But she has the legal right to two Representatives upon any basis of apportionment which any of the bills reported from the committee or introduced into the House have adopted.

Whether the number of members be fixed at 293, 301, 307, 311, 319, or any intermediate number, the State of Florida is entitled to two members, for the reason that the ratio obtained by dividing the population of all the States by any one of these numbers leaves a fraction greater than a moiety of the ratio. There can be no just or constitutional apportionment that does not give to every State having such a fraction an additional member. Great efforts have been made and much ingenious reasoning applied to exclude fractions from being considered at all. The very able and industrious Superintendent of the Census, General Walker, has given us the result of some tables of figures. In his letter addressed to Hon. S. S. COX, on the 15th of January last, he says:

> If this number be exceeded, (the number arbitrarily selected to compose the House,) as in the case of assignment of additional Representatives on account of a moiety, the ratio of representation is thereby changed, whether that excess be one or more, as new ratio is determined, and the work has to be done all over again. It might easily happen that upon the new ratio another State would be found to have a fraction in excess of the moiety, and therefore entitled upon the same principle to an additional Representative.

And then another ratio may be determined, and so on without end. This reasoning may be very interesting as an intellectual exercise, but is of no practical importance. The minority of the committee having this subject in charge have reported a bill for 319 members of the House, which leaves no moiety unrepresented, and leaves no just cause of complaint on the part of any State. If we leave a moiety unrepresented I do not think we obey the Constitution, which requires that "Representatives shall be apportioned among the several States according to their respective numbers." This clause of the Constitution, as I shall subsequently show, has been interpreted by that great master of constitutional law, Daniel Webster, to mean that "Representatives shall be apportioned among the several States according to their respective numbers," as near as may be. Each State must have its proportionate share of representative power as near as practicable; and nothing less than this meets the constitutional requirements.

I cannot agree to the theory upon which the bill reported by the majority of the committee giving 311 members is framed. Upon the same theory a bill has been introduced, discussed, and favored by some giving 301 members. This bill is constructed by dividing the total population of all the States, to wit, 49,369,595, by 301. This gives a quotient of 164,018 which is taken as a ratio or basis of apportionment. But when the population of each State is divided in turn by this ratio the result is on even division but 281 members, 20 less than the proposed number, 301, which the House is to contain; and this additional number of 20 is made up by arbitrarily assigning another member to the twenty States that have the largest fraction. This is purely an arbitrary process, without any guiding rule or principle whatever. In this manner Rhode Island has assigned her 2 members, 1 of which is given her for a fraction of 112,510, but Florida has assigned her but 1 member, though she has a fraction of 103,333 which it is proposed to leave unrepresented entirely by those who advocate a less number of Representatives than 302.

Now, there can be no reason given why Rhode Island should have an additional member for a fraction of 112,510, and Florida should not have a member for her fraction of 103,333. No gentleman can assign any reason formed in justice for such a discrimination against the State of Florida and in behalf of the people of that State. I protest against such a discrimination and such a result. I have taken Rhode Island to illustrate the wrong and injustice, and, as I contend, the violation of the Constitution itself. But the same comparison could be made with Alabama, Connecticut, Illinois, Louisiana, Maryland, Minnesota, Nebraska, Texas, and West Virginia, each of which States in a House of 301 members gets an additional member for fractions ranging from 114,668 to 130,629.

The injustice of apportioning the representative power of the nation in such a manner is too glaring to require any extended argument to expose it. Any method that produces absurd results is an improper method. In Florida you would have a fraction of 103,333 unrepresented, while you would give an additional member for a fraction of 112,510 to Rhode Island, thus virtually assigning 1 member for 9,177 people, the difference between the fractions of the two States.

Mr. Webster's report on this subject in the Senate in April, 1832, presents the true rule of apportionment. He says:

> The Constitution, therefore, must be understood not as enjoining an absolute relative quality—because that would be demanding an impossibility—but as requiring of Congress to make the apportionment of Representatives among the several States according to their respective numbers as near as may be. That which cannot be done perfectly must be done in a manner as near perfection as can be. * * * Congress is not absolved from all rule merely because the rule of perfect justice cannot be applied. In such a case approximation becomes a rule; it takes the place of that other rule, which would be preferable, but which is found inapplicable and becomes itself an obligation of binding force.

After arguing that the only way to conform to the requirements of the Constitution is to give an additional member to each State having a fraction greater than one-half of the common divisor, the number taken as the basis of representation, Mr. Webster said:

> The rule has been frequently applied. It may be clearly expressed in either of two ways. Let the rule be, that the whole number of the proposed House shall be apportioned among the several States according to their respective number, giving to each State that number of members which comes nearest to her exact mathematical part or proportion; or, let the rule be that the population of each State shall be divided by a common divisor, and that in addition to the number of members resulting from such division, a member shall be allowed to each State whose fraction exceeds a moiety of a divisor. Either of these is, it seems to the committee, a fair and just rule capable of uniform application and operating with entire impartiality.

Now the bill reported by the minority of the committee, fixing the whole number of Representatives at 319, conforms to this rule, and gives an additional member to each State having a fraction greater than a moiety of the divisor, to wit, 154,764. Dividing the country into North and South—and it is useless to disguise the fact that such sectional division will be considered—the bill giving 319 members preserves the relative strength of the two sections in the electoral college, for it adds thirteen to the Northern States and thirteen to the Southern States, and from a sectional stand-point cannot be reasonably objected to. Believing this bill to be as just and fair and as free from objection as any that can be formed, and that it is constitutional, I shall vote for it, if I am required to vote for any apportionment during this Congress.

But I am opposed to the passage of any apportionment bill at this session of Congress. There is no necessity for it. It is true, most of the Northern States, all but one I believe, have republican Legislatures now, and if an apportionment bill becomes a law this session, such Legislatures will have the redistricting the States into congressional districts. It may be thought this would give some partisan advantage to the republican party. But this by no means necessarily follows. In the Northern States, the unjust division of the States into congressional districts—gerrymandering as it is termed—by either party, is generally rebuked by the people at the first election thereafter. We cannot and ought not to regard any such contemplated partisan advantage, as a reason for making the apportionment now, to the neglect of other important business pending before this Congress. The census has just been placed before us. It is understood that the calculations and consolidation of returns have been hurriedly made by the Census Bureau, in order that the present Congress could make an apportionment, and it may be that mistakes have been made in the additions of figures which a revision thereof would discover.

It is important that we should have a true and reliable census before us before final action is taken, and the country will be restless and discontented if an apportionment is made on any census subject to any doubt or uncertainty.

Besides, fraud is charged, and that the census has been swollen in some of the Southern States by the willful commission of fraud on the part of enumerators or supervisors. There should be ample time for the full investigation of this subject, that the charge may be refuted to the full satisfaction of all portions of the country.

Why this hot and unseemly haste? Perhaps the democratic party fancies that it is peculiarly qualified to perform this work. It has failed in everything else it has undertaken. It promised in 1874 to reduce the expenses of the Government, but has not been able to fulfill its promise. It promised to reduce taxes, but it has not suceeeded. It tried in 1876 to purchase electoral votes, but it found no republican electors who were purchasable. It tried to unseat a President through the Potter investigating committee of the Forty-fifth Congress, and in the attempt so completely exposed the villainy of Mr. Tilden and his corrupt attempt to secure the Presidency by bribery that he was found unfit for nomination to this high office in 1880. The democratic party promised fair elections, a free ballot, and an honest count, but the moment it got possession of both branches of Congress it commenced a gigantic struggle to repeal all the national election laws, without which honest elections in many portions of the country are impossible. It kept the country in turmoil and the business of the people unsettled for months by refusing appropriations to support the Government except on condition that the President would sign a bill to repeal those election laws which, in his judgment, were essential to guard the purity of the ballot-box. During this Congress it attempted to pass the Morgan concurrent resolutions, which would have clothed Congress with discretionary power to reject the electoral vote of any State, on any pretense, for partisan purposes. And it attempted to elect a President in 1880 by forgery in one section of the Union and by fraud in the other. Whether embarked in a good or a bad cause, the democratic party has met with disaster and defeat, because the intelligent people of the country have lost all confidence in its patriotism and integrity.

It is not doubted that the democratic party is skillful in figures. It has demonstrated its capacity to calculate how much money must be drawn from the Treasury to convert brooks and creeks in close congressional districts that will not float a birch canoe into navigable streams. Its skill has been repeatedly displayed in counting out republican candidates in the Southern States, when it underestimated the amount of fraud, bulldozing, and crime necessary to secure their apparent defeat at the polls. These may be virtues that inspire the confidence of democratic constituencies, but among honest people they will not be accepted as a reason for trusting to a democratic Congress the distribution of the representative power of 50,000,000 of population in the Government of the United States.

The discussion on this subject of apportioning Representatives has taken a wide range, and excited not only partisan but sectional acrimony.

It is claimed by Representatives of the Northern States that the Southern States ought not to have that number of Representatives which their population entitled them to, for the reason that by fraud and violence the votes of republicans in many of those States are suppressed and destroyed.

I am not prepared to assent to this. That in many parts of the South the elections are a shameless farce and mockery, no honest man will deny; but I am unwilling to legislate on the theory that honest and fair elections in the South will always be impossible.

I am unwilling to admit that there is not power enough in the National Government and wisdom and courage enough on the part of those whose duty it is to execute its laws to so effectually enact and enforce national election laws that every legal voter shall be secure in his right to vote just once for Representative in Congress and to have that vote counted and returned as cast. The Constitution and the official census must be our guide in fixing the number of members of this House which each State shall have for the next ten years; and I cannot agree to the proposition suggested by some that we must withhold from certain States constitutional rights as a punishment for the crimes of individual citizens of those States, though such crimes are openly approved of and defended by the temper and policy of the democratic party. If in given localities Representatives are certified elected to Congress on a minority of the vote cast, through fraud, violence, usurpation, and crime, as they have been and were at the late election in many of the congressional districts in the Southern States, the House of Representatives ought not to allow, and it is its duty to refuse to allow, persons holding such certificates to take their seats as members of this body. For such action there are precedents; and by such action parties and persons are deprived of the fruits of fraud and crimes on the elective franchise without any disregard of the constitutional rights of States and their just share of representative power of the nation. Let the frauds by which candidates receiving a minority of the votes are certified elected be corrected through the Committee on Privileges and Elections and seats awarded to their opponents who received a majority of the votes cast and tendered to the officers of the election.

Such a policy and line of action will be sustained by the intelligent people of this country and by the friends of civil liberty and popular government throughout the world; but they will not approve of a disregard of constitutional obligations to give to each State representation according to its population.

To make the governments in the Southern States in fact what they are in theory will require all the skill, patient thought, forbearance, and courage of the statesmen of this generation. The theory of our government is based on intelligence and integrity, factors which exist only in a limited degree in many of the States of this Union. These defects cannot be removed by ignoring their existence.

The reconstructed States have all been in democratic hands since 1876. In Alabama, Florida, South Carolina, Mississippi, Arkansas, and Louisiana, and in portions of other Southern States, republican majorities have been overcome by fraud and violence, and on a minority vote the democratic party has acquired control. It is a question for thoughtful people to consider whether the masses of the people in those Southern States have made more rapid progress in intelligence or integrity since the democratic party obtained possession of them than they did under republican administration. If they have not, if we are not moving at swifter pace to this standard of intelligence and integrity of the people upon which popular government must exist, if at all, under democratic than we did under republican rule in the Southern States, then the methods and means by which the democratic party acquired and rely upon to continue in the possession of those States can no longer be justified nor find apologists.

It is self-evident that the party that established the common-school system in the Southern States against the opposition of the democratic party is more devoted to the education of all classes of children and to the cause of education itself than the latter. If proof is wanted, it will be found in the legislation of democratic legislatures

during the past four years. In Florida, one of the first acts of the democratic party when restored to power was to prohibit the county commissioners from levying more than two mills and one-half school tax, while under republican administration they were authorized to levy five mills. Speaking generally, the dominant elements in the democratic party in the Southern States are opposed to being taxed to educate the children of the poor and the weak, and especially to educate the colored race. There are some marked and prominent exceptions, for there are a few of the more enlightened men among the democratic statesmen of the South who are really advocates of an efficient common-school system, but who have as yet acquired little or no influence over legislation on that subject. As to advancement in political integrity, it is not to be expected that the democratic party will make any progress in that direction as long as its leaders, its voters, its newspapers, and its managers teach the mass of its voters to treat the national election laws with contempt, and to evade and violate them if need be to secure democratic victories.

The party that secured power by stuffing the ballot-box and can perpetuate its power only by continuing to stuff ballot-boxes and by other frauds and crimes on the elective franchise cannot be expected to advocate fair elections and an honest count.

Resolutions of democratic conventions declaring for the freedom of the elective franchise are a sham and a mockery, and their shameless hypocrisy has been exposed so often that the most credulous will not again be deceived by them. This exposure has been so complete, so undeniable, and so humiliating that since the late election the Charleston News and Courier and a few other leading democratic journals of the South have practically admitted that in previous elections the majority have been disfranchised by the minority through violence, intimidation, and fraud.

At first these crimes were denied. When so conclusively proven that the boldest man could no longer deny them, they were justified on the plea of necessity, to prevent what they are pleased to term negro domination. But more recently some of the southern democratic journals are seriously wrestling with the problem of how to maintain in power a political party on a minority of the votes without disfranchising the majority and without neutralizing the votes of any by fraud and violence. The problem, plainly stated, is how 5 can be divided by 7 and leave a whole number for a quotient. This is the question which the genius of democracy is endeavoring to answer.

The fact that such a question has been raised for consideration indicates some progress, or at least an attempt or desire for improvement, and is encouraging to the friends of manhood suffrage and to republican government.

The strength of the democratic party in the South is in the cry of "negro domination." So skillfully have the leaders of the democratic party in the South nursed the race prejudice and magnified what they regard as the evils of the negro race participating in the administration of the laws of the State that white men, republicans and old whigs, have been alarmed and terrified, and, though opposed to the democratic party with respect to its fundamental principles, have cast their votes for democratic candidates.

A little investigation would have shown that there was no just cause of apprehension or fear of "negro domination." Certainly none in the State of Florida; for in this State the colored people are not in excess of the whites. Under the present apportionment of the members of the Legislature the blacks could not if they desired elect a majority of the Legislature. There are but eight counties in the State where the colored voters have a majority, and if they nominated and elected all colored men to the Legislature, they would have but thirty-four members of that body out of a total number of one hundred and nine. At the late election there was but one colored man on the general ticket, and he was a candidate for Congress, and yet people were terrified into the support of democratic candidates by appeals to their prejudices to race, and by the terrible consequences that were predicted as the result of negro rule!

Negro rule was the democratic battle cry in Mississippi in 1875, and it was there that frauds, intimidation, and violence were first openly justified on the plea of necessity to prevent negro and carpet-bag domination, and to restore honest and economical Government to the people of that State. Such were the pretenses which the democrats n Mississippi made to justify a resort to force, violence, and murder of leading republicans in 1875. Let us look into the honesty and purity of the government of the State of Mississippi prior to the ascendency of the republican party in that State, and the economy of its administration.

Defalcations of collectors of the revenue:

In 1838, 13 tax collectors, defaulters in the total sum of..	$23,533 38
In 1839, 21 tax collectors, defaulters in the total sum of..	32,859 25
In 1840, 28 tax collectors, defaulters in the total sum of..	26,980 00
In 1841, 36 tax collectors, defaulters in the total sum of..	96,617 00
Total in four years	179,989 63
In 1843 Mr. Greaves, State treasurer, defaulted in the sum of	165,447 07
Total in six years	345,436 70

Or over fifty-six thousand dollars a year, nearly enough to pay the interest of the $1,000,000 in repudiated Mississippi bonds which Mr. Peabody bequeathed to a trust fund with which to educate the children of the South. During these defaults Governor McNutt, of Mississippi, used this language in one of his messages:

> Not more than one-half of the taxable property in the State is ever assessed, and large portions of the taxes collected are never paid into the treasury.

In 1858 John Malloy, auditor, defaulted in the sum of $54,077.96. In 1866 A. D. Haynes, State treasurer, defaulted in the sum of $61,962.38. So it seems that in official integrity the State of Mississippi, up to the date of reconstruction, ought to hide its head in shame rather than boast of its honesty and purity in the halls of Congress.

It may be confidently asserted that the Haynes defalcation under the Johnson administration of 1876 was greater than the total defalcations under republican rule from the date of reconstruction to the close of 1875, when the democrats obtained possession of the State; and yet dishonest carpet-bag government and negro rule was made the pretense to justify the crimes and frauds committed to crush out republican governments in that State.

The following is a table showing the expenses of the State government of Mississippi from 1857 to 1867, under democratic rule, and for the years of 1874 and 1875, under the republican administration that was destroyed by shot-guns and murder:

Year.	Expenses of State.
Under democratic rule:	
1857	$736,531
1858	614,659
1859	740,015
1860	663,536
1861	1,824,161
1862	6,819,894
1863	2,210,794
1864	5,546,732
1865	1,410,250
1866	1,860,800
Under republican rule:	
1874	908,330
1875	618,259

This is the record. But this is not all. Under democratic rule the State issued its bonds to the amount of $7,000,000 to the Union Bank and Planters' Bank of that State. After they had been negotiated and sold she repudiated them. And when the banks attempted to collect the money loaned to the citizens of the State by foreclosing mortgages given to secure the loans, the Legislature passed an act authorizing writs of *quo warranto* to be used to forfeit their charters, under which said charters were forfeited. Thus the bondholders were swindled out of their money by repudiation, and the banks were legislated out of existence to prevent them from collecting from the citizens of the State the money that had been lent to them in good faith.

What State under carpet-bag or negro rule exhibits so infamous a financial record as this? Yet the democracy of this State enjoys the proud distinction of having patented in 1875 the memorable campaign of shot-guns, violence, and murder as justifiable measures to restore to Mississippi a pure, honest, and cheap government!

And a distinguished Representative from the State of Mississippi, [Mr. HOOKER,] forgetting the history of his State and the intelligence of the people of this country, in a speech in this House on the 5th day of February last, employed the following language:

> In 1875 we changed our form of government of the Southern States. How? Not by the white vote alone, because that could not be done; but because the governments which had been established by "carpet-bag" and alien rule, under a law passed by the Congress of the United States, had been found so burdensome in the taxes which they imposed upon the people that every man, whether one of the loftiest intelligence or the humblest citizen, felt the oppression of those governments, felt that they had become too onerous to be borne. * * * No wonder the southern people, colored people as well as white, rose up in opposition to a form of government which had become intolerable.

Intolerable only because Mississippi democrats had never been instructed in the first lessons of free speech, and would not willingly tolerate the best government on earth if it was not in the hands of the democratic party.

The financial record of the State of Mississippi completely refutes the assertion that revolution in 1875 was justifiable to relieve the people of the oppression of a republican administration. The speech of the gentleman from Mississippi [Mr. HOOKER] from which the above extract is taken was intended to convey the impression that the colored voter of this State from choice and in the free exercise of the elective franchise voted the democratic ticket in 1875, in order to relieve themselves from a government that in profligacy, corruption, and excessive taxation had become intolerable.

But in point of fact the campaign of that year was organized on the basis of fraud and violence and threats of starvation to all laborers who did not vote the democratic ticket, and was remorselessly conducted to the end by the employment of those methods.

The following extracts from a democratic newspaper published in Mississippi during that eventful campaign, for which I am indebted to a speech of the late Senator Morton, delivered in the Senate January 19, 1876, prove that the lives not only of colored but white republicans were openly and publicly threatened if they did not aban-

don their organizations and cease all opposition to the "white line" democracy. These extracts will repay reproduction and perusal, and they are fitting illustrations of the Mississippi plan, which has been adopted with terrible effect in other Southern States:

Our correspondent at Running Water Mills makes his points well. His positions cannot successfully be contradicted. The miserable bunglers who have put the negro in the Constitution have certainly written themselves down asses all. When we accept "results of the war," we do not accept the notion of statesmen, but the blunders of unreasoning malice and stupidity, and of course we continue to accept it only so long as we are compelled to.—*Meridian Mercury.*

I read now from the Aberdeen True Republican, being a report of a speech by Colonel C. E. HOOKER, member of Congress from Mississippi, at Aberdeen, during the late canvass:

"Colonel HOOKER, of Jackson, then addressed the convention in a speech of over an hour, in which he advocated the color-line, and said, in conclusion: 'White men must and shall rule in Mississippi.'"

Vote the negro down or knock him down.

Does not the very thought boil the blood in every vein? Will you still contend that we must not have a white man's party? Away with such false doctrines; we must and will have a white man's party. We have tried policy long enough. We must organize on the color-line, disregarding minor considerations. The white man's party is the only salvation for the State. Show the negro his place and make him keep it. If we cannot vote him down, we can knock him down, and the result will be the same. Either the white man or negro will rule this country; they cannot both do it, and it is for the white men to say who the ruler shall be. Let us have a white man's party to rule a white man's country, and to do it like white men.—*Mississippi News.*

Colored men, remember that next Tuesday is your golden opportunity. Throw it away and the white people will eliminate you from politics and discard you forever. The Congress already elected is democratic; the next President of the United States will be a democrat; and after next Tuesday this State and county will be democratic. You have no hope and no salvation but in acting with the democratic party in this contest. Will you do it?—*Vicksburgh Herald.*

Below we give a list of the presidents of the negro clubs in this county. In the coming election these must be marked men. We request every beat committee to save this list for future reference.—*Columbus Index.*

Let unanimity of sentiment pervade the minds of men. Let invincible determination be depicted on every countenance. Send forth from our deliberate assembly of the eighteenth the soul-stirring announcement that Mississippians shall rule Mississippi though the heavens fall. Then will woe, irretrievable woe, betide the radical tatterdemalions. Hit them hip and thigh, everywhere and at all times.

Carry the election peaceably if we can, forcibly if we must.

* * * * * * *

There is no radical ticket in the field, and it is more than likely there will be none. For the leaders are not in this city, and dare not press their claims in this county.—*Yazoo Democrat.*

The present contest is rather a revolution than a political campaign; it is the rebellion, if you see fit to apply that term.—*Aberdeen Examiner.*

Spot the men who try to defeat the will of the people next Tuesday, and remember them hereafter.—*Vicksburgh Herald.*

The democratic conservative club at Rocky Springs, Claibourne County, on Saturday last discussed the question of renting lands, advancing supplies, and employing men in the year 1876 who voted the radical ticket in 1875. It was finally determined that no member of the club should rent or advance to or employ any but members of the democratic conservative party, and any employed men who voted the radical ticket at the late election should be discharged at the expiration of the year unless they came forward voluntarily and joined the club and promise henceforth to act openly with the friends of honest and good government.

Is it not time that the Raymond club should take some definite action on this subject? We are to have a presidential election in 1876, and in 1877 a governor and all the State officers are to be elected. Our triumph in 1875, great as it certainly is, will not be complete unless we repeat it in 1876 and again in 1877.—*Raymond Gazette,* December, 1875.

Colonel R. O. Reynolds, our noble standard-bearer in this senatorial district, sounded the key-note of the campaign in his brief but telling speech at Buena Vista last Thursday, when he said that his platform hereafter was that "whoever eats the white man's meat must vote with the white man or refrain from voting at all;" and the immense applause with which this sentiment was greeted showed that he had reached the heart of every auditor.—*Aberdeen Examiner.*

Remember that you solemnly pledged yourselves, each to each and one to the other, that after the expiration of your present contracts and leases you would neither rent land to nor employ any lessee or laborer, "without regard to race, color, or previous condition of servitude," who sanctioned the oppression under which you and your dear ones groaned by his voice on the 2d of November; that inasmuch as it was impossible for many of you to make a clean sweep on the 1st of January, you each and every one of you agreed not to lease land or hire one-third of those now your tenants and employés who disdained your proffered friendship, and that no one of you would contract with, as landlord or employer, any laborer or tenant who so refused.

This solemn pledge was made in the hour of danger; it was made for the salvation of all that you held sacred and dear; and you are not true men to yourselves or your country if you do not stand by it now that the storm has passed.—*Aberdeen Examiner.*

Resolutions adopted by the McCondy Store Club, Chickasaw County.

Resolved, 2. That we organize ourselves into a company, for in time of peace we should prepare for war.

Resolved, 3. That we pledge ourselves individually and collectively not to employ in any manner, for any purpose, directly or indirectly, any man, black or white, who casts his vote with the so-called republican party at the next election.

Resolved, 4. That if any member of this club fails to comply with the provisions of the last resolution he be expelled from the club, and his name be published in the Messenger and Southern States.

How it is done in Chickasaw County.

The democratic clubs of this county are requested to meet at their respective club rooms on Saturday, November 13. Every member will at that meeting give to the secretary of this club a list of the names of his employés with whom he does not expect to make contracts next year. The secretaries of the different clubs will please forward a complete list of these names to the secretary of this committee.

D. P. BLACK,
Chairman Democratic Executive Committee.

A republican victory in Mississippi this fall means 10,000 laboring men out of work and out of food.—*Vicksburgh Herald.*

Are those who are to be turned off for voting the republican ticket included in this number?—*Jackson Times.*

That's the understanding in this part of the country.—*Aberdeen Examiner.*

Men who employ hands or rent lands or advance supplies on crops yet have the right in Mississippi to employ, to rent land, and to advance to whom they please. They are not compelled to contract with radicals, and they may refuse to do so if they think proper. Men do not often willingly feed and provide for their enemies.—*Raymond Gazette.*

These quotations from the democratic press of Mississippi are made, not for the purpose of exciting sectional animosity and sectional hate, but to expose the hypocrisy that represents the elections in that State as peaceful and fair and that the colored people voluntarily voted the republican ticket.

It is more honorable to admit, frankly and boldly, that the democratic party in the South resort to force, violence, and fraud to carry elections, and as boldly defend it, than to attempt to deceive the country into the belief that the colored republicans of the South have abandoned the party that gave them liberty and clothed them with the rights of citizens.

Every position taken and every prediction made by the leaders of the democratic party at the close of the war of the rebellion with respect to the negro race in the South has been proven to be false. It was predicted confidently that in a state of freedom, without owners to care for and protect them, the blacks would rapidly diminish in population; but the late census shows that they have increased more rapidly than the white race. It was claimed that they would become idle, vagrant, and vagabond; but the products of their labor have increased in volume and value from year to year, and their taxable property at every annual assessment attests their economy and industry. It was asserted by their late owners that they were incapable of mental improvement; but the increasing number of their representative men in public station, and teachers of their own race in the public schools, as well as the increase in attendance of colored children in such schools, have established the contrary.

There are now over six million of the negro race in the United States and over five million in the former slave States. They constitute nearly one-eighth of the population and one-eighth of the voters in this country. They are republicans for the reason that the republican party is regarded by them as both their redeemer and their savior. The supreme law, the Constitution of the United States, has conferred upon them equal civil and political rights. The republican party contends that the law shall be enforced, and that those rights shall become real, substantial things; while the democratic party contends that the law shall not be enforced, and that, as a means for democratic victories, they shall be disfranchised and their votes suppressed. In proportion as their rights of citizenship and their elective franchise is maintained and secured, the strength of the republican party will be increased; and in proportion as their rights are suppressed, the strength of the democratic party will be increased. This struggle will go on, but in the end the democratic party will surrender, as they have on other questions during the past twenty years.

The contest is an unequal one. The republicans have the law, justice, and eternal right on their side, and the intelligence and wealth of the country, and the 6,000,000 of colored people themselves to support them; while the democrats have the lust for power, the assumption of superior ability to govern, and a cultivated prejudice against the negro race to support their side of the issue. When this question has become settled, when the franchise of republicans in the South is held as sacred as in the North, then, and not till then, will there be a true and lasting peace, and sectional agitation be eliminated from national politics.

Interstate Commerce.

REMARKS OF HON. P. V. DEUSTER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 22, 1881,

On the bill (H. R. No. 4748) to establish a board of commissioners of interstate commerce.

Mr. DEUSTER said:

Mr. SPEAKER: I desire to ask kind indulgence for a few explanatory remarks defining my views upon the amendment offered by my distinguished colleague, the gentleman from Texas. Let me do him the justice to say that he deserved well of the whole country, not merely his particular section, for bringing this important subject to the attention of Congress, and urging with the fidelity and earnestness which a good cause always deserves such legislation as he honestly believes to bring the relief sought and needed. If his efforts are not crowned with success, he will at least always be entitled to the proud distinction of having honestly striven to secure important benefits and long-needed relief to the agrarian and commercial interests of every section of our country. But there are various, and, as it seems to me, weighty reasons why the amendment proposed by my friend, the gentleman from Texas, should not supersede the bill reported after earnest and careful consideration by the majority of the Committee on Commerce. I claim for myself the same honesty of purpose which characterizes my friend, and I have made every due and intelligent effort to inform myself upon this important question.

I will not trespass upon the patience of the House by repeating those objections advanced by others and more effectually than I could have done, or urging the advantages of the bill matured by the committee over the original bill, all the main features of which are embodied in this amendment.

It is a common experience in legislation that too great severity in prohibitive measures generally defeats the very objects for which it is enacted. It seems to me that this amendment, in some of its provisions, suffers from this danger. The principal objection that I must urge here, as I did in the committee, is that against the fourth section, prohibiting discriminating rates within one locomotive haul. The fourth section of the amendment does not attempt to impose upon railroads the obligation to adopt any reasonable schedule of rates for intermediate points, nor to prohibit any increase in through rates to correspond to the high rates maintained between intermediate points; nor to prohibit the grading, assorting, and imposition of requirements in delivery, storage, and other evasive methods of raising the expenses of shippers at intermediate points, or separating their charges of loading, packing, and other incidental work from the item of freight, or carriage upon the rail, or the continuous line of transport of property, which is not clearly defined as "a car-load of similar property." This provision alone, seemingly crushing any resistance to the measure, leaves any number of loop-holes for any company to crawl out of the restrictions of the amendment.

The fourth section of the proposed substitute makes it unlawful to charge a greater compensation per car-load for carrying the same for a shorter than a longer distance. At first sight this rule appears plausible and perfectly right in principle, and everybody will admit at once that it is a grave wrong to charge more for a shorter than for a longer haul. Upon careful examination one will find that this rule corroborates in the fullest sense of the word the old Latin proverb, *Summum jus, summa injuria*—the greatest right may also be the greatest wrong.

The rule is unjust and decidedly against the interests of cities like Chicago, Saint Louis, Cincinnati, Milwaukee, Saint Paul, and many other places, where numerous railroad lines compete not only with each other, but with the cheaper water transportation; and where each road, in striving to build up and maintain its own commerce and its commercial supremacy, is often compelled to carry freight to the seaboard for less than a reasonable rate, and thereby secures to the points named, on account of the existing competition in transportation, advantages which are beneficial not to those cities alone, but to all the producers in their neighborhood.

While I am anxious to secure legislation against charging extortionate and unreasonably high rates, not only from intermediate but from all points, I cannot give my assent to the manner in which this fourth section proposes to remedy the evil. Everybody will admit that freight can be carried for less by water than by rail. When we admit this, shall we prohibit railroads at such points from charging a less amount than from places where there is no such competition with transportation by water? Remedy the evil of extortion by any means, but not at the cost of discrimination against the western cities which are striving to build up a large market, not only for the productions of the West, but also those of the East.

There is no question in my mind but that the purport of this very provision in the substitute has been devised in the interests of the cities on the seaboard, and by the jealousy of designing men, whose aim it is to centralize the commerce of our broad country in the seaboard cities. Let us inquire whether this is true. Last year the Assembly of New York appointed a committee of nine members, with Hon. A. B. Hepburn as chairman, for the investigation of railroad management. The investigations of this committee lasted very nearly nine months. The report says, (page 48:)

> The charge that the railroads of this State discriminate against the citizens of this State and in favor of the western and foreign producers is fully proven by the evidence taken.

A gentleman of New York, connected with the board of trade and transportation of that city, who takes a deep interest in the passage of the substitute under consideration, said:

> It is wrong that the farmers of this State should be charged for transporting their produce a rate proportionately three or four hundred per cent. higher than those of the Mississippi Valley.

The New York Evening Express says:

> The present system of railway discrimination virtually puts every farmer in New York west of the Mississippi.

The Lake Shore News complains thus:

> The Central road alone has made poor men of thousands of New York farmers by reducing transportation from the West to a figure lower than it can be had from the State of New York.

The Patriot and Gazette says:

> The discrimination against our own State [New York] is telling heavily on the farmers. Their lands have declined very largely and are still declining. With the most rigid economy and with the most exacting labor they are constantly growing poorer and poorer. If a barrel of flour can be carried from Chicago to the seaboard cheaper than it can be carried from Oswego, then wheat at Oswego is not worth as much as it is at Chicago.

And then asks the following question:

> Shall the railroads be so perverted as to be made to build up Illinois at the expense of New York, or shall it be made to prove a benefit and a blessing to the State from which it derives all of its power?

The same paper, Patriot and Gazette, in another extract, says:

> The railroads of this State are carrying freight from the West at rates far below those charged on all the above productions of this State, and the result is no farmer or manufacturer is able to hold his own against the competition from the West, aided as it is by the low rates of freight there obtained.

And then states that while flour is carried by all rail from Milwaukee to New York for thirty-six cents per barrel, the charge from Rochester to New York is thirty cents.

The Long Island Farmer says:

> Grain, flour, butter, and cheese are brought from the Mississippi Valley to New York, 1,200 miles, for less than half the freight exacted from farmers living within one hundred and fifty miles of the city, thus practically removing their farms 1,000 miles further from the market, subjecting them to a portion of the expenses for transporting the products of the West, and reducing by one-third the cash value of their land.

The Yonkers Statesman says:

> Our railroads are being run in the interests of the Western States.

These quotations show an intense feeling in the East, claiming that railroads are discriminating against them and that the people of the West receive cheaper transportation in the aggregate than the people of eastern States. The western people have no obligations to the railway companies for transporting their freight at lower rates. Fortunately they are so situated that they are not compelled to pass their products over one road to the seaboard. They enjoy not only the advantage of many competing lines of railroads, but, what is more beneficial, they can ship and receive their freight at cheap rates by way of the lakes or the Mississippi River. The fourth section actually prohibits the competition of the railroad companies with this cheaper medium of transportation; and, unless this section is modified, I cannot vote for the bill, being convinced that it is injurious not only to the people I represent, but to the whole West.

While I entertain no sectional feelings, I cannot support the endeavor of the New York Board of Trade and Transportation to build up and maintain the commercial supremacy for New York at the expense of the West. That the fourth section, to which I entertain the only serious objection, is a blow aimed at the growth and enterprise of western cities is only too clearly shown in the foregoing quotations. If the charges for freight from Rochester, Buffalo, and other points in the State of New York are exorbitant, has not the Legislature of that State, under whose charters these railways obtained their franchises, a right to remedy this evil, without calling for national legislation? Suppose the case that the substitute of the gentleman from Texas should become a law, so that railroad companies would be deprived of competing with the cheaper transportation by water. Would this cheapen the carrying of freight from intermediate points? Might it not have the opposite tendency? The bill does not provide for a just tariff of charges for carrying freight from any point whatsoever.

There were many people, even in my own State, expressing themselves in favor of this amendment. And further, to my utter astonishment, the Chamber of Commerce of Milwaukee passed a resolution in favor of the Reagan bill, but soon after, to my gratification, declared themselves opposed to the fourth section of the same. The resolutions first passed by that body are an identical copy of the resolutions recently adopted by the Chamber of Commerce of New York, one of whose most prominent members had declared that "it is wrong that the farmers of this State (New York) should be charged for transporting their produce at a rate proportionately three or four hundred per cent. higher than those of the Mississippi Valley." The only explanation I could find for this act of the Chamber of Commerce in my own city is in the fact that I at first approved of the Reagan bill in all its particular provisions until a gentleman of the highest ability and well versed in railroad matters called my attention to the fourth section and its consequences, detrimental to the development of the West.

This gentleman, I desire to state, is not a railroad man in the true sense of the word, although as well versed in railroad matters as any man in the Union. This gentleman is Hon. Theophilus French, Auditor of Railroad Accounts in the Department of the Interior, whose duty it is to examine the books and accounts of each railroad to which the United States has granted any loan of credit or subsidy in bonds or lands, and to see that the laws relating to said companies are enforced. It cannot be said of this efficient officer, who has yearly saved hundreds and thousands of dollars to the United States, that he is in sympathy with the railroad managers of this country, as it is his duty to watch over a large portion of them, and report and inform, under an act of Congress of June 19, 1878, the several Departments of the Government in regard to tariffs for freight and passengers, and in regard to the accounts of said railroad companies as may be by them required, or, in the absence of any request therefor, as he may deem expedient for the interests of the Government.

I afterward found that the statements made to me by the Auditor of Railroad Accounts were fully corroborated by various gentlemen who appeared before our committee. It was for these reasons that I considered it my duty as one of the Representatives of the West to oppose the Reagan bill after my amendment to the fourth section had been defeated. And the same reasons will guide me on the floor of this House if my amendment, which provides that all points shall be excluded where railroads are obliged to compete with transportation by water, is not adopted. Adopt this amendment, and I will readily vote for the amendment of the gentleman from Texas. Without the adoption of this, my amendment, I feel bound to vote against the bill. As I remarked before, the people of the West do not thank the railroads for cheaper transportation to the seaboard. There are many

just and loud complaints of extortions by railroad companies; but they are mostly in the local rates, which can and ought to be remedied by the different State Legislatures.

In conclusion, I again repeat that nearly all the important shipping-points from which the productions of the West—grain, flour, cattle, pork—are to be moved to the seaboard are either located upon the shore of a lake or stream available for shipments of these productions, at least during certain seasons of the year. Shall we prevent railroads, in the interest of competing water-routes, from contracting, after shipments of all kinds of goods to the West, such as clothing, groceries, hardware, coal, and so on, for return freight of the products of the West upon the same terms as those offered by cheap water transportation to eastern markets, and thus compel them to haul their cars back empty. I think the return of loaded cars, transporting the products of the West over immense distances at low rates, assists also in cheapening the freight upon goods required in the West. Take, for instance, Chicago and Milwaukee on Lake Michigan, and Saint Louis, Saint Paul, Minneapolis, and other places on the Mississippi; can any railroad be expected to carry the products of its feeding points to the markets at such rates as the provisions of this section endeavor to establish, or tend to establish, and keep up a healthy competition with the water transportation from these points? I think not, and for this reason I have sought to eliminate those features of the section mentioned, calculated to defeat the very objects sought to be attained by the legislation proposed, by offering these amendments to the fourth section.

Permit me also to call attention to the next section requiring the rates for freight to be posted up at every point along the roads. It authorizes the roads to establish for such articles, and, along such continuous lines having no competition in transport, to charge ruinous or prohibitive prices; to make a rate in January that would amount to confiscation of the articles, according to market rates, in February if there should happen to be any delay in shipping, especially under the thousand and one injunctions or legal proceedings authorized to be instituted under this act, or enable the roads to change their schedules six times a month and while the property is on the roads and not contracted for by them for any longer period than twenty-four hours or only for the distance between one intermediate station and the next. All this I believe to have been avoided in the committee's bill, which I do not at all wish to be considered as lauding and praising as the very acme of perfection or the panacea for all the ills complained of, but which I believe to embody the best regulations of this vexed question so far as we can now judge.

The principal feature which commends it to the favorable consideration of this House is the provision, I think, appointing a permanent commission and clothed with full constitutional powers to regulate this subject; this gives us a responsible body of high officials, charged already with the performance of other official duties, and constituting a permanent, watchful board, ready to abolish at once impracticable regulations supplanting additional safeguards to the public interest and fully prepared to afford relief without burdensome and expensive litigation to our citizens, where the amendment proposes an unequal fight before sometimes far distant courts to the party considering himself aggrieved. After nearly fifty years of railroad legislation in our great sister nation across the briny deep, old England finds herself to-day best accommodated by such a commission as is proposed in the committee's bill, and I am one of those who believe that nations, like individuals, should profit by the experience of others instead of hiring that dear teacher themselves. I thank you for your kind attention.

Apportionment of Representatives.

SPEECH OF HON. J. R. CHALMERS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1881,

On the bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census.

Mr. CHALMERS said:

Mr. SPEAKER: This debate has taken a very wide range, and many of the speeches on the other side have been directed more to the elections in the South than to the questions really at issue. Again, sir, some of the leaders on the other side, Mr. KEIFER of Ohio, Mr. VAN VOORHIS of New York, and Mr. HORR of Michigan, in the debate on the Yeates *vs.* Martin contested-election case, have given us to understand, in unmistakable language, that many democrats from the South whose seats are to be contested in the next House will be turned out. As notice of contest has been served upon me for my seat in the next House, and as this case has not only been greatly misrepresented, but tried and determined in the republican press, I take advantage of the leave granted by the House to meet these misrepresentations and show the true state of the cause.

In this case the questions to be settled are almost entirely questions of law, involving a construction of the election statutes of Mississippi, borrowed from other States and adopted in this for the first time in 1880. The principal question arises out of the action of the election officers in Warren County, where 2,049 ballots were not counted because they differed from the tickets prescribed by law. The one hundred and thirty-seventh section of the code of 1880 provides:

All ballots shall be written or printed in black ink, with a space not less than one-fifth of an inch between each name, on plain white printing news paper, not more than two and one-half nor less than two and one-fourth inches wide, without any device or mark by which one ticket may be known or distinguished from another, except the words at the head of the ticket; but this shall not prohibit the erasure, correction, or insertion of any name by pencil-mark or ink upon the face of the ballot; and a ticket different from that herein prescribed shall not be received or counted.

If this statute is merely directory, then the ballots rejected in Warren County could, in the discretion of the election officers, have been counted; but if this statute is mandatory, then neither the election officers of Warren County nor any other power could count these tickets without a direct violation of the law of Mississippi. If the law is mandatory, and not unconstitutional, it must be obeyed, not only by all election officers and courts of Mississippi but by the Congress of the United States, when determining the election of a member from Mississippi, chosen under this law.

To show that this law is not only not unconstitutional but simply declaratory of the spirit of the Constitution itself, I quote the following from Judge Cooley, one of the most eminent writers on constitutional law in the United States. Judge Cooley says:

The mode of voting in this country at all general elections is almost universally by ballot. The distinguishing feature of this mode of voting is that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy in regard to the persons for whom he votes, and thus escape the influences which, under the system of oral suffrage may be brought to bear upon him, with a view to overbear and intimidate, and thus prevent the real expression of public sentiment. In order to secure as perfectly as possible the benefits anticipated from this system, statutes have been passed in some of the States which prohibit ballots being received or counted unless the same are written or printed upon white paper, without any mark or figures thereon intended to distinguish one ballot from another.

After giving this statement of the system, Judge Cooley proceeds to use this emphatic language:

These statutes are simply declaratory of a constitutional principle that inheres in the system of voting by ballot, and which ought to be inviolable, whether declared or not. In the absence of such a statute, all devices by which party managers are enabled to distinguish ballots in the hands of the voter, and thus determine whether he is voting for or against them, are opposed to the spirit of the Constitution, inasmuch as they tend to defeat the design for which voting by ballot is established.

Another distinguished law writer, Mr. George W. McCrary, author of The American Law of Elections, not only considers such a law constitutional, but recommended its adoption as a means of preventing fraud. In an article published in the North American Review, May, 1870, he says:

Another mode of cheating at elections is that known as the tissue-ballot fraud and other kindred contrivances, by means of which one person may deposit in the box a number of ballots. For this a plain, simple, and effectual remedy will be found in the enactment of a law prohibiting altogether the employment of such ballots, and forbidding the election board to count them if cast. This can be accomplished either by fixing the size of the tickets to be used or by requiring the voter to place his ballots in an envelope containing nothing else, and hand it thus to the officer authorized to receive it.

Again, Mr. McCrary says:

All devices by which the secrecy of the ballot is destroyed by means of colored paper used for ballots or by other similar means are exceedingly reprehensible, and, whether expressly prohibited by statute or not, should be discountenanced by all good citizens. (American Law of Elections, page 195; People *vs.* Cicott, 16 Michigan, 283.)

There can be no question, then, that such laws are constitutional. But it is intimated that while such laws are eminently constitutional in the North they are unconstitutional in the South, because the object and purpose to be attained is not the same. It is said the object in the North is to prevent others from distinguishing the voter's ballot, and that the object in the South is to prevent the voter from distinguishing his own ballot. This we deny. But if this were true it should make educated and patriotic citizens of the North pause before they would go further in forcing ignorant suffrage on the South. The ballot-box is morally stuffed and debauched when one man can cast 500 ballots through the hands of five hundred ignorant persons who vote by a mark. Such voting is a shameful travesty upon the elective franchise, and if such voting can be checked or limited by a rigid enforcement of a technical law no honest man should object. If the great republican leader of New York was right as to the general Government when he said the South should not rule the North because "the men who pay the taxes should say who should draw the drafts on the Treasury," then for the same reason the blacks should not rule the whites in the Southern States.

If A makes a law which creates ignorant voters and enables him to tax and govern B through the hands of persons who vote only as he tells them, B has certainly a right to protect himself by making laws which limit the powers of A to guide and control his ignorant herd.

But I insist that there are more colored democrats and more intelligent colored men in the sixth congressional district of Mississippi inclined to be independent voters than in any other district in the Union, and that they need and demand the protection against the persecutions of their own race which the secrecy of the ballot provided for

in this law gives them. Such laws are enforced in England, and have been enacted for many years in the Northern States of this Union. The law of Mississippi was copied from the laws passed by the republican party in Ohio and New York, and no man has any right to say it was adopted for a good purpose in Ohio and for a bad purpose in Mississippi, or that it should be enforced in one State and not in the other. We are not called on now to discuss either the wisdom or the intent of the law. The only question for us to determine now is whether this law is merely directory and therefore may be disregarded, or whether it is mandatory and must be obeyed. McCrary, in American Laws of Elections, section 401, says:

It is quite clear where the statute distinctly declares that ballots having distinguishing marks upon them shall not be received or shall be rejected, it should be construed as mandatory and not merely directory.

There can be no doubt on this point as to the meaning of section 137 revised code of Mississippi, 1880. Its language is clear and distinct: "A ticket different from that herein prescribed shall not be received or counted." The word prescribed is strong and is expressive of the legislative will and intent that this section should be literally complied with. Whenever a statute prescribes a form as of an indictment, or a deed, or an acknowledgment to a deed, or any other instrument, the form prescribed must be followed or the instrument will be null and void. If a statute prescribes three witnesses as necessary to a will devising real estate, it must be complied with or the will is void. If the law says no man shall vote unless registered or unless he offers his vote on the day and at the place and during the hours prescribed for holding the election, the law must be obeyed though thousands be deprived of the elective franchise. If the law says no man shall vote unless he can read and write or has paid his poll-tax, the law must be enforced though many be denied the privilege of voting. So, equally, if the law prescribes a form or a color for a ticket, no man has a right to vote unless he complies with the law; for it must be remembered that voting is a privilege conferred by written law and may be taken away by law for crime, and that it is not one of the natural and inherent rights of man, which are not conferred and cannot be taken away by legislation. And to show that this rule of strict construction is applicable to the right to vote as much as to any other right conferred by law I quote the following decision of Chief-Justice Lowrie in the case of Commonwealth *vs.* Meeser, 44 Pa. St. R., 343, and Brightley's Election Cases, 448:

No doubt there are very many cases in which a strict adherence to the letter of the law would be destructive of justice, and it is quite impossible for the law to define with precision all the customary rights of a people or to express exactly the duties arising from ever changing forms of social transactions. There is a very large field of social relations wherein the law, whether statutory or customary, must ever remain somewhat indefinite in order to be adapted to society. But is it so with our election law? We think not. All our electoral rights depend on written law, and it only can define them. It is true that written law depends itself on ulterior principles of natural law, but these principles are subject to very great diversities of application, and lack entirely that definiteness which is an essential quality of law as a rule of common or social conduct. Law is intended to be a definition of those principles, in such form as to fit them for a ready and ordinary use, and to avoid the disputes that necessarily grow out of more general principles, and nowhere is clear and precise definition more needed than in the laws that relate to the organization of society and to the maintenance of its organic forms. Form is the sole purpose of them, and we must view them formally and follow them strictly, else the whole society is apt to be disturbed. No latitude or looseness of administration of the law is tolerable when it endangers the peace and order of society; it ought to be so steady as not to be at all shaken by partisan excitements.

This doctrine that "form is the sole purpose" of election laws, and that "we must view them formally and follow them strictly," was followed and applied by Chief-Justice Tilghman, of Pennsylvania, to the very point now under consideration, to wit, the effect of marks to invalidate election tickets, and he declares that the law should be construed as written, and when the law says ballots having anything on them but the names shall not be counted, that ballots found with anything else on them must be rejected. (Commonwealth *vs.* Woelpen, 3 S. and R., 29.) This was a case arising out of a corporation election, and the form of ticket to be used in the election was prescribed in a by-law in the following words:

If besides the names there are other things on the ticket, or if two or more tickets are found together, such tickets are not to be read off and are not to be counted.

The opinion of the court was delivered by Chief-Justice Tilghman, one of the most eminent judges who ever sat on the bench in Pennsylvania. He says:

The tickets in favor of those persons who succeeded in the election had on them the engraving of an eagle. The judge who tried the case charged the jury that these tickets ought not to have been counted. The case is certainly within the words of the law. The tickets had something more than the names on them. But is it within the meaning of the law? I think it is. This engraving might have several ill effects. In the first place, it might be perceived by the inspector, even when folded. This knowledge might possibly influence him in receiving or rejecting the vote. But in the next place, it deprived those persons who did not vote the German ticket of that secrecy which the election by ballot was intended to secure to them. A man who gave in a ticket without an eagle was set down as an anti-German and exposed to the animosity of the party. Another objection is that the symbols of party increase that heat which it is desirable to assuage. We see that at the election some wore eagles in their hats. The case thus falling within the words and practices of this kind leading to inconvenience I think the court ought not exercise its ingenuity in support of these tickets. Let us at least prevent future altercations at elections by laying down such plain rules for the conduct of inspectors as cannot be mistaken. I am for construing the by-law as it is written, and rejecting all tickets that have anything on them more than the names. This objection strikes at the root of the election, for the evidence is that all the tickets in favor of the defendants were stamped with an eagle. Whatever, therefore, may be the law on other points, it is clear, upon the whole, that the defendants were not duly elected.

If you substitute the word "negro" for the word "German" this opinion could not be better written for this case. And when we call to mind the recent murderous attempts to assassinate Dan Hughes, the colored democrat, near Greenville, Mississippi, and the fierce intolerance of negro democrats by the negroes all over the Union, we appreciate the full value of the secret ballot to the negro who is inclined to vote against the prejudices of his race. And if it is the object and purpose to make free, intelligent, and independent voters of the negro race this protection should be thrown around them. Negro suffrage presents one of the most difficult questions in American politics, and all coercive measures to subdue the sentiments of the whites or stimulate aggressiveness in the blacks will irritate public opinion, retard the healing processes of time and render these difficulties tenfold greater. No statesman would recommend such a course. If, by the adoption of Ohio laws in Mississippi, intelligence acquires an advantage over ignorance, no honest patriot, for mere party gain, should seek to disturb that result.

The case of Druliner *vs.* State, 29 Indiana, which seems to limit distinguishing marks to exterior marks, turns upon a construction of the Indiana statute, which differs materially from the by-law quoted in the Pennsylvania case and also from the Mississippi statute in that it only prohibited marked tickets from being received and did not, as the Mississippi statute does, say that such ballots should not "be received or counted." Judge Elliott, in delivering the opinion of the court in this case, says:

The act requires all ballots to be written or printed on plain white paper, without any distinguishing marks or embellishments thereon, and makes it the duty of the inspector to refuse all ballots offered of any other description, but does not authorize the inspectors and judges to reject a ballot upon the discovery of such a mark or embellishment at the time of counting out the ballots which could not be seen by the inspector at the time it was voted.

The mark in this case was "The Union City ticket" printed at the head of the ticket, and the opinion of the court shows this was a distinguishing mark, and that the ticket should have been rejected if the Indiana statute had, as the Mississippi statute does, given power to refuse to count as well as to refuse to receive illegal ballots when discovered.

And further to show that I am right in this construction, I present the following from Hon. W. A. Field, of Massachusetts, late a member of the election committee of this House, and now a justice on the supreme bench of Massachusetts. In the contested-election case of Yeates *vs.* Martin, but recently decided by this House, Mr. Field, a leading republican, prepared the following, which was adopted by the majority of the election committee in their report:

One hundred and eight votes for Mr. Martin were thrown out and not counted, because they had on them the words "republican ticket," at or near the head of the ticket, on the same side as the name of the candidate and office. They were thrown out on the ground that the words "republican ticket" were a device within the meaning of the laws of North Carolina. Mr. Martin contends that these ballots should be counted for him.

Section 18, chapter 275 of the laws of North Carolina, 1877, provides:

"The ballots shall be on white paper and may be printed or written, or partly written and partly printed, and shall be without device.

"SEC. 20. When the election shall be finished the registrars and judges of election in presence of such of the electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear on each ticket; and if there shall be two or more tickets rolled up together, or any ticket shall contain the names of more persons than such elector has a right to vote for, or shall have a device upon it, in either of these cases such tickets shall not be numbered in taking the ballots, but shall be void, and the said counting of votes shall be continued without adjournment until completed and the result thereof declared."

If these words constitute a device within the meaning of the law, the statute is plain that the ballots are void and are not to be counted. The counsel for the contestee, while denying that these words constitute a device, contends also that being on the inside of the ticket the case is within the decision of D——— *vs.* The State, (29 Indiana, 308,) and Napier *vs.* Mahew, (35 Indiana, 275.) See McCrary, section 404; Neff *vs.* Shanks, (Forty-third Congress.)

The statutes of Indiana provide:

"SEC. 18. When any person offers to vote the inspector shall pronounce his name in an audible voice, and if there be no objection he shall receive his ballot, and in the presence of the other judges put the same, unopened, into the ballot-box, when the name of such elector shall be again distinctly repeated by one of the other judges in the presence of the clerks."

"SEC. 23. That all ballots which may be cast at any election hereafter held in this State shall be written or printed on plain white paper, without any distinguishing marks or other embellishment thereon, except the name of the candidates and the office for which they are voted for, and inspectors of elections shall refuse all ballots offered of any other description: *Provided*, Nothing herein shall disqualify the voter from writing his own name on the back thereof."

The Indiana statute requires the inspector to put the ballot into the ballot-box unopened, and that the ballots shall be without any distinguishing marks or other embellishment thereon, and that the inspectors of election shall refuse all ballots offered of any other description. Under this statute the Indiana court held that the words "city Union ticket" on the inside of the ballot, even if it be conceded that these words constitute a distinguishing mark, did not render the ballot void, and that the object of the act was accomplished by requiring all ballots to be uniform in external appearance. The same question was decided in Stanley *vs.* Manley (35 Indiana, 275,) where the words were "republican ticket" on the inside of the ballot. Under the Indiana statute the court say that the statute "does not authorize the inspectors and judges to reject a ballot upon the discovery of such a mark or embellishment at the time of counting out the ballots which could not be seen by the inspectors at the time it was voted." The North Carolina statute is express that the ballots shall be without device, and that if the ticket shall have a device upon it, it shall not be numbered in taking the ballots, but shall be void. This difference in the statutes renders the Indiana decisions inapplicable, and the sole question is, are the words "republican ticket" on the inside of a ballot a device within the meaning of the North Carolina statute. With the policy of the statute we have nothing to do; one purpose of the statute may have been to prevent by-standers from knowing from observation how the voters voted. No statute can altogether prevent this; experts can easily distinguish between different kinds of white papers, and the printing of the ballots of the opposite parties would ordi-

narily be done at different printing offices with different type and ink, and the arrangement of the names of the persons and of the office, the punctuation, and the place on the ticket of the printed matter would ordinarily be different and apparent to a well trained eye. The intention of the statute could be easily evaded if it did not also prescribe the size of the ticket and the size of the type, which the North Carolina statute has not done. Still the statute, such as it is, must be enforced, even if some provisions have been omitted that are necessary completely to appreciate its intention.

Another purpose of the statute may have been to compel, as far as is possible, the voter to select the persons he votes for independently of any contrivances on the ticket calculated to inform or misinform him of the opinions of the persons voted for, because devices are often contrived to mislead. Either way, we think that words prominently printed on a ticket and intended to designate or describe it, and which have a distinct meaning in themselves, such as, if untrue, might mislead the voter, and whether true or untrue would render the ticket easily distinguishable, must be held to be a device within the meaning of the law. (McCrary on Elections, § 401.) These votes were rejected by the State authorities, and we think rightfully.

But it is contended that the marks found upon the contestant's tickets were put there by the printer; that they were printers' dashes, such as they ordinarily use to divide their subjects, and should not therefore be called marks violative of this statute; and some have contended that no ticket should be rejected unless marked with intent to violate the law. The answer to the latter proposition is plain and simple. Where a statute is merely directory the intention may be considered, but never where the statute is mandatory. The intention of the testator is never considered to aid the attestation to his will. The intention of the grantor cannot be considered in aid of a defective acknowledgment of his deed. The intention of a voter will not entitle him to vote if he has not been registered or fails to come until after the hour for closing the polls. And even in prosecutions for misdemeanors the intention of the defendant is never considered when charged with the violation of some penal statute. In Mississippi if one partner sells spirituous liquor in violation of the statute, another partner may be convicted though he knew nothing of the sale. A retail liquor dealer may be convicted for retailing under a license illegally granted, although he may honestly believe his license to be good. The question of intent cannot be considered, for the intent forms no part of the offense.

So, too, under the United States internal-revenue laws cases are constantly arising where parties have been arrested and punished for violation of some statute when they were utterly unconscious of committing any crime and devoid of any intent to violate law. But if it be necessary to consider the intent in marking before marked tickets can be rejected, whose intent must be considered, the man who offers or the man who prepares the ticket? The printer, without any knowledge, connivance, or consent on the part of the candidate or the voter, and without any intent on his own part except to make a handsome ballot, may print the ticket in fancy ink on fancy paper with both eagles and dashes on it, and yet we presume no man would say such a ticket should be received and counted under this law because there was no intention to violate it. Such a construction would abolish the statute. The intent in law is presumed from the act done, even where it is necessary to prove an intent, but in misdemeanors for violation of positive statutes no intent need be proved or alleged.

But if it were necessary to prove an intent to violate the law before the tickets in this case can be rejected we think the circumstantial evidence is amply sufficient. There were republican tickets printed in Jackson, Mississippi, under the supervision of the State executive committee, like the democratic tickets without any mark on them. The contestant could have procured such unmarked tickets in Jackson for his district at $1 per thousand, and yet he paid $4 per thousand in Vicksburgh for these marked tickets. The contestant examined and approved these tickets before they were distributed and knew the marks were there. The voters knew the marks were there, for some who could not read, when asked how they knew the republican ticket, pointed to these marks, thus showing that these tickets were not only distinguishable but were distinguished by these marks, and that men who could not read had been instructed that these marks indicated the republican ticket. Again, the republican supervisors at the polls wrote down how each man voted as his ticket was handed in, which could only have been done by some mark understood by them.

The other proposition, that a mark should not be called a mark because it is a printer's mark, is simply absurd. The marks found on these tickets were four in number, technically known as follows: First, a flush dash; second, a monkey dash; third, a head dash, and fourth, a monkey dash larger than the second. These dashes are not type, but belong to the class of printing material used to display their work. They are found in sample books of printers' display material, along with eagles, flags, and all such devices, intended to attract attention. The fact that the dash is used oftener than the eagle in printers' work does not alter its character or make it any less a mark, which Webster defines to be "a visible sign, a link, a point, stamp, figure, or the like, drawn or impressed, so as to attract attention," &c. The very use which printers make of these dashes is to attract attention to the fact that the subject has been changed, and this shows they are marks intended and well adapted to attract attention. Nor can the fact of their constant use on tickets when not prohibited by law avail anything. To say that a printer's dash when found upon a ticket, where the law says it shall have no mark or device thereon, shall not be called a mark, because printers constantly use such dashes on such work when not prohibited by law, is as ridiculous as to say a man should not be arrested for carrying concealed weapons in a place where this is prohibited by law because he habitually carries such weapons where it is not prohibited by law. But there is another and more serious difficulty in the way of such a loose construction of the law. To permit election officers to say that one kind of a visible mark should reject a ticket, and another kind of mark, equally visible, should not, would be placing in the hands of such officers a power too dangerous to be intrusted to party men in times of high party excitement.

The only safe rule in all such cases is that laid lown by Chief-Justice Tilghman in the case already cited:

> Let us at least prevent future altercations at elections by laying down such plain rules for the conduct of inspectors as cannot be mistaken. I am for construing the by-law as it is written and rejecting all ballots that have on them anything more than the names.

A strict construction of the law is always safest and best, and especially of law which refers to political powers, duties, or rights.

When we launch into the broad sea of latitudinous construction we have neither chart nor compass, and the law becomes a dangerous instrument in the hands of those who construe it and who may contract or expand it to suit the demands of those in power. But it is urged that this construction of the law should not be enforced because it throws out such a large number of republican votes. The principle is the same whether one vote or one hundred thousand be affected by it.

The whole vote of Wisconsin was once rejected because a snowstorm prevented her electors from assembling on the day appointed by law for them to vote. The whole vote of Arkansas was once rejected because the seal of the State was not affixed to the certificate of the electoral vote. And the vote of Georgia was pretermitted on the last count because her electors failed to vote on the day prescribed by law.

I deem it unnecessary to allude to the charge made that this action of the commissioners was false, fraudulent, and unlawful. This question has been settled by the United States district court sitting at Jackson, Mississippi. These commissioners were arrested and tried for this very action, and after a full investigation the United States district judge instructed the jury to acquit because there was no fraud or falsehood in their action, and they were acquitted. This is a full answer to the contestant's charge of fraud made by himself in his notice of contest and made by his partisan friends in the public press. One of the commissioners was a leading republican, who concurred in this action, and this should have convinced fair-minded men that there was no fraud in it.

But, Mr. Speaker, whatever may be the rulings of courts in other States this case is to be determined on a proper construction of a Mississippi statute, and this construction has been made by the supreme court of Mississippi in a case involving the very question now at issue. This would settle the question if it was before the Supreme Court of the United States, which always holds itself bound to follow the construction of a State statute made by a State court, and it is to be hoped that the fair-minded lawyers of the next House will not be seduced by party zeal to do violence to this well-settled principle of law. The opinion of the supreme court of Mississippi rendered on the 21st day of February, 1881, and received by me to-day, is as follows:

Ira D. Oglesby, district attorney, *vs.* J. J. Sigman et al., commissioners of election of Tunica County.

Campbell, J., delivered the opinion of the court.

This case presents for adjudication three questions, namely:

1. Whether the commissioners of election have the right to reject illegal ballots cast and counted by the inspectors of election and returned to them with the statement of the result at the precincts.

2. Whether the ballots which the commissioners of election for Tunica County refused to reject should have been rejected by them as being illegal, for having on them a device or mark by which one may be known or distinguished from another.

3. Whether the action of the commissioners was final, or whether they may be required by mandamus to meet and act in the matter again, as the court may order.

We think it clear that the commissioners of election have the right, which they should exercise, to reject ballots returned to them by the inspectors of election as having been cast at any of the precincts of their county, which show themselves on inspection to be illegal. The law devolves on the commissioners of election the duty to prepare for the election, by revising the register of electors, and the poll-books of the several precincts, so that they may show who are qualified electors, and by appointing inspectors and an officer to keep the peace at each voting place and by distributing ballot-boxes and poll-books. The inspectors are to judge of the qualification of electors so as to receive or reject ballots offered by them, and when the polls are closed, the ballots are to be counted, and a statement of the whole number of votes given for each person and for what office is to be made, and this statement, certified and signed by inspectors and clerks, and the poll-book, tally lists, list of voters, ballot-boxes, and ballots are to be promptly delivered to the commissioners of election, at the court-house of the county, to the end that they may canvass the returns so made to them, and see that the result of the election at each precinct, as certified to them by the inspectors and clerks, is correct, according to the returns. They are to canvass the returns, that is, they are to scrutinize the acts of those engaged in holding the election at the different places of voting, as shown by the returns made to them in pursuance of law, and determine from such returns who received the greatest number of legal votes, and who is entitled to receive their certificate of election in cases in which they give such certificate, and what return they shall make to the secretary of State.

It is true that commissioners of election are not judicial officers, in the sense of trying causes, hearing evidence, and pronouncing final judgment between parties seeking office, but they are charged with the duty of canvassing returns, which includes the list of voters, and list made in counting, and the ballots, and they must examine such returns and declare the legal result and certify it. If they find an error in computation they must correct it. If they ascertain from the lists of voters that persons not registered, and therefore not legal voters, have cast ballots, they cannot correct that, because of inability to ascertain which ballots are

legal and which not, but if they find in the ballot-boxes ballots declared by law to be illegal, and such as shall not be counted, it is their plain duty to reject them; and if in canvassing the returns they ascertain that the inspectors in disregard of law have counted ballots it says shall not be counted, that error should be corrected by the canvassers as certainly as an error of arithmetic should be. The law makes the inspectors judges of the qualification of electors, from necessity, because they are to receive the ballots and when received and deposited in the box, it is not supposed by the law to be possible to identify them, but the ballots show for themselves whether or not they conform to law, and there is neither difficulty nor uncertainty in rejecting ballots as being illegal, because of what is shown by them upon inspection. We think the effect of section 137 of the code of 1880 is to condemn as illegal, and not be received or counted, every ballot which has on its back or face any device or mark other than names of persons by which one ballot may be distinguished from another.

This statute does not condemn devices or marks on the outside of a ballot merely, but clearly embraces the face of the ballot as well. That is apparent from the exception contained in it, and a device or mark on the face of the ballot is as much within what we suppose to have been the object of this provision as one on the outside or back of it. It is apparent from the provision that its object is not only to preserve secrecy as to what ballot an elector casts, which is the leading idea of statutes in some other States, which prohibit any device or mark on a ballot folded which betrays the secret of the voter, its object is to secure absolute uniformity as to the appearance of ballots in order that intelligence may guide the electors in their selection, and not a mere device or mark by which ignorance may be captivated. The Legislature was trying to prevent multitudes from "*being voted*," and being guided by a mere device or mark by which they should distinguish the ballots they were to use in the process without a knowledge of the names of persons for whom their ballots were being cast. Elections are a contrivance of government which prescribes who are electors and how they may express their will, and it is a legitimate exercise of power to prescribe the description of ballots which shall be used. Section 137 of the code of 1880 does this, and requires all ballots to be written or printed with black ink, with a minimum space between names, on plain white news printing-paper of a certain width, and without any device or mark by which one ticket may be known or distinguished from another, &c.; and it declares that a ticket different from that prescribed shall not be received or counted. Considerations of policy dictated the description of ballots prescribed, and it was deemed of such importance to secure an observance of the requirement that it is declared that ballots not conforming to the description prescribed shall not be received or counted.

It would have been competent to impose a penalty on the circulation or use of such ballots, but the means by which their use is sought to be prevented is the rejection of the ballot when offered or from the count. It is not penal for an elector to use a ballot differing from the legal pattern, but it shall not be counted, and thus he fails to express his will through such an instrumentality. If the device or mark is external and observed by the inspectors they should not receive the ballot. If it is received, and, on being opened, is discovered to be of the kind condemned as illegal, it is not to be counted, but if the inspectors count such ballots, in disregard of law and their duty, the commissioners of election, assembled at the court-house, with time and opportunity afforded to scrutinize and correct, as far as may be done by the data furnished by the face of the returns, without a resort to evidence *aliunde*, should reject, as the inspectors should have done, ballots which the law says shall not be counted. The only safe guide as to what ballots are illegal because of devices or marks is the statute. It excludes any mark or device by which one ticket may be known or distinguished from another. A distinction between ballots by means of devices or marks instead of by means of the names on them is what the statute aims to prevent, and we are not at liberty to confine the broad language of the statute to any particular description of devices or marks, for ingenuity would evade any such limit. The law should be enforced as written.

There is no room for distinction between what is directory and what is mandatory, what is essential and what is not. The requirement that ballots shall be written or printed with black ink, with a space not less than one-fifth of an inch between names, seems to have been designed to guard against confusion and mistake as to names of the persons voted for, for the different offices, while the requirement of plain white news printing-paper of a designated width within narrow limits, and the exclusion of any device or mark by which one ticket may be known or distinguished from another, must have been intended to secure uniformity in the appearance of ballots, so that ignorance and blind party devotion might not be led to the adoption of ballots by the guidance of some mark and devices, as to which they were instructed by their leaders, and which instead of intelligent comprehension of whom or what they are casting their ballots for, should determine their selection of ballots to be cast. It was well known that ballots are prepared beforehand under the direction of political managers, and are distributed for use among electors; and it was further known that captivating marks and devices on ballots, appealing to ignorance and blind party zeal, were a favorite resort as an electioneering device deemed legitimate, and freely practiced with much effect; and the purpose of section 137 was to stop this pernicious practice, and to make the prohibition effective by prohibiting any mark or device by which one ticket can be distinguished from another, and by rejecting any ballot in violation of its requirements. It was assumed that ballots would still be prepared beforehand by party managers or persons interested in having them legal, and that, as all would be alike, the advantage to one party over another should not consist in tickets, but that ballots must be selected not by devices and marks, but because of the names to be voted for.

We do not think that the commissioners of election can be required to meet and recanvass the returns of the election. Having made their canvass and declared the result, and transmitted a statement of it to the secretary of State, their connection with the returns ended. Any error committed by them is not to be corrected by requiring them to reassemble and correct it. The legality of their action may be the subject of judicial investigation in cases in which provision is made for contesting the election by an appeal to the courts of the State, but only in those cases.

The House of Representatives of the Congress of the United States is the judge of the elections, returns, and qualifications of its own members, and the courts of the State have nothing to do with this matter.

This case might properly have been disposed of without considering any of the questions made by the record except that last mentioned, but the attorney-general informed us from the bar that doubts exist as to the proper interpretation of the election law of 1880, and that criminal prosecutions have been instituted against the commissioners of election of some of the counties for supposed violations of the law in reference to their duties, and we have complied with his request in declaring our view of the several questions presented by the record.

Judgment affirmed. To be reported.

Chalmers, C. J., took no part in the decision of this case.

I. D. Oglesby, district attorney, *vs.* J. J. Sigman *et al.*

I concur entirely in the opinion of the court, as drawn up by Judge Campbell. The duty to examine and reject illegal ballots rests on every officer or court required or authorized by law to count them. The statute prohibits the use of any mark or device on a ballot by which one "ticket may be known or distinguished from another." That the mark or device adopted is a mere printer's mark, commonly used for ornamentation, makes no difference. The statute prohibits any distinguishing mark whatever, and no court has a right to do away with the effect of the statute by holding that marks which are mere printer's ornaments may be used. It is wholly unimportant whether the marking on the ticket was the result of ignorance or a design to evade the statute. The inspectors and commissioners have no power to inquire into motives; nor has the statute made motives important. It condemns as illegal every ballot or ticket which is so marked "that it may be known or distinguished from another." The ticket used in this case and made an exhibit to the petition is thus marked, and should have been rejected. We have nothing to do with the policy or impolicy of the statute. The language is plain and does not admit of construction; and it is the duty of the courts and other officers to obey and enforce it in the sense the words clearly indicate.

GEORGE.

To be reported.

Refunding of the National Debt.

SPEECH OF HON. JAMES PHELPS,

OF CONNECTICUT.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1881,

On the amendments of the Senate to the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. PHELPS said:

Mr. SPEAKER: I voted against this bill when it passed this House on the 19th day of January last. I am still opposed to it, and to those Senate amendments which double the length of time which must elapse before the maturity of the bonds, and also unnecessarily, as I believe, double the expense of printing and issuing them.

I am opposed to the refunding in other bonds those which are to mature on the 1st of May and the 30th of June of the present year, amounting to six hundred and seventy millions, less what have recently been and before the 1st of July may be purchased for the sinking fund. I believe there is no necessity for thus extending the full amount of the bonded debt of the Government. Five hundred millions in Treasury notes of proper denominations, payable after one year, bearing a low rate of interest and receivable for customs, may be issued, and the balance safely taken from the large and increasing surplus in the Treasury.

By this method, instead of issuing three hundred millions in Treasury notes and four hundred millions in bonds payable in twenty years, making an aggregate of seven hundred millions as proposed by this bill, we would issue in the whole but five hundred millions, all in Treasury notes and payable in short time, according to the ability and convenience of the Government.

In this way the funded debt would be immediately reduced nearly two hundred millions. The five hundred millions so issued could, under the favorable conditions likely to exist, be readily liquidated before 1891, at which time two hundred and fifty millions of 4½ per cent. bonds mature. That comparatively small amount can in all probability be easily paid or provided for without further refunding.

By this process the bonded debt of the Government would be reduced in 1891 to seven hundred and thirty-eight millions of 4 per cent. bonds which do not mature till 1907, and these would be extinguished before maturity by the regular operation of the sinking fund; while under this bill the debt in 1891, after making liberal allowance for probable reduction through the sinking fund, will be likely to be more than twelve hundred millions.

That portion of the debt now about to mature should be fully paid before the two hundred and fifty millions due in 1891 have to be provided for; and I can see no reason why with proper care it may not be done and the necessity for refunding in other bonds avoided.

A prudent and sagacious business man would endeavor by all reasonable means to so provide against accruing liabilities as to discharge them all as soon as possible, and stop the payment of unnecessary interest.

A Government like this is bound by every consideration of protection to its citizens to exercise an equal degree of diligence to accomplish the same beneficial result, and if it does not, it fails to perform one of its highest and most important duties.

It is said by the friends of the bill that it will be a magnificent achievement for the credit of the Government to refund the maturing portion of the national debt in twenty years' bonds at 3 per cent. This is true so far as the saving of interest over present rates and the question of the public credit are concerned, but it will be a much greater financial achievement, and one that will redound much more to the credit of the Government, to at once reduce the debt nearly two hundred millions, and provide in such manner for the balance as to insure its payment within the ensuing ten years.

By refunding in new bonds on long time even at a low rate of interest, the amount to be ultimately paid will be immensely increased. Hundreds of millions of dollars will be added by this bill, which I desire as far as possible to avoid.

I might present the same startling array of figures and tables which other gentlemen have incorporated into their speeches on this subject to show the enormous amount of interest on our national debt that in the last twenty years has been paid by the people through one form of taxation and another, aggregating two thousand millions of dollars. By the refunding of the less than seven hundred millions embraced in

this bill, if the principal remains at the end of twenty years, more than four hundred millions of interest will have been paid, and the debt will still be unreduced, and under the same policy will be again refunded, and the same oppressive consequences be repeated. From 1870 to 1880 there was paid of principal on the public debt four hundred and thirty-six millions, and of interest one thousand and ninety-two millions, and since the commencement of our great national debt nearly three dollars of interest have been paid where there has been one dollar paid of principal.

But it is not my purpose to go at any length into these remarkable statistics so alarming in their magnitude. I only intend in the briefest possible manner to put on record my reasons for refusing my support to the bill now before the House.

A great national debt is not a blessing to the people who are compelled to bear the burden of the payment of the principal and interest, and national credit can never be safely predicated on such a debt unless every honorable effort is faithfully made to redeem and discharge it as rapidly as is practicable. It is not a satisfactory answer to this to say that a large and permanent bonded debt is necessary to either the profit or the existence of any particular system of banking. It is better that the banks should furnish State bonds, or other unquestionable securities, in the place of Government bonds now required, rather than the national debt should be needlessly perpetuated and the interest on it unnecessarily wrung from the people.

If the provision requiring that the greater part of the proposed refunding should be in a new issue of 3 per cent. bonds had not been incorporated in the bill, the recent excitement in financial circles produced by the inexcusable and selfish conduct of the managers of some of the national banks might not have occurred. They might have been satisfied to retain their 4½ and 4 per cent. bonds without making factious and ill-advised opposition to any other provisions of the bill. In their attempted violent contraction of the currency and the temporary stringency and panic resulting from it, they could not have possibly pursued a more unfortunate course for themselves. If the design was to reproduce "Black Friday," and thereby to intimidate, and control the action of Congress upon this bill, the result was a feeling of indignation and intensified opposition both in and out of Congress—a determination that national-bank corporations shall not control the Government and people.

I desire to see an honest and economical administration of the Federal Government; to have the revenue kept at as near the present standard as may be until the national debt is discharged to the uttermost farthing and the Government thoroughly furnished and equipped with every public building of its own necessary to its convenience in every section of the country. When that is accomplished let every species of taxation and every kind of popular burden be at once reduced to the lowest reasonable limit consistent with a wise, honest, and just administration of such a government and for such a people.

Apportionment of Representatives.

SPEECH OF HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1881,

On the bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census.

Mr. COX said:

Mr. SPEAKER: The House has allowed leave to print upon the most important matter of the session—apportionment. I avail myself of this leave to print certain significant figures which will aid Congress to a wise determination on this subject at this session. The refinement—almost exquisite—of the number, 307, which I have championed, is apparent by the almost inappreciable difference which the figures or their fractions show between enumeration and representation as proposed.

There is no longer the excuse that 311, which is not so exact as other numbers, is in the way. It has been formally withdrawn since the committee reported, and without solicitation on my part the gentlemen on the committee from Ohio [Mr. FINLEY] and Mississippi [Mr. HOOKER] have, for reasons given, advocated 307 as their final preference. This, too, was the preference of the honorable member from Massachusetts, [Mr. LORING,] as well as that of my colleague from New York, and on the Census Committee, [Mr. SCOVILLE.] These, with myself, make a majority of the committee now for the magic number of all—307. This majority is not, in any sense of equity or this bill, partisan.

The extracts from two or three leading journals are printed herewith, to show that 307 is not partisan and that the republican party is not committed, unless by conference or caucus, to any number like 319 or 322.

Proposing anew that gentlemen shall have a vote on all numbers, beginning high or low, or any select numbers, alternating with each party, so as finally to fix on the favorite of the majority as the law, and without dilatory or other obstruction, I submit to the candid men of the House to assist me to carry out the command of the Constitution as well to guard the Treasury of twenty biennial States from useless depletion, and thus to assist representative institutions in this propitious hour for their decennial adjustment.

Computations as to the effect of the apportionment on a basis of 307 Representatives.

The population of the old slave States aggregates 18,504,205; that of the former free States, 30,865,390. The old slave States would receive 115 Representatives out of 307, and the former free States 192.

The application of the "rule of three" shows that if 18,504,205 people have 115 Representatives, 30,865,390 ought to have exactly 191.82. In other words, the former free States gain .18 of a Congressman.

To reverse the terms: If 30,865,390 people have 192 Congressmen, 18,504,205 people ought to have 115.107. In other words, the old slave States at 307 lose .107 of a Congressman.

OLD SLAVE STATES.

States.	Population.	Representatives.
Alabama	1,262,794	8
Arkansas	802,564	5
Delaware	146,654	1
Florida	267,351	2
Georgia	1,539,048	9
Kentucky	1,648,708	10
Louisiana	940,103	6
Maryland	934,632	6
Mississippi	1,131,592	7
Missouri	2,168,804	13
North Carolina	1,400,047	9
South Carolina	995,622	6
Tennessee	1,542,463	10
Texas	1,592,574	10
Virginia	1,512,806	9
West Virginia	618,443	4
Total	18,504,205	115

FORMER FREE STATES.

California	864,686	5
Colorado	194,649	1
Connecticut	622,683	4
Illinois	3,078,769	19
Indiana	1,978,362	12
Iowa	1,624,620	10
Kansas	995,966	6
Maine	648,945	4
Massachusetts	1,783,012	11
Michigan	1,636,331	10
Minnesota	780,806	5
Nebraska	452,433	3
Nevada	62,265	1
New Hampshire	346,984	2
New Jersey	1,130,983	7
New York	5,083,810	32
Ohio	3,198,239	20
Oregon	174,767	1
Pennsylvania	4,282,786	27
Rhode Island	276,528	2
Vermont	332,286	2
Wisconsin	1,315,480	8
Total	30,865,390	192

18,504,205 : 115 : : 30,865,390 : 191.82
.18

192 Former free States gain .18 of a Congressman.

30,865,390 : 192 : : 18,504,205 : 115.107
.107

115 Old slave States lose .107 of a Congressman.

POLITICAL EFFECT OF NUMBERS, ETC.

SMITHSONIAN INSTITUTION,
Washington, D. C., February 25, 1881.

DEAR SIR: For the purpose of showing the political effect of the various numbers from 293 to 325 in the apportionment of the tenth census, I have classified the States as follows: Republican—New Hampshire, Vermont, Massachusetts, Rhode Island, Pennsylvania, Ohio, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Nevada, Colorado; total, 15, with a population of 20,361,154 people. Democratic—New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Kentucky, Arkansas, Missouri, total, 17, with a population of 19,635,188 people. Doubtful—Maine, Connecticut, New York, Indiana, California, Oregon; total, 6, with a population of 9,373,253 people.

As will be seen from the accompanying table, the number which does the least political injustice of any is 307, which gives a very trifling advantage to the republican States at the expense of the doubtful States. But the democratic States get within a tenth of a Representative of their just share. Three hundred and two has substantially the same effect, and comes next in order. Three hundred and eight gives the republican States exactly their share and gives the democratic States an extra half Representative at the expense of the doubtful States.

Yours, very truly,

CHAS. W. SMILEY.

Hon. S. S. COX,
Chairman Joint Special Committee Tenth Census,
United States House of Representatives.

Table showing the effect politically of each number of Representatives from 293 to 325, arranged in the order of least political injustice.

Proposed number of Representatives.	Republican States.			Democratic States.			Doubtful States.			Total political injustice.
	Representatives assigned.	Justly entitled to—	More or less than justly entitled to—	Representatives assigned.	Justly entitled to—	More or less than justly entitled to—	Representatives assigned.	Justly entitled to—	More or less than justly entitled to—	
307	127	126.61	+ .39	122	122.10	− .10	58	58.29	− .29	.78
302	125	124.55	+ .45	120	120.11	− .11	57	57.34	− .34	.90
308	127	127.02	− .02	123	122.50	+ .50	58	58.48	− .48	1.00
318	131	131.15	− .15	126	126.47	− .47	61	60.38	+ .62	1.24
304	126	125.37	+ .03	121	120.91	+ .09	57	57.72	− .72	1.44
317	130	130.73	− .73	126	126.08	− .08	61	60.19	+ .81	1.62
301	125	124.14	+ .86	119	119.71	− .71	57	57.15	− .15	1.72
319	132	131.56	+ .44	126	126.87	− .87	61	60.57	+ .43	1.74
305	126	125.79	+ .21	122	121.30	+ .70	57	57.91	− .91	1.82
315	129	129.91	− .91	126	125.28	+ .72	60	59.81	+ .19	1.82
299	124	123.31	+ .69	118	118.92	− .92	57	56.77	+ .23	1.84
303	126	124.96	+1.04	120	120.51	− .51	57	57.53	− .53	2.08
313	128	129.09	−1.09	125	124.49	+ .51	60	59.42	+ .58	2.18
306	127	126.20	+ .80	122	121.70	+ .30	57	58.10	−1.10	2.20
309	127	127.44	− .44	124	122.89	+1.11	58	58.67	− .67	2.22
325	135	134.03	+ .97	128	129.26	−1.26	62	61.71	+ .29	2.52
320	133	131.97	+1.03	126	127.27	−1.27	61	60.76	+ .24	2.54
300	125	123.72	+1.28	118	119.32	−1.32	57	56.96	+ .04	2.56
311	127	128.26	−1.26	125	123.69	+1.31	59	59.05	− .05	2.62
316	129	130.32	−1.32	126	125.68	+ .32	61	60.00	+1.00	2.64
295	123	121.66	+1.34	116	117.33	−1.33	56	56.01	− .01	2.68
324	135	133.62	+1.38	128	128.86	− .86	61	61.52	+ .52	2.76
314	128	129.50	−1.50	126	124.88	+1.12	60	59.62	+ .38	3.00
297	124	122.49	+1.51	117	118.12	−1.12	56	56.39	− .39	3.02
298	124	122.90	+1.10	117	118.52	−1.52	57	56.85	+ .42	3.04
293	122	120.84	+1.16	115	116.53	−1.53	56	55.63	+ .37	3.06
321	134	132.38	+1.62	126	127.67	−1.67	61	60.95	+ .05	3.34
312	127	118.67	−1.67	125	124.09	+ .91	60	59.24	+ .76	3.34
310	127	127.85	− .85	125	123.29	+1.71	58	58.86	− .86	3.42
323	135	133.21	+1.79	127	128.46	−1.46	61	61.33	− .33	3.58
296	124	122.08	+1.92	116	117.73	−1.73	56	56.19	− .19	3.84
294	123	121.25	+1.75	115	116.93	−1.93	56	55.82	+ .18	3.86
322	135	132.80	+2.20	126	128.06	+2.06	61	61.14	− .14	4.40

VOICE OF THE REPUBLICAN PRESS.

[From the New York Times, February 24, 1881.]

The apportionment question.

Mr. COX, after postponing the subject several times in order to give the republican members of the House a chance to confer upon their action in the matter, will call up the apportionment bill after the morning hour to-day, and endeavor to secure action upon it. The bill provides for 307 Representatives under the new census, and apportions them among the States in the customary way. With that number the ratio of apportionment is one Representative to every 160,813 of population. The divisor gives 289 on an even division, and the other 18 are allotted to the States having the largest fractions. Mr. COX's original bill proposed 301 as the total number, and the Census Committee reported in favor of 311, which gave advantage to the South and to democratic States. The number 307 was substituted at Mr. COX's suggestion as a compromise with those who favored a larger increase than he originally proposed, and as securing substantial equity as between sections and parties. Certain republican members proposed 319 as more satisfactory to them, and the caucus last evening, after some discussion, resolved to vote for no apportionment bill providing for a smaller number. With that number the ratio is one Representative to 154,764 of population. The result of an even division is 301, and there are 18 to be allotted to the largest fractions, as before.

The discussions thus far have turned on the question of gain and loss to the different States or to sections of the country, and some of the speakers in the caucus of last evening were in favor of maintaining, so far as possible, the present balance in that respect. This idea is entirely foreign to the purpose of an apportionment, the object of which is not to adjust the relations of party or sectional representation, but to distribute the membership of the lower House equitably among the States according to the number of their inhabitants. In the shifting of population during a decade, it may well be that one section, or the States controlled at the present moment by one party, may have gained or lost more than the rest of the country. If so, that affords no ground for any departure from the principle that representation should be as strictly as possible according to population by States. It is not profitable to attempt to force it in the direction of representation by parties or sections. The object is not to increase the ratio and the total number, and then attempt to make apportionment conform as nearly as may be to the census of ten years ago, but to base it directly and fairly upon the census of 1880.

The present membership of the House being 293, the pending bill proposes an increase of 14. The sections which seem to be regarded as of political significance are simply the North and the South, including under the latter the sixteen old slave States, which are now accounted as solidly democratic, and under the former all the other twenty-two States, in which the republican party largely predominates and "Northern ideas" generally prevail. With this division the North has now 187 Representatives, and the South 106. Under the proposed apportionment, with 307 as the total, the North will have 192 and the South 115, so that of the 14 additional members 5 will go to the former and 9 to the latter section. No Southern State would lose a member, while Arkansas, Mississippi, North Carolina, South Carolina, and West Virginia would gain 1 each, and Texas would gain 4. Of the Northern States, Indiana, Maine, New Hampshire, New York, and Vermont would lose 1 each, and California, Iowa, and Michigan would gain 1 each, Nebraska and Minnesota would gain 2 each, and Kansas would gain 3. If 319 were taken as the total, the Northern States would have 200 and the Southern States 119, so that of the 26 additional members 13 would go to each section. In that case the changes would be in the South, a gain of 1 in Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Virginia, and West Virginia, and 4 in Texas; in the North, Maine, New Hampshire, and Vermont would still lose 1 each, Illinois, Iowa, Massachusetts, Ohio, and Pennsylvania would gain 1 each, California, Minnesota, Michigan, and Nebraska 2 each, and Kansas 3.

The latter is obviously more advantageous to the North and to States now controlled by the republican party, but that should not be the decisive question, but rather which plan secures the most equitable apportionment according to population, if sections are to be considered in the distribution of Representatives. The total population of the United States, exclusive of Territories and the District of Columbia, is 49,369,594. Of this, 30,865,390, or about 62.52 per cent. belongs to the Northern States, according to the division adopted above, and 18,404,202, or about 37.48 per cent. to the Southern States. The apportionment provided for in the pending bill gives 192, or about 62.54 per cent. of the 307 to the North, and 115, or about 36.46 per cent., to the South. This is obviously a very close approximation to an accurate representation by population, the slight balance of advantage being on the northern side. With 319 as the total, the North would have 200, or 62.69 per cent. of the whole, and the South 119, or 37.31 per cent. of the whole. Thus it will be seen that aside from the question of an undesirable increase of members, the pending bill provides for the more equitable apportionment. Under these circumstances, we see no ground on which serious opposition is to be defended, to say nothing of any filibustering tactics intended to defeat the measure if the majority appears to be in its favor.

[From the New York Times, February 26, 1881.]

A false move.

Whatever may result from the action of the party conference committee of members of the House in regard to the apportionment bill, there is little doubt that the republicans made a political mistake in adopting a course of filibustering to defeat the pending measure. There was no reasonable ground for evoking a party contest on this subject. Had the democrats attempted to secure any illegitimate party advantage in the adoption of a total number for the House of Representatives under the new apportionment, their opponents might have been justified in resisting the attempt, but the only object which the latter could have had was either to secure a party advantage for themselves or to defeat apportionment altogether at this present session. The bill, so far as the total number is concerned, is a fair one, and should have excited no strenuous opposition. Admitting this, we can find no reason for defeating its passage at this session. The figures of the census on which it is based are complete, and there is no occasion for delay. Legislatures are in session in eighteen States which will not hold regular sessions again before the congressional elections of 1882. If the bill is passed now they can provide for their redistricting. Otherwise, they will have to hold extra sessions at considerable expense for the purpose. If the purpose of postponing action is to furnish occasion for an extra session of Congress, the case is still worse. The occasion would not be sufficient, for if apportionment is not provided for now it may as well be left till next winter. Besides, the people do not want an extra session. It would be an expensive affair, and will not be necessary unless deliberately made so for political purposes. There are, in fact, no political purposes to be subserved by it which would receive the support of the public. Whichever way we look at it, the move is a mistaken one. If intended to defeat a measure in itself unobjectionable, it is a mistake; if intended to prevent the passage of any apportionment act this winter, it is a mistake; and if intended to help prepare the way for an extra session, it is a mistake. In addition to all this, the course pursued has used up precious time in the last days of the session and hindered action on more important matters.

If the leaders in this movement imagine they are making political capital, they therein commit the most serious mistake of all. When a strong party combination was made to prevent the repeal or nullification of the election laws or the adoption of the electoral count resolutions, there was a principle at stake and mischief was threatened. The means were justified by the end, and the responsibility for the delay of public business and the forcing of an extra session rested on the democratic party. The party suffered for it, as it deserved. But now, if the republicans, by filibustering, defeat important public measures or compel an extra session that might, without detriment, have been avoided, the responsibility will rest on them, and their party will suffer for it in public estimation. The course of action imposed by the caucus of Wednesday night betrays shortness of sight among republican leaders in the House in more ways than one. Their object is, apparently, to curtail the representative strength of the South as much as possible. No matter what the motive may be, this persistent dragging of sectional considerations into such a matter as apportioning representation among the States on the basis of population is not calculated to win the approval of sensible men. Moreover, is it quite expedient to assume that the South is to remain "solid" for the next ten years? There are disintegrating forces at work which it is for the interest of the republican party to promote rather than to check. There is far more to be gained by a policy calculated to win favor and strength in that section than by one that assumes it of right to belong irredeemably to the democracy. At all events, there is nothing to be gained either there or elsewhere by action that cannot be defended as absolutely just.

It is to be hoped that the spirit of statesmanship will be displayed by the party about to resume control of the popular branch of the National Legislature, which will serve to strengthen its hold upon that body, and enable it to secure the full co-operation of the Senate at no distant day. But it should be remembered that the fluctuating vote which brought the democrats into power in the House, and sent them out again because they had not the wisdom to command the confidence of the country, may as easily reverse the movement. A course of action that shall disappoint those who expect from the republican party a judicious and business-like treatment of public questions may lead to a reaction that will prevent its obtaining control of the Senate two years hence, and weaken, if it does not destroy, its hold upon the House. The Congress which will come into existence in 1883 will have in its hands the legislation which is to precede the next presidential election and whatever powers and functions may have a bearing on that contest. A political reaction in the middle of General Garfield's administration is not desirable, but it can be very easily produced by subordinating the interests of the public service to purposes of a purblind partisanship. It will be a happy day for parties in this country when politicians learn that public confidence is to be won and retained by a faithful regard for public interests, and not by clap-trap and tricks of management.

[From the Evening Post, of February 25, 1881.]

The reapportionment controversy.

No part of the Constitution is clearer than that which relates to the apportionment of members of the House of Representatives. "Representatives * * * shall be apportioned among the several States * * * according to their respective numbers." The Constitution does not leave the ascertainment of these "numbers" to loose estimate, or to statistics separately gathered by the States. These would prepare the way for gross inequalities. The original apportionment was necessarily arbitrary. The Constitution specified how many members each of the thirteen States should have in the first instance, but it provided against any arbitrary distribution thereafter. "The actual enumeration"—that is the counting of the "numbers" for the purpose of apportionment—"shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of ten years." The specific distribution made by the Constitution is to hold good only "until such enumeration shall be made." After that "numbers" alone shall determine.

It is hard to see how it could have been made plainer that the general census returns should be the sole basis of the apportionment. A careful analysis made by the Times shows that according to the latest census the population of the Northern States is 62.52 per cent. of the whole, while that of the Southern States is 37.48 per cent. The apportionment made by Mr. COX's bill is founded upon a House composed of 307 members. According to this the Northern States will have 62.54 per cent. of the members, and the Southern States will have 37.46 per cent. This

geographical test not only is the one which the opponents of the bill are themselves inclined to make, but it is one which well illustrates the fairness in all respects of the ratio which results from the proposed membership. If "numbers" are taken as the guide no other ratio suggested will effect so nearly exact a distribution. Between the per cent. of population and the per cent. of members in the North and in the South there is a difference of only two one-hundredths of 1 per cent. In the circumstances arithmetic can do no better than this.

We say if "numbers" are taken as the guide; and what else can be taken? There are only two pretexts upon which the Cox bill can be opposed. One is that the late census is wrong. Superintendent Walker, the final official authority on the subject, says that it is right. But, assuming for the sake of argument that it is wrong, what has Congress to do with that fact when it comes to make an apportionment? Even if Congress had the power to revise the census this would not be the time to do it. When the business of apportionment is before it Congress is bound by the census as it is. It is bound to accept its "numbers" as conclusive, although every member believes them to be inaccurate—just as we are all bound by a decision of the Supreme Court, although we all feel sure that it is erroneous. Congress can look only at the "numbers" as ascertained by the latest "enumeration." If it rejects the late census and goes back to the census of 1870, or any other census, it disregards the Constitution.

The other pretext is that in the Southern States a free ballot is practically denied to many voters, and that representation should be restricted accordingly. Assuming that the charge is well founded and that Congress has power to correct the evil, this is not the time to do it. If the southern representation can be reduced constitutionally, and if it ought to be—facts which should be formally and regularly and officially ascertained—the reduction should be made in a deliberate way and by a separate measure. When Congress is making an apportionment it must proceed upon the facts which are officially before it; and neither a reduction of southern representation nor an occasion for such reduction is now among these facts. The only facts are that the census has reported certain "numbers," and that the proposed bill distributes Representatives as nearly as possible in exact conformity with these "numbers."

It is desirable that the new apportionment shall be made without delay, so that the State Legislatures now in session may divide their States into districts. But even if there were no such reason for expedition the case is not one to warrant obstructive opposition. The only possible motive to such a course is a supposed partisan advantage. It never "pays" a great party in a broad sense to yield to such motives. One of those political revolutions with which we are familiar might show the republicans when the next House of Representatives is chosen that they had lost more than they had gained, in a merely partisan sense, even if they should now carry their point. This morning measures for a settlement were adopted which should have been adopted before last night's filibustering began. It is to be hoped that the useless contest will not be continued. The republicans cannot afford to bring on an extra session.

Either a Free Vote at the Polls, or a Reduction of the Representation of Southern States in Congress.

SPEECH OF HON. J. A. ANDERSON,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1881,

On the bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census.

Mr. ANDERSON said:

Mr. SPEAKER: The object of the bill under consideration is to fix the number of members who shall compose the House of Representatives from 1883 to 1893, and to "apportion" this number among the several States, that is, to divide the total of membership into parts, and to assign to each State its just proportion. Whatever aggregate may be decreed as the limit of membership, and whatever part of this aggregate shall be assigned to each State, can in no possible way be changed, as the bill stands, until after the census of 1890; so that the effect of the measure will be to distribute among the fifty million of people in the United States the precise share which each group may have in the deliberations of this body, and the exact power which each shall wield in the enactment of those laws that bind the whole nation and should penetrate every nook and crevice of its magnificent territory.

POWER OF CONGRESS.

There rests in this House a civic force quite as subtle and potent as is the lightning that sleeps in the clouds, photographs the mountain pine upon the agate, or shivers the oak. It can wrest from the poorest citizen a share of his hard-earned wages in the shape of taxes. It can create huge debts, expend moneys without check, plunge the nation into war, donate the public lands to corporations, wink at the extortions of bloodless monopolists, and laugh at the writhing victim of kuklux murderers; or, it can "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty" to each man, woman, and child in all its broad domain. Once this House could have lowered the nation's flag before a rebellion waged in order that human slavery should become the corner-stone of a free republic; it can to-day furl it before the golden blandishments of railroad and telegraph companies; or it can make the stars of that flag lustrous as the glowing eyes of a righteous God, and place those stripes as a monarch's scepter before the quivering body of the weakest freedman in the loneliest southern glade.

No man can tell what old issues will be revived in the next five Congresses, or what new ones will be pressed, nor what results will flow from the decisions reached. But whatever these may be, however beneficent or disastrous their effects, the bill now before us assigns to the several groups of the American people just the voice which each may have, and just the vote which each may cast in deciding any and all questions. By the side of such a measure all other matters, whether of tariff, of finance, or appropriations, dwarf themselves out of view.

DIFFERENCE BETWEEN APPORTIONING THE MEMBERSHIP OF THE HOUSE AND APPORTIONING REPRESENTATIVES.

There are two distinct points presented by this bill: First, determining the number of members who shall compose the House of Representatives; and second, apportioning this number among the several States.

While these propositions are closely related, yet they are wholly dissimilar. It is true that if you declare that each State shall have a given number of Representatives, you practically decide what the total membership of the House shall be. But this latter fact is an effect of the first fact as a cause. Yet the committee have exactly reversed this process. They have chosen to make the proper cause the effect, and the proper effect the cause. They present this bill, and require us first to vote upon the total number of members who shall compose the House; and after they have trapped us into fixing that number, they will then drive us between the walls of arithmetical proportions to assign the number of Representatives to each State. It is a trick; just such a trick as has been often played by cunning leaders in this and other Congresses.

And what is more, it is a process neither warranted by the language nor the example of the Constitution. If there is anything in the world that democratic statesmen claim to revere it is the Constitution. They are "strict constructionists" of the strictest sect of the Pharisees—except when the annual river and harbor burglary is to be perpetrated. They seize with avidity upon every opportunity to parade their intense affection for the exact letter of the Constitution, going even to the extent of opposing a bill to create a Department of Agriculture on the ground that such an act would be unconstitutional. And yet here comes this Census Committee, composed of eight democrats and three republicans, led by the brilliant and adroit gentleman from New York, Mr. Cox, with a bill which makes the only primary power granted by the Constitution, a merely secondary and unimportant matter; and which proposes that we shall exercise as a primary power a right nowhere conferred upon Congress by the Constitution. On the very first page of the Constitution are these words:

The House of Representatives shall be composed—

Of what? One hundred members, or 200, or any other number of members? Not at all, simply—

of members chosen every second year by the people of the several States.

And in the same section, after providing for an enumeration of the population, it designates the number of people who shall be entitled to a Representative, as follows:

The number of Representatives shall not exceed one for every 30,000, [people,] but each State shall have at least one Representative; and until such enumeration shall be made the State of New Hampshire shall be entitled to choose three, Massachusetts eight, etc.

That is the language and that was the usage of the Constitution. I commend it to the careful consideration of strict constructionists. If a bill for the relief of an arctic expedition ought to be stopped as unconstitutional because the appropriation originated in the Senate instead of in the House, then certainly the declaration that this House shall be composed of two hundred and ninety-three, three hundred and eleven, or any other number of members, is an unwarranted exercise of power. The only power conferred by the Constitution is to apportion Representatives, not the membership of this House. The strictly proper mode of exercising this power is that of deciding the number of people of the United States who shall be entitled to a Representative, and to let the total membership of the House follow as a logical sequence.

ATTEMPT TO FLANK THE FOURTEENTH AMENDMENT.

I know, Mr. Speaker, that this may seem to be a wire-drawn criticism, but it leads naturally to a more important objection; and it is quite possible that the committee have put the bill in its present shape for the exact purpose of concealing that objection. The enactment that this House shall consist of any precise number of members works both ways. The membership cannot legally exceed that number unless provision therefor be made in the bill; and, on the other hand, it cannot legally be less than that number. But this bill distinctly provides that "whenever a new State is admitted to the Union, the Representative or Representatives assigned to it shall be added to the number." Hence, the only point in fixing the number of members of the House is clearly that of preventing any reduction below the specified number. Just this, and this only, so far as I can see, is the object to be gained; and any one who reads section 2 of the fourteenth amendment in the light of the current history of elections in several Southern States, will instantly see how important it is that the democratic party should have all the fortifications possible behind which to resist the execution of that amendment. In the glare of this history I can readily understand the joy with which a democratic committee has seized upon a few precedents in framing this bill, and can see that a point which was of no importance in our past legislative actions may prove to be of vital importance in future legislative proceedings.

CONGRESS HAS POWER TO REDUCE THE REPRESENTATION OF STATES IN WHICH ELECTIONS ARE NOT FREE.

Now, I am not one of the two hundred and eighty lawyers in this House; but there are a good many millions of persons in the United States besides lawyers who can understand the English language, and as one of the latter I desire to state certain reasons for the belief that, under the Constitution, Congress has the power to reduce the representation on this floor of any State in which the freedom of elections is denied or abridged, either by the official action of the State itself, or by the action of individuals within its jurisdiction.

If Congress possesses this power, then it certainly is bound to ascertain whether any circumstances exist anywhere which demand the exercise of that power; and if such demand exists, then the possession of the power carries with it the duty of promptly punishing offenders; and that is the chief reason, and a vital reason, why I oppose fixing the membership of this House at any specified number, in contradistinction from the act of fixing the number of people who shall be entitled to one Representative.

THE CONSTITUTIONAL MODE OF APPORTIONING BEFORE THE WAR.

It is clear that apportioning Representatives among the several States is a wholly distinct thing from fixing the number of members who shall compose this House, and I quote the power granted to Congress:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, (apprentices,) and excluding Indians not taxed, three-fifths of all other persons, (slaves.)—*Constitution*, article 1, section 2.

It is a significant fact that the States are not here spoken of in the sense of governments or corporate agents, but merely as the geographical districts in which certain people of the United States happen to reside. There is a clear distinction between the two things. By the word State may be meant (1) a geographical district, or (2) the people residing in that district, or (3) the local government through which these people make and execute certain local laws only binding upon themselves. When we speak of the old thirteen States we sometimes mean the people in them, but often the corporate governments representing those people. When men speak of State sovereignty they usually mean that power which is exercised by a State government as the organ of its people. This section does not use the word "State" in that sense, but merely in the sense of people residing in a geographical district, because the language is: "Representatives shall be apportioned among the several States according to their respective numbers, which (numbers, not of State governments, but of people) shall be determined by adding to the whole number of free persons, the apprentices," etc.

The census was to be taken of the people, not of the States as governments. To the number of free persons was to be added the number of apprentices and untaxed Indians, and then a number equal to three-fifths of the slaves; and for every 30,000 persons so ascertained one Representative was to be allowed a seat in this House. State lines were viewed simply as a matter of convenience in taking the census. Persons were not regarded in the light of subjects to a State government, but as subjects of the United States Government alone. The total population of the United States was the primary fact to be ascertained, and not the populations of the States. This population of the United States Government, as distinct from that of State governments, was divided into groups of 30,000 each, and one Representative was assigned to each group. This and this alone was the principle and process of the Constitution. It is the only principle which can justly be practiced to-day.

THE NUMBER OF PEOPLE THE BASIS OF APPORTIONMENT.

What other theory than the one that the people are the basis of apportionment can be maintained, or would be submitted to in a Republic?

Scattered all over this land, from Maine to Texas, and from Virginia to Oregon, are 50,000,000 of free men, women, and children, equal in their right to life, liberty, protection and happiness. A few neighbors for economy and convenience agree to erect a school-house and hire a teacher, or to construct and maintain local roads, and so organize a township government. For the same reasons the people in several townships form a county government for the administration of justice. The people in several counties form a State government for the same reasons. And the people residing in all the territory subdivided into States form a national government. In every case the people, and they alone, are the real source of power. The township trustees are only agents, and can have no greater power than that of the people for whom they act. The county officers are not the people a bit more than the money they expend is their money. The State officers are not the people, but merely their agents. And the National Government has no power whatever except such as is furnished by the whole people of the United States. If a law be resisted it can only be enforced by the aggregate power of all of the persons in the United States, and when that limit is reached the extent of the power of the National Government is reached.

Now a Representative is merely an agent in the same sense as is a township or county or State officer, and in no different sense; and when, as now, the question arises as to how many Representatives there shall be, you necessarily run back to the questions—how many people are there in the United States? and, by what number of Representatives can the people's business be most conveniently transacted? After investigation you say that for every 150,000 or 160,000 people there should be one Representative. But the people are the foundation, or source; the Representative is merely their agent and spokesman. And whenever you fix on the ratio, then you must equitably apportion that ratio among all of the people in the United States as prescribed by the supreme and organic law which was adopted by all of the people, the Constitution. Upon no other principle than this can the theory of representation be sustained, and upon no other practice than that of allowing one Representative for groups of the same size and freedom in voting can our Government be justly conducted; because it is all of the people in the United States who are the ultimate parties represented on this floor, and they must be equally represented.

THE CONSTITUTIONAL MODE OF APPORTIONING SINCE THE WAR.

The late war laid an iron hand upon this section of the Constitution, just as it did upon many hearts and fortunes and many a sound body. Its first finger-mark appears in the Constitution as the thirteenth amendment:

ART. XIII. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

The first sentence of the fourteenth amendment has an equal bearing on this matter of apportionment:

ART. XIV, SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

As we have seen, before the war the Constitution provided that the population of the United States, for purposes of representation in this House, should be ascertained by adding three-fifths of the number of slaves to the number of free persons. But the war by abolishing slavery and by making all persons, whether black or white, who were born or naturalized on its soil, citizens of the United States, formed a new basis of representation, and that is now the basis on which we must adjust representation. It makes no difference whether gentlemen like it or not, or whether they would prefer that this should be a "white man's government" alone. There were many things about the war which none of us liked, but to which all had to submit. Piling up an enormous national debt was one of them, which the North disliked. The South dislikes these two amendments. But they are facts, nevertheless; grim, resolute, forceful facts. This is not a white man's government, nor a black man's, nor that of the native born, nor of the naturalized; it is every American citizen's government, black man's just as much as white man's, and of the foreign born just as much as of the native born. This truth has been so burned into the Constitution by the fire of war that nothing but the equal heat of another war can burn it out. It never will be burnt out. It is there for all time to come, glowing with justice. And as long as it is there it is a fact which has got to be treated as a fact, and to be respected as a very red-hot fact. Any State or set of men who try to conceal it from sight will simply get burnt, and go into the howling-dervish line of business. That is exactly what ails the democratic party to-day, and is the reason why it is swearing from Maine to Oregon worse than the army in Flanders.

WHAT A STATE GOVERNMENT SHALL NOT DO TO CITIZENS OF THE UNITED STATES.

Now, the next sentence in the first section of the fourteenth amendment is wholly distinct from the one quoted and which created a citizenship of the United States. It is:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In this sentence the word "State" is clearly used to designate the corporate government which enacts and executes the local laws of the people within its boundaries. The first sentence declared certain persons to be citizens of the United States, and made these persons citizens of the States in which they may reside. The second declares something which the State governments shall not do to these persons; but it neither declares nor attempts to declare what the States shall do to them. It is a prohibition, a negation, and not at all an affirmative enactment.

There is nothing in this section which says that because a State government does not pass or enforce a law authorizing tissue ballots or red-shirt bulldozing, that therefore Congress is barred from preventing such frauds upon citizens of the United States and upon itself. The whole section is prohibitory as to the governments of the States, and in no way limits or bars affirmative legislation by Congress based upon the primal power of every nation to protect its citizens whether abroad or at home, whether from pirates at sea or highwaymen on its own soil. That is a duty, as well as a power, which inevitably and flashingly follows from the first sentence, namely, that all persons born or naturalized in the United States are citizens thereof. And not only is this duty imposed upon Congress, but in the second section of the fourteenth amendment both the mode of executing the power and the penalty for a violation of the rights of citizens of the United States are plainly stated. It is as follows:

REDUCTION OF THE REPRESENTATION OF A STATE IN WHICH THE RIGHT TO VOTE IS ABRIDGED.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the

choice of electors of President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

This is not addressed to the State governments but to the Congress of the United States. It is not even primarily considering an abridgment of the rights of United States citizens. That is a secondary matter to its real aim. It does not concern itself primarily with the action of a State, but with an entirely different matter, namely, this very question of apportionment. And it is just such a revision of section 2 of article 1 of the Constitution as was necessitated by the abolition of slavery. The subject-matter and purpose of both sections are the same. The only difference between the first paragraphs of each is that while the Constitution before the war spoke of free persons, and of adding to their number that of apprentices and three-fifths of slaves, the Constitution since the war strikes out the word "free" before "persons," and says "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed." There you have the subject-matter and broad purpose of this second section of the fourteenth amendment.

DIFFERENT MODES OF ABRIDGING THE RIGHT TO VOTE.

But now follows, though as a secondary matter to the main subject, a vital enactment, namely, that when the right of a citizen of the United States to vote at any election, be it national or State, is denied or "in any way abridged," except for crime, the basis of representation shall be reduced in the proportion of such denial or abridgment.

Of course this denial or abridgment may be done in either of two ways. First, the people of a State, acting through their State government, may pass a law effecting such an abridgment. Second, the people of the State, not acting through their State government, but acting directly as a mob, may effect the same result. Congress has prohibited the first method in so many words.

And I claim that this amendment prohibits the second method by the insertion of the phrase "or in any way" abridge. It says that if the right to vote is denied or in any way abridged the representation shall be reduced accordingly. A State law is one way of abridging. A poll tax on men who cannot pay it is another way of abridging their suffrage. Putting so few polling places in a district that voters cannot reach them is another way. Receiving ballots from white voters at one window with rapidity, and taking ballots from colored voters at another window, challenging each voter and disputing over the answers of each so long that not one man in ten can have a chance to deposit his ballot, is another way. Stationing armed bands of democrats at the polls, overawing men who would otherwise vote a republican ticket, is another way of abridging suffrage. When a hundred athletic men, armed to the teeth, meeting at midnight in the black gloom of a forest, masking themselves, riding in column to the lonely cabin of a man whose soul, created after the image and in the likeness of the great-hearted God, happens to be incased in a black skin, drag him from the arms of his wife and the clutch of his little ones, and murder him in cold blood—a hundred to one—that is another way of abridging his right to vote and the suffrage of his race. Trying a freedman for debt, and by due process of law condemning him to penal labor, hiring out this convict labor to a ring, is another way. How many more ways there may be, or might be, is simply a matter of investigation. But the Constitution since the war declares that when the right to vote at any election is denied to the legal voters *or in any way abridged*, except for crime, the representation of that State shall be reduced accordingly.

THE SECOND SECTION OF THE FOURTEENTH AMENDMENT HITHERTO A DEAD LETTER.

That language is enough for me, and the honorable gentleman from New York has told us that "no practical application has been made of the constitutional clause or the law." For one, I propose that a practical application of it be made now. He says that "it has been hitherto a dead letter." Yes; and many a grave has been filled because it was a dead letter. So far as my vote will put life into that dead letter, will lead to an ascertainment of the exact facts in the case, to the punishment of the abridgers, to the prevention of future abridgments, to the execution of this hitherto dead letter by reducing the representation of States in which such abridgments have been made, it will be cast unflinchingly and to the end. And more than that, I am ready to vote, if the ends of justice can be reached in no other way, for a standing army that will place 30,000 men in every offending State east, west, north, and south, for fifty years if need be, in order to put and keep the life of simple justice, the spirit of liberty, the soul of pity for the weak and helpless ones, into this "hitherto dead letter."

That "hitherto" of trickery, of brute force, of heartless cruelty has got to give way to the "hereafter" of free speech, of a free press, of free schools, of free men casting free ballots and having them honestly counted exactly as cast. The "hitherto" of democracy marshaled by a solid South has got to give place to the "hereafter" of republicanism marshaled by a solid North, until that flag which protects the American citizen on any foreign soil, on every ocean, and against all nations will equally protect each of its own citizens, black or white, on every square yard of its own soil, South or North.

THE DEMOCRATIC DODGE OF SUBSTITUTING A LAW OF CONGRESS FOR THE FOURTEENTH AMENDMENT.

The democratic party, with its usual inaccuracy or something else, has gotten into the habit of quoting section 6 of the apportionment act passed by Congress February 2, 1872, as if it were a transcript of this fourteenth amendment, and therefore a part of that supreme Constitution, which is infinitely above and beyond the reach of Congress. It is as follows:

That should any State, after the passage of this act, deny or abridge the right of any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, to vote at any election named in the amendments to the Constitution, article 14, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned in this act to such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.—*Statutes at Large* 17, page 29.

When the question is raised as to whether the right of citizens of the United States to vote is abridged in the Southern States, these democratic statesmen snuggle up to this law of Congress like a sick kitten to a hot brick, and try to make you believe that this statute is the same as the fourteenth amendment to the Constitution.

As I read it, there is not a word in section 2 of that amendment which limits the abridgment of voting to the action of a State as an organized government, in contradistinction from the action of people who live in its territory. It is easy to confound the two and to speak of the State government as if it were the inhabitants dwelling within its jurisdiction. It is not. It is simply the agent of the people. At the most there are but two or three hundred of these various agents, who together form the officers of the State or the State government, but they are only a part of the two or three millions of people who in a true sense are the State. And while the State government may not officially abridge the right of suffrage, yet people in that State may do exactly that thing. There is not the shadow of a doubt that persons in the Southern States have prevented white and colored men from voting the republican ticket, and that by tissue ballots, fraudulent counting, and other absolute crimes they have "abridged" hundreds of thousands of American citizens in the exercise of the highest civil right known on the globe. As we have seen, section 2 of the fourteenth amendment was addressed by the people of the United States to Congress, telling us how we should apportion Representatives; but section 6 of the law of 1872 was addressed by Congress to the State governments. The former can only be repealed by the people; the latter may be repealed by any Congress. The former is in full force to-day, and can no more be affected or vitiated by this House than can the Ten Commandments be affected by an act of Congress.

In my judgment, any Congress at any time may, under that amendment, reduce the representation of any State in which the right to vote is either denied or abridged by a State law, or denied or abridged by a mob. But if this opinion be incorrect, then I rest upon the first clause of section 1, and on the fundamental law of all nations, that the United States has a right to protect its citizens in the South as well as in Mexico; and at the proper time I shall offer the following amendment, which, if adopted, would leave no room for doubt on this point:

PROPOSED AMENDMENT TO THE BILL.

Provided, That when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, whether by the action or non-action of a State government, or whether by the action of individuals or combinations of individuals, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State; and Congress shall have the right to make such reduction of representation at any time.

And this raises the question whether such circumstances exist as not only justify the proposal of this amendment, but demand both its adoption and execution as a measure of protection to the whole people of the United States in their representation on this floor? Are there any positive facts fully within the knowledge of this House which fairly indicate a reasonable probability that the rights of citizens of the United States to vote have been, or are being, denied or in any way abridged in the Southern States?

ONE-THIRD OF THE SOUTHERN VOTE ABRIDGED.

The population of the twenty-two Northern States is 30,865,390, and of the sixteen Southern States, 18,504,205. The total vote of the former, as presented the other day by the gentleman from Michigan, [Mr. HORR,] was 6,539,143, and of the latter, 2,758,449. Hence, in the Northern States there was one vote cast for every 4.7 persons, but in the Southern States only one vote for every 6.7 persons—a difference of just about one-third. There must be some causes operating in the South that do not operate in the North, which have prevented one-third of the citizens of the United States in the South from voting. I am presenting the question on the broad plane of human nature, and discussing it as the result of those great forces of the heart which shape the actions of all men under similar conditions. Human nature in the South is not a whit different from human nature in the North. Neither State lines nor thermal lines check the aspirations of men

to an equal voice in making the laws that bind them, and to an equal protection under those laws; or, if the brighter sun of the South exerts a greater influence upon the patriotism of its inhabitants than does that of the North, then, if we are to take the utterances of the past, this effect only makes them the more patriotic, and, therefore, the more vigilant in the exercise of that highest of civic rights, the right to vote. The fact is that the southern people as a whole have always paid more attention to politics than have the northern people as a whole. Why, then, have not that other third of the southern people voted, if they enjoyed the same facilities for voting and the same honesty in counting as the northern people? Put this story of unquestioned figures in another shape, in order to apprehend its full force.

If the North had voted on the ratio of the South, its six and a half millions (6,539,143) of votes would have been but four and a half millions, (4,606,774,) or nearly two millions less, (1,932,369.) On the other hand, if the South had voted on the ratio of the North, its two and three quarter millions (2,758,449) of votes would have been four millions, (3,937,064,) or more than a million greater, (1,178,615.) So that some causes, be they what they may, are affecting the human nature of citizens of the United States in the South which do not affect the human nature of citizens anywhere else in the United States; and what is more, these causes are powerful and active ones, sufficiently powerful to wipe out one-third of the southern vote; and, too, like the remarkable "coincidence" of the elder Mr. Weller, referred to by the gentleman from New York the other day, what is queer it always happens to be republican voters who are "upset." The solid South fulfilled the pledge given in the Cincinnati convention that it would be solidly for Hancock. There is no escape from the fact that the ratio of voters in the South is one-third less than that in the North, nor from the consequent fact that the solid South may have one-third more votes on this floor and in the election of President, than it might have if that silent third of its population had expressed its will at the polls.

That fact of the ratios is in my eyes what the blood on her hand was in the eyes of Lady Macbeth. Gentlemen may spring up to offer all the plausable explanations which ingenuity can suggest. They may rub it on the one side and rub it on the other side, and wash it in a very ocean of explanations. They may cry to it "out, damned spot!" but "it will not out!" After they have gotten through, that ratio of one to 6.7 in the South, and one to 4.7 everywhere else remains. And this silent one-third of the southern vote as an actual fact stalks before the House and before the people, just as vividly, as ghastly, as ghostly, after their explanations as before they began. This side of the Chamber is not called upon to say, "shake not thy gory locks at me, thou canst not say I did it!" It stares at that side of the Chamber, and will neither be laid nor hushed, nor will either a free people long endure or a just God long permit such a wholesale fraud upon American citizens be they white or black, "respectable" or unrespectable, men who wore the gray or the blue, F. F. V's or carpet-baggers.

INJUSTICE TO THE NORTH.

Because, wholly apart from any considerations of justice or any sympathy for the weak as against the strong, the North has a self-interest in this matter of representation sufficiently powerful to compel it to secure equal representation in this body and in the electoral college. As stated by the gentleman from Michigan, [Mr. HORR,] if the membership of this House be fixed at 311 the South would have one Representative for every 23,376 voters, while the North would only have one for every 33,838 voters; that is, it would require one-third more votes in the North to elect a Congressman than in the South. But these Congressmen fix tariffs, settle financial questions, and expend the public moneys. For ten years to come the whole power of the House is to be wielded on the apportionment which shall be made. And the people of the North have not yet come to the conclusion that the South is one-third better than the North, either in brains, thrift, or property; or that the South has in the past shown one-third more devotion to the Constitution, the Union, and the flag, and therefore should have one-third greater power than the North in levying taxes, enacting laws, and electing Presidents.

As was said long ago, but on this same general subject, there is an irrepressible conflict between what is just and what is unjust, between what is observed as law in the North and what is not observed as law in the South. That conflict will thicken till it finds settlement on the organic principle of this Republic, namely, real equality of rights at the polls, in Congress, and before the courts. Gentlemen may cry "peace" to their heart's content, and ladle out democratic soothing sirup by the gallon; but long ago a sagacious student of human nature indicated the only way of obtaining mental peace, whether by one man or by a nation, when he stated the order to be "righteousness, peace, and joy in the Holy Ghost." Joy is the effect of peace as a cause, and there is no peace except as the effect of righteousness as a cause. I commend the Bible to the democratic leaders.

COMPARISON OF THE RATIO OF POPULATION TO VOTERS IN KANSAS WITH THAT IN SOUTHERN STATES.

To show what a difference there is between the ratio of population to voters in my own State and in the Southern States I have prepared the following table, and believe it to be correct. Kansas had about one million people last June, (995,966,) and has over a million now. It cast 201,019 votes in November, and had, therefore, 4.9 persons for each vote. The ratio of the Southern States is as follows:

States.	Vote.	Population.	Number to each voter.
Kansas	201,019	995,966	4.9
Alabama	151,507	1,262,794	8.3
Arkansas	106,249	802,564	7.5
Delaware	29,233	146,654	5.0
Florida	51,618	267,351	5.1
Georgia	155,655	1,539,048	9.9
Kentucky	264,047	1,648,708	7.0
Louisiana	97,201	940,103	9.7
Maryland	173,039	934,632	5.4
Mississippi	117,078	1,131,592	10.5
Missouri	397,221	2,168,804	5.4
North Carolina	241,218	1,400,047	5.8
South Carolina	170,956	995,622	5.8
Tennessee	241,827	1,542,463	6.3
Texas	237,133	1,592,574	6.7
Virginia	211,754	1,512,806	7.1
West Virginia	112,713	618,443	5.5
Total of Southern States	2,758,449	18,504,205	6.7

SOMETHING ROTTEN SOMEWHERE.

While in Kansas 4.9 persons are represented by 1 vote, in these States 1 vote represents, as follows: In Delaware, 5; Florida, 5.1; Maryland, 5.4; Missouri, 5.4; West Virginia, 5.5; North Carolina, 5.8; South Carolina, 5.8; Tennessee, 6.3; Texas, 6.7; Kentucky, 7; Virginia, 7.1; Arkansas, 7.5; Alabama, 8.3; Louisiana, 9.7; Georgia, 9.9; Mississippi, 10.5.

With a vote of 201,019, Kansas is to have 6 Representatives by this bill. The vote of Alabama was less than that of Kansas by 49,512, and the bill gives that State two more Representatives. Arkansas, with about one-half of our vote, or 94,770 less, is to have 5 Representatives to our 6. Georgia, with a vote 45,364 less than Kansas, is to have 4 Representatives more than Kansas. Louisiana is to have the same number of Representatives as is Kansas, with a vote 103,818 less. Maryland has the same representation, but a smaller vote by 28,888. The vote of Mississippi is 83,941 less, and her representation one greater. South Carolina has the same representation, with 31,063 fewer votes. Virginia had only 10,735 more votes at the polls, but is to have 10 Congressmen to our 6. West Virginia is to have equal representation here, with 88,306 fewer votes at the polls.

There is no power on earth which can make me believe that this condition of things is right or just. There is something rotten somewhere, and it is not in Kansas; nor will I willingly consent that the people whom I represent on this floor shall be made to suffer year after year, and decade after decade, because of that rottenness somewhere. Under the Constitution we must make the apportionment on the basis of population, but, also under that Constitution, we have the power to punish any State or any set of people who abridge the right of suffrage, by reducing its representation; and I therefore suggest the remedy proposed in the amendment.

UNFAIRNESS OF "319."

One more point. Gentlemen are advocating a membership of 319, on the ground that it is exactly fair to the South and to the North, each having gained 13 members; by which they mean that the present proportions between the two sections are preserved. I have tried to show, and certainly believe, that the present proportions are not just, and I am not in favor of maintaining them for ten years to come. In my judgment, the North has heretofore been egregiously swindled, and I do not propose to keep up that swindle. At 293 members, as in the present House, Kansas will be entitled to 6 votes. At 319 she will only have 6, but she will have lost more than 8 per cent. (8.15) of her relative power. If the number be increased to 322, only an addition of 3 members over 319, Kansas will then be entitled to 7 Congressmen, and will not have lost any of her relative power. The three States which will have gained are, Iowa, at 320, Wisconsin, at 321, and Kansas, at 322, all of them States holding free elections and doing honest counting.

I confess to a vivid conviction that the republican majority in the next House will be more likely to deal fairly with the fourteenth amendment and with this apportionment question than can be expected from this democratic House. Personally I like you gentlemen very well, but as politicians I would not trust you a bit further than a boy can swing an elephant by the shadow of its tail; and am quite willing, unless we can have free debate and an opportunity to vote on amendments, that this bill should slumber sweetly in its little bed, even though several Legislatures should adjourn before it awakens into a law. Justice is worth more than dollars. Liberty, free elections, and honest counts are worth more to the people in every county of this nation than are the costs of extra sessions. And so far as the Legislatures are concerned, they can elect members of the Forty-eighth Congress on the present districting, and the additional ones to which they may be entitled "at large." There are infinitely greater questions at stake in this issue than such relatively paltry ones as these—fundamental questions of eternal justice under-running the whole Republic and affecting the interest of every voter and every township.

Refunding of the National Debt.

SPEECH OF HON. E. H. GILLETTE.

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1881,

On the Senate amendments to the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. GILLETTE said:

Mr. SPEAKER: The national greenback party is opposed to the refunding of the bonds about to mature, because there is no necessity for it. They can be paid, as we have repeatedly shown, more easily and almost as speedily as they can be refunded. We voted against this bill when it passed, and can never upon any pretext vote for the issue of a non-taxable interest-bearing bond. But the question now is upon amendments to this bill made in the Senate and others proposed here.

We vote for and against these various amendments upon their merits. The great issue presented by any funding bill, the only excuse for any such bill, is that the national banks may be perpetuated and allowed to control the money of the nation. The fifth section of this bill, designed to curtail their power to produce panic and disaster at pleasure, is the first proposition ever submitted by any committee of Congress which has met with their decided opposition. It has stirred up the lions in their dens, and now we hear them growl. Andrew Jackson said the banks cannot be relied upon to keep the circulating medium uniform in amount.

Our party has warned the country for years that the finances, the business, the dearest interests of the people, all rest upon a magazine penetrated with electric wires from 2,000 national banks, which can at pleasure fill the heavens with the sickening wrecks of American industries. We have demanded on every stump that this arrogant, insolent monopoly which proposes, like the old United States bank, to rule or ruin the Republic, shall be abolished forever, and have submitted many bills to this House for that purpose, every one of which has been suppressed by the committee to which it was referred.

When this bill was previously before us a member who was the mouth-piece of the banks warned us that if we passed it in form not satisfactory to them they would contract the currency $200,000,000 and produce a greater panic than the country had ever seen. They are displeased with the fifth section of the bill, and propose to make good that threat and wreak vengeance upon their unfortunate victims, the American people. Money, which is the vital air of commerce, is suddenly locked up in the United States Treasury. Fifteen to twenty millions of dollars have already been retired, panic and distress result. This is but the beginning. The Treasury is powerless to stay the storm if they proceed.

As the banks fiddle so the industries and business of the country must dance—it may be a triumphal march, it may be a funeral dirge—and this is the "great success," the "financial paradise" which the policy of John Sherman has fastened upon the country. Each day every business man in the land looks with breathless anxiety to read his fortune or his fate in the dispatches from New York, telling what the banks are doing.

History repeats itself. The same old question that confronted Andrew Jackson's administration confronts us, Shall the people rule, or abdicate in favor of the banks? Let this Samson be shorn of his locks! Snatch from these banks this Pandora's box of ills, which they empty at pleasure upon a defenseless people and convert a paradise of prosperity into a hell of bankruptcy and ruin.

Will this Congress adjourn forever and leave the country to the tender mercies of an institution that has well been likened to Victor Hugo's devil-fish? We ask for a vote upon the amendment of the gentleman from Indiana, [Mr. DE LA MATYR.]

Provided, That whenever any national banking association shall retire its circulation in whole or in part as provided by law, it shall be the duty of the Secretary of the Treasury to cause to be issued and placed in circulation in lawful manner a like amount of legal-tender Treasury notes in addition to those now in use as currency, and of the character and denominations now authorized; and no national banking association so diminishing its circulation, or which may have retired any portion of its circulating notes since the 18th of February, 1881, shall hereafter be permitted to increase the amount of its circulating notes.

This requires the Secretary of the Treasury to issue a greenback for every national-bank note retired, a greenback that will not hide at the wink of a banker, a greenback under the benign watchful eye of Congress. The United States Senate, frightened by the banks, has cowed and hurried to appease their ire by sending in its apologies for having dared to vote for this bill in the shape of a bill repealing $14,000,000 of taxes now collected by the Government annually from the banks. It remains to be seen whether the House of Representatives can be thus easily bulldozed. We are here to represent the people. Let us do it and protect them from the banks whose agents to-day swarm to the capital.

The republicans have filibustered against this fifth section for two days. They created these banks and have always yielded to their wishes, and you could no more separate the two organizations than you could separate the Siamese twins. Each depends for its existence upon the other. Each swears by the other. I appeal to the democratic party in this House to know whether they are willing to go out of power leaving the country in a panic because of the iniquitous national-bank act, passed by their political opponents, without raising a finger to protect the innocent victims of bank contraction. I ask whether the spirit of Jackson has died out of your organization so completely that you are willing the dearest interests of the people should be subject to the whims of national banks. If so you prove yourselves unworthy of the trusts the people have reposed in you.

You have to-day the grandest opportunity presented since Jackson's day to vindicate the sovereignty of the American people, and protect your constituents from an arrogant, insolent monopoly, and you squarely refuse to embrace it unless you will pass this amendment. You have stirred up the bankers by the fifth section to do their worst against the people, and now refuse to even consider a provision that would absolutely protect us against them. You have deliberately invited the fire of the enemy, and refuse to raise a breastwork or arm a volunteer for the common defense. Can you—dare you—invite panic; invite financial ruin to the country, and leave the Treasury helpless to protect the people with the people's money?

Refunding of the National Debt.

SPEECH OF HON. G. DE LA MATYR,

OF INDIANA;

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. DE LA MATYR said:

Mr. SPEAKER: The great overshadowing issue which some of us have seen rising for years now holds the attention of Congress and of the people. That issue is, "Shall the national banking association continue to be the absolute dictator of the financial and business affairs of this country?"

That association, having full control of the republican party, of the eastern leaders of the democratic party, and of a large portion of the press, has commenced to rule with a rod of iron. To force Congress to legislate in its interests alone in refunding the debt soon coming due, it has greatly injured the business interests of the country. It has suddenly contracted the volume of currency some $17,000,000, and threatens to continue contraction even to the amount of $200,000,000 if its behests are not obeyed. The important fact on which this imperious conduct is inviting attention is that a selfish, irresponsible association created by the Government is invested with the power to bring financial disaster and business ruin whenever it will conduce to its own interests. Our main opposition to this association is the fact that it possesses this dangerous power.

The gentleman from Iowa [Mr. PRICE] in his frantic speech, mournfully deploring that the hand of God is writing on the walls of our national temple the doom of the national banking system, charged in substance that we are in favor of the old State-bank system. He must be supremely ignorant of the views of the greenback party, or incapable of conceiving of a currency not issued by banks. Has he ever heard of the greenbacks which were issued by the Government directly into the channels of trade without the intervention of banks at all? We would no more trust State banks than national banks with the control of the volume of our medium of exchange. Issuing our currency and controlling its volume is a vital interest of the whole people. It is an act of sovereignty which it is madness to delegate to any corporation or set of corporations. Every financial crash which has swept with destruction the business interests of our country has resulted from fluctuations in the volume of currency caused by bankers. Figures on the books of the Treasury Department demonstrate the truth of this assertion.

The section of the bill now under consideration (the fifth) seeks to restrain the power of the national banks to suddenly contract the currency. Against that restraint the national banking association has brought to bear all its force. Many of the closing hours of this Congress have been wasted by filibustering on the part of republican leaders to prevent the imposing of that restraint—hours indispensable for the passing of important measures. It is also rumored that a prepared veto by the President awaits the bill, if this section, so obnoxious to the bankers, is not stricken out.

It is evident that the bankers dominate the Government as well as the "financial and business affairs of the country," and that no refunding measure which they do not dictate will be permitted to become law.

We have done our utmost to secure refunding in non-interest-bearing notes to be used as currency instead of the national-bank notes. We have demonstrated by figures taken from the books of the Treas-

ury that while the $400,000,000 of greenbacks issued directly by the Government, and universally recognized as the best currency we have ever had, have cost only the expense of preparing, about three hundred and fifty million dollars of national-bank currency have cost, in double interest compounded, full $2,500,000,000. We have shown clearly that this immense cost is as the "small dust of the balance" compared with the injury to the prosperity of the country which has resulted and threatens to result from fluctuations in the volume of the medium of exchange, inseparable from the national banking system. As a last resort we have sought to have incorporated in this bill, for the purpose of preventing sudden and ruinous changes in the volume of the currency, the following proviso:

Provided, That whenever any national banking association shall retire its circulation in whole or in part as provided by law, it shall be the duty of the Secretary of the Treasury to cause to be issued and placed in circulation in lawful manner a like amount of legal-tender Treasury notes in addition to those now in use as currency, and of the character and denominations now authorized; and no national banking association so diminishing its circulation, or which may have retired any portion of its circulating notes since the 18th of February, 1881, shall hereafter be permitted to increase the amount of its circulating notes.

This proviso was ruled out on the plea that it would endanger the passage of the bill. A supplemental bill will be proposed as we are informed. We shall make the effort to have this proviso attached to it. And if the democratic leaders are willing it should be voted on, we shall be recognized for the purpose, and it will be attached; but we doubt whether they will permit.

No doubt the bankers will now prevail, but "the triumph of the wicked is short." The people are at last awaking to a consciousness of the tyranny enthroned over them, and no power can prevent this issue from becoming the main question in future political campaigns. It is henceforth irrepressible.

Land Grants in California.

SPEECH OF HON. A. E. STEVENSON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 3, 1881,

On the bill (H. R. No. 531) to authorize the correction of boundaries of certain lands in San Mateo County, California.

Mr. STEVENSON said:

Mr. SPEAKER: As a member of the Committee on Private Land Claims, I have to the best of my ability investigated the facts and law of this case. If I can have the attention of the House I will endeavor as briefly as possible to state the important facts bearing upon it, as well as the reasons upon which I base my conclusion that this bill should pass.

Upon the threshold of this discussion it will be necessary to recur to the history of the grant known as Cañada di Roimundo and the rights of its former occupants under the treaty of Guadalupe Hidalgo. By this treaty California was ceded by Mexico to the United States, the latter government expressly stipulating to respect all private rights in the ceded territory. California was admitted into the Union on the 9th day of September, 1850, the third section of the act providing for its admission being as follows:

That the State of California is admitted into the Union upon the express condition that the people of said State, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned.

The real controversy in this case, Mr. Speaker, is betweeen the owners of Las Pulgas Rancho and those who claim to have been unjustly ejected from the Cañada di Roimundo, and who now seek relief by the legislation contemplated in the pending bill. Some knowledge of the history and boundaries of Las Pulgas Rancho is indispensable, then, to a correct understanding of this case.

The treaty of Guadalupe Hidalgo was ratified May 30, 1848, thirteen years prior to which time the Mexican Government, through its proper officials, had granted to the Argualla heirs Las Pulgas Rancho and given them juridical possession thereof. This grant was made on the 27th day of November, 1835, by Jose Castro, political chief and governor of Alta California.

It will be remembered that for the purpose of executing in good faith the treaty above referred to and protecting the citizens of California under rights acquired while yet subjects of Mexico, the Congress of the United States by act of March 3, 1851, provided that all private claims should be presented to a board of land commissioners created by that act; and if the petition of claimant received favorable consideration by this board, then a survey of the land claimed was to be made by the surveyor-general, and upon his certificate of such survey being filed with the Commissioner of the General Land Office, a patent was to issue to the claimant.

In pursuance of this act of Congress the Arguello heirs, in 1852, filed their petition with this board of land commissioners for a confirmation of their claim to Las Pulgas Rancho, claiming twelve leagues. The board, however, confirmed their claim as to four leagues only, rejecting it as to the residue. From this decision an appeal was unsuccessfully prosecuted by the heirs of Arguello to the district court of California, and subsequently to the Supreme Court of the United States, when the decision below was affirmed.

If gentlemen will take the trouble to examine 18 Howard, 539, they will find that the Supreme Court there declare the boundaries of Las Pulgas Rancho to be as follows:

Bounded on the south by arroyo or creek of San Francisquito; on the north by the creek of San Mateo; on the east esteros or waters of the bay of San Francisco, and on the west by the eastern borders of the valley known as the Cañada di Roimundo, said land being of the extent of four leagues in length and one in breadth, be the same more or less.

The decision last referred to, and which definitely established the boundaries of Las Pulgas Rancho, was rendered in 1855, and the survey made by a deputy surveyor of the United States during the following year. His field-notes and a map purporting to be a correct survey of Las Pulgas Rancho were returned into the General Land Office in December, 1856, whereupon the Commissioner issued a patent to the Arguello heirs at law and legal representatives for 35,240 acres, being the amount embraced in such survey. The patent, however, contained the provision:

That in virtue of the act of March 3, 1851, the confirmation of said claim and the patent should not affect the rights of third parties.

Now, Mr. Speaker, let me call attention to an important fact in this connection. The survey upon which this patent issued was not in accordance with the original grant as declared by the Supreme Court of the United States, to which I have referred. By that decision Las Pulgas was confined to the boundaries above given; but the survey upon which the patent issued included 17,490 acres in excess of the four leagues declared as above to be the limit of that grant. This mistake—to use no harsher term—in the survey fully appears by the testimony of the surveyor of the county of San Mateo.

It is, sir, by reason of this error in the survey by which 17,490 acres have been taken from the Cañada di Roimundo and the public domain and added to Las Pulgas Rancho, that this controversy has arisen. Before passing from this point, let it be distinctly borne in mind that the boundaries of the Arguello grant, or Las Pulgas Rancho, were clearly defined by the Supreme Court in the case to which I have referred, the western boundary being the Valley di Roimundo, the eastern the waters of the bay of San Francisco, and the breadth being one league.

I will now call attention to the other grant, the Cañada di Roimundo. This was made to Juan Coppinger, a Mexican, by Alvarado, then governor of California, on the 3d day of August, 1840. The western boundary of the latter grant was Las Pulgas Rancho. As was said by one of the counsel, in his argument before the committee reporting this bill:

But the grant to Coppinger was not surveyed and segregated from the adjoining public domain; therefore juridical possession could not be given by the Mexican authorities; and at the time of the acquisition of the country the grant was held by an inchoate or incomplete title.

Under his grant Coppinger took actual possession and exercised ownership over it up to and alongside of the league line, which was the eastern boundary of Las Pulgas. In 1843 he sold off portions of his grant to parties who went into possession, improved their land without objection or molestation upon the part of the owners of the Pulgas Rancho. His occupancy continued undisturbed as long as California remained subject to the Mexican Government. Now, sir, by the survey to which I have referred, a large portion of the Coppinger grant or Cañada di Roimundo was included in Las Pulgas Rancho and a patent issued therefor to the heirs at law and representatives of Arguello. Actions of ejectment were brought against the occupants, who, being unable to interpose a legal defense against the holders of the patent, were of course ousted. And this after many years of peaceable possession and heavy expenditures in the improvement of their land.

The representatives of Coppinger interposed no objection whatever to the decree fixing the boundaries of the Pulgas Rancho. They insist that that is the correct boundary; their complaint is against the survey by which 17,490 acres, to which they had no shadow of title, was given to the heirs and legal representatives of Arguello.

In accordance with the petition of the Coppinger heirs and grantees, the board of land commissioners held the grant to Coppinger of Cañada di Roimundo to be valid, which finding was confirmed by Hon. Ogden Hoffman, judge of the district court, on the 14th day of January, 1856, and a decree entered, as follows:

And it is further ordered, adjudged, and decreed, that the claim of the appellees be confirmed to the tract of land known as Cañada di Roimundo, being the same now occupied by the appellees, and bounded and described as follows, namely: Bordering to the west on the Sierra Morena, to the east on the rancho de las Pulgas, to the south on the rancho of Maximo Martinez, and to the north on the Great Lagune.

Mr. Speaker, three important facts have now been established: First, by decree of the Supreme Court of the United States the boundaries of Las Pulgas Rancho are established, limiting that grant to four leagues; second, by decree of the district court of California the boundaries of the Cañada di Roimundo are fixed; third, the patent issued to the Arguello heirs under the erroneous survey was for 17,490 acres in excess of Las Pulgas Rancho.

Under the two decrees, prior to the survey, the league line was the recognized boundary line between the owners and occupants of Las Pulgas on the one side and of the Valley di Roimundo on the other.

But by that survey the Pulgas line was carried into the center of the Roimundo and the western border of the latter forced to the summit of the Sierra Morena Mountains.

It can hardly be insisted, sir, that the boundaries of Las Pulgas Rancho are still in doubt. In the opinion to which I have referred the court further say:

The western boundary line of Las Pulgas, as adjudged by the decree of this court, had two several points of description to fix its location—one uncertain and vague, the other admitting of mathematical certainty. The call of the Cañada Roimundo on the west is as vague as that for the Sierra Morena, a chain of mountains. But the breadth of one league from the estuary or bay was a certain and definite boundary on the east, and showed conclusively the precise location of the line. Las Pulgas could claim to extend but a league west, whether that reached to the hills on the east of the valley or not, and was entitled to have the league in breadth, whether it carried the western line over the hills or not.

Now, sir, the fact as I think being clearly established that by virtue of a patent issued upon a false survey and certificate the legal representatives of Coppinger have been ejected from lands which they had purchased in good faith and to which they were equitably entitled, the question arises whether they are by act or by laches debarred from asserting their right to these lands.

But, Mr. Speaker, it is insisted that these parties should seek their remedy in the courts and not through Congress. That this position is not well taken will readily appear by an examination of the decisions of the State and Federal courts.

The supreme court of California held in the case of Lesse against Clark (18 Cal., page 571–3) that the Government of the United States having submitted to the board of land commissioners to which I have referred the power "to ascertain and settle" private land claims in that State the parties are without remedy unless Congress shall interpose, the courts having no jurisdiction. In that case the court say:

But the patent has a still further operation and effect. It is not merely a deed of the United States, conveying whatever interest they may have had in the premises at the institution of the proceedings before the land commission. It is also a record of the Government, showing its action and judgment with respect to the title of the patentees at the date of the cession. By the treaty of Guadalupe Hidalgo the United States in effect stipulated for the protection of the rights of property of the inhabitants of the ceded territory. Independent of treaty stipulations, the inhabitants were entitled to such protection by the law of nations. The obligation thus devolved upon the Government upon the acquisition of the country was political in its character, and to be executed in such manner as the Government might judge expedient. To execute this obligation necessarily required an inquiry into the nature and extent of the claims asserted to duty at the date of the treaty.

This inquiry involved something more than an investigation into the genuineness of the title papers of the patentees; it also involved an ascertainment of the quantity, location, and boundary of the property claimed. Thus, in the case of the United States *vs.* Fossatt, (21 Howard, 449,) Mr. Justice Campbell, in delivering the opinion of the Supreme Court, said: "In affirming a claim to land under a Spanish or Mexican grant to be valid within the law of nations, the stipulations of the treaty of Guadalupe Hidalgo, and the usages of those governments, we imply something more than that certain papers are genuine, legal, and translative of property. We affirm that ownership and possession of land of definite boundaries rightfully attach to the grantee." By the act of March 3, 1851, the Government provided the means for the ascertainment of the character and extent of the titles alleged to have existed previous to the cession. It established a tribunal before which all claims to land were to be investigated; prescribed rules for its action; required evidence to be presented respecting the claims; authorized appeals from the decisions of the tribunal, first to the district and then to the Supreme Court, and appointed officers to survey and measure off the land when the validity of the claims had been finally affirmed.

Informed by the proceedings thus had before its tribunals and officers, the Government regulated its conduct, and to the successful claimant issued its patent. This instrument, as we have stated, is the record of the Government upon the title of the patentee to the land described therein, declaring the validity of that title, and that it rightfully attaches to the land. Upon all the matters of fact and law essential to authorize its issuance, it imports absolute verity; and it can only be vacated and set aside by direct proceedings instituted by the Government, or by parties acting in the name and by the authority of the Government. Until thus vacated it is conclusive, not only as between the patentee and the Government, but between parties claiming in privity with either by title subsequent.

This language cannot be misunderstood. To carry into effect the treaty of Guadalupe Hidalgo, the board of land commissioners was created. The patents issued under these surveys import absolute verity. If wrongfully issued, and relief is invoked, it must be through the legislative, not the judicial branch of the Government. It is so held by the highest tribunal of California.

The remedy must be found in the political, not in the judicial department of the Government. It was so decided by Mr. Justice Field, on the circuit in California in 1876, in the case of the United States against Flint:

The United States, therefore, took California bound by the established principles of public law, and by express stipulation of the treaty, to protect all private rights of property of the inhabitants. The obligation rested for its fulfillment in the good faith of the Government, and required legislative action. It could, therefore, only be discharged in such manner, and at such times, and upon such conditions, as Congress might in its discretion direct. In its discharge, such action was required as would enable the inhabitants to assert and maintain their rights to their property in the courts of the country, as fully and absolutely as though their titles were derived directly from the United States. Where the titles were imperfect, and such was the condition of nearly all the titles held in the country, further action by way of confirmation or release from the new government was essential. With respect to all such titles, and indeed with respect to all matters dependent upon executory engagement of the Government, the ordinary courts of the United States, whether of law or equity, were equally powerless; they were without jurisdiction, and utterly incompetent to deal with them.

As to the alleged error in the survey of the claim, it need only be observed that the whole subject of surveys upon confirmed grants, except as provided by the act of 1860, which did not embrace this case, was under the control of the land department, and was not subject to the supervision of the courts. Whether the survey conforms to the claim confirmed or varies from it, is a matter with which the courts have nothing to do; that belongs to a department whose action is not the subject of review by the judiciary in any case, however erroneous. The courts can only examine into the correctness of a survey when, in a controversy between parties, it is alleged that the survey made infringes upon the prior rights of one of them, and can then look into it only so far as may be necessary to protect such rights. They cannot order a new survey, or change that already made.

The power to make or to give practical effect to treaty stipulations was vested by the Constitution exclusively in the political departments of the Government. The jurisdiction of the courts when it existed was extraordinary and by special act of Congress. This was clearly stated by Judge Hoffman in one of the cases to which I have referred. It was a case where the Government of the United States had filed a bill to cancel a patent on the ground of a fraudulent survey. He said:

The treaty is a contract made by the nation acting through the political branch of its government. Its execution is confided to that branch of the government alone. And until it has provided the means and ordained the mode of its execution, no court has the authority to decide what cases fall within its provisions, or what titles the United States is bound to respect.

A fortiori must the ordinary courts be without jurisdiction, when the political power has confided the whole subject to special tribunals, whose final decree it has declared shall be conclusive.

If the House will bear with me a moment longer, Mr. Speaker, I will refer to another decision, which seems conclusive as to the right of the parties who bring this bill to obtain relief against this erroneous survey, in the Federal courts. A suit was instituted in the United States circuit court in California in 1860 by the Government against one Spulredor to correct a survey made by virtue of a confirmation by the board of land commissioners. The court below found that an error had been made in the survey, and decreed that certain corrections should be made by a new survey. An appeal was prosecuted to the Supreme Court of the United States, where the decision was reversed, the court using the following language:

The action of the surveyor in this respect was not in terms made subject to the control of the board or court; it was only made returnable to the Commissioner of the General Land Office at Washington, who was invested, by the previous legislation of Congress, with a general supervision over the acts of all subordinate officers charged with making surveys.

* * * * * * *

The decree of the district court, revising the action of the surveyor-general and correcting his survey, must, therefore, be reversed, and the court directed to dismiss the proceedings for want of jurisdiction. If the survey does not conform to the decree of the board, the remedy must be sought from the Commissioner of the General Land Office before the patent issues, and not in the district court.—1 *Wallace*, 104.

Reversed for the want of jurisdiction. Will some opponent of this bill explain now what remedy these heirs at law and grantees of Coppinger have in the courts, either State or Federal? Will he explain specifically to this House when and how "they have had their day in court?"

In conclusion, Mr. Speaker; this case presents the following clearly ascertained facts:

First. A valid grant was made by the Mexican authorities of Las Pulgas Rancho to the heirs of Arguello in 1835, the grant containing four leagues.

Second. A valid grant by said authorities was made to Juan Coppinger, in 1840, of Cañada di Roimundo, under which he held undisputed possession until his death, in 1846.

Third. By the treaty of Guadalupe Hidalgo the Government of the United States was bound to recognize and respect all Mexican grants and titles in California.

Fourth. The board of land commissioners, created by act of Congress in 1851 for the purpose of ascertaining and settling these titles, confirmed the title of the Coppinger heirs to the Cañada di Roimundo; and of the Arguello heirs to Las Pulgas Rancho, rejecting the claim of the latter heirs to eight leagues, but fixing the western boundary of said rancho at one league from the estuaries of the bay of San Francisco.

Fifth. The decree of the board of land commissioners was in each case, in all things, affirmed by the Supreme Court of the United States.

Sixth. There was an error in the survey made of Las Pulgas Rancho, by which a patent issued to the Arguello heirs for 17,490 acres in excess of their grant. This survey stretched the western line of said rancho into the center of Roimundo Valley.

Seventh. Under this patent actions of ejectment were successfully prosecuted in the district court of California against the Coppinger heirs and grantee, and they were in 1861 ejected from lands which they had purchased in good faith, for a valuable consideration, and upon which they had expended large sums; lands which they and their grantors had held in peaceable possession under the Governments of Mexico and the United States successively for near twenty years.

These, sir, are the incontrovertible facts; now as to the law. By the decisions of the State and Federal courts to which I have referred, the remedy against an erroneous survey or the wrongful issuing of a patent in cases arising under this treaty must be found in the legislative department of the Government. Under the act of 1851, creating the board of land commissioners, the courts have no jurisdiction to correct these errors; the relief can be administered only by Congress.

Mr. Speaker, it is under this state of facts and the law arising from them that the legal representatives of Juan Coppinger bring their bill before this House and ask relief at our hands. To the end that they may be permitted to assert their rights to the homes from which

they have been wrongfully ejected, they ask that the survey of which I have spoken be corrected so as to conform to the original grant, as declared by the Supreme Court. Sir, to defeat this bill would be simply a denial of justice—a denial of justice, too, by a Government bound by the highest considerations of honor, as well as treaty stipulation, to protect the rights of the humblest citizen upon this broad domain.

Maryland and Delaware Ship-Canal.

SPEECH OF HON. ELI J. HENKLE,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 23, 1881,

In favor of constructing a ship-canal connecting the waters of the Chesapeake and Delaware Bays by way of the Sassafras River.

Mr. HENKLE said:

Mr. SPEAKER: Having been the first to present before Congress a bill providing for the construction of a ship-canal connecting the waters of the Chesapeake and Delaware Bays, which should ultimately become a free water-way, and of capacity sufficient for the passage of vessels of the largest size, and having by this means aroused the attention of Congress and the country, more than ever before, to a just appreciation of the great advantages that would result to the commerce of the country by thus providing a direct outlet from the port of Baltimore to the ocean, I deem it proper that I should place upon record, as briefly and clearly as circumstances will permit, the arguments in favor of the work, and especially the considerations that have influenced me in the advocacy of the Sassafras in preference to all other routes for the location of this work—a work destined to become one of great national as well as inestimable local importance.

The long, circuitous, and oftentimes dangerous route by which vessels trading from Baltimore to northern and foreign ports via the capes of Virginia reach their destination, has proven a serious hinderance to the development of our foreign and domestic trade, and men of intelligence and enterprise have for many years past recognized the necessity of a more direct outlet to the sea. It has been considered a subject of national rather than of local importance. In the national commercial convention held in Baltimore City in 1871, composed of gentlemen from every part of the country, of great intelligence and possessing great practical knowledge, the subject of this canal was fully considered. The result was the adoption, by a unanimous vote, of a preamble and resolution which stated that the building of the canal "is of national importance, and is especially of importance to the West, the South, the Southwest, and Northwest, by lessening the distance to European ports and to New England for the export of cereals and provisions, tobacco, cotton, and all other products, and for all importations to meet the requirements for the consumption of those vast regions."

The attention of gentlemen of capital was directed about the same period to this promising field for investment, and in consequence application was made in 1872 to the Maryland Legislature and a charter granted incorporating "The Maryland and Delaware Ship Canal Company." The incorporators were Horace B. Tibbetts, George Vickers, C. Bainbridge Smith, Thales A. Linthicum, James T. Earle, Philip W. Downs, E. L. F. Hardcastle, Levin Wolford, John W. Davis, Julian J. Alexander, and James T. Briscoe—all save one citizens of the State of Maryland. They were authorized to locate and construct a ship-canal across the eastern shore peninsula of the State, by such route as they might deem most desirable, and to charge not exceeding ten cents per ton toll for vessels passing through it, and the charter was made perpetual. The following year, 1873, the Legislature of Delaware chartered the same company, granting them the right to pass through her territory, and conferring upon them similar powers and privileges.

It was the purpose of the gentlemen engaged in this enterprise to construct the canal with their own means, as a remunerative investment for their capital, and without any idea of asking Government aid of any kind; and but for the financial crash of 1873, which bankrupted so many men of ample fortune, the work would now be completed and in successful operation. The advantages of such a work of internal improvement and its promise of remuneration as a private enterprise are forcibly set forth in the following letter from Hon. Reverdy Johnson, our late minister to the Court of Saint James, addressed to the president of the company:

BALTIMORE, *November* 16, 1874.

MY DEAR SIR: Your two letters of the 5th of October and the 8th of November, 1874, were duly received. I am not surprised to learn that the project of the ship-canal to connect the Chesapeake and Delaware Bays is being favorably considered in Europe. No enterprise of which I am aware promises to be more advantageous to a large portion of the United States than such a canal.

The Baltimore and Ohio Railroad, with its various connections, including its road to Chicago, brings Baltimore, as a shipping port, much nearer to the South, the Southwest, and the Northwest, and of course diminishes the distance to the sea. The effects of the canal will be to make the passage from Baltimore to the ocean fully two hundred and twenty-five miles less than it is at present, and to avoid what at times is a dangerous voyage around the capes. Greatly as Baltimore and Maryland will be profited by such a work, the profit to the sections referred to will be as great, if not greater. And the advantage to the General Government during peace will be largely promoted, and on the occurrence of war the result will be yet more beneficial. Fleets might find their way from one bay to the other with perfect safety, and with so much speed as to be able to meet any enemy that might appear in either bay.

The engineers who have surveyed the route for the larger canal of one hundred feet in width and twenty-five feet in depth, without locks, are, I understand, clearly of opinion that the improvement is entirely practicable.

Your company was chartered by Maryland April 1, 1872, and by Delaware March 26, 1873, and both charters are perpetual. By these grants the company is authorized to construct a ship-canal without locks, and the company, I am told, has wisely decided that the canal shall be one hundred feet in width and twenty-five feet in depth. This will enable ships of the largest class readily to pass from bay to bay, and with assured safety. Not only will the route to Europe from Baltimore be diminished in distance two hundred and twenty-five miles, but the effect upon the carrying trade to the eastern and northern cities will be most beneficial.

It is no exaggeration to say that it will increase such trade, as far as transportation is concerned, at least one-third. That is to say, whereas, by the present route, vessels now engaged in it can make only two voyages, they will be able, by means of the canal, within the same period, to make three. The trade of Baltimore with the West, with the appliances of transportation the city at present has through the Baltimore and Ohio Railroad, has already greatly increased. For instance, the trade in grain alone: in 1871 there was brought here 3,000,000 bushels, and in 1873, 7,510,057. And it is estimated that the quantity will be increased during the coming year to 20,000,000. And all the other productions of the West, I believe, during the same period, have increased in the same proportion. It may therefore be considered as certain that when your canal is completed the increase will be still greater, because the effect will be to render the transportation to the Eastern and Northern States and to the ocean not only shorter in distance and in time, but consequently to reduce the cost to the producer.

In the commercial convention held in this city, in 1871, composed of gentlemen, from every part of our country, of great intelligence, and possessing great practical knowledge, the subject of this canal was fully considered. The result was the adoption, by a unanimous vote, of a preamble and resolution, which stated that the building of the canal "is of national importance, and is especially of importance to the West, the South, the Southwest, and Northwest, by lessening the distance to European ports, and to New England, for the export of cereals and provisions, tobacco, cotton, and all other products, and for all importations to meet the requirements for the consumption of those vast regions."

The Baltimore and Ohio Railroad also esteems the work of great importance. In the last annual report to the stockholders, the matter is thus referred to:

"The construction of such a canal will reduce the distance between Baltimore and New York, and the ports of New England, and all European ports nearly two hundred miles for steamships and all large vessels. As Baltimore has become the entrepot of vast business from the South and from the great West, the economies of transportation, which can be effected by this important reduction of distance, will inure so largely to the interests of the consumers and producers of immense regions that the enterprise is palpably of national importance."

It cannot, therefore, be doubted that, should it become necessary, the enlightened spirit and wisdom which has made the road itself one truly national will be further illustrated by their appropriating something out of their immense resources to assist in the construction of the canal; nor can it be doubted that the capitalists of our city and all our people will also assist. And if Congress is, as it cannot be questioned it will be, governed by the interests of almost the entire country and by the reasons which so persuasively invoke the aid of the General Government, that such aid will be rendered. And, in my judgment, it is equally certain that if your company issues bonds for whatever amount may be necessary to insure the completion of the work, bearing an interest of 6 per cent., they will readily find purchasers among the capitalists of Europe and of this country. The stock, too, cannot fail to be profitable. This will be evident to any one who reflects upon the immense trade which will flow through the canal from either end, subject to the tolls authorized by the charter. The company, therefore, may look with confidence to the early construction of the canal, and to the profit which will inure to the stockholders, as well as to the great advantages which will be conferred upon the General Government and upon the country at large.

I remain, with much regard, your obedient servant,

REVERDY JOHNSON.

HORACE B. TEBBETTS, Esq., *President, &c., New York.*

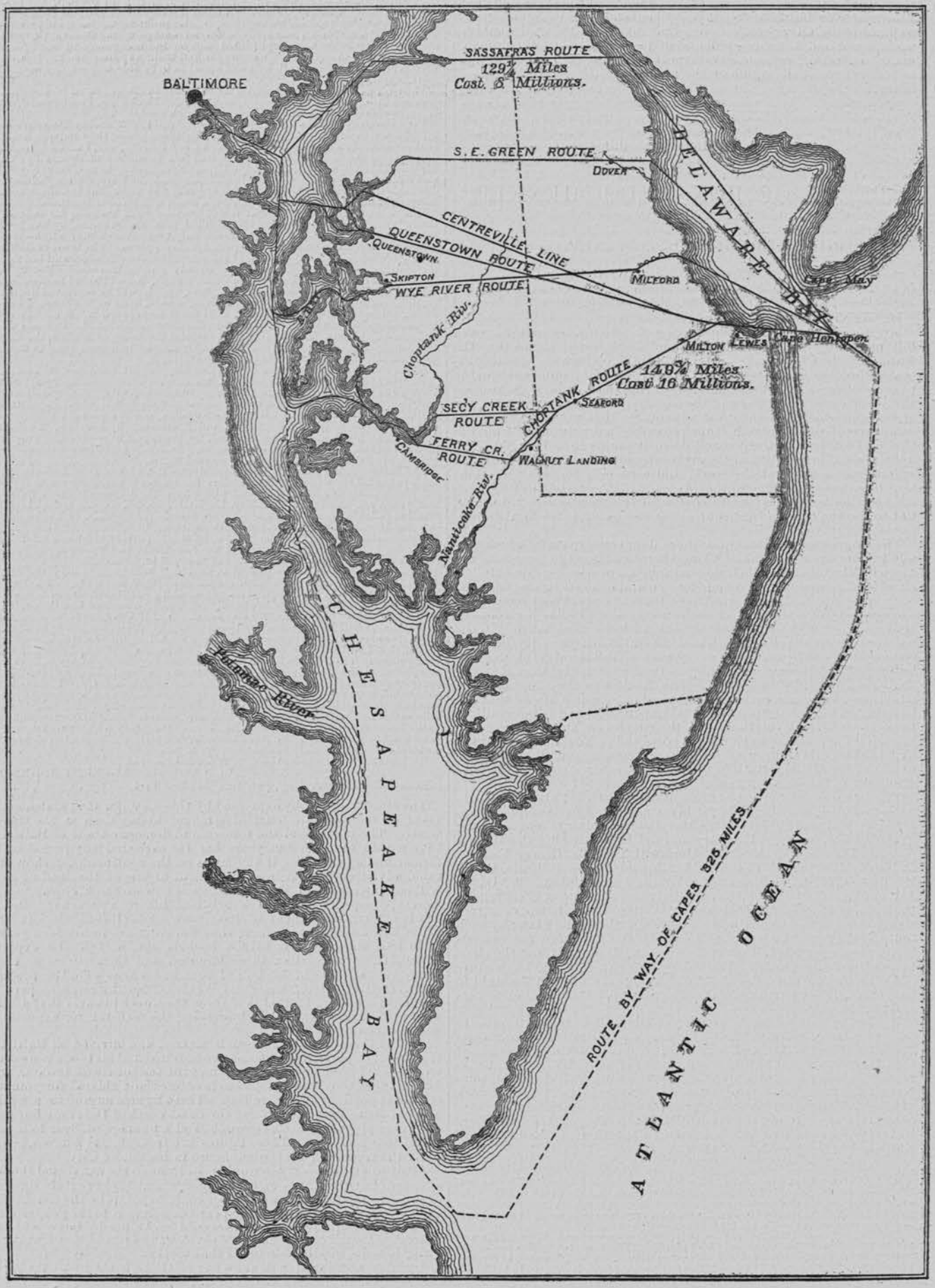
The reasons so forciby expressed by this distinguished statesman in favor of the work are fourfold stronger to-day than at the time he wrote. The increase of the foreign and domestic trade of Baltimore City within the past ten years has far exceeded any period in her former history, and few if any cities on the continent can show such rapid advancement. A brief statement of one of the leading items will convince any one that Baltimore is now on the highway to commercial prosperity and that a brilliant future awaits her. Her receipts of corn and wheat in 1865 were 4,823,816 bushels. In 1879, 57,796,322, an increase of more than twelve times in fourteen years.

In 1865 she exported 161,636 bushels, and in 1879 she exported 53,480,341, or more than three hundred and thirty times as much. These vast millions of bushels of corn and wheat were the products of the fertile fields of the great West and Northwest, sent here for export to a foreign market, and show the direct interest that all that section of our country has in increasing the facilities for exportation and cheapening its cost.

In 1879 there were 3,753 vessels cleared and arrived at Baltimore from foreign ports, and of these five hundred and sixty-six were ocean steamers. I have no official statement of the coastwise trade in 1879, but in 1878 there were 2,491 vessels entered and cleared for points on our coast north of Delaware Bay. These figures aggregate a foreign and coastwise trade, embracing the coast north of Delaware Bay only, giving employment to 6,244 vessels, and a tonnage of over four million of tons annually. These figures are from official sources, principally the records of the custom-house in Baltimore City.

All of this immense trade would pass through the canal, and thereby save two hundred miles on each trip, or about 10 per cent. in time and expense to foreign ports and 50 per cent. to points on the coast. This saving in time, distance, and expense in addition to the geographical advantages Baltimore possesses would make her by large odds the nearest seaboard city to all the West, Northwest, and Southwest, and bring benefits inestimable to all that section.

A glance at the map will show our relations to the great trade cen-


BALTIMORE
SASSAFRAS ROUTE
129¾ Miles
Cost. 8 Millions.
S. E. GREEN ROUTE
DOVER
DELAWARE BAY
CENTREVILLE LINE
QUEENSTOWN ROUTE
QUEENSTOWN
SKIPTON
WYE RIVER ROUTE
MILFORD
Cape May
Choptank Riv.
MILTON
LEWES
Cape Henlopen
CHOPTANK ROUTE
148¾ Miles
Cost 16 Millions.
SEAFORD
SECY CREEK ROUTE
FERRY CR. ROUTE
CAMBRIDGE
WALNUT LANDING
Nanticoke Riv.
Pocomoke River
CHESAPEAKE BAY
ROUTE BY WAY OF CAPES 325 MILES
ATLANTIC OCEAN

ters of the West and Northwest. Chicago is one hundred and fifty miles nearer to Baltimore than New York, Saint Louis is two hundred and ten, Louisville is two hundred and forty-six, Cincinnati is two hundred and forty, and Pittsburgh is one hundred and four miles nearer, and all other western points in like proportion. Our railroad connections extend like a network through all these vast sections and make them easy of access. In consequence of these facts the inevitable laws of trade must prevail to seek the shortest and cheapest route and make Baltimore the great export city of the continent. These startling facts, so briefly stated, and very many others that might be enumerated, have recently directed the attention of the enterprising men of the country to the coming greatness of our metropolis and settled the question of the necessity of opening up a more direct outlet to the sea by a canal connecting the Chesapeake and Delaware Bays. That such a work should be constructed is now admitted on all hands, both in and out of Congress. The most essential questions to be settled now are, where shall it be located and how shall it be built?

The question as to the best route for the location of the work has of late been freely discussed, and a wide difference of opinion has been expressed upon this point. The thorough and accurate surveys and estimates made by Colonel Craighill, under the direction of the Secretary of War and by authority of Congress, embraced all the various routes suggested as feasible, and have shown that one of two routes, the Sassafras or the Choptank, must be taken, the others not affording equal facilities and far exceeding them in cost.

It is to the discussion of this question that I call special attention, as conflicting interests have led to the widest differences between the advocates of these respective routes.

The great object sought by the opening of such a canal is the saving of time and distance; when we save time and distance we save expense, and the saving of expense is in direct proportion to the saving of time. Time is the great factor in the competitions of trade. Other things being equal, then, the route by which the most time is saved will prove of the greatest advantage to trade. But if the route by which the greatest saving of time is secured be also the route that costs the least to build, then it seems to me there can be no question that that route should be selected.

Now, the surveys and estimates above referred to show the following figures:

Items.	Sassafras route.	Choptank route.
Length in miles	129.25	149.81
Length of canal or proper excavation above low water	16.20	37.67
Cost in millions of dollars	8	16½
Relative time of transit in hours, at ten miles per hour in open water, seven in dredged channel and five in canal proper	15 1/10	19 1/20
Saving in time in hours	18 1/10	13¾
Saving in distance in miles	195¼	175

Distance from Baltimore, by way of the capes, to a common point at sea, three hundred and twenty-four miles.

Thus it appears that the Sassafras is twenty miles shorter than the Choptank route, that in time required for vessels to pass through it to a common point at sea it is more than four hours shorter, and that the cost would be but eight millions, while the Choptank would cost over sixteen million dollars, or twice as much. Surely, with all these advantages in favor of one route, some insurmountable obstacles should be shown before adopting the longer and more costly one in preference.

There are those, however, who have insisted upon the Choptank route notwithstanding its greater cost and length. The Board of Trade of Baltimore City and the representatives of certain railroad corporations have appeared before the Senate committee and advocated the longer and more expensive route. The Corn and Flour Exchange, however, have urged upon the Senate committee the great importance of a canal, but refrained from expressing any preference as to route. It is natural and to be expected that rich corporations enjoying a monopoly of the carrying trade between certain points would oppose the opening of any rival route by which this trade might be divided and its cost cheapened. A canal by way of the Sassafras River would open up a short, cheap, and convenient water-way for the transportation of freights between Baltimore, Philadelphia, and New York. Water transportation is cheaper than by rail. Freights between these points would be greatly reduced and the profits to the railroad correspondingly diminished. Hence the opposition of these railroad corporations and their advocacy of a circuitous route by which this competition would be rendered impossible. *It would be one hundred and thirty miles further from Baltimore to Philadelphia by way of the Choptank than by the Sassafras route.* Why the merchants composing the Board of Trade should take this position is unaccountable upon any theory except the overpowering, dazzling influence of these great corporations—certainly they did not always occupy this position. In 1878 they addressed the following memorial to Congress, asking the General Government to assist the Maryland and Delaware Ship Canal Company in the construction of the work, which they had already located upon the Sassafras route. The signatures of this memorial will show that it was signed by the leading commercial firms and business men of the city:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, citizens of Maryland, and members of the Commercial and Financial Exchanges of the city of Baltimore, respectfully represent: That the States of Maryland and Delaware, for the purpose of expediting the exchange of commodities between the United States and foreign countries, as well as between the States of the Union, have chartered the Maryland and Delaware Ship Canal Company.

The object of the company is to construct across the narrow peninsula of Maryland and Delaware a ship-canal, connecting the Chesapeake and Delaware Bays, without locks and fed by the tides. The vast importance of such a canal to the commercial interests of the whole country was recognized and pointedly asserted by unanimous resolution of the national commercial convention, which assembled in this city in 1871, as follows: That such a canal "is of national importance, and is especially of importance to the West, the South, the Southwest and the Northwest by lessening the distance to European ports and to New England, for the export of cereals and provisions, tobacco, cotton, and all other products, and for all importations to meet the requirements for the consumption of these vast regions."

The Baltimore and Ohio Railroad Company, in its annual report of President Garrett to the stockholders in 1874, emphatically asserted that "the construction of such a canal will reduce the distance between Baltimore and New York, and the ports of New England, and all European ports, nearly two hundred miles for steamships and all large vessels. As Baltimore has become the entrepot of vast business from the South and from the great West, the economies of transportation, which can be effected by this important reduction of distance will inure so largely to the interest of the consumers and producers of immense regions that the enterprise is palpably of national importance."

Your memorialists are advised that surveys already made demonstrate the actual savings to transportation would be one-tenth in time to European ports and two hundred and twenty-five miles in distance between Baltimore and all northern and European ports. Such a canal, while avoiding the dangerous voyage round the capes of Virginia, and, as shown above, profiting to a very large extent the commerce of the whole country, would, in case of war with any nation, become of great value as a means of national defense, providing a safe retreat for merchantmen, and enabling the concentration of fleets for the defense of threatened points on the Atlantic coast. The interior line which such a canal would open, would become of great importance in the defense of Washington, Baltimore, Philadelphia, New York, and the New England cities, by enabling the quick concentration of squadrons for the defense of either city.

The commerce of Baltimore within the past decade has so rapidly increased in volume and value as to become worthy of the fostering hand of the National Government—the increase of her grain trade alone with the great West has, during the period from 1871 to 1878, been from 3,000,000 bushels to 29,500,000 bushels. While, therefore, the commercial interests of Baltimore may be greatly promoted by the construction of such a canal, its importance to the productive interests of the great sections of the country demand that the cost of its construction should not be thrown entirely upon the resources of individuals and of the corporation of Baltimore, but that the Congress of the United States, as expressed in the language of the late Reverdy Johnson, "governed by the interest of almost the entire country, and by the reasons which so persuasively invoke the aid of the General Government," will render some aid to this improvement.

Your memorialists therefore pray that the proper committees of your honorable Houses may be directed to inquire into the commercial and national importance of this canal, and report such aid and assistance as may be found proper, and your memorialists will ever pray, &c.

A. Brown & Sons,	Seevers & Anderson,
R. Garrett & Sons,	Merritt, Gasaway & Co.,
W. Fisher & Sons,	R. B. Byard,
Ferdinand C. Latrobe,	Brown, Graves & Co.,
James Knox & Co.,	R. M. Powell,
Spence, Montague & Co.,	M. Abrams,
Chas. A. Gambrill & Co.,	Robt. Tyson & Co.,
Gilmore, Mariott & Co.,	George I. Appold,
John S. Williams & Bro.,	George Small,
W. E. Woodyear & Co.,	A. Schumacher & Co.,
Barker & Guathmey,	J. I. Middleton & Co.,
Thos. J. Dail & Co.,	George E. Bowdoin & Co.,
Wilson, Palmer & Co.,	Mordecai & Co.,
John W. Ross & Co.,	W. B. McAtee,
James Warden & Co.,	Morton, Bull & Co.,
Birckhead & Reeves,	Henry Duvall & Co.,
Milmine, Bodman & Co.,	J. Hooper & Co.,
Thos. W. Levering & Son,	W. H. Michael & Sons,
Tyson & Brother,	Tucker, Smith & Co.,
C. W. Slagle & Co.,	Stephen Bonsal,
Gill & Fisher,	E. Levering & Co.,
B. B. Baker & Co.,	Tate, Muller & Co.,
H. McCoy & Co.,	Humrichouse, Baylies & Co.,
Meixsell & Co.,	Hiram Woods,
W. G. Atkinson,	Geo. W. Porter,
Wylie, Smith & Co.,	D. H. Miller & Sons,
Hull, Mathews & Co.,	Henry S. Taylor,
E. D. Bigelow & Co.,	Jno. H. B. Latrobe,
James J. Corner & Co.,	J. V. F. Finley,
B. Brooke,	Isaac R. Beam,
Nyce & Co.,	J. Howard,
Kennard & Oudesbuys,	Hopkins & Janney,
	And 500 other firms.

About the same period the Maryland Legislature addressed the following joint resolutions to Congress, passed with but one dissenting voice in either house, and he the president of the Board of Pilots in Baltimore City, who perhaps thought the profits of his pursuit would be diminished by the construction of a shorter and safer outlet to the ocean:

Joint resolutions of the General Assembly of Maryland.

Whereas the States of Maryland and Delaware heretofore chartered the Maryland and Delaware Ship Canal Company, for the purpose of constructing a ship-canal across the peninsula of Maryland and Delaware, connecting the waters of the Chesapeake and Delaware Bays, and opening a direct route to sea for vessels trading at the ports of Baltimore and the upper part of the Chesapeake Bay, thereby shortening the distance from Baltimore to European ports, and New York and New England seaboard cities, two hundred and twenty-five miles, and avoiding the dangerous and tedious route doubling Cape Charles, and by said charter said company is authorized to charge a rate of toll not exceeding twenty cents per ton; and

Whereas this General Assembly approves the wisdom and foresight of the said General Assemblies of Maryland and Delaware, which granted said charter, and

deem the speedy construction and opening of said canal of paramount importance to the growing commerce of Baltimore and the great agricultural sections of the Southwest, the West, and the Northwest, which find their nearest and natural outlet at Baltimore City; and

Whereas the said canal would afford the cheapest and most effectual means of defending the cities of Washington, Baltimore, and Annapolis on the south side, and Philadelphia, Chester, Wilmington, New York, and the New England seaports, on the north side, in case of war, by enabling the naval forces of the United States freely and speedily to pass from bay to bay, and on interior lines to pass up the Atlantic coast for the defense of threatened points, and would also enable merchant shipping to retreat from one bay to the other in case of danger from a hostile fleet; and

Whereas the Federal Government is charged with the public defense, and it is its duty to adopt the most complete modes of rendering the capital of the United States and the great seaboard cities impregnable, and the interests heretofore mentioned are of national and the construction of said canal of international importance; and

Whereas private individuals are about to take upon themselves the construction of this great work, and are seeking to obtain the necessary means to insure its successful completion: Now, therefore,

Be it resolved by the General Assembly of Maryland, That the Representatives and Senators from Maryland in the Congress of the United States are hereby requested to urge upon the Congress of the United States to grant unto the said the Maryland and Delaware Ship Canal Company such aid as may be necessary to insure the completion of said canal in consideration that the said company will permit the vessels of the United States Navy, or its transports, at all times to pass through the said canal, when completed, free of all tolls and charge.

And be it resolved, That the governor of Maryland be, and he is hereby, requested without delay to transmit a copy of these resolutions to each of the said Representatives and Senators from Maryland.

FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
EDWARD LLOYD,
President of the Senate.

Attest:

M. Y. KIDD, *Chief Clerk.*

This memorial also asked Government assistance to the above-named ship-canal company, whose route was by the Sassafras River. It will thus be seen that until within a comparatively recent period the almost unanimous sentiment of the people of the city and State was in favor of a canal by the shortest and cheapest route, namely, the Sassafras route. No convulsion of nature has changed the physical features of the country since the date of these memorials. The advantages and disadvantages of these respective routes are the same to-day as in 1878; yet soon after the presentation of the bill which I had the honor first to offer in the Forty-fifth Congress several of the gentlemen who signed or voted for the above appeals to Congress, and others associated with them, secured from the General Assembly of Maryland a charter for a ship-canal to be located on the Choptank route, with authority to charge the same tolls provided in the charter of the original company; and since the procurement of the Choptank charter a determined war has been waged against a canal by any other route. I shall not discuss the motives that may have instigated these gentlemen to pursue the course they have; but after having presented fairly and impartially the facts regarding the two routes, I will be content to leave the decision of their merits to the judgment of every intelligent reader, simply appealing to every reader to think and judge for himself, and not be governed in his decision by the *ipse dixit* of others. I am aware that a formidable opposition has recently shown itself to the views that I hold upon this subject; but no array of imposing names or groundless assertions shall divert me from my matured convictions made, I think, after full reflection and a thorough investigation.

If the Choptank route possesses half the amazing advantages now claimed, it is passing strange that not even its most enthusiastic advocate has ever had the courage to present a bill in Congress providing for its construction, or shown a willingness to invest a single dollar of his own money in the work. The parties showing the most zeal upon that side of the question have contented themselves with opposing a canal by the Sassafras rather than pressing the work by any other route, and seem to be quite content that Baltimore shall go without any canal rather than have it by way of Sassafras River.

On the 24th day of May, 1878, I first introduced in the House of Representatives "A bill granting Government aid toward the construction of a ship-canal connecting the Chesapeake and Delaware Bays, and securing to the Government the free use of said canal for all time to come." This bill was referred to the Committee on Railways and Canals, of which the late Hon. Gustave Schleicher, of Texas, was chairman. It received prompt and full consideration at the hands of this gentleman and his committee, and a favorable report was ordered to be made to the House. The press of business attending the closing hours of the session prevented its introduction, and the whole subject went over to the Forty-sixth Congress. On the 21st day of May, 1879, I again introduced a similar bill. It was referred by the then chairman, Hon. GEORGE C. CABELL, of Virginia, to a sub-committee for consideration, of which Hon. WILLIAM KIMMEL, of Baltimore, was chairman; it being doubtless considered best to refer a subject so vitally affecting the interests of Baltimore to one of her own Representatives, at whose hands it was presumed it would receive a prompt as well as a full investigation.

The bill was held by the chairman of this sub-committee for nearly a year before any meeting was called. It was introduced May, 1879, and it was not until April, 1880, that I succeeded in inducing him to call together his committee for the consideration of this subject so vital to the commercial interests of the city he in part represented. A hearing was at last granted, and the subject fully discussed in all its bearings. Colonel KIMMEL took strong ground against the bill, advocating the Choptank as being the better route, and that it should be constructed entirely at Government expense and free from the beginning. My bill provided that the Government should indorse the interest coupons on four millions of the bonds of the Maryland and Delaware Ship Canal Company, that being the half of its estimated cost, the company being prepared to furnish the balance. To protect the Government against any possible loss, it was provided in the bill that the Government should have a first mortgage upon the entire work and all its revenues, the free use of the canal for Government vessels for all time to come, and to have the right reserved to assume its ownership at any time and make it absolutely free by paying to the company its cost only, without interest, and providing further that the work should be constructed under the supervision and direction of United States engineers detailed for the purpose, and furthermore that no coupon should be indorsed and the Government assume no responsibility for a single dollar until the work should have been completed according to the provisions of the bill, namely, twenty-six feet deep at mean low tide and one hundred feet wide at the bottom, and so certified by Government engineers to be detailed by the Secretary of War for the purpose.

The committee were divided as between the support of my bill and an unwillingness to grant any sort of aid to any such work. Colonel KIMMEL strenuously urged a free canal at Government expense and by the Choptank. While not agreeing with him as to the best route, I freely conceded that a canal free from the first and built by congressional appropriation was the most desirable for Baltimore and commerce generally. I proposed to support with all the earnestness of my nature a direct appropriation for the whole work, if the committee could be induced to agree to and recommend it; but not a single member was found, except Colonel KIMMEL, who was in favor of such a proposition. In my opinion our great need is a canal, free from the first, if possible; if not, still a canal, and with the right reserved to make it free at any time hereafter. If once constructed, its value and importance will soon be recognized by the whole country, and its freedom will come inevitably and in the near future. Colonel KIMMEL was himself a member of the Committee on Railways and Canals of the House of Representatives, before whom this question was fully discussed, and, though not a single member agreed with him, he seemed to assume that he had gained a signal victory, not by securing his own professed object, but by preventing a favorable report upon a route that he did not advocate, and thus delaying the consummation of a work in which his constituents as much as any others in the State were deeply interested.

It is conceded by all that the Sassafras is the shortest in distance and time and also the cheapest by half, the difference in cost being $8,000,000. But objections are urged against it, and claimed to be so serious in their nature as to make the construction of a canal by this route unadvisable and to justify rather the expenditure of double the amount to build it elsewhere. It is charged as a serious objection to the Sassafras route, and one from which the Choptank is claimed to be comparatively exempt, that, being further north and the water fresh, it is more liable to freeze. Tables of statistics are published in the engineer's report to show that, taking the average of twenty years, the Sassafras would be obstructed by ice twelve days a year more than the Choptank. This estimate is based partly upon a table furnished by the Chesapeake and Delaware Canal Company; the rest from sources not given.

I desire to speak very plainly upon this point, as very many wild and groundless assertions have been made regarding it in newspapers, in reports, and before committees. It is simply and plainly absurd to argue that the more northern route would be closed to navigation by ice twice as long as the other.

One witness in his testimony before the House Committee, claiming to be both engineer and general expert, asserted that the Sassafras River is closed by ice on an average sixty days in the year more than the Choptank. It is scarcely necessary to state that this evidence did no harm as no one believed it; neither river being closed as much as sixty days in succession once in ten years. It is not a fair argument to claim that the Sassafras would be closed by ice as long as the present Chesapeake and Delaware Canal. That canal is a canal with locks, having one ten-mile level filled with fresh water pumped in by artificial means, while the Sassafras Canal would be an open waterway, extending from bay to bay, without locks and with the tidal currents of salt water running in alternate directions all the time. When it is high tide in the Deleware it is low tide in the Chesapeake, and when high in the Chesapeake it is low in the Delaware. On flood tide in the Delaware the water is very salt, so these currents passing through the canal would very greatly retard freezing, and render it much less likely to be obstructed by ice than is the present canal with locks and stagnant fresh water. Moreover, when the commerce of our city shall be turned through this new channel, vessels will be passing to and fro every hour of the day and night, and this constant agitation of the waters will also greatly retard freezing.

The testimony of all sailors and steamboat captains who have traded in the waters of the upper bay for the past thirty or forty years is decided on the point that this route would be kept open to navigation at all times as easily as the port of Baltimore, the water being more salt and the tidal currents stronger. After all that has been so extravagantly asserted on this point, the fact is that there is less than

one degree difference in latitude between these routes and only four degrees difference between the freezing point of fresh and salt water. Allowing, then, for the sake of the argument, what is not the fact, that the Sassafras is altogether fresh water and the Choptank salt, you would have a difference in temperature of only five degrees. Surely this could make no such difference as to justify an additional expenditure of $8,000,000 and a loss of from four to five hours' time on every trip for every vessel trading to and from the port of Baltimore the whole year round. Four thousand is a low estimate of the number of sea-going vessels that would pass through the canal when opened. A loss of four hours for each trip (and it would average much more) would make 16,000 hours lost annually by taking the Choptank rather than the Sassafras route. Estimating this time at $5 per hour, a low estimate for vessels averaging over one thousand tons burden, and you have $80,000 lost annually to the commerce of the country by taking the longer rather than the shorter route. The navigation can be kept absolutely open at all times for one-fourth of that amount. This loss of time and money would, moreover, increase annually as trade increases. It would be a poor economy, then, that would adopt the more circuitous and more expensive route. The interest on the eight millions additional cost, at 4 per cent., would be $320,000, enough to support all the ice-boats that ever were or ever will be required in Maryland waters.

Another objection urged against the Sassafras route is, that vessels passing up the bay to the mouth of the river would encounter serious obstacles from the floating ice from the Susquehanna when it breaks up in the spring, while in passing down the bay toward the mouth of the Choptank they would move in the direction of the floating ice and not be injured or obstructed in their passage. This argument would be worth more if all vessels were going out only. But it happens to be true that just about as many come in as go out. Those coming in from the Choptank would have to encounter this drift-ice, while those coming in from the Sassafras would run with the current. So one argument balances the other exactly and this objection amounts to nothing. In this connection I would state it as a fact known to all who are familiar with the navigation of the Chesapeake Bay that the greatest obstacles from drift-ice in the bay are almost always found in the mouth of the Patapsco River, and extending down the western shore to Sandy Point. The gorge is worse in the mouth of the Patapsco, and would be encountered alike on either route.

If one were to give credit to half the exaggerated statements made regarding the impassable barriers and floating fields of ice that linger long in the lap of spring upon the waters of the Sassafras and the upper bay, he would be persuaded that it was really an arctic region and not in the temperate zone, as geography has placed it, and the Choptank River, its entrance and tributaries a region of perennial spring-time. The fact is that the difference between these routes, as regards ice obstructions, is too insignificant to give either route any material advantage over the other. The breaking up and running of the drift-ice continue only a few days at most, and only in extra severe winters to such a degree as to hinder or seriously obstruct navigation.

The past has been an unusually severe winter, and no opportunity has been lost to keep before the minds of the public the fact that the upper bay and Sassafras were closed to navigation for a time. The following extracts from the Baltimore American will show, I think, that other waters have had troubles of a similar character. On the 25th of January this item appeared:

The ice and the ice-boats.—At last the river and harbor is practically free from the ice which has been such a clog to commerce for the past month. The stiff nor'west winds of the past few days have had the effect of driving nearly all the drift-ice out into the bay. The ice-boat Maryland went down yesterday morning, and returned, having found no ice to break. While Baltimore is released, however, some of the small towns down the bay are in a lamentable condition of blockade, and many of the creeks and rivers are blocked up, imprisoning large fleets of oyster pungies and smaller vessels. Mayor Latrobe yesterday received a letter from H. M. Murray, of West River, asking that the ice-boat be sent down to relieve the vessels frozen up there and to break up the ice. The mayor referred the matter to the harbor and river relief commission, which decided to send the ice-boat Maryland down this morning. The keeper of the *light-house on the Choptank River* reports a great deal of ice in the mouth of the river, and that the river is completely blocked, *the ice piling up in enormous fields.* A pile and a couple of braces were carried away from his light-house by the ice.

And on the 26th January this item:

The River, Harbor, and Canal.—The river and harbor yesterday was as placid and as clear of ice as it has ever been. The ice-boat Maryland went down yesterday to the relief of the vessels frozen up in West River, where the ice is reported to be very thick. The steamer John S. Shriver, of the Ericsson line, returned yesterday from Philadelphia, inland route through the canal. The boats of this line have been impeded by the ice in the canal, and an effort was made last week to clear it. The steamer John Shriver was put in front, and with the Richard Whilldin and the Elizabeth pushing behind, they succeeded in breaking the track through to Philadelphia. It is reported that the ice in some places was eleven inches thick, and the powerful steamers even with their snow-plows had a hard time breaking through. *The canal is now open.* Captain F. J. Higginson, inspector of the fifth light-house district, sent the tender Heliotrope yesterday to the relief of the light-house in *Choptank River*, which was abandoned by the keeper during the terrific ice-run. She will remove all Government property, should there be any probability of the light-house going to pieces.

These items show that even when the present canal was open to navigation serious obstructions existed at points farther south. The light-house in the Choptank River was threatened with destruction, and the keeper fled for his life, and the Sharp's Island light-house, at the mouth of the Choptank River, was so utterly wrecked by the fearful ice-gorge as to require an appropriation of $35,000 by Congress for its reconstruction. These facts conclusively show that even at the mouth of the Choptank the obstacles to navigation were more serious than in any other part of the bay. In his testimony before the Senate committee, Major Hutton, who had charge of the surveys under Colonel Craighill, testified that the main channel in the upper bay is changeable on account of the washings from the Susquehanna River, rendering its navigation difficult and uncertain for vessels of deep draught, and that in consequence of these washings continually filling up the channel the cost of maintaining a sufficient depth of water would be very great, if possible at all, and a serious objection to the route. I have been utterly unable to ascertain why Major Hutton should make such an assertion, or the facts upon which it is based. Captains Colmary and Cundiff, both experienced steamboat captains, who have spent more than thirty years in the navigation of the waters of the upper bay and its tributaries, and neither of them having any interest in the question, have testified positively that the main or eastern channel of the bay is just where it was thirty years ago and has never changed nor is it likely to change. They further testify that there is ample depth of water in this channel, and that it has not perceptibly diminished within their experience.

In order to obtain the most reliable information upon this important point, I addressed a note to Colonel Carlisle P. Patterson, Superintendent of the United States Coast Survey, and the following is his answer:

UNITED STATES COAST AND GEODETIC SURVEY OFFICE,
Washington, January 3, 1881.

DEAR SIR: I have duly received your letter of December 29, making inquiries in reference to the main channel of the Chesapeake Bay above Swan Point.

In answer to your first question, "If the main channel in the Chesapeake Bay above Swan Point is liable from any cause to change its location?" I beg to state that there is no liability to any such change.

To your second inquiry, "Whether any material changes in its location have occurred since the first survey by this Survey in 1854?" I have to reply that, to the knowledge of this office, no such changes have taken place.

In reply to your third inquiry, "To what extent the depth of water in said channel has diminished?" I have to say that we have never made a resurvey of this part of the bay, and I am therefore unable to answer this question directly. As the Susquehanna empties its floods into the bay immediately above the portion of the channel referred to, it is to be presumed that there has been a slight diminution in depth. But this, however, can only be slight, as the large flats at the mouth of the river and on each side of the head of the bay serve as "catches" for the silt and light mud of the river, and thus but a very small portion of this material would reach and settle in the channel. With respect to the small side streams, only an extremely small amount of their "mud" can reach the main channel of the bay.

I regret not being able to give a more satisfactory answer to this last inquiry, but our appropriations have been too small to permit resurveys to be made in many places where they are urgently demanded.

Yours, respectfully,

C. B. PATTERSON,
Superintendent.

Hon. E. J. HENKLE, *House of Representatives.*

The Coast-Survey charts show at no point less than three and a half fathoms of water, and I have a letter from Hon. John H. Cooper, president of the Board of Pilots of Baltimore City, to the same effect. The general depth of water in the Eastern channel is from four to six fathoms, and off Howell's Point, at the mouth of the Sassafras, there is seven fathoms or forty-two feet. It is idle to urge insufficiency in depth of water as a serious difficulty in the way of adopting this route. The lumps or knobs where the depth may be slightly less than required are but few and of slight extent, and the difference between the cost of the routes would pay forty times over the cost of maintaining an ample depth at all times.

Another objection, and that one urged by Colonel Craighill, to the upper route is the expense and difficulty of maintaining a sufficient depth of water in Brewerton channel, or that part of the bay extending from the beginning of Craighill channel to the main channel up the eastern side of the bay, known as the Eastern channel, a distance of about three miles. I think I am perfectly safe in asserting that nine-tenths of all the vessels now trading to the port of Baltimore, or that are likely to trade there, can pass with perfect safety through Brewerton channel now, though it has been abandoned for several years past since the opening of the Craighill channel, which gave a more direct route down the bay. Compared with the expense of constructing and maintaining the other route, the cost of keeping open these three miles would be a mere bagatelle. Moreover, should a vessel occasionally be of such draught as to be unable to pass out by this channel, it is not over half an hour longer for her to take the Craighill channel until she enters the Eastern channel, and thence up the bay. Forty various reasons have been urged in opposition to this shorter and cheaper route. They all sink into insignificance when balanced against the immensely greater cost of the Choptank route.

It has been claimed among other things that the Choptank would be the better in case of war with other maritime powers. There cannot be much in this argument, string it out as you may. In case of war it would be a great advantage to be able to transfer war vessels and others readily from one bay to the other without making the circuitous voyage around the capes, risking an attack and capture by the enemy. It would be much farther for a vessel to pass from Philadelphia to Baltimore by the Choptank than by the Sassafras—one hundred and thirty miles further. This is certainly an item worth consideration. A war vessel could pass from the defense of one city to the defense of the other in less than half the time by the upper route that would be required by the lower or more southern one. Again, a hostile fleet might lie in the mouth of Delaware Bay

and prevent our vessels from passing down to the entrance of the Choptank Canal, near Cape Henlopen. At the exit of the Sassafras route on the Delaware an earthwork or other means of defense would command the whole width of the river and protect vessels in their passage from one bay to the other.

In this respect, then, as well as in others, the northern route has the decided advantage. But we are not likely to need a canal by either route as a means of protection in war. It is as a means of advancing commerce that this work is chiefly important, and the route that accomplishes that end the best is the best. The Maryland and Delaware Ship Canal Company, when embarking in the enterprise as an investment to pay best upon the capital employed, engaged the services of eminent engineers and directed them to investigate the merits of all the practicable routes on the peninsula and determine for them the one most likely to answer their ends; that was, to secure the greatest amount of trade by offering the greatest advantages. It would have been the height of folly for them to locate and construct a canal at a cost of large sums of money where serious obstacles would prevent the trade from using it.

The strongest possible argument that can be urged in favor of the Sassafras route is the fact that parties intending to construct a canal with their own means and as an investment adopted this route as the one most likely to pay. It could not pay unless it was such a work as would accommodate the trade. Without trade no tolls could be collected and no profits realized. Without exception all these engineers selected this as the best of all routes.

The late Benjamin C. Latrobe, esq., one of the most distinguished engineers of his day, in this or any country, in his report to the company says:

It gives me pleasure to express my entire approval of the location of the canal, which reflects great credit upon the skill of General Brown, who explained clearly his reasons for selecting the ground chosen, and which are well exhibited in the well-executed maps and profiles above referred to. My view of the route confirmed my previous impressions as to *its superiority in directness and economy of construction over other lines to connect the two bays;* and as we returned to Baltimore, via Chester River, I was still further persuaded that the Sassafras route would prove not only the cheapest to construct, but also the most favorable in its approaches at both sides of the peninsula. The comparative straightness of the Sassafras River and its good depth of water up to Georgetown Bridge, and even somewhat higher, makes the approach upon the Chesapeake side peculiarly favorable, while on the Delaware shore the canal would debouch at Liston's Point, not far below the mouth of Blackbird Creek, where there is less obstruction from sandbars to the entry of ships than at any other point above or below for a long distance. This last is a feature of much importance, as the comparative boldness of the water will obviate the necessity of long and expensive jetties.

The general conformation of the country on this route is most favorable for such a work. The headwaters of the Sassafras on one side and Blackbird Creek upon the other leave an intervening space of but six or eight miles, and the highest part but seventy feet, and that for a very short distance. At no point is the peninsula so nearly bisected as here. It is the route that nature has marked out for this great work, and here in the end it must go.

The advantages that a canal upon the Sassafras route would afford by opening up an outlet directly to the sea for the water-ways of Pennsylvania and connecting with the Erie Canal and the Ohio River have already attracted the attention of the far-sighted statesmen and engineers of that great State.

The following highly interesting and important letter was furnished several years ago by Hon. Simon Cameron to the Senate Committee on Transportation Routes to the Seaboard, of which Senator WINDOM was chairman, and is published in their report. I invite the attention of every intelligent reader to a careful perusal of this communication. It is full of interesting and valuable information and has an important bearing upon this question:

Letter from Colonel James Worrall, civil engineer, of Pennsylvania, to Hon. Simon Cameron, United States Senator, in advocacy of the routes through Pennsylvania.

To Senator WINDOM: I indorse to you, for consideration of the Committee on Transportation over which you preside, the inclosed opinions of Colonel Worrall, civil engineer, of Pennsylvania. He has devoted years of study to the subject, and has brought to bear, in this examination, professional culture and practical experience.

Very respectfully, &c.,

SIMON CAMERON.

WASHINGTON, D. C., *December* 10, 1873.

HARRISBURGH, PA., *November* 25, 1873.

MY DEAR SIR: The subject of great water communications seems as yet to have inspired no very active interest in Pennsylvania. Yet I question much whether there is a State in the Union which has better claims for notice in that particular at the hands of the General Government.

This you may remember I mentioned to you on one occasion last winter, when you agreed with me, fully informed as you were as a citizen of the interior of the State in this very important matter.

I took the liberty of addressing Hon. WILLIAM WINDOM, chairman of the Senate committee having this subject under consideration, who was kind enough to reply to me, stating that my representations would receive attention at the hands of the committee.

I now, however, knowing the interest you take in all subjects of benefit to the great State you so well represent in the Senate, will endeavor to make to you a statement laying down the claims of Pennsylvania in such a manner as that I hope they can be easily understood.

One of the duties of the Committee on Transportation Routes is to find where a great line or great lines of water communication should be located.

Thanks to the most favorable physical geography of our great State, a grand system of such lines might be constructed across her territory, and for cheapness and shortness I question whether any other lines could surpass them.

The Erie Canal will, no doubt, attract the attention of the committee as one of the most important water avenues that can be constructed, joining the East and the West.

The first of the great Pennsylvania lines that I shall mention to you will use a portion of that canal at its western end, and reach the sea equally soon in time and distance; that is to say, in a distance of about five hundred miles, in round numbers, from Buffalo.

It must be premised, however, that before the Pennsylvania system could be brought into play, the desire of Baltimore would have to be gratified by the construction of a ship-canal through the Delaware peninsula, using, probably, the Sassafras River, and creating a port on the estuary of the Delaware.

That canal constructed, its sea-port would become the sea-port of the Pennsylvania system, and that sea-port would, by the line I propose, be probably not one mile further from Buffalo than the port of New York is by way of the Erie Canal at this moment.

One hundred and fifty miles from Buffalo, on the line of the Erie Canal, at a place called Montezuma, the Seneca Lake invites the passing produce to turn aside and move along its waters, thus reaching the upper north branch of the Susquehanna at Elmira, and from thence following the north branch and the main stem of the Susquehanna, finally reach the Chesapeake Bay, from whence it finds the sea at the Baltimore sea-port on the Delaware Bay.

The distance, as has been stated, is not a mile longer—indeed it is most probably shorter—than the distance by the way of Albany to New York. There is a delay caused by lockage operating against this proposed route. But apply the advanced science of engineering to its construction, and there will be found no other adverse discrepancy. The extra lockage would not exceed ten or twelve hours in delay, and those hours would be made up by the insurance of safety, considering the dangers of towing on the Hudson River, and the aid of later engineering experience. The elevation to be overcome will be about three hundred and fifty feet above Lake Erie, or say eight hundred and ninety-five feet above the level of the sea. There is no want of water; and as for the country through which the canal is to pass, it is not surpassed on this continent, perhaps not in the world.

Canal communication on a small scale has existed for the whole distance, except for the twenty miles or so proposed to be made through the peninsula, and a five or six hundred ton canal is as easily made and supplied with water for the whole way as on the line of the Erie Canal to Albany.

The connection even from Oswego, on Lake Ontario, by this line to the ocean, though somewhat longer, (about thirty-three miles,) might well rival the old route.

At Oswego, at Rochester, at Syracuse the committee no doubt heard representations in favor of the Erie Canal made by prominent citizens.

Every word that recommends the New York system is equally applicable to this; and were this thoroughly examined by competent engineers of the present day; were its advantages ascertained; were the canal constructed under the science of engineering, with its improved experience up to the present time, I question much whether the line would not prove itself, as a national undertaking, superior in many respects to the Erie Canal.

Of course nothing can be done without a careful survey. The *prima facie* characteristics of this line call for such a survey at the hands of the General Government, certainly before choice be made of the Erie Canal as the best possible work that can be created between the termini.

Thus Pennsylvania puts forth her claim in comparison with that of New York, as regards a connection between Lake Erie and Lake Ontario and the seaboard.

Let us now look at what she has to present in regard to the Ohio Valley and the Atlantic.

A connection between the Ohio and New York City by water would be so much longer than such connection through any of the other competing States that it can scarcely be entered in the way of competition.

It is questionable whether there is any such connection at all practicable except by way of the great lakes, and such a connection would be 50 per cent. at least longer than any other.

Pennsylvania, then, is left in competition with Maryland and Virginia alone, the connection with the sea through the more southern States being so far removed as to be independent of rivalry.

The seaboard may be reached from the Ohio by three different routes, commencing at Pittsburgh.

The first ascends the Allegheny River to the mouth of the Kiskiminetas, and thence by the Conemaugh reaches the Alleghany Mountains, through which a tunnel would connect the eastern and western waters, and the valley of the Juniata would be used to reach the Susquehanna, and thence the sea at our new sea-port on Delaware Bay, a distance of something over four hundred miles, say at the utmost four hundred and twenty-five miles. A canal has existed on this whole line except through the summit of the mountain, which was overcome by a portage railway.

The second ascends the Allegheny River still further, and by the Red Bank (already surveyed and pronounced practicable by competent engineering authority) or by the Clarion (as yet not thoroughly examined) reaches the summit of the mountain, through which, by a tunnel, it would connect the upper waters of the west branch of the Susquehanna and thence reach the sea by this great water-course and terminate at the same port. This last, by the longest route chosen, would not exceed four hundred and fifty miles in length.

The third line ascends the Monongahela, and, following its tributaries to the Alleghany Mountains, by a tunnel connects with the waters of the Potomac, and by the route of the Chesapeake and Ohio Canal debouches at Washington.

Its length to Washington City would be about three hundred and fifty miles; but it must be remembered that Washington is, by tide and bay navigation, about one hundred and sixty miles from Hampton Roads, and until a shipment reaches that point it has not attained the open ocean, which it may be said to have reached when it shall have arrived from the West at our port on the Delaware Bay. So the route to the sea by the Chesapeake and Ohio Canal may be called some sixty miles longer, at the least, than the longest of the other routes.

The topographical difficulties of the Chesapeake and Ohio route are no whit easier than those of the Kiskiminetas line. The summits are not more than fifty miles apart, and the elevation is essentially the same, say about two thousand feet above the level of the sea. The tunnels would both be long—in the neighborhood of four miles—and water is not more difficult to procure at the one than at the other. In short, they have both been pronounced practicable by the highest engineering authority and opinion, which was invited by the United States Government.

The west-branch route has an elevation less than 1,200 feet above the level of the sea, and the tunneling on that route would not be so expensive as on the two others.

A survey of these routes I have not any doubt would decide in favor of either of the Pennsylvania lines as against the Maryland line, and all we ask is that a careful scientific examination of the whole ground be made a condition-precedent of any choice.

A route more nearly approaching successful rivalry with ours is the route of the James River and Kanawha Canal. This, if I remember rightly, would not much exceed ours in distance to Norfolk, but I believe the physical, or, as I have called them, topographical difficulties would far exceed those of Pennsylvania.

There is a long tunnel spoken of, and an uncertainty as to water not met with in Pennsylvania.

I may mention incidentally that the James River and Kanawha Canal commences at or near the mouth of the Kanawha on the Ohio, ascends to the Alleghany Mountains, (in the vicinity of Greenbrier White Sulphur Springs,) which, crossing by a

tunnel, it connects with the headwaters of the James River and debouches at Richmond, Virginia. It will have its warm advocates before the committee, so I need not say any more about it.

If the Government entertains any idea of making or assisting to make a great water-transportation route to the seaboard, let Pennsylvania not be forgotten; that is all that is asked for her. The State is so fortunately situated that all the greatest railway lines, and I believe all the greatest canal lines, must cross her territory if the most favorable physical geography for their construction be taken into the account.

With regard to the more southern routes, I mean more southerly than the Virginia route, that they are of very great importance is not to be gainsaid. Routes to the sea from the great southern branches of the Ohio are of paramount importance. But they must, nevertheless, be considered local in comparison with the great northern and middle routes, routes, that is, having for their seaport no point south of Norfolk.

In the first place, the coast navigation of the United States on the Atlantic side south of Hampton Roads and of the Virginia capes is unsafe. It is so dangerous as to compel a charge at the hands of underwriters largely in excess of the percentage of insurance submitted to, I believe, anywhere else in the world. So that a first-class water communication would have an undesirable terminus, if striking the ocean anywhere below the entrance to Chesapeake Bay. As local works, however, there can be no doubt of the success of the great Georgia and Alabama canals. The prospective production of that country is simply incalculable. So soon as the political asperities subside in those States, and the people of our whole country can feel as thoroughly protected in person and property there as they do in the North and in the West, an access of industrial movement and prosperity will be inaugurated in that region which even in the most active and stirring portions of the North and West will never have been exceeded. It needs but the mere nervous excitement occasioned by the civil war to subside to be succeeded by an at present inconceivable activity.

Then the vast, physical, material, and economical advantages of those States will be availed of, and canals and railways will build themselves. The Coosa will be joined to the Tennessee and "wild Altamaha" will cease to "murmur in its woe."

But still the southern seaboard will remain dangerous, and the time may come when goods from the interior bound for that coast will take a channel improved inside the sand-spits, as they are called, and, protected by them from the dangers of Cape Lookout and Cape Fear, whose names alone suggest disaster, reach one of the most capacious harbors in the world at Norfolk, and thence move out upon the open ocean.

The coast is admirably adapted for such a navigation, one of the safest and cheapest possible. A sloop navigation, accommodating vessels of nine or ten feet draught, extends now along the shore for hundreds of miles, requiring very little improvement to make it continuous from Norfolk to Florida.

A canal across the Floridian peninsula would extend that navigation to the Gulf States, when the outside navigation would be abandoned and its dangers be avoided.

These are things to be looked to in contemplating the prospective commerce of this great country; and when they shall be accomplished what a commanding position will be that of Norfolk, undoubtedly the most important sea-port on this great continent!

I trust I have not been betrayed into writing too long a letter, but if I have, the importance of the subject must be my excuse.

Other States have stood up for the great work that might be constructed within their borders. The committee of the Senate has been heard of north, south, east, and west of us—and if their attention has not been attracted to Pennsylvania, it is no doubt because Pennsylvania has not pressed her claims.

Would it not then be surprising if Pennsylvania should at last be discovered to possess greater advantages for the location of these great works than any other State in the Union—seeing that her citizens have seen this national committee assemble and meet at various parts of the United States, listen to discussions of the propriety of building works elsewhere, and let the time pass over without a word in favor of their own territory?

I trust that the crude and hurried suggestions contained in this paper may have the effect to draw the attention of the committee to our unparalleled advantages.

I know that the paper cannot be placed in better hands than yours, so many years of whose life have been devoted to the practical service of your native State, and the nation at large. I know that you will not neglect the claims of the old Keystone of the Federal Union.

I am, sir, very respectfully, your obedient servant,

JAMES WORRALL,
Civil Engineer.

Hon. SIMON CAMERON,
United States Senate, Washington, D. C.

In meeting the objections that have been urged against the Sassafras route in its physical features let it not be inferred that none apply to the rival route. In addition to the greater distance and enormous cost of the Choptank route there is one great difficulty that to the minds of sailors appears insurmountable. Much has been said both true and untrue regarding the approaches to the Sassafras route, but no reference has been made to the difficulties of approach to the ther route where it opens into the ocean near Cape Henlopen. This is a stormy, dangerous coast, and shipwrecks without number and loss of life and property have occurred there. On account of its dangerous character the Government many years ago at great expense built the breakwater for the protection of vessels encountering the fearful storms that prevail upon this coast. The necessity for such a breakwater is sufficient proof of the dangerous character of the coast. The mouth of a Choptank canal would look directly out into the ocean and be subject to the fearful storms that prevail there. It is to be extended near four miles from the shore before a sufficient depth of water is reached. A dredged channel-way is to be kept open and of sufficient depth notwithstanding the fact that one storm may fill it up and obliterate its very existence. Sea-walls or fenders of some kind are to be built out this long distance to deep water. How can these protecting structures be kept there? What will it cost to build them strong enough to resist the storms? Upon the ocean shore during a storm the billows break upon the shore with an irresistible force. They carry everything before them. How can they be maintained here without immense cost? And if maintained, what seaman would attempt to guide his vessel into this narrow inlet in the midst of a storm. Should he fail to make the entrance he is hopelessly lost. If vessels are stranded every year upon this coast in attempting to enter the wide mouth of Delaware Bay, with plenty of room to so direct their course as to take the best advantage of wind and storm, how many will be wrecked annually in attempting to make this narrow entrance? The breakwater cannot afford protection to prevent disasters here. Vessels are wrecked even under its protecting walls.

Life-saving stations have been established along this coast in order that assistance may be near at hand for the relief of crews of vessels annually lost on this shore. In the last report a demand is made for the establishment of five more stations on this coast, the present number being too few to supply the necessities of the service. In the report for 1879 it is said:

The establishment of a station is highly desirable at Lewes, Delaware. The breakwater at this place forms a harbor of refuge, making which many vessels suffer disaster. In a single gale in the spring of 1877 six vessels sank at their moorings in this dangerous locality.

If six vessels were lost in one gale trying to get behind the breakwater, how could they get safely into the canal?

March 31, 1879, several vessels near the pier at Lewes, Delaware, were in difficulty, the sea being heavy and the wind very strong. The keeper of station No. 1, fifth district, came to the scene on horseback and remained all day on the watch. One schooner drove ashore, and the station surf-boat went out and brought the captain to land. A large schooner was in considerable danger from her stern battering against the pier, and the keeper made some lines fast to the pier in order to keep her free. Several vessels in the harbor were injured, and two or three had to go to sea with their pilots, the pilot-boats being unable to go out to take the pilots off.

Seventeen vessels have been stranded in the vicinity of Cape Henlopen since 1874, (see Life-Saving Service report for 1879,) and fourteen in or near the breakwater, and ten at or near Lewes, Delaware, in the same time, (see same report.) These are startling facts, and should cause the advocates of such a route to pause and think of the terrible consequences of making such a mistake as to locate the outlets of the canal here when the outlet of the Sassafras line is at all times a safe harbor. The above-named objections must prove fatal to the southern route.

In the face of the terrible death-roll above cited from authentic sources gentlemen will hardly persist in their attempt to divert this work from its natural site to one fraught with such dangers. An appropriation has been made by Congress for a further survey of these routes, and especially of the approaches to them. Let me respectfully suggest to whomsoever may have the work in charge the absolute necessity of investigating most thoroughly the approaches to the Choptank route on the Delaware side.

With regard to how and by whom this canal shall be built, I desire in conclusion to state that I am as zealously in favor of a canal free from the onset as any one can be. I would exhaust every effort in this direction first. If, however, it should be found impossible to induce Congress to make a sufficient appropriation to build the work entire, then let us endeavor to get such assistance as is indicated in the bill I first introduced, reserving to the Government the right to assume its ownership at any time hereafter by paying its cost only and making it entirely free for all. When once built, the country will soon be led to estimate its national importance, and little difficulty, in my opinion, would be experienced in inducing Congress to make the work the property of all the people for the benefit of the commerce of the whole country.

Letter of Richard Randolph, esq., civil engineer.

DEAR SIR: From the conversations I have had with prominent citizens of Baltimore who have been induced to lend their names to the movement for frustrating the efforts now being made to obtain a ship-canal between the Chesapeake and Delaware, I have become convinced that the great majority of them are entirely ignorant of the facts in the case. Their only ground of action is the assumption that Colonel Craighill has pronounced in favor of the sixteen-million canal. How they have reached that conclusion I cannot understand, for it cannot be gathered either from his report or from his statements before the House committee. In the report he has simply stated the facts as gathered by his assistants; and in alluding to the northern route he has only called attention to the difficulty of ascending the bay during those rare and short periods of ice freshets in the Susquehanna, when the assistance of ice-boats is unavailable, and to the greater liability of sedimentary deposits in a channel crossing the general currents than one in line with them.

But these citizens seem to be under the impression that the region of the Sassafras River is in a high northern latitude, where for a considerable part of the year ice prevails such as the Polaris had to encounter, and that the Susquehanna is constantly sending down torrents loaded with it. They also imagine that the Choptank and Nanticoke Rivers are in a warm southern climate, where the water does not freeze. But an examination of the facts will show that the Choptank route, only forty minutes of latitude, about forty-five miles, further south, is, from peculiar causes, more liable to be obstructed by ice than the more northern one. But first it will be shown that the adoption of the southern route will aggravate the consequences of the assumed ice obstruction to a remarkable degree by the greatly increased obstruction of another but no less harmful character. I refer to the resistance to progress and loss of time incident to the canal itself.

The twenty-four years of ice observations recorded in the Craighill report show that on the present Chesapeake and Delaware Canal, twelve miles north of the Sassafras River, which is ten feet deep and confined between two lift-locks sixteen feet above tide, and kept filled with fresh water by pumping, there have been twenty-three and a half days per annum lost to navigation on account of ice. On the Chester River, near its mouth, a large salt-water estuary twenty-five miles south of this canal, twenty-four days per annum have been lost on the same account. On the Choptank River, twenty-five miles further south, another large salt-water estuary, having the same conditions as the former, ten and a half days per annum were lost from ice.

Having overlooked the fact that the Choptank route depends upon fifteen miles of a far inland fresh-water river connecting its two canals, and which has about the same depth as the present canal above described; also that, according to the observations of the United States Signal Service, the thermometer during freezing weather stands at about the same degree in this locality as in the region of the Sassafras River; its advocates have taken this record of ten and a half days' loss on the Choptank, so inconsistent with that on the Chester River, as a criterion for the proposed Choptank route. They have also taken the record of the shallow and confined Chesapeake and Delaware Canal, so different from the conditions of the proposed Sassafras Canal, as a criteron for that. Granting for the present these unwarrantable assumptions, it will be shown that they propose to remedy this assumed loss of twenty-three and a half days per annum by adopting a route

which increases this loss of time to what is equivalent to ninety-seven days per annum. In making this comparison, I use as a basis one voyage in every day in the year available on each route by a vessel that would accomplish it on the outside route in thirty-three and a quarter hours, as fixed by Colonel Craighill. The comparison is the same with any number of voyages when applied alike to both. The figures are all from the Craighill report:

Hours required for the outside route	33.25
Hours required for the Sassafras route	15.10
Hours saved by the Sassafras route	18.15
Days in the year	365.00
Days in the year lost on the Sassafras route	23.50
Days in the year available on the Sassafras route	341.50
Hours multiplied by available days	18.15
Hours saved during the year on the Sassafras route	6198
Hours required for the outside route	33.25
Hours required for the Choptank route	19.50
Hours saved by the Choptank route	13.75
Days in the year	365.00
Days in the year lost on the Choptank route	10.50
Days in the year available on the Choptank route	354.50
Hours multiplied by available days	13.75
Hours saved during the year on the Choptank route	4874

In order to bring these two routes on a par with respect to the saving of time only it will be necessary to assume a loss of ninety-seven days on the Sassafras route, which is more than the three winter months. Thus:

Days in the year	365
Days assumed to be lost on the Sassafras route	97
Days available on the Sassafras route	268
Hours multiplied by available days	18.15
Hours saved during the year	4874

which is the same as that accomplished on the Choptank route.

This comparison goes upon the assumption that the commerce is as active during the winter months; whereas it is much less active, a circumstance more favorable to the route assumed to be more impeded by ice.

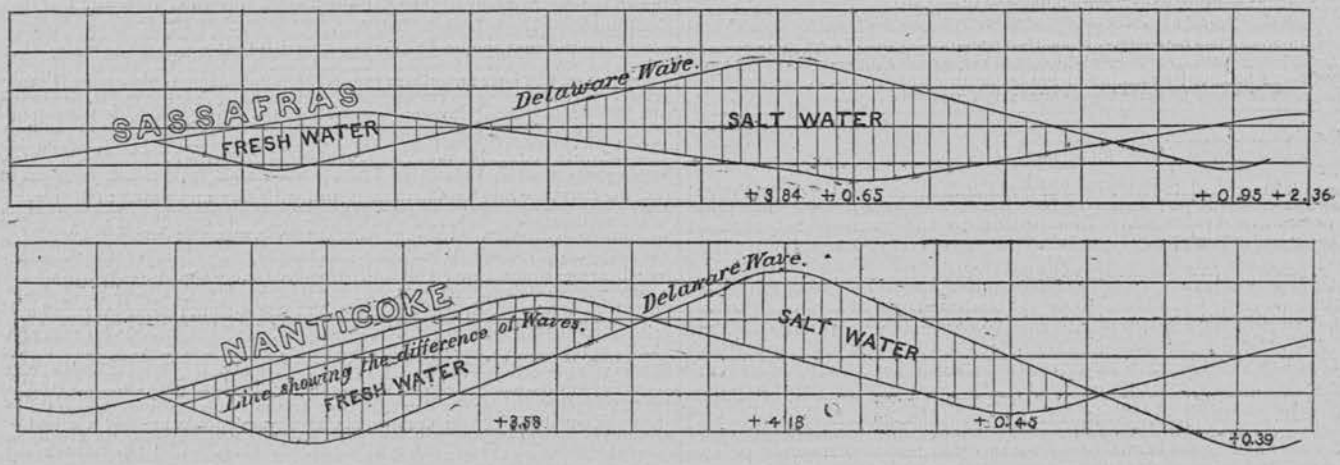
Another delusion is that as soon as the Choptank route is open it will consist entirely of salt water, and that salt water, like alcohol, requires an extraordinary degree of cold to freeze it. But the fact is that the saltest water of the sea only requires a temperature of 28° of Fahrenheit, being only four degrees lower than the freezing point of fresh water. The conditions of depth and motion have a greater influence on the freezing of water than its degree of saltness. That of motion, it will be shown, attends the Sassafras route to a greater degree than the Choptank, as well as the benefits which may result from a superior degree of saltness.

In the Craighill report will be found four sets of observations of the tides. Two of these, at Georgetown and at Blackbird Creek on the Delaware, being the two ends of the proposed Sassafras Canal, give the elevations of high and low tide, which refer to the same datum line at each point. Two others, one at Seaford on the Nanticoke River and the other at Lewes on the Delaware, being near the two ends of the twenty-four-mile canal connecting those waters, give similar elevations above a common datum line. By taking the algebraic sum of these elevations of high and low tide and by dividing by the number of observations in each case the average of the elevations are obtained, as follows:

	Feet.
Sassafras River, mean high water above datum	2.36
Delaware Bay, mean low water above datum	0.95
Superior height of Sassafras River	1.41
Delaware Bay, mean high water above datum	3.84
Sassafras River, mean low water above datum	0.65
Superior height of Delaware Bay	3.19
Nanticoke River, mean high water above datum	3.58
Delaware Bay, mean low water below datum	0.39
Superior height of Nanticoke River	3.97
Delaware Bay, mean high water above datum	4.18
Nanticoke River, mean low water above datum	0.45
Superior height of Delaware Bay	3.73

These figures show plainly in which direction the flow of the water will preponderate. But in order to ascertain the duration of the flow and its average velocity in each case, I have drawn a diagram representing the outline of the opposite tidal waves superimposed upon each other with the phases in their proper position on the horizontal scale of hours and the perpendicular scale of feet. The form of the Delaware wave is that determined by the United States Coast Survey; the lower one being six and one-quarter hours on each slope, and the upper one being six hours on the rise and six and one-half hours on the fall. The phases of those on the Chesapeake side are placed as near to their proper position in relation to those of their respective opposites as can be determined from the imperfect time observations of the report. This places the culminating points one hour apart on the Sassafras route and three hours apart on the Choptank. Any error, however, in this respect will but little affect the comparative result. By drawing a line which would include between it and either wave line the square root of all the perpendiculars in feet between the superior limit of one wave and the inferior limit of the opposite wave, in the case of the Sassafras Canal, and the square roots of two-thirds of these perpendiculars in the case of the canal between the Nanticoke and the Delaware, which is one-half longer, the comparative duration, velocity, and direction of the flow could be graphically represented, conveying the information through the eye. It will be seen that the flow of salt water from the Delaware toward the Sassafras River is of four and one-half hours longer duration, and with a generally superior head of one and two-thirds foot than the flow of fresh water from the Sassafras toward the Delaware. And that the flow of fresh water from the Nanticoke River toward the Delaware Bay is of one-half hour longer duration, and with a generally superior head of one-fourth of a foot than the flow of salt water from the Delaware towards the Nanticoke. An accurate calculation of the velocities and the duration of these forward and back movements determines that the salt water will reach the Sassafras River in thirty-nine and two-thirds hours, and that the fresh water of the Nanticoke River will reach the Delaware in five hundred and seventy-four and one-fourth hours, about twenty-four days. In the same way the tidal wave of the Nanticoke at Walnut Landing, the lower end of this river section of the Choptank route, slightly prevails over the salt water of the Choptank River.

By a coincidence of figures the mean velocity in feet per second of these canals is determined by a very simple formula. Thus: the sectional area is 3,614 square



feet, and the velocity of one second's accumulation of gravitation is 32.22 feet per second. The perimeter of contact is 193.75 feet, and the coefficient of friction is .00752. The product of the two first divided by the product of the two last is the length of the Sassafras Canal in feet, 80,000. Therefore the square root of the elevation of one end above the other is the mean velocity in feet per second. And in the case of the other canal, which is one-half longer, 120,000 feet, the square root of two-thirds of the elevation is the velocity. So that in ordinary tides, such as those of the observations in the Craighill report, the maximum velocity in the Sassafras Canal would be 1.2 mile per hour, while in the Nanticoke and Delaware Canal it would be 1.1 mile per hour. This supposes that high and low tide, in both cases, may exactly coincide. According to the diagram the water will run from the Delaware toward the Sassafras for eight and a half hours at the rate of 4,352 feet per hour, and in the contrary direction for four hours at the rate of 2,952 feet per hour. From the Nanticoke toward the Delaware it will run for six and a half hours at the rate of 3,773 feet per hour, and in the contrary direction six hours at the rate of 3,553 feet per hour.

When the tide is out the fresh water of the Delaware River may extend past the mouth of the proposed Sassafras Canal; and being lighter than the salt water and borne upon the surface, may pervade shallow places along the shore. But when the tide rises the sea-water flows in along the deep channels and forces the fresh water back as far as New Castle, twenty miles above. The salt water then overflows the marshes along Blackbird Creek, which is demonstrated by the distinctive character of the vegetation. When the deep channel of the proposed canal at this point is made to extend to the deep water of the bay, it will flow almost entirely with salt water at every rise of the tide.

The salting of the Nanticoke Canal can only be accomplished by means of the costly contrivance of a tide-lock at each end. But the process would be too slow to have any appreciable effect upon the Nanticoke River, while the detention to vessels in warping through the gates and waiting for the enormous locks to fill and empty would greatly neutralize the saving of time for which the canal is intended.

Since a mean velocity of one and one-half miles an hour on the Nanticoke Canal and two miles an hour on the Sassafras, such as might be occasioned by a cyclone like that of 1878 mentioned in the report, is the utmost to which the canals are liable, velocities which could do no injury to them during the short period of their prevalence, the regulation of tidal currents would not be a necessity justifying the great cost of these obstructions. As vessels would be constantly going in both directions, what slight impediment these currents would offer to one would be compensated for an assistance to another, and ordinarily the same vessel would receive this compensation before passing through the canals. They are liable to these contingencies in all channels. But the delay and trouble of maneuvering through the locks would countervail every advantage they could offer. The tide-locks of the present Chesapeake and Delaware Canal are useful because there is an arti-

ficial lift of sixteen feet to overcome by means of pumping; and these locks render available the lift which nature affords as an auxiliary.

If the tide-locks provided for in the estimates of the Craighill report are superfluous, as much cannot be said for the provision that has been made to enable a vessel to enter at the Delaware end of the Choptank route. Here they have to make the entrance immediately from the ocean at a point three and three-fourths miles from the shore, for the dredged channel connecting it with the deep water of the bay is of that length. The case is similar to the entrance of the Suez Canal from the Mediterranean, and will require similar jetties, strong enough to resist the force of the raging billows and wide enough to enable a vessel to enter with certainty under the stress of weather, and with the whole space having the full depth of the channel. The inlet of the Sassafras Canal is at a point where the bay has contracted to the dimensions of a river, and is of itself a harbor with the deep water less than a mile from the shore, where the cost of the entrance works would be but a trifle as compared to the ocean entrance of the other.

It was stated by an engineer before the Senate committee that the fourteen miles of Sassafras Canal would be more costly to maintain than the thirty-seven miles of canal on the Choptank route; and he gave as a reason for the opinion the fact that for a distance of about two miles the depth of the excavation was between fifty and eighty feet above tide; whereas on the other line the maximum depth was between forty and fifty feet, which, however, extended over eight miles. That is to say, after the excavations have been made, with their permanent and natural slope, the effects of the weather upon the slope higher up than fifty feet along this distance of two miles, raised the cost of maintenance above that of the route having twenty-three and one-half miles more of canal, and with its fifteen miles of inland water course—all requiring a corresponding number of railroad and wagon road bridges with their capacious draws and with two and one-fourth times the extent of surface of excavation slopes above the water. But this proposition needs no comment; its absurdity is self-evident. Every laborer on public works knows that the expense of maintaining excavations depends first upon the nature of the material and the accidental circumstances attending it, and, these conditions being the same, it is in proportion to the extent of surface exposed to the action of the elements, without regard to altitude.

So far from the elevation at this point on the Sassafras being a disadvantage beyond the extent of excavation incident to it, it can be shown to be attended with important advantages; for it is a topographical feature which concentrates the travel by railroad and highway along a common route, where a single bridge can serve the greater portion of it, and where the elevation is sufficient to allow a large number of small craft to pass under the bridge without opening the draw. At present, two railroads diverge at a short distance north of the canal on this summit; one of them follows the ridge and runs south; the other, after crossing the canal, runs nearly parallel with it towards the Chesapeake Bay. This divergence could at a small expense be transferred to the southern side of the canal, so that one bridge could serve both. But in the southern part of the peninsula, on the Choptank line, there is no such determining feature in the topography; and there are now three railroads, at wide intervals, crossing the canal line, with probably others in the future. The provision and maintenance of bridges along this line of fifty-two miles is an item of great importance, both on account of expense and the risk of obstruction.

A member of the Board of Trade, an ancient mariner, stated to the Senate Committee that the channel of the Delaware Bay, between the outlets of the two proposed canals, was very crooked and difficult. If he has derived this conviction from his own experience in navigating those waters, he certainly has ignored the sailing directions of the United States Coast Survey, and has had no faith in the chart furnished by their complete and systematic hydrographic labors; for this indicates a channel of ample width and depth on a straight line for nearly the entire distance. As the maritime world has for so many years successfully relied upon these charts, it will require more testimony than this to bring them into disrepute. If in the future any obstruction should occur in this channel, the presence of Philadelphia, Chester, and Wilmington, which depend upon it, is ample guarantee of its prompt removal. Their influence in the National Legislature, as well as their own enterprise and wealth, will as certainly maintain unimpaired this highway as will that of Baltimore the water approaches to that city.

If the object of the advocates of the Choptank route is the spending of more money in the neighborhood, I could suggest a location for their wished-for extra twenty-three and one-half miles of canal, which might be urged with some degree of plausibility. With this view I will make a statement of the features of the two routes, being balanced by adding to the lesser an extra amount of dredging in Chesapeake Bay and the extra length of canal; thus:

Routes.	Miles.	Routes.	Miles.
Choptank River, dredging	2.27	Sassafras River, dredging	16.38
Ferry Creek, dredging	1.51	Delaware Bay, dredging	.95
Nanticoke River, dredging	14.77	Chesapeake, (extra,) dredging	5.00
Delaware Bay, dredging	3.78		
Total	22.33	Total	22.33
West of Nanticoke Canal	13.44	Sassafras Canal	14.22
East of Nanticoke Canal	16.66	Extra canal	23.45
Low grounds of Broadkill Canal	7.57		
Total	37.67	Total	37.67

Now, if instead of cutting this extra twenty-three and one-half miles of canal across the high grounds of the peninsula, it be excavated in a straight line from the end of the five miles in the bay below the mouth of the Sassafras River to Locust Point in the city of Baltimore, which is exactly the same distance, there would be a saving of ten miles of distance over the present Sassafras route, instead of losing twenty-one miles as is done by the Choptank route. It would also be comparatively free from the drifting ice during the Susquehanna floods. But being excavated through very low ground and chiefly through shallow water and water of considerable depth, there would be a large balance of the extra eight million left unexpended, for which my ingenuity fails to find any plausible employment.

If the liberality of the Government may be extended to the appropriation of even one million more than is necessary to construct this water-way connecting the channels of the two bays upon the most expeditious route, I would suggest that it be expended in cutting a channel twenty-seven feet in depth in one straight line from North Point to Howell's Point, where the estimated work of the Sassafras route begins, and for securing the same depth over the short distance required in Delaware Bay. This channel would pass immediately to the west of Poole's Island light, and would coincide with the general direction of the tidal currents of the bay and be beyond the influence of the sedimentary deposits of the lesser tributaries on the western shore. By taking the depth of the water along this line, as indicated upon the charts of the Coast Survey, and applying the prices that have been used in the Craighill estimates to the quantities thus ascertained, it will be found that the cost will be less than $1,000,000 including the work in Delaware Bay.

Colonel Craighill speaks of the necessity of maintaining a channel directly across the natural set of the currents of the Chesapeake in order to render available the more northern route, and with this assumed necessity in his mind applies to the route the expression of "a very formidable objection." He refers to the abandoned portion of the Brewerton channel, three miles in length, beyond the diverging point of the new channel. The maintaining of the depth in this three miles of channel is the formidable feature. It would have been an interesting paragraph of the report if there had been given an estimate of the quantity of annual deposit in this old channel, as well as that in the new one for the same distance from the point of divergence. Some idea could then be had of the comparative cost of maintaining the one which sets across the currents of the bay and the other which sets across the currents of Patapsco River, and the difference set opposite to the $8,500,000.

But why should the commerce which may ply north of the Patapsco River be confined to the necessity of this channel, when that plying south of it, and which formerly was confined to the old channel, refused any longer to recognize it as a necessity? Colonel Craighill himself was called upon to remove this necessity, and he accomplished it in the most scientific manner by opening the new channel which bears his name. It is only necessary to exercise the same skill that was displayed on that occasion to confer a similar favor upon the commerce that would ply north of the Patapsco River. A straight line of exactly the same length as the new Craighill channel, five miles, and diverging from the Brewerton channel at the same point, and placed exactly parallel to the main channel of the bay on the eastern side, and with the long streak of deep water on the western side, leads to twenty-six feet depth of water and into the main channel beyond. A new channel upon this line would be as much with the set of the currents of the bay as the Craighill channel, and would be less likely to be affected by the currents of the Patapsco River. Another objection which Colonel Craighill seems to urge as formidable to the northern route is that "during the periods of fast and running ice" it would be impracticable to navigate the bay in that direction. But he evidently intended to apply this strong expression, not to the route, but to the voyage which it might be desirable to make during the two or three days of those years in which ice freshets occur. He certainly could not consider it a formidable circumstance that upon such rare occasions a vessel should either wait a few days until the ice-drift had subsided, or take the old route by the Virginia capes, which has been followed advantageously for the last century and a half. Nor would he, in favor of such solitary cases, sacrifice the great interests of the general commerce which is involved in the loss of four and a half hours on every voyage for every day in every year. Attention should also be called to the fact that these same currents bearing ice which flow past the Patapsco River, and offering such resistance to vessels attempting to ascend the bay, also resist those vessels seeking the port of Baltimore from below coming by way of the Choptank route, which, if they had come by way of the Sassafras route, would have had these currents in their favor.

It must not be forgotten that the old route by the Virginia capes is ever open and available in the event of any obstruction to the canal or its approaches, and that such fact can be signaled from the light-house at Cape Henlopen to an arriving vessel in time for it to continue on that course without loss of time.

The facilitating of the passage between Baltimore and the ocean will not be the only object gained by the construction of the canal. There now exists an extensive system of internal water routes of transportation to the East, North, and West, of which the Delaware River and the Delaware and Raritan Canal form a part, and which is being extended every day. When the Cape Cod Canal is completed a barge or canal-boat may go with safety from Baltimore to Boston, Lake Champlain, or Lake Erie. While the location of the Sassafras Canal affords the greatest facilities for the ocean commerce, it at the same time occupies the most advantageous position for this line of internal transportation. For this purpose the Choptank route would be entirely unavailable on account of the great loss of distance proceeding to and from Baltimore and the dangerous navigation at the mouth of the Delaware Bay for such unseaworthy craft from any quarter.

Colonel Craighill has lately been urging the construction of defensive works for the protection of Baltimore and other important points reached from the sea. It seems to me that this spirit should make him the strongest advocate of locating the ship-canal where it would in the highest degree contribute to the refuge and escape of merchant vessels navigating either bay in time of war, and to the protection of those cities and towns extending along tide-water from Baltimore to Trenton, by affording the utmost facility and security to the maneuvers of all descriptions of naval craft engaged in their defense from the attacks of a foreign enemy. By the construction of the Sassafras Canal this whole line, which embraces so many and such immense interests to the country at large, with its teeming population and busy factories of every description, where terminate two of the greatest railroad systems of the continent, with its depots for the coal, iron, petroleum, timber, grain, and provisions upon which the country depends, is brought under one base of defensive naval operations. And the artery which would then connect the two bays will be secure behind approaches from the sea, where they can be fortified so as to defy the efforts of an enemy to ascend them.

The Choptank advocates would locate this canal where no vessel could escape from the Delaware into the Chesapeake without going first nearly to the ocean, where a hostile cruiser may lie in wait far beyond the range of any land batteries that might be established, and where the enemy would have the best chance of obstructing or commanding it. So on the Chesapeake side, an enemy may rove for twenty miles above or below the mouth of the Choptank River and remain four or five miles from either shore. If a ship or gun-boat lying opposite to Baltimore, or anywhere in the Delaware River, should find it necessary to change these positions, it could not be accomplished by the Choptank route without moving over one hundred miles more of distance than what would be required by way of the Sassafras Canal.

It has been urged on behalf of the Choptank route that all these advantages should yield to the theory that a naval force defending Philadelphia would always be stationed at the mouth of the Delaware Bay, and that it might become important to proceed thence to the Potomac River for the defense of Washington City. But the maintaining of this position implies favorable weather and a superior force in the open sea to the enemy at this point, which could never be depended upon. If the theory is correct that the mouth of the Delaware is the proper station for the defense of Philadelphia, then for a stronger reason the mouth of the Chesapeake is the proper station for the defense of Baltimore and Washington, for that would also cover Norfolk and Richmond. Now, a junction between two forces so located could be best accomplished by taking a straight line in the open sea parallel with the coast, where vessels could move with the utmost freedom. The canal has no application whatever to these circumstances. It is only in the event of having to retire before the enemy from the open sea and assuming a defensive position that the canal becomes an auxiliary to naval operations; and then it is wanted where it can be used and held secure.

But let this extreme case be admitted, and suppose a man-of-war standing off Delaware Bay being summoned to the Potomac for the defense of Washington, which is already defended by sixty miles of narrow and crooked channel, commanded by bluffs on either side within very short range. The actual distance from this point to the mouth of the Potomac by way of the proposed Sassafras Canal is fifty miles longer than that between the same points by way of the Choptank route, but the difference in the time required for the trip would be only two and two-thirds hours, taking the adopted basis of ten miles per hour in open water, seven miles in dredged channels, and five miles in canals; for the extent of the dredging being equal in both cases, the 7.34 hours equivalent to the greater distance of 73.47 miles in open water, is reduced by 4.69 hours, equivalent to the greater distance of 23.47 miles of canal. But the important feature in the employment of these canals during war is not so much a small margin of time involved as

the certainty of having this route open in the rear, available from all points on both bays, a consideration which hardly admits of a comparison between the two. Besides, the assistance in the supposed case is much more likely to be called to Baltimore, for its capture would be of more importance to the enemy, and it could not be so well fortified against him. The possession of the Philadelphia, Wilmington and Baltimore Railroad would require that any assistance from the north and east going overland to Washington by railway should make the detour by way of Harrisburgh and Hagerstown, involving a loss of one hundred and twenty miles.

Mr. Keyser, the representative of the Baltimore and Ohio Railroad, when before the Senate committee, gave as his principal objection to the Sassafras route the uncertainty of the amount of dredging that might be required from time to time in the future to maintain the depth of the bay channel above the Patapsco River. When uncertainty lies between a trifling and an overwhelming expenditure the large risk is a sufficient ground of disquietude; but when the uncertainty lies between two expenditures both confined within narrow limits, it is no more a ground of apprehension and objection than the certainty of the maximum. The sedimentary deposits referred to, brought down by the Susquehanna River and other tributaries of the Chesapeake Bay, have been going on for several centuries, and still there is twenty-six feet depth of water at the mouth of the Sassafras River. It is likely that there may exist some record of hydrographic observations of the last century in these regions which would throw some light upon the rate of deposit along the channels of the bay and remove some of this uncertainty. And if this information is obtained after the canal is finished it should be equally satisfactory to those who make this objection to it, since it is certain that the maximum is but a trifle compared to the excessive outlay and current expenditure proposed to avoid it.

From considering these small uncertainties it is well to turn to the large certainties which would attend the execution of the Choptank project, such as the following:

The excess of first cost, amounting to $8,500,000, with all excess for maintaining and managing the more extensive works;

The loss of 24¼ per cent. of the saving of time and expense to the general commerce by steamers which would be accomplished by constructing the canal on the Sassafras route, and that involved in twenty-one miles of sailing distance for other vessels and thirty-eight miles extra towage on the Choptank canals and the small stream connecting them;

The loss of the exceedingly important function which the canal should perform in defensive naval and commercial operations during war;

The loss of that commerce plying upon the internal system of water transportation in connection with the Delaware and Hudson Rivers;

The loss of credit for intelligence and economy.

When Commodore Ammen opposes his scheme for an interocean canal to the truly scientific plan of De Lesseps, he can plead in its behalf its greatly inferior cost. But in the case of the Choptank project they have combined the inefficiency and insecurity of the Nicaragua Canal with the boldness of expenditure for that at Panama.

RD. RANDOLPH, *Civil Engineer.*

Hon. E. J. HENKLE.

United States Militia.

SPEECH OF HON. R. M. A. HAWK,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 28, 1881,

On the bill (H. R. No. 5638) to provide for reorganizing, arming, and disciplining the militia.

Mr. HAWK said:

Mr. SPEAKER: I find upon a somewhat thorough investigation of the subject that much has been said of interest to the country on organizing the militia, and, while I realize that there is not much probability of the question engaging the attention of this Congress, I have deemed it my duty as a member of the Committee on the Militia to devote some time to considering the various plans that have been submitted to Congress in past sessions for forming the mass of the people into some kind of military organization for the common defense.

FOREIGN MILITIA SYSTEM.

In order to obtain a still wider view of the question I have to some extent examined the systems of reserve forces or militia that prevail in some of the leading nations of Europe.

The English system will be found to be most thoroughly and thoughtfully presented in a work by Charles M. Clode, entitled The Military Forces of the Crown. The militia in England was organized for the purpose of assisting the civil powers to preserve the peace and enforce the laws of the realm, and when called out for such duty was known as the "civil guard." The volunteer corps is now, however, the principal reliance of England for home defense, and much attention is given to perfecting its organization and efficiency.

The Austrian and Russian systems are fully detailed in two publications issued by the British War Office, The Armed Strength of Austria, by Captain W. S. Cooke, and The Armed Strength of Russia, translated from the German. In both those countries the organization of the militia is so interlocked with that of the regular army that it is ready at all times to be mobilized under command of regular officers. For the purpose of maintaining the organization of the Austrian militia, which is designated the "landwehr" of the Empire, the country is divided into districts, each of which is placed in charge of an officer of the regular army.

A concise account of the military organizations of the leading nations of the world will be found in a report on the Armies of Europe and Asia, made by General Upton to the War Department.

It is, however, unnecessary to the purposes I now have in view for me to give a full account of foreign militia systems, and I merely suggest attention to them for the reason that they may furnish some useful hints for the details of our own organization. The main features of any system we adopt must be as essentially different from those of foreign powers as our theory and form of government differs from theirs.

THE FEDERAL CONSTITUTION.

In forming the Federal Constitution there was great difference of opinion between those who favored leaving the control of the militia wholly with the States and those who desired to vest it absolutely in the Federal Government. I have compiled copious extracts from the debates and proceedings of the Federal convention on the question of organizing the militia, and as they form the basis on which we must proceed in interpreting the power accorded to Congress over the militia I append them to my remarks. (See Appendix A.) For the purpose of more directly calling attention to the different opinions that were expressed by the members of the convention I quote a few of the most important:

Mr. MASON introduced the subject of regulating the militia. He thought such a power necessary to be given to the General Government.

Mr. ELLSWORTH was for going as far in submitting the militia to the General Government as might be necessary, but thought the motion of Mr. Mason went too far.

Mr. DICKINSON's opinion was that the States never would nor ought to give up all authority over the militia. He proposed to restrain the general power to one-fourth part at a time, which by rotation would discipline the whole militia.

Mr. MADISON thought the regulation of the militia naturally pertained to the authority charged with the public defense. It did not seem in its nature to be divisible between different authorities. If the States would trust the General Government with power over the public treasure, they would from the same consideration of necessity grant to it the direction of the public force. Those who had a full view of the public situation would from a sense of the danger guard against it. The States would not be separately impressed with the general situation, nor have a due confidence in the concurrent exertions of each other.

Mr. ELLSWORTH considered the idea of a select militia as impracticable; and if it were not it would be followed by ruinous declension of the great body of the militia. The States would never submit to the same militia laws. Three or four shillings as a penalty will enforce obedience better in New England than forty lashes in some other places.

Mr. SHERMAN took notice that the States might want their militia for defense against invasions and insurrections, and for enforcing obedience to their laws. They will not give up this point. In giving up that of taxation they retained a concurrent power of raising money for their own use.

Mr. GERRY thought this the last point to be surrendered. If it be agreed to by the convention, the plan will have as black a mark as was set on Cain. He had no such confidence in the General Government as some gentlemen possessed, and believed it would be found that the States have not.

It will be seen, Mr. Speaker, from these quotations that the points of difference between the framers of the Federal Constitution were precisely the same that now arise in discussing the interpretation of the clauses of the Constitution prescribing the relative powers of the General Government and the States over the militia.

In article 1, section 8, of the Constitution of the United States, among other powers delegated to Congress, we find the following clauses:

(15.) To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

(16.) To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the apportionment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

There is no necessity for my dilating at any great length upon these clauses of the Constitution. So much has been written by able and learned authorities upon the powers of Congress and the States with reference to the organization of the militia that reference can be had to any of the leading text-books upon the subject. I will say, however, that upon but two occasions before our great civil war was it found necessary for the powers of the General Government to be used in "calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

The first was in 1794, at the time of the Pennsylvania insurrection, and the other in the case of the war with Great Britain in 1812 and 1814.

The militia has sometimes been called upon for the purpose of repelling raids by Indians upon white settlements, but the local militia were usually found sufficient for the purposes of protection against these incursions.

In the late war of the rebellion the volunteer militia of the States was called out by President Lincoln for the purpose of suppressing insurrection. With these exceptions, I believe, never in the history of the country has this arm of the military force been called upon under the authority conferred by these clauses of the Constitution.

It will be seen under clause 16 that Congress has power to provide for organizing, arming, and disciplining the militia, but may only govern such portion as may be employed in the service of the United States, reserving always to the States respectively the appointment of officers, which latter power has been exercised fully by them, and has been jealously guarded by their chief executives.

Although the militia of the States only become national militia after they have reported at the rendezvous to which they have been ordered by the President, and the States reserve the right of training their militia, Congress is given the power of prescribing the discipline according to which the States shall train them. The evident purpose of this power is to insure a uniform method, system, and efficiency, so that the militia may be of service when called to act together for the common defense.

The only other reference to the militia in the Constitution is the second amendment, which provides as follows:

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

It has been regarded by many as a principle in our form of government that a standing army is dangerous to the liberties of the people, and so important was an expression of this opinion deemed that it was thought proper to incorporate it in the fundamental law of the Republic.

RECOMMENDATIONS OF PRESIDENTS.

I find upon investigation that the attention of Congress has been called to the organization of the militia in twenty-eight of the annual messages of the Presidents from 1789 to 1843, namely, by President Washington, in seven of his annual messages; by President Jefferson in five; by President Madison in six; by President Monroe in three, by President Jackson in three; by President Van Buren in two, and by President Tyler in two. All of these Chief Magistrates concurred in expressing the opinion that the existing militia law is very defective, and in urging upon Congress a thorough revision of it. Their views are certainly worthy of our attention in considering the subject, and I therefore append them to my remarks for the purpose of reference. (See Appendix B.)

ACTION OF STATE LEGISLATURES.

That a revision of the militia laws is not in the interest of the General Government alone, but is also desired by the States, is sufficiently indicated by the fact that the Legislatures of nearly all the States have at various times passed resolutions urging Congress to take action. Such of these resolutions as I find entered in the journals of Congress I append in my remarks. (See Appendix C.)

ACTION OF CONGRESS.

Beginning with the Congress immediately following the enactment of the existing law, there has been an almost constant agitation of the necessity of revising the organization of the militia, but the diversity of opinion has hitherto been so great that Congress appears never to have been able to agree upon a substitute. I have compiled a brief abstract of the very voluminous debates of Congress on the subject, and append them to my remarks, to indicate the leading expressions of opinion that have been given. (See Appendix D.)

In 1826 the Secretary of War, (Hon. James Barbour,) under authority of Congress, appointed a board of Army and militia officers to consider the subject of reorganizing the militia. He also addressed a circular letter to the executives of all the States and to leading men throughout the country, asking for their opinions and suggestions on the subject. The board was composed of Winfield Scott, major-general, United States Army; T. Cadwallader, major-general, Pennsylvania militia; William H. Sumner, adjutant-general of Massachusetts; Beverly Daniels, adjutant-general of North Carolina; Abraham Eustis, lieutenant-colonel, United States Army; Zachary Taylor, lieutenant-colonel, United States Army; E. Cutter, lieutenant-colonel, United States Army, and Charles J. Nourse, United States Army. The report of this board and the replies received by the Secretary of War to his circular-letter are of such interest and have such a bearing on a proper investigation of the subject that I have compiled copious extracts and append them to my remarks. (See Appendix E.)

A knowledge of the various plans for the reorganization of the militia that have from time to time engaged the attention of Congress is so essential in tracing the history of the development of the subject, and so necessary to a proper understanding of the plan now proposed, that I have compiled brief outlines of the principal plans that have been submitted since the organization of the Government, and append them to my remarks for the information of those interested. (See Appendix F.)

The reports made to Congress on the subject by its own committees and by the War Department are so numerous and voluminous that I can only append a few of the extracts that I have compiled from them. (See Appendix G.)

PERSONAL VIEWS.

It will be observed, Mr. Speaker, that I have thus far expressed no opinions of my own upon the organization of the militia or the necessity for its reorganization. I have confined myself to an historical sketch of the subject, and to presenting a compilation of the material I have gathered in my investigation of it, trusting that they may be of use to the House and to the country in future consideration of the questions involved.

It is indeed a difficult problem to determine where the powers reserved by the States end and those delegated to Congress begin. Nor is it an easy task to determine whether it is better to allow the States sole control of their militia, or whether, to provide for the common defense, it is better that the Federal Government should assume control of it to the full extent that it may be conceded the Constitution will allow.

My own opinion is that we must depend upon the regular Army as a last resort for the enforcement of Federal laws and upon the patriotism of the people for defense against invasion and the suppression of internal disorders. State laws must be construed largely by State courts and executed by State officers. Federal laws must be construed by United States courts and executed by officers of the General Government. The last resort of the Chief Executive of the nation in enforcing the laws which he is sworn to uphold and defend is the Army. The great power to which the executive of the States can appeal for immediate use is the militia. We must admit that the people to some extent occupy a dual position; one demanding allegiance to the State in the execution of State laws and the protection of State interests; the other a higher and broader allegiance to the Federal Government for the execution of Federal laws when such laws are to be executed for the protection, maintenance, and defense of Federal authority.

I am not, however, prepared to discuss now the constitutional or legal bearings of these propositions, nor is it necessary to the purposes I now have in view. The bill before us as a substitute for the existing militia law does not, as I understand it, propose any change in the relative authority of the State and Federal governments over the militia, and we may therefore limit the discussion on it to its practical features. In order that the question may be properly understood, I will first submit an outline of the existing law and the proposed law, which I extract from the report of the Committee on the Militia on the pending bill:

DETAILS OF PRESENT LAW.

Sections 1625, 1626, 1627, for the enrollment of the militia, are provided for in section 1 of proposed bill.

Section 1628, requiring every citizen to arm and equip himself, is obsolete.

Section 1629, giving list of persons exempt from militia duty, is unnecessary, as proposed bill provides solely for a volunteer militia. If reserve militia is ever called into service it could only be by act of Congress, and that would specify the persons to be exempt from the call.

Sections 1630, 1631, 1632, giving in detail the organization of the militia, are provided for by the general provision in section 4 of proposed bill, that their organization shall conform as closely as practicable to that prescribed for the regular Army.

Section 1633, requiring officers to provide colors and music, is obsolete.

Section 1634, that there be an adjutant-general in each State, is provided for in section 11 of proposed bill.

Section 1635, prescribing what reports officers of the militia shall make, is omitted in proposed bill, as a matter more proper to be regulated by the States.

Section 1636, requiring an annual report to be made by the adjutant-general of each State, is provided for in section 11 of proposed bill.

Section 1637, that system of discipline and field exercise shall be the same as in the regular Army, is retained with verbal alterations as section 5 of proposed bill.

Section 1638, regulating seniority of commissioned officers of same rank, is retained as section 22 of proposed bill, with verbal alterations making it applicable only when militia is in the service of the United States.

Section 1639, that militia wounded in service shall be cared for at public expense, is provided for in general provisions of section 19 of proposed bill.

Section 1640, prescribing duties of brigade inspectors, is obsolete. Provision for inspection of the militia is made in section 14 of proposed bill.

Section 1641, recognizing special privileges accorded by any of the States to existing organizations, is retained as section 6 of proposed bill.

Section 1642, authorizing President to order militia into service of the United States, is provided for in section 19 of proposed bill, and, in accordance with the theory of the bill, limited to the active or volunteer militia.

Section 1643, that the President, in calling out the militia, shall apportion it among the States, is omitted in proposed bill.

Section 1644, that militia in service shall be governed same as regular Army, is provided for in general provisions of section 19 of proposed bill.

Sections 1645, 1646, 1647, prescribing how militia shall be organized when called into service, are provided for in section 4 of proposed bill.

Section 1648, that in calling out militia the President shall specify length of time, which shall not exceed nine months, is provided for in section 19 of proposed bill.

Section 1649, penalty for disobeying order calling into service, is provided for in section 20 of proposed bill, changing penalty to that prescribed for desertion.

Section 1651, prescribing when pay shall commence, is superfluous, and is omitted in proposed bill.

Section 1652, allowing one day's pay for every twenty miles travel, is retained as section 21 of proposed bill, changing it to fifty miles.

Section 1653, regulating allowance for forage and use of horses in service, is changed and provided for in section 23 of proposed bill.

Section 1654, to regulate liability for expense of marching militia to place of rendezvous when called into service, is superfluous, and is omitted in proposed bill.

Section 1655, allowing militia called into service on western frontier extra rations, is obsolete.

Section 1656, that pensions shall be allowed to widows and children of militiamen, is provided for in the general provisions of section 19 of proposed bill.

Section 1657, allowing pensions to volunteers and militia who were disabled in service against Florida Indians, is obsolete, and belongs to the general pension laws.

Sections 1658, 1659, 1660, that courts-martial for the trial of militia shall be composed of militia officers only, and providing for the collection of fines imposed, are omitted in proposed bill as applicable only when the militia are in the service of the United States, and it is provided that when in service they shall be governed by the rules and regulations of the Army.

Section 1661 makes a permanent appropriation of $200,000 a year to provide arms and equipments for the militia. Sections 6 and 7 of the proposed bill abolish this system and provide that the active militia shall be fully armed and equipped, and leave it in the hands of Congress to make annual appropriations for that purpose.

DETAILS OF PROPOSED LAW.

Section 1 provides that all citizens between eighteen and forty-five years of age shall be enrolled in the militia. This is existing law.

Section 2 divides the militia into two classes—the active and inactive. The purpose of this division is to recognize the volunteer militia of the States as the militia *de facto*. As this is the key of the proposed change in the militia system, we shall consider it more in detail further in this report.

Section 3 provides that the active militia shall consist of the militia organized under the laws of the respective States. As the term of enlistment in the volunteer militia varies under the militia laws of different States, it is deemed desirable to add the proviso that to entitle them to arms and equipments the enlistment shall not be for a less period than three years. In order to prevent any question that might arise if the term of enlistment of a militiaman should expire while he is in the service of the United States, a further proviso is added that his enlistment shall contain a condition to cover that contingency.

Section 4 provides that the organization of the active militia shall conform as closely as practicable to that of the regular Army.

Section 5 is a clause similar to existing law to provide that same system of drill and tactics shall be used by the active militia as is prescribed for the regular Army.

Section 6 is a transcript of clause in existing law to provide for recognizing as a portion of the active militia any privileged volunteer organizations that exist in the States.

Section 7 specifies the kinds and amounts of arms, equipments, uniforms, and camp equipage that shall be furnished by the General Government to the active militia, and is an important feature in the proposed change in the militia system, as it substitutes these specifications for the existing permanent appropriation of $200,000 a year for this purpose. As the States have already in possession arms and equipments heretofore issued, and as many of the States have largely overdrawn their accounts in the annual allotment of the permanent appropriation, a provision is added to this clause to release the States from any liability for their overdrawn accounts, and to require them to account for the property now in possession as a part of the allowance made by this act. As the bill provides that the active militia shall be armed and equipped by the General Government, it is required of the States, to entitle them to the benefits of the act, that they shall comply with the provisions deemed necessary to make it efficient and available whenever its services may be required by the General Government. But in order that immaterial departures from the requirements of the law, or failure under excusable circumstances to comply with them, may not be construed to the prejudice of the militia, a discretionary power is left with the Secretary of War to authorize the issue, if he deems it advisable.

Section 8 provides that the Secretary of War shall include in his annual estimate the amount of money required to carry out the provisions of the bill, and places the whole matter of supplying the militia in charge of the Ordnance Department, under his direction.

Sections 9 and 10 provide for accountability by the States for property issued to them, and supplies one of the manifest deficiencies of the existing law, which makes no provisions on the subject.

Sections 11 and 12 provide for annual returns to be made, in order that Congress may be fully advised of the condition and needs of the militia, and the Executive at all times in possession of necessary information as to its availability for service.

Section 13 prescribes and limits the use of the service uniform by the active militia.

Section 14 provides that to entitle them to be provided for by the General Government, the active militia shall assemble in camps of instruction annually, and be annually inspected. These provisions are most important, as it is only through their agency that the militia can be brought to that state of efficiency that would justify the Government in the expenditure necessary to maintain it.

Section 15 provides that officers of the regular Army shall be present at the annual inspection of the militia, to make observations as to their efficiency and to examine the condition of the public property in their possession. The section carefully guards against any exercise of unconstitutional authority in the premises, and is not only deemed essential but is also earnestly desired by the militia.

Sections 16 and 17 have for their object the encouragement of rifle practice, and for such competition between the militia, the regular Army, and the Navy, as must result in great benefit to each. This subject is now so well understood, and has become a matter of so much national pride, that argument in favor of it is unnecessary.

Section 18 provides that officers of the regular Army may be detailed to serve as adjutants in the active militia. This provision is earnestly desired by the militia, and as it can be complied with without expense to the Government, and when availed of must result in such great benefit to the militia, it is deemed a wise provision. In large cities in which regiments of active militia exist as "live organizations" the administrative business of the regiment is so great that it is almost impossible to find officers who can spare the time from their daily avocations to discharge it. There is not only no compulsion in the provisions of the section, but careful provision to the contrary. It is obvious that supernumerary and unemployed officers of the regular Army, who have been educated in their profession at the public expense, cannot be better employed than in assisting the efforts of the militia to attain efficiency whenever the militia request it.

Sections 19, 20, 21, 22, and 23 make the necessary provisions for authorizing the President to order the active militia into the service of the United States, and for governing them while in the service. These provisions do not differ materially from existing law, except that they are better arranged and more concise, and are made applicable to the active militia only.

Section 24 provides that the reserve militia shall only be called into service by act of Congress. No contingency could arise in which it would be proper to call out the unarmed, unorganized, and untrained mass of the population without some legislation by Congress to provide specially for it.

Section 25 provides for the appointment of a board of officers to prepare a system of rules and regulations for the discipline of the militia, to select a uniform, and to determine the kind and amount of ammunition and camp equipage that shall be allowed to the militia.

Section 26 makes an appropriation for the ensuing fiscal year. As the bill repeals existing appropriation, unless an appropriation is made in the bill the militia would be without any supplies whatever during the year intervening before the regular estimates of the Secretary of War would be appropriated for.

DIFFERENCE BETWEEN EXISTING LAW AND PROPOSED LAW.

From the foregoing statements of details, it is apparent that the leading features of difference between existing law and proposed law are as follows:

First. To substitute the existing volunteer militia for the compulsory system of the present law, that applies to the whole body of the people, and which has become so inapplicable as to be utterly disregarded.

Second. To make such provisions as will aid and encourage the formation of volunteer organizations, remove the disparity in their numbers and discipline that exists between different States, and promote their efficiency to a common standard that will make them available for all the purposes for which a militia is needed.

Third. To abolish the present system of a permanent appropriation to provide arms and equipments for the militia, and substitute provisions prescribing with what arms and equipments the militia shall be furnished, and on what conditions—leaving it in the discretion of Congress to regulate the annual appropriations for that purpose.

The main feature of the bill is that it does not create or organize a new force, or propose any change in the relations established by long custom between the militia of the States and the Federal Government.

From the sketch I have given of the history of the militia law it will have been seen that as soon as the defects of the law were apparent plans were proposed to remedy them, but that during a long series of years the diversity of opinion on the subject was so great that no plan could be agreed upon. From being inoperative the militia law finally became impracticable, and fell into complete disuse and disregard. The country increased so rapidly in population that it was found absurd and unnecessary to enforce militia duty from the whole body of the people, and that a sufficient proportion of the population were willing to do such duty voluntarily as to furnish all the force desirable. The States gradually disregarded the Federal law and devoted their efforts to fostering a volunteer militia, until now these volunteer troops are all that are generally known as "the militia."

There exists now in the different States about one hundred and twenty-five thousand volunteer militia. There is great disparity, both as to numbers and efficiency, between the different States. Some of them, from their geographical situation or local causes, require a larger militia force than others. The bill before us in nowise interferes with the States on this point; each may have as large or as small a militia as desired by itself; the bill simply fixes the maximum number that the United States will supply with arms. Whatever differences may exist between the States in the number of militia maintained by each, there can be no question that all should be similarly organized and equally efficient. The bill before us is less coersive in that respect than the existing law, inasmuch as it proposes to promote efficiency by encouragement, by allowing the militia tents and camp equipage in order that they may have the benefit of annual camps of instruction, and by making the supply of arms, equipments, and camp equipage by the United States, dependent on the States providing to keep this militia up to a proper standard of efficiency.

So far as the theory of the bill is concerned, I do not find many objections to it; as to its details, I conceive that at this time it would be superfluous to discuss them, or for me to say more than that at the proper time I should probably make objections to some and suggest modifications of others.

THE NATIONAL DEFENSE.

But, Mr. Speaker, while I am satisfied that our obsolete militia law should be replaced by other provisions more suitable to the existing condition of the country, I am not one of those that believe the national defense can with safety be intrusted solely to the militia; and I believe that any scheme for their organization and discipline should have in view a very different purpose. For the service of the Federal Government they should be considered simply as the force on which to rely during the first moments of danger to guard the nation until its regular forces can be collected and volunteer armies organized. This is unquestionably an important function, but it is a limited one.

Discovered in the war of 1812, carried into practice with most brilliant results in the Mexican war, it was demonstrated on a scale of enormous magnitude in the late war of the rebellion that the people of this country can be quickly organized and transformed into efficient soldiers. With an efficient regular army of sufficient numbers as a nucleus, it is evident to my mind that the future great armies of the Republic will be volunteer soldiers. What we need is a system of military education that will provide officers at the disposal of the Federal Government to organize and officer armies when it is necessary to create them.

Much has been said against military schools such as we have at West Point; but my opinion is, based upon a somewhat careful investigation of the organization of the military forces of the civilized nations of the world, that there is no more economical plan for the public defense than to provide a liberal number of educated officers to be held in reserve until their services are needed. These officers, after graduating from military schools, could be allowed to enter upon the ordinary avocations of life, and held to service on a retired list at nominal pay, or, in consideration of their having been educated at public expense, be bound to respond to any call for their services when Congress or the Executive might deem the public safety or interest to require them.

GENERAL CONCLUSIONS.

I have not considered it necessary at this time either to specially advocate or criticise the pending bill. I believe that the proposed bill is better than existing law, but I desire a full discussion of the whole subject before final action. Urgent appeals have been made to Congress to renew its efforts to solve the militia problem; and, believing that the question must soon be given the attention it demands, I have deemed it sufficient at present to submit the material I have gathered in my own investigation, in the hope that it may be of service to an intelligent consideration of the subject in the future.

In thus presenting my thoughts I have endeavored to avoid a partisan view of the subject, and to give due consideration both to the rights of the States and the powers of the Federal Government. I conceive the questions embraced to be far above party considerations, as I believe them to involve the dignity, welfare, and future safety of our common country, considerations which I indulge the hope are equally dear to men of all parties and all sections.

APPENDIX A.

Proceedings of the Federal convention, Saturday, August 18, 1787.

Mr. MASON introduced the subject of regulating the militia. He thought such a power necessary to be given to the General Government. He hoped there would be no standing army in time of peace, unless it might be for a few garrisons. The militia ought, therefore, to be more effectually prepared for the public defense. Thirteen States will never concur in any one system if the discipline of the militia be left in their hands. If they will not give up the power over the whole, they probably will over a part as a select militia. He moved, as an addition to the propositions just referred to the committee of detail, and to be referred in like manner, "a power to regulate the militia."

Mr. MASON moved, as an additional power, "to make laws for the regulation and discipline of the militia of the several States, reserving to the States the appointment of the officers." He considered uniformity as necessary in the regulation of the militia throughout the Union.

General PINCKNEY mentioned a case during the war in which a dissimilarity in the

militia of different States had produced the most serious mischiefs. Uniformity was essential. The States would never keep up a proper discipline of the militia.

Mr. ELLSWORTH was for going as far in submitting the militia to the General Government as might be necessary; but thought the motion of Mr. Mason went too far. "He moved that the militia should have the same arms and exercise, and be under rules established by the General Government when in actual service of the United States; and when States neglect to provide regulations for militia, it should be regulated and established by the Legislature of the United States." The whole authority over the militia ought by no means to be taken away from the States, whose consequence would pine away to nothing after such a sacrifice of power. He thought the general authority could not sufficiently pervade the Union for such a purpose, nor could it accommodate itself to the local genius of the people. It must be vain to ask the States to give the militia out of their hands.

Mr. SHERMAN seconds the motion.

Mr. DICKINSON. We are come now to a most important matter—that of the sword. His opinion was that the States never could nor ought to give up all authority over the militia. He proposes to restrain the general power to one-fourth part at a time, which by rotation would discipline the whole militia.

Mr. BUTLER urged the necessity of submitting the whole militia to the general authority, which had the care of the general defense.

Mr. MASON had suggested the idea of a select militia. He was led to think that would be, in fact, as much as the General Government could advantageously be charged with. He was afraid of creating insuperable objections to the plan. He withdrew his original motion and moved a power "to make laws for regulating and disciplining the militia, not exceeding one-tenth part in any one year, and reserving the appointment of officers to the States."

General PINCKNEY renewed Mr. Mason's original motion. For a part to be under the General and a part under the State governments would be an incurable evil. He saw no room for such distrust of the General Government.

Mr. LANGDON seconds General Pinckney's renewal. He saw no more reason to be afraid of the General Government than of the State government. He was more apprehensive of the confusion of the different authorities on this subject than of either.

Mr. MADISON thought the regulation of the militia naturally appertaining to the authority charged with the public defense. It did not seem in its nature to be divisible between two distinct authorities. If the States would trust the General Government with a power over the public treasure they would, from the same consideration of necessity, grant it the direction of the public force. Those who had a full view of the public situation would, from a sense of the danger, guard against it. The States would not be separately impressed with the general situation, nor have the due confidence in the concurrent exertions of each other.

Mr. ELLSWORTH considered the idea of a select militia as impracticable; and if it were not, it would be followed by a ruinous declension of the great body of the militia. The States would never submit to the same militia laws. Three or four shillings as a penalty will enforce obedience better in New England than forty lashes in some other places.

Mr. PINCKNEY thought the power such an one as could not be abused, and that the States would see the necessity of surrendering it. He had, however, but a scanty faith in militia. There must be also a real military force. This alone can effectually answer the purpose. The United States had been making an experiment without it, and we see the consequence in their rapid approaches to anarchy.

Mr. SHERMAN took notice that the States might want their militia for defense against invasions and insurrections, and for enforcing obedience to their laws. They will not give up this point. In giving up that of taxation they retain a concurrent power of raising money for their own use.

Mr. GERRY thought this the last point remaining to be surrendered. If it be agreed to by the convention, the plan will have as black a mark as was set on Cain. He had no such confidence in the General Government as some gentlemen possessed, and believed that it would be found that the States have not.

Colonel MASON thought there was great weight in the remarks of Mr. Sherman, and moved an exception to his motion "of such part of the militia as might be required by the States for their own use."

Mr. READ doubted the propriety of leaving the appointment of the militia officers to the States. In some States they are elected by the Legislatures; in others by the people themselves. He thought at least an appointment by the State executives ought to be insisted on.

On the question for committing to the grand committee last appointed the latter motion of Colonel Mason and the original one renewed by General Pinckney—New Hampshire, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, Georgia—ay, 8; Connecticut, New Jersey—no, 2; Maryland, divided.—319.

Adjourned.

TUESDAY, *August* 21, 1787.

Governor LIVINGSTON, from the committee of eleven, to whom were referred the propositions respecting the debts of the several States, and also the militia, entered on the 18th instant, delivered the following report:

"To make laws for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by the United States."

THURSDAY, *August* 23, 1787.

The report of the committee of eleven, made the 21st of August, being taken up, and the following clause being under consideration, to wit: "To make laws for organizing, arming, and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and authority of training the militia according to the discipline prescribed"—

Mr. SHERMAN moved to strike out the last member, "and authority of training," &c. He thought it unnecessary. The States will have this authority, of course, if not given up.

Mr. ELLSWORTH doubted the propriety of striking out the sentence. The reason assigned applies as well to the other reservation of the appointment to offices. He remarked, at the same time, that the term discipline was of vast extent, and might be so expounded as to include all power on the subject.

Mr. KING, by way of explanation, said that by organizing, the committee meant proportioning the officers and men; by arming, specifying the kind, size, and caliber of arms; and by disciplining, prescribing the manual exercise, evolutions, &c.

Mr. SHERMAN withdrew his motion.

Mr. GERRY. This power in the United States, as explained, is making the States drill-sergeants. He had as lief let the citizens of Massachusetts be disarmed as to take the command from the States and subject them to the General Legislature. It would be regarded as a system of despotism.

Mr. MASON observed that "arming" as explained did not extend to furnishing arms, nor the term "disciplining" to penalties and courts-martial for enforcing them.

Mr. KING added to his former explanation that arming meant not only to provide for uniformity of arms, but included the authority to regulate the modes of furnishing, either by the militia themselves, the State governments, or the National Treasury; that laws for disciplining must involve penalties and everything necessary for enforcing penalties.

Mr. DAYTON moved to postpone the paragraph, in order to take up the following proposition: To establish a uniform and general system of discipline for the militia of these States, and to make laws for organizing, arming, disciplining, and governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and all authority over the militia not herein given to the General Government.

On the question to postpone in favor of this proposition, it passed in the negative—New Jersey, Maryland, Georgia—ay, 3; New Hampshire, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina—no, 8.

Mr. ELLSWORTH and Mr. SHERMAN moved to postpone the second clause in favor of the following: to establish an uniformity of arms, exercise, and organization of the militia, and to provide for the government of them when called into the service of the United States. The object of this proposition was to refer the plan for the militia to the General Government, but to leave the execution of it to the State governments.

Mr. LANGDON said he could not understand the jealousy expressed by some gentlemen. The General and State governments were not enemies to each other, but different institutions for the good of the people of America. As one of the people, he could say the National Government is mine. In transferring power from one to the other, I only take out of my left hand what it cannot so well use, and put it into my right hand where it can be better used.

Mr. GERRY thought it was rather taking out of the right hand and putting it into the left. Will any man say that liberty will be as safe in the hands of eighty or a hundred men taken from the whole continent as in the hands of two or three hundred taken from a single State?

Mr. DAYTON was against so absolute a uniformity. In some States there ought to be a greater proportion of cavalry than in others. In some places rifles would be most proper, and in others muskets, &c,

General PINCKNEY preferred the clause reported by the committee extending the meaning of it to the case of fines, &c.

Mr. MADISON. The primary object is to secure an effectual discipline of the militia. This will no more be done if left to the States separately, than the requisitions have been hitherto paid by them. The States neglect their militia now, and the more they are consolidated into one nation the less each will rely on its own interior provisions for its safety, and the less prepare its militia for that purpose; in like manner as the militia of a State would have been still more neglected than it has been if each county had been independently charged with the care of its militia. The discipline of the militia is evidently a national concern, and ought to be provided for in the National Constitution.

Mr. L. MARTIN was confident that the States would never give up the power over the militia; and that if they were to do so the militia would be less attended to by the General than by the State government.

Mr. RANDOLPH asked what danger there could be that the militia could be brought into the field and made to commit suicide on themselves. This is a power that cannot, from its nature, be abused; unless indeed the whole mass should be corrupted. He was for trammeling the General Government whenever there was danger, but here there could be none. He urged this as an essential point; observing that the militia were everywhere neglected by the State Legislatures, the members of which courted popularity too much to enforce a proper discipline. Leaving the appointment of officers to the States protects the people against every apprehension that could produce murmur.

On the question of Mr. Ellsworth's motion—Connecticut, ay; the other ten States, no.

A motion was then made to recommit the second clause; which was negatived.

On the question to agree to the first part of the clause, namely, "to make laws for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States," New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia—ay, 9. Connecticut, Maryland—no, 2.

Mr. MADISON moved to amend the next part of the clause so as to read, "reserving to the States respectively the appointment of the officers under the rank of general officers.

Mr. SHERMAN considered this as absolutely inadmissible. He said that if the people should be so far asleep as to allow the most influential officers of the militia to be appointed by the General Government, every man of discernment would rouse them by sounding the alarm to them.

Mr. GERRY. Let us at once destroy the State government, have an Executive for life or hereditary, and a proper Senate; and then there would be some consistency in giving full powers to the General Government. But as the States are not to be abolished, he wondered at the attempts that were made to give powers inconsistent with their existence. He warned the convention against pushing the experiment too far. Some people will support a plan of rigorous government at every risk. Others of a more democratic cast will oppose it with equal determination, and a civil war may be produced by the conflict.

Mr. MADISON. As the greatest danger is that of disunion of the States, it is necessary to guard against it by sufficient powers to the common Government; and as the greatest danger to liberty is from large standing armies, it is best to prevent them by an effectual provision for a good militia.

On the question to agree to Mr. Madison's motion, New Hampshire, South Carolina, Georgia—ay, 3; Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina—no, 8.

On the question to agree to the "reserving to the States the appointment of the officers," it was agreed to *nem. con.*

On the question on the clause "and authority of training the militia according to the discipline prescribed by the United States—

New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, North Carolina—ay, 7; Delaware, Virginia, South Carolina, Georgia—no, 4.

APPENDIX B.

Along with this object I am induced to suggest another, with the national importance and necessity of which I am deeply impressed. I mean some uniform and effective system for the militia of the United States. It is unnecessary to offer arguments in recommendation of a measure on which the honor, safety, and well-being of our country so evidently and so essentially depend.—*President Washington's Annual Message*, 1789.

Among the many interesting objects which will engage your attention, that of providing for the common defense will meet particular regard. To be prepared for war is one of the most effective means of preserving peace. A free people ought not only to be armed, but disciplined; to which end a uniform and well-digested plan is requisite.—*President Washington's Annual Message*, 1790.

The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.—*President Washington's Annual Message*, 1793.

It ought not to be forgotten that the militia laws have exhibited such striking defects as could not have been supplied but by the zeal of our citizens. Besides the extraordinary expense and waste, which are not the least of the defects, every appeal to those laws is attended with a doubt of its success.

The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude. I therefore entertain a hope that the present session will not pass without carrying to its full

energy the power of organizing and disciplining the militia, and thus providing, in the language of the Constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions.—*President Washington's Annual Message*, 1794.

It will merit inquiry what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed till the greatest attainable perfection shall be accomplished. Time is wearing away some advantages for forwarding the object, while none better deserves the persevering attention of the public councils.—*President Washington's Annual Message*, 1795.

My solicitude to see the militia of the United States placed on an efficient establishment has been so often and so ardently expressed that I shall but barely recall the subject to your view on the present occasion.—*President Washington's Annual Message*, 1796.

With the same view, and as a measure which even in a time of universal peace ought not to be neglected, I recommend to your consideration a revision of the laws for organizing, arming, and disciplining the militia, to render that natural and safe defense of the country efficacious.—*President Washington's Annual Message*, 1797.

Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point and competent to oppose them is the body of neighboring citizens as formed into a militia. On these collected from the parts most convenient, in numbers proportioned to the invading force, it is best to rely, not only to meet the first attack, but, if it threatens to be permanent, to maintain the defense until regulars may be engaged to relieve them. These considerations render it important that we should at every session continue to amend the defects which from time to time show themselves in the laws for regulating the militia until they are sufficiently perfect; nor should we now or at any time separate until we can say we have done everything for the militia which we could do were an enemy at our door.—*President Jefferson, Annual Message*, 1801.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review and give it those improvements of which you find it susceptible.—*President Jefferson's Annual Message*, 1802.

No circumstance has arisen since your last session which calls for any augmentation of our regular military force. Should any improvement occur in the militia system that will be always seasonable.—*President Jefferson's Annual Message*, 1804.

In the mean time you will consider whether it would not be expedient, for a state of peace as well as of war, so to organize or class the militia as would enable us, on a sudden emergency, to call for the services of the younger portions, unincumbered with the old and those having families. Upward of three hundred thousand able-bodied men, between the ages of eighteen and twenty-six years, which the last census shows we may count within our limits, will furnish a competent number for offense or defense in any point where these may be wanted, and will give time for raising regular forces after the necessity of them shall become certain, and the reducing to the early period of life all its active service cannot but be desirable to our younger citizens of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I cannot, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as by a separation of the more active part from that which is less so we may draw from it when necessary an efficient corps fit for real and active service, and to be called to it in regular rotation.—*President Jefferson's Annual Message*, 1805.

For a people who are free and who mean to remain so, a well-organized and armed militia is their best security. It is therefore incumbent on us, at every meeting, to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion? Some of the States have paid a laudable attention to this object, but every degree of neglect is to be found among others. Congress alone having the power to produce a uniform state of preparation in this great organ of defense, the interests which they so deeply feel in their own and their country's security, will present this as among the most important objects of their deliberations.—*President Jefferson's Annual Message*, 1808.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.—*President Madison's Annual Message*, 1809.

These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress with respect to that great bulwark of the public safety, it is for their consideration whether further provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits and is capable of receiving, it is indispensable that they should be instructed and practiced in the rules by which they are to be governed. Toward an accomplishment of this important work, I recommend for the consideration of Congress the expediency of instituting a system which shall, in the first instance, call into the field at the public expense and for a given time certain portions of the commissioned and non-commissioned officers. The instruction and discipline thus acquired would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service, which are the great ends to be pursued.—*President Madison's Annual Message*, 1810.

The militia being always to be regarded as the great bulwark of defense and security for free States, and the Constitution having wisely committed to the national authority a use of that force as the best provision against an unsafe military establishment as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States I recommend to Congress a revision of the militia laws for the purpose of securing more effectually the services of all detachments called into the employment and placed under the Government of the United States.—*President Madison's Annual Message*, 1813.

I earnestly renew, at the same time, a recommendation of such changes in the system of the militia as, by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the public safety all the requisite energy and efficiency.—*President Madison's Annual Message*, 1814.

And I cannot press too much on the attention of Congress such a classification and organization of the militia, as will most effectually render it the safeguard of a free State. If experience has shown in the recent splendid achievements of militia the value of this resource for the public defense, it has shown also the importance of that skill in the use of arms, and that familiarity with the essential rules of discipline, which cannot be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws in every respect to the great object of enabling the political authority of the Union to employ, promptly and effectually, the physical power of the Union, in cases designated by the Constitution.—*President Madison's Annual Message*, 1815.

As a subject of the highest importance to the national welfare, I must again earnestly recommend to the consideration of Congress a reorganization of the militia on a plan which will form it into classes, according to the periods of life more or less adapted to military services. An efficient militia is authorized and contemplated by the Constitution, and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made; and no organization can be better calculated to give to it its due force than a classification which will assign the foremost place in the defense of the country to that portion of its citizens, whose activity and animation best enable them to rally to its standard. Besides the consideration, that a time of peace is the time when the change can be made with the most convenience and equity, it will now be aided by the experience of a recent war, in which the militia bore so interesting a part.—*President Madison's Annual Message*, 1816.

An improvement in the organization and discipline of the militia is one of the great objects which claims the unremitted attention of Congress.—*President Monroe's Annual Message*, 1817.

I have to add, that, in proportion as our regular force is small, should the instruction and discipline of the militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit.—*President Monroe's Annual Message*, 1822.

As the defense and even the liberties of the country must depend in times of imminent danger on the militia, it is of the highest importance that it be well organized, armed, and disciplined, throughout the Union.—*President Monroe's Annual Message*, 1823.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the muster and drill as now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification remedying these defects and providing for a system of instruction might not be adopted, is submitted to the consideration of Congress. The Constitution has vested in the General Government an independent authority upon the subject of the militia, which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration, in the conviction that the state of this important arm of the public defense requires your attention.—*President Jackson's Annual Message*, 1832.

Occurrences to which we as well as all other nations are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence, and to repel foreign invasion, should these calamities overtake us, we must rely, in the first instance, upon the great body of the community whose will has instituted and whose power must support the Government. A large standing military force is not consonant to the spirit of our institutions, nor to the feelings of our countrymen, and the lessons of former days, and those also of our own times, show the danger as well as the enormous expense of these permanent and extensive military organizations. That just medium which avoids an inadequate preparation on one hand, and the danger and expense of a large force on the other, is what our constituents have a right to expect from their Government. This object can be attained only by the maintenance of a small military force, and by such an organization of the physical strength of the country as may bring this power into operation whenever its services are required. A classification of the population offers the most obvious means of effecting this organization. Such a division may be made as will be just to all, by transferring each, at a proper period of life, from one class to another, and by calling first for the services of that class, whether for instruction or action, which from age is qualified for the duty, and may be called to perform it with least injury to themselves or to the public. Should the danger ever become so imminent as to require additional force, the other classes in succession would be ready for the call, and if in addition to this organization voluntary associations were encouraged, and inducements held out for their formation, our militia would be in a state of efficient service. Now, when we are at peace, is the proper time to adjust and establish a practical system. The object is certainly worth the experiment, and worth the expense. No one appreciating the blessings of a republican government can object to his share of the burden which such a plan may impose. Indeed, a moderate portion of the national funds could scarcely be better applied, than in carrying into effect and continuing such an arrangement, and in giving the necessary elementary instruction. We are happily at peace with all the world. A sincere desire to continue so, and a fixed determination to give no just cause of offense to other nations, furnish, unfortunately, no certain grounds of expectation that this relation will be uninterrupted. With this determination to give no offense, is associated a resolution equally decided, tamely to submit to none. The armor and the attitude of defense afford the best security against those collisions which the ambition or interest, or some other passion of nations not more justifiable, is liable to produce. In many countries it is considered unsafe to put arms into the hands of the people, and to instruct them in the elements of military knowledge. That fear can have no place here, when it is recollected that the people are the sovereign power. Our Government was instituted and supported by the ballot, not by the musket. Whatever changes await it, still greater changes must be made in our social institutions, before our political system can yield to physical force. In every respect, therefore, in which I can view this subject, I am impressed with the importance of a prompt and efficient organization of the militia.—*President Jackson's Annual Message*, 1835.

In this connection it is also proper to remind you that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law for organizing, arming, and disciplining this arm of defense has been so repeatedly presented to Congress, by myself and my predecessors, that I deem it sufficient on this occasion to refer to the last annual message, and to former Executive communications in which the subject has been discussed.—*President Jackson's Annual Message*, 1836.

In periods of danger and alarm we must rely principally upon a well-organized militia; and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude. It was recommended to the First Congress by General Washington, and has been since frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor. The provision in the Constitution that renders it necessary to adopt a uniform system of organization for the militia throughout the United States presents an insurmountable obstacle to an efficient arrangement by the classification heretofore proposed, and I invite your attention to the plan which will be submitted by the Secretary of War for the organization of volunteer corps and the instruction of militia officers as more simple and practicable, if not equally advantageous, as a general arrangement of the whole militia of the United States.—*President Van Buren's Annual Message*, 1837.

And, as connecting itself intimately with this subject, I cannot recommend too strongly to your consideration the plan submitted by that officer for the organization of the militia of the United States.—*President Van Buren's Annual Message*, 1839.

Our chief reliance must be placed on the militia. They constitute the great body of national guards, and, inspired by an ardent love of country, will be found ready at all times and at all seasons to repair with alacrity to its defense. It will be regarded by Congress, I doubt not, at a suitable time as one of its highest duties to attend to their complete organization and discipline.—*President Tyler's Annual Message*, 1841.

In all cases of emergency the reliance of the country is properly placed in the militia of the several States; and it may well deserve the consideration of Congress, whether a new and more perfect organization might not be introduced, looking mainly to the volunteer companies of the Union for the present and of easy application to the great body of the militia in time of war.—*President Tyler's Annual Message*, 1843.

APPENDIX C.

Action of State Legislatures. Kentucky—Presented in 1812.

Resolved by the General Assembly for the State of Kentucky. That, * * * experience having shown that the present system has great defects, producing much inconvenience without many of those benefits which a better management would insure; and the Legislature of this State being impressed with a belief that an adequate remedy for the evil rests in the hands of the General Government alone, which has a constitutional power to provide for the organization, arming, and disciplining our national force, this Legislature, in behalf of their constituents, with every deference to the wisdom of those whose power and duty it is to act finally on the subject, will proceed to suggest their ideas on some of the inconveniences which attend the present militia system, together with the mode in which they might be obviated, with a view of their being submitted to the competent authority.

Massachusetts—Presented in 1831.

Resolved by the senate and house of representatives, That the Senators of the Commonwealth in the Congress of the United States be instructed, and the Representatives requested, to use their exertions to procure the passage of a law for the more perfect organization of the militia of the several States.

Vermont—Presented in 1832.

Resolved, (*the governor and council concurring therein,*) That the Senators of this State in the Congress of the United States be instructed, and the Representatives be requested, to use their exertions to procure the passage of a law for the more perfect organization of the militia of the several States.

Connecticut—Presented in 1832.

At a General Assembly of the State of Connecticut holden at Hartford, in said State, on the first Wednesday of May, in the year of our Lord, one thousand eight hundred and thirty-one:

Resolved by this Assembly, That the Senators of this State in the Congress of the United States be instructed, and the Representatives requested, to use their exertions to procure the passage of a law for the more perfect organization of the militia of the several States.

Maine—Presented in 1832.

Resolved, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to use their exertions, both by their votes and their influence, to procure the passage of a law providing for a more perfect and uniform organization of the militia of the several States of the Union, in pursuance of the Constitution of the United States.

New Hampshire—Presented in 1833.

Resolved, by the senate and house of representatives in General Court convened, That the organization of the militia of the United States, being a matter intrusted by the Constitution to the General Government, requires its attention, and can be only efficiently and satisfactorily done by the Government.

Resolved, That our Senators in Congress be, and are hereby, instructed, and our Representatives requested, to use their exertions to secure the passage of a law providing for a more perfect and uniform organization of the militia of the several States of the Union.

New York—Presented in 1833.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure such amendments of the act of Congress organizing the militia as shall relieve the people, as far as practicable, from the burden of the system, without impairing its efficiency.

North Carolina—Presented in 1834.

Mr. Graham presented resolutions adopted by the General Assembly of the State of North Carolina, requesting "Congress to adopt the necessary measures to render the militia discipline of the United States less burdensome in its character and more efficient in its organization."

Rhode Island—Presented in 1834.

Mr. Pearce presented a resolution of the General Assembly of the State of Rhode Island, soliciting the passage of a law to provide for a more perfect, uniform, and efficient organization of the militia, and to relieve the people from the burden of the present system.

Indiana—Presented in 1835.

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of a law, the provisions of which shall limit the enrollment of the militia to the able-bodied, free white male citizens of the United States between the ages of twenty-one and forty years, and provide for the more speedy arming and better disciplining of the militia of the several States by the General Government, with such other provisions as Congress in their wisdom may think proper to adopt in order to render the militia system more efficient and less burdensome.

APPENDIX D.

Extracts from debates in the House of Representatives, in First Congress, 1790.

Mr. FITZSIMONS suggested whether it would be the most eligible mode to subject all the citizens from eighteen to forty-five years of age, without exception, to turn out as soldiers. A much smaller number would, in his opinion, answer all the purposes of a militia. He thought the active militia might be compressed within a much smaller number, to be proportioned to the citizens of each State.

Mr. BOUDINOT said the idea now suggested was in the committee, and they could not agree upon any other mode than that proposed in the bill. He very much disapproved the idea of making a soldier of every man between eighteen and forty-five years of age. There is a manifest impropriety in the measure; and he wished some gentleman would propose an alteration.

Mr. SHERMAN said it appeared to him that by the Constitution the United States were to be put to no expense about the militia, except when called into actual service. The clause is not so explicit as might have been wished.

Mr. VINING said: What is the whole bill but dictating; a law that affects every individual touches the whole community. With respect to the constitutionality of the measure there can be no doubt. Every grant of power to Congress necessarily implies a conveyance of every incidental power requisite to carry the grant into effect.

Mr. BLOODWORTH said that, in his opinion, the House had entered too much into the minutiæ of the business, and in great measure were about depriving the States of the power granted them by the Constitution. The General Government ought only to organize the militia and direct the mode of discipline. The militia, he observed, was only under the direction of the General Government when called out in the actual service of the United States; different States had the appointment of the officers and the right of training them; but owing to the many particulars attended to in the bill, he could see but little room left to the States for the exercise of their power.

Mr. LIVERMORE said: The States have an exclusive right to regulate the times of training the militia; and Congress has no right to say that the citizens shall or shall not be liable to a legal arrest on such occasions.

Mr. BOUDINOT admitted that there was some weight in Mr. Livermore's objections; but at the same time observed that the principle once admitted, that Congress has a power to carry that idea into effect must follow.

Mr. WILLIAMSON, adverting to the Constitution, said that it was plain Congress are to provide for arming and disciplining the militia; but who are the militia? Such men, he presumed, as are declared so to be by the laws of the particular State.

In Second Congress, 1792.

Mr. LIVERMORE made some general remarks on the terms used in the Constitution to designate the power of Congress in respect to the militia. He contended that they were the most vague and indefinite that could possibly have been adopted. It is the militia of the several States that Congress have power to organize, and provide a mode of discipline for. It is not a militia to be formed or created—it already exists. He therefore thought it best to leave it to the respective States to make their own militia laws.

Mr. BARNWELL observed that the consequence of the gentleman's proposition would be a total want of uniformity in the militia, and a clashing from different militia systems. That it was in vain to expect an effective militia, except Congress should exercise the power so expressly delegated to them in this respect.

Mr. BOUDINOT observed that from the experience Congress has had in the preceding sessions of the difficulties attending this subject, he was fully of opinion that a plan of conciliation alone would ever procure a passage through the Legislature for a militia bill. He adverted to the powers of Congress on this subject and to those reserved to the States; to the latter was expressly reserved the power of appointing the officers, and if they refuse to do it, there is no power in Congress to compel them. He therefore accorded with the gentleman from Connecticut [Mr. Sturgis] in opinion, that the law which Congress shall pass must be very simple in its construction, and refer to as few objects as possible.

Mr. HILLHOUSE controverted the sentiments advanced by Mr. Boudinot. He said the natural inference was that Congress possesses no power at all in the case; for if what that gentleman advances is true no provision that Congress can possibly make will be of the least avail. He contended that Congress, by virtue of the powers vested in them, are empowered to organize the militia, to say what descriptions, ages, &c., the militia shall consist of, to form them into companies, corps, regiments, &c., and that when this is done the States are to appoint the officers, for previous to such an organization the States cannot exercise the power of appointing the officers.

Mr. SEDGWICK laid it down as a principle, which he presumed would not be disputed by any one, that a complete and uncontrolled power over the militia was deposited in the national and State governments. The only question was, which was to delegate the distribution of those powers? To the former it was expressly delegated to provide "for the organizing, arming, and disciplining the militia." These words, when applied to the subject, were as full and comprehensive, perhaps, as any in our language. The question before the committee was, could penalties be imposed if they should become necessary to carry into effect those powers? The maxim was undoubtedly true, that when a general power was granted all the usual and known means necessary and proper to carry it into effect were granted also. If, then, the imposition of penalties were the usual and known means to effectuate "the organizing, arming, and disciplining of the militia," it would follow of irresistible consequence that they might be employed for that purpose if not prevented by the powers reserved to the States.

To the States it was reserved to appoint officers, and to train the militia according to the "discipline prescribed by Congress." A reservation controlling a general grant should receive a strict construction. "Training" he believed a word more limited and less comprehensive than "disciplining," which he considered as comprehending all the means necessary to be employed to constitute the character of a soldier. "Training" comprehended only a part of those means. It would to his mind seem absurd, and almost contradictory, that when there was committed to their Government the protection and defense of each individual, and of the whole community, when their Government itself was founded on principles which cherished a militia to the exclusion of a standing force wherever it could be done, when the Government, for those important purposes, was directed to provide for "organizing, arming, and disciplining the militia," it would seem absurd and contradictory to say penalties could not be imposed by law. It would be in the same sentence to grant and to deny; for he would run the hazard to affirm that without penalties no effectual provision could be made for "organizing, arming, and disciplining the militia."

It was not, he believed, difficult to conjecture by what means this distribution of powers between the national and State governments has crept into the Constitution. It would have seemed incongruous to have denied to Congress a complete control over the militia. But having conceded this power in the words which had been so often repeated, a laudable jealousy would naturally have excited an apprehension that at some future time the militia might be neglected to afford a pretense for standing armies. This jealousy could in no other way have been so well quieted as by authorizing the States, who would discern and guard against the intended encroachments by "training" to keep alive the spirit of the militia. On this supposition the constitutional distribution of powers in this instance was consistent, and dictated by rational reflection.

Mr. TRACY read the clause of the Constitution, and said, it was clear that all the power respecting the militia was, by the first part of the sentence, deposited in Congress; but a special reservation was afterward made to the States to appoint officers—this was explicit; and what more was reserved for the States to train the militia pursuant to the discipline prescribed by Congress? This, he said, could give them no power of training, but exact obedience to the rules given them by Congress; that is, Congress will take every necessary step to organize, arm, and discipline the militia, (except officering.)

In ordinary cases a certain specified portion of power was by the Constitution given to Congress, and all not specified was of course reserved by the States; but in this case the tables were turned—all the power was vested in Congress by the first part of the sentence and a specified portion reserved to the States, which ought to be strictly construed so as to give the several States no constructive power to defeat anything Congress should do upon the subject, or prevent uniform and general laws from operating by the interference of local and State regulations.

In Fourth Congress, 1796.

Mr. HENDERSON said it appeared to him that the General Government had no power to call out people to train them for military service; he rather thought it ought to be left with the different States to call out their own citizens for military discipline.

Mr. RUTHERFORD said he believed the Government of the United States had nothing to do with the militia in the several sovereign States. This was his opinion, and it was the opinion of the people at large; however, of nine-tenths of them. The Constitution is express upon this subject; it says that when the militia is called into actual service it shall be under the direction of the General Government, but until that takes place the several States shall have command over their own children—their own families.

Mr. HARPER said: Did gentlemen pretend to say the present system is good? It could not be presumed. We had the evidence of the President of the United States, who has in three several communications made to this House told us it wanted legislative attention. He called for the evidence of every military man in this House and in the United States to prove the truth.

They were told that these volunteer corps have equipped themselves at a very great expense; this he knew, but he rather thought that all who composed the safeguard of our nation should be equipped at the national expense. At present, the

defense of the nation fell upon a few who were more rich or more patriotic than others.

Mr. WILLIAMSON said a well-regulated militia must be acknowledged as the best support in a free republic, and as every man must be interested in carrying into effect such a system, it became us to pay every possible attention to this very important subject. He thought the present system very exceptionable.

In Tenth Congress, 1808.

Mr. M. CLAY said he would endeavor to bring forward the best testimony that could be had to prove that the present system was defective, and he hoped he should be able to do it. I will commence with the adoption of the Constitution under which we are now acting. We find that President Washington always kept this subject in the view of the National Legislature. This shows that there was something in his opinion to do; it was not his business to tell us what it was, but ours to find out. If gentlemen will take up the presidential communications from the commencement of the Government, they will find that the subject has been uniformly recommended by each successive President of the United States to the present time. I state this as a strong evidence that in their opinion a change was wanting somewhere. Next to this I will call your attention to the communications made from the State executives to their Legislatures. We find also that the State Legislatures almost every year and in every session have had the subject under their consideration, and turned it over one way or the other. This proves that there is in their opinion some defect. We must now remedy that defect if we can; it behooves us to do so; and if I shall be fortunate enough to point out the propriety and mode of making this alteration, I shall have done my duty. We will go further back than the adoption of the Constitution; we do not recollect the whole body of the militia ever to have been brought into action to such effect as our strength of numbers would have warranted, if the militia had been properly organized; there was a defect somewhere, which should be remedied without going either to one extreme or another.

In Twelfth Congress, 1812.

Mr. TALMADGE said: It appears that all the military force of our country is divided into classes, the Army and the militia; the former is exclusively under the control of the General Government, and the latter is the great military bulwark of the States respectively. So cautious were the sages who framed the Constitution of the peculiar and appropriate rights of the States, that they have given to the President of the United States no control over the militia only when called out by authority of the Government, and for the three express purposes defined in the Constitution. These and these only, I contend, form the grounds or reasons on which the service of the militia may be required by the General Government.

With this plain exposition of the Constitution, I will pass on to the second proposition, and inquire how far the powers vested in the General Government have been carried into execution. After various attempts had been made, and elaborate systems had been proposed and rejected, on the 8th day of May, 1792, Congress passed a law "more effectually to provide for the national defense by establishing a uniform militia throughout the United States."

By a careful examination of this law it will be perceived that in all its provisions the constitutional limits have not been transcended, but that the prominent features of this law consist of provisions to enroll or embody, to arm and accouter, to arrange and organize, to officer under State authorities, and to discipline or train the militia according to the system provided by Congress. It is not unworthy of remark that by the provisions of this law it was made the duty of the militia to arm and clothe themselves at their own expense, and the quality and description of their arms were particularly designated.

On the 2d of March, 1803, another law was passed, supplementary to the foregoing, in which additional duties were required of the Adjutant-General. A quartermaster's department was established, and every militiaman enjoined to be completely furnished with arms, accouterments, and ammunition, agreeably to the requisitions of the aforesaid act.

On the 22d of April, 1808, an additional law was enacted, authorizing an annual appropriation of $200,000 to purchase arms and military equipments, which were to be distributed to the several States and Territories, in proportion to their effective militia, under such rules and regulations as the Legislatures should respectively prescribe by law. From the most careful examination I have been able to give this subject, I believe the foregoing laws comprehend all the regulations which have been made relative to the militia of the several States and Territories. Other laws have been passed relating to drafts from the militia which have no bearing upon this question.

Mr. RHEA said: By the eighth section of the first article of the Constitution power is given to Congress "to provide for organizing, arming, and disciplining the militia." The words expressing the delegated power are not "to organize, arm, and discipline the militia." Had these active words been used, the power given would have been immediate and direct; Congress then would, in a consolidating point of view, have been the sole agent. But this power was guarded against, and the words "to provide for organizing, arming, and disciplining the militia" were used—words which do evidently relate to an agent other than Congress.

We contend that the militia are regulated by the laws of the respective States, excepting the mere rules of discipline, which Congress may prescribe for that part of the militia that may be employed in the service of the United States. Here it appears that although the first part of the clause gives power to Congress to provide for disciplining the militia, that part is limited and explained by the latter part of the clause, by which authority of training the militia according to the discipline prescribed by Congress is reserved to the States. The power, then, to provide for disciplining the militia given to Congress means no more than to prescribe the discipline, and to the States respectively is reserved the power of training the militia according to the discipline prescribed by Congress.

In Fifteenth Congress, 1819.

Mr. SIMKINS said: There is one feature in the bill introduced by the gentleman from Virginia (Mr. Basset) which I would wish to see introduced, if it can be constitutionally done, into the bill now before the House. It is that part which contemplates the encampment, disciplining, and training of a certain class of the militia for a certain number of days in each year, and at the expense of the United States. It is denied by some that the Constitution gives this power. Although I am unskilled in construing this instrument, yet I can hardly believe that the Constitution which gives us the power of organizing, arming, and disciplining the militia, and governing them while in the United States service, could have been intended to deprive us of the power, a concurrent power with the States, so do discipline or train them as to make them fit for duty. However, without entering minutely into the constitutional question, I conjure Congress to go as far toward the great object proposed as may be clearly consistent with the Constitution. If we cannot make a system, even approaching to perfection, let us do all we can. Let us not legislate upon many other things, and leave untouched our greatest duty. Let us not follow the shadow, utterly disregardful of the substance.

In Seventeenth Congress, 1823.

Mr. CANNON said: It was a subject that heretofore has not been thought unworthy of the attention of the greatest and most distinguished statesmen of our country. It had been pressed with great zeal and ability on the attention of the First Congress of the United States, by him who had passed through the difficulties and encountered the dangers of the Revolution; who had powerfully aided in the establishment of our independence; who was called to the highest office in the gift of the people, and who has been justly indeed called the Father of his Country. It was Washington, who in the early period of our Government thought this a subject of the highest importance. He felt and expressed to Congress during his administration a constant solicitude to see the militia of the United States placed on an efficient establishment, as did also Mr. Jefferson during his administration. He repeatedly urged on the consideration of Congress the improvement of this great force, and expressed his reliance on them for national defense; and Mr. Madison throughout the whole of his administration had also urged upon the consideration of Congress, with great force and unexampled zeal, the necessity of arming, organizing, and disciplining the militia; and after the close of the late war, with all the experience it had afforded, he expressed his entire confidence in this great means of national defense for the preservation of the principles of our Constitution.

Mr. CHAMBERS, of Ohio, said to him it appeared very extraordinary to discover so great an indifference to a subject apparently so interesting and important. Every argument which could be adduced in support of a standing army in time of peace would apply with equal force to promote the discipline of the militia of the country. Yet, he said, gentlemen became extremely alarmed at the idea of appropriating $500,000 toward disciplining the militia of the United States. For his part he would as readily appropriate a portion of the funds of this Government to that object as he would for the Army, the Navy, or fortifications.

In Twenty-fourth Congress, 1836.

Mr. GILLETT said: This act was passed when our population was limited in number and at a time when the Indians were hanging upon our extensive frontier with hostile feelings. The country has undergone a change; but no corresponding change has been made in our law regulating the subject, although it has long been desired, and without it the system must sink. It now receives, for the want of proper legislative attention, much of public contempt.

The Constitution of the United States, in prescribing the duties of the President, says:

"He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

Under the direction given in this clause of the Constitution, the subject of the more efficient and proper organization of the militia has been recommended by the different Presidents, in all thirty-two different times, commencing with General Washington's inaugural address.

The present organization was adapted to the times at which it was produced. The number of persons liable to perform duty under it at that time cannot now be ascertained; but judging from the amount of population then and now, it may be fairly estimated at about two hundred and fifty thousand. This militia force was then considered amply sufficient to protect our extended and varied frontiers under the most adverse circumstances. The country has changed; but there is no modification of the system.

If these words do not authorize the Government to expend money, then he would inquire by what authority does Congress purchase and distribute books of instruction for militia officers, and upon what authority rests the act of the 23d of April, 1808, appropriating $200,000 annually for the purpose of "providing arms and military equipments for the whole body of the militia?"

In Thirty-sixth Congress, 1860.

Mr. VALLANDIGHAM said: Mr. Speaker, it stands a part, though a forgotten part of the Constitution of the United States that "a well-regulated militia is necessary to the security of a free State."

We have in these respects virtually abdicated our power over the subject. Sir, I do not ask or expect Congress to take action in either of these particulars. The States themselves have been compelled by your negligence to provide for them by their own legislation; and it is better, perhaps, that the subject should remain where it now is, in their hands, Congress having so totally abandoned all attention to it that the very title "militia" has disappeared for years from the index to your Statutes at Large. Indeed, if any one will venture now to introduce the subject here, or speak the name, constitutional as it is, he is in great danger of being made the object of ridicule by valiant gentlemen inside of this House and out of it, who, but for "vile guns and villainous saltpeter," would have been soldiers themselves.

But some of the States have introduced the system which they are slowly perfecting; and within the past eight years Great Britain has followed their example, of volunteers, enlisted of their own accord, for a term of years. These, sir, will, in time, become the national guard of America. They are deserving of the utmost encouragement. But it is not right that Congress should abdicate its entire power, or rather its entire duty, in regard to this subject. It is not just that the States which already have been compelled by your negligence to take upon themselves the burden of organizing and disciplining the militia, and the heavy cost attending it, should be required also to provide arms out of their own treasuries. It is still more grossly unjust to demand that the individual volunteers, who are always young men, and usually workingmen of limited means, and who incur large expense in procuring uniforms, as also loss of wages and of time while upon duty, should furnish arms and equipments for themselves.

Sir, Congress has been utterly derelict in its duty and in every particular in regard to the militia; and by your neglect you have forced the States to organize and discipline, and now at last to appropriate money out of their own treasuries for the purchase of arms.

APPENDIX E.

Extracts from the annual report of the Secretary of War, 1826.

If there be any one maxim in our political creed which challenges universal approbation, it is that a well-organized militia is the natural depository of our protection against foreign invasion or intestine violence. This maxim has been consecrated by the bill of rights of all the States; and yet the opinion is universal that the present organization is both defective and onerous.

Important changes in the present system are indispensable to make the militia any way equal to the standard assigned it by the wishes of the patriot. To the end that every source from which information might be collected should be approached, I addressed a circular letter to the governor of every State and Territory, and to many citizens distinguished alike by their intelligence and experience, asking for information upon this interesting subject. By so doing I hoped to become possessed of the information which might lead to a result that would reconcile as far as practicable the various circumstances, moral and physical, belonging to so extensive a field, and thereby conciliate the public sentiment to such changes as the wisdom of Congress might think proper to adopt. Communications in reply to this letter have been received, some of which shed much light on this difficult, delicate, and highly national object. These communications were laid before the board, who, uniting their own experience and intelligence with the information thus imparted, it was hoped might find itself in a condition to point out the defects of the existing system, and the probable remedies.

They were directed to report to me the result of their reflections, which they accordingly did; and their report, marked "I," with the answers to my letters, is herewith submitted. The systems of tactics for cavalry, and of instruction for artillery, have been digested, and are in the hands of a copyist, and will be communicated in a few days.

JAMES BARBOUR.

Extracts from the circular letter of the Secretary of War, July 11, 1826.

SIR: Among the political maxims which the experience of the people of the United States has adopted as unquestionable, there is no one more universally subscribed

to than that a well-organized and well-disciplined militia is the natural defense of a free people. Uniting most sincerely, in common with my fellow-citizens, in this opinion, I am anxious to see a system adopted by the National Legislature which will realize the hopes of us all in reference to this great arm of national defense.

By a resolution of Congress at their last session, I am enjoined to cause to be prepared a complete system of cavalry tactics, and also a system of exercise and instruction of field artillery, including maneuvers for light or horse artillery for the use of the militia of the United States, to be reported for consideration or adoption by Congress at its next session.

The wisdom of this measure is made manifest by the objects, which are twofold: First, the establishment of the best system, and secondly, that it shall be uniform. The importance of the last is scarcely inferior to the first, for who can well appreciate the inconveniences resulting from different systems in the same army, the militia differing among themselves as also with the regular Army, with which they may be called to act. And yet it is, I believe, too true that but little uniformity prevails. If practicable, this defect must be removed.

I am duly sensible how difficult it is to establish a uniform system. The difference of condition, physical and moral, in the different States, and the preferences which each has for that which from time they have been accustomed to, present serious obstacles to a homogeneous system throughout all the States, yet I would fain hope not insurmountable.

All our national institutions and much of our legislation are founded in that mutual spirit of deference and forbearance which has so signally distinguished the people of these States, and therefore one may indulge the hope that in an object of such vital importance as a well-regulated militia minor objections will be sacrificed to the attainment of so great a good.

To enable me to execute the duty assigned me by Congress it is most desirable that I should acquire all the information within my reach.

Although the training of the militia is confided to the States, it is important that their regulations in this particular should be known at this Department, and it will be attended with good effects that the system of each should be known by all the States.

JAMES BARBOUR.

Extracts from replies to the circular letter of the Secretary of War in 1826.

I think the volunteer militia most efficient.—*Richard Harwood, adjutant-general of Maryland.*

The volunteer militia is composed of better men, commanded by officers better qualified to command, and on all occasions when calls upon the militia for active service have been made were found to be the most prompt in turning out and the most efficient in the field. I would therefore suggest the propriety of organizing the volunteer militia into a separate corps, forming no connection with the regular militia.

It is conceived hardly practicable to hold the militia in any permanent organization of importance to the country without the aid of funds judiciously directed. The fallacy of relying on the States for the voluntary application of their pecuniary means to this object has been too clearly shown from the experience of the past to be looked to in future as a source of dependence. The States entertaining and acting upon different views in relation to this subject, growing no doubt out of a difference in situation and circumstances, will in effect be productive of results equally different. While some may be liberal, others will be sparing, and probably a greater number will afford no support at all. Consequently the degrees of discipline of their respective militia will be found as various as their means of support. As the militia compose a part of the force to be employed in the general defense of the country, it would seem expedient that the General Government who direct their operations in war should in peace dispense the means necessary for their preparation, affording to all equal advantages, that when called into the same service the militia of one State might not be degraded by the superiority of another nor the discipline embarrassed in their operations by the want of it in others.—*Beverly Daniels, adjutant-general of North Carolina.*

In devising a system for "organizing, arming, disciplining the militia" it is necessary, in my opinion, to establish definite ideas of what is intended or desired from a militia system and to consider how far changes can be introduced without impairing the energy which now exists on the one hand or converting the militia into a regular army on the other, requiring a great expenditure for its support.—*Oliver Wolcott, governor of Connecticut.*

I have no hesitation in saying that the volunteer corps are much the most efficient. In point of discipline many of them are but little inferior to regular troops; in the event of a call for their services they would be more prompt in turning out than the regular militia, and at once ready for the field, whereas it would take some time to collect and organize a detachment of militia.—*Gerard C. Brandon, governor of Mississippi.*

As to the question whether regular or volunteer militia are most efficient, it is one on which a diversity of opinion prevails. As a means of defense, volunteer corps claim some advantage, but at the same time they are not devoid of inconvenience. They are generally uniformed and somewhat better disciplined than regular militia, and of course would be more efficient than an equal number of the latter. Yet it appears to me that it would be an assumption to lay it down as a principle that they are more efficient than the regular militia. Their association being voluntary, cannot be relied on for permanency; their strength and character are liable to frequent changes; they may even dissolve themselves at the time of utmost need. Being generally favored by certain privileges and exemptions, they sometimes arrogate to themselves immunities which tend to prejudice the service, and the invidious superiority which they are apt to claim over the regular militia may have the effect to alienate others from the ready performance of ordinary militia duty.—*H. Johnson, governor of Louisiana.*

It must be very gratifying to every citizen of our country to observe that Congress is directing its attention to the improvement of our military institutions. Upon a well-organized and well-disciplined militia we must chiefly depend for the defense of our rights and the preservation of our liberties, and I think it will scarcely be doubted that "the militia may be trained to a degree of energy equal to every military exigency of the United States." To Congress is delegated the power of organizing and disciplining the militia, and it is very desirable that in exercising the constitutional power a system should be adopted which shall be uniform, suited to the genius of our Government, and yet efficient enough to bring into full exercise, when required, their great arm of national defense. It will doubtless at first be difficult to mature a system which is uniform, and yet which can at once be carried into full operation in all the States, but not so much so as it was to apply the principles of the Federal Government to the confederacy of States. In the latter case, the differences of condition, both physical and moral, in the different States are prejudices in favor of long-established usages and customs, though, urged by an active and persevering opposition, did not present an insurmountable obstacle, nor prevent the adoption of an entire new system of government. Even as the limits of our jurisdiction become more extended, and embrace a greater scope of local differences and prejudices, the easier it seems to be to apply the principles of our Constitution to the well-being of the States, each of which, new as well as old, without surrendering any of the rights incident to the State sovereignties, cheerfully submits to all the regulations of the General Government; and in the formation of their own constitutions, and in the enactment of many of their laws are guided by the general principles of the Federal Constitution, and accommodate themselves to the laws enacted by Congress under the provisions of that instrument. Somewhat like this I hope may be the effect of a system established for the organization, training, and disciplining our militia. So long as Government maintains an army, perhaps no better basis for system of organization and discipline for the militia, which is intended to be uniform, can be adopted than those general principles which are found to be most conducive to the efficiency and discipline of the regular troops. This system is kept in constant exercise, although to a limited extent in time of peace; and the general policy of the establishment, as well as the drill and discipline of the troops, are constantly presented to the citizen soldiers as examples for imitation.—*Joseph Sewall, judge advocate fourth division Maine militia.*

The volunteer militia are generally the most efficient. Some of the corps are scientifically trained by frequent drillings, and are always fitted for immediate service; and the rest of them may be considered so, under proper instruction, in a few weeks. I have never seen in the common militia of any of the States in time of peace any evidences of fit training for efficient service.

In case of war it will seldom be necessary to resort to the drafted militia, as volunteers will generally be formed ready for any service that may be required, and new corps will be rendered after a few weeks' training nearly as good as the old.

I consider the attempts usually made to train the common militia by calling them together on one or two days in the year as worse than useless.—*T. Cadwalader, major-general First Div. Penna. Militia.*

A militia system is desirable in the United States, not for the purpose of encouraging a martial spirit in time of peace, but to provide means of necessary defense in the event of war. Arrangements are therefore to be made which will not materially interfere with the pacific policy of the Republic, and yet will so adapt its resources to its possible necessities, that they may afford the most effectual aid in time of need.—*J. R. Ingersoll.*

In reference to your third query, there cannot be a doubt that while the gratification of novelty has its influence, the volunteer corps will be better armed, equipped, and more frequently trained than the ordinary militia; and if this initial spirit could be kept in activity under one system of instruction, aided by a desire to improve that will here and there be found in every corps, volunteers would be the best means of assembling and training the citizens of the country.

I will close these remarks by alluding to some further causes which have retarded improvement in the organization of the militia, and suggest some means of melioration. The formation and training of our militia was based upon a monarchical system, and it cannot therefore be surprising that such an organization should be adopted by men who were born and educated under a monarchy; nor is it a cause of wonder that the sons should follow the traditionary ideas of their fathers on a subject which had been but imperfectly treated.—*J. G. Swift.*

When the militia law of 1792 was passed, which required all the able-bodied free white male citizens, between the ages of eighteen and forty-five, to be enrolled, our independence as a nation had but lately been acknowledged and our constitution of government just established; the British held military posts within our limits on the western frontiers, the Spanish possessed Louisiana and the Floridas on the southern, and commanded the keys of the Mississippi; the Indians were powerful and hostile on our northwestern borders; the stability of our forms of government and civil institutions were threatened by rebellious subjects at home, and our strength and resources as a nation were unknown to the European powers. We were without a navy and fortifications, and the Army even was insufficient for the protection of the Indian frontiers.

Under these circumstances, the provisions for the enrollment of almost the whole of the able-bodied population of the country was justifiable and necessary for our security. But so entirely different is now our condition that one-half of the present numbers, if properly drilled, is fully sufficient to meet any emergencies which may be expected to arise. If it should, however, at any time, be found otherwise, Congress can as easily provide for additional enrollments for the militia as it can for the raising additional regiments for the Army.—*William H. Sumner.*

The opinion that a well-organized and a well-disciplined militia is the natural defense of a free people is entitled to the character given to it by the Secretary, that of a "maxim," but surely the "experience" of the people of the United States will not authorize the conclusion, because a "well-disciplined militia," comprehending the entire mass of able-bodied men, never had, and, I do not hesitate to say, never will have, an existence in our country. Whoever reads General Washington's official letters to Congress in the first years of the revolutionary war, will see that a reliance on the militia and the short enlistment of regulars brought our officers to the brink of ruin. But it will be said that the militia was not then "well disciplined." True; and I repeat that it never will be, and while the system shall embrace the whole body, I add, that it never can be well disciplined.

In our large cities and towns there are already select corps of militia, well trained and fit for service. In the largest cities these corps are regiments and battalions, and in others companies. In every State in the Union such corps should be formed, proportioned to their population; and the entire amount of these corps should be equal to three or four times the number composing the standing Army. At present they consist of volunteers, but they are volunteers partly because young men seem to have a natural fondness of military exercises, but chiefly, I am inclined to think, because they prefer incurring those expenses of time and money to training in the common militia. If, therefore, the worse than useless project of training the whole body of the militia be abandoned, some encouragement will be requisite to induce even young men to engage for only two years in such select corps. Their arms should be furnished from the public arsenals, and a fixed sum allowed for procuring neat uniforms to sit easy upon them, and not daubed with gold or silver lace, or plumed with feathers two feet high.—*Timothy Pickering.*

Extracts from the report of the board of officers, convened by the Secretary of War in 1826, *to consider the defects of the militia system.*

The primary defect of the militia system at this time, it is believed, will be found in the excess in numbers which the law proposes to hold to service, an objection that did not apply to the period of 1792, the date of the still existing law on this subject. In 1792 it might well have been supposed necessary to enroll and organize into corps of militia all the able-bodied white male citizens of the United States, (certain classes and persons excepted,) between the ages of eighteen and forty-five years; but in the thirty-four years which have since elapsed, our general population, and consequently the male citizens between those ages, have been trebled, while, it is believed, the dangers of foreign aggression are now much diminished. The other occasions under the Constitution, namely, resistance to the laws and insurrections, to meet which the militia were also intended, are supposed not more likely to occur in future than might have been apprehended in 1792; and yet at that period a third of the present militia force (and about three-fourths of the male citizens then capable of bearing arms) was supposed amply sufficient for all the purposes within the contemplation of the Constitution.

It would seem, therefore, from the foregoing views that the United States now hold to a nominal service a growing militia force already considerably larger than any probable, it may almost be said possible, emergency would require.

It is generally acknowledged that the defects of the present system of organization of our militia render its service precarious, insufficient for the defense of the country, and very expensive and inconvenient to the mass of our citizens, as well as to the Government. This fact is confirmed by the testimony of Washington, and all our experience during the two great wars in which the Republic has been engaged. But this important subject involves so many political and constitutional considerations that a new system can only be the result of long experience and repeated trials, and when completed, it is to the wisdom of the people and of its proper organs, the Senate and Congress of the United States and Legislatures of the several States whose respective rights and independence are so deeply concerned, that it must finally be referred. All that we can do, and that our duty as

American citizens and soldiers seems to require of us, is to investigate the most prominent defects of the actual one, and suggest such remedies as, in our private opinions, appear not to interfere with those rights either of States or citizens. The most prominent defects of our militia are the want of uniformity in their organization and system of instruction. We believe that on these points the necessity of a reform is so generally felt, there would be no objection, first to a law, by which its companies, battalions, and squadrons, in every State should be formed on the same model as those of the United States Army, with whom they must so frequently co-operate; second to the adoption in every State of uniform courses of instruction for the elementary training of infantry, cavalry, and artillery, and their maneuvers and service in the field, (shorter and more simple but based on the same principles as those of that Army.)

The only part of our militia whose services can be relied on at present are those volunteer companies who arm, equip, and train themselves, and over whose organization, regulations, and instructions the Government has little control and no inspection.

We believe that the mass of its artillery and cavalry now consists of such companies, and however meritorious their zeal, it is highly desirable that they should be organized on a more permanent and regular footing, so as to give to the Executive at all times some certain information of the means of defense really existing in the country, a greater dependence on their support, and the means of organizing them when required.

It is recommended that there be enrolled and organized in each State, from the whole mass of able-bodied white male citizens resident therein who are or shall be above the age of twenty-one years, and always taking the youngest above that age, at the rate of one brigade of militia, organized as herein proposed, for every member of the House of Representatives of the United States to which the State may be entitled.

For the instruction of officers, it is recommended that each State appoint as many camps of instruction as there may be divisions of militia organized in the State; or if there be no divisions in the State, then a camp for its brigade.

At such periods as the respective States may appoint, it is recommended that all the officers of each division, or, in a State that has no division, all the officers of the brigade, surgeons and assistant surgeons in both cases excepted, be assembled at the camp appointed, as above, and there be held assembled and encamped ten successive days in each year, under the immediate command of the senior officer actually present of the division or brigade. The military instruction, both theoretical and practical, to be conducted at each camp by a competent instructor, under the superintendence and direction of the commanding officer of the camp; the practical part at a rate of not less than six hours a day for the ten days' encampment, and in order the better to introduce uniformity of practice under the systems of instruction which may have been established by Congress for the different arms, as cavalry, artillery, and infantry, it shall be the duty of the Secretary of War, on applications made by the executives of the several States, to provide competent instructors, and as far as practicable by selections from the officers of the Army or graduates of the United States Military Academy: *Provided*, That the number of instructors so detailed or employed by the Secretary of War shall not exceed one for each camp of instruction, as above.

It is recommended that there be allowed and paid by the United States to each officer who shall be encamped, as above, —— per day for each day that he may be encamped, not exceeding ten in the same year, and to each officer at the rate of —— cents per mile for every mile he may necessarily travel once from his home to his camp and once back in the same year.

We believe that such a system would be neither impracticable nor irreconcilable with our existing social and constitutional institutions, provided the following rocks and shoals were avoided in framing it: First. It should give no new or extraordinary power to the General Government. Second. It should not interfere with the present rights and privileges of the States and people. Third. The mode of raising and training the militia, and the service to which it is destined, should interfere as little as possible with the private avocations of the mass of our citizens, and require as little as possible of their time, consistently with giving it any efficiency. Fourth. And in framing it, we should remember that its real force, as well as that of any military body, consists not so much in its numbers as in its good organization, activity, and readiness to take the field, and especially in the qualifications of its officers.

But to give that active readiness to our militia and afford the Government the facility of claiming its services without any great sacrifice of private interest, it is evident that it should be divided into two great classes—the active and secondary; the former selected in the number required by our wants among the young and unmarried, and organized for ready service in the field into corps of infantry, cavalry, and artillery in every State, (this class only should be subject to the calls of Government;) the latter comprising the mass of the settled population, elderly men and fathers of families, who should never be summoned to arms, but at the call of their own State authorities, and in the defense of their own homes, neighborhood, families, and property in case of actual invasion.

We are aware that every proposal of this nature (though several of our ablest statesmen have advocated it) has been met by charges of laying the foundations of a system of conscription and attempting to enlarge the powers of the General Government at the expense of those of the States and privileges of the people. But by a due adherence to the rules just laid down we hope to demonstrate that all the advantages of this new system may be procured without giving any new powers to the Government, without infringing on a single right of State or citizen, and so as to render the service of the militia much lighter, as well as more effective, instead of making it weigh heavier upon them. It is true that its establishment will require a perfect understanding, correspondence, and concert between the General and State governments, but we trust that on a subject of such national and vital importance those authorities, both elected by the people for the general benefit, would find no difficulty in coming to a compromise.

In concluding these observations on the most prominent defects of our present militia and the best mode in which they may be remedied, the improvements which we suggest amount to—first, adopting for it a uniform system of instruction; second, organizing all its corps on the model of the regular Army; third, dividing them into active and sedentary, the former composed of the unmarried youths, and obliged to serve six or eight years, (remaining alone subject to the calls of Government;) fourth, forming its artillery and cavalry of volunteer companies; fifth, dividing and organizing it into divisions, brigades, and regiments by military districts, according to the system of defense of the country, leaving to the General Government the power of fixing the quota of each district and to the States that of raising and officering them; sixth, subjecting these officers to pass through every grade and submit to the examination of competent boards before they can be promoted; seventh, organizing a regular staff in each district, and obliging it to report to the General Government, and to that of their own States, the numbers, discipline, and armament of its active militia; eighth, declaring it in permanent service in time of war, and allowing of no term of duty shorter than a campaign.

We pretend not by these alterations to create a new and complete system; we are aware that many points relative to their discipline and service in peace and war will remain to be settled, and can only recommend as a general rule that all regulations on these subjects be framed as closely as possible on the model of those of the United States Army. But we trust and believe that their result will be to render our militia more competent to every purpose of national defense than it can be in its present state. We would thus enter on a career of improvement, and time and experience would soon bring the whole system to as much perfection as is attainable by any militia force whose civil and domestic avocations must ever prevent it from applying all their time and attention to military objects.

WINFIELD SCOTT,
Major-General and President of the Board.
T. CADWALADER,
Major-General First Division Pennsylvania Militia.
WM. H. SUMNER,
Adjutant-General of Massachusetts.
BEVERLY DANIELS,
Adjutant-General of North Carolina.
ABRAHAM EUSTIS,
Lieutenant-Colonel Fourth Artillery.
Z. TAYLOR,
Lieutenant-Colonel United States Army.
E. CUTTER,
Lieutenant-Colonel Third Infantry.
CHAS. J. NOURSE,
United States Army.

APPENDIX F.

Outline of principal plans proposed from 1790 *to* 1880 *for organization of militia.*

Plan proposed by Secretary of War Knox, 1790.—To enroll all able-bodied citizens between the ages of eighteen and sixty and divide them into three classes, the advanced corps to include those between eighteen and twenty-one years of age, the main corps those between twenty-one and forty-five years of age, and the reserve corps those between forty-five and sixty years of age.

The advanced corps to be armed, equipped, and uniformed at expense of the United States, and to serve thirty days in each year in camps of instruction. The United States to supply camp equipage and subsistence.

The main corps to be required to drill four days in each year.

Existing law, passed in 1792.—Every able-bodied citizen between eighteen and forty-five years of age to be enrolled in the militia and to provide themselves with arms, ammunition, and knapsacks.

Plan proposed by committee of House of Representatives in 1795.—To enroll all able-bodied citizens between twenty and forty years of age, and divide them into two classes, the select corps to include those between twenty and twenty-five years of age, the reserve corps those between twenty-five and forty years of age.

The select corps to be furnished with arms, equipments, and uniforms at expense of the United States, and required to serve in camps of instruction annually.

Plan proposed by Secretary of War Graham in 1816.—To enroll all able-bodied citizens between eighteen and forty-five years of age, and divide them into three classes, the minor class to include those between eighteen and twenty-one years of age; the junior class those between twenty-one and thirty-one years of age; the senior class those between thirty-one and forty-five years of age.

The minor and junior class to serve in camps of instruction each year, and be furnished with camp equipage and subsistence by the United States.

Plan proposed by General Harrison from committee of the House of Representatives, in 1817.—To enroll all able-bodied citizens between eighteen and forty-five years of age, and divide them into three classes. The minor class to include those between eighteen and twenty-one years of age; the junior class those between twenty-one and thirty-one years of age; the senior class between thirty-one and forty-five years of age.

Officers and sergeants to assemble annually in camps of instruction, during which time to be paid by the United States one-half the rate of pay allowed in active service, and to be furnished with camp equipages and subsistence.

Plan proposed by board of officers in 1826.—To enroll as many brigades of militia in each State as the State has Representatives in Congress. The enrollment to begin with persons twenty-one years of age and continue upward until number required be enrolled.

Officers to be assembled in camp of instruction ten days in each year, and to receive pay and mileage from the United States.

Officers of the Army to be detailed as instructors, and the office of adjutant-general of the militia to be created.

Plan proposed by committee of the House of Representatives in 1830.—To enroll all able-bodied citizens between twenty-one and forty years of age and divide them into two classes. The junior class to include those between twenty-one and thirty years of age, the senior class those between thirty and forty years of age.

Officers and sergeants to assemble in camps of instruction annually and to receive pay and mileage from the United States.

To create office of superintendent of militia affairs.

Plan proposed by Secretary of War Poinsett in 1840.—To enroll all able-bodied citizens between twenty-one and forty-five years of age.

An active militia to be formed of a fixed quota from each State, and in case quota of any State is not filled by volunteers the deficiency to be made up by draft on enrolled militia.

Term of service in the active militia to be four years, one-fourth going out of service annually and their places to be filled by volunteers or conscripts.

The reserve militia to consist of the graduates from the active militia, who are to serve four years in it and thereafter be exempt from military duty.

The President to call the active militia into the service of the United States each year and put them into camps of instruction subject to same regulations and entitled to same pay, rations, and clothing, as militia in active service.

The office of adjutant-general of the militia to be created.

Plan proposed by committee of the Senate in 1866.—To enroll all able-bodied citizens between twenty and forty years of age and divide them into two classes, the active militia and the inactive militia.

The active militia to be formed by volunteers and to consist of as many regiments in each State as number of Representatives to which State is entitled in Congress. To be furnished with arms, equipments, tents, and camp equipage, and be paid by the United States $2 for each day's attendance on drills.

A bureau of militia to be attached to the War Department.

Plan proposed by committee of House of Representatives in 1866.—To enroll all able-bodied citizens between eighteen and forty-five years of age and divide them into two classes, the active militia and the inactive militia.

The active militia to consist of one regiment to every two Representatives to which State is entitled in Congress, and the minimum number of men in each regiment to be constantly maintained either by volunteers or by conscription. To be furnished with arms, equipments, tents, and camp equipage, and be paid by the United States $2 for each day's attendance on drills.

A bureau of militia to be attached to the War Department.

Plan proposed by committee of the House of Representatives in 1880.—To enroll all able-bodied citizens between eighteen and forty-five years of age and divide them into two classes, the active militia and the inactive militia.

The active militia to consist of the volunteer militia already organized or that may hereafter be organized under the laws of the respective States.

The United States to furnish arms, equipments, camp equipage, and a service uniform to the active militia, to an amount not exceeding in any one State for seven hundred men to each Representative the State is allowed in Congress, and on condition that the State provides for and requires its active militia to serve in camps of instruction five days in each year, and to drill at least once in each month, and also provides and requires a rifle-range for the use of its militia.

APPENDIX G.

Extract from report of committee of House of Representatives, second session, Twentieth Congress, (1829.)

To carry into successful effect the grant of constitutional power which authorizes Congress to provide for disciplining the militia, the committee propose to hold out inducements to the several States and Territories of the Union to authorize and require by legislative enactments of the Legislatures of the States and Territories, respectively, an annual convocation of commissioned and non-commissioned officers and musicians, to be encamped in their respective States and Territories a specified length of time, for the purpose of being trained by proper instructors, with a view to prepare them to impart military knowledge and instruction to the militia under their command, when training them under the direction of the Legislatures of their respective States and Territories.

Uniformity of practice and of action among the several corps of which an army is formed, so universally acknowledged by military men to be essential to effective military operations, can be attained alone by a strict observance and diligent practice of the same system of tactics. The committee are therefore of opinion that in all militia exercises and trainings an implicit observance and practice of the system of tactics prescribed by Congress for the use of the militia of the United States should be imperatively required. In the course of experiments made upon the interesting and important subject submitted for the consideration of this committee a disastrous and withering parsimony seems to have characterized the action of the National Legislature.

Extracts from a letter from General E. P. Gains, 1829.

The many valuable officers and soldiers that have at different times made their way through volunteer companies and battalions to stations of great utility and distinction in the public service during the revolutionary and late war demonstrate the propriety of some permanent and encouraging provision being made by law for this description of force. Every volunteer company, found upon inspection well instructed in the various duties of the arm which it may have chosen, should receive the inspector-general's certificate to that effect, and thereupon be entitled to a complete suit of uniform clothing, with such small-arms and equipments from the United States as may be suited to the arm of service to which such company may belong.

In rendering my testimony in favor of this description of force, I take this occasion to repeat what I have more than once stated, that some of the most efficient companies and battalions and one of the best instructed brigades I have seen in service during the late war consisted of volunteers.

The number of men to be instructed in the manner which I have suggested should be sufficient when in co-operation with the regular Army to meet and check the first onset of an invading foe, for much must always depend on the enemy's first reception. If checked, he often receives a panic which will enfeeble him while it redoubles our strength and enterprise.

But to the statesman who may view the expense as an insuperable objection, let me submit an inquiry to which the public records at Washington must render a conclusive solution: What was the actual expense of the late war on land prior to the 1st of May, 1814? What part of this expense is justly attributed to our want of preparation and instruction? A moiety, at least, to that expense must, I apprehend, be the melancholy answer.

EDMUND P. GAINS,
Brevet Major-General United States Army.

Extracts from the annual report of the Secretary of War in 1835.

The defective organization of the militia is universally acknowledged. But little practical utility results from the administration of the present system, and if this great element of national defense is worth preservation and improvement, it is time the whole subject should be examined, and that a plan suited to the exigencies of the country should be adopted. I am unwilling to believe that there are such inherent difficulties in this subject as to render it impracticable, or even very difficult, to organize this great force, so peculiarly adapted to our institutions, and in such a manner as to render it active and efficient in those junctures when the country may be called on to exert its powers. I presume few would be found to advocate the maintenance of a standing military force adequate to all the purposes of peace and war. When, therefore, these exigencies arise, from which no nation can expect exemption, and which call for an extension of our physical means, we must resort to an increase of the Army to the embodying of the militia. It is obvious, from the extent of the country, that we can never keep at all the exposed points such a permanent force as circumstances may occasionally require. The natural, and in fact the necessary, dependence must be upon the militia; and if it be unorganized, we shall be found without the means to repel a foreign enemy or to repress internal disturbances, should these evils occur. To depend upon organizing a system when the exigency arises is to reject all the lessons of experience and to procrastinate for examination what should then be the subject of action. Besides, a permanent plan of organization should be devised in a time of leisure and peace, so that it may be introduced and thoroughly known before the force provided by it is required to be exerted. It should as much as possible be ingrafted upon the habits of the country, and become a part of our institutions. The basis of an efficient organization of the militia must be a selection, for instruction and service, of that part of the population best qualified for these duties.

Nearly fifty years have elapsed since the adoption of the present Constitution. During all that time no essential change has been made in our militia system, and it has gradually declined in utility and efficiency and in public confidence, and there is reason to fear its entire abandonment unless it undergoes important modifications. In this long interval the value of the system seems to have been appreciated by all the Presidents of the United States, as well as those who, from the habits of their lives, could best estimate its value by their personal observation, as by those whose opinions may have been well formed from the course of events having relation to this matter; and in their annual communications, commencing with the inaugural address of General Washington, this subject has been continually pressed upon the attention of Congress. For the purpose of showing its importance in the opinion of these eminent citizens, I have caused their communications to be examined, and find that the subject has been presented to the Legislature and the nation no less than thirty-one times in their official recommendations. I indulge the hope that the present state of public affairs may lead to a re-examination of the system and such changes as may render it permanently useful.

LEWIS CASS.

Extracts from a letter of the Secretary of War, 1840.

Satisfied that an efficient force cannot be created by drilling the officers alone, as well as of the impracticability of rendering the whole mass of the militia available at the same time for the defense of the country; and convinced, from the experience of our past wars, that it is necessary to organize and discipline a select body of citizen-soldiers who, in a moment of danger, will know their stations and their duties when assembled there, I have prepared the plan, the details of which are herewith submitted, agreeably to the resolution of the House.

J. R. POINSETT,
Secretary of War.

Extracts from the report of Colonel Roberts to the Secretary of War on the reorganization of the militia of the United States, communicated to first session Thirty-sixth Congress, 1860.

The framers of the Constitution were not men who used unmeaning words, and when they spoke in the name of the people of the United States and said, in order to provide for the common defense and to promote the general welfare, "we ordain and establish this Constitution," they gave significance and point to the language: "The Congress shall have power to organize and discipline the militia." It would be unjust to those men to impute weakness to their plan, or its failure to their want of wisdom and foresight. They invested Congress with potential powers to construct a model militia complete, to secure the States against factions and the country against dangers from abroad. They could do no more. The model army of the world can be created under the plan as devised by these men. It admits of a system unenfeebled by division, by requiring it to be uniform in all the States, and of power to protect them against "domestic violence and invasion," and so "armed, organized, and disciplined as to provide for the common defense and general welfare." The history of this country the past three-fourths of a century, in which the militia has contributed the smallest differential of its progress, prosperity, or glory in arms, is conclusive that Congress has not rightly interpreted its obligation to the militia and has failed to construct this arm as devised by the wisdom of our fathers and planned by that convention that framed the Republic. It is not an exaggeration to repeat here that the existing militia laws of Congress are obsolete in idea and inoperative in reality.

New laws and a new organization are, then, a present necessity. The progress of the country and the world's progression, that have brought danger close to our doors and remote powers to the nearness of neighbors, swell the magnitude of this necessity and the imminency of the danger.

My plan is, that Congress shall divide the militia of the States into two classes—*the voluntary and the involuntary.*

B. T. ROBERTS,
Brevet Lieut. Col. U. S. Army.

Funding Bill—Veto of the President.

SPEECH OF HON. E. G. LAPHAM,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 3, 1881,

On the bill (H. R. No. 4592) to facilitate the refunding of the national debt, and the veto message of the President.

Mr. LAPHAM said:

Mr. SPEAKER: I propose at this time to offer a few remarks in relation to the bill to facilitate the refunding of the national debt, and the message of the President returning it to this House with his objections to its becoming a law.

The bill as first reported by the Committee on Ways and Means was as follows:

A bill to facilitate the refunding of the national debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: *Provided,* That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds in the amount of not exceeding $500,000,000, which shall bear interest at the rate of 3½ per cent. per annum, redeemable, at the pleasure of the United States, after twenty years, and payable forty years from the date of issue, and also notes in the amount of $200,000,000, bearing interest at the rate of 3½ per cent. per annum, redeemable, at the pleasure of the United States, after two years, and payable in ten years from the date of issue; but not more than $40,000,000 of said notes shall be redeemed in any one fiscal year, and the particular notes to be redeemed from time to time shall be determined by lot, under such rules as the Secretary of the Treasury shall prescribe. The bonds and notes shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: *Provided,* That nothing in this act shall be so construed as to authorize an increase of the public debt.

SEC. 2. The Secretary of the Treasury is hereby authorized, in the process of refunding the national debt, to exchange, at not less than par, any of the bonds or notes herein authorized for any of the bonds of the United States outstanding and uncalled bearing a higher rate of interest than 4½ per cent. per annum; and on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of exchange to the time of their maturity, and the interest for a like period on the bonds or notes issued; but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific railway companies; and the bonds so received and exchanged in pursuance of the provisions of this act shall be canceled and destroyed.

SEC. 3. Authority to issue bonds and notes to the amount necessary to carry out the provisions of this act is hereby granted.

SEC. 4. The act approved February 26, 1879, authorizing the issue of certificates of deposit is hereby amended so as to continue and limit the amount of certificates to be issued to $50,000,000 to be outstanding at any one time, and fixing the rate of interest to be allowed thereon at 3½ per cent. per annum for one year, after which interest shall cease; and the said certificates shall be convertible, at the option of the holders, when presented in sums of $50 or multiples thereof, into the coupon or registered bonds authorized by this act; and whenever any of the said certificates shall be converted into bonds, the same shall be canceled and destroyed; but the Secretary of the Treasury may, in his discretion, issue new certificates in place of those so converted up to the limit of $50,000,000 until the aggregate amount of the bonds authorized by this act and of the said certificates combined then outstanding shall equal the amount of bonds hereby authorized. It shall be unlawful for any person or persons to form combinations by which to procure said certificates

of deposit authorized under this act, for purposes of sale to others, or for acting as agents of others; and any person so offending shall be liable, on conviction, to be fined $1,000 or imprisoned not to exceed one year. The Secretary of the Treasury is authorized and directed to make suitable regulations in compliance with this act, providing that the expense for the disposing of the certificates and bonds authorized to be issued shall not exceed one-fourth of 1 per cent.: *Provided*, That said certificates shall not be sold or converted at less than par.

SEC. 5. From and after the 1st day of July, 1880, the 3½ per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation.

SEC. 6. That this act shall be known as "the funding act of 1880;" and all acts and parts of acts inconsistent with this act are hereby repealed.

If the committee reporting it had been content to ask and advocate its passage as thus proposed, I do not believe it would have encountered any serious opposition. It was not a question calculated to excite partisan feelings or prejudices. All, or nearly all, the members of this House admit the policy and necessity of proper legislation to provide for funding that portion of the public debt which is to mature during the current year, at the option of the Government, and all agree that it can and ought to be funded at a much lower rate of interest than its bears at present. In view of the successful negotiation of the 4 per cent. obligations already provided for, it was reasonable to suppose that a still lower rate would yet enable the Government to negotiate bonds and certificates at par, and the rate of 3½ per cent. was regarded as a safe one to adopt in order to enable the Secretary of the Treasury to displace the 5 and 6 per cent. bonds soon to mature. In regard to the four percents it should not be forgotten that they were placed on the market at a period of inactivity and commercial depression; when capital was lying idle, watching and waiting for safe and permanent investment. Yet it required great effort and the aid of syndicates to successfully negotiate the 4 per cent. loan. With the complete revival of business and confidence consequent on the resumption of specie payments, and the active demand for capital in business transactions, a loan of 3½ per cent. could hardly be expected to meet with much more favor than that with which the four percents were received.

The committee, however, have chosen to change their recommendation from 3½ to 3 per cent., and thereupon the opponents of national banks on this floor have "let slip the dogs of war" until by one amendment after another the original proposal can hardly be recognized by its early advocates. The title should now be, "A bill to compel national banks to go into liquidation." The contest at last has ripened into one of almost strict partisanship. My late honorable colleague, the chairman of the Committee on Ways and Means, near the close of the debate, in eloquent and fervent words, almost yielded to the efforts made by others to stir up strife between the people and the national banks.

Mr. Speaker, there was a period when he and I were colaborers in a struggle between the people on the one hand and a great moneyed corporation on the other. It was the contest in respect to the recharter of the Bank of the United States, a single corporation with a central board of directors having the whole control of the currency of the country. It had invaded the domain of politics. It had undertaken to make and unmake Presidents. It had sought to break down and to build up administrations. It had allied itself to a great political party. To accomplish these ends it could expand or contract its circulation at pleasure. To borrow the language of Colonel Benton, who was the opponent of such a bank and the champion of the people, "all depended upon the will of the supreme central directory who, sitting on their tripods and waving their tridents over the moneyed ocean, could raise and depress the golden waves at pleasure." In another period of the debate, Mr. Benton said:

> The bank is in the field, a combatant, and a fearful and tremendous one, in the presidential election. If she succeeds there is an end of American liberty, an end of the Republic. The forms of election may be permitted for a while. The president of the bank and the President of the United States will be cousins in the royal sense of the word. They will elect each other. They will elect their successors.

In that struggle the antagonism between the bank and the people was a natural and inevitable one. There is no occasion for such strife now. The present system of national banks, while giving all the facilities claimed for the bills of the Bank of the United States—a currency which circulates freely and at par everywhere—obviates all the objections made against the existence of that institution.

The system is free to all. It is not a central, or northern, or southern, or eastern, or western system; it is everywhere. Capitalists, business men, men of all shades of politics and men of no politics are interested in such banks. The opponents of the republican party in the late contest placed in nomination for the Vice-Presidency a gentleman largely interested in such a bank, and it is contrary to good "*English*" for them to be dealing in anathemas against the system at this time. This measure for refunding the national debt, like that for the resumption of specie payments, seems to have encountered all the obstacles which the democratic party could place in its pathway. Each alike have been encumbered with every provision which ingenuity could suggest to thwart and strangle the peaceable and successful operation of the measure. All good men, it seems to me, must regret the measure has encountered these obstacles.

If the bill as first proposed had been adhered to, it would have passed both Houses without a struggle. The process of refunding would have been easy. The obligations would have been floated without the aid of syndicates, and not a ripple upon the surface would have been caused by the transition from a higher to a lower rate of interest on the obligations of the Government. As it is, our commercial calm has been for a time broken; confidence in the stability of our financial system was seriously shaken; some of the national banks were, as they thought, compelled in self-defense to retire portions of their circulation, and if the bill had become a law no imagination is fertile enough to calculate or fully conceive the evil consequences which must have followed.

The veto of the President presented the objections to this partisan measure so cogently and clearly that its advocates did not deem it discreet to apply to it the test provided by the Constitution, and it lies upon the table by an almost strict party vote never to be acted on again.

If by this failure to pass a fair and proper funding bill ten or twelve millions of dollars shall be lost to the Government and people, at whose door will the fault be laid? There can be but one answer to this question. The party which from its entrance into this House in a majority in the Forty-fourth Congress to the present time has, by pretenses of economy and a saving of taxation to the people, crippled every branch of the public service, refused adequate appropriations for needed objects, and at times neglected or refused to make any appropriation for carrying on the ordinary operations of the Government, will be held responsible for the failure.

The people of this country are not to be blinded to the true character of the shams by which such neglect and refusal are sought to be covered from their sight. Already the leading and national organ of the democracy in this city (the Post) has pronounced its judgment upon such practices in much better language than any I could employ. I quote from its leaded editorial:

> This journal believes in economy. It is opposed to waste and extravagance, and desires careful use of public funds. But we do not hold that true economy consists in cutting down expenditures and keeping them down, regardless of every other consideration. Economy and stinginess are not synonymous terms. A miserly saving of public or private funds may be the worst extravagance.

I trust, Mr. Speaker, we are nearing a period when better counsels will prevail, when a judicious funding bill can and will be enacted into a law, when all necessary appropriations will be promptly made for the purposes provided by law and when no one will longer boast that he has helped to "starve the Government" while the Treasury is groaning under the load of accumulated millions lying unused in its vaults.

Refunding of the National Debt.

SPEECH OF HON. JOHN G. CARLISLE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1881.

The House having under consideration the Senate amendments to the bill (H. R. No. 4592) to facilitate the refunding of the national debt—

Mr. CARLISLE said:

Mr. SPEAKER: The fifth section of this bill has been so much misconstrued or so much misrepresented in various parts of the country that I consider it my duty, notwithstanding the lateness of the hour, to say something in explanation of its provisions. It is not my purpose to enter upon an argument in support of the section except so far as the argument may be necessary to explain the principles upon which it was framed, and to state fully its purpose and effect. It contains four separate and distinct provisions, all relating, however, to the same general subject, and all calculated, in my opinion, to aid materially in the successful inauguration and maintenance of the financial policy advocated by those of us who believe that the outstanding 5 and 6 per cent. bonds of the United States should be funded at the minimum rate of interest paid by other first-class nations, and that the national banks should be required to assist in accomplishing this result. In the first place, it provides, as amended in the Senate, that from and after the 1st day of July next the 3 per cent. bonds authorized by the bill, and no others, shall be receivable as security for the circulating notes of the national banks and as security for the safe-keeping and prompt payment of the public money deposited with such banks.

This is certainly a very plain and simple provision, and it seems to me that it requires much more ingenuity to pervert its true meaning than it does to ascertain it; and yet for a while a persistent attempt was made to convince the public that if this provision should be adopted all national banks having 4 and 4½ per cent. bonds on deposit to secure their circulation and public deposits would be compelled after the date named to withdraw them and substitute bonds bearing 3 per cent. or go into liquidation. It is almost impossible to make an argument against such a construction as this; nor is it necessary to attempt it, as it is now conceded, I believe, everywhere that there was not a shadow of foundation for it. It was one of the devices adopted by interested parties to alarm the banks and to precipitate

a resort by them to the exercise of that dangerous power of contraction conferred upon them by the act of 1874; and in connection with other statements equally groundless it actually produced a rapid withdrawal of circulation, which for a few days threatened disaster and ruin to all the business interests of the people.

Sir, this is not the first effort that has been made in Congress to compel these creatures and agencies of the Government to assist it in reducing the interest charge upon the people, and if it shall fail now it will not be the first demonstration of their power over the financial legislation of the country. It is a humiliating confession for the representatives of the people to make, but it is true nevertheless, that ten years ago, when these institutions were fewer in number than they are to-day, when their organization was less perfect and when their combined capital was not so great, they had power enough to defeat in this House a provision which was designed by the present Secretary of the Treasury to compel them to aid in funding a large part of the public debt at 4, 4½, and 5 per cent. On the 2d day of February, 1870, Mr. Sherman, as chairman of the Finance Committee in the Senate, reported back to that body, as a substitute for a bill previously introduced by Mr. Sumner, a bill which after some amendments was finally passed and is now known as the funding act of July 14, 1870. The bill as reported by Mr. Sherman provided for the issue and sale of $400,000,000 of bonds bearing interest at the rate of 5 per cent., $400,000,000 bearing interest at the rate of 4½ per cent., and $400,000,000 bearing interest at the rate of 4 per cent.; and in order to create a certain market for a large part of these securities it contained in its eighth section the following provisions, which I beg leave to submit for the consideration of gentlemen who have denounced what they have been pleased to call the "forced loan" feature in the measure now before us. The eighth section of Mr. Sherman's bill was as follows:

And be it further enacted, That on and after the 1st day of October, 1870, registered bonds of any denomination not less than $1,000, issued under the provisions of this act, and no other, shall be deposited with the Treasurer of the United States as security for notes issued to national-banking associations for circulation under an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864; and all national-banking associations organized under said act, or any amendment thereof, are hereby required to deposit bonds issued by this act, as security for their circulating notes, within one year from the passage of this act, in default of which their right to issue notes for circulation shall be forfeited; and the Treasurer and the Comptroller of the Currency shall be authorized and required to take such measures as may be necessary to call in and destroy their outstanding circulation, and to return the bonds held as security therefor to the association by which they were deposited in sums of not less than $1,000: *Provided*, That any such association now in existence may, upon giving thirty days' notice to the Comptroller of the Currency, by resolution of its board of directors, deposit legal-tender notes with the Treasurer of the United States to the amount of its outstanding circulation and take up the bonds pledged for its redemption: *And provided further*, That no more than one-third of the bonds deposited by any bank as such security shall be of either of the classes of bonds hereby authorized on which the maximum rate of interest is fixed at 4½ or 5 per cent. per annum.

The next section provided that the circulating notes which any banking association might receive from the Comptroller of the Currency should not exceed 80 per cent. of the par value of the bonds deposited instead of 90 per cent., as they may now obtain under the law.

It will be observed that the section just read is much more severe in its requirements than anything contained in this bill. It proposed to compel national banks not only to deposit the new bonds and no others as security for circulation after a certain date, but it went further and declared that their right to issue notes for circulation should be absolutely forfeited unless they should within one year withdraw all the old bonds they then had on deposit and substitute the new ones in their places. This was a sweeping and radical provision, which went to the full extent of asserting the absolute power of Congress to legislate according to its own conception of the public interests concerning the character of the bonds that should be deposited or permitted to remain on deposit as security for the circulating notes of these corporations. That such power exists in Congress has been asserted again and again by some of the most eminent men in the country, and by none more frequently or emphatically than Mr. Sherman himself. On the 28th day of February, 1870, he made a speech in support of the substitute reported by him, in the course of which he said:

Mr. President, the three remaining sections of this bill apply to the national banks. That is much too great a theme for me to enter upon at this stage of the debate; but I will explain in a very few words the theory of those sections. The national banks are mere creatures of law. They hold their existence at the pleasure of Congress. We may to-morrow, if it promotes the public interests, withdraw their authority. The franchise has been valuable to them. We think it right they should aid us in funding the public debt. They hold of our securities $346,000,000. Nearly all of these bear 6 per cent. interest in coin. We will not deprive them of any of them; we will not take from them the property they enjoy; we will not deny them even the payment of 6 per cent. gold interest as long as they are the owners of these bonds. But they hold the franchise of issuing paper money guaranteed by the United States, and which constitutes the circulation of our country; and we say that, enjoying this franchise, we now stipulate with them for the reduction of interest on the bonds they hold. The provisions of this bill are not arbitrary; they are not harsh; they do not take from the national banks any right which they enjoy except one confessedly at our pleasure. If they are not content to enjoy their franchise on the terms proposed they can retire.

As to new banks which may be organized under the free-banking section, it is easier for them to engage in banking under this bill than under the old law, because they can go to the Treasury and buy bonds at par in currency and upon these receive circulating notes, and a corresponding amount of legal tenders is then canceled. The new banks may issue in circulating notes four-fifths of the amount of their bonds under the terms and conditions of the banking act, while if they are now required to go into the money market to buy bonds with which to start new banks they would be compelled to pay a premium of from 10 to 20 per cent. for the existing bonds, and then could only issue 90 per cent. of the amount of the principal of the bonds.

Afterward a motion was made to strike out the eighth section of the bill, and the question was presented directly to the Senate, disconnected from all other issues involved, whether it would or would not require the banks to take the bonds or forfeit their right to issue notes, and on that proposition the vote was as follows:

YEAS—16.

Anthony,	Conkling,	Howard,	Pomeroy,
Brownlow,	Corbett,	Howe,	Ramsey,
Buckingham,	Ferry,	McDonald,	Scott,
Cameron,	Hamlin,	Morrill of Vt.,	Wilson.

NAYS—32.

Bayard,	Harlan,	Pratt,	Sumner,
Boreman,	Harris,	Revels,	Thayer,
Casserly,	Howell,	Rice,	Thurman,
Chandler,	Johnson,	Ross,	Tipton,
Cole,	Kellogg,	Schurz,	Trumbull,
Drake,	McCreery,	Sherman,	Warner,
Fowler,	Osborn,	Stewart,	Willey,
Gilbert,	Pool,	Stockton,	Williams.

The section was thus retained in the bill by a vote of 32 against 16, and it so remained until the bill was passed in that body by the following vote:

YEAS—33.

Anthony,	Harlan,	Pratt,	Sumner,
Chandler,	Harris,	Ramsey,	Thayer,
Cole,	Howard,	Revels,	Tipton,
Conkling,	Howell,	Rice,	Warner,
Edmunds,	Kellogg,	Sawyer,	Williams,
Fenton,	Morrill of Vt.,	Schurz,	Wilson.
Ferry,	Morton,	Scott,	
Fowler,	Osborn,	Sherman,	
Gilbert,	Pomeroy,	Stewart,	

NAYS—10.

Bayard,	Casserly,	McDonald,	Thurman.
Boreman,	Corbett,	McCreery,	
Buckingham,	Sprague,	Stockton,	

On the 10th day of March, 1870, while the motion to strike out the compulsory section was pending and under discussion, Mr. Sherman said:

What do we give them in exchange? We give them upon purchasing these bonds the right to issue four-fifths of them in money, and we give them the monopoly of that right. We are about to withdraw from circulation the greenbacks of the country. We are about to retire and cancel our notes by the provisions of this act. We are about to give them the monopoly of the circulation of this country, the sole and exclusive privilege of issuing paper money. We have destroyed the State banks. And now what do we require in return? That they shall join us in reducing the burdens of the public debt; that they shall bear some little of their share of the loss of income which every holder of the public securities must suffer.

Sir, national banks would be very unwise indeed to make issue on this question. If any man here is a friend of the national-bank system, I can claim to be. I was here at its cradle, introduced the original banking bill and advocated it, and also introduced the amendment to it, conducted it, and saw it passed. *But if I believed now that the banks of the United States were unwilling to aid us in reducing the rate of interest on the public debt to the extent of the limited sacrifices they are called upon by this bill to make, I should certainly change very much my opinion of them and of the whole system.* I do not believe there is any practical difficulty in the way. Nor do they lose by it if five percents are worth par in gold. What do they lose by taking one-third of these bonds at 5 per cent., another third at 4½ per cent., and another third at 4 per cent.? They possibly lose one-half of 1 per cent. of the interest on the bonds; that is all. But before this scheme can succeed at all it must be on the basis that 5 per cent. bonds are worth at least par in gold. We require them, when we surrender to them the privilege of issuing all the paper money of this country, to reduce the rate of interest on their bonds one-half of 1 per cent. on the average. Is that a hardship? I think not.

In the course of the same discussion, Mr. Chandler, of Michigan, said:

No one denies that Congress has the right to alter, amend, or repeal, if it sees fit, the general banking law. Under that proviso, we may say to the national banks, "You must deposit 4 per cent. bonds, and we will issue circulation upon none others;" and here permit me to say that I am in favor of making the provision absolutely compulsory that no circulating notes shall be issued except upon 4 per cent. bonds. The banks receive a valuable franchise—I am talking as a banker, for I have been one for a great many years—the banks have a valuable franchise, for which they can afford to pay, and for which they should be compelled to pay; and 2 per cent. is not too much to make them pay for that franchise. Hence I am in favor of making it compulsory upon all national banks in the United States to deposit 4 per cent. bonds, and none others, for the circulating notes; but I do not propose to go with my friend from Massachusetts and repudiate to compel them to do that thing.

To this Mr. Sumner responded, and stated his method of compelling the banks to take the new bonds, and the House will see that it was, if possible, more severe than that proposed by Mr. Sherman and the Finance Committee. He said:

I am very glad that my friend from Michigan and myself concur so completely in the object to be sought. It is to compel the banks to deposit bonds at a low rate of interest. That is what we both desire. Now, the Senator has one way of arriving at this result, and I another. The way proposed in the bill originally introduced by me is as follows: "And if any national bank shall not furnish to the Treasurer of the United States the new bonds as required by this act within three months after having been notified by the Secretary of the Treasury of his readiness to deliver such bonds"—mark, they have three months' notice; is not this enough? three months within which to make the change—"it shall be the duty of the Treasurer, so long as such delinquency exists, to retain from the interest as it may become due and payable, on the bonds belonging to such delinquent banks on deposit with him as security for circulating notes, so much of such interest as shall be in excess of 4 per cent. per annum on the amount of such bonds, which excess shall be placed to the credit of the sinking fund of the United States; and all claims thereto on the part of the delinquent banks shall cease and determine on that date."

The object of this proposition is precisely the object declared by my friend, the Senator from Michigan, who has such experience as a banker. I am glad that he unites with me on this occasion

Mr. CHANDLER. I do heartily.

Mr. SUMNER. So much the better. Now, I am perfectly willing to accept his way or mode of doing it. I care not how it is done, provided it is done. I offered what seemed to me a prudent, expedient, and just mode; and, though my friend has used a very hard term with regard to it, he will permit me to say that I do think my proposition, notwithstanding all he has said and the hard name he has employed, is certainly as good as his. It is one way of reaching what we both desire, and there is no more repudiation in one than in the other. Do you ask how it is justified? Obviously, plainly; the original bank act reserves to Congress plenary power to amend, to change, to modify the system in any respect, even to terminating the bank; and here is complete jurisdiction over the agencies of the bank, and especially over those bonds which are lodged in the Treasury as security for the bank. On this ground I place the proposition which I have made; it is the same ground, as I understand it, on which the Senator from Ohio places the equivalent proposition which he has reported from his committee. If one is repudiation, then is the other repudiation. But I insist that neither is repudiation. Each in its way is an expedient, a device, or, adopting terms well known in the law, the "means" for reaching a certain end.

These extracts are sufficient to show that the policy indicated in the first clause of the fifth section of the pending bill is not now presented to the country for the first time, and that the right and duty of Congress to adopt it when in its judgment the interests of the Government and people require it have been asserted and maintained, not only by men of eminent ability as lawyers and large experience in financial affairs, but by a majority of two to one in the Senate when the very first attempt was made to fund our enormous public debt at a reduced rate of interest. It was then insisted—and properly insisted in my opinion—that those institutions which, in the language of Mr. Sherman, had, prior to 1870, "made on the average from 15 to 20 per cent. annually upon the franchise derived from the United States," should be required to contribute their just proportion to the general welfare by receiving and using as a basis for their circulation public securities bearing at least as low a rate of interest as the Government proposed to allow the savings-banks and the trustees and guardians of dependent widows and orphans throughout the country. But, sir, the national banks resisted the reasonable demands of the Government then as they are resisting them now, and the result was that the eighth section of Mr. Sherman's bill was defeated in this House. A committee of conference was appointed, and in lieu of that section it reported the following:

And be it further enacted, That from and after the passage of this act the Treasurer of the United States shall receive no other than registered bonds issued under the provisions of this act as security for the circulating notes of national-banking associations issued under the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, or any act supplementary or amendatory thereof.

This report was signed by Hon. Robert C. Schenck and Hon. Samuel Hooper on the part of the House, and by Hon. John Sherman, Hon. Charles Sumner, and Hon. Garrett Davis on the part of the Senate. The section in this form—requiring the banks to deposit the new bonds from and after the passage of the act, and not giving them time, as the fifth section of this bill does—received the votes of eighty-eight members of this House, and among them were the gentleman from Michigan, [Mr. CONGER,] the gentleman from Indiana, [Mr. ORTH,] and two gentlemen from Pennsylvania, [Mr. KELLEY and Mr. O'NEILL,] all of whom are still members of this body, and all of whom, except one, [Mr. KELLEY,] are now opposing this feature of the bill. The conference report, however, was not agreed to here, and the Senate was compelled at last to recede from its position and allow the bill to become a law without the eighth section or any equivalent provision. When this result became inevitable, by reason of the active and determined opposition of the national banks, Mr. Sherman, who had been from the beginning an earnest and consistent advocate of the justice and policy of the compulsory clause, announced the fact to the Senate in a speech which I commend to the serious consideration of gentlemen who are opposing this clause of the fifth section. After stating that there was "a very unreasonable and unnecessary clamor raised by the banks against that provision," he said:

I wish now to record my deliberate judgment that in this conclusion to which we have been compelled to arrive by the action of the House we are doing the national banks a great injury, which will impair their influence and power among the people, and that the opposition of the national banks to this provision which would have required them to aid in the funding of the public debt will tend more to weaken and destroy them than anything that has transpired since their organization. I do not see how we can go before the people of the United States and ask them to lend us gold at par for our bonds, when we refuse to require agencies of our own creation to take them; when we even refuse to require new banks not yet organized to take these new bonds, and when we refuse to require old banks, which have made on the average from 15 to 20 per cent. annually upon the franchise derived from the United States, to aid us to this extent in funding the national debt.

But, sir, the vote of the House shows the power of the national banks. It is so great, at least in the House, that in order to secure a funding bill we have been compelled to abandon all provisions in regard to the national banks; but I give notice that in the future I for one shall be prepared at all times to require the national banks to take that class of bonds which we propose in this bill, and I have no doubt this will be the result. But for the present, in deference to the wishes of the House, we have withdrawn the section in regard to national banks.

Now, sir, for the second time since the organization of these institutions the representatives of the people find themselves compelled in the discharge of their public duties to encounter the almost united opposition of more than two thousand corporations of their own creation—opposition to a financial policy already approved by both branches of the legislative department—and thus we are again confronted with the naked question whether Congress or the banks shall finally determine what that policy shall be. What was the primary purpose of the Government in establishing this system in the first instance? If any gentleman entertains a doubt upon this subject, let him read the reports in which Mr. Chase, then Secretary of the Treasury, suggested and recommended the passage of the original national-bank act, and he will be convinced that the principal purpose of that eminent financier was to create a certain demand and reliable market for Government securities. Considered with reference to that purpose, it was unquestionably a wise stroke of financial policy, and it justly won for its author the highest encomiums from ministers of finance in all parts of the world. In fact the constitutional power of Congress to create these corporations cannot be maintained except upon the ground that they were to constitute, when organized, agencies of the Government for certain public purposes.

Since the celebrated judgment of Chief-Justice Marshall in the case of the United States Bank, no one has ventured to affirm that Congress possesses power under the Constitution to create corporations for the transaction of purely private business or for the sole benefit of private individuals. In order to come within the scope of congressional power they must be created as means or instrumentalities for the execution of some principal power delegated by the Constitution. They must be public agencies and not mere private associations. The language of the court in the case alluded to is so clear and comprehensive that it is impossible to mistake its meaning. It defines with the utmost precision the foundation and extent of the power in question, and in so doing necessarily excludes from its operation all cases not coming within the terms of the definition itself. The court said:

The power of creating a corporation, though appertaining to sovereignty, is not like the power of making war, or levying taxes, or of regulating commerce, a great substantive and independent power, which cannot be implied as incidental to other powers or used as a means of executing them. It is never the end for which other powers are exercised, but a means by which other objects are accomplished. * * * The power of creating a corporation is never used for its own sake but for the purpose of effecting something else. No sufficient reason is, therefore, perceived why it may not pass as incidental to those powers which are expressly given, *if it be a direct mode of executing them.*

And again the court said:

We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

In another place the court, speaking of this same power, said:

Had it been intended to grant this power as one which would be distinct and independent, to be exercised in any case whatever, it would have found a place among the enumerated powers of the Government. But being considered merely as a means to be employed only for the purpose of carrying into execution the given powers, there could be no motive for particularly mentioning it.

Congress did not create these banking associations, or have the power to create them, merely for the private emolument of their stockholders, but it established them as agencies of the Government to cooperate with it and assist it in conducting its financial operations. Whatever private gain or profit may accrue to those who see proper to engage in the business of banking under the system is incidental only to the main purpose of the law; or, in other words, the prospect of such gain was the inducement which public policy indicated should be offered in order to make the experiment a success and secure a market for the Government loans.

Having the express power to borrow money on the credit of the United States, it might well be argued that a national-banking system could be created under the authority of congressional legislation as a necessary and proper means to accomplish that object; but this obviously implies that there must be absolute and continued governmental control over the means employed, for otherwise the instrument would become the master, or at least independent of the authority for whose use it was created. If, therefore, there had been no express reservation of the right to alter, amend, or repeal the national-banking law, such right would have necessarily resulted from the nature and objects of the legislation. Its existence would have been just as clear in such a case as in the case of a public office created by statute for the more convenient or effective execution of a State or Federal power. There is no difference in this respect between a public agency and a public office.

There are no elements of a contract in such legislation, and therefore the extent to which the Government will or ought to go in the exercise of its power of supervision and control is always a question of policy and not a question of power. Now, however, we are told, in effect, that the Government ought no longer to use the national banks for one of the purposes, the principal purpose, of their creation; that to require them to deposit 3 per cent. bonds, after a certain date, to secure the circulating notes which the United States furnishes and guarantees would be an act of bad faith; and that it would so diminish the profits realized upon their circulation as to compel them to withdraw it, and thus inflict great injury upon the country by a contraction of the currency. It has not been very long since the policy of contraction was a favorite one with some who now protest most

strongly against it, but having pursued it until it nearly crushed the life out of every legitimate industry in the land, they appear at last to confess, in an indirect way, that it was a mistake. I agree with them that a large contraction of the currency, especially if it be sudden and unexpected, amounts to a public calamity, and I shall endeavor before concluding to show that one of the main purposes of the fifth section of this bill is to make such contraction impossible in the future.

I will not discuss the question of good faith with the banks or their advocates; it is not involved in this proposed legislation, and cannot be introduced in the debate except upon the utterly inadmissible theory that the Government and people of the United States are bound by some sort of compact to furnish these institutions as long as they exist with bonds bearing the same rate of interest as those now outstanding. They now hold and have on deposit $206,486,050 in bonds bearing interest at the rate of 5 and 6 per cent. and by the express terms of the laws under which they were created the Government has a right to redeem and cancel every one of them at the end of the current fiscal year. It has an undoubted right to redeem and destroy them without issuing any bonds whatever to take their places, and it would not be an act of bad faith to do so. But it has not the means to do this, and, therefore, it proposes to issue and sell bonds bearing interest at the rate of 3 per cent. per annum, and with the proceeds of these sales it proposes to pay the $206,486,050 held by the banks as well as the $465,000,000 held by other people. If this can be accomplished—and many of the best business men and ablest financiers in the country believe it can be—there will be an annual saving to the people of more than $14,000,000 in interest on the public debt, to say nothing of the reduction which would almost certainly take place in the commercial rate of interest all over the country. If anybody has a right to complain of the funding of the public debt at 3 per cent.—which I deny—it is certainly not the banks who want to issue circulation upon the bonds, but the widows and orphans and other beneficiaries of trust estates whose entire income consists of the interest received upon the securities in which the principal is required to be invested.

When a private individual, not engaged in the business of banking, purchases, either for himself or as guardian, executor or trustee, 3 per cent. United States bonds to the amount of $100,000, the whole annual income derived from them is $3,000; but if a national bank purchases the same amount and description of bonds, and deposits them with the Treasurer as a basis for its circulation, it receives the same amount, $3,000, annually as interest on the bonds, and besides the Government immediately returns to it $90,000 of guaranteed notes, of which $85,500 can be loaned out to the people for its own exclusive benefit at such rates of interest as it will command in the market. It is thus enabled to receive out of the public Treasury $3,000 annually as interest on its bonds, and if the commercial rate of interest be 6 per cent. it receives an additional $5,130 as interest on the $85,500 loaned out. From this last amount, however, there should be deducted the sum of $900, being the 1 per cent. tax on circulation, and $81, the estimated average annual amount of redemption expenses, so that the bank in fact receives the net sum of $7,149 annually, as against $3,000 received by the private individual on precisely the same investment.

But, Mr. Speaker, let us inquire briefly whether any injustice will be done to the national banks, or any hardship will be imposed upon them, by the provision in the fifth section that after July next none but the 3 per cent. bonds shall be receivable as security for circulating notes and public deposits. And especially let us inquire whether on that account their profits on circulation will be so diminished as to compel them, or even justify them, in withdrawing their notes and contracting the currency. If the funding contemplated by this bill shall be successfully accomplished, there will be hereafter no Government securities outstanding except the four-and-a-half percents, the four percents, and the three percents which we now propose to authorize, and the banks if they issue circulation at all, must do so upon one or the other of these classes of bonds. It is susceptible of mathematical demonstration that they can issue circulation more profitably upon a 3 per cent. bond at par than they can upon either a 4½ per cent. or a 4 per cent., even at the prices for which they are at present selling in the money market; and it is conceded by every one whose opinion is at all worthy of consideration, that if a 3 per cent. shall be issued and sold at par the prices of the other two classes will advance to such a figure as will make them yield to the investor about the same rate of interest on his actual outlay.

In other words, it is an acknowledged law in such cases that the various classes of Government securities bearing different rates of interest, but being equal in other respects, will find a common level in the markets where they are bought and sold. According to this law, when a 3 per cent. bond is selling at par our outstanding four percents ought to sell for at least 118.19; but let us suppose that the 4 per cent. bond is worth in the market only 114, as it now is, and still, according to the method of computation adopted by the Comptroller of the Currency in his official reports and in his statement made to the Finance Committee of the Senate during the present session, there is more profit in taking out circulation on a 3 per cent. bond than on a four. Take, for illustration, two banks having exactly the same capital, say $114,000, which is the amount now required to purchase $100,000 in United States 4 per cent. bonds, and the account of profits on circulation in each case will stand as follows:

Bank depositing 4 per cent. bonds.

Interest on $100,000 United States bonds at 4 per cent.			$4,000
Circulation issued on bonds		$90,000	
Deduct premium on bonds	$14,000		
Deduct reserve	4,500		
		18,500	
Loanable capital		71,500	
Interest on $71,500 at 6 per cent.			4,290
Total interest received			8,290
Deduct 1 per cent. tax		$900	
Deduct cost of redemption		81	
			981
Net receipts			7,309
Capital loaned direct, $100,000, at 6 per cent.			6,000
Difference in favor of circulation			1,309

Bank depositing 3 per cent. bonds.

Interest on $100,000 United States bonds at 3 per cent.			$3,000
Circulation issued on bonds		$90,000	
Add capital not invested in bonds		14,000	
Total		104,000	
Deduct reserve		4,500	
Loanable capital		99,500	
Interest on $99,500 at 6 per cent.			5,970
Total interest received			8,970
Deduct 1 per cent. tax		$900	
Deduct cost of redemption		81	
			981
Net receipts			7,989
Loaned direct, $100,000, at 6 per cent.			6,000
Difference in favor of circulation			1,989

or $680 in favor of a 3 per cent. bond.

This calculation takes no account of the fact that the bank which purchases the 4 per cent. bonds really loses the $14,000 paid in premiums, as the Government at the maturity of the obligation pays the holder only $100,000 for that which cost in the market $114,000. These figures show conclusively that we propose to do the national banks no injustice whatever when we demand that they shall aid the United States in the negotiation of this new loan by taking a part of it themselves and making it the basis of the circulating notes issued and guaranteed by the Government. The issue of a 3 per cent. bond which can be purchased at par will undoubtedly be largely beneficial to those banks which have a limited capital, as they cannot afford to pay heavy premiums, and thus lock up their means and lose the interest. If they can procure $90,000 of circulation by the expenditure of $100,000 for bonds, it is evident, even to one not versed in the mysteries of banking, that it is much more profitable for them to do so than to procure the same amount of circulation by the expenditure of $114,000. In one case the bank will have only $10,000 invested for which it receives no circulation, and in the other it will have $24,000.

But it is unnecessary to dwell longer on this view of the subject, because although there has been much complaint in general terms against the alleged injustice of this part of the bill, no one, so far as I know, has ever ventured to dispute the accuracy of these figures. During the last eleven years, from March 1, 1870, to September 1, 1880, including the whole period of financial distress in this country, the average annual earnings of all the national banks in the United States, numbering 1,481 at the beginning of that period and 2,072 at its close, amounted to 8.4 per cent. upon their entire capital and surplus. At the date last mentioned their capital was $454,215,062, and their accumulated cash surplus was $120,145,649. This surplus represents net accumulated gains over and above all taxes, expenses, and dividends. During the same period of eleven years they have declared dividends to the amount of $479,448,181; that is, their dividends alone have exceeded the whole amount of their capital at the end of the period, and in addition they have set apart since their organization and now hold, as just stated, $120,145,649 as a surplus fund to be divided among their stockholders whenever they see proper to close up their business.

When we remember that these remarkable results have been accomplished, notwithstanding the general paralysis of business which prevailed during five years of this period, we can appreciate in some measure at least the immense value of the franchise which the Government has conferred upon these institutions, and in return for which it now asks them not to make any substantial sacrifice, but simply to assist it in the negotiation of a loan at 3 per cent. in order that the people who have patiently borne such heavy burdens in the past may be relieved hereafter from an annual interest charge of over fourteen million dollars. Sir, they cannot afford to reject this reasonable demand, and he will be a most unwise and dangerous friend of the national banking system who by his vote or otherwise places the beneficiaries of that system in an attitude of defiance to the will of Congress and the people on this subject.

Upon that part of the section which prohibits bonds on which interest has ceased from remaining on deposit as security for circulation or public deposits but little need be said. The law now requires the deposit of registered interest-bearing bonds, but it contains no provision compelling their withdrawal when interest has ceased. Such a provision is necessary and proper even if no funding bill should be passed, but it is especially so as a part of the plan to substitute the new 3 per cent. bonds in lieu of the fives and sixes proposed to be redeemed. The law now in force requires each national banking association to report to the Comptroller of the Currency at least five times each year its resources and liabilities, and within ten days after each declaration of a dividend it is required to report the amount declared and the amount of net earnings in excess of the dividend; and it is provided that for each day's delay in making these reports the bank shall incur a penalty of $100, to be deducted out of the interest accruing on the bonds deposited to secure circulation. A penalty of $200, to be deducted from the interest due on the bonds, is also imposed upon the bank for a failure to report twice a year the amount of its notes in circulation, the average amount of its deposits, and the average amount of its capital not invested in United States bonds; and the Treasurer is authorized by law to reserve out of the interest due the bank the amount of the tax on circulation and the tax on deposits and capital, which last year reached the sum of $7,591,770.43. Now, these statutory provisions, intended to secure the prompt payment of penalties and taxes, cannot be executed if bonds bearing no interest are permitted to remain on deposit.

But, as I have heretofore stated during this debate, in reply to the gentleman from Tennessee, [Mr. WHITTHORNE,] the principal object of this clause is to prevent the banks from defeating that provision which requires them to deposit none but 3 per cent. bonds after the 1st day of next July as security for circulation. It is perfectly plain that if non-interest-bearing bonds may be continued on deposit after that date, any bank which chooses to do so may absolutely refuse to take a 3 per cent. bond and still enjoy all the privileges of circulation that it now has. It may simply decline to present its 5 and 6 per cent. bonds for redemption after they have been called by the Secretary of the Treasury and continue to leave them on deposit with the Treasurer; and by these means it will at once not only arrest the process of funding to the extent that it may hold outstanding bonds, but it will also contract the circulation for the time being by compelling the Department to keep on hand the money with which its bonds should have been redeemed. And this will be of no advantage to the Government or tax-payers in any respect, because in the case supposed a sufficient amount of bonds to realize the means required to redeem those held by the bank will be already sold, and of course will be outstanding and bearing interest, while the money received for them will be lying idle in the Treasury. I think we ought to so legislate in this bill as to make such a proceeding impossible, and thus put it beyond the power of any bank or combination of banks to defeat our purpose. Without this provision the Secretary of the Treasury may not be able to execute at once the power conferred upon him to use not exceeding $50,000,000 of the standard gold and silver coin belonging to the Government in purchasing or redeeming bonds, and he may be obstructed and embarrassed in his funding operations in many ways besides those already indicated.

The proposed repeal of the fourth section of the act of June 20, 1874, and the re-enactment of sections 5159 and 5160 of the Revised Statutes are so intimately connected that the two propositions ought to be discussed together; and I will now proceed to consider them and answer as best I can the various criticisms that have been made upon them here and elsewhere.

The gentleman from Maine [Mr. FRYE] who has just spoken has addressed himself, not to the amendment now before the House offered by the gentleman from Michigan, [Mr. CONGER,] but to the amendment proposed by the gentleman from Ohio, [Mr. MCKINLEY.] In discussing that amendment he has taken the ground that the fifth section of this bill, by repealing the fourth section of the act of June 20, 1874, and re-enacting the sections just mentioned, will repeal the law under which a national-banking association which desires to close up its business can now deposit lawful money in the Treasury of the United States and withdraw its bonds, or at least that there is a rational doubt in the minds even of members of the legal profession as to whether or not it will have that effect.

Now, the law under which a national bank, proposing to close its business, is allowed, and indeed required, to deposit lawful money in the Treasury and withdraw its bonds, was passed on the 14th day of July, 1870, and will be found in the sixteenth volume of the Statutes at Large. It reads as follows:

> And every bank that may hereafter go into liquidation shall be required to deposit lawful money of the United States for its outstanding circulation, within six months from the date of the vote to go into liquidation. Whereupon the bonds pledged as security for such circulation shall be surrendered to the association making such deposit. And if any bank shall fail to make the deposit and take up the bonds for thirty days after the expiration of the time specified, the Comptroller of the Currency shall have power to sell the bonds pledged for the circulation of said bank at public auction, in New York City; and after providing for the redemption and cancellation of said circulation and the necessary expenses of the sale, to pay over any balance remaining from the proceeds to the bank or its legal representatives.

By the forty-second and forty-third sections of the original banking law, under which these national banking associations were organized, a bank which desired to close up its affairs and retire from business was not permitted to deposit lawful money and withdraw its bonds until the expiration of the full period of one year after the vote of its stockholders had been taken.

The law so remained for six years, or until July 14, 1870, when this act was passed, which provides, as just shown, that a bank which desires to thus close up its affairs shall—not may, but shall—within six months after the vote of two-thirds of its stockholders, deposit lawful money with the Treasurer of the United States and withdraw its bonds; and that in case it fails to do so within thirty days after the expiration of the six months, the Comptroller of the Currency shall advertise its bonds for sale in the city of New York, sell them in the public market, reserve enough of the proceeds to redeem the outstanding circulation of the bank, and pay the remainder over to the bank or its representative.

That is the law to-day, and it has stood on the statute-book ever since its enactment in full force and vigor side by side with sections 5159 and 5160 of the Revised Statutes; and the re-enactment of those sections will not affect it in the slightest possible degree. But, sir, that part of those sections which provides that a national bank may withdraw its bonds by producing its own notes at the Treasury has never been repealed, either expressly or constructively. I have here the opinion of the Solicitor-General and the Attorney-General of the United States, in which it is held that the proviso to the fourth section of the act of June 20, 1874, repealed by construction, and by construction only, so much of sections 5159 and 5160 as required a national bank to keep on deposit with the Treasurer of the United States bonds to the amount of one-third of its capital stock actually paid in.

The conclusion of the Solicitor-General, which was indorsed and approved by the Attorney-General, is stated in these words:

> Upon the whole, I am of opinion that, taken with its context, section 4 of the act of 1874 is, for all purposes connected therewith, repugnant to section 5160 of the Revised Statutes, and all other previous legislation that requires national banks to have and maintain in the Treasury of the United States a bond deposit to the amount of one-third of their capital.

This is the whole extent of the repeal, according to the opinion of the highest law officers of the Government, and from the time when that opinion was written, April 30, 1880, down to the time when the discussion arose upon the pending bill, no man in the country, so far as I know, either inside or outside of the legal profession, has ever intimated that the act of 1874 repealed any other part of these provisions. It is scarcely necessary for me to say that the re-enacting clause now under consideration can have no legal effect whatever, except to revive that part of the sections which has been constructively repealed; and that part, as we have just seen, does not relate to the method of withdrawing bonds and retiring circulation, but only to the minimum amount of bonds which a bank may keep on deposit.

But it is said that this bill repeals all laws inconsistent with its provisions. So it does; but what provision in it is inconsistent with the act of July 14, 1870? No gentleman has ever attempted to show that it contains a single clause repugnant to that act, and, in my opinion, no gentleman can show it.

But there are honest apprehensions in the minds of gentlemen whose opinions upon this subject are entitled to respectful consideration, that this bill might deprive liquidating banks of the right to deposit lawful money and withdraw their bonds, as there are honest apprehensions in the minds of gentlemen upon some other questions involved in this proposition; and therefore I propose, as soon as the bill is disposed of, to seek the floor for the purpose of asking unanimous consent, and if that is refused, to move to suspend the rules and pass a supplemental bill which will remove all doubt as to its proper construction, and make it perfectly clear to the whole country that the author of this fifth section never intended to interfere with the right of a bank to deposit lawful money and withdraw its bonds whenever it may desire in good faith to retire from business.

Mr. PRICE. Why did you not put that in this bill?

Mr. CARLISLE. The gentleman from Maine has stated the reason why it could not come into this bill; and that is, that it would inevitably result in the defeat of the bill at this session of Congress.

Mr. CONGER. Would this other bill pass?

Mr. CARLISLE. If you and your friends will vote for it, it will pass.

Now, a few words upon the amendment proposed by the gentleman from Michigan to strike out so much of section 5 as repeals section 4 of the act of June, 1874. As the law now stands, there are three ways in which a bank can retire its circulation and withdraw its bonds, to say nothing of the method by which a bank can close up its business. In the first place it may—mark you, not shall—under the sixteenth section of the original banking law which is now comprised in sections 5159 and 5160, withdraw its bonds by bringing in its own notes. In the second place it may, and in fact it must under the third section of the act of June 20, 1874, keep on deposit with the Treasurer of the United States a reserve fund equal to 5 per cent. of the whole amount of its circulating notes, to be used in redeeming those notes at the redemption agency of the Treasury Department. That provision I do not propose to touch. Under that provision the whole national bank circulation of this country has been redeemed more than three times over in six years. From June 30, 1874, to July 1, 1880, there were redeemed at the Treasury Department national-bank notes to the amount of $1,022,776,157.76, of which $951,776,157.76 were redeemed under the third section of the act of 1874, which this bill

does not affect in the least, and only $71,000,000 under the fourth section of that act.

In the single year 1877, as shown by the official reports, there were redeemed under that third section and might have been retired absolutely and permanently from circulation if the banks had so desired $242,885,375.14; and for the redemption of this enormous amount of circulating notes in a single year this 5 per cent. redemption fund was found amply sufficient. Do the banks want more than this? If they do, sir, I for one am not in favor of giving it to them. [Applause.] All that a bank need do to retire its circulation under the third section is to notify the Treasurer not to reissue its notes when they come in, but to cancel them and charge the amount against its reserve; and then if the bank will keep its reserve good as required by law, all its outstanding notes can be redeemed and retired within a reasonable time without any shock to the business of the country.

The fourth section of the act of June 20, 1874, was enacted for a special and temporary purpose, and has long since ceased to be necessary or useful in the legitimate operation of the national-banking system. A brief reference to the circumstances under which that law was passed will show its purpose, and a brief recital of subsequent transactions and events will show how it has been perverted and abused. At the time of its passage the national-bank circulation was limited by law to $354,000,000, and there was actually outstanding the sum of $349,894,182; but it was very unequally distributed among the various parts of the country. Upon the basis of population and wealth the New England States had about seventy million dollars more than their share, while in the South there was a deficiency of $51,000,000. Massachusetts had an excess of $38,000,000; Connecticut, $11,000,000; Rhode Island, $10,000,000; New York, $2,500,000, and Pennsylvania, $3,500,000. Virginia was deficient $4,000,000; Missouri, $9,000,000, and Georgia, $4,500,000. While the average ratio per capita was $9.18, Rhode Island had $61 per capita, Massachusetts had $41, and Connecticut $33; but the whole South had only $2.91 per capita; the Western States had $7.09, and the Pacific coast, $1.82.

An examination of the provisions of the act of June 20, 1874, will satisfy any intelligent mind that one of its principal objects, if not its main object, was to equalize the circulation of national-bank currency, and that the fourth section was designed to provide an easy and expeditious method of accomplishing that result. The title of the act is "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes." The second and third sections extended a large measure of relief to the national banks in the matter of their reserves by repealing so much of former statutes as required them to keep on hand a reserve fund equal to from 15 to 25 per cent. of the whole amount of their deposits and circulation, and by limiting this requirement to the amount of their deposits alone and substituting a 5 per cent. reserve or redemption fund on account of circulation. It is this 5 per cent. reserve or redemption fund, deposited in the Treasury, with which more than $242,000,000 of national-bank circulation was redeemed in 1877, as already stated. Under the third section, whenever the notes of a bank shall be presented for redemption, "assorted or unassorted," the Treasurer is bound to redeem them in United States legal-tender notes.

The act then provided for a redistribution of national-bank notes, and for the equalization of circulation by the withdrawal of $55,000,000 from the States having an excess of their proportion and its issue to those States having less than their share, and the fourth section was enacted to enable the banks having an excess to comply promptly with the requirements of the law. That section contains no provision whatever in relation to the reduction of capital, but it authorizes a bank which desires simply to retire its circulation, in whole or in part, to deposit lawful money with the Treasurer and withdraw its bonds, provided the amount of bonds on deposit to secure circulation shall not be reduced below $50,000. The first part of the section was merely cumulative, and did not repeal by construction or otherwise any part of the law previously in force. It authorized an additional method of reducing circulation and withdrawing bonds, and thus afforded increased facilities for a compliance with the requirements of the act; and it did nothing else. The proviso, however, as already shown, was afterward held to be inconsistent with that part of the original national-bank law which required a deposit of bonds equal in amount to one-third of the capital stock paid in, and to that extent, but no further, it was officially decided that the original law was constructively repealed.

Now, sir, the effect of that repeal was that a national bank with a capital stock of $3,000,000 or $5,000,000 need not keep on deposit with the Treasurer more than $50,000 in bonds, whereas under the original act such a bank would have been required to keep on deposit at least $1,000,000 in the one case and $1,666,666 in the other. This was a wide and dangerous departure from the conservative policy of the act by which the system was established, and it ought to be corrected. The repeal of the fourth section and the re-enactment of the old law on this subject, as proposed by this bill, will correct this mistake and require the national banks to deposit with the Treasurer about nine million dollars in bonds more than they now have in his office. Nearly all of them voluntarily organized under a law which required them to keep this deposit, and they transacted business and prospered under it for ten years. I do not believe that Congress ever intended to repeal it, or that it did repeal it according to any fair or judicial construction of the two statutes, but it has been held otherwise by the law officer of the Department, and his decision will very properly be respected and conformed to until there is further legislation or an authoritative determination of the question by the courts.

But, Mr. Speaker, by far the most dangerous feature yet introduced into the national-banking system is contained in that part of the fourth section of the act of June 20, 1874, which authorizes the banks at any time, and for any reason which they may choose to consider sufficient, to deposit lawful money with the Treasurer, contract the currency to that extent, and withdraw their bonds; and, sir, it is not going too far to say that until this feature is wholly eliminated or materially modified there can be no assurance of safety to any legitimate investment or business enterprise in this country. If there was ever a doubt as to the dangerous character of the power which this part of the law gives to the banks over the business and property of the people, the arbitrary and unjustifiable proceedings of the last week ought to dispel it forever. The power was conferred in the first instance, as I have said, for a special and temporary purpose, the equalization of the national-bank circulation, but when the resumption act of January 14, 1875, was passed, which removed all restrictions as to the amount of such currency and made the system entirely free, there was no longer any necessity for this clause, and it should have been instantly repealed. It is a standing menace against the prosperity of the country. Armed with this destructive weapon the banks may at any time, without a moment's notice or a shadow of provocation, strike down every industry and every commercial enterprise of the people.

The banks, or some of them at least, first began to pervert this section of the statute from its original purpose and abuse the power which it conferred upon them, by depositing lawful money and withdrawing their bonds from time to time, in order to speculate upon them in the market. They thus withdrew large amounts of their circulation and contracted the currency, not because the reduced demands of business made the outstanding volume of circulation unnecessary or unprofitable, but simply because they wanted to realize the high premiums on their bonds and speculate in the securities upon which the Government had already delivered to them 90 per cent. in notes. These notes would be left outstanding for the time being, but an equal amount of Treasury notes would, of course, be withdrawn from circulation, and held at the Department to redeem the bank-notes as they might come in. The Treasurer, in his last annual report, describes this process by reference to actual transactions in his office; and as his statement on this subject cannot be condensed without impairing its force, I give it in his own words. He says:

> Under the construction placed upon the law banks which have thus reduced their circulation have been permitted to increase it again as often and as largely as they chose, whether their legal-tender deposits were exhausted or not. Although the exact amount cannot be ascertained, it is safe to say that many millions of dollars of additional circulation have been issued under the general provisions of the national-currency act to banks which were still reducing their circulation under the act of June 20, 1874. The consequence has been that the new notes thus issued have to a large extent speedily been presented to the Treasury for redemption out of the legal-tender deposit. Banks which have applied in vain to the Treasurer for the surrender of their legal-tender deposits have accomplished the same object by obtaining new circulation. The cost of printing the new notes thus issued is borne by the United States, so that the Government, though not deriving the remotest benefit from the transaction, has been obliged to bear the whole expense of their issue and a part of the expense of their redemption simply to enable a bank to do by indirection what it was not permitted to do directly. In several instances banks have repeated the operation of reducing and increasing their circulation several times within a brief period, taking up their bonds and selling them, it would appear, whenever the premium constituted a sufficient inducement, and increasing their circulation again whenever bonds could be bought at better rates, the United States all the while redeeming their notes at its own expense or that of the other banks and issuing others, also at its own expense, whenever called upon by them.
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> An example will better illustrate these operations. In January and February, 1875, a certain bank reduced its circulation from $308,490 to $45,000 by deposits of legal-tender notes. Between September 26, 1876, and May 26, 1877, and before that deposit was exhausted, it increased its circulation to $450,000. Between August 14 and September 10, 1877, it again reduced its circulation to $45,000. On September 19, 1877, nine days after completing the deposits for this reduction, it again began to take out additional circulation, although $402,550 of prior deposits remained in the Treasury, and by the 26th of that month its circulation had again been increased to $450,000. July 22, 1878, it, for the third time, reduced its circulation to $45,000, and in August and September, 1879, again increased it to $450,000, at which it now remains, the balance of its former legal-tender deposit then in the Treasury being $112,615. From January 13, 1875, to the date of this report, $778,275 of its notes have been redeemed, of which only $40,700 were redeemed at the expense of the bank, although during more than one-third of that period it had outstanding and was deriving the benefit from the full amount of circulation which its capital authorized. The only assessments which have been made on the bank for the expenses of redeeming its notes were $24.74 in 1875 and $4.39 in 1878. At one time there were in actual circulation $852,550 of its notes, although the highest amount ever borne on its books was $450,000.
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> Other banks have reduced and forthwith increased their circulation to its former amount, with the avowed object of relieving themselves from the trouble and expense of redeeming their notes through the 5 per cent. redemption fund. For example, a bank deposited $145,000 in legal-tender notes for the reduction of its circulation on April 3, 1878, and on April 5, 1978, two days afterward, without having touched the bonds deposited as security, took out $45,000 of additional circulation. In like manner on July 11, 1879, it deposited $9,000 for the same purpose, and on the very same day, without disturbing its bonds, it took out $9,000 of additional circulation.
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> It is plain that such transactions as these are not within the spirit of the act of June 20, 1874. That act authorizes the deposit of legal-tender notes by any national bank "desiring to withdraw its circulation, in whole or in part." A wish to surrender circulation, with the reserved intention of taking out more at once, or as soon as a fall in the price of bonds shall make the transaction profitable, is not, it is submitted, such a desire to withdraw circulation as the law contemplates. The reduction of circulation therein authorized is a *bona fide* reduction, based on a

well-settled intention of the bank to curtail its note issues. It could neither have been intended nor expected that the law would become the means of enabling banks to operate in the securities of the Government deposited to secure the redemption of their notes, or to throw upon the United States, or the other banks of the country, the expense of redeeming their notes, while maintaining and enjoying the full circulation to which the law entitles them. Such a construction utterly perverts the original intention of the act. Instead of the volume of the circulation being regulated by the business needs of the country, it is governed by the price of United States bonds. The price of bonds may be such as to induce banks to surrender their circulation at the very time when there is a legitimate demand for more circulation. The profit to be derived from taking up and selling their bonds may be greater than that derivable from their circulation. Within the last year a large reduction of bank circulation has taken place in the face of an active demand for money, simply because a good profit could be made by withdrawing and selling the four percents deposited as security for circulation. Nearly twenty-five million dollars in 4 per cent. bonds were thus withdrawn during the last fiscal year. Banks can afford to forego the profit on their circulation for a few months, in order to realize more from the premium on their bonds. Such operations should not, in the Treasurer's opinion, be permitted.

In the examination of the Comptroller of the Currency before the Finance Committee of the Senate since the passage of this bill by the House, the fact was disclosed that the bank which so grossly abused its privileges under the law, by alternately withdrawing and depositing its bonds, was the First National of New York—an institution already notorious throughout the country on account of the character and magnitude of its transactions with the Treasury Department during the late refunding operations. No one will contend that this was a legitimate and proper method of conducting business under the national-banking system, and yet it can be resorted to every day by every bank in the United States as long as the fourth section of the act of June 20, 1874, remains unrepealed. It disturbs values, affects the money market, and subjects the Government to unnecessary expense merely to gratify a spirit of speculation and gain on the part of the managers of the bank, and it ought to be peremptorily forbidden in the future.

Under this section the banks have it in their power to contract the currency and produce financial distress, involving every interest in the country and embarrassing the operations of the Government itself, whenever they may think it will promote their special interests to do so. If they do not like proposed legislation in Congress or elsewhere; if they are opposed to the success of a particular political party; if they conclude that they ought to be exempt from all taxation, State and Federal; if they want additional privileges conferred upon them in respect to any matter connected with their business; in short, if their opinions and interests are not consulted in all cases whatsoever, they can resort at once to this tremendous power over the fortunes of the people and thus bring the timid to terms and rain all who refuse to accede to their demands. A plausible pretext can always be found or invented for the exercise of such a power as this, and powerful influences can always be brought to justify and sustain it.

The two Houses of Congress, representing the aggregate interests of fifty millions of people, have, after mature deliberation, passed a bill which the banks have chosen to consider obnoxious to them, and forthwith—within thirteen days—they have contracted the currency to the extent of $18,722,340 and precipitated a crisis which would have been disastrous to the country had it not been met by measures which they had no power to prevent. The prompt action of the Secretary of the Treasury in purchasing a large amount of bonds at the city of New York, and the course of the Canadian banks in throwing seven or eight million dollars of their loanable capital on the market, alone prevented a catastrophe from the effects of which we might not have entirely recovered for many years. When Secretary McCulloch, several years since, in pursuance of his contraction policy, began to retire and cancel legal-tender notes at the rate of $4,000,000 per month, it produced such consternation in business circles that Congress was forced to intervene at once and arrest the process by the passage of a joint resolution; but now we have seen nearly nineteen million dollars of circulation withdrawn in less than half a month, not by the Government, but by institutions in the management of which the Government has no voice, and still gentlemen here insist that the power under which this has been done, and under which it may at any time be repeated, shall not be taken away. Why, sir, the whole contraction of legal-tender Treasury notes under the provisions of the resumption act, from January 14, 1875, to May 31, 1878, when it was prohibited by law, was only $34,318,984, not twice as much in more than three years as the bank contraction has been in less than two weeks.

This experience warns us that we cannot safely permit this great power to remain in the hands of these institutions unchecked by legal restrictions. It is an engine of destruction standing in the very narrowest part of the way to permanent industrial and commercial prosperity in this country; for there can be no such prosperity anywhere in the midst of sudden and enormous contractions of the currency; nor will prudent and experienced business men embark in large and expensive enterprises when the power to make such contractions is held by private and interested parties who acknowledge no restraints except public sentiment and their own views of the public welfare. By law the volume of legal-tender notes is limited to $346,681,016, while under the policy of the Government nearly one hundred and fifty million dollars in gold and silver coin are permanently withheld from circulation and hoarded in the Treasury. Of the $454,000,000 gold coin in the country the Government and the banks held, on the 1st day of November last, $254,000,000, and the people only $200,000,000. The circulation of State banks is taxed out of existence; the coinage of silver is limited by statute to $4,000,000 per month; and so it appears that by statute or public policy every form of currency which the people can use in the transaction of their business is restricted, except national-bank notes. They alone are perfectly free from all restrictions, legal or otherwise, and upon them the people are compelled to rely under existing circumstances for the additional facilities of exchange necessary to enable them to carry on their growing industries and conduct their rapidly increasing commercial enterprises.

What a fatal policy it is, in view of these considerations, to retain on the statute-book as part of our currency system a law which subjects all these great interests to the arbitrary will or mistaken judgment of two thousand corporations. The present attempt to provide against a recurrence of the danger from which the country has just made its escape and to re-establish the original and conservative principle in the management of our currency may fail, but in the end the legislation now proposed, or something equivalent to it, will certainly be demanded by the public sentiment of the country; and in this belief I am content to abide the result of this long contest, whatever it may be.

The duty and power of Congress to regulate Railroad Monopolies—Their power and wealth dangerous to the Republic.

SPEECH OF HON. A. M. SCALES,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1881,

On the bill (H. R. No. 4748) to establish a board of commissioners of interstate commerce.

Early and provident fear is the mother of safety.—*Burke.*

These corporations cannot commit treason, nor be outlawed, nor excommunicated, for they have no souls.—*Coke.*

Mr. SCALES said:

Mr. SPEAKER: Congress has power to regulate commerce with foreign nations and among the States and with the Indian tribes. This is the clause in the Constitution relied on to sustain what is known as the Reagan amendment, which proposes to regulate interstate commerce. This amendment is a most important one, and, if it should become a law, is the first step, though not a long one, in the direction of regulating the wealthy and powerful railroad corporations of the country.

In considering this question our first duty is to determine whether such action on the part of Congress is within the scope of the Constitution. If not, then that settles the question. If it is, then we have only to consider how far we can promote the general interest and welfare of the people by any legislative action.

From the clause just quoted it will be seen that the power to regulate commerce is not only in Congress, but it is nowhere else in the three cases referred to, to wit: With foreign nations and among the States and with the Indian tribes.

Before the Constitution was established each State had the right to regulate her own commerce, not only with her own citizens within her own borders, but also with foreign nations, and among the States, and with the Indian tribes. This was found to work badly. It produced competition among them, and this competition produced jealousies and strife, and did much to interfere with domestic tranquillity. This the Constitution proposed to remedy; indeed, its great aim in part, as shown in the preamble to the Constitution, was to form a more perfect union and to secure domestic tranquillity. Whatever power then the States had was in the interest of union and tranquillity surrendered to the General Government. If they had the whole power then, the General Government has the whole power, unless there is some limitation in the Constitution itself; but there is a limitation, and that limitation serves to confirm this view. Congress has power to regulate commerce, except as contained in article 1, section 9, clauses 5 and 6. Read the two clauses together, and we have, Congress shall have the right to regulate commerce among the States, but no tax or duty shall be laid on articles exported from one State, and no preference shall be given by any regulations of commerce or revenue to the ports of one State over those of another. Nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another. This is the only exception, and of course leaves all other power to regulate commerce in the Houses of Congress. It is an exclusive power, and there is and can be no concurrent jurisdiction. Chief-Justice Marshall, in Gibbons *vs.* Ogden, says that "the power to regulate a particular subject implies the whole power, and leaves no residuum. A grant of the whole is inconsistent with the right of another to any part of it." The language of the Constitution is plain, simple, the grant full and complete; and, I suppose, will not be seriously contested, unless it is as to the extent of the power conferred.

REGULATION OF COMMERCE.

Having shown by the Constitution itself and the construction of Chief-Justice Marshall, as enunciated in Gibbons *vs.* Ogden, that the power has been conferred upon Congress, let us consider the extent of this power and what is meant by regulating commerce; to regulate means, according to Worcester, to adjust by rule, to direct, to guide, to conduct, to manage. By Webster it means about the same thing.

To regulate commerce, then, according to these definitions, is to lay down the rule by which it is to be carried on, to direct, to conduct, to manage, and control it. It is not a power to direct, manage, and control in a particular way, but a power to control and manage in every way the grantee may deem best not inconsistent with the purposes of the grant and not prohibited by the Constitution.

The authorities as presented by Paschal in his annotated constitution are so conclusive that no room is left for argument.

"To regulate." That is, to prescribe the rule by which commerce is to be governed, (Gibbons *vs.* Ogden, 9 Wheat., 196; Story Const., sec. 1061.) The power is exclusive and bears no residuum, (Gibbons *vs.* Ogden, 9 Wheat., 209; Story Const., sec. 1072; Passenger Cases, 7 How., 283.) "This power, like all others vested in Congress, is complete in itself, and may be exercised to its utmost extent and acknowledges no limitations other than are prescribed in the Constitution. (Gibbons vs. Ogden, 9 Wheat., 196.) "The power is a necessary one." (Federalist, Nos. 4, 7, 11, 22, 37; Gibbon *vs.* Ogden, 9 Wheat., 225.) It is necessary to the perpetuity of the Union. It is essential to domestic tranquillity and to the interest of commerce itself; it is vital to the progress and prosperity of the Federal Government. Without it there would be a law for every State, and each State would so regulate commerce as to suit its own peculiar interest without regard to the interest of others; these laws would possibly conflict with the laws of other States. The taxes would be unequal and the laws have no uniformity.

Such would have been the result of the power in the States, and hence it was surrendered; not a part but the whole; not concurrent jurisdictions but exclusive over the commerce with foreign nations, among the States and with the Indian tribes.

What is meant by commerce, is the next question to be considered, and fortunately for us here, as before, we are not left to grope in the dark. The authorities are so abundant and so imposing that they have only to be cited to produce conviction. And here, too, I gladly avail myself of the arrangement so admirably made by Paschal in his annotated constitution:

Commerce is traffic, but it is something more; it is intercourse. (Gibbons *vs.* Ogden, 9 Wheat., 101, 207; United States *vs.* Holliday, 3 Wallace, 417; Story on the Constitution, 1061, note 2.)

Buying, selling, and exchanging is the essence of commerce. (3 Wall., 417.) It also includes navigation as well as traffic in its ordinary signification, and embraces ships and vessels as the instruments of intercourse and trade as well as the officers and seamen who navigate and control them. The power of Congress extends to all these subjects. (People *vs.* Brooks, 4 Denio, 469.) Again, commerce with foreign nations and among the several States can mean nothing more than intercourse with those nations and among those States for the purpose of trade, be the objects of trade what they may; and this intercourse must include all the means by which it can be carried on, whether by the free navigation of the waters of the several States or *by a passage overland through the States when such passage becomes necessary to the commercial intercourse between the States.* (Corfield *vs.* Coryell, 4 Wash., Circuit Court, 388; Pennsylvania *vs.* Wheeling and Belmont Bridge Co., 18 How., 421; Columbus Insurance Co. *vs.* Peoria Bridge Co., 6 McLean, 70.)

Commerce includes navigation; and comprehends the control for that purpose, and to the extent necessary of all navigable waters of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the nation and subject to all the requisite legislation of Congress. (Gibbons *vs.* Ogden, 9 Wheat., 191; Corfield *vs.* Coryell, 4 Wash., 378; Gilman *vs.* Philadelphia, 3 Wall., 724, 725.)

Wherever commerce among the States goes the power of the nation as represented in this court goes with it to protect and enforce its rights. (Gibbons *vs.* Ogden, 9 Wheat., 191; Gilman *vs.* Philadelphia, 3 Wall., 725.)

The right to regulate includes the power to remove all obstructions and to provide for the punishment of offenses. It embraces the whole power which existed in the States before the adoption of the Federal Constitution, and which have always existed in the Parliament in England. (Gibbons *vs.* Ogden; Corfield *vs.* Coryell; Gilman *vs.* Philadelphia.)

It is for Congress to determine when its full powers shall be brought into activity and as to the regulations and sanctions which shall be provided. (Gilman *vs.* Philadelphia, 3 Wall., 725; United States *vs.* Coombs, 12 Peters, 72; New York *vs.* Milne, 11 Peters, 102, 155.)

RIGHTS OF THE STATES.

The States retain all the rights they had before the adoption of the Constitution not surrendered to Congress. They still regulate the commerce within their own borders and between their own citizens. This they have not surrendered, but when the commerce is between one State and another or between several States or between the citizens of two or more States, then the power of Congress comes in. They retain the right of eminent domain over their own soil for all municipal purposes and they have alone the power to exercise it. The power to regulate their inspection laws, quarantine laws, health laws, and to regulate their own internal commerce, to build bridges, &c., all belong to the State, but their powers must be so used as not to come in conflict with a power exercised by Congress and surrendered to it by the States, for having surrendered the power to the General Government they could not in good faith intend to retain and so use it as to cripple the power surrendered.

The States watch with ceaseless vigilance the powers exercised by the United States Government and guard their own reserved powers with a no less jealous eye, and I trust it may be always so. The preservation of the States and the perpetuity of the Union depend upon it. The Constitution is a monument of wisdom and skill. It was adapted to thirteen States when established and harmonized thirteen governments with one. One hundred years have passed, the thirteen States have become thirty-eight, and it as readily adjusts itself to thirty-eight as to thirteen, to 50,000,000 people as to 4,000,000. Whenever there are jars and collisions they come and must always come from a broken compact, a violated Constitution.

This is the great beauty and strength of our system. The powers of the States and the General Government are clearly defined, and each should remain in its appointed sphere, violating no known powers and employing no doubtful ones. Let the Constitution be fairly construed according to its intent and meaning, not too strictly nor yet too liberally, but fairly, and when so construed let the States and the General Government vie with each other in enforcing it, whether the power belongs to the State or to the Federal Government, and prohibiting it if denied to either. Then there will be no frictions, no jars, but each will move on in its own sphere, adding strength and power and glory to a Union which will thus be perpetuated to all time.

THE AMENDMENT UNDER CONSIDERATION.

This amendment declares, first, that these great corporations shall not charge one citizen on a continuous line more than another for the same service; second, they shall not charge more for a shorter distance than a longer one; third, they shall not allow any rebate, drawback, or other advantage in any form to one citizen over another. The amendment is modest, cautious, if not timid; it recognizes the fact that the action proposed is an experiment. It might well have claimed and exercised the power to regulate the freights and fare. In the interest of commerce its advocates might well claim all the power granted in the Constitution to Congress to regulate, control, and prescribe rules for the management and conduct of their trade; but the object of the bill is to protect the citizen and not to cripple the roads; hence we adopt the maxim *festina lente*. The regulations of such matters are usually left to a healthy competition, and this, in all other cases, has proved a sufficient corrective; but here there is no competition. The corporations will not brook competition. Competing lines time and again are built up in different localities, but they are no sooner built than they become the prey of strong corporations or more powerful combinations. The history of the whole question shows that competition cannot live, and that the power to regulate these corporations through it can never be available.

There is no check save in the law-making power. It would be best, and doubtless more agreeable if it could be so, to have them under their own voluntary regulations to perform all the duties and obligations they owe to the country and all its citizens; but if they will not, then the Government power must come in, and why not? They are the creatures of the State, born of their power and liberality; there are few, if any, in the United States that have not been built to a greater or less extent by contributions from the State or General Government. The citizens have been taxed to pay for them, in many cases most onerously; private property has been taken and condemned to their use; peculiar privileges have been given them, and for what? That they might become great highways of commerce, and as such build up the material wealth of the country. This was the great object of their creation. In the charters the States authorize the condemnation of private property, and in most cases make liberal contributions, and impose taxes upon the whole people to build them. This should not and could not be done except to promote the general good, and especially is this the case with many of our western roads. Immense grants of lands have been made to these corporations, so large and valuable that in many cases the roads have been built and paid for from this source, leaving a large balance in the hands of the company, which is added to their general wealth. These lands belonged to all the people of the United States, and could not be granted for a mere private purpose. It was to make a highway for all the citizens, and give them speedy and cheap transportation for their products.

The corporations themselves accept the charters with all the privileges and all the aid; they accept it, too, *cum onere* and with a full knowledge that it is to be dedicated to public uses, hence they cannot complain when the Government proposes so to regulate them as to require that in all their charges they would be reasonable, equal, and just to all citizens. Again, Congress can make no grant, consent to no charter to railroad corporations, except under the power given in the Constitution to regulate commerce. This power we have seen is full and complete, but only to secure such regulation as shall be for the public good.

PRIVATE PROPERTY DEDICATED TO PUBLIC USE.

Chief-Justice Waite, in the Grange cases, says:

The Government regulates the conduct of its citizens one toward another and the manner in which each shall use his own property when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum charge for services rendered, &c.

Again he says:

This was said by Lord Hale more than two hundred years ago: "Property does

become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When therefore one devotes his property to a use in which the public has an interest, he in effect grants to the public an interest in that use and must submit to be controlled by the public for the common good to the extent of the interest he has thus created." Again, "It is insisted, however, that the owner of the property is entitled to a reasonable compensation for its use, even though it be clothed with a public interest, and that what is reasonable is a judicial and not a legislative question—the practice has been otherwise. In countries where the common law prevails it has been customary from time immemorial for the legislature to declare what shall be reasonable compensation, or fix a maximum beyond which any charge made would be unreasonable."

A PUBLIC DUTY.

The rights of private property are sacred, but when private rights and property are charged in the act that creates them with a high public trust, that is also sacred, and all the power of government must be used to see the duty faithfully performed. This is not a power or a privilege to be used or not at the pleasure of the government, but when the public interest suffers in the person and property of the humblest and poorest of her citizens it becomes a high and solemn duty. It is said, and truly, that government is a social compact by which the whole people contract with each citizen and each citizen with the whole people that all shall be subject to certain laws for the common good. The citizen surrenders part of his natural rights to the government, contributes of his substance to its support, and defends it when in peril, and the government on its part guarantees to him protection in all his rights not surrendered. By the nature of the compact all, as far as the government can secure it, must share equally and justly in its privileges and burdens.

If a law is enacted which is unjust and unequal in its operation it must be repealed. If corporations chartered for the general good should impose unequal and unjust charges upon the citizens, or confer greater privileges upon some than upon others, or discriminate in favor of one city over another, then this must be remedied and the Government, whose charter has been thus violated, cannot evade the responsibility. The Government must stand by the compact, and cannot fail or refuse to grant a remedy without forfeiting the confidence of the people. Let it be seen and known of all men that there is no interest so small as to escape its care and no power created by it so great as to be beyond its control, and the people will love and sustain it.

PROMPT ACTION NECESSARY.

What is done must be done quickly. These corporations are daily growing in wealth, power, and influence.

At the close of the year 1878 the number of miles constructed in the United States by the railroad companies was 81,841, now it is 93,899 miles. The number of officers and employés of the roads as taken from the census of 1870 was 157,221, then they had only 52,914 miles of railroads. From 1870 to 1878 the increase of miles was over 50 per cent.; if the employés increased in the same ratio, the number of employés in 1878 would be over 200,000. Of these it may be safely estimated that nineteen-twentieths are voters. Add to them the number who are interested in the roads and not employés, and the number that would be influenced by the 200,000 employés and the number to be influenced by the power and wealth of the corporations, and the number of votes controlled directly or indirectly by them will not fall far short of 300,000; more votes than were polled in the presidential election of 1876 by all the States of New Hampshire, Vermont, Maine, and Rhode Island added together, and more votes than were polled by any one of the Southern States or by any one of the other States of the Union except New York, Pennsylvania, and Ohio, Michigan, Illinois, Indiana, and Missouri. The capital stock of all the roads amounts to $2,232,257,877; their funded debt $2,297,790,916, other debt, $182,248,556; total amount of stock and debt, $4,772,297,349. The cost of railroads and equipment, $4,166,331,924; their working expenses is $302,328,184; gross earnings, $490,103,351; net earnings, $187,575,167; dividends paid on stock, $53,629,368. These estimates are for the year 1878.

Their indebtedness exceeds the national debt by $123,452,390.

Their capital stock is more than one-seventh of the whole assessed value of the real and personal estate of the United States, and is one-fifteenth of their true value.

Their gross earnings exceed the receipts of the United States Government for 1879 over two hundred million dollars, and their working expenses exceed the total net ordinary expenses for same time $140,908,250, and the net earnings exceed the net ordinary expenses of the Government for 1879 $25,953,233, and would pay the national debt in twelve years. They have made a complete net-work of roads over the entire surface of the Union. They reach from Canada to the Gulf, and from the Atlantic to the Pacific Ocean; they penetrate every State. The rivers and mountains form no barrier to their skill and power; they bridge the one and tunnel the other.

The amount of freight paid in the year 1878 to these railroads was $365,466,061, and the amount paid by passengers for the same time was $124,637,290. The former is involuntary. Men must pay it to reach the markets, or suffer their produce to rot on the farms; and it is equivalent to a per capita tax upon the entire population of the United States of $7.30. The latter is to a great degree voluntary, and is equivalent to a tax per capita of $2.50; both together equal to a tax of $9.80 on every man, woman, and child in the United States. The power that made this $9.80 could just as well make it $25 per capita, and even beyond that sum. The people are entirely dependent upon them for transportation, and must pay what is demanded of them, limited only by the conscience of the corporations; and if the corporation has no conscience, as they have no soul, then there is no limitation upon the charges, except what may be necessary in their interest to induce the shipper to keep up the trade.

But there is a greater evil still to be remedied. Their charges are not equal, but bear much harder upon some than others. To illustrate this, Judge Black, Attorney-General under Mr. Buchanan, and one of the ablest and most distinguished that has ever occupied the position, says that the freight from New York to Salt Lake is $4, while all the way to San Francisco it is only $2.50.

Again he says of these corporations:

HOW MONOPOLIES RUIN BUSINESS MEN.

They boldly express their determination to charge as much as the traffic will bear; that is to say, they will take from the profits of every man's business as much as can be without compelling him to quit it. In the aggregate this amounts to the most enormous, oppressive, and unjust tax that ever was laid upon the industry of any people under the sun.

Nor is this all.

A grain dealer at Baltimore gets a reduction or drawback which is denied to others, and he makes a fortune for himself while he ruins his competitors by underselling them. A single mill at Rochester can stop the wheels of all the rest if its flour be carried at a rate much lower. By discrimination of this kind the profits of one coal-mine may be quadrupled, while another, with all its fixtures and machinery, is rendered worthless. Such wrongs as these are done not only in a few sporadic cases, but generally and habitually on a very large scale. Certain oil-men, whose refinery was on Long Island, got rebates amounting to $10,000,000 in eighteen months, and seventy-nine houses (I believe that is the number) engaged in the same business were broken up. The creditors of the Reading Railroad, having coal lands of their own, made discriminations between themselves and others which drove competition out of the field, gave them the monopoly of the Philadelphia market, and enabled them to charge for their coals as they charge for their freight—whatever they please. Thus producers, dealers, and consumers all suffer together.

All this wealth and power are said to be under the control of about ten men. They are absolute monarchs in their own dominions, and the whole is regulated by their dictation, nor do they stop there. They boldly issue their decrees that preference shall be given to the ports of one State over those of another; to one city over another; to one citizen over another. Congress and the State Legislatures, under the Constitution, have no right to do this. But this decemviri, indifferent alike to the powers of the States and to the powers of Congress, by whom their corporations are created, hesitate not to do what the powers that created them cannot do. They are worth, individually, from one to one hundred million dollars. These large amounts, by watering stock, by speculations, and other dealing in the stocks of these corporations, have been taken from the general wealth and locked up in individual hands.

They are combining all the railroads of the country in a war offensive and defensive against everybody and everything in their way. They have recently bought up and consolidated the telegraph lines, and thus, without competition, control this great business. They now seek to buy up the press of the country. One of them, as it is currently reported, has recently become the purchaser and owner of three of the ablest, most widely circulated, and most influential papers in the city of New York; and what they cannot buy outright they attempt to subsidize. Thus the press, which, when free, honest, and independent, is the strongest safeguard to liberty, is enslaved and corrupted, and when it speaks at all speaks the language of these corporations, and thus becomes tributary to their power and greatness.

But their power does not stop here. They control to a very large degree many of the national banks, and through them the currency of the country, contracting and expanding it at their pleasure. Under this power fortunes have been made and lost in a day, and men, women, and children in the enjoyment of all the comforts of life have in twenty-four hours been thrown out upon the cold world without raiment or food, ruined, helpless, and homeless. This power is felt, too, in the operations of the Government, and through it the price of bonds and the time of payment are dictated to suit themselves.

It is charged and believed that these ten men, the decemvir of America, control the elections, both national and State, to an extent that should alarm any lover of republican institutions. They organize and send forth to do their work the most powerful lobbies known to legislative bodies. It is charged and believed that they nominate and elect many of the Senators and Representatives in both State and Federal Government, and that legislation is often, alas, too often, but the echo of decrees issued from their own offices. It is charged and believed, and instances are cited without reserve, that they make and unmake many of the judges of our courts, who thus become mere clerks to register their decrees.

It is charged that they were implicated in the frauds of 1876 that placed in the White House one who had never been elected by the people; that they hold the balance of power between the two great portions of the country, and turn the scale as they choose, deciding who shall be the Chief Magistrate of the Union, and then dictating the members of his Cabinet. All of these things may not be true; some of them doubtless are untrue; but enough is true to show the power of the combination, and enough is true to show that if they have not been guilty in all respects as charged, they neither want the power or will to do it all when necessary to their purpose. Enough is true to prove how dangerous they may become in a republic like ours.

Enough is true to satisfy all that there should be a check upon such power, and that it will require all the patriotism, vigor, and power of Congress to do it. Nathaniel Macon, for many years a Senator from North Carolina, who was said by John Randolph to be the wisest man he ever knew, was much opposed to such corporations; he predicted their power and their danger. He said good roads and speedy transportation were great blessings, but liberty was a greater; that these corporations would grow in wealth and power and at last destroy the liberties of the people.

Few if any agreed with him then. He stood almost alone. Now no one can shut his eyes to the danger, and he who has no fear must be wanting in sensibility. Shall this power be checked? If so, let us pass this bill; it is the entering-wedge to split up these consolidations and destroy their power of injury to the people. It concedes to Congress the right to control their power, and to regulate it for the public good; it does little else, but that is much gained. It does not destroy nor cripple the usefulness of the roads. All this consolidation can be broken up and all this power surrendered without at all crippling their capacity as common carriers or their roads as great highways of commerce.

I appeal to the Representatives of the people here assembled. Shall this power be checked? Will Congress act, and act now? The country is deeply solicitous as to the reply. Are we bound hand and foot by this giant? Do we wear his collars? I will not believe it; but while we hesitate and dally I beg you to remember the difficulties are increasing. In a recent number of a brilliant illustrated newspaper this monopoly is most strikingly illustrated as a huge serpent with his tail already around the Dome of the Capitol. By degrees he is embracing within his deadly folds the press, the telegraph lines, and all the great business interests of the country, and, with head erect, open mouth, and forked tongue, he threatens the very genius of liberty herself who presides over the deliberations of the Capitol. I appeal to the Representatives to hear me; if they will not, then I appeal to the great tribunal of the people. This is the last resort, the last hope of the country. I will go before them. If they fail me, I will stand alone, if need be, now, henceforth, and through life, in unalterable antagonism to the men or corporations who thus threaten the prosperity and freedom of the Republic. But the people will not fail. They move slowly, but surely. They will, as they should, demand the proofs and wait until it comes; but when it does come they will strike a blow that will bring deliverance, and woe be to him in this contest who shall be found on the side of the monopoly. "The people never give up their liberties but under some delusion."

Court of Pensions.

SPEECH OF HON. A. J. HOSTETLER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 3, 1881,

On the bill (H. R. No. 5394) to organize a court of pensions.

Mr. HOSTETLER said:

Mr. SPEAKER: The bill under consideration has been presented in this House for the purpose of curing supposed defects in the present law as it now exists. The objection to the law is, in my opinion, founded more on the statements made in the various reports of the Commissioner of Pensions and his persistent efforts to secure the passage of his pet scheme, the sixty-surgeons bill, than from a proper knowledge of the present law. And in my opinion, if he had made as great an effort to carry out the provisions of the present law as he has to get his pet measure through, there would not be the amount of general complaint that comes up from all over the country against the Commissioner of Pensions and a demand for his removal; and if these reports had been made purposely to prejudice the country against the soldier and the arrearage of pensions so justly his due, they could not have more effectually done so. It might well be considered whether or not the trouble about this whole question does not grow out of the manner in which the law is executed. Whether this is true or not, the impression is widely extended through the country that the fault is not in the law but in the manner of its execution.

But, sir, as there is complaint I propose to consider that question for a short time, and also whether it is just and equitable in its provisions.

During the late war there were two important factors necessary for the suppression of the rebellion, the one the volunteer soldiers, the other the capitalist. The former from purely patriotic motives left his wife and children, parents, brothers and sisters, and the comforts of home, and offered his services to the Government, and if need be his life a sacrifice upon the altar of his country, and this, too, without any demands of the soldier, and solely on such terms as might be adopted by the Government.

The Government, therefore, adopted rules and regulations upon which such volunteer service would be received. The first was that it would receive none but sound, able-bodied men, and in order that it might not be imposed upon it took the word of no volunteer, but appointed its most skillful surgeons to examine to their entire satisfaction all applicants, and received none except such as were, on such examination, found to be sound, able-bodied, and free from disease, and then from time to time determined what amount it would pay him for such service, and that, too, without consulting the soldier whether it would be satisfactory to him or not. In a word, he came to the necessities of the Government without demands.

The capitalists also came to the relief of the Government and offered it money to an amount necessary to meet its demands, provided the Government would pay them such rate per cent. interest as they demanded from time to time, which was always governed by the necessities of the Government. Thus, it will be observed, that the soldier voluntarily came to the relief of the Government to meet its wants and necessities, and trusted to its generosity, risking his life in its cause; not for the pay that the Government offered him, but from a higher and more patriotic motive, that of the preservation of the Union; in a word, he risked all in its cause; it was he that stood in the front and faced the enemy in deadly conflict; it was he that stood there a protection to all citizens of the Government in their property and the enforcement of the law.

The capitalists never offered to sacrifice their means for the suppression of the rebellion, but like sharp financiers, as they are, took advantage of the Government's necessities and drove the best bargain they could, and thus obtained Government 6 per cent. bonds at not exceeding forty to sixty cents to the dollar, the interest payable in coin; and under the contract these bonds were payable in greenbacks, the same money with which they were purchased. The capitalist was not satisfied to take the same money that he paid for the bonds, but denounced it as a dishonest dollar and demanded that the Government should pay him in coin, and succeeded in getting the contract changed making it payable in coin; still not satisfied, sought and obtained the demonetization of silver so as to make the debt payable in gold; still not satisfied, demanded the passage of the resumption act, thus making the purchasing power of the coin payment of his bond double. But this paper dollar that the bondholders denounced as a dishonest dollar was the dollar paid to the soldier for his services, and, as before stated, in such quantities as the Government saw proper to give him. Now, in view of the fact that the Government made all the terms, not only the amount it would pay the soldier, but more, that he should be a sound, able-bodied man. Sir, with these facts before us, is not the presumption clear and conclusive that the Government is estopped from setting up the plea that the soldier was not physically sound when he entered the service? And certainly no man who desires to do justice to the soldier will dare say that, when he came out of the war with the loss of limbs or suffering from wounds or any other disability incurred while in the service, he should not demand such compensation for such disability from year to year as would be equal to what he lacks from physical disability to enable him to perform the manual labors by which he gains a livelihood. This demand is but reasonable, and if granted would in no way place him on an equality in the treatment he would receive as compared with that of the capitalist who furnished the money. And, sir, when you talk of the millions you are paying the soldier, and justly paying him, remember that you have paid the bondholder billions, and will have to pay him billions more. Now, I do not complain of paying the bondholder every dollar that is justly his due, but I do claim that the Government has paid hundreds of millions to the bondholder that was no part of the original contract. Then why complain at doing an act of simple justice to the soldier, even though it costs more than you anticipated when from a sense of duty you agreed to pay him in proportion to the disability he incurred while in the service and from date of discharge or from date of disability.

This law is now denounced as a great wrong, and the soldier is insulted by the declaration of the Commissioner and his friends that from 10 to 15 per cent. of those receiving pensions have perjured themselves and perpetrated a fraud upon the Government; and an array of figures, as I believe unwarranted by the facts and startling in amount, are produced to prejudice the country against their just claims, and in my opinion to force a pet scheme through Congress—the sixty-surgeons bill. The Commissioner and his friends who are so blatant in their denunciations of the arrearage act have no word of condemnation for the greatest of all frauds ever perpetrated on the people of the United States, the acts changing the contract for the payment of the bonds in 1869, and the acts demonetizing the silver dollar, and the act known as the resumption act of 1875. All these acts were made in the interest of the bondholders and at the expense of the soldier and the people, the result of which came near bankrupting the country.

But, sir, to return; the Commissioner claims that he is powerless under the law to prevent fraud, and therefore insists on the passage of his sixty-surgeons bill, or traveling menagerie.

Sir, let us examine the facts as the law now exists and see what the powers of the Commissioner are under the present law:

SEC. 4744. The Commissioner of Pensions is authorized to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the Government, through and by virtue of the provisions of the pension law, and to aid in prosecuting any person so offending, with such additional compensation as is customary in cases of special service; any person so detailed shall have the power to administer oaths and take affidavits in the course of any such investigation.

It will be seen from the foregoing section that the Commissioner is clothed with the unlimited power of detailing clerks from his office to investigate any and all cases of suspected fraud; and judging from the startling statement that he makes of the large per cent. of fraudulent claims that he has allowed, notwithstanding this provision of law, one would be led to the conclusion that he suspected all claims as attempts to defraud the Government.

But it is said that the evidence taken in behalf of the soldiers is *ex parte*, and so it is when taken by one of the Commissioner's special agents, as any member of this House knows who has had occasion to examine cases in which the evidence has been taken by special agents. And further, it is known that until recently—that is, since the change of the law at the extra session of the present Congress—that this evidence was taken without the knowledge of the soldier, and in many cases his enemies were the witnesses against him and testified under the shield of secrecy, and numbers of cases of soldiers have been dropped from the pension-rolls without their having any knowledge of who had testified against them, or what was the nature of the charges preferred. Sir, let us examine some other sections of this law.

SEC. 4771 provides as follows: In all cases of application for the payment of pensions to invalid pensioners to the 4th day of September of an odd year, the certificate of an examining surgeon * * * of the Army or Navy, stating the continuance of the disability for which the pension was originally granted, describing it, and the degree of such disability at the time of making the certificate, shall be required to accompany the vouchers, and a duplicate thereof shall be filed in the office of the Commissioner of Pensions; and if in a case of continued disability it shall be stated at a degree below that for which the pension was originally granted, or was last paid, the pensioner shall only be paid for the quarter then due at the rate stated in the certificate. But where the pension was originally granted for a disability in consequence of the loss of a limb, or other essential portion of the body, or for other cause which cannot, either in whole or in part, be removed, or when a disability is certified, by competent examining surgeons, to the satisfaction of the Commissioner of Pensions, to have become permanent in a degree equal to the whole rate of pension, the above certificate shall not be necessary to entitle the pensioner to payment.

SEC. 4772. Nothing in the preceding section shall be construed to prevent the Commissioner of Pensions from requiring a more frequent examination, if, in his judgment, it is necessary.

This section, it will be seen, gives the Commissioner the power to make examinations more frequent or as often as he may think proper, so as to guard the public interest against fraud or improper payments of money.

SEC. 4774. The Commissioner of Pensions is authorized to organize, at his discretion, boards of examining surgeons, not to exceed three members, and each member of a board thus organized who is actually present and makes, in connection with other members or member, an ordered or periodical examination, shall be entitled to the fee of $1, on receipt of a proper certificate of such examination by the Commissioner of Pensions.

It will be seen from this section that the Commissioner of Pensions is empowered to appoint at his discretion not a board, but boards of surgeons, it being discretionary with him as to what numbers.

SEC. 4775. Examining surgeons duly appointed by the Commissioner of Pensions, and such other qualified surgeons as may be employed in the Pension Office, may be required by him from time to time, as he deems for the interest of the Government, to make special examinations of pensioners or applicants for pension, and such examinations shall have precedence over previous examinations, whether special or biennial; but when injustice is alleged to have been done by an examination so ordered, the Commissioner of Pensions may, at his discretion, select a board of three duly appointed examining surgeons, who shall meet at a place to be designated by him, and shall review such cases as may be ordered before them on appeal from any special examination, and the decision of such board shall be final on the question so submitted thereto, provided the Commissioner approve the same.

This section also authorizes the commissioners to send out examining surgeons, employed in the Pension Office, from time to time to make special examinations of pensioners or applicants for pensions, and he may in his discretion select a board to examine cases where injustice is alleged, and such examination shall be final, provided he approve the same. Here again all turns on the judgment or will of the Commissioner, without regard to how meritorious the case may be.

SEC. 4746. Every person who knowingly or willfully in any wise procures the making or presentation of any false or fraudulent affidavit concerning any claim for pension, or payment thereof, or pertaining to any other matter within the jurisdiction of the Commissioner of Pensions, or who knowingly or willfully presents or causes to be presented at any pension agency any power of attorney or other paper required as a voucher in drawing a pension, which paper bears a date subsequent to that on which it was actually signed or executed, shall be punished by a fine not exceeding $500, or by imprisonment for a term not exceeding three years, or by both.

This section provides a penalty for the violation of the pension laws, and sections 4744, 4771, 4772, 4774, 4775, and 4777 provides the means by which the Commissioner can make examination of suspected frauds or of persons who are making application for pension, and these sections leave it discretionary with him how many special agents he will send out and how often he will have examinations made by these agents and surgeons of his own appointment. And in all these cases the final disposal of each case is left discretionary with him, so that they may be made to his entire satisfaction; for it seems that the mission of the law was, if possible, to please the Commissioner, for it certainly gives him unlimited power so far as ferreting out fraud or to make special examinations as long as he may suspect fraud, or, in the language of the law, to his discretion.

SEC. 4777. The Commissioner of Pensions is empowered to appoint, at his discretion, civil surgeons to make periodical examinations of pensioners which are or may be required by law, and to examine applicants for pensions, where he deems an examination by a surgeon appointed by him necessary.

An objection is urged against the appointment of civil surgeons who will have the authority to examine his neighbors and patrons, for the reason that his interest and sympathy would both be in the interest of the soldier. Sir, if this argument would be good then the same argument would be good against a judge who may be elected to preside on the bench and try cases in which his neighbors are arraigned, and it would still have greater force against a judge who owed his position to his partisan friends, and who, from a political stand-point, would be dependent on his partisan friends for re-election, and therefore should not be allowed to try any case wherein his partisan friends are a party to a suit pending in his court.

Another objection urged is that the fee received is too small to secure an honest and faithful examination by these surgeons; that is, they will make an honest and faithful examination in accordance with the law if they are paid a large fee, and a dishonest one if the fee is small. Certainly this is not very complimentary to these examining surgeons who are appointed all over the country; and certainly when it is publicly announced by the Commissioner that wholesale frauds exist all over the country, the inference would rest very heavily on these surgeons if these charges are true that these surgeons are of necessity a party to these frauds. But certainly it will not be very complimentary to the Commissioner when the country comes to know that these surgeons are all appointed by him. And, therefore, might not the charge rest against him for a want of proper care in making these appointments.

Now, sir, let us examine this question of the great increase of applications for pensions and see if the alarm sounded by the Commissioner in his report is warranted. I, therefore, adopt the following as part of my remarks on this subject:

TABLE I.—*Number of pensions allowed and increased during the year, with their annual value, together with the yearly value of all pensions on the roll, and the amount paid for pensions during the year.*

In the—	Pensions allowed and increased during the year.						Dropped from the roll.		Reduction in rate.		Whole number of pensioners on the roll June 30, 1880.	Yearly value of pensions as shown by the roll June 30, 1880.	Total amount paid for pensions during the year ending June 30, 1880.
	Original.		Increase.		Restoration.								
	Number.	Yearly value.	Number.	Yearly value.	Number.	Yearly value.	Number.	Yearly value.	Number.	Yearly value.			
Army:													
Invalids	9,865	$696,666 18	8,917	$419,099 00	1,146	$57,265 00	2,949	$355,030 00	149	$8,065 68	133,212	$13,486,961 22	$20,524,839 46
Widows, &c	4,254	523,449 05	280	12,992 00	172	17,796 00	6,828	762,824 00	2,554	64,211 64	78,772	8,515,585 20	12,319,805 93
Navy:													
Invalids	311	27,062 20	74	4,810 00	21	1,365 00	116	11,232 00	.....	.....	2,060	247,232 18	352,101 18
Widows, &c	201	27,252 00	15	540 00	2	312 00	105	13,689 00	48	1,368 00	1,870	318,880 00	400,670 79
War of 1812:													
Survivors	284	27,264 00	.....	.....	34	3,264 00	1,801	177,896 00	.....	.....	10,138	973,248 00	790,710 39
Widows of, &c	4,630	444,480 00	.....	.....	2	192 00	1,076	103,296 00	.....	.....	24,750	2,376,000 00	2,658,058 14
Total	19,545	1,746,173 43	9,286	437,441 00	1,377	80,194 00	12,875	1,423,967 00	2,751	73,645 32	250,802	25,917,906 60	37,046,185 89

One hundred and ninety-one claims for bounty land and 29,662 claims for arrears of pensions were allowed during the year. Total amount paid during the year to new pensioners, upon first payments, is to—

Army invalids	$7,236,959 69
Army widows, &c	4,215,871 78
Navy invalids	159,159 41
Navy widows, &c	135,201 62
War of 1812, survivors	54,816 70
War of 1812, widows of, &c	666,182 10
	12,468,191 30

The above table will be found in the report of the Commissioner of Pensions, page 17. It will be observed that 9,865 invalid pensioners were placed on the pension-rolls during the year 1880, with a total cost for their arrears of $7,236,959.69, or an average to each invalid pensioner of $733.59+. There were also placed upon the pension-rolls during the said year 4,254 widows and other heirs, to whom were paid as arrears $4,215,871.78, or an average to each of $991.03+.

On page 23 of the same report the Commissioner states that there were pending June 30, 1880, 236,066 original invalid claims. Multiplying this gross number by the average in each case allowed during the year 1880, namely, $733.59, the amount would be $173,175,656.94. On the same page (23) of said report the Commissioner states that there were pending June 30, 1880, 71,631 widows' and other heirs' claims. Multiplying this gross number by the average amount allowed each of this class of claimants during the year 1880, namely, $991.03, it amounts to $70,988,469.93. Adding these two amounts together, that is the invalid claims and the widows' and other heirs', there were pending 307,697, to which would be paid the sum of $244,164,126.87, or an average of $793.52+; this supposing that every one of the 307,697 were allowed. These figures were taken from Mr. Bentley's report, and thus show conclusively that in no event would they amount to more than the sum stated.

The Commissioner admits in his letter of January 20, 1881, to Secretary Schurz, by whom it was transmitted to the Hon. H. G. DAVIS, chairman of the Committee on Appropriations, that there should be deducted 30 per cent. on account of claims which will not be allowed. A more proper reduction would be to reduce at once this total of 307,697 by eliminating one-third, or 102,565+, as cases already rejected or abandoned and improperly in the files of "pending cases," he having consolidated the rejected files with the pending files, and reporting to Congress only two classes of claims, "admitted" and "pending;" and under the head of "pending" including all claims which have been rejected or abandoned during the whole period since the commencement of the war of 1861-'65. Mr. Bentley himself, in his report of 1878, admits eighty thousand of these as "rejected," "settled," "disposed of." They were once borne separately as "rejected," and are now falsely entered as "pending" or "live" cases.

A further additional reduction of 20 per cent. should be made from the 205,132 remaining cases, which will for various reasons be rejected in the future or abandoned, making 143,591 to be deducted from 307,697, leaving only 164,106 to be added to the rolls. Multiplying this 164,106 by the average above indicated, $793.52+, it would require but $130,221,393.12 as the total amount required to pay the arrears to all claimants who will be entitled to future benefits under the arrears law.

These figures are based upon the presumption that the pensions hereafter granted would be made at as high a grade as were those allowed during the year 1880.

The Commissioner of Pensions states in his testimony before the Select Committee of the House of Representatives, on page 11: "These and other like influences conspired to keep those having slight wounds and light diseases, and were in comfortable circumstances, from filing claims for pension. Some of them, too, did not think it worth while, feeling that a pension of two or four dollars a month would not amount to anything," &c. This fact, stated by the Commissioner, together with the additional fact that thousands of claims filed under the arrears law were from widows who remarried within one, two or three years, or soon after the death of the soldier; thus they would be entitled to but one, two, or three hundred dollars. The average to each would therefore be less than the average to each pensioner during the year 1880, during which period it was $793.52+.

Six hundred dollars is a liberal average for arrears to those who are to be hereafter added; that is, to the 164,106; but at this rate the total arrears would amount to but $98,463,600; but if the great number of 200,000 should be added to the roll, at this average it would amount to but $120,000,000, instead of $510,000,000, or thereabouts, as reported by the Commissioner of Pensions.

It has been reported by the Commissioner of Pensions and others that the yearly value of the roll would amount for many years to $50,000,000, or thereabouts. This is exceedingly erroneous. It will be found by referring to this same table that there were dropped from the rolls during the year 1880, 12,875 pensioners, with the yearly value of their pensions amounting to $1,423,967; that there were 2,751 pensioners reduced in rate to the amount of $73,645.32 per annum, making a total reduction in the yearly value of $1,497,612.32. It will also be found, by this same table, that there were 19,545 added to the roll during the year 1880, at a yearly value of $1,746,173.43; that there were 9,286 pensioners increased in rating to the yearly amount of $437,441, and that there were restored to the rolls 1,377 pensioners at a total cost of $80,194, making the total additional cost of the pension-roll, by the addition thereto of 19,545 pensioners, increasing the rates of 9,286, and restoring to the rolls 1,377—$2,263,808.43. Deducting from this additional cost the reduction before referred to, the yearly additional cost of the entire roll, notwithstanding that there have been 19,545 added thereto, is but $766,196.11, or an average additional cost of only $39.20+.

This table, therefore, demonstrates that after deducting the losses, it costs but $39.20+ of annual payments on the average to place a pensioner upon the roll. Applying this average to the probable additions to the pension-rolls, namely, 164,106, it will cost annually but $6,432,955.20; add to this the present yearly value of pensions as appears from this table, to wit, $25,917,906.60, it makes a total of $32,350,861.80. If the rolls be increased by the addition of a total number of 200,000, it would cost but $7,840,000 in addition to the present yearly value, making for the total 200,000 so added a gross yearly value of only $33,757,906.60, the highest amount that the yearly value of the pension-roll can ever reach under existing law, instead of $50,000,000, or thereabouts, reported by the Commissioner of Pensions.

It will be observed that in these figures no reduction has been made in the yearly value of the addition on account of the claims being from soldiers slightly wounded or diseased. The additions to the pension-roll will not average more than grade of one-half total—$4 per month or $48 per year. During the last year original invalids received on an average $70.62+.

The fact that those to be added to the rolls are for "slight wounds and light diseases," as appears from the testimony of Commissioner Bentley, (page 11, select committee House of Representatives,) will make the average rates lower than heretofore and prevent the yearly value of the pension-roll ever exceeding $32,500,000.

Number of pensions allowed and increased during the year, and number restored and dropped: original, 19,545; increase, 9,286; restored, 1,377; dropped from roll, 12,875; total, 43,083. It will be seen from the above table that the total number of original claims allowed during the past year are 19,545 and the force of clerks and employés are about five hundred. That would be a fraction over thirty-nine to each employé for the year, or three and one-third cases per month. But this may be claimed to be unfair, as it would not represent all the work of the office for that period; there we will give credit for all the items in the above table, and we find the following result: total number of original, increase, restored, died, dropped, 43,083. This number would be a fraction over eighty-six per each employé per year, or a fraction over eight and a half per month. But I am informed that during the month preceding the October election in Indiana last fall there were 4,000 cases of original pensions allowed in that State and in the State of New York. Will the Commissioner explain how this happened? Did he have these cases properly considered, or did he by extraordinary efforts and hard work manage to get this amount of labor performed at this particular time and at the particular places referred to, or was this large excess over the monthly average taken into the account by the Commissioner and charged up to the account of fraudulent claims allowed by him? And we would inquire if the whole force of his office was put to work solely in these two States, or was the work in the same proportion performed in the other States; and if so, how does it happen that the year's work makes 19,545 original claims allowed?

Court of Pensions.

SPEECH OF HON. WILLIAM R. MYERS,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1881,

On the bill (H. R. No. 5394) to organize a court of pensions.

Mr. MYERS said:

Mr. SPEAKER: I am aware that it is late in the session for one to attempt to speak on any question, however important it may be, at any length. Yet I feel constrained to trespass somewhat on the good nature of the House for the reason that since the 12th of January, 1880, I have had the honor of serving on the select committee created by a resolution of this House for the purpose of examining and inquiring into the method and manner of the payment of pensions, arrears of pensions, bounty, and back pay, and to ascertain whether any irregularities exist in the payment of the same, and to investigate any subject of complaint that might be lodged against the existing management of the Pension Office.

In the discharge of the duty thus imposed upon me I have given much time, labor, and attention to the subject-matter indicated. Many witnesses have been examined, (all of whom, without a single exception, are republicans in politics,) both on the general conduct of the business of the Pension Office and in the details of the prosecution of claims.

The Commissioner of Pensions and his heads of divisions have appeared before the committee, and a number of gentlemen largely engaged in the prosecution of pension claims have been heard. The main questions before the committee were to ascertain the existing state of affairs in the Pension Office, and next, to consider what, if any, were necessary for the improvement of the conditions so found.

From the entire evidence before us I am clearly of the opinion that the administration of the Pension Office more than any other depends upon the personality of its chief; that it may be vigorous and active or weak and inefficient, according to the color and character of mind of the Commissioner; that it is more free from rigid law, more open to individual judgment, more liable to change with the changing mood of its head. The discretion vested in the Commissioner under existing laws is practically unbounded. The definitions and limitations prescribed by law are few, and scarcely trench in the least degree upon his freedom of decision and of action. The powers vested in him to execute his high functions are very large, and his means of enforcing such demands as he thinks proper to make are most thorough and effectual.

From these conceded facts of wide discretion and of abundant power to perform his duties there arises a special and very serious responsibility, that the duties with which he is charged shall be well performed, and it is natural and proper that he be held to unusual liability to censure if the great purposes of his office are not well carried out. Congress has always been very liberal to this bureau in granting promptly whatever seemed to be necessary for satisfactory results. It is an undisputed fact, conceded by all, that the administration of the office has not been satisfactory. The files of the Pensions Committees of both Houses are full of hundreds of cases rejected in the Pension Office and allowed on appeal to Congress. That these rejections have been made on insufficient grounds is shown by many reports in each House criticising and condemning the judgments and the course of reasoning adhered to in the Pension Office. That there has been great and unwarrantable delay in the settlement of just cases and the allowance of pensions is voiced from every part of the country, is proven by clear testimony before us, and has been repeatedly stated by the Commissioner himself in official reports. On two separate occasions he has practically admitted these facts,

and in words which have too much significance not to be frequently repeated.

I herewith reproduce from Commissioner Bentley's letter to Hon. A. V. Rice, chairman of the Committee on Invalid Pensions, dated January, 1878:

> The duties pertaining to the settlement of pension claims partake largely of a judicial nature. The officer who is charged with the duty of admitting or rejecting the claims must be convinced by the proof adduced either that the claim is just or that it is without merit, and the difficulty which is now experienced by the persons charged with the settlement of the claims which have accumulated and those which are now being filed is that they cannot bring themselves to believe the testimony which is offered.

In an address before the Grand Army of the Republic, at Philadelphia, Mr. Bentley says:

> And when it is remembered that the current receipt of new claims is not less than four hundred per day, a number much greater than the office is able to settle from day to day, the condition of the business of settling the pensions can only be described as wholly bad.

Thus, by all classes of testimony and by the official reports of the Commissioner himself, it must be taken as a conceded fact that very great and very vexatious delay has occurred under his administration.

Inasmuch as these delays act to the great prejudice of a class of persons deserving of the highest sympathy, and very frequently in the most extreme need of the relief sought, they are more pernicious and more to be regretted than if their burdens were cast upon a different class of people; and therefore there is a special demand upon the officers charged with these duties for great diligence, entire impartiality, and a just discrimination. The evidence adduced confirms me in the opinion that the administration of the Pension Office under Commissioner Bentley has not shown such diligence, impartiality, and just discrimination, and that the interests of those claiming pensions have been seriously injured by unreasonable delays in adjudication of cases by his reluctance to credit testimony filed by the applicant. Nor is this to be wondered at when it is considered that the Commissioner has apparently surrendered himself to the conviction that there exists a conspiracy of wonderful magnitude, embracing claimants, witnesses, examining surgeons, and all other persons interested in the procuring of pensions, to defraud the United States and to obtain money by fraud, falsehood, and perjury. I am bound to presume that this conviction is honest on his part, but it none the less unfits him for fair judicial determination of cases submitted to him.

It is evidently useless to furnish testimony to a judge who declares in advance that he cannot bring himself to believe the testimony offered; yet this is precisely the position which the Commissioner has deliberately assumed; this is the broad censure which he has cast upon the whole mass of claims pending and hereafter to be filed. He affects to believe that there does exist under present laws any meaning to distinguish truth from falsehood, and therefore confesses his own incapacity to perform his duties. He has for years sought to make Congress and the country believe that fraud in obtaining pensions was easy to commit, difficult to detect, and safe in results. He has repeatedly charged upon a large and most deserving class of citizens readiness to conspire for criminal purposes, swiftness to bear false witness, and a disposition to rob the public Treasury for private advantage.

That these charges are general and indiscriminate only makes the wrong more bitter and more difficult to right, and the cruelty of the charge is enhanced by the remembrance of the services and sufferings of those upon whom it is so recklessly made. There is no class of our people of whom such a charge is true; least of all is it true of soldiers of the Republic, their widows, and dependents.

When, therefore, Mr. Bentley asserts that 10 per cent. of the money paid out in pensions is paid upon false and fraudulent claims, he asserts what no cool, dispassionate man believes, and the fact that he makes the assertion is only evidence of his utter partiality and prejudice. His assertion, then, should have no weight as evidence on ground of legislation unless he proceeds to substantiate it by giving the data, the facts on which he rests so gross a charge. He has been repeatedly called upon for the elements of his calculations, and has not yet in any instance furnished to Congress or the public anything but his own simple and audacious guess-work, unsupported by anything which approaches to the dignity of evidence. On account, therefore, of the confessed prejudice so clearly exhibited, I do not consider that Mr. Bentley occupies the position of a fair and trustworthy witness, and I am not inclined to follow him any further than he shows reasonable grounds for me to follow. For some reason or other it appears that Mr. Bentley, because dissatisfied with the law which Congress gave him to administer, and instead of applying his energies and those of his subordinates to bring the best possible results out of the existing system, which has existed from the foundation of the Government, he seems to have devoted most of his time and energy to constructing other and wholly different systems of law and procedure in pension cases. This system has been pressed upon both Houses in some form or other since 1876.

One of the means to bring about the desired change evidently was to make the old system appear as bad as possible, and as the value of the system would very much depend upon the results produced in its administration, and as the administration of the Pension Office is almost at the uncontrolled discretion of the Commissioner, it was a very easy thing for him so to conduct his office that there should be just and universal complaint of the condition of affairs. Such unquestionably was the result. Whether it was intended or not, the fact remains indisputable. To all the just complaints made his answer was that "it was a vice inherent in the system of procedure." When pressed to know wherein the system was defective his reply was and is "that the evidence taken was secret and *ex parte;* that it admitted of, encouraged, and became the necessary parent of perjury and conspiracy; that the Pension Office had no means of cross-examination and detection, and thus was wholly at the mercy of the manufacturer of false testimony; and by the assumption of these things as facts he has vindicated his inability to bring himself to believe evidence, and his consequent unwillingness to allow claims upon evidence so tainted.

I cannot allow these statements and others of a like character made by Mr. Bentley to pass unanswered. In the first place, there is no office in the Government, in my opinion, so wholly untrammeled by legislation as the Pension Office. There is none which has now such unlimited discretion in the making and enforcing of rules and regulations in regard to the mode, character, and amount of testimony which may be required to prove a case. It is competent for the Commissioner to send as many times as he pleases for testimony. He is in no way bound to take the first, the second, or the third affidavit as final proof. He may require answers to any number of questions, repeated any number of times. He may sift, examine, and re-examine until he is satisfied. The original affidavits of the claimant and the affidavits of his witnesses are submitted to the severest and most crucial criticisms. They are compared with the existing records of muster-rolls, hospital records, and other entries made contemporaneous with the alleged muster in with the wound or disability and the contemporaneous treatment. The signature of claimant, if a soldier, and of his witnesses, officers or comrades, or regimental or other surgeons are compared as to genuineness with those on the record in the War Department, and they must fit exactly and precisely. To these records neither the claimant nor his attorneys have access, and the fraudulent claims which fit in all these requirements must be miraculous, unless, as in most instances that have occurred, it has been perpetrated by some clerk in the Pension Office having access to the records. In all these respects, then, the office has the advantages of cross-examination to a far greater extent than the mere answering of oral interrogatories. It is difficult to see how, with unintelligent officers to administer the law and with so many checks, unknown to the claimant, it can be possible to carry through a false and fraudulent case upon the original claim.

But it is said the evidence is "secret." In what sense the Commissioner means this to be understood I have no means of knowing. The application must be made before a known public officer, selected by the people themselves to fulfill an important public duty. It must be certified by him as all other public acts are certified; and, as a fact of general experience in the country at large, the entire neighborhood knows of every pension application which is made; it is a matter of notoriety and of talk among neighbors.

There is nothing in the present laws to forbid the Commissioner from designating any officer who can lawfully administer an oath, in any town or neighborhood, as the person before whom subsequent evidence shall be taken; there is nothing to prevent him from framing and requiring answers to ingenious questions, to be answered before such officer by any and every witness called and sworn in support of a claim. He has the power now, under sections 184, 185, and 186 of the Revised Statutes, to invoke the powers of the courts of the United States, when he thinks his case will warrant it. In short, there is scarcely any conceivable limit to his capacity to designate officers, to file cross-interrogatories, to require full, fair, complete, and exhaustive answers, and to enforce compliance with his orders.

When, in addition to all this, a sum of $40,000 annually is voted him for the purpose of employing and paying a detective force, when he is armed with all the powers of the courts of the United States, the one to detect and the other to punish frauds, it would seem that Congress had fully equipped him with all the necessary implements to ascertain the truth and punish falsehood. If he has not used these implements, if it be indeed true that he allows vast sums of money to be annually abstracted by fraud in support of which not one word of testimony has been elicited by the committee, then this officer is unworthy of his office, and on the ground of incapacity should, for the good of the country, be retired from his position. If, on the other hand, this fearful charge of wholesale and successful rascality is not sustained by fact, what condemnation can be too severe for so malign a slanderer upon a defenseless multitude of deserving and suffering people. Yet the records of his office show no convictions, or even prosecutions, at all proportionate, none that even suggest the possibility of so vast a wrong.

The real state of feeling in the Pension Office is most admirably stated by Senator BLAIR, who says: "The Pension Office is an organized suspicion." I am therefore forced to the conclusion that the acknowledged defects in the Pension Office are due to the administration of the office, and not inherent in the system itself. I believe from my examination that it is perfectly in the compass of an enlightened and impartial administrator of existing law to pass intelligently and fairly upon claims filed, to detect incongruities, to draw out the truth by examination, to sift the genuine from the false, to complete and allow in a reasonable time the honest cases and punish the dishonest ones; and all this without any serious changes in mode

of testimony now familiar and well known. Such intelligent and impartial administration I think is due to the pensioner and the claimant; but it is in nowise to be expected from the present Commissioner, whose manifest bias and prejudice appears by his own statements and acts. Having given some prominence to Mr. Bentley's views as to the alleged defects in the present system, it will only be just to him to consider briefly his remedy.

This remedy as now urged by Mr. Bentley consists in the creation of a large number of new officers, two in each congressional district, one of whom shall be a briefless disciple of Blackstone, and the other a patientless follower of Esculapius—if we may gauge them by the *personnel* of the Pension Office as now constituted—who will have no more or greater power than can now be exercised under the direction of the Pension Office by any officer authorized to take evidence. They are to be surgeons and lawyers of alleged standing, and are to be paid by fees. Yet they will have no power to subpœna witnesses or to enforce. They have no judicial functions to perform; they are vested with no judicial authority. They are to listen to anybody who chooses to come and be sworn, and may ask questions in explanation of the statement made, but they cannot call other witnesses to contradict or impeach. They are simply commissioners to take testimony to be reported back to Washington to be examined and passed upon by the chiefs of division and their subordinates, all of whom are under the surveillance of the Commissioner of Pensions, and none of whom, according to the testimony adduced before the committee, ever read a book on the law of evidence or on any other branch of the law. These proposed officers will give no judgment; they will render no opinion.

No provision is made in the bill referred to for either claimants or witnesses who reside outside of the States or Territories where there are no congressional districts. No provision is made for cases of constant occurrence where the witnesses are scattered in different States; and if provision should be made, the delays and difficulties of transfer of papers would be endless.

The whole scheme is impracticable and absurd, and can produce but one result, the multiplication of unnecessary offices and the filing of large bills for traveling expenses and fees to be paid by the Government; the unnecessary increase of patronage without any diminution, but rather an increase, in the force of clerks in the Pension Office at Washington. Yet to sustain this wild scheme the Commissioner of Pensions has devoted his whole efforts and all the weight of his office. To sustain this he has entered into elaborate calculations based upon false foundations intended to influence Congress. He has overstated the amount and number of claims alive and pending by adding to them many thousands which he had previously in his official reports classed as "settled" and "disposed of." He has given widely varying and widely extravagant estimates of the sums due and to become due from the arrears-of-pensions act, all along from $25,000,000 to $710,000,000. He has given an official estimate of the life of a pensioner at twenty-two years, putting the wounded or invalid soldier at the rate of expectancy of life proper to men of ordinary sound health, and thus contradicting his own careful and reasonable estimate made in 1876, in which he placed the probable average duration of a pensioner's life at its true value of eight years. He has stated the average of arrears at about eleven hundred dollars, when his own carefully prepared tables show the average to be $800.

I cannot resist the conclusion that these strange statements, so visionary in amounts, so contradictory to his own records, must have been made with a purpose, and I cannot discover any other purpose than to create a belief in a state of things so fearful in magnitude, so enormous in peril, that Congress would blindly seize any scheme offered that would indicate relief. But inasmuch as it is certain that no such state of facts exists as is charged by Mr. Bentley; as it appears that with the present machinery, fairly and honestly used, with the dead matter eliminated out of the files, it is possible for an honest and intelligent Commissioner to clear up and settle within five years all the cases that ever ought to be allowed and to reject all that ought not to be allowed, I am clearly of the opinion that it is not wise to change the existing system, and that relief can best be had by the change of the Commissioner, whose course, in my judgment, has not been to the credit of the Government, to his own honor, or to the advantage of the honest beneficiaries of the pension laws.

As an illustration of the manner in which the question of frauds is treated by the Commissioner, I refer to the only definite or specific statement of facts called to the attention of the committee appointed by authority of the House of Representatives of the present Congress to inquire into the condition of his office during the repeated opportunities afforded him for that purpose.

In making his statements (see page 57 of printed testimony, and appendix thereto, page 40, March 3, 1880) he produced a table said to contain the history of five hundred cases, of which he said "the names of these fraudulent pensioners have been dropped from the roll since July 1, 1876, because they had been fraudulently placed there, the parties having no title whatever to a pension."

Again, referring to this same list of five hundred alleged fraudulent cases, on page 552, under date of February 17, 1881, he says "these were cases that were originally frauds, where the pensioners never had a right to have a pension." In view of these statements, charging in such unqualified terms that not one of these pensioners ever had a right to a pension, it becomes a matter of surprise to find upon an examination of the table presented that already two of these alleged fraudulent pensioners had been restored to the rolls, to wit: D. B. Rayner, certificate No. 114651, and Henry Wadsworth, certificate No. 132534, and that he now has under advisement one hundred and eighty applications for restoration from persons found on this list.

A further scrutiny of this table fails to show with any reasonable degree of probability that more than thirty-six of the whole number were fraudulent in their inception. A table of these cases is herewith submitted, showing the classes to which they belonged, the particular grounds alleged as the reason of their being dropped from the rolls, with the number under each head, and their condition when the table was made up:

Table of pensioners dropped from the rolls between July 1, 1876, *and March* 3, 1880, *because, as alleged by the Commissioner of Pensions, "they have been fraudulently placed there, the parties having no title whatever to any pension."*

Total number dropped	501
CLASSES OF PENSIONERS.	
Late war:	
Invalids	229
Widows, &c	266
War 1812:	
Survivors	3
Widows	3
COLORED PENSIONERS.	
Invalids	3
Widows, &c	18
CAUSES FOR WHICH PENSIONERS WERE DROPPED.	
Disability existed prior to enlistment	186
Disability originated since service	45
Disability not incurred in line of duty or not due to the service	75
Non-dependence	149
Not related to soldier as claimed	25
Frauds, false personations, &c	11
Nearer relative than pensioner living	2
No disability	3
1812.—Not in the service	3
1812.—Married subsequent to February 17, 1815	2
PRESENT CONDITION OF CASES.	
Still under consideration	180
Pensioners restored	2
Calls made and information furnished	120
No action had; since dropped	199

From an examination of this table it will be seen that twenty-five were dropped because not related to the soldier as claimed, and eleven by "reason of false personation of either the soldier himself or of surviving relatives." These two classes, numbering thirty-six all told, were probably fraudulent in their inception, and of them it may be no stretch of allegation to say that they "never had a right to have a pension."

But what shall be said of the one hundred and eighty-six of whom it is alleged that the disability existed prior to enlistment, and of the one hundred and forty-nine fathers and mothers of whom it is said they were not dependent upon the soldier, and of the forty-five in which it is said the disability originated after the soldier left the service, and of the seventy-five of whom it is said the disability was not incurred in line of duty? Are all these necessarily and of a certainty frauds? If so, why are one hundred and eighty applications from these various classes for restoration still held under advisement, and why is it that two similar applicants have already been successful? And the Commissioner himself says, speaking on the 17th of February, 1881, nearly one year after the table in question was prepared:

> There may be five or ten in the list that have been restored. (See page 552 of testimony.)

Why is the sweeping charge of fraud made against every one of these five hundred comparatively helpless people when the records of his office show that from two to ten of the number have been restored, and the claims of one hundred and eighty to restoration are now being considered, and in one hundred and twenty other cases calls for further evidence have been made, and others still continued to give them an opportunity of being restored? Either gross injustice and an irreparable wrong has been done to more than three hundred of these pensioners in proclaiming repeatedly to the world that they are fraudulent and that they had been fraudulently placed upon the rolls, because "having no title whatever to a pension," or the office is singularly disposed to waste its time in considering the question of their restoration. If all were known to be fraudulent when dropped from the rolls, why waste time and money in considering the propriety of restoring more than three hundred of them?

It seems that it would be difficult to make a more humiliating confession of imbecility or of recklessness than is exhibited in immediate connection with the official action had in dealing with these five hundred so-called frauds.

Included in this list of five hundred are three survivors of the war of 1812, who, it seems, are unable to prove their military service, and two widows of the war of 1812, unable to prove marriage to the soldier before February 17, 1815. What grounds do the cases of those aged people furnish for the publication of so grave a charge as that of fraud, either actual or implied? Who but a reckless official, lacking either in judgment or principle, or perhaps both, would think of hold-

ing up to the scorn of the world five aged and perhaps infirm old people as frauds, because one class has probably forgotten the organization in which they served their country sixty years before, and the other had outlived all the witnesses to their marriage? Such recklessness in private life is inexcusable, and in a public officer unpardonable. It is apparent that the object in magnifying the comparatively few frauds now existing among our pensioners and the applicants therefor is to create an impression in the public mind that an imperative necessity exists for a change in the method and machinery for examining and adjudicating claims for pension.

But a very little scrutiny into the detail of this table of five hundred so-called frauds demonstrates that if such a necessity ever did exist it has long since passed away, and that admitting every case contained in the table in question to be fraudulent, the legitimate and only conclusion to be drawn from it is that fewer frauds exist now than ever during the last twenty years, and that the number is diminishing rapidly every year.

To illustrate this a table is hereto annexed, showing in what year each of these alleged fradulent claims were filed, by which it will be seen that of the 500, or rather 501, as an actual count shows the latter to be the correct number, 393 were filed prior to the close of the year 1870, and that only 108 of the number were filed between 1871 and 1878, inclusive, and only 2 were filed in the year 1878, and not one of them in 1879 or later.

Table of pensioners dropped from the rolls between July 1, 1876, *and March* 3, 1880, *and the number of such claims filed each year.*

Year.	Number filed.	
1862	5	
1863	44	
1864	20	
1865	54	
1866	65	
1867	34	
1868	41	
1869	74	
1870	52	
Date of filing not stated, but from the number of the certificate must have been some time prior to 1870	4	
		393
1871	27	
1872	17	
1873	19	
1874	16	
1875	13	
1876	8	
1877	6	
1878	2	
		108
Total		501

If, then, it appears that of the number found in this table 41, 74, and 52 were filed respectively in the years 1868, 1869, and 1870, and only 8, 6, and 2 in the years 1876, 1877, and 1878, what other conclusion can any reasonable mind arrive at than that the present period is as free from frauds among this most worthy and deserving class of our people as can be expected under any system that the present Commissioner of Pensions is likely to suggest or that the sagacity of Congress will enable it to adopt. No system will ever eradicate any existing fraud, nor prove a perfect preventive of all future wrong; but one that develops results as favorable as is exhibited by this alleged table of frauds, presented as an argument for changing the present methods, cannot wisely be thrown aside to make room for an experiment originating in the brain of an official before he had acquired six months' experience in administering the affairs of this most important and delicate branch of our Government.

Why change a system under the administration of which frauds have become merely nominal to experiment with a new one, the results of which can only be ascertained after years of trial, and at best promises no better results in the prevention of frauds and in other respects is open to fatal objections?

For some years past a practice has prevailed in the Pension Office of detailing employés of that office to investigate suspected attempts at fraud upon the Government in pension claims. The authority for this practice is derived from section 4744 of the Revised Statutes, which reads as follows:

> The Commissioner of Pensions is authorized to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the Government through and by virtue of the provisions of the pension laws, and to aid in prosecuting any person so offending, with such additional compensation as is customary in cases of special service; and any person so detailed shall have the power to administer oaths and take affidavits in the course of any such investigation.

To enable the Commissioner of Pensions to exercise the authority thus conferred, it has been the custom of Congress of late years to make an annual appropriation of $40,000 for this specific object. The money thus appropriated for the use of the special-service branch of the Pension Office has for some time past been reduced to a perfect "slush" fund. In its expenditure the grossest and most flagrant abuses prevail. Clerks are sent to their homes during campaign seasons for the purpose of voting and rendering other political and party service. Pleasure tours during the summer months to fashionable places of resort are of frequent occurrence, on which occasions the wives of the detailed clerks accompany them. Personal profit and private business trips are frequently indulged in, and in every conceivable manner and under every imaginary pretext this fund, created by Congress for the detection of fraudulent pension claims, is used and perverted from its proper channel and made to serve the personal ends of those in authority in the Pension Bureau, until the fact has become notorious that more fraud is perpetrated upon the Government in the expenditure of this money than is detected or prevented by the whole force of special agents combined. Notoriously is this the fact in the case of the present chief of special agents, Tolbert Lanston, who for years past has fattened upon the spoils of his office and filched this fund under every guise of law for his own personal gain and profit, and has permitted his co-workers and pet favorites to do likewise.

To illustrate the wholesale and systematic manner in which the public Treasury is plundered by the men appointed to ferret out and punish fraud, I would invite attention to page 374 of the testimony taken by the Select Committee on the Payment of Pensions, Bounty, and Back Pay, which has particular reference to Tolbert Lanston, Commissioner Bentley's present chief of special agents:

> 3. During the same year, [1873,] while still chief of the special service division, he made a trip, upon which his wife accompanied him, to Watkins Glen; thence to Niagara Falls; thence to Lake Ontario, down the lake to the river Saint Lawrence; thence to Lake Champlain, down Lake Champlain to the Hudson River, returning to Washington by way of New York City, having stopped at Saratoga, for which trips he charged the special-service fund ten cents for each and every mile traveled, and $4 per day, and in addition thereto received a salary of $150 per month, and rendered no adequate service therefor.
>
> Copy of voucher covering the trip:
>
> JULY 28, 1873—AUGUST 15, 1873.

	Miles.
Washington to Buffalo	446
Buffalo to Ogdensburgh	314
Ogdensburgh to Saint Albans	118
Saint Albans to Enosburgh Falls	19
Enosburgh Falls to Berkshire	13
Enosburgh Falls to Saint Albans	19
Saint Albans to Washington, District of Columbia	598
White Hall, New York, to Rutland, Vermont	25
Rutland to Mendon	16
Mendon to Rutland	16
Rutland to country	9
Rutland to Sargentsville	18
Rutland to White Hall	25
Port Henry to Crown Point Centre	20
Port Henry to Crown Point Top	22
Total	1,680
At ten cents per mile	$168
Per diem, eighteen days, at $4 per day	72
Total	240

> In connection with this voucher attention is invited to the Evening Star of September 2 and 3, 1873, in which appears a letter written by Mr. Lanston, signed "Husband and wife," of which the following is an extract:
>
> NIAGARA, *August* 2, 1873.
>
> "All aboard, Baltimore to New York, (form 44,) via Ralston, Minnequa Springs, Watkins Glen, Seneca Lake, Clifton Springs, Niagara Falls, Lake Ontario to Ogdensburg; rail to Saint Albans and Burlington, Lake Champlain; steamer to Whitehall; rail to Saratoga, and day-line of steamers down the Hudson to New York City. Cost of trip $30.15. * * * With the exception of four hours' delay caused by rain on the 13th and 14th, reached home safely on the evening of the last named day, consuming eighteen days in the trip—replete with pleasure."
>
> It will be observed in the voucher covering this trip that no mention is made of Watkins Glen, Seneca Lake, Niagara Falls, and Saratoga, but in the letter published by Mr. Lanston, after his return, he clearly shows how he disposed of his time along the route, for which the service was made to pay ten cents per mile and $4 per day.
>
> Before starting out on this trip he procured one of Cook's Summer Excursion Books, and selected therefrom excursion route No. 44.
>
> He then went to the files of the office and drew therefrom cases to conform to the route. He paid, as he admits, $30.15 for his excursion ticket and charged the special service fund $240; in addition to which he received his salary of $150 per month.

This man Lanston was accused of using the funds of the special service for pleasure, private business, and personal profit, and in obedience to a subpœna appeared before the select committee, with a carefully prepared and elaborate defense of his official actions, but upon being closely questioned was forced to admit that there was profit in every one of his trips at the expense of the special-service fund; that he used this fund to defray his private traveling expenses to his home at Dayton, Ohio, when he went there to vote, and was in the habit of making annual summer excursion tours over fashionable routes of travel in company with his wife.

This same man further admitted to the committee that from January 1, 1873, to January 1, 1881, he investigated one hundred and twenty-six pension claims, in which he recovered $4,023.88; that he drew as per diem and mileage $3,336.28 from the special-service fund, and that it cost the Government the latter amount, less his salary of $1,800 per annum, to recover the former amount.

It will very readily be seen from this statement that the profit in such a transaction was on the side of the chief special agent and not on the part of the United States.

Summer evening carriage-drives, in company with his wife, around the suburbs of the national capital, at the expense of the special-service fund, is another source of amusement of this chief detecter of pension frauds.

Thousands of dollars of the public money are annually squandered by Pension Office officials in their onslaughts upon this fund in the manner indicated.

To further illustrate the abuses to which it is subjected and the

personal ends to which it is used, I invite attention to page 465 of the testimony taken by the select committee, on which appears the following:

A short time since Mr. Christian Exel, a clerk in the Pension Bureau at Washington, went to Minnesota to investigate some ingenious frauds upon the Government. Now let us turn to the Saint Paul Pioneer-Press and see what progress Mr. Exel has made in his investigations. As his traveling expenses are all paid by the Government, it is interesting to study his progress in the grand work of bringing dishonesty to justice. Says the Pioneer-Press in an innocent local item: "Mr. Christian Exel, who formerly edited the Staats Zeitung, in Saint Paul, and who has been living in Washington for some years, has recently returned to Saint Paul for the purpose of looking over the ground to see if the proposed consolidation of the Staats Zeitung and the Volks Blatt, to be issued daily, will pay, with a view to taking stock in the concern." Not one solitary fraud is here mentioned except Mr. Exel himself; and unless he is greatly misrepresented, he is not only a fraud, but an outrageous fraud, and is himself the most proper subject for investigation in Minnesota. The worst of it is, Mr. Exel is far from being the only person in the employ of the Government who carries on his own business at the expense of poor, old, plundered Uncle Sam.

The Commissioner of Pensions, Mr. Bentley, the man who has admitted that he cannot bring himself to believe the unsupported statement of a soldier under oath; the man who sees fraud in every honest pension claim and a perjurer in every disinterested witness; who has impregnated the very atmosphere of the Pension Office with his cry of fraud! fraud! also unites with his subordinates in the prostitution of this special fund by defraying his private traveling expenses out of it while junketing around the country during the summer months, under the pretext of inspecting pension agencies.

Whenever this scrupulously honest (?) official indulges in a summer excursion he incidentally drops in on the United States pension agent, located in the particular section of the country which he visits, or through which he passes, engages him in conversation for a brief period, and upon his return to Washington renders an account covering the trip for expenses incurred while "*inspecting pension agencies*," when it is an undisputed fact, well known to every person familiar with pension matters, that every particle of information contained in the office of a pension agency can be had from the duplicate records and vouchers on file in the Treasury Department at Washington.

But, Mr. Speaker, time will not permit me to dwell longer, though a tithe of the facts elicited before the committee have not been examined or alluded to.

In behalf of the scarred and veteran soldiers of the Republic, who abandoned the luxuries of home and stood in front of the enemies of the old flag until the last foe had surrendered, I ask that they may have common justice.

The pension laws as they now are have stood with but little modification since the foundation of the Government, and if administered by officers whose actions are actuated by the promptings of common justice, are the most liberal of any government on earth.

Pensions.

SPEECH OF HON. A. E. STEVENSON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 3, 1881,

On the bill (H. R. No. 3283) granting pensions to certain soldiers and sailors of the Mexican war.

Mr. STEVENSON said:

Mr. SPEAKER: The bill under consideration proposes to place on the pension-roll the names of the survivors of the Mexican war. It can be regarded only in the light of an act of tardy justice by a grateful nation to the men whose bravery gave us both victory and empire. Before any gentleman upon this floor shall cast his vote against this bill, it will be well for him to remember the services rendered by the men who ask this small pittance at our hands. It will be well for him to remember the extent and value of that grand domain which their valor achieved.

At the close of the war with Mexico, in 1848, there were but twenty-nine States in our Federal Union. By the treaty of peace with that republic we acquired a domain larger than our entire territorial area half a century ago. California, Nevada, Utah, Colorado, Wyoming, Arizona, and New Mexico, with their untold wealth, became a part of our national domain by the bravery of our volunteer soldiery.

It is even yet, Mr. Speaker, impossible fully to realize the value of our acquisition from Mexico. By it more than nine hundred thousand square miles were added to our territorial area. Out of that vast domain already have sprung California, Nevada, and Colorado, whose golden stars have been added to our constellation of States. How many others may be carved from the Territories of Wyoming, Utah, Arizona, and New Mexico before another decade shall have passed? As one of the results of our war with Mexico our domain was extended from the valley of the Mississippi to the Pacific. In the rich mining regions, among the mountain forests and along the fertile valley of the States and Territories I have mentioned, how many thousands of our people have found homes and fortunes?

For near a third of a century a constant stream of population from the older States and from Europe has poured into this vast western domain, until what was then a wilderness has become the abode of civilized man. It is no mere figure of speech to say that "the desert has been made to blossom as the rose." But sir, in the future, how many millions of our race will find habitations in that vast area embraced in our Mexican acquisition? It has been estimated that more than eighteen hundred millions of the precious metals have been taken from the mines of the territory acquired by our Government from Mexico. Not only has this sum been added to our material wealth, but this industry is but yet in its infancy. With new discoveries of treasure yet to be made, with resources yet to be developed, who can estimate the value of this acquisition? It was well said by the eloquent Senator from Indiana, Mr. VOORHEES:

Such a conquest of far-reaching boundaries, and of present and future wealth, power, and glory as was made by their arms has, perhaps, no parallel in human history. The ephemeral conquests of Alexander the Great, in the East, the subjugation of extensive portions of Europe by Cæsar, and afterward by Napoleon, the Norman conquest of England by William the Conqueror, none of these achievements were equal in their effects upon the progress of the world to those which were accomplished by the war between the United States and Mexico.

Mr. Speaker, the purchase of the Louisiana territory by President Jefferson, in 1803, is one of the marked events in our history. His fame would be secure if it rested upon that achievement alone. It opened up the world's highway to our commerce. No less important was the acquisition which has given us golden treasures inexhaustible, domain almost without limit, and made ours literally an ocean-bound Republic.

It is on behalf of the men who achieved these wonderful results, who gave us treasure and empire, who gave victory to our arms, that I make this appeal. Of their valor I need not speak. Their sacrifices and achievements, with the splendid results which have followed, are safely garnered up in history.

Near a third of a century has passed since the close of the Mexican war. Of the soldiers and sailors who rendered service in that struggle, less than eight thousand are now living. Their comrades, either in the shock of battle, wearied by the march through the burning sands or wasted by disease, have fallen.

On fame's eternal camping ground
Their silent tents are spread.

Many of the survivors are poor, some of them in actual want. The cost to the Government of placing the names of these survivors on the pension-roll, giving them at least a moiety of comfort for the residue of their lives, will be but little, certainly a pittance, when contrasted with the value of the services they so freely gave their country in its hour of peril.

Mr. Speaker, the Legislatures of more than one-half of the States of this Union have adopted resolutions urging upon Congress the passage of a bill similar to the one now pending. Among that number is the State which I have the honor in part to represent upon this floor. The voice of that great State should be heard upon this bill, for upon no page of history stands the record of heroism more illustrious than that of Shields, Baker, Bissell, Hardin, and their comrades upon the battle-fields of Mexico.

Colonel Bissell, while the incumbent of the chief executive office of the State he honored and loved, fell a victim to disease contracted in Mexico. John J. Hardin, "the bravest of the brave," died with Clay and McKee at Buena Vista, a field where, in the language of the gifted Prentiss, "were performed deeds of valor as great as at the Pass of Renscevalles, where fell the harnessed chivalry of Spain."

The statue of Edward D. Baker, illustrious no less as a statesman than as a soldier, has been found worthy of a place in this Capitol in that hall which has been aptly called the "Walhalla," the palace of the immortals. Shields, the hero of two wars, Senator from three States, can only be forgotten when great achievements die out from the memory of men.

Mr. Speaker, Congress has pursued a liberal policy toward the defenders of our Union in the late civil conflict. What has already been accomplished is but the earnest of a more substantial meed of justice to be awarded hereafter. I trust that neither this Congress nor any which may come after it will pursue other than the most generous policy toward the defenders of our Republic. To provide for them when disabled by wound or disease, and for their families when dependent, is a sacred duty, an obligation imperative upon the Government. It should be our policy so clearly defined that all men may read, that he who perils life in defense of this Government is henceforth under its guardian care.

I have, sir, upon more occasions than one urged upon this House the passage of the bill providing for the organization of a commission to the end that applicants for pensions may have an early disposition of their cases. This will prevent vexatious delay, delay which has become intolerable. I had the honor at the beginning of this session to introduce a bill for the equalization of the bounties of Union soldiers, which, I trust, may become a law before this Congress shall expire.

But, sir, while we are doing justice to the defenders of our Union in its late conflict, let us not forget the debt of gratitude we owe to the few survivors of that gallant little army whose prowess a third of a century ago gave glory to our arms and added an empire to our national domain.

Interstate Commerce.

SPEECH OF HON. E. B. FINLEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1881,

On the bill (H. R. No. 4748) to establish a board of commissioners of interstate commerce.

Mr. FINLEY said:

Mr. SPEAKER: What is the object and purpose of this legislation? Is it to regulate commerce among the States of this Union? Certainly not. What State is interfering, by legislation or otherwise, with the commerce of another State? What State has interdicted or obstructed the transportation of imports across its boundaries? None; for I concede had this been done Congress has plenary power under the Constitution to prevent and protect one State against the unwarrantable interference and obstruction of the imports of another. It is not claimed that this state of affairs exists; but it is proposed by this legislation for the General Government to assume control of and regulate the carrying trade of private corporations and private companies, corporations and companies that are exclusively the creatures of State legislation. A railroad company is as much the creature of State legislation as a bridge company, a manufacturing company, or any other corporation organized under the law of any State, and so far as the management, rate of speed, or other interstate matter goes, Congress has no more power to interfere than it would have in the case of a bridge, gas, or manufacturing company.

The gentleman from Texas admitted in his remarks submitted a few days since that Congress has no power over railroads as corporations. I quote his language. He said:

So far as the power of Congress over this subject goes it is derived from the clause of the Constitution which confers upon Congress the power to regulate commerce among the States. It has to that extent the power to regulate commerce. *That power carries with it no other powers over these corporations.* The Congress have no power and this committee and this bill assume no power to operate on the *railroads as railroads*, or upon their franchises or corporate rights. And when the committee have been asked to remedy other evils, such as the watering of stock as a pretext of levying additional tribute upon the people, we have had to meet the friends of such propositions as that with the statement that we have no power, however much we sympathize with them, to take hold of these corporations and deal with them as such, but our powers are limited alone to the regulation of commerce among the States.

But the gentleman claims that Congress has the power to regulate the transportation of freight by railroad companies from one State to another, not by virtue of any power it may have over a railroad corporation as a corporation, for he concedes it has none, but, as he says, by virtue of that clause of the Constitution which confers upon Congress the power to regulate commerce among States.

Let me put his proposition in this form:

Q. Has Congress the power to prescribe to a railroad company as a railroad corporation what price it shall charge per mile for freight or passenger traffic?

A. Certainly not. Railroad companies being the creatures of State legislation are amenable to State laws alone in the construction and management of their roads, and however much we may sympathize with those who have suffered wrongs at the hands of railroad companies, we have no power to take hold of these corporations and deal with them as such.

Q. How, then, can Congress control this matter?

A. By virtue of the power to regulate commerce among States Congress may prescribe the rate of freights, or that a greater sum may not be charged one person than is charged another.

This is reasoning that seems to me somewhat paradoxical. Has Congress any power over corporations, companies, or individuals in the premises? I think not.

Congress in exercising its power under the Constitution to regulate commerce "among" the States deals with States as such and not with corporations within the States, nor with individuals as citizens of States. One State may not by legislation interdict or obstruct the transportation of imports over it to another State. Congress may by suitable legislation pursuant to its constitutional power to regulate commerce among the States provide against one State interferring with the commerce of another in this regard. I doubt whether the courts have gone further than to announce this principle in construing the power of Congress to regulate commerce "among" the States. That this view of the power of Congress in the premises was taken by the courts, I cite from the opinion of Mr. Justice Catron in what is known as the license cases, (5 Howard, 504–509.)

He says:

The power given to Congress is unrestricted and broad as the subject to which it relates. It extends to all lawful commerce with foreign *nations* and in the same terms to all lawful commerce "*among the States*," and "*among*" means *between two* only as well as among *more than two*. If it was otherwise then an intermediate *State* might interdict and obstruct the transportation of imports over it to a *third State* and thereby impair the general power.

It will be observed in the foregoing opinion the court speaks of foreign *nations*, not foreign corporations, and also of *States*, not corporations or individuals doing business within States. I cannot, therefore, from the opinion of the court, draw the conclusion, as does the gentleman from Texas, "that Congress has the exclusive power to pass laws providing for equality in rates of freight to be paid by different owners of property to be carried by railroads or other common carriers in commerce between different States or with foreign nations. This point is directly made by the Supreme Court in the case of Railroad Company vs. Richmond, decided October term, 1873, and reported in 19 Wallace, 584. Mr. Justice Field, in delivering the opinion of the court, says:

The power to regulate commerce among the several States was vested in Congress in order to secure equality and freedom in commercial intercourse *against discriminating State legislation*. It was never intended that the power should be exercised so as to interfere with private contracts not designed at the time they were made to create impediments to such intercourse.

The gentleman from Texas in his remarks on this measure quoted from the opinion of the court in the Daniel Ball case, reported in 10 Wallace, 557, and relies upon that authority in sustaining his position. Let me call the gentleman's attention to the fact that the court in that case pronounced wholly upon the power of Congress to regulate commerce on navigable waters, and did not touch the point made in this case, to wit, the power of Congress to regulate interstate commerce when carried on by land transportation.

The court expressly makes a distinction in the following language. The court say:

It is said that if the position here asserted be sustained there is no such thing as the domestic trade of a State; that Congress may take the entire control of the commerce of the country and extend its regulations to the railroads within a State on which grain or fruit is transported to a distant market.

We answer that the present case relates to transportation on the navigable waters of the United States, and we are not called upon to express an opinion upon the power of Congress over interstate commerce when carried on by land transportation.

Again, the gentleman cites as authority the State freight-tax case reported in 15 Wallace, 232–275. In that case the court goes no further than to speak of the power of Congress to regulate commerce among the States, in the sense that I construe that clause of the Constitution.

The court say:

A power to prevent embarrassing restrictions *by any State* was the thing desired.

If the main portion of the extensive claims for nearly unbridled authority are recognized, notwithstanding the strong reasons adduced against extravagant pretensions of this character, it can scarcely be doubted that there would be considerable difference in regard to the completeness of the application to different lines of an important new congressional law, analogous to the similar discrepancy which exists in the application of any State laws bearing on railway subjects, to the railway lines within the respective States. It does not seem to be seriously questioned in any important quarter that the principle should still be respected, that any rights particular railway companies have acquired by their charters shall be construed as a contract, which each of the States and the nation at large must respect.

It is entirely possible and quite probable that a stringent new interstate-commerce bill would contain provisions which some of the railway lines of the country would be theoretically bound to obey, because the charters or franchises they have heretofore obtained from the States they traverse are not sufficiently comprehensive to insure protection against such prospective new legislation, while other railway companies in the same States could find in their charters or other franchises, obtained at more propitious periods or under more favorable circumstances, a strong bulwark of defense against any obnoxious new law passed by Congress, just as they can now obtain such protection against obnoxious new laws passed by the States they traverse. If this supposition is correct, it would follow that an interstate-commerce bill, similar to that which the gentleman from Texas proposes, would be constitutional and enforceable as against some of the railway lines of the country, while it would neither be constitutional nor enforceable as against other railway lines; and such a state of affairs would make inextricable confusion and work great practical injustice to many of the existing railway corporations. It is of the utmost importance, if Congress concludes to enter upon a new field of regulating railway operations, that inequality in the bearing of any laws it may pass upon different companies should be avoided with the utmost care, and this necessity constitutes in itself a very strong reason for carefully abstaining from the exercise of any doubtful powers or of passing any congressional enactment applicable to railways which would be likely to be enforceable against one set of companies, while another set were relieved by their charters or franchises from the scope of its operations.

It is rather a curious fact that in the elaborate argument made by the gentleman from Texas in his report, dated February 26, 1878, to show the constitutionality of such legislation as he proposes, nearly all of his citations of authority and the main weight of his reasoning tends to prove that Congress has the right to exercise a power which in its nature would be nearly the reverse of the sort of power he wishes to exercise. In other words, he quotes various decisions, &c., to justify the conclusion that in case railway companies charge higher rates for transporting through freight from one of their boundary lines to another boundary line than the contemporaneous charge for local service, then Congress would have a right to pass a law prohibiting such discriminations against interstate movements. He can find plenty of authorities to strengthen such a position, and there are fair grounds for the inference that the clause in the Constitution

which gives Congress the power to regulate commerce was intended to prevent any one State from using unfair methods to give to its own citizens commercial advantages from which the citizens of other States were debarred, but one of the main objects or tendencies of the gentleman's bill is to throw impediments in the way of interstate commercial movements.

This is the most rational interpretation that can be placed upon the clause of this bill, which prohibits railway companies from charging lower freights for a long distance than are charged for a relatively short distance, and one of the most vital elements of the entire anti-discrimination agitation which the gentleman represents is antagonism to the through cheap movements by which interstate commerce has been promoted to an extraordinary extent. The gist of the gentleman's argument is, that because Congress has the power to build up, it has therefore the power to tear down and destroy; and this conclusion is scarcely logical. His theory may be summed up in some such declaration as this: "I have proved that Congress has the power to prevent the railways of any State from charging higher rates for through freight than they charge for local business, therefore I claim the right to pass a bill which practically means that local rates shall be nearly or quite as low as those imposed on through freight." Perhaps this declaration is a trifle too broadly stated as against the gentleman from Texas, but it certainly describes his position with approximate fairness, and points out a very weak if not an untenable feature of his argument in favor of the constitutionality of such enactments as he advocates.

It is very doubtful whether the framers of the Constitution ever intended, when they gave Congress the power to regulate commerce among the States, that that body should ever enter upon such a delicate and complicated mission as the regulation of rates of transportation. In effect, this bill attempts this extraordinary task, and in that respect at least it enters upon a domain of legislation of which no man can see the end, but which is manifestly fruitful of disaster, corruption, the worst forms of centralization, and the establishment of restrictions and regulations that in many instances would expose many of the inhabitants of the United States to exceedingly vexatious annoyances and inconveniences.

Some years ago when General Lewis Cass was minister to Paris, he wrote an article for the Democratic Review, describing the extent to which centralization had been carried in France, and one of the illustrations he gave of the inconveniences attending this excessive centralization was, that a man could not start a new grist or flour mill in a remote rural district without due application and protracted delay in consequence of the obstructions to be encountered in running the gauntlet of a governmental department at Paris.

If all the freight movements of this country are to be so confined that no item in a schedule can be changed, as the gentleman proposes, for some considerable period after they are first announced, and if the lumbermen in our dense forests, the miners in our new gold and silver districts, the stock-raisers and cattle-dealers on our frontiers, and all the manufacturers, farmers, and merchants of the country must wait for each one of the innumerable transactions they are engaged in which hinge on prompt and speedy freight movements, or on desirable modifications of old freight schedules, or the action of some central authority at Washington, we will soon have such inconveniences as formerly attended the establishment of a new mill in France, duplicated in hundreds of thousands of forms, and we will have millions of American citizens rising up to curse the day when any such folly as the bill under consideration was ever countenanced by the representatives of the American people.

Mr. Speaker, one of the strongest objections to such legislation as is contemplated by the bill under consideration hinges on the fact that it proposes to apply, for the first time in the legislative history of the country, novel and important restrictions or regulations to one of the most vital interests of the United States, without preceding this legislation by the exhaustive inquiry into the subject acted upon and industries likely to be affected that prudence and justice demand.

It would require a great deal of space to describe minutely all the considerations bearing upon this point. An attempt will only be made here to briefly sketch a few of the most obvious, namely:

a. Such precipitate action is either contrary to the experience of other countries, or, in cases where rash steps have been taken, they have proved to be so injurious that popular sentiment quickly demanded a repeal of the statutes, which were speedily shown by experience to be inimical to the general welfare.

The result of protracted discussions and investigations in England of railway problems similar to those under consideration in this country was a settled conclusion that it would be exceedingly unwise to adopt meddlesome and restrictive legislation, and that the railway question had better be left to settle itself, except in matters of obvious and undoubted public importance; and that meanwhile a commission endowed with temporary authority and limited powers should exercise a supervision over railway affairs, which has proved to be slight and of such a character that it does little more than crystallize public sentiment in antagonism to any specially obnoxious proceeding on the part of railway companies.

The conclusion of protracted parliamentary discussions, followed by one of the most exhaustive examinations that a parliamentary commission could make of the entire workings of the English railway system, is stated as follows in the work published a few years ago by Charles Francis Adams, jr.:

The natural development of the railroad system as a system was recognized, and *the folly of restrictive legislation demonstrated.* A new policy was thus established, at the base of which was the principle of private ownership and management, which was to be left to *work out its own destiny through that process of combination in which competing monopolies always result.* The members of the committee saw perfectly clearly where their process of reasoning would bring them out. It could result only in a tacit assent to the growth of private corporations until they become so great that they must, soon or late, assume relations to the Government corresponding with the public nature of their functions. This was obvious enough. Meanwhile the committee also saw with equal clearness that this was a question of the future—perhaps of the remote future; a question which certainly had not yet presented itself, and which they had no disposition to precipitate. They accordingly fixed definitely the policy of Great Britain as an expectant one. The railroad system was to *be left to develop itself in its own way, as a recognized monopoly, held to a strict public accountability as such.* Whenever it should appear that it abused its privileges and power, then the time for action would have arrived. As yet this was not the case in any such degree as called for a decisive and far-reaching measure of reform. To better watch over it meanwhile, and to cause its members to work with less friction among themselves and with a more careful regard to the equal rights of private persons, an exceptional piece of governmental machinery was provided in the form of a board of commissioners. The powers of this tribunal were both judicial and executive in character and very broad. It was its duty not only to hear all complaints of private parties, but to intervene in cases of difficulty which might arise between the companies themselves. The board was in fact designed to insure to the community an easy and equitable interchange of traffic over its railroad lines, as well as to put a stop in so far as might be practicable to that unjust and vexatious system of discrimination which seems to be inseparable from all active railroad competition. *Through this board the exceptional character of the railroad system was at last recognized. An attempt was made to deal with the anomaly as an anomaly.* Meanwhile the most noticeable feature in the career of the board, which has now been in existence five years, is the very trifling call which seems to have been made upon it. So far as can be judged from its annual reports, the cases which come before it are neither numerous nor of great importance.

The experience of the States belonging to this Union that have passed specially restrictive laws bearing on railway operations may be summed up in the statement that such laws have either never been strictly enforced or quickly repealed; or, in the cases where they are still on the statute-books, and persistent attempts are made to enforce them, they cause great dissatisfaction and affect adversely many important interests.

The first Wisconsin and Minnesota laws were quickly repealed. The Missouri law restricting railway operations has inflicted great injury upon a number of the citizens and interests of that State, and similar injuries have been inflicted or are now threatened by laws of Georgia, Alabama, and other States.

A few of the many facts illustrating this statement are mentioned in the following extract from the Railway World of December 18, 1880:

ANTI-RAILWAY LEGISLATION IN THE WESTERN STATES.

The railroad commissioner of Wisconsin, Hon. A. J. Turner, in a recent reply to a letter of inquiry addressed to him by a citizen of Alabama, made several interesting statements relating to the practical operation of the Potter law and subsequent enactments intended to regulate railway operations in Wisconsin. Of the Potter law the writer states that while its constitutionality was being tested, and finally sustained, it "soon appeared that it was unjust in some of its minor features and impracticable in others," and that, in consequence of these discoveries, the original Potter law was repealed and a new law passed in 1876. Since the adoption of this enactment there has been little or no litigation relating to rates, and no formal complaint of extortions, but a number of complaints of discrimination have been made, nearly every one of which has been overruled on the ground that the words "for like service" in the existing statutes "defeats almost every complaint, for it so happens that service at different times and for different persons is very rarely 'like service.'" The Wisconsin commissioner also makes the following interesting suggestions:

"I have been much impressed with the views of Thomas P. Shinn, an experienced railroad man, as to tariffs, &c. He holds that a railroad company should be left free to adopt its own rates, but entire publicity should be given to those rates, by posting printed notices in every warehouse and station, and that the company should not permit any deviation in those charges, taking either more or less, until they had established and published a new tariff. He makes a very strong argument in support of his position."

At a recent meeting of the Farmers' Board of Trade of Minnesota an address was delivered by Hon. W. R. Marshall, the railway commissioner of that State, in which, after referring to a law passed for the regulation of railroad rates of transportation in 1871, which he said had proved to be a failure, and also referring to the law of 1874, which remained in force only one year, when it was repealed, he stated that the existing law was enacted and that "the rates at present charged by the railroads were less than those fixed by the law of 1871, which was found to be inoperative and was never enforced." He added that he believed that under its provisions "the railroads were endeavoring to deal fairly with the people," and, referring to a communication complaining of some of their charges, he declared that its statements were exaggerations, and that while "it might be true that there were seasons when the railroads were prosperous, it should not be forgotten that they also passed through periods of depression, which carried them into bankruptcy."

And also in the following extracts from same paper of January 1, 1881:

We find in current discussions of the restrictive legislation of various States frequent references to the injurious effects of inappropriate laws. For instance, the superintendent of one of the Alabama railroads, referring to the laws of that State, describes a provision that requires a certain relation between local and through rates which has had the effect of making the rates for short distances absurdly low, "while the rates between the two termini are so high as to bar the interchange of traffic between the two terminal cities."

In commenting on this and other provisions which do not confer substantial benefits upon any class, while they seriously injure various business interests, the writer forcibly says that "general laws do not cure specific evils. When the effort is made for them to do so they will surely demonstrate the truth of the simile of the cannon-ball that may hit the target at which it is set, but plays havoc in an unknown track beyond."

Many complaints are made of the laws now in force in Missouri as administered by the railway commissioners of that State. An attempt to regulate rates and to classify freight has worked so disastrously that the Saint Louis Railway Register declares that "the only success attained is the crushing out of the smaller roads

and the driving of all railroad capital out of the State as far as new enterprises are concerned."

Another point recently made in connection with the discussion of this subject is, that none of the stringent State laws passed for the purpose of instituting drastic checks on railway operations and reducing charges have proved half as effective in accomplishing these objects as the various commercial and competitive influences which have secured for the interstate travel and traffic of the country a wonderful and unprecedented decrease in the average rate of charges for railway service, accompanied by a very marked increase in accommodations. In other words, the travel and traffic that has hitherto been subjected in the slighest degree to legislative control is now conducted, to an exceptional extent, in the manner best calculated to promote the interests of the passengers who wish to journey from one State into another, and of the transporters who wish to forward freight over long lines extending through various Commonwealths. One of the important reasons for this distinction may be found in the fact that in the absence of appropriate legislation for the regulation of interstate traffic many leading railway managers have united in various progressive efforts to devise and put in force such systems as were best calculated to meet successive emergencies, and to insure adequate provision for all the requirements of interstate traffic.

The nature of the labors performed by railroads renders it specially imprudent and hazardous to adopt any legislation that would seriously interfere with or retard their operations.

If a bill was seriously pressed in Congress which aimed at prescribing by law how much wheat, cotton, or corn should be raised, or what price should be demanded for any of the products of the country, or how any of the manufacturing or agricultural industries should be conducted, it would not require much argument to convince the representatives of the American people that before such a bill was passed, exhaustive inquiries should be made into the probable effects of its enforcement.

Reasons equally strong demand that similar inquiries should precede drastic railway legislation. To enforce this view it may be worth while to consider what a railway is and what it does, examining these matters from the stand-point of writers on political economy, inasmuch as great confusion has arisen from the supposition that instead of the railway being one of many working producers of the country, it actually or approximately was in antagonism to all the other producers. The fact that railways, abstractly considered, form a very important division of the army of producers, and belong to that class, (instead of being tax-gatherers,) is made tolerably clear in the following extract from the Railway World of June 5, 1880:

RAILWAYS NOT TAX-GATHERERS BUT PRODUCERS.

In an article on the railway problem, contributed to the April number of the National Quarterly Review by Simon Stern, he says that "it is high time that the people of this country should recognize the fact that freight charges are in the nature of taxes." This allegation has been so often made in various quarters that it has become one of the favorite weapons of the anti-railway agitators.

It is an essential element of a tax that it should be a rate or sum of money assessed on the person or property of the citizen by a government for public use. If the word is used in any other sense it can be applied to any expenditure with quite as much propriety as to freight charges, and when such a latitudinarian meaning is adopted the phrase ceases to have an offensive application or to possess any special pertinency whatever in connection with the discussion of the railway problem. There is another and still stronger reason why freight charges cannot in any proper sense be considered a tax in any odious acceptation of that term. It hinges on the fact that the railway in transporting freight performs one of the most useful and indispensable functions of production, and it would be as absurd to say that the money paid for wheat or cotton is a tax as to declare that the charge imposed for moving freight is a tax. This assertion is fully sustained by the highest authorities on political economy.

John Stuart Mill, in defining production, states that its requisites are "labor and appropriate natural objects;" that labor in the physical world "is always and solely employed in putting objects in motion; the properties of matter, the laws of nature do the rest. * * * This one operation of putting things into fit places, and being acted upon by their own internal forces and by those residing in other natural objects is all that man can do with matter. He only moves one thing to or from another. He moves a seed into the ground and the natural forces of vegetation produce in succession a root, a stem, leaves, flowers and fruit." Mr. Mill shows, by a number of illustrations, that transportation, of one kind or another, lies at the root of all production; and if you take away from men's labors that portion which consists in the movement of various inanimate objects from one point to another, there would be absolutely nothing productive left.

But it is not merely on these speculative theories that we cite Mill as an authority for the classification of railways as important agents of production, because, in a specific enumeration of the various classes of agents engaged in production, he distinctly enumerates transporters in the following extract:

"There is a very great amount of labor employed, not in bringing the product into existence, but in rendering it, when in existence, accessible to those for whose use it is intended. Many important classes of laborers find their sole employment in some function of this kind. There is, first, the whole class of carriers, by land or water, muleteers, wagoners, bargemen, sailors, wharfmen, coal-heavers, porters, railway establishments, and the like. Next, there are the constructors of all the implements of transport; ships, barges, carts, locomotives, &c., to which must be added roads, canals, and railways."

The American authors on political economy, although differing widely on many topics from the English writers, substantially agree with Mr. Mill in reference to the point under discussion.

Dr. William Elder, in "Questions of the Day, Economic and Social," published in 1871, says: "Change of form, including a change of properties and change of place, are both included in the word production. Ore or coal or lime delivered at the pit's mouth are produced. The ore and coal and lime being put through the furnace, iron, by change of form, is produced. The iron transported to a distant market is there, by change of place, produced. By the change of form utility is subserved; by the change of place use is effected."

Henry C. Carey, in his work on the principles of political economy published in 1837, also enunciates doctrines which distinctly rank transporters as producers. After saying that "to produce may therefore be defined to be to occasion an alteration in the condition of existing particles of matter, by which that matter may be rendered more useful or agreeable than in its present state," he proceeds to illustrate this doctrine by showing who can be classed as producers of tea grown in the interior of China, and subsequently consumed in New York or Liverpool, and he classes among these producers "the persons employed in its transportation," and "the master and sailors of the vessel by which it is transported" from the place where it is grown to the place where it is consumed.

The direct influence exercised by railways in stimulating production and in rendering available natural resources of immense magnitude is particularly noticeable in the United States. A very large proportion of the agricultural and mining districts of this country owe their very existence as important centers of production to the extension of railways. The system of land-grant railways has been organized on this theory with results of marked importance. They have hastened the occupation and cultivation of new lands, and there are to-day millions of citizens living on homesteads in the young Territories and States who would never have sought their present locations and never developed the latent resources of the soil they are now tilling if railways had not established the convenient existing systems of transportation. This process is continually progressing in conjunction with the analogous movement of steadily reducing the average rates for moving freight per ton per mile, as traffic accumulates and terminal facilities are improved, and each of these advancing strides has an immense influence in enlarging the effectiveness of the railway as one of the greatest of the coworkers in production.

The vast movement of agricultural produce from interior portions of this country to the seaboard and thence to foreign countries could never have assumed its present proportions without railway assistance; and in the absence of the opportunities for obtaining foreign markets which railway extensions have furnished, the most powerful of the incentives to a large proportion of the productive agricultural energy of the United States would not now exist.

In connection with the bulky metals and minerals, transportation forms as indispensable an agent of production as in the movement of agricultural staples over the long distances which usually intervene between the point of growth and the point of consumption.

Throughout the whole range of its labors as a freight carrier the true position of the railway is that *of a prominent factor in the great work of production.* Whatever theories may prevail on the subject this fact is always recognized when a railway is projected, and it is only forgotten or ignored when disputes spring up between various classes of producers relating to their respective shares of the sum derived from the consumer. These disputes must be settled as best they may on the merits of the questions involved in each particular discussion. What we complain of is the attempt of agitators who, like Stern, endeavor to misrepresent the nature of one of the important parties to these controversies by depicting the railway as a tax-gatherer, armed with omnipotent powers, and wielding them frequently in an arbitrary and oppressive manner, when in truth the railway is but one of a combination of producers, dependent, like its coadjutors, upon a variety of fluctuating circumstances for the amount of remuneration it receives for a given service.

If the fact that a railway is a producer, instead of an organization armed with such sweeping powers as States possess, was better understood there would probably be fewer nonsensical theories propagated in regard to the irregularities of railway charges. It is conceded that even in the matter of taxation as imposed by city, State, and national governments there is vast room for improvement, scarcely one detail being regulated in strict accordance with the requirements of good policy and absolute justice, so that if it were true that freight charges partook of the nature of taxes, and if they did not conform in all instances as strictly as is desirable to the dictates of equity, railway companies would only be committing an error analogous to that habitually practiced by the constituted authorities of this and other countries. But the railway is not a tax-gatherer; it is one of the producers; and as one of the producers it must share their fate in the matter of being dependent upon a variety of changing conditions for the remuneration it can receive for a particular service.

A portion of the business of the world is so regulated that in the absence of unexpected influences fluctuations in prices rarely occur; but in another very large portion of business, and in nearly all matters relating to the price of products, a multitude of causes are incessantly at work in raising or lowering prices. No American farmer knows to-day what price he will get for his next crop of wheat, cotton, or tobacco. No petroleum producer or coal miner can tell at what rate he may sell his coal or crude pretroleum a year hence, and if he is fully assured that there will not be the slightest difference in the cost of production, he will be loath to deprive himself of any of the benefits of a favorable change in market rates. The farmer and miner, knowing that they must suffer from excessively low prices at times when the supply greatly exceeds the demand, are always ready and eager to profit by an opposite condition of things, without reference to the cost of production

On this general subject of the charges for railway service, an article in the June number of the Bankers' Magazine states that the customers of the railways "pay as little as they can, and with an indifference which is absolute to the question whether what they pay is an adequate remuneration for the capital employed in building and maintaining the works of which they avail themselves. The rates of fares and freights upon the trunk railroads and upon all railroads are determined by competition, by the intelligent interests of the railroads themselves to establish rates which will not be so high as to reduce revenues, and by a variety of other considerations, of which the cost of the road is never one." This theory is at least partially correct, and its wide deviation from such procrustean rules for railway charges as the anti-railway agitators advocate is largely to be accounted for by the fact that the railway as one of the producers must share the vicissitudes to which they are subjected.

If railroads really are producers, (and this fact seems to be clearly established,) legislative interference with their operations which tends to retard, cripple, or diminish their labors is tantamount to waging war against the industries of the country, and such action is the crowning folly of any legislative body.

This line of thought suggests the propriety of considering the necessity of giving to railway companies enough liberty of action to insure reasonable profits for the purpose of enabling them to keep old properties in sufficiently good condition to accommodate the public, and stimulating such new construction as is desirable. Points bearing on this branch of the subject will be found in the following article from the Railway World of January 1, 1881:

While new railways are being constructed through many regions, the older lines have been making large expenditures for the purpose of improving terminal facilities and increasing their rolling-stock. During 1880 the elevator room at Chicago has been increased more than two millions of bushels. Preparations have been made for doubling the elevator capacity of Saint Louis, and important additions to the elevator capacity of Jersey City, New York, Philadelphia, Baltimore, and Boston have been completed or well advanced. An unusually strong disposition has been manifested to improve the railway system of the country with a degree of rapidity commensurate with the needs of a progressive people. To accomplish this great object hundreds of millions of dollars have been expended, not merely in constructing new lines of railway, but in purchasing a large number of new locomotives and cars, building depots, and providing in various ways for newly developed wants of important communities. Some of the greatest embarrassments of the year have arisen from the fact that rails, locomotives, and cars could not be procured as promptly as they were needed, mainly because many of the mills and shops of the country, which had been kept busily at work up to the panic of 1873, subsequently diminished their working capacity on account of inability to procure a sufficient number of orders to keep their establishments fully employed. The most serious complaint made against railway companies during the last few months

is that their ability to move freight was not in all instances fully equal to the demand; *and the communities that have experienced difficulties arising from this source keenly feel that nothing connected with the general management of railway affairs is of greater importance than the prompt and regular supply of needed facilities for transportation.*

In the presence of such a well-defined want the stereotyped complaints against the railways sink into insignificance. Comparatively high charges or alleged discriminations would readily be tolerated if it was impossible to obtain without such toleration needful facilities for travel and transportation. This important fact has an obvious bearing upon current discussions of the railway problem. Whatever legislators may attempt, or however anxious they may be to protect their constituents from real or imaginary abuses, they should not forget that *any steps which have a manifest tendency to check new construction in regions now destitute of railway lines, or to deprive the older companies of the means for increasing their facilities as rapidly as the wants of transporters are increased, inflict deplorable injuries upon many persons.*

The prolonged agitation in many progressive communities, and in nearly all portions of the United States, of plans for obtaining the means necessary to construct new railways, which preceded the establishment of the extensive system now existing, *foreshadows a corresponding necessity that has been plainly apparent during the year just closed.* One of the highest missions of the railway is to meet increasing demands for transportation by a prompt increase of corresponding facilities, and when the means requisite for the accomplishment of that object cannot be obtained, either on account of adverse legislation, industrial or financial derangements, or other causes, very serious inconveniences are engendered. The theory that the mere grant of franchises to a railway company gives to the State the right to regulate, in an oppressive manner, all railway operations is evidently not well founded; but even if it were, serious attempts to exercise such arbitrary powers would, by injuring the financial condition and prospects of important companies, quickly deprive them of the power to render the best attainable service to the communities traversed by their lines.

To create a railway and maintain its efficiency it is not only necessary that it should possess the franchises commonly bestowed, but that *every form of unjust interference with its operations which tends to diminish legitimate revenue and to discourage capitalists from investments in railway enterprises should be sedulously avoided.* The people have scarcely less interest in the maintenance of the financial prosperity of the lines by which they are served than in the construction of the new railways which supplant common roads or water-ways. In this connection it should not be forgotten that it will generally be found that the ordinary financial and industrial stringencies are amply sufficient to keep railway profits within reasonable limits, even in the absence of absurd adverse legislation.

The relation between railway activity and public prosperity is so close that any step which militates against the former is apt to retard the latter. Several of the messages and documents sent to Congress by various branches of the Executive Departments during the last few years, and especially the reports on internal commerce, strongly indicate that the revival of American prosperity during the last few years is largely due to the cheap rates for carrying bulky produce over long routes that has made the exportation of vast quantities of our agricultural staples possible. Singularly enough, similar testimony to the magical effects of railways on a depressed and disheartened country is embraced in one of the most striking passages of the popular novel of the day—Beaconsfield's Endymion—as will be seen by the following extract from page 63 of the popular or cheap edition:

CHAPTER LXXVIII.

The condition of England at the meeting of Parliament in 1842 was not satisfactory. The depression of trade in the manufacturing districts seemed overwhelming and continued increasing during the whole of the year. A memorial from Stockport to the Queen in the spring represented that more than half the master spinners had failed, and that no less than three thousand dwelling-houses were untenanted. One-fifth of the population of Leeds were dependent on the poor-rates. The state of Sheffield was not less severe, and the blast-furnaces of Wolverhampton were extinguished. There were almost daily meetings at Liverpool, Manchester, and Leeds, to consider the great and increasing distress of the country, and to induce ministers to bring forward remedial measures; but as these were impossible, violence was soon substituted for passionate appeals to the fears or the humanity of the government. Vast bodies of the population assembled in Stalybridge and Ashton and Oldham, and marched into Manchester.

For a week the rioting was unchecked, but the government dispatched a strong military force to that city, and order was restored.

The state of affairs in Scotland was not more favorable. There were food riots in several of the Scotch towns, and in Glasgow the multitude assembled, and then commenced what they called a begging tour, but which was really a progress of not disguised intimidation. The economic crisis in Ireland was yet to come, but the whole of that country was absorbed in a harassing and dangerous agitation for the repeal of the union between the two countries.

Thus it will be seen that, though the new ministry were supported by a commanding majority in Parliament, and that, too, after a recent appeal to the country, they were not popular; it may be truly said they were even the reverse. The opposition, on the contrary, notwithstanding their discomfiture, and, on some subjects, their disgrace, were by no means disheartened, and believed that there were economical causes at work which must soon restore them to power.

The minister brought forward his revision of the tariff, which was denounced by the league as futile, and in which anathema the opposition soon found it convenient to agree. Had the minister included in his measure that "total and immediate repeal" of the existing corn laws which was preached by many as a panacea, the effect would have been probably much the same. No doubt a tariff may aggravate or may mitigate such a condition of commercial depression as periodically visits a state of society like that of England, but it does not produce it. It was produced in 1842, as it has been produced at the present time by an abuse of capital and credit, and by a degree of production which the wants of the world have not warranted.

And yet all this time there were certain influences at work in the great body of the nation, neither foreseen nor for some time recognized by statesmen and those great capitalists on whose opinion statesmen must depend, which were stirring, as it were, like the unconscious power of the forces of nature, and which were destined to baffle all the calculations of persons in authority and the leading spirits of all parties, strengthen a perplexed administration, confound a sanguine opposition, render all the rhetoric, statistics, and subscriptions of the Anti-Corn Law League fruitless and absolutely make the chartists forget the charter.

"My friends will not assist themselves by resisting the government measures," said Mr. Neuchatel, with his usual calm smile, half skeptical, half sympathetic. "The measures will do no good, but they will do no harm. There are no measures that will do any good at this moment. We do not want measures; what we want is a new channel."

That is exactly what was wanted. There was abundant capital in the country and a mass of unemployed labor. But the markets on which they had of late depended, the American especially, were overworked and overstocked, and in some instances were not only overstocked, but disturbed by war—as the Chinese, for example—and capital and labor wanted "a new channel."

The new channel came, and all the persons of authority, alike political and commercial, seemed quite surprised that it had arrived; but when a thing or a man are wanted they generally appear. One or two lines of railway, which had been long sleepily in formation, about this time were finished; and one or two lines of railway, which had been finished for some time and were unnoticed, announced dividends, and not contemptible ones. Suddenly there was a general feeling in the country that its capital should be invested in railways; that the whole surface of the land should be transformed and covered, as by a network, with these mighty means of communication. When the passions of the English, naturally an enthusiastic people, are excited on a subject of finance, their will, their determination, and resource are irresistible. This was signally proved in the present instance, for they never ceased subscribing their capital until the sum intrusted to this new form of investment reached an amount almost equal to the national debt; and this, too, in a very few years. *The immediate effect on the condition of the country was absolutely prodigious. The value of land rose, all the blast-furnaces were relit; a stimulant was given* to every branch of the home trade; the amount suddenly paid in wages exceeded that ever known in this country, and wages, too, at a high rate. Large portions of the laboring classes not only enjoyed comfort, but commanded luxury. All this of course soon acted on the revenue, and both customs and, especially, excise soon furnished an ample surplus.

If any additional reasons for postponing final action on this bill were needed, they would be at least partially supplied by the fact that the discussion of Mr. REAGAN'S bill before the House Committee on Commerce resulted in its defeat by that body, by a vote of 9 to 6, and in the presentation, at short notice, of so many objections to his bill that a fair consideration of these substantial grounds of antagonism would doubtless lead to its defeat by any impartial and thoroughly enlightened tribunal.

In this connection it must be remembered that there are a great variety of conflicting interests in the United States, some of which may be benefited and others injured by any new law of Congress that exercises an important influence on transportation movements. It would require much investigation to ascertain even the nature and magnitude of these jarring interests, without stopping to inquire what course Congress, in its attempt to do equal justice to all and to avoid injury to any, should take, before a drastic interstate-commerce bill is passed.

If, for instance, the bill under consideration would tend, as is probable, to greatly help the interests of the water carriers on the lakes, rivers, and Gulf by leaving them free to conduct their operations without legal restriction while the railways are bound hand and foot, the injuries resulting from this course would by no means be confined to the railway companies, but would extend to the communities traversed by their lines. Ohio has a very deep interest in this branch of this subject, inasmuch as three of the most important highways of east and west bound traffic pass through her territory, in addition to several other leading railway connections between the Eastern and Western States. Now, if trunk-line operations are crippled to such an extent that western produce is to be forced down the Mississippi or into lake channels instead of being carried over the Lake Shore, Fort Wayne, Pittsburgh, Cincinnati and Saint Louis, or other great Ohio avenues of through traffic, it does not require much discernment to see that thousands of citizens of Ohio, now profitably engaged in railway service or in furnishing railway supplies, would lose their present occupation by the abandonment of the existing routes for certain classes of traffic. If, in turn, lake and river ports are to be built up by act of Congress, at the expense of towns located along interior lines which are comparatively distant from the lakes and the navigable rivers, great injustice will in that case be done to all those interior towns, and eventually to all the inhabitants of the regions traversed by the great interior lines of railway.

Ohio is specially interested in this view of the subject, partly for the reasons already stated, and partly also because her leading city, Cincinnati, has expended tens of millions of dollars in constructing the Cincinnati Southern, for the purpose of attracting traffic to Cincinnati from Kentucky, Tennessee, Alabama, Georgia, and other Southern States. If a bill is passed by Congress which imposes material obstacles to through movements on the Cincinnati Southern Railroad, an end which can very readily be promoted by enforcing the letter and spirit of Mr. REAGAN'S bill, a great deal of injury will be inflicted on that portion of the commercial interests of Cincinnati which hinge upon the possibilities of obtaining traffic from the Southern States, and also upon the entire body of the citizens of Cincinnati, who have made themselves responsible for the cost of the Cincinnati Southern, and who will receive very little benefit or return from the increase of taxation caused by its construction if interstate-commerce movements are crippled by the Reagan bill. Ohio is also interested largely in this view of the question, namely, she is now one of the great iron and coal producing States of the Union, and on account of this position it is very important that she should have excellent facilities for sending to other States and for receiving from other States such supplies of coal, coke, and iron-ore as may be advantageously moved.

Nearly every other Commonwealth has interests which, although in many instances of less magnitude than those represented by Ohio, are equally susceptible of injury by legislation in Congress antagonistic to cheap through freight movements such as is contemplated by the Reagan bill. It is entirely within the range of possibility that the enforcement of that measure would compel, for instance, the abandonment of important industries now flourishing in the forests of Michigan, from which furniture, lumber, or timber of various kinds are now dispatched to many distant points; or that some of the Lake Superior iron mines could no longer be worked advantageously, or that

some of the important factories in Central Ohio or other States should lose their present markets for a large proportion of their products. Independent of all these considerations, Congress should remember that there may be large shippers of grain or merchandise who, knowing that during an era when railway wars prevail they can generally secure rates by which they gain advantage over smaller dealers, desire the passage by Congress of a law prohibiting pooling, inasmuch as pooling takes away from railway companies the temptation to make concessions to any class of shippers, and thus it is entirely within the range of possibility that the bill under consideration would greatly benefit some half-dozen shippers of this country and inflict corresponding injuries upon thousands of their competitors in business.

In this struggling, go-ahead country, while amicable relations exist in a general sense between all sections and the representatives of all interests, it is commonly understood that nearly all our ambitious men, our ambitious cities, and our progressive interests habitually await with eagerness every opportunity by which they may advance their interests at the expense of rivals. If, as can be clearly demonstrated, this bill would enable any one city, interest, or class of interests to build itself up at the expense of any other city or interest, there is very little doubt that the ways and means of accomplishing such a result would very quickly be discerned and utilized. If, for instance, the whole trade of the Southwestern States and the great southwestern metropolis, New Orleans, could be materially benefited by congressional legislation, which would arrest the modern movement of sending the bulk of Western produce to the Atlantic seaboard, via East and West trunk lines, and again turn the tide of this traffic into the old channel down the Mississippi to New Orleans, the Southwestern States and cities and their affiliated interests could not be blamed for availing themselves of a weapon put in their hands by a congressional bill; but however just it may be for Congress to help the Southwest by improving the navigation of the Mississippi and her tributaries, it would be an outrageous act of injustice, specially prejudicial to the welfare of Ohio, to adopt legislation that would have a manifest tendency to drive back this great volume of traffic to its ancient channels after thousands of millions of dollars have been expended for the purpose of creating the extensive facilities by which the grain, live stock, and provisions of the upper portion of the Mississippi Valley are now moved to New York, Baltimore, Philadelphia, Boston, and intervening points.

Any commission which thoroughly investigated this subject would doubtless discover, in addition to the interests briefly sketched here, many others of varying magnitude that would be affected disastrously or disadvantageously by this bill. It is manifestly open to the grave objection of being a sectional measure of the worst character, in the sense that it would palpably benefit some districts of the country at the expense of others; and on this ground alone any just Congress should pause before it committed the entire body of the representatives of the American people to a policy that involved the infliction of serious wrong upon any State, section, interest, or industry.

One of the results of a general prosperity of railway interests, such as was witnessed in the latter part of 1879 and 1880, is the encouragement of new railway enterprises. There are few States that profited more by this influence during 1880 than Ohio, as will be seen by statements showing the construction of new railways in that year in various portions of the United States, which place her in a leading rank. She needs many of these railways for local development, for opening up her coal mines and iron ores, for accommodating the local traffic of her flourishing agricultural districts, &c. She got an unusually large share of these railways last year, very largely because the pooling arrangements which Mr. REAGAN'S bill prohibits enabled railway companies to obtain uniform rates and thus to earn sufficient profits to pay the interest on bonded indebtedness, and to spread abroad the conviction that railway property was not inevitably destined to fall into the hands of the sheriff. If Congress passes a measure that restricts the liberty of action of railway managers, prohibits pools, and discourages low rates for long distances, it is easy to see that another era of railway disaster will be near at hand, and Ohio, in common with all other States, will find it exceedingly difficult, if not impossible, to secure the means needed to establish new railway lines or to keep the facilities of old companies up to their proper standard.

The entire idea of seeking by a congressional enactment to discourage and prevent the cheap carriage of bulky traffic over long distances is exceedingly fallacious and prejudicial to American interests. Nine-tenths of all the business of this country hinges upon the possibility of effecting such movements; and with our population of fifty millions distributed over our vast territory, and discovering at points far remote from each other certain peculiarities of production or capacities of production which, for instance, make it desirable to a man living in Chicago that he should burn for domestic purposes coal mined in the anthracite fields of Pennsylvania, or make it conducive to the interest of the smelter of silver ores in Leadville that he should use coke manufactured in southwestern Pennsylvania, or teach the people of Massachusetts that it is their interest to look to States and Territories west of the Mississippi for nearly all the cereals they consume, or that impress upon the people of the North Atlantic seaboard cities the necessity of looking for their supplies of beef to cattle raised in Texas, Colorado, Nebraska, or Montana—a nation already trained to such channels of supply and movements as are here indicated, and which, in addition to gratifying its own needs in the manner indicated, sends to the outside world through its seaboard cities hundreds of millions of dollars of staples produced at points a thousand miles or more remote from points of expenditure—for such a country to attempt in her Congress to strike a blow at a system which has wrought wonders in the way of cheap transportation of bulky articles over long distances is tantamount to industrial suicide.

The doctrine of prohibiting railway companies from charging a smaller sum for a relatively long distance than they charge for a short distance is fallacious. If Congress once entered into this domain of fixing charges, no end of injustice and confusion would result. It does not require much discernment to see that beyond the stipulations contained in many of the railway charters of the country, fixing the maximum rates which they may charge, all other attempts of various States to definitely prescribe railway rates have either been wholly useless or injurious in their practical workings. When Congress engages in a similar task we can expect no better result from its labors. Besides, as a matter of fact and detail, it often happens that it costs a railway company more to transport produce for a relatively short distance than to transport a similar product over a longer distance. One notable example is given in the testimony submitted by Mr. E. D. Worcester, the secretary of the New York Central, in 1873, before the United States Senate Committee on Transportation Routes to the Seaboard:

It is often supposed that it is always worth less to carry freight a short distance than a long. This is a very mistaken notion. I could, to speak within bounds, *mention a hundred cases in which it cost, and is actually worth, considerably more to carry property a shorter distance than a longer.* In an investigation once had before the New York Legislature there was one case presented: A man had two or three loads of cattle to ship from a point fifteen or twenty miles this side of Buffalo, and he was charged the full Buffalo rate, of which he complained. The fact was, however, that it was, under the circumstances, *worth more to haul his cattle from that point than it would have been to haul them from Buffalo.* The reason, when stated, will be apparent. Buffalo is a point of accumulation, where the cattle business is steady; all empty cars go to Buffalo; all the complete arrangements for doing that business are there. We have our yards, our cattle-men, our loading conveniences, and everything accessory to doing the business at that point efficiently and economically. The cars that this man's cattle would need at the point this side would either have to be left off a train going up by special arrangement, involving the stopping of the train expressly to leave them, or else they would have to be hauled away empty from Buffalo to his place and stop, and a stop made to leave them. Take these considerations, and the loading being an exceptional thing at that place, without conveniences therefor, and the company could better have afforded to take even a less amount from Buffalo.

Suppose property were offered at a point where there was no station, would it not be easier to take it at the nearest station, even although it might be, say, ten or fifteen miles more haul. And that is the case between different stations, the steadiness of business and the consequent conveniences and arrangement affecting the question. I have stated the general rules applicable to local rates. There are cases, other than the kind just spoken of, in which what are called discriminations are made by a reduction in the nature of a concession to the shippers, and owing to circumstances peculiar to each. For instance, a man has a manufactory or a mill, and business is dull. The price of his particular product at the time happens to be a little depressed. He says: "I cannot well afford, if at all, to send this to market at the full rate which you are charging." We may, perhaps, happen to have cars to move empty from his place, or to enable business, which may afford a better price by and by, to be kept alive, and we make a concession or a special rate to him. As compared with some other place, this may look like discrimination; but all the discrimination I ever knew of grew out of considerations of a somewhat similar nature.

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